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CONGRESSIONAL RECORD:

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THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FOURTH CONGRESS, FIRST SESSION.

VOLUME XXVIII.

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VOLUME XXVIII, PART V.

CONGRESSIONAL RECORD,

FIFTY-FOURTH CONGRESS, FIRST SESSION.

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in the Forty-ninth Congress, which give the circumstances of incurrence of soldier's disability.

We believe that the cause of soldier's death was due to injuries received in service, and therefore earnestly recommend the passage of the bill after being amended by adding "at the rate of \$12 per month."

[House Report, Forty-ninth Congress.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7748) granting a pension to John H. Stucker, submit the following report:

The evidence submitted in this case shows that claimant enlisted in Company B, Eighteenth Missouri State Militia, in September, 1862, and was discharged April 23, 1864. On July 19, 1875, he filed application for pension, alleging gunshot wound of left hand, received at Alpha, Mo., while disarming a rebel bushwhacker. The claim was rejected November 18, 1875, on the ground that he was not pensionable under existing law. The following evidence was submitted in the case:

William Dunlop, lieutenant of Company B, Thirtieth Missouri Militia, testifies that he has known claimant since 1861, and that while in the line of duty as sergeant of said company, in the northeast part of Livingston County, Mo., claimant received a gunshot wound of left hand, from which wound he was totally disabled from military duty, and from the use of said hand ever since. Affiant says he knows the facts of which he testifies from personal knowledge.

Jonathan T. Wilson testifies that he was a member of the same company, and that, while acting under regular orders in disarming rebels, they attempted to disarm one Wilson, an acknowledged rebel and bushwhacker, when said Wilson fired upon and shot said Stucker in the hand, tearing it all to pieces; that affiant was the first to pick up said Stucker after his being shot.

Newton Buckner testifies that he was with claimant when he was shot; that they were detailed to disarm rebels and bushwhackers, and while in the line of duty Stucker was shot in the hand, badly mangleing it. Affiant took care of claimant until he was able to be around again.

Dr. S. W. Elmore testifies that he treated him professionally for the wound immediately after he received it, and as long as he needed medical attendance.

The examining surgeon at Jameson, Mo., reports, August 12, 1875, that—"The left hand is useless from gunshot wound; aperture of entrance at middle of second metacarpus, destroying that and third metacarpus, shot scattering and making exit at different points on outside of hand, several shots remaining encased on palm or surface of hand; hand very much deformed; bones of carpus enlarged and wrist ankylosed; fingers drawn tight to palm and useless; very painful at wrist and elbow joint."

This regiment was enrolled and mustered into service under a general order of the commanding officer, Department of Missouri, and was under the command of United States Army officers. Claimant did not file his application for pension until after the expiration of the limitation provided for in section 4093, Revised Statutes, and therefore the claim cannot be allowed in the Pension Office.

Claims of this character have invariably been recommended by the committee and allowed by Congress, and your committee therefore recommend the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I should like to ask the gentleman from Missouri a question.

Mr. DOCKERY. Certainly.

Mr. LOUD. Why is an attempt made to fix the rate of pension in the bill? Why not let her be pensioned according to law?

Mr. DOCKERY. The committee fixed that. I do not know what legal reason there was for it.

Mr. LOUD. Of course, Mr. Speaker, the committee almost invariably fix the rate of pension of a widow who is not entitled to a pension under the law at a greater sum than she would receive if she were entitled to a pension under the law. I have repeatedly upon this floor stated my objections to that mode of procedure. I do not believe any widow who is not entitled to a pension under the general law should receive a greater rate of pension than a widow who is entitled to a pension under the law. This bill, I think, seeks to give this widow more than the law would give her. If not, why insert the words "\$12 per month"?

Mr. DOCKERY. I think the rate is not greater than she would be legally entitled to.

Mr. DINGLEY. Is it not \$12?

Mr. PICKLER. Yes.

Mr. DOCKERY. I think that is the law.

Mr. PICKLER. The evidence clearly shows that the husband of this woman was wounded in the Army. A witness testifies that he was present when his hand was shot to pieces by bushwhackers, and that he died from diseases contracted in the service. That being so, his widow would be entitled to \$12 under the law had he been in the service regularly; but being in the Missouri State Militia, he was not regularly in the United States service, and so his widow must come to Congress for relief.

Mr. Speaker, the committee have recommended exactly what this woman would have got had her husband been in the United States service. She can not get it under the general law for the reasons I have stated.

Mr. LOUD. I ask the gentleman a question, and I want him to answer in all sincerity. If this woman be placed upon the pension roll under the limitations of law by direction of Congress, would she not get the pension to which she would be entitled? If her husband died as the result of his service, she would get \$12 a month, and if he did not die as the result of his service in the Army she would get \$8. There is no doubt about that.

Mr. PICKLER. Of course there is no question about that, but I think there is no question about his dying from diseases contracted in the service.

Mr. LOUD. Why not let the Pension Office determine these cases?

Mr. PICKLER. The gentleman from California must understand that the Pension Office will not consider this case and have rejected it because the man was not in the service of the United States.

Mr. LOUD. But you remove that bar by this bill.

Mr. PICKLER. It is shown that this man was wounded in the Army. And this woman is equitably and legally entitled to this pension.

Mr. LOUD. Oh, I know he was shot in the hand, but he did not die as the result of that wound. There is no use in talking about that.

Mr. PICKLER. The gentleman seems to think that a shot in the hand would not be very much of a wound.

Mr. LOUD. Permit me to say that he did not die in 1894 as the result of that gunshot wound in his hand, received thirty years ago.

Mr. PICKLER. He did not have to do that. I think this is a very meritorious case, and the ordinary amount.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

REPORTS OF OFFICERS, WORLD'S COLUMBIAN COMMISSION.

Mr. CORLISS. Mr. Speaker, I desire to present a memorial of the board of reference and control of the World's Columbian Commission in reference to reports of officers, and to have it printed in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to have a memorial read and printed in the RECORD.

Mr. CORLISS. I do not care to occupy the time of the House by having it read. It can be printed in the RECORD for the information of members. It is with reference to the publication of the proceedings of the World's Fair Commission.

The SPEAKER. Is there objection to printing the same in the RECORD?

Mr. BARTLETT of New York. I should like to ask what propriety there is in printing such a paper in the RECORD?

Mr. CORLISS. The acts of the officers have been authorized to be printed by a prior act of Congress. This is a report of their proceedings and of the publications that are being made. It is information to Congress as to what they are doing.

Mr. BARTLETT of New York. Is this a continuous board?

Mr. CORLISS. A continuous board until 1898.

Mr. BARTLETT of New York. And are we to have these reports every year?

Mr. CORLISS. The publications are being made, and this is with reference to the work.

Mr. BARTLETT of New York. Why not give the memorial to the newspapers?

Mr. CORLISS. Why, because this is the proper body to which such memorials should be presented.

The SPEAKER. Is there objection?

Mr. ALLEN of Utah. I would like to ask the gentleman a question.

Mr. CORLISS. Certainly.

Mr. ALLEN of Utah. Whose report is this?

Mr. CORLISS. It is the report of Senator Palmer, the president of the World's Fair Commission.

Mr. ALLEN of Utah. Has this report passed through the hands of any committee of the Commission?

Mr. CORLISS. It certainly has, and it is simply a statement of what they are doing.

Mr. McMILLIN. Why should it go in the RECORD?

Mr. CORLISS. Simply to furnish information to the country of the acts of that Commission.

Mr. BARTLETT of New York. I should like to ask the gentleman a question, if he will permit.

Mr. CORLISS. Certainly.

Mr. BARTLETT of New York. Is this also to be spread on the minutes of the Senate?

Mr. CORLISS. I understand that is to be done.

Mr. McMILLIN. It will make about a column of the RECORD. That is about the extent of it.

Mr. CORLISS. It will hardly make that.

Mr. BARTLETT of New York. I understand the gentleman says this is also to be spread on the minutes of the Senate?

Mr. CORLISS. I am not at liberty to say that it will be.

Mr. RICHARDSON. I will state that it is not done where the documents are presented the same day. If they were presented to the House and the Senate on the same day it would only be printed once.

Mr. BARTLETT of New York. Has it already been printed as a part of the Senate proceedings?

Mr. CORLISS. I can not say positively as to that. I only know that it has been presented to the Senate, but whether it was printed there I do not know.

Mr. RICHARDSON. If it should be ordered to be printed to-day in both bodies it will only be printed once.

Mr. McMILLIN. Does the law require this Commission to report to Congress?

Mr. CORLISS. Yes, sir.

Mr. McMILLIN. Is there any objection to printing it in the form of a document instead of printing it in the RECORD?

Mr. CORLISS. I am simply asking what the president of the Commission asks to have done by this House, for the information of the country.

The SPEAKER. Is there objection?

Mr. SHAFROTH. It is already in the RECORD.

Mr. BARTLETT of New York. I object. It is already in the RECORD.

RELIEF OF OFFICERS AND CREWS OF THE GUNBOATS KINEO AND CHOCURA.

Mr. FISCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3394) for the relief of officers and crews of the United States gunboats *Kineo* and *Chocura*. The bill was read, as follows:

Be it enacted, etc., That the sum of \$12,474.72 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the officers and crews of the United States gunboats Kineo and Chocura who were engaged in duty thereon in the year 1864 their pro rata shares thereof, being for salvage money, their due on account of saving and taking up 49 bales of cotton, said amount having been realized from the sale of said cotton and the same converted into the United States Treasury.

Mr. BARTLETT of New York. I should like to ask if this bill has been reported by any committee?

Mr. FISCHER. It has been reported favorably by the Committee on Claims. I am perfectly willing to make an explanation of the bill. The report covers 88 pages.

Mr. BARTLETT of New York. I should like to have the report read.

Mr. FISCHER. All the 88 pages?

Mr. BARTLETT of New York. It is a serious thing, passing these bills for claims arising during the war.

Mr. FISCHER. Will the gentleman permit me to make a short explanation of the bill, the facts concerning which are detailed in the report?

Mr. RICHARDSON. I would ask the gentleman to include in his statement the reason why this bill was not considered on some Friday. Every Friday is set apart under the rules for the consideration of just such bills as this.

Mr. FISCHER. Will the gentleman point to me any Friday when such bills have been considered?

Mr. RICHARDSON. Every Friday is set apart for the consideration of private bills.

Mr. FISCHER. If the gentleman will show me some way to reach the consideration of this bill on a Friday I will be very glad.

Mr. RICHARDSON. It can be done by enforcing the rules of the House. The rules of the House set apart every Friday for the consideration of these bills.

Mr. FISCHER. I trust that the gentleman will not insist upon that objection.

Mr. RICHARDSON. I ask the gentleman to show why the bill was not considered on one of these Fridays.

Mr. FISCHER. Simply because it was impossible to have it considered. The reason for this bill is this: This matter has already been in the United States courts, as the report shows. Twenty-seven days—

Mr. BARTLETT of New York. What court?

Mr. FISCHER. The United States court for the eastern district of Louisiana. Judgment was awarded in favor of these people. The amount was fixed by that judgment, but before the judgment of the court was rendered the money was ordered to be covered into the United States Treasury, and the judge of the court at that time was not aware of the fact that Congress, twenty-seven days prior to the award of this judgment, had passed a law permitting payment direct to the claimants, and he so certifies, and that is part of this report. Believing that he had no power to order the money paid directly to the claimant, he ordered it to be covered into the Treasury. I have here an extract from the books of the Treasury Department (Treasury Book No. 2, page 19) showing that this money had been received by the Department under this very judgment, and that it was laid aside awaiting action of Congress directing its payment to the rightful owner.

Mr. BARTLETT of New York. There are about eight hundred thousand or a million claims in the same category, I believe.

Mr. FISCHER. I think the gentleman must be mistaken about that. This is a peculiar case. This is a case under a judgment

of a court, where the money has been ordered to be paid to these people and has been covered into the Treasury awaiting action by Congress. As I have said, the judge was not aware that an enabling act had been passed by Congress authorizing him to order the money paid directly to the claimants, and that is the reason why it was covered into the Treasury.

Mr. BARTLETT of New York. Yes; but I should like some explanation of why these men should be paid anything.

Mr. FISCHER. It is for property—cotton—recovered and sold for their benefit. It is salvage money.

Mr. COOPER of Texas. As I understand, this is an obligation of the Government not under contract?

Mr. FISCHER. Not under contract.

Mr. COOPER of Texas. If it were an obligation under contract I do not think the House would consent to its consideration, because I observed yesterday that where the Government was under a contract obligation recognized by the proper department the House would not sanction its payment.

Mr. BARTLETT of New York. Does my colleague [Mr. FISCHER] mean to say that this is a claim sounding in tort rather than in contract?

Mr. FISCHER. The gentleman's peculiar ability in construing law will enable him to put any construction upon it that he pleases. [Laughter.]

WILLIAM GRAY.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 953) for the relief of William Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of \$174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant No. 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant without his authority or knowledge, and for which he has never received any return or benefit; and said reissued warrant shall be paid out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I shall ask for a brief explanation of this bill.

Mr. CONNOLLY. Mr. Speaker, the amount involved in this bill is one hundred and seventy-four dollars and some cents. The report shows that it is in payment for a horse and equipments, the horse having been killed and the equipments captured in one of the engagements of the Army of the Potomac. The claimant was a private soldier in a New York cavalry regiment the members of which owned their own horses and equipments. I think the regiment was under the command of General Slocum. In 1864, shortly after the loss, Mr. Gray was at Washington and presented his claim to the Treasury Department. The claim was investigated and allowed, and a Treasury warrant was drawn in payment of the amount fixed, one hundred and seventy-four dollars and some cents. That warrant was mailed to him as directed, in care of somebody in Washington, but it never reached him. It was obtained from the post-office by somebody else, Mr. Gray's name was forged on the back of it, several indorsements of banks were forged upon it, and it finally reached the Treasury and was paid. The claimant never received it or heard of it. If the amount had been large enough he might have gone into the United States courts and sued for it, but as the amount was only \$174 he could not do that, and it is to pay him this amount that this bill has been introduced.

Mr. LOUD. Does not the gentleman fear that the claimant's own agent got this warrant?

Mr. CONNOLLY. No, sir. The Treasury officials who investigated the matter say that they had no means of knowing who got it, but manifestly the indorsement is forged. I may add that one of the banks indorsing the draft is situated here in Washington, so that the Government may bring a suit at any time to recover the amount.

Mr. COOPER of Texas. What evidence is there of the forgery?

Mr. CONNOLLY. The proper official of the Treasury Department reports it as his judgment that the indorsement is a forgery, he having compared the signature with the other signatures on file in the case.

Mr. COOPER of Texas. There has never been any investigation by a court?

Mr. CONNOLLY. No, sir; the investigation was made in the Treasury Department, and the officials of that Department report that there is no question as to forgery.

Mr. McMILLIN. The gentleman has said that the Government can proceed against this indorser.

Mr. CONNOLLY. Yes, sir.

Mr. McMILLIN. If the Government may proceed against the indorser, is there anything to prevent the claimant himself from proceeding for money had and received to his use?

Mr. CONNOLLY. He could not proceed for money had and

received. He would be compelled to proceed on the draft, and he can not get the draft from the Department, where it is on file. Another thing which prevents him from taking that course is that the amount is only \$174, and he is a poor man living in central Illinois, so that it would be impossible for him to come here and institute and carry on a suit for such an amount.

Mr. McMILLIN. But that would not prevent him from proceeding against the individual who got his check.

Mr. CONNOLLY. He does not know who that individual is. One of the banks that indorsed this draft is the First National Bank of New York, and another is Lewis Johnson & Co., of this city. There are several indorsements upon the draft, all of which are set out in the report, so that the Department is advised of all the banks through whose hands it passed, and the Government has a right of action if it chooses to exercise it. The fact is, however, that this man never was paid.

Mr. RICHARDSON. What committee reported this bill?

Mr. CONNOLLY. The Committee on Claims. It was reported by the gentleman from Indiana [Mr. HANLY].

Mr. RICHARDSON. The Committee on Claims or the Committee on War Claims?

Mr. CONNOLLY. The Committee on Claims. This is not a war claim.

Mr. PITNEY. Was this claim ever reported before?

Mr. CONNOLLY. Yes, sir; in the preceding Congress it was reported and it passed the House, but by neglect it failed to get through the Senate.

Mr. RICHARDSON. This is a bill to pay a private claim, reported by the Committee on Claims?

Mr. CONNOLLY. Yes, sir.

Mr. RICHARDSON. The gentleman understands, I suppose, that this bill would be in order for consideration on Friday under the rules of the House?

Mr. CONNOLLY. I understand that.

Mr. RICHARDSON. Well, if the gentleman gets this claim through now, will that abate his ardor in helping us to get Fridays for the consideration of other private claims? [Laughter.]

Mr. CONNOLLY. I do not know about that. I have been here every Friday attending to the business of the House as it has come up, and I expect to be present every Friday while the session lasts.

Mr. RICHARDSON. We are very anxious to get those claims settled.

Mr. CONNOLLY. Well, this will be one bill out of the way. [Laughter.]

Mr. McCALL of Tennessee. I wish to ask the gentleman a question. I understand him to say that this claim has been paid by the Government once?

Mr. CONNOLLY. Yes; it has been paid on a forged indorsement.

Mr. McCALL of Tennessee. What is to prevent the beneficiary from suing the indorsers?

Mr. CONNOLLY. For such a sum as \$174 this man could hardly be expected to sue a bank in New York City or in the city of Washington.

Mr. McCALL of Tennessee. Do you think the Government should pay this amount twice?

Mr. CONNOLLY. No, sir; the Government can recover it. It is the fault of the Government that the money was paid by it on a forged indorsement.

Mr. McCALL of Tennessee. Do I understand the gentleman to say that the Government permits drafts with forged indorsements to be paid at the Treasury Department?

Mr. CONNOLLY. Why, sir, I can say from my own experience that in at least forty different cases I have secured recoveries for the Government on Treasury warrants the indorsements on which had been forged.

Mr. HULICK. Allow me to say that in a case which I had occasion to examine within a few days a claim of an engineer for salvage during the war was paid by the Government on a forged power of attorney. The man who was entitled to the money never received a dollar.

Mr. CONNOLLY. The Government in these cases can always recover, because no statute of limitations ever bars it.

Mr. McMILLIN. Was this draft or warrant when issued transmitted by the Government to the person to whom the claimant directed it should be sent?

Mr. CONNOLLY. Oh, yes.

Mr. McMILLIN. Then, as the Government took the course directed by the claimant, does the gentleman think the liability of the Government continues?

Mr. CONNOLLY. Beyond any question it does, as a matter of law.

Mr. McMILLIN. When the Government had delivered the draft in the manner which the claimant himself directed?

Mr. CONNOLLY. Yes, sir. In this respect the Government stands in the same position as a bank; if it pays money on a forged indorsement it does so on its own risk, of course.

The SPEAKER. Is there objection?

Mr. COX. I should like to ask a question.

A MEMBER. Oh, let this claim for \$170 go.

Mr. COX. I do not raise any question as to the amount of the claim; but there are hundreds of claims as meritorious as this coming from the Committee on Claims.

Mr. CONNOLLY. I have no doubt of it.

Mr. COX. Why should one claim be privileged over another?

Mr. CONNOLLY. I know no reason—

Mr. COX. Then I object.

FRENCH W. THORNHILL.

Mr. TAWNEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 3006) granting a pension to French W. Thornhill.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Dr. French W. Thornhill, of Spring Valley, Minn., at the rate of \$30 per month, and who shall be entitled to receive such amount from and after the approval of this act, subject to the rules and limitations prescribed by law.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3006) granting a pension to French W. Thornhill, submit the following report:

A bill identical with the one under consideration was passed by both Houses of the Fifty-third Congress, but reached the President so late that it did not receive Executive approval. The same bill was passed by the House in the Fifty-second Congress. In addition to the evidence laid before previous Congresses, the claimant has filed with your committee a number of affidavits of a medical character showing that he is at present totally incapacitated from the practice of his profession and almost totally incapacitated from the performance of labor of any kind by reason of the increasing disability directly attributable to the wound he received during the war.

Your committee believe this to be a very meritorious measure and recommend its passage, incorporating as part of our report the statement of facts contained in the report of the Committee on Invalid Pensions of the Fifty-third Congress, as follows:

"Dr. French W. Thornhill, of Spring Valley, Minn., is the son of Maj. S. P. Thornhill, deceased, a surgeon of the Eighth Wisconsin Volunteer Infantry. The said Dr. French W. Thornhill was in the years 1861 and 1862 present with said regiment, although not mustered into the United States military service, and assisted and rendered valuable and efficient service, acting as assistant to his father in caring for the sick and wounded.

"He was with said regiment in the following engagements: Iron Mountain Bridge, Missouri; Frederickstown, Mo.; Fort Henry, Fort Donelson, New Madrid, Island No. 10, Pittsburg Landing or Shiloh, Farmington, and Iuka Springs. After the battle of Iuka Springs the said Dr. French W. Thornhill, by order of General Rosecrans, was sent back to take charge of a neutral hospital, where he remained until the battle of Corinth, where he received while in the discharge of his said duty as acting assistant surgeon of said regiment a gunshot wound in his right hip from a rifle ball, whereby he was disabled.

"The evidence also shows that the said Dr. French W. Thornhill, at the battle of Farmington, from exposure and overexertion in rendering aid and caring for the sick and wounded, received and sustained a sunstroke and contracted dysentery and chronic diarrhea, and is now greatly disabled."

Mr. BARTLETT of New York. As I understand, this man was not a commissioned surgeon?

Mr. TAWNEY. He was not. He was never mustered into the service. That is the reason this bill is here. Otherwise his pension would have been granted and paid long ago under the general law.

Mr. BARTLETT of New York. What amount of money is asked?

Mr. TAWNEY. Thirty dollars a month—the same amount authorized by the bill for his relief which was passed in the last Congress and also in the Fifty-second Congress.

Mr. BARTLETT of New York. This bill is to pension him as an assistant surgeon?

Mr. TAWNEY. I thought the gentleman asked me what amount the bill carried. The rate of pension proposed is \$30 a month.

Mr. BARTLETT of New York. But why should he receive so much as that?

Mr. TAWNEY. Because he is almost totally incapacitated for the performance of labor of any kind.

Mr. BARTLETT of New York. Disabled by reason of the gunshot wound?

Mr. TAWNEY. Yes, sir.

Mr. BARTLETT of New York. Why has not this bill been considered at a Friday night session?

Mr. TAWNEY. For the reason that it has not been reached. It was considered at a Friday night session in the Fifty-third Congress, and also in the Fifty-second Congress. This is the third Congress in which the bill has been reported favorably. In the Fifty-second Congress the bill was passed too late to receive favorable consideration in the Senate. It passed both Houses in the Fifty-third Congress, but too late to receive the approval of the President. As it is getting late in the present session, and as I do not wish the bill to fail again as it has failed heretofore, I have asked unanimous consent for its consideration and passage at this time.

Mr. BARTLETT of New York. Why was not Dr. Thornhill commissioned?

Mr. TAWNEY. Because he was under age. He went out with

his father, a mere boy. He was too young to be commissioned or to be mustered into the service.

Mr. McMILLIN. What is the usual pension for an assistant surgeon?

Mr. TAWNEY. I do not know.

Mr. McMILLIN. Will the chairman of the Committee on Invalid Pensions kindly inform us?

Mr. NORTHWAY. Seventeen dollars a month.

Mr. McMILLIN. Then I suggest that the pension here be fixed at the usual amount for an assistant surgeon.

Mr. TAWNEY. This is a case of almost total disability. The man is almost wholly incapacitated for manual labor. Under these circumstances he would receive under the general law \$72 a month. It is not proposed in this case to pension him upon his rank, but upon his physical disability.

Mr. PICKLER. A private gets \$30 a month if totally incapacitated for the performance of manual labor. The amount in this case was fixed upon the ground of total incapacity, and not on account of the applicant's rank.

Mr. LOUD. I wish to ask the gentleman from Minnesota [Mr. TAWNEY] whether, according to his knowledge and belief, the total disability which this man is stated to be suffering is the result of wounds received in the service?

Mr. TAWNEY. I can answer that question in the affirmative. Last November, before I came to Washington, this gentleman called upon me and exhibited to me his wound. I know from my own observation and knowledge that he is to-day suffering from that wound and that it is the cause of his present disability.

Mr. LOUD. You could only have seen the scar, permit me to say, I judge?

Mr. TAWNEY. No, sir; I saw the effect of the wound very plainly. It is visible to any man who will examine it.

Mr. LOUD. Is it open to-day?

Mr. TAWNEY. It is open to-day.

Mr. LOUD. Why did not he apply in 1864 or 1865?

Mr. TAWNEY. He has applied to the Pension Department. The claim was pending there for a long time—

Mr. LOUD. What date?

Mr. TAWNEY. I do not now recall the exact date; but until the Department decided that on account of the fact that he was not mustered into the service he could not receive a pension his claim was pending, and when rejected on that ground he came to Congress for relief.

Mr. LOUD. The gentleman states that this disability arises from the wound received in the service?

Mr. TAWNEY. I am entirely satisfied that that is the case.

Mr. LOUD. I shall interpose no objection under the circumstances stated by the gentleman.

Mr. TAWNEY. I could satisfy the gentleman in a moment if I could describe to him the condition of this man's wound.

Mr. LOUD. I am satisfied.

Mr. ALLEN of Utah. Is he practicing medicine now?

Mr. TAWNEY. No, sir; except in his office.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. TALBERT. Mr. Speaker, I demand the regular order.

Mr. GROSVENOR. I desire first, if the gentleman will permit me, to make a request for unanimous consent with reference to some printing—

The SPEAKER. That can not be done unless the demand for the regular order is withdrawn.

Mr. GROSVENOR. I hope the gentleman from South Carolina will allow me to ask unanimous consent with reference to a bill already passed.

Mr. TALBERT. I withdraw the demand for the regular order for that purpose.

The SPEAKER. It must be withdrawn absolutely, the Chair would suggest. The Chair can not accept a conditional withdrawal.

Mr. TALBERT. I withdraw the demand.

LEAVE TO PRINT.

Mr. GROSVENOR. Now, Mr. Speaker, I desire to make this statement: That at the close of the debate on what is known as the "filled-cheese" bill on Saturday I promised one or two gentlemen to ask unanimous consent to enlarge the privilege given to print on the subject of that bill. I overlooked the fact at the time, and now ask unanimous consent that gentlemen may print remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RICHARDSON. Is there a limit to the time?

Mr. GROSVENOR. Well, we can fix a reasonable limit.

Mr. RICHARDSON. It has been usual to fix a limit to these requests.

Mr. GROSVENOR. Say, for ten days.

Mr. RICHARDSON. That would be satisfactory, and is about the usual limit.

Mr. BARTLETT of New York. I would like to ask the gentleman from Ohio whether it is proposed to print books, pamphlets, and political documents under this leave?

Mr. GROSVENOR. In the first place, Mr. Speaker, I will say, in response to the gentleman from New York, that he has been already granted liberty by consent of the House, and other gentlemen desire the same liberty to extend their remarks or to print remarks in the RECORD upon the bill.

Mr. BARTLETT of New York. I do not desire any liberty in that direction. I do not believe in it.

Mr. GROSVENOR. These are gentlemen who represent dairy districts, who want to publish some remarks legitimate to the bill. I think there will be no abuse of the privilege.

Mr. BARTLETT of New York. I have no objection.

The SPEAKER. The Chair will again submit the request of the gentleman from Ohio. The gentleman asks consent that members may be permitted to print in the RECORD remarks on what is known as the "filled-cheese" bill within the next ten days. Is there objection?

Mr. PERKINS. Remarks of their own?

Mr. GROSVENOR. Certainly; their own remarks.

The SPEAKER. The Chair will be very glad to incorporate that into the request. Is there objection, with the modification suggested?

There was no objection.

THOMAS M. ELLIOT.

Mr. HULICK. I desire to present for consideration the bill (H. R. 989) to amend the military record of Capt. Thomas M. Elliot, and ask unanimous consent for its present consideration. The bill was read at length.

Mr. BARTLETT of New York. I ask for the reading of the report in that case.

The SPEAKER. The report will be read.

Mr. TALBERT. Mr. Speaker, I demand the regular order.

AMENDMENT OF JOINT RESOLUTION.

The SPEAKER. The Chair desires to submit, before the regular order is proceeded with, the following resolution of the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct enrolled joint resolution S. R. 116 by striking out the word "eight," in the second line of said enrolled joint resolution, and inserting the word "seven" instead.

The resolution was considered and agreed to.

REASSESSMENT OF TAXES IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 3281) to authorize reassessment for improvement and general taxes in the District of Columbia, and for other purposes, with a Senate amendment thereto.

The Senate amendment was read and concurred in.

MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The SPEAKER. The call of committees rests with the Committee on Military Affairs.

Mr. HULL. Mr. Speaker, I desire to call up the joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Mr. LOUD. Mr. Speaker, a parliamentary inquiry. How long does this call rest with the Committee on Military Affairs? They have had one day.

Mr. HULL. We had only one day, and did not get through.

Mr. LOUD. Unless it is in continuation of a bill, I think they have exhausted their time.

Mr. HULL. I will state that we did not, but yielded some time for the purpose of allowing the Committee on Merchant Marine and Fisheries to come in with a matter that they wanted to present.

The SPEAKER. They are allowed two days.

Mr. LOUD. Regardless of whether any matter is pending?

The SPEAKER. If the matter under consideration runs into the second day and occupies that day, the time then would be exhausted.

Mr. LOUD. Are they entitled to two days anyway?

The SPEAKER. They are entitled to two days—two morning hours.

Mr. HULL. Mr. Speaker, I call up the joint resolution which I have indicated, and which I send to the Clerk's desk.

The joint resolution was read, as follows:

Resolved, etc., That William B. Franklin, of Connecticut; Thomas J. Henderson, of Illinois; George L. Beal, of Maine, and George W. Steele, of Indiana, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States. William B. Franklin to succeed himself, his term of service expiring April 21, 1896. Thomas J. Henderson to succeed John C. Black, his term of service

expiring April 21, 1896. George L. Beal to succeed Francis Fessenden, his term of service expiring April 21, 1896. George W. Steele to succeed himself, his term of service expiring April 21, 1896. All to take effect April 21, 1896.

Mr. BLUE. Mr. Speaker—

Mr. HULL. Mr. Speaker—

The SPEAKER. The gentleman from Iowa [Mr. HULL] is recognized.

Mr. HULL. The gentleman from Kansas [Mr. BLUE] desires to be heard on this resolution. I do not want to relinquish the floor. If we can come to an agreement as to time, I should be glad to do it before we enter on the consideration of the resolution. I will ask the gentleman from Kansas if an hour's time will be all that he will want?

Mr. BLUE. Mr. Speaker, the gentleman from Missouri [Mr. TRACEY] also desires time, and several of my colleagues from Kansas and perhaps some others wish to speak upon this subject. I should like two hours; and I wish to say in that connection that a less time than that will not be sufficient to discuss this matter as it should be discussed. It is a matter of such consequence and importance to every inmate of the Soldiers' Homes of this nation that the time should be granted.

Mr. HULL. Mr. Speaker, if the gentleman will consent, I am willing to have two hours' debate. I have no idea that the Committee on Military Affairs will want anywhere near an hour, but I want to have the right to control one hour, and let the gentleman from Kansas control the other hour. It seems to me that with the amount of business that we have, which we are anxious to get through the House to-day, that is all the time we should devote to this. This day will exhaust our call, until all the committees have been again called.

Mr. BLUE. Permit me to say that I hold in my hand affidavits charging W. B. Franklin and General Smith, for whom he is responsible, with cruel and brutal treatment of the inmates of the Home at Leavenworth, Kans. I hold also here a report made by the Inspector-General. This Soldier's Home is a corporation, standing above the Government of the United States, apparently, and it is time that the people of this country should know how the inmates of these Homes are treated. Two hours is a very small time in which to tell them.

Mr. CROWTHER. We should have three hours.

Mr. BLUE. The gentleman from Missouri [Mr. CROWTHER] insists that we should have three hours. About 2,000 soldiers from Kansas and Missouri are incarcerated in that semiprison at Leavenworth, and they are entitled to a hearing here. At the suggestion of the gentleman from Missouri, I ask three hours, so that this matter may be fully discussed before this House, and so that the people of this nation may know what kind of treatment is being accorded to the soldiers there.

Mr. HULL. Mr. Speaker, if we can make no agreement as to time, I will reserve my time and let the gentleman from Kansas proceed.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. HULL (to Mr. BLUE). You are recognized for an hour.

Mr. BLUE. Mr. Speaker, with that understanding I will proceed. I am satisfied the House will give ample time to hear what I have to say, and for the purpose of this discussion I move as an amendment that the name of W. B. Franklin be stricken out and the name of that gallant soldier and Christian man, Gen. O. O. Howard, be substituted in his place. I desire to have that amendment pending now.

The SPEAKER. The gentleman will reduce his amendment to writing.

Mr. BLUE. I will have it put in writing.

The SPEAKER. The gentleman from Kansas [Mr. BLUE] is recognized.

Mr. BLUE. Mr. Speaker, to begin with, I desire the Clerk to read the remarks of the late Senator Plumb, made six years ago, upon this subject, and found in volume 110, on page 7456 of the RECORD. I desire to have order, if I can, while that is being read.

The Clerk read as follows:

Mr. PLUMB. That is true, but that phraseology was intended to embrace the selections of persons not then agreed upon.

I know none of them personally. I have no acquaintance with any of the persons named in the proposition except Mr. Morrill, of Kansas, and Gen. John C. Black, late Commissioner of Pensions. As to both of those men, I take pleasure in saying that I have no doubt they are most excellent persons to be members of this Board, but I want to say that I shall not hereafter vote so as to give to any one person longer than six years' service upon this Board.

I believe that this Board ought to be very frequently renovated. While the members of it receive no pay, they disburse a very large amount of money, and it is in regard to a service about which the public mind is so sensitive that the disposition is to refrain from criticism. Everyone wishes that these Soldiers' Homes may be of the utmost capacity; that everything possible may be done for the comfort and convenience of these persons in the declining years of their lives, and who gave their services to their country in the hour of its peril.

But I have a much better reason for believing that the management is not as conservative, as wise, as economical, and as free from ordinary selfishness as it ought to be. The Board practically, according to information which I get, consists of one man, and that man is General Franklin, the president, who was an excellent soldier, and no doubt, of course, is a very estimable man, who, from the time which he has given to the position of manager of the Colt's Arms Works, in Connecticut, and from the time which he gave as the

manager of the American branch of the Paris Exposition, has taken such a fragment as he thought was necessary in order that the two million and odd dollars appropriated for the maintenance of these Homes might be properly disbursed.

The theory is that each one of these members looks after some one Home. The result is that the Board itself as a Board practically gives no attention to them. I have in mind one of these Homes at which there has been appointed a governor who has been an officer for a number of years and who is conspicuously unfit for the place; whose presence in his position is an affront to the inmates of the Home; who by reason of his habits and of his arbitrary and rough and brutal methods has caused no end of trouble; and by reason of some other things also has contributed to a scandal which, while it has not yet obtained very much vent, at the same time has left everything in an exceedingly unhappy condition, that could not have been if the visitation which this Board ought to give to these Homes had been of a proper character.

The Board makes once a year a trip throughout the country visiting these Homes. It is dined and wine-d by the governors of the Homes while on its round. It, of course, gives a certain superficial examination to the Homes, but opportunity is never presented to the inmates of the Homes to make complaint.

I do not say how much trouble exists at any of these Homes or how much room there is for criticism, but I do know that at one of them a condition of things exists which, if it had not been sheltered under the honored name of General Franklin and the other members of this Board, would have been the subject of open comment for years since.

I believe, as I stated in the beginning, that there ought to be a constant change of members, and in consenting now to vote to put in General Franklin I do it with the understanding, not that I have any complaint about him as an individual, but for the reasons which I have stated, that in consenting to him I do it under protest, because there is no time now to make any suggestion of a better arrangement, but with the distinct understanding that if I should be in this place when his term expires I shall insist that some other person shall take his place, and similarly in regard to all the other persons who are in the Board when their terms, respectively, expire, provided always they have had the benefit of a full term. Six years is long enough in one of these places, in an administrative place, especially where the circumstances are such that the Board is practically removed from criticism.

Mr. BLUE. Now, Mr. Speaker, that declaration comes to us as from the grave. It is an enunciation of the belief and understanding of the greatest public man that Kansas ever sent to Congress; one of the ablest in detail and understanding that ever came from the Western portion of this nation; a comrade of unquestioned courage, of great power, and an earnest and devoted friend of his comrades. You will observe that he said six years ago that this Board was practically one man, and that man was W. B. Franklin. That condition has been intensified, and to-day, more than then, he is the spirit that dictates and controls and rules this Board.

It has been charged by his friends and the friends of Smith that I have a personal reason for the prosecution of the claims of my comrades at this time. I denounce that statement as untruthful and false. I have but one purpose in this, and that is to free these poor old men, who are without homes and without the means of support; feeble, indigent, wretched, from the oppression of the drunken and brutal man, who is kept there in control as governor of that Home. I have no other purpose to serve; and when that is accomplished I shall be satisfied; and I assure both Mr. Franklin and his friends that I propose to lay the truth bare as far as I know it, fearless of the consequences, and in justice to these men to see that they may be treated as men who defended the flag deserve to be treated. And now, to show you that I am not unsustained in this matter, I desire to read to this House, as a part of my remarks, a letter received from an ex-governor of Kansas, a gallant officer in the Union Army, a man who served under the immediate eye of that illustrious chieftain, General Grant; who has not only been the governor of the State of Kansas, but was commissioner at the Centennial at Philadelphia, was commissioner of internal revenue for the State of Kansas for a period, has since that been an honored railroad commissioner of the State, and is now commissioner of insurance of the State of Kansas. This comes from no feeble, oppressed old soldier of that Home, but from a man of standing and character, and I desire to read it to this body.

Mr. STEELE. May I ask the gentleman a question?

Mr. BLUE. Certainly.

Mr. STEELE. Do you believe that General Smith has taken a single drink of liquor of any kind for the last three years?

Mr. BLUE. I think he has been drunk a hundred times in that time. I have the proof here that will condemn him. He has not only been drunk, but vomiting drunk, crawling drunk.

Mr. STEELE. My understanding is that he is the head of the Keeley League.

Mr. BLUE. For profit.

Mr. STEELE (continuing). Elected at Harrisburg during the last summer as the head of the league.

Mr. BLUE. He is the head of the Keeley League, at \$1,200 a year; and that is not all he is getting.

Mr. STEELE. If he is a drunkard I do not know it.

Mr. BLUE. If he is a drunkard you ought to know it.

Mr. STEELE. I know I ought to know it if he is; but I do not believe it.

Mr. BLUE. If what the gentleman does not know about these Homes was put in a book it would make a large volume. He stood in his place here a few days ago and asserted that the general treasurer of this Home was required to give bond to a guaranty company, and when I challenged the statement in regard to that

he still insisted, as I understood it, until my colleague, Mr. WILLIAM A. STONE, drew the law on him, and he then said he did not so understand it. The next day he arose under a question of privilege and stated that the Secretary of War approved these bonds and that he was mistaken about it.

Mr. STEELE. The RECORD will show what I said about that.

Mr. BLUE. And the RECORD will show that out of seven or eight statements you made only one of them was correct. The gentleman is gorged with misunderstanding.

Mr. STEELE. It will show that the gentleman made a statement that he did not back up in the RECORD, and was not true.

Mr. BLUE. I will back it up if there is any question about it. This is the letter:

STATE OF KANSAS, INSURANCE DEPARTMENT,
Topeka, March 29, 1896.

MY DEAR SIR: I am constrained by a sense of duty to congratulate and encourage you in your reported struggle to free the United States Soldiers' Home of Kansas from the disgrace and dishonesty which has scandalized the acts and administration of Governor Smith from the day he was placed in charge down to the present time.

It has seemed impossible that he should be able to stifle investigation and come out from every contest unscathed and without trial, or attempt to refute charges of the most grave character, backed by judicial evidence that would convict in any court of law in the land. But the mysterious secret of that support has long been felt to be General Franklin's power and influence, and I felt great hope that he would be left off the Board on expiration of present term. In fact, I felt it impossible for Governor Smith to be held to account for any crime or disgrace with him at the head of the management for his protection.

Feeling this, I addressed a letter to my friend, Gen. NEWTON M. CURTIS, of your House, in which a candid and truthful statement was made of the facts as understood by me. Of that letter I now hand you a carbon for your information. My respect and regard for General Franklin made it very hard to write such a letter, and has kept me from any active part in the troubles there, except in the one appeal to the General, as related in letter to CURTIS. Let me just add that you never put forth labor in a more worthy cause, and I hope our full delegation will join you, and never let up until you get the exact truth uncovered, when you will have earned and all will surely receive the grateful thanks of comrades and people of our State.

Very truly, yours,

GEO. T. ANTHONY.

To Hon. R. W. BLUE, M. C., Washington, D. C.

Now, I am informed that my colleague from New York [Mr. CURTIS] after having received this letter, which Governor Anthony tells me was written for the express purpose of being used here, so that these men might be relieved from the oppression of Smith and Franklin—I am informed, I say, that my colleague from New York never read a word of this letter in committee, and, so far as I know, he never suggested to any member of the committee that the letter had been written to him. If he did, I shall be glad to be corrected now.

Mr. CURTIS of New York. Mr. Speaker, the gentleman from Kansas refers to me and asks for an explanation of a matter which affects his side of this discussion. I do not wish to interrupt the gentleman now in the line of his argument. I do, however, desire an opportunity to reply to the gentleman's statement. I will in due time make proper reference to Governor Anthony, whom I knew when he was under my command, in command of a battery. I shall give due credit to him and to everybody else concerned, and if there is any attempt to show that which is not creditable to other people, I shall seek to do my share in having the House informed as to the actual facts.

Mr. BLUE. Did you ever exhibit this letter to the committee, or say to the committee or to any member of it anything that was in the letter?

Mr. CURTIS of New York. I will answer those questions when I occupy the floor in my own right.

Mr. BLUE. Very well. Then I will read the letter for the information of the House:

TOPEKA, March 19, 1896.

MY DEAR GENERAL: I come to you in this communication in obedience to a duty at once painful and imperative, and it shall be unfolded to you in the utmost candor and brevity, first assuring you that I have no personal end to serve, no enemies to punish nor friends to reward as an inspiration or purpose of this writing.

Perhaps to no one more than myself was due the location of the Western Branch of the Soldiers' Home at Leavenworth, in this State. From the inception of the contest between the seven States permitted to have its location under the law I was in close touch with Gen. W. B. Franklin, president of the Board of Managers. Each visit to Hartford and meeting with him in the West served to fix and establish respect for and confidence in him, until I came as near worshipping at his shrine as it is in my nature to do for a human idol.

The Home was established and its present Governor installed. It almost immediately became apparent that Governor Smith was qualified for the position as a military ruler and rigid disciplinarian, equal to the task of governing, except as to himself. He was low in instinct, base in private character, and corrupt in practice, defying alike the code of morality, temperance, and decency respected as the governing rule of action among gentlemen and honest men.

Maintenance of self-respect compelled me to shun an institution I had struggled with so much pride in locating within our State and in the contentions and scandals that have continually environed its management and history since. Only once have I ever sought by word or act to influence anyone in control, and that in a visit to General Franklin to place in his possession facts, since established by judicial evidence, that Governor Smith was not only degraded morally but corrupt financially in his administration of the Home. I urged that General Franklin owed it to his own good name and the credit of his country to purge the Board and the Home of a publicly recognized disgrace to each in the management of the latter.

From him I received the most positive assurance that the governor should be "subdued" and his arbitrary rule brought to an end; that in view of his reform from a confirmed drunkard under the "gold treatment" it seemed hard to condemn and disgrace him for deeds of the past. He further assured

me that the then pending trial between Governor Smith and Dr. Weaver, which involved the corrupt and disgraceful acts of the governor, should stop right then and there as the best solution of the controversy, and a single question of veracity between the parties should be inquired into.

Instead of this the case was opened, the laws of evidence disregarded, and unimpeached testimony shoved aside with contempt, as Manager Cook will undoubtedly tell you—the governor vindicated, and one of the purest, best men in this State or country disgraced.

This action by General Franklin—and it was his action—was and is an enigma to me; so utterly inconsistent with the characteristics of honor and justice which seem to govern him in other relations. One of his most devoted friends intimates to me that he is held in bondage by the governor through some mysterious and unexplainable reasons. But of this I know nothing. You well understand that the weakness of many a great man lies in inability to see a fault in a friend. This element of character put the only cloud that darkens the name and fame of the illustrious Grant. He could not distrust Babcock in the presence of evidence that would convict in any legal tribunal upon the earth.

I am now advised by public information believed to be correct that a change is soon to be made in the Board of Managers, and knowing as I do that you have voice and influence in that action, I come to you with a plea, an entreaty, which I know faithfully voices the wish and will of the people who know the truth, and of every veteran Union soldier in and out of that Home who dare express his feelings, that General Franklin be not continued in his present place, but that some brave and true man, of which our country has so many, be put in the place vacated by him.

I believe this to be the only solution of a matter which keeps the Home in a turmoil, brings humiliation to its veteran occupants, and dishonors the Government it should honorably represent.

Very truly, your friend,

HON. NEWTON M. CURTIS, M. C., Washington, D. C.

Senator Plumb, in the remarks which I have had read, called attention to the fact that when there was a pretended investigation there some years ago the comrades who are occupants of that Home had no voice in it. I say to you, Mr. Speaker, that to-day that Home at Leavenworth is in a state of intimidation from the governor down, and that no man dares to testify before the Board of Managers or before anybody else against the man who occupies the office of governor by virtue of General Franklin's power, without knowing that he must take the road as soon as the investigation is over. I have in my possession a number of letters written by these feeble old men, saying, in substance: "For God's sake, don't use my name. If you do I shall have to take to the road. I have no home; I have no way of maintaining myself, and if it were known to the governor that I had written you this letter I should be driven from the Home immediately."

That is the condition not only of the comrades there but of every officer from the governor down to the humblest occupant of that Home, and when my good friend from Indiana [Mr. STEELE] stands in the presence of this House and asks me if the governor drinks now, and says that if he does he does not know it, I say to him that if that man could be stood up here as an object lesson he would be the best piece of evidence that could be exhibited to show his dissipated character and his unworthiness to fill the place. No man who looked upon him could avoid seeing it and knowing it.

I have also here a telegram which I desire to read:

TOPEKA, KANS., March 27, 1896.

HON. R. W. BLUE,
House of Representatives, Washington, D. C.:

Letters going to you and Congress from all parts of West to fight Franklin's appointment and depose Smith as governor of Soldier's Home. Sixty thousand veterans of Kansas demand it and stand behind you in the fight to accomplish it.

T. J. ANDERSON.
O. A. COULTER.
P. H. CONEY.
GEO. W. VEALE.
O. A. BASSETT.

T. J. Anderson, the first signer of this telegram, is one of the most humane and worthy of all the men in Kansas who followed the flag. Many gentlemen here may know him. He is a man of character and of unquestioned integrity and truthfulness. For many years he was connected with the Santa Fe Railroad as its passenger agent, and he is now connected with the Rock Island road. O. A. Coulter is editor of the Western Veteran, published at Kansas City, the greatest soldiers' paper, I think, published in the western part of the Union. He is a distinguished and worthy soldier. P. H. Coney is a lawyer of character and distinction at Topeka. He was a heroic and brave man in the hour of trial. O. A. Bassett is an honored judge and worthy comrade. George W. Veale is an old Kansan of well-known honesty and integrity. He, too, was a courageous and worthy soldier, having risen to the rank of colonel. He has been many times a member of the Kansas legislature, and has also held other positions of trust and profit. The House has heard the declaration which these men have sent to me. In addition to that, I have a telegram from Capt. George K. Spencer, a man of integrity and character, of Leavenworth County, a retired army officer, in which he says:

LEAVENWORTH, KANS., March 27, 1896.

Fight on floor for Veteran Soldiers' Home. State behind you.

GEORGE K. SPENCER.

I have many other letters here, only a few of which I will read. Here is one from an officer in Dickinson County, Kans.:

ABILENE, KANS., March 31, 1896.

DEAR SIR: Although an entire stranger, I wish to commend you on your fight on Smith, of the Soldiers' Home of this State, and those who try to keep

a tyrant over men who have given everything to save their country. It is the worst outrage in this whole country to-day, and every man who is posted and who tries to keep them in their positions deserves political death. If you could hear men, as I do, who have been there say they would as soon be under Wirtz, at Andersonville, you would forgive me for taking your time in reading this letter.

Yours, truly,
Hon. R. W. BLUE.

C. H. PATTISON.

Here is a letter which was written to Maj. Tom Anderson by an attorney of repute at Leavenworth, Kans., which has been sent to me:

LEAVENWORTH, KANS., March 23, 1896.

DEAR SIR: I note by the inclosed clipping from the Topeka Capital that you oppose the retention of Governor A. J. Smith here at the Home. As attorney for "the boys" here I am in a position to know and do know, and have evidence enough to hang Smith if his offense were capital. I am ready to go anywhere (even to Washington if necessary) to give evidence of the practices that have come under my observation. If you can be instrumental in giving the men here a good governor, I assure you that you will merit and receive their heartfelt thanks.

Very respectfully,

JESSE GEORGE.

Maj. THOMAS ANDERSON,
Topeka, Kans.

TO FIGHT AGAINST GOVERNOR SMITH—HIS REMOVAL SOUGHT THROUGH THE RETIREMENT OF GENERAL FRANKLIN.

WASHINGTON, March 27.—(Special.)

Maj. Tom Anderson and G. W. Veale, of Topeka, wired Colonel BLUE to-day urging him to oppose the appointment of General Franklin as a member of the Board of Managers of Soldiers' Homes, and to secure the dismissal of Colonel Smith, governor of the Leavenworth Home. The message stated that 9,000 old soldiers would support him in that position. Mr. CALDERHEAD also received a message to-day of like character. Colonel BLUE stated that he would comply with the request. For some time he had been convinced that General Franklin should be allowed to leave the Board, and also he had been of the impression that it would be well to dispense with the services of Governor Smith. He said he would join in the effort to defeat the selection of General Franklin to succeed himself on the Board. The claim is made that General Franklin has for years prevented the dismissal of Governor Smith. It appears that the main object of some of the Kansans is to get rid of Governor Smith, and that they would not now advise fighting General Franklin if he had not prevented the removal of Governor Smith.

The House Committee on Military Affairs, at its first effort over the Franklin trouble, decided 5 to 4 not to name General Franklin to succeed himself, but at the same time they did not name a man to take his place. The next day one member of the committee changed his vote and his name was inserted to succeed himself by a vote of 5 to 4. Mr. TRACEY of Missouri, a member of the committee, has been in the fight against General Franklin. As now planned the name of Gen. Thomas Henderson, of Illinois, will be offered in place of that of General Franklin. In the event the fight on Franklin does not result in his defeat, it is understood that a Congressional investigation covering the Leavenworth Home will be ordered.

I wish next to read a letter of my friend Captain Coney, who, by the way, is a son of Erin, with all the warm blood of an Irishman. His letter is in these words:

TOPEKA, KANS., March 31, 1896.

MY DEAR COMRADE AND FRIEND: I hope that you will not relax your efforts in trying to defeat the appointment of General Franklin, and thereby and therethrough secure the removal of that old brute, Governor A. J. Smith, of the Soldiers' Home. I know and we know that the States of Kansas and Missouri want this, and that at their encampment they will ask it. You are probably more convinced of it than anyone, for you have probably received enough letters to convince you of that fact.

I inclose you a letter that Major Anderson received to-day from Leavenworth, which will show you that the evidence is here to convict Smith of all that he has been charged with. This will enlighten you on this point, and serve you if it reaches you in time to be of service to you.

Make your powers felt in this fight, and it will be appreciated, you may rest assured.

Yours in F., C., and L.,

P. H. CONEY.

Hon. W. R. BLUE,
House of Representatives, Washington, D. C.

These are some of the letters that I have in my possession in reference to this matter. But in order that my good friend from Indiana [Mr. STEELE] may not go amiss, I have here some affidavits which I wish to read and to which I trust he will give attention:

THE STATE OF KANSAS, Leavenworth County, ss:

I, Miers Powell, of lawful age, being duly sworn, on oath depose and say: That I am a member and inmate of the National Soldiers' Home D. V. S., at Leavenworth, Kans., and have been an inmate of said Home since September 20, 1894.

That I am strictly temperate, never tasting any kind of intoxicating liquor; that I have never been disciplined in any way in said Home, nor up before the governor on any charge; that I was in the hospital of said Home as a patient, being treated for spinal trouble and rheumatism from September 20, 1894, to January 10, or thereabout, 1895; that while in said hospital on Christmas morning, 1894, Gov. A. J. Smith, of said Home, came into the hospital in a state of intoxication; that he was there, as he said, to visit the sick patients, and that he went through the third ward, where I was confined, talking very loud and foolishly; that when he passed my bed, No. 1, I reached out my hand to shake hands with him and said, "How do you do, Governor?" that he waved his hand in a scornful way at me and said, "To hell with you!" and passed on; that he then looked around over the ward, and, motioning with his hand, said, "Why are they vicious? They don't seem to be very vicious," and then turned around and went out.

That after getting out of the hospital I made application to get on the police force of the said Home, and was admitted to the said force April 1, 1895, and was on the said force till September 30, 1895. That while on said force I was in frequent attendance on police court before the governor—said A. J. Smith—in the discharge of my duty as policeman; that when a man came before the governor on a charge who had taken the Keeley treatment and was a member of the Keeley League, the governor invariably favored him and let him off with light punishment, but when a man came who was not a Keeley man he gave him the full penalty. I have seen the governor let Keeley men who had insulted, abused, and resisted the police off with simple reprimand or a light sentence, and in turn punish severely for slight offenses those who were not Keeley men.

It is an understood thing among the veterans at the Home that to be a Keeley man is to be the governor's favorite, and a charge of drunkenness never

escapes punishment unless the offender takes the Keeley cure, and I have noticed that to be a fact while a member of the force.

That while in the said hospital a second time I noticed that the majority of the attendants and men who had positions in the hospital were Keeley men, though some of them were then drinking men and drunk while on duty; that notably one Thomas Kennedy, who was one of the nurses at the said hospital, was in the habit of hiding bottles of whisky in the linen room in said hospital and was frequently drunk while on duty, and while in that condition abused the patients shamefully.

That I left the hospital on or about the 17th of November, 1895, and went on the police force of said Home again, of which force I am still a member.

Now, I hope the gentleman will listen to this:

That while on duty on the night of the 7th of February, 1896, out on the post by the governor's house—I having been assigned to that post for the night—about 1 o'clock at night—

That is late enough, I should think—

I saw Governor Smith driven home "plain drunk"; that when he (the said A. J. Smith) got out of his buggy he had to support himself by catching hold of the wheel, and that he staggered to the door, and it took him some time to find the doorknob; that I was close to him and know that I was not mistaken in his being drunk, and had he been an old veteran I would have considered it my duty to have arrested him.

MIERS POWELL.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 11th day of February, A. D. 1896. My commission expires March 29, 1896.

[SEAL.]

HARRY PLANTER, Notary Public.

Later on, it seems, a further statement is made by this same man, to which I challenge the attention of the gentleman from Indiana:

THE STATE OF KANSAS, Leavenworth County, ss:

I, Miers Powell, of lawful age, being duly sworn, on oath depose and say that on the occasion of my seeing Governor A. J. Smith drunk, as set forth in my affidavit made February 11, 1896 (to give a more full and definite description of the matter), it was about twenty minutes past 1 o'clock at night of the day mentioned in my former affidavit, that the said A. J. Smith came home. I had been on the north beat out by the governor's house for about an hour, as I went on at midnight that night; that a few minutes past 12 o'clock I noticed some woman, whom I took to be the governor's wife or daughter, come out of the governor's house and look anxiously out toward the north gate of the Home as though looking for some one; that the woman stood looking for only a moment and then went into the house again; that in ten or fifteen minutes the woman came out again and looked out anxiously toward the north gate, and, seeing no one, went back into the house. That about 1.20 o'clock I heard a noise as of an approaching vehicle in the direction of the north gate, and, looking in that direction, I saw by the glare of the electric light the governor's horse and buggy being driven very rapidly toward his house, the horse being very warm and a fog of smoke ascending from him; that I was walking my beat and not over 30 feet from the governor's house when they pulled up at the door, and could plainly hear all they said and see everything that transpired; that when they drew rein it took some little time for the governor (said A. J. Smith) to pull himself up and out of the buggy; that when he landed on the ground or pavement he caught the wheel of the buggy with both hands and threw himself against the buggy with such force as to rock it pretty badly and the driver said, "Good Lord, don't turn the buggy over;" that the governor muttered some unintelligible reply, and then balancing himself he started for the steps leading to the door; that in going up the steps he went up on all four limbs, throwing his hands to the steps in front of him to assist his ascent; that when he got to the top he straightened up as well as he could and made an effort to get to the door, but struck the wrong side of it; that he then fumbled around for some time and finally found the doorknob, and went in; that the driver stood waiting to see Smith safely inside and then drove on down by where I was standing, and as he passed me he took me, evidently, for Robert Scotland, one of the governor's Keeley men, who at that time was my relief on the beat; and as he passed he said to me, "Bob, Bob, the old man is 'Jesusly' full to-night;" that I had my cape over my head and moved on without replying to him; that after Smith had gone upstairs some lady came down and put the light out, and I saw nothing more of him.

MIERS POWELL.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 21st day of March, 1896.

[SEAL.]

JESSE GEORGE, Notary Public.

THE STATE OF KANSAS, Leavenworth County, ss:

I, John C. Mathews, of lawful age, being first duly sworn, on oath depose and say: That on or about the 4th of February, 1896, I was dishonorably discharged from the Western Branch, National Home for Disabled Volunteer Soldiers, on charge of repeated absence without leave, repeated drunkenness, and bringing whisky into the Home; that at the time of my discharge I asked the governor of said Home for an honorable discharge, and he (the governor) sent me to the captain with an order for him to make me out an honorable discharge; that the captain, McDowell, told me that he would make out said discharge, whereupon this affiant, thinking that he was at liberty, left said Home, as he had been accustomed to do while in the Iowa Home; and that this affiant came to the city of Leavenworth and rented a shop and remained in business for a few days, thinking that he would return for his papers when the captain had sufficient time to make them out; that after such time this affiant did return, whereupon he was arrested by officers Weist, Smith, and Reidman and was brought to the head of the stairs in the police department, where the above-named officers subjected him to torture by twisting his arms; that after being subjected to this severe pain this affiant was then dragged down the said stairs head first, and that while being so dragged this affiant was struck in the head with great force one or more times; that after being dragged to the bottom of the stairs this affiant was dragged by two of the above-named officers, or one of them and Officer Scotland, who then was present, into the turnkey's room; that when in the turnkey's room the arms of this affiant were again twisted so hard as to cause great pain and suffering, after which some of the aforesaid officers seized this affiant by the throat and choked him into insensibility; that one of the above-named officers gouged my right eye so severely that the mark of his violence is on my face yet.

Affiant further alleges that one of the aforesaid officers kicked or struck him a heavy blow while laying almost unconscious after being choked as above stated, from the effects of which this affiant is still suffering.

This affiant also states that after he had regained sufficient consciousness and strength to stand up he was put in the straight jacket and thrown into the cell on the hard concrete floor, where he remained for five hours or thereabout.

That after the above and foregoing this affiant was taken before Governor Smith the next morning, charged, as stated before, with repeated absence

without leave, repeated drunkenness, and bringing whisky into the Home. As to the first charge, this affiant has stated his reason for being absent; as to the second, this affiant admits having been drunk; but in answer to the third and last, affiant says that he was falsely accused, and that the charge was brought upon the finding of an empty bottle on affiant's person by the above-named officers at the police station.

JOHN C. MATHEWS.

Subscribed and sworn to before me, the undersigned, a notary public in and for the said county and State, this 21st day of March, A. D. 1896.
My commission expires July 8, 1896.

[SEAL.]

JESSE GEORGE, Notary Public.

STATE OF KANSAS, Leavenworth County, ss:

I, Miers Powell, of lawful age, being duly sworn, on oath depose and say: That I was a police officer at the Home named in the above and foregoing affidavit and witnessed the acts of the said officers as stated in the foregoing affidavit, and that the facts stated do not include all the acts of injury that the said officers committed to the said John C. Mathews, but are true as to what he may have remembered.

MIERS POWELL.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 21st day of March, A. D. 1896.
My commission expires July 8, 1896.

[SEAL.]

JESSE GEORGE, Notary Public.

Now, I do not know whether that is a "plain drunk" or not. It looks to me as though there might be some "trimmings" to it. Mr. MARSH. Is that man still a member of the police?

Mr. BLUE. I judge not. If he were he would not be there long after that statement, no matter how truthful it may be.

Now, Mr. Speaker, this Board has a remarkable way of doing things. Until the law took hold of them they appointed their own inspector, who, of course, found everything correct; because if he did not he would fare like this policeman—he would not remain there long. But there had been scandal after scandal connected with this institution, as Governor Anthony says; and General Averill was sent there as an inspector to make an inspection and report the result of his observations. I hold in my hand a statement of one of the parties who was called before General Averill as a witness.

STATE OF KANSAS, Leavenworth County, ss:

James F. Legate, of lawful age, being first duly sworn according to law, upon his oath deposes and says: When General Averill and Local Manager Cook were investigating some charges preferred against Col. A. J. Smith, governor of the Soldiers' Home near this city, I was called before them and asked if I knew anything about soldiers at the Home having trouble about obtaining money on their pension checks, in reply to which I stated that a soldier from the Home came to my office and asked me to cash a twenty-four dollar pension check. I said to him, "Go to the bank and get it cashed." He replied, "I have been to the bank and they want to charge me 8 per cent discount. They told me they had to send my check to New York and pay for expressing the money back, and it would cost that much to get the money." Finally I took the check and went with the man to the Manufacturers' National Bank, turned the check in as a personal deposit, and gave the soldier the money. The question was asked what bank the soldier alluded to, but I could not tell, for he only said "The bank."

I was then asked if I had any knowledge of Governor Smith's being intoxicated within the last year or so. I answered that I met Governor Smith at the landing of the elevator in the Ryan Building in this city about a month ago, when he had every appearance of being drunk; his walk was very unsteady, his face bloated, and he had a very strong scent of whisky. I knew him well when sober and have seen him many times when drunk, and from his actions, with the strong scent of whisky added, I felt sure he was drunk. I added that my personal relations with Governor Smith were friendly, as well as with all parties at the Home, and I regretted being called upon to make any statement derogatory to any of them. General Averill asked what reasons I had for thinking Governor Smith was drunk. I said, "He acted like a drunk man, he walked like a drunk man, and he smelt like a drunk man, and I felt positive he was drunk." And each statement was true according to my best judgment. General Averill then said (directing his language to the reporter), "On account of the relations of this gentleman with all parties, you need not put down anything relating to this last matter." And further affiant saith not.

JAMES F. LEGATE.

Subscribed in my presence and sworn to before me this 26th day of November, 1894.

My commission expires November 27, 1897.

[SEAL.]

N. E. VAN TUYL, Notary Public.

SEPTEMBER 24, 1894.

I saw Col. A. J. Smith, governor of the Soldiers' Home of Leavenworth, Kans., disgracefully intoxicated at Leavenworth City within the last four months.

AMOS McLOUTH,

Of McLouth, Jefferson County, Kans.

Now, Mr. Speaker, I do not know what the gentleman from Indiana considers being drunk; but to a plain, common man from the Western country like Kansas these affidavits, I take it, would be some evidence of a man's drunkenness. I could multiply statements of this kind over and over again.

Mr. STEELE. Have not those men been discharged from the Home for insubordination?

Mr. BLUE. I do not know whether they have or not. But Mr. Legate has not been discharged from the Home. He never was connected with it. Neither was Mr. McLouth discharged from the Home. Neither was Governor Anthony, nor T. J. Anderson, nor P. H. Cone, nor O. H. Coulter, nor O. A. Bassett, nor G. W. Veale, nor Jesse George.

Mr. TALBERT. I thought I had heard it stated that Kansas was a prohibition State.

Mr. BLUE. Yes, sir; outside of the Government reservation. [Laughter.] And I want to say in this connection that Governor Smith runs the biggest saloon in Kansas, under the shadow of the

flag that these men fought to sustain. The Inspector-General, on page 38 of his report, says in regard to this saloon which the governor runs:

The basements of two buildings are occupied for post-fund purposes, one as store and restaurant and the other as beer hall. The sales of the store and restaurant amounted to \$14,601.99 during the year, and the expenses for stock to \$11,581.75, and for other items out of the profits to \$777.77. The profits at the Home store appear to be about 30 per cent. The profits at the beer hall were \$13,886.23. At the close of the fiscal year the value of the merchandise on hand was estimated at \$3,468.11 against \$3,975.80 a year previous, and the cash on hand was reported as \$6,948.58 against \$3,771. The number of employees under this fund averaged 39 members and 22 civilians, who received a total compensation of \$9,705.97, or \$157.18 each. At date of inspection the post funds on hand consisted of \$3,200.80 on deposit and \$277.31 cash in the office safe. The same system of checks adopted at the Milwaukee Home is used for the beer hall here. The cash register at the store was not in use, as it was reported out of order. Possibly the restaurant facilities could be improved. The brewing association from which the beer has been purchased donated a handsome fountain to the Home, and has built an ice house for the storage of beer, and keeps it in repair.

While the same reports, page 63, show the following recapitulation for all the Homes, as follows:

TABLE 15.—Statement showing business of beer hall and employees under post fund.

Branches.	Amount of beer sold.		Profits of beer hall.
	Barrels.	Value.	
Eastern.....		\$25,263.25	\$18,128.25
Central.....	7,350		34,385.74
Marion.....			
Northwestern.....	2,832		20,164.75
Western.....		21,815.00	13,886.23
Pacific.....	280		4,467.45
Southern.....		49,899.60	32,233.11
Total.....	10,453	96,977.85	123,325.53

Branches.	Members employed.		Civilians employed.		Average cost of employee.
	Num-ber.	Cost.	Num-ber.	Cost.	
Eastern.....	17	\$2,741.33	23	\$7,254.67	\$249.90
Central.....	91	10,911.44	46	13,822.03	180.54
Marion.....	8	984.28	14	2,777.62	171.00
Northwestern.....	48	6,721.50	19	6,431.39	196.31
Western.....	39	4,711.76	22	4,994.21	157.18
Pacific.....	11	1,400.68	6	2,621.99	236.63
Southern.....	42	6,244.61	32	6,505.08	172.29
Total.....	256	33,715.60	162	44,406.99	186.78

What, profits! And the man who runs that saloon at the Western Branch is the president of the Keeley League!

And the men out of whom these profits are made are the poor, helpless, homeless defenders of the nation's honor and the preservers of our liberties, and on the same grounds, under the same flag, is operated a Keeley-cure establishment at a cost of \$23.30 to each one taking the cure. The saloon keeper deals out his poison at one place on the grounds to make drunkards, at an annual profit of \$13,886.23, while at another place he rakes in the shekels at a per capita profit of about \$15 per victim.

Mr. TALBERT. That is pretty good for a prohibition State.

Mr. BLUE. This land is segregated from the territory of the State of Kansas, and is owned by the great Government of the United States. It is entirely under its control. In one room is run the beer saloon, to make drunkards of these old men; and in another room the governor of the Home is president of the Keeley cure which is run in connection with the Home, and indorsed by General Franklin.

Mr. HULL (from his seat). That is not unusual. All of the Homes have them.

Mr. BLUE. The gentleman from Iowa says that is the practice in all of the Homes. If that is so, then for God's sake let us have some one appointed on that Board like General Howard, who would put a stop to the drunkenness in these institutions.

Mr. STEELE. If the gentleman will permit me, there is a mistake in his information. At the Marion Home there is no saloon within the grounds, and on the contrary—

Mr. BLUE. How many on the outside?

Mr. STEELE. I was just going to say that, on the contrary, immediately outside, because of the fact that there is no saloon within the ground, these saloons have grown quite rapidly, until there are now 11, I think, of them on the outside. These men sell liquor to the soldiers, and in many cases the soldiers are robbed every pay day—

Mr. BLUE (interrupting). And yet you, in violation of the law, out of the funds in your hands support a civil force on the outside—a police force to protect these people—which the State of Indiana should support.

Mr. STEELE. Oh, no.

Mr. BLUE. Then the Inspector-General does not know, or you do not. I do not believe the gentleman from Indiana does know,

as I said before. The Inspector-General in his report, at page 20, says:

Perhaps the Government should pay fully for the light and heat of this Branch Home, but this fund, which is raised among the men themselves, pays 15 per cent of all bills for fuel and oil purchased by the Home, that being the estimated cost to heat the post fund buildings. This fund has also been taxed quite a large sum for the services of men hired by the civil authorities of the surrounding county for patrol duty in connection with the law relating to the sale of liquor within 1½ miles of the Home. It would seem as though this expense for the enforcement of a civil law should not be borne by the Home, nor the additional expense of feeing lawyers to prosecute the violators. But the authorities of the Home speak with great gratification of the results, and as if successful prosecution was impracticable otherwise.

Mr. RAY. If the gentleman from Kansas will permit me, I would like to ask him two or three questions.

Mr. BLUE. Certainly.

Mr. RAY. How many persons compose the Board that has charge of the Home?

Mr. BLUE. Well, eleven, I think, individual members.

Mr. RAY. Eleven on this Board of Managers?

Mr. BLUE. Yes, sir.

Mr. RAY. And General Franklin is one of them?

Mr. BLUE. Yes.

Mr. RAY. You are making your drive directly at General Franklin as one of the eleven?

Mr. BLUE. Yes, sir.

Mr. RAY. And he is a member of the Board?

Mr. BLUE. Yes, sir.

Mr. RAY. You do not charge him with drunkenness, as I understand?

Mr. BLUE. No, sir.

Mr. RAY. These affidavits to which you are referring, and some of which you have read, are directed to the governor of the Home, General Smith. Is that true? That they are all directed to the governor?

Mr. BLUE. That is correct.

Mr. RAY. These charges of drunkenness are all directed at the governor of the Home?

Mr. BLUE. Yes, sir.

Mr. RAY. Then why do you make an attack on General Franklin, any more than upon the other directors or managers?

Mr. BLUE. These remarks of Senator Plumb, which furnish the keynote to the situation, if the gentleman had listened, charged then and there, six years ago, that he was the man who ran the Home.

Mr. RAY. Then the substance of your charge is this: First, that the governor of the Home becomes grossly intoxicated at times, and is therefore unfitted for the position he holds; second, that the other gentlemen composing the Board of Directors, or managing the Home, are grossly derelict in their duty to permit General Franklin to run and control the Homes in the manner that the gentleman has suggested.

Now, it seems to me that the criticism is aimed indirectly, and I may say directly, at every member of the Board of Managers, and therefore that every one of them ought to be removed if one of them is removed. For you can not single out one man and say that he is to blame; because the other men must know and permit and sanction the disorders to which the gentleman refers.

Mr. BLUE. Is that all you wish to ask?

Mr. RAY. Is that statement of your position correct?

Mr. BLUE. No, sir.

Mr. RAY. Why?

Mr. BLUE. For the reason that Mr. Black's place is offered to be supplied by a former member of this House, Thomas J. Henderson, and the place of another member, General Fessenden, to be supplied by General Beal, of Maine, and we have not yet reached the gentleman from Indiana—

Mr. HILL. Will the gentleman permit me to ask this question, Do you propose to continue this raid on all of the members, or do you intend to limit it to General Franklin?

Mr. BLUE. Well, I will say in response to the gentleman that "Sufficient unto the day is the evil thereof."

Mr. HILL. Then, another question. Have you any charge or not to make against the personal character of General Franklin, or are your charges entirely confined to the superintendent or governor of the Home?

Mr. BLUE. If the gentleman had paid attention he would not have misunderstood me. I charged that the inspector's report—the document of the House numbered 288, which any member can get by sending over to the document room for it—that that report shows that either General Franklin is grossly negligent or grossly incompetent or that he is not honest. Now, mistake me not. The report in its detail speaks for itself.

Mr. STEELE. On what page of the report is that?

Mr. BLUE. It runs all through it. I will give you the pages before I get through. I charge that General Franklin knows of that beer saloon at Leavenworth. I charge that he knows of Smith's conduct. I charge that Franklin knows that, in violation of law, he has in his hands at this time certain trust funds that

he ought, under the law, by the plain intendment of it, to turn over to the general treasurer. I charge that General Franklin was for many years both president and treasurer of that Home, and that when Congress passed a law that the treasurer should not be one of the Board, he took a man Friday, a clerk, an assistant inspector-general whom he had picked up at one of these Homes as a sergeant, and he put him in there through his influence as the general treasurer, and from that hour to this he has practically controlled and now controls the fund, as he did before.

Mr. HILL. May I ask the gentleman one more question?

Mr. BLUE. Wait one minute. I will call your attention to a matter, that you may be studying on it after you sit down. I will first call the attention of the gentleman to page 8. This is not the matter which I had in mind, but what I do charge is that this report shows that balances in their accounts are forced; that on a page which I will presently find it is shown that their account in one instance lacked \$5,000 of balancing. Is that good book-keeping? It is on page 22, and is as follows:

Supplies when issued to the shops are charged off the property records, and thus the stock on hand in the several shops (and in some considerable quantities were found) do not appear as on hand, though not expended except on paper. To have the property accounts rival the money accounts in accuracy and have them both set forth only the exact facts up to the date fixed in the record does not seem an impossibility, nor even very difficult, wherever it is earnestly undertaken. It merely requires enough constant attention to keep the balance accurate without either surplus or shortage.

In the knitting shop the value of stock on hand July 1, 1894, was reported as \$8,350.80
Received during the year as 7,981.48

14,331.78

From this there was expended during the year in making 78,144 pairs socks, at \$0.1047 per pair, for material 8,181.68

Value of stock not expended 6,150.10

Balance of stock on hand as reported in shop account 745.61

Value of stock not accounted for 5,404.49

except \$2.50 for 12 stump socks. The explanation of this may be very simple and easy, but perhaps it may be equally easy to keep shop and property accounts so they balance.

Mr. HILL. The gentleman mistakes the meaning of my question entirely. The point I want to get at is whether there is any difference between the gentleman's estimate of General Franklin's services or neglect or incompetence or dishonesty—if it is proper to speak of General Franklin as a dishonest man—if there is any difference between the way the gentleman looks upon him and the way he looks upon General SEWELL, General BLACK, General McMahon, Colonel Mitchell, General Fessenden, General STEELE, Major Barrett, General Pearson, General Anderson, and Colonel Cooke? Or does the gentleman include them all?

Mr. BLUE. Oh, there is all the difference in the world.

Mr. HILL. Do you include them all in the same category?

Mr. BLUE. By no means. I know General Cooke has found out how villainous this management is, and I know he has no heart in it.

Mr. HILL. And he is the only one you except?

Mr. BLUE. I do not say that. I have not found out about them. I want to say in all candor and in all charity that I am not here to condemn our good friend from Indiana [Mr. STEELE] except for one reason, and that is his lack of knowledge of this Soldiers' Home. I said awhile ago that what he did not know about it would fill a considerable volume, and I repeat again that the gentleman from Indiana—judging from what I have heard of him on this floor—is gorged with misinformation in regard to them. I do not at this time attack anybody in the management of these Homes except General Franklin, because I am not conversant enough to know about the rest, only thus far, I say that good business men ought not to have permitted this thing to continue without a more thorough investigation.

Mr. RAY. May I ask the gentleman a question right there?

Mr. BLUE. Yes.

Mr. RAY. How long has General Franklin been the president of that Board of Managers?

Mr. BLUE. Oh, I do not remember. He has been sixteen years on this Board. He has been there a long time—too long.

Mr. RAY. Is he elected by the Managers?

Mr. BLUE. I so understand it. The gentleman will save me time and himself trouble if he will do a little differently than I apprehend the Committee on Military Affairs did—if he will look at this volume, Document No. 288, and in order that he may have ample opportunity to look at it and be fully informed on it in as little time as possible, I will furnish him with an index.

Mr. RAY. I should not understand an index if you gave it to me, but I should like to have the facts appear in your remarks, because it has seemed to me that your attack is as much upon one member of this Board as upon another, and that you can not single out one—

Mr. BLUE. If the gentleman had paid attention to my remarks he would have found out his mistake. One war at a time is enough. I am going at the fountain head of this business, and

when the fountain head is changed the source will become pure. These men who are now treated so inhumanly in these Homes will then have an opportunity for decent and fair treatment. I do not care whom you put in General Franklin's place; I do not care whom you put in General Smith's place, so they are honest men that will do their duty and do it fearlessly and uprightly.

Mr. SPERRY. I would ask you if this trouble of which you complain has been brought to the attention of General Franklin?

Mr. BLUE. Oh, yes, my good friend from Connecticut; nobody knows it better than he does. I would like to tell some things on this floor which I would not tell here; but this much I will say: As is said in Governor Anthony's letters, there have been continuous scandals ever since Mr. Smith was appointed, and General Franklin from time to time has had these whitewashing investigations to cover over and smooth down and conceal from view the brutalities and the drunkenness of this Keeley-cure graduate.

Mr. CROWTHER. I would like to ask my colleague a question. How long has this scandal been known to the president of the Board of Managers?

Mr. BLUE. I think from the beginning.

Mr. CROWTHER. How many years?

Mr. BLUE. Some ten or twelve years. I do not know how long the Home has been in operation. I have been informed—

The SPEAKER. The gentleman's time has expired.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent that my colleague's time be extended.

Mr. HULL. How long?

Mr. CURTIS of Kansas. For one hour.

Mr. HULL. I will object to an hour.

Mr. CURTIS of Kansas. For half an hour.

Mr. HULL. How long does the gentleman want?

Mr. BLUE. I want to get through.

Mr. HULL. How long will it take you?

Mr. BLUE. I do not know until I get through.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time of his colleague be extended half an hour. Is there objection? [After a pause.] The Chair hears none.

Mr. BLUE. Now, Mr. Speaker, I have here another affidavit upon another phase of this matter, and I trust now that the House will give attention to this affidavit, because it shows something of the conditions that exist there and how the law is abused:

THE STATE OF KANSAS, Leavenworth County, ss:

I, Jesse George, of lawful age, being duly sworn, on oath depose and say that I am acquainted with Col. Andrew J. Smith, governor of the Western Branch National Soldiers' Home, Disabled Volunteer Soldiers. That the first time I remember to have met Governor Smith was in the winter of 1893, some time in February or March, when he came into my office to consult with my associate in regard to commencing some prosecutions against some saloon keepers out near the said Home. He was going to begin prosecutions and wanted some legal advice.

About all I remember of him then is that he indulged in considerable profanity and cursed the saloon keepers very freely, and I remember that he stated that he had given two of the "old boys," he called them, thirty days on the dump because they had not knocked one of the keepers down when he had called them "sons of bitches." I manifested some mirth over the statement, and he went on to say that it was his habit to sentence men to the dump for such, and he had about broken up the use of that word at the Home.

Some time in December of 1893 I was called upon to defend an old veteran before Mr. E. B. Wheeler, United States Commissioner at the Home, on a charge of assault with intent to kill. The man I was defending I found had been once dismissed from the Home by Smith, but made complaint to the Board of Managers or to E. N. Morrill, local manager, and had been reinstated. He told me that he had been the victim of Smith's persecution ever since he was reinstated, and finally he had been arrested on the above charge. The evidence developed that the man whom it was claimed the defendant assaulted was a known enemy of the defendant and that he was a vicious fellow, and worse than all, was considerably off in his mind. The testimony showed that the defendant protested to Governor Smith on being put in the same ward with the man and that the governor told him that he would have to stay there; that the governor knew that the complaining witness had it in for the defendant at the time he made the charge. The evidence of the complaining witness himself was to the effect that the defendant's socks stunk that he had under his bunk, and he ordered him to remove them; that he otherwise annoyed him, and he (the complaining witness) assaulted the defendant. He said that the defendant got away once and then he got at him again and clinched him and had him down, and the defendant cut him with a pocket penknife. He was so loony and egotistic that he even went on to say that he could have "licked" the defendant even after he was cut, and would have done it if he had not been pulled off. As to physical, the complaining witness was twice the man the defendant was, and the defendant was an invalid besides. The man was bound over, however, and laid in jail months awaiting trial in the Federal court. My experience and information has been that no one ever fails to be bound over who comes before Wheeler, at Smith's dictation. Wheeler is Smith's private secretary and servile tool to do his bidding.

The reason for his appointment I think can be explained as follows: A short time before his appointment, A. J. Smith, governor aforesaid, was brought before Col. E. N. O. Clough, a United States commissioner, in the city of Leavenworth, on the charge of having tampered with an old veteran's mail. One of the members of the Home was giving some evidence against Smith, and Smith broke out in a "bulldozing" manner upon the witness with, "Now, that is a lie, and you know it." Commissioner Clough told him to desist and not interfere with the witness, and the witness went on; but Smith broke in again in about the same way, and Commissioner Clough told him that he must desist and not interfere with the witness testifying. Smith then said that he was governor of the Home and he did not propose to have any member lie on the stand in that manner. Colonel Clough says he had to admonish him that even if he was governor of the Home he must not interfere with witnesses testifying on the stand, and that if he interfered again he would fine him for contempt. Soon after this Mr. Wheeler was

appointed commissioner at the Home. Colonel Clough is a soldier of no mean record and is highly respected in the community. He is United States commissioner here yet, and says hundreds of complaints have come in to him from members of the Home of Smith's outrageous treatment; that he is too old to begin a fight on Smith or he would consider it his duty to do it in the interest of the Home, but if he is called upon to give testimony before any impartial committee he will do it; that from what he knows of Smith he is totally unfitted for the position of governor.

There are instances in which this man Wheeler has used his process to arrest and bring back into the Home men who had been once punished for the same offense by Governor Smith. Notably, one John Walsh, in the month of August last. I saw this man's discharge, with the charge of assault on it, for which he was sentenced to the dump at the Home. And yet he was arrested on a warrant issued by Wheeler for the same offense. The officer serving the warrant told me and told Mr. Dill that all they wanted was to get him back to the Home and fix up matters with him. I might here say that they were at the time refusing to send him his pension papers so that he could draw his money, and also were withholding his discharge at the time the arrest was made; that Walsh refused to go before Wheeler; said that he was not going to the Home to be locked up, but readily consented to go before Commissioner Clough. This was just what Wheeler did not want, and although the orders of the marshal were to take prisoners before the nearest commissioner (and Mr. Clough was the nearest), Mr. Wheeler complained, went down to see Clough the night of the arrest, and even complained to the district attorney about the matter. When it was found that they could not get the old man back into the Home in any way they then sent his pension papers and discharge to him. I saw both the discharge and the warrant and know that the charges on each were the same offense. Walsh was one of the men who would not take the Keeley treatment.

In June, 1894, one William F. Williams came to me with a story of distress and complaint about his treatment at the Home. Said he had been imprisoned in the Home for some weeks; had repeatedly asked for his discharge, and it had been denied him; and he was still limited to the Home grounds; but it had become unbearable, and he had walked out, after trying in vain to get his discharge. The old man had on his uniform, and I told him that I would not write to them nor intercede in his behalf till he turned over everything to the Home that belonged to it; he said he dared not go back, that they would lock him up again if he did. At that time, I regarded Governor Smith as being somewhat reasonable and just, though I knew him to be imperious. I told the old man that if he would take his clothing to the Home and turn it over they would give him his discharge without trouble; that they could not hold his money without cause, and could not lock him up after he had demanded his discharge. The old man was in terror, however, and would not go. He said, however, that he would change his clothes and go with me if I would see that he was protected.

I finally went with him to the Home and direct to Governor Smith's headquarters. The governor was not in, but his adjutant, Hayes, was there, and in answer to my inquiry said he would soon be in. He saw Williams and immediately ordered his arrest. When I saw what they were about I asked Hayes not to send him to jail as they were about to do, but allow him to remain in the office till Governor Smith came, which they did. When the governor came in shortly afterwards he immediately in an angry, blackguard manner assailed Williams, using the following language, as near as I can remember: "Williams, where in the hell have you been, and what do you want here?" The old man quailed before him completely, and stepping before the governor I said, "Governor, he wants his discharge." Smith then turned on me and in the same tone and manner said, "I don't recognize you, sir; Williams is my man, and we can do our business." I told him that I came at Williams's request and his attorney to ask for his discharge, but he said, "I recognize no one to appear for Williams and will not talk with you." I then said, "Mr. Williams, you may tell the governor what you want yourself, since he does not wish me to have anything to do with it." Williams then said, "Yes, Governor, I want my discharge and papers and property." The governor said, "What in the hell would you do with it; would you go away and stay away if you had it?" Williams then said that he would, but the governor, not satisfied, said, "Where would you go to?" And Williams told him he would go to his folks in Missouri. The governor then broke loose again, offending it with profanity. "They don't want you; nobody wants you," and then began to abuse the old man again in vile terms, and again told him he could not have his discharge. I then told the governor that the old man wanted his discharge and if there was anything in the way of his having it I would like for him to state what it was. This made him more angry, and turning to Williams he said, "Come in my office, sir." Williams went and I followed to the door. Smith caught the door and began to shut it in my face. I said quietly (as I had talked all of the time), "Governor, now I ask admission into this room as Mr. Williams's attorney; if you refuse me I shall not insist." He said, "I do refuse," and shut the door in my face.

I waited some time in the building, and after a while Williams came out in company with a police officer and was taken to jail. Smith passed me, but said nothing. I went out to the jail and asked the jailer or officer at the jail if Mr. Williams had been locked up there, and he told me it was none of my "damned" business. I went back up toward headquarters and met Smith in his buggy. I hailed him and asked him if I might see Williams as his attorney, and he said yes; if I could find him (this in a very contemptuous manner). I then said, "Governor, I did not come here to interfere with you in any way; if you have any reason or excuse for your treatment of this old man, I am not going to interfere in his behalf; I ask only to be treated courteously in the matter; the old man may be at fault, but you give me no information, and hence I must believe his story. I ask to see him as his attorney. If he is in jail I wish to know it and wish to see him; if he is not, but is at large, I have nothing more to say, but I promised the man he should not be locked up without cause, and I shall in duty to him make my word good." The Governor said, "He is here on the grounds and you can find him."

I went back down to the jail and found out from a man who had not been posted and who knew Williams that he had just been taken and locked up. I then went back to the city and instituted habeas corpus proceedings the same evening. The United States marshal telephoned the fact to Smith as soon as he got the papers, and Williams was released the same afternoon, given an honorable discharge without a mark against him, given all of his papers, and pension money amounting to something over \$70. Smith had become scared and released him probably before the proceedings commenced. The fact that he gave the man an honorable discharge showed to me that his action was only oppression to get the old man to take the Keeley treatment, as he swore to in an affidavit made for the purpose of the proceedings in court.

We went before the court prepared to show that he had been held in duress, but he being then at liberty, the court took my professional statement that he had been restrained without proof. After the proceedings were over Mr. Wheeler, Smith's said secretary, followed the old man around the street and pulled him to one side when with me for a talk, and tried to get him to make an affidavit to the effect that he had not been restrained of his liberty at all. I could hear Williams say to Wheeler, "No; I can't do that. It would be a lie for me to do that. They had me arrested and I could not leave. I was in jail. I can't do that."

In August, 1894, I thought I had misjudged Governor Smith in a matter,

and of my own volition I wrote to him a note telling him that I felt that I might have done so, and asking his pardon if I had.

I immediately received a letter from him, in which he imperiously demanded that I publish over my own signature an absolute falsehood in order that he might be vindicated in the Williams case above referred to. The letter threatened me, accused me of libel, and promised to expose and ruin me if I did not accede to his demands.

I felt that I had made a mistake in offering any apology to such a man, even if I had been mistaken, and I wrote and told him so; told him he was at perfect liberty to expose me if he could, and that I had no retraction nor apology to make, and could not make any in the honor of truth. I never heard from him again on the subject, but in the face of these facts and others coming under my observation, I feel perfectly justified in saying that Governor Smith would not hesitate for a moment to threaten and terrorize anyone to vindicate him by falsehood if he dared. I have his letter yet and the copy of my reply.

I have observed that just so soon as any charge is made against Smith he immediately begins to fortify himself, scatter evidence against him, and get evidence together to justify himself.

When there was a publication of some pension investigations by a special examiner sent out by Hon. William Lochren here last winter, there was one man named Crenshaw whose name was unfortunately published in connection with it, who was then at the Home. Smith the next day sent for this old man and examined him, and made him deny everything. I have the affidavit of an eyewitness to the examination who happened to be present. When that fact was published, he sent for the old man and, as I am told, got him to make another statement or affidavit that his former affidavit was not made under duress. I have the statement of Thomas Wilkins to the effect that Governor Smith used like means in his case.

In relation to the Keeley matters at the Home, I would call attention to the fact that Governor Smith is president of the National Keeley League, at, as I am told, a salary of \$1,200 a year. I am also told by one who saw the contract, and saw it signed, that for every man who takes the treatment for the liquor habit they pay Dr. Leslie E. Keeley \$5. They charge the patient at the Home for the treatment \$20, and for certain dues, badges, etc., \$2.30 more. The difference between \$22.30 and \$5 is to be accounted for, and what goes with it has never to my knowledge been satisfactorily answered. Governor Smith has been in absolute control of the fund for some months—yes, years past.

The contract above referred to was signed by Governor E. N. Morrill for the Board of Managers.

Now, whether Governor Smith gets a penny out of the matter or not, he can not, I think, successfully deny that the above is the situation, and the relation he sustains to the Keeley treatment.

Under these circumstances he has a regular system of requiring from every man who takes the treatment an order on his pension money in payment therefor; which amount is withheld from his pension regardless of his wish. The uniform complaint is that he compels men to take the treatment or the gate. I have had, I think, hundreds who have made this charge to me, and United States Commissioner Clough will tell the same story. I do not believe that all of these men tell falsehoods. Some of them say that Governor Smith directly compelled them, but the majority say that he only held the trump and punishment over them till they did take it; that so soon as they took the treatment they are invariably relieved from the punishment and have the governor's favor. Many have been required to take it twice, and even three and four times. I have seen these orders made out by Governor Smith's private secretary, in his handwriting, where on their faces the statement was made, "First treatment, second treatment," etc. Some of these men are: Eli Watkins, who took it twice, and left the Home to keep from taking it again; Richard Wall, John Carrol, Philip Woodward, William F. Williams, Thomas Hughes, John Walsh, Nathaniel J. Holder, Thomas Wilkins, and scores of others. Wilkins took the treatment three times, and has all of his orders to show for it.

The uniform story is that when a man takes the treatment he is admonished that if he ever breaks it he will be put out of the gate, which threat is believed to be by some more efficacious than the treatment itself.

Governor Smith, notwithstanding his connection with the Keeley Club and his having taken the treatment himself, belongs to another club here of a different character. When served with the summons in the Wilkins case he was found in the Leavenworth Club rooms at a game of cards; so while a reformed man he yet has his old haunts. I have seen an affidavit to the effect that he was driven home last February in a state of beastly intoxication at 1 o'clock at night.

In the recent Cook-Averill investigation, when things were getting pretty hot for Smith, he took Captain Jacobs out and told him to "think up something or fix up something against Maj. W. B. Shockley," the home treasurer, and said "I want to down that Shockley," which Jacobs refused to do.

I sent in the complaint to Hon. William Lochren on which an investigation was ordered from the Pension Department last winter, and soon after this a libelous communication was sent out from the Home for publication in the Kansas City Star, the Atchison Globe, the Leavenworth Standard, and the Topeka Capital, in vindication of Smith and libeling me. All of the papers cut out the libelous portion except the Topeka Capital, and that paper by inadvertence run it. I demanded of the paper the name of the correspondent, and found that it had been sent by Mr. E. B. Wheeler, the governor's secretary. I demanded a retraction from Mr. Wheeler, and he gave it. I also asked Governor Smith for a disavowal of his secretary's acts, but have never received one word from him. Mr. Wheeler shouldered the whole responsibility for the publication, but since it published some of the governor's private correspondence, I can not believe he was wholly responsible for it. I believe if he was wholly responsible a statement from Governor Smith to that effect was due me, and a disavowal of his acts was due me also.

Mr. C. L. Knapp, of the firm of Knapp & Bolman of this city, in the earlier history of the Home, during the Weaver investigation, testified before the Board that Smith asked them to cancel his (Smith's) private account with them, out of consideration for the Home trade he (Smith) had given them.

Nathaniel J. Holder will testify that he was compelled by Smith in person to take the Keeley treatment, and promised if he would that he would put him on the pay roll and give him employment; that he was put on the pay roll by Smith and put to attending his (Smith's) cow and chickens and doing light chores about Smith's residence, and for more than a year was in his employment, doing his private work, but was on the pay roll as a stable hand on \$7.40 per month pay.

I further state that I verify the above on information and belief, excepting such portions as have come under my observation personally, to which I make positive affidavit.

JESSE GEORGE.

Subscribed in my presence and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 6th day of April, 1896.

My commission expires May 9, 1896.

[SEAL.]

ANNIE M. POUPPIRT,
Notary Public.

There is one additional statement in this affidavit which implicates a few of the leading men of Kansas, whose names I do not propose to use unless they are used by the opposition. I will not now use them, but I inform you that in the event they are used by Franklin's friends I will use them.

Now, Mr. Clerk, in order to rest myself, I wish you would read. I exhibit to the House the photograph of these signatures, and I wish the Clerk to read the heading, stating the officers of the Keeley League, and also to read the receipts.

The Clerk read as follows:

THE KEELEY LEAGUE OFFICERS.

President, Col. Andrew J. Smith, governor Western Branch National Military Home, D. V. S., Leavenworth County, Kans.
Vice-presidents, J. M. B. Parry, Aspen, Colo.; G. E. North, Pittsburg, Pa.; Dr. James W. Sweet, New Haven, Conn.
Secretary-treasurer, Thomas E. Barry, 200 Clark street, Chicago.
Executive committee, Col. Andrew J. Smith, ex officio; W. G. Dustin, Dwight, Ill.; John H. Gillespie, Burlington, Iowa; O. M. Shanklin, Trenton, Mo.; H. S. Roberts, Newtonville, Mass.; E. A. Trader, National Soldiers' Home, Leavenworth County, Kans.

[Governor A. J. Smith is interested pecuniarily in the Keeley League. As guardian of old soldiers' pension money he "permits" them to pay repeatedly to his money-making scheme (the Keeley treatment) \$22.30 out of their pension money.]

POST FUND.

\$22.30.

WESTERN BRANCH, NATIONAL HOME FOR D. V. S.,
May 12, 1895.

Maj. W. B. SHOCKLEY, Treasurer:

Please pay the treasurer of the post fund twenty-two dollars and thirty cents out of any money that may come into your hands for me. The above sum to be in payment of treatment for alcoholism, club dues, etc.

Twelve dollars pension per month.

Keeley treatment.....	\$20.00
Initiation fee, Keeley League.....	.50
Dues (yearly), Keeley League.....	1.00
Badge, Keeley League.....	.80
Total.....	22.30

Deduct from June pension.

THOMAS (his x mark) WILKINS,

Company K, Seventeenth Regiment New York Infantry.

Witnesses:

E. B. WHEELER,
F. L. MCCARTHY.

\$22.30.

KEELEY INSTITUTE, WESTERN BRANCH N. H. D. V. S.,
May 31, 1894.

Maj. W. B. SHOCKLEY, Treasurer:

Please pay the treasurer of the Keeley institute twenty-two dollars and thirty cents out of moneys that may come into your hands for me, as follows: Deduct full amount from next installment of pension. The above sum to be in payment of treatment for alcoholism.

Twelve dollars pension per month.

Keeley treatment.....	\$20.00
Initiation fee, Keeley League.....	.50
Dues (yearly), Keeley League.....	1.00
Badge, Keeley League.....	.80
Total.....	22.30

Second treatment.

THOMAS (his x mark) WILKINS,

Company K, Seventeenth Regiment New York Infantry.

(Indorsed:) Paid on account August 24, 1894, \$22.30. Paid in full. Andrew J. Smith, manager Keeley institute. W.

\$22.30.

KEELEY INSTITUTE WESTERN BRANCH N. H. D. V. S.,
March 29, 1895.

Maj. W. B. SHOCKLEY, Treasurer:

Please pay the treasurer of the Keeley institute twenty-two dollars and thirty cents out of moneys that may come into your hands for me, as follows: Deduct full amount from next installment of pension. The above sum to be in payment of treatment for alcoholism.

Twelve dollars pension per month.

Keeley treatment.....	\$20.00
Initiation fee, Keeley League.....	.50
Dues (yearly), Keeley League.....	1.00
Badge, Keeley League.....	.80
Total.....	22.30

Third treatment.

I declare that this order was read to me before I executed it, and that it is my free act and deed.

THOMAS (his x mark) WILKINS,

Company K, Seventeenth Regiment New York Infantry.

Witness: E. B. WHEELER.

(Indorsed:) Paid on account May 27, 1895, \$22.30. Paid in full. Andrew J. Smith, manager Keeley institute. W.

Mr. BLUE. Now, I desire to have this other document read, showing the receipt. These are the orders they are required to give.

The Clerk read as follows:

\$22.30.

KEELEY INSTITUTE, WESTERN BRANCH, N. H. D. V. S.,
July 12, 1894.

Maj. W. B. SHOCKLEY, Treasurer:

Please pay the treasurer of the Keeley Institute twenty-two dollars and thirty cents out of moneys that may come into your hands for me, as follows: Deduct from next installment pension \$10; balance from next succeeding installment.

The above sum to be in payment of treatment for alcoholism.	
\$12 pension per month.	
Keeley treatment.....	\$20.00
Initiation fee, Keeley League.....	.50
Dues (yearly), Keeley League.....	1.00
Badge, Keeley League.....	.80
Total.....	22.30

Do not deduct from wages.

NATHANIEL J. HOLDER,

Company H, Fifth Regiment Connecticut Infantry.

THE STATE OF KANSAS, Leavenworth County, ss:

I, Nathaniel J. Holder, of lawful age, being first duly sworn, on oath depose and say that I was late of Company H, Fifth Regiment Connecticut Infantry, and that I served two years and four months in the late war; that I have been for two years last past a member of the Western Branch, National Soldiers' Home for Disabled Volunteer Soldiers; that during the said two years I have never been under the influence of liquor to such an extent that I was not able to take care of myself, but that prior to July, 1894, I was arrested by the police of said Home on two different occasions; that the first time I was arrested all the liquor I had drank was drunk in the beer hall at said Home and was purchased there; that shortly before July 13, 1894, I was again arrested on charge of being absent without leave, was taken before Governor Smith and sentenced by him to do sixty days' work on the dump; that while I was working on the said dump, sanding brick on the pavements at said Home, I was visited by Governor Smith on or about July 11, 1894, and was told by him that if I would call at the office he would put me on the pay roll; that I thought I knew what the governor was after, and that his design was to get me to take the Keeley treatment, so I did not call at his office as he had requested; that the next day the said Governor Andrew J. Smith again called on me while at my work and ordered me to call at his office during that day and he would put me on the pay roll.

That he also on that day urged me to take the Keeley treatment; that I told the said governor then that I was not drunkard, and that I did not need the cure; that the governor said that I did not look like a drinking man, but still insisted on my calling at the office; that I did not go to the office; and on the day following he called again to see me while at work and ordered me to come to his office; that believing that I would have trouble if I did not obey his orders, I went to the governor's office, as he ordered me; that immediately on coming before him he imperiously and threateningly told me that I had a very bad record and that I had better take the Keeley treatment; that I insisted that I did not need it, but on his insisting, and believing and knowing that if I did not take the treatment I would ultimately be discharged from the Home, I finally told him that I had heart disease and rheumatism, and if the treatment would help those diseases I would take it. And I also told him that so far as the drink habit was concerned I had no need of the cure; that I never drank at all except when I was not working and happened to be around where it was, and then I would drink a little much the same as other men; that Smith told me the treatment would help my disease, and that if I would take the treatment so long as he (Smith) was governor of the Home I would have work and be on the pay roll; that Smith took me himself down to the Keeley room and introduced me to the "Keeley boys," and said, "Here is a good man; he is going to take the cure;" that he also introduced me to the doctor, and the doctor examined me and said that I only had slight palpitation of the heart.

That before going down to take the treatment I signed an order for \$22.30 on my pension money in payment therefor; that said order on its face only authorized the withholding of \$10 from my next installment of pension and the balance was to be withheld from the succeeding installment, but that the whole amount was withheld from my next installment over my own protest; that on taking the Keeley treatment I was immediately relieved from the dump sentence and was put on the pay roll at 40 cents per day as a farm hand; that I kept on at work sanding the brick walks for some days, and then I was sent for by Governor Smith and put to work taking care of his cows and chickens; that I took care of said cows and chickens from the 26th day of August, 1894, until the 6th day of October, 1895; also carrying wood and doing like chores about Governor Smith's house during said time, and all of said time drew \$7.50 per month and was on the pay roll of said Home as a stable hand, though I was doing Governor Smith's private work as aforesaid.

That in October I made application for a transfer to the Marion Home, which was refused me, and I was also dropped from the pay rolls.

That soon after this I was put on the Hospital pay roll and worked thirty-five days in the hospital; that after I had quit the hospital on account of not being able to do the work, I was again arrested in my own barracks and taken before the governor on charge of being drunk; that the governor immediately began a tirade of abuse against me, said I was the worst man in the Home, and threatened to have my pension taken away from me; that I said, "Oh, governor, don't do that, I need it." The governor then said he would give me sixty days' dump and sixty days' limits, and told the captain to see that I worked; that I then demanded my discharge from the Home, and told the governor that I had been arrested four times wrongfully on the charge of being drunk; that they had proven nothing against me either time and that I was getting tired of it. I was sent back and put on the dump, and about four days afterwards, in company with four others, I was brought up before the governor and admonished that if I ever violated the Home discipline again I would be turned out of the gate; that I told the governor that I had thought to do my dump duty and get an honorable discharge, but I wished now that he would give me a discharge at once, as I did not care to submit to his treatment any longer. Whereupon he told me to "shut up," but I was so thoroughly indignant that I would not, and told him "that I wanted my discharge, and that I would rather be out and walk the pike and beg for bread than to submit to such abuse; that he knew that I had worked for him fifteen months and had never touched a drop"; that because of this talking back he ordered me back to the guardhouse, where I was kept for an hour or so and again brought up before the said governor to apologize; that I told the governor that there was no insult intended and that I was simply speaking my mind, but was sent back and did the dump duty, and after I had done the dump duty I was reported as having gone in a house that was forbidden on the pike, and was brought up before the governor; that I was not allowed to make any defense, but the governor said to me: "I believe you wanted your discharge a couple of months ago, and at that time I told you that if you violated the discipline again I would give you a dishonorable discharge; I will now give you one"; that he then had Mr. Wheeler to make out a dishonorable discharge for me, and I then left the Home, March 26, 1896.

NATHANIEL J. HOLDER.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 3d of April, 1896.

My commission expires July 8, 1896.

[SEAL.]

JESSE GEORGE, Notary Public.

THE SPEAKER pro tempore (Mr. PAYNE). The time of the gentleman has expired.

Mr. HULL. I would ask the gentleman if he can fix any time within which he can get through?

Mr. BLUE. I think I can finish within another half hour.

Mr. HULL. For I think if you are going to read papers you can read for a week. You have material before you which you can read for a week.

Mr. BLUE. You can not read papers for a week from reputable people on the other side.

Mr. HULL. I would like to get through with the matter today, and let it be voted up or voted down. I ask that the gentleman have another thirty minutes.

Mr. GROSVENOR. I want to know—

The SPEAKER pro tempore. The gentleman from Iowa asks that the time of the gentleman from Kansas be extended for thirty minutes. Is there objection? [After a pause.] The Chair hears none, and the time of the gentleman is extended thirty minutes.

Mr. GROSVENOR. I want to know if this testimony has been taken with notice to anybody or whether it is ex parte affidavits; and if so, whether they have ever been presented for the consideration of the Managers of the Soldiers' Homes?

Mr. BLUE. Some of them have and some of them have not. They are all ex parte, with the exception of the affidavit of Legate, and in some other instances the Board of Managers have the original papers. In that case he says he gave the testimony before General Averill.

Mr. HULL and Mr. MORSE rose.

Mr. BLUE. I will hear the chairman of the Committee on Military Affairs.

Mr. HULL. I interrupt the gentleman now, so that while he is on the floor he may notice a point which will undoubtedly be spoken of by other gentleman. Is it not true that the larger part of these charges were investigated, that the citizens of Kansas City came before the investigating board, and that these charges were largely disproved in the investigation?

Mr. BLUE. In reply to that I want to say, and I want the House to understand it, that any investigation ever held by the Board of Managers was a roaring farce, and that no man in that Home would dare to testify against this drunken, brutal governor, who is a graduate of the Keeley cure, without knowing that he would have to take the road as soon as the investigation was over; and I want to say further, that any pretense of giving the men an opportunity to testify, by suspending the governor, never was made. Further, I say that every pretended investigation made there was made, as intimated in Governor Anthony's letter, for the purpose of shielding the governor of the Home as far as possible.

Mr. MORSE. Will the gentleman permit a question?

Mr. BLUE. If you will be right brief, I will.

Mr. MORSE. I will. My question is this: Does not the gentleman from Kansas know that there is a very close connection between the breaking of the rules and the insubordination at that Home and the beer hall and the canteen, and does he not think it would be a pretty good thing to shut up that beer hall?

Mr. BLUE. Yes; and I think it would be a pretty good thing to shut up the mouth of the beer guzzler who presides over it. [Applause.] That is the first step in the business.

Now, Mr. Speaker, I wish to suggest to the Committee on Military Affairs, without any disparagement of any member of it, because I know how these things are done—I want to suggest to that committee, when they put up this man's name here as a candidate for reelection, it is an open secret that it took two efforts to get his name brought in here. I understand that in the caucus which was held to determine the question the first vote taken showed 5 against reelecting him and only 4 in favor of it, and that influences which I will not now mention were used to get some member of the Board to change his mind, so that the candidate was reported back here by a vote of 5 to 4.

Mr. Speaker, I charge that that institution is a private corporation. I charge that it holds property which belongs to the United States in its own name, and buys and sells and traffics and disposes of it at its own sweet will; and if gentlemen will get House Document No. 288 they will find that that is the case. I desire to give the chairman of the Committee on Military Affairs, and I will read to the House, an index of that document, which will point out the irregularities that have been practiced and the things that have been done there which ought to condemn and drive from power this man—General Franklin—who holds the first place on the Board, because he manipulates and handles the funds through his man Friday, a man who I verily believe can not give a bond except through a guaranty company.

I am told that the practice is for the Secretary of War to send to these treasurers two forms of bonds, one, the ordinary form, to be signed by private individuals, and the other the form for a guaranty company, so that the treasurer may take his choice. We have been told here by members of the Board that the treasurer is required to pay \$500 for his bond obtained from that corporation. I do not know who is behind that, but I am also informed,

and I would like the Board to deny it if it is not so, that this same general treasurer demands of the separate Home treasurers, seven in number, that each of them shall give a bond through a guaranty company, at a cost of \$100 to each. Is there any arrangement between the general treasurer and this guaranty company by which the \$700 thus obtained from the other treasurers enables the company to "ease up" upon his \$500?

Those treasurers have in the past been permitted to give bonds as other honorable men generally give them by procuring the signatures of satisfactory individuals, and without incurring other expense than the fees for preparing the bond, but this man Friday of General Franklin's compels the other treasurers to take their bonds from the guaranty company and pay \$100 apiece for them. I call attention to that charge. I say further—and I want General Franklin's friends to pay attention to this and correct me if I am wrong—I say that the post buildings on those grounds, if I am not mistaken, constructed out of the funds gathered from the old soldiers, are insured in a company in Hartford, Conn., of which General Franklin is an officer. It has never been the policy of this Government to insure its buildings. It is rich enough to get along without doing that, but for some unaccountable reason these buildings on the Government grounds, which belong to these men, are insured in a company in Hartford, Conn., of which I am told General Franklin is an officer. If that is not true I shall be glad to be corrected.

Mr. STEELE. I will answer that, if the gentleman will permit me.

Mr. BLUE. I will not be interrupted now, but I will let you answer it later.

Mr. RAY. I would like to know whether this Board of Managers have power to remove their president.

Mr. BLUE. Oh, this Board of Managers can do anything. The fact is that they have no use for this Government except to have it furnish money. The truth is, as I shall show by this report, that they obey a law when it suits them to do so, and if it does not suit them they disobey it—I do not mean in every instance, but in instances. They can change their governor at their own sweet will.

Now, Mr. Speaker, I desire the Clerk to read another affidavit, which I send to the desk.

The Clerk read as follows:

THE STATE OF KANSAS, *Leavenworth County, ss:*

Jerry Keller, of lawful age, being duly sworn, on oath deposes and says: That from May, 1893, to July, 1895, he was clerk in the office at headquarters at the National Soldiers' Home for Disabled Volunteer Soldiers, Leavenworth, Kans.; that among other things he kept the Keeley books and had charge of the Keeley orders taken on veterans' pensions in payment for the Keeley treatment.

That it was his duty when the extra-duty pay roll was paid to go through the pay rolls and orders and make stoppages on the pay roll for the Keeley treatment; that it was also his duty, when the pensions of the veterans were paid, to take all pension-request slips and when pensioners made request for their pension money to examine and make stoppages from their allowances for the payment of any Keeley orders they might have signed; that sometimes the whole amount of the order would be stopped and held out and sometimes only a portion, owing to the amount of pension the pensioner was drawing.

Affiant further says that scores of these men would come to him, inquire about their notes or orders, and ask how much they owed on them; that they would almost invariably "damn" the Keeley treatment, and say, "Here I am having to pay out money for it when it has done me no good." That affiant would say to them, "Why did you take it, then?" And the answer would almost invariably be, "I had to take it or be persecuted and turned out of the gate." Others would say, "I took it to get into the good graces of 'the old man' or to get a job. That these men frequently complained bitterly of having to pay the money, but affiant had no other option than to withhold it.

JERRY KELLER.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 31st day of March, 1896. My commission expires May 9, 1896.

[SEAL.] ANNIE M. POUPPIRT, *Notary Public.*

Mr. BLUE. Here is one other affidavit that I would like to have read, and which I send to the desk.

Mr. WILLIAM A. STONE. Before that is read I would like to ask this question, whether the gentleman has any expressions from the soldiers who are inmates of the other Homes as to the qualifications of General Franklin—whether they favor him or not?

The Clerk read as follows:

STATE OF KANSAS, *County of Leavenworth, ss:*

Personally appeared before me, a notary public in and for the aforesaid county and State, James Johnson, a veteran of the late civil war, late of F. the Twenty-eighth Michigan Volunteer Infantry, and whose age is over 61 years, and who, being duly sworn, deposes and says:

That he was admitted to the Western Branch, National Home for Disabled Volunteer Soldiers, some time in November, A. D. 1890, and while a member of the Home was detailed as sergeant of the police guard at the Home, and while on duty as sergeant of the police guard quite a number of men, eight or ten, came during the cold weather last winter (1893-94), some sick and homeless, footsore and tired, without a cent in their pockets—came for admission to the Home. The affiant, as sergeant of the guard, took or sent these men to the temporary admission barracks to stay over night, and that in the morning these men were taken to the adjutant's office; and affiant further states that sometimes these men were unable to walk to the office and had

to be helped to headquarters; and affiant further states that the men would come back and say to him that they could not be admitted as there was no room for them in the Home.

Affiant states that some of these men were taken to the adjutant's office by himself, and that the sergeant had seen their discharge papers from the Army and their pension certificates, and knows that they were regular and just as good papers as he had himself. That this occurred during the months of January, February, and March of 1894, and that at this time there were from fifteen to twenty-five young men, regulars from Forts Leavenworth and Riley, Kansas, a majority of whom had never been in the volunteer service, were there taking the Keeley cure, and occupying beds and places at the general table at the time admission was being refused to the old soldiers described above, and claiming there was no room for them in the Home.

And affiant further states that he took two of these men to the depot to leave the Home that were partly unable to walk, and that they complained to him that they had no money to buy anything to eat and no place to sleep or stay at night, and that affiant gave one of them 50 cents; and affiant further states that he was never before Governor Smith for any offense whatever, but that he was once reprimanded by Governor Smith for calling an old soldier a gentleman. That he took an old veteran before the governor under arrest, as directed by the governor, and said to the governor, "This is the old gentleman, Governor." The governor said, "Don't call that man a gentleman; he's a scoundrel;" and further affiant saith not.

JAMES JOHNSON.

Sworn and subscribed before me this the 27th day of November, A. D. 1894; and I certify that the affiant is reputable and entitled to credit.

[SEAL.]

J. H. GRANGER, *Notary Public*

[The original of this affidavit is in the hands of the Board of Managers.]

Mr. BLUE. Now, Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. PAYNE). Fourteen minutes.

Mr. BLUE. I do not like to stop until I get through, but the chairman of this committee [Mr. HULL] seems very anxious about this matter. I hope the House will accord me an opportunity when the time comes to close this debate, because I have studied this question considerably. Trusting that I may have the opportunity to be heard when gentlemen on the other side have spoken, I will now, with a few words further, close what I have to say.

In this connection I wish to state that the last affidavit read shows that there were from fifteen to twenty-five young men of the Regular Army in this Soldiers' Home, receiving the Keeley treatment, while old "comrades" of the war—foot-sore, weary, hungry—have been driven away from the Home with the statement that there was no room for them, and this in the winter time, too. I challenge the attention of the gentleman from Indiana to that fact. If he has any doubt about it, I think I can convince him the statement is true.

Mr. HULL. What is the charge—that a large number of men of the Regular Army are accommodated at the Home?

Mr. BLUE. Yes, sir; soldiers from Fort Riley and other places who are undergoing the Keeley treatment for the profit of Smith and his confederates. Where does this \$20 go? It goes into the Keeley fund. Who has ever made any investigation as to how that Keeley fund is spent? Nobody but the men who are concerned in it. Does not General Franklin know, does not the gentleman from Indiana [Mr. STEELE] know, that this infamous Keeley cure is practiced in practically every Soldiers' Home? Do they not know that at practically every Home there is a beer saloon making profit for the man in charge of the post? Does not the gentleman from Indiana know that the Board has assigned civil officers as guards about the Home in his own State? Does he not know that in violation of the contract this Board provided for the leasing or purchasing of additional ground in order to obtain natural gas? My understanding is that under the contract citizens were to furnish that gas; but it seems that for some reason or other they did not furnish a sufficient quantity, and an additional plat of ground was purchased to be paid for by the Government.

Does not the gentleman know all these things? If he does not, then it is time that he should be looking up this matter. Does he not know that the report of the Inspector-General shows that the persons in control of this Home have forced balances in their accounts? Does he not know that the report of the Inspector-General shows—I am not speaking now upon the authority of any affidavit—that some of the funds belonging to this corporation, the Soldiers' Home, are kept in banks which are not public depositories?

If the gentleman does not know these things which I have stated, I call his attention to them and to the further fact that during one year of the management of this institution, with this man at the head, about a quarter of a million dollars' worth of the public property belonging to the Home was condemned or destroyed. Members of this Board came before the Committee on Appropriations and asked of the Government that they be permitted to buy supplies in an aggregate quantity for a considerable time ahead for the use of the Home, pretending that this was the better policy. I have had occasion to look into this matter, and I find that such is not the practice of the Army. Has somebody got a job in reserve to profit by such an arrangement? The practice of the Army, as I understand, is to buy the supplies as near the post as they can be bought expeditiously and cheaply. Why do they want to buy all the supplies of one particular kind at one place? I call the gentleman's attention to that. Is any of the Board of Managers or his friends interested in a contract of that kind?

I call the gentleman's attention also to the fact that this Board

of Managers took a trip to the Santa Monica Home—a portion of them at least did—at an expense of \$6,000, the ostensible purpose being to look into the business of the Home at that place. They took, it seems, a palace car with a buffet or dining car. I do not know how many ladies formed a part of the party, but the railroad company required that at least 15 tickets be purchased. And when these men got through with their business at Santa Monica they discovered that the nearest way back was by San Francisco and Portland, Oreg.! I have here and shall take occasion to present some items of some of the expenditures of these luxuriant gentlemen. They came around back in that way, the trip costing \$6,000 and upward. One hundred and fifty-seven dollars was for servant hire. I am told that in some of their bills are charges for gratuities for servants; in others, charges for neckties! My colleague alongside of me says that the statement also contains a laundry bill or two. I believe also there are charges for cleaning clothes.

Now, Mr. Speaker, in conclusion, I say that this private corporation, holding property which rightfully belongs to the Government—a private corporation which costs the Government about \$2,500,000 a year—stands above the Government. It has resisted, I understand, every effort of the Congress of the United States to control it. I myself have been assured by a member of this Board of Managers, who is also a United States Senator, that I could not defeat this man Franklin; that the Senate would see to it that he was not defeated; and that statement was made in the presence of my colleague from Missouri.

I understand that behind this octopus whose tentacles reach to every part of this Government, every sycophant, every understrapper, is called upon to stand by this man Franklin for fear of losing his place. I have been informed, and I believe that even the good governor of the Home at Dayton, Ohio, the State represented in part by my friend on the right here [Mr. GROSVENOR], has been known to have telegraphed here to friends to see to it that General Franklin was not defeated.

I say to you, and I say here in the face of the country, that General Franklin in this matter is either grossly negligent, grossly incompetent, or he is not honest. And I say further to you that the Soldiers' Homes have no better friend than I am. I believe in the great charity, and I do not propose, when the time comes for you to answer here, to be charged with being an enemy of the Homes. I am friendly to them, and as a member of the Committee on Appropriations I did not object to a single item that went into their bill. I am here to vote the last dollar necessary for the proper support of the soldiers of this great nation, but I am here to say to the friends of Mr. Franklin and to the friends of that graduate of the Keeley institute at Leavenworth who is his tool that as long as I stand in my place on the floor of this House I propose to defend my old comrades against the brutality and cruelty of this wretched and contemptible man. [Applause.]

I want to reserve the balance of my time. I ask now to make a part of my remarks this statement of the expenditures of this luxurious octopus in its travels to the West, and also this index to the report of the Inspector-General of the Army.

The table of expenditures is as follows:

TABLE L.—Statement of expenditures for outdoor relief and incidental expenses of the National Home for Disabled Volunteer Soldiers, year ended June 30, 1893.

Detailed object of expenditure.	Amount.	Total.
Traveling expenses, attending meetings and official visits to Central, Northwestern, Eastern, Southern, Western, Pacific, and Marion Branches, viz:		
Board of Managers, viz:		
Railroad tickets, berths, and seats.....	\$2,835.86	
Special car service.....	1,600.00	
Board and meals en route.....	1,472.42	
Porterage and baggage.....	161.65	
Servants.....	157.95	
Carriages.....	77.55	
Telegrams.....	24.46	
Orderlies and messengers.....	15.00	
Parlor for session of the Board.....	10.00	
Switching special car.....	3.50	
Stationery and postage.....	6.05	
Expressage.....	5.95	
Car fare.....	1.87	
	\$6,372.26	
Gen. W. B. Franklin, viz:		
Railroad tickets, berths, and seats.....	56.10	
Board and meals en route.....	33.75	
Carriages.....	10.80	
Porterage and baggage.....	4.15	
Servants.....	2.50	
Telegrams.....	1.04	
Car fare.....	.15	
	108.49	
Gen. W. B. Sewell, viz:		
Railroad tickets and meals.....	105.00	
Official visits to Southern Branch.....	50.00	
Clerical service.....	400.00	
Postage.....	26.00	
	581.00	

TABLE L.—Statement of expenditures for outdoor relief, etc.—Continued.

Detailed object of expenditure.	Amount.	Total.
Traveling expenses, etc.—Continued:		
Gen. J. C. Black, viz:		
Railroad tickets, berths, and seats.....	\$38.00	
Railroad tickets, berths, seats, meals en route, carriages, and porterage.....	68.00	
Board.....	12.50	
Porterage.....	5.00	
Clerical service.....	20.30	
Sundry expenses.....	15.00	
Medical examinations and outdoor relief.....	2.50	
	\$161.30	
Gen. M. T. McMahon, viz:		
Railroad tickets, berths, and seats.....	110.50	
Board.....	41.00	
Parlor car and meals en route.....	2.75	
Carriages and baggage.....	14.00	
	168.25	
Col. J. L. Mitchell, viz:		
Railroad tickets, berths, and seats.....	66.00	
Railroad tickets and meals.....	10.50	
Postage.....	24.08	
Meals en route.....	2.00	
	102.58	
Maj. E. N. Morrill, viz:		
Railroad tickets, berths, and seats.....	249.50	
Board and meals en route.....	89.00	
Postage.....	54.40	
Clerical service.....	510.00	
Telegrams.....	4.00	
Expressage.....	.65	
Transfers.....	.50	
	908.05	
Gen. A. L. Pearson, viz:		
Railroad tickets, berths, and seats.....	81.00	
Board and meals en route.....	49.15	
Clerical service.....	23.00	
Postage.....	7.50	
Carriages.....	3.25	
Car fares.....	1.50	
Porterage.....	.50	
Outdoor relief.....	12.00	
Expressage.....	.40	
	178.30	
Gen. James Barnett, viz:		
Railroad tickets, berths, and seats.....	72.50	
Board and meals en route.....	66.23	
Postage.....	17.05	
Telegrams.....	4.17	
Official visits to Central Branch.....	5.75	
Outdoor relief.....	1.15	
	166.85	
Maj. G. H. Bonebrake, viz:		
Railroad tickets, berths, and seats.....	250.00	
Board and meals en route.....	50.00	
Telegrams.....	5.00	
	305.00	
Gen. Francis Fessenden, viz:		
Outdoor relief.....	19.50	
Postage.....	7.00	
	26.50	
Col. G. W. Steele, viz:		
Railroad tickets, berths, and seats.....	168.15	
Board and meals en route.....	59.90	
Carriages and baggage.....	4.75	
Porterage.....	3.75	
	236.15	
Maj. A. W. Barrett, viz:		
Railroad tickets, berths, and seats.....	486.80	
Board and meals en route.....	200.00	
Clerical service.....	350.00	
Official visits to Pacific Branch.....	39.00	
Carriages.....	20.00	
Porterage.....	10.00	
Outdoor relief, telegrams, and postage.....	25.25	
	1,131.05	
President's office, viz:		\$10,445.78
Acting treasurer.....	4,000.00	
Assistant inspector-general.....	2,500.00	
Consulting engineer (temporary).....	750.00	
Clerical service, one at \$1,500, two at \$1,000 each, and one at \$800.....	4,300.00	
Messenger.....	141.70	
Rent and light.....	432.00	
Medical examinations.....	26.00	
Typewriting machines, file boxes, and repairs.....	87.05	
Stationery and postage.....	529.54	
	12,766.29	
Secretary's office, viz:		
Secretary.....	2,000.00	
Rent.....	300.00	
Messenger.....	52.00	
Postage.....	8.00	
Telegrams.....	.34	
Expressage.....	1.35	
	2,361.69	
Inspector-general's office, viz:		
Inspector-general.....	3,000.00	
Traveling and other actual expenses.....	1,347.19	
	4,347.19	
Outdoor relief		1,440.35
Boston agency, viz:		
Agent.....	600.00	
Stationery, etc.....	43.91	
	703.91	

TABLE L.—Statement of expenditures for outdoor relief, etc.—Continued.

Detailed object of expenditure.	Amount.	Total.
Chicago agency, viz:		
Agent.....	\$570.00	
Rent.....	145.00	
Typewriting machines.....	142.00	
Stationery, etc.....	247.65	\$1,104.65
New York agency, viz:		
Agent.....	600.00	
Rent.....	176.00	
Stationery, postage, etc.....	113.18	889.18
Washington agency, viz:		
Agent.....	600.00	
Messenger.....	119.60	
Transfer of insane, stationery, etc.....	206.19	925.79
Total.....		\$4,984.83

Mr. BLUE. I hope that each member will get document No. 288 from the document room. I will ask the Clerk to read the index to it, so that you may understand it and that it may go into the RECORD. I should like to have unanimous consent to extend my remarks in the RECORD.

Mr. GROSVENOR. I hope the gentleman will make his remarks in the House, because they are rather pointed remarks, and we ought to have the opportunity to hear them.

Mr. BLUE. I will make these charges directly, so that you gentlemen may not be deceived. I wish to have this index read as a part of my remarks.

The Clerk read as follows:

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Regulations of the Treasury as to redeposit of unexpended balances not complied with.....	3
Vouchers relating to "Post Fund" not made in duplicate and not fully presented for inspection, six months absent.....	3
President of Board of Managers custodian of certain funds; balances not deposited with a designated depository.....	3
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Shop accounts, balances forced.....	54, 5
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Makeshifts to secure more comfortable sleeping necessary.....	7
System in purchasing supplies not uniform or under central management.....	7
Business methods cumbersome.....	8
Public property not marked.....	8
Surgeon at Eastern Branch not qualified under the law, to avoid which he is carried on the rolls as assistant surgeon.....	16
"Post fund" paid for men hired by the civil authorities for patrol duty in carrying out the civil law and for lawyers' fees.....	20
Extravagant prices paid for flags.....	20
Stock in knitting shop not accounted for.....	22
Clothing accountability.....	46, 33, 22
Law requires citizens of county shall furnish Marion Branch with gas free, yet Board of Managers paid rent for 132 acres gas land.....	25, 27
Transfer of public funds to private banks.....	4, 31
Buildings insured in Hartford company.....	32
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Pass privileges suspended after pay and pension days.....	36
Farm occupied by citizen without rent and no use made of will.....	36, 7
Brewing association donated fountain to Western Branch and built ice house.....	38
Governor of Western Branch custodian of Keeley fund.....	39
Land leased without authority of law.....	49
Permanent improvements charged to "post fund" and thus escapes scrutiny of Treasury Department.....	50
Effects of deceased members not turned over to treasurer.....	53
Depot payments, irregular methods.....	54
Clothing, large balances on hand.....	54

Mr. CURTIS of New York. Mr. Speaker, I trust the House will take the question before it under careful deliberation and decide according to its merits.

We have had an arraignment of the Soldiers' Homes by a Representative from the State of Kansas [Mr. BLUE], within the limits of which State one of these Homes is located. He arraigned the governor of the Leavenworth Home and indirectly the president of the Board of Managers, which consists of eleven persons elected by Congress in open session. In the enactment of the bill establishing these Homes it was provided that the Board of Managers should be selected with the dignity and consideration given to the election of the President of the United States when that question comes before the House for determination, and it becomes us to carefully consider every accusation made against those who are responsible for the management of these Homes, as it would if the conduct of the President of the United States himself were under consideration for official misconduct.

I come to the support of this question as that member of the majority of the Military Committee who resides nearest to New England. From that section Congress has, from the establishment of these Homes, selected two members. The State of Maine has had a representative in the person of General Fessenden, who

has declined to serve longer, and the Military Committee have named another citizen of that State to take his place.

Gen. William B. Franklin, who has served a long time upon this Board, has been renominated by the Military Committee, acting, as I believe, in accord with the sentiments of the people of New England and all persons acquainted with his efficient services.

General Franklin has been attacked indirectly by charges which have been made by the gentleman from Kansas [Mr. BLUE] respecting the conduct of the governor of the Home at Leavenworth. These charges are old. They have been investigated, and I regret that the report of the officer making the investigation has not been published and laid upon the desks of members. I have the report of the investigation on my desk.

The arraignment made by the gentleman from Kansas [Mr. BLUE] is worthy of little consideration both as to the matter and the method of its procurement, which was ex parte and is entirely irrelevant to the question before the House.

Mr. STEELE. May I ask you right there if Colonel Cooke, the member of the Board from Kansas, was not present when that investigation was had?

Mr. CURTIS of New York. I will endeavor to answer that as I proceed. I trust that I may be allowed to proceed without interruption. I intend to answer, as well as I may, the charges of the distinguished gentleman from Kansas [Mr. BLUE], and to put forth some general facts which have not been alluded to by him.

The numerous affidavits which the gentleman from Kansas has read to establish a case against the governor of the Leavenworth Home, as was suggested by the inquiry of the gentleman from Ohio [Mr. GROSVENOR], are ex parte, obtained without notice to any member of the Board, and do not bear that stamp of regularity required in courts of justice as do those which I propose to bring to the attention of the House.

This question comes before the House on the report of the Committee on Military Affairs to fill the vacancies in the Board of Managers of the Soldiers' Homes. My friend from Kansas moves to amend that report by striking out the name of the gentleman first named in it, Gen. William B. Franklin, and substituting that of Gen. Oliver O. Howard. The Military Committee have in their report selected a representative from the State of Maine, which is the home of General Howard, and it would be an innovation to select two from the same State.

Mr. BLUE. Will you permit me to correct you? You are mistaken. General Howard lives in Vermont, as the gentleman from Vermont will tell you.

Mr. HULL. That is true. General Howard lives at Burlington, Vt.

Mr. CURTIS of New York. That is a fact I did not know.

Mr. DINGLEY. If the gentleman will permit me, I will state that General Howard is a native of Maine, but his present residence is Vermont.

Mr. CURTIS of New York. I accept the statement of the gentleman from Iowa [Mr. HULL], and that of the gentleman from Maine [Mr. DINGLEY]. General Howard is an officer of the United States Army on the retired list; and it has not been the custom of Congress to put officers on the retired list upon this Board, and I doubt very much if it would be regarded as judicious to do so now.

Mr. BLUE. Will the gentleman allow me to interrupt him?

Mr. CURTIS of New York. No; I must decline. You have had two hours, and after I have spoken half that time I will endeavor to answer any question you may desire to ask.

As to General Howard, I have nothing but praise to utter. The question is whether General Franklin should be reelected to the position he has so long and ably occupied. It is charged that he constitutes the Board; that its soul, as we are to understand from our friend [Mr. BLUE], rests within the breast of General Franklin. If this be so, it is because the other members of the Board have such confidence in his ability that they trust him to a greater extent than they would if he were less competent. That he is a man of superior ability and character, and that they may trust him, goes without question wherever General Franklin is known.

The difficulty at Leavenworth arises upon charges of an ex-surgeon of the Home, by the name of Weaver. Let us consider official evidence, and not that which is mere hearsay. Dr. Weaver's communication containing charges was addressed to General Black, a member of the Board, and other communications of like character were addressed to Governor Glick, the United States pension agent of Kansas. General Averill, the inspector of the Homes, was ordered to go there and make an investigation of the complaints. Colonel Cooke, of Kansas, the member of the Board of Managers, has supervision of that Home in all matters of general policy and supervises the conduct of the governor. When Colonel Cooke and General Averill began the investigation, they invited the members of the body known as the "Keeley contingent" or "Legion" to come into their presence and state if either of them had ever been forced to take the Keeley cure, or if either

of them knew of any other member of the Home who had been forced to take it; and no one replied.

They were then informed that they could come privately to Colonel Cooke or to General Averill, as they saw fit, and make a statement, if they had the slightest fear that their testimony would cause them to suffer, and none came. Dr. Weaver was summoned and given an opportunity to establish his accusations, made on personal knowledge and by hearsay. Every person he referred to was summoned and examined. The people of Leavenworth came and repudiated the various charges. From the hurried examination I have been able to give to the testimony, none of the charges made by Dr. Weaver were sustained. I will now read the testimony of ex-Senator Alexander Caldwell and other prominent citizens of Leavenworth:

AT THE NATIONAL HOTEL,
Leavenworth, Kans., October 11, 1894.

At the National Hotel, city of Leavenworth, a body of the leading citizens called upon the assistant inspector general in the afternoon, and Mr. Alexander Caldwell, speaking for them, said in reply to inquiries:

Q. How long have you resided here, Mr. Caldwell?

A. Since 1861.

Q. What is your business or occupation?

A. My own business is manufacturing and farming.

Q. Are you well acquainted with the citizens of this town?

A. Yes, sir; I am very well acquainted with them.

Q. Will you please state the object of your visit here?

A. The object of our visit here is to answer such inquiries as you might choose to make of the citizens of Leavenworth in regard to this investigation, to give our testimony, if you want it, in regard to the Home and in regard to Governor Smith, knowing that he is under investigation, and submit this paper, which I hand you. That paper is signed by fifty of the representative men of the town. The mayor is present, and the chairman of the board of county commissioners, and the remainder of the gentlemen are representative men, and the men in the other room are alike representative men.

[Paper submitted, addressed to the Board of Managers of the National Home, and marked "Exhibit M."] Q. Mr. Caldwell, have you had an opportunity to observe the character of the management of the Western Branch of the National Home since its establishment here?

A. I have been at the Home frequently and have seen Governor Smith frequently. I have therefore taken a great interest in the welfare of the Home, and while I am not familiar with all the details of the management, and could not be expected to be unless I was on the inside and had had access to the books and accounts, yet I think I know something of the general management of the Home and of the conduct of Governor Smith in connection with the Home.

Q. Will you please state the result of your observations since the establishment of the Home regarding the conduct of the members who have visited the city?

A. I will say this, that immediately after, and for a good while after, the establishment of the Home it had been to some extent an association of drunkards. It was a rare thing that we could drive as far south as the Soldiers' Home and back without meeting from one to a dozen drunken members of the Home along the public road who were offensive, and some times very abusive, but since the introduction of the Keeley Institute, and for the last year or more, we have not seen anything of that kind; there has been a great reformation in that respect. Yesterday I drove to the penitentiary, and while I passed a dozen of old soldiers, and a good many dozen of them, I did not see one that was intoxicated or that I thought had been drinking, so that now it is possible for the people of Leavenworth to go in that direction without being offended by drunken soldiers, and for that the people of Leavenworth feel very kindly toward Governor Smith. They know that this reformation has been entirely due to his ability and to his courage, and for that they are very grateful to him. They think that he has not only benefited the Home and the old soldiers, but also the city of Leavenworth, for which every man, woman, and child in the town feels thankful. He has been enthusiastic and persistent in that work, and I think he has accomplished more than any other man could have accomplished, because he was peculiarly well fitted to accomplish a work of that kind.

Q. Are you acquainted with Governor Smith personally?

A. Yes, sir; I have known Governor Smith from the first day he arrived here to take charge of the establishment of the Home. I was one of a committee of four—General Smith, General Colbur, and George T. Anthony. Our committee arranged for the securing of the grounds for the Soldiers' Home and carrying out all the details of the matter, and I was necessarily familiar with the board at that time, and saw a great deal of Governor Smith.

Q. And your interest in the Home has been naturally more lively than that of any citizen who was not so early engaged in its establishment as you were?

A. Yes, sir; for this reason, that the city donated \$50,000 in cash, or agreed to, and also purchased and got 600 acres of ground equal to the purpose for which it was desired. We, the members of the committee, took the responsibility upon ourselves personally to accomplish that, and then by personal solicitation on the streets we raised the money necessary to accomplish that. In doing that we had the promise that the Home would be an advantage to our city, besides being a proper institution to establish of the Soldiers' Home, and I was necessarily exceedingly anxious that in all respects the Home should be a success, that the people of Leavenworth might not regret what they had done, so I have taken a deep interest in the Home, and I am a friend of the Home.

Q. Have your observations of the management of the Home, or of the governor of it, disclosed anything that would be obnoxious to the sentiment of the good citizens of Leavenworth since May, 1893?

A. I have not seen anything of the conduct of the governor that would be obnoxious, but, on the contrary, everything that is commendable.

Q. Do you believe that you represent the sentiments of these fifty gentlemen in making it that general?

A. I feel quite sure I do. I don't know that I put it strong enough. I could not feel more intensely on the subject than I do.

Q. Mr. Caldwell, you and all the gentlemen for whom you are speaking are undoubtedly aware that certain charges have been made regarding the management of the Home and implicating its governor. I ask you to state freely and frankly if you know of any incidents or facts that would implicate the governor in any misconduct since May, 1893?

A. I do not, General. If I did, I would frankly state it to you. I do not know of a thing.

Q. Do you know of any gentleman among those you represent who would be likely to know anything that would be obnoxious to the rules and regulations governing the Home?

A. No, sir; I do not have in mind any gentleman who knows of any charge such as you refer to at all; I do not.

Q. How long have you been aware of the fact that an investigation was to take place?

A. I learned of this investigation about ten days ago.

Q. Can you state, or is it within your knowledge, what is the source of these charges indicated?

A. I do not know of anybody in the city that would make charges of that kind, and am forced to the conclusion that they must emanate from officers or somebody connected with the Home. I have heard on the street that Major Shockley and Dr. Weaver were interested in pushing these charges, but I do not know that this a fact, but I believe so.

Mr. Samuel Dodsworth, mayor, city of Leavenworth, in reply to inquiries said:

Q. Mr. Dodsworth, how long have you resided in this city?

A. Since 1858.

Q. And you know the sentiments of its citizens upon almost all subjects?

A. Yes, sir; partly.

Q. All public matters?

A. Yes, sir.

Q. Are you acquainted with Governor Smith?

A. Yes, sir.

Q. How long have you known him?

A. Since his assignment to the Home.

Q. Have you been cognizant as to the character of his management and the reforms he has undertaken to introduce and carry out?

A. Yes, sir; as far as anyone not connected with the Home could be.

Q. How have they affected the town?

A. In what respect, General?

Q. In respect to its temperance and intemperance, and general moral aspects on the streets?

A. In my judgment, the management of Governor Smith in that respect has been such as to be highly commended by this entire community in relation to his management in endeavoring to reform men who needed reform.

Q. What has been its effect upon the saloons in the city?

A. My own personal judgment is that it has been beneficial. I would state, to my notion, our saloon men, or men who are engaged in the liquor business, are men who are looked upon well in society and business circles, and are men who would not encourage men to drink to excess. My knowledge has been of the liquor traffic, concerning a majority of the men that are engaged in the business, are men who are good citizens, are men who, to my present belief, would assist a movement of that kind, instead of encouraging it the other way.

Q. Do you think the saloon keepers in the city—the respectable ones—desire the class of customers which the Home provided when the men were unrestrained?

A. I think not; no, sir. I do not think they desired that class of trade.

Mr. F. G. Markart, in reply to inquiries, said:

Q. How long have you resided here?

A. Fifteen years.

Q. Do you occupy any official position?

A. I do not now. I was police commissioner about two years ago for a year and a half. I have been post commander of Custer Post here for a number of years, and have been well acquainted with the status of the behavior and sobriety of the men, and at the same time have been doing quite an amount of business with the Home, going back and forth for five or six years, and I find a most wonderful improvement, since the Keeley cure started, in the status of the men. During my term as police commissioner I have had to go up there time and again, two or three times a week, to the city jail and turn out from there from five to fifteen members who had been put in there during the night, which I believe is almost entirely done away with now. I am personally acquainted with a number of members of the Home, those who have taken the Keeley cure. I have found some of those that were worthless and every time that they could get out of the Home would get in jail have now turned out to be good workmen.

Q. Do you know of anything, or is there anything within your knowledge, which would sustain a charge of mismanagement of the Home or misconduct of the governor?

A. Not a thing.

Mr. J. W. Crancer said:

I have been here thirty-six years in the hardware business, on the corner of Third and Delaware streets for the last ten years. I was there before there was any Home. Before there was any Keeley institute at the Home we had great opportunity of observing the old soldiers coming from the Home on the cars as they got off at our corner and got on to go back to the Home. The dummy line at that time was the only conveyance to the Home—steam dummy. In those days the old soldiers would come in, and there was not scarcely any day or any part of the day that we would not see from one to half a dozen old soldiers, some drunk, and some so drunk that they rolled in the gutters. That was a daily occurrence. Since the Keeley institute went into operation at the Home we have seen but very little of that kind of drunkenness; in fact, it is a rare case now to see one that is intoxicated, and it has been quite a relief to the people around in that vicinity, and now we are glad to see the old veteran, whereas before, we were disgusted at the sight of him on account of their conduct.

Q. Is it within your knowledge or observation that there has been any mismanagement of the Home, or misconduct of the governor, since May, 1893?

A. I know nothing of any misconduct on the part of the governor, nor have I heard from any respectable source that there was any complaint with his management whatever.

Q. Do you know of any person who professes to have knowledge of any mismanagement or misconduct?

A. If I do they have never repeated it to me.

Q. Have you heard any public rumors of charges against the governor of the Home?

A. I have heard rumors that there were charges. I have not only heard that there were charges against the governor, but, on the other hand, I have heard that the governor had preferred charges against others; so I don't know.

Q. Do you know anything of the source of any charges against the Governor?

A. I do not know; but, to the best of my belief, they come from some of the officers in the Home, and also assisted by another party or parties on the outside.

Q. Can you state the grounds for your belief?

A. The grounds for my belief are for the simple reason that there has been an investigation heretofore, and the surgeon, Dr. Weaver, lost his place as a result, and there are some of the officers—Major Shockley I have heard is one—who are assisted by parties on the outside. That is my belief.

Mr. John Hannon said:

I have resided in Leavenworth seven years. At present I am engaged in the real estate business.

Q. Do you occupy any official position?

A. Yes, sir.

Q. What is that?

A. I am a member of the board of county commissioners. I am its chairman.

Q. Are you acquainted with Governor Andrew J. Smith, of the Home?

A. Yes, sir.

Q. During the last year and a half, what have you noted with regard to his administration, or with regard to his character, manner, and language?

A. Since my first acquaintance with him I have had some official and personal business with him, and my observations of his conduct are that he has always shown himself as a gentleman and his conduct both at the Home and in the city has been exceptionally good. I have been at the Home, as I have stated, on official business quite frequently by reason of the position I hold as Commissioner—I am also commissioner for the poor—and in that capacity I have had a good deal of dealing with the governor.

Q. What have you noted in regard to the management of the Home?

A. I think it has been exceptionally good. I have been at Milwaukee and I have had some observations from there, and I do not think the management of the Leavenworth Home could be improved upon.

Q. What is your age?

A. 64.

Q. You have heard what these other gentlemen have said with regard to the improvement in the conduct of the members of the Home as to their temperance and intemperance; does your observation coincide with theirs?

A. Yes, sir; I think I am, perhaps, more familiar with the majority of the members of the Home who visited the city prior to the institution of the Keeley League, and subsequently, than any other citizen in the county. When an old soldier has no place to go to and is eligible to the Home, coming from all parts of the country for admission without proper papers and without any money, and at all seasons of the year, everybody directs them to the commissioner for the poor. I have never appealed to Governor Smith for the admission of such persons, when at times he was crowded and not permitted to take anybody in, but what my appeal was always acceded to. I have taken men from the city down there in my own conveyance, soldiers that have come here for admission to the Home without proper papers, and in no instance has the governor refused to provide for them either at the Home or in the city. There are quite a number of soldiers that have families that come to the Home, and acquire them after they come here—that is, quite frequently. Some of those people living with their families in the city, of course, are sometimes in considerable distress through shortness of means, as frequently they died in the city, and in no instance, on my application, has the governor refused to furnish them a burial, and in many instances has cared for the family as much as he could. Now, prior to the institution of the Keeley League there a good many soldiers were deterred from getting back to the Home, and of course that was of frequent occurrence; and having somewhat to do with the public highway to the Home, I have often had my attention called to the drunkenness and disorderly conduct of the members of the Home along the public road. They were lying along side the road in ones, twos, and by the dozens from here to the Home. Now, since the institution of the Keeley League, a drunken man between here and the Home is a rare thing, or in the city.

Q. Have you seen anything during the last year and a half in the conduct of the governor of the Home that would sustain the charge of mismanagement or misconduct on the part of the governor?

A. There could be no foundation for such a charge from my observations, and I think I see the governor here and at the Home two or three or four times a week.

Q. Do your duties as commissioner of poor lead you to frequent interviews with him?

A. Yes, sir.

Q. You have heard something of charges being preferred against the governor?

A. Yes, sir; a member of the Home came to me first, about a year ago last July, whose name I do not now recollect, and stated that he was a captain of a company down there and wanted me to sign and forward some charges against the governor. He stated he was a cousin of Congressman Carruth of Kentucky, and that they would be in position now—that Mr. Carruth would take up the charges, and that they would be forwarded through him.

Q. Through Mr. Carruth?

A. Yes, sir; and he said if I would go to the office of Dr. Weaver I could learn more about the charges. I said to the member that I did not agree with him in anything he had said about the governor, as I was frequently at the Home and the statements that he had made I knew to be entirely false; and I said to him that I had supposed that they were satisfied in the last investigation they had made, and that these charges ought not now to be carried any further. He replied to that by saying that it was a Democratic Congress now, and that there was going to be a Democratic management, and that they were going to have him out.

Q. What was the date that this man presented these charges to you?

A. I think it was about the middle of July, 1893. Of this occurrence I have never spoken to anybody before.

Q. Did you go to see Dr. Weaver, as he asked?

A. No, sir; I have never been in Dr. Weaver's office that I know of. I want to say this, that I am personally acquainted with a great many members of the Home and that I have never heard one, whose conduct was good and who was a sober man, but what spoke in the highest commendation of the governor; in fact, I had a little knockdown in my office one day between two of the members of the Home. One spoke disparagingly of the governor in regard to his treatment of the old soldiers, and the other member said, "You are a villainous old liar, and I will hear no man talk about the governor in that way; he is as good a man as ever lived," and then they went at it.

Mr. Henry Ettenson, in reply to inquiries, said:

Q. How long have you resided in Leavenworth?

A. Since 1868—twenty-six years.

Q. What is your business?

A. General merchandise department store.

Q. Are you acquainted with Governor Smith?

A. I am, sir.

Q. You have heard something of charges being preferred against him?

A. Yes, sir.

Q. Please state what you know with regard to these charges.

A. Well, I have been away from home for six weeks. On my return home I was quite busy, and I was walking down the street from my business and Mr. Carl Hoffman met me and said to me, "Have you heard about the charges that have been preferred against Governor Smith?" and I was greatly astonished at his remarks, and I told him I did not see what charges they could prefer against Governor Smith, as I did not think they could find a better man to manage the Home anywhere, which I have heard a good many Eastern people speak of in different ways. Sometimes people from the East come out here and I take them out to the Home every six months, when they come from time to time, and they can see the improvement it has made, and especially so in the last year. When I heard they were going to have an investigation I said to Mr. Hoffman: "Wouldn't it be a good idea to get up a petition to the Board and ask them not to believe in those charges, and investigation and ask the business people of the city?" I signed the petition, and

after I signed the petition Dr. Weaver called and he said to me: "Mr. Ettenson, I have heard that you have signed a petition to the Board in favor of Governor Smith." I told him I did, and that I did not think there was anything wrong about it, and that I did not think we could find a better man than Governor Smith, and that every citizen in Leavenworth was well satisfied with Governor Smith. Then another gentleman approached me and said, "Don't you know that Major Shockley is purchasing agent out there?" and I said to him, "What of it—what if he is? It don't make any difference to me." I was busy and didn't have any further conversation with the gentleman. Now I will tell you my experience in regard to the Home since the Keeley institute started there, and before. Before the Keeley institute was there it was very seldom that we ever did any business with the old veterans, because they had no money; but since the Keeley institute has been out there we find that the trade from those veterans has increased considerably. They come in and buy dry goods for their friends, wives, and children, and some have been coming in and buying suits of clothes. Why the trade has increased wonderfully since that Keeley institute has started up out there.

Q. Referring again to your conversation with Dr. Weaver, was that all he said to you?

A. That is all, because I had no time to stand and talk with him. I was just going to purchase a stock of goods; it was on Saturday, about 5 minutes before 10 o'clock, and the sale commenced at 10 o'clock, and I rushed away. He was astonished that I should take a hand in this business. He did not want me to come up here in behalf of Governor Smith.

Q. When did he say that to you?

A. On Saturday morning, a little before 10 o'clock.

Q. Whereabouts?

A. On the corner of Fourth and Delaware.

Q. How did he know that you were coming here?

A. Because we circulated a petition Friday.

Mr. Harvey D. Rush said:

I have lived in Leavenworth nearly thirty-eight years; I am 66 years old, and I have been in business continuously during the time I have lived here.

Q. Are you acquainted with Governor Smith?

A. Very well, indeed.

Q. How long have you known him?

A. Since the Home was established here.

Q. Have you visited the Home frequently?

A. Yes, sir.

Q. Have your relations been intimate with the governor?

A. Not especially so; though I have visited his house a few times.

Q. Have you had a good opportunity to observe the management of the Home, the discipline of its members, and the conduct of the governor?

A. I think I have; yes, sir.

Q. Have you noticed anything in the management of the Home which would suggest mismanagement to your mind?

A. I have not.

Q. Have you seen anything in the conduct of the governor during the last year and a half that you could criticize?

A. Not a thing.

Q. Will you please state what have been your general or particular observations of him with regard to his management as governor and with regard to his conduct?

A. Since the establishment of the Keeley cure at the Home by Governor Smith the conduct of the members has been good. They come to town and go away sober, as a rule; previous to that, when they visited our town it was the exception when they went home sober. I will say in reference to the conduct of the governor, that I have seen nothing out of the way whatever during the last several years, since he took the Keeley cure himself. In fact, he is certainly a large-hearted man, and I have heard, I think I am safe to say, fully a hundred men, members of the Home, express themselves decidedly in his favor and as being well satisfied with his treatment of them.

Q. Are you in position to know the public sentiment of this town on any important topic?

A. I believe that I am.

Q. Do you know of any public sentiment here that is antagonistic to the management of the Home and to its governor?

A. Well, I think, without a single exception, I have not heard the governor spoken of derogatorily in the last three or four or five years, except by one gentleman called Dr. Weaver. I think there is a universal sentiment in favor of Governor Smith. It is not because he treats with this man, that man, or the other; it is because the people actually love Governor Smith. They think he is a big-hearted man, and the man for the position. It was only recently that I heard of these charges, and I was greatly surprised.

Mr. W. N. Todd said:

I have resided here since 1857; am 43 years old; have known the governor ever since he has been located here, and am familiar with the management of the Home, and only within the past few days heard of any charges being preferred. As regards the conduct of the members of the Home, I think I am in a position to speak knowingly and satisfactorily. I live on the main road leading from the city to the Home, and prior to the establishment of the Keeley cure my family were frequently annoyed by intoxicated members of the Home stopping at my house, ringing the doorbell, knocking at the door, and otherwise annoying the members of my family; have frequently had them come into my yard, take a bottle of whisky from their pockets and drink the contents, two or three of them at a time. My family have a sewing room looking out on the yard, and my little children would often tell me of old soldiers being in there drinking whisky, and would frequently show me bottles that they had thrown away in the yard. Learning of these charges, and that they had some relation to the Keeley cure, I took occasion to ask my folks if in the last year or year and a half they had been annoyed in this same manner, and they assured me that they had not—had not, either by the ringing of the door bell or annoyance in any manner whatever, and that they passed by in a sober and in a decent manner.

Q. According to your observations, has the experience of all the citizens been similar to yours?

A. It has, wherever I have had occasion to speak of it; the experience of one is the same as that of another. I would like to say in this connection that at my place of business we were frequently annoyed by two or three drunken soldiers coming in and begging for this thing and that thing.

Q. Have you been annoyed in that way during the last year and a half?

A. Not in a single instance. I think that the establishment of the Keeley cure has been one of the most beneficial results that was ever undertaken, and it has brought up the morals of the men, as well as satisfied the community, the citizens of Leavenworth, and whereas the old soldiers were once a nuisance and a burden, they are now a source of pleasure to the people, and I believe it all comes from the Keeley cure, every bit of it.

Q. Are you in a position to know the general sentiment of this community with regard to the management of the Home and the conduct of the governor during the last year and a half?

A. Yes, sir; I am.

Q. What is that sentiment?

A. The sentiment is universally in favor of the governor, both as to his

social and business relations, and the management of the Home is commended by all citizens, irrespective of class.

Q. Can you account for anything within your own knowledge why charges have been made against the governor which have led to this investigation?

A. I believe it is pure jealousy.

Mr. James A. McGonigle said: I have resided here since May, 1857; my age is 60.

Q. What is your occupation?

A. Contractor and builder.

Q. What important work have you done in buildings during the last ten years?

A. I built the Kansas City Union Depot, Atchison Union Depot, Buffalo Union Depot, Denver Union Depot, Burlington depot over in Iowa, general office building of the Santa Fe Railroad, Montezuma Hotel at the Las Vegas Hot Springs, N. Mex., and also a portion of the statehouse of Kansas, and a number of insane asylums in Kansas and Nebraska, a college building in Omaha, and Machinery Hall and other buildings at the World's Fair, and most of the buildings at the Soldiers' Home.

Q. Are you well acquainted in this city?

A. Yes, sir.

Q. Know the sentiment of its people?

A. I believe I do.

Q. Are you acquainted with Governor Smith?

A. I am.

Q. How long have you known him?

A. Since the commencement of the construction of the Home.

Q. Since May, 1893, have you had good opportunities for observing the management of the Home, the appearance of its members; have you noted their comfort or discomfort, their discipline, their behavior as to temperance or intemperance, and the conduct of the Governor?

A. Well, I think the management of the Home on the part of the Governor is good; as far as I can see the discipline of the men is satisfactory, and I am satisfied, from my knowledge of the past and what I have seen recently, that the discipline and the actions of the members of the Home are far superior to what they were two years ago or more.

Q. You have been engaged in putting two and two together for many years; can you account for these charges against the governor from anything within your own knowledge?

A. No; I can not.

Q. Do you know anybody that can?

A. No, sir.

Mr. J. W. Spratley said:

I have resided here thirty-eight years; am 60 years of age; am in the banking business—president of the Union Savings Bank.

Q. Have you been a visitor at the Soldiers' Home?

A. Yes, sir; frequently.

Q. Are you acquainted with the governor?

A. Ever since he has been here, I believe.

Q. Have you had frequent opportunities for observing the management, discipline, and conduct of the members of the Home?

A. Yes, sir.

Q. What has it been since May, 1893?

A. Since May, 1893, or since the Keeley institution was established, we have noticed a great change in the old soldiers. It has been improving all the time, and from then up to the present time it has been a pleasure for me to take anyone out to the Home. Before that time I felt a little delicacy in taking my family down to the Home, but now I am very proud to take anyone down there, there has been such a marked change.

Q. Do you know Governor Smith well?

A. Yes, sir.

Q. Have you observed anything in his conduct during the last year and a half that you could criticize?

A. No, sir; not a thing; it has been commendable in every respect.

Q. Are you pretty well acquainted with the sentiments of the people of this town?

A. Yes, sir; I think I am.

Q. Do you think they agree with the sentiments you have expressed with regard to the management of the Home and the conduct of the governor?

A. Yes, sir; I think it is universal.

Q. And you are in a position to know?

A. Yes, sir; I think so. I come in contact with all classes of citizens.

Mr. O. B. Taylor said:

I have resided here thirty-five years. At the present time I am out of business. With the exception of the last three years I have been in the wholesale grocery business.

Q. Are you acquainted with a man named McLouth?

A. I am not.

Q. Are you acquainted with a man by the name of Lilley?

A. Yes, sir; very slightly.

Q. What is Mr. Lilley's standing in this community?

A. Not being acquainted with his associates I am unable to say as to his standing among them. From his general appearance I should say that he was an entirely worthless character. I have been solicited and have contributed money to keep him from starving.

Q. Do you know anything about his reputation?

A. I do not.

Q. Do you know anything about his habits?

A. Only from his general appearance; from that I should say he was a drinking man, drunk to excess.

Q. Do you know anything about his reputation for truth?

A. I do not.

Q. Are you acquainted with Governor Smith?

A. I am.

Q. How long have you known him?

A. Since he came to this city.

Q. Have you visited the Home frequently?

A. Not within the last year; I have prior to that time.

Q. You have heard what the gentlemen have said who have delivered their testimony here this evening; does your observation of the Home and of the governor lead you to agree with them in their sentiments?

A. It does, entirely.

Mr. Arthur Simonds said:

I am 55 years of age; I have resided in Leavenworth thirty-seven years; I am a manufacturer and wholesale dealer in tobaccos.

Q. Are you acquainted with the Governor of the Soldiers' Home?

A. Yes, sir.

Q. Have you frequently visited the Home?

A. Very, very frequently, indeed.

Q. Have you had good opportunities for observing its management?

A. Yes, sir; I have.

Q. Have you had opportunities to observe the conduct of the governor in his intercourse with officers and members of the Home; have you ever been present when conversations took place between him and members of the Home?

A. Yes, sir; I have on several occasions.

Q. What has been his conduct with reference to his language and manner?

A. It has always been that of a gentleman toward each and every one of them. I never heard him say an abusive word, or swear at them, but always gave them good advice.

Q. Have you seen anything in the conduct of the governor during the last year and a half which you could criticize?

A. I will answer that, General, in my simple way; I have seen the governor when he is uptown a great many times; I presume I have seen him eighteen out of twenty times that he comes, and I have never seen him in any other condition than that of a perfect gentleman.

Q. Are you acquainted with a man by the name of McLouth?

A. Yes, sir.

Q. How long have you known him?

A. I have known him for several years, but I can not say how long.

Q. Where does he reside?

A. He did reside here; then when they built the Southwestern Railroad they named a town after him and he moved there, but whether he is living there now or not I do not know.

Q. Have you known or seen much of him within the last year?

A. I have seen him several times; yes, sir.

Q. Do you know anything about his habits?

A. I should say yes, sir, I did; in fact, I know I do.

Q. What are they?

A. It is very, very seldom, I am sorry to say, that he is not under the influence of liquor.

Q. Do you know anything about his reputation for truth; have you ever heard it questioned?

A. Well, in a business manner, yes; I have known him to give checks on the bank at McLouth, and they have been returned through our banks here not paid.

Q. You have known of them?

A. Yes, sir.

Q. Had he cashed them?

A. He had in one instance that I know of—he had got his meals and drinks and the man who owns the restaurant had to pay him so much money, and the man that kept the restaurant had deposited the check in the bank, and it was returned unpaid. I do not know whether it was paid for afterwards or not.

Q. Do you know Mr. Lilley?

A. Yes, sir.

Q. Where does he live, and what is his occupation?

A. Well, if I am not mistaken, he is a printer by trade.

Q. Do you know anything about his habits?

A. Well, he is a poor fellow; he takes an awful sight of morphine; I am

sorry to say he does.

Q. Is that his reputation?

A. Yes, sir.

Q. Would you regard any statement made by him as liable to be inaccurate?

A. Well, under most circumstances in which I have seen him, I should take it with a great deal of allowance; in other words, I would want a great deal of salt with it. I do not think he is responsible for what he says the biggest part of the time.

Mr. J. W. Crancer answered in reply to inquiries:

Q. Are you acquainted with one McLouth?

A. I am.

Q. Where does he live?

A. I do not know where he lives at present. His home used to be at McLouth.

Q. How long have you known him?

A. I guess five or six years, at least.

Q. Have you had any opportunity to observe his habits?

A. Yes, sir; very frequently.

Q. What are they?

A. Most of the time I see him intoxicated; hardly ever catch him sober.

Q. Would you regard any statement of his, made from his casual observation of any incident, as thoroughly reliable?

A. I would not, unless it was substantiated by some better authority.

Q. Do you know a Mr. Lilley?

A. Yes, sir.

Q. Where does he reside and what is his occupation?

A. I think he lives here. He has been in the printing business, but I do not at this time think he is in any business, and has not been for the last year or two.

Q. What is his reputation for sobriety?

A. Very bad; and he is totally irresponsible for what he says or does, I think.

Q. Is this the common reputation of the man?

A. I think it is.

Q. Is it within your knowledge that the gentlemen who have signed this statement to the Board of Managers agree with you and the other gentlemen who have delivered testimony here this evening?

A. Yes; I unhesitatingly say yes.

Q. Are these gentlemen all that are in town that would agree with you?

A. No, sir; there are thousands of others of the same opinion; I think I am safe in saying thousands. There is no question but that this community is in full sympathy with Governor Smith, and indorses everything that he has done.

Mr. Carl Hoffman said:

I have resided in this city twenty-four years; I am 48 years of age, and my business is dealer in pianos and organs—music dealer.

Q. Are you acquainted with Col. A. J. Smith, governor of the Home?

A. I am, sir.

Q. How long have you known him?

A. I have known him ever since he came here.

Q. Have you visited the Home frequently?

A. Quite often; yes, sir.

Q. Have you had opportunities to observe the behavior and conditions of its members?

A. Yes, sir; I have.

Q. Have you had an opportunity to frequently observe the conduct of the governor?

A. Yes, sir.

Q. What has been the result of your observation of the management of the Home?

A. I must say that I consider it a model establishment and its management is exceptionally fine, and I admire Governor Smith for being able to handle the Home in such a splendid manner.

Q. I wish to ask you if you have had good opportunities for observing the conduct of the governor?

A. I have had a number of times, personally as well as officially.

Q. Have you seen, within the last year and a half, anything in his conduct that you would criticize?—A. No, sir; I could not possibly.

Q. Are you acquainted with a man named McLouth?—A. No, I am not.

Q. Do you know a man by the name of Lilley?—A. Yes, sir; that is, I know him when I see him to speak to him on the street.

Q. Do you know anything about his reputation?—A. General reputation not very good.

Q. What is bad about it?—A. You know what a bad standing of a man in a town is—the same as you come to a town and make inquiry in regard to a firm's standing; there is a certain smell (excuse the expression) about it.

Q. Do you know anything regarding his habits?
A. I can not say anything personally about the man; I only state the general standing of the man as given to us by fellow-citizens.

Capt. M. H. Insley, in answer to inquiries, said:
I have resided in Leavenworth for thirty-five years; my business has been in the banking business.

Q. You have been intimately acquainted with Governor Smith, and have had opportunities for closely observing the management of the Home?

A. Yes, sir.
Q. Will you state in your own way what has been the result of your observations of both the Home and its governor?

A. From my observations I might say this: I have been a frequent visitor at the Home from the time its construction first commenced, and from what I have seen of Governor Smith and his management it has led me to believe that it has been well managed—that he is the right man in the right place.

Q. Have you observed anything in the governor's conduct during that close observation that you would criticize?

A. I have not, certainly, within the past three years.

Q. Do you know a Mr. McLouth?

A. I do.

Q. Where does he reside?

A. He resides at a little town in Jefferson County, or near a little town in Jefferson County, named McLouth.

Q. How long have you known him?

A. Twenty years, I should think.

Q. What are his habits?

A. His habits of late years are bad.

Q. In what way?

A. In the way of drinking. During a great deal of the time McLouth is not responsible for what he says or does; his mind is certainly weak, and the man, as I said before, is not, in my judgment, responsible a good part of the time.

Q. Do you know a man by the name of Lilley?

A. I do.

Q. Are you acquainted with his reputation?

A. I am.

Q. What is it?

A. It is bad; he is what is termed a "morphine fiend."

Q. Has he the reputation of having a fixed morphine habit?

A. He has.

Q. Would you consider his statement regarding an incident coming under his casual observation as thoroughly reliable?

A. I would not.

Mr. Alexander Caldwell recalled.

Q. I wish you would state, if you please, how came these gentlemen here who have given their testimony?

A. We were aware of the fact that this investigation was in progress, and feeling a great interest in the welfare of the Soldiers' Home, and believing that an effort was being made to do an injustice to Governor Smith, and an injury to the Home, I was asked if I would meet a few gentlemen at the National Hotel about half past 4 o'clock to-day. I did not know what the gentlemen proposed to do, but we met, fifty or more men, whose more than an average of the business standing in this community, as well as moral standing of the citizens. I do not think we could get another fifty men together in Leavenworth better socially, morally, or in business, than the gentlemen who have been here to-day. I met those gentlemen, and they organized the meeting by electing me chairman, and then appointed a committee of eight or ten, of which I was the chairman, to call upon the inspector-general, who was conducting this investigation, for the purpose of giving him any information that we might possess or answering any questions that he might choose to ask, and also for the purpose of presenting to the inspector-general a petition signed by fifty or more gentlemen, addressed to the Board of Managers, acquainting the Board and the inspector-general with the sentiments of the people of Leavenworth in regard to the management of the Home and with regard to Governor Smith. I want to add that it appeared to be the desire of every citizen to give to the inspector-general the exact facts in regard to the Home and the governor, Colonel Smith, so far as they knew them, that simple justice might be done in this case. I want to say this—it has been stated that Governor Smith has been tyrannical and harsh in his management of the Home, but his reputation as a kind-hearted man, and his conduct among and with the citizens of Leavenworth, as well as at the Home, has been such as to make it impossible to think he would be harsh or cruel in his manner to the members of the Home. While there are only about fifty gentlemen present to-day, a thousand or more would have been present if they had been invited and had known the object of this meeting and had time to get here.

In anticipation of an inquiry which members may make, I will say that Colonel Smith, previous to his arriving at the Home in Leavenworth, had suffered from the excessive use of intoxicants. He took the Keeley cure and, deriving benefit from it, advised others to take it. But, Mr. Speaker, that he has continued to drink or that he is wanting in those finer qualities which constitute a gentleman I do not believe; but, not knowing him intimately, I take pleasure in referring to my friend from New York [Major POOLE], who has known Colonel Smith for many years and is able to speak from personal knowledge.

Mr. TALBERT. Is it a fact that they have these Keeley institutes at all these Soldiers' Homes?

Mr. CURTIS of New York. I am not informed on that subject.

Mr. TALBERT. Well, do they have such an institute at Leavenworth, Kans.?

Mr. CURTIS of New York. Yes, sir.

Mr. TALBERT. A regularly established Keeley institute?

Mr. CURTIS of New York. My friend from Indiana [Mr. STEELE], who is a member of the Board, will be able to answer that question when he takes the floor.

Mr. Speaker, in addition to the testimony of the many persons called, I want to read Exhibit M.

To the Board of Managers of the National Military Home located at Leavenworth, Kans.

GENTLEMEN: We, the undersigned, citizens of Leavenworth, Kans., desire here and now to express the most kindly consideration for Governor Andrew J. Smith for the economic administration of affairs at the Home and for the uniform kind treatment and careful discipline administered to and required of the inmates of this institution.

We believe that the charges preferred against the governor are without cause and instituted from malicious motives.

We therefore respectfully ask, in the name of decency and good government, that Governor Smith be retained in his present position, as we, individually and collectively, from personal acquaintance and business contact, believe him to be far better equipped for the management of this institution than those who, by misrepresentation and false charges, are seeking to pull him down.

Dated Leavenworth, Kans., October 6, 1894.

Ettenson, Woolle & Co., department store; Carl Hoffman, proprietor Chickering Hall; C. Peaper, cashier First National Bank; Bittmann Todd Grocer Co., wholesale grocers; J. W. Crancer & Co., wholesale hardware; Rohefing & Co., wholesale grocers; Rush & Sprague; W. C. Sprague; Geo. A. Spooner; H. D. Rush; J. C. Lysle, of Kelley-Lysle Milling Co.; J. M. Laing; Ketcheson & Reeves; D. A. McKibben; Arthur Simmons, wholesale cigars; Rothenberg & Schloss, wholesale cigars; E. W. Snyder, president Manufacturing National Bank; John Haunon; J. W. Fogles, vice-president First National Bank; J. W. Spratley, president Union Savings Bank; E. P. Willson, president Great Western Store Co.; John Wilson, president Great Western Manufacturing Co.; W. A. Rose, Leavenworth Bag Manufacturing Co.; Humphrey Rose, Leavenworth Bag Manufacturing Co.; Sam'l Dodsworth Book Co.; J. S. Rice; C. Townsend; John Schmelzer, jr.; J. F. Schmelzer & Sons; A. Caldwell, president Commercial Exchange; T. Sinkos, M. D.; Geo. J. Charlin, general agent A. T. & S. F. R. R.; Jos. Granper, ticket agent Md. P. R. W.; Nathaniel S. Thomas, rector St. Paul's Church; Elliot Marshall, general agent Burlington Route; B. F. Harper, Leavenworth Standard; Edwin M. Randall, Jr., pastor First M. E. Church; E. Jameson, chairman Republican County Central Committee; F. G. Markart, manager A. J. Angell & Co., lumber; W. A. Kirkham, jeweler; Philip Rothschild & Son, men's outfitters; Breen Bros., dry goods; J. C. Murphy, C. T. A. Union Pacific System; W. W. Walter, M. D.; M. B. McCreary, Polar Ice Co.; B. S. Richard, saddlery; A. Luecholt, newspaper manager, Standard; Sara B. Lynch, postmaster; W. T. Hewitt, merchant.

I will read a letter from Edwin M. Randall, jr., pastor First Methodist Episcopal Church of Leavenworth, Kans., who was not able to appear at the time of the investigation:

LEAVENWORTH, KANS., October 13, 1894.

Gen. W. W. AVERILL, Bath, N. Y.

DEAR SIR: It was not my privilege to attend the meeting of citizens at the National Hotel of this city, or I should have gladly been there and added my testimony to that of the others.

I will not pretend to give any information as to the specific questions that formed the subjects of your investigation at the National Military Home here. Your proceedings should have made you more fully informed than I, but I do feel that I can indorse the general management of the Home. I have been a frequent visitor there, a number of the inmates have been members of my congregation and church, and I have enjoyed many opportunities as an interested citizen to acquaint myself with the condition of affairs there. What I say is also impartial, as I have received nothing but courtesy from any who are parties to the controversy.

Whatever may be the truth in the matter, I can not, from my personal knowledge, charge those who oppose Governor Smith with anything more than an honest, though intense, disagreement with him as to the principles upon which the Home should be managed. On the other hand, there probably are details in which I might differ in judgment with Colonel Smith.

Notwithstanding all this, I regard his administration as eminently successful. I doubt if you could easily find another man who could do as well in that position of almost unequalled difficulty. I know personally that the better class of citizens within my circle of acquaintance are practically unanimous in indorsing him. Not one soldier from the Home who has worshipped in my congregation has spoken of him otherwise than kindly. To the general public he is one of the most courteous and accommodating men I have ever seen. He is so regarded by the public, and as a result the Home has become a far more popular pleasure resort than the fort. I have never heard his honesty or honor questioned by any not connected with the recent troubles in the Home. I am sure that the Keeley treatment at the Home has been a benefit both to the Home and to our city, by effecting the reformation of many of the unfortunate inmates of the Home. That Governor Smith has had any selfish interest in it is absurd. My knowledge of him, based upon an intimate personal acquaintance, leads me to believe that he unites in an unusual degree those qualities that preeminently qualify him for the place. He is a man of sterling qualities, and his removal would be regarded by our citizens as most unfortunate. I heartily unite with others in recommending his retention.

Very truly, yours,

EDWIN M. RANDALL, JR.

I read a copy of a letter to General Franklin from Rev. T. H. Kinsella, Catholic chaplain, under date of February 29, 1896:

FEBRUARY 29, 1896.

Gen. W. B. FRANKLIN,

President Board of Managers, N. H. D. V. S.

GENERAL: In view of certain adverse criticisms of the management of this Western Branch now going the rounds of the press, I have the honor to submit to you my personal experience as testimony in rebuttal of all such attacks, whether emanating from private malice or ill-advised sympathy.

As a Catholic priest, living in this community for many years, I feel that I have exceptional opportunities to know the true inwardness of the motives which inspire these attacks. They are base, and in no sense represent the sentiments of our people, either within or without the Home. Among so large a number of old men, bent under physical, mental, and moral infirmity, consequent on old age, it is to be expected that discontent and imaginary wrongs should find a place among their mental feelings. Such a condition of mind, though confined to a few, is of course to be expected, and yet unprincipled lawyers and cyclonic newspapers use these ravings of decrepitude to defeat authority and breed discontent.

I deem it my duty to lay before you, as president of the Board of Managers the true state of affairs. With a full sense, therefore, of my position before the public, I make bold to say that the management of this Branch Home is able, humane, and generous to an eminent degree. Order, of course, must be maintained, and the vicious few must be suppressed. On these two points the overwhelming membership of the Home is in full accord. The Keeley treatment is but a means to this end. It has been successful, and successful to an extent that can be measured only by a comparison between the present state of affairs and conditions and the same as existent before its introduction into the Home. I was here before the Western Branch Home was in being. I watched its construction and saw its halls gradually peopled. The bells of our church joined their music to the general shout of joy that filled the air when first you sent us the news—the glorious news that the Soldiers'

Home would be at our gates. We too were liberal, as you well know, yet the day quickly came when all good citizens regretted the presence of the Western Branch in their midst, so great was the influx of men and women of low character and intemperate habits. The city authorities had to increase the police force; the sheriff of the county was kept busy long after each pay day, and I honestly believe Governor Smith himself became alarmed. This was some five or six years ago. In April, 1892, the Keeley treatment for alcoholism was introduced, and the gradual improvement in the morals and manners of the drinking class of the Home has given an air of peace and contentment to this Home which it had not known before. The change is very marked, and it certainly proves the efficacy of the treatment.

I am in a position to obtain the very best testimony in regard to this much-talked-of treatment, and I must say that I would show myself indifferent to the best interests of humanity as well as to the welfare of the veterans of the late war should I remain silent on this occasion. I am fully convinced that the Keeley League has worked a transformation in this Home; that the treatment has been, on the whole, a gratifying success, and that, what is more to the point, no one to my knowledge has been unduly influenced to take the treatment or to pay the expenses entailed.

I have the honor to be, very respectfully, your obedient servant,
(Signed) THOS. H. KINSELLA, Catholic Chaplain.

A true copy:

ROBERT HAYES,
First Lieutenant and Adjutant.

I also read a letter from Rev. W. J. Gillespie, the Protestant chaplain:

Gen. W. B. FRANKLIN,
President Board of Managers, N. H. D. V. S.

GENERAL: I hereby beg leave to lay before you the following facts in the interest of justice and the best interest of this Branch Home.

1. It may have come to your knowledge, or it may yet come to your knowledge, that attempts have been made through the newspapers, and, perhaps otherwise, to discredit the management of Col. Andrew J. Smith, governor of the Western Branch.

2. I have been here, as you know, for more than nine years; that is, almost from the establishment of this Branch, and have had opportunity of knowing the facts I am about to state.

3. From 1886 up until about three years ago the poor old men who came here were the victims of the saloons, brothels, and thugs, who seemed to regard old soldiers as their proper prey.

4. The public highway from Leavenworth to the Home, and, indeed, the limits surrounding the Home, became infested with disreputable places where abandoned men and women lay in wait for our people, especially about pension day.

So disgraceful had these conditions become that the respectable men and women of Leavenworth bitterly complained of the sights and sounds and indecent exposures on the part of our drugged and drunken men on the public highways.

5. About three years ago the Board of Managers permitted Colonel Smith to establish a course of treatment for such of our people as had an uncontrollable drink habit, and who wished to be cured of it. The results have been wonderful. More than thirteen hundred men have availed themselves of this treatment. I have personally talked with more than a thousand of them. I have never heard one of them intimate that he had been forced to take the cure, or that he had been injured by it. On the contrary, hundreds of them have told me how thankful they were for it, and how much their general health had been benefited since freed from alcoholic disease.

Morally the change in the men has been as marked as it is physically. In the barracks, on the grounds, the most wonderful change in the gentlemanly bearing of the men has taken place.

6. Through the efforts of Colonel Smith and the officers and members of the Home who have aided him, many of the vilest places along the highways leading to the Home have been closed. The sight of drunken men lying on the roadside or making indecent exposures of their persons is almost unknown. Not only are there no longer complaints from citizens about the members of the Home, but, on the other hand, frequent expressions of gratification are heard over the change effected, and the most influential people in business and social circles are very free in their expressions of commendation of Colonel Smith's work as governor of the Home.

On February 18 last, when the Editorial Association of the State of Kansas visited the Home, Col. D. R. Anthony, their chairman and the editor of the Leavenworth Times, the most influential paper probably in Kansas, paid a very glowing tribute to the wonderfully successful management of Col. Andrew J. Smith as governor of this Home.

7. May I, without offense, express the hope that the Board of Managers will not permit any misrepresentations made by designing parties or the enemies of the veteran soldier to influence it so as to put any obstacle in the way of Colonel Smith in this great effort to rescue brave but unfortunate men from the grasp of the insatiable appetite which has brought mental, physical, and financial, not to say moral, ruin to so many of our comrades.

Grand as has been Colonel Smith's material management of this Home, when history comes to be written, many believe that his greatest achievement will have been found in the restored health, hopes, and homes of the men who, for the first time in many years, have found themselves free from the insatiable thirst for alcoholic stimulants.

Respectfully,

(Signed) W. J. GILLESPIE,
Protestant Chaplain.

A true copy:

ROBERT HAYES,
First Lieutenant and Adjutant.

In reply to the charge which has been made that General Franklin procured the appointment of Colonel Smith and has retained him as the governor of the Home at Leavenworth, Kans., because of some family connection or close relation in the late war, I wish to say that Colonel Smith is neither a relative nor connection of General Franklin, nor did Smith ever serve on General Franklin's staff. There was upon the Board of Managers when the Kansas Home was established a gentleman who at the time was also governor of that State. He had been one of her most distinguished soldiers and had contributed to her glory and credit by his skill, bravery, and capacity in the late war. I refer to Gen. John A. Martin. It was he, Mr. Speaker, who asked for and secured the appointment of Col. Andrew J. Smith as governor of the Home. Colonel Smith had shown his capacity as a subordinate officer in the Home in Maine. Governor Martin, desiring to have the Home in his State opened under the most successful auspices,

asked for and secured the appointment of the present governor. He has retained the confidence of the Board of Managers, and everyone is equally responsible for his retention.

It is not for me to raise the question of propriety as to the conduct of the gentleman from Kansas [Mr. BLUE], who has undertaken to report the secrets of the Military Committee. The chairman of that committee [Mr. HULL] is here in charge of this measure; he will have his time in this discussion. The conduct of any member who attempts to disclose the proceedings of an executive session is one upon which all men in this House must have fixed opinions. It is enough for me to say that the Committee on Military Affairs has recommended the four gentlemen named for the favorable consideration of the House.

Mr. Speaker, as to the general management of these Homes, which the gentleman from Kansas has so bitterly condemned, I wish to say that we are fortunate in having upon the floor of this House a Member who has many times represented an important district in the State of Indiana and has had long service upon the Board of Managers. It will fall upon him to explain—at least I shall not undertake the task to do so—the methods by which these various Homes are governed. We have in the other branch of Congress two distinguished Senators (MITCHELL of Wisconsin and SEWELL of New Jersey) who have long been members of this Board. I am authorized to say that General Franklin's name did not come to the committee by any action or wish of his own, nor from anyone who can be regarded as his personal representative. His reelection has been urged by members of the Board and a large number of men who know his high character and qualifications.

The assumption which has been put forth by the gentleman from Kansas that General Franklin has neglected to properly perform any of the various duties devolving upon him in respect to the management of the Homes, the public property, or donated funds is a criticism upon the act of Congress establishing these Homes. The Board has complied with the requirements of the law creating it. If that law is in any way subject to criticism—if any gentleman wishes to modify what may be termed the organic law of these institutions, let him propose amendments for the consideration of the House.

I may say in addition (if I have not already made it sufficiently plain) that the member of the Board living nearest any particular Home is charged with the general supervision of the Home and the responsibility of looking after it and correcting any irregularities. Colonel Cooke, of Kansas, has had this particular Home under his supervision, subject to the general rules and regulations established for the government of the Home. I have no doubt that all matters connected with the management of the Home will be fully and amply explained by my friend from the State of Indiana [Mr. STEELE].

I stated in the beginning of my remarks that I wished to address myself to the House as a member living nearest to New England, from which States two members are to be elected, and as one having a greater personal interest in the selection of members from that section of the country than those living in the Central and Western States. I have in a feeble manner discharged the obligation resting upon me as a member of the Committee on Military Affairs and a member of this House. I have heretofore spoken of General Franklin simply as a public officer, as a man charged with important duties which he ought not to neglect, which he is too wise and too able to fall short of performing. I will go as far as any man here in requiring a strict and exact performance of the duties imposed upon him and the Board of Managers.

Mr. Speaker, if the House will indulge me, I should like to say a few words in respect to my personal feelings and relations to General Franklin.

It is now nearly thirty-five years since I was among the number of those who, unacquainted with war as a science or art came back on that memorable and unhappy Monday, the 22d of July, 1861, from the battle of Bull Run. Some rested in camps on the other side of the Potomac; others came to Washington. General demoralization prevailed. New commanders were given us, who undertook the task and responsibility of organizing, instructing, and equipping an army out of these demoralized troops. To learn how well they accomplished this task, you have to read the glorious history of the Army of the Potomac. I was a captain in a regiment of two-year volunteers, and early in August called at the headquarters in Alexandria to get a pass to Washington, and for the first time met Col. William B. Franklin, of the Twelfth United States Infantry, who had been assigned to the command of the forces on the Virginia side south of Long Bridge. That interview resulted in an acquaintance which has lasted until to-day. I had been an invalid for five or six years, and for that reason and want of opportunity lacked many of the qualifications which should have been possessed by a man of 26 years. I was without knowledge of military affairs, and if this Government has just reason to be satisfied with the service I was able to render in the

four subsequent years—in following the flag—in discharging the duties of the several positions to which the Administration saw fit to appoint me—I say that the value of those services is due in great part to the care, the counsel, and the instruction given me by Gen. William B. Franklin.

I speak as an individual, with a heart full of gratitude, of my devotion, my affection, and my sincere regard for General Franklin. He was my friend when I was young, inexperienced in public affairs, totally unacquainted with the duties of the position I had undertaken; he gave me instruction which enabled me to perform them, with at least some credit to myself and I hope useful to my country. While in the performance of my legislative duty I know neither friend nor enemy. I will, however, as an individual, stand before anybody, any tribunal, and defend the purity of character, the ability and devotion to duty and to his country of Maj. Gen. William B. Franklin.

Mr. Speaker, I refer to him with feelings which are heartfelt and sincere, because whatever of ability I brought to the public service and honors I have won I owe largely to him. I appreciate the value of his services not only to me, but to his country, as a teacher in those days of devotion to national unity, when the services of such a man were of supreme importance to the nation in educating the mass of willing, but uninstructed volunteers. I trust the House will pardon me for my digression from the main question, and for thus speaking of a comrade in arms for whom I have cherished and still cherish the fondest and most affectionate sentiments of esteem and devotion. [Applause.]

Mr. HULL. Will the gentleman from New York yield me the remainder of his time, or yield it to the gentleman from Indiana [Mr. STEELE]?

Mr. CURTIS of New York. Certainly. I yield the remainder of the time to the gentleman from Indiana.

Mr. STEELE. Mr. Speaker, I regret that I have not the voice or the assurance of the gentleman from Kansas. I hope the members of the House will, on account of my diffidence, and I assure you it is great when I get on my feet, give me the attention they would give to a beginner and make any allowance necessary for any of my shortcomings that may be apparent.

This is a subject of profound interest to this country, and is of special interest to the honor and integrity of every good soldier. Are we to come in here to-day and attack the reputation of as good soldiers as ever did battle, and throw their reputation to the winds because we will not hear but one side of the case?

The gentleman from Kansas [Mr. BLUE] has seen proper to state that what I did not know about the Soldiers' Homes was enough to fill a book. That is true, although I have been a member, and an active member, of the Board of Managers for something over four years; but what I know of the character of matter he has brought to the attention of the House during the discussion to-day would fill a library.

Since I have been a member of the Board of the seven different Homes, I have information of the same kind, and enough of the same kind of literature that the gentleman has presented to the House to-day to fill a book or a library. Everything he has brought to the attention of the House, or nearly everything, has been carefully investigated not only by the Board of Managers of the Home, but particularly by a subcommittee of the Board. Mr. Morrill, of Kansas, now governor of that State, was for over three years a member of the Board, and as such the local manager of the Leavenworth Home. Col. Sidney Cook, also of Kansas, has been a member of the Board for over two years, and both of them in their capacity as local managers, with General Pearson, a distinguished soldier of the State of Pennsylvania, and General Averell, have investigated the charges that have been brought in here at different times. They did not go into a partial investigation. Look at the volume the gentleman from New York, General CURTIS, brought before you, if you think they did not go to the bottom of the matter. And the investigation by General Pearson and Governor Morrill, if anything, went more into detail, and every witness brought before them had the assurance that whatever he said he might feel absolutely satisfied should have no influence upon his status in the Home. In that way the facts were brought out.

And before forgetting it I wish to say in this connection that as members of the Board of Managers we go to each Home, excepting to that in California, once a year, as required by law. We do not go to visit from one Home straight around once a year, but from time to time we visit all of the Homes, except the California Home, as the law assumes we should. Owing, however, to the great expense attending it, we have not visited the California Home more than once in four or five years; but the local manager comes from it from time to time and gives us in detail what is going on there.

The gentleman from Kansas said that what I do not know on this subject would fill a volume, and yet he asked me a question the other day about a bond. I knew that by a provision put into an appropriation bill the system of keeping the accounts at the

Homes had been changed, and it was decided that the president of the Board of Managers should not be the treasurer of the Home. Owing to that change in the system, for three months men in the several Homes were without the necessary funds to make purchases that ought to have been made, on account of that bill. And when it was settled and this "striker" of General Franklin was made treasurer of the Home by the Board of Managers, General Franklin had but one vote, just as any of the rest of us had. And, Mr. Speaker, while we as members are not as a rule as well informed as he is—I know I do not know as much as he does in these matters—yet my vote is just as potent as his, and whatever is wrong in the Leavenworth Home—or in any other, for that matter—I assume my share of the responsibility for, whether because of ignorance or because I have not had time to study the matters, it makes no difference which.

Whenever we go to one of those Homes, as I was saying, we see that every soldier who is in the Home that day is notified that if he has any complaint of any nature to make he is invited to come before the Board and state just what the complaint is. He is heard, and not in the presence of the governor or any officer of the Home, either, and is informed that what he says to us shall not operate against him as a member of the Home. That is done at every Home in every case.

Why, in 1866, gentlemen of the committee, the first National Home was established at Togus, Me.; in 1867, those at Dayton and Milwaukee; in 1870, that at Hampton, Va.; in 1885, that at Leavenworth, Kans.; in 1886, that at Santa Monica, Cal., and in 1888, that at Marion, Ind.

In these Homes 78,000 men have been cared for, and 15,000 have died. During the last year there were, in the National Homes, 20,600 men cared for, and the average attendance was about 16,000. There have been expended from the organization of the Homes to the present time over \$40,000,000, and no man dare say, or can substantiate the truth of the assertion, that there has been one single farthing lost in the expenditure of this great sum.

And here let me say something about the trust fund. As may be seen from the report of the Board of Managers for the year 1895, these trust funds originated in the benevolence of two of our patriotic citizens—a Mr. Ward and a Mr. Stinson. These worthy men left legacies of considerable amount and committed the care and expenditure of their bequests to the Board of Managers of the National Home for Volunteer Soldiers. As trustees the Board considered they had no right to surrender active personal control of this money; to have covered the amounts into the Treasury would, in the opinion of the Board, have been a violation of this sacred trust, for then the wishes of the donors could not have been realized unless Congress should be pleased to appropriate from the legacies. These trusts have been continuously at interest, and the income from interest would have been lost to the old soldiers had the principal been stored in the United States Treasury. Refer to the report of the Board and you will see what were the amounts of these legacies, what the interest earnings, what disbursements from this source have been made, and what the balance on hand. A benevolent lady, who does not wish to parade her name, has also given and equipped a library for the Dayton Home.

I will say that the Board of Managers are the creatures of Congress. Congress created the corporation. Congress named the members who are to belong to this corporation, and as such corporation they hold the lands, or at least a greater portion of them. Some have been deeded directly to the United States, but they hold the rest in trust; they could not dispose of them or make title excepting for the United States.

Coming to the cost of the maintenance of these several Homes—but I am not going to detain you long—I will say to you that the efficiency of the management of this Home has been demonstrated by the report of the Inspector-General, the same Inspector-General's report that you have been invited to read, and I hope you will read it—not alone the parts that the gentleman from Kansas [Mr. BLUE] has selected for you, but every word of it. And when you come to read the report that this same Inspector-General also made to the Secretary of War, you will find more criticism on the keeping of accounts in the War Department than in those kept by the Board of Managers.

And let me tell you further what you will find, that the Home for regular soldiers that is under the management of the War Department has cost per capita \$197.89, while that of the National Home has been but \$117.64, a difference of \$80.25 per man in favor of the management of the National Home—about 69 per cent in favor of the National Home. Of those in the National Home 5,600, or one-third of the whole number, have been in the hospital because of their infirmities and their greater age. The average age of the members of the National Home is over 60 years—pretty nearly 61 years—while the average age of the men out here at the Home for regulars is only a little more than 51 years.

The men in the National Homes are there because of their infirmities, their disabilities, and the comparatively small expense in

the care of the members of the National Homes has been achieved notwithstanding the fact that about one-third of the number have been cared for in the hospitals. Let me say to you further that if you will go to these National Homes—and I refer to all of them—you will find the men absolutely satisfied, or as much so as they can be where they must be deprived of the society of wife, mother, or sister; that they have the cleanest houses to sleep in, the cleanest beds, the cleanest tables from which to eat, the cleanest and the best-cooked food and the greatest variety, that any soldiers have ever had in the world.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. STEELE. Yes, sir.

Mr. TALBERT. Is it not a fact that there is no discrimination made against soldiers who are drawing pensions in these Homes?

Mr. STEELE. That is true.

Mr. TALBERT. That they draw pensions and also have the privilege of being inmates of these Homes, and get the same treatment?

Mr. STEELE. Yes; without limit as to the amount of the pension so far as the law is concerned; but the Board of Managers, upon their own responsibility, excepting in rare cases or very meritorious or distressing cases, do not admit men who are drawing more than \$16 a month, very few above \$12. Lately there have been a few men totally blind or without legs or without arms cared for in the Homes, notwithstanding the fact that they receive more than \$12 or \$16 per month pensions. Why, there are a great many men in the Homes who would not be there if they could help it. We have cancer patients whose people do not care to board them. A man came to me in my own district not very long ago and said: "I must go to the Soldiers' Home. My wife is dead, and while I can go to my son-in-law's house, I can see that he does not want me there. I could get work if it were not for this sore that is eating out my life, but I can not get board. Therefore I am compelled to go to the Home. I want to give up my pension; I want the Home to use it." But we have no authority to use it. We may not use it and do not want to use it; too many wives and other dependents would be deprived of it.

Mr. TALBERT. I do not wish to take up the gentleman's time, but I will ask him if he will give this House some information about this Keeley institution?

Mr. STEELE. I was going to speak about the Keeley Club. The Keeley Club was formed in 1892 or 1893, at Leavenworth. Since the beginning of that organization there have been something over 1,300 inmates at that Home who have taken the Keeley cure. Of those there have been about 13 per cent of lapses. Two hundred and forty men, confirmed drunkards who had got to the Home because they were drunkards, have taken the Keeley cure and have rejoined their families and are now making their own living at home.

An officer high in railroad circles took the Keeley cure of his own volition. And I assert that there is not a single soldier who has taken the Keeley cure except of his own volition, and after they have gone home have done well.

A civil engineer, as I say, of the Missouri Pacific Railroad took the cure, and after staying at the Home awhile and demonstrating that he was cured he went out into business again and is now drawing a salary of \$3,500 a year. In other words, it is shown to have been a great advantage to the Home. The Board of Managers approached the subject reluctantly. It was something that the Board did not know anything about, and they were afraid of it. But after hearing Governor Smith, who had himself taken the cure, we concluded to let them try it at a reduced price. Instead of \$25—Dr. Keeley's regular price at that time—the Board said he might charge \$10. The men of their own accord have formed what they call a Keeley Club, and charge \$20. This is an arrangement of their own. Twenty dollars is paid, of which ten is the fee, and with a part of the surplus they have built a beautiful chapel at the Home at Leavenworth. They expend the surplus as they see proper. And now I want to read what this Keeley League says here. I will not take the trouble to read the whole of it, but it says:

At a regular meeting held by the Veterans' Keeley League in its hall at the Western Branch, National Home for Disabled Volunteer Soldiers, Leavenworth County, Kans., Sunday, February 23, 1896, the following resolutions were unanimously adopted, namely:

"Whereas certain interested parties, in their efforts to cast discredit upon the administration of the governor of the Western Branch, National Home for Disabled Volunteer Soldiers, have charged through the public press that members of this Home have been coerced into taking the Keeley cure; and

"Whereas, while we are fully aware of the motives which prompted it, such a charge, if allowed to remain uncontradicted, would stand as a serious imputation upon the intelligence and manhood of the members of our league; Therefore

"Be it resolved, That we, the officers and members of Veterans' Keeley League, No. 1, of the Western Branch Home, resent with just indignation the insulting reflection upon our integrity contained in said charge, and we unqualifiedly denounce the malignant spirit which does not hesitate to injure a good cause for the sole purpose of gratifying personal spite.

"Resolved, That individually and collectively we hereby deny that we or

any of us were ever coerced or intimidated into taking the Keeley treatment, or that we were influenced by any other means than the kindly advice and solicitation of those who have our best interests in view, and we furthermore declare that no man within our knowledge has ever been in any way coerced to take the cure since its establishment at this Home.

"Resolved, That we, in taking the Keeley treatment, did so voluntarily and freely, of our own accord, after hearing of and seeing the good results obtained by others; that it has proved to be of inestimable benefit to us individually and to our families, and that we shall ever cherish a deep sense of gratitude toward Governor Andrew J. Smith, who, in the face of many serious obstacles, has brought this great boon within our reach.

"Resolved, That we, now present at this meeting, numbering 304 members of the Veterans' Keeley League of the Western Branch, National Home for Disabled Volunteer Soldiers, do hereby denounce as false and malicious all charges of coercion brought against Col. Andrew J. Smith, governor of this Branch Home, basing such action upon our familiarity with his character and the nature of his work in the reclamation of the drunkards in our midst; and it is our wish that a copy of these resolutions be forwarded to Gen. William B. Franklin, president Board of Managers, National Home for Disabled Volunteer Soldiers, Hartford, Conn., and to that end the secretary is hereby directed to prepare a copy hereof for that purpose and send same to that officer."

JOHN T. PEET,

President Veterans' Keeley League, No. 1, of the United States.

Attest: E. A. TRADER, Secretary.

I have here a letter from the Protestant chaplain of the Home, commending it in the highest terms; I have here a letter from the Catholic chaplain, commending it also in the highest terms, as well as the management of the Home. As was stated by the gentleman who preceded me, Governor Smith came from the Tugus Home. I happened to be a member of the Committee on Military Affairs when Governor Martin was elected. He stated to the Board in my presence—members of the Board who were before the Committee on Military Affairs, "If you will allow Smith, of the Tugus Home [he was treasurer there], to go out to Leavenworth as governor of that Home, then I will accept the position as manager." He knew what troubles were in store for him unless he had what he regarded as a competent man for governor. And Governor Morrill speaks for him. I will ask the Clerk to read what the governor says:

The Clerk read as follows:

LEAVENWORTH, KANS., April 8, 1896.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

I was local manager of the Western Branch Home for three years. It was then, and I believe is now, the best-managed Soldiers' Home in the country. I introduced the Keeley cure into the home. See Board minutes. No one was forced to take cure during that time, and I do not believe there has since.

E. N. MORRILL.

Mr. STEELE. I also have a dispatch here which I will ask the Clerk to read. I ask the gentleman from Kansas [Mr. BLUE], who is familiar with gentlemen residing in Kansas, to state whether the signers of this dispatch are not every one of them reputable, honorable men.

The Clerk read as follows:

LEAVENWORTH, KANS., April 8, 1896.

DEAR SIR: We, the undersigned citizens of Leavenworth City, in behalf of common justice and fairness, desire to express our disapproval of the unjust aspersions cast upon Governor Smith, of the Soldiers' Home located adjacent to this city. We are well acquainted with his manner of procedure and its results, and can cheerfully state as to the marvelously good results in the improved appearance and good behavior of the old men under his charge. He is attentive and exceedingly watchful of his men, encouraging them in their reformation, and his expressions of kindness make him with the old boys, and especially with the 1,300 old Keeleyites, an accepted and respected leader. We fully believe his withdrawal would surely jeopardize the continued success of his good work and be the cause of many of the old men again becoming victims of their former vices. We are actuated in this matter by the hope that you will succeed in placing the affair in its proper light before Congress, that justice may be done a deserving and worthy officer, and that our appeal may be heard is the prayer of your petitioners.

(Signed:) H. M. Aller, police judge; Anton Maduska, chief of police; E. P. Wilson, president Great Western Stove Company; William H. Page, pastor First Presbyterian Church; Thomas H. Bosa, pastor First Congregational Church; Rev. Joseph Shorte, rector Epiphany Catholic Church; Rev. P. J. Kennedy, Cathedral, Leavenworth, Kans.; Very Rev. J. T. Cunningham; E. W. Snyder and W. B. Nickels, president and cashier of the Manufacturers' National Bank; Edward Carroll, cashier Leavenworth National Bank; J. W. Fogler and Amos E. Wilson, vice-president and cashier First National Bank; J. W. Spratley and E. A. Kelly, president and cashier, Union Savings Bank.

Hon. G. W. STEELE,
House of Representatives, Washington, D. C.

Mr. BLUE. Now, Mr. Speaker, when the time comes I will give this House to understand what motives are behind that, including the governor of Kansas, so long as he has put himself in this attitude. I could fill a volume with telegrams of reputable men, but I will show the motives behind this—

Mr. STEELE. What I would like to know is if these are not reputable men?

Mr. BLUE. Some of them are, and some are practically unknown. I do not suppose that several of the ministers whose names are signed know any more about it than they do about the regions of his satanic majesty. [Laughter.]

Mr. STEELE. Do you not think the men who signed that telegram knew as much about the Home as the signers of those papers you read knew about what they were swearing to?

Mr. BLUE. Oh, no, my dearly beloved friend.

Mr. STEELE. I think they do. I would like the gentleman from Kansas [Mr. BRODERICK] to state what he knows of these men, if he is here.

Mr. BLUE. I want to suggest to you before you yield the floor, the gentleman from New York [Mr. CURTIS] said while on the floor that all these charges had been gone over. I call your attention now specifically to the fact that there were 30 to 50 men of the Regular Army in the Home when old soldiers were turned away; and I want to call attention—

Mr. STEELE. You have made your speech once.

Mr. BLUE. I want you to explain these things before you quit the floor.

Mr. SPALDING. Will the gentleman allow me to ask him a question?

Mr. STEELE. Certainly.

Mr. SPALDING. I find in this report here of the Inspector-General of the Homes that there were condemned during the year at this Home 72,656 articles of all descriptions, whose original cost price was \$46,863.14, and the property sold realized \$1,533.87. What was the character of this property? This report does not explain.

Mr. STEELE. The general character of that would be old harness, old tents for use when the men were out, condemned shoes, articles of equipment taken from the hospitals, and property of such character as has been issued and has been used up or worn out, or has been hopelessly damaged and was inspected and condemned, as you, as a soldier, fully understand is bound to occur.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUE. I call your attention to a fact with reference to this question, and I think the gentleman will be given all the time he wants. I ask that the gentleman's time be extended.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the gentleman from Indiana be permitted to proceed until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BLUE. The gentleman from New York [Mr. CURTIS] stated that all these charges had been investigated, by such an investigation as this Board gives; but I call your attention to the fact that the charge of Governor Smith having been drunk in February last, as proved here, has never been investigated.

Mr. STEELE. As to that I can not make any answer on my own responsibility, or of my own knowledge, but from the character of your ex parte witnesses, from the way they testify, I should judge that it would require a great deal of this character of testimony to establish the charge so that I would believe it. There are a hundred thousand people in the United States who have taken the Keeley cure, and the eyes of all those people are upon Governor Smith, who is at the head of the organization known as the Keeley League of the United States. He was a good soldier, and the only weakness I have ever heard charged against him was that at one time he was a drinking man; but, as has been stated, he took the Keeley cure, and he has since conducted himself so well that he is at the head of the organization of men who have taken the cure. Therefore, I do not think the charge is likely to be true. I do not think he ought to hold the presidency of the organization, because he has enough to attend to at home.

I wish the committee to understand that unless there is a quorum present—seven members—the Board never undertakes to do business. It is a quorum of the Board that acts, and not General Franklin. General Franklin, because he is president of the Board, and because, as was said by the gentleman from New York [Mr. CURTIS], we all have implicit confidence in his integrity and ability, is allowed to exercise certain authority; but it would be just as reasonable for me to question the gentleman from Kansas [Mr. BLUE] about each particular item in an appropriation bill that we have passed by the Appropriations Committee, of which he is a member, as for him to expect every member of the Board to be able to go into all the details of administration in the various Homes. But, Mr. Speaker, when the Board visits the Homes, they see that every detail is properly carried out and that the Homes are administered for the comfort and the betterment of the condition of all the old soldiers.

Mr. BURTON of Missouri. How often does this Board of Managers meet?

Mr. STEELE. They meet quarterly, or oftener if the business requires it.

Mr. BURTON of Missouri. How long are they generally in session?

Mr. STEELE. We are there long enough to go over the estimates sent in from the various Homes. The Board examines those estimates and determine what they can get along with at each Home.

Mr. BURTON of Missouri. My question was, about how much time does the Board spend in that business? How long are you together in those meetings?

Mr. STEELE. On an average, from five to seven days.

Mr. BURTON of Missouri. And that occurs four times a year?

Mr. STEELE. Not merely at the meetings for official business; but, for instance, when we meet here we go over all these estimates, and then we generally visit one of the Homes, so by the time we have completed the work of that meeting it has occupied five or ten days.

Mr. BURTON of Missouri. How often do you go to a Home?

Mr. STEELE. Once a year, excepting to the Pacific Home.

Mr. HULL. Mr. Speaker, there are several gentlemen who desire to be heard on this resolution, and I ask unanimous consent that the debate may run until we adjourn this afternoon; that the consideration of the resolution be resumed to-morrow immediately after the reading of the Journal, and that the debate continue until 2 o'clock to-morrow.

Mr. TRACEY. I shall have to object to that.

Mr. HULL. I will modify my request so as to ask that the debate continue until 3 o'clock to-morrow.

Mr. TRACEY. I have no objection to that.

There being no objection, it was so ordered.

Mr. STEELE. Let it be remembered at this point that we, as Managers, excepting the president and secretary, get no pay whatever for our services, and do not expect it. We give our time freely, and get only our actual expenses. What we want, outside of our hotel bills and our transportation service, we pay for. The compensation to us is wholly in feeling that we are giving aid and comfort in a noble work. The Inspector-General of the Army says of us, on page 6 of his report:

The buildings erected at the newer Branches seem well suited for their purpose, and were they not taxed beyond their utmost capacity would leave nothing to be desired.

Again he says, page 6:

It is evident that the officials of the Home are actuated by the most humane sentiments in providing shelter for needy newcomers, but this should hardly be at the expense of the other inmates. The limit has been reached and passed, and appeal for further relief must be addressed to those who alone may decide whether or not the door and all other avenues of relief shall be closed to disabled old veterans. Some of the houses in which these old soldiers now sleep were never properly constructed nor suitable for continuous abode by such occupants.

Further on he says:

According to report, the annual cost of clothing per capita averages but \$13.27, which seems extremely low for the warm and comfortable raiment provided; and even this allowance, while possibly too restricted for some articles, like shirts, may be excessive in others. The food is substantial and well cooked, though perhaps a diet more suited to the advanced age of the members might be had at some of the Homes; the large kitchens and inviting dining halls are admirably adapted for the purpose, and everywhere systematic and economic management is apparent, and several branches furnish remarkable models, deserving study and imitation. The daily cost of the ration, as reported, averages \$0.1494 per capita, and of the cooked ration \$0.1639, though the prices paid for supplies vary under successive contracts at the same place and are not everywhere the same.

Then he goes on to speak of the character of the rations and clothing (page 8):

The annual cost of maintenance per capita reported varies from \$95.67 at the Southern Branch to \$139.34 at the Pacific Branch, and the average for all branches is \$117.64, according to the figures presented to me, which may have been somewhat reduced. The contract system has hardly been worked very skillfully yet, and, therefore, not as successfully as it seems capable of being used. All, doubtless, agree that appropriations for food should go nowhere but into the stomachs of the men.

The quality of the property and stores on hand seemed to be generally suitable for the purpose for which purchased, and commendable zeal was displayed by the officers in the care of all confided to their charge.

There were three changes during the year in the officers at the several Branches. * * * The officials seem to be assiduously devoted to their duties and conscientiously administer them with an eye single to the welfare and comfort of those placed by the nation under their charge. An efficient and economical administration was patent on every side.

Now I want to read further from what this same Inspector-General of the Army has said. Hear what he says about Governor Smith (page 35 of his report):

Governor A. J. Smith, to whose untiring energy and great resourcefulness much of the good work accomplished at this Branch is due, has remained in charge.

Taking the number of trials during the year for infractions against the Home rules and regulations as a criterion, the discipline at this Home compares favorably with that of any of the other Branches.

My friend here talks about the saloons in these Homes. There is no saloon at the Home in Indiana, but just outside of it are 8 or 10 grogshops to which the men go—not saloons, where they would merely get beer and where they would be compelled to behave themselves, but grogshops where they are not only made drunk, but are systematically robbed every pay day. And at that Home a greater per cent of the men were, by reason of the presence of these grogshops, taken in charge during the year than at the Leavenworth Home. They were not confined. There is a guard-house, or, as it is now called, a light room, but there is no punishment administered in the way of confinement to any of the men, but they are put into what are called light rooms and kept there until they are able to take care of themselves. The experience of the Board has been that there is less drinking or drunkenness where beer is sold at the Home store than there is where the men do their drinking off the Home grounds. They are under surveillance and are not robbed. But while this was the case at the

Indiana Home, there were, according to the report, only 5 per cent taken charge of in this way at the Leavenworth Home.

I do not feel called upon to defend Governor Smith. I do not feel that it ought to be necessary to do so. I do not understand why the president of the Board of Managers should be attacked because of the conduct of one man in whom he has no more interest than he has in the governor of any other Home. These Homes are all under the charge of the Board of Managers. Does it not occur to gentlemen of the House as a singular thing that the management should be so faulty at the Leavenworth Home while there is no complaint coming from any other Home.

Mr. MILNES. I understood the gentleman to say that there was no "guardhouse" at any of these Homes. I refer him to page 36 of the document he has in his hand.

Mr. STEELE. I mean that it is not maintained as a guardhouse. As I have said, the men are placed in what are called light rooms.

Mr. MILNES. "Guardhouse" is the name used in the report.

Mr. STEELE. The men are placed in those light rooms, but not for punishment, only until they are able to take care of themselves.

Mr. BLUE. Will the gentleman permit me a question?

Mr. STEELE. Certainly.

Mr. BLUE. Has the gentleman never heard any complaint in regard to the Togus Home?

Mr. STEELE. I have heard complaints from men who have been dishonorably discharged from that Home.

Mr. BLUE. Have you not heard it charged that there was a very bad state of affairs at the Togus Home?

Mr. STEELE. I have heard no charge that has not been investigated or will not be investigated.

Mr. BLUE. Investigated by whom?

Mr. STEELE. By the Board.

Mr. MILNES. Will the gentleman please give us more precise information in regard to the saloon run at this Home? Is it run under the direction of the board of control?

Mr. STEELE. At these Homes they have what are called stores, and in these stores beer is kept. Even in the great State of Maine the governor, who is a prohibitionist, who never himself drinks intoxicating liquors, found that it was utterly impossible to control the men, to keep them from getting drunk at the Home in that prohibition State until he put beer in the store and made strict regulations for its sale.

Mr. MILNES. It is, then, the policy of the Board to run a saloon at one of the institutions and a "jag cure" at the other? [Laughter.]

Mr. STEELE. It is the policy of the Board to manage the Homes in a way which, it seems to them, will be for the very best interests of the soldier. And it is a question whether we shall allow them to sell a little beer within the Home, where the sales can be regulated and the officers in charge can see that no man gets drunk, or whether the inmates of the Home shall be allowed to go to grogshops just outside and buy all the liquor they want and become drunk.

Mr. MILNES. Is it true, as was stated by the gentleman from Kansas [Mr. BLUE], that the saloon—or "store," as the gentleman from Indiana calls it—at Leavenworth made over \$13,000 last year out of these old soldiers by the sale of beer to them?

Mr. STEELE. As a matter of fact that is like some other of the details that have been gone over. I do not know what the profit was, but I do not have any idea that it was anything like that on the sale of beer. The report, however, will show.

Mr. SPALDING. If the gentleman will permit me, the report of the Inspector of the Army—not the inspector of the Home—says the profit of the beer hall at this Home for the year amounted to \$13,886.23.

Mr. STEELE. Oh, well; there are a great many articles besides beer for sale; no whisky.

A MEMBER. I thought they had all taken the gold cure out there, that nobody was drinking beer.

Mr. MILNES. Mr. Speaker, I would like to ask the gentleman from Indiana if he thinks it right that this Government should authorize such a thing at these Homes, and that this amount should be made, or allowed to be made, by speculating in such an article of traffic as that?

Mr. STEELE. Well, the Board sees proper to permit it, for what they regard as good reasons, and every cent of the profit goes to or for the benefit or amusement of the soldiers, all of them; and only a comparatively small per cent of them are drinking men. Their average age is now fully 61 years, and the unfortunate chronics do most of the drinking.

Mr. MILNES. Do you think it right that they should be allowed to make nearly \$14,000 a year from the soldiers for selling them beer?

Mr. STEELE. Well, if the gentleman will read the whole of the facts in reference to the matter, and if he takes into consideration all of the conditions existing, he would think differently

perhaps himself. It does seem, I will admit, an enormous sum to one who is unacquainted with the conditions. But does the gentleman know to what purpose this fund is put?

Mr. MILNES. I do not care what is done with it.

Mr. STEELE (continuing). A band is hired; they have built an amusement hall; have built a church, and have added very many conveniences to the Home. And this matter is controlled not by the Board of Managers, but is controlled by the board of survey—you may call it so—consisting of the governor, the treasurer, and one or perhaps more officers of the Home.

Mr. MILNES. Would it not be a good idea to start a Good Templars' Lodge, to be paid out of the revenues arising out of the same fund?

Mr. STEELE. I can understand, Mr. Speaker, that this seems to be very strange to gentlemen who have not investigated the matter or who do not understand the facts as they exist. But what are we to do? These men will have their beer or liquor. Is it not better to supply it to them in the Homes, where they can be provided for and taken care of and protected from robbery, than to let them go outside and become the prey to any man who chooses to take advantage of their helpless condition when drunk? You will agree with me that it is better to regulate the sale and allow them to have it in the Homes than to allow them to go out and to be robbed at these saloons and drinking halls in other places in the neighborhood of the Home. It is just the difference between whether the Home is to have the profit, and at the same time protect the inmates of the Home, or the grogshop just outside of the Home shall have the profit, with the privilege of robbing the soldier on every pay day. If it is held better—and it is being tried that way at the Marion Home, in which I am particularly interested, that being my own State—it is being tried there; but I want to say, in my opinion, that the control of the men running to saloons outside of the Homes, instead of inside, has not been favorable to the Homes or their discipline.

Mr. MILNES. If the gentleman will permit me, I would like to say that in my own State we prohibit the sale of any liquor outside of the Homes, within 1 mile of these institutions.

Mr. STEELE. That is done also in Ohio.

A MEMBER. I believe it is 3 miles here.

Mr. BRUMM. Will the gentleman permit me to make an inquiry of him?

Mr. STEELE. Certainly.

Mr. BRUMM. I wish to ask whether any complaint against General Franklin, except for retaining Governor Smith, has been made? I have heard of none.

Mr. STEELE. So far as I know, there is no complaint in any other direction. General Franklin was one of the pioneers of the West. In 1843 he went to Chicago and helped to survey for the harbor. He then went over to Milwaukee for the same purpose, and was the engineer of the first great bridge that spans the Mississippi River, a bridge that has since made it possible for you gentlemen who live in the West to go and come East. At the outbreak of the war he was here as superintendent of the construction of this Capitol and of the Treasury building; then went to the field and performed honorable and gallant services in the cause of the Union. No man will dare to attack his honor, his integrity, or his ability. The only thing against him that I know of at all is his politics; and there is absolutely, let me say, no politics in the Board of Managers of the Soldiers' Home. I would rather, of course, myself, that he was a Republican. I do not know but that he would be a little better man on that account. But we do not know politics in the Board.

I had occasion to investigate these matters in detail myself, having been a member of the committee that investigated the management of the Homes at Milwaukee and Dayton at the instance of the Democratic House in 1883. They investigated the Homes and raked high and low for something to criticize in the management, and could not find anything, political or otherwise, to complain of, although you would have thought the Democratic party was being raided.

Mr. MILNES. If the gentleman will permit me, one other question. How long has this gentleman, General Smith, been active in this Home?

Mr. STEELE. Since its organization, as far as I know. He went there at the special request of Governor Martin, of Kansas, and was taken from the Togus Home, where he was treasurer.

Mr. MILNES. How long since he took this Keeley cure?

Mr. STEELE. I am unable to say.

Mr. MILNES. Is it true that he has taken the cure to your knowledge under stress of dismissal?

Mr. STEELE. Not at all. It was before I knew him that he took the cure, I think. I had not seen him, excepting once. It was when I was on the Congressional committee at the Togus Home, in 1883.

But, Mr. Speaker, as I said at the beginning, there is so much talk about, and I am so often interrupted, that I lose the run of what I desired to say for the information of the House. I have a

letter from Governor Morrill, of Kansas, which I would like to have read by the Clerk.

The Clerk read as follows:

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
Governor's Office, April 9, 1896.

MY DEAR STEELE: I promised Governor Smith I would write you in regard to what I knew of the management of the Leavenworth Branch, National Home for Disabled Volunteer Soldiers. Since I went off of the Board two years ago I have seldom been there, and can say but little from personal knowledge. While a member I was there frequently, and endeavored to keep a close watch of matters. The Home, as you well know, was well managed, and I can not believe there is any foundation for the charges of brutality. The Keeley cure was a grand success, redeeming over a thousand men from intemperate habits. The difference in the Home since the cure was introduced is very marked. My orders were that every man should be left entirely free to take the cure or not, as he pleased, and no one ever intimated to me that he was compelled to take it. I hope you are having a pleasant time.

Yours,

E. N. MORRILL.

Hon. G. W. STEELE,
House of Representatives, Washington, D. C.

Mr. STEELE. I want to read what Mr. D. R. Anthony said about this Home.

Mr. BLUE. That is not George T. Anthony?

Mr. STEELE. But he is as good a man—the editor of a good paper.

Mr. BLUE. I simply wanted to distinguish.

Mr. STEELE. I will have the letter printed, if there is no objection.

Mr. HULL. You had better have it read.

Mr. STEELE. There is so much of it, it will take too much time. I will print it with other papers.

NATIONAL MILITARY HOME, KANSAS, March 3, 1896.

SIR: I hereby beg leave to lay before you the following facts in the interest of justice and of the best interests of this Branch Home:

1. It may have come to your knowledge, or it may yet come to your knowledge, that attempts have been made through the newspapers, and perhaps otherwise, to discredit the management of Col. Andrew J. Smith, governor of the Western Branch.

2. I have been, as you know, here for more than nine years—that is, almost from the establishment of this Branch—and have had opportunity of knowing the facts I am about to state.

3. From 1886 up until about three years ago the poor old men who came here were the victims of the saloons, brothels, and thugs who seemed to regard old soldiers as their proper prey.

4. The public highway from Leavenworth to the Home and, indeed, the limits surrounding the Home became infested with disreputable places, where abandoned men and women lay in wait for our people (the old soldiers), especially about pension day.

So disgraceful had these conditions become that the respectable men and women of Leavenworth bitterly complained of the sights and sounds and indecent exposures on the part of our drugged and drunken men on the public highway.

5. About three years ago the Board of Managers permitted Colonel Smith to establish a course of treatment for such of our people as had an uncontrollable drink habit and who wished to be cured of it.

The results have been wonderful. More than thirteen hundred men have availed themselves of this treatment. I have personally talked with more than a thousand of them. I have never heard one of them intimate that he had been forced to take the cure, or that he had been injured by it. On the contrary, hundreds of them have told me how thankful they were for it, and how much their general health had been benefited since free from alcoholic disease.

Morally the change in the men has been as marked as it is physically. In the barracks, on the grounds, everywhere, the most wonderful change in the gentlemanly bearing of the men has taken place.

6. Through the efforts of Colonel Smith and the officers and members of the Home who have aided him, many of the vilest places along the highways leading to the Home have been closed.

The sight of drunken men lying on the roadside or making indecent exposures of their persons are almost unknown. Not only are there no longer complaints from citizens about the members of the Home, but, on the other hand, frequent expressions of gratification are heard over the change effected, and the most influential people in business and social circles are very free in their expressions of commendation of Colonel Smith's work as governor of the Home.

On February 18 last, when the Editorial Association of the State of Kansas visited the Home, Col. D. R. Anthony, their chairman, and the editor of the Leavenworth Times, the most influential paper, probably, in Kansas, paid a very glowing tribute to the wonderfully successful management of Col. Andrew J. Smith as governor of this Home.

7. May I, without offense, express the hope that the Board of Managers will not permit any misrepresentations made by designing parties or the enemies of the veteran soldier to influence it so as to put any obstacle in the way of Colonel Smith in this great effort to rescue brave but unfortunate men from the grasp of the insatiable appetite which has brought mental, physical, financial, not to say moral, ruin to so many of our comrades.

Grand as has been Colonel Smith's material management of this Home, when history comes to be written many believe that his greatest achievement will have been found in the restored health, hopes, and homes of the men, who for the first time in many years have found themselves free from the insatiable thirst for alcoholic stimulants.

Respectfully,

W. J. GILLESPIE,
Protestant Chaplain.

Gen. W. B. FRANKLIN.

NATIONAL MILITARY HOME,
Leavenworth County, Kans., February 29, 1896.

GENERAL: In view of certain adverse criticisms of the management of this Western Branch now going the rounds of the press, I have the honor to submit to you my personal experience as testimony in rebuttal of all such attacks, whether emanating from private malice or ill-advised sympathy.

As a Catholic priest living in this community for many years, I feel that I have exceptional opportunities to know the true inwardness of the motives which inspire these attacks. They are base, and in no sense represent the sentiments of our people, either within or without the Home. Among so large a number of old men, bent under physical, mental, and moral infirmity,

consequent on old age, it is to be expected that discontent and imaginary wrongs should find a place among their mental feelings. Such a condition of mind, though confined to a few, is of course to be expected, and yet unprincipled lawyers and clerical newspapers use these ravings of decrepitude to defeat authority and breed discontent.

I deem it my duty to lay before you, as president of the Board of Managers, the true state of affairs. With a full sense, therefore, of my position before the public, I make bold to say that the management of this Branch Home is able, humane, and generous to an eminent degree. Order, of course, must be maintained, and the vicious few must be suppressed. On these two points the overwhelming membership of the Home is in full accord. The Keeley treatment is but a means to this end. It has been successful, and successful to an extent that can be measured only by a comparison between the present state of affairs and conditions and the same as existent before its introduction into the Home. I was here before the Western Branch Home was in being. I watched its construction and saw its halls gradually peopled. The bells of our church joined their music to the general shout of joy that filled the air when first you sent us the news—the glorious news—that the Soldiers' Home would be at our gates. We, too, were liberal, as you well know, yet the day quickly came when all good citizens regretted the presence of the Western Branch in their midst, so great was the influx of men and women of low character and intemperate habits. The city authorities had to increase the police force. The sheriff of the county was kept busy long after each pay day, and I honestly believe Governor Smith himself became alarmed. This was some five or six years ago. In April, 1892, the Keeley treatment for alcoholism was introduced, and the gradual improvement in the morals and manners of the drinking class of the Home has given an air of peace and contentment to this Home which it had not known before. The change is very marked, and it certainly proves the efficacy of the treatment.

I am in a position to obtain the very best testimony in regard to this much-talked-of treatment, and I must say that I would show myself indifferent to the best interests of humanity, as well as to the welfare of the veterans of the last war, should I remain silent on this occasion. I am fully convinced that the Keeley League has worked a transformation in this Home; that the treatment has been, on the whole, a gratifying success, and that, what is more to the point, no one to my knowledge has been unduly influenced to take the treatment or to pay the expenses entailed.

I have the honor to be, very respectfully, your obedient servant.

T. H. KINSELLA, Catholic Chaplain.

Gen. W. B. FRANKLIN,
President Board of Managers, N. H. D. V. S.

LEAVENWORTH, KANS., March 4, 1896.

STEELE.

DEAR SIR: We are much interested, as we know you are, in the welfare of the National Soldiers' Home for Disabled Volunteer Soldiers. We are especially interested in the Leavenworth Home. Its development and progress have been daily before us.

Gen. William B. Franklin, who, as the commander of the Left Grand Division of the Army of the Potomac, rendered such distinguished service during the war, has held the position of president of the Board of Managers for more than twelve years. We have watched his career and believe his policy to have been good. To his ability, experience, conservative action, and especial fitness for the position is due the present excellent condition of all the Homes.

We are convinced that a change in the management at this time would not be for the good of the veterans, and therefore heartily favor his reappointment and urgently request that you will give him your vote and active support.

Very respectfully,

A. Caldwell, president K. Mfg. Co.; Cyrus Townsend, Secretary K. Mfg. Co.; A. J. Tullock, proprietor M. V. B. and I. Works; Paul E. Havens, president Leavenworth National Bank; Edw. Carroll, cashier Leavenworth National Bank; E. W. Snyder, president Manufacturers' National Bank; W. B. Nickels, cashier Manufacturers' National Bank; J. W. Spratley, president Union Savings Bank; E. A. Kelly, cashier Union Savings Bank; H. F. Rush, president the Rush Milling Company; J. S. Rice, James G. Graham, Arthur Simmons, Ettenson, Woolfer & Co., department store; I. W. Crancer, of the Crancer Hardware Company; O. B. Taylor, James A. McGonigle, Jno. W. Fogler, vice-president First National Bank; John Kellery, C. B. Brace; E. P. Willson, president Great Western Stove Company; Isur Wilson, president Great Western Manufacturing Company; J. L. Abernathy.

NATIONAL MILITARY HOME,
Leavenworth County, Kans., February 28, 1896.

DEAR SIR: In compliance with instructions from Col. Andrew J. Smith, governor of the Western Branch, National Home for Disabled Volunteer Soldiers, I have the honor to submit my semiannual report of the Keeley Institute of the Western Branch, National Home for Disabled Volunteer Soldiers, commencing July 1, 1895, and ending December 31, 1895, as follows:

We have treated for chronic alcoholism	32
We have treated for other narcotics	8
Total	40

Total number treated since the establishment of the Keeley method of treating chronic alcoholism	1,341
Percentage of lapses	13.04
The ages range from 47 to 80 years, making an average age of	61.31

Two hundred and six married men have been returned to their families and friends. I have a number of members who have taken the treatment on extra duty in the hospital corps, and am happy to say that they give good satisfaction, and can be trusted to handle liquors as safely as those who have never acquired the taste for liquor. Members whose nervous system was broken and shattered by drink have become strong and able-bodied men, barring age and wounds.

I repeat, as you will observe by referring to my former reports, that the health, happiness, and discipline of the members have been greatly improved by the Keeley treatment. My sick reports show the absence of a single case of delirium tremens treated in the hospital since my appointment as surgeon; and I would still further state that in all the cases treated not a single instance has occurred wherein the health of a member has been impaired by Sking the treatment.

Great care is exercised in the administration of the remedies, and Asst. burs. A. W. Reese and J. L. Fryer deserve great credit for their kind, careful, and skillful manner of treatment.

I could go further and state the great improvement in the sanitary and moral condition of the members who have taken the treatment. Many of them attend divine services on the Sabbath and conduct themselves in a

highly creditable manner; but as this is only a semiannual report, and the items having been referred to in my former annual reports, I am compelled to limit my remarks to a few of the most important facts in explanation of the reason why a less number have been treated during the last six months than at any other time, which is simply owing to the lack of material, as it would seem that almost all of our excessive drinkers have taken the cure and are now sober men, and are using their influence toward the upbuilding of the Home, and by their example many men who have not taken the treatment have discontinued the habit from sheer force of example.

Yours, very respectfully,

D. JONES, Surgeon.

Gen. W. B. FRANKLIN,
President Board of Managers, N. H. D. V. S., Hartford, Conn.

Mr. BLUE. Will you read some extracts from D. R. Anthony's paper within the last few weeks?

Mr. STEELE. I would, if I had the paper, read what is said about that Home.

Mr. BLUE. I will furnish you some extracts.

Mr. STEELE. Now, about the character of the treasurer of the National Home, it was said by the gentleman from Kansas [Mr. BLUE] that this "striker" was taken from the Home. Why, we could take as good business men from these Homes as there are in the country. Until I find that a soldier has done something dishonorable, I count him an honorable man, and no man can point his finger to anything that Major Birmingham has ever done that was not strictly honorable.

He had been assisting the treasurer of the Home for a number of years, and the Board found him to be not only capable, but unusually so, and an honest man; and when these changes were made, as I said before, these people, being out of money, were compelled to act hurriedly. He was carried up to Hartford, Conn., where he was not acquainted with the people at all, his home being in New York, and I do not know that he could have got a bond there instantly, or that he had time to go elsewhere. These men had been without money for a long time, and it was necessary for him to act quickly. I did not know whether the bond had been given to the Board of Managers, as the treasurer's bond had theretofore been given, or not.

I did not understand that when the bond was made, but he came in and said to us, "I have got to make this bond quickly." And he made it to the Secretary of War, as the law prescribed. The Board did not concern themselves about the bond. It was not a matter of concern to us, and, as I said, the details are many. When I said—and the record will bear me out—I could not say just to whom he made the bonds, to what officer of the Government, but that he had made it to the Secretary of War or some other officer, and I understood had been compelled to so make it, and I found out my error the next morning, the first thing I did was to get up and report it.

About the insurance, the gentleman from Kansas [Mr. BLUE] stood here and stated, "as a suspicion almost amounting to a certainty," that the bond was given by this man in a company in which General Franklin was interested, and that the post buildings at various Homes are insured in companies in which General Franklin has a special interest. As a matter of fact, I want to say to you that he has no interest whatever in any insurance companies excepting two—the Orient and the National, both Hartford companies. He has no interest in any security or bond company at all, but he has an interest in those two insurance companies. These post buildings, erected out of money from the post fund, built for the comfort of the men themselves, under officers of the Homes, are insured for \$199,200.

There is that much insurance carried on that character of buildings, and these buildings are monuments to show that the money has been properly used, instead of the saloon men getting it, men who would not only make the men drunk, but rob them. As I say, the insurance carried on these buildings amounts to \$199,200. Seventy-two policies are carried, and five of those policies are in companies in which General Franklin has an interest—the Orient and the National. He has 89 shares in the National and 30 shares in the Orient. In the Orient, in which he has 30 shares, there is carried \$6,500 of this \$199,200, and in the National, in which he has 89 shares, there is carried \$3,000. So, out of the total insurance carried on these Homes, amounting to \$199,200, there are policies aggregating \$9,500 in companies in which General Franklin has some interest.

Two of those policies are on buildings at the Maine Home, and when the governor telegraphed me he telegraphed that General Franklin had no interest in any company insuring those buildings, so far as he knew, and I do not think he had. He was not aware that he had any interest in the Orient. So that my friend from Kansas [Mr. BLUE] would better look a little to statements that he makes, especially when he makes statements of that kind, and assails the character of an honorable man.

I do not feel that it is just to the House that I should detain you longer. I feel that I have covered the ground tolerably well for me, although when I come to look over my remarks I shall doubtless find myself embarrassed, because I have left out many things that I should like to say.

Mr. HAINER of Nebraska. What about the regular soldiers

who were admitted to the Home at the same time that volunteer soldiers who were entitled to admission were refused admission?

Mr. HULL. I should like to hear you on that?

Mr. STEELE. I will find out about that to-night if I can. I am not prepared to give an answer on that subject now.

Mr. HULL. Telegraph out there.

Mr. WALKER of Massachusetts. I should like to ask the gentleman from Indiana a question?

Mr. STEELE. Certainly.

Mr. WALKER of Massachusetts. It seems to be universally conceded that this man was drunk all through the war frequently; that he is a drunkard; and I want to ask you if you propose to keep this drunkard at the head of that institution when you have found out that he is a drunkard?

Mr. STEELE. What drunkard is that?

Mr. WALKER of Massachusetts. This Mr. Smith, who is complained of by the gentleman from Kansas [Mr. BLUE].

Mr. POOLE. I should like to answer that question.

Mr. STEELE. I will answer that question. As one of the Managers of the Home, I will say to you that if I have a vote and I should find that Mr. Smith had been drunk one single time since he has taken the Keeley cure I would not only vote against retaining him, but I would do all I could against retaining him. I do not believe he has been drunk once since he has taken that cure.

Mr. WALKER of Massachusetts. Is there any evidence that would convince you that he was drunk? Can there be any produced, of any nature, that would convince you?

Mr. POOLE. I can answer that, if the gentleman will allow me.

Mr. STEELE. Certainly.

Mr. POOLE. Mr. Speaker, I understand the gentleman from Massachusetts [Mr. WALKER] has asked a question of the gentleman from Indiana, if the Managers of the National Soldiers' Homes would allow this man, whom he says was drunk before the war and drunk during the war, and has been drunk since, would be allowed to remain as governor of the Home. Perhaps I am the only man here who can speak from personal knowledge of Col. Andrew J. Smith. I knew him when a boy. I knew him when we were in the Army together. We have slept under the same blanket and drank from the same canteen. I have had more experience with him than any other associate I know of on this floor, and I can say of my own knowledge that that man never was drunk during the war; and any man who makes that charge here can not prove it. He may have been under the influence of liquor while in Kansas, but that is a prohibition State, and I am not responsible for that. [Laughter.] But I will say, Mr. Speaker, that Colonel Smith was as gallant a soldier and as true a man as ever went into the service. I would like, if the gentleman from Indiana will allow me, to say a few words on this subject.

Mr. HULL. The gentleman from Indiana will permit you to go ahead on this.

Mr. POOLE. While this is up—

Mr. BLUE. I want permission to submit a question to you—

Mr. POOLE (continuing). I know something about the management of Soldiers' Homes.

Mr. BLUE. I want permission to ask you a question.

Mr. POOLE. All right.

Mr. BLUE. This A. J. Smith is not the celebrated A. J. Smith of the war?

Mr. POOLE. This A. J. Smith was formerly adjutant of the One hundred and twenty-second New York Volunteers, and afterwards assistant adjutant-general of the Third Division of the Sixth Army Corps, afterwards assistant adjutant-general of Hancock's Veteran Corps of the Army of the Potomac.

Mr. BLUE. You have not answered my question.

Mr. POOLE. I do not know what you mean, then.

Mr. BLUE. That was not Gen. A. J. Smith?

Mr. POOLE. That is another man entirely.

Mr. BLUE. One further question.

Mr. POOLE. I am referring to the man who is now the governor of the Soldiers' Home at Leavenworth, Kans.

Mr. BLUE. This is not Gen. A. J. Smith.

Mr. POOLE. This is not Gen. A. J. Smith, of Missouri. It is another man.

Mr. BLUE. In regard to this man that you are now speaking of—you say you know him?

Mr. POOLE. I know him.

Mr. BLUE. Was not he a member of General Franklin's staff?

Mr. POOLE. He was not.

Mr. BLUE. Are you sure of that?

Mr. POOLE. I am sure. He knew General Franklin. We served together in the Sixth Army Corps, and General Franklin commanded the Left Grand Division of the Army of the Potomac in the Fredericksburg campaign, which included the Sixth Army Corps, and Colonel Smith undoubtedly knew General Franklin then; and I will say further that there was no army officer in the Army of the Potomac better known to General Grant and General Sheridan than Col. A. J. Smith. He was a good soldier and a brave man. He was also a true man and a good man to his

comrades and had as kindly an interest for the men of his regiment as any man I have ever known.

Mr. BLUE. What did you and he drink when you drank out of the canteen together?

Mr. POOLE. We drank cold water. There is no one here but would know that I did not drink liquor with him. Any man who knows me knows well my habits in that regard. These charges that have been made against Col. A. J. Smith of being a "brute" and a "drunkard" are unfair. You can not prove them. In that connection, I know something about the management of these Soldiers' Homes, and I know that such charges are often made by the inmates. Some years ago I was one of a committee that was sent to examine the Soldiers' Home at Bath, N. Y. Charges were made at that time against the manager of the Home. The governor, General Pitcher, was an old officer of the Regular Army, and yet these charges were made against him as strong as these charges are made against Col. Andrew J. Smith. We went over to the Home and remained there two or three weeks, taking the testimony of the witnesses, and there were a great many of them. We had something over 100 witnesses sworn, and the result of our investigation was briefly this: We recommended that every man who made the charges against General Pitcher should be expelled.

And I want to say right here that you can convict the officers of any poorhouse or Soldiers' Home or any institution of that kind in this country if you listen to all the charges that would be made by the inmates of those Homes. Unfortunately, Mr. Speaker, a good many men who get into those Homes are drunkards.

Mr. BLUE. Will the gentleman allow me to ask him a question?

Mr. POOLE. Certainly.

Mr. BLUE. If Andrew J. Smith is such a gentleman now and drank nothing but cold water, why on earth did he take the Keeley cure?

Mr. POOLE. There were times when he drank liquor.

Mr. WALKER of Massachusetts. I understand that this Gen. A. J. Smith was not the gentleman you describe. That has been the general understanding all over the House, and that is why I asked you the question.

Mr. POOLE. Now, I admit that Colonel Smith, at times during the war and since, drank liquor; but he had the manhood, when he found it was injuring him, to take the Keeley cure. He is an enthusiast in all he does; and when he had taken that cure and found its benefits, it was not surprising that he went around among the men under his charge and induced these men to take it. I am glad to see that 1,300 men under his influence took the Keeley cure and have become good citizens once more. It is not surprising that the other men who did not take that cure should find fault with the men who saved themselves from being common drunkards. It is not an unusual thing. I have served with Colonel Smith in battle; I have seen him under almost all circumstances, and I never saw him under the influence of liquor. He was a gallant soldier during the war, and I can not believe to-day that he is unjust to any of his old comrades.

Mr. HULL. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I simply desire to offer an amendment and have it pending. I may speak to it when the proper time comes.

The amendment was read, as follows:

SEC. 2. Whereas charges of drunkenness and brutality to inmates of the Home and mismanagement have been made against Col. Andrew J. Smith, governor of the Home at Leavenworth, Kans., the President of the Senate and the Speaker of the House shall appoint a commission of three persons, two of whom shall be members of the House and one a member of the Senate, to investigate said charges and file a report of their finding with the Board of Managers of the National Home for Disabled Soldiers of the United States. If a majority of the commission find that said Col. Andrew J. Smith was guilty of said charges, or of either of them, the said Board of Managers shall forthwith remove him as governor of said Home and appoint some suitable person to fill said position. Five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said investigation. The commission shall have power to send for persons and papers.

Mr. BLUE. Mr. Speaker, I reserve the point of order on that. The proposition is entirely out of the line of such things. The President is a member of that Board, so is the Secretary of War ex officio, and so is the Chief Justice, and I do not want a committee appointed by a part of the Board.

The SPEAKER pro tempore. The Chair understands that the gentleman desires to reserve the point of order.

Mr. BLUE. I desire to reserve the point of order.

Mr. STEELE. I simply wish to say that we welcome investigation.

Mr. HULL. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. HENRY].

Mr. HENRY of Connecticut. Mr. Speaker, I think I shall not occupy five minutes, because I simply desire to place myself on record in defense of a distinguished citizen of my State, a gentleman who stands as high in the public estimation as probably any other citizen of Connecticut. General Franklin is not a native of that State. He came to Connecticut soon after the war of the

rebellion, and after the death of Colonel Colt took charge of the Colt Firearms Company and managed it most successfully, winning the admiration and respect of the people of his adopted State. He has been connected with many business enterprises in Hartford and elsewhere in the State, and his standing has been such that he could have any position he would accept. General Franklin does not belong to the political party which I represent, but he has been repeatedly requested to accept office, and he has once or twice headed the Democratic electoral ticket, and has been otherwise honored by the political party with which he has been affiliated. The utter puerility of the charges that are made here against General Franklin may be understood and properly appreciated, I think, from the fact that one criticism made upon him is that he, or the managers of the Soldiers' Home, in the exercise of a wise discretion, allowed the insuring of the property connected with the Homes in Hartford companies. I understand from the gentleman from Indiana [Mr. STEELE] that some \$200,000 of insurance is carried on the property of the different Homes.

Mr. STEELE. One hundred and ninety-nine thousand two hundred dollars.

Mr. HENRY of Connecticut. Now, Mr. Speaker, I submit that it would not be possible to get \$200,000 of good insurance without going to the city of Hartford for it. [Laughter.] The companies with which General Franklin is connected are among the best in the world. I will guarantee that there has been no extra commission paid, and I submit that it is perfectly legitimate for him or for the Board of Managers to place their insurance in the Hartford companies, because those companies are the best in the country. I do not think this fact reflects at all upon the management or upon General Franklin, and if that charge is a fair indication of the seriousness of the other charges that are made, as I believe it is, I do not think this attack upon General Franklin is worthy of the attention of this House.

Mr. HAINER of Nebraska. I will ask the gentleman whether it is not the fact that General Franklin is even now connected with a number of important business concerns in which he is actively engaged?

Mr. HENRY of Connecticut. Yes, sir; he is connected with one or two fire insurance companies, and he is also vice-president of the Hartford Steam Boiler Inspection and Insurance Company, and, in fact, he is connected with many of the leading business enterprises of Hartford.

Mr. HAINER of Nebraska. And he devotes himself very actively to that business?

Mr. HENRY of Connecticut. I have never known any business with which General Franklin has been connected that has suffered. His management of the Colt factory for a long term of years was very successful, and the same can be said of all his business associations.

Mr. HAINER of Nebraska. And he devotes himself to that outside business?

Mr. HENRY of Connecticut. That is his reputation. General Franklin neglects nothing that he undertakes, and I do not believe that in his connection with the Soldiers' Home he has neglected any duty.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. STROWD of North Carolina, for four days, on account of important business.

To Mr. SHUFORD, for three days, on account of important business.

To Mr. LEONARD, for ten days, on account of important business.

The motion of Mr. HULL was then agreed to; and the House accordingly (at 4 o'clock and 58 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, recommending an appropriation to recompense John Moore & Co. for extra work on the post-office, custom-house, etc., at Denver, Colo., was taken from the Speaker's table and referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF COMMITTEE ON PUBLIC BILL.

Under clause 2 of Rule XIII, Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8041) for the relief of certain Indians residing upon the ceded portion of the Red Lake Reservation, reported the same without amendment, accompanied by a report (No. 1308): which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims: The bill (H. R. 3672) for the relief of Richard P. Blackistone. (Report No. 1298.)

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 3030) for the relief of James H. Birch. (Report No. 1299.)

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 253) to refer to the Court of Claims the bill (H. R. 7123) for the relief of George S. Ayre. (Report No. 1300.)

By Mr. GRAFF, from the Committee on War Claims: The bill (H. R. 4098) for relief of Thomas F. Ryan. (Report No. 1301.)

By Mr. ANDREWS, from the Committee on Private Land Claims: The bill (H. R. 4603) to confer jurisdiction on the Court of Private Land Claims to try and determine a title. (Report No. 1302.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook. (Report No. 1303.)

The bill (H. R. 7501) for the relief of Daniel T. Tollett. (Report No. 1304.)

By Mr. WOODARD, from the Committee on Claims: A bill (H. R. 8221) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh, reported in lieu of House bills Nos. 2475 and 2478. (Report No. 1305.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 6954) granting a pension to Lucinda Andrews, of Essex, Vt. (Report No. 1307.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 7285) for the relief of George McFarland. (Report No. 1308.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TRELOAR: A bill (H. R. 8211) to provide for the commissioner of copyrights and to revise the copyright law—to the Committee on Patents.

By Mr. RAY: A bill (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence—to the Committee on the Judiciary.

By Mr. PAYNE: A bill (H. R. 8213) authorizing and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon and 60 cannon balls to the George C. Stoyell Post, Grand Army of the Republic, of Moravia, N. Y.—to the Committee on Naval Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 8214) granting to Will E. Webber Post, Grand Army of the Republic, of Galatia, in Saline County Ill., two condemned mounted brass cannon—to the Committee on Naval Affairs.

By Mr. GARDNER: A bill (H. R. 8215) to provide for the purchase of a site and the erection of a building thereon at Atlantic City, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM A. STONE: A bill (H. R. 8216) granting to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., 2 condemned cannon and 25 cannon balls—to the Committee on Naval Affairs.

By Mr. SCRANTON: A bill (H. R. 8217) to incorporate the National Plant, Flower, and Fruit Guild—to the Committee on the Judiciary.

By Mr. GRAFF: A bill (H. R. 8218) to amend section 3287 of the Revised Statutes of the United States, authorizing in certain cases the storage of distilled spirits in metal tanks in distillery warehouses—to the Committee on Ways and Means.

By Mr. COOPER of Florida: A bill (H. R. 8219) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes—to the Committee on Military Affairs.

By Mr. BARTLETT of New York (by request): A bill (H. R. 8220) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE: A joint resolution (H. Res. 171) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship—to the Committee on Foreign Affairs.

By Mr. PICKLER: A resolution (House Res. No. 251) to set apart Monday evenings during the session for pension business

and limit debate at evening sessions to ten minutes on each bill—to the Committee on Rules.

Also, a resolution (House Res. No. 254) asking appointment of an additional assistant by the Clerk of the House—to the Committee on Accounts.

By Mr. MORSE: A memorial by the legislature of Massachusetts asking the United States Government to assist in the extermination of the gypsy-moth pest—to the Committee on Agriculture.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Private Land Claims was discharged from the consideration of the bill (H. R. 2843) for the relief of William M. Boyd, and the same was referred to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 8222) for the relief of Austin G. Jacobs—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 8223) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others—to the Committee on the District of Columbia.

By Mr. CORLISS: A bill (H. R. 8224) to refund to Jesse H. Farwell money paid as import duty on the schooner *Southampton*—to the Committee on Claims.

By Mr. GARDNER: A bill (H. R. 8225) to increase the pension of George R. Sheppard—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 8226) to increase the pension of William Sharrock—to the Committee on Invalid Pensions.

By Mr. MCCREARY of Kentucky: A bill (H. R. 8227) for the benefit of James S. Fish—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 8228) granting a pension to Mrs. Jane H. Vandevere, widow of the late Brig. and Bvt. Maj. Gen. William Vandevere, United States Volunteers, deceased—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8229) to pension Ida Jennett, widow of Joseph Jennett, late assistant keeper of Gull Shoal Light-House, North Carolina—to the Committee on Pensions.

Also, a bill (H. R. 8230) for the relief of J. E. Merriam—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 8231) for the relief of William T. Bell—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 8232) removing the charge of desertion from the military record of John O'Brien—to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 8233) for the relief of the estate of Abel Adams, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of citizens of Center County, Pa., recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. BULL: Petition of the Rhode Island Engineers' Association, of Providence, R. I., favoring the passage of House bill No. 3618, to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

Also, petition of Dr. George F. Payne, of Atlanta, Ga., for the passage of House bill No. 1664, regarding naval pharmacists—to the Committee on Naval Affairs.

By Mr. CORLISS: Memorial of the board of reference and control of the World's Columbian Commission, in reference to reports of officers—to the Committee on Appropriations.

By Mr. CROWTHER: Petition of ex-soldiers and ex-sailors, residents of Crosby, Mo., favoring the passage of a service-pension measure granting not less than \$8 per month to all honorably discharged soldiers and sailors who served not less than ninety days in the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of George G. Meade Post, No. 48, Grand Army of the Republic, Department of Missouri, praying for the passage of House bill No. 1196, for the relief of soldiers and sailors, or their heirs, formerly pensioned under the act of June 27, 1890, and who have been dropped from the pension roll, or rerated thereon at a lower figure, and establishing a standard of ratings under said act—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of various manufacturing firms of the United States, for the passage of House bill No. 6577, to authorize the registration of trade-marks and labels—to the Committee on Patents.

Also, petition of John J. Gerstle, for the passage of House bill No. 8050, granting a pension to Joseph Gerstle—to the Committee on Invalid Pensions.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 7194, for the relief of Eli Conner—to the Committee on Invalid Pensions.

By Mr. HITT: Memorial of the United States Peace League, the English Peace Union, and various other English, German, French, Belgian, Dutch, Danish, Italian, and Sicilian societies, in favor of a permanent arbitration tribunal between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. LEIGHTY: Petitions of E. O. Rose and L. E. Reed, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: Petition of the Lafayette Republican Battery, of Jersey City, N. J., asking for the passage of the bill providing for a new post-office building at Jersey City, N. J.—to the Committee on Public Buildings and Grounds.

Also, petition of Liquor Dealers' Protective League of Camden, Elizabeth, Paterson, Hackensack, Plainfield, Perth Amboy, and county of Warren, State of New Jersey, against the passage of House bill No. 6668, to amend the act relating to the sale of intoxicating liquors in the District of Columbia by raising the license fee—to the Committee on the District of Columbia.

Also, petitions of William P. Kastenhuber, of Jersey City, N. J., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McLACHLAN: Petition of W. L. Woodward and others, of the State of California, for the passage of a special act placing all soldiers reenlisting from the Veteran Reserve Corps on the same footing as other veterans—to the Committee on Military Affairs.

Also, petition of citizens of Santa Ynez, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

Also, petitions of citizens of Los Angeles County, Cal., for the passage of a service-pension bill of at least \$8 per month to every honorably discharged soldier, sailor, and marine who served ninety days in the late war on the Union side—to the Committee on Invalid Pensions.

Also, petition of citizens of Rivera, Cal., asking that religious matter be admitted as second class in the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of John A. Martin Post, No. 153, Grand Army of the Republic, of Soldiers Home, Cal., favoring a general service-pension bill—to the Committee on Invalid Pensions.

By Mr. QUIGG: Petition of Nathaniel D. White and others, of New York, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SHAFROTH: Petition of E. B. Hendric and others, of Denver, Colo., favoring the passage of bill reviving the office of Lieutenant-General in the interest of Maj. Gen. Nelson A. Miles—to the Committee on Military Affairs.

By Mr. TOWNE: Petition of several hundred citizens of Minnesota, for legislation in favor of the carriage of bicycles as baggage, to accompany House bill No. 4246—to the Committee on Interstate and Foreign Commerce.

By Mr. TRELOAR: Papers to accompany bill granting a pension to A. J. Vanarsdel—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho: Petition of Rebecca R. Mitchell and other officers of the Idaho Woman's Christian Temperance Union, praying for international arbitration—to the Committee on the Judiciary.

SENATE.

THURSDAY, April 16, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 10th instant, relative to the cases of Kentucky claimants for rents for barracks and quarters allowed by accounting officers of the Treasury and reported to Congress January, 1895, in House Executive Document No. 234, and not appropriated for, transmitting a report made in these cases by the Comptroller of the Treasury March 28, 1896; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of \$15,000 for the purchase of machine guns for the service of the fiscal year 1897; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 2d instant authorizing the proper accounting officers of the Treasury to reexamine Treasury settlement No. 133, being claim in favor of George Baber, formerly of Gallatin, Tenn., for barracks and quarters, reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, a report thereon by the Comptroller of the Treasury, dated the 11th instant; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Anti-Saloon League of the District of Columbia and a petition of the American Christian Missionary Society, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general welfare; which were referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Columbus, Ohio; a petition of the Board of Trade of Jacksonville, Fla.; a petition of the Fruit and Produce Exchange of Boston, Mass., and a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. TELLER presented a petition of the Commandery of the State of Colorado, Military Order of the Loyal Legion of the United States, of Denver, Colo., praying for the revival of the rank of Lieutenant-General of the Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of Council No. 64, American Protective Association, of Breckinridge, Colo., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Denver, Colo., praying for the enactment of legislation providing for a reclassification of clerks in the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Core Makers' Protective Union, No. 5900, American Federation of Labor, of Cincinnati, Ohio; of the United Brotherhood of Carpenters and Joiners of America, of Philadelphia, Pa.; of the American Federation of Labor, of Indianapolis, Ind.; of Union No. 6651, American Federation of Labor, of Columbus, Ohio; of the Federated Trades Council, of Madison, Wis.; of American Waiters' Union, No. 5108, of St. Louis, Mo.; of Federal Labor Union, No. 6512, American Federation of Labor, of Belt, Mont.; of Journeymen Tailors' Union, No. 140, of Hot Springs, Ark.; of Central Labor Union, American Federation of Labor, of Toledo, Ohio; of Steam Engineers' Protective Union, No. 5703, American Federation of Labor, of Denver, Colo., and of the Screw Makers' Protective Union, No. 6256, American Federation of Labor, of Toledo, Ohio, praying for the free and unlimited coinage of silver at the ratio of 16 to 1; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the Board of Trade of Columbus, Ohio, praying for the enactment of legislation securing better markets for grain, grain products, meats, and all manufactured products of the United States; which was referred to the Committee on Finance.

Mr. McMILLAN presented a petition of the faculty of the School of Pharmacy, University of Michigan, Ann Arbor, Mich., praying for the enactment of legislation raising the status of pharmacists in the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Edward B. Linsley, of Three Rivers, Mich., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the passage of House bill No. 3559, providing for the extension of Fourteenth street northwest; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Builders' Exchange of Washington, D. C., praying for the enactment of legislation extending the sewer system of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 933 residents and property owners of the southeast section of the District of Columbia, praying for the passage of the bill to incorporate the East Washington Heights Traction Railway Company; which was ordered to lie on the table.

Mr. PRITCHARD presented the petition of E. L. Haughton and sundry other citizens of North Carolina, praying that an appropriation of \$10,000 be made to continue the improvements of the Trent River, in that State, as already commenced under the United States Engineer Department; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light-vessel No. 37, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2337) for establishing a fog-signal vessel at San Francisco Bar, California, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 933) making an appropriation for the purchase of a site and the construction of a light and fog signal at St. Andrews Bay, Florida, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 657) to provide for the erection of range lights at St. Josephs Bay, Florida, and at St. Andrews Bay, Florida, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. QUAY on the 1st instant, providing that the Christiana light station, Delaware, be raised to the fourth order, intended to be proposed to the sundry civil appropriation bill, reported it favorably and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Naval Affairs, to whom was referred the amendment submitted by himself on the 9th instant, providing for the arming and equipping of the Naval Militia, intended to be proposed to the naval appropriation bill, reported it favorably and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUAY, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 1st instant, providing for a relief vessel for the Fourth light-house district, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 1st instant, providing for the stationing of a first-class light vessel at or near the Overfalls Shoal, New Jersey, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1122) for the relief of Sallie Hardmond, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2845) for the relief of Mrs. L. A. Barber, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 1155) for the relief of Lieut. Jerome E. Morse, of the United States Navy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, submitted a report to accompany the resolution of inquiry adopted by the Senate on the 20th ultimo concerning the location of the turrets of battle ships; which was ordered to be printed.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. HARRIS on the 14th instant, intended to be proposed to the sundry civil appropriation bill, the amendment proposing to appropriate one-half of a year's salary each to the widows of M. F. Watkins, Charles Stone, and James Newsom, late members of the Capitol police, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GRAY. At the request of the Senator from Alabama [Mr. MORGAN], a member of the Committee on Foreign Relations, I present for him the views of the minority in regard to the right and propriety of taking fur seals, and also relative to House bill 3206, to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, which is before that committee, and upon which there is a majority report. I move that the report be printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2865) to remove the charge of desertion from the name of James H. Tucker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2866) granting a pension to Sarah

M. Kingsley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2867) granting a pension to Joseph Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2868) granting a pension to Dora D. Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2869) for the relief of J. E. Merriam; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2871) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 2872) to increase the pension of Benjamin F. Douglas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2873) authorizing the Secretary of War to donate 1 condemned cannon and 15 cannon balls to McDowell Post, Grand Army of the Republic, of Enid, Okla.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2874) to provide for the construction of a graveled road from the termination of the graveled road and bridge on the north side of Cache River, in Pulaski County, Ill., to the national military cemetery near Mound City, in Pulaski County, Ill., and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MARTIN introduced a bill (S. 2875) for the relief of Nimrod D. Kineaster, of Indianapolis, Ind.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PALMER introduced a bill (S. 2876) granting a pension to Mrs. Millie Jackson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 2877) granting a pension to Hiram Santas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2878) granting a pension to Aaron Wood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2879) granting a pension to Charles A. Hutchings; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2880) granting a pension to Charles E. Mann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2881) granting an increase of pension to Jacob Ela; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2882) for the erection of a monument to the memory of Lieut. Commander George Washington De Long and his comrades, who lost their lives in the *Jeannette* Arctic expedition; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

ADDITIONAL BUILDING FOR NATIONAL MUSEUM.

Mr. MORRILL. Mr. President, I desire to occupy the time of the Senate long enough to place on record some facts in relation to the necessity for a new building for the National Museum.

The PRESIDENT pro tempore. The Senator from Vermont, in pursuance of previous notice, calls up from the table a bill which will be read by title.

The SECRETARY. A bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum, reported from the Committee on Public Buildings and Grounds with an amendment.

Mr. MORRILL. Mr. President, when the Smithsonian Institution, designed for "the increase and diffusion of knowledge among

men," was put into practical operation it was discovered that a National Museum would be a large contributor to the great purpose of the founder, and that the nation was destitute of such an institution. The Smithsonian building accordingly early began to be temporarily crowded with many gifts and objects of rare value, and subsequently a separate building for a museum was found to be indispensable. Patronized as was this collateral enterprise of the Smithsonian by the Government, through many of its Executive Departments, and guided by the Smithsonian Institution in a scientific and educational direction, as well as in the practical diffusion of knowledge, it was sure to become an important, but inexpensive institution of public education, with a constantly increasing collection of important materials worthy to be entrusted to the custody of a national museum, where they might be forever preserved and thus increase in value with every succeeding generation.

The statistics in relation to the present Museum are interesting, and indicate its extensive scope and character. It is not a "dime museum" of grotesque curiosities, but without money and without price it offers to visitors more wonderful attractions by its many specimens of rare scientific and historic value. The several States are represented by a great variety of contributions of special interest, and if they were represented by many more their wealth of materials would be in no danger of being exhausted.

There are now 3,406,920 specimens in the Museum, many of almost priceless value, and it is even claimed that a fair appraisal of the value of the entire collection would make it amount to several millions of dollars.

A museum has been properly defined as "a consultation library of objects," and our National Museum justifies this definition, as it may be said to be thronged by an inquisitive people daily asking questions, and here seeking proper answers. It is visited by those who are students in various branches of science and by those who are pot students, but all find it an object lesson. It is a free school, the benefits of which are annually extended to multitudes of visitors from almost every State and Territory of the Union. All who pass through the door of the old or new building are registered, and the total number for the past nine years was 3,474,056, or an average of nearly 400,000 annually.

This shows that the average daily number of those who have found pleasure and instruction in visiting the National Museum for the past nine years to have been over 1,000 per day, except Sundays. They come from distant States as well as from those near by. Those who live not far from Niagara are said to be content with its roar and rarely visit the great falls. It is the multitude of American travelers from distant homes who have most pride in and seek the most profit from the National Museum.

The correspondence of the Museum amounts to 20,000 letters annually, and as largely comes from remote as the nearest States, perpetually asking for or giving special information.

In 1879 the present Museum building was authorized to be constructed, at a cost of \$250,000, and was completed for that sum. It was, I believe, roughly planned by General Meigs. The interior of the building is appropriate for its use, while the exterior has won less commendation. Although it covers 3½ acres of ground, another building of equal or larger dimensions is already an urgent necessity.

The additional building will be placed west of the Smithsonian, and occupy there a like space and position with that on the east side of the Smithsonian, but will be one story higher, and with a cellar. The cost will be something more, of course, than was that of the present building, but it will be built with the same strict economy as was the first.

The great lack of room for the proper exhibition of gifts, or of any materials collected for the Museum, tends to retard its proper growth and value. A large additional amount of room is greatly needed to illustrate the natural wealth of our country, of which many more specimens deserve to be gathered and all classified by States. The minerals, marbles, and building stones of some of our States are now fairly represented, but a better and more complete collection might be obtained from many more of them.

The congested and present crowded condition of the Museum is visible, of course, to all who enter it; but I do not suppose that members of Congress can be generally aware of the great amount of material which has been already collected, prepared, and labeled, with much labor, that has been boxed up and is now stored away in various odd places, uninsured, and entirely hidden from view. Some of these materials have been temporarily in the lecture room, and many out-of-the-way corners are also thus monopolized.

Some valuable materials, for want of room to receive them, have been and are now in the basement of the museum of Yale College. The great herbarium, the most important collection of American plants in the world, has to be stored at present by the Agricultural Department.

In the basement of the Smithsonian Institution and in its towers a space equal to 200,000 cubic feet is crowded to the utmost extent with boxed and labeled material. In one basement room are

packed 50,000 skins of birds, and 50,000 more are in the gallery, and it must be remembered that we have the most beautiful and the widest collection of birds of any country in the world.

There are various sheds in scattered places and one temporarily hired, with an estimated capacity of 170,000 cubic feet, fully packed with valuable material. None of these ephemeral structures containing numberless objects of interest are fireproof, and all are dangerously combustible.

It is now just a half century since the establishment of the Smithsonian Institution, and its work has been a continuous honor to the United States. It is the custodian of the National Museum, which is the only lawful place of deposit of "all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States."

The idea has been suggested that possibly it might have been wiser to have originally selected a site where a much larger structure for the Museum could have been erected; but its removal from the neighborhood of the Smithsonian building would have made it impracticable for Secretary Baird, in whom Congress reposed the utmost confidence, to have had anything to do with it, and far less to have been the persistent and efficient guide and promoter of a great national museum, as much to his personal honor as even the national fish hatchery has proved to be.

The additional building now earnestly sought will be equal to the preservation and exhibition of a very large amount of accumulated material now unhappily stored away, and will also provide some space for future accumulations that should not longer be neglected.

The agents of great museums abroad are reported to be regularly employed here, with authority to purchase any American curios and antiquities, and in some directions they are supposed to have already obtained better specimens for exhibition than have been left for us to find.

The New World, of which the United States forms so important a part, in its prairies and mountains, hills and forests, with their extensive minerals, rocks, and marbles, lakes and rivers, with the animals, game, birds, and fish, the story of the prehistoric race, the legends of the Indian tribes, as well as the notable modern history and life of the present inhabitants, all seem to have distinctive features of their own which belong almost exclusively to the western half of the globe discovered by Columbus. This vast and comparatively ungathered continental field, with its abounding American treasures, should be harvested by our National Museum and not surrendered to the more diligent foreign explorers to adorn and enrich only European museums.

As long as it shall be conducted by the Smithsonian Institution its broad nonpartisan reputation as a national museum of the highest character will not be likely ever to be disputed or impeached.

While this additional building, with its additional story and cellar, will more than double the capacity of the present museum, it is probable as the years go by that it will be necessary to keep step with the research, progress, and record of the American people, and as early as 1926, when our population will be not less than 140,000,000, it may be expected that another and grander building in the rear of the Smithsonian, facing on South B street and connecting the two wings, will be required to mark and illustrate the age.

I ask that Senate bill 698, which is on the table, be now placed upon the Calendar.

The PRESIDENT pro tempore. The bill will take its place on the Calendar.

Mr. HOAR. I ask unanimous consent that the bill concerning which the Senator from Vermont has addressed the Senate be put upon its passage at this time. I know it is a bill to which no Senator objects.

Mr. MORRILL. I prefer that an amendment of the same character shall be put on the sundry civil appropriation bill.

Mr. HOAR. I thought the bill could be passed through the Senate and go to the other House.

Mr. MORRILL. I would rather keep the bill back for the present.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1896.

Mr. GRAY. Mr. President, when I yielded the floor yesterday afternoon, in order that the Senator from Ohio [Mr. SHERMAN] might move an executive session, I had hoped I was approaching the conclusion of such argument as I have been able to present to the Senate in regard to the questions that have been raised in this interesting discussion as to admitting Col. Henry A. Du Pont to a seat in the Senate. I thought I had shown that the plain provisions of the constitution of Delaware made it necessary that the speaker of the senate, who exercised the office of governor,

should retain his office both as speaker of the senate and as senator from the county that he in part represented; that there not only was no express provision of the constitution creating a vacancy in the contingency that was provided for, but every implication from the language used and every intendment to be gathered from the various provisions of the constitution pointed to the fact that no such vacancy was contemplated as possible. I also, I thought, disposed of the argument that was founded upon the two prohibitory clauses, or the two clauses prescribing qualifications, or rather disqualifications, for senator and representative and also for governor. I think it is admitted on both sides that if the mere exercise of the office can be argued to create a vacancy, those clauses do not apply. I think I showed also that by the universal practice and usage in the State and all branches of the Government and in the opinion of all its people no vacancy was created in the numerous instances in which the speaker of the senate had been called to exercise the office of governor.

But the counsel have two branches to their argument, and forced by the stress, it seems to me, of the situation in which they find themselves, they invent a phrase, "suspension from office," that is, that though there is no vacancy when the speaker exercises the office of governor he is suspended for the time being from his legislative function as senator.

Mr. President, I dwell upon the fact that there is no such phrase in the constitution as "suspension from office"; that the thing itself is not provided for and is at war with the whole scheme of the constitution; that it would produce a state of things much more inconvenient and much worse for the people of the State than to create a vacancy, for if you create a vacancy it can be filled, but if you create a suspension you create a sort of vacancy that can not be filled, and thereby leave one-third of the representation of a county destroyed without possibility of supplying it—a state of things which it is not conceivable that the framers of the constitution ever intended or would have permitted if it had been called to their attention.

Suppose, as I said yesterday, that the framers of the constitution had had suggested to them in their convention that when, under the provisions that they had framed, the speaker of the senate exercised the office of governor the speaker was suspended from his function as senator, thereby creating a vacancy that could not be filled, and that one-third of the representation of a county had thus been helplessly destroyed, the answer would have been (and I think no intelligent man will suggest that it could have been other) that we do not think we have done this thing, and we certainly never intended to do it.

This suspension is claimed to have been worked on an entirely independent ground from the prohibitory clauses, so called, of the constitution, or the qualification clauses on what they call an inherent incompatibility between the executive and legislative offices, and a so-called American doctrine of public law has been invoked, which is said to be founded upon the division of the three departments of the Government in American constitutions into executive, legislative, and judicial. I have asserted that there is no such American doctrine. It has been demonstrated by the Senator from Mississippi [Mr. GEORGE] in his admirable argument that no such doctrine ever existed or has ever been declared by any writer on constitutional law. I read yesterday from Story on the Constitution, I read from Mr. Webster's speeches, and I also read from Mr. Madison in the Federalist to show that there was no such doctrine, and I think I have so shown, the doctrine being merely that one department shall not exercise the whole of the powers of the other department, not that there may not be an occasional participation of those who hold position or office in one in the exercise of the powers of the other. A legislator, a senator or representative, is not the legislative department. A legislator is not the general assembly; he is only one constituent factor of it. He can not exert legislative power, though the body to which he belongs can. He is not one of the great departments, and when he exercises an executive function it is not the legislative department participating in an executive function, but it is a single unit of those composing the legislative department performing some duties that may properly be called executive. That is all there is of it; and it has been shown that that is a thing that has not been avoided in any constitutions of the forty-five States of the American Union. I assert that without fear of contradiction.

To show how utterly untenable the theory of the Senator from New Hampshire [Mr. CHANDLER] is, and upon which he built his whole argument, it seems to me, we all recollect—certainly every lawyer recollects—that in the State of New York until 1848, I think it was, the supreme appellate tribunal of that State was composed of the lieutenant-governor, certain judges, and the senate, one of the members of the legislative department, and that the senate of New York through a large period of the history of that Empire State was performing judicial functions. No one thought that any American system was being trampled under foot when that constitution was in force, and no one ever dreamed to assert that the framers of that constitution were not imbued with a knowl-

edge of what was required of those who were undertaking to create a framework of government for a free American Commonwealth.

It is not worth while that I should pause to ransack our history for instances so multiplied as they have been, but we can recall without effort the fact that Chief Justice Marshall was Secretary of State when he was commissioned as Chief Justice. He was commissioned in January, 1801, and continued to act as Secretary of State until the end of Mr. Adams's Administration. I have never heard that the great American principle of division of governmental powers was destroyed or seriously impaired by that historical fact.

Mr. CHANDLER. May I ask the Senator a question?

Mr. MITCHELL of Oregon. Did he exercise both offices at the same time?

Mr. GRAY. Both offices at the same time.

Mr. MITCHELL of Oregon. He exercised both?

Mr. GRAY. He exercised both.

Mr. CHANDLER. I ask whether he exercised the function of Secretary of State and Chief Justice at the same time?

Mr. GRAY. He did. After sitting in court he went to his office of Secretary of State and signed commissions, and made communication with foreign powers as Secretary of State.

Mr. CHANDLER. The Senator will refer to the authority.

Mr. GRAY. I have it not here, but if it will gratify the Senator I will have that matter made clear for him.

Mr. GEORGE. You are referring to Chief Justice Marshall?

Mr. GRAY. To Chief Justice Marshall.

Mr. TURPIE. There is no doubt of it.

Mr. GRAY. There is no doubt of it. So all that we can do is to agree with the proposition of Mr. Webster, that when we want to find how much participation is permitted by the members of one department of the Government in the powers or duties of another we have got to look to the written Constitution, and that there is no such general American doctrine as that declared by the Senator from New Hampshire. I am just reminded that Chief Justice Jay, after he was Chief Justice, and while he exercised the office of Chief Justice, performed a very important executive act when, under the commission of the President, he made the treaty of commerce with Great Britain of 1795.

Mr. President, we are too practical a people, we are sprung from a people who are too practical, we have inherited our laws and our constitutional tendencies from a people who are too practical, to be bound down in this practical matter of constitution making by any hard-and-fast theory such as the Senator from New Hampshire declared existed. When we want to make a government we consider the object we have in view, the convenience of the provisions that we have made, and the machinery that we have created for the end we had before us.

But, Mr. President, the argument of incompatibility on this foundation of discrimination between legislative and executive functions, as incompatibility for any other cause, will work a vacancy if it works anything, not a suspension. There has been no case cited by the learned Senator from Oregon, whose powers of research and industry we are all familiar with—there has been no case cited in which the taking or acceptance of an incompatible office has worked anything but a vacancy in the office already held. There is nowhere, so far as I know (and certainly the distinguished Senator has cited no instance), where incompatibility has been adjudged to work any effect at all upon the office already held that that effect has not been the creation of a vacancy and not of a suspension. The suspension of function is a thing that must be provided for by express constitutional or statutory enactment. It can not in its nature be a thing that works its own creation. It is a limited and special and extraordinary effect to be produced, where it is produced at all; and it can not be argued that such an effect would follow the mere incompatibility of office, if incompatibility existed.

But, Mr. President, there is another view to be taken of the argument of the Senator from Oregon and those who agree with him and have followed him. He says upon this ground, independently of all others, incompatibility of function, there is a suspension worked in the position of speaker of the senate and senator from Kent County, in the State of Delaware, in the special case we have before us. If it is an incompatibility of function that creates this suspension, and not express constitutional enactment and declaration, then the suspension can only exist *pro tanto*; it can only exist, according to the Senator's own argument, so far as that incompatibility extends, because there is no other way by which the Senator can logically arrive at the conclusion that there has been a suspension by reason of inherent incompatibility between these two offices, except by arguing that there is a common law which forbids two incompatible functions to be exercised at the same time by the same man. Well, admitting, then, for the sake of argument, that the legislative function is incompatible with the executive function, and that therefore there was worked a suspension on that account of the legislative function so far as Mr. Watson was concerned while he exercised the office of governor, the matter we are concerned with here and now is not a

legislative function at all; it is the electoral function that he was performing when he voted for United States Senator on the 9th day of May, 1895, and had no relation at all to the legislative duties that were prescribed by the constitution, had no relation at all to the great fundamental character that he held as a legislator; but was a function imposed upon him by the Constitution of the United States, and bore no semblance at all to a legislative function. Therefore this function of voting for a United States Senator was outside of this domain of incompatibility, and could not have been affected by it.

Mr. MITCHELL of Oregon. May I ask the Senator from Delaware if it is not a fact that Mr. Watson could only exercise the electoral function in virtue of the right existing in him at the same time to exercise the legislative function; and if the right to exercise the legislative function was suspended, does it not follow, as a matter of course, that the right to exercise the electoral function was suspended at the same time?

Mr. GRAY. Mr. President, I think I understand the Senator. But the Senator has made an exceedingly artificial argument on this whole matter of suspension of function occasioned or worked out by the incompatibility of another function. It is true that Mr. Watson was elected a member of the legislature of Delaware, and that, as a member of the legislature of Delaware properly and duly elected, he had a right to participate in the election of a United States Senator. Now, if his exercise of the office of governor, according to the Senator's real belief, worked a vacancy in his office, that was an end of Mr. Watson as a legislator, and he had no right to participate in the election of a United States Senator any more than if he had been expelled by a vote of the senate from that body. But that is not this case; that is not that plain, simple case that plain people can understand. We are dealing with this exceedingly complex situation which the Senator from Oregon has created for the purposes of his argument, to wit, that there was no vacancy created in the senate of Delaware such as I have described by the exercise of the executive office, but there was a suspension of function. He remained senator, or otherwise his place could have been filled, but he could not vote because, forsooth, he was performing executive duties under the constitution—could not vote on a law, could not do anything that was required of him as a legislator. Why? Because his office had been vacated? No. As I said just now, it had not been vacated. But because the legislative function was incompatible with the executive function, and just so far as that incompatibility extended his power and capacity as a legislator was in a state of paralysis. I do not know how else to describe it. But when we come to a function that was not within the four corners of this carefully described incompatible function, to wit, voting for a United States Senator, he still had been elected, his office was not vacant; it was only suspended, according to the Senator's own argument, as to its legislative side, and he was bound to exercise the electoral function of voting for a United States Senator for which he was elected among other things to exercise. That is all there is in that. Otherwise the argument founded upon incompatibility of function or suspension of office, it seems to me, is one that is self-contradictory and illogical.

Mr. MITCHELL of Oregon. If the Senator will allow me, he is getting a little bit away from the proposition he was arguing a moment ago. The Senator assumes, for the sake of the argument—that is, for the time being—that my contention was correct to the effect that the right to exercise the function of legislator was suspended while Mr. Watson exercised the office of governor; and then went on to argue that, although that might be so, still Mr. Watson had a right to exercise the electoral function, which was not suspended. I replied to that, for the purposes of showing that that is not a sound argument, by stating that he could only exercise the electoral function in virtue of the right residing in him to exercise the legislative function; and whenever the right to exercise the legislative function was held in abeyance or suspended, then, as a matter of course, it necessarily follows that the right to exercise the electoral function was also suspended, and therefore it follows still furthermore that that particular argument of the Senator from Delaware is not, in my judgment, a good one.

Mr. GRAY. That particular argument of the Senator from Oregon is not a good one. That is all there is about it. Governments could not be run, of course, upon such an attenuated interpretation of constitutions as the Senator feels it necessary to make in this case, in order to establish this incompatibility of function. I agree to that; but I am taking his argument as he has made it, and I have shown that, by its own terms, he arrives at a point where he must admit, if he is logical in that respect, that participation by Mr. Watson in the election of a United States Senator was the exercise of a function that was not incompatible with the exercise of the office of governor. That is what we are dealing with here. We are not talking about his right to vote in the enactment of a law or to perform any purely legislative function. All we are concerned with is whether he,

in participating in that joint assembly on the 9th of May, transcended the right that must belong to him in order to permit him to so participate. The Senator says no, because the legislative function is incompatible with the executive function. We say this is not a legislative function, but an electoral function. Then the Senator replies: "Oh, no; I have suspended him; no constitution has done it; no other case in the whole broad area of the United States has done so; but I have suspended him as a legislator, and therefore his right to participate in the election of a United States Senator, which is attendant upon his character as a legislator, is suspended also."

Mr. MITCHELL of Oregon. That is so.

Mr. GRAY. But how has the Senator suspended him? Not by his own ipse dixit, although I am afraid if we analyze his argument it comes down to that—not by his own ipse dixit, not because he ought to be suspended according to any view that the learned Senator might have of what the proper constitution ought to be, but he has suspended him by asserting that there was an incompatibility between two functions which he was elected to perform, to pass laws and the executive function.

Mr. ALLEN. That is an ipse dixit.

Mr. GRAY. Yes. Granting, for the sake of the argument, that that is what he founded it upon, now in the absence of any constitutional provision establishing such a state of things, in the absence, too, of any authority, any precedent, anywhere from Maine to Georgia or from Massachusetts to California, any instance in American public law—in the absence of all that, I say, we must confine his argument, then, to the incompatibility between two functions that works a suspension, and say that as to a function that is not incompatible, that suspension thus produced can not exist. That is all that can be made of it, taking his own argument, and that is all I meant to do. Where the reason of the law ceases the law itself ceases.

No, Mr. President, the Senator from Michigan felt that this artificial argument and this phrase invented by him would have to be supported, and as he supported it, by ingenious argument, and by not one syllable of authority, although he said the instances were numerous. I challenge him now to make good the proffer that there are numerous instances in the history of the United States where a suspension was worked, such as he has asserted exists here, independently of express constitutional or statutory provisions. The Senator does not reply, and I take it for granted that neither his research nor industry has been able to discover a single such instance, any more than I have been able to do so, or the learned and able Senators who have preceded me in this argument have been able to discover a single instance of such suspension thus worked.

So we come back to the original plain proposition, the exercise of the executive office by the speaker of the senate either worked a vacancy or there was no vacancy of any kind. It certainly did not work a vacancy that it was impossible to fill.

Mr. President, I think I have said enough on that point, but let me add to the authorities which have been already cited by me, going back a little, as to this matter of what is American public law in regard to the division of the three great departments of the Government, and see whether I was right or the Senator from New Hampshire was right in his declaration of what that public law was. I read from Story on the Constitution; I read from Mr. Webster, the great expounder of the Constitution, in one of the most interesting speeches he ever made; I read from Mr. Madison in the *Federalist*; and now let me come down to modern times, and take a late writer on constitutional law, Mr. Pomeroy. At section 173, in the first part of his work on constitutional law, he says, after quoting the several articles establishing the three departments:

This language is clear, precise, and apparently without exception or limitation. Yet when we compare it with other clauses of the Constitution we shall discover that the separation of functions is not thus perfect; that the several departments are not thus absolutely independent of each other. Indeed, such an ideal independence is impracticable. While the classes of functions committed to the legislature, the executive, and the judiciary may be generally or in the mass distinct, there must be, in the very nature of things, some points of contact, some overlapping, some commingling.

But, Mr. President, as I said at the outset, all this argument in regard to what is the proper construction of the constitution of Delaware and the proper interpretation of the clause by virtue of which Mr. Watson, as speaker of the senate, exercised the office of governor is a work of supererogation. It has been indulged in here by me at great length, I admit, because I considered it proper to vindicate the action of the authorities of my State before the Senate of the United States, and to demonstrate absolutely the propriety of the conduct of the governor of Delaware in his participation in the election for a United States Senator on the 9th of May, 1895. It had been abundantly demonstrated before by the able and distinguished Senator from Indiana [Mr. TURFIE] and the Senator from Mississippi [Mr. GEORGE] that this interpretation of the constitution put upon it by the governor and his advisers was correct; and I have endeavored to repeat it, even with the peril

of weakening the argument by my repetition of it. But, after all, it is not necessary that the Senate should burden itself with this argument. What we have to consider here, and what is conclusive of this case, is the proposition that the Senate of the United States has no right, power, or jurisdiction to decide as to the qualifications of a senator who voted on the 9th of May for the election of a United States Senator from Delaware—absolutely none—and we shall stultify ourselves, Mr. President, we shall reverse the precedents of a hundred years in this body, if we shall allow ourselves, from whatever motive, to step down from the high plane we should occupy in exercising this high judicial function to usurp the duty of the senate of Delaware to judge of the elections, returns, and qualifications of its own members. Unless we recognize that right in the two houses of the State legislatures, it is in vain that we should demand respect for the exercise that we make of a similar power given to us. We ought to be very careful not to transcend in the exercise of this power the proper and appropriate judicial function that has been conferred upon us by the Constitution of the United States. The senate of Delaware, and not the Senate of the United States, is to judge of the qualifications of William T. Watson to sit in the senate of Delaware while temporarily exercising the office of governor.

Mr. President, the Senator from Oregon, of course, is too able and too learned a man not to admit that proposition; but with the exceeding ingenuity which has characterized his argument through all the branches of this case, he seeks to evade or avoid the force of that proposition by setting up some other one, which he thinks will carry him around the inhibition which is implied upon the Senate of the United States to exercise the judicial function of the senate of Delaware. Having assumed a suspension of function—a pure assumption, as I have shown, nowhere warranted by the constitution or any respectable authority anywhere, outside of express statutory enactment or constitutional enactment—having assumed a suspension of function and created a phrase and a condition for which there is no constitutional warrant, the Senator builds up upon this assumption the further proposition that there was so seat subject or open to occupancy in the Delaware senate as to which the judicial power of that senate could be exercised, and upon this proposition, thus established, he proceeds to show by the Kansas case—from which the suggestion, I suppose, of a seat not subject to occupancy, although the phrase did not come from there, was given to the Senator's mind—that the Delaware senate has no jurisdiction to judge in regard to this matter, but that the Senate of the United States has. That is a very remarkable proposition, to commence with. The Senator says under that clause of the constitution of Delaware which it has in common with all the constitutions of the States and of the United States, that each house shall judge of the elections, returns, and qualifications of its own members, that it has only the right to judge of the act of the election and return, of the fact of the qualification or disqualification, but if there is any admixture of law or constitutional interpretation necessary to the adjudication of the case, then the senate of Delaware has no right to determine it, but the Senate of the United States has. How monstrous that proposition sounds when you state it, and yet that is the proposition!

Mr. MITCHELL of Oregon. I do not contend that the senate of Delaware have not the right to decide it. I said they did have the right to decide it in the first instance, but that their decision, if they misconstrue the constitution of the State of Delaware, was not binding upon the Senate of the United States.

Mr. GRAY. Mr. President, there is no such power as that suggested by the Senator from Oregon conferred upon either house of the Delaware legislature by its constitution, or upon the houses of any legislature by any constitution, to judge in the first instance. Think of it! The only power is to determine finally. That is what "judge" means. Look at Worcester's Dictionary or any other good dictionary. I ask that a dictionary be brought to me. What does the word "judge" mean in those clauses? It means, or it means nothing, to determine finally the question; and to judge in the first instance is not to determine finally. What sort of a privilege or a prerogative is that to the houses of a legislature, that they may judge, it is true, as in an inferior jurisdiction, but that that judgment is subject to reversal, subject to be set aside? I ask the Senator from Mississippi to read from Worcester's Dictionary—I see he has it—just what the word "judge" means.

Mr. GEORGE read as follows:

To examine and decide as a judge; to determine finally.

Mr. GRAY. "To determine finally." What sort of a jurisdiction is that which is conferred according to the suggestion of the Senator from Oregon? That would be a futile jurisdiction; it would not answer the purpose for which it was given. What says the Senator from Oregon to a jurisdiction given to the Senate of the United States under a similar clause to judge of the elections, returns, and qualifications of its own members? Is it to judge in the first instance only, subject to be reversed in the Supreme Court

or the circuit court of the United States, or wherever the question might come collaterally or directly before a judicial tribunal?

Mr. MITCHELL of Oregon. I will simply say that the Senate of the United States is the highest court in the United States of that kind.

Mr. GRAY. Mr. President, the Senator from Oregon, having once strayed from the beaten path of constitutional law, has wandered farther and farther into the jungle of misinterpretation—I was going to say ignorance, but I can not use that word in connection with the Senator—of the fundamental principle, as it seems to me, of American constitutions. Sir, if there is one position that we have been taught in the hornbooks of constitutional law in regard to this dual Government of ours it is that there is no inferiority and no superiority of the one as to the other from the beginning to the end of that scheme. Each is absolutely *teretis*, *atque rotundus* in its own sphere, and is inferior to no other jurisdiction created by man.

Mr. MITCHELL of Oregon. May I ask the Senator from Delaware a question?

Mr. GRAY. Yes, sir.

Mr. MITCHELL of Oregon. The Senator from Delaware seems to treat very lightly the position I assume on this question. I should like to test his argument by asking him a question. The constitution of the State of Delaware says in plain terms that the senate of the State of Delaware shall consist of 9 members. Suppose the senate of the State of Delaware should admit a tenth man?

Mr. GRAY. I will come to that directly.

Mr. MITCHELL of Oregon. And should admit him to a seat, pass upon his qualifications, allow him to vote, and a Senator of the United States was elected, and the tenth man gave the casting vote which secured his election, would the Senator from Delaware contend that in virtue of the clause of the Delaware constitution empowering the senate of the State of Delaware to pass upon the elections, returns, and qualifications of its own members, its decision in that case would bind the Senate of the United States? Would he contend that we were concluded—that we had not the right here ourselves finally to construe the constitution of the State of Delaware as to the number of senators who constituted the senate of the State of Delaware? If the Senate of the United States has the right to determine in that kind of a case, has it not the right in any other kind of a case if there is a doubt as to what the construction of the constitution of the State of Delaware should be as to the number constituting the Delaware senate? Is the Senate of the United States bound hand and foot by the decision of the State of Delaware, giving a misconstruction to the constitution of that State, admitting an unreasonable number to the membership of the senate of that State, and a number not permitted by the constitution? That will test the argument of the Senator and will also, at the same time, test my argument, and I am willing to have it tested by an answer to that question.

Mr. GRAY. I suppose that if the Senator makes his own argument and applies his own tests he will be very happy, but I have been applying some tests to his argument which seem to make him a little unhappy.

Mr. MITCHELL of Oregon. Not at all.

Mr. GRAY. I propose to go on and apply my own tests, because if we pursue his suggestion we would never get through, and we would have to submit at the outset—

Mr. MITCHELL of Oregon. I should like to have an answer to my question.

Mr. GRAY. The Senator admitted just what I said. He does not differ at all with the proposition I stated, and that is that his contention is that though the senate of Delaware may only decide in the first instance in regard to a constitutional question involved in the qualifications of one of its own members, and can not decide it finally, the Senate of the United States can. Then his reply was, "Oh, the Senate of the United States is a superior jurisdiction." He did not mean that. I know he did not mean it in the only sense in which it can be taken, because, as I have shown, the word "superior" and the word "inferior" are not admissible in talking about the constitution of a State and the Constitution of the United States. Each is supreme in its own sphere. It admits of no superior, and of course I know the Senator is too good a lawyer to contest that argument.

But let me read it again, because it is well to go back to the sources of constitutional law, and keep ourselves, like the sailors when they take an observation, upon the true course.

The Chief Justice says in *McCulloch vs. State of Maryland*:

In America—

The United States—

the powers of sovereignty are divided between the Government of the Union and those of the States, and they are each sovereign with respect to the objects committed to it, and neither is sovereign with respect to the objects committed to the other.

Now, there is committed to the senate of Delaware by its constitution the power to judge of the election, returns, and qualifications of its members, and when it does judge that judgment is

final. It can not be reviewed by any other authority in the State or out of it. The supreme court of the State would not presume to review it, and yet the Senator from Oregon says that the Senate of the United States can review it.

Mr. MITCHELL of Oregon. Will the Senator from Delaware allow me?

Mr. GRAY. I will come to the Senator's question in just a moment. He has put a case, as he has been doing all through this argument, outside the one we are arguing, and he has supposed that a tenth senator was admitted by the senate of Delaware where the constitution provides for only nine. That question is very easily answered; the answer is obvious to everyone, but I am not going to answer it, because I am not going to be led outside of this case. What they have adjudged in this case is what we are concerned with, and not what they might adjudge in a supposititious case.

Mr. BACON. I suggest to the Senator from Delaware that that very question was discussed and fully answered by the Senator from Indiana [Mr. TURPIE].

Mr. GRAY. I recollect it very well.

Mr. BACON. I think it is hardly necessary for the Senator to repeat it.

Mr. MITCHELL of Oregon. May I ask a question of the Senator from Delaware, and also of the Senator from Georgia? Does the power given to the Delaware senate to judge as to the qualifications, returns, and election of its own members include the power to determine what number shall constitute the senate of Delaware?

Mr. GRAY. The constitution determines that question.

Mr. GEORGE. Nine.

Mr. MITCHELL of Oregon. That is just—

Mr. GRAY. It is an abuse of language—

Mr. MITCHELL of Oregon. I am glad we can agree on one point.

Mr. GRAY. It is an abuse of language to say that there is any necessity of construction, interpretation, or exegesis as to what a word denoting number means. You have somewhere to arrive at an initial point in the exercise of human intelligence. When you arrive at a numeral you must understand what it means; and it does not mean anything else. Nine does not mean ten; nine does not mean eight. That is all there is of it.

The case that we are trying is not whether a tenth member was admitted, but whether, as the Senator from Oregon contends, the number of the senate of Delaware established by the constitution at nine has been reduced to eight, for he distinctly says that it has. He has said so three times in the course of his argument. That is the case we are dealing with, and I do not propose to evade an answer to that question.

Mr. MITCHELL of Oregon. Right upon that question the Senator will allow me. I say that in one theory of this case advocated on this side of the Chamber the constitution of the State of Delaware is open to construction as to what number the senate of the State of Delaware is to consist of during the time the speaker of the senate is exercising the office of governor. My argument is that, it being open to construction upon that point, it not being a matter fixed by numerals specific and plain that everybody understands, as we all understand what eight means and what nine means, one of two constructions may be placed upon it. If that is true, if I am correct about it, and assuming for the sake of the argument that I am correct whether I am or not, suppose the senate of the State of Delaware construed it wrong or construed it right—

Mr. GEORGE. In whose judgment?

Mr. MITCHELL of Oregon. It being a matter open to construction as to the number that constitutes the senate of the State of Delaware during that particular time, will not the Senator from Delaware agree with me in the view that in that kind of a case the judgment of the senate of Delaware would not be binding upon us?

Mr. GRAY. It is just as impossible for me to agree with the Senator from Oregon as to agree that nine means eight or that eight means nine. Of course I do not agree with him.

The Senator from Oregon has been struggling all through the discussion of this question to get around the plain provision of the constitution of Delaware that the senate shall consist of nine members. But he says while we admit that there is such a clause in the constitution, similar to a clause in every other constitution in the United States, that each house shall judge of the election, returns, and qualifications of its own members, here is a case it can not judge of, but the Senate of the United States can. How did he get away from that? Does the proposition appear any the less monstrous since his explanation that the Senate of the United States has had conferred upon them some sort of power to make a final judgment upon the qualifications of a senator of the State of Delaware which the senate of that State has no right to make?

There you come back to it. I say it is monstrous, however you

put it. The trained American lawyer rejects it as abhorrent in its statement—

Mr. MITCHELL of Oregon. The Senator will allow me again, because I do not intend to be placed in a false position so far as this question is concerned. Suppose the constitution of the State of Delaware had a clause in it similar to that in the Pennsylvania constitution, to which my friend referred the other day, or a specific clause that the speaker upon succeeding to the exercise of the office of governor should not be a senator, so that there would not be any question about it at all. The Senator would agree with me certainly that in such a case, during the time when the senator who was speaker of the senate exercised the office of governor, there would be a reduction of one in the senate.

Mr. GRAY. Oh, no; the vacancy would be filled.

Mr. MITCHELL of Oregon. Suppose it were different? I am supposing a case.

Mr. GRAY. Oh!

Mr. MITCHELL of Oregon. I do not mean to claim that that is this case. I am supposing a case where, by the express provision of the constitution of the State of Delaware, it is provided in terms that while the speaker of the senate exercises the office of governor the senate, instead of being composed of 9 members, shall be composed of 8 members. Then there would be no question about it. In that event, under a constitution of that kind, I think certainly the Senator from Delaware will agree with me that if the senate of Delaware put in a ninth member, under the pretense of passing upon the qualifications, returns, and election of their own members, the Senate of the United States would not be bound by the judgment.

While I admit that there is no such positive and specific provision in the constitution of the State of Delaware, I claim that a fair construction of the constitution of Delaware means precisely that. Then I say that if it does mean precisely that, in that case the senate of Delaware consists of only eight members for and during the time the speaker of the senate exercises the functions of governor. If I am right in my construction—the Senator of course contends I am not—and the senate of the State of Delaware had admitted a man to that place, I contend that it would be a judgment as to passing upon the admission of a man which would not be binding here. That is my argument.

Mr. GRAY. Very well.

Mr. GEORGE. Will the Senator from Delaware allow me to make a suggestion?

Mr. GRAY. Certainly.

Mr. GEORGE. I wish to make a suggestion to the Senator from Oregon. He has made a great many suppositions. I want to make one. Suppose we try this case upon the facts as they appear in the record, and upon the constitution of Delaware instead of upon the constitution of Pennsylvania.

Mr. MITCHELL of Oregon. That is just what I am trying to do.

Mr. GRAY. You can not get more out of a proposition than there is in it. I have stated the proposition of the Senator as in substance and effect made, and however he may indulge in circumlocution, however he may restate it, it all comes back to the same thing, that the senate of Delaware can not finally determine whether it is a fair construction of their own constitution that there are eight members instead of nine, but that the Senate of the United States can. Is it any less objectionable now? Is it not just as abhorrent to reason? Does it not just as much reverse all the notions that have obtained in all the years as to American constitutions and as to the powers of government as when it was stated in its bold form? Has it gained anything of comeliness in the more roundabout fashion of statement adopted just now by the Senator from Oregon? That is the proposition. I have not misunderstood the Senator.

The Senator from Oregon, as the Senator from Mississippi has said, has been indulging all through the argument in supposititious cases. We want to argue this case. When the senate of Delaware adjudged—that is, determined finally—that Mr. Watson, duly elected as a senator from Kent County, with proper credentials, occupying one of the three seats from that county, not a fourth seat, not a tenth seat, was properly a member, his term of senator not having expired, and as such entitled to participate as a senator in all the proceedings of that body, why was not that decision final? If it was not final, it must be because the Senate of the United States has a function and a power conferred upon it to determine finally what the senate of Delaware can not determine finally. That is all there is about it. There we are arrived at the same point again. We have not advanced a single hair's breadth from the original position as I stated it.

Mr. President, the constitutions of our States, as well as the Constitution of the United States, are all postulated upon the intelligence of the citizens of the States. In no part of our scheme of government is there distrust evinced of the people in any State. Why should the senate of Delaware be distrusted to determine finally a question arising as to the election and qualifications of

one of its own members, and not the Senate of the United States? Why is it not as competent to determine? Is there anywhere admitted in our scheme of government any inferiority of the States or of the people of the States to the people of the Union at large, or of the representatives of the States in their legislatures to the representatives in the Congress of the United States? They are drawn from the same citizenship; they are drawn from the same communities. There is no inferiority to be thought of with reference to their character or their functions.

Of course, when you come to decide what our great public American policy is, there is an absolute ignoring of every suggestion of distinction as to ability, function, power, or capacity of the representatives in the State legislatures and those in the Congress of the United States. The Union could not have been formed upon any other terms. Therefore we find it and we find it adjudicated over and over and over again that this power is a final one, it is an exclusive one, and that they are empowered just as the Senate of the United States is empowered to judge of the law as well as of the fact.

Mr. President, where do you find, where does the Senator from Oregon find, the authority for the ingenious proposition that he has made on this branch of the subject, that they may judge of the fact and not of the law? What writer on American law or on constitutional law can be adduced to support that monstrous proposition? It may judge of the fact and not of the law! Who tells you this? Who says so? Not the Constitution of the United States; not the constitution of the State of Delaware, for it says simply shall judge—determine finally—every question that is involved in the admission of a senator.

Suppose, according to the real belief of the Senator from Oregon, there was a vacancy or there was claimed to be a vacancy in the representation of Kent County in the senate of Delaware when Mr. Watson assumed the exercise of governor, and there had been a writ of election issued by somebody in order to fill that seat, and the man elected to fill the seat had presented his credentials. Was not the senate of Delaware competent to decide whether he should be admitted or whether Mr. Watson still occupied that seat, and to decide that did they not have to decide whether there was a vacancy or not? Had they not jurisdiction of the whole subject-matter? I should like to hear the Senator from Oregon answer that question when he comes to talk about this case again.

Of course they did. If that question had been decided either by putting the man elected in or by turning him away from its doors and saying Mr. Watson still holds his seat by virtue of his election two years ago for the term of four years, are we not bound by it? Is not that the very matter which is submitted by the constitution to the senate of Delaware to decide—a question of fact and law I admit. We have no division in the judgment of the senate as we have between court and jury, the question of fact being for the jury and the question of law being for the court. But they are the judges necessarily of the law and fact, or they can not be judges at all, and it is absurd to call them judges.

Mr. President, let us see if we have any authority for so plain a proposition as this. The Senator from Oregon cited a case from Kansas, in 11 Kansas, in which Judge Brewer decided that when the constitution says the house of representatives of the legislature of Kansas shall consist of, say, 125 members, and where four or five additions to that number were admitted from districts that had not been created by law—and in that case an election I think was had (I will ask my friend the Senator from Indiana [Mr. TURPIE] if he recollects it)—a State printer who claimed to be elected by the legislature was not elected, because there had been certain members admitted to seats which did not exist. That is all there is about that. The case is in 11 Kansas. Judge Brewer says:

Article II, section 8, declares that each house "shall be judge of the elections, returns, and qualifications of its own members." Its determination is not—

In this very case—the subject of appeal or review. It is final—

And I hope the Senator, although he has read it over and over again, will listen to me as I emphasize it—
It is final, and concludes everyone.

The Senator says it concludes everyone except himself and his brother Senators in the United States Senate.

Mr. GEORGE. Except the friends of Mr. Du Pont.

Mr. GRAY. Now, what is included in this power?

Does the power to judge of the qualifications of its members include the power to increase such membership?

Of course it does not—

Can it enlarge its members without limit? Is it like an academy of science or a lodge of Odd Fellows, capable of indefinite expansion? * * * And if one house can admit members above the limit prescribed by law, why may it not above the constitutional limit? But when—

And here is what I ask the attention of the Senator to from this very case, which is relied upon so much by the Senator from Oregon—

But when the district exists, then the decision of the house as to who shall represent that district is conclusive and final.

Now, what does "conclusive and final" mean? Conclusive and final on everybody except this privileged body, privileged beyond everything that was ever conceived of in American law—the Senate of the United States?

Mr. GEORGE. Final and conclusive upon everybody except the friends of Mr. Du Pont.

Mr. GRAY. Except the Senate of the United States, I will say. It determines who was elected; whether the returns are sufficient, and also whether the party elected has the proper qualifications. Over all these matters its jurisdiction is ample, its determination final.

Mr. President, it has sometimes been said that words are used to conceal thought, but no one ever believed that words, as they are used in constitutions or in the decisions of our courts, were meant for anything but to express their plain and obvious meaning, and "final and conclusive" has but one plain and obvious meaning, and that is that it is final as to everybody; it is conclusive upon all.

Now, Cooley, in his Constitutional Limitations, says the same thing:

There are certain matters which each house determines for itself, and in respect to which its decision is—

What?

conclusive.

And among these things is the right to membership in either house.

So much for the Kansas case cited by the Senator from Oregon. Let us take the other Kansas case, already referred to by the Senator from Indiana [Mr. TURPIE] and the Senator from Mississippi [Mr. GEORGE], and see if we can not extract from it some construction and gain some light upon this question, which I admit does not need elucidation, but which the Senator from Oregon has been able, I will admit, to befog to some extent. It takes a very able man to befog so plain a proposition.

The same judge, Brewer, now an associate justice of the Supreme Court, in the case of Kansas ex rel. Attorney-General vs. Gilmore, says:

The constitution declares, Article II, section 8, that each house shall be the judge of the elections, returns, and qualifications of its own members. This is a grant of power, and constitutes each house the ultimate tribunal—

Not to decide in the first instance, as the Senator from Oregon says, but the ultimate tribunal. Of course the Senator agrees with me that if it is the ultimate tribunal, even the Senate of the United States could not review that decision.

The two houses acting conjointly do not decide. Each house acts for itself and by itself; and from its decision there is no appeal, not even to the two houses. And this power is not exhausted when once it has been exercised, and a member admitted to his seat.

Now, we are coming right down to this case. Mr. Watson was undeniably admitted to his seat.

It is a continuous power and runs through the entire term. At any time and at all times during the term of office, each house is empowered to pass upon the present qualifications of its own members. By section 5 of the same article acceptance of a Federal office vacates a member's seat.

I have the constitution of Kansas here and have referred to it. It provides that the acceptance of a Federal office ipso facto vacates a member's seat.

Mr. TURPIE. In the legislature.

Mr. GRAY. As a member of the legislature.

He ceases to be qualified—

Says Judge Brewer—

and of this the house is the judge. If it ousts a member on the claim that he has accepted a Federal office, no court or other tribunal can reinstate him. If it refuses to oust a member, his seat is beyond judicial challenge.

Of course the Senator from Oregon is at liberty to differ with Judge Brewer. The Senator from Oregon is an authority of himself, I admit, and I would defer in almost any case that I had not examined or as to which I had not established a conviction to his opinion as a lawyer. But I cite here the opinion of a judge delivered in a case properly presented and argued before him, in which there were no prepossessions or preconceived opinions to defend, as we must assume, in the exercise of that high judicial function. I am afraid that we all on both sides have some preconceived opinions in this case, and therefore I do cite this judicial opinion of Judge Brewer as one that is decisive as to the power of the Senate to review the action of the senate of Delaware in regard to the qualification and right of Mr. Watson to sit as a member of that body.

What are you going to do with that decision? What are you going to do with this doctrine, admitted everywhere, and contrary to which not a single expression of any jurist or law writer has been produced? We can trample it under foot. We have got the power to do this thing. But I assert that we will never do a thing because we have the power unless we can do it rightfully, and that is the safety of our institutions and the assurance and guaranty to the people of the United States that their constitutional government will be preserved.

Mr. President, that is not all. There is another case cited already. That same distinguished jurist from whose text-book I read, Judge Cooley, in 13 Michigan, already cited by the Senator from Indiana [Mr. TURPIE] and the Senator from Mississippi

[Mr. GEORGE], gave us a deliverance on this very point. Thirtieth Michigan, 481, is the case, and I read from page 492. Judge Cooley said, in reply to an argument made by counsel, that the house or senate—I do not recollect which it was—had the right to judge of the facts, but not of the law:

It is a sufficient answer to this argument that, while the constitution has conferred the general judicial power of the State upon the courts and officers specified, there are certain powers of a judicial nature which, by the same instrument, are expressly conferred upon other bodies or officers; and among them is the power to judge of the qualifications, elections, and returns of members of the legislature. The terms employed clearly show that each house, in deciding, acts in a judicial capacity, and there is no clause in the constitution which empowers this or any other court to review their action. The "general superintending control" which the supreme court possesses, under section 3 of Article VI of the constitution, "over all inferior courts," does not extend to the judicial action of the legislative houses in the cases where it has been deemed necessary to confer judicial powers upon them with a view to enable them to perfect their organization and perform their legislative duties. The houses are not "inferior courts" in the sense of the constitution, but, as legislative organizations, are vested with certain powers of final decision, for reasons which are clearly imperative.

It may happen, as suggested in the argument, that with each House not only deciding for itself questions of fact, but also construing for itself the law, we may sometimes witness the extraordinary spectacle of the two bodies construing and enforcing the law differently, while a third construction is enforced by the courts upon the public at large. But with this possibility in view, the evils of allowing the courts a supervisory power over the decisions of the houses upon the admission of members are so great and so obvious that it is not surprising that the framers of the constitution refrained from conferring the power. The supervision could not ordinarily be exercised during the session of the legislative body, and to correct the decisions afterwards by annulling the laws passed would only be to substitute a great public evil for that which might have been a wrong to an individual member and to the district which elected him, but which could seldom affect the State at large.

It can make no difference that in this case, according to the pleas, the question passed upon by the house was purely a question of law. The question of the legal election of a member is usually a question compounded of law and fact and the house must necessarily pass upon both. If we have the power to review the decision in one case, we have in all. If we can correct their erroneous construction of a law, we have the same power to correct any erroneous decision upon returns, qualifications, or majorities. It is sufficient for us to say that the constitution has not conferred upon us this jurisdiction, and whether the decision made is right or wrong, we shall leave it where it has been left by the fundamental law of the State.

Mr. MITCHELL of Oregon. Let me ask the Senator from Delaware a question at that point. I do not know that there is anything in it, but it strikes me that there is probably, after all. Does the Senator think that the cases are exactly parallel, so far as applying a rule is concerned, in attempting to attack a decision of a legislative body collaterally that way before a court and a proceeding like the one in which we are now engaged, the election of a Senator? Is it not possible that there is a difference?

Mr. GRAY. I do not think, so far as this case is concerned, that it is possible that there is any difference which prevents that exposition of doctrine from being applied literally and exactly to the case in hand. If there was anything in the matter that it was collaterally before the court Judge Cooley did not say so, and if it were collaterally before the court it is collaterally before this court. The State of Delaware is not a party.

Mr. TURPIE. Nor is Watson a party.

Mr. GRAY. Nor is Watson a party. I take it as in the case in 11 Kansas, where it was the case of the election of State printer. The State printer was pursuing his rights in court, and the doctrine laid down by Judge Brewer in that case entirely coincides with what he laid down in the subsequent case in 20 Kansas. It is possible the Senator might reply that the courts of the States will not undertake to review this jurisdiction thus conferred by a State constitution, yet the Senate of the United States does not come within this all-embracing finality which has been ascribed by these eminent judges to the decision of the House upon the question of the qualifications of its members. Then I will not stop to show why there is no difference and why when a thing is final or conclusive on everybody it necessarily includes the Senate of the United States. I will simply refer to the fact that the Senate of the United States has determined for itself that it is bound by this very doctrine and has several times enunciated it when it had jurisdiction of the question. In *Sykes vs. Spencer*, in Taft's cases, at page 521, the committee say and the Senate adopted the report:

In the opinion of your committee it is not competent for the Senate to inquire as to the right of individual members to sit in a legislature which is conceded to have a quorum in both houses of legally elected members.

The only thing that the Senate of the United States has ever permitted itself to do is in a case where there are two bodies each claiming to be the legislature of the State to decide which is the lawful legislature. That it has to do, of course.

Mr. MITCHELL of Oregon. That was the *Sykes* case.

Mr. GRAY. I know, but when of the two contesting bodies which is the lawful legislature has been determined, then the doctrine applies which they lay down in the *Sykes* case that—

In the opinion of your committee it is not competent for the Senate to inquire as to the right of individual members to sit in a legislature which is conceded to have a quorum in both houses of legally elected members.

Mr. TURPIE. That is the Delaware case.

Mr. GRAY. That is the Delaware case. The Turpie case, page

625 of the same volume, was interesting and instructive. The committee say, and the report was adopted by the Senate:

We also think that the judgment of the senate of Indiana as to the title of Messrs. Branahan and McDonald, the two members in question, to their seats is binding upon the Senate of the United States. This body is made by the constitution the judge of the election, qualifications, and returns of its members. The senate of Indiana is likewise the judge of the election, qualifications, and returns of its own members. We must determine all questions arising out of the proceedings of the electors. But who sustain the character of electors is to be determined by the legislative body of the State.

The character of electors in the election held for a United States Senator in Delaware May 9, 1895, must be determined by each house of that legislature, and that is what the Senate says in the Turpie case, and it said it was so determined and we are bound by that determination.

We can not inquire into the motives which control its judgment. In rendering that judgment, whether it shall give a hearing to parties, permit debate, examine witnesses, act upon evidence or without evidence, are matters within its own discretion. If that discretion were exercised in the manner charged by the remonstrance, a majority think that a public crime was committed, for which the offenders are responsible to the people of Indiana. But we can not try the question. (Case of David Turpie, page 625.)

Now, they thought a great public crime had been committed in Indiana upon the statements made by the claimants, and yet, notwithstanding that, they said that the Senate of the United States was concluded by that determination, though they believed it to be not only wrong but a crime, and that it could not be reinvestigated and redetermined in the Senate of the United States. In *Clark and McGinnis vs. Landers and Power*, in the same volume, at page 637, we find the same doctrine declared:

Every act of the assembly in which they take part, and to which their consent is necessary, has an absolute validity as if their title had been affirmed by an adjudication of the house itself.

The committee in this report, submitted by the Senator from Massachusetts [Mr. HOAR], were speaking of certain members that it was claimed had been unlawfully admitted to participation in the powers of the house of representatives.

Their title is not, as is sometimes carelessly said, a *prima facie* title. It is an absolute title, continuing until the house itself has adjudicated that some other person be admitted to their place. This adjudication is only operative for the future, and has no retroactive effect whatever. When the house makes the inquiry on the merits, it may treat the credentials as *prima facie* evidence upon that question. But until the house tries the case the credential is conclusive.

What? On the house alone? No—to all the world.

Further on, in the same report, the committee say:

The report in *Sykes vs. Spencer*, decided by the Senate in 1873, is relied upon as supporting an opinion contrary to that which we have stated. If so, we dissent from it. But it is to be remarked that in that case, which was upon an election held less than seven years after the close of the war, the doctrine of the report is not relied upon in the debate. * * * We think there are but two ways in which it can be proved to the Senate. One is the possession of lawful credentials. The other is the judgment of the House itself, not only the final, but the sole judge of the elections, qualifications, and returns of its members.

Mr. GEORGE. Final and sole.

Mr. GRAY. Now, I am going to read again an authority that has already been read and commented upon, because it seems it is very hard to make an impression upon the obturate and unbelieving minds of the unconverted. Cushing, in his work on the Laws and Practice of the Legislative Assemblies, says, on page 195:

SECTION VII—DISQUALIFICATION.

Whenever a member ceases to possess those qualifications, which are in their nature continuing, or which members are expressly required to possess during their continuance in office—as, for example, when a member removes from the State or other local constituency in which he is required to continue to reside whilst in office—the seat of such member is thereby liable to be adjudged vacant upon the fact of such disqualification being brought to the knowledge of the assembly. To the disqualifications of this kind may be added those which result from the commission of some crime which would render the member ineligible, or from some gross official or other misconduct, in consequence of which he is expelled or discharged from being a member. In all these cases, unless there is some express provision of law by which the subject is regulated, the fact of disqualification can only be inquired into and decided upon by the assembly itself.

SECTION VIII—ACCEPTANCE OF DISQUALIFYING OR INCOMPATIBLE OFFICES.

The distinction has already been explained between those offices or employments the possession of which at the time of the election renders a person ineligible, and those the functions of which are merely incompatible with the functions of a member; the former avoiding the election, the latter only preventing the person elected from exercising the functions of a member until they are removed. When, however, a member has once been duly elected and taken his seat, this distinction no longer exists, the acceptance of disqualifying and incompatible offices being equally effectual to create a vacancy.

The only practical question in cases of this kind usually relates to the time when the acceptance of an office takes place. The subject is sometimes regulated by law, but where this is not the case it may be considered, as a rule, founded in the reason of the thing and corresponding with the practice, so far as it is known, of all our legislative assemblies, that, in order to vacate the seat of a member by the acceptance of a disqualifying or incompatible office, the election or appointment thereto alone is not sufficient, but the member must either have signified his acceptance of the office in a formal manner, or have done what is incumbent on him to qualify himself to discharge its duties, or have actually entered upon their discharge. In cases of this kind the existence of the vacancy must be declared by the assembly itself. In cases arising under this and the preceding section there is, in fact, no vacancy until it is so declared or implied by the resolution of the assembly itself.

Now, Mr. President, that brings me down to this ipso facto argument, which I will not treat separately, but as I am fatigued

and the Senate is fatigued, will only notice in passing to my conclusion. In a case in Kansas where the constitution provided that the acceptance of a certain office vacated the legislative office ipso facto Judge Brewer said that there was no vacancy unless the senate or the house, as the case might be, passed a judgment of ouster, and until that judgment was passed he was to all intents and purposes a de facto member and that his participation in the acts of the legislature could not be inquired into. So Cushing, as to the very case argued by the Senator from Oregon, that a disqualifying office has vacated the legislative office, says emphatically, without qualification:

There is no vacancy until it is so declared or implied by the resolution of the assembly itself.

Mr. President, I will leave that ipso facto branch of the argument right there.

Mr. VILAS. I should like to ask the Senator from Delaware a question right on that point.

Mr. GRAY. Certainly.

Mr. VILAS. Has there ever been known a case, is there any shown in the books, where the action of a legislative body was challenged by reason of the participation in it of any member of that body whom the body itself admitted?

Mr. GRAY. In answer to the question of the Senator from Wisconsin, I will state that I have not found anywhere such a case. I have asked my distinguished and honorable friends the Senator from Mississippi and the Senator from Indiana if they ever discovered in their researches such a case. They have replied that they have not. I have heard no such case adduced by those who have argued the other side of this question. If one such case can be cited, I should be glad to have it produced now or during the pending debate, and I challenge its production. Of course I am not omniscient and do not know that there is no such case, but I do not believe that such a case can be found, for it is not in the reason of the thing that there should be such a case. The acts of a de facto officer are as valid as those of one de jure. This well-settled doctrine of law is one that also applies with determinative force to this case.

Now, Mr. President, I go a little further on the matter of how a vacancy is worked where there is an alleged disqualification. The constitution of Delaware has prescribed certain disqualifications for members of the house and senate, as well as qualifications. Of course qualifications and disqualifications are the same thing so far as the jurisdiction of the house is concerned, for qualification is nothing but the absence of disqualification. There are certain qualifications asserted and there are certain disqualifications asserted for a senator with which we are concerned.

Section 3, Article II, provides that—

No person shall be a senator who shall not have attained to the age of 27 years and have in the county in which he shall be chosen a freehold estate in 20 acres of land, or an estate in real and personal property, or in either, of the value of \$1,000 at least, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

Those are qualifications. Now as to disqualifications:

No person concerned in any army or navy contract, nor member of Congress, nor any person holding any office under this State or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

Unquestionably under the power conferred by section 6 of that article, "Each house shall judge of the elections, returns, and qualifications of its own members," if it is alleged either that a man is not 27 years old, or that he has an army or navy contract, or that he is a member of Congress, or that he holds an office under that State, the senate must judge of that disqualification. The Senator from Oregon admits that it must judge of it, and that the mere existence of the disqualifying fact does not operate to unseat him or invalidate any act in which he participates unless there has been a judgment of ouster by the body to which he claims to belong. That proposition is universal. There is no case cited to the contrary; there is no authority that controverts it anywhere.

The very section on which the Senator from Oregon relies, that holding an office under the State disqualifies him to be a senator while exercising the office of governor, says that if he is concerned in an army or navy contract it disqualifies him. They are coupled in the same clause. Suppose there was present and voting upon the day on which Mr. Du Pont claims to have been elected a senator who was interested in a navy contract or affected by some of the other disqualifications enumerated in the constitution, and enumerated in the very clause on which the Senator from Oregon relies, that his vote in the joint assembly, as well as in the senate, had been acquiesced in without protest or objection, much less without a judgment of ouster by the senate, is it claimed that the Senate of the United States can adjudicate his right and practically pronounce a judgment of ouster? No; the Senator from Oregon does not say so. He does not say so. The other side have to make a case where the senate of Delaware can not judge of the qualifications of its own members; and there is no such case.

Mr. TURPIE. There can not be such a case.

Mr. GRAY. There can not be such a case. Take any of the State constitutions, which are very much alike in prescribing these disqualifications. The constitution of New Hampshire for nearly a hundred years, from 1784 to 1877, in prescribing the qualifications of the members of the house of representatives, said, just as the constitution of Delaware says:

Every member of the house of representatives shall be chosen by ballot; and for two years at least next preceding his election shall have been an inhabitant of this State, shall have an estate within the town, parish, or place which he may be chosen to represent of the value of \$100, one-half of which to be a freehold, whereof he is seized in his own right; shall be at the time of his election an inhabitant of the town, parish, or place he may be chosen to represent; shall be of the Protestant religion, and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid.

I should like to ask the Senator from New Hampshire [Mr. CHANDLER], if he were present, how that worked, if any of those disqualifications worked ipso facto. If, for instance, a law was passed and there was necessary for its passage the vote of some man who had been elected and was not a Protestant, who was either a Roman Catholic or an agnostic, would that act be invalid without a judgment of ouster? How are you going to find out whether a man is a Protestant or a Catholic, or how did they find out in New Hampshire prior to 1877 whether a member of the house was a Protestant or a Catholic? Was it competent for any man walking on the street to charge that So and So is a Catholic and therefore not competent to sit in the legislature of New Hampshire? I take it not, so far as any effect from that assertion would go.

Mr. TURPIE. Or to assert it here.

Mr. GRAY. Or to assert it here in the Senate of the United States, when the credentials of a Senator elected by the legislature of New Hampshire come before us. The Senator from Oregon, if he made the same argument in a case of that kind that he makes in this, would say here is a seat not open to occupation, for it says that he shall immediately cease to represent the town upon his ceasing to be qualified as aforesaid. So it will be charged here, proved, and admitted on the record that A B, a member of the house, who participated in the election for United States Senator, had conformed to the tenets of the Roman Catholic Church, and therefore it appears upon the record that a disqualification inhered in him as to that office.

Mr. MITCHELL of Oregon. If the Senator from Delaware will allow me, I will admit in this case, if the fact was disputed that the speaker of the senate had succeeded to the exercise of the office of governor and was exercising the office of governor, then, as a matter of course, it would be for the Delaware State senate to pass upon it. Here all the facts are admitted by everybody.

Mr. GRAY. Very well; I am supposing just now that case.

Mr. MITCHELL of Oregon. Who will decide whether the man shall sit in the senate or not?

Mr. GRAY. I understand it. I am supposing just that case, that in 1876 a man had come here claiming to be elected a Senator from the State of New Hampshire, and that upon the journal of the senate of that legislature it was found that one of the persons who voted for him, and whose vote was necessary to his election, was admitted to be of the Roman Catholic religion.

Mr. ALLEN. And still the legislature had allowed him to sit there.

Mr. GRAY. And still the legislature had allowed him to sit there; had not chosen to oust him for his religious opinions. I want to know whether the Senate of the United States would claim to exercise the jurisdiction to cast that man from its doors and say, "Go hence; you are not worthy to be a Senator of the United States, because you were voted for by a man who was admitted to have been a Roman Catholic in the legislature of New Hampshire."

Mr. MITCHELL of Oregon. I will answer that in that case, if it were the law to-day, as it is not fortunately—

Mr. GRAY. No, I said in 1876.

Mr. GEORGE. In 1877.

Mr. GRAY. It was changed in 1877.

Mr. MITCHELL of Oregon. If that were the law to-day, and the senate itself had spread on its record the fact of the disability, and the provision of the constitution was plain and specific that on the existence of that fact the person has no right to sit there, then I would say we were not bound by it.

Mr. GRAY. Then you claim an appellate jurisdiction in the Senate of the United States from the legislature of New Hampshire?

Mr. MITCHELL of Oregon. I do in that case under those circumstances, where the senate of the State had passed upon the question of fact and made it a matter of senatorial record.

Mr. GRAY. Very well.

Mr. MITCHELL of Oregon. Because in that case it would be in adjudication by the New Hampshire senate itself of the very fact of disability which the constitution imposes.

Mr. GRAY. I am not surprised that the Senator from Oregon has so declared. He was driven to declare so by the logic of his

position, and he is too good a logician to blink at a conclusion after he has staked himself upon the premises. Of course, it brought him just to that point, and he was bound to admit that absurd conclusion; but that absurd conclusion is not supported by any text-writer or any jurist or any man who is competent to discuss American public law that I know of; certainly no such support has been cited in my presence in the Senate.

Mr. President, this whole doctrine of an ipso facto working of a vacancy upon the acceptance of an incompatible office, admitting that there was an incompatibility, does not apply to the case of a member of the legislature. In all the cases cited those offices are other than legislative offices; they are all cases where the function of the office which is vacated is one possessed by the person in its entirety; it is a function by itself, not participated in by others, upon which he does not have to depend on the judgment of others; but when you come to this quasi office of member of the legislature, where you are a unit of the greater body where the function is performed, the legislature of which you are only one constituent unit, then you must depend for your position and status in that body, not only by reason of the constitutional provision, but necessarily upon the judgment of the body itself. In other words, if we admit for the sake of the argument that the exercise of the office of governor is either an incompatible or prohibited office, it can not work of itself a vacation of the legislative office. This doctrine only applies to offices which are such in the proper sense of the term, when the holder of it has a function complete in itself, and whose status is independent of others in like situation. In the case of a member of a legislative body such member is only a part of an organized body—the legislative duty or function is in the organization, not in the member—such body has a self-recognizing capacity and individuality, and controls its own organization and the relations of its constituent parts or members. It can not be changed against its judgment.

Mr. HOAR. Does the Senator carry that doctrine so far as to say that the legislative body's own judgment as to whether a quorum is present is binding upon us?

Mr. GRAY. That has nothing to do with this case. I admit it is a question that might occupy my consideration if I were not arguing something else; but the Senator will excuse me from going into it now. I frankly say that I am not prepared to answer it.

Mr. HOAR. It seems to me that it has a close relation to this case.

Mr. GRAY. Whether it has a close relation or not, I am really not prepared to answer it, I say frankly. I am considering now the powers of the house to judge as to its own organization and as to the units that make up that organization.

I have said about all that I think it is necessary for me to say on this subject. No doubt I have, in the opinion of the Senate, said much more than was necessary for me to say, but the question is interesting. It involves very much the integrity of our constitutional system in the State of Delaware, and it involves very much the integrity and continuity of the judgments of this body in similar cases—how far it will permit this Senate to judge of the qualifications, elections, and returns of members in the legislature of a State. We can judge of the procedure that has taken place in the election of a United States Senator, what the electors prescribed by the constitution have done; but who are the electors, in the language of the Senate in Turpie's case, is a matter which must be determined by the legislature itself.

Mr. President, it will not evade this universal, this accepted doctrine of American constitutional law to say that in this case there was a seat in the Delaware senate not subject to occupancy. That is only another way of stating the same fact. Whether there was a seat subject to occupancy then, whether there was a seat filled or no, whether there was a vacancy in a recognized seat provided for by the constitution is a question for the senate of Delaware to determine. Judge Brewer says, in the very case cited by the Senator from Oregon, was there a district provided for by law; and if there was a district, then who should occupy it was a matter for the house itself to determine. So in this case, we say there was a district provided not by law, but by the constitution itself, the organic law, the highest law of the State; and whether Mr. Watson filled it, or whether it should be declared a vacancy and another person be elected from Kent County to fill it, was a thing for the senate of Delaware to determine, and when it did determine it it determined it finally. That view of the matter concludes this question—it might all have been said in comparatively a few words. What is the jurisdiction of the United States Senate over this subject-matter? If we have not that jurisdiction, and the senate of Delaware had, that is all there is of it, and we need not multiply words in arguing it.

Mr. Du Pont was declared by the joint assembly not elected, because he did not receive a majority of the votes of the lawfully elected members of the legislature who participated in that election on the 9th day of May, 1895; and to reverse that declaration by a judgment of the Senate of the United States would be to do violence to the constitution and laws of Delaware and deprive

that State of a right which belongs exclusively to the State and its legislature under the Constitution of the United States.

I thank the Senate for the patience with which they have listened to me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3381) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 5258) granting an honorable discharge to John B. Besler; and

A bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Kansas will please suspend while the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. PEPPER. In pursuance of the unanimous consent of the Senate given yesterday, I ask that the unfinished business may be temporarily laid aside, and that the Senate now proceed to the consideration of Order of Business 332, being the bond-sale resolution.

Mr. VILAS. I do not understand that there was any unanimous agreement that the unfinished business should be laid aside.

Mr. PEPPER. I do not know that there was—

Mr. VILAS. If the request of the Senator from Kansas is agreed to, it substitutes the bond resolution for the unfinished business.

Mr. PEPPER. I do not care what the proceeding is.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. VILAS. Mr. President, I am calling attention to the fact that I object not to the unfinished business being displaced, but if there is an order which is entitled to the right of way—and I do not know but that there is—it is an order which displaces the unfinished business.

Mr. PEPPER. Unanimous consent of the Senate was given that at the close of the remarks of the Senator from Delaware the Senate should proceed to the consideration of the order of business which I have just suggested.

Mr. VILAS. I do not object to the Senate proceeding to the consideration of that order of business, if that was the agreement. I only object to its being done while the unfinished business is temporarily laid aside. That was not part of the agreement.

The PRESIDING OFFICER. The Secretary will read the last order of the Senate on the subject.

Mr. VILAS. On what page of the RECORD?

The PRESIDING OFFICER. On pages 3981, 3982 of the RECORD of April 15.

The Secretary read as follows:

Mr. PEPPER. I understand the agreement to be just as it was made, Mr. President. There was a unanimous-consent agreement made a few days ago that yesterday at 2 o'clock and 15 minutes p. m. we should proceed to the consideration of the bond resolution, but yesterday at 2.15 o'clock we were not ready by reason of the fact that the Senator from New Hampshire [Mr. CHANDLER] was on the floor in the midst of a speech. Then, by unanimous consent, the agreement was postponed or delayed until to-day at the conclusion of the speech of the Senator from Delaware [Mr. GRAY].

Mr. ALLISON. Then I understand the unanimous-consent agreement embraces the idea that the bond resolution is to be the unfinished business. I have no objection to that.

Mr. PEPPER. At that time?

Mr. ALLISON. At that time.

Mr. PEPPER. That is the understanding.

Mr. ALLISON. Giving way, of course, either by unanimous consent or otherwise, to appropriation bills.

Mr. PEPPER. That is reliable, undoubtedly.

The PRESIDING OFFICER. What is the pleasure of the Senate in regard to the matter?

Mr. PEPPER. I ask the Senate to proceed to the consideration of the bond resolution in pursuance of the unanimous-consent agreement.

Mr. PETTIGREW. I should like to ask if that was made the order of business by unanimous consent?

The PRESIDING OFFICER. That has been the understanding of the Chair. Does the Chair understand the Senator from Wisconsin to insist on his objection?

Mr. VILAS. I am making no objection to the execution of the unanimous consent that was given. I only insist that the execution of that order displaces the unfinished business which had previously been laid before the Senate.

Mr. CULLOM. I inquire of the Senator from Kansas whether

he will not be willing to allow that special order to be temporarily laid aside until the Indian appropriation bill can be finished?

Mr. PEPPER. No, Mr. President, I am not willing now to do anything but to dispose of the bond resolution in some orderly way. We want to know whether we are going to proceed with it or not.

Mr. CULLOM. I want the Senator to understand that I am not seeking to put his resolution out of the way, so that the Senate will not have a chance to consider it. I may desire to say something on the subject myself before it is disposed of; but I do think, if this Congress is going to adjourn this summer, we must proceed with the consideration of the appropriation bills.

Mr. PEPPER. I appreciate the force of the Senator's remarks. This does not happen, however, to be a short session. We have all summer before us, and our salaries are paid by the year. It is true this is a Presidential campaign year, but we certainly shall be able to dispose of all the business before the Senate in a reasonable time and get to this bond resolution, which I regard as a very important one. I have three times procured, through the courtesy of the Senate, unanimous consent to proceed to the consideration of the resolution; and I do insist now that that consent be enforced by the Senate. Of course I know the Chair can not do it; but I ask the Senate to do it.

Mr. PLATT. I do not think that that resolution displaces the unfinished business. The unfinished business is before the Senate. If, while the unfinished business is pending, there is unanimous consent given to take up something else, I do not think the unfinished business is thereby displaced.

Mr. HALE. Or if a motion is made to proceed to any other subject-matter.

Mr. PLATT. If a motion is made and agreed to to proceed to the consideration of another subject, that would displace the unfinished business.

Mr. HALE. Of course; but the Senate can do that at any time it pleases.

Mr. PLATT. Yes; but I do not think unanimous consent to take up something else while the unfinished business is pending would displace the unfinished business until that was disposed of.

Mr. PEPPER. My own view of the case was that it was not the intention of the Senate that the unfinished business should be taken from its place upon the Calendar, but that it should remain there, notwithstanding the enforcement among ourselves of the consent agreement to take up the bond resolution; and that was stated at the time publicly and privately.

Mr. PLATT. We have passed fifty bills by unanimous consent while the unfinished business was pending, and it was never supposed that the unfinished business was thereby displaced.

Mr. HALE. When unanimous consent is given that at a certain time on a certain day a subject-matter shall be taken up or shall be made the unfinished business, unless with that consent there goes a proposition that it shall be continued until disposed of, the record is always one way, that the privilege exhausts itself when the measure is laid before the Senate, and that at any time, either by unanimous consent or on motion, that may be displaced and something else taken up. For one, as to any appropriation bill that I have in charge, I am willing to state that, believing it to be the desire of the Senate to pass the appropriation bills and adjourn at as early a day as possible, no matter what subject-matter has been fixed for a certain time to be taken up, I shall test the sense of the Senate as to whether it will continue to take up days and days, as they have been taken up by the Delaware case, rather than proceed with the consideration of the business of the Senate that everybody wants done. The Senator from Kansas [Mr. PEPPER] gets his unanimous consent enforced when he gets his resolution before the Senate; but immediately the Senator from South Dakota [Mr. PETTIGREW], if he chooses, can move to take up the Indian appropriation bill, and the Senate may decide, in its discretion, that it is more important to proceed with that bill than with anything else. That is for the Senate to decide.

I protest against the theory that, because unanimous consent is given to take up a particular matter at a particular time, we have to take all the time which the advocates of that measure choose, without having the opportunity of testing the sense of the Senate about taking up anything else.

The PRESIDING OFFICER. The Chair will state to the Senate the state of the case as he understands it. Unanimous consent seems to have been given to take up the bond-sale resolution upon the conclusion of the argument of the Senator from Delaware. Acting under what he supposed to be the rule, the Chair laid before the Senate the unfinished business soon after 2 o'clock. The Senator from Kansas [Mr. PEPPER] then asked unanimous consent that the unfinished business be laid aside in order to proceed to the consideration of the bond resolution, without displacing the unfinished business, or, to be more correct, only temporarily displacing it. The Senator from Wisconsin [Mr. VILAS], as the Chair understands, objects to that conditional laying aside of the unfinished business.

Mr. GORMAN. I submit, when unanimous consent has been given to take up a measure at a fixed time, as in this case, it then becomes the duty of the Chair to lay the matter before the Senate. The Senate can proceed with it, or postpone it, or take up any other matter it sees proper; but unanimous consent having been given to take up any business, it ought to be laid before the Senate. That has been the universal rule.

Mr. COCKRELL. In pursuance of the unanimous-consent agreement, I ask that the bond resolution may be laid before the Senate.

Mr. GORMAN. That is right.

Mr. VILAS. Mr. President, the Chair stated correctly—

Mr. HOAR. What is before the Senate now, Mr. President?

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that soon after 2 o'clock, acting upon what he understood to be the rule and also upon the suggestion of the clerks at the desk, he laid before the Senate the unfinished business.

Mr. HOAR. What is that?

The PRESIDING OFFICER. The joint resolution in regard to the Uncompahgre Reservation. Now, the Senator from Kansas asks that that be temporarily laid aside, without losing its place, to take up the bond-sale resolution, for the consideration of which at this time he claims that unanimous consent was heretofore given.

Mr. COCKRELL. I rise to a question of order. Under that consent agreement it is not necessary for the Senator from Kansas to ask that the unfinished business be temporarily laid aside. It is already temporarily laid aside by the unanimous-consent agreement, and it is the duty of the Chair to lay the resolution before the Senate.

Mr. VILAS. So far from that being the case, I believe it to be true that the Senate has agreed to take up the bond resolution; but instead of it being a consent that the unfinished business should be laid aside for the purpose, it was expressly the other way, that this resolution should become the unfinished business. The Chair has already had read from the desk the remarks on that subject yesterday, which I shall again read.

The Senator from Kansas [Mr. PEPPER] stating the case, the Senator from Iowa [Mr. ALLISON] said:

Then I understand the unanimous-consent agreement embraces the idea that the bond resolution is to be the unfinished business. I have no objection to that.

Mr. PEPPER. At that time?

Mr. ALLISON. At that time.

Mr. PEPPER. That is the understanding.

That is what I am now insisting upon. If there had been made a request that it should lay aside the unfinished business instead of becoming the unfinished business itself, that might then have been objected to. It was not a request that the unfinished business should be temporarily laid aside, but it was a request that one order of business should supersede another. That is the effect of the order which was made.

Mr. PEPPER. Then, Mr. President, if it is a mere technical objection, I beg leave to modify the request. My request of the Chair was to lay before the Senate the bond resolution, and the Chair, before recognizing my address, laid before the Senate the unfinished business, the Uncompahgre joint resolution. It was then that I made my request that the unfinished business be temporarily laid aside in order that this agreement might go into effect.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. Under all the circumstances, the Chair is satisfied that perhaps it would have been better, under the unanimous-consent agreement, to have laid the bond resolution before the Senate, and let the Senate dispose of it as it saw fit. The Chair, therefore, now lays that resolution before the Senate.

Mr. COCKRELL and others. That is right.

Mr. HOAR. That is what I rose for.

The PRESIDING OFFICER. The title of the resolution will be stated.

The SECRETARY. A resolution providing for a committee of five Senators to investigate generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. PEPPER. I wish to state to the Senate that so far as I know, the friends of this resolution do not intend or expect to spend any more time than has been already expended, or at least very little more time, in the discussion of the resolution. In order that the way may be clear, I will state to the Senate further that when the resolution was first before the Senate the Senator from Ohio [Mr. SHERMAN] moved that the resolution be referred to the Committee on Finance. That motion was pending when the hour of 2 o'clock arrived and the resolution went to the Calendar. The next day a somewhat similar resolution was offered by the Senator from Massachusetts [Mr. LODGE], with this difference, that instead of making the committee a select committee the resolution

provided that the investigation should be prosecuted by the Committee on Finance. I then moved to substitute my resolution of the preceding day for that of the Senator from Massachusetts. The Senator from Massachusetts moved to lay my substitute on the table. A vote was taken, which resulted in a majority of 34 to 16 against the motion of the Senator from Massachusetts to lay my amendment on the table. In view of that fact, the Senate having once expressed itself by way of preference for a select committee rather than the Committee on Finance, I move to lay the pending motion to refer on the table.

Mr. HOAR. That carries the whole thing with it.

Mr. PEPPER. Oh, no; not under our rules.

Mr. HOAR. I think so.

Mr. PEPPER. I do not so understand.

Mr. HOAR. I understand that under our rules a Senator may move to lay an amendment on the table without carrying the whole subject with it, but this proposition is to lay on the table a motion to refer.

Mr. PEPPER. I understand the rule is the reverse of that.

Mr. HOAR. Perhaps it is. I do not know.

The PRESIDING OFFICER. The rule is clear as to amendments, but the Chair does not think that there is any express rule of the Senate on this particular subject.

Mr. HOAR. The universal parliamentary rule has been that where any pending motion—

Mr. PEPPER. In order to avoid any further discussion on the subject, I withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. PEPPER. I ask for a vote.

Mr. HILL. I ask for the reading of the resolution.

The PRESIDING OFFICER. The resolution will be read.

Mr. VILAS. Before the Secretary reads the resolution, do I understand that the Senate now proceeds to the consideration of the bond resolution?

The PRESIDING OFFICER. The Chair has laid the resolution before the Senate, and the Senator from New York [Mr. HILL] requested that it be read.

Mr. VILAS. I only desire to be specific that I object to this being done except, in pursuance of the understanding, as a substitute for the unfinished business.

Mr. HILL. Except as the unfinished business?

Mr. VILAS. It becomes the unfinished business.

Mr. HILL. I understand the Senator from Wisconsin objects to the consideration of the resolution except as the unfinished business of the Senate.

Mr. VILAS. I desire it to be understood that the resolution is before the Senate as the unfinished business.

The PRESIDING OFFICER. It is impossible for the Chair to enforce a unanimous-consent agreement, of course; but if it is objected to the question must be determined by the Senate.

Mr. PEPPER. What is the objection, Mr. President?

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. VILAS] objects to the consideration of the bond resolution except as the unfinished business.

Mr. VILAS. Yes; which is in accordance with the consent agreement.

Mr. GORMAN. I suggest to the Senator from Wisconsin that that question will come up later on. The bond resolution is before the Senate in consequence of the unanimous-consent agreement. Necessarily it displaces everything else. It is now before the Senate, and must remain as the unfinished business until the Senate orders otherwise. So the question raised by the Senator from Wisconsin will come up hereafter; not now.

I ask that the resolution may be read.

Mr. VILAS. That is exactly in accordance with my understanding.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution submitted by Mr. PEPPER February 12, 1896, as modified, as follows:

Resolved, That a committee of five Senators shall be appointed by the Vice President, whose duty it shall be—

First. To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale; whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale; what obligations were due at that time and the amount of each, stated separately; what was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made, and by what persons or classes of persons and for what purpose or on what account such withdrawals were made; who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time; and what effect the bond sales had on the credit and business of the people of the United States.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals

were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds, and the profits made or to be made by such syndicate or any person or persons connected with such syndicate directly or indirectly; whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Mr. HILL and Mr. ALLISON addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. HILL] is entitled to the floor.

Mr. HILL. I will yield to the Senator from Iowa.

Mr. ALLISON. I beg pardon. I was not aware that the Senator from New York had the floor.

According to the agreement arrived at the other day, a portion of which was read by the Senator from Wisconsin [Mr. VILAS], it was understood that the bond resolution should be temporarily laid aside from time to time for the consideration of appropriation bills. I now ask unanimous consent that it may be laid aside for the time being, in order that we may proceed to the consideration of the Indian appropriation bill, the bond resolution, of course, not losing its place.

Mr. VILAS. I only want one ruling from the Chair with respect to that. I rise to a parliamentary inquiry. Is it now definitely determined that the bond resolution is the unfinished business and has taken the place of the joint resolution that was on the Calendar as the unfinished business? If it has, the Senator from Iowa is correct. If it has not, it will require unanimous consent that that also be laid aside. I simply desire to know the parliamentary status.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. PEPPER. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. HILL. Mr. President—

Mr. ALLISON. I wish only to call attention to the fact that the Senator from Kansas the other day, when this agreement was made—the one quoted by the Senator from Wisconsin—expressly agreed that that might be done. If he now objects—

Mr. PEPPER. Certainly; the Senator from Iowa misunderstood me. I did not agree that it should be laid aside except by unanimous consent, the same as we would do in any other case.

Mr. ALLISON. Undoubtedly.

Mr. HILL. "Or otherwise."

Mr. PEPPER. "Or otherwise," the Senator said himself. Of course "or otherwise" might even come yet.

Mr. ALLISON. I read from pages 3981, 3982 of the RECORD:

Mr. PEPPER. I wish to say to the Senator from Ohio that there is an agreement by unanimous consent to proceed, when that time comes, with the bond resolution; but we can doubtless arrange as to that matter.

Mr. SHERMAN. It will not disturb that arrangement.

Mr. PEPPER. With that understanding of course I shall not interpose.

Mr. ALLISON. The bond resolution is subject to appropriation bills by a distinct statement made by myself the other day when it was sought to make that resolution a special order. Of course the Senator from Kansas does not expect to go on with the bond resolution to the exclusion of the appropriation bills; at least I hope not. I do not understand that to be the order.

Mr. PEPPER. I understand the agreement to be just as it was made, Mr. President. There was a unanimous-consent agreement made a few days ago that yesterday at 2 o'clock and 15 minutes p. m. we should proceed to the consideration of the bond resolution, but yesterday at 2.15 o'clock we were not ready by reason of the fact that the Senator from New Hampshire [Mr. CHANDLER] was on the floor in the midst of a speech. Then, by unanimous consent, the agreement was postponed or delayed until to-day at the conclusion of the speech of the Senator from Delaware [Mr. GRAY].

Mr. ALLISON. Then I understand the unanimous-consent agreement embraces the idea that the bond resolution is to be the unfinished business. I have no objection to that.

Mr. PEPPER. At that time?

Mr. ALLISON. At that time.

Mr. PEPPER. That is the understanding.

Mr. ALLISON. Giving way, of course, either by unanimous consent or otherwise, to appropriation bills.

Mr. PEPPER. That is rubable, undoubtedly.

I submit that it is a fair understanding that the resolution when it became the regular order of business, as other resolutions and bills hitherto have been, would be subject to appropriation bills when they were ready for consideration. Therefore, I ask unanimous consent that we may temporarily lay aside the bond resolution with a view to considering the Indian appropriation bill.

Mr. STEWART. I object.

The PRESIDING OFFICER. Objection is made. The Senator from New York [Mr. HILL] is entitled to the floor.

Mr. WALTHALL. Will the Senator from New York yield to me to make an inquiry in relation to the status of the resolution?

Mr. HILL. Certainly.

Mr. WALTHALL. According to my recollection, when this measure was last before the Senate the Senator from Tennessee [Mr. HARRIS] offered an amendment to it, and the amendment

was pending when we passed from the consideration of the subject. The amendment was to strike out lines 1 and 2 and insert "That the Committee on Finance be directed," etc. I ask to be informed whether the amendment is now pending.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the pending question is on the motion to refer the resolution to the Committee on Finance.

Mr. WALTHALL. The amendment is pending, however?

The PRESIDING OFFICER. Yes, sir. The amendment was presented, but the pending question is on the motion to refer the resolution to the committee.

Mr. HILL. Mr. President, I should have preferred that the unfinished appropriation bill should have been taken up this afternoon on account of a personal engagement of my own. Beyond that it makes no difference to me when this question shall be discussed. Any Senator has a right to move to take up an appropriation bill if he sees fit to do so. If the appropriation bills are suffering because of lack of attention, any member of the Appropriations Committee can now make a motion to take up any of those bills for consideration.

Mr. President, the distinguished author of the resolution, assuming to speak in behalf of its friends, announced to the Senate, presumably by authority, to which I did not observe that the distinguished Senator from Nevada [Mr. STEWART] assented, that no one expected to speak in favor of the resolution. Of course I assume that the Senator from Kansas [Mr. PEPPER] did not intend to deceive the Senate. I must assume that he did not intend to deceive the Senate. I assume that he did not intend to allow the matter to be taken up under the promise that it was to be considered without debate on the part of its friends, or he would not have made that statement, which I repeat again in his presence, that the friends of the resolution did not intend further to debate it.

It is proper, probably, that the Senator from Kansas should control this matter. It is a Populist resolution, and who has any better right to control it than he? The resolution has its inspiration in the Populist party. It has its inspiration in hostility to all bonds whatever. The resolution, Populistic in its character, proposes to investigate not only the recent syndicate transaction, but the loan of February, 1895. The last three bond issues are proposed to be investigated by the resolution. In the two speeches which I made upon this subject when I was cut off by the expiration of the morning hour I commented upon the fact that the investigation is pressed without formal charges, without specifications, without any allegations of wrongdoing, irregularity, or corruption. I am not now speaking of the ingenious statements of the Senator from Kansas when he proceeded to discuss the resolution. The only tangible ground for an investigation stated by the author of the resolution was that the issuing of bonds should be investigated because there was a public curiosity to learn about them, and it was gravely argued in the Senate that that was a sufficient reason for ordering a special investigation. There is no amendment now pending for an investigation by a standing committee of the Senate.

The Senator from Kansas in his brief remarks made a few moments ago took it for granted that because the resolution was not laid on the table it is to pass. I was one of those who voted against laying it on the table, in order that it might be considered in connection with the resolution of the junior Senator from Massachusetts [Mr. LODGE], and that was the only reason. There are no two Senators here who agree as to the grounds of the proposed investigation or the results expected to be established. I said the other day that the fairest method would have been for the Senators who are clamoring for an investigation of the bond transactions under the present Administration to have come in here and specified in the resolutions themselves the precise things which they desired to have investigated and the reasons therefor, the grounds therefor, the allegations of unfairness, the allegations of illegality, and the allegations of corruption, in order that when the fiasco is terminated somebody would be responsible for the resolutions. I think it would have been better, for the reason that when the committee shall finally report, if it shall ever report, Senators will be precluded from rising in their places and saying, "We never charged this; we never charged that; we never charged the other. We did not say there was this; we did not say there was that."

The resolution is to be passed in the dark. It is to be passed, if passed at all, not because of specific allegations made against the honorable Secretary of the Treasury, but because public curiosity demands that the Senator from Kansas and his friends shall be gratified. The extraordinary character of this proceeding, therefore, may well be commented upon at the outset. This course is taken, as I said before, because when the result shall be announced Senators do not wish to be confronted with its meager results. If the committee shall find that there was no irregularity, then they will say, "Nobody charged irregularity." If the committee shall find that there was no corruption, it will be said, "Nobody charged corruption." If the committee shall find that everything has been done according to law and in good faith and

for the best interests of the country, "Who said to the contrary?" will be the question. And the country is put to the spectacle of a legislative investigation with no one responsible for any distinct, definite allegation of wrongdoing, but an investigation just for the purpose of having an investigation, for the novelty of it (it is not a novelty in the Senate), for the fun of it, for the mere sake of having something to do in the near future.

Mr. STEWART. Will the Senator from New York permit me to ask him a question?

Mr. HILL. Certainly.

Mr. STEWART. Does the Senator from New York understand that it is necessary, before the Senate may investigate, to have what is equivalent to an indictment? As I understand it, investigations are made for various purposes, sometimes to ascertain whether there has been fraud, and sometimes to ascertain if the methods are bad and might be improved by legislation. The general class of investigations is with a view to legislation, and there are many reasons for investigating where we would not indict for crime.

Mr. HILL. All that is true enough, but what I object to is that the resolution not directly, but indirectly, not having the courage to charge wrong openly, insinuates it, and before I get through I shall demonstrate it even, I think, to the comprehension of the Senator from Nevada. It is preferred, instead of making formal allegations, to take the gossip of the street, to take newspaper insinuations rather than formal charges.

I am not going to spend any further time upon the first point of inquiry which the resolution suggests. The first thing which the Senate is formally to authorize the committee to do is to investigate the question of the authority of the Secretary of the Treasury to issue bonds. I say, or was proceeding to say when I was interrupted by the expiration of the morning hour, that the farmers of the Senate, the Senator from Kansas [Mr. PEPPER], the Senator from Nebraska [Mr. ALLEN], the Senator from South Carolina [Mr. TILLMAN], had risen in their places at various times and said that the farmers deny the authority of the Secretary of the Treasury to issue bonds under the act of 1870, and the Senate is asked to pass a resolution which virtually casts doubt upon the authority of the Secretary to issue bonds. It is to investigate a question of law, not a mere question of propriety. It is to report by what authority the bonds were issued. That is the first point to be investigated. By what authority does the Secretary of the Treasury issue them?

Mr. President, the act of 1875 settles the question. It is conceded that bonds have been issued by previous Secretaries of the Treasury. It is conceded that the whole question has been examined over and over again. I say it is belittling the Senate to authorize at this time and under these circumstances a committee formally to investigate the question of the authority by which the bonds were issued. All that anyone has to do is to read the act. It settles the question. For any purpose of maintaining specie payment bonds can be issued whenever it is necessary. It is a continuing authority, to exist after 1879. It exists all the while. It exists to-day; it will exist to-morrow; it will exist when the next Secretary of the Treasury takes his place.

Mr. STEWART. Does the Senator contend that it exists for the purpose of redeeming Treasury notes issued under the act of 1890?

Mr. HILL. Not necessarily. The act of 1890 stands by itself. No question is raised in regard to it here. It is not pertinent to this discussion.

Mr. STEWART. Have not bonds been sold to buy gold to redeem Treasury notes issued under the act of 1890?

Mr. HILL. Under the provisions of that act the Secretary of the Treasury has a right to take any funds in the Treasury for that purpose. The bonds were issued under the act of 1875.

Mr. STEWART. Have not the proceeds of the sale of bonds been used to a certain extent to redeem Treasury notes issued under the act of 1890; and if so, by what authority was it done?

Mr. HILL. The act of 1890 stands by itself, and I will come to that question before I am through with the remarks which I shall submit upon this question. I first wish to analyze the resolution. The attention of Senators has not been particularly called to it.

It provides—

To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale.

All those facts can be found in the reports of the Secretary of the Treasury. They can also be ascertained, if anyone desires information upon the subject, by a simple resolution of inquiry presented to the Secretary of the Treasury.

The next question to be investigated is—

Whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale.

That involves the whole question as to what currency bonds shall be paid in. It involves the whole question of the financial policy of the present Secretary of the Treasury. My point is that

whether or not you agree with the Secretary of the Treasury, there is no question to be investigated. What has been done in pursuance of the law everybody knows. The annual reports of the Secretary of the Treasury show what has been done. Special reports have been made here from time to time detailing all the operations of the Treasury, and therefore it is silly, it is undignified, it is unworthy of the Senate, to appoint a special investigating committee to inquire into facts with which every Senator in the Chamber is absolutely familiar.

The author of the resolution wants to investigate further:

From what persons or classes of persons the gold was procured with which to pay for the bonds.

The men who bought the bonds and paid gold for them produced the gold. Is it proposed to investigate the private affairs of bond bidders? Is it proposed to have them tell the public where they procured their gold, from what sources? If the author of the resolution simply desires information as to whether the gold came from the public Treasury, that is one thing; but if he wishes to inquire as to all sorts of places from which the private bidders obtained their gold, in the first place, I say it is unworthy of the Senate to enter upon such an inquiry, and in the second place, you have no legal authority so to do.

Before I am through I shall call the attention of the Senate to the fact that you have not even provided any process to compel the attendance of witnesses. The committee is to make an investigation haphazard; it is to inquire from Tom, Dick, or Harry, wherever it can get information. You have not even provided for the subpoenaing of a single witness, although the committee is to obtain and report to the Senate where the purchasers procured their gold with which to buy the bonds.

The resolution proposes to inquire further—

What agreements or contracts, and whether oral or in writing, and whether publicly or privately—

I ask the Chair whether the words "and secretly" are now in the resolution. The resolution has been modified.

The PRESIDING OFFICER. The Chair is informed that the words "and secretly" were stricken out.

Mr. PEPPER. Will the Senator from New York permit me at this point?

Mr. HILL. Certainly.

Mr. PEPPER. On page 1865 of the RECORD for February 18 the Senator will see that I asked permission to modify the resolution. I will read the modification, so that Senators will all understand it.

I ask the privilege of making two or three slight amendments to the resolution. On page 1, line 1, after the word "Senators," strike out the words "not more than two of whom shall belong to one political party"; on page 2, line 13, after the word "privately," strike out the words "and secretly"; in line 20, after the word "any," strike out the word "other" and insert "syndicate or," and in line 21, after the word "bonds," insert "and the profits made or to be made by such syndicate, or other person or persons connected with such syndicate, directly or indirectly."

Mr. HILL. The Secretary did not read the latter part—although perhaps he did.

Mr. President, everybody knew that those bonds had been issued in pursuance of the first syndicate contract. Everyone knew that in the last sale there was no contract. No responsible party has charged that there was any contract. "Publicly or privately," the Senator says. He strikes out the words "and secretly" for fear, I suppose, there might be an imputation against somebody and that the Senate, while he thought it might be anxious to throw some mud upon those officials, yet possibly might hesitate upon the word "secretly."

What have you left in the resolution? The committee is to inquire further—

Whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract * * * with the intent and expectation to receive commission or personal reward by reason of such contract.

The Senate proposes, through a committee, to investigate the question whether officers, from the Secretary of the Treasury down, have been guilty of receiving any commission or personal reward or pecuniary benefit from the sale of bonds. Who says they have? What Senator dare rise in his place and make the allegation? No one. When the report shall have been finally made, if made at all, I wish Senators to reflect that they seriously propose to investigate the conduct of one of the high officers of the Government and his subordinates in the Treasury Department upon a mean, contemptible insinuation that possibly somebody in and around the Treasury Department may have received some pecuniary reward, commission, compensation, or something else. Has anybody made an affidavit to that effect? Has anyone from any responsible source uttered the slander? Not one. Why, then, dignify this proceeding? Why enter into this allegation that may react upon those who propose it and upon the Senate itself?

Mr. President, has it come to this? Has the financial question become so strained that whether men are for gold or silver they can not treat each other fairly, respectfully, honorably, and that Senators can not differ from the honorable Secretary of the Treas-

ury (and I differ from him in many respects) without dragging in a resolution which, upon its face, insinuates, while it does not directly charge, that somebody possibly has received some pecuniary interest from the bond transaction?

Sir, it is said it will do no harm. What would Senators around this circle say, what would the country say, if to-morrow morning I should offer a resolution to investigate the Senator from Kansas?

Mr. PEPPER. I would not object.

Mr. HILL. He might, Mr. President. I say that the country would hold me responsible if I endeavored to insinuate in a resolution that the Senator had misused any of the powers of his office here. I might insinuate that there had been favoritism. I might insinuate that there had been abuse of power, and I dignify that charge by the offering of a resolution of investigation. The Senator says he would not object. Yet the country in reading that resolution in the next morning's papers would ask, "Why is this charge made? There must be something to it, or an honorable Senator would not have offered the resolution."

So, sir, if the pending resolution carries any weight at all, if the Senate of the United States passes a resolution to see whether the Secretary of the Treasury or his subordinates have not received some commission or compensation upon this subject, will not the public, reading it, say it can not be possible that the Senate has proceeded to pass such a solemn resolution without any charge whatever, without any proof, without an affidavit, without anything worthy of the name of evidence? The people of the country would be apt to say there must have been something behind it or to it. Yet, I repeat, and I pause for a reply, where is the Senator who rises in his place and says he expects to prove that Mr. Carlisle or any of his subordinates obtained one dollar of advantage or a penny of pecuniary reward or compensation of any character? I pause for a reply.

Mr. ALLEN. That is not the question at all.

Mr. HILL. The Senator from Nebraska, another Populist, in favor of this resolution, says that is not the question. What is the question? What is the question we are going to investigate? You have not read the resolution.

Mr. ALLEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Yes.

Mr. ALLEN. I will state to the Senator one question that ought to be investigated, and I do not connect the name of any person with it.

Mr. HILL. We are talking about this particular question now.

Mr. ALLEN. The charge was made in New York papers at the time, and I suppose they are reliable—

Mr. HILL. It depends on the one.

Mr. ALLEN. They are printed where the Senator lives. They are in a position to know, if anybody would know. The charge was that about \$18,000,000 has been made out of the four different bond issues within the last two years, and that there was a secret understanding or a secret agreement between the Treasury Department (a copy of which agreement was published in the New York World, and I will produce it at the proper time) giving power or contracting with J. Pierpont Morgan as the agent of certain foreign money lenders for the sale of the bonds in a lump to him for those he represented. I ask the Senator from New York if he does not believe the question whether there was an illegal sale of the bonds is not worth investigating when it involves about \$18,000,000 of public money, and why he can object to an investigation that will either disclose that fact or will disclose to the world, to the people who have a right to know the truth, that there is nothing at the bottom of the charge as it has been stated in New York papers?

Mr. HILL. Mr. President, if the Senate of the United States is to proceed to investigate all the insinuations that are contained from time to time in the New York papers it will have its hands full. In the first place, no New York newspaper or other reputable newspaper in any other place in the country has made any specific allegation pertaining to this particular subject.

Mr. ALLEN. I beg to correct the Senator. I am not going to help him kill time, however, for a great while; but I beg to correct the Senator from New York.

Mr. HILL. What particular paper made the charge?

Mr. ALLEN. The New York World, for one. I think I have the paper in my committee room now. I will get it at the proper time, and other papers have charged that there was at least \$10,000,000 to be made out of the last \$100,000,000 issue of bonds, according to the original contract between the Government officials and the agent of the bond syndicate, a portion of which was destroyed by the popular clamor, causing the bonds to be offered at public sale at some five or six different places in the country, which the Administration gave to the country as a popular loan.

Now, that charge was made. It stands uncontradicted. Is it not worth investigating? I submit to the Senator, who is usually

very candid, but who grows as mad as a massasauga in August when any question of this kind is broached, whether private individuals can make contracts with Government officials by which \$10,000,000 or \$12,000,000 are made upon a single transaction? If the charge be true or not, I submit whether these Government officials have the slightest power to issue the bonds of the United States for any purpose? I am one among the number who say (and I believe I can demonstrate it to twelve jurymen who would take an oath to determine the question upon the evidence submitted) that whenever Mr. Carlisle issues a Government bond of this nation he does it without a statute authorizing him to do so.

Mr. HILL. The Senator from Nebraska started off with the allegation that some New York newspaper had intimated that some money had been made in the purchase of bonds; that \$18,000,000 had been made in one minute, and \$10,000,000 in another minute.

Mr. ALLEN. Ten million dollars on the last issue and \$18,000,000 on all the issues.

Mr. HILL. I have never heard one of these men who criticize the transaction who ever stated the amount twice alike. Finally, after saying that he has some article somewhere else than here, and therefore we do not know the precise language of it, he winds up with the question whether I think there ought to be any objection to investigating by what authority the bonds are issued, and he volunteers his opinion as a farmer (because that is the capacity in which he last announced himself) that he does not believe there is a law for it, and that he could convince twelve jurymen that there is no law for it. Well, we do not usually try questions of law before a jury. It is not done in New York State, and I do not believe they do it out in Nebraska.

Mr. President, the courts are open, if you can convince one court of the United States. The courts are open; institute your proceeding.

Mr. ALLEN. I wish to ask the Senator from New York a question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Was the Senator from Kansas, who is usually a very truthful man, authorized to say that there was going to be no one to participate in the debate upon his side?

Mr. ALLEN. That is running away from the question.

Mr. HILL. I am not; I am getting right to it.

Mr. ALLEN. I am not going to dispute with the Senator on his proposition of law as to trial of cases in New York, because the experience of Tweed and a few other persons in that State shows that they have pretty peculiar ways. The past history of New York litigation, especially in the punishment of those who have been guilty of crime, may be said to be somewhat in the dark, at least. I submit to the Senator from New York, who is a lawyer and a bimetallist as I am a farmer, that we do try mixed questions of law and fact before a jury.

Mr. HILL. You must not get them too mixed, though.

Mr. ALLEN. That is always done. The Senator never tried a case in his life before a jury that he did not try precisely that proposition. I submit to his candor as a lawyer (because I know or believe him at least to be a very great lawyer, a lawyer of large experience), that he ought to know and I believe he does know that it is impossible to implead the Secretary of the Treasury before any court of this country. The moment it is done that moment he comes in with a plea that he is one of the chief executive officers of the nation, and that he is not subject to be brought into court to determine his official action, and he goes acquitted. Now, is not that true?

Mr. HILL. There is more than one way to raise the question of the validity of a bond.

Mr. ALLEN. I ask the Senator if that is not true?

Mr. HILL. The question as the Senator stated it is not true. Before I get through I am going to show that this investigation is in aid of one of the speculative lawsuits brought against the Secretary of the Treasury on the very day that this bond resolution was expected to be discussed here; and I am going to show that somebody thinks differently from the Senator from Nebraska and has actually brought a suit in the courts of the District of Columbia over the question of these bonds.

Mr. ALLEN. The Senator from New York knows that in hundreds of different instances in the history of this country it has been universally determined that an officer of this character can not be impleaded and brought into court, and that a plea to the jurisdiction of the court is sustained without any further investigation. There is not an exception to the rule.

Mr. HILL. If the Senator from Nebraska thinks he can convince a jury the House of Representatives is open to him. That is a pretty big jury. The House of Representatives is composed of men not of the political party of the Secretary of the Treasury; they are his opponents. If the Secretary of the Treasury has issued any bonds illegally, and the case is so plain and so clear as my friend from Nebraska says it is, why not present it by im-

peachment? Then my friend here can try the question and sit as a jurymen on the trial of John G. Carlisle because of willfully issuing bonds without any authority of law. That is an impeachable offense, is it not?

The trouble about it is that these men have no sort of confidence in their position. It is a part of the claptrap of the times. It is a part simply of an endeavor to get up a scandal in order to affect this political question. As I said a few moments ago, I think we ought to differ, if differ we must upon this financial question, without endeavoring to throw mud unnecessarily upon our public officials, who have enough to contend against under the peculiar existing political situation.

Mr. STEWART. Will the Senator from New York allow me? The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. HILL. I was alluding to the Senator from Kansas [Mr. PEPPER] to see whether—

Mr. STEWART. The Senator from New York remarked a moment ago that the House of Representatives is of a different political party from Mr. Carlisle, and I suppose from Mr. Cleveland. Does he pretend to say that a majority of the House of Representatives does not concur with Mr. Cleveland and Mr. Carlisle upon the question of the gold standard and the issuance of bonds to maintain it? Are they not, so far as that is concerned, practically the same political party—the gold party?

Mr. HILL. What a reflection that question is upon the House of Representatives. For instance, if the Senator thinks that upon the financial question they agree with the Secretary of the Treasury—

Mr. STEWART. Does the Senator contend that it is a reflection upon the House of Representatives to say they are of the same party with him and his Chief Executive?

Mr. HILL. That is no reflection; but it is a reflection to insinuate that because of that fact they would hesitate to decide according to their consciences and their oaths upon a question of this character, if you dared to submit it to them.

Mr. STEWART. But the Senator has stated that they are of a different political party as a reason why they would investigate the question. I wanted to show that his reason is not a good one. They are thoroughly in harmony with him upon the policy of issuing bonds; they are as one. That destroys the allegation the Senator made—that they are of a different political party. The gold party has been one party for twenty-five years. They vote together; they act together; they defend each other as one man.

Mr. HILL. As the boys say in the newspapers, that is "important if true." The difficulty about the Senator's statement is that it has no foundation in fact. The Republican House of Representatives presented a bond bill here which the Secretary of the Treasury did not want, which the President of the United States intimated was not what he had asked. There has been no disposition upon the part of the House of Representatives to agree with the President or the Secretary of the Treasury upon the policy which they announced. On some things they do agree; on others they radically differ.

Mr. STEWART. Do they not agree that bonds should be issued and that gold should be bought to redeem Treasury notes and greenbacks? Upon that main proposition do they not agree? Is not their disagreement a mere matter of detail as to how the bonds shall be sold and what character of bonds they shall be? Upon the main question of buying gold to redeem greenbacks and Treasury notes is there any difference between the House of Representatives and the Senator from New York and the Executive?

Mr. HILL. A large number of the Republicans in the House of Representatives, for whom I am not authorized to speak, undoubtedly believe that if there is no gold in the Treasury with which to redeem your greenbacks, and no revenues with which to purchase gold, the President has a right under existing law to issue bonds. The question we were discussing was as to whether there was any question in regard to it. The Senator from Nebraska [Mr. ALLEN] says he doubts it. I say go to the courts. The courts are closed, he says, to us; the Secretary of the Treasury is above the law. Then, I say, go to the House of Representatives, where you can organize an impeachment proceeding. Then he answers that they are substantially of the same party. The Senator from Nebraska who sits in front of me remarks that the House is gold bug. There it is. They make these allegations simply from the fact that there is somebody a gold bug. That covers everything, Mr. President.

The point I am making is that the Senate is not conducting itself properly, in my judgment, by seriously considering a resolution to investigate the legal question of the issuing of bonds. How is the question to be determined? A word upon that point. How has this Government been run for the last year? Why, sir, the Senate is a closely divided Senate. It is pretty difficult to tell what political party controls it. The Populists have now been recognized as belligerents, with full belligerent rights. They train first upon one side and then the other, and you never can tell who has got a

majority of the Senate. They were recognized as Populist belligerents when they were given their share of public patronage in the Senate, when they were given an officer to guard the secrets of their room. Therefore there are three parties here. The Wilson law does not as yet bring an amount of revenue sufficient for the ordinary expenses of the Government. I am not now going to proceed to discuss who or what is responsible for that. I am speaking simply of a condition and not a theory.

Mr. ALLEN. Will the Senator permit me?

Mr. HILL. Not right here; not until I finish my idea.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. HILL. Not just at this moment. Mr. President, the House proceeds upon the theory that the best interests of the country require that there should be more revenue, and it proceeded to enact a tariff bill called an emergency tariff bill. That bill comes over here and in the Senate politically divided that tariff bill is seized until, in the eloquent language of the President pro tempore of this body, it is as dead as Julius Caesar. In the meantime there is nothing with which to redeem your greenbacks, there is nothing with which to secure the revenues of your Government. Will any Senator tell me what this Government would have done if the President and the Secretary of the Treasury, law or no law, had not issued Government bonds during the last year? Now I will yield to the Senator from Nebraska.

Mr. ALLEN. Mr. President, I wish to say this to the Senator from New York, and it is in the nature of a question: The Senator deliberately advocated and voted for the unconditional repeal of the purchase clause of the Sherman Act, at the same time claiming to be a bimetalist. By the repeal of that act this nation has been deprived of \$150,000,000 which would have covered every item of deficit which has occurred during this Administration. The Senator from New York and his party have approved, and the Senator is approving now, the open, stubborn, dogmatic, flagrant, violation of the requirements of the third section of the Sherman Act, which requires the Secretary of the Treasury to redeem those notes in silver. If the Senator from New York and his party had not done that, and if the Secretary of the Treasury had observed the law, there would have been no deficit and no occasion for the issuance of bonds.

Mr. HILL. Mr. President, I am not going to enter into a discussion of the question of the propriety of the repeal of the Sherman silver law. That law was indefensible upon any ground. The friends of silver scarcely defended it when it was pending here in the Senate. They opposed its repeal upon the ground that they thought something should be put in its place in recognition of silver. No one pretended that it would solve the silver question; no one pretended that it was a logical law; no one pretended that it was producing any benefit to the country at large; but those who felt constrained to vote against its repeal did so because they thought it was a fitting opportunity to do something toward a more general recognition of silver. No true friend of silver should shed any tears over the repeal of that law.

I was saying, when interrupted by the irrelevant question of my friend from Nebraska, that I think the Secretary of the Treasury, instead of being investigated by this Senate, deserves its thanks for his steady purpose of maintaining the credit of the country. You may differ with him as to what ought eventually to be done upon the silver question; you may think that he erred in the discharge of a portion of his duty; that is one thing; but it does not follow that it is proper to investigate, under the insinuation contained in this resolution, whether some of the money has not stuck to his fingers in the discharge of his official duty.

Mr. President, before I get through I think the Senate will see that they are proposing to enter upon an unwise course. I know every time we differ about some great question somebody comes into the Senate and says, "Let us investigate; let us have an investigating committee appointed," as though that were the panacea for all our difficulties. I shall call the attention of even the Senator from Nebraska to an investigation which he instituted with a great flourish of trumpets as to what it was going to accomplish, and then I shall show what meager results were obtained from it.

Mr. STEWART. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. HILL. Yes, sir; everybody yields to the Senator from Nevada. [Laughter.]

Mr. STEWART. The Senator says that there is nothing to investigate. I inquire of him if there has ever been a 4 per cent bond sold in the market since the resumption of specie payments at a rate that would have made the bonds which were sold to the syndicate in February, 1895, worth less than \$1.20, that is, 20 per cent premium? The bonds that had eighteen years to run in 1888 and 1889 sold from 25 to 27 cents premium, and so on down, but none of them ever sold, considering the time they were to run, at a rate that would have made the market value of the thirty-year

bonds which were offered less than 130. These bonds were sold at least 15½ per cent less than the market value, as it had been established for years, and as it was on the day they were sold.

Mr. ALLEN. That was the charge made, too.

Mr. STEWART. That was the charge, that on the day the contract was made bonds having about eleven or twelve years to run were selling from 111 to 112, making 1 per cent for every year, which has been about the average. Following that those bonds which have thirty years to run ought to be at a premium of 30 per cent; but no one has ever suggested in the public prints or elsewhere that the market value of those bonds on that day was less than 20 per cent premium. Shortly afterwards the same bonds sold for 23 per cent premium in the markets here. They went up to that figure. Of course they were depressed subsequently for the purpose of obtaining a further deal, but it was charged, and boldly charged, that they were sold at a rate that made from ten to twelve million dollars difference. That never has been denied by anybody. It has been in the public prints, all the respectable journals have figured it up, and no man has ever denied that charge.

It seems to me that the Executive would like to have an opportunity to come forward and show why he sacrificed from ten to twelve million dollars of the Government money and what the circumstances were which made him do it. I think the Secretary of the Treasury ought to desire an investigation to clear up that. It never will be cleared up unless it comes before a committee and he has an opportunity to make a showing why it was he did it. That charge is made, and it can not be denied. Every broker in the United States knows it is true. It is admitted everywhere. Now let it be investigated, so that we may see if it was done in some emergency, and what emergency there was requiring it, or whether it was done for some other reason.

Mr. HILL. Mr. President, when the Senator from Nevada makes a special appeal to me for an opportunity for him to vindicate the President of the United States it is very difficult for me to resist that appeal. [Laughter.] I know his intense anxiety to have the President of the United States put right upon this question, and because I am resisting this investigation I shall allow the Senator from Nevada to impute some desire on my part to injure the President of the United States and the Secretary of the Treasury.

I have heard the same old argument time and time again, that you must always permit an investigation; you must not resist it. No matter what charge is made in the public prints or elsewhere, if a Senator rises in his place and wants an investigation, investigate. It is asked, are you afraid to conduct an investigation? Invest it with all the dignity and power of such a proceeding on the part of the Senate of the United States, keep the public press full of the matter for years, else somebody may think there is something wrong. Mr. President, it is a foolish argument, it is a silly argument, it is moral cowardice on the part of this Senate, every time some idle charge is made here against one of our public officials, whether he belongs to our party or to the other party, to immediately dignify it with an investigating committee.

I do not now propose to discuss the question of market values. I know something of market values, and how they are made. I had occasion to look into this subject recently as counsel in a matter pertaining to taxation in the city of New York.

Mr. STEWART. I will ask the Senator just one more question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. HILL. Yes, sir.

Mr. STEWART. Is the Administration opposed to this investigation?

Mr. HILL. I am not authorized to speak for the Administration, and I say right here that I have never exchanged a word with any officer of this Administration, high or low, upon this subject, and I do not propose to do so. Sir, the Secretary of the Treasury has not even answered my respectful resolution. I oppose this investigation not because the Administration wants it, or does not want it; I oppose it as I should oppose any foolish, silly, or unnecessary investigation, which could only add disgrace to the Senate, in my humble opinion. I would oppose it whether the Secretary of the Treasury was a Democrat or a Republican. Before I get through I shall show that Mr. Carlisle is not the only man who has been falsely accused. I propose to take up the charges that have been made against other Secretaries of the Treasury, and to show how those charges have all fallen to the ground and how contemptible they appear now in reading the history of the country. I propose to show how other Senators then followed the distinguished Senator from Ohio [Mr. SHERMAN] when he was Secretary of the Treasury with all sorts of vile charges, and now, when you come to read them in the light of history, it is apparent how thin, how weak, how ridiculous, how contemptible they are. Yet we are asked upon this financial question because there are differences of opinion, because perhaps, the majority of this Senate are the friends of silver, to throw mud

against every official who differs with you. I am opposed to any such suicidal, idiotic policy. I care not whether the Administration want this investigation or not. If you put it on the plane of cowardice, it might be said: "Oh, yes, give them anything they want on any allegation, no matter what it is." So far as I know, the Administration care nothing about it. My judgment is that if this resolution is passed the men who institute it will be covered with humiliation and shame and will deny that they ever charged anything wrong against Mr. Carlisle or his subordinates.

Mr. President, as I was saying when interrupted the last time by the Senator from Nevada, I had some occasion to investigate the subject of market values, and I discovered that the market in New York is made up by sales, or, if not by actual sales, by offers, and there are times when the market is made up by a single offer or a single sale. A single sale of a ten-thousand-dollar bond will sometimes fix the market for a particular day, and it is quoted all over the country that the market price of bonds was so and so because one bond was sold at that price.

Mr. President, when the question of market values was discussed in the Senate before the last issue of bonds was made, you recollect what was said in regard to it. We heard that there was a demand all over the country to invest in those bonds at 2½ and 3 per cent. A cry came up from Nebraska, a cry came up from Colorado, a cry came up from West Virginia, according to the junior Senator from that State [Mr. ELKINS]—the blacksmiths, the carpenters, the farmers, were all anxious to rush to take the bonds at 2½ and 3 per cent. Where were they when the bonds came to be sold? You could not find them; they had fled to the woods; they were gone; they had no gold; they did not want the bonds; and not a bond was sold except at over 3 per cent. These allegations are easily made by men who simply want to make their point in an argument, but when you come to investigate them their arguments are gone to the winds.

This resolution proposes to investigate, further, whether in the last sale of bonds there was any agreement entered into by which any syndicate was to have the bonds. Nobody rises in his place and says there was; no newspaper has made any distinct charge that there was; and it is proposed to investigate not only the question as to how much money was made by the syndicate, but how much was made by any person connected with such syndicate. If I bought a bond from the syndicate the next day after the bond sale and sold it a few days thereafter and made some money by it, I am to be called upon to show how much money I made.

I have already commented upon the fact that this resolution nowhere contains any authority to summon witnesses. You are going to ascertain all about what J. Pierpont Morgan knows from what he voluntarily tells you; you are going to investigate this subject without the power to summon a single witness; but even if you had that power, I deny the authority of the Congress of the United States to compel answers to any such questions? This is not the sugar investigation. The right to compel witnesses to answer questions in that inquiry depended upon the fact that the committee was investigating a violation of the privileges of the Senate, and was investigating the conduct of Senators which might lead to their expulsion. That was something which you had a right to investigate. It may be, although that is disputed, that you have a right to conduct an investigation, summon witnesses, and compel answers where you are investigating for the purposes of future legislation, but that is not clear. Then the object of the inquiry must be spread forth in the resolution itself. There is nothing in this resolution which indicates that the investigation desired is for the purpose of future legislation; there is nothing on the face of this paper to show any purpose except to gratify idle curiosity; that is all. And I say to the Senator from Kansas, when he comes to subpoena his witnesses and compel answers, if they refuse to answer he can not obtain any information upon these subjects.

I now propose, Mr. President, to take up the speech of the Senator from Kansas [Mr. PEPPER] giving the reasons why in the allegations set forth in the resolution, not charges distinctly and boldly set forth, but the insinuations, the reasons, the circumstances which he says lead properly to this investigation.

The Senator said:

Twenty-four years—

Quoting from his speech—

after the passage of the refunding act, and nineteen years after the approval of the resumption act, the Secretary of the Treasury in the face of a refusal by Congress to authorize the sale, proceeded to dispose of \$50,000,000 worth of ten-year 5 per cent bonds.

The inference from that is that, without such express authority, no power existed, because the Senator says Congress refused to give the Secretary of the Treasury power, and in the face of that refusal the Secretary proceeded. The Senator conceals the fact that the Secretary had the power without the authority of Congress by any new legislation. Of course, if he was to proceed to act under some new power, he had no right to act unless Congress granted it. He was not claiming to act, and the Senator from

Kansas knows or ought to know that the Secretary was not claiming to act under any new Congressional enactment—he was proceeding to act under the old resumption law. The Senator from Kansas said further:

Senators denounced the proceeding as unlawful—

Who? The Senator from South Carolina [Mr. TILLMAN], the Senator from Kansas [Mr. PEPPER], and the Senator from Nebraska [Mr. ALLEN], to whom has been added the distinguished Senator from Nevada [Mr. STEWART]. This coterie of Senators denounced it as unlawful. You have heard the old story of the three tailors of Tooley street, who got together and passed resolutions, the opening words of which were, "We, the people of England, demand so and so." These Senators say it is unlawful. What lawyer in the Senate of long experience who has the public confidence, what judge upon the bench, who among the great lights of the bar of this country has ever dared to venture the opinion that the power to issue bonds does not already exist? Not one. Then the Senator says further:

The people were surprised—

The people! These Senators always speak in the name of the people, as if the Populist party represented the people. Mr. President, I am tired of hearing these men talk in behalf of the people. They represent but a small fragment of the people. They are the deserters from other parties; they are the conglomeration of men dissatisfied with the old political parties; they have pooled their grievances; they have adopted the silver question because they think it is popular. They have no views upon the tariff question whatever. They have offered their votes here for sale, or rather exchange, upon the tariff question upon either side of this Chamber. They have no fixed, settled principles whatever, and the Senate of the United States is asked, deliberately, to pass this Populist resolution for an investigation on the eve of a Presidential election, to enable these men to throw mud at the Democratic party and the Republican party. It is about time, it strikes me, that the Senators who represent States interested in this subject should act together upon the great question involved in this resolution.

Mr. STEWART. If Republicans and Democrats now find it necessary to stand together, is this the first time it has become necessary for wrongdoers to stand together?

Mr. HILL. I knew you would not keep your word when you said you would not again interrupt me. You can not trust a Populist five minutes at a time. [Laughter.]

The Senator from Kansas further said:

The people were surprised. All of us were mortified. Within a year afterwards a hundred million more were sold without any additional authority of Congress.

The Senator speaks of that as if it were a most singular and suspicious circumstance. Why, sir, the President of the United States had only asked authority from Congress for two purposes. He only asked authority for the purpose of simply reducing the rate of interest and regulating the terms for which the bonds could run. That is all he asked. He had sent to Congress a special message stating exactly what he felt constrained to do. There was nothing secret about it, but everything was open and above-board. A grave financial situation confronted the country; the President told Congress of it, and asked for legislation, not because he doubted the power to issue bonds, but simply in order to save the people of this country interest, and that the terms might be made more easy so that the bonds could find more ready sale.

The Senator from Kansas proceeded:

The contract was entered into privately. The country knew nothing of its existence except through guesses and sensational charges of the newspapers. * * * The people were amazed and bewildered.

Again the people, the dear people, were amazed and bewildered. It was the Populists who were bewildered. The people kept a level head; the people saw through it; and saw that the President was endeavoring to protect the credit of the country.

The Senator said further:

The Administration was dishonored. The nation was scandalized.

Mr. President, how the hearts of these men bleed for the Administration; how the hearts of these men bleed for the country because the nation is scandalized! I say the object of this resolution is to cast scandal upon high officials. The Populist party lives and thrives upon disseminating scandal against the two old parties.

The Senator proceeds:

That some person or persons profited by this transaction through dishonorable conduct everybody believes and nobody denies.

My friend from Kansas makes a pretty broad statement when he says that. Of course when he says there was not any authority for and no necessity for issuing bonds, that it was not necessary to redeem greenbacks in gold, and when he goes further and says that it was done secretly and through bad motives, of course it would follow that in some way or other there was some dishonorable conduct somewhere in relation to it. The trouble is, the

Senator is wrong in his premises, and therefore wrong in his conclusions.

As it was conducted—

Speaking now of the syndicate sale—

the press and curious persons have asked why certain bidders came in at the last moment and why one of them altered his bid within a few minutes of the hour for opening the bids.

Here we have it again, a reiteration by a Senator in this body, going upon the record, repeating simply the silly allegations of disappointed bidders.

The next day after the bond sale it was said that some bids had been altered just before the time. If they had not been presented before, had not the bidders a right to alter the bids up to the last moment of presentation? Of course they had. There is nothing peculiar about the bidding for bonds. It is like bidding for anything else. Any bidder has a right until the subscription list is closed to alter his bid. He can not alter it after it is presented, but he can alter it up to the very second of the time of its presentation.

Now, the Senator from Kansas says:

The people want to know all about it.

Again it is the people, the dear people.

A committee of honest, clear-headed men who will search for the truth—

He wants a committee of honest, clear-headed men. The original resolution would have included one of the Populist Senators. Then my friend the Senator from Kansas, after his speech, consented to strike that out, so that no member of the committee should be a Populist.

Honest, clear-headed men.

He struck that out, so that it is not expected that on the committee there shall be any Populist Senator. He says:

That somebody has gone wrong we all believe.

Who has gone wrong? What has gone wrong? Who asserts that there has been any wrong? What bidders so assert?

The bankers of New York had just as much competition upon this question as ever before. Syndicate was against syndicate. There was the Morgan syndicate upon the one side and the Stewart syndicate on the other. If the Morgan syndicate got any advantage it would have hurt the Stewart syndicate. Those men have made no complaint. Those men who made their bids, who represented contending and conflicting interests, have offered no complaint here. They have demanded no investigation.

One of the large bidders was the New York Life Insurance Company, which took \$10,000,000 of the bonds regardless of any syndicate, and wanted more. They have no complaint. No; it is the mere politician who makes complaint. It is the men who desire to make political capital by assailing some public man. They are the men who complain. Nobody else complains except a man who wants to compel the Secretary of the Treasury to settle with him in order to make some money.

Then he says further:

In the next place, it is alleged and believed by thousands and millions of people in this country—

There is nothing small about the Populist party. It always speaks in behalf of thousands and millions of people—

by members of the House of Representatives and by members of this body, that there was coin enough in the Treasury at the time the sales were made to pay off every obligation of the Government due at that time—every one.

There was not enough gold in the Treasury to redeem the greenbacks. We may differ with the Secretary of the Treasury as to what coin the greenbacks should be redeemed in. That is a question which need not necessarily involve our loss of respect for the Secretary of the Treasury. The Secretary of the Treasury redeemed the greenbacks in gold in pursuance of the policy of the Government, for the purpose of maintaining the credit of the Government. I know there are those wise financiers who say that he should have paid them in silver. I know there are those men who think it is unwise to keep up the present gold standard, which is the standard according to law. They see no harm in to-morrow redeeming in silver all the greenbacks presented. Whether or not it would put gold to a premium they do not know, and they do not care. So anxious and zealous are they for the silver cause that they want silver used to the largest possible extent.

Undoubtedly, sir, there are many people in the country in favor of that idea. Be that as it may, it is a question about which honest men may well differ, and which will come up for solution hereafter. The Secretary of the Treasury believes in the policy of maintaining the gold standard, and he believes that the way to maintain the gold standard is to redeem the paper money in gold when demanded. You may differ with him and say it is unnecessary; you may think it would not send gold to a premium if he paid silver; but you have no right to say that he is dishonest because he differs with you. You have no right to say that he deserves investigation because of that fact. You have no right to insinuate that possibly some of the commissions have found a place in his pocket simply because you differ with him.

I do not propose at this time to discuss the gold and silver question proper. It is a great question, worthy of the consideration of the best minds of the country. It is a question upon which there has been honest difference of opinion for many years, and doubtless will be for many years to come. I have no words of criticism or censure to make as to the man who honestly differs with me upon this subject. I can discuss the question with an adversary without at all impugning his motives, but I have nothing but contempt for the man who can not discuss the question without conceding to his adversary the same honesty of purpose that he claims for himself.

I am not going to anticipate the issue of the great silver question. It is now being discussed in all the villages and hamlets of this great country. Men are taking issue upon one side or the other. This Administration, whether wisely or unwisely I do not stop now to inquire, has said that it found the gold standard when it came into power and that that standard must be maintained, in its judgment, until it is changed by act of Congress. So long as that standard exists Mr. Carlisle and the President think it is their duty to maintain it. They think that when our paper currency is presented for redemption it should be paid in gold to preserve the credit of the country. They may be wrong; you may differ with them; but, sir, I think it is unworthy of any true friend of silver to array himself upon the side of men who offer the investigating resolution as an effort to undermine them in the popular approval and support of the country.

Nothing can come of it. I am not here to pass any eulogy upon those men. I say I differ with them in some features of this question, unnecessary now to inquire into, but I am here to say that, in my humble judgment, in this transaction they have endeavored to do what they have believed to be right. I believe they have sought honestly to preserve the credit of the country. I believe they think that the preservation of the gold standard is essential to the welfare of the country, and as executive officers they think they are bound to maintain it.

The majority of the Senate may differ with them. Let it be an honest, respectful difference. Let it not find shape in angry attacks upon them, in attacks upon their honesty, in attacks upon their integrity, in attacks upon the legality of their acts. So much I deemed I ought to say in behalf of those officials.

I sometimes think that we carry the investigation business too far. Every little while some one writes me asking for an investigation into this matter or the other. They have seen the efforts of the Senator from Kansas and other Senators from time to time to investigate every conceivable subject, and therefore we are overwhelmed from time to time with applications for unnecessary and useless investigations. It was only a year and a half ago that the distinguished Senator from Nevada [Mr. STEWART], after he had become a Populist, rose in his place and offered a resolution to investigate the question as to what Senators around this circle owned national-bank stock. Seriously he plead for that resolution. I had the honor to make some remarks in opposition to it. It finally went to the tomb of the Capulets, which is the Calendar, and there it rests. But it was at the height of the silver fight, and blood was up on both sides. It was said that some of those who were advocating silver were mine owners, and that fired the Senator from Nevada and he introduced a resolution, which I shall not take the trouble to read, in which he deliberately proposed to have an investigating committee appointed to bring in the names of the Senators in this Chamber who happened to be so unfortunate as to own national-bank stock.

What a cowardly proceeding it would be to oppose that investigation! What are you afraid of? I was not afraid of anything. I have never owned a dollar of stock in national banks or any other kind of stock. I opposed it upon the general principle that a Senator has a right to own national-bank stock. He has a right to own any other kind of stock that he wants to hold. He should not legislate in regard to the particular bank in which he is interested, but he has a right to own bank stock and mining stock. He has a right to own railroads; he has a right to own newspapers; he has a right to own farms; he has a right to raise crops—cotton, wheat, and everything else—as to all of which we legislate, of course; and yet it remained for the Senator from Nevada to rise in his place and propose deliberately to investigate how many Senators owned bank stock, in order that some reflection might be cast upon their votes on the financial question—a silly, ridiculous, contemptible proceeding, unworthy of grave and reverend Senators.

Must we investigate everything that is done? The investigation business is contagious. I observe that the Senator from Mississippi [Mr. WALTHALL] is giving me some attention, and I have a letter here (the handwriting is a little poor) which comes from God's own country, down in Mississippi:

LEXINGTON, MISS., February 24, 1896.

MR. DAVID BENNETT HILL,
United States Senate, Washington, D. C.

DEAR SIR: I am an American Democrat—

That is good—

who unquestionably sent Mr. Page M. Baker, editor of the Times-Democrat, New Orleans, La., a silver dollar, \$1, in registered letter No. 41, November 6,

1896, to renew my subscription to his most valuable and reliable Democratic journal, the New Orleans Weekly Times-Democrat, for one year. But I have not received a copy of the Times-Democrat for aforesaid \$1 to date. I am in favor of you for President of the United States in 1896—

The man has considerable sense [laughter]—

instead of any one of the Republicans in this country. But I am opposed to the reelection of Mr. Grover Cleveland as President of the United States in 1896. That I have not received a registry return receipt for registered letter No. 41 is undoubtedly very strong evidence that Mr. Page M. Baker, of the Times-Democrat, New Orleans, La., has not received registered letter No. 41 and above said silver dollar which it contains.

I sent Mr. Joseph Pulitzer, editor of the World, New York City, N. Y., some silver money in each of the two registered letters, Nos. 18 and 27, which I wrote him October 17, 1892, and October 22, 1892, but that I have not received a registered return receipt for either of the two above said registered letters is unquestionably evidence that the editor of the World has not received the two above said letters and money.

The above said money which I sent Mr. Joseph Pulitzer, of the New York World, in the two above said registered letters, was for the Democratic national Western campaign fund of 1892.

[Laughter.]

We know that Mr. Pulitzer was sent the money, but what he did with it does not yet seem to be disclosed—

I think that the silver money which the above said registered letters contains has been lost or stolen—

A serious charge, Mr. President—

That the parties to whom it was addressed has not received it—

That exculpates Mr. Pulitzer—

Please investigate the matter in regard to above said silver dollar which I sent the editor of the Times-Democrat, New Orleans, La., and also investigate the matter in regard to the silver money as stated above which I sent the editor of the World in the two above said registered letters of October, 1892. Find the money which all three of the above said registered letters contains, and then have the result of your investigation published in the New York papers.

Very respectfully,

SAM SANDERS.

[Laughter.]

I submit this letter to the Senate because you might as well make this an omnibus investigation and include every charge that may be proposed during its incumbency. Further than this I have the following petition:

To the United States Senate and House of Representatives:

Your petitioners, citizens of the State of New York, respectfully and earnestly ask your honorable body, by appropriate legislation, to provide for a national commission, for an impartial, thorough investigation of the subject of social vice, in all its phases, its relations to labor and wages, to marriage and divorce, its effects on individuals and the general welfare of the people, and its general, economic, criminal, physical, and moral aspects in connection with pauperism, crime, the public health, and morals; and also to inquire into the practical results of legislation and the various methods relied upon for the repression of the evil in the several States and Territories in the United States, and in the District of Columbia.

A good many people sign it, giving their residences. I desire to have the petition go in the RECORD for the purpose of showing that the investigation business, started by the Populist Senators in this body, has led to suggestions of investigations of all kinds and character, and no one knows where it will end.

I have also a letter from citizens of Brooklyn, members of the International Association of Machinists:

Hon. D. B. HILL, Washington, D. C.

BROOKLYN, March 26, 1896.

DEAR SIR: We, citizens of Brooklyn, N. Y., members of Lodge 323, International Association of Machinists, would like to see you use your influence in having a committee of investigation appointed to look into and investigate the treatment our members are receiving in the Brooklyn Navy-Yard. We hope to be favored with an answer as to your opinion in the matter.

It is signed by the secretary and the treasurer. Every conceivable matter is to be investigated by the Senate of the United States with or without charges except those general in their character.

I have already said that I do not think there is anything here worthy of investigation. We may differ as to law, we may differ as to the propriety of bond issues, we may think that the bullion in the Treasury should be coined, but the bonds have been sold. The last sale was made in the public market. There is nothing to investigate. Those who predicted that a majority of the bonds would be sold at a rate equivalent to 3 per cent have been mistaken. Are we to investigate every idle charge made?

I hold in my hand now some interviews with the distinguished Senator from New Hampshire [Mr. CHANDLER], who honors me by his presence, making serious allegations affecting the purity of the primaries of our country in the great contest for the Presidency now pending. I insist upon it that the Senator's allegations shall be treated seriously. I know that the Senator rises in his place on many occasions and indulges in a good jest and a good joke, which we all duly appreciate, but I call the attention of the country to the fact that recently in two public interviews serious allegations were made against those who are pushing the candidacy of Mr. McKinley for the Presidency.

I am not here to say one single word against Mr. McKinley. I admire the man in many respects. He has the courage to say that he is a candidate for the Presidency. He aspires to that high office. He does not, like other candidates, say he is in the hands of his friends; that he is waiting for the people to summon him.

I admire him because he appeals to his friends throughout the country and asks their support. My experience is that the man who is in the hands of his friends usually winds up by finding himself in the hands of his enemies. Mr. McKinley has a right to aspire to the Presidency. I supposed he was making an honorable canvass for the high office. I was startled to read in the morning paper—the Post of this city, which I usually read before breakfast—an article headed—

Campaign of Boodle—Can the Republicans Meet the "Fat-Frying" Issue Again—Major McKinley's Managers—

These are the headlines—

A Widely Extended Levy upon the Country's Protected Interests—Deplored by Senator Chandler.

Those allegations have been spread before the country. I ask the Secretary to read the first of these interviews.

The PRESIDING OFFICER (Mr. BAKER in the chair). The Secretary will read as requested.

The Secretary read as follows:

[Washington Post, March 16, 1896.]

THE NEW HAMPSHIRE SENATOR CALLS UPON THE OHIO CHAMPION OF PROTECTION TO REPUDIATE THE METHODS ACCREDITED TO HIS AGENTS AND THEREBY PREVENT FURTHER GROWTH OF THE BELIEF THAT HE HAS VOLUNTARILY PLACED HIMSELF IN THE HANDS OF MEN "WHO ARE SEEKING TO NOMINATE HIM BY THE LAVISH USE OF MONEY"—AN ARGUMENT THAT IS "BEING PRESSED TOO FAR."

Senator CHANDLER of New Hampshire, always frank in his utterances, yesterday expressed his views with characteristic freedom with reference to the McKinley boom and boomers.

"What is thought and said among the Republicans whom you have met about the recent developments showing that money contributions are being solicited from the manufacturers of the East to help Mr. McKinley?" was asked.

"It has been very seldom that I have heard more indignation expressed on any minor subject of politics," said the Senator, "than within the last few days as information has come as to the extent to which these levies upon protected interests are being made. Anger is uttered by the friends of all other candidates and also by the most sagacious politicians who have no preferences as yet."

"It has always been conceded that it is fair politics to advocate Mr. McKinley because he represents such protection as was given by the bill of 1890, which brought to the Republican party undeservedly its widespread defeats in the fall of that year. In the return of the people to their desire for protection it is fair to argue that Mr. McKinley, by whose name the bill was called, will be an appropriate candidate for President. But even here there is a feeling that the argument is being pressed a little too far. Messrs. Allison and Reed were quite as important factors as Mr. McKinley in the handling of the bill of 1890, and Mr. Allison is certainly Mr. McKinley's superior in a knowledge of the necessary details which enter into the problem of a revenue by tariff duties. Conceding, however, that if a high protection candidate is to be desired Mr. McKinley's claim to that title is sound, it is a very different thing for his supporters to propose to carry on his canvass for the favor of delegates by begging money from the manufacturers of the West and the East and everywhere else to be expended in manipulating State conventions."

"AN ILL-ADVISED PROCEEDING."

"To invade Senator Quay's State with demands, oral and written, that the Pennsylvania manufacturers are under such obligations to Mr. McKinley that they ought to furnish cash contributions with which to secure the election of McKinley delegates to St. Louis seems to be a most ill-advised proceeding. Yet the evidence seems to be clear that a systematic, widely extended levy upon the protected industries of the country has been projected and is going forward, to what extent remains to be discovered. Ever since the movement for McKinley began it has been rumored that Mr. Mark Hanna, now one of the Ohio delegates at large, has been expending money in Mr. McKinley's interest. There has been an unwillingness to believe this and a disposition to attribute Mr. Hanna's exertions to sincere and disinterested friendship for Mr. McKinley. Nobody now is so charitable. It is beginning to be believed that the McKinley movement is to be a boodle canvass from start to finish. This belief will be injurious to Mr. McKinley; it will be still more injurious to the Republican party, especially if Mr. McKinley is nominated."

"The issue will be made by our opponents whether we are to have a President who was nominated by 'fat frying,' by the money of millionaire manufacturers, and is to be elected by similar corrupt methods applied to the suffrage in the States."

"MR. KINLEY OUGHT TO REPUDIATE IT."

"Mr. McKinley ought not to suffer by unjust imputations of this sort. He ought to repudiate any such a canvass in his behalf. I do not believe that he wishes to stand in the unfavorable light in which he will be placed if the currently reported and now everywhere believed stories remain uncontradicted. I expect to hear from him without delay in a public utterance. If he does not speak directly or authoritatively through some reliable representative the belief will gain ground that he has placed himself in the hands of managers who are seeking to nominate him by the lavish use of money, and who will own him and make merchandise of him if he is elected. All Republicans sympathized with McKinley in his business misfortunes, and all over the country contributions were freely made to pay the honorable debts he had incurred, and to keep such a distinguished and honored leader of the party from insolvency. But it is now, by reason of recent disclosures, a pertinent inquiry: Who raised and handled those contributions, how large were they, and what is Mr. McKinley's present financial condition? Are the men who raised these personal contributions now going over the same ground they have before traveled, gathering moneys for corrupting State and district conventions; and is our next President, if Mr. McKinley is the nominee, to be controlled and dictated to by Mr. Hanna and a set of associates who have established their domination over a President by the money they have furnished for him and his uses?"

"A plain and explicit statement should be made by Mr. McKinley or in his behalf. 'Tell the truth' should be the motto. I believe Mr. McKinley can set matters right, so far as he personally is concerned; and for the sake of the good name of the party I prefer to see him do this rather than labor under the disadvantages now upon him in the canvass for the nomination growing out of these repeated and continuous collections of money contributions to repair or to maintain his personal and political fortunes."

Mr. HILL. In a few days thereafter some indiscreet friend of Mr. McKinley attacked Senator CHANDLER, to which he replied—and I ask to have his reply read—reiterating the previous chapter.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[Washington Post, March 23, 1896.]

CHANDLER REPEATS IT—CONFIRMED IN HIS CONVICTIONS OF A MCKINLEY BOODLE FUND—HE MAKES A FORMAL STATEMENT—WHY THE INTERESTS OF THE REPUBLICAN PARTY DEMAND THAT THE OHIO MAN SHOULD NOT BE NOMINATED THROUGH THE ENFORCED CONTRIBUTIONS OF THE MANUFACTURERS—HE DEFENDS HIMSELF AGAINST THE ATTACKS OF CRITICS IN THE REPUBLICAN RANKS.

To the Editor of the Post:

The interview with me in the Post of the 16th has led to much misrepresentation of its terms. The New York World published with quotation marks words I never used. I said nothing unkind of Mr. McKinley personally, but called attention to certain methods of some of his managers and protested against their adoption. Every fact I stated had been published in the Philadelphia Times of March 10. It is a Democratic paper, to be sure, but Colonel McClure is usually accurate when making charges.

The substance of the charge made in the Times and reiterated by me was that the same men who had assisted in raising the money to pay Mr. McKinley's debts were calling upon the owners of protected industries to make contributions to help nominate him for President. Although the charge has been denied by General GROSVENOR and others, a review of the subject confirms my conviction that it is true. As bearing upon the question whether the collection and the use of the funds are for reasonable and legitimate nomination expenditures, I add that the fund which it was planned to raise was to be \$250,000, a sum which could not be needed except for illegitimate purposes. In view of the effort to raise this large fund from protected interests, my points were very simple and clear.

Such a movement is unfair and unjust toward the other candidates, in whose behalf it is certain no such large sums of money are being raised or used. Messrs. REED, MORTON, QUAY, CULLOM, ALLISON, DAVIS, and Manderson are as devoted friends of protection as Mr. McKinley is, and the triumph of any one of them would be as sure a guarantee of the enactment of judicious and effective tariff laws as would be the victory of Mr. McKinley. For manufacturers to contribute large sums of money to be expended in nominating Mr. McKinley over any other candidate hitherto named would be a most unjust and unequal proceeding.

The interests of the Republican party will be seriously injured by demanding and receiving such large contributions from the representatives of protected interests. It has been a continuous cause of attack by the opponents of protection—the belief that the system has been maintained, Republican victories achieved, and particular tariff schedules secured from Congress by the money of manufacturers. Whatever may be said in justification of reasonable contributions from such interests toward the expenses of Presidential and Congressional elections after the nominations are made, a system of using money to control Republican nominations for office would be scandalous in the highest degree, and fatal to all attempts to maintain the purity and honesty of the party organization.

These things I said. If the facts which were the basis of my utterances do not exist, the truth will appear, and no one will suffer but myself, for no one else suggested or was responsible for or knew of my statement. I shall be very glad to be convinced that I was mistaken. Moreover, if the attempt to raise the fund of \$250,000 has been arrested by reason of the publicity given to it, I shall be equally rejoiced.

If, however, the facts are true, and to the natural popularity and strength of Mr. McKinley Messrs. Osborne and Hanna are to continue to add the expenditure in improper ways of large sums of money collected by them from the owners of industries protected by the tariff, thoughtful Republicans will do well to consider the consequences of a nomination thus made; the character of the canvass which is to ensue; the possible defeat which, even with the bright prospects before us, may come if we rush headlong into any egregious blunder, and the controversies which, even if we are successful, are to follow such an admission of the standing charge of our opponents that gross venality and corruption attend the maintenance of a high-tariff system by the Republican party, which charge we have hitherto truthfully denied.

To those who engage in vituperation of me on the ground that whatever may be the size of the money contributions which are being raised by Mr. McKinley's friends, or the use which is being made of them, it is injurious to the Republican party, and therefore a mistake for me to call attention to them, little need be said. Their argument recognizes no times or circumstances when it is proper for a faithful member of a political party to expose and condemn the faults and vices which develop in every party. This precept is a false one, and has never been heeded by me in a political life of forty years. Whatever may be said in favor of such restraint during the heat of a political canvass, after the nominations are made, there ought not to be two opinions on the question whether at all other times faithful Republicans should detect and make public, correct and destroy, dishonest methods which may be growing up in the organization, and which if kept concealed through a false notion of party fidelity will soon bring the party to destruction. That there is no way to keep a party pure and honest in its practices except by defeat at the polls is an unwise opinion. It should be so kept, and also kept in power, by the constant efforts of its true and courageous members to condemn and crush out in their inception all habits and practices which tend to the degradation and dishonor of the political organization. The Republican party is about to be returned, if it acts wisely, to overwhelming political power in this country. The party should begin its new career sustained by high principles and free from corrupt practices. It will be a fatal mistake, soon to be grievously punished, if we make a dishonest start.

W. E. CHANDLER.

WASHINGTON, March 21, 1896.

Mr. HILL. I have too much confidence in the Senator from New Hampshire to think that these allegations were made thoughtlessly or unadvisedly. I think he knows what he was about. I think he believed the allegations. I think they have not been answered. They have not been met. Abuse of the distinguished Senator from New Hampshire is not an answer to the allegation. A reflection upon his motives does not meet the charges. The point which I make is simply that upon a newspaper allegation in a single newspaper (because when challenged this afternoon that is all the Senator from Nebraska could point to) we are proposing deliberately to investigate a high officer of the Government of the United States and his transactions on three different occasions. But here sits the Senate, with one of its esteemed, distinguished members making an allegation against a candidate for the Presi-

dency, the leading candidate who is desired to be nominated, or if not against him, his friends, for a corrupt use of money to buy up a nomination and levying contributions upon protected industries for the purpose of procuring a platform and a candidate suitable to those interests and in accordance with its desires; yet no Senator here, not even the Senator from Kansas, has asked for an investigation. It affects the elective franchise; it affects the purity of our primary meetings; it is a stab at the foundations of our Government. When an amount of money, said in these allegations to be \$250,000, is raised in the interest of a particular candidate for the purpose of securing his nomination, ought not some attention to be paid to it? Ought not some investigation to be had? I am not proposing any; I am simply suggesting it. Why has it not attracted more attention?

I said at the outset the Senator from New Hampshire was serious in this thing. We will strain at some allegation of wrongdoing in some newspaper against the Secretary of the Treasury; we will ask an investigation because the Senator says the people are curious and they want to know all about it, because there is no law for the issue of bonds—"A second Daniel come to judgment"; yet with a serious allegation made by a member of this body, published in the public press, charging that the man who is probably to be nominated as the President of the United States and his friends have entered into a combination with the protected industries of the country to secure a nomination, and it attracts no attention whatever. Not a single man upon the other side, although opposed to Mr. McKinley, has asked for an investigation. Can not we upon this side take a little lesson from our friends on the other side, when even the civil-service reformers upon the other side, who dread to see the public service dragged down even upon a matter of little country post-offices, do not rise in their places and ask in the name of purity and justice that there shall be an investigation?

I say when the other side do not propose to investigate their candidate for office, although a member of this body makes the serious allegation, why should we Democrats upon this side hastily join this Populist combine to attack a Democratic Secretary of the Treasury? Let us learn a little wisdom from the men upon the other side; or if by some means or other we are afraid of this little Populist crowd who stand here holding the balance of power first upon one side and then upon the other, voting with us in one thing and against us on the next, and if we are obliged to have this investigation of a Democratic official upon these paltry and contemptible charges, let us add this other one. Let the Chandler charges be investigated, too. Let us see whether they can afford to remain silent. Let us do it now, before the heat of this political campaign shall come on, so that our motive will not be suspected. Let us do it in the name of the people. That is the way to do it, when you want to do a mean thing, when you want to stab somebody. Do not do it for the Populist party; be non-partisan. But that is not my practice, sir. If I have any allegation to make I make it. I think I may say my worst enemy never charged me with stabbing him in the dark. If I have anything to say against a man of my own party I say it openly and above board. When I have anything to say against my adversaries I say it in that way.

Mr. President, I say to you our Republican friends would not have ordered an investigation against a Republican Secretary of the Treasury upon such flimsy pretenses as these. I do not believe they will do it now against a Democratic Secretary of the Treasury. I have more confidence in them. I do not believe the two great parties here will dance attendance to this little crowd of Populists whose votes we seem to need in this Chamber now and then.

Mr. President, what have we heard here time and time again? From allegations of abuses in the burial of members to allegations about the eating saloon downstairs. All sorts of things have been dragged up here for the benefit of the Populist party. They do not like the issue of bonds. Of course not. They are against it. That is all right. They may believe in the silver policy and they may believe in the gold policy. That is all right enough. I am not challenging their motive; but I say that nothing is to be gained by this sort of political warfare. When there is something to investigate that is tangible, then I am in favor of investigation.

Mr. President, I am sorry that the Senator from Nebraska [Mr. ALLEN] is not here. Two years ago he rose in his place, solemn, as he always is, and said that he had a grave accusation to make. In substance he said the Senate is a very corrupt body. Well, they have been talking that so much that I am free to say they have made a great many people believe it, I think. What was the allegation? The allegation was—he read from the newspapers—that every Senator was engaged in a speculation in sugar stock—a serious allegation. I thought then, as I think now, that it was an unwise proceeding. I thought I knew my brother Senators upon this floor. Ninety-five per cent of them had no money to speculate in sugar stocks or any other kind of stocks.

Mr. PEPPER. Will the Senator from New York permit a question at that point?

Mr. HILL. I will.

Mr. PEPPER. I am quite satisfied that the Senator from New York does not wish to do an injustice to the Senator from Nebraska. Does the Senator from New York mean to be understood as saying or asserting that the Senator from Nebraska offered a resolution to investigate the sugar trust?

Mr. HILL. I think it was the Senator from Nebraska. Who was it?

Mr. PEPPER. It was the junior Senator from Massachusetts [Mr. LODGE].

Mr. HILL. It is my recollection that it was the Senator from Nebraska.

Mr. PEPPER. Where the Senator from Nebraska came in was with an amendment that gave it a little more of a drag-net character.

Mr. HILL. Yes; just a little more of a drag net.

Mr. PEPPER. If the Senator will allow me further, I will explain possibly how the Senator from New York came to fasten this particular proceeding upon the Senator from Nebraska. Within a few days after the newspapers made an attack upon members of this body, mentioning them by name, I, the Senator from Kansas, proposed a resolution of investigation. The Senator from Maryland [Mr. GORMAN], after an impassioned speech upon that resolution, moved to lay it upon the table, and it was laid upon the table. After that the junior Senator from Massachusetts [Mr. LODGE] came in with his resolution.

Mr. HILL. I do not recollect that impassioned speech by the Senator from Maryland. My recollection was that it was the Senator from Nebraska. He spoke upon the subject. He offered an amendment. I have confused the amendment with the original resolution. No matter; the Senator offered another one. Of course he is not going to be left when it comes to the investigating business, and he offered another one. Whether I was present when the original resolution was offered or not I do not know. I was present when I heard the Senator from Nebraska speak, I think upon some portion of his resolution. I know the air was filled with allegations around this Chamber against the integrity of Senators. You would think from what was said that the whole Senate were engaged in a scheme of enriching themselves by speculating in sugar stock, and we must have an investigation. It was a Democratic Senate by a very close majority. The Populists were pretty nearly holding the balance of power then as now. It would not do to be cowardly about it. If anybody makes any charges you must yield right off and say, "Of course; have an investigating committee." That is the new theory, the modern theory of moral courage—to have an investigation every time a man makes an idle, silly assertion. I do not believe in it.

But by unanimous consent—I think it was pretty near that—they had the investigation. It was much advertised. The Senator from Nebraska was a member of the committee, which was composed of two Republicans, two Democrats, and a Populist—the same old combination again, the Republicans and Populists holding the balance of power, of course, to investigate a Democratic Senate. Democrats sat here and allowed the thing to go on, tolerated it, sanctioned it. What was the result? I will not read tonight (I will read in the morning if I have time) the first original charge, and I want to read the result. I say all over the country an anxious press was seeking to hold the investigation. It was a bitter scandal on this Senate. Eagerly they awaited its results. First I think it was proposed to have it in secret; but the press thundered at the doors, it must be admitted, the public wanted to know, the curious people wanted to know; and I think they admitted the Associated Press and the United Press reporters that the public might know all about it.

The investigation went on. I am not now going to speak of it in its detailed results except to say, put it all together, what did it amount to? All the Senators trailed upstairs to the committee room, humiliated that they had felt obliged to go out of respect to the committee, and every one of them was put through a lot of questions as to what he had done with his money, in substance, whether he had speculated in sugar stocks or not, whether he had bought any stocks for himself, his sisters, his cousins, and his aunts.

Mr. HAWLEY. And under oath, too.

Mr. HILL. And under oath, too. Oh, they would not take a Senator's word for anything. [Laughter.] Among the other charges made there was the specific charge against the same much-abused Kentuckian, John G. Carlisle, that he also was interested in sugar stock; that he had used his influence to aid the sugar trust—all lies made out of the whole cloth. This Senate deliberately proceeded to make an investigation because they did not want it said that they were afraid to investigate. What was the result? The sum and substance of it was that they found that one Senator—and I would not speak of it at this time except justice to the cause requires me to do it—one Senator, whose

frankness we all admire, went before the Senate committee and said: "Yes; I did buy some sugar stock and afterwards sold it, and I would do it again; I had a right to do it; and what are you going to do about it?" He acted like a manly man, and I take pleasure in saying so, notwithstanding all the charges made about the great impropriety of speculating in sugar stock. To-day that distinguished Senator is the candidate, the favorite son, of the leading Republican State in this Union for the Presidency. He has as earnest and warm friends as any man who is now a candidate for the Presidency.

The other was the case of a Senator's hired girl, who had been speculating in sugar stock, and another Senator's son, 19 years old, had bought ten or twenty dollars' worth of stock in a bucket shop. [Laughter.] That was the result of the investigation. One Senator bought a little stock, and said he had; another Senator's hired girl had speculated in it—I think the Senator ought at least perhaps to have divided with the hired girl—another was the son of a Senator who had speculated in the stock; and that is all there was of it. [Laughter.] Every Senator here, eighty-odd of us, went before that committee, all under oath, and swore that they were not scoundrels, as if speculating in sugar stock was something terrible.

Mr. President, I speak of this simply to show that we belittle ourselves by such a proceeding. We belittle ourselves in the eyes of the world, the eyes of the people. There was no necessity for such an investigation; there were no circumstances which required it. The clamor did not cease even when the committee made their fair and impartial report of the exact circumstances. The press kept on because they like to create a sensation. The scandal mongers upon every side came to the front. All sorts of allegations about the sugar trust appeared in the platforms of State conventions against this Senate, nine-tenths of whom never thought of speculating in any sort of stock whatever.

I speak of these things, I say, for the purpose of asking my fellow-Senators to pause before they again enter upon any such ridiculous proceeding. That was an injustice to ourselves, and perhaps served us right for allowing it to go on.

What was the allegation against Mr. Carlisle? The committee unanimously exonerated him. There was not the least scintilla of wrong proved against him. The charges of the newspapers were shown to be manufactured; there was no truth in any word casting any reflection upon him; and yet that man, sir, submitted to it without a murmur, without complaint. He submitted to the allegation quietly, as befitted the dignity of his office. Now we are not seeking to do injustice to ourselves by an investigation of ourselves, but we are seeking to use the great power of the Senate to investigate a bond transaction simply because of some idle statements of the newspapers, simply because the majority of the Senate differ with Mr. Carlisle upon this great subject of silver, honestly differ, differ possibly with much reason—I do not propose to discuss that question—but, sir, I do submit that the cause of silver will not be promoted by any such investigation. The cause of silver will only be injured by such an unwise proceeding; the party to which we belong will not be injured by it; but it is unjust to permit these attacks to be made, because the very fact of investigation implies that there is some cause for investigation.

Now I will yield, but I desire to continue my remarks in the morning.

Mr. VILAS. If the Senator from New York yields for the evening, I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the motion of the Senator from Wisconsin, the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3606) granting a pension to French W. Thornhill; and

A bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

The bill (H. R. 5258) granting an honorable discharge to John B. Besler was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

Mr. DAVIS. I ask the Senator from Wisconsin to withdraw the motion to adjourn, in order that I may move that the Senate proceed to the consideration of executive business.

Mr. VILAS. I withdraw the motion for that purpose.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 17, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1896.

PROMOTION IN THE ARMY.

Corps of Engineers.

Capt. Thomas Williams Symons, to be major.

POSTMASTERS.

Charles M. Goodspeed, to be postmaster at Shamrock, in the county of Onondaga and State of New York.

William Morgan, to be postmaster at South River, in the county of Middlesex and State of New Jersey.

Charles J. Chism, to be postmaster at Brighton, in the county of Monroe and State of New York.

John Leonard, to be postmaster at Port Chester, in the county of Westchester and State of New York.

J. Crawford Hoag, to be postmaster at Akron, in the county of Erie and State of New York.

Curtis J. Monroe, to be postmaster at Lakeport, in the county of Lake and State of California.

James McCarty, to be postmaster at Rockville Center, in the county of Queens and State of New York.

Truman Lewis, to be postmaster at Sidney, in the county of Delaware and State of New York.

Alonzo H. Ale, to be postmaster at Cass City, in the county of Tuscola and State of Michigan.

William F. Mariante, to be postmaster at San Leandro, in the county of Alameda and State of California.

James Clyne, to be postmaster at Benicia, in the county of Solano and State of California.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 16, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

BANKRUPTCY BILL.

Mr. HENDERSON. I ask unanimous consent that we take up the bankruptcy bill for consideration on Wednesday and Thursday of next week. I make this request now, so that members may have timely notice of the assignment and may be prepared to enter upon the consideration of the measure.

Mr. BAILEY. Does the gentleman's request include a provision that a vote shall be taken at a certain time?

Mr. HENDERSON. We can arrange that when we reach the question on Wednesday morning. I thought it best that we should now assign two days to that business.

Mr. BAILEY. Very well.

The SPEAKER. The gentleman from Iowa asks unanimous consent—

Mr. BINGHAM. Before that request is put, I ask the gentleman from Iowa [Mr. HENDERSON] whether he will call for a vote on Thursday. Some of the Pennsylvania members who are very anxious to vote on this question may be absent on that day.

Mr. HENDERSON. That would be the intention, if we have two days assigned to this bill, unless by unanimous consent we be permitted to take the vote on Friday morning.

The SPEAKER. The gentleman from Iowa asks unanimous consent that Wednesday and Thursday next be set apart for the consideration of the bankruptcy bill. Is there objection?

Mr. PICKLER. The bill of the Committee on Invalid Pensions, as I understand, is the next thing in order for consideration. That would probably be out of the way before this business is reached.

Mr. HENDERSON. It will be nearly a week before the order I ask begins to operate.

The SPEAKER. Is there objection to the request? The Chair hears none.

Mr. HENDERSON. Before passing to other matters, I would like to have an understanding on the part of the House that the vote on the bankruptcy bill be taken on Friday morning of next week. I find that a number of State conventions which gentlemen want to attend are to be held within a week or so; and if we should have a vote on Thursday it would embarrass quite a number of gentlemen.

Mr. BAILEY. I have no objection to the suggestion which the gentleman from Iowa now makes, but I would like to have it understood that a reasonable time is to be allowed for debate and amendment under the five-minute rule.

Mr. HENDERSON. If this request be granted the time for a vote is extended, leaving us the whole of Wednesday and Thursday for the consideration of the bill. The fixing of the vote for Friday is really an addition to the time already allowed.

Mr. BAILEY. I heartily assent to the vote being taken at the time mentioned; I simply want an understanding that we shall have an opportunity to offer amendments.

Mr. HENDERSON. That we will arrange in detail when we take up this business.

Mr. RICHARDSON. Will not the setting apart of Friday prevent entirely the consideration of private bills on that day?

Mr. HENDERSON. The proposition is simply that we take the vote on Friday.

Mr. RICHARDSON. I thought the gentleman proposed to occupy Friday under the five-minute rule.

Mr. HENDERSON. Oh, no; I simply ask for a vote on that day. The House has already assigned Wednesday and Thursday for the consideration of the measure; but to accommodate a large number of members who want to be present to vote on the bill, I ask that the vote be taken on Friday morning after the reading of the Journal.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? The Chair hears none.

Mr. BAILEY. I now ask unanimous consent for the printing of a substitute which I desire to offer for the bankruptcy bill as reported by the committee.

The SPEAKER. Does the gentleman desire to have it printed in the RECORD?

Mr. BAILEY. No, sir; but as it is not a proposition coming from the committee, it is necessary that the order to print should be made by the House. I am simply asking unanimous consent for that purpose.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] asks unanimous consent that a substitute which he proposes to offer for the bankruptcy bill may be printed in bill form. Is there objection? The Chair hears none. If the gentleman has his substitute now ready, and will file it, it will be printed.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe—to the Committee on Invalid Pensions.

A bill (S. 1011) for the relief of Capt. James Regan, United States Army—for the Committee on Military Affairs.

MANAGERS OF NATIONAL SOLDIERS' HOME.

Mr. HULL. I call for the regular order.

The SPEAKER. The regular order is the consideration of the joint resolution reported from the Committee on Military Affairs—House resolution 160, to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Mr. HULL. By order of the House adopted yesterday, it was arranged that debate on this resolution continue until 3 o'clock to-day, when a vote be taken. I understand that the gentleman from Kansas [Mr. BLUE] will control the time in opposition to the resolution; and I suppose that the time will be equally divided between the two sides.

The SPEAKER. One hour and forty-five minutes have been consumed by the committee and an hour and fifty-eight minutes in opposition.

Mr. HULL. I am perfectly willing that the opposition be allowed half the time to-day.

The SPEAKER. If there be no objection, that will be considered as the order.

There was no objection.

Mr. BLUE. May I ask how much time there is now for debate?

The SPEAKER. Two hours and forty-five minutes.

Mr. BLUE. I would like very much, Mr. Speaker, for the House to be in order.

The SPEAKER. The Chair would be glad also to have the House in order.

Mr. TERRY. What has become of the morning hour?

The SPEAKER. This is an extension of the morning hour, granted by the House.

Mr. BLUE. I desire to yield twenty-five minutes to the gentleman from Missouri [Mr. TRACEY].

The SPEAKER. Before the gentleman proceeds the House will please be in order, and the Chair will request gentlemen to resume their seats and cease conversation.

Mr. BOUTELLE. As the Chair seems to be looking toward me, I desire to state that I have not been engaged in conversation. [Laughter.]

The SPEAKER. The Chair does not refer to the gentleman from Maine by any means.

Mr. BOUTELLE. Two or three gentlemen around me seem desirous of advertising the fact that the Speaker was referring directly to me.

The SPEAKER. The Chair had no reference whatever to the gentleman from Maine.

Mr. WILLIAM A. STONE. The Speaker referred to me, probably. [Laughter.]

The SPEAKER. The Chair has no desire to call the House to order—not the slightest. But attention has been called to the matter, from the floor, that it is utterly impossible to hear what is going on. The gentleman from Missouri has the right to address the House without interruption; and since the attention of the Chair has been called to the matter by a gentleman on the floor the Chair is compelled to take cognizance of the fact.

The trouble is that each gentleman in private conversation on the floor seems to think he makes no noise. The Chair would be very glad if gentlemen would be in order, so that the gentlemen could be heard who are entitled to occupy the floor.

The gentleman from Missouri is recognized for twenty-five minutes.

Mr. TRACEY. Mr. Speaker, the duty which I feel called upon to perform to-day is not a pleasant duty to me. It has never been a pleasant task to me to assail or make charges against anyone. It has always been unpleasant to me to speak ill of any person. I would much rather eulogize than criticize, especially when the person or management to be criticized is that of a soldier. But it happens sometimes in the administration of human affairs that criticism becomes absolutely necessary; and while I would infinitely prefer to proceed along the lines of an orderly investigation, I feel that I am not only justified in what I intend to say, but I believe that I would be derelict in my duty to the people I have the honor to represent here if I failed to say what I hope to say on this occasion.

The Soldiers' Home at Leavenworth, Kans., being upon the border line of the State which I in part represent, is always patronized, so to speak, by about as large a number of Missouri soldiers as are in the Home from the State of Kansas, in which it is located. Before coming here, and immediately following the election, I received a number of letters concerning the management of that Home. These letters continued to come, and contained information derogatory to the management of that Home. I never sought information calculated to produce any other than the highest opinion of the management of the Home at Leavenworth or at any other place. What information I have on the subject has been forced upon me; I have not sought it. But the position in which I have been placed has compelled me to take notice of it, and it is because of that fact that I to-day, in this discussion, occupy what is to me a somewhat unpleasant position.

Personally, I have but little acquaintance with the governor of the Leavenworth Home, or the Western Branch, as it is called. Personally, I have no acquaintance whatever with General Franklin, who is president of the Board of Managers of the Homes. Personally, I only know two members of the Board of Managers, and they not very intimately or very long. Hence it must be apparent that I have no personal feeling in this matter other than a desire to see these Homes, which have been built up by the munificence of a grateful people for taking care of the men who by reason of the years they gave to the service of their country are now unable to take care of themselves—that these Homes shall be homes in fact and in deed for these old soldiers and not merely in theory and in name.

Now, in presenting the facts which I wish to present to the House to-day—and I regret that my time will not admit of such a presentation as I would like to make—I will confine myself almost exclusively to what I find in the record presented by the Board of Managers of the Home. I have a number of affidavits here, but enough of them have been read in the hearing of the House to make it unnecessary to present any more. In fact, more of them would be merely cumulative, although more of them can be secured if necessary. I undertake to say that from the Home at Leavenworth 500 affidavits can be secured against the character of the management of that Home in so far as it affects the comfort and well-being of the inmates.

Now, against the character of the president of the Board I have no word to say. As I remarked a moment ago, personally, I do not know him; hence I have no word to say against his character personally. He may be all and more than is claimed for him by his most ardent admirers and friends. It is with the administration of the Homes, and that exclusively, that I have to deal, not with him, except in so far as he is personally responsible for the administration, he being the president of the Board. He is, in many senses of the word, the Board itself. This Board meets occasionally—I do not know how often in a year. I will ask the gentleman from Indiana [Mr. STEELE]?

Mr. STEELE. Four times a year, or oftener if necessary.

Mr. TRACEY. The Board meets four times a year, and in the intervals between the meetings the president of the Board is the Board itself. I undertake to say more than that, Mr. Speaker; I undertake to say that at the meetings of the Board the work to be done has been prepared and is presented to the Board by the president and secretary, and I find in looking over the reports and examining the proceedings of the several meetings held that not

a single instance appears, as I now remember, in which the recommendations of the president so prepared and presented have not been agreed upon by the Board.

Perhaps this is true in all corporations where the president who is continued in position from year to year acquires such a hold upon and influence over the members of the board of directors that his desires are always respected. This influence grows imperceptibly, and it would not be strange if a man such as General Franklin is described by his friends should acquire in a series of years the influence over his associates on the Board that I have ascribed to him and which appears all through the reports. It is to this influence, as I am informed, that the governor of the Home at Leavenworth owes the position he occupies. Hence I am justified in saying that to a very great degree indeed, the president is the Board of Managers, and that his will is the law which governs them.

But aside from that it is said that General Franklin is a good man and an honest man. That may all be true. That he is an old soldier, and that is true; that he was a brave soldier, and I believe that to be true. But with all of that, he is the governor of a system of Homes containing within their walls from 17,000 to 18,000 old soldiers, every one of whom was perhaps as brave a soldier as he, and may be just as good a man personally as he. At any rate his (the governor's) position is a good one, furnished by the Government, paid by the Government, and it is the least that can be expected of him that, as president of the Board of Managers, he ought to see to it, as far as in him lies, that the position of these 17,000 or 18,000 old soldiers under his control, so far as the rules and regulations go, is made as comfortable and pleasant as it is possible to make it by the expenditure of the money placed in the hands of the Board.

Mr. Speaker, it is no small affair. These men, reduced to poverty, many of them friendless and homeless—it is no small affair to say that when they enter a National Soldiers' Home they shall meet within the walls of that Home the hand of friendship and the arm of support and sustenance, and that within its walls they should feel, while there, that they have indeed a home given to them by a grateful people because of the fact that they have given the best years of their lives that we might have a country. But is it a home when discipline is mentioned twice where kindness is mentioned once?

I find, in examining the reports of the Board with reference to the cost of maintenance, some remarkable facts. I call attention to the fact that the efficiency of the management must of necessity have a very close connection with the cost of maintenance. Now, in turning to the record, I find that General Franklin was elected in 1880. In that year, according to the report, the cost of maintenance per capita in the Homes was \$118.23. From that time on until 1892 the cost increased. This was under the management of General Franklin. It increased in 1881 to \$132; dropped a little in 1882 to \$125; increased in 1883 to \$137; dropped a little again in 1884 to \$132; in 1885 to \$138; in 1886, \$125; in 1887, \$138; in 1888, \$132; in 1889, \$144; in 1890, \$141; in 1891, \$139, and in 1892, \$143.

This rapid increase in the cost of maintenance called the attention of Congress to the fact that money was being expended extravagantly in the management of the Homes. The Fifty-second Congress took no action, but in the Fifty-third Congress it was provided that an additional inspection of the accounts of the Homes should take place, under the authority of the War Department. Now I call the attention of the House to the rapid decrease in the cost of maintenance that has occurred since the War Department took a hand in the auditing and the examining of the accounts of the Homes. In 1892, as I said, the cost of the maintenance was \$143.75. In 1893 it was \$140.95. That small decrease occurred before the inspection by the War Department took place; but in the succeeding year, in 1894, there was an examination of the accounts by the War Department, and the cost of maintenance was reduced to \$127.45. In 1895, under the operation of the same system of inspection, the cost of maintenance in the National Homes has been reduced to \$115.80. Here, then, we have, from 1880 to 1892, a constant going up hill under the administration of the Board over which General Franklin presided all this time, while within three years after the inspection by the War Department began we have a rapid decrease from \$143 down to \$115.

I do not charge dishonesty to any member of the Board or to its officers, but I do charge that there has been a loose, negligent, and irregular method in vogue in the keeping of accounts of these Homes, and that the feeling has grown up that this was a corporation outside of the Government and outside of the control and authority of Congress, a corporation in which the members of the Board assumed to control, and deprecated interference.

Mr. STEELE. Will the gentleman allow me right there? I notice in the report of the Inspector-General of the Army to the Secretary of War, on page 23, the statement that the cost of maintenance for the Soldiers' Home at Washington for soldiers of the Regular Army is \$197.89, or \$80.25 per capita more for this Home in this city, which is under the supervision of the officers of the War

Department right here, than the per capita cost in the National Homes.

Mr. BLUE. Will the gentleman from Indiana permit me to ask him a question, with the consent of the gentleman from Missouri?

Mr. STEELE. Yes.

Mr. TRACEY. Certainly.

Mr. BLUE. How much difference was there per capita in the maintenance of soldiers in these Homes after this Board of Management began to be inspected by the War Department than before?

Mr. STEELE. That was read by the gentleman from Missouri. Every man knows that there has been a great fall in prices, and especially on the leading commodities—a very great fall in prices.

Mr. TRACEY. There has been some fall in the prices of commodities since 1892, I will concede; but there has not been enough of a fall in the prices of products to account for the great difference in the cost of maintenance, which amounts to a good many thousand dollars each year in the expense of administering these Homes. If gentlemen will take the trouble to do a little figuring they will find that the difference in cost of maintenance per capita between 1892 and 1895, in round numbers \$28, applied to the number present in the Homes in 1895 amounted to a saving of the snug sum of \$461,440. Is that a badge of efficiency, or may it not prove that General Franklin is too good a man to be at the head of the greatest, most beneficent, and best-deserved charity on earth?

But there is another matter to which I want to call attention, and my time is growing very short. There are matters of detail in connection with the management of the Homes of which I regret I have not time to speak; but I do want to refer to the thing they call the Keeley cure, or the gold cure. I want to refer to that for the reason, in my opinion, based upon the testimony that has been forced upon my attention, the extent to which it is beneficial is yet open for discussion. While I will not say there are not men who have been benefited by taking the chloride-of-gold cure, I do say that the men who were patriotic and brave enough to take their lives in their hands and follow the old flag when it was necessary to do so, that those men ought, when they seek the asylum of a Soldiers' Home, at least to have the voluntary right of free choice to say whether they will take that cure or not.

I also want to say in this connection that while I dislike drunkenness and regret to see an old soldier drunk, more even than any other citizen, yet when I find him drunk, although he be lying in the gutter, there is that in him and in the past with which he is indissolubly connected that entitles him to my kind and considerate treatment and respect as a man, however much I may deplore his condition. [Loud applause.] These men when they of necessity seek a place within the walls of a Soldiers' Home in order that they may have food and raiment and shelter from the storms, are entitled to say of their own free will and choice whether they will take the Keeley cure or let it alone; and there is too much evidence of the fact that men have been compelled to take it as a matter of discipline.

Why, Mr. Speaker, in this report—and I have gone carefully through it from end to end—the Keeley cure is spoken of everywhere as a matter of discipline. Here is a line or two of the report from J. B. Thomas, governor of the Central Branch—

The SPEAKER pro tempore (Mr. GROUT). The time of the gentleman has expired.

Mr. TRACEY. I would like to have ten minutes more, if it can be given me.

Mr. BLUE. Mr. Speaker, it is going to be absolutely impossible to give everyone all the time that he needs in this matter, and I do not want to give away any more time. I would rather that the gentleman's time should be extended by unanimous consent.

Mr. HULL. Mr. Speaker, it can only be done by cutting off both sides, unless the vote is postponed.

Mr. BLUE. How much more time does the gentleman from Missouri want?

Mr. TRACEY. I would like to have ten or fifteen minutes.

Mr. BLUE. I will yield ten minutes more time to the gentleman.

Mr. TRACEY. In the report of Central Branch Home I find this:

The Gold Club continues to exert an excellent influence in the Home, although the additions to it have not been as many as in former years.

Now I turn over here to another page in the report, and I find this astonishing corroborative testimony of that statement. Here in the report of the post fund it reads: "Sales, beer hall, \$88,260.65." Certainly that Gold Club in the Central Branch Home must be located in the beer hall. More evidence of it exists there apparently than anywhere else. That sum paid for 1,765,213 drinks, or 4 drinks per minute for every hour of every day in the year except Sundays.

At the Northwestern Branch Home the sales of beer amounted

to \$40,045. At the Eastern Branch, in a prohibition State, the sales are not so large. The report reads:

The Keeley treatment for drunkenness is still a strong factor in the promotion of good discipline. Eighty-one members have taken advantage of the "treatment" during the past year and 400 since its first introduction.

That is the Eastern Branch. The sale of beer was \$25,262.28. The gold cure at the Southern Branch is commended, but no figures are given as to sales of beer. The report says:

Our Keeley club flourished and grew to the number of upward of 200, then the interest therein seemed to lag and the additions were sporadic, amounting to only 8 or 10 per month, when the Board of Managers determined that the salary of the Keeley doctor must be paid from the profits arising from the price paid for the treatment (it had previously been made from the post fund); and the increase in membership not being sufficient to warrant this heavy expenditure, the doctor, in June, after being informed of the situation, resigned and left the Home, since which time the treatment has not been administered and, consequently, the gold cure at this Branch is now in statu quo.

This is at the Southern Branch. Under the head of discipline at the same Branch, where the population is in excess of 2,000, I call special attention to what is stated by Mr. Woodfin, the governor:

I am extremely happy to report that as the years go by and our men become older they become more easy to govern.

I want to call special attention to that fact, that as our men become older they become more easy to govern. And yet precisely the reverse is alleged as to the Home at Leavenworth, where the population is not greater, or but little greater, if any, than at this Home. This is unquestionably true, as every member of the House knows of himself—that men as a rule, as they grow older in years, lose much of the passion and prejudice, the hot blood and quick temper, which may have characterized their youth and their young manhood, and become more easy to govern, and yield to discipline with less difficulty and greater readiness. The same temper and fitness to govern which made this discovery at the Southern Branch would make it at Leavenworth and at every other of the National Homes.

But let us examine the reports a little further in connection with the Keeley cure, which I do not condemn, but which I insist should be left to the untrammelled choice of the inmates of the Homes, as to whether they will take it or let it alone. They should certainly have the same right to take the cure within the Home that they have on the outside, but they are not constrained to take it on the outside, and they should not be constrained on the inside.

It ought not to be regarded as an element of discipline, which in itself negatives the idea of freedom of choice, but as a remedy for disease which the few among the old soldiers who drink should have the right to freely take or refuse after they have entered the Home. But it is regarded and spoken of as an aid to discipline almost exclusively, and seldom, if ever, referred to as a remedy for disease.

Governor Stephenson, of the Eastern Branch, says of it:

The Keeley treatment for drunkenness is still a strong factor in the promotion of good discipline.

In spite of its virtue in that direction, however, a lively business in sales of beer was carried on at the old stand, and that, too, in spite of the frigid atmosphere of prohibition surrounding it.

At the Pacific Branch the "cure" was introduced in July, 1893, but had to be discontinued for a time for want of patients. But the preparatory establishment, the beer hall, was in operation, and during the year ending June 30, 1895, furnished 84 cases for the institute. This Branch reports the smallest amount of sales of beer, being for the year but \$7,276.13.

At Marion Branch, which appears to be a fairly well conducted Home, Governor Chapman speaks as follows of the "cure":

The Chloride of Gold Club continues to prosper and is productive of good. Twenty-five per cent of the members taking the cure have relapsed.

That statement is given without a word of explanation, and is well calculated to engender doubt as to the truth of the statement made as to the result in the Western Branch, where it is alleged that only 16 per cent have relapsed. Another singular fact, too, is the difference in the cost of the cure at the Central Branch, where it is but \$15, and the Western Branch, where it is \$22.30. It is highly probable, from all the facts attainable, and allowing for the natural exaggeration of both the friends and enemies of the cure, that at least 50 per cent of those who take the cure relapse, both within the Homes and on the outside. Instances are not wanting of men who have been required to take the cure as often as two to four times a year, each time at the original first cost. In nearly every other business a wholesale purchaser receives a discount, but in the Keeley institute at the Soldiers' Homes, with its primary department, the beer hall, there is no discount. The same price prevails in both, no matter how often frequented. A glass of beer is swallowed, always at a cost of 5 cents, and the swallowing continues until an examination shows the candidate to be qualified to enter the institute, where, no matter how often he has been before, if he is at the Western Branch Home, he is taxed and required to pay the sum of \$22.30.

In the Leavenworth or Western Branch Home, where there were 2,261 inmates on an average during the past year, about the same

as the average at the Southern Home, or a little more, the amount paid for beer was \$21,842.60, and the amount paid for the Keeley cure was \$25,529.84, making a total of \$47,372.44, every cent of which came out of the pensions paid to those men by the Government. The average cost to the total membership of that Home was \$20.95, but inasmuch as less than 400 of the inmates took the cure in any one year, the average cost of the cure per member of those who took it was more than \$100 a year, all of which money came out of the pensions of those men. How delightful it is to contemplate a place labeled a "Home," with one index finger, after you cross the threshold, pointing to the beer hall, where candidates are made and groomed for Keeley, and another pointing to the "institute," where they are initiated and relieved at stated intervals of a large per cent of their pension money!

I say that is wrong, absolutely wrong; and I sincerely trust that the members of the House when they come to vote upon the pending proposition will think for a long time before they conclude, in the face of all these facts, to continue even as good a man as General Franklin at the head of the Board of Managers. He has been there sixteen years. Why is there anything wrong in asking that a change shall be made after that length of time? It is no mistreatment of him, no wrong to him, and I trust that the House will vote to substitute for the name of General Franklin the name of that Christian gentleman as well as brave soldier and patriot, Gen. O. O. Howard. [Applause.] I thank the House for its indulgence. Mr. Speaker, I desire to have a letter read in connection with my remarks.

The SPEAKER pro tempore (Mr. GROUT). The time of the gentleman has expired.

Mr. BLUE. I yield the gentleman enough additional time to have the letter read.

The letter was read, as follows:

IRONTON, OHIO, January 30, 1896.

DEAR SIR: I was at the Soldiers' Home yesterday and witnessed the burial of three soldiers, and never was I so shocked in my life. I had been around the grounds and saw how magnificently the Government had provided for the living soldiers. Fine barracks to dwell in, a splendid hospital, and the surroundings all beautiful and adorned by art and refined taste. A fine chapel and memorial hall, all simply elegant. I went upon the hill to see the burial, and never did I witness the like. I have seen men buried in the trenches, on the battle field; I have seen them carried out by the dozen and buried on the levee of the Mississippi, with their blankets alone wrapped around; but these scenes were witnessed in camp and field while war was raging, and it was the best that could be done. But here amidst the highest civilization, where every facility is at hand to make a burial decent, I saw the veteran soldier, the country's pride and honor, secure the burial inferior to any pauper in the State.

The three graves were dug in a row about 2 feet wide, 5½ feet long, and 4 feet deep—dug in the wet soil of winter, the bottom all covered with water. The coffin, made of thin boards about one-fourth of an inch thick, after the old coffin style, was laid on two crosspieces, straps placed under, the pieces withdrawn and the coffin lowered in a pool of water, and the earth dumped on the naked coffin. I saw one of the corpses; he was a veteran 85 years old, his face was nice and clean, a white shroud covered an undershirt and encased his body. He was dumped in the water. I saw another veteran, a member of the league, and the veterans were out in full force to do honor to his burial—the coffin lowered into water and the wet earth dumped onto it. I asked one veteran how he liked the prospect ahead of him, and he said it made him shudder when he waked up at night and thought of his being buried in that manner.

I talked to the chaplain and he said there were no funds provided for a box for the coffin, and said there was no use for the officers in charge to request the funds necessary to purchase outer boxing, and I suggested if even a board was put on the top of the coffin. I did not know who to write to tell how much I regretted this treating the body of a soldier as a pauper dog, and I thought that you might take some interest in this matter. I know it makes but little difference what becomes of the body, and I thought of these men and of veteran soldiers standing there and seeing how their comrades are buried. How horrid it must be to contemplate, and I thought you might take an interest in the matter and see that provision is made in the appropriations to give the soldier a decent burial—such as everyone who has a heart in him would like to see.

But who cares for the broken-down veteran who is compelled to accept the gracious provision of a munificent Government. For mercenary purposes every man at the Home (in charge) is there. What sympathy! One day thus was put away last year. The chaplain and sometimes the physicians are in attendance; it was so yesterday, and not another official seen on the ground. But you can judge from what I have said that there should be some other provision made: examine for yourself, and then see that the soldier gets a decent interment.

Yours, respectfully,

E. V. DEAN.

Mr. L. J. FENTON, M. C., Washington, D. C.

Mr. HULL. Mr. Speaker, I yield ten minutes to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, the amendment of the gentleman from Kansas [Mr. BLUE] provides for striking out the name of General Franklin and inserting the name of another gallant officer of the late war. If the charges made by the gentleman from Kansas [Mr. BLUE] are true, I am in full sympathy with his desire to purge this institution of any wrongs that may exist there. But, Mr. Speaker, in considering this subject I do not forget the fact, which is known to all who have had any experience in connection with institutions of this kind, homes for the blind and destitute as well as homes for the old soldiers, that the inmates of such institutions, having little or nothing to occupy their time, are very much given to complaining. In all such institutions experience shows that complaints are continually coming up; in fact, the inmates appear to hunt for causes of complaint. [Laughter.]

Nevertheless, we can not shut our eyes to the fact that the statements made upon this floor by the gentleman from Kansas and by other members would seem to indicate that there is something wrong in this Soldiers' Home. But assuming that to be so, the question is, who is to blame? I am willing to go just as far as the gentleman from Kansas will go in purging this Home of these wrongs if they exist, but I am not willing to vote, I can not and I will not vote, to strike down General Franklin unless I have some evidence of wrongdoing on his part such as would be required by a court or a jury. In other words, I am not willing to strike him down upon ex parte testimony. I do not know the men who make these affidavits. There appears to be no charge made here against General Franklin himself. He is not charged with immorality; he is not charged with dishonesty; he is not charged with brutality toward these men; he is not charged with mismanagement of this Home; he is not charged with drunkenness; he is not charged with being guilty of any of these wrongs.

Mr. CROWTHER. Does not the gentleman admit that in order to cure a disease it is necessary to strike at the root?

Mr. MAHON. I am coming to that. I repeat, Mr. Speaker, the gentlemen who make these charges do not for one moment undertake to say that General Franklin has been guilty of these alleged wrongs. Now, suppose we remove General Franklin; that will not insure the correction of these evils, because his associates on the Board have the most implicit confidence in his judgment, and they will probably retain this same governor of the Home even if General Howard is put upon the Board of Managers. Mr. Speaker, there is but one fair and honorable way to settle this whole matter, and that is to have an investigation of this Home by Congress. This institution contains over 2,500 inmates, and they are entitled to have these evils corrected if they exist, but there is only one way to find out the facts. The charges made by the gentleman from Kansas may be true. Let us investigate and find out whether they are true or not. If General Franklin has been culpable in this business the fact can be ascertained. If the manager of that Home is guilty of drunkenness, or of brutality, or of mismanagement, that fact can be ascertained.

Mr. BLUE. May I ask the gentleman a question?

Mr. MAHON. Yes, sir; although my time is limited.

Mr. BLUE. Is it not a fact that the amendment which you have offered proposes only to investigate A. J. Smith?

Mr. MAHON. Yes, sir; and I propose to state the reason for that. It is because you make all your charges against him.

Mr. BLUE. Not all.

Mr. MAHON. You charge that he is a drunkard; that he is guilty of brutality and mismanagement, and I want an investigation to ascertain the facts in the case. Mr. Speaker, this House can not afford to strike down General Franklin in this indirect manner. An investigation of this Home, of this man Smith, and of his conduct will develop and lay bare the whole business, and if General Franklin is found to be culpable, such an investigation will show it. For these reasons, Mr. Speaker, I ask the gentleman from Kansas not to raise a point of order (as he can do) against this amendment, because by doing so he will defeat the very object that he is seeking to attain. This is a joint resolution, and I have no fear that the two gentlemen who will be appointed by the Speaker of this House and the one who will be appointed by the Vice-President of the United States to make the investigation will fail to do their duty. Both the Speaker and the Vice-President are disinterested in this matter, they probably have no special knowledge of this Home, and the men they will appoint will be of such a character that their investigation and report can be fully relied upon.

Now, I want to call attention to the amendment which I propose. If the amendment of the gentleman from Kansas proposing to strike out the name of General Franklin should be voted down, I propose to offer my amendment as an additional section, if no point of order be made against it. I will read the amendment:

SEC. 2. Whereas charges of drunkenness and brutality to inmates of the Home and mismanagement have been made against Col. Andrew J. Smith, governor of the Home at Leavenworth, Kans., the President of the Senate and the Speaker of the House—

I have put the proposition in this form because this is a joint resolution, and we can not ignore the Senate—

shall appoint a commission of three persons, two of whom shall be members of the House and one a member of the Senate, to investigate said charges and file a report of their finding with the Board of Managers of the National Home for Disabled Soldiers of the United States. If a majority of the commission find that said Col. Andrew J. Smith was guilty of said charges, or of either of them, the said Board of Managers shall forthwith remove him as governor of said Home—

It will be observed that this language is mandatory. We take all discretion out of the hands of the Board in this matter—

and appoint some suitable person to fill said position. Five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said investigation. The commission shall have power to send for persons and papers.

Now, Mr. Speaker, this amendment (if the gentleman from Kansas should not raise a point of order against it) will reach the

very end that he is aiming at. If those who think as he does can prove that these charges against Colonel Smith are true, that officer will be removed as manager of the Home, which is what those gentlemen are seeking; and if the testimony should show that General Franklin has been in any way culpable in this business, of course in time he must fall with Colonel Smith.

Mr. KIRKPATRICK. Would the gentleman consent that this election to fill the place on that Board be postponed until the investigation he proposes be made, letting General Franklin take his chances of reelection after the result of the investigation has been made public?

Mr. MAHON. No, sir; that is the committee's business, not mine. I believe that the bill of the committee ought to go through with this amendment.

I want to say to the gentleman from Kansas that it is not within the power of the House to take this matter into its own hands. The resolution before us is a joint resolution, and the Senate must be consulted in this matter. If the gentleman does not take this fact into consideration he will fail of his purpose. I will not vote to strike down General Franklin or any other man on ex parte testimony. General Franklin, by long service, built up the record of a gallant soldier; he is now past the meridian and is approaching the end of his life. I do not propose, upon the ex parte testimony of inmates of this Home, to strike down this man and ruin his reputation forever. I want the facts ascertained in a proper way; and if the gentleman's charges should be proved true, then let us take appropriate action upon them. The gentleman from Kansas can not afford to object to my proposition. It opens the door for an investigation; it gives the gentleman the opportunity to establish every charge which he has made here. If the charges against Colonel Smith should prove to be true, he must of course go; and if he has been kept in position by General Franklin with a knowledge of the facts, General Franklin will have to go with him.

Mr. BLUE. The gentleman will allow me to suggest that the proposition he offers does not provide for investigating the conduct of General Franklin or the conduct of the Board. More than that, it makes the Senate a party to the investigation; and I caution every member here that any investigation in which the Senate takes part will be a "roaring farce." I propose to address myself to that point when my time comes.

Mr. MAHON. I will simply say that if the gentleman from Kansas expects to get this joint resolution through the House and the Senate according to his fashion he will stay here until he is a great deal grayer than he is now. This is a joint resolution—

Mr. BLUE. But there is a resolution before this body providing for an investigation by the House alone.

Mr. MAHON. How does the gentleman propose to pass it?

Mr. BLUE. I propose to get it through this House.

Mr. MAHON. Can the House alone instruct that Board what to do? We have no such authority.

Mr. BLUE. But this House can make the facts so plain that the sentiment of the country will reach the Senate. I propose to get at the bottom of this matter and show what the real facts are.

Mr. MAHON. Suppose you remove General Franklin from this Board; his associates do not believe him guilty of any such conduct as is charged here, and the removal of General Franklin does not insure the removal of Colonel Smith. The other members of the Board may decide to retain Colonel Smith, so that the gentleman fails in his purpose. I urge upon the gentleman from Kansas that if he really wants to befriend this institution and to get rid of this man whom he has held up as a monster in human form the adoption of my amendment is the proper method to do it, if the facts are as he states them.

Mr. HULL. I yield fifteen minutes, or such time as he may desire, to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I feel a great deal of interest in everything pertaining to the Homes for these old soldiers, whether they be national or State, and I would give no vote nor would I utter a word to lessen the care and vigilance that the Government should exercise in the protection of these helpless men.

If I were to undertake to criticize the debate which has taken place on this question at all, I would say simply this, that these gentlemen ought not to criticize the old soldier very savagely because he wants occasionally to take a glass of beer. I have an idea that these gentlemen here, if, as many of them were, old soldiers without homes, as none of them are, without means of support, as none of them are, without friends, and were inmates of one of these Homes, no doubt each one of them would occasionally desire to take a glass of beer also. And I am not Pharisee enough to criticize them on that aspect of the case.

Now, Mr. Speaker, I do not stand here to invite a controversy with the distinguished gentleman from Kansas [Mr. BLUE], nor the fair-minded and just gentleman from Missouri [Mr. TRACEY]

who has just spoken with respect to this question. It is to be regretted, in the course of the procedure in this body, that there should have ever come a time or a condition when ex parte affidavits, scandalous in their character, should have a place on the permanent records of this country, assailing the great management of a great institution of the country and undermining the confidence of the public in its administration. I despise for my own part these ex parte assaults. I despise the scandal monger. I am not criticising, of course, the gentleman from Kansas or any other gentleman on this floor. I do not want to get into a personal altercation or to arouse personal feeling in this debate, and there will not be anything of that kind so far as I am concerned. But when I sat and last listened, as I did on yesterday, to affidavits setting forth scandalous charges against a Government official, in which it was constantly asserted that he had perjured himself, I said to myself, a man's character seems to be nothing in this country when it can be blown away by the breath of anybody who is able to secure the services of a typewriter and commit to paper the vagaries of any scandalizing tendency of which he may be possessed.

It ought not to have been done. There ought to have been an investigation to establish the truth of the charges before they were spread upon the public records. There seems to have been ground for an investigation. There seems to be ground for the belief that Congress would be justified in deciding to investigate the matter and send a committee of the House for that purpose. I would not object even to the gentleman from Kansas [Mr. BLUE] himself being chairman of the committee appointed, with authority to investigate the condition of that one Home, or, indeed, of any other Home that has been assailed, and let us see through the investigation what the condition actually is. I do not believe the statements that have been presented to the House in connection with the matter. My training as a lawyer and my experience as a man teaches me that those stories are not as a rule to be relied upon. My observation of human character and my experience in life have taught me that there must be some mistake about this matter. There may be something, of course, in the charges, and doubtless there is something in them; but, as I have said and repeat, my experience has been against the truth of such statements—and my experience has been very considerable in connection with one of the Homes—that there is no truth in the matter.

I may be permitted to state that I was for a period of nine years and over a member of the board of managers at the Soldiers and Sailors' Orphans' Home in my own State of Ohio, and its president for five years. I was a member of the legislature of the State at another time, when a great mass of affidavits was brought in against the Democratic superintendent of this Soldiers and Sailors' Orphans' Home, and an attempt was made to force them upon the public records of the country—affidavits that made scandalous charges in every possible shape and with all due solemnity brought in under the guise of a protest against the action of the house of representatives, and an attempt was made, as I have said, to spread them on the journal pursuant to a provision in the constitution of the State of Ohio. As speaker of the house of representatives it became my duty to rule on their character, and I held that they were not, in any sense of the word, a protest, as they were alleged to be, and refused to permit their publication.

And, Mr. Speaker, after a full investigation of the facts it turned out that there was not a shadow of truth in any one of them. It was an attempt on the part of some discharged employees and some discontented tradesmen—and they are the greatest curse of public institutions where they are located—to smirch the administration of that Home, and that administration happening to be a Democratic administration and the house of representatives being Republican, it was thought that some capital could be made out of the matter, and yet when we came to the end of it there was nothing in it. And I take great pleasure in putting the name of the distinguished officer into this record who had charge of that Home. It was discovered that Dr. Kerr, of Granville, Ohio, the superintendent, was a model in every possible respect as an administrative officer. So I learned very much in that case of the value of ex parte affidavits. And so, while there may be a great deal in the facts submitted by the gentleman from Kansas, yet experience teaches us to be very careful how we give credence to such statements.

Mr. BLUE. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. I will yield, if it is only for a question.

Mr. BLUE. It will be a very short one.

Mr. GROSVENOR (continuing). For the tendency of the gentleman is so great in the way of expanding—

Mr. BLUE. Well, I do not know that my tendency in that direction exceeds that of the gentleman from Ohio.

Mr. GROSVENOR. If the gentleman desires to ask a question, and will proceed with it—

Mr. BLUE. Well, if you will stop I will ask the question.

Mr. GROSVENOR. Of course, with my permission. You are camping on my ground now, and must not undertake to be too dignified. [Laughter.]

Mr. BLUE. Not at all. I only want to say—

Mr. GROSVENOR (continuing). I thought I would simply remind you of the existing condition.

Mr. BLUE. I understand that.

Mr. GROSVENOR. What is your question?

Mr. BLUE. I wish to ask the gentleman from Ohio if it is not a fact that the Inspector-General's report, published in House Document 288, does not show, outside of any ex parte testimony to which he refers, the impropriety, to say the least of it, of the conduct of the officials of this institution?

Mr. GROSVENOR (reading)—

Governor A. J. Smith, to whose untiring energy and great resourcefulness much of the good work accomplished at this Branch is due, has remained in charge. His assistants seem to be officers of ability, and the general good condition indicates how much is done to benefit and improve the Home.

There is the answer, from the Inspector. That is from his report.

Mr. BLUE. That is the man who keeps the saloon and runs the jag cure.

Mr. GROSVENOR. Oh, well, now, the gentleman is so free with his scandal, he has got so impregnated with this stuff he read yesterday, that he can not even talk in parliamentary language. Now, let me go on. You will accomplish nothing but the exhaustion of my time.

Now, gentlemen, this is the condition. I am not saying that Mr. Smith ought not to be investigated. I do not say he ought not to be removed, but I do say that there is not here one single shadow of suspicion cast upon the character of General Franklin. I hold in my hand a telegram received by the gentleman from Connecticut [Mr. HILL] a few minutes ago from a very distinguished Republican of Connecticut, whom I happen to know personally very well. This telegram is as follows:

Hon. E. J. HILL:

General Franklin stands in this city for the most honorable and best citizenship. The community, irrespective of party, will appreciate every effort to refute the slanderous attack made upon his character as public official or private citizen.

HARTFORD, CONN., April 16, 1896.

MORGAN G. BULKLEY.

I may say that that telegram is signed by an ex-governor of Connecticut and a Republican. Now, this is the standing of this citizen of the United States to-day in the State of Connecticut. In war General Franklin was the peer of any man who drew sword in behalf of the establishment of the Constitution of the United States. I did not serve under his command, and I never saw General Franklin, so far as I remember, but I, in common with all the people of this country, have a knowledge of the splendor of his war record—that is, his record in war. Here is his record in peace. Can it be that General Franklin shuts his eyes to a violation of every obligation of duty? I will venture to say that when the truth comes out, if there has been any irregularity in that Home, General Franklin has protested against it and has been overruled by the majority of the Board; and I will undertake to say now that the vote of this House (and I am foreshadowing what is coming, the proof is coming)—if I am right about that, and if that be true, then your vote to destroy him to-day will be a vote to protect the repudiation of his request that Smith be removed and will be an indorsement of Smith and not a repudiation of Smith.

Gentlemen ought to get all the facts before they assail a great public officer. I am in favor of Franklin, therefore, because I am unwilling that a man of his distinguished character shall be stormed down here in the House of Representatives of the country for which he has done so much upon this sort of a case, made against an employee in one of these Homes.

Now, gentlemen, I have in Ohio a friend and an acquaintance whom I hold in high esteem. He was chief of artillery of the Army of the Cumberland, and to many a man here the mention of his name will suggest some familiar scene. I refer to Gen. James Barnett, of Cleveland, Ohio, a splendid citizen as he was a magnificent soldier. A man standing as high in the business circles of Ohio as any living man; a friend of the soldier; a member of the Loyal Legion; a member of the Grand Army of the Republic; a man who goes far and near to aid the soldier; president of the board that built the Thomas monument; member of all the associations in which the soldiers take an interest; a member of this Board of Governors of these Homes. He wrote me a letter several weeks ago. He said he understood there was going to be an attack made upon General Franklin. He said:

I want to say to you that he is the best member of that Board; the best member that has ever been on that Board since I was a member of it.

Then, knowing my proclivities to be a little partisan sometimes, he said:

In all my observation of him, in every act he has ever performed as a member of that Board, he has never said a word or done a thing by which I could have learned whether he was a Democrat or a Republican.

In these days that is not a bad recommendation for a man at the head of a great Board like that.

Now, Mr. Speaker, I have said this much. I want to refer to the attack made by one Ezra B. Dean, whom I know perfectly well and know all about, upon the management of the Soldiers' Home at Dayton. There is no better place on earth for a soldier who has no home than the Soldiers' Home at Dayton. There is only one thing I ever criticised about it, and that did not come from within the Home, but from without the Home. I have more than once, standing right here, denounced a branch of the Pension Office here in this city for holding an annual meeting in the neighborhood of that Home for the purpose, as I believe, of influencing soldiers in the matter of the election. But, so far as the management of that Home is concerned, there is not a better managed institution on God's earth. And now let me tell you something: There was a General Patrick at the head of that Home, who was a soldier and a Democrat. He was an ex-soldier of the Regular Army.

Mr. BLUE. A brother-in-law of General Franklin, I believe.

Mr. GROSVENOR. He gave offense to the Democrat managers in Ohio and they sought his removal; and they secured—as I am told and believe—the interposition of the President of the United States, who called upon General Franklin indirectly and urged the removal of that soldier. I do not think he is a brother-in-law of General Franklin. My friend from Kansas seems to be perfectly loaded with the pedigree of everybody connected with these Homes.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HULL. How much more time does the gentleman desire?

Mr. GROSVENOR. Two minutes more.

Mr. HULL. I yield the gentleman five minutes more.

Mr. BLUE. Is not he the brother-in-law of General Franklin, and related to two officers of the Soldiers' Home?

Mr. GROSVENOR. I do not care whether or not he is the brother-in-law; but I do know that he was the best man possible for that place, and I know that a personal appeal to the highest executive officer of this country did not swerve General Franklin from maintaining him in his position; and that is what I like General Franklin for, among other things. Why, you talk about General Howard! I have as much affection for good old General Howard as any man on earth. Will the gentleman go to the records of this House of Representatives and read them, if I will point them out, and I will show him there charges against Howard, made upon ex parte affidavits, made by an investigation compared to which all you have said about Franklin does not amount to a criticism. He was charged with fraud and speculation, charged with every species of outrage, and I never believed it. We have heard that General Howard was a good man, utterly unfit for all public duty except soldiering and lecturing. I never believed the assaults upon him.

Mr. BROMWELL. Will my colleague allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. BROMWELL. Was not General Howard a complete failure as superintendent of the Military Academy at West Point?

Mr. GROSVENOR. I do not want to answer; for I do not know.

Mr. BROMWELL. I do.

Mr. GROSVENOR. He was not a failure when he was fighting our friends on the other side. [Great laughter.] He has been an officer of the Army until within six months, and I do not know that he has done any business except to lecture; but to put him against a man of the character of General Franklin as a business man I would not support General Howard. In the way of a kindness to General Howard I would cross the continent to do him a favor. Now, the very proposition itself will not do. It is not fair to destroy General Franklin by these ex parte attacks. This committee tell us—and I hope it will put it still plainer—that they have investigated this matter. There is no reason why General Franklin shall not be indorsed here by us. Let us approve the report of the committee; and then my friend from Kansas, let him come in with a two-edged sword, if he pleases, and I will support an investigation with him that will be an investigation. I have said this much not in partisanship, but without any feeling other than to do what I believe to be the right thing and the conscientious thing before God and man.

Mr. TAYLER. What about Ezra V. Dean?

Mr. GROSVENOR. I just want a word about Ezra V. Dean. That letter was read here stating he knew the condition of the Soldiers' Home at Dayton. I do not believe one word of that letter. He is a Democratic politician, living down on the Ohio River, who runs for Congress, and occasionally runs for other offices, but never gets any farther than the running [laughter]; who is always seeking in some way to ingratiate himself in the affections of a large section of the voters of that country and never successfully. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUE. I yield fifteen minutes to my colleague [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, in regard to the personal features of this controversy, I have nothing to say and I take no part in it. I have no acquaintance with General Franklin and have no knowledge of the facts except as stated on the floor or found in the record, but I do believe that the amendment of the gentleman from Kansas to the resolution of the committee ought to prevail. I do not believe, however, with the gentleman from Ohio [Mr. GROSVENOR], that should that resolution prevail there would be any "striking down" of General Franklin or anybody else. I do not understand that that amendment is an assault upon General Franklin or any other man. I have no part in any contest of that character. What are we about to do? About to engage in an election that occurs every six years for certain public officials. That is all. It so happens that after sixteen years of service the time comes when the House of Representatives shall determine whether General Franklin shall be reelected or whether somebody else shall be elected to a public office. Does a failure to elect General Franklin result as an assault upon him, as "striking him down," as treating him even with discourtesy? Certainly not. There are reasons enough, in my humble judgment, for his retirement without any action of that character.

I am told that when the proposed term of service will expire General Franklin will have reached the age of nearly 80 years, a period, I fear, when he will perhaps be unfit for the activities incident to that position. The gentleman from Connecticut told us yesterday how all of his time was occupied; that he was so engaged as to be connected with nearly all of the public interests of his State; that he was president of two or more of the great corporations; that he was the manager of another, and that he perhaps was transacting more business at this time, if the gentleman was not misinformed, than any other living man within the limits of the United States.

Mr. HENRY of Connecticut. Will the gentleman allow me to make an explanation?

Mr. HEPBURN. If I can, sir, I will.

Mr. HENRY of Connecticut. Only a word.

Mr. HEPBURN. If it is only a word I yield.

Mr. HENRY of Connecticut. The gentleman puts the matter altogether too strong. If he will refer to the RECORD he will find that I did say that General Franklin never yet had omitted to perform any private or official duty. I said explicitly that he never neglected a public duty because of private affairs.

Mr. HEPBURN. I made no charge. All I said is based on what the gentleman has said. I simply referred to what he did say. In addition to that—

Mr. HENRY of Connecticut. The RECORD will show all that.

Mr. HEPBURN. The gentleman gave this House to understand that General Franklin was engaged in all—that was his phrase, if I am not mistaken—in all of the great enterprises of that very busy State, and that he had so conducted them, or some of them, that no man could get \$200,000 insurance in the United States without appealing to the companies in the State of Connecticut or in the city of Hartford.

Mr. HENRY of Connecticut. That is right. [Laughter.]

Mr. HEPBURN. Now, if General Franklin is so preoccupied it seems to me that it is our duty, at his advanced period in life, to relieve him of some of the unrequited burdens that for sixteen years we have been imposing upon him. [Laughter.]

But again, Mr. Speaker, I think, without any reflection upon any gentleman here, that this is an orderly and proper procedure. The gentleman from Ohio [Mr. GROSVENOR] inveighs against "the ex parte affidavits" that are brought into this House, and descants upon the indecency, as he puts it, of introducing them here. In the name of all that is sacred, how is it possible to challenge the attention of the country to the wrongs which the gentleman from Kansas has portrayed without affidavits? Suppose the gentleman from Kansas had made his own statement here without these affidavits, it would have been like the ex parte commendations of the gentleman from Ohio. But the gentleman from Kansas came here with affidavits which were necessarily ex parte. There is no controversy in which witnesses could be examined and cross-examined. If evidence is to be introduced here at all, it must be in the nature of affidavits; and those affidavits must necessarily be ex parte.

Mr. RAY. Have you time to permit a question?

Mr. HEPBURN. Yes, sir; a question. Remember I limit you to a question. [A pause.] And I want it asked to-day. [Laughter.]

Mr. RAY. I do not suppose you would want to hear an argument from me.

Mr. HEPBURN. No. They are always tiresome to me. [Laughter.]

Mr. RAY. They always floor you; that is the trouble. [Laughter.]

Mr. HEPBURN. Yes; they always floor me. [Laughter.]

Mr. RAY. I want to ask you why it would not have been entirely practicable for the gentleman from Kansas to have preferred his charges against the governor of this Home, to have made them in writing, supported by his affidavits, directly to the Board of Managers in the first instance, and if they had refused to investigate the matter, or to listen to the charges, then to have brought the question to the Congress of the United States as a tribunal of last resort?

Mr. NORTHWAY. In the meantime the managers would have been elected for six years.

Mr. HEPBURN. I suppose the failure to pursue that course arose largely from the fact that the gentleman from Kansas is not an ass, and therefore would not make charges against the tribunal that was to try the charges. [Laughter.]

Mr. RAY. Will the gentleman permit—

Mr. HEPBURN. No; I will not permit anything more.

Now, Mr. Speaker, there is one point in connection with the management of these Homes that I want to call attention to. I want the House to remember that these Homes are the physical expression of the gratitude of the people of the United States to the old soldier; that they are, in the broadest sense of the word, a charity, differing in that respect from the pension. The pension is a part of a contract. The law authorizing the pension goes hand in hand with the law calling for the volunteer. The pension is a part of the compensation. Not so with the Home. After the war was over, after the service had been rendered, then, as an act of charity, as an act of beneficence to the men who were homeless, without families and without support, this largess came from a grateful nation. It is a charity and nothing more. Yet see how certain men have turned it from its proper channel into a money-getting and a money-grubbing institution. In the report of the inspector I find this remarkable fact: In the Homes, all of them aggregated that are returned, I find that beer was sold during the last fiscal year that cost the sum of \$96,977, on which there was a profit realized—the heading of the column is "Profit of beer halls"—on which there was a profit realized of \$123,325.32, about 130 per cent upon the sales.

The gentleman from Ohio says that he is not one of those who are ready to be censorious when an old soldier takes a glass of beer. Ah, Mr. Speaker, none of us would be. But perhaps there are men connected with these institutions who, taking advantage of the appetite of the old soldier, would rob him in this way, through these extraordinary profits, of some part of the pension which his country gives him. Are these Soldiers' Homes to be continued to be used in this way? Again, if we are to continue the practice of establishing beer halls, let it be so, but do not try to make a profit out of the procedure. But, says some one, all of these profits are used for the benefit of the Home in the aggregate. That may be so, but here is one man who wants beer, and why should he be charged this extravagant price in order that the profit may go to the abstemious ones? The fact that the profits are used in the improvement of the Home and for the benefit of all alike—of those not contributing to the fund as well as of those who contribute—does not justify this extraordinary and outrageous tax. But that is not all. They turn it still further to profit. In this very Home—the Western—I read in the report of the inspector that from the 29th day of March, 1892, the date of the establishment of the Keeley institute there, to the end of the last fiscal year, a little over three years, 1,326 patients have been treated at a cost, some one told us yesterday, of \$22.30 each. I am told that a royalty of \$6 is paid to the inventor of this method of treatment, leaving a large profit on that end of the beer line of between \$20,000 and \$30,000. They catch them running this way, and they catch them running back. They foster the appetite; they create the drunkenness; they sell the beer at a profit, and then it is said they fill their coffers through compulsory processes brought to bear on the old soldier, compelling him to take the Keeley cure.

But they say that is not true, that there is no compulsion in regard to taking this cure, notwithstanding there are affidavits here that seem to substantiate the proposition. There is, however, this remarkable fact: There was last year an average attendance at that institution of about 2,200 persons in round numbers. The discharges during the period following the inauguration of the Keeley institute there was about 2,000, making a total of about 4,000 possible victims of this Keeley institute. One-third of that number have taken the Keeley cure. Gentlemen, do you believe that there was a necessity for that? Do you believe that there was that proportion of confirmed drunkards in that institution?

The inmates of the institution are gathered from the old soldiers of the country wide; they are the same class—

[Here the hammer fell.]

Mr. BLUE. I yield the gentleman five minutes more.

Mr. HEPBURN. They are the same class, Mr. Speaker, as those old soldiers that live in your county and in mine. Is it

true; will any man dare to make the assertion here, that one-third of the "old comrades" are sots or drunkards, are proper subjects for the Keeley cure?

Why, Mr. Speaker, the men of this class—the old soldiers—are at the head of all that is good in the society in which they move. They are members of the churches; they are in control of the schools. They are the respected men in business. They are not sots and drunkards. Yet this report, if the contention of gentlemen opposed to the proposition of my friend from Kansas [Mr. BLUE] is true, would seem to indicate that one-third of these men are sots and drunkards given up to habits of intoxication to such an extent that they are uncontrolled by will. I do not believe it. The very fact that this statement is made of this vast number that have passed through that institution indicates to my mind that something is wrong.

Now, Mr. Speaker, it must be remembered that we are making no assault upon any man. No man "goes down" in the offensive sense in which that phrase was used by the gentleman from Ohio. No criticism even is put upon General Franklin if the vote should be against his longer retention at the head of this institution. The committee has refused to recommend the reelection of two old comrades. Is this action dishonoring to them? Was it so intended? I would not dim in the slightest degree the luster, the renown that encircles his personality. A great soldier, a good citizen, a philanthropic man he may be. And yet this is a gratuity that he is rendering in all this service. He has given his time to it for sixteen years. He is now approaching that advanced age when he will need repose. I for one am willing to give it to him. I do not care that the blank should be filled with the name of General Howard. I am not at all solicitous as to who shall be General Franklin's successor. But I believe there ought not to be continued in place, without criticism, without a necessity for exemplification upon the part of the incumbent, any man for a long time. It is contrary to the genius of our institutions.

There is not a member of the House within the sound of my voice who is not more efficient as a Representative, trying to keep nearer to his people, more closely in touch with them, to know and obey more perfectly their will, from the fact that every two years we must appeal to the people for a renewed lease of power. The biennial elections make men here solicitous to consult the wishes of those whom they serve. Now, to keep these gentlemen in control of this institution year after year, term after term, without opportunity for investigation or scrutiny is unwise, undemocratic, contrary to the spirit and genius of our institutions; and when we can make a change without impugning in any way the character or the service of the gentleman whose term expires, I believe it to be only the part of wisdom to do so, thereby infusing new blood into this somewhat decaying institution. [Applause.]

[Here the hammer fell.]

Mr. HULL. I yield five minutes to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Speaker, I dislike to say anything in response to the remarks of a gentleman who always argues in the line of "when I ope my mouth, let no dog bark." I dislike to say anything that may disturb the equanimity of my prohibition friend from Iowa. He always comes to the consideration of every subject with the vocal vigor and power of a Titan, and he dislikes to be interfered with, I know. He says he does not like to listen to anything I say because it always tires him.

Mr. HEPBURN. I did not say that.

Mr. RAY. I have noticed that a logical argument always exhausts the gentleman. I have admired the gentleman, and I admire him still—always shall; but I can not admire or approve the position he takes on this question; nor can I approve the course that has been taken in this House by those gentlemen who are in favor of dropping the name of General Franklin from this resolution and substituting that of General Howard. If it is a question of age, then I say that General Franklin is the equal of General Howard in mental and physical vigor to-day. There is no question about that. Both are patriotic, intelligent, honest, energetic, and capable men.

The gentleman from Iowa has said, "We make no assault on any man." Has no assault been made on any man in this discussion, when the gentleman from Kansas has stood up here and from his seat read ex parte affidavit after ex parte affidavit charging that General Smith has been "crawling, puling drunk" on many an occasion while governor of this institution? If this is not an attack upon a brave ex-soldier of the Union Army, then will the gentleman from Iowa tell me what does constitute a personal attack upon a man? And General Franklin is charged with the responsibility of keeping him in office with knowledge of his wrongdoings.

Mr. CROWTHER. If these charges are not true, why does it become necessary for the governor of that Home to take the Keeley cure?

Mr. RAY. I have not said that he may not have been drunk at some time. I would not undertake to deny the charge against

any man in this House that he has been drunk at some time. [Laughter.]

A MEMBER. Do not look in this direction. [Laughter.]

Mr. RAY. There are probably hosts of exceptions in the membership here. That I will admit. But I think sometimes perhaps it would be well for all of us to become inmates of some kind of a Keeley cure—one for the cure of mental excitement and intellectual intoxication, excessive zeal and aggressiveness; and I think the gentleman from Kansas and other gentlemen who have made these attacks on brave, true, and honorable men should have taken the Keeley cure or some kind of remedy for mental exuberance before making their charges.

Now, what I object to is the manner in which this subject has been treated. When I propounded the inquiry why the charges were not made in writing and submitted to the Board to be passed on first, I was met with the retort of the gentleman from Iowa [Mr. HEPBURN] that the gentleman from Kansas is not an ass. [Laughter.] Now, I do not know whether he is an ass or not. [Laughter.] I do not care. He is not so regarded—presents no evidence on that subject. That is not the proposition here. I do not approve of an asinine performance, whether it comes from the distinguished gentleman from Kansas or any other man. I believe, Mr. Speaker, in according fair play and due trial to every citizen of this Republic. I never owned a dog that I would not give a fair trial before putting a bullet into his brain or branding him as a dishonest, disreputable dog. The gentlemen composing the Board of Managers of this Home are upright, honorable men. The gentleman, General Smith, who presides as governor over the institution is entitled to at least a fair hearing and a just trial, and is entitled to have the charges made and submitted to him, and he is equally entitled to be permitted to respond, present evidence, cross-examine witnesses, and not be tried and condemned on ex parte affidavits in the Congress of the United States. [Applause.] He has had no opportunity to be heard here. What do we know about the character, standing, or credibility of these witnesses? What do we know of the animus that actuates the persons making these affidavits? They are not made in a legal proceeding and no one of them can be indicted for perjury if he has sworn falsely. This looks like the assassination of character by a stab in the back. I can not approve it and am opposed to the amendment. [Applause.]

[Here the hammer fell.]

Mr. HULL. Mr. Speaker, I think we have forty-seven minutes remaining, and the rest of the time belongs to the gentleman from Kansas. I hope he will consume the remainder of his time.

Mr. BLUE. May I ask, Mr. Speaker, how much time is left?

The SPEAKER pro tempore (Mr. GROUT). The gentleman from Iowa has exhausted thirty-five minutes and the gentleman from Kansas fifty-nine, as the Chair is informed.

Mr. BLUE. I yield ten minutes of the time to the gentleman from Kansas [Mr. KIRKPATRICK].

Mr. HULL. I think the Speaker is mistaken as to the time. I will be glad, however, while the gentleman from Kansas occupies the floor, for the Chair to revise the statement, so that we may know exactly what time remains on each side.

Mr. KIRKPATRICK. Mr. Speaker, I regret exceedingly the necessity which compels us to bring this controversy on the floor of the House at this time. For years past, I may say, the people interested in this Home, and those residing in the vicinity of it, have tried every method known to them to oust this man Smith, the governor of the Home, from the control which he exercises there. Petitions have been filed, applications have been made to the Board of Managers, and their attention has been invited to his conduct and management time and time again, and yet each and every time an investigation or pretended investigation was made it only resulted in a whitewashing. It was hoped that the committee to which the matter was referred would investigate it and, if the facts suggested were made clear, that they would turn down, or leave out, if you please, from the management of these Homes in future the name of General Franklin.

It was not the desire of my friend from Kansas [Mr. BLUE] to make any attack on any gentleman, save and except with reference to the management of that Home, unless compelled to do so by the action of other parties. But, Mr. Speaker, we are here for the purpose of fighting this battle through to the bitter end; and as we have been compelled to come on the floor of the House to fight this controversy, we have resorted to the only method whereby we should bring the facts before the House and before the country.

I wish to call attention to the fact that not a single proposition made by the gentleman from Kansas [Mr. BLUE] has been controverted or even disputed, unless by the mere bare statement of gentlemen on the other side of the controversy. No facts, no papers, no authentic testimony has been presented in contravention of his statements. We have offered you the affidavits of reputable gentlemen who seem to know the facts, which affidavits have had an influence upon a number of gentlemen here and

to convince them that there is something wrong about the management of this Home at Leavenworth.

But, it has been suggested that we adopt another method; that we should again appeal to the same identical Board that white-washed this man before and reelect this man for six years longer and then have an investigation to determine whether or not he should be permitted to remain. I submit this proposition in all fairness to the House: If you desire to deal justly and fairly with the matter, I will be content that the House shall consent to hold up the election in this case and give us the investigation suggested, and allow us to go to the bottom of the matter, and then take a vote after that report is submitted. That is all we ask.

Why should you elect a man that we charge to be responsible, by reason of his position, for all the wrongs which have been committed upon the old soldiers at that Home? Why elect him and then investigate some underling, who is employed by his consent and approval, who ought to have been removed years ago? Why, I repeat?

I know nothing of General Franklin. I have no charge to make against him; but he is the head of the Board of Managers, and things have been going on there which ought to have challenged the attention of any Board of Managers and have secured the removal of Smith years and years ago.

I do not rely upon the ex parte affidavits nor upon the mere statement of individuals. I say I can take the report of the Inspector-General himself and by that condemn the management of this Board; and that is a report about which there is no dispute.

Now, I am not here to discuss the Keeley cure, as to whether it is advisable or whether it is not; but if the management of this Home concludes that it is beneficial and desirable, then I submit to you, Mr. Speaker, that this treatment ought to have been administered to these old veterans at the actual cost of the treatment, and nothing more. If this treatment should be administered there, and if it is a good thing, then I say, why charge these old men \$22.30 when the testimony shows that \$6 was the price paid to Keeley? In other words, I say the report shows that these old men were held up in broad daylight and robbed of at least \$10 each, taking the statement of the gentleman from Indiana [Mr. STEELE] as to the price paid for the Keeley treatment. Our testimony shows that the price paid was \$6 for each person, and a charge of \$22.30 is made, and these old men are held up and bodily robbed of the difference between \$6 and \$22.30. If it is a good thing, if it is beneficial, then why not give them all the advantage of it at the very lowest possible cost? Lower the price and thereby induce them to take the treatment, if it is necessary and to their best interest to do so. Give them the lowest price possible and let them take the cure, if it is beneficial, and you will thereby induce more of them to take it. Why charge them \$22.30, when you only pay out \$6. In other words, the Government, which is paying these old men their pensions, is actually stepping in and paying that large difference, because it is taken out of the pensions of these men.

And another thing. From what little I have learned of the Keeley institute, I never supposed that a beer hall was a necessary adjunct to that institution. I never so understood it. I find on the very same page that we read the report of this Keeley cure a statement of the enormous profits from the beer hall in one year, amounting to \$13,800. In one end of the hall, if you please, they are dishing out beer, and the profits are \$13,800, and in the other end of the hall they are injecting this gold treatment into the patients. It simply takes them going and coming, and I apprehend from what I can learn from the sales of beer at these institutions that they are making more men drunk there than they are curing of the drink habit. If it is deemed necessary to have beer for these old veterans kept on the grounds of the Home, and that is the best method to be employed, I will not complain, nor will I criticise one of these old fellows if he desires to take a glass of beer, but I will criticise the management that charges him a double price for it in order to pile up a profit of \$13,800 in a single year. If it is desirable to furnish beer, let it be furnished at the actual cost to these men. Why not charge them double the price of the provisions they eat in that institution, or the clothing they wear, or any other necessities furnished them? Why not double the price upon them and rob them of their pensions in that way? I say that this record alone demonstrates there is something wrong in this management, even if you discard all of the affidavits. But no man can live within a radius of 250 miles of that institution without being impressed, without absolutely knowing, that there is something wrong and crooked in the management of this institution.

And I want to say further to you that Governor Anthony in his statement struck the keynote when he said that there was something that bound Governor Smith and Dr. Franklin together that was inexplicable. He told the truth; and had it not been for the resistance of Dr. Franklin this man Smith would have left that institution long ago, as our people believe.

Now, what we ask of this House is to stand by us and place another man there, we care not whom. We have no man whom we are urging for that position. I care not with whom you fill the place, provided he is a good man. We have not come here in the interest of any candidate, but we come here fighting for this institution. It is suggested by some gentlemen on the floor that we must yield in this controversy because the Senate will not agree to it. Well, if gentlemen will assert their rights upon this floor it will be a long time before there is an election reached in this matter. Why should we yield our consent to the reelection of this same man that could have saved us all this trouble on the floor of this House? Hold up the election, if you desire, for ninety days, or until the short session, say in December. Give us a committee. Give them the power and authority to investigate, and let them report, and then vote to elect General Franklin or not after you have heard all the facts as stated where the testimony is not ex parte. We court the investigation. What do you propose to do? Do you propose to deny the appeal of these old soldiers, of whom there are 60,000 in our State? I have much more I would like to say on this subject, but the time allotted me has expired.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KIRKPATRICK. I should like three minutes more.

Mr. BLUE. Before that can be done, I will say that according to the record kept I have only ten minutes left. I will ask, Mr. Speaker, that the time be extended thirty minutes longer.

The SPEAKER pro tempore. The vote is to be taken at 3 o'clock, as the Chair is informed.

Mr. BLUE. Then it can only be done by unanimous consent?

The SPEAKER pro tempore. Unanimous consent would have to be given that the vote be taken at a later time.

Mr. BLUE. Then I ask that the vote be taken at 3.30 o'clock.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the vote be taken at 3.30 o'clock, the time to be equally divided, as the Chair understands it. Is there objection?

Mr. MORSE. I think there has been enough of this.

Mr. HARDY. I object.

The SPEAKER pro tempore. Objection is made.

The gentleman from Iowa has forty-four minutes remaining.

Mr. HULL. How much time has the gentleman from Kansas?

The SPEAKER pro tempore. He has ten minutes.

Mr. HULL. That makes more time than we have. However, we are losing time. I yield to the gentleman from Iowa [Mr. HENDERSON] ten minutes, and ask him to yield back such time as he may not use.

Mr. HARDY. I withdraw my objection.

Mr. HENDERSON. Mr. Speaker, I find that in passing upon this joint resolution I am called upon to pass judgment on four men or four sets of men. First, upon the Committee on Military Affairs, which I understand has reported this joint resolution; secondly, upon the Board of fifteen managers of the Home for Disabled Volunteers, composed of such men as General SEWELL, of New Jersey, a distinguished Senator, a man of exalted character and undoubted patriotism and love for his comrades; composed of such men as Major STEELE, who perhaps did more fighting for his country in the regular and volunteer forces than any man in this body. I know him, by his long record, to be one of the most devoted friends of his comrades. We have to pass judgment upon General Franklin, and we have to pass judgment on General Smith. The great poet has warned us to be careful when we touch a man's good name; and the good names of Franklin and Smith are dearer to them than the stars that they won on the field of glory.

I am asked to vote against the committee and its judgment, the Board of Managers so carefully chosen, and against Franklin and Smith. On what evidence? Has any gentleman presented himself at the door of the Committee on Military Affairs and asked a hearing on those charges? Not one. Have charges been filed before this great committee of the House and an investigation demanded? There have not. But now, when this resolution comes before this body, ex parte affidavits are fired broadcast over the country, making assaults directly upon two of the four, and indirectly upon the four. I for one demand fair play for these four representative bodies and distinguished men. I would not want to be tried and convicted and my name blackened to the coming generations of this country on such a showing. Is it true that the lawyers of this House, familiar with the rules of evidence on which men should be tried for life, liberty, and property, and their standing among the community, can acquiesce in this assault?

But there are other things that appeal to my mind that will compel me to vote in favor of the report of this committee. I understand that Governor Morrill, of Kansas, whose interest in the good opinion of that State as its chief executive ought not to be second to the interest of any member of this House from that

State, in close touch with his people, ambitious, as he should be, to retain their confidence and approval in the future, one who served for years as a member of this body, noted and distinguished for his absolute fairness to his own side as well as those opposed to him in political views, a man who has served upon that Board as a member, knows all the weaknesses and strength of the complainants, which must be found in all these Homes more or less—Governor Morrill has sent us word that he approves of the course of General Franklin and the course of General Smith. I want to tell you that no ex parte affidavits will make me put the seal of condemnation on a committee of this House, this Board of distinguished men, and Franklin and Smith, crowned with the glory of great lives, with Governor Morrill giving me such counsel.

I will not discuss General Howard. He is not concerned. He is my respected and loved friend, and commanded the army of which I was an humble member. But no Howard's or Henderson's name shall be held up before me to blacken the name of any comrade or a body of comrades except on charges made, fairly filed and tried, and a verdict rendered. [Applause.] With a clear mind and an untrammelled judgment I shall vote for the joint resolution. [Loud applause.]

Mr. HULL. How much time has the gentleman left?

The SPEAKER pro tempore. There were three minutes of the time unused.

Mr. BLUE. I yield two minutes to the gentleman from Kansas [Mr. CALDERHEAD].

Mr. CALDERHEAD. Mr. Speaker, two minutes is a very brief time to say anything in reply to the eloquent gentleman who has just taken his seat. But if I can have his attention during that time I think I will remind him that the first guardian of every man's good name is himself; the first guardian of every man's reputation is himself. There is no need of questioning those who have brought the testimony in this case before this House about the management of this Branch Home, relying solely upon ex parte evidence. The affidavits were not made for the purpose of destroying the reputation of General Franklin or injuring the character of Colonel Smith. They were made for the purpose of describing the facts that transpired. How else would you get testimony concerning them for the purpose of presenting them here? That they might have been presented to the Committee on Military Affairs in some other form is true. Why they were not I do not know; but it is also true that the gentleman from Kansas [Mr. BLUE] had a perfect right to present the facts to this House when members were asked to vote for the reinstatement of the president of this Board of Managers. Let me give the gentleman from Iowa [Mr. HENDERSON] a little more than ex parte testimony. This Home was established in 1885. In 1886 these charges were made against Colonel Smith. In 1892 there was an investigation, and it was then publicly spread over the entire State that Colonel Smith was protected in his position in that investigation by General Franklin.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOPKINS. I ask unanimous consent that the gentleman's time be extended for five minutes, not to come out of the time of either side.

The SPEAKER pro tempore. Unless the time is yielded the gentleman's time can not be extended.

Mr. HOPKINS. By unanimous consent it can.

The SPEAKER pro tempore. Not unless the time for taking the vote is extended.

Mr. HOPKINS. Well, I coupled with my request for the extension of the gentleman's time the suggestion that the five minutes be not taken out of the time on either side, and that the vote be taken at five minutes after 3 instead of at 3 o'clock.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. GROSVENOR. I object. There is plenty of time on that side; let them yield it to him.

Mr. BLUE. I have not got it to yield.

Mr. CANNON. I am not going to take any part in this discussion myself, but five minutes' time is not so valuable, and as this is a matter which concerns the gentleman's State, I think his time ought to be extended.

Mr. GROSVENOR. If the gentleman from Kansas [Mr. BLUE] has no time to yield, then I do not object to the extension, but if the time is to be extended on one side it ought to be extended on the other. Let the time for taking the vote be extended for ten minutes.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the vote be taken at half past 3 o'clock, the additional half hour to be equally divided.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Several members objected.

Mr. BLUE. Mr. Speaker, I do not know whether the time occupied in this discussion comes out of my time or not. If it does I have hardly any left.

The SPEAKER pro tempore. The Chair knows no fairer way than to take it out of the time on both sides.

Mr. BLUE. I yield the gentleman from Kansas one minute.

Mr. CALDERHEAD. I do not want to abuse the patience of the House, but I will remind gentlemen that charges were investigated there first in 1892, and it was then made known to all of us that the commander of this Home was protected in his place in that investigation by direction of General Franklin. The next investigation was made in 1893, and after it was over it was published broadcast in newspapers in our State that the manager of the Home had again been protected because he had been appointed and was maintained in his position by General Franklin. The next investigation took place in 1894, and again it was published in every paper that was in favor of disclosing the actual condition of things there that he had again been protected. It was distinctly published that the investigation in December, 1894, by General Averill, was conducted with secrecy and that every effort was made to prevent a public exhibition of the truth. These facts testify that General Franklin should not be reelected until there is a fair investigation there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUE. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has four minutes and a half left.

Mr. HULL. Mr. Speaker, I yield three minutes to the gentleman from Connecticut, Mr. SPERRY.

Mr. SPERRY. I simply rise for the purpose of saying that which in justice I ought to say. I have known General Franklin for over thirty years. I knew him when he was in the field. I knew him as an official of the State of Connecticut, the adjutant-general of our militia, and I have never heard one breath of suspicion directed against his character; and, gentlemen, I want to say to you that if you are going to take a contract to make out that General Franklin is a dishonest man or that his character is not of high standing among men, you will require millions of dollars to carry out such a contract in the State of Connecticut.

General Franklin's name for integrity and honor and uprightness is as high as that of any man that lives in our State. He does not belong to the same party that I belong to, but I feel that I should be doing injustice to myself and the State I in part represent, did I not add my testimony to that of others in relation to the good name and character of General Franklin. I am glad to do full justice to him, and I say to you, gentlemen, do not attempt to tear down the character or the fair name of General Franklin. You can not afford to do it. You ought not to attempt to do it. His standing and his character are as bright in our State as the noonday sun, and I fully indorse everything that my colleague [Mr. HENRY] said about him yesterday. I indorse the telegram that was sent to this House by ex-Governor Bulkley; and, Mr. Speaker, before I take my seat I wish to say that when my colleague [Mr. RUSSELL] left here yesterday he said that he desired me to indorse General Franklin fully for him and in his behalf. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

[Mr. BLUE addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 1466) to purchase, inclose, improve the sites or portions thereof of certain forts, battlefields, and graves of American soldiers, sailors, and marines in the Maumee Valley, and to erect thereon appropriate monuments and commemorative tablets;

A bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska";

A bill (S. 1537) to provide for the private sale of public lands in Missouri; and

A bill (S. 682) for the relief of the heirs of Sterling T. Austin, deceased.

The message also announced that the Senate had passed with amendments a bill and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling; and

Joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

The message also announced that the Senate had passed without amendment a bill of the following title:

A bill (H. R. 2813) granting a pension to Rita Stine.

BOARD OF MANAGERS OF NATIONAL SOLDIERS' HOME.

Mr. HULL. The gentleman from Indiana desires to send to the desk—

Mr. GROSVENOR. Mr. Speaker, was permission given to the gentleman from Kansas [Mr. BLUE] to extend his remarks in the RECORD?

The SPEAKER pro tempore. The Chair asked for objection and there was none.

Mr. GROSVENOR. I understood the Chair, just as he was about to submit that question, to call attention to the arrival of a message from the Senate.

The SPEAKER pro tempore. The Chair did not ask the consent in as full a voice as was perhaps necessary. The Chair will again submit the request.

Mr. GROSVENOR. All I want to say is this: I have no objection to the gentleman from Kansas extending his own remarks; but I will protest now and always against interpolating in the RECORD under the guise of an extension or leave to print affidavits or letters assailing individuals.

The SPEAKER pro tempore. Does the gentleman wish the question put again?

Mr. GROSVENOR. I do, most decidedly.

The SPEAKER pro tempore. Unanimous consent is asked by the gentleman from Kansas to extend his remarks in the RECORD. Is there objection?

Mr. HEPBURN. Was not that consent given?

The SPEAKER pro tempore. The Chair so understood.

Mr. HEPBURN. The Chair so announced, as I understood the Chair.

The SPEAKER pro tempore. The Chair did so announce.

Mr. HEPBURN. Then I object to the opening up of the matter.

Mr. GROSVENOR. The Chair did not so announce. I was listening carefully, and no such consent was given.

Mr. HEPBURN. I object to the gentleman being permitted to override the Chair and the House.

Mr. GROSVENOR. I do not expect to do either; but I merely ask that the facts be stated as they occurred.

The SPEAKER pro tempore. The Chair said that without objection it would be so ordered; and no objection was made, as the Chair heard. But let the Chair state that the Chair did not announce the question in a very full voice—

Mr. HEPBURN. Well, we heard it; and it was so understood.

Mr. GROSVENOR. I did not hear it. I only want to protest against the insertion of the affidavits—

Mr. BLUE. Well, protest if you want to.

Mr. GROSVENOR. So I shall protest; and will make my protest to the Public Printer.

Mr. HULL. Mr. Speaker, I yield to the gentleman from Indiana [Mr. STEELE], who wishes to send to the desk certain telegraphic dispatches received by him this morning, to be read.

Mr. STEELE. These dispatches, Mr. Speaker, at least the first one of them, is a response to a request made on yesterday. I do not want to take up the time of the House any longer than necessary, but as these have a direct bearing upon the question at issue I ask that they be read.

The Clerk read as follows:

LEAVENWORTH, KANS., April 15, 1896.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

At the earnest solicitation of Gen. J. A. Forsythe, regular soldiers were admitted for treatment for alcoholism for four weeks each up to April, 1894, to the number of 94, when General Franklin ordered its discontinuance. In not a single instance was a veteran denied admittance in consequence. This charge was investigated by General Averill and Colonel Cooke, and proved untrue.

ANDREW J. SMITH, Governor.

LEAVENWORTH, KANS., April 15, 1896.

Hon. GEORGE W. STEELE, M. C., Washington, D. C.:

The charge of drunkenness against Col. Andrew J. Smith is absolutely false. I see him daily, and know him to be a generous, kind-hearted man, anxious for the welfare of the veterans.

W. J. GILLESPIE,
Protestant Chaplain, Soldiers' Home.

KANSAS CITY, KANS., April 16, 1896.

Hon. GEORGE W. STEELE, M. C.:

I brand the charges against Governor Smith as false in every particular. With unusual facilities for knowledge of the subject, I know whereof I speak.

THOS. KINELA,
Catholic Chaplain, Soldiers' Home.

LEAVENWORTH, KANS., April 15, 1896.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

Governor Smith is the most sober and humane man I ever knew. I have been here nearly three years, and know he never takes a drink and never forced a man to take the Keeley cure.

J. L. FRYER,
Assistant Surgeon, Soldiers' Home.

LEAVENWORTH, KANS., April 15, 1896.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

In the name of Veterans' Keeley League, we brand as a lie the charge of drunkenness against Governor A. J. Smith. We see him daily and know how false it is. He is the most honored member. We owe all we are to-day to him.

JOHN T. PEET, President.
EDWARD A. TRADER, Secretary.

LEAVENWORTH, KANS., April 15, 1896.

Col. GEORGE W. STEELE, M. C.,
House of Representatives, Washington, D. C.:

Following for your information:

"LEAVENWORTH, KANS., April 15.

"Governor A. J. SMITH:

"The dispatch sent from this city to Congressman BLUE purporting to be signed by myself and Mahoney and Albott is a forgery. Neither myself or the others authorized the sending of such dispatch. We have no fight against Governor Smith, and denounce the attempt to cause his removal. Affidavit made by an old soldier named McGraw that we signed said dispatch is absolutely false.

(Signed) "THOS. F. KEENEAND.

"Witnesses (signed):

"E. B. WHEELER,

"H. SHINDLER."

(Signed) ANDREW J. SMITH.

CHICAGO, ILL., April 16, 1896.

Col. GEORGE W. STEELE, M. C.:

Colonel Smith was not drunk in February last, nor has he touched liquor since he took the Keeley, and see dispatch to Congressman ALDRICH.

N. A. REED, Jr.

LEAVENWORTH, KANS., April 15, 1896.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

I have been surgeon of the Western Branch since October, 1893, and have never known Governor Smith to be drunk or even take a drop of stimulants. As to his forcing men to take the Keeley cure, it is absolutely false. His treatment of the men is kind and humane.

D. C. JONES, M. D.,
Surgeon Western Branch.

LEAVENWORTH, KANS., April 15, 1896.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

In behalf of the National Keeley League, numbering 35,000 men, I denounce the charge of drunkenness against Governor Smith as a vile slander. He is serving his third term as our national president. We know how absolutely false that charge is.

THOMAS E. BARRY,
National Secretary Keeley League.

LEAVENWORTH, KANS., April 15, 1896.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

We know that the charge of drunkenness against Governor A. J. Smith is false. We see him every day and brand the charge as malicious. He never forced a man to take the Keeley cure. He is a kindly, humane man.

A. W. REESE,
Assistant Surgeon Soldiers' Home.

LEAVENWORTH, KANS., April 15, 1896.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

I certify on honor that no veteran was ever denied admission to this Home because of Regular Army men admitted to take the Keeley cure. If it were so I would know it on account of my position.

ROBERT HAYES,
First Lieutenant and Assistant Adjutant Soldiers' Home.

Mr. HULL. Mr. Speaker, the Committee on Military Affairs in reporting this resolution were unable to foresee its course upon the floor of the House, and certainly did not expect to precipitate a fight on the lines that have been drawn. And I may be permitted to say, sir, in this connection, that it does not seem to me that this is a proper place to make such a fight as has been inaugurated by the gentleman from Kansas.

I have a profound respect for my distinguished friend from Kansas [Mr. BLUE]; but with all deference to him, it does seem to me that if he wanted to make these charges and have a fair and honest investigation of them, at the very beginning of this session of Congress he should have introduced a resolution calling attention to the charges and asking for an investigation of the matter. He should have had a committee appointed by this House, composed in such way as to insure a fair, impartial, and honest investigation of the allegations which have been made with reference to this Home at Leavenworth. This would have given the Committee on Military Affairs and the House reliable information upon which to base action.

I do not believe it is right for any member on the floor of the House to challenge the character of a man and introduce ex parte statements, as the character of General Franklin and Gen. A. J. Smith have been challenged in the last twenty-four hours, without any chance on their part to make a response. It has been done under the guise of a warm love for the old soldiers of our country.

Mr. Speaker, no man can surpass me in my devotion to the cause of my comrades in arms, whether they be in the Homes or out of them. I stand now, as I have always stood, for everything which benefits them. But here is an attack on a man who during the dark days of the war, when the country needed the services of good men, was a gallant, brave, and efficient officer, as efficient and gallant as the Federal Government had in its service, who has been assailed with marvelous bitterness. I refer now to Gen. A. J. Smith. I did not expect to participate in this debate, but I can not remain silent. This old soldier shall not be utterly condemned and disgraced without my raising my voice in favor of a plea for calm judgment and decent treatment. He is a man whose comrades have spoken of him on this floor with the highest respect, who fought under the same flag and slept under the same blanket, and, as one expressed it, "drank from the same canteen." This gentleman, who knew him well, certified to his good character during the war. Shall it not count something for a man that for four years he followed the flag of his country on bloody battlefields and risked his life in defense of the Union? He has served his country in different positions since the war with credit to himself, and among the positions he has held has been that of superintendent of the Soldiers' Home for years at Leavenworth.

Unquestionably at one period of his life, and I do not wish to palliate anything with reference to the matter, he was guilty of taking too much spirituous liquors for his health; he became frequently intoxicated. I admit that he drank to excess. None of his friends will deny it. I have known a great many old soldiers who got into the same bad habit. But this man finally reformed and took the Keeley cure. Is that a disgrace to him? I honor him for his desire to again become a good citizen, and am glad that the avenues were opened up to him by which he and thousands of others, both old soldiers and men who never followed the flag of the country on the field of battle, can become free from that vice which destroys manhood and self-respect. From the day he took the Keeley cure to this time, I do not believe that there is a particle of evidence which would be admitted in any court of competent jurisdiction in this country to establish the fact that he has ever touched a single drop of intoxicating liquor.

We are none of us so immaculate that we should gather our garments about us and refuse justice to a man who has gone down into the depths of horror of the alcohol habit and then struggled back to the solid ground of sobriety. It is awful for a man to fall; it is glorious for a man to surmount habit and overcome weakness. Is it not an awful responsibility for a man to put in our records—the records of our country—the charge that this brave and distinguished soldier, A. J. Smith, is a brutal drunkard? In the name of fairness and justice I protest. I say, Mr. Speaker, that it is to my mind a wrong upon any man to put upon the records of Congress, to be preserved for all time, the scurrilous, scandalous, and villainous charges that have been preferred against this man by purely ex parte statements from men who have a grievance.

This is not the place to try A. J. Smith. If he were all they charge him with being, he is entitled to a trial before some tribunal that can sift the evidence, and whose verdict will have some weight with the sober-minded, thinking people of the United States. We are here to elect a Board of Managers for the Soldiers' Homes, not to try charges against creatures of this Board. We are here to elect men whose duty it is to administer the affairs of these Homes, and they are and should be responsible for the selection of the different officers of the Homes. Congress is not the place to make an investigation. We have no time or opportunity to take evidence. I do not object to holding all officers to a strict responsibility, but I want to say to you, gentlemen of the House of Representatives, that this whole fight is based upon the idea of getting rid of A. J. Smith. Is not that true? Has there been a word said in debate, a word during all this bitter discussion that we have had, that does not show that the entire animus of the attack on General Franklin is to get rid of Governor Smith?

Now, if that is true will that be accomplished by defeating General Franklin's reelection? The gentleman from Iowa [Mr. HEPBURN] spoke about the necessity of a change, and said that this was the proper place to bring these charges. The gentleman from New York [Mr. RAY] in asking him a question wanted to know why charges had not been preferred before the Board and a trial had. My good colleague from Iowa [Mr. HEPBURN] seemed to think it would be an asinine performance to prefer charges before that Board. Let me say to him that charges were preferred before that Board. They have had this matter partially adjudicated. The first trial was some years ago. The last trial was December 14, 1894.

Mr. STEELE. 1895.

Mr. HULL. 1894.

Mr. HEPBURN. Will my colleague allow me to interrupt him for a moment?

Mr. HULL. If it is only for a question, I will.

Mr. HEPBURN. Have charges ever been preferred against General Franklin?

Mr. HULL. Oh, no; only against Mr. Smith.

Mr. HEPBURN. The gentleman from New York [Mr. RAY] asked me why charges had not been preferred against General Franklin.

Mr. HULL. I did not understand that. I understood him to mean charges against Smith. If the gentleman's statement is correct, then I misunderstood the question.

Mr. RAY. "The gentleman from New York" did not mean to be understood as the gentleman seems to have understood him.

Mr. HEPBURN. That is what the gentleman said. I was talking about Franklin.

Mr. HULL. General Franklin ordered an investigation of the charges against the management of the Leavenworth Home. General Pearson, the representative of the Board from Pennsylvania, was directed to conduct it. General Franklin did not personally appear. I am not acquainted with General Pearson, but the Representatives from Pennsylvania tell me that he is a man of high character, of absolutely unimpeachable integrity, a man of profound love for his old comrades, a man who would not do an injustice to anyone, and who, if he was charged with a duty, would thoroughly and honestly discharge it. What was his finding? This was not an ex parte investigation. It was an investigation in which every man who had charges to prefer made them. All had an opportunity to have all complaints fully investigated. Fifty citizens of Leavenworth, leading men, wanted to be heard in defense of the Home and of Colonel Smith. They could only hear ten of them. The matter was all investigated. This ex parte testimony was all sifted to the bottom, and the result of the finding was the vindication of the management of the Home and of General Smith. These very men who are coming here with their charges went there, and from what I can learn the larger part of these charges that have been reiterated on this floor were made there and thoroughly disproven.

Mr. STEELE. Governor Morrill was with General Pearson.

Mr. HULL. Governor Morrill, who was once a member of this House, and who is now governor of Kansas, was there.

Mr. CALDERHEAD. Governor Morrill was not present.

Mr. STEELE. He was there.

Mr. CALDERHEAD. No; Governor Morrill was not present.

Mr. HULL. Governor Morrill was until 1894 a member of the Board and local manager of this Home. Now, I want to call your attention to another fact. These gentlemen want to get rid of Franklin, because they say he is responsible for keeping Smith in his place. After these investigations General Franklin believed that Smith's usefulness was largely impaired, because of the fact that the fight which was inaugurated by Senator Plumb, who was, I suppose, as great a fighter as ever lived in Kansas, a great and good man, but an intense partisan, was carried on with such intense bitterness. Plumb started out to crush the management of the Home, and if he had not been called hence he would have been fighting on that line yet. General Franklin believed that Smith's usefulness had been impaired, and when the question of sustaining him had been brought up, General Franklin, General SEWELL, and John C. Black, of Illinois, voted to remove Smith. I want the House to note this fact. Franklin voted as the gentleman from Kansas now desires. I have the testimony of Senator MITCHELL of Wisconsin for this. He is a member of the Board and authorizes me to make this statement on the floor. General Franklin voted to remove him, Colonel Smith. General Pearson, who conducted the investigation, said that he would not consent to such a gross injustice being done as to allow charges disproved to destroy any man, and the rest of the Board voted to retain him.

Mr. STEELE. Until an investigation should be had.

Mr. HULL. Until a full investigation should be had, and under a full investigation General Pearson insists that Smith will be vindicated at every point.

Mr. COOPER of Wisconsin. When was that?

Mr. HULL. The gentleman from Indiana says that the investigation was made in 1895. My recollection is that it was in December, 1894.

Mr. STEELE. General Pearson and General Morrill made an investigation in 1894, when these affidavits were presented, and General Averill and Colonel Cooke made an investigation in 1895 of the same charges.

Mr. HULL. Many of us know Senator MITCHELL, and I want to say that when he gives me his word of honor that such a state of facts as that exists, I will take it. I have no doubt the records of the Board will prove that he has told the simple truth in regard to this matter. I have no objection, and the Committee on Military Affairs have had no objection, to making an investigation. We delayed action on this resolution until the very last moment, until the time when the terms of these officers were about to expire, and from the evidence submitted to us by every member of the Board, and by an examination held under the authority of the Board,

where a fair trial could be had, in spite of what has been said about the inability of that distinguished Board to control these Homes, on their evidence we reported the names we have.

Another thing, gentlemen. You talk about getting in new blood. We have set aside two old members and put in two new ones. We have injected new blood; and if succeeding Congresses will do the same thing, in a little while you will have entirely a new Board of Managers. But I do not believe the Committee on Military Affairs or this House should fail to reelect General Franklin, in view of what has been telegraphed over the United States; and if you defeat him you place upon him the brand of dishonor, no matter what may be said. I admire General Howard; but there was a period in my life when I believed General Howard was not only grossly incompetent, but grossly dishonest; and it required time and investigation into his methods while in charge of the Freedman's Bureau to convince the people of the United States that his character was as pure as that of any man in the United States. If he had been tried on the ex parte testimony that went through the United States at the time the Freedman's Bureau collapsed, the people of the United States would have said that Gen. O. O. Howard was not only incompetent, but that he was dishonest.

I want to refer briefly to one or two other points. They have talked about this Inspector of the War Department report. I want to call attention to it. This was not in favor of General Smith or any other man. This is the report of the Inspector of the War Department; and I want to call attention to the question of discipline at these different institutions. Take the Central Home. That, you gentlemen all say, is well managed, in spite of the letters that reflected so upon it. This report from the War Department says:

There has been an improvement in the discipline of the men, and the per cent of the whole number cared for that were not tried during the year has increased from 71 to 77 per cent.

That is the Dayton Home. The total number of members was 4,985, and 77 per cent were not tried for breaches of discipline. I will not read the rest. The Marion Home had 77 per cent not tried for breach of discipline. I will not take up all the others, but call attention to the Home under discussion. Taking the number tried during the year for infractions against the rules and regulations as a criterion of discipline, the discipline appears to be more favorable than that of any of the Homes.

Number of members cared for, 3,658; 94.61 per cent were not tried for breach of discipline.

In other words, the discipline at Leavenworth is better than that of any of the Homes that have been inspected by the War Department. Now, what does this same Inspector say about General Smith? He is the one that is on trial. He says:

Governor A. J. Smith, to whose untiring energy and great resourcefulness much of the good work that has been accomplished is due, has remained in charge.

He goes through the whole list of the Homes, and when he comes to this Home, this War Department Inspector, free from all control of this Board of Managers, gives to this Home a meed of the very highest praise for its management and the method of business involved in its conduct.

Now, I do not know that it is any business of mine to refer to one question that has been dwelt on here at such great length, that of the beer saloons and the Keeley cure. So far as I am concerned, Mr. Speaker, if I had the power I would take beyond the pale of every reservation all intoxicating liquors for sale as a beverage; but you have got to face this one fact, that in each and every Home you have a large number of inmates who will indulge in these intoxicating beverages whether they buy them at the Home or have to walk a mile or 2 miles to get them. You have got this fact. At Marion they have no Home saloon. The inmates are turned loose upon the people, outside of the jurisdiction of the United States, to be preyed upon and robbed. At least the pickpockets are not admitted to those Homes. Every one of you gentlemen who lives in a town where soldiers that are not in the Homes are paid off—

Mr. BOWERS. Will the gentleman yield to me? I want to strengthen his statement by reference to the Home in California.

Mr. HULL. I have not time.

Every man who lives in a town of that kind knows that in the case of men who have enough to live outside you can not take up your daily paper after a pension payment has been made that you do not read where a dozen of the pensioners have got drunk and had their pockets picked—that what they do not spend for beer the pickpockets get. At least these beer halls in the Homes keep the boys from having their pockets picked. It may be true that these men are old enough now not to drink, but we have got to take them as they are, and there is not an old soldier on this floor who has met his comrades in their grand encampments who does not know that they will drink every time they want to, and they do not think it is anybody's business, either.

Mr. Speaker, I do not know that I need say anything more on this point. If you do not let the old soldiers spend their money in the Home they will go outside. If they spend it in the Home the profits are not used for the benefit of individuals, as would seem to be implied in some of the speeches here; the profits are used for the benefit of the soldiers themselves, and, for my part, I would rather, if this traffic is to exist, that the old soldier should get the benefit of the profit than that it should go to private saloon keepers. And, further, I will assert that these canteens reduce the total of intoxication. As to the Keeley cure, I certainly do not object to that if it tends to wean these men from their vicious habits. What does the War Department say of the Keeley cure? That report is not made under the duress of Colonel Smith or under the duress of the Board of Managers. It is a report made by a man who is absolutely independent of Colonel Smith and also of the Board of Managers, an Inspector of the War Department. That report says that 189 persons were treated for alcoholism and the morphine habit during last year, and adding that to all that were treated before, gives a total of a little over 1,300. But the point in connection with this subject that I want to call attention to is that in that period the lapses have been only 11 per cent. You see, then, gentlemen of the House, that this Keeley cure, which has been so denounced here, has saved 89 per cent of those who have taken the treatment, and for one I say God speed the Keeley cure if it rescues my old comrades from this degrading vice.

I have but a minute or two more, and in that time I want to say that I cherish the honor of the old soldiers as much as any man on this floor can possibly cherish it, but at the same time I say that those old soldiers, grouped together there in the Home, men without home ties, men who have no abiding place, can find fault with almost anything, and many of them would not be happy if they did not find fault. Let us, in our action here to-day, so vote that we shall not cast a slur upon any man who served his country in the hour of its peril, but, if necessary, let us give an honest, fair, and impartial trial, which will enable the people of the great Republic to do justice to all the interests concerned. [Applause.]

Mr. HEPBURN. I want to ask my colleague a question. Your committee has omitted to recommend the reelection of two members of this Board of Managers. Do you regard that as an assault upon those men or as a reflection upon their moral standing?

Mr. HULL. I will answer that. One member of the Board, Mr. Fessenden, of Maine, desired to be retired and we selected another gentleman from the State of Maine to succeed him. The custom of Congress has been that the majority party here has controlled the majority of the Board, and we thought that Gen. John C. Black might properly retire and give place to that other gallant old soldier from Illinois, Gen. Thomas J. Henderson, and we made that recommendation. There was no charge against either of the gentlemen retired, and both have acquiesced in the change. I submit the following telegram:

HARTFORD, CONN., April 16, 1896.

Hon. E. J. HILL.

House of Representatives, Washington:

Hon. Henry C. Robinson says Gen. W. B. Franklin is a man of incorruptible integrity and thorough patriotism. J. M. Allen, president of the Board of Trade, says, "It gives me great pleasure to say that I have known Gen. William B. Franklin for many years and can not speak too highly of his sterling integrity and unswerving devotion to what he regards as just and right. My intimate acquaintance with him has led me to hold him in highest esteem." Charles P. Graham, adjutant-general of the State, speaks in the strongest and most unqualified terms in favor of General Franklin. Governor Bulkeley concurs decidedly in these opinions and has already wired you direct. These expressions are, as you must know, entitled to great weight. For myself, I desire to add that for many years I have entertained very high regards for the great services, high character, and unquestionable ability of General Franklin. Any number of strong testimonials could be easily obtained if needed and a little time could be had for the purpose.

O. VINCENT COFFIN,
Governor of Connecticut.

Mr. BLUE. Mr. Speaker, I rise to a question of privilege. A telegram has been read here from Leavenworth, charging me with having had read in this body a forged telegram. The gentleman from Indiana [Mr. STEELE] has presented that telegram. I denounce the statement as cruelly and maliciously false, and the presentation of that telegram as cowardly and uncalled for. I hold in my hand the original telegram sent to me. It was not used on the floor of this House, and that telegram denouncing it as a forged telegram and the statement as a lie was brought in here for the purpose of having its influence on this floor. I have here the original telegram as sent to me, with a statement that was published in the Leavenworth Times and in the Leavenworth Standard, which is friendly to Mr. Smith, with an accompanying affidavit. I ask, in justification to myself, that the telegram as originally sent to me and the statements in the affidavit be read.

Mr. HULL. Before granting consent, Mr. Speaker, I wish to say that I also will ask that the telegram which I hold in my hand may be read.

Mr. BLUE. Excuse me, I believe I have the floor.

Mr. HULL. Well, it is easy to take you off.

Mr. BLUE. I had not read the telegram referred to, and did not propose to read it, and the gentleman from Indiana [Mr. STEELE] must have known that, because he asked me last night if I had that telegram, and I said that I had and that if he wanted to read it I was ready to support it with statements.

Mr. STEELE. What I said to the gentleman was, "Have you read such a dispatch?" and he said, "Yes, and I have affidavits to verify it." That is how I understood him. Now, if I was mistaken in that, I certainly am willing to withdraw the dispatch I had read here and ask members to pay no attention to it.

Mr. BLUE. I said that I had not used the dispatch and did not propose to use it. I have also here a letter—I can not give the name of the writer without a betrayal of confidence—saying that that statement in that telegram was true, and that a Catholic priest was used to get a retraction in the interest of Mr. Smith.

The SPEAKER. The time of the gentleman has expired.

Mr. BLUE. I have also, upon this question, another communication showing the methods practiced—

Mr. HULL. Mr. Speaker, I shall have to object to the gentleman going any further than his statement in connection with that telegram.

Mr. GROSVENOR. I also must object, Mr. Speaker. This is practically a debate on the merits—

Mr. BLUE. No, sir; it is on a question of privilege with reference to these papers.

The SPEAKER. The Chair would suggest to the gentleman from Kansas that as he did not read the telegram referred to his statement covers the question of privilege, and that the reading of the telegram which he sends up would require consent of the House.

Mr. STEELE. Mr. Speaker, I hope consent will be given for the reading of the telegram.

There was no objection, and the Clerk read the telegram, as follows:

LEAVENWORTH, KANS., March 31, 1896.

Hon. R. W. BLUE, M. C., Kansas Delegation,
Washington, D. C.:

You can say 25,000 railroad employees of Kansas will stand by Maj. Tom Anderson and the old soldier when the truth is known, as a good many members of the Leavenworth Home are ex-railroad employees, and who have had many grievances. We will carry this fight politically from the Atlantic to the Pacific, and from the Lakes to the Gulf and from farm to factory. We owe no party any favors, but will fight oppression wherever found until this great wrong is corrected. Franklin and Smith should go.

D. F. MAHONEY,
THOMAS KEENAN,
HARRY ABBOTT,
Committee.

Mr. BLUE. Now, Mr. Speaker, I ask that the Clerk read the publications in the Leavenworth Times and in the Standard.

Mr. STEELE. Mr. Speaker, if we are going to read newspaper clippings, I have a lot of them that I should be glad to have read.

Mr. BLUE. But this is a part of this very matter.

The SPEAKER. How much of the printed matter does the gentleman desire read? There are two columns of it.

Mr. BLUE. Just what relates to the dispatch. The dispatch has been read, and now I want the Clerk to read what is said about the dispatch and also the affidavit.

Mr. GROSVENOR. I submit that we should now take the vote, and let this question of privilege come up later.

Mr. HEPBURN. On this point of order, I want to call attention to the fact that the gentleman from Indiana sent to the Clerk's desk to be read a dispatch purporting to come from A. J. Smith, in which the gentleman from Kansas was charged with having presented to the House a forged telegram. Now the gentleman from Kansas rises to a question of privilege. And has he not a right to do something more than simply to say he did not present a forged telegram? Has he not the right, during his remarks, to investigate the whole matter as part of his question of privilege, and to exonerate himself fully from the charge made against him? Can he not, as part and parcel of his vindication, show that as a matter of fact such a dispatch, if he had presented it, was true? May he not do this in defending himself from the assault that has been made upon him?

Mr. STEELE. In the first place, no gentleman has claimed that Colonel BLUE was responsible for the dispatch; and in the next place the "gentleman from Indiana" misunderstood the gentleman from Kansas, or the gentleman from Kansas misunderstood "the gentleman from Indiana." A great many dispatches had been read. I received a dispatch and on the instant went to him and asked whether among his dispatches he had read a certain dispatch. He said, "Yes; and I have abundance of evidence to support it." If my understanding was not correct and if he did not understand my question, then, of course, he is exonerated so far as I am concerned, and I ask that any reflection which may have been made upon him may be withdrawn.

Mr. HEPBURN. The question here is not whether the gentleman from Indiana is satisfied. It is a question of privilege, affect-

ing the honor of this House. The gentleman from Kansas has been charged here publicly with a crime.

Mr. STEELE. I do not think so.

Mr. HEPBURN. Now, has he not the right to do something more than to say that that charge was not justified? In meeting the charge, has he not the right not only to have read the dispatch in question, but also all the matter tending to establish it as a statement of truth?

Mr. BLUE. The reading will take only a moment.

Mr. GROSVENOR. Mr. Speaker, what is the pending question? Is it a question of privilege?

The SPEAKER. The Chair suggests that if this matter will take, as the gentleman from Kansas says, "only a moment," perhaps the easiest method of disposing of it would be to have the dispatch read.

Several MEMBERS. It has been read.

Mr. BLUE. The reading will take but a moment.

Mr. HULL. I understand that the dispatch was read, and now the gentleman proposes to have read two columns of newspaper comment.

Mr. GROSVENOR. Mr. Speaker, what is the question of privilege here?

The SPEAKER. How much of the matter sent to the desk does the gentleman from Kansas desire to have read?

Mr. BLUE. Simply the two articles that are connected with this matter. The Clerk may omit the dispatch, because it has been read. I ask the Clerk to read simply the matter showing the denial, and then the copy of the affidavit showing that such a telegram was signed and forwarded. That is all I ask. It will not take two minutes.

Mr. GROSVENOR. Two minutes! More likely half an hour.

Mr. BLUE. I think this will be simply fair treatment toward me under the circumstances.

The SPEAKER. If the gentleman from Kansas will indicate what he wants read, as there are two columns of matter which have been sent to the desk—

Mr. BLUE. I do not want the Clerk to read two columns.

The SPEAKER. The Clerk now understands what the gentleman wants read, and he will proceed.

The Clerk read as follows:

A few days since this paper, as a mere matter of news, published, at the request of a number of men, a telegram sent from the Western Union Telegraph office in this city to Congressman BLUE concerning the Soldiers' Home matter and signed by the names of three railroad men.

The following appeared in last night's Standard:

"We wish to state that the telegram published in the Leavenworth Times of Tuesday is absolutely false as coming from us, as the signatures were forged.

"DAN F. MAHONEY.
"HARRY ABBOTT.
"T. F. KEENAN."

Last night the following was brought to the Times office by a railroad man who claims that he was in the switch shanty at the time the telegram to Congressman BLUE was signed by the above men, and that he saw them put their signatures to it. He further says that a great pressure has since been brought to bear on these men to cause them to deny it.

Here is the affidavit, which is published to show that this paper acted upon sufficient authority, and which goes to prove its truth:

"STATE OF KANSAS, Leavenworth County, ss:

"Be it remembered that on this 2d day of April, 1896, before me, the undersigned, a notary public in and for the county and State aforesaid, came George R. McGraw, who is personally known to me to be the same person who deposes and says that on the 30th day of March, 1896, 'I was present and saw a message signed by one Keenan, Abbott, and Mahoney, to be sent to Hon. R. W. BLUE, at Washington, D. C., the purport of which was in reference to the railroad men standing by Maj. Thomas J. Anderson and the old soldiers in the Franklin-Smith fight.'

"GEO. R. MCGRAW.

"Sworn to and subscribed in my presence this 2d day of April, 1896.

"[SEAL.]

J. D. KELLER, Notary Public.

"My commission expires June 1, 1896."

Mr. BLUE. I think the reading explains this matter sufficiently.

The SPEAKER. The question now is—there is no amendment pending, as the Chair understands—

Mr. HULL. There are two amendments.

Mr. BLUE. If the chairman of the committee [Mr. HULL] will permit me, I want to make a suggestion. It has been suggested here again and again that this proceeding here—

Mr. GROSVENOR. Is this a reopening of the debate?

Mr. BLUE. No, sir. It has been suggested here again and again that this proceeding is not fair to General Franklin. Now, I am perfectly willing that this question shall go back to the Committee on Military Affairs; that the parties concerned be heard for a reasonable time; that the whole matter be investigated, so that no injustice shall be done. With that view, this question might be postponed for ten, fifteen, or twenty days, the substitute going to the committee along with the resolution.

Mr. HULL. Well, Mr. Speaker, so far as that is concerned, we could not undertake to make an investigation by the Committee on Military Affairs, have witnesses summoned, and get through with all the necessary work in ten days or even two months. It

will be useless to undertake it, and very expensive in the end. I think we may as well pass on the question now, and let the House determine it.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Would it be in order or competent at this time to move a recommitment of the resolution to the Committee on Military Affairs without instruction? I think after the debate we have had the instructions would not be necessary to the committee to fully investigate, or at least so far as they could investigate, the matter and report to the House.

The SPEAKER. The Chair thinks the time to move a recommitment is not now, as the House has ordered a vote at this hour. The matter could be recommitted after the previous question was ordered on the passage of the resolution.

Mr. HEPBURN. But that has not been asked, as I understand it. I would ask unanimous consent to make that motion.

The SPEAKER. The Chair will submit the request of the gentleman. Is there objection to the gentleman from Iowa making a motion to recommit this resolution to the Committee on Military Affairs without instruction?

Mr. HILL. I object.

The SPEAKER. Objection is made, and the question is on agreeing to the amendment of the gentleman from Kansas [Mr. BLUE]. The Chair understands that an amendment is also offered by the gentleman from Pennsylvania [Mr. MAHON], on which the point of order was raised.

Mr. BLUE. Yes, sir.

Mr. MAHON. Let the vote first be taken on your amendment, and withhold the point of order.

Mr. BLUE. My amendment is to substitute the name of General Howard for that of General Franklin.

Mr. GROSVENOR. I believe the point of order was reserved on the amendment of the gentleman from Pennsylvania.

The SPEAKER. The Chair will sustain the point of order; and the question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division there were—ayes 55, noes 130.

[The result of the vote was received with applause.]

Mr. BLUE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 59, nays 153, not voting 142; as follows:

YEAS—59.

Allen, Utah
Baker, Kans.
Baker, Md.
Baker, N. H.
Barney,
Bartholdt,
Bell, Colo.
Blue,
Broderick,
Burton, Mo.
Calderhead,
Cannon,
Connolly,
Cooper, Wis.
Crowther,

Curtis, Kans.
Doolittle,
Eddy,
Ellis,
Fenton,
Fletcher,
Graft,
Grout,
Hager,
Hainer, Nebr.
Hartman,
Hepburn,
Hicks,
Hopkins,
Huling,

Joy,
Kem,
Kirkpatrick,
Linney,
Long,
Lorimer,
Marsh,
McLaurin,
Meiklejohn,
Miller, Kans.
Miller, W. Va.
Milnes,
Minor, Wis.
Mozley,
Northway,

Prince,
Reeves,
Shafroth,
Snover,
Spalding,
Stephenson,
Stone, W. A.
Sulloway,
Thomas,
Tracey,
Treloar,
Updegraff,
Warner,
Wood.

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Acheson,
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Allen, Miss.
Apsley,
Arnold, R. I.
Atwood,
Avery,
Bailey,
Bartlett, Ga.
Belknap,
Bennett,
Bingham,
Black, Ga.
Bowers,
Brewster,
Bromwell,
Brown,
Brumm,
Bull,
Burrell,
Burton, Ohio
Catchings,
Clardy,
Clark, Iowa
Cobb, Ala.
Cockrell,
Cooper, Fla.
Cooper, Tex.
Cox,
Culberson,
Curtis, N. Y.
Danford,
De Armond,
Denny,
De Witt,
Dinsmore,
Dockery,
Dolliver,

Draper,
Elliott, S. C.
Erdman,
Evans,
Fairchild,
Fischer,
Foss,
Griffin,
Griswold,
Grosvenor,
Hadley,
Hall,
Halterman,
Hardy,
Harmer,
Harris,
Harrison,
Hatch,
Hemenway,
Henderson,
Hendrick,
Henry, Conn.
Henry, Ind.
Hermann,
Hill,
Hitt,
Howard,
Hubbard,
Huff,
Hull,
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Lacey,
Layton,
Lefever,
Leighty,
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Livingston,
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McCall, Mass.
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McCreary, Ky.
McCulloch,
McDearmon,
McLachlan,
McMillin,
McRae,
Meyer,
Money,
Moody,
Morse,
Moses,
Otey,
Owens,
Patterson,
Payne,
Pendleton,
Perkins,
Phillips,
Pickler,
Poole,
Powers,
Pugh,
Quigg,
Ray,
Reyburn,
Richardson,
Royse,
Scranton,
Shannon,

Sherman,
Simpkins,
Smith, Mich.
Smith,
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Sperry,
Stahle,
Steele,
Stewart, N. J.
Strait,
Strong,
Sulzer,
Swanson,
Taft,
Talbert,
Tate,
Taylor,
Terry,
Traewell,
Tucker,
Turner, Ga.
Turner, Va.
Van Horn,
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Wanger,
Wellington,
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Willis,
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Yoakum.

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Aitken,
Aldrich, Ill.
Anderson,
Andrews,
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Beach,
Bell, Tex.
Berry,
Bishop,
Black, N. Y.
Boutelle,
Brosius,
Buck,
Chickering,
Clark, Mo.
Clarke, Ala.
Cobb, Mo.
Coddling,
Coffin,
Colson,
Cook, Wis.
Cooke, Ill.
Corliss,
Cousins,
Cowen,
Crisp,
Crowley,
Crumpp,
Cummings,
Curtis, Iowa

Dalzell,
Daniels,
Dayton,
Dingley,
Dovener,
Downing,
Ellett, Va.
Faris,
Fitzgerald,
Footo,
Fowler,
Gamble,
Gardner,
Gibson,
Gillett, N. Y.
Gillett, Mass.
Grow,
Hanly,
Hart,
Heatwole,
Heiner, Pa.
Hilborn,
Hooker,
Howe,
Howell,
Hulick,
Hunter,
Hutcheson,
Hyde,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Kendall,
Kerr,

Kulp,
Kyle,
Latimer,
Lawson,
Leisenring,
Leonard,
Linton,
Loud,
Loudenslager,
Low,
Maguire,
Mahon,
McClure,
McCormick,
McEwan,
McKenney,
Mercer,
Meredith,
Miles,
Milliken,
Miner, N. Y.
Mondell,
Murphy,
Neill,
Newlands,
Noonan,
Odell,
Ogden,
Otjen,
Overstreet,
Parker,
Pearson,
Pitney,
Price,
Raney,
Robertson, La.

Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerharing,
Settle,
Shaw,
Shuford,
Skinner,
Smith, Ill.
Sparkman,
Stallings,
Stewart, Wis.
Stokes,
Stone, C. W.
Strode, Nebr.
Strowd, N. C.
Tawney,
Towne,
Tyler,
Underwood,
Wadsworth,
Walker, Mass.
Walker, Va.
Walsh,
Washington,
Watson, Ind.
Watson, Ohio
White,
Wilber,
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woodman.

So the amendment was rejected.

The following pairs were announced until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. RANNEY with Mr. COWEN.

Mr. BARRETT with Mr. NEILL.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. WATSON with Mr. ROBERTSON of Louisiana.

Mr. STRODE of Nebraska with Mr. STOKES.

Mr. COLSON with Mr. PRICE.

Mr. WHITE with Mr. SPARKMAN.

Mr. STEWART of Wisconsin with Mr. STALLINGS.

Mr. ANDREWS with Mr. MILES.

Mr. WILSON of Ohio with Mr. MCKENNEY.

Mr. OVERSTREET with Mr. BELL of Texas.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. HOOKER with Mr. MINER of New York.

Mr. LEONARD with Mr. KYLE.

Mr. JOHNSON of Indiana with Mr. HUTCHESON.

The following were announced for this day:

Mr. JENKINS with Mr. JONES.

Mr. JOHNSON of California with Mr. RUSSELL of Georgia.

Mr. CHARLES W. STONE with Mr. BERRY.

Mr. SHUFORD with Mr. LATIMER.

Mr. PARKER with Mr. ELLETT of Virginia.

Mr. TOWNE with Mr. CORLISS.

Mr. MCCORMICK with Mr. OGDEN.

Mr. LOUDENSLAGER with Mr. RUSK.

Mr. PITNEY with Mr. SKINNER.

Mr. HOWELL with Mr. ABBOTT.

Mr. ARNOLD of Pennsylvania with Mr. BARTLETT of New York.

Mr. FOWLER with Mr. WILSON of South Carolina.

Mr. GROW with Mr. WASHINGTON.

Mr. GARDNER with Mr. FITZGERALD.

Mr. STEWART of New Jersey with Mr. JONES.

Mr. WILBER with Mr. MAGUIRE.

Mr. WOOLMER with Mr. SHAW.

Mr. PEARSON with Mr. MEREDITH.

Mr. BOUTELLE with Mr. UNDERWOOD.

Mr. HILL. Mr. Speaker, the gentleman from Connecticut, my colleague, Mr. RUSSELL, is necessarily absent from the House. I have been requested to state that if present, he would vote "nay."

The result of the vote was then announced as above recorded.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

KATE GRANT.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3607) to increase the pension of Mrs. Kate Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Mrs. Kate Grant, widow of the late Capt. (afterwards brevet-major, "for gallant and meritorious services before Petersburg, Va.," as per order of the War Department, dated Washington, D. C. June 15, 1865, signed Edwin M. Stanton) Charles E. Grant, of Company F, Fortieth Regiment New Jersey Infantry Volunteers, to \$100 per month, in lieu of the pension now received by her, as evidenced by pension certificate numbered 278079.

The Committee on Invalid Pensions recommended the following amendments:

In line 4 strike out the word "Mrs."
After the word "captain," in line 5, strike out the words in parenthesis, as follows:

"(Afterwards brevet-major, 'for gallant and meritorious services before Petersburg, Va.,' as per order of the War Department, dated Washington, D. C., June 15, 1865, signed Edwin M. Stanton.)"

Also strike out the words "one hundred," in line 11, and insert in lieu thereof the word "twenty."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, the title was amended so as to read "A bill to increase the pension of Kate Grant."

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SARAH E. BOYD.

Mr. FLETCHER. Mr. Speaker, I desire to call up the bill (S. 2557) granting a pension to Sarah E. Boyd.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the bill. The Chair is informed that the engrossed copy of the Senate bill is not here. Has the bill been reported from the House committee?

Mr. FLETCHER. Yes; a bill from the House committee precisely as it passed the Senate.

The SPEAKER. We should have the engrossed bill.

Mr. FLETCHER. I will ask permission to withdraw it until I get the engrossed bill.

The SPEAKER. The gentleman asks permission to withdraw the bill temporarily.

RECOMMITTAL OF A BILL.

Mr. HILBORN. Mr. Speaker, I am directed by the Committee on Naval Affairs to request unanimous consent to recommit the bill (H. R. 5108) authorizing and directing the Secretary of the Navy to furnish eight pieces of condemned cannon to the Veteran Brigade, Grand Army of the Republic, Rochester, N. Y., and also four pieces of condemned cannon to the Brockport Soldiers' Monument Association, Brockport, N. Y., which was inadvertently reported from the committee.

The SPEAKER. The gentleman from California desires to have a bill recommitment which was reported by mistake. Without objection, the leave will be granted.

There was no objection.

MRS. MARIA B. BRINTON.

Mr. TUCKER. Mr. Speaker, I ask for the consideration of the bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, authorized and directed to place upon the pension roll the name of Mrs. Maria B. Brinton, widow of William P. Brinton, late a member of Company D, Second Pennsylvania Cavalry, and to pay her a pension at the rate of \$8 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. Mr. Speaker, I desire to ask the gentleman if that bill has been considered at a Friday night session?

Mr. TUCKER. No; it has not.

Mr. TALBERT. Well, I want to say, Mr. Speaker, that I am constrained to object to the continuation of these requests. Gentlemen do not come here on Friday nights to attend to these matters, and I object on that ground.

The SPEAKER. Objection is made.

Mr. TALBERT. I will state that I will object to the consideration of any bill that has not been considered at a Friday night session.

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I object, Mr. Speaker.

GEORGE JOHNSON.

Mr. HEPBURN. Mr. Speaker, I ask for the present consideration of the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I object.

SARAH E. BOYD.

The SPEAKER. The gentleman from Minnesota [Mr. FLETCHER] now has the engrossed bill which was under consideration.

Mr. FLETCHER. Mr. Speaker, I desire to change a word.

Mr. TALBERT. Mr. Speaker, a parliamentary inquiry. I should like to know the nature of that bill, and if it has been considered at a Friday night session?

Mr. FLETCHER. It is the same bill about which I spoke to the gentleman this morning.

Mr. TALBERT. Has it been considered at a Friday night session?

Mr. FLETCHER. It has not been considered at a Friday night session, but it has been considered and recommended by the committee.

Mr. TALBERT. I am constrained to object, if it has not been considered at a Friday night session.

The SPEAKER. The Chair will say to the gentleman from South Carolina [Mr. TALBERT] that this bill has passed the objection stage. Permission was given before, and the action of the House was suspended until the engrossed bill was found. Does the gentleman from Minnesota desire to make an amendment?

Mr. FLETCHER. I desire to change the words "Sarah E." to "Sarah A."

The SPEAKER. Without objection, that change will be made.

Mr. LOUD. That is, perhaps, a very dangerous holding of the Chair. The bill was withdrawn. The record will show that the Speaker made the statement that the bill was withdrawn.

The SPEAKER. The Chair will examine the record, and if the gentleman from California is correct, why of course the bill is subject to objection.

Mr. PICKLER. Did not the Speaker hold that the bill would be withdrawn for the purpose of the gentleman substituting the engrossed bill? He had leave to substitute that bill.

The SPEAKER. These presentations for unanimous consent ought to be laid before the House in entire fairness. It is a very important matter to put upon one member the duty of making objections if he is opposed to a bill. Therefore it ought to be conducted in perfect good faith in every way.

Mr. PICKLER. I concede that.

Mr. FLETCHER. Mr. Speaker—

The SPEAKER. The Chair thinks on the notes of the Reporter the bill is not properly before the House, but is subject to objection.

Mr. FLETCHER. Will I have permission to withdraw the bill and present it at another time. [After a pause.] I wish to present the bill now, if I have recognition.

The SPEAKER. The gentleman presents the bill for consideration. Is there objection?

Mr. TALBERT. I would ask the nature of the bill?

Mr. FLETCHER. If the gentleman will read the report it will show the nature of the bill. The recommendation of Commissioner Lochren is there.

The report (by Mr. SHOUP, for Mr. HANSBROUGH) was read, as follows:

A bill identical with this has been introduced in the House of Representatives in the present session and reported favorably and now pending on the House Calendar. Your committee append and adopt said report as a part of their report and recommend the passage of the bill.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6808) granting a pension to Sarah A. Boyd, widow of George Boyd, late captain Company E, First Minnesota Infantry Volunteers, having examined the facts and circumstances in this claim, believe that the wound of leg, received while the soldier held the rank of first lieutenant, contributed to his death, and therefore earnestly recommend that she be pensioned at \$17 per month.

The following letter from Judge Lochren, who was a comrade in service, concisely gives the soldier's history in service and the particulars of his death:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,

"Washington, February 29, 1896.

"MY DEAR SIR: I have your letter with copy of H. R. 4491, a bill granting a pension to Sarah A. Boyd at the rate of \$12 per month. She is the widow of Capt. George Boyd, who enlisted as a private in Company E, First Regiment Minnesota Infantry, April 29, 1861. I enlisted in the same company and served with him during the first three years of the war. He was an excellent soldier, and took part in all the battles in which the regiment was engaged, and was promoted to second lieutenant at the close of the peninsular campaign in 1862, and first lieutenant a short time later. In one of the battles he was severely wounded in the leg. He was mustered out with the regiment in May, 1864, and soon after assisted in raising a company for Hatch's Independent Battalion of Cavalry, and became its captain, and served as such until that battalion was mustered out in May, 1866.

"It appears that in the summer of 1879 said George Boyd was employed about the water power at the Falls of St. Anthony, in the Mississippi River, within the limits of the city of Minneapolis, Minn., and that in crossing the western channel of that river above the falls in an open boat with another employee, by some inadvertence they approached too near the brink of the

falls, and, endeavoring to escape the apparent danger, both left the boat at a shoal place, and the other man, being active, saved himself, while Captain Boyd, being lame and disabled from the wound in his leg referred to, was unable to escape, and was carried over the Falls of St. Anthony and drowned.

"Captain Boyd was a good citizen and a sober, industrious man, and his widow, Mrs. Sarah A. Boyd, is a very worthy woman.

"Yours, very truly,

"Hon. LOREN FLETCHER,
"House of Representatives, Washington, D. C."

"WM. LOCHREN, Commissioner.

[Law office of Gilfillan, Willard & Willard, Guaranty Building.]

MINNEAPOLIS, January 20, 1896.

MY DEAR SIR: Your kind favor of December 12, in the matter of the pension of Mrs. Sarah A. Boyd, widow of Capt. George Boyd, Company F, First Minnesota Volunteers, came duly to hand, for which please accept my thanks until better paid; but I have heard nothing since. Mrs. Boyd is after me quite lively to aid her, and so write you again to ask if you have seen Judge Lochren in the matter; and if so, is it apparent what we can do for her, if anything? I know so little about this business that I am at a loss to know just how to go to work at it. The widow is poor and needs the aid, and I should be very glad if we could do something for her, and I believe Judge Lochren feels in the same way about it. Will you kindly give me a line or two about it when convenient? And oblige

Yours, very truly,

J. B. GILFILLAN.

W. H. H. JOHNSON, Esq.

Mr. TALBERT. Mr. Speaker, according to the position I have taken, I shall have to object to that. I am not objecting to the pension, but I am objecting to the manner of consideration. I do submit that we have Friday night sessions, and gentlemen ought to come here and present these bills.

Mr. FLETCHER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. I move that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania moves that the House do now adjourn.

Mr. FLETCHER. I will ask if I had recognition to make a parliamentary inquiry?

The SPEAKER. That can not interrupt a motion to adjourn.

Mr. FLETCHER. I had the floor before the gentleman from Pennsylvania.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. WILLIAMS. Division.

The House divided; and there were—ayes 39, yeas 53.

Mr. WILLIAMS. No quorum.

The SPEAKER. It does not require a quorum on a motion to adjourn. [Laughter.] The gentleman from Minnesota was making a parliamentary inquiry.

Mr. FLETCHER. My inquiry is, was my bill under consideration before the gentleman's objection was made?

The SPEAKER. The Chair thinks it was not, under the statement made by the Reporter of what occurred.

JOHN E. WILBUR.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3659) for the relief of John E. Wilbur.

The bill was read at length.

Mr. BREWSTER. I ask for the reading of the first part of the unanimous report of the Committee on Military Affairs.

The part of the report indicated was read.

Mr. BREWSTER. I ask for the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I object.

The SPEAKER. Objection is made.

USE BY THE UNITED STATES OF DEVICES COVERED BY LETTERS PATENT.

Mr. FAIRCHILD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent.

The bill was read at length.

Mr. FAIRCHILD. I ask for the reading of the report.

The report was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. I object to this.

Mr. BREWSTER. Mr. Speaker, objection is withdrawn to the consideration of the bill I presented.

SARAH E. BOYD.

Mr. FLETCHER. Mr. Speaker, the gentleman from South Carolina has withdrawn his objection.

The SPEAKER. The gentleman from Minnesota informs the Chair that objection is withdrawn to the consideration of his bill. The Clerk will read the bill.

The Clerk read as follows:

A bill (S. 2557) granting a pension to Sarah E. Boyd.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Boyd, widow of George Boyd, late captain Company E, First Regiment Minnesota Infantry Volunteers, and pay her a pension at the rate of \$17 per month.

The amendment moved by Mr. FLETCHER was read, as follows:

Strike out the initial "E" and insert the initial "A"; so as to read "Sarah A. Boyd."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the amendment.

Mr. LOUD. Mr. Speaker, I would like to offer a suggestion or two upon this bill before it is passed.

The SPEAKER. The gentleman from California.

Mr. LOUD. I would ask the gentleman how much this bill carries?

Mr. FLETCHER. Seventeen dollars a month.

Mr. LOUD. How much does this widow get now?

Mr. FLETCHER. Eight dollars.

Mr. LOUD. Mr. Speaker, I desire to say—

Mr. FLETCHER. I want to say to the gentleman that this is on the recommendation of the Commissioner of Pensions.

Mr. LOUD. I understand. Mr. Speaker, I want once more to call the attention of this House to this case and many others we have passed this Congress. I do not suppose it will do any good, but still I am going to avail myself of the opportunity every time it is presented to me. Mr. Speaker, to present to this House and to present to the people of this country what this Congress is doing in the pension business. Now, here is a case where a widow is legally entitled to \$8 a month, and who comes to Congress for no reason in the world, except she has a friend, perhaps, to introduce a bill and pass it through Congress increasing her pension to \$17.

Now, this woman is no more entitled to a pension of \$17 per month than any one of three or four hundred thousand other widows in this country who to-day receive but \$8 a month. If this House wants to be honest and fair let it pass a bill increasing the amount of pension that a widow shall receive to \$17, or to \$20, or to \$25 per month, if you have the nerve and courage to do it. If you can venture to face the country on that proposition, do it for every soldier's widow in the country; but I say again that so long as it is in my power I will avail myself of every opportunity to present to you and to the country the fact that you are singling out individual cases that have no special merit whatever, and granting pensions of double and three times, and in many instances of five times, the amount which the law allows. It is unfair, it is inequitable, it is unjust, it is unbecoming, to any legislative body in this country, and I hope the House will not pass this bill.

The amendment was agreed to.

The question being taken on ordering the bill to a third reading, the Speaker declared that the yeas seemed to have it.

Mr. WILLIAMS. I ask for a division.

The House divided; and there were—ayes 58, yeas 21; so the bill was ordered to be read a third time.

The bill was passed.

On motion of Mr. FLETCHER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title of the bill was amended to conform to the change made in the name.

DONATION OF CONDEMNED CANNON.

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic Post of Sparta, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Grand Army of the Republic post, of Sparta, Ill., one condemned cannon and five cannon balls for the purpose of decorating the soldiers' monument in said place: *Provided*, That the same can be spared without detriment to the service, and that no expense is hereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SPALDING. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "place," in line 7, insert "and two condemned cannon and five cannon balls for the Grand Army of the Republic post at Morenci, Mich."

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to offer an amendment to this bill.

The SPEAKER. Is it an amendment to the amendment?

Mr. WILLIAM A. STONE. No; it is an amendment to the bill.

The SPEAKER. The Chair will first put the question on the amendment of the gentleman from Michigan.

The amendment was agreed to.

Mr. FLYNN. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Also to donate to McDowell Post, Grand Army of the Republic, of Enid, Okla., 1 condemned cannon and 15 cannon balls: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

Mr. McMILLIN. Mr. Speaker, I desire to make an inquiry of the chairman of the Committee on Military Affairs if he is present.

Mr. MURPHY of Illinois. Mr. Speaker, I demand the previous question.

Mr. McMILLIN. I believe I have the floor.

The SPEAKER. The chairman of the Committee on Military Affairs does not appear to be present.

Mr. McMILLIN. Then I will ask the gentleman in charge of this bill, if he has any information upon the subject, to inform the House, as this seems to be growing into an omnibus bill, whether or not the cannon here provided for exist?

Mr. MURPHY of Illinois. I understand so.

Mr. McMILLIN. In what numbers?

Mr. MURPHY of Illinois. I do not know.

Mr. McMILLIN. From what source does the gentleman get his information?

Mr. FLYNN. Mr. Speaker, I would say to the gentleman from Tennessee that there is a provision in the bill which reads: "Provided that in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public service."

Mr. McMILLIN. I understand that; but if the articles exist the fact ought to be shown to the House, and if they do not exist it is idle for us to pass this bill.

Mr. MURPHY of Illinois. This bill has gone through the Committee on Naval Affairs.

Mr. McMILLIN. I understand that.

Mr. RICHARDSON. Mr. Speaker, I desire to make a point of order against amending one private bill by adding to it another private bill. I do not understand that to be in order, and I think it is a bad precedent to make, and therefore I make the point of order.

The SPEAKER. Neither amendment has been objected to, and the gentleman from Illinois has asked for the previous question on the bill as it stands.

A MEMBER. That, if ordered, would exclude further amendments.

The SPEAKER. That would exclude further amendments. This discussion has been going on by unanimous consent.

Mr. McMILLIN. Mr. Speaker, I had the floor and was making my inquiry before the gentleman from Illinois sought the floor to ask for the previous question.

The SPEAKER. The gentleman from Illinois asks for the previous question.

The previous question was ordered.

The amendment offered by Mr. FLYNN was agreed to.

Mr. DINGLEY. Now, Mr. Speaker, let the bill be read as it stands.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Grand Army of the Republic post of Sparta, Ill., 1 condemned cannon and 5 cannon balls for the purpose of decorating the soldiers' monument in said place; and 2 condemned cannon and 5 cannon balls for the Grand Army of the Republic post at Morenci, Mich.; and also to donate to McDowell Post, Grand Army of the Republic, of Enid, Okla., 1 condemned cannon and 15 cannon balls: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interest: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, the title was amended so as to read: "A bill donating condemned cannon and cannon balls."

JAMES MILLER.

Mr. OWENS. I desire to ask unanimous consent for the present consideration of House bill No. 2889. I want to say that this bill has no merit in the world except that of justice; and that being so, I suppose somebody will object to it.

The Clerk read as follows:

A bill (H. R. 2889) for the relief of James Miller, of Bourbon County, Ky.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay James Miller, of Bourbon County, Ky., out of any money in the Treasury not otherwise appropriated, the sum of \$1,570, in full of his claim for commissary and quartermaster supplies which were taken by the quartermaster of the Seventh Kentucky Cavalry for the use of the military forces of the United States during the late war.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I reserve the right to object until I can hear the report.

The report (by Mr. PUGH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2889) for the relief of James Miller, submit the following report:

The bill asks an appropriation of \$1,570 for the relief of James Miller to pay him for commissary and quartermaster supplies taken from him and used by a part of the Army of the United States during the late war between the States.

The petitioner claims, and the proof shows, that in July and August, 1862, J. W. Campbell, a quartermaster in the Seventh Kentucky Cavalry, took from said James Miller, of Bourbon County, Ky., 1,680 bushels of corn, valued at 40 cents per bushel, \$672; 8,400 pounds of hay, at 75 cents per hundredweight, \$630; 40 cords of wood, at \$2.50 per cord, \$100; 420 bushels of oats, at 40 cents per bushel, \$168; making an aggregate claim of \$1,570; that said Campbell, quartermaster as aforesaid, gave said James Miller a receipt therefor; that said Miller gave the receipt to a gentleman by the name of Hillock to be presented to Colonel Metcalf, of said Seventh Regiment, for his approval; that said Hillock in some way lost the said receipt, which has never been found, was never presented for payment, and has never been paid.

The proof further shows that said James Miller filed his claim in the Quartermaster's Department, but was refused payment thereof by reason of the fact that the Quartermaster-General was unable to certify that he was convinced of the loyalty of the claimant, as required by the act of July 4, 1864, section 300.

It is proper to state that several persons under oath, certified in due form of law, swear very fully and positively to the loyalty of said Miller before, during, and since the late war, which, while ex parte, makes a prima facie case of loyalty, at least, while on the other hand the question of his disloyalty rests wholly upon the naked, unsworn statement of one of the special agents of the Quartermaster's Department that several gentlemen say "Miller was disloyal beyond all doubt," etc.

These several gentlemen were not sworn—made simply and only unsworn statements, which were reported to the Quartermaster-General in an unsworn statement. By the rules of the Quartermaster's Department such statements are treated as competent and proper testimony. But your committee submit that in any court of justice, as well as before a committee of Congress, such statements can not be taken and held as competent testimony. The most that the statement of said special agent can do in this case, and all the weight it should have, is that it amounts to a suggestion of disloyalty. With sworn testimony in favor of loyalty and only a suggestion against it, your committee, in the light of law and fact, are compelled to decide in favor of the loyalty of James Miller, and do therefore determine that he is loyal.

Your committee therefore report back the bill and recommend its passage.

The SPEAKER. Is there objection?

Mr. COX. This bill comes from the Committee on War Claims. I should like to make an inquiry about it. Has the bill ever been presented to the Court of Claims in order that the loyalty of the claimant might be established?

The SPEAKER. The Chair is unable to answer that question.

Mr. COX. I should like the gentleman in charge of the bill to answer it.

Mr. OWENS. As the report sets forth, the papers which would be necessary in taking this case into the Court of Claims have been lost. The proof, however, establishes very clearly the loyalty of the claimant.

Mr. COX. There are many claims of this character; and of course none of them can pass until the question of loyalty is first decided in the Court of Claims. I see no distinction between this claim and any other. But the committee report in this case that prima facie the claimant is loyal, while in thousands of other cases the claimants are obliged to go to the Court of Claims to establish their loyalty.

Mr. OWENS. The gentleman who reported this bill [Mr. PUGH] does not seem to be present.

Mr. COX. I do not want to make an objection; but I do not see any distinction between this claim and thousands of others in which the parties are obliged to establish in the Court of Claims their loyalty during the war.

Mr. OWENS. The committee say that the proof before them established very clearly the loyalty of this claimant; and the proof was equally clear in previous Congresses in which this bill was favorably reported.

Mr. COX. Why not send the case to the Court of Claims?

Mr. OWENS. I have already stated the reason why the case has not been taken to the Court of Claims. Of course gentlemen will have to determine this matter for themselves.

Mr. DINGLEY. In order that we may have time to examine into this question, I move that the House adjourn.

Mr. OWENS. That leaves the bill before the House?

The SPEAKER. It does not.

Mr. OWENS. How so?

The SPEAKER. Because there has been no consent on the part of the House to its consideration.

Mr. OWENS. Well, there has been no objection.

The SPEAKER. All the same, the motion to adjourn disposes of it. Pending the motion to adjourn, the Chair lays before the House a report of the Committee on Enrolled Bills.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual

Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume; when the Speaker signed the same.

JOHN C. DULL.

The SPEAKER laid before the House the following resolution; which, by unanimous consent, was considered and agreed to:

Resolved, That the Clerk of the House be directed to request the Senate to furnish to the House a duplicate engrossed copy of the bill (S. 716) to correct the naval history of John C. Dull, the same having been mislaid or lost.

LEAVE OF ABSENCE.

Mr. HUFF, by unanimous consent, obtained leave of absence for two days, on account of business.

COMMITTEE APPOINTMENTS.

The SPEAKER. The gentleman from Missouri, Mr. COBB, asks to be excused from further service on the Committee on Banking and Currency. Without objection, he will be excused. The Chair hears no objection. The Chair appoints as a member of the Committee on Ways and Means, the gentleman from Missouri, Mr. COBB; as a member of the Committee on Banking and Currency, the gentleman from Alabama, Mr. ALDRICH, and as a member of the Committee on Labor, the gentleman from Missouri, Mr. VAN HORN.

The motion of Mr. DINGLEY that the House adjourn was then agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEATWOLE, from the Committee on Foreign Affairs, to which was referred House joint resolution No. 41 and House concurrent resolution No. 12, reported in lieu thereof a joint resolution (H. Res. 172) to provide for a commission to determine the true boundary line between the United States and Canada, accompanied by a report (No. 1310); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 1312); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 7262, reported in lieu thereof a bill (H. R. 8260) to establish a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, accompanied by a report (No. 1322); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMEY, from the Committee on Military Affairs: The bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters. (Report No. 1309.)

By Mr. CURTIS of Kansas, from the Committee on Indian Affairs: The bill (H. R. 7181) for the relief of David A. McKnight. (Report No. 1311.)

By Mr. GAMBLE, from the Committee on Indian Affairs: The bill (S. 115) for the relief of the estate of Ramsay Crooks. (Report No. 1313.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 321) granting a pension to James W. Dunn. (Report No. 1314.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5077) granting a pension to Elizabeth Fitzpatrick. (Report No. 1315.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 7548) granting a pension to Eunice P. Bigelow. (Report No. 1316.)

By Mr. BAKER of Kansas, from the Committee on Invalid

Pensions: The bill (H. R. 7982) to increase the pension of Albert Head. (Report No. 1317.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 4024) for the relief of W. S. Hammaker. (Report No. 1318.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 7080) granting a pension to William L. Quinn. (Report No. 1319.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter. (Report No. 1320.)

The bill (S. 2055) granting an increase of pension to Mrs. Christine C. Barnard. (Report No. 1321.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 8235) granting to the Minneapolis, St. Paul and Ashland Railway Company a right of way through the reservation of the Lac Courte Oreilles band of Chippewa Indians of Lake Superior, in the county of Sawyer and State of Wisconsin—to the Committee on Indian Affairs.

By Mr. WOODMAN (by request): A bill (H. R. 8236) regulating instructions to juries in the courts of the United States—to the Committee on the Judiciary.

By Mr. PERKINS: A bill (H. R. 8237) to improve the printing and binding methods of the public documents—to the Committee on Printing.

By Mr. DRAPER: A bill (H. R. 8238) to provide for the publication of historical manuscripts in the Department of State, the records of the Continental Congress and Revolutionary records, and rolls now in possession of the Government, and such as may be loaned or contributed by the States or otherwise—to the Committee on Appropriations.

By Mr. REYBURN: A bill (H. R. 8239) to cause the foreign-built ship *Charles R. Flint* to be registered as a vessel of the United States under the name of the *Charles R. Flint*—to the Committee on the Merchant Marine and Fisheries.

By Mr. HURLEY: A bill (H. R. 8240) to regulate the pay of compositors, bookbinders, and pressmen in the Government Printing Office—to the Committee on Printing.

By Mr. BROMWELL: A joint resolution (H. Res. 173) suspending the operation of the last clause of section 48 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 23, 1894, for the period of two years from and after July 1, 1896—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8241) granting a pension to Albert J. Goble, late a private of Company H, Eighth Pennsylvania Reserve Corps Volunteers—to the Committee on Invalid Pensions.

By Mr. BAKER of Kansas: A bill (H. R. 8242) granting an increase of pension to Maj. L. F. Warner—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 8243) for the relief of Rebekah Wilkins, widow of Jesse Wilkins—to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 8244) for the relief of James R. Edwards, of Chattanooga, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 8245) for the relief of Alexander Parker, of Franklin County, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 8246) for the relief of Daniel Kaylor, of Hamilton County, Tenn.—to the Committee on War Claims.

By Mr. CLARDY: A bill (H. R. 8247) for the relief of T. R. Mason, of Adairville, Ky.—to the Committee on Claims.

By Mr. COX: A bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 8249) for the relief of J. L. Garrison, of Greene County, Pa.—to the Committee on Military Affairs.

By Mr. GAMBLE: A bill (H. R. 8250) for the relief of William Gemmill—to the Committee on Military Affairs.

By Mr. HURLEY: A bill (H. R. 8251) for the relief of Frank G. Osburn—to the Committee of War Claims.

By Mr. LONG: A bill (H. R. 8252) for the relief of Lizzie Haggy, as administratrix of the estate of Frank B. Smith, deceased—to the Committee on Claims.

By Mr. MCCALL of Tennessee: A bill (H. R. 8253) to pension

Mrs. Emily Sims, widow of Edmond Sims—to the Committee on Invalid Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 8254) for the relief of J. W. and J. P. Hall—to the Committee on Claims.

By Mr. SPALDING: A bill (H. R. 8255) to remove the charge of desertion from record of Edwin Horton—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 8256) for the relief of Henry McGaddery—to the Committee on Military Affairs.

By Mr. STRONG: A bill (H. R. 8257) granting a pension to Mary Hitt Walker—to the Committee on Invalid Pensions.

By Mr. TAFT (by request): A bill (H. R. 8258) to place on the rolls of Company K, Fifty-ninth Ohio Volunteer Infantry, the name of Eli Norris—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8259) to remove the charge of desertion standing against Jacob Burkhardt, late of Company A, Twenty-eighth Ohio Volunteer Infantry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Petition of the Woman's Christian Temperance Union of Providence, R. I., against the passage of the bill to establish a bureau of military education in the public schools—to the Committee on Military Affairs.

By Mr. BROSIUS: Petition of 42 clerks in the War Department, in favor of a law creating a retired list for the superannuated employees of the Executive Departments—to the Committee on Reform in the Civil Service.

By Mr. BROWN: Papers relating to the claim of Simeon S. Barrett, of Bradley County, Tenn.—to the Committee on War Claims.

By Mr. BULL: Petition of D. Russell Brown, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CHICKERING: Petition of citizens of Watertown, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of members of Joe Spratt Post, No. 323, Grand Army of the Republic, of Watertown, N. Y., in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. LEFEVER: Petition of citizens of Clintondale, N. Y., asking that religious matter be admitted as second class in the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. MEIKLEJOHN: Petition of the common council of the city of Fremont, Nebr., asking for the passage of the bill for the transmississippi and international exposition at Omaha, Nebr.—to the Committee on Ways and Means.

By Mr. SPALDING: Papers to accompany House bill to remove the charge of desertion from the record of Edwin Horton—to the Committee on Military Affairs.

By Mr. TAFT: Papers to accompany House bill for the relief of Jacob Burkhardt—to the Committee on Military Affairs.

By Mr. TOWNE: Petition of members of the Anoka Retail Dealers' Association of Minnesota, against the passage of House bill No. 6668, to amend the act relating to the sale of intoxicating liquors in the District of Columbia by raising the license fee—to the Committee on the District of Columbia.

By Mr. WELLINGTON: Petition of Joshua Lovering and other citizens of Baltimore, Md., favoring the enactment of a Sunday-rest law for the national capital—to the Committee on the District of Columbia.

SENATE.

FRIDAY, April 17, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. ALLEN. In view of the fact that the Senator from New York [Mr. HILL] desires to resume his argument as soon as possible, I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none. The Journal will stand approved, if there be no objection.

DISPOSITION OF GARBAGE.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia,

transmitting, in response to a resolution of February 28, 1896, a full report of their action under the act of March 2, 1895, in the matter of the removal of the garbage of the cities of Washington and Georgetown; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1515, to incorporate the Columbia Telephone Company; which were referred to the Committee on the District of Columbia.

Mr. ALLEN presented a petition of Banner Post, No. 308, Grand Army of the Republic, Department of Nebraska, of South Sioux City, Nebr., praying for the enactment of a per diem service-pension law; which was referred to the Committee on Pensions.

Mr. PEPPER. I present the petition of William B. Matchett, of Washington, D. C., praying for the enactment of legislation in relation to his claim against the Government of Venezuela. I move that the petition and accompanying papers be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE presented a memorial of the Supreme Chapter of the American Women's Citizens' League of Massachusetts, remonstrating against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

He also presented the petition of G. R. Curtis, mayor, and 308 other citizens of Newburyport, Mass., praying for the speedy settlement of the Venezuelan question, and also for an alliance with England to suppress the Armenian atrocities; which was ordered to lie on the table.

Mr. PALMER. I present the memorial of John M. Mott, of Chicago, Ill. The purpose of the memorial is to call the attention of Congress to the adoption of a new alphabet and to revise the mode of spelling the English language. In a letter addressed to me personally Mr. Mott asks that the memorial shall be read at length in the presence of the Senate. I shall therefore give it some attention. It is a memorial of great length. I move that it be referred to the Committee on Education and Labor, and if that committee should think proper to lay it again before the Senate it will have an opportunity of doing so.

The motion was agreed to.

Mr. CARTER presented a memorial of 17 citizens of Wickes, Mont., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. GORMAN presented the petition of Oliver Hemstreet and sundry other citizens of Baltimore, Md., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Mrs. Lucy Le G. Jeffers, widow of the late Commodore William N. Jeffers, United States Navy, praying that her pension be increased from \$50 to \$100 per month and made equal to the pensions voted by Congress to the widows of other general officers of the Army and Navy under similar circumstances; which was referred to the Committee on Pensions.

Mr. SQUIRE presented sundry memorials of citizens of Rochester, Dryad, and Port Townsend, all in the State of Washington, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented petitions of the Chamber of Commerce of Seattle, and of sundry citizens of Black River, Maple Valley, and Vanasselt, all in the State of Washington, praying that an appropriation be made for the development of the flax industry in that State; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Ellensburg, Wash., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL presented the petition of F. E. Harris, editor of the Ocala (Fla.) Banner, and sundry other citizens of Florida, praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2775) to authorize the Herndon and Aldie Railroad to construct a bridge over the Potomac River at or below the Great Falls, reported it with amendments.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 1569) allowing certain Lower

Brule Indians to take allotments of land on the Rosebud Reservation, south of White River, in the State of South Dakota, reported it with amendments.

Mr. PEPPER, from the Committee on Pensions, to whom was referred the bill (S. 1857) granting a pension to Nathan Mitchell, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the joint resolution (S. R. 134) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury, asked to be discharged from its further consideration, and that it be referred to the Select Committee on International Expositions: which was agreed to.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed, and that the bill just reported shall take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 2521) to provide for the drainage of lots in the District of Columbia will be postponed indefinitely, and the bill just reported will take its place upon the Calendar.

Mr. McMILLAN. I am also directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed, and that the bill just reported shall take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 2521) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia will be indefinitely postponed, and the bill just reported will take its place upon the Calendar.

Mr. MITCHELL of Oregon, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2005) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1895," approved July 16, 1894, amending the third proviso thereof, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (S. 2729) granting a pension to Emma Weir Casey, reported it with an amendment, and submitted a report thereon.

Mr. BACON. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed, and that the bill just reported by me may take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 1703) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, will be indefinitely postponed, and the bill just reported will take its place upon the Calendar.

Mr. FAULKNER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 6104) for the relief of Anton Gloetzer, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed, and that the bill just reported by me may take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 2182) for the relief of Anton Gloetzer will be indefinitely postponed, and the bill just reported will take its place upon the Calendar.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2748) providing that all judgments in civil causes in the District of Columbia shall bear interest, reported it with amendments.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2883) granting an increase of pension to Isaac Harbaugh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2884) to remove the

charge of desertion from Ebenezer Dailey; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BROWN introduced a bill (S. 2885) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2886) granting an increase of pension to William Drewitt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2887) granting an increase of pension to George Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2888) granting a pension to Robert H. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor; which was read twice by its title, and referred to the Select Committee on International Expositions.

Mr. GORMAN introduced a bill (S. 2890) for the relief of Susan S. Alexander, widow and executrix of George W. Alexander, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2891) to increase the pension of Lucy Le G. Jeffers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 2892) to incorporate "The National Plant, Flower, and Fruit Guild"; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. GEAR introduced a bill (S. 2893) granting a pension to Lily C. Kingsley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

THE NAVAL OBSERVATORY.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate how many astronomical observers are now engaged in making observations with the principal instruments of the Naval Observatory, and the object of the work being done with each instrument; whether any of the instruments are not yet in condition or not in successful use for making observations of the best, and if so, the nature of their defects; to what extent results of observations made with each of the instruments since the occupation of the new Observatory have been published in scientific journals or official works; in what respects, if any, the work being done or the observations being made with each of the instruments are different from or superior to the work or observations of other observatories; what improvements, if any, have been made upon the plans and methods of work at the old Naval Observatory; how many chronometers and nautical instruments are annually issued by the Observatory to ships of the United States, compared with the number issued by the Royal Observatory at Greenwich to British ships; the total annual expense of administering the Naval Observatory, including the pay of naval officers on duty there, and the respective portions of that expense growing out of, or fairly chargeable to, the care and issue of chronometers, the care and issue of other nautical instruments, and the astronomical work of the Observatory.

ACCIDENTS TO NAVAL VESSELS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish the Senate a list of all accidents that have occurred to naval vessels during the last six years, the causes thereof, and the amount of such damages, separately, in money.

UNION PACIFIC RAILWAY LANDS.

Mr. WARREN. I submit a concurrent resolution; which I ask may be read, printed, and lie over under the rule.

The concurrent resolution was read, as follows:

Concurrent resolution to relieve third-party owners and innocent purchasers of Union Pacific Railway Company lands within the 40-mile limit of the Government grant.

Whereas, by an act entitled "An act to aid in the construction of a railroad

and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also an act of Congress approved July 2, 1864, referring to the same subject, certain land grants were authorized to the Union Pacific Railroad Company; and

Whereas the Union Pacific Railroad Company completed its main line of railroad from Omaha, Nebr., to Ogden, Utah, in 1869, or about twenty-seven years ago, fulfilling the necessary requirements to entitle it to the benefit of the grants proposed; and the Government of the United States soon thereafter settled the location of the railroad or outer limit of the grant and declared the odd-numbered sections within that boundary to which the Union Pacific was entitled; and

Whereas there has since been no question as to the location of said railroad land, or outer limits thereof, or of the sections within the grant to which the Union Pacific Railroad Company was entitled on the main line of the Union Pacific Railroad in western Nebraska, northern Colorado, Wyoming, and Utah; and

Whereas the Union Pacific Railroad Company has, accordingly, with the knowledge and consent of the Government, disposed of a large quantity of this land at various dates during the last twenty or more years by sales to individuals, firms, and corporations for cash and by sales under contracts providing for installment payments during periods of ten or more years; and

Whereas, by an act of Congress approved July 10, 1886, the Union Pacific Railroad Company or its successors in title to these lands were compelled to pay taxes upon all such lands and have since been continually assessed town, city, county, and State or Territorial taxes against the same, as if they had been actually patented to the owners by the United States; and

Whereas a very large number of settlers throughout Wyoming and adjoining States have in the meantime paid in full for their homesteads and ranches and many more settlers are now completing or will soon complete the remaining payments due upon their lands, and are in some cases in possession of warranty deeds from the Union Pacific Railroad Company; in others have applied for the same; and in still other cases will within a short time so apply; and

Whereas the Union Pacific Railroad Company has, in obedience to the very numerous demands already made and other anticipated demands, and as it was in honor bound to do, proceeded in due and legal form to apply for patents from the United States, and has under the law and according to custom filed the several lists in the several land offices wherein such lands are situated, to wit, some 33 lists in all, every one of which is made up in whole or in part of lands long since sold by the railroad company, and amounting in the total to some 2,780,000 acres of land, over 95 per cent of which total has been disposed of by actual sale to settlers for cash in full, or cash in part, and contract for payment of balance; and

Whereas these thirty-odd lists, covering some 2,780,000 acres, have been duly forwarded to the United States Land Office and are yet unacted upon by said Land Office; and

Whereas the Secretary of the Interior, by verbal instructions given the Land Commissioner more than a year ago, caused the suspension of work upon the land lists in question, and later issued the following written orders as of the dates given therein, to wit:

"DEPARTMENT OF THE INTERIOR,
"Washington, November 19, 1895.

"DEAR SIR: I have to request that until further ordered you will spend no time in preparing and forwarding to the Department lists of lands within the granted or indemnity limits of the Union Pacific Railroad Company, the Central Pacific Railroad Company, or any of their branch lines.

"Very respectfully,

"HOKE SMITH, Secretary.

"The COMMISSIONER OF THE GENERAL LAND OFFICE."

"DEPARTMENT OF THE INTERIOR,
"Washington, December 11, 1895.

"SIR: You are hereby requested not to prepare nor to submit for my approval any lists of lands applied for on account of the grant made to any bond-aided railroad.

"The order of November 19, 1895, is modified accordingly.

"Very respectfully,

"HOKE SMITH, Secretary.

"COMMISSIONER OF THE GENERAL LAND OFFICE."

And therefore no work is being performed upon such lists to prepare them for patent, and no patents are being issued; and

Whereas the Secretary of the Interior in his last annual report indicated that there was a necessity or at least a desirability of affirmative action on the part of Congress in order to protect the Government claims against the railway through the forfeiture of its undisposed of lands remaining from the grant, as follows:

"Land grants.—I have recently deemed it advisable to direct the Commissioner of the General Land Office to allow his force to give their time to selections of lands made by roads other than the bond-aided roads. I have not undertaken to pass finally upon the rights of the bond-aided roads, but I have considered, in view of the fact that this whole subject must come up before Congress, that it was advisable to leave the lands as they are for the present"; and

Whereas it appears improbable that Congress will reach the subject with a remedy during the present session; and

Whereas innocent purchasers of these railroad-grant lands can not give perfect title in sale, nor exhibit a sufficient abstract to enable them to borrow money upon such lands, and are greatly injured and impoverished thereby, some being already bankrupt and others with the savings of a lifetime in jeopardy because unable to raise money on lands to improve their homesteads, stock their ranches, and support and educate their increasing families in advancing years, or in some cases to even pay taxes on account of their patents so long overdue being withheld: Now, therefore,

Be it resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railway Company without delay to all lands described in the several lists now on file in the United States Land Office, upon which title is due to the Union Pacific Railway Company, in order to complete through the Union Pacific Railway Company good and sufficient title to the purchasers and present owners of such lands.

The PRESIDENT pro tempore. The concurrent resolution will go over under the rule.

FREE PUBLIC LIBRARY IN WASHINGTON.

Mr. McMILLAN. I ask that the name of the Senator from Vermont [Mr. PROCTOR] be substituted for that of the Senator from North Dakota [Mr. HANSBROUGH] as a conferee on the part of the Senate upon the disagreeing votes of the two Houses on the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bill and joint resolution:

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling; and

A joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

The message also announced that the House had passed the joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

The message further announced that the House had passed the bill (S. 2557) granting a pension to Sarah E. Boyd, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3607) to increase the pension of Kate Grant; and

A joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 716) to correct the naval history of John C. Dull, the original having been mislaid or lost.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume; and it was thereupon signed by the President pro tempore.

THE UNCOMPAHGRE RESERVATION.

The PRESIDENT pro tempore. If there be no further resolutions, the Calendar is in order.

Mr. CANNON. Mr. President, I observe by the Calendar that the unfinished business is stated to be resolution numbered 121, known as the resolution for the bond investigation. Yesterday at the head of the Calendar appeared as the unfinished business what is known as the Uncompahgre Indian Reservation joint resolution. I desire to make the inquiry of the Chair as to how the joint resolution lost its place?

The PRESIDENT pro tempore. The present occupant of the chair was not present when that matter was under consideration yesterday. The Senator from Texas [Mr. CHILTON] was in the chair. But after examining the RECORD this morning it is the opinion of the Chair that unanimous consent was given for the purpose of taking up the bond resolution and making that the unfinished business, and if that was done it displaced the prior unfinished business and sent it to the Calendar.

Mr. CANNON. In the numerous allusions to this subject which have taken place in this Chamber during some weeks past, especially since the proposed bond resolution was brought in, there has never been any understanding generally had by the Senators present, I think, that the joint resolution relative to the Uncompahgre Indian Reservation was to be displaced. Repeatedly, until the proceeding had become wearisome to the Senate, either myself or my colleague rose and asked that the joint resolution should retain its place as the unfinished business, and we received constant assurance that there was no intention to antagonize or displace the joint resolution. And so far as we have been made aware there was no action taken which would displace the joint resolution. It was the general understanding that the joint resolution should retain its place.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. HOAR. Suppose the Senator from Utah were now to move to take up the joint resolution and the Senate were to proceed with it until 2 o'clock, would not then the measure which the Senator from Kansas [Mr. PEPPER] has in charge come up as the unfinished business?

The PRESIDENT pro tempore. The Chair understands that it would.

Mr. HOAR. Perhaps that method will satisfy both Senators. The PRESIDENT pro tempore. The Calendar being now in order, the Chair understands that it is entirely competent for the Senator from Utah to move to proceed to the consideration of the joint resolution.

Mr. CANNON. I will then inquire if the Senator from Wisconsin [Mr. VILAS] is in attendance?

The PRESIDENT pro tempore. The Chair has no information as to that.

Mr. HOAR (to Mr. CANNON). Move to take it up.

Mr. CANNON. I move that the joint resolution be taken up for present consideration.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of the joint resolution the title of which will be read.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. JONES of Arkansas. I ask what will be the status of the bond resolution which was under consideration yesterday if the motion should be agreed to?

Mr. HOAR. The Chair has just said that it would be the unfinished business.

The PRESIDENT pro tempore. At 2 o'clock.

Mr. JONES of Arkansas. It comes up at 2 o'clock regularly. Then the motion of the Senator from Utah to take up the joint resolution at this time—

Mr. HOAR. Does not affect that at all.

Mr. JONES of Arkansas. It does not, I understand.

Mr. PEPPER. All that can be done with the joint resolution is to occupy the time until 2 o'clock.

Mr. JONES of Arkansas. The Senator from Wisconsin [Mr. VILAS] has been, I understand, anxious to be present when the joint resolution is considered by the Senate, and this proposition seems to come at an unusual and extraordinary time. I hope the Senate will not consider the joint resolution at this time.

Mr. PLATT. Perhaps a suggestion that there is no quorum present would bring the Senator from Wisconsin here.

Mr. JONES of Arkansas. I shall certainly make the suggestion if there is any attempt to proceed with the joint resolution.

Mr. PLATT. I make it.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Hill,	Platt,
Allen,	Davis,	Hoar,	Pugh,
Allison,	Dubois,	Jones, Ark.	Quay,
Bacon,	Faulkner,	Lodge,	Sewell,
Baker,	Frye,	McBride,	Sherman,
Bate,	Gallinger,	McMillan,	Shoup,
Blackburn,	Gear,	Mantle,	Smith,
Brown,	George,	Martin,	Squire,
Burrows,	Gibson,	Mitchell, Oreg.	Teller,
Call,	Gordon,	Morrill,	Turpie,
Cannon,	Gorman,	Palmer,	Walthall,
Carter,	Gray,	Pasco,	Warren,
Chandler,	Hale,	Peffer,	Wetmore,
Chilton,	Harris,	Perkins,	Wilson,
Cockrell,	Hawley,	Pettigrew,	Wolcott.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum is present.

Mr. CANNON. I renew my motion.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of Senate joint resolution 102.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation, the pending question being on the amendment of Mr. VILAS to add the following proviso:

Provided, That any lands containing asphaltum, gilsonite, or like substances shall be reserved for proper disposition by Congress.

Mr. CANNON. In view of the absence of the Senator from Wisconsin, and being advised that he desires to continue his remarks on the pending amendment, I ask that the joint resolution may be temporarily laid aside for twenty minutes, until he can reach the Chamber.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the further consideration of the joint resolution may be postponed for twenty minutes. Is there objection? The Chair hears none, and it is postponed for twenty minutes.

MEDICAL AND DENTAL COLLEGES.

Mr. CALL. I ask the Senate to consider the motion I entered to reconsider the vote by which the Senate passed the bill (H. R.

5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia. The Senator from New Hampshire [Mr. GALLINGER] desires to have the motion disposed of. I should like to say a very few words on the subject. The bill contains the following provisions:

It shall be unlawful for any medical or dental college claiming the authority to confer, or actually conferring, the degree of doctor of medicine, or doctor of dental surgery, not incorporated by a special act of Congress to conduct its business in the District of Columbia unless such college shall be registered by the Commissioners of the District of Columbia and granted by them a written permit to commence or continue business in said District in compliance with the requirements of this act.

It shall be the duty of the proper officers of any such college, before commencing or continuing business, to apply to the said Commissioners for registration.

And the "Commissioners are hereby authorized and required to make such regulations" as they may deem best.

It will be seen that instead of presenting, as is customary, the qualification of professors or teachers of any kind, the bill commits absolutely to the three Commissioners the power to say whether or not any person shall teach this particular science or profession. As to this being the plain requirement of the bill, there can be no doubt; the language needs only to be read to see that this is true. If this is not intended, the language should be changed.

A law which commits to three men the absolute power to allow or to refuse anyone permission to teach anything or give instruction in any science or profession—a censorship over human thought and expression—is not the modern system of protecting the public against wrongful opinions. It is certainly right that some protection should be afforded the public by some measure to ascertain and require qualifications of a scholastic or scientific nature of persons who shall practice the different professions, but that a blind authority should be given to three men to say to this one, "You shall," and to the other, "You shall not," is certainly an extraordinary proceeding. It is simply reviving the old idea of ancient and barbarous days, that learning, that human thought, that new discoveries should be submitted to the arbitrary will of some one or more persons.

But this bill goes a good deal further than that. It goes on to say—

That such of the officers and of the faculty of any such medical or dental college now in existence, and of every such college hereafter sought to be opened in said District, which shall continue or commence—

Not to practice the profession from which some harm might occur, but—

to offer instruction in such capacity, without first obtaining registration and permit—

To instruct, to disseminate any opinion or theory which may be conceived—

shall be deemed guilty of a misdemeanor, and upon conviction thereof upon an information filed shall be fined not less than twenty-five nor more than two hundred and fifty dollars.

I submit that no provision such as this since the days when the martyrs of science were burned for scientific discoveries and for teaching new ideas theretofore unknown is to be found in the history of any civilized country. It is to be a criminal offense created by law in this District to teach new ideas or a man's opinions upon these subjects.

Mr. President, if it be the will of this body to put upon the statute books in the District of Columbia a provision that a man shall be guilty of misdemeanor and imprisoned for free thought and for free opinion and theory and speculation upon any subject, then pass this bill; but I submit for one that it can never receive my approval nor be passed without my protest. The idea of imprisoning men because they have opinions different from the three Commissioners of this District or different from all the world is a barbarous idea. All the improvements of modern thought, all the new discoveries in medical or other sciences, have been opposed and are naturally opposed by the interest and the conservatism of the established teachers and professors.

Liberty of thought, freedom of speech, is the absolute essential of human progress, of all discoveries of science, of all new and useful inventions.

A law that no one shall teach or instruct men in a theory or practice of dentistry or medicine without a permit from three Commissioners, who know nothing about it, under penalty of fine and imprisonment certainly is not reasonable and can not be justified.

Mr. GALLINGER. Mr. President, I shall occupy the time of the Senate but a moment in explaining this bill and in making a reply to the Senator from Florida.

The Senator from Florida is laboring under a very grave misapprehension when he says that any punishment whatever is to be inflicted upon any man for holding opinions or promulgating opinions. The penalties prescribed in this bill are for the teaching professedly in a school that is established contrary to law.

I will briefly state the circumstances of this case. Under the

general incorporation act of this District any five persons can establish a theological, a medical, a dental, or any other school. They may not have any buildings, they may not have a corps of teachers, but they can proceed to issue diplomas; they can send out doctors and dentists and lawyers and preachers ad libitum, and there is no remedy in the existing law. This is something that ought never to have been done, and I apprehend that it was never contemplated when that act became a law.

The bill proposes to require the colleges that are now incorporated under the general incorporation act to go to the Commissioners of the District of Columbia and show that they have the proper facilities for imparting instruction, and unless they can so show it provides that they shall be inhibited from continuing.

Mr. President, there are only three of these so-called colleges in the District, but that is more than enough. Every one of those colleges can come to Congress and ask Congress to incorporate it, precisely as the Georgetown University, the Columbian University, and Howard University have been incorporated. If they can show to the committees of Congress and to Congress that they have the facilities for imparting instruction equivalent to those required in the medical, dental, theological, and legal schools of the present day they will have no difficulty in getting a special act of incorporation from Congress. There is a scandal upon this community in regard to this matter, and the bill which the House of Representatives has passed simply proposes to remove that scandal and to put us in this respect upon a basis that will be to our own credit, to the credit of the professions, and to the credit of the people of the District of Columbia.

I trust that the motion to reconsider will not prevail, and I ask for the question to be put.

Mr. CALL. Mr. President, it is not the bill which the Senator has described to us that is now before the Senate.

Mr. GALLINGER. Certainly it is.

Mr. CALL. It is not a bill to provide for special acts of incorporation. There will be no necessity for that. The bill is what I have read, the fourth section of which provides as follows:

That such of the officers and of the faculty of any such medical or dental college now in existence, and of every such college hereafter sought to be opened in said District, which shall continue or commence to offer instruction in such capacity without first obtaining registration and permit as hereinafter provided shall be deemed guilty of a misdemeanor, and upon conviction thereof in the police court of said District, upon an information similar to that filed in the case of violations of the police regulations made by the said Commissioners, shall be fined not less than \$25 nor more than \$250, and in default of payment thereof shall be imprisoned in the common jail of said District not less than thirty nor more than ninety days.

Now, what is a college? The Senator from Massachusetts observed the other day when this measure was up for discussion that a college under the Roman law was three persons. It is defined to be a society of persons associated for a common object. They need not be incorporated. Under this bill what I have said is literally true. It proposes to punish with fine and imprisonment in the District of Columbia any person who shall teach or offer instructions upon the subject of dental or medical science without the permit of the three Commissioners. It imposes a penalty of imprisonment upon them, and it is simply a revival of that censorship upon human thought and human discovery which characterized the barbarous ages of the world.

Mr. GALLINGER. Now, a single word. I will read from the report of the committee.

Mr. CALL. I read from the bill. That is the thing to read from.

Mr. GALLINGER. The committee say in their report:

Under the general law—

That is, the incorporation act—

Under the general law any number or variety of medical colleges may be organized. A reference to it shows that any five persons may incorporate as an institution of learning a medical college, and may lawfully confer the degree of doctor of medicine without reference to the character of the teachers or their facilities for giving instruction in the science and art of medicine, and without legal requirements of any kind as to the qualifications of the candidate for such degree, either as to age, moral character, preliminary education, or duration or character of his course of instruction in medicine.

The District of Columbia is probably the only community in this entire country where the business of bogus diplomas can be carried on without let or hindrance from any source whatever.

I think this measure is understood by the Senate, and I move to lay the motion to reconsider on the table.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. CALL. I will ask the Senator from New Hampshire if he will allow me to incorporate in my remarks, by unanimous consent, a quotation from a medical book which has been sent to me?

Mr. GALLINGER. I have no objection to the Senator incorporating in his remarks anything he wishes.

Mr. CALL. Without reading the quotation, I ask leave to have it printed in the RECORD.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The matter referred to is as follows:

A Huxley lifts up his voice to advance the cause in an international congress; a Virchow laid the foundation broad and deep in all his writings and lectures; a Schuessler, learned in pathology and every branch of science, familiar with the depths of the wonderful system, student of physiology and biology, who traced back through its mysterious wanderings the wonderful stream of life from cell to physical structure, and proclaimed all disease to be nature's cry for food—he, too, proclaimed the truths of biochemistry. The researches of this scholar has cleared away the rubbish of ages, overthrown poisons as remedies for the sick, proven that to supply deficiencies in human blood is the true materia medica, and laid a broad and solid foundation upon which to rear the fair temple of scientific healing.

Schuessler did for the biochemic theory what Sir William Blackstone did for the science of jurisprudence in his Commentaries upon the Common Laws of England, and what Dr. Samuel Hahnemann did for homeopathy.

Biology shows biochemistry to be a science. The practical counterpart of the abstract science of Virchow's "cellular pathology" is formed by cellular therapeutics, or the system of introducing molecular cell salts. Biochemic treatment is the outcome of the teachings of biology and those sciences which of late years have disclosed nature's ways and footsteps by aid of the microscope and spectroscopy.

Let every medical man, every student, test this law and conscientiously apply the molecular tissue cell salts under given abnormal conditions, as indicated here, and he will not fail to attain good results. The action by chemical affinity of these triturated molecules of cell salts is certain, because fixed by that law. Close observation of little things is the secret of true science. None who watch the wonderful results in nature from infinitely minute causes will doubt the power of little things. Under the advance of biochemistry it has become possible to apply to each kind of tissue its own general definite and peculiar salt, according to its requirement in disease. By the distinctive symptoms our physicians are guided in their choice of the particular cell salts required—the immense varieties and complications of morbid states offering vast scope for exact medical practice wherewith to build up the great pyramid of scientific medicine of this advanced era.—*The Biochemic System of Medicine*, by Dr. George W. Carey, pages 25, 26.

Mr. CALL. I am not well informed enough to have an opinion of the merits of this system or the exact truth of these statements, but every student of the processes of the human mind will recognize in these statements the paths of true investigation and discovery. This bill makes the oral teaching or expression of these opinions without the permit of the three Commissioners punishable with fine and imprisonment. The Commissioners are good men and would not abuse this power, but it is wrong and ought not to be granted.

JAMES AND EMMA S. CAMERON.

Mr. SHERMAN. Mr. President, is the Calendar in order?

The PRESIDENT pro tempore. The Calendar is now in order.

Mr. SHERMAN. I ask the Senate to proceed to the consideration of the bill (S. 2289) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war. The bill has passed both Houses at different times, but has not become a law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. WARREN April 7, 1896:

The Committee on Claims, to whom was referred the bill (S. 2289) for the relief of James and Emma S. Cameron, having had the same under consideration, submit the following report:

This claim has been reported favorably upon by the Senate Committee on Claims in the Forty-second, Forty-third, Forty-fourth, Forty-fifth, and Forty-sixth Congresses, and a bill passed the Senate in the Forty-third, Forty-fourth, and Forty-fifth Congresses.

The claim has also been reported favorably to the House in the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

A copy of the Senate report, Fifty-second Congress, is hereto attached and made a part of this report.

Your committee recommend that the bill pass.

[Senate Report No. 155, Fifty-second Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 634) to authorize and direct the Secretary of War to investigate the claim made for fuel alleged to have been taken and used by the United States Army during the war from the property in Chattanooga known as "Cameron Hill," and to provide for the payment thereof, having had the same under consideration, make the following report:

The same claim, but in the form of a bill to pay Emma S. Cameron for property taken and used by the Army of the United States during the late war, was favorably reported by the Committee on Claims of the Senate of the Forty-second Congress and passed the Senate, but was not acted on in the House.

It was also reported upon favorably by the same committee of the Senate of the Forty-third Congress. It was also acted upon in like manner by this committee in the Fifty-first Congress, but amended in the Senate, to take substantially the form of the bill as now presented, and so passed the Senate. In each of said reports the allowance recommended was \$10,000, and a like allowance was recommended by the Committee on War Claims of the House in the first session of the Fifty-first Congress.

James Cameron and Emma S. Cameron were before and during the late war of the rebellion the owners of a homestead in the suburbs of the city of Chattanooga, Tenn., known as Cameron Hill, containing about 37 acres, the same having been paid for out of the patrimony of Mrs. Cameron. The location was a beautiful and a commanding one. About 34 acres of this land were

thickly covered with a forest of large oak trees. Two and a half acres were highly cultivated to orchard and grape. The dwelling house, studio, small house, barn, outbuildings, fences, and improvements were in a good state of repair. This property was occupied as a residence by Mr. Cameron and his wife at the time of the breaking out of the war. In September, 1863, the Union Army, under command of General Rosecrans, entered the city of Chattanooga and took possession of this property and made such use of the premises as the commander thought for the best interests of the Army.

The trees, including orchard, were cut down and mostly used by the troops for fuel; the same use was made of the fences and outhouses and all the structures except the residence.

The proofs show this was absolutely necessary, as the weather was extremely cold and there was no other available supply of fuel. The proofs make it further apparent that, for the purpose of maintaining its position at Chattanooga, the Army was compelled to further permanently injure and disfigure said premises by the erection of earthworks upon them, and that the residence, a commodious one built of concrete, and the premises were occupied and used by our troops until the close of the war.

The loyalty of Mr. Cameron and his wife was so marked and their cheerful sacrifices for the aid and comfort of the Union soldiers so frequent and constant as to attract the attention and secure the good will of the commanding and many subordinate officers of our Army.

By special field order No. 6, Major-General Rosecrans appointed a commission to adjust claims against the United States.

Mr. Cameron and his wife filed claim before this commission for the destruction of the buildings, fences, timber, orchards, and other injuries done this property and for the use and occupation of it by the Union troops.

Upon the proofs taken at the time a finding was made in their favor of \$20,000. Numerous affidavits and documents attest the loyalty of Mr. and Mrs. Cameron and the fact of fences, buildings, and timber being consumed by the Federal Army for fuel.

Among the documents submitted to the committee in support of this claim is the following letter from Maj. Gen. U. S. Grant, commanding the armies of the United States, addressed to Mrs. Cameron:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., August 9, 1864.

"MY DEAR MADAM: Your letter of the 8th of July was duly received but not so promptly answered. I know yours to be a case where prompt payment should be made, and am willing to indorse your claim. I believe that your property at Chattanooga has been appraised by a board of officers. If so, send me the proceedings of the board, and I will make my indorsement and return them to you. If you have no such evidence of the claim inform me, and I will order a board to assess it and will indorse the proceedings. This will be the first step toward a collection.

"Yours, truly,

U. S. GRANT.

"MRS. CAMERON."

And also the following indorsement made by General Grant upon the statement of the claim as made to commission under field order No. 6:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., October 25, 1864.

"I know the property within described, and the parties owning it, well. Mr. Cameron and his wife have been unflinching friends of the Government from the beginning of our troubles to the present day. There are no more thoroughly loyal people anywhere in the North, and they are entitled to protection and pay for their property converted to Government use. What is now known as Fort Cameron, Chattanooga, was the private property of Mr. Cameron. From its elevated and commanding position it had to be taken and fortified. By this means the entire property with improvements has been entirely destroyed for private use. I would recommend that the property be purchased at a fair valuation for Government use.

"U. S. GRANT, General."

The committee recommend that the bill pass, with the amendment that the allowance made and paid shall not exceed \$10,000, and that such amendment be made by adding the following to the end thereof:

"Provided, That no greater amount than \$10,000 shall be allowed or paid to such person or persons."

Mr. COCKRELL. I call the attention of the Senator from Ohio [Mr. SHERMAN], who introduced the bill, to the fact that no appropriation is inserted on the face of the bill, as he will see by a reference to it. The bill reads:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Emma S. Cameron, in full satisfaction and payment for occupation and damage to her separate property and for fuel taken therefrom and used by Gen. W. S. Rosecrans's army while at Chattanooga, Tenn., from September 1863, until the close of the war.

No amount is specified. Then the bill proceeds to say:

And which amount of \$10,000 was found due by a special commission appointed by Major-General Rosecrans to adjust claims against the United States on full proof and investigation of the facts.

The bill, however, does not authorize the payment of \$10,000.

Mr. SHERMAN. That ought to be corrected.

Mr. COCKRELL. I move to insert after the word "pay," in line 4, the words "the sum of \$10,000"; so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum of \$10,000, out of any moneys in the Treasury, etc.

Mr. WARREN. That should have been in the bill, and I supposed it had been incorporated. It must have been omitted by an oversight.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL NEW HAVEN BANK.

Mr. PLATT. I ask unanimous consent for the present consideration of the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut. This is for the payment

of a claim which is now twenty years old, and which has passed the Senate twice and the House of Representatives once. There is no earthly objection to it, and I ask that it may be considered and acted upon at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut. It proposes to pay the National Bank of New Haven \$3,519.15.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNCOMPAGHRE INDIAN RESERVATION.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (S. 1902) granting a pension to Jennie E. Burch.

The PRESIDENT pro tempore. The Chair is obliged to call the attention of the Senate to the fact that the twenty minutes have expired for which the joint resolution of the Senator from Utah [Mr. CANNON] was postponed.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. CANNON. I desire to be courteous to the Senator from Wisconsin and to give way to him, but I must be courteous to the entire Senate, which has consented to the postponement of this question for twenty minutes at my request; and as there are remarks to be made by my colleague [Mr. BROWN], if he shall proceed the Senator from Wisconsin may arrive before his address shall have been concluded.

The PRESIDENT pro tempore. The question is on the amendment heretofore submitted by the Senator from Wisconsin [Mr. VILAS].

Mr. BERRY. The Senator from Wisconsin, I know, desires to be present and wishes to be heard on this question. He is prepared to speak upon it, and I hope the joint resolution will not be passed in his absence, for I am sure that he had no idea that it was to come up this morning or he would have been here. I do not think it fair to pass an important matter of this character, to which there is objection on his part and on which he desires to address the Senate. I hope, therefore, the Senator from Utah will not insist upon going on now with the consideration of the joint resolution. There is only five minutes left before, as I understand, another matter will come before the Senate, and there is no time to debate the joint resolution.

The PRESIDENT pro tempore. The Chair will take the liberty of informing the Senator from Arkansas that the Senator from Utah [Mr. CANNON] gave notice that his colleague [Mr. BROWN] desires to submit remarks on the joint resolution at this time.

Mr. BERRY. I did not know it.

Mr. BROWN. I did not care to make remarks at this time, but before the joint resolution shall be passed I desire to discuss it. If the Senator from Arkansas has any suggestions to make by which the matter can soon be disposed of we will listen to it with great pleasure. We have waited for the Senator from Wisconsin time and time again, and he showed his appreciation of our courtesy by trying yesterday to close us out and put the joint resolution back on the Calendar.

Mr. BERRY. I can not hear the remarks of the Senator.

Mr. BROWN. What I have to say will apply to the amendment of the Senator from Wisconsin and in reply to the remarks which he has already partly made.

Mr. BERRY. I did not know the Senator desired to submit any remarks upon the question, or I should not have said a word. I thought the effort was to pass the joint resolution at once.

Mr. BROWN. I am not particular that the joint resolution be taken up now, but we want it disposed of when it is taken up. I shall be very brief in what I have to say upon it, if it is to be brought up at this time. If there be no other suggestion of delay on the part of the friends of the Senator from Wisconsin, we shall ask for a vote. All that I was at present going to call the attention of the Senate to was the peculiar nature of the amendment of the Senator from Wisconsin. It is an amendment not so much to the joint resolution which is now before us, to which I will call attention briefly; the joint resolution which is now before the Senate is one asking the Interior Department to carry out a law which was passed nearly two years ago; and now that the joint resolution is before the Senate, the Senator from Wisconsin moves to amend by this peculiar amendment, which says in substance:

Provided, That where any mines exist upon the premises, the lands shall be reserved from sale and be sold to the highest bidder.

An amendment of this character is one to change the entire policy of the United States. For nearly forty years it has been the policy of the Land Department of the United States and the policy of Congress, in disposing of public lands, to sell them to the actual settler, to the homesteader, to the miner, to those who will use

them, and not sell them for speculation. Prior to that, more than thirty-five years ago, it was considered the proper thing to sell, after advertising, to the highest bidders, to speculators, and the money made out of the sale of the lands was received into the Treasury. But it has since then been the policy of the United States to encourage the citizen to occupy and to improve the lands, and under it we obtain greater wealth than would result from the mere money that can be procured from the lands themselves. The homesteader who has settled and improved 160 acres of land brings to this country greater remuneration than can be procured by selling the land to some speculator.

It is true that the United States might pick out here and there choice pieces and say, "We will advertise these for sale and get more than \$1.25 an acre, or get much more than is given by the homesteader"; but we lack in selling lands the real good—we lack the benefit of the citizen.

Mr. President, the policy which was outlined for the homesteader has also been the policy of the United States toward the miner. When gold was discovered in California and it became known all over the United States and the whole world that those sands were of inestimable value the lands were unsurveyed; there was no law which permitted the miner to take them. The United States could have sold them had it so wished. Had they been possessed with the sentiment which seems to actuate the Administration and the Senator from Wisconsin to-day, they could have said, "We will put up at public auction these valuable sands, and he that shall give the most for them shall have them." But, on the other hand, by a generous policy the miners were permitted, without any express statute, to divide those lands among themselves by their local laws and customs, by exerting purely practical republicanism or democracy. There was no statutory law in existence, and the miners disposed of those valuable lands among themselves. The United States stood by and recognized such disposition, and it was known to be the policy of the United States to upbuild the mining industry. Not only was that the policy with regard to the California placers, but when, in the midst of our civil war, the great Comstock lode was discovered—which was, if I remember rightly, before any act of Congress was passed upon the subject—instead of the United States coming forward and saying as to those vast silver deposits discovered on the public domain, "We will sell them," they offered substantially a bounty to the miners; they gave them the lands for the nominal consideration of occupying them; they built for the miners of the Comstock lode the Sutro tunnel.

To go a little further, Mr. President, in 1866 Congress passed a law providing that all valuable mineral deposits in the lands of the United States should be free and open for exploration to whomsoever should locate and find the mineral thereon. The lands which we are now considering were in that category. They were the public lands of the United States; they had these valuable minerals upon them; they were free and open to the exploration of the miner, and ought to remain as such, and I claim are still public lands of the United States.

In 1880 this tribe of Uncompahgre Indians were residing in Colorado, and, on account of some depredations which they then committed, were induced to sell their lands to the United States, receiving for them a million and three-quarters of money, which was deposited in the Treasury of the United States. It is there now. They ceded away by treaty all they ever had. In that treaty they were permitted to go to the mouth of the Gunnison, in the State of Colorado, and temporarily occupy land; but, instead of going there, for some reason or other, probably because they were surrounded by soldiers and forced to go elsewhere, they were brought into what is now the Uncompahgre Reservation, a part of the public lands of the United States, and were allowed to remain there simply as occupants. They had no right there; they were simply there at the pleasure of the Government from 1880 to 1882. In 1882, there being no law and no right for the Indians to be at this place, the President of the United States issued an Executive order setting aside this Uncompahgre Reservation for their use, and they remained on that reservation from that day until 1894, when Congress passed an act, which has been read here and to which I will call attention. I will read two sections of the act, which are as follows:

SEC. 20. That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of 1880, as follows:

"Allotments in severalty of said lands shall be made as follows: To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section; to each single person over 18 years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each orphan child under 18 years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each other person under 18 years of age born prior to such allotment one-eighth of a section, with a like quantity of grazing land: *Provided*, That with the consent of said commission any adult Indian may select a less quantity of land if more desirable on account of location: *And provided*, That the said Indians shall pay \$1.25 per acre for said lands from the fund now in the United States Treasury realized from the sale of their lands in Colorado as provided by their contract

with the Government. All necessary surveys, if any, to enable said commission to complete the allotments shall be made under the direction of the General Land Office.

"Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or not to be required for allotments, and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided."

SEC. 21. That the remainder of the lands on said reservation shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States: *Provided*, That no person shall be entitled to locate more than two claims, neither to exceed 10 acres, on any lands containing asphaltum, gilsonite, or like substance: *Provided*, That after three years' actual and continuous residence upon agricultural lands from date of settlement the settler may, upon full payment of \$1.50 per acre, receive patent for the tract entered. If not commuted at the end of three years the settler shall pay at the time of making final proof the sum of \$1.50 per acre.

Here was a plain, clear statement of the law to be executed by the Administration, and yet all that ever was done was to examine these lands first and see how many were agricultural and suitable for the Indians. The Secretary of the Interior has done it. He finds there were few or none in the whole reservation; he knows every acre which is suitable for occupation by the Indians; but, although that has been accomplished, he declines to allot the lands to the Indians, and declines to open the reservation. Why? Because he says he does not approve of this legislation. He asks us now to set aside the policy of the United States which has existed for forty years, and in this case expose for sale these gilsonite beds. To that proposition we ask the attention of the Senate.

Without standing here to denounce the Secretary of the Interior or the Administration, I submit to the Senate whether that is a proper answer to a bill which has passed both Houses of Congress and received the approval of the Executive. "I do not think," he says, "that the legislation was properly understood." We ask now that this amendment may be voted down and that the law may be enforced.

I had intended, in reply to the Senator from Wisconsin, to say a word or two as to the rights of those who had gone into these gilsonite beds and made mineral locations; but, as he is absent, perhaps it will be unnecessary for the illustration of the question we have now before us. Should anything in the future be said on that subject, I may add something on it at a later day. Now, we ask that the Senate vote down this amendment, which is in the teeth of the policy of the United States and contrary to the law which was passed two years ago.

Mr. GORMAN. Mr. President, I ask that the joint resolution may go over until to-morrow on account of the absence of the Senator from Wisconsin.

Mr. BROWN. It can come to a vote now. If it goes over until to-morrow, it will be just as before. To-morrow will be Saturday.

Mr. GORMAN. The Senator from Wisconsin gave notice yesterday, or the day before, that he desired to be heard on this question. It is a very important matter, and I trust it may go over, without prejudice, to be called up as soon as he comes in. There ought to be no opposition to that.

Mr. BROWN. As I said in the first place, I should be very glad to accommodate the Senator from Wisconsin. I suggested before that we would do anything we could to accommodate him; but we have been doing that for a month, and when we wait for him he says that we are out of order, because everything is delayed by this joint resolution, instead of hurrying it forward. It has come now to a hearing. We were told by one of his friends the other day that it was our business to be in the Senate and attend to and watch this joint resolution. Now the Senator from Wisconsin is absent. It is his business to be here and he ought to be here, to use the language which was used the other day, if he wants to be heard on the joint resolution. I think we shall ask that the amendment be voted on at this time.

Mr. ALDRICH. Mr. President, I think the Senator from Maryland, if he stops to consider, will see that it is impossible for us to go ahead and do what he suggests. We should not keep half a dozen unsettled matters before the Senate awaiting the convenience of Senators who are in the city, possibly in the Senate, and whose convenience it may be not to be able to speak at a particular moment. I see no reason—there is no reason apparent to my mind—why this joint resolution should wait for the presence of the Senator from Wisconsin or any other Senator when it was known that it was before the Senate, was the unfinished business, and was liable to be acted upon at any time.

It must be evident to Senators that there is some purpose back of this constant attempt to delay these various resolutions and bills which are the unfinished business before the Senate; and if there is, it might as well be developed now as at any other time. I think the Senate should proceed with the business in an orderly way and dispose of some of these questions.

Mr. GORMAN. Mr. President, I am very glad to hear the statement from the distinguished Senator from Rhode Island. It is the first intimation we have had from the leader on the other side of the Chamber, who has charge of the business of this Congress and responsibility for enacting legislation at this session. His party

has every committee of this body by a majority vote of the Senate. We on this side surrendered as gracefully as it was possible to the combine on the other side; we have looked forward to the expediting of the business of this Congress, and hoped that it would be pushed along much more rapidly than it has been. There has been no delay on this side, no obstruction to any matter, but we have been a good deal puzzled to find the reason why my distinguished friend from Rhode Island and his colleagues have not marked out some well-defined programme which we might follow.

I took the liberty, at the suggestion of one or two of my friends on this side of the Chamber, the day before yesterday to suggest that as to this great privileged question which is before the Senate, involving the right to a seat in this body, a time should be arranged for a vote, but it was met immediately with the response from the chairman of the Committee on Privileges and Elections on the other side that that could not be done; that even a suggestion for an arrangement could not be entertained for a week or ten days. We are ready to-day to agree to any proper programme for the conduct of business. The majority have never yet suggested one until just now, when the Senator from Rhode Island made the suggestion he did.

Here is a subject brought up by a vote of the Senate this morning on which the Senator from Wisconsin desires to be heard. I think it is more than an ordinary matter with him; I think some suggestion has been made of views opposite to his, on which he regards it as absolutely necessary that he should be heard. Unfortunately, he is detained from the Senate this morning for personal reasons.

My only suggestion was that the matter should go over without prejudice, to be called up the moment the Senator from Wisconsin returns. I have never known the Senate to refuse such a request. The Senator from Utah [Mr. CANNON], who first brought the matter to the attention of the Senate, understood and appreciated thoroughly that that was the case.

Mr. WOLCOTT. Mr. President, I wish to make a suggestion respecting the Utah matter. The Senate has consumed several weeks in the discussion of a question which no court of record in the whole world would give either side more than two hours to discuss. Continuous speeches have been made here by Senators that have lasted over three days. We have taken up the question and looked at it from every point of view. We have done everything respecting it except vote upon it, which is probably the most remote contingency that we can look forward to.

No Western matter has been called up in the Senate during the entire session or considered in the slightest degree, and here is a new State in the Union, with its wants and its needs, asking, through its Senators, that the Secretary of the Interior carry out existing law. That is all it does. It does not ask for legislation, but that the Secretary of the Interior carry out existing law. It has been met with opposition of the most remarkable and persistent character. Day after day the consideration of the joint resolution has been adjourned and put over for one reason or for one pretext or another.

Now, I have no doubt that it will go over again to-day because the Senator from Wisconsin is not here; but I do appeal to Senators who ask this renewed courtesy that they in their turn, when another day shall come, instead of throwing obstacles in the way of passing upon this measure, will feel doubly bound to further its consideration and action upon it. It is just and it is fair, and by whatever tactics it is postponed day after day, whether it be by appropriation bills or matters that are spoken of as questions of the highest privilege, or whether it is to be made the football of party politics, in which one side of the Senate or the other is to seek an advantage by charging the other with delaying the proceedings of the Senate, I trust that the endeavor of this new State, represented by its Senators here, who intelligently and fearlessly are seeking to do their duty and to have the laws of the country obeyed, may be met by some sort of cooperation and not by obstruction.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. GORMAN. I give way to the Senator from Rhode Island.

Mr. ALDRICH. Mr. President, the Senator from Maryland and the country understand that neither of the great political parties has a majority in the Senate.

Mr. GORMAN. We do not understand that.

Mr. ALDRICH. I should think the Senator has had reason to know it on many occasions. If there was a combine, as he says there was, as to the organization of the committees of this body, certainly there have been many combines of a more effective nature between the Senator from Maryland and his friends and the gentlemen who hold the balance of power in the Senate from that time to this. The Senate and the country perfectly understand that there is no majority on the part of either of the great political parties in the Senate, and that neither party by itself is responsible for legislation or for the course of business in the Senate.

We are all equally responsible, I take it, for the orderly conduct of the business of the Senate and for proceeding with its business to a conclusion, in order that the country may be relieved, if that is the proper word, of the further session of the Congress of the United States for some time to come.

The Senator from Maryland asks me why we do not have a programme in regard to this matter. I suggest that we now have a programme, which shall be agreed upon by both sides of the Chamber, to dispose of the questions that are now before the Senate, either wholly or partly, as unfinished business or otherwise. I suggest to the Senator from Maryland that if he desires to accommodate the Senator from Wisconsin, we shall have an agreement to take a vote upon this question without further discussion after the Senator from Wisconsin shall have concluded his remarks. I take it for granted that nobody on this side of the Chamber cares to discuss the question further, and if that is the case, I suggest that, without further debate, we have a vote at the conclusion of the remarks of the Senator from Wisconsin.

Mr. CANNON. Will the Senator yield to me for a moment? I suggest that on one other occasion this question was made the unfinished business to follow a certain order of business then upon the Calendar. It was held in that position for a week or ten days, and then it became the unfinished business at the head of the Calendar on the conclusion of the first unfinished business.

If the matter might once more be placed in that attitude, to become the unfinished business immediately upon the conclusion of the bond resolution now before the Senate, I am satisfied it would meet with approbation.

Mr. ALDRICH. There will be no other discussion on this side of the Chamber?

Mr. CANNON. No; unless some points altogether new to the discussion so far developed shall be brought forward by the Senator from Wisconsin.

Mr. ALDRICH. It is perfectly well understood as to this matter that the discussion of it is not to change anybody's vote. It is largely a moot discussion of the question. The speech of the Senator from Wisconsin or any other speeches may be made just as well upon some other measure as upon the pending resolution, I take it.

Mr. GORMAN. Mr. President—

Mr. ALDRICH. I ask the Senator from Maryland whether he is willing to consent to the suggestion which I have made for the disposition of this matter?

Mr. GORMAN. Of course I know the tactics of my distinguished friend the Senator from Rhode Island. He disclaims for the other side of the Chamber all responsibility for the management of the Senate. It is perfectly well known that the party in this Chamber which has control of the committees must necessarily control legislation.

Mr. ALDRICH. Experience has shown us that that is not true.

Mr. CHANDLER. Does the Senator from Maryland think that that party could pass a tariff bill if it could get it up here some day?

Mr. GORMAN. We will come to the matter of the tariff later on. But I wish to say now, in answer to the Senator from New Hampshire, that his party will be held responsible by the country, and if it proceeds to make appropriations beyond the resources of the Treasury of the day without providing revenue the responsibility therefor is with the other side of the Chamber.

Mr. CHANDLER. The Senator from Maryland, with his solemnity, has frightened me on various occasions, both personally and in reference to the Republican party. But we are both getting on very well at this time, and I really wish the Senator would be more cheerful and aid us to go on to the consideration of the appropriation bills.

Mr. GORMAN. I am delighted that I have succeeded in frightening the Senator from New Hampshire. I have accomplished a great feat, for he has recently frightened his own party. [Laughter.] However, that is aside from what I wish to say on this case.

Mr. VILAS entered the Chamber.

Mr. ALDRICH. I understand the Senator from Wisconsin has just entered the Chamber. So I presume we shall have no trouble about proceeding with the Utah matter.

Mr. GORMAN. If the Senator from Wisconsin is here and is prepared to go on, I have nothing further to say in the matter except to remark to the Senators from Utah that I myself have no disposition to delay the vote upon their joint resolution. It is not that; but I have never before known a case in the Senate when a Senator who desired to speak on a subject was absent and detained, as in this case, accidentally, that the measure was not passed over during his absence, to be taken up on his return.

Mr. BROWN. Allow me to interrupt the Senator from Maryland. I was about to say that if the Senator from Wisconsin was absent we would wait until to-morrow for a vote to be taken.

Mr. GORMAN. That is all I suggested. As to the remarks of the distinguished Senator from Rhode Island [Mr. ALDRICH] and the distinguished Senator from Colorado [Mr. WOLCOTT], who thinks there is politics in everything suggested on this side of the

Chamber, I have only to say that we shall be very glad to make some arrangement looking to the order of business in the Senate. Such an arrangement has not been suggested by the other side of the Chamber having charge of the committees. We can not in this piecemeal way take up one measure and another by unanimous consent. I wish to give notice now, Mr. President, that I shall object at any time during the present session if I am in the Chamber to further unanimous-consent agreements for the consideration of any measure.

Mr. ALDRICH. Of a general character.

Mr. GORMAN. Of a general character and other than the appropriation bills.

Mr. ALDRICH. I will join the Senator from Maryland in that declaration.

Mr. GORMAN. It is a practice which has grown up that results in inconvenience and I think in a delay of business. The Senator from West Virginia [Mr. FAULKNER] suggests to me that my statement is rather broad. I do not mean as to unanimous-consent agreements to take up a measure immediately, but I mean arrangements to fix a time a week or ten days ahead or any other time in the future.

Then, in addition, if Senators on the other side of the Chamber, who have all the chairmanships of the great committees of this body, desire, as we have done usually, to designate the public measures in the order in which they shall be considered, which saves time and serves everybody, we shall be glad to consider it. It is always done and suggested to the minority. We on this side are in the minority, and we have waited for such a proposition. There has been no obstruction and no attempt to obstruct; but from now on, for the balance of this session, there will be, as there has been, and always ought to be in this Chamber, very thorough discussion of matters of public importance. There will be no attempt on our part, so far as I know, to obstruct legislation. There will be prevented, so far as we can prevent it, undue haste in respect to matters to dispose of which there may be a desire on the part of gentlemen who may wish to go off for the summer season or on other matters which might be suggested by my friend the Senator from Colorado [Mr. WOLCOTT], who always thinks there is politics in every suggestion made on this side. That is all there is in the matter. The Senator from Wisconsin [Mr. VILAS] is now present, and he can manage his own case.

Mr. TELLER. Mr. President, I wish to say a word. I have always understood that unanimous-consent agreements toward the close of a session are subject to the right of the Appropriations Committee. That right is not always reserved, but it has been the rule of the Senate for a great many years, as I know that a measure which has been taken up by unanimous consent can be temporarily laid aside to allow the Appropriations Committee to proceed with a bill. If that is understood, there can not be any objection to a unanimous-consent agreement or the taking up of a measure by vote. It is understood. The right of way is reserved all the time to the Appropriations Committee.

Mr. VILAS. Mr. President, I understand that the joint resolution came up this morning by unanimous consent.

The PRESIDING OFFICER. The Chair did not hear the inquiry of the Senator from Wisconsin.

Mr. ALDRICH. It was taken up on motion.

Mr. VILAS. For consideration in the morning hour?

The PRESIDING OFFICER. The present occupant of the chair—

Mr. HILL. I will inform the Senator from Wisconsin that it will have to give way at 2 o'clock to the regular unfinished business.

Mr. ALDRICH. That depends upon whether the Senate so determines or determines otherwise.

Mr. HILL. And I am so desirous of continuing my remarks, that I hope the Senator from Wisconsin will not speak later than 2 o'clock.

The PRESIDING OFFICER. The present occupant of the chair was not present when the order was made, but he is informed that the resolution was taken up by a vote of the Senate this morning.

Mr. VILAS. Mr. President, I have no interest in the joint resolution in any way except such as every Senator on this floor has. I have been ready at every moment when request was made to take up the measure. Yet there has been, as I judge from the RECORD, a singular felicity in the attempt to take up the joint resolution when I did not happen to be in the Chamber or a felicity of choice of the time when I happened to be absent.

I am put to the duty of calling the attention of the Senate to the facts in the case, both against my inclination and very much against my personal feeling in many respects. But it happens that I had some service on a committee of the Senate which compelled me to acquire knowledge of the facts relating to this business, and the Senate ought to know the facts. If when those facts are known to the Senate they choose to deliver over this property, which is worth in revenue to the United States, if properly em-

ployed, hundreds of thousands of dollars a year, for the nominal price of \$5 or \$10 an acre to some persons who may thereby be very much enriched at the cost of the public, the Senate is at liberty to do it.

It is true, as I am told, that the Senator from Rhode Island [Mr. ALDRICH] made the remark this morning that no facts and no arguments would make any difference with his opinion.

Mr. ALDRICH. No, no. I said the opinion of the Senate; I did not say my opinion.

Mr. VILAS. The opinion of the Senate. It matters not, I suppose, then, in the judgment of the Senator from Rhode Island, that this is an attempt to take from the public a large amount of valuable property and bestow it on some private individuals.

Mr. ALDRICH. I understand the resolution is a concurrent resolution, and can not become legally effective as a law of the United States; and whether it is passed or not, it is merely an expression of opinion on the part of the two Houses of Congress. It will not change the opinion, I take it, of the present Administration or the present Secretary of the Interior, and from that standpoint I said that the discussion was a purely academic discussion.

Mr. HAWLEY. It is a joint resolution.

Mr. ALDRICH. It is a concurrent resolution.

Mr. VILAS. The Senator from Rhode Island is, naturally enough, in error in his fundamental preface. The resolution is a joint resolution.

Mr. ALDRICH. Then it has been changed since it was first presented.

Mr. VILAS. No; it was not even a concurrent resolution when first presented.

Mr. ALDRICH. It was a concurrent resolution when I saw it.

Mr. VILAS. I believe I am right in saying that it was a joint resolution at the beginning. The Senator from Utah [Mr. CANNON] knows.

Mr. CANNON. This particular resolution was introduced as a joint resolution. There was a resolution on the same subject formerly submitted which was a concurrent resolution.

Mr. VILAS. It was never the subject of debate.

Mr. ALDRICH. I knew there was a concurrent resolution upon the same subject before the Senate, and I supposed this was the same resolution. I take it for granted that the present chief of the Democratic Administration would not approve the joint resolution, which is substantially a vote of a want of confidence in himself and in his Secretary of the Interior. So, whatever may be said or done here, I repeat, is not likely to affect the result in this case in a legal way.

Mr. VILAS. Is it likely to affect the vote of the Senate?

Mr. ALDRICH. I do not know.

Mr. VILAS. I understood the Senator's remark was that it would not affect the vote of the Senate.

Mr. ALDRICH. I have great confidence in the skill, capacity, eloquence, and use of language of the Senator from Wisconsin. I have seen it exemplified on many occasions in the Senate, and I have no doubt—

Mr. VILAS. That is not the question which is presented to the Senate.

Mr. ALDRICH. I understood the question which the Senator asked me was whether his speech would not change it.

Mr. VILAS. The Senator could not have understood anything of the kind.

Mr. ALDRICH. That is the question—

Mr. VILAS. The question was whether facts in relation to this matter when presented would affect the judgment of the Senate.

Mr. ALDRICH. But the question the Senator put to me was whether his speech was likely to affect the vote in the Senate.

Mr. VILAS. The Senator's remark was made before I came in.

Mr. ALDRICH. I imagine that the facts to be stated by the Senator from Wisconsin will be given due weight and consideration by the Senate, as his remarks always are, but I adhere to my original proposition, that the chances are that no vote will be changed by his speech.

Mr. VILAS. I presume the Senator very correctly speaks for himself. I should have very little expectation of altering by any array of facts his opinion as to something upon which he had determined to cast his vote. I do not understand that the Senate is entirely of the same opinion or that it adopts the same rule of practice which the Senator from Rhode Island has indicated. Therefore I desire to call attention to the facts in this case. I might perhaps abbreviate something of what should be said by reference to what has been said, but it has already become matter of ancient history from the course of business in the Senate. Therefore I feel authorized to recall it.

The proposition which is made in effect by the joint resolution is to subject the very valuable lands lying on the eastern side of the Uncompahgre Ute Reservation, within four townships particularly, upon which veins of gilsonite of enormous value have been

found, to the claims of certain alleged prospectors, by which the lands are to be taken at a nominal price per acre. I undertook to explain the history of this attempt and I desire to repeat something of it. I called attention to the fact that during the Fifty-first Congress, when everything that was extravagant, that tended to dissipate the public property and the public moneys, found a ready sort of acceptance in Congress, a bill was passed to give effect to this purpose, and that it was vetoed by General Harrison, and his veto message, very moderately expressing objection to the bill, was at least such that no attempt was made to induce Congress to pass the bill over his veto. In that message he said of the legislation:

The object, then, of this legislation is to be sought not in any public demand for these lands for the use of settlers—for if they are susceptible of that use the Indians have a clear equity to take allotments upon them—but in that part of the bill which confirms the mineral entries, or entries for mineral uses, which have been unlawfully made "or attempted to be made on said lands." It is evidently a private and not a public end that is to be promoted. It does not follow of course that this private end may not be wholly meritorious, and the relief sought on behalf of these persons altogether just and proper. The facts, as I am advised, are that upon these lands there are veins or beds of asphaltum or gilsonite, supposed to be of very great value.

Entries have been made in that vicinity, but upon public lands, which lands have been resold for very large amounts. It is not important, perhaps, that the United States should in parting with these lands realize their value, but it is essential, I think, that favoritism should have no part in connection with the sales. The bill confirms all attempted entries of these mineral lands at the price of \$30 per acre (a price that is suggestive of something unusual) without requiring evidence of the expenditure of any money upon the claim, or even proof that the claimant was the discoverer of the deposits.

I suppose even that language from the President whom he helped to the Presidential chair would not have influenced the Senator from Rhode Island, and, if I may accept his statement, it would not tend to influence any of the Senators whose opinions he seems to represent upon this floor.

But, Mr. President, after that measure had thus been vetoed by the President of the United States and the Fifty-first Congress had not passed it, it came back again in the Fifty-second Congress in another form. The proposition then, as I showed when I last took occasion to take the floor on this measure, was to set apart out of the Uncompahgre Ute Reservation the four townships of land in which those valuable bodies of gilsonite lie. The Committee on Indian Affairs investigated the subject and made a report on it, which I have put into the RECORD in the remarks which were made some weeks ago and in which I was interrupted. In the report the committee said, as the result of their investigation, that there were no discoverers who were entitled to claim those lands by reason of discovery, that there were no prospectors who were entitled to claim those lands by reason of priority of discovery, for the material lay open, on the surface of the ground, and was known to exist by those who had been there not in mineral pursuit, but in the ordinary way of traversing the country for gain or for other expeditions in which they might be engaged.

It was like discovering the existence of rock in the Alps or on the peaks of the Rocky Mountains. Everybody knew it was there who knew anything of it. It was not the product of research, of expenditure, of investigation. More than that, whatever claim was made by certain persons as prospectors was a claim in defiance of the law. Upon that subject I shall ask the attention of the Senate in a moment to some statements before the Senate from the Commissioner of Public Lands under General Harrison, who is an honored associate of ours upon this floor to-day.

Mr. President, when, as one of the subcommittee of the Committee on Indian Affairs, this measure, in the Fifty-second Congress, was under my consideration I addressed an inquiry to the Secretary of the Interior in respect to the proposed bill and certain claims of alleged prospectors on these lodes of gilsonite, and I received the answers which I hold in my hand and which I will ask the Secretary to read. The first is from Mr. Commissioner Carter, of the General Land Office, and the second, based upon that in part, from the Acting Secretary of the Interior, Judge Chandler.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 12, 1892.

SIR: I have the honor to acknowledge the receipt of a letter from the Hon. WILLIAM F. VILAS, United States Senate, which you referred to this office for report.

The Senator's letter relates to the White River, Kansas City, Joseph A. Thatcher, Scorpion, Lucky Boy, Leavenworth, Cow Boy, Dixie, Bandanna, Archie, Davy Crockett, Plumed Knight, Raffle, Black Jack, Wasatch, New York, Lorna Doone, Eureka, Colorado, Frying Pan, Utah, Mary Mc, and Ouray lode claims, located in August, 1888, and said to bear "albertite or gilsonite."

From the description furnished, the exact geographical position of said claims can not be determined, nor can they be definitely located upon any map, plat, or diagram in this office. They are, however, in Uinta County, Utah, and within the Uncompahgre Ute Indian Reservation.

This reservation was established by Executive order dated January 5, 1882, under act of Congress approved June 15, 1880 (21 U. S. Stats., 199).

Although the land within this reservation is in a certain sense public land, yet in view of said act and order I am of the opinion that the attempt to locate the claims above mentioned under the mining-land laws was unwarranted and illegal.

Said attempted locations being, in my judgment, without any warrant in the law, I fail to see that these locators could acquire any rights, legal or

equitable, as locators or discoverers by reason of such locations, or by reason of having notices thereof recorded in the office of the recorder of Uinta County, Utah.

I have been unable to find in any standard work on mineralogy any authority for designating any mineral substance as "gilsonite," but from information received I am led to think that that term has come into use as descriptive of a fine quality of asphaltum, dealt in by the Gilson Asphaltum Company, of St. Louis, Mo., with agencies in London and Hamburg.

In the Century Dictionary I find "albertite" to be defined as being a hydrocarbon, pitch-like in appearance, and related to asphaltum, but not so fusible nor so soluble in benzine or ether. It is used in the manufacture of illuminating gas and of illuminating and lubricating oils.

It might be held that public land valuable on account of its deposits of "albertite" would be subject to entry under the mineral land laws, but I am unable to refer you to any decision specifically in point.

The Senator's letter and inclosure are herewith returned.

Very respectfully,

THOS. H. CARTER, *Commissioner.*

The Honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, April 13, 1892.

SIR: I have the honor to acknowledge the receipt of your communication of 30th ultimo, and accompanying printed copy of certain alleged notices of location of mining claims on the Cow Boy, etc., lodes of "gilsonite" within the Uncompahgre Indian Reservation, and asking to be informed whether the notices of location if made would give the claimants or locators any right or claim under the laws of the United States, or any standing, equity, priority, or advantage as discoverers of or locators on the lands therein mentioned in the General Land Office or before the Interior Department or otherwise.

In response thereto, I transmit herewith copy of a communication of 12th instant, from the Commissioner of the General Land Office, to whom the matter was referred, wherein the opinion is expressed that the attempt to locate the claims above mentioned under the mining-land laws was unwarranted and illegal, and he fails to see that these locators could acquire any rights, legal or equitable, as locators or discoverers by reason of such locations or by reason of having notices thereof recorded in the office of the recorder of Uinta County, Utah.

In this connection I invite your attention to the action taken by Congress in regard to the Uinta Reservation, where "gilsonite" was discovered in 1885, and I inclose for your information copy of House Report No. 791, Fifty-fifth Congress, first session, in relation to the matter.

By the act of May 24, 1888 (25 Stats., 157), certain lands of the Uinta Reservation said to contain "gilsonite" were restored to the public domain and preference was given by this act to the locator and the moneys derived from the sales of the lands belonged to the Indians. The act also required that it be ratified by the Indians.

The status of the Uncompahgre lands being different from that of the Uintas, being held in a reservation until allotted to and purchased by the Uncompahgres, the moneys from these lands if segregated would belong to the United States, and the consent of the Indians would not be necessary.

The inclosures of your letter are herewith returned.

I have the honor to be, very respectfully,

GEO. CHANDLER,
Acting Secretary.

Hon. WILLIAM F. VILAS, *United States Senate.*

Mr. VILAS. Now, Mr. President, in addition to the fact which the Indian Affairs Committee reported to the Senate in the Fifty-second Congress, that there were no meritorious discoveries and that the alleged prospectors who had undertaken to set up stakes on a tract of land that was known to contain the mineral long before, I have now placed before the Senate the letters of the Secretary of the Interior and the Commissioner of the General Land Office, showing that there was no such thing as a right to make those claims; that the law was explicit which denied to them any sort of privilege to enter upon that land; that they were entirely removed beyond the reach of prospectors, if prospecting had been possible. Among the papers which I have here—which I do not for the moment lay my hand upon, although I will presently find it, I hope, and call attention to it—is an affidavit of a person familiar with that land, who testifies to the fact that the line bounding the eastern border of the reservation and the western border of Colorado was plainly marked upon the ground and well known, and that there was no opportunity for any mistake to be alleged in respect to that subject.

I call attention to the fact that after the report was made, by which it was proposed to amend the bill so as simply to place these lands in the market for sale to the best bidder—a course which would afford to the United States all their value and to all persons interested or who desired to be interested an equal opportunity to share in the profits of their ownership—the bill was stopped. No effort was made to push it. Those who were interested in the proposition which was first introduced no longer manifested any desire to do but one thing, and that was to recall the action of the Committee on Indian Affairs and secure the withdrawal of the proposal which would put those lands to the benefit of the United States at large and their value in the Treasury instead of in private coffers.

I have here letters addressed to me, some of them printed. Here is one which was printed and circulated, signed by a gentleman who represented himself to be the attorney of that company whose ownership is in the city of St. Louis and which expected to be the beneficiary of the bill when it was passed. Perhaps it has already been said here, as it was then said, that the measure was to give the poor man a chance; that it was to open an opportunity to the explorer to go in there and enrich himself, perchance, if by lucky fortune fate lighted him upon some vein of valuable mineral. But, sir, it was drawn so as to give those alleged explorers (and that was the whole effort from beginning to end) the chance to

perfect their claims; and although the St. Louis company represented itself or seemed to have agents to represent it to the committee and those interested as opposing these explorers, there was the best of evidence to believe that every one of the explorers was but the agent of the company. The Committee on Indian Affairs refused to change its views.

Mr. VEST. Will the Senator from Wisconsin be kind enough to state that evidence?

Mr. VILAS. I will endeavor to call attention to it before we conclude the discussion. I had it collated, as I thought, ready to my hand, but I have come into the Senate finding this subject up unexpectedly, and I can not for the moment collate it. I hope to do it before I finish. I want to say that I have been ready from the first moment when this measure was proposed to discuss it at any time. When it came up first I was greatly surprised, and especially was I surprised to find that such a measure had ever gone through Congress as I have since learned went through on an appropriation bill. I learned it for the first time that morning. Yet I have never for an instant objected to the consideration of the measure. I debated it then, I went right on with the discussion, and the discussion was cut off only because the hour of 2 o'clock arrived. I have waited here hour after hour, day after day, and every Senator knows how absolutely necessary it is sometimes to be absent from this Chamber, how sure it is to be the fact that not one-half of the members of this body are present at any time except when there is a roll call.

The PRESIDING OFFICER. The Senator from Wisconsin will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. TURPIE. I ask unanimous consent that the Senator from Wisconsin may have leave to conclude his remarks at this time, and that the unfinished business be temporarily laid aside for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

Mr. ALLEN and Mr. PEPPER. What is the request?

The PRESIDING OFFICER. The Senator from Indiana requests that the unfinished business be temporarily laid aside while the Senator from Wisconsin finishes his remarks.

Mr. PEPPER. I do not wish, of course, to be discourteous to the Senator from Wisconsin, but I insist that we shall proceed with the regular business.

The PRESIDING OFFICER. Objection is made.

Mr. BROWN. I ask the Senate to agree to take up the joint resolution the next day that the Senate is in session—to-morrow if in session; if not, then on Monday.

Mr. FAULKNER. I shall have to object to any unanimous-consent agreement extending beyond the moment when it is to be put into execution.

Mr. BROWN. I move that it be taken up on the next day's session, to-morrow or Monday—

Mr. HARRIS. That motion will not be in order.

Mr. BROWN. During the morning hour and after the morning business.

The PRESIDING OFFICER. That motion will not be in order now, other business being before the Senate.

Mr. TURPIE. I appeal to the Senator from Kansas to allow the honorable Senator from Wisconsin to conclude his remarks. That is in consonance with the wishes of the Senator who has the floor on the bond resolution. I understand the Senator from Wisconsin would not occupy much longer time.

Mr. PEPPER. The joint resolution has been put over by the arrival of the hour of 2 o'clock. The Senator from Wisconsin can finish his remarks at any time he desires to do so. I insist upon the regular order.

Mr. VILAS. I am certainly obliged to my friend from Indiana, but I do not care to delay the regular order. I will be ready to go on to-morrow or Monday, if the Senate wants to take up the joint resolution then.

The PRESIDING OFFICER. It is the pleasure of the Senate to hear the Senator from New York.

Mr. HILL. Is the bond resolution before the Senate?

The PRESIDING OFFICER. It is.

Mr. WALTHALL. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

ADJOURNMENT TO MONDAY.

Mr. WALTHALL. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	McMillan,	Squire,
Allen,	Davis,	Martin,	Stewart,
Allison,	Dubois,	Mitchell, Wis.	Teller,
Bacon,	Faulkner,	Morrill,	Turpie,
Bate,	Frye,	Nelson,	Vest,
Blackburn,	Gallinger,	Palmer,	Vilas,
Brice,	Gear,	Pasco,	Walthall,
Brown,	George,	Peffer,	Warren,
Burrows,	Gibson,	Perkins,	Wetmore,
Caffery,	Gordon,	Pettigrew,	White,
Call,	Gorman,	Platt,	Wilson,
Cannon,	Hale,	Roach,	Wolcott.
Carter,	Harris,	Sewell,	
Chandler,	Hawley,	Shoup,	
Clark,	Hill,	Smith,	

The PRESIDING OFFICER. Fifty-seven Senators are present. The roll call discloses the presence of a quorum. The question is on the motion of the Senator from Mississippi, that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CALL. Let us have the yeas and nays on that question.

Mr. CHANDLER. I ask for the yeas and nays.

Mr. CALL. I really think we ought not to adjourn over. The Senator from Maryland [Mr. GORMAN] made a speech this morning in regard to delay in the passage of the appropriation bills.

Mr. PEPPER. I hope the motion to adjourn over will be voted down, Mr. President.

Mr. PETTIGREW. I wish to give notice that on Monday, at the earliest possible moment, I shall try to get up the Indian appropriation bill and continue its consideration until it is disposed of. I hope these other matters can be gotten out of the way before that time.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the Senator from Kentucky [Mr. LINDSAY] and vote "yea."

Mr. PALMER (when his name was called). I am paired generally with the Senator from North Dakota [Mr. HANSBROUGH]. I suppose I ought to withhold my vote. I do not like to do it.

Mr. TELLER (when his name was called). On this subject I am paired with the junior Senator from South Dakota [Mr. KYLE]. The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. MILLS], who has not, I believe, voted. I therefore withdraw my vote. While on my feet I will state that the junior Senator from Massachusetts [Mr. LODGE] is unavoidably absent and is paired with the senior Senator from New York [Mr. HILL].

Mr. ELKINS. Mr. President—

Mr. FAULKNER. I desire to state that my pair with my colleague [Mr. ELKINS] was transferred to the Senator from Kentucky [Mr. LINDSAY], and my colleague's pair is transferred to the Senator from Ohio [Mr. SHERMAN], so that the Senator from Kentucky and the Senator from Ohio will stand paired and my colleague is enabled to vote.

Mr. ELKINS. I vote "nay."

Mr. HILL (after having voted in the affirmative). I am paired with the junior Senator from Massachusetts [Mr. LODGE] upon political questions. Everyone is voting as he pleases. To save all question I will transfer my pair to my colleague [Mr. MURPHY] and allow my vote to stand as before.

Mr. WALTHALL. I desire to announce that on this question the senior Senator from Pennsylvania [Mr. CAMERON] is paired with the senior Senator from South Carolina [Mr. IRBY].

The result was announced—yeas 36, nays 28; as follows:

YEAS—36.

Bacon,	Gibson,	Mantle,	Stewart,
Bate,	Gordon,	Martin,	Turpie,
Blackburn,	Gray,	Mitchell, Wis.	Vest,
Caffery,	Harris,	Pasco,	Vilas,
Chilton,	Hawley,	Pugh,	Walthall,
Cockrell,	Hill,	Quay,	Warren,
Dubois,	Jones, Ark.	Roach,	Wetmore,
Faulkner,	Jones, Nev.	Sewell,	White,
George,	McMillan,	Smith,	Wolcott.

NAYS—28.

Aldrich,	Cannon,	Frye,	Nelson,
Allen,	Carter,	Gear,	Peffer,
Allison,	Chandler,	Gorman,	Perkins,
Brice,	Clark,	Hale,	Pettigrew,
Brown,	Cullom,	McBride,	Platt,
Burrows,	Davis,	Mitchell, Ore.	Shoup,
Call,	Elkins,	Morrill,	Wilson.

NOT VOTING—25.

Baker,	Hansbrough,	Morgan,	Teller,
Berry,	Hoar,	Murphy,	Thurston,
Blanchard,	Irby,	Palmer,	Tillman,
Butler,	Kyle,	Pritchard,	Voorhees.
Cameron,	Lindsay,	Proctor,	
Daniel,	Lodge,	Sherman,	
Gallinger,	Mills,	Squire,	

So the motion was agreed to.

PROPOSED INVESTIGATION OF BOND SALES.

The Senate resumed the consideration of the resolution submitted by Mr. PEPPER February 12, 1896.

Mr. HILL. It has been so long since we have heard the resolution I desire to have the memory of the Senate jogged in regard to it, and therefore I ask that it be read.

The PRESIDING OFFICER. The resolution will be read.

Mr. PEPPER. Let it be read as it has been modified.

The PRESIDING OFFICER. It will be so read.

The Secretary read the resolution as modified, as follows:

Resolved, That a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be—

First. To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale; whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale; what obligations were due at that time and the amount of each, stated separately; what was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made, and by what persons or classes of persons and for what purpose or on what account such withdrawals were made; who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time; and what effect the bond sales had on the credit and business of the people of the United States.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds and the profits made or to be made by such syndicate or any person or persons connected with such syndicate directly or indirectly; whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Mr. HILL. Mr. President, before resuming the new features of my argument permit me to note briefly what may be regarded as already established in this discussion:

First. That this investigation is unnecessary.

Second. That it is pressed as a Populist resolution for political purposes only.

Third. That there is an absence of specific charges, which alone would warrant the institution of a solemn investigation.

Fourth. That the Senate has no jurisdiction to inquire into most of the matters embraced in the resolution, and could not enforce the attendance of witnesses or compel the giving of testimony in relation to such subjects.

Fifth. All the legitimate information desired can be otherwise obtained.

Sixth. The resolution is unnecessarily offensive in its terms, containing insinuations and reflections not warranted by anything charged from any responsible source.

Seventh. That the reasons urged for this investigation, as detailed in the speech of the author of the resolution, are wholly unsatisfactory, vague, indefinite, and many of them absolutely ridiculous and unfounded.

Eighth. That the whole basis of the proposed resolution is upon the allegation of the absence of legal power to issue any bonds whatever; purely a legal question, to be determined by judges and courts or judiciary committees, and not by mere investigating committees.

Ninth. If the Secretary of the Treasury has exceeded any authority for which there is no adequate remedy in the courts, then the remedy is by impeachment on the part of the House of Representatives and not by investigation or censure on the part of the Senate, whose members would be the judges and not the prosecutors in such a case.

Tenth. That it has been conclusively shown that the act of 1875 furnishes ample authority for the issuing of bonds to replenish the gold reserve.

Mr. GEORGE. I desire to ask the Senator from New York whether the act of 1875 confers any authority to procure gold or other coin for any other purpose than for the redemption of what are called greenbacks?

Mr. HILL. None; and that power never has been exercised for any other purpose.

Mr. GEORGE. Will the Senator allow me further?

Mr. HILL. Yes.

Mr. GEORGE. When money is thus procured for the purpose of redeeming greenbacks can it be lawfully and properly used for

the purpose of redeeming what are called Treasury notes under the act of 1890?

Mr. HILL. That is another question, Mr. President. The gold raised from the sale of gold bonds is used for the purpose of the redemption of greenbacks, and when the greenbacks are thus placed in the Treasury they can be used for any legitimate purpose.

Mr. GEORGE. The greenbacks may?

Mr. HILL. The greenbacks may.

Mr. President, as I stated in one of the points made, the whole basis of this investigation arises out of the allegation that there is no authority now existing to issue these bonds. I may be pardoned for quoting the act of 1875 in order that it may be placed in my remarks. I will ask the Secretary to read chapter 15 of the laws of 1875, an act for the resumption of specie payments.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

An act to provide for the resumption of specie payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined at the mints of the United States silver coins of the denominations of 10, 25, and 50 cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the subtreasuries, public depositaries, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency until the whole amount of such fractional currency outstanding shall be redeemed.

SEC. 2. That so much of section 3524 of the Revised Statutes of the United States as provides for a charge of one-fifth of 1 per cent for converting standard gold bullion into coin is hereby repealed, and hereafter no charge shall be made for that service.

SEC. 3. That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national bank currency among the several States and Territories are hereby repealed. And whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of \$300,000,000, to the amount of 80 per cent of the sum of national bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of \$300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption, at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than \$50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled, "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

Approved, January 14, 1875.

Mr. HILL. Mr. President, it will be observed, upon analyzing this act of 1875, that it embraces a continuing authority, not limited in its exercise to a date prior to 1879, the date of specie resumption, but it is to be exercised whenever and so long as greenbacks are presented and coin shall be needed for redemption purposes. Bonds can be issued to procure either silver or gold coin as the Secretary of the Treasury may elect.

The theory of the friends of this resolution is that the authority embraced in the act of 1875 exhausted itself upon specie payments being resumed in 1879. There arose a question about this period of our history as to what redemption meant. It had ordinarily been supposed that redemption meant redemption in fact; that it meant payment; that it meant retirement; that it meant cancellation. If redemption had been conceded to mean that, then there would not have arisen the question which is presented to-day. Possibly at the time the law was passed it was not contemplated that its exercise would be necessarily continuous; but it will be recalled that subsequently the act of 1878 was passed, which required a continuous reissuing of greenbacks, and hence compelled a continuous redemption, and required an issue of bonds whenever the coin, gold or silver, was deemed necessary to replenish the redemption fund. In other words, this act of 1875, as construed with reference to the law of 1878, gave a continuous authority to protect the greenback currency and to redeem it so long as redemption should be required. The two acts must be construed together; and, sir, it is perfectly idle for lawyers to stand up in the Senate and say that the act of 1875 only applied to one single redemption, or that it at any time exhausted itself. Any other construction than that it was continuous would have stopped the wheels of Government, especially in the present deadlock, when the two Houses are divided upon the question of supplying additional revenue.

Mr. President, I commented yesterday upon the spectacle which would have been presented—upon the situation which would exist at this hour—if the President and Secretary of the Treasury had not exercised the power of issuing bonds with which to replenish the gold reserve. The bonds, while properly issued for the purposes of redemption only, have brought into the Treasury monies, greenbacks, available for current expenses, and thereby the Government has been kept afloat and its credit preserved. I need not remind the country of the chaos which would have resulted from any other course; I need not remind the country of the disasters which would have overtaken the Government if this power had not been exercised. Let me read the act approved May 31, 1878:

An act to forbid the further retirement of United States legal tender notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

All acts and parts of acts in conflict herewith are hereby repealed.

Approved May 31, 1878.

Mr. President, the effect of that act was to provide for the continuous reissuing of greenback paper currency. Will it be said that this Government has provided a method by which greenbacks were to be continuously reissued, and at the same time had deprived that same Government of the power to protect and enforce that redemption? You can not redeem one greenback by another greenback. After the law was passed which pledged this Government to the redemption of its greenback currency in coin the Government must redeem its currency in coin or violate its sacred pledge. So when the Government provided that this greenback currency should be kept afloat, that it should be constantly reissued, it also understood that this act of 1875 gave a continuous power, whenever necessary, for the Government to issue its bonds. Sir, that has been its construction from that hour to this. Every Secretary of the Treasury has so argued, every financial officer of the Government has so understood it, every President of the United States who has since been in authority has so treated it in his messages. Who doubts it? As I said yesterday, a new-born party springs up, and that "combine" says that they have grave doubts of this authority. Why cast discredit upon the bonds of the country? Why attempt, in this critical hour, when the country's credit hangs in the balance, to insinuate and suggest a doubt where no doubt exists? I said yesterday that it would have been impossible to have kept up the credit of this Government except for the exercise of this power.

Mr. President, a great deal has been said recently in the Senate and elsewhere about the vast debt incurred by the issuing of bonds. We had to have the money for the support of the Government, and while the bonds were not issued to provide revenue for the support of the Government, incidentally they had that effect. I have already stated that when bonds are issued for the purpose of procuring gold that gold is used for the purpose of the redemption of greenbacks; and the greenbacks when placed in the Treasury become funds of the Government, and can be used for the expenses of the Government or for any other legitimate purpose.

If we had not obtained money from the bonds there was no other source from which to obtain it except from additional revenue legislation. The Treasury might have been temporarily relieved by the coinage of some silver bullion, but it would have been a mere drop in the bucket. In a short time it would have been exhausted. Therefore I ask those who say—who say simply—that they doubt the authority of the Government to issue bonds, how would this Government have been continued in its operation during the past year except by the issuing of bonds?

As is well known, I did not support the Wilson bill. I tried to have some obnoxious provisions stricken from it. I used my influence to make it a conservative bill, yielding sufficient revenues. I doubted the wisdom of some of its extreme features, but nevertheless it was passed; passed by votes upon this side of the Chamber; passed as a great triumph of tariff reform. That act, as is conceded by its friends as well as its enemies, does not as yet produce an amount necessary for the ordinary expenses of the Government. It does not lie in the mouths of the friends of that measure now to object because funds are procured elsewhere to supply the deficiencies of revenue occasioned by that act. I wish it were otherwise. I wish that my party at that time had framed a bill so conservative, so fair, so reasonable that there would have been no question about a deficiency of revenue. But, sir, extreme counsels prevailed, as they are seeking to prevail here now.

I wish to protect the best interests of that party. It would have been better had extreme counsels not prevailed then. It would be better for our party if extreme counsels did not prevail now. Therefore, I say it does not lie in the mouths of the friends of the

Wilson Act to object because bonds have been issued for legitimate purposes, namely, the redemption of greenbacks, and because, incidentally, those bonds have furnished sufficient money to support the Government. How else would the Government have been supported? What chaos would have resulted without it! What a spectacle would have been presented to the country and to its opponents! What a weapon we would have put into their hands if this Government had ceased operations because without enough money to support it! This very power, exercised under the act of 1875, properly, regularly, duly exercised, has been the means by which the Administration has floated the Government along. Any other course would make the failure of the Wilson Act more apparent and emphatic. We had to have some revenue. The House and Senate were deadlocked. How else was it to be procured to supply deficiencies? Not that anyone had proposed to issue bonds to meet the ordinary expenses of the Government; but as we had to have the gold with which to redeem the greenbacks, incidentally that very situation furnished us the revenue to meet the deficiency occasioned by the Wilson Act.

It is not necessary that I should explain to the Senate or to the country that the funds which are thus accumulated by the sale of bonds are not kept separate. They never have been since the act of 1875 was passed. There is no statute which requires it. When once the gold is used to redeem greenbacks and the greenbacks pass into the Treasury, they become funds available for any legitimate purpose. Therefore my party should not be so anxious to condemn the issuing of bonds. Whatever the other side may seek to do to place us in a false position, whatever the Republicans and the Populists combined may do, our party should at least defend the conceded authority which exists, defend the propriety of the action, defend its legality, because there can be no real question but that the President and Secretary have proceeded regularly and legally.

Mr. President, I know our opponents will say that some \$262,000,000 of bonds have been issued during this Administration. There are worse things than the issuing of bonds. Not a dollar of the money derived from the sale of bonds has been squandered. Not a dollar of the money has been misapplied. It has been used legitimately and properly, first, for the redemption of greenbacks; secondly, the greenbacks have been used for the expenses of the Government. You would think from some of the arguments presented here that the money from bonds had been frittered away. You would think it had been squandered. You would think that this was a pure debt contracted, for which the Government has received no adequate recompense. If we had not used the money thus obtained from the bonds we would have had to have some sort of taxation upon the people. We would have had to resort to something, and if the two Houses of Congress were deadlocked politically, as they have been upon the revenue question, how else would you obtain the money? The Government would stop. Would that have been a nice situation for the friends of the Wilson Act to have contemplated?

All there is of this question can be summed up in a few words. It is a mere question of arithmetic. The moneys have not been taken from the pockets of the people. If there had been additional revenue legislation, some more money would have come from the people; that is all. We have had no such legislation, and therefore the money remains in the pockets of the people. Having to have some money, it has been borrowed. It is a mere question of interest, and the whole issuing of bonds has not wronged the people one iota or inflicted any burden upon them except the mere question of interest. What is the Government to do? Who proposes a remedy? Here are the other House proposing what they call a revenue bill. It comes to the Senate and is seized upon and strangled and kept here. It is not to be passed. Nobody expects it to be passed. What is to be done? How is the Government to be supported except as the Government needed gold to redeem greenbacks, and so incidentally from that source has received some money. That is all there is of the question.

I shall not take up the time of the Senate longer in further establishing the point, first, that the act of 1875 is a continuous authority; that it continues to exist and can be exercised so long as and whenever any greenback shall be presented for redemption, no matter how many years it may be; that it does not exhaust itself by a single exercise; that it applies to all the greenbacks reissued, because it has been held over and over again that reissued greenbacks have the same legal status as when they were first issued. We Democrats on this side of the Chamber are quarreling over immaterial things. Something had to be done, as the Government needed so much revenue, and we did not procure it by the Wilson Act. Then you had to procure it from some source, and I do not think it becomes us so flippantly to criticize the issuing of bonds.

What other course was open to your President? What other course was open to your Secretary of the Treasury? They did not make those laws. They inherited them from those who preceded them. They inherited them under a system of finance fastened

upon them, with which they were environed and from which they could not escape. They had to take the laws as they found them. Why this carping criticism of our officials of the Government? Can we get votes from the other side by this course? What good will it do to pass the resolution? What object is to be accomplished by it? How will it help silver? How will it help the friends of the Democratic party? God knows we have troubles enough of our own without borrowing any.

Mr. President, who are the people who demanded this investigation? Democrats anywhere in the country? No. Democrats understand this question. Republicans in the main? No, I think not. Business men? No. The men who bought the bonds outside of the syndicate, who might be offended in some way? No, they are not. Are the representatives from the States largely interested in this question demanding this investigation? No. The demand for investigation is political in its character. I do not blame the Populists, through their distinguished leaders here, for stirring up this question if they can. That is politics. They want to make political capital if they can. But I think the people pretty thoroughly understand it.

I know there is some prejudice against the issuing of bonds. So far as I am concerned, during the coming campaign I shall go to the people and tell them the exact truth. I shall say to them: "I tried to get a bill which would give greater revenue. I did not support the Wilson bill, because I objected to many of its features, particularly one to which I need not now allude. I hoped it would produce sufficient revenue to support the Government. We are all somewhat disappointed that it has not. But there has no wrong been done. There is no hardship about it. We have not taken the money from the pockets of the people. We have left it there. We had to issue bonds to get gold. Even if we had more revenue it would not have solved the question, because the laws which our predecessors have passed are so arranged that revenues do not have to be paid in gold. You can pay them in silver, in greenbacks, or in any other lawful money, and therefore you would still need gold." I shall tell them frankly of the situation. There will be no difficulty in regard to it. If, however, we intend to insinuate that there is something wrong; if, because we do not like all the details of every transaction, we are to suggest irregularity; if we are to suggest wrong; if we are to suggest fraud; if we are to join with the other side in criticisms of the men whom we placed in power, we might as well dissolve the old Democratic organization and bid farewell to it forever.

Mr. ALLEN. It has gone.

Mr. HILL. No, sir; the old party has not gone. I correct the Senator from Nebraska. That party will live if it is true to itself. It will live, sir, to uphold its true principles, and I do not believe that the actions of a few misguided men can destroy it. There have been darker days than these, and yet the party has emerged to win great and glorious victories.

Only a few politicians want this investigation. They want to throw mud. They want to create the impression that a great scandal exists. They want to make political capital by a clamor, a noise, a tumult, a sensation. They are all who are asking for it. The business men, the men who own farms, the men who own stores, the men who own blocks of houses throughout the country, the man of wealth, and the poor man who owns his little homestead, are not clamoring for the investigation. They have read the messages of our President; they have read the reports of the Secretary of the Treasury, and they have read some of the speeches here which have elucidated those questions, and I think, sir, they understand the real question involved.

Why do I take this view of the question? I do not intend to speak at length of the vast interests of the State which I have the honor in part to represent upon this floor. It is one-tenth of this Union in population; it is more. It has largely extended wealth. It is the great business center of the country. There is where the bonds are floated from all parts of the country. All the conceivable schemes hatched up in other States go to New York to float their bonds. Waterworks, chartered corporations of every kind, and political managers in campaigns go to the citizens of New York for relief. It is a State that has vast business interests, a State usually without prejudices, a State that welcomes business men to its bounds always and treats all courteously and fairly. What is the interest of New York in this question?

Of course I know that I was told here when the bond question was up that the whole country was anxious to get these bonds. You recollect the speeches that were made here. It was said that gold was stowed away in the old lady's stockings, in the boots, in the back cupboards; that farmers and mechanics and others had gold stowed away, and that they were all anxious to come in and bid if they were only given a chance. It was said: "Keep those bonds away from the miserable syndicate in the city of New York, and the people will take the bonds." That sounded very well for a while. Those who made those arguments supposed at that time that the Administration was going to deal with

the syndicate. In fact, they said it was already arranged. I recollect denying it. I recollect that I said my understanding was that the Administration might or might not deal with any syndicate then formed or contemplated.

Finally, when on Monday morning after the famous debate of Thursday we read in the morning papers that the Secretary of the Treasury had concluded to have a popular loan, what was then said? Senators met here and congratulated one another and shook hands with one another. I overheard them say, "Well, we brought the Administration to terms. We smashed the syndicate. We made them issue a popular loan. They did not want to do it. They wanted to favor the syndicate, but we made them stop." I recollect that one Senator caused to be given to the newspapers an account of the large number of letters and telegrams he had received from various parts of the country congratulating him on his firm stand, and how he had brought the Administration to its knees by his little resolution that we debated here one afternoon. The public could not have known about all those letters and telegrams unless he had given them out.

I looked to see how the bonds were subscribed for. The total subscriptions to the recent loan were \$551,026,515, of which New York subscribed the modest sum of \$450,898,850. I thus speak of New York and its interests here as one of the reasons why I manifest interest in this question. I do not propose to have the bonds which my constituents purchased discredited by any such bogus, trumped-up resolution as this if I can prevent it. Massachusetts alone subscribed \$42,891,650; Pennsylvania, \$11,690,200; Ohio, \$9,398,950; Illinois, \$5,154,100; Maryland, \$3,729,500; New Jersey, \$3,305,200. Then Maine, New Hampshire, Vermont, Rhode Island, and Connecticut in all subscribed \$6,897,250. Then come Texas, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Georgia, Florida, Delaware, District of Columbia, Virginia, and West Virginia, all together, \$5,200,635. Then comes another group of States, Nebraska, Missouri, Arkansas, Minnesota, North Dakota, South Dakota, Kansas, Indiana, Iowa, Michigan, and Wisconsin, \$5,570,850. Then comes another group of States which were going to take all the bonds before they were issued at 2½ or 3 per cent—Arizona, California, Indian Territory, Montana, Nevada, Idaho, Colorado, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming, and all others, \$6,289,330. I give these figures to show the interest the people of my State have in this great financial question.

The real grievance of these agitators is not the mere issuance of bonds, because, as I stated, even if they are not necessary it is only a question of the loss of interest involved, but because silver is not forced upon the holders of greenbacks in redemption. That is the real grievance. They do not explain about how the Government is to be run by the pursuit of any other course. They say, "Coin the bullion in the Treasury; coin the seigniorage." That would be only a small amount, which would be soon exhausted. The grievance is really against the Secretary of the Treasury that he does not force the holders of greenbacks to accept silver.

This matter resolves itself into a mere question of option. Who shall have the option, the Government or the people who hold the bonds? Or, if the Government has reserved to itself the legal option, what, under all the circumstances, is the best policy to pursue? Shall it exercise the option, or shall it, in the pursuance of a wise and reasonable policy of keeping all of our different kinds of currency together upon a parity, allow the holder to have the option? That is the question. All else about this question is exaggeration; all else about it is misrepresentation; all else about it is reckless assertion. It is a question of policy, not of law; it is a question of policy, not of honesty; it is a question of policy, not of regularity or propriety. What I object to in the resolution is that instead of recognizing the difference between the friends of the gold standard and the friends of the silver standard, instead of recognizing that the difference between the two sides is a great question of public policy, not a question of law, our friends who are pressing the resolution insist upon making it a question of honesty, a question of law, a question of regularity. There is no such question.

Differ as we may with the Secretary of the Treasury upon these matters, this great question ought not to be diverted into a foolish, unwise, senseless, silly attack upon an Administration which will emerge therefrom, in my judgment, without a single stain put upon it, and to the discomfiture of those who vote for the resolution.

Why not take the other position, the manly position, the square position, that the gold policy requires this thing to be done; that all that has been done is that which had to be done under the gold policy? Why not recognize that fact and treat it fairly? Why not recognize the fact that if this Government insists upon preserving the single gold standard as it now exists in law it must necessarily when demanded pay its obligations in gold? Instead of trying to pass this offensive resolution to investigate the Secretary of the Treasury it would be better to concede that he had to issue the bonds to keep up the gold standard. Admit it, but do

not question his honesty, do not question his integrity, do not question the law under which it is done. Sir, he has ample authority for all that has been done. Therefore the matter resolves itself into a question of a great public policy.

I have great respect for those who say that they believe it would have been wiser for the Government to have adopted the course of redeeming the greenbacks in silver. The friends of the gold standard say, "Would not that course ultimately drive gold out, as the cheaper metal usually drives out the dearer? Would it not result in putting a premium on gold?" They say as an answer, they do not believe it would. I do not question their good faith. I think that those who differ with me upon this great question honestly differ. I concede the honesty of their motive. I object, however, to their assailing those who differ with them.

Mr. President, there is some excuse, it is true, for what has been at times hastily said. I know that the words "sound money" are used by almost everyone. The words "honest money" are used, and the friends of silver are ready to believe that the friends of the single gold standard insist that they are the friends of dishonest money and unsound money. I always avoid the use of those terms where I can. They are in the public prints; you hear them in public discussions, and it is hard to avoid the use of them. I speak of the gold standard and of the silver standard, the single gold standard or the double standard. That is the proper way to speak of the different phases of this question.

Sir, I do not believe that any true friend of silver wants to foist upon the country any currency that is not equal to gold or will not prove to be. You recollect the last words that were uttered when the silver bill passed the Senate in January. I recall the language of the Senator from Idaho [Mr. DUBOIS] when he said, "we expect by the free coinage of silver to make the silver dollar equal to the gold dollar. We expect that within a very short time (I think he said, however, immediately) when this law shall be passed that the silver dollar will soon be equal to the gold dollar." Sir, undoubtedly he believes it. That is the theory of those who honestly desire the double standard or desire to see silver recognized more than it is.

Yet, notwithstanding the unfair expressions of many of those who conduct the campaign in favor of the gold standard, notwithstanding silver men are unfairly, I think, sometimes taunted that they are in favor of an unsound currency and a dishonest currency, I want to call your attention to the fact that while they differ with the distinguished Secretary of the Treasury he does not offensively use those expressions. I have perused his speeches, and while once in a while, but rarely, such expressions are used, he argues the question fairly from his standpoint. I have seen no abuse of the silver men in his speeches. Sir, he is an able man. His speeches show most eloquent diction, and he shows his learning in every line of his public addresses. In his recent great speech at Chicago, no matter whether you differ from him or not, he presents his side of the case fairly, intelligently, without abuse of those who differ from him.

Mr. President, are the friends of silver in this Chamber upon either side to answer this great argument in favor of the single gold standard by the Secretary of the Treasury with an offensive resolution to investigate him, with insinuations of dishonesty right upon its face? No, Mr. President; I have too much confidence in the good friends here who believe in bimetalism, who believe in silver, who want honestly to do something in its behalf, to believe that they will countenance any such resolution here even at the dictation of the Populist party in the Senate.

The Secretary of the Treasury believes that the best policy for this Government to pursue is to allow the holder of securities to have the option as to the kind of money that the paper currency shall be redeemed in. I am inclined to think that in the financial situation which has confronted this country in the past few years that conclusion has been a wise one. I know not what would have been the result of some other policy. It might have worked well. We might have avoided danger. This is a great and growing and strong country, and it takes a great deal to ruin it. I can not see any other course ahead for this Government to pursue. Possibly if another course had been pursued, and silver had been forced upon the holders of securities, the country might have survived. I know not. It is not a time to make experiments.

What is the law? Whether the law is wise or unwise is not the question. You have to-day upon your statute books authority for the maintenance of only one single standard, and that is the gold standard. You may honestly seek to change it by an amendment of the statute; but while it exists there any other course except honestly to enforce that policy and enforce that statute?

Mr. President, what are the complaints made upon which this investigation is desired? If it had been introduced by my distinguished friend from New Hampshire [Mr. CHANDLER] I would have said that he wanted to have some fun; that he did it as a joke; that he enjoys a fracas of this kind—an investigation; that he would like to have had the tumult which would arise in the newspapers in regard to it, and would like to see the Democratic

officials squirm under this investigation. That is all very well from his standpoint; but, Mr. President, the people are not interested in those things. The great business interests of the country are not interested in the Congressional squabbles of one party obtaining a trifling advantage over another. The business interests of the country do not want Congressional investigations over grave financial questions if they can be avoided. There is nothing in it for them. They do not like this attempt to get mean, little, contemptible political advantage of one party over another by using the great weapon of a Congressional investigation, disturbing the financial affairs of the country.

The first two loans, of about \$50,000,000 each, are to be investigated. That is what the resolution says. What was the trouble about those loans? What was the trouble about the first two loans? Oh, they say there was no authority. That is the whole difficulty. We have got over that. What was the difficulty in fact? The syndicate had nothing at first to do with those loans. A popular loan was started in one of them and failed; then subscriptions were started. Who questioned those first two loans, their regularity, their propriety? No one. We are going to investigate them. I suppose they thought the tail would go with the hide, and put them all in. If we are going to have a time, let us have a great time. I was going to use a stronger phrase, but I refrain from it. Therefore we are going to investigate the first two loans of \$50,000,000 each just for the fun of the thing; that is all. Nobody makes any complaint; nobody has indicated any fraud; nobody has said there was any irregularity, but we are going to investigate them.

Now, the second is the syndicate loan of last February. What was there about the syndicate loan? I say, and I challenge successful contradiction, that in the making of that loan there was nothing done secretly. The gold reserve was rapidly diminishing; a crisis was at hand; time was important. Concede, if you please, that the terms were somewhat harsh; what of it? That is a mere question of negotiation. Unless you will dare to go to the extent of saying that the officers of our Government were recreant to their trust, the mere fact whether there was a little excessive percentage one way or the other makes no difference. It was a question of negotiation, a question of bargain, and if you concede that the parties to the contract were honest, there is really nothing further to investigate about it.

The author of the resolution, in his speech that I referred to yesterday, said the country was astonished. Mr. President, is that so? Will that bear investigation? Before the President, through his Secretary, had issued a single bond prior to the February loan he sent to this Congress a special message, which I will ask the Secretary to read, showing that he did nothing secretly, showing that he warned Congress of what was coming, showing that he appreciated the gravity of the situation, showing that he wanted to discharge his duty to his country. That message shows it.

THE PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

To the Congress of the United States:

Since my recent communication to the Congress, calling attention to our financial condition and suggesting legislation which I deemed essential to our national welfare and credit, the anxiety and apprehension then existing in business circles have continued.

As a precaution, therefore, against the failure of timely legislative aid through Congressional action, cautious preparations have been pending to employ to the best possible advantage, in default of better means, such executive authority as may, without additional legislation, be exercised for the purpose of reinforcing and maintaining in our Treasury an adequate and safe gold reserve.

In the judgment of those especially charged with this responsibility, the business situation is so critical and the legislative situation is so unpromising, with the omission thus far on the part of Congress to beneficially enlarge the powers of the Secretary of the Treasury in the premises, as to enjoin immediate Executive action with the facilities now at hand.

Therefore, in pursuance of section 3700 of the Revised Statutes, the details of an arrangement have this day been concluded with parties abundantly able to fulfill their undertaking whereby bonds of the United States, authorized under the act of July 14, 1875, payable in coin thirty years after their date, with interest at the rate of 4 per cent per annum, to the amount of a little less than \$82,400,000, are to be issued for the purchase of gold coin amounting to a sum slightly in excess of \$85,000,000, to be delivered to the Treasury of the United States, which sum, added to the gold now held in our reserve, will so restore such reserve as to make it amount to something more than \$100,000,000. Such a premium is to be allowed to the Government upon the bonds as to fix the rate of interest upon the amount of gold realized at 3½ per cent per annum. At least one-half of the gold to be obtained is to be supplied from abroad, which is a very important and favorable feature of the transaction.

The privilege is especially reserved to the Government to substitute at par within ten days from this date, in lieu of the 4 per cent coin bonds, other bonds in terms payable in gold and bearing only 3 per cent interest, if the issue of the same should in the meantime be authorized by the Congress.

The arrangement thus completed which, after careful inquiry, appears in present circumstances and considering all the objects desired to be the best attainable, develops such a difference in the estimation of investors between bonds made payable in coin and those specifically made payable in gold in favor of the latter as is represented by three-fourths of a cent in annual interest. In the agreement just concluded the annual saving in interest to the Government, if 3 per cent gold bonds should be substituted for 4 per cent coin bonds under the privilege reserved, would be \$539,159, amounting in thirty years, or at the maturity of the coin bonds, to \$16,174,770.

Of course there never should be a doubt in any quarter as to the redemption in gold of the bonds of the Government which are made payable in coin. Therefore the discrimination in the judgment of investors between our bond obligations payable in coin and those specifically made payable in gold is very significant. It is hardly necessary to suggest that whatever may be our views on the subject, the sentiments or preferences of those with whom we must negotiate in disposing of our bonds for gold are not subject to our dictation.

I have only to add that in my opinion the transaction herein detailed for the information of the Congress promises better results than the efforts previously made in the direction of effectively adding to our gold reserve through the sale of bonds; and I believe it will tend, as far as such action can, in present circumstances, to meet the determination expressed in the law repealing the silver purchasing clause of the act of July 14, 1890, and that, in the language of such repealing act, the arrangement made will aid our efforts to "insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts."

EXECUTIVE MANSION,
February 8, 1895.

GROVER CLEVELAND.

Mr. HILL. This special message was an able and comprehensive statement of the then existing financial situation. It informed Congress of exactly what was contemplated and what would have to be done. If those who were so jealous of syndicates, if those who in this Chamber so frequently denounce syndicates desired to deprive those syndicates of the bonds which were to be issued, they had ample authority so to do. The President asked for legislation which would give him the right to have bonds issued at 3 per cent and better terms for the Government secured. It is true that he asked for gold bonds. It is true he argued that gold was needed for the purposes of replenishing the redemption fund. But, Mr. President, Congress was deaf to his appeal. Congress refused any sort of legislation upon the subject. Congress seemed to prefer to denounce syndicates in public speeches and play into their hands by refusing adequate legislation.

The President of the United States informed Congress precisely what he had felt constrained to do. In considering the syndicate contract we should not forget the fact that under the very terms of that contract one-half of the gold was to be supplied from abroad. Need I argue before the Senate or the country the value of that provision? Had we not seen under the system of popular loans nearly three-quarters of all the gold taken directly from the Treasury? That had been the practical result. The parties who desired bonds procured the greenbacks, went to the Treasury, drew out the gold, then came back and bought the bonds, and there was no possible way of stopping it, at least no feasible, no practical way.

But the value of this contract was that it provided that half of the gold should be obtained abroad, therefore leaving our gold intact in the Treasury of the United States. If Congress did not like that arrangement it could have changed it. If Congress wanted something better for the interests of the country, Congress could have legislated. Mr. President, legislation was not given. Congress largely accepted the responsibility and relieved the President. He had only to proceed under existing law; and while this syndicate contract of February, 1895, has been criticised I have never yet heard the able argument upon that side of the question presented by the Senator from Wisconsin [Mr. VILAS] answered here or elsewhere.

The President in his subsequent annual message did not seek to escape the responsibility for what had been done. In his annual message that followed he detailed this transaction. He defended it. He accepted his share of the responsibility for it. He said that he believed he had subverted the best interests of the country, and he thinks so still. I will ask the Secretary to commence where I have marked on page 18 of the President's last annual message. It will be good matter to insert in my remarks.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

The compulsory purchase and coinage of silver by the Government, unchecked and unregulated by business conditions and heedless of our currency needs, which for more than fifteen years diluted our circulating medium, undermined confidence abroad in our financial ability, and at last culminated in distress and panic at home, has been recently stopped by the repeal of the laws which forced this reckless scheme upon the country.

The things thus accomplished, notwithstanding their extreme importance and beneficent effects, fall far short of curing the monetary evils from which we suffer as a result of long indulgence in ill-advised financial expedients.

The currency denominated United States notes and commonly known as greenbacks was issued in large volume during the late civil war, and was intended originally to meet the exigencies of that period. It will be seen by a reference to the debates in Congress at the time the laws were passed authorizing the issue of these notes that their advocates declared they were intended for only temporary use and to meet the emergency of war. In almost if not all the laws relating to them some provision was made contemplating their voluntary or compulsory retirement. A large quantity of them, however, were kept on foot and mingled with the currency of the country, so that at the close of the year 1874 they amounted to \$381,999,073.

Immediately after that date, and in January, 1875, a law was passed providing for the resumption of specie payments, by which the Secretary of the Treasury was required, whenever additional circulation was issued to national banks, to retire United States notes equal in amount to 80 per cent of such additional national-bank circulation until such notes were reduced to \$300,000,000. This law further provided that on and after the 1st day of Jan-

uary, 1879, the United States notes then outstanding should be redeemed in coin, and in order to provide and prepare for such redemption the Secretary of the Treasury was authorized not only to use any surplus revenues of the Government, but to issue bonds of the United States and dispose of them for coin, and to use the proceeds for the purposes contemplated by the statute.

Mr. HILL. Mr. President, I now yield for a little while to the Senator from Iowa [Mr. GEAR], who wishes to present a report.

PACIFIC RAILROADS.

Mr. GEAR. I am directed by the Committee on Pacific Railroads to report a new bill as a substitute for Senate bills 773, 798, and 1369. I will state that I shall file the report of the committee favoring the passage of the bill within a day or two.

I wish to state further in this connection that the Senator from Colorado [Mr. WOLCOTT] dissents in some degree from the report regarding the Union Pacific Railroad, and reserves the right, which the committee cheerfully accord him, of filing, if he wishes, a minority report.

Mr. CHANDLER. I ask that the titles of the bills be stated.

The PRESIDING OFFICER. The titles of the bills will be stated. The new bill reported by the Senator from Iowa will be placed upon the Calendar and the other bills indefinitely postponed, if there be no objection.

The Secretary read as follows:

A bill (S. 1369) directing the foreclosure of the Government lien on the Pacific railroads, and for other purposes.

Mr. ALLEN. By whom was that bill introduced?

The PRESIDING OFFICER. By the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. I want that bill to go upon the Calendar, Mr. President, and not to be indefinitely postponed.

The PRESIDING OFFICER. The bill will be placed upon the Calendar.

Mr. GEAR. The committee does not ask for the indefinite postponement of the various bills for which it reports the substitute. It presents a new bill as a substitute in lieu of all of the other bills. Of course it will be for the Senate to take what action it pleases regarding any of the bills.

The PRESIDING OFFICER. The titles of the other bills will now be stated.

The Secretary read as follows:

A bill (S. 773) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of the railroads, and to secure to the United States payment of all indebtedness of certain of the companies therein mentioned—introduced by Mr. FAYE.

A bill (S. 798) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-mentioned act; and also to alter and amend the act of Congress approved May 7, 1878, in amendment of said acts—introduced by Mr. THURSTON.

The PRESIDING OFFICER. The bills will be placed on the Calendar.

Mr. GEAR. Now, let the Secretary read the title of the bill which was reported by the committee as a substitute for the bills the titles of which have just been read.

The PRESIDING OFFICER. The title of the bill referred to will be stated.

The Secretary read as follows:

The bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto; and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. ALLEN. With the consent of the Senator from New York [Mr. HILL], I should like to ask the Senator from Iowa if this is what is known as the Frye bill?

Mr. GEAR. No, sir; it is the committee bill. It is somewhat changed from the Frye bill. It is the bill prepared by the committee, which embraces the settlement of both roads.

Mr. ALLEN. I infer that the Committee on Pacific Railroads has concluded its examination of witnesses.

Mr. GEAR. I think so.

Mr. ALLEN. I should like to ask the Senator if any of the shippers along the line of these bond-aided railroads have been invited to appear before the committee?

Mr. GEAR. As I stated once before to the Senator from Nebraska when this question was before the Senate, public notice has been given of all the hearings, and shippers, boards of trade, and everybody else could have appeared before the committee and have stated whatever they chose.

Mr. ALLEN. No further notice has been given?

Mr. GEAR. No further notice has been given.

Mr. ALLEN. Simply a general notice?

Mr. GEAR. Simply a general notice, the same notice as has been given of all the hearings by committees in both branches of Congress during my service in either branch.

Mr. ALLEN. I should like to ask the Senator also whether any specific invitation has been extended to any boards of trade or chambers of commerce or grangers or Alliance organizations to furnish data and appear before the committee?

Mr. GEAR. No specific invitation has been sent to anybody.

Mr. ALLEN. What class of witnesses have appeared here, and representing what interests?

Mr. GEAR. I have not time to recapitulate all the evidence. It fills a large book. The Senator can get it by application to my committee room, and find out what class of persons came before the committee and read it, which I suppose he will do.

Mr. ALLEN. Yes; I can read.

Mr. GEAR. I know you can.

Mr. ALLEN. I simply desire to say a few words, if I can have the permission of the Senator from New York.

Mr. HILL. Certainly.

Mr. ALLEN. Mr. President, several weeks ago this question was up, and it was then notorious that Collis P. Huntington and his lobbyists—because that is the proper designation for them—were here in force to influence the action of Congress in legislation upon the subject of the Pacific railroads. I then called the attention of my honorable friend from Iowa, for whom I have the highest respect, to the fact that no invitation had been sent to the patrons of these roads and to the people who were affected by this legislation, either to appear before the committee or to lay before it any data in their possession. I had hoped at that time that the honorable Senator from Iowa, who is at the head of this committee, would have sent out an invitation which could have been done for 2 cents—a 2-cent postage stamp would have carried the letter—to the National Grange and the national and State alliances of the States through which these railroads run, and the boards of trade, the chambers of commerce, and the great body of shippers and people whose interests are affected—and deeply affected—by this proposed legislation, to appear before that committee and give evidence and furnish data. I supposed, of course, that the honorable Senator would have done that. I had no doubt that he would do it when his attention was drawn to the fact. I regret to say, Mr. President, that it does appear to me as though there had been a studied effort on the part of the Pacific Railroads Committee to cut off those people from any opportunity to appear before the committee or lay before it necessary evidence and data, and by that means get a full, free, and fair expression of popular sentiment upon the subject.

Mr. GEAR. Mr. President, if the Senator from New York will permit me for a moment, I beg to say, in reply to the statements made by the Senator from Nebraska, whom I have known these many years in all the different political affiliations and parties with which he has been connected during the last thirty years, that, as I said before, a public notice was given that the committee were to have hearings in regard to a proposed settlement on the part of the Central and Union Pacific railroads of the debts they owed the Government. The only notice, as I have before said, that I have ever known to be given by a committee of Congress in regard to a proceeding of this kind went out in the Associated Press dispatches. The hearings were reported and published from the Golden Gate to the Atlantic Ocean. Every day the papers of California and of Omaha, in the Senator's own State, had full reports of what the committee were doing, and everybody who felt inclined to appear, or who had anything to say to the committee, had a perfect opportunity to do so. The doors of the committee have always swung inward—

Mr. PEPPER. I rise to a question of order.

Mr. GEAR. I will be through in a minute, if the Senator will allow me.

The doors of the committee have always swung inward for every man, for every woman—because women have been before the committee, I believe—to appear before the committee to make their statements. If the National Grange or the National Farmers' Alliance or the boards of trade of Omaha or of any other place along the line from here to the Pacific Ocean wanted to come before the committee, they had the opportunity. The committee were not empowered to send for persons and papers, and therefore the only notice they could give was the same as that which has always been given in the other branch and in this branch of Congress when hearings have been had in regard to the great question of the tariff. If individual notices had been sent out, it would have taken months to close up the hearings.

The members of the committee can answer each individually to the charge which the Senator from Nebraska makes in regard to this matter. They are perfectly competent to do it. They are as able men, in my judgment, and as honorable as any who are on

the floor of this Senate, and they have given a great deal of time and attention to this vexed question. Whether they have arrived at the proper solution of the subject in the bill reported, time will show. The votes of Senators, when the bill is presented to them, will show whether they think the committee is right or wrong.

The Senator has no right to come in and impugn the committee, or the chairman of the committee, by saying they have not done their duty in not sending out written notices to Tom, Dick, and Harry all over God's creation to come and appear before the committee. In my judgment, the Senator would not have done it if he were chairman of that or any other committee.

That is all I wish to say, Mr. President.

Mr. ALLEN. Mr. President, with the indulgence of the Senator from New York and the Senator from Kansas, I wish to occupy the time of the Senate for just a moment.

I am not inclined to engage in a quarrel with my distinguished friend from Iowa, for whom I have very great respect indeed—

Mr. GEAR. You can not get into a quarrel with me.

Mr. ALLEN. For I have known him since I was a barefooted boy. I believe him to be an honest man and I know him to be an able man, but I can not understand, and the Senator will have to explain his explanation to me before I can understand—it may be in consequence of my dullness—why the people of this country have no right, why they have not been invited, to appear before this committee and make their grievances known.

I speak of what I have seen with my own eyes. I have been in the Pacific Railroads Committee room on two different occasions when this so-called investigation was going on, and I have seen that supreme magnate of American railroads and American politics, himself the embodiment of force and corruption, Collis P. Huntington, sitting there, apparently a lord over the committee and everybody around him, and his lobbyists occupying the seats in the committee room; not a farmer, not a merchant, not a man living upon the prairies, not a man living along the line of the railroads there—not one.

The Senator from Iowa says that it has not been the custom to send out notices to these people. Mr. President, if it has not, then the custom ought to be changed. A precedent that excludes the great masses of the people who are affected by legislation of this kind from an opportunity to be heard before this committee, or any other committee of Congress, ought to be revoked as speedily as possible.

I am not going to make any charge against the committee—I would not do that, for I recognize that they are all honorable gentlemen; Brutus was an honorable man also. I recognize their honesty and their capacity, but I can not help but be impressed with the thought that there was a studied and a fixed purpose—and I say it now—a studied and fixed purpose to exclude these people from any representation before that committee or an opportunity to lay before it their wishes or any facts in their possession.

This bill—I do not know what it is, but if it is read, and I shall ask to have it read and put in the RECORD, so that it shall appear to-morrow morning—means what? I can read it as well as though I had it before my eyes at this moment. It means an extension of the debt of these railroads to the nation substantially upon the lines laid down and dictated by Mr. Huntington. That is all I now desire to say.

Mr. CHANDLER. Mr. President—

Mr. GEAR. One moment.

The PRESIDING OFFICER. The Chair thinks this colloquy is entirely out of order and proceeds with the permission of the Senator from New York.

Mr. GEAR. I understand it is by the grace of the Senator from New York and the Senator from Kansas.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. CHANDLER. Yes, sir.

Mr. GEAR. The Senator from Nebraska claims to represent on this floor the great State of Nebraska. I will not say that he misrepresents it. I will leave that to his people to say. Why did not the Senator from Nebraska come before that committee himself? That is a question for him to answer. He is supposed to represent the great farming interests, the grange interests, the national alliances, and the boards of trade. He says we did not give them notice, and he, representing them as the fiduciary agent of those interests, failed to come in person. He knew this committee was sitting day by day, and for weeks and months.

Mr. ALLEN. Let me correct the Senator. That statement ought not to be made.

Mr. GEAR. What statement?

Mr. ALLEN. The statement the Senator is now making.

Mr. GEAR. Why not?

Mr. ALLEN. I stood at my desk here two months ago and called your attention to this matter.

Mr. GEAR. I ask you here now, did you not know, and do you not know as a matter of fact, that this committee was in

daily session examining people under oath? Had you not a right, as every other man in the Senate, every Senator, every citizen of this country, to come before that committee and make any statement you wished?

It is a great deal easier, Mr. President, to pull down than it is to build up. The Senator is of that class of people who try to pull down and not to build up the legislation of the country.

I will state briefly what the bill contains. The original debt of the Pacific railroad companies to the United States is paid and the money is in the Treasury of the United States. This bill simply deals with the interest. Whether the matter is dealt with in the best manner is for the Senate to decide. The bill provides for certain payments, \$1,000 a day for the first ten years, \$1,500 a day for the next ten years, and \$2,000 a day thereafter until final payment. And also the payment of some annual interest. Whether the committee in this bill have devised the best method of making and adjusting the settlement I do not know. I do not claim for the committee infallibility; but I do claim that the members of that committee are men of as high standing as there are in this Senate, and it is in very bad taste for the Senator from Nebraska to come in here and impugn the integrity and the reliability of his brother Senators because they have not come up to what he thinks is perfection. I for one do not propose to stand here and take the kind of language that the Senator from Nebraska addresses to me. He can get no quarrel with me. I know him well. I have known him probably longer and better than many other Senators in this Chamber. I know the kind of parties he has affiliated with for the last thirty or forty years. Now he turns up with the party which my friend from Tennessee [Mr. HARRIS] calls "Populites." It is much easier for that class of men to tear down than to build up. The Senate of the United States and the House of Representatives are endeavoring to build up, in my judgment, and save the Government the money due it. Whether the committee have done wisely will be found out when the bill is brought to the Senator's notice and he has an opportunity to discuss it and vote upon it.

Mr. ALLEN. Just a word, and I shall not interrupt the exhibition of my friend from New York much further.

Mr. HILL. What?

Mr. ALLEN. His speech, I should say. [Laughter.]

The Senator from Iowa, I regret to say, loses his temper. I have not impugned the motives of the honorable Senator from Iowa nor his associates on the Pacific Railroads Committee. Whatever I might think about that, Mr. President, I would not give expression to it here. I might say, however, that I have no disposition to impugn his motives or the motives of his associates. I would not suffer myself to do that.

The Senator, however, seems to make, or undertakes to make, a point upon me that I have not followed this Pacific Railroads Committee around to its committee room. It is not my duty to do so. I was sent here to represent in part the State of Nebraska. I did not come here by the consent of the Senator from Iowa, and never should have come here by his consent.

Mr. GEAR. That is true.

Mr. ALLEN. That is true. I am here in spite of him, Mr. President, and I am going to stay here, too, for a while, and whenever I think a thing is wrong I am going to say so, it does not make any difference who is involved, and I am not going to say it with any insinuation attached to it. If I think anything involves the character of the Senator from Iowa I will say so to him in plain Anglo-Saxon. He never in the world will be mistaken as to what I mean.

Mr. GEAR. May I interrupt the Senator a moment?

Mr. ALLEN. Oh, yes.

Mr. GEAR. When this question was up some six weeks ago, the Senator will bear in mind that I then invited him to come before the committee. Why did he not come? Please answer that question to the Senate.

Mr. ALLEN. I am just answering it, and I will answer it completely.

Mr. GEAR. I shall be glad to have you do it.

Mr. ALLEN. It is not my business to go before that committee; not at all. I am here to point out to the Senator from Iowa the fact that along the line of these railroads there are great organizations of farmers and merchants and consumers and shippers who have a great deal of valuable data that ought to be laid before the committee. I did that from my desk in the Senate in as dignified a way as I am capable of transacting business. It was then the duty of the Senator from Iowa, in my judgment, to send out an invitation to those people to lay their data before the committee, and not to engage for six or eight weeks in a special exhibition given for Collis P. Huntington and his peculiar class of people to the exclusion of the honest granger and the merchant and the shipper and the consumer. I did call attention to that fact.

Now, let me speak of one more thing. The honorable Senator from Iowa, who is a most excellent gentleman, says that he knows

me well; he does; that he knows of my various political attachments and affiliations. I beg to inform the Senate and the country now all about them, and I will inform the Senator from Iowa of something he does not know.

I cast my first vote for Abraham Lincoln for President of the United States. I was in the Army at the time, I suppose not a voter, although I was told by the commissioners who took the vote that I was, and I voted. I cast my second vote for U. S. Grant for President of the United States.

Mr. GEAR. I congratulate the Senator on twice having voted right. [Laughter.]

Mr. ALLEN. I cast my next vote again for Grant in 1872. I suppose the Senator will congratulate me there.

Mr. GEAR. I will.

Mr. ALLEN. I cast my next vote for Samuel J. Tilden in 1876.

Mr. HILL. I congratulate the Senator there. [Laughter.]

Mr. ALLEN. Thank you.

In 1880, Mr. President, I cast my next vote for James A. Garfield for President. In 1884 I was absent from my State at the time the election was held. If I had been there I should have voted for James G. Blaine. I believed him to be a very great statesman; and I believe also, and believed at the time, and I have never had occasion to change my mind, that Samuel J. Tilden was one of the greatest statesmen and purest men this country has ever produced.

In 1888, I regret to say, Mr. President, I cast my vote for the late President of the United States, Benjamin Harrison. In 1892 I cast my vote for James B. Weaver, thank God! [Laughter.]

Now, I have told the Senator from Iowa something that he never knew before. The Senator was simply fishing in the dark when he said he knew my political affiliations.

Mr. President, when a man lives to be 75 or 80 years of age and never discovers that he has been in error there is no hope for that man; none whatever. [Laughter.]

Mr. CHANDLER. Then I understand that the test of a man's knowledge is that he must change his politics once in a while. [Laughter.]

Mr. ALLEN. Oh, no, Mr. President; not at all; but that man who puts his party above his country is the most dangerous enemy the country can have. What is a political party designed for but as a means to produce the end of good government? Whenever a man says that his patriotism is measured and limited by the hidebound decrees of a political party, and can never see that it is in error, there is no hope for that man, and there is no hope for a country the great body of whose citizenship is composed of that class of men.

Now I yield the floor to the distinguished Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. Mr. President, certainly the Senator from Nebraska [Mr. ALLEN] is competent to speak on the subject of parties, because he has consecutively belonged to them all, and seemed to me to intimate toward the last that he was meditating another change. [Laughter.]

The Senator will also notice that he has been obstructing the passage of the resolution of his Populist friend from Kansas [Mr. PEPPER], which we are all so desirous to have passed, and have been waiting here anxious to pass as soon the Senator from New York [Mr. HILL] shall exhaust himself. [Laughter.] Yet the Senator from Nebraska has intervened with the discussion of the Pacific railroads question upon the formal presentation of the report by the chairman of the committee.

I desired to rise a few moments ago simply to say a word—an unnecessary word, it is true—in vindication of that committee from the aspersions (I must call them such) of the Senator from Nebraska. As I understood the Senator, he said that Mr. Huntington and his lobbyists had been allowed to lord it over that committee. He meant, if he meant anything, that Mr. Huntington and his associates dominated the committee—influenced it improperly in the manner of its investigation.

Mr. ALLEN. Oh, no; not at all.

Mr. CHANDLER. Not in the result—

Mr. ALLEN. Let me correct the Senator.

Mr. CHANDLER. Not in the result, but in the manner of conducting its investigation.

Mr. ALLEN. Let me correct the Senator. We are all really helping the Senator from New York. [Laughter.]

Mr. CHANDLER. The Senator from New York will excuse us both.

Mr. ALLEN. I neither said nor implied what the Senator from New Hampshire has stated.

Mr. CHANDLER. That is what the language means as it stands in the RECORD.

Mr. ALLEN. What I wanted to be understood as saying—and I ordinarily speak with plainness—was that every chair in the room of the Pacific Railroads Committee was occupied by Mr. Huntington and his friends except those occupied by the committee. They were there to the exclusion of other people.

Mr. CHANDLER. I undertake to say that the remarks of the Senator will read as an aspersion upon the committee, although they have been well replied to by the chairman of the committee. And the Senator now adds another aspersion. He can not mean anything but an aspersion when he says that all the chairs except those of the committee were occupied by Mr. Huntington and his friends. He implies by that that others who wanted to be there were excluded from chairs and had not a fair opportunity before the committee.

I do not speak now of the result which the committee has reached, but I undertake to say, so far as the investigation of the committee and its conduct of that investigation are concerned, that they are beyond criticism. It is absurd for the Senator from Nebraska to say that the committee should have advertised all over this country for people to come in and make objections. The whole country that is interested in this question knew that the bills were before the committee. The country has known it for years, and anyone who had the least desire to be heard had notice and an opportunity to be heard. If advertising was needed, the Senator from Nebraska had advertised over and over again in speeches in the Senate that the question was pending and that everybody who had anything to say ought to be there.

Mr. STEWART. The proceedings of the committee were published from time to time.

Mr. CHANDLER. The proceedings of the committee, as we all have noticed, have been reported in the papers. I did not enter the committee room, but we have read from time to time reports of the proceedings of the committee. The time was taken up literally by the Senator from Alabama [Mr. MORGAN], who is not in favor of the settlement bill, I suppose. If there has been any favoritism shown anywhere in the hearings, according to my observation it has not been to Mr. Huntington and his associates, or his lobbyists, or whatever else the Senator may call them, but the time was taken up by the opponents of the settlement, by the enemies of Mr. Huntington, and by the men who entertain the same views on the subject of this settlement that are entertained by the Senator from Nebraska. I say that vastly more of the time of the committee in the consideration of the business before it was taken up by the opponents of the settlement than by Mr. Huntington and the friends of the settlement. I call upon the Senator from Nevada [Mr. STEWART], who appears at my left, to dispute me if I am not correct.

Mr. STEWART. Three-quarters of the time was so employed.

Mr. CHANDLER. The Senator from Nevada says three-quarters of the time. Here are the members of the committee: Mr. GEAR (the chairman), Mr. STEWART, Mr. DAVIS, Mr. WOLCOTT, Mr. FRYE, Mr. BRICE, Mr. MORGAN, Mr. FAULKNER, and Mr. MURPHY. The committee may have reached a mistaken result; it may have reported a bill that we shall not vote for, but I do deprecate in all sincerity the attack which the Senator from Nebraska has made upon the committee. Is he aware how much he creates sentiments of suspicion of the Populist party when he intimates that the Senator from Nevada [Mr. STEWART], his distinguished associate in that party, could be actuated by any other than the best of motives in the performance of a public duty? It seems to me that the Senator should have refrained from criticising the mode and manner of the committee and should have withheld his oburgation until the bill came up for consideration.

Mr. HILL. Will the Senator from New Hampshire allow me for a moment?

Mr. CHANDLER. Certainly.

Mr. HILL. I am inclined to think that the allegations of the Senator from Nebraska present good ground for another investigation. [Laughter.]

Mr. CHANDLER. I only hope that in order to prove that the Senator from New York is right he will not undertake to read all of the proceedings of the Pacific Railroad Committee as a part of his brief remarks.

Mr. HILL. I would not want to promise.

Mr. CHANDLER. That is all I have to say. I did not need to rise, but I think the Senator from Nebraska himself ought to disclaim in the most emphatic manner the idea which it seems to me he intended to convey—that Mr. Huntington and his lobbyists exercised an improper influence upon the conduct and action of the committee.

Mr. PEPPER. I call for the regular order.

Mr. GEAR. I ask the Senator from Kansas to give way for one moment.

Mr. PEPPER. I object to any further discussion.

Mr. GEAR. I ask the Senator from Kansas to give way for barely one moment.

Mr. PEPPER. I have given way for two or three moments already.

Mr. HILL. I have the floor.

Mr. GEAR. Then I ask the Senator from New York to yield to me.

Mr. HILL. I yield.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. GEAR. I understand I am recognized. I wish to say one word more in regard to the hearings before the committee.

Of course the Central and the Union Pacific railroads were to make certain propositions to the Government in adjustment of this debt. The distinguished Senator from Alabama [Mr. MORGAN] requested Mr. Huntington to come before the committee. Fully 90 per cent of the time of the committee in the hearing of Mr. Huntington was taken up by the cross-questioning of the distinguished Senator from Alabama. The other Union Pacific representatives came there in their turn to make propositions to the Government through the committee. The only method by which they could come before Congress was through the committee. They came there and made their proposition, and were put under oath. The gentlemen who represent the Government, in the persons of Mr. Ellery Anderson and Mr. Oliver Mink, receivers for the Government, were also there, and they were put under oath. The hearing took up a long time, a large portion of which was taken up by my friend the Senator from Alabama, who, I regret, is sick and not able to be here. That is the history of the hearings.

The room of the committee, of which I have the honor to be chairman, is too small to accommodate the crowd that came to the hearing. Gentlemen from all over the country were there, and the Senator from Maine [Mr. FRYE], chairman of the Committee on Commerce, kindly gave us his room in which to hold the hearing, so that we might accommodate the crowd of 20 or 30 or 50 people who came there. So it seems to me everybody had a right to come and that everybody came who wished.

The Senator from Nebraska has given us his political history. I congratulate him that out of seven Presidential votes he has given four or five at least on the right side. When he voted for James B. Weaver—a gentleman of my own State—he voted for a man who is in favor of confiscating all the railway property and public property, the telegraphs, and everything of that kind and issuing irredeemable paper money for them; who stood then and stands now on the same platform that the Senator from Nebraska stands on—the Ocala platform. The Senator from Nebraska has been a Republican. All right. He has been a Democrat, he says. I respect a good, honest Democrat. To-day he represents the Populist party, occupying a position between the two parties, according to his way, but really with his guns aimed toward the Republican party and looking all the time to the Democratic party, with which he affiliates. That is his political record.

Mr. ALLEN. With the consent of the Senator from New York [Mr. HILL], who is entitled to the floor—

The PRESIDING OFFICER. The Chair is assuming also that the Senator from Kansas consents.

Mr. ALLEN. Mr. President—

Mr. HILL. I do not see that the Senator from Kansas has anything to do with it.

Mr. PEPPER. The Senator from Kansas has the right at any time to raise a question of order, and that is all he has done.

Mr. HILL. There is nothing in the question of order. That is the difficulty.

Mr. ALLEN. If Senators will yield to me for just a moment, in the first place I desire to make a request that the bill as reported by my always amiable friend the Senator from Iowa may be printed in the RECORD.

Mr. GEAR. I hope the bill will be printed in the RECORD as the Senator requests.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The bill is as follows:

A bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amounts of the respective indebtedness of the Union Pacific Railroad Company and the Kansas Pacific Railway Company to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches, as of the 1st day of January, 1897, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon, and not theretofore repaid by credits on account thereof, were to be paid to the United States in cash on said day; and the said sum shall be computed and ascertained as follows:

First. To the whole of the principal of said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same, so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies at their maturity if no payments or reimbursements had been made thereon by the companies.

Second. From said amounts so ascertained shall be deducted any payments

or reimbursements made by or on behalf of either of said companies upon their indebtedness at any time before the 1st day of January, 1897, as shall appear in the bond and interest accounts of the said companies, respectively, with the United States.

Third. Compute the present worths of the amounts so found as of the 1st day of January, 1897, on the basis that money is worth 2 per cent per annum during the period between the date of average maturity of the said bonds and the 1st day of January, 1897. From the sums so ascertained there shall be deducted the amounts in the sinking fund applicable to the said companies, respectively, computing the value of any bonds in the said sinking fund at their market value at the time of such computation, as estimated by the Secretary of the Treasury; and said sinking fund shall thereupon be applied as a payment upon the debt of such company to the United States. The aggregate amounts so arrived at shall be deemed the sums that would be required to be paid on the said 1st day of January, 1897, by said companies for the purpose of completely discharging their entire debts to the United States.

SEC. 2. That the Union Pacific Railway Company, successor to the Union Pacific Railroad Company and the Kansas Pacific Railway Company, be, and it is hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, its certain indenture of mortgage, which shall bear date the 1st day of January, 1897, covering and embracing all the lines of railway, rights of way, terminals, terminal properties, bridges, rolling stock, lines of telegraph, and all the then unsold land grant and other lands, and all the then outstanding land and town-lot contracts, and all property appurtenant thereto embraced in and covered by existing mortgages of the Union Pacific Railway Company, including all its unsubsidized as well as subsidized lines of railway and the branches and spurs connected therewith now owned by the Union Pacific Railway Company, the main lines whereof extend from Council Bluffs, in the State of Iowa, to a point about 5 miles west of Ogden, in the State of Utah, and from Kansas City, in the State of Missouri, to Denver, in the State of Colorado, and from Denver to Cheyenne, in the State of Wyoming, and from Leavenworth to Lawrence, in the State of Kansas, together with all appurtenances thereto belonging, and all rights, franchises, and privileges owned by the Union Pacific Railway Company in connection therewith or with the operation thereof. Said mortgage shall constitute a lien upon said properties junior and subject only to the new first mortgage hereinafter provided for, and shall cover and embrace all the lines of railway, property, franchises, and rights embraced in and covered by the said first mortgage. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the direction of the Secretary of the Treasury, which, when approved by him, shall be filed in his office; and such mortgage on the property therein described shall be held as security for the payment of the principal and interest of the bonds issued thereunder and authorized by this act; but this section or such mortgage shall not be construed to prevent the said company from using or disposing of any of its property or assets, in the ordinary, proper, and lawful course of its current business, in good faith and for valuable consideration, and said company may sell and convey for valuable consideration any lands included in its land grant and apply the proceeds thereof as required by the provisions of the new first mortgage hereinafter provided for: *Provided*, That every such disposition of any stocks, bonds, securities, or other property owned by said company, whether by sale, pledge, or otherwise, shall be reported to the Secretary of the Treasury within thirty days after such disposition has been made, and that the bonds, stocks, obligations, or other property acquired, with the proceeds of the property so disposed of, shall, except as hereinbefore provided, in like manner and with the same power to dispose of the same, be subject to the lien of the said mortgage, and that true and proper descriptions and lists of the same shall be from time to time prepared and filed with the Secretary of the Treasury.

SEC. 3. That the said Union Pacific Railway Company is hereby authorized to make, execute, and issue, under its mortgage aforesaid, to the Secretary of the Treasury of the United States its bonds in an amount equal to the said aggregate amount arrived at as above provided, each of which bonds shall be for the principal sum of \$1,000 and shall be payable as provided for in this act. Said bonds shall be dated on January 1, 1897, and shall bear interest at the rate of 2 per cent per annum, payable semiannually on the 1st days of July and January in each year, beginning on the 1st day of July, 1897, and continuing until said bonds shall be paid. The said bonds shall at the time of the execution and delivery of the said mortgage be delivered to the Secretary of the Treasury, and shall be received by and on behalf of the United States as provisional payment of said aggregate amounts of indebtedness arrived at, as provided in section 1 of this act.

SEC. 4. That the Union Pacific Railway Company shall execute and deliver its mortgage and bonds to the United States for the debts of the Union Pacific Railroad Company and of the Kansas Pacific Railway Company to the United States, and the said bonds shall be numbered consecutively from 1 to a number which will include the whole amount thereof, and shall be payable in lawful money of the United States. Said company shall, on the 1st day of January of each year, for a period of ten years, commencing on the 1st day of January, 1898, pay to the Secretary of the Treasury of the United States, in addition to the interest which shall then be due on its said bonds so to be issued and delivered to him, the sum of \$365,000 per annum, and for ten years commencing on the 1st day of January, 1908, shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its said bonds, the sum of \$550,000 per annum; and thereafter, commencing on the 1st day of January, 1918, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its said bonds, the sum of \$750,000 per annum until the whole amount of said bonds shall have been fully paid. The payments of principal shall be applied in payment of the bonds of said company to an amount equal to such payment and in the order of the number of such bonds, beginning with the highest unpaid number. Each of said bonds, respectively, when paid, shall thereupon be canceled and surrendered to the company, and no other bonds under said mortgage shall be issued by said company in lieu thereof. When the said bonds and mortgage securing the same shall be delivered to the Secretary of the Treasury, then, in case the lien thereof is subject only to the lien securing the new first mortgage bonds referred to in clause 1 of section 5 hereof, the lien of the United States upon any of the railroad and property embraced in said mortgage and all charge or claim of the United States upon any part of the revenues of such property under or by virtue of any existing laws shall cease and determine. When the bonds issued under section 3 of this act shall have been paid in full, as herein provided, the indebtedness represented thereby shall be wholly discharged and the Secretary of the Treasury shall cancel and discharge the mortgage given to secure the same under this act.

SEC. 5. That for the purpose of refunding its mortgage indebtedness upon such terms as it may be able to agree upon with its security holders and as will enable it to effect the settlement of its indebtedness to the United States as herein provided, the said Union Pacific Railway Company is hereby authorized and empowered to issue its new mortgage bonds and stock within the limitations defined in this section: *Provided, however*, That out of the use or proceeds of sale of the new securities, hereby authorized to be made

and issued, or otherwise, all existing bonds secured by mortgages upon any part of the railway property and lands of the Union Pacific Railway Company shall be retired and extinguished, and the mortgages securing the same shall be satisfied and discharged, with the effect that the new mortgages herein authorized to be made shall be the only liens upon the entire railway property, equipment, lands, and franchises of the Union Pacific Railway Company covered by its said existing mortgages, and that the second mortgage herein authorized to be executed to the Secretary of the Treasury of the United States shall upon said entire mortgaged premises be junior and subject to no other lien and charge than the new first mortgage herein authorized securing new bonds to the amount hereinafter limited.

First. It may make, issue, and negotiate its bonds dated January 1, 1897, and maturing January 1, 1947, and bearing interest at a rate not exceeding 4 per cent per annum, payable semiannually on the 1st days of January and July of each year until the maturity thereof, to the face amount of all outstanding first-mortgage bonds prior in lien to the lien of the United States on the subsidized part of its railway, and those secured by mortgages constituting first liens upon parts of the unsubsidized railway, terminal properties, equipment, or upon lands of the said company, and those secured by mortgages upon the Omaha bridge, amounting in all to the sum of \$54,731,000, and to secure the payment of said bonds by a first mortgage upon all the lines of railway, rights of way, terminals, terminal properties, bridges, rolling stock, and equipment, and all the then unsold land-grant lands, and all the then outstanding land and town-lot contracts, and upon all other property embraced in such existing mortgages of the Union Pacific Railway Company, and upon all of its rights, privileges, and franchises.

Second. It may make and issue its preferred stock to an amount not exceeding its present outstanding stock: *Provided, however*, That no dividends for any one year shall be paid upon such preferred stock in excess of the rate of 4 per cent nor except out of such net or surplus earnings as shall be acquired by said company in that year and as shall remain after the payment of operating expenses, and the interest upon said new first-mortgage bonds, and the interest and fixed annual sums required to be paid upon said second-mortgage bonds hereinbefore authorized to be issued.

SEC. 6. That in the event that the railroad and property of the Union Pacific Railway Company contemplated to be embraced in the new mortgage in this act authorized shall be sold under pending foreclosure proceedings or other proceedings now or hereafter instituted, but subject to all the existing liens of the United States thereon or on any parts thereof, the purchasers of said railway and property who shall have acquired the same subject to such liens of the United States and who shall have filed with the Secretary of the Treasury of the United States their written acceptance of the provisions of this act applicable to the Union Pacific Railway Company within the time hereinafter limited for the filing of such acceptance by the said Union Pacific Railway Company, or within such extended time not exceeding six months as may for good cause be prescribed by the President of the United States, shall be, and they are hereby, together with their associates and their successors, created a corporation by the name and style of "Union Pacific Railroad Company." Such purchasers and their associates shall file with the Secretary of the Treasury of the United States a written instrument executed by them as incorporators, designating fifteen persons to act as directors of the said corporation, and such persons so designated, or a majority of them, shall meet within thirty days after the filing of such instrument, at the place where the annual meetings of the stockholders of the Union Pacific Railway Company are held, and shall elect officers of said new company under the same conditions and requirements as to procedure and character of official organization as are prescribed by law and the by-laws of the Union Pacific Railway Company in respect of a meeting of the directors of said last-named company held for like purpose.

Said new corporation shall have the power to acquire all or any part of the railways and properties of the Union Pacific Railway Company and to provide for the said indebtedness of the said last-named company to the United States by the issue to the Secretary of the Treasury of the United States of bonds of the same character and amount as those herein authorized to be made by the Union Pacific Railway Company, secured by mortgage of the same nature, extent, and relative lien as that authorized to be made by it in section 2 hereof; and shall have and be entitled to enjoy and exercise rights, powers, privileges, franchises, and immunities equal in character, extent, and duration to those which the Union Pacific Railway Company would have had and enjoyed had it accepted and carried out the provisions of this act as herein empowered to do; and shall have power to make, issue, negotiate, and deliver its bonds, mortgages, and stock corresponding in character and extent to the like securities which, in such event, the Union Pacific Railway Company would have been entitled to retain in existence and to make and issue; and in all its relations and duties to the Government and to the public, and in the regulation and management of its corporate affairs it shall be substituted to and governed by the provisions of law which would in such event have been applicable to the Union Pacific Railway Company.

SEC. 7. That the statutory lien created and subsisting under and by virtue of the act of Congress approved July 1, 1892, and the act of July 2, 1894, and the act of May 7, 1878, to secure the payment of said subsidy bonds issued to the Union Pacific Railroad Company and the Kansas Pacific Railroad Company, and the interest thereon, as set forth in said acts, and upon all the property subject to said statutory lien, shall be and remain in full force for security for the debts owing by each of said companies to the United States until the issue and delivery to the Secretary of the Treasury of the United States of the bonds and mortgage hereinafter provided for, to be subject only to the new first mortgage and to the bonds secured thereby, and until existing mortgages shall have been satisfied and discharged as hereinbefore provided.

SEC. 8. That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amount of the respective indebtedness of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroad and branches, as of the 1st day of January, 1897, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon and not theretofore repaid by credits on account thereof were due and payable to the United States in cash on said day; and the said sum shall be computed and ascertained as follows:

First. To the whole of the principal of the said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same, so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies at their maturity if no payments or reimbursements had been made thereon by the companies.

Second. From said amounts so ascertained shall be deducted any payments or reimbursements made by or on behalf of either of said companies upon their indebtedness at any time before the 1st day of January, 1897, as shall appear in the bond and interest accounts of the said companies, respectively, with the United States.

Third. Compute the present worths of the amounts so found as of the 1st day of January, 1897, on the basis that money is worth 2 per cent per annum during the period between the date of average maturity of the said bonds and

the 1st day of January, 1897. From the sums so ascertained there shall be deducted the amounts in the sinking fund applicable to the said companies respectively, computing the value of any bonds in said sinking fund at their market value, at the time of such computation, as estimated by the Secretary of the Treasury, and said sinking fund shall thereupon be applied as a payment upon the debt of such companies to the United States. The aggregate amounts so arrived at shall be deemed the sums that would be required to be paid in cash on the said 1st day of January, 1897, by said companies for the purpose of completely discharging their entire debts to the United States.

SEC. 9. That the Central Pacific Railroad Company, successor to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, be, and is hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, its certain indenture of mortgage, which shall bear date the 1st day of January, 1897, covering and embracing the entire property of such company, as at present consolidated, real, personal, and mixed, including all the right, title, and interest of such company in any stocks, bonds, or securities, or lands of any branch lines or auxiliary companies in which such company has now any interest, and all beneficial interest which it may have in a certain lease of its property to the Southern Pacific Company, as hereinafter provided, and all railroads now owned or hereafter acquired or constructed by said Central Pacific Railroad Company, and all their franchises, telegraph lines, rolling stock, fixtures, and property of every kind and description, as well as those which it, its successors or assigns, may hereafter acquire, subject to any bona fide, lawfully prior, and paramount lien, claim, or mortgage upon any railroads, franchises, or property now owned by such company or which such company may hereafter acquire. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the direction of the Secretary of the Treasury, which when approved by him shall be filed in his office; and such mortgage on the property therein described shall be held as security for the payment of the principal and interest of the bonds issued thereunder and authorized by this act; but this section or such mortgage shall not be construed to prevent said company from using and disposing of any of its property or assets in the ordinary, proper, and lawful course of its current business in good faith and for valuable consideration, nor to prevent said company from applying the rentals derived from said lease to the payment of dividends to its stockholders to the extent that dividends are permitted by this act; and said company may sell and convey for valuable consideration any lands included in its land grant and apply the proceeds thereof as required by the provisions of any mortgage or liens thereon prior to the mortgage given by this act: *Provided*, That every such disposition of any stocks, bonds, securities, or other property owned by said company, whether by sale, pledge, or otherwise, shall be reported to the Secretary of the Treasury by said company within thirty days after such disposition has been made, and that the bonds, stocks, obligations, or other property acquired with the proceeds of the property so disposed of shall, except as hereinbefore provided, in like manner and with the same power to dispose of the same, be subject to the lien of the said mortgage, and that true and proper descriptions and lists of the same shall be from time to time prepared and filed with the Secretary of the Treasury.

SEC. 10. That the said Central Pacific Railroad Company is hereby authorized to make, execute, and issue under its mortgage aforesaid its bonds in an amount equal to the said aggregate amount arrived at as above provided, each of which bonds shall be for the principal sum of \$1,000 and shall be payable as provided in this act. Said bonds shall bear interest at the rate of 2 per cent per annum, payable semiannually on the 1st days of January and July in each year, beginning on the 1st day of July, 1897, and continuing until said bonds shall be paid. The said bonds shall, at the time of execution and delivery of the said mortgage, be delivered to the Secretary of the Treasury, and shall be received by and on behalf of the United States as provisional payment of said aggregate amounts arrived at as provided in section 7 of this act, and the corporate character of the Central Pacific Railroad Company shall continue until the bonds authorized to be issued under this act shall have been fully paid.

SEC. 11. That the Central Pacific Railroad Company shall execute and deliver its mortgage and bonds to the United States for the debts of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company to the United States, and the said bonds shall be numbered consecutively from 1 to a number which will include the whole amount thereof and shall be payable in lawful money of the United States. Said company shall, on the 1st day of January of each year, for a period of ten years, commencing on the 1st day of January, 1898, pay to the Secretary of the Treasury of the United States, in addition to the interest which shall then be due on its indebtedness, the sum of \$365,000 per annum, and for ten years commencing on the 1st day of January, 1908, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, the sum of \$550,000 per annum, and thereafter, commencing on the 1st day of January, 1918, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, the sum of \$750,000 per annum until the whole amount of said bonds shall have been fully paid. The said payments of principal shall be applied in payment of the bonds of said company to an amount equal to such payment and in the order of the numbers of such bonds, beginning with the highest unpaid number. Each of said bonds, respectively, when paid, shall thereupon be canceled and surrendered to the company, and no other bonds under said mortgage shall be issued by said company in lieu thereof. When such bonds shall have been paid in full as herein provided, the indebtedness of the said companies hereinbefore referred to shall be wholly discharged, and the Secretary of the Treasury shall cancel and discharge the mortgage given to secure the same under this act.

SEC. 12. That the statutory lien created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds issued to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company and the interest thereon, as set forth in said acts, and upon all the property subject to said statutory lien, shall be and remain in full force for security for the debts owing by each of said companies to the United States until all the liens on the property affected by the said mortgage and existing at the time of its delivery and which were created subsequent to the said statutory lien shall have been paid, satisfied, and discharged of record.

SEC. 13. That whenever in the opinion of the President of the United States it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of the several companies named in this act upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States in the same property or any part of the same may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury, and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incum-

brance in respect of which such payment shall have been made: *Provided*, That whenever it shall become necessary for the United States to pay off any part of such paramount incumbrance as aforesaid, the Secretary of the Treasury may require the repayment of all money paid for such purpose, with costs, expenses, and interest, and upon the failure of the company for whom such payment shall have been made to make such repayment, with all costs, expenses, and interest thereon, within one year after being notified so to do, the whole indebtedness of said company to the United States shall, at the discretion and option of the President of the United States, become due and payable at any day thereafter, and all the rights of the United States shall thereupon be enforced.

SEC. 14. That said Central Pacific Railroad Company shall be permitted, without impairing the present lien thereof, to extend the time of payment of or refund, by issuing new bonds secured by mortgage, any of the principal of its indebtedness authorized by the tenth section of the act approved July 2, 1864, as amended by act approved March 3, 1865, at a lower rate of interest than it now bears (not to exceed 5 per cent per annum, payable semiannually).

SEC. 15. That each of the mortgages authorized by provisions of sections 2 and 9 of this act shall contain a covenant providing that, in the event of any default continuing for six months in the regular payment of interest on the bonds secured thereby or of the payments of principal required by sections 4 and 11 of this act, the entire debt due to the United States from the company making such default shall, at the option of the President of the United States, immediately mature, and the United States shall be thereupon entitled to enter upon and take possession of the mortgaged properties of such defaulting company without applying to the courts or to Congress for authority so to do, or may at its option institute and maintain appropriate proceedings at law or in equity in any court or courts of competent jurisdiction for the enforcement of its claims or liens under said bonds or mortgage; and such mortgages shall also contain such other terms and stipulations in conformity with the provisions of this act as may be deemed necessary efficiently to secure the said bonds and the application thereto of the moneys paid to the Secretary of the Treasury for retiring the principal thereof, and as may be approved by the Secretary of the Treasury of the United States. The said mortgages shall be delivered to the Secretary of the Treasury of the United States, and upon the delivery thereof shall respectively be valid and subsisting mortgages each of all the property of said mortgagor company, real, personal, and mixed, embraced, covered, or required by the terms of this act, and such delivery shall have all the effect of recording the same in any place. Said mortgages, or copies thereof certified by the Secretary of the Treasury, shall at all times be open to public inspection under such rules and regulations as the said Secretary may prescribe, and, for the greater publicity of the contents of said mortgages, copies thereof certified by the Secretary of the Treasury shall, as soon as may be after their respective delivery, be deposited with and recorded by each of the clerks of the circuit courts of the United States and the clerks of the supreme courts of the Territories of the United States in which the roadbed or any part thereof of said companies respectively is situated, which copies and records shall at all times be open to public inspection. All such copies and recording thereof shall be at the expense of the company.

SEC. 16. That in case default should be made at any time in the payments on account of principal or interest prescribed herein to be made upon the bonds issued under sections 3 and 10 of this act, no money shall be paid from the United States Treasury for or on account of services rendered to the United States or any Department of the Government thereof over or upon the said railroads or telegraph lines heretofore aided by the advance of subsidy bonds or upon any railroads or telegraph lines owned, leased, or operated by the said company that issued such bonds, until all amount so in default upon such bonds shall have been fully paid; but the compensation for such services shall be credited upon the amounts so in default.

SEC. 17. That hereafter, so long as any of the bonds authorized by the third and tenth sections of this act shall remain outstanding and unpaid, no dividend shall be paid by the company whose bonds are so outstanding unless the same shall have been actually earned, nor unless said company shall have paid all interest due on its bonded debt having a lien prior to the Government and all matured installments of principal and interest then due and payable on its debt to the United States under this act, nor unless the said earnings, after deducting all interest accrued, but not payable at the time of the declaration of such dividends, shall be sufficient to warrant the payment thereof. In no event shall either of said companies whose bonds are so outstanding pay any dividend exceeding the rate of 4 per cent per annum unless the said company shall, at the time of declaring such dividends in excess of 4 per cent per annum, so long as any of the said bonds are held by the United States, pay an amount equal to the excess over 4 per cent per annum so declared to the Secretary of the Treasury, to be applied to payment of the principal of the highest numbered bonds of such company issued to the Government as herein provided, and unless the earnings of the said company shall suffice to warrant the payment of such excess and also the payment to the Government. Any director or officer who shall declare or pay or aid in declaring or paying a dividend prohibited by this act shall, upon conviction of any court of competent jurisdiction, be punished by imprisonment not exceeding two years or by a fine not exceeding \$5,000, or by both such fine and imprisonment.

SEC. 18. That this act shall take effect as to each of the said companies and their branches, respectively, as hereinbefore described, upon the acceptance of the terms by the board of directors of such company in writing over the corporate seal of such company, signed by its president and attested by its secretary, being filed or deposited with the Secretary of the Treasury, in the case of the Union Pacific Railway Company on or before January 1, 1897, and in the case of the Central Pacific Railroad Company within three months after the passage of this act, subject, however, as to the Central Pacific Railroad Company, to the requirements of section 19 hereof, and, as to each company, to the completion of the settlement and adjustment in this act proposed and provided, but any company which shall not so file its acceptance shall take no benefit from this act. Upon the filing of said acceptance and the execution and delivery of the mortgage and bonds referred to in the second, third, ninth, and tenth sections of this act to the Secretary of the Treasury, he is authorized and directed to sell any securities held in the sinking fund for said company so accepting and pay the proceeds of such sale to the amount of their value, as estimated under the first and eighth sections of this act, into the Treasury of the United States. Any excess realized from such sale above the value of such securities as estimated under the first and eighth sections of this act shall be paid to the company; any deficiency below such value shall be paid by the said company upon demand made by the Secretary of the Treasury after such sale.

SEC. 19. That the said Central Pacific Railroad Company shall arrange for having the lease now existing between it and the Southern Pacific Company modified so that the Southern Pacific Company shall guarantee the payment by the Central Pacific Railroad Company during the continuation of such lease of the interest on, and the installments on account of principal of, the bonds issued under the tenth section of this act, as prescribed in the tenth and eleventh sections hereof, and so that in case the Southern Pacific Company should consent to the termination of such lease before the maturity of

all such installments payable on account of principal of said bonds, it shall, in that event, guarantee the payment by the Central Pacific Railroad Company of such interest and installments on account of principal while any bonds issued under the tenth section of this act shall remain outstanding, and so that said Southern Pacific Company shall consent that the sums amounting in the aggregate to about \$2,439,000, standing credited on the books of the Treasury of the United States to the Central Pacific Railroad Company as compensation for services upon nonaided lines (a portion of which is now in judgment in favor of the Southern Pacific Company) shall be forthwith applied to the payment and cancellation of the highest numbered bonds of the Central Pacific Railroad Company issued under the provisions of said tenth section of this act, and the filing with the Secretary of the Treasury of a duplicate original of such modified lease, duly executed by the officers of both said companies by authority of their boards of directors, shall constitute an essential part of the acceptance by the Central Pacific Railroad Company of this act. In the event of the termination of such lease by act of the parties thereto, or any abrogation or cancellation of such lease, the principal of the bonds issued under the tenth section of this act shall, at the option of the President of the United States, immediately mature.

SEC. 20. That either of said companies may, at any time after the execution and delivery of their said bonds, pay the whole or any portion of said bonds, by paying the amount thereof, together with the accrued interest thereon, to the Secretary of the Treasury, who shall thereupon cancel the bonds so paid and deliver the bonds so canceled to the said company. No bonds so canceled shall be reissued, but the Secretary of the Treasury may, by direction of the President of the United States, sell any of the said bonds which may be unpaid at any time, and the purchase price shall be paid in lawful money of the United States.

SEC. 21. That as to such companies as shall accept the provisions of this act, and in the manner and within the time herein provided as to it, from and after the completion of the said adjustment and settlement, all provisions of law relating to the appointment of Government directors shall be, and the same are hereby, repealed, and the said office is hereby abolished, and all provisions of law relating to the collection of any percentage of net earnings, and to the withholding or application of any moneys due or to become due from the United States for any services rendered by either of the said companies or any of its branches or auxiliaries or leased lines, other than as hereinbefore provided, are hereby repealed, and all such amounts shall (provided the said company shall not be in default in the payment of the interest of the bonds or in the payments required by this act) be paid to the said company as soon as amounts shall have been ascertained; and all provisions of law forbidding either of said companies from mortgaging or pledging its property shall be repealed, and either of said companies shall, after the acceptance of the terms of this act, as hereinbefore provided, have and possess all the usual powers of borrowing money on its credit or on security of any of its assets, and of constructing or extending its railway by consolidation, lease, or otherwise, and of leasing its railway and property or parts thereof, and of acquiring title to land by condemnation proceedings, and such other powers as are or may be granted to and exercised by railway corporations in the respective States and Territories in which the said railway is or may be situated.

SEC. 22. That each of the companies accepting the provisions of this act shall keep its railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transport mail, troops, and munitions of war, supplies, and public stores upon said railroad for the Government whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid at fair and reasonable rates of compensation not to exceed the amounts paid by private parties for the same kind of service; and that said companies hereinbefore mentioned, their successors, lessees, and assigns, shall cooperate in making track connections with all railroads of other companies now or hereafter built to points of junction with their roads, and at any point where two or more railroads shall connect with their roads, or either of them, they and their successors, lessees, and assigns, shall afford to all such connecting roads equal times, terms, rates, and facilities for the interchange of traffic, both passenger and freight, between such connecting roads and their respective roads, and every part thereof. And any contract, arrangement, or device by sale, lease, consolidation, through-car service, or otherwise, intended for or resulting in any preference or advantage whatsoever to any such railroad, so connecting at such common point, or which shall subject any such railroad so connecting at any such common point to any prejudice or disadvantage whatsoever, is hereby declared to be unlawful.

SEC. 23. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end, and shall make report to the President each year or oftener thereon, which report shall be laid before Congress, and until the execution and delivery of the bonds and mortgages in this act provided for shall be completed all existing provisions of law relating to said companies respectively shall remain in force.

SEC. 24. That this act and each and every provision thereof shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862, and of said act of 1864, and of said act of 1873, respectively, and acts amendatory thereof or supplementary thereto, and of all of said acts so far as they are inconsistent with this act, nor shall anything in this act be construed or taken in anywise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned, and this act shall be subject to alteration, amendment, or repeal, as in the opinion of Congress justice or the public welfare may require, and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States. This act shall be published and printed as a public act and in all proceedings may be cited as such.

Mr. ALLEN. Mr. President, I have just one word to say in reference to the last remarks of the Senator from Iowa. I regret very much that he has taken occasion to assail the Populist leader of 1892 at a time and in a place where that gentleman can not be heard, for I assure you, Mr. President, and the country, too, that if James B. Weaver were present here and it were lawful for him to speak in this Chamber, the language of the Senator from Iowa would have been a little more moderate, a little less offensive than it has been at this time.

Mr. GEAR. I beg to say to the Senator that I have met the honorable gentleman whom he supported for the Presidency in the other branch of Congress. I am ready to meet him at any time.

Mr. ALLEN. It was never voluntary. It was under compulsion.

Mr. GEAR. Not at all.

Mr. ALLEN. It was under duress.

Mr. GEAR. Not at all.

Mr. ALLEN. It was under duress. The world can rest assured that it was under duress.

Mr. GEAR. I am not in the habit of meeting folks in that way.

Mr. ALLEN. James B. Weaver is one of the most illustrious and intelligent citizens of the United States, a man of great character, a man of great ability, of great mental force, of great attainments; a man whose character can not be impeached by any honest man, and I can not understand it—I did not see it, but I heard it—how reference to a man whose character is so well established in all these respects, and whose name has been mentioned here in derision, is greeted with a significant guffaw from one of the distinguished representatives of the State of which he is an honored citizen. I heard the guffaw. I did not see the facial expression at the time it was uttered.

Mr. President, it will not do for the Senator from Iowa to stand in this Chamber and say that James B. Weaver wants to confiscate property. There is not a child 5 years old who does not know that that statement is false.

Mr. GEAR. Does not the Senator consider—

Mr. ALLEN. I do not undertake—

Mr. GEAR. Will the Senator from Nebraska yield for a question?

Mr. ALLEN. The Senator from Iowa can not crawl out of the statement.

Mr. GEAR. Will the Senator answer a question?

Mr. ALLEN. Yes, sir.

Mr. GEAR. Does the Senator take the ground that it is the right of the Government to take all the corporate property of this country—the railways, telegraph and telephone lines—and pay for them in unlimited issues of greenbacks? That is the ground that James B. Weaver stands on, the Ocala platform, for I have heard him argue it and defend it in his own Congressional district. I was there when he moved into that district in 1892, the Council Bluffs district, and spoke against Mr. HAGER. I heard him argue in favor of that idea. That is the platform he stands on. I call it confiscation.

Mr. ALLEN. He does not stand on that platform.

Mr. GEAR. You can dispute with James B. Weaver himself.

Mr. ALLEN. No, I will not dispute with James B. Weaver himself; I dispute with the Senator from Iowa. He is in this Chamber. I am his equal here, and anywhere else, for that matter. He can not stand here and utter falsehoods of that kind against one of the greatest and most illustrious citizens of the United States because he happens to be a Populist and go unwhipped of the rebuke his language justly and necessarily deserves.

Mr. HOAR. I call the Senator from Nebraska to order and ask that his words be taken down.

Mr. ALLEN. I call the Senator from Massachusetts to order and demand that his words be taken down. I resume my seat under the rule until my words are taken down.

Mr. FAULKNER. I move that the Senator from Nebraska be allowed to proceed in order.

Mr. HOAR. The words have to be taken down, and they have to be ruled upon by the Chair.

Mr. FAULKNER. There is nothing in the rule which requires the Chair to rule upon the question before such a motion is made.

The PRESIDING OFFICER. The Chair did not hear the first observation of the Senator from West Virginia.

Mr. FAULKNER. The motion I make is that the Senator from Nebraska be allowed to proceed in order. The Senator from Massachusetts suggests that the Chair must rule upon the language as taken down as to whether or not it is parliamentary. The rule simply requires that the language shall be read from the desk for the information of the Senate. It does not require that the Chair shall submit the question to the Senate if a motion similar to the one I have made intervenes.

Mr. CHANDLER. I ask for the reading of the rule.

The Secretary read as follows:

RULE XIX.

DEBATE.

1. When a Senator desires to speak he shall rise and address the presiding officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate; which shall be determined without debate.

2. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall be determined without debate.

3. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.

Mr. HOAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Gray,	Roach,
Allen,	Chilton,	Hawley,	Shoup,
Allison,	Clark,	Hill,	Smith,
Bacon,	Cockrell,	Hoar,	Stewart,
Baker,	Cullom,	Jones, Ark.	Teller,
Bate,	Dubois,	McBride,	Turpie,
Berry,	Elkins,	Martin,	Vest,
Brice,	Faulkner,	Nelson,	Vilas,
Brown,	Frye,	Pasco,	Walthall,
Burrows,	Gallinger,	Peffer,	Warren,
Caffery,	Gear,	Perkins,	Wetmore,
Call,	Gibson,	Pettigrew,	White,
Cannon,	Gordon,	Platt,	Wolcott,
Carter,	Gorman,	Pugh,	

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. GORMAN. Let the words be read.

Mr. FAULKNER. I suppose that under the rule the proper proceeding is to have the words taken down and read. I have made a motion that the Senator from Nebraska be allowed to proceed in order.

The PRESIDENT pro tempore. Have the words been read to the Senate.

Mr. FAULKNER. They have not been read.

The PRESIDENT pro tempore. The Secretary will read the alleged censurable words to the Senate.

The Secretary read as follows:

No; I will not dispute with James B. Weaver himself. I dispute with the Senator from Iowa. He is in this Chamber. I am his equal here, and anywhere else for that matter. He can not stand here and utter falsehoods of that kind against one of the greatest and most illustrious citizens of the United States because he happens to be a Populist, and go unwhipped of the rebuke his language justly and necessarily deserves.

The PRESIDENT pro tempore. What action will the Senate take?

Mr. FAULKNER. I move that the Senator from Nebraska be allowed to proceed in order.

Mr. HOAR. Is that motion debatable?

Mr. FAULKNER. It is not debatable, as is expressly stated in the rule.

Mr. HOAR. I asked the Chair, and not the Senator from West Virginia.

Mr. FAULKNER. Very well.

The PRESIDENT pro tempore. In the opinion of the Chair it is not debatable.

Mr. HOAR. I so understand it.

The PRESIDENT pro tempore. The Senator from West Virginia moves that the Senator from Nebraska be allowed to proceed in order.

The motion was agreed to.

Mr. ALLEN. Mr. President—

Mr. GEAR. Will the Senator from Nebraska yield for one moment?

Mr. ALLEN. Certainly.

Mr. GEAR. To the language used by the Senator from Nebraska I take no exception. I have lived among the people where I have made my home for more years almost than the Senator has lived in his life. They know best whether the words he has stated are true or false. I am satisfied now, if I never was before, of the truth of an old adage. When I got into this unfortunate altercation with the Senator from Nebraska I made a mistake. It is an old saying that you can not "touch pitch without being defiled." I am sorry that I had the altercation with him.

Mr. ALLEN. Mr. President, I am very glad indeed to be able to defile a gentleman who has seen so much of this world and who has had such a varied experience as my distinguished and always amiable friend, the Senator from Iowa [Mr. GEAR], upon whom I look more as a misguided father than in any other respect. I also thank the Senator from Massachusetts [Mr. HOAR] for having my words taken down, words that were perfectly parliamentary. Of course it served to interrupt the proceedings here and to deprive me of some time to discuss this matter. I am always glad to know that the amiable and distinguished senior Senator from Massachusetts has a kindly eye upon me and watches me to see that I do no damage in this Chamber, and who is always especially careful of what I say when I am discussing Populistic doctrines and Populistic statesmen.

When called to order by the distinguished and always amiable Senator from Massachusetts I was denying the statement made by the honorable junior Senator from Iowa that James B. Weaver is a confiscationist. Let me proceed at that point and repeat the statement briefly. I said, Mr. President, and I repeat, and I am sorry to be compelled to repeat anything here, that James B. Weaver is one of the most illustrious citizens of the United States, and I am glad to have this distinguished audience and presence here to listen to me when I state that there is not a man between the two oceans or between Canada and the Gulf of Mexico who is

better equipped from his experience as a soldier and his experience as a statesman, his great education and his great capacity, to discharge public duties than is James B. Weaver. I have a larger audience now than I had a few moments ago when I was called to my chair, and I wish to call attention to the fact that when I mentioned the name of this illustrious soldier and statesman as a distinguished citizen of the State of Iowa and a distinguished citizen of the United States a guffaw from the junior Senator from Iowa, audible all over the Chamber, greeted the statement.

Mr. President, Populist as I am, incompetent as I necessarily must be to discharge public duties in the estimation of the junior Senator from Iowa and his sympathizers and associates, living out on the prairies among the coyotes and the prairie dogs, I have been taught better manners than that. I would not greet the name of the humblest citizen of this nation with a rough guffaw in the Senate of the United States or in any other place where I could be put.

The honorable junior Senator from Iowa says that James B. Weaver was a confiscationist, and wanted to confiscate the railroads and telegraphs of the United States. I said, and I repeat it, the statement is false. There never was any truth in it. I do not mean by that to reflect upon the junior Senator from Iowa. I do not mean to carry with that the implication that the honorable Senator from Iowa made that statement maliciously or knowing it to be untrue. I simply say, as a matter of fact, that it is false; that is all.

I repeat, the honorable junior Senator from Iowa and my always amiable and distinguished and learned friend, the senior Senator from Massachusetts, never rendered this country the valuable services, never gave the intellectual or the moral force to the up-building of this nation that James B. Weaver has given to it; never. That, Mr. President, is greeted with a smile and a grin and an audible expression of disapproval, as the name was greeted a moment ago in a like manner and in a rougher manner. Mr. President, there is no more law-abiding citizen than James B. Weaver. He is one of the greatest lawyers the State of Iowa ever produced. I doubt if he has an equal as a lawyer in this Chamber. He is a very great lawyer and is illustrious in courts of this country where many men who sneer at his name would not be permitted even to take a back seat. He is not only a great lawyer, but he is a distinguished soldier, whose valor has been illustrated upon more than thirty fields of carnage in this country, and he bears upon his person honorable wounds.

Now, sir, because that man happens to be a Populist, because that man, whose ancestors came to this country long before the Revolutionary war, who is an American citizen from the soles of his feet to the crown of his head, happens to look upon political questions a little differently from the junior Senator from Iowa and my always distinguished and learned and accomplished friend from Massachusetts, his name is to be met with a sneer and his defenders are to be called down in this Chamber as violating the rules for speaking in his behalf.

No, Mr. President, he is not a confiscationist. The statement is untrue. James B. Weaver believes in the doctrine of the Populist party. He believes that this is a government of the people, as it should be; a government by the people, and for the people. He is not of that class of statesmen who sail under false colors, who give their words to the people and consecrate their lives and give their votes to the corporations. There are some statesmen in this country who do that.

James B. Weaver believes in the Government ownership of railways, in the Government ownership of all telegraphs and telephones. Does the honorable Senator from Iowa have any argument that he can use against the accomplishment of that purpose? Does he not know that over thirty of the nations of the earth to-day own and operate their own railroads? It is something to be laughed at, is it not? It is something to be greeted with scorn and a guffaw when the name of a man who believes in that happens to be mentioned here.

How are you going to get possession of the railroads? The honorable Senator from Iowa, for whom I have great respect and whom I love as a son should love a father, seems to think that it is impossible to accomplish that result; impossible to accomplish that result—and the Senator laughs again as though it was funny and a thing to be laughed at.

Mr. CHANDLER. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CHANDLER. We are not laughing at what the Senator says; we are laughing at the way the Senator says it. We can not help that.

Mr. ALLEN. I was not referring to my amiable friend from New Hampshire.

Mr. CHANDLER. I laughed in sympathy with the Senator from Iowa.

Mr. ALLEN. It seems to be laughable. The doctrine of eminent domain seems to have escaped the attention of my learned

friend from Iowa. Of course my always learned and distinguished friend, the senior Senator from Massachusetts, understands it in all of its ramifications. And what is that doctrine? What gives a railroad corporation power to go across your farm in Maine and take your property and construct its railroad upon your farm and exclude you from it? Where did that power come from? Why, it is the constitutional inherent power in every sovereignty, known as the power of eminent domain. Is it not the taking of private property upon compensation for public use? That is the doctrine. It was established in the State of New York in the case of *Bloodgood vs. The Mohawk River Railroad* years and years ago, and has become the settled doctrine in this country that wherever the public interest requires the taking of the citizen's private property for public use it can be taken under the power of eminent domain. The public interest alone is to be consulted, and compensation is to be given to the owner of the private property.

I ask my honorable friend from Iowa and his sympathizers upon the other side of the Chamber why this Government can not use the same power of eminent domain, the same inalienable power that attaches to the National Government, and when the public interest requires the great railway and telegraph systems to be reduced to Government ownership why the Government can not condemn them, if necessary, and purchase them, paying a fair equivalent for them, and operate them in the interest of the people at large?

James B. Weaver believes in that doctrine. Why, sir, he is fortified by every constitution in the forty-five States of this Union and by the national Constitution itself. He is fortified by every constitution of every country on which the sun shines to-day. And yet that is a doctrine which has never occurred to the junior Senator from Iowa. No doubt it has occurred always to the distinguished Senator from Massachusetts. Now, what is wrong about it? I did not bring on this discussion about James B. Weaver.

Then the honorable Senator says that James B. Weaver wants to take a limitless volume of worthless paper money and buy the railroads with it. Mr. Weaver never gave utterance to a sentiment of that kind upon the face of the earth—never. Why stand here in the Senate of the United States, in the full glare of public sentiment, in this place where public sentiment is formed and focused, and hold up a distinguished citizen of this country who is 1,500 miles from here as the leader of a doctrine of this kind when it is absolutely untrue, when he does not believe it, when he has never advocated it and does not advocate it now, and when his party does not believe in it and has never advocated it?

Now, Mr. President, returning my thanks again to the honorable and distinguished and very learned senior Senator from Massachusetts for his careful attention to my conduct and my language I resume my seat, and turn the floor over to the Senator from New York.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from New Hampshire will allow the Chair to lay before the Senate bills from the House of Representatives for reference.

Mr. CHANDLER. Certainly.

HOUSE BILLS REFERRED.

The bill (H. R. 3607) to increase the pension of Kate Grant was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

JOHN C. DULL.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives that the Senate furnish the House with a duplicate engrossed copy of the bill (S. 716) to correct the naval history of John C. Dull, the same having been mislaid or lost; and by unanimous consent it was ordered that the request be complied with.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CHAPPELL, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 2813) granting a pension to Rita Stine;

A bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes; and

A joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

PROPOSED INVESTIGATION OF BOND SALES.

The Senate resumed the consideration of the resolution submitted by Mr. PEPPER February 12, 1896, providing for a committee of five Senators to investigate and report generally all the

material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The PRESIDENT pro tempore. The Senator from New York [Mr. HILL] is entitled to the floor.

Mr. HOAR. Mr. President, I should like, with the leave of the Senate, to say a very few words. I do not think it will take me more than three minutes to say what I have to say upon the resolution of the Senator from Kansas. I do not expect to be present in the Senate when the vote comes on, and I am not quite sure whether I shall be present when the speech of the Senator from New York is concluded, if it shall be interrupted by other business on Monday.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. HILL. I am entirely willing that the Senator from Massachusetts shall proceed.

Mr. HOAR. I wish to say that I expect to vote for this resolution in its substance. The question as to what committee shall make the inquiry will be a question of the convenience of the Senate. I am rather surprised that the resolution has found any opposition anywhere. The Senator from Kansas [Mr. PEPPER] will correct me if I am wrong, but I do not understand that it is proposed as an investigation into any imputed or imagined corruption or purposed or intentional wrongdoing on the part of any public official.

Mr. PEPPER. The Senator is right upon that point.

Mr. HOAR. The Senator from Kansas assures me that I am right.

Mr. HILL. What is the assurance? I did not quite catch it.

Mr. HOAR. I say I do not understand that it is proposed or suggested as a reason for the resolution that there has been any corruption, iniquity, or purposed or designed wrongdoing on the part of any official of the Government or anybody else, and the Senator from Kansas assures me that I am right in that suggestion.

Mr. PEPPER. Not quite as far as that.

Mr. HILL. I would in this connection call the attention of the Senator from Massachusetts to the speech of the Senator from Kansas when he opened this debate.

Mr. PEPPER. Let me put myself right. The Senator from Massachusetts, in his first statement, did not go quite as far as in his second statement. I do believe that there have been fraud and corruption upon the part of some persons.

Mr. HILL. I mean any official of the Government.

Mr. PEPPER. Not the Secretary of the Treasury nor the President of the United States. I distinctly stated in my speech that I did not impute dishonorable or corrupt motives upon the part of either of those gentlemen, as I regard them as men of honor. However, I do believe that the transaction is covered all over with fraud in New York City and here in Washington, but that those men in the end of this investigation will be shown to be clear of it.

Mr. HILL. I call the attention of the Senator from Massachusetts to the point that the Senator from Kansas evades the question. When you ask him whether he charged anything against any official of the Government other than the Secretary of the Treasury he evades the question. I also ask the Senator from Massachusetts whether he thinks it is a proper resolution. For instance, to take another illustration—

Mr. HOAR. I was about to say what I thought it was, if the Senator will pardon me. I rose for that purpose.

Mr. HILL. I will yield, then.

The PRESIDENT pro tempore. The Senator from Massachusetts will proceed.

Mr. HOAR. It seems to me that it is the ordinary case of a proposal by a Senator, and I do not believe in any preceding Administration of this Government from the beginning any considerable number of Senators would have been found to object to it. The Senate of the United States is charged with important legislative duties. Each Senator of the United States is charged with very important responsibilities to the whole country by the people of the State whose legislature elected him to his seat, and he has a right to the assistance of his associates to obtain instruction as to important facts and the working of existing laws and institutions so far as that knowledge will help him to discharge those duties, and it is a knowledge which never ought to be, and in the practice of the Government never has been until recently, denied to anybody.

The only question therefore, it seems to me, is the question of the importance of the subject, whether it warrants the attention of the Senate or the attention of a committee of the Senate.

Now, what is the matter under consideration? There has been, under the authority or supposed authority of an existing law, a sale of Government bonds, under which it has been stated by eminent financial authority, upon this floor and elsewhere, that at least \$10,000,000 was unnecessarily expended. Some Senators, I think,

put it as high as eighteen or twenty million dollars; that is, that the first sale of the bonds under the present system was at a rate lower than the bonds would then have sold for in the open market, so that it cost the United States from ten to twenty million dollars unnecessarily. I am not speaking now of the information which we ought to have in deciding whether we will permit the authority to continue.

In the next place, I understand that when the second sales of bonds were made a very large number of intelligent and conscientious people, both in this body and elsewhere, believed that instead of advertising the bonds at a fixed price, such as the Administration thought they were worth, and putting the opportunity for bidding at every Presidential post-office or some other place accessible to all the people, the bids were so made that no person could understand when he made his bid or prepared to be ready to carry out his offer if it were accepted whether it was to be accepted or not.

Mr. HILL. To what loan does the Senator refer?

Mr. HOAR. The very last one. The result of that, according to some excellent authority, is that from five to ten times—certainly five times—the amount actually needed for taking the bonds was locked up from the business of the country. Every bank that made a bid had to lock up so much of its resources to be ready to take the bid if it was awarded to it. Every small capitalist, as well as large capitalist, who authorized a bid to be made or who made it in his own name, had to keep for a space of one, two, or three weeks this amount of money.

Mr. HILL. Does the Senator mean—

Mr. HOAR. If the Senator will pardon me, I have a wretched head for this kind of financial discussion—

Mr. HILL. I should—

Mr. HOAR. And I will state to the Senator that I will grant him the full benefit of that.

Mr. HILL. I should judge so from the Senator's statement.

Mr. HOAR. I understand that is a gibe which finds its support in absolute truth.

Mr. HILL. I do not wish to annoy the Senator. I want to understand his point; that is all.

Mr. HOAR. I am trying to make myself clear, without interruption, if the Senator will let me. If, when I get through, he does not understand the point I make, I will repeat it. As I understand it, here were \$551,000,000 of bids for \$100,000,000 of bonds. Is that true? Now, if that be true, \$551,000,000 of gold at least had to be locked up between the time those bonds were advertised for and the time the contracts were awarded, so that the transaction was so conducted as itself almost to create a panic, or at any rate a very serious stringency in the money market.

Mr. HILL. Does not the Senator—

Mr. HOAR. I am not attacking it; I am merely speaking of the thing to be inquired into. Let the Senator understand that I am not criticising the conduct of the Administration.

Now, in determining whether we will permit the existing law to stand without modification or safeguard, is it not our duty to know whether under it those \$10,000,000 were wasted, and to know whether under it in the last transaction \$551,000,000 of gold was locked up from the business of the country?

Mr. President, there is another thing involved in this matter which I think is pretty important. It is said—it has been acknowledged, I understand, by the Senator from New York in this debate—that the proceeds of the sale of bonds issued under the authority given by the law of 1876, revived by implication by the unrevoked part of the statute of 1890, an authority given for the purpose of enabling the Government to preserve the gold reserves and to maintain the resumption of specie payments, has been used practically for the current expenses of the Government. Now, if that be true—

Mr. HILL. The Senator has not listened to my remarks.

Mr. HOAR. I have listened to a great many hours of them.

Mr. HILL. The Senator will have to listen longer, then, to understand the point.

Mr. HOAR. Perhaps I shall.

Mr. HILL. If the Senator will permit right there—

Mr. HOAR. I will omit that. I will withdraw what I said about the Senator from New York in order to make my point. It is a very hot afternoon, and the Senate wants to adjourn.

Mr. HILL. Go ahead.

Mr. HOAR. I want to make the proposition plainly, if I can. It is alleged and believed—I believe for one and I think the Senator from Kansas believes for another—

Mr. HILL. He believes anything.

Mr. HOAR. I think nearly every Senator on this side of the Chamber and three-quarters of the Senators on the other side believe that whatever may have been the original authority, the money gained by this loan has been used to pay the current and ordinary expenses of the Government.

Mr. STEWART. Nobody denies that.

Mr. HOAR. I will not say that, because the Senator from

New York will interrupt me if I say it; but a great many men in high station and in high authority believe it.

I hold it a very serious thing, indeed, that the President of the United States and the Secretary of the Treasury should exercise, or claim or have by implication the power of using, the credit of the United States, without limit and forever, to pay the current ordinary expenses of the country. I can not conceive how any man who takes the name of Thomas Jefferson on his lips, though his heart may be far from him (as is the case with a good many people who have taken it of late), whatever may be his devotion to an Administration that he has helped to elect, can sit in his seat and be willing to have that thing go on. If it be true, it is the destruction of republican government; it is the overthrow of all our maxims of public liberty, of guarding and checking administration.

I want to know something about that. I think the Senator from Kansas has done right in offering this resolution, and has done a public service; and I do not mean to be diverted from doing my duty as a Senator and insisting on having the facts known on these three propositions, in order that we may correct the legislation by any talk about my confederating or associating with Populists.

Mr. HILL. What fact does the Senator expect to know which is not known now and is not in the public records—the reports of the Secretary of the Treasury? You can not know a single other fact.

Mr. HOAR. I expect to have the reasons of the President and the Secretary ascertained, I expect to have the account of what was devoted to the current expenses of the Government put in an orderly, clear, and plain statement, so that the people and the Senate can understand it; I expect to have the circumstances set forth; I expect to have from a committee the proper modification or change of the law which is desirable to prevent its recurrence in the future recommended to the Senate. These matters as they stand now are the subject of debate, of quarrel, of controversy. Somebody gets up and alludes to them on the floor of the Senate, and somebody else gets up and says that the Senator from New Hampshire did something in regard to a Presidential nomination in his own State, and thinks that is a proper and Senatorial argument to deal with such a subject. I think if we get a committee, either the Finance Committee or a special committee of this body, we shall get a statesmanlike, orderly, clean-cut, straightforward, and masterly statement on this subject, which will dispose of it, and will so dispose of it, in my opinion, that no Democrat and no Republican will rest easy until he has done something to prevent the occurrence of this thing again.

Mr. President, that is the ground on which I expect to have my vote counted or paired in favor of this resolution. It is not for the sake of getting any political capital against President Cleveland or my honored friend, Mr. Carlisle, or the Democratic party that I shall vote for it. I know the difficulties and the trials of the past two years; I know what a calamity it would have been to this whole country, irreparable for a long time, not to be recovered from if it had happened, that our silver currency or our paper currency had got separated in value from the gold currency. I think we all believe that that would have been a calamity; at any rate I do. I want to have this great mistake, this great defect, this great danger and insecurity in our existing legislation guarded against. Though I do not often follow the Senator from Kansas, I am happy to be counted as his follower in regard to the matter which is in question.

That is all I have to say. If I have not made myself clear, I shall be happy to explain to the Senator from New York.

Mr. HILL. If the Senator from Massachusetts does not comprehend this question any better than would appear from his argument, I think he ought to have at least one investigating committee, if not more. It is very strange indeed, if the Senator has been thirsting for information so long in regard to the finances of the country, especially since the last loan was made, that he himself has not seen fit to offer a resolution for investigation.

Mr. HOAR. My colleague [Mr. LODGE] offered a like resolution with my full approbation.

Mr. HILL. Only recently.

Mr. HOAR. It was offered within three days, I think, of the last sale of bonds.

Mr. HILL. Mr. President, the question in regard to what has been done with the proceeds of bonds has existed for the last two years. Does the Senator now mean to say that he is ignorant of the situation? Does he mean to say that it has not been stated here in special reports, and in general reports from the Secretary of the Treasury, as to the precise situation of the Treasury, and what has been done with the avails of the first bond sale, the second bond sale, the syndicate sale, and the last sale? Does he mean to say that he does not comprehend the financial situation, and that now all at once he needs information? Mr. President, this belated plea of ignorance will not do. The Senator can not play that upon this Senate. I say to him, and he ought to know it by this time, that, as has been stated previously, the bonds have been

sold for gold. The gold has been placed in the Treasury, and then has been taken for the purpose of redeeming the greenbacks. The greenbacks then have been placed in the Treasury—placed in its general fund—where they have always been placed, according to a special report which the Secretary of the Treasury recently made, in which he expressly reported upon this subject, giving all the information which any Senator or citizen ought to desire or to have.

It has been shown further by reports that that fund has never been kept separate from the day of the first selling of bonds; that it has been kept with the remainder of the funds in the Treasury, legally applicable to pay the expenses of the Government when needed.

Mr. President, it comes with very bad grace at this late day for the Senator from Massachusetts to say that he wants to know all about that, and he wants to know whether the Secretary of the Treasury has a right in times of peace to issue bonds for the purpose of raising the necessary funds for the support of the Government. No one has claimed he has; no one has made any such pretense; but when bonds have been issued and gold realized with which the greenbacks have been redeemed, when the law of 1878 stands upon the statute book and compels the President to reissue those greenbacks, how is he to comply with that law if he does not reissue them for the debts of the Government, I should like to know?

That is the law the Administration has virtually asked to have repealed; that is the law of which the President has suggested the repeal. He has suggested many ways by which this question might be avoided in order to prevent the selling of bonds for the future, but Congress has given no relief.

The Senator from Massachusetts says he does not want to reflect on anybody. Has he read the resolution? Has he seen its offensive language? Suppose the Secretary of the Navy had built several ironclads and spent millions of dollars, and a resolution were offered here to investigate the whole subject of their building under his direction, and that resolution should provide that a committee should investigate whether, on any money passing through his hands, he received any commission, or if any officer under him or anybody with his knowledge or consent had done so, when nobody had charged it, would the Senator think that a proper resolution for which he could conscientiously vote without any allegation of wrongdoing, without any corruption alleged? Is that fair? Is it right? Is it honorable? Is it manly? This resolution is full of insinuations, full of reflections upon the officers of the Government. Aye, the Senator from Kansas, while he said he did not charge corruption *per se* against the Secretary of the Treasury, when the question was put to him, how about the officers of the Government, he evaded the question. What is the language of the third clause of the resolution? I read it:

Whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement.

No reflection in that, does the Senator from Massachusetts say? I concede that the resolution offered by his colleague, the junior Senator from Massachusetts, is respectful in terms; I concede that that resolution, if there is to be any investigation at all, is unobjectionable in its form and language; but this resolution is not so. This resolution purports to investigate details of this transaction in language which implies upon its face wrongdoing. It proposes to investigate the question of the authority of the Government to issue bonds. Has the Senator as a lawyer any doubt but what the law of 1875 still exists for the purpose of supplying gold with which to continue the gold reserve? I ask him the question, and pause for a reply.

Mr. HOAR. Not the slightest.

Mr. HILL. Not the slightest. Here are these eminent Populists—lawyers, editors, farmers, or whatever they are, who say there is a doubt on the other side—I will put their opinion against the opinion of the Senator from Massachusetts—and he proposes to join the combine, he proposes to act with them, he proposes to vote for the resolution, he says, by which the very authority to issue bonds is questioned. How can he do it consistently, I should like to know? I am sorry the Senator from Massachusetts is not going to be here on Monday. I shall then undertake to analyze the remarks he has made and speak upon them at length, but I did not see fit to permit his plea of ignorance to go unanswered to-night.

Mr. HOAR. I do not propose to follow the honorable Senator from New York in the style of his utterance, which is, I think, rather more appropriate to some other places where such impassioned oratory is in favor than to the Senate of the United States.

I began what I had to say with the statement that I should support the substance of the resolution of the Senator from

Kansas so far as it provides for an investigation into these particular points, and that I understood he disclaimed any imputation against the President or the Secretary of the Treasury or any officer of the Government. In regard to whether the particular form or phraseology of this resolution goes beyond that, or whether it should be amended in that particular and will be amended by the Senate, I did not consider. I only rose to say I expect to be here next Monday, and shall be very happy to receive any blast, whether of wrath or otherwise, that may come from the Senator from New York.

Mr. HILL. I thought the Senator claimed the floor to speak to-night upon the ground that he could not be here on Monday.

Mr. HOAR. I said I could not be here when the vote was taken on the resolution. I expect to go away next Wednesday. That is the whole of it.

I repeat that an inquiry into this important transaction, presenting these three points of danger and of mistake and error in our existing legislation, it seems to me, never was refused in any previous Congress to any Senator who had asked it, and I do not think it ought to be refused to the Senator from Kansas.

Now, in regard to the lawful authority to issue bonds for the purpose of keeping the gold supply intact, I not only believe that it exists, but I voted for the statute of 1890 on that ground, and on that ground alone, and should not have voted for what was known as the Sherman Act except that it gave that great additional security, as I understood it, to the credit of the Government.

Mr. HILL. The statute of 1890?

Mr. HOAR. The statute of 1890, the Sherman law; 1890, I think, is the date of it.

Mr. HILL. How does the Senator regard that as affecting this question?

Mr. HOAR. This statute was passed in 1876 as a part of the act for the maintenance of the resumption. Then the statute of 1890, that part of it which was unrepealed, gave the power conferred by the statute of 1876 to the Secretary of the Treasury for the purpose of maintaining the parity of the two metals. That is the substance of it, as I understand, and that is the ground upon which I myself supported the statute of 1890.

Mr. HILL. I should be very glad to make use of that in answer to the Senator from Nevada.

Mr. STEWART. You will have to get a better argument than that to answer me. [Laughter.]

Mr. HOAR. I have no doubt about that; but I have very great doubt whether there has been any necessity for the issuing of bonds to support the gold reserve. I believe that if other policies had prevailed, both in legislation and in administration, we should have had no necessity for the use of those reserve powers. The gold in the Treasury would have been maintained if we had had sufficient ordinary revenues for the purpose. I agree with the Senator from Ohio [Mr. SHERMAN] in that. Therefore, that being the fact, I have believed, and a great many persons believe, that this bond-issuing power, whatever may be its limit, has been used for a purpose for which it was never intended by anybody, either at the time of the statute of 1876 or at the time of the statute of 1890, and that the use of it for that purpose constitutes a great public danger and menace. The matter ought to be brought clearly to the attention of the people and clearly to the attention of the Senate, so that a proper remedy may be supplied. I think the American people propose to supply the necessary remedy, or to elect next fall a Congress that will supply it.

Mr. HILL. What would the Senator do with the greenbacks after they are placed in the Treasury, when the statute of 1878 says that they shall be reissued?

Mr. HOAR. If we had a proper revenue system there would be no difficulty.

Mr. HILL. How would you reissue the greenbacks if you did not pay them in the payment of debts, I should like to know?

Mr. HOAR. If we had a proper system of revenue we should never have any trouble in calling upon the gold reserve to pay ordinary expenses.

Mr. HILL. It is not the gold reserve, it is the greenback reserve.

Mr. HOAR. There never has been any trouble in any former Administration in bringing in greenbacks for redemption to the extent of endangering the reserve.

RECLAMATION OF ARID LANDS.

Mr. CARTER. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 2848) to amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved March 18, 1894, to report it favorably with amendments. I ask unanimous consent for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments reported by the Committee on Public Lands were, in line 9, after the word "approved," to strike out "March" and insert "August"; in line 11, after the word "reclaimed," to strike out "and"; in line 14, after the word "settlers," to strike out "and"; and in line 17, after the word "land," to insert "and when such water supply is furnished"; so as to make the bill read:

Be it enacted, etc., That under any law heretofore or hereafter enacted by any State providing for the reclamation of arid lands in pursuance and acceptance of the terms of the grant made in section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, a lien is hereby authorized and shall be valid against the separate legal subdivisions of land reclaimed for the actual cost of and necessary expenses of reclamation, and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; when an ample supply of water is furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of land, and when such water supply is furnished, patents shall issue for the same without regard to settlement or cultivation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BAKER. I inquire what are the changes which the pending bill proposes to make?

The PRESIDENT pro tempore. The Secretary will read the bill as amended.

Mr. CARTER. I can probably explain the purpose of the bill more briefly to the Senator from Kansas.

This bill is a proposed amendment to what is known as the Carey Act, which donated a certain amount of land to the arid-land States to aid in the reclamation of arid lands. This bill permits what the original bill did not, to wit, that the States, in the exercise of the trust created, might attach to each acre of reclaimed land the lien for the cost of the reclamation of it; and it likewise provides that when the water supply shall have been furnished patents shall issue for the lands.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4 of an act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895,' approved August 18, 1894."

SARAH A. BOYD.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2557) granting a pension to Sarah E. Boyd; which were, in line 6, after the name "Sarah," to strike out "E" and insert "A," so as to read "Sarah A. Boyd"; and to amend the title so as to read "A bill granting a pension to Sarah A. Boyd."

Mr. SHOUP. I move that the Senate concur in the House amendments. They are merely to correct the name of the beneficiary.

The motion was agreed to.

CORPUS CHRISTI CHANNEL BRIDGE.

Mr. CHILTON. I ask unanimous consent of the Senate for the present consideration of House bill 3549, to authorize the construction of a bridge across a ship channel known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

The PRESIDENT pro tempore. The Senator from Texas asks for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CHANDLER. I will not object to this bill, but I give notice that I shall object to any further legislative business this afternoon.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The amendments were, in section 2, line 23, after the word "owner," to insert "or owners"; in line 25, before the word "obstruction," to insert "litigation growing out of said"; and in line 27, before the word "may," to strike out "case" and insert "suit"; so as to read:

If any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of such bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge. And in case of any litigation growing out of said obstruction, or alleged obstruction, to the navigation of said channel, caused, or alleged to be caused, by said bridge, the suit may be brought in the circuit court of the United States in which any portion of said obstruction or bridge may be located.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, April 20, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1896.

APPOINTMENTS IN THE NAVY.

John P. J. Ryan, a citizen of New York; John R. Morris, a citizen of Missouri, and Chester Wells, a citizen of Pennsylvania, to be assistant engineers in the Navy.

JUSTICE OF THE PEACE.

John H. O'Donnell, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Columbia.

POSTMASTERS.

Charles Quinn, to be postmaster at Riverpoint, in the county of Kent and State of Rhode Island.

Richard Hayward, to be postmaster at Providence, in the county of Providence and State of Rhode Island.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 17, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read, corrected, and approved.

CONDEMNED CANNON, CEMETERY ASSOCIATION, ST. PAUL.

Mr. KIEFER. Mr. Speaker, I ask unanimous consent to have considered at this time the bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., for the purpose of placing the same at or near the monument erected to the memory of Union soldiers who are buried in the said cemetery.

Mr. KIEFER. There is an amendment recommended by the committee.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further,* That the United States shall not be subjected to any expense on account of such donation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DALZELL addressed the Chair.

Mr. WILLIAM A. STONE. Mr. Speaker—

Mr. DALZELL. Mr. Speaker, I wish to offer an amendment to the bill, which I send to the desk.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Add to the bill:

"And also three condemned cannon for the Grand Army of the Republic Post, No. 121 (Col. John M. Patterson Post), for the purpose of decorating the soldiers' plat in the South Side Cemetery, Pittsburg, Pa."

Mr. RICHARDSON. Mr. Speaker, I make the point of order that it is not competent to amend this bill by adding to it the substance of another private bill pending.

The SPEAKER. The Chair must sustain the point of order. The amendment would not be in order.

Mr. DALZELL. I hope the gentleman will not make that point of order at this time.

Mr. RICHARDSON. I think it a very bad precedent to establish. This proceeding, if entered upon, would have no possible limit.

The SPEAKER. The Chair sustains the point of order; and the question is on agreeing to the amendment recommended by the committee.

Mr. RICHARDSON. Mr. Speaker, before that—gentlemen around me appeal to me to withhold the point of order. I am willing to do so for the purpose of hearing any statement in reference to the matter.

Mr. DALZELL. This matter is one in which several members are interested, and it is hoped that we can get these matters through. It is now getting on toward the end of the session, and I do not want my bill sent to the committee, because there is no knowing whether it will ever be reported in time to be passed.

Mr. RICHARDSON. Let me suggest this: If this precedent is established, the very first moment the Chair recognizes any gentleman to ask consent for the consideration of a private-claim bill hereafter it will be absolutely in order, under this ruling, to permit every other private bill by way of amendment pending before Congress.

I ask the gentleman from Pennsylvania if he and his friends will agree not to make the point of order against such amendments?

Mr. DALZELL. The suggestion of the gentleman from Tennessee has no weight in connection with this bill. There is only a single amendment possible here. There is already one amendment of the committee, and this is an amendment to the amendment. So that it probably will not go beyond that point; and the trouble the gentleman anticipates can not possibly occur.

Mr. RICHARDSON. Ah, but after the amendment is adopted it would be entirely in order to offer another amendment of the same character, and so on until every private bill on the Calendar covering matters of this kind has been tacked on as an amendment.

Mr. DALZELL. The gentleman is simply anticipating trouble that can not occur.

Mr. RICHARDSON. If the gentleman can assure me that there is but the one amendment, of course I will not make the point of order against it; although I do regard it as a very bad precedent, as I have said. I will not make the point of order in this case if the gentleman assures me that this is all.

Mr. DALZELL. I do not know, of course.

Mr. PITNEY. I wish to offer an amendment.

The SPEAKER. The point of order has been made, and the question is on agreeing to the amendment recommended by the committee.

The amendment was adopted.

Mr. DALZELL. Does the gentleman insist upon his point of order?

Mr. RICHARDSON. I do not in this case, as I understand there is but the one bill of this character to be offered as an amendment.

Mr. PITNEY. Two.

The SPEAKER. The Chair desires to state that there is another ready to be presented, as the Chair is informed.

Mr. RICHARDSON. Then I insist upon the point of order.

The SPEAKER. The Chair sustains the point of order; and the question is on the third reading and engrossment of the amended bill.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KIEFER, a motion to reconsider the last vote was laid on the table.

HARBOR OF ERIE, PA.

Mr. GRISWOLD. Mr. Speaker, I wish to call up for present consideration the joint resolution S. R. 131, a joint resolution relative to the improvement of the harbor of Erie, Pa.

The SPEAKER. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, directed to examine into the feasibility and advisability of the improvement of the harbor of Erie, Pa., by the construction of dikes to prevent the closing by sand of the entrance of said harbor, and to make report thereon, with an estimate of the cost of such improvement.

Mr. DINGLEY. Is this a new river and harbor project? Is it a proposition for a contract?

Mr. GRISWOLD. No; they just want a survey made to see what can be done.

Mr. DINGLEY. It is not with a view to getting an appropriation in the present river and harbor bill, is it?

Mr. GRISWOLD. I do not know whether they will get it or not. It is to investigate the matter.

The SPEAKER. The Chair is unable to hear what is going on.

Mr. GRISWOLD. Mr. Speaker, in explanation of this resolution I will say that it is suggested in the Senate that this investigation should be made, to see if there are any remedies that can be provided to prevent the constant drift of the sand from the

west to the east, and the closing of the harbor at Erie, which entails constant dredging and building of piers much more expensive than this work would be if it is decided that it would accomplish the object desired. This is a resolution of inquiry of the Board of Engineers.

Mr. DINGLEY. Mr. Speaker, because this involves a question that may be raised in a great many other cases, if this is simply a resolution of inquiry having reference to some project of the future, of course there will be no objection to that; but if the purpose is to get a new appropriation on which no survey has been made and no recommendation has been made, in order that it may be inserted in the pending river and harbor bill on the Senate side, it seems to me that similar resolutions would be likely to load down the river and harbor bill so that the whole thing may fail.

Mr. GRISWOLD. The investigation has been partly made, and the subject was suggested in the report of the Board of Engineers.

Mr. DINGLEY. How much is the expenditure that it contemplates?

Mr. GRISWOLD. About \$125,000, if it should go through.

Mr. DINGLEY. Go ahead, as far as I am concerned.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GRISWOLD, a motion to reconsider the last vote was laid on the table.

MARGARET A. LUTHY.

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4712) granting a pension to Margaret A. Luthy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, under the act of January 23, 1887 (Mexican war pension laws), the name of Margaret A. Luthy, widow of Franklin Luthy, late of Lieutenant Allen's detachment of recruits, Missouri Mexican Volunteers, at — per month.

The Committee on Pensions recommended an amendment in line 9, inserting the word "eight."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to hear some explanation in reference to this bill.

Mr. CROWTHER. As the report shows, this is simply to pension the widow of a veteran of the Mexican war. The claim is made at the Pension Department that he did not serve long enough to entitle him or her to a pension.

Mr. RICHARDSON. Did he not serve thirty days?

Mr. CROWTHER. The record shows that he served three months.

Mr. LOUD. I should like to ask the gentleman if the record does not show that this man simply enlisted, but never went anywhere near the front?

Mr. CROWTHER. He was mustered out at Santa Fe, N. Mex.

Mr. LOUD. That was as far as he ever got?

Mr. CROWTHER. Yes; the war closed before he got to Mexico.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CROWTHER, a motion to reconsider the last vote was laid on the table.

CONDEMNED CANNON FOR BUDLONG POST, GRAND ARMY OF THE REPUBLIC.

Mr. ARNOLD of Rhode Island. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon for the purpose of decorating the grounds around the memorial building of said post: Provided, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CANNON. I desire to offer an amendment to that bill.

The amendment was read, as follows:

Amend by adding, before the proviso, the words "four condemned brass cannon for Kenesaw Post, Grand Army of the Republic, Danville, Ill., for monumental purposes."

Mr. HILBORN. There are no brass cannon to be had—

Mr. RICHARDSON. I make the point of order against this, if it is in a separate bill that has been reported.

The SPEAKER. The point of order is sustained.

Mr. CANNON. I would like to be heard upon the point of order. Upon what ground is it made?

The SPEAKER. The Chair has ruled upon that once before this morning. The Chair understands that this is a single bill, referring to one subject, and the gentleman proposes to add another to it.

Mr. CANNON. Precisely.

The SPEAKER. The Chair thinks that would not be in order.

Mr. CANNON. I did not know that such a ruling had been made.

The SPEAKER. The ruling has already been made this morning.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. DOCKERY. Mr. Speaker, I do not object to the consideration of the bill, but I understand there are no condemned brass cannon, and I suppose the bill will be harmless.

The question was taken; and the bill was passed.

On motion of Mr. ARNOLD of Rhode Island, a motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM C. DODD.

Mr. SNOVER. Mr. Speaker, I ask unanimous consent to recommit bill H. R. 981 and report, for the relief of William C. Dodd, to the Committee on Claims for correction.

Mr. DINGLEY. Mr. Speaker, let the title be read.

The title of the bill was read.

The SPEAKER. Without objection, the bill and report will be recommitted.

There was no objection, and it was so ordered.

MRS. MARIA B. BRINTON.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, authorized and directed to place upon the pension roll the name of Mrs. Maria B. Brinton, widow of William P. Brinton, late a member of Company D, Second Pennsylvania Cavalry, and to pay her a pension at the rate of \$8 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Let the report be read.

The SPEAKER. In order that the report may be heard, the Chair hopes gentlemen will be kind enough to cease conversation.

Mr. McMILLIN. I am entirely willing for the question of unanimous consent to go, and I will withhold my demand for the reading of the report until that is granted.

The SPEAKER. The Chair hopes gentlemen will take their seats and cease conversation.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5667) granting a pension of \$8 per month to Maria B. Brinton, widow of William P. Brinton, late lieutenant-colonel Eighteenth Pennsylvania Cavalry Volunteers, having carefully examined and considered the facts and circumstances in evidence, respectfully report as follows:

The soldier enlisted as captain Company D, Second Pennsylvania Cavalry Volunteers, and was promoted to lieutenant-colonel of Eighteenth Pennsylvania Cavalry Volunteers on May 2, 1863, and was honorably discharged January 13, 1865, having a record of gallant and meritorious service.

Soldier never filed a claim for pension. His widow filed claim for pension August 21, 1890, under act of June 27, 1890, alleging that the soldier died in South America about March, 1881. She was married to soldier November 17, 1859. Her claim was rejected July 27, 1892, on the ground of her inability to furnish satisfactory evidence of soldier's death.

Claimant alleges that soldier sailed on the *Martha Tucker* from New York City February 29, 1879, en route to Buenos Ayres, South America, to better his fortunes; that letters received from him by affiant indicated his arrival at his destination and departure from there to Montevideo, near which place he taught in a college; that she corresponded with him at both places until 1881, when, after stating that he intended to leave Montevideo for Rio Janeiro, correspondence on part of soldier ceased, and although letters were written to United States consuls at Buenos Ayres, Montevideo, and Rio Janeiro, and after exhausting every possible means of information, she has never heard from the soldier or others concerning his movements after his departure from Montevideo.

William J. Buchanan, minister to Buenos Ayres, wrote to the Secretary of State September 10, 1894, to effect that he is informed by Consul Baker that William P. Brinton came to Buenos Ayres in 1879 as agent for some lines of manufacture in Philadelphia. His habits were bad, and those whose business he solicited lost confidence in him, and he left and went into the country and taught school. His mail accumulated and was returned to the Dead Letter Office. Later Mr. E. S. Bowers (now deceased) told Consul Baker that Mr. Brinton had died in one of the country towns of the Argentine Republic, but where or when Consul Baker did not inquire. This was probably in 1881.

The testimony filed shows widow used every possible means of locating her husband or finding date and circumstances of his death without avail; that she is without any estate, property, or means of support, except her labor.

In view of these facts your committee believe that the death of soldier should be presumed, and we earnestly recommend the passage of the bill.

The SPEAKER. Is there objection?

Mr. FISCHER. Pending the right to object, I ask whether the gentleman attends the Friday night sessions to aid in this sort of legislation?

Mr. TUCKER. Oh, yes; I am sorry the gentleman has not recognized me there. I should like very much to see the gentleman there.

Mr. FISCHER. I have never seen the gentleman at a Friday night session.

Mr. LOUD. I would like to ask the gentleman why he asks so small an amount as \$8? That almost takes away our breath. Why not ask for \$30 or \$50?

Mr. TUCKER. I ask for what the law allows.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TUCKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE M'FARLAND.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 7235) for the relief of George McFarland.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to issue duplicates to George McFarland, of McArthur, Ohio, in lieu of United States 4 per cent coupon bonds issued under acts of Congress approved July 14, 1870, and January 20, 1871, No. 54972, for \$50, and No. 105451, for \$100, with interest coupons attached, dated January 1, 1893, and subsequently, said bonds and interest coupons having been destroyed by fire: *Provided,* That the said George McFarland shall first file in the Treasury a bond in a penal sum of double the amount of the destroyed bonds and the interest which would accrue thereon until the principal becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim upon such destroyed bonds and coupons.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman why the Treasury Department does not redeem these bonds if destroyed by fire?

Mr. GROSVENOR. I do not hear what the gentleman says.

The SPEAKER. The Chair must again ask the House to be in order.

Mr. GROSVENOR. If I understood the request of the gentleman I will state in a word what the question is about. The house of Mr. McFarland, a resident of my district, was burned up, and three bonds, one for \$50 and two for \$100 each, coupon bonds, registered bonds of the United States, were burned in the fire. He presented his claim to the Treasury Department. The Treasury Department was able to identify two of the bonds, one for \$100 and one for \$50; the other one-hundred-dollar bond they were unable to identify. The Treasury Department drew up this bill and sent it to me as a proper step in the remedy to be provided.

Mr. BRUMM. Will the gentleman tell me what the Calendar number of that bill is? It is from the committee of which I am a member.

Mr. GROSVENOR. It is report 1308. I have the report in my hand.

Mr. BRUMM. What is the Calendar number?

Mr. GROSVENOR. I have not that.

Mr. BRUMM. Who reported the bill?

Mr. GROSVENOR. It was reported by the gentleman from Illinois [Mr. GRAFF]. It does not provide for the payment of money. It only provides for a proper indemnity being given. The Calendar number is 784.

Mr. BRUMM. All right. I thank you.

Mr. GROSVENOR. Mr. Speaker, there seems to be no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANT OF CONDEMNED CANNON.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., four condemned cannon and twenty cannon balls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., four condemned cannon and twenty cannon balls, for the use of said post: Provided, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANDREW V. SENDE.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2618) granting an honorable discharge to Andrew V. Sende.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to Andrew V. Sende, late private, Company B, Ninth Regiment Pennsylvania Reserve Corps, an honorable discharge, to date from the 24th day of July, 1863.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. Mr. Speaker, I would ask the gentleman in charge of this bill to have the report read or to explain to the House why this man should receive an honorable discharge at this late day.

Mr. WILLIAM A. STONE. I ask to have the report read.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2618) granting an honorable discharge to Andrew V. Sende, having had the same under consideration, respectfully report thereon as follows:

The records of the War Department show that Andrew V. Sende (also borne as Andrew Von Sende) was enrolled May 1, 1861, as a private in Company B, Ninth Pennsylvania Reserve Corps, Thirty-eighth Pennsylvania Volunteers, to serve three years. He is reported on company muster rolls as follows: To December 31, 1861, without remark as to his presence or absence; to April 30, 1863, present; June 30, 1863, and August 31, 1863, absent, detailed on recruiting service since June 13, 1863; October 31, 1863, "discharged by writ of habeas corpus on the 24th of July, 1863, by the district court of western Pennsylvania." An attachment muster-out roll of a recruiting party, dated at Pittsburg, Pa., reports him: "Discharged July 24, 1863, on a writ of habeas corpus, by order of United States court."

In view of the fact that the War Department records show that this soldier was discharged by legal proceedings, your committee see no reason why he should not be granted an honorable discharge, and therefore recommend that the bill do pass.

Mr. TALBERT. That report does not show what the offense was, and I will ask the gentleman to explain the bill a little further.

Mr. WILLIAM A. STONE. There was no offense.

Mr. TALBERT. The man was not charged with any offense?

Mr. WILLIAM A. STONE. No, sir. He was in the Army for more than two years, and he was discharged by an order of the court because he was a minor.

Mr. TALBERT. He was not brought before a court-martial for any offense?

Mr. WILLIAM A. STONE. No, sir.

Mr. TALBERT. There was no charge of desertion against him?

Mr. WILLIAM A. STONE. Oh, no; none whatever.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. JONES.

Mr. SPENCER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7161) for the relief of Benjamin F. Jones, which I send to the desk.

The bill was read, as follows:

Whereas at a time, to wit, the 22d day of April, A. D. 1883, when Benjamin F. Jones was postmaster at the town of Beauregard, Miss., the said town was totally destroyed by a cyclone and every building in the town swept away, including the building in which the post-office was kept; in consequence of this disaster there was a loss of money belonging to the Government deposited in said post-office building, which said Jones was compelled to make good to the Government; the Illinois Railway, carrying mails to said town of Beauregard, ceased to deposit them at Beauregard depot and carried them to the town of Wesson, 1 mile from Beauregard, compelling said B. F. Jones, at his own expense, to transport the mails from Wesson to Beauregard, the cost being \$97, which the Post-Office Department refused to allow because of want of lawful authority; and the Government sued said Jones, on his official bond as postmaster, in circuit court of the United States for southern district of Mississippi, and said court refused to allow the said item of \$97 as an offset; but both the presiding judge, Hon. R. A. Hill, and the attorney for the Government fully recognized the equity of the claim in open court, and signed a recommendation to allow said item of set-off: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid to the said Benjamin F. Jones, late postmaster at Beauregard, Miss., or to his order, out of such money in the Treasury of the United States not otherwise appropriated, the sum of \$97, in consideration of the aforesaid loss and services.

Mr. PITNEY. Mr. Speaker, I wish to inquire whether this bill has been reported favorably from the Committee on Claims?

The SPEAKER. The Chair is informed that it has been.

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman in charge of this bill a question or two. I ask him whether the railroad company was not delivering the mail at this station under

contract prior to the hurricane referred to in the preamble of the bill, so that the postmaster could take it to the post-office?

Mr. SPENCER. Yes, sir.

Mr. LOUD. Then, Mr. Speaker, permit me to say that the railroad company would be the responsible party in this case. Under their contract they were required to deliver the mails at a certain point, and if the station or the track was destroyed, the railroad company would still be liable for the delivery of the mail at that point; and therefore it is the railroad company rather than the Government that should reimburse this claimant.

Mr. SPENCER. The matter has been fully presented to the committee, which reported the bill favorably. The case has been fully investigated three times in this House, and the bill has been unanimously reported three times.

Mr. LOUD. The gentleman says the bill has been unanimously reported by the committee. I remember this case, and I remember that I opposed it in committee, so the report could not have been unanimous.

Mr. SPENCER. Well, what I mean is that there was no minority report. There is also a statement from the United States judge and United States prosecuting attorney, who investigated this matter, to the effect that there is no other way than by legislative enactment to give this party relief. He stood by his post after the act of Providence had deprived the citizens of that neighborhood of all mail facilities; and there must have been some cause why the railroad company did not deliver the mails, or else they would have been compelled to carry out the contract.

Mr. LOUD. This man stepped in and relieved the railroad company. That is the reason.

Mr. SPENCER. He stepped in and relieved the citizens of the neighborhood; not the railroad company.

Mr. LOUD. Well, Mr. Speaker, this is perhaps a small matter to object to, and I do not know that I shall object, though I think it is setting a bad precedent.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Several members addressed the Chair amid much confusion.

The SPEAKER. The Chair thinks that business by unanimous consent ought not to go on until members can hear what is said.

Mr. PICKLER. Mr. Speaker, I demand the regular order.

Mr. MEREDITH (to Mr. PICKLER). Do not do that. Wait a minute.

The SPEAKER. If the House will be in order, the Chair will lay before it the business in regular order.

MEDAL OF HONOR.

The SPEAKER laid before the House the joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863, with an amendment of the Senate thereto.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That any person who has been, or may hereafter be, awarded the medal of honor provided by the acts of July 12, 1862, and March 3, 1863, respectively, may wear, in lieu of said medal, a rosette or bowknot of ribbon, of a pattern and under regulations to be established by the President of the United States, who is hereby authorized to determine and prescribe a suitable ribbon for the medal of honor in lieu of that heretofore provided.

SEC. 2. That the wearing of said medal or ribbon by any other than the persons above specified shall be deemed a misdemeanor and subject, on conviction, to a penalty of \$100.

The Senate amendment was read, as follows:

Strike out all after the resolving clause and insert the following:

"That the Secretary of War be, and he is hereby, authorized to issue to any person to whom a medal of honor has been awarded, or may hereafter be awarded, under the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, a rosette or knot to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed and established by the President of the United States, and any appropriation that may hereafter be available for the contingent expenses of the War Department is hereby made available for the purposes of this act: *Provided*, That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor."

The Senate amendment was concurred in.

LEWIS C. SCHILLING.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling.

The amendment of the Senate, to strike out in line 8 the word "fifty" and insert "thirty," was read and concurred in.

JOSEPHINE FOOTE FAIRFAX.

The SPEAKER. The House will next take up the unfinished business on the Calendar. The Chair understands that there are

some pension cases coming over from last Friday night. The Clerk will report the first bill of that class.

The bill (H. R. 3112) granting a pension to Josephine Foote Fairfax was read.

Mr. PICKLER. I call for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

Mr. LOUD. Have we adopted the amendment?

The SPEAKER. The Chair is informed at the Clerk's desk that the amendment was adopted last Friday night.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER (having put the question on the passage of the bill). The ayes seem to have it.

Mr. LOUD. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 26, noes 98, more than one-fifth voting in the affirmative.

Mr. PICKLER. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. PICKLER and Mr. LOUD were appointed.

The House again divided; and the tellers reported—ayes 34, noes 142.

So (less than one-fifth voting in the affirmative) the yeas and nays were not ordered.

The bill was then passed.

PENSION BILLS PASSED.

Bills of the following titles, coming over as the unfinished business from the session of last Friday night, were taken up in their order and read; the previous question was ordered, on motion of Mr. PICKLER; the amendments (if any) reported from the Committee of the Whole were concurred in; the bills were respectively ordered to be engrossed and read a third time; and after a third reading were passed:

A bill (H. R. 3990) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 2689) granting a pension Charlotte Weirer;

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan; and

A bill (H. R. 4475) granting a pension to Mrs. Catharine Gaffney.

On motion of Mr. PICKLER, a motion to reconsider the several votes by which the bills coming over as unfinished business were passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER (after a pause). Mr. Speaker, if there is no other business pressing, I move that the House resolve itself into Committee of the Whole for the purpose of considering such business as is in order on Friday evenings.

The SPEAKER. The gentleman from South Dakota moves that the House resolve itself into Committee of the Whole for the purpose of considering such bills as are considered under the rules at Friday evening sessions.

Mr. McMILLIN. Do I understand that that was the motion of the gentleman?

Mr. PICKLER. That was my motion; nobody seemed desirous to call up anything else.

Mr. RICHARDSON. I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar. It seems to me that is the only motion now in order.

Mr. PICKLER. I do not wish to antagonize that motion. There did not seem to be any disposition to go on with the consideration of the ordinary business on the Private Calendar.

Mr. McCREARY of Kentucky. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCREARY of Kentucky. If a demand is made for the regular order, this being Friday, would not the House necessarily proceed with the Private Calendar?

The SPEAKER. It is in order to make a motion to proceed with it.

Mr. McCREARY of Kentucky. I understand the gentleman from Tennessee has made that motion?

The SPEAKER. That is the pending motion.

Mr. PICKLER. I have no desire to antagonize the motion. I only made mine because there did not seem a disposition to proceed with the Calendar in the regular order.

The question was taken on the motion of Mr. RICHARDSON, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and the Clerk will report the first business on the Calendar.

Mr. WALKER of Massachusetts. Mr. Chairman, I desire to move to take up a bill on the Calendar—

The CHAIRMAN. The Chair will state to the gentleman that that motion could only be entertained by unanimous consent. The bills must be taken up in their order under the rule.

Mr. RICHARDSON. We could not hear the inquiry of the gentleman from Massachusetts.

Mr. WALKER of Massachusetts. I ask consent to take up for present consideration a bill on the Private Calendar under the order of business for to-day.

Mr. PICKLER. Mr. Chairman, I demand the regular order, and ask that the bills be considered in their order on the Calendar.

The CHAIRMAN. The Chair will cause the rule to be read.

The Clerk read as follows:

4. In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

Mr. WALKER of Massachusetts. It appears, Mr. Chairman, from the reading of the rule that by a vote of the committee the bill may be taken up, and that it does not require unanimous consent to take it up out of its regular order. The bill I speak of has passed the Senate twice, and therefore I submit a motion to take it up now for present consideration. I refer to the bill (S. 32) for the relief of the legal representatives of John C. Howe, deceased, being the Calendar No. 473, on page 34 of the Calendar.

Now, Mr. Chairman, I desire to say only a word—

Mr. RICHARDSON. Is this debatable?

The CHAIRMAN. It is not.

Mr. WALKER of Massachusetts. I only wanted to say that this is a Senate bill, that has passed the Senate twice—

Mr. BAILEY. Mr. Chairman, I may not have caught exactly the reading of the rule, but my understanding was that except where a different order had been previously made in the House, when the House resolved itself into a Committee, the bills must be taken up in their regular order.

The CHAIRMAN. The rule seems to allow the committee to determine what bills it shall consider, unless previously determined by the House.

Mr. WALKER of Massachusetts. I ask unanimous consent to speak a single minute—

Mr. RICHARDSON. Well, Mr. Chairman, this matter is not debatable, but if an opportunity is given for discussion we may want the same length of time to reply to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. McMILLIN. Does the gentleman want to discuss the point of order or the merits of the bill?

Mr. WALKER of Massachusetts. The condition of the bill.

Mr. McMILLIN. I think it would scarcely be wise to take up for discussion a matter that is not yet before us.

The CHAIRMAN. The Clerk will report the title of the bill to which the gentleman from Massachusetts refers.

The title of the bill was again read.

Mr. SWANSON. Mr. Chairman, I desire to offer a substitute for the motion of the gentleman from Massachusetts, that the bills be taken up on the Calendar in the order in which they are reported and appear on the Calendar.

Mr. WALKER of Massachusetts. I believe that is debatable.

The CHAIRMAN. It is not.

Mr. WALKER of Massachusetts. It seems to me that we ought to take up Senate bills and consider them first at this late date in the session—bills that have passed the Senate.

The CHAIRMAN. The matter is not debatable.

The question is on agreeing to the substitute proposed by the gentleman from Virginia [Mr. SWANSON].

The question was taken; and on a division, demanded by Mr. WALKER of Massachusetts, there were—ayes 70, noes 10.

So the substitute was agreed to.

The motion of Mr. WALKER of Massachusetts as amended by the substitute was then agreed to.

FRANK M. MARSHALL.

The CHAIRMAN. The Chair is informed that the bill the title of which the Clerk will read was before the Committee of the Whole when last in session on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 4510) [Calendar No. 123] for the appointment of Frank M. Marshall as lieutenant on the retired list of the Army.

Mr. SWANSON. Mr. Chairman, I rise to a point of order. As I understand it, when the House resolves itself into Committee of the Whole it has then power to fix the order in which it will consider business on the Calendar. Now, the committee has determined by the vote just taken that we will begin at the beginning of the Calendar with the bills as they are reported; and I insist

that that order will not permit the bill to which the Chair refers to be brought up as unfinished business.

Mr. DINGLEY. But the unfinished business is always first in order.

Mr. SWANSON. Under the rule under which we are proceeding, by a direct vote of the committee?

Mr. DINGLEY. Unquestionably.

Mr. SWANSON. As I understand it, that is the general rule. But that rule has been set aside by the action of the committee, and it has been admitted that the committee can fix the order of business. Now, the committee has fixed the order of business, that we should begin with the beginning and consider the bills in the order in which they appear on the Calendar.

The CHAIRMAN. This bill is upon the Calendar as unfinished business.

Mr. DINGLEY. And therefore is first in order.

Mr. SWANSON. Not upon the Calendar as reported here. I insist it goes back to the place in which it appears on the Calendar.

Mr. DINGLEY. That would be a change of the rules.

Mr. BAILEY. If my friend from Virginia will permit—

The CHAIRMAN. The Chair does not understand that the motion adopted by the committee has changed the rule at all.

Mr. BAILEY. If my friend from Virginia will permit me to make a suggestion, I agree with him in believing that the adoption of the motion which he made was tantamount to laying aside the unfinished business.

Mr. SWANSON. That is what I insist on.

Mr. BAILEY. And it appears to me that the committee, as under the rule it may, has determined to proceed at this session of the committee in a given way, that is, by beginning at the head of the Calendar and going down, and that seems to me to be a reversal of all other orders previously adopted, or an alteration of the regular order. The gentleman from Maine will perfectly agree that the committee, under the ruling of the Chair, could begin at the beginning or the middle of the Calendar or at the end of the Calendar, and then go either way; but in pursuance of the power of the committee it has determined against all other methods of procedure except to begin at the top of the Calendar.

Mr. DINGLEY. It has simply decided to take up the Calendar and proceed in order.

Mr. WALKER of Massachusetts. Oh, no.

Mr. SWANSON. Oh, no.

Mr. DINGLEY. It was not competent for the committee to set aside the unfinished business in that way. It must be set aside by some disposition of it.

Mr. SWANSON. The ruling of the Chair is that the committee has absolute power—

Mr. DINGLEY. I think it would be better to go along in the orderly way. We shall soon reach the other bills, and I think we can make more progress in that way.

Mr. BAILEY. As I understand it, it is not a question of progress, but it is a question as to what is the correct ruling. I would agree with my friend from Maine that if the committee had decided to proceed in the regular order, the regular order would be the unfinished business; but the committee did not decide to do that, but on the contrary it expressly decided to begin at the top of the Calendar.

Mr. DINGLEY. But what is the top of the Calendar? It is the unfinished business.

Mr. WALKER of Massachusetts. Oh, no.

Mr. McMILLIN. If the gentleman from Texas [Mr. BAILEY] will permit me, the case is even stronger than stated by the gentleman from Texas. The gentleman from Virginia [Mr. SWANSON], if I remember his motion correctly, moved that the committee take up the Calendar in the order in which the bills were printed.

Mr. SWANSON. Reported.

Mr. McMILLIN. I thought the word was "printed."

Mr. SWANSON. The notes of the Official Reporter will show the language of the motion.

Mr. McMILLIN. If I may be pardoned for one moment longer, I think it will be found that the language of the order is such as to preclude any other idea than beginning at the top of the Calendar.

Mr. DINGLEY. That motion would be out of order.

Mr. McMILLIN. But the point of order was not made.

Mr. DINGLEY. The question is as to the intent of the motion.

Mr. MAHON. Mr. Chairman, the order of business this morning was as follows: The Speaker of the House first called for the reading and approval of the Journal; second, the correction of reference of public bills; third, the disposal of business on the Speaker's table, and fourth, the unfinished business. The unfinished business consisted of five bills on the Calendar, which were disposed of. That settles the unfinished business. Then a motion was entertained under section 6 of Rule XXIV—

The CHAIRMAN. The Chair would like to call the attention of the gentleman from Pennsylvania to the fact that the bills dis-

posed of in the House were none of them this bill, which is pending before the committee. This bill was pending before the Committee of the Whole.

Mr. MAHON. The Speaker recognized that the unfinished business was through with. Then under section 6 of Rule XXIV, which provides:

On Friday of each week, after the unfinished business has been disposed of—

Which had been done—

it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar.

Mr. SWANSON. Then read further.

Mr. MAHON. That is all there is of that.

Mr. COOPER of Texas. I want to make a statement right there.

Mr. SWANSON. There is another provision which states that the committee itself can fix the order in which the business shall proceed in Committee of the Whole.

Mr. MAHON. That is section 4 of Rule XXIII, which the Chair had read.

Mr. SWANSON. The point of order made is that the resolution provided that the Committee of the Whole should proceed to the consideration of the bills in the order in which those bills were on the Calendar.

Mr. COOPER of Texas. Now, the bill under consideration appears upon the table by a special order passed at the last meeting. It is not the regular order. The resolution was offered by the gentleman from South Dakota, by which it became a special order for that day and that day only. Now, it should not regularly appear on the table. The regular order would be the Private Calendar.

The CHAIRMAN. The Chair has examined the resolution, and the motion was that the committee should take up bills of a certain character, and it was simply to regulate the order in which the bills should be taken up by the committee at that time. Now, in proceeding under that order, the committee took up this bill, and it was pending before the committee at the time the committee rose and the House adjourned. If the Chair understands the motion of the gentleman from Virginia this morning, it was that the committee proceed with the bills in their order upon the Calendar. This bill—

Mr. McMILLIN. Mr. Chairman, I call for the reading of the motion which was adopted in the committee, and that itself will be the best statement of what occurred. I concede the power of the committee to act in the premises, and whatever it did is the law of the House.

Mr. GROW. Mr. Chairman, is the order of business debatable?

Mr. WALKER of Massachusetts. Mr. Chairman—

The CHAIRMAN. The gentleman from Tennessee has not yielded the floor.

Mr. McMILLIN. Before I make a motion I ask that the Reporter's notes be produced, and until they come I yield to the gentleman.

Mr. GROW. Is the order of business debatable?

Mr. BAILEY. A point of order is.

Mr. GROW. It strikes me we are wasting our time in discussing and postponing the consideration of bills.

The CHAIRMAN. A point of order is raised against the consideration of a bill which was the unfinished business on last Friday, and the committee is now waiting for the production of the notes of the Reporter.

Mr. GROW. I move that the committee proceed to the next bill without prejudice to this one.

Mr. THOMAS. Regular order.

The CHAIRMAN. A point of order has been made, and that must first be determined.

The Clerk read as follows:

Mr. SWANSON. Mr. Chairman, I desire to offer a substitute for the motion of the gentleman from Massachusetts, that the bills be taken up on the Calendar in the order in which they are reported and appear on the Calendar.

Mr. McMILLIN. I think that settles it, Mr. Chairman. We must go to the first bill on the Calendar. I do not know what that bill is.

The CHAIRMAN. The Chair thinks the first bill upon the Calendar is the unfinished bill, and so holds.

Mr. McMILLIN. My understanding is that the Chair holds that the committee does not have it in its power to desist from the consideration of a bill when once it had entered upon its consideration.

Mr. THOMAS. Regular order.

The CHAIRMAN. The Chair simply holds that the action of the committee is to proceed with the bills in order upon the Calendar, and this is unfinished business on the Calendar.

Mr. BRUMM. That is not the way the resolution reads. It is as they appear reported on the Calendar.

The CHAIRMAN. That is a part of the resolution. The Chair has settled this point, and the Clerk will report the bill.

Mr. RICHARDSON. Then, Mr. Chairman, I move that the Marshall case be set aside informally, not to be prejudiced.

The CHAIRMAN. That requires unanimous consent.

Mr. RICHARDSON. By motion we can lay it aside.

The CHAIRMAN. When the committee has once entered upon the consideration of a bill, the Chair thinks it would require unanimous consent to lay it aside.

Mr. SWANSON. I would like to suggest that the Chair read the exact language of the motion made by myself.

Mr. THOMAS. I object.

The CHAIRMAN. That has already been done.

Mr. SWANSON (continuing). As they are reported. This bill is a hundred and odd, and the Chair makes it the first. The motion was, in the order on the Calendar in which they are reported by the date. Now, under my motion they should be taken up under the order in which they are reported and appear on the Calendar as reported.

Mr. McMILLIN. I have no anxiety about this, because I have no interest in either of the bills. I do not know which comes first on the Calendar, and hence I speak only in behalf of the orderly proceedings of the House; but it strikes me when the House resolves itself into Committee of the Whole it has the right to designate, when it begins its session, what business it shall take up; and that necessarily carries with it the right to set aside a bill the consideration of which had been entered upon at a former date, if the committee sees fit.

The CHAIRMAN. But the committee has already decided by a motion to take up bills in this order.

Mr. McMILLIN. If the Chair holds that that rule has that effect, of course I have nothing further to say; but, with all due deference to the Chair, until the Chair so ruled I was not able to construe the order of the House in that way.

Mr. MCCREARY of Kentucky. Mr. Chairman, I rise to a point of order. The Chair has decided this question, and therefore I ask that we proceed in order with the business before the committee.

Mr. BAILEY. Mr. Chairman, I have no disposition to criticize the ruling of the Chair which held that the motion of the gentleman from Virginia [Mr. SWANSON] did not require the committee to proceed with the bills as they have been reported and as they appear upon the Calendar. I hope, however, that the Chair will not adhere to the decision that it is not within the power of the committee to lay aside unfinished business. I respectfully submit that that is a ruling so far-reaching in its consequences as to at some time seriously embarrass the business of the Committee of the Whole. In view of the fact that the gentleman who made the motion under which the committee is acting states that he intended that the committee should proceed to take up the business as it stands upon the Calendar, and in order to avoid such a decision as I have indicated, I ask unanimous consent that the Marshall bill be laid aside temporarily and without prejudice.

Mr. FENTON. I object.

Mr. NORTHWAY. I object.

Mr. WALKER of Massachusetts. I object most decidedly.

The CHAIRMAN. The Clerk will read the bill.

The bill (H. R. 4510) was read, as follows:

Be it enacted, etc., That in view of the long and faithful services of Frank M. Marshall as a hospital steward, Hospital Corps, United States Army, the President be, and he is hereby, authorized and directed to appoint said Frank M. Marshall a second lieutenant of cavalry in the United States Army, and to place him on the retired list with pay of the grade and increase on account of the length of service.

The amendment recommended by the committee was read, as follows:

In lines 5 and 6, after the word "authorized," strike out "and directed."

Mr. DINGLEY. Mr. Chairman, has the general debate on this bill been closed?

The CHAIRMAN. The Chair is informed that it has not been closed.

Mr. DINGLEY. Then before the amendment is considered I would like to hear the gentleman who reported this bill explain what its effect is.

Mr. FENTON. Mr. Chairman, the merits of this bill have been very extensively discussed in Committee of the Whole, and I think the case is generally understood. I will read a few words from the report, which explain the bill quite clearly:

Mr. Marshall is over 62 years of age. He enlisted April 13, 1861, in Company C, Fourteenth New York State Militia (subsequently Eighty-fourth New York Volunteers). March 13, 1863, he was discharged by special order, with view to enlistment as hospital steward, Hospital Corps, United States Army, and he enlisted as such March 13, 1863. He has been discharged, and has reenlisted ever since, so that his service from April 1, 1863, to date has been continuous without loss of a single day. April 17 next he will have served in the Army thirty-five years. March 13 he will have served as hospital steward thirty-three years.

Mr. Marshall served in the field from 1861 until March, 1863. He was in the hospital, suffering from sunstroke, and he saw hard

service. It seems to me, Mr. Chairman, that it is hardly necessary to enter into a prolonged statement of the special merits of this case, because the bill has been so fully discussed already that nearly all the members of the House are familiar with it, and I believe that most of them are ready to vote upon it favorably.

Mr. WILLIAMS. Is this the case where it is proposed that somebody who served as a steward in a hospital shall be retired as a second lieutenant of cavalry?

Mr. FENTON. This is the case. I will read one letter which I have here, and then I will yield the floor.

HEADQUARTERS DIVISION OF THE PACIFIC,
San Francisco, Cal., July 5, 1890.

Mr. F. M. MARSHALL,

Hospital Steward, United States Army Dispensary, Washington, D. C.:

I take pleasure in complying with your request to state in writing the estimation in which you were held by me when surgeon in charge of the Army dispensary. You not only kept the books and performed all the clerical work pertaining to reports and returns required by the regulations, but you took your place at the counter for compounding prescriptions and dispensing medicines. Besides, so valuable did I regard your nerve and good judgment in all matters that I never left the office to perform surgical operations, and they were frequent, without directing you to accompany and assist me. Indeed, I seldom desired any other assistance. I wish to assure you of my highest appreciation of your services, and would be glad to testify to their value on any occasion which you may think I can be of service to you.

Very respectfully,

BASIL NORRIS,

Colonel and Surgeon, United States Army.

Mr. CANNON. Mr. Chairman, this matter was discussed somewhat at length two or three weeks ago. Gentlemen probably recollect about it. I do not desire to consume time in again discussing it at length. I think I can cover the whole matter, substantially, in a few words. This man is now entitled to be retired as an enlisted man. My impression is that if he is retired as an enlisted man, like any other man similarly situated, he will get about sixty or seventy dollars a month.

Mr. ALLEN of Utah. What would he get under the terms of this bill?

Mr. CANNON. This bill proposes to retire him as a second lieutenant of cavalry. My impression is that, taking into account allowances and everything, he would get between \$110 and \$125 a month. Now, I do not know this gentleman. I have no doubt that he served the country well as hospital steward, but I fail to see the logic of retiring a man, when he is ready to retire, at double the compensation he would receive if he were retired regularly under the general law. In other words, I fail to see the logic of giving him promotion and extra compensation as a premium for quitting the service.

Mr. ALLEN of Utah. Would there not be just as much reason for retiring any private soldier with the grade of second lieutenant of cavalry who had served his country equally well?

Mr. CANNON. In my judgment, yes. The theory upon which our laws provide a retired list for the Army and Navy is that the whole life of the man is dedicated to that service. It is an exceptional service. It represents the armed power of the Government, and the theory is that a man giving his whole time to it becomes somewhat disqualified for civil life. Therefore, with our faces rigidly set against a civil pension list or a retired list for people who serve the Government in a civil capacity—a rule violated, I grant you, as to the United States judges, and one which there is perhaps a tendency to violate in some other directions—yet, with that view and upon that theory for the existence of a retired list, the question for us to consider is whether we are now prepared to say that we will set a precedent like this and say to every worthy hospital steward now in the service: "When you retire you shall have promotion as a second lieutenant of cavalry and receive double the pay that you would receive if retired as an enlisted man, and double the pay when you quit work that you received when you were at work."

In my judgment such a policy would break down your retired list. I do not believe that as a matter of wisdom you can afford to establish this precedent. I would greatly prefer, if it be the fact that this man really stands out like a diamond by reason of his exceptional efficiency in the Army, to give him a fixed sum outright—\$1,000, \$2,000, \$5,000—

Mr. FENTON. Why not recognize his rank?

Mr. CANNON. He never occupied in the service the rank which it is now proposed to give him on the retired list. Why should he occupy it on the retired list after he has quit the service? It seems to me that in these piping times of peace, under our policy of keeping a large number of officers with the view of officering in an emergency the volunteer forces, the one danger of our Army and our Navy is that the number of officers in active service as well as on the retired list will make our Army and Navy so topheavy that the people will rebel. I hope that the House will consider seriously before it sets this precedent.

Mr. RICHARDSON. Mr. Chairman, when this bill was up for consideration some three weeks ago I took occasion to refer to what I thought the improper legislation embraced in it. I rise now not for the purpose of repeating the argument I then made,

but to say that some days after that discussion I received from a gentleman who I understand is a man of the highest reputation (I presume gentlemen here would recognize him as such, at least he signs himself as the editor of the army department of the Kansas City Times) a communication relating to this case and commenting upon the remarks of mine as they appeared in the CONGRESSIONAL RECORD. I have no disposition now to pursue the discussion further; but in corroboration of the opinions I have heretofore stated, I ask the Clerk to read this letter, that the committee may have the benefit of such information as it contains.

The Clerk read as follows:

LEAVENWORTH, KANS., March 31, 1896.

DEAR SIR: In the CONGRESSIONAL RECORD of Friday, March 27, page 9636, I note the House, in Committee of the Whole, had under consideration House bill No. 4510 for the relief of Hosp. Steward Frank M. Marshall, now and for the past thirty years doing duty in the Army dispensary at Washington. As the editor of the Army department of the Kansas City Times I have had occasion to comment upon this bill from the standpoint of being most vicious legislation, and in view of the part taken by you in the debate in opposition to the measure I feel that in addressing you this note and giving reasons why the bill should not pass I will receive a hearing.

The record of Hosp. Steward Marshall shows that all of his service as such steward has been in Washington. In 1868 and 1869 orders were issued by the War Department for the establishment of a general service detachment of clerks and messengers at the various headquarters of the geographical divisions and departments. See General Orders Nos. 92 and 30, respectively, for the years named.

Under these regulations division and department commanders were given the authority to transfer men from regiments for this duty.

To provide better salary than that given to men in the ranks, there was added to their regular monthly pay commutation for quarters, for rations, for fuel, and extra-duty pay.

Hospital stewards were also detailed for duty as clerks in the office of the medical directors of divisions or departments, and Steward Marshall was so detailed for duty in the Army dispensary. His comrades of the same class, but not so fortunate as he, were doing duty at Washington Barracks, Fort Myer, Va., and at every other military post and station in the country for \$35 per month, and doing much harder service, not only service as pharmacists, but as assistants to surgeons, caring for the sick and wounded, a duty never coming to a steward in the Army dispensary at Washington.

Now, then, under the provisions of General Orders No. 44, Adjutant-General's Office, series of 1890, Steward Marshall was enjoying the following pay per month:

Monthly pay of steward	\$35.00
Commutation for quarters	21.00
Commutation for rations, at 75 cents per day	21.00
Commutation for fuel	9.00
Extra-duty pay	10.25
Total	96.25

It should be borne in mind that Steward Marshall could only receive this pay while on this special duty, known in the Army as fancy service. He was only a hospital steward of the Army and not entitled to more pay than other stewards of the Army, but owing to this detail, it being impracticable to furnish him quarters, fuel, and rations in kind, he was given the commutation. The fact that the steward was for thirty years in the Army dispensary is undoubtedly due to the influence he was enabled to bring to bear with the authorities to retain him in such a place and not because he possessed qualifications not present with many of the other stewards in the Army and who were not in position to secure such soft duty as Marshall enjoyed, for the reason they had not the influence.

In addition to this, Marshall had the benefit of the clothing allowance for a hospital steward, which he never drew, thus having the entire allowance saved for a five years' enlistment.

February 14, 1885, an act was approved providing for the retirement of the enlisted men of the Army and Marine Corps. These men were to receive upon such retirement, after thirty years' service, three-fourths of their allowances.

Steward Marshall had this privilege open to him also.

In 1886, I think, July 29, an act was approved reorganizing the general service detachment of clerks and messengers by giving them instead of these commutations a lump salary per month, making them in almost everything civilians, while their right to retirement after thirty years' service was not denied.

It was at this time that Steward Marshall lost his big pay; but the pay of hospital stewards was increased by an act, I think, approved in 1890 or 1891. I can not now recall, so that he has been really benefited rather than injured, for had he even continued to receive the \$35 per month, as he claims to have received, he would have willingly retired on the pay of a hospital steward, which, with the present allowance, would make his retired pay \$49.25. Certainly that is handsome compensation for an enlisted man, and especially for the kind of service rendered by Marshall. In 1894, however, Congress passed another act wiping out the military feature connected with this clerical detachment and depriving the men of the right to retirement after thirty years' service.

It is right here, Mr. RICHARDSON, I desire to point out where the pernicious part of Marshall's demand has the most serious effect on the service in case the bill becomes law. When this last law was passed nearly 100 men were wronged, perhaps not intentionally, but they were wronged and more seriously than Marshall. They had no other alternative but either to remain as a civilian or go back in the ranks as a private soldier to serve out their thirty years to permit them to take advantage of the thirty-year retirement law. One case in particular, that of August Beck, of which I desire to write. This man had suffered severely in active service, having belonged to the "bloody" Fourteenth after the war. Later he secured a transfer to the general service detachment of clerks and so served for nearly twenty-four years, most of the time as chief clerk for Generals Sheridan, Crook, Miles, Howard, and others. He was a most efficient man. To-day he is a private in the ordnance detachment at Benicia Arsenal. He is entitled equally to the privilege Marshall seeks, for his service has been of great value. Beck has a greater claim for relief, for while he lost \$125 per month he had to fall back on \$13 in the close of his military career, while Marshall is carrying on an existence with \$50 per month and corresponding pay on his retirement. To pass the bill in favor of Marshall would be a crime against the Army and country. Steward Marshall deserves no more than any of the other stewards in the Army, and because he has been in an office where he came in contact with those high in authority there is no reason why he should receive benefits that the other stewards could not receive, who, during the years Marshall was enjoying a soft berth in Washington, were following up troops in the

field and looking after the sick and wounded. It is possible that Marshall rendered great service to Dr. O'Reilly and others about Washington, but no good reason exists why he should be so greatly favored over the heads of his comrades who have been less fortunate in holding down a "soft snap."

There is now on the Calendar of the House a bill, No. 4575, reported on unanimously by the Military Committee, to which I desire to invite your attention in connection with the bill discussed. House bill 4575 provides that enlisted men now on the retired list should be paid three-fourths of their pay and allowances. When the allowance question was construed by the War Department upon passage of the act in 1885, the Department said that allowances only meant clothing and rations, and not quarters and fuel; yet you have observed that the Department paid the general-service clerks commutation for quarters \$21 per month, and fuel \$9 per month, because it could not be furnished in kind. By bill No. 4575 they seek to secure this by directing that the Department pay each soldier on the retired list the sum of \$7.50 per month in lieu of their quarters and fuel. Now, should this bill pass, the pay of Steward Marshall on the retired list would be \$7.50 per month more than the amount I have above stated, or \$53.75. Is this not a pay sufficient for any ordinary man per month? Surely, if the men who have served their country thirty years would all be thus paid, they would regard Congress with veneration. The opposition to Marshall's bill is not of a personal nature, but because its passage would set a bad precedent and do the great army of regular veterans a gross injustice. It would be a premium to those who seek soft places during their period of service, for surely Steward Marshall has had such a sinecure, for the record of his service shows this.

Let Congress pass the House bill No. 4575 and greater good would come to the Army. That measure would benefit a thousand retired men, while the Marshall bill would benefit no one but Marshall.

I know that the gentlemen who support the bill for Marshall do so in good faith, but I can not make myself believe that the Commanding General of the Army would give it his support if asked for his views; he knows that the sympathy behind this measure does not come from those who have seen very arduous service with troops in the field.

I hope I have given a plain statement of the case and pointed out reasons why the bill should not become a law.

To pass it means that Congress will be flooded with like measures in the future, and surely it will not then be in a position to say that they are not worthy ones, for, if I cared, I could cite cases by the score far more deserving than Marshall's bill.

Permit me to inclose herewith a list of hospital stewards in the Army, showing the date of appointment, which does not include service in the line prior to such appointment, which in a number of instances was several years.

Permit me to remain, yours, truly,

HENRY SHINDLER,

Editor Army Department Kansas City Times.

HON. JAMES D. RICHARDSON, Washington, D. C.

Mr. RICHARDSON. I hold in my hand the list which the writer of the letter just read states that he incloses—a list of 106 hospital stewards, with the date of their appointment, who might possibly come forward and ask for legislation in their favor similar to that proposed in the pending bill. I do not want to add anything except to say that I do not know personally the writer of this letter; but inasmuch as I have been accused of filibustering in my opposition to the bill now under consideration when it was up on the 27th of March last, I simply wanted to have this letter published. I do not ask the publication of this list of 106 hospital stewards which I have in my hand.

Mr. NORTHWAY. Will the gentleman state how many hospital stewards included in that list have served thirty-five years?

Mr. RICHARDSON. I do not know that any have served so long, except Marshall.

Mr. NORTHWAY. Will the gentleman tell us how many of those hospital stewards have served even twenty years?

Mr. RICHARDSON. The gentleman can have the list for examination. I would have to go over it before I could answer the question. But I will ask the gentleman whether he would be in favor of a general law putting hospital stewards, after twenty years' service, on the retired list with the rank of second lieutenant of cavalry?

Mr. NORTHWAY. As a general proposition I would not. I can not answer as to any particular case until the case is presented.

Mr. RICHARDSON. Let the gentleman introduce a general bill if he is in favor of such a proposition.

Mr. BRUMM. Will the gentleman from Ohio [Mr. NORTHWAY] permit me to ask him a question?

Mr. NORTHWAY. I have not been recognized.

The CHAIRMAN. The gentleman from Ohio [Mr. NORTHWAY] is now recognized.

Mr. BRUMM. I wish to ask the gentleman how many years out of his thirty-five years Hospital Steward Marshall was compelled to serve?

Mr. NORTHWAY. He has been in the Army continuously.

Mr. BRUMM. But how many years was he forced to stay there?

Mr. NORTHWAY. In the service?

Mr. BRUMM. Yes, sir.

Mr. NORTHWAY. I do not know.

Mr. BRUMM. As he was a volunteer, he was not forced to stay longer than the term for which he enlisted. If he chose to stay longer, he must have known what he was going to get.

Mr. NORTHWAY. Mr. Chairman, in advocating the passage of this bill I want to say I am not acquainted with the beneficiary. I never saw him, so far as I know. I am not acquainted with anybody who has any particular acquaintance with him. I have no personal interest in him or in anyone who is interested in him. I do not know that any person of any standing in the country has any interest in him, and, unfortunately, a matter of that kind some-

times makes a wonderful difference in the affairs of life. I do not know anything of the merits of this case except so far as they are presented in the report. I have no interest in the passage of the bill further than as I recognize the merits of the case presented on behalf of a man who is a stranger to me. I have not been asked by him or his friends to advocate the passage of this bill.

So, sir, I stand here entirely free from any influences whatever which can possibly affect my action. Nor would I at this time or at any time have anything to say upon the passage of this measure but for certain remarks which have been dropped, akin to the question asked just now by the gentleman from Pennsylvania [Mr. BRUMM]. It seems to be argued here: "This man is a hospital steward; we must not promote him; we must not show him any special favor, because that would be setting a bad precedent." It is urged that we have a large Army and a good many hospital stewards, and that if we promote or otherwise show any special favor to one we shall be setting a bad precedent and shall be called on to show similar favors to all. Were it not for arguments like this, I would not ask to be heard upon this bill; for I repeat I am not specially interested in it in any way. But I am interested in meeting the arguments presented here against the bill by certain individuals.

The other day I came into the Hall while the debate upon this measure was going on. That was the first I knew of the matter. I then sent for the report of the committee, which I have since read. I listened to some of the arguments against the passage of the bill; and I propose to respond now, so far as I can, to those arguments. We are told here, Mr. Chairman, in this discussion, that this man was simply a hospital steward. Unfortunately for him that is true. He did not flame out upon the battlefields as a great general; he is not known to fame or to the millions of his countrymen. He is unfortunately compelled to walk in the humbler paths of life.

We are told, inquisitively, by the gentleman from Pennsylvania that he need not have served in the Army for a longer period than one enlistment if he had not desired to do so; as though it were an objection to him and to his claim before the people of this country that he served faithfully for thirty-five consecutive years his Government. The argument of the gentleman, if anything, amounts simply to the fact that a soldier should not serve his country but one enlistment, because if he does, if he goes beyond that then he is entitled to no possible consideration because he has done just a little more than anybody else has done in the same direction, and did not exercise his privilege of withdrawing after the expiration of his enlistment. I do not understand that myself, however, to be an objection to an individual. This man has the commendation of two or three of the leading officers of the Army, as gallant and brave men as ever entered our service. They commend his services highly, and tell us that he has for years performed more duty than those duties which pertain to the position of hospital steward.

Mr. MEREDITH. Has he not been paid for what he did, all the same?

Mr. NORTHWAY. No, sir; he has not. He performed other duties than those which belonged to his position. He was a skilled mechanic, and performed the duties of a skilled mechanic, and we are informed by his officers that he performed the duty gratuitously. He was simply a hospital steward, and was paid the compensation of a hospital steward, but performed other duties as well.

Mr. MEREDITH. But he has been paid his salary, has he not?

Mr. NORTHWAY. Yes, as a hospital steward.

Mr. MEREDITH. If there is any position in this country that can be performed by only one man I am in favor of abolishing that position.

Mr. NORTHWAY. I will say to the gentleman that I desire to proceed with my argument in my own way.

This officer had charge of the tools, being himself a leading and skilled mechanic, and performed these duties, as I have already said, entirely outside of his duty as hospital steward. It was necessary that some one should perform these duties, and this man was capable and qualified for the position and performed them faithfully without compensation. We are told also that he was the leading microscopist in the hospital and that in the opinion of experts in that line of service he performed valuable and important duties, services for which he received no compensation, but which were of great value, both in the hospital and the sick room. He has performed efficient duty and performed it well. No one denies that. In fact, the duties were so well performed that his superior officers commended him for it.

Then again, Mr. Chairman, we are told that objection is made on the ground that if we permit this man to be promoted as a recognition to some extent of the services he has rendered we will be doing an act which will result in paying him a little more money; money that he has not earned; and that, I believe, seems to be the entire objection that is raised. And yet we know, standing right here, that we have permitted men to be retired,

time and again, where it took thousands of dollars to pay them. But we are told that that is because they are great generals and brave men. I admit that. I voted for each and every one of these bills that ever came up. I plead guilty to that, if it be a charge against me; but, Mr. Chairman, I want to know how could such a man who has received our bounty, a great general—how could he become great if he had not had back of him, to do the hard work, the patient, nameless common soldiers, who performed his bidding; the men who won for him the laurels of imperishable fame? I would be glad to know how he could flame out before his countrymen as a gallant officer and a successful leader if he had not had thousands of brave men under him to go down to death at his bidding? Shall he alone reap all the glory? Shall you say that none of the brave men who by his orders went down into the very hell of death at his command shall be recognized because such recognition may cost a little money?

Mr. MILNES. But this man did not go down in that way.

Mr. LACEY. Let me ask the gentleman if hospital stewards were placed in the position to which he refers?

Mr. NORTHWAY. No, sir; they were not, but they obeyed orders and they performed their duty, and there is just as much credit and as much honor in performing service and doing duty as some of these men did as if their duty called them into other spheres of action. Whether they were privates in the rank or hospital stewards they obeyed orders, and one may have been as brave as the other. The man who could stand in the sick room and perform his duty to aid the sick and the wounded performed the duty which was just as necessary and in many respects as commendable as his brother who stood before the storm of battle. The general officer who is advanced does not shoot down the soldier, does not strike a man with his saber, does not kill anybody with a weapon, but we all agree to promote him, and I agree with that sentiment.

But, Mr. Chairman, I disagree with the idea that we shall not help the nameless common soldier. I deny the validity of the argument here which says in effect that we shall not recognize the common soldier and the ordinary man who has for years performed patient services, humble though they be. I repeat, I deny the validity of such an argument. We are here every day asked to give pensions to the widows of men who long years ago left the Army. At this very Congress you are going to give twenty, perhaps fifty, pensions to the widows of generals who have not been in the Army for thirty years; who were mustered out at the close of the war, and have been pursuing the peaceful pursuits of life since that time. And yet you propose to pension their widows, not at \$8 a month that you give to the widows of the common soldiers, but \$50, \$75, or \$100 a month. I have voted for these bills. I am not finding fault with them, but only ask why shall our gratitude stop here? Why not at once, as members of Congress, recognize some one in the humbler walks of life? Terribly afraid of precedent here! Voting away the money to widows of soldiers, widows who could not get anything under any law which has ever been passed by Congress, simply because their husbands were generals in the Army—the name of general being attached to his services—not afraid of precedent in that case.

You will take the commanding general of the Army, when you retire him, create a grade for him, and give him more money. It is right and proper. I agree to it, and have voted for such a bill. Very likely I shall vote for more when they come up. But when we do that I should regard myself as derelict in duty if I did not once in awhile recognize some man who was commanded by that brave general. I submit, Mr. Chairman, that there is nothing in the idea of precedent, nothing in the idea contained in that letter, that we should be besieged by applications to promote. As well might you say we should be besieged by applications to grant pensions, and there may be something in it; but is that any reason why we should not perform a duty? It is easy enough for this Congress to strike at this man, for he has no one to back him except his own services. He has no "general" to his name; it is easy enough to strike him; but I want to tell you that if there is any one thing that is creating uneasiness in the minds of the common soldiery of our country to-day it is the fact that you are passing more pension bills to grant favors to the few who have had the title of general attached to their names than you are for all the thousands and tens of thousands of the common soldiers in our land.

They object, unless you recognize them once in a while, and they have a right to object. If there is any person under heaven who has a right to be recognized and who should be recognized, it is the man who in an humble walk of life has faithfully, diligently, and patriotically obeyed every order of his superior and performed his duty to his country, humbly it may be, but performed it well, so that he deserves commendation for that performance. I deny that our duty ends when we recognize the great, and pension the great, and retire them on higher salaries, and so recognize their distinguished services. I believe you can perform a great duty to the humble soldiers of our country by letting them know that they, too, are remembered. It is easy enough for

a nation to weave the laurels around the brows of great men. It may not be regarded as so patriotic to take hold of the hand of one of the weaker ones, but I want to tell you that in the late war our common soldiery performed deeds of heroism, and their great example shall stand colossal in the history of this country, and we shall do ourselves credit and do credit to the common soldiery, do credit to our country and teach a lesson for the future, if we take the hand of one of these humble men and elevate him and say, "Though you have not flamed out upon many a battlefield before the whole country, you are nevertheless just as great as a man, just as noble as a man, and just as much to be commended."

Here is a hospital steward. There is not another one in the whole service like him. There are other hospital stewards, one hundred or more, but no man like this one; no man who has performed the duties which he has performed; no man who has received the commendation of his superiors as this man has received it. If we had thousands of these men all standing alike it might be different.

Mr. MILNES. How do you know that to be true?

Mr. NORTHWAY. I take the report.

Mr. MILNES. How do you know that others may not have as fine a record?

Mr. NORTHWAY. I take the report. If you will read the report you will see the facts. I learned them there. I learned that he stands an exception in the entire American Army. There is no other man like him. I learn that from letters in that report written by his superiors.

Mr. MILNES. Do those letters say there is no other man like him?

Mr. NORTHWAY. He stands as an exception here in asking this promotion. It is easy enough for us to think we are winning glory by striking at such men. It very likely may be easy enough. Perhaps we think we are winning glory by lifting some great man and striking at an humble man like that. We lift a great man, the commander of our Army, because there is no other man there like him. There is but one such man. I advocate this bill because there is no other man like this one. I do not see how it would ruin the country to pass this bill. I can not understand how it would harm the Army. I can not understand how it would be anything but a just recognition of a worthy man in an humble service, and I want it to be known of me, so far as I am concerned, that I had just as lief stretch out my hand and take a common soldier by the hand to lift him up and ask the Government to commend him as though he were a major-general. Others may differ with me—

Mr. MILNES. This man is not a common soldier.

Mr. NORTHWAY. He has been a common soldier and has carried a gun.

Mr. MILNES. Common soldiers do not receive \$95 a month.

Mr. NORTHWAY. This man is not receiving \$95 a month.

Mr. MILNES. He has been doing so.

Mr. NORTHWAY. No; he has not. That man figures out forty-nine dollars and some cents. The statement about \$95 a month is something that is incorrect, if I understand it.

Mr. MILNES. That is the evidence here.

Mr. NORTHWAY. No hospital steward gets any such thing. There is no such proof here. The proof is entirely the reverse. He is getting the ordinary pay of a hospital steward, if anybody knows what that is.

Mr. MILNES. Common soldiers do not get \$49 a month.

Mr. NORTHWAY. Of course, because they do not perform that duty; nor do they get \$7,500 a year, the same as major-generals do, and yet they are in more danger than a major-general. I submit that kind of argument is not a valid one. This man would not get any great amount—

Mr. FENTON. About \$90 a month.

Mr. NORTHWAY. About \$90 a month, I am told, if he is retired as we have asked; and the difference in the pay would be the difference between what he would get if he should be retired as a common soldier and that of a second lieutenant; and that would be the extra cost to this Government. If there is anybody feels that; if in these piping times of peace that the gentleman from Illinois [Mr. CANNON] talked about, you put it upon that ground, of the poverty of the Government, then we have gentlemen come in here and appropriate \$2,000 and over to somebody else in order to promote him and commend him. I have answered the arguments of the gentleman, or attempted to talk upon this question, not because I had any interest in this bill particularly, but because I am interested in refuting such arguments as have been made. I want to enter my protest here, and to say that this Congress will not demean itself if it gets down far enough to recognize the common soldier and pension a hospital steward instead of pensioning major-generals and their widows. I submit that this is an exceptional case. There is no other hospital steward in the Army like this man. No other man has been commended as he has. The letters of commendation which are given in this report show that there is no man commended as he is, and we are told we can

not recognize him although he has been commended by his superior officers. Why? Because we can not win fame by commending such as he. I want to submit to this House that he has performed his duty, and performed it in such a manner as to win the commendation of his commanders. However humble that duty may be, it is to him a duty, as is duty to a major-general. He has performed the duty which he has been called upon to perform, and has been commended by his superiors for the performance of that duty; and therefore I submit that this Congress will do itself proud if it recognizes one humble man.

Mr. WILLIAMS. Mr. Chairman, it seems to me that the bill now before the House ought to have been introduced in the times of the elder Disraeli, that he could have written another book, and labeled it "The Curiosities of Legislative Literature." I do not agree with the gentleman who has just taken his seat, that any man who obeys orders is as brave as any other man who obeys orders. It seems to me it depends a little bit on the character of the orders obeyed. An order to administer pills or to pour out squills and medicines of various kinds does not prove a man as brave as to obey an order to charge a battery. But I did not rise for the purpose of making comparisons of that sort. I rose to defend the cavalry service of the United States, because I have always thought if I risked my personal pulchritude in any sort of military service it would be in the cavalry, because I have always understood that that was less fatiguing to a man's courage than any other branch of service; and I defend the cavalry, notwithstanding the fact that during war times, and for sometime afterwards, it was subject to the squibs that they were like Captain Jinks of the Horse Marines, who used to feed his horse on corn and beans [laughter]; and notwithstanding the prevalent opinion in the infantry that the cavalry had not put down the rebellion to any very large extent; but I particularly desire to defend the cavalry, Mr. Chairman, because I have been told by some personal friends of mine who have observed my graceful pose on horseback that if I had been of age to have served in the Confederate cavalry there would have been great danger to the integrity of the Union. [Laughter.]

But, Mr. Chairman, that is not the only nor the greatest danger that I see in this anomalous bill, which seeks to retire a hospital steward as a second lieutenant of cavalry. Why, Mr. Chairman, here we stand to-day with war clouds all about us. The Venezuelan difficulties before us and a great navy just being built up. In this bill I see a budding menace to this infant navy. Because if you can put upon the retired list as second lieutenant of cavalry a hospital steward, pray tell me, in the name of reason, why you can not put a female nurse upon the retired list as a commodore of the Navy? [Laughter.] And if you should have a civil pension list in addition to the military pension list, why, in the name of common sense, can not you retire vivandières, if you ever have any, as notaries public and commissioners of the peace? [Laughter.]

Mr. NORTHWAY. Will the gentleman allow me?

Mr. WILLIAMS. Certainly.

Mr. NORTHWAY. Do we not retire a major-general as a lieutenant-general and increase his pay?

Mr. WILLIAMS. My dear sir, a major-general and a lieutenant-general differ in degree, but they resemble in kind; and I can not see for the life of me how a hospital nurse resembles a lieutenant of cavalry in kind or in any way. This bill is simply one of the "curiosities of legislative literature;" that is all.

Mr. NORTHWAY. Is not the other a matter of legislation?

Mr. WILLIAMS. Of course it is a matter of legislation. Congress, as a matter of course, has the power to retire a female nurse as a commodore. It is a matter of legislation. I am merely applying the reductio ad absurdum, which sometimes, with some people, is a valuable argument. Really and seriously, Mr. Chairman, where is this going to end? If you apply this principle to a hospital steward, what is going to prevent you from extending it to hospital nurses? And if you apply it to hospital nurses, what is to prevent you from carrying it on down through all these lines of public service which do not bring the people to serve in them, however faithfully, into the immediate presence of danger?

Mr. FENTON. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes, sir.

Mr. FENTON. You agree that a hospital steward is an enlisted man, do you not?

Mr. WILLIAMS. Oh, yes; nominally.

Mr. FENTON. Are you opposed to enlisted men being promoted as commissioned officers?

Mr. WILLIAMS. In answer to the gentleman's question I will say that I can imagine a case where a brave private soldier who had had his body permeated by the enemy's lead, who had served faithfully and gallantly in battle, who had perhaps been wounded, and who was in needy circumstances—I can, I say, imagine an exceptional case, a very exceptional case, where I would be willing to put such a soldier on the retired list as a second lieutenant of infantry, if he had served in the infantry, or as a second lieutenant

of cavalry, if he had served in the cavalry. But not a case can I imagine where I would vote to retire and pension a hospital steward as a lieutenant of cavalry.

Mr. FENTON. This man served two years in the field.

Mr. WILLIAMS. That may be, but there is nothing here to show that there was anything exceptional or dangerous in the character of his service. There is nothing to show that he was ever injured, or even that he was ever in a battle. The proposition here is to take a man who happens to be in Washington and happens to have strong and influential friends—for he must have them somewhere or this bill would not be brought in here in this shape—the proposition, I say, is to take such a man and, because he has these influential friends, to retire him as a military anachronism, a "hospital-steward-second-lieutenant of cavalry."

Mr. BRUMM. Mr. Chairman, I believe it was Madame Roland who, upon being led to execution, exclaimed, "O Liberty! Liberty! how many crimes are committed in thy name!" So I may say with reference to the private soldier: "O soldier! soldier! how many errors are committed in thy name!" Whenever there is a bill of this kind brought before Congress we find gentlemen talking about the private soldier and about the legislation that is enacted here in behalf of general officers, and attempting to use considerations of that kind for the passage of some special bill, as was done by my friend from Ohio [Mr. NORTHWAY] a while ago.

Now, Mr. Chairman, a hospital steward is not a private soldier. In fact, he is not a soldier at all in the sense in which we honor soldiers. When you honor a soldier, whether he be a private or a lieutenant or a general, you honor him because of services performed not in peace but in war. I have never yet learned of a promotion or of a pension granted to a soldier in time of peace for services performed in time of peace; yet here we have a hospital steward, occupying one of the easiest berths in the Army, a man who was so pleased with his position that he held it for thirty-five years—we have that man applying for promotion and for retirement in a higher grade. No war, no sacrifice, no danger; simply a fat position right here in the city of Washington, with a compensation of \$95 a month, I assert again—not his pay proper, but his commutation, rations, quarters, fuel, etc. He receives this commutation right here in the city of Washington, and has received it for years, and now we are asked to make him what? Not to promote him. That is a mistake. He does not ask promotion. To promote a man is to elevate him in the service in which he is, but that is not what is proposed here. The natural promotion of this man would perhaps be to make him an assistant surgeon, as he is in the medical department—to make him a second lieutenant as an assistant surgeon. But that is not what is proposed here. The proposition is to turn him out of the line of his order and his service; not even to keep him in the infantry, but to jump over the grade of second lieutenant of infantry and the grade of second lieutenant of artillery and raise him to a higher grade, namely, second lieutenant of cavalry; because, as I understand, the cavalry ranks next to the Engineer Corps.

Now, Mr. Chairman, I submit that there is no sense, no reason, no justice in proposing such a bill as this. But it is said this man has performed special service; that he is a good mechanic; that he has rendered service with the microscope. I do not know what he has invented or what good has resulted from his investigations, microscopic or otherwise. But whatever may be the facts, we have before the Committee on Claims dozens of persons who, in the military or civil service, have performed special duty, who have come before my committee showing special service for which they have received no pay—architects, for instance, who, while receiving their regular salary as architects, were employed upon some special duty. All those cases are considered, and if there appears to be any special value in the service rendered we make a favorable report upon the bill. If this hospital steward did anything of special value for the Government there would be no trouble in getting a bill passed to pay him for that special service and for that alone.

Mr. NORTHWAY. How would he get pay?

Mr. BRUMM. Let him bring his bill before Congress and submit it to the Committee on Claims.

Mr. NORTHWAY. That would be a magnificent proceeding!

Mr. BRUMM. I could show the gentleman dozens of bills which have been sent to the Committee on Claims providing pay for special work, and I believe that this bill could be passed more easily in that way than in the matter now presented. But the amount paid would be a quantum meruit—the claimant would be paid according to the work done. As has been suggested by my friend the chairman of the Committee on Appropriations [Mr. CANNON], if there is any special reason why this man should receive special pay let us know what the reason is, let it be shown what amount he is entitled to, and there will be no trouble, I think, in getting it through this House. But to say that a hospital steward, who loved his berth in time of peace so well that he stayed there for thirty-five years, shall now be singled out regardless of the order of his enlistment and of the kind of service that he

has performed, that he shall be lifted into the saddle of a cavalry lieutenant, seems to me so incongruous, so inconsistent, so foolish, so nonsensical, that I submit the gentlemen who are pressing this bill ought to withdraw it as something that they may well be ashamed of.

Mr. NORTHWAY. Is there any service which a private or a hospital steward might render for which the gentleman would vote promotion?

Mr. BRUMM. My dear sir, if you will show me a case where a private soldier or a hospital steward has performed any specially meritorious duty during the war, or even in time of peace if he has been called into active service—in fighting the Indians or anything of that kind—I will wager that you will have to run very rapidly to keep up with me in doing all that can be done for such an one.

Mr. NORTHWAY. Has the gentleman read the report in this case?

Mr. BRUMM. I have heard it read.

Mr. NORTHWAY. Did you understand from the reading of the report that this man, while serving as a private soldier, received a sunstroke, in consequence of which he was placed on duty as a hospital steward, and has been in service ever since?

Mr. BRUMM. That certainly was an unfortunate occurrence for him.

Mr. NORTHWAY. Oh, yes!

Mr. BRUMM. But I might answer that by saying, suppose I should be struck by lightning while in the service, does it follow that therefore I must be promoted?

Mr. NORTHWAY. I have put the case of a private, but if it were the case of a general I suppose the gentleman would vote in favor of it?

Mr. BRUMM. There must be some merit, outside of mere accident, to induce me to pass a special bill of this kind. And I want to say that I am not one of the great admirers of Sunday soldiers or parade soldiers. I do not see the absolute necessity of these soldiers who figure in time of peace. I believe in those who are soldiers when soldiers are wanted.

Mr. NORTHWAY. This man was a soldier.

Mr. BRUMM. Certainly the gentleman is not asking the passage of this measure in consequence of the two years' military service which this man rendered. To ask that would be simply outrageous. I do not care what horn of the dilemma the gentleman may take. This man was only enlisted for two years; and surely the gentleman from Ohio would not ask to promote a private from the position of hospital steward to that of a lieutenant of cavalry in consideration of two years' service thirty-five years ago. Why, sir, there are thousands and hundreds of thousands of cases more meritorious than this.

Mr. MEREDITH. Mr. Chairman, if I understand this proposition, it is to retire a hospital steward and make him a second lieutenant in the Army. If this bill passes, let me say to my friend that I trust, in justice to the sutlers of the Army, he will introduce a bill to put every sutler on the retired list with the rank of a captain at least. If there was any place in the Army (and I appeal to every soldier here, I care not on what side he may have fought) that was sought for by men who wanted to escape the storm of battle and the bullets of the enemy, it was the position of hospital steward. It does seem to me the most absurd proposition I have ever known to come from sensible people, that a man who, although he may have been enlisted, was not a soldier, who mixed pills and perhaps administered them to the soldier, should be retired as a second lieutenant of cavalry when there are thousands of privates who do not receive any such recognition, although they bared their breasts to the storm of battle and are entitled to the respect of their country.

Mr. Chairman, if my friend will introduce a bill to put upon the retired list of the Army the sutlers who plied their trade or vocation and made money—

Mr. NORTHWAY. Will the gentleman yield to me?

Mr. MEREDITH. Always, with the kindest courtesy.

Mr. NORTHWAY. You probably live in a section of the country where you may insult men in that way, but here you can not insult men with any hope of success by talking in that manner.

Mr. MEREDITH. My dear sir, when I want to insult a man, and, thank God, I come from a section of the country that entertains a sentiment upon this subject, so that when we, when my people, or any individual desires to insult a man we will do it to his face, not behind his back, and will meet the responsibility wherever or whatever it may be and under whatever circumstances it shall arise.

Mr. NORTHWAY. I will not permit any man to insult the common soldier of the North in that way without calling a halt.

Mr. MEREDITH. I say to you that I am not insulting the common soldier of the North; but, on the contrary, I am upholding the common soldier, the man who won for himself fame and honor on the field of battle; and I say to you that the common soldiers of this country will understand it and stand by me when

they find that you are attempting to exalt a hospital steward, a bombproof man, and not a soldier. They are proud of foemen worthy of their steel, but not of men of this class.

Mr. NORTHWAY. You are comparing them to sutlers, and it is an insult to them, and intended as an insult which they will appreciate.

Mr. MEREDITH. I do not care what the gentleman thinks. I repeat that the position of hospital steward is known to every man who served in the Army as the safest, best, and most effective bombproof position that could be found, and I appeal to every man who has ever served in the Army to verify the truth of that assertion.

I say to my friend, then, that you are insulting the private soldiers of the North when you compare their records with that of bombproof men who held positions which did not require them to meet the enemy in any danger, but which permitted them to draw pay for mixing up pills and mixing up medicines and perhaps administering them when the surgeons happened to be absent. If there is an insult, you are the man who is guilty of it.

Mr. NORTHWAY. I will take my chance of that kind of an insult.

Mr. MEREDITH. And I will take mine; and you will find, let me say to my friend from Ohio, that I am not a man to undertake to escape any responsibility that attaches to me.

I stand by the private soldiers of this country. If you will introduce a bill to put on the retired list a private soldier who is worthy of the name of soldier, who met the enemy and acted his part as a soldier, I care not on what side he was, I honor and respect him and will vote for your bill. But when you come to put the hospital stewards, the bombproof man, or the sutlers on the retired list of the Army, I shall vote against your bill, because I believe it is an insult to the real soldier who stood by the flag in its hour of danger and faced death on the battlefield.

Mr. PARKER. Mr. Chairman—

Mr. MEREDITH. I will yield to the gentleman if for a question.

Mr. PARKER. I only wanted to make a suggestion which I possibly can make better after the gentleman has concluded. I beg pardon; I thought he had concluded his remarks.

Mr. MEREDITH. I do not desire to detain the committee. I have expressed my ideas in my own humble way, and what I believe to be a just way, to the interest of what I think to be the real soldiers of the country. I have expressed the opinion that we should not exalt a man who saw nothing of the war and who did not face danger, but who occupied a bombproof position above the real soldiers in that struggle which lasted for four years, and in which my people were engaged on the one side and the people of my friend from Ohio on the other.

I remember that those were momentous times. There is no doubt of that. But, Mr. Chairman, when the history of that struggle shall be written by the impartial historian, when the writer can rise above all party feelings, party prejudice, or sectional animosities, and relate the history of that war, the history as it is written, remembering that when speaking of the honors and glories of the British soldiery the British historian does not stop to inquire whether the man's ancestor fought under the White or the Red Rose, I say when the historian of our common country can write its history without stopping to inquire whether the man wore the Blue or the Gray, but speak of the powers and bravery of the American soldier, I shall be willing to risk my humble position to-day against the proposition of my friend from Ohio, and believe that the real soldier, the true man, will agree with me that we should not exalt the bombproof fellow, the man who was not compelled to bare his bosom to the enemy's bullets, but who held a safe position and suffered, as some gentlemen have said, from sunstroke and not from a saber stroke. I am for the man, sir, who suffered the saber stroke and not the sunstroke, and when my friend from Ohio shall present a bill asking that some gentleman who is a private or has special reasons to be put into a position to be retired as a second lieutenant of cavalry, if he was a true soldier I would vote for that bill, but not for the bombproof man and not for such a man as my friend from Ohio has selected in this case, not a soldier, but a "pill roller," if I may so express it. [Laughter.]

Mr. PARKER. Mr. Chairman, I ask members to attend to the facts in this case. This man was an enlisted soldier; whether as private for two years or as hospital steward, he was an enlisted man in the Army, doing the duty of a soldier. He was and is a special man in habits, demeanor, and earnest disposition to do his duty, and I do not resent, because I know gentlemen on the other side would withdraw, their attacks on "bombproof men" and "pill rollers" if they saw this man.

There is one principle embodied in the general law of the United States, that the enlisted man, in peace as well as in war, shall have a chance at promotion. We examine and promote privates in the Army to be corporals, sergeants, lieutenants, and captains; and there is no man in any other branch of the Army service of

the United States who would not have had his promotion long ago, in time of peace, had he possessed the ability and devotion of this man. He, however, is in the Hospital Corps, where there is no opportunity afforded for promotion by general law.

What remedy is there? By general law you only promote the best, only the special instances, in the Army. Here there is no general law. I object to special bills where there is any general relief; but here there is none. Here the committee thought that there was a reason for the exception that I make to the rule that special laws shall not be passed as to the Army. Here we found a man who was fit to be an officer, who ought long ago to have been made an officer, who was a veteran of the war, and who in his old days should be put upon the retired list with what rank he would have got if there had been any general rule for his branch of the service. Now, if we are wrong, say so. If the House says it will not adopt any special bill even in such a case, very well. But I could not, even after all the debate, keep my place and allow the debate to run on into an attack upon the character of the man, who is a veteran, patriot, scientific man, and I can not avoid rising to express my feeling with reference to the matter.

Mr. MAHON rose.

Mr. PARKER. The gentleman from Pennsylvania wishes to ask me a question?

Mr. MAHON. I do not want to consume the time of this House in discussing this bill, but this is the second day we have had this private bill under consideration—

The CHAIRMAN. The gentleman from Pennsylvania is only recognized to ask a question.

Mr. MAHON. I will not stop to debate the bill, but I will move that it be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman has not the floor for that purpose.

Mr. MAHON. I hope some gentleman will make that motion.

Mr. WALKER of Massachusetts. Mr. Chairman, the country has recognized that when men have bared their breasts in battle, when they have been subjected to the chance of being shot down in their prime, that they shall be pensioned, that they shall be considered as a special class; but there is nothing whatever in this case that puts this man in that special class, so far as is developed thus far. I have had in my employ, for forty years, from 300 to 1,000 men. Nine in ten of them have served their country as faithfully as this man, and in as dangerous positions as this man, for aught that appears in this discussion, and deserve to be pensioned as much as this man, for aught that appears in this discussion. Why should they be taxed—for they are the men who pay these pensions—why should they be taxed to pension this man? I have known in my lifetime scores of educated men, college men, specialists, who have worked all their lives for an income less than this man has had, and they have served their country as well, for aught that appears here.

Mr. ALLEN of Utah. I wish to call the gentleman's attention to the point—

Mr. WALKER of Massachusetts. Well, what is the point?

Mr. ALLEN of Utah. The assertion has been made here that this man is a specialist. I wish the gentleman would call the attention of the committee to the fact that Dr. O'Reilly recommends, not that he be retired, but that he be given a position at a certain salary per month, on account of his special services.

Mr. WALKER of Massachusetts. Mr. Chairman, I do not want to be diverted from the line of my argument. I want to say that this is, to use a slang expression, "running the thing into the ground." There is no excuse for it. There is no justification for it. Admitting that he was a faithful man, that he served his country, and all the things that he did, nine men in ten in this country ought to be pensioned upon the same principle if he deserves to be pensioned.

Mr. NORTHWAY. He is not asking a pension.

A MEMBER. He is getting something better than a pension.

Mr. WALKER of Massachusetts. Furthermore, Mr. Chairman, I want to say to you that I never yet saw the men in my employ coming up to get their pay that I did not regret that their pay was not higher. That is the fact of it; and when there is any opportunity for a right-minded man who employs other men to put up their wages he will do it. It ought to be done by special act of Congress, if this ought to be done.

Let me say to you, Mr. Chairman, that the life of every man, with few exceptions, is by turns a poem or a tragedy, just as you look at it, from day to day. We can bring in the case of any man here and make a plea which touches the sympathy of men to put him on the pension roll; but let me say, in closing, that this case is put in here under the peculiar circumstances which exist here, in order that justice shall not be done by men who are being robbed in their just claims not being considered by the Government of the United States, their just claims which have been reported favorably and unanimously by the committee to whom this day is assigned.

This bill was put in here to be kept here, and be discussed the day out, so that women may still continue to haunt the halls of Congress in the hope that it will deal justly with their father's and husband's private claims to money honestly due them. It is an outrage and a disgrace for this House and the leaders to put in such claims as this, to be discussed all day, so that these other claims shall not be considered.

Mr. NORTHWAY. Will the gentleman allow me?

Mr. WALKER of Massachusetts. I am through.

Mr. TALBERT. Mr. Chairman, I desire to enter my protest, along with the protest of other gentlemen, against the passage of this measure. I agree with the gentleman who has just taken his seat that this and similar bills are outrages, especially against the common soldiers of this country. I should have been glad had the gentleman from Ohio [Mr. NORTHWAY] resented this as an insult to the soldiers and denounced this bill instead of advocating it, instead of stating that the gentleman from Virginia was insulting the common soldiers by classing this man along with the sutlers, camp followers, bounty jumpers, and coffee coolers. I am glad to see a revival going on among gentlemen on the other side of this House. I am glad to see that the scales have been stricken from their eyes and they have begun to see the injustice that is being done to the common soldier; that they have begun to see the outrages that are being perpetrated upon the taxpayers of this country.

This House, like a greyhound, Mr. Chairman, is hurrying in the passage of bills granting pensions and emoluments which are as unmeritorious and undeserving as this one is. So far as I am concerned, I feel it my duty to raise my voice and enter my protest against the passage of all such measures as this, and I shall vote against it; and then, if the majority of this House see proper to pass it, let them do so and take the responsibility. It will only add another disadvantage to their record and reputation before the people.

I submit, Mr. Chairman, that they have been doing just such things as this from the time the Fifty-fourth Congress first met. It seems to me that they are making a specialty of unmeritorious and undeserving claims—for photographers, men who have gone out for their own profit and benefit to take pictures, and giving such men pensions, removing charges of desertion, pensioning bounty jumpers and coffee coolers, and making special pleas for such parties instead of putting them in the background and bringing to the front the claims of the common soldiers, like those distinguished veterans who stood here this morning with that old flag, those men who first enlisted, who went out when the call for troops was made.

I submit, sir, that I do protest against this discrimination. Why is it that they should look over this Calendar, which has on it many just and meritorious claims, and make a special plea and bring up this bill, which proposes to raise a hospital steward, a "hospital rat," as you may call him, and promote him to the rank of a lieutenant in the cavalry, in utter disregard of the men who went forward and bared their breasts to the storm of bullets in battle? Why is it, sir, that you can not take up the case of some distinguished private soldier who performed distinguished services upon the battlefield and raise him and make him a lieutenant instead of going into the hospital, going into the bombproof positions, going into the places where the men did not smell powder, and leaving out of consideration the men on the tented field and on the bloody field of battle, the men who met the storm night and day? Why, it is an insult to the common soldiers of this country; and I say, sir, that such bills as this rob and plunder the public Treasury without any right or without any deserts at all. It is looting the Treasury for men who do not deserve that which you ask to give them.

I shall vote against this bill, and I hope that the gentlemen on the other side of this House will see that this bill is snowed under by an overwhelming majority of votes as a just rebuke to that class of members of this House who continually stand up here and hypocritically pretend to be the friend of the soldier, the common soldier, and all the time robbing him for the benefit of officers and officers' wives, for photographers, camp followers, bounty jumpers, deserters, and hospital rats, as these men are. [Cries of "Vote!" "Vote!"]

Mr. FENTON. Mr. Chairman, I move that this bill be laid aside with a favorable recommendation.

The CHAIRMAN. There is an amendment pending. The question is on the amendment.

Mr. NORTHWAY. What is the amendment?

The amendment was read, as follows:

Amend lines 6 and 7 by striking out the words "and directed"; so as to make it read: "The President be, and he is hereby, authorized to appoint said Frank M. Marshall," etc.

The CHAIRMAN. The question is on the amendment.

The question was taken.

The CHAIRMAN. The Chair is in doubt.

The question was again taken; and the amendment was agreed to.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. FENTON. Division.

The committee divided; and there were—ayes 24, yeas 60.

So the motion was rejected.

GEORGE CASE.

The first business on the Calendar was the bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims having found that George Case, late of Independence County, Ark., was loyal to the United States throughout the late war, and that military stores and supplies of the value of \$475 were taken from him in said county, by and for the use of the Federal Army, and not paid for, the Secretary of the Treasury is hereby directed to pay said sum, out of any moneys in the Treasury not otherwise appropriated, to the legal representatives of said George Case.

Mr. DINGLEY. Mr. Chairman, I ask to have the report in that case read.

The report (by Mr. LESTER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2740) for the relief of George Case, deceased, respectfully report:

The Committee on War Claims of the Forty-ninth Congress referred the above-mentioned claim to the Court of Claims for a finding of facts under the terms of the Bowman Act.

The claim has been returned to the committee by the court with the following findings of fact:

[Court of Claims. Congressional, No. 575. Sarah Case, administratrix, vs. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that George Case (since deceased), the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

Filed April 29, 1889.

BY THE COURT.

[Court of Claims. No. 575. Sarah Case, administratrix of George Case, deceased, vs. United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores, alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 4th day of March, 1886.

Mr. R. A. Berton, esq., appeared for claimant, and the Attorney-General, by Felix Brannigan, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court, on the 29th day of April, 1889, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 14th day of February, 1894. The claimant in her petition makes the following allegations:

That during the war there was taken from the intestate the following stores and supplies of the value stated and of which he was the owner, to wit:

1 mule	\$150.00
2 mules	300.00
2 wagons	250.00
1 set double harness	40.00
1 platform scales	40.00
2 pairs counter scales	24.00
6 pairs harness hames	7.50

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

There were taken from the claimant's intestate, near Batesville, Ark., as alleged in the petition, during the late war for the suppression of the rebellion, by military authority for the use of the Army, quartermaster stores the reasonable value of which at the time and place of taking was \$475.

BY THE COURT.

Filed April 2, 1894.

A true copy.

Test this 4th day of April, 1894.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee report back the bill and recommend its passage.

Mr. LESTER. Mr. Chairman, I have no further connection with this bill than that which arises from being directed by the Committee on War Claims to report it favorably to the House. The facts are set forth in the report. The claim was referred to the Court of Claims, and the court found as a jurisdictional fact, first, the loyalty of the claimant, and second, the fact that the stores and supplies taken for the Army amounted to \$475. Thereupon the court gave judgment as far as they could, and reported their finding to Congress. The question now is simply whether Congress will appropriate money to pay the claim which has been thus adjudicated by the court. I ask that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. DINGLEY. Mr. Chairman, as this is similar to many other cases, I desire to ask for information how it happens that in cases of this kind where supplies were taken for which, I suppose, proper receipts were given, payment has not been made in

the regular way—on the presumption that the claimant was a loyal man?

Mr. LESTER. Will the gentleman explain a little further what he means by the regular way?

Mr. DINGLEY. By application to the Quartermaster-General.

Mr. LESTER. The Quartermaster-General does not pay claims of this character. They can not be paid in that department.

Mr. DINGLEY. Was not a receipt given for this property, the man being loyal?

Mr. LESTER. They say not. There is a class of claims which the Quartermaster-General can pay, and another class that he can not pay, and this is one of the latter class.

Mr. DINGLEY. But these facts having been judicially ascertained, there would seem to be no doubt as to the propriety of payment unless some things may have transpired which in the lapse of time have prevented the court from obtaining evidence that it might otherwise have obtained.

Mr. LESTER. This is one of the class of claims referred to the Court of Claims to be adjudicated, and it has been adjudicated by the court and reported to Congress for payment.

Mr. DINGLEY. As I understand the matter, these cases are considered by the court with reference to three essential facts. The first fact to be found is that the man was loyal; the second is that the supplies and stores were furnished to the Union Army; and the third is that the claimant has not been paid. I understand that those three facts have been ascertained by the court in this case.

Mr. LESTER. Yes, sir. The question of loyalty is a jurisdictional fact, I will state to the gentleman.

Mr. DINGLEY. I do not see any objection to the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER COOK.

The next business on the Private Calendar was the bill (H. R. 2741) for the relief of Peter Cook, of Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Peter Cook, of Lonoke County, Ark., out of any money in the Treasury not otherwise appropriated, the sum of \$904, being the amount found by the Court of Claims to be due to him as a loyal citizen for stores and supplies taken and used by the Federal Army during the late war.

Mr. DINGLEY. I ask that the report be read.

The report (by Mr. NEILL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2741) for the relief of Peter Cook, respectfully report:

The Committee on War Claims of the Forty-ninth Congress, to whom was referred the claim of Peter Cook, of Lonoke County, Ark., not being fully and clearly advised of all the facts in said claim, referred the same to the Court of Claims for a finding of facts, under the provisions of the act of March 3, 1883, and generally known as the Bowman Act.

The claim has been returned to said committee by the court with findings of fact.

Your committee recommend that said findings of the Court of Claims be carried out by the passage of the bill, which is in harmony with the conclusions reached by the court, and ask that said findings be printed as a part of this report.

Your committee attach hereto the act of Congress generally known as the Bowman Act and the decisions of the Court of Claims construing said act, and ask that they be printed as an appendix to this report.

[Court of Claims. Congressional, No. 230. Peter Cook vs. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 23d day of January, 1885.

J. W. Smith, esq., appeared for claimant, and the Attorney-General, by William J. Rannels, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 4th day of January, 1893. The claimant in his petition makes the following allegation:

That he is a citizen of the United States, residing in Lonoke County, State of Arkansas, where he resided during the late war of the rebellion.

That the following stores and supplies were taken from him in the years 1863 and 1864 for the use of the United States Army:

800 bushels of corn, at \$1..... \$800
22,500 pounds live pork, at 10 cents..... 2,250
14,400 pounds beef, at 5 cents..... 720
4 horses, at \$150..... 600
1 mule..... 175
18 head of fat sheep, at \$3..... 54
4,000 bundles sheaf oats, at 4 cents..... 160
100 bushels sweet potatoes, at \$1..... 100

Total 4,859

That the following stores and supplies were taken from him in the years 1863 and 1864 for the use of the United States Army:

800 bushels of corn, at \$1..... \$800
22,500 pounds live pork, at 10 cents..... 2,250
14,400 pounds beef, at 5 cents..... 720
4 horses, at \$150..... 600
1 mule..... 175
18 head of fat sheep, at \$3..... 54
4,000 bundles sheaf oats, at 4 cents..... 160
100 bushels sweet potatoes, at \$1..... 100

Total 4,859

That the following stores and supplies were taken from him in the years 1863 and 1864 for the use of the United States Army:

800 bushels of corn, at \$1..... \$800
22,500 pounds live pork, at 10 cents..... 2,250
14,400 pounds beef, at 5 cents..... 720
4 horses, at \$150..... 600
1 mule..... 175
18 head of fat sheep, at \$3..... 54
4,000 bundles sheaf oats, at 4 cents..... 160
100 bushels sweet potatoes, at \$1..... 100

Total 4,859

That the following stores and supplies were taken from him in the years 1863 and 1864 for the use of the United States Army:

800 bushels of corn, at \$1..... \$800
22,500 pounds live pork, at 10 cents..... 2,250
14,400 pounds beef, at 5 cents..... 720
4 horses, at \$150..... 600
1 mule..... 175
18 head of fat sheep, at \$3..... 54
4,000 bundles sheaf oats, at 4 cents..... 160
100 bushels sweet potatoes, at \$1..... 100

Total 4,859

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT:

There was taken from the claimant, from his farm in Lonoke County, Ark., during the years 1863 and 1864, by military authority, for the use of the Army, stores and supplies of the kind above described, the reasonable value of which at the time and place of taking was \$904.

BY THE COURT.

Filed January 9, 1893.

A true copy.

Test this 11th day of January, A. D. 1893.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. DINGLEY. I would like to ask the chairman of the committee, with reference to this character of claims, to state the probable amount of them.

Mr. MAHON. I can answer that in a general way. If I had my report I could tell more definitely. All the findings of the Court of Claims were paid up to and including the Fifty-first Congress. The Fifty-second and the Fifty-third Congress refused to pay any of the findings of that court. The consequence is that those findings have accumulated until now we have about \$700,000 of them in the committee room. We have reported about \$600,000 of such claims. That includes those in the omnibus bill. The committee reported some three or four individual bills, but afterwards they reported the omnibus bill and then stopped. You will not find any more of these individual bills on the Calendar after the omnibus bill.

Mr. DINGLEY. The claims reported amount to about \$600,000?

Mr. MAHON. Yes, sir.

Mr. DINGLEY. Is the committee satisfied of the justice of those claims and that they ought to be paid?

Mr. MAHON. The Congress of the United States, to relieve itself of the waste of time and the annoyance of investigating these claims—in fact Congress could not investigate them properly—passed what are known as the Tucker Act and the Bowman Act, which are familiar to most of the older members of the House. The Bowman Act applied to claims for stores and supplies furnished to the United States Army. The Tucker Act applied to claims for property taken and destroyed for military purposes. Congress established the Court of Claims and sent all of these claimants to that court. Every claimant in the Court of Claims has to establish as a first step, in order to give the court jurisdiction, his loyalty. If any claimant fails to establish the fact that he was loyal, the court thereupon declines jurisdiction of the case. The loyalty of the claimant being established, he then has to prove by undoubted evidence that the property was furnished to the United States Army, and also what its value was. Then the court, after examining and making a finding of fact, reports in each case its finding to Congress, so that appropriation may be made for payment.

I want to say this about the Court of Claims: From my investigation of the matter I am satisfied—and I believe that every member of the House who has any knowledge of the subject will agree with me—that this court holds claimants to a stricter accountability, a stricter compliance with the rules of evidence than any other court in the United States. In proof of this assertion I cite the fact that the court, since its establishment, has allowed only 8½ per cent of the claims presented to it for consideration. Take this case as an illustration. This man alleges that he furnished supplies to the value of \$4,859. He gives an itemized statement of the goods which he furnished, but the court, after close scrutiny and after finding that he was loyal, allowed him but \$904.

Mr. RICHARDSON. Without interest?

Mr. MAHON. Without interest. And that illustrates the history of all these claims.

Mr. RAY. Did this gentleman have any proof that he had furnished these articles? Had he any receipt from any officer or officers of the Government?

Mr. MAHON. I do not know anything about that; but a court established by the Congress of the United States, composed of five as good lawyers as there are in the country, have found the facts. I do not know anything about them myself, but the gentleman from New York [Mr. RAY] can rest assured that if this claimant had not produced evidence entirely satisfactory to the court that these goods had been furnished he never would have obtained a finding.

Mr. RAY. Does the gentleman know how many times this claim has been presented to Congress and reported upon?

Mr. MAHON. I do not know. I believe it was first reported to Congress as late as 1893.

Now, Mr. Chairman, I am not interested in any of these bills. I have not one constituent who has a claim of this kind before the House; but having examined the work of this court, I repeat my statement that the court, since its establishment, has allowed only 8½ per cent of all the claims filed. Up to and including the Fifty-first Congress this court had such a standing here that Congress paid every claim of this kind that the court found due. But the Democratic party, when it came into power in the Fifty-second

and the Fifty-third Congresses, stopped for some reason or other the payment of these claims. It may have been for lack of money in the Treasury or it may have been a matter of party policy. I do not pretend to state the reason. But, sir, this House ought to do one of two things—either it ought to pay the findings of this court or it ought to abolish the court. Sir, a man 85 years old called at my office yesterday. He had prosecuted a claim through the Court of Claims, and had secured a finding in his favor for \$1,500. In order to secure that finding he had mortgaged his little property worth \$500 and spent every dollar of the proceeds in the prosecution of his claim. Now, why should not this Congress pay that claim and others of the same class?

This is your court. Congress established it for the express purpose of ascertaining in cases of this kind whether a claimant was loyal, whether the goods were furnished to the Army, and whether the price asked was just and reasonable. When the court finds those facts in any case there is, as the Supreme Court has held, only one thing for Congress to do; that is to appropriate the money to pay such judgments. If I had time I could cite decisions of the Supreme Court recently delivered commending the Court of Claims in the highest terms for its examination of these claims.

Here is this claim now before us. Congress referred it to the Court of Claims. The claimant employed counsel. He brought his witnesses a considerable distance to the city of Washington. This was necessary because depositions are not accepted; the witnesses must be examined here. His claim amounted to \$4,900. The court allowed him a little over \$900. Probably it has cost him that much to get a judgment. The only question is whether you are going to pay him or not. There is no controversy about the facts. The simple question is whether this House proposes to pay findings of the Court of Claims in cases of this kind or whether it proposes to pay no attention to them. I say, either you ought to stand by the court and pay the judgments which it renders or you should abolish your courts and save the hundreds of thousands of dollars that are now expended in the investigation of these cases.

I have found many members of Congress opposed to the passage of bills of this kind; that has been my experience. But, sir, I come from a county that 290,000 marching men crossed and recrossed in the years from 1861 to 1865. My people and I know what war was; and I want to say to these gentlemen from the West who did not live in the seat of war that these claims are meritorious and ought to be paid.

Why should not the Government of the United States pay to its citizens what it owes them? But it seems to have become a rule in Congress that if a private citizen has an honest and just claim against the Government of the United States he may knock at these doors in vain. Sir, I would sooner that a pauper owed me a thousand dollars than that the Government of the United States should be my debtor to that amount.

A MEMBER. You would get paid sooner.

Mr. MAHON. My experience has been that the greatest robber in this country is the nation itself.

A MEMBER. You are right.

Mr. MAHON. Our Government is continually robbing private citizens of their property and refusing to reimburse them. Let us have small appropriations, if need be, for rivers and harbors; let us appropriate less money, if need be, for our great Printing Office, on which we spend \$2,000,000 a year. And let us pay these men who have proven their claims in a court of competent jurisdiction; who have shown that they were loyal, that they furnished these stores and supplies to the Army, and that the price they ask for them is just and honest. I repeat, if you do not propose to pay claims of this kind abolish your court. The time has come for us to decide whether we are to pay these claims or not. If Congress refuses to pay claims of this kind I am ready to vote to abolish the Court of Claims, although my own district is full of people having claims of this kind. But I have not brought one such claim here.

Now, Mr. Chairman, a single word further. I am a Northern man, with all the sympathies and all of the feelings that a man could have for his section of country. But to my friends from the North, and to these people from the South, let me say that a man who was loyal to this Government in the South during that struggle—and members of the Committee on War Claims fully understand that—I say a man who was loyal in the South at that time was placed at an unusual disadvantage. It was not an easy thing for a man to be loyal there, while up here he could not well have been otherwise.

Mr. EVANS. And let me suggest to the gentleman that it was a very easy thing, when the quartermaster issued his vouchers, to get his pay; but it was a very different thing in the South.

Mr. MAHON (continuing). The man who remained loyal to the Government in the South, I say, was entitled to as much consideration as the people in the North, who could not have been disloyal even if they wanted to. These are the people, both in the North and in the South, who come up here and present their claims

to this court for adjudication. It is not only the people of Alabama and Kentucky and Tennessee who bring these claims, but we have claims from New York and Pennsylvania; in fact, there is scarcely a State in the Union from which they do not come.

Mr. WILLIS. No matter where they come from, if they are honest and just they ought to be paid.

Mr. MAHON. The gentlemen who take a position contrary to the payment of these claims tell us that the aggregate of them will run up into the hundreds or millions of dollars.

Mr. Chairman, there never was a wilder statement. Laying the cotton claims aside—and you all know what they mean, cotton captured and turned over to the Government—I venture to assert now, without any fear of successful contradiction, knowing what I speak of, for I have had occasion to examine the matter very fully, that the maximum covered by these claims will not exceed \$20,000,000, and the wildest estimate of the amount required to wipe them all out will not go beyond that. Pay \$20,000,000 toward these claims and you would never hear of them again.

Now, Congress passed a bill the other day appropriating \$60,000,000—

Mr. BRUMM. Will the gentleman permit me?

Mr. HICKS. Do I understand my colleague to say that twenty millions will cover these claims?

Mr. MAHON. Yes.

Mr. BRUMM. Does that include the border State claims?

Mr. MAHON. It includes all of the claims before the Court of Claims—all of them.

Mr. DOCKERY. Do I understand the gentleman, the chairman of the Committee on War Claims, to express himself in favor of paying the cotton claims?

Mr. MAHON. No, sir; I am talking simply now of property given to the United States Army or taken by it from loyal people. Why, Mr. Chairman, hundreds of men in this country, both North and South, who were in the Army know that under the direction of generals or officers commanding United States forces they occupied storehouses, took them with their contents, kept a military force in control of them, and, when pressed by the Confederate forces to depart, put a match to the buildings and blew them out of existence. Ought not the Government to pay for such property as that?

Mr. RICHARDSON. If the gentleman will allow me, I understood him to say that twenty millions will cover the extreme maximum of the war claims before the Court of Claims—

Mr. MAHON. Yes, sir.

Mr. RICHARDSON. Do I understand the gentleman to say that if the appropriation of \$20,000,000 was allowed, that is to say, the proportion that has been allowed under similar circumstances heretofore, that it would only reach about 8 per cent?

Mr. MAHON (interrupting). I am talking of this, if the gentleman will permit me. These claims had been paid up to the Fifty-first Congress. That Congress passed what is known as an omnibus bill, which carried in round numbers \$800,000 of these claims. That appropriation cleaned up the findings of the court up to that Congress. Now, including the Fifty-second Congress, if that Congress had passed a bill paying the findings of the court up to that date, it would have amounted to only about \$340,000 more. Then take the Fifty-third Congress. The findings up to that time which had been reported to Congress amounted to about \$320,000. No provision was made for payment there, so that now this omnibus bill reported to this House carries \$587,000. That, as I have already said, embraces all of the findings of the court up to this time and will wipe up the whole business, if that bill passes, up to this date. That is to say, \$500,000 and a little over of appropriations will to-day wipe out the findings that have been made by the Court of Claims.

I will add now another \$500,000, and that makes the sum—and there is no possibility of these claims before that court exceeding that sum—appropriated by this Congress; allowing one or two hundred thousand for the next session will wipe them out.

Mr. RICHARDSON. The question was with reference to the suggestion of the gentleman about twenty millions covering these claims.

Mr. MAHON. I am coming to that in a moment, as the gentleman will see.

I make the estimate in this manner: When I made that statement I had—of the twenty millions—in mind claims pending before Congress of the State of New York, amounting to some two or two and a half millions or over; another claim from Pennsylvania, embracing in round numbers a sum of about \$3,000,000, and some of the other States are also included. Now, some of the best lawyers in this country claim that this Government is not at all responsible for the claims of those States. This House will be asked in the near future to allow the Supreme Court of the United States to pass upon the question and put a construction upon the fourth section of the Constitution of the United States. If the court holds that the General Government is not legally responsible to pay the claims of the States it wipes out about ten or twelve

millions of dollars of these claims at once. That would include all of the claims of the States. And so I say of the amounts pending before the Court of Claims, allowing everything possible to come in, \$20,000,000 is a wild estimate to wipe them out, and the bugaboo which has been raised about this thing costing hundreds of millions of dollars to the Government is the veriest nonsense. There is nothing in it.

I want to say again, let any member of this House, if he is not satisfied with a finding of the Court of Claims, go down there when they are having an investigation. You will find great care exercised by the Attorney-General and his assistants on behalf of the United States. They are always on hand, and these people are examined and cross-examined and these claims are sifted to the very bottom.

Now, I say the time has come for this Congress either to pay these findings of the Court of Claims or to abolish that court, and let the people of this country know that this Congress does not propose to pay their claims in the future, whether they are found to be just or not. [Applause.] I make this suggestion for this reason: You have a Committee on Claims and a Committee on War Claims. They are like all committees. There is no use in playing Congress. Here you have 17 members of this House plodding night and day through these bills, writing these long and tedious reports, explaining the facts and the law in these cases. These bills that we now have in the Committee on War Claims, these findings of the Court of Claims and other claims, are about 2,100 in number. They do not accumulate. They come in Congress after Congress. The bills are printed and the reports are printed, and if you go and investigate you will find that you have spent about \$340,000 in this Congress for printing for this committee and other committees.

Mr. DOCKERY. I desire to ask the gentleman a question, because I have been somewhat interested in his statement, which seems to be something of a new departure on that side. I desire to ask what effort he has made during this Congress to secure consideration of these claims; as I believe, under the rules, under the parliamentary practice of the House, the duty devolves on the chairman of the Committee on Claims or the chairman of the Committee on War Claims to make the usual motion on Friday to go into Committee of the Whole to consider these claims?

Mr. MAHON. Yes.

Mr. DOCKERY. In view of that fact, I desire to know whether the gentleman has made any effort to secure consideration of these claims on Fridays during this Congress?

Mr. MAHON. I have been in this Congress since the beginning of it, and every Friday I have watched for an opportunity to bring up these claims; but either a great appropriation bill or some privileged question has ruled this Calendar out every time.

Mr. DOCKERY. My recollection was that the motion to go into the Committee of the Whole on the Private Calendar to-day was made by the gentleman from Tennessee, not a member of the committee.

Mr. RICHARDSON. I want to say that the remarks of the gentleman are not a new departure. On the other hand, the proposition to pay these claims has come from that side of the House, and not from this side, and the gentleman from Missouri is wrong when he says that it is a new departure on the part of gentlemen on that side to pay these claims. The people of the South are under obligations to that side of the House for the payment of these claims in the Fifty-first Congress.

Mr. WALKER of Massachusetts. That was an honest Congress.

Mr. MAHON. I said before, and I repeat it, that the findings of the Court of Claims have always been paid by a Republican Congress.

A MEMBER. That is true.

Mr. MAHON. Because my understanding as a Republican is that you can not find any place where the Republican party has undertaken to repudiate honest debts.

Mr. BRUMM. Now, as chairman of the Committee on Claims, I want to answer for the Committee on Claims. The gentlemen on the other side can answer for the Fifty-third Congress and for the Fifty-second Congress.

Mr. RICHARDSON. No, I can not; because I do not think there was any reason.

Mr. BRUMM. As chairman of the Committee on Claims I want to answer the gentleman from Missouri [Mr. DOCKERY]. So far as I am concerned I do not believe in passing bills and having appropriations made when I know that the other side have robbed the Treasury of every dollar and there is not a dollar there to pay them.

Mr. MAHON. The bills before the gentleman's committee do not as a rule go before the Court of Claims.

Mr. BRUMM. I beg your pardon. The attack was made on my committee as well as on yours.

Mr. MAHON. I am simply defending this course established by a Republican Congress, and I want to reassert that there is no

better United States court in the land, that there is no more conscientious court, that there are no findings of any court that are better considered; and the Supreme Court of the United States have held this court in such esteem that in two cases they have refused to review the findings of that court, saying they always found them to be correct. Now, you can pay these claims or not, as you choose.

Mr. HICKS. Have all these claims that have been passed upon and adjudicated by the Court of Claims been reported by your committee?

Mr. MAHON. Yes; they are always reported by the committee.

Mr. COX. Not exactly just in that shape.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALKER] is recognized.

Mr. WALKER of Massachusetts. I yield thirty minutes of my hour to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Chairman, I have been somewhat astonished at the position taken and the remarks made by the chairman of the Committee on War Claims in reference to this claim and these claims. I can well remember, in both the Fifty-second and Fifty-third Congresses, standing up here with my Republican colleagues almost solidly and voting against these war claims or any one of them.

These claims are thirty and more years old, worn out in the service, outlawed, and barred by the statute of limitations. They are stale demands, and no court in Christendom would consider them for a moment. They should be allowed to repose. The claimants should not stand at the door of the Treasury constantly demanding admittance. We are borrowing to pay current expenses. Let us look forward and exercise due diligence in protecting the Government of the United States.

I remember that the action referred to was taken either in the last Congress or in the Fifty-second Congress, under the lead of a Representative from Michigan, now a Senator of the United States—Mr. BURROWS—and he gave us the figures showing the enormous sum these claims amounted to; showing a most appalling condition of affairs should the Congress of the United States enter upon the policy of even attempting to pay them, and after he had made that presentation of facts—

Mr. WALKER of Massachusetts. What did he say it was?

Mr. RAY. I have forgotten.

Mr. NORTHWAY. Five or six hundred million dollars?

Mr. RAY. I think it was at least \$600,000,000; possibly more.

Mr. MAHON. Not without including the cotton claims.

Mr. BAKER of New Hampshire. Did not that include not the findings of the Court of Claims, but the claimant's own figures?

Mr. RAY. Certainly.

Mr. BAKER of New Hampshire. He went to the Department for those figures?

Mr. NORTHWAY. He got the bills here.

Mr. RAY. Now, Mr. Chairman, I am willing to answer all questions upon this subject. This is a business, common-sense matter, and it is one where people should not let their generosity run away with their reason. I think the gross amount is over \$600,000,000. Now, I myself assisted Mr. BURROWS in looking up these claims.

Mr. BRUMM. What claims do you refer to?

Mr. RAY. The war claims presented in the Fifty-second or Fifty-third Congress. I think it was the Fifty-third Congress.

Mr. BRUMM. You simply took the bills that were presented?

Mr. RAY. We took the bills presented, and those bills presented, which amounted to over \$600,000,000, were like this bill brought in here to-day, simply "feelers."

Mr. MAHON. Now, I should like to ask the gentleman a question.

Mr. RAY. Pass this bill to-day, and you will have opened the door for raids upon the Treasury of the United States that will keep this Administration selling bonds while it exists, and it will keep the next Administration selling bonds from the very day it enters the White House.

Mr. BRUMM. I do not believe that. The next Administration will provide money to pay its obligations. It is going to be a Republican Administration.

Mr. RAY. That is all right. How shall we provide money? We can not do it by import duties. If we should undertake to do that, there would be no more imports from foreign countries; and if you undertake to tax the people of the United States to do it, there would not be any money left in the pockets of the people at the time you get through. You would simply transfer money from the pockets of those who have money to the pockets of those who are making claims. We can increase import duties to a certain point, but a time may come when excessive duties will prohibit all importations.

Mr. COX. Will the gentleman allow me to ask him one question?

Mr. RAY. Certainly.

Mr. COX. Have you ever made an estimate of how many dollars the Court of Claims have found to be owing by the United States?

Mr. RAY. I have not.

Mr. COX. Have you a suspicion of how much it is?

Mr. RAY. I think the gentleman here [Mr. MAHON] stated the amount.

Mr. COX. Do you think he stated it correctly?

Mr. RAY. Why, certainly.

Mr. COX. Why, then, after you have got the Court of Claims to pass upon these claims and pronounce them just, ought they not to be paid?

Mr. RAY. The Court of Claims does not seem to pass upon and pronounce them just. They seem to pronounce upon the questions whether the property was had and the claimant loyal.

Mr. COX. Oh, well, my dear sir, there is no claim that goes to the Court of Claims for supplies furnished during the war unless the fact is first determined that the party was loyal. That is a jurisdictional fact.

Mr. RAY. I understand that perfectly well. The gentleman seems to think I do not know anything on that subject.

Mr. COX. I think you know it all.

Mr. RAY. Oh, no; I do not know it all, because if I did I should be more opposed to these bills than I am; but I know enough about it. Without proof of loyalty no claim can be allowed.

Mr. LEWIS. Will you allow me to ask you a question?

Mr. RAY. Certainly.

Mr. LEWIS. Does not the Constitution provide that private property shall not be taken for public uses without just compensation being made therefor?

Mr. RAY. That is true.

Mr. LEWIS. How can there ever be a claim for property that the Government got and used without paying for it and the proof of that fact made, and then escape a violation of the Constitution, which all members of this House are sworn to support. [Loud applause.]

Mr. RAY. I want to say to my colleague, for whom I have the highest respect, who is a good lawyer, an admirable man, and a gentleman, I want to say that I would not oppose the payment of any claim against the Government of the United States were I thoroughly satisfied that private property had been taken for public use from a loyal citizen of this Government, and were I further satisfied that no just compensation has been made. If these matters of fact were established to my satisfaction I would vote to pay the claim every time.

Mr. LEWIS. Is there not a Court of Claims of the United States, established by law for the purpose of investigating, ascertaining, and deciding these claims, and has not that court certified this claim and others to Congress for payment? Everybody knows that such is the fact. And yet for years no appropriation has been made to pay these claims. I stand here to say, representing my people, many of whom were loyal to the Union and stood by the Government through all the trials and perils of the war, people to whom the Government of the United States, by the solemn judgment of its own court, owes this money, but whom the Congress of the United States has failed or refused to pay. I stand here to say on behalf of those people that that is repudiation. [Applause.] I say you have no more right to refuse to appropriate money to pay these claims when the court has declared them to be just than you have to refuse to appropriate money to pay the interest on the public debt, to pay the interest on those gold bonds that have been recently issued and sold by the Administration. [Applause.]

Mr. RAY. Mr. Chairman, that was quite a long "question," and I do not know that I fully comprehend it, but there was one statement or assumption of fact in it that I deny most emphatically. The gentleman assumes that these findings of the Court of Claims are judgments against the Government of the United States. Now, I have not time this afternoon to go fully into that question, but I assert that they are not judgments in any sense of the word.

Mr. MAHON. They are findings.

Mr. RAY. They are findings of fact only, a mere expression of opinion, and I thank the gentleman from Maine [Mr. DINGLEY] for handing me the Bowman Act. That act provides in section 1 as follows:

When the facts shall be found the court shall not enter judgment thereon, but shall report the same to the committee—

That means the committee of the House which sent the claim to the court—

or to the House by which the case was transmitted for its consideration.

Mr. MAHON. Will the gentleman allow me to interrupt him for a moment?

Mr. RAY. Yes; but I shall want a little more time, because a good deal of my time has been used in answering questions.

Mr. MAHON. Do you not know that the finding of the court is a finding of all the facts? That is what Congress established the

court for, to find all the facts, to find whether the man was loyal or disloyal, whether the property was taken, and if taken, what was its value. It is the same as where a court sends a case to an auditor to ascertain certain facts. The gentleman knows that in such a case, when the auditor finds certain facts, the law will not allow the court to ignore those facts.

Mr. RAY. I know the contrary, so far as New York and other States are concerned. I know full well what the old chancery practice was. It was this: The judge would send a case out for a finding of facts for the information of the court; then, the facts being reported to the court, the court would, in its discretion, determine whether the finding should be adopted as the finding of the court as to facts or not. The court always reserved the right to reject such finding. That is the rule wherever the old chancery practice prevails. That is the rule in the District of Columbia. That is the rule in the United States courts, and every good lawyer knows it. So to-day in the State of New York judges very frequently send to a referee certain questions of fact for him to examine and report to the court. That is common in divorce cases and in matters involving long accounts. But the court is never bound by the finding of the referee. The court looks into the evidence, which must be reduced to writing and reported to the court. The court looks into the evidence, and if it finds that the referee has found the facts in accordance with the evidence it confirms and approves his report, or it changes his finding, affirming it in part and rejecting it in part.

Mr. MAHON. Well, your referee has found that this claimant is a loyal man, that he furnished this property to the Government, and that the property was worth all that he asks for it. Now, if you can not find something in the evidence in this case to show that your referee erred you are bound by his finding. If you have ascertained that he did not find the facts as they are, that is one thing, but if he did find the facts correctly, then you can not turn his finding down. That is the law in every State of the Union.

Mr. RAY. Mr. Chairman, I want to enter my solemn protest against the charge which has been made against the Government of the United States by the gentleman from Pennsylvania that it is the greatest robber on the face of this earth.

Mr. BAKER of New Hampshire and several other members. True.

Mr. RAY. I am exceedingly sorry, Mr. Chairman, to hear representatives of the people in this Republican Congress say that that is true.

Mr. MAHANY. So it is true in these cases.

Mr. RAY. Well, the gentleman does not need to say that more than 500 times. He can not make it true by mere vociferation. [Laughter.] As a representative of the American people, respecting, admiring, loving the Constitution and the Government of the United States and the flag under which we all live, I protest against that statement. We represent the people. The people are honest and will pay every just claim.

Mr. MAHANY. What about the honor of the United States?

Mr. RAY. My dear sir, the honor of the United States, as a nation, is unsullied. We deserve and command the respect of the civilized world.

Mr. MAHANY. Is not the honor of the United States involved in the payment of its debts?

Mr. RAY. Yes, sir; but the representatives of the people have a right to say what are its debts, and I have a right, as representing a portion of the people of the great State of New York, to stand here and say whether a claim against the United States has been established to my satisfaction or not.

This Court of Claims can not bind my judgment or my conscience. I am my own judge. I follow no man's dictation. The hope of getting my claim through will not vary my action in any other bill. New York wants \$2,000,000. If her claim is just I will support it, but I will not aid a general raid on the pork barrel for the sake of one small piece of the contents.

I yield the remainder of my time to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Chairman, I want to say deliberately—deliberately—that no robbers ever built castles on the Rhine to rob the commerce of the Rhine and the merchants that transacted their business up and down the Rhine—any more than the Government of the United States robs its honest creditors here in this House. I say that on my responsibility as a member. I say that the leaders of this House in every Congress in which I have been a member, Democratic and Republican alike, have put in measures here to debate them and to use up the time, to use up the days assigned for the consideration of private claims, so that those claims could not be brought before Congress to be honestly and promptly determined. And that is the object this afternoon. That, I want to say, is the reason why we have such peculiar rulings from the Chair. [Laughter.]

The attempted distinction drawn here between the "findings" and the "judgments" of the Court of Claims is simply paltering

with the honest creditors of this country. Why are not the findings of that court equivalent to its judgments? The court was established to do justice, if it was established for any good purpose whatever. Was it established that the citizens of this country might spend their money and wear out their lives before that court for nothing, or was it established to do justice? The findings of that court, it has been said here by an eminent lawyer from Vermont, are the same as the findings of a jury, that may be set aside by the judge, if the judge determines that they are not according to the law and the evidence. But, sir, the presumption is in favor of the findings.

More than that, sir, I say that there ought to be an excuse sought—yea, an excuse sought—any excuse justified in law and justice—to pay the loyal men at the South rather than that they be robbed. [Applause.] We are sending \$150,000,000 into the Northern States in pensions, and justly, to fructify the Northern country, to make honorable the lives of the old soldiers, to help educate their children, to lift them to a higher plane. Thank God that we have an excuse for doing it! Even if they were not old soldiers, I hope we might find some justifiable excuse. Oh, that we might find some excuse to do the same with the men—honest, but misguided—who fought those soldiers of the North! In that case the whole South would blossom like the rose instead of being what it is to-day.

Here come these claims, such as that now presented. Let us pay them. [Applause.] Pay them! Do not talk to me about its costing \$20,000,000, or \$100,000,000, or \$600,000,000. Do not talk to me about its costing \$2,000,000,000. Do not talk to me about its costing \$2,700,000,000. Whatever may be the amount of these debts due by the Government arising out of the war, if they be just, let us pay them. Pay them if they are honestly due. You can not terrify me by making me look in the face the aggregate amount of an honest claim. The man who when an honest claim is presented to him sits down and asks, "How much does this claim amount to?" rather than "Do I honestly owe it?" is a thief. That is all there is about it. [Cries of "Good!" "Good!"] He is looking for his price in order to steal. That is what he is doing. He is looking, I repeat, to see how much he shall be paid for the theft.

I have a claim on this Calendar. It was passed by the Senate twice. It was fought through the Committee on Claims. The claimant had a patent for a cartridge. The Government robbed him of it, and made those cartridges without paying him. He got his claim through the Court of Claims. It cost twenty or thirty thousand dollars to contest it. The first man who presented that claim has failed, the second man has failed, the third man has failed, and died. His heirs are now pressing this claim. When the Speaker of the last two Congresses was asked to recognize a member to bring up that claim—not the present Speaker, for he has not yet been asked—but when the Speaker in Republican and in Democratic Congresses has been asked to recognize a member to bring up such bills, his first question has been, "How much is it?" not "Ought it to be paid?" not "Has it been passed on by the court?" Oh, no; but "How much is it?"

Then again, when Congress is adjourned miserable Democrats go round the country talking about "a billion-dollar Congress." A billion-dollar Congress! The question is not whether Congress was honest, not whether it passed claims which were honestly due, but it is cursed as "a billion-dollar Congress." We know even the tone of voice in which it is said, for we have heard that said here on this floor as well as elsewhere. And, sir, when Republicans get into power and do not pay the honest debts of the Government, they become thieves and robbers, as Congressmen, in the interest of their party, as do the Democrats, though they are honest men individually. [Applause.] Then Republicans go round and shout, "Billion-dollar Congress. Billion-dollar Congress!" as Democrats as Democrats do to Republicans.

Sir, the Senator from Maryland, when he stood up in the Senate in the Fifty-second Congress and said that the Democratic Congress would be obliged to exceed the appropriations of the Republican Congress, would have to go beyond \$1,035,000,000—whatever may have been said of that Senator before, my heart warmed toward him and I said, "Those are the bravest words under the circumstances that have been uttered in ten years in either House by Republican or Democrat."

Mr. Chairman and gentlemen, shall we pay the honest debts of this Government, or shall we cheat and rob these widows and orphans? Shall we pay the honest, loyal men of the South or shall we continue to rob them? We can never—no, never—grant pensions to their soldiers. But let us, for God's sake, pay their claims, that money may be sent into that country to fructify it and do it good, pay the money honestly due to men at the South who were loyal to the Government in its day of trial—who were robbed of their property in the name of liberty, and who are now denied justice for miserable, contemptible, partisan reasons. [Loud applause.]

Mr. McCALL of Tennessee. Mr. Chairman, while I know nothing

whatever of the facts involved in the particular bill that we are now considering, yet I am informed that a competent court having jurisdiction of the subject-matter has passed upon the facts presented—of the loyalty of the claimant in the first place, the property taken, and its reasonable worth, and have certified it at about \$900. I take it, therefore, that it is a claim that is just and one that should be paid. I am not like my friend from New York [Mr. RAY]; I am not ready to hide behind a technicality or claim that the court did not render or had not power to render a judgment. It is empowered to find the facts in the case, and they are facts that will not be disputed as such, whether they be embodied in the form of a judgment or not. They are required to find upon the facts presented and make a report to the committee of this House. That they have done.

But, Mr. Chairman, I rose to speak not so much of the pending bill in particular, but of the principle which is involved in it, because, coming from the South—having been there born and raised, my people having lived there for a hundred years—all that I have or expect to have being in the South, I thought it proper that I might claim the attention of the committee but for a few moments to submit for your consideration the views entertained by the thousands of Union people in the South as to what the Government should do with reference to claims of this character.

I want to second, as enthusiastically as I can, the gentleman from Pennsylvania [Mr. MAHON], the chairman of the Committee on War Claims, with reference to his remarks as to the Union people of the South, and particularly when he said that it was very easy to have been a Union man in the North during the late trouble, but it required all that a man could do, all that he had, that it involved the honor and safety of his family in the South, even their very lives, to become a Union man and proclaim it in that section. Because, Mr. Chairman, such a man not only offered his own life for his country, but he imperiled the lives of his family and all that he had on earth as well.

What did it require in the North for a man to be a Union man? His neighbors were Union; the old flag still floated over them; the church people were altogether Union people; the societies were Union people; the wives were Union people; daughters were Union people; the young men were for the Union, and were encouraged to come to the front by their sweethearts, by their mothers and sisters, and to proclaim themselves for the Union. But how different was this condition in the South! There, sir, the young man who stood out for the Union, who proclaimed his love for the Union, who proclaimed himself willing to offer, if need be, his life for the sake of the Union and the flag of his country, was in many localities regarded as a disgraced man; his sweetheart turned her back upon him; his mother said, "You are a traitor to your section of the country"; the father said, "You can no longer find shelter beneath my roof, you must shift for yourself," and the people everywhere proclaimed him a traitor to their cause. That was the position of the young man who stood for the Union in the South, and who went into the Army from that section. Old men, men who had families, men with grown daughters, saw their sons thrown out of business, discharged from positions of trust or honor, because they loved the Union.

I tell you, Mr. Chairman, that tongue can not tell nor can pen describe the heroism, the patriotism, the bravery, required for a Southern man during that period to stand out for the Union. [Applause.]

I have followed the teachings of a Union man. My father was a slave owner. My father had property in the South; but for the Union, for the love of his country, he said to his slaves, "Let the shackles be stricken from your limbs," and they went free. He said to his sons, "Shoulder your muskets; go to the front in the defense of the flag of your country"; and he said to the Federal armies when they went among us, "You are to share my barn and my cattle; knock down, dress, and eat"; and they did, and he never received a farthing, nor did he ask it, from the Federal Government. [Applause.] That is the kind of men that were Union men in the South. That is the situation they had to meet on all occasions when they proclaimed their allegiance to the old flag.

But how different was it in the North! Their barns were securely locked and removed from the scene of devastation or war. Their cattle fed on a hundred hills and roamed without molestation; their horses stood secure in the closed paddocks; the homes of the people were homes of happiness, without fear of molestation or invasion by the armies on either side. That is the difference between the two sections. But now, when we come over to the other side; when the Union man of the South files his claim for stock or property which the Government took and applied to its own uses; provisions that went from the barn or the field or the shed—not from the market—often directly into the camp kettles of the troops round the old camp fires; property of which the Government got the full benefit, because there were no middlemen in this dealing, no commission was paid out of it, what do we find? They come to us here in the Congress of the United States, to the Government

they helped to sustain, and say, "I have sacrificed all I have for the cause of the country; I sent my boys to the service; I gave you my cattle, my stock, to feed the Army, and when you were surrounded on all sides, in front, on the sides, and in the rear, by the foe I, knowing the danger, gave you all the aid and all the information I could, even at the risk of my life. Now, all that I ask of you is to pay me for the property that you took—I am poor and old." Will you do it? [Applause.]

Congress says, "Certify it to the Court of Claims." You certify it to the Court of Claims. The Court of Claims say, "We find this man loyal; we find he furnished this stuff; we find it was worth so much; we do not allow him any interest." And they report it to Congress. Then the gentleman who comes from the great State of New York says, "I will vote for that when I am satisfied that that man was a loyal man and furnished the stuff." I tell you, I may say to that gentleman, without any reflection upon him, that there was as pure Union blood and as much sacrifice for the love of country by such citizens as ever dared to be in New York or New Hampshire or anywhere else in this great country. [Applause.]

Will you pay them? Will a Republican Congress repudiate the obligations that this Government owes to Union men in the South, who furnished food for man and for beast, to your armies, to your boys, to your brothers?

Mr. MAHON. These claims are not in the South alone. They are all over the country.

Mr. McCALL of Tennessee. I am speaking for the South because I love the South. I want to say right here to my friend from Massachusetts [Mr. WALKER] I thank him for his kindly expressions, but the South is no poor country. The people of the South are not beggars. The South is filled full of men of courage, of honor, of patriotism, and of nerve to dig from the earth their subsistence. But the Union men down there want to be treated fairly in this matter, and I want to see the South treated fairly. I have been telling the people of the South, since I was old enough to stand upon a stump, that the Republican party was a national party, that the Republican party believed in running this Government in the interest of the people, that the Republican party believed in paying her debts wherever found promptly and without discount, and I believe yet that the Republican party will do it.

I said a while ago that I loved the South. I do; but I love the whole country more. That was the lesson that was taught me by my father—to love the South, but to love the country more than the South; and because of that fact you will find men all over that country to whom this Government is indebted today for stuff that they furnished to feed your soldiers and their horses. I love the South; I love her rocks, her hills, her valleys, her hills. I love her people, and I say to you that, so far as the South is concerned, I shall never apologize to mortal man because I live in the South; but we do ask justice at the hands of this Government. I tell you honesty dictates it. Our sense of justice must appeal to the bosoms and to the heads of every man here that these claims ought to be paid.

Now, Mr. Chairman, having said this much, not in regard to the pending bill, because I know nothing of the facts concerning it, I am willing to stand by the findings of the court. They say the Government owes this man that debt. Will you pay it? If we must borrow the money, had we not as well borrow the money to pay these men who were loyal and who furnished their substance to feed the Union armies—had we not as well borrow the money to make this long-delayed payment as to borrow money to pay promptly, when it is due, the interest on the national debt? I say to you, if there is any difference in the standing of the two obligations, it is in favor of the debt that you owe to the Union men of the South, who furnished to the Union soldiers their means of subsistence while they were there. If there was any difference, I should rather always pay the man who rendered service because he loved the country for which he rendered the service than the man who renders service because you pay him for it. [Applause.]

Mr. Chairman, these claimants are growing old and feeble. They are fast falling into the grave. For thirty years they have expected the Government to pay these long-delayed claims, and with a trust as immovable as are the granite hills, their love of country undiminished, with eyes now dim from age, they stand and gaze toward Washington, and ask this Congress to pay its loyal citizens their just dues as the Government requires each citizen to pay to it that which he owes.

Mr. EVANS. Mr. Chairman, so far from not having any intention to speak upon this subject, I am free to confess that when the district which I have the honor to represent upon this floor determined to send me here the only speech I fully planned to make was one upon this general subject, if I ever got the chance. Never before has the Fifth district of Kentucky had an opportunity to speak upon this subject to the Congress of the United States through a Republican; and now, in starting to say a few words upon it, it seems to me that the obligation to pay the debts of this

Government ought not to be bounded by Northern, Southern, Eastern, or Western lines. We ought to pay them all.

The only question that we ought to inquire into is this: Does the Government fairly owe the money? And if it owes it, as an honest and honorable Government it ought to pay it, and pay it promptly. How do we know that the Government owes this money? Gentlemen quibble, and it seems to me that it is not creditable either to the heads or the hearts of members, either as lawyers or men, to quibble about whether these findings of the Court of Claims are in a technical sense judgments. They are findings of the facts by the Court of Claims, the tribunal to whose arbitrament you have left the question. That tribunal has found the facts to be so and so, and the legitimate result and consequence of that finding is that the Government owes this money, and I do not care whether there is a formal judgment against the Government or not. Just as soon as the fact is ascertained that the debt is due and honestly due, the Government ought not to quibble or hesitate about whether the debt should be paid or not.

Mr. BAKER of New Hampshire. The court has passed upon everything that Congress sent to it to pass upon.

Mr. EVANS. Congress deputed to that court authority to make findings upon certain questions of fact, and that court has done so. The legitimate result of that is that the Government of the United States is ascertained to owe this money; and it is most astonishing and profoundly mortifying to me, a debt-paying man, who believes that every debt ought to be punctually and punctiliously paid, that there should be any quibble about such a matter, whether it be a private debt or a public debt. I say it is mortifying to me that any member should stand on this floor and say that it will cost too much, or that we can not afford it. Can not afford to pay your debts! Is that honest Republican or Democratic doctrine? When you owe a debt which you admit you owe, is it honest to say you can not afford to pay it? If the debt is due and you have not the money to pay it with, borrow it, and satisfy your creditor. That is what every honorable and self-respecting man will do, and the Government of the United States with its unlimited credit should do no less.

This class of claimants came to Congress and were sent to the Court of Claims. They went there, and after large expenditures of time, money, and patience they have come here again after having done as Congress told them. Now they are laughed at, taunted with quibbles and with affected incredulity as to the thoroughness of the judicial investigation. It is impossible, as everybody knows, for Congress again to investigate these claims, so that objection now must alone come from a perverse determination not to see the merit of these claims in any event.

It is well enough for gentlemen who live in certain sections to deride these war claims, because during the war if they or the people of their localities furnished any food or raiment, if they furnished anything to the soldier, they had the quartermaster or the commissary at hand to make contracts with and to see that it was properly paid for, or in some other way they were careful to get their money; but when you come to the Southern country, where the soldier in the field was at your doors, when you needed food for the men or provender for your horses, then there was no time to make a contract. These stores were taken, and not only were they appropriated, but they were converted to the actual use of the soldier and of the Army then and there. There was no time to talk about quartermasters' vouchers and receipts; and yet you say that stores taken from loyal men under these circumstances ought not to be paid for now because you have dishonorably refused it for thirty years. After your own court has ascertained the facts you say that you can not afford to do it, forsooth. That will not do. No country for one moment can afford to repudiate obligations the honesty and the justice of which have been ascertained, as has been done with regard to these claims.

I stand here and speak from the standpoint of an old soldier in my district who has a claim duly ascertained by the Court of Claims. As a young man he started at Vera Cruz and marched with the Army to the City of Mexico. He stayed in the Army until that war closed. He enlisted in the late war and was mustered out as a lieutenant-colonel at its close. He has been knocking at the doors of the United States Treasury for a score of years for an honest claim that the Government owes him. Now he is poor and has not money enough to pay rent for a home. He has not enough to live on, after waiting so long for the Government to pay him an honest debt. We are told that you can not afford to pay these debts because the Treasury is empty. If we can afford to borrow money for any purpose, we can afford to borrow it to pay debts like these, liabilities that were created in behalf of the soldier when he was in the field.

We do not hesitate now to borrow money to pay the obligations that we owe in Wall street or in London, and they are debts that we ought to pay just as well as any other. We do not hesitate to borrow money to do that, nor ought we to hesitate to borrow it to pay obligations like these. I have sometimes thought the Government of the United States was the best debtor in the world if

you had a beautiful lithographic evidence of the debt; but in many other instances when that is wanting it is the most cruel, the most heartless, and the most unjust of all debtors. Unless your claim is current or you have some such evidence of indebtedness as I have suggested you are the victim of all sorts of heartless demagoguery. In my judgment it will be discreditable to the Republican majority on this floor if it shall not pay the claims that are ascertained to be justly due by the Court of Claims. I do not care whether they are judgments in the technical sense or not. These claims are just, they are honest, they are well ascertained, and these facts point to one result alone, and that is that they shall be paid. No other course is creditable to this Congress or honorable or just on the part of the Government of the United States.

I have thought it fitting in this manner to supplement the remarks of the gentleman from Pennsylvania [Mr. MAHON] and those of the gentleman from Massachusetts [Mr. WALKER] upon the general subject, although the bill actually before the House is not one in which I have any other interest than as it bears upon all bills of the same class.

Mr. DOCKERY. Mr. Chairman, I desire to be heard briefly on this general question. Some gentlemen who are interested in this bill desire a vote on it.

Mr. McRAE. I am willing that by unanimous consent general debate be considered as closed on the bill.

Mr. DOCKERY. I was about to suggest that it is not my purpose to oppose this bill, as I am not familiar with the facts upon which it rests, and some gentlemen are interested in having a vote at this time. If an agreement can be reached so that the vote can be taken, I am willing that unanimous consent be given to accomplish that result.

Mr. McRAE. I am not interested in the bill further than it is the claim of a constituent of my colleague [Mr. NEILL]. I know he feels a great interest in it, and I should like to have a vote. There seems to be no objection to the bill.

Mr. DOCKERY. I will not stand in the way of a vote on the bill, provided that I do not lose the floor.

Mr. WILLIAMS. I will say to the gentleman from Arkansas that I want about five minutes.

Mr. McRAE. Mr. Chairman, I ask unanimous consent that general debate be closed on the bill.

Mr. WILLIAMS. I want four or five minutes.

Mr. McRAE. I ask that general debate be closed and then gentlemen can be recognized for five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that general debate on this bill be considered as closed.

Mr. DINGLEY. I object.

Mr. DOCKERY. Mr. Chairman, I am not opposed to the payment of all the claims passed upon by the Court of Claims, but I confess to a desire for the exercise of the closest scrutiny in order to determine which are worthy of favorable consideration.

I was attracted somewhat by the impetuous remark of the gentleman from Pennsylvania [Mr. MAHON], the chairman of the War Claims Committee, in reply to the gentleman from Tennessee [Mr. McCALL], who suggested that these claims were largely from the South. The gentleman from Pennsylvania stated that they hail from all quarters of the country. Possibly the fact that Pennsylvania has a very large claim pending either here or in the committee may explain somewhat the exceeding liberality of my friend from Pennsylvania. [Laughter.]

Mr. MAHON. We have a bill before this House proposing to send that large claim to the Supreme Court of the United States. If that court decides that the State of Pennsylvania has not a legal claim, we do not want your money. If it decides that it has, we want it.

Mr. DOCKERY. That is substantially the condition of affairs I supposed to exist when I heard the gentleman announce his purpose to favor the payment of substantially all these claims, amounting to perhaps \$20,000,000.

Mr. MAHON. I think it is a wise investment.

Mr. DOCKERY. Now, Mr. Chairman, I am interested to know whether the gentleman from Pennsylvania represents the prevailing view of the majority side on this question, because this Congress has been in session since the first of December last, and unless I am mistaken—and I desire to be corrected if I am—neither the chairman of the Committee on War Claims nor the chairman of the Committee on Claims has on any Friday made a motion under the rules that the House resolve itself into Committee of the Whole to consider these claims.

Mr. MAHON. I can explain that to the gentleman.

Mr. DOCKERY. I do not desire an explanation; I want the fact. If I have not stated the fact correctly I ask to be corrected.

Mr. MAHON. Let me give you the explanation.

Mr. DOCKERY. No; I do not care to yield now for an explanation. I simply want to know whether I have stated the fact correctly. If I have not, I shall be glad if the gentleman from Pennsylvania will say that my statement is incorrect.

Mr. MAHON. As I said before, Mr. Chairman, when this House has been in session the great appropriation bills or some privileged question has nearly always been pending on Thursday and has gone over until Friday, so that under the rules I could not, nor could any other chairman of a committee, get the House to go to the Private Calendar when privileged questions were in the way.

Mr. DOCKERY. Mr. Chairman, I want to say to the gentleman and to this committee that the motion to go into Committee of the Whole to consider bills on the Private Calendar is a privileged motion on Friday, and if the Speaker of the House entertains the motion it can be voted upon every Friday. I call the attention of the country to this fact, because at the "eleventh hour" of the session the gentleman from Tennessee [Mr. McCALL], my able colleague on the Committee on Appropriations, speaks of the exceeding liberality of the Republican party and their desire to pay honest war claims. I repeat the statement, that since the first of December last this body has been fully equipped for the transaction of business, yet on each successive Friday these chairmen have failed to make the motion that was necessary to secure the consideration of war and other claims.

Again, I ask whether the gentleman from Pennsylvania [Mr. MAHON] represents the views of the majority on this question, because in every campaign in my district I have been confronted by the Republican press and Republican orators, who have proclaimed to the people that if the Democratic party succeeded to power the Treasury of the United States would be impoverished by the payment of war claims to the amount of untold millions. What is the position of the Republican party? All of the gentlemen who have spoken on that side to-day have professed their desire to pay these claims. Up to this moment not a single Republican leader that I recall has taken a contrary position—

Mr. RICHARDSON. Mr. RAY.

Mr. DOCKERY. Except the gentleman from New York [Mr. RAY]. I hope that the distinguished leader on that side, the gentleman from Maine [Mr. DINGLEY], who sought recognition when I arose to address the Chair, will define the position of the Republican party on this question.

Mr. MILNES. May I ask the gentleman a question?

Mr. DOCKERY. Certainly.

Mr. MILNES. I want to ask you if your party did not succeed in emptying the Treasury without paying any war claims? [Laughter.]

Mr. DOCKERY. Why, Mr. Chairman, the gentleman exhibits a lack of familiarity with the fiscal operations of this Government that ought not to be displayed by even so new a member of this body. If he had been familiar with the recent history of his country he would have known that it was the Fifty-first Congress, a Republican Congress, by its appropriations and its legislation, that emptied the Treasury of the United States.

Mr. MILNES. Nobody seems to know that but you, I guess.

Mr. DOCKERY. I desire to say that the Fifty-first Congress appropriated \$1,035,000,000, and left legacies for future Congresses, compelling the Fifty-second Congress to appropriate \$1,027,000,000. But under the lead of the able gentleman from Texas [Mr. SAYERS] in the last Congress, and by the exercise of judicious economy, the Democratic party reduced the appropriations to \$989,000,000.

Mr. BAKER of New Hampshire. How many millions did you leave unpaid?

Mr. RICHARDSON. I wish to ask the gentleman from Missouri [Mr. DOCKERY] upon what principle he permitted a Republican Congress, the Fifty-first, to pay \$548,000 of these claims—claims exactly like this, with similar findings—and opposed in the Fifty-second Congress, which was Democratic, the payment of half that amount? [Applause.]

Mr. DOCKERY. I am glad the gentleman has come to the rescue of the Republican party [laughter and applause], because it seemed to need some defender in this emergency.

Mr. RICHARDSON. Will the gentleman answer my question?

Mr. DOCKERY. Whether or not I have been consistent in my votes upon all questions, I am not here to say. I believe it is pretty generally conceded that I have by vote and voice advocated what I considered to be economy under all administrations of this House, whether Republican or Democratic. But I am only one of 356 members—

Mr. RICHARDSON. Why did not the gentleman oppose the payment of such claims in the Fifty-first Congress?

Mr. DOCKERY. I do not know whether I opposed them or not; but if I did not, I should have done so. [Laughter.] I may have been derelict in my duty in that Congress. But it is no excuse for me or for the gentleman now, because of errors then, to continue in wrongdoing when we can see the light so clearly.

Mr. BAKER of New Hampshire. May I ask the gentleman a question?

Mr. DOCKERY. No, sir; not at this moment.

Something was said by the gentleman from Massachusetts [Mr. WALKER] about the difficulty of securing recognition for these claims under all administrations of the House, and he laid the fault, if I remember aright, at the doors of the leaders of the

respective administrations of the Fifty-second, Fifty-third, and Fifty-fourth Congresses. I take pride in acknowledging that under the leadership of Speaker CRISP and the gentleman from Texas [Mr. SAYERS] appropriations were limited in the main under existing laws during the Fifty-second and Fifty-third Congresses to the lowest point consistent with honest and economical administrations. And I want further to say in this presence that I honor the present Speaker of this House, THOMAS B. REED, of Maine [loud applause], who in this Congress has stood like a lion in the path of those who have sought to secure the passage of bills imposing large liabilities upon the public Treasury.

Mr. WALKER of Massachusetts. Will you allow me a question? Mr. DOCKERY. Certainly.

Mr. WALKER of Massachusetts. Do you care one farthing whether they are honest or dishonest bills?

Mr. DOCKERY. I do.

Mr. WALKER of Massachusetts. Why, you have never manifested it in this House. [Laughter and applause.]

Mr. DOCKERY. I want to say to the gentleman from Massachusetts that his criticism implies a compliment which I hardly expected from that quarter. Of course this is a matter on which gentlemen may differ. I have sought to make a just discrimination at all times; but perhaps it has not been clear to the judgment of the gentleman from Massachusetts.

Now, Mr. Chairman, so far as the administration of this House is concerned in respect to the passage of private claims, it has followed substantially the lead of ex-Speaker CRISP and the gentleman from Texas [Mr. SAYERS]. I know, Mr. Chairman, that it seems somewhat ungracious to object to the payment of these claims, and I have rarely, so far as I remember, except in the discharge of official duty, interposed an objection to their consideration. I did so during the last Congress in the discharge of official duties imposed upon me by the rules and in the absence of the chairman of the Committee on Appropriations. I have, however, not usually gone to the extent of being "ungracious" by objecting to the consideration of claims. But I want to say here and now as a Democrat, believing that taxation is a burden upon the people, and that, being a burden, we should go into their pockets only to the extent of securing revenue for a frugal, economic administration, I shall exercise the greatest discrimination in regard to these claims, and support only those where, in my judgment, the equities clearly require payment.

I know that sometimes a different policy prevails in this House from that advocated on the "stump." No member on this side goes before the people without failing to proclaim economy in public expenditures as a fundamental tenet of Democratic faith. Why, Mr. Chairman, it could not be otherwise. No Democrat could pursue a contrary policy without deviating from an essential principle of government laid down by that greatest of all Virginians, Thomas Jefferson, in his inaugural address of March 4, 1801, when, in enumerating these essential principles, he declared for "economy in public expense." Why? "That labor may be lightly burdened." And during the long period in which the leaders of the old South controlled the Democratic party and the policy of this nation they exemplified the doctrine of economy in all the affairs of Government.

On page 46 of the second volume of Mr. Blaine's *Twenty Years of Congress*, Mr. Blaine says, and I quote his exact language:

During the long period of their domination they guarded the Treasury with unceasing vigilance against every form of extravagance and corruption.

That is the tribute, Mr. Chairman, paid the old leaders of the Democratic party by the greatest statesman Maine has ever given to the Republic. We continued the same policy after the war and subsequent to the tidal wave of 1874, when we first secured control of this House. Under the leadership of that splendid Pennsylvania Democrat, Samuel J. Randall, the first Democratic House after the war made a reduction of more than \$30,000,000 in the annual expenditures of the Government. We went to the people and said to them, "We offer you thirty millions of reasons, every one of them worth a dollar in the market, why you should support the Democratic ticket." In that contest they indorsed the policy of economy by a decisive majority.

I admit that now and then since that time the Democratic party has not always adhered steadfastly to the lines of economy laid down by the founder of the organization; but in the main it has substantially illustrated that policy.

Now, sir, it matters not whether our banner floats in victory or goes down in defeat. Let us, if we can not agree on the money question, at least be consistent in adhering to that old cardinal doctrine of the Democratic party which demands economy in the public expenditures. The eminent Speaker said upon a notable occasion in concluding an appeal to his party friends:

Whether in victory or in defeat, the Republican party is always consistent and always maintains its fundamental principles.

Let us appropriate the sentiment of the Speaker and as Democrats uphold the essential doctrines which have been laid down by

the illustrious leaders of the party, and if defeat overtakes us we will at least have faithfully maintained the doctrines of our fathers—the doctrines they taught us—and if victory comes, as I believe it will come, we shall all rejoice because we will have fought a good fight and kept the faith in respect to public expenditures. [Applause.]

Mr. GROSVENOR. Mr. Chairman, the only question before the committee is the question of paying a certain war claim amounting in the aggregate to about \$900. That fact—the pendency of that bill—has been taken advantage of by the gentleman from Missouri [Mr. DOCKERY] to make a political speech, criticising the administration of the Republican party in this House and in the country, and attempting to vindicate the history and career of the Democratic party at the same time.

Mr. Chairman, there is no party in this country to-day more ready and willing to pay the honest debts of this Government than is the Republican party. And if the gentleman would have allowed an interruption in his speech I should have been glad to have asked this question: How many of these bills did you vote for during the Fifty-second and Fifty-third Congresses? I did not have the honor to be a member of the Fifty-second Congress, but was present at all the sessions, or nearly all the sessions, of the Fifty-third Congress, and there was no man on this floor who more bitterly, either by denunciation of the claims themselves, or who sought by argument to show the incapacity of the finances of the Government to pay them, than the gentleman from Missouri, who was always and constantly intervening to prevent the payment of any one of them. Now he comes here and challenges the Republican side of the House, and asks us why we are not willing to pay them!

Let me say to you, Mr. Chairman, that the question of willingness or nonwillingness, the question of honesty or nonhonesty, the question of equity or nonequity, does not enter into the condition which confronts us at all. It is solely and simply a question of our ability to pay the obligations.

Nothing would delight the enemies of the Republican party better than if to-day, in this House, we should accumulate a series of appropriations so large as would allow the little "8 by 10" orator in a schoolhouse and at cross-roads meetings to say, as he did in the election of 1891, that this is a "billion-dollar" Congress. And yet that would be a cheap matter, a matter of little consequence, were it not for the fact that we are confronted now by a condition. It is not a theory or a question of what we would like to do, but it is a question of what we can do.

I stand here to repudiate, without any qualification whatever, any insinuation that the management of this House—the controlling powers in this House—have undertaken to obstruct the passage of proper appropriation bills for any purpose in the world except the one question to which I shall hereafter advert. I stand here as a Republican to take my full share of the deliberate purpose of the Republican party before this country to not expend money that we know we shall not have.

It is not worth while for anybody to undertake to create faction in the Republican party by insinuations against any members of it, against any leaders of this House, against any members of any of the committees of this House. It is not worth while to do that. I stand here to say to you, Mr. Chairman, and to the members of this committee, that the Republican party upon this floor is a unit. It has no factions. It has not got any ulterior purposes against its own members. It stands here as the great organized patriotism of this country to do the best it can in the condition that has been forced upon us by the Democratic party, and we do not propose to saddle responsibilities upon members. We will take the responsibility upon the representatives of the Republican party upon this floor, and appeal to the Republican party of the country to stand by us individually and collectively. [Applause on the Republican side.]

What has caused all this? The Fifty-first Congress enacted financial legislation that placed this Government beyond a condition such as we have now. It turned over to the Democratic party a surplus in the Treasury, with a law which, if the Democrats had left it standing upon the statute books, would have abundantly supplied the whole necessities of this Government during all of these years. What did the Democratic party do? Coming into power with a threat that they would destroy the revenue-raising law of the country, with a threat that they would destroy the great principle of legislation upon which the industries of this country were thriving as they were never thriving before, the very breath of their entry into power, even before they had acquired the full fruition of the election of 1893, blasted as with a simoom all the industries of the country, paralyzed the resources of money, struck down the enterprises of the country, made bankruptcy where there had been prosperity, and then, coming into power, repealed the law by which the Treasury was supplied with money, bankrupted the Treasury, and made it impossible that the people of this country could pay their honest debts. [Applause on the Republican side.]

If there is a defalcation in this country, it is due to Democratic Administration. If there is dishonor in this country, it is the child of Democratic legislation. If there is an inability to pay the debts of the country, it is the product of Democratic statesmanship. And you stand here paralyzed by your own utter inefficiency. You stand to-day trying to partition by scales, by metes and bounds, the responsibilities of this trouble, upon the members of your own party. You stand to-day charging that this faction or that faction is responsible.

The President of the United States hurled into the face of the Democratic majority of the Fifty-third Congress the declaration that you were guilty of abandoning every principle of Democracy, that you were guilty of "party perfidy and party dishonor"; and the great redeeming feature of Grover Cleveland's Administration—that which will save him in some sort of shape in the future records and pages of history—is the fact that you destroyed a great Republican revenue-raising, industry-propagating law, and when you did it Grover Cleveland, in the face of God and man, said: "My name shall never be disgraced by approving that bill." [Applause.]

Mr. McRAE. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. And you have gone on, with the Treasury bankrupt. You have borrowed \$262,000,000 upon the bonds of the Government. You are attempting to put yourselves in contrast with a Republican Administration that paid \$250,000,000 of the national debt in four years, that left the Treasury solvent and plethoric. You stand here to-day confessedly borrowing \$262,000,000 and trembling as each telegraphic report comes from the markets in New York lest that money you have borrowed under the pretense of upholding the redemption fund shall be again drifting, under Democratic administration, across the water into the banks of London, Germany, and France. And you stand up here and attempt to criticize the administration of the Republican party. [Applause on the Republican side.]

You have made it impossible. We can not build public buildings. We can not do what we ought to do in the improvement of rivers and harbors. We can not expend the money to pay these war debts. They ought to be paid. They are honest debts, many of them. We can not have it. We can not do justice to the soldiers of the country by the application of money to the payment of pensions. We are impeded in every direction, and why? Every reason for all this points to the advent into power of the Democratic party as the cause. At the door of that party, at the door of its failure, at the door of its utter inability to administer the finances of the Government successfully, lies every blunder, every circumstance that to-day weighs with horror upon the conscience of the American citizen. And to-day, with the control of the Treasury, you have expended, every day since the 4th of March, 1893, \$150,000 or over more money than you have received into the Treasury under your Administration.

Going away back to 1893, more than three years ago, every day, week day and Sunday, Christmas and Fourth of July, you have expended \$150,000, at the lowest estimate, more than you have taken in, and to-day you have not a proposition on earth to make where the money is to come from. And yet you stand up, as the gentleman from Missouri [Mr. DOCKERY] does, and undertake to teach the Republicans of this House financial knowledge. If we have no funds in the Treasury, I say to the Democratic party it is a sad lesson of your policy that we are warned not to repeat. So, Mr. Chairman, we are driven to economy or bankruptcy or borrowing money. What shall it be? Shall it be borrowing money? I protest. Shall it be bankruptcy? No. Then what? The only alternative is economy in administration. And I stand here to say that it is not one man, it is not three men, it is not the Committee on Rules, it is not the Committee on Ways and Means, but it is the Republican party on this floor that will see to it that no act of ours shall plunge this nation deeper into debt until the people of this country restore that great party to power that has been able to supply the Treasury. And incidental to its coming back into power will be public confidence, public prosperity, the revival of industrial prosperity, a plethoric Treasury, a restored national confidence, a Republican administration, and a protective tariff law that will supply the places that have been beaten down and destroyed by Democratic administration. [Loud applause on the Republican side.]

Mr. DINGLEY. Mr. Chairman, I desire to say a few words before the vote is taken upon this bill in reference to the general principle; but it is too late to proceed this evening, so I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 4515, and that the motion to report the same with a favorable recommendation had been decided in the negative; the bill H. R. 2740, and had recommended that the same

do pass without an amendment, and the bill H. R. 2741, and had come to no resolution thereon.

The SPEAKER. The Clerk will report the bill reported from the Committee of the Whole.

GEORGE CASE.

The Clerk read as follows:

A bill (H. R. 2741) to carry into effect the findings of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.

The bill was read.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LESTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS.

Mr. PICKLER. Mr. Speaker, I desire to make a privileged report from the Committee on Invalid Pensions. I ask that it be printed and recommitted to the committee.

The SPEAKER. Without objection, that order will be made. There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 2813) granting a pension to Rita Stine;

A bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes; and

Joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska"—to the Committee on the Territories.

A bill (S. 1537) to provide for the private sale of public lands in Missouri—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for two weeks, on account of important business.

To Mr. JENKINS, for the day, on account of important business.

ELMIRA E. DUSTIN.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3578) granting a pension to Elmira E. Dustin.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. I object, and upon the distinct ground that Friday is the day for the consideration of private business here, and that these bills ought to come up in their place on the Calendar.

Mr. McMILLIN. I move that the House take a recess until 8 o'clock.

Mr. DINGLEY. I move that the House do now take a recess until 8 o'clock.

The SPEAKER. The gentleman from Tennessee has made that motion.

Mr. PICKLER. I ask unanimous consent that the recess be until half past 7 o'clock.

Mr. ERDMAN. I object to that.

The SPEAKER. Objection is made. The gentleman from Tennessee moves that the House take a recess until 8 o'clock, at the present time.

The motion was agreed to.

The SPEAKER. The gentleman from Iowa, Mr. LACEY, will please take the chair at the evening session.

Accordingly (at 4 o'clock and 53 minutes p. m.) the House was declared in recess.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m.

Mr. LACEY took the chair as Speaker pro tempore, and directed the reading of the special order, which was read by the Clerk, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar under the special order.

Mr. ERDMAN. A parliamentary inquiry, Mr. Speaker. Is it possible to provide at this time that when bills have been considered in Committee of the Whole some discussion shall be had upon them in the House? I am not disposed to call a quorum; I do not want to do it; but there are some bills that ought to be discussed in the House, and, with the demand for the previous question as soon as recognition is obtained from the Speaker, we are cut off from all discussion.

The SPEAKER pro tempore. The Chair hardly thinks that is a parliamentary question. Of course, the matter is within the control of the House when the bills are reported back from the Committee of the Whole. The House can then vote down the previous question if it desires discussion.

Mr. ERDMAN. But is it possible to provide now for discussion in the House?

The SPEAKER pro tempore. The Chair thinks not. After the bills have been reported to the House from the Committee of the Whole, an arrangement might be made by unanimous consent as to a certain time for discussion. It has sometimes been the custom to agree that the previous question should be considered ordered upon the bills reported from the Committee of the Whole to the House, and a certain time allowed for debate on each bill before the taking of the vote. That was done in the last Congress repeatedly, in order to meet the difficulty to which the gentleman refers.

Mr. ERDMAN. I will say to the other side that while we do not want to discuss all these bills, there are some that we would like to discuss, and I should be glad to have some arrangement made for such discussion.

Mr. PICKLER. I think the gentleman from Pennsylvania has persistently refused, every evening when I have asked it, to allow the previous question to be ordered on these bills. We can not make any arrangement here now, but I will see the gentleman about it later.

Mr. ERDMAN. I want to say, Mr. Speaker, that if we can not make an arrangement for some discussion we shall insist upon a quorum hereafter.

Mr. PICKLER. Question!

The question being taken, the motion of Mr. PICKLER was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

MRS. EMILY M. VAN DERVEER.

The first business on the Private Calendar was the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, at the rate of \$100 per month.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The CHAIRMAN. The report in this case has been read, and at the adjournment last Friday evening the pending question was on the amendment proposed by the committee.

Mr. MILNES. Mr. Chairman, I ask that the report be again read.

The CHAIRMAN. That can be done by unanimous consent.

There being no objection, the report was again read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, having carefully considered the same, submit the following report:

It is shown by the report of the Record and Pension Office that Ferdinand Van Derveer (the deceased husband of the beneficiary of this bill) was enrolled May 21, 1846, and mustered into service June 26, 1846, as first sergeant, Company I, First Ohio Volunteers, Mexican war, to serve one year. He is reported on the muster rolls of the company present; elected first lieutenant September 2, 1846, and captain October 5, 1846. He was mustered out with the company as captain June 12, 1847.

Ferdinand Van Derveer was mustered into service September 24, 1861, as colonel of the Thirty-Fifth Ohio Infantry Volunteers, to serve three years. He is reported as present with the regiment on January 28, 1863; from that date to August 31, 1863, in command of the Third Brigade, Third Division, Fourteenth Army Corps; and thereafter on June 28, 1864, in command of the Second Brigade, Third Division, Fourteenth Army Corps. After June 28, 1864, he is reported absent in Ohio on sick leave. He was mustered out of service, as colonel of the above-named regiment, August 26, 1864.

Ferdinand Van Derveer was appointed brigadier-general of volunteers October 4, 1864, with rank from the same date, and accepted the appointment November 29, 1864. He was assigned to the Department of the Cumberland January 13, 1865; was ordered on duty in the Fourth Army Corps January 21, 1865; was assigned to the Second Brigade, Second Division, Fourth Army Corps, February 8, 1865; and continued on duty in command of said brigade until June 14, 1865, when he was ordered to Hamilton, Ohio, to await action on his resignation. His resignation was accepted and he honorably discharged the service to date June 15, 1865, in special orders from this Department dated June 16, 1865.

The report from the Bureau of Pensions shows that General Van Derveer died November 5, 1892; that he drew \$8 per month for services in the Mexican war (service pension), but never received or applied for any pension during his lifetime for service in the war of the rebellion; that he married to the beneficiary December 14, 1848; that she, as his widow, is now receiving a pension of but \$8 per month under the act of January 29, 1887, dating from November 6, 1862.

The sworn testimony of a reputable physician who was intimately acquainted with General Van Derveer during the last forty-five years of his life shows "that his disease and death was the direct result of his army service."

Other testimony presented to your committee shows that Mrs. Van Derveer is now about 67 years of age; that she has no income whatever except the pension she is now receiving; that she has no property whatever except an old homestead in the city of Hamilton, Ohio, which is incumbered and will soon be sold at forfeited land sale for delinquent taxes unless this relief is afforded her by Congress.

The military services of General Van Derveer, in both the Mexican war and the war of the rebellion, were exceptionally gallant, meritorious, and valuable. In Gen. George H. Thomas's report of the battle of Chickamauga (the battle in which General Van Derveer won his star) he very highly commends the courage, valor, and the distinguished services of General Van Derveer during that long and bloody battle.

History of Ohio in the War furnishes many other instances of his courage and valor during the war.

For the foregoing reasons, and in accordance with many precedents, your committee recommend the passage of this bill, with the following amendment:

Strike out "one hundred," in the seventh line thereof, and insert "seventy-five," so as to allow her \$75 per month.

Mr. SORG. Mr. Chairman, I will not detain the committee for any great length of time, but I wish to say a few words upon this bill. General Van Derveer was born in the city that I now live in. I knew him personally from 1872 until his death. I know that during that entire period he was ailing and unfit a great part of the time to practice his profession as a lawyer. At the outbreak of the Mexican war General Van Derveer entered the service and served with credit. He was promoted from the ranks to a captaincy and was mustered out with the rank of captain. In that war he contracted a chronic diarrhea, which clung to him during the entire balance of his life.

Nevertheless, when the war of the rebellion broke out he again answered the call of his country, although afflicted with this terrible disease. He went into the service as the colonel of the Thirty-fifth Ohio, and in 1861, I think, or 1862, he was stricken down with typhoid fever. He lay ill of that disease five or six weeks prior to the battle of Mill Springs, but when he heard that the regiment of which he was colonel was to be engaged in that battle the old veteran could not bear to be absent, and, against the advice of his physician and of his good wife, he ordered his horse to be saddled and brought to the door, and he rode off and took part in the battle.

In consequence of that exertion he suffered a severe relapse and for a number of weeks his life was despaired of. He came home from the Army, and, being afflicted as he was, he had difficulty in making a living for his family. The citizens, knowing his worth and the great service he had rendered to the country, elected him from time to time to positions of honor. He was twice elected sheriff of Butler County and twice police judge. His friends on numerous occasions begged him to make application for a pension on account of the disease that he had contracted in the Army and from which he suffered continually, but he steadfastly declined, saying that as long as he could make a living for his wife and children he was not going to ask the Government for a penny. Therefore, gentlemen, if the paltry sum provided in this bill is now granted to his widow, it will never amount to anything like what he would have received had he asked for and obtained a pension twenty and odd years ago, as he might have done. That pension would have run up to a great many thousand dollars by this time, but he always declined to apply for it. On the whole, I think that of all the cases that have come before this House for consideration this is one of the most meritorious, and this bill should be passed without objection.

Mr. TALBERT. Mr. Speaker, I want to move to amend this bill by striking out "seventy-five," and inserting "thirty" in lieu thereof. This amendment, if adopted, will put this widow on the same rating that the law would allow her.

Mr. SORG. Will the gentleman allow me? This is a very old lady; she is nearly 70 years of age—

Mr. TALBERT. I have no doubt of it—

Mr. SORG. And she is in possession of a little piece of property in the town where she lives, which is now incumbered and was offered within the last week for sale for unpaid taxes. She has but one daughter living with her, and it is evident that in her present condition she needs the attendance of some one to look after her. Thirty dollars a month would not grant her the relief to which she is entitled.

Mr. TALBERT. I have no doubt that there are many thousands of widows of private soldiers throughout the land who have no property to be sold for taxes or by the tax collector, and who would be very glad to receive \$30 a month, or even half of it.

Now, sir, a word or two to my unconverted friends on the other side. I use the word "unconverted," because there has been going on a sort of a revival among them for some time past, and when we left off the consideration of this service on last Friday night for the purpose of taking it up again to-night there were three gentlemen who had given in some of their experiences, showing that they had undergone a sort of conviction or change of heart, or conversion on this question. The gentleman from

Tennessee, Mr. McCALL, whom I do not see in his seat to-night, gave in considerable evidence of a change of mind in regard to this subject of pensions; another gentleman—Mr. HEMENWAY of Indiana, I believe—spoke on the impulse of his heart in the same strain, and my friend Mr. BAKER from New Hampshire, always a good Christian, shouted out a time or two along the same line. I want to call their attention to the fact that I think the time has come when you should call a halt in this matter and stop this extravagant appropriation of the people's money, gathered under the pretended claim of taxation for the support of the Government, to be distributed in this discriminating pension system in favor of the widows of distinguished officers.

I have no doubt but that every word my distinguished friend from Ohio [Mr. SORG] has said with reference to this case is true. I know that he was a gallant and distinguished officer in two wars. These are facts which can not be disputed. But, sir, that statement of itself does not furnish sufficient reason why his widow should be paid \$75 a month, while the widow of the common soldier who braved the storm of battle, and who would be only too glad to get from eight to twelve dollars a month, should get nothing.

In dealing with this subject I desire to send to the desk to have read a short letter from a gentleman who was, I suppose, a distinguished soldier himself, which will speak for itself, and, as I said in regard to other letters published in the same connection heretofore, I only send it up in good faith to show the sentiment which is spread abroad throughout the length and breadth of the land among the soldiers of this country. I ask the Clerk to read.

The Clerk read as follows:

WASHINGTON, D. C., April 14, 1896.

DEAR SIR: I think you are entirely right when you say, "The soldier's widow is as deserving and should be provided for the same as the widow of the officer."

Now, sir, I believe the widow of the private soldier, who in many cases had to do menial work, sometimes, perhaps, washing for the officers' wives to support their families while their husbands stopped bullets, made as much sacrifice as did the officers' wives and "deserve as well of the Republic." Equity—treat all who deserve alike.

Respectfully,

A. E. REDSTONE.

Hon. W. J. TALBERT, M. C.

Mr. TALBERT. I know nothing of the fact stated in that letter except as set forth by the soldier himself.

Bearing on the same subject I send another letter which I received from a soldier, I believe from Erie, Pa., to have read in my own time, for the information of the House, to further show the sentiment abroad in this land. I have been stigmatized and criticized for opposing measures that it is said I ought not to oppose at this time, and I only do this to show the sentiment in my own favor which is based on the right principle of justice and fair and equal treatment of all the soldiers of the late war. I ask the Clerk to read.

Mr. RAY. Will the gentleman permit me to ask him a question before the second letter is read? I would like the gentleman to tell us what company and regiment the gentleman Mr. Redstone, from whom the first letter was received, served in during the war?

Mr. TALBERT. Well, the letter has been read and explains, as far as I am able to explain, his position during the war. I hope the gentleman will listen to the second letter, and if that is not satisfactory I will explain to him more fully hereafter.

Mr. RAY. The gentleman has not answered my inquiry. Perhaps he did not understand it.

Mr. TALBERT. I think I understood the question of the gentleman. I refuse to yield the floor, and ask the reading of this letter.

Mr. STEWART of New Jersey. Mr. Chairman, I object to the reading of that letter. The gentleman says he desires to have it read as a sort of a justification of his course. I object to the reading of the letter, therefore, because it has no bearing upon the pending question.

Mr. TALBERT. The letter bears directly on the nature of the bill which is under discussion, and in my time I claim the right to have it read; not to justify myself, but to show the sentiment of the private soldiers of this nation.

The CHAIRMAN. The Chair will state that when objection is made to the reading of a paper it is a matter for the House to determine by a direct vote whether it shall be read or not.

Mr. TALBERT. The House can take such action as it pleases, of course, with reference to the matter. But I think I have the right to have it read.

Mr. BAILEY. If the Chair will permit me, I have no interest whatever in this matter, but I submit that where a letter or paper is sent up to be read, pertaining to the matter under discussion, it is in order.

I only need to recall to the Chair that on more than one occasion letters of this character have been read without any point of order being raised, on the presumption that it could not be raised. I distinctly remember in the Fifty-third Congress the reading of a very celebrated letter against which I would have been glad to raise the point of order if I had thought it good.

The CHAIRMAN. The Clerk will read Rule XXXI.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. BAILEY. I perfectly understand that if any member were to send to the desk and ask to have read a paper as an original matter, the point of order would lie. The gentleman from South Carolina who is addressing the House has asked to have this letter read as a part of his remarks.

I believe that the rule in the Senate in regard to reading documents has always been much more strictly adhered to than in the House; yet I am not aware that it has ever been ruled out of order for a Senator to have a pertinent letter read as a part of his remarks.

I submit to the Chair—

Mr. STEWART of New Jersey. I withdraw the objection.

Mr. BAILEY. I think that is right.

Mr. TALBERT. I do not beg the gentleman from New Jersey to withdraw his objection.

The Clerk read as follows:

ERIE, PA., April 11, 1896.

DEAR SIR: I have read your speeches in the House on pensions. The speech delivered by you on last Friday night meets my views and expresses my sentiments.

I do not believe in this discrimination between the officers and the soldiers who fought the battles, giving the widow of one \$100 per month, to the other the paltry sum of \$8.

I enlisted in 1862, and served during the war in the Eighty-third Pennsylvania Volunteer Infantry, and two of my brothers in the same regiment, and one in the Tenth New York Volunteer Infantry, from 1861 to 1863, and I have tried to get a pension on account of the loss of an eye at the battle of Chancellorsville.

Now, it is time to "call a halt," as you say, and try to equalize the pensions a little.

Now is the time for those who pretend to be the friends of the soldier to do the rank and file justice.

You are a better friend of the soldier than half the Republicans, and if you were a candidate for Congress from here you would get a majority of the votes of the "boys in blue."

[Laughter.]

Keep up the fire; give them a shot whenever opportunity offers. I have always voted the Republican ticket, but shall not continue doing so.

[Laughter.]

I may have more to say some future time.

Respectfully,

Hon. W. J. TALBERT, M. C.

Washington, D. C.

CHARLES RICE.

Mr. RAY. I wish to ask the gentleman from South Carolina what lunatic asylum that man is a resident of? [Laughter.]

Mr. TALBERT. The one the gentleman from New York came out of, I suspect, before he was sent to Congress. [Laughter.]

Now, I want to say right here, Mr. Chairman, that we have here another evidence of the want of feeling toward the soldier, for whom so much has been claimed by Republicans on this floor. I would ask the gentleman from New York whether he means to dub the common soldiers of this country as lunatics?

Mr. RAY. I want to say that I regard any soldier as a lunatic who, living in a Northern State, would say or write that the gentleman from South Carolina, if he ran for office, would obtain a majority of the votes of the old soldiers in that district. [Laughter.]

Mr. TALBERT. That may be true. I have nothing to say as regards myself. But I want to say to the gentleman that if the Republican party were composed entirely of such men as he is they would make lunatics of the whole nation in little or no time. [Laughter.]

But, Mr. Chairman, that is irrelevant. I did not introduce this letter for the purpose of making any unsavory or unpleasant comments. I introduced it because the soldier wrote it to me. I do not know him, but I put the letter in evidence and submit that it expresses the sentiment of the private soldiers themselves. I put the witness upon the stand. You can say what you please about him. You can take him and cross-examine him if you wish. He is your witness. He has been a Republican all his life. He says that your conduct has driven him into such a mood of mind that he intends never to vote the Republican ticket any more.

I have no desire to take up further the time of the committee. My remarks are already on record in opposition to this discrimination against the private soldiers of this country. I move to amend by striking out "seventy-five" and inserting "thirty." And I hope the amendment will be adopted.

Mr. LAYTON. Mr. Chairman, inasmuch as I had the honor to report this bill to the House, I ask the indulgence of the committee for a very few moments while I state a few of the reasons why I believe it ought to pass.

As early as 1863 perhaps—in the first pension legislation of Congress pertaining to the Union soldier during the war of the rebellion—a provision was embraced that there should be granted to lieutenant-colonels and all officers of higher grade a pension for total disability not exceeding \$30 a month. Notwithstanding the fact that all other pension legislation has been amended or modified in some particulars—always in the line of increase of pensions

to privates, to officers of inferior grade, to widows and orphans, and dependents—this particular provision has never been changed from that hour until the present. In the light of this fact the Congress of the United States from the time of the war until the present term of Congress has adopted—I think I would be safe in saying in every Congress—a policy of increasing pensions to officers and to widows of officers of higher rank.

Congress has assumed, I suppose, that inasmuch as there were but few officers of these higher grades as compared with officers of lower grade and with privates and the widows of privates, it would be better, instead of making a general law applicable to the higher grades, to pass special legislation upon the merits of each particular case. I repeat, that every Congress since the war has adopted this policy, until now it is known and recognized by those who have given it attention as the unwritten law of the land. For instance, I have collated to-day, hurriedly, a statement of what was done in this respect in the Fifty-first Congress, and I call the attention of gentlemen upon the other side to this because that was a Republican Congress. I will not take the time of the committee to read it, as I want to be very brief, but I will say that this statement, which I now hold in my hand, giving the chapter and page, shows that in the Fifty-first Congress alone there were 45 cases of that kind enacted into law, giving pensions to widows of officers above the rank of lieutenant-colonel, and to officers themselves above that rank, ranging from thirty to one hundred dollars per month.

I cite this, first, to show that this has become by custom adopted as a policy of Congress, has become the unwritten law of the land, to vote private pensions in meritorious cases by special act to widows of officers and officers of a higher grade than lieutenant-colonel rather than by general legislation. I cite it again, Mr. Chairman, for the purpose of showing that there has been no uniform manner or process by which the exact amount that should be allowed to the persons claiming these pensions should be determined. The cases must stand upon their own merits; and that, Mr. Chairman, is what I understand we desire here and what I desire in this case as well as all other cases. There are many cases of widows of officers to whom I would not vote pensions beyond the amount allowed by the strict letter of the law, \$30 a month. There are other cases, following precedents and following justice, in which I would allow as high as \$100 a month for widows of major-generals, and admirals whose rank corresponds with that of major-general. But each case should stand on its own merits. That has been the principle adopted by all Congresses since the war, both Republican and Democratic Congresses.

To illustrate that fact, I again call attention to the acts passed by the Fifty-first Congress, and repeat that I have here a statement of cases, 45 in number, showing that that number of widows and of officers were allowed pensions running from \$30 up to \$100; some \$50, some \$60, some \$75, one as high as \$2,000. The list is as follows:

FIFTY-FIRST CONGRESS, PRIVATE ACTS,

Chapter 86.	Colonel Ballier, \$50.
Chapter 88.	Brevet Brigadier-General Boughton, \$100.
Chapter 136.	Commander Gibson's widow, \$50.
Chapter 137.	Colonel Alden, increased from \$75 to \$100.
Chapter 179.	Colonel King's widow, \$50.
Chapter 218.	Commander Baker's widow, \$50.
Chapter 318.	Brigadier-General Ward's widow, \$50.
Chapter 352.	Brigadier-General Schimmelfennig's widow, \$50.
Chapter 354.	Rear-Admiral Nicholson's widow, \$100.
Chapter 363.	Rear-Admiral Taylor's widow, \$50.
Chapter 381.	Lieutenant-Colonel Hook's widow, \$50.
Chapter 397.	Brigadier-General Ayers's widow, \$75.
Chapter 455.	Admiral Parnell's daughter, \$50.
Chapter 463.	Colonel Blake's widow, \$50.
Chapter 596.	Surgeon-General of the Navy Whelan's widow, \$50.
Chapter 670.	Rear-Admiral Stanley's widow, \$50.
Chapter 699.	Lieutenant-Colonel Healy's widow, \$50.
Chapter 701.	Brevet Brigadier-General Michler's widow, \$50.
Chapter 769.	Rear-Admiral Redford's widow, \$50.
Chapter 783.	General Whitaker's widow, \$100.
Chapter 784.	Rear-Admiral Chandler's widow, \$50.
Chapter 790.	Colonel Potter, \$75.
Chapter 823.	Brigadier-General Harney's widow, \$50.
Chapter 824.	Major-General Worth's dependent daughter, \$75.
Chapter 830.	Colonel Macomb's widow, \$50.
Chapter 836.	Brigadier-General Ewing's widow, \$50.
Chapter 847.	Rear-Admiral Le Roy's widow, \$50.
Chapter 851.	Colonel Baker's widow, \$50.
Chapter 863.	Major-General Milroy's widow, \$75.
Chapter 893.	Rear-Admiral Boggs's widow, \$50.
Chapter 933.	Colonel Wallen's widow, \$100.
Chapter 953.	Brigadier-General Barnum, \$100.
Chapter 984.	Rear-Admiral Donaldson's widow, \$50.
Chapter 1009.	Major-General Crook's widow, \$2,000.
Chapter 1138.	Lieutenant-Colonel Reed, \$50.
Chapter 1143.	Lieutenant-Colonel Barnes, \$50.
Chapter 1149.	Colonel McCreery, \$50.
Chapter 1179.	Colonel Bradley, \$50.
Chapter 1196.	General Mower's widow, \$100.
Chapter 1201.	Brigadier-General Hartnaff's widow, \$100.
Chapter 1209.	Colonel Vodge's widow, \$30.
Chapter 1213.	Commodore Marchand's widow, \$50.
Chapter 1224.	Major-General Warren's widow, \$100.
Chapter 1228.	Brigadier-General Howell's widow, \$50.
Chapter 1309.	Brigadier-General Blaisdell's widow, \$50.

In this connection, Mr. Chairman, I want to call the attention of the committee to the fact that, in pursuance of this policy adopted by Congress, as applicable to the pensions allowable to officers and widows of officers of a higher grade than that of lieutenant-colonel, that Mrs. Grant was allowed \$5,000 a year. Is there a man in this House, I care not who it may be—I present this inquiry especially to those who are posing here as the special champions of the widows of private soldiers—is there a man in the House who would begrudge that pension to Mrs. Grant? Is there a man here who poses as the special champion of the widows of private soldiers who has the courage to get up here and introduce a bill to repeal that law, or the law allowing \$5,000 to Mrs. Logan, or the law allowing \$5,000 to Mrs. Sheridan—I am not certain as to the exact amount—and perhaps to three or four other widows of distinguished generals? Dozens and dozens of laws have been enacted allowing as high as \$2,000 to widows of generals, and a great number allowing as high as \$1,200 to widows of generals and rear-admirals. I am talking now about consistency. Is there a man on this floor who regrets that these ladies are drawing these pensions to-day, although they are wealthy, comparatively speaking, in their own right. Is there a man who has the courage or the desire to get up here and ask to repeal those laws that we adopted in pursuance of this policy to which I have referred and which I approve?

This Congress has followed the same precedent. The Committee on Invalid Pensions have adopted the same policy. This House has adopted the same policy. I want to call the attention of the House to the bill H. R. 4606, allowing to the widow of Colonel Houk \$30. Immediately following that is the case of Brigadier-General Cooper, \$100 per month. Then there are the cases of Major-General Hamilton's widow, \$50; Major and Brevet Brigadier-General Hough's widow, \$30—in that case only a brigadier-general by brevet; Major-General Carroll's widow, \$100; Brigadier-General and Brevet Major-General Doubleday's widow, \$100. And only last Friday a week ago this House passed a law allowing to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine, the sum of \$100 per month, and he held the same rank as General Van Derveer holds.

Mr. McCLELLAN. That was passed at \$50, was it not?

Mr. LAYTON. Probably the gentleman is right. But the House no doubt took into consideration the fact that this lady only married General Jardine eight years prior to his death. But all this goes to show that there was no uniformity as to the amount of these pensions, and it is the general custom and practice to permit each case to stand upon its own merits.

Mr. PICKLER. How much did the gentleman say was allowed in the case of Mrs. Jardine?

Mr. LAYTON. I said \$100 per month. The gentleman from New York [Mr. McCLELLAN] corrected me and said \$50. I make the point that there was no testimony adduced, such as we have in this case, and the further fact that I believe that every true friend of the soldier and of the soldier's widow will seriously consider that that lady was only married to that officer eight years prior to his decease in 1893.

Now, then, with this preliminary statement, Mr. Chairman, permit me to call the attention of this House to the special facts connected with this case and why I believe it possesses such merit as will demand its passage as recommended by the Committee on Invalid Pensions.

Mr. PICKLER. Before you leave that, will you allow me to say that the only bill we have passed granting a pension of \$100 a month at this session was that to the widow of Gen. Abner Doubleday, who was a soldier herself?

Mr. LAYTON. She was allowed, Mr. Chairman, \$100 per month, I will admit. I voted for that bill. It was a just and righteous bill; but I submit there is not a difference of more than \$25 per month, which I am willing to concede, as between the claim of Mrs. Doubleday and Mrs. General Van Derveer. I will concede that there is that much difference and no more.

Now, then, in the first place, General Van Derveer was a gallant soldier of two wars. That is not very often the case. There are cases in which this is the fact, but in a majority of cases it is not. That ought to be given due weight and consideration by this committee. He was a gallant soldier in the Mexican war. He enlisted as a private and was mustered out as a captain.

In the second place, he served in the war of the rebellion pretty nearly four years altogether, and for two years and two months, while holding the rank of colonel only, he commanded a brigade. That ought to be given due weight and consideration. For the unusual period of two years and two months he actually commanded a brigade all the time while he was commissioned as a colonel, and only drew the pay of a colonel during that time, while he was justly and fairly entitled to the pay of a general in the Army.

In the third place, although entitled to draw a pension, as shown by the reports and by the record, which I very carefully examined when I prepared the report—the testimony of his old

physician, who knew him before, during, and after the war also, shows that he was entitled to a pension under the strict letter of the law, but he never applied for a pension. Therefore he was justly entitled to a pension for thirty-five years up to the time of his death, in 1893. Proud-spirited man as he was, as all who knew him in western Ohio will recall, he declined to accept the charity of the Government so long as he was able to take care of himself. We should consider that fact in determining the amount which this poor widow should receive.

In the fourth place, the fact that death is due to army service is another consideration that is always considered and should be considered by members of the committee. His death was due, as shown by his physician, to his army service. In all cases we have made the distinction as to whether death was due to natural causes or from service in the Army. We always make a greater allowance in case of death from army service origin than from other causes.

In the fifth place, the beneficiary, the widow of General Van Derveer, married in 1848. That is a material consideration, which addresses itself at once to the sympathy and judgment of men in deciding on these special bills. From 1848 she was his faithful wife. During the whole war of the rebellion she was what was called a favored "war widow." That is another consideration. Then she is now more than 67 years of age, and in very feeble health, as shown by the testimony before the committee. That is another material fact.

In the seventh place, she has no income whatever, except a small service pension of \$8 a month allowed to her by reason of her husband's service in the Mexican war. The testimony before the committee shows clearly and conclusively that this old lady has no income whatever except that pitiful pension of \$8 a month. She has no property at all, except a little old homestead in the city of Hamilton, worth a few hundred dollars, and which to-day is advertised at forfeit tax sale for the nonpayment of taxes, showing conclusively her poor and indigent circumstances; not having enough money, not having enough income, to redeem that little property she possesses and which she occupies from a forced sale for taxes; and this must have been going on for a period of two years, otherwise it would not have been thus offered for sale.

Now, with these eight reasons, I appeal to this committee if this is not an especially meritorious case. Conceding all these arguments as to the discrimination between the widows of private soldiers and the widows of officers to be true, I will ask if under all the circumstances, in view of the policy that has been adopted, in view of the eight facts I have here stated, this bill does not appeal to us as a specially meritorious case, and that this old lady should be allowed this small sum of money, which she will only enjoy probably during a very few years, owing to her feeble condition.

As a firm friend of the private soldier, as the 5,000 or 6,000 names upon my private pension roll will show, during the five or six years that I have been in Congress, in the utmost good faith I appeal to this committee to vote this poor widow this sum, and not adopt the amendment submitted by the gentleman from South Carolina.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina to the amendment proposed by the committee.

Mr. WALSH. Mr. Chairman, I come from a constituency that has not had a Republican Representative on this floor in thirty-five years, and I am going back to that constituency with the record of never having voted against a pension bill reported by this committee. [Applause.] I have not proceeded upon the theory that all the patriotism is upon the other side of the House. I have rather gone upon the theory that we should show some of it on this side [applause], and upon the further theory that the Committee on Invalid Pensions is composed of men of prudence, of integrity, of judgment, and that when, after considering a case, they say that the person whom they recommend for a pension ought to receive \$75 a month, we should not undertake here, hurriedly and without full consideration, to reduce it to \$30 or to any other sum. In the few words I had to say on the general appropriation bill I called attention to the fact that the women of this country had suffered a great deal from the war; that the men who went to the front had not endured all the suffering; that sometimes the women who remained at home suffered as much from the anxiety and the torments of mind and heart which they endured on account of their beloved ones at the front. Apropos to that, I send to the Clerk's desk and ask to have read an article from this morning's New York Journal, showing how, under certain circumstances, women are capable of the highest heroism. This article tells of the heroic action of a woman in the present Cuban war.

Mr. ERDMAN. Mr. Chairman, I must object to the reading of that article. It does not appear to be connected in any way with the subject under discussion.

Mr. WALSH. Very well; I will read it myself in my own time.

SHE FOUGHT LIKE A TIGRESS AT BAY—SEÑORA ALVAREZ'S GALLANT ATTEMPT TO RESCUE HER HUSBAND—TOO WEAK TO FOLLOW HIM THROUGH THE LINE, SHE WAS SURROUNDED BY SOLDIERS—SHE AND TWO CUBANS WHO HAD JOINED HER WERE CUT TO PIECES BY THE SPANIARDS—FELL SHOUTING "VIVA CUBA LIBRE!"—AND 5,000 INSURGENTS ANSWERED THE CRY WHILE THE ENEMY CROSSED THEIR SABERS IN RECOGNITION OF A WOMAN'S COURAGE.

KEY WEST, FLA., April 16 (Habana, via Key West, April 15).

Your correspondent, who is with Maceo, has forwarded me the story of a tragic incident that occurred during the battle on Saturday, in which the Spaniards were so seriously defeated by the insurgents.

"As the Spaniards were retreating," he writes, "one woman was killed while performing an act of courage that has been without parallel among the women of war, and three men lost their lives while trying to save her. She was Señora Paquita Alvarez, one of the female company that Señora Hernandez organized."

"Señora Alvarez's husband was in the battle, and during the retreat he, with two Cubans, saw a chance to capture Lieutenant-Colonel Debos. The Spaniard had moved a little too far from the right flank of his command, and Alvarez and his companions made a dash for him. Debos saw the movement and ran for the shelter of his troops. The Cubans rashly pursued him too far, and in a moment found themselves fighting for their lives with a score of the enemy."

"Señora Alvarez saw her husband's danger and rushed to the rescue, followed by two Cuban soldiers, who were determined that she should not be unprotected. Señora Alvarez fell on the Spaniards surrounding her husband with the ferocity of a tigress. He was fighting alone. The two other men who started to capture the colonel with Alvarez were both dead. The quarters were too close to permit the use of rifles, so Señor and Señora Alvarez and the two Cubans who followed her were fighting with machetes. It was a battle against fearful odds."

"Suddenly Alvarez thought he saw a chance of flight through the line to safety. He called to his wife to follow and started off toward the rebel column through a living wall, but Señora Alvarez was too weak to cope with so many soldiers, and the two men who formed her volunteer escort were not equal to the task of overcoming the numbers who closed in behind Alvarez."

"Señora Alvarez and her escort were cut to pieces in sight of their friends. As they fell, shouting 'Viva Cuba libre!' the 5,000 rebel soldiers answered the cry. Even the Spaniards crossed themselves in recognition of such fanatical courage."

"Señor Alvarez did not know that his wife was not with him until he arrived inside the Cuban lines. When he learned what had happened, he put the muzzle of his pistol to his breast and fired."

"Why did you do that?" asked General Maceo when the battle was over. "So that it could not be said that I was a coward and deserted my wife to save myself," replied the soldier."

"Pray for death to come, then, for if you live I shall hang you. We need men to be shot by the Spaniards. We can not waste bullets on ourselves," said Maceo.

"Alvarez joined his wife in eternity before dawn next day."

FREDERICK L. LAWRENCE.

Now, my friends, if there is a small minority in this House—and I must say it is a very small minority, an infinitesimally small minority—who oppose pensions, for Heaven's sake let them not make war on women. [Applause.]

Mr. CONNOLLY. Mr. Chairman, I would not detain this committee to-night one minute were it not for the fact that I knew General Van Derveer well in the Army, served with him, know what he was as a man, know what he was as a soldier, and know full well that he merited as much as any man who wore the blue and bore the rank which General Van Derveer did during the last year of the war. I first became associated with him in the valley of Chattanooga after the field of Chickamauga, when I was assigned to duty in the same division in which he commanded the brigade, and from that time forward as long as he was able to remain in the field I saw him daily in camp, on the march, and in battle. I know that no officer who commanded men was more kindly, more thoughtful, more considerate of the private soldier, of his necessities and his comforts, than was General Van Derveer.

Mr. LAYTON. May I interrupt the gentleman to say just one word?

Mr. CONNOLLY. Yes, sir.

Mr. LAYTON. Right in that connection I want to say what I forgot to say a while ago, that while it is true that General Van Derveer for a number of years enjoyed a comfortable income as judge of the court of common pleas, yet, by reason of his great, big heart, such as nearly all the old army officers possessed, and by reason of his well-known charity and benevolence, he was kept poor. No old soldier, especially no widow of an old soldier, ever applied to General Van Derveer and went away empty handed.

Mr. CONNOLLY. Mr. Chairman, that was simply the carrying by General Van Derveer into his private life of what I know he practiced day by day in his connection with the men who were under his command. No soldier that served under him ever suffered for anything if it was possible for General Van Derveer, from his own purse or by any means that he could control, to relieve his suffering or supply his wants. During all those long months of service, when I was with him, I was conscious, as we all were, that the man was overtaxing his strength.

In repose about the camp he looked feeble. He was never found moving about as other men were. Kindly and agreeable to all, he evidently was unable to move about with comfort, as others did. But, sir, when the sound of battle came, when the

men were drawn up in line and the enemy was in sight, no man exhibited more physical power or endurance, or more courage, than did General Van Derveer. I remember, as well as though it were but yesterday, when the long lines were drawn out in the valley of Chattanooga, stretching north and south, confronting Mission Ridge, General Van Derveer's brigade in the center of that line and old Turchin's brigade on his immediate right, when the six shots were fired from Fort Wood, I myself carried the order to him to advance his line, and I sat there on my horse and saw him ride across that valley, immediately behind the front line of his men, without a single one of his staff officers about him.

By his orders they were all compelled to remain in the rear and not risk their lives in the open field, but he, thoughtless of himself, thinking of nothing but the victory that was in sight, moved on horseback over the open field, behind the very front line of his men, under a heavy fire, until they reached the foot of the ridge where horses could no longer go, and then, during some fifteen or twenty long minutes, General Van Derveer could be seen on all fours, climbing up, hand over hand, and he was one of the first to leap the breastwork above, mingling with his men on the summit of the ridge. [Applause.] When he reached there—when the enemy disappeared—when the night came, and with it victory, General Van Derveer sank exhausted to the ground; and there he lay, unable to go back along the hill to his quarters.

Mr. MILNES. Ought not those men who went ahead of General Van Derveer—those private soldiers who were in the forefront of that battle—ought not they to receive \$75 a month?

Mr. CONNOLLY. Let me say to my friend that while I have not been favoring the payment of large pensions, as some of you know—while I have not been in favor of improper discriminations—yet the common sense of all the people of our land and of all nations has made discriminations between the salary paid to the private soldier and the salary paid to the officer. An officer does something more than bring to the service mere personal bravery. All the men in the ranks had that, and the Government paid but little for it. Shall we say now that the Government did not do right because it did not pay every private soldier as much as it paid General Grant or General McClellan or some of the other distinguished generals? No; the common judgment of the people of this and every other country is that those distinctions must exist necessarily.

The commanding officer brings to the service something more than mere muscle. He brings brain; he brings intelligence; he brings the power to think and lead; and these he is expected to exercise in moments of supreme danger. Looking, as he may, over the entire field, he is expected to think for the men under his command; he is expected to see that they are not put in a dangerous place for no good purpose. Their lives are at the mercy of his naked order. He must, if he occupies high position, be a man who in moments of danger is capable of thinking coolly. Van Derveer was a man of that kind.

Now, if my friend from Michigan [Mr. MILNES] says that he does not believe that any man who held a commission should receive more pension than a man who did not—

Mr. MILNES. I do say so.

Mr. CONNOLLY. Then I recommend him to introduce a bill to repeal the pension laws that have given to lieutenant-colonels and all officers above that grade \$30 a month.

Mr. MILNES. I would introduce such a bill if I thought I could pass it.

Mr. CONNOLLY. Try it; introduce your bill; show your faith by your works; otherwise we shall know that you do not believe what you say.

Now, sir, I wish that this committee, instead of recommending the granting of a pension of \$75 a month, had fixed it at the moderate and respectable figure of \$50 a month. I say this as one who to-day respects the memory of Ferdinand Van Derveer, true soldier as he was—a man who daily was burning the candle of life at both ends that he might do his whole duty in commanding the regiment and afterwards the brigade that he was in charge of. I believe that this bill ought to pass; but I would have preferred that the committee had made the figure \$50 instead of \$75. I believe that my friend from South Carolina—

Mr. TALBERT. If the gentleman will offer that amendment, I will accept it.

Mr. CONNOLLY. With the understanding, then, that the gentleman from South Carolina will accept this amendment, I propose to make this pension \$50 a month.

Mr. SORG. I hope the gentleman will not do that. General Van Derveer for the last few years of his life, had he been a private, would have been entitled to \$72 a month.

Mr. CONNOLLY. I submit that this widow had better have a bill passed giving her a pension of \$50 a month than fail to have any passed at all.

Mr. SORG. The gentleman need not be alarmed about that.

Mr. CONNOLLY. I feel that this bill ought to be passed, in

view of the services of General Van Derveer, of his personal sacrifices, of his intelligence, of the care that he gave his men. I feel that there is no man who served under him as a private soldier who, if his voice could be heard here to-day, would not say, "Give this pension to the old widow of General Van Derveer, who, while he was leading us, was sitting at home watching and praying for him and us together." [Applause.]

Mr. TALBERT. Mr. Chairman, as I understand, the proposition of the gentleman from Illinois [Mr. CONNOLLY] is accepted as an amendment to my amendment, and the pending amendment is now to reduce this pension to \$50.

Mr. HEMENWAY. Mr. Chairman, I do not believe there is anything too good for an old soldier, whether he be general or private. But I do believe that in taking up this class of claims at our Friday night sessions, and giving almost all our time to them, we are doing wrong. It is a question here of who shall have precedence in this matter—the claims of the widows of general officers of the Army or the claims of the widows of privates and the privates themselves. I know that gentlemen on the committee have been active in their work. But, Mr. Chairman, I know, also, that there is a bill now that sleeps here in the pigeonholes in this Capitol that if passed would grant a pension of \$30 a month to an old blind man who served during the whole war, and who is now receiving but \$8 a month, a man who has eight or ten little children clustering around his knee begging him for bread, and I claim that this committee, instead of allowing pensions in the cases that we have had here for the last two evenings, should give consideration to payments of that kind. I know a number of just such cases of absolute helplessness and necessity. Within my own personal experience I have two cases of blind soldiers with families surrounding them, and who are absolutely not able to furnish the necessities of life for their support. And yet these cases must give way and we must give up half of our time, as we have done here to-night, to grant pensions of \$75 a month to a noble lady. I have no doubt—I have no question to make as to that fact—I have no objection to make to any consideration that can be given to her when her necessities are considered; but it is wrong, I repeat, to take up this time to the exclusion of the claims of old soldiers all over the country who can not secure pensions by reason of technical obstructions thrown in their way at the Pension Office.

Why, gentlemen, there is not a man who sits here on this floor to-night, who will allow his memory to go back in his own district, but can remember old soldiers struggling along for the absolute necessities of life, often without even the necessities of life, who have not been able to secure their pensions because of technical constructions of the law placed upon it in the Pension Office. And these sessions of Friday evening, fixed expressly for the purpose of granting pensions, if we carry them out to their strict letter and in conformity to the intention with which they were originated, are designed to grant that class of people pensions who can not otherwise secure pensions and give them the necessary relief, and not take up the time, as we are now doing, to increase a pension of a widow from thirty to seventy-five dollars a month or more.

I repeat, I do not desire to criticize the action of the Pensions Committee. I have no doubt that they are doing the very best they can. The trouble is that where a case involving a pension of \$75 a month is presented it is a large amount, and the parties who have it in charge can stay more closely by the committee, give more attention to the matter, and get it reported sooner than we can get reports on ordinary pension bills. [Cries of "Vote!" "Vote!"]

Mr. LAYTON. Will the gentleman allow me—

Mr. HEMENWAY. No; I can not yield. To gentlemen who are clamoring for a vote I will state that you may as well await your time. I propose to take my time on this question, and shall continue to do so if every man in the House cries "Vote." On last Friday night you were willing to listen to the chairman of the Committee on Invalid Pensions, who talked the time of the committee out. Now, I hope you will hear me for a little while. The gentleman from South Dakota, during the discussion on a similar question on last Friday, said, referring to myself, that I did not know anything about the question—his language being: "No, sir; the law does not allow anything. The gentleman does not understand the question." And this is in reference to these ladies who are getting an increase of from thirty to fifty and seventy-five dollars a month. The law did give them \$30 per month. He said he would not allow me to ask a question because I wanted to mislead the committee.

Now, how did I mislead the committee? I ask your attention to my language in the RECORD, and see where it is calculated to mislead the committee. I simply put this question in substance: "Why is it," I asked the gentleman, "that this case of Mrs. Helen Morrill Carroll is reported here at \$50 a month, when the utmost that you grant on a favorable report on a bill to grant a pension to the widow of a private soldier is \$12 a month?" Now, in that I did not desire to reflect upon the Committee on Invalid Pensions;

not by any means. They were only following a precedent that had been set here and carried out up to this time. But I do desire to object to the taking up of the time of the House in the consideration of these pensions.

On last Friday night what did we consider? We considered five claims, seeking to raise the pensions of the widows of officers from thirty to seventy-five or a hundred dollars a month. We considered at the same time four or five claims for private soldiers.

Mr. Chairman, I am not alone in my objection to this system. Every man almost in this committee, if he dared to say it and speak his own thought, knows that I am right in claiming that the committee should consider the claims of those people who are in absolute need of the necessities of life; the widows who have little children clustering around their knees, to whom they can not furnish clothing or food. These people should have consideration, and not have the time of the committee taken up in considering claims of increases of pensions from thirty to seventy-five dollars a month.

Mr. LAYTON. I hope the gentleman will allow me just a moment. I know he is a fair-minded man, and does not want to mislead or misrepresent the Pension Committee.

Mr. HEMENWAY. Certainly not.

Mr. LAYTON. I am a member of that committee, and will you not permit me to make a single statement in this connection? [Cries of "Vote!" "Vote!"]

Mr. HEMENWAY. Certainly I will allow the gentleman, if the members of the committee around me will yield, and not insist upon a vote just now.

Mr. LAYTON. In this connection—and I know the gentleman is a fair-minded man and does not wish to misrepresent the committee of which I have the honor to be a member—in this connection let me state to him that it so happened that just now and including the last Friday night session we have reached on the Calendar what I may call a nest of these cases of widows of officers. But it must be remembered that this committee has reported some 300 bills, an unprecedented number for the short time we have been in session, and of that number we have reported, I venture to say without knowing the exact facts, more bills allowing privates from \$50 to \$75 a month than pensions to widows of general officers at \$50 or \$75 a month.

Mr. HEMENWAY. I am very glad to hear it.

Mr. HULL. Will the gentleman from Ohio allow me to ask him a question?

Mr. LAYTON. Certainly; with the permission of the gentleman from Indiana.

Mr. HULL. Have you reported a single bill for a private's widow at \$50 a month?

Mr. LAYTON. No; not at \$50 a month. We have at \$25.

Mr. HEMENWAY. Have you reported a single bill for any widow of a private at a rate above \$12 a month?

Mr. LAYTON. Yes.

Mr. HEMENWAY. How many?

Mr. LAYTON. I do not know.

Mr. LEIGHTY. May I be permitted to ask the gentleman a question?

Mr. LAYTON. Yes.

Mr. LEIGHTY. Have you reported a bill allowing any private a larger sum than he would get under the law?

Mr. LAYTON. Yes. Of course if we had not, why he would get his pension at the Pension Office.

Mr. LEIGHTY. I mean if he were able to establish it?

Mr. LAYTON. Yes; quite a number of them; especially in the cases which the gentleman from Indiana referred to, of old blind men.

Mr. HEMENWAY. I decline to yield further. I do not intend to criticise the Committee on Invalid Pensions. I do not see why they should get that idea. They are a hard-working committee. They have done an immense amount of work in this House; but every time a man gets up here to criticise a bill or to criticise the action of this committee sitting here, he is not criticising the action of the Committee on Invalid Pensions. I do not desire to criticise their action, but I simply desire by my statement here to-night, if I can, to call the attention of this committee to the fact that, in the place of wasting our time here and taking up half the time on the Private Calendar in this way, we ought to get down to these poor widows and grant them their \$8 and \$12 a month.

Mr. PICKLER. Will the gentleman allow me?

Mr. HEMENWAY. If I should do as the gentleman from South Dakota did to me, I would not yield, but I willingly yield to the gentleman from South Dakota.

Mr. PICKLER. You had better not follow my bad example.

Mr. HEMENWAY. I am not going to follow your example. I will tell you right now that I will not follow your example.

Mr. PICKLER. I want to call the gentleman's attention to the fact that the second bill from where we are now on the Calendar is a bill recommending a pension of \$42 a month to a private's widow.

Mr. HEMENWAY. I want to call the attention of the gentleman from South Dakota to this letter which I hold in my hand, and which reads as follows:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
ADJUTANT-GENERAL'S OFFICE,
Indianapolis, Ind., April 14, 1896.

MY DEAR SIR: General Walker, commander in chief of the Grand Army of the Republic, directs me to write to you that he has read your remarks in the Indianapolis Journal in regard to giving large pensions to widows—

That was the question that I put to the gentleman from South Dakota at last Friday night's meeting—

instead of acting on general remedial legislation for the benefit of soldiers, and to say that he heartily indorses your position and believes that Congress would be doing much better service to the old soldier if they would take up and pass the bill on invalid pensions, which comprises within its limits the legislation that is most urgently demanded by ex-soldiers.

Very respectfully, yours,

IRVIN ROBBINS, Adjutant-General.

HON. JAMES A. HEMENWAY, M. C.,
Washington, D. C.

And I want to say to you that not only are the commander of the Grand Army of the Republic and the adjutant-general of the Grand Army of the Republic, but the grand army of soldiers all over this country, and of soldiers' widows who are waiting for the necessities of life to-night, and who have very few comforts, are back of me and back of this letter, and want this committee to stop taking up their time Friday night after Friday night in the consideration of claims to raise pensions from \$30 to \$75 a month, but to come down to these poor old widows that need the \$8, to these poor old blind soldiers who have their little children suffering around them, to grant to them what they deserve. And I want to say to you gentlemen—I say this in all kindness to the Committee on Invalid Pensions—

Mr. ANDREWS. Will the gentleman yield for a question?

Mr. HEMENWAY (continuing). It is not the fault of the Committee on Invalid Pensions, it is the fault of members who press this class of claims before the committee. Yes, I will yield to the gentleman from Nebraska.

Mr. ANDREWS. Do you understand it is the fault of the Committee on Invalid Pensions that a general bill has not been brought forward for consideration here?

Mr. HEMENWAY. I have just said, and I repeat it, that I am not criticising the Committee on Invalid Pensions. I do not see how I can make it any plainer than I have. They have worked hard. I pass their committee room down there and find them actively at work all the time; but it is this committee here that allows these claims to come up to take up the time in the place of passing other bills. It is not a question whether these claims are right or not, it is a question of who shall have precedence, the old soldier's widow, who is suffering for the necessities of life, or the general's widow, who is now receiving \$30.

Mr. ANDREWS. Will the gentleman yield?

Mr. HEMENWAY. I decline to yield further. It is a question of who shall have precedence. These soldiers' widows, who are actually in want for the necessities of life, these old soldiers, who are actually in want for the necessities of life, whether they shall have precedence here or whether these bills to increase pensions from \$30 to \$75 a month shall have precedence. Why, in Indiana and South Dakota a widow can live very comfortably on \$30 a month. Whole families in our State live comfortably on less than \$30 a month.

Why should we take up our time increasing the pensions of those who are well cared for, in place of getting down to and helping out those poor and suffering widows and soldiers who need to be cared for. Grant these large pensions when the time comes to grant them; but for God's sake give to those who are suffering the preference in the consideration of their cases. [A cry of "Vote!" "Vote!"] That gentleman, I presume, claims to be a grand friend of the soldier. Let me say to the gentleman who made that remark that I represent 6,000 soldiers. I care for their interest. I answer an average of from 65 to 70 letters a day to those old soldiers. I give their interests full consideration and protect them in every way I can. I go to the Pension Office and go through the files wherever a wrong has been done, and have it corrected when I can. I see sitting about me gentlemen whom I meet at the Pension Office. They are out helping the people who are needy; and those gentlemen who want to vote, I do not know them; but possibly the gentleman is a general himself. I say that these cases ought to be laid aside and the cases of widows who are in want, and soldiers who are in want, but by reason of some technicality can not secure pension under the law—their cases should be taken up here and passed upon.

Mr. HULL. Mr. Chairman, I have taken very little of the time of the committee at this session, and do not propose to make any extended remarks to-night. The gentleman from Ohio [Mr. LAYTON], in his illustration, certainly misrepresented, unintentionally, no doubt, some of the pensions that have been granted in the past. He referred especially to Mrs. Grant receiving \$5,000 a year, which is true, but she gets that pension as the widow of an ex-President of

the United States. The same amount is given to every other widow of an ex-President of the United States. He referred to Mrs. Logan's pension as \$5,000, when as a matter of fact it is but \$2,000.

Mr. LAYTON. I stated that I was not certain.

Mr. HULL. That, however, is the fact.

Mr. STEELE. The widow of General Sheridan gets the same.

Mr. HULL. The widow of General Sheridan is also receiving a pension of \$2,000 a year. He was General of the Army. However, that has but little to do with this.

I want to say, Mr. Chairman, that I believe there is a distinction in rank. I do not believe that the comrades of the Grand Army of the Republic say that the officer's widow shall receive no more than the private; but I do say that every comrade of the Grand Army believes this to be true—that the officer's widow, under the law getting \$30 a month, is not entitled in equity to an act of Congress to increase her pension beyond that, because when the soldier's widow comes here she gets but \$12 a month, the amount allowed by law. That is the point. The gentleman from Illinois [Mr. CONNOLLY] made a splendid speech in favor of a large pension to the gentleman whose widow is now before this House. If the gentleman himself were here applying for an increase of pension, I think this committee would be doing right to grant the request and increase it, but gentlemen are aware of the fact that we do not take into consideration and can not consider the disabilities of widows in granting a pension. This widow is entitled to \$30 a month under the law, which is two and a half times the amount of pension allowed to the widow of a private soldier whose death resulted from his service; it may be that this gentleman's death resulted from his service; but it must be conceded that he lived a long time since the war, as he died in 1895.

Mr. LAYTON. But he drew no pension.

Mr. HULL. That makes no difference.

Mr. LAYTON. But it can be taken into consideration.

Mr. HULL. If he was entitled to receive a pension, all he would have had to do would have been to put in an application and receive it. And I am willing to accept the gentleman's statement that he was entitled to a pension; but the House has no business with that question now. But under the law—

Mr. SORG. Should not the House take that into consideration?

Mr. HULL. Well, we will take it into consideration, and the widow of this officer is entitled to \$30 a month.

Mr. SPALDING. Admitting that he died as a result of the service.

Mr. HULL. Admitting that the cause of death was the result of his service, and then there is no man in the United States who served in the Army who would raise his voice against giving this widow a pension of \$30 a month. If she can not get it at the office, she can get it at the hands of the United States Congress; and nobody criticises the Committee on Invalid Pensions. I do not criticise it. God knows they have a hard enough task in dealing with members who desire to have special bills reported. There is no doubt about that. But I have noticed where a widow was compelled to come to Congress and applied for \$20 or \$25 a month, in almost every case the committee reported an amendment striking out the \$20 or \$25 and inserting \$12, giving her the pension that she would be entitled to under the law if she could prove that the husband's death was the result of his service.

Now, here comes a widow who can get \$30 a month if she can prove that her husband's death resulted from his service, and no man in Congress would object to giving her \$30 a month. But I want to object now, as I did once before this session, to taking up these bills for officers' widows and granting them large pensions while thousands and thousands of widows of the boys who carried the musket are fighting in vain for \$8 and \$12 a month. [Applause.] My good friend from Illinois [Mr. CONNOLLY] drew a splendid picture of a battle where this brave general commanded his brigade, but in his very statement he admitted that the private soldiers, with their muskets in their hands and their 40 rounds belted around them, crawled upon their hands and knees ahead of the general, and if one of their widows were knocking at your doors to-night for relief, saying that her husband had sacrificed his life in defense of his country, and if she was unable to prove that his death was the result of his service, you would grant that poor old widow of a private soldier but \$12 a month.

Mr. HEMENWAY. But we would do it in about two minutes instead of taking two hours.

Mr. HULL. Well, you would do it. Now, Mr. Chairman, we are unfortunate in another thing in this Congress, and we of the majority must be held responsible for it. It is true that our friends in the minority, who have objected so strenuously to small pensions for the widows of private soldiers, have kept their mouths sealed when it was a question of granting a large pension to the widow of an officer, until at last our friend from South Carolina [Mr. TALBERT] has thrown himself into the breach.

Those gentlemen who have fought us so hard on the small pensions have had no objection to our raising the pension of a widow of an officer to \$75 a month or higher; but we are responsible all

the same for the action of this House, and the word has gone out over the United States that the Republican House of Representatives can take night after night to consider bills granting from \$50 to \$100 a month to the widows of officers, and yet can find but scant time to provide pensions for the old soldiers and their widows. I said to this committee when we started out in this session that I should oppose these large increases of pensions to the widows of officers above the amounts allowed by law. I have been awfully lonesome from that time until now. But last Friday night, when we were considering certain bills giving large pensions to the widows of officers, a few other gentlemen were found joining in my protest, and I am glad now to welcome the gentleman from Indiana [Mr. HEMENWAY] as a champion of the private soldiers of this country, by whose devotion and heroism the flag of our country has been maintained unsullied and the Union of the States has been cemented so that even the hand of treason can never again be raised against it.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Iowa a question.

Mr. HULL. Certainly; two of them, if you wish.

Mr. COOPER of Wisconsin. The gentleman said, with much vehemence of manner, that the time of this House has been taken up and that it has gone out all over the country that the time of this Republican House has been taken up with the consideration of bills granting pensions to generals and their widows.

Mr. HULL. I did not say to generals.

Mr. COOPER of Wisconsin. Well, pensions to the widows of generals.

Mr. HULL. Yes; I said that.

Mr. COOPER of Wisconsin. And that it had gone out that this House could find but scant time to consider bills for pensions for the widows of the boys who carried the musket. Now, has there been any pension claim of a widow of a private soldier skipped?

Mr. HULL. No; but how much did they get?

Mr. COOPER of Wisconsin. There has, then, been no claim of a private soldier, or of the widow of a private soldier, skipped or neglected. That being true, and the cases being taken up in their order on the Calendar, what justification is there for this tirade about this Republican House having scant time to take up and consider bills for pensioning private soldiers and their widows, when, in fact, we have taken them up in their order and have skipped none. [Applause on the Republican side.]

Mr. HULL. I will answer that question. At last Friday night's session the time was taken up almost entirely in the consideration of bills granting high pensions, and if the gentleman has read the dispatches in the leading Republican papers of the great Northwest he knows that what I said is true, and that the papers have been discussing the matter as I have stated to-night. I do not say that we have not considered every claim on the Calendar in the order that it has been presented to us. I do say that many of these claims for small pensions to the widows of privates have been fought, not on this side of the House, but on the other; but that does not absolve us from our responsibility in connection with the fact that in the aggregate of pensions passed by this House the number of officers' widows is out of all proportion to what it should be. There is one brigadier-general to a brigade; there is one officer's widow to thousands of the widows of privates. Yet on last Friday night how many bills did we consider for the widows of privates and how many for the widows of officers?

Mr. KIRKPATRICK. Mr. Chairman, I dislike very much to occupy a moment of the time of this committee; but I feel that I am justified in referring to two or three matters suggested by this discussion. I want to say to the gentleman from Indiana [Mr. HEMENWAY] and other gentlemen here that if they desire to know the reason why the claims of these generals' widows are presented here by the Committee on Invalid Pensions, they can ascertain the reason by applying to the members who introduce and press these bills. The Committee on Invalid Pensions is divided into subcommittees, each man having a certain territory, embracing sometimes more than two States; and each subcommittee permits the gentleman whose bills come to him to select the bill that shall be presented by the committee.

Mr. PICKLER. That is it.

Mr. KIRKPATRICK. That is the reason these bills are here. It is not the fault of the Committee on Invalid Pensions. It is because of the fact that the men who introduce these bills are hounding the committee to bring them in and are standing around and insisting upon having them pressed, to the exclusion of the bills for the privates and their widows. That is the fact of the case, if you want to know it.

Mr. PICKLER. That is it.

Mr. KIRKPATRICK. Let me go further and say that if the men who stand in their places on Friday nights and condemn the committee would go to work and ascertain what evidence should be presented in connection with their cases, would get it in proper shape and present it to their subcommittee, their bills would

not lie covered with dust in the committee room. Sometimes a member of Congress brings in twenty-five or thirty or forty or fifty bills, and half the time he does not get the number of the regiment correctly; then the bills are turned over to the subcommittee without any of the necessary evidence, without a single fact to support them; and the Committee on Invalid Pensions is expected to root around and find the testimony, put it in shape, and report the bills to the House. I am getting a little tired of that sort of thing. [Applause.]

Mr. HEMENWAY. Is it not true that you are overworked; that you have more cases before you, with the evidence all prepared, than you possibly can get through this session?

Mr. KIRKPATRICK. That is possibly true. These matters must be divided among subcommittees, as I have stated.

Mr. HEMENWAY. I have no desire to criticize the Committee on Invalid Pensions; I know that they are overworked. But, by the statement which the gentleman has just made in response to my question, it is demonstrated that he has now before him, with the evidence made out, more cases than he can possibly report and get back before the House this session.

Mr. KIRKPATRICK. I might say that the statement is correct. I have, I believe, 260 or 270 bills referred to me. Some are accompanied with affidavits; in other cases there is nothing but the naked bill. I suppose that in many of these cases proof could be obtained at the Pension Office. But very few bills are presented with the evidence all in shape, so that a man can take them up and consider them.

Mr. PICKLER. Does the gentleman remember that at any of our meetings, three times a week, from 10 till 12 o'clock, the gentleman from Indiana has ever appeared before our committee to ask for a pension for anybody? [Applause.]

Mr. KIRKPATRICK. I do not know anything about it.

Mr. HEMENWAY. Will the gentleman from Kansas [Mr. KIRKPATRICK] allow me to answer that?

Mr. KIRKPATRICK. Yes, sir.

Mr. HEMENWAY. Have I not asked the gentleman repeatedly to report on one of my cases?

Mr. KIRKPATRICK. I suppose you have.

Mr. HEMENWAY. Now, I want to say to the gentleman from South Dakota—I do not know how his time is taken up; but for myself, being a member of the Appropriations Committee of this House, and with 6,000 soldiers writing me from time to time—I think I might almost make affidavit that I receive 75 letters a day—and with constant attendance at the Pension Office morning after morning, I have had no time to go down to the committee room and ask the gentleman to report any bills for me. I know that the gentleman from South Dakota [Mr. PICKLER] is not the proper person for me to speak with; the gentleman from Kansas [Mr. KIRKPATRICK] is the man to answer my inquiries; and he says that I have repeatedly asked him to report my cases. No doubt the gentleman is doing the best he can; he is working, I am sure, as hard as any member of the committee. I have no reason to believe that if I were to ask the gentleman from South Dakota I would get a respectful answer, because, according to the indications, he always goes off and gets mad. I do not want to insult the gentleman.

Mr. KIRKPATRICK. Now, Mr. Chairman—

Mr. HEMENWAY. His whole demeanor here—

The CHAIRMAN. The gentleman from Indiana is out of order.

Mr. KIRKPATRICK. Mr. Chairman, I desire to occupy the floor myself a little while.

Mr. HEMENWAY. I recognize that the Chair desires to protect the gentleman from South Dakota.

Mr. KIRKPATRICK. I wish to finish my remarks, and then the gentleman may occupy the floor as long as he chooses.

With reference to all of these bills reported by me, Mr. Chairman, I want to state that with but one single exception the bills reported have been for the benefit of private soldiers, and at a higher rate of pension as a rule, where the requisite disability was shown, than those granted to officers' widows. [Applause.]

Mr. HEMENWAY. I desire to say that I believe the gentleman from Kansas is a good member of the committee.

Mr. KIRKPATRICK. I have reported bills for three soldiers at \$72 a month—

Mr. PICKLER. And private soldiers, too; let that be remembered.

Mr. KIRKPATRICK (continuing). And I have made it a point to give special consideration to such bills and present them to the House and the committee for its action in preference to less deserving measures.

Mr. HEMENWAY. I want to say, as a member from Indiana, that we are well satisfied with the way you represent the interests of the pensioners from that State.

Mr. STEELE. Of course you speak for yourself, not for me.

Mr. HEMENWAY. Only for myself. [Laughter.]

Mr. BURTON of Missouri. Mr. Chairman, I have addressed this committee on one occasion for a few moments only, and yet

I have been here at every Friday night during this session of Congress. I addressed the committee then only in order that I might explain to this committee the facts upon which I wanted them to grant a pension in the case of a soldier named in a bill which I had the honor to introduce.

I do not think it is wise for us to stand here to criticize the Committee on Invalid Pensions, for I may state that the trouble complained of does not lie in the committee at all. I am proud of the fact that I am a representative of the private soldier, for I was one myself, and I assume the right to speak for them and to champion the cause of the boys who marched in the ranks as fully as any man on the floor of this House.

But the trouble does not lie in the committee. It lies in the fact that many of the men here—and, I regret to say, on this side of the House, too—have got the mouth disease, and they have got to make it manifest on this floor every Friday night. [Prolonged applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the committee.

Mr. WOOD. Will the Chair state the question?

The CHAIRMAN. There is an amendment offered by the committee, and an amendment to the amendment, to strike out the sum proposed and insert "thirty."

Mr. TALBERT. I offered the amendment, Mr. Chairman, to insert "thirty" instead of "seventy-five," but the gentleman from Illinois [Mr. CONNOLLY] proposed to make it "fifty" instead of "thirty," and I accepted that amendment.

Mr. MILNES. I offer as a substitute for the whole proposition that the rate of pension be fixed at \$30.

The CHAIRMAN. The question, then, will first be taken upon the substitute to strike out "seventy-five," as reported by the committee, and insert "thirty."

Mr. MILNES. That is just what she would be entitled to if the soldier had been killed in battle.

Mr. WOOD. Mr. Chairman, I have not taken very much of the time of the committee and shall not occupy its attention now more than two or three minutes. But there are some points to which I wish to ask your attention before the vote is taken on the pending question.

Something has been said about the work before the Pension Committee, and I desire to say in this connection that its work is chiefly done in the committee room, and is confined to the committee room and not to the floor of the House. Few members of the committee have done their work upon this floor, with the exception of our honored chairman and the gentleman from Pennsylvania, who have perhaps had a little more than their share here. It is quite rare that any other member of the Pension Committee has obtained recognition on Friday night or at any other time for discussion of pension bills.

But I wish to say a word or two in regard to the pending amendment. I speak for myself and not on behalf of the committee. This case of General Van Derveer is perhaps as good as any upon which to say what I wish. He was a gallant soldier, and the report shows that he won his stars at the battle of Chickamauga. But, Mr. Chairman, he won his stars at that battle for the very reason that he commanded a gallant body of men, and his stars came because of the firmness and bravery of the private soldiers in the brigade which he commanded. If they had left the field as some others did, not only in this but in other battles, he would not have become a brigadier-general.

Now, a single word with reference to the remarks of the gentleman from Illinois. He gave a beautiful and a very graphic picture of the battle of Missionary Ridge. But, if I remember history aright, it was the private soldiers who stormed that ridge and carried our flag to the summit without orders of brigadier or major general—yes, despite the orders of the silent commander of that army. I ask, Mr. Chairman, if to-day the widows of the brave private soldiers who fell in Van Derveer's brigade at Chickamauga were here, asking for \$50 or \$30 or \$25 a month, whether we should favorably consider their cases? If they got \$12, it would, I fear, be about the best that we would do.

I am aware that there was a distinction in rank. The law recognized that fact. It also recognized that there was a distinction in pay. The private soldier got a great deal less pay. The brigadier-general did not trudge along in the dust of summer or the mud and snow of winter. He was provided with horses and forage and rations, and a servant to take care of them. When it came to the matter of pension, he was provided with a pension about four times the amount of the pension of a private soldier at that time. The distinction was made in the rank they bore during the service, and also in the pay that they received; and now, Mr. Chairman, there is no settled policy in regard to such cases as this. If there was, what should we give? What amount should be fixed? Should it be \$30, \$50, \$75, or \$100?

There is said to be a precedent for each, but I have yet to learn that a private enactment is ever a precedent for anything except itself, or that it settles any policy at all so far as legislation is

concerned. It is a precedent for that case and for no others. I agree with the gentleman from Iowa [Mr. HULL] who has spoken upon this matter. When it comes to seeking the bounty of the Government—and that is all that these cases are—we should first have meritorious service, and then we should have the need of the applicant. I am aware that both these things concur in this case, but I do believe when it comes to this matter of bounty that the private soldier should come somewhere near the officer who was made an officer on account of the valor and heroism of the privates. You may say that we could not have gotten along with an army of private soldiers alone. We could not very well have gotten along with an army of brigadier-generals alone. We should have done a great deal better with the privates alone than with the officers alone.

Little Round Top was not lost when Zook and Weed and Vincent fell. The battlefield of Chickamauga was not abandoned when the commander and two of the corps commanders were swept from the field; but private soldiers turned their faces to the foe and their backs to that rocky spur of Chickamauga and fought out that long and weary day, and the next morning the Army of the Cumberland was found across that Lafayette and Chattanooga road, as it was at the beginning of the battle. Disaster did not come when the line of brigadiers or major-generals was broken; but when the line of blue that carried the musket and manned the cannon was broken and disappeared, then the day was lost. But in this matter, which is purely one of charity, I believe that the policy ought not to be to grant so large pensions to the widows of officers. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment to the amendment, to strike out "\$75" and insert "\$50."

The question being taken, the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute, to strike out "\$50" and insert "\$30."

The question being taken, on a division (demanded by Mr. MILNES) there were—ayes 19, noes 82.

Accordingly the substitute was rejected.

The CHAIRMAN. The question now is upon the original amendment as amended, namely, to strike out "\$75" and insert "\$50."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNIE THOMPSON.

The next business on the Private Calendar was the bill (H. R. 4298) granting an increase of pension to Annie Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll the name of Annie Thompson, widow of Jay Thompson, late captain of Company M, Third Wisconsin Cavalry, and pay her a pension of \$30 a month.

The Committee on Invalid Pensions recommended an amendment striking out the word "thirty," in line 7, and inserting in lieu thereof the word "twenty."

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4298) granting a pension to Annie Thompson, have carefully considered the same, and respectfully submit the following report:

Jay Thompson enlisted in Company M, Third Wisconsin Cavalry, as first sergeant November 26, 1861; mustered as first lieutenant October 2, 1862; mustered as captain July 10, 1863; discharged August 29, 1864, because of incipient consumption and hemorrhage of the lungs since entering the service by exposure and fatigues of the field while in the line of duty.

Soldier filed application for pension November 15, 1885, which was allowed October 23, 1889, at \$30, for lung disease contracted in the service. He died of the same disease July 11, 1888.

His widow, the beneficiary named in this bill, filed application September 4, 1888, and on July 15, 1889, the same was allowed at \$12. June 2, 1890, she applied for reissue, alleging that the disease from which the soldier died was contracted while he was captain. The soldier himself, in his own declaration, alleges that it was contracted after he became captain, and the question was never raised until after her application for reissue was filed.

Brigadier-General Blair, who commanded the regiment at that time, says: "I never noticed anything wrong with his health until after he became captain. * * * He was a faithful, efficient, and competent officer. * * * He was not only a model soldier, but a straightforward and conscientious man."

While the soldier was a small man physically, his soundness at enlistment has never been questioned, and the general trend of all the testimony is to the effect that the disease was contracted as stated.

Probably the true inwardness of the situation is best manifested by a glance at the reports of the special examiners. On February 3, 1893, after giving his views as to the standing of the witnesses, one of them says:

"The case is one of merit in my opinion, but, in order to settle the point in issue, would recommend further examination, as follows: * * * Testimony of Surg. B. O. Reynolds and Gen. Charles W. Blair: It seems to me that the evidence of these would settle the case."

On August 24, 1893, the special examiner who took the testimony of General Blair comments thereon thus:

"General Blair is a gentleman of unquestioned standing and reputation. His testimony is to the effect that the soldier was apparently sound when he first became acquainted with him in April, 1863, and remained so for some months, when deponent first became aware that soldier had lung trouble. The question at issue in this case seems to be a very difficult one to settle by the testimony of officers and comrades."

On December 26, 1893, the special examiner who took the testimony of Dr. Reynolds, above mentioned, opens by saying that "he enjoys a good reputa-

tion, but, posing as the soldier's friend, is known to be rather liberal, if not accommodating, in furnishing affidavits." And, having thus insidiously prepared the mind of the reader, disposes of his evidence by saying:

"There is no doubt in my mind that affiant was prompted by claimant, who, by the way, is described as a 'business woman.'"

The claim for reissue was rejected, June 11, 1895.

A liberal view of the evidence would have resulted in the allowance of this claim by the Bureau of Pensions, and, if there is any doubt at all in the matter, your committee believe it should be resolved in favor of the claimant.

Your committee therefore recommend that the bill be amended by striking out the word "thirty," in line 7, and inserting in lieu thereof the word "twenty," and that as amended the same do pass.

The CHAIRMAN. The question is on the amendment to strike out "thirty" and insert "twenty."

Mr. ERDMAN. Mr. Chairman, I should like to have the gentleman in charge of this measure inform the House whether this was the case of a war widow, and whether she is a dependent woman or not. It is a proposition to exercise the charity of the House instead of the justice, and therefore those would probably be two relevant questions.

Now, this man, on January 4, 1886, in an unsworn statement, says that he contracted a cold on his lungs in the spring of 1862, at Benton Barracks, Mo., and was a sergeant at the time.

Two days later, on January 6, 1886, the soldier bethinks himself, and he swears that he contracted cold during the summer and fall of 1863, at Fort Scott, Kans. Then he was a captain. Now, the question as to when he contracted this cold is a very material question. Philip in one condition says he contracted it at Benton Barracks, and Philip in another condition says he contracted it later at Fort Scott.

Now, then, this pension examiner, who is accused of being a gentleman "who would insidiously make a report against the interest of a soldier," says that he took the testimony of three comrades of the soldier, one of whom states that the soldier was delicate and drank, and had consumption before he went into the Army, did not take care of himself in the service, and was up and down with illness the most of the time. The soldier, he thinks, was sick at Benton Barracks. He does not recall the nature of the sickness. The other comrade states that he was with the soldier from start to finish of service, and that the soldier had cold and cough at Benton Barracks, and was dangerously ill. He was again taken sick at Benton Barracks, when he thought his lungs were affected and he had consumption. This continued to the end of his army service. The third comrade states that the soldier was delicate before the war, had lung trouble, was sick at Benton Barracks with lung disease during his service. He never knew the soldier to drink at all. The soldier had pneumonia after the war, in 1886. The widow is now receiving a pension of \$12 per month, what she would get if her husband contracted this disease as a sergeant; and the evidence points to that. To increase her pension up to that of the widow of a captain is a pure charity. Therefore I say it is relevant to know whether this woman is dependent upon this charity, or whether, being a business woman, as the examiner says, she has means of her own, and also whether she was or was not a war widow.

But I suppose, following the lead of the gentleman from New York [Mr. WALSH], who says that he has voted for every pension bill, we will have to pass this bill, regardless of what the evidence shows. I congratulate the gentleman from New York upon having voted for the Molly Crandall bill, for having voted for the photographer's bill, and for the teamster's bill, and for a whole raft of bills of that character. I think he ought to take that record home and paste it up for his constituents to study, and then see what they think of it.

Mr. CURTIS of New York. They will indorse it.

Mr. ERDMAN. Yes; some of them will.

Mr. CURTIS of New York. New York soldiers indorse it all.

Mr. ERDMAN. Oh, New York soldiers were a brave set of men. They want what is right. They want the "bum" relegated to the rear as he relegated himself to the rear when the fight was on, and it will not be a subject of pride when the gentleman from New York gets with his constituents and tells them that he voted for everything. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CASSIE A. DAVIS.

The next business on the Private Calendar was the bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis, and mother of Mary T. Davis, an invalid daughter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Cassie A. Davis, widow of James P. Davis, late Company E, Third Regiment of Vermont Volunteers, at the rate of \$30 per month, in addition to the \$12 which she is now receiving as a widow; said \$30 per month to be in lieu of the \$2 per month now paid on account of soldier's helpless daughter, Mary T. Davis, and to be paid so long as said Mary T. Davis remains helpless and is cared for by said Cassie A. Davis.

Mr. McCLELLAN. Let us have the report read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5814) granting an increase of pension to Cassie A. Davis on account of Mary T. Davis, dependent daughter of James F. Davis, have carefully examined the evidence and report as follows:

The soldier died from causes arising in the service, and the widow is pensioned at \$12 under the general law, and \$2 additional on account of the daughter, Mary T. Davis.

The evidence shows that said daughter is as helpless as an infant, and much more troublesome. She can not speak, can not feed or dress herself, can not masticate her food, and can not make known her wants to anyone but her mother, who is required to be in constant attendance on her, and so is unable to do anything for her own support.

It is absolutely necessary that the pension be sufficient to provide for the needs of both, and your committee therefore recommend that the bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

CYNTHIA A. LAPHAM.

The next business on the Private Calendar was the bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Cynthia A. Lapham, the widow of William B. Lapham, formerly first Lieutenant Twenty-third Maine Volunteer Infantry, first Lieutenant Seventh Maine Volunteer Light Battery, and captain and assistant quartermaster United States Volunteers, at the rate of \$17 per month, commencing at the date of the soldier's death, and to continue during widowhood, deducting any payments which may have been made to her as such widow.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3001) granting a pension to Cynthia A. Lapham, having carefully considered the facts in evidence, report as follows:

William B. Lapham, who was the husband of the beneficiary of this bill, served as first Lieutenant of the Seventh Maine Battery from December 30, 1863, to May 30, 1865, and as captain and assistant quartermaster from May 19, 1865, to October 30, 1865.

While with the Seventh Maine Battery he contracted malarial fever and chronic diarrhea, for which he was pensioned up to the date of his death, his rate from November 10, 1869, being \$17 per month, which was total of rank as first lieutenant. He died at the Soldiers' Home at Togus, Me., February 21, 1894, and the certificate of the surgeon of the Home shows that he was admitted to the hospital on date of admission to the Home on account of diabetes mellitus, complicated with peripheral neuritis, with a history of having suffered from malaria and chronic diarrhea and their sequelae since the war, which may have been factors in the causation of the disease for which he was admitted. His condition was not the result of vicious habits. He died February 21, 1894, of diabetes mellitus.

A certificate filed in the Pension Office July 6, 1895, by the same surgeon, concludes as follows:

"From this review of the case I feel justified in stating that while my certificate of death, dated March 8, 1894, is correct so far as it goes, it probably does not fully represent all of the causes operating to produce death, and that said certificate would be more complete if it included chronic malarial poisoning and chronic diarrhea with diabetes mellitus as a final complication, as the causes operating to produce death."

Dr. W. Scott Hill, of Augusta, Me., testifies that he treated Dr. Lapham for about eight weeks just prior to his entrance to the Soldiers' Home for chronic malaria and valvular disease of heart. That he examined the Doctor's urine for sugar and found only a trace, but he did not require or receive any treatment for diabetes. He did, however, suffer from dyspnea and oedema of the lower extremities.

Dr. Lapham was for some time a member of the United States board of examining surgeons at Augusta, Me. In view of all these facts the committee are of opinion that soldier's death was due to causes arising in the service.

The amendment of the committee was read, as follows:

Strike out all after the word "month," in line 10.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE T. STEVENS.

The next business on the Private Calendar was the bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon, Seventy-seventh New York Volunteers.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of War be, and he is hereby, authorized and directed to revoke the order of November 11, 1862, dismissing George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers.

Mr. LACEY. Has this committee jurisdiction?

Mr. CURTIS of New York. Mr. Chairman, this is a long report, and I think the gentleman who made it might be allowed to state its substance, as he is familiar with all the facts; if not, I know all the details.

Mr. McCLELLAN. Mr. Chairman, the beneficiary of this bill, Dr. Stevens, was given leave of absence from his command and went home on sick leave. While there he applied for renewal of his leave of absence, and subsequently he temporarily lost his mind. During that time the application for a renewal of the leave of absence was denied, and when he returned to his command he found that he had been recorded as absent without leave and as a deserter, and, under a general order issued about that time, he was dismissed from the Army. The officers of his regiment felt that an injustice had been done him, and recommended him to the colonel for promotion, and he was subsequently restored as surgeon of the same regiment, and served during the war with a very gallant record.

This bill simply seeks to correct his military record by removing the charge of desertion now standing against him. I may say that it is not for the purpose of obtaining a pension, as Dr. Stevens is one of the most prominent oculists in the United States, with a very large practice. The object is simply to make his record in this particular perfect, as it is in all other respects.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER FLEMING.

The next business on the Private Calendar was the bill (H. R. 1609) to remove the charge of desertion from the military record of Peter Fleming.

The bill was read, as follows:

Be it enacted, etc. That the charge of desertion now standing on the rolls of the Adjutant-General's Office, in the War Department, against Peter Fleming, Battery E, Third United States Artillery, be, and the same is hereby, removed.

Mr. TALBERT. Mr. Chairman, I ask that that bill be passed over for to-night.

The CHAIRMAN. Does the gentleman make a point of order against the bill?

Mr. TALBERT. Yes, sir; I do not think this bill properly comes up for consideration under the special order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEELE. This is a bill to remove the charge of desertion. This man, after having performed three years' service, was re-enlisted—

Mr. TALBERT. I wish to say to the gentleman from Indiana that I have made a point of order against the consideration of this bill at this Friday evening session, and the Chair has sustained it.

Mr. STEELE. I hope the Chair will hear me on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STEELE. This is a bill to remove the charge of desertion, but the committee have recommended a substitute simply providing that the man may be admitted to a Soldiers' Home. He has lost both feet and is utterly helpless, and they believe that it is not improper under the circumstances, in view of his service and his present condition, that he should be admitted to a Home and have the care which he can find there, without any pension or other allowance. Both feet, and I think one of his hands, have been frozen off. The bill as proposed to be amended simply authorizes him to be admitted to a Soldiers' Home, without granting him any other relief. As I said before, the bill as originally introduced is a bill to remove the charge of desertion, but the committee recommend this substitute.

Mr. TALBERT. If that be the case I withdraw the point of order, Mr. Chairman, although I do not believe that this bill in its present form comes properly before the committee at this Friday evening session.

The CHAIRMAN. The point of order having been withdrawn, the question is on the amendment recommended by the committee.

The amendment was read, as follows:

Strike out all after the enacting clause and insert the following:

"That Peter Fleming, late a private in Battery E, Third United States Artillery, by reason of faithful services as a soldier for a period of nearly three years and his present mutilated and disabled condition, be, and he hereby is, declared to be entitled to admission to the Soldiers' Home for Disabled Volunteer Soldiers and to any Branch thereof, notwithstanding the charge of desertion against him, and he shall be so admitted at his request."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RUFUS BETZ.

The next business on the Private Calendar was the bill (H. R. 2048) for the relief of Rufus Betz.

The bill was read, as follows:

Be it enacted, etc. That the charge of desertion standing against the name of Rufus Betz, late a private of Company A, Nineteenth Regiment of Ohio Infantry Volunteers, be removed, and he be granted an honorable discharge, to date August 2, 1862.

The committee recommended an amendment adding after the words "sixty-two" the words:

Provided, That nothing in this act shall be construed so as to allow the said Betz any pay, bounty, or other allowances to which he would not have been entitled but for the passage of this act.

The amendment was agreed to.

Mr. TALBERT. Mr. Chairman, I would like to hear some explanation of this bill, and of how this man came to be charged with desertion.

Mr. TAYLER. Mr. Chairman, I know that I can satisfy the gentleman from South Carolina, as well as all the other members of the committee, as to the propriety of this bill. This is simply a case where, on account of the lack of completeness in the records kept by the officers of the regiment to which he belonged, a failure occurred to have his record correct. The fact is that immediately after the battle of Stone River this man, after a long march, was sent to the hospital with frozen feet, and then was sent

to the hospital at Cincinnati, and furloughed. When he reached home his condition was pitiable. His feet and body were greatly swollen. He was unable to take care of himself, and, to a certain extent, he has continued in that condition ever since. He undoubtedly had a furlough, because he did receive an extension of furlough later on. He was unable to return to the Army, but he enlisted in the Forty-fifth Ohio Home Guards and was honorably discharged from that organization about a year afterwards, his discharge being on account of his inability to perform the duties required of him. The officers refused to permit him to remain on account of his physical disability.

Mr. TALBERT. Then the object of this bill is simply to correct his military record?

Mr. TAYLER. Simply to correct his military record; that is all. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA McNEIL.

The next business on the Private Calendar was the bill (H. R. 2844) granting a pension to Martha McNeil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha McNeil, widow of John McNeil, late brigadier-general and brevet major-general United States Volunteers, and to pay her a pension of \$100 per month.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2844) granting a pension to Martha McNeil, submit the following report:

John McNeil, who was the husband of the beneficiary of this bill, was mustered into the United States service as colonel of the Third United States Reserve Corps, Missouri Volunteer Infantry, and was mustered out August 17, 1861. He was mustered in as colonel Second Missouri State Militia Volunteer Cavalry, April 23, 1862, and was promoted to brigadier-general May 13, 1863, and from that time on he was actively engaged in suppressing guerrilla bands and encouraging the loyal citizens, and by his untiring efforts succeeded in preserving the State of Missouri to the Union. His resignation, which was tendered April 8, 1865, was accepted to date April 12, 1865. In it he said:

"I beg to state that my reason for resigning is that, having been for nearly four years in constant service, I have suffered to such an extent in my pecuniary affairs that my longer continuance in the service threatens me with financial ruin and my family with beggary."

He was a pensioner for gunshot wound of right hip until his death, which occurred on June 8, 1891.

The widow, who was married to the soldier on September 23, 1834, is now 79 years of age, is disabled on account of age and its attendant infirmities, and, as is shown by the evidence before this committee, has an income of only \$24.70 per annum, which in her aged and disabled condition is totally inadequate to her needs.

Your committee therefore recommend that the bill do pass.

Appended is a memorial of the commandery of the Loyal Legion for the State of Missouri, which fittingly describes the valuable services to his country of the gallant officer, Gen. John McNeil.

[Circular No. 16, series of 1891, whole No., 79.]

MILITARY ORDER LOYAL LEGION OF THE UNITED STATES,
HEADQUARTERS COMMANDERY STATE OF MISSOURI,
St. Louis, November 7, 1891.

At a stated meeting of the commandery, held at the Laclede Hotel, St. Louis, on the above date, the following memorial was unanimously adopted:

IN MEMORIAM—GENERAL JOHN McNEIL.

On the 8th day of June, 1891, John McNeil, brevet major-general United States Volunteers and companion of the Military Order of the Loyal Legion, entered into rest. After a long and patriotic career he died in the fullness of years, respected and lamented. In honor of his memory his companions of the Missouri Commandery erect this memorial.

No man ever loved his country more ardently than John McNeil. In days that were darkest and amid trials that were sorest, he was from first to last the noncompromising defender of her integrity, and so closely linked together were his loyalty and his appreciation of duty, that between them neither policy nor expediency ever found a middle ground.

John McNeil was born of American parentage in Halifax, Nova Scotia, on the 4th day of February, 1813. After receiving a common-school education he learned the trade of a hatter in Boston, Mass., at the age of 16, and three years later he was president of the Mechanics' Apprentice Library Association. In 1832 he removed to New York and entered into copartnership with his father, and also became, while a resident of that city, a member of the famous New York Seventh Regiment. He settled in St. Louis in 1836, first taking a position in the employ of a Mr. McKee, and subsequently setting up for himself in the retail, and afterwards, upon Main street, in the wholesale hat business. In 1844-45 he was a member of the Missouri legislature, and from 1855 to 1861 was president of the Pacific Insurance Company. From the time of his settlement in St. Louis to the breaking out of the war he continued, however, to prosecute the business of a wholesale hat merchant.

On the 18th of May, 1861, he abandoned his business and entered the military service of the United States as colonel of the Third United States Reserve Corps, Missouri Volunteers. During April and May he was engaged in organizing the regiment at Turner Hall, and on the 10th of the latter month participated in the capture of Camp Jackson. On July 16 and 17 he was engaged in the capture of Fulton, Mo., and in the defeat of General Harris. After serving as post commander and provost-marshal of St. Louis until August, 1861, he was, on the 10th of that month, mustered out of service.

On the 7th of the following December he reentered the service as colonel of the Second Missouri (cavalry) State Militia. He engaged in actions of Walkerville, Mo., April 2 and 14, 1862, and on June 4 was assigned to the command of the district of northeast Missouri, with headquarters at Palmyra. He was in action against the enemy on June 23, 1862, and from July 23 to August 6 operated in the campaign against Porter's guerrillas in northern Missouri, engaging them at Whalley's Mills August 1, and in the battle of Kirksville August 5 and 6, where Porter's command of 3,000 men were dispersed. He was also in actions at Stockton August 6, Bragg's Farm September 13, and Shelbyville September 15. On the 23d of October he was assigned to the command of the eighth military district of Missouri, and engaged in operations in Lewis, Clark, Scotland, and Schuyler counties.

On the 20th of November, 1862, he was commissioned a brigadier-general "for gallant services north of the Missouri River." From December, 1862, to May, 1863, he operated against guerrillas in southeastern Missouri, being in action at Bloomfield March 1; in the expedition from that place March 9 to 15; in command at Cape Girardeau in April; in command against Marmaduke and pursuit from Cape Girardeau to Chalk Bluffs, Arkansas, April 17 to May 2; engaging in actions at Cape Girardeau April 26; Jackson, and near White River, April 27; Castor River, April 29; Independence, October 22; Chalk Bluffs, on St. Francis River, May 1 and 2.

From July 15 to October 19, 1863, he commanded the district of southwestern Missouri, with headquarters at Springfield. He was in the campaign against Shelby from September 22 to October 23, being in action at Humansville October 16, and Buffalo Mountain October 24.

On the 29th of October he was assigned to command the district of the frontier, Department of the Missouri. From March to August, 1864, he commanded the district of Lafourche, Department of the Gulf, and subsequently (until September) the district of Rolla, Department of the Missouri.

On the 6th of October he was assigned to the command of the second brigade of the forces at Jefferson City, Mo., and operated against Price in his invasion of the State from September 24 to October 23, participating in the repulse of Price's attack on Jefferson, October 6 and 7; in actions at Brownsville, October 9 and 11; Little Blue, October 21; Independence, October 22; Big Blue, October 23; Coldwater Grove, October 24; Marais des Cygnes, and the rout of Price's army, October 25.

From October, 1864, to April, 1865, he commanded the district of central Missouri, and on the 12th of the latter month he resigned and was honorably mustered out of the service, having been on the same day brevetted a major-general of volunteers "for gallant and distinguished services during the war of the rebellion."

Thus for four long, bitter years, unallured by those grander and more brilliant campaigns which were heaping honors upon other men, did this brave soldier stand at his post of duty, and thus in the arena of a fierce and merciless border warfare did he battle against the forces which vainly struggled to wrest the great State of Missouri from her allegiance.

The importance of this work and the value of these services can only be estimated in the light of the disastrous results which must have followed the successful occupation of this great strategic section of the country by the powers of the rebellion. No more enduring monument can be builded to the honor of our deceased companion than the page of history which will record that he was one of the leaders whose untiring energy saved this imperial State from the calamity and the crime of secession.

At the conclusion of the war General McNeil settled in St. Louis, and was soon appointed clerk of the criminal court. In 1866 he was elected sheriff of St. Louis County (then including the city of St. Louis), which office he held until 1871. He was a Centennial Commissioner from 1872 to 1876, also a United States Indian inspector until 1882. During 1883, and until June, 1885, he was chief inspector of United States customs. In 1887 he was assistant adjutant-general of the Grand Army of the Republic, Department of Missouri, and in 1890 was appointed to a position of trust in the St. Louis post-office. Although in apparent health, he died suddenly while in the discharge of his official duties.

It is a pleasure to record that as a citizen in the private walks of life General McNeil was modest in deportment and always courteous in address. Well-read, especially in historical literature, he was an interesting conversationalist, and rarely inaccurate in marshaling argumentative data. Despite adverse circumstances of fortune, he was cheerful, unobtrusive, free from jealousy, and never happier than in the society of his old comrades of the war, to whom he was devotedly attached. Beneath a natural ruggedness of character, and a crisp, stern manner of speech, he had a warm and tender heart, which often found expression in illy concealed emotion.

His consideration of the complex questions which grew out of the war was tempered by an earnest desire to eradicate the bitterness which four years of strife had engendered, and to create in the new life of the country a patriotism which should universally pervade the hearts of the American people. In grateful appreciation of his services for the preservation of the Union, the commandery of the State of Missouri enters this memorial upon its records, with instructions to the recorder to transmit a copy to the family of the deceased.

CHAS. E. PEARCE, Chairman.
NELSON COLE,
THOS. WRIGHT,

Committee.

JAMES G. BUTLER,

Major, Commander.

W. R. HODGES,

Captain, United States Volunteers, Recorder.

Mr. PICKLER. I move to amend this bill by striking out " \$100 " and inserting " \$50. "

The amendment was agreed to.

Mr. MILNES. I move to amend the amendment by striking out " \$50 " and inserting " \$30. "

The CHAIRMAN. That motion is not now in order. The amendment to the amendment has been agreed to.

The amendment as amended was adopted; and the bill as amended was laid aside to be favorably reported to the House.

ANN CATHERINE HULL.

The next business on the Private Calendar was the bill (H. R. 1734) to increase the pension of Ann Catherine Hull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby directed to increase the pension of Ann Catherine Hull, widow of Commodore Joseph B. Hull, United States Navy, and that she be paid a pension of \$50 per month.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1734) to increase the pension of Ann Catherine Hull, respectfully submit the following report:

The beneficiary of this bill is the widow of Commodore J. B. Hull, who was appointed a midshipman in the United States Navy November 9, 1813, and was in active service continuously until July 16, 1862, when promoted to commodore and placed on the retired list. October 29, 1864, he was assigned to duty as commander of the navy-yard at Philadelphia, Pa., until January 1, 1866, when detached. He remained on the retired list, except when assigned to some special duty, until January 17, 1890, when he died at Philadelphia, Pa., having been in the United States naval service seventy-seven years.

Evidence has been presented to this committee which shows that the widow has only \$240 per annum income, including her pension of \$12 per month as a

widow of a veteran of the war of 1812; that she is 62 years of age, in failing health, and that her income is not sufficient for her needs.
In view of these facts, the committee recommend that the bill do pass.
Appended is a statement of the service of Commodore J. B. Hull.

DEPARTMENT OF THE NAVY,
Washington, D. C., January 10, 1896.

SIR: In reply to your letter of the 7th instant, I have the honor to inform you that the following is the record of service of the late Commodore J. B. Hull, United States Navy:

Appointed a midshipman, November 9, 1813; to the *Congress*, January 12, 1814; detached and to the *Washington*, January 23, 1816; ordered to report to Captain Hull for duty, September 21, 1819; ordered to the *Franklin*, June 13, 1821; promoted to lieutenant, January 13, 1825; granted leave of absence, June 6, 1825; to the *Constellation*, October 10, 1825; granted leave, November 1, 1827; to the *Guerriere*, December 4, 1828; detached and to the navy-yard, Washington, D. C., December 16, 1831; detached and granted leave, October 1, 1833; to the *Potomac*, August 6, 1834; detached and granted leave, March 8, 1837; member of a board, May 5, 1835; to the receiving ship at Boston, October 19, 1837; promoted to commander, September 8, 1841; detached and waiting orders, September 25, 1841; to command the *Warren*, July 6, 1843; detached and leave of absence, March 7, 1848; to command the *Rendezvous* at Philadelphia, November 1, 1849; detached and wait orders, November 1, 1851; one year leave abroad, June 4, 1852; promoted to captain, September 14, 1855; to command the *St. Lawrence*, September 20, 1856; detached and granted leave, May 11, 1859; to command the *Savannah*, May 22, 1861; detached and wait orders, September 18, 1861; to special duty at St. Louis, May 16, 1862; promoted to commodore on the retired list, July 16, 1862; detached and to command the navy-yard, Philadelphia, October 29, 1864; detached and wait orders, January 1, 1866; president of board of examiners, November 27, 1866; board dissolved, July 8, 1867; inspector of First light-house district, October 2, 1869; detached and wait orders, October 1, 1870; died at Philadelphia, Pa., January 17, 1890.

Very respectfully,

F. M. RAMSAY, Chief of Bureau.

Hon. HENRY H. BINGHAM, M. C.,
House of Representatives, Washington, D. C.

Mr. TALBERT. I hope we shall have some explanation of this bill.

Mr. BINGHAM. Mrs. Hull is a constituent of mine. I recently called to see her with reference to this pension claim. I found her to be an old woman in failing health, dependent upon her needle for maintenance. Last year she made \$96. She has been receiving a pension of \$12 a month. Her husband performed active service for this Government fifty-seven years. During the last half dozen years of his life his health rapidly declined, so that he required very great personal care, and large expense was incurred in caring for him. He could not get a pension because he did not die of disease contracted in the service, but he literally died of old age; the machine had worn out. His widow is absolutely penniless, dependent solely upon her needle, and is in broken health. She simply asks that she may have the same rate of pension that has been given to the widows of officers occupying the same line of command that her husband deservedly occupied in the service for fifty-seven years. [Cries of "Vote!" "Vote!"]

The bill was laid aside to be reported favorably to the House.

JOHN KEHL.

The next business on the Private Calendar was the bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to restore the rating of John Kehl, late of Company D, Ninth Regiment of Wisconsin Volunteer Infantry, to the rate of \$30 per month, as it was previous to July, 1893.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1261) for the relief of John Kehl, having carefully considered the evidence on file with the case, report as follows:

John Kehl, private, Company D, Ninth Wisconsin Volunteer Infantry, enlisted April 22, 1861, and was discharged January 30, 1866, after serving more than four years and nine months. June 30, 1886, he filed a declaration alleging rheumatism contracted in the service, established it by both medical and lay testimony, and on February 25, 1888, was granted a pension at \$8 per month for rheumatism and resulting disease of heart. He was increased to \$30 per month from May 29, 1888, for rheumatism and resulting disease of heart, and resulting locomotor ataxia. On April 8, 1892, a reissue was made to reduce his pension to \$8 per month for rheumatism and resulting disease of heart and to drop locomotor ataxia, which was said by the medical referee to have been erroneously accepted as the result of rheumatism. A slip of the medical referee, attached to the Pension Office brief of the case, says:

"The medical certificates show clearly that syphilis is the principal if not the sole factor in this man's disability, and that all doubts are amply covered by the allowance of \$8 per month."

The assumption of the medical referee that the locomotor ataxia was due to syphilis and not to causes arising in the service seems to be completely overthrown by the report of a medical examination made May 9, 1894, by the board of United States surgeons at Cincinnati, Ohio. The examination was made under special instructions from the Pension Office to determine whether syphilis was the cause of locomotor ataxia, and concludes as follows:

"In spite of the most painstaking examination, according to special instructions, we can not find any evidence of syphilis on skull, hair, skin, tibia, or other bones, mucous membrane, brain, heart, lungs, or other viscera and glands. It is the unanimous opinion of this board that claimant's locomotor ataxia is the result of exposure to wet and cold and rheumatism, not of syphilis. Wholly disabled for manual labor * * * needs the regular and constant personal aid and attention of another person."

Your committee are of the opinion that the evidence shows conclusively that claimant's helpless condition is not due to his own vicious habits, but is due to the cause which has once been admitted by the Pension Office, and they therefore recommend that the bill do pass.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported favorably to the House?

Mr. TALBERT. Mr. Chairman—

Mr. BROMWELL. Mr. Chairman, I think I can satisfy the gentleman from South Carolina [Mr. TALBERT] as to the merits of this case. This is the claim of a private soldier—just the sort of claim that this committee has been wanting to get hold of all this evening. [Laughter.] I want to say also that I have not been afflicted, as members of the House are aware, with the mouth disease, and therefore I shall take but one or two minutes to explain this case.

As the report shows, the pension originally allowed to this claimant was \$8 a month. Upon an application for an increase he was reexamined and the pension was increased to \$30 per month on May 29, 1888, for rheumatism and resulting disease of heart and resulting locomotor ataxia. In April, 1892, the pension was reduced to \$8 per month—

Mr. TALBERT. Is that the amount he is now receiving?

Mr. BROMWELL. Yes, sir; it was reduced to this amount on the ground that his disability was due to his own vicious habits—was the result of syphilis. In thus reducing his pension a mistake was made in this way: When he was asked whether he had ever suffered from syphilis, he misunderstood the question by reason of his deafness; and supposing the examining surgeon had asked him whether he had ever had erysipelas, he replied that he had. As a matter of fact, he never had syphilitic disease. In 1894 a careful reexamination was made by the board of surgeons, and it was found there was no evidence that the man had ever had syphilis; there was nothing to indicate any of the results of that disease; and the board gave it as their unanimous opinion that the claimant's locomotor ataxia is the result of exposure to wet and cold and rheumatism—not syphilis.

This man is wholly incapacitated for the performance of manual labor. He needs regularly and constantly the attention of another person. I know him, and I know this is a worthy case.

Mr. TALBERT. I am opposed to increasing the pension in this case. I think a pension of \$8 a month is sufficient.

Mr. BROMWELL. Under the general law this man would be entitled to \$30.

Mr. TALBERT. I understand he is now drawing \$8 a month. It seems to me that the testimony is exceedingly conflicting, and there seems to be something irregular about this matter.

Now, I am not disposed to do any injustice if I know it to any applicant here, but it seems to me that after he went before the special board of examiners authorized by the Pension Bureau and it was found that the statements made were entirely incorrect, and then goes outside and employs another board, and comes in and makes a contradictory statement in regard to his condition, that we should not allow an increase on such a flimsy pretext.

Mr. BROMWELL. Will the gentleman allow me just a single word of correction?

Mr. TALBERT. Certainly.

Mr. BROMWELL. I do not think the gentleman understood my explanation in regard to the bill. I find it was not understood by gentlemen just behind me.

Mr. TALBERT. Very well; I would be very glad if the gentleman would repeat the statement in my time, and I will hold the floor.

Mr. BROMWELL. This claimant was asked if he had syphilis, and understood the question to be whether he ever had erysipelas. He replied that he had had erysipelas, and did not discover his mistake until he found that his pension had been reduced, for the board, on the strength of his own statement, reported that his disabilities were of syphilitic origin, and then, for the first time, he discovered the mistake he had made in answering the inquiry.

Mr. TALBERT. I understood that statement very well, but that does not explain the matter. I understand that the first board of examiners were the regularly authorized board, appointed by the Bureau—

Mr. BROMWELL. And so was the last one. They had the same authority as the first.

Mr. TALBERT. And they show exactly what the facts were in the case. Then he goes before another board, and a suggestion had been made to him by somebody, or somebody else, that he change the name of some of these things. Just like in the discussion the other day, when I wanted to ask the gentleman from Kansas [Mr. BLUE], who was speaking of the drunkenness of the governor of the Leavenworth Home, General Smith—I wanted to ask him what constituted, in his opinion, drunkenness. Some men have different opinions about that. Some of them will not admit that they are drunk as long as they can stand on a 10-acre field. Some men call it one thing and some another. Some say when they are drunk that it is not drunkenness that is the trouble, but they call it sickness; and I wanted to suggest that possibly this distinguished gentleman, when he got out of his buggy, as we were informed, and had to hold on by the wheels, that he might claim that he was feeling badly, that he was suffering, that he was sick, but not drunk.

I want to say that much in palliation of the gentleman's condition; and possibly when he dragged himself along up the steps to his door—I say possibly—the poor old fellow might claim that he was not drunk then either, but still sick. But here comes a man who has gone before a regular board of pension examiners, a board of physicians, who find he is not entitled to any more than \$8 a month; that he has locomotor ataxia, or something else, I do not know what it is—I do not know what it means and I do not care—but he knew he could not get a pension beyond the amount that he is now drawing until somebody put it into his head to say he misunderstood a question propounded to him and gave the disease the wrong name.

I submit, Mr. Chairman, that no such testimony as that ought to operate on a member of this House or on the Congress of the United States in granting a pension to any old soldier or anybody else. And the evidence shows just that state of things. The outside evidence explains it, and a gentleman, a distinguished member of this body, who sits just in front of me, who has looked over the whole matter and understands the case, suggested to me that that is just what it is; that it is only a change of name. That is all.

I am unwilling, if I can prevent it, to see the pension increased in this case over \$8 a month. I think that is enough. I do not think there is any justification or any ground whatever for increasing the pension beyond that. I see no reason for paying any attention to a claim that comes in here under an assumed name, and asks us to jump it right up to \$30 a month. I do not think we ought to allow such a rating of disability in this case. Why, that is even worse than the man who comes in, as we had a case some time ago, and produces testimony to show that he went beyond death six-eighths. [Laughter.] It grows worse and worse.

Mr. AVERY. Will the gentleman yield for a question?

Mr. TALBERT. Certainly.

Mr. AVERY. On what theory would you give this man \$8 a month if the disease that he suffers from is the result of syphilis? Why give him \$8 or give him anything?

Mr. TALBERT. Well, he had some disease; there is no doubt of that. He had rheumatism, and had sufficient disability to entitle him to \$8 a month, and the board recommended that. He was drawing it, but was not satisfied, and wanted to get a higher rate for the disability, and rob and plunder the Treasury, as a good many others are trying to do all the time. I say I am not willing to consent to it myself, and such a pension can not pass the House if I am able to prevent it.

The CHAIRMAN. The hour has arrived when the committee must rise in pursuance to the rule.

The committee accordingly rose; and Mr. LACEY having resumed the chair as Speaker pro tempore, Mr. HEPBURN reported that the Committee of the Whole House, having had under consideration business on the Private Calendar, under the special rule, had directed him to report to the House sundry bills with various recommendations.

And then, the hour of 10 o'clock and 30 minutes p. m. having arrived, the Speaker pro tempore declared the House adjourned, under the rule, until 12 o'clock to-morrow, Saturday.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, submitted a report (No. 1113, part 2) recommending certain amendments to the bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes—heretofore referred to the Committee of the Whole House on the state of the Union and now pending therein.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 656) appropriating \$75,000 for the construction of a light-house tender for the Gulf coast of Florida, reported the same without amendment, accompanied by a report (No. 1337); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin, reported the same without amendment, accompanied by a report (No. 1338); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1820) for the establishment of a light-house and fog signal at or near Point Arguello, California, reported the same without amendment, accompanied by a report (No. 1339); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred House bill No. 351, reported in lieu thereof a bill (H. R. 8261) to purchase and inclose the sites, or portions thereof, of certain forts, battlefields, and other ground containing the graves of American soldiers, sailors, and marines, in the Maumee Valley, accompanied by a report (No. 1344); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUTCHESON, from the Committee on Claims, to which was referred the bill of the Senate (S. 101) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes, reported the same without amendment, accompanied by a report (No. 1351); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House bill No. 5108, reported in lieu thereof the bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and army post, accompanied by a report (No. 1352); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891, reported the same without amendment, accompanied by a report (No. 1353); which said bill and report were referred to the House Calendar.

Mr. McRAE, from the Committee on the Public Lands, to which was referred House bill No. 881, reported in lieu thereof the bill (H. R. 8270) for the relief of persons who entered lands and paid a price in excess of the price fixed by law, accompanied by a report (No. 1354); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1303) granting an increase of pension to Charles F. Holly. (Report No. 1323.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (S. 1523) granting a pension to Benjamin F. Bell. (Report No. 1324.)

The bill (S. 737) granting a pension to James Richardson. (Report No. 1325.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 7490) to pension Mary Elizabeth Hieskell, widow of the late Pay Director H. M. Hieskell, on the pension rolls. (Report No. 1326.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (S. 1936) granting a pension to Rebecca E. Kutz. (Report No. 1327.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 1414) granting a pension to Emma Brough Gerard. (Report No. 1328.)

The bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell. (Report No. 1329.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 6293) to increase the pension of Peter Rafferty. (Report No. 1330.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7648) granting a pension to Charles Harrington (insane), late sergeant Company F, Eleventh Regiment New York Volunteers. (Report No. 1331.)

The bill (H. R. 5949) granting a pension to Emily J. Miller, blind and helpless child of Robert B. Miller, deceased, late of Company C, One hundred and ninth New York Volunteer Infantry. (Report No. 1332.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 6268) to increase the pension of William U. Wells. (Report No. 1333.)

The bill (S. 146) granting an increase of pension to Samuel C. Towne. (Report No. 1334.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 1168) to increase the pension of Josiah P. Hill, late Company F, Eighty-first Regiment of Illinois Volunteers in the war of the rebellion. (Report No. 1335.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 4392) for the relief of Edward C. Parsons. (Report No. 1336.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 6148) for the relief of Peter Young. (Report No. 1340.)

The bill (H. R. 2463) to remove the charge of desertion standing against Michael F. Newell. (Report No. 1341.)

The bill (H. R. 5499) for the relief of Patrick Clabby. (Report No. 1342.)

By Mr. PARKER, from the Committee on Military Affairs, the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford. (Report No. 1343.)

By Mr. PUGH, from the Committee on War Claims:

The resolution (House No. 255) to refer the bill (H. R. 6296) for the relief of H. W. Rookwood and all of the accompanying papers to the Court of Claims, reported in lieu of House bill No. 6296. (Report No. 1346.)

The resolution (House No. 256) to refer the bill (H. R. 5878) for the relief of the heirs of Silas Burke, deceased, late of Fairfax County, Va., together with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5878. (Report No. 1347.)

The resolution (House Res. No. 257) to refer the bill (H. R. 561) for the relief of the estate of Jane Taylor, deceased, late of Fairfax County, Va., together with all accompanying papers, to the Court of Claims, reported in lieu House bill No. 561. (Report No. 1348.)

By Mr. LESTER, from the Committee on War Claims: The resolution (House Res. No. 258) to refer the bill (H. R. 1900) for the relief of Mary E. Hughes, heir of D. L. Pritchard, deceased, with all of the accompanying papers, to the Court of Claims, reported in lieu House bill No. 1900. (Report No. 1349.)

By Mr. WOODARD, from the Committee on Claims: The bill (H. R. 8675) for the relief of representatives of John W. Branham. (Report No. 1350.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 1935) for the relief of Irwin Tucker, postmaster at Newport News, Va. (Report No. 1355.)

By Mr. MEYER, from the Committee on Naval Affairs:

The bill (S. 129) for the relief of Capt. George H. Perkins. (Report No. 1356.)

The bill (S. 641) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register. (Report No. 1357.)

The bill (S. 642) for the relief of Commodore Oscar C. Badger. (Report No. 1358.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table as follows:

By Mr. PARKER, from the Committee on Military Affairs, the bill (H. R. 2723) granting an honorable discharge to James Coughlin, of North Topeka, Kans. (Report No. 1345.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JOHNSON of California: A bill (H. R. 8263) to provide money for the construction and building of the N. W. Mahaffey submarine torpedo boat and to authorize the Secretary of the Navy to contract for the building thereof—to the Committee on Naval Affairs.

By Mr. WOODMAN: A bill (H. R. 8264) to amend section 3394 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. MILNES: A bill (H. R. 8265) donating one cannon and five cannon balls to Loomis Post, No. 2, Quincy, Mich.—to the Committee on Naval Affairs.

By Mr. WILLIAM A. STONE: A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa.; and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.—to the Committee on Naval Affairs.

By Mr. WILLIS: A bill (H. R. 8267) donating condemned mounted cannon to the National Guard of Delaware—to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 8268) granting condemned cannon, carriages, and balls to Kenesaw Post, Grand Army of the Republic, of Danville, Ill., for monumental purposes—to the Committee on Naval Affairs.

By Mr. CATRON: A bill (H. R. 8272) to create the sixth judicial district in the Territory of New Mexico, the appointment of an additional associate justice of the supreme court of the Territory of New Mexico, and for other purposes—to the Committee on the Judiciary.

By Mr. DALZELL: A bill (H. R. 8269) donating condemned cannon to Colonel John M. Patterson Post, No. 131, Grand Army of the Republic—to the Committee on Naval Affairs.

By Mr. PICKLER: A bill (H. R. 8271) relating to pensions—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 8289) for the establishment

of range lights on Coos Bay, in the State of Oregon—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDY: A bill (H. R. 8290) to authorize the President of the United States to appoint and confer the rank of lieutenant of the junior class upon the instructor of swordsmanship at the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. TURNER of Virginia: Joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.—to the Committee on the Judiciary.

By Mr. WALKER of Massachusetts: Memorial of the general court of Massachusetts, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash, and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 8273) to amend the military record of Sidney M. Davis, late a private in Troop F, Sixth Regiment of Cavalry, Army of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 8274) for the relief of Sidney M. Davis, late a private in Troop F, Sixth Regiment of Cavalry, Army of the United States—to the Committee on War Claims.

By Mr. BROSIUS: A bill (H. R. 8275) to remove the charge of desertion standing against Philip Beidle—to the Committee on Military Affairs.

By Mr. COFFIN: A bill (H. R. 8276) granting a pension to Caroline Little—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 8277) for the relief of John D. Hudelson—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 8278) to restore Margaret Barney, widow of Herman Fenskey, to the pension roll—to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 8279) for the relief of Eugenia A. Helston—to the Committee on War Claims.

By Mr. LINTON: A bill (H. R. 8280) amending the military record of Frank Paul—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 8281) granting a pension to Phoebe A. Leonard—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 8282) to pension Mrs. Adelaide A. Ayot, widow of Alexis Ayot—to the Committee on Pensions.

By Mr. RAY: A bill (H. R. 8283) for the relief of Wesley Van Over, late Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry—to the Committee on Military Affairs.

By Mr. SORG: A bill (H. R. 8284) authorizing the Secretary of the Treasury to pay the sum of \$400 to The Brownell Company, Dayton, Ohio, on account of penalty erroneously imposed by the Light-House Board—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 8285) for the relief of Fernando J. Moreno, late marshal for the southern district of Florida—to the Committee on Claims.

By Mr. TRELOAR: A bill (H. R. 8286) for the relief of Peter Meyers, Jacob R. Hiller, and William Brandle, bondsmen of the Steelville Distilling Company, and J. M. Key, its successor—to the Committee on Claims.

By Mr. TYLER: A bill (H. R. 8287) to remove the charge of desertion standing against James McGreevey—to the Committee on Military Affairs.

By Mr. HENDRICK: A bill (H. R. 8288) granting a pension to Rachel Hurley—to the Committee on Pensions.

By Mr. ERDMAN: A bill (H. R. 8291) granting increase of pension to Daniel Whitman—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8292) granting a pension to Edward Whitting, late a private of Company E, Twenty-eighth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Richard A. McClean and other old soldiers of Uniontown, Pa., who have each lost a limb in the war of the rebellion, for the passage of a bill to readjust the pensions of those who have lost limbs in the Union Army—to the Committee on Invalid Pensions.

Also, resolutions of Lodge No. 321, Brotherhood of Railroad Trainmen, of McKees Rocks, Pa., indorsing the Erdman arbitration bill and the Phillips nonpartisan commission bill—to the Committee on Labor.

By Mr. ARNOLD of Pennsylvania: Petition of Amos Kiser Post, No. 475, Grand Army of the Republic, Department of Pennsylvania, and citizens of Shippensburg, Pa., and vicinity, to accompany House bill No. 8244, granting a pension to Albert J. Goble, late a private of Company H, Eighth Pennsylvania Reserve Volunteer Corps—to the Committee on Invalid Pensions.

By Mr. BOWERS: Petition of 84 citizens of San Bernardino, Cal., for the restoration of forest reservations to the public domain—to the Committee on the Public Lands.

Also, petition of 42 citizens of Coalinga, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. COBB of Missouri: Papers to accompany House bill No. 5678, being amendments suggested to said bill by Rev. Fred H. Wines and George R. Lockwood, in regard to paroling United States convicts—to the Committee on the Judiciary.

By Mr. COFFIN: Papers to accompany bill for the relief of Caroline Little—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: Petition of Spooner Post, No. 294, Argenta, Ill., for the enactment of a service-pension law—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: Petition of H. J. Yapp, president, and Sarah L. McMillen, secretary, of Oshkosh, Wis., representing the Winnebago Christian Endeavor Union, of Wisconsin, 1,500 members, favoring Sunday-rest law for the District of Columbia equal to the most efficient State Sunday law; to raise the age of consent to 18 in the District of Columbia and in the Territories, and to prevent interstate gambling by telegraph, and for other purposes—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, in favor of the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DOLLIVER: Petition of citizens of What Cheer, Iowa, urging the passage of House bill No. 4709, for revenue, for a more equitable distribution of wealth by discouraging vast accumulations in a few hands, and as a recompense for its fostering protection, which has made the accumulation of vast private fortunes possible—to the Committee on Ways and Means.

By Mr. FAIRCHILD: Petition and remonstrance of 209 citizens of Peekskill, Sing Sing, and vicinity, State of New York, protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. GILLET of Massachusetts: Petition of professors in Smith College, Northampton, Mass., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HART: Petition of 58 citizens of Carbon County, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Petition of M. P. Messinger and 61 others; also of L. L. Brooks and 72 other citizens of Blackhawk County, Iowa, praying for the enactment of a law to prohibit railroads from using cars without extension or adjustable roof or some method to close the space between the roofs of cars to prevent persons falling between them—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of citizens of Oregon, asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

Also, petition of citizens of Oregon, in favor of the speedy construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. KULP: Protest and resolution of Washington Camp, No. 105, Patriotic Order Sons of America, of Berwick, Pa., composed of 370 members, protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. LAYTON: Resolutions of the Fort Recovery Monumental Association, Fort Recovery; I. O. O. F. Lodge No. 458; Harrod-McDaniel Post, No. 161, Grand Army of the Republic; Fort Recovery Lodge, No. 539, F. A. A. M., and 484 citizens of western Ohio, urging Congress to consider and pass at an early day House bill No. 1437, providing for the erection of a monument at Fort Recovery, Ohio, in memory of General St. Clair and 900 American soldiers who lost their lives in battle with the Indians, known as St. Clair's defeat, at Fort Recovery, in 1791—to the Committee on the Library.

By Mr. LOUD: Petition of citizens of San Mateo County, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

Also, petition of M. E. and C. L. Cramer, publishers, protesting against the passage of bill No. 4566, to amend the postal laws

relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ponk Manufacturing Company, of Chicago, Ill., for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the board of supervisors of Santa Clara County, Cal., favoring liberal expenditure of money for various improvements in the harbor of San Francisco, Cal.—to the Committee on Rivers and Harbors.

By Mr. McCLEARY of Minnesota: Resolutions of the Minneapolis (Minn.) Jobbers and Manufacturers' Association, in favor of a national bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of the Minneapolis (Minn.) Jobbers and Manufacturers' Association, in favor of sundry bills for the improvement of the postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Protest of Henry Smith and 19 other citizens of Milwaukee, Wis., against the constitutional amendment relating to God in civil government, etc.—to the Committee on the Judiciary.

By Mr. SORG: Petition of Shining Light Council, No. 93, Order United American Mechanics, of Middletown, Ohio; also of J. E. Parent, J. W. Poling, and others, of Butler County, Ohio, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRACEY: Papers to accompany House bill No. 7463, for the relief of Thomas Mathias—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 18, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON, from the Committee on Appropriations, reported a bill (H. R. 8293) making appropriations to supply deficiencies for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. I believe it is usual to reserve points of order against this bill, and I desire to reserve all points of order.

Mr. CANNON. I desire to give notice, Mr. Speaker, that at the earliest practicable moment I shall ask the House to consider the bill.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] reserves all points of order.

NAVAL TRAINING STATION, SAN FRANCISCO, CAL.

Mr. HILBORN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Navy be, and he is hereby, authorized to establish a training station for naval apprentices on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal.; and said Secretary is authorized to designate two officers of the Navy, and the Secretary of War is authorized to designate one officer of the Army, said three officers to constitute a board, who shall select and assign so much of said island as may be necessary for the purpose of establishing said naval training station; and the site so selected, when approved by the President, shall be, by virtue of this act, transferred to the Navy Department for the purposes of said naval training station.

SEC. 2. That all apprentices of the Navy, whether at a training station or on board an apprentice training ship, shall be additional to the number of enlisted persons allowed by law for the Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to have some explanation of the bill.

Mr. HILBORN. The report will give a sufficient explanation.

The SPEAKER. Does the gentleman from Tennessee object, or reserve the right to object?

Mr. RICHARDSON. I simply ask to have some explanation of the bill. If the gentleman desires to have the report read, that may be done, or the gentleman can make an explanation.

Mr. HILBORN. The report is short.

The report (by Mr. HILBORN) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes, having had the same under consideration, beg leave to report the same back with a recommendation that it do pass.

The committee adopt as its report the Senate Report No. 100, Fifty-fourth

Congress, first session, made by the Senate Committee on Naval Affairs, namely:

"The committee recommend the passage of the bill in its new draft. There is need at the present time of increased efforts to educate the boys of the country to become seamen of the Navy. They can be enlisted between the ages of 16 and 18 to serve until they arrive at the age of 21 years, not, however, without the consent of their parents or guardians. They can be trained partly on the shore and partly in the practice ships, and the good effects of the system have been made apparent by many years of experience. Much real benefit is derived from the boys while they are undergoing their apprenticeship, and later when they enlist, as most of them do, as seamen, they make the best possible recruits for the Navy.

"The establishment at Coasters Harbor Island, in Narragansett Bay, of a training station has been fruitful of good results. A similar establishment is needed upon the Pacific Coast, and unless it is provided no apprentices can be enlisted on that coast. This impossibility works injustice to the boys there who desire to enlist, and is injurious to the Government, which needs to train and utilize them as it does boys upon the other coasts of the country. There is ample room for the Pacific home station upon Goat Island, near San Francisco, and the Navy Department will have no difficulty in providing a suitable training ship, so that the education and discipline of the boys will not be carried on too much on land, but may be conducted mainly upon the water. No possible objection can be conceived to the passage of the bill authorizing part of Goat Island to be taken for the buildings for the shore station, and transferring so much of the island as may be necessary to the control of the Navy Department for the purposes of the station.

"The bill contains a provision that the boys constituting the naval apprentices shall be an addition to the total number of seamen in the Navy allowed by law, and not be counted as a part thereof. The vessels of the new navy are requiring all the seamen now by law allowed, and indeed the number ought to be considerably increased in accordance with bills now pending in Congress with that end in view. To the present bill, therefore, is added a provision that all boys who may be enlisted as naval apprentices to serve until they are 21 shall be additional to the number of enlisted persons allowed by law for the Navy. This provision, unless previously made a law in some other bill, ought to remain and be adopted as a part of the present bill, as clearly appears from the letter of the Secretary of the Navy, dated January 13, 1896, and hereto annexed.

"NAVY DEPARTMENT,
"Washington, January 13, 1896.

"SIR: I herewith return to you the bill providing for a naval training station on the Island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes, together with my opinion, as requested.

"The establishment of a training station for naval apprentices at San Francisco, Cal., would undoubtedly benefit the naval service and would greatly assist the Department in its efforts to have the enlisted force of the United States Navy composed entirely of American citizens. The proviso in Senate bill No. 744, 'That all apprentices of the Navy, while at a training station or on board of an apprentice training ship, shall be additional to the number of enlisted persons allowed by law for the Navy,' is absolutely necessary for the success of the apprentice system.

"There being now no United States merchant marine, the Navy is obliged to depend upon its apprentice system to supply it with seamen and petty officers, and it is therefore necessary that there shall be enlisted annually the full number of apprentices permitted by the law. The law now in force regarding the enlistment of apprentices authorizes 750 to be enlisted annually, provided the total number of enlisted persons, including apprentices, does not exceed 10,000.

"The demand for enlisted men for crews on the new vessels recently commissioned has forced the Department, during the past two years, to reduce the number of enlistments of apprentices, so that during the fiscal year ending June 30, 1894, only 561 apprentices were enlisted, and during the last fiscal year ending June 30, 1895, only 348 could be enlisted. Since November 16, 1895, it has been necessary to stop all enlistments for apprentices.

"Very respectfully,

"H. A. HERBERT, Secretary.

"Hon. J. DONALD CAMERON,

"Chairman Committee on Naval Affairs, United States Senate."

Mr. HILBORN. The only purpose of the bill is to allow some of the 750 boys permitted to be enlisted in the Navy to be enlisted on the Pacific Coast. They are now all enlisted on the Atlantic Coast at one place. It is deemed advisable that some of them—such number as the Secretary of the Navy may see fit—should be enlisted on the Pacific Coast. There is no appropriation in the bill.

Mr. RICHARDSON. As I understood from the report, the Secretary of the Navy recommends and indorses this bill.

Mr. HILBORN. Yes; he recommends it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HILBORN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House, in compliance with its request, a duplicate engrossed copy of the bill (S. 716) to correct the naval history of John C. Dull.

The message also announced that the Senate had passed the following bill; in which the concurrence of the House was requested:

A bill (S. 2289) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war.

The message also announced that the Presiding Officer appointed

Mr. PROCTOR as one of the conferees on the bill (S. 1247) "to establish and provide for the maintenance of a free public library and reading room in the District of Columbia," in place of Mr. HANSBROUGH.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table, and referred by the Speaker as follows:

A bill (S. 682) for the relief of the heirs of Sterling T. Austin, deceased—to the Committee on War Claims.

A bill (S. 1466) for the protection and preservation of the burial places of certain soldiers and sailors of the war of 1812, and for other purposes—to the Committee on Military Affairs.

A bill (S. 2289) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war—to the Committee on War Claims.

Resolution—

Resolved, That the Secretary be directed to furnish to the House, in compliance with its request, a duplicate engrossed copy of the bill (S. 716) "to correct the naval history of John C. Dull"—

To the Committee on Naval Affairs.

S. W. MARSTON.

Mr. COBB of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be examined and audited the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services rendered and expenses incurred by him in the months of July, August, September, and October, in the year 1878, which claims were transmitted to the office of Indian Affairs about November in said year, and to pay to his legal representatives whatever sum of money may be found to be justly due to him for such services and expenses, not exceeding in amount the sum of \$48.10; and a sufficient sum of money to pay the amount so found to be due is hereby appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I think the gentleman ought to make some explanation.

Mr. COBB of Missouri. Mr. Speaker, the report states very explicitly the character of this bill, but it is hardly necessary to read it, I suppose. This was an Indian agency that had been abolished. The Secretary of the Interior ordered the agent to remain there to take care of the Government property until such time as they could settle everything. This is simply to pay for the services which he rendered to the Government after the agency was abolished, until the Government property could be removed. The Secretary of the Interior and the Commissioner of Indian Affairs both approve it, and say it is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. COBB of Missouri, a motion to reconsider the last vote was laid on the table.

ELBRIDGE M'FADDEN.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5999) to correct the military record of Elbridge McFadden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to correct the military record, remove the charge of desertion, and grant an honorable discharge to Elbridge McFadden, late of Company I, Thirty-eighth Regiment New York Volunteers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I should like to ask the gentleman if this bill has been considered at a Friday night session?

Mr. DINGLEY. No; it has not been. It is a bill to correct a military record. It comes from the Military Committee, and not from the Pensions Committee. There is no objectionable feature connected with it at all.

Mr. TALBERT. It is a bill that should properly come before the Friday night sessions. It is a bill to remove the charge of desertion, is it not?

Mr. DINGLEY. It is to correct a record, and although it stands nominally as such, yet as a matter of fact it is not anything of that kind. No pension is involved.

Mr. TALBERT. Is it merely to correct a military record, or to give him a pension?

Mr. DINGLEY. It is to correct the record of a man who would not be entitled to a pension anyway. I will say, if I may be allowed a moment, that this is to correct the military record of Elbridge McFadden, a soldier of a New York regiment, who en-

listed at the age of 19, served two years in the Peninsular campaign, was in all the battles of the Peninsular campaign from 1861 to the autumn of 1863—a gallant soldier. Then he received notice that he would be appointed as a captain in one of the colored brigades in which his brother was an officer, and after delay he obtained a furlough for the purpose of going to accept this new position, but on account of delay the expedition sailed before his arrival. He immediately left for his home, thinking he would there receive information, but he did not receive it, and while he was waiting for this he was taken down ill and was unable to return in season. The report says, without reading it in detail:

The facts in this case clearly justify the conclusion that in separating from his command, the Thirty-eighth New York Volunteers, the beneficiary was not actuated by any design or purpose to desert, but became separated therefrom by reason of proper orders and in conformity with a furlough for the purpose of uniting with Ullman's brigade.

It was not desertion, or an intent to desert, and the committee therefore thinks the charge ought to be removed. I may say that, being a strong man, and standing well among his neighbors, there is no ultimate intention of applying for a pension. It is simply to give him an honorable discharge.

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman a question or two. He was a soldier who was seeking a commission as an officer?

Mr. DINGLEY. He sought none.

Mr. LOUD. He was supposed to be, no doubt, a man of ordinary intelligence.

Mr. DINGLEY. He was a boy of 19 years.

Mr. LOUD. Still he was supposed to be a man of ordinary intelligence?

Mr. DINGLEY. I take it for granted that he was.

Mr. LOUD. And he should have known that all he had to do was to report to his own regiment or to some other command during the war and secure his honorable discharge.

Mr. DINGLEY. All the facts have been laid before the committee, and they seem to justify not only this recommendation, but clearly to show that he served for two years and participated in all the battles in Virginia for two years; and having done so, that he should receive an honorable discharge.

Mr. LOUD. Why should we give a discharge to a man who was a deserter?

Mr. DINGLEY. I state the facts, and will not argue the matter.

Mr. LOUD. Here was a man competent to be an officer, supposed to be familiar with all the rules and regulations governing war service, and he ought to know that all he would have had to do would be to report to a hospital or to his own regiment and that he then could have received an honorable discharge.

Mr. DINGLEY. Does the gentleman remember that he was taken sick?

Mr. LOUD. Did he remain sick until after May, 1865?

Mr. DINGLEY. I can not say how long.

Mr. LOUD. I think that this is a cold case of desertion, as the gentleman will find if he makes a close examination of the matter. This man did not want to go back as a private.

Mr. DINGLEY. I think the circumstances do not warrant any such conclusion, nor did the committee reach such a conclusion. Certainly I would not ask to have a bill of this character considered except where justice required that the charge be removed.

Mr. OWENS. Reserving the right to object, I should like to hear the report of the committee.

The report (by Mr. GRIFFIN) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5990) to correct the military record of Elbridge McFadden, having had the same under consideration, report thereon as follows:

It is shown by the records that E. McFadden (also borne as Elbridge McFadden), aged 19 years, was enrolled and mustered into service June 15, 1861, as a private in Company G, Fourth Maine Infantry Volunteers, to serve three years. He was transferred to Company I, Thirty-eighth New York Infantry Volunteers, September 23, 1861, and to Company E, same regiment, in October or November, 1862. He appears to have served faithfully until May 17, 1863, when he is reported as having deserted while on furlough; that no record has been found that he returned to his command or to military control; that in an application for an honorable discharge, involving removal of the charge of desertion, McFadden testified May 12, 1884, that on March 11, 1863, he received an appointment as second lieutenant in Ullman's brigade, and was ordered to report at headquarters in New York City; that he was not allowed to go until the officers had also received an order; that on April 11, 1863, he received a furlough to go to New York City, was furnished with his descriptive list, and told that he would be mustered out of service and commissioned as a second lieutenant; that when he arrived in the city he was told that the expedition had been gone four days.

The records show that Elbridge McFadden was ordered to report to Brigadier-General Ullman for assignment to his expedition and for appointment as an officer of United States colored troops, but nothing has been found showing that he was commissioned as such; that in a letter dated April 6, 1889, the soldier stated that he failed to report on March 11, 1863, because he had received an order from General Ullman to report to his headquarters in New York City, having received an appointment from Governor Coburn as a lieutenant in Ullman's brigade; that he was delayed by his officers until he procured a furlough; that when he arrived in New York City he found that the expedition under General Ullman had been gone four days, and that there was no one to whom he could report; that he did all in his power to get there, but that through somebody's blunder he was prevented from getting his commission; that the application for relief in this case has been repeatedly denied by the War Department, and now stands denied, the soldier not having been prevented from completing his term of enlistment by reason of dis-

ability contracted in the line of duty, and the case not coming within any of the other provisions of the act approved March, 2, 1889.

It appears that these facts are in the main corroborated by the subsequent affidavit of Orrin McFadden, now judge of probate of the county of Lincoln, in the State of Maine, and who became a lieutenant-colonel in the Eightieth Regiment United States Colored Troops, which formed a part of Ullman's brigade, and who is a brother of the beneficiary. Judge McFadden also states in such affidavit, made January 28, 1896, that he was himself appointed captain in the brigade of Gen. Daniel Ullman and given the privilege of nominating his second lieutenant, and accordingly nominated the beneficiary; that General Ullman's adjutant-general, upon being given the company and regiment in which Elbridge McFadden was serving, assured Capt. Orrin McFadden that the necessary orders would be forwarded to enable the beneficiary to join the brigade at 200 Broadway, New York, where the organization was then being perfected. Delay occurring, he again went to brigade headquarters to see about it and was informed that it was all right—that the order would be sent; that later Elbridge informed Captain McFadden that a blunder had been made in sending the order direct to Elbridge instead of to his commanding officers, and again Captain McFadden applied to General Ullman's adjutant and received the assurance that the matter should be straightened out, and afterwards that it had been straightened and that Elbridge would be right along; that on April 9 the brigade was ordered on board vessel for New Orleans and that Elbridge had not yet arrived.

Captain McFadden, believing that he would be there in a day or two, addressed a letter to Elbridge and deposited it in the post-office at New York, giving him directions such as he had received from General Ullman, to enable Elbridge to follow the command to New Orleans; that they were seven or eight days on passage to New Orleans, and on his arriving there he wrote home, but did not repeat the directions given in the letter to his brother which was deposited in the New York post-office, not doubting that such former letter had been received; that the siege of Port Hudson came on soon after, and that the mails were very slow between New Orleans and the North.

The beneficiary states in his affidavit, made on the 2d day of January, 1896, that upon receiving his furlough to enable him to go to New York to join Ullman's brigade, which occurred a month after the order had been received by him, he started for New York, but was delayed in Washington from Saturday until Monday to get four months' pay, and did not arrive in New York until April 13, 1863; that he promptly called at 200 Broadway, New York, but found the place closed; that he then went to the hotel where his brother, Captain McFadden, had boarded and learned that Ullman's brigade had sailed four days previously, but could learn nothing further; that he went to the post-office, believing that Captain McFadden had left a letter for him, but did not get one, and that the letter which his brother had written him he had no doubt had been put in the advertisement delivery, and that he, through ignorance, did not call there for it; that, being unable to learn anything, the beneficiary went home to Dresden, Me., thinking that his brother, the Captain, had perhaps sent the needed information there, but again he met with disappointment; that he regarded his furlough as a virtual discharge from the Thirty-eighth New York, and waited in Dresden, still expecting to receive the needed information, but that it did not come; that for several weeks previous to receiving the furlough he had been afflicted with chronic diarrhea, and was much enfeebled by the disease and considered that to go back to his company in Virginia would seem like going to his death, and so he waited day after day in the vain hope of receiving the information that would enable him to join Ullman's brigade, until so much time had elapsed that he feared punishment if he went back; that he was thoroughly discouraged, and went to Vermont and sought employment on a farm, and there remained until the war ended.

The facts in this case clearly justify the conclusion that in separating from his command, the Thirty-eighth New York Volunteers, the beneficiary was not actuated by any design or purpose to desert, but became separated therefrom by reason of proper orders and in conformity with a furlough for the purpose of uniting with Ullman's brigade; and it is equally clear that his failure so to do was due to circumstances over which he had no control, viz, the delay in the transmission of the order through the proper channels for his transfer to Ullman's brigade, and also that which occurred in procuring his furlough and the time consumed in making his journey to New York, in consequence of which he did not reach the latter city until after Ullman's brigade had departed. These circumstances absolutely refute any intention on his part up to this point to abandon the service or to desert the flag of his country.

His subsequent efforts to obtain information that would enable him to join the brigade to which he was assigned, as detailed in his affidavit and in a measure corroborated by the affidavit of Judge McFadden, also negative the idea of any present intention to desert; and he may well, without any such intention, have waited in expectation of receiving proper orders or instructions for joining the command until he became alarmed, because of the consequence of his absence from the Thirty-eighth New York Regiment without having in the meantime joined Ullman's brigade, as was contemplated. According to his own statement he became discouraged, and then, impressed with the belief that if he returned to Virginia, where his command was, the affliction with which he states he was suffering, and in consequence of which he became enfeebled, might prove fatal, he became as a result somewhat demoralized, as young men of his age often did, and, without any willful intent to desert, went home and remained out of the service.

It is clear to your committee that the desertion in this case was due to a combination of unfortunate circumstances over which the beneficiary had no control. While he was the subject, he did not produce them, and hence, without any deliberate purpose to leave the service, his environments ultimately were such that he became a passive subject of those circumstances, and thus without active responsibility was placed in the position stated in the record. The high standing of the beneficiary as a citizen is vouched for by those of unquestioned reputation to whom he is personally known, and in view of the fact that his service in the Thirty-eighth New York Volunteers was honorable and creditable, having participated in the battles of Bull Run, Fredericksburg, and the Peninsula campaign, together with his youth and inexperience, having been but 19 years of age when he enlisted in 1861, your committee believe that he should not be held to that strict accountability which would justify a refusal to grant his request, and therefore recommend the passage of the bill.

During the reading,

Mr. OWENS. I withdraw the demand for the reading of the report. I am satisfied.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

Mr. TALBERT. Mr. Speaker, I desire to say a word or two in regard to the passage of this bill if it is in order.

The SPEAKER. It is in order.

Mr. TALBERT. I have taken the position heretofore that these matters ought to come up regularly and be considered at the regular Friday night sessions, at times that are specially devoted to

this class of claims. It seems to me that they ought to be brought up there and considered; and I submit this continually bringing in and asking unanimous consent for these outrageous claims ought to be stamped out.

The SPEAKER. The gentleman will please suspend. The House must be in order. It is impossible to hear what the gentleman says.

Mr. TALBERT. I think it is wrong to continually press such claims as this for unanimous consent when so much time is given on Friday afternoons and Friday evenings for these special claims. I submit that, while not objecting now to the claim itself, I do not want to be put in a wrong position; and then, in the second place, I can not understand why it is gentlemen will continually bring in here and urge the claims of deserters, to remove the charge of desertion, when there are so many other claims of brave and gallant soldiers who stood by their arms from the beginning to the end of the war, and we hear very little of those claims being urged before this House. Let justice be first done where deserving.

Now, sir, while I am upon that subject, I desire to have a letter read from an old soldier, only to call attention to these things. I do not know him. It is strange his claim has not been brought up here instead of this one and unanimous consent asked for its consideration, in preference to cases of deserters. I am tired of hearing these claims for deserters and bummers, and I think also that these cases ought to all be considered at the Friday night sessions.

Mr. PITNEY. Will the gentleman yield to me for a question?

Mr. TALBERT. Certainly.

Mr. PITNEY. I will ask the gentleman if, in the Friday night session last night, he did not raise the point of order against a bill of this character, that it must be considered in the House and not at the Friday night session?

Mr. TALBERT. Not in this class of cases. This class of cases properly come up on the Friday evening sessions.

Mr. PITNEY. It was a bill removing the charge of desertion.

Mr. TALBERT. What is the case?

Mr. PITNEY. The gentleman talks so much on the Friday night sessions that he does not remember it. I call his attention to the RECORD of yesterday, page 4127. A bill to remove the charge of desertion from the military record of Peter Fleming was reached on the Calendar, and Mr. TALBERT said:

Mr. Chairman, I ask that that bill be passed over for to-night.

The CHAIRMAN. Does the gentleman make a point of order against the bill?

Mr. TALBERT. Yes, sir; I do not think this bill properly comes up for consideration under the special order.

Mr. TALBERT. That was something in regard to the sentence of a court-martial. That was a case to correct the record, and I made that point of order; and as I was informed that it was an exceptional case, I withdrew my objection. The gentleman from Ohio [Mr. TAYLER] came up and said that this old fellow had lost both his feet, and that he was taken or would be taken to the Soldiers' Home to be taken care of without a pension; and I said, "Mr. Chairman, I will withdraw my objection, notwithstanding the case should not come up at a Friday night session." Now, this man, I understand, is a young man who deserted, and has both feet and both hands; and I submit it is wrong to continue to press such cases when you have more meritorious cases that have not been considered. I ask that the Clerk read that letter, which has a bearing on what I have to say; and I desire to say that I feel it to be my duty to protect the great mass of the people from the burden of being taxed to pay such claims.

Mr. STEWART of New Jersey. I object to the reading of that letter.

Mr. DINGLEY. If the gentleman from South Carolina asks to have it read as a part of his remarks, of course that is in order.

Mr. TALBERT. I will read it myself, in my own time.

Mr. DINGLEY. As that letter refers to another matter, will not the gentleman have the kindness to take some other time for having it read?

Mr. TALBERT. Mr. Speaker, I submit that I have a right to have that letter read, and I appeal to the Speaker to decide it.

The SPEAKER. The gentleman has that right.

Mr. TALBERT. I ask the Clerk to read the letter. I submit that I like to see fairness and justice on this floor, as I intend to be fair and just to everybody here. That letter came to me only this morning. I do not know the old soldier who wrote it; possibly somebody here may recognize him when the letter is read; perhaps the gentleman from Pennsylvania [Mr. GROW] may know something about him. The letter speaks for itself.

The Clerk read the letter, as follows:

ELIZABETH CITY, N. C., April 17.

DEAR SIR: As an ex-Union soldier in great distress, I take the liberty to address you. My record before the committee will show that I done my "duty at the front." A bill, No. 321, has passed the Senate for my increase of pension. I will most respectfully call your attention to the unjust amendment made by the committee. After being fully convinced that I am in my present helpless condition, and that this condition is directly traceable to the wound received in 1862 there can be no doubt—and then, without assigning any reason for it, reduce me to \$50 per month, when every board of surgeons have rated me at \$72. Had they given me \$100 it would have been more patriotic and more like equity for the long suffering that I have

endured and must endure for life. I have had the payment of rent and a chattel mortgage on all of our household goods extended until June. If not paid then I must lose all, and with my wife become a public charge. Mrs. Dunn has become entirely broken down in health with years of effort to keep me from the almshouse. If it is agreeable for you to defeat that amendment and get for me what you consider my case merits without jeopardizing or causing any material delay, I certainly will appreciate your kindness. I have written Hon. GALUSHA A. GROW relative to the matter, but do not know what action he will take.

Yours, fraternally,

JAMES W. DUNN,

Company E, Ninety-third Pennsylvania Volunteers.

Hon. W. JASPER TALBERT, Washington, D. C.

Mr. TALBERT. That letter speaks for itself, and I think it is a sad commentary upon the pretended desire of the Republican party to do justice to the old soldiers that they have to appeal to me, a representative from the South, and a Democrat, to seek justice for them [laughter]; but I will, am willing and glad to do it; at the same time to do justice to my own people at home by opposing unjust legislation. It is on behalf of men like the writer of that letter that I raise my voice here against the constant bringing in of these bills to remove charges of desertion from men who were not soldiers, who always had their backs to the enemy—"bummers" and "coffee coolers"—and I put this House upon notice now that I shall object to the passage of all bills of that character that have not first been considered at a Friday night session. I shall do this in no factional spirit, but upon principle and justice and right.

Mr. DINGLEY. Mr. Speaker, I have simply to say that in this case the soldier served over two years and was in six of the great battles of the war, so that he can not be properly described as one of those who "always had their backs to the enemy." I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNED CANNON.

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls, was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls, for the decoration of the soldiers' monument of said city; *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COOPER of Texas. Mr. Speaker, I am reluctant to interpose an objection, but for satisfactory reasons I shall object in this case.

The SPEAKER. Objection is made.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being a bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate to the Soldiers' Monument Association of Allegan, Mich., four condemned cannon and four pyramids of condemned cannon balls for the monument to be erected in said town: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interest: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. PITNEY. Mr. Speaker, I offer the amendment which I send to the desk.

Mr. RICHARDSON. Mr. Speaker, I make the point of order that it is not in order to put two bills together in this way.

The SPEAKER. The Chair thinks the gentleman ought to hear the amendment reported before he makes his point of order.

Mr. RICHARDSON. I will hear the amendment.

The amendment was read, as follows:

Amend by adding: "And also to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls for the decoration of the soldiers' monument of said city."

Mr. RICHARDSON. I make the point of order, Mr. Speaker, in the interest of good legislation.

The SPEAKER. The Chair sustains the point of order. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. THOMAS, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPANY I, SEVENTH IOWA INFANTRY VOLUNTEERS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby directed to correct the muster roll of Company I, Seventh Regiment of Iowa Infantry Volunteers, so as to show that said company was enrolled in the service on the 15th day of July, 1861.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. Mr. Speaker, I should like to hear some explanation of the bill.

Mr. LACEY. The report in this case is quite long, but I can explain the matter very briefly. In the Fifty-first Congress I introduced a bill to correct the muster rolls of this regiment to make them date uniformly on the 15th of July, 1861, the actual date of enlistment. The Secretary of War reported that action by Congress was not necessary, as he could make the correction himself, and he made an order to that effect. Afterwards it was ascertained that by mistake the rolls of Company I had been erroneously dated. The Secretary then issued an order vacating so much of his previous order as related to that company.

Mr. TALBERT. There is no question of desertion involved?

Mr. LACEY. Oh, no; it requires Congressional action to make the rolls of this company uniform with the others.

Mr. LOUD. What is the object of the bill?

Mr. LACEY. The object is this: These men enlisted on the 15th of July, 1861, but they were mustered in on the 24th. By mistake the rolls were dated the 24th instead of the 15th, and this is to make the rolls of this company conform to the fact, the same as the other companies' rolls.

Mr. LOUD. Is it not correct as it is?

Mr. LACEY. No; the rolls should have been dated the day the men actually enlisted. All of the nine companies have had their rolls corrected already by the Secretary of War, but by a mistake in the dating of the rolls in this case, the company could not avail itself of the benefit of the order of the Secretary.

Mr. LOUD. In my own case my enlistment antedated my enrollment, and I do not know why I should seek to have it changed.

Mr. LACEY. If, as a matter of fact, the date is wrong it should be corrected, and if the point were made the Secretary of War would correct it.

Mr. LOUD. What is to be obtained by this? What is the object?

Mr. LACEY. The object is this: The bounty law was changed on the 21st of July, and this muster roll as it stands leaves nine companies under one bounty law and this company under another law.

Mr. SPALDING. What is the object of this bill—to give extra pay?

Mr. LOUD. I would like to inquire how many hundred dollars are involved? How much bounty will be paid?

Mr. LACEY. I do not know. A few men—the number I can not precisely state—were discharged inside of two years and their rights are affected. Most of the men, however, served three years and "veteranized."

Mr. LOUD. How much bounty is involved—\$100 to each?

Mr. LACEY. It would be \$100 under the first enlistment.

Mr. LOUD. Very well; this is only a few dollars more; I guess we can stand it.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

FRANCIS MILLET.

Mr. CLARDY. I ask unanimous consent for the consideration and adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the bill (H. R. 1800) for the relief of Francis Millet, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. LOUD. What is this case?

Mr. DINGLEY. Is this a proposition to refer a claim to the Court of Claims for a finding of fact, and without authority to render judgment?

Mr. CLARDY. This is a claim for property taken during the war. The resolution proposes simply to refer the claim with all the papers to the Court of Claims.

Mr. LOUD. What amount of money is involved?

Mr. CLARDY. A little over \$2,000, I think, in all.

Mr. LOUD. I would like to know what kind of property was taken. I believe I will ask for the reading of the report.

Mr. CLARDY. It is short.

The report of the Committee on War Claims (by Mr. PUGH) was read.

Mr. LOUD. As that report gives no information in relation to the claim, I shall be compelled to object.

ANTHONY O'GRADY.

Mr. CANNON. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill which I send to the desk, and that it be placed on its passage.

The Clerk read as follows:

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis.

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion appearing on the records of the Adjutant-General United States Army against Anthony O'Grady, alias John Davis, late private of Company F, Nineteenth Regiment Massachusetts Volunteers, and that a certificate of honorable discharge as of Company F, Nineteenth Regiment Massachusetts Volunteers, be issued to said soldier.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. TALBERT. I object.

Mr. CANNON. Just one word, if the gentleman will allow me.

Mr. TALBERT. Certainly. I withdraw my objection for the present.

Mr. CANNON. For the first time in twenty years, I have asked unanimous consent to pass a bill. The beneficiary in this case is a constituent of mine—almost blind and totally disabled. He enlisted in the Army, as appears from the record, in the State of Massachusetts. In a terrific battle near the close of the war he had the palm of his hand torn off and his sight destroyed for two years. He was absent when his regiment was mustered out. He is noted on the records of the State of Massachusetts as "mustered out sick." But he has never received any discharge from the Federal Army. He is now old and dependent. The facts of the case coming to my knowledge, they appealed to me, and I greatly desire to have the bill passed.

Mr. TALBERT. Because this is an exceptional case, and for the personal reasons stated, I withdraw my objection.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and the House proceeded to consider it.

The amendment reported by the Committee on Military Affairs, to add to the bill the words "to date from April 30, 1865," was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

CONDEMNED CANNON FOR SOLDIERS' MONUMENT, ST. JOHNSBURY, VT.

Mr. GROUT. I ask unanimous consent for the consideration of the joint resolution which I ask the Clerk to read.

The Clerk read as follows:

Joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument in St. Johnsbury, Vt., 2 light pieces of condemned cannon and 20 cannon balls: *Provided*, That said delivery shall be made without expense to the United States Government and without detriment to the naval service.

There being no objection, the House proceeded to the consideration of the joint resolution.

The SPEAKER. The question is on ordering the resolution to be engrossed for a third reading.

Mr. PICKLER. Are amendments in order?

The SPEAKER. Amendments are in order if—they are in order. [Laughter.]

Mr. PICKLER. I desire to have the bill amended by adding the clause which I send to the desk, to which I think nobody will object.

The Clerk read as follows:

Add to the joint resolution these words:

"To each State and Territorial department of the Grand Army of the Republic eight pieces of condemned cannon, to be delivered to said departments of the Grand Army of the Republic upon order of the commander of the department and without cost to the Government."

Mr. GROUT. I make a point of order on that amendment.

Mr. PICKLER. I hope the gentleman will reserve the point for a moment. Let me say that my amendment proposes a fair way to distribute these cannon. The Grand Army of the Republic is organized in each State and Territory as a State or Territorial department. This will give to each State, treating all of them alike, eight pieces of cannon, and then when they have the annual meetings they can ship the pieces from place to place where the meetings are to be held or divide them up if necessary among the different posts in the manner best calculated to meet the wishes of the Grand Army men. It will give to all an equal number without favoritism, and place them upon an exact and equal footing. It is a fair proposition, and saves the taking of these cannon

away and putting them in specially favored or out of the way places. I repeat, this treats all alike; and I can say to the gentleman from Tennessee that I am sure it will meet the approval of the Grand Army men throughout the country. We ought to have this distribution made evenly and upon some regular basis, and not let the man who happens to get in first have the right to secure these guns to the exclusion of all others.

Mr. PAYNE. Is it the gentleman's proposition to give eight pieces to each State and Territory?

Mr. PICKLER. Yes.

Mr. PAYNE. Then I hope the point of order will be insisted upon.

Mr. PICKLER. Let me say to the gentleman that each State is organized as one department, and this will give all of the States an equal number.

Mr. MEREDITH. Are we manufacturing condemned cannon for distribution?

Mr. RICHARDSON. I wish, Mr. Speaker, to suggest to the gentleman from South Dakota, who makes his appeal to me, that I am not making the point of order against the amendment because of any objection to the method of distribution proposed by the gentleman. I have not objected to the consideration of a single application of this kind, nor shall I do so, so far as I know. But what I do object to is the vicious legislation that this proposes, because if you can couple bills of this character together, you can couple all of the pension bills together now pending before the House and pass them as amendments any time you get a single pension case before this body. You can couple every war claim and put them on a single bill in the same manner.

Mr. PICKLER. Yes; but there is no money in this.

Mr. RICHARDSON (continuing). And the bill may be ever so meritorious as an amendment proposed, but it is not proper legislation; nor is it, on the other hand, because of the fact that the bill has no merit; the objection is to the principle involved and not to the matter. It is simply an objection made in the interest of good legislation.

If the gentleman's measure is so highly meritorious, as he seems to think it is, I have no doubt that the able Speaker, the discreet Speaker of this House, will recognize the gentleman at any time when the public business will permit in order to get consideration before the House for his measure.

Mr. PICKLER. If the gentleman will allow me, I think it was just about two months ago, when the House had a flood of bills of this character coming in every day, applications from all over the country from one place or another, and on my suggestion, on motion of the gentleman from Ohio [Mr. GROSVENOR], the whole subject was referred to the Naval Committee with an understanding that they would report some bill that would dispose of the question. It seems, though, that there has been no such report, and now the single bills are coming in again, as we have seen in the last day or two—the same flood we had of them before.

It seems to me that under the circumstances the House ought, so as to avoid any appearance of favoritism in such a matter as this, give to each one of the State and Territorial departments the eight pieces of cannon recommended in my amendment. The distribution is certainly fair if made in that way. Then the departments of the Grand Army in all of the States will have the pieces and can control them. I repeat, it is a fair and equitable distribution, and it will satisfy the Grand Army men in all the States and Territories. I hope the objection will not be made.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. PICKLER. Certainly.

Mr. RICHARDSON. Is not the very measure you describe pending before the same committee that reports this bill?

Mr. PICKLER. No, sir; not in form—

Mr. RICHARDSON. Then, why not put it in form and send it to the committee and have it considered there?

Mr. PICKLER. The instructions of the committee were to report the matter; and it is in form, so far as that is concerned. But owing, as I suppose, to the multitudinous cares and business before the committee, they have not reported it.

The gentleman will see that this artillery, available for the purpose contemplated, is being rapidly exhausted. It goes to the man who can get in first, or who pushes ahead of the rest, while the modest man, like myself [laughter], will never get a piece unless we can have a fair distribution by some systematic arrangement such as I have proposed.

Mr. RICHARDSON. I think the legislation is vicious. The only place where we allow matters to be bunched together or grouped as the gentleman proposes is in the river and harbor bill.

Mr. PICKLER. Yes; but that is where there is money involved. I do not see what possible objection there could be to settling the matter in this simple way; and I hope the point of order will be withdrawn.

The SPEAKER. The gentleman from Tennessee makes the point of order against the amendment, and the Chair must sustain it.

The question is on the engrossment and third reading of the bill.

Mr. PICKLER. Is this matter open for debate now?

The SPEAKER. It is.

Mr. PICKLER. I do not know whose bill this is, Mr. Speaker, for I have not paid attention to that fact. But no matter whose bill it is, I hope it will be voted down.

It is not fair to the members of this House and the other States and Grand Army posts, and the different cemeteries in the country where they want this artillery, to have these guns grabbed up in this manner as the members manage to get their bills rushed to the front. It has not been two months ago since this House, in order to avoid this very condition of things, requested one of its committees to report a plan for a fair distribution of the guns. Something of that kind ought to be done, and until it is done these independent measures ought not to be allowed to pass. I hope the bill, therefore, will be voted down in order to get a fair distribution.

Mr. MEREDITH. The poor fellows in the cemeteries are in no hurry to get the guns now.

Mr. PICKLER. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

The SPEAKER. The bill has not yet been ordered to be engrossed and read a third time; that is the pending question.

The question was taken on the engrossment and third reading of the bill, and it was agreed to.

Mr. PICKLER. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. FAIRCHILD. I move to lay that motion on the table.

The question was taken, and decided in the affirmative.

Mr. PICKLER. On that I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. PICKLER. I demand tellers on the yeas and nays.

Tellers were not ordered.

So the motion to reconsider was laid on the table.

Mr. PICKLER. I move that this bill be recommitted to the committee from which it was reported.

The question was taken; and on a division there were—yeas 1, noes 60.

Mr. PICKLER. I move that the House do now adjourn. Is it not time for the special order, fixed for 1 o'clock?

The SPEAKER. The Chair thinks the House is dividing and that the question must be disposed of.

Mr. PICKLER. On which question is the House dividing?

The SPEAKER. The House is dividing on the question of recommitment. The yeas have it, and the bill is ordered to be read a third time.

The bill was read a third time, and passed.

On motion of Mr. GROUT, a motion to reconsider the last vote was laid on the table.

Mr. PICKLER. I want to give notice that this is the last one of these bills—

THE LATE REPRESENTATIVE COGSWELL.

The SPEAKER. The time fixed for the special order has arrived.

Mr. MOODY. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. WILLIAM COGSWELL, late a Representative from the State of Massachusetts.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. MOODY. Mr. Speaker, his office who seeks to construct in enduring form a just estimate of the life and character of one who has so recently departed from the midst of living men that the glance of the eye and the sound of the voice seem hardly yet a memory is never easy of accomplishment. He must neither degenerate into mere fulsome eulogy which overshoots the mark nor fail in due appreciation of the great qualities which deserve commemoration. The difficulties and dangers of the duty, always sufficiently manifest, are multiplied in the case of the man whose memory we honor to-day.

WILLIAM COGSWELL was the most modest of men. He was impatient of eulogy. If we could respect his wishes, if we could accept his own estimate of himself, we should be silent at this hour. But that can not be. His life, so full of splendid achievement, demands a higher measure of praise than he would willingly receive.

I know how poor are the words which I shall speak. At the most, I can expect to recite his history only in meager outline, leaving it to the loving touch of others to delineate the beauty of its detail.

There can be no complete knowledge of an individual unless we

know of what manner of men he was born. WILLIAM COGSWELL owed much to his ancestry. They were of English origin. He was descended from John Cogswell, who appears to have been a man of substance and position in Westbury Leigh, county of Wilts, where he owned and managed a woolen mill which had been in the family for many generations. When about 43 years of age he sailed from Bristol with his wife and eight children in search of a new home across the Atlantic. The voyage began on June 4, 1635, in the ship *Angel Gabriel*, and ended in shipwreck on the inhospitable shores of Maine in the great storm of August 15 of that year. The Cogswells were among the saved, and with little delay the family proceeded to Ipswich, in what is now the county of Essex, in the Commonwealth of Massachusetts, and settled in that part of Ipswich which subsequently became the town of Essex.

The Cogswells were always leaders in the community in which they dwelt. In the fifth generation of the family eight brothers served in the Continental Army in the war of the Revolution, their aggregate term of service being thirty-eight years. One of the brothers, the grandfather of WILLIAM COGSWELL, entered the Army as a private at the age of 15 years, subsequently became surgeon's mate, surgeon, and chief medical officer of the Army, from which position he resigned in 1785.

WILLIAM COGSWELL, seventh in descent from John Cogswell, was born at Bradford, Mass., August 23, 1838, of the marriage of George Cogswell and Abigail Parker. His father, George Cogswell, is a surgeon of extended practice and great reputation, and through a long and busy life has held many important public and private offices. He was one of the founders of the Republican party in Massachusetts, and was a delegate in the convention which nominated Abraham Lincoln in 1860. He is now, at the age of 88, living at his home in Bradford, with mental powers unimpaired by the passage of time, serenely awaiting the summons which in the order of nature can not be many years delayed. Young COGSWELL's mother died when he was about 7 years of age.

He received his early education at Atkinson Academy, Atkinson, N. H., and Phillips Academy, Andover, Mass., and at Kimball's Union Academy, Meriden, N. H. One of his instructors at Atkinson writes of him:

He was a bright boy, decided and independent in his opinions, but always pleasant and gentlemanly in their expression, so that he did not offend those with whom he differed.

Gentlemen on the other side of this Chamber can best testify how far in this respect the boy was the father of the man. Entering Dartmouth College in 1855, he remained there only a short time, and in 1856 and 1857 made the voyage around the world as a sailor before the mast. Upon his return he began the study of law at the Harvard Law School, and on September 8, 1860, was admitted to practice as a member of the Essex bar.

But COGSWELL was not destined for a career at the bar. His life came to be so full of great events that no room was left for the wearying diligence and exclusive devotion which alone command success in the legal profession. For a time he remained in the office of William D. Northend, an eminent member of the Essex bar, and in April, 1861, he ventured to open an office for himself at Salem. We can well understand how little, in those exciting days, his mind and heart responded to the dreary exactions of the beginnings of a professional career. He had enlisted as a private in the Second Corps of Cadets, a militia organization of the State, and during the winter of 1860-61 was enthusiastic in the performance of his military duties. Governor Andrew believed war to be inevitable, and had sought to ascertain from the various militia organizations in the State how many men, if called upon for duty, would respond. When the roll of the cadets was called, WILLIAM COGSWELL was one of the first to answer that he was ready when the time should come. Throughout that winter his voice was heard at various public meetings in support of the Constitution, the laws, and the integrity of his country.

I fancy that up to the 19th of April, 1861, few clients had found their way to the young lawyer's office. At about 1 o'clock in the afternoon of that day news came to Salem which changed his whole career. The Sixth Massachusetts had been attacked in the streets of Baltimore on its march to the defense of the capital, which it was destined to reach as the first armed body of volunteers. Law books, clients, and the hope of clients were all thrown aside, and the law office became the recruiting station, where in twenty-four hours a full company was raised for the war. It is worthy of notice that this was the first company in the country which was recruited for the war. This company, with Captain COGSWELL in command, became Company C of the Second Massachusetts Infantry Volunteers, which was under the command of Col. George H. Gordon, a graduate of West Point. On the 25th of May, COGSWELL was mustered into the service of the United States as captain, to serve three years, and on the 12th of July the regiment crossed the Potomac and stepped upon the soil which was to receive so much of its precious blood. By the side of the national flag was borne the emblem of the Commonwealth of Massachusetts, but upon its folds were the words, then, always, and forever dear

to Massachusetts hearts: "We carry the flag and keep step to the music of the Union."

COGSWELL commanded this regiment longer than any other man. How closely it was connected with his military career we can judge from the words of General Hooker, who, when recommending him for promotion, wrote:

He has commanded the regiment with distinction in and out of battle for more than two years. Colonels make regiments, and his, as is well known to two armies, has no superior.

Mr. Speaker, you will forgive a son of Massachusetts if for one moment, yielding to a just pride, he dwells upon this regiment which in its membership, its achievements, and its sufferings represents so much of all that is dear to that ancient State. Its commander, born on our soil, educated at West Point, a veteran of the Mexican war, was destined to win new laurels and retire with the rank of brevet major-general. Its lieutenant-colonel, educated at West Point, retired with the rank of brevet major-general. Of its officers 35 were graduates of colleges, and many more interrupted their higher education to enter the service, and 24 were killed in battle or died in the hospital of wounds or disease contracted in the line of duty. The valor and devotion of the enlisted men were abundantly manifest upon many fields. At Cedar Mountain the loss was 35 per cent; at Antietam, 25 per cent; at Chancellorsville, 33 per cent of those in action, and at Gettysburg, 44 men out of every 100 who went into the battle were killed or wounded. In the war 843 men were killed, wounded, and disabled in action or by accident or disease. Well may the men of this regiment take to themselves the words that were spoken by the side of the monument of Robert G. Shaw, who entered the service with them as an officer:

Ah, when the fight is won,
Dear Land, whom triflers now make bold to scorn
(Thee! from whose forehead Earth awaits her morn),
How nobler shall the sun
Flame in thy sky, how braver breathe thy air,
That thou breedst children who for thee could dare
And die as thine have done!

Although the limitations of this occasion prohibit a description in detail of COGSWELL's military services, a sketch of them can by no means be omitted. In the latter part of 1861 and the early part of 1862 he was under Banks's command. In March, 1862, when Banks was driven out of the Shenandoah Valley and across the Potomac at Williamsport, the Second Massachusetts was the rear guard which, by its dogged persistence, resisted the approach of the victorious troops of Jackson. At Cedar Mountain and at Antietam the regiment was hotly engaged, and in the latter battle COGSWELL received a slight wound. On September 25, 1862, he was detailed as acting major of the regiment and mustered in as lieutenant-colonel October 23, 1862. On the second day of the battle of Chancellorsville, May 3, 1863, COGSWELL received a severe wound in the left arm, from the effects of which he always suffered. Under his command the regiment fought on this battlefield until it was without ammunition of its own, and then continued the contest with ammunition gathered from the cartridge boxes of the wounded and dead of the retreating enemy, until this ammunition in its turn was exhausted. On June 25, 1863, when 24 years of age, he was mustered in as colonel of the regiment. By reason of the wound which he had received at Chancellorsville he escaped the terrible experience at Gettysburg, where its commanding officer was shot at the head of the regiment.

He returned to the front with his wounded arm still in a sling. After a period of service in New York City during the draft riots, he rejoined the Army of the Potomac, and in September, 1863, he, with his regiment, was attached to the Army of the Cumberland.

On the 31st of December the regiment, whose term of service had expired, reenlisted and became the Second Regiment of Massachusetts Veteran Volunteers. In January, 1864, a furlough of thirty days was given them, and on the 19th of that month the regiment reached Boston, where it was received with the most intense enthusiasm. Of the 1,046 men who had left Boston thirty months before, 222 returned. At the reception given at Faneuil Hall, Colonel COGSWELL, replying to an eloquent address by Governor Andrew, said:

When I say to your excellency that these men, with the experience they have had, with the hardships, sufferings, and dangers that they have seen and dared, have reenlisted, I have said enough for a lifetime in their praise.

On the return to the front, COGSWELL took part in the campaign against Atlanta. After the capture of the city he was made by General Sherman post commandant, and continued in that office until the evacuation by the Union troops, when it became his duty to destroy all buildings and works of military importance in that city.

COGSWELL rarely spoke of his military career, but thirty years later the duty of destruction which he was called upon to perform was recalled to the memory of those who then sat in this Hall. The military commandant had become a Representative of the people of Massachusetts. The people of Georgia were asking from the Treasury of the United States national aid for the exposition

about to be held in the city of Atlanta. Differences had arisen between members of this House and those at the other end of the Capitol. COGSWELL arose in his place and said:

Mr. Speaker, on the morning of the 3d day of September, 1864, as a member of the Federal Army I marched into the city of Atlanta. It had been partially destroyed by the retreating Confederate forces under General Hood. We occupied it until the 17th day of November following. At that time it had a population of but 10,000 inhabitants. During our occupancy of the city we sent north or south the people there residing, and made it a complete military post. On the 16th day of November General Sherman's army withdrew from the region of country surrounding that city, and as the commandant of the post of Atlanta it became my duty to remain the night following with my command. The day and night following, and indeed for nearly the entire three days ending on the morning of the 17th of November, the city was wholly destroyed for any military purposes and occupancy under the sad exigencies and necessities of war, and I left it a heap of smoldering ruins and ashes.

Mr. Speaker, I returned to the city of Atlanta not many years ago, and I found that that city, which was then, when I last saw it, but a mound of ashes and ruins, had arisen from its fires, from its ashes, and from its sad condition, and had grown to be a magnificent city of 100,000 inhabitants, with all of the evidences of prosperity, of enterprise, of push, and of business exhibited by any other city on this continent. I found that from the narrow limits which formerly environed it it had grown out 7 miles, and where we had surrounded the city with earthwork after earthwork it had pushed its settlements, its dwelling houses, its factories, its workshops, and its places of business away beyond the old limits, and had so far obliterated the whole line of earthworks and the evidences of war that I could hardly find one of the fields of the many where we had engaged in battle when we besieged the city.

I came back to see a typical American city, built upon the ruins and the ravages of war, in a contest in which its defenders had been defeated, and I was proud to see it capable so soon of renewing its old American spirit and putting itself in the front, where the noble and enterprising citizens of Atlanta have put that beautiful "gate city" of the South.

Mr. Speaker, when the proposition came before me as a member of the Committee on Appropriations whether in this enterprise, which contains all of the elements of success, we should take a part and have the Government exhibits displayed and help along the great exposition, I said to that people, "If I stand alone there is one voice and one vote that will give Atlanta any reasonable assistance from the General Government." And so all hail to her in her grand and what I believe will be successful exposition.

No man in the Union could have spoken more effectively for Atlanta's cause. No one more fittingly could carry from his comrades in arms and the people of his State their message of peace and good will to the new South than the man who, within its limits, had wrought ruin by fire and sword.

After the destruction of Atlanta, COGSWELL was with Sherman on the march to Savannah, and in the operations about that city was promoted upon the battlefield and assigned to the command of a brigade. His brevet as brigadier-general dated from December 12, 1864, and on January 12, 1865, he was assigned by the President to the command of the Third Brigade of the Third Division, Twentieth Army Corps, and continued in command until June 13, 1865, when the corps was discontinued.

At the battle of Averysboro, in April, 1865, COGSWELL was again wounded, but not so severely as to keep him from duty, for two days later we find him engaged upon a field where, according to the official report, upon the morning after the engagement three distinct rows of the enemy's dead were in the rear of his brigade. Here, too, he received a slight wound from a piece of shell.

At the close of the war, on July 24, 1865, he was mustered out and honorably discharged, after four years and three months of service, and at the age of 26 years returned to the practice of law.

I can not trust myself to speak of these years of splendid service. He who has not "shared the incommunicable experience of war" has neither the capacity nor the right to describe it. I trust I may be pardoned if, failing in my own, I borrow the words of a gallant soldier who in civil life has adorned an illustrious name. Mr. Justice Oliver Wendell Holmes, speaking on Memorial Day to the students of Harvard College, said:

Most men who know battle know the cynic force with which the thoughts of common sense will assail them in times of stress, but they know that in their greatest moments faith has trampled those thoughts under foot. If you have been in line, suppose on Tremont Street Mall, ordered simply to wait and to do nothing, and have watched the enemy bring their guns to bear upon you down a gentle slope like that from Beacon street, have seen the puff of the firing, have felt the burst of the spherical case shot as it came toward you, have heard and seen the shrieking fragments go tearing through your company, and have known that the next or the next shot carries your fate; if you have advanced in line and have seen ahead of you the spot which you must pass where the rifle bullets are striking; if you have ridden by night at a walk toward the blue line of fire at the dead angle of Spottsylvania, where for twenty-four hours the soldiers were fighting on the two sides of an earthwork, and in the morning the dead and dying lay piled in a row six deep, and as you rode have heard the bullets splashing in the mud and earth about you; if you have been on the picket line at night in a black and unknown wood, have heard the spat of the bullets upon the trees, and as you moved have felt your foot slip upon a dead man's body; if you have had a blind, fierce gallop against the enemy, with your blood up and a pace that left no time for fear; if, in short, as some, I hope many, who hear me have known, you have known the vicissitudes of terror and of triumph in war, you know that there is such a thing as the faith I spoke of. You know your own weakness and are modest, but you know that man has in him that unspeakable somewhat which makes him capable of miracle, able to lift himself by the might of his own soul, unaided, able to face annihilation for a blind belief.

The men of my generation can never hope to understand the truth which these words seek to tell us. They come faintly to us like the sound of a distant bugle call, quickening the pulse with the hope that we might not be found wanting in an hour of trial.

But the generation which is reaping where it has not sown,

though it know not the agony of the seedtime, can measure the abundance of the harvest; and as one by one, with ever-increasing frequency, those who by their valor and devotion have united discordant States into a lasting Union, sustained by the willing loyalty of freemen North and South alike, fall from the ranks of the living, upon their graves we reverently lay the tribute of our enduring gratitude.

General COGSWELL was married on June 20, 1865, to Emma Thorndike Proctor, who died April 1, 1877. Of this marriage there are now living two children, William and Emma Silsby. He married again on December 12, 1881, Eva M. Davis, who survives him.

The membership of this House for thirty years has demonstrated how often the qualities of leadership, which were developed in the war, have led on to promotion in the walks of civil life. It was thus in the case of COGSWELL. Two years after his retirement from the Army he was elected mayor of the city of Salem and served three years in that office. Again in 1873 and 1874 he was reelected to that position. Five times, in 1870, 1871, 1881, 1882, and 1883 he was elected to membership in the Massachusetts house of representatives. In 1876 he was appointed inspector-general of fish throughout the State of Massachusetts and held that lucrative office for ten years. In 1885 and 1886 he was a member of the State senate of Massachusetts. In all of these positions he rendered faithful and effective service.

In 1886 he was elected from the Essex district of Massachusetts to membership in the Fiftieth Congress, and later reelected to the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. The principal committees on which he served were those on Appropriations, Rivers and Harbors, and the District of Columbia.

In this presence I refrain from dwelling upon his service in this Chamber. Those who are to follow me can best do that. But this much I know and can say. To every duty which his position imposed upon him he was faithful to the end. No duty was so great that he shrank from it; none so small that he neglected it. He was neither an orator nor a frequent speaker, but he lent to all that he said the weight of sincerity and truth. Massachusetts has had few Representatives who have wielded a greater influence than his. He was respected and loved by his associates. Although he was unswerving in his allegiance to the principles of the Republican party, he never forfeited the confidence and respect of gentlemen upon the other side of the Chamber. While he never forgot the cause to which he had devoted the best years of his life upon the battlefield, and jealously guarded every right which he had helped to win, he had no more loving friends than his associates here against whom he had so strenuously fought day after day for more than four years. With him there was no shadow of yielding of any of the great results of the war; but, saving this, with him the war was done when he laid aside his sword in 1865.

He so conducted himself in his great office as a Representative of the people in the Congress of the United States that he grew year after year in the esteem of his constituents, so that in the election of 1894 he was returned to the Fifty-fourth Congress by a plurality of more than 10,000 votes.

But this message of renewed confidence from his people fell upon ears dulled by approaching death. The disease from which COGSWELL had been suffering for many months began in the autumn of 1894 to assume an alarming aspect. He was able to take little part in the political canvass of that year, and it was not until January that he took his seat in the last session of the Fifty-third Congress. But his work was done. A few days of attendance on the sessions of the House served but to convince him and his sorrowing colleagues of the havoc which disease had wrought in the sturdy frame, and he soon sought to recover health and strength under more favoring skies.

In the Island of Jamaica, cheered by the companionship of his loving wife, he seemed at first to gain in vigor. But the hope which the temporary improvement aroused in the breast of the stricken man soon passed away. Returning to our shores, slowly he made his way northward through Georgia and Tennessee and North Carolina and Virginia, all so full of memories for him. The kindness of the people of the South, and especially of those of Atlanta, seemed like a benediction in those final days. He reached Washington, but he could go no farther. Here he lingered until the 22d of May, 1895. Then, surrounded and sustained by the love of children and of the woman who had been companion, friend, and wife alike, he passed into the eternal rest.

When a few days later, in the city of his home, he lay waiting the solemn service for the dead, a great throng of men and women came to his side for the last farewell. They remembered the steadfast friend, the faithful official, the brave soldier, and for him they mourned. They knew that after a lifetime of public service he had died in honorable poverty, and in that they rejoiced.

Mr. Speaker, the life which has been so lived has not been lived in vain, and its lesson will endure from generation to generation, a heritage and an inspiration among his people.

Mr. CATCHINGS. Mr. Speaker, I have never known in all my life a man for whom I had greater admiration than I had for

General COGSWELL. During his whole service in Congress my acquaintance with him was most intimate.

In the Fiftieth Congress he was assigned to the Committee on Rivers and Harbors, of which I was myself a member. The work of that committee is laborious and exacting and calculated to bring to view both the strong and the weak characteristics of its members. It is wholly nonpartisan, and embraces the general subject of river and harbor improvement throughout the country. Delegations of citizens from every section come before it in advocacy of the projects in which they are chiefly concerned, and explain in general and in detail the character and extent of the commercial interests to be subserved by the improvements sought by them. No member gave greater attention to these demands or sought more diligently to sift the good from the bad, and to do what on the whole seemed best and wisest for the general welfare. It mattered not to him from what section these demands came. He was a national man in the broadest sense, and all that he cared to learn was whether or not they were worthy and, if allowed, would contribute to the general advancement and prosperity of the American people. It was a great pleasure to him to listen to the recital of the facts furnished by these delegations, which gave evidence of the marvelous growth of our country and its future possibilities.

I was soon impressed by his usefulness and his pure and patriotic instincts, and we speedily grew to be warm and devoted friends. He was a man of extraordinary natural ability, and his information on all subjects was extensive and accurate.

The work of the Committee on Rivers and Harbors, while useful and interesting in the highest degree, is so exacting and confining that its members are largely precluded from general participation in the work of Congress and for that reason from manifesting their capabilities. I met him on the streets of this city one night shortly before the organization of the Fifty-first Congress, which was to be controlled by his party, and asked him what committee assignment he contemplated seeking. He replied that he supposed he would go back on the Committee on Rivers and Harbors. I said to him that his abilities and character entitled him to a position which would enable him to take a leading part in shaping legislative policies, and that he would do himself great injustice to again bind himself to the exacting labors of that committee, which he could leave without sacrificing any of the local interests of his State. His modesty was so great that I am quite sure he was somewhat startled when I urged him to apply for a place on the great and powerful Committee on Appropriations, but he finally consented to do so. He secured the transfer, and we all know how fully he at once measured up to his increased responsibilities and forged to the front as one of the boldest, most attractive, and most trusted leaders of the House.

No man rejoiced more than myself over the superb manner in which he bore his new honors, or the brilliant success which marked his career from that time until his death. Democrats and Republicans vied with each other in manifesting for him the most profound respect and affectionate regard. I remember when the committees were being framed in the Fifty-second Congress, Speaker CRISP asked me to ascertain what assignments General COGSWELL wished, saying that his abilities and high character entitled him to anything that he wanted.

He was a strong and unswerving partisan, as he had the right to be, but with it all he was so manly, so fair, so honest, so brave, and so strong that he commanded the unqualified admiration of all. But I prefer to remember him as I knew him in the companionship of private life. Scarcely a day passed that he and I did not contrive in some way to get together and abandon ourselves to the pleasures of friendly intercourse. How I enjoyed these occasions I can not describe. His thoughts were so elevated and pure, his manners so gentle and refined, and his information so varied and rich that it was not only profitable, but ennobling to be with him. If he had any faults of character I never discovered them. To me he was always a wise, noble, and virtuous man, a winsome, knightly gentleman, and a delightful companion.

The country never had a more ardent defender nor the people a truer friend or more devoted public servant. Had he lived he would surely have grown in power, and that power would as surely have been used for the public good as he saw and understood it.

When the sad tidings of his death reached me in my distant Southern home, I grieved as sincerely and as truly as though he had been flesh of my flesh and bone of my bone. No recompense can be made to his bereaved family for his untimely loss, but it should be some consolation to them to know that he was universally honored and beloved and that his friends mourn with them sincerely and deeply.

Mr. WALKER of Massachusetts. Mr. Speaker, Gen. WILLIAM COGSWELL's name will always be held in highest honor in this House, in his town, in his Congressional district, in the State of Massachusetts, and in the whole country.

I had known of him for many years, but the first time I met him was upon the assembling of the Fifty-first Congress, in December, 1889.

I never shall forget the meetings of the Massachusetts delegation to take account of our duties to Massachusetts as a delegation. Congressman Rockwell presided and General COGSWELL took the lead in discussing the various plans whereby each member could best serve our beloved State. In this he peculiarly revealed himself. Eight of us were new members. There, as everywhere, he knew no political parties when the interests of Massachusetts were at stake. The two Democrats on the delegation were as fully considered as Republicans and secured some of the very best assignments.

His strength of character and skill in making the delegation felt in the House as a solid force for Massachusetts was exceptional. While always a thorough Republican, he knew no party in the House when party politics was not forced upon him.

Like the noble soldier that he was, errors in war or peace, long ago forgiven by him and the country, were buried in oblivion. Indiscretions in bringing old errors and differences of speech and conduct into prominence to revive bitter memories by any member of the House never angered or provoked reply from this noble patriot. His great heart passed them by in noble sorrow that small minds could not let the dead past lie quietly in its grave in the interest of a harmonious and patriotic living present.

His sense of honor and love of justice was keen above that of almost any man I ever knew. He always was exceedingly watchful for the interests and reputation of every one of his colleagues. He would be at any pains to protect any one of them from being misunderstood or to see that credit was bestowed where justly due.

He was in every fiber an honest man. In fact, his high sense of honor, ever prompting him to conscientious discharge of the burdensome duties of the high places assigned him in this House, very perceptibly shortened his life.

There has not been a single man in any of the many Congresses in which he served who was not proud to count General COGSWELL or did not feel that he was among his friends. Where so much depends upon the personal good will of one's colleagues in securing legislation desired, no man in Congress was any more successful than General COGSWELL. His lovable qualities, added to his acknowledged ability, made him peculiarly successful.

His death was to me a very great personal sorrow and official loss. I feel shorn of half my power and influence in his absence from the halls of legislation. His sympathy with his associates, which led him always to put the better rather than the worse construction upon words and conduct, his disinterested advice and assistance, seemed to double the influence of each one of us. Massachusetts sadly misses him from the halls of legislation.

All of us who had the great felicity of being counted among his dear friends mourn him with the sincerest sorrow. The district, the State, as well as the whole country he so faithfully served hold his memory as a rich inheritance for their children.

Mr. GROSVENOR. Mr. Speaker, so far as words of mine are concerned, I might as well rest this memorial service upon the exceedingly beautiful address which has just been made in our presence by the successor of the distinguished gentleman whose life we honor and whose death we mourn. Seldom have I heard in this House so beautiful a tribute, and seldom have I listened to an address of this character that has brought back to my mind so distinctly the great characteristics of the dead.

I did not know General COGSWELL during the war, although he came in the height of his career to the army of which I was a humble member. He came by transfer of his regiment from the Eastern to the Western army. He came with a Massachusetts regiment and in a corps of the army that had done great service in the battles in Virginia. He came when his training and discipline and fitness for a soldier's life had become thoroughly developed and wonderfully developed, considering the youth of the man. He came with a grand division of the army, which was at once met by the jealousies and criticisms that the Western and Southern armies always had for the Army of the Potomac. But the troops to which he belonged very shortly made and established their position among the men of the Army of the Cumberland, and during the great campaign of Atlanta, as we have termed it, they very successfully competed with the best of the Western troops for that standing which ultimately made them one of the best corps of Sherman's army, a corps that ultimately aided in the capture of Atlanta and marched with Sherman to the sea.

Joining in that great campaign as they did, three great armies of the Union, they were in a condition which demanded competition if they would achieve excellence. They were surrounded by competitors in achievement such as no other troops of the Union Army at any period in the war ever encountered. There came to us of the Army of the Cumberland after the battle of Chickamauga that splendid army tried as by fire, the Army of the Tennessee, than which no better army of soldiers ever marched to the music of the great American Union. Disciplined in campaign, great in

maneuver, hardened by exposure, and tried by fire, this subdivision of the Army of the Potomac joined with us and the Army of the Tennessee in the great campaign which immortalized the leaders and placed a halo which has never perished around the names of the great commanders of those three armies.

Something of the standing which General COGSWELL had in that splendid army with which he came to the South I heard of by accident. I did not know him at the time. I was on the staff of a brigade commander, and at the point in the movement which we designated as Buzzards Roost Gap—I do not know what the name was upon the other side—I was sent with an order, or with a communication, to be delivered to General Hooker. I did not know what that communication was, but I rode up to General Hooker, who was at that time in conference with General Sherman, and delivered the paper to him. He opened it and read it, and I heard him say, "If I were to obey that order literally, I would send COGSWELL." And then he said, "I am directed to send the best regimental commander I have." I did not know COGSWELL at the time, but I learned afterwards all about him, and know that that was an historical fact.

I might say in this connection that Hooker did not send him upon the detached service, undertaking to discriminate in his own favor by retaining COGSWELL at the head of his command. His career as a soldier is best tested by the progress of his promotions. He entered the Army at the age of 23, without military experience, and inside of four years he was a brigadier-general by brevet and in command of a brigade of the great Army to which he belonged. In the beginning of our war many men rose to distinction by the mere election to a company or regiment, but the man who started as a captain in a great army and then rose in later years to be a colonel and brigadier-general had something in him outside of the common and average capacity and fitness of the men of that time.

After the war I met General COGSWELL in this House and made his acquaintance when he came as a member of the Fiftieth Congress. I met him in service upon the Committee on Rivers and Harbors, where he succeeded his predecessor, who had represented the district from which General COGSWELL came in several Congresses. The service of General COGSWELL upon that committee made his true characteristics known to me. It is a committee of the House most fortunate for a broad-minded, statesmanlike member to serve upon. It is a committee happily very free from partisan considerations and brings out of the members a broad and judicious examination and determination of the rights and interests of the whole country. No man on that committee commended himself to me in a higher degree for his wisdom, fairness, and justice with which he studied the wants of the whole country than did General COGSWELL. He criticised with the same acuteness of mind and integrity of judgment the claims from his own district as he did the claims from the most remote districts of the South or West. I think every gentleman upon that committee serving at the time will justify this comment upon his character, and that was one of the fundamental monuments of his mental make-up. He was wise, just, and absolutely impartial. His was a mind that was judicial in character, a mind that was fair and just, a mind that was wonderfully discriminating and powerful when it was applied to anything that came before him. On the floor of this House he was a man of great influence. His distinguished successor has said that he did not often speak, and I doubt not that was one of the elements of his influence. He did not fritter it away by a discussion of every question that came up, and herein was one of the points of his success.

When he spoke he spoke with that fullness of knowledge of a subject which alone makes a man capable and powerful on this floor. He was never detected in making a mistake in a statement of fact. He was never detected in attempting to speak upon a question for the purpose of displaying either his oratorical powers or his knowledge of a subject. He spoke from an earnest purpose to enlighten the House and carry conviction to its members; and no man had greater influence on this floor than did WILLIAM COGSWELL.

He was true and faithful to every duty he owed to man. He was a man of stern faith and confidence in the duty and propriety of great citizenship; and in his upright manhood he was a man of the highest integrity, a man of the strictest adherence to honor, a man whose faithfulness to friendship was only equaled by his faithfulness to duty.

Nothing that has happened in my experience here in Congress was more painful for me to witness than the struggle of General COGSWELL with that fell destroyer that finally conquered when he died. I talked with him on several occasions and he told me that he had been warned that he ought to leave, and I urged him to go. I urged him to go to other climes and other atmospheres and seek health and restoration, but he said he had come from strong stock and felt that he could recover. He did not believe he was going to be stricken down. He did not speak of any unfulfilled ambition, for I never heard him speak of ambition, but then and always he spoke of his duty to the State and the country.

He was not a provincial representative. He never spoke about the section of the country that he came from. It was impossible that a man with such a military record as he, a man who stood where he had stood, a man who fought where he had fought, a man who associated where he had associated, should be a provincialist. It could not be expected that he would be a narrow-minded representative of a single section of the country, and I never heard him put the claims of one section against any other section of the country.

But I was speaking of his struggle against death: It was a fight for life, and when I saw him coming back from the South with death upon him I tried to encourage him. I happened to be in the city on the very day he died. I tried to encourage him in that way which we are all so much in the habit of doing, saying that he had recovered his looks and his strength. He said, "No, no; the battle is over;" and that was all he said. He did not discuss with me anything about his fears or hopes or anything of that sort, but simply said, with a resignation that astonished me, "No; the battle is over."

Mr. Speaker, his example was one worthy of our emulation. The grand State that he had the honor in part to represent on this floor has lost another of her distinguished sons. I honor that great Commonwealth, that produces such eminent gentlemen on all occasions to take the places of her fallen great ones. Webster may fall, Sumner may pass away, and COGSWELL may vanish to the other shore, and yet there comes and will continue to come from Massachusetts, from that old stock of Puritans, ingrafted here and commingled with the blood of other nations, great men to fill the places of those who have fallen, but they can have no greater exhibition of statesmanship and manhood, and no higher mark of emulation, than is found in the life, career, and character of WILLIAM COGSWELL.

Mr. DOCKERY. Mr. Speaker, I regret that circumstances prevent me from paying to the life and character of the late Gen. WILLIAM COGSWELL the tribute I would desire to offer. But I can not forbear a single observation with respect to the high character of his public services and the stainless record of his private life.

My acquaintance with General COGSWELL began with the Fiftieth Congress, and I served with him upon the Committee on Appropriations during a period of six years. I knew him intimately as a member of that great committee, but was brought perhaps into even closer relations with him as a member of the special committee appointed to investigate the expenditures and conduct of the World's Columbian Exposition, whose exacting duties required their presence at Chicago for nearly two weeks. Mr. Speaker, I recall in passing the oft-repeated opinion of General COGSWELL that the unanimous finding of this committee contributed very much to the success of that most marvelous exposition of all time.

A very brief time has wrought many changes in the relations of that committee since their report was submitted to Congress in 1892. Of those who composed the committee, Breckinridge of Arkansas, courtly, scholarly, and the very soul of honor, represents the Republic at the Court of St. Petersburg; Compton, genial and capable, is naval officer of customs at the port of Baltimore; HENDERSON, chivalrous, able, and patriotic, is still an honored Representative of the great State of Iowa on this floor; while the sleeping dust of COGSWELL rests in the soil of the Commonwealth of Massachusetts.

Mr. Speaker, General COGSWELL was an earnest and convincing speaker, but to me rugged integrity, exalted courage, and sound judgment seemed to be his most conspicuous gifts, and they appeared to greatest advantage in the labors of the committee room. And in this arena, too, he was a sage in counsel and an unrelenting foe of every unworthy scheme and questionable proposition. He was indeed an efficient guardian of the people's interests.

But, Mr. Speaker, I will not enter into the details of his long and useful career. I leave to others the privilege of properly presenting the brilliant record of General COGSWELL as a soldier, a legislator, a citizen, and a husband and father. He was brave and manly, bluff, candid, honest, tireless and faithful in the discharge of every duty devolved upon him:

The knight's bones are dust,
And his good sword rust;
His soul is with the saints, I trust.

Mr. HENDERSON. Mr. Speaker, one of the greatest pleasures, we will all agree, that we have in this public life springs from the strong, warm friendships that we form among our associates. The saddest experience that we have as members of this body is when one is torn from us whom we have learned to love. General COGSWELL was one of my closest friends, the dearest and the most trusted that I have ever had during my membership of this House; and I share with others who knew him in feeling, deeply feeling, the great loss that has come to us.

What can any of us say to-day about our absent, silent friend?

We can only feebly summarize some of his leading deeds and characteristics—opening, it may be, a page here of his life which reveals the lion, and then another page giving us some of the sunlight of his warm, rich life. Fortunately for him his life was more eloquent than anything that the lips of warmest friend can speak this afternoon.

Did I call him absent friend? No; not absent while one remains on earth who ever felt and truly understood the charm, the intensity, the warmth, the honesty, the tenderness of his great soul, his great life.

So many die and pass away, and the world says "Amen," and the fairest critics of their lives have but little to say in their behalf. Others come and stay with us and touch our lives and fill our souls with tender melodies, and then pass away into the darkness, and questions loom up in our souls which we seem to hurl at the foot of the eternal throne demanding an explanation of this breaking up of our loves. And so it was with General COGSWELL.

For months he bravely and patiently lingered in the cruel agonies of sickness, and during that period of uncertainty many of us anxiously hoped that the dreaded message of the wires, which we knew must come, might in some way be averted. When at last the cruel, brief, chilling word "Dead" came to us it was almost rebellion that rose up in our souls, and all our religion, all our philosophies, failed to keep down the bitter plaint that we sent to the Master.

Why should he go while yet so young, so fond of life, so fond of all that sweetest is in life? The power that issued the final edict must have known how many hearts were pierced by the dread shaft when WILLIAM COGSWELL died.

Some men seem made of only one material. We see one man made of granite; another is made in softer mold of some fine clay; and another rises like some lofty pine until heaven's warmest sunlight touches his head.

Some seem to have their existence only in the garden where the fairest flowers are found. Another seems to draw his life material from the great, dark sorrows of humanity. Then another is made of the melodies that come to us from the groves where the muses dwell.

One heart is made only of stern material, while another consists of life's sweetest loves and holiest, tenderest sympathies.

When the life of General COGSWELL comes to be written, it will have to be said that he was a composite man. All the mighty feelings that surge through great hearts have passed through his and left their abiding influence.

When heroes were needed, COGSWELL could easily be found. When the tender sympathies of a woman were needed, his heart was loaded with that sweet necessity of life.

His close companions, those whom he loved, knew him to be great in God's holiest, sweetest, and tenderest gifts, as well as great in the heart that accomplishes the grand achievements of life.

He had a soul fitted to reprove the wicked. He had an arm potential against the oppressor. He had a heart dauntless in the face of danger, ever quick to respond when duty called him to action. The tear of a suffering child, the sigh of an unfortunate woman, and the pitiful look of the debased, all found sympathy in his great soul.

If he had sins—and who has not?—"they leaned to virtue's side."

We have lost in his death one with every sweet element of the dearest relationships of life. The truest orations, that will be delivered to the memory of WILLIAM COGSWELL will only be heard by the angels as they are delivered in the aching hearts that loved him best.

MR. MORSE. Mr. Speaker, an effort has been made at previous Congresses, of which I have been a member, to abolish these memorial services in honor of our deceased members.

I trust that proposition will never prevail, and that the time-honored custom in which we are now engaged will continue. Surely it is good to suspend our labor for a brief season, when one of our members is called away, and recite his virtues, recount his service to his country, that others may be incited to patriotism and high and noble endeavor. I say it is good, Mr. Speaker, to suspend our busy work here for a brief hour on such an occasion as this and ponder upon the solemn fact that we, too, are mortal; that we have here no continuing city, and that sooner or later our work, too, will be done. And I am sure, in this connection, that it is pleasant to reflect that should we be called hence during our term of office, our fellow-members would gather in this Hall and recall our memory and speak kindly of us.

I think Shakespeare spoke ironically when he said:

The evil that men do lives after them;
The good is oft interred with their bones.

I think it is exactly the other way, and it is well that it should be. We love to recount the worthy deeds and noble actions and the good there is in the lives of those who have fallen asleep. My

acquaintance with Gen. WILLIAM COGSWELL began more than a decade ago, when we were both elected members of the Massachusetts State senate; he from Essex County, I from Norfolk County.

I learned to esteem him there, not only as a faithful servant of the State, jealous of every interest of Massachusetts, but as a man of generous impulses, with noble qualities of soul and mind.

What he was in the State legislature of Massachusetts he was in a much greater and larger degree as a Representative of that ancient Commonwealth for eight years on the floor of the National House of Representatives.

I need not tell any of the older members here who served with him of his untiring industry, of his zeal in the discharge of his public duties upon the important committees to which he was assigned by Speaker Carlisle, Speaker REED, and Speaker CRISP.

I need not tell any of his comrades, soldiers of the Union Army, how he loved them, how he was instant in season and out of season, willing and anxious to do everything to promote their welfare and to extend to them a helping hand and the bounty of the Government, when they needed it, which they helped to save.

He was proud of the Commonwealth which honored him, and the Commonwealth was proud of General WILLIAM COGSWELL, and I do not think I am extravagant when I say in this presence and on this occasion, the brave man wore himself out in her service.

He struggled bravely and manfully with the disease that was gnawing at his vitals. Whenever I met him he seemed cheerful and hopeful, and longed for the day when he could return to duty and the service of the dear old Commonwealth that he loved.

As a specimen of his generosity and magnanimity and the big soul that was within him let me recite an incident. When the appropriation for the World's Fair was under consideration, I was strongly opposed to opening that exposition on the Lord's day.

The General, for reasons known to himself, took the opposite view, and thought that the best way to take care of the thronging thousands who were to attend the exposition—to let such attend on the Lord's day as wished to.

When the matter was under consideration in this House, I was confined to my bed by illness and was unable to deliver a speech which I had prepared. I telegraphed to General COGSWELL to ask permission to print my speech in the RECORD.

At great personal inconvenience to himself he procured such permission, knowing my views to be entirely and utterly opposed to his own.

On another occasion a sick and wounded soldier came to this city from my district to seek my assistance at the Pension Bureau. He found me absent in consequence of illness. General COGSWELL took the man, a humble man, only a private in the Army, and went with him to the Pension Bureau and procured for him the information which he desired to expedite his claim.

These little incidents, perhaps trifling in themselves, show the large heart that was in this man. As straws tell which way the wind blows, so the little events of life go to make up character.

Did you ever think what the righteous are finally commended for in that awful day when they come to stand before the Judge of all the earth to give an account for the deeds done in the body?

It is not for great deeds—founding an orphan asylum or a scholarship in a college, or endowing a school—great deeds printed in the newspapers and heralded abroad.

Oh, no; what does the Judge say?

I was a hungered, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me.

Then shall the righteous say:

When saw ye we hungry, or thirsty, or naked?

Then shall the Judge say:

Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

General COGSWELL's funeral was one of the most notable and remarkable ever held in Massachusetts. When the funeral escort composed of his fellow-members reached his home, in the old city of Salem, they found the city draped in mourning, and the tolling bells told the grief and sorrow of her citizens over the death of the great man who had fallen.

His funeral was attended by the governor, lieutenant-governor, senators, members of the executive council, members of the legislature, judges of the court, and the highest officers of the Commonwealth.

He died in this capital city, where such a man would wish to die; he died in the capital of the nation, where for eight years he had stood as the Representative from Massachusetts.

Like the ancient gladiator, he died on his shield; he sleeps bravely and well, and the old Commonwealth of Massachusetts will revere and honor his memory until the latest time.

The streets of the city of Salem were thronged by thousands

on the occasion of his funeral, not only the inhabitants of that city, but by his constituents from every part of the district he had the honor to represent.

There was general sorrow, mourning, and grief among all classes of people in Massachusetts, for in his death his constituents lost an able Representative, the Commonwealth of Massachusetts lost one of her first citizens, and I have lost a friend.

The following clippings from several of the newspapers of my State give evidence of the sorrow of Massachusetts over the untimely death of Gen. WILLIAM COGSWELL:

[From the Salem Gazette.]

From first to last he was the embodiment of integrity, no smirch of dishonor ever attaching to his name.

[From the Nashua Telegraph.]

His place will not be easily filled.

[From the Haverhill Gazette.]

Since his election General COGSWELL has been faithful to every trust, great or small, reposed in him by his constituents.

[From the New Bedford Journal.]

General COGSWELL's story is something for the rising generation to study.

[From the Lewiston Journal.]

His death is a serious public loss.

[From the Worcester Gazette.]

General COGSWELL was courteous and affable, a man who made and kept friends.

[From the Clinton Item.]

He was one of the ablest of the Massachusetts Congressional delegation.

[From the Lawrence American.]

An exceptional career of usefulness to city, State, and nation is that just closed by the death of Representative COGSWELL.

[From the Haverhill Bulletin.]

He was a noble son of old Essex County, but his love of country spurned all boundary lines, and the broad scope of his mind gave him a deep interest in the interests of all sections.

[From the Lowell Vox Populi.]

In the death of General COGSWELL Massachusetts loses a distinguished son and the Sixth district an able Representative in Congress.

[From the Springfield Republican.]

The tributes to General COGSWELL will help make clear to Massachusetts people how strong a hold on the confidence of men in public life he had earned by faithful work in Washington.

[From the Lowell Citizen.]

General COGSWELL merited well of his countrymen.

[From the Lynn Item.]

General COGSWELL was an example in patriotism for the young of the country.

[From the Brockton Times.]

Massachusetts will long honor the memory of WILLIAM COGSWELL, of Salem. The State has had among its brave soldiers and faithful public servants few men who have commanded such universal esteem as he.

[From the Lawrence American.]

An exceptional career of usefulness to city, State, and nation is that just closed by the death of Representative COGSWELL.

[From the New Bedford Standard.]

By the death of Congressman COGSWELL Massachusetts loses a Representative who always honored his State. He was an earnest, true, manly man, of whom the Commonwealth was proud.

[From the Clinton Item.]

Gen. WILLIAM COGSWELL was one of the ablest of the Massachusetts Congressional delegation; his war record as colonel of the Second Massachusetts Regiment was excellent, and during his long term of service in the National House he has distinguished himself and his district.

[From the Newburyport News.]

General COGSWELL's career as a soldier and as a statesman was an honorable one, and his devotion to the needs of the Sixth district, which he represented so well, will long be remembered. Eulogies will be spoken over his body, but the best compliment that could be paid him was that of his own people, who without regard to party affiliations recognized his worth and without question elected him again and again to his Congressional seat.

[From the Lowell Times.]

Gen. WILLIAM COGSWELL, Congressman from the Sixth Essex district, was a gallant soldier, a genial, kind-hearted man, and an able Representative. His friends and constituents will mourn his death as a personal loss.

[From the Lowell Citizen.]

General COGSWELL was a brave patriot, a gallant soldier, who won his honors on the field of battle and bore them modestly, as all genuine men do. If he was a patriot in the field he was no less a patriot in the halls of legislation, and his honorable record in the National Congress rounded out that quality which in the time of trial gave him distinguished reputation.

[From the Springfield Union.]

Massachusetts suffers serious loss in the death of General COGSWELL. He has been very efficient in public service, and his efficiency was largely due to the kindly personal characteristics which made friends for him even among his political opponents. He seemed good for a score of years yet, but it is probably true of him, as of thousands of men who fought for the Union, that he sacrificed a quarter part of his natural life on his country's altar.

The governor sends a message to the legislature:

THE GOVERNOR'S MESSAGE.

Governor Greenhalge, in announcing to the legislature the death of General COGSWELL, said:

"WILLIAM COGSWELL, a Representative of the Commonwealth in the Congress of the United States, died this morning in Washington. Congress is not now in session.

"A statesman in the active service of the Commonwealth has died at his post. I deem it fitting that the legislature of Massachusetts should appoint a committee of their honorable body to proceed forthwith to Washington and escort the cortege on the journey back to the former home of your Representative in Massachusetts and do all things suitable and worthy of this solemn occasion."

The legislature of Massachusetts passed the following resolutions on the death of General COGSWELL, on motion of Mr. Jordan, of Salem:

Resolved, That the legislature of the Commonwealth of Massachusetts receives with profound sorrow and regret the sad intelligence, communicated by his excellency the governor, of the death in Washington of the Hon. WILLIAM COGSWELL, Representative in the National Congress from the Sixth Massachusetts district.

Resolved, That in the loss of General COGSWELL, Massachusetts and the nation have lost one worthy of every token of honor and respect; one whose life was literally spent in the service of his country. As a soldier he manifested a loyal and patriotic devotion to country by raising the first volunteer company for the late war, and his able, efficient, and continuous service throughout the entire conflict resulted in a deserved promotion on the field to the rank of brigadier-general. As a statesman he reflected great credit upon city, State, and nation, and was excelled by none in diligent and effective public service, and in faithful and fearless performance of public duty. He possessed unsurpassed sagacity and steadiness of purpose, energy, and wisdom, and a marvelous strength of character. General COGSWELL departed this life having won, to a marked degree, the confidence, admiration, and affection of his constituents, and of all who were privileged to have any relations with him, together with the esteem of his associates in Congress. Having devoted his life to duty, death found him crowned with the highest honors his district could bestow, with a national renown, and possessing the deepest regard of all the people.

Resolved, That in this tribute to Gen. WILLIAM COGSWELL, the Commonwealth honors the memory of an eminent citizen, a brave soldier, and an able statesman.

The Republican Club of Massachusetts, a large and influential body of citizens of the Commonwealth, unanimously adopted the following resolutions:

The Republican Club of Massachusetts, in common with all lovers of State and country, deeply regrets the death of Gen. WILLIAM COGSWELL, and joins in paying to the soldier and statesman the heart-felt tribute which his life and his qualities demand.

No party or sectional lines bound the mourning for the leader, who has fought his last fight. His whole career, from the day when, as a young man, he mustered soldiers in defense of his country, to the day of his death, is one constant lesson in patriotism that will endure and grow with the years to come. Everywhere and always he fought for the truth and against the lie. His political enemies were his personal friends, his personal enemies nowhere to be found.

He was a national figure that brought honor to Massachusetts. In the high councils of the nation his voice was powerful, his advice sought and followed. In the many circles of his life work he will be keenly missed, but especially here in his own State, where all knew him as a statesman, soldier, friend and neighbor, the mourning will be most sincere.

To his wife and family the Republican Club of Massachusetts, through its executive committee, extends its sympathy and mourns with them over his death in the height of his usefulness.

FRANCIS H. APPLETON, *President*.
FOREST C. MANCHESTER, *Secretary*.

When General COGSWELL was, with myself, a member of the Massachusetts senate, Stephen N. Gifford, of Duxbury, a venerable old man, who had served the senate for more than a generation as its clerk, died.

He was a venerable man, beloved by everybody, and the senate and house of representatives voted to attend his funeral in a body, and the senate voted to pronounce eulogies upon his memory.

I shall never forget the closing words of General COGSWELL's address, which are, as I remember them, as follows:

Dear Gifford, we shall see you no more; we shall listen to your pleasant greetings no more. Fare you well, Stephen N. Gifford, clerk.

So I say, standing here and now in this great presence, in this Hall where his voice was heard, in his seat near where he sat, Fare thee well, dear General COGSWELL, we shall hear your voice

no more; we shall hear your pleasant greeting and feel the grasp of your hand no more; you have crossed the "great divide"; we will little longer wait. Fare you well, General COGSWELL, a long and last and sad farewell.

Mr. DRAPER. Mr. Speaker, I can not better contribute to these services in honor of General COGSWELL's memory than by reading to the House the story of his military record, dictated by himself and confided to me for this purpose by Mrs. Cogswell. It bears a touching dedication calculated to bring tears to the eyes of those who knew him:

To my dear wife, as a souvenir, this substantially correct statement of my military career is dedicated for "her tender care and keeping and disposal". On the 19th of April, 1861, the Massachusetts Sixth was fired upon in the streets of Baltimore on its march to the defense of the capital. The news reached Salem, Mass., at 1 o'clock that afternoon. WILLIAM COGSWELL, then a young attorney about six months in practice and 22 years of age, turned his office into a recruiting bureau for a company of volunteers for the war and in twenty-four hours thereafter he had recruited a full company of 100 men.

This was the first company raised in the country for the war. In May following it became Company C of Gordon's famous Second Massachusetts. As captain of that company COGSWELL, with his company and regiment left Massachusetts shortly afterwards and joined General Patterson's command at Martinsburg, now in West Virginia. When the Confederate General Johnston escaped from Patterson's front and joined Beauregard at the first Bull Run, Patterson was retired to Harpers Ferry and his command turned over to General Banks.

Here Captain COGSWELL, with his own and three other companies, commanded the outposts of General Banks's command. Later in the season, the command having retired to Darnestown, Md., the regiment marched to the support of our troops at the battle of Balls Bluff. That winter it bivouacked in the field, and the following spring made the advance with Banks up the Shenandoah Valley as far as Harrisonburg, Va., when it fell back to Strasburg, Va., and here commenced the famous campaign in which Jackson drove Banks out of the valley and across the Potomac at Williamsport.

During the early part of this retreat the Second Massachusetts was the rear guard of Banks's column, and Captain COGSWELL's company with another skirmished in retreat from early in the afternoon until midnight, when Banks halted at Winchester. During the skirmish in retreat with these two companies, several charges of cavalry supported by infantry were made, but repulsed in every instance. The stout resistance of these companies was even mentioned in the Life of Stonewall Jackson.

When the Union command halted at midnight at Winchester Captain COGSWELL's company, although it had been skirmishing in retreat since early in the afternoon before, was placed on picket in front of our lines, which position he held against repeated attacks of the enemy, after daylight next morning, until Banks's troops could be thrown together in line, when a stubborn fight took place. But before long, Banks's whole line being nearly surrounded, it cut its way through, and the following night reached the Potomac at Williamsport.

Later that season COGSWELL, with his company and regiment, in Banks's command, moved up the valley again, and afterwards crossed into the Valley of Virginia and took part in the battle of Cedar Mountain. Thence came the retreat under General Pope, back finally to the lines in and around Washington; then to the battle of Antietam, where his company and regiment were engaged all day, himself receiving a slight wound.

Previous to this Gordon had been made a brigadier, and after the battle of Antietam the then Colonel Andrews was promoted, and COGSWELL received his promotion to be lieutenant-colonel of the regiment, which he afterwards commanded as lieutenant-colonel and colonel until he was promoted on the field at Savannah to the command of a brigade and assigned to the command of the Third Division of the Twentieth Army Corps, which command he held until after the grand review in Washington and his muster out of service in July, 1865.

After Antietam COGSWELL conducted a night expedition across the river into Virginia, capturing a band of guerrillas under the notorious Captain Burk, who was killed in the encounter. For this COGSWELL received many compliments.

The following spring he took part in Hooker's campaign at Chancellorsville, and at the head of his regiment in that bloody and disastrous battle was severely wounded in the left arm, which took him from the field, and from the effects of which he suffered up to the time of his death.

While he was in hospital his regiment participated in the battle of Gettysburg, where it made a famous record. Soon after Gettysburg, with his arm in a sling and his wound not yet healed, COGSWELL resumed command of his regiment, which remained with the Army of the Potomac until the riots in New York. In that emergency his regiment and 19 others were selected as the best 20 regiments in the Army of the Potomac to go back to New York to quell the riot, protect that city, and subdue the rebel mob which then seemed to have possession of it. This was a duty which required the utmost coolness and caution, and in its execution COGSWELL was situated with his regiment in City Hall Park, now the site of the present post-office building, for the space of two weeks. Comparative quiet having been restored, with his regiment COGSWELL rejoined the Army of the Potomac at the front, where it remained until after the battle of Chickamauga, when his corps, the Twelfth, and the Eleventh Corps, both under Hooker, were transferred to Tennessee and became part of the Army of the Cumberland.

While his division was guarding the line of railroad at the battle of Missionary Ridge it was ordered to the front to take part in the campaign of Atlanta, COGSWELL being actively engaged with his regiment at the battle of Resaca, where he was mentioned for distinguished conduct. At the battle of Peach Tree Creek, in front of Atlanta, COGSWELL was division officer of the day. It was noon, and the Union troops were resting en masse in the shade, taking their dinner, totally unprepared for and not expecting the sudden attack which Hood made upon the Union Army at that time. When it began there was nothing in front of the corps but COGSWELL's line of division pickets, but, putting his reserve immediately upon the line, he was enabled to check the rebel advance long enough to give the Union troops opportunity to deploy in line and prepare to meet the assault which almost immediately followed.

When the Union lines closed in on the immediate defenses of Atlanta, with his regiment COGSWELL was ordered one morning to advance on the picket line and take some rebel earthworks. This was successfully done, despite a hot fire, and the rebel lines were driven back into their interior fortifications.

When Sherman made his famous flank movement on the right COGSWELL's command was retired to the Chattahoochee to defend that line. The flank movement resulting in the evacuation of Atlanta, COGSWELL's command moved up into the city, and there he was made by General Sherman post commandant of Atlanta while the Union troops held the place, from Septem-

ber 3 to November 17, 1864. This command he held with from 12,000 to 13,000 troops under him until after the Union Army had moved South on its march, and there COGSWELL, with his provisional command, joined the main body of Sherman's army.

Continuing on to Savannah, he was engaged in front of the works there some three days, during which he was sent with his regiment to Argyle Island, in the Savannah River, for the purpose of cutting off Hardee's retreat; but that retreat had already begun before this expedition was completed, and Savannah was evacuated.

At this point, as has been stated, Colonel COGSWELL was promoted on the field and given a brigade command. Crossing into South Carolina at the head of his brigade, he took part in the arduous and difficult campaign through South and North Carolina, being detailed frequently with his regiment to meet the ever-repeated attacks of the rebel cavalry, which hovered in front of the advance.

At the battle of Averysboro, in April, 1865, his brigade was actively engaged, losing heavily, and in this engagement COGSWELL was again slightly wounded. Two days subsequent his brigade was detached from its corps and ordered to the Fourteenth Corps, to hold a line from which a Union division had just been driven. This line was not only successfully held, but COGSWELL advanced his forces, meeting and overcoming three successive lines of the enemy. As was said in the words of another, "The next morning three distinct windrows of rebel dead could be seen in rear of COGSWELL's line, which showed that it had broken and driven back three distinct lines of the enemy."

In this engagement General COGSWELL was knocked over by a piece of shell, but was not seriously injured. With his command he marched to Raleigh, where Johnston capitulated to Sherman; thence up through Richmond to the grand review at Washington; and, as stated before, in July, 1865, he was mustered out of the service, having rendered a continuous, active service in the field of four years and three months.

In addition to this story of the General's own composition, I will add just a brief statement from a man who served in the same command—Gen. Benjamin Harrison, ex-President of the United States. He writes to Mrs. Cogswell as follows:

I did esteem him very highly and we had much delightful intercourse. He was a man whose heart was full of loyalty and courage—an unflinching and gallant soldier in action—a hearty and lovable comrade—and a just, kind, clear-headed man. If this brief but most sincere tribute can be made use of in any way to honor his memory you are welcome so to use it, and I am glad that your letter gives me an opportunity to express my appreciation of a noble man.

Most sincerely, yours,

BENJAMIN HARRISON.

It was not my fortune during my military service to have been associated with General COGSWELL. Soon after the war I met him in various military and political channels, and the friendship then formed endured to the end. He was brave, loyal, a devoted friend, and an honorable and outspoken opponent.

At the time of his death he was one of the most distinguished, if not the most distinguished, of the remaining soldiers who served from Massachusetts in the civil war. His career in public life since the war, both at home and here in Congress, was a credit to himself and an honor to his State. His associates here, regardless of party or section, unite in sorrow for his loss and honor to his memory. In the words of Burns,

He was an honest man: if there is another world he lives in bliss;
If there is no other world he made the best of this.

Before taking my seat I will read a brief letter which I have received from my colleague, Mr. McCALL, who would have taken part in these memorial services:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 18, 1896.

MY DEAR GENERAL: An imperative engagement out of the city will prevent me, much to my regret, from being present on Saturday at the consideration of the resolution in honor of our former colleague, Gen. WILLIAM COGSWELL. The high degree of popularity among members of the House which General COGSWELL enjoyed was thoroughly deserved. He was able, frank, and genial, diligent in the discharge of his duty, and his death was a loss to the whole country. He had the respect of everybody and the warm affection of his friends, of whom, I am glad to say, I was one.

Sincerely,

S. W. McCALL.

Gen. WILLIAM F. DRAPER,
House of Representatives.

Mr. TUCKER. Mr. Speaker, I very much regret that the pressure of public business has prevented me from preparing something worthy of this occasion and of our friend who is the subject of these memorial ceremonies, but I am left to speak from the suggestions of the moment. I came to know General COGSWELL in the Fifty-first Congress, in a Congress full of partisanship and feeling, but from the first day I met him I felt that he was a man who could be trusted, and a man worthy of all honor. Our friendship grew with time, and as I look back over an experience of seven years here, the warm friendships which have been made in that time and the noble characters with whom I have been brought in contact, I hesitate not to say that not one of them stands out more prominently in memory than our deceased friend, General COGSWELL.

As I think of the memorable speeches which have been made in this body since I have been a member of it, I recall many that have impressed me with the lawyer's skill and the orator's power, but, sir, I recall no speech in that time that exhibited the great virtue of patriotism more than the one made by General COGSWELL to which allusion has been made. I can never forget the impression made upon me by his speech on the Atlanta Exposition. I was opposed to the bill to aid that exposition; I voted against it; I doubt not that my honored friend who sits before me [Mr.

SAYERS] voted against it; but the broad, catholic spirit of that speech and its genuine patriotism won me for life to the man who uttered it.

Mr. Speaker, there was another quality of General COGSWELL which the honorable gentleman from Ohio [Mr. GROSVENOR] has referred to, and which impressed itself upon everybody who knew him. There was no narrowness in his composition. His political convictions were pronounced and fixed, but he did not "play" politics at the expense of his patriotism. A lie, duplicity in any form, could not live in his nature. He was the personification of frankness, and manhood, with all that the word imports, was his chief characteristic. For of all the qualities with which human nature is endowed I believe that one which General COGSWELL possessed to a higher extent than any other is the most beautiful and the most worthy of emulation. His was indeed a manhood symmetrical in all its elements.

Mr. Speaker, I mourn the death of our friend, for I counted him among my friends; but, as has been well said, his life was not lived in vain. In the great trouble in this country which succeeded the civil war General COGSWELL, as a prominent factor in that strife, did as much, in my humble judgment, as any man who has lived in his day to smother the fires of that strife forever; and surely no higher eulogy could be passed upon any man as a patriot than to say that he did what he could to bring together the distracted elements of our country.

Mr. Speaker, when the history of the great men of the Commonwealth of Massachusetts is written, the historian will find many who were eminent for their powers of oratory, or for their legal lore, or distinguished in art and in science; but, believe me, there will be none in the long catalogue of the distinguished men of that great State to whom she can more proudly point as a fit object of the emulation of her children in a sturdy and robust manhood than WILLIAM COGSWELL, our friend gone now forever. And since his blood has moistened the soil of old Virginia in time of war, I have deemed it a mournful pleasure that I, as one of her Representatives on this floor, have been permitted to bear testimony to his splendid character and drop a flower—a tribute of my affection—on his new-made grave.

Mr. GILLET of Massachusetts. Mr. Speaker, at the commencement of the last Congress the lottery of drawing seats placed me beside General COGSWELL, and he seemed to take pleasure in inducting me to my new position, instructing me about my duties, smoothing the way into pleasant and useful associations, and exercising a general sponsorship which was most helpful and agreeable at the time and led to an intimacy and a gratitude which impels me now to a word of expression. I appreciate how adequately he has already been portrayed and shall only attempt to summarily characterize what to me was most impressive in his personality as I saw him here and what I think was the secret of his wide influence. It was a quality of frank, direct, courageous sincerity which marked all his words and conduct. I do not think he was endowed with those shining traits which inevitably catch public admiration and raise a man above his fellows. He was not preeminently brilliant or profound or farseeing or eloquent, but he brought to every emergency a strong mind guided by a straightforward will, and his judgment was never clouded by the politician's baneful calculation of personal consequences. He chose what seemed to him right, without afterthought, and hence his decision was quick and sound and earned respect and confidence.

In social intercourse he won and kept his friends by no art or sycophancy, but by a free disclosure of his real personality, and you felt here is a true man who does not seek to hide his defects beneath a cloak of reserve, and extended acquaintance extended your reliance on his transparent trustworthiness. He was a warm partisan and not without prejudices, and I think what quickest kindled his antipathy was a professed sanctity, springing not from conviction, but from hypocritical prudence. Of such assumption he was innocent himself and outspoken in his contempt. Indeed, I sometimes thought his aversion led him to the other extreme, and that in his hatred of hypocrisy he almost posed as more lenient to vice than was his nature. Not only did he never "assume a virtue if he had it not," but virtues which were ingrained in his being he never paraded. It was this same quality of unostentatious sincerity which gave impressiveness to his public utterances and influence to his public example. For while a strong he was not a brilliant speaker; he was a clear but not a deep thinker, a good but not a learned lawyer, an industrious but not tireless worker. But from him words, though not eloquent, and thoughts, though not striking, bore with them the weight of his stalwart personality. His shafts were always feathered with honesty and pointed with conviction, and so flew far and penetrated deep.

I think, too, his slender means added to his great popularity. While wealth acquired in public office does not imply corruption, yet the people are quick to ascribe an impregnable honesty to the man who through long service continues poor. And there is a

certain propriety in this conclusion. Albert Gallatin, in 1818, wrote to Baring Bros., in reply to their tender of a lucrative position:

I will not accept your obliging offer, because a man who has had the direction of the finances of his country as long as I have should not die rich.

And although that showed a sensitiveness far above the modern standard, and which perhaps can not be logically defended, yet it appeals directly to the popular heart. And I think some of the warm sympathy and attachment to General COGSWELL sprang from the fact that public office never brought to him private luxury. That he should leave at his death an estate less than \$500 was accepted as a natural and honorable result of a pure and disinterested public career.

His position here was eminent and distinguished, influential alike from personal popularity and proved desert. Perhaps his associates were unconsciously affected, too, by the knowledge that he had been a brilliant soldier; that his energy and prudence and dauntless courage had made him a general when in appearance yet a boy, though this was never disclosed by any allusion of his own. To those of us who have only known the "canker of a long peace" the reputation of success in war invests its possessors with a glamour to which their perils well entitle them, and which I trust may never be diminished. The fact that at 26 he had fought his way to the head of a brigade gave authority to his opinions. Indeed, there was ever about him a flavor of that blunt directness which we associate with the resolute soldier. And if he had not the poetic, quivering imagination which soars into the highest flights of eloquence he was free from the feverish and variable judgment of the poet; if he lacked the profound and all-embracing grasp of the philosopher he had not his uncertainty and hesitation in action; if he was not gifted with genius he was without its aberrations and eccentricities and mistakes. God gave him a noble heart and strong talents, which he did not hide in a napkin, but so employed them as to be more effectual and fruitful for himself and for his country than endowments far more lavish. His useful career seems but the acting out of his manly nature, and well illustrates the classic admonition—

To thine own self be true, and it must follow as the night the day, thou canst not then be false to any man.

Mr. MOODY. Mr. Speaker, I move the adoption of the resolutions.

The resolutions were adopted unanimously; and the House accordingly, as a mark of respect to the memory of General COGSWELL (at 2 o'clock and 51 minutes p. m.), adjourned until Monday,

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for rent of the Miner School Building for the current fiscal year—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies for pay of Navy, and miscellaneous pay for the years 1894, 1895, and 1896—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. CATRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other purposes, reported the same without amendment, accompanied by a report (No. 1362); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. ALDRICH of Illinois, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory, reported the same without amendment, accompanied by a report (No. 1363); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 1565) granting a pension to Benjamin F. Howland. (Report No. 1360.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 7658) for the relief of Stephen R. Stafford, captain Fifteenth Infantry, United States Army. (Report No. 1364.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 1085) for the relief of the Potomac Steamboat Company. (Report No. 1365.)

By Mr. KIRKPATRICK, from the Committee on Pensions: The bill (H. R. 5703) granting a pension to Mary M. Macauley, widow of late Brig. Gen. Daniel Macauley, United States Volunteers. (Report No. 1366.)

The bill (H. R. 8316) granting a pension to Cora L. Dodge. (Report No. 1367.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 7891) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and report. (Report No. 1368.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KULP: A bill (H. R. 8294) donating four condemned cannon and four pyramids of condemned cannon balls to Monumental Association, of Catawissa, Pa.—to the Committee on Naval Affairs.

Also, a bill (H. R. 8295) donating one condemned cannon and two pyramids of condemned cannon balls to Captain Jackson Post, Grand Army of the Republic, No. 159, Berwick, Pa.—to the Committee on Naval Affairs.

Also, a bill (H. R. 8296) donating four condemned cannon and four pyramids of condemned cannon balls to Lincoln Post, No. 140, Shamokin, Pa., for their Soldiers' Monumental Association—to the Committee on Naval Affairs.

By Mr. BAILEY (by request): A bill (H. R. 8297) to regulate insurance companies in the Indian Territory—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 8298) relating to mortgages in the Indian Territory—to the Committee on the Judiciary.

By Mr. BROWN: A bill (H. R. 8299) granting the right of way to the Chattanooga Rapid Transit Company to lay track into the grounds of the Chickamauga and Chattanooga National Park—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8154) for the relief of Alice Severy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Papers in the case of Frederick Fisher—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BREWSTER: A bill (H. R. 8300) granting an increased pension to Isaiah F. Force—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 8301) granting an increase of pension to Rufus H. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8302) granting an increase of pension to A. V. Bloodgood—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 8303) to increase the pension of Lorenzo Thomas—to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 8304) to increase the pension of John Purkapile—to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 8305) for the relief of Henry C. Worthington—to the Committee on Claims.

By Mr. HATCH: A bill (H. R. 8306) granting a pension to Darwin T. Brown—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: A bill (H. R. 8307) to remove charge of desertion now standing against James Hennessy on the rolls of the War Department—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 8308) granting a pension to Eliza A. Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8309) for the relief of Simon Reyneir—to the Committee on Military Affairs.

Also, a bill (H. R. 8310) for the relief of Permelia R. Parris—to the Committee on Invalid Pensions.

By Mr. MAHANY: A bill (H. R. 8311) for the relief of John W. T. Briggs—to the Committee on Military Affairs.

Also, a bill (H. R. 8312) for the relief of John Finn—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURTIS of Iowa: Petition of Frank Nadler, of Davenport, Iowa, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOCKERY: Petition of citizens of Stewartsville, Mo., asking for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of the city council of the city of Boone, Iowa, in behalf of the transmississippi and international exposition at Omaha—to the Committee on Ways and Means.

By Mr. EVANS: Petition of J. W. McGee and others; also of W. M. Dauner, of Louisville, Ky., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FLYNN: Petition of 500 citizens of Indian Territory, asking that Wagner be designated as a place for holding United States court—to the Committee on the Judiciary.

By Mr. HART (by request): Petition of the Young Men's Christian Association of Manch Chunk, Pa., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Remonstrances and petitions of C. F. Schwab and others; also of J. A. Carnegie and other citizens, all of the State of Montana, against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. HILL (by request): Petition of Charles P. Haller, general secretary of the Young Men's Christian Association, of Stamford, Conn.; also of E. J. Steele, of Torrington, Conn., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HULING (by request): Petition of citizens of West Virginia, protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. LEIGHTY: Paper to accompany House bill to remove the charge of desertion against James Hennessy, of Battery B, Third New York Artillery—to the Committee on Military Affairs.

By Mr. LINTON: Petition and remonstrance of citizens of Montpelier, Vt.; also of Jacob Gunsaul and other residents of Covert, Mich.; also of citizens of Ravenswood, W. Va., protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. MEIKLEJOHN: Petition of the mayor and city council of Chadron, Nebr.; also of city council of Aurora, Nebr., in favor of the transmississippi exposition at Omaha—to the Committee on Ways and Means.

Also, petition of Banner Post, No. 308, Grand Army of the Republic, of South Sioux City, Nebr.; also of Kilpatrick Post, No. 82, Grand Army of the Republic, of Oakdale, Nebr., asking for the passage of the National Tribune service-pension bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Pennsylvania: Petition of J. T. Reynolds and others, of the borough of Media, Delaware County, Pa., favoring the appropriation of unclaimed pension and bounty money due the estates of deceased colored soldiers to educational purposes—to the Committee on Education.

By Mr. SIMPKINS: Petition of the Boston Merchants' Association, of Boston, Mass., urging the establishment of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boston Merchants' Association, favoring the enactment of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. SOUTHWICK: Remonstrance and petition of Francis F. Butt and others; also of Geurtze and others, all of Albany, N. Y., against the acceptance of a statue of Père Marquette—to the Committee on the Library.

SENATE.

MONDAY, April 20, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. PETTIGREW, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of March 24, 1896, calling for information as to whether any of the lands referred to in Exhibits 3, 4, 5, 6, and 7, on page 32 of Senate Document No. 155, Fifty-fourth Congress, first session, and more particularly described therein, have been disposed of for less than \$1.25 per acre, etc., transmitting a report from the Commissioner of the General Land Office containing the information desired; which, with the report, was ordered to be printed, and, with the accompanying papers, ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of War, transmitting, for the information of the Committee on Commerce, United States Senate, a letter from the Attorney-General, together with inclosures referred to, relative to the improvement of the Fox and Wisconsin rivers; which, on motion of Mr. VILAS, was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of February 6, 1896, a statement of the bids for bonds recently advertised for sale by him, giving the names and residences of the bidders, the amounts bid, and other detailed information; which, on motion of Mr. HILL, was ordered to be printed, and, with the accompanying papers, ordered to lie on the table.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Merchants' Exchange of St. Louis, Mo.; a petition of the Alton Board of Trade of Alton, Ill., and a petition of the Central Association of Retail Merchants of Nyack, N. Y., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. SHERMAN presented a petition in the form of resolutions adopted by the Trades and Labor Council of Piqua, Ohio, having a membership of 1,500, praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. BURROWS presented a petition of the Congregational Church of Benton Harbor, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. ALLEN presented a petition of the New York Mercantile Exchange, praying for the passage of House bill No. 8008, relating to filled cheese; which was referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of railway postal clerks of Omaha, Hastings, and McCook, all in the State of Nebraska, praying for the passage of Senate bill No. 2741, providing for a reclassification of clerks in the railway postal service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a petition of sundry citizens of Jeffersonville, Ind., praying for the passage of House bill No. 7606, granting an increase of pension to Lucy Ord Mason; which was referred to the Committee on Pensions.

Mr. VEST presented a petition of the Merchants' Exchange of St. Louis, Mo., praying that the so-called Harter Act, relating to the navigation of vessels, be amended so as to afford ample and proper protection to shippers of produce, etc., and also for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the enactment of legislation providing 1-cent letter postage for each half ounce, and also to correct abuses in connection with second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

MRS. FLORENCE E. MAYBRICK.

Mr. CALL. I present a brief by Hon. A. H. Garland and L. D. Yarell, a paper by a retired barrister, and other papers, asking Congress to express a desire for the pardon of Mrs. Maybrick. I move that the papers be printed as a document for the information of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that pur-

pose, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3852) to amend the record of William H. De Freest, reported it without amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2178) to provide for the purchase of a site, and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah, and at Ogden, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 131) to provide for the purchase of a site, and the erection of a public building thereon, at Nashua, in the State of New Hampshire, reported it without amendment, and submitted a report thereon.

The PRESIDENT pro tempore (Mr. FRYE), from the Committee on Commerce, to whom was referred the bill (S. 2391) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880, reported it without amendment.

Mr. ALLEN (for Mr. BERRY), from the Committee on Public Lands, to whom was referred the bill (H. R. 2265) to provide for the reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark., reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2725) to establish a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County in said State opposite or nearly opposite the said point in Jersey County, all in the State of Illinois, reported it with amendments.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that at the earliest practicable moment I shall ask the Senate to consider the bill.

The PRESIDENT pro tempore. Meanwhile the bill will be placed on the Calendar.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 2503) for the relief of Addison A. Hosmer, reported it without amendment, and submitted a report thereon.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2101) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 606) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, reported it without amendment, and submitted a report thereon.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAWLEY. By the instruction of the Committee on Military Affairs I report, back favorably the joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and I beg leave to have it acted upon now. I can explain the reason if desired.

The Secretary read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for the appointment of William B. Franklin, of Connecticut; Thomas J. Henderson, of Illinois; George L. Beal, of Maine, and GEORGE W. STEELE, of Indiana, as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEWERAGE WORK AT FORTRESS MONROE.

Mr. HAWLEY. From the Committee on Military Affairs I submit a report to accompany the joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc., heretofore reported by me.

I beg leave to ask for the immediate consideration of the joint resolution. It is to complete the sewerage work at Fortress Monroe. It appropriates no money, but diverts a portion of an unexpended appropriation to that purpose. The Chief of Engineers says the work ought to be done now for the health of the post.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAWLEY. I will briefly explain the joint resolution. In the act of 1894 it was provided that not to exceed \$75,000 might be expended upon a sewerage system badly needed at that place, one-half of it to be contributed by private parties, the owners of the hotels and other buildings. The work was done finally for \$45,000. The private parties paid their \$22,500 and the United States expended its \$22,500, leaving, if I recollect aright, \$15,000 of the United States sum of \$37,500 free. Five thousand dollars of that amount the Chief of Engineers says must be expended to provide a system for flushing the sewers.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS JOHNSON.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 365) to fix the date of the discharge of Thomas Johnson, to report it without amendment. It is a House bill of less than four lines and can be disposed of in a minute. I ask unanimous consent that it may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to fix the date of the discharge of Thomas Johnson, Company L, Seventh Kentucky Cavalry, at November 20, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PACIFIC RAILROADS.

Mr. PUGH. At the request of my colleague [Mr. MORGAN], a member of the Committee on Pacific Railroads, who is unable to be present in the Senate, I present his views, representing the minority, adverse to the bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned. I ask that the minority report may be printed in the RECORD.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Senator from Alabama asks that the report presented on behalf of his colleague may be printed in the RECORD. Is there objection?

Mr. CHANDLER. I wish to ask the Senator from Alabama a question first. Is the minority report the large book he holds in his hand?

Mr. PUGH. No, sir; it is only 36 pages of this book.

Mr. CHANDLER. It is the 36 pages of the minority report itself, without the accompanying papers, that the Senator desires to have printed.

Mr. PUGH. Yes, sir; the minority report, making 36 pages.

Mr. CHANDLER. Without the documents?

Mr. PUGH. Yes, sir.

Mr. CHANDLER. I make no objection.

Mr. ALLISON. Has the majority report been printed in the RECORD?

Mr. WOLCOTT. I desire to make a remark in reference to the inadvertent statement made by the Senator from Alabama [Mr. PUGH] that his colleague [Mr. MORGAN] submitted a report of the minority of the committee. I wish to state that the bill as agreed upon and reported to the Senate by the chairman of the committee, the Senator from Iowa [Mr. GEAR], is not the unanimous report of the committee. I did not agree and do not now agree with the rest of the committee as to so much of the bill at least as relates to the proposed settlement with the Union Pacific Railway Company, and I have reserved the right to file such minority report as I shall deem best. The report which the Senator from Alabama [Mr. PUGH] presents represents the views of the Senator from Alabama [Mr. MORGAN], also in the minority.

Mr. PUGH. Alone.

The PRESIDING OFFICER. Is there objection to printing the minority report in the RECORD?

Mr. ALLISON. I merely desire to ask if the majority report has been printed in the RECORD.

Mr. WOLCOTT. It has not yet been filed. The Senator's colleague, the junior Senator from Iowa [Mr. GEAR], has not filed his report, and it has not been printed in the RECORD.

The PRESIDING OFFICER. The Chair understands that the majority report has not yet been made to the Senate.

Mr. ALLISON. I suggest that the two reports should be printed

together in the same document in some way. It would seem that the majority report should be printed in the RECORD at the same time that the minority report is.

Mr. PUGH. Has the Senator from Iowa any information as to the time when the majority report will be made?

Mr. ALLISON. I have no information on the subject.

Mr. CHANDLER. If the Senator will allow me, when I assented to having the minority report printed in the RECORD I had the impression that the majority report had been printed in the RECORD. I recall now that no report has been printed, but only the bill. The Senator from Nebraska [Mr. ALLEN] asked that the bill might be printed in the RECORD, and it is all that has been printed. So I do not think the minority report should be printed in the RECORD at this time.

Mr. PUGH. Is the Senator able to say that there will be a majority report?

Mr. BRICE. The Senator from Alabama will allow me for a moment. The chairman of the Committee on Pacific Railroads is now engaged in revising the report on behalf of the majority of the committee, and it will be formally presented to the Senate within a day or two. I suggest that as soon as the majority report has been prepared the minority report, or both minority reports, in case there shall be two, shall be printed in the same document or at the same time.

Mr. GEAR. I will state at the same time—

Mr. PUGH. I will withhold the minority report on that statement.

The PRESIDING OFFICER. The Senator from Alabama withdraws the minority report.

Mr. GEAR. I will state for the information of the Senator from Alabama that the majority report is practically made out, and I am waiting for some figures from the Treasury as to when the proposed payment, if Congress shall adopt the bill as reported by the committee, would fall due. I shall be able to present it to-morrow or the next day.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 2895) for the relief of J. M. Johnson, administrator of Henry Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 2896) to provide an American register for the ship *Charles R. Flint*; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2897) for the relief of John T. Brewster; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2898) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HARRIS (by request) introduced a bill (S. 2899) granting the right of way to the Chattanooga Rapid Transit Company to lay a single track and the necessary turn-outs into the grounds of the Chickamauga and Chattanooga National Park, in the State of Tennessee; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 2900) granting an increase of pension to Joseph McGuckian; which was read twice by its title, and referred to the Committee on Pensions.

The PRESIDENT pro tempore (Mr. FRYE) (by request) introduced a bill (S. 2901) to incorporate the United States Annuity Company, of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2902) for the establishment of a light and fog signal on Duck Island, Maine; which was read twice by its title, and referred to the Committee on Commerce.

GROUND MAP OF THE UNITED STATES.

Mr. CANNON. I introduce a joint resolution. I ask that it be read at length and lie on the table; and I give notice that to-morrow I shall submit some observations upon it at the conclusion of the routine morning business.

The joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States, was read the first time by its title and the second time at length, as follows:

Be it resolved, etc., That the appointment of a commission of five citizens of the United States is authorized to be made in the following manner: Three members to be selected by the President of the United States, one by the President of the Senate, and one by the Speaker of the House of Representatives, and for the following purpose: To examine into and to report to Congress upon the practicability, advisability, and cost of establishing, at or near the city of Washington, a ground map of the United States of America on a scale of 1 square yard of map surface for each square mile of actual area; said ground map to be as nearly as may be our country in miniature, reproducing in earth and other materials, on scale, the boundaries and the

topography, all the natural and artificial features of the surface, showing geographical divisions, also mountains, hills, and valleys, forests, lakes, and streams, cities and villages; and that said commission is to serve without compensation.

The PRESIDENT pro tempore. The Senator from Utah asks that the joint resolution lie on the table. If there be no objection, that order will be made.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHANDLER submitted three amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore (Mr. FRYE) submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs.

Mr. HAWLEY subsequently, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. FRYE on this day, intended to be proposed to the fortifications appropriation bill, the amendment providing that the ordnance storekeeper now on duty in Washington as disbursing officer and assistant to Chief of Ordnance, United States Army, shall hereafter have the rank of major, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. HANSBROUGH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, directed to furnish the Senate at his earliest convenience with a statement of the amount of "leave money" claimed to be due the employees of the Government Printing Office for the fiscal year 1892-93.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses; and

A bill (S. 744) providing for a naval training station on the Island of Yerba Buena (or Goat Island) in the harbor of San Francisco, Cal., and for other purposes.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 2618) granting honorable discharge to Andrew V. Sende;

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 2740) to carry into effect the findings of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the Cemetery Association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

A bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy;

A bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton;

A bill (H. R. 5999) to correct the military record of Elbridge McFadden;

A bill (H. R. 7161) for the relief of Benjamin F. Jones;

A bill (H. R. 7172) donating four condemned cannon and four

pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 7285) for the relief of George McFarland;

A bill (H. R. 8012) donating condemned cannon and cannon balls;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

The message further announced that the House had passed a concurrent resolution, authorizing the Public Printer to print and bind in paper covers 500 copies of the report of the commanding officer of the Watertown Arsenal of tests of materials for industrial and other purposes; in which it requested the concurrence of the Senate.

The message also communicated to the Senate resolutions of the House commemorative of the life and character of Hon. William Cogswell, late a Representative from the State of Massachusetts.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. MITCHELL of Oregon. I desire to give notice that on Wednesday morning next, immediately after the conclusion of the morning business, I shall ask the Senate to proceed to the consideration of the bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, for the purpose of enabling me to submit some remarks.

STATUE OF JAMES MARQUETTE.

Mr. VILAS. I give notice that on Wednesday, the 29th instant, at the conclusion of the routine morning business, I shall ask the Senate to receive a communication from the governor of Wisconsin, tendering the Congress the statue of James Marquette, and to ask such further action in reference to the same as may be appropriate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy; and

A bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2618) granting honorable discharge to Andrew V. Sende;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers; and

A bill (H. R. 5999) to correct the military record of Elbridge McFadden.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the Cemetery Association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 8012) donating condemned cannon and cannon balls;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

The bill (H. R. 2740) to carry into effect the findings of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark., was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 7161) for the relief of Benjamin F. Jones was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 7285) for the relief of George McFarland was read twice by its title, and referred to the Committee on Finance.

TESTS OF MATERIALS FOR INDUSTRIAL AND OTHER PURPOSES.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That the Public Printer be, and he is hereby, authorized to print and bind in paper covers 500 copies of the report of the commanding officer of the Watertown Arsenal of tests of materials for industrial and other purposes made at said arsenal during the fiscal year ended June 30, 1893.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask unanimous consent to proceed to the consideration of the Indian appropriation bill.

Mr. WOLCOTT. I should like to ask if the Senator from Kansas [Mr. PEPPER] is aware of the purpose to call up the appropriation bill at this time?

Mr. PETTIGREW. He is.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment submitted by the Senator from Kansas [Mr. PEPPER], which will be read.

The SECRETARY. On page 59, line 3, after the word "schools," insert:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities, the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment of the Senator from Montana [Mr. CARTER], which will be read.

The SECRETARY. In line 20, page 58, strike out all after the word "Alaska" down to and including the word "schools," in line 3, page 59, and including the amendment just adopted, and insert:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where Government schools of adequate capacity can not be provided for such Indian children and to an amount not exceeding 60 per cent of the amount so used for the fiscal year 1895, and it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any other than Government schools as soon as it is possible for provision to be made for their education in such schools; and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1899.

Mr. BURROWS. May I inquire what the amendment was which was adopted by the Senate a moment ago?

The PRESIDENT pro tempore. The amendment which was adopted a few minutes ago will be read by the Secretary.

The Secretary again read Mr. PEPPER's amendment.

The PRESIDENT pro tempore. The amendment now before the Senate proposes to strike out the amendment just read, together with the matter between line 20, on page 58 and line 3, on page 59. Is the Senate ready for the question on the amendment of the junior Senator from Montana [Mr. CARTER]?

Mr. COCKRELL. I offer an amendment, to come in after the amendment of the Senator from Kansas just adopted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be read.

The SECRETARY. It is proposed to add the following proviso:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895, and it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898.

Mr. TELLER. I understood that the school question was to go over until the Senator from Montana [Mr. CARTER] returns. He seems to be away. Does he understand that it is to be acted upon?

Mr. PETTIGREW. I think perhaps it is best to pass over this item until the Senator from Montana returns. I understand that he will be here this evening at 5 o'clock. In the meantime I

should like to have the Senate take up the reserved amendment on page 58.

The PRESIDENT pro tempore. Is there objection to passing over the pending amendments? The Chair hears none, and they are passed over for the present. The Senator from South Dakota asks unanimous consent to take up the amendment on page 58.

Mr. CHANDLER. I ask that the amendment offered by the Senator from Missouri may be ordered printed.

Mr. FAULKNER. It is printed.

Mr. CHANDLER. It is already in print?

The PRESIDENT pro tempore. It is in print now.

Mr. WILSON. I ask the Senator from South Dakota if he will not yield to me to offer an amendment on page 50. It is a very short amendment and I think it will be adopted without opposition. It will take but a minute.

Mr. PETTIGREW. That can be done after we dispose of the committee amendments, which is the regular order.

The PRESIDENT pro tempore. Will the Senator from South Dakota call attention to the amendment now to be acted upon?

Mr. PETTIGREW. On page 56, line 4.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. The Committee on Appropriations report to insert, after the committee amendment ending with line 3, on page 56, the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, under contracts entered into by the Old Settlers or Western Cherokee Indians, through their authorized commissioners, in the prosecution of their claim, appropriated for by act of Congress approved August 23, 1894 (28 Statutes at Large, page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely:

To William S. Peabody, \$29,000.
To Charles A. Webb, administrator of estate of C. M. McLoud, \$5,050.
To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, \$5,050.

To Theodore H. N. McPherson, \$5,050.
To Mary E. Carey, executrix of the estate of James J. Newell, deceased, \$3,000.

To John A. Sibbald, \$1,000.
To Samuel W. Peel, \$5,000.

To Reese H. Voorhees and John Paul Jones, \$7,003.86.
To David A. McKnight, \$1,000.

To C. M. Carter, \$533.
To Belva A. Lockwood, \$1,000.

To Joel L. Baugh, \$5,000.
To Joel M. Bryan, the remainder of said sum of money after paying the foregoing specific sums, be the same more or less: *Provided*, That every person receiving the sums herein stated shall receipt in full for all claims upon the aforesaid fund.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Appropriations which has been read.

Mr. BATE. I should like very much to have some explanation of the amendment. No one could hear it read on this side of the Chamber.

Mr. CHANDLER. Mr. President, I am in favor of disagreeing to this amendment. I understand that the question now before the Senate is the whole amendment of the committee, from line 4, on page 56, to and including line 14, on page 57. I am not willing on any evidence that is now before me to vote to give the affirmative approval of Congress to these claims. I can not find out anything about them that is satisfactory to me in the time that I have been able to give to the consideration of the claims. I have been called upon by counsel who are opposed to this amendment and by counsel who are in favor of the amendment, and also by counsel who want something paid, but do not think that the apportionment of the fees is correct.

It seems that there have been presented here at one time and another claims against this Old Settlers' fund amounting to more than 75 per cent of the whole amount which was appropriated by Congress. It appears also that there are in the list of names given here large fees to attorneys who had nothing whatever to do with the original claim, but attorneys who have aided in defending attorneys' claims. They are all to be paid out of this money in some way. If I were to believe half that has been told me on this subject I should think there had been chicanery and corruption almost illimitable in connection with these attorneys' fees.

The result of it all is that we are called upon to approve by our affirmative vote a distribution of the money to these attorneys by name, beginning with William S. Peabody, who shall have \$29,000; and coming down to Belva A. Lockwood, who shall have \$1,000, and Joel M. Bryan, who has had large fees, I understand, and is to have all the rest.

Mr. President, I do not know that I ought to speak on this subject, because I have not information upon which to speak. It is, however, precisely because of my lack of information that I am unwilling to vote for the payment of these claims. I do not think we should be asked to vote to pay these claims, specified separately and individually as they are in the amendment. It seems to me the responsibility of distributing the amount should be placed

upon some one else rather than upon the two Houses of Congress in passing a law. If an adjudication is made, and it is found that A is entitled to so much, that B is entitled to so much, and that C is entitled to so much, and so on, the authority to pay should be a general authority to pay the claims as they have been adjudicated by competent authority, and we should not be asked to take upon ourselves the responsibility of paying individual claims as they stand here upon this record.

Therefore I hope, unless some very clear explanation is made of the paragraph, that it will all be stricken out.

Mr. BROWN. Mr. President, I should like to ask the Senator in charge of this bill, in relation to the amendment which is pending, if he has examined the contracts there referred to and is prepared to pass on their validity or certify to this Senate that they are valid contracts? By this amendment we are proposing to adjudicate as a matter of law that these contracts are valid, and we propose to enforce them by taking the money of somebody who is not represented here—the Indians—and delivering it over to certain persons who would like to have it. It is a clear act of adjudication, as the Senator from New Hampshire [Mr. CHANDLER] has already said. It is a judgment; it is trying the existence of a contract and the performance of it; and I should like to know whether any evidence has ever been had by any of our committees as to the lawfulness of the contracts or the services performed. If this were a proposition to take these many hundred thousand dollars out of the pockets of the white man it would be considered taking money without due process of law. The Indian has the same right as the white man to have his contract determined and to have it ascertained whether he made a contract with these attorneys to pay them these enormous fees.

On its face this claim is not merely fraudulent, but it is, to put it plainly, a palpable steal, clean and unvarnished, from one end to the other. It is a proposition to put the hand in the pocket of somebody who can not appear here, who can not be heard here, and adjudicate \$29,000 of the money of the Indians to this man Peabody, whatever he may have done. What did he do? What service has he rendered? Where is there a report showing these facts? Where could there be a report in the jurisdiction of the Senate to give him any money out of the funds of these Indians? If they made the contract, there are courts in this land whereby these parties can enforce it. If they did not make the contract, I am sure we ought not to make one for them to take their money away. It seems to me that no man can read this amendment without having his indignation raised that the American Senate would think for one second of adopting it.

Mr. President, since I came into the Chamber one of our number has sent me an article from the Boston Journal, and suggested that it would be appropriate to this discussion. I will ask to have it read by the Secretary to show what people outside of the Senate are thinking at this time of the amendment.

The PRESIDENT pro tempore. The communication will be read, as requested.

The Secretary read as follows:

A DISCREDITABLE STEAL.

Under the general deficiency act of August 23, 1894, an appropriation was made of about \$800,000 to pay certain claims of the "Old Settlers" or Western Cherokees against the Government. The Commissioner of Indian Affairs was directed to "withhold from distribution among said Indians only so much of that part of the said judgment set apart by the Indians for the prosecution of their claims as is necessary for him to pay the expenses, and for legal services justly or equitably payable on account of the said prosecution."

The amount set apart by the Indians for the purposes indicated was 35 per cent of whatever might be recovered, which certainly was an ample provision for all proper legal expenses; and the plain intent of the paragraph cited was to empower the Commissioner to save for the Indians such part of this 35 per cent as might not be needed, and pay it over to them with the other 65 per cent.

Within three months after the passage of this bill, however, enough claims from attorneys and agents were filed in the Indian Office to amount to more than twice the sum set apart by the Indians. Other claims have since been presented, some to Congress and some to the Indian Office. In the Indian appropriation bill now before Congress a number of these claims, some of which are undoubtedly spurious, and others highly questionable, have been included as amendments. The effect will be, if these amendments remain in the bill, to distribute among attorneys and agents, some of whom have rendered no services whatever, money which rightfully belongs to the Western Cherokees. Some claimants whose pretensions were examined and dismissed by the Commissioner reappear in the bill, and others whose claims he settled turn up with increased claims.

In plain language, this is nothing but a steal, and a very contemptible steal at that. If these claims are valid, there is no reason why each claim should not be presented in a bill by itself, where it may be scrutinized before settlement. If they are invalid, it is sheer robbery to attach them as amendments to a general appropriation bill, with a view to escaping notice. They should be stricken out and presented separately, if at all.

Mr. BROWN. Mr. President, the Senate has taken up very much time of late in the discussion of the Du Pont case, and members of the Senate upon this side have been very much worried as to the executive of the State of Delaware trenching upon the legislative authority of that State. Here is a case where it is proposed that the Legislature of this United States shall absolutely take away the judicial power in regard to these cases. This is trenching upon the judiciary, I take it, in a much more serious

sense than that which we had in the Du Pont case, and I doubt not my friends on the other side will agree with me that this is trenching upon the judiciary as much as that was trenching upon the legislative power.

We also had another discussion, to which I desire to call attention, as to the value of the services of United States attorneys throughout the country. Some of the members of this distinguished body thought that \$5,000 was little enough for a United States attorney, and some of our friends over the way, particularly the Senator from Mississippi [Mr. GEORGE], thought that \$5,000 was an immense sum, that hardly any attorney in the land would earn so large a salary as \$5,000, and he thought it was too much to give to the United States attorneys. The United States attorneys have great duties of the United States to attend to; yet here it is proposed to give not \$5,000 a year, but \$29,000, to one individual, for what? Not for trying lawsuits, which requires some skill and capacity and learning, but simply for acting as a lobbyist to hang around and annoy Senators and Representatives; and we propose to give him as much as we pay a United States attorney for almost six years, or pay six attorneys for one year, namely, \$29,000. Is it any more just or any more right because the money is to be paid out of the Indian fund than if it was to be paid out of our own pockets?

Mr. President, I submit this amendment ought not to pass and that none of us ought to vote for it.

Mr. SHERMAN. Mr. President, I do not know anything about the merits of this proposition, but there is one provision of the amendment which is very singular. It reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees—

certain large sums of money. That would be dishonorable and fraudulent if these parties had borrowed money or had transferred their claims. In such case they ought not to receive the money, and clearly the assignees ought to receive it. This provision in a statute of the United States is a violation of the contract and a gross fraud, and I hope the Senator having charge of the bill will consent to strike it out. Certainly it is dishonest in every sense of the word.

Mr. PETTIGREW. I see no objection to the amendment which the Senator from Ohio offers; I personally have no objection to it.

Mr. SHERMAN. I move, in line 5, on page 56, after the word "persons," to strike out "and not to their assignees."

The PRESIDENT pro tempore. The amendment of the Senator from Ohio will be stated.

The SECRETARY. On page 56, line 5, after the word "persons," it is proposed to strike out "and not to their assignees"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, immediately upon the passage of this act, etc.

Mr. HOAR. I should like to be informed about this matter. I have not had an opportunity to examine it in connection with existing law as to whether these are claims which were in their nature lawfully and properly assignable at the time they were assigned.

The PRESIDENT pro tempore. Does the Senator from Massachusetts object to the amendment which has been offered by the Senator from Ohio?

Mr. HOAR. I rise to the amendment moved by the Senator from Ohio.

The PRESIDENT pro tempore. The amendment is before the Senate.

Mr. GRAY. Let the amendment be again read.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary read the amendment proposed by Mr. SHERMAN.

Mr. HOAR. I do not rise to object to the amendment, but to get light upon it before voting. I should like to know whether the Senator from Ohio or the Senator from South Dakota can inform the Senate sufficiently of the character of these claims to show whether they were lawfully assignable. A claim growing out of the ordinary necessities of business and assigned for a good consideration and in the ordinary way, of course, gives an equitable and just claim to the assignee; but if they are mere speculations by men who have sent out circulars and got Indians or other persons to intrust them with the care of their claims and agreed to give them 10 per cent on what they collect, I do not think that class of claims should be entitled to much sympathy or respect, and I think the money had better be paid to the original claimant and let him settle with his assignee as he sees fit. I do not see any justice where claims are not technically assignable by law for the United States undertaking to deal with the validity or the lawfulness of the assignment.

I ask to have section 3477 of the Revised Statutes read, as showing what is regarded as the honest, just, and wise rule.

The PRESIDENT pro tempore. The Secretary will read as indicated.

The Secretary read as follows:

Sec. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

Mr. HOAR. I should like to ask the Senator from South Dakota what is the nature of these claims that makes it proper to take them out of the general rule, and makes it proper for the United States to deal with the assignee directly? I merely ask the question for information.

Mr. PETTIGREW. Mr. President—

Mr. CHANDLER. If the Senator from South Dakota will allow me before he replies to the Senator from Massachusetts, I should like to call the attention of the Senator from Massachusetts to section 2106 of the Revised Statutes. Section 2103 is a long section, to which there may be further occasion to refer, which provides that no agreement with Indians shall be valid unless made in a certain way. Then comes the next section, 2106, which provides that—

No assignment of any contracts embraced by section 2103, or of any part of one, shall be valid unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

The Senator will see that requiring an assignment to be made in this way impliedly makes valid an assignment so made; but the clause which the Senator from Ohio moves to strike out would invalidate assignments under section 2106 as well as all others.

Mr. HOAR. Were the assignments referred to in this bill made in pursuance of that law?

Mr. CHANDLER. I can not answer that question; but referring to the motion of the Senator from Ohio, I say that the provision prohibiting payment to assignees certainly should not include assignments made in pursuance of section 2106. I ask the Senator whether the assignments should not be recognized which are made under that provision?

Mr. WILSON and Mr. HOAR addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. HOAR. I think I am entitled to the floor. I merely yielded to have a section of the Revised Statutes read. I have a few more words to say.

I rose, as I said in the beginning, merely to put a question, neither to oppose nor to defend these claims; but I think, where we have an express prohibition, not only the general prohibition of the assignment of claims against the Treasury, but an express prohibition, which the Senator from New Hampshire [Mr. CHANDLER] has now read, of an assignment of this class of claims, that it is not proper for the Senate to authorize their payment to assignees without being informed whether the condition of the statute making the assignment valid has been complied with, or, if it has not been complied with, without being informed whether it is a case which comes within the reason of the law. That I do not know, and I think the Senate should know before acting.

Mr. GRAY. I wished to ask the Senator from Massachusetts before he sat down, and I will ask him now, whether there has been any auditing of these claims anywhere within our reach by which we can make any judgment as to the fairness of the charge or the fact of the services having actually been rendered. Has any accounting officer of the Government, or any other accounting department which would be a sufficient evidence to us to warrant the appropriation of this money out of the Indian funds, been displayed before any committee or before the Senate in any way?

Mr. HOAR. All I know of that subject is what may be gathered from the remarks of the honorable Senator from Utah [Mr. BROWN], that there is one claim of \$29,000 for the services of a lobbyist. Whether the lobbyist had his claim audited or not by any public authority I do not know.

Let it be understood again that I do not interfere in this question as expressing an opinion or as opposing or favoring this thing. I want somebody to tell us what it is; that is all.

Mr. GRAY. How are we to apply, I would ask the Senator, the quantum meruit to the services of the lobbyist? What standard have we by which we could apply a quantum meruit to the value of the services of a lobbyist unless there had been a judgment of the Court of Claims or the finding of our Committee on Claims? What have we to guide us in appropriating this large sum of money?

Mr. PLATT. I want to interrupt the Senator. I think, if the Senator will permit me one word, this matter would be explained, and I think it will now, if Senators will give an opportunity to the

Senators who have the matter in charge or the chairman of the Committee on Indian Affairs to explain it.

Mr. GRAY. It very much needs explanation.

Mr. PLATT. I think it would be very much better to do that than to rest upon the assertion that there are \$29,000 payable to a lobbyist here. I venture to say that as to the \$29,000 referred to, which is proposed to be appropriated to the person mentioned, that that person has not lobbied a day or an hour about the Senate. There have been pretty wild statements made here this morning, and I suggest that perhaps it would be as well to wait until there has been some explanation made of this matter.

Mr. CHANDLER. What did the Secretary of the Interior say about this \$8,000?

Mr. PALMER. I desire to ask the Senator, if he will answer me, if this William S. Peabody performed no service as a lobbyist, did he perform any service whatever?

Mr. PLATT. I do not think I ought to be called upon to make a statement with regard to these claims, but, as I understand this matter, Mr. Peabody was employed directly, legally, and properly by the attorney who had the original contract to press this matter of the Old Settlers' claims before Congress, and that a large part of his claim was disallowed upon the theory that because he took employment at one time in one of the Departments of the Government he thereby forfeited everything which was due or earned after that time—something of that sort. The whole matter will be explained if Senators will give the opportunity.

Mr. PALMER. Mr. President, I should be delighted to hear any explanation from any Senator which would remove the impression from my mind that this is a palpable fraud on its face. It seems that the Committee on Indian Affairs finds that in the contract with the Old Settlers they reserved 35 per cent to pay the expenses of managing their claim against the Government. It appears from the paper that I hold in my hand that a very large sum of money, under the authority of Congress, was paid to the various parties having claims against this fund. It seems now that there is a balance of 35 per cent that remains unexpended, and that is disposed of by this amendment in this way:

To William S. Peabody, \$29,000.

From the statement I hold in my hand it appears that Mr. Peabody's claim was submitted to the Commissioner of Indian Affairs, and was partially allowed and paid.

Mr. GALLINGER. Eight thousand dollars was paid.

Mr. PALMER. Eight thousand dollars was paid. Without going into the discussion of the claim fully, it seems to have been the purpose of the Committee on Indian Affairs to wipe this claim out. Beginning on the eleventh line of page 57, this provision is found:

To Joel M. Bryan, the remainder of said sum of money after paying the foregoing specific sums, be the same more or less.

It seems to me very singular indeed that this Joel M. Bryan, who has received, as I am informed, \$52,025.11 on his claim, should have some moral right to rub out and extinguish the balance. If he is entitled to any compensation at all, he is entitled to something specific, but if he is simply to rub out the balance for what is left, it seems to me quite as unjust to Mr. Bryan as it is to the Indians.

From the paper I hold in my hand it is apparent that some of these claims have been submitted to the Commissioner of Indian Affairs and the Secretary of the Interior, and have been rejected. The statement is most interesting. I read from the pamphlet I have in my hand:

The contract with said Peabody was made by J. M. Bryan, as commissioner of the "Old Settler Cherokees," to prosecute said claims before the proper committees of Congress, the Departments, or courts of the United States to a final termination and collection of the same for a compensation of 8 per cent on the dollar of the amount collected on said claim.

The Commissioner of Indian Affairs rejected the claim not only upon reasons of a legal character, but because there was no evidence that he rendered service which was of any value to his clients.

The legal objection to the allowance of the entire claim was based upon well-established legal principles. The contract was not only contingent, but entire. It required the continued service of Peabody until the money was paid. He voluntarily disqualified himself from rendering that service by his acceptance of an office under the Government, which rendered any performance of service by him in the prosecution of said claim unlawful. This acceptance of an office by Peabody was such an abandonment of the service of his client as destroyed his right to recover upon his contract. This opinion of the Commissioner of Indian Affairs was in accord with the principles declared by the Supreme Court in *Denver vs. Roane*. (99 U. S., 355, 361.)

Now, there are \$29,000 of this sum, which the committee in the liberality with which they dispose of this residuum of money that belongs to the Indians, which is given to this person. He has had \$8,000; and the criticism of the Senator from Utah is well founded, or seems plausible at least, that when \$5,000 is thought to be an excessive compensation to United States district attorneys, this party, who abandoned his contract with the Indians and who has received \$8,000, is now to have \$29,000 more. As to what possible service was rendered these Indians, I am utterly without information.

There are other criticisms upon this claim which, to my mind, stamp it as a transaction in which the rights of the Indians are

totally disregarded, for it appears that these mere speculators—people who have rendered pretended service to the Indians—are by this amendment to have the balance, whatever it may be. The following are sums proposed to be paid:

To William S. Peabody, \$20,000.
To Charles A. Webb, administrator of the estate of C. M. McLoud, \$5,050.
To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, \$5,050.
To Theodore H. N. McPherson, \$5,050.
To Mary E. Carey, executrix of the estate of James J. Newell, deceased, \$3,000.
To John A. Sibbald, \$1,000.
To Samuel W. Peel, \$5,000.
To Reese H. Voorhees and John Paul Jones, \$7,003.86.

Certainly there is nothing more exact than that determination of the rights of these parties.

To David A. McKnight, \$1,000.
To C. M. Carter, \$333.
To Belva A. Lockwood, \$1,000.
To Joel L. Baugh, \$5,000.

Mr. TURPIE. Will the Senator allow me to interrupt him?

Mr. PALMER. Certainly.

Mr. TURPIE. I did not hear the Senator's remarks in relation to the claims in lines 5 and 6.

Mr. PALMER. I spoke of the claims of Voorhees and Jones.

Mr. PETTIGREW. Will the Senator yield to me for a moment?

Mr. PALMER. With great satisfaction.

Mr. PETTIGREW. I think perhaps it would be better to hear from the Committee on Indian Affairs with relation to this matter before this discussion proceeds further. Senators are laboring under a misapprehension and are floundering in the dark in discussing the amendment now.

Mr. PALMER. The chairman of the Committee on Indian Affairs has been invited in the most insinuating and delicate way to afford any information to the Senate he possesses.

Mr. PETTIGREW. I will say—

Mr. PALMER. I cheerfully yield for an explanation.

Mr. PETTIGREW. I will say that I am not on the list of the most active talkers in the Senate, and with three or four men on the floor at the same time I found it impossible to get in.

Mr. GRAY (to Mr. PETTIGREW). Go ahead now.

Mr. PALMER. I certainly yield—

Mr. GRAY (to Mr. PALMER). Yield now.

Mr. PALMER. I now yield the floor to the Senator from South Dakota.

Mr. PETTIGREW. The Senator from Washington [Mr. WILSON], of our committee, has been trying to get the floor.

Mr. PALMER. I yield the floor to whoever may represent the Committee on Indian Affairs. He has the opportunity to explain.

Mr. WILSON. Mr. President, I certainly am under obligation to the Senator from Illinois. It is not my intention to take him from the floor or to make any extended explanation in regard to these items in the bill.

In the early portion of the session I introduced a bill for the relief of and payment to Reese H. Voorhees and John Paul Jones of \$7,003.86 for services rendered the Old Cherokee Settlers. A similar bill was introduced in another branch and passed and came to the Committee on Indian Affairs. The Senator from New Hampshire states that he is against the entire crowd.

It is true a protest has been filed, but I call the attention of the Senator from New Hampshire and other Senators to the fact that in the protest which is filed against the allowance of these claims, on page 8, the following language is used relative to the claim of Reese H. Voorhees and John Paul Jones:

It is conceded by those in whose behalf this protest is made that the provision contained in the proposed amendment for the payment to Reese H. Voorhees and John Paul Jones the amount of \$7,003.86 is just and proper and should be paid, and that it is only a fair and reasonable compensation to these gentlemen for the valuable services rendered.

That is in the protest of the Old Settlers or Western Cherokees, and I read the same here only in justification of myself in introducing into the bill this item. After a very careful and painstaking research in regard to their claims, I found that these gentlemen had given good and valuable services, that they had examined a vast amount of testimony and papers, continued for almost a year and a half, and I felt they were in justice and equity entitled to this amount. There is no protest at any place or at any time by any Old Settlers of the Cherokees to the allowance and payment of the claim to Voorhees and Jones. I only rose to justify my action as to the bill in that respect.

Mr. TURPIE. Mr. President, I concur in everything that has been said by the honorable Senator from Washington [Mr. WILSON]. The claims mentioned in lines 5 and 6 are undoubtedly for regular, bona fide, professional services rendered under contract—made first with the chief and next with the council of the tribe. It was authorized originally by the council of the tribe and in a regular written contract which appears in the letter of the Secretary of the Interior, by which Messrs. Voorhees and Jones were to have 1 per cent upon the amount of the claim for defending the

fund against the claims of other attorneys and agents who had been employed in the case. The services were regularly professional. Though it is not very common, it is not uncommon that attorneys of the first class are employed to defend in claims for attorneys' services. The services here rendered were of that character and were rendered at the instance of and under written contract with the tribe or nation.

Mr. GEORGE. Were they successful?

Mr. TURPIE. They were successful in reducing a great many of the claims against the fund. They were successful in defeating several of them.

As the report of the Secretary of the Interior shows, the amount here charged is very reasonable, because although the actual hearing before the Secretary of the Interior lasted only about three days and the actual debate of the claims occupied but that time, the preparatory labor involved in the inquiry as to who had been originally retained in all the cases, as to what the nature and character of the services of the persons retained had been, of what value they had been to the fund, and of what benefit they had been to the tribe, was very great, and all this was embraced in the services of Messrs. Voorhees and Jones.

I am inclined to think, as the honorable Senator from Washington has stated, and I give it as my opinion as an attorney from my personal knowledge of the service and investigation, that the claim is a very reasonable one.

Mr. GEORGE. What is the amount?

Mr. TURPIE. Seven thousand and three dollars and eighty-six cents. They contracted for 1 per cent. This is less than 1 per cent.

Mr. PALMER. I should like to ask the Senator from Indiana if the claim of Mr. Jones and Mr. Voorhees has been presented to the Commissioner of Indian Affairs or the Secretary of the Interior?

Mr. TURPIE. My impression is that it has been presented to both.

Mr. PALMER. Do I understand the Senator to say that it has been so presented?

Mr. TURPIE. Yes, sir; to both. If the honorable Senator from Illinois will excuse me, I will state that the Secretary and the Commissioner both passed on the claim. They made no question upon its justice, but decided the case just as they did the others—on the question of technicality merely.

Mr. PALMER. It is part of the facts in this case that certain of these persons whose names I have forgotten—I have not before me the book that I had before—presented their claims to the Secretary of the Interior or the Commissioner of Indian Affairs, as the case may be, and their claims were considered, the amount found due them was determined and was paid. Others of them have never presented their claims to the Commissioner of Indian Affairs or the Secretary of the Interior. They were brought directly to the Committee on Indian Affairs.

Mr. TURPIE. Yes, sir.

Mr. PALMER. That, I think, is in disregard of the statute. The Secretary of the Interior was directed by former action of Congress to investigate and pay out of the sum that was reserved for the payment of the attorneys and agents of the Indians, and he did pay nearly \$200,000, according to my recollection.

Mr. COCKRELL. One hundred and ninety-three thousand nine hundred and thirty-two dollars.

Mr. PALMER. That much was paid.

Mr. TURPIE. Will the honorable Senator from Illinois allow me?

Mr. PALMER. I do not know why this claim was not paid—

Mr. TURPIE. Will the honorable Senator from Illinois allow me? I will state the technical point on which the claim was rejected.

The Secretary of the Interior held that he could only pass upon claims against the original fund for services rendered in behalf of the original fund, and he held a very nice point—perhaps Senators here would not have held the same way—that as the appointment of those gentlemen by the tribe was for services in defending claims of attorneys and agents on account of the original fund it was not embraced within the letter or the spirit of the act of Congress which gave them power to allow claims as a lien on the fund. But he acknowledged by implication the entire justice and fairness of this claim and recommended that the gentlemen go to Congress for relief. It was in compliance with the intimation of the honorable Secretary, as well as of the Commissioner, that the original bills for relief were introduced. One of them has passed the House of Representatives and is now pending before the Senate committee, and another is yet pending in this body. I say it was in compliance with the intimation of the Department that those bills were introduced for separate relief. Of course, if the payment is made under the appropriation bill, those bills will be indefinitely postponed.

Mr. PETTIGREW. At the beginning of the present session of Congress some bills were introduced and referred to the

Committee on Indian Affairs to pay these various attorneys. The Committee on Indian Affairs appointed a subcommittee to look into the whole matter and provide for the disposition of the money, if anyone were entitled to it.

It appears that this sum of money is a part of the 35 per cent set apart by the Cherokee Indians many years ago out of the whole sum they might recover, which they claimed was due them from the United States. They appointed commissioners to prosecute the claim, and made J. M. Bryan commissioner and also treasurer and attorney. Over twenty years ago he came to Washington to prosecute the claim of \$800,000 in the courts. He made a recovery. Of the \$800,000 due the Indians 35 per cent was set apart by the Indians, the Old Settlers, to pay attorneys and to pay the expense of following up the matter.

This money is the remainder of that 35 per cent. All the money that is due the Indians has been paid to them. There is not a dollar of this money which can go to the Indians in any event, no matter what disposition is made.

Mr. PLATT. Not without an act of Congress.

Mr. PALMER. May I ask the Senator from South Dakota why this money would not go to the Indians if Congress fails to appropriate it?

Mr. PETTIGREW. I will tell the Senator from Illinois why. That is just what I was proceeding to do.

The Cherokee council of the Old Settlers set apart 35 per cent of the \$800,000 to pay expenses and attorneys' fees. There has been distributed all of this money but \$79,000 provided in this bill. In their council, on July 11, 1892, the Old Settlers passed the following resolution:

Whereas for nearly twenty years, during which we have been aided by such services and by the advancement to us of the said sums of money, we have at each and all of our conventions, held after notice thereof duly published in the newspapers of the nation, declared by formal resolution and vote that there should be set apart 35 per cent of the moneys recovered to us upon our claim against the United States, and authorized the payment thereof unto our treasurer and commissioner, J. M. Bryan, wherewith to meet and pay the obligations which we have met aforesaid and to be devoted to that purpose; and

Whereas those who have rendered us the said services and have advanced to us the said sums of money have relied in perfect good faith upon these solemn and many times repeated declarations of such our purpose, and the solemn and repeated authorization of the said Bryan to devote the said 35 per cent of the recovery upon the said claim to fully satisfy and meet our said obligations, and have so aided us on the security of the said promises of our people in council; and

Whereas we have enjoyed the services rendered, used the money, and will, in the event of final success, reap all the advantages looked for and intended from such services and such loans, and it would be dishonest and unjust not to keep our agreement as above set forth: Now, therefore,

Be it resolved by the Old Settlers or Western Cherokee Indians in council convened, That we again declare that the said 35 per cent of whatever moneys shall be recovered upon the said claim shall be set apart for the purposes aforesaid, reaffirming all prior resolutions to the same effect.

Mr. PALMER. What is the date of the resolution, may I ask the Senator from South Dakota?

Mr. PETTIGREW. July 11, 1892.

Mr. COCKRELL. Is it not November 25, 1875?

Mr. PETTIGREW. July 11, 1892, reaffirming the contract of 1875.

On July 28, 1893, they passed these resolutions:

Be it resolved by the Old Settlers' council in session regularly convened, That the commissioner and treasurer of the Old Settler Cherokees, Hon. J. M. Bryan, be, and he is hereby, requested and instructed to use all lawful means to have the money due the Old Settler Cherokees under the recent decision of the Supreme Court of the United States paid to the Old Settler Cherokees now living and to the descendants of the Old Settler Cherokees in equal per capita distribution, and that the pay rolls of 1851 be made the basis of the coming payment.

Be it further resolved, That the sum of 1½ per cent of the amount due the Old Settler Cherokees, in accordance with the decision of the United States Supreme Court above cited, be paid to Joel L. Baugh for services rendered and to be rendered upon the Old Settlers' claim, the same to be deducted out of the 35 per cent set apart for the prosecution of the Old Settlers' claim—

This is one of the claims provided for in the amendment, and it does not provide for the whole amount either. That is Baugh's claim. It would amount to \$12,000. He has received \$1,000, and the amendment gives him \$5,000 more—

and that the sum of 1 per cent of the whole amount adjudged due the Old Settler Cherokees be paid to E. C. Boudnot for services rendered and to be rendered in securing the favorable termination of the Old Settlers' claim and this appropriation: *Provided*, That the same shall be deducted from the 35 per cent referred to above; and the said Joel L. Baugh and E. C. Boudnot are hereby authorized to receive and receipt for the sums due them from the Secretary of the Interior as soon as the money shall be appropriated and available, and the commissioner of the Old Settlers are instructed to enter into written contract as above, in accordance with the requirements of law.

Be it further resolved, That the contract entered into July 25, 1893, by and between Old Settlers' commissioner and treasurer, J. M. Bryan, on the one part and John T. Heard, of Missouri, of the other part, for \$10,000, be, and the same is hereby, approved: *Provided*, That the same shall be taken from the 35 per cent set apart for the prosecution of the Old Settlers' claim.

Be it further resolved, That after the Cherokee Nation shall have been reimbursed for borrowed money and all contracts in force satisfied, the residue of the 35 per cent shall be allowed to Hon. J. M. Bryan, commissioner and treasurer, as an additional consideration for his long and valuable services as commissioner, delegate, and attorney for the Old Settler Cherokees.

The money has been reimbursed that was loaned by the Cherokee Nation, and the remainder of this money, whatever is not

distributed to the attorneys named in the amendment under the agreement, goes to their commissioner and attorney, J. M. Bryan.

Be it further resolved, That all previous acts of the Old Settlers' councils not modified by these resolutions be, and the same are hereby, reaffirmed.

Be it further resolved, That our delegate and commissioner, or his successors, are hereby instructed to see that no claims are allowed for attorney fees acting for the Old Settlers in cases where no services have been rendered or where they have failed to strictly comply with the provisions and conditions of their contracts.

There were attorneys who filed claims against this fund far in excess of the 35 per cent—one was for \$200,000, I think—after the court had decided and decreed that this money belonged to the Old Settler Cherokees. Thereupon Mr. Bryan employed attorneys to resist the claim of those attorneys, who he insisted had no right to compensation, and some of the items are to compensate attorneys who appeared before the Interior Department to resist the unlawful claims of persons who had no right to compensation. But they were employed by Bryan, and as Bryan receives all that is left of the 35 per cent, it seems to me no one else is interested in the controversy.

This matter was thoroughly investigated by the Committee on Indian Affairs and reported as an amendment to the Committee on Appropriations. The Committee on Appropriations thoroughly examined the matter, and believed that this was as fair and just a settlement of the matter as could be reached, and the committee were also given to understand that it was satisfactory to Mr. Bryan, who would receive the balance of the money when the other attorneys are paid. So for my part I can not see where there is any chance for controversy about this question.

The protest which has been put into the hands of every Senator by the representatives of the Cherokee Nation is signed by people who have no interest whatever in the matter. It is not the Old Settlers who come here protesting. I do not know the purpose of the protest unless it is that this money may all be drawn out in lump sum by the representatives of Mr. Bryan.

Mr. FAULKNER. I will ask the Senator in charge of the bill whether I am correct in saying that the whole controversy in this matter is simply whether or not Mr. Bryan shall receive this fund or whether the claimants whose names are mentioned shall receive it?

Mr. PETTIGREW. That is the way I understand it. Not a dollar of the money will ever go to the Indians. There is no show in the world for them to get a cent of it, and, as I understand it, this provision simply divides it up among the numerous claimants in a satisfactory way, so that Congress hereafter will be rid of the matter.

Mr. COCKRELL. Will the Senator allow me to read what was in the very first, the original, contract? I find it on page 4. It is the first contract, made on the 25th of November, 1875. It reads thus:

Resolved further, That it is deemed expedient and proper that the said Old Settler Cherokees prosecute the said claim before the Government of the United States to a speedy, just, and final settlement; and for that purpose the following-named persons, J. L. McCoy, J. M. Bryan, and William Wilson, be, and they are hereby, constituted a commission, with full powers to represent said Cherokees before the Government, with full and ample authority to do and cause to be done any act and doing necessary and proper to be done in the premises; and with full authority to employ such assistance in the prosecution of said claim as they may deem necessary, and that a sum equal to 35 per cent of the amount of said claim when recovered, or so much thereof as may be necessary, be set apart and subject to the draft and receipt of said commission, and payable to them or their order by the proper authorities of the United States Government, which per cent shall be applied in the payment of said prosecution and all incidental expenses.

Every meeting of the Old Settlers after that described how much they allowed out of the 35 per cent. The 35 per cent, as I understand, was never actually set apart, but only so much as was necessary, and the council determined how much was necessary from time to time.

Mr. PETTIGREW. I call the attention of the Senator from Missouri to the paper I have just read, which is an authenticated copy of the contract on file in the Interior Department.

Be it further resolved, That after the Cherokee Nation shall have been reimbursed for borrowed money, and all contracts in full satisfied, the residue of the 35 per cent shall be allowed to Hon. J. M. Bryan, commissioner and treasurer, as an additional consideration for his long and valuable services as commissioner, delegate, and attorney for the Old Settler Cherokees.

Mr. COCKRELL. What is the date of that resolution?

Mr. PETTIGREW. The 28th of July, 1893. This is a certified copy from the records of the Interior Department.

All we are contending about is the residue. This divides it up so that everybody is satisfied, even Bryan. I see no reason why we should continue the controversy. Bryan's services were worth all he has ever received. He spent over twenty years of his life prosecuting the Old Settlers' claim at his own expense. He spent his entire estate, amounting to over \$20,000. He never stopped pursuing the case. It might have been abandoned fifteen years ago if it had not been for him. He is entitled to compensation. The Old Settlers so regard him on account of his services, and therefore gave him the balance of the claim. He says: "I am satisfied with this distribution. I want to satisfy the people I

have employed." Those are the people who are designated in the amendment.

Mr. TELLER. Mr. President, I think if the Senate knows the facts of the case there will not be so much intemperate language used in reference to the amendment as has been used this morning.

Growing out of the treaties of 1835 and subsequent thereto what were known as the Old Settlers in the Indian country—that is, the band that went in under these treaties—made a claim against the Government for moneys that they said ought to have been paid to them at that time. The claim against the Government has been pressed from time to time from very soon after the settlement in the Indian Territory in 1835, 1836, and 1837, and along there.

In 1875, as stated, the Old Settlers, not being a corporation, not being a tribe, not being a nation, but a community of Indians, got together in council, practically, as if they were an independent tribe and authorized the appointment of commissioners, which had already been mentioned, to employ attorneys and assistants to secure from the United States that which justly belonged to them. They pursued the course—

Mr. GRAY. I should like to ask the Senator from Colorado whether the Old Settlers of whom he speaks as getting together in a community as a quasi tribe and making this claim made it on their own behalf or on behalf of one of the nations, or is it to the Old Settlers alone that the money is due?

Mr. TELLER. It is due to the people and their descendants who made the immigration at the early day, and it excluded the Indians who came at a subsequent period.

Mr. PLATT. The nation has no claim on the United States.

Mr. TELLER. The Cherokee Nation, as a nation, has nothing more to do with it than you or I.

I was about to state, when interrupted by the Senator from Delaware, that those Indians pursued the same course that every Indian nation has been obliged to pursue and that every individual band has been obliged to pursue in dealing with the United States Government—that is, to hire some attorneys or influential people to speak for them here. There has never been an officer appointed for that purpose; and their claims have never been paid, except it was by the efforts of people whom they have employed. It happened to be my fortune to be Secretary of the Interior when, I think, the first of those contracts, or, if not the first, very nearly the first, came to the Department of the Interior to be approved. I was met with a difficulty. This was not a nation; this was not a tribe; and it was doubtful whether the contract which had been made could be construed to be a contract within the meaning of the statute with reference to contracts made with Indian tribes. I knew nothing about the claim, except I knew that it had been presented here at an early day. Ever since I had been a member of this body I had known the claim to be presented year after year successively by somebody, and particularly by Mr. Bryan, who, when I came in in 1876, was here pressing this matter on Congress.

I determined that I would treat the Old Settlers as an organization which could make a contract. I found later, I believe, that in one or two instances it had been done before. I approved of all the contracts that were made at that time. I do not remember now what they were except two of them that my attention has been directly called to, and those were the case of Mr. Wiltshire, of the State of Arkansas, and of Mr. Peabody, a citizen of the State of Colorado.

In 1881, perhaps, or in the early part of 1882, for the purpose of settling this question and determining what was due them, if anything, Congress authorized the appointment by the Secretary of the Interior of a commissioner and appropriated \$5,000 for the expense of the commissioner. I appointed a man who still resides in this city, who was then residing here, by the name of Clements, a lawyer, a gentleman whom I had a personal acquaintance with for ten or fifteen years. I knew him and believed him to be an honest and upright man. I appointed him as the commissioner to settle these claims and report to Congress. He took about a year to make his report. He made two reports. He made one report to the Secretary of the Interior which my recollection is he withdrew before it was approved or disapproved, and made another, and subsequently another. Before him appeared these persons who have been improperly designated as lobbyists. Mr. Wiltshire and Mr. Peabody had special charge of that branch of the case, appearing before the commissioner, in searching the records, in examining the accounts, and stating the accounts. According to my recollection (and it is stated in an affidavit by Mr. Clements to be the fact) the first report made by Mr. Clements had charged the Cherokees with a large sum of money, fifty-odd thousand dollars, more than the Government had expended in their behalf. Mr. Peabody and Mr. Wiltshire protested against that and succeeded in satisfying the commissioner by the documents which they presented to him that there had been an error, and he subsequently withdrew his report and filed an additional one.

When this case came before Congress for an appropriation the

then Senator from Kansas, Mr. Ingalls, suggested that inasmuch as this was the work of one commissioner and it amounted to some \$800,000, it was a case too important for Congress to act upon without the opinion of the Court of Claims. Then the case went to the Court of Claims, and the Court of Claims restated and recast the account, and it came out substantially with Mr. Clements, the commissioner, and then Congress made the appropriation.

During all this time, commencing in 1875, Mr. Bryan was the accredited commissioner here of these Cherokee settlers—his face was familiar to every man, I think, who was here—pressing what he believed and what substantially proved to be a just and valid claim against the Government. He made contracts with people to press this matter before Congress in every way. You may call it lobbying, if you please; it was the only method they had of securing what belonged to them. He made a contract with two gentlemen named in the amendment, or whose administrators are named, for almost always when a claim is allowed that the Government of the United States has anything to do with it is after the claimant is dead; it is generally his grandchildren or great-grandchildren who come in for relief, and not the man who was originally entitled to it. Bryan and McCoy made a contract in 1876, or about that time, with McLoud, Erwin, and McPherson. They were the two contracts I recollect that I found and that had been approved. Two of these gentlemen died, and of course when they died their services ceased. All these contracts were approved by the Secretary, and no contract has been considered that was not made in accordance with the United States statutes and approved by the Secretary of the Interior. When Mr. Erwin and Mr. McLoud died, as I said, of course their services could no longer be availed of; I think they died early in the eighties—in 1882 or 1883, along there. In the meantime Mr. Bryan employed other attorneys, and he employed a number of attorneys who never rendered any service whatever. Some whom he employed never had their contracts approved. It was found when the time had come for the payment of the debt, as stated by the chairman of the committee, that there were enough attorneys' fees, I think, if they had been allowed, to take in perhaps the whole appropriation. Men made claims who had never rendered service, whose contracts had not been approved, or if approved they had not rendered the service. Mr. Bryan felt it was necessary that he should resist that class of claims, which he did properly and rightfully. He employed attorneys, and they are entitled to be paid, and I have no doubt they will be paid, although the Secretary is without power to pay them under the act that we passed. He may pay the other attorneys.

Erwin and McLoud were dead, and when the matter came before the Secretary he made an examination and a partial adjudication, and I think in some respects—and I say it with all respect to the Secretary—a very unfair distribution, and a very erroneous one in some particulars. But the representatives of these two persons did not know that there was such a claim; that is, they did not know that they should present their claims to the Secretary. They did not present their claims, and their claims I believe have never been acted upon by the Department; they are pending there now. Undoubtedly the representatives of those persons are entitled to something; not perhaps the amount specified in the contract, because, death intervening, Erwin and McLoud were not able to carry it out.

Now, I come to the case which is for the largest amount, the payment to the one the Senator from Utah (who, I am sorry to say, knows absolutely nothing about the matter, as I think he is willing to admit) characterizes as a lobbyist. As the Senator from Connecticut said, I think there is no Senator here who can say that he was ever disturbed or interfered with by either Mr. Peabody or Mr. Wiltshire. They carried on their work in the place where it was necessary to carry it on, in searching the Department files and presenting the case before the commissioner, and when the commissioner had made his report the case ought to have been at an end. There ought to have been no further investigation, because we had provided that the commissioner should make an examination. We had selected him ourselves and had empowered him to act, and when Mr. Peabody came here, in all justice and right that money ought to have been paid. We necessitated further employment. He and the others had not gone into it with an idea that it was to be a litigated case before the courts. Nobody had any reason to suppose that it would ever get into a United States court in any shape or manner. These were not people who could bring an action against the Government for a failure to pay them the money that it ought to have paid a generation before. But Congress provided that they should go into court. Then Mr. Bryan made a contract, not calling upon these men, not claiming that they were under any obligation to go into the court, knowing when he employed at least a number of the gentlemen who appeared here and rendered him service that they could not appear in court because they were not attorneys. Then he employed Mr. Garland, who had been Attorney-General in Mr. Cleveland's first Administration, to appear for them in the Court

of Claims; and he and his partner, Mr. May, did so appear, for which service they charged \$15,000, I say an exceedingly reasonable sum considering the amount and considering the difficulty—the case went to the Supreme Court—and that has been paid to them. The Secretary of the Interior made that payment.

After these services by Mr. Wiltshire and Mr. Peabody had been rendered before the commissioner Mr. Wiltshire died. Mr. Peabody survived and kept his contract alive, renewing it from time to time through the agent, Mr. Bryan, who is to be the beneficiary if Mr. Peabody does not get anything out of this claim more than he has already received.

Mr. PLATT. May I make an inquiry? I think the Senator has not stated it. Was that contract a definite percentage on the amount to be recovered?

Mr. TELLER. It was a definite percentage, 8 per cent of whatever sum should be collected.

Mr. PLATT. The sum allowed here does not amount to 4 or 5 per cent?

Mr. TELLER. Probably not.

Then Mr. Peabody made an assignment to a man by the name of Hayden, in the Indian Territory, of 3 per cent of that sum. It has never been claimed by anyone that Mr. Hayden attempted to do anything for the Indians or that he has ever claimed any part of it. Mr. Peabody has claimed but the 5 per cent; that is to say, I think he put in his bill for the whole amount in the first instance, but in this transaction the committees have considered it simply with reference to the 5 per cent, and that he does not get.

Mr. Bryan was the active agent of these people. The Senator from Utah assumes that Mr. Peabody is not entitled to \$29,000 and that he has rendered no service. He inquires what service he has rendered. Not only did Mr. Peabody render service up to the time the case was decided by the commissioner, but the statement made by Mr. Garland is that after the case went to the Court of Claims, where it was practically a recasting and a reconsideration of the whole case, Mr. Peabody rendered valuable service to him in presenting to him the facts that he had presented before, made on another occasion to the commissioner; and without that service, Mr. Wiltshire then being dead, I do not believe the claim would have been made to stand in the Court of Claims, as it did, for whatever may be said of the services of others, Mr. Peabody was the only man in my day, while I was familiar with this subject, who had any longer a personal knowledge of the facts in the case. Without his service I have no hesitation in saying there would have been a different judgment before the commissioner and a different judgment before the Court of Claims.

Mr. CHANDLER. Will the Senator from Colorado allow me to ask him a question right there?

Mr. TELLER. Yes.

Mr. CHANDLER. Mr. Peabody was paid \$8,000, and we are now asked to pay him \$29,000. What I want to get at is, who has determined that this sum of \$29,000 is a just sum?

Mr. TELLER. I will get to that if the Senator will wait.

Mr. CHANDLER. But it is right on that point.

Mr. TELLER. I will get around to it if the Senator will allow me to go on.

Mr. CHANDLER. If the Senator does not wish to have the question asked him, I will not ask it.

Mr. TELLER. I am willing to have it asked, but I will answer it in my own time.

Mr. CHANDLER. I want to say that the appropriate time to answer it is when the Senator is speaking of Mr. Peabody's claim.

Mr. TELLER. I am trying to give a history of this case. I mention Mr. Peabody because he is a citizen of my State, and because he has a just claim, and because I have a thorough knowledge of the transaction, so far at least as he is concerned. He continued to render service up to the time when the case was finally adjudicated in the Court of Claims. When it got out of the Court of Claims and became a mere question of law before the Supreme Court, then, of course, it was left to law attorneys and not to him.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Senator from Colorado will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PETTIGREW. I ask that the special order be temporarily laid aside until we dispose of the Indian appropriation bill, the unfinished business not to lose its place.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. PEPPER. I will object temporarily until we can come to some conclusion about the further discussion of the bond resolu-

tion. I am perfectly willing to withdraw my objection until the Senator from Colorado concludes his present remarks, and then we will see what we can do as to further proceedings.

The PRESIDING OFFICER. Is there objection to temporarily laying aside the unfinished business?

Mr. PEPPER. Until the Senator from Colorado concludes his remarks.

The PRESIDING OFFICER. Until the Senator from Colorado has concluded his remarks. The Chair hears no objection, and the Senator from Colorado will proceed.

Mr. TELLER. Mr. President, when the Supreme Court of the United States had settled this question Congress made an appropriation for the payment of the claim. On the 27th of February, 1893, Mr. Bryan, who was still commissioner, who had been in charge on the ground, and who I am willing to say has called on me more than a hundred times in reference to this claim (I have no doubt that old man has traipsed up to my house a great deal more than a hundred times, both while I was Secretary and while I have been a Senator, to see if there was something I could do to further and help it along), wrote to Major Peabody, who had been the chief and active man after the death of Mr. Wiltshire, as follows:

I am expecting to start home in about a week from now. When our Old Settler claim is passed and ready for settlement no doubt I will have trouble in settling with various attorneys with whom I have made contracts and who have not complied with their agreement. And our Old Settlers in their councils have forbidden me from paying one dollar on any contract unless it has been strictly complied with. Now, Major, if all our attorneys had acted as you did in the prosecution of said claim I would have had no trouble, as from the time you were employed to now I never knew of you losing a single day when anything could be done for the claim. But no doubt I will have to summons attorneys who strictly attended to the claim to prove the absence of those who did nothing for the claim.

Thereupon Mr. Peabody filed his affidavit, as is required. If any Senator wants to look at Mr. Peabody's contract I have a copy of it here in the petition which he presented to Congress for relief. He was required, according to the practice, to file an affidavit that his services had been rendered before the Commissioner of Indian Affairs. This he did, and with it he filed the following attachment:

I have carefully read the foregoing affidavit of W. S. Peabody, and I was actually present when a considerable part of the services therein named was rendered. I know that all such services were rendered, and that they were of value to the claimants to the amounts charged by affiant, and all the statements of facts contained in said affidavit I know to be true and correct.

(Signed) J. M. BRYAN,
Agent, Attorney, and Treasurer for the Old Settlers
or Western Cherokee Indians.

Witness:
J. L. BAUGH—

Who in the meantime had come in as another commissioner.

Major Peabody has submitted with his claim which he presented to the Commissioner of Indian Affairs a statement by Governor Crawford, of Kansas, who was employed by the Cherokee Nation during this time as attorney to look after some other matters, fully sustaining the declaration as to services rendered made by Mr. Clements, the commissioner, and by various other people. Unfortunately, in some way the claimant got into a controversy in the Indian Office. It is not worth while to recount how it occurred or anything about it except to say that the Indian Office determined that he was entitled to nothing. They said later that he had accepted service from the Government. He had been the executive officer of the Geological Bureau for about three years, and they said that in accepting such service from the Geological Bureau he had forfeited his claim to any compensation, although it appeared that at the time he was so employed in the Department he could not have rendered, because of the pendency in the Supreme Court, any special services except the services that ex-Senator Garland declares he did render. They decided on that ground that he could not recover.

If the Senator from New Hampshire were present I could answer the question which he put to me, and which I suppose he will insist I have not answered if he is not here to hear it. When the Commissioner of Indian Affairs declined to allow any compensation whatever, the case went to the office of the Secretary of the Interior, and the Secretary of the Interior declared that the reason given for the nonpayment of Major Peabody was not a good one and he had not forfeited this claim, that he was entitled to it; but he allowed him only \$8,000. Now, I say that that is not conclusive on Congress. We have a right to say that these parties shall have a fair compensation.

Mr. CHANDLER entered the Chamber.

Mr. TELLER. The Senator from New Hampshire is here now. If he wants me to answer the question he asked I will answer it as I have been answering it.

The Secretary of the Interior was authorized by a provision in the appropriation act to settle this question. We supposed that he would take the contracts and allow the claims according to the contracts if the services had been rendered according to the contracts. The Secretary allowed some of the contracts in full. Of

some of them he allowed but a small part. Mr. Peabody was entitled under any consideration to over \$40,000 on his contract of 5 per cent, leaving out the 3 per cent which he had assigned to a man who had rendered no services whatever, and that is what Mr. Peabody has been claiming. That is what he does not get, but he gets three or four thousand dollars less than he was entitled to under the provision of law.

I will state that there is a large number of bills pending before the committee to pay these claims. I think there is a bill pending for three of the claims and for some that are not allowed. It was morally certain that if each man succeeded in the attempt to get his bill through there would very likely be an appropriation of more money than is still reserved on this account in the Treasury, and there was a sort of agreement by all the claimants among themselves to distribute the money practically as it is distributed in the amendment. Among others who contributed to see that the attorneys' fees were not exorbitant and that men who had made claims for large sums of money against the fund—some of whom, as I said before, had no contracts at all, some of them having contracts and having rendered only partial service under the contracts, then ceased their efforts, and others who had never done anything at all—among others employed to see that no more was paid was Mr. Peel, of Arkansas, a former member of Congress. He has a claim in here for \$5,000. Now, we come to the conclusion that these people have rendered service to these Indians. They have rendered it under contracts made by the Indians. Major Peabody's contract has been renewed from time to time by the approval of the commissioner, and the approval of the Commissioner of Indian Affairs, and the approval of the Secretary of the Interior, and when the money was paid into the Treasury of the United States or appropriated Major Peabody's contract was still an existing contract.

The Senator from Utah asks why not go into the courts? Mr. President, if this were a controversy between the Cherokee Nation and these claimants there would be some force in that, but it is simply a controversy between the men who rendered the service, how much they shall have, whether there shall be an equitable distribution and the men who rendered the service shall be paid, or whether some man should get it all.

Mr. PLATT. I should like to ask the Senator from Colorado a question.

Mr. TELLER. Certainly.

Mr. PLATT. If there are not other persons who have claims upon this money which would amount to more than the whole sum to be distributed, is there any reason why Mr. Peabody should not have the amount which the commissioner of the Indians contracted with him for, which is \$64,000?

Mr. TELLER. None whatever, because his assignee never rendered any service whatever, and he never contracted to render any.

Mr. PLATT. That would be \$40,000, if that is deducted?

Mr. TELLER. It would be \$40,000 without it. But Mr. Peabody is not now in the city; he has returned to Colorado, which has been his home, and his representative, his attorney, consented that this amount might be paid him so that others might get a proportionate and what appeared to be a proper amount. Then they do not all get what they ought to have, neither does Mr. Peabody.

Mr. PALMER. Did not Mr. Peabody assign an interest in the claim with the expectation that the assignee would render some service?

Mr. TELLER. Certainly. He assigned 3 per cent, and the assignee was to render service. That was explicitly declared. But he never did render any service. That man has never presented any claim, and I suppose never will, because he would be met with the fact that he had rendered no service. In addition, the Department always required that with the contract there must be proof of service rendered.

Mr. President, I have said all that can be said about this matter, perhaps, or all that is necessary. I have had a very thorough knowledge of it. I want to assure the Senator from Utah that there is no misappropriation of public funds nor is there any steal here. I say to the Senator from Utah that after twenty years in this or in another forum closely connected with this I do not believe I need to make any defense to the Senate to show that I have not engaged in any attempt to steal from anybody.

Mr. BROWN. I wish the Senator from Colorado to understand that I did not intend to make any reflection upon him.

Mr. TELLER. I will say more, Mr. President. I have never presented a claim to the Senate that I did not practically know was an honest claim. These men are as much entitled to their money as the Senator is entitled to his salary, and there is no more impropriety in our paying it out of this fund than there is in the financial clerk paying the Senator his salary. If the Senator had taken a little pains to acquaint himself with the facts he would not have substantially charged two committees of the Senate with attempting to impose upon this Senate and steal from the wards of the Government.

Mr. BROWN. Will the Senator yield to me?

Mr. TELLER. Certainly.

Mr. BROWN. I wish to say that I designed no such criticism to the extent which the Senator intimates upon the Committee on Indian Affairs or the Committee on Appropriations; but if we may happen to differ with either one of those committees and express our difference in strong language, I apprehend that we have that right, and that we have a right to do what we please about this amendment without reflecting upon the committee. No reflection is designed or intended upon any member of either of those committees, and least of all upon the Senator from Colorado [Mr. TELLER]; but I have the right to my opinion about the effect of the amendment without reflecting upon him.

Mr. TELLER. Of course, Mr. President, I would not for the world interfere with the right of private judgment of the Senator from Utah.

Mr. CHANDLER. Will the Senator allow me to ask him a question as to this claim?

Mr. TELLER. Certainly.

Mr. CHANDLER. I believe I have used no harsh language about this matter, and I am honestly seeking light. I find here the claim approved by the Secretary of the Interior and the Commissioner of Indian Affairs to dispose of the whole balance of 35 per cent to Joel M. Bryan. So that that would dispose of the whole 35 per cent.

Mr. TELLER. I do not understand the Senator.

Mr. CHANDLER. I think from the contract, which was approved by the Acting Secretary of the Interior July 24, 1894, which was read, I believe, by the Senator from South Dakota [Mr. PETTIGREW], and which winds up by conveying to J. M. Bryan the residue of the 35 per cent, which, I suppose, accounts for the clause on page 57 which disposes of any balance there may be in that way. My trouble is that in these intermediate allowances to various individuals which are being made by law of Congress, Congress gives them that money, and it gives all the balance, 35 per cent, to Joel M. Bryan. I know very well that there are other claims, and that some of the parties mentioned here claim more. For instance, Mr. David A. McKnight, claiming as a representative and partner of E. John Ellis, claims \$12,000 instead of \$1,000. He is not going to give up his claim for that \$11,000; he is going to press it.

Mr. TELLER. I will say that Mr. McKnight does give up his claim and does not expect to get anything more.

Mr. CHANDLER. I am informed very differently by a brief of his which has been put into my hands.

The Senator will get my point. These other parties are not going to remain satisfied with these allowances. They will be coming here and asking for more; and the point I want to get at is, who makes this adjudication? Who has made an adjudication that we can accept as satisfactory that Mr. Peabody is entitled to \$29,000 in addition to the \$8,000, and that Mrs. Mary E. Carey, executrix of the estate of James J. Newell, is entitled—

Mr. TELLER. I will answer the Senator.

Mr. CHANDLER. Please let me ask the question before the Senator answers it.

Somebody adjudicates that Mary E. Carey, executrix of James J. Newell, shall have \$3,000, in addition to \$10,000 which has already been paid. What is there to protect and justify Congress in paying all these detailed sums to these parties?

Mr. TELLER. As I stated while the Senator was out of the Chamber, perhaps these various claimants got together and substantially agreed upon what they would each take and make no further claim. It was certain that Major Peabody could not get his whole claim; it was certain that the executrix of Newell could not get her whole claim; and Mr. Bryan still thought that he was entitled to something more than the \$52,000 he had received. There was a feeling, of course, among all the attorneys that he ought not to have anything until they got their pay in full; but that would not have been fair, for many of the contracts made by Mr. Bryan were made under stress of circumstances, because of the death of some of the people like those I have mentioned. At least four of the attorneys have died pending this controversy. Then the Committee on Indian Affairs took this matter under consideration and subsequently referred it to the Committee on Appropriations, by whom it was also considered. I have no hesitation in saying that, so far as I was concerned, I thought I had some knowledge of the services these people had rendered. I contributed in some degree myself, I think, toward determining what they were rightfully entitled to. Then we inserted a provision that these people should accept the sums named. I can assure the Senator from Kansas that there will never be any demand made upon the Government or upon the Indians by these people for anything more than is provided for in this bill. If there had been money sufficient to pay all these attorneys they would have been paid, I suppose, what they claim. I know of no other reason why they should not be paid, unless it could have been shown that they had not rendered the services they had contracted to render.

Mr. PEPPER. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The unfinished business was temporarily laid aside until the conclusion of the remarks of the Senator from Colorado [Mr. TELLER].

Mr. PETTIGREW. I now ask unanimous consent that the unfinished business be temporarily laid aside, and that we proceed with the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from South Dakota asks that the unfinished business be temporarily laid aside. Is there objection?

Mr. PEPPER. I object, Mr. President, for the present.

Mr. PETTIGREW. I think, then, I shall be obliged to move to lay aside the unfinished business and proceed with the Indian appropriation bill. I am in favor of the bond resolution, and do not desire to displace it to its prejudice, but it can be delayed until we dispose of the Indian appropriation bill.

Mr. PEPPER. I think if the Senator will withhold the motion for a minute or two we possibly may come to an agreement by which we can go along with the appropriation bill. I would suggest to the Senators who are opposed to the resolution that we agree, or try to agree, upon a time when a vote may be had. If that can be done, I shall have no objection to passing the resolution over to give Senators time to accommodate themselves to the situation.

Mr. HILL. What is the suggestion, Mr. President?

The PRESIDING OFFICER. The Senator from Kansas will please state his suggestion.

Mr. PEPPER. The suggestion is that possibly we may be able to arrive at an agreement when a vote may be taken upon the bond resolution, and if that can be done, then we shall have got one serious difficulty out of the way, and the appropriation bills may be proceeded with until that time. If the Senator from New York thinks that we can agree upon some such suggestion I shall be very glad of it.

Mr. HILL. It is utterly impossible for me to say when the discussion upon the resolution will be completed. Several Senators desire to speak upon it, and it is impossible to agree now as to when a vote shall be taken. We were assured the other day that no one desired to speak upon the other side. If that be so, probably in the near future a vote can be had, but we can not agree upon a time for it now.

Mr. STEWART. Let us fix the time.

Mr. PEPPER. I am quite well satisfied that the friends of the resolution do not care to discuss the measure. I think the minds of Senators on both sides are made up. I suggest, in view of that fact, that we take the vote, say, at 4 o'clock to-morrow upon the resolution and amendments.

Mr. HILL. Mr. President, I can not agree to that. I desire to say right here that when the tariff and the silver questions were pending, in January, I think it was, I was intending to submit some remarks, but in order to accommodate the Senator from Arkansas [Mr. JONES] I consented that an hour might be fixed when debate should cease. During the last hour of that debate new matter sprang up, new suggestions were made, new arguments presented, in which I desired to participate, but I did not see fit to ask for a vote upon them. I have seen that same course pursued theretofore where unanimous consent had been given. When the discussion is over, there will be no effort on my part to delay the debate if the Senate pleases to pass the resolution. After I have finished my remarks, and those who agree with me have finished what they desire to say on the subject, there will be no further proceeding interposed to prevent the Senate doing what it desires in regard to the resolution.

Allow me to say, Mr. President, that the disposition which is manifested to take up a matter of this kind and crowd out appropriation bills is rather new. I have always understood appropriation bills had the right of way. I prefer to have the appropriation bills considered in their order and disposed of, and then the bond resolution can be taken up in its order and kept as the unfinished business. Twice my speech on the resolution has been cut short by the expiration of the morning hour. It was cut short on Friday last by a side discussion between the Senator from Iowa [Mr. GEAR] and the Senator from Nebraska [Mr. ALLEN]. Whenever the resolution is taken up I want to continue it to the end. That is the best way to do it.

Mr. PETTIGREW. Will the Senator from New York allow me a question?

Mr. HILL. Certainly; but I suggest to the Senator from South Dakota that he has a right to move to take up the Indian appropriation bill if he desires to do so.

Mr. PETTIGREW. I simply desire to ask the Senator from New York a question. He says he has been cut off in debate. Can the Senator not name the number of hours he wants to talk, and then agree that we shall vote immediately thereafter? That will make it impossible to cut off his speech.

Mr. HILL. I do not wish to limit the time of other Senators who wish to speak upon the question.

Mr. PALMER. I have no disposition to interfere with any

proposition made by the Senator from Kansas or the Senator from New York; but I wish to state that it will not be possible to take the vote on the resolution at 4 o'clock to-morrow. Others desire to be heard on the resolution, and for myself I protest, and shall continue to protest against fixing that hour to-morrow for taking the vote.

Mr. HARRIS. I rise to a parliamentary inquiry. I inquire of the Chair what is the status at present of the resolution of the Senator from Kansas? I see it is the unfinished business. I have been told, although I am not cognizant of the fact, that it has been made the subject of a unanimous-consent agreement. Is that true?

Mr. STEWART. That is true.

Mr. HARRIS. What is that agreement? Let the Secretary read it. If there be a unanimous agreement I should be glad to know exactly what it is; and if there be such agreement, I hope the Senate will not now or at any other time violate any of the terms of the agreement.

Mr. PEPPER. That is the situation exactly, I will say to the Senator from Tennessee.

Mr. HILL. Allow me to say right there that the last time the unanimous agreement was discussed—it has been discussed on several occasions—it was expressly stated in the discussion had between the Senator from Kansas and the Senator from Iowa that it should not interfere with appropriation bills.

Mr. HARRIS. I hope the agreement, if there be one, will speak for itself. If there be a unanimous-consent agreement it is of record, and I shall be glad to know what it is.

Mr. PEPPER. It has been read several times.

Mr. HILL. The unanimous-consent agreement was simply made ten days ago, which was to take up the resolution for consideration. That does not at all prevent the Senate at any time afterwards from proceeding to take up something else. There never has been any unanimous consent that the resolution should be proceeded with and not be discontinued until a vote should be taken.

Mr. ALLISON. Mr. President—

Mr. PEPPER. We all understand that very well. The object of this effort on my part—

The PRESIDING OFFICER. The Chair has recognized the Senator from Iowa [Mr. ALLISON].

Mr. PEPPER. The Senator will bear with me a moment longer?

Mr. ALLISON. Certainly.

Mr. PEPPER. My object is to effect an agreement, if possible, as to when we may dispose of the bond resolution. Then I shall get out of the way and not annoy Senators any more with respect to the appropriation bills.

Mr. ALLISON. Allow me to make a suggestion to the Senate and the Senator from Kansas. I understand that the bond resolution is here not by vote of the Senate, but by the unanimous consent of the Senate. I understood at the time that consent was given that it was not to displace appropriation bills when they were ready, but I agree that the phraseology used by the Senator from Kansas would perhaps not imply thoroughly that he was willing, or that consent was given, to allow the resolution to be laid aside temporarily for the consideration of appropriation bills; but I now appeal to him to yield to what has been the uniform custom of the Senate within my recollection, namely, to lay aside temporarily, by unanimous consent, the pending business when appropriation bills are ready for consideration. The Senator now has his resolution as the unfinished business of the Senate, and no other business except appropriation bills can intervene to prevent its consideration. After the appropriation bills are considered and amended by the Senate they must undergo, as Senators know very well, further consideration by the House of Representatives and by conference committees.

There will be ample time, no matter when we shall agree to adjourn, outside of the appropriation bills to consider the necessary business of the Senate, and I can see no reason why the Senator from Kansas should ask that the bond resolution be considered to the exclusion of appropriation bills, when he has the absolute right of way to the exclusion of everything else, even if the unanimous consent now asked for by the Senator from South Dakota shall be granted. So I hope, at least for the present, and until we get our docket clear of some of the appropriation bills and get them into conference, the Senator from Kansas will allow his resolution to be informally laid aside, not losing its place upon the Calendar.

Mr. WOLCOTT. May I ask the Senator from Iowa a question?

Mr. ALLISON. Certainly.

Mr. WOLCOTT. I ask the Senator, as one of the senior Senators on this floor, speaking, as he always does, sincerely, is he of the opinion that if the Senator from Kansas shall now give way without protest to the consideration of appropriation bills that it will still result that a vote will be had upon the resolution of the Senator from Kansas, and that that resolution will stand before

the Senate for final action—for I take it that is all any of us want—and that we shall be certain not to be drifted to one side and pushed out of the way?

Mr. ALLISON. I can say without hesitation to the Senator from Colorado that the resolution of the Senator from Kansas must be the unfinished business until laid aside by a majority vote of the Senate for the consideration of other business. I hope that we shall not be put to the hazard of a contest, and I trust the Senator from Kansas will not enter into a contest whereby the resolution shall go on indefinitely in debate, as we see around us evidence that it is likely to do, to the exclusion of appropriation bills. The Senator has now absolute control of the Senate as respects his resolution, appropriations bills only intervening, and I can not see why we should depart from a custom which has prevailed in the Senate certainly for twenty-three years, that appropriation bills shall take precedence of everything else; in fact, according to our rules they are entitled to such precedence. Of course, by securing unanimous consent, and the Senator has secured it, impliedly he may have a claim upon the Senate, but surely it can not last a great while to the exclusion of appropriation bills; and I think it would be wiser and better for us all that we should go on with the business in the ordinary way.

I wish to assure the Senator from Nevada [Mr. STEWART], who takes a deep interest in the resolution of the Senator from Kansas, that this is no proposition to set aside the consideration of the resolution or to postpone a vote upon it. I will stay with the Senators to secure a vote upon it as long as they want me to stay here; but I do not wish that the resolution shall take precedence of appropriation bills, which are pressing upon us, and occupy the whole of this week.

Mr. STEWART. Mr. President—

Mr. PEPPER. After that statement of the Senator from Iowa, clearly made—

Mr. STEWART. I wish to make a remark. Am I recognized?

The PRESIDING OFFICER. The Senator from Nevada [Mr. STEWART] is entitled to the floor.

Mr. STEWART. It is very evident that there is a determined opposition to the bond resolution and that there is an effort to prevent a vote upon it. I regard that resolution as more important than the present consideration of any appropriation bills; I regard it as of the highest importance to the honor of this nation that a resolution giving an expression of our views should be passed after all that has been said in the public press and after all has occurred which we know has occurred. I think it the duty of the Senate to pass the pending resolution or some resolution of similar character. It appears all the while that there is a disposition, and it is manifest and has become obvious to all, to set the resolution aside, so that it shall not be considered. We know very well if the resolution has only the right of way subject to appropriation bills that a discussion of it between the consideration of appropriation bills can be carried on indefinitely, and the resolution can thus be conveniently set aside to the end of the session. I believe we should get along with the business much more rapidly by taking up the resolution now and finishing it; but when appropriation bills are coming here every few hours and are to take the place of anything else which is pending, it will be very easy to consume those few hours. The only way to pass a resolution of this kind is to take it up and hold on to it until it is disposed of. If it is to be set aside in this way it can not be passed between appropriation bills, because that will give its opponents a breathing spell and give them an opportunity to load up again, so that they can continue to occupy the intervals of time between appropriation bills until the end of the session, and we shall have no disposition of the subject. If it is the intention that we shall have no consideration of the resolution, I want the question put to a vote of the Senate and see how many are willing to have that done.

Mr. WOLCOTT. Will the Senator from Nevada allow me?

Mr. STEWART. Certainly.

Mr. WOLCOTT. The Senator must have misunderstood the statement of the chairman of the Committee on Appropriations [Mr. ALLISON], who always speaks with the utmost good faith. He said, as a matter of fact, that he did not introduce his suggestion so as to avoid a vote on the resolution. I must say, for my part, that I consider the bond resolution the most important matter before the Senate, and yet I believe, as a friend of the measure, we should gain more in the way of friendship and in the way of getting the resolution acted upon by letting the appropriation bills go through and assisting in the completion of them than we should by antagonizing each measure until the bond resolution should be voted on. If the appropriation bills can then be got through, the Senator from Nevada must see that all the moral support of the Committee on Appropriations, to which we have cheerfully yielded, must come to our aid in assisting us in securing the final consideration of the bond resolution.

Mr. ALLISON. Besides that, the bond resolution has the exclusive right of way except for appropriation bills.

Mr. STEWART. All I have to say further is that the time is

going to come when we shall have to stand by the bond resolution day after day. It is not going to be child's play.

Mr. ALLISON. So I understand.

Mr. STEWART. The Administration is opposed to it, and we must stay here by it. Now, when the time comes will the Senator from Iowa stand by us?

Mr. ALLISON. I will be in the neighborhood, I will say to my friend. [Laughter.]

Mr. STEWART. All right. With that understanding, I have no objection to the resolution being laid aside informally.

Mr. HILL. I trust the Senate is not to be bound by the agreement made between the two distinguished Senators a moment ago.

Mr. STEWART. No; we are simply bound by your capacity to talk. [Laughter.]

Mr. CHANDLER. I should like to ask the Senator from Nevada his authority for stating that the Administration is opposing the passage of the resolution?

Mr. STEWART. What authority?

Mr. CHANDLER. Yes; what authority?

Mr. STEWART. Must I give authority for what I say on this floor? If so, I will say it is on the best authority in the world. I do not want to give any other.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PETTIGREW] asks unanimous consent that the unfinished business may be temporarily laid aside.

Mr. PEPPER. With the statement which has been made so clearly and courteously by the chairman of the Committee on Appropriations [Mr. ALLISON], I am willing that shall be done.

The PRESIDING OFFICER. Is there objection?

Mr. HILL. The resolution is temporarily laid aside, is it not? There is no other understanding or agreement on the part of the Senate?

The PRESIDING OFFICER. The Chair will state the proposition. The Senator from South Dakota asks that the unfinished business be temporarily laid aside. Is there objection?

Mr. HILL. To that I do not make any objection.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. PETTIGREW. I think I included in my request that the bond resolution before the Senate should not lose its place, but should be the unfinished business.

Mr. FAULKNER. That is the effect of the agreement.

Mr. CULLOM. That is all right.

Mr. CHANDLER. Mr. President, I was not entirely satisfied with the explanation made by the Senator from Colorado [Mr. TELLER] as to the way in which these various amounts have been reached. I was not surprised that the Senator took exception to some remarks that had been made by Senators in reference to the claims. I think one Senator said the claims were a fraud. I think both Senators, the Senator from Illinois [Mr. PALMER] and the Senator from Utah [Mr. BROWN], used very strong language in reference to the claims. Although they did not intend to make any imputation upon the committee, I am conscious that such remarks might well be understood as making a reflection upon the committee, and I am glad the Senator from Utah, and the Senator from Illinois as well, disclaimed any such purpose. They had a right to stigmatize the claim, I suppose, by as strong language as they chose to use. They were not justified in imputing any disposition to the committee to press a fraudulent claim, and I do not understand that they intended to make any such imputation. I certainly do not. I am bound to believe that the committee acted with the best of motives and that they believe these sums should be paid out to the individuals named.

Still, Mr. President, I am not satisfied with the situation which will be presented after the claims are paid as they are here listed in the amendment, and I shall expect the Senator from Colorado [Mr. TELLER] or the Senator from South Dakota [Mr. PETTIGREW] or the Senator from Connecticut [Mr. PLATT] to explain to me upon what basis we are to place our action in this adjudication. Here is a large amount of money to be paid out. It is to be paid out to particular individuals. This clause is not for the payment of the whole balance of 35 per cent to Joel M. Bryan. It withholds it from Joel M. Bryan, to whom it was contracted to be paid, and gives it to these individuals. It proposes to give to William S. Peabody \$29,000. He has already had \$8,000. It gives to McLoud and Erwin and McPherson over \$15,000, claims that were rejected by the Secretary of the Interior.

Mr. PRITCHARD. Will the Senator from New Hampshire allow me to interrupt him?

Mr. CHANDLER. Certainly.

Mr. PRITCHARD. I desire to state for the information of the Senator from New Hampshire that those claims are now pending. They have never been considered and passed upon by the Secretary of the Interior.

The Secretary of the Interior gave as the reason for refusing to pass upon the claims the fact that the Senator from Colorado at the last session of Congress introduced a resolution forbidding the payment of any more money on those claims. Therefore he could

not consider it. I introduced a resolution during the present session of the Senate asking a modification of the resolution introduced by the Senator from Colorado, and that resolution was referred to the Committee on Indian Affairs. The committee, in response to my resolution, after considering all the evidence which had been filed before the Secretary of the Interior, decided to allow the claims of McLoud and Erwin in the amount of \$5,000 each. In order that the Senator from New Hampshire may be fully advised as to the nature of those claims and the evidence on which they are based, I beg leave to ask that a statement furnished me may be read by the Secretary and inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. PERKINS in the chair). If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

1. In 1876 Bryan and McCoy, Old Settler commissioners, made a contract with C. M. McLoud to prosecute said claim. The contract called for 10 per cent of the amount that should be recovered. This was the first contract made by the Old Settler commissioners after their appointment by their council of 1875.

2. McLoud assigned a one-half interest in said contract to Marcus Erwin, of —.

3. Marcus Erwin assigned one-half of his interest in said contract to Theodore H. N. McPherson on June 29, 1876.

4. These three attorneys worked on the claim during the sessions of Congress from the date of their employment to the following dates: To 1881, as to Erwin, when he died; to 1884, or thereabouts, as to McLoud, his health breaking down about that time, and failing completely in 1886, when he retired from practice, and died in 1892. Mr. McPherson did not continue in the case after McLoud died or discontinued his efforts in the prosecution.

5. The McLoud contract, calling for 10 per cent, would have entitled these claimants to put in claims for \$80,038.63, which is 10 per cent of the amount of the claim as allowed, viz: \$800,386.31; but inasmuch as they did not remain in the case to the end, their claims were only made for half of the contract fee.

As to contract and service rendered thereunder the proof filed in the Department of the Interior in support of the claims shows the following, the same being the substance of the several affidavits:

Exhibit 1.—Affidavit of James Taylor, of Cherokee, N. C., setting forth the making of the contract with McLoud, its stipulations as to service, compensation, etc., with all of which he was familiar; that service was rendered in drafting bills for referring the claim to the Court of Claims, the introduction of said bills in Congress by Congressman Vance at McLoud's request; that McLoud, Erwin, and McPherson worked diligently before the committees to get the bills reported from session to session; the preparation and urging, with Newell, of the amendment to the sundry civil bill in 1882, for referring the case, with other Cherokee matters, to the Secretary of the Interior for investigation and report; that said services extended over a period of six years, during which time McLoud and Erwin spent many months in Washington, and expended large sums of money in the prosecution of said claim; that he, Taylor, during the year 1895, had a conversation in Washington with Joel M. Bryan, Old Settler commissioner, when the said Bryan remarked that all of the different contracts with attorneys had been submitted to the Secretary of the Interior, except the contract of McLoud and Erwin, and he thought it strange that the claims under said contract had not been submitted, as they had rendered valuable services in the prosecution of the claim of the Old Settlers.

Exhibit 2.—Affidavit of W. W. Rollins, of Asheville, N. C.: Was in Washington a great deal of time from 1870 to 1880; in 1876 McLoud and himself took meals at same house with Old Settler Commissioners Bryan, McCoy, and David Tucker, their interpreter; a contract was made in April or May, 1876, by said commissioners with McLoud, employing him as the attorney to prosecute the claim of the Old Settlers; said contract was executed in the room of Maj. Marcus Erwin, and in the presence of David Tucker, James Taylor, and himself; that he signed the same as a witness; that the contract stipulated to pay McLoud 10 per cent of the amount that might be awarded on the claim; McLoud entrusted said contract to Major Erwin for safe keeping, and at the same time assigned to him a one-half interest therein; that McLoud and Erwin soon thereafter prepared a bill, and secured its introduction in Congress by Hon. R. B. Vance, of North Carolina; the bill was introduced on June 5, 1876, and was referred to the Indian Committee, before which both McLoud and Erwin appeared and presented the facts in the case; they also appeared before the Commissioner of Indian Affairs, to whom the bill was referred, and urged report thereon, which was not made because it was then so near the close of the session; that McLoud and Erwin spent many months in Washington at work on the claim, fully enlisting the interest therein of both Senator Vance and Congressman Vance in urging some plan of settlement of the claim; that both Senator and Congressman Vance introduced bills, at the request of said McLoud and Erwin, in behalf of the claim; that Major Erwin, finding it necessary to be absent from Washington part of the time, assigned a half of his interest in said contract to T. H. N. McPherson, attorney at law, of Washington, D. C., in order that the claims might receive constantly the close attention required; McLoud and Erwin remained in Washington many months at a time for several years prosecuting said Old Settlers' claim, spending large sums of their own money in keeping in Washington McCoy and Tucker, whose presence was necessary in furnishing information to committees of Congress, the Departments, etc.; and that said McLoud and Erwin did more to advance the Old Settlers' claim than any two attorneys ever employed in its prosecution, and details how he came to be familiar with the facts, from being present with them, etc.

Exhibit 3.—Affidavit of Hon. R. B. Vance: Was member of Congress for twelve years successively from 1872 to 1884; while such member the Old Settlers' claim was frequently discussed; had many conversations with McLoud and Erwin about said claim; at many of these conversations Joel M. Bryan, Old Settlers' commissioner, was present; that on June 5, 1876, McLoud brought to him a bill that he had drafted for sending the Old Settlers' claim to the Court of Claims; that he introduced the bill (attaching a copy of it to his affidavit, viz: No. 3641); that the bill was in McLoud's handwriting; that at several sessions of Congress, up to the Forty-seventh Congress, he introduced, at the request of McLoud, bills for the adjustment of the Old Settlers' claim; also did the same at the request of Erwin; that on December 16, 1881, he introduced House bill No. 1233 (attaches copy to his affidavit); this bill is similar to 3641, with additional provisions; that McLoud and Erwin were often in Washington engaged in prosecuting said claim, and thinks that the bill introduced by him June 5, 1876, was the first measure introduced for sending said claim to the Court of Claims; that McLoud exerted great influence in inducing Congress to recognize the said Old Settlers' claims, and to finally adjust them, and thinks that they should be well paid for their services.

Exhibit 4.—An affidavit of six prominent citizens of Asheville, N. C., as to the character and standing of Hon. R. B. Vance. (A summary of the contents of this paper is not considered necessary.)

Exhibit 5.—Affidavit of T. H. N. McPherson: That he has been an attorney practicing in the city of Washington for the past twenty-five years; that Erwin assigned to him one-half of his half interest in the McLoud contract; sets out in full a copy of said assignment, dated June 29, 1876; that Erwin was compelled to return to North Carolina from time to time, and arranged with him to look after the claim, so that at all times it would receive attention; that the case had no standing in the Court of Claims, and McLoud, Erwin, and himself rendered services in consulting with members, collecting data and information concerning the claim, drafting bills, getting them introduced in Congress, appearing before committees, Departments, etc., all for the purpose of inducing Congress to send the claim to the Court of Claims; that the services of himself, McLoud, and Erwin extended over a period of five years, and of himself and McLoud over a period of six years; that all three of them spent large sums of their own money in the prosecution of said Old Settlers' claim; that owing to serious ill health at time of making the affidavit he is unable to specify more in detail the acts of service rendered by himself, McLoud, and Erwin.

Exhibit 6.—Affidavit of Ella C. McLoud: Is the widow of C. M. McLoud; that she is familiar with the services of her husband in the prosecution of the Old Settlers' claim; made seven trips to Washington with her husband in one year on the business; that he, with Erwin, spent almost the entire winter of 1876-77 in Washington engaged on said claim; that she did not accompany him on all of his trips to Washington; that the journeys were expensive, and he spent several thousand dollars in the prosecution of said claims, almost completely abandoning his practice at home; relates conversations her husband had in her presence with Judge Robert P. Dick, judge United States court for the western district of North Carolina, and with her father, and that he expected large compensation from the work he was doing on the case; that his health failed in 1886, and he died in 1892.

Exhibit 7.—Is affidavit of the widow of Marcus Erwin: That she frequently heard discussions between her husband and McLoud and others concerning the prosecution of the Old Settlers' claim; that from 1876 to 1881, inclusive, her husband was in Washington during every session of Congress; that he spent large sums of money in paying his expenses there while engaged in prosecuting said claim, often staying for a month after Congress adjourned; that he spent all he had made for several years, prior to entering upon the case, and neglected his home practice, and died leaving her penniless; that in consequence she has had a struggle to rear her family, being compelled to move on an average of about twice a year, and she became indifferent about preserving her husband's papers, at one time burning a barrel full of papers, mostly on Indian matters; that she often begged her husband to give up the business of prosecuting said claim, but he said he could not afford to do so, and that some day he would be well compensated.

Exhibits 8.—Is affidavit of J. E. Rankin, cashier Battery Park Bank, Asheville, as to the character, standing, and ability as a lawyer of C. M. McLoud.

Exhibit 9.—Is affidavit of Charles A. Webb, the administrator of the estate of C. M. McLoud, deceased.

Upon the testimony, etc., thus produced before the Department of the Interior, the attorneys for the claimants were informed that the facts of contract and service were established, but that the value of the service was not set forth in such manner as to enable the Assistant Attorney-General to state the amount that should be allowed, and further proof was called for as to the money value of the services rendered, whereupon the affidavits, of which the following synopses are given, were filed:

Exhibit 10.—Affidavit of Hon. Robert B. Vance: services were laborious and required close attention and much skill; thinks \$30,000 a reasonable estimate of the services rendered by McLoud and Erwin.

Exhibit 11.—Affidavit of W. W. Rollins: knows of his own knowledge of the services of McLoud, Erwin, and McPherson in prosecuting said "Old Settlers' claim; that McPherson devoted a great deal of time to the matter while McLoud and Erwin were in Washington, and also while they were at their homes in North Carolina; that McLoud and Erwin expended several thousand dollars in actual expenses for themselves and others whose evidence was necessary before committees of Congress; thinks a reasonable estimate of the value of the services is from \$30,000 to \$40,000; thinks the latter sum nearer the correct value of the services rendered by the three.

Exhibit 12.—Affidavit of M. W. Robertson: that McLoud and Erwin could have earned from \$30,000 to \$35,000 out of their home practice during the six years they were prosecuting the "Old Settlers' claim; that their services and money expended were worth the latter sum as a reasonable estimate.

Exhibit 13.—Affidavit by James Taylor, Cherokee, N. C. McLoud, Erwin, and McPherson were the first attorneys employed after the "Old Settlers' convention of 1875. Consequently their services were difficult, laborious, and hard, and were worth from \$25,000 to \$30,000 at a conservative estimate. They would have earned, with the same diligence, etc., at their home practice or in other matters fully the latter sum.

Exhibit 14.—Is letters of administration to Lucius H. Smith, Buncombe County, N. C., of the estate of Marcus Erwin, deceased, and power of attorney from said Smith to Charles A. Webb, of Asheville, N. C.

After consideration of the proofs presented and hearing given to the attorneys representing the three claimants, the Assistant Attorney-General gave them to understand that he would recommend an allowance to be made on the claims to the Secretary of the Interior; but he declined to inform them as to the amount of the allowance so recommended by him; and the Secretary has said that he could not pay the claim until the restrictions of Senate resolution of March 2, 1895, were removed, and advised them that they secure the removal of these restrictions by a resolution, which is sought to be done by Senate resolution No. 74.

Mr. PRITCHARD. I sought by the Senate resolution, to which I have referred, to have a former resolution modified so as to permit the Secretary of the Interior to adjust those claims. The resolution, as I stated, was referred to the Committee on Indian Affairs, and in response to the resolution the amounts fixed in the bill were placed there as the compensation to the parties for the services they have rendered.

I know nothing about the claims of my own knowledge. I simply have the facts as stated in the various affidavits which have been filed in the office of the Secretary of the Interior. I know one thing, and that is that Major Erwin was a gentleman, and I am satisfied that neither he nor his representatives would file a claim in the Congress of the United States asking to be paid for services never rendered. I also know Major McLoud. He was one of the most prominent attorneys in our State, and I am satisfied that he rendered the services as alleged in the paper read by the Secretary. While we would much prefer that the Secretary of the Interior should have considered this matter, at the same

time the Committee on Indian Affairs have preferred to take the other course. They have said to us, "Rather than to modify the resolution and let this controversy continue before the Secretary of the Interior, we prefer to settle the whole matter at one time"; and they have cut down the claims of these individuals from \$30,000 to \$10,000.

Mr. PLATT. Fifteen thousand dollars.

Mr. PRITCHARD. Fifteen thousand dollars in bulk; but I was referring only to the claim of McLoud and Erwin. I know nothing as to the claim of Mr. McPherson, except to say that he is a gentleman. He hails from a different State. But these gentlemen lived in my State in their lifetime.

The entire amount allowed to these people, the amount that they have proven the services were worth, was \$30,000, and it has been scaled one-half by the committee. I take it the committee thought the best thing to do was to settle the matter while they had it before them; to settle all these amounts and scale them down, so as to give each individual what he would be entitled to in equity. They are not getting their legal rights. If they were getting the amounts they are legally entitled to the bill would include an appropriation for \$30,000. But I take it the committee has granted these people what they think is equitable.

It is true they did not get their claims considered before the Secretary of the Interior when the other claims were considered. The way they account for that is this: They say Major Erwin had died and they had to have an administrator appointed. Captain McLoud had died, and they had to have an administrator appointed in that case. Pending the appointment of the administrators in those two cases the claims were considered by the Secretary of the Interior. I feel confident that the Committee on Indian Affairs, while I have not the honor to be a member of that body, have done what they conceive to be for the best interests of the Indians and for the best interests of all parties concerned. This fund, I understand, was set aside for the payment of attorneys' fees. So it is more in the nature of an adjustment of the amount due these individuals than in the nature of an appropriation from the Government to pay the attorneys for services rendered.

I do not care to say anything more about the matter. I know nothing about it individually; but I know that they have established the fact that they had a contract under which they were entitled to a certain sum of money. I further know the fact that they have proven that they rendered the services. It is admitted here that they have rendered the services, and it is also admitted here that the consideration for the services has been scaled one-half. I can see no good reason, no just cause, for disallowing this amount to these individuals.

Mr. CHANDLER. Mr. President, I have no knowledge as to these particular claims, whether they are sound or unsound. I do think it strange that if the claimants are entitled to the large sums awarded them by this clause there has not been earlier prosecution of their case to an adjudication by some tribunal. No one has yet said that these amounts are due except the Committee on Indian Affairs or the Committee on Appropriations of this body. We do not know as the case stands to which committee we are indebted for this list. We do not know which committee has made up the list and decided that each of these parties shall have the sum set against his name.

This is either the money of Joel M. Bryan that we are appropriating in this way, or it is the money of the United States. If it is the money of the United States, then none of these contracts are sound and legal unless they were made under section 2103 of the Revised Statutes, which is so long that I will not insert it in the RECORD, but it distinctly provides that any contract which is to bind an Indian tribe shall be executed with certain formalities and shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Joel M. Bryan's contract appears to have been so approved. I think it was an extravagant and an exorbitant contract; but there it stands. The amendment proposes not to give Mr. Bryan all this money, but before giving any to Mr. Bryan to award these various sums to the different parties named. Mr. William S. Peabody is to be given \$29,000, who, as I said, has already been paid \$8,000. The estate of McLoud, the estate of Erwin, and Mr. McPherson are to be given \$5,050 each. There was no contract made with them under section 2103 of the Revised Statutes, and their claim never had any adjudication whatever until the two committees now propose these amounts. By some process it has been ascertained that Mary E. Carey, executrix of the estate of James J. Newell, who has had \$10,000, is to have \$3,000 more. John A. Sibbald is to have \$1,000. He has already had \$2,700. Reese H. Voorhees and John Paul Jones are to have \$7,003.86, who have already had \$32,000.

Mr. WILSON. May I interrupt the Senator from New Hampshire right there?

Mr. CHANDLER. Certainly.

Mr. WILSON. Has the Senator from New Hampshire read in

the protest of the Old Settler or Western Cherokee Indians the statement that I made relative to that item? Perhaps the Senator was not present when I read it.

Mr. CHANDLER. I do not remember to have read it.

Mr. WILSON. I will read it again, with the Senator's permission:

It is conceded by those in whose behalf this protest is made that the provision contained in the proposed amendment for the payment of Reese H. Voorhees and John Paul Jones, the amount of \$7,003.86 is just and proper, and should be paid; and that it is only a fair and reasonable compensation to these gentlemen for the valuable services rendered.

That is in the protest that I understand the Senator from New Hampshire is supporting. Their bill has passed the other House and it has been before the Committee on Indian Affairs.

Mr. CHANDLER. Does the Senator admit that those two gentlemen have already received \$32,000?

Mr. WILSON. The amount that they received, the \$32,000, has nothing to do with this contract, which was made subsequently. I introduced a bill in the Senate, and that is the reason why I feel some interest in the matter. I went all over the papers. They gave a year and a half of service.

Mr. TELLER. If the Senator from New Hampshire will allow me, I will suggest to him that these two gentlemen were attorneys at law and were concerned with Mr. Garland in the prosecution of the case originally in the Court of Claims and in the Supreme Court.

Mr. CHANDLER. What was the \$32,000 paid to them for?

Mr. TELLER. Thirty-two thousand dollars was paid to them for that service, as I understand. They have rendered other services. They had a contract—

Mr. CHANDLER. I have before me—

Mr. TELLER. Will the Senator permit me to explain?

Mr. CHANDLER. Excuse me, I thought the Senator was through.

Mr. TELLER. They had a contract made according to law, approved by the proper officers, and under it the Secretary of the Interior paid them the full amount of their contract.

Mr. CHANDLER. My impression is, from a memorandum which is before me, that Messrs. Voorhees and Jones were paid \$32,000 for services in the prosecution of the Old Settlers' claim, and that the claim which is now allowed was for another service.

Defending the money recovered by the Indians from the Government against all spurious, unauthentic, or unreasonable claims of attorneys or other persons claiming to have rendered services in securing or aiding in the collection of the Old Settlers' claim.

So, having received \$32,000 themselves, they are now to have \$7,003.86 for defending the Indians from the unreasonable claims of other attorneys. That is a very singular state of things. It seems these Indians had to make a contract to pay out 35 per cent of all they could recover, and then they had to make additional contracts to protect themselves from the unreasonable claims of attorneys, and they had to pay large sums to new attorneys to protect them from the unreasonable claims of attorneys whom they had already employed. I do not say that these amounts are not due, but I ask, where is the adjudication that they are due which is to justify the Senate in making this appropriation?

Now we come to Mr. McKnight's claim of \$1,000. Mr. McKnight, as I said a little while ago, is the surviving partner of Mr. E. J. Ellis. The original contract with Mr. Ellis was for 2 per cent on the appropriation of \$800,000, which would have made a claim of \$16,000. They have been paid \$4,000. They are now claiming before Congress the sum of \$12,000. They are prosecuting that claim before this body; they are prosecuting that claim before the House of Representatives. Who has adjudicated that they are entitled to only \$1,000? What is the justification for reducing the amount? I admit it may be necessary that it should be reduced, but should it not be done by some tribunal? Should it not be done by some adjudication? If done by a committee of this body, should it not be done in pursuance of a report which shows the grounds for the action of the committee of this body before we are asked to approve these specific sums as due to these people? We are asked to adjudicate that \$29,000 is due to Mr. Peabody, who has already had \$8,000. Why? Because that is the judgment of the Senator from Colorado, the Senator from Connecticut, and the Senator from South Dakota. We are also asked to adjudicate to Mr. McKnight—

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. CHANDLER. In one moment, as soon as I utter this sentence. We are also asked to adjudicate that Mr. McKnight's claim for \$12,000 is to be reduced to \$1,000. How is that? What are we to say to Mr. McKnight when he comes here after this bill is passed and asks for an additional \$11,000? Now I will yield to the Senator from Colorado.

Mr. TELLER. I should like to suggest to the Senator from

New Hampshire that in this case Mr. Peabody's claim was not adjudicated by me. He had a contract. The Committee on Indian Affairs had charge of it, not myself, although I think that he is entitled to more money than he is getting. I have detailed some of the services he has rendered.

Mr. CHANDLER. Does the Senator think that the Old Settlers ought to have paid 35 per cent of all they recovered to attorneys?

Mr. PETTIGREW. Will the Senator from New Hampshire allow me to answer?

Mr. CHANDLER. Certainly.

Mr. PETTIGREW. Mr. Bryan has the contract for the whole \$79,000, and has also filed a claim for the entire amount, shutting out everybody. He has made an affidavit, which is here, showing in detail what his services were, and that they were not paid for.

Mr. CHANDLER. Very good; and we are called upon by an act of Congress to legislate the money away from him and into the pockets of these people. We are called upon to handle all this sum of money without any report from the committee stating the reasons, and when we know that every one of these claimants who has not had allowed to him by these two committees the sum which he claims will come and complain to Congress hereafter and ask for more money, and when we have not any reason for overruling the findings of the Secretary of the Interior except a clause in an appropriation bill reported from the committee, not accompanied by any statement of reasons for the conclusions which the committee have reached.

Mrs. Belva A. Lockwood is to be paid \$1,000. How much does she claim? She claims that her contract was for \$80,000. Why has the committee cut this woman down \$79,000 and given us no reason for cutting down the amount of her claim from \$80,000 to \$1,000?

Mr. TELLER. I will tell the Senator.

Mr. CHANDLER. Why should not the women be treated just as well as the men in this game of distribution?

Mr. TELLER. If the Senator does not ask a question for information, but only asks to hear himself talk, I do not care about interrupting him.

Mr. CHANDLER. I suppose it would be more agreeable to hear the Senator talk, and therefore I will yield if he wants me to yield.

Mr. TELLER. If the Senator really wants to know why the sum was cut down—

Mr. CHANDLER. Certainly I do; but the Senator got angry a little while ago when I asked him a question; and he can answer or not, just as he pleases.

Mr. TELLER. I did not get angry at all.

Mr. CHANDLER. The Senator refused to allow me to interrupt him to ask a question, and now he wants to ask me a question. Every question put in the course of my argument, unless disclaimed—

Mr. TELLER. I will not interrupt the Senator. The Senator evidently does not desire to have the truth.

Mr. CHANDLER. I recognize the Senator as the fount of all truth, and now I will ask him why he cut down the claim of Mrs. Lockwood from \$80,000 to \$1,000?

Mr. TELLER. I did not cut down the claim of Mrs. Lockwood. Mrs. Lockwood had no contract at all. Mrs. Lockwood rendered some service as the agent of Mr. Newell, and out of Mr. Newell's fund the committee thought she was entitled to that amount of money. She had no contract. The Senator is entirely mistaken. If he knew the facts as well as he thinks he knows them he would get along a great deal better.

Mr. CHANDLER. Having said that the Senator is the fount of all knowledge, it seems to me he might have left a little presumption that I know something myself. It is the privilege of any Senator to ask questions of a committee that advocates a bill. When the Senator advocates the payment of these large sums of money and I ask him a question about them and he answers it, it is not gracious nor courteous for him to wind up by telling the Senator who asked the question that he does not know as much as he ought to know. He is trying to find out, and he gets mighty little information from the committee that has this matter in charge. He gets bad temper enough, but very little information. I continue to ask how it is that we are to be guaranteed against the pressure of Mrs. Lockwood upon Congress for the remaining \$79,000 when the committee have given her \$1,000 and have acknowledged thereby that she is entitled to something?

Mr. President, I do not undertake to say that I know anything about the details of these claims. My argument is that I do not know anything about them, and that the Senate does not know anything about them, and that it has no information upon which to base the action which is proposed by this amendment. I say if there was an adjudication here by the Secretary of the Interior I might be willing and probably should be willing to vote in accordance therewith. There is no such adjudication. The Secretary of the Interior has made his adjudication of smaller sums and

they have been paid. There is no adjudication of the Court of Claims, as perhaps there ought to be, upon these cases. There is merely this clause in the pending appropriation bill proposing that we shall vote these sums through the Senate because we find them reported by the Committee on Appropriations. Now, I say it is not a satisfactory way of doing business. It is not the satisfactory way of finding out how much, if anything, is due to these parties. I give notice to the Senate that if this schedule becomes a law Congress will be pestered from this time on by claimants who will say they were not allowed what they ought to have been allowed, and they will come to Congress and ask that justice may be done to them, Congress having undertaken to make the adjudication and to determine that these payments shall be made and no other payments shall be made.

I submit, Mr. President, that these claims should take the way of other claims; that if they are to be put upon an appropriation bill they should be put upon the appropriation bill in pursuance of something which can be handed to a Senator or published to the outside world as a reason why this list of claims is just, carefully made, and accurate, and is good not only to the extent to which it goes, but is a protection against any other claims of a like character that may be presented to Congress.

Mr. PLATT. Mr. President, I feel very much like thanking the Senator from New Hampshire that in his zeal in attacking this appropriation bill he has not gone so far as some other Senators to say that the proposed appropriation is a fraud and a theft. I think that the members of the Committee on Indian Affairs and the members of the Committee on Appropriations owe a great deal to the forbearance of the Senator from New Hampshire and that they should express their obligation to him when he comes to their defense and says that he really does not think the members of the Appropriations Committee who have examined these items and the members of the Indian Affairs Committee, who I think it will be conceded by and by have examined these items, are not frauds and thieves. Really we owe a great deal to him, Mr. President, and for one I feel like expressing that obligation.

But while the imputation of personal dishonesty upon these two committees is now disavowed, it is a pretty serious thing to stand up in the Senate of the United States and say that the payment of claims represented by these committees will be fraudulent and in the nature of a theft from the Indians. That charge could not be made except upon one of two grounds, that the claims had not been considered fairly and justly, or that there was an intention to commit fraud.

As the charge of intentional imposition upon the Senate of fraudulent and wicked claims is abandoned so far as it relates to the personnel of the committees who have brought them forward, it remains to inquire whether the claims are here as the result of inattention or carelessness or want of investigation, or for any other reason which militates against the acceptance of this amendment.

I will give the history of the claims, and I speak of the matter, and speak somewhat feelingly, because I am a member of the Committee on Indian Affairs. When the present Congress met bills were introduced providing for payment out of this fund in the Treasury to attorneys who had rendered services in obtaining a judgment for and payment of about \$800,000 to the Old Settlers or Western Cherokee Indians. It has been complained here that these claims ought to be adjusted upon the introduction of bills and the investigation of bills and a report upon the bills. I think there has been a bill introduced for every one, or nearly every one, of these claims. The Senator from North Carolina [Mr. PRITCHARD] rose and stated what he had endeavored to do. The bills came before Congress and they came before the Indian Affairs Committee by reference to that committee, and there a subcommittee was appointed early in the session. That subcommittee consisted of the Senator from Idaho [Mr. SHoup] and the Senator from Washington [Mr. WILSON], and they devoted a very considerable time, week after week, to the investigation of the claims.

The Senator from New Hampshire complains that there is no adjudication of these claims. I venture to say that no subcommittee or any committee in Congress has ever devoted more attention to the consideration of claims brought before Congress than did the members of that subcommittee. They made a report to the full Committee on Indian Affairs. That report was accompanied by a written memorandum of the facts relating to each case; and when it was presented to the Committee on Indian Affairs and explained by the subcommittee it received the unanimous consideration of the Committee on Indian Affairs.

Perhaps these are all fraudulent claims. Perhaps the subcommittee and the other members of the Committee on Indian Affairs are not capable of detecting a fraudulent and thieving claim against the Government. But the same argument applies to every case. The same argument which the Senator from New Hampshire has urged here applies to every case which comes

before Congress, where Congress is asked to pay an honest claim, that it has not been adjudicated except by the committee and that it has received only the examination given it by the committee. It will not be three weeks before the Senator from New Hampshire will come in here with a report upon some subject, and when a Senator rises and asks him where and when it was adjudicated, he will say, "I have investigated the matter as a member of the committee; the committee to which I belong, the Naval Committee, hearing the facts, have come to the conclusion that this is a proper report." That is the way in which all claims are adjudicated against the Government for the payment of which the Government is responsible. It is the usual course.

Would it have been better to have had a dozen bills reported here and acted upon separately than that they should have been consolidated and proposed as an amendment to the Indian appropriation bill?

After the matter had received the sanction of the Committee on Indian Affairs, and I believe the unanimous approbation of every member of the committee, it went to the Appropriations Committee. The same yellow paper memoranda from which the Senator has been reading and the same arguments which the Senator has been retelling here were laid before the Appropriations Committee, emanating, I believe, from somebody who thinks he has not got as much of this money as he ought to have. The Appropriations Committee have not passed this subject by slightly. They have given care and attention to it, and have in some respects modified the recommendations of the Indian Committee. They have not exactly adopted the recommendations of that committee.

Mr. President, why is it that Senators say that these claims are fraudulent; that they are an attempt to steal something from the Indians; that they have not been considered, and have not been adjudicated? I think I can tell why it is. First, there are some attorneys who think that they have not been fairly dealt with here—some of whose claims, or alleged claims, have been disallowed entirely, some of whom have not got as much as they think they ought to have gotten. That is one class of people who are objecting here. Then there is the Cherokee Nation, by its delegates here, which has not an iota of just claim as a nation upon this money, claiming to represent the Old Settlers, who, after having voted this money away for the purpose of collecting this claim and giving all the balance of it by a vote of the council to Mr. Bryan, their original commissioner, come in and say they want the money. These two parties, the attorneys who think they have not got quite enough and the Cherokee Nation and the Old Settlers who, after the old fashion of Indian giving—give and take back—have excited the philanthropic sympathy of the Indian Rights Association, and so this attack is made upon the payment of these claims.

Now, just a word about the claims. I do not think much of contingent fees, but every prosecution of an Indian claim against the Government and every recovery of an Indian claim against the Government, and every prosecution of almost every other claim against the Government and recovery against the Government, is conducted just in this way. Attorneys take such claims upon contracts to receive so much in case they succeed. I do not think much of it, but the necessity of that sort of employment of attorneys grows out of the negligence of this Government in paying claims it ought to pay. The people who have these claims against the Government ordinarily can not employ attorneys and pay them, and the Government refuses to pay, as it refused to pay these Old Settlers \$800,000, which it owed them for fifty years, more or less. They were forced to put their claims into the hands of attorneys, who took them for a contingent fee. Here was this old claim against the Government in behalf of these settlers—fifty years old, was it not, I inquire of the Senator from Arkansas? I think it dates back as far as 1838.

Mr. JONES of Arkansas. I think it is more than 60 years old. I think it originated from the treaties of 1832 and 1833.

Mr. PLATT. Yes. This claim has been pending against the Government. It has been claimed by these Old Settlers that the Government owed them this large amount of money. They never could get any payment from the Government, and, as a result, they made a contract with Mr. Joel M. Bryan, whom they made their agent to prosecute this claim, and gave him full power and agreed to pay him 35 per cent of what they should recover. They did not know how much it might be; it might be \$100,000; it might be a million dollars. Mr. Bryan took the case under that contract.

When the Indians say this money belongs to them it is a violation of a contract on their part. They have no claim on it; and if they ever had a claim on it they have since then, and deliberately, agreed to give to Joel M. Bryan all that may be left of the 35 per cent after the payment of the other attorneys who have claims upon the fund. This operates, if these payments are not to be made out of this fund, as a matter of confiscation on the

part of the United States, and I say that the \$86,000 belongs to some one who has rendered services. It does not belong to the Indians; it does not belong to the United States; it belongs unquestionably to the parties who have rendered services under that original contract. If there are no payments to be made, then the United States is simply to confiscate this \$86,000. It can not be paid back to the Indians, or any portion of it; they can not recover it.

Now, let us take one claim here, for there is no time to go through all of the claims. When the Indian Committee investigated this subject a memorandum of a report was drawn up with reference to each one of the claims, setting forth fully the facts in relation to it. Take the claim of Mr. Peabody. I do not know Mr. Peabody; I never saw him. I know that he is a citizen of Colorado, and I know the Senator from Colorado says he is a worthy and estimable attorney and gentleman. What are the facts about that claim? When it was undetermined how much this recovery was going to be in the inception of it, Mr. Bryan, who was the agent of these Indians and had plenary power, made a contract with Mr. Peabody to give him 8 per cent of the amount which should be recovered.

Mr. PALMER. Will the Senator allow me to ask him a question?

Mr. PLATT. Certainly.

Mr. PALMER. I ask whether it is not true that the Commissioner of Indian Affairs or the Secretary of the Interior allowed to Mr. Peabody all that that officer thought he ought to have?

Mr. PLATT. Oh, Mr. President, I do not wish to be impolite to the Senator; I shall not be, and I could not be; but this practice when a Senator is making a statement with regard to a particular subject, and thinks he is making a good statement, and intends to make a complete statement, of getting up and asking him something with reference to a particular subject before he gets to it is scarcely a proper method of discussion.

Mr. PALMER. I hope the Senator from Connecticut will say that I offend against that rule of politeness perhaps as rarely as any other Senator.

Mr. PLATT. I will say that.

I was coming to the particular subject to which the Senator has referred. I was going to examine the Peabody claim, because it may be treated as a sample claim. It has been styled the fraudulent claim of a lobbyist for a year's service. Mr. President, let us look at the claim a little. Mr. Peabody made a contract with Mr. Bryan, the agent of these Indians, who was authorized to make the contract. That contract was that he should receive 8 per cent of the amount collected. That can not be denied and is not denied.

It is said that Mr. Peabody never rendered services adequate to the amount of his contract. I do not think that question comes very fairly into this case, though I suppose that it is customary in the Interior Department to examine the question of services, and not to give the full amount of the contract if it be found that the services have not been rendered. But when was Mr. Peabody employed? How long ago was it? It was said here in the Senate that it was the work of a lobbyist for a year. Mr. Peabody was employed by Mr. Bryan on the 9th day of September, 1882. That is nearly fourteen years ago. So this service ran over a period of thirteen years up to the time of the collection of the money. His contract recited that there was 35 per cent set aside to pay the expenses, of which he was to have 8 per cent for his services. This contract was approved by the Commissioner of Indian Affairs in 1883. On the 6th of December, 1886, it was continued in force for a period of nine years from December 9, 1882, by the original parties to the contract, Mr. Bryan, the agent of the Indians, and Mr. Peabody. It was again approved by the Commissioner of Indian Affairs January 27, 1887, and the Secretary of the Interior. It was again renewed and extended on the 10th of February, 1892, approved by the Commissioner of Indian Affairs on the 9th of March, 1892, and the Secretary of the Interior March 11, 1892. It was in full force and effect when this money was paid.

Now, do Senators come in here and say that Mr. Peabody is a fraudulent claimant, with this contract in existence since 1882, renewed and approved by the Commissioner of Indian Affairs and the Secretary of the Interior three different times? I venture to say from what I have learned in this case that if Mr. Peabody had not been employed to do the work which he did, or if some other person had not been employed to do that work, there would have been no recovery in this case. I think that Mr. Garland, late Attorney-General, has practically said that. Mr. Peabody was an expert accountant, familiar with statistics and accounts, and his business as an attorney was to look up and state this claim through all its multifarious complications for the last sixty years. He did it so successfully that the Indians recovered \$800,000, which they never would have been able to recover and never would have recovered if it had not been for the industry and skill of Mr. Peabody, or some man of precisely the same character and caliber in

looking up the evidence and presenting it originally before the commissioner appointed by the Interior Department, and subsequently putting it in shape for the Court of Claims. The Secretary of the Interior now says for that service, extending over a period of twelve years, there being \$280,000 set aside for the payment of attorneys by the Indians themselves, that all Mr. Peabody is entitled to is \$8,000.

There are some very peculiar things about the case. The Indian Commissioner recommended \$8,000, although he said that Mr. Peabody had forfeited the right to recover anything under his contract by reason of having been employed for two years in the Geological Survey. The case was before the Court of Claims, and although he said that the service which was rendered to Mr. Clements, the commissioner, was unimportant—that was the commissioner's report—he recommended the payment of \$8,000. The Secretary of the Interior, acting upon that recommendation, while he negated the findings of the commissioner, and said there was nothing in the fact of Mr. Peabody's employment in the Geological Survey which prevented him from recovering the worth of his services, and while he negated the fact that his services in connection with the report of Mr. Clements were unimportant, allowed him only \$8,000.

Let us see if that is not so. This is what the Secretary of the Interior says about it:

The claim of W. S. Peabody.—Upon this claim I am of opinion that Mr. Peabody's acceptance of employment under the Government of the United States can not be considered an abandonment of his contract.

The commissioner said the contract had been abandoned.

The proof filed shows that he performed very valuable services during a period of many years, extending from the year 1878 to the close of the case. I have carefully considered his claim, and I can not think that, however valuable and meritorious these services may have been, he is entitled to the enormous sum at which he rates them. I agree with you that the sum of \$8,000 would be ample compensation for all the services rendered; and that sum is allowed.

That is a most remarkable judgment on the part of the Secretary of the Interior. The Commissioner of Indian Affairs based the reduction of the claim upon two reasons: One that Mr. Peabody had abandoned his contract, and the other that his services were not worth anything. And yet he recommended \$8,000 upon that basis. The Secretary of the Interior negated both of those grounds upon which the commissioner made the recommendation and only allowed Mr. Peabody the \$8,000 which the commissioner had allowed. I want to read that again. This is the statement of Secretary Hoke Smith:

The claim of W. S. Peabody.—Upon this claim I am of opinion that Mr. Peabody's acceptance of employment under the Government of the United States can not be considered an abandonment of his contract. The proof filed shows that he performed very valuable services during a period of many years, extending from the year 1878 to the close of the case.

A lobbyist who is to be paid \$29,000 for going around to Senators and spending a year's time! The Secretary of the Interior says the proof filed shows that Mr. Peabody "performed very valuable services during a period of many years, extending from the year 1878 to the close of the case."

The finding of the Secretary of the Interior in this matter was not conclusive. Mr. Peabody had a right to present his claim under his contract to Congress. His contract called for \$64,000, and I venture to say from all my reading in the case that he rendered just as important services as any attorney in this case out of court or in court, and is entitled to just as much compensation. I am willing to let this amendment stand on this sample claim of Mr. Peabody. I think he has fairly made out his case here, as I think the rest of them have.

But, Mr. President, in the usual way in which these cases go on, employing attorney after attorney, discharging attorneys and employing new ones, it always happens that the claims presented by attorneys who have rendered services run up to a very large figure; and there was left over only the sum of \$86,000. There were claims upon it by attorneys to the amount of about \$200,000, which were presented to Congress, as they had a right to present them, and the place where they should be presented, and referred to the committee where they should be referred, and adjudicated as they should be adjudicated, let me say to the Senator from New Hampshire [Mr. CHANDLER]. So it came to this, that there had to be a sort of rude justice done between these different claimants, or one of three things must follow, to use the expressive and almost classic language of the Senator from New Hampshire, Congress would be forever pestered with these claims, or the United States would confiscate the money, as the Senator about half intimated it ought to do, or give it to Joel M. Bryan. So the Committee on Indian Affairs, through its subcommittee and its whole committee, with the most tedious and careful and painstaking examination of these cases, came to the conclusion as to what should be paid to the different claimants, making as nearly as they could a fair adjustment of these claims, a rude kind of justice and equity perhaps it was, but I venture to say

that upon any one of the claims in that bill considered by itself the claim would be very much larger than it is as finally adjusted. Then, as I say, the claim went to the Appropriations Committee, and the Appropriations Committee went over all this work, and now Senators come in and say it is all fraudulent, thievery, and stealing from the Indians. Mr. President, if that be so, let us advance that argument in every case which has been examined—carefully, thoroughly, and comprehensively examined—by a committee. Oh, no, Mr. President, that will not do.

I should not have said a word in this case if it had not been that, as a member of the Committee on Indian Affairs, I gave my assent to the amendment as reported to the Appropriations Committee. The Appropriations Committee, following it mainly, has changed it in some respects, and, as the Senator in charge of this bill tells you, in a manner that all the claimants who had claims of any validity whatever are substantially satisfied. Now, had we not better dispose of the subject?

Mr. PALMER. Mr. President, I have endeavored since I have been a member of this body to observe its rules with great exactness. I have sought always to observe the rules of courtesy which ought to characterize the relations of Senators, but interruptions are so very frequent here, though generally by the consent of the Senators interrupted, that my interruption of the Senator from Connecticut seems hardly to have justified that discourteous snub that he retorted upon me. I am afraid that I have so conducted myself in this body that Senators imagine that I am incapable of feeling a snub tendered to me deliberately. I shall not notice the matter any further now; but I hope the Senator will pardon me for what he deemed an unusual discourtesy.

Mr. PLATT. If I said anything that the Senator thought was discourteous I did not intend to say it. I beg to assure him that I did not intend it. I would not say anything which by any means could be construed into disrespect or discourtesy to the Senator.

Mr. PALMER. Mr. President, that ends the matter so far as I am concerned.

I oppose the allowance of these claims, and I do it upon grounds which I think are fairly consistent with my respect for both the Committee on Indian Affairs and the Committee on Appropriations. I regard committees as important, valuable, and intelligent aids to the Senate. They are useful. They are somewhat like the referee, the master in chancery, in that forum to which I am much more accustomed than this. But I have never supposed that an exception to the report of a master, however able or intelligent, could be construed into an offense, except as Barrington says that in Ireland, if a lawyer demurred to a declaration, it was followed by an immediate challenge. I should be sorry to see the rule established in the Senate that no criticism could be made upon the action of a committee without incurring its resentment.

I listened to the very instructive remarks of the Senator from Colorado [Mr. TELLER] with great interest; and I understand this to be the state of facts: Long ago there were settlers in the Indian Territory called the Old Settlers, who were not regarded as a tribe or a nation, but as a sort of voluntary association, which could neither sue nor be sued, nor do I suppose, as a matter of law, it was capable of contracting; but a committee of that body did enter into some sort of arrangement with some agent for the prosecution of a claim against the United States; and as a result of the prosecution of that claim the United States became a trustee for that disorganized and, I suppose, somewhat incapable class of persons, that group of persons—for the term "group" describes them, I think, much more accurately than any other term I can think of at present. I understand, therefore, that these people were under the protection of the United States. The United States was a trustee, somewhat like a trustee for the incapable classes, the insane or minors, and the United States assumed all the responsibility of a trustee.

These persons made contracts that were sanctioned by the United States, and among the contracts which were made, I infer from the suggestion of the Senator from Missouri [Mr. COCKRELL], there was an order or resolution of this group adopted setting apart 85 per cent of whatever might be realized to compensate attorneys, or to compensate the particular attorney with whom the contract was made.

Mr. GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Maryland?

Mr. PALMER. For a moment.

Mr. GORMAN. The pending bill, of course, can not be concluded to-night, and there are reasons which Senators understand why an adjournment should be had at this time. I therefore move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 21, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, April 20, 1896.

The House met at 12 o'clock m., and was called to order by the Clerk of the House, Mr. ALEXANDER McDOWELL, who said: "In the absence of the Speaker, the House will please designate a Speaker pro tempore."

Mr. HENDERSON submitted the following resolution:

Resolved, That Hon. JOHN A. T. HULL, a Representative from the State of Iowa, be, and is hereby, elected Speaker pro tempore during the temporary absence of the Speaker.

The question being put by the Clerk, the resolution was unanimously adopted.

The Speaker pro tempore on taking the chair was loudly applauded.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN.

The Clerk was proceeding to read the Journal of Saturday last, when the Speaker appeared and took the chair, amid laughter and applause.

The SPEAKER. The House will be in order. The Clerk will read the Journal of the proceedings of Saturday last.

The Journal was read and approved.

TESTS OF MATERIALS.

Mr. PERKINS, by unanimous consent, offered the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print and bind in paper covers 500 copies of the report of the commanding officer of the Watertown Arsenal of tests of material for industrial and other purposes made at said arsenal during the fiscal year ended June 30, 1895.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

DONATIONS OF CONDEMNED CANNON.

Mr. BROMWELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and army post, was read, as follows:

Be it enacted, etc. That the Secretary of the Navy be, and he is hereby, authorized and directed to furnish to the Veteran Brigade, Grand Army of the Republic, Rochester, N. Y., eight pieces of condemned cannon for the purpose of decorating the burial lots in Mount Hope Cemetery and in the Holy Sepulchre Cemetery, set apart for the exclusive use of the veteran soldiers and sailors of the war of the rebellion, and also four pieces of condemned cannon to the Brockport Soldiers' Monument Association, an incorporated body, of Brockport, N. Y., for the decoration of the soldiers and sailors' monument recently erected in that village; also, two pieces of condemned cannon to the John C. Campbell Post, Grand Army of the Republic, at Harrison, Ohio, for the use of its cemetery, and four condemned cannon for the use of the Soldiers' Home at Bennington, Vt.: *Provided*, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BROMWELL, a motion to reconsider the last vote was laid on the table.

PETER P. FERGUSON.

Mr. STEWART of Wisconsin. I ask unanimous consent for the present consideration of the bill (H. R. 6431) to pay Peter P. Ferguson \$1,765 and interest.

The bill was read.

Mr. CANNON. What is this about?

Mr. STEWART of Wisconsin. The Clerk will please read the report.

The report was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. This seems to be a just claim, but I think the bill should state for what this money is to be paid. I do not believe we should pass a bill which simply directs that a certain amount of money shall be paid to a certain individual and makes no statement of the matter for which payment is to be made. Unless the bill can be put in more specific shape I shall have to object.

The SPEAKER. Objection is made.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the general deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 8263) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, for prior years, and for other purposes.

Mr. CANNON. I ask unanimous consent to dispense with the first formal reading of the bill.

There was no objection, and it was so ordered.

Mr. CANNON. Now, Mr. Chairman, if I can have the attention of the gentleman from Texas [Mr. SAYERS] for a moment, does the gentleman desire any time for general debate on the bill?

Mr. SAYERS. Not at all. I think we can get through with it much more rapidly and more satisfactorily to the committee if we proceed to consider it under the five-minute rule.

Mr. CANNON. Then I ask unanimous consent that the general debate may now be considered as closed, and that we proceed at once to read the bill for amendments under the five-minute rule.

There was no objection, and it was so ordered.

The Clerk proceeded with the reading of the bill, and read as follows:

To James Bain, who was assaulted and injured in the State of Louisiana by residents of that State, \$1,000.

Mr. HOPKINS. Mr. Chairman, I move to strike out the last word for the purpose of getting some information in reference to this matter.

This is an item of \$1,000 for payment to one James Bain for an assault made upon him in the State of Louisiana. Now, I should like the gentleman in charge of the bill, my colleague, to state the circumstances of the assault and why it is a subject for appropriation by the General Government.

Mr. CANNON. Mr. Chairman, this item and the next items following it, three in number, are precisely of the same character, and have been examined by the Committee on Appropriations; but upon the recommendation of the Committee on Foreign Affairs—and I see my colleague, the chairman of the Committee on Foreign Affairs [Mr. HITT], in his seat, and would be glad to have him give an explanation of the matter, as he is more familiar with the facts than I am.

Mr. HITT. Mr. Chairman, this claim was transmitted to the House by the Secretary of State, who recommended the action which has been taken by the committee.

There is no method and no provision of law by which claims of this character can be indemnified in any other way than through an appropriation by Congress.

Mr. HOPKINS. I did not understand the statement of my colleague.

Mr. HITT. I say there is no method by which an applicant can have a claim of this character acted upon other than by having it transmitted to Congress, as was done in this case, on presentation by the British ambassador to our Government. The Secretary of State laid the matter before the Committee on Foreign Affairs, with an urgent recommendation for immediate action upon it.

The British Government, through its ambassador, had asked for Bain the sum of \$2,500, but after a great deal of discussion on the part of the Committee on Appropriations and the Committee on Foreign Affairs the sum of \$1,000 has been fixed upon. Bain, in the disturbances mentioned in this item of the bill, was shot, and was a long time suffering from the consequences of the wound. He was subjected to very considerable expense for medical treatment, and it was thought, on a full consideration of the matter, that this was a fair sum, not too high, but sufficient to satisfy the British Government.

Mr. HOPKINS. If my colleague will allow me, was this in the city of New Orleans where the assault was made on this man? I see it says "in the State of Louisiana" in the item here.

Mr. HITT. It was in New Orleans. There was no assault. There are voluminous papers, giving the details and full explanations of the affair—

Mr. HOPKINS. But was this an assault that occurred in a street fight or riot?

Mr. HITT. Yes; it was during a riotous disturbance which took place on the street or wharf. The appropriation is provided in the bill precisely on the same principle as the payments heretofore made in the case of the Chinese slain at Rock Springs and the Mafia case at New Orleans, and cases arising in other places, where there was no provision of law to compensate the injured parties or no redress practicable through local courts.

Mr. HOPKINS. I would like to ask if this assault was ever investigated by the municipal authorities immediately thereafter or at the time to determine as to whether this man was in any degree at fault in the matter?

Mr. HITT. There was an investigation and a report by the district attorney on the subject. The man was injured in a riot

between the screw men and the longshoremen, certain labor organizations in the city, and the disturbance took place upon the wharf; this man not being a participant in it, but injured by shots fired by this crowd while he was at his duty. It is not certain as to whether he was shot accidentally or intentionally.

Mr. HOPKINS. Then, if I understand my colleague, this man belonged to one of two labor organizations which were engaged in a riot?

Mr. SAYERS. Oh, no; not at all. If the gentleman from Illinois will permit me, he had nothing to do with the organizations.

Mr. HITT. It was during a strike, when there was some labor trouble prevailing in the city between the labor organizations. This man, a British subject, was not engaged in the matter, but was shot either accidentally or purposely by some of these people. A number of persons were indicted—

Mr. SAYERS. If the gentleman will allow me, this man, I believe, was an officer on an English ship, and was engaged in loading the ship at the time the disturbance took place. During the progress of the work of loading the ship the riot occurred along the wharves between the labor organizations and he was accidentally shot. He had nothing to do with either organization or with the riot.

Mr. HOPKINS. He was not engaged or employed in any American service then, as I understand it?

Mr. HITT. No; he was engaged in his duty as an officer of a British ship at the time. Six persons were indicted, as I was saying a moment ago, but no evidence was adduced proving who fired the shot. There was a total miscarriage of justice.

Mr. HOPKINS. While we are on this subject, I see that the next two items are appropriations for other persons named in the bill.

Mr. HITT. Yes.

Mr. HOPKINS. Were these other persons injured in this same controversy or riot?

Mr. SAYERS. No; they are in different States. If the gentleman will read the bill he will see.

Mr. HITT. They are in other places, but the injuries originated similarly; that is, in disorders.

Mr. HOPKINS. I withdraw my formal amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

To Frederick D. Dawson, wife, and daughter, for loss of property and bodily injuries inflicted in the State of Nebraska by residents of that State, \$1,800; in all, \$2,800.

Mr. KEM. I should like to have some explanation of the nature and circumstances of this claim.

Mr. CANNON. I will say to the gentleman—and if that explanation does not answer the purpose I will turn him over to my colleague [Mr. HITT], chairman of the Committee on Foreign Affairs—that these three people, as shown by the papers sent to our committee from the Committee on Foreign Affairs, were three English subjects who were traveling in Nebraska. They were set upon, as shown by the reports of Nebraska officers, by a lot of ruffians or outlaws. Their property was destroyed, and they were very severely treated personally. Their claim for indemnity, preferred through the British minister, was quite a large one; but after an investigation of all the circumstances this is recommended by the Committee on Foreign Affairs and concurred in by the Committee on Appropriations as an allowance to indemnify them.

Mr. KEM. These were British subjects, were they?

Mr. CANNON. Oh, yes.

Mr. MERCER. Mr. Chairman, my understanding with reference to this trouble, which took place in Sarpy County, is that it was a quarrel by words at first, but wound up in a fight.

The testimony is very conflicting, as I understand, as to who is really to blame, but I desire in this instance to call special attention to one thing, and that is whenever any subject of Great Britain is in trouble anywhere she looks after him, and I understand the British Government, through its authorized agents, paid just as much attention to this affair as if it was a great international complication. I wonder if this Government has asked France to pay anything for the incarceration of John Waller? I wonder if this Government has asked any other government for pay for injuries inflicted upon our citizens anywhere?

I will ask the chairman of the Committee on Foreign Affairs if, after he has read the testimony taken in this Nebraska case, he feels justified in appropriating one cent in remuneration for injuries or supposed injuries received by the Dawson family? I am in receipt of letters from Nebraska that this was nothing but a common quarrel on the highway, and that the Dawsons were just as much to blame as the McCartys and the McCartys just as much to blame as the Dawsons. I do not know anything about the case, except as I receive information by correspondence, and hence do not care to express any judgment about the row. I have never even had the chance to read the testimony in the case. I understand, however, that the British Government actually asked the State of Nebraska

to pay \$40,000 because a little street fight took place in Sarpy County, but it has been cut down now to \$2,800. If the payment of this sum will insure better protection to American citizens traveling abroad perhaps it will be good policy to allow the item to stand.

Mr. OWENS. What damage was inflicted upon these British subjects?

Mr. MERCER. I think one of the men had his eye pretty well pommelled, while others were more or less injured. As to the destruction of personal property, I am not informed.

Mr. SAYERS. The evidence is that some people outrageously mistreated a woman. That is one of the items in the damages.

Mr. MERCER. Does the testimony show that?

Mr. SAYERS. That is what I am told it shows.

Mr. HITT. The evidence in the State Department, which was transmitted here, shows that Mr. Dawson's daughter is now suffering from epilepsy as the result of the outrages inflicted by this gang of desperadoes. Here is the report of the attorney-general of Nebraska. There is no remedy under our laws.

In answer to another question, I will say that our laws differ from those of other countries which make these applications to us in that they afford a judicial channel through which applications can be made or suit brought for damages.

The Committee on the Judiciary of this House are now considering a bill to provide such a method in this country, by which Congress shall be forever rid of these claims, which can not now be settled in the courts.

In case of a claim for indemnity by an American citizen against the French, Belgian, German, or the English Government, there are tribunals open with jurisdiction; but these British subjects have no recourse except through their minister to our Government, and it has to be settled in this way or not at all. The committee thought it was impossible to get through this Congress a bill allowing the amount that was claimed, nor was it due, and after a careful investigation the amount was reduced to this small sum.

Mr. MERCER. Did they claim \$40,000?

Mr. HITT. I do not know the amount of the claim that was made; but this amount is for what is believed to have been actually spent for medical attendance and other losses, and not anything in the way of sentiment for the wretchedness and the suffering that the family have been subjected to.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HOPKINS. I move to strike out the last two words. I infer from what the gentleman from Nebraska has said that this appropriation of \$2,800 is put in this bill in accordance with the suggestion of the British ambassador. There is nothing in the bill, however, that indicates that Frederick Dawson, wife, and daughter are British subjects. I would like to know from my colleague, the head of the Committee on Foreign Affairs, what Mr. Dawson, wife, and daughter were doing out in Nebraska?

Mr. HITT. They had gone there and remained there for the time, but were still British subjects.

Mr. HOPKINS. Were they living in that State?

Mr. HITT. They were sojourning there.

Mr. HOPKINS. What do you mean by "sojourning" there? Were they there for the purpose of making that State their home?

Mr. HITT. They were there temporarily, I think, at a little town called Alliance.

Mr. MERCER. Oh, no.

Mr. HOPKINS. How long had they lived there?

Mr. HITT. I do not know. They were not living in Alliance. They are there now. They were passing through.

Mr. HOPKINS. Is there anything in the claim as made by the British ambassador to indicate whether it was a case of injury inflicted upon a British subject sojourning temporarily in this country, or whether it was done to a person who had left the British Kingdom for the purpose of coming to America and making America his future home?

Mr. SAYERS. If the gentleman will allow me—

Mr. HOPKINS. Now, if this Mr. Dawson had gone to Nebraska because of the great facilities afforded by that State for acquiring landed estate and building up a competency, and received these injuries, I think, Mr. Chairman, that he is not entitled to the consideration that would be given to an English subject under the conditions that I have just intimated; and for that reason I would like to know from the gentleman how long these Dawsons had lived in Nebraska, and whether they had gone there to make it their permanent home?

Mr. HITT. The communications from the British ambassador do not state what the intentions of these people were. They were British subjects who were there. I will read a letter from the ambassador of recent date with reference to the matter:

BRITISH EMBASSY, Washington, March 26, 1896.

SIR: With reference to my note of January 21 last, I have the honor to inform you that I have received a letter of a distressing character from Mrs.

Dawson, now at Alliance, Nebr., describing the sufferings of her daughter from violent attacks of epilepsy brought on by the cruel outrages committed on her and her family by the McCarty gang of desperadoes.

Mrs. Dawson, who has been reduced to extreme misery by this last misfortune, as she can not leave her daughter to go out and work, has asked me, as a matter of charity, to defray the cost of travel of the family to Tacoma, where a brother of Mr. Dawson resides; and while informing you of the above, I have the honor to inquire whether the further investigations of the governor of Nebraska have yet been concluded and whether there is a prospect of some relief being granted at an early date to the sufferers.

I have the honor, etc.,

JULIAN PAUNCEFOTE.

The Secretary was unable to give him any assurance of any prospect of relief through the courts in January, and as it was desirable that the subject should be closed, and as the question might be made a source of irritation, and as it was a small matter of money, this course was taken and the claim sent to be treated like similar claims in the past.

Mr. HOPKINS. My colleague does not answer my question, as to whether these Dawsons had gone to the State of Nebraska to make it their permanent home.

Mr. HITT. There is nothing in the correspondence that shows what their intentions were. I only know from it that they are British subjects and seem to be respectable people.

Mr. HOPKINS. Is there any evidence before your committee showing how long they had been in the State of Nebraska before this trouble occurred?

Mr. HITT. There is not.

Mr. KEM. Mr. Chairman—

Mr. HOPKINS. Now, Mr. Chairman, I desire to say a word or two upon this subject. From the statement made by my friend from the Omaha district [Mr. MERCER] it appears that these persons, these Dawsons, were of the same class of citizens as the McCartys, that have been characterized in such rough language by the British ambassador. It appears, also, that they had left their native country for the purpose of coming here to make it their permanent home. Now, if that is so, I see no reason why they should have any further or different privileges than American citizens. If these Dawsons had been native Americans, or if they had taken out their last citizenship papers, this controversy would have been one that would have been settled in the local courts of the State of Nebraska; and if there had been an injury such as is claimed by the British ambassador, the courts of that State would have been open to them for just compensation for such damages. But under this statement these Dawsons, for aught we know, might have lived in that State ten years, they might have acquired the title to real estate, they might have accumulated personal property, they might have enjoyed all the rights enjoyed by citizens of that State, yet when they get into a street brawl or any trouble of this kind they invoke the protection of the British flag, and attempt to filch money from the Treasury of the United States. I say that under such conditions no appropriation should be made for this purpose.

Mr. CANNON. Mr. Chairman, this claim comes recommended by the Secretary of State, after full investigation made in connection with the governor and the attorney-general of Nebraska, and also with the British minister, the whole matter supervised finally by the Committee on Foreign Affairs, who certified it to the Committee on Appropriations with a request that a limited appropriation be made in the bill.

Mr. KEM. Will the gentleman yield for a question?

Mr. CANNON. In a minute. Now, Mr. Chairman, I have not given this matter careful study. I did glance at the allegations made, from which it appeared that these parties had been roughly dealt with. There appears to be no doubt that they are British subjects. The appropriation is not in order upon this bill if any gentleman had seen proper to make the point of order or to reserve the point; either my colleague [Mr. HOPKINS] or the gentleman from Nebraska [Mr. MERCER], and, speaking of myself as one member of the Committee of the Whole, if either of those gentlemen will rise now in his place and make the point of order, I will not object that it is too late.

Mr. KEM. Mr. Chairman, I do not desire to raise the point of order against this item if the appropriation is a just one, but I represent the district in which this outrage is alleged to have occurred and I desire to know something about it.

Mr. HAINER of Nebraska. No; you do not.

Mr. KEM. If it occurred at Alliance it was in my district.

Mr. HAINER of Nebraska. It occurred in Sarpy County.

Mr. CANNON. As I am informed, it did not occur in the gentleman's district [Mr. KEM's]. Now, Mr. Chairman, in the nature of things it is impossible for any committee of this House to exhaust a question of this kind. The claim is one that could not be enforced against this Government except as good faith; and our treaty obligations may require that it should be enforced, just as we have enforced our claim against the Chinese Government for wrongs done to American citizens to the extent of many thousands of dollars. The British Government in this matter is standing by its citizens, just as we stand by ours when wrongs are committed

upon them in foreign lands. I do not pretend to say of my own knowledge that there is any merit in this claim, but I do say that the Secretary of State, after full investigation, recommends that an appropriation be made. The British minister claims it, our own Committee on Foreign Affairs recommends it, and therefore we have placed it in the bill; but, as I said before, a point of order will take it out.

Mr. LIVINGSTON rose.

Mr. HOPKINS. Mr. Chairman, I move to strike out the last word with the view of submitting some observations on this matter.

The CHAIRMAN. The gentleman from Georgia [Mr. LIVINGSTON] is recognized.

Mr. LIVINGSTON. Mr. Chairman, the recommendation of this appropriation is in keeping with all international custom and practice. We are trying now to get some recognition and some compensation for insult, wrong, and oppression committed upon an American citizen in Cuba, Mr. Diaz, a Baptist minister. This is in accordance with our own practice for a hundred years and with the practice of other nations for a hundred years or more, and the only question that I suppose the gentleman from Illinois [Mr. HOPKINS] wants to raise here is whether this claim is well founded as matter of fact.

Mr. HOPKINS. That is right.

Mr. LIVINGSTON. Whether this money ought to be paid as a matter of justice.

Mr. HOPKINS. Certainly.

Mr. LIVINGSTON. Now, I want to say to the gentleman that to the best of our ability we have looked into this matter. The Committee on Appropriations not only inquired into it, but we had the advantage of the information which we could obtain from the State Department and the recommendation of our distinguished chairman of the Committee on Foreign Affairs, who seems to have familiarized himself with the matter.

Mr. HOPKINS. Will the gentleman permit a question?

Mr. LIVINGSTON. Yes.

Mr. HOPKINS. The question that I propounded to my colleague, the chairman of the Committee on Foreign Affairs, was intended to get at the length of time that these people had lived in Nebraska. If they were simply temporary sojourners there, that is one thing; but if in fact they had gone there intending to become residents of that State and had neglected to take out their papers of citizenship, that would put an entirely different color upon the case, to my mind.

Mr. LIVINGSTON. In answer to that I will say to the gentleman that there are no facts before the Committee of the Whole, and none were laid before the Committee on Appropriations, touching that question, but the presumption is—and it is a legal presumption—

Mr. HOPKINS (interposing). If the gentleman will permit me right there, what I criticize is that any appropriation should be sought to be made here on a presumption. We ought not to make an appropriation on a presumption. We ought to know the facts.

Mr. LIVINGSTON. Wait until I complete my sentence. I say the legal and the reasonable presumption is that these people were there prospecting and had not yet determined whether they would become citizens of the United States or not.

Mr. HITT. The gentleman's whole question is irrelevant at any rate.

Mr. LIVINGSTON. Of course it is irrelevant, but I wanted to answer the gentleman from Illinois. The facts that we have before us show that the people were there simply prospecting and had not determined whether they would become citizens or not. In the meantime this wrong was done to them. Now, I want to say to you, gentlemen of the Committee of the Whole, that there is no way out of this business except to pay the claim. If you intend to protect your own citizens in foreign lands under similar circumstances you must pay this claim.

Mr. NORTHWAY. We presumed that the State Department, which had investigated all the evidence in the case, knew something, and when they found the fact to be that these people were British subjects we were concluded by that finding, and it is not true that we are bound to investigate everything in detail. When the head of a Department comes to us with a statement and recommends an appropriation, we have a right to take something for granted.

Mr. LIVINGSTON. Certainly. There is not a scintilla of evidence that these people were not British subjects, and therefore, as my friend from Ohio has said, we were shut up to the conclusion that the case was as it was presented to us by the State Department.

Mr. HITT. My colleague from Illinois asked a question which the committee did not ask as to these British subjects and their intentions, because we will not suffer any foreign government to ask such a question in the case of a like claim by an American. When an American who had lived eighteen years in China was

hurt in an altercation, a ship of ours threatened to bombard the town if \$19,000 was not paid because this man had had his head broken in a row, and we did not permit any Chinese functionary to ask what were the intentions of that American as to permanent or temporary residence.

Mr. MERCER. How much money has this Government exacted of the Chinese Government on account of the missionary riots last summer?

Mr. HITT. Well, we have not collected all—

Mr. MERCER. It seems to take about thirty years to collect 30 cents.

Mr. HITT. But we have collected so much money from China and from other governments on such claims for indemnity that it does not lie in our mouths to ask the question whether a foreigner within our borders is here for a short time or a long time. We never permit that question to be asked as to an American in a foreign country.

Mr. HOPKINS. I wish to say to my colleague [Mr. HITT] before he takes his seat that his Chinese illustration has no bearing upon the point I am making. Nobody would suppose that an American citizen would want to lose the rights belonging to him as such and become a subject of the Chinese Empire. But we do know that British subjects come here by the thousands every year, and while some become American citizens, we know that many remain here year after year enjoying the splendid privileges that are accorded to American citizens, while they still cling to the rights of British subjects, so that in an emergency they may have other and different rights from those accorded to the people with whom they associate.

Mr. HITT. American citizens do the same thing in other countries.

Mr. HOPKINS. Never in the world. The gentleman can not cite an instance.

Mr. HITT. We have such cases arising all the time. I could refer particularly to cases in France, in Peru, in Colombia, and other foreign countries.

Mr. TUCKER. I would like to ask the gentleman from Illinois [Mr. HOPKINS] a question.

The CHAIRMAN. The Chair will say to the gentleman from Virginia [Mr. TUCKER] that the gentleman from Illinois [Mr. HOPKINS] is not entitled to the floor.

Mr. TALBERT. Mr. Chairman, I see that the pending bill proposes to appropriate something like \$15,000, to be paid to foreign governments on account of injuries or wrongs supposed to have been suffered by subjects of those governments in the United States. Here, for instance, is an appropriation of \$10,000 to the Italian Government, nearly \$4,000 to the Government of Great Britain, and \$2,000 to the German Government. Now, I do not pretend to say that these are not just claims and that they ought not to be paid, for it is probable they may be just and right. I do not assert that these injuries and losses should not be indemnified if the damages have actually been sustained by the different parties mentioned. But I want to remind the House that while we are thus willingly appropriating these large sums for the relief of foreign citizens or subjects, we on last Friday occupied the whole day in the discussion of an appropriation amounting, I believe, to only \$1,000 to pay to a citizen of the United States a debt which was a perfectly just obligation of the Government, which had been so adjudged by the Court of Claims of the United States. It costs us \$25,000 or \$30,000 a year to maintain that court; yet we sit here day after day and refuse to pay to citizens of the United States the amounts which that tribunal finds honestly and justly due for ravages committed during the war. Ought we not to pay the debts the Government owes to her own citizens as well as others?

I say, Mr. Chairman, that while we are doing justice to these foreigners we should not forget that charity, if charity you call it, ought to begin at home. We should not neglect to do justice to the thousands of American citizens in this country who have for years been awaiting reimbursement for their property which the Government took from them under the guise of the rights of rigid warfare. Indeed, sir, it would seem almost a matter of practical impossibility to get one dollar appropriated to citizens of the United States on claims honestly due and which the Court of Claims has said ought to be paid, and in some cases where the money is locked up already in the United States Treasury.

Sir, this is a piece of injustice toward our own citizens of which we should not be guilty. We should act honestly toward our own citizens; we should pay them what is justly due them; we should carry out the rule that charity begins at home, even if it should afterwards go abroad. If we want to extend our generosity or justice to citizens of other countries, let us not forget at the same time to do justice to our own citizens. Let us be just and honest toward our own people before we are so generous to foreigners.

Sir, I know citizens of my own State to whom the Government is justly indebted, and who are suffering to-day for the want of

the money which the Government owes them. Some of those claims may not yet have been reported upon, but they are honestly due; but in the case of the claim of which I spoke, which was under discussion the whole of last Friday, the right of the claimant had been established in the Court of Claims. Now, I say, unless we intend to pay such claims, let us abolish that court at once; let us declare in plain terms that we repudiate our just debts; let us put up or shut up; let us do right in these matters.

I do not say that the appropriations now before this Committee of the Whole for the benefit of foreign subjects ought not to be paid; possibly they ought to be. If they are just and right let them be paid; but while we are taking care of foreigners, while we are taking care of negroes, while we are taking care of Indians, let us try and take care of the poor white people of our own country who have just claims against us, for it is the poor people who are in the majority. It seems to me, sir, that God must love the poor people more than anybody else, because he has made so many more of them. Let us do something for this class of people in our own country. I have introduced a bill which only asked for the right to draw money from the Treasury already there for citizens of my own State, and the bill has not even been reported, either favorably or unfavorably. If we pay one, let us pay all; if we refuse to pay one party, let us refuse to pay all. "Equal rights to all and special privileges to none" should be our motto in this as in all other matters.

Mr. HAINER of Nebraska. Mr. Chairman, if I can have the attention of the committee for a very few moments, I think I can state in brief terms the substantial facts with reference to this matter, which I have taken some pains to investigate carefully, as disclosed by the papers filed with our committee.

It is there shown that these people, Dawson, his wife, and daughter, and a gentleman who was with them at the time, now his son-in-law, were passing through our State and had reached Sarpy County, on the eastern border of the State. They had camped by the roadside—

Mr. KEM. Will my colleague state when this was?

Mr. HAINER of Nebraska. About eighteen months ago.

They had camped by the roadside, when a gang known as the McCartys, who have since, but for another offense, been sentenced to the penitentiary, passed, very much in liquor. They inquired of the now son-in-law if it was a "show" encamped there. The young man to whom I have referred replied that if they wouldn't get out he would "show" them. This answer, it seems, provoked a fight. The women subsequently interfered, and the whole party were severely handled by the McCartys, the women as well as the men being badly bruised, and their effects destroyed or at least injured. The amount in this bill, doubtless, fully covers all the damage, including that to their feelings.

Now, these facts seem established: These parties were itinerants, passing through the country, going to the northwestern part of the State for the purpose, it appears, of taking up land in that region. After they had been engaged in the fight, as I have already briefly described, they remained a week or ten days in that locality, in the vicinity of the McCartys, and partly as their guests—at least cared for by them. The McCartys were arrested; but the Dawsons, either through fear or for some other reason satisfactory to themselves, declined to appear against them; and while the courts of the State, both civil and criminal, were open to them, certain it is that no action was ever taken by them against their assailants. The fact remains, however, that they were British subjects temporarily sojourning in the State, were severely injured by their assailants, and have a claim against the people of this country for the injuries thus received.

Now, the point I wish to make is this: Our people under all such circumstances demand recompense from foreign countries and foreign people wherever our citizens have been unjustly treated. We have a right to insist upon a satisfactory settlement when the humblest citizen of our land is set upon without just cause in a foreign land. When a question of fact arises we resolve it, as we should, in favor of our people. But, Mr. Chairman, we would have no standing whatever with foreign countries unless we are ourselves generous and fair in the treatment of those who come here—the citizens of other foreign countries—and who have like claims against our people. If, therefore, we expect to defend our citizens abroad, we must extend to those people who are temporarily in our States the same measure of protection that we demand for our own people; and we must, wherever a question of fact is raised, give to them the benefit of the doubt if we expect to claim the same benefit on the part of our people in foreign lands.

Now, summing it all up, it is conceded that these people were temporarily in our borders, that they were severely handled, that they have a right to demand recompense, that the State authorities recommend that they be recompensed for the injuries received, that the State Department joins in this recommendation,

and the Committee on Appropriations, having carefully investigated the subject, report favorably the provision embodied in this bill. I submit, Mr. Chairman, that Congress ought not to cavil for a single moment over the money.

Mr. KIEFER. Were the McCarty's themselves not also British subjects?

Mr. HAINER of Nebraska. I think not. I do not know, however. At present, as I understand, they are incarcerated in the State penitentiary.

Mr. KIEFER. If they were British subjects, what would be the effect so far as the liabilities of the United States in this case are concerned?

Mr. HAINER of Nebraska. That I do not concede. I do not care, however, to discuss a question which is not before us.

Mr. KEM. I would like to ask my colleague one or two questions.

Mr. HAINER of Nebraska. Certainly.

Mr. KEM. I understand that these people, at the time the outrage was committed upon them, were on their way to northwestern Nebraska to take up lands?

Mr. HAINER of Nebraska. Yes, sir.

Mr. KEM. Then, evidently, it was their intention to become American citizens?

Mr. HAINER of Nebraska. Not necessarily; our State laws permit them to take property without being citizens.

Mr. KEM. Does the gentleman know whether they have since become citizens?

Mr. HAINER of Nebraska. I do not know. There is nothing in the record to show it. They are now about Alliance, in the northwestern part of the State.

Mr. HOPKINS. I suppose there is no doubt among the members of the House on the proposition that this Government should always respond to a fair and just request of a foreign government for indemnity for injuries done to subjects of such government in this country. It was not to controvert that principle at all that I arose from my seat and propounded the question to my colleague when this matter first came up; but I think that when these appropriations are made and the members of the House are called upon to pass upon them, the committee should be prepared with facts and circumstances sufficient to enlighten the members so that they can vote intelligently upon the subject.

Now, as I said before, to my mind it makes a great deal of difference whether the case is one of a foreigner temporarily within our borders or whether it is a person who has lived here for a great many years. The statement of the gentleman from Nebraska [Mr. HAINER] has cleared up that doubt in my mind. He has shown clearly from his knowledge of the affair that these parties were only temporarily here and that they were set upon by ruffians whom the authorities have since sent to the penitentiary. Under such conditions I shall withdraw any opposition to the appropriation. Let the pro forma amendment be withdrawn.

The Clerk, proceeding with the reading of the bill, read as follows:

Recoinage, reissue, and transportation of minor coins: The Secretary of the Treasury is authorized to transfer to the United States mint at Philadelphia, for cleaning and reissue, any minor coins now in, or which may be hereafter received at, the subtreasury offices in excess of the requirement for the current business of said offices; and the sum of \$2,000 is hereby appropriated for the expense of transportation for such reissue. And the Secretary of the Treasury is also authorized to recoin any and all the uncurrent minor coins now in the Treasury.

Mr. WILLIS. I desire to offer an amendment.

The Clerk read as follows:

Joint resolution authorizing and directing the President to invite the commercial nations of the world to join in an international monetary conference.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and directed to invite the commercial nations of the world to join in an international monetary conference, to be held at as early a date as practicable, for the purpose of establishing an international standard of ratio between gold and silver as money; and for this purpose a commission consisting of nine delegates shall be selected to represent the United States in such conference, three of which delegates shall be appointed by the Speaker of the House of Representatives from among the members thereof, three by the Senate from among the Senators, and three by the President of the United States.

And further, For the compensation of said delegates, together with all reasonable expenses incurred by the holding of the conference, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of the conference, the sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. CANNON. If the gentleman from Delaware desires to be heard I do not desire to cut him off from a five-minute speech. I will reserve the point of order.

The CHAIRMAN. The point of order will be reserved.

Mr. WILLIS. Mr. Chairman, my purpose in offering that amendment is to get that subject before the House. If it shall be ruled out of order as not germane, why, then, I shall ask to have it referred to the Committee on Foreign Affairs. I think that after all that has been said and all that has been done, and in view of the peculiar attitude that we occupy as a party to this great

question of finance and currency, it is as little as we can do to urge what is indicated in that joint resolution.

Mr. CANNON. As we have had legislation substantially of that kind upon the statute books for two years and over and it is not yet executed—and, so far as I know, not an effort has been made toward it—it seems to me under existing conditions that it is useless to take up time in this discussion, and therefore I will have to make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WILLIS. There is a statute upon the books that authorizes and directs the President to appoint this commission whenever provision shall have been made or invitation given by any foreign government; but this is a joint resolution authorizing and directing the President to make the invitation, to take the initiative.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. My point of order is that this is not germane; and it can be seen at once that under existing conditions if we enter upon this discussion we are liable to have the dog days upon us before we finish it. I have no objection to the appointment of the commission.

Mr. SAYERS. There is no question pending before the committee. The Chair has sustained the point of order.

The CHAIRMAN. The Chair has sustained the point of order. There is nothing before the committee.

Mr. CANNON. I did not understand that the Chair had sustained the point of order.

Mr. WILLIS. Would it be in order for me to have this resolution referred to the Committee on Foreign Affairs?

The CHAIRMAN. Not in Committee of the Whole. It can be done in the House.

Mr. WILLIS. I will make the proposition in the House.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COUSINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolutions and a bill of the following titles:

Joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

Joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.; and

A bill (H. R. 365) to fix the date of the discharge of Thomas Johnson.

The message also announced that the Senate had passed with amendments the bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 2848) to amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894; in which the concurrence of the House was requested.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee again resumed its session, Mr. PAYNE in the chair.

The Clerk read as follows:

Customs service: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriations for this purpose, for the fiscal year ending June 30, 1896, \$850,000.

Mr. CANNON. I move to strike out the last word, and may desire ten minutes.

The CHAIRMAN. The gentleman from Illinois asks that he may have ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, this is an appropriation recommended by the committee of \$850,000 to cover a deficiency in the collection of customs revenues. I will call the attention of the committee to the fact that there is a permanent appropriation for the collection of customs revenues of \$5,500,000 per annum. In addition to that, the law appropriates certain miscellaneous receipts, which, when they come into the Treasury in connection with customs collections, become available for the service. Now, then, we do not recommend anywhere near the amount estimated by the Secretary of the Treasury as necessary for this purpose; and it is so important a matter that we feel that it ought not to be passed over without the committee being in full possession, briefly stated, of the facts; so that if they see proper to increase this appropriation, they should have an opportunity to do so, or, if it is sufficient, that they should have such information as would justify the committee in standing by the recommendation.

Now, then, there have been some extraordinary increases in the expenses of the current year; and if you will bear with me a minute I will show the amount of revenue collected since 1892 to the present time and the cost of collecting the same.

In 1892 the revenues collected from customs were \$177,452,964.15, and the expense of collections was \$6,504,662.91.

In 1893, from customs, there was \$203,000,000 of revenue collected, the cost of collecting which was \$6,756,000.

The next year, 1894, there was \$131,000,000 collected, which was a falling off of \$73,000,000. The cost of collecting was \$6,841,000. In round numbers it cost in 1894 \$100,000 more to collect the revenue than it did in 1893, although the amount collected in 1893 was seventy-odd millions more than in 1894.

In 1895 the amount of customs revenue collected was \$152,000,000. The expense of collection was \$6,896,000; an increase of \$50,000 of expense and an increase of \$20,000,000 of revenue.

In 1896—that is, the present year—the estimate of customs revenues to be collected by the 1st of July, provided the collections for the next three months hold up as they have for the last nine months, will be \$169,000,000. That shows a decrease of some thirty-odd million dollars below what they were in 1893. Now, the expense of collecting these revenues are, if we grant the full estimates, \$7,239,000; an increase of \$734,520 above 1892 for cost of collection; of \$482,000 above 1893 of cost of collection; \$397,000 above 1894, and \$342,000 above 1895, last year. Now, then—

Mr. BAKER of New Hampshire. Will the gentleman right there state what the estimate of the Secretary is? I do not see it here.

Mr. CANNON. Oh, yes. The permanent appropriation is \$5,500,000, and from miscellaneous receipts \$589,000, and then the estimate is \$1,150,000 in addition, making in all to the Secretary for the collection of revenues this year, \$7,239,000, an increase of \$342,000 over last year.

Mr. HOPKINS. How much over the last year of the Republican Administration?

Mr. CANNON. Well, in round numbers, \$734,000 over the fiscal year 1892. It is \$482,000 over the first year of Cleveland's present Administration.

Now, then, so far as a hasty examination shows the reason for this expenditure, we have the following explanation from the Secretary of the Treasury: At Tampa, Baltimore, Boston, Newport News, Philadelphia, Burlington, Vt., and New York, there is an increase this year, 1896, for clerical force over clerical force of 1895 of 272 people. But that is not all. There is an increase in the salaries of 168 people at these 5 ports. Now, that largely explains the increase. I have not a complete statement, and had not time to get it of the whole 119 collection districts, but we did get it as to these 5, and to me it is a most extraordinary condition of things.

A MEMBER. Is that not additional warehouses?

Mr. CANNON. That fact is, I believe, not a sufficient reason for making arbitrarily an increase of 272 people at these 5 ports, and increasing the salary of 168 others. Now, then, these increases over last year amount in the aggregate, as I stated a moment ago, to \$342,000.

Mr. HOPKINS. In salaries?

Mr. CANNON. Most of it in salaries, substantially in salaries, the large part being for increase of force and another large part being increase of the salaries of the force that they had in 1895. That is pretty well up to \$300,000 in one department touching the collection of customs. For this reason, Mr. Chairman, we do not recommend the whole amount of the deficiency, \$1,150,000; but do recommend \$850,000, which is, in round numbers, \$50,000 more than the service cost last year; and it was the intention of the committee, if the Committee of the Whole should agree with it, that the Secretary of the Treasury should be compelled, so far as he can be compelled by appropriation, to decrease this force, if it can be decreased, or at least to decrease the salaries of the 162 persons that he has arbitrarily added to the force during this fiscal year. So far as I know there is nothing like this in the action of any Executive Department in the history of the country where the fund is expended under the discretion of the Executive. Why, I recollect that in the Forty-fourth Congress the whole country was absolutely convulsed by the attack that was made upon the salaried list of the employees of the Government. There were hundreds and thousands of pages written, telegraphed, and printed on the subject, and a great political campaign was made upon the question of reduction of salaries; and yet the total reduction of the salaries of Government employees made at that time did not amount to \$150,000; while here is an increase of these expenses for salaries at one turn of the crank of \$300,000 in round numbers.

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, Mr. CANNON's time was extended for five minutes.

Mr. CANNON. I do not speak of these things, Mr. Chairman,

for the purpose of attacking anybody. This is a great service in a great Department of a great Government. Every dollar that is required for the honest and economical conduct of the public service should be granted, and nobody will go further than I will to vote it; but it did seem to me and it does seem to me that this is an extraordinary condition of affairs when we compare this expenditure, not with that under any Republican Administration, but with the expenditure under this same Democratic Administration for the fiscal years 1893, 1894, 1895, and so much of 1896 as has elapsed; and I am glad to say that, so far as I am informed, the members of the Committee on Appropriations at both ends of the table were unanimous in recommending that the full deficiency should not be given and in recommending only \$850,000. It may be that as the years roll round it requires more money to collect less revenue. It may be that the ad valorem system affords greater opportunities for fraud, and therefore requires greater vigilance and consequently greater expense than the specific system. I do not know; but I do feel quite certain that if it requires three or four hundred thousand dollars more this year under the ad valorem system than it required last year, they must have had last year a very lax administration of the law.

Now, so far as I am concerned, I have made the explanation that I desired to make to the Committee of the Whole about this item.

Mr. SAYERS. Mr. Chairman, in connection with this item I desire to have read from the Clerk's desk a telegram just received from the chief of the warrant division of the Treasury respecting expenditures for collection of customs revenue.

The telegram was read, as follows:

TREASURY DEPARTMENT, April 20, 1896.

To J. C. COURTS:

The expenditures on account of collecting revenue from customs for first six months of present fiscal year were \$3,604,771. The expenditures are not separated so as to show how much are chargeable to the permanent appropriation and how much to the fees collected. It has always been treated as one account.

W. F. MACLENNAN.

Mr. HOPKINS. Mr. Chairman, before we go on with this item I would like to hear from our Democratic friends some explanation of this remarkable increase in the number of employees in this service and also of the increase of salaries. My colleague [Mr. CANNON] has laid before the committee a most extraordinary statement of what would seem to be profligate expenditure on the part of the Treasury Department. If any explanation can be made to the members of this Committee of the Whole and to the country I would like to have it made now.

Mr. SAYERS. Mr. Chairman, I do not think I am under any obligations to the gentleman from Illinois [Mr. HOPKINS]. He is not running this House, and I would suggest to him that if he desires information about this matter he should call upon the Secretary of the Treasury for it. I do not profess to have all the information that is necessary to explain in detail every act of every officer in the administrative branch of the Government. There may be good reasons why this increase has been made, but I do not know them. The gentleman ought to be possessed of the information himself. He is a member of the Committee on Ways and Means, and he should have taken steps to inquire into the methods employed for the collection of customs duties during the past six months. That is the business of the gentleman from Illinois as a prominent member of the Committee on Ways and Means as well as of this House. I am informed by the gentleman from Nebraska [Mr. HAINES] that most of this increase is due to new warehouses that have been constructed under the authority of Congress.

Mr. HOPKINS. Mr. Chairman, the courtesy of the gentleman from Texas is fully equal to the amount of information he has given to the committee on this subject.

Mr. SAYERS. I did not intend to give any information. [Laughter.]

Mr. HOPKINS. I supposed so, and that is the reason I say that the gentleman's courtesy is equal to the amount of information that he has conveyed to the members of this committee. [Laughter.] Now, Mr. Chairman, the reason I called upon the gentleman, or upon some gentleman of his political faith, for an explanation of this matter is that the gentleman from Texas is especially charged, as a member of the Committee on Appropriations, with the duty of laying before the House the information upon which the recommendations of that committee are made.

Mr. SAYERS. I beg the gentleman's pardon. The gentleman from Illinois who is chairman of the Committee on Appropriations is specially charged with this matter; and I will say that the other gentleman from Illinois [Mr. HOPKINS], who is now occupying the floor, can not exempt himself from culpability, if there has been any, in not putting himself in possession of the information necessary to enable the House to understand what is being done.

Mr. HOPKINS. The "gentleman who is now occupying the floor" is attempting to do just what the gentleman from Texas has indicated he should do; he is trying to develop some of the

facts upon which this enormous increase in the expense of the service has been made and upon which this increase of salaries has also been made. According to the statement of my colleague [Mr. CANNON], the expense of this service has increased about \$500,000 beyond what it was during the last year of the Republican Administration. The evidence also is that the amount of duty we are collecting is less than it was during the last year of the Republican Administration.

Now, the gentlemen on the other side have prided themselves on the fact that they are statesmen representing retrenchment and reform; they believe in cutting down appropriations wherever it can properly be done; they are against increase of clerical force; and they are also, or at least pretend to be, against any increase of salaries of Government employees. The statement is made here to-day that there have been more than one hundred increases—

A MEMBER. One hundred and sixty-eight.

Mr. HOPKINS. One hundred and sixty-eight increases in the clerical force, while, according to the reports, less business is being done than was performed by the force during the last Republican Administration. Not only that, but more than 270 of the members of this clerical force have had their salaries increased.

Now, I see that my friend from Georgia [Mr. LIVINGSTON] is interested in this discussion. He is a member of this Committee on Appropriations. I should like to know whether this increase in the salaries of more than 270 members of this force meets with his approval, and also whether this increase to the extent of 168 new members of the clerical force meets with his approval. If not, then I want to know whether he will join with my honored colleague at the head of this committee [Mr. CANNON] in holding these appropriations down to something that is reasonable.

Statistics show that this Democratic party has cost the Government nearly \$6,000,000 per month, during every month that Grover Cleveland has occupied the White House, more than the revenues of the Government. Under these conditions it seems to me the Secretary of the Treasury ought to be told in language plain and clear that this House at least will not approve of these extravagant expenditures upon his part or upon the part of any of his subordinates.

Mr. LIVINGSTON. Mr. Chairman, all that I want to say in reply to my friend from Illinois [Mr. HOPKINS] is this: Over perhaps no one section of this bill did we exercise more care, upon no other section probably did we bestow more thought and investigation, than upon the one now under discussion. We believe as a committee—I think I can speak for the whole committee—that this increase in the number of employees and in the amount of salaries and the general increase in the expenditures of that Department ought to be looked into; and we did look into it as best we could. With Mr. Hamlin, one of the assistant secretaries of the Treasury before us, we went through the matter in detail. We found we had to do just one of two things—either to grant the appropriation or at the next session have the Department come in with a large deficit on the deficiency bill.

More than that, I want to say to my friend from Illinois—no doubt he has learned it since he has been in Congress—that this is a "billion-dollar Congress" and it is a "billion-dollar country." [Applause on the Republican side.] You can not get rid of that fact. [Renewed applause.] Our country is growing. The increase in the number of these warehouses has necessarily increased the clerical force. I can not say to the gentleman from Illinois just why some of these salaries have been increased. I take it for granted, as this thing occurs under both Republican and Democratic Administrations and is occurring every day in all Departments of the Government, there are good reasons for these increases; but I do not know what they are.

Mr. HEPBURN. Will the gentleman allow me a question?

Mr. LIVINGSTON. Certainly.

Mr. HEPBURN. I find in a table attached to the report of the committee on this bill a statement which induces me to suppose that nine additional warehouses and annexes to warehouses have been established in the port of New York and that a considerable amount of this increased amount is incident thereto. The gentleman of course knows that those are private establishments, that they are entirely in the interest of individuals as to whatever profits may be made out of them. Now, with decreasing importations, why the necessity for this increased number of warehouses with the attendant increase of expenses on the part of the Government? Can the gentleman explain that?

Mr. LIVINGSTON. My friend must remember that while the fees on importations have decreased, yet the number of articles put upon the free list by the last Congress was greatly increased. We put an immense number of articles on the free list, and these must go through the same examination as if they were dutiable.

Mr. HEPBURN. Oh, no. I beg the gentleman's pardon. No nondutiable goods go into the warehouses at all. It is the imports of dutiable goods that go into the warehouses, and this volume is decreasing and has decreased largely. Therefore, why the necessity for this increase in warehouses?

Mr. SAYERS. I desire to take issue with my friend from Georgia right here. I do not wish what he has said just now to go out as representing the views of every one of the minority. I do not believe Mr. Chairman—

Mr. HEPBURN. Before my friend from Texas goes on I would like to ask what has become of my inquiry of the gentleman from Georgia? [Laughter.]

Mr. SAYERS. I will yield the floor in a moment. I want to occupy it just now in connection with what the gentleman from Georgia has been saying.

I do not believe the administration of this Government requires the expenditure of a billion of dollars every Congress, and therefore do not agree to the statement of the gentleman from Georgia.

Mr. LIVINGSTON. If my colleague will allow me, I made no such statement.

Mr. SAYERS. The gentleman said this was a billion-dollar Congress and a billion-dollar country.

Mr. LIVINGSTON. Yes; but I said in the investigation of the matter we concluded that the matters presented by the Department must be met, not that we approved of them or said it was not too large or too great an increase.

Mr. SAYERS. I understood the gentleman from Georgia to say that this is a billion-dollar Congress and a billion-dollar country.

Mr. LIVINGSTON. Well, I am not going back on that proposition, if you want to discuss it.

Mr. SAYERS. I am one of those, Mr. Chairman, who do not believe that in order that the public affairs of this country may be properly administered it will require the expenditure of a billion of dollars for each Congress. I believe the expenditures for the administration of the Government are already too large, and that they should be decreased, not increased, and that they could be decreased without any injury to the public service. That is my judgment; and what I say applies to all Administrations, whether they be Democratic or Republican. I think we are spending too much money in administering the public affairs. And I am not willing for my Republican friends to believe that I for one sanction the statement made by the gentleman from Georgia, and what is implied in the statement, that this is necessarily a billion-dollar Congress and a billion-dollar country.

Mr. LIVINGSTON. I was making my statement from an entirely nonpartisan standpoint. I do not think politics ought to enter into these questions. I do not propose to lug politics into everything I say on the floor of the House.

Mr. HEPBURN. Do not forget my question. [Laughter.]

Mr. LIVINGSTON. What is your question?

Mr. HEPBURN. I asked you the necessity for the increase in the number of bonded warehouses and the increase in the detail of clerks to them, while there is a constantly decreasing volume of dutiable goods to go into them?

Mr. LIVINGSTON. I wish to say now again that the Appropriations Committee went into this matter in detail. While we doubted the propriety of the increase in the number of employees and the salaries of employees, we were met by the officials of the Treasury Department with the positive assertion and their positive figures that they could not do the work with less, and we granted it on their statement and not on our own personal knowledge.

Mr. CANNON. Now, will the gentleman just allow me there?

Mr. HEPBURN. I thought I had a right to get an answer to my inquiry.

Mr. CANNON. I want to keep matters straight as we go on.

Mr. HEPBURN. Very well.

Mr. CANNON. We recommend \$850,000; that is to say, \$300,000 less than the estimate. So we are trying, in our recommendation, to cure the increase of salaries and the increase of force at least in part.

Mr. LIVINGSTON. We suppose that we have been putting the Department on notice that we are not satisfied about that increase of expenditure.

Mr. HEPBURN. Does not the gentleman know that the bonded warehouses are private establishments? The Government does not own them. They are kept by certain persons in their own interest, and they are the sole beneficiaries of them. It is true that the Government sends its officers to watch them, but why have you increased the number by about 33 per cent in New York, when there is such a marked decrease in dutiable goods? That is what I want to know, and I hope the gentleman will take time to answer the question.

The CHAIRMAN. The time of the gentleman from Texas has expired. [Laughter.]

Mr. HOPKINS. I move to strike out the last word. I desire to have the attention of the gentleman from Texas [Mr. SAYERS], who protests that this is not a billion-dollar country, and that appropriations should not be made that would aggregate a billion of dollars for the purpose of carrying on the Government.

Now, I find by an examination of the record that the revenues

collected from customs in 1892 aggregated \$191,938,887. Under a Republican Administration, with Republican officials to collect this vast sum of money, it only cost the Government \$6,504,662. But when this party of economy and reform came in, when the gentleman from Texas [Mr. SAYERS] and the gentleman from Missouri [Mr. DOCKERY] were placed in power in the House to control the expenditures of the Government, I find that in the present year, while there was only collected the sum of \$169,288,399 from customs revenues, the Department insists that it has cost \$7,239,183.52 to make the collections, which is just \$734,520 more than it required to collect the \$191,000,000 during the last year of Republican Administration. Here is a splendid example, Mr. Chairman, of the manner in which the Democratic party, under the leadership of my friend from Texas [Mr. SAYERS] and his colleague from Missouri [Mr. DOCKERY] conducted the affairs of this Government. These are the men who are constantly prating to the members of this committee that they are standing like a stone wall between the members of the House and the Treasury.

Now, I want to know from the gentleman from Texas, and also the gentleman from Missouri, why it is that in this bill that is before us to-day they vote the Treasury Department \$434,520 more money for collecting \$169,000,000 than was required under a Republican Administration to collect the larger sum that I have mentioned? The gentleman from Texas [Mr. SAYERS] says that they are cutting this down, and yet he comes in and favors a bill that gives the Treasury Department this vast sum of \$434,000 more than was ever received by a Republican Administration. Now, if the gentleman has any explanation, I should like to have him rise in his place and give it. If he has not, then I for one want him to stop prating about economy. I want him to stop parading the Democratic party before the members of this committee as a party of retrenchment and reform. [Applause on the Republican side.]

Mr. SAYERS. Mr. Chairman, the first thing I would do would be to advise the gentleman to very carefully revise his remarks before he puts them in the RECORD, because I do not think he or his friends who have applauded him will stand by all that he has just said. Now, Mr. Chairman, the gentleman has not heard me say a word during this Congress about the comparative merits or demerits of the Republican and Democratic parties in the matter of appropriations and expenditures. I challenge him to examine the RECORD and show, if he can, a single word from me that will sustain what he has said in reference to the gentleman from Missouri [Mr. DOCKERY] and myself in this particular.

But I will call the attention of the committee to one fact. The Congress of the United States has not sought to control the expenditures for the collection of customs. In the first place, a permanent appropriation of \$5,500,000 was made many years ago, which the Secretary of the Treasury is authorized to use in his discretion for the purpose of collecting customs dues. In addition to that sum the Secretary of the Treasury has been authorized to use various fees accruing in the shape of miscellaneous receipts, which in 1871 amounted to \$1,366,890.47. But those fees through the operations of laws—

Mr. GROUT. Of the Wilson law.

Mr. SAYERS. No; not the Wilson law. If the gentleman will read the testimony given before the subcommittee on the deficiency bill he will find that three laws which were enacted long before the Wilson bill are the laws which principally caused the reduction. The gentleman from Illinois [Mr. CANNON] has the testimony of Mr. Hamlin, showing what the three laws were which have reduced this amount from \$1,366,890.47, which it was in 1871, to \$640,966 in 1895.

The gentleman will see that this has been reduced more than one-half. Now, from year to year, in order to supply the deficiency, the Secretary of the Treasury has been compelled to ask Congress to make up the deficit by such an appropriation as is now under consideration.

The gentleman from Illinois [Mr. HOPKINS], who I believe has been a member of the Committee on Ways and Means for two Congresses, should be absolutely familiar not only with the amount of duties which are paid, but with the cost of collecting those duties. All the information that the Appropriations Committee have had upon the subject is what has been read by the gentleman from Illinois [Mr. CANNON].

Now, I do not approve any more than does anyone else these increases of salaries. I have uniformly voted against them. I stand by my vote to-day, as I have stood ever since I have been a member of Congress, voting for only \$850,000 as against an appropriation of \$1,150,000. Whether my course has been right or wrong, it has at least been consistent; and before Congress shall have adjourned I will have, I will not say the pleasure, the opportunity of calling the attention of the gentleman from Illinois, the distinguished gentleman who represents the Aurora district [Mr. HOPKINS], to the fact that the appropriations made by a Republican House largely exceed those which were made when the Democrats were in control. The gentleman in the course of his remarks seems to hold me responsible for the action of the

Secretary of the Treasury in the matter of this increase. I submit to the gentleman that if his criticism in other matters is not more just and not better founded than his criticism of myself for this increase of the customs force, that it ought not to be appreciated, even by himself, after deliberate reflection.

Mr. HOPKINS. You repudiate the action of the Department, do you?

Mr. SAYERS. I do not.

Mr. HOPKINS. You wash your hands of it?

Mr. SAYERS. I know nothing about it. I do not repudiate it.

Mr. CANNON. If my colleague on the committee will allow me, I have only to state that I said, or at least I intended to say, and if I did not, I desire now to say, that I know the Committee on Appropriations are unanimous at both ends of the table and in the center in recommending \$850,000 for this deficiency, which is \$300,000 less than the estimate made by the Secretary.

Mr. SAYERS. Certainly; there is no question as to that.

Mr. HOPKINS. Right there, before my colleague sits down—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I move to strike out the last word. That \$300,000 is \$432,520 more than was expended in the last Republican Administration, is it not?

Mr. CANNON. For the year 1892—

Mr. HOPKINS. Yes.

Mr. CANNON. That is correct, but—

Mr. HOPKINS. And that these figures—

Mr. SAYERS. Let the gentleman answer.

Mr. CANNON. I want to say to my friend that I do not feel justified in cutting the amount down to what it cost to collect the revenues in 1892, while the collections were much larger in 1892 than they will be this year or were last year; but yet we did not have sufficient knowledge to be able to say that it does not cost more to collect the customs on an ad valorem principle than it does on a specific; and we do not know, perhaps, but what a part of this increase might be explained from the fact that maybe it was necessary to exercise very great diligence against undervaluation in the importations.

Mr. HOPKINS. If there is a change from the specific to the ad valorem system of customs duties, that change was brought about by the repeal of the Republican law of 1890 and the substitution for it of the Wilson-Gorman bill, so called.

Mr. CANNON. Well, I understand, the gentleman knows, and the country knows what the history of legislation is. I am not now here to say that it cost more to collect under the ad valorem than under a specific tariff bill. Possibly that may be so. But let me say that under these appropriations, as we recommend them, it costs this year, with \$30,000,000 less of revenue, \$424,000 more of expenditure than in 1892, whatever the cause may be; and for fear that the service may possibly be crippled, we did not see proper to withhold that \$424,000 in our recommendation.

Mr. GROUT was recognized.

Mr. SAYERS rose.

Mr. GROUT. If the gentleman wants to ask a question I will yield for a moment.

Mr. SAYERS. My friend from the Aurora district will please stand up. [Laughter.]

Mr. HOPKINS. Certainly. I will be delighted to be interrogated by the gentleman.

Mr. SAYERS. The gentleman addresses his colleague from Illinois—the gentleman in charge of this bill—and refers to the repeal of what he terms the Republican customs law.

Mr. HOPKINS. Yes.

Mr. SAYERS. Will the gentleman also tell the committee whether or not he would reenact that customs law, carrying with it the sugar bounty, amounting to between \$9,000,000 or \$10,000,000 in its last payment?

Mr. HOPKINS. As compared with the present law, I would vote for it a thousand to one. [Loud applause on the Republican side.]

Mr. SAYERS. But will you vote for that bill, not as compared with any other?

Mr. HOPKINS. If we find that by the experience of the last few years we can improve upon that bill, when we send forth a general tariff we will put those improvements in; but I will say to the gentleman that if we do not, we will reenact that law as it is now, for it is infinitely better than anything that could be had from the present Democratic party. [Renewed applause.]

Mr. SAYERS. I suppose the gentleman speaks for the various candidates for the Presidency. [Laughter.]

Mr. HOPKINS. I do not happen to be a manager of any of the candidates. [Laughter.]

Mr. GROUT. Mr. Chairman, the gentleman from Texas [Mr. SAYERS] stated that the gentleman from Illinois [Mr. HOPKINS] should revise his remarks before they are printed. I say the same as to one item, and that he should revise and make the figures still more telling against the Democracy.

Mr. SAYERS. Of course.

Mr. GROUT. Precisely; because the figures justify that remark.

Mr. SAYERS. Will the gentleman tell us how?

Mr. GROUT. The gentleman from Illinois said that the amount expended in collecting the revenue in 1892 was six millions and some odd hundred thousand dollars. It was a little less than \$6,000,000. The annual appropriation for such purpose was \$5,500,000, but the deficiency appropriation for that year was \$450,000, making the total amount \$5,950,000.

Mr. SAYERS. Will the gentleman allow me? He means that he shall revise to that extent and make the bill still higher.

Mr. GROUT. Certainly.

Mr. SAYERS. Now, the gentleman will have to revise his figures. I will not use the expression that the gentleman is "talking through his hat," but he is certainly groping in the dark. If the gentleman will turn to page 10 of the hearings before the subcommittee on deficiencies he will find a communication from the chief of the division of bookkeeping and warrants. That is the best authority that I know of—even better than that of the gentleman from Vermont, distinguished statistician as he is. This authority puts the expenditures at \$6,000,000 in 1892 and \$6,607,507.39 in 1893.

Mr. GROUT. Yes, but that includes these incidental expenses which by operation of law are appropriated. I am talking of the deficiency which came in here. Presumably the miscellaneous collections were about the same, but the deficiency that we were asked to make up in 1892 in the appropriation bill was only \$450,000.

Mr. SAYERS. The gentleman says he presumes that the miscellaneous receipts were about the same. If he will turn to page 10 of the hearings he will find that since 1892 they have decreased more than \$120,000.

Mr. GROUT. They have decreased, and I was going to call attention to that in this very connection. The gentleman says that by operation of law these miscellaneous expenditures have been gradually decreasing. It seems that they have. He stated that in 1891 they were over a million, but in 1895 they were only \$640,000. That is correct. But let us look between these dates. In 1889 they were \$1,000,000 and over; in 1891 they were \$966,000 and over; in 1892 they were \$909,000 and over; in 1893 they were \$806,000. But after the Wilson bill took effect, as I said to the gentleman from Texas by way of interruption, they dropped from that figure down to \$682,000 in 1894 and to \$640,000 in 1895, the greater fall having taken place since the Wilson bill went into effect.

Now, Mr. Chairman, to go back to the other point: I say that the gentleman from Illinois [Mr. HOPKINS] may revise his figures, and say that the cost of collecting the revenue, aside from these miscellaneous items appropriated by operation of law, was less than \$6,000,000 in 1892.

Let us follow up the history of these figures and see what it shows. In 1893, when the Democrats came in and managed the business for that fiscal year under the McKinley law from March to July, what was the deficiency appropriation? It was \$500,000. There was an increase of \$50,000 under a Democratic Administration of precisely the same law for only five months. In 1894, which was, of course, wholly under Democratic rule, but under the McKinley law, because the Wilson Act did not take effect until August, 1894, as I remember, there was a further increase to \$685,000. That was under a Democratic Administration of precisely the same law, the McKinley law. Whereas, as I said before, in 1892 the deficiency was only \$450,000, in 1891 it was only \$500,000, and 1890 it was only \$435,000. Here we see an increase from \$450,000, the amount appropriated under the last full year of Republican Administration of the McKinley law, to \$685,000, the only full year of Democratic Administration of the same law. In other words, it cost the Democratic party \$235,000 more to collect the customs revenue for a year than it did the Republican party. But that is not all. In 1895, when the Wilson bill was in operation, the deficiency straightway jumped to \$770,000. That was the first full year of the Wilson bill, to wit, the fiscal year ending June 30, 1895.

Now, we have the enormous estimate sent to the Committee on Appropriations by the Secretary of the Treasury of \$1,150,000 of deficiency for this purpose for the current year. That estimate, as the chairman of the committee has well said, startled the committee, and they saw fit to put a limitation upon the Secretary of the Treasury in what seemed to them this extravagant administration of the law, resulting in an increase at the port of New York alone of 120 men. That was the increase in the force at New York alone, and the salaries of 15 other men were also increased.

Mr. ARNOLD of Rhode Island. One hundred and seventy.

Mr. GROUT. That is the total number. I am speaking of the port of New York alone. But on examination I find the gentleman from Rhode Island is right. There is an increase of 170 men at the port of New York alone, and who believes this increase necessary?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. Mr. Chairman, I ask that the gentleman's time be extended.

There was no objection, and it was so ordered.

Mr. GROUT. The gentleman from Illinois, in charge of this bill, says that the committee were united in limiting this deficiency appropriation to \$850,000, but let members keep in mind that that does not limit the Secretary of the Treasury to that expenditure. He may go right on and expend his \$1,150,000 and send in an estimate for a deficiency next winter, and we must go forward and appropriate the money. I say there should be a limitation put upon the Secretary in this expenditure, and the only way to limit him in it is by an express provision of law attached to this appropriation saying that he shall not exceed this amount. That is really the only way to do it. He may, without regard to this appropriation, go on and employ additional force even beyond what he has employed, thus creating a deficiency even beyond what he has estimated for if he chooses.

Under the law he has full authority in the premises to do that, and all we have to do is to settle the bills. The particular thing, however, which is noteworthy is that in 1892, the last year that the collection of the customs revenue was entirely under the control of the Republican party—that extravagant party which the Democrats have told us about—it cost the people of this country \$400,000 less than to collect the revenue for the current year as by this bill appropriated, and cost almost \$700,000 less than the Secretary of the Treasury says it will cost for the current year; and it will undoubtedly ultimately cost up to his estimate, viz, \$1,150,000, and this is a fair sample of economical Democratic administration. In other words, here is an increase of about \$700,000 in collecting about \$70,000,000 less revenue than under the last year of Republican administration of the McKinley law; and this is a fair sample of Democratic tariff reform—\$700,000 additional expense and \$70,000,000 less revenue, and the Government selling bonds to meet current expenses. Who can defend such administration as this?

Mr. DOCKERY. Mr. Chairman, I shall not occupy any great length of time in the discussion of the pending paragraph. I regret that my nonpartisan friend from the Aurora district of Illinois [Mr. HOPKINS], in his newborn zeal for economy and retrenchment, should have precipitated this debate. I had hoped that this measure would pass without eliciting any partisan discussion, the bill itself having received nonpartisan consideration by the Committee on Appropriations.

Mr. Chairman, the unjust and unexpected decision of the Supreme Court of the United States, declaring the income tax to be unconstitutional, has deprived the Government of not less than \$30,000,000 of revenue annually and resulted in a deficiency in the Federal revenues; that is to say, the expenditures of the Government have exceeded its income. Now, then, confronted with this situation, the Democratic minority on the Appropriations Committee have heartily cooperated with the Republican majority in endeavoring to limit the appropriations to the lowest possible amount consistent with the inexorable demands of the public service. I do not think there has been any division along political lines in the consideration of appropriation bills. We have sustained the chairman of this committee whenever he has pursued this policy, because that seemed to be the requirement of patriotism and sound business judgment.

Mr. Chairman, I regret that in the pursuit of this laudable purpose we have not at all times enjoyed the efficient aid and counsel of the gentleman from Illinois [Mr. HOPKINS]. I recall that only very recently his clarion voice was uplifted in favor of increasing the salaries of five Indian inspectors. I refer to this "more in sorrow than in anger." I remember also that one short week ago his eloquent and persuasive argument was heard in this Hall in behalf of a river and harbor bill carrying liabilities of \$62,148,770.91. I mourned on that occasion as one who would not be comforted because my economical friend from Illinois participated in that ruthless assault upon the public Treasury.

But this morning, on a bill unanimously reported by the Committee on Appropriations, we are ambushed by a partisan assault from the other side, led by my eminent friend from Illinois. What is the occasion of this attack? There is no difference of opinion as to the item. The Treasury Department estimate called for \$1,150,000. The committee reviewed that estimate and reduced it to \$850,000. Why? Because the committee, in the exercise of its best judgment, thought the very large increase of force unnecessary. It is also beyond cavil—I care not who made the estimate—that these extraordinary increases of salaries should not be made in times of widespread industrial depression. So, Mr. Chairman, the subcommittee having in charge this appropriation bill reached the conclusion without dissent that the estimate exceeded the requirements of the public service. Possibly they did not have all the information that could have been obtained; but with the information at hand this was the unanimous finding of the subcommittee without regard to party lines.

Mr. BAKER of New Hampshire. Did the committee take any

action which would require the Secretary of the Treasury to diminish these expenses?

Mr. DOCKERY. I was not a member of the subcommittee having this bill in charge, and I am not therefore entirely familiar with the facts upon which each item of the bill rests. I was speaking only on the general question.

Mr. SAYERS. If the gentleman from Missouri will permit, I will answer the question of the gentleman from New Hampshire. For two reasons the committee took no such action as he indicates. One reason was that any attempted legislation on this bill would be in violation of the rules of this House and would be subject to a point of order. The other reason was that it would be clearly unwise for Congress to undertake to determine how much the Secretary of the Treasury should expend in the collection of the customs and to limit him to any specified amount.

[Here the hammer fell.]

Mr. SAYERS. I ask unanimous consent that the time of the gentleman from Missouri [Mr. DOCKERY] be extended for ten minutes.

There was no objection.

Mr. SAYERS. Now, with the consent of the gentleman from Missouri, I will conclude my answer to the gentleman from New Hampshire [Mr. BAKER].

There is no business man in this House—I do not care what his political affiliations may be—who will rise in his seat and say that he believes that this Government in the collection of customs duties, or even in the collection of excise duties, upon both of which the Government must depend for its maintenance, should be limited to an exact sum. These officers must be invested to some extent with discretionary power. I repeat, it would be exceedingly unwise for Congress to undertake to limit the expenditures for the collection of the revenues of the Government. I am willing to stand upon those two propositions.

Mr. BAKER of New Hampshire rose.

Mr. DOCKERY. I prefer not to yield further.

Mr. BAKER of New Hampshire. I will ask to be recognized in my own right in order to answer the gentleman from Texas [Mr. SAYERS].

Mr. DOCKERY. I prefer that the gentleman take that course, as my time is limited.

Mr. Chairman, let me refer a moment to the appropriations made at the first session of the last Congress—a Congress which was Democratic in both branches and for whose action in respect to expenditures we accept full responsibility. The gentleman from Illinois [Mr. HOPKINS] seems to think that in this Congress the responsibility rests on the minority. I beg to say that the country will not so hold. With 150 Republican majority, whatever is done by this House, wise or unwise, the responsibility therefor properly belongs to the Republican party.

Now, then, Mr. Chairman, in answer to the criticism of the gentleman from Illinois let me say that in the last Congress, with a Democratic majority on this floor, the total appropriations at the first session amounted to \$497,008,520. We were in the majority then, and assume the full responsibility for those appropriations, and our friends on the other side of the aisle, now constituting the Republican majority, must likewise assume the responsibility for the appropriations of this Congress. The appropriation bills of this Congress, as they have already passed the House, amount to \$505,079,410.88, exclusive of contracts authorized, which may reach \$65,000,000.

And, Mr. Chairman, let me say in passing that a good deal has been said in this debate about the Wilson-Gorman tariff bill by gentlemen on the other side of the House. Will the gentleman from Illinois [Mr. HOPKINS], in his own time, tell the country what efforts have been made in this House, with its 150 Republican majority, to repeal that law, so odious, as they claim? It may be that the purpose of the gentleman from Illinois in assailing the Democratic minority, which is powerless here, is to divert attention from the record of the Republican majority made at this session. I remember, Mr. Chairman, that in the campaign of 1894 no more effective campaign document was circulated by the Republican party than the little book of blank leaves, on the title page of which appeared the words: "What Congress has done." That little campaign document was circulated all over the Union by the Republican party.

Mr. Chairman, with the do-nothing record of this Congress I suggest that this document can be again employed to good advantage. That little book of blank leaves in the coming campaign will tell the story of the incapacity of this Republican Congress. What have you done? What law has this Congress enacted to bridge the chasm between inadequate revenues and increasing expenditures? Where is the so-called Dingley bill, framed by the distinguished gentleman from Maine? It rests now in a pigeonhole in the Senate of the United States, consigned to its last resting place by the votes of five Republican Senators who positively refused to even honor it with consideration.

Mr. BRUMM. And how many Democratic Senators helped to put it there?

Mr. DOCKERY. Why, of course every Democratic Senator voted against the bill, because it increased taxation to the amount of more than \$40,000,000 annually, and that, too, on the reviled "horizontal" plan about which we heard so much and such bitter denunciation in former years.

Gentlemen, you have not dared to meet untoward conditions with the courage that formerly characterized the Republican party. And why? Because you do not desire to develop to the public gaze on the eve of a Presidential contest the divisions in your own ranks. Mr. Chairman, the Republican party of Lincoln in the old days, with 150 Republican majority on this floor face to face with inadequate revenues and the necessity of increasing them, believing in protection as they did and as you do, would have brought in without delay a general bill revising the tariff to increase the revenues to meet the demands of the Government. But what have you done? You have run away from a tariff bill because you sought to avoid the disclosure of your own differences. You have turned down the Banking and Currency Committee. That great committee is not permitted to perform its proper functions. Charged with the high duty of revising the currency system of the country, it is denied by the leaders of the Republican majority the privileges which it enjoyed during the last Congress. Up to this moment that committee has not called up for consideration a single bill to revise the currency system, although the business interests of the country are intimidated and suffering from ocean to ocean. The policy of the administration of this House seems to be one of delay only, in pursuance of the announcement made by the distinguished Speaker at the beginning of the session. He declared then against "crude and hasty legislation," language, interpreted by the action of this Congress, which means no legislation until after the November election.

About the only legislation this House has attempted was the passage of the bill indorsing the action of the President in respect to the issue of bonds and granting him "additional" authority under the Dingley bond bill.

I do not believe in thus closing the chasm between income and liabilities. I am opposed to the increase of the interest-bearing debt of the United States in a time of profound peace. I am opposed, Mr. Chairman, to the issue of bonds to secure gold for the redemption of greenbacks and Sherman notes when there is silver available for that purpose in the National Treasury, clothed with full legal-tender powers, and in all respects the equal partner with gold in meeting the obligations of the Government. Since the Forty-eighth Congress I have over and over again voted for the free coinage of silver at the old tried ratio of "16 to 1." The restoration of silver to its ancient equality with gold during eighty years of our history would obviate the necessity for further bond issues. The Dingley bond bill and the Dingley "horizontal" tariff bill constitute the only attempted relief measures by the House, and in view, therefore, of the utter failure of the Republican party to relieve the suffering industries of the country, I do not wonder that the gentleman from Illinois should seek to divert public attention from the humiliating record of this do-nothing Congress. [Applause.]

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I would be glad now to see if we can arrive at some conclusion as to the limit of this debate. The gentleman from Maine [Mr. DINGLEY], I understand, wants to take a few minutes. Does anybody on the other side wish to be heard?

Mr. SAYERS. I should like to have a few minutes longer for myself.

Mr. CANNON. I would be very glad to close the general debate in twenty-five minutes on this item, or, say, thirty minutes; that all the debate on this proposition and amendments be closed in that time.

Mr. SAYERS. To be equally divided.

Mr. CANNON. The gentleman from Maine [Mr. DINGLEY] desires fifteen minutes, he tells me, and I should be glad to have unanimous consent to close the debate in an hour.

Mr. SAYERS. That would be entirely satisfactory to me. The debate, however, has been sprung on the committee by the gentleman from Illinois [Mr. HOPKINS]. We were proceeding in a quiet and an orderly way, as the committee always should when considering an appropriation bill, when the gentleman from Illinois—I refer to the gentleman from the Aurora district [laughter], and who is, if anything, a strong political partisan—injected politics into the debate. I appeal, therefore, to my friend—he knows I am not one who seeks or desires to unduly prolong the consideration of appropriation bills—to allow us to conclude the thrashing over this question. I think we ought to have time on this side of the House for the discussion, under the circumstances.

Mr. CANNON. Well, I suggest an hour's time—half of it on that side and half on this side.

Mr. McMILLIN. I suggest to the gentleman that he let it run a little longer. The House was very kind—

Mr. CANNON. I will say to the gentleman from Tennessee that, so far as the Committee on Appropriations are concerned,

up to this time we have discussed the bill. It seems to me now that half an hour on a side, equally divided, ought to be sufficient on this item.

Mr. McMILLIN. I think the gentleman has been very fortunate in getting even thus far without any obstacles, and there is no disposition on this side of the House to interfere with the rapid consideration of the bill.

Mr. CANNON. How much time does the gentleman think we ought to have?

Mr. McMILLIN. Let it run along. I was only stating what I thought was just and fair to the House, and am not disposed to take the time of the House. If the gentleman from Texas [Mr. SAYERS], representing this side of the House on this bill, wants to limit the time to ten minutes I shall not complain.

Mr. SAYERS. I do not wish to do that? I only wish to see the consideration of the bill proceed.

Mr. CANNON. I will say to the gentleman suppose we close it at a quarter to 4 o'clock.

Mr. SAYERS. Very well.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate upon this paragraph be closed at a quarter to 4 o'clock. Is there objection?

Mr. BAKER of New Hampshire. I object.

Mr. CANNON. Then I move that debate on this paragraph be closed at a quarter to 4 o'clock.

The motion was agreed to.

Mr. CANNON. The time, of course, is to be equally divided. I now yield to the gentleman from Maine fifteen minutes.

Mr. DINGLEY. Mr. Chairman, on the paragraph in the bill which has provoked this debate I have simply this to say: It is inevitable that in all appropriations of this character for the enforcement of certain laws, like those for the collection of the revenues, the judgment of the Department, which is set to enforce the laws, must be accepted. The Department knows the conditions of the various laws relating to the collection of the revenues, the extent of importations, the extent of the efforts to defeat the collection of the revenues, the undervaluation of goods, and everything else that is necessary to form a correct judgment with reference to what is necessary in the administration of these laws. Hence the Committee on Appropriations have done wisely in appropriating, at least approximately, the amount that the Department asks for, placing upon the Department the responsibility for the proper use of that appropriation. It is impossible to pursue any other course with reference to appropriations of this character. Otherwise you would find that the laws providing for the collection of revenue would be defeated and the revenue would fail. It is not in this way that we are to bring to bear upon the Administration such legislation or such direction as may tend directly to promote greater economy.

I am not prepared to say that the Treasury Department has not exercised appropriate economy in the enforcement and collection of the customs revenue, although the necessity for the very large increase of expenditures has not appeared. I am surprised that the amount has increased so largely during the last fiscal year and during the present fiscal year up to this time; and yet I am not surprised from another point of view.

It was inevitable, Mr. Chairman, when the customs law of 1894 was enacted and the specific duties which had prevailed so largely under the act of 1890 were changed so largely to exclusively ad valorem duties—it was inevitable that from that cause alone, if no other, two things would result: First, there would be undervaluation of imports, thereby of itself diminishing the revenue; and, secondly, there would be an increase of expenditures in collecting the same amount of revenue under an ad valorem system over and above any specific system, for this reason: Specific duties are easily administered, and the specific rates provided by the law are easily collected. It requires comparatively a small force to do it. The opportunities for evasion of a specific duty are few. But when duties that were formerly in large part specific were changed to exclusively ad valorem duties, as, for example, in the woolen schedule of the act of 1894, it was inevitable that because of the undervaluation which would follow the revenue would rapidly decrease, and that the force necessary to collect that revenue would be largely increased. When you come to the administration of ad valorem duties, you must have an increased number of appraisers at every point in order to collect any duties at all. And you also have increased importations and less revenue.

Ex-Secretary of the Treasury Manning, in a report to Congress on this subject, said:

Whatever successful contrivances are in operation to-day to evade the revenue by false invoices or by undervaluation or by any other means under an ad valorem system will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously, inherent in that system. One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that under the former duties are levied by a positive test which can be applied by our officers while the merchandise is in possession of the Government. But under an ad valorem system the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away and under circumstances most unfavorable to the administration of justice.

One hears it often said that if our ad valorem rates did not exceed 25 or 30 per cent undervaluation and temptation to undervaluation would disappear. But the records of this Department for the years 1817, 1840, and 1857 do not uphold that conclusion.

James D. Powers, a special agent of the Treasury under Mr. Cleveland, reported:

Ad valorem rates of duty afford temptations and opportunities for fraud which can not be guarded against. Under the ad valorem system fraud has prospered and demoralized the importing trade, which has passed from the hands of American citizens into the control of men who have enriched themselves at the expense of the revenue and the ruin of the trade of American wholesale firms.

Mr. McMILLIN. Will my friend from Maine permit me to ask him a question there?

Mr. DINGLEY. Yes, although my time is short.

Mr. McMILLIN. The gentleman speaks of the increased cost of collection resulting from the method of collecting the taxes. I wish to ask him, is it not a fact that both ad valorem and specific duties were imposed under the law before the Wilson bill was enacted?

Mr. DINGLEY. Certainly; but the difference in the schedules was this: Under the act of 1890 half of the amount of the duty imposed upon each article under the woolens schedule was specific, and that specific duty was entirely removed by the act of 1894, and nothing but the ad valorem duty was left.

Mr. McMILLIN. But my friend will admit that the collection of 10 cents ad valorem is as great as the collection of 20 cents specific, and that the amount does not change the necessity of the force to collect it?

Mr. DINGLEY. I do not admit that at all, for this reason, that the moment every specific duty was removed—for example, on imitations of woolen goods—then undervaluation immediately became a fine art. So long as the duties were half specific they stood in the way of undervaluation, and limited the extent to which it could be done. What has been the result? Under the act of 1890 in 1892 there were imported into this country about \$36,000,000 of woolen goods, on which we collected duties to the amount of \$34,000,000.

During the last calendar year, ended January 1, 1896, there were imported \$60,000,000 of woolen goods, at a lower valuation, and only \$27,000,000 of revenue was collected. And unquestionably the true valuation of the \$60,000,000 was more than \$75,000,000. There is where the mischief comes in. There is where we find the cost of collections runs up and the revenue runs down. The loss of revenue on wool and woolens alone has been at least \$20,000,000 and the cost of collecting the smaller amount of revenue has been more than the cost of collecting the larger amount.

Worse than this, you have transferred to Europe the manufacture of more than \$30,000,000 of woolen goods, which under the act of 1890 was done in this country, and have decreased the revenues and increased the cost of collection and taken away the manufacture of \$30,000,000 of woolens from the workmen of this country. [Loud applause on the Republican side.]

Now, Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] has said that this side of the House has not undertaken anything to relieve the country in its distress.

Mr. DOCKERY. I did not say that side of the House. I said this Congress.

Mr. DINGLEY. This Congress; not this House.

Mr. DOCKERY. I also said that the other side of the House had not reported any bill to repeal the existing tariff law.

Mr. DINGLEY. Mr. Chairman, there are three factors in legislation—the House, the Senate, and the President—and unless all three concur there can be no legislative results. The House is the only one of these three factors that is under the control of the Republicans. Here we do have a majority, and we are responsible for what we attempt to do. We are not responsible for what the Democratic and Populistic Senate refuses to do. [Applause on the Republican side.] We are not responsible when all the influence of the Democratic Administration is brought to bear against legislation that may be undertaken by the House.

Now, what has the House undertaken to do to meet the situation? When it met here in December it found that since the 1st of July, 1893, there had been a steady and continuous deficiency of revenue amounting on the 31st day of December to about \$130,000,000. That is what we found. The first thing that the Republican majority of the House did was to present and pass within five days after the committees were announced a bill to increase the annual revenues \$40,000,000, which would at once, if it could have become law, have provided sufficient revenues to meet every expenditure and stop the deficiency which then existed and has continued up to this hour. We did not undertake to revise the tariff in doing that. We did not undertake to do it because, in the first place, it would take so much time. The exigency was too great. In the next place, we knew that it would at once be said that we had proposed a purely Republican measure in order that it might not pass a Democratic and Populistic Senate and be approved by the Democratic President. Therefore we selected

what came nearest at hand to meet the exigency for two years and a half and to provide \$40,000,000 of revenue to meet the expenses of this Government. We sent that to the Senate.

Now, the gentleman has said that was defeated in the Senate. That is true. But every Democratic and every Populist member voted against the bill to increase the revenue in this House; and every Democratic Senator and every Populist Senator voted against it in the Senate, and the Democrats and Populists united, working together, as they did in opposition to more revenue, defeated it in the Senate; no matter what four or five Republicans may have done, the Democratic and Populist Senators were sufficient to defeat it, and they are responsible for it.

Now, in view of such facts, what is to be said about the claim that the Republican House has pursued a do-nothing policy and has not attempted to meet the situation? They have done everything that they could do under the circumstances, but they could not control the Senate nor could they control a Democratic President.

When we attempted to reduce the interest on the bonds for which authority had been given under the act of 1875, we had the united opposition of those gentlemen; when we attempted to provide that money raised by selling bonds, ostensibly for redemption purposes, should not be used to meet deficiencies of revenue, they voted solidly against it, and affirmatively for the process that has been going on since July 1, 1893. Of course it is evident from these demonstrations that so far as the united Republican Senate is concerned, with a Democratic President, we were to have no cooperation in these measures. Hence, after the repeated efforts in this direction, there is but one thing to do, namely, to appeal to the people in the approaching elections in November, and to allow them to say whether there shall not be a Senate and a President that will cooperate with the Republican House in furnishing sufficient revenue to run this Government, and stop the industry of issuing bonds to meet deficiencies of revenue in time of peace. [Loud applause on the Republican side.]

Mr. SAYERS. I would like to ask my friend from Maine a question before he takes his seat. I understood him to say that Democratic Senators and Populist Senators had prevented the passage of the bill to which he alluded.

Mr. DINGLEY. Yes.

Mr. SAYERS. Will my friend be kind enough to tell the committee how he classes the two Senators from Colorado?

Mr. DINGLEY. I simply said that so far as any Republicans voted against the consideration of the bill their votes effected nothing, one way or the other, because the Democrats and the Populists united controlled the Senate.

Mr. SAYERS. But are not the Republicans who voted with the Democrats and Populists equally responsible for the results?

Mr. DINGLEY. Not so much. I think they are partly responsible, but not so much as the Democrats and Populists who voted solidly together, because their votes combined controlled the Senate.

Mr. SAYERS. Will the Republican party call upon the Republicans of the States represented by those recalcitrant Senators who refused to cooperate with the Republicans of the House in carrying forward their legislation to replace those Senators?

Mr. DINGLEY. The Republicans of those States will be able to take care of themselves.

Mr. DOCKERY. Let me suggest to the gentleman that the organization of the Senate is in the hands of the Republicans.

Mr. DINGLEY. What do you mean by the organization?

Mr. DOCKERY. I refer to the Republican trade with the Populists.

Mr. DINGLEY. The gentleman knows that the Democrats and the Populists united control the Senate.

Mr. McMILLIN. Mr. Chairman, the Democratic party is willing to assume, and will assume, every responsibility that justly belongs to it; but when the Republican party and any other party combine to control the organization of the Senate, as was recently done, it shall not shift the responsibility upon us, for it does not belong to us. In response to the gentleman from Maine, I say you bought the organization of the Senate and paid for it, and why do you not control it? The gentleman from Maine has said that it was a combination of the Democrats and Populists that defeated his bill in the Senate.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. McMILLIN. In a moment. I am dealing now with you, chairman, and when I get through with him I shall take pleasure in joining issue with you.

Mr. TAWNEY. All right.

Mr. McMILLIN. The gentleman from Maine has charged that it was a combination of Democratic and Populist Senators who stopped his bill in the Senate. What are the facts? The chairman of the Republican national executive committee of the United States, Senator CARTER, is one of the "Populists," who stood in your way and defeated the bill. Another is Mr. WOLCOTT. Another is Senator DUBOIS, and another is Senator TELLER. Does

the gentleman claim that Mr. TELLER is a Populist? Is Mr. DUBOIS one? I believe he is a member of your steering committee. Is Mr. CARTER a Populist? He is chairman yet of your national committee. Is Mr. WOLCOTT a Populist? If you call those gentlemen Populists, you cut off a good deal of the respectability of your own party, and you may need some of them in the next election.

Mr. DINGLEY. Is there any doubt of the fact that the Democratic Senators and the Populist Senators, united as they were on that vote, did, as a matter of fact, have a majority of the Senate, no matter where Senator TELLER or Senator CARTER may have stood?

Mr. McMILLIN. When I say that four or five of your Republican Senators were the men who held the balance of power and said that you should not any longer plunder the country and defeated your bill, I speak a truth which no one can gainsay. They did it.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. McMILLIN. Yes.

Mr. WATSON of Ohio. Why do you not answer Governor DINGLEY's question? [Laughter.]

Mr. McMILLIN. If you are not satisfied with the way that Governor DINGLEY is taking care of this question and your party, I will cheerfully take you in his place in this discussion.

Mr. WATSON of Ohio. I want you to answer his question.

Mr. DINGLEY. I would like to have an answer to my question.

Mr. McMILLIN. I have stated the facts. The facts are that four Republican Senators threw themselves athwart your path and told you that they would no longer help you to rob and fleece the American people by processes of taxation. [Cries of "Oh!" "Oh!" on the Republican side.] You can say "Oh," but I want to announce to the country the further fact that when you passed that bill here you yourselves said that it was not such a measure as ought to become a law. You had no heart in it. The country had no faith in it.

Mr. WATSON of Ohio. Will the gentleman permit me to ask him a question?

Mr. McMILLIN. With pleasure.

Mr. WATSON of Ohio. Why do you not answer Governor DINGLEY's question? [Laughter.]

Mr. McMILLIN. I have answered Governor DINGLEY's question. My only regret is that I can not give you the intelligence to see the force of the answer. [Laughter.]

Mr. WATSON of Ohio. Oh!

Mr. DINGLEY. If the gentleman will pardon me, he has not answered my question. I asked him if it was not true that the Democratic and the Populist Senators had a majority of the Senate and that their votes would control it.

Mr. McMILLIN. But the Democratic party do not control the Populists. If they did, you would not have organized the Senate.

Mr. DINGLEY. The Democrats and Populists seem to work together, though.

Mr. McMILLIN. You were willing to swap the biggest committee in the Senate, the one that has to do with finances—you were willing to trade that off in order to get the loaves and fishes of the Senate. You made the trade deliberately, and should not now complain at the result.

Mr. DINGLEY. But the bill to raise more revenue was defeated in the Senate—in the Senate; we are not talking about committees—by the combined vote of the Democratic Senators and the Populists.

Mr. McMILLIN. I have mentioned the fact, and the gentleman can not escape it, that the chairman of the Republican executive committee led that movement against your tariff bill. And he did right. You can not get away from the fact. You can not escape the responsibility. You may reason as much about it as you please, but the fact remains.

Mr. TAWNEY. He simply came in after the bill was defeated and made the explanation why he voted as he did. Therefore he did not lead the fight against the revenue measure.

Mr. McMILLIN. The gentleman does not deny that he was in the fight.

Mr. TAWNEY. I deny that he led the fight.

Mr. McMILLIN. I do not care who led it. You may say that the Democrats led it or the Republicans led it; but the Republicans held the balance of power and controlled the action on the measure and stopped your robbery.

Mr. TAWNEY. The question is, Was the measure defeated in the committee or in the Senate?

Mr. McMILLIN. In the Senate.

Mr. TAWNEY. And who controlled in the Senate?

Mr. McMILLIN. The Republicans and the Populists organized the committees in the Senate [derisive laughter on the Republican side] by a bargain that was no credit to the Republican party—a party that is always ready to bargain with anybody or anything, to sacrifice principle for temporary expediency.

Mr. TAWNEY. But the committees do not control the Senate. The gentleman from Tennessee knows that very well. It was in the Senate that the revenue bill was defeated—not in committee.

Mr. McMILLIN. The four Republican Senators that I have named controlled, it seemed, in the Senate.

But, Mr. Chairman, I am not going to let some of the other assertions of the gentleman from Maine escape a little attention.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. McMILLIN] has expired.

Mr. McMILLIN. I ask a few minutes additional.

There was no objection.

Mr. McMILLIN. The gentleman from Maine has said that the Wilson bill is necessarily more expensive in administration than the McKinley bill. Why, sir, no man who will think about the proposition for a moment can come to any other conclusion than that the gentleman must have lost his usual brightness and acumen before he made such a statement. Does he forget that a large number of articles were put on the free list by that bill and thereby the laws of collection simplified? Does he forget that as to many articles the method of raising revenue by a combined ad valorem and specific duty was done away with and a single method substituted? The fact is that the Wilson bill provided ample revenue. We are not responsible for the state of affairs—

Mr. TAWNEY. Ample revenue for what?

Mr. McMILLIN. Ample revenue to run the Government. I do not insist that it would run the Government according to your prodigal method of running the Government, but that it would provide a sufficiency for all practical and necessary purposes.

Mr. GROUT. Will the gentleman allow me a question?

Mr. McMILLIN. Yes, sir.

Mr. GROUT. If the administration of the present tariff law does not cost more than the previous law, will the gentleman tell me why it is that the Secretary of the Treasury estimates for the present fiscal year a deficiency of \$1,150,000 in expenses of collecting the revenue, to be provided for in this bill, whereas for the last year of the administration of the McKinley law only \$450,000 was required in addition to the regular appropriation? Why this increased expenditure?

Mr. McMILLIN. The gentleman knows—he and I have been here a good while—that we have never seen a Congress yet that was wise enough to appropriate the exact amount necessary to run any one of the Departments of the Government. There is almost always a deficiency—sometimes greater and sometimes less. But what I am arguing—and this is the way I answer the question—is that when we have reduced the number of articles upon which calculations must be made and when we have adopted a method of collecting a single form of duty instead of a combination of ad valorem and specific duties, there must necessarily be less expense under a proper administration of such a law than under the previous law.

Mr. GROUT rose.

Mr. McMILLIN. I should be very glad to yield to the gentleman further, but it is impossible for me to do so in my limited time.

I was going on to say, Mr. Chairman, that the Democratic party provided ample revenue to run the Government. In addition to what is now being obtained, and which comes within thirty or thirty-five millions of providing running expenses, we provided for an income tax that would have yielded from \$40,000,000 to \$50,000,000 a year. If that income tax had been allowed to stand and enforced, there would have been no difficulty about revenues meeting expenditures. But, unfortunately for the country, unfortunately for the high standing of the Supreme Court, there was one individual, known as Shiras, who had broken into that court, who revolutionized the law, who overturned the Constitution, and cut off \$40,000,000 of the revenues of the Government, and that is the difficulty that is standing in the way now, of which the gentleman complains so much. Shiras is the difference between surplus and deficiency. Shiras, who under oath decided both ways, and gave no reason for his wonderful somersault.

But, Mr. Chairman, it is not true that the McKinley bill was furnishing sufficient revenue for the expenditures of the Government during the period of its operation. On the contrary, about one hundred million of surplus revenue in the Treasury of the United States was turned over to his successor when Mr. Cleveland left that office after his first Administration, and every dollar of it was squandered by the operation of the McKinley bill, on account of the deficiencies which necessarily resulted and which that bill had legislated upon the statute books.

Thus much I was determined should be said on behalf of the legislation of the last Congress and for the purpose of fixing the responsibilities for whatever has gone wrong in this Congress.

The gentleman from Missouri [Mr. DOCKERY] very properly asked, in the course of his remarks with reference to the legislation of this Congress and the responsibility of the Republican party, "What have you done?" I repeat the inquiry, What have you done? Have you passed the bankruptcy bill? Have you

passed a funding bill for the Pacific railroads, whose indebtedness is now falling due and which are in the hands of receivers? Have you dealt with any of the great questions which are admittedly pressing upon the attention of Congress? No; you have done nothing. You have acknowledged, by your very proposition to adjourn in a few days, that you are not capable of handling them, and are going to run away from them.

[Here the hammer fell.]

Mr. HOPKINS. Mr. Chairman, this discussion has taken a very much wider range than was contemplated by my colleague on the committee when he opened it and pointed out to the members of the committee the enormous increase in the expenditure for the Treasury Department during the present Administration. Gentlemen off the other side, when this matter was called to their attention, seemed to think it was necessary to make an attack on the Republican party and to make some comparison between the Republican party of this country and the Democratic party as to the legislation of the last few years.

Now, sir, it was rather an unfortunate suggestion for my friend from Missouri [Mr. DOCKERY] to make, because every person familiar with the history of the country knows that the golden industrial period of America was during the four years of President Harrison's Administration. It reached high-water mark under the operation of the so-called McKinley law. During the operation of that law, during the Administration of President Harrison, there was not an enforced idle man in America. They were receiving higher wages—higher rates of wages—than had ever been known in this country or in the history of the world. Our foreign commerce had increased in a marvelous manner. Our exports and imports during the last year of Mr. Harrison's Administration were \$200,000,000 more than under any one year preceding it in the whole history of the Government.

With such a condition of prosperity as that prevailing, with the growth of every industry with unparalleled rapidity, with the business interests of the country far in excess of any other point which had ever before been attained, the Democratic party came into full power. And, Mr. Chairman, what did they do? Their first effort was to strike down this law, this beneficent law, that had given this magnificent era of prosperity. They were challenged by Republican members to the fact that their legislation would not bring revenue enough into the Treasury to pay the running expenses of the Government, and also the policy they inaugurated under the Wilson bill would strike down the industries of the country and turn honest workmen out into the highways and the streets and make tramps of them.

Their attention was called to the fact that under the reciprocity clause of this great tariff measure the ports of Cuba and of South America had been opened to American commerce, and that millions of the products of our farms and factories were finding markets there from which they had been shut out before the enactment of this law. Their attention was called to the fact that the German ports had been opened under this clause of the law to American meats, to American cattle, and American flour; that France had been compelled under reciprocity legislation to open her markets to American flour as well, and that this immense trade had already set in. But, sir, they heeded not any of these admonitions on the part of the Republicans. They struck them all down, knowing when they did it that they would get nothing in return, but that, on the contrary, they would deprive us of the markets of Cuba, the markets of Brazil, and of Germany and France.

Now, what is the result? Under the Harrison Administration the revenues of the Government, brought in under the operation of the McKinley law, were not only more than sufficient to meet the current expenditures of the Government, but, under the wise administration of the Republican party, the excess was applied to the payment of the national debt, and more than \$260,000,000 of the national debt was paid off. Not only that, Mr. Chairman, but the Republican party turned the Treasury over with \$107,000,000 in gold and nearly \$40,000,000 of other money to the incoming Democratic Administration. What has been done by the Democratic party or the Democratic Administration since it came into power? Instead of paying off any part of our national debt, they have increased our national debt in the enormous sum of \$262,315,000 in a period of a little over three years' time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I ask for five minutes more time, Mr. Chairman.

There was no objection.

Mr. HOPKINS. This imposes upon the people of this country an indebtedness in interest alone of \$11,492,616 over and above the other expenditures that we had under a Republican Administration. This expense comes year after year, and these \$262,000,000 are a mortgage upon the people of this country extending over a period of thirty years.

Now, Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] says that we should repeal this law if it is working in the

manner I have indicated. I say to him that he is one of the men responsible for increasing our national debt; he is one of the men responsible for turning American workmen out of their shops into the highways to tramp and beg for bread. [Applause on the Republican side.] The Democratic party is responsible for the wrecks which have been strewn from the Atlantic to the Pacific in the industries of this country, brought upon the people by this Gorman tariff bill.

Now, what is this bill? The gentleman from Tennessee [Mr. McMILLIN] says that it would have brought sufficient revenue into the Treasury if the income tax had been sustained. Does not the gentleman know that when that portion of the bill was presented here the best lawyers in the House and the country told him and his colleagues that it was unconstitutional? Did not even the great Democratic leader from New York [Senator HILL] make his opposition to that legislation upon the ground that it was unconstitutional? And yet they pressed it forward, knowing at the time that the revenues of the country would be insufficient to pay the expenditures. I say it comes with poor grace for the gentleman from Missouri [Mr. DOCKERY], or any other gentleman on that side of the House, to attempt to defend any of these indictments presented here by the Republican members of this committee. Now, in the face of all this we find that this Department here has increased its expenditures nearly \$500,000 over what they were during the last year of Harrison's Administration—

Mr. GROUT. More than \$700,000 in the collection of the revenue alone.

Mr. HOPKINS. Seven hundred thousand dollars. The gentleman from Missouri has approved of an increase of 272 new offices in the revenue department of the Government alone.

Mr. DOCKERY. In what paragraph of the bill?

Mr. HOPKINS. I find that without protest on this floor he has approved of increased salaries of 168 more.

Mr. DOCKERY. In what paragraph of the bill?

Mr. HOPKINS. The bill that we are considering.

Mr. DOCKERY. Why, I protested against that when I was on the floor.

Mr. HOPKINS. Well, Mr. Chairman, how did this matter come up? Did the gentleman spring to the front like an athlete in opposition to it, as he usually does here when some poor claimant with a hundred-dollar claim that ought to be paid comes before us? Not at all. When this bill was presented here to this House the gentleman knew of these increased salaries and this increased force, and yet he sat there as silent as death until he was forced from his seat by the debate in which other members had been participating, when, to save his consistency, as he supposed, he made his faint objection to it. And yet he knows, as I know, that he voted for the bill in the committee, and I venture to say that he will vote for it in this committee and in the House.

A MEMBER. The report of the committee is unanimous.

Mr. HOPKINS. Yes.

Mr. SAYERS. I yield five minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I think the House and the country very well understand the respective responsibilities of the Republican and Democratic parties in reference to the question of inadequate revenue.

I want to refer for just a moment to the statement made by the gentleman from Illinois [Mr. HOPKINS]. He announced at the outset of his remarks that the Harrison Administration covered the golden period of American industries. If so, Mr. Chairman—and I am quite disposed to agree with him, at least so far as political industries are concerned—will he tell the House why the country turned down the Republican party both in 1890 and in 1892?

Mr. GROUT. Because they did not know what they were doing.

Mr. DOCKERY. Did not know what they were doing?

Mr. HOPKINS. They repented of it.

Mr. DOCKERY. I never knew the American people to display more intelligence than they manifested in the campaigns of 1890 and 1892, when they retired the Republican party.

Mr. MILNES. They have mourned it ever since.

Mr. DOCKERY. Mr. Chairman, something has been said about expenditures having been increased. Why, sir, the total expenditures of the Government, exclusive of bond purchases and premiums thereon, under the Administration of Mr. Harrison, were \$1,390,394,780.55, while the total expenditures under the first Administration of Mr. Cleveland were but \$1,063,223,202.93. The entire income under the Administration of Mr. Harrison was \$1,539,723,590.58, the receipts during Mr. Cleveland's first Administration being \$1,451,660,246.74. The receipts of President Harrison's Administration exceeded Cleveland's by \$88,063,343.84, the expenditures under Mr. Harrison being also greater by \$267,171,577.62 than they were under President Cleveland.

Mr. LACEY. May I ask the gentleman a question there?

Mr. DOCKERY. I can not yield; my time is so limited.

Mr. DINGLEY. They had the benefit of the Republican policy.

Mr. DOCKERY. Again, Mr. Chairman, the gentleman has rolled as a sweet morsel under his tongue the statement that \$259,000,000 of bonds were retired under Harrison's Administration. The gentleman is correct as to the statement of the principal, but the cost of those bonds was \$292,963,486.67. During the term of President Cleveland's first Administration bonds at a cost of \$360,419,953.11 were retired.

Mr. HOPKINS. How many have you retired in Cleveland's present Administration?

Mr. DOCKERY. I regret to say that the President has been following in the footsteps of the Republican party by paying out gold only to meet the coin obligations of the Government instead of both gold and silver. Therefore an increase of the debt. [Laughter and applause on the Democratic side.]

Mr. Chairman, the McKinley bill, so much vaunted in this presence, during the last four months of President Harrison's Administration failed to meet current expenditures by \$4,094,021.38.

Mr. HOPKINS. But that was after the election, and the threat of the Democratic party to revise the tariff kept the people from importing goods.

Mr. DOCKERY. The approaching financial disaster was felt in all departments of business before the election.

Mr. HOPKINS. Not at all.

Mr. DOCKERY. The fact is—

Mr. HOPKINS. The friends of the Democratic party in Europe kept their goods over there and abstained from exporting them, so that they could be imported under the Wilson bill.

Mr. DOCKERY. I decline to yield for a speech.

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. DOCKERY. It was because of the business paralysis, which first manifested itself after the failure of Baring Bros. in 1890—

Mr. HOPKINS. It commenced after the success of the Democratic party.

Mr. DOCKERY. The gentleman will please not interrupt me without my permission. I am willing to yield to all reasonable requests—

Mr. WASHINGTON. Hit him again.

Mr. DOCKERY (continuing). But I am entitled to the floor.

Mr. HOPKINS. I will not interrupt you again.

Mr. DOCKERY. I was about to say, Mr. Chairman, that the business depression began soon after the failure of Baring Bros. in 1890, and continued until it encircled the globe; and because of its presence in 1892 the Republican party was overwhelmingly defeated. Let us look further in the presentation of this comparative exhibit. What was the Treasury surplus when President Cleveland turned over the control of national affairs to Mr. Harrison? It amounted then, including the gold reserve, to \$183,827,190.29 of available cash assets.

Mr. HOPKINS. But that was put there under a Republican law.

Mr. DOCKERY. At the close of Mr. Harrison's Administration the surplus had been reduced to \$124,128,087.88, notwithstanding the Republican Administration had defaulted in the sinking-fund requirement to the amount of nearly \$50,000,000.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SAYERS. I yield ten minutes to the gentleman.

Mr. DOCKERY. I was about to say that the surplus was thus largely reduced, notwithstanding the Republican party had defaulted for the first time since the civil strife, in the payment of the sinking fund, to perhaps \$50,000,000; notwithstanding they had extended bonds maturing on September 1, 1891, amounting to \$25,964,500; notwithstanding the receipts under Mr. Harrison were \$88,063,343.84 greater than under President Cleveland; notwithstanding that the Sherman Act ruthlessly covered into the Treasury to be used for current expenses a trust fund belonging to the holders of national bank notes amounting to \$54,207,975.75; and finally the surplus was thus meager, notwithstanding Mr. Harrison had reduced the balances of disbursing officers available for the payment of current expenses from \$47,905,423.30, the amount to their credit when Mr. Cleveland retired from office on the 4th of March, 1889, to \$23,515,033.70, when he returned to the Executive Mansion March 4, 1893.

Now, then, Mr. Chairman, these are the facts and figures disclosed by official records. No sophistry in which the gentleman from Illinois [Mr. HOPKINS] can indulge—and he is an accomplished master in that art—can change these rugged facts. During the four years of President Harrison's Administration the Republican party not only squandered the surplus of the people in riotous living—a surplus accumulated under Democratic rule—but they also enacted laws under which we are required to appropriate large sums of money, thus coercing Congress to an easy approach to a billion-dollar total, although in the last Congress that limit was escaped by rigid economy.

Mr. GROUT. Was not the surplus that Cleveland piled up in his first Administration accumulated by not paying the debt with the surplus, as his predecessors had invariably done.

Mr. DOCKERY. There was paid out during his first Administration a little in excess of \$360,000,000 for the purchase of bonds.

Mr. GROUT. He paid a little, but not near so much as was paid under Mr. Arthur's Administration.

Mr. DOCKERY. I present these official figures and am willing to resign my seat to-morrow should they prove to be inaccurate. They are correct.

I repeat again that the cost of the bonds retired by Mr. Harrison was \$392,963,486.67; the cost of the bonds retired by Mr. Cleveland being \$360,419,953.11. [Loud applause on the Democratic side.]

Mr. GROUT. Now, one word—

Mr. DOCKERY. The gentleman is a member of the Committee on Appropriations; he is an intelligent gentleman and an honest man, usually [laughter] candid, and he ought to be candid in this presence. I know that he would not knowingly make a misstatement, but he has been misled as to the facts.

Let me say in conclusion, Mr. Chairman, that the gentleman from Maine [Mr. DINGLEY] seems to desire to escape responsibility. No gentleman on that side of the House and no member of the Republican party is a more accomplished legislator or better able to make a bad cause seem like a good one than the gentleman from Maine, the chairman of the Ways and Means Committee. When, however, he seeks to avoid responsibility for the work of this session, he should remember that the Republican party controls the organization of the Senate committees. There are but 39 Democrats in that body. There are 44 straight Republicans and 6 Populists, including Senator JONES of Nevada, who was elected as a Republican and has always acted with that party, except on the bond bill and upon questions relating to the free coinage of silver.

Mr. DINGLEY. But he declared himself a Populist over a year ago.

Mr. DOCKERY. The Republican party controls the organization of the Senate committees and accepted that responsibility as a result of a "dicker" with the Populist Senators, who sat silent and declined to vote when the Republicans captured the organization, and they can not, therefore, escape their responsibility. So far as the action of the President is concerned, it is not a matter for legitimate consideration at this time. This do-nothing Congress has failed to present a single relief measure to the President for approval or disapproval, although there was no occasion for hesitation, because it is known that upon financial questions the President is more nearly in accord with the Republican party than with the majority of his own party. [Applause.]

Mr. GROUT. Mr. Chairman, just a word with reference to what the gentleman from Missouri says about the relative amount of the public debt paid under Harrison's Administration and the first Cleveland Administration. It will be remembered that of Mr. Harrison's Administration there were only two years when he had surplus revenue to pay out on the public debt. The two last years of his Administration were under the McKinley law, whereby, in response to the demand of the Democracy that taxation should be reduced, it was reduced by over \$60,000,000 a year, so that, as I have said, in the last two years of Mr. Harrison's Administration he paid nothing on the public debt. He could not pay anything. Matters were so adjusted that the revenue should just about meet the expenditure, and it did meet the expenditure up to the very day when Mr. Cleveland again took the chair.

Now, the question I asked the gentleman, and which he did not answer, was, How has Mr. Cleveland's Administration compared with the Administration of Garfield and of Arthur in respect to payments upon the public debt? I have not the figures before me, but I have in mind, in general outline, the amounts paid under these two Administrations, and the figures will show that only a little more than one-half as much was paid by Mr. Cleveland as was paid by Garfield and Arthur. That was the question I put to the gentleman, and it is a perfectly fair one, too, but he did not answer it. It is not fair to compare what the Harrison Administration paid during two years with what was paid by Mr. Cleveland during his term. But if gentlemen insist on doing so and will keep in mind that Harrison paid nearly as much in two years as Cleveland did in four, they will feel like withdrawing their cheers for the bluff answer of the gentleman from Missouri.

Mr. DOCKERY. It is hardly a fair comparison to retire into the asylum of ancient history.

Mr. GROUT. Are Garfield's and Arthur's Administrations ancient history, Mr. Chairman? Gentlemen on the other side know what the facts are. They know the facts tell this story, that Mr. Cleveland, to make it appear that there ought to be a revision of the tariff such as he desired, piled up the revenues of the country and distributed between sixty and seventy million dollars to favorite national banks on deposit without interest, instead of paying out the money on the public debt, as his predecessors had done. I repeat, therefore, that he paid only a little more than one-half the amount that was paid by preceding Republican Administrations, and this is the whole secret of his much-vaunted surplus.

Mr. DOCKERY. Will the gentleman state the amounts of bonds that were retired under President Garfield, President Arthur, President Cleveland's first Administration, and President Harrison's Administration.

Mr. GROUT. I can not give the exact amounts.

Mr. DOCKERY. Will the gentleman give the amount approximately?

Mr. GROUT. I will not undertake to state the figures here, but I will insert them in my remarks.

Mr. DOCKERY. I thought the gentleman knew the figures.

Mr. GROUT. No; I stated in the outset that I could not give the exact figures, but I have already stated them approximately. I have said that President Arthur and President Garfield paid almost twice as much on the public debt as Mr. Cleveland paid.

And now, Mr. Chairman, in extension of my remarks, according to promise, I give the exact amounts paid on the bonded debt by the three Administrations above named: Garfield and Arthur, \$179,983,280; Cleveland's first, \$341,396,280—just \$138,586,300 less than Garfield and Arthur; and this difference was more than three times as large as the free surplus left by Cleveland in the Treasury at the close of his term, which was but \$48,096,158.50.

Harrison paid in the first two years and four months of his term \$234,009,640—within \$107,386,640 as much as Cleveland paid in a full four years. As already stated, during the last year and a half of Harrison's term there was no excess of revenue for application on the public debt. It was only a little in excess of expenditures.

Mr. CANNON. Mr. Chairman, how much time remains on this side?

The CHAIRMAN. The Chair is informed that there are ten minutes remaining on the gentleman's side and seventeen on the other.

Mr. CANNON. I would be glad to notify the Chair now, in a modest way, that I would like to have the last five minutes myself.

The CHAIRMAN. The Chair will recognize some gentleman upon the other side now.

Mr. BAKER of New Hampshire. Mr. Chairman, a parliamentary question. I understood the order to be that the discussion should close at 4 o'clock, which would leave forty minutes remaining.

The CHAIRMAN. The present occupant of the chair is informed that the vote was that the debate should close at a quarter to 4.

Mr. CANNON. That is correct.

The CHAIRMAN. The Chair will now recognize some gentleman on the other side.

Mr. SAYERS. I do not think the Chair should undertake to control as to when this side of the House should speak.

The CHAIRMAN. Certainly not.

Mr. SAYERS. The gentleman from New Hampshire [Mr. BAKER], on the other side of the House, has been desiring to speak for the last half hour—

Mr. CANNON. We have but ten minutes on this side, and there are seventeen minutes remaining on the other, I believe. I will say to my colleague on the committee that it looks to me as if possibly this side ought to close the discussion.

Mr. SAYERS. Very well; but you have fifteen minutes.

Mr. CANNON. No; only ten.

Mr. SAYERS. Very well, Mr. Chairman; then I will proceed now.

This is the first time in the history of appropriation bills—at least since I have been a member of the Committee on Appropriations—that the chairman of that committee and the majority of the House have precipitated a political discussion when the bill was under discussion. I had hoped, Mr. Chairman, that this bill would be considered in an orderly manner and with reference alone to the items in the bill. But the gentleman from Illinois [Mr. HOPKINS] has seen proper to precipitate a discussion by an assault upon the Secretary of the Treasury because of an increase of several hundred thousand dollars in the expenditures for the collection of the customs.

It is true, Mr. Chairman, and I admit it, that there has been an increase in the expenditures in this branch of the service; and it seems, from the statement given by the Assistant Secretary of the Treasury, that this increase has been brought about partly by the increase of salaries and the increase in the number of officers. Now, I do not approve of the increase of salaries, nor do I approve of an increase in the number of officers, unless it can be shown most conclusively that such increases are justified by the exigency of the service. I submit that no information has yet been given to this committee which would justify it in reaching a conclusion as to whether these increases were necessary or unnecessary. It is impossible in the present status of the question, as it is before this committee, for any gentleman to arrive at a conclusion as to whether those increases were proper or not.

Mr. BAKER of New Hampshire. Will the gentleman allow me a question?

Mr. SAYERS. I will yield to the gentleman for a question.

Mr. BAKER of New Hampshire. I find on page 15 of this bill, under the heading "Collecting internal revenue," this provision:

That the number of deputy collectors and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employees be increased beyond the salaries paid during the last fiscal year.

Now, I wish to ask the gentleman why it is not entirely feasible and proper to attach such a proviso to the portion of the bill now under discussion?

Mr. SAYERS. Mr. Chairman, any gentleman who is at all familiar with these two branches of the service—that which collects excise duties and that which collects customs duties—must know that the methods of collection in the two branches are entirely different. The chairman of the Committee on Appropriations, Republican as he is, representing the majority on this floor, would not, I am confident, rise from his seat and advocate the putting of any such limitation upon the pending paragraph as has been inserted in the bill with reference to the internal-revenue service. It would be unwise to do so.

But, Mr. Chairman, I was going on to say that from a criticism of the item of appropriation under consideration members of the committee have proceeded to discuss the question of expenditures under the present and the past Administrations. I do not think this discussion should have been entered upon at the present time. I was in the hope that it would have been delayed until Congress was about to adjourn, when, in an orderly manner, the representatives of both parties on the Appropriations Committee could present statements to the House and to the country as to the character and amount of the appropriations made by the present Congress. But the gentleman from Illinois [Mr. HOPKINS] has anticipated such a presentation of the matter; and I now desire to call his attention—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SAYERS. I had more than five minutes.

The CHAIRMAN. The Chair understood that this discussion was proceeding under the five-minute rule.

Mr. SAYERS. I understood the gentleman from Illinois [Mr. CANNON] to say that one-half the time would be under my control.

Mr. PITNEY. I ask that the gentleman from Texas have the privilege of occupying so much of the remaining time on his side as he may think proper.

The CHAIRMAN. Without objection, that request will be granted.

There was no objection.

Mr. SAYERS. Now, let me invite the attention of my friend from Illinois to a few figures. I take the Fifty-first Congress. There were then no Populists in the Senate to interfere with the progress of appropriation bills. The Democrats were then sadly in the minority. The Republicans had control of the House and of the Senate, and the President was a Republican. Now, let us see how the matter stood in that Congress upon the question of deficiencies.

Notwithstanding large appropriations were made at the first session of the Fifty-first Congress, we find that at its second session that Congress was called upon to appropriate \$38,699,746.96 for deficiencies, to say nothing of the \$19,498,531.10 carried in the miscellaneous bills.

Will the gentleman find anything in the conduct of the present Administration to compare with such extravagance in public expenditures as that? What is the total amount of deficiencies at the present time? Mr. Chairman, the gentleman in charge of this bill and his associates have placed upon the urgency deficiency bill, which was passed some time ago, large sums of money which in no sense of the word can be called deficiencies.

Mr. HOPKINS. Will the gentleman allow me?

Mr. SAYERS. Certainly.

Mr. HOPKINS. The gentleman speaks of large sums appropriated by way of deficiencies in the Fifty-first Congress. Does he not know that they related largely to pension appropriations, which are necessarily indefinite, because we can not tell the exact amount required? I refer now to the act of 1890.

Mr. SAYERS. Well, I will show the gentleman. Exclude the pensions, and what do we find? The deficiencies, coupled with the miscellaneous appropriations, amounted in the second session of the Fifty-first Congress to nearly \$30,000,000. Let me call my friend's attention to the actual figures. The total number of deficiencies at the second session of Congress amounted to \$38,699,746.96. That included \$29,335,598.34 for pensions. Now, subtracting the pension deficiency from the sum total, we have left \$9,364,148.62 for other deficiencies, and add to that \$19,498,531.10 carried in the miscellaneous acts, and we have \$28,862,679.72,

besides what was carried in the regular appropriation bills of the second session of the Fifty-first Congress.

Mr. HOPKINS. Can the gentleman from Texas take the miscellaneous items and mention or show to this committee or to the country any money misappropriated or extravagantly appropriated? You give gross sums, but no Democrat has ever, to my knowledge, since the Congress of which you speak held its sessions, pointed out a single item that was extravagant in character. On the contrary, the matter before us now, and to which I made allusion in the course of my remarks at the opening of this debate, is a specific item of expenditure.

Mr. SAYERS. Now, Mr. Chairman, here are over twenty-eight millions of dollars, excluding the deficiencies for pension bills. Let us see how the deficiency bills at this session have been loaded with appropriations that can not be classed as deficiencies. In the urgent deficiency bill there was put \$300,000 for printing an agricultural report, in order that the members might have the report before the termination of this Congress; but it was in no sense a deficiency, and ought not to have been included in that bill. For the Library building another was also included in that bill—an appropriation of \$480,000, not a penny of which will be expended during the present fiscal year.

Mr. HOPKINS. Let me interrupt the gentleman for a moment. That printing bill to which he refers was for a report to be circulated all over the country for the benefit of the people, I believe.

Mr. SAYERS. Certainly.

Mr. HOPKINS. Agricultural Reports, were they not?

Mr. SAYERS. Yes; but the appropriation for them was not a deficiency.

Mr. HOPKINS. It does not matter whether it was or not.

Mr. SAYERS. Oh, yes; it does. That is the very question at this time.

Mr. HOPKINS. My point is that the appropriation itself is one that commends itself to the good judgment of the country.

Mr. SAYERS. Well, now I can almost foresee what the gentleman from Illinois will say when he mounts the stump during the coming campaign and presents the Republican side in the controversies that will necessarily arise.

When he is faced with a billion-dollar Congress the gentleman will say: "Why, the Fifty-third Congress put upon us the necessity of appropriating \$11,000,000 of deficiencies." Now, my purpose is to call the attention of the gentleman and the committee to the fact that items are included as deficiencies that properly belong to other appropriation bills.

There are included in the present bill, Mr. Chairman, near \$500,000 of appropriations that can not be considered as deficiencies, and for which the last Congress was not responsible in any sense of the word, and for which it should not be held accountable.

But there is one thing to which I wish to call the attention of the gentleman from Illinois, if he will listen to me for a moment.

Mr. HOPKINS. Entirely.

Mr. SAYERS. Can the gentleman from Illinois point to a single item of appropriation made by the last Congress which was indefinite in character? Did not the appropriation bills which passed that Congress at both sessions carry on their face the exact amount of the money the bills appropriated?

Mr. HOPKINS. Oh, now, if the gentleman—

Mr. SAYERS (continuing). And I ask him to compare that record with that of the present Congress in this particular and tell us the result.

Mr. HOPKINS. Now, you challenge my attention to another matter. You evade the point I make.

Mr. SAYERS. Not at all. I understood the point you made and have answered, and now I call your attention to a point that has a direct bearing upon the pending controversy.

Mr. HOPKINS. On the contrary, I think not. In the discussion here I called attention to nearly three-quarters of a million of money extravagantly expended in one of the Departments of the Government, and you reply by saying that the Fifty-first Congress was a billion-dollar Congress. I challenged the issue, and asked you to show an item that was extravagant in character and that did not meet the approval of all honest men, and you fail to do it; but you state that in the Fifty-second Congress you had the items specified in the bill.

Mr. SAYERS. The gentleman is only answering my question by asking another. I put the question to the gentleman from Illinois if he can show a single instance in the appropriation bills of the last Congress—

Mr. HOPKINS. That does not meet the issue at all.

Mr. SAYERS. I understand that on last suspension day the gentleman advocated the passage of the river and harbor bill under suspension of the rules. Is that true?

Mr. HOPKINS. That is true, and I would do it again.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. I should like to have five minutes more.

Mr. SWANSON. I ask that the time be given to the gentleman from Texas.

Mr. CANNON. As I understand, the time of the gentleman from Texas is exhausted, but if he desires more—

Mr. SAYERS. I should like to have five minutes more. I desire to get through with the gentleman from Illinois [Mr. HOPKINS].

Mr. CANNON. I will ask unanimous consent that the time be extended ten minutes, but I want to ask the right to control all of the remaining time except five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the time of debate on this paragraph be extended ten minutes, five minutes to be given to the gentleman from Texas.

Mr. CANNON. That will leave fifteen minutes on this side, and I should like to control the last ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAYERS. Now, the gentleman from Illinois [Mr. HOPKINS] will please give me his attention. He began this debate. We should have passed this bill by this time if it had not been for him. The gentleman says he favored the river and harbor bill, and that he would do it again. That bill carries nominally upon its face about \$10,000,000, besides contracts amounting in all to over \$60,000,000. But yet there is to be added to this amount a concealed and an indefinite appropriation which will amount to at least \$3,000,000 when it is expended. The House generally knew nothing about this item, though it provides for the expenditure of fully \$3,000,000 which is not expressed on the face of the bill.

Mr. NORTHWAY. What was it? What was the concealed appropriation of \$3,000,000?

Mr. SAYERS. To purchase the locks and dams on the Monongahela River. You voted for it, and not one gentleman in ten in the House understood that he was voting for it. Now, whatever may be the sins of the Democratic party—

Mr. COOPER of Wisconsin. I am a member of the Committee on Rivers and Harbors, and I wish to state to the gentleman from Texas that there was nothing concealed about that.

Mr. SAYERS. Oh, I do not mean to say—the gentleman understands me—

Mr. COOPER of Wisconsin. There was no appropriation of \$3,000,000. It is to be a condemnation proceeding in open court, and in the opinion of the executive officers, if the award is not proper, the Government is not bound to take the property. The gentleman from Texas is entirely wrong in his construction of it.

Mr. SAYERS. My friend must not take his seat now after asking that question. Is there not an indefinite appropriation in that bill?

Mr. COOPER of Wisconsin. No, sir.

Mr. SAYERS. To pay for the award?

Mr. COOPER of Wisconsin. No, sir.

Mr. SAYERS. Does the gentleman state that?

Mr. COOPER of Wisconsin. Let me answer the question. There is an award, provided that award, in the opinion of the Secretary of War, is fair and just. There is nothing obligatory, so far as the provision of the bill is concerned, upon the United States to take the award and pay it, regardless of its amount.

Mr. SAYERS. Does not the bill appropriate a sufficient amount of money to pay for the award, if it should be accepted by the Government?

Mr. COOPER of Wisconsin. Yes; but I can defend that, and any other man can who knows the facts.

Mr. SAYERS. Let me ask the gentleman another question. Is it not estimated by the office of the engineers that it will probably require \$3,000,000 to pay this award?

Mr. COOPER of Wisconsin. Possibly; yes.

Mr. SAYERS. The gentleman, then, has admitted the truth of what I have said.

Mr. COOPER of Wisconsin. It is to relieve the great amount of business which goes up and down that river from paying tolls to a private corporation.

Mr. SAYERS. I am not arguing the merits of the case at all.

Mr. COOPER of Wisconsin. You assumed that nobody knew anything about it. It was openly and notoriously discussed in the committee for days and days.

Mr. SAYERS. I do not deny the statement.

Mr. COOPER of Wisconsin. And stated upon the floor.

Mr. HOPKINS. I think every member except the gentleman from Texas knew all about it.

Mr. SAYERS. I am glad that they did. But I hear several gentlemen around me say that they did not know anything about it. We are not all as wise as the gentleman from Illinois [Mr. HOPKINS], who seems to have concentrated within his brain all the power of what is known as the X rays. Possibly he can see through a bill without ever having read it or heard any one read it.

Mr. HOPKINS. Not at all. The difference between the gentleman from Texas and "the gentleman from Illinois" is that he attends to his duties and the gentleman from Texas does not.

Mr. HEPBURN. It seems to me, Mr. Chairman, that this de-

bate has wandered a long way from the original starting point. We were considering a provision to appropriate \$850,000 to meet the expense of collecting the customs revenue, in addition to the miscellaneous collections that may be appropriated in that way and the permanent appropriation of \$5,500,000. That becomes necessary because of an increase of 169 officers as compared with 1893 at the port of New York alone. A little while ago a great deal of prattle went out through all parts of this country because in one of the Departments, by dismissing the seed division of that Department, the expense of employing some 30 or 40 clerks was saved to the Government, and a gentleman, one of the economists of the House, all of last Congress was devoting himself to saving the expense of the salaries of 169 clerks in this very department of the Treasury.

How gentlemen plumed themselves upon this economy! And yet here we find an officer, with the apparent approval of that side of the House, certainly without any word rebuking him, assuming authority to increase the number of employees in one of the custom-houses of the country 169 and increasing the expenditures more than a quarter of a million of dollars. Not one word of condemnation from that side of the House! The gentleman from Missouri [Mr. DOCKERY] said that they were not responsible for what was done in this House or Congress. But, Mr. Chairman, they are responsible for this item of increased expenditure, because it is done through the power that is lodged in the Secretary and done by him, and, as I have said, without any comment upon that side. It is done, too, sir, in my judgment, under circumstances that are absolutely indefensible.

Compare the imports at that custom-house in 1893 with those of last year and you will find, Mr. Chairman, that they have decreased \$21,000,000. Twenty-one million dollars less of merchandise went through the hands of the custom-house officers at the port of New York in 1895 than there did in 1893. In 1893 to handle all this amount of \$548,000,000 of imports there were 1,733 employees. In 1895 to dispose of and care for \$477,000,000 of imports of all classes, dutiable and nondutiable, there were of employees at that port 1,922, an increase of 169, to dispose of a smaller volume of business; and that, too, at a great increase in the salaries of these men. I find that there are 66 examiners in the appraisers' stores at New York whose salaries have been increased, not by act of Congress, but by act of the Secretary, under that discretionary power that Congress gives to him. This \$850,000 of deficiency is not the amount that he requires, for under the estimates \$1,150,000 are necessary, he tells us, to make good this extraordinary expense for the payment of 268 officers in half a dozen custom-houses.

Mr. CANNON. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has eight minutes of his time remaining.

Mr. CANNON. I yield two minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Chairman, I am obliged to the gentleman from Illinois for yielding me this time. I just asked him to yield it for the purpose of resenting a statement, or rather an insinuation, I should say, put forth by the gentleman from Texas.

Mr. SAYERS rose.

Mr. HOPKINS. Do not interrupt the gentleman from Wisconsin.

Mr. SAYERS. You can not control me.

Mr. HOPKINS. You would be a better man if I did.

Mr. SAYERS. Possibly so; probably not. I ask unanimous consent that the gentleman may have five minutes so that I can disabuse his mind as to any intimation by me that the provision was improper. What I intended to criticize was the manner in which the appropriation was made; that is all.

Mr. COOPER of Wisconsin. That explanation is no explanation. It does not deceive or delude me at all as to what I thought the gentleman intended to convey by his remarks. There was but one construction to be put upon it. There was as much in the gentleman's manner as what he said, and it was to convey the impression, in connection with the river and harbor bill which was before this House under suspension of the rules, that there was in that bill what is known in common parlance as a "job."

Mr. SAYERS. I disavow any such meaning as the gentleman intimates.

Mr. COOPER of Wisconsin. The gentleman may disavow.

Mr. SAYERS. I meant that the appropriation ought to have been "\$3,000,000, or so much thereof as may be necessary."

Mr. COOPER of Wisconsin. He said that he called the attention of the House to the fact that this bill, which was before this House under suspension of the rules (with his fists clinched) was a bill to pay for the property of the Monongahela Company, and not one member in ten, or rather but very few, knew that it was there. What does that mean? What did that mean? That it ought not to have been there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask for one minute more.

Mr. CANNON. I yield it to the gentleman.

Mr. COOPER of Wisconsin. I simply wish to say that that provision in that bill was inserted upon grounds of high public policy. The Monongahela Company controls the traffic upon that river. It exacts a toll from the enormous tonnage of coal which passes down the river, and thereby adds to the cost of coal to the consumers of this country. The Committee on Rivers and Harbors investigated the subject and saw that there was a net income to that company running up into hundreds and thousands of dollars levied upon the consumers of coal. Therefore the committee, in its wisdom, after carefully looking into the whole matter, decided to insert a provision in the river and harbor bill whereby the Government could take proper proceedings in the United States courts to condemn the property and franchise of that company, so that if the award made by the court was, in the opinion of the Secretary of War, a proper one to be made—and not unless it was proper in the opinion of the Secretary of War—the property should be purchased and the commerce of that river relieved from the unjust burdens imposed upon it. [Applause.]

Mr. CANNON. In the remaining time that I have I want to say that I am going to ask this committee to stand by me in the consideration of this bill and to finish it to-night. It is desired tomorrow, as I understand, to take up the pension bill, and other business will crowd later in the week, and I desire that we shall send this the last appropriation bill to be passed by the House, with our compliments, to the Senate before we adjourn this evening. It is quite practicable to do it. [Applause.]

Now, as to this item, there has been a good deal of talk about it, but let me call attention for a moment to just what it is. It is \$850,000 in addition to the miscellaneous receipts and in addition to the permanent appropriation to collect the customs revenues for the balance of this fiscal year. That is over \$700,000 more than it cost to collect the revenues in 1892, when the revenues were far greater than they are this year. It comes from an increase in the number of officials; it comes from an increase of salaries in one custom-house alone of 163 employees. If the circumstances were reversed and a Republican Secretary of the Treasury had done this thing, it would furnish ammunition enough for the Democratic party to conduct a Presidential campaign upon. [Laughter. Applause on the Republican side.] That is all I want to say about it. I surrender the balance of my time and ask the Clerk to read.

The Clerk read as follows:

Building for Government exhibit, exposition at Atlanta, Ga.: The Secretary of the Treasury is hereby authorized and directed to transfer to the city of Atlanta, in the State of Georgia, all of the right, title, claim, and interest of the United States in and to the building erected for the Government exhibit at the Cotton States and International Exposition recently held in said city.

Mr. HEPBURN. Mr. Chairman, I should like to hear some explanation of this paragraph. Probably the gentleman from Georgia [Mr. LIVINGSTON] can give us some information as to why this provision is found in the bill.

Mr. CANNON. The gentleman from Georgia points to me, and I will try to explain it. This building cost about \$50,000.

Mr. LIVINGSTON. Forty-two thousand dollars.

Mr. CANNON. Forty-two thousand dollars, the gentleman from Georgia says. It is on a park near Atlanta. The Department asks for \$500 for the purpose of making a contract to move it off. Our experience in the sale and removal of buildings at Chicago shows that they bring practically nothing, and it seemed to the committee that it was proper enough to give this building to the city of Atlanta, and that the Government would not really lose anything by doing so.

Mr. LIVINGSTON. In addition to what the chairman of the Committee on Appropriations has said, gentlemen, it will be remembered that we got the small sum of \$200,000 for our exposition, and that we turned back into the Treasury about \$12,000 of that \$200,000. More than that, when the Government agents went down there they made up their minds that there was not money enough appropriated to do all the necessary work, and the people of the city of Atlanta and the exposition company went to work and graded the ground for that building. To make a long story short, the city of Atlanta and the exposition company spent \$83,000 there for the Government.

Mr. HEPBURN. For the Government exposition?

Mr. LIVINGSTON. Yes. They built a warehouse for the customs office and did a good many other things, believing that the Government appropriation would not cover them. Now, I would not put this donation upon that ground, but I do say that, with our experience at Chicago in regard to removing buildings, you can not advertise to sell that building and have it removed without it costing you more than you can sell it for.

Mr. HEPBURN. The gentleman can correct me if I am in error, but the people of Georgia, as I understand, do not approve of these expositions, do they?

Mr. LIVINGSTON. They do.

Mr. HEPBURN. When we had the national exposition a year or two earlier, did not the State of Georgia refuse to participate? Was not Georgia the only State that did not have a building there, and did not the whole delegation in Congress vote against the appropriation for that enterprise?

Mr. LIVINGSTON. The State of Georgia did not refuse to participate. Under the State constitution the legislature of Georgia is prohibited from making any appropriation for anything of that sort.

Mr. HEPBURN. Did not the gentleman from Georgia himself vote against the appropriation for that exposition?

Mr. LIVINGSTON. I did not vote against them all. I voted against some of them, but some of them I voted for.

The Clerk read as follows:

Payment to John Iffland: To pay John Iffland, of Port Townsend, Wash., for board and lodging of seven destitute and disabled seamen of the wrecked American schooner *C. G. White*, in August, 1895, two days, at \$2 per day each, \$28, and for conveyance from hotel to wharf, \$1; in all, \$29.

Mr. TERRY. Mr. Chairman, I move to amend by striking out the last word.

A great deal has been said in the debate here to-day in regard to the falling off in the revenues of this Government and the insufficiency of the revenues derived from the operations of the Wilson bill. I wish to call attention to the fact that for quite a number of years, despite the change in tariff laws, there has been a constant falling off in the revenues of the Government derived from customs. As compared with the fiscal year 1890, the receipts for 1891 from customs fell off \$10,146,379.34. For that same year there was an increase of \$57,636,198 in the ordinary expenses of the Government. Again, as compared with the fiscal year 1891, the receipts for 1892 for customs fell off \$42,069,241. That was under the McKinley law. As compared with the fiscal year 1893, the receipts from customs for 1894 fell off \$71,536,486. That, too, was under the McKinley law. There had been a slight increase at one time. As compared with the fiscal year 1894, the receipts for 1895 from customs increased \$20,340,086.

Now, Mr. Chairman, the point I desire to make is this, that independently of the McKinley bill (because there was a falling off before it was enacted)—independently of the Wilson bill (there was a falling off before it was enacted)—independently of any of these bills, there is a constant cause in operation that has produced this falling off. When you diminish the capacity of the people to purchase and pay for goods, whether foreign or domestic, there is going to be a falling off in your receipts. Not only was there this falling off in the receipts from customs duties on foreign goods, but there was a falling off in the sale of American goods which resulted in the shutting up of a great many manufactories.

So, gentlemen, there is a constant cause, operating independently of any of these tariff laws, to bring about a constant result—a paralysis of business, a crippling of the Government, and a decreased demand for labor and all its products—and that result, in my judgment, is due to the policy which the majority of the Republican party insists upon continuing to the injury of the people of the country; that policy which the Republican party first foisted upon the people in 1873, and which the great majority of that party continues to advocate, namely, gold monometallism and all its train of attendant evils. That is the real trouble with this country, and Republican so-called "protection" can only aggravate the mischief by throwing almost the entire burden of the gold standard and unequal taxation upon the backs of the farmers and the producing classes, who get no benefit from your McKinley laws.

Mr. BAKER of New Hampshire. I move pro forma to strike out the last two words.

Mr. Chairman, the gentleman who has just taken his seat [Mr. TERRY] says that whenever the capacity of the people to purchase is diminished the revenues will necessarily be reduced. If he can point to any instance in which the capacity of the American people to purchase has been reduced as under the Wilson-Gorman bill he can have my time in which to make the statement. Neither he nor any other man can point out any such instance. I wish, however, particularly at this time to refer to the section which has been under discussion to-day, providing an additional appropriation for defraying the expenses of collecting the revenue from customs. It was my privilege in the second session of the last Congress to call attention to the increasing deficiency under this head. Back in the seventies and in the eighties there was practically no deficiency for defraying the expenses for collecting the revenue from customs. It is true, as was stated by the gentleman from Texas [Mr. SAYERS], that the amount which could be used for that purpose has been diminished by the passage of the antismuggling law of 1874 and some other acts; but taking all such matters into consideration, there has still been a general increase in these expenses for some years past; and they are augmenting each and every year.

Under this head, in the Fiftieth Congress, there was in both sessions only \$480,000 of deficiency required; in the Fifty-first Congress only \$685,000; in the Fifty-second Congress \$950,000 was

required; and in the very first regular session of the Fifty-third Congress (I have not the complete figures for the whole Congress) the deficiency appropriations passed by this House aggregated more than \$500,000. And now, here in the very first year of this Congress, the Secretary of the Treasury asks for an appropriation which, with that already made in the urgent deficiency bill, amounts to \$1,235,000 as deficiency in this one matter of collecting the revenue from customs.

Mr. Chairman, this is a case of downright extravagance. It involves an increase of salaries of men who are useless; it involves the addition of nearly 300 to the list of employees. No one can justify this increase. No one on the other side has really attempted to justify it. It is simple extravagance of magnificent proportions for the purpose of keeping Democrats in office. I think that this House should as speedily as possible take some direct action to curb the extravagance of the Treasury Department in this regard. If not, in addition to the \$885,000 already appropriated, and nearly an additional million added from general sources, we shall find in the near future, before this Administration closes, that it will take a million and a half or two million dollars of deficiency to meet the extravagant demands of the Treasury Department. I hope the committee at the next session, if not at this—and I pray that they may take it into consideration at this session—will pass some act which will prevent a repetition of this extravagance.

The Clerk read as follows:

PUBLIC BUILDINGS.

For old custom-house at Louisville, Ky.: For outstanding liabilities, expenses incident to sale of old custom-house, \$911.66.

Mr. EVANS. Mr. Chairman, I would ask the chairman of the Committee on Appropriations to pass this item over for the present informally, as I have one or two items that I think ought to be included and which seem to have been omitted by mistake.

Mr. CANNON. I would say to the gentleman from Kentucky, if it so turns out it can be attended to by the Senate. I want to finish the bill to-night, if possible.

Mr. EVANS. I do not want to impede the progress of the bill, but this is a matter of some importance that ought to be included.

Mr. CANNON. Has the gentleman another estimate than that furnished already?

Mr. EVANS. I hope to have one during the course of the afternoon.

Mr. CANNON. Well, we can turn back, if correction be necessary.

Mr. EVANS. I would like to pass this over informally.

Mr. CANNON. Oh, there is no doubt that we can get back to it if necessary. I ask unanimous consent that the gentleman from Kentucky may be permitted to turn back to the item, if desired, hereafter.

Mr. EVANS. That is entirely satisfactory to me.

Mr. CANNON. I presume there will be no objection.

Mr. LEWIS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert in line 21, page 17 of the bill, after the word "cents," the following: "For unpaid liability allowed by the proper accounting officers of the Treasury Department and certified by the Secretary of the Treasury to the present Congress for payment, \$1,000 for use of the court-house of Meade County, Ky., as barracks by the Government of the United States of America, which is directed to be paid to the presiding judge of the county court of said county for use of said county; and for unpaid liability, allowed by the proper accounting officers of the Treasury Department and certified to the present Congress for payment by the Secretary of the Treasury, \$1,696.66 for the use of the court-house of Taylor County, Ky., as barracks by the Government of the United States of America, to be paid to the presiding judge of Taylor County court for the use of said county."

Mr. CANNON. Mr. Chairman, I must make the point of order upon this proposition. There is no estimate certified here for it.

Mr. LEWIS. I understood the gentleman to say that he would not make the point of order.

The CHAIRMAN. If the point of order is made, of course the Chair will have to sustain it.

Mr. LEWIS. I desire to be heard on the point of order. We have already passed, on the fifteenth page of this bill, a paragraph in the following words:

Payment to Pennsylvania Railroad Company: To pay the claims of the Pennsylvania Railroad Company and its leased lines, certified in Senate Executive Document No. 6, third session Fifty-third Congress, \$14,378.93.

Now the items that I ask to have inserted in the bill and paid are certified by the Secretary of the Treasury in Executive Document No. 234 to the Fifty-third Congress, and not only certified in that, but also in Senate Document No. 189 to this Congress for payment.

Now, if we can embrace in this bill a payment of fourteen thousand and some hundred dollars, certified to the Fifty-third Congress, to a railroad company, as I have just shown, I must confess that I do not understand how the point of order can be made to exclude or prevent the payment of a debt due to the people

of the State of Kentucky, a debt which the Government of the United States owes them beyond all question.

This debt has been pending for many years, and it is a just and honest debt of this Government. The people of Kentucky pay into the Treasury of the United States \$30,000,000 a year in revenues, and I submit that no pretext against the payment of this paltry sum should be set up on the part of this Government.

But it is said that there is not money enough in the Treasury; that the expenditures of the Government exceed the receipts, and consequently it cannot pay its debts. That is a new plea to me, Mr. Chairman. I was licensed to practice law in 1863, and have been trying to do something in the business ever since until elected a member of this House, and have occupied my seat on this floor and I never yet knew, in all of that time, a man sued for a debt who made the plea that he did not have anything; that he had no, any money to pay it, and hence judgment ought not to go against him. I do not think that any court in Christendom would regard such a plea as of the slightest possible value, and I am only demanding here the right of the people that I represent at the hands of the Congress of the United States. The proper officers of the Government—the Government itself—acknowledge the use of the property, and that the money is justly due.

Appropriations have been made to pay similar claims to the people of this country for twenty-one years; in fact appropriations were never refused to the people until the Democratic Congress—the Fifty-third Congress—so celebrated in the history of America, in order to make a sham and bogus pretext of economy, refused to pay them. And this Republican Congress will be asked to follow the example of the Fifty-third Congress and refuse to pay this little sum due to the loyal people of Kentucky, a people who are putting into the Treasury of the United States to-day, to pay the expenses of the Government, \$30,000,000 a year. Will you refuse a debt that you owe them? You can not do it honestly, and I stand here representing my people to denounce the act, if it is refused, as dishonest, unjust, and a shameless repudiation, which is a disgrace not only to the Congress of the United States, but would be a disgrace to any American citizen in any part of this country.

The CHAIRMAN. The only question is whether this is included in the estimate. The Chair will hear the gentleman from Illinois on the subject.

Mr. CANNON. Well, Mr. Chairman, I will not make the point of order. The gentleman has made a speech upon the merits, and now I think if I can be heard for five minutes the committee will be ready to vote, if nobody makes the point of order.

Mr. LEWIS. If they can pay this railroad company \$14,000 upon a claim certified here, why can they not pay these claims certified to the same Congress and again certified to this Congress in a Senate document.

Mr. CANNON. Mr. Chairman, if I can have the attention of the committee, I will say that this amendment covers one of many claims for the occupancy of court-houses in Kentucky, Missouri, and perhaps in other States.

Mr. WASHINGTON. In Tennessee.

Mr. CANNON. The principle would apply to all the States in the late war.

Mr. NORTHWAY. The claim dates back to the time of the war?

Mr. CANNON. Certainly. It arises out of the occupation of these court-houses by troops, as they were marching through the country and within the enemy's lines.

Mr. LEWIS. No; Kentucky was not within the enemy's lines.

Mr. CANNON. Well, I think sometimes it was, and sometimes it was not. That is my understanding. But I will say—and I want the attention of the committee—this class of claims, including these specific claims, were investigated fifteen years ago by the Treasury Department, and turned down and rejected by Comptroller Upton. There they slept the long sleep until the late Mr. Mansur, of Missouri, was appointed Second Comptroller. When he was appointed Second Comptroller, as I recollect, in a general way, he took up these claims and reversed the former Comptroller; after a period of fifteen years, and audited these claims upon the ground that there was an implied contract between the United States and the court-house or court-houses, that the court-house or court-houses should be paid.

Well, it came up for consideration. It was duly certified to the last Congress. It was fully examined by the subcommittee on deficiencies in the House. The House rejected it. The Senate put it on by way of amendment. It went into conference. The conferees were Representative Breckinridge of Kentucky, the gentleman from Texas [Mr. SAYERS], and I believe I was there as a spectator on the part of the House.

Mr. SAYERS. And took your part in the proceedings, and were loyal to the conferees.

Mr. CANNON. Senator COCKRELL was chairman of the Senate conferees. I will not state what passed in that conference room,

but I do state that the matter was put so strongly by the gentleman from Kentucky and the gentleman from Texas, myself assenting with my brother conferees, that the Senate receded.

Now, this matter has been referred back to the present Comptroller, and in this document he says he can not reopen it unless he is authorized to do so by a resolution of Congress. I wish Comptroller Mansur had held the same way, because he reopened it after it had slept the sleep of death for fifteen years and passed it.

Now, my judgment is that the safer way is to leave this amendment out and for Congress to direct that the Comptroller reexamine these claims. You will say that the \$18,000 or \$20,000 for these two court-houses, or whatever the amount is, does not amount to much; but it establishes a principle which, in my judgment, will make the United States, by an implied contract, pay for the occupation of every court-house, every schoolhouse, and perhaps every church that was occupied by the troops during the late war.

Mr. LEWIS. I desire to state in response to the distinguished gentleman—

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. LEWIS. I ask a little time in which to respond to the gentleman. I should like ten minutes.

Mr. CANNON. Will not five minutes answer the gentleman?

Mr. LEWIS. Ten minutes. I will conclude my remarks inside of ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. LEWIS. The gentleman talks about "this class of claims," but in the executive document which I send to him, and which he has, it is shown that the whole amount of this class of claims for the whole country is only \$63,000. Now, they have put into this bill without complaint—there was a good deal of debate, but it has been passed—an item of \$800,000 to meet deficiencies, as they call them, in paying the expenses of the customs service.

For twenty-one years these appropriations were made upon these claims, certified here to Congress by the Treasury Department, without objection. They have already paid other counties in Kentucky outside of my district for the use of court-houses, and I want to say to the House of Representatives here that because the Federal Government took these court-houses of Meade County and Taylor County, for which I am asking this appropriation, because they used them as barracks, when the Confederates passed through Kentucky in 1862 they burned both these court-houses and destroyed them. They are poor counties. The people of those counties have been taxed \$15,000 to \$20,000 to build new court-houses. They do not expect to get pay for the court-houses, but for the use of them by the Government that caused them to be destroyed. They do ask the Government to pay them a reasonable rental for the time they used them as forts against the public enemy. That is all they ask.

Now, I do not know what this Comptroller of the Treasury might have done, reversing another Comptroller; but I do know that it is regularly certified to the Congress of the United States in the usual manner for payment, not \$16,000, as the gentleman from Illinois says, but in the case of Meade County \$1,000, and of Taylor County \$1,666.66. That is all that is asked for—\$2,666.66.

Mr. STEELE. Is that all the appropriation you are asking for?

Mr. LEWIS. That is all I am asking for. And I want to say further that it is already certified in a Senate document to the present Congress for payment in the document that I sent to the gentleman; and the gentleman is paying in this deficiency bill to this great railroad company—and if it is right they ought to have it—upon a certificate exactly the same as this to the Fifty-third Congress, over \$14,800, and yet he stands in the attitude of objecting to and refusing to my people, a patriotic people, a paltry sum, when they pay into the Treasury \$30,000,000 in revenue every year, helping to pay this railroad company and other creditors of the Government. He says further that Mr. Breckinridge objected to this in the Fifty-third Congress. Well, I have nothing to say about Mr. Breckinridge. I stand here to say that Mr. Breckinridge does not speak for the Fourth Congressional district, nor does he speak for any part of the people of Kentucky at this time. I do not think that this House will follow Mr. Breckinridge's advice and the example of the Fifty-third Congress in this matter.

I stand here representing a people who were loyal, and always loyal, and who always will be loyal, to the country and to the flag; a people who sent 128,000 brave men to fight the battles of this country, and whose support turned the scales in favor of the Union and the Government of this country. I am simply asking justice for them. When a mere schoolboy I remember the issue in Kentucky, and I heard the great secessionist, John C. Breckinridge, trying to persuade the people of Kentucky to go into secession; and I heard that great man and statesman and leader, John J. Crittenden, appealing to the people. I heard Crittenden say to the people of Kentucky, "Stand by the Union; stand by your Government; stand by the flag; try it, try it, and try it again.

If one Congress will not do you justice, another will." The people of Kentucky followed Crittenden and did stand by the flag and the Government. And I am here to-day asking only justice of this Congress for my people. You may deny it; but the people of Kentucky will still be true and loyal; and if this Congress will not do us justice, they will, following the advice of Crittenden, try another and try again, until the people send here a Congress that will do justice and pay just claims against the United States, a Congress that will despise, as they ought to, repudiation or anything that looks like favoring repudiation of just obligations. [Loud applause.]

Mr. CANNON. I move to strike out the last word, and will not take over a minute. Let us understand what this amendment means. I should be glad to vote an appropriation to the gentleman from Kentucky, eloquent and splendid as he is in his advocacy of his amendment. I believe I would on account of the speech he made. But let us see. If we put this appropriation in we establish the principle that it was an implied contract between the Government of the United States and the county authorities that the value should be paid and the damages should be paid for every court-house occupied by the Army during the war, if it was injured. Now, then, it may be that is a good law.

Mr. BAKER of New Hampshire. Will you allow me—

Mr. CANNON. Comptroller Upton said fifteen years ago it was not good law, and it slept the sleep of the dead until Comptroller Mansur came in, and he on his own motion resurrected and reversed the decision of Comptroller Upton.

Mr. SAYERS. Will the gentleman permit me to say he did so over the protest and objection of the Auditor of the Treasury when he considered these claims in the first instance?

Mr. CANNON. Oh, certainly. The Senate tried to get another Comptroller to guess at it, and sent it to Comptroller Bowler, and he says without authority of Congress he has no power to review it, it having been passed upon by a Comptroller. Now, then, before this Congress adjourns I hope there will go on this bill or some other bill a definite provision that will send these cases to the Court of Claims, and let the principle be established, or we will send it for another opinion by the accounting officer of the Treasury; but I think we are not ready to establish the principle now. I am ready for a vote.

Mr. COX. Does not the principle involved include the occupation of churches, schoolhouses, and everything of that kind?

Mr. CANNON. In my opinion it does.

Mr. COX. What is the distinction that can be drawn between them?

Mr. DINGLEY. Why not private houses and all other places, thus paying for the damages of the war?

Mr. CANNON. I do not think private property would come within the principle.

Mr. COX. But churches and schoolhouses would.

Mr. CANNON. Certainly schoolhouses and court-houses would.

Mr. COX. And churches.

Mr. CANNON. And possibly churches on the same ground.

Mr. BAKER of New Hampshire. If I will draw an amendment will the gentleman accept it, that all claims not appropriated for go to the Court of Claims, with jurisdiction vested in that court to determine them in a judgment.

Mr. CANNON. I will say to my friend, no. There are all the intimations that are usually given that the Senate is ready to amend this bill by putting on these claims; and I will say to the gentleman that if the House honors me as a conferee I will do what I can to work out a re-reference of these claims, so that we can get the correct principle fully established and the cases disposed of.

Mr. BAKER of New Hampshire. But will the gentleman give the Court of Claims authority to pass upon these questions?

Mr. CANNON. It is not practicable here and now to prepare such a provision. I withdraw my amendment, Mr. Chairman.

Mr. LEWIS rose.

Mr. CANNON. How much time does the gentleman desire? If five minutes will satisfy him, I will ask that at the end of five minutes we may have a vote.

Mr. LEWIS. Mr. Chairman, I do not know, nor has it been explained, what Comptroller of the Treasury or what other official of this great Government certified this claim of \$14,883.93 of the Pennsylvania Railroad Company. Neither have I heard it proposed to refer that claim back or to refer it to the Court of Claims. That was certified to the Fifty-third Congress, just like the claim that I ask to have paid.

Mr. BRUMM. Has the claim which this amendment covers ever gone through the committee?

Mr. LEWIS. I think it has.

Mr. BRUMM. Not through the Committee on Claims; it may have gone through the Committee on War Claims.

Mr. LEWIS. I do not know; but at any rate it is here regularly; certified in the regular way.

Mr. BRUMM. But in this Congress has it gone through the regular committee?

Mr. LEWIS. I think not. It was certified, just as this railroad claim was certified. Now, in addition to what I have said, I want to say this. It would take just six of the claims that I ask to have paid to pay this railroad company's claim which is allowed in this bill. We stand in this Congress in the attitude of allowing that claim, which was certified to the Fifty-third Congress, and at the same time rejecting this claim of the people of Kentucky, which was certified to the Fifty-third Congress and which has been certified by the proper officers of the Treasury and by the Secretary of the Treasury to the Fifty-fourth Congress also. Gentlemen need not be scared about this opening up a channel through which the Government can be flooded with claims. This House has already passed bills carrying \$500,000,000, and if Uncle Sam can pack that load I am sure that this small pittance for the people of Kentucky, who give him thirty millions a year, will not break his back. [Laughter.] I am sure, too, that this Republican House, when the people of Kentucky have contributed five Representatives to the majority, and, barring myself, as good men as ever came to Congress, will not be guilty of the mean, the niggardly, the dishonest, the unjust discrimination of refusing them this paltry appropriation which is their due.

The question being taken on the amendment, the Chairman declared that the noes seemed to prevail.

Mr. LEWIS. I ask for a division.

The committee divided; and there were—ayes 32, noes 54.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 17, line 21, strike out "eleven" and insert in lieu thereof "sixty-one."

Mr. CANNON. That is a revised estimate.

The amendment was adopted.

Mr. LEWIS. Mr. Chairman, I now move to strike out the paragraph beginning on line 3, page 15, and ending on line 8, on the same page.

Mr. CANNON. I make the point that that paragraph has been passed.

The CHAIRMAN. The point of order is well taken. The Clerk will read.

The Clerk read as follows:

LIGHT-HOUSE ESTABLISHMENT.

Expenses of light vessels: For expenses of light vessels for the fiscal year 1894, to adjust the account of Commander M. R. S. Mackenzie, United States Navy, inspector of the Sixth light-house district, for expenditures made from the appropriation "Expenses of fog signals," 1894, for the services of the Davis Coast Wrecking Company in recovering and floating Rattlesnake Shoal light-ship, South Carolina, No. 34, held by the Commissioner of Customs not properly chargeable to said appropriation, \$2,000: *Provided*, That this shall not involve the further payment of money from the Treasury.

Mr. HARDY. Mr. Chairman, I move to strike out the last word. Something has been said to-day by my affable and distinguished friend from Missouri [Mr. DOCKERY] relative to the fact that the Republican party in this session of Congress has not repealed the Wilson tariff bill. I want to tell my friend that the Republican party in this session of Congress has its eyes in the front of its head. It looks ahead and does not, like a mule, kick behind. [Laughter.] We sometimes wonder here why, if our Democratic friends are possessed of such great foresight as they claim, they should have passed the Wilson bill in this House when they knew that it would be repudiated, absolutely repudiated, in the Senate of the United States and denounced and derided by the President.

The Republican party stands in this Congress ready to pass a tariff bill that will give every man labor, that will start every spindle running and every wheel turning, but it is not ready to waste its sweetness upon the desert air, knowing what will be done at the other end of the Capitol and at the other end of the Avenue. The Republican party is a party of foresight, and during thirty years of Republican rule never one bond was issued to pay the expenses of running this Government. Under the McKinley law and under every other law enacted by the Republican party we were always able to get revenue enough into our Treasury to pay the running expenses of the Government and to pay off besides over \$2,000,000,000 of public debt. The Democratic party, on the other hand, with all its boasting for the purpose of making political capital, has never paid off \$500,000,000 of the public debt from the day of Thomas Jefferson down to the present. [Laughter and derisive cheers on the Democratic side.] You may laugh, gentlemen, but you will sorrow after the St. Louis convention, when the Republican party, having nominated some great big protectionist who represents the protective tariff policy, who represents sound and honest money, while you are struggling and fighting in your Chicago convention, splitting and dividing off and scattering yourselves to the four winds of the earth, the Republican candidates will be in the field and will be running on to victory. [Loud applause on the Republican side.]

The Clerk read as follows:

That on and after July 1, 1896, all expenditures on account of the Reform School for Boys, the Girls' Reform School, and the board of children's guardians shall be made by the Commissioners of the District of Columbia upon itemized vouchers approved by the auditor of the District and certified by the Commissioners, as required by the act of June 11, 1878, in the case of other expenses of the government of the District of Columbia. And all acts or parts of acts providing for treasurers for the institutions herein named are hereby repealed, to take effect June 30, 1896.

Mr. CURTIS of New York. I make a point of order on this whole paragraph.

Mr. CANNON. I will ask the gentleman whether he is determined to insist on that point of order?

Mr. CURTIS of New York. I am.

Mr. CANNON. Well, with the single statement that the legislation here proposed would give better service and save \$3,000, I will concede that the point of order is well taken and let the paragraph go out.

Mr. CURTIS of New York. Mr. Chairman—

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Accounts of Pay Director H. M. Denniston: The accounting officers of the Treasury are hereby authorized and directed to pass the voucher, under the appropriation "Pay, miscellaneous, 1895," from which it was paid by Pay Director H. M. Denniston, United States Navy, namely: For services of a detective agency, \$845.64.

Mr. WASHINGTON. I offer an amendment, to which I ask the attention of the chairman of the committee.

The Clerk read as follows:

Insert after the paragraph just read the following:

"Publication of records of the Continental Congress, together with all the official documents relating to the Revolutionary period now in the custody of the Secretary of State, and which have not heretofore been published, \$25,000, or so much thereof as may be needed, to be expended under the supervision of the Secretary of State."

Mr. CANNON. I will say to my friend from Tennessee [Mr. WASHINGTON] that this amendment is subject to a point of order; and I shall have to make it.

Mr. WASHINGTON. Of course, if the chairman of the committee makes the point of order, without allowing any discussion, I have no opportunity to explain the amendment; but if he will withdraw his point of order—

Mr. CANNON. If it were not so late, and if we did not want to finish the bill this evening—

Mr. WASHINGTON. My friend knows that I never take up time unnecessarily.

Mr. CANNON. I shall have to insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For allowance to the following contestants and contestees, audited and recommended by the Committee on Elections, for expenses incurred by them in contested-election cases, namely:

To H. R. Belknap, \$2,000;
To L. E. McGann, \$1,522.86;
To James E. Cobb, \$2,000;
To W. F. Aldrich, \$2,000;
To G. A. Robbins, \$2,000;
To H. St. George Tucker, \$1,971.96;
To G. W. Cornett, \$1,350;
To J. L. McLaurin, \$2,000;
To C. A. Swanson, \$1,350;
To D. B. Culberson, \$750;
To Oscar W. Underwood, \$2,000;
To George P. Harrison, \$2,000;
To Joshua E. Wilson, \$2,000;
To Asbury C. Latimer, \$2,000;
To Miles Crowley, \$2,000;
To William Elliott, \$2,000;
To J. W. Stokes, \$2,000;
To John I. Rinaker, \$2,000;
To W. C. Owens, \$1,993.05;
To John W. Maddox, \$2,000;
To Truman H. Aldrich, \$2,000;
To Albert T. Goodwyn, \$2,000;
To James C. Spencer, \$350;
To A. M. Newman, \$350;
To John S. Williams, \$175;
To Peter J. Otey, \$1,350;
To Jerome C. Kearby, \$2,000;
To A. J. Rosenthal, \$2,000;
To Jo Abbott, \$2,000; in all, \$49,162.87.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 66, in lines 13 and 16, strike out "three" and insert "seven."

On page 67, in line 7, strike out "three" and insert "five."

On page 67, in line 15, strike out "forty-nine" and insert "fifty."

The CHAIRMAN. Without objection, these amendments will be agreed to.

Mr. DOCKERY. I understand that Election Committee No. 2 have not yet certified to the Committee on Appropriations the expenses of either contestants or contestees, but that the Committee on Appropriations will investigate the certification to be hereafter made, and will send the items to the Senate for consideration.

Mr. CANNON. Yes, sir.

The question being taken, the amendment of Mr. CANNON was agreed to.

The Clerk read as follows:

To pay Charles Carter and Erastus Green for caring for subcommittee rooms of the Committees on Appropriations and Ways and Means, \$75 each, \$150.

Mr. PICKLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the paragraph just read the following:

"To pay W. H. Blanchard, as extra compensation for services rendered as assistant clerk to the Committee on Invalid Pensions during the first session of the Fifty-fourth Congress, \$500."

Mr. CANNON. That is the usual provision for the assistant clerk of that committee.

The amendment was agreed to.

The Clerk read as follows:

To pay L. B. Cook, George Winters, B. W. Goudelock, C. L. Williams, Edwin Giddings, and Ralph M. Dale, each, the difference between \$1,200 and \$1,100 per annum, as conductors of the elevators, from July 1, 1894, to July 1, 1896, \$900.

Mr. CANNON. To correct an error I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 69, in line 16, after the words "eighteen hundred and ninety-six," strike out "six" and insert "eight."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For Life-Saving Service, \$585.67.

For supplies of light-houses, \$16.56.

For expenses of buoyage, \$98.95.

Mr. EVANS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend in line 6, page 75, of the bill by inserting the following words:

"For repaying to the State of Kentucky the sum of \$22,022.31, amount due said State for expenses incurred in raising troops during the war of the rebellion, as reported in Senate Document No. 75, Fifty-fourth Congress."

Mr. CANNON. Well, I think I must make the point of order on that amendment. We have had nothing certified to the House, as far as I am aware, in this matter.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. EVANS. Is there any provision of the rule—if so, I would be glad if the gentleman will point it out—that requires a matter of this kind to be certified to the House before it can be considered by the House?

Mr. CANNON. I will state to the gentleman that the law requires that the audited accounts shall be certified to Congress for consideration. The Senate has a way of at times getting certificates that the House does not get, and acting upon them; and the best way, when they do get such matters, is to let them perform. The House is not in the habit of dealing with these matters until they come to it in the shape of audited and certified accounts.

Of course I have not given this matter any examination; knew nothing about it until this moment, and had had no opportunity, according to my recollection, of giving it any examination. But it seems to me that under the rule it is not before the House, under the law, as a certified claim.

Mr. EVANS. I will address myself entirely to the point of order raised by the gentleman from Illinois, because if there is any rule that forbids such an amendment to the bill it is a rule that has entirely escaped my observation.

Here is a claim from the State of Kentucky; a claim that is reported by the Auditor of the Treasury Department to be, on a certain calculation, a justly due claim to the amount of \$22,022.31. That document, in which this claim is embodied, is an executive document sent to the Senate, and the paper in question is signed by T. Stobo Farrow, Auditor. The communication is addressed to Hon. John G. Carlisle, Secretary of the Treasury, and sets forth these various claims of the States in a table which appears in the paper.

I have no doubt that the amount is due and that it has been due for many years.

Mr. CANNON. What is the date of this certificate to which the gentleman refers?

Mr. EVANS. The Secretary's letter, transmitting this matter to the President of the Senate, is dated January 15, 1896, and as to the certificate of the Auditor, I do not know the date, as it is not appended.

Mr. CANNON. I think that is hardly a certification in terms under the rule that we adopt here, but if the gentleman will permit me I will examine the document.

Mr. EVANS. Here is the document.

Mr. CANNON (after examining the paper). I find, if the gentleman will allow me, the following language:

Under the proposed modifications as suggested by the Second Comptroller (Exhibit B) and as directed by the order of February 8, 1893, the claims of but

one State, New York, were examined, when, on March 29, 1893, the Secretary of the Treasury issued the following order:

"TREASURY DEPARTMENT, March 29, 1893.

"Respectfully referred to the honorable Second Comptroller. Upon further consideration I approve the recommendation of Assistant Secretary Lambertson, and decline to modify the rules as suggested by the Second Comptroller. The order of Secretary Foster of February 8, 1893, heretofore attached, is accordingly revoked.

"J. G. CARLISLE, Secretary."

Then further on I find the following language:

On receipt of the order of March 29, 1893, further examinations ceased.

Taking now as a provisional standard the modifications suggested, there would be due to the several States the following sums if the proposed change in the rules should finally be adopted:

The trouble is that Mr. Foster adopted one rule and Mr. Carlisle revoked it. Now, the Auditor says that if the Foster rule were adopted the account, which he appends, including the amount that the gentleman has fixed in his amendment for the State of Kentucky, would be due.

But it does not come within the provisions of the law, and is so far a mere claim. It is not audited as the rule requires, and the Chair understands the distinction where the law calls for a certification. It is not ascertained and certified under the law for the consideration of Congress. The gentleman will see for himself that that is the exact condition. It is a mere communication to the Senate, and not an audited claim. On its face it shows that it never was audited, as the Chair will see on examination.

The CHAIRMAN. On the statement of the gentleman from Illinois the Chair must sustain the point of order.

Mr. EVANS. The gentleman does not point out any provision under our rules requiring that an amendment shall be based on an audited claim.

Mr. CANNON. Our rules now provide, in the first place, the general rule, that we shall care for the service of the Government of the United States for the coming year and for the present year, and then the custom obtains of appropriating for deficiencies of former years where they have been adjudicated. An audited claim stands on the same ground as a judgment of the Court of Claims, but until they have been so audited we do not take cognizance of them in the deficiency appropriation bill.

The CHAIRMAN. The point of order is sustained, and the Clerk will resume the reading of the bill.

The Clerk resumed and completed the reading of the bill.

Mr. HOWE. I ask unanimous consent to return to line 10, page 68.

Mr. CANNON. The gentleman wishes to recur to page 68 of the bill.

The CHAIRMAN. Unanimous consent is asked to recur to page 68, line 10. Is there objection?

There was no objection.

Mr. HOWE. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 10, page 68, the following:

"To pay D. S. Porter, for extra services as assistant clerk Committee on Pensions, \$500."

Mr. CANNON. That is the usual appropriation to the assistant clerk of that committee.

The amendment was agreed to.

And then (on motion of Mr. CANNON) the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved: That on Tuesday, after the reading of the Journal, it shall be in order to take up House bill 8271 and discuss the same in general debate until after the reading of the Journal Friday, when the previous question shall be considered as ordered and the vote shall be taken on the bill.

Mr. ALLEN of Mississippi. What bill is that?

Mr. HENDERSON. The general pension bill.

Mr. McLELLAN. Does the gentleman propose in this rule to discuss the bill under the five-minute rule?

Mr. DINGLEY. No; the resolution provides for general debate.

Mr. McCLELLAN. The effect of this resolution would be to shut out all amendments.

Mr. PICKLER. This provides for general debate. It is in the power of the House to make such order as it may desire for debate in addition to this.

Mr. LIVINGSTON. Why not specify now what time shall be devoted to the consideration of the bill by paragraphs, so there will be no mistake about the matter?

Mr. CURTIS of New York. Is it understood that general debate shall be continued until Friday?

Mr. PICKLER. Yes.

Mr. CURTIS of New York. Tuesday, Wednesday, and Thursday. I should not think it would be necessary to have so long a time as that.

Mr. PICKLER. It is probable that an election case will come in somewhere during that time. Provision is intended to be made for that.

Mr. CURTIS of New York. Oh, if you introduce other matters—

The SPEAKER. The Chair desires to say that under this order he would of course rule that the general debate would continue until the close of Thursday, and that a vote would be taken on the bill as a whole the next day. It is proper that the Chair should make that statement.

Mr. LIVINGSTON. Then I insist upon the gentleman setting apart a portion of this time for debate under the five-minute rule, so that we can offer amendments if we want to.

Mr. CURTIS of New York. Give us the last day.

Mr. LIVINGSTON. Give us the last day.

The SPEAKER. Is a second demanded? The Chair hears none.

Mr. COX. I want to understand what is the character of the proposition? What is the point?

The SPEAKER. It is a pension bill, which is numbered in the resolution H. R. 8271.

Mr. COX. Mr. Speaker, a parliamentary inquiry. How far does that bill go? What is the proposition involved?

Mr. PICKLER. It relates to the administration of the Pension Office.

Mr. CANNON. Why should we not have a vote, Mr. Speaker?

The SPEAKER. As many as are in favor of the motion to suspend the rules and pass the resolution will say "aye."

Mr. ALLEN of Mississippi. I demand a second.

The SPEAKER. The Chair asked if a second was demanded, and no one asked for it. The question is on suspending the rules and passing the resolution.

The question was taken.

On a division (demanded by Mr. ALLEN) there were—ayes 62, noes 5.

Mr. ALLEN of Mississippi. No quorum, Mr. Speaker.

The SPEAKER. The Chair thinks there is plainly no quorum present.

And then, on motion of Mr. DINGLEY (at 6 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. L. Tuggle against the United States, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3012) to fix the pay, allowances, tenure of office, and rank of the veterinary surgeons of the United States Army, reported the same with amendment, accompanied by a report (No. 1372); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 1496) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry, reported the same with amendments, accompanied by a report (No. 1375); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD, from the Committee on the Public Lands,

to which was referred the bill of the Senate (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama, and of the Tuskegee Normal Industrial Institute, reported the same with amendment, accompanied by a report (No. 1376); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LORIMER, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 4176) to extend the uses of the mail service, reported the same with amendments, accompanied by a report (No. 1382); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. DOLLIVER, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898, reported the same with amendment, accompanied by a report (No. 1381); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 3295) for the relief of John K. Dixon, of Portsmouth, Ohio. (Report No. 1369.)

By Mr. MARSH, from the Committee on Military Affairs: The bill (H. R. 7282) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge. (Report No. 1370.)

The bill (H. R. 2600) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas. (Report No. 1371.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 2141) to increase the pension of Joseph Claire. (Report No. 1373.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 8048) granting a pension to Bethany Bostwick, daughter of John Bostwick. (Report No. 1374.)

By Mr. COUSINS, from the Committee on Foreign Affairs: The joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain. (Report No. 1377.)

The bill (S. 153) authorizing the persons herein named to accept certain decorations and testimonials. (Report No. 1378.)

The bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany. (Report No. 1379.)

The joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France. (Report No. 1380.)

By Mr. GRAFF, from the Committee on Claims: The bill (S. 1573) for the relief of Dr. S. A. Brown. (Report No. 1383.)

The bill (S. 306) for the relief of Thomas Chambers. (Report No. 1384.)

The bill (H. R. 7990) for the relief of Redick M. Ridgely, postmaster at Springfield, Ill. (Report No. 1385.)

The bill (H. R. 3375) for the relief of W. A. Walker, of Albuquerque, N. Mex. (Report No. 1386.)

The bill (H. R. 4538) for the relief of John Keefe. (Report No. 1387.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 3658) for the relief of Willbert Bowen, of Cripple Creek, Colo. (Report No. 1388.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry. (Report No. 1389.)

The bill (S. 2200) granting an increase of pension to William H. Morgan. (Report No. 1390.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 706) for the relief of Eugenia Wood. (Report No. 1391.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight. (Report No. 1392.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. MILLER of Kansas: A bill (H. R. 8314) to amend an

act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, and for other purposes—to the Committee on Indian Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 8315) to impose a tax upon and regulate the manufacture, sale, importation, and exportation of adulterated beer—to the Committee on Ways and Means.

By Mr. RUSK: A bill (H. R. 8316) to amend the charters and enlarge the powers and franchises of certain railway companies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENDERSON: A bill (H. R. 8317) donating one condemned cannon and four pyramids of condemned cannon balls to O. R. Whitman Post, No. 346, Grand Army of the Republic, Lamont, Buchanan County, Iowa—to the Committee on Naval Affairs.

By Mr. BRODERICK: A bill (H. R. 8318) to amend the acts relating to the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8319) granting a pension of \$8 to officers and enlisted men of the military and naval services of the United States—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 8320) for the improvement of the public service, by optional and compulsory retirement of certain Government employees, and for the creation of a fund for the benefit of such employees, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. TOWNE: A bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK (by request): A bill (H. R. 8322) to incorporate the United States Annuity Company, of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. BAKER of New Hampshire: A bill (H. R. 8323) granting condemned cannon, carriages, and balls to Nelson Post, No. 40, Grand Army of the Republic, Bristol, N. H., for monumental purposes—to the Committee on Naval Affairs.

By Mr. BABCOCK: A bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin—to the Committee on Naval Affairs.

Also, a resolution (House Res. No. 260) relating to the employment of stenographers and typewriters on the Committee on the District of Columbia—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8047) for the relief of William J. Norton—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 8052) granting a pension to Elizabeth Horrah, widow of Thomas Horrah—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8063) for the relief of Eliza Percival—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Alabama: A bill (H. R. 8325) for the relief of Sylvania A. Brown, only surviving heir of the late Lieut. Col. William A. McCartney, of the One hundred and thirty-third Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 8326) to remove the charge of desertion against the military record of James W. McKachney—to the Committee on Military Affairs.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8327) to remove the charge of desertion against the name of John M. Lockry, late of Company L, Fourth Michigan Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 8328) to increase pension of John D. Craig—to the Committee on Invalid Pensions.

By Mr. COFFIN: A bill (H. R. 8329) granting an honorable discharge to George W. Speake—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 8330) to increase the

pension of Susan R. Knight—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 8331) granting an increase of pension to Adam Crawshaw—to the Committee on Invalid Pensions.

By Mr. DANFORD: A bill (H. R. 8332) for the relief of James Starkey—to the Committee on Military Affairs.

By Mr. FENTON: A bill (H. R. 8333) for the relief of Darius Adkinson—to the Committee on Military Affairs.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8334) for the relief of Samuel G. Cook, of Echo, Pa.—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 8335) for the relief of Jacob Cohen—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 8336) granting a pension to Daniel Sullivan—to the Committee on Invalid Pensions.

By Mr. LINNEY: A bill (H. R. 8337) for the relief of G. L. Smoot, of Wilkes County, N. C.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8338) for the relief of Hezekiah A. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8339) for the relief of J. Washington Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8340) for the relief of L. L. Coffey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8341) for the relief of Rebecca E. Coffey, of Wilkes County, N. C.—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 8342) for the relief of Thomas W. Caldwell—to the Committee on Military Affairs.

By Mr. PRICE: A bill (H. R. 8343) to remove the charge of desertion against Randall Smith, late a landsman on the U. S. S. *Magazine*, *Arizona*, and *Sachem*—to the Committee on Naval Affairs.

By Mr. PUGH: A bill (H. R. 8344) granting an increase of pension to Kitty F. Musselman—to the Committee on Invalid Pensions.

By Mr. RAY: A bill (H. R. 8345) granting a pension to Henry S. Murray, late private Eighth New York Independent Battery—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 8346) for the relief of Nicolai Bros.—to the Committee on the District of Columbia.

By Mr. SPALDING: A bill (H. R. 8347) to remove charge of desertion from record of Conrad Springer—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: A bill (H. R. 8348) granting a pension to Charles F. Hamme—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 8349) to remove the charge of desertion standing against Dennis Fitzpatrick—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Resolutions of citizens of Wisconsin, relating to the Armenian outrages—to the Committee on Foreign Affairs.

By Mr. BARRETT: Petition of the Boston Merchants' Association, of Boston, Mass., urging the establishment of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boston Merchants' Association, favoring the enactment of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. BLUE: Resolution of the Commercial Club of Newton, Kans., in favor of a bankruptcy law—to the Committee on the Judiciary.

Also, resolution of the Commercial Club of Newton, Kans., in favor of Senate bill No. 2447, creating a department of commerce and manufactures—to the Committee on Manufactures.

By Mr. CLARK of Iowa: Petition of B. Tracy and others, of Brighton, Iowa, asking for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS (by request): Petition of D. D. Rorick and others, of Oxford Junction, Iowa, praying for favorable action on bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWTHER: Petition of 11 posts, Grand Army of the Republic, Department of Missouri, praying for the passage of House bill No. 1196, for the relief of soldiers and sailors and their heirs, formerly pensioned under the act of June 27, 1890, who have been dropped from the pension roll or who have been rated thereon at a lower figure, and establishing a standard of rating under said act—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Petition of the city council of the city

of Boone, Iowa, in behalf of the transmississippi and international exposition at Omaha—to the Committee on Ways and Means.

By Mr. HAINER of Nebraska: Petition of J. T. McKnight, of Brainard, Nebr., praying for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Petition of citizens of Francisville, Ind., in favor of bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HEINER of Pennsylvania: Petition of 200 citizens of Armstrong County, Pa., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of L. A. Hill and others, of Tabor, Iowa, praying for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HYDE: Petitions of citizens of Spokane, Spangle, and Lyman, State of Washington, against permitting the statue of Pere Marquette to remain in Statuary Hall—to the Committee on the Library.

Also, petition of citizens of La Camas, Wash., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: Petition of G. A. Sherwood and 41 others, of Emerald, Wis., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. KIEFER: Petition of the Minnesota State Historical Society, in favor of the Crandall bill, relating to public documents—to the Committee on Printing.

By Mr. KIRKPATRICK: Petitions of J. M. Cavaness, C. E. Moore, Adrian Reynolds, F. W. Frye, W. M. Jones, F. M. Hartley, and W. M. Graves, favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Resolutions of the New York Board of Trade and Transportation, asking for the enactment of a national bankruptcy law, known as the Torrey bill—to the Committee on the Judiciary.

By Mr. LINTON: Remonstrance and petition of citizens of New Chicago, Ill.; also of citizens of Millburn, Ill., respecting the Marquette statue—to the Committee on the Library.

Also, petition of E. C. Van Ness, of Owosso, Mich., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of merchants, manufacturers, and shippers; also petition of shipowners; also petition of marine insurance companies, all of San Francisco, Cal., for improvements in the harbor of San Francisco—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. F. Samford, of Chicago, Ill., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Resolutions of the Boston Merchants' Association, in favor of a national bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of the Boston Merchants' Association, in favor of the establishment of a department of commerce and manufactures—to the Committee on the Judiciary.

By Mr. McCREARY of Kentucky: Petition of Thomas W. Caldwell, to accompany House bill for his relief—to the Committee on Military Affairs.

By Mr. McCORMICK: Petition of Railroad Branch, Young Men's Christian Association of Long Island City, N. Y., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of South Omaha Stock Exchange, of Omaha, Nebr.; also of Black Hills Improvement Company, of Hot Springs, S. Dak.; also of city councils of Fremont, Plattsmouth, and Chadron, of the State of Nebraska, in favor of the transmississippi exposition at Omaha—to the Committee on Ways and Means.

By Mr. MILNES: Petition of Julia A. Mumford and others, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. MORSE: Petition of the Reformed Presbyterian Church of Wahoo, Nebr., in favor of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORTHWAY: Petition of 14 citizens of Ohio, praying for the passage of House bill No. 6851, appropriating unclaimed

pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of H. H. Crow and others, of Paulina, Iowa, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter; also in favor of bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. PHILLIPS: Petition of the Young Men's Christian Association of Butler, Pa., by J. B. Caruthers, secretary, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ROYSE: Petition of Jasper E. Lewis and 138 other veterans of the Union Army, citizens of South Bend, Ind., favoring the passage of a service-pension bill granting \$8 a month to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. SAUERHERING: Petition of 84 citizens of Wisconsin, in favor of the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SPALDING: Papers to accompany House bill to remove the charge of desertion from the record of Conrad Springer—to the Committee on Military Affairs.

By Mr. TERRY: Petition of the Press Publishing Company, of the State of Arkansas, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petition of Grange No. 37, Patrons of Husbandry, of Wayland, Allegan County, Mich., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of 50 citizens of Covert, Mich., against the acceptance of a statue of Pere Marquette—to the Committee on the Library.

By Mr. TOWNE (by request): Petition of citizens of Morrison County, Minn., protesting against the statue of Pere Marquette remaining in the Capitol of the United States—to the Committee on the Library.

SENATE.

TUESDAY, April 21, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. WOLCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will, without objection, stand approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the joint resolution approved April 10, 1896, directing the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me., a letter from the Chief of Engineers, United States Army, upon the subject; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, in compliance with the requirements of the joint resolution approved April 18, 1896, directing the Secretary of War to cause to be prepared and submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa, transmitting a report of the Chief of Engineers, United States Army, on the subject; which, on motion of Mr. ALLEN, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the joint resolution approved April 18, 1896, a report of the Chief of Engineers, United States Army, upon the survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio; a petition of the Paint, Oil, and Varnish Club of Chicago, Ill.; and a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. WILSON presented sundry memorials of citizens of the State of Washington, remonstrating against placing the statue of Père Marquette in Statuary Hall, and praying for its immediate removal; which were referred to the Committee on the Library.

Mr. McMILLAN presented the petition of Freeborn G. Smith and sundry other citizens of Washington, D. C., praying for the passage of Senate bill No. 1515, to incorporate the Columbia Telephone Company; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Manufacturers' Club of Detroit, Mich., praying for the speedy passage of the so-called Detroit bridge bill; which was ordered to lie on the table.

He also presented the petition of N. I. Moore and sundry other citizens of Moscow, Mich., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a petition of the Journeymen Stonecutters' Association of Sault Ste. Marie, Mich., praying for the passage of the so-called Allen bill, to prohibit convict labor on Government buildings; which was referred to the Committee on Education and Labor.

Mr. SEWELL presented a memorial of the Essex District Medical Society of Newark, N. J., remonstrating against the passage of Senate bill No. 1553, providing for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Methodist Episcopal Church of Elmer, N. J., a petition of the Presbyterian Church of Elmer, N. J., and a petition of the Methodist Episcopal Church of Cranbury, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of C. T. Russell, president of the Tower Bible and Tract Society of the United States, praying that that society be accorded the same rights in the mails as other publishers of religious literature under the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of the Board of Trade of Rawlins, Wyo., praying Congress to aid the transmississippi exposition to be held at Omaha, Nebr., in 1898; which was ordered to lie on the table.

Mr. GORMAN presented the memorial of S. P. Cook and sundry other citizens of Harford County, Md., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented the petition of Henry N. Rahn and sundry other citizens of Baltimore, Md., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of H. B. Hawkins, secretary of the Young Men's Christian Association of Hagerstown, Md., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KYLE presented a petition of the Young Men's Democratic Club of Massachusetts, praying for the adoption of a constitutional amendment permitting the election of United States Senators by a direct vote of the people; which was ordered to lie on the table.

Mr. HILL presented a resolution of the assembly of the State of New York, in favor of the passage of House bill No. 306, granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN ASSEMBLY, Albany, April 5, 1896.

On motion of Mr. Maccabe—

"Whereas a bill is now before the Congress of the United States granting pensions to soldiers and sailors confined in so-called Confederate prisons;

"Whereas many officers, soldiers, sailors, and marines of the Federal Army and Navy were confined in so-called Confederate prisons for a great length of time, suffering unusual hardships and contracting diseases and disabilities difficult to fully prove under existing pension laws;

"Therefore, for the purpose of doing justice to a specially deserving class of surviving veterans of the war,

"Be it resolved, That the senators and representatives of the State of New York, in legislature assembled, believe in the justice and equity of House bill No. 306, to those that served our Government as prisoners of war during the war of the rebellion, and request the Senators and Representatives from this State in the Congress of the United States to use their influence in favor of the passage of said bill.

"Resolved, That copies of these resolutions, properly attested, be transmitted by the secretary of state to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this State.

"By order of the assembly.

A. E. BAXTER, Clerk."

STATE OF NEW YORK,
Office of the Secretary of State, ss:

I have compared the preceding copy of resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 7th day of April, in the year 1896.

JNO. PALMER, Secretary of State.

Mr. HILL presented a petition of the New York Board of Trade and Transportation, praying for the enactment of a national bankruptcy law; which was ordered to lie on the table.

He also presented a petition of the Mohawk Chapter of the Daughters of the American Revolution of New York, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

He also presented sundry memorials of the Woman's Christian Temperance Union of Shelby County, Ind., remonstrating against the sale of beer on Ellis Island, New York; which were referred to the Committee on Immigration.

Mr. ALLEN presented a petition of the New York Produce Exchange, praying for the passage of House bill No. 8008, regulating the manufacture and sale of filled cheese; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the city council of Stromsburg, Nebr., praying Congress to aid the transmississippi exposition to be held at Omaha, Nebr., in 1898; which was ordered to lie on the table.

He also presented a petition of the Tower Bible and Tract Society, of Allegheny, Pa., praying that they be granted the same privileges in the mails as other publishers of religious literature under the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of the General Synod of the Evangelical Church of the United States, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. BRICE presented a petition of Encampment No. 124, Union Veteran Legion of the State Soldiers' Home of Erie County, Ohio, praying for the enactment of a per diem pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Civil Engineers' Club of Cleveland, Ohio, praying for the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a memorial of Erie Council, No. 92, Junior Order of American Mechanics, of Huron, Ohio, remonstrating against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Columbus, Ohio, praying for the enactment of legislation to secure better markets for grain, grain products, meats, and all manufactured products of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of Lodge No. 116, International Association of Machinists, of Lima, Ohio, and a petition of Marion Lodge, No. 90, International Association of Machinists, of Marion, Ohio, praying for an investigation into the treatment of employees of the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Mount Lookout Auxiliary of the Woman's Home Missionary Society of Cincinnati, Ohio, praying for the abolishment of the sweat-shop system; which was referred to the Committee on Education and Labor.

He also presented a petition of the Journeymen Stonecutters' Association of Tiffin, Ohio, praying for the enactment of legislation prohibiting convict labor on public buildings; which was referred to the Committee on Education and Labor.

He also presented a petition of the Postal Clerks' Association, Fifth Division, Railway Mail Service, of Terrace Park, Ohio, praying for the passage of the so-called railway postal clerks' bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Young Men's Christian Association of Dayton, Ohio, praying for the enactment of legislation to provide 1-cent letter postage, and also to restrict second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Cleveland Journal of Medicine, of Cleveland, Ohio, remonstrating against the passage of the so-called Loud bill, increasing the rate on second-class postal matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Journeymen Stonecutters' Association of Canton, Ohio, praying for the enactment of legislation prohibiting convict labor on public buildings, and also for the restriction of second-class postal matter; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance to report an amendment to the bill (H. R. 886) to amend section

3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits. I ask that the amendment be printed in connection with the bill, and give notice that at an early day I shall call up the bill for consideration.

The PRESIDENT pro tempore. Without objection, a new print of the bill will be ordered, to include the amendment now reported.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed and that the bill just reported shall take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 2769) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington will be postponed indefinitely and the bill just reported will take its place upon the Calendar.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1782) providing for the appointment by the Commissioners of the District of Columbia of the trustees of the Industrial Home School, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. QUAY on the 20th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the establishment off Fire Island, New York, of a first-class light-vessel with steam fog signal, and appropriating the sum of \$80,000 therefor, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4887) granting a pension to Sarah G. Ives; and

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2601) granting an increase of pension to Ambrose B. Carlton; and

A bill (S. 1898) granting a pension to Mrs. Marietta Hayes.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 1634) to grant pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers; and

A bill (S. 1395) granting a pension to A. M. Bliss.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 524) for the relief of Avery D. Babcock and wife, of Oregon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1652) for the relief of the estate of Charles M. Roberts, deceased, reported it with an amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 2637) granting a pension to Jane Christian Marye, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2414) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2538) for the relief of the Portland Company of Portland, Me., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2136) for the relief of Joel M. Bryan and Rebecca Bryan, deceased, by Joel M. Bryan, her administrator, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HARRIS on the 10th instant, providing for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Bowman Act, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, submitting a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2817) for the relief of the Atlantic Works, of Boston, Mass., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1181) to pay the heirs of the late John Roach, deceased, \$330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago*, *Boston*, and *Atlanta*, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 537) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 515) for the relief of Mrs. Ellen Sexton, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1010) for the relief of the owners and crew of the Hawaiian bark *Arctic*, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams; and

A bill (H. R. 3189) to increase the pension of John S. Cochenour.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1611) granting a pension to Clarissa E. Hobbs, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2645) granting a pension to Jane H. Vandever, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1791) granting an increase of pension to William H. Bennett; and

A bill (S. 1808) granting an increase of pension to George K. Morgan.

Mr. PEPPER. Some time ago I reported from the Committee on Pensions the bill (S. 1465) granting an increase of pension to Elijah A. Gilbert. The bill was accompanied simply by a statement recommending its passage. I now wish to file a supplemental report setting out the facts in connection with the claim. I ask that it may be printed and lie on the table.

The PRESIDENT pro tempore. The report will be printed under the rule.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 2342) granting a pension to Nancy E. Rowe, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2074) granting a pension to Sarah L. Hively, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 2763) granting a pension to Silas B. Hensley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2529) for the relief of Sarah E. Catton, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 3606) granting a pension to French W. Thornhill, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 572) for the relief of James Duke, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. HILL on the 15th instant, providing for the construction of tide gates in the causeway across Wallabout Channel, Brooklyn, N. Y., intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 708) to increase the pension of Albert Ellis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr., reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER. On the 14th of April the bill (H. R. 1181) for the relief of Maria E. Wilson was reported from the Committee on Pensions with an amendment, and on the next day it was recommitted to that committee. I am directed by the Committee on Pensions to report it back favorably with an amendment, as was recommended in the original report.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2711) granting a pension to Ira Harris, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 989) to place the name of Fannie Kautz, widow of August V. Kautz, deceased, late brigadier-general, United States Army, retired, on the pension roll at the rate of \$175 per month, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1124) granting an increase of pension to Albert B. Simpson, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, to secure to actual settlers the right to purchase at a price not exceeding \$2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 17th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing that any State having a claim or claims against the United States shall be given the right within one year to file a petition in the Court of Claims and have the same adjudicated and determined, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly, reported it with amendments, and submitted a report thereon.

PORTS OF DELIVERY IN COLORADO.

Mr. WOLCOTT. I am directed by the Committee on Finance, to whom was referred the bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., to report it favorably with an amendment. It is purely a local measure, recommended by the Treasury Department, having reference to the putting of the smelting works in different sections of the State of Colorado on an equality, so that they can all be bonded. I ask unanimous consent that the bill may be put upon its passage.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That Pueblo, Durango, and Leadville, all in the State of Colorado, be, and are hereby, made customs ports of delivery, and attached to the port of Denver, in said State, with all the rights and privileges now accorded by law to said port of Denver, the surveyor of customs of which port shall supervise the customs business at said Pueblo, Durango, and Leadville in the same manner and to the same extent as at Denver.

Mr. CARTER. The bill relates to a subject which the Senator from Idaho [Mr. DUBOIS] has had in charge to some extent, and I ask that it may go over until he comes in.

Mr. WOLCOTT. I shall be very glad indeed to move to reconsider its passage if the Senator from Idaho has the slightest objection. The bill, I think, does not touch at all the subject to which the Senator from Montana refers. It puts the smelters at Pueblo and Durango on an equality with the smelters at Denver.

I will state to the Senator in a word that Colorado is in the customs district of New Orleans. The Department refuses to put employees at smelting works in Colorado except where there are ports of delivery. Colorado is not on the border, it is not on the seacoast, and therefore can not be made a collection district. The smelters at Denver, that being a port of delivery, are permitted to bond their warehouses. At these other points, 120 miles away, where they are on an equal footing, they are not permitted to bond, and to give this permission is the only effect of the bill.

If the Senator from Montana sees fit to object, of course I have nothing to say, but I shall not have the slightest objection to a motion to reconsider, and I will myself make the motion, if that is hereafter desired.

Mr. CARTER. I understand that a contention exists between the Senator from Colorado and the Senator from Idaho relative to the sampling of lead ores at the border in Government sampling works, which is contended for by the Senator from Idaho, and the sampling at bonded smelters throughout the States, which is contended for by the Senator from Colorado.

Mr. WOLCOTT. The Senator is stating a contention which never has arisen, never has been voiced, and never has been suggested except by himself. The only point involved is the one I have indicated. The Senator is entirely mistaken.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CARTER. I ask that the bill may be passed over until the Senator from Idaho comes in.

The PRESIDENT pro tempore. There is objection, and the bill will be placed on the Calendar.

Mr. CARTER subsequently said: Upon inquiry I ascertain that no objection exists to the bill reported by the Senator from Colorado [Mr. WOLCOTT] from the Committee on Finance, and I renew the request for unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The bill has been read in full to the Senate.

Mr. WOLCOTT. There is an amendment from the committee. The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. The Committee on Finance report to add, at the end of the bill, the following as an additional section:

SEC. 2. And such other places in the State of Colorado as the Secretary of the Treasury may designate from time to time shall be ports of delivery, with all the privileges now accorded by law to the port of Denver, Colo., the surveyor of customs of which port shall supervise the customs business transacted at such places in the same manner and to the same extent as at Denver.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish customs ports of delivery at Pueblo, Durango, Leadville, and other places in Colorado."

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled Messages and Papers of the Presidents, to report it with an amendment. I ask that the joint resolution may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the quotas of Senators, Members, and Delegates of the House Miscellaneous Document No. 210, second session Fifty-third Congress, being a compilation the title of which is "Messages and Papers of the Presidents," be delivered by the Public Printer, when printed and ready for distribution, to the Superintendent of Documents. That the Senators, Members, and Delegates of the Fifty-fourth Congress be, and are hereby, authorized to designate to the Superintendent of Documents the names of persons to whom their respective quotas of said document shall be sent from time to time as the volumes are published.

The amendment of the Committee on Printing was to add the following proviso:

Provided, That in the distribution to the Senate and House of Representatives the fraction in each case shall be delivered to the compiler: *And provided further,* That the Public Printer shall bind in black half Turkey morocco one copy for the use of each Senator, Member, and Delegate in the Fifty-fourth Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

HANDBOOK OF EXPERIMENT STATION WORK.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of Experiment Station Work, of which 2,000 copies shall be for the use of the members of the Senate, 4,000 copies for the use of members of the House of Representatives, and 4,000 copies for the use of the Secretary of Agriculture.

COMMITTEE ON PACIFIC RAILROADS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GEAR January 30, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pacific Railroads be, and is hereby, authorized, in the course of the inquiries which are being made, to employ a stenographer and messenger, and that the expenses of the same be paid from the contingent fund of the Senate.

STENOGRAPHER TO COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from South Dakota [Mr. PETTIGREW] February 12, 1896, to report it favorably without amendment, and I ask for its present consideration:

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs be, and is hereby, authorized to employ a stenographer, the expense of the same to be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HILL. What is the object of the employment specified in the resolution?

Mr. PETTIGREW. I will state to the Senator from New York that I care nothing whatever about the resolution. I would just as soon have it go over or be rejected.

Mr. HILL. I do not care about objecting to it.

Mr. PETTIGREW. What the Committee on Indian Affairs needs is an assistant clerk. There is more work in the committee than one man can do. I have been hiring some one at my own expense during the entire session.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HARRIS. Is the resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate?

The PRESIDENT pro tempore. It is reported from that committee. Is there objection to its present consideration?

The resolution was considered by unanimous consent, and agreed to.

HEARING BEFORE COMMITTEE ON PATENTS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PLATT February 17, 1896, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Patents of parties interested in the bill (S. 1453) for the relief of Daniel Drawbaugh be paid from the contingent fund of the Senate.

HEARINGS ON UNIVERSITY OF THE UNITED STATES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. KYLE March 23, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee to Establish the University of the United States of parties interested in the bill (S. 1202) to establish a university of the United States be paid from the contingent fund of the Senate.

COMMITTEE ON CONSTRUCTION OF THE NICARAGUA CANAL.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN February 7, 1896, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That, when it may be so necessary, the chairman of the Committee on the Construction of the Nicaraguan Canal is authorized to employ a stenographer, whose compensation shall be paid out of the contingent fund of the Senate.

NATIONAL SANITARIUM IN NEW MEXICO.

Mr. DUBOIS. I am unanimously directed by the Committee on Public Lands, to whom was referred the bill (S. 2593) granting to the American Invalid Aid Society, of Boston, Mass., the abandoned Fort Stanton Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases, to report it favorably with an amendment, and I ask for its present consideration.

The bill was read, as follows:

Be it enacted, etc., That the abandoned Fort Stanton Military Reservation, and all the improvements thereon, situated in the Territory of New Mexico, be, and the same is hereby, granted to the American Invalid Aid Society, of Boston, Mass., upon the conditions that said society shall establish and maintain perpetually thereon a national sanitarium for the treatment of pulmonary diseases: *Provided*, That said society shall within two years from and after the passage of this act accept this grant and shall establish on said reservation a sanitarium for the purposes herein named; and whenever the said lands and buildings shall cease to be used by said society for the purposes herein provided the same shall revert to the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Public Lands was, in line 3, to strike out "Stanton" and insert "Marcy"; so as to read "the abandoned Fort Marcy Military Reservation."

Mr. GRAY. I do not understand that. Will the Senator state the meaning of it?

Mr. GALLINGER. In response to the Senator from Delaware, I will state that there is an incorporated association in the city of Boston entitled the American Invalid Aid Society. It consists of men like Dr. Edward Everett Hale, Hezekiah Butterworth—

Mr. GRAY. I understand that; but I ask as to the amendment.

Mr. GALLINGER. The amendment is simply to give the Fort Marcy Military Reservation at Santa Fe. It has been found that the Fort Stanton Military Reservation is a hundred miles or more from a railroad, and hence it is not applicable for the purposes of the society. The Fort Marcy Reservation is going to be given to the city of Santa Fe if it is not given to this very laudable purpose, and all parties are agreed that it is better to have the proposed amendment made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases."

PACIFIC RAILROADS.

Mr. PUGH. Yesterday I agreed to withhold the minority report of my colleague [Mr. MORGAN] adverse to Senate bill 2894, etc., until the majority report is ready to be presented by the chairman of the Committee on Pacific Railroads. My colleague left the city to-day at 11.30, and before leaving he addressed me the following note:

Please file my report adverse to Senate bill No. 2894 to-day and ask that it be printed. It has reference to three bills reported to the Senate by the Committee on Pacific Railroads and placed on the Calendar, and is not merely a response to Senate bill 2894, which was not introduced in the Senate and was never seen or discussed by me.

Upon that statement of my colleague, I present the minority report signed by him, and ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Alabama presents a minority report, as indicated, in behalf of his colleague and asks that it be printed in the RECORD.

Mr. PUGH. The minority report comprises only 36 pages. My colleague does not ask that the whole document be printed.

The PRESIDENT pro tempore. The request is that it be printed in the RECORD?

Mr. PUGH. That it be printed in the RECORD. My colleague says the bills to which it relates have been printed in the RECORD and he desires to have the minority report printed in the RECORD.

Mr. CHANDLER. I object for two reasons, which I should like to state to the Senator from Alabama.

Mr. PUGH. I can not hear the Senator from New Hampshire.

Mr. CHANDLER. I object to printing in the RECORD for two reasons. One is, I do not think the RECORD should be cumbered by the majority and the minority reports. They would appear in fine type and nobody would read them. When Senators want them they will inquire for the document and read them in that form. Secondly, while the bill reported by the majority of the committee is printed in the RECORD, the majority report itself is not yet printed in the RECORD, and it would be unprecedented to print the minority report in advance of the majority report.

Mr. PUGH. I do not understand from the note of my colleague that the minority report has any relation at all to the majority report upon Senate bill 2894. It is his view upon the whole system of legislation embodied in the three bills which are now on the Calendar of the Senate. His report is not directed to the bill to which the majority report relates, because he says he has never seen that bill, that he never read it, and never discussed it in the committee.

Mr. CHANDLER. Then I do not see why it should be put into the RECORD. If, when the bill comes up for discussion, the Senator from Alabama is not present and it is desired that a paper giving his views shall be read, I certainly would not object to it, but here are 36 printed pages with a vast mass of matter accompanying, and in the interest of keeping the RECORD within reasonable limits I think I ought to object, in the absence of anything from the majority of the committee printed in the RECORD upon which to found this request.

The PRESIDENT pro tempore. Objection is made to printing the views of the minority in the RECORD.

Mr. PUGH. My colleague requests that his views be printed.

Mr. PLATT. That is not a request that his views be printed in the RECORD.

The PRESIDENT pro tempore. That is the usual request made when a report is offered. The views of the minority are presented, and they will be printed.

Mr. GEAR. I will state in reference to the report offered by the Senator from Alabama, that I understand it is the report of the Senator from Alabama [Mr. MORGAN] who is ill, and relates to the bills presented by the Senator from Nebraska [Mr. THURSTON], the Senator from Nebraska [Mr. ALLEN], and the Senator from Maine [Mr. FRYE]. It has no direct connection with the bill reported by the majority of the committee. The reason why the Senator from Alabama, did not see the bill is because he was confined to his house for the last ten days or two weeks and has not been able to meet with the committee. What may be his views on the subject of the bill reported I do not know. The majority of the committee shall not ask to have their report printed in the RECORD. It will be printed as an ordinary document.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1353) to revive and reenact the act entitled "An act to

authorize the building of a railroad bridge at Little Rock, Ark.,” approved March 2, 1891.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and an army post; and

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses;

A bill (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes;

A bill (H. R. 365) to fix the date of the discharge of Thomas Johnson;

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling;

A joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863;

A joint resolution (H. Res. 160) to appoint four members of the Board of Managers for the National Home for Disabled Volunteer Soldiers; and

A joint resolution (H. Res. 163) to amend an act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 2903) to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2904) for the relief of the next of kin of Christian Reimers; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 2905) for the relief of Mrs. L. A. Barber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2906) for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a bill (S. 2907) granting an increase of pension to I. C. Clifton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 2908) granting a pension to Franklin Andrews; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2909) granting a pension to Henry Schafer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2910) granting a pension to Mrs. Essie E. Powell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2911) increasing the pension of George B. Cock; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2912) increasing the pension of William C. Forsythe; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the District of Columbia appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SMITH submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES E. JONES.

Mr. BAKER. A few days since the Senate passed a bill for the relief of Charles E. Jones. No amount was stated in the bill that passed. He was merely given a status in the Pension Bureau. It being necessary for him to prove his claim in the Pension Bureau, he desires that the papers now on file in the office of the Secretary of the Senate be transmitted to the Commissioner of Pensions to be considered as testimony in his case. I ask that an order may be made to that effect.

The PRESIDENT pro tempore. Without objection, an order for the withdrawal of the papers will be entered.

MARY J. HICKMAN.

Mr. GORMAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mary J. Hickman, widow of Anthony Hickman, late a laborer in charge of the private passage in the employ of the Senate, an amount equal to six months' salary as such laborer, said sum to be considered as in lieu of all funeral expenses and allowances.

JUDGMENTS OF COURT OF CLAIMS.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of judgments rendered by the Court of Claims, not including those heretofore transmitted, and which require an appropriation for their payment.

REPORT ON THE NICARAGUA CANAL.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with the maps and plans accompanying the same, 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

NATIONAL NEW HAVEN BANK.

Mr. PLATT. On the 17th of April the Senate passed, upon my motion, the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut. I find that there is a mistake in the corporate name of the bank. I therefore move that the votes by which the bill was ordered to a third reading and passed be reconsidered. The bill is still in the possession of the Senate. The motion to reconsider was agreed to.

Mr. PLATT. In line 4, I move to strike out the words "National Bank of New Haven" and insert in lieu the words "National New Haven Bank of the State of Connecticut."

The amendment was agreed to.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and an army post was read twice its title, and referred to the Committee on Naval Affairs.

UNION PACIFIC RAILWAY LANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be stated.

The SECRETARY. A resolution, by Mr. WARREN, directing the Secretary of the Interior to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad land lists now on file, embracing lands along the main line in western Nebraska.

Mr. ALLEN. Let the resolution be stated again.

Mr. WILSON. The Senator from Wyoming [Mr. WARREN] is not present, and I ask that the resolution may go over without prejudice.

Mr. ALLEN. I am not objecting to the resolution. I caught only the latter part of the title and I should like to have it read again.

The PRESIDENT pro tempore. The Senator from Wyoming is not present, and the Senator from Washington asks unanimous consent that the resolution may go over and not lose its place.

Mr. WILSON. Yes, sir.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and

for prior years, and for other purposes; in which it requested the concurrence of the Senate.

GROUND MAP OF THE UNITED STATES.

Mr. CANNON. I ask unanimous consent to call up from the table the joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States, that I may submit a few observations upon that proposed measure. I ask that the joint resolution be read in full for the information of the Senate.

The joint resolution was read, as follows:

Resolved, etc. That the appointment of a commission of five citizens of the United States is authorized to be made in the following manner: Three members to be selected by the President of the United States, one by the President of the Senate, and one by the Speaker of the House of Representatives, and for the following purpose: To examine into and to report to Congress upon the practicability, advisability, and cost of establishing at or near the city of Washington a ground map of the United States of America, on a scale of 1 square yard of map surface for each square mile of actual area, said ground map to be as nearly as may be our country in miniature, reproducing in earth and other materials, on scale, the boundaries and the topography, all the natural and artificial features of the surface, showing geographical divisions; also, mountains, hills, and valleys, forests, lakes, and streams, cities and villages; and that said commission is to serve without compensation.

Mr. CANNON. Do I understand that I have the permission of the Senate to proceed with some brief observations on this subject?

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that he may address the Senate at this time on the joint resolution. Is there objection? The Chair hears none.

Mr. CANNON. Mr. President, I shall move that the joint resolution be referred to the Committee on Public Buildings and Grounds at the conclusion of my remarks.

It will be observed, Mr. President, from a reading of this resolution that its sole present purpose is to provide for the creation of a commission to make certain inquiries regarding what I believe to be a most desirable object. It will also be observed that no expense will be entailed upon the National Treasury if this commission shall be appointed, except by further specific action by Congress to that end.

The purpose I have in view ultimately by this resolution is to secure the establishment at or near the capital of our nation of a ground map of this country, which shall furnish in general and in detail a comprehensive view of the vast domain within the boundaries of the United States proper. To provide so large a map as this upon the scale proposed there will be required 625 acres upon which would be projected all the geographical lines, all the topography, and what map makers call the culture of the United States. Upon imaginary State lines there would run foot-paths, so that the observer could pass around each State, and through the larger States, where such paths would not interfere with the topography or the culture.

Mr. President, upon such a tract there would first be established the periphery of the United States, 10,855 miles in length of land and water boundaries, and then from the apparent sea level on the east and west the tract would be graded to a vertical scale, corresponding with the horizontal scale, to show the greatest height attained by any of our mountains.

Any season of the year might be selected for representation, either the awakening spring or the flashing summer or the serene autumn; but perhaps the 1st of June, which is, generally speaking, the most beautiful season of the year in the United States, might be chosen, and by reproducing the country as of that date some idea would be given to the observer of the latitudinal differences in the country. We would have all the rivers, all the lakes, all the forests, all the mountains, all the valleys, all the chasms, all the cities, and all the hamlets of the United States produced here in as great exactitude as human skill could compass. Upon such a map the Mississippi River with its Missouri tributary would be 4,506 yards long and about 3 feet wide of actual water. Lake Michigan would contain 23,000 square yards of actual water surface. Upon such a body miniature steamboats could ply. The cities would be probably built of glass, in order that by running electric wires under them they could be illuminated at night.

It is quite practicable, Mr. President, with the skill now at the command of our scientists, to thus reproduce the country, to give for educational purposes and for still greater purposes than immediate practical results so great a benefaction to the people of the United States.

The commission to be appointed would inquire into three propositions: The practicability, the cost, and the advisability of such a project. I group under the head of "practicability" the physical and financial propositions; and, inasmuch as it is not wise at this time to anticipate the work of the commission, I will simply state, Mr. President, that I have expert testimony on these points that neither will the cost be extravagant nor will there be any physical difficulties in the way of such a proposed production of "our country in miniature."

As to the advisability, there is not one hour, Mr. President, in any working day of the year when legislators of the United States

or administrative officers are not confronted by problems which could be more speedily, more justly, and more intelligently settled by reference to a map of this character.

It is not for me to reflect upon the general intelligence of the people of the United States of America; but our country has grown so fast and so rapidly that it has passed the possibility of a man engaged in active public, professional, or business life—and therefore moving forward the many interests of the people of the United States—to so keep himself informed as to be thoroughly conversant with even the physical development of the country over which legislative and administrative officers preside, and for which they perform such signal service. A map of this character would at once, upon visiting it, convey to the mind of the observer some correct and comprehensive idea of any physical question under consideration. There is not anything pertaining to railroads, internal navigation, public improvement, or to any other physical development requiring conversance with the physical conditions of the United States but that will be settled by reference to such a map if established.

Mr. President, I listened not long since to a very interesting address on the subject of fortifications in this Senate. Coming from the vast West, without any intimate knowledge of the demands of the seacoasts of the United States, it was practically impossible, except in the most general way, to receive even from the learned Senator who addressed this body an idea of the requirements for the national safety on the seaboard.

Our seacoast, Mr. President, is 5,300 miles long in the main, and, including indentations, is 21,000 miles in length. To defend that we have 70 forts in greater or lesser degree of inefficiency—so generally inefficient that we could not kill an attacking enemy with even civilized rapidity. We have some 124 war vessels to guard that long line of coast as against the 489 which England possesses. One visit to a map of this character would convey more information of the actual need or give demonstration of the correctness of addresses delivered on the subject more comprehensively than hours and hours of talk in both branches of Congress.

Any member of the legislative body, any citizen of the United States visiting here from any section of the country, could gain an idea of the requirements of any part of the West or of the East. People from the Mississippi Valley and from the farther West could see represented the towns where are manufactured \$9,000,000,000 worth of products per annum, the result of quintupled powers within the generation of men now living. People from the East could see the wonderful growth in that vast West which is opening, with its possibilities of homesteads for all the people of the United States who shall have the desire and energy to become independent owners of their country's soil.

We have arrived at an hour when the renaissance of home seeking is necessary. We have 12,600,000 families, according to the last census, and only 11,400,000 dwellings in the United States. Somewhere within 2,000,000 families in this country dwell under the same roof with other families, thus destroying the sweetest sanctity of home life.

There is in the vast West of public lands yet unoccupied nearly 1,000,000 square miles, sufficient in that arid and semiarid region to give to 16,000,000 home owners each a farm of 20 acres. In 1850 we had but a million and a half of farms in the United States. Now we have more than four and one-half millions, and from those homestead farms have come up hundreds of great soldiers of civilization, Mr. President, who, had they been reared in the crowded cities of the East, where humanity grows cheaper year by year because of its superabundance, might, many of them, have been servitors instead of sovereigns. We should so incite the thought and the sentiment of the people in this country that we shall re-create the ambition of home owning, adding strength to the mightiest bulwark of this great empire of freedom.

Historians have noted that the highest civilization of past ages was reached in rainless lands. There is a reason for that, Mr. President, because in lands where God sends the rain to enrich the soil the tiller of the soil is enervated. He goes out and looks up to the sky and says to his sons, "Well, please God, send a rain storm and we will make a crop," or, "Please God, no more rain and our crop will be saved." But in rainless lands, where irrigation is practiced, the husbandman at 6 o'clock in the morning says, "Up boys and turn the water on, and by our own energy we will make a crop;" and crop failures are never known. There is thus a significant physical reason why in rainless lands men should develop to a stancher and more self-reliant type. The men who are thus developing would prefer that rain should come, but in the centuries the result will be shown; and in the great arid uplands of our country, where the soil is nearer to the stars, there may be developed some of the greatest and highest effects of our civilization. It is to such waiting and welcoming lands that we should direct the attention of the masses of this country, that we may stay the swelling of that army of discontent, whose banner is rage, whose courage is only despair, and whose battle

cry is merely destruction of the thing that is. It is growing all the time, and anything which can draw the attention of the masses of this country to the opportunities which exist for home getting will add more than any other one thing I can conceive of to benefit and to bless the nation.

Mr. President, upon such a map would be spread out a showing of the 236,000 schoolhouses in the United States, where there are being educated by the State more than 12,000,000 of those people who have the Godlike possibilities of the future, the children who are going to do what we of the older generation thought we would do, but which we have failed to accomplish.

Mr. President, while all these practical questions are being presented, there is one more of greater importance. I think it is desirable at the present time to give some common, patriotic impulsion to the thought of the people of the United States. We grow specialized in our consciousness of our duty toward Government. The scientist says that the day has almost come when a student will give his whole lifetime to the study of a bee's foot. Because of the wonderful trend to specializing in all the departments of life, and notwithstanding the facilities for intercommunication, notwithstanding the wonderful diffusiveness of the daily papers, which furnish information, and sometimes misinformation, to the popular mind, it is a fact that men are raising around themselves a necessary environment, narrowing all the time in their appreciation of the wants of others with the growth and wonders of our civilization. And anything which can have a tendency to promote thought of the common duty of all the people to the common end, anything which can show every man who shall care to open his eyes and see, the wonder of his duty toward a country comprising such a vast variety of soil and climate with such a vast variety of needs, certainly is desirable.

Mr. President, every man in the nation should feel by example made to his physical sense, if he does not obtain it otherwise, that he is a part of a great monument like that which stands here upon the reservation—square, white, and majestic—every stone of which is absolutely necessary to its perpetuity and to its stability.

Upon this map, Mr. President, would be displayed all the colors of all the earth and its culture within our confines—the red soil of the lands east of the Alleghanies, the black loam of the Mississippi Valley, and the rainbow tints of the Colorado chasms of the farther West. Vineyards and sand dunes would be shown; the cotton fields whitening to their ripeness; the rice plantations and the fields of grain. Upon the Great Lakes of the country would stand at moor the ships which give to our internal commerce greater facilities on water than is known on all the oceans of the world. We would have the Detroit River, with its chain of steamboats, showing to the actual physical sense of the observer that way which carries more commerce than any other similar space of water on the globe.

I have said, however, that the physical advantages and the educational results to be attained are not so great, in my humble judgment, as the patriotic advantage to the country to have such a map established at the seat of Government of the United States, kept in good repair, kept up to date, with probably an attendant furnished by each State to give the information of changes so fast as they occur. I would hope, if such a map were established, that there might be some margin left to the north and to the south where extensions of the map might occur. I would hope that the patriotic scientists of this commission, if they finally decide to recommend to Congress, and if the idea should be carried out under their direction, would leave a little space off to the far southeast corner, from which might rise some time in the dear sisterhood of republics, if not in that dearer sisterhood of States, crucified Cuba. When the wound in her side shall be healed, perhaps some time her sacrificial ruby flow will mingle with the sacred scarlet of our own flag.

Mr. President, I would hope that the representatives of other lands lying to the north and the far south, gazing at such a demonstration as this map would be of the miracle of one hundred and twenty years of free civilization, will take heart of hope and, as our fathers did and dared, will themselves do and dare until no throne of earth shall cast its shadow on this hemisphere.

I move that the joint resolution be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 8298) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

BVT. COL. THOMAS P. O'REILLY.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. SMITH. I ask unanimous consent for the consideration of a bill which will not occasion any debate.

Mr. PETTIGREW. I shall have to object to any order of business except the appropriation bill.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from South Dakota objects.

Mr. SMITH. I will say to the Senator from South Dakota that as I must leave the Senate for a few days, and this bill will not lead to any debate, I should like to have it taken up and disposed of now.

The PRESIDING OFFICER. Does the Senator from South Dakota yield for that purpose?

Mr. PETTIGREW. I will yield to the Senator from New Jersey on his statement that he wishes to leave the city.

Mr. SMITH. I ask unanimous consent for the present consideration of the bill (S. 559) for the relief of Bvt. Col. Thomas P. O'Reilly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to appoint Thomas P. O'Reilly, late second lieutenant in the Twenty-second Infantry of the Army, a first lieutenant in the Army, and to place him upon the retired list of the Army in his late grade, the retired list being thereby increased in number to that extent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I now move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, the pending question being on the amendment submitted by Mr. SHERMAN to the amendment of the Committee on Appropriations, on page 56, line 5, after the word "persons," to strike out "and not to their assignees"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons immediately upon the passage of this act, etc.

Mr. PALMER. Mr. President, yesterday when interrupted I was about presenting to the Senate my views of the actual condition of the Old Settler Indians and their relations to the United States. I said:

These persons made contracts that were sanctioned by the United States, and among the contracts which were made, I infer from the suggestion of the Senator from Missouri [Mr. COCKRELL], there was an order or resolution of this group adopted setting apart 35 per cent of whatever might be realized to compensate attorneys, or to compensate the particular attorney with whom the contract was made.

This group of persons had rights, somewhat shadowy, as I supposed at the time. They were recognized to a limited extent by the Department of the Interior as having some capacity to contract. I apprehend that as a matter of pure law they had no such power. I apprehend that the Secretaries of the Interior recognized them somewhat of necessity, and treated these contracts as having some binding force. But the particular idea I wanted to present was that these persons were incapable of making contracts that ought to bind anybody; that they were under the protection of the United States, as we sometimes say, as persons laboring under disabilities are under the protection of the chancellor, the rule being, as in chancery, that where an incapable person—as, for instance, a minor—makes a contract with a person capable of contracting the court will recognize the contract if it is for the benefit of the minor or the incapable. I suppose it was in that view or to that extent and with that limitation that the Secretaries of the Interior recognized this contract as it ought to be enforced upon principles of equity and according to the doctrine of the courts of equity—that is, to the extent that the persons who have served this group of individuals are entitled to compensation to the extent of their merits and should be paid that which they reasonably deserve to have; and that is the limit of their rights. I can not conceive that they have any right predicated upon free contracts; but the United States being the trustee, having complete jurisdiction over this subject, stands in the place of a vigilant, earnest, careful trustee, recognizing all that has been done to the extent that it has benefited these persons and that the fund shall be made to pay these persons for the services actually rendered. That is the extent to which I am disposed to concede any right to these attorneys, whoever they may be.

The United States in the administration of this fund—I speak now of the fund set apart to pay expenses, the 35 per cent—had possession of the fund, and, as I have maintained, ought to administer it upon principles of equity and justice. The laws that have

been passed in regard to this subject—I speak of them without reference to any particular statute—confided the execution of this trust to the Department of the Interior, and the Secretary of the Interior became the representative at once of the justice of the United States, and he is bound, or the United States is bound in acting through him, to see to it that absolute justice is done to all the parties who claim these funds as well as to those to whom the fund ultimately belongs. The Senator from South Dakota [Mr. PETTIGREW] said on yesterday that no part of this fund will ever be paid to these Indians. If that is a prophecy, I fear it is true; if it is an assertion of a legal proposition, I respectfully contest it. This fund belongs to these tribes, and upon the basis of the contract, because, as I understand the statement of the Senator from Missouri [Mr. COCKRELL], it is that 35 per cent, or so much thereof as may be necessary, shall be set apart. It was not a contract with anybody; at least there is no contract anywhere to be found in any of the papers by which any particular person acquired the exclusive right to this fund. It was a mere setting apart, in an imaginary sense, of money for this purpose, but the ultimate right to what remains belongs to the Indians.

✓ The Secretary of the Interior, acting through the Commissioner of Indian Affairs, received the claims on this fund and passed upon them. He allowed to various persons the amounts which upon principles of equity and justice were due; as, for example, he allowed to one of the claimants—I speak of Mr. Peabody—\$8,000, and that was supposed to be in full compensation for whatever service he had rendered the Indians. By reference to the pamphlet I hold in my hand, which contains extracts from the opinion of the Secretary of the Interior, it will be seen that this was intended to be a final and complete adjustment of the claim of Mr. Peabody against the fund. It is true that the Commissioner of Indian Affairs rejected the claim altogether, as one having no just foundation. It is also true that the Secretary of the Interior reversed that finding of the Commissioner of Indian Affairs and allowed to Mr. Peabody \$8,000.

Now, what reason can be given for increasing the amount? It was referred by the United States to a commissioner, if I may use that term, with ample power to investigate and do justice with respect to the fund and to the claimant. Eight thousand dollars was allowed as full compensation, and yet the amendment of the Committee on Indian Affairs proposes to allow him the additional sum of \$29,000. If he received under the adjudication of the Secretary of the Interior \$8,000 in full of the merits of his claim, upon what principle can the \$29,000 additional be allowed?

It appears in the course of an examination of the papers that most of these persons presented their claims to the Secretary of the Interior and most of them were passed upon, were adjudicated. I use that term not in the absolutely technical sense, but in a sense higher, because the United States, the trustee of this fund, charged with the obligation of being just to all—just to the Indians, just to the claimants—referred the matter to a proper officer, and these persons presented their claims to him. The claims were adjudicated and partially allowed, and so far as the extent of the allowance goes they were paid. I submit, therefore, that the ultimate balance of the fund after paying the just claims belongs to those from whom the fund was derived—the Old Settlers.

The United States, in the disposition of this fund, in the clear exercise of its power, determined that the Secretary of the Interior should not only pass upon the merits of the claims, but impliedly required that all claimants should apply to that adjudicating officer for the adjustment of their claims. There is a class of claims which were never submitted to the adjudication of the Secretary of the Interior. I should like to know upon what principle it is that the committee propose to allow that class of claims. The United States creates a tribunal, a competent officer, with authority to adjust the whole matter. Here are claimants with claims to a very considerable amount who have altogether declined the jurisdiction of the Department of the Interior, and the committee, upon evidence with which we have not been furnished, without requiring such presentation and without giving the ultimate owners of the residuum of the fund an opportunity to be heard in contesting the claims before the Secretary of the Interior, have made very liberal and very large allowances.

I shall refer, by way of illustration, to a few of the claims which were not presented to the Commissioner of Indian Affairs as provided by the act of August 23, 1894, amounting to \$20,150. I read now:

The first observation which it seems proper for us to make upon these claims is that if they had the slightest foundation in fact, or were of such unquestioned merit as should commend them to the favorable consideration of Congress, the persons who now solicit the enactment of a law which shall provide for their payment would have been willing to submit them to an examination by that officer who was charged with the duty of making payment of the claims for "expenses and legal services."

Why did not those persons present their claims to the Commissioner of Indian Affairs, and why have they postponed the presentation of those claims until this late day? It has been said by a very distinguished jurist that time, which destroys the evidence

of claims or destroys the defenses, furnishes statutes of limitations to supply the place of evidence lost. Why is it that these claims have been withheld until now? Why have not those persons submitted them to the adjudication of the Commissioner of Indian Affairs, the guardian of this fund selected by Congress, selected by the United States, which is under the highest obligation to be just and to discharge all just obligations? Twenty thousand dollars of these claims has never been presented to the Department of the Interior, from which I infer—

Mr. TELLER. If the Senator from Illinois will allow me, he is mistaken about that. They were presented, but not until after the adjudication was made by the Secretary.

Mr. PALMER. I beg pardon.

Mr. TELLER. I understand the reason why two were not presented is, that the administrators were not aware that the matter was being considered. When they did find it out they presented their claims, so I am informed.

Mr. PALMER. That would make it necessary to modify the generality of my statement. I grant that persons who were ignorant of this peculiar method of adjudicating claims are entitled to the benefit of that plea. It was not a tribunal of general jurisdiction, but one of special jurisdiction created for the purpose, and, although I do not remember that any such fact appears upon any of the records which I have examined, yet if supported by proper facts it would be a sufficient reason for not presenting the claim.

The argument against the claims growing out of their non-presentation is, that the claimants declined the jurisdiction and preferred to appeal to Congress, where the facts could only be imperfectly known, rather than to appeal to a tribunal where all the facts might have been distinctly investigated and a proper conclusion reached. Therefore, whatever may be said by way of excuse, it would seem that persons holding claims of this magnitude would have been put upon inquiry; that they would have watched the progress of their claims, and when a plea of the statute of limitations is made to a demand the mere ignorance of the right or of the tribunal has never been regarded as an excuse for not presenting the claim. The statutes provide for disabilities, non-residence, infancy, and many other things, which may be replied to a plea of the statute of limitations, but this being a tribunal where justice, pure, absolute justice, should be done, I am not disposed to adopt that rigid theory.

I maintain that the fund was only conditionally set apart by the Indians by a contract which was imperfect of itself. It derived its sanction largely from the acquiescence of Congress and the agents—the officers of the Department. It ought to be administered upon principles of absolute justice, and no right ought to be asserted here simply upon the arbitrary ground of contract. These persons ought to be paid the amount they reasonably deserve to have for their services, and perhaps I may allude to the opinion of the Commissioner of Indian Affairs, when speaking of the claim of Mr. Peabody, as illustrating my meaning:

I am therefore unable to find that Mr. Peabody is entitled to anything under his contract. He has filed four affidavits of services, neither of which fully complies with the statute. He declares that he did not keep a memorandum of his services, and that it would be impossible for him to file a statement showing each act of service, with date and fact in detail as required by law, and that the best he can do is to give inclusive dates within which he rendered service. This he has done in his affidavit of November 13, 1894; but even in this, as in all his other affidavits, he fails to give even one specific date upon which he rendered any single act of service.

In this affidavit he says that between the dates of December 9, 1882, and January 24, 1883, he rendered service before C. C. Clements, the special agent of the Interior Department; between January 24, 1883, and December 12, 1883, he rendered service before the Commissioner of Indian Affairs and the Secretary of the Interior; that between December 12, 1883, and February 13, 1884, he rendered service in connection with Mr. Wilshire and Mr. Sibbald in advancing the case before committees of Congress, where it was then pending; that during the period from February 13, 1884, to February 9, 1885, he was all ready to consult with his associates, and did so consult when desired; that he, from February 9, 1885, until March 8, 1889, while the case was pending before Congress on the findings of fact by the Court of Claims, was in frequent consultation with his associates, and aided in all actions possible by appearing personally, and whenever it was proper and advantageous to the case for him to appear, and in furtherance of its reference to the Court of Claims; that after the case was sent to the Court of Claims the second time, he considered his work performed, although he was consulted from time to time between March 8, 1889, and April 21, 1891, on which latter date he entered the Government service, where he remained until October 30, 1893, and during which time he rendered no service under his contract; that from about November 1, 1893, until the passage of the act of August 13, 1894, he was in consultation with his associates from time to time and rendered service such as was to the best interest of the claim before committees of Congress.

There are loose, vague specifications, that admit of no absolute statement. It is difficult enough, at best, to fix the value of legal services. It was said by one of the judges of the Court of Claims—a citizen of Illinois, by the way—who has a good deal of humor: "What a remarkable thing it is to be a lawyer. No man can tell whether the service is worth \$40 or \$400. It has to be estimated." That was illustrated very much in a celebrated case in which Mr. Lincoln was concerned against the Illinois Central Railroad Company, where the elements that enter into the value of the services of an attorney were taken into account, were considered separately. One of them was the amount involved in the

controversy, which necessarily imposes higher responsibilities upon the attorney than where the amount is much smaller, and that is a part of the theory on which compensation is adjusted.

Here is a claim of \$37,000. I do not speak of this claim because I am particularly hostile to it, for I regard them all as being alike. Here is a claim made by a party who does not specify—does not attempt to specify, except in this loose way—what he did, who abandoned the service of his client for two years, during which time he not only performed no service, but during which it would actually have been a crime and a misdemeanor under the statute to have served his client. This person comes and demands \$37,000 on an account without specification. There is no single example of appearance before any tribunal. I speak now of the affidavits—I quote from so much of the affidavits as is furnished in the opinion of the Commissioner of Indian Affairs. For that unspecified service \$37,000 is demanded. Eight thousand dollars has been determined by the proper officer of the Government to cover the entire claim so far as it has merit in fact. So I might speak of others to show how things are inflated. I speak now of the name I am about to mention with the most profound respect. I mention the case of an attorney who has claims upon the gallantry of the bar at least, not perhaps a brother lawyer, but a sister-in-law to all lawyers—the claim of Belva A. Lockwood.

This active and intelligent lawyer claims—

I read what has been written and printed—

This active and intelligent lawyer claimed the insignificant sum \$80,000 for her valuable services. The claim was rejected by both the Commissioner of Indian Affairs and the Secretary of the Interior, upon such satisfactory and conclusive reasons as ought to preclude the possibility of Congress passing any act which shall give to this claimant the sum of \$1,000 out of the moneys which ought to be returned to these Indians.

Mr. GRAY. May I ask the Senator from Illinois a question? Has the lawyer to whom he refers agreed to accept \$1,000 in lieu of \$80,000?

Mr. PALMER. I have not the confidence of that sister-in-law of the profession, but I venture to say that she will not be satisfied with it.

Mr. GRAY. Why does the Senator from Illinois say "sister-in-law"?

Mr. PALMER. Simply because she is not a brother-in-law.

Mr. GRAY. I beg the Senator's pardon, but to whom is he referring?

Mr. PALMER. I am referring to Belva A. Lockwood.

Mr. GRAY. I beg pardon. I hope I may be forgiven for any lack of gallantry in the premises.

Mr. PALMER. When I mention the name and the sex the Senator will agree with me that she will never be satisfied with \$1,000 when she has claimed \$80,000.

Mr. GRAY. I think not.

Mr. PALMER. It has been stated in the course of this debate that claims to the amount of \$200,000 were preferred against the fund, and I must say that so far as I know the Committee on Indian Affairs and the Committee on Appropriations have divided it out as equitably as possible where there is no equity upon which the thing can possibly rest.

I insist now, in conclusion, that this fund, being in the hands of the nation as a trust, becomes a sacred fund from that consideration, and perhaps from it alone. The duty of a trustee, especially when voluntarily assumed, is one that involves the greatest responsibilities and the highest of moral obligations. The United States, without regard to the particular beneficiaries of the fund, has voluntarily assumed the trust. Rights seem to have been established in one of our courts, and that would be not only *prima facie*, but conclusive evidence of the justice of the right. The Indians set aside 35 per cent, or so much thereof as might be necessary, to pay the almost inevitable expenses which attend such claims. I find here that, although the contract was made with a single person, the claimants seem to be legion. They come, and each one demands a portion of the fund, and it is divided among persons who have no apparent connection with the original contract, and we are not furnished with evidence that such persons have ever performed a single act of service.

Mr. President, I have not been a member of this body for so short a time as not to know something of the influences and of the delays that attend the adjustment of claims of citizens against the Government. It is a reproach to the Congress of the United States that just and meritorious claims have not been settled long ago. There ought to be no necessity for the employment of that class of persons called lobbyists. The necessity for lobbyists has been recognized in some countries. For example, in that country from which we draw many of our institutions, they have parliamentary advocates who are recognized by the courts, the great court of Parliament. They are practitioners there and are subject to the control of the court.

We have no control over lobbyists. They simply come and go. They serve whatever interest they have and contest the questions in which they are interested outdoors or before committees, perhaps. But still they are irresponsible, and I find in this case that

the Committee on Indian Affairs has simply determined by a process that they have not explained very fully to consume the fund. After A's and B's and C's amounts have been allowed to them the committee propose to dispose of the final residue. I maintain that the claims already settled and paid are enough. One hundred and ninety-three thousand dollars has already been paid out of the fund, a small balance remains, and the amendment proposes to dispose of that balance to persons who have been partially paid, persons who have received all that a proper tribunal determined they should have. Yet this is a proposition to add to their compensation. I speak of the Peabody claim again. Peabody was held to be entitled to \$8,000 upon a quantum meruit, and the amendment proposes to give him \$29,000 in addition to the \$8,000 which was thought by the Department of the Interior or the Commissioner of Indian Affairs to be ample reasonable compensation for the services he had rendered.

Mr. President, having gone over the matter in a hasty way, I can only say that I regard this as an occasion when Congress ought to step in to protect this trust fund from further spoliation.

Mr. BROWN. Mr. President, the objection to the amendment which I made first yesterday and which I repeat to-day is that the amendment provides no suitable tribunal in which the claims can be adjudicated—no court or commission in the nature of a court where the parties who are affected may have notice, may be brought in, where the right of claimants may be determined by evidence and by cross-examination.

I have listened with great interest to what has been so clearly stated by the Senator from Colorado [Mr. TELLER] and the arguments of the Senator from Connecticut [Mr. PLATT] and of the Senator from Illinois [Mr. PALMER], and it seems to me that the more the case is discussed and the more we hear about the facts of it the more apparent it is that each step in this inquiry should be before some such tribunal as that which I have described, where witnesses may be examined and the rights of the parties determined. Take the original contract. Begin with that way back in 1875. It was a contract, as appears by the reports before us, made by a sort of convention. It is signed by William Wilson, president of the convention, and H. T. Landrum, secretary, and by those resolutions a sort of contract was made with Mr. Wilson himself and two other persons.

The contract provided that a sum not exceeding 35 per cent of the entire amount received should be set apart for attorneys, but the contract was not executed by all the beneficiaries. It was a convention from out of them, not by all of them, as I understand it, and if I am wrong I should like to be corrected. The Supreme Court of the United States, in passing upon it, say that these petitioners who were thus appointed do not represent all the beneficiaries, if I understand to whom they refer. They say in the decision when this case was before them (148 U. S., 479):

But the evidence is quite inadequate to justify the court in treating the immediate petitioners as appointed by all the beneficiaries as their agents to receive and disburse the amount awarded.

There were then certain persons who were not represented in this convention and who have not agreed to give 35 per cent; and yet out of the sum which will be awarded to them per capita must be taken the 35 per cent. In other words, they are deprived of 35 per cent of that which comes to them, without any hearing, without any contract, without any opportunity whatever to say whether it is legitimate or just. It seems to me right there we might stop and pause and say that instead of that contract being absolutely binding and giving the claimants the 35 per cent it should be only so much thereof as would be just and equitable, a quantum meruit of it. When we look at the original contract we find in it a clause, which has been adverted to by the Senator from Illinois, that it is 35 per cent "or so much thereof as may be necessary." It was evidently the intention of the original makers of the convention that some body or board of audit should determine just how much should be earned under the contract. So with the other resolutions that year after year were passed, until we come down to the resolution, which appears not to be printed, or, at least, I have failed to see any printed copy of it, and which was read here yesterday by the chairman of the committee, typewritten or in writing, in which it is said in substance that they have set aside the former contracts and awarded all to Mr. Bryan. I do not quote the words—I have not the report here—but I understand that to be the substance of it. Am I correct? The whole of the 35 per cent?

Mr. PETTIGREW. What was left of it.

Mr. BROWN. What was left of it, of course. The whole of it that has not been already used up.

Now, whether that contract was executed fairly, honestly, legitimately is a matter which they would have the right to inquire into before any tribunal. While I am not here to say that it was unfairly procured, whether it was or was not, I have heard it stated that it was a thing that these Indians had a right to defend against, being a suit in which they are in the position of defendants. You propose to take their property under that contract.

Have they not a right to have an opportunity to appear and be heard by their counsel and by their witnesses to show that that contract was procured improperly? Whether it was properly or improperly procured, Congress is not the proper place to enforce contracts or to make them. The enforcement of that contract, or any branch of it, ought to belong to some place where the parties may have an opportunity to be heard.

So in every step and every reason we find here additional grounds for demanding a judicial tribunal. The last bill that was before Congress in 1894 seemed to have left it in a measure to the Commissioner of Indian Affairs, with an appeal to the Secretary of the Interior. At all events, these parties acted upon the assumption that the Commissioner of Indian Affairs and the Secretary of the Interior had the right to adjudicate their claims. Accordingly we find that nearly all these claimants (and I do not know but all of them and many more) appeared before the Commissioner of Indian Affairs and presented their claims. To be sure, the defendants in the case, the Indians, had no notice of it. It was an *ex parte* hearing. It was a place where their claims were adjudicated in their own favor, and nobody had the right to defend against them. These claims were there heard and were awarded. I will reverse the order in which they appear in the bill. The principal one, Mr. Joel M. Bryan, had his cause presented there. He appeared there, and his claim was examined and adjudicated there. He received upon his claim for his services fifty-two thousand and some odd dollars, and it was adjudged to him. He accepted it. Apparently he received it. If I understand the report correctly, it was paid to him. In other words, he submitted his claim for whatever it was, was awarded \$52,000, and he accepted it, and now he comes back as cool and refreshing as if he had never had a cent and says to Congress, "Give me all the rest of it that you can not apportion to anybody else."

Now, I differ with the honorable committees that have had charge of this matter, not that I express any criticism of them, or that I desire, in what I wish to say upon the subject of this claim, either to criticize their lack of examination or criticize their view; but I have the right to my own.

Mr. President, it seems to me, and I think it would seem to the majority of men, that when Mr. Bryan had presented his claim thus and had thus been awarded \$52,000, and he received it in full of his services, and that when he comes back to Congress and asks more, it can not be an honest claim. While I say this with all deference to the committee, it seems to me that upon his part it would be a steal to come back and ask it. He, it must be remembered, was the confidential agent as well as the attorney. It was his business to protect these Indians, to protect this fund against the unlawful encroachment of dishonest attorneys. He claims that he has done it, and that some of this money is paid for that unlawful encroachment, and that the claim of at least one of the claimants was for that purpose. But now he says, "I must have the whole of it for doing it." What good would it be to the Indians to have this 35 per cent protected against these unlawful encroachments unless they were to have some of it, if there should be any left over?

Now he says, and this amendment proposes, that if there should be anything left after the attorneys get it, or get what they want, the balance shall be handed over to Mr. Bryan. It seems to me that the claim of Mr. Bryan under all these circumstances ought not to be allowed in this amendment. As to the claim of these other gentlemen that they were his associates, they do not pretend, if I understand the claim rightly, that one of them made an original contract with the Indians, but their contracts come from Bryan, either by direct contract with him or by the assignment of some interest that he may have had in it. So whatever rights and duties apply to Bryan must apply to his assignees as well, and whatever might be said about his conduct is equally true of the conduct of them.

It was said here yesterday in criticism of what I said that these parties were not engaged in lobbying; that it was in something else that they were engaged. I had supposed when I used the expression that there was no dispute about it that they were engaged in lobbying, and so I ask the members of the Senate who are interested in this subject to look at the original contract. The Indians claim that there was a large sum there due, and they asked Mr. Bryan to present and prosecute it before the Government of the United States. What branch of the Government? Before its courts or before its Congress? It could not be presented before the courts; it must come before Congress necessarily. In the very nature of the contract it was one in which Mr. Bryan was to appear here and procure such legislation as he thought for the interest of these Indians, and is that anything but lobbying? In using his personal influence to get this claim from the Government by Congress it was, if I understand the term at all, the beginning of lobbying. His contract was to lobby through this bill in behalf of the Indians, and the other gentlemen and ladies who present their claims are his associates, his assistants; they are assistants to a lobby. If it was wrong to call Mr. Peabody a

lobbyist it could only be corrected by saying that he was assisting in lobbying, that he was assistant to a lobbyist. That was the business in which he certainly was engaged.

Mr. Bryan, it is said by the Senator from Colorado [Mr. TELLER], took such an interest in this matter that for years his face was familiar to every member of either House. How did it become familiar, Mr. President, except by his engaging in the business of lobbying? The Senator says that at least a hundred times, in all, he came to visit him while he was Secretary of the Interior and while he was a Senator. What was the errand? Was it the trial of a lawsuit? Was it anything else but exerting his personal influence as a lobbyist with the distinguished Secretary and distinguished Senator? It could be nothing else. I did not know Mr. Peabody and did not particularly intend to single him out from the rest, but he has been engaged in this service during a period of over twelve years. What could he have been doing all that time—over twelve years? It is not alleged or stated by any of the distinguished Senators who know him or know the service, it is not stated in the testimony of any witness, not even by affidavit, that he spent any twelve years in this service, nor, if I mistake not, is it stated anywhere how much time he spent. It might be true, and these affidavits also be true, that he was employed in this matter over twelve years ago, and that once a year he would spend a day upon it. So he could have been engaged in the service over twelve years. The mere length of time through which this claim was drizzling through the different Houses is not the measure of the compensation of a lobbyist or a lawyer. If it be true that the longer a lawyer could keep his client's case in court the more compensation he was entitled to, then, indeed, it might operate to put a premium on the delay of the law. The question must be, it seems to me, in considering any one of these cases, how much time, diligence, ability, and reputation each man put into it; how can we properly judge of these things here in Congress; have we the machinery or the knowledge by which we may determine them, or is it not proper that it should be referred to a judicial tribunal?

This claim of Mr. Peabody was considered by the Commissioner of Indian Affairs, carefully examined, and, in an elaborate opinion, rejected. He appealed to the Secretary of the Interior, and the Secretary of the Interior reviews the evidence, weighs the evidence, considers the case, and awards him \$8,000, which he accepts.

THE PRESIDING OFFICER. The Senator from Utah will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

THE SECRETARY. A resolution, by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

MR. CHANDLER. I ask unanimous consent that the unfinished business may be passed over without losing its place as the unfinished business.

MR. PETTIGREW. I think that is the understanding.

THE PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be passed over without losing its place. Is there objection?

MR. HILL. We do not want any new understanding about it. I want to stand on the old understanding and not make a new one all the time. There is an understanding now.

MR. CHANDLER. I did not ask for any new understanding. I refer to the old one.

MR. HILL. One is enough.

THE PRESIDING OFFICER. The Chair hears no objection. The Senator from Utah will proceed.

MR. BROWN. All I ask is that that acceptance shall be final. I see no reason why with that acceptance it is proper that he should be permitted to ask for it over again. It is said here that it was insufficient. It is among the misfortunes of human trials that causes are not always determined rightly. This is not the only plaintiff, this is not the only claimant, who has presented an honest and proper claim and yet has not received the full amount of what he thought was due him. Yet it has been held, by the common sense of all mankind, that when a man does present his claim and it has been once decided and he receives the benefit of that decision, his mouth should be estopped forever upon that subject; so with each of the others. It seems to me that they have no legitimate claim to come before Congress. Many of them, and I think most of them, hold by contract from Joel M. Bryan. That is especially true of the last two, in lines 9 and 10, page 57, and I think of all the rest on page 57.

Now, I submit to the Senate, what have we to do to enforce the contracts of Bryan with the different persons who claim that they have made arrangements with him? If he owes them 1 per cent or 2 per cent or one-half per cent of what he receives, the court where he lives is the proper and the only tribunal to dispose of his indebtedness and to test the validity of his contracts.

It has been said here that the Indians are non compos, and

therefore we must pass contracts for them and take care of them. Does that apply to these claimants and to Mr. Bryan? For aught that appears here, they are able to take care of themselves. I know there has been a peculiar clause put into this amendment, which the Senator from Ohio has asked to be stricken out, which is found at page 56, lines 5 and 6, directing the payment to be made to the following persons and not to their assignees, as if these persons were incompetent to assign. And yet most of them were assignees under Bryan, or contractors under Bryan, in whichever capacity, substantially it is the same thing. Why are we asked not to recognize any assignment now when the very gist of their action under their claim against these Indians was that they are the assignees of Mr. Bryan's right?

It seems to me, Mr. President, that as we examine into this case the reasons and causes that were urged yesterday appear only the more prominent. These are claims which should be determined by some court or tribunal, and they are the claims of lobbyists whose claims have been once adjudicated and who have been in large part paid for their services.

What I have to say does not apply to one or two whose claims are still pending. Undoubtedly the Interior Department will take care of them at the proper time.

Mr. CHANDLER. Mr. President, after the amendment of the Senator from Ohio to the amendment is disposed of, I shall move an amendment to the committee amendment and which I will ask to have read at this time as a part of my remarks.

The PRESIDING OFFICER. The Secretary will read the proposed amendment to the amendment.

The Secretary read as follows:

Strike out on page 56 all after the word "that," in line 4, to and including the words "out of," in line 7; also all from line 13 on page 56 to line 14 on page 57, inclusive, and insert after line 17 on page 56 the following:

"Shall remain in the Treasury to be available, with 4 per cent interest thereon from said August 23, 1894, for the payment of the claims of the parties legally or equitably entitled to said balance; and all claimants may bring suits therefor in the Court of Claims within three months after the passage of this act and not afterwards, which shall consider all existing evidence in the Interior Department, and such other evidence as may be properly taken, and the judgments of said court shall be final and conclusive without appeal as to the amount and validity of said claims; and said balance with interest thereon shall be paid out in accordance with said judgments without further legislation by Congress."

Mr. CHANDLER. Mr. President, it seems to me that this amendment meets the objection of the Senator from Utah to the amendment of the committee. I trust this method of disposing of this vexed question will be satisfactory to the Senator from Colorado and the Committee on Appropriations and to the Committee on Indian Affairs, for the more I consider the propositions upon pages 56 and 57 of the bill, which are designed to commit the Senate to a judgment that these particular individuals are entitled to these sums and no more, the more am I opposed to having an adjudication of this kind made by the Senate.

I was struck with one curious incident of this adjudication of these claims which has been made by the Committee on Appropriations. It seems that Messrs. Reese H. Voorhees and John Paul Jones, who had received \$32,000 for their services in securing the allowance of the \$800,000, were also employed by a further contract to defend the Old Settlers against the unreasonable claims of attorneys, and they are to be paid \$7,003.86 for defending the Old Settlers from the unreasonable claims of attorneys. Now, the Committee on Appropriations bring in a proposition here which wholly nullifies the services of Messrs. Voorhees and Jones. They were successful before the Secretary of the Interior in preventing the allowance of all the demands which were made upon this fund, and they are to be paid \$7,003.86 for their success in defending the Old Settlers from these exorbitant fees; but now the Committee on Indian Affairs and the Committee on Appropriations come here and set aside all the results of these attorneys, and go on and pay to these claimants the sums which the Secretary of the Interior has refused to pay them, and in the same bill propose to pay Voorhees and Jones \$7,003.86 for defending the Old Settlers from unreasonable claims.

It would seem to me as if the employment of Mr. Voorhees and Mr. Jones ought to have been extended to a defense of their clients before the Committee on Indian Affairs and the Committee on Appropriations, and that there ought to have been another sum here for that particular defense. They defended their clients with success before the Secretary of the Interior and are to be paid \$7,003.86 for it. Ought they not to have been employed and paid \$7,000 to defend their clients before the Committee on Indian Affairs and the Committee on Appropriations? I think so. And yet here is this ludicrous situation that we are called upon to pay to these two gentlemen \$7,000 for defending their clients, while the Committee on Appropriations which allows them the \$7,000 overrules and nullifies the defense which they had successfully made before the Secretary of the Interior. That seems to me to be very singular. What success have the clients of Messrs. Reese H. Voorhees and John Paul Jones had in their contention if it is to be set aside and nullified by the Committee on Indian Affairs and the Committee on Appropriations?

Mr. President, the more Senators study these items the more unwilling will they be to be responsible by their votes for the declaration and the adjudication that those particular men and that particular woman are entitled to the sums which are named here. And the more Senators will investigate the subject the more unwilling will they be to adjudicate that to Joel M. Bryan the remainder of this 35 per cent upon \$800,000 shall be paid in accordance with the contract which the Senator from South Dakota read to the Senate yesterday for the purpose of showing that in no event could the Old Settlers realize anything from the balance of the 35 per cent.

As to the claim of Mrs. Lockwood, when I said it had been cut down from \$80,000 to \$1,000, I was not mistaken. The Senator from Colorado said she had no contract. I did not say that she had. I said she claimed \$80,000, and her claim was cut down to \$1,000.

Mr. TELLER. I do not hear what the Senator from New Hampshire says. If he is addressing his remarks to me I should like to hear them.

Mr. CHANDLER. The Senator from Colorado said yesterday, addressing himself to me:

If he knew the facts as well as he thinks he knows them he would get along a great deal better.

Nothing disturbs me more, Mr. President, than to have an imputation of ignorance placed upon me by the Senator from Colorado. I owe the Senator a debt of gratitude, however, because, as he has been in the habit of telling me from year to year that I knew nothing about the silver question, adding occasionally, by way of gentle admonition, that I did not desire to know, I have been led to study the subject somewhat, and I wish to say to the Senator that the result of my studies of the silver question has been different from what they have been in this case, to bring me nearer to the Senator from Colorado in my views than I should have been if it had not been, I might add, for his paternal admonitions.

Mr. TELLER. I should like to say that I am delighted to hear that the Senator has been making progress in that direction. I have been aware of that for some time, and if anything I have said has stimulated him I am very glad I said it. [Laughter.]

Mr. CHANDLER. Faithful, Mr. President, are the wounds of a friend, and it is a good thing sometimes for a man to be hugged by a bear, if he succeeds in getting away with his life. [Laughter.]

I have been investigating this subject since yesterday. I was struck by the fact that these Old Settlers seem to have made a contract with Mr. Joel M. Bryan, by which they agreed to give to him the balance of this 35 per cent. It struck me as singular that after Mr. Bryan had been working all these years of his life, from 1875 to 1895, twenty years, on a contract by which he was to receive 64 per cent of the amount recovered, which amounted, upon the \$800,386.31, to \$52,025.11, they had on the 28th day of July, 1893, made another contract with Mr. Bryan to give him all there was left of the 35 per cent. I say it struck me as very singular that the Old Settlers had been willing to do that thing. I was impressed by the air of triumph with which the Senator from South Dakota read this contract, which seems, as he said, to show that the Old Settlers were not in this business, and that it was a mere question of various persons to whom this money should be parceled out. I was set on inquiry, and I found an affidavit bearing upon that last agreement. This copy, I think, was handed to the Senator from Idaho [Mr. SHOUPE], but I was informed that the original of this affidavit was placed in the hands of the Appropriations Committee. I shall be obliged to either of the Senators to ascertain where the original is, and whether or not it is in the hands of the Appropriations Committee; but I found this affidavit. I was then led to contemplate this contract, which the Senator from South Dakota claims deprives the Old Settlers of any interest in this controversy.

Mr. President, after all these years of struggle on the part of Mr. Joel M. Bryan, an appropriation by Congress was made in settlement of the claim, thanks to the efforts which had been made by the Old Settlers themselves, or by the young settlers, or by the attorneys, or by the lobbyists, or by all of them together—a settlement was approaching, an appropriation by Congress was coming; and it seems to have occurred to Mr. Bryan that by some possibility some portion of this 35 per cent of the \$800,000, this \$280,000 of counsel fees out of \$800,000, would go to the Old Settlers themselves; that by some possibility some little remnant of that money might remain to these Indians. So, on the 28th day of July, 1893, they made this contract with Mr. Bryan. On the 26th of March, 1894, it was approved by Commissioner Browning, and on the 24th of July, 1894, it was approved by Mr. Sims, the Acting Secretary of the Interior. When it was satisfactorily arranged that by no possibility should any portion of this 35 per cent get into the hands of the Old Settlers, then this appropriation made speedy progress. The \$800,000 was allowed on the 23d day of August, 1894, and to-day, in pursuance of this contract of July

28, 1893, Mr. Joel M. Bryan is to be adjudicated by this Senate as entitled to "the remainder of said sum of money after paying the foregoing specific sums, be the same more or less." We are to pronounce that that contract was legal, was fair, was equitable, and ought to be carried out by these special provisions of this act of Congress.

I learn that when the Old Settlers made this new contract they supposed that only one-half of 1 per cent of this 35 per cent would be left undisposed of by the contract which had been made by Mr. Bryan in addition to his own contract of 6½ per cent; they supposed that the barest pittance of this whole sum was to remain, and they were induced to agree that Mr. Bryan might have that money; whereas in truth and in fact, according to this statement made by this tribunal, consisting of the Senator from South Dakota, the Senator from Colorado, and the Senator from Connecticut, there is to go, if I am right, about \$20,000 under this bill to Mr. Bryan. They supposed that there was a half of 1 per cent to go to him, which would be \$4,000. That was all they supposed would go to him, and the fact that they made that contract under that mistaken idea is apparent from the affidavit, the original of which is now on the files, I am informed, of the Committee on Appropriations, but which has not been submitted to the Senate by either of the Senators who have spoken in behalf of this appropriation. I ask that the affidavit may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

CHEROKEE NATION, Tahlequah District:

Personally before me, a clerk in and for Tahlequah district, Cherokee Nation, came this day A. J. Robertson, R. Wofford, J. M. Smith, John Hendricks, and Lewis Miller, who, after being duly sworn according to law, jointly make the following statement:

"We are members of the 'Old Settler Cherokees,' and have been present at and have taken an active part in the deliberations and transactions of the councils of 'Old Settler Cherokees' during the past twenty years, more or less.

"We were personally present at and participated in the business done by the 'Old Settler council' in 1893, at which time the said council passed a motion or resolution allowing J. M. Bryan whatever should remain of the 35 per cent set aside out of judgment against the United States to pay attorneys' fees after all amounts already contracted to be paid had been so paid. We further state that such action by the 'Old Settler council' was had on the express understanding that said residue would not exceed one-half of 1 per cent, the said J. M. Bryan having then made a report to the effect that 34½ per cent had been contracted for already.

"We state positively that the said Old Settler Council never allowed or agreed to allow J. M. Bryan any more than the amount named, one-half per cent, in addition to what had already been allowed him.

"We earnestly protest against any further claim being allowed the said J. M. Bryan."

Further they state not.

S. J. ROBERTSON.

JOHN (his x mark) HENDRICKS.

R. WOFFORD.

J. M. SMITH.

LEWIS (his x mark) MILLER.

Subscribed and sworn to before me this the 7th day of March, A. D. 1896.

Witness my hand and official seal on day and date above last written.

[SEAL]

T. W. TRIPLET,

Clerk Tahlequah District.

By ARCH SPEARS, Deputy.

Mr. CHANDLER. Mr. President, if the original of that affidavit is in the possession of the Committee on Appropriations, I should like to have it submitted to the Senate in order that it may not be said that this is not a true copy.

The whole transaction is a singular one. On July 28, 1892, when the Old Settlers came to pass this resolution, they personally resolved that the sum of 1½ per cent of the amount due the Old Settler Cherokees be paid to Joel L. Baugh for services rendered and to be rendered upon the Old Settlers' claim, the same to be deducted out of the 35 per cent set apart for the prosecution of the Old Settlers' claim.

It does not appear from the papers in the case who Joel L. Baugh is. Joel L. Baugh is a relative and connection of Mr. Bryan. In the year 1893, when the payment of this claim was in sight, for some reason or other, Joel L. Baugh having had no part in these contracts, a provision was made that he should receive 1½ per cent, and he has been paid I do not know how many thousands of dollars, and 1½ per cent would have been \$12,000. Twelve thousand dollars was agreed to be taken out of the 35 per cent for Joel L. Baugh. That would not exhaust the whole money, and so John B. Heard, of Missouri, is provided for.

Be it further resolved, That the contract entered into July 25, 1893, by and between Old Settlers' Commissioner and Treasurer J. M. Bryan on the one part and John T. Heard, of Missouri, of the other part, for \$10,000, be, and the same is hereby, approved.

So \$12,000 is taken for Baugh, and \$10,000 is taken for Heard. What services did Mr. Heard render? He had been a member of Congress all the time I have been in Congress down to the last Congress, and he was hardly out of Congress, if he was out of it, when this agreement was made.

Mr. TELLER. Will the Senator allow me a word, as Mr. Heard is not here?

Mr. CHANDLER. Certainly.

Mr. TELLER. Mr. Heard was employed by these Indians before he was a member of Congress. When he became a member of Congress his connection with the matter ceased, and the Indians, recognizing his services, consented that he should have \$10,000. Congress passed an act, which originated in the House of Representatives, and which passed the Senate, giving him \$10,000 out of this fund. There can be no reflection upon Mr. Heard. He had earned the money and was entitled to it, and everybody, unless it may be the Senator from New Hampshire, agrees that he was entitled to it. So that matter ought to be considered settled.

Mr. CHANDLER. I meant no reflection upon Mr. Heard; none whatever. The Senator is too sensitive altogether about these claims. I knew very well that this amount had been allowed to Mr. Heard after a full debate in the House of Representatives as to what should be paid him. When he was going out of Congress, after many years of service, it was suggested that many years before he had done something, some mysterious thing, some wonderful service for these Indians, and the House of Representatives, the Senate concurring, donated him \$10,000, equal to the amount of his salary as a member of Congress for two years, for what he had done away back. I undertake to say the Senator from Colorado does not know to this moment what Mr. Heard did. He located the service away back in a time almost before the deluge.

Mr. Heard never brought in any bill for the service until it was found that \$800,000 were to be appropriated by Congress and that there was a bare possibility that some portion of the 35 per cent might remain with the Old Settlers, and it was determined to use that up. So this arrangement was made by which Joel L. Baugh was to have \$12,000 and John B. Heard was to have \$10,000. Then the Indians were told that there would be a little remnant of one-half of 1 per cent, and it was suggested to them, "You are perfectly willing to give that to Mr. Bryan in addition to his \$52,000, are you not?" The Indians said, "Certainly," and so that contract was made, the Indians believing that it would not amount to over \$4,000. Now we are to pass this bill, and it is asserted that Joel M. Bryan, in addition to his \$52,000, is entitled to \$20,000 more than the \$52,000, in order that the whole 35 per cent may be used up.

Mr. President, if I were not afraid that I should irritate the Senator from Colorado, I would ask him how much Mr. Joel M. Bryan is likely to get under this bill.

Mr. TELLER. Mr. Bryan should get, I think, about \$11,000; between ten and eleven thousand dollars, as I understand.

Mr. CHANDLER. I thought it was \$20,000, but whether it is \$20,000 or not, I will call it \$11,000, if the Senator says so. It would be altogether more satisfactory if we could have a report showing the reasons why this settlement should be made in this way. It would be altogether more satisfactory, if we are to be the judges, if we are to decide this question as between all of the claimants of fees in this case, where it will cost these Indians \$280,000 lawyers' fees, and druggists' fees, and female fees in order to get \$800,000 appropriated—it would be altogether more satisfactory if we had a report stating why these different amounts are to be paid.

There was \$6,000,000 appropriated for the Choctaw and Chickasaw Indians, and \$600,000 of that had to be paid out in fees. Fortunately we were not called upon to approve the whole schedule of fees. The \$600,000 was put into the hands of Mr. James S. Stansley, and he took the larger part of it to St. Louis and paid it out there. He paid out the other portion in Washington, and all the lawyers from all parts of the earth, including, I think, New York City, were paid out by Mr. Stansley. I should have regretted very much if that whole list of lawyers' fees, for whom that \$800,000 was paid, had been brought in here by the Appropriations Committee, and we had been obliged to indorse every one of those payments by name, as we are here asked to indorse this extraordinary list of attorneys' fees by the Committee on Appropriations to say, in our judgment and by our votes, that they are due.

Mr. President, I believe that last contract made in 1893 was not binding upon the Indians. I am very anxious to say that I think it was a fraud upon the Indians. I think I can say that without putting any imputation, which I disclaim, upon the committee. The Indians were a set of innocents. They did not know what they were doing, and the Committee on Indian Affairs and the Committee on Appropriations were a set of innocents when they brought in this list and asked us to approve it. They ought to have had counsel, Mr. Voorhees and Mr. Jones, before them, in order that they might defend this sum from the claims of all these harpies who have been making prey upon it. Mr. Voorhees and Mr. Jones have successfully protected the Secretary of the Interior, and they are paid for it in this bill. Who was there to protect these two committees when they undertook to approve and adjudicate to be valid this deceptive contract which these Indians were induced to make, and when these committees were led to ask us to say by our vote that each of these sums of money, and

no more, is due to each one of the distinguished lawyers and associates of the lawyers whose names are contained in this bill? I respectfully submit, in all candor, that the Senate of the United States ought not to have been put to this test. I submit that this money either ought to have been paid over in a lump to Mr. Bryan, if he were entitled to it, and he should have been compelled to settle with these parties, or the money should have been left in the hands of the Secretary of the Interior, and these parties should have been compelled to prove their claims to him, or else the Committee on Appropriations ought to have brought in a provision here for sending these claims to the Court of Claims, where they would have a hearing on both sides.

Mr. President, I hope that the amendment which I have submitted will, upon calm and candid reflection, when they are in a nonirritable condition of mind, be acceptable to both the Senator from South Dakota and the Senator from Colorado.

Mr. PETTIGREW. Mr. President, the Senator from New Hampshire has attacked the contract made with Mr. Bryan by the Old Settler Cherokees on the 28th of July, 1893, and to sustain his attack has put in an ex parte affidavit that the Indians understood something else. Of course an affidavit of that sort and affidavits of that character are entitled to no weight and no credence whatever. I believe it is pretty well understood from the evidence taken before the Dawes Commission that affidavits can be obtained by the bushel at a very small price from the inhabitants of that country; and to bring such an affidavit here in order to influence the action of the Senate in opposition to a contract which was duly passed by these people and approved by the Department is certainly pettifogging the case before the Senate, it seems to me.

It appears that this contract was made by the Old Settlers' council in pursuance of advertisement.

The report of the Hon. J. M. Bryan, Old Settler Cherokee commissioner and treasurer, was read.

Motion made that the president appoint a committee of five to take into consideration the report of Commissioner and Treasurer J. M. Bryan and to also look into Old Settler matters generally.

The president appointed as such committee E. B. Wright, H. C. Barnes, E. C. Boudinot, Aaron Terrell, and A. J. Griffin.

Motion made that they elect an additional member to cooperate with the committee of five appointed by the president; carried, and W. A. Duncan was so elected. Committee made the following report, which was adopted:

Among other things in the report was the following:

TAHLEQUAH, CHEROKEE NATION, July 23, 1893.

Then follows the report of these six gentlemen, who, on looking into all these matters, say:

We further recommend that, after the Cherokee Nation be reimbursed for all borrowed money, the residue of the 35 per cent be allowed to the Hon. J. M. Bryan, in addition to the 5 per cent already approved, as an additional compensation for his valuable services.

We recommend the adoption of the following resolutions as embracing the substance of this report.

This is signed by the six members of the committee. Then the council proceed to pass this resolution:

Be it further resolved, That after the Cherokee Nation shall have been reimbursed for borrowed money and all contracts in force satisfied the residue of the 35 per cent shall be allowed to Hon. J. M. Bryan, commissioner and treasurer, as an additional consideration for his long and valuable services as commissioner, delegate, and attorney for the Old Settler Cherokees.

Then follows this:

Be it further resolved, That all previous acts of the Old Settlers' councils not modified by these resolutions be, and the same are hereby, reaffirmed.

Be it further resolved, That our delegate and commissioner, or his successors, are hereby instructed to see that no claims are allowed for attorney fees acting for the Old Settlers in cases where no services have been rendered or where they have failed to strictly comply with the provisions and conditions of their contracts.

The Senator says that \$7,000 was allowed to Voorhees and Jones to defend against the very claims that the committee now allow in order that the Old Settler Cherokees might save a part of the 35 per cent. They passed a resolution giving the remainder of the 35 per cent to Bryan, and then passed a resolution protesting against claims that were not proper claims and where no service had been rendered. They employed these attorneys to contest those claims in excess of the 35 per cent. There were claims filed that pretty nearly absorbed the whole \$800,000, and part of the claims allowed by the committee are for service in contending against and securing the disallowance of those claims in excess of 35 per cent.

This report is signed July 28, 1893; passed the council unanimously at Tahlequah, Ind. T. It is signed by six persons, Mr. Wright, Mr. Boudinot, Mr. Barnes, Mr. Duncan, Mr. Terrell, and Mr. Griffin. It was approved July 28 by Mr. Hendricks, president of the council, and then there is a certificate and seal that this is a true copy of the original. Then C. J. Harris, who signed the protest here, the principal chief of the Cherokee Nation, certifies:

I * * * do hereby certify that the foregoing four pages are the proceedings of an Old Settler Cherokee council held at Tahlequah, Ind. T., on the 20th of July, 1893.

And yet the Senator brings in to impeach this an affidavit of some of these Indians in which it is charged that Mr. Harris and those six gentlemen did not know what they were about when

they made the contract, which was approved by the Commissioner of Indian Affairs and the Secretary of the Interior.

Now, let us see what Bryan had done to earn this money. He has been paid \$52,000, but \$52,000 will only pay him back the money he has advanced and the expense he has been to. He is 86 years old. If the case is sent to the Court of Claims he will never live to see the end of it or to receive a dollar of the money, and I think what he himself says in his affidavit certainly must be true. He states what I will read:

Joel M. Bryan, having been duly sworn on his oath, deposes and says:

The Old Settler claim arose under treaty of 1823, the treaty violation of 1835, and failure to make full settlement under the treaty of 1846.

From 1846, when the Old Settlers presented the claim, and 1852, when they protested against the partial payment of it, till 1875, they had made various attempts to secure justice, to induce the officers of the United States who had the proper authority to secure an adjustment of the sum due them.

They were poor, without influence, and discouraged by two entire generations of failure. Our community had no representation in Congress, even by a Delegate, no votes to be considered, and no stronger method of commanding and enforcing our rights than by appeal to the justice of preoccupied men, whose energies were absorbed in other duties.

I was then a vigorous and sanguine man of 65 years. I had had a large experience in public affairs and knew the justice of the claim. I believed I could make its merit so clear that payment would soon follow. My present age of 86 and my position as a suppliant for fees earned at the expense of life, the sacrifice of fortune, and the repose due old age admonish me that I was over sanguine, and that even a just claim against the United States may be full of jeopardy and heart-breaking discouragement.

If it is sent to the Court of Claims he will certainly die continuing in this belief, for he will not get a dollar out of it for five years.

Mr. GRAY. How much has he already received?

Mr. PETTIGREW. He claims the entire \$79,000, and proceeds to make a good case for every cent of it. He says, however, that he wants what he can get before he dies, and he is willing that it shall be distributed in this way if he can get his \$11,000 to carry him to his grave. Yet Senators stand up here and attack this old man's just claim, which he spent his life contending for, and want to beat him out of it:

It is but justice to myself to say that, when I assumed the responsibility of collecting the money due my people, I laid aside everything else and gave my whole time and energy to this duty. I was then fairly well off. I had two stores, one at home and one at Fort Gibson, a good farm, home residence, the best flour mill, sawmill, and planing mill in the Cherokee Nation, 12 teams and wagons, horses and cattle, various town lots, and was generally well to do. When I had finished this fight I had consumed it all and was heavily in debt. After I used up my property, when Congress was not in session, I practiced law in the courts of the Cherokee Nation making, probably, \$1,500 a year from this source, every dollar of which I used in keeping up and pressing the fight for my people.

I think it proper to say that in the brief and condensed history of my services which follow in these pages I wish it to be understood as part of my sworn statement that at no part of the long struggle was I a noncombatant, but that I took an active part in drawing the various bills by which relief was sought, drew memorials, obtained evidence, made written and oral arguments whenever and wherever necessary, constantly personally interviewing the executive officers and members of Congress, and urging their action with all the zeal I possessed.

Then he gives a history of the case in detail, what he did in each Congress every year, showing that he spent every moment of his time on the claim. He made 72 trips from the Indian Territory to Washington and back. Knowing all these facts, knowing his valuable service, knowing that he had taken a contingent fee and put up his entire fortune, the Cherokee Indians chose to give him the remainder of the 35 per cent, as they had a right to do, and they made a solemn agreement and contract which it is proposed to refute and overturn by an ex parte affidavit of a lot of Indians put in here by the Senator from New Hampshire. If he were practicing before a justice's court he would hardly undertake to pursue such a course.

Bryan said the Secretary allowed him 6½ per cent, or \$52,025. He says:

It may not be improper to state that this sum was in large part consumed at once in paying my private indebtedness incurred in the prosecution of this case for money borrowed, with years of accumulated interest, and for my local attorneys, whose assistance was necessary to me in the safe conduct of this case.

He not only had spent his fortune, but he paid out nearly all of this money, and is without compensation. He is here pressing his claim for the remainder of this money. It seems to me, in view of these facts, that there is no possible equitable claim on the part of the Cherokees for a dollar of this money, and that not a dollar of it can go to them. It must go to Bryan, if not distributed among the attorneys, and if Mr. Bryan is satisfied that it shall be distributed in this way who else has occasion to complain? Who else is interested?

It seems to me that if the Senators who have not spoken against the amendment are as ignorant in regard to this case as those who have spoken, it will be unfortunate, indeed. It seems to me only those Senators have spoken against the amendment who are ignorant with respect to it, who know nothing about it. They have groped along here through two days of discussion for the purpose of gaining information, I should judge, and yet they succeeded in absorbing but very little of it. Bryan shows here by a bill of

items that he has paid out not only the \$52,000 which he has received, but a sum nearly equal to the whole \$75,000 still undistributed.

It seems to me, and it seemed to the Committee on Appropriations and to the Committee on Indian Affairs, which went carefully into the whole subject and made a unanimous report, that this is the best disposition that can be made of the money. There is not money enough to begin to pay all the claims that were presented, and we determined, if possible, to keep the question out of future Congresses. We therefore provide "that every person receiving the sums herein stated shall receipt in full for all claims upon the aforesaid fund."

I think the best thing for the Senate to do is to dispose of this matter by adopting the committee amendment and have it done with.

Mr. TELLER. Mr. President, I merely wish to say a few words about this case, because it seems that the gentlemen who have the largest amount of money involved are made the object of special attack by some Senators, and it is repeated, notwithstanding what I called the attention of the Senate to yesterday, that this man has rendered no service.

I call the attention of the Senator from Illinois [Mr. PALMER], who seems to think this man rendered no service, to the fact that the foundation of the claim is the report of the Commissioner. If that report had been against the claim or for a much less sum, undoubtedly a less sum would have obtained, and if wholly against it there would have been no further consideration whatever. In an affidavit submitted to the Secretary of the Interior by Mr. Clements, the Commissioner, who, as I said yesterday, I have known for thirty years, an honest man, he makes the statement that after he had made the first report Major Peabody and Mr. Sibbald, who is one of the beneficiaries in the amendment, discovered that he had made an error against the Old Settlers of \$240,743.82. Subsequently they discovered another error of \$54,000, making an error of about \$300,000 in the accounting, which he said was discovered by Peabody and Sibbald.

The Senator from Utah [Mr. BROWN] insisted that these men were lobbyists. He makes the statement that they must be lobbyists, because there was no other place to which they could go than to Congress. I do not understand that when a claim is prosecuted before Congress every man who prosecutes it is a lobbyist. I do not understand that Mr. Bryan comes within the term "lobbyist." A man who comes here to see that justice is done, although he may be employed as an attorney who goes before committees, is not to be rated as a lobbyist. If they could not hire attorneys to come here they would have no remedy whatever. The late Attorney-General, Mr. Garland, than whom no more honorable man ever sat in this Chamber, states of his own knowledge the service rendered by Mr. Peabody, and he says that Mr. Peabody made trips to the Indian Territory in the interest of the claim, looking up facts. Governor Crawford, a former governor of the State of Kansas, files an affidavit in which he states that he has been entirely familiar with Major Peabody's services, as he was prosecuting a claim at the same time, and he also states that Major Peabody's services were of great value, as Mr. Garland had stated before.

There is abundant evidence here. Governor Crawford gives to Peabody practically the credit of securing the first legislation recognizing that there was some obligation on the part of the Government to pay the claim. He says that Peabody was largely influential in securing the commission, and the Commissioner states that during the two years 1882 and 1883 Mr. Peabody was daily before him in connection with the matter. Mr. Peabody was a merchant, familiar with accounts, books, and figures, and he devoted his time to going through the various files of the Department and making calculations and presenting them to the commission. The Commissioner's statement is here that nearly \$300,000—\$294,000—was saved to the Indians by those two attorneys alone.

I made the statement—I am always loath to do it—that on the protest of these men I allowed the Commissioner to withdraw his report for revision. It does seem to me that it ought not to be controverted that Mr. Peabody rendered valuable service. The Commissioner says that he did not think his services were valuable, because he did not think the report of the commission amounted to anything; but it was the basis of all the proceedings in the courts and everywhere else subsequently. I repeat, but for the favorable finding there never would have been any claim presented to Congress and the Old Settlers would have lost their claim.

Mr. Bryan, who is a beneficiary, as I stated yesterday, declared after the appropriation was made that Major Peabody had rendered services entirely in accord with his contract. He wrote him a letter to that effect and signed his affidavit, saying that the facts stated in his affidavit were correct. Mr. Bryan is not now contesting the question. He has an attorney here in the city who

is representing his claim before the committee, and he consents that these people shall have the money and consents to take the balance of it.

Now, what we are contending for I am unable to say, unless, as was suggested yesterday, somebody may think that the Government will confiscate this money and keep it itself. It does not belong to the Indians. It belongs to the attorneys. It is theirs of right, and it ought to be paid to them. They ought not to go to the Court of Claims, which is so filled with business that it will be five years before a decision is reached. Old man Bryan will be dead. Some of the rest of them will be dead. They have rendered service, they are entitled to the money, and every year we adjudicate on just such evidence claims aggregating millions and millions of dollars.

The Senator from Utah says we are not the proper tribunal. We every day take cognizance of claims involving as much money as this, because we have the right so to do, and there is no reason why we should not settle this question, which is a mere question between attorneys, and the attorneys themselves agree to the settlement. If the nation is trustee, it is trustee for whom? For the people who are entitled to the money. We are not trustees for the people who are not entitled to it, but for those who are. When all the people who have contracts, as here represented, who have not been paid in full agree among themselves, which they have practically done, there is no reason, and there can be none on the face of the earth, why the claim should not be paid.

I am very certain that if the Senators who have been contesting this claim had known as much then as they know now, probably they would not have contested it so hotly as they have. I know how easy it is when we get into a controversy to bear it out and go through with it. I know that in our own profession it is exceedingly natural that we should, but after all what good can come of sending the claim to the Court of Claims? The division is fair. It is agreed to practically by all. Some of them think they do not get enough. They could not get enough. There is not money enough to give them under their contracts. There have been too many contracts made.

Mr. PLATT. What right has Congress to send these parties to the Court of Claims? How can we oblige the Old Settlers to go into the Court of Claims?

Mr. TELLER. I suppose if we say they have to go there and that we will not do anything else, the poor creatures will have to go there.

Mr. PLATT. It is not a claim against the United States.

Mr. TELLER. It is not a claim against the United States.

Mr. PLATT. It is not a claim against the Cherokee Nation.

Mr. TELLER. It is not a claim against the Cherokee Nation.

It is a claim against the fund which we hold as trustees, which we are as capable of settling on the equities of it, the right of it, as the Court of Claims.

Mr. PLATT. The Old Settlers constitute a voluntary association.

Mr. TELLER. That is true. This is nothing more to me than to any other member of the Senate. I happen to be conversant with the services most of these people have rendered. Some of them rendered services in the matter before I got into the Interior Department, like the two gentlemen in North Carolina who are dead. But they rendered the service under a contract which was approved, and they are entitled to as much as they will get, and I have no doubt they are entitled to more.

Mr. Bryan has given thirty-odd years to this matter; he has paid large sums of money and he will not get any extraordinary compensation. The fees are not large as I understand fees. They would not be regarded in my country as especially large, or in Utah, as I recollect, for the amount of service and the time. I think the Senator from Utah would hardly render the service these men have rendered and charge less. Unless attorneys' fees in Utah have fallen in the last fifteen years, he would expect quite as much as it is proposed to give to these people. They are entitled to their money. It would be a great hardship and a great wrong to send them to the Court of Claims. Of course, if Congress says they can not have it without going there that is the end of it, and they will have to go there and fight it out and divide up the money among a lot of attorneys. There will be long litigation and some of the claimants will die before they realize anything from the claims. I believe that the two committees, acting independently of each other, have arrived at practically the same identical conclusion, and I think it is very strange if there can be any better adjudication than that which has been made of the claims by those committees.

Mr. ALLISON. Is there an amendment pending to the amendment of the committee?

The PRESIDING OFFICER. The pending amendment is the amendment proposed by the Senator from Ohio [Mr. SHERMAN] to the amendment of the committee.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Lindsay,	Roach,
Allison,	Dubois,	McMillan,	Sewell,
Baker,	Elkins,	Mantle,	Sherman,
Bate,	Faulkner,	Martin,	Shoup,
Brice,	Frye,	Mills,	Teller,
Brown,	Gear,	Mitchell, Oreg.	Turpie,
Burrows,	George,	Mitchell, Wis.	Vest,
Butler,	Gray,	Nelson,	Walthall,
Caffery,	Hansbrough,	Palmer,	Warren,
Call,	Hawley,	Pasco,	White,
Cannon,	Hill,	Perkins,	Wilson,
Carter,	Hoar,	Pettigrew,	Wolcott
Chandler,	Jones, Ark.	Platt,	
Chilton,	Jones, Nev.	Pritchard,	
Clark,	Kyle,	Pugh,	

The PRESIDING OFFICER. Fifty-seven Senators have responded to their names. A quorum is present.

The pending question is upon the amendment proposed by the Senator from Ohio [Mr. SHERMAN] to the amendment of the Committee on Appropriations.

Mr. GEORGE. What is the amendment?

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. In lines 5 and 6, page 56, strike out the words "and not to their assignees"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, etc.

The amendment to the amendment was rejected.

Mr. CHANDLER. Now I move the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire to the amendment of the committee will be stated.

The Secretary read as follows:

Strike out, on page 56, all after the word "That," in line 4, to and including the words "out of," in line 7; also all from line 18, on page 56, to line 14, on page 57, inclusive, and insert after line 17 on page 56 the following:

"Shall remain in the Treasury, to be available, with 4 per cent interest thereon from said August 23, 1894, for the payment of the claims of the parties legally or equitably entitled to said balance, and all claimants may bring suits therefor in the Court of Claims within three months after the passage of this act and not afterwards, which shall consider all existing evidence in the Interior Department and such other evidence as may be properly taken, and the judgments of said court shall be final and conclusive, without appeal, as to the amount and validity of said claims, and said balance with interest thereon shall be paid out in accordance with said judgments without further legislation by Congress."

Mr. GRAY. I should like to ask the Senator from New Hampshire if it is within the meaning of his amendment that this whole fund shall be distributed by the Court of Claims as a fund or whether they shall be at liberty to decide upon claims against them, and if perchance there should be none established against them, the fund is to remain undistributed to go to the Indians or whoever may be the lawful owners?

Mr. CHANDLER. My amendment contemplates that the Old Settlers will themselves bring suit for this money, and that the various parties who claim to be paid fees from the fund will bring suit, so that the clause as a whole creates an interpleader suit.

Mr. GRAY. Are the Old Settlers capable of bringing suit, may I ask the Senator?

Mr. CHANDLER. I suppose they are, Mr. President.

Mr. PLATT. They certainly are not.

Mr. GRAY. They are not capable in a legal sense. They are not incorporated and a body recognized as a party to a suit in court.

Mr. PLATT. Unless specially authorized by Congress.

Mr. GRAY. Are they specially authorized by Congress?

Mr. PLATT. Not by the amendment.

Mr. GRAY. They ought to be specially authorized, I suggest to the Senator from New Hampshire, to bring that suit.

Mr. PLATT. The amendment to the amendment is, in my judgment, I venture to say, entirely and absolutely inoperative.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER] to the amendment of the Committee on Appropriations.

Mr. BROWN and Mr. CHANDLER called for the yeas and nays; and they were ordered.

Mr. BATE. Now let the amendment to the amendment be read again.

The Secretary again read the amendment to the amendment.

Mr. PLATT. Now, to show how utterly inoperative that is, just suppose that Belva A. Lockwood, whom the Senator from New Hampshire seems to represent on this floor and to think she is entitled to \$80,000—

Mr. CHANDLER. The Senator from Connecticut misapprehends me. He is the representative of Mrs. Lockwood to the extent of a thousand dollars, and I am to represent her only to the extent of \$79,000 under those circumstances.

Mr. PLATT. The Senator seemed to be very much troubled

because the claim of Mrs. Lockwood had been cut down. Suppose she brings suit for \$80,000 and gets the first suit on the docket and recovers that amount, who else is going to get anything of the fund? There is no provision in the amendment that the court shall determine as between the different claimants what portion each shall have. It will simply allow the first person who gets in there and can establish a claim to have it paid, and then the next one, until the fund is exhausted. One or two claims may exhaust the whole of it and the others be left out. It is utterly inoperative.

Mr. CHANDLER. There is no such intention and no such provision, as the Senator very well knows. I suppose the amendment can be expanded so as to make it a bill of interpleader or an interpleader suit, which is certainly what is meant. When the time for the presentation of claims is limited to three months there is no danger that all the parties will not be in court. The Court of Claims is to decide to whom this fund belongs. I think the amendment is sufficient, and it can be amended after it is adopted if it is thought that other words should be added to it to make its meaning clear.

Mr. MILLS. I ask the Senator why he proposes that 4 per cent interest shall be paid?

Mr. CHANDLER. Several Senators have asked me about that. I inserted 4 per cent interest because it is the custom of the United States to pay 4 per cent interest on judgments of the Court of Claims. We ought to have paid this money. Under the circumstances, however, I ask leave to strike out the clause "with 4 per cent interest thereon from August 23, 1894."

The PRESIDING OFFICER. The amendment will be so modified. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER] to the amendment of the committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when the name of Mr. DUBOIS was called). I am authorized to announce that the Senator from Idaho [Mr. DUBOIS] is paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. He is not present, and I withhold my vote.

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MITCHELL of Oregon (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. VILAS], and withhold my vote.

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. FAULKNER (after having voted in the affirmative). When I voted I did not know that my colleague [Mr. ELKINS], with whom I am paired, is not in the Chamber. I therefore withdraw my vote.

Mr. GEORGE (after having voted in the affirmative). Has the Senator from Oregon [Mr. MCBRIDE] voted?

The PRESIDING OFFICER. He has not voted.

Mr. GEORGE. I withdraw my vote, as I am paired with that Senator.

The result was announced—yeas 15, nays 36; as follows:

YEAS—15.

Bate,	Chilton,	Kyle,	Sewell,
Brown,	Cockrell,	Mills,	Vest,
Caffery,	Gallinger,	Palmer,	White.
Chandler,	Gray,	Pasco,	

NAYS—36.

Allen,	Clark,	Mitchell, Wis.	Roach,
Allison,	Cullom,	Nelson,	Sherman,
Bacon,	Davis,	Peffer,	Shoup,
Berry,	Frye,	Perkins,	Squire,
Brice,	Hansbrough,	Pettigrew,	Teller,
Butler,	Hawley,	Platt,	Turpie,
Call,	Jones, Ark.	Pritchard,	Warren,
Cannon,	Jones, Nev.	Proctor,	Wilson,
Carter,	Mantle,	Pugh,	Wolcott.

NOT VOTING—38.

Aldrich,	Gear,	Lindsay,	Smith,
Baker,	George,	Lodge,	Stewart,
Blackburn,	Gibson,	McBride,	Thurston,
Blanchard,	Gordon,	McMillan,	Tillman,
Burrows,	Gorman,	Martin,	Vilas,
Cameron,	Hale,	Mitchell, Oreg.	Voorhees,
Daniel,	Harris,	Morgan,	Walthall,
Dubois,	Hill,	Morrill,	Wetmore.
Elkins,	Hoar,	Murphy,	
Faulkner,	Irby,	Quay,	

So the amendment to the amendment was rejected.

Mr. GALLINGER. Mr. President, when this matter was first called to my attention in examining the bill under consideration and after having read a printed brief that had been sent to me, as I presume it was sent to every other member of this body, my

prejudices ran in the direction of looking upon the entire proposition as one devoid of merit if not possessed of the absolute elements of fraud, and I had intended to cast my vote against the amendment of the committee. Since that time I have received a communication from a friend of mine, a man who would not advocate the passage of a bill that was not a just one by this or any other legislative body. He has called my attention particularly to one claim in the list which he insists is entirely meritorious, whether the other claims are meritorious or not.

I have examined the claim thoroughly—

That is, the claim of D. A. McKnight—

and believe it to be without a flaw. Mr. McKnight appeals to Congress from an inequitable ruling of the Secretary of the Interior, which was founded on several mistakes of fact, and I ask you to aid in securing justice for him. The recent protest of the Old Settler delegates against further payments to attorneys excepted cases of "mistake," and Mr. Garrett's protest was leveled at "spurious" claims, which this claim manifestly is not.

Accompanying this letter is a printed brief, which I presume has been prepared by Mr. McKnight, in fact it is signed by D. A. McKnight for the surviving partners, in which the equities and perhaps the law of this case are argued at considerable length. The statement is that—

The claim made by D. A. McKnight was originally for \$16,007.72, or 2 per cent of the appropriation of \$800,386.31 for the "Old Settlers" or Western Cherokee Indians (Senate Executive Document 77, Fifty-fourth Congress, first session, page 9), of which but \$4,000 was paid by the Secretary of the Interior (ibid, page 3). The claim now made is for the difference between the said sums, or \$12,007.72.

The grounds upon which the claim rests are the errors committed by the Secretary of the Interior in reaching his conclusion as to the value of the services of the late E. John Ellis, a member of said firm of Ellis, Johns & McKnight, and who rendered most of the services for which this compensation is prayed. Said errors were the following:

1. Mistake of fact, in that the Secretary has found that the services of said E. John Ellis, though "of the most meritorious character"—

That is a quotation from the Secretary—

"were not of long duration, for he died a few months (namely, four) after he was employed in the case"; whereas the record shows that he was employed in the case at least sixteen months before his death, and his services were therefore reasonably worth four times the valuation which the Secretary has placed on them, or \$16,000.

2. Mistake of fact, in that the Secretary has found said Ellis's services to be of the value of \$4,000 only, while finding the services of W. W. Wilshire, whose "most valuable service" was his work in connection with the first reference of the claim to the Court of Claims under the Bowman Act and in prosecuting it there, to be worth \$13,500; whereas said Ellis's most valuable work was in procuring the second reference to said court by act of Congress, after it had been reported adversely by the House, and in preparing the petition in said court, and was therefore reasonably worth more than said Wilshire's work.

3. Mistake of fact, in that the Secretary has found said Ellis's services to be of the value of \$4,000 only, while finding the services of W. W. Wilshire and A. H. Garland to be of the aggregate value of \$23,500; whereas the Indians themselves fixed the value of Wilshire's services at \$40,000, and, since after his death said Ellis and Garland rendered the remainder of the services which he had engaged to perform, the services of Ellis were therefore reasonably worth more than \$11,500.

4. Mistake of fact in that the Secretary has (implicitly) found that the services of said Ellis were rendered under an individual employment and not under an employment of the firm; whereas the employment was clearly of the firm, as well understood by said Ellis, by said Johns and McKnight, and by Bryan, the "Old Settler" agent; and, the contract entered into never having been revoked, and the several members of said firm having partially rendered, and being always able, ready, and willing to render the full services stipulated for, said firm were justly entitled to the \$16,000 provided for in said contract.

Following this statement is an argument of each of the points made, which I will ask to have inserted in the RECORD without reading. I think the matter is discussed very intelligently, and to my mind it is discussed very conclusively:

First. The Secretary erred in finding the period of E. John Ellis's services to be of short duration, or about four months altogether, whereas they extended over sixteen months at the least, were "of the most meritorious character," and were reasonably worth \$16,000.

In regard to compensation for the services rendered by Mr. Ellis the Secretary's decision is as follows (ibid., page 25):

"The proof shows that this claim is of the most meritorious character. To be sure, the services of Mr. Ellis were not of long duration, for he died a few months after he was employed in the case. I do not think, under the circumstances, that the representatives of Mr. Ellis are entitled to a very considerable compensation for his services. * * * I am of opinion that the estate of Mr. Ellis should be allowed the sum \$4,000 in full for his services."

The Secretary's mistake undoubtedly arose from his reliance on the report of the Commissioner of Indian Affairs, which took December 15, 1888, the date of a certain written contract with Mr. Ellis, as the date of his employment. This date was so taken under a ruling of the Attorney-General that under sections 2103-2105, Revised Statutes, only services rendered "after the date of the contract" could be considered (ibid., page 17), and the Commissioner accordingly found that "there were but little over four months between the date of Mr. Ellis's contract and his decease" (ibid., page 18). The Commissioner further strenuously contended that sections 2103-2105, Revised Statutes, controlled the disbursement of the fund set apart for the payment of the fees of attorneys (ibid., page 10), but in this he was overruled by the Secretary (ibid., page 24), who held that the appropriation act, authorizing payment "for legal services justly or equitably payable on account of said prosecution," contemplated not only services rendered upon contracts executed under the Revised Statutes, but "under agreements not strictly within the requirements of the Revised Statutes, which gave just and equitable claims on the Old Settler Cherokees for professional services." This ruling justified payment for professional services rendered before the date of the written contract, and under it the services of Jones and Voorhees so rendered (ibid., pages 8 and 9) were paid in full. This ruling and this precedent required the Secretary to pay for E. John Ellis's services so rendered, and he undoubtedly would have done so had he not overlooked the facts in the record, which are as follows:

1. The contract of December 15, 1888, between J. M. Bryan and E. John Ellis

recites that services had been rendered by said Ellis prior to its date (Senate Executive Document No. 18, Fifty-second Congress, second session, page 67):

"Whereas the said J. M. Bryan is desirous of securing the services of the said E. John Ellis in the future, and to remunerate him for services rendered in the past," etc. * * * "And in consideration of the services heretofore rendered by the said E. John Ellis, and the services hereafter to be rendered and performed by him," etc.

2. Said contract also recites that Mr. Ellis's employment was "as assistant counsel or attorney to prosecute said claim before the proper committees of Congress," etc. The Committees on Indian Affairs of both the House and Senate had reported favorably on February 7, 1888, or more than ten months before (Fiftieth Congress, first session; Senate Report 217; House Report 342).

3. Hon. H. L. Dawes, then chairman of the Senate committee, and Hon. S. W. Peel, then chairman of the House committee, both certify to Mr. Ellis's services before their respective committees "while they had the subject under consideration."

SENATE OF THE UNITED STATES,
Washington, D. C., April 21, 1892.

MY DEAR SIR: I knew the late E. John Ellis very well, and had a very high personal regard for him. I knew that he interested himself very much in the prosecution of the claims of the Old Settlers or the Western Cherokee Indians, and acted precisely as if he was counsel in the case. He frequently consulted with me upon the subject, and with other members of the committee. I am not sure that he ever appeared before the full committee in any hearing that was had in their behalf, for I do not remember of any special hearing. The matter was considered by the committee, and Mr. Ellis and others interested in it presented their views mostly to the committee individually.

I am, truly yours,
D. A. MCKNIGHT, Esq., 1416 F street, City.

H. L. DAWES.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 22, 1890.

FRIEND MCKNIGHT: Yours received. E. John Ellis, late of your firm, appeared frequently before the sub and full Committee on Indian Affairs, House of Representatives, as attorney for the Western Cherokees, or Old Settlers, in prosecution of a bill to refer said claim to Court of Claims United States. He rendered all the service that an attorney at law could have done.

Respectfully,

S. W. PEEL.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 20, 1892.

DEAR SIR: In regard to the bill passed by the Fiftieth Congress conferring jurisdiction upon the Court of Claims to determine the rights of the Old Settlers, or Western Cherokee Indians, I am requested by the friends of the late E. John Ellis to refer to the part he took as attorney in the prosecution of the claim.

The firm, I think, was Ellis, McKnight & Johns. I can say that Mr. Ellis was very zealous in the prosecution of the claim; it was one he had had under his control, as I understand it, for many years. He frequently appeared before the Committee on Indian Affairs of the House in its interest, and made an argument before the subcommittee of which I was chairman, and was very efficient in getting up the law and data to submit to Congress. After our committee had come to the conclusion that it was a meritorious claim, or sufficiently so to go to the courts, Mr. Ellis appeared before the whole committee and presented it in a more forcible manner than I had ever seen it done before. There is no doubt but what he rendered valuable service, and I believe he did all any lawyer could under the circumstances.

Respectfully,

S. W. PEEL.

THE SECRETARY OF THE INTERIOR, Washington, D. C.

4. The affidavits of the late John Johns and D. A. McKnight (ibid, pages 61, 58) aver their personal knowledge of Mr. Ellis's assiduous efforts in Congress; and another affidavit of D. A. McKnight (copy herewith filed) explicitly avers his knowledge of Mr. Ellis's services "for many months, and, as affiant is informed and believes, for more than a year prior to the date of said contract."

There is no denial or attempt to deny Mr. Ellis's said valuable services before the committee of Congress except the following statements by Mr. Bryan:

"The late E. John Ellis did no service in the prosecution of the said claim."
"Mr. Ellis rendered no service in procuring the passage of this bill, to my knowledge or to the knowledge of the Old Settlers or Western Cherokees."
"Affiant and the said Wilshire worked energetically and successfully to secure the passage of the said bill until the death of said Wilshire, affiant continuing thereafter to care for said bill."

The first of these statements is absurdly false, and is so proved by the contract itself. The second statement is limited to Bryan's personal knowledge, and the third is not a denial that Mr. Ellis also aided in the matter. They do not shake the positive evidence hereinbefore recited.

Said evidence shows conclusively that Mr. Ellis was engaged in serving the Old Settlers for at least a year before the date of his contract, which period the Secretary did not consider in valuing his services. Since the Secretary has found four months' service to be worth \$4,000, on the same basis a reasonable value for sixteen months' service would be \$16,000.

Indeed, the most valuable part of Mr. Ellis's services were in procuring the favorable reports of the committees, for it is to be remembered that, notwithstanding the favorable finding of the Court of Claims under the Bowman Act, the House committee had reported against the claim in the Forty-eighth Congress, second session (House Report 2651), and the Forty-ninth Congress had done nothing to forward its progress.

Second. The Secretary erred in finding the services of E. John Ellis to be of the value of \$4,000 only, whereas, being similar to and more valuable than the recognized services of W. W. Wilshire, which were found to be worth the sum of \$13,500, they were reasonably worth the sum of \$16,000.

The Commissioner has carefully discussed the services rendered by Mr. Wilshire (Senate Executive Document 77, pages 12 and 13), and his conclusion of fact is as follows:

"The most valuable service that was rendered by Mr. Wilshire was, therefore, in connection with the reference of the case to the Court of Claims for a finding of fact and the prosecution of the matter in the court under that reference, he having died before it was referred to the courts for adjudication by the Congress."

This reference of the claim to the Court of Claims was by the Committee on Indian Affairs for a report under the Bowman Act, and it need hardly be urged that the amount of work required to procure such a reference was vastly less than that required to pass a bill through Congress a second time referring the claim to that court for adjudication. In obtaining the former of said references, Mr. Wilshire appears to have been aided by Hon. John T. Heard, who also, in connection with Hon. John W. Douglass, aided him in

preparing the cause for trial, as appears by Mr. Heard's affidavit filed in the Interior Department in connection with this claim, as follows:

"John T. Heard, being duly sworn, deposes and says that he, together with the late W. W. Wilshire, procured the reference by a committee of Congress of the claim of the Old Settlers against the United States to the Court of Claims for the findings of facts under the Bowman Act, and that later he, together with said Wilshire and assisted also by John W. Douglass, prepared said cause for trial, and that on January 29, 1888, the said Heard argued the same in said court."

For their said services Wilshire (and his assignee, Mr. John A. Sibbald) were paid \$13,500. Heard was paid \$10,000, and Douglass was paid \$2,500, or an aggregate sum of \$26,000 (*Ibid.*, page 2).

The Commissioner has found (*Ibid.*, page 17) that Mr. Ellis "did perform some services in connection with the passage of that bill," and that he was interested in the preparation of the petition filed in the Court of Claims as "consulting attorney" and as "attorney of record" (*Ibid.*, page 18). The affidavits of Messrs. Johns and McKnight (Senate Executive Document No. 18, pages 58 and 61) show that Mr. Ellis's efforts contributed to if not mainly procured the passage of said bill, and were of essential service in the preparation of the case for the Court of Claims.

The affidavit of Hon. John W. Douglass, on file in the Interior Department, is to the same effect, as follows:

"Mr. McKnight has called my attention to the fact that in addition to the meetings at the office of Jones and Voorhees there were several meetings also on the same business at Mr. Ellis's office. The meetings at Mr. Ellis's office did occur (two or more of them); but as my affidavit made on the 28th of August, 1884, was made simply to show the part taken by Jones and Voorhees, I did not think it necessary to refer at any length to the part taken by Mr. Ellis."

"My recollection is that Mr. Ellis was looked to largely to take care of the matter before Congress and its committees, being considered very competent in such cases."

It was also shown by the affidavit of D. A. McKnight, above referred to (copy herewith, page 4), that Mr. Heard has personally stated that said bill was "put through" by Mr. Ellis.

There is no denial or attempt to deny Mr. Ellis's said valuable services in passing the bill referring the claim to the Court of Claims, in preparing the petition for the court as consulting attorney, and in signing said petition as attorney of record (for which his retainer would reasonably be worth \$2,500), except the following from the affidavit of Mr. Bryan above referred to:

"That at the date of the said contract (i. e., December 15, 1888) the work necessary to and which in fact did secure the passage of the bill had been done."

This statement is absolutely false, being flatly contradicted not only by Bryan's contract with Mr. Ellis, but by the letters of the chairmen of the respective Committees on Indian Affairs (above quoted, page 5), and by all of the affidavits just above recited.

It is submitted, therefore, that if the above-mentioned services of Messrs. Wilshire and Sibbald (in aiding the reference of the claim to the Court of Claims and the preparation of it there) were worth \$13,500—and it is conceded that they were actually worth much more—then the services of Mr. Ellis were reasonably worth the sum of \$16,000.

Third. The Secretary erred in finding the services of E. John Ellis to be of the value of \$4,000 only, whereas the Indians themselves fixed the value of the services of said Wilshire before Congress and in the courts at \$40,000, and Ellis aided said Wilshire in Congress, and Wilshire having died before the passage of the bill referring the case to the courts, Mr. Ellis was in charge of said bill thereafter, and aided in the preparation of the case for court, and he having died, Hon. A. H. Garland argued the case in court, for which services Wilshire and Garland were paid the aggregate sum of \$28,500; wherefore said Ellis's services are reasonably worth more than the difference between \$28,500 and \$40,000, and are worth at least \$16,000.

Mr. Ellis's employment was not intended to require him to perform all the work necessary to collect the Old Settlers' claim, but was to be rendered "in connection with such other counsel or attorneys as have been or may hereafter be employed" (Senate Executive Document No. 18, page 67). During his employment he was associated, as the record shows and as was contemplated by said contract, with Messrs. Wilshire, Sibbald, Douglass, and Jones and Voorhees, and upon the death of Mr. Wilshire, Ellis rendered services in his stead, and upon the death of Mr. Ellis, Mr. Garland was employed. Since the services of Messrs. Wilshire, Sibbald, and Garland have been valued at \$28,500 (Senate Executive Document No. 77, page 2), it reasonably follows that, upon the estimate of the Indians themselves, the services of Ellis would be worth the difference between said amount and the \$40,000 contracted for, namely, \$11,500. And, since Ellis's services in passing a reference bill were necessarily greater than Wilshire's services in obtaining the Senate committee's resolution, as above pointed out, it would follow that said services were reasonably worth \$16,000.

Fourth. The Secretary erred in finding that the firm of Ellis, Johns & McKnight rendered no services to the Old Settlers, but that they were rendered by E. John Ellis alone, under a contract of employment for his individual services, whereas the record shows as a matter of fact that the employment was of the firm; and since the surviving members of said firm tendered their services to the Old Settlers, and were always able, willing, and ready to render them, and were not discharged from said employment, said firm is reasonably entitled to the full contracted sum of \$16,000.72.

The Commissioner has found (Senate Executive Document No. 77, page 17), and the Secretary apparently concurs in the finding (*ibid.*, page 25), in regard to the claim of D. A. McKnight in behalf of said firm, upon the evidence then before him, as follows:

"It seems to me that in view of the well-known rule that a client may contract with a firm of attorneys for the individual services of one partner, and the conduct of Mr. Bryan, the representative of the Old Settlers or Western Cherokees, in making this contract, which clearly shows, if it does not so declare, that his intention in making the said contract was to secure the individual services of Mr. Ellis in this case, I think Mr. McKnight has not sufficiently shown that it was understood by Mr. Bryan, Mr. Ellis, and other members of his firm that this was a firm contract to sustain his claim."

The "rule" stated by the Commissioner is well settled, but there must always be evidence proving it, because the presumption of law is that the contract of one partner is the contract of the firm.

There is no doubt that the contract of December 15, 1888, made under section 2103, Revised Statutes, was made in the name of E. John Ellis, but there is nothing whatever in the terms of said contract, further than the use of Ellis's name with the appropriate pronouns "him" and "his," which indicates that it was the intention of either party to contract for the personal services of Mr. Ellis alone (Senate Executive Document No. 18, page 66). If the original employment had not been thus provided for in a written contract, there is no doubt that it would be regarded as a firm employment, and the service in Congress rendered by Mr. Ellis acting for the firm, the burden being on him denying that it was a firm employment. Hence the written contract is fairly subject in this respect to an explanation by the parties interested, and that it is had as follows:

1. The contract in terms provides for the payment for the services "here-

tofore rendered and hereafter to be rendered" to "the said E. John Ellis, or his legal representative or assigns." After Mr. Ellis's death said contract was assigned by his administratrix to John Johns and D. A. McKnight, surviving partners, as part of the assets of said firm. (*Ibid.*, page 68.) This action of the administratrix is conclusive of her opinion that the proceeds of said contract were firm assets.

2. The late John Johns has explicitly testified that in dealing with Mr. Bryan in this matter Mr. Ellis was "acting for and on account of his firm," that it was customary for contracts of the firm to be made "in the names of the individual members of the firm," that "this piece of professional business belonged to the firm," that Bryan offered the firm "\$1,500 in satisfaction of their claim under said contract," and that the surviving partners tendered their services, which were rejected, but that they were never discharged and were always able, ready, and willing to perform said services. (*Ibid.*, page 61.)

3. Mr. D. A. McKnight has explicitly testified that this contract was made in Mr. Ellis's name in conformity with a custom obtaining in the firm; that it was so made with his knowledge and consent, and that Mr. Ellis advised him that he intended to assign it to the firm; that Mr. Bryan was fully advised of the fact "that his business was firm business," and that "he led affiant to believe that he regarded him as one of his consulting attorneys"; that it was agreed that Ellis should have charge of this business in Congress, that Mr. McKnight should prepare the case for the courts, and that both of them should argue it there; that in a conversation with Bryan subsequently to Mr. Ellis's death he did not deny "the firm's interest in the business" or allege "that said Ellis was employed personally or that the firm was not employed," but admitted the firm's employment, and that the surviving partners tendered their services to Mr. Bryan, which were rejected, but that they were not discharged from the case, and that they were always able, willing, and ready to perform said services. (*Ibid.*, page 53.)

4. Confirmatory of the foregoing statement is the following letter from the Hon. S. W. Peell, which was recently put into the record by Mr. Bryan:

"DEAR UNCLE JOEL: I saw Mr. McKnight, of the law firm of E. John Ellis, Johns & McKnight, to-day. He tells me that Ellis handed the papers in the case over to him, with request that he attend to it in court, and said that he would tell him all the facts in a day or so, but died before he did so. Now, he wants you to come to Washington as soon as you can and post him on the facts, so that he can go to work. I think you had better come and push the case along. I wrote you at Selim, but, thinking you might be at the council, write this."

"S. W. PEELL."

5. In further explanation of the nature of the employment, Mr. McKnight has explicitly testified (affidavit herewith, page 5), as follows:

"Affiant reiterates what he has heretofore stated in his affidavits, that as a matter of fact Joel M. Bryan employed the firm of Ellis, Johns & McKnight as counsel for the Old Settler Indians, and that while he undoubtedly expected to have advantage of Mr. Ellis's skill and ability in Congress and the courts, he never did intend to employ him alone, or to make a contract with said firm for said Ellis's special services. And affiant further says that the contract executed December 15, 1888, was made in the name of E. John Ellis, not at the instance or request of Mr. Bryan, but at the instance and request of E. John Ellis himself, for his benefit and not for Bryan's, and with the full knowledge and consent of affiant, and with the expressed intention of said Ellis to subsequently assign to the firm."

There is no denial or attempt to deny any one of the material averments above recited, except in the following statement by Mr. Bryan in one of his affidavits:

"Mr. Ellis's contract was made, I think, in December of 1888. It was made with him personally and not with his firm."

It needs no argument to enforce the proposition that Bryan's said statement is a denial of something which was never affirmed by the surviving partners, for, as above stated, it is plain that as a matter of fact the written contract was made with Mr. Ellis and not with the firm. But as a matter of fact it is equally plain upon the uncontradicted testimony above recited that the employment and the services rendered under it were the employment and services of the firm, and that said contract was made in Mr. Ellis's name, at his instance, and for his benefit, and not at the instance or for the benefit of the Old Settler Indians. And as a matter of law it is clear that the reduction of the contract to writing in the name of E. John Ellis alone would not alter the nature of the employment or the legal relationship of the parties, unless it was their intention to so alter or modify them, of which there is no indication in the testimony.

It is submitted that upon the record facts, as above shown, the Commissioner of Indian Affairs was not justified in finding that the services rendered by Mr. Ellis were under an individual employment, and the Secretary was not justified in concurring with him. Wherefore it is submitted that the surviving partners, having been able, willing, and ready to render necessary services in the courts, and having tendered them to said Indians, are entitled to the full stipulated compensation of \$16,007.72.

The propositions of law upon which this claim rests are fully recited in the brief heretofore filed in behalf of said claim (Senate Executive Document No. 18, pages 63 and 64).

A person may expressly contract with a firm of lawyers for the individual services of one partner. (*Smith vs. Hill*, 8 Eng. Ark., 173.)

If a person is engaged in no other business, his contract is presumed to be the contract of the firm. (*Oliphant vs. Matthews*, 16 Barb., 608; *Mifflin vs. Smith*, 17 S. & R., 165; *Etheridge vs. Binney*, 9 Pick., 272; *Bank of Rochester vs. Monteth*, 1 Denio, 402.)

A contract by one partner about the firm's business is the contract of the firm, unless the partners agree that one of the firm only shall be bound by it. (*Collyer on Partnership*, chapter 20.)

If one partner in a law firm treats a retainer as the firm's, the presumption is that it was a retainer of the firm. (*Harris vs. Pearce*, 5 Brad. Ill., 622.)

It is a firm contract if the custom was for the partner making it to use his own name. (*Collyer on Partnership*, section 412.)

The name of one member of a firm may be used as a firm name by consent of the partners. (*Collyer on Partnership*, section 411; *Bank of Rochester vs. Monteth*, 1 Denio, 402; *Winship vs. Bank of United States*, 5 Pet., 529, 581; *Straus vs. Waldo*, 25 Ga., 641; *Thielan vs. Hann*, 27 Kans., 778; *Mercantile Bank vs. Cox*, 38 Me., 500; *Etheridge vs. Binney*, 9 Pick., 272.)

The dissolution of a firm prevents new engagements, but prior engagements must be fulfilled. (*Story on Partnership*, chapter 14; *Ferreira vs. Sayers*, 40 Am. Dec., 496.)

Notwithstanding the death of a partner, the partnership continues in respect of all unfulfilled engagements. (*Johnson vs. Totten*, 58 Am. Dec., 412; *Western Stage Company vs. Walker*, 65 Am. Dec., 789.)

If attorneys, copartners, accept a retainer the contract continues to the termination of the business, notwithstanding the dissolution of the firm; the dissolution affects new business only. (*Weeks, Attorneys at Law*, section 191.)

A contract to prosecute a claim for a share of the proceeds is not terminated by the death of the owner or by the dissolution of the partnership. (*Wylie vs. Cox*, 15 How., 415; *Jeffrey vs. Mutual Life Insurance Company*, 110 U. S., 305.)

Where a firm of attorneys has contracted with a client for the personal

services of one of their number who dies before the entire rendition of the services, the client can not break the contract with the surviving partners without tendering them a fair compensation for the services rendered, and if the survivors render the remaining services with skill and diligence they are entitled to the entire fee. (Smith vs. Hill, 8 Eng. Ark., 173.)

If the completion of the attorney's services is prevented by the client, their noncompletion is no defense to an action on the contract. (Brodie vs. Watkins, 34 Am. Rep., 59; Rawson vs. Earle, Moody & M., 538; Van Sandan vs. Brown, 2 Bing., 402.)

Even where an attorney without cause is dismissed he may entitle himself to the whole fee stipulated for by a continuing tender. (Cantrell vs. Chinn, 5 Sneed, 166.)

Respectfully submitted.

D. A. McKNIGHT,
For Surviving Partners.

I have had my attention this moment called to the fact that a report has been made by the Committee on Indian Affairs of the House of Representatives, under date of April 16, 1896, which committee, I understand, finds in favor of this claim.

I do not desire to occupy the attention of the Senate unnecessarily in the discussion of this question. What I rose to say more particularly is, that I trust in taking the vote on these several claims in the amendment they may be separated and that the vote may be taken upon each claim upon its own merits. I have an impression that some of these claims, never having been submitted to the Secretary, never having been considered by him, or adjudicated by him, stand in a very different attitude from the claim to which I have called the attention of the Senate. Whatever action I take on some of the other claims, I certainly want to record my vote in the affirmative so far as the claim of McKnight is concerned. I believe it is a claim full of equities. I think it ought to be paid, and I know of no better way to get it paid than to put it on this bill. For that reason if no one else makes the suggestion, when the vote is to be taken on these claims I shall ask for a separate vote upon the claim of D. A. McKnight.

Mr. CHANDLER. I ask my colleague if he knows any reason why a sixteen-thousand-dollar claim upon which \$4,000 has been paid should be settled at \$1,000?

Mr. GALLINGER. I do not know that I quite understand the question.

Mr. CHANDLER. I will say that the original claim was 2 per cent, which would be \$16,000. He has been paid \$4,000. Now, upon what principle should he be paid only \$1,000?

Mr. GALLINGER. I do not understand that it is only \$1,000.

Mr. CHANDLER. There is \$1,000 given in the amendment of the committee.

Mr. GALLINGER. I have not examined the amendment very carefully, but in the brief which I have read, submitted by Mr. McKnight, he speaks of a balance between \$4,000 and \$16,000.

Mr. CHANDLER. The Senator will understand that one of the criticisms I made of the amendment of the committee is that we are called upon to deal with \$16,000, upon which \$4,000 has been paid, and where only \$1,000 is the amount appropriated. I can not understand why \$1,000 is to be paid. The Senator from Colorado told me that it is to be paid because McKnight is satisfied with it.

Mr. GALLINGER. As I said in my remarks, Mr. President, I confess I have not seen the bill recently. I have been called from the Senate and did not even hear the entire speech of my colleague, which I was listening to very attentively when I left; but the brief submitted by Mr. McKnight says, and I base my observations upon this brief, that—

Four thousand dollars was paid by the Secretary of the Interior. The claim now made is for the difference between the said sums, or \$12,007.72.

Mr. CHANDLER. The difficulty is that the committee only put in \$1,000, and there is no way for Mr. McKnight to get the rest.

Mr. GALLINGER. I quite agree with my colleague, if that is so. I supposed the balance was provided for in the bill; I had not examined it. I simply based my remarks upon what the brief of Mr. McKnight, submitted to individual members of the Senate, stated.

I voted to send this entire list of claims to the Court of Claims. I think that would have been a very proper tribunal to investigate and determine the entire question. That failed of adoption, and now that the matter is before the Senate, I do not know how I can, under the circumstances, do justice to this man, with the feeling that I have that he ought to have the balance between \$16,000 and \$4,000; but I shall endeavor to reach a conclusion on that question before it comes to a vote.

Mr. PETTIGREW. The claim of Mr. Ellis is no more meritorious than all the others. A sum of money is to be distributed, \$79,000 on claims amounting to about \$200,000. The committee did the best they could in this respect. It appears that the service of this man Ellis, although he had made a claim which was meritorious, was of very short duration, for he died a few months after he was employed in the case. The Secretary of the Interior under those circumstances thought that \$4,000 was an entirely adequate compensation for the services performed for the few months of work

Mr. Ellis did before he died. This percentage that is to be paid to Ellis was based upon continuous service until the claim was allowed. He had no opportunity to earn the money, yet the committee under the circumstances thought he was entitled to \$1,000. We tried to do what was equitable in adjusting this matter and we took into consideration the equities of his claim and the equities of all the other claims and agreed to give him \$1,000 and the others the amounts stated in the bill. I do not believe that the Senator or anybody else would be able to make a better or a more fair adjustment of this matter than has been done.

Mr. CHANDLER. What is the principle which gave Mr. McKnight \$1,000 instead of \$12,000?

Mr. PETTIGREW. The principle of equity, the principle of service, the principle of fair dealing, to divide what there was among the claimants—the principle which does not apply to anything in New Hampshire.

Mr. GALLINGER. That does not apply to New Hampshire, I will say to the Senator.

I want to call the Senator's attention to the fact that he makes a broad declaration that Mr. Ellis only performed four months' service. There seems to be a good deal of testimony that he performed sixteen months' service, instead of four.

Mr. PLATT. There is no question but that the contract was certified in December, 1888, and Mr. Ellis died on the 20th of April, 1889, about four months; but his contract was signed, and it could not have been approved by the Secretary of the Interior before it was signed.

Mr. CHANDLER. But he had been rendering service for fourteen months before.

Mr. PLATT. It is possible that previous to the time when he made the contract for this service he might have rendered some service.

Mr. GALLINGER. I think that it is an undisputed and an indisputable fact that he had rendered partial service, and that that had been taken into account. It does seem to me that in the equitable distribution of this fund it is an extraordinary thing to give a particular claimant one-twelfth of the claim after other claimants have been given a much larger proportion.

From the report of the House committee I will read a single paragraph:

And while it is true that this committee has recommended the passage of the bill for the relief of Voorhees and Jones, and one for the relief of S. W. Peel for defeating the various claims against the Old Settler Cherokee Indians, which your committee believes should have been defeated, and those bills in part were based on the fact that the claim of David A. McKnight, who represents the estate of Mr. Ellis, was reduced; yet, in view of the fact of the great services rendered by Mr. Ellis, your committee believe that his estate should have been paid in full for the services rendered by him, and it was admitted by the attorney for the Old Settlers that this estate should have been paid at least \$8,000 for his work.

There is other evidence, and quite a good deal of evidence, in the brief which I submitted to be printed in connection with my remarks, showing that Mr. Ellis did render service for a much longer period than four months, and that that fact was taken into consideration when this bill was submitted. I think the amount allowed in this bill for Mr. Ellis is out of any proportion to the value of his services, and yet possibly, if this matter goes to conference, justice may be done through a conference committee to all the claimants, for whom I make this appeal and against whom I think the worst kind of discrimination has been exercised by the committee.

Mr. BROWN. Mr. President, I rise to a point of order on this amendment. The entire amendment of the committee of the Senate is contrary to the fourth clause of the sixteenth rule, which I will read:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

This seems to be a general appropriation bill; these are all private claims, and the amendment is not to carry out the provisions of any existing law or any treaty stipulation. I therefore submit the point of order, Mr. President, that the entire amendment is out of order.

Mr. TELLER. This is to carry out an existing law. We made an appropriation of this money, and this is to make a distribution of it. It has never been held at any time that such a provision was within the rule invoked by the Senator.

Mr. PLATT. The point of order comes too late.

The PRESIDING OFFICER. The Chair finds, by reference to the act making appropriations to supply deficiencies for the year ended June 30, 1894, and prior years, among other provisions in that act, the following:

The Old Settlers or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners, and Joel M. Bryan, treasurer, etc., \$800,386.31: and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by the said Indians for the prosecution of their claim as is necessary for him to pay the expenses, and for legal services justly or equitably payable on account of said prosecution.

The Chair thinks the amendment is in execution of existing law, and therefore overrules the point of order. The question is upon the amendment of the committee.

The amendment was agreed to.

Mr. PETTIGREW. I think we had now better take up and dispose of the school question, which was put over on account of the absence of some Senators who have now returned.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

Mr. PETTIGREW. I think it is the amendment of the Senator from Missouri [Mr. COCKRELL].

The SECRETARY. Instead of the amendment proposed by Mr. CARTER, it is proposed, after the word "Alaska," in line 20, on page 58, to insert:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

Mr. PLATT. It is stated that that amendment is a substitute for an amendment proposed by the Senator from Montana [Mr. CARTER].

The PRESIDING OFFICER. Including the amendment of the Senator from Montana.

Mr. PLATT. I wish it may be stated for what the amendment which has been read at the desk is a substitute?

The PRESIDING OFFICER. The Chair understands it is a substitute offered by the Senator from Missouri [Mr. COCKRELL] for the amendment proposed by the Senator from Montana [Mr. CARTER].

Mr. PLATT. Let that amendment be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana [Mr. CARTER] will be stated.

Mr. CARTER. I accept the substitute of the Senator from Missouri [Mr. COCKRELL] and withdraw my amendment.

The PRESIDING OFFICER. The Senator from Montana withdraws his amendment. The pending amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "Alaska," on page 58, line 20, down to and including the amendment which followed the word "schools," on page 59, line 3.

Mr. COCKRELL. To the proviso after the word "schools."

Mr. GALLINGER. I should like to hear that amendment read once more, and I should like to ask the Senator from Missouri—my attention had been called away from this matter—if he proposes to strike out the language after the word "Alaska," in line 20?

Mr. COCKRELL. I propose to strike out the words after "Alaska," in line 20, on page 58, down to and including the word "schools," in line 3, on page 59.

Mr. GALLINGER. I should like to hear the amendment read once more. My attention was called away from it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "Alaska," in line 20, on page 58, down to and including the word "schools," in line 3, on page 59.

Mr. COCKRELL. I understand that an amendment has already been made there at the instance of the Senator from Kansas [Mr. PEPPER]. I move to strike that out also. I ask that the amendment be read.

The SECRETARY. The amendment adopted was inserted after the word "schools," in line 3, on page 59, as follows:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities, the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

Mr. COCKRELL. I wanted to include that and leave in the proviso beginning in line 3, on page 49.

Mr. PLATT. That amendment has been adopted, has it not?

The PRESIDING OFFICER. It has been.

The Secretary again read the amendment submitted by Mr. COCKRELL.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, a few days ago I had occasion to submit some brief observations touching the matter of the appropriation of public money for sectarian purposes. At that time I was laboring under a disability to the extent of not knowing precisely what the facilities of the Government were for taking charge of and educating its wards, the children of Indians in the United States. Subsequently the distinguished Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, spoke at considerable length on this question, and, if I understood him correctly, and I think I did understand him, he

stated to the Senate that evidence had been submitted to the committee that under existing conditions the Government could care for and educate every Indian child in the United States.

If that be so, I do not see why we should waste time or pass votes for the purpose of bringing about a different condition of things and diverting the money of the people of the United States into sectarian channels. If, on the other hand, it can be shown conclusively that, under the bill as it came from the House of Representatives, any considerable number of Indian children would be deprived of the advantages of education which they have heretofore enjoyed, I should be strongly in favor of standing by the amendment which has already been incorporated in the bill which was submitted by the Senator from Kansas [Mr. PEPPER]. It seems to me, if we are going to do anything other than what the House of Representatives has done, if we provide that the Government shall care for children who may be deprived of education under this bill, providing teachers for them, providing schoolhouses for them, and doing whatever is necessary to give them an education, when we have done that we have gone far enough.

I simply add this single word for the purpose of saying, in the first place, that my mind has not been changed in the least by the discussion; that I still believe it will be the part of wisdom and good legislation for the Senate to take up the provisions of the House bill precisely as they came to this body. I can not believe that the committee of the House of Representatives and the House of Representatives itself has sent to the Senate a bill which is going to wrong any considerable number of people in the United States whom we are bound by equity and by justice to take care of; and the plain, unvarnished, unqualified statement of the distinguished chairman of the Committee on Appropriations of the Senate to the effect that if this bill is passed precisely as it came from the House of Representatives no harm will be done, no wrong will be done to any Indian child in the United States, it seems to me, ought to be a sufficient answer to all the arguments that we ought to depart from the policy which the House of Representatives laid down when it passed this bill.

I understand that the conclusion reached by the Committee on Appropriations, or by the distinguished chairman of the Committee on Appropriations, that if this bill is passed no harm will be done to any Indian child, is based upon statements made by the Commissioner of Indian Affairs. If that be so, I submit in all kindness, for I have nothing but kindly feelings on this subject, that it will be unwisdom in the highest degree for us to amend this bill in the least particular so far as the support of Indian schools is concerned, when if we pass it precisely as it is no harm will be done to a single Indian child in the United States.

Mr. PETTIGREW. Mr. President, I think I know what transpired in the Committee on Appropriations, and I must say that I disagree entirely with the Senator from New Hampshire. I do not think any such understanding was reached or agreed to in any particular. It is certain that this bill, as it came from the House of Representatives, will not provide for a very large number of Indian children in my own State. In the first place, we are bound to educate all the Sioux children under the Dawes Act when they become citizens of the United States and citizens of my State and voters in my State, when they take allotments of land and become of age. There are 1,200 Indian children in my State who are in no school at all; there are no schools provided for them, and no schoolhouses built for them, and all the money which has been added by the committee to this bill will not build schoolhouses enough to take care of those 1,200 children who are in no schools at all.

If the Senator from New Hampshire is anxious that no injustice shall be done to any Indian children, and is anxious that money shall be provided to take care of the children who are not provided with schools, he will vote for the provision reported by the committee.

In addition to that, there are 300 children in two State schools in my State who will be unprovided for, and there is no means under this bill of providing for them, because they are in schools upon the reservation. There are no other buildings within miles and miles which could be rented or bought or secured in any way to take care of those children. The only possible way they can be taken care of is for them to continue to be educated in the sectarian schools until we can build schools. The Government will not build schools between now and next September. The Government is always slow in the construction of anything. It will be two years before schools can be built, and in the meantime the proposition is to turn those 300 children out of doors. That is the plain, clear proposition; yet Senators say they do not want to do injustice to any Indian children.

Mr. GALLINGER. I will ask the Senator, if he will permit me, if the Commissioner of Indian Affairs agrees with him in the statement he makes that these children will be turned out of doors?

Mr. PETTIGREW. Yes, sir; he does agree with me. He says that they will all be turned out unless the people now in charge of the schools will care for them and do the work themselves.

Mr. GALLINGER. Did the Senator from South Dakota hear the statement made by the chairman of the Committee on Appropriations the other day?

Mr. PETTIGREW. I heard the statement, and it did not have the force the Senator gives it.

Mr. GALLINGER. Perhaps it did not.

Mr. PETTIGREW. I am fully as cognizant of those facts as the chairman of the committee.

Mr. GALLINGER. The Senator from Iowa certainly gave me to understand that in his opinion no injustice would be done.

Mr. PETTIGREW. Mr. President, I have a letter from the Commissioner of Indian Affairs which completely answers all of this talk and shows what his position is upon this subject. His letter is addressed to Hon. R. J. GAMBLE, of the House of Representatives, and is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 15, 1896.

SIR: I have the honor to acknowledge receipt of your letter of February 8, relative to certain school matters. In reply I advise you serialim as follows: First. Number of Indian children receiving education in sectarian or contract schools under pay from the Government:

Contracts are made for 4,072 pupils, while the average attendance on these schools is shown by reports of contractors to be 4,908.

Second. How much was paid by the Government to such schools for the above purpose for each of the fiscal years of 1895 and 1896, and how much is proposed to be used for such purpose for the fiscal year 1897?

During fiscal year 1895 contracts were made for this purpose aggregating \$463,505, and for 1896, \$370,796. A like reduction for 1897 would reduce the amount to about \$299,000.

Third. How much money, if any, has been used by the Government since the appropriation for the fiscal year 1895 for the Indian Department in the construction or purchase of school buildings for educational use for the Indians?

An approximate estimate shows the cost of this item to be \$216,612, to which should be added about \$50,000 more for minor repairs, improvements, water systems, and sewerage.

Fourth. If all contracts by the Government with sectarian or other schools were at this time terminated, what appropriation of money by the Government would be necessary to construct or purchase suitable buildings and sites with equipments to adequately and sufficiently supply the service equal to that before the discontinuance of any of the contract schools under the law of 1895?

As stated above, if the contract school system were abolished and the Government forced to care for the 4,000 children now being educated therein, it would require at least twenty boarding-school plants, with capacity for 200 pupils each. To construct and equip these plants would cost not less than \$60,000 each, or a total of \$1,200,000. This estimate is based upon the actual expenses of this office in constructing such schools.

Fifth. How long would it take the Government to construct and equip the school buildings by purchase or otherwise before the same would be ready for use and occupancy without injury to the cause of education of the Indians?

By putting forth special effort it would take from two to three years.

As to the policy of this Bureau and the Department, see reports transmitted to Congress, Executive Document No. 107, Fifty-third Congress.

Very respectfully,

D. M. BROWNING, Commissioner.

The amendment offered by the Senator from Missouri provides for two years longer in which to dispose of the contract school system. For my part I am willing to accept that amendment in the interest of what is just and fair, and in the interest of the Indian children. I think that when the two years are up these people will have disposed of those schools which they are not able to take care of themselves, and it will give the religious denominations an opportunity to raise more money than they are now raising, and to raise it gradually, so that no Indian child will be turned out, his school term broken into, and his education abandoned. It seems to me it is cowardly to strike down the provision for contract schools; that we are running from something in the dark, under cover somewhere, and are afraid to do what is right because of something that is threatened from some quarter, from some battery in ambush.

I do not believe in sectarian schools, but I do believe in doing what is just and fair and right and honest in this connection. The Indian contract school system has grown up in this country, beginning back many years ago. I think it was first established in 1870, and it increased rapidly after 1885. At that time the Commissioner of Indian Affairs, in a circular, especially invited the religious denominations to build schools, and the Catholics took hold of it with great activity, more so than any other denomination. They built very fine school buildings indeed. They built two splendid school buildings in my State. They have done excellent work. Now, all they ask is that they may be allowed an opportunity to raise sufficient money to take care of those schools. It seems to me it is a reasonable, just, and consistent request.

Mr. KYLE. Will my colleague state, just for a moment, the features of the amendment proposed at this time? Is it the same as that offered here a year or two ago, proposing a decrease of the appropriation 20 per cent each year for four years, until it finally ceases altogether?

Mr. COCKRELL. No.

Mr. PETTIGREW. This is more than the regular decrease. We decreased the amount last year 20 per cent. If we decreased it the same amount this year, we would appropriate 60 per cent of the appropriation of 1895, and it would take three years finally to

dispose of the whole system; but instead of that the proposition is to appropriate 50 per cent of the appropriation of 1895, taking 1895 as the basis from which to figure, and next year to appropriate 25 per cent, and by 1898 it will be entirely disposed of and we will be out of the contract-school business.

Mr. KYLE. It seems to me that there really can be no objection on the part of the Senate to that proposition.

Mr. PETTIGREW. I do not see how there can be.

Mr. KYLE. It is perfectly fair to the people who established those schools.

Mr. PETTIGREW. I am very glad to hear my colleague say that. It certainly is just and proper. These people, as I have said, have 35 boarding schools and 20 day schools. They have been doing what the Government has neglected to do, for with all the appropriations for Government schools and sectarian schools there are still 1,200 Indian children in my State for whom no provision whatever is made. If we increase the appropriation in the bill by \$200,000, every dollar of it should be spent in South Dakota, even if you continue the present contracts to the full amount, in order to reach all those Indian children. When we consider that those Indians were gathered from all the surrounding States and put into Dakota when it was a Territory, and that the burden of their residence among us is upon the people I represent, it is seen that we have a right to demand that Congress shall appropriate money enough to educate them and to fit them for the citizenship which is imposed upon us by act of Congress.

Mr. GALLINGER. Mr. President, the Senator from South Dakota [Mr. PETTIGREW] has read a letter from the Commissioner of Indian Affairs, and makes the claim that it entirely substantiates the position he holds on this question and creates an absolute necessity on our part for adopting the amendment submitted by the Senator from Missouri. The other day in discussing this question I ventured the observation that if the Government went out of the contract-school business, as I think it ought to—I believe it can not get out of it any too soon—the school buildings will still remain, and the Government can rent those buildings and continue to educate the children.

The Senator from South Dakota on that occasion rushed into the breach to say that no matter what action we take here the church schools will continue, and if that be true I should like to ask him what becomes of his argument to-day that the children in those schools will be turned out into the world and will have no means of education whatever?

Mr. PETTIGREW. I will answer the Senator from New Hampshire right now, if he chooses.

Mr. GALLINGER. I shall be pleased to have an answer.

Mr. PETTIGREW. In those two schools there are 300 children. The church will continue them with 50 children in each school. Next year they will take more and the succeeding year more, as they raise more money; and in the meantime 200 of the children will be turned out, their education broken into. Those children will not go back. Other children will come.

Mr. GALLINGER. If the men who are running the schools—

Mr. PETTIGREW. They will run the schools. They will not turn the buildings over to the Government and let the Government rent them for a year or two and, when the Government builds schools by the side of them, be out of business, in the meantime their teachers dispersed.

Mr. GALLINGER. I shall not vote, and I hope the Senate will not vote, for any system that is in open and palpable opposition to the common-school system of the United States.

If the men who are running those schools are as patriotic as the Senator from South Dakota usually is, and if they can not raise money to conduct the schools, they should turn the buildings over to the Government upon a fair rental and let the Government educate the children. If they do run the schools it is evident that they will take care of a portion of the children, so that the number turned out will fall far short of the number stated by the Commissioner of Indian Affairs, whose figures are based on the presumption that all the children in sectarian schools will be deprived of educational advantages.

Mr. President, I have no fears as to the competency and the ability of the Government of the United States speedily to provide school accommodations for any Indian children who may be wronged, if any shall be wronged, by the passage of the pending bill. Think of the proposition of the Commissioner of Indian Affairs that it is going to take the Government of the United States three years to build a little schoolhouse that a Yankee would build in three weeks. It is utter nonsense. I do not believe there is any danger, if we pass the bill, that those children will be turned out into the cold without opportunity for continuing their education for two or three years, waiting the building of a little schoolhouse out on the plains in South Dakota or anywhere else.

The Government will see that some means is provided for taking care of the children, and if a few are turned out, if a few are

deprived of the means of education, they will be no worse off than thousands of children are in the District of Columbia to-day or were one year ago.

I am not throbbing with intense and patriotic feeling particularly for the Indians or the Indian children of the United States. I think they have been as well taken care of as the white men and white children of this country have been in the past; and even if a few of them, as I have just said, shall be deprived for a few months or maybe a year of the advantages that this great Government has so liberally bestowed upon them in the past in the matter of education, I will not allow that consideration to swerve me one iota from my support of the bill as it came from the House of Representatives.

Mr. President, I do not care to prolong the discussion. As I said a moment ago, I have no unkind or bitter feelings on this question, and the insinuation that I understood the Senator from South Dakota to indulge in, that there was some occult influence back of individuals, back of the Senate, inducing any member of this body to advocate the abolition of sectarian education in this country does not apply to me. I believe that we have come to the parting of the ways in regard to this matter. I believe it has been a reproach and a shame to the Government of the United States that not only the spirit, but the letter of the Constitution has been violated in the matter of the appropriation of public funds for sectarian purposes. I feel that I can stand here in the spirit of patriotism and justice to all parties concerned and advocate the proposition laid down in the bill as it comes from the House of Representatives when they declare it the intention of the proposed act that "no money herein appropriated shall be paid for education in sectarian schools."

That, Mr. President, is the American doctrine. That is the doctrine which the people of the United States are going to stand upon in the future, and if the Congress of the United States does not respond to the demand of the people in that respect this year the Congress of the United States will respond to it, in my judgment, before many years come and go.

Mr. GRAY. Let me ask the Senator from New Hampshire a question. I believe it is understood and conceded on all hands that the policy of the United States is to be what he has described, to support nonsectarian schools, and that it is utterly averse to the appropriation of any money for the support of sectarian schools. But while we are making this change, and inasmuch as there have been sectarian schools which have been in a measure supported by public appropriations, doing the great work of education which has been allowed to go by default by the Government of the United States, what is the necessity of running the risk of turning any children out while we are in the process of transition from the old system to the new? What is there so objectionable and so abhorrent about the schools that have been appropriated for in the past that for the sake of doing no wrong to those helpless people we can not endure for a few months longer the existence of those schools as contemplated by the amendment of the Senator from Missouri [Mr. COCKRELL]?

Mr. GALLINGER. In reply to the Senator from Delaware, if he has completed his question—

Mr. GRAY. I have.

Mr. GALLINGER. I will say that there is a very grave doubt in my mind as to whether we are going to do wrong to any Indian children.

Mr. GRAY. But the Senator said he did not care whether we did or not, so far as the amendment is concerned.

Mr. GALLINGER. I did not quite say that. I said if a few Indian children are made to suffer they will be no worse off than many white children.

Mr. GRAY. Why run the risk?

Mr. GALLINGER. We have to run such risks in legislation.

Mr. GRAY. Where there is a worthy object.

Mr. GALLINGER. Yes, sometimes. It is a matter very clear to my mind that this policy should end, and end now. If I had had the opportunity to vote against the appropriation of public money for sectarian purposes when it was first entered upon, I should have so voted. I have cast my vote against it on every occasion I have had since I have been a member of this body, and I shall continue to do so until the system is wholly abandoned.

Mr. President, I happened to be in a Western State not a great many months ago, and I visited an Indian school, a very prosperous and flourishing school, supported by the Government, and almost within a stone's throw of that school was a sectarian school supported in part by appropriations from the public Treasury. I did not like it. I do not like it any better to-day than I did when I looked from the Government school over to the sectarian school and wondered what they were doing there with the money of the people. I believe that this is a great principle, and as such, I contend for it and trust that the Senate will stand by the proposition that comes to us from the other House of Congress.

I presume that a few Indian children may be caused some hardship if we adopt this policy at once. I assume that that may be

the case, but I have no reason to believe and neither has the Senator from Delaware [Mr. GRAY], nor the Senator from South Dakota [Mr. PETTIGREW], any reason to believe that any considerable number of Indian children will be deprived of the advantages of education. The Senator from South Dakota talks about ten or twelve hundred Indian children in his own State having no opportunity to be educated. I do not know whether that is true or not. I observe that there are appropriations in this bill for the construction of two additional school buildings in that State which, I presume, in the course of two or three years, more or less, will enable some of those children to have the advantages of education. The Senator must know that the continuance of the 50 per cent appropriation will not do anything toward educating the children in South Dakota who the Senator says are now without the means of education. It will not reach them at all. It simply continues in full blast schools that are clearly, manifestly, undeniably sectarian in their purpose and in which the teachings are sectarian.

Mr. President, I am against it. If we pass the amendment submitted by the Senator from Missouri putting the matter over until 1898, no one can foresee what action will be taken by the next Congress, and I apprehend that if we amend the bill as is proposed the sliding scale will be continued after 1898 and that the year 1900 will find the Senate of the United States still voting the money of the people for sectarian purposes, which it has no right to do under the Constitution of the United States. I stand on the great principle that church and state should be absolutely and eternally divorced.

Mr. GEORGE. Mr. President, this is no new question. I shall vote against the appropriation of money out of the Treasury for sectarian schools as a matter of principle. It is prohibited, I think, by the first amendment to the Constitution of the United States. I will read two lines:

Congress shall make no law respecting an establishment of religion.

It is not that Congress shall make no law organizing, creating, an establishment of religion, but no law respecting an establishment of religion. Any law which appropriates the money of the people out of the Treasury to any religious denomination to be used for sectarian purposes is a law respecting an establishment of religion, and it is not only in violation of the clause of the Constitution which I have read, but manifestly unjust.

There are many people, millions of people, in the United States who contribute their money to the Treasury of the United States. Those people do not believe that the money which they thus contribute should be applied to the purpose of propagating any religious tenets which they do not entertain. Many of them also believe that the money ought not to be appropriated for propagating religious tenets which they do entertain. One of the largest churches in this country in membership has uniformly from the very beginning refused to accept appropriations of the kind now under discussion. It refused to establish schools or any other eleemosynary institution and receive from the Government any money to help to support them. I think, sir, that it is not only in violation of the Constitution, but a violation of the just rights of conscience of a large number of people of the United States, and for that reason I shall vote against the amendment offered by the Senator from Missouri.

One more remark and then I shall be through. I know that some little inconvenience may occur from ceasing to make such appropriation. One of the great evils of a bad system is the difficulty of escaping from it. But the best way, when the system is wrong, and especially when it is prohibited by the Constitution of the United States, is to quit right off and make no more appropriations.

Mr. KYLE. Mr. President, in listening to the reading of the Constitution by the Senator from Mississippi [Mr. GEORGE] it seemed to me that his quotation is not to the point. It says the Congress of the United States shall make no law respecting an establishment of religion. The mother country had an established religion, and I presume that clause was framed as a guard against the English custom of making a certain religion the established church of the country. There never was a desire on the part of the founders of this Government, nor is there a desire on the part of the Congress of the United States now, to establish any sort of religion or to unite in any sense church and state in the United States. We have got into a bad practice—I have always considered it a bad practice of appropriating—indirectly of course—money for sectarian purposes, and for years we have made these grants not only to the Catholic Church, but to the numerous branches of the Protestant Church.

Mr. GEORGE. Not all of them.

Mr. KYLE. Several branches of the Protestant Church, so as to carry on the missionary work among the Indians of the United States.

As the Senator from Mississippi has just said, this has not been agreeable to the wishes of a very large number of the citizens of the United States. They believe that church and state should be

entirely divorced. A great many Protestant denominations have so thought, and I believe only three or four years ago decided they would accept no gift of this kind from the Government. Since then they have supported their schools by private donations.

Mr. GEORGE. I wish to state to the Senator from South Dakota that the Baptist Church of the United States, on principle, is opposed to all appropriations from the Treasury for sectarian purposes. It has uniformly, from the very beginning, refused to apply its hand to any such fund.

Mr. KYLE. I know that is true, and I think they are to be commended for it. The Presbyterian, Congregational, and other denominations agreed three or four years ago to pursue the same course and now refuse to accept appropriations of this kind.

The Catholic Church, as has been remarked by my colleague [Mr. PETTIGREW], went into the missionary work with a great deal of activity. It established schools upon the frontier at great cost to itself and far beyond its means of supporting them by private donations, relying upon the contract plan of the Government for assistance to educate the Indian children.

Now the proposition is to stop the appropriations. The question is, how shall it be done? The Catholic Church itself is willing to have the appropriations cease, and it merely asks Congress for a little time to change from the contract system to the system of private donation from its people. As is well known to many, that denomination is carrying on missionary work of various kinds to the very limit of their purse. It will take some little time to make the change, and I think it nothing more than fair and just that they should be allowed two or three years to adjust matters, and they are perfectly willing at that time to prosecute their school work without further help from the Government. They were encouraged by Congress to inaugurate the present system, and we should now be generous enough to allow them time to make different arrangements.

Mr. THURSTON. Mr. President, I am a profound believer in the Christian religion. I have the utmost respect for every spire that points to heaven, for every creed that looks to God. I believe I am liberal enough and broad enough to draw no line against any man or against the advancement of any man in this country on account of his religious convictions. But I have for many years held, and have oftentimes in public address and otherwise declared the belief, that the public moneys of the people, collected from the people, should only be expended for public purposes, and when expended, that they should always and under all circumstances be expended by public officers and instrumentalities of the Government; and I can not now, in voting upon the pending amendment, depart from that belief.

I believe it is unconstitutional under our theory of Government to appropriate moneys collected from the people to assist in the support of any institution, whether conducted by a religious organization or otherwise, which is not an institution of the Government, run by the Government, and administered by officers and agents of the Government. It is confessed upon this floor and from both sides of the Chamber that the whole policy of our appropriation of money for the education of the wards of the Government in sectarian schools has been from the beginning wrong. If that is true, it seems to me there is no place where we can compromise with this fundamental wrong against the Constitution of the United States. A carbuncle on the body human must be treated by the knife, and so ought a carbuncle on the body politic.

It is suggested that numerous Indian children, wards of this Government, will be temporarily deprived of educational facilities in case we stand by the bill as it comes to us from the other House.

Sir, I do not believe it, and I stand here to assert my belief that it is all nonsense to say that Indian children will suffer from our standing by the provisions of the bill as it comes from the other House. The distinguished chairman of the Committee on Appropriations has said in this presence that the committee is willing to appropriate whatever money is necessary to provide adequate school accommodation for the children who will be deprived of the advantages of the sectarian schools. The schools of the next school year do not commence before the middle of September. It would be no great hardship to postpone that school year until the 1st of November. It is oftentimes done by communities in this country, and especially in rural communities in this country, and there are whole sections where the winter schooling is limited to three or four months in the year. I grew up in a farming community where we had but three months of school in summer and three months of school in winter, and almost every man upon this floor grew up under similar circumstances. I believe that what was good enough for our fathers and for their children will at least temporarily suffice to properly take care of the Indian wards of this Government.

I stand here to insist that before it becomes absolutely necessary to provide for the next winter's schooling of the Indian children in this country the agencies of this Government, with

proper appropriations, can provide all the school facilities that are necessary and no Indian child will unnecessarily suffer because of our standing now by the Constitution of the United States, when we are all determined that from this time on the fundamental policy of the Government shall be recognized, that church and state shall be and remain divorced, and that Government enterprises shall be carried on by Government agencies and through the administration of Government officers.

Mr. GRAY. Mr. President, it seems very strange that at this quiet hour in the history of our country, when the fundamental principles of the American Constitution are accepted all over its breadth and length, when there is no one so far as I know in this body of representative American citizens advocating any policy in contravention of the great American doctrine of separation of church from state, when there is no propaganda anywhere so far as I know which threatens that condition of things which all Americans take pride in maintaining—the absolute divorce of the one from the other, to hear these solemn warnings and invocations uttered in the eloquent language of the Senator from Nebraska to fright us from our propriety in dealing simple justice to a class of helpless children whose education depends upon the wisdom of the American Congress.

If it be so that our Constitution is framed upon such lines that we can not do justice when justice stands plain before our eyes and its dictates are unmistakable, we have not builded better than we knew, but much worse than we intended.

Mr. President, I have not one drop of blood in my veins that is not Protestant. My education was drawn from Puritan sources. But I never learned that this country was laid upon any foundations less broad and sure than those which meant to deal out exact justice and charity to all, and to tolerate the widest difference of religious and political thought.

What is the proposition before us? It is not to unite church and state; it is not to support any policy looking to their union; but simply that in passing from an administration of Indian schools in what was only a short time ago the far West, we should recognize present conditions and seek in establishing absolute nonsectarian schools to do no injustice to the work nor to the character of the devoted men and women who have given of their time and means to do what the Government of the United States was unable or unwilling in the past to do.

It appears now that we are both able and willing, and we are to adopt a system of nonsectarian schools. I say amen to it. It is right; but in doing it I should rather forget, I think, that I am an American citizen imbued with the principles that lay at the foundation of our Government if I could not do justice to those who are also American citizens and who have been laboring in their own way to educate those who, without their efforts, would have been bereft of educational advantages.

So, Mr. President, as I said a moment ago, in a question that I asked the Senator from New Hampshire, it is merely whether we shall take the risk of doing any injustice to these Indian children in passing from this provisional state in which the Government of the United States, whether for good reason or for bad reason, chose to avail itself of these schools established by Christian men and Christian women—whether in passing from that we should not only do them injustice, but in the mode of doing it do them insult and injury.

Mr. President, it was no crime, however impolitic it may be, and I grant that it is, to continue these schools, or to continue aid to them. It was no crime to have these children taught even by the Catholic teachers or Baptist teachers or Methodist teachers. They were all Christians and they were American citizens, men and women both, who were giving their endeavor and making the sacrifice for the great cause of education.

That there is no danger in adopting this provisional arrangement contemplated by the Senator from Missouri, but only doing simple justice and relieving ourselves from the imputation of a narrowness and bigotry that do not belong to the American character, I will ask to have read at the desk a passage from the address of Archbishop Ireland in yesterday's Washington Post, which I think, on account of the patriotic sentiment, and the eloquent expression of it that he has given, ought to be spread upon the record. I will ask the Secretary to read from the heading "Church and state."

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SPHERES OF CHURCH AND STATE.

The church recognizes as her own sphere faith and morals. She possesses and claims no mission in civil and political matters. The state appropriates to itself civil and political matters, and assumes no authority in the domain of faith and morals. There is no room for conflict between church and state; both move in separate and distinct spheres. If the church encroaches upon the sphere of the state, we should bid her be away. If the state enters into the sanctuary of conscience, the proper empire of the church, the appeal is to God, and the state is ordered to hold off its hands. There is not an American who will not say, "Better obey God than man," and this is all that Catholics ever would be permitted to say by the Catholic Church.

Separation of church and state, as we have it in America—church and state revolving freely in their separate and distinct spheres. Catholics fall behind none of their fellow-citizens in admiring it and demanding its continuance. The Catholic Church wishes no aid from the state in the preaching of her gospel. She rests her cause on its truth and beauty. But liberty from the state she wishes and clamors for as a sacred and inalienable right; liberty in its fullest gifts under the common law of the land; liberty which other associations are entitled to and receive. Yes, we claim liberty in our religious belief and observances, and in the enjoyment of all our rights of citizenship. I am a Catholic, I am a priest and bishop; but I am an American citizen, and I must be debarred from no rights or privileges accorded to other citizens because I am a Catholic or because I carry upon me the insignia of my priesthood. I can hold office, and I can do work, educational and charitable, for the state, although I am a Catholic and a priest, and no one in the name of liberty shall debar me.

Separation of church and state! Most assuredly. The state must not aid in the propagation of the faith of a church, but she must not impede and hamper the church in her work and close her out from the necessary opportunities to do it.

Separation of church and state! Most assuredly again. But let there not be, in the working out of this separation, wild and extreme measures, which would tend to make society godless and destroy in it all moral life and supernatural hopes. Often under cover of separation of church and state infidelity and impiety are stealthily advancing their cause.

My words betray no fear for the future. Americans are a people of sincere religious convictions and of profound common sense, and they will know how to keep church and state separate and yet give liberty its full sway and guard religion and morals.

Mr. GRAY. Mr. President, those utterances would have fallen with propriety, and I have heard many such, perhaps not so eloquently expressed, from the mouths of Protestant clergymen, from men who were high in the priesthood of other than the Roman Catholic Church, expressing just that estimate of what true Americanism is in regard to church and state; and when it falls from the lips of a Roman Catholic bishop it does not cease to be true, and it remains true to-day, and thank God there is room enough in this country for all denominations, and surely for all Christian denominations.

The amendment expressly declares in the following language the purpose of adherence to this American doctrine so eloquently portrayed by the Senator from Nebraska:

And it is hereby declared to be the settled policy—

Says the amendment—

of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise; and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898.

What more do you want than that? Does not that fill the measure of American common sense and of American Christianity, I should say?

Mr. President, Protestantism is not bigotry and Christianity is not fanaticism. They are both consistent with that broad common sense and that true American spirit that I have tried to describe and which I have heard described not only in the words of Archbishop Ireland, but from the lips of many of our Protestant clergymen.

Mr. GEORGE. Will the Senator from Delaware allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. GEORGE. If it is so entirely proper and constitutional to make provision for sectarian schools, where is the necessity for ceasing to make it two years hence?

Mr. GRAY. I was interrupted by the Senator from West Virginia [Mr. FAULKNER], if the Senator will pardon me, just as he was asking the question.

Mr. GEORGE. The question I propounded was this: If it was so entirely proper and so consonant with American institutions and the American Constitution to make appropriations out of the public Treasury to sustain sectarian schools, where is the propriety of ceasing to perform that operation in two years?

Mr. GRAY. I do not exactly understand the question. Perhaps that is my fault.

Mr. GEORGE. I will explain.

Mr. GRAY. It is my fault.

Mr. GEORGE. I understood the Senator to say that in about two years from now we would get out of this system; that we would have no more of it.

Mr. GRAY. Well.

Mr. GEORGE. Now, why are we getting out of it, if it is a good thing?

Mr. GRAY. Mr. President, no one denies, I do not deny, and you, sir, do not deny that education by a Protestant school, education by a Baptist minister, or education by a Catholic priest is better than no education at all, and that the foundations of freedom in this country were not laid in any wise to forbid the mere touch of a Christian minister as if it were pollution. They have performed, sir, a great part in the past history of this country. They have carried on a great part of the education of American youth, and I have never heard that any lesson that was wanting in patriotism was ever inculcated by a clerical teacher of any denomination. I, sir, have received instruction from clerical teachers. I recollect with gratitude lessons that I have been taught by them of duty not only to my Creator, but to the country and State

and society in which I live. They came from the lips of clerical teachers, and notwithstanding that I am not willing that public money should be appropriated to pay such teachers, but neither am I willing that in the public laws of this country we should treat with insult and contumely that portion of our citizenship that has devoted itself to preaching the gospel of Christ, whether it be in a Catholic cathedral or a Methodist or Baptist or Presbyterian church.

No, Mr. President, I do not believe that any such feeling is consonant with American patriotism anywhere. I know the Senator from Nebraska entertains no such feelings; he has disclaimed them on the floor, and we all knew that he did not before he made his disclaimer. But all I want to say is that the great principle of separation of church and state does not forbid us to do simple justice in passing from this provisional arrangement—simple justice to both teachers and children.

Mr. THURSTON. Mr. President, I can not consent that my silence should even impliedly admit that I disagree with any of the general statements or propositions of the Senator from Delaware. I am at a loss to understand how it was possible that anything I said upon this floor aroused him to such a pitch of defense of one particular religious denomination, for I said no word, I made no suggestion, which could be claimed as pointed to any denomination in the United States. The Senator can go no further than I do in my reverent admiration for the barefoot priest with the cross of Christ upon his breast, who has made pathways into the wilderness and has spread for many generations, aye, for many centuries, the divine doctrine of the lowly Nazarene.

Sir, this is no question, and it can not be changed into a question, of religious intolerance. I do not care what may be the religious faith, the religious creed, the religious association of the man who teaches the Indian children of this country, or who teaches my children, but when he teaches them he must be the employed officer and the employed agent of the Government toward which I contribute my quota of taxation for the support of the education of the children of the country. That is all I ask for; all that I insist upon. I will not raise any barrier of religious intolerance or of bigotry against the selection of any man, I care not what his religious creed may be, or of any woman, to teach the Indian wards of the Government of the United States. I only insist that he shall teach them in a schoolhouse of the United States of America, subject to Government supervision, subject to Government inspection, subject to Government regulation, and that the teacher who stands there and teaches Americanism in the education of the children of the United States shall stand there subject to direction of the Government and subject to removal if he abuses the trust conferred upon him by the United States of America.

I think the Senator from Delaware has been unfortunate in another respect. I had supposed up to the time he arose that the whole question of our consideration was as to whether or not by this action of ours we would deprive the Indian wards of this Government of that immediate and necessary support and education to which their helpless condition entitles them from us. But the Senator from Delaware, it seems to me without warrant, it seems to me without excuse, it seems to me without justification from anything that has been said, stands up here and charges that this proposed action of ours, confirming the action of the House of Representatives, is directed as a reproach against some particular religious institution which has heretofore maintained schools for the education of our Indian wards. I do not so understand it at all. I know of no obligation, expressed or implied, on the part of the United States of America to contribute this year or any year one dollar to assist in the support of any private or sectarian school of the United States. The fact that we have done so in the past is no warrant that we should continue it in the future. There is no guaranty by this Government that because it has done a wrong for one year or a hundred years it will continue the wrong in the future.

I say now, not as a result of any immediate or present conversion, but as a result of many years of deliberate thought, animated by the broadest and most patriotic motives, that having for the first time to elect as to whether I will vote moneys of the United States to the support of institutions not officered and managed by the United States, I have only one course to pursue. It is a patriotic course, it seems to me, and I still insist that it works no wrong to any religious denomination; it works no wrong to any established school, and I still insist that this Government is big enough and has money enough to furnish all the necessary school accommodations that are needed by the wards of the United States.

Mr. GRAY. As I understand it, sir, the only question before the Senate is upon the amendment offered by the Senator from Missouri, which provides merely that the Secretary of the Interior may make contracts with present contract schools, thereby showing that contract schools have been authorized in the past by the

Government or availed of by the Government for Indian educational purposes.

That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

That is the amendment the Senator from Nebraska is opposing. That is the amendment toward which he has directed his eloquent denunciation. That is the practical question before the Senate, whether we can afford to allow such Indian children as can not be provided with nonsectarian schools to use for one year the sectarian schools at which they have already been accustomed to attend; that is all. What prevents our doing it? That is what I ask. Not the principle of nonsectarian schools, for I believe in it as much as the Senator from Nebraska; no principle of division between church and state, because we avow in the amendment that hereafter it is—

The settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school.

The amendment declares our settled policy; but it is a mere question of convenience of administration; it is a mere question whether we shall subject these Indian children, or any portion of them, to the hardship and to the inconvenience and to the cruelty of being turned out without any education, in order that they may not be continued even for a short time in the sectarian schools which they have been accustomed to attend.

Mr. PLATT. May I not ask this question: If there is to be a 50 per cent reduction during the year for which this appropriation bill is adopted, will there not be the same risk of children being thrown out?

Mr. GRAY. I am afraid so. I should not make a 50 per cent reduction; but I supposed in the collision of opinion that there has been a certain concession to this feeling which I can not understand, though of course I am bound to respect it because it is an opinion uttered by men whom I am bound to respect, but I can not understand the feeling, agreeing with them as I do that there must be an absolute division between church and state, that we can not afford, in simple justice, to provide in this temporary way during the transition from a provisional system to a permanent system for the care and custody of these children.

I said nothing about a defense of one denomination or of another. I read from the remarks of Archbishop Ireland, because they express eloquently what I have heard before expressed from clericals of other denominations. We agree with him; the Senator from Nebraska indorses him, and I indorse him. I do not care what body of Christians has been doing or is doing this Christian work, it is the same thing. Let them go on for a year and continue the work they have been doing until the United States is able to take it entirely into their own hands. That is all there is in it; and what is to prevent it?

Mr. TELLER. Mr. President, there seems to be no division of sentiment here as to the propriety of the Government of the United States taking charge of Indian education directly. The only question is, it seems now, whether it can be done properly to-day—that is, whether we can discard the old system of contract schools and the Government can furnish the necessary appliances for the education of the Indian children or whether we must by degrees reach that point.

Mr. President, a majority of the Committee on Appropriations have, for the reasons very clearly and conclusively given by the chairman the other day, believed that it was better to accept the provision of the House bill as it came to us. We brought before the committee the Commissioner of Indian Affairs, who very frankly stated to us, I think, that he could take care of substantially all the Indian children. I do not believe there would be any more trouble in taking care of the Indian children under the provisions of the bill as it came from the other House than under the provisions of the amendment now pending. The Committee on Appropriations have recommended to the Senate very large additions to the usual appropriations for the purpose of meeting this question.

Mr. PLATT. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. PLATT. Will it not be more difficult in taking care of the Indian children if 50 per cent is withheld the next year and 50 per cent the year after than if this change is made all at once? How is the 50 per cent of the children going to be provided for? Those are not provided for by the Government.

Mr. COCKRELL. It is not 50 per cent of the children; it is 50 per cent of the appropriation.

Mr. PLATT. It is 50 per cent for the education of the children.

Mr. COCKRELL. That will be taken from certain schools, and other schools will be allowed their whole number, as has always been done.

Mr. TELLER. But some schools somewhere must be discontinued or else a portion of all the schools must be discontinued. Last year the House of Representatives sent us a provision some-

thing similar to the amendment of the Senator from Missouri, which is now pending, providing for a gradual reduction of the contract schools and a cessation of the system. The Commissioner of Indian Affairs stated to the committee that he did not pro rate them in the different schools, but discontinued certain contract schools entirely, and in that way he brought himself within the provision of the law. That is the way undoubtedly he will do it again. If we say we will cut off 50 per cent of the money we shall cut off 50 per cent of the children. It seems to me that, inasmuch as we are entering upon this system of discontinuing and discarding the contract system, it would be better for us to seize this question to-day and prepare at once for taking care of these children. The Commissioner of Indian Affairs made the impression, at least upon my mind, that that would be substantially done if proper appropriations were made.

Mr. President, there have been some erroneous statements made as to the system of contract schools. It was asserted here by at least one or two Senators that it originated with President Grant. There never was a greater mistake. President Grant had nothing whatever to do with the contract schools, and never made, so far as I can learn, any suggestion about them. That statement arises from the fact that President Grant thought it would be a good thing to allow the peace-loving people of the country, like the Quakers and church people, to select the Indian agents. He had an idea if they selected the Indian agents from the class of people they knew, the universal complaint of robbery, stealing, etc., at Indian agencies would cease. So the whole country was parceled out by the Secretary of the Interior. He said such an agency shall belong to the Methodists, such an agency shall belong to the Presbyterians, such an agency shall belong to the Moravians; and I believe a few agencies were allotted to the Catholics, but not, I think, in proportion to the number of their membership or their zeal in the cause of education.

It was found this did not work well. The church, in their desire to serve some good brother, would recommend people who had not the qualifications and who did not and could not make good Indian agents, and it was found to be a very bad system. I know of instances where designing and bad men even went so far as to join the church in order that they might get Indian agencies. When it became my duty to administer the law in 1882 the first case that came before me was from the State of Colorado, where an Indian agent, appointed on the recommendation of one of the great churches of the country, had been caught substantially in stealing the supplies which the Government provided for the Indians. Having seen for some years the bad effects of this system, I very promptly asked the President to remove the man and appoint a man of whom I had personal knowledge, and I did it without consulting the churches. As may be supposed, that raised something of a storm about my ears; but the church was not the church in which I had been brought up and to which my family belonged, and I rather got along with that fairly.

The next case that came was from the Methodist Church, of which my wife was a member, and of which my family had been members for many years, my father, and my relatives generally. While not a member of that organization myself, it was considered a very unfair thing for me to thus treat the church that I had at least some attachment for, and I received very severe castigation through the press and through the secretaries, and from church people generally, because I had interfered with this valuable system. I had taken the advice of the President of the United States, who had very kindly said to me that if I thought it was not a good system I might tear it up by the roots, and I had determined to tear it up by the roots, and did tear it up by the roots, greatly to the benefit of the public service.

At that time there was very little interest in Indian education. The number of Indians in schools was comparatively few to the number to-day. Up to that time there had not been very many appropriations for Indian schools. About \$800,000 of Indian money had been put into the Treasury and made available for Indian schools; and that, under the administration of my predecessor, had been practically paid out.

I came to Congress for appropriations, having some notions of my own, and urged Congress to allow me to take charge of all the schools—there were some few contract schools at that time to take charge of—and give me money enough to enable me to do so. It cost the Government about \$150 apiece, from that up to \$170, to educate the children in its own schools. The good people who had established sectarian schools, or church schools, or mission schools, or whatever you choose to call them, were able to do this work for less; in some instances for as low as \$70, and from that up to \$100 and \$108—in that neighborhood. The Department was compelled, in order to provide for the Indian children who were demanding access to the schools, to make use of these agencies, and gradually they began to grow in extent.

The Catholic Church had had comparatively few schools. I knew myself that the Catholic Church had been a very powerful agency in the civilization of the Indians. Their order of doing business and their methods are much better calculated to get the

entire control of the wild people than those of the other denominations. They had been successful, and I parceled out to some of them at least the privilege of taking charge of Indian education; and some of the most successful Indian schools in the United States have been the Catholic Indian schools.

I am a little like the Senator from Delaware [Mr. GRAY]. I come of an anti-Catholic race, a race which suffered as much from Catholicism as any race that ever lived on the face of the earth; but I have no prejudice whatever against any organization which attempts to uplift and elevate the human race. I can see virtue in the Catholic schools as well as in the Methodist schools; but, Mr. President, I was, as Secretary of the Interior, opposed, and so declared to the committees, to any sectarian schools whatever, against any contract schools, believing, as was stated here on the floor to-day, that the Government of the United States is rich enough and strong enough to educate its own children without the charity of anybody, and believing also that the American people do not want the Government of the United States to save a few dollars on the education of the Indians of this country. I believed then, as I believe now, that it is the duty of the Government to take charge of the Indian schools, and I believe I can point to several Indian schools of which the Government has taken charge which are vastly better than any contract schools which have ever been conducted by any denomination. I will mention the Carlisle School and the school at Lawrence, Kans. I might mention a dozen others which have been very successful, and even more successful than the most successful of the contract schools, which, I again repeat, have been, I think, in the hands of the Catholic Church and not in the Protestant churches.

Mr. CALL. I will ask the Senator if it will be agreeable to him to continue his remarks in the morning?

Mr. TELLER. I only want to say a word or two more, and I prefer to finish what I have to say now.

I have no complaint to make of the Catholics. They have taken possession of the Indian schools when other churches withdrew; but the whole system, in my judgment, of allowing any religious body to educate these children is wrong. If I believed, as has been stated on the floor, that the adoption of the pending or a similar amendment or an adhesion to the House provision would turn out of the schools or deprive a large portion of the Indian children of the benefits and advantages of the schools, I should not vote for it; but I believe, and have believed for many years, that it is the duty of the Government to take charge of the schools and educate the children. Whether they be white or black or red, according to my idea of public policy, the duty of educating them belongs to the State.

Mr. President, I come from a State which adopted a free-school system before there had been a surveyor's chain put upon an acre of its land; a school law which has been in force ever since, and to which no man has ever contributed one cent, except by way of taxation; a school law which has, I think, brought the people of Colorado into loving communion with the idea that the State is bound to educate its children. To such an extent have we gone in Colorado that not only have we provided that each man shall send his children to the public schools, but, if he is too poor to clothe them, the State intends that its citizens shall have the opportunities and benefits of an education no matter what may be their condition in life, and the State puts the clothes upon their backs as it furnishes them the books; and no rate bill has ever gone to a citizen of my State for the education of his children or the education of any children, white, black, or red. Believing, as I do thoroughly, that it is the State's duty to educate, I am opposed to anybody except the State putting out their hand to educate the children.

For that reason I have been willing to adhere to the other provision, believing that there will be no suffering caused by it, that there will be no deprivation of educational facilities with the liberal appropriations which the Committee on Appropriations have recommended to the Senate over and above those provided by the House of Representatives if the Senate shall adopt those provisions.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. PETTIGREW. I do not ask for a vote on the pending amendment to-night, as there probably is not a quorum present; but I should like unanimous consent that the vote may be taken on this amendment to-morrow, say, at 2 o'clock.

Mr. CALL. Oh, no; you can not do that.

Mr. COCKRELL. I do not think that is necessary.

The PRESIDING OFFICER. Objection is made.

Mr. PETTIGREW. Can we not agree upon an hour perhaps later than 1 o'clock? It seems to me we ought to dispose of this matter, say, at 2 o'clock to-morrow, and agree that the bill be taken up immediately after the routine morning business.

Mr. GORMAN. I suggest that we agree to finish the bill to-morrow before we adjourn.

Mr. CULLOM. The entire bill?

Mr. TELLER. I do not believe we can do that.

Mr. PETTIGREW. Let us dispose of the pending amendment by 2 o'clock, agreeing to take up the bill immediately after the routine morning business.

Mr. COCKRELL. I suggest that we go on in an orderly way. We shall then consume a great deal less time than will be occupied in trying to secure agreements, and I do not think there will be much more discussion on the pending amendment. I am certain that no one will speak upon it merely for the purpose of delay.

Mr. PETTIGREW. We may be able to dispose of it earlier than 2 o'clock to-morrow.

Mr. COCKRELL. With the Senate in the condition it now is, I can not consent to a unanimous-consent agreement.

The PRESIDING OFFICER. Objection is made.

Mr. TELLER. I offer an amendment to the pending bill, to come in at the foot of page 79. It is an amendment which is desired by the Department, and I ask that it may be printed.

The PRESIDING OFFICER. The amendment will be received and ordered to be printed.

CONDEMNED CANNON FOR GRANT PARK.

Mr. HAWLEY. I beg leave to ask unanimous consent for the consideration of a bill which some of my friends in the Senate are exceedingly anxious to dispose of now, and which is needed before the 27th instant. The bill is now lying upon the table, and I ask unanimous consent that it may be taken from the table and considered at this time. It is House bill 8313.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.; which was read twice by its title.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HAWLEY. The Military Committee wishes to move an amendment, which is indicated by brackets on the face of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the bill, after the word "infantry," in line 16, by striking out "and bearing an inscription, 'Presented to the Sovereign State of South Carolina in commemoration of the 20th day of December, 1860, by citizens abroad'"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War be authorized and directed to cause to be transferred from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill., a Confederate cannon captured by the Forty-fifth Illinois Infantry: Provided, That the transfer shall be made without expense to the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 22, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 21, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

BANKRUPTCY BILL.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the arrangement which was made for the consideration of the bankruptcy bill on Wednesday, Thursday, and Friday morning of this week be changed to Tuesday, Wednesday, and Thursday morning of next week. I understand there are other matters which will be considered this week, so that we can not get that bill up.

Mr. BAILEY. Then am I to understand that the consideration of the bill is to be had on Tuesday and Wednesday and the vote on Thursday?

Mr. HENDERSON. The vote is to be taken immediately after the reading of the Journal on Thursday. It is just the same arrangement as was made for this week, except it is for next week.

Mr. BAILEY. Mr. Speaker, I have no objection to that; but I would suggest to the gentleman from Iowa, in view of the fact that a good number of gentlemen have expressed to me a desire to speak upon the subject, that instead of taking the vote immediately after the reading of the Journal it be taken later on Thursday.

Mr. HENDERSON. That can be arranged afterwards. I think we had better allow the order to be transferred one week, and that can be arranged later.

Mr. BAILEY. I will say to the gentleman after we make an arrangement by unanimous consent it will then be in the power of one gentleman to prevent an extension of the time.

Mr. HENDERSON. I will amend my request so that it be that the vote be taken on Thursday. We can arrange then at what hour it shall be taken.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. HEPBURN. I object to the consideration of any bill of this character.

CONDEMNED CANNON.

Mr. HARDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate one condemned cannon and condemned cannon balls for two pyramids to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Indiana," insert the following:

"Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: And provided further, That the United States shall not be subjected to any expense on account of such donation."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HARDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF CANNON TO GRANT PARK, GALENA, ILL.

Mr. HULL. Mr. Speaker, I desire to submit a report, and ask for its immediate consideration.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill., having had the same under consideration, report it favorably with an amendment, as follows:

"Providing that the transfer shall be made without expense to the Government."

The bill was read, as follows:

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

Be it enacted, etc., That the Secretary of War be authorized and directed to cause to be transferred from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill., a Confederate cannon captured by the Forty-fifth Illinois Infantry, and bearing an inscription, "Presented to the sovereign State of South Carolina in commemoration of the 20th day of December, 1860, by citizens abroad."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RAILROAD BRIDGE AT LITTLE ROCK, ARK.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891.

The bill was read, as follows:

Be it enacted, etc., That the act approved March 2, 1891, granting the Little Rock Bridge and Terminal Railway Company authority to construct and maintain a bridge and approaches thereto over the Arkansas River at a point on said river at or near the city of Little Rock, in the State of Arkansas, which act has expired by limitation, be, and is hereby, revived and reenacted.

SEC. 2. That section 7 of the said act be amended so as to read as follows: "SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from July 1, 1896; and all the benefits of this act shall inure and belong to the Little Rock Bridge and Terminal Railway Company, a corporation existing under the laws of Arkansas, its successors or assigns: *Provided, That the navigation of the Arkansas River shall not be obstructed by false work during the construction of said bridge.*"

Mr. TERRY. Mr. Speaker, the bill has been reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

A. T. HENSLEY.

Mr. NOONAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7200) for the relief of A. T. Hensley.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$432, to be paid by the Secretary of the Treasury to A. T. Hensley, in full compensation for dressed flooring and rough boards furnished to the United States in August, 1865.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, I hope the gentleman from Texas will give a brief statement concerning the bill.

Mr. NOONAN. The statement is that these parties furnished the lumber—

The SPEAKER. The House will be in order. These bills ought to receive the attention of the House.

Mr. NOONAN. Mr. Speaker, this bill for lumber was incurred for the use of the Army of the United States years ago. This gentleman was keeping a lumber yard at Lavaca, Tex., and the lumber was furnished to an Indiana regiment at that time. It has been pending since, and for one reason or another it has not been paid. It has now been favorably reported by the committee. It is a small amount of money that is due, \$400.

Mr. LOUD. The report is very short. I think it will be well to have the report read.

Mr. NOONAN. The report can be read.

The report (by Mr. COOPER of Texas) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 7200) for the relief of A. T. Hensley, submit the following report:

The claim of A. T. Hensley, late of Lavaca, Tex., against the United States for \$432 is for a house sold to the United States, and was by order of Col. E. D. Swain, commanding post, furnished to Lieutenant Zollinger, acting assistant quartermaster, the lumber to be used for building bunks for the soldiers of the Fifty-seventh Indiana Veteran Volunteer Infantry to keep the men out of the mud and water. A committee composed of J. S. McGraw, lieutenant-colonel Fifty-seventh Indiana; J. E. Loyal, captain of Company G of Twenty-eighth Kentucky Veteran Volunteer Infantry, and R. J. Clow, a citizen of Lavaca, after examination of witnesses, approved the claim for \$432 on November 18, 1865.

This claim was approved by J. Rowan Boone, lieutenant-colonel of Twenty-eighth Kentucky Veteran Volunteer Infantry, commanding post of Lavaca, and sent by him to Joseph Conrad, brevet brigadier-general, commanding at Victoria, Tex., and by him sent to D. S. Stanley, major-general, at San Antonio, who returned the claim with his approval November 28, 1865.

This claim was presented to the Quartermaster-General United States Army for payment by Attorney G. W. Paschal, and he was told that the fund from which this claim should have been paid was exhausted. It has been presented several times since 1873, and was not paid, as it required an appropriation to be made for its payment.

Your committee, in view of the foregoing statement of facts, recommend the passage of the bill with the following amendment:

In line 6, after "Hensley," insert "late of Lavaca, Tex."

The loyalty of Mr. Hensley is established by the testimony of army officers stationed at that time in Texas.

Mr. NOONAN. I trust the gentleman will not object to the consideration of the bill. The report, I think, sets out all the facts and shows that the party is clearly entitled to the amount that he claims.

Mr. DINGLEY. One suggestion. Why was not this paid in the regular order? It seems to have been approved by the officer in command—by the quartermaster.

Mr. COOPER of Texas. There was no appropriation.

Mr. DINGLEY. Is there any question of the loyalty of the claimant?

Mr. COOPER of Texas. None at all.

Mr. DINGLEY. It seems on the face of it that this was an account that might have been presented to the Quartermaster-General.

Mr. COOPER of Texas. It was presented and allowed, but there were no funds to pay it.

Mr. DINGLEY. That is all right, then.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. NOONAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED JOINT RESOLUTIONS AND BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 365) to fix the date of the discharge of Thomas Johnson;

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling;

A bill (S. 744) providing for a naval training station on the

island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes;

A bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses;

Joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863;

Joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

Joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 2848) to amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, was referred to the Committee on Irrigation of Arid Lands.

CONDEMNED CANNON.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the Grand Army of the Republic Cemetery Association of the State of Colorado, for ornamental uses in its burial ground, 4 mounted condemned cannon and 4 unmounted condemned cannon and 100 24-pound or 32-pound round cannon shot: *Provided,* That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. CANNON. Mr. Speaker, I desire just a minute for discussion upon this bill. I am in favor of the passage of the bill, but I want to make a suggestion to the House. Information comes to me, which I have not verified, that there are plenty of condemned cannon at the various navy-yards, most of them, perhaps, at Mare Island, to meet the demand for monumental purposes generally throughout the country. Gentlemen understand that the ordinance which we have had heretofore is practically of no account except as old iron, and that it would be an expense to the Government even to get rid of it. Now, most of us have Grand Army posts that are pressing us to secure for them condemned ordnance for monumental purposes, and gentlemen are urgent here every morning to get unanimous consent for bills of that character. I know I would be glad to get unanimous consent for one or two such bills.

Now, my suggestion is that, by unanimous consent, a resolution be referred to the Committee on Naval Affairs and one to the Committee on Military Affairs, which will practically exhaust this whole subject, give us some idea of the supply of this condemned ordnance that is on hand, and make some apportionment of it in an omnibus bill, thus disposing of the whole matter and getting it off our minds and off our hands; and if the Speaker will recognize me for the purpose, I will, later on, offer a resolution for reference to those committees, directing them respectively to make inquiry and report touching this subject.

Mr. LACEY. Mr. Speaker, I am informed by the gentleman from California, Mr. HILBORN, that there is a very large supply of cannon at the Mare Island Navy-Yard that are not even worth breaking up; that is, the Government can not afford to ship them to the points where it would be necessary to send them in order to break them up. The cost of shipping those cannon to points in the East would, perhaps, be more than a good many Grand Army posts would be willing to bear, but the cannon are there practically useless and more than sufficient in quantity to fill every requirement of the bills that have been heretofore reported.

Mr. RICHARDSON. Mr. Speaker, has unanimous consent been given for the consideration of this bill?

The SPEAKER. It has.

Mr. RICHARDSON. I would like to have the bill again reported.

The bill was again read as above.

Mr. RICHARDSON. My object in asking to have the bill read again was to find out whether it contained the provision that the Government should be put to no expense in connection with the matter.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHAFROTH, a motion to reconsider the vote by which the bill was passed was laid on the table.

NORTHERN PACIFIC INDEMNITY LANDS.

Mr. TOWNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4974) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The bill was read, as follows:

Be it enacted, etc., That those persons who, after the 15th day of August, in the year of our Lord 1887, and before the 1st day of January, in the year 1889, settled upon, improved, and made final proof on lands in the so-called second indemnity belt of the Northern Pacific Railroad Company's grant under the homestead and preemption laws of the United States, or their heirs, may transfer their said entries from said tracts to such other vacant surveyed Government land in compact form and in legal subdivisions, subject to entry under the homestead and preemption laws, as they may select, and receive final certificates and receipts thereof, in lieu of the tracts proved up on in said belt by the respective claimants: *Provided,* That such transfer of entry shall be made and completed within two years from the date of the passage of this act, and be so made in person by the claimant, or, in case of death, by his legal representative, and without the intervention of agent or attorney.

SEC. 2. That all persons professing requisite qualifications under the homestead and preemption laws, who, between said 15th day of August, 1887, and said 1st day of January, 1889, in good faith settled upon, improved, and lived six months upon land in said second indemnity belt, having made filing or entry of the same, and who, for any reason other than voluntary abandonment, failed to make proof thereon, may, within two years after the passage of this act, transfer their claims to any vacant surveyed Government land subject to entry under the homestead laws, and make proof therefor in the same way as proof might have been made for their original entries had the same been perfected; and in making such proof credit shall be given for the amount of their improvements upon their claims in said indemnity belt as if the same had been made upon the claims to which the transfer is made. Payment for such final selections shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I reserve the right to object until I can hear an explanation of the bill.

Mr. TOWNE. The report is very brief and I will ask that it be read.

The report (by Mr. WILSON of Idaho) was read, as follows:

The Committee on the Public Lands, to whom was referred House bill 4974, submit the following report:

On May 31, 1870, Congress by joint resolution gave to the Northern Pacific Railroad Company an additional, or second, indemnity limit of 10 miles.

On August 15, 1887, Mr. Lamar, Secretary of the Interior, gave an opinion that the company was not entitled to said additional 10-mile limit, and that the lands embraced therein were open to homestead and preemption entry.

On January 17, 1888, Attorney-General Garland rendered an opinion overruling the Secretary and holding the company to be entitled to the additional indemnity belt, and the Supreme Court (36 Fed. Rep., 282) has sustained that opinion.

But this decision of the Attorney-General was not delivered to the local land office at St. Cloud, Minn., until some time in November, 1888.

Meantime, while the lands were open to entry, and in many cases during the time between the date of the Attorney-General's opinion and its receipt at the St. Cloud land office, hundreds of settlers went upon these lands, made homestead and preemption entries, resided the necessary length of time, made improvements, and either received final receipts or were prevented from doing so by reason of the opinion of the Attorney-General before mentioned.

The object of this bill is to afford relief to both classes of these settlers that were thus injured—those who had made final proof and those who had not. The former are permitted to transfer their entries to other vacant Government land subject to entry, provided that such transfer be made within two years from the passage of this act, and by either the claimant himself or in case of his death, by his legal representative. Those who failed to make final proof are permitted to transfer their claims to any remaining Government land subject to entry, and prove up on the same as they might have done in the case of the original entry, receiving credit also for the improvements made on the original claim.

The act is to be carried out under regulations prescribed by the Secretary of the Interior.

The committee are unanimously and strongly of opinion that the object of the bill is a worthy one, and that the bill should pass.

Mr. TOWNE. Mr. Speaker, the Commissioner of the General Land Office and the Secretary of the Interior are both favorable to the passage of this bill with an amendment which I have sent to the Clerk's desk, as indicated by the letters which I have here.

Mr. DINGLEY. Will the gentleman please put those letters into the RECORD?

Mr. TOWNE. I will do so.

Mr. McMILLIN. Will the gentleman kindly have the letters read from the desk, as this is rather an important matter?

Mr. TOWNE. Certainly.

The letters were read, as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 23, 1896.

SIR: I have to acknowledge the receipt, by reference from the Department for report, of a copy of a bill (H. R. 4974) "for the relief of settlers on Northern Pacific Railroad indemnity lands."

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those persons who, after the 15th day of August, in the year of our Lord 1887, and before the 1st day of January, in the year 1889, settled upon, improved, and made final proof of lands in the so-called second indemnity belt of the Northern Pacific Railroad Company's grant under the homestead and preemption laws of the United States, or their heirs, may transfer their said entries from said tracts to such other vacant surveyed Government land in compact form and in legal subdivisions, subject to entry under the homestead and preemption laws, as they may select, and receive final certificates and receipts therefor, in lieu of the tracts proved up on in said belt by the respective claimants: *Provided,* That such

transfer of entry shall be made and completed within two years from the date of the passage of this act, and be so made in person by the claimant, or, in case of death, by his legal representative, and without the intervention of agent or attorney.

"SEC. 2. That all persons professing requisite qualifications under the homestead and preemption laws, who, between the 15th day of August, 1887, and said 1st day of January, 1889, in good faith settled upon, improved, and lived six months upon land in said second indemnity belt, having made filing or entry of the same, and who for any reason other than voluntary abandonment, failed to make proof thereon, may, within two years after the passage of this act, transfer their claim to any vacant surveyed Government land subject to entry under the homestead laws, and make proof therefor in the same way as proof might have been made for their original entries had the same been perfected; and in making such proof credit shall be given for the amount of their improvements upon their claims in said indemnity belt as if the same had been made upon the claims to which the transfer is made. Payment for such final selections shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior."

The facts in relation to this matter are that when the line of the Northern Pacific Railroad was definitely located through the States of Minnesota and Wisconsin, diagrams were prepared showing the limits of the company's grant and transmitted to the local land offices of the districts containing lands falling within such limits, with instruction for their withdrawal from entry. The limits shown on the diagrams were the 20-mile primary limits, the 30-mile first indemnity limits, and the 40-mile or second indemnity limits.

In 1887 the Secretary of the Interior rendered a decision wherein it was held that there was but one indemnity belt (that between the 20 and 30 mile limits) authorized by law within which the Northern Pacific Company could select lands in lieu of losses within the primary limits.

The company had applied for and selected lands within the second indemnity belt, but following the decision of the Secretary aforesaid and in pursuance of the instructions given the local land officers in relation thereto, numerous persons settled upon and entered, and some made proof and payment for the lands selected or applied for.

It was subsequently determined that the joint resolution of May 31, 1870, did provide for a second indemnity belt. (S. L. D., 13.) Therefore, all settlements on lands within this second indemnity belt after a proper application therefor had been made by the railroad company were illegal, and all entries made of the lands were subject to cancellation, and most, if not all, of them have been canceled.

On October 1, 1890 (26 Stat., 647), Congress passed an act authorizing certain parties who had made entries of these lands between August 15, 1887, and January 1, 1889, to transfer their entries and claims to other vacant surveyed Government lands subject to entry under the homestead and preemption laws, but provided that the transfer should be made within one year from its passage.

The proposed legislation is practically an extension of the time allowed by the act of October 1, 1890, for the transfer of said entries and claims for two years from its date, should it become a law.

As the passage of the bill could not interfere with the rights of or in any manner injure other persons, and might afford relief to meritorious entrymen who failed to avail themselves of the privileges conferred by the act of 1890, I see no objection to its becoming a law.

The copy of the bill and the letter of the chairman of the Committee on Public Lands, House of Representatives, are herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 28, 1896.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office on H. R. 4974, "for the relief of settlers on Northern Pacific Railroad indemnity lands."

In addition to what the Commissioner has said, I desire to call your attention to the fact that between August 15, 1887, and January 1, 1889, the land within the second indemnity belt of the grant to the Northern Pacific Railroad Company was very largely settled upon by persons seeking to acquire homes on the public domain, and unless it can be made to appear that persons who settled upon said lands between the dates mentioned can not complete title to the lands which they are seeking to acquire because of the decision of the Department holding that the joint resolution of May 31, 1870, provided for a second indemnity belt, I can see no reason for the passage of the act as presented. The bill is very broad in its statements, and in effect authorizes persons who settled upon the territory in question between August 15, 1887, and January 1, 1889, to transfer their entries or claims to any other vacant surveyed lands subject to entry under the homestead laws. It is manifest, I think, that this right should be extended only to those persons whose claims were affected by the decision of the Department of January 1, 1889, and who, because thereof, are not enabled to perfect title to their lands, and I would recommend that the bill be amended so as to comply with this suggestion.

Very respectfully,

JNO. M. REYNOLDS,
Acting Secretary.

Hon. JOHN F. LACEY,
Chairman Committee on Public Lands, House of Representatives.

MR. TOWNE. Agreeably to the suggestion of the Secretary, an amendment was prepared yesterday at the Department which covers that point, and to which I have no objection.

The amendment was read, as follows:

SEC. 3. No person shall be entitled to the relief herein granted who may have initiated a claim upon any of said second indemnity lands and who can yet complete the same and obtain patent therefor under the general land laws of the United States.

MR. TOWNE. Mr. Speaker, I desire now to ask that the unanimous consent I have requested be made applicable to Senate bill No. 2221, and that the House bill (H. R. 4974) be substituted therefor, and I will ask the chairman of the Committee on Public Lands to make an explanation in that connection.

THE SPEAKER. The gentleman from Minnesota asks that the unanimous consent granted for the consideration of the pending bill be applied to the corresponding Senate bill indicated by him, and the Clerk will cause the Senate bill to be read.

MR. McMILLIN. I should like to inquire whether the bill of the Senate contains the amendment suggested by the Interior Department?

MR. TOWNE. The Senate bill covers in a general way the

same ground as the House bill; but the provisions of the House bill are considered by the settlers concerned much preferable to those of the Senate bill and are so regarded by the committee. It is now desired as a matter of parliamentary procedure to strike out all after the enacting clause of the Senate bill and substitute the House bill, in order to facilitate the passage of the measure through the two Houses.

MR. McMILLIN. Then, as I understand, it is proposed to incorporate the amendment which has been suggested by the Interior Department?

MR. LACEY. That amendment is not in the Senate bill as it stands.

MR. DINGLEY. As I understand the request of the gentleman from Minnesota [Mr. TOWNE], it is that the Senate bill be taken up and the provisions of the House bill as amended by the committee be substituted for those of the Senate bill, for the sake of the parliamentary position which the bill will thereby gain.

MR. TOWNE. That is it precisely.

Senate bill No. 2221, for the relief of settlers on the Northern Pacific Railroad indemnity lands, was read.

THE SPEAKER. Is there objection to the present consideration of this bill? The Chair hears none. The gentleman from Minnesota moves to strike out all after the enacting clause and insert the provisions of the House bill with the third section as reported to the House. Is there objection? The Chair hears none.

The Senate bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. TOWNE, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—RINAKER VS. DOWNING.

MR. COOKE of Illinois. I desire to submit a report of a majority of the Committee on Elections No. 1, in the case of Rinaker vs. Downing, from the Sixteenth Congressional district of Illinois. I am also directed to ask that the minority of the committee be allowed to file their views in this case on or before Monday next.

THE SPEAKER. The report of the committee in this case will be printed. The gentleman from Illinois asks that the minority of the committee have leave to file their views on this case not later than Monday next. Is there objection? The Chair hears none.

The resolutions appended to the report of the committee are as follows:

Resolved, That Finis E. Downing was not elected a member of the House of Representatives of the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and is not entitled to the seat.

Resolved, That John I. Rinaker was elected a Representative to the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and that he is entitled to the seat.

ELECTION CONTEST—GOODWYN VS. COBB.

MR. DANIELS. I desire to call up the contested-election case of Goodwyn vs. Cobb, from the Fifth Congressional district of Alabama.

THE SPEAKER. The resolutions reported by the committee will be read.

The Clerk read as follows:

Resolved, That James E. Cobb was not elected a member of the Fifty-fourth Congress as a Representative of the Fifth Congressional district of the State of Alabama, at the election held in said district on the 6th day of November, 1894, and is not entitled to the seat in the Fifty-fourth Congress as such Representative.

Resolved, That Albert T. Goodwyn was elected a member of the Fifty-fourth Congress as the Representative of the Fifth Congressional district of the State of Alabama, at the election held in said district on the 6th day of November, 1894, and is entitled to the seat in the Fifty-fourth Congress as such Representative.

MR. DANIELS. Mr. Speaker, it has been agreed with the minority of the committee that an hour and a half may be occupied by them in addressing the House, and the same time by the majority of the committee, and that the time on the part of the minority be controlled by the gentleman from Georgia [Mr. BARTLETT] and the time on the part of the majority by myself.

THE SPEAKER. As the Chair understands, the proposition is that an hour and a half be allowed each side for the discussion of this case—

MR. DANIELS. Yes, sir.

THE SPEAKER. And that the case then be voted on.

MR. DANIELS. The time on the part of the minority to be controlled by the gentleman from Georgia [Mr. BARTLETT] and on the part of the majority by myself.

THE SPEAKER. Is there objection to the arrangement proposed?

MR. BARTLETT of Georgia. I hope that our side will not be confined to an hour and a half. Originally there was an understanding that we were to have more time. So far as I am concerned, I should be satisfied with the arrangement, but the gentleman from Alabama, Judge Cobb, who will conclude the argument on our side, will probably desire more time than he could have under the arrangement proposed. The original proposition, which I understood was for a time acceptable to the chairman of the committee and members on the other side, was that

three hours be allowed on each side for the discussion. I hope the House will not limit us to an hour and a half.

Mr. DANIELS. When the previous arrangement was made it was understood that the minority of the committee desired to address the House. We were informed afterwards that they did not desire to do so, and then an hour on each side was suggested as a sufficient time. This morning a further conference has taken place and on the part of the minority an hour and a half was requested, and that we have conceded. I object to any further time.

The SPEAKER. Is there objection to the proposition of the gentleman from New York [Mr. DANIELS], that the debate on this case be limited to an hour and a half on each side?

Mr. BARTLETT of Georgia. I object.

The SPEAKER. Objection is made.

Mr. DINGLEY. All that the gentleman from New York [Mr. DANIELS] has to do is to move the previous question at the end of three hours.

Mr. DANIELS. Very well; I give notice that when three hours shall have been occupied I shall move the previous question and ask a vote.

I yield three-quarters of an hour to my colleague, Mr. ROYSE.

Mr. ROYSE. Mr. Speaker, this case is somewhat voluminous, and it will be impossible to cover it fully in detail in the three-quarters of an hour allotted to me for discussion. I have therefore been compelled to condense what I shall say, but hope to be able to convince you that the judgment of the majority of the committee with reference to the question presented is a correct judgment.

Before going into the evidence relating to the various precincts involved in this contest, allow me to make a few remarks at the outset upon one or two technical questions raised by the contestee which bear directly upon the case, and of course if he is correct in them it ends the case and he is entitled to the seat.

He insists that the record of the vote of the precincts, the record put in evidence before us of the registration of voters and poll lists, are not properly before the Committee on Elections and therefore not properly before the House for consideration. He maintains that there is no law in Alabama making these things of record or authorizing them or authenticated transcripts of the same to be introduced in any court or body where a controversy arises. It will be seen, therefore, that if that position is a correct one we have no evidence in the record of the vote of the various precincts in that Congressional district, and hence we can not make any calculations at all with respect to it.

Now, the law of Alabama authorizes the registration of voters. It provides for an original list to be made by the registrar of the precinct, and the registrar puts down on the record the name of each voter as he appears before him in a book provided for that purpose. At the beginning of the list is the oath to be taken by each voter, and at the end is the certificate of the registrar. When the list is completed he returns it to the probate judge of the county. The probate judge of the county then takes the list and from that makes up another list, putting down all of the voters registered in their alphabetical order. The statute, therefore, provides for the making of two original lists, the one by the registrar himself, which is an original list, and then the other, an alphabetical list, made by the probate judge, which is also an original list, and is to be certified to by the probate judge. After the probate judge has made the list in alphabetical order he is required by the law of Alabama to make out a correct copy of the same for each precinct and deliver it to the judge and inspectors of election of the precinct.

Now, it is objected that these lists are not required by the law of Alabama and are not properly before us. This matter has been discussed at considerable length in the report made by the majority of the committee, and it is unnecessary for me to enlarge upon it. The statute of the State of Alabama expressly provides that these lists (and I may add here that after the election is over and the votes counted, and the certificates of the returns of the election are made out, the poll lists and the registration lists are all returned to the probate judge), and then it provides that these shall be kept in his office; that the ballots, the poll list, and the registration list of the entire county or State shall be open to public inspection by any voter who desires to inspect them.

Now, it is true that in no express language is it provided that they are public records. It is true that there is no express direction to the judge of probate that he shall make out or certify copies of them which shall be competent evidence in a judicial tribunal. But I apprehend that there is no lawyer present who will contend seriously that it is necessary there should be an express declaration of this kind. The fact that they are made public records, the fact that they are required to be kept in the probate judge's office, the fact that they are kept there for public inspection, makes them public records; and evidently they are public records for some purpose. They are not public records merely to be inspected now and then, but evidently they are to be preserved for the very purpose that they might be used whenever a controversy arises in respect to the vote of that particular precinct; and

the law under which we are operating—the law of the United States—authorizes a notary public who takes the deposition in the particular matter to subpoena the custodian of any record to be exhibited, to receive certified copies of any public record; and if it does not so authorize then Congress evidently has been derelict in its duty, and has left the notary public who takes the evidence with but meager power and but limited authority to procure that which is the best evidence in the matter.

But, Mr. Speaker, the best test we can apply to a rule is, What is its result? What shall follow by the adoption of such a rule? And the cases are not exceptional. We need not put an extreme case, a case not likely to happen, but we can go to those cases that have transpired by which, if the rule were adopted, it would be utterly impossible to tell who was elected from a Congressional district. Take, for instance, the very case in hand. In Lowndes County, when the vote was canvassed, the officers made a mistake in adding the columns, giving to Mr. Cobb 240 votes more than the column will add. Now, if you can not go back and take the figures of each precinct itself, it is impossible to correct that mistake, and yet it is apparent. Now, shall we do that? Shall we adopt a rule that will absolutely prevent us from going to the precincts and ascertaining the true vote of a precinct and correcting a mistake of this character made in the returns? I need not go further than this—but there is another case in point. In the Forty-eighth Congress Mr. Craig contested the seat from the Fourth district of Alabama. The contestee was Mr. Shelley. The committee in that case, after investigation, made a unanimous report. The majority of the committee were Democrats. The committee found that something like 8,000 votes had been thrown out by the returning officers of the precincts on the technical ground that the certificates were not properly authenticated as they came from the precincts, and by throwing out nearly 8,000 votes they defeated Mr. Craig, who was honestly elected, and gave the seat to Mr. Shelley, who was not honestly elected.

Now, there was the situation. Suppose we could not go back to those precincts and take up the votes returned and the certificates of the election officers in order to ascertain what was the true vote of those precincts. How would it be possible for us to determine who is honestly elected? But the committee at that time refused to adopt that rule, and adopted the other one, so consonant with justice and right, and went back and counted these returns, took the certificates of the returning officers, and when they came to count the votes over, in that way they seated Mr. Craig, giving him a majority of 3,459, when the returns showed that he was defeated by 2,721.

But this question is really settled now in another case in the Fiftieth Congress, where the contest was between Mr. Duffy against Mr. Davidson. Mr. Duffy put a number of witnesses upon the stand who said they voted for him. He introduced a sufficient number of these witnesses to overcome the majority that was certified in favor of Mr. Davidson, but he did not go to the record. He did not ask to count the ballots, and a majority of the committee in that case refused to consider the evidence that he had brought forward, showing that he was honestly elected, if you could take the statements of the men who said they had voted for him. The committee said: "You must go to the record;" and that evidently is the true rule. The record of these votes is the best evidence, and it will not do to say to one man who comes here by proof outside of the record, "You can not be heard because you have omitted to go to the record," and then when he goes to the record turn around and say, "The record is not admissible." That is the sort of logic we are asked to believe in in this case.

And there is one other technical objection urged by Mr. Cobb, which is that the registration laws of the State of Alabama are unconstitutional. Now, there is some question as to whether they are constitutional in the manner in which they stand, for the constitution of Alabama provides what shall constitute a legal voter, and provides that it shall be necessary that he reside within the county for one year. It provides a certain residence in the precinct, and then again the constitution provides the legislature may alter the residence in the precinct and increase it, but that they shall not increase it beyond three months. Then another provision of the constitution says that the legislature may pass registration laws, but it is silent as to how far these registration laws may go with respect to providing the length of time a man shall reside in a particular precinct.

Now, the registration law provides that the books for registration shall be opened up on the first Monday in May and continue for eighteen days, exclusive of Sundays. It further provides that in cities of 10,000 inhabitants and upward the registration shall extend for thirty days. Then there can be no registration after that time, except as to persons who become of age between the last day of registration and election day. Those may be registered, but no one else. Of course, that puts the period of the registration in the precinct something about five months prior to the election day, when the constitution says the legislature shall not provide a residence longer than three months in the precinct; but

it is to be observed that that registration law could affect no one excepting somebody who came into the precinct after the registration day and prior to the beginning of the three months before election day. But whether it is constitutional or not cuts no figure so far as this case is concerned, because the election was held under the law and everything was done under the law in the same manner as if it were unconstitutional. The registrations were had. The lists were deposited in the office of the probate judge. They were delivered over to the precinct judges and inspectors and returned again in most of the cases. So that that can cut no figure. The value of the registration lists in this case lies simply here. We can tell from the registration list who were legal and honest voters in this precinct, and it makes no difference whether that registration list is constitutional or not. If some man would put down a list of the honest voters and make a poll of the honest voters it would be perfectly competent to go to that poll for the purposes of ascertaining who were legal voters in that precinct, and that is the only figure that the registration lists cut in this case at all.

Now, Mr. Speaker, I propose to go through this case in detail, as far as my time will permit me. I just wish to refer here to two things stated in the minority report which are not borne out by the record. One of those statements is that a notary public named Grace did not certify to the evidence taken before him, and the gentlemen constructing the minority report evidently overlooked a certificate made by this notary public, on page 225 of the record, where there is a complete and legal certificate of all the evidence taken before him. Again, it is said that there was no detailed statement by precincts of the vote of Lowndes County that was put in evidence in chief, but it is said that it came in in rebuttal. Again the gentlemen who drew this report are mistaken, for on page 242 a statement of the vote by precincts is put in the record by the contestant when he is adducing his evidence in chief.

Now, then, Mr. Speaker, this contest was had between Mr. Goodwyn and Mr. Cobb at the election in November, 1894.

Mr. BARTLETT of Georgia. If the gentleman will permit me, the certificate to which he referred on page 242 is the statement as to the county of Lowndes.

Mr. ROYSE. That is what I said—of Lowndes County only.

Mr. Goodwyn was first nominated by the Populist party and afterwards indorsed by the Republican party. Mr. Cobb was the regular Democratic nominee. Mr. Goodwyn, it seems, ran upon a platform the principal planks of which were these: Free coinage of silver, protective tariff, and honest elections. These were the principal planks of his platform. At a meeting held in Macon County during the campaign, where both Mr. Cobb and Mr. Goodwyn were present and engaged in a joint debate, resolutions were offered asking both of these men who were contesting for this seat to join in a request that there should be an honest election in every precinct in that Congressional district, and that Mr. Goodwyn and Mr. Cobb should have friends upon the election board of each precinct. These resolutions were unanimously passed at that meeting. The only man who opposed these resolutions openly—I believe there is some other evidence that some other gentlemen, or friends of Mr. Cobb, had some opposition to them; but the only open opposition came from Mr. Cobb.

Now, that is the proof that is in this record, and uncontradicted. The resolutions, I say, were unanimously adopted by that meeting. It is due to Mr. Cobb, however, to say that in some evidence which came out in rebuttal on a cross-examination of a witness it appears that this meeting was largely composed of the friends of Mr. Goodwyn—nearly all were Populists there at that time, and Mr. Cobb really had no political friends present; but I can not see how that would alter the case. I should think that if Mr. Cobb was in favor of honest elections it was just the time to state it, and thus disarm his opponent, Mr. Goodwyn, from the use of the weapon that he was plying so vigorously against him.

Mr. COBB of Alabama. Does not the record show that he did state in his speech that he was in favor of honest elections?

Mr. ROYSE. Oh, yes; it is due to Mr. Cobb to state that he did say in the meeting that he was in favor of honest elections; but he opposed the resolutions which required these elections to be held honestly.

Before this, however, correspondence had taken place between Mr. Cobb and Mr. Goodwyn, in which it appears that Mr. Goodwyn had asked Mr. Cobb to join with him in a joint debate, and one of the propositions that Mr. Goodwyn had made to Mr. Cobb was this, that they should debate the question as to whether there was to be honest elections in the Fifth Congressional district of the State of Alabama. Well, Mr. Cobb accepted the challenge, but refused to debate that question as to honest elections.

Now, then, Mr. Speaker, in order that I may condense and say all that I desire to say upon this question, I will have to refer to some manuscript where I have condensed my remarks. The district was composed of nine counties. On the face of the returns Cobb is given 10,651 votes and Goodwyn 9,908. On the face of the returns Mr. Cobb has a majority of 748. However, there was

a mistake made in adding up the precincts in Lowndes County, and Mr. Cobb was given 240 more votes than he actually received. By deducting this mistake from Mr. Cobb's vote it leaves his majority on the face of the returns 508. The contest relates to the vote returned from three precincts in Macon County, namely, Tuskegee, Cotton Valley, and Honeycut, also to seven precincts in Lowndes County, namely, to wit: Benton, Church Hill, Gordonville, Haynville, Lowndesboro, St. Clair, and White Hall; also to two precincts in Autauga County, namely, Statesville and Days.

The report of the majority of the committee covers all these precincts in detail. In nearly all of them more or less fraud was discovered which led to a deduction of 2,866 votes from the total given to Mr. Cobb on the face of the returns. As he had only 508 majority to begin with, his majority is completely wiped out, and in its stead one of 2,858 is substituted for Mr. Goodwyn by this finding. It is my purpose now to show that the majority of the committee had reached the correct conclusion. But let me assure you that I shall not attempt to run through all these precincts, for that would consume more time than is allotted to me. All that is required is that enough of the returns in favor of Mr. Cobb be cast aside by reason of fraud to elect Mr. Goodwyn. The size of Mr. Goodwyn's majority is not very important when you are once satisfied that he is elected.

Let us make some comparisons between various portions of the district. We have seen that it was composed of 9 counties. The contest is about the returns from 3 of these. No objection is urged against the returns from the other 6.

The returns from these 6 uncontested counties gave Cobb 5,727 votes and Goodwyn 9,339, a majority for Goodwyn of 3,612.

The other 3 counties to which the contest relates by the returns gave Cobb 4,924 and Goodwyn 564. Here in these 3 counties, where a majority of the voters are colored, Cobb comes within 800 of getting as many votes as he received in all of the other 6, where a majority of the voters are white. Here is a circumstance that throws great suspicion on the returns from these 3 counties. Just why in the white counties Cobb should receive only 40 per cent of the white vote and none of the negro vote, and then all the white vote and 90 per cent of the colored vote in the 3 counties where the negro vote largely predominates we would like to have explained. No such explanation is given us in the record.

Let us now take up Macon County and make a comparison of the vote in the contested precincts with that in those where no contest is made. I have already said to you that only 3 precincts in this county are contested. In these by the returns Cobb gets 768 votes and Goodwyn 9 only.

Why Cobb let these 9 votes get away from him is something I can not explain. Lest you might think he was not vigilant, let me say that these 9 votes slipped through his fingers in 1 precinct. Goodwyn had a goose egg to his credit in each one of the other 2 precincts. From whom does Mr. Cobb get this large vote? The census report informs us that in these 3 precincts there are 306 white and 1,307 colored voters. The proof shows that Mr. Goodwyn did not have a representative favorable to him in either of the election boards of these precincts. There are 7 other precincts in this county. On the election board of each of these precincts Mr. Goodwyn had a friend. Now, let us look at the returns from these precincts—Cobb, 267; Goodwyn, 141.

In these precincts there are 655 white voters and 1,447 colored. Here Mr. Cobb fails in getting 388 of the white votes and gets none of the colored. He gets but about one-third of the white vote and none of the colored. In the other 3 precincts he gets all of the white vote and 462 of the colored—about one-third of the entire colored vote of these 3 precincts. Can anyone tell why in 3 precincts he gets all the white votes and 462 negro votes besides, and in the other 7 only gets one-third of the white vote and not a single colored vote? This occurs all in the same county. Now, you are asked to believe that the election in this county was square and honest in the face of this unaccountable condition of things.

I want you now to go with me to Lowndes County. In this county there are 1,078 white voters and 5,422 colored. Yet in this county there is returned for Cobb 3,276 votes and for Goodwyn only 189. Cobb must therefore receive all the white vote and in addition 2,200 negro votes. No explanation is given as to why he should receive such a large negro vote in this county.

But this is not all. There are 20 precincts in this county. In 9 of them Goodwyn had no representative on the election board. In these 9 precincts 2,722 colored votes and 267 white votes were polled. The returns give Cobb 2,777 votes and Goodwyn only 13. In order to make this Cobb must receive all the white votes and 2,410 colored. But now let us look at the other 11 precincts, where Goodwyn had a friend on each board. In these 11 precincts there are 711 white votes and 2,500 colored. Yet the returns show that Cobb gets only 229 votes and Goodwyn 176. Here Cobb gets less than one-third of the white vote—482 out of the 711 white people refuse to vote for him, and he is not able to induce even a single colored person to vote for him. Can anyone explain why in the 9 precincts he should receive all the white vote and 80 per cent of

the colored, and in the other 11 get less than 30 per cent of the white vote and not a single colored vote? You are asked to believe that this unaccountable thing actually happened, and that the election in this whole county was honest and fair. If Mr. Cobb was a man of such wonderful strength and popularity as to be able to carry all the white votes and over 80 per cent of the negro votes in 9 precincts, why is it that in the other 11 he gets no colored votes and but less than 30 per cent of the white votes? No explanation is offered and none can be conceived.

In 8 of the precincts of this county not a single vote is returned for Goodwyn. In 5 of these, where there are only 179 white votes all told, the returns give Cobb 1,843 votes and Goodwyn none.

We have seen that in 11 of the precincts Cobb lacked 482 of receiving all the white votes in these precincts. There are only 1,078 white votes in the county; this would leave him only 596 white votes, so that he really gets but about five-ninths of the white votes of the county. The residue of his majority of 3,276 returned for him in this county must come from the colored vote.

Let us now go to a few of the precincts. I say a few of them, because it would consume too much time to review all of them. Besides, it would not be necessary; for all that you desire is that we go far enough to show that Mr. Cobb was not honestly elected and that Goodwyn was.

Some of the evidence brought forward by contestant tending to impeach the returns from these precincts is from persons present at the polling places and who state that a much smaller number of persons actually voted than are returned by the officers of the election. Other evidence is introduced tending to show that many persons on the poll list did not vote; that the names of dead and absent persons are returned as having voted. We also have some proof that only the white voters were the supporters of Mr. Cobb, while the returns show that he received a large negro vote. Other proof discloses that but a small number of the negroes either registered or voted.

The contestee presents witnesses who contradict this and say that all who are reported as voting did actually cast their ballots; that large crowds were at the polling places, and that the negroes in mass were supporting Mr. Cobb, and in some instances with much enthusiasm. Here is a direct conflict in the evidence. I shall not go into a discussion of this evidence further than to state that the witnesses for the contestant were at the polls for the very purpose of learning the number of voters; that this was their special business, and that their attention was given to nothing else, while, on the other hand, the witnesses for contestee had no such purpose in view. They were not at the polling places for the purpose of ascertaining the number of voters, and their attention was not specifically directed to that subject. It is evident, therefore, that their statements are not so reliable as those made by the witnesses for the contestee.

But we can settle this question without weighing the evidence of the witnesses arrayed on either side of it. There are things apparent on the face of the registration and poll lists which are not contested, and which seem to be incontestable, and by which fraud in these precincts is established beyond doubt. I will first take up the precincts of Macon County. The three contested precincts in this county gave Cobb 769, Goodwyn 9.

If these precincts are thrown out Mr. Goodwyn is elected by a majority of 261.

Let us take them up in order:

TUSKEGEE NO. 1.

This precinct gave Cobb 426, Goodwyn 9. This is made up of 175 white, 224 colored, and 36 color not known.

Two persons, Walker and Grimmer, swear that they were at the polls for the purpose of counting all the negroes who voted and remained there all day. They say that the number was 42. Thirty-six names on the poll list as voting are not found on the registration list. Thirteen names appear on poll list two and thirteen times. Twenty-nine persons whose names are on the list swear they did not vote.

There were two boxes at this precinct. Box No. 1 (Record 119) shows that from No. 167 to No. 194 the voters are put down in alphabetical order. In box No. 2, from Nos. 127 to 151, they voted in alphabetical order, and the strange thing about it is that they took box No. 1 and ran down in alphabetical order to "L," and then they commenced on box No. 2 with "M," and continued in alphabetical order.

Now, let me call attention to Cotton Valley precinct. In this precinct Mr. Cobb gets 237 votes and Mr. Goodwyn none. Thirty-six persons whose names are on the poll list swear that they did not vote. Thirty-seven names on the poll list are not found on the registration list. Mr. Lynch, who was at the polls all day for the purpose of counting the persons who entered the polling place, says there were but 42 persons who voted. The registration list made and furnished by the judge of probate contains 250 names. The registration list made by the precinct registrar contains only 30 names. Yet the judge must get his list from the precinct registrar's list. I want to refer to another thing in ref-

erence to this precinct. One hundred and eighty persons are reported to have voted at this precinct in the precise order in which they registered.

Now we will go to Honeycut precinct, Macon County. There the vote is 106 for Cobb and nothing for Goodwyn. Forty persons on the poll list are not registered. Several witnesses well acquainted with the precinct have examined the poll list and are unable to recognize a single name from No. 53 to No. 104, being 46 names. Mr. Covington hunted two days and could not find a single one of these men. William Pierce, a Democrat, and a bailiff in whose hands was placed a subpoena for the persons bearing these names, searched three days through the precinct and could not find one of them. And when Mr. Cobb comes to offer his evidence in contradiction of the evidence of the contestant he can not find a single one of these men in the precinct.

Now we will go to Lowndes County. I take up Benton precinct No. 1. There are returned from this precinct 311 votes, all for Cobb. There are two registration lists, one made by the precinct registrar and the other by the probate judge. The one made by the registrar has 203 names upon it. Remember, it is presumed that the registrar of the precinct registered the men as they came to him without any reference to alphabetical order; yet upon his list there are 33 names registered in alphabetical order. Then the judge of probate, without any authority in the world, adds to this registration list 123 names. No persons bearing these names can be found in the precinct. The contestant produces a number of witnesses who testify that they are well acquainted with the voters of the precinct and do not know a single person bearing any of these 123 names. Again, Mr. Cobb, when he comes to reply to that evidence, can not find one of these men, and does not produce one. Now go to Church Hill precinct No. 2, Lowndes County. Here are 278 votes for Mr. Cobb and 2 for Mr. Goodwyn, making a total of 280 votes. We have in the record two registration lists, one the original made by the registrar and one made by the probate judge. The list prepared by the registrar shows only 32 names—

[Here the hammer fell.]

Mr. DANIELS. I yield to the gentleman five minutes more.

Mr. ROYSE. I will refer to only one more precinct—Hayneville precinct, Lowndes County. Here are 611 votes, and they are all returned for Mr. Cobb. We have the two registration lists, one by the registrar of the precinct and one by the probate judge. The original contains 493 names, 23 being registered in August. In the hands of the probate judge this original list grows to 501, being 8 more than the original list prepared by the precinct registrar. Not satisfied with this, the judge of probate adds 118 more names by way of supplement to the list. No persons bearing these additional names are known to anyone in the precinct. Williams, a Democrat and a constable, who had a subpoena for the men represented by the names, hunted through the precinct diligently and could not find one of them.

Now, a peculiar thing is that these names on the poll list are not voted quite in the order in which they registered; but they are voted in blocks—not "blocks of 5," but in irregular blocks. Let me give you some illustrations: Here is the first block, starting with 24 on the poll list and running down to 47. The persons in that block appear all to have voted at once. Then there is a skip from 47 to 64. Beginning with 64 we have 6 more voting in a block. Then there is another skip; then there is a block of 3 voting. Then, after another skip, a block of 5 is voted. Next there is a block of 8, next a block of 3, next a block of 7, next a block of 14, next a block of 4, next a block of 24, next a block of 7, and finally a block of 5, covering the entire list.

Now, there are other precincts that I might run through, but it is not necessary I should do so. No unbiased man in the world can read this record through without becoming satisfied that there is fraud in each of these precincts. Mr. Cobb is not honestly elected, and no matter how painful it may be to any of us who have been associated here with him on the floor of this House to vote against him in this case, yet we owe a higher duty. It is a duty we owe to ourselves, a duty we owe to the House and to the country at large, to vote according to what we conceive to be the facts, and we owe an overpowering and an overwhelming duty to the people of Alabama. [Applause.]

Mr. BARTLETT of Georgia. Mr. Speaker, I have not the time, nor am I physically able to discuss this case as I had hoped I might discuss it. The gentleman from Indiana [Mr. ROYSE] who has just taken his seat has partially gone through the record, and has stated that Mr. Cobb, the contestee, was not elected, and that they owed a duty to the people of Alabama and to the House to so decide because of frauds that are contained within the pages of the record in the case. In illustrating his argument as to frauds in Alabama elections, he found it appropriate to refer to, as an illustration, an election episode from the State from which he comes, a State which has become notorious by reason of the "blocks-of-five" fraud. It may be that, unexplained, the evidence in this case would suggest and does suggest wrong in the election.

If the testimony of the contestant, upon which the committee alone made up their report, so far as it is contained in the record, is to be accepted as absolute verity, if no attention is to be paid to the evidence with which the contestee met the charges of fraud, if only one side is to be heard and reported to the House, then indeed might we as well abandon all hope of having this case fairly adjudicated.

I had occasion to say, Mr. Speaker, in another case before this House, that no man can point his finger solely to Alabama or that section alone as being the State or section where frauds are committed or where frauds are charged to have been committed in elections. I might detain the House, but I have not the time to do so, and prove by the testimony delivered before Republican courts and Republican executive committees in the great cities of Philadelphia and New York the wrongs committed on the ballot box, wrongs as grievous as those which have ever been charged or alleged in this record or in any other case pending before the House of Representatives. I have the proof at hand here before me; but I have not the time to read it, nor is it necessary, Mr. Speaker, that I should read it. The public journals in the city of New York and elsewhere have denounced the padded poll lists even when Republicans came to select delegates to their State conventions, and where it has been shown also that the 80,000 Republican majority in the city of Philadelphia was made up of returns honeycombed with fraud, and the ballot list contained names of men who never voted and could not be found as residents of that city.

But that does not answer an argument in this case. It could but serve to consume time. Yet, when gentlemen make charges of fraud against the State of Alabama and her election laws, let them look at their own States and at other Republican strongholds throughout the country.

Mr. Speaker, I am not here either to indorse or to sanction for a moment any wrong committed upon the ballot box, no matter where it be committed. I hope the day will come, if such a day can ever come in politics in the United States, in our elections, when the law will be so stringent, when the ballot will be so guarded by the law, by prescribing methods and manner in which the votes shall be cast and counted, that no fraud can possibly be committed upon the purity of the ballot box. But I stand here at the same time to tell this House, at least that small portion of it who seem to pay attention to the argument of this case, that this evidence in this record, which has been taken and reported and printed here for unseating the contestee, would not have been accepted or acted upon in any court that was solely guided by the rules of procedure laid down by the statutes of Congress and prescribed and adjudicated by the courts and the precedents established for a hundred years.

Mr. Speaker, the majority of the Committee on Elections (and I hope nothing I shall say on this occasion with reference to them will be construed in any way otherwise than that I entertain the greatest respect for them all, but I must criticize what they have done and criticize it respectfully and earnestly and not personally in any sense of the word, because for each one of them I entertain the highest consideration and esteem)—but I repeat, Mr. Speaker, that the majority of the Committee on Elections, I think, fell far short of their duty in this case when they presented to the House but one side of it. You may examine their report which they presented to the House, and I say that there is no reference made to any one of the witnesses of the contestee, although he introduced a mass of testimony, which fills a book, to meet at every point charges made and the evidence given for the contestant to sustain them. I wish I had the time and the physical ability to go through with the case, but I have not.

Permit me, before I shall undertake to present the argument which I have laid out for myself, to call your special attention to certain facts in the case. I begin with the suggestion and the statement made by my friend from Indiana [Mr. ROYSE] in reference to certain names appearing on the poll list which witnesses swore not to be residents in the beat where they voted.

Why, Mr. Speaker and gentlemen, I have been through this record; I have taken up the statements and the names of the contestant's witnesses, who swore these men were not in the district and did not vote. I have examined them thoroughly. I have found that the contestee has taken up the majority of the names of the voters testified about, and has proven, not by unreliable "tramp" witnesses who have no character, no place of residence, no credibility or character, but by men in the community who have been honored by positions of trust, men of character, business men, who swear that these men, alleged by contestant's witnesses not to have been in the precinct and not to have voted, were residents of those precincts and voted there on the day of this election. These witnesses for contestee testify that they were present and saw such voters vote, and give reasons and facts that must convince everyone that they are correct. No effort was made to deny it by contestant in rebuttal.

I can not of course undertake to go through with the list which

I have here. I took the record in an orderly way, and first put down the names sworn to by the contestant's witnesses as not being present at the polls and not residing in these districts. I then took the evidence of contestee's witnesses, shown to be reputable witnesses, which demonstrates that these men were at the polls and voted—men of that name, men who appeared at the polls and voted at that election. It appears in the evidence here, both of the contestant and contestee, that the colored voters in Alabama—and it is known to be so everywhere—have a number of names that are similar to each other. Upon the large plantations, taking the names of their former owners, or taking such names as they may fancy, to suit their pleasure, there are sometimes as many as five men of the same name living in a district. There were as many as five Naith Forts living in the one precinct. One poll was attacked because Naith Fort was shown not to have voted; but the proof shows that five Naith Forts lived in that district, and that one of them voted.

Why, they even undertook to prove that two men upon the poll list were dead on the day of election. Judge Cobb swore the brother of one of the men who was sworn to be dead. The brother of one of these men swore that the man was present at the election, if I recollect right, and swore further that he did not die until Christmas, because he, the brother, was present at the death-bed and bought the coffin to bury him, and that this was during Christmas after the election.

So that to present to this House a report asking you to unseat the contestee who has served here so long with some of you, and not present to the House the evidence that he offered before and submitted to the committee, properly taken and certified, in order to meet these charges, is, to say the least of it, unfair, unjust, and wholly partisan. It certainly is an utter disregard of that fair judicial rule of conduct we were assured would be laid down for their guidance on the 17th of December, when these committees were appointed, and when we were told that an impartial and judicial consideration and determination was to be given to these contested election cases.

I desire to refer to another thing, because Judge Cobb, who will conclude this argument, will doubtless not care to refer to it. The suggestion is made by the distinguished gentleman from Indiana [Mr. ROYSE]—although he at last pulls the sting out of it before he concludes, and although his report endeavors not to charge upon Judge Cobb, the contestee, anything wrong connected with these alleged wrongs—yet it is stated by the gentleman from Indiana [Mr. ROYSE] upon the floor of this House that Judge Cobb is, in a measure, responsible for the frauds committed, because at a meeting at Cross Keys and at a meeting at Bentley he refused to vote for but opposed certain resolutions which provided that Judge Cobb should request the election officers to give Goodwyn representation at all the beats in the county of Macon.

Mr. Speaker, I apprehend there is not a man on this floor, Republican or Democrat, who would not have acted as Judge Cobb did on that occasion. What were the circumstances and the facts, as disclosed by B. F. Walker and Lynch and J. R. Wood, the first two witnesses for the contestant, and the other a witness for the contestee? It appeared they had a little meeting at Cross Keys, at which there were 35 people present. There were 35 people, and not all these 35 people were voters. When Judge Cobb was there to make an address upon terms that had been agreed upon between him and his opponent, three-fourths of that 35, according to Walker's testimony, being opponents to Judge Cobb, a resolution was introduced, which, if sanctioned by Judge Cobb and his friends, would have carried in the preamble as well as the resolution a statement that the Democrats of Macon County, the officers of the county where Judge Cobb lived, the probate judge and the sheriff and clerk, intended to defraud Goodwyn.

The consequence was that only those who were supporters of Mr. Goodwyn voted for it, and nobody thought it worth while to vote against it, and did not vote against it. That is the size and importance of this meeting. Those are the resolutions of the people of Macon County—35 men, two-thirds of whom were Populists. How absurd to give any importance to their action. One word more with reference to the appointment of these inspectors and managers of election. The record discloses that there are no Populists in Macon County, except in one or two beats. In these beats where Judge Cobb received his majority there was not a single white or black Populist, except in Tuskegee. They did not even register or vote.

The gentleman calls the attention of the House to the record, which discloses that at certain precincts Cobb got all the votes and Goodwyn got none. Why was that? The gentleman says that the very fact that a man could not get any votes in some precincts and only 6 in Tuskegee is evidence of fraud. There is no proof in this record, there is no charge made, as I now remember it, in the notice of contest that a vote that was cast for Goodwyn was counted for Cobb. On the contrary, the whole theory and purpose of contestant in the conduct of the election and the campaign

made by him and his followers were to advise his followers to stay away from the polls and not to vote in certain counties, these three that we have under discussion.

But to other counties, two of which, at least, had a large majority of colored people and a majority of Populists, he sent resolutions or requests from the committee that they go to the polls and vote, and they did go and vote. He surrendered in Macon, in Lowndes, and in Autauga, and did not ask them to vote in those counties, but rather begged them not to vote at all. There were no white Populists, with rare exceptions, and I can point to the testimony of colored men in this record who swore that in these three counties the colored men were for Judge Cobb enthusiastically, and that they had no use for a Populist. That is the statement of one of the witnesses offered.

Another thing. Why should it lie in the mouth of any gentleman of the majority of the committee to suggest that Judge Cobb was responsible for any wrong when it is not true, and when their report says he is not? I call attention to the testimony of Walker, one of the witnesses offered by Mr. Goodwyn, illegally as we contend, but still the testimony is here and I might as well call attention to it. It is found on page 356. Walker is a Republican, and was a supporter of Goodwyn. I think he held an office of United States marshal under the Republican Administration of President Harrison. I do not think he even voted for Goodwyn, although he was in favor of him. He had not registered, according to my recollection, but what says he as to these charges that they undertake to make upon this honorable gentleman whom you are asked to turn out of this House?

How can a majority of this committee, in justice to an honorable gentleman on this floor, when they make a statement with these suggestions in it, fail to call attention of the House to that testimony offered by the contestant himself which shatters and breaks down and destroys any such imputation or suggestion as that Judge James E. Cobb had any connection, even the slightest, with wrongs done at that election, or ever had with any wrong done at any election? Take the testimony of B. W. Walker, this Republican, this ex-officer, who held the position of marshal, and I believe was postmaster in one of these cities in the district under Mr. Harrison's Administration; does he make any such insinuation? On the contrary, he swears, on page 355, that at these meetings at Bentleys and Cross Keys he did not mean to suggest or intimate that Judge Cobb in the least palliated, suggested, or aided fraud at any time or under any circumstances. He swears:

Speaking of you personally, I have never known you directly nor indirectly connected with frauds publicly or otherwise. I have heard you while judge of the court charge juries to investigate fraud at ballot box, when I knew that public and political sentiment of your party in the community did not favor such a charge. I have heard you in public discussion say that you did not favor fraud at the ballot box. I have known you while judge to go so far to secure fairness in public debate in this county, when Independent and Republican meetings were being disturbed by Organized Democrats, to attend these meetings in your official capacity to prevent disturbances, during the canvass of 1886 especially, and that you have been regarded in this county as being at the head of that element in this county representing fairness at elections all the time, and having known you in that way caused me to make the remark to you, at Cross Keys, that you could not afford not to indorse those resolutions for a fair count.

Whatever the result of this contested election may be, whether you shall unseat him and place in his seat to represent the people of the Fifth Congressional district of Alabama a man who, according to his own statement, is neither a Democrat, Populist, nor a Jeffersonian Democrat, but all combined, neither "fish, flesh, fowl, nor good red herring," but anything and everything; whatever you may do, the suggestion or insinuation made on the floor or put in your report, so far as this contestee is concerned, that he ever suggested or indorsed a wrong upon the ballot box is not borne out by the record, but absolutely contradicted by it. I therefore think it is due him that I shall place upon the record the words spoken of him by the man upon whose testimony the committee based their report for the purpose of defeating his election. He has earned a reputation for honesty of purpose and integrity of character in all things, so that his people love and honor him. And he earned it not only from his friends, but from his political enemies, who can not and dare not gainsay it. It ill becomes any member of the majority to make these insinuations against the contestee, when the record does not authorize but disproves them.

Mr. Speaker, I can not, in justice to the case or to myself, undertake to go through all this record. I have stated some of the facts succinctly and briefly. I desire to call attention to one fact, and you will find it as I state it if you will examine this record, and I challenge any man to deny it. I desire to call attention to the injustice, the one-sidedness, and unfairness of this majority report as to the evidence, and this is but a fair sample of the wrong coloring and the lack of information that they convey to the House in this report. What is it? Great stress is laid by the report of the majority on the evidence as to the Tuskegee beat, Judge Cobb's home. Here there were 746 voters registered and only 427 votes

polled, a little more than half of the number registered. Two witnesses—Grimmet, chairman of the Republican committee, and another man, named Walker—stood off from the court-house and watched the election; they say that they only saw a certain number of colored men go into the polling place. Grimmet and Walker, mark you, Mr. Speaker and gentlemen of the House, during the whole day sat side by side or stood side by side all the time. They sat in chairs together a part of the time at the same place, and what one saw the other could see, and only could see that much, and what one failed to see the other necessarily failed to see. So they swore.

During that day the sheriff and other men who knew that that election was being conducted fairly found out what these two watchers were doing, and they went to them and said, "We know what you are here for; you can not see where you are now stationed. Come down in front where you can see and we will furnish you ample opportunity to observe all that occurs. Come down and see. Do not shelter yourselves behind the stone walls of the court-house, where you can not see the polling place, but come down in front and examine what is going on and see it." They refused; and they appear in the record as witnesses for the contestant and swear, after refusing to go where they could see thoroughly and examine, that they could see well, and that they observed the men who went in, and only a certain number went in. They are completely and absolutely contradicted by six reputable, worthy gentlemen. Now, it was shown by a diagram, by photographs, and by measurement, that it was as absolutely impossible for them to have seen where they sat as it would be for you to look through that wall and see the White House through it.

Why, Mr. Speaker, they could not even have seen the polling place with the use of the most powerful cathode X rays that have yet been invented; and yet these gentlemen swear, swear positively, that they could see. But what change came over the spirit of their testimony? The court adjourned for dinner while Grimmet's testimony was being taken. He went out. So many people had asked him about it that he began to doubt his own memory, and, an honest man as he apparently is, in order to satisfy his judgment, in order to satisfy his conscience, in order to swear truly, he went out and examined again on the day that his testimony was being taken, took the same position, measured it off, made a thorough investigation and came back before the commissioner and said, "I want to retract my testimony. I was mistaken when I said that I could see the court-house door, and I swear now I could not see it"; yet the judicial turn of mind of the majority of our committee did not permit them to suggest to the House that the very witness upon whose evidence they destroy this precinct and reject it entirely had taken back his testimony, had said that he was mistaken, and that his former testimony was not true.

So I might go through with this record, and if I had the time I could demonstrate that, so far as the testimony is concerned, the overwhelming weight of it sustains the returns made by the election officers. I could show that the contestee met his assailants at every point where he had the opportunity. But why do it? Why consume time when I know that, following the precedents established here by this Congress, the majority report will doubtless be accepted without investigation or inquiry into the merits of the case. I have no complaint to make that it should be. That may be natural; but I challenge any man who wants to ascertain the truth in this case to examine the reports and the evidence contained in the record; I challenge the distinguished chairman of this committee to deny that the record I have quoted is as I have stated it. If it is, why has he and the majority withheld from the House in his report this most important evidence?

Now, Mr. Speaker, I maintain, as this minority report maintains, and I can demonstrate it to any impartial court or judicial tribunal, that the testimony upon which the majority find that the contestee was not elected is not legitimate testimony and ought not to be received. I should like to have time to present authorities, decisions of the Supreme Court of the United States, construing the law prescribing when depositions taken under the act of Congress are to be received and when they are to be excluded. I state it as a rule laid down as early as 2 Cranch, repeated in 149 United States Reports, and especially laid down in 17 Wallace, that in taking depositions wherever a party made a motion to suppress the depositions on account of the testimony being illegal or being improperly taken, no matter whether he was present when it was taken or not, the court will exclude them. Now, let us apply the rule thus prescribed by the statute of the United States relative to contested election cases. Let us apply it to the phases of this case presented by the record.

There is not a word in this record, Mr. Speaker, which shows what the vote of the district was for either side, except what was offered in rebuttal, and the evidence offered in rebuttal shows that Mr. Cobb had a majority of 748. There is not a particle of evidence with reference to failure to find certain named voters,

except Pierce's, which I must leave for Judge Cobb to discuss, except that offered in rebuttal. The material evidence for the contestant, the witnesses Walker and others, whose names I will not call over, were called and sworn in rebuttal, but they testified to facts in chief, or they were sworn in Montgomery County, in the Second district of Alabama, outside of the Fifth Congressional district, before a notary public who was appointed in Elmore County, the county where the contestee lives, and not a county of the Second district.

Now, let us take up this proposition first and the other one last, and I am done. I lay this down as a proposition that can not be disputed, and to deny which would open the door to fraud, would permit any man's seat on this floor being challenged and taken away from him. I call attention to section 107 of the Revised Statutes, which prescribes the time within which testimony shall be taken. It provides that—

The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only—

Mark it, in rebuttal only—
during the remaining ten days.

Now, I state, and I defy contradiction, and the majority of the committee admit it in their report, that this testimony in chief was taken within the time prescribed by the law for taking testimony in rebuttal only. The majority do not deny that. They simply undertake to evade the law by saying that the testimony was not objected to, when the record shows that it was objected to. I repeat that the testimony upon which their report was founded and must rest, because without it there could be no report against the contestee in this case, is testimony offered by the contestant in the last ten days, and that he took testimony in chief during the time when the law provided that he could take testimony "in rebuttal only." It came to this committee damaging testimony, testimony indicating such fraud as to turn the sitting member out of his seat; that testimony was taken and came to this committee at a time when the contestee had no opportunity to reply to it, or to call witnesses in rebuttal, because the law had closed his mouth when that testimony was taken. He made a motion before the committee to suppress it. He made a motion that, if they considered it, they should permit him to reply to it, as he said he could do.

They saw fit to decide against him on that question, and to-day it is proposed to send him out of this House as not having been elected or having been declared elected by fraudulent votes, when the evidence upon which that verdict is based was offered by the contestant in the last ten days of the time for the taking of testimony and when the contestee has never had any opportunity to reply to it. Is that judicial? Is there a court on earth that ever permitted such a proceeding in the trial of any cause before it? I challenge the gentleman on the majority, or any gentleman on this floor, to point out or name a case when this was ever done.

Section 117 of the Revised Statutes declares that—

Depositions of witnesses residing outside of the district and beyond the reach of a subpoena may be taken before any officer authorized by law to take testimony in contested election cases in the district in which the witness to be examined may reside.

There is the plain provision of the statute. Yet a number of these witnesses, the most intelligent witnesses for the contestant, were examined in the county of Montgomery before a notary public, an officer not residing in Montgomery County or in that Congressional district, but residing in the county of Elmore and in the Fifth Congressional district. These witnesses might as well have been sworn before a private person. A notary might as well have been taken from New York to take the testimony of these witnesses. Yet testimony taken in this way is made a part of this record, and it is relied on in the majority report for the purpose of upholding the conclusions reached, and their testimony set out in detail in the report of the majority.

They say that no objection was raised on this ground, except in one instance. Sir, the record shows that objection was made; but apart from that I lay down the broad proposition of law, as declared by the Supreme Court of the United States in cases which I have referred to, and I could furnish a number of them if I had the time, that it was not necessary that objection should be made; that all that was necessary was that when this testimony was presented before the committee a motion should be made to suppress it; and it ought to have been suppressed. To say the least, if the committee chose to consider evidence of this character in violation of the strict terms of the statute, they ought to have permitted the contestee to have obtained and offered evidence in rebuttal. The contestant himself testified for the first in rebuttal, and gave testimony in chief; most of his testimony is taken up in detailing what he gathered from the records of the court and from the statements of other people, and proving facts which had never before been testified to, and which was regarded by the majority as most material evidence and upon which they have acted in making their report.

These are the legal aspects of the case. I have stated in a general way what the contestee did to meet the case as made by the evidence in chief. I have shown that he could not meet the evidence offered in chief and taken in the time allowed only for rebuttal. Yet a majority of the committee sitting as a judicial tribunal to determine the result of this election and to apply a uniform, unvarying rule of law to the case have said, in spite of the imperfections of the evidence, in spite of the violation of the statute and the principles of law, "This is enough." They have raised the "red flag" of fraud and flouted it in the face of this House, and all else must be lost sight of because it is raised. As evidence of fraud they presented here that which the contestee has had no opportunity to reply to.

This may be judicial; this may be right; but if so, Mr. Speaker and gentlemen, we shall have to learn anew the judicial rules for the interpretation of statutes and the admissibility of testimony as laid down by Greenleaf—rules which have grown hoary and sanctified by age. We shall have to unlearn the rules of law as established by English and American courts and as upheld by the greatest court on the face of the earth, occupying a chamber not far from this Hall. That august tribunal will have to learn new lessons from this Republican majority which establishes new principles of law in order to unseat a Democrat and seat a "combine" Populite-Jeffersonian-Democrat-Republican—the Lord only knows what he is! [Applause.]

I desire to yield the balance of my time to the gentleman from Alabama, Mr. Cobb, but before taking my seat I will ask leave to print as part of my remarks the report of the minority of the committee.

The report is as follows:

VIEWS OF THE MINORITY.

We, the undersigned members of Committee on Elections No. 1, not being able to indorse the reasoning and conclusion of the majority of the committee, present these as our views:

The questions of law submitted in this case to the committee, and a determination of which was asked at their hands, are these:

First: "Whether evidence taken before a notary public, acting as commissioner to take testimony, could be considered when the testimony was taken before such notary public in a county of the district other than the county for which he was appointed?" We believe that [this could not be done, and that the evidence taken before such notary public in this case should be suppressed and not considered. The reasons given therefore have already been reported to the House in the case of Aldrich vs. Robbins, and will not be repeated here.]

Second: "Whether evidence taken outside of the Congressional district from which the contest comes could be taken by and before a notary public who does not reside in the county or district where he takes such testimony?"

In this case important testimony was taken in Montgomery County, Ala., in the Second Congressional district of Alabama, before a notary public who resided in a county in the Fifth Congressional district of Alabama. This testimony was that given by B. W. Walker, U. D. Lynch, S. M. Dinkins, D. D. Askew, and J. D. McDuffy, and certain exhibits then made before such notary public. It is clear from the statutes of the United States, as contained in section 117 of the Revised Statutes, that the notary who took this testimony in Montgomery County was utterly without jurisdiction to do so; and as the want of jurisdiction appears upon the face of the papers, according to the universal and accepted rules of law, advantage can be taken of it at any time, and this was done in this case by the contestee in a motion to rule out and suppress this testimony.

Section 117 of the Revised Statutes declares that "depositions of witnesses residing outside of the district and beyond the reach of subpoena may be taken before any officer authorized by law to take testimony in contested election cases in the district in which the witness to be examined may reside." There can be no question that this section expressly provides that the testimony shall be taken before an officer such as is described in section 117 of the Revised Statutes, who must reside in the same district in which the witness to be examined resides. No other officer or person is clothed with authority to take the testimony of a witness who resides outside of the district in which the contest is pending, except an officer who resides in the district of the residence of the witness.

The statute of Alabama defining the power and authority of a notary public confines his power and jurisdiction to the county for which such notary is appointed, and the statute of the United States confines the power to take the testimony to an officer who resides in the district of the witness, so that neither the laws of Alabama nor the United States permit or authorize this officer who did take the testimony in Montgomery County to take it, and his actions in taking the testimony are absolutely void and the evidence thus taken wholly illegal. If this testimony is not considered, then the most important evidence which was offered for the contestant should not be considered, and it would be impossible for any fair-minded tribunal to arrive at the conclusion which the majority of the committee have reported.

Third: The contestant began taking testimony in rebuttal April 9, 1895, and with rare exception introduced original testimony, and this evidence thus offered has been considered by the majority of the committee, and upon it the majority have founded their report. But in our judgment this testimony should not have been considered or acted on. The testimony given by the contestant himself, which is related in the report of the majority, and all the exhibits attached to his testimony, beginning on page 334 and ending on page 347 of the record, without which it would be impossible for the majority to reach the conclusion it did, is original testimony taken in rebuttal after the expiration of the forty days in which the contestant was permitted by law to take original testimony, and was taken in the remaining ten days in which the law declares "he should take testimony in rebuttal only." (See section 107 of the Revised Statutes, which declares "the contestant may take testimony in rebuttal only during the remaining ten days of said period.")

This provision of the statutes is but an affirmation of the rule of the common law. No rule of law is more firmly established and universally observed than that evidence in chief can not be used in rebuttal unless, after its introduction by the exercise of the discretion of the court, the opposite party is given the opportunity to meet it by contradictory evidence. No court will permit a plaintiff to introduce a part of his evidence in chief and then when the defendant has closed his evidence to introduce other evidence in chief, under the pretense that it is only in answer to the evidence of the defendant.

In view of this well-recognized principle it surprises us to see in the majority report this declaration:

"Evidence was taken which the contestee urges was not within the scope of a proper rebuttal; but it was mainly to prove that persons did not vote whose names were not on the poll lists. Similar proof had been previously taken, and there can be no reason for supposing that the contestee, Mr. Cobb, was specially prejudiced by the order of this evidence, for it seems to have been beyond his power of contradiction."

How does it seem beyond his power of contradiction? Such a fact could not possibly appear until he was afforded the opportunity to contradict. This opportunity he sought at the hands of the committee, by asking that if they saw proper to consider this rebuttal evidence, he should be allowed an opportunity to meet it by contradictory proof, as he declared his ability and willingness to do. This request was reasonable. The rebuttal evidence, which clearly appears to be evidence in chief, should have been suppressed or the committee should have reported a request to the House that the contestee be granted time to contradict it.

If this rebuttal evidence was mainly to prove, as asserted, that persons did not vote whose names were on the poll list, it is certainly true that this is made by the contestant the vital issue in his case. But it will appear from examination of the record that the rebuttal evidence took a much wider scope. There were examined in rebuttal more than 25 witnesses, whose evidence touched upon every point which it was conceived could possibly affect beneficially the interests of the contestant. Among these witnesses are found Reed Smith, A. J. Wood, C. E. Reese, J. L. Long, B. W. Walker, D. D. Askew, W. A. de Bardelaben, J. M. Williams, A. T. Goodwin, J. A. Reese, W. E. Mealing, and J. V. McDuffy, all of whom are mentioned in the report of the majority as the witnesses on whose evidence reliance is mainly placed to sustain the cause of the contestant. Here, then, we have the case in which the trial court makes up its judgment on rebuttal evidence, entirely cutting off from hearing the party against whom the judgment is rendered, in violation of law and for no reason assigned except the presumption of the court that the evidence could not be rebutted—a presumption directly in conflict with the established law of more than one hundred years.

The contestant failed during his first forty days to prove the vote of the whole district. Without this proof it was impossible, by any amount of other evidence, that he could sustain his contest. He was bound to know this, and the presumption is strong, if not conclusive, that he withheld this necessary proof for the direct purpose of cutting off the contestee from an attack upon it. When the case was first submitted to the committee there was no proof before them, even in the rebuttal evidence, legal in character, proving the vote of the district. This was so apparent that the committee called on the contestant for additional proof on this point. He was permitted to get certain transcripts from the secretary of state of Alabama. On production of those transcripts the fact was made apparent that the vote of one whole county should have been disregarded because of the illegal manner in which it had been transmitted to the secretary of state. Had the vote of this county been excluded, as clearly it should have been, then the contestee's majority would have been increased at least a thousand votes. Being accepted by the committee, what could have been more reasonable than to allow the contestee opportunity to show that behind this return of the county supervisors to the secretary of state, and on which it rests, were votes counted from a number of precincts with no returns before the county board to show that such votes were ever legally cast?

No reason is offered by the majority of the committee for the introduction of this supplemental proof, except that it is a record, when the most cursory view of the statutes of Alabama negative such an idea. It was evidence subject to contradiction, capable of contradiction, as was made clearly to appear before the committee, and no greater injustice can be done, in our opinion, than to seat the contestant on such evidence. But if it was a record, it could not have been legally received by the committee. Mr. McCrary says:

"Record evidence must be put in before the commissioner, and put in the record of evidence. (McCrary, page 307, section 302.)"

The whole of this testimony, in our opinion, should be suppressed and not considered. Not to do so violates, we repeat, the express terms of the statute and rules of law that have not heretofore been questioned. To permit this course of procedure would authorize contestants in election cases to withhold the most vital and important evidence in their possession until the last days permitted for offering evidence in rebuttal, and then cut off the right of the contestee to reply to it, and would not only be in violation of the law and statutes of the United States, but would be approving and upholding wrong and injustice, which no impartial and fair-minded judicial body or legislative body acting in a judicial capacity can afford to permit or sanction.

This testimony contains the only suggestion or statement, and that by means of offering evidence that is clearly secondary and hearsay, that contestee's majority was less than 748. Therefore, without accepting this secondary evidence and evidence offered in rebuttal, the majority of the committee could not arrive at the conclusion that contestee's majority was only 608, instead of 748; and to the admission of this testimony the contestee strenuously objected, and by solemn agreement with contestant, entered in the record, said objection and agreement being found on pages 334, 402, 403, and 404 of the record, and in addition thereto a motion was made to suppress this testimony before the committee. To say that the contestee had not availed himself of every technical rule to resist the introduction and use of this testimony thus illegally put in the record is to make a statement which the record of the case will not sustain.

Besides, in our judgment, if no objection had been taken before the notary public, it was in the power of the contestee, if he so desired, when his case came up to be heard before the committee, to object to all illegal testimony and to move to suppress it, and if for the first time objection had been made before the committee, we are of the opinion that the objections should have been sustained if they were legal objections, and if the testimony objected to was illegal and inadmissible it should be suppressed and rejected. It must be remembered that the notary public who took the testimony has no judicial power to rule out evidence, or to admit evidence, or to pass upon the objection to the legality of testimony. He is simply the officer designated by the statute to summon the witnesses and to administer the oath to them, and to take down the questions propounded and the answers made.

We therefore conclude that all this evidence taken in rebuttal, which is original testimony and was offered for the purpose of sustaining contestant's case, and which should have been offered in chief, is not simply in reply to contestee's evidence, and should be utterly disregarded, especially as the contestee vigorously asserted his ability to meet and overcome it.

Fourth. Another portion of the testimony taken before Mr. T. L. Grace, notary public, which attacks precincts in Lowndes County, viz, Hayneville, Gordonsville, and Benton, and which is important testimony, comes before the committee without any certificate from the notary public. We do not believe this testimony should be accepted or regarded. Section 127 of the Revised Statutes of the United States requires that "the officer who takes the testimony shall certify and carefully seal and immediately forward the same by mail," etc., "to the Clerk of the House of Representatives."

It appears in this record, and it is not denied, that the contestant, during the time when the testimony was being taken in the case, took possession of

parts of the testimony and carried it about with him out of the care of the commissioner, and at one time when the testimony that had been taken was called for the commissioner did not have it, but stated that the contestant had it, and that the contestant refused to give it to him on his demand.

We can not fail to call attention to the fact that a majority of the committee wholly neglected and failed to refer or call the attention of the House to the evidence of the contestee taken in the case, although a large mass of testimony was taken by him in reply to every charge made; and the officers of election of every precinct attacked were offered and sworn; and, besides that, numbers of persons were offered who did sustain the fairness and honesty of the election. The witnesses for the contestant were flatly contradicted as to the material facts sworn to by them, in every instance, and while the majority have a right to disbelieve the testimony of contestee's witnesses if they see fit, we think it is the right of this House to know, and it is the duty of the committee to inform the House, of the evidence. The witnesses for the contestee were shown to be worthy and reliable, and in most instances citizens of high standing, character, and probity in the community where they lived, and if their testimony is the truth, then the majority could not arrive at the conclusions they have.

The House is left to infer that only the witnesses named for the contestant were offered, when such is not the truth. In each precinct attacked it is shown by contestee not only that the votes returned were voted and counted as voted, but that large numbers of voters were present at the time at the polling place, and that the colored voters were for Judge Cobb, contestee, were his supporters and his friends, and had no affiliation with or sympathy with the Populist candidate, contestant. Great stress is made in the report of the majority that numbers of voters on the poll list were shown not to reside in the precincts in which they voted, that some were shown to be dead and some absent from the precincts, and that a number of them made affidavit that they did not vote. Taking up the last proposition first, we deny emphatically that there are any affidavits in the record sworn to by the number of persons stated in the report of the majority or any other to that effect. The only reference made thereto is the testimony of D. D. Askew, taken in Montgomery County on the 19th of February, 1895, before a notary public who was a resident of the Fifth Congressional district and not authorized to take the evidence, and was taken after the expiration of the forty days in which the contestant had a right to take the original testimony, and was taken when the contestee was not present, and like evidence of Askew taken by contestant in the last ten days for taking evidence.

On page 308 of the record will be found the statement of D. D. Askew, in which he says that "certain ex parte affidavits were made before him in Macon County by parties therein named that they did not vote," and he gives the names. The affidavits are not in the record, nor does it appear that they were ever sworn to before the commissioner or that the contestee was ever notified that they would be sworn, nor did he, the contestee, ever examine them, because the affidavits were ex parte. Other than this there is not a word in the record to sustain the statement made in the report of the majority that any number of persons made affidavit that they did not vote, so that the contestee did not have an opportunity to meet these affidavits, nor ought they to be considered. In nearly every instance where it was shown by the contestant that a voter whose name appeared on the poll list was dead it was shown by the contestee and by reputable citizens that the person alleged to have been dead, whose name appeared on the poll list, had died since the election, or that there were two persons of the same name in the precinct, and that one person of the name living in the precinct voted. This evidence will be found in the testimony with reference to Hayneville, Gordonsville, Whitehall, St. Clair, and Benton, in Lowndes County. In two instances it was shown by the close relatives of the person alleged to have been dead at the time of election that he was not dead at that time, but died since.

Evidence was offered by contestant that certain persons on the poll list in various precincts did not reside in the beat on election day. Especially is this true of Hayneville, Gordonsville, Benton, Churchill, and Whitehall. Contestee replied to these by introducing witnesses, taking up the names of these persons who had sworn, or were alleged by others not to have been in the precinct and voted, and showed by such witnesses that the voters whose names were on the poll list did reside in the beat and did vote, and in detail took up the testimony of contestant and disproved the statement made by the witnesses, and we deem it to be our duty to at least call attention of the House to these facts because justice to the contestee, and, what is more, justice to the people of that district, demand that the allegation that dead people were voted, persons not in the precinct were voted, should be, if it can be, disproved. It was disproved in this case. Ample proof was made by the contestee, and we are surprised that the majority thought proper to submit to the House the report with the simple statement that so many persons were proven not to have voted whose names appeared on the list, when, in fact, it was proven by reputable witnesses either that they did vote or that persons of that name resided in that precinct and voted.

We quote the following:

"Nor has a mere statement by a witness that a voter was or was not a resident without giving facts to justify his opinion been considered sufficient to throw out such vote. (McCrary, page 314.)"

This principle has been sustained by the House in *Letcher vs. Moore* (Clark & Hall's cases, page 479), *Gooding vs. Wilson* (Smith's Digest of Election Cases, 79).

In this connection we call attention to the fact that it was shown that every vote put in the boxes was presented to the inspectors by a person who gave the name entered on the poll list, and who appeared to be a legal voter; and thus the idea of conspiracy on the part of the inspectors is effectually rebutted. It also appears from the evidence of witnesses, both for contestant and contestee, that it is very common to find two or more colored people bearing the same name.

We desire to say in reference to the statements made in the report of the majority, to be found on page 6 of the report, regarding the appointment of inspectors of election and the refusal to give contestant representation at the precincts named, and the refusal of Judge Cobb to join in requesting the appointing board to give the contestant a division of "managers," and the statement of what occurred at certain public meetings, it was shown that the appointments were made in accordance with the law: "that the predominant parties in the precincts were Democratic and Republican, and that there were very few Populists in the county;" and that in every instance a Republican manager was appointed. In some instances those appointed did not serve, and their places were filled according to the provisions of the statute of Alabama; and after the appointment of the "managers" of election Mr. Grimes, chairman of the Republican executive committee, expressed satisfaction at their appointment, and said "they were the best that had ever been appointed"; and these officers of election thus appointed were introduced by contestee and sustained the returns from the precincts; and at the meeting at Cross Keys referred to, at which the resolutions were passed, according to the testimony of Walker, a witness for contestant, there were only about 35 voters present, and three-fourths of them were the supporters of the contestant; and none of the friends of contestee voted on the resolutions. To like effect is the evidence in regard to the meeting at Bentley. The record does not bear out the statement of the report of the majority

that there was any conspiracy formed or carried out to defraud the contestant in the election precincts referred to, and every particle of the evidence offered in that regard was illegal and inadmissible, because the witnesses either testified at Montgomery before a notary public who had no authority to take their testimony or was offered in rebuttal.

It may here be stated that there is not the slightest evidence in the record so much as tending to show that the contestee, Mr. Cobb, at any time objected to the appointment of friends of contestant as election officers, or that he in any manner attempted to influence the appointing officers.

On the contrary, the witness Walker, on whose evidence the majority report so strongly relies, states that Mr. Cobb is now and has always been on the side of fair and honest elections, and no responsibility for any wrongdoing attaches to him.

We can not but conclude that if the rules of law and the plain words of the statute enacted for the conducting of election contests are observed and followed that this testimony upon which the majority base their report should be rejected. If it is, the contestant has no case. If the testimony that was not offered "in rebuttal only" is considered, and due regard is paid to the evidence of contestee, then the conclusion can not be reached that the contestant was elected. If the House should be of opinion that the testimony offered in rebuttal, after considering the testimony of contestee, should be considered, and that it makes a case that the contestee should reply to, then we suggest to the House that before it shall unseat the contestee upon testimony to which he has not had opportunity to reply, it should, in fairness to contestee, reopen the case and permit the contestee to take testimony in reply to that thus offered at the time and in violation of the express terms of the statutes, or at the furthest should declare this election void.

Fifth. There is another point of law raised by the contestee which, in our opinion, possesses the strongest merit, and which, if regarded, effectually destroys the claim of contestant to a seat in the House. It is that all the evidence touching the registration of voters contained in the record should be disregarded and suppressed. The grounds of this contention are, first, that the evidence tending to show registration was by certification only in the absence of any State law providing for such certification and without any proper certificate to the papers introduced, even if such law existed; and, second, that the registration law supposed to be of force in Alabama at the date of the late election was unconstitutional and void. This contention seems to us not only plausible, but conclusively established.

We will not prolong these views by a detailed argument on the question of the introduction of evidence by certification, since it is too plain for a controversy that if the registration law was unconstitutional it was not only void, but that every act done under it was likewise void. Men may differ in their construction of laws which admit as evidence papers certified by an officer, but no reasonable man would contend seriously, as we apprehend, that a paper prepared by virtue of an unconstitutional enactment could be made evidence by the certificate of any officer. This proposition is not directly denied in the majority report, but it is avoided by what appears to us a remarkable statement. That statement is as follows:

"The contestee further objected that the registration law was in conflict with the constitution of the State of Alabama, and that all of the registrations were unlawful. If any conflict exists between the statute and the fundamental law of the State it consists in the prohibition that no person not registered shall vote unless he shall become 21 years of age after the registration in May has been completed. The prohibition can only affect persons becoming residents of the county between the close of the May registration and the day of the election. The proof taken failed to show any such person. The contestee, Mr. Cobb, was therefore deprived of no vote by this prohibition, and consequently has been in no respect injured by it and has no cause for complaint against the law. Besides that, if this prohibition conflicts with the constitution in this respect it was inoperative as to adult persons taking up their residence in the county after the May registration and three months before the election, and they were entitled under the constitution to vote without being registered."

This statement seems to be made on the idea that an enactment may be unconstitutional as to a class of persons and valid as to all others, and also that no one can attack an enactment as unconstitutional unless he shall first be able to show that he has been injured by it. Our view is that as soon as an unconstitutional enactment is presented to the court in any way which affects the cause before it, it will be declared void, not only as to the parties litigant but as to all other persons. It is on this view that enactments similar to the one now under consideration have been declared void by the supreme courts of Pennsylvania, North Carolina, and other States of the Union.

In the above utterance the committee say in effect that the constitutionality of the registration law of Alabama was not a matter of concern to the contestee, because they say he was not injured by the enforcement of the law, and yet that the rejection of 100 votes at one precinct, shown to have been cast for the contestee, was proper, because the persons who cast them were not on the registration list. This contradictory logic we confess ourselves unable to appreciate. That the registration law was unconstitutional and void can not, we are confident, be seriously doubted.

We quote from brief of contestee on this point:

"Thus far I have chosen to present the reasoning in support of the proposition that the copies of registration certificates found in the record should be excluded, assuming that the registration law is valid. Such is not the case; that law is unconstitutional and void. The authorities are one to the point that, while the legislature of a State may enact registration laws as a regulation of the exercise of the right of suffrage, it can not under the guise of such legislation restrict or materially hinder the exercise of that right. 'Any law which has the effect to disfranchise a part of the voters will be unconstitutional.' (Eng. and Am. Enc., 285, 287, and 288; McCrary on El., p. 46, sec. 6; Paine on El., p. 295, sec. 341; 49 Wis., 555; 58 Penn., 338.)

"In *People vs. Canady* (73 N. C., 223) it is said: 'The constitution ordains that the general assembly shall provide for the registration of voters, and that no one shall vote without registration. This means that the general assembly shall provide the conveniences and necessities, so that the voters can register. It is to facilitate the exercise of the right of the voters.' And the court held the registration law unconstitutional."

"The registration law of Alabama sought to be enforced at the late Congressional election provides that the registration shall commence on the first Monday in May and continue for eighteen days, and that thereafter no one shall be allowed to register except those who become of age between the date of closing the registration and the day of the election. It also provides that when a special election is held no one shall be allowed to vote except those whose names are already on the registration list and those who have become of age since the close of the last registration period. The constitution of Alabama prescribes the qualification of voters and confers the right of suffrage on all who possess these qualifications. It is true that it also confers power on the legislature to pass registration laws, but as a means of regulation only. Under the constitution, all men having the other qualifications of sanity, freedom from conviction for crime, etc., can vote who have resided in the State twelve months, three months in the county, and thirty days in the precincts where they offer to vote. It will thus be seen that the right to vote is denied by the registration law to a large number of citizens

having every constitutional qualification. To illustrate: A citizen lives in the county of Macon in the month of May and registers in all respects as required by the registration acts; immediately thereafter he removes his residence to the county of Lee. In November following there is a general election, or in January following there is a special election.

"He is, under the registration law, denied the right of voting in either county, although under the constitution he is a qualified voter of Lee County, having resided there three months immediately preceding the election; he can not return to Macon County and vote, because he can only vote in the county of his residence; he can not vote in Lee County, because he did not and could not register there during the registration period. Here is a positive denial by a statute of the right to vote when the Constitution says it may be exercised. Again, a citizen is sick or absent from his home during the whole of the registration period; he can not register after he recovers or returns. Thus, for causes for which he is not responsible, he is denied the exercise of his right of suffrage. It is too plain for controversy that we must overrule all the adjudicated cases or hold this election law unconstitutional. The registration law must fall, and with it falls all the evidence in the record touching the matter of registration. The exhibits of registration lists must be excluded. They can not be looked to for any purpose. Not being legal papers in the office of the judge of probate, they were incapable of certification, and there has been no attempt to otherwise prove them. Not only do the lists made exhibits go out of the record, but with them goes also all the evidence of witnesses who are presented with these lists and asked to testify from them."

But we repeat, it is upon the evidence in chief, offered in rebuttal, and the evidence founded on a void registration law, and secondary evidence when the absence of the primary is not accounted for, that the committee make the case of the contestant to rest. Take away this illegal evidence, and the contestant's case vanishes with it. And here we call attention to a strong expression of Greenleaf:

"It (the best evidence) is adopted for the prevention of fraud; for when it is apparent that better evidence is withheld, it is fair to presume that the party had some sinister motive for not producing it, and that, if offered, his design would be frustrated. The rule thus becomes essential to the pure administration of justice. (1 Greenleaf, page 126, section 82.)"

Waiving for the time being the line of reasoning thus far pursued, we propose to examine the case in other aspects.

In the beginning of their report the majority of the committee make this observation:

"The said district consists and then consisted of nine counties, namely: Autauga, Chambers, Clay, Coosa, Elmore, Lowndes, Macon, Randolph, and Tallapoosa."

"The counties of Autauga, Lowndes, and Macon were designated as black counties on account of their large colored population, and the others were designated white counties because of the predominance of the white people in them."

They also say:

"The returns from the white counties gave the contestant, Mr. Goodwyn, a majority of 3,612 votes, while the 3 black counties returned majorities so large for the contestee, Mr. Cobb, as to extinguish the majority for the contestant in the white counties and give him a majority of 508. The returns were so canvassed as to report a majority of 748 for the contestee, Mr. Cobb; but that was evidently a mistake in the footings, by which the contestee, Mr. Cobb, was allowed 240 votes more than the returns stated to have been given for him."

The purpose in making these statements seems to be to convey in the outset of their opinion the idea that at the election under consideration the contestant was supported by the majority of the white voters of the district. There is no foundation for such belief, as we will show. It will be borne in mind that the contestant claims that in what he calls the white counties the colored vote was cast almost entirely for him. The population of these counties, white and colored, is as follows:

County.	White.	Colored.	County.	White.	Colored.
Chambers	12,460	13,853	Elmore	11,444	10,288
Coosa	10,552	5,354	Randolph	13,914	3,305
Clay	14,061	1,704	Tallapoosa	12,951	8,508

The majorities which the contestant claims it is shown that he received in these counties are as follows:

County.	Majority.	County.	Majority.
Chambers	538	Elmore	1,049
Coosa	400	Randolph	521
Clay	257	Tallapoosa	847

It will thus be seen by comparing the colored vote in these counties and the majorities received in them by the contestant how utterly unfounded is the claim that he had the support of the white voters in the so-called white counties.

We proceed to the examination of the evidence touching the conduct of the election at the several precincts which the majority of the committee have found to be tainted with fraud, taking them up in the order in which they appear in the majority report.

HONEYCUT PRECINCT, MACON COUNTY.

The majority report gives the names of the witnesses on whose testimony they altogether reject the returns from this precinct. The only three who gave any direct evidence for the contestant of the manner in which the election was conducted are J. D. Brooks, William Pierce, and Hilliard Judkin. Of these, J. D. Brooks was examined in the absence of the contestee and his counsel, and therefore escaped a cross-examination. He lived in a different precinct. He says he knows about 60 per cent of the voters in Honeycut. After making this statement, the following occurred:

Q. Are you acquainted with the names on the poll list of said beat from Nos. 58 to 104, both inclusive?

A. (Witness examines poll list.) I do not know any one of them.

Q. Do you know the voters on the poll list, Nos. 16, 17, 19, 55, and 56?

A. I don't know any such persons in this beat.

He then makes a statement about the conduct of the inspectors. Suppose this statement to be true, what does it amount to? He does not pretend that the names on the list handed him were not legal voters of the precinct; the paper on which he looked is not shown to have been the poll list. Whether

it was the poll list or some other paper we are left wholly to conjecture. It is not shown or even intimated that the disorderly conduct mentioned had the slightest effect on any voter, and in this connection it must be remembered that the contestant's claim is that his supporters remained away from the voting places. Therefore, if disorderly conduct affected anybody, it was the supporters of the contestee.

Three reputable white witnesses—F. H. Foster, G. F. Hagood, and Thomas O'Donnell—flatly contradict Brooks, and show that he was not so situated that it was possible for him to know who entered the polling places, or how many. The witness Walker, whose testimony is commented upon in the majority report, was twice examined. His first examination was in Montgomery County, outside the Fifth Congressional district, before a notary public living in one of the counties of the district. This examination was admitted to be illegal, but it is upheld notwithstanding its illegality and notwithstanding it was had in the absence of any representative of the contestee until after his examination in chief had concluded, on the ground that no proper objection seems to have been made to it by the contestee. This, to us, seems ground narrow indeed on which to permit the consideration in an important matter of evidence admittedly illegal. Without dissent the courts everywhere hold that illegal evidence should be excluded from consideration whenever objection to it is made, without regard to the period of time at which the objection is urged. All the evidence of a cause may be in and the case being submitted to the jury, and even at that stage the court will, without hesitation, exclude on motion any illegal testimony. Besides, under the contest law, even consent of parties would not justify the taking of testimony before other persons than the parties named in the statute. The contending parties may agree to facts, but not that disputed facts may be put in testimony before an officer or person not authorized to take evidence.

On the second occasion Walker was examined in rebuttal, the effect of which course has already been discussed. Further than this, his statements were contradicted by Sheriff Thompson, from whom he states that he received his information and whose truthfulness is vouched for by the contestant by being offered and examined by him as a witness. He was also contradicted by W. H. Hurt, probate judge, and W. H. Roney, clerk, who, with Sheriff Thompson, constituted the appointing board of inspectors of elections. These three men swear that they made no such agreement as Walker speaks of, but, on the contrary, made for each precinct as fair and legal appointments as it was possible for them to make.

Reed Smith is another witness who was examined in rebuttal. His statements are clearly evidence in chief. The contestee had no opportunity to contradict it. That he would have done so had such opportunity been offered appears clearly from the answer of the contestee to the notice of contest.

William Pierce was an employee of the contestant. He was not sent out with an honest purpose to find anybody, but rather to report that certain parties named to him could not be found. He says the precinct was a large one; that the weather was the worst he ever knew in Alabama; that he traveled on foot, visiting some houses and asking such persons as he met whether they knew any of the names which his list contained. His cross-examination effectually disposes of the pretension that he made proper search for anybody. Instead of pursuing this method, if the contestant had had an earnest purpose to ascertain the existence or not of the persons mentioned by him, there were other means to which he could have resorted far more effective than those adopted by him.

Hilliard Judkins testified as follows:

HILLIARD JUDKINS, being duly sworn, deposes as follows:

Q. What is your full name?
A. Hilliard Judkins.
Q. Where do you live?
A. Honeycut beat.
Q. How long have you lived in Honeycut beat?
A. I have been there about eighteen years; maybe longer.
Q. Where were you on the day of the Congressional election, the 6th of November last?
A. I was at Hardaway.
Q. Were you one of the managers at the election?
A. Yes, sir.
Q. What did you do in the management of the election?
A. I put the tickets in the box when they handed them to me.
Q. Were you there throughout the day and when they were counted out of the box?
A. Yes, sir; I was there.
Q. Did you with the other managers sign and send up the returns of that election?
A. I didn't sign myself. I told one of the other managers to sign for me. I was standing by and saw it done.
Q. How many votes did Judge Cobb receive at that box?
A. One hundred and five or six—one or the other of those numbers.
Q. Did you know all that came in there to vote?
A. I did not.
Q. Did you require the voters to surrender their registration certificates when they voted?
A. I did.
Q. Do you know of any Populites or Third Partyites in Honeycut beat?
A. No, sir; I don't know of any.
Q. Do you know any white Populites or Third Partyites?
A. I know of only one, Mr. Covington. I have never heard of any others.
Q. Was there anything said or done there to prevent anybody from voting who had a right to vote?
A. Nothing that I know of.
Q. Did you allow anybody to vote at that election who was not a registered and qualified voter?
A. No, sir. A certificate was demanded of everyone. Two or three asked if they could vote without being registered. Mr. Hagood told them no, unless they were registered.

While on cross-examination he said that he did not know certain persons named to him. He also said that there were a great many in the precinct with whom he was not acquainted, and that these persons may have been of the number.

It was upon this evidence, given at the instance of contestant, indefinite and inconclusive in character, and illegal as some of it was, and all of it contradicted where the opportunity to contradict was offered, and in disregard of such evidence as above given by Hilliard Judkins that the majority exclude from the count the whole precinct vote.

COTTON VALLEY PRECINCT.

The majority exclude the vote of this precinct on testimony more objectionable if possible. Stress is again laid on the testimony of Walker, which we have already examined. The statement is made that the registrar's book showed no more than 30 names. This is not borne out by the record. The registrar was himself examined and testifies that all the names appearing on the registration list as from that precinct were duly registered before him. He also explained why some pages of the book did not contain his signature.

Here we may remark in passing that if in this instance so much stress is to be put on the absence of the signature of the registrar to his registration lists, how is it that the committee can with consistency accept other registration lists, as they do without hesitation, to which the name of the registrar does not appear? It does not appear on any registration list from Lowndes County. To show the complete fairness and honesty of purpose on the part of Judge Hurt, it may be stated that while he was a witness on the stand for the contestee, and while he was being cross-examined by the contestant, he voluntarily proposed to bring into court the original registration lists of this precinct. To this proposition the attorneys of the contestee readily assented, in the light of the fact that they might with all propriety have objected to the contestant's procuring testimony for himself in that way. The book was brought before the commissioner, placed in the hands of the contestant's attorney, and then and there the contestant and his attorney had full power to have the whole book copied in the record had they so desired. It seemed to suit them better not to pursue that course, trusting rather to such benefit as they should gain from secondary and hearsay evidence of the contents of the book.

The testimony of McDuffie, to which allusion is made in the majority report, is not in the printed evidence. It was illegally taken in Montgomery, and for that reason excluded by the Clerk. Its printing was refused by the committee, and hence we naturally concluded it was not to be regarded. Hence we have not examined it, but what we have said above with reference to the opportunity afforded him to have the registration book of this beat put into the record effectually disposes of his evidence with reference to its contents.

The majority in their report deal very summarily with the testimony of Essex Menefee. The contestant did not at one time regard it with indifference. In his first brief he makes allusion to Essex Menefee as one of the inspectors on whose testimony he relies. It was not until he came to file a second brief that it seemed to occur to him that Essex Menefee was an "ignorant, illiterate colored man." Meantime attention had been called to the following, which appears in Menefee's evidence, and to which allusion is made in the report of the majority:

Q. What is Mr. Goodwyn's politics?
A. He claims Third Party.
Q. Do you know any Third Party man in Cotton Valley beat?
A. No, sir.
Q. Do you know Mr. Goodwyn?
A. Yes, sir; I know him when I see him.
Q. When did you see him last?
A. I saw him at Mr. Boyd's when he sent for me to come over there.
Q. Was that when he was taking testimony in this contest?
A. Yes, sir.
Q. Did he have any conversation with you at that time? If so, state where it was, when it was, and what he said.

A. He sent for me and took me down on the lower side of the house, before I went in the room, and he said to me—he asked me if I didn't want to make some money; he asked me wouldn't I swear that there wasn't no more than about 30 or 40 voted at Cotton Valley.

Q. When he asked you if you wanted to make some money, what did you say to him?

A. I told him I wanted to make some money, but I couldn't swear there wasn't any more than 30 or 40 voted when I knew there was more.

Q. What else did he ask you?

A. He asked me if I was one of the managers. I told him "Yes, sir." He said if I would swear there was not more than 30 or 40 voted I could make some money; he had the money in his hand; I told him I couldn't say there was no more than that voted, for there were two other men who knew there were more, and they would know I lied; he carried me on in the room then before the men.

Q. Were you examined before the men?

A. Yes, sir; I don't remember what they said.

On cross-examination he said:

Q. What was it you said Mr. Goodwyn told you?

A. When I come up to the house he took me off to the lower side of the house; he asked me didn't I want to make some money. He asked me would I swear there was no more than 30 or 40 voted. He said if I would I could get the money. I told him I could not swear that, as there were two other men who knew there were more than that voted, and I would have to swear a lie.

Q. And you declined to swear a lie, did you?

A. I said I would not swear a lie if I know it.

Q. That's all he said to you, was it?

A. Yes, sir; he carried me on in the room there.

The facts about the first examination of this witness were these: He was examined in the absence of anyone to represent the contestee. When the attorney for contestee reached the place at which the examination was being held, he asked that the witnesses who had already been examined might be recalled that he might cross them. This was refused. He asked to see their testimony. This was refused. When afterwards called as a witness by the contestee, Menefee swore to the correctness of the returns made by the inspectors from that beat. He was severely cross-examined without any satisfactory results tending to impeach him. He said that on his prior examination he answered such questions as were asked him to the best of his knowledge at that time. Why such secretiveness on the part of the contestant to prevent the inspection of this witness's testimony, is a question which we are unable satisfactorily to answer consistently with fair dealing on the part of the contestant.

The contestant was on the stand as a witness in his own behalf after Menefee had been examined, and did not contradict him, nor did he call any of "the men" before whom Menefee swore he took him. While the majority reject the above-quoted evidence of Menefee, they still rely on other statements made by him as sufficient to warrant the rejection of the whole vote of this precinct.

If whole polls are to be excluded on testimony like this—illegal, vague, inconclusive, taken in an ex parte manner—and this report should become a precedent, the law in this behalf will be reversed and notice given to contestants to direct their efforts in the production of testimony, not to an honest effort to ascertain the truth, but to get into the record as much so-called evidence as possible which the contestee has not had the opportunity to controvert.

A number of witnesses were examined by the contestee touching the conduct of the election at this precinct. The managers swore to the number of votes cast, and other persons to the number of voters present and voting—all of which evidence more than overcame the evidence of the contestant.

TUSKEGEE PRECINCT.

Two witnesses are relied upon to impeach the integrity of the returns from this precinct, B. W. Walker and J. A. Grimmet. These men represent themselves to have been watchers at the election in the interest of the contestant. They swear to a certain number of colored voters who entered the polling place that day, but upon cross-examination it appears that they were

testifying not wholly from their own knowledge, but from testimony conveyed to them by other watchers who were stationed on the opposite side of the court-house in which the election was held and who were not called as witnesses.

Grimmet swore that he could see to the entrance to the court-house from where he stood. He afterwards, on cross-examination, retracted this statement. Here is the question and answer on this point:

Q. Is it not a fact that you could not see the door of the court-house from where you were?

A. On examination to-day I find that I could not see the door of the court-house from where I was.

Q. Were you not mistaken in your former testimony, in which you said you could see the court-house door from where you were?

A. I find that I was.

Q. Is it not a fact that you don't know that the list reported to you by the colored men was correct?

A. I can't say that I know that it was correct.

If Grimmet could not see the entrance to the polling place, Walker could not, for they were together. The contestee proved by several witnesses, including Sheriff Thompson, that it was impossible that Walker and Grimmet could have seen persons entering the polling place; that a number entered from the side of the court-house, opposite to where they were stationed, without ever coming in range of the view of these witnesses. It was also shown that the side of the court-house opposite to the witnesses was the business portion of the town, from which the large majority of voters approached the polling place.

The testimony of witness Thompson is referred to in the majority report, not only approvingly, but with emphasis. The credibility of Mr. Thompson is in this way affirmed and indorsed, as it was when he was called to the stand as witness for contestant. We also affirm Mr. Thompson's credibility, and call especial attention to his clear and intelligent testimony. It will be noticed that he swears with great distinctness that Grimmet and Walker could not see all the openings to the polling place, and that a majority of colored voters entered the polling place at a point where they could not possibly have seen them. He places Grimmet and Walker in front of Russell's store, and not livery stable. But the point we especially emphasize is Thompson's denial of Walker's statements, so often referred to in the majority report, to the effect that the contestant was to be deprived of representation at certain precincts. Here we have two witnesses whose credibility is vouched for by the contestant, who contradict each other in their statements. The one, Mr. Walker, sustained by no person, while the other, Mr. Thompson, is fully sustained on this point by witnesses Hurt and Roney.

We give the following extracts from the testimony of witness Thompson:

Q. Is it not a fact, Mr. Thompson, that the colored voters in this county are averse to the Populite party?

A. It is, and I had to send some extra deputies out to keep the Populites from running them away from the polls in one beat in this county.

Q. Is it not a fact, Mr. Thompson, that the colored voters are active and outspoken in opposition to the Populite party in this county?

A. It is.

Q. To what political party does Captain Goodwyn, the defeated candidate for Congress in the Fifth Congressional district, belong?

A. I think he claims to be a Jeffersonian Democrat or Populite.

Q. Explain, Mr. Thompson, if there was a rope stretched around the voting place, and who put it there?

A. There was. I put it there myself; was 50 feet from any window or door of the room.

Q. How many openings were there through the rope?

A. Three.

Q. Can you describe where they were located?

A. One was on the eastern portion, the other south, and the other in the northwestern portion.

Q. How far were these openings from the door that enters the court room to the voting place?

A. Between 50 and 60 feet.

Q. From where Mr. Grimmet was located, could he possibly see all of the openings in the rope?

A. He could not.

Q. Why could he not?

A. On account of the court-house wall.

Q. How near could he see to the opening that was beyond the wall from him?

A. Part of the time he couldn't see within 10 or 15 feet of it.

Q. Did not Mr. Grimmet spend the greater part of the day in a chair in front of Russell's store, where he could not see that opening in the rope?

A. I think he stayed there until about half past 12 o'clock.

Q. Did any voters go in at that opening during the day?

A. They did.

Q. Is it not a fact that a greater number of voters passed in that way to the polls?

A. I think they did. Most of the darkies voted there.

Q. About how many voters were in town on the 6th of November at the Congressional election?

A. I don't know; they were coming in all day.

Q. Is it not a fact that a large majority of the voters in town that day occupied that side of the street beyond where Mr. Grimmet was located?

A. It is. I saw a very few on the side where Mr. Grimmet was.

Q. Is it not a fact that most of the business of the town is done on that side of the square?

A. It is. There is very little business done on this side.

Q. How many booths did you have in the election here?

A. Either seven or eight.

Q. Was there anything to obstruct a voter at this box, within your knowledge?

A. No, sir.

Q. Did you have any conversation with Mr. B. W. Walker, in which you told him that there was an arrangement or conspiracy by which Mr. Goodwyn was to have so many beats and Judge Cobb so many?

A. I had no such conversation. I had several conversations with Mr. Walker, but nothing of that kind.

Q. Did you have any conversation with B. W. Walker or anyone else in which you said that there was an arrangement by which Mr. Goodwyn was to be denied representation in the appointment of managers in three beats of this county, by which this county was to be carried for Judge Cobb for Congress?

A. I did not. I had a conversation with Mr. Grimmet, chairman of the Republican executive committee, about the managers, and he asked me whom they were. I told him, and Mr. Grimmet told me, that they were all good managers and the best that had ever been appointed.

to be committed in this county it would be at Tuskegee, Cotton Valley, and Honeycut precincts?

A. I did not.

Q. Didn't you have a conversation with him in which you used expressions conveying that idea?

A. I did not. Mr. Walker asked me about the managers, and I told him that we had appointed the best negroes, and that Mr. Grimmet had said that they were good managers and good Republicans.

Q. Some two or three weeks before the election, or some time in September, did you not go to Mr. Walker's place, find him in his field, go with him to his house, stay with him all night, sleeping in the same bed, and have a conversation with him in which you expressed the opinion that if any frauds were to be committed at the coming election it would be in Honeycut, Cotton Valley, and Tuskegee precincts?

A. No, sir; that is not the conversation. I drove by Mr. Walker's fish pond, and I think Mr. Walker got in my buggy; we went to his house and I stayed all night with him. Mr. Walker was telling me about the resolutions he had written out for Mr. Goodwyn, also about a proposition which he had written for Mr. Goodwyn and asked Judge Clark to sign requesting the probate judge, clerk, and sheriff to appoint their managers. I told Mr. Walker that we were going to appoint Goodwyn managers in every beat in the county where Goodwyn had any men, and in Tuskegee, Cotton Valley, and Honeycut that we would appoint negro managers.

The majority report denies that Walker's testimony was taken in rebuttal, but it is true that it was taken in the county of Montgomery in an illegal manner, as heretofore stated.

The evidence taken at this precinct for the contestant was contradicted in every particular by a number of witnesses introduced by contestee, to which the majority report makes no allusion. These witnesses prove the votes polled at the precinct, some of them by direct testimony and others by facts going to show the number of voters who were in town and about the polling place.

BENTON, LOWNDES COUNTY.

To sustain their conclusion in regard to this precinct the testimony of a colored witness, A. J. Wood, is mainly relied on. His testimony is made mainly to the effect that he did not know certain persons. To show how unreliable his statements are we extract from his testimony:

Cross-examination:

Q. You said in your direct examination that you knew Jim Burnett and that he lived in Dallas County; are you positive that he lived in Dallas County on the 6th day of November last year and for three months prior to that time?

A. Yes, sir; I am positive.

Q. Do you know where the lines are between Lowndes and Dallas counties?

A. I know pretty much where it is.

Q. You do not know, then, exactly where the said line is, do you?

A. From what people have told me I know where some of the lines are.

Q. How, then, do you know that Jim Burnett does not live in Lowndes County? Is it from hearsay?

A. Jim Burnett has told me that he pays tax in Dallas County.

Q. Do you know of your own knowledge where James Grumbles, Perry Hill, E. J. Johnson, Jordan Maxey, and Dave Wright lived last year, or on the 6th day of November last year?

A. I know that all of them except Dave Wright lived in Dallas County and that Dave Wright lived in Lee County.

Q. Is it not a fact that all of the voters asked about above live on or near the line which divides Lowndes and Dallas counties?

A. E. J. Johnson and Jim Burnett live near the line; the others do not.

Q. How do you know in what beat Ike Cunningham lives?

A. Ike Cunningham has told me where he pays his tax.

Q. Is it not a fact that all the voters in this county pay their tax to the tax collector of this county or one of his deputies?

A. It is.

Q. Well, then, how can you know in what beat a man lives by where he pays his taxes?

A. I heard from the man that pays his tax and by his tax collector's and tax assessor's receipts.

Q. Have you ever asked him to show you, and did he ever show you, his tax assessor's or collector's receipts?

A. I don't recollect that I ever did.

Q. Well, then, are you swearing here on what somebody has told you?

A. No one, unless it was Ike Cunningham—the one that we have been speaking of.

Q. Then Ike Cunningham is the man who is so truthful that you will swear by anything he tells you?

A. He is not.

We fail to find support given to the conclusion of the majority report in regard to this precinct from the other witnesses named in the report.

While Ed Freeman does say that he "didn't see airy one vote," he does not say that no colored man entered the polling place. We give the following extract from his testimony:

Q. Do you know Hamp Lee and Jim Barnett; and if so, do they live in this county or Dallas County?

(Contestee objects to the question on the grounds that it calls for illegal, irrelevant, and incompetent testimony.)

A. Yes, sir; I know Hamp Lee and Jim Barnett. Well, Hamp Lee lives in Dallas County. I am not certain, but have been told that he lives in Dallas County.

(Contestee objects to the answer on the grounds that it is secondary, hearsay, incompetent, illegal, and irrelevant testimony.)

Q. Has the line between Lowndes and Dallas counties been pointed out to you or shown you, and do you know the house in which Jim Barnett lives; and if so, is that house situated on the Dallas or Lowndes side of the line dividing the two counties?

(Contestee objects to the question on the grounds that it calls for illegal, irrelevant, incompetent, and secondary evidence, and the said question has no bearing to the issue in this cause. Contestee here objects to the interlineation of the words "you or shown you" in the last above question after the witness had to answer said question and after the objections of the contestee to the question, as it then stood, had been made.)

A. They were not exactly shown to me, but have been told to me. The house in which John Barnett lives was shown to me to be in Dallas County.

Cross-examination:

Q. Are you positive that Hamp Lee lives in Dallas County?

A. I am positive that Hamp Lee lives in Dallas County.

Q. How do you know that he lives in Dallas County?

A. I have been told that the lines are this side of where he lives.

Q. Who gave you this information?

A. Old Dr. Kendall, in his lifetime.

Q. How long has it been since Dr. Kendall gave you this information?

A. I reckon it has been fifteen years, to the best of my recollection.

Q. Where were you and where was Dr. Kendall when he gave you this information?

A. In his office, here in Benton.

Lee Barlow has nothing whatever to say about the registration list. His intelligence is shown by the following extracts from his testimony:

Q. Lee, do you know who is now governor of Alabama?

A. I hear them say who are.

Q. Who do you hear them say is governor of Alabama—Mr. Cleveland or Mr. Kolb?

A. Well, I hear them say Mr. Kolb.

Q. Do you know who is President of the United States?

A. No, sir; I haven't caught on to that yet.

The colored witness, Ed Hayden, was examined in the absence of the counsel for contestee. He was handed a list and asked to look at it and say how many he recognized. Whether it was any list now in the records of evidence is not shown except by the statement contained in the question. He signs his name with a mark, thus leaving it a question of doubt whether he could read the names on the list. We give the following extracts from the testimony of Mr. Robinson:

Q. What has been your opportunity to become acquainted with the voters of Benton precinct, good or bad? Are you not acquainted with nearly all of the voters living in said precinct?

(Contestee objects to the question because it calls for illegal, irrelevant, and incompetent testimony, and does not tend to prove or disprove any issue in this case.)

A. Have lived here seven or eight years, and within 5 miles all of my life, but I don't suppose that I know more than one negro in ten in the precinct.

The contestee examined 8 witnesses, including the managers of the election. These witnesses fully sustain the regularity of the election, and they prove also the number of legal votes cast.

The witness Steele impeaches the contestant's witnesses, Wood, Freeman, and Hardy.

CHURCH HILL, LOWNDES COUNTY.

The testimony of James Bryant was secondary in character. He was not shown the registration book, but was handed a paper, and asked if it was a copy of this book. He answered, "It was, so far as he could then recollect." And it is upon this evidence that the majority report relies as proof of the registration list.

The colored witness, Scott Moore, testifies simply that he did not know certain persons which were named to him.

Of like character is the testimony of Charles Heabowski. This colored witness was examined in rebuttal, and hence contestee could not offer evidence to contradict him. When asked his occupation his answer was, "Farming; working on sewing machines, clocks; and sometimes shoe work; sometimes politics, and sometimes mission work."

No witness by the name of Pierce was examined by contestant, but one Affie Pearce was examined in rebuttal. He only "reckons they ought to be about 250"—speaking of the number of voters in the precinct.

Mealing's evidence, like the others, is secondary and hearsay. When asked how he knew that certain persons were not voters, his answer was, "Because their names were not on the poll list."

In direct conflict with contestant's witnesses is the testimony of five witnesses examined for contestee.

HAYNEVILLE PRECINCT, LOWNDES COUNTY.

The majority report makes summary disposition of this precinct. The whole vote is excluded, in the face of the following facts:

The contestant introduced as witnesses two of the inspectors of election, H. M. Caffy and J. M. Salley. Each of these witnesses testified to the fairness of the election and to the number of legal votes cast. The third inspector, W. D. Haynes, was examined by the contestee, and no question was asked him on cross-examination. He says that the election was conducted honestly and fairly in all particulars.

By introducing the inspectors as witnesses, the contestant indorsed them as credible persons. But to throw out of the count a whole poll it must appear that the managers of the election were willfully corrupt. This rule of law has been affirmed and reaffirmed again and again. Hence, to throw this poll out of the count the law must be put aside and the testimony of witnesses who knew more about the election than anyone else must be wholly disregarded, and they were vouched for by contestant.

A party can not impeach his own witness, although afterwards called by the other side, either by general evidence or by proof of prior contradictory statements. (1 Wharton, section 549.)

The entire poll should not be rejected except in extreme cases. (McCrary, page 269, section 303.)

More evidence that illegal votes were polled does not authorize the poll to be thrown out. It must first be shown that the officers acted dishonestly or collusively. (Paine on Election, section 510.)

Many witnesses were examined by the contestee, both white and colored, who showed, conclusively, the large number of persons, white and colored, particularly the latter, that were present at the polling place, their enthusiasm for the contestee, and that they were seen through the whole day going into the polling place to deposit their ballots. If any evidence is wanting to sustain the managers at this precinct, we fail to discover it. To throw out the whole vote is to disregard the law and to put aside without reason the strongest of testimony.

LOWNDESBORO PRECINCT, LOWNDES COUNTY.

The witness McRee gives no testimony which can be regarded as legal. He is not shown any registration list, but merely swears to what his recollection was at the time he was examined. His testimony would not have been received by any respectable court, because it was hearsay and secondary.

J. T. Dickson does not swear, as stated in the majority report, that there are about 300 voters in the precinct. He says, on the contrary, that he does not know the number of voters in the precinct, but that of that number he "reckons" that he knows 300.

It was proved by the contestee that there were twice that number of voters in the precinct.

J. A. Reese was examined in rebuttal, and therefore the defendant had no opportunity to examine witnesses touching the matter of his testimony. And so it was of C. E. Reese, jr.

It is upon the testimony of this witness, who swore to what Dickson told him as to the number of votes cast, that the committee seems to rely for the number of votes cast at this precinct.

WHITEHALL, LOWNDES COUNTY.

The main reliance for their conclusion touching this precinct is upon W. A. De Bardelaben. He was twice on the stand. But it appears that the reliance of the majority report is on his evidence taken in rebuttal. He seems to have been a very willing witness, a strong partisan, and suffered himself to be used to impeach the integrity of his own brother.

The witness Alexander White was also examined in rebuttal. He is a colored man who had been indicted for larceny. Because of which fact, and his incompetency, he was removed from the postmastership. His testimony is largely hearsay.

The majority report says that this witness was in great part corroborated

by J. L. Long, when the only testimony given by Long was in rebuttal, and confined to the single statement of the death of one Henry Burke.

Against these witnesses for contestant the contestee examined seven witnesses, the evidence of not one of whom is referred to in the majority report. They directly and flatly contradict the evidence of contestant's witnesses.

STATESVILLE, AUTAUGA COUNTY.

The only witness named in the majority report on which they sustain their conclusion as to this precinct is one W. L. Prather. The majority report says that an effort was made to impeach this witness by one J. B. Golsen. This is an entire mistake. Golsen was called on to sustain Prather after he had been successfully impeached by six reputable white gentlemen of that precinct.

These witnesses show not only that Prather was entirely unworthy of belief, but could not possibly have seen what he testifies to have seen. They also swear that the election was fair, and that the contestee received the full number of legal votes returned for him.

In our concise examination of the evidence touching the several precincts which are attacked by the contestant we have closely followed the report of the majority, for the reason that this report gives the evidence on which its conclusions are based; and an analysis of it shows how far short it comes from that degree of proof necessary under all the decisions to warrant the exclusion of whole polls, and too much emphasis can not be given to the fact that without the exclusion of whole polls the contestant has no case. This analysis also shows the unreliability of the witnesses referred to in the majority report.

The contestee did not make extensive effort to attack the conduct of the election in counties in which the friends of contestant had control of the election machinery, for the reason, as stated by him before the committee, and which reason we believe to be supported by the record, that the contestant had failed to make out a case.

But contestee did go far enough in this direction to show that the registration law, on which the majority report puts so much stress, was disregarded by the friends of the contestant or made use of by them to control illiterate voters in the interests of the contestant. It was shown that at one precinct in Elmore County the Populist election managers refused to appoint more than one assistant, and he a Populist, and that in the opinion of the witness, who was a Democratic inspector, this assistant fixed the tickets for the colored voters without asking the voters how they wanted to vote.

It was shown that at other precincts voters claiming to be illiterate were not sworn, as provided by the election law, and that some of them were allowed to vote without producing registration certificates.

At still another precinct it was proven that the Populist assistant declared publicly that if a white man asked him to fix his ticket he would do so according to his expressed wish, but if a colored man applied to him he would fix his ticket just as he (the assistant) desired him to vote; and that this assistant took control of the colored voters as they entered the polling place and marked their tickets for them without carrying them into the booths.

These and other instances of misconduct on the part of the friends of the contestant were proven, and such proven facts emphasize the injustice done to the contestee by deciding the case against him on evidence which he had no opportunity afforded him to contradict.

The following extract from the majority report is significant:

"The presumption in favor of the official acts of the public officers whose conduct has become involved in this contest has been completely extinguished by the evidence establishing their frauds, and it is very clear that their attempt to disprove their guilt would have been fruitless."

"It is quite evident that more proof beyond that which was given could have been secured against them."

By this kind of assumption the majority report justifies the acceptance of evidence in chief when given in rebuttal, denying opportunity to the contestee to meet it, and the utter disregard of the strong and abundant evidence given by contestee.

We assert again that such assumptions are not based or authorized by any legal proof in the record, nor can the conclusion stated be justly reached by a judicial investigation of the record.

By all the decisions it is declared that fraud is not to be presumed and can not be inferred from evidence that merely raises a suspicion of its existence; and especially is it the law that a conspiracy to commit fraud can only be established by the strongest proof. The majority report assumes a conspiracy to have existed between reputable citizens without evidence to support such assumption.

If principles of law about which there is no conflict are applied in the trial of this contest, then there is not so much as a plausible pretext for unseating the contestee. If, on the other hand, the contest is tried on the whole evidence, without regard to legal objections to its admission, due regard being given to the evidence of contestee as well as that of the contestant, the contestant has failed.

So that, to reach the conclusion of the majority report, the law must be put aside and the evidence of contestee wholly disregarded on the illiberal assumptions indulged by the majority report.

We give most emphatic dissent to both propositions, and believe that the law and facts in the case not only authorize but demand the adoption by the House of the following resolutions, which we offer in substitution of those offered by the majority of the committee:

"Resolved, That Albert T. Goodwyn was not elected a Member of the Fifty-fourth Congress, and is not entitled to a seat therein."

"Resolved, That James E. Cobb was elected a member of the Fifty-fourth Congress, as a Representative from the Fifth Congressional district of the State of Alabama, and is entitled to a seat therein as such Representative."

C. L. BARTLETT,
HUGH A. DINSMORE,
S. S. TURNER.

The SPEAKER pro tempore (Mr. BARRETT). The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent that the views of the minority of the committee may be printed as part of his remarks in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

Mr. DANIELS. I object, unless it is agreed—

The SPEAKER pro tempore. The Chair understood the gentleman from Georgia to yield the residue of his time to the gentleman from Alabama.

Mr. BARTLETT of Georgia. Yes, sir.

Mr. DANIELS. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Alabama is entitled to the floor.

Mr. DANIELS. If the report of the minority goes into the RECORD, we desire that the report of the majority shall also go in.

Mr. BARTLETT of Georgia. I have no objection to that.
The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from New York [Mr. DANIELS].

Mr. COBB of Alabama. What is the proposition?
The SPEAKER pro tempore. The gentleman from Alabama, as the Chair understands, declines to yield to the gentleman from New York for the purpose of making the request.

Mr. COBB of Alabama. I yield to the gentleman.
Mr. COOKE of Illinois. Mr. Chairman, the gentleman from Georgia [Mr. BARTLETT] requested that the views of the minority be printed in the RECORD as part of his remarks. Now, that is objected to, unless the report of the majority may also be printed.

The SPEAKER pro tempore. The Chair asked if there was objection to the request of the gentleman from Georgia, and none was made; so the views of the minority were ordered to be printed in the RECORD.

Mr. DINGLEY. But the gentleman from New York rose and objected to the request.

Mr. DANIELS. I did object, but the attention of the Chair was directed in another way.

The SPEAKER pro tempore. The gentleman from Alabama, as the Chair understands, has yielded the floor.

Mr. COBB of Alabama. No, sir.

The SPEAKER pro tempore. The Chair understood the gentleman to yield; and if so, the gentleman from Illinois [Mr. COOKE] has the floor.

Mr. COOKE of Illinois. Now, I ask unanimous consent that inasmuch as the gentleman from Georgia desires that the views of the minority be printed in the RECORD as part of his remarks, it be also unanimously agreed that the report of the majority be printed in the RECORD.

Mr. BARTLETT of Georgia. I hope there will be no objection to that.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the report of the majority of the committee be printed in the RECORD. Is there objection? The Chair hears none.

The report of the majority of the committee is as follows:

The subscribers, members of the Committee on Elections No. 1, do hereby respectfully report that they have heard the contest in the election case pending before the House of Representatives, wherein Albert T. Goodwyn is the contestant and James E. Cobb is the contestee, and have considered the proofs, arguments, and objections of the said parties, and duly examined the evidence submitted by said parties, and do determine and decide as follows:

The said contestant and contestee were candidates for the office of Representative in Congress from the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894.

The said district consists and then consisted of nine counties, namely, Autauga, Chambers, Clay, Coosa, Elmore, Lowndes, Macon, Randolph, and Tallapoosa.

The counties of Autauga, Lowndes, and Macon were designated as black counties, on account of their large colored population, and the others were designated white counties because of the predominance of the white people in them. It was believed that the votes of the colored voters would not be counted as they were cast in these three black counties, as they were advised by their leaders neither to register for nor vote at the election in November, 1894, and they very generally conformed to that advice.

The contestant, Mr. Goodwyn, is a Populist, and was nominated by that party and by the organization known as the Jeffersonian Democrats, and his nomination was afterwards approved by the Republican committee. He therefore became the nominee of these three party organizations.

The returns from the white counties gave the contestant, Mr. Goodwyn, a majority of 3,612 votes, while the three black counties returned majorities so large for the contestee, Mr. Cobb, as to extinguish the majority for the contestant in the white counties and give him a majority of 608. The returns were so canvassed as to report a majority of 748 for the contestee, Mr. Cobb; but that was evidently a mistake in the footings, by which the contestee, Mr. Cobb, was allowed 240 votes more than the returns stated to have been given for him. He has claimed before the committee that another 100 votes should be added to his majority, because that number of votes was rejected in one precinct and were offered by persons who had not been registered during the May registration. But as the statute of Alabama denied the right to vote to persons not so registered, excluding minors attaining the age of 21 years after the May registration closed, and these persons did not appear to belong to the excepted class, nor to have become residents of the county after the time for the first registration had passed, the exclusion of these 100 votes was proper.

To support his contest for the seat in the Fifty-fourth Congress the contestant claimed that the returns from three precincts in Macon County, seven in Lowndes County, and two in Autauga County were false and fraudulent, and that they returned a much larger number of fraudulent votes than the majority reported for the contestee, Mr. Cobb. To lay the foundation for the proof of these facts, and, in part, to supply that proof, the contestant, Mr. Goodwyn, produced in evidence copies of the registration lists and of the poll lists certified by the judges of probate in these black counties. The contestee, Mr. Cobb, has strenuously objected to the introduction of these copies, on the ground that the registration copies were no more than copies of copies, and for the want of power in the probate judge to certify these copies of registration and poll lists so as to make them evidence. These objections are considered to be unfounded under the language of the laws of Alabama. They require—

"SEC. 7. That each registrar shall, within two weeks after the expiration of the time prescribed for registration, make a true copy of the list of names registered, which copy, along with the original registration list, he must return to the office of the judge of probate of the county.

"SEC. 8. That the judge of probate shall, from the registration list of electors returned to his office, make a correct alphabetical list of the electors so registered by precincts or wards, which list shall be certified by him officially to be a full and correct transcript of the list of registered electors as the same appears from the returns of the registrars in his office. One copy of said list for each precinct or ward the judge of probate shall deliver to the

inspectors of election in each precinct or ward immediately preceding every election."

The probate judge, it will be seen, is not to make a copy of either the registration list or of the copy of it. But he is to make a complete alphabetical list of the electors registered by precincts or wards, and to certify the list officially; and one copy of said list for each precinct or ward the judge of probate shall deliver to the inspectors of election in each precinct or ward immediately preceding every election. The list required to be made by the judge of probate is therefore not a copy of the registration list, but a new and different list, containing, it is true, the same names as are on the registration lists, but alphabetically arranged. It is to be an original list so far, to be furnished for the convenience and instruction of the inspectors of election, and when he certified to a copy of that registration list it was to a copy of his own list, which remains in his office as a part of its permanent papers or records. And his authority to certify a copy of that list and make it evidence has been fully supplied by the following provisions of the laws of Alabama:

"Copies of official bonds or other instruments or papers required to be kept by any officer of this State, and transcripts from the books and proceedings required to be kept by any sworn officer of the State, are presumptive evidence in any civil cause, and have the same legal effect as if the originals were produced and proved, upon the certificate of the custodian thereof that it is a true copy of the original; but the court may, on motion, require production of the original, if practicable, when necessary to promote the ends of justice."—Code of Alabama, section 2788.

"All transcripts of books or papers required by law to be kept in the office of the secretary of state, or the office of the auditor, when certified by the proper custodian thereof, must be received in evidence in all courts; and it is no objection to such transcript that the book from which it is taken is a copy of office books belonging to the United States."—Code of Alabama, section 2785.

The contestee, Mr. Cobb, has denied the application of this section to the certified copies made because the law has not declared that the list shall be kept in the office of the judge of probate. But an express direction to that effect is not necessary. It is sufficient that the statute by implication contemplates that one of the list shall remain in the office; and that it clearly does by the eighth section of the law already quoted. For that provides for the probate judge to deliver to the inspectors one of the lists made by him, and as no other disposition has been made of the other it must remain where it is found, and that is in the custody and office of the probate judge as one of the public papers or records. The list is, therefore, a paper as much required to be kept by him in his office as if that had been done by the most explicit language of the law. For what is plainly to be implied from the law is as truly within its intent as though it had been most clearly expressed.

The inspectors of election were also required to send the poll list of the election to the judge of probate, for the obvious reason that it was to be the basis of the final and official canvass of the votes; and that in like manner became a paper, in the language of the statute, to be kept in his office, and a copy of which he could make presumptive evidence by his official certificate. United States Revised Statutes, section 123, also lends its sanction to certified copies of papers delivered to the officer taking evidence in contested election cases by requiring him to return them to the Clerk of the House of Representatives, to be used as evidence in the hearing and decision of the contest. The returns of the voting precincts were required to be canvassed by the board of supervisors of the county, who were directed to state the exact number of votes cast in the county for each person voted for and the office voted for. The canvass was to be made on the returns filed with the probate judge. The canvass certificates of the supervisors were required to be filed in the office of the probate judge, who must immediately forward them, so far as they include Representatives in Congress, to the secretary of state, where, within fifteen days after the election, they were to be opened and counted in the presence of the governor, secretary of state, and attorney-general, or any two of them; and of the result the governor was required to give notice by proclamation.

This was the final canvass, and it may be assumed from the fact that the contestee is in this House a sitting member that the canvass both by the boards of supervisors and at least two of these State officers were made, and that each board had the votes returned by each of these precincts or counties before them. A certified statement of the final canvass was produced in evidence. But the contestee, Mr. Cobb, objected that the secretary of state was without authority to make the certificate evidence. The grounds taken in support of the objection are practically the same as those already considered concerning the power of the probate judge to certify copies of papers in his office. But it is the manifest purpose of the law that all these returns, and the canvasses made from them, shall become records in these public offices, to be preserved and maintained as evidence of the titles of the various officers found to be elected; and as such the certificate of the custodian thereof that it is a true copy of the original has the same legal effect as if the original were produced and proved.

There was introduced in evidence over this and other objections a certificate of the secretary of state with the following heading:

"STATE OF ALABAMA, Office of Secretary of State:

"I, J. K. JACKSON, secretary of state of the State of Alabama, hereby certify that the records in this office show that on the 19th day of November, 1894, the returns of the election held on the 6th of November, 1894, for members of Congress were duly canvassed by the governor and secretary of state, as required by law, and the following result was declared:"

Then follows a statement, by counties, of the vote of the Fourth Congressional district, and immediately under that is the following statement:

Fifth Congressional district.

County.	James E. Cobb.	Albert T. Goodwyn.
Autauga.....	613	225
Chambers.....	1,195	1,793
Clay.....	806	1,063
Coosa.....	810	1,210
Elmore.....	1,066	2,115
Lowndes.....	3,276	189
Macon.....	1,035	150
Randolph.....	646	1,107
Tallapoosa.....	1,204	2,051
	10,651	9,903

And in conclusion it is added:

"In testimony whereof witness my hand and the great seal of State at the capital this 6th day of December, 1894.

"[SEAL.] J. K. JACKSON, Secretary of State."

This instrument was given in evidence after a statement made by the contestant of the returns sent by the different canvassing boards of the Fifth Congressional district to the secretary of state, which is the same as that contained in the certificate of the secretary of state. There was no objection taken to the secretary's statements and certificate when they were offered in evidence. But at the conclusion of the deposition of the contestant it is stated by the contestant alone—

"That to each of said questions and answers such exceptions and objections are reserved as the contestee could and can legally make and reserve, and such legal exceptions and objections are to have the same force and effect as if entered specifically to each of said questions and answers when propounded and taken, and this argument applies to exhibits introduced."

And in consequence of this agreement the contestee, Mr. Cobb, now urges the objection that the secretary of state's certificate is formally defective. But this objection does not seem to require the exclusion of the document, for the secretary has also certified to the essential facts required to be stated and shown, and they are that the returns of this election had been canvassed by the governor and secretary of state, two officers of law empowered to make the canvass, and the result following was declared, which included the votes, by counties, returned for each of these candidates, and the result for each, including, as previously stated, a mistake in footing of 240 votes for the contestee, Mr. Cobb. The certificate of attestation then followed, verified by the great seal of the State and the signature of the secretary. And these facts, irrespective of other matters referred to, constituted lawful proof of the fact of the canvass and the result reached.

To obviate other objections to the evidence of the canvass by the several boards of supervisors further and more formal statements and the certificate of the secretary of state have been obtained and produced before the committee, and they have been received to correct any informality in the proof previously made. It is record evidence, and therefore admissible to correct informalities in the proof previously made. But there really was no such informality, for the contestant testified positively to the returns sent to the secretary of state, and no ground of objection appears to his answer.

The certificate and statements produced show that in Elmore County the sheriff, who was one of the supervising canvassers, failed to sign the statement. But as it was subscribed by the probate judge and a person acting, as he may be presumed to have done, in the place of the clerk, and they were a majority of the board, that was sufficient.

These proofs are lawfully in the record, therefore, and answer all the requirements of the law for the purposes of this contest, and the objection made should be disregarded. And together they establish the returns made for each county in the district, and the majority certified for the contestee, Mr. Cobb.

The contestee further objected that the registration law was in conflict with the constitution of the State of Alabama, and that all of the registrations were unlawful. If any conflict exists between the statute and the fundamental law of the State, it consists in the prohibition that no person not registered shall vote, unless he shall become 21 years of age after the registration in May has been completed. The prohibition can only affect persons becoming residents of the county between the close of the May registration and the day of the election. The proof taken failed to show any such person. The contestee, Mr. Cobb, was therefore deprived of no vote by this prohibition, and consequently has been in no respect injured by it, and has no cause for complaint against the law. Besides that, if this prohibition conflicts with the constitution in this respect it was inoperative as to adult persons taking up their residence in the county after the May registration and three months before the election, and they were entitled under the constitution to vote without being registered. The objection that the notary could not act beyond the bounds of the county of which he was an officer has already been overthrown by the House in another case and therefore requires no further attention here.

Evidence was taken which the contestee urges was not within the scope of a proper rebuttal; but it was mainly to prove that persons did not vote whose names were on the poll lists. Similar proof had been previously taken, and there can be no reason for supposing that the contestee, Mr. Cobb, was specially prejudiced by the order of this evidence, for it seems to have been beyond his power of contradiction. The notary should not have taken evidence beyond the limits of the Fifth Congressional district without consent. But as to the five witnesses whose testimony was taken in Montgomery County, the objection of want of authority was only made to the witness Lynch, and his evidence has not been considered on this occasion. As to the others, the absence of objection warrants the inference of consent, and their evidence is legally before the House. Other objections were from time to time taken to the form of questions, and to evidence, both pertinent and competent, which do not require any special attention, as they are without merit.

The real matter remaining to be examined is that relating to the registrations, the poll lists, the general conduct of the elections, and the failure to give the contestant representation on the election boards of the contested precincts by persons in whom he and his supporters confided. Formal representation was given to him in several of the precincts; but it was by persons who could be controlled, deceived, and hoodwinked, as the majority of the election boards intended should be done. That, as well as the most astounding frauds, will appear from the evidence relating to the election in the several controverted precincts, which will now be referred to in support of the charges which have been made.

HONEYCUT BEAT, NO. 6.

Honeycut beat, No. 6, Macon County, reported Cobb 106; none for Goodwyn. The polls were in a mill house. J. D. Brooks swears that he kept the tally of the votes polled up to 3.30 o'clock; that 53 persons entered the mill house up to that time; some of them carried in corn to grind, and stated that they did not vote; that there was a rush for grinding that day, and that about one-half of those who entered the mill carried grists. Two of the inspectors, he testifies, were drinking, disorderly, shooting, and threatened Sanford, who, with Brooks, was watching the polls. It was testified by Mr. Walker, a witness for contestant, that he was informed the contestant was to have no representative at the polls in the controverted precincts of Tuskegee, Cotton Valley, and Honeycut, in Macon County, and there the Cobb men expected to count Cobb's majority. He testifies further that at a public meeting in Benton, in the county, when Mr. Cobb was present, he was asked to join with the citizens in requesting the appointing board to give Mr. Goodwyn a division of managers in these precincts. He refused to agree to that. After Mr. Cobb refused to join in the request a further resolution was adopted asking the board to give Mr. Goodwyn the representation, adding that the refusal would be regarded as in the interest of fraud for Judge Cobb.

Reid Smith gave similar evidence, that he was informed that Goodwyn in seven beats of Macon County would have representation at the polls, which proved to be true, but in these three beats he would not, and that also proved to be the fact. He was present at the Benton meeting which requested Mr. Cobb to unite in securing representatives for Goodwyn in Tuskegee, Cotton Valley, and Honeycut, and he stated that Mr. Cobb opposed the resolution alone, but it was adopted, and then the meeting unanimously adopted another resolution requesting such representation. The contestant gave similar evidence, and that he was refused representation in these three beats,

and in the other two black counties, in which beats the contestee secured his majorities.

William Pierce, who had been a bailiff in Honeycut beat about a year, testified that he reckoned he knew two-thirds of the voters, white and black, in Honeycut beat. He was then asked if he knew any of 52 persons named to him, and he testified that he did not; that he had made an effort to find them and spent three and a half days traveling over the beat, making inquiries for them as best he could; that he looked for them and did not find any of them. He acted under a subpoena for them as witnesses to give evidence. These persons appear to be on the poll lists of this beat as part of the vote of 106 given to the contestee.

Hilliard Judkins testified for the contestee that 105 or 106 votes were taken at this precinct at the election of 1894 for member of Congress, but he knew none of these persons whose names were repeated to him, unless it might be Mr. Thomas, a preacher. No direct evidence was given as to the number of persons who voted at this precinct. The evidence does not afford a fair ground of conjecture as to the number beyond Judkins, for Green was not registered, and the best that can be done, and the only practical disposition, is to reject the returns altogether, with that one exception; for certainly they are in other respects overthrown, and Judkins, who did not even sign the returns from his inability to answer to a large number of names on the list, can not be credited as to the number of votes actually taken. An additional circumstance requiring this conclusion is the fact that nearly 40 names are on the poll list which are not on the registration list, and it was not intimated or shown, if any of these persons did reside in the county, that they did not reside in the county when the registration closed.

COTTON VALLEY PRECINCT, NO. 5, MACON COUNTY.

The inspectors reported 237 votes cast in this precinct—all for Mr. Cobb, contestee.

The evidence proves that the contestant, Mr. Goodwyn, had no representative in the board of inspectors and clerks in this precinct. He was informed that he was to have none, and the contestee, Mr. Cobb, objected to the request to give him representation, at the meeting which has been mentioned. In September, 1894, a written correspondence was had between Mr. Goodwyn, the contestant, and Mr. Cobb, the contestee, requesting the latter to join the contestant in petitioning the appointing board for equal representation to both parties in all the election boards, which the contestee, Mr. Cobb, declined to agree to.

It had been reported that the contestee was to derive his majority in part from this precinct by means of fraudulent votes, and these facts surely indicate the truth of the information; but the evidence does not connect the contestee personally with any fraud. The contestant also applied to Judge Hurt for copies of the registration and poll lists. He also requested permission to see the lists; also for permission to copy them; each of which requests was then refused. But the contestant did finally secure copies of the registration and poll lists. The registration list so furnished stated that there were about 250 voters registered in this beat, while the registrar's book showed no more than 30. And the certificate of the registrar is to that effect only. How the additional names came to be placed on the list was not explained. It is certain that there could not have been so many persons attaining the age of 21 years between May 20 and November 6 in the precinct. One hundred and twenty-six of the additional names are stated by the contestant in his evidence to be in the same handwriting. Neither page was certified or signed, and 94 names were on another sheet, neither certified nor signed, and 32 entered in pencil.

The evidence of the witness, McDuffee, confirmed these statements, for he testified that the book was produced before the officer taking the evidence in the present contest, and that the names for this precinct followed consecutively along to 156, but there was no certificate that they had been registered, except as to the first 30 on the last page. There were 2 names of the first 56 on one page. That and the next page were in blank after the 2 names. Then names commenced again on the third page and ran consecutively from 155 to 249. A request was made of Judge Hurt for a copy of these pages, which he refused.

An inspector (Menefee) testified that he did not think there were as many as 100 persons voted at the precinct. He was afterwards examined on the part of the contestee, Mr. Cobb, and testified that he had been offered money by the contestant to swear that no more than 30 or 40 persons voted at Cotton Valley; and he further testified that there were 237 votes voted for the contestee, Mr. Cobb. It is manifest that but little, if any, reliance can be placed on this witness, by reason of the discrepancy in his statements made on each of his examinations.

Thirty-six persons whose names are on the poll list, which contains 237 names, swore that they did not vote at the November election in 1894, and knew of no other persons in the precinct having the same names. Seventy-two persons also made affidavits that they did not vote at this precinct at the November election, although their names are on the poll list; and these affidavits were without objection received by the notary. But it does not affirmatively appear that the contestee was represented when the affidavits were received. He did not, however, if he was not then present, ask when he was that they should be stricken out. But aside from them the evidence otherwise given is sufficient to characterize the return for this precinct as false and fraudulent, and no means have been supplied for ascertaining the legal votes of the precinct. Accordingly, there seems to be no other rational alternative than to reject the return altogether.

TUSKEGEE PRECINCT, NO. 1, MACON COUNTY.

The inspectors returned 426 votes for the contestee, Mr. Cobb, and 9 for the contestant, Mr. Goodwyn.

The same evidence was given as in the other two precincts of the effort to secure representation on the election board for the contestant, and the refusal of the contestee to consent to it. The same report existed as to the intention to count a majority in this precinct for the contestee. And what were represented by Judge Hurt as copies of the registration and poll lists were finally furnished by him to the contestant, Mr. Goodwyn. Two hundred and twenty-four votes are stated in the poll lists of the two boxes of this precinct to have been given by colored voters, while their leaders advised them not to register or vote in the black counties, of which Macon was one, fearing that their votes would not be counted as given, and they generally abstained from registering or voting.

The evidence of B. W. Walker, who was elected to the legislature of the State of Alabama as an Independent, and was at one time a deputy marshal, was to the effect that he was informed, as the fact turned out to be, that the contestant should have no representation on the election board of Tuskegee and the other two precincts already considered in Macon County; that they were the black precincts of the county; but in the other seven precincts the contestant should be represented, they being considered white precincts. And as to these seven no contest or controversy has arisen. This witness testified that the polls were in the court-house for Tuskegee precinct, and were supplied with two boxes; that the court-house was on an open piece of ground of about 4 acres, with an iron picket fence around the court-house. A diagram was made of it, which has been made a part of the record. The witness testified further that Mr. Grimmer and he were stationed there outside of the fence, where they could see the persons entering through the

opening left for the passage of voters, made by a rope drawn around in front of the court-house, and had also a view of the rear door of the court-house. And he testified that they were there through the day, and no more than 50 colored persons were in the court-house square that day, and only 42 voted there that day.

Grimmet testified that he watched all day, and there were 42 colored voters went into the voting place that day. And the position occupied by these two persons, marked on the diagram, was in plain view of the passageway through the rope inclosure in front of the court-house, and also of the rear door of the court-house. There was another door to the court-house, but it did not appear that any persons entered that way; and the front inclosure by the rope was made with the passage opening in it for the persons approaching to enter the court-house that way. The contestee is mistaken in the statement that this evidence of Walker is in rebuttal. It was evidence in chief, taken in February, 1895. He was afterwards recalled and examined in rebuttal, but that part of his testimony adds no substantial weight to his testimony already referred to. It is further objected that both Walker and Grimmet are not worthy of credit, but nothing appeared having the effect of discrediting either of them.

The witness Thompson swore that there were three openings in the rope, and the rope was stretched into the hallway, and the voters had to pass through the door in the northern portion of the hallway; that there was an opening in the eastern portion and one in the southwestern portion of the court-house through which voters could pass in going to the polls, and a person sitting in front of Russell's livery stable could see both openings. This witness was the sheriff, and stated that part of the day he was acting as sheriff and part of the time swapping horses. He also stated that he appointed Republicans on the election board of this and the other two precincts, but they were evidently not such as the contestant or his friends approved. About 30 persons are stated on the poll list to have voted in this precinct who were not registered; 34 persons are reported to have voted whose names follow each other alphabetically; 29 whose names are on the poll list testified that they did not vote, and 12 others made affidavits that they did not vote. Like the other two precincts, no reliance can be placed on the returns, and they should be rejected. And there is no evidence whatever showing what legal votes were given at this precinct.

BENTON, NO. 1, LOWNDES COUNTY.

This precinct returned 311 votes for the contestee, Mr. Cobb; none for Mr. Goodwyn.

A. J. Wood, a merchant who had resided in the precinct five years, and knew a majority of the people there, testified that he noticed and estimated the number of voters in town on the day of election. In his judgment there were less than 50, and 25 or 30 voted. There were about 200 colored and 25 or 30 white voters in the precinct.

Ed Freeman stated that he stood where he could see the polling place and watched to see how many colored men voted, and added: "I didn't see any one vote." The registration list was proven by Mr. Traylor, A. J. Wood, E. T. Robinson, Lee Barlow, and Ed Hayden, who were each well acquainted with the people of the precinct, to contain over 100 names of persons not residents of the precinct, many of whom are named in the poll list as having voted at the election. Other persons, registered as having voted, testified that they did not vote and to the other names being those of dead persons, and the poll list contains 311 names. The utmost latitude of the evidence does not warrant the belief that over 25 persons, all being white, voted at this precinct. And assuming there were that many who voted for the contestee, there requires to be deducted from the vote returned for him in the Benton precinct 236 votes.

CHURCH HILL, NO. 2, LOWNDES COUNTY.

Vote returned: 278 for Cobb and 2 for Goodwyn.

The testimony of James Bryant, assistant registrar, is that he registered only 42 persons; and that is the statement of his certificate to the two lists. He says that the copy produced by him is a correct copy of the registration lists he filed. His certificate is dated May 28, 1894; after that and by the day of election the number was increased to 233. Scott Maull, who had been election clerk twice and was church clerk in the Baptist Church where the colored people generally attended, swore he knew the people who resided in the precinct, and he answered, in detail, that there were about 70 persons on the list that he did not know. Charles Heabowskie gave similar evidence, to the extent of 50 persons named on the registration list. And it was proved that the names of dead and of persons not residing in the precinct were on the list.

This evidence is consistent with no other supposition than that these false registrations were made with the expectation of adding fraudulent votes to those which might be lawfully given at the election. And that is confirmed by the fact proven that the colored voters, on the advice of their leaders, abstained from registering, and also from voting. The witness Charles Heabowskie also testified that there were generally from 14 to 16 white Democratic voters in this beat, and the total voters about 170. Scott Maull put the white and colored voters of the precinct at between 175 and 180. W. E. Mealing put the number of voters in the precinct, as he supposes, at about 180. Pierce reckoned there ought to be about 250 voters there. The evidence of neither of these persons was seriously brought in question, and it must be assumed, as they were credible persons, and their evidence is inconsistent with the vote returned for this precinct, that the number returned was largely fraudulent. No witness put the white Democratic vote higher than from 14 to 16, and allowing they all voted for the contestee, his returned vote must be reduced by deducting from it 232.

GORDONVILLE, NO. 4, LOWNDES COUNTY.

The vote returned for this precinct was 172—for Cobb, 170; for Goodwyn, 2. The poll list, as certified by the probate judge, had 170 names; 33 persons named on the poll list swear that they did not vote, and a few others were out of the precinct. The vote is overstated by at least 35, and that number should be deducted from the 172 returned, leaving 137 as the extreme vote given in this precinct for the contestee, Mr. Cobb.

HAYNEVILLE, NO. 14, LOWNDES COUNTY.

The certified copy of the poll list for this precinct contains 611 names, all of which are returned for the contestee, Mr. Cobb, while the original registration list has on it 501 names, and the supplemental list 118. Martin Smith, Peter Frayzer, J. M. Salley, W. T. Brightman, W. E. Carson, L. R. Brightman, and John W. Jones are persons acquainted with the residents of this precinct, and each testified, with the exception of not exceeding 3 or 4, he knew none of the persons of 118 names on the supplemental poll list; and J. M. Williams, a Democratic constable, could find none of them to serve his subpoena upon; and the poll list of 611 votes necessarily included very nearly all of these fraudulent names. It was also proved that some of the persons named were dead or did not reside in this precinct, and about 40 persons on the registration and poll lists did not vote.

H. M. Caffey, an inspector, was asked whether he would swear that each person on the poll list voted, and he answered, "I am not personally acquainted with more than about one-tenth of the names, and will therefore subscribe to no such oath." And Sam Williams swore that there were 500 or 600 persons about the polls, but he gives no estimate of the vote. This pre-

cinct is proved to have been badly tainted, both in the registrations and poll list. No evidence was given to show the number of legal votes given, and it would be merely guessing to try to estimate them. It is apparent that the lists of registration and voting are fraudulent. The returns are false and unreliable, and no other alternative is presented than to exclude the entire vote.

LOWNDESBORO, LOWNDES COUNTY.

Beat No. 18 returns 536 votes—all for the contestee, Mr. Cobb.

The registration and poll lists are brought in question as affected by fraud in this precinct.

A. C. McRee was the registrar. He testified that he thought there were about 151 voters registered in May, and he did not recollect registering any voters after May and sending the list to Hayneville as a supplementary list. He is a Democrat. His recollection is supported by the registration list, which is certified by the registrar and contains no more than 151 names. This list was afterwards extended to 214 voters' names—63 more than the registrar registered. Then there is added a supplemental list of 322 names, making 536 in all. By the laws of the State of Alabama this supplementary list can only consist of the names of persons attaining the age of 21 years between the close of the registration day in May and the day of the election; and by the constitution those who have been residents in the county three months have the right to vote. To render the supplemental list lawful, 322 voters must have become residents of the precinct or attained 21 years of age, or both, during this intermediate period, a fact which is utterly incredible. There were added to the original list 63 names without authority, and this supplemental list was fabricated to the extent of 322 names.

J. T. Dickson was shown this supplemental list. He was a merchant having a general acquaintance in the precinct, and testified that he did not know to exceed 4 names on the list, and they were of persons over 21 years of age before the day for completing the registration. And he reckons there were about 300 voters in the precinct, including, of course, white and colored. The poll list is certified by the probate judge to be a true and correct copy of the poll list filed in his office, and that it contains the names of 526 persons as voters. According to this list every person named on the registration list, except 10, voted, and all for the contestee, Mr. Cobb—certainly not a statement to be believed.

J. A. Reese, a Democrat, was clerk of the election. He testified that he turned over his poll list to the inspectors after the polls were closed, and then he thought there were between 100 and 125 names on the list, and that included names added from registration certificates brought in by Manager Dickson. C. E. Reese, also a Democrat, testified that R. S. Dickson, a manager of the election, told him that there were not exceeding 80 votes cast at the election. He added further that there were not exceeding 60 white voters in the beat, and they claimed to be Democrats; and he thinks 1 colored person voted for Cobb. Seven persons whose names are on the poll list testified that they did not vote. And Democrats testified that there were but few men at the polls during the day. This precinct is certainly deeply stained by fraud, and in no event can more than 81 votes be given to the contestee here, making a deduction from the vote returned for him of 446 votes.

ST. CLAIR BEAT, NO. 12, LOWNDES COUNTY.

This beat returned 86 votes—all for contestee, Mr. Cobb.

J. T. Dickson was in his store all the day of election, about 75 yards from the place in which the election was held. He testifies that there were but few persons in St. Clair that day, and two of the managers told him about 4 o'clock that but 6 votes had been cast, and these two managers were Democrats. Two names were proven to be of persons who did not vote. It will be seen that the evidence is by no means decisive, and it will be safest to allow 84 of these votes to remain to the credit of the contestee, Mr. Cobb.

WHITE HALL BEAT, NO. 23, LOWNDES COUNTY.

This beat returned 209 votes—all for the contestee, Mr. Cobb.

W. A. De Bardeleben testified that he knew 90 per cent of the voters of this beat; that 6 persons reported as voting were then dead. He had been a collector of taxes. The managers of the election were part of the day attending to other business. About 225 to 250 men lived in the beat. Sixteen persons named on the poll list testified that they did not vote at this election. Alexander White testified that he had been postmaster there. He knew nearly all the voters in the beat, and that the 19 persons named to him did not live in the beat the last year referred to, which was the year of the election in question. And he was in great part corroborated in this by the witness, J. L. Long. He also swore that 8 persons whose names were on the poll list had been dead for more than a year; and his testimony was taken in February, 1895. He also stated that 64 were names on the poll list of men who never lived in the beat. The names of other persons on the list were also shown to be fictitious; and no proof of the polling of a legal vote has been given. It follows, therefore, that the return from this precinct should be wholly disregarded.

STATESVILLE PRECINCT, NO. 12, AUTAUGA COUNTY.

In this precinct 71 votes were returned—all of them for the contestee, Mr. Cobb.

The conduct of the election officers was shown to be riotous, threatening, and disorderly. The witness, M. L. Prather, testified that he was in full view of the polling place during the entire day, and to the best of his count 28 men were on the ground; that he was positive there were no more than 23, and 27 entered the polling place. An effort was made to impeach this witness by the witness J. B. Goldson; but he swore that Prather's character was good and he would believe him. Prather's evidence seems thoroughly reliable, and it requires the vote of the contestee to be reduced in this precinct to 27, making a deduction from the returned vote of 44. The fact that the contestant was allowed no representative in this precinct is a further fact warranting this result.

As to these several precincts, it should be added that no evidence was given in any form justifying any different disposition of their votes than has been above mentioned.

DAY'S BEAT, NO. 5, AUTAUGA COUNTY.

This beat returned 50 votes for the contestee, Mr. Cobb.

The contestant had no representative in the election board of this precinct, and the proceedings were disorderly in the extreme. But these facts alone will not justify a reduction in the vote, although there is a probability that it was not genuine.

Allowing the contestee, Mr. Cobb, every possible item of proof does not change the results already noted. The presumption in favor of the official acts of the public officers whose conduct has become involved in this contest has been completely extinguished by the evidence establishing their frauds; and it is very clear that their attempt to disprove their guilt would have been fruitless. With so many stubborn facts against them their denials or explanations would be acceptable to no one beyond their own confederates. It is quite evident that more proof beyond that which was given could be secured against them. The nature of the case is such that a general knowledge of the population of the locality compared with the registration and poll lists must disclose the presence of fraud whenever it exists.

The effort to deprive the people of the result of the expression of their will at the ballot box whenever these avenues of proof are carefully followed can always be defeated. And it is fortunate for the cause of free government that the presence of these and other prominent facts which may be accessible will not fail to vindicate the right of the people to legal and honest representation. Their will is sovereign, and whoever they select and whatever may be his pronounced sentiments, he is their representative, and his right can not be denied because of political differences. In these precincts there was a deliberate purpose to defeat the real design of the people. It was not the case as to a few persons, but all who endeavored to exercise control were implicated in the common design; and other public officers whose concurrence was necessary for success were confederated with the election officers in the devices they instituted and endeavored to carry out.

The reductions in the vote returned for the contestee, Mr. Cobb, aggregate 2,866, obliterating completely his stated majority of 508 votes. They do not, however, increase the contestant's majority. The election officers were careful not to allow him any special advantage in the way of votes, by reserving their favors wholly for the contestee. But he can very well stand, as he is entitled to do, on the greater part of the majority secured to him in the other counties of the district and the precincts not contested in these contested counties. His vote will then be 2,360 over that of the contestee.

There is but one mode, therefore, in which this House can maintain what appears to be the right, and that is to unseat Mr. Cobb and to seat the contestant, Mr. Goodwyn. To that end we recommend the adoption of the following resolutions:

"Resolved, That James E. Cobb was not elected a member of the Fifty-fourth Congress as a Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is not entitled to the seat in the Fifty-fourth Congress as such Representative.

"Resolved, That Albert T. Goodwyn was elected a member of the Fifty-fourth Congress as the Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is entitled to the seat in the Fifty-fourth Congress as such Representative."

CHAS. DANIELS, *Chairman*.
L. W. ROYSE.
FRED C. LEONARD.
E. D. COOKE.
R. Z. LINNEY.
W. H. MOODY.

Mr. COBB of Alabama. Mr. Speaker, I hope to have the ear of the House, and particularly of gentlemen on the majority side of this Chamber, while I attempt to make a fair and concise statement of the side of the contestee in this case. I am aware that, taking this case as contested elections generally go, but little hope exists that there will be in this House a reversal of the action of the majority of the Committee on Elections. And if it were a matter affecting myself alone, a mere matter of personal concern, I do not think I would feel at all inclined to enter into this argument to-day. But the action of this House, if it should unseat me, has a more far-reaching effect than any consequences that it may bring to myself individually. It will be a declaration on the part of this body that gentlemen whom I know and honor, gentlemen whom I esteem as men of integrity and character, have committed fraud in the discharge of their official duty. It is also a declaration that the people of the Fifth Congressional district of the State of Alabama shall be represented on the floor of this House by one who, in my opinion, is not of their choice.

I shall be necessarily brief and unable to examine the case in all of its details. I must content myself with mere suggestions, trusting that the gentlemen who do me the honor to listen to what I will say will take these suggestions and draw from them the deductions to which they legitimately and logically lead. My belief about this case is that the question of fraud, which has been raised and urged here with such persistency, would never have been raised at all if the case had been properly examined and treated. My own views are that in the trial of an election case the same rules should prevail that obtain in courts of justice. We are in the search of truth, and the rules established by law and governing all judicial tribunals in their efforts for the ascertainment of the truth have been so long and so well recognized that it has become axiomatic that there can be no proper ascertainment of that which is true on an issue made—that there can be no reliable elimination of the true from the false—except by an unvarying adherence to those rules which have received the sanction of mankind for hundreds of years.

And so, Mr. Speaker, I understood at the last session of the last Congress that that was to be certainly the manner of the procedure of this House in the trial of the contested election cases which would be brought before it. It was openly declared everywhere that this Congress would make precedents in these cases which no man could assail, and which would bring honor upon those who made them. The belief engendered by these declarations—for I gave to the gentlemen who made them my confidence in their sincerity—governed and determined me largely in my course in taking the evidence that you now find embodied in the record in this case. But to this point further on.

Any lawyer who will take the record and calmly consider and intelligently analyze it, putting aside for the time being his partisan bias and partisan prejudices, can come to but one conclusion, in my opinion, and that is that if there was eliminated from the record all the testimony which would be rejected by any court in this country the contestant has absolutely no case. And therefore I abstained from making any extensive attack against contestant in the counties where I was advised that frauds had been committed against me.

Now, what is the foundation for the assertion that contestant had made no case at the expiration of the time allowed to him to take evidence in chief?

When the contestant closed his case he had not introduced a single particle of evidence to show the vote of the whole district—not a particle. Forty days were consumed by him with diligent effort to fill the record with evidence which he conceived would benefit him without regard to its relevancy, and yet he abstained from inserting a word which even tended to show the vote of the district. Therefore, Mr. Speaker, no matter what amount of proof there might have been tending to show fraud in the three counties attacked by him, it could not be made to appear that that fraud affected in his favor the vote of the district. But that is said to be "technical" by gentlemen on the other side. That, Mr. Speaker, is the cry of every man who finds himself hard pressed in a matter undergoing judicial investigation. Technical, indeed! It is a rule of law, it is a rule of universal application, it is a rule that is recognized everywhere, in every court throughout the land, that those things which are matters of primary evidence, evidence in chief, shall be given in at a proper time, so that the opposing party may have an opportunity to meet and disprove them.

Now, when the time of the contestee had expired, when no opportunity was thereafter to be offered to him to put in a single particle of evidence, then for the first time the contestant introduced the evidence as to the vote of the district. And what kind of evidence was it? It was wholly illegal, because it was hearsay. The contestant put himself on the stand and swore positively that the vote of every county in the district was the figures he gave, without so much as deigning to tell the source from which he obtained his information. He also inserted a statement, made without authority of law, by the secretary of state of Alabama. This was the evidence on which he relied. It was so illegal in character, so defective in every respect, that the Committee on Elections would not rely on it, but announced to the contestant that he must amend his case in this particular by producing other and better evidence. This course of the committee was not only unfair, but, in my view, it was illegal.

The true rule, as stated by McCrary and sustained by every precedent worthy to be followed, is not to allow the introduction of evidence, whether it be record evidence or not, unless it is put in before the commissioner, so that the other contending party may have an opportunity to see its effect upon his case and govern himself accordingly.

Now, what was the result? They sent down to the secretary of state—

Mr. TURNER of Georgia. Does the gentleman from Alabama mean that this foundation of the contest was supplied by testimony taken at the instance of the contestant after the time for taking testimony had expired?

Mr. COBB of Alabama. Yes; it was so done. I do not know whether it was at the instance of the contestant or at the instance of the committee, but the committee advised me and the contestant that the contestant would be compelled to supply this testimony and that they would give him an opportunity to do it.

Mr. TURNER of Georgia. And were you permitted to reply to it?

Mr. COBB of Alabama. Not a bit of it. I said to the committee, "Gentleman, this is all wrong. You have no right to do this. It is a right and power belonging to the House alone, and not to the committee, and if you propose to amend the record, I demand as a matter of right and justice that you go before the House of Representatives with a suggestion that this testimony is needed, that I may have an opportunity of being heard before the House, so that I may show to them the effect of this course upon my claim to this seat in cutting me off from testimony that I know I can produce in answer to this very testimony that you propose to bring here."

They refused it. They could not trust this House, with its overwhelming Republican majority, to deal with a question like that. Thus I was deprived of the right of a hearing before the only body having the right to hear.

Now, what was the result? Here is a paper I hold in my hand, one of those that the contestant obtained from the secretary of state at the instance of the committee. It purports to be a copy of the returns from the county of Elmore, his own county, which shows upon its face that under the law of Alabama it was so defective that it ought to have been excluded. I have not the time to dwell here, but the law of Alabama requires that these certificates shall be signed by the judge of probate, the sheriff, and the clerk. It provides that when the judge of probate and the clerk are absent, their places may be supplied, but not so with the sheriff. Why? Because there are no contingencies that would prevent him from being present either personally or by deputy. He may have deputies to an unlimited number.

Now, this paper is signed alone by the judge of probate and by J. J. Pierce, representing the circuit clerk. Neither the name of the circuit clerk nor the name of the sheriff appears upon it, and

if the attention of the State board had been called to that fact they would have excluded it. But nobody is called before the State board or notified of the time of their meeting. They have a certain number of days in which they may count these returns, and as a rule they meet at their convenience within the time named and accept the county returns without strict scrutiny.

Now, what would have been the result if attention had been called to the defect in the return from Elmore County? One thousand additional votes added to my majority! But the defect which makes the paper illegal appears on its face, and hence the committee should have excluded the vote of that county.

Another rule of law which was violated was in the receiving of hearsay testimony. Why, it is all through the record. But before I pass from the matter of the introduction of evidence in chief in rebuttal I want to show you what reason is given in this majority report for such course:

Evidence was taken which the contestee urges was not within the scope of a proper rebuttal; but it was mainly to prove that persons did not vote whose names were on the poll lists. Similar proof had been previously taken, and there can be no reason for supposing that the contestee, Mr. Cobb, was specially prejudiced by the order of this evidence; for it seems to have been beyond his power of contradiction.

A judge on the bench, hearing a contest to be decided judicially, tells one of the parties "I will depart from the rule of law in favor of your opponent, and I do it because I assume to determine that the evidence which is about to be offered is such evidence that you can not meet it." Who ever heard of such reasoning from a judge? When I stand before a court I have the right of an opportunity at least to produce evidence to contradict that of my opponent, and until I have that opportunity granted there is no man who has the right to say the evidence of my adversary is beyond my power of contradiction.

And yet such is the deliverance of the judicial tribunal in whose hands was committed the pending contest.

That is not all. It is not true that this evidence was mainly to prove that men did not vote whose names were on the poll list. But suppose it had been. That was one of the main points in this case. This whole case turned on the charge that men were counted as voting and their names made to appear on the polling lists when, as a matter of fact, they never cast a ballot. Now, then, Mr. Speaker, you are the plaintiff in a court of justice. The issue is made. You put up one witness to make out your case, then you close, and the defendant puts up his witness, and then you come back with a dozen, fifteen, or twenty witnesses to sustain your first witness on the pretense of legitimate rebuttal. Such is not the course sanctioned by the decisions of high judicial tribunals.

Gentlemen, do you wish to be fair? Do you intend to be fair? Do you intend to redeem the pledge you made that you would establish sound precedents in the contest cases before this Congress? Will you do it? Is it not far better that you should do this than that one man or another man should occupy one of the seats in this House?

But, as I said, that was not all of this pretended rebuttal evidence. It covered every phase of contestant's case. In it appeared for the first time any pretense of evidence of the vote of the district, without which evidence the contestant could not possibly succeed, as I have shown. I was thus denied the opportunity to meet this evidence and disprove it. More than a score of witnesses were allowed to give evidence in chief in rebuttal, including those on whom the committee seem mainly to have relied.

But I must hasten. It contained all the evidence that has been insisted on here, and repeated over and over again about my refusal to join contestant in a petition, and about certain pretended resolutions passed by citizens of Macon County. I was given no opportunity to contradict these statements, which distorted the true facts. I will say in passing that my friend in his opening speech said something to the effect that I refused to have a fair count. I never made such refusal, nor did I ever say or write one word to that effect.

I have not time to read the correspondence, but the letter addressed to me by contestant was not a letter petitioning for a fair count. It was a letter in which he proposed that we should ask judicial officers to abrogate their power under the law and delegate that power to committees, political committees, to do that which the law itself imposed on its sworn officers.

Mr. McMILLIN. And which they could not transfer.

Mr. COBB of Alabama. And which they could not transfer without making themselves liable; and it would have been an insult to ask them to do it.

Why, sir, I come to you as a judge, and say: "I am afraid of you; you have too much power; turn it over to my friend here, I can trust him, and I ask you to take his statement as the fixed and conclusive determination of your official conduct." That is a true statement of the case. It is quite different from mere advice. But on every stump and everywhere I stated, without hesitation, that I was in favor in that election, as I had been in other

elections, of honest balloting. Mr. Walker so states, if I can turn to his testimony. Here it is. There had been an effort, as I thought, to draw from him some sort of an insinuation that I had been guilty of misconduct. I challenged him: "Do you mean to assert in any statement that you have made that I have been at any time, directly or indirectly, engaged in fraudulent practices?" He promptly and emphatically protested that he meant no such thing; and that I had been known in that county always, and was then known, to be in favor of fair elections, and stood with those who were advocating and urging them.

And what of the meeting of citizens on which so much stress is laid in the majority report?

It was a small gathering of about 35 voters, as stated by Walker. They had assembled to hear a joint discussion to be held under agreement between the opposing candidates, and for no other purpose. It was presided over by an extreme partisan friend of contestant. To this I had consented, for I was innocent of suspicion that any unfairness would be attempted. To my amazement, certain resolutions intended to secure improperly a partisan advantage to contestant were offered—not, however, in terms as stated by Walker and Smith, according to my recollection.

With indignation I denounced them. I said in substance: "We are not here for such purpose. We are friends of the opposing candidates met together to listen to a joint discussion to be held under terms of agreement between them, and an attempt to secure advantage to one of them by resolutions of this sort was never before heard of when honorable men were engaged in free and fair debate." I was indignant, as I had every right to be. But my surprise then is exceeded by my surprise now that a committee of this House should accept this occurrence as a reason on which to base their report. It is but an evidence of the weakness of the contestant's case.

I extract from Mr. Walker's testimony:

Q. Do you not remember that my objection to the resolutions spoken of was to the breach of faith and unfairness in presenting them at a meeting of the friends of both parties called together to hear a joint discussion, the terms of which had been agreed upon between the candidates, and that I expressed surprise that they were offered?

A. Yes, sir; I think that covers fully the substance of your remarks; I don't know that you expressed any other objection in your speeches, both at Cross Keys and Bentley, only you stated that to pass such resolutions might be a reflection on the officers who were to appoint the inspectors, and that you were not willing to do anything that would reflect on the officers; that they were honest officials and you had no reason to believe that they would not discharge their duty faithfully under their official oaths; that is in substance as what I understood was your objection to the resolutions.

Q. Did I not say also that I had written a letter to Mr. Goodwyn in answer to me, addressed by him to me, in which I set forth my reasons for declining his proposition to petition the officers, and did I not then and there direct attention to the correspondence which Mr. Goodwyn had in his possession?

A. I understood from your remarks that you charged directly that to attempt to pass these resolutions at that meeting was absolutely in bad faith in view of the agreement which you had had by a written correspondence, and in view of the fact that you had answered and given your reasons in a letter which had been published as to why you would not join in a petition to the officers.

Q. I said in that connection, did I not, that I had always been and was then in favor of a fair and honest election and believed that we would have it?

A. Yes; I understood you to make statements to that effect.

But, I repeat, what have these things to do with this case? Why are they brought in here? But I pass on.

Ex parte affidavits—why, gentlemen, I never dreamed for a moment that there could be gotten together in this House, or in any House, an elections committee that would receive ex parte affidavits as evidence. While the commissioner was taking testimony, or in the interval of the examinations, a friend of contestant, armed with affidavits all prepared for their signatures, was procuring ignorant negroes to sign them, and these are the proofs upon which the majority of this committee rely largely for the determination of this issue.

I have alluded to the secondary and hearsay evidence that is introduced in this record. Here is a sample. How is it ascertained that 240 votes should be deducted from the majority of contestee as the same appear from the returns made? There is not a scintilla of proof in the record to show errors in addition except that Mr. Goodwyn swears that he happened to be present in one county and heard the sheriff call out the vote, and it did not amount to the number that was afterwards certified to by the three election officers, and that McDuffey told him that Judge Caffee told McDuffey that there was an error in the count in Lowndes County. This is the evidence, not only on which the majority of the committee rely, but on which they state that it is apparent there was a mistake. The contestant introduced first the statement of the judge of probate as to what the vote of Lowndes County was, and that certified return gives me a majority of 748 votes, and if the gentleman on the other side can find any mistake in the addition he will do more than I have been able to do.

I will not dwell here longer. Time presses. I will briefly allude to the question of the introduction of the copies of registration lists. These were introduced without other proof of genuineness than the certificates attached to them.

The law on this subject is this: No paper writing, at least below the dignity of a solemn record, can be introduced into a court of justice on the certificate of an officer, unless there exists a statute authorizing that sort of paper, thus certified, to be received as evidence. That is the law.

Now, in the first place, there is not one single registration list in this record, not one, that has the certificate which the law requires to make it evidence by certification, if indeed there was such a law; but, secondly, there is no such law. It is like the plea, "I am not guilty if I was there, but I was not there." There is no proper certificate even if there was any law, but there is no law. But, Mr. Speaker, it makes no difference about the introduction of these registration lists by certificates, because the legislative enactment providing for registration existing in Alabama at the late election is utterly null and void by reason of its unconstitutionality. Why is it unconstitutional? The gentleman who drew the majority report does not meet this question fairly.

The purport of the report on this point is that even if the law is unconstitutional it does not make any difference to the contestee, because he has not shown that he suffered by it. As if a constitutional law had any validity whether anybody suffered from it or not! The rule of law is that the moment a law comes before the court for construction and the court denounces it as unconstitutional, that law is null and void as to everybody and for all purposes. The supreme court of Indiana has decided the question involved here; the supreme court of Pennsylvania has decided it; the supreme court of North Carolina has decided the identical question. The legislature of Alabama, in the effort to enact a law that would make futile any attempt to commit fraud in elections, made its provisions too stringent. It enacted that the registration should be had in May, closing in that month; that thereafter no one should register except those coming of age after that date and before the day of election, and that no one should vote unless registered. Thus it was that many men fully qualified by the constitution of the State to vote, but who failed to register without fault of their own, were denied the right of suffrage.

This point was raised in the decisions to which I have referred, and the courts held without hesitation that such a law was null and void. Now what effect does this consideration have in this case? It is a question as to the admission of evidence.

Copies of registration lists made under and by virtue of a void enactment were introduced by certification only. But certainly no lawyer will contend for a moment that a list could be made evidence by certificates the preparation of which was authorized by no law. What would have been the result if these principles of law had been applied? Every registration list in this record would have been suppressed. What more? Every portion of the testimony of men who swore by looking upon an unconstitutionally admitted registration list would also have gone out. Take all these things out of the evidence; take out the illegal testimony; take out the testimony clearly hearsay and secondary; take out the testimony which was admitted against me in rebuttal, which was evidence in chief, and confessedly there is no case here. Gentlemen admit it. But they seek to avoid the force of what they can not answer by the weak and specious plea that these things are "technical."

But I hasten on. I have many points which I am forced from the want of time to omit. The majority of the committee have stated in their report what votes they exclude and upon what grounds. And this case is practically tried on that report. But the report does not say one word about the many witnesses that I examined contradicting the witnesses of the contestant at every step. It has been stated that I could not meet this case as made out against me; yet staring in the face the gentlemen who made such a claim was the testimony of the numerous witnesses who one after another swore that the testimony introduced by the contestant was utterly and entirely untrue. But the majority of the committee reject all this without so much as an allusion to it.

Now let us go on a little further. The effort is made to make this House believe that if I was elected it was by negro votes, the votes in the "black counties." The contestant comes down, so he claims, to what he is pleased to term the border of the black counties, with a large vote in his favor; and he wants you gentlemen to believe that it is a vote of white men.

The SPEAKER pro tempore (Mr. BARRETT). The time of the gentleman from Alabama has expired.

Mr. BARTLETT of Georgia. Mr. Speaker, I do not understand that any time was fixed.

The SPEAKER pro tempore. The gentleman from New York [Mr. DANIELS] is recognized.

Mr. COBB of Alabama. A question of privilege.

The SPEAKER pro tempore. Does the gentleman from New York yield?

Mr. BAILEY. He must yield for a question of privilege.

Mr. McMILLIN. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from New York yield, and to which gentleman does he yield?

Mr. DANIELS. I yield for an inquiry.

Mr. BAILEY. I insist that we are not dependent upon anybody's courtesy for the right to make a parliamentary inquiry.

The SPEAKER pro tempore. To which gentleman does the gentleman from New York yield?

Mr. McMILLIN. I do not ask to be recognized, except for a parliamentary inquiry, which is addressed to the Chair and nobody else.

The SPEAKER pro tempore. The Chair has asked the gentleman from New York whether he yields, and to whom he desires to yield.

Mr. BAILEY. No gentleman on either side asks the gentleman from New York to yield.

The SPEAKER pro tempore. The Chair will ask the gentleman from Texas not to speak on the floor until he is recognized by the Chair.

Mr. BAILEY. I rise to a parliamentary inquiry, and I have a right to address it to the Chair.

The SPEAKER pro tempore. The gentleman will be seated.

Mr. BAILEY. If anybody were in the chair having sufficient knowledge of the rules it would not be necessary to insist upon the right to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will be seated. Does the gentleman from New York yield to any gentleman on the other side?

Mr. DANIELS. I yield to the gentleman from Alabama to make an inquiry.

Mr. COBB of Alabama. Mr. Speaker, there was no agreement—

Mr. COX. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from New York has yielded to the gentleman from Alabama for the purpose of an inquiry, and the Chair recognizes him to make the inquiry.

Mr. COBB of Alabama. I want to state a fact. There was no agreement as to the time to be occupied in this discussion. I am certainly entitled to an hour, in the absence of any agreement, because I was recognized.

The SPEAKER pro tempore. The Chair was advised by the gentleman from New York that an agreement had been made to limit the debate to three hours—one hour and thirty minutes on each side.

Several MEMBERS. Oh, no.

Mr. COBB of Alabama. That proposition was not agreed to. I appeal to the Speaker of the House—

The SPEAKER pro tempore. The Chair, who was not in the House when the debate began, sent to the gentleman from New York, who has the matter in charge, to ascertain what the agreement was. The answer returned by the gentleman from New York was that an agreement was reached by which one hour and thirty minutes was to be consumed on each side. The Chair therefore allowed the gentleman from Alabama [Mr. COBB] to proceed for the thirteen minutes remaining of the hour of the gentleman from Georgia, and then allowed him thirty minutes additional, giving the gentleman from Alabama in all forty-three minutes, and thus completing the one hour and thirty minutes allowed on that side.

Mr. BARTLETT of Georgia. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from New York [Mr. DANIELS] yield to the gentleman from Georgia?

Mr. DANIELS. Yes, sir.

Mr. BARTLETT of Georgia. The record will not show that there was any agreement as to the length of time to be occupied in this discussion. On the contrary, when the proposition was made that there be an hour and a half of debate on each side, and that at the conclusion of three hours the vote be taken, objection was made by myself, and then the gentleman from New York said that at the conclusion of three hours he would call the previous question.

That is all that has been done with reference to the matter, and the RECORD will bear out the statement of fact. There was no agreement whatever as to time.

[The Speaker here resumed the chair.]

The SPEAKER. The Speaker was in the chair at the time referred to, and inasmuch as there seems to be a misunderstanding, the gentleman from New York having given notice that he would call the previous question at the expiration of three hours, though, under the circumstances, of course, he would not have been able to take the floor for that purpose, and the temporary occupant of the chair, not being aware of the fact that this suggestion of the gentleman from New York was objected to, acted upon the assumption that it was an agreement as to the division of time. The matter has arisen entirely from a misunderstanding on the part of the temporary occupant of the chair, who merely carried out or attempted to carry out in good faith what he understood to be the agreement.

Mr. McMILLIN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. My point of order is this: Under the statement that has been so clearly and correctly made by the Chair, that the gentleman from Alabama, being on the floor, was, under the invariable practice of the House, entitled to an hour, and could not have been taken off the floor by an interruption arising from a misapprehension.

The SPEAKER. The Chair thinks so. The Chair thinks there was a misunderstanding on the part of the gentleman from New York, which was communicated to the temporary occupant of the chair. The gentleman from Alabama will be entitled to go on, provided he desires to do so, in view of the notice of the gentleman from New York.

Mr. DANIELS. We shall claim the same extension of time.

Mr. BARTLETT of Georgia. Certainly.

The SPEAKER. That rests, of course, with the gentleman from New York as to when he will demand the previous question.

Mr. COBB of Alabama. Mr. Speaker, may I be permitted to ask how much time I will be entitled to?

The SPEAKER. The gentleman has thirty-three minutes, as the Chair is informed.

Mr. COBB of Alabama. Now, Mr. Speaker, when I was interrupted I was calling the attention of the House to the fact that the claim of the contestant is that he carried certain so-called white counties, and the gentlemen on the other side in drawing up his report say that certain of these counties were called black counties and others white. There is not a word of legal proof in the record about this, so far as I have been able to discover. But what are the facts? Here is the population of what the gentleman from New York calls the white counties, and here is the vote which the contestant received in those counties:

County.	White.	Colored.	County.	White.	Colored.
Chambers	12,460	12,858	Elmore	11,444	10,238
Coosa	10,552	5,354	Randolph	13,914	3,905
Clay	14,061	1,704	Tallapoosa	12,951	8,508

The majorities which the contestant claims it is shown that he received in these counties are as follows:

County.	Majority.	County.	Majority.
Chambers	538	Elmore	1,049
Coosa	400	Randolph	521
Clay	257	Tallapoosa	847

Thus it is shown, by comparing the colored vote in these counties and the majorities returned for the contestant in them, how absolutely unfounded his claim is that he had the support of the white voters in the so-called "white" counties. Take out the colored vote and it utterly annihilates the majority in every county and gives me an unquestionable majority. These are the figures. But I will not dwell on that.

We will come to the beats, and I will hasten over them. I will first ask your attention to Honeycutt precinct, in Macon County. There is a good deal of testimony with reference to this point; and the report of the majority of the committee gives the names of the witnesses on whom they can mainly rely. They are J. D. Brooks, William Pierce, and Hilliard Judkin. Judkin was a Republican manager of the election, and swears with distinct emphasis that every vote that went into the box was cast by a legal voter, and that every vote that was counted out of the box went into it in a legal manner. He was a Republican manager, and his testimony appears in the records. J. D. Brooks was examined in the absence of the contestee and his attorneys, and therefore escaped cross-examination; but he says in response to inquiries:

Q. Are you acquainted with the names on the poll list of said beat from Nos. 58 to 104, both inclusive?

A. (Witness examines poll list.) I do not know any one of them.

Q. Do you know the voters on the poll list, Nos. 16, 17, 19, 55, and 59?

A. I don't know any such persons in this beat.

What list was shown him does not appear, nor does he swear that the persons named did not live in the precinct.

William Pierce was a man who was in the employment of the contestant. He was sent out around through the country, as they claim, to investigate and determine whether the parties, some of whose votes were questioned, lived in the precinct. He said that it was a very large precinct, and the weather was the worst he ever knew in Alabama, and he traveled on foot, and when he came to a colored man's house he would ask him if such and such persons, whose names he mentioned, were known. If he met a colored man in the road he would ask him whether he knew the names which his list contained, and if he got a response, "I don't know any such person," that testimony was accepted as conclusive. The cross-examination shows that he made no proper search for anybody.

Mr. COX. Why was he examined? What was he doing?

Mr. COBB of Alabama. Why, he was sent out to prove that certain men did not live there. That is the way they proposed to determine the fact that certain votes were illegal.

Now, Hilliard Judkin I have already referred to. He was, you will remember, the Republican manager. He says:

Q. Did you know all that came in there to vote?

A. I did not.

Q. Did you require the voters to surrender their registration certificates when they voted?

A. I did.

Q. Do you know of any Populites or Third Partyites in Honeycutt beat?

A. No, sir; I don't know of any.

Q. Do you know any white Populites or Third Partyites?

A. I know of only one, Mr. Covington. I have never heard of any others.

Q. Was there anything said or done there to prevent anybody from voting who had a right to vote?

A. Nothing that I know of.

Q. Did you allow anybody to vote at that election who was not a registered and qualified voter?

A. No, sir; a certificate was demanded of everyone. Two or three asked if they could vote without being registered. Mr. Hagood told them no, unless they were registered.

At Cotton Valley precinct, Essex Menefee is the man whose evidence is relied on. Essex Menefee was twice on the stand. He was put on the stand once in the absence of the contestee, and when nobody was there to represent him. The counsel of the contestee was delayed by severe weather. When he got to the place of examination he found that a number of witnesses had been examined, among them Essex Menefee. He asked to see the examination. He was refused. He asked to see the list of witnesses examined. He was refused. He asked that they be called back to be cross-examined. That was refused.

Essex Menefee was made to swear that about 100 voters voted there. On this evidence the contestant claimed in his first brief that the whole vote at this precinct should be excluded. In his rebuttal brief the contestant called Essex Menefee an ignorant colored man. Attention was called to his evidence taken on a second examination when both parties to this contest were represented. Read his evidence and see what he says. He says that the contestant attempted to bribe him to swear that only thirty or forty votes were cast at Cotton Valley, and then took him before certain men. The contestant was on the stand after this testimony was given and did not contradict it, nor did he introduce any of the men who were there at the time. The majority of the committee reject this statement of Menefee, but are quite willing to rely on his first evidence to discard the whole vote of the precinct.

Essex Menefee swears that that poll was regular, and that the number of votes returned were actually cast.

Now, take Tuskegee precinct. They say that there are a number of votes here apparently cast in alphabetical order. Well, grant it. I do not pretend to explain anything that does not appear in the record; but this I say, that the most that can be said is that it is a suspicious circumstance. To impeach the integrity of the managers of election you must go further and produce something definite, and not something which merely makes you suspicious of wrongdoing. This can be accounted for. It could have been accounted for if attention had been properly called to it. I will not speculate as to the cause of this appearance of the poll list; but I know that in some precincts the poll lists were copied after they had been written down, and this is the proof as to one, at least, of the precincts of Lowndes. But be that as it may, Walker swears in effect that there were 200 votes polled at Tuskegee, and he is the contestant's own witness. Yet the committee do not give me credit for 200 votes, but throw out the whole poll. It is to be further remarked that the fact that this precinct contained 900 voters and the fact that the inspectors returned less than one-half of them are not consistent with the idea of deliberate fraud on the part of the inspectors.

It is admitted in the notice of contest that legal votes were polled there. No credit is given for that admission.

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twenty-three minutes.

Mr. COBB of Alabama. So it is with all these precincts that are excluded. It is admitted in the notice of contest that so many votes were cast for the contestee, and proved that there were so many votes cast for the contestee, and yet it is all ignored.

Now, let us take Hayneville. I want to call your attention particularly to that beat. It is a rule of law that whenever a man calls a witness to the stand he vouches for his integrity, and can not thereafter impeach his character for truth. But in order to discard a whole poll you have got to impeach the integrity of the managers.

Now, what about Hayneville? Two of the managers were called to the stand by the contestant and vouched for by him, and they were good reputable gentlemen, too. They testify that this election was all right; they say that every vote that was returned on the poll list represents a vote handed to them by a man who appeared to be a lawful voter, and nobody challenged him. I put the other manager upon the stand and he swore to the same thing, and, although the contestant was there with his attorney, he did

not ask that manager a single question by way of cross-examination. How is it attempted to be proven that there was any fraud here? By men who swear, some of them, that they did not vote. And if you would look at the cross-examination of witnesses had in this and other precincts in the district, you would hesitate, I apprehend, to unseat a member on their evidence.

"When was the election held?"

"I don't know, sir."

"Was it an August election?"

"I don't know."

"Was it in November?"

"Well, I can't tell."

"Do you know the obligation of an oath?"

"No; I don't know what that means."

"Do you know who is President of the United States?"

"I haven't caught on to that yet."

"Whom did you vote for for President last?"

"I voted for a man down in Eufaula, named Mahany."

"What did you vote for him for?"

"For President."

"What sort of a man was he?"

"He was a colored man—a yellow man."

Such are samples given from memory of the answers on cross-examination. But my friend, Mr. ROYSE, in his argument said that this sort of proof ought not to be admitted against the record. He alluded to the Davidson case and said that the committee properly ruled that they would not receive the evidence of men who swore that they voted; but that the record must be examined. And yet the committee allow this sort of testimony to which I allude to overturn the integrity of the official acts of sworn officers.

At Benton beat a witness named A. J. Wood; a colored man, is relied upon. Wood says he is a merchant there. He said he did not think there were more than a few votes there. I do not remember how many he gives, but less than were returned. Then he was asked on cross-examination where certain parties lived, and he replied that they lived in Dallas County.

"How do you know they live in Dallas County?"

"They pay taxes in Dallas County."

"How do you know they pay taxes in Dallas County?"

"Well, the tax collector says so, or the tax receipt shows it."

That is the kind of testimony on which I am to be unseated.

The main man who is relied on in Church Hill beat is asked to look upon a certain paper, and to state if it is a copy of a book. They tried to prove a copy by just handing him a paper; and he says, "So far as I recollect, it is a copy." Well, he is asked, "Who are you? What is your occupation?"

"Farming, working on sewing machines, clocks some; sometimes shoe work, sometimes politics, and sometimes mission work."

Lowndesboro precinct. It is said that there was not any registration list properly taken of the voters at this precinct. This is contradicted; but suppose there was not. I have already shown you that it is immaterial whether there was a registration or not. The majority report has a very singular way of dealing with this question of registration. It waives the decision on the constitutionality of the law because the contestee does not show that he was injured by the law, and yet when it is shown that 100 voters were thrown out at one precinct because those casting them did not appear to be registered, that action of the inspectors is upheld.

They say that J. T. Dickson swore there were only 300 voters in this precinct. His statement is: "I reckon there are 300 voters in the beat that I know."

Now, as to Whitehall. De Bardelaben was the man who was called to the stand to impeach the integrity of the action of his own brother, the manager there. He is a bitter partisan, and swears on cross-examination that he could not see the voting place from where his store was, and that he was in the store most of the day.

Autauga County precincts are attempted to be thrown out on the testimony of hired watchers, who were not only contradicted but directly impeached by reputable witnesses.

Mr. Speaker, there is not a particle of testimony here for the contestant that has not been contradicted by reputable witnesses, and, as I believe, entirely overturned. But at all events, if you will take the evidence and fairly and justly consider it, there is not a sufficiency in any precinct to overcome the integrity of the action of the managers. Now, that being the case, the burden of proof was upon the contestant to show that enough irregular and illegal votes were cast in order to overcome the majority appearing against him. This he has failed to do.

I wish now to glance—for my time is so nearly exhausted that it must be but a hasty glance—at the evidence tending to show misconduct on the part of friends of contestant.

I stated in the outset that when the time had expired in which the contestant could take evidence in chief he had failed to make out his case. For this reason I refrained from going into extensive examination of the election management in the counties which returned majorities for him. But I did take evidence touching sev-

eral precincts of one county—the home county of the contestant—with the result, to put it mildly, of showing gross and willful irregularities, which, in the language of the supreme court of Kansas, "invite and conceal fraud." In these precincts there was scarcely the semblance of obedience of the registration law, and if this law is to be held valid as against me, it certainly should also be so held against contestant. In one precinct only one assistant was allowed, while the law provided for as many as needed, and this assistant, a Populist, marked the tickets of colored voters just as he pleased. The same course of appointing only one assistant was pursued at another precinct, in each instance the contestee being denied representation in this important office.

In yet another precinct the Populist assistant was heard to declare that he would mark the ballots of negroes to suit himself, and it was shown that he took officious control of this class of voters, making suggestions to them contrary to law and preparing their ballots without taking them to the booths. In these precincts the voters asking assistance were not sworn as to their ability to read, and registration certificates were not demanded from many of them. All this evidence was overlooked by the majority of the committee, and shows the management of the illiterate voters by the friends of the contestant having full control of the election machinery.

Mr. SWANSON. In how many counties did he have the election machinery?

Mr. COBB of Alabama. In six; and in every one of them the evidence points to the conclusion that I received the majority of the white vote.

Mr. SWANSON. In six of the counties he had the entire election machinery?

Mr. COBB of Alabama. Yes. And let it not be forgotten that there is no complaint that in the so-called black counties any colored voter was ever denied the right to vote or that his vote was manipulated at all. The complaint is that the colored voters remained away from the polls and that the inspectors made up a fictitious poll list. And yet it was proven, sometimes by witnesses for contestant, that the attendance of colored voters at the polling places was large, and that they were enthusiastic supporters of the contestee. So that while the charge of fraud against Democratic inspectors is repelled by counter proof, the disregard of law by Populist and Republican managers stands confessed by the failure of an attempt to disprove it.

I would that time had been allowed me to analyze and examine the evidence in this case more minutely, in justice to the people whose cause I defend to-day. But in obedience to the rules of the House I must yield the floor.

Now, gentlemen of the Republican party, justice to yourselves requires that if you believe there has been unfair treatment in the way of denial of opportunity to me to meet the evidence on which the opinion of the majority of the committee is based you ought in common fairness to give me that opportunity. At all events, you can not, without taking illegal testimony, come to the conclusion that the contestant is elected. You must put the law under your feet and refuse to consider any testimony of the contestee before you can cast your vote in favor of the resolutions here introduced by the majority.

I know the prejudice I have to meet. I know with what persistent assiduity you have been besieged with the cry of election frauds in Alabama; and I know, too, the methods resorted to to mislead and deceive you.

Who are the men who come here and make these charges and resort to these methods? How long have they been aroused to the conviction that there have been election frauds in Alabama, and that they are specially commissioned to correct them? Search their political records and find out how this sudden change of view on their part has come to pass, and what the evidences are upon which they traduce and slander the people among whom they are permitted to live. A slanderer of his own people—what is to be said of him? He is a fit agent to do the meanest work of the darkest fiend of hell.

There is not upon the face of this broad earth a people more to be trusted, a people who believe more in honor and truth and virtue and law, a people who are more sincerely attached to the principles of our Government, or who would do more and go further to maintain them, than the white people who live in this so-called black belt of Alabama. They are not to be impeached by these slanderous utterances of pretended patriots. The people of Alabama are an honorable, brave, truthful people, as true to this Government as any that live under it; and, furthermore, they are the best friends that the colored people have, and the colored people themselves have long since come to recognize that fact. They protect the negro and aid and encourage him to the attainment of a better living and a higher citizenship. Yet now it is proposed to disfranchise the people of a Congressional district upon such testimony as I have briefly and hurriedly outlined here to-day. If the die is cast, so be it. Deprive me of my seat if you will. It

is to me a matter of no great personal concern, and my earnestness of speech has been in behalf of the people I love, the people I respect, the people who, if you knew them well, would command your respect and high esteem. [Applause.]

Mr. DANIELS. Mr. Speaker, I shall spend but very little time upon the objections which have been urged so elaborately to the certificates that have been made and which appear in the record in this case. The registrar has certified in all instances to the correctness of the registry as it has been presented here. His certificate is in the case. The probate judge has certified to the correctness of the poll lists which are in the case. The secretary of state has certified to the correctness of the final canvass that was made by himself and the governor, for the purpose of determining who was elected in this district of Alabama, and—

Mr. HEPBURN. Will the gentleman permit a question?

Mr. DANIELS. Yes, sir.

Mr. HEPBURN. At what time in the conduct of this contest did these proofs appear in the case, in the testimony in chief or in rebuttal?

Mr. DANIELS. This certificate of the secretary of state concerning the election appeared in the course of the rebuttal evidence, and it is certified by the secretary of state, showing the canvass of the votes and the number of votes in the district for each candidate. We insist upon it that where papers of this description are introduced in evidence, it is a matter of no consequence where they are introduced as to the order of proof, because the certificate of the officer is of such a character that it is not in the least degree probable that any evidence could be given for the purpose of countervailing or contradicting it.

Mr. HEPBURN. Do you regard the presence of that proof as essential to the contestant's case?

Mr. DANIELS. I do not; for the reason that in the record in this case it is stated that the contestee, Mr. Cobb, is here on a majority of 700 and odd votes, and we have in the case over 2,000 votes against him upon a fair examination of the evidence contained in this record.

Mr. HEPBURN. I think the gentleman did not understand my question. What I want to get at is this: Was it essential to the contestant's case that he should establish the facts that were established by the certificate?

Mr. DANIELS. Only for the purpose of making the case more intelligible.

Mr. HEPBURN. Was it essential at all, in your opinion?

Mr. DANIELS. No; because we have in the record itself, in the biographical sketch which is contained in the record, a statement of the vote, or the majority, by which the contestee, Mr. Cobb, holds his seat in this House.

Mr. COBB of Alabama. Do you not know that I had nothing to do with that biographical sketch; at least with the matter in relation to the vote?

Mr. DANIELS. No; I do not know that.

Mr. COBB of Alabama. Was that matter in evidence before the committee?

Mr. DANIELS. It is not important whether it was before the committee or not. It is before the House, and it was brought up before the committee by way of suggestion, and the gentleman himself, Mr. Cobb, said that he did not furnish that statement. But is that to be believed? Will any member here believe that these statements are made up and put into the records of the House without any concurrence or knowledge on the part of the members whose records are affected?

Mr. COBB of Alabama. Well, I say that I had nothing on earth to do with it and never knew of it until I saw it published, and I say further that it is not true that these statements are obtained always from members. The Clerk gets them; I do not know where he gets them.

Mr. DANIELS. He gets them from the members. I appeal to gentlemen present to consult their own recollection as to whether these records are not made up in the way I have stated.

Mr. McMILLIN. Does the gentleman insist that even if this statement had been made out by the gentleman from Alabama [Mr. Cobb] and it had never been presented as evidence in this case, it would be a legitimate subject of consideration in the case here?

Mr. DANIELS. I do.

Mr. McMILLIN. Now, as a matter of fact, if the House will pardon me, I will state that I for one can say that I have never made out a statement of my own majority in fifteen years, and I guess that is the experience of other members.

Mr. DANIELS. Well, I can say that I have been required to make out mine. In reference to record evidence, no matter where it is to be brought in—and I desire to call attention, if any question deserving of consideration is to be raised on that subject, to a decision in *Paine on Elections*. It is there said that so far as documentary evidence is concerned it does not come within the limit of time prescribed by the act of Congress for taking the ordinary

proofs; that the act applies only to oral evidence and such other testimony as may in the course of the investigation be brought before the notary. Now, upon this subject it was said in the case of *Vallandigham vs. Campbell*, 1 Bartlett, that—

It was objected that the committee ought not to receive and consider the "abstract" of votes returned to the office of the secretary of state, because the document was not "obtained" or "taken" within the sixty days limited for "taking testimony." This objection, in the opinion of the undersigned, is destitute of force. Without deciding whether it was not rather the duty of the sitting member, than of the contestant, to produce it before the committee, they are clearly of the opinion that the negative provision, as to testimony, in the ninth section of the act of 1851, was intended to apply, and does apply, solely to the testimony of witnesses; or, at most, to such writing as can be proved only by the examination of witnesses; and that documentary evidence, at least that which proves itself, may be obtained at any time after the sixty days and produced before the committee at the hearing. The "abstract" in question purports to come from the proper office and officer, and bears upon it the impress of the great seal of the State, than which there can be no higher evidence of authenticity. In confirmation of this view the undersigned find that, in a majority of cases since the act of 1851, the abstract or copy of the returns has been "obtained or taken" subsequent to the sixty days limited in the act.

That seems to be a very decided authority in favor of producing this documentary evidence at any time, either before the committee or even afterwards before the House.

Mr. HEPBURN. Will the gentleman allow me to interrupt him?

Mr. DANIELS. Certainly.

Mr. HEPBURN. Does the gentleman regard what he has read as a proper commentary upon the provision of the present act that in the last ten days testimony in rebuttal only shall be received?

Mr. DANIELS. Yes, sir.

Mr. HEPBURN. The gentleman was reading a comment on the old act, the act of 1851?

Mr. DANIELS. Yes, sir.

Mr. HEPBURN. And that act is entirely different in its terms from the present law?

Mr. DANIELS. Oh, the act was substantially the same.

Mr. HEPBURN. Does the gentleman find in the old act the same language with regard to testimony in rebuttal only?

Mr. DANIELS. Yes, sir; substantially.

Now, in reference to this document of the secretary of state certifying when and how the final canvass of this election took place. It was brought before the notary upon the examination of a witness. In the course of his evidence this paper was produced; and it is stated in the record, "Contestant now offers in evidence paper marked Exhibit O." There was not the slightest objection of any kind or character then made to the introduction of that paper, and it was received in evidence.

Mr. COBB of Alabama. Will the gentleman allow me?

Mr. DANIELS. No, sir; wait a moment.

Mr. COBB of Alabama. At the beginning of that examination it was understood that there was to be no objection until the end.

Mr. BARTLETT of Georgia. It was so stated at the beginning.

Mr. COBB of Alabama. Yes, sir.

Mr. DANIELS. I will read the agreement to which the gentlemen refer, and the House will see whether it sustains the position they take:

It is agreed here by and between the contestee and contestant, both present in person, that each and every legal objection and exception is now made and reserved to each and every question and the answer thereto hereinafter propounded and answered in all respects as if made severally to each and every question and answer, and this agreement is made for the purpose of saving time.

That is the agreement which was made before this paper was offered in evidence; and that agreement is expressly restricted to the questions put to the witnesses and the answers made by way of response to such inquiries. So that when this paper was offered in evidence there was no objection made to it whatever, and it was received by the notary as part of the proof of the case, as showing the state of things forming and attending the canvass.

Under these circumstances, and inasmuch as the manner in which these votes were canvassed and the result reached is thus proved by the certificate of the secretary of state, we have before us the proof prescribed by the laws of the State of Alabama, upon which this election was determined and the certificate issued to the contestee.

It was objected when this certificate was produced (and that was the only objection apparently which was in the mind of the contestee at that time) that the certificate did not conform to the requirements of the law. In the first place, he objected that the facts could not be proved by the certificate at all, being in effect the same objection which was made to the certificates made to the registration lists and the poll lists—that the certificates were not evidence because the secretary of state had not certified as fully as the gentleman on the other side desired him to certify as to the facts which had transpired in the canvass.

Upon the examination of this certificate, however, it was concluded by the committee that the certificate was sufficient. But

as a matter of precaution, for the purpose of avoiding the possibility of any mistake in that respect, Mr. Goodwyn was required to send back to the officer and produce a further certificate showing the basis upon which this final certificate was made.

Now, what does the secretary of state say? He says in his certificate:

STATE OF ALABAMA, Office of Secretary of State:

I, J. K. Jackson, secretary of state of the State of Alabama, hereby certify that the records in this office show that on the 19th day of November, 1894—

And one objection made was that this man was not secretary of state at the time when the canvass took place, and therefore could not certify as to the records of the office. Then follows that—

the returns of the election held on the 6th of November, 1894, for members of Congress were duly canvassed by the governor and secretary of state, as required by law, and the following result was declared—

Then follows a list of the votes in the Fifth and also in the Fourth and in the Ninth Congressional districts of the State of Alabama, and the certificate is signed—

Mr. COBB of Alabama. Now, if the gentleman will permit me.

Mr. DANIELS. I must object to being interrupted, Mr. Cobb.

Mr. COBB of Alabama. You do not want to misstate that.

Mr. DANIELS. No, sir; you will please sit down and allow me

to proceed. I do not intend to misstate it.

Mr. COBB of Alabama. That was not brought here at the instance of the committee at all.

Mr. DANIELS. I am talking now of the certificate of the secretary of state. To which is appended this certificate:

In testimony whereof witness my hand, and the great seal of the State, at the capitol, this 6th day of December, 1894.

And he did so seal and subscribe the certificate.

That is the certificate of the secretary of state. Now, to show whether there was any foundation for the contention set up on the part of the contestee and the objection he made to this certificate, we required the contestant to send to the secretary of state and get a further certificate as to what appeared to have actually transpired in the count of these votes and all matters connected with it; and he sends it to us in the shape of another and more elaborate certificate, which I hold in my hand, going through all of these counties, showing the votes received, the votes canvassed, the returns of the supervisors, all the certificates, and the results of the election under the great seal of the State. This paper satisfied the committee amply that there was no ground for the complaint which had been set up as to the certificate of the secretary of state; that the proceedings were entirely straight and regular, and that each county had been canvassed properly by itself. This paper, therefore, might just as well be eliminated altogether—the paper I hold in my hand—because the certificate of the secretary of state is complete in itself. This simply shows the steps that had been taken in the office of the secretary of state, county by county, and instead of being a general statement of the secretary of state as to one particular county or district it shows what took place and the result, treating each county by itself, and giving in detail severally and distinctly the result of the canvass in each of the counties of the district.

Under these circumstances we contend, on the part of the majority of the committee, that there was no difficulty at all in ascertaining the vote given for Mr. Cobb. He was not willing to make the concession in the face of the facts exhibited, but, on the other hand, he set up untenable objections all through. He made no statement in his brief of the vote in the different precincts given for himself or Mr. Goodwyn, but contented himself with interposing technical objections to the different certificates which were presented. Among others was the certificate of the registrar of the voting population. He certifies, as the law requires that to be done, showing the names of the persons who were registered as voters. I will read one of the certificates of one of the registrars. They are all alike, except in the name of the registrar:

I, J. J. Motley, registrar for said precinct (or ward) No. 1, in the county of Macon, do hereby certify that the above and foregoing names of registered voters were duly registered by me according to law, and that each of said persons so registered took and subscribed before me the above and foregoing oath on the dates set opposite to their several names.

Witness my hand this 1st day of June, 1894.

J. J. MOTLEY, Registrar.

Then comes the certificate of the probate judge to whose office the returns were required to be made by the inspectors of elections, showing the result of the election in the different precincts, and his certificate is in the following words:

STATE OF ALABAMA, Macon County:

I, W. H. Hurt, judge of probate in and for said State and county, hereby certify that the foregoing pages, numbered from 1 to 23, inclusive, is a true, correct, and full copy of the registration list for beat No. 1 of said county for the year 1894, as the same appears on file in this office.

Given under my hand this 30th day of November, 1894.

[SEAL.]

W. H. HURT, Judge of Probate.

That, in the natural course of things, went to the board of supervisors of the county, as these inspectors sent in their count of the votes to the judge of probate. The judge of probate, the sheriff, and the clerk constitute the board of supervisors, and they

were required to canvass the vote, which they did, as it appears by the certificates, which are certified and sent here by the secretary of state. The next step was for the secretary of state, the governor, and the attorney-general, or any two of them, to go on and canvass the vote officially and determine who was elected to Congress from the district, and that appears by these certificates, which are to be found in the record accompanying the case, showing that in every separate step they proceeded as the law required, following technical details, as will be found by reference to the record.

It may be, of course, that there can be found defects in the official steps required to be taken by the registrars and inspectors of the election of the probate judges and the secretary of state; but if you require strict and entire accuracy in all of these matters of election by persons who have authority in the State to conduct them, there would be no case arising on which any member could stand here and sustain his right to a seat, because in every respect the utmost accuracy had not been preserved. It would be almost an impossibility. We have as near, however, as it is practicable to go, and as strict compliance with the laws of Alabama will be found in this case as has ordinarily been presented to a committee of this House. And if, on the other hand, in dealing with a question of the right of a member to a seat on this floor and in ascertaining or attempting to ascertain whether a member has been legally elected or not, you require him to establish affirmatively that every one of these steps has been absolutely and strictly taken, then your investigation may as well be given up at once, because it will be almost impossible to establish such a fact, and there will be no criterion on which you can proceed to assert the right of a member to a seat here.

On the contrary, we must take these matters as we find them in the public offices. We must take the return of the register of votes as we find it in the office of the probate judge. We must take the certificates of the inspectors of electors as we find them there, or their return, whether they certify to it or not, whether they go on and deliver to the probate judge simply a list of the persons who were voted, or whether they formally certify the paper goes there and the probate judge puts it upon his record. It becomes a paper of his office, and there it remains until he is required to act upon it and makes his certificate, in the form to which I have called the attention of the House.

Now, what more can be done for the purpose of authenticating the proceedings of this character? The canvass of the secretary of state rested upon it. The canvass of the board of supervisors rested upon it, and the positions of the members who come here to hold their seats rest entirely upon the regularity of those proceedings, without reference to technical defects. That is the situation in which this matter comes before this House. Now, it was objected on the part of the contestee, as it has been objected here, that under the laws of Alabama neither the probate judge nor the secretary of state had any power to certify copies of these papers so that they might be used in evidence. It was objected strenuously that the certificate of the probate judge was simply certifying to a copy of a copy when he certified to the registration list; but the law of the State of Alabama requires that when the registration was taken to the office of the probate judge he should then make out an alphabetical list of each one of the papers, each one of the lists of the registrar, and that he should send a copy of that list to each one of the precincts to be used upon the day of election in his county. It all appears to have been done in this case, and the election has been held upon the basis of these papers. The law of the State of Alabama has provided that where papers are on file in any public office that the officer may certify to those papers, and that his certificate, when he certifies to the papers, is evidence of the facts stated in the paper itself.

Now, the gentleman objected that the officer could not certify, because the law did not say in so many words that the paper must be kept in his office. It did not say to the probate judge, "You must keep these papers on file," or to the secretary of state, "You must keep these papers on file;" and therefore, they say, he was at liberty to burn them up or do anything else that he pleased with them except to keep them. That was a view that the committee could not accept, because it is the intent of the law when these papers are sent to the public office that they shall remain there and become a part of the records of that office, and the system devised by the laws of the State of Alabama, as well as of other States, is that these papers can be authenticated by the certificate of the officer who holds the office where the papers are deposited. Upon this subject it has been provided by the laws of Alabama that—

Copies of official bonds or other instruments or papers required to be kept by any officer of this State, and transcripts from the books and proceedings required to be kept by any sworn officer of the State, are presumptive evidence in any civil cause, and have the same legal effect as if the original were produced and proved, upon the certificate of the custodian thereof that it is a true copy of the original.

This is a general statutory provision of the State of Alabama, not simply restricted to the secretary of state, but including all public officers. Is it possible that such a narrow construction is

to be placed upon it that the officer is to be excluded from the power of certification because the law did not say to him when these registration lists came into his office or when the returns of the inspectors of election came there that he must keep those papers upon the files of his office? He was not bound to keep them, and therefore he was at liberty to disregard the deposit and send them anywhere he pleased, and that his certificate under those circumstances, if the papers remained in the office, could not be used as evidence or presumptive evidence of the fact?

The law is a general one. The papers of course include papers of this character. Wherever the papers are required to go to a public office, and as there is no other provision relating to the disposition of these papers, the officer must take care of them. They must remain in his office as a part of the files of the office, and when any information is required as to these papers the place to go for it is the office of the probate judge or secretary of state, as the case may be. When that information is required to be used you have no power to take away these papers from the office. All you can ordinarily do is to take his certificate to a copy of the paper, and that, the law says, shall have the same force and effect as the original would have if it were produced before the tribunal or the authority considering the subject.

Now, the law also provided that these returns of these votes, as they were sent in, shall go to the board of supervisors, and they shall make their canvass of the votes, and then upon that being done, as I think I have already stated, the whole thing goes to the office of the secretary of state, the papers are required to be sent there, precisely as these papers were sent there, and this canvass is required to be made within a certain period of time; and after it is made there is no provision declaring that anybody can abstract one of those papers from the office of the secretary of state. On the contrary, the theory of the law is that they must remain there, and remain there as evidence of the proceedings which have been taken upon the basis of these papers; and one of these proceedings is the declaration or proclamation that a certain man has been elected to Congress upon the appearance of the documents as they have been presented to that office. So that, in reference to these matters, these are mere technical questions, and the objections to them have no substantial foundation in the laws of the State of Alabama. If these objections are allowed to prevail upon a contest of this character, where can you then find the proof that any person has been elected a member of the House of Representatives?

Now, objection was made during the progress of the proceedings that certain important evidence was brought before the notary after the contestant's proofs in chief were closed. And I desire right here to present to the attention of the House one or two of these objections. The most important of the objections of the contestee is to the fact that Mr. Walker, who had been a United States marshal in the State of Alabama, was allowed to state, after the evidence on the part of the contestee had been taken, that it was reported in these contested precincts that the votes were not to be honestly and fairly polled or counted, and that the majority of the contestee was to be found in such precincts; and the minority of the committee have presented the objection to the House that this was improper evidence, for the reason that it was taken by way of rebuttal, and that Mr. Cobb, the contestee, had no power to controvert it. In answer to that objection, I desire to turn back to pages 66 and 67 of the record. The evidence there was taken on the 1st of February, 1895, and within the forty days that were allowed to the contestant to make his proof. What do you find in that testimony upon this subject? This subject is made the basis of the objection that, for the first time by rebuttal evidence, this fact was brought into the case. But Mr. Walker repeated upon his last examination only what he had testified to before. I will read briefly what he says upon the same subject, on page 67 of the record, in the evidence taken on the 1st of February, 1895, and the answer was served in this case on the 9th of January, 1895. His evidence is this:

Well, I will state here that I had been told by a person who was present and who was a party to an agreement for appointment of managers for the election in Macon County held on the 6th day of November last that the officials whose duty it was to appoint managers had agreed with certain persons who represented Judge Cobb's interest that in seven of the ten precincts Goodwyn would have a fair man to represent him at the polls, as follows: Notasulga, Texas, Society Hill, Warrior Stand, Cross Keys, Franklin, and La Place. That there were three precincts—Tuskegee, Cotton Valley, and Honeycut—

And the precincts here mentioned are the precincts considered in the report which has been made by the committee.

He testified that—

Goodwyn was to have no person to represent him, and that in those three precincts the Cobb men expected to count Cobb's majority.

This evidence was given in an early part of the case, and I submit to the gentlemen who are present here that the mere repetition of it at the time of the taking of the rebuttal testimony by Mr. Walker added nothing to it, and did not deprive this contestee of the right or opportunity to meet and contradict it if he

could. What Mr. Walker says, in his rebuttal evidence, is simply this: He was speaking of a gentleman with whom he was:

In driving along he said: "We have agreed upon a plan for the appointment of those managers," and stated that, "We are going to give Goodwyn just as good men as we can find to represent his interest in 7 of the 10 precincts; that we are not going to give him a representative at the other 3 precincts, namely, Tuskegee, Cotton Valley, and Honeycut."

Where is the difficulty, where is the hardship, where is the trouble and embarrassment to this man in the fact that this testimony has been repeated while the witness so called back is repeating only the same testimony that was given on the 1st day of February, and still more fully on page 67 of the case?

The objections which have been taken as to these subjects are very much of a similar nature all the way through. And where copies of records were given, the contestee could have produced, if he had been disposed to, certified copies of such records. It has been objected that the notary had no authority to take testimony outside of the Congressional district. He did not have any such authority, but there was only the testimony of one witness who was objected to on that ground. The testimony of the other witnesses appear without objection, and there is evidence given on the part of the contestee in his rebuttal case going to rebut the testimony which the other four witnesses gave.

Now, if that is the case as to the testimony of these four witnesses taken before the notary out of the district, it must be agreed that substantially it was taken by consent. We have paid no attention whatever to the evidence of the person whose testimony was objected to, and it is so stated in the report, but as to the testimony of the other witnesses, we have regarded it as in the case because there was no objection made to taking it, and the testimony itself is of very slight importance. Now, another objection that was taken on the part of the contestee as to evidence in rebuttal was concerning the statement of 13 witnesses, who swore that they did not vote for the contestee, although they were named in the poll lists as persons who had voted in that election. It was simply an enlargement of similar evidence given before on the part of the contestant when the case was before the notary on the 1st, 2d, and 5th of February. I think those are the days. At that time a large number of persons were sworn, and swore out and out, with as much positiveness as the English language can express, that they did not vote at this election; and most of them swore that they did not register at this election.

Now, under these circumstances, when these people came up and swore as they did, that they did not vote, is it to be supposed that the contestee had the power to prove that they did vote, unless perhaps by these inspectors of election, who were appointed for the very purpose of carrying out this system of fraud and iniquity? These are the objections that are mainly relied upon as to rebuttal evidence.

I desire now to call the attention of the House to other matters which complicate the contestee with the fraud and rascality which appear to have taken place in that election. I have read a portion of the evidence of Mr. Walker, on page 66 of the record, as to the current report that fraud was intended. Two meetings were held, and I maintain that the evidence complicates the contestee in that design. Although he did not go and put his handful of ballots into the ballot box, although he did not make fraudulent and false registration lists and poll lists, he opened the way by which all this iniquity could be successfully perpetrated, and therefore he was responsible, morally responsible, for what took place in these controverted precincts. There were two meetings held in Macon County, one at Cross Keys and another at Benton, and it makes no difference how many people were present at those meetings. It has been said that there were only 35 persons present at one of them, but the number is immaterial. At the meeting at Cross Keys a resolution was offered, and also at the meeting at Benton, asking Mr. Cobb, the contestee, to join with the contestant, Mr. Goodwyn, in requesting the officials who were to appoint the election officers to make a fair division of them between the parties. I may as well read the resolution. It is as follows:

Whereas the citizens of Bentley, in the county of Macon, the same being the home county of the Hon. James E. Cobb, having learned on what they regard as reliable information that the appointing board of managers of elections would not appoint a representative manager for Goodwyn in three precincts in Macon, namely, Tuskegee, Cotton Valley, and Honeycut, and that the refusal to appoint a division of managers was, in their judgment, to commit fraud in the interest of Judge Cobb; that, therefore, be it resolved, that the citizens of Bentley do hereby urge Judge Cobb to join with them as citizens of his own home county in a request to the appointing board to give Mr. Goodwyn a division of managers in the aforesaid three precincts.

Mr. COBB of Alabama. Now, will the gentleman please do me the justice to state that that is not the resolution itself, but merely Mr. Walker's remembrance of it?

Mr. DANIELS. Yes; we will not stand on that. We will not hold the contestee responsible on the sole ground that he did not agree to this resolution, even if its language has been accurately given by the witness, but we will bring him down to his own signature, not only with reference to these three precincts but to

each one of the precincts now in controversy, where it is claimed on behalf of the contestant that the fraudulent votes were given and returned in favor of the contestee. I read from a letter from Mr. Goodwyn to Mr. Cobb:

ROBINSON SPRINGS, ALA., September 14, 1894.

Hon. J. E. COBB, Tuskegee, Ala.

DEAR SIR: As the Congressional nominee of the Jeffersonian and People's Party for the Fifth district, I make the following proposition to you, as the nominee of the Organized Democratic party, to wit:

1. That in the interest of free ballots and fair counts in the ensuing Congressional election, we join in a petition to the county appointing boards asking that both contending parties be represented at every polling place in the district among the inspectors of election; and that said inspectors be nominated by the recognized county executive committees of each party, respectively; and that we further petition the board of inspectors to appoint clerks of each opposing party, and an equal number of assistants from each party in the preparation of ballots.

That was not limited to any particular precinct, but applied to all the precincts, including those mentioned in the resolution, and it was intended to require that these officers should appoint, for the benefit of each party, persons designated by a committee and who would have the power to see to it that there was an honest election. The contestee replied to a part of the letter, agreeing to the joint discussion. Then Mr. Goodwyn telegraphed to him:

Do you positively decline to accept my first proposition? Answer.

That telegram is dated September 20, 1894. To this Mr. Cobb replied on the 21st of September, 1894:

First proposition declined; second accepted. Will you meet me on Monday? Answer as soon as possible.

There was a positive refusal on the part of the contestant to join in the request to the officers, the probate judge, the sheriff, and the clerk, who were to appoint these election officers, to give each party a fair representation, so as to preclude the occurrence or a possibility of fraud in these election precincts. But this telegram was preceded by a letter which gives a further explanation of the position taken by the contestee, and I desire to call the attention of this House to the reasons, or the excuses, which this man gave for refusing to join in this manly proceeding intended to have the election officers divided fairly between the two parties and justice secured. He says:

The objections to this proposition are so patent and vital that it is difficult to understand how they escaped your apprehension. Its foundation idea is that the county officials of the several counties of the district are corruptly unwilling to discharge their duties—a presumption not indulged by the law or by a healthy public sentiment. You propose not only that requests be made to the county appointing boards that the contending parties be represented at the polls by men satisfactory to them respectively, but that the members of these boards surrender absolutely their judgments in the discharge of their duties and accept as conclusive and binding on them whatever action in this behalf the county executive committees may take. For, while you use the words "be nominated," it is clear that, as no choice is left to the county officials, the "said inspectors" so nominated must be appointed by them without question. It seems to me that an honest official, while ready and anxious to hear and adopt suggestions as to the persons to be appointed by him which tend to secure fairness in elections and to give satisfaction to the people, would consider a proposition made to him to relinquish altogether his sworn duty to be a reflection either on his capacity or his integrity.

What do you think of that? There are the excuses—there is a recapitulation of the reasons—why this man would not join with Mr. Goodwyn, the contestant, in asking these officers to select clerks and appoint inspectors and to divide the election appointees fairly between the two parties. It was because it might be regarded as an insult to the men who were to be selected, and who might be selected, or who might be engaged in the selection, because it might carry an imputation upon them that they were trying to do precisely what they did do, namely, defraud the people out of their votes.

Mr. COBB of Alabama. There is more of that letter than you have read.

Mr. DANIELS. Yes. The other part relates to the joint discussion. The whole of this part of the letter of Mr. Goodwyn to Mr. Cobb simply asked him to join in requesting these officers, the probate judge, the sheriff, and the clerk, to make an equal division of the inspectors and the poll clerks, in order that there might be an honest election. That is all there is of it. But when the letter of Mr. Cobb comes in, it is, as will be seen, a mass of subterfuge for the purpose of excusing himself from acquiescing or joining in what was a perfectly honest and honorable proceeding to secure a proper and honest election in those precincts.

Mr. COX. Allow me to ask the gentleman whether the officers who were to hold the election were not designated by law?

Mr. DANIELS. No, sir; they were to be appointed by the sheriff, the probate judge, and the clerk.

Mr. COX. That was to be done under a statute of that State?

Mr. DANIELS. Yes, sir.

Mr. COX. And they were the legal officers to hold the election?

Mr. DANIELS. If they were so appointed.

Mr. COX. Now, why do you expect those officers to practice a fraud any more than you would an officer of the Government?

Mr. DANIELS. We do not expect those officers to practice a fraud at all.

Mr. COX. Then what do you want with a new set?

Mr. DANIELS. There was no new set asked for. It was asked that the appointments should be made equally between the political friends of the two candidates. What was asked for was that there should be a board appointed that would have the ability to see to it and would see to it that an honest and fair election was held. Under the law of the State of Alabama both parties are entitled to be represented upon boards of that character—the minority as well as the majority. This was simply a request that the contestee in this case join with the contestant in asking the appointing officers, in making up the election board of inspectors and clerks, to make an equal division between the two parties or such a division as would secure a fair and honest observance of the rights of the contestant.

Mr. COBB of Alabama. They were to be asked to appoint men named by the committees and not selected by the officers themselves.

Mr. DANIELS. No matter as to that, if the committees suggested to them perfectly good men. No objection could be made to the appointment of the men desired. The sheriff, the clerk, and the probate judge should have appointed them. That is what is done in other States where there are similar laws, and it was only expected that under the law of the State of Alabama a proper exercise of this authority would be made. But it was not done. No persons were appointed to represent the contestant at these different precincts, unless it was some ignorant man with no force of character, who could be hoodwinked and deceived by the persons who were appointed for the purpose of carrying out what was stated to be the purpose, according to notorious reports circulating through the country—the furnishing to the contestee of his majority in those precincts and deriving the vote from a dishonest source.

Looking beyond what transpired between these parties, take the registration lists, for instance. You will see that this scheme of fraud and the design to carry it into execution commenced before the time when those reports of designed frauds were circulated, when Mr. Walker says it was currently reported that these frauds were to be committed and the contestee's majorities were to come from these notoriously Republican precincts, where the black population greatly outnumbered the white, and where the voters are shown to be men who would vote the Republican ticket. Besides that, it appears by the evidence that the colored persons were persuaded by the leaders of their party not to register and not to vote because, if they did vote, their votes would not be honestly counted, but would be turned over to the contestee.

Now, look at the registration lists. It is not shown that these men went up and registered. On the contrary, the evidence is that they did not register and did not vote. They followed in this respect the advice of their leaders. Look at the registration lists and you find a "W" for white voters and a "C" for colored. You find on the registration lists a large majority of colored persons appear as having registered. On page 123 you have just five W's for the white people; every other name is marked with a C, indicating apparently that all the others were colored persons, notwithstanding that they had been advised to refrain from registration. On page 124 the same thing is repeated. We do not find a single W there—simply the letter C over and over again, showing that the colored voters were the persons who are stated to have made the registrations. Pass right along through these different precincts so far as given here and on the basis of which the contestee now holds his seat, and you find the same thing. As to one of these precincts, on page 138 you find C's all the way down—not one W. On page 139 you again have C's all the way down. On page 140 you have a fair amount of W's. On page 141 you have all C's, with the exception of five W's. On page 142 you find all C's; and the case is the same with page 143, page 144, page 145, page 146—all C's.

That is the manner in which these registration lists were made out. Is there any reason to doubt that these registrations were fraudulent? Is there any reason to believe that these men, who were advised by their leaders not to register and not to vote, came forward and registered? Notwithstanding it is proved without contradiction that they complied with the advice that was given to them by their leaders, is there any reason for believing that they went before the registrar and in this manner registered? But I will not stand merely upon the evidence given by the contestant on this subject. I will call your attention to a clause in the argument of the contestee himself, who, as I have said before, did not attempt to maintain his right to a seat upon the ground that he had been elected, but on the ground that by means of

these technical objections these proceedings may possibly be overthrown. What does he say in reference to the statements circulated among the colored people that they should not register and vote on that day? He used this language:

Stress is laid by the contestant on certain instructions said to have been given to colored voters. This appears in part 2 of the record, but was put there by contestant. (See page 148 of part 2.) It is not legal evidence, but if considered it must be remembered that it is in proof that William Stevens, a colored man, was acting as chairman of State committee of the Republican party and gave instructions directly to the reverse of what appears in said exhibit, and that these instructions were respected by colored voters.

Now, is it possible that this registration should actually take place where "C's" follow each other in unbroken succession if the voters, in defiance of the instructions of their leaders, were really and truthfully registered on the registration list? It is evidently a fraud, Mr. Speaker, from beginning to the end, and the evidence shows it. All of these events transpired in connection with this case, and concerning which there is substantially no controversy in the case.

Now, certainly the further proof which is given as to the supplemental list of the registers shows the same thing. The laws of the State of Alabama provide that only those who register should be entitled to vote at the election succeeding. It required that this list should be concluded by the latter part of May. Ordinarily it was closed out by the 26th day of May for the next election, and the persons who became 21 years of age after that time were entitled to register on the day of the election. Now, as to the vote of beat No. 14, in Lowndes County. There were 232 persons named on the registration list, but there were 118 added between the date of the registration in May and the election in November. Will you believe that 232 persons had families who produced 118 persons of legal age between the date of the 26th day of May and the 6th day of November of the same year? [Laughter.] Is it possible that any man would give credibility to any statement of that kind?

Again, in another place in Lowndes County 264 names are on the list originally, and there were added to the list between the 26th day of May and the 6th day of November 323 names. These are supposed to be the names of persons who became of age between the 26th of May and the 6th of November of the same year. Is this credible? Does not this, on the other hand, show conclusively that this was a gigantic swindle, a swindle that had been conceived before the time when this registration list was made up, and intended to be carried out for a fraudulent purpose, to secure fraudulent returns, and for the purpose of securing through fraud the election of the contestee?

Now, in one precinct, No. 1, of Lowndes County, as will appear by page 223 of the record in the case, we find the names of 123 persons who were asserted to be registered voters of Benton beat, in that county, and the testimony of witnesses residing in the vicinity, men who testified that they knew the voters in that beat, declare that there were no such persons. Upon this subject the witness Taylor swears that he knows only three of these names; A. J. Wood that he knows only three; E. T. Robinson knew two of them in the beat; a witness named Barlow testified to the same effect, and E. R. Hayden knew one of them. Of the 118 names which were added to the registration list between the 26th of May and the 6th of November the testimony is conclusive of fraud. Martin Smith knows not one; Mr. Carson knows not one of them; Mr. Brightman testifies that he knows one of them; John W. Jones knows none of them; Peter Frayzer knew none of them, and J. M. Salley and W. P. Brightman knew some three or four of them.

A subpoena was issued, including the names of the persons supposed to be fraudulently put on the list in this manner, requiring them to appear before the notary and be examined; and the officer proceeded through the precinct to hunt up these persons who were supposed to be fraudulently on the list, and requiring them to appear before the notary to be examined. But he could not find a single one of these individuals to serve the subpoena upon.

These, Mr. Speaker, are the evidences of the frauds which were inaugurated, and which were calculated to defeat the people of the State of Alabama in this particular district out of their right to rightful representation on the floor of this House. It was an effort on the part of the persons manipulating this election to defeat the will of the people at the polls and to seat in this House a man who was not elected by the voters of that State. Now, I care not what may be the politics of the man elected; I care not what may be his belief or who he may be, if the people of the district in which he resides are content to elect him to represent them in Congress he is their man, and he must be entitled to his seat when he comes here and presents himself under the authority of the electors of the district, no matter who he may be. In this case the man is a Populist. He was nominated by the Populists. He was nominated also by the Jeffersonian Democrats, and his nomination was taken up and approved by the committee of the Republican party, intending to sustain him honestly and squarely, and give him all

the support that could securely be given to him for the purpose of securing his election.

Now, another thing will be remembered, to which I wish to call the attention of the committee, and that is that in the districts outside of these three counties where this controversy has arisen the contestant came down with a majority of 3,612 votes; that is, from the other counties of the district. He came down in this manner to these three counties which are called the black counties, because of the predominance of the black population over the white. Because of the fact that these people were the majority of the population of the counties they were called black counties, and it was there, not in the white counties, where the people were intelligent, where they could watch the proceedings, where they had a fair representation on the part of the elections, that these frauds were committed. Where these officers were properly divided, no objection can be made to the election. It was honest, regular, legal, as the law required it to be. In the ten precincts of Macon County, outside of these three where the opposing parties had no representation on the board, the election was perfectly straight and right. There was no cause of dissatisfaction; but when you come down to these Republican counties, with these large populations, where it is stated that the black people almost to a man are Republicans, and that they vote the Republican ticket, here you see that the man who was overthrown and rejected by the white men in the other counties comes out with a majority of over 3,000.

The SPEAKER. The time of the gentleman has expired.

Mr. DANIELS. I desire about five minutes more to call the attention of the committee to one further thing.

The SPEAKER. There are ten minutes remaining on that side.

Mr. DANIELS. I have all the time on this side.

Now, what was the vote in those Republican counties? What was the vote in these Republican precincts, 11 or 12 in number? Remember, this man, the contestee, had been rejected in the other counties of this district. Why, in the precinct of Honeycut, Goodwyn gets none, while Cobb gets 106. In Cotton Valley, Goodwyn gets none, Cobb gets 237. Does that look as though the Republicans had registered and were voting? In Benton, Goodwyn gets none, Cobb 311. In Hayneville, Goodwyn none, Cobb 611. In Lowndesboro, Goodwyn none, Cobb 526. In Whitehall, Goodwyn none, Cobb 209; St. Clair, Goodwyn none, Cobb 86; Statesville, Goodwyn none, Cobb 71; making an aggregate of 2,157 for Cobb and none for Goodwyn. Now, if the Republicans were voting, if they were sustaining the nomination that had been approved by their representative committee, would this state of things have taken place? If these votes had been given there honestly and fairly, as they were stated in the returns, would this large number have been given to the contestee and not one single vote to the contestant? It is improbable on its face. It is impossible on its face. On its face it is a fraud, and a gigantic fraud, that can be brought before this House in no other cases than those where there is an utter disregard of the laws of the State and of every restraint of morality and decency.

Now, in Tuskegee Goodwyn gets 9, Cobb 426; Church Hill, Goodwyn 2, Cobb 278; Gordonville, Goodwyn 2, Cobb 172. Out of the vote of those 3 precincts, therefore, Cobb gets 876 and Goodwyn gets 13. Those 11 precincts give Cobb a majority of 3,020. Coming down, remember, in the Republican precincts, into those precincts where these men, representing the Republicans and the other organizations, had asked that they be given a fair representation, so that there might be a fair election, which was refused, this is the result. Now, what is that consistent with? Is it consistent with honesty? Is it consistent with a fair observance of the legal obligations of parties or of the laws of the State of Alabama? Is it not the evidence, the culminating evidence, of one of the most gigantic, one of the most wicked, frauds that ever came before this House in the course of its proceedings where contested election cases have to be considered and determined?

It was said here that we impugned the laws and character of the people of the State of Alabama. We do no such thing. It is a State that has my unqualified admiration in everything but its elective policy. Its extensive rivers, its plateaus of fine soil, its deposits of mineral wealth, have given it all the resources necessary to make it one of the prosperous States of this Union, perhaps the most prosperous; and the only thing that now stands in its way is the prostitution of the laws relating to the elections of the State for public officers. If they please to be satisfied with it—though they are not—let them have their State officers in the way in which they choose, but do not let them foist upon this House members as persons who have been elected by the majority of the people, when those majorities are only upon paper—when they are frauds and fictions in and of themselves.

This case is one where certainly there can be no question as to the merits of the controversy. This contestant in the counties where the white people could canvass his claims and regard his character received the support of the precincts, but when you come

down to the places where the Republicans predominate and where it was hoped to shut out every possibility of excluding fraud and rascality, by leaving everything in the hands of these iniquitous election officers to do as they please, the votes are thrown in, or, if they are not thrown in at all, they are written upon the returns that are made without any regard to truth, regularity, legality, or anything else, for the purpose of foisting upon this House a man who has not been elected.

Now, if the members of this House are willing to sustain the claim of a person that originated under this state of things, that from the beginning, when he was requested to join in a proceeding which would shut out the possibility of this iniquity, and by his refusal it has all been brought about, comes before you and asks you to sustain him, is there anything left that will add to the degradation of the House of Representatives if it should vote to keep him in his seat under circumstances so appalling, so disgraceful, so fraudulent, and criminal in character? [Loud applause on the Republican side.]

Now, Mr. Speaker, I desire to move the previous question on the resolutions.

Mr. DINSMORE. I desire to offer a substitute.

The SPEAKER. The gentleman from Arkansas desires to offer a substitute. Does the gentleman from New York, in his motion for the previous question, exclude that?

Mr. DANIELS. It was not read, and I ask the previous question on my resolutions. The substitute was not read, although there is no objection to its being read.

The SPEAKER. Does the gentleman from New York desire that the substitute shall be offered before the question is taken on ordering the previous question?

Mr. DANIELS. I move the previous question, Mr. Speaker, as I stated, on the resolutions.

Mr. DINGLEY. Mr. Speaker, has the substitute been offered?

The SPEAKER. The gentleman from Arkansas offers a substitute for the original resolutions, and the gentleman from New York demands the previous question.

Mr. DINSMORE. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINSMORE. The minority resolutions are before the House also?

Mr. BARTLETT of Georgia. They are in the report. They are offered as a substitute by the minority for the majority resolutions.

Mr. DINSMORE. I have offered this as a substitute for them all. This resolution which I offer asks to recommit this case to the Committee on Elections.

Mr. McMILLIN. That comes in later.

The SPEAKER. That would not be in order now.

Mr. DANIELS. I demand the previous question.

The SPEAKER. In the demand for the previous question, is the proposition of the gentleman from Arkansas not to be considered as offered?

Mr. McMILLIN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. I understand the gentleman from New York does not seek to cut off action on the substitute offered by the minority of the committee?

The SPEAKER. No; the Chair so understands.

Mr. McMILLIN. Then I understand that the gentleman from Arkansas, at the proper time, gives notice that he will seek to recommit the whole question? I believe that was your motion.

Mr. DINSMORE. That is what I desire. I supposed that it was in order either before or after the previous question was ordered.

The SPEAKER. The gentleman from New York asks the previous question on the original resolutions and the substitute offered by the minority.

Mr. BARTLETT of Georgia. Will a motion to recommit be entertained after the previous question has been ordered?

The SPEAKER. The Chair thinks that after the question on the substitute has been decided a motion to recommit may be in order.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on the substitute, which the Clerk will report.

The Clerk read as follows:

Resolved, That Albert T. Goodwyn was not elected a member of the Fifty-fourth Congress, and is not entitled to a seat therein.

Resolved, That James E. Cobb was elected a member of the Fifty-fourth Congress as a Representative from the Fifth Congressional District of the State of Alabama, and is entitled to a seat therein as such Representative.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. BARTLETT of Georgia. Division!

The House divided; and there were—yeas 47, noes 109.

So the substitute was rejected.

The SPEAKER. The question is upon the adoption of the resolutions offered by the committee.

Mr. DINSMORE. Is a motion to recommit now in order? I move the adoption of the resolution I send to the desk.

The SPEAKER. The gentleman from Arkansas moves that the resolutions be recommitted.

Mr. McMILLIN. I would ask the reading of the resolution, Mr. Speaker, which I think contains an instruction.

The Clerk read as follows:

Resolved, That the contested-election case of Goodwyn against Cobb be re-committed to Committee on Elections No. 1, with instructions to report a resolution authorizing the contestee to take further testimony in rebuttal of evidence in the record taken by contestant which is evidence in chief, during the last period of ten days in which testimony was taken.

The question was taken on the motion to recommit; and the Speaker announced that the yeas seemed to have it.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 131, not voting 163; as follows:

YEAS—60.

Allen, Miss.	Erdman,	McCreary, Ky.	Sparkman,
Arnold, R. I.	Hall,	McCulloch,	Spencer,
Barrett,	Harrison,	McDearmon,	Straft,
Bartlett, Ga.	Hart,	McLaurin,	Sulzer,
Black, Ga.	Hendrick,	McMillin,	Swanson,
Clardy,	Jones,	McRae,	Talbert,
Cockrell,	Kendall,	Meyer,	Tate,
Cooper, Fla.	Knox,	Money,	Terry,
Cox,	Kyle,	Otey,	Turner, Ga.
Crisp,	Latimer,	Owens,	Turner, Va.
Crowley,	Layton,	Patterson,	Tyler,
Culberson,	Lester,	Pendleton,	Underwood,
De Armond,	Little,	Price,	Washington,
Dinsmore,	Loud,	Richardson,	Williams,
Elliott, S. C.	Maguire,	Sayers,	Willis.

NAYS—131.

Adams,	Daniels,	Hurley,	Ray,
Aldrich, Ala.	Dayton,	Hyde,	Royse,
Aldrich, Ill.	Dingley,	Jenkins,	Sauerhering,
Arnold, Pa.	Doolittle,	Ken,	Settle,
Avery,	Draper,	Kiefer,	Shafroth,
Babcock,	Ellis,	Kirkpatrick,	Shuford,
Baker, Kans.	Evans,	Lacey,	Skinner,
Barham,	Fowler,	Lefever,	Snover,
Barney,	Gamble,	Leighty,	Southwick,
Bartholdt,	Gardner,	Lewis,	Spalding,
Beach,	Gibson,	Linnay,	Sperry,
Belknap,	Gillet, N. Y.	Long,	Stahle,
Beil, Colo.	Gillett, Mass.	Lorimer,	Steele,
Bishop,	Graft,	Loudenslager,	Stephenson,
Black, N. Y.	Griffin,	Mahany,	Stewart, N. J.
Blao,	Hadley,	Marsh,	Stewart, Wis.
Bontelle,	Hager,	McCall, Tenn.	Stone, C. W.
Brewster,	Hainer, Nebr.	McEwan,	Strode, Nebr.
Broderick,	Halterman,	McLachlan,	Strowd, N. C.
Brossus,	Hardy,	Mercer,	Sulloway,
Brumm,	Harris,	Miller, Kans.	Towne,
Burrell,	Henderson,	Minor, Wis.	Tracey,
Cannon,	Henry, Conn.	Moody,	Updegraff,
Clark, Mo.	Henry, Ind.	Murphy,	Van Horn,
Connolly,	Hermann,	Northway,	Van Voorhis,
Cook, Wis.	Hill,	Otjen,	Walker, Mass.
Cooke, Ill.	Hitt,	Parker,	Warner,
Cousins,	Hopkins,	Payne,	Watson, Ohio
Crowther,	Howe,	Pearson,	White,
Crump,	Howell,	Perkins,	Wilson, N. Y.
Curtis, Kans.	Huff,	Phillips,	Wood,
Dalsell,	Huling,	Pitney,	Woomer.
Danford,	Hunter,	Pugh,	

NOT VOTING—163.

Abbott,	Coddling,	Harmer,	McCleary, Minn.
Acheson,	Coffin,	Hartman,	McClellan,
Aitken,	Colson,	Hatch,	McClure,
Allen, Utah	Cooper, Tex.	Heatwole,	McCormick,
Anderson,	Cooper, Wis.	Heiner, Pa.	McKenney,
Andrews,	Corliss,	Hemenway,	Meiklejohn,
Apsley,	Cowen,	Heppburn,	Meredith,
Atwood,	Cummings,	Hicks,	Miles,
Bailey,	Curtis, Iowa	Hilborn,	Miller, W. Va.
Baker, Md.	Curtis, N. Y.	Hooker,	Milliken,
Baker, N. H.	Denny,	Howard,	Milnes,
Bankhead,	De Witt,	Hubbard,	Miner, N. Y.
Bartlett, N. Y.	Dockery,	Hulick,	Mondell,
Bell, Tex.	Dolliver,	Hull,	Morse,
Bennett,	Dovener,	Hutcheson,	Moses,
Berry,	Downing,	Johnson, Cal.	Mozley,
Bingham,	Eddy,	Johnson, Ind.	Neill,
Bowers,	Ellett, Va.	Johnson, N. Dak.	Newlands,
Bromwell,	Fairchild,	Joy,	Noonan,
Brown,	Faris,	Kerr,	Odell,
Buck,	Fenton,	Kulp,	Ogden,
Bull,	Fischer,	Lawson,	Overstreet,
Burton, Mo.	Fitzgerald,	Leisenring,	Pickler,
Burton, Ohio	Fletcher,	Leonard,	Poole,
Calderhead,	Footo,	Linton,	Powers,
Catchings,	Foss,	Livingston,	Prince,
Chickering,	Griswold,	Lockart,	Quigg,
Clark, Iowa	Grosvenor,	Low,	Raney,
Clarke, Ala.	Grout,	Maddox,	Reeves,
Cobb, Ala.	Grow,	Mahon,	Reyburn,
Cobb, Mo.	Hanly,	McCall, Mass.	Robertson, La.

Robinson, Pa.	Smith, Mich.	Thomas, Mich.	Wheeler, W. Va.
Rusk, Conn.	Sorg, Mich.	Tracewell, Mich.	Wilber, W. Va.
Russell, Conn.	Southard, Mich.	Treloar, Mich.	Wilson, Idaho
Russell, Ga.	Stallings, Mich.	Tucker, Mich.	Wilson, Ohio
Scranton, Pa.	Stokes, W. A.	Wadsworth, Mich.	Wilson, S. C.
Shannon, Pa.	Strong, Mich.	Walker, Va.	Woodard, Mich.
Shaw, Pa.	Taft, Mich.	Walsh, Mich.	Woodman, Mich.
Sherman, Pa.	Taney, Mich.	Wanger, Mich.	Wright, Mich.
Simpkins, Pa.	Taylor, Mich.	Watson, Ind.	Yoakum, Mich.
Smith, Ill.		Wellington, Mich.	

So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. RANNEY with Mr. COWEN.

Mr. BINGHAM with Mr. DOCKERY.

Mr. ANDREWS with Mr. MILES.

Mr. WILSON of Ohio with Mr. MCKENNEY.

Mr. JOHNSON of Indiana with Mr. HUTCHESON.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. PRINCE with Mr. BAILEY.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. OVERSTREET with Mr. BELL of Texas.

Mr. HOOKER with Mr. MINER of New York.

Mr. REEVES with Mr. CATCHINGS.

Mr. LEONARD with Mr. BERRY.

The following for this day:

Mr. BAKER of New Hampshire with Mr. NEWLANDS.

Mr. HOWARD with Mr. WALSH.

Mr. MILLIKEN with Mr. ABBOTT.

Mr. QUIGG with Mr. FISCHER.

Mr. CODDING with Mr. BANKHEAD.

Mr. WANGER with Mr. WHEELER.

Mr. RUSSELL of Connecticut with Mr. WILSON of South Carolina.

Mr. PICKLER with Mr. MOSES.

Mr. CLARK of Iowa with Mr. TUCKER.

Mr. JOHNSON of California with Mr. MEREDITH.

Mr. FOSS with Mr. RUSSELL of Georgia.

Mr. ACHESON with Mr. SORG.

Mr. ALLEN of Utah with Mr. CLARKE of Alabama.

Mr. MAHON with Mr. OGDEN.

Mr. SIMPKINS with Mr. MCCLELLAN.

Mr. BURTON of Missouri with Mr. YOAKUM.

Mr. HARMER with Mr. MADDOX.

Mr. GROSVENOR with Mr. NEILL.

Mr. JOY with Mr. CUMMINGS.

Mr. DE WITT with Mr. ELLETT of Virginia.

Mr. McCLURE with Mr. DOWNING.

Mr. HATCH with Mr. COOPER of Texas.

Mr. HUBBARD with Mr. RUSK.

Mr. REYBURN with Mr. COBB of Missouri.

Mr. POOLE with Mr. LIVINGSTON.

Mr. KULP with Mr. STOKES.

Mr. BROWN with Mr. FITZGERALD.

Mr. CORLISS with Mr. SHAW.

Mr. LEISENRING with Mr. LOCKHART.

Mr. HULICK with Mr. BUCK.

Mr. MEKLEJOHN with Mr. BARTLETT of New York.

Mr. TRELOAR with Mr. STALLINGS.

Mr. THOMAS. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening and did he fail to hear his name called?

Mr. THOMAS. I do not know whether I was in the Hall or not when my name was called. I think I was in the lobby.

The SPEAKER. Under the rule the Chair can not entertain the gentleman's request.

Mr. THOMAS. If permitted to vote, I should vote "nay."

Mr. DOCKERY. Mr. Speaker, I voted, but being paired with the gentleman from Pennsylvania, Mr. BINGHAM, I withdraw my vote.

Mr. BAILEY. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. PRINCE, so I will withdraw my vote. I desire to announce on behalf of my colleague, Mr. COOPER of Texas, that he was called from the Hall a few moments ago. He is paired with the gentleman from Indiana, Mr. HATCH, but if present and not paired, he would vote "yea."

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the passage of the resolution.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask for a division of the resolution.

The SPEAKER. Will the gentleman state where he desires the division made?

Mr. BARTLETT of Georgia. There are two resolutions—one declaring that Mr. Cobb was not elected, and the other declaring that Mr. Goodwyn was elected. I ask that they be voted on separately.

The SPEAKER. The Clerk will read the first resolution.

The resolution was read, as follows:

Resolved, That James E. Cobb was not elected a member of the Fifty-fourth Congress as a Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is not entitled to the seat in the Fifty-fourth Congress as such Representative.

The resolution was agreed to.

The SPEAKER. The Clerk will read the second resolution.

The resolution was read, as follows:

Resolved, That Albert T. Goodwyn was elected a member of the Fifty-fourth Congress as the Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is entitled to the seat in the Fifty-fourth Congress as such Representative.

Mr. BARTLETT of Georgia. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 45, not voting 190; as follows:

YEAS—119.

Aldrich, Ala.	Dayton, Mich.	Kem, Mich.	Sauerhering, Mich.
Aldrich, Ill.	Dingley, Mich.	Kiefer, Mich.	Settle, Mich.
Avery, Mich.	Doolittle, Mich.	Kirkpatrick, Mich.	Shuford, Mich.
Babcock, Mich.	Ellis, Mich.	Lacey, Mich.	Skinner, Mich.
Baker, Kans.	Evans, Mich.	Lefever, Mich.	Snover, Mich.
Baker, N. H.	Fowler, Mich.	Leighly, Mich.	Southwick, Mich.
Barham, Mich.	Gamble, Mich.	Lewis, Mich.	Spalding, Mich.
Barney, Mich.	Gardner, Mich.	Linnay, Mich.	Sperry, Mich.
Beach, Mich.	Gibson, Mich.	Long, Mich.	Stahle, Mich.
Belknap, Mich.	Graff, Mich.	Lorimer, Mich.	Steele, Mich.
Bell, Colo.	Griffin, Mich.	Mahany, Mich.	Stephenson, Mich.
Bishop, Mich.	Hadley, Mich.	Marsh, Mich.	Stewart, N. J.
Black, N. Y.	Hager, Mich.	McCall, Tenn.	Stewart, Wis.
Blue, Mich.	Hamer, Nebr.	McEwan, Mich.	Stone, C. W.
Boutelle, Mich.	Hardy, Mich.	McLachlan, Mich.	Strode, Nebr.
Brewster, Mich.	Harris, Mich.	Mercer, Mich.	Strowd, N. C.
Broderick, Mich.	Henderson, Mich.	Miller, Kans.	Sulloway, Mich.
Brosius, Mich.	Henry, Conn.	Milnes, Mich.	Thomas, Mich.
Brumm, Mich.	Henry, Ind.	Minor, Wis.	Treloar, Mich.
Burrell, Mich.	Hermann, Mich.	Moody, Mich.	Updegraff, Mich.
Cannon, Mich.	Hill, Mich.	Murphy, Mich.	Van Horn, Mich.
Clark, Mo.	Hitt, Mich.	Northway, Mich.	Van Voorhis, Mich.
Connolly, Mich.	Hopkins, Mich.	Otjen, Mich.	Walker, Mass.
Cooke, Ill.	Howe, Mich.	Payne, Mich.	Warner, Mich.
Consins, Mich.	Howell, Mich.	Pearson, Mich.	Watson, Ohio
Crowther, Mich.	Huling, Mich.	Perkins, Mich.	White, Mich.
Crump, Mich.	Hunter, Mich.	Phillips, Mich.	Wilson, N. Y.
Dalzell, Mich.	Hurley, Mich.	Pitney, Mich.	Wood, Mich.
Danford, Mich.	Hyde, Mich.	Ray, Mich.	Woomer, Mich.
Daniels, Mich.	Jenkins, Mich.	Royle, Mich.	

NAYS—45.

Allen, Miss.	Erdman, Mich.	McDearmon, Mich.	Sulzer, Mich.
Bartlett, Ga.	Hall, Mich.	McMillin, Mich.	Swanson, Mich.
Black, Ga.	Harrison, Mich.	McRae, Mich.	Tato, Mich.
Clardy, Mich.	Hart, Mich.	Meyer, Mich.	Terry, Mich.
Cockrell, Mich.	Hendrick, Mich.	Otey, Mich.	Turner, Ga.
Cooper, Fla.	Jones, Mich.	Owens, Mich.	Turner, Va.
Cox, Mich.	Kendall, Mich.	Patterson, Mich.	Washington, Mich.
Crisp, Mich.	Lester, Mich.	Pendleton, Mich.	Wheeler, Mich.
Culbertson, Mich.	Little, Mich.	Richardson, Mich.	Williams, Mich.
Denny, Mich.	Maguire, Mich.	Sayers, Mich.	
Dinsmore, Mich.	McCreary, Ky.	Sparkman, Mich.	
Elliott, S. C.	McCulloch, Mich.	Spencer, Mich.	

NOT VOTING—190.

Abbott, Mich.	Corliss, Mich.	Hooker, Mich.	Mondell, Mich.
Acheson, Mich.	Cowen, Mich.	Howard, Mich.	Money, Mich.
Adams, Mich.	Crowley, Mich.	Hubbard, Mich.	Morse, Mich.
Aitken, Mich.	Cummings, Mich.	Huff, Mich.	Moses, Mich.
Allen, Utah	Curtis, Iowa	Hulick, Mich.	Moxley, Mich.
Anderson, Mich.	Curtis, Kans.	Hull, Mich.	Neill, Mich.
Andrews, Mich.	Curtis, N. Y.	Hutcheson, Mich.	Newlands, Mich.
Apsley, Mich.	De Armond, Mich.	Johnson, Cal.	Noonan, Mich.
Arnold, Pa.	De Witt, Mich.	Johnson, Ind.	Odel, Mich.
Arnold, R. I.	Dockery, Mich.	Johnson, N. Dak.	Ogden, Mich.
Atwood, Mich.	Dolliver, Mich.	Joy, Mich.	Overstreet, Mich.
Bailey, Mich.	Dovener, Mich.	Kerr, Mich.	Parker, Mich.
Baker, Md.	Downing, Mich.	Knox, Mich.	Pickler, Mich.
Bankhead, Mich.	Draper, Mich.	Kulp, Mich.	Poole, Mich.
Barrett, Mich.	Eddy, Mich.	Kyle, Mich.	Powers, Mich.
Bartholdt, Mich.	Ellett, Va.	Latimer, Mich.	Price, Mich.
Bartlett, N. Y.	Fairchild, Mich.	Lawson, Mich.	Prince, Mich.
Bell, Tex.	Faris, Mich.	Layton, Mich.	Pugh, Mich.
Bennett, Mich.	Fenton, Mich.	Leisenring, Mich.	Quigg, Mich.
Berry, Mich.	Fischer, Mich.	Leonard, Mich.	Raney, Mich.
Bingham, Mich.	Fitzgerald, Mich.	Linton, Mich.	Reeves, Mich.
Bowers, Mich.	Fletcher, Mich.	Livingston, Mich.	Reyburn, Mich.
Bromwell, Mich.	Foss, Mich.	Lockhart, Mich.	Robertson, La.
Brown, Mich.	Gillet, N. Y.	Loud, Mich.	Robinson, Pa.
Buck, Mich.	Gillet, Mass.	Loudenslager, Mich.	Rusk, Mich.
Bull, Mich.	Griswold, Mich.	Low, Mich.	Russell, Conn.
Burton, Mo.	Grosvenor, Mich.	Maddox, Mich.	Russell, Ga.
Burton, Ohio	Grout, Mich.	Madon, Mich.	Scranton, Mich.
Caldrehead, Mich.	Grow, Mich.	McCall, Mass.	Shafroth, Mich.
Catchings, Mich.	Hakerman, Mich.	McClary, Minn.	Shannon, Mich.
Chickering, Mich.	Hanly, Mich.	McClellan, Mich.	Shaw, Mich.
Clark, Iowa	Harmer, Mich.	McClure, Mich.	Sherman, Mich.
Clarke, Ala.	Hartman, Mich.	McCormick, Mich.	Simpkins, Mich.
Cobb, Ala.	Hatch, Mich.	McKenney, Mich.	Smith, Ill.
Cobb, Mo.	Heatwole, Mich.	McLaurin, Mich.	Smith, Mich.
Coddling, Mich.	Heimer, Pa.	Meiklejohn, Mich.	Sorg, Mich.
Coffin, Mich.	Hemenway, Mich.	Miles, Mich.	Southard, Mich.
Colson, Mich.	Hepburn, Mich.	Miller, W. Va.	Stallings, Mich.
Cook, Wis.	Hicks, Mich.	Miner, N. Y.	Stokes, Mich.
Cooper, Tex.	Hilborn, Mich.		Stone, W. A.
Cooper, Wis.			Strait, Mich.

Strong,	Tracey,	Wanger,	Wilson, S. C.
Taft,	Tucker,	Watson, Ind.	Woodard,
Talbert,	Tyler,	Wellington,	Woodman,
Tawney,	Underwood,	Wilber,	Wright,
Taylor,	Wadsworth,	Willis,	Yoakum.
Towne,	Walker, Va.	Wilson, Idaho	
Tracewell,	Walsh,	Wilson, Ohio	

The following additional pairs were announced:

Mr. MOZLEY with Mr. LAYTON, for this day.

Mr. WANGER with Mr. STALLINGS, on this vote.

The SPEAKER. On this question the yeas are 119 and the nays are 45—less than a quorum.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 47 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of David N. Heath against The United States, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RAY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence, reported the same with amendment, accompanied by a report (No. 1394); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8071) to amend "An act respecting the limits of reservations for town sites upon the public domain," approved March 3, 1877, reported the same without amendment, accompanied by a report (No. 1395); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2490) entitled "An act to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa.," reported the same without amendment, accompanied by a report (No. 1398); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred House resolution No. 241, to authorize the Speaker to appoint a committee of five members to investigate and report to the House upon the management of the National Home for Disabled Volunteer Soldiers at Leavenworth, Kans., reported the same with amendment, accompanied by a report (No. 1399); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCORMICK, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 6776) to provide an American register for the bark *Vila*, reported the same without amendment, accompanied by a report (No. 1416); which said bill and report were referred to the House Calendar.

Mr. UPDEGRAFF, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes, reported the same with amendment, accompanied by a report (No. 1434); which said bill and report were referred to the House Calendar.

Mr. SPERRY, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 3273) for the classification of clerks in first and second class post-offices, reported the same with amendment, accompanied by a report (No. 1436); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HERMANN, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 6710) to amend an act approved August 18, 1894, and to aid in the reclamation of the arid lands, reported the same with amendment, accompanied by a report (No. 1437); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRUMM, from the Committee on Claims, to which was referred the bill of the House (H. R. 5289) making appropriation for the payment of the French spoliation claims which have been adjudicated by the Court of Claims, reported the same with amend-

ment, accompanied by a report (No. 1438); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIS, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 3339) to create a special commission on highways, and to make appropriations therefor, reported the same with amendment, accompanied by a report (No. 1439); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 518) for the relief of John C. Nuss. (Report No. 1396.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 6519) granting a pension to Herman Dellit. (Report No. 1397.)

By Mr. AVERY, from the Committee on Claims: A resolution (House Res. No. 264) to refer the bill (H. R. 6682) for the relief of the estate of Joshua Hill, together with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 6682. (Report No. 1401.)

By Mr. GIBSON, from the Committee on War Claims: A resolution (House Res. No. 265) to refer the bill (H. R. 6912) for the relief of David Hogan, with accompanying papers, to the Court of Claims, reported in lieu of House bill No. 6912. (Report No. 1402.)

By Mr. HATCH, from the Committee on War Claims: The bill (S. 59) entitled "An act for the relief of Joseph W. Carmack." (Report No. 1403.)

The bill (H. R. 5721) to relieve Alice Utz, heir and legatee of Joshua Wiley, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations. (Report No. 1404.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 2011) for the relief of Capt. John T. Bruen, of the State of New York. (Report No. 1405.)

The bill (H. R. 6430) to carry out the findings of the Court of Claims in the case of David Miller. (Report No. 1406.)

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 266) to refer the bill (H. R. 7752) for the relief of the owners of the steamer *Leesburg*, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 7752. (Report No. 1407.)

A resolution (House Res. No. 267) to refer the bill (H. R. 8335) for the relief of Jacob Cohen, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 8335. (Report No. 1408.)

By Mr. MAHON, from the Committee on War Claims: A resolution (House Res. No. 268) to refer the bill (H. R. 3563) for the relief of J. H. Sparks, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 3563. (Report No. 1409.)

A resolution (House Res. No. 269) to refer the bill (H. R. 6943) for the relief of Sarah Friedman, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 6943. (Report No. 1410.)

The bill (S. 682) entitled "An act for the relief of the heirs of Sterling T. Austin, deceased." (Report No. 1411.)

By Mr. OTJEN, from the Committee on War Claims: A resolution (House Res. No. 270) to refer the bill (H. R. 5460) for the relief of James Lindsay, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5460. (Report No. 1412.)

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 6269) for the relief of James M. Blackburn, of Covington, Ky. (Report No. 1413.)

A resolution (House Res. No. 271) to refer the bill (H. R. 1517) for the relief of Rudolphus Minton, of Louisville, Ky., to the Court of Claims. (Report No. 1414.)

The bill (H. R. 6426) for the relief of the Madison Female Institute, located at Richmond, Ky. (Report No. 1415.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 1531) for the relief of the legal representatives of John Wightman, deceased. (Report No. 1417.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 1585) entitled "An act to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office." (Report No. 1418.)

By Mr. COX, from the Committee on Claims: Views of a minority of said committee upon the bill (H. R. 1531) for the relief of the legal representatives of John Wightman, deceased. (Report No. 1417, part 2.)

The bill (H. R. 1343) for the relief of the legal representatives of Massalon Whitten, deceased. (Report No. 1419.)

The bill (H. R. 1510) for the relief of Franklin Lee and Charles F. Dunbar. (Report No. 1420.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 7334) granting an increase of pension to William T. Applegate. (Report No. 1421.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 487) granting increase of pension to John F. Early. (Report No. 1422.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 504) entitled "An act to increase the pension of Edmund Woog." (Report No. 1423.)

By Mr. LAYTON, from the Committee on Invalid Pensions: A bill (H. R. 8357) granting a pension to Dora D. Jones, reported in lieu of House bill No. 8102. (Report No. 1424.)

The bill (H. R. 7067) granting a pension to Joseph B. Arbaugh. (Report No. 1425.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 5193) granting increase of pension to Emma Thurston. (Report No. 1426.)

The bill (H. R. 7660) granting an increase of pension to Samuel M. Howard. (Report No. 1427.)

The bill (H. R. 7346) granting an increase of pension to John A. Worswick. (Report No. 1428.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7898) granting an increase of pension to William D. Seamans, late a private Company L, Fourteenth New York Heavy Artillery. (Report No. 1429.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2600) entitled "An act granting a pension to Mrs. Clifford Neff Fyffe." (Report No. 1430.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 1510) entitled "An act to pension Mrs. Susan M. Sessford." (Report No. 1431.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6989) to increase the pension of Robert A. Roberts. (Report No. 1432.)

The bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington* and transferred to gunboat *Marmora*. (Report No. 1433.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 6032) for the relief of Spencer D. Hunt. (Report No. 1435.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FENTON: A bill (H. R. 8350) to fix the pay of non-commissioned staff officers of the United States Army unattached to regiments—to the Committee on Military Affairs.

By Mr. NORTHWAY: A bill (H. R. 8351) to restore pensions to certain widows—to the Committee on Invalid Pensions.

By Mr. POOLE: A bill (H. R. 8352) to amend section 3 of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8353) to submit to a direct vote of the people free coinage of silver at 16 to 1; a graduated income tax; the election of President, Vice-President, and United States Senators by a direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. ANDREWS: A bill (H. R. 8354) to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 8355) to provide for the distribution of condemned cannon to State and Territorial departments of the Grand Army of the Republic—to the Committee on Naval Affairs.

By Mr. SULLOWAY: A bill (H. R. 8356) to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire—to the Committee on Interstate and Foreign Commerce.

By Mr. QUIGG: A joint resolution (H. Res. 175) directing the Secretary of the Navy to appoint a commission of naval experts to examine and report upon the Secor direct system of propelling vessels and its applicability to naval purposes—to the Committee on Naval Affairs.

By Mr. CANNON: A resolution (House Res. No. 261) relating to the number of condemned cannon, carriages, and balls in possession of the Navy Department—to the Committee on Naval Affairs.

Also, a resolution (House Res. No. 263) relating to the number of condemned cannon, carriages, and condemned cannon balls in possession of the War Department—to the Committee on Military Affairs.

By Mr. BULL: A memorial of the legislature of the State of Rhode Island, in favor of the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. ARNOLD of Rhode Island: A memorial of the legislature of the State of Rhode Island, in favor of the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ATWOOD: A bill (H. R. 8358) granting pension to Sarah A. McInerney, as dependent mother—to the Committee on Invalid Pensions.

By Mr. BRODERICK: A bill (H. R. 8359) for the relief of John H. Davison—to the Committee on Military Affairs.

By Mr. CURTIS of Iowa: A bill (H. R. 8360) granting a pension to C. S. Alvord—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 8361) to compensate Sophie Kosack for injuries sustained, and reward her for bravery displayed in rescuing the imperiled in the "Old Ford's Theater" disaster—to the Committee on Claims.

By Mr. HULING: A bill (H. R. 8362) to correct the military record of George Simmonds, late of Company D, Ninety-sixth Regiment Pennsylvania Infantry—to the Committee on Military Affairs.

By Mr. HURLEY: A bill (H. R. 8363) for the relief of Robert D. Benedict—to the Committee on Claims.

By Mr. KIRKPATRICK: A bill (H. R. 8364) for the relief of Capt. Henry C. Seaman—to the Committee on Military Affairs.

Also, a bill (H. R. 8365) granting a pension to Dr. J. B. Thurman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8366) to remove the charge of desertion against David G. Cormack—to the Committee on Military Affairs.

By Mr. MURPHY of Arizona: A bill (H. R. 8367) for the relief of Delos H. Smith—to the Committee on Claims.

Also, a bill (H. R. 8368) for the relief of John A. Mellon—to the Committee on Claims.

By Mr. MURPHY of Illinois: A bill (H. R. 8369) for the relief of Martha E. Flesschert—to the Committee on Claims.

By Mr. NORTHWAY: A bill (H. R. 8370) to increase the pension of Isaac C. Gibbons—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 8371) for the relief of Francis Irsch—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 8372) for the relief of B. F. Follin—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: A bill (H. R. 8373) granting a pension to Jane Linn—to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 8374) for the relief of Edward McDermott—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 8375) granting a pension to William S. Laney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8376) granting a pension to Charles S. Spring—to the Committee on Invalid Pensions.

By Mr. WOOLMER: A bill (H. R. 8377) for the relief of Joseph Betz—to the Committee on Military Affairs.

Also, a bill (H. R. 8378) for the relief of Jacob Olmstead—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Benjamin Keefer, sr., and other citizens of Freed, Pa.; also petition of Mrs. Mary A. Wiley, of Monongahela, Pa., praying that religious publications be given every advantage of the act of Congress of July 16, 1894, in transmission through the mail—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Philadelphia Maritime Exchange, favoring the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of General George A. Custer Command, No. 1, Union Veterans' Union, Department of Pennsylvania, opposing the correction of the records of persons who have deserted from the United States Army—to the Committee on Military Affairs.

By Mr. BOWERS: Four petitions of sundry citizens of San Bernardino County, Cal., favoring the occupation of and mining on forest reservations—to the Committee on the Public Lands.

By Mr. CURTIS of Iowa: Petition of 69 citizens of Davenport, Iowa, praying that a pension be granted to C. S. Alvord—to the Committee on Invalid Pensions.

Also, petition of F. S. Shepard, of Davenport, Iowa, praying for favorable action on House bills Nos. 888, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. F. Smith, Frank Wilmerton, and 480 other prominent citizens of Davenport, Iowa, praying Congress for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control, and remonstrating against appropriating, directly or indirectly, public moneys for sectarian undertakings—to the Committee on the Judiciary.

By Mr. CURTIS of New York: Petition of Miles H. De Long and others, of Schuylersville, N. Y., and vicinity, praying for a pension of \$8 per month to every soldier who served ninety days and was honorably discharged and \$12 per month to their widows—to the Committee on Invalid Pensions.

By Mr. DALZELL: Two petitions of sundry citizens of Pittsburgh, asking for adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolution of Duquesne Post, No. 259, Grand Army of the Republic, in favor of the promotion of Gen. Nelson A. Miles—to the Committee on Military Affairs.

By Mr. DANFORD: Petition of J. B. Gowdy, moderator of the session of the United Presbyterian Church of Knoxville, Jefferson County, Ohio, praying for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

Also, petition of H. M. Rolls and 80 others, of Bellaire, Ohio, for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on Military Affairs.

By Mr. HARDY: Papers to accompany House bill No. 7744, to correct the military record of John Bass—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Petition of Webb Council, No. 73, Order United American Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HYDE: Remonstrance of the citizens of Lopez, Wash.; also of citizens of Roslyn, Wash., against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

Also, memorial of the Chamber of Commerce of Seattle, Wash., relative to flax culture—to the Committee on Agriculture.

Also, resolutions of Commodore Foote Post, No. 84, Grand Army of the Republic, of Sidney, Wash., asking for the passage of the National Tribune service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the town council of Cosmopolis, Wash.; also of the town council of Waterville, Wash., urging legislation favorable to the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Resolutions of the city council of Boone, Iowa, favoring an appropriation to aid an exposition to be held at Omaha, Nebr., during 1898—to the Committee on Appropriations.

By Mr. LOUD: Petition of Andrews-Demarest Seating Company of New York, asking favorable action on House bills Nos. 888, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of the board of trustees of Rawlins, Wyo.; also of the city council of Boone, Iowa; also of the city council of Aurora, Nebr.; also of the city council of Chamberlain, S. Dak.; also of the Republican State convention of Nebraska, favoring the transmississippi and international exposition of Omaha—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of citizens of Wayne County, N. Y., asking for the passage of House bill for reclassification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGH: Petition of Patton Bros. and sundry other citizens of Catlettsburg, Ky., in favor of the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. QUIGG: Papers to accompany House bill for the relief of Francis Irsch—to the Committee on Military Affairs.

By Mr. STEELE: Petition of William W. Draper and 20 others, of Converse, Ind.; also of Nat Hiatt and 20 other citizens of Fairmount, Ind., praying for favorable action on bills Nos. 4566 and 888, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of the wholesale houses of Grand Rapids, Mich., praying for favorable action on House

bill No. 4566, to amend the postal laws relating to second-class matter; also in favor of bill No. 888, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of John G. Cutler and 158 other citizens of Hampton, N. H., praying for a life-saving station at or near Great Boars Head, in the town of Hampton, on the coast of New Hampshire—to the Committee on Interstate and Foreign Commerce.

By Mr. TAWNEY: Petition of Joseph Leicht and 37 others, of the State of Wisconsin, against a certain proposed amendment to the Constitution, relating to the first day of the week; and the recognition in the Constitution of God as the source of power and Jesus Christ as the ruler of all nations—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, April 22, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. FAULKNER, and by unanimous consent, the further reading was dispensed with.

STATE CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 8th instant calling for information as to what States under the act of Congress of July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," and the joint resolution of March 8, 1862, explanatory thereof, have filed claims in the Treasury Department for interest, discount, and exchange paid by said States upon moneys raised by said States for and expended in raising, equipping, and putting into the field, troops in defense of the Union, etc., transmitting a report of the Auditor for the War Department on the subject; which, with the accompanying paper, was referred to the Committee on the Judiciary, and ordered to be printed.

NANCY G. ALLABACH—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:
I herewith return without my approval Senate bill numbered 894, entitled "An act granting a pension to Nancy G. Allabach."

This bill provides for the payment of a pension of \$30 a month to the beneficiary named as the widow of Peter H. Allabach.

This soldier served for nine months in the Army during the war of the rebellion, having also served in the war with Mexico.

He was mustered out of his last service on the 23d day of May, 1863, and died on the 11th of February, 1892.

During his life he made no application for pension on account of disabilities. It is not now claimed that he was in the least disabled as an incident of his military service, nor is it alleged that his death, which occurred nearly twenty-nine years after his discharge from the Army, was in any degree related to such service.

His widow was pensioned after his death under the statute allowing pensions to widows of soldiers of the Mexican war, without reference to the cause of the death of their husbands. Her case is also, indirectly, one of those provided for by the general act passed in 1890, commonly called the dependent pension law.

It is proposed, however, by the special act under consideration to give this widow a pension of \$30 a month without the least suggestion of the death or disability of her husband having been caused by his military service, and solely, as far as is discoverable, upon the ground that she is poor and needs the money.

This condition is precisely covered by existing general laws, and if a precedent is to be established by the special legislation proposed I do not see how the same relief as is contained in this bill can be denied to the many thousand widows who, in a similar situation, are now on the pension rolls under general laws.

GROVER CLEVELAND.

EXECUTIVE MANSION, April 21, 1896.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. GALLINGER. Mr. President, as I understand the matter, Peter H. Allabach was for a considerable time captain of the police force of this Capitol. He had service in two wars, and it has been stated to me, I think authoritatively, that when he was appointed to a position in the Capitol it was upon the written recommendation of General Hancock, with whom he had served in those two wars.

It is likewise stated to me that there was not a moment of the time after the soldier was discharged from the service of the United States that he might not have received a pension on account of disabilities incurred in the service of his country. He was, however, too patriotic to ask for a pension, and went to his death without asking the Government for relief. His widow is poor, in

utter destitution, I understand, and the committee of the Senate, and the Senate itself, as well as the House of Representatives, concluded to grant her the pension that would have gone to her in accordance with the rank which her husband held, that of colonel.

I believe the claim is entirely meritorious. I regret exceedingly that the President has seen fit to veto the bill, and I think it ought to be passed this morning. Still I will not urge it if it is desired that the Committee on Pensions shall give it further consideration.

Mr. CALL. I suggest to the Senator from New Hampshire that he move its reference to the Committee on Pensions.

Mr. GALLINGER. I move that the bill and message be referred to the Committee on Pensions.

Mr. CALL. The veto message will be printed.

The VICE-PRESIDENT. The message will be printed, and it will be referred with the bill to the Committee on Pensions.

CHARLES E. JONES—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return herewith without my approval Senate bill No. 249, entitled "An act granting a pension to Charles E. Jones."

The beneficiary named in this bill was a photographer, who accompanied one of the regiments of the Union Army in the war of the rebellion. He was injured, apparently not very seriously, while taking photographs and when no battle was in actual progress. He was not enlisted and was in no manner in the military service of the United States.

Aside from the question as to whether his present sad condition is attributable to the injury mentioned, it seems to me the extension of pension relief to such cases would open the door to legislation hard to justify and impossible to restrain from abuse.

GROVER CLEVELAND.

EXECUTIVE MANSION, April 21, 1896.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. GALLINGER. Mr. President, during my service in the Senate as a member of the Committee on Pensions, and more recently as chairman of that committee, I have never submitted a case to the Senate without giving the reasons, in the form of a somewhat lengthy written report, why the bill should be enacted into law. It was my privilege to make a report both in the Fifty-third and Fifty-fourth Congresses on the bill to pension Charles E. Jones. I hold that written report in my hand, and that the facts in the case may accompany the declaration to the country that this bill has been vetoed by the President of the United States, I desire to read the report before moving to refer the bill and message to the Committee on Pensions for its further consideration. The report states:

This bill passed the Senate during the Fifty-third Congress. Claimant was not an enlisted man—

And here I want to say that there are numerous precedents for pensioning by special act persons who were not enlisted, but who performed in emergencies actual military service or who were wounded during the performance of service for the Government—

Claimant was not an enlisted man, and hence not pensionable under the general law. He was employed as a photographer, and in that capacity rendered valuable service to the Union cause. Not only did he faithfully perform his duties as a photographer, but the evidence clearly shows that he performed actual military service, and that while thus engaged he received a gunshot wound which has resulted in almost total blindness.

There seems to be no question as to the incurrence of the disability, the affidavit of Capt. R. B. Ward, herewith appended, being conclusive on that point. Many other affidavits are on file which tend to confirm Captain Ward's statement. Had claimant been an enlisted man, there can be no reasonable doubt of his right to pension, and having performed actual military service, and being wounded while thus engaged, the duty of Congress to come to his relief is clear and imperative.

Your committee recommend the passage of the bill.

AFFIDAVIT OF CAPT. R. B. WARD.

STATE OF MISSOURI, County of Jackson, ss:

In the matter of Charles E. Jones, claimant.

On this 5th day of September, A. D. 1890, personally appeared before me, a notary public in and for said county, duly authorized to administer oaths, Robert B. Ward, aged 61 years, a resident of Kansas City, in the county of Jackson and State of Missouri, whose post-office address is Kansas City, Mo., well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

"I have known above claimant, Charles E. Jones, since the spring of 1862, when he came to and joined the Eleventh Pennsylvania Cavalry as photographer, I being captain of Company D of said regiment. Said claimant was not an enlisted man, but I know of him being in several engagements under military orders, and in April, 1863, I know of my personal knowledge that the said Charles E. Jones was ordered to take photographic view of Longstreet's fortifications at the siege of Suffolk, in the State of Virginia, and while performing his duty, acting under orders of Gen. John Peck, commanding officer, said claimant, Charles E. Jones, received gunshot wound from Longstreet's sharpshooters in the small of back, across the spine, which affected his eyesight and caused blindness of both eyes to such an extent that said claimant has to be accompanied with a guide at all times to walk around, rendering him as good as totally blind.

"R. B. WARD."

Subscribed and sworn to before me this 5th day of September, 1890.

[SEAL.]

ROBERT S. RODGERS,
Notary Public.

AFFIDAVIT OF W. D. HOOVER, M. D.

STATE OF KANSAS, County of Miami, ss:

In the matter of appeal for pension through special act of Congress by Charles E. Jones, regimental photographer, Eleventh Regiment Pennsylvania Cavalry Volunteers.

On this 29th day of October, A. D. 1894, personally appeared before me, a notary public in and for the said county, duly authorized to administer oaths, W. D. Hoover, aged 60 years, a resident of Paola City, in the county of Miami and State of Kansas, well known to me to be reputable and entitled to credit, and who, being duly affirmed, declares in relation to aforesaid case as follows: "That I have been acquainted with the said Charles E. Jones since 1867, when he first came to Paola, Kans., and that his eyes were diseased then, and that they continued to grow worse until he became totally blind, or nearly so. He can just barely grope his way with the use of his cane. He received a gunshot wound across the small of his back while in the line of duty in the Army during the late war. The ball passed across the back just over the second lumbar vertebrae, and has left a scar over one-half an inch across and more than an inch in length. It is a wonder it did not cause paraplegia—

That is, paralysis.

"His eyes became affected before he recovered from the wound in the back, and I am of the opinion, taking the prostrated condition of his system, especially the nervous system, into consideration, if the wound in the back was not a primary cause of the disease of the eye it certainly was a secondary cause. Said Jones has been a good citizen during his residence here.

"The above is from my personal observation of the case, and was written by myself."

His post-office address is Paola, Kans.; and further declares that he has no interest in said case, and is not concerned in its prosecution.

W. D. HOOVER, M. D.

STATE OF KANSAS, County of Miami, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in the prosecution; and that said affiant is personally known to me, and that he is a credible person.

[L. S.]

WARD J. CARPENTER,

Notary Public.

(My term expires March 27, 1895.)

Now, Mr. President, just a word. Here is the case of a man who, while in the service of the Government, not enlisted, it is true, performed military service in emergencies and received a very severe gunshot wound of the spine, which has resulted in total if not complete blindness.

Mr. HILL. Will the Senator please state what military service he was performing? It is a pretty general statement, that he performed military service. What service?

Mr. GALLINGER. At the time when he received the wound he was taking photographic views of Longstreet's fortifications for the use of the officers of our Army.

Mr. HILL. It does not so appear in the report.

Mr. GALLINGER. I beg pardon.

Mr. HILL. There is nothing which the Senator has read which shows that.

Mr. GALLINGER. It is shown by Captain Ward's affidavit, which, perhaps, the Senator did not hear me read. He was captain of a company in the regiment.

Mr. HILL. It states that he was performing military service, but I do not think it states what it was.

Mr. GALLINGER. That was it. I was about to say (and it is all I care to say on the subject this morning) that here is a case where a man received a wound while performing at least semi-military service which has resulted in total blindness. The President of the United States, who it appears to me could not have read these affidavits, has sent to the Senate a veto message, in which he says this man received a trivial wound which does not seem to be of much consequence. I am not going to be discourteous about this matter and suggest what is in my mind, that the message must have been written without an accurate knowledge of all the facts in this case—

Mr. MILLS. Under whose employment did he go into service? The Senator says he went in under employment. Was he employed by some private company or by the Government?

Mr. GALLINGER. By the Government, I understand.

Mr. MILLS. Under an officer?

Mr. GALLINGER. Unquestionably so. There is no doubt about it. This man is to-day, as I said—and perhaps I repeat myself—totally blind from the wound which he received, and yet the veto message tells us that he received a very trivial wound, which it is not worth our time seriously to consider.

I simply make this statement that it may go out to the country with the veto message, which will undoubtedly be spread broadcast throughout the land and be used by certain great newspapers of the country as an argument to show the carelessness and recklessness which the Congress of the United States exercises in the matter of pension legislation.

I move the reference of the message and bill to the Committee on Pensions.

Mr. PALMER. Mr. President, the disapproval by the President of this bill and the reasons for his disapproval are worthy of very attentive consideration.

I beg to say that since my connection with this body I have

been continually at all times a member of the Committee on Pensions, and that committee has encountered some embarrassment when applications have been made for pensions by persons who were not enlisted in the military service of the United States. It did happen during the war that persons who were not enlisted men placed themselves at the service of the Government pro tempore—men who did not like to enlist for a great term, but who actually obeyed orders and performed military duties. We have been embarrassed steadily and constantly by cases of that class.

I have held and I shall hold that where a citizen voluntarily united himself with the military forces of the United States and submitted to the orders of the commanders of the forces for the time being he was de facto in the military service of the United States, and if in the course of meritorious and proper service he was wounded his moral claim to a pension is equal to that of any other person. All that can be said of an enlisted man, as the foundation of a claim for a pension, is that he incurred disabilities while in the service of the United States, having been enlisted in that service. In the hypothetical case which is in my mind now the party deserves a pension unless, indeed, his failure to enlist should defeat his right to a pension. But in the instance now before us, as I understand it, this photographer was with the Army. I think that he performed other military service, but on this particular occasion he was executing the orders of some authority he recognized; he was taking views of the enemy's fortifications and position.

Mr. KYLE. Will the Senator allow me to ask him just there under whose pay he was?

Mr. PALMER. I think probably under no one's pay. That is a question, however, that will be answered by the committee in their report.

Mr. KYLE. I should like to know the fact on that point.

Mr. PALMER. As I said, that will be answered in the formal report that will be now made by the Committee on Pensions.

I am not at all surprised that the President should have disapproved this measure. It has caused us trouble; but we shall maintain, and we hope to get the concurrence of the Senate in maintaining, that a citizen in such a case should be given relief. I have a case in my mind now in the State of Missouri. There was a raid across the river into Iowa. The citizens were called out, a quasi military organization was assumed, there was a fight, and a citizen who simply came out to defend his home was seriously wounded. I shall maintain as long as I have a seat on this floor, and after I quit it, that in such a case the party was de facto a soldier, and that he is entitled to a pension for a service patriotically and gallantly performed.

I concur with the Senator from New Hampshire in the reference of the bill and message to the Committee on Pensions, and I trust that the committee will make such a report as will satisfy the Senate, and such a report as will show that the Committee on Pensions have not acted hastily and carelessly about this matter.

Mr. HILL. I will ask the Senator from New Hampshire whether the printed report usually accompanies the bill to the Executive Mansion?

Mr. GALLINGER. It does, I understand.

Mr. HILL. What does the Senator understand by this language in the affidavit:

When he came to and joined the Eleventh Pennsylvania Cavalry as photographer.

Does that have any particular significance? Was it just as a photographer for himself, taking views in his own behalf, and not supported by the Government? There was no such official as photographer, was there?

Mr. GALLINGER. I want to be entirely frank about this matter.

Mr. HILL. I ask for information.

Mr. GALLINGER. If the Senator will permit me, I have made a motion to refer the matter to the committee for further investigation. My own judgment was when I wrote the report, and I have examined it in two Congresses, that this man had employment by the Government. I think that will be found to be correct. I know of no reason why the Government might not employ a photographer as well as a teamster or a baggage master or any other servant who would perform certain work for the Government. I am not myself a military man, but it seems to me it would be a very wise military act for the Government to have just that kind of an officer, a man who could take photographic views of fortifications and the position of the enemy. I may be wrong about it, but my mind when I wrote the report was fixed upon the fact, as I conceived it to be a fact, that this man was employed by the Government to perform this service, but of course he was not an enlisted man. If it proves to be otherwise, I confess it places the matter upon a different plane from what I supposed it occupied.

Mr. HILL. I trust the matter will receive careful investigation.

Mr. GALLINGER. We will give it very careful attention, of

course. The fact that the man received a wound while thus employed is unquestioned, and the fact that it was a very severe wound is undoubted.

Mr. HILL. But I can not see how the gentleman could have got near enough to the fortifications to have taken any very accurate view of them. I can not quite understand that point.

Mr. GALLINGER. The captain of the company simply swears that Mr. Jones was there for that purpose, and that while there he was wounded. That is all I know of it.

Mr. HILL. There is a peculiar wording of the affidavit. It is very carefully and peculiarly worded.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire, that the message and bill be referred to the Committee on Pensions and printed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New York Annual Conference of the Methodist Episcopal Church of New York City, N. Y., praying that the Senate uphold the action of the House of Representatives in refusing to grant further appropriation to certain sectarian schools, which for years have been supported at an average annual expense to the Treasury of the United States of \$250,000; which was ordered to lie on the table.

He also presented a petition of the New York Board of Trade and Transportation, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the philanthropic committee of the Baltimore (Md.) Yearly Meeting of Friends, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare; which was referred to the Committee on Education and Labor.

He also presented a memorial of the American Antisemitic Association of Brooklyn, N. Y., remonstrating against the passage of the so-called McCall educational-test bill and praying for the passage of the so-called Stone consular-certificate bill; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of the First Presbyterian Church of Wahoo, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SMITH presented a petition, in the form of resolutions adopted by the Presbytery of Morris and Orange, N. J., praying that American citizens resident in the Turkish Empire be given protection by the treaties between this country and Turkey; which was referred to the Committee on Foreign Relations.

Mr. BLACKBURN presented sundry petitions of citizens of Kentucky, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. GALLINGER. I present a petition of committees of the Medical Society of the District of Columbia and of the Washington Homeopathic Society of the District of Columbia, setting forth certain reasons why House bill No. 5731, which is a bill to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, should become a law. I move that the petition lie on the table, and that it be printed as a document.

The motion was agreed to.

Mr. DAVIS presented a petition of the Board of Trade of Minneapolis, Minn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. LODGE. I present a petition of the order of the Knights of Labor, No. 1562, of Brooklyn, N. Y., and at their request I will state the substance of the petition. It is that "notwithstanding the prevailing stagnation of trade and industry, and the enforced idleness of the working people, foreign immigrants still flock to our shores in great numbers." The petitioners state that this is inflicting "great hardship and misery upon our own working people, by lowering the wages of some and depriving others of employment altogether"; and they ask the enactment of a tariff or head tax upon each immigrant; that no immigrant shall be admitted who does not possess, "if a single man, the sum of \$200; if a single woman, the sum of \$50, or if the head of a family, the sum of \$300"; and they also ask "the enactment of additional legislation to exclude nonresident Canadian workmen, and all immigrants who do not intend to become citizens of the United States." The petitioners ask for a further amendment to the contract-labor law so that none but American citizens shall be employed on any public works.

The VICE-PRESIDENT. The petition will be referred to the Committee on Immigration.

Mr. LODGE presented a memorial of Charles W. Eliot, president of Harvard University, and 116 other citizens of Cambridge, Mass., remonstrating against the adoption of the so-called Pasco amendment to the Post-Office appropriation bill, or any other action tending to separate the Cambridge station from the Boston (Mass.) post-office; which was referred to the Committee on Appropriations.

He also presented the petition of Franklin P. Shumway, of Melrose, Mass., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of the Presbyterian Church of Ishpeming, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a memorial of 25 citizens of Ravenna, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the enactment of legislation to prohibit gambling; which was referred to the Committee on Finance.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the repeal of the ninety-day divorce law in the Territories; which was referred to the Committee on Territories.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the enactment of legislation to raise the age of consent to 18 years in the Territories and in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the passage of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the appointment of a nonpartisan commission to investigate the labor problem; which was referred to the Committee on Education and Labor.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the enactment of legislation to substitute voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented a memorial of Benjamin Franklin Council, No. 6, Junior Order United American Mechanics, of St. Louis, Mo., remonstrating against the appropriation of money for sectarian purposes, and indorsing the provision made by the House of Representatives on the subject; which was ordered to lie on the table.

Mr. DANIEL presented a petition of A. P. Hill Camp of Confederate Veterans, of Petersburg, Va., praying for the enactment of legislation establishing a national park on the battlefields around Petersburg, Va.; which was referred to the Committee on Military Affairs.

He also presented a memorial of Clinton Hatcher Camp of Confederate Veterans, of Leesburg, Va., remonstrating against the discontinuance of the publication of War Records; which was referred to the Committee on Appropriations.

He also presented a petition in the form of resolutions adopted by the Chamber of Commerce of Richmond, Va., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. HILL presented a memorial of the Woman's Christian Temperance Union of New York and a memorial of the Woman's Christian Temperance Union of Cortland, N. Y., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented a petition of the Easton and Saratoga (N. Y.) Quarterly Meeting of the Religious Society of Friends, praying for the appointment of a national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relation to crime, pauperism, taxation, and the general public welfare; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Albany, N. Y., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. TURPIE (for Mr. VOORHEES) presented a petition of the Journeymen Stonecutters' Association, of Fort Wayne, Ind., praying for the passage of Senate bill No. 1848, to prohibit the purchase and use by the Government of the United States of prison-made wares, and for other purposes; and also for the passage of

the so-called Loud bill, regulating second-class mail matter; which was referred to the Committee on Education and Labor.

Mr. FAULKNER presented the petition of E. E. Stratton and 63 other postal clerks on runs centering at Grafton, W. Va., praying for the passage of Senate bill No. 2741, reorganizing the railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the petition of John B. Howarth, Ward L. Andrews, Edwin E. Armstrong, Frederick E. Stoepel, J. A. Whiting, R. S. Mason, H. B. Gillespie, and George C. Wetherbee, representing the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. CARTER presented a memorial of 65 citizens of Corvallis, Mont., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. HANSBROUGH presented a petition of the Woman's Christian Temperance Union of Lucca, N. Dak., praying for the enactment of legislation prohibiting United States commissioners of internal revenue from granting licenses to sell intoxicants in States where it is forbidden by law; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Rolette County, N. Dak., praying that the treaty made between the Turtle Mountain band of Indians and the United States be ratified, and that the claims of these Indians to certain land be recognized and disposed of as provided by that treaty; which was referred to the Committee on Indian Affairs, and ordered to be printed as a document.

IMPRISONMENT OF REV. A. J. DIAZ AND A. V. DIAZ.

Mr. BATE. I present seven petitions from seven Baptist churches of Nashville, Tenn., in regard to the imprisonment of Rev. A. J. Diaz, a missionary at Habana, Cuba. I beg to read the heading of one of the petitions. It is short, but the petitioners express very fully their desire:

The First Baptist Church of Nashville, Tenn., assembled at its usual place of worship, having heard that our brother, Rev. A. J. Diaz, missionary to Cuba under appointment of the Southern Baptist Convention, has been imprisoned by the Spanish authorities in Habana, Cuba, earnestly request the Senators and Representatives in Congress from the State of Tennessee to use their utmost endeavors to secure his speedy liberation.

Knowing the Rev. A. J. Diaz as we do, and having the highest confidence in his Christian integrity, without knowing the specific charges against him, we are bold to say that we will not accept as true any statement of his guilt until it is established by the most incontrovertible evidence.

We specially urge this request, believing, as we do, that his imprisonment is fraught with hourly danger to his life.

Done at Nashville this 19th day of April, 1896, by unanimous vote of the church.

J. M. FROST, Moderator.
A. LARCOMBE, Church Clerk.
J. L. WECHELEY,
J. M. FROST,
P. M. ESTES,
C. F. CHEEK,
H. L. PURINTON,

Committee.

There are seven petitions; this is one of the seven; they are counterparts of each other, and I have taken the liberty of reading the language of one of them as showing the purport of the entire number which I present. I move their reference to the Committee on Foreign Relations, with the permission to that committee of transferring them to the State Department.

The VICE-PRESIDENT. The petitions will be referred to the Committee on Foreign Relations.

Mr. CALL. I present a petition of the First Baptist Church of Tampa, Fla., in which the petitioners state that they hear with regret of the arrest and imprisonment of their brother, Rev. Alberto J. Diaz, an American citizen, by the Spanish authorities at Habana, Cuba, and they respectfully ask the Congress of the United States to use their influence with the Government authorities to investigate at once the cause of his arrest and imprisonment, if any, and to use every means to have him set at liberty. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PUGH presented a petition of the Jasper Baptist Church of Jasper, Ala., praying for the release of Rev. A. J. Diaz, a missionary in Cuba; which was referred to the Committee on Foreign Relations.

Mr. GEORGE. Mr. President, I desire to make a statement. I have received several petitions similar to those presented by the Senator from Tennessee [Mr. BATE], and I have sent them to the State Department.

Mr. ALLEN presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying for the release of Rev. A. J. Diaz, a missionary in Cuba; which was referred to the Committee on Foreign Relations.

Mr. DANIEL presented a petition in the form of resolutions adopted by members of the Baptist Church of Petersburg, Va., praying for the release of their missionary, Rev. A. J. Diaz, incarcerated in Cuba by Spanish authority; which was referred to the Committee on Foreign Relations.

Mr. BACON. I present a petition of sundry members of the Home Mission Board of the Southern Baptist Convention, relative to the arrest and imprisonment by the Spanish authorities in Cuba of Rev. A. J. Diaz and of A. V. Diaz, citizens of the United States. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BACON. Upon the same subject I ask the Senate to permit a resolution to be offered calling for information from the Secretary of State relative to the matter concerning which all these petitions have been presented to the Senate.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of State is hereby directed to communicate to the Senate the information which he has, if any, relative to the arrest and imprisonment by the Spanish authorities in Cuba of Rev. A. J. Diaz, a citizen of the United States of America, and the superintendent of the mission work in Cuba of the Home Mission Board of the Southern Baptist Convention. Also, what steps, if any, have been taken or directed for the purpose of securing for him a fair and impartial trial upon any charges which may have been preferred against him. Also, such further information as may be in the possession of the State Department relative to said arrest and imprisonment, the communication of which is compatible with the public interest.

Resolved further, That the Secretary of State is directed to communicate to the Senate like information relative to the arrest and imprisonment of A. V. Diaz, a citizen of the United States, by the Spanish authorities in Cuba.

Mr. BACON. I only desire that such direction shall be given to the resolution as may be in entire harmony with the views of the Committee on Foreign Relations, and therefore I will either ask for its present consideration or that it may be referred to that committee, as they may deem best.

Mr. SHERMAN. I think the resolution is a proper one in the form it is in and that it ought to be passed. If it is addressed to the President of the United States it is left as a matter of course to his discretion, but I think there could be no objection at all to communicating any information in regard to the arrest in a foreign country of an American citizen upon an alleged crime. Therefore I think it is in proper form and should be passed.

Mr. BACON. If it is consistent with the views of the chairman of the Committee on Foreign Relations I will then ask that the Senate give the resolution present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

REPORTS OF COMMITTEES.

Mr. GEAR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese," to report it back with the accompanying evidence, and request that the committee be discharged from its further consideration, and that it be referred to the Committee on Finance, it being a bill proposing to impose a tax.

The report was agreed to.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2269) for the relief of the legal representatives of Edwin De Leon, deceased, on account of judicial services performed by him while serving as consul-general in Egypt, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2526) for the relief of Twyman O. Abbott, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2517) to refer to the Court of Claims the war claims of the State of New Hampshire, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 653) for the relief of C. W. Michaels, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1860) for the relief of John M. Guyton, late postmaster at Blacksburg, S. C., reported it without amendment, and submitted a report thereon.

REGULATIONS CONCERNING REGATTAS.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2642) to provide for the safety of passengers on excursion steamers, to report it favorably with amendments.

Mr. HILL. I ask for the present consideration of the bill just reported from the Committee on Commerce. The object of the bill is a very plain one. It is requested by those who have charge of regattas in the harbor of New York and on the Hudson River.

Mr. MITCHELL of Oregon. Let the bill be read for information.

The Secretary read the bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in line 7, after the word "empowered," to insert "in his discretion"; after the word "detail," in the same line, to strike out "a sufficient number of"; in line 8, after the word "to," to strike out the words "properly carry out" and insert "enforce"; after the word "regulations," in the same line, to insert "as may be adopted"; and in line 10, after the word "regattas," to strike out "as may, in his judgment, be necessary"; so as to make the bill read:

Be it enacted, etc., That in order to provide for the safety of passengers on excursion steamers and oarsmen taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers and the oarsmen taking part in such regattas.

The amendments were agreed to.

Mr. LODGE. I should like to ask the Senator from New York whether the bill is confined entirely to rowing regattas and simply oarsmen, or whether it is the intention to cover all sorts of regattas?

Mr. HILL. It is not necessarily confined to oarsmen. I think such regulations would be very appropriate at other regattas. The bill will probably cover them all, the point being that at the various regattas, where thousands and tens of thousands of people are assembled and all sorts of craft, there is no one to give authority to regulate the moving of the craft. There came very near a serious accident occurring at a regatta nearly a year ago that all recollect about. The people engaged in regattas, at the various colleges of the country and others interested in the subject, have requested the passage of the bill.

Mr. LODGE. I agree entirely with the Senator; I think the bill a most excellent one; only I thought it was confined simply to rowing regattas, and I think it should be made also to cover the cases of yacht races, where the crowds are much greater. That it shall be broad enough to cover all is what I desire.

Mr. HILL. I ask that the bill be read as amended. I think it is sufficient to cover all, although oarsmen were in view.

The PRESIDING OFFICER. The bill will be read as amended.

The Secretary read the bill as amended.

Mr. HILL. I think it is sufficient to cover all.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURGEON P. M. RIXEY.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 133) authorizing Surgeon P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship, to report it without amendment, and I will ask unanimous consent to put it on its passage. It is a formal matter, which the Senate has always agreed to.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATIONS IN ALASKA.

Mr. SHERMAN, from the Committee on Foreign Relations, reported the following resolution; which was read:

Resolved, That a committee of five Senators, to be designated by the President of the Senate, is hereby instructed to proceed to Alaska after the adjournment of Congress, and there inquire into and report to the Senate:

First. The condition of the fishery industry on the coast and waters of Alaska, and such measures as will protect such industry from waste and destruction.

Second. The present condition of the fur-seal fisheries, and such regulations as may be adopted, consistent with the treaty with Great Britain, to preserve the life of female seals on the islands and adjacent waters of Alaska.

Third. Such measures as may be deemed expedient to promote the progress and development of the people of Alaska in population, industry, education, and good order, and especially the mineral resources of Alaska.

Fourth. And the committee shall ascertain and report the progress made in defining the boundaries between Alaska and the British Possessions.

Resolved further, That the Secretary of the Treasury is requested to furnish the committee, when it arrives at Sitka, with a suitable vessel to convey its members to such points on the coast of Alaska as they may deem necessary for this investigation. And the committee may appoint a clerk now in the employ of the Senate to attend said committee; and the necessary expenses incurred in complying with these resolutions shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SHERMAN. Yes; the law requires that reference.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2913) granting a pension to Nettie A. Cheeks; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2914) granting a pension to Sallie B. Carter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2915) for the relief of W. A. Bohannon, of Smithfield, Ky.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 2916) granting an increase of pension to Mary Sprague; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2917) granting a pension to Mary Hitt Walker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2918) to remove the charge of desertion from Richard H. Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 2919) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to Charles G. Stott; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 2920) for the relief of Harry A. E. Pickard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2921) for the relief of Thomas Rosbrugh; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced a bill (S. 2922) granting a pension to Mrs. Mary L. Daniels; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MANTLE introduced a bill (S. 2924) providing for disposal of lands on abandoned portions of the Fort Maginnis Military Reservation, in Montana, and for the relief of certain settlers thereon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 2925) authorizing payment to the State of Wyoming of all moneys received by the United States from the sale of mineral lands in Wyoming; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT (by request) introduced a bill (S. 2926) to amend the acts relating to the United States court in the Indian Territory, and for other purpose; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER introduced a joint resolution (S. R. 136) providing for the purchase of the site of the battle of Moores Creek Bridge, North Carolina, and for the improvement, preservation, and beautifying of said grounds, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was

referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That Jacob D. Jones be permitted to withdraw from the files of the Senate the papers relating to the bill for his relief in the Forty-sixth Congress, upon leaving copies of said papers in the office of the Secretary, in accordance with the rules of the Senate.

ENLISTMENT OF MARINES AND "BLUE JACKETS."

Mr. KYLE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to furnish the Senate the following information:

First. The number and nativity of marines and "blue jackets," respectively, enlisted in the naval service of the United States.
Second. The number of "blue jackets" enlisted under the class of "landsmen."

STATEMENT OF GOVERNMENT OBLIGATIONS.

Mr. COCKRELL. I submit a resolution, which I send to the desk, and after it shall have been read I desire to make a brief statement regarding it.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Senate 15,000 copies of Senate Document No. 154, of the Fifty-fourth Congress, first session, being a statement of the Secretary of the Treasury containing a copy of each obligation of the Government since March 4, 1789.

Mr. COCKRELL. Mr. President, I have an estimate here from the chief clerk of the Public Printing Office, stating that 22,000 copies of Senate Document No. 154, Fifty-fourth Congress, first session, can be printed for \$450. The cost of printing the 15,000 copies called for by the resolution will be much less than that, and will come within the rule giving the Senate the right to order its publication.

The resolution was considered by unanimous consent, and agreed to.

UNION PACIFIC RAILWAY LANDS.

The PRESIDING OFFICER. If there be no further routine business, the Chair lays before the Senate a resolution coming over from a former day, which will be stated.

The SECRETARY. A resolution by Mr. WARREN, directing the Secretary of the Interior to rescind his order to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad land list now on file, embracing lands along the main line in western Nebraska.

Mr. WARREN. I ask that the resolution may lie over until to-morrow morning without losing its place, when I hope to have it disposed of.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. MITCHELL of Oregon. Mr. President, in pursuance of the notice I gave on Monday last, I now ask unanimous consent that Senate bill 2281 be taken up for the purpose of enabling me to submit some remarks, at the conclusion of which I shall ask that the bill be placed upon its passage. If, however, it should lead to debate, I will not insist upon it at this time to interfere with the pending appropriation bill.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MITCHELL of Oregon. I ask that the bill be read in full, as it is brief.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same is hereby, amended and extended so as to include the names of the surviving officers and enlisted men who served

for thirty days or more and were honorably discharged under the United States military, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818; the Fevre River Indian war of Illinois of 1827; the Sabine Indian disturbances of 1836 and 1837; the Cayuse Indian war of 1847 and 1848 on the Pacific Coast; the Texas and New Mexico Indian war of 1849 to 1855; the California Indian disturbances of 1851 and 1852; the Utah Indian disturbances of 1850 to 1853; and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive, and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlisted or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be acceptable as evidence of said service.

Mr. MITCHELL of Oregon. Mr. President, since I first took my seat in the Senate, now more than twenty-three years ago, I have, I think, never permitted a session to pass that I have not exerted myself to the extent of my power to obtain some just recognition from Congress of the services of that most worthy among all worthy classes, the Indian war veterans of the far West.

That such recognition should have been so long delayed can not be otherwise characterized than as a reflection upon the justice of this Government; to indulge in longer delay would be little less than a flagrant national crime.

While during all these years I have been struggling, in connection with my colleagues, to obtain some fitting response to their reasonable and just appeals, I have seen these old veterans, these—

Aged men of cares,
Weary and worn, and white with hoary hairs—

drop, one after another, into their graves, until now there are but few remaining. No atonement for its neglect can be made by this Government to those who have departed. The opportunity, however, is now presented to do an act of tardy justice, although in a measure entirely too limited and far from commensurate with their deserts, to those who survive.

The pending bill, introduced by me early in the session, has been reported favorably by the distinguished chairman of the Committee on Pensions [Mr. GALLINGER], and the report, I believe, is unanimous. A similar bill has also, I am pleased to know, been reported favorably from the House Committee on Pensions. I therefore implore the Senate to permit this bill to be placed on its passage without further delay.

I fear we are too prone to forget the magnitude of the debt this Government and the people of this country and American civilization itself are under to the brave and hardy pioneers of the far West. They are the men and women who, through unparalleled dangers and sore trials in the past, by perilous and innumerable hardships without limit, laid the foundations of an empire of political, social, and commercial power amid the then impenetrable forests of that region. They braved not only the dangers, trials, and bereavements incident to the penetration and reclamation of a vast wilderness, but also the hostilities of savage men who disputed with them at every step the occupation, settlement, and sovereignty of that country. They, with their wives and children, were forced not only to risk the constant danger of the tomahawk and the scalping knife in the hands of the lurking individual savage, but were compelled also at divers times to meet in open warfare organized hostile Indian tribes.

The record of the Indian wars in Oregon and Washington from 1847 to 1856, inclusive, is one written in blood. The sacrifices and sufferings, the privations, the trials, the bereavements in which the pioneers of that country were involved by these bloody wars can never be adequately comprehended by those who were not participants in their innumerable and progressive tragedies. War is a terrible thing in any country, at any time, under any conditions, whether between civilized or savage tribes, whether in the open fields of civilization or amid the solitudes of the wilderness; but under no condition is its horrid front so appalling or its privations and desolations so absolutely unrelieved by any circumstance of amelioration as when pioneers engaged in carving out settlements amid the primitive forest and in establishing homes in a new country are compelled to contest the right to their possessions against bands of vengeful savages.

This was the kind of war these brave vanguards of civilization were compelled to and did encounter on the shores of the Pacific. At every call of their Territorial governor they promptly responded, furnishing their own horses, their own arms, and their own subsistence, leaving their wives and children unprotected. Many of them surrendered their lives in the unequal contest; many others were wounded and maimed for life; many of them witnessed their families stricken down by the tomahawk and the scalping knife, their houses burned, and their goods pillaged; and now every one of these survivors, with scarcely a single exception, is an old man or woman and unfortunately, also, in most instances in indigent and dependent circumstances. Are not these surviving patriots, this remnant of as brave a body of men and women as ever trod the face of God's green earth, as much entitled to pensions as are those other worthy survivors of a terrible war fought out with civilized armies according to the code of civilized and not of savage warfare in the open fields of civilization? To all these this

Government, this country, human progress, liberty, civilization, owe a debt of gratitude which never has been and never can be fully paid. But surely no one who reads and understands the history of each class, no one who has within him a human heart capable of comprehending human sufferings, privations, and sorrow in all their most acute and agonizing forms, will ever insist that the claims of the Indian war veterans, in whose interest I now especially speak, are in any respect less worthy of consideration, less entitled to recognition from the Government than are those who fought for the preservation of the Union upon many battlefields in the late war of the rebellion.

The names and the memories of the brave pioneer men and women who laid the foundations of empire in the wilds of Oregon deserve to be forever perpetuated, not only in their country's history but in the reverential hearts and minds of the people of the present and all future generations.

The occupation and settlement of the far West present a history without a parallel in the occupation and settlement of any other country since the beginning of time. As I have had occasion heretofore to say, there is something strangely dramatic, as also sublimely pathetic, in the strange scene of hundreds of men with their wives and little ones bidding farewell to friends, to home, to civilization, and starting on a journey with ox teams a distance of 3,000 miles across a trackless waste and over rugged, unexplored mountains, the way obstructed by numberless bridgeless rivers, yawning desolate canyons, and parched, repellant deserts, with a view of establishing new homes amid all the perils incident to a wilderness inhabited only by savage men and beasts.

Many of these brave men and women never lived to reach their destination, but fell by the wayside, like Hervey's ships, "that sailed for sunny isles, but never came to shore." But leaving the lonely grave of the loved one in the desert, the body soon to be devoured by the hungry wolf of the plain, the brave column of survivors, sustained by Wordsworth's "amaranthine flower of faith," and, in the language of Milton, "finding new hope springing out of despair," moved on and on, and, although, in the words of Southey, "no station is in view nor palm grove islanded amid the waste," they still press on and on, over burning deserts and trackless mountain steeps, until at last they rest in the cooling shades of "the continuous woods where rolls the Oregon."

But notwithstanding the innumerable hardships and seemingly insurmountable difficulties and trials with which these brave and resolute men and women had to contend in their weary pilgrimage, they were only to be eclipsed by the still greater hardships and trials which confronted them in their new-made homes in that distant wilderness. Their survivors and the widows of those whose unanswered appeals can no longer be heard make this last appeal to the American Congress for that just recognition so long denied them.

As factors in the civilization of America and of the age in which we live these brave pioneers are entitled to the fullest measure of recognition.

The pending bill is intended to include within the provisions of the pension laws a small class of Indian war veterans which should have been included, and which, it was generally believed, was included in the act approved July 27, 1892, of which this is an amendment. By a departmental decision, however, giving construction to that act, the veterans now designated by the pending bill were held not to come within its provisions or to be entitled to its benefits.

The pending bill includes the survivors and the widows of survivors of Indian war veterans of the following wars:

The Seminole war of 1817-18; the number of pensionable survivors and widows of this war was estimated nearly fifteen months ago to be 5 survivors and 120 widows. Those of the Fevre River or Winnebago disturbance of 1827; survivors were then estimated at 14, the widows at 107, total 121. The Sabine war of 1836-37; survivors then estimated at 221, widows 155, total 376. The Cayuse war in the then Oregon Territory of 1847-48; survivors then estimated at 144, widows at 82, total 226. The veterans of the Texas and New Mexico war of 1849-1855; survivors then estimated at 1,448, widows at 890, total 2,338. The California Indian war of 1851-52; survivors then estimated at 476, widows at 230, total 706. The Oregon and Washington Territory wars of 1851-1856, inclusive; survivors then estimated at 2,399, widows at 1,340; total, 3,739.

These several estimates were made by the Bureau of Pensions February 7, 1895, now nearly fifteen months ago, and it is believed the estimates then made were largely in excess, both as to number of survivors and widows, of the real number.

From various estimates furnished me by those thoroughly familiar with the Oregon and Washington Territory wars, and with the survivors, I am fully persuaded that the estimate as to the number of survivors and the number of widows of these several wars is at least more than treble the actual number. Taking the estimate, however, of the Commissioner of fifteen months ago,

and the whole number of pensioners who would be beneficiaries under this bill, making no allowance for intervening deaths, would be but 4,707 survivors and 2,924 widows, making a total of 7,631.

It will be remembered, further, that the average age of all these survivors, as also that of widows, is nearly if not quite three-score years and ten. The estimated age of the survivors of the Seminole war is 94; of the Fevre River or Winnebago disturbance, 88; of the Sabine war, 81; of the Cayuse war, 68; of the Texas and New Mexico wars, 65; of the California wars, 67; of the Oregon and Washington Territory wars, 65; all these being the estimates of fifteen months ago, every one of which as to numbers, I undertake to say, was far in excess of the actual number at that time, to make no mention of intervening deaths, which can not be few among a class of men whose average age is three-score years and ten.

In conclusion, I may say it has been the policy of the Government, as stated in the report of the committee, and the uniform course of legislation that service pensions should be granted at the expiration of forty years following the wars for which such pensions have been granted, and it is now more than forty years since all these wars came to an end.

It was the estimate of the Department fifteen months ago that the average pensionable period of those intended to be benefited by the present bill could not extend beyond about seven years from that time.

The language of the bill has the approval of the Department.

The present Congress can do no greater act of justice to any more worthy class than by promptly passing the pending bill.

I ask that there may be printed in the RECORD, and appended to my remarks, the report of the Committee on Pensions on the pending bill, submitted by the chairman of that committee.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The report submitted by Mr. GALLINGER March 24, 1896, is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars

of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, have carefully examined the same, and beg leave to report:

There is a remnant of the men who served in the early Indian wars in this country not yet on the pension roll. They are old and decrepit, and as a rule in circumstances of destitution. They are scattered all over the Western country, and while they recount their deeds of valor in the troublous times of the past, they naturally wonder that their names are not included in the list of those to whom the Government extends financial aid. It is safe to say that when the act of July 27, 1892, was passed the belief was entertained that its provisions would be extended to all the survivors of the early Indian wars, but in the administration of that law it has been found that certain classes (those named in this bill) had not been given a pensionable status. The following letter from the Commissioner of Pensions, addressed to Hon. C. L. MOSES, chairman of the Committee on Pensions, House of Representatives, Fifty-third Congress, fully explains the matter:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,

Washington, D. C., February 7, 1895.

"SIR: In compliance with your request of the 18th ultimo, I have the honor to forward herewith an estimate of the probable number of persons who will be benefited by the passage of House bill 8457 and the approximate sum required to make payments thereunder.

"In submitting this estimate I would state that it is based upon the best obtainable data and prepared in the manner briefly stated in notes accompanying it. As a number of the organizations were not in the military service of the United States, but were State organizations, and for the service of which the States were subsequently reimbursed, their services are not pensionable under the act of July 27, 1892, as now construed. Then, others of the organizations which were allowed pay for thirty days, a part of which was for travel, would not come within the provisions of said act unless all of the service and travel was rendered and performed at the seat of the war or disturbance, or the travel performed was from place of rendezvous to seat of war or disturbance and return therefrom to place of rendezvous.

"The cost of pensions of survivors and widows, as estimated, would be for the first year \$730,656, and, computed by the American Table of Mortality, the average pensionable period would be seven and two-thirds years; consequently it is believed that the sum of \$5,601,696 would be required to satisfy all pensions under the bill in question.

"The difficulties encountered in preparing an estimate of this kind will be readily understood when the numerous factors that enter into it, and which can not be correctly disposed of, are taken into consideration.

"Very respectfully,

"WM. LOCHREN, Commissioner.

"Hon. C. L. MOSES,

"Chairman Committee on Pensions, House of Representatives."

A tabular estimate was furnished by the Bureau of Pensions at the same time.

Statement showing the estimated number of persons to be benefited by passage of House bill 8457, and approximate sum required to make payments thereunder.

Wars.	Troops engaged.	Survivors now living, average age at enlistment.	Estimated age, 1895.		Number of pensionable survivors and soldiers' widows January, 1895.			Cost per year, at \$8 per month.			Expectation of life, in years and fractions.
			Survivors.	Widows.	Survivors.	Widows.	Total.	Survivors.	Widows.	Total.	
Seminole, 1817-18	6,911	20	94	92	5	120	125	\$480	\$11,520	\$12,000	{ Survivors. 0.64 Widows... .98
Fevre River or Winnebago disturbance, 1827	1,416	20	88	88	14	107	121	1,344	10,272	11,616	{ Survivors. 1.91 Widows... 1.91
Sabine, 1836-37	4,429	22	81	81	221	155	376	21,216	14,880	36,096	{ Survivors. 4.05 Widows... 4.05
Cayuse, 1847-48	682	22	68	65	144	82	226	12,576	7,200	19,776	{ Survivors. 9.47 Widows... 11.10
Texas and New Mexico, 1849-1855	6,465	22	65	60	1,448	890	2,338	139,008	85,440	224,448	{ Survivors. 11.10 Widows... 14.10
California, 1851-52	1,265	22	67	62	476	230	706	45,606	22,080	67,776	{ Survivors. 10 Widows... 12.88
Utah, 1850-1853											
Oregon and Washington Territory, 1851-1856	7,229	22	65	60	2,399	1,340	3,739	230,304	128,640	358,944	{ Survivors. 11.10 Widows... 14.10
Number of pensioners					4,707	2,924	7,631				
Cost of first year								450,624	280,032	730,656	
Cost of 7½ years										5,601,696	

It will be seen from the above that a careful estimate placed the cost of the proposed legislation at \$730,656 the first year, and that the entire cost to the Government would be, taking the American Table of Mortality as a guide, \$5,601,696. As the average pensionable period under the bill was computed to be seven and one-half years and over one year has already elapsed, it will readily be seen that the addition to the pension roll will not be very great and in about six years from the present time will have entirely ceased.

From an elaborate and interesting report made to the House of Representatives in the Fifty-third Congress, favoring the proposed legislation (which same recommendation is made by the House Committee on Pensions in this Congress) the following is taken:

"Your committee find that, on examination of the Department records, muster, and pay rolls of the Government, there still remain of the Seminole war of 1817-18 but 5 survivors and 120 widows. Of the "La Fevre" Indian war, which occurred sixty-eight years ago, there remain but 14 survivors and 107 widows. Of the Sabine war of 1836 there remain but 221 survivors and 155 widows. Of the Cayuse war of 1847-48 there are 144 survivors and 82 widows. Of the Texas and New Mexico Indian wars there still survive 1,448, with 890 widows. Of the California Indian wars there still survive 476, and 230 widows. Of the Indian wars of the Territories of Oregon and Washington, prior to 1856, there still survive 2,399, and 1,340 widows.

"In many regiments serving in these Indian wars an examination of the names shows a repetition, caused by the same person enlisting in different companies, and this, it is estimated, will still further reduce the number of beneficiaries at least 700, leaving the total survivors of the Indian wars at about 4,000.

"The last of these wars occurred forty years ago, and the estimated age of the survivors is fixed at 65 years, while the estimated age of the Seminole survivors is 94 years. Of the inestimable services of these pioneer men and soldiers we deem it unnecessary to refer. History recognizes the results they achieved. In the South and West they endured the greatest of privations,

sacrifices, and sufferings. We owe to them largely, if not entirely, the acquisition of the vast empire of the Pacific Northwest.

"It having been the policy of the Government and the uniform course of legislation that service pensions should be granted at the expiration of forty years following the wars for which such pensions have been granted, it will be seen that this period has been now reached as to all the wars mentioned in the present bill, while as to some over seventy-seven years have elapsed since the war. Most of these old survivors are in needy circumstances, while all are in old age, and, as estimated by the Commissioner of Pensions, the average pensionable period can not extend beyond about seven years hence. Many of these aged men were omitted from the act pensioning survivors of Indian wars between 1832 and 1842, and for this reason the present bill is the more just, since it includes all the survivors of the recognized Indian wars prior to 1856.

"The language of the bill has the approval of the Interior Department.

"In the Seminole war, 1817-18, there were 1,000 regulars and 5,911 volunteers, and the estimate for this war is based upon the percentage of survivors of the war of 1812 and widows of soldiers of that war who were drawing pensions June 30, 1890, the period between the two wars being practically the same as that embraced between June 30, 1890, and this date.

"Five survivors and 120 widows are estimated to be now living.

"In the "La Fevre" or Winnebago disturbance, 1827, there were 900 regulars and 516 volunteers engaged. Of these troops there were probably 50 per cent, or 708, who served in the Black Hawk war or other Indian wars and have pensionable service under act of July 27, 1892, or other acts, leaving 708 remaining at the close of disturbance.

"The disturbance occurred sixty-eight years ago, and from an examination of claims on file it is estimated that the soldiers now living were 20 years of age at enlistment.

"Taking the percentage above noted and computing with the American Table of Mortality, it is estimated that 14 survivors and 107 widows are now living and would be beneficiaries.

SABINE DISTURBANCE, 1836.

"The War Department reports 1,323 regulars, and the Auditor for the War Department reports 3,106 volunteers, making a total of 4,429 soldiers called into service during said disturbances. From former reports from War Department it is shown that practically all of the regular soldiers served in either the Creek Indian or Florida Indian war, or Cherokee disturbance, and come within the provisions of existing laws. Of the 3,106 militia, it is fair to estimate that 40 per cent of them, or 1,242, also served in one of the wars or disturbances mentioned. As there was no fighting and few casualties in the Sabine disturbance, it is estimated that 1,800 of the remaining 1,864 soldiers survived at the close of the disturbance. As it has been nearly fifty-nine years since the service was rendered, and age at enlistment being estimated at 22 years, the survivors would now be 81 years of age.

"Taking this estimate and computing with the American Table of Mortality, the number of survivors should be 221. The remaining 1,579 represent those deceased. It is assumed that 80 per cent, or 1,263, were married and left widows, 155 of whom are now living at the age of 81.

CAYUSE, 1847-48.

"There were 682 volunteers and no regular troops engaged.

"The estimate as to Cayuse war is based upon the percentage of survivors of the Mexican war and widows of soldiers of that war who are now alive and have pensionable service, the Cayuse war having occurred while the Mexican war was in progress.

"It is shown that 12 per cent of claims filed by Mexican war survivors and 10 per cent filed by soldiers' widows have been rejected on conditions that do not enter into the Indian war act, to wit, a service of less than sixty days and age limit, etc.

"Taking this estimate and computing with the American Table of Mortality, there should be 144 survivors and 82 widows now living.

"These volunteers were not mustered into the United States service, but under a subsequent act of Congress the State of Oregon was reimbursed for their service by the United States.

TEXAS AND NEW MEXICO, 1849-1855.

"The War Department reports that there were 5,050 Regular Army soldiers engaged in the Texas and New Mexico Indian disturbances in 1849-1855. As enlistments in the regular service were for five years, with the exception of the men who composed the additional regiments raised for the Mexican war, it is presumed that at least 20 per cent, or 1,010 of the 5,050, rendered service in the Mexican war and have title under the act of January 23, 1887. As the same organizations, or a large proportion of them, served in more than one of the disturbances during the period mentioned, probably 25 per cent, or 1,010 of the remaining 4,040, should be deducted, for the reason that they were counted more than once in War Department report. Of the remaining 3,030, probably 15 per cent, or 454, served in the United States Army during the war of the rebellion, and have pensionable status under other acts. Of the 2,576 remaining, 15 per cent, or 386, should be deducted for death in service, desertions, and for those who were discharged for disabilities resulting from service, which gave them title to pension under the general law.

"This would leave 2,190 who were living in 1855. An examination of a large number of bounty-land cases based on the services of these soldiers shows that their average ages at this time is about 65½ years. The American Table of Mortality shows that 48 per cent of people at that age are living; but as the war of the rebellion occurred shortly after the disturbances in question, it may be presumed that quite a number of the survivors entered the Confederate service, consequently the mortality would be increased by that service, say, 6 per cent, or 131, leaving 2,059 survivors and 513 widows.

"The Auditor for the War Department reports that there were 1,415 militiamen who served thirty days or upward. Of this number 685 were from Texas. It is known to the Bureau that a considerable percentage of the Texans rendered prior service in the Mexican war, and also that a number of them rendered more than one service in the Texas and New Mexico war. Probably 40 per cent, or 274, should be deducted for this estimate, which would leave 411. Of the 730 New Mexicans who served, probably 25 per cent, or 182, rendered more than one service, leaving 548.

"Thus the total survivors of said wars alive in 1855 would have been—

Regulars	2,059
Texans	411
New Mexicans	548
Total	3,017

"Of these 3,017, at the average age of 65½ years, there should now be living, according to the mortality table, 1,448 survivors with pensionable status for thirty days' service.

"It is believed that a fair estimate of the number of widows surviving is obtained by taking the percentage of Mexican war widows with Mexican war survivors. This would give 890 widows of soldiers of Texas and New Mexico disturbances living.

CALIFORNIA INDIAN DISTURBANCES.

"The War Department reports 265 regular soldiers engaged in said disturbance. The Auditor for the War Department reports that the State of California was reimbursed in bulk for the services of her soldiers in the Indian wars, and was not required to furnish rolls, consequently an estimate as to the number of men other than the regulars can not be given. Of the regulars probably 80 per cent, or 212, served in the Mexican war, leaving 53.

"The records of this Bureau show that over 900 bounty land warrants were issued for this service, and estimating the volunteers as 1,000 and regulars as 53, and computing with the American Table of Mortality, there should be now living 476 survivors, and, computing on Mexican war basis, 230 widows.

"As the California militia were not in "the military or naval service of the United States" they will not come within the provisions of the act of July 27, 1892.

"In Utah disturbance of 1850-1853 the War Department reports 10 regulars, all of whom probably served in other wars. The Auditor for the War Department reports 530 militia, none of whom served thirty days, consequently they have no pensionable status under act of July 27, 1892.

IN THE OREGON AND WASHINGTON TERRITORY WARS.

"The War Department reports that 850 regulars were engaged, and the Auditor for the War Department 6,379 militia. Of the regulars probably 75 per cent, or 637, served in the Mexican war and other wars, leaving 213, and of the militia 20 per cent, or 1,276, served in other wars or rendered more than one service in the Oregon and Washington Territory wars, leaving 5,103 militia; a total of regulars and militia of 5,316. Of this number deduct 6 per cent, or 319, for desertion and casualties, which would leave 4,997 survivors at close of the wars.

"From an examination of a number of claims it appears that these survivors should now be 65½ years of age, and from the American Table of Mortality 48 per cent, or 2,399, are now living.

"The number of widows is based upon the percentage of widows of Mexican war soldiers who are living, which would show 1,840 widows of soldiers of Oregon and Washington Territory disturbances living."

In view of all the circumstances surrounding this matter, and in recognition of the services and necessities of the few survivors of our early Indian wars, your committee recommend early and favorable action on the bill.

Mr. MITCHELL of Oregon. As this bill has received the careful consideration of every member of the Committee on Pensions, and has been reported with the approval of every member of that committee, I ask, in the name of common humanity, of common justice and of right, the unanimous consent of the Senate, that the bill may now, without further discussion, be placed on its passage. I have the consent and the permission of the chairman of the committee; in fact, the request of the chairman, that I do so at this time.

Mr. CALL. Mr. President—

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. CALL. I have no objection to the bill being put on its passage.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Oregon to the word "enlisted," in line 30, on page 2, and inquire whether it ought not to be "enlistment"?

Mr. COCKRELL. Let it be read, and then we can see whether an amendment is necessary.

The Secretary read as follows:

And provided further, That where there is no record of enlistment or muster into service, etc.

Mr. MITCHELL of Oregon. The word "enlisted" ought to be "enlistment," and I ask that that change may be made.

Mr. ALLISON. Let the whole of the proviso be read, so that we may see the connection.

Mr. MITCHELL of Oregon. Very well, let the whole of it be read.

The Secretary read as follows:

And provided further, That where there is no record of enlistment or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be acceptable as evidence of said service.

Mr. GRAY. I wish to ask the Senator from Oregon whether the wars mentioned were public wars of the United States and were recognized as such?

Mr. MITCHELL of Oregon. Every one of them was so recognized.

Mr. GRAY. I ask that the proviso be again read.

Mr. COCKRELL. Let the wars mentioned in the first part of the bill be read. It will show what they are.

Mr. MITCHELL of Oregon. All those veterans were not mustered into the service of the United States. Numbers of them were mustered under the provisional governments and Territorial governments. The act of which this is proposed to be amendatory applies to that class of persons.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

That the act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same is hereby, amended and extended so as to include the names of the surviving officers and enlisted men who served for thirty days or more and were honorably discharged under the United States military, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818, the Fevre River Indian war of Illinois of 1837, the Sabine Indian disturbances of 1836 and 1837, the Cayuse Indian war of 1847 and 1848 on the Pacific Coast, the Texas and New Mexico Indian war of 1849 to 1855, the California Indian disturbances of 1851 and 1852, the Utah Indian disturbances of 1850 to 1853, and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive, and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be acceptable as evidence of said service.

Mr. GRAY. I think that in the enumeration of wars there are some as to which I should like to have more light. I think I shall have to object to the present consideration of the bill.

Mr. MITCHELL of Oregon. I am very sorry the Senator from Delaware objects. The bill has had very careful consideration in the committee. I hope he will withdraw his objection.

Mr. GALLINGER. If the Senator from Delaware will permit me, before he makes his objection, I wish to state that the committee were very fairly of the opinion that under the act of July 27, 1892, it was believed that all those soldiers would be pensioned; but there were some difficulties in the way. For instance, some of the organizations which were allowed pay for thirty days, a part of which was for travel, would not come within the provisions of said act unless all of the service and travel was rendered and performed at the seat of the war or disturbance, or the travel performed was from place of rendezvous to seat of war or disturbance and return therefrom to place of rendezvous.

It was a mere technical objection. Some were ruled out on that ground. I think the Senator from Oregon did not state how expensive this measure will be to the Government. I think it is right that that should go into the RECORD, and I desire to put it in if the Senator will allow me.

Mr. MITCHELL of Oregon. I have had the report inserted in the RECORD.

Mr. GALLINGER. The Commissioner of Pensions made a very careful estimate fifteen months ago, according to the American Table of Mortality, of the length of time these soldiers would survive. It has wiped out the survivors of the Seminole war, who were to live sixty-four one-hundredths of a year. The survivors of the La Fèvre River or Winnebago war were to live one and ninety-one one-hundredths years. They are pretty nearly wiped out. The survivors of those wars were to live an average of seven and two-thirds years from the time the estimate was made fifteen months ago. So that in six years or a little more from the present time, according to the American Table of Mortality, they will all have disappeared. The cost to the Government fifteen months ago would have been \$730,656 the first year, or for the seven years and two-thirds the entire cost to the Government until they all disappeared would have been \$5,601,696.

Mr. GRAY. That does not include the widows?

Mr. GALLINGER. It does absolutely.

Mr. MITCHELL of Oregon. It includes everything.

Mr. GALLINGER. The Senator from Oregon thinks the estimate is very much beyond the fact.

Mr. MITCHELL of Oregon. There is no question about it so far as Oregon is concerned. I am familiar with the condition there.

Mr. GALLINGER. It will not cost the Government very much. The committee believed all these persons would be included under the act of July 27, 1892, but for technical reasons it did not apply.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon [Mr. MITCHELL]?

Mr. CALL. There is an omission in the bill which I ask may be corrected.

Mr. ALLISON. If the bill is to give rise to long debate I hope it will not be considered at this time.

Mr. GALLINGER (to Mr. CALL). Do not ask for that change.

Mr. CALL. I merely ask for a verbal correction in the bill.

Mr. MITCHELL of Oregon. What is it?

Mr. CALL. It is simply to embrace the Seminole Indian wars in Florida of 1856, like those of Oregon. I only ask that after the Oregon war of 1856 we insert the Seminole Indian wars in Florida of 1856 and 1857.

Mr. PASCO. I suggest that in line 19, after the word "coast," the words "the Florida wars with the Seminole Indians from 1842 to 1858" be inserted.

Mr. CALL. All right.

Mr. PASCO. That will cover it.

Mr. MITCHELL of Oregon. I have no objection to the amendment.

Mr. GRAY. I object to the further consideration of the bill.

The PRESIDING OFFICER. The Senator from Delaware objects to the further consideration of the bill.

Mr. MITCHELL of Oregon. I give notice, then, at this time that at the very first opportunity I get I shall move to proceed to the consideration of the bill, and I shall antagonize everything that comes in the way until I can get a vote.

Mr. PASCO. I wish to ask if the amendment which has been suggested has been accepted. I understand it has been, and if that is the case I wish the fact to appear of record.

Mr. CALL. Yes; it has been accepted.

The PRESIDING OFFICER. The Chair understands the committee to accept the amendment submitted by the Senator from Florida.

Mr. GALLINGER. I ask that the bill be further amended by substituting the word "accepted" for the word "acceptable," in line 33.

Mr. COCKRELL. Then let the bill be reprinted.

Mr. GALLINGER. And let the bill be reprinted.

The PRESIDING OFFICER. There is objection to the further consideration of the bill, and it will go over.

LEAVE OF ABSENCE.

Mr. HOAR. Mr. President, I ask leave of absence for the remainder of the session.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal

Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.;

A bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia;

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.; and

A joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

The message also announced that the House had passed the bill (S. 2231) for the relief of settlers on the Northern Pacific Railroad indemnity lands, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

A bill (H. R. 7200) for the relief of A. T. Hensley; and

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2557) granting a pension to Sarah A. Boyd.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on agreeing to the amendment submitted by the Senator from Missouri [Mr. COCKRELL].

Mr. ALLISON. This is an important matter, and I think we should have more present in the Senate than there are at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Hoar,	Platt,
Allison,	Cullom,	Jones, Ark.	Pugh,
Bacon,	Daniel,	Kyle,	Sewell,
Baker,	Davis,	Lodge,	Sherman,
Bate,	Dubois,	McBride,	Shoup,
Berry,	Elkins,	McMillan,	Smith,
Blackburn,	Faulkner,	Martin,	Teller,
Brice,	Frye,	Mills,	Turpie,
Burrows,	Gallinger,	Mitchell, Ore.	Vest,
Butler,	Gear,	Morrill,	Walthall,
Call,	George,	Palmer,	Warren,
Cannon,	Gordon,	Pasco,	White,
Carter,	Gray,	Peffer,	Wilson,
Chandler,	Hansbrough,	Perkins,	Wolcott,
Clark,	Hawley,	Pettigrew,	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. COCKRELL. Mr. President, there is no question of constitutional law involved in the pending amendment. There has been no union of church and state. The provision of the bill to which my amendment refers and in lieu of which it is offered does not separate church and state. They have not been joined together by any legislation of Congress, and there is no violation of any constitutional provision in the amendment I offer, nor is the clause I propose to strike out in enforcement of a constitutional provision or requirement.

Article I of the amendments to the Constitution says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

There is another provision in Article VI, clause 3.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Congress for a long series of years has been making appropriation for the education of Indians in the schools of the different denominations, not all of the Protestant denominations, but quite a number of them. We have furnished money for the education

of those children in Catholic schools and in Protestant schools. It was done not because those schools were preferred, but because they were the only available schools at the time. That policy has been continued. All the denominations except the Catholics have withdrawn their schools, and now the only question is whether any appropriation shall be continued in the pending bill for the education of Indian children in Catholic schools.

The amendment asserts distinctly the principle of this Government:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898.

There is the declared policy of the United States to make no appropriation for the education of Indian children in any sectarian school where provision can otherwise be made. Now, what is the proviso?

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

I am opposed to appropriations for sectarian schools as much as any other Senator upon this floor, and the only question is whether there is any emergency now existing where, if this policy is carried out, Indian children will be deprived of the means of education. I understand the Senators who are opposing the amendment to say that they believe the Government can provide school facilities for all Indian children independent of the sectarian schools. Then, if it can, my amendment declares that it shall be done.

My amendment meets that proposition squarely. If the Government can furnish school facilities for Indian children at any place, then the Secretary of the Interior has no authority to make contracts. That is a plain proposition. Then why object to the amendment? Senators admit that there is a possibility, a probability, and those who are familiar with it absolutely know that all those children can not be provided for in governmental schools during the fiscal year 1897. They may be provided for possibly during the fiscal year 1898, provided the increased appropriations we propose to make here are given. It will take a large sum of money, and it will take time for the erection of school buildings before school facilities can be furnished to all the children.

If such facilities can be furnished, then my amendment prohibits any use of the money for sectarian schools. If they can not be furnished, if the Government can not make such provision, then the question is, Will you deny to the Indian children access to those school facilities because they are under the control of the Catholic Church? No, Mr. President; I think not. My amendment merely provides for that emergency, for that contingency, and I ask Senators if they will now vote to deprive children who can not be educated in any other than sectarian schools of the facilities of education in such sectarian schools, because my amendment is perfectly plain and there is no evasion in it. If the Government can furnish school facilities it must do so, and it can not make contracts with any of the present schools. Therefore I earnestly hope that my amendment will be adopted.

Mr. CALL. Let the amendment of the Senator from Missouri be again read.

The SECRETARY. Instead of the amendment proposed by Mr. CARTER, it is proposed, after the word "Alaska," in line 20, on page 58, to insert:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897; but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

Mr. ALLEN. Mr. President, I would not at present consume the time of the Senate in considering the amendment if it were not for the fact that the senior Senator from Mississippi [Mr. GEORGE] declared yesterday that the proposed amendment is in violation of the first amendment to the Constitution, which he quoted. I am myself unable to see wherein it violates the Constitution, either in its language or its policy. I think the Senator was entirely wrong in stating that there is anything in the amendment which is violative either of the language or the evident policy of the first amendment to the Constitution.

There are two places in the Constitution as amended where the subject of church and state can be found mentioned. In the first amendment there is an express declaration that Congress shall make no law respecting an establishment of religion. In another section, in speaking of the oath that is to be taken by certain officers of the Government, it is provided that no religious test shall be required as a qualification to any office or public trust

under the United States. It occurs to me that those two provisions of the Constitution settle the question of the entire divorce of church from state, and that no one can now seriously claim that there is any intention or purpose on the part of Congress to bring about a union between church and state.

The history of these two provisions, especially the one I have just referred to, is somewhat interesting. On August 20, 1787, Mr. Pinckney submitted to the constitutional convention certain propositions, among which was this:

No religious test or qualification shall ever be annexed to any oath of office under the authority of the United States.

August 30, 1787, Mr. Pinckney moved to add the words:

But no religious test shall ever be required as a qualification to any office or public trust under the United States.

Mr. Sherman, at that time a member of the constitutional convention, said that he thought the amendment was unnecessary, the prevailing liberality being sufficient security against such a test.

The evident purpose of the first amendment to the Constitution, prohibiting Congress from making a law respecting an establishment of religion, was to destroy a rule that had prevailed in England for a great many years, from which country we got our institutions, whereby a certain church was established as the church of the Government and was supported by onerous taxation levied on the people. That had been practiced in the colonies to some extent. There were a number of colonies which had adopted a particular religious creed as a church of state, and their levies upon the people of those colonies had been very burdensome in supporting the established church and in propagating the tenets and faith of that church among the people. It was for the purpose of making the line of demarcation distinct between the Government upon the one hand and the church or churches on the other that the first amendment to the Constitution was adopted.

What does it mean? It means no more and no less than that Congress shall never by act or resolution establish a particular church as an institution of this Government or an institution of the State governments which shall draw its support from taxes to be levied upon the people. But it does not mean that Congress may not, under appropriate circumstances, give its aid to the advancement of education, although that education may be taken with sectarianism.

I am not a believer in the doctrine that the Government of the United States or any State government should be burdened with taxation for the support of any particular religious denomination. I believe that we should keep clear of legislation of that kind. But I hope that the American people have not become so narrow and so bigoted that they are not willing to extend even by a liberal appropriation of money aid to any church that is engaged in educating Indian children when their education can not be procured through schools established by the Government. I see nothing to be gained by precipitating upon the Senate a discussion of the doctrine of the first constitutional amendment, or of the doctrine of church and state, that has caused so much unfeeling controversy in the history of the past and that would be productive of no good result at this time.

The amendment of the Senator from Missouri is in line with the policy which was discussed at the last Congress, and, as I supposed, adopted, to the effect that the Government would reduce by 20 per cent each year its appropriation for the education of the Indian children at contract schools and that in the course of five years the appropriations would cease entirely. It was then shown to the Senate quite conclusively, as I believe it is now, that the Catholic Church was induced, and possibly other churches were induced, to expend large sums of money in the construction of school buildings and in preparing themselves to carry on this educational work, much of which would be lost in consequence of an immediate withdrawal of the policy of the Government in aiding in the education of the Indian children.

Mr. President, I do not think that the American Congress can afford to be unjust to any class of its citizens. I do not believe that we can afford to say that a church organization or any other organization that has invested its money in the construction of commodious and valuable buildings shall lose that money in consequence of a sudden and unnecessary withdrawal of public assistance, especially when we told these people by the policy we have been pursuing that the Government would render them some assistance and some aid in carrying along the educational work they were engaged in.

Mr. GRAY. We invited them.

Mr. ALLEN. We invited them to invest money, and now it would be, in my judgment, absolutely and cruelly wrong suddenly to take the appropriations from them and by that means render their property worthless.

I am in full accord with the sentiment expressed in the proposed amendment, which is found in the following language:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any

sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898.

It occurs to me that no man can find fault with that language. There is an express declaration on the part of the Government to discontinue the appropriation of money to carry on the contract schools or to assist the contract schools just as soon as the Government can put itself in a condition where it can afford ample educational facilities for these children. With that I am in hearty accord. But I am not in favor of bowing to a sentiment which seems to exist to some extent that the Government should absolutely and without warning abandon these people and leave their property upon their hands unproductive.

Mr. President, I was in hopes that the time had passed in this country when sectarian bigotry would make its appearance in the Congress of the United States, and when any man could be moved to give utterance to sentiments that possibly he is not willing to express on all occasions in consequence of the particular and peculiar political situation existing at this time. I am not a Catholic. I am the son of a Protestant minister. Whatever religious education I have come from Protestant parents and Protestant teachers. But I supposed the time had come, at least I hope it has come, when no man is to be arraigned in this country in consequence of his religious faith, and when every man and woman may be permitted to worship God according to the dictates of his or her own conscience without being arraigned or charged with entertaining a belief that is hostile to the perpetuity of American institutions and American freedom.

I know of no organization that has done more to bring about civilization in this country than the Catholic Church. I am not its advocate; I am not a member of it; and I can not say that I have any more sympathy with it than I have for any other church. In fact my sympathies go out to the church of my father and my mother. When the Pilgrims landed at Plymouth Rock they found the missionaries of this church scattered among the barbarous tribes of this country. They had preceded the landing of the Pilgrims and the landing of the immigrants at Jamestown. They were carrying the gospel among the heathen of this country; they were devoted to the work of civilizing and bringing the gospel of Christ to the uncivilized tribes inhabiting this country.

We may disagree, Mr. President, as to church creeds, as to church government; we may disagree as to the proper construction to be placed upon certain passages of the Scriptures; but we certainly can not disagree upon the question that the time has come in this country, and I hope in the civilized world, when no man is to be proscribed, directly or indirectly, in consequence of any religious faith he may entertain.

I look upon it as unfortunate. It is unfortunate, Mr. President, for during the great struggles through which this country has passed the blood of the Catholic and the Protestant has been spilled upon the same battlefields. All through the long Revolutionary struggle extending over seven years Catholic and Protestant fought side by side for American freedom, for political freedom. Yes, Mr. President, they fought side by side for religious freedom as well. There has been no great epoch in our national history where Catholic and Protestant have not stood side by side and sustained the Government and contributed to the march of civilization and peace. And now after we have reached the one hundred and twentieth year of our national existence, when we have progressed from a nation of 4,000,000 people on the east side of the Alleghany Mountains and skirting along the Atlantic Ocean to a nation of 70,000,000 people extending from the Atlantic to the Pacific, that we should raise the flag of intolerance and sectarianism right at the place where it should never appear, in the Congress of the United States, is in my judgment to be deplored.

In our history, in the development of the arts and sciences, in commerce, in industries, in our navies and our armies, Protestants and Catholics alike have contributed their portion to the development and upholding of this country.

I will support the amendment of the Senator from Missouri upon this ground. It is made to appear to me, I think quite conclusively, that some of these Indian children will be deprived of educational opportunities unless the present system be continued the coming fiscal year, unless we pursue the policy that was marked out in the Fifty-third Congress. I do it cheerfully, because I would not witness the education of these little children, which has just been started, broken into and destroyed in consequence of bowing to a sentiment which in my judgment is altogether un-American and which in the nature of things must pass away with the next breath.

The American people are not a bigoted people. The American Constitution was not founded upon religious or political bigotry or narrowness. Religious bigotry and narrowness can never find a permanent lodgment in Congress or a permanent lodgment in the hearts of true American people.

Mr. President, you and I demand, as American citizens, respect

for our opinions. No man has a right to assail you as being untrue to the flag of your country and to its best interests because you may indulge in a particular religious faith. No man has a right to arraign me because I may believe in a different faith in consequence of having been taught by my parents the faith in which I believe. These things necessarily are sacred to every American citizen. It is not necessary to bring them into the consideration of public questions. It is not necessary to bow to every idle wind that blows, and it is altogether un-American to have any disrespectful reference to the faith of any particular American citizen made in the Congress of the United States.

Sir, we might learn some valuable lessons from the history of the Catholic Church as well as the history of the Protestant churches if it were proper to consider them. I do not know of the history of an organization that has gone upon the very confines of civilization itself and marked the pathway for governments and empires more successfully than the great organization known as the Catholic Church. It has carried the torch of civilization in one hand and the gospel of Christ in the other to those who never knew them before. While we may disagree with reference to particular church dogmas, it furnishes no reason why the Congress of the United States should permit narrowness and bigotry to appear here and induce us to do that which is not only wrong in itself but which is wrong in its effect upon the education of the Indian children. This narrowness and bigotry was not the teaching of the Master. It is foreign to our institutions. Here every church organization is supposed to stand upon an equality before the law and all are to receive equal recognition and equal justice at the hands of the Government.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PETTIGREW. I believe it is the understanding that the resolution, which is the unfinished business, shall be temporarily laid aside, so as not to prejudice it.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside without prejudice. Is there objection? The Chair hears none. The Senator from Nebraska will proceed.

Mr. ALLEN. Mr. President, just a word more upon this subject. Although I am not a member of any church organization, I never want to live in any community in which there are not churches and church organizations; I never want to live in a community where the church bell does not break the stillness of the Sabbath morning and call the inhabitants of that locality to the worship of the Supreme Being; I never want to live in a community or see a country where the songs of the Master can not be sung by His children as they may see fit to sing them upon the Sabbath and on other occasions; I never want to live in a community that is so narrow in its construction that every Christian organization which may see fit to build a temple of worship may not receive just and proper treatment at the hands of the entire community.

Mr. President, we can learn here a valuable lesson. Here is a great church organization under the encouragement of the Government which has undertaken to educate these children, and has accomplished a wonderful work in that direction. We all agree that the time has come when the Government must withdraw its assistance from sectarian institutions; but if we have had the power to encourage that organization to construct great buildings and equip itself to carry on the work of education by the appropriation of money, certainly we have the power now to prevent absolute bankruptcy coming to those educational institutions in consequence of a sudden withdrawal of our support, a withdrawal not prefaced by any notice of a change of policy.

I think, especially in the Congress of the United States, composed of representatives of the people, we should remember that here of all places sectarian discussion should not take place. We are the representatives of all classes of people, Catholics, Protestants, and nonbelievers; of Armenians and Jews, as my honorable friend from Delaware [Mr. GRAY] suggests. We are the representatives of all classes of citizens, and it is our duty in Congress to follow out the spirit and the language of the teachings of the fathers by avoiding unnecessary sectarian discussion and unnecessary sectarian bigotry in the disposition of public moneys.

Mr. President, I have sometimes thought that it might be well for the Congress of the United States to turn back to the teachings of the Master and see what they were. With the permission of the Senate, I will quote some of those teachings. I refer to Paul's First Epistle to the Corinthians:

Though I speak with tongues of men and of angels, and have not charity, I become as sounding brass or a tinkling cymbal.

And though I have the gift of prophecy, and understand all mysteries, and

all acknowledge; and though I have all faith, so that I could remove mountains, and have not charity, I am nothing.

And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not charity, it profiteth me nothing.

Charity suffereth long, and is kind; charity envieth not; charity vaunteth not itself, is not puffed up;

Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil;

Rejoiceth not in iniquity, but rejoiceth in the truth;

Beareth all things, believeth all things, hopeth all things, endureth all things.

Charity never faileth; but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away.

And now abideth faith, hope, charity, these three; but the greatest of these is charity.

Mr. President, this is an impressive lesson. It teaches charity, not in almsgiving, for that is the meaner portion of it, but charity of judgment, that charity which rests in the breast of every true citizen and every true man and woman and looks upon the faults and frailties of others, if there be faults and frailties, with some degree of allowance. I thank God, Mr. President, this country is big enough, that the Constitution under which we live is broad enough in its principles, to take under the folds of our flag every church organization and every school organization and do ample and complete justice to all, and that, too, within the light of the doctrine that there shall be an eternal divorcement of church from state.

Mr. PEPPER. Before the vote is taken on the pending amendment I wish to offer a few words and I will detain the Senate but a very short time.

In the first place, Mr. President, I do not understand why there is so much sensitiveness manifested in relation to the sectarian aspect of this discussion. I have not heard one Senator who has said anything in opposition to any particular denominational belief. I think I have listened to every argument that has been presented thus far, and I have not heard a word in derogation of the work or the creed or the church polity of any particular religious sect or denomination. That being true, I do not see why Senators feel called upon to select one particular denomination and to eulogize it and pay homage to it in preference to all others.

Since the foundation of the Christian religion there have been divisions. They began among the early Christians. There were first but seven churches, but at that time they were all one—many members, one body. However, in the course of time there were divisions, originating possibly with the contending popes, one at Rome and the other at Alexandria, until at the present day we have some 600 different denominations, and, if I remember correctly, some 65,000 different church organizations, with separate buildings in which they worship, and they have a total membership of somewhere in the neighborhood of 23,000,000, equal to one-third of the total population of the country. These various religious denominations are so many parts of one great Christian system. While there are differences existing between every two of these different denominations, and while some of them are radical, they are all based upon the religion that the Master Himself taught when He was here.

I have seen no disposition whatever on the part of Senators to disparage any one of them. Hence I repeat my astonishment at some Senators whose views seem to be so sensitive on this subject that they must single out one particular denomination in order to speak well of it while saying nothing of the others.

For myself, Mr. President, I believe in the broadness of Christianity, like the Kingdom of heaven gathering them in at all times. It is the right of mortal man to worship God as he pleases, and it is a part of our constitutional history that the Government shall be no respecter of religions.

In this particular case the amendment proposed by the Senator from Missouri concedes, to begin with, and so have all the Senators who have spoken along that line, that it is now and is to be the established policy of Congress to get rid of the contract schools. I see no better way to abolish anything than by abolishing it. If it is the established policy of the Government, if Congress has agreed upon it, and the people are satisfied with it, that the contract system of Indian schools shall be dispensed with directly, that ought to settle the question at once. To continue the matter is merely to prolong the discussion, to add nothing to the opinions of the people.

But Senators say that we ought in some measure to respect the property rights of persons and societies who have invested their means in buildings and in other improvements for the purpose of carrying on these schools. If we are to adopt that policy the Government would be ruined in a short time. Not quite but nearly two years since we had a long, animated discussion in this Chamber with respect to changing our revenue system, or rather a revision of our revenue laws. I remember that I pleaded for hours and days in order to save property rights of people whom I had the honor to represent upon this floor—farmers by the thousand engaged in the production of wool. I asked that the law

might remain partly, at least, in force. I said, "Save for us, if you please, only 5 cents a pound on our wool." But it was taken away from us unceremoniously; no attention was paid to these property rights of farmers; there was no sympathy with them in the immediate destruction of one of their great industries.

So, too, a large number of men and corporations relied upon the good faith of the Government of the United States, represented in Congressional action, that they might proceed to manufacture sugar, and for a certain number of years should be paid 2 cents a pound as a bounty for their energy and their enterprise. I asked that that might be retained, or at least that some part of the provision for their protection might be retained; but it was ruthlessly taken away from them. So it is in all our legislation with respect to matters of that kind. We are not in the habit of paying any attention whatever to the property rights invested by individuals.

In our own State some years ago we had this question brought up in our courts by the liquor interests. As the Senate knows very well, in 1880 we amended our State constitution by prohibiting the manufacture and sale of intoxicating liquors, except for three certain specified purposes. Men who were engaged in the retail liquor business insisted that the enforcement of that constitutional amendment would have the effect of destroying a large amount of their property which was valuable. They were correct about it; undoubtedly that would be true. They went into the courts in order to protect their property, and the courts held, as the courts have always done in such cases, that there was no remedy, that society could not stop in order to gather up the wrecks that occurred in the path of progress. As men go forward in civilization and advancement there must be wrecking, there must be destruction, there must be waste; but we can not stop to take care of those losses. They are incident to the great movement of men in the progress of the world. So it is here.

There is another thing about this established policy. The language of the amendment reminds me of some of the same words in another connection, it being the established policy of the United States to maintain a parity between certain metals, and in that respect it is a stupendous humbug and a fraud. I do not believe it was ever intended for any honest construction and honest purpose. We can not follow these established policies except as we show them in legal enactments and in judicial decisions. An act of Congress can be changed twice in one session. No one Congress is bound by the act of another Congress except where a positive contract has been made.

Now, as to the loss of school facilities. The amendment which I have had the honor to propose covers all there is in that question, authorizing the Secretary of the Interior to provide temporary facilities for the education of children in all cases where they are deprived of facilities by reason of the enactment of this proposed law. It is said that that might require some time. Perhaps the statement is correct, but surely it will not require more time than we, the white people of the United States, the farmers and mechanics and all classes of people living in rural districts, are often subjected to with respect to the education of our children. We are frequently put off two months, sometimes three months, and in cases where there has been a burning of our school building for probably a year without school facilities for some of our children. There would be no great hardship even if that were true to the fullest extent claimed for it; but it can not be true to a very great extent, and even if it were, with our present facilities of transportation for the forwarding of supplies and the manufacture of implements and machinery, all the failures which would be likely to occur could be obviated in thirty days, as was expressed so well yesterday by the Senator from New Hampshire [Mr. GALLINGER]. Houses are now made in carpenter shops, all the framework, all the sash, all the doors, all the casings, all the ornamentation—everything made in a factory a thousand or fifteen hundred miles away ready for putting together where the building is finally to be constructed.

We have a great many religious people in this country, and let it once be known that Congress has passed an act destroying forever the contract system of schools at the Indian agencies, and then arrangements will be immediately put in progress by agents of the Government. If material for building can not be readily procured, large tenting facilities can be brought into requisition at once, and in ten days' time the benches and all the necessary accouterments and appurtenances for school work can be put in position at any one of the agencies of the United States. We send our requests and our answers by electricity now; we do not have to wait, as we did when our first President was in office; we act instantaneously. We can cross the continent from east to west in five days. So there may be no trouble whatever on that account.

Hence, Mr. President, I am opposed to the adoption of the amendment proposed by the Senator from Missouri and to the adoption of all other amendments of that character, and in favor only of the one proposed by myself, which I think perfects the bill as it came from the House of Representatives by way of

obviating the difficulty which Senators see in the way lest some children should be deprived of school facilities.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. SHERMAN. Let the amendment be read, Mr. President. The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 58, line 20, after the word "Alaska," it is proposed to strike out all down to and including the word "schools," in line 3 on page 59, and the amendment which follows, and insert:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

Mr. HAWLEY. Mr. President, I suggest a call of the Senate. There seems to be no quorum present.

The VICE-PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Allen,	Clark,	Jones, Ark.	Sewell,
Allison,	Cockrell,	Jones, Nev.	Sherman,
Bacon,	Davis,	Lodge,	Shoup,
Bate,	Dubois,	Martin,	Smith,
Blackburn,	Elkins,	Mills,	Stewart,
Brice,	Faulkner,	Mitchell, Oreg.	Teller,
Brown,	Frye,	Mitchell, Wis.	Turpie,
Burrows,	Gallinger,	Palmer,	Vest,
Butler,	Gear,	Peffer,	Vilas,
Caffery,	George,	Perkins,	Walthall,
Call,	Gray,	Pettigrew,	Warren,
Cannon,	Hansbrough,	Platt,	White,
Carter,	Hawley,	Pritchard,	Wilson,
Chandler,	Hill,	Proctor,	Wolcott,
Chilton,	Hoar,	Roach,	

The VICE-PRESIDENT. Fifty-nine Senators having answered to their names, a quorum is present. The question is on the amendment submitted by the Senator from Missouri.

Mr. GALLINGER and Mr. LODGE. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HOAR (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON], otherwise I should vote "yea."

Mr. WILSON (when his name was called). I am paired with the Senator from Florida [Mr. PASCO]. I do not know how he would vote if he were present, but if he were present I should vote "nay."

The roll call was concluded.

Mr. BERRY. I am paired with the Senator from Maine [Mr. HALE]. If he were present I should vote "yea."

Mr. FRYE (after having voted in the negative). I am paired with the senior Senator from Maryland [Mr. GORMAN], who, I am informed, if present would vote "yea." As I would vote "nay," I withdraw my vote.

Mr. CALL (after having voted in the negative). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not see him present, and therefore I withdraw my vote.

Mr. FAULKNER. I voted in the affirmative on this question. I am paired with the junior Senator from West Virginia [Mr. ELKINS], and in order to allow my vote to stand I transfer my pair with the junior Senator from West Virginia to the senior Senator from Indiana [Mr. VOORHEES].

Mr. WALTHALL. I transfer my pair with the Senator from Pennsylvania [Mr. CAMERON] to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. BACON (after having voted in the affirmative). I am paired with the junior Senator from Rhode Island [Mr. WERMORE]. I understand he has not voted. I do not know how he would vote if he were present, and therefore I withdraw my vote.

Mr. HILL. I suggest that the Senator transfer his pair to my colleague [Mr. MURPHY], who is absent.

Mr. BACON. At the suggestion of the senior Senator from New York [Mr. HILL] I transfer my pair to the junior Senator from New York [Mr. MURPHY], and will let my vote stand.

Mr. FRYE. I transfer my pair with the senior Senator from

Maryland [Mr. GORMAN] to the senior Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. ELKINS. I vote "yea."

Mr. PLATT. I thought the Senator from West Virginia [Mr. ELKINS] had been paired with the Senator from Indiana [Mr. VOORHEES] by his colleague [Mr. FAULKNER].

Mr. COCKRELL. The Senator from Indiana [Mr. VOORHEES] would also vote "yea" if he were here.

Mr. FAULKNER. That is right.

The result was announced—yeas 38, nays 24; as follows:

YEAS—38.

Allen,	Daniel,	Kyle,	Sewell,
Bacon,	Elkins,	McMillan,	Sherman,
Bate,	Faulkner,	Mantle,	Smith,
Blackburn,	Gibson,	Martin,	Turpie,
Brice,	Gordon,	Mills,	Vest,
Caffery,	Gray,	Mitchell, Wis.	Vilas,
Carter,	Hansbrough,	Nelson,	Walthall,
Chandler,	Hawley,	Palmer,	White,
Chilton,	Hill,	Pettigrew,	
Cockrell,	Jones, Ark.	Roach,	

NAYS—24.

Allison,	Davis,	Lodge,	Shoup,
Brown,	Dubois,	McBride,	Squire,
Burrows,	Frye,	Mitchell, Oreg.	Stewart,
Cannon,	Gallinger,	Peffer,	Teller,
Clark,	Gear,	Perkins,	Warren,
Callom,	George,	Platt,	Wolcott,

NOT VOTING—27.

Aldrich,	Gorman,	Morgan,	Quay,
Baker,	Hale,	Morrill,	Thurston,
Berry,	Harris,	Murphy,	Tillman,
Blanchard,	Hoar,	Pasco,	Voorhees,
Butler,	Irby,	Pritchard,	Wetmore,
Call,	Jones, Nev.	Proctor,	Wilson,
Cameron,	Lindsay,	Pugh,	

So the amendment was agreed to.

The VICE-PRESIDENT. The next reserved amendment of the Committee on Appropriations will be stated.

Mr. PETTIGREW. I think the agreement was that we should first dispose of the whole school question.

Mr. FAULKNER. That was the agreement.

Mr. PETTIGREW. There is an amendment on page 65 which should be disposed of before going to the other amendments.

The VICE-PRESIDENT. The amendment of the Committee on Appropriations will be stated.

The SECRETARY. On page 65, beginning in line 1, the Committee on Appropriations reported to strike out the following:

For support and education of 120 Indian pupils at the school at Hampton, Va., \$20,040.

Mr. FAULKNER. I ask that that be disagreed to; and as it has been fully discussed, I do not think it necessary to make any further remarks on it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations to strike out the clause which has just been read.

The amendment was rejected.

The VICE-PRESIDENT. The next reserved amendment will be stated.

Mr. SEWELL. I move that similar action be taken in regard to the next reserved amendment.

Mr. COCKRELL. Let the amendment be stated.

The SECRETARY. On page 65, after line 3, the Committee on Appropriations reported to strike out the following:

For support and education of 200 Indian pupils at Lincoln Institution, Philadelphia, Pa., at \$167 per annum each, \$33,400.

The VICE-PRESIDENT. The question is on the amendment of the committee to strike out the clause which has just been read.

The amendment was rejected.

The VICE-PRESIDENT. The next reserved amendment of the Committee on Appropriations will be stated.

The SECRETARY. On page 57, after line 14, the Committee on Appropriations reported to insert:

That the Secretary of the Interior is hereby directed to distribute between the Shawnees, Delawares, and freedmen of the Cherokee Nation per capita, after deducting the attorneys' fees and expenses, the balance of the \$1,660,000 now in the Treasury and the interest thereon, computed at 4 per cent per annum, and the amount per capita shall equal \$295.35, the amount which the Cherokee legislature has paid or authorized to be paid to the Cherokees by blood per capita. All the foregoing sums shall be paid to said freedmen, Shawnees, and Delawares per capita by an officer of the Interior Department duly authorized, who shall give bond as a disbursing officer of said Department, and the estimated expense of making such payment shall be deducted from the principal sum, which estimated expense shall be made by the Secretary of the Interior in advance of payment: *Provided*, That if there shall not be enough of said moneys to pay to each of said three classes of persons an amount equal to what each Cherokee by blood has received as aforesaid, then the Secretary of the Interior shall distribute and pay said moneys pro rata per capita to said three classes of persons.

The VICE-PRESIDENT. The question is on the amendment.

Mr. COCKRELL. Mr. President, I offer as a substitute for that amendment what I send to the desk. I hope the Senator in charge of the bill will accept the substitute I propose, as I think

it more just and reasonable and places the situation in better condition.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to substitute for the amendment reported by the Committee on Appropriations the following:

The Secretary of the Interior is hereby directed to distribute out of the balance of \$1,660,000 now in the Treasury, and the interest thereon, being the balance of the first payment of the Cherokee Outlet, the amount of the judgment rendered in favor of the Cherokee freedmen in the Court of Claims against the Cherokee Nation, the sum of \$903,254 and the costs of said suit as directed by the terms of the judgment in said cause.

He is directed to pay the Shawnee Indians the judgment rendered in the Court of Claims in their favor against the Cherokee Nation the amount of said judgment, \$149,604, and the cost thereof, as provided in said judgment.

The judgment rendered in favor of the Delaware Indians in the Court of Claims amounting to \$205,285 having already been paid by said Secretary of the Interior, he is directed to pay the balance of the aforesaid \$1,660,000, and interest thereon, after paying the aforesaid judgment as herein provided, to the treasurer of the Cherokee Nation in accordance with the terms of the agreement hitherto made between the Secretary of the Interior and the Cherokee Nation, and with the act of Congress purchasing said Cherokee Outlet.

He is directed to appoint a special agent to cooperate with the treasurer of the Cherokee Nation in disbursing \$400,000 of said balance, or so much thereof as may be needed to equalize the freedmen with the Cherokees per capita, appropriated by the act of the Cherokee national council approved March 27, 1896, appropriating said sum for the benefit of the freedmen to the beneficiaries and parties named therein in accordance with the provisions of said act.

Mr. GORDON. If the Senator from Missouri will permit me at this time, in order to avoid the possibility of losing my right, I wish to inquire of the Chair at what point it will be in order for me to move an amendment between lines 10 and 11, on page 57, in these words:

To Stephen W. Parker, \$17,303.79.

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia to submit the amendment after the committee amendments shall have been disposed of.

Mr. GORDON. This is an amendment to a committee amendment.

Mr. PLATT. That has been disposed of.

Mr. GORDON. The committee amendments are now before the Senate, as I understand, and I wish to amend a committee amendment.

Mr. PETTIGREW. The amendment to which the Senator refers has been agreed to by the Senate.

Mr. COCKRELL. The Senator can move to reconsider that amendment, and when it is reconsidered offer his amendment. It has already been agreed to in Committee of the Whole without a ye-and-nay vote, and any Senator may move to reconsider and then offer an amendment.

Mr. PLATT. The committee amendment to which the Senator from Georgia desires to offer an amendment has been agreed to as in Committee of the Whole. I suppose, therefore, the proper time for him to offer the amendment is when the question comes up in the Senate as to whether we will concur in the amendment made as in Committee of the Whole.

The VICE-PRESIDENT. The Chair so understands, and the Chair will recognize the Senator from Georgia at that time.

Mr. GORDON. Do I understand from the Chair now that I shall have the right to offer the amendment in the Senate, or as in Committee of the Whole?

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia to offer the amendment in the Senate.

Mr. BACON. In order that I may have a like opportunity, I desire to give notice that when the bill is in the Senate I shall ask for a nonconurrence in an amendment adopted as in Committee of the Whole in line 12, page 7. It strikes out \$3,000 and allows but \$2,500 as the pay of Indian inspectors. As the bill came from the other House it conformed to the law, which prescribes \$3,000, and the Senate committee reported and the Senate as in Committee of the Whole has adopted an amendment to strike out \$3,000 and insert \$2,500. I do not offer the amendment now, but I shall do so when the bill comes into the Senate.

Mr. JONES of Arkansas. I should be glad to have some explanation of the pending amendment proposed by the committee and also the amendment proposed to be substituted for it by the Senator from Missouri. The amendment in the bill recommended by the committee is a reappropriation of money which was appropriated, I understand, in the appropriation act of last year, which it seems to me completely covers the case. I see no necessity for this amendment, as the appropriation in the act of last year, if I am not mistaken, completely covers the entire case and makes all the appropriation that is necessary.

If I remember correctly the facts in the case, one of the payments due to the Cherokee Indians for the Outlet money was withheld for the purpose of allowing the Delaware Indians, the freedmen, and the Shawnees to set up a claim in the courts to an equal right to a distributive share of this money with the Cherokee Indians. The judgment has been rendered in favor of those claimants. The amounts of money to which they are entitled under the decision of the court have been ascertained, and the ap-

propriation made last year provided for the distribution of the money upon the finding of the rights of those parties by the courts.

There is no necessity for any additional appropriation, I understand, but, on the contrary, this appropriation would cause complications which would likely result in injustice, and it could do no good whatever. If the amendment proposed by the Senator from Missouri to the amendment will avoid the difficulties that are raised by the amendment, then I am perfectly willing to have his amendment to the amendment adopted. But there ought to be some explanation to the Senate as to exactly the purpose to be accomplished and how the amendment will operate.

Mr. PETTIGREW. I am inclined very much to agree with the Senator from Arkansas [Mr. JONES] that the amendment is entirely unnecessary and that no legislation whatever on this subject is necessary. There is another provision in the bill which requires that the Secretary of the Interior shall appoint an officer to distribute whatever money is due to the Indians per capita, and I think it covers this question.

When the amendment was placed in the bill I think the purpose of the committee was to provide that the money should be distributed by an officer of the Government rather than to be paid into the treasury of these nations, to be distributed by their officers. I think our experience in distributing money through that channel has been one of national disgrace, and the money did not reach the persons who were entitled to it. For the purpose of avoiding that scandal, for the purpose of having the money reach the people who are entitled to it, the committee placed the amendment in the bill. I think the difficulty is obviated by another provision in the bill, page 40, which says:

That any sums of money appropriated in this act that are to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government, designated by the Secretary of the Interior.

Therefore I am myself inclined to think that the amendment of the committee is unnecessary.

Mr. CHANDLER. I hope the Indians will get some of this money. I see that there is a provision in lines 17 and 18 that it is to be paid to them after deducting the attorneys' fees and expenses. We are not informed of the amount of the attorneys' fees and expenses. I hope they will not take it all.

Mr. PETTIGREW. I will state right here that so far as I am concerned I will accept an amendment to strike out those words.

Mr. CHANDLER. Now, secondly, the Cherokee Indians are not to be trusted to disburse this money among themselves. That shows a great distrust of the Indians. Perhaps the Indians would not settle the attorneys' fees and expenses so liberally as the Secretary of the Interior would, or as the two committees in control of this bill would do it. But the money is not to be disbursed by the tribe, although it is the money of the tribe; it is to be paid to them deliberately; it is theirs. They have councils, and their councils are good enough when they make contracts to pay out 35 per cent of whatever they receive. Their councils are good enough, strong enough to make such large contracts, but the balance of the money they are not to be trusted to pay out among themselves. First, the attorneys' fees and expenses are to be taken out; then it is to be paid out by a disbursing officer of the Interior Department, to be appointed by the Secretary, and lastly an estimated amount for expenses for making such payment shall be deducted from the principal sum. The Secretary of the Interior can charge upon this money any expense he chooses to estimate; he can take it out of the money, give it to somebody for paying over the principal amount to the Indians, and each of the Indians can only get his proportion of what is left.

It seems to me that it is desirable to avoid committing Congress to these attorneys' fees and expenses of which we know nothing. It would be a great deal better, I think, if the Indians can be trusted to make such large contracts for fees and expenses, to trust them with their own money and let them pay it out in their own way per capita to the members of the tribe. There is a great distrust of the Indians when it is proposed to leave them to deal with themselves. There is no distrust of them at all when they choose to make these large contracts for attorneys' fees and expenses.

Mr. PLATT. Mr. President, if the whole amendment is to go out by consent of the committee I have nothing to say about it. I think, perhaps, that would be as proper a disposition as under the circumstances is likely to be made of the subject in the Senate.

But I wish to state, in reply to the insinuations of the Senator from New Hampshire [Mr. CHANDLER], that Congress authorized a suit to be brought in the Court of Claims in favor of the freedmen, citizens of the Cherokee Nation, of the Delawares, incorporated into the Cherokee Nation, and of the Shawnees, to determine whether the freedmen, Shawnees, and Delawares were not entitled to an equal proportion per capita of the amount for which the Outlet was sold. That suit has been brought by reputable attorneys; it has been argued in the Court of Claims, and two of them appealed to the United States Supreme Court. The case has been argued there and decided in favor of the freedmen, the Shawnees,

and the Delawares. I know of no reason why those attorneys who have been employed are not entitled to be paid out of this fund.

Now, one word in regard to something else that the Senator from New Hampshire [Mr. CHANDLER] said.

Mr. GRAY. I ask the Senator from Connecticut, Who fixes the amount of the compensation of the attorneys?

Mr. PLATT. I am not advised on that subject. I think the attorneys have some understanding or agreement. I do not know about it.

Mr. GRAY. I agree with the Senator from Connecticut that the attorneys ought to be paid, but I think we ought to know how their compensation is to be fixed.

Mr. PLATT. I am assuming that this whole matter is to go out; but I wish to make an explanation with regard to the payment of this money to the Cherokees, to the freedmen, to the Shawnees, and to the Delawares and allowing them to distribute it with the idea which the Senator from New Hampshire has, that each Indian would get his per capita share of the appropriation. I wish to say to that Senator and to the Senate that the experience which we have had with reference to the payment of money per capita by Indian tribes themselves in the Indian Territory is such that there is no reasonable ground to believe or to hope that a payment made by the tribe or by portions of the tribe would ever be distributed fairly per capita.

The payment by the Cherokee Nation, the Choctaw and the Chickasaw Nation, and other nations where money has been distributed, having been turned over from the United States Treasury to the nations or the tribes, has been of the most scandalous and wicked nature; and if there is any other term which would characterize an unholy transaction I should use that word which can be imagined. I know of one instance where an Indian woman, the head of a family, was entitled to \$1,600. She received in fact when the payment was over less than \$350. When the payment of the balance of the Cherokee money was made in the Cherokee Nation there never was such a saturnalia on the face of the earth as there took place. The gamblers and the prostitutes assembled, and where a person really got the money into his hands it was got away from him, and 13 murders followed for the purpose of robbery. The conditions which attended that payment and which have attended other similar transactions have so impressed me that no payment to Indians per capita will ever be made through the agency of the tribes or the agents of the tribes if my voice can prevent it in the Senate.

Mr. JONES of Arkansas. For a distinct understanding of what is to be accomplished by the amendment it seems to me necessary that some facts should be stated. The distribution of the Outlet money among the Cherokees gave to each Cherokee \$295.33. The question brought before the court was whether the Shawnees, the Delawares, and the freedmen were entitled to receive a like amount of money. The court held that they were, but the court, as is claimed by the Shawnees, Delawares, and freedmen, made a mistake as to the number of Shawnees, Delawares, and freedmen who were entitled to the money. There were, in fact, 830 Shawnees and 876 Delawares who were entitled to receive the money, whereas the court found the number to be 624 Shawnees and 737 Delawares. There should be an additional appropriation above and beyond what has been ascertained by the court as belonging to those two tribes of Indians and to the negroes to make up the mistake made in the number as ascertained by the court.

I understand that when the court rendered this judgment the Shawnees and Delawares were on the eve of taking an appeal for the purpose of correcting what they understood to be an error by the court; that the Cherokee authorities recognized the fact that the court had made a mistake and that they have by an act of the Cherokee council appropriated money sufficient to make up the difference that would come to those tribes by reason of the mistake in numbers. The proposition now is that this appropriation shall be made to pay the judgment of the court direct by the officers of the Government; that the remainder of the money shall go into the Cherokee treasury, and then that the Delawares and Shawnees shall be paid the amounts of money that are coming to them under the act of the Cherokee council.

The only defect that I see in the amendment submitted by the Senator from Missouri as a substitute for the other amendment is that it does not specifically provide for the payment of the amounts of money that are due to the Shawnees and the Delawares by reason of this error, although it does provide for paying the amount due to the freedmen by reason of the mistake of the court, over \$400,000. But there is a considerable sum of money, amounting to something like \$200,000, I think, although I am not sure about the amount, due to the other tribes, and there ought to be a provision in the amendment, if we pass it at all, to give these Indians \$295.33 a head for whatever number there are among the Cherokees and not for the number erroneously found by the court.

The result of the finding of the court is that the Shawnees and Delawares would receive \$250 a head instead of \$295 a head, which they ought to have. That error ought to be corrected. While

the amendment of the Senator from Missouri does propose to correct it as to the freedmen, it does not correct it, I understand with respect to the Shawnees and Delawares. I send an amendment to the desk and request that it be read, and I will ask the Senator from Missouri to accept it in lieu of his proposed substitute for the other amendment.

The VICE-PRESIDENT. The Secretary will read the proposed substitute.

The Secretary read as follows:

The Secretary of the Interior is hereby directed to distribute out of the balance of \$1,600,000 now in the Treasury, and the interest thereon, being the balance of the first payment for the purchase of the Cherokee Outlet, a judgment rendered in favor of the Cherokee freedmen against the Cherokee Nation, the sum of \$903,254 and the cost of said suit, as directed by the terms of the judgment in said cause. He is further directed to pay the Shawnee Indians residing in the Cherokee Nation the judgment rendered in the Court of Claims in their favor against the Cherokee Nation the amount of said judgment, to wit, \$149,604, and the costs thereof, as provided in said judgment.

The judgment rendered in favor of the Delaware Indians residing in the Cherokee Nation in the Court of Claims, amounting to \$205,265, having already been paid by said Secretary of the Interior, he is directed to pay the balance of the aforesaid \$1,600,000 and interest thereon, after paying the aforesaid judgment as herein provided, to the treasurer of the Cherokee Nation, in accordance with the terms of the agreement hitherto made between the Secretary of the Interior and said Cherokee Nation, and with the act of Congress providing for the purchase of said Cherokee Outlet.

And the Secretary is directed to appoint a special agent to cooperate and have joint authority with the treasurer of the Cherokee Nation in disbursing \$400,000 of said balance so paid over to the Cherokee treasury, or so much thereof as may be needed to equalize the freedmen with the Cherokees by blood per capita, in accordance with the terms and conditions of an act of the Cherokee council entitled "An act to appropriate and pay certain moneys out of moneys arising from the sale of the Cherokee Outlet to the freedmen of the Cherokee Nation," approved March 27, 1896, appropriating said sum and providing for the distribution thereof. Said special agent shall also cooperate in the same manner with the treasurer of the Cherokee Nation in disbursing \$53,461.60 of said balance, or so much thereof as may be needed to equalize the said Delaware Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee national council approved March 30, 1896, appropriating said sum and providing for the distribution thereof. Said special agent shall also cooperate in the same manner with the treasurer of the Cherokee Nation in disbursing \$53,461.60 of said balance, or so much thereof as may be needed to equalize the said Delaware Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee national council approved March 30, 1896, for the benefit of the said Shawnee Indians.

Mr. ALLISON. I should be glad to have the Senator from Arkansas explain briefly the substitute, so that we may know exactly what the effect of the substitute is as compared with the other provisions for the payment of this money to the Indians. Wherein does it differ, for instance, from the provision in the bill itself?

Mr. JONES of Arkansas. There are very material differences between this and the provision in the bill. I will read the latter part of the proposed amendment:

The Secretary is directed to appoint a special agent to cooperate and have joint authority with the treasurer of the Cherokee Nation in disbursing \$400,000 of said balance so paid over to the Cherokee treasury, or so much thereof as may be needed to equalize the freedmen with the Cherokees by blood per capita, in accordance with the terms and conditions of an act of the Cherokee council entitled "An act to appropriate and pay certain moneys out of moneys arising from the sale of the Cherokee Outlet to the freedmen of the Cherokee Nation," approved March 27, 1896, appropriating said sum and providing for the distribution thereof. Said special agent shall also cooperate in the same manner with the treasurer of the Cherokee Nation in disbursing \$53,461.60 of said balance, or so much thereof as may be needed to equalize the said Delaware Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee national council approved March 30, 1896.

Mr. ALLISON. I do not care to have the Senator read further. The substance of it is that the treasurer of the Cherokee Nation and the special agent of the United States are jointly to equalize the payments.

Mr. JONES of Arkansas. Exactly.

Mr. ALLISON. Adding to the Shawnees and the Delawares, as well as to the freedmen, the difference between the judgment of the court and the amount actually due?

Mr. JONES of Arkansas. Actually paid to the Cherokees.

Mr. ALLISON. According to population now?

Mr. JONES of Arkansas. Yes, sir.

Mr. ALLISON. I do not ask any further explanation of the amendment.

Mr. JONES of Arkansas. It seems to me that the amendment accomplishes exactly and precisely the purpose that different Senators have expressed themselves in sympathy with.

There is one thing in this connection which ought to be taken into consideration in justice and fairness. I do not know what arrangements have been made by the attorneys who have represented these people in the suit which they have prosecuted in the Court of Claims and in the Supreme Court of the United States. The attorneys were legitimately employed under contracts approved by the Interior Department, and they are entitled to a fair compensation for their services, whatever that may be, and there ought to be some provision—

Mr. COCKRELL. Let me ask the Senator from Arkansas if the court did not fix the compensation and if the attorneys have not already been paid the compensation fixed by the court?

Mr. JONES of Arkansas. I am not aware of that. Of course, if they have been paid that is sufficient; it is all that is necessary. I am making no point about it except that if no provision is made

for the fees some provision should be made in the proposed law to pay the legitimate expenses.

Now, one matter which we must guard against, and which, it seems to me, ought to be watched, is in connection with the statement made here that the Delawares and Shawnees have been induced to have the Cherokee council agree to pay to a certain individual 20 per cent of the money that is coming to them in consideration of the fact that they will not appeal here. They allege, and the agent of the Shawnees writes (I have his letter in my pocket), that the statement was made that this individual could prevent the payment of any part of the money if they did not give him 20 per cent of it.

If an agent of the Government of the United States acts with the agent of the Cherokee Nation in paying out this money, no 20 per cent of it can be diverted to be paid out, under an agreement obtained by fraud, to somebody who is not entitled to it. It seems to me that this will effectually guard and protect the money in the Cherokee Nation, after it goes out of the hands of the United States, on its way to the Shawnees, Delawares, and freedmen, where it rightfully belongs. It will not be misappropriated if it is done under the supervision of a Government officer, as provided for in the amendment.

Mr. ALLISON. Does the amendment provide for the payment of the Government agent? How is the agent of the Government to be paid?

Mr. JONES of Arkansas. There is no provision for that purpose. The Interior Department, I understand, has a number of times detailed officers who are paid regular salaries to perform services of that kind.

Mr. PETTIGREW. I hope very much that the Senate will not adopt the amendment offered by the Senator from Arkansas [Mr. JONES]. The difficulty with the matter is just this: There is a certain sum of money in the Treasury of the United States to be paid out to certain Indians and freedmen, members of the Cherokee Nation. The purpose to be accomplished by the Cherokee Nation is to get possession of this sum of money. They have padded the rolls of the freedmen, representing that there are 4,400 of them, when in reality there are only 3,000 of them. If they can get this whole sum of money down there and pay the 3,000 freedmen, the balance will be taken care of by the men who have corruptly managed the affairs of that nation ever since it has been a nation. That is what I understand they are after. They have padded the rolls of the freedmen, making 4,400 of them. The Interior Department, which has been investigating the matter, finds there are only 3,000 of them. If those men can get this whole sum down there, the balance, instead of being distributed among the Cherokee Indians who are entitled to it, if there is a balance, will be divided among the men who have been manipulating the affairs of that country.

Mr. JONES of Arkansas. Let me call the Senator's attention to the fact that the amendment which I have proposed provides that an officer of the Government shall act with the treasurer of the Cherokee Nation and shall pay to the individuals this money or so much thereof as may be necessary to pay them, and every dollar of it that is not paid out to such persons under the supervision of a Government officer will remain in the Cherokee Nation.

Mr. PETTIGREW. They will pay the 3,000 negroes, and they themselves will take care of the money appropriated for the other 1,400 negroes.

It seems to me it is far safer—I care not how the amendment is framed—to allow an officer of the Interior Department to pay out all of this money and be directly responsible that it reaches the proper parties, and if there is anything left pay it to the Cherokee Indians per capita, and have nothing further to do with the rotten and corrupt government which has disgraced that country and has disgraced this nation.

Mr. JONES of Arkansas. I am perfectly willing to have my amendment amended so as to accomplish that purpose exactly, and have it done by a Government officer, if the Senator from North Dakota prefers.

Mr. PETTIGREW. Here is what the Dawes Commission says about the condition of affairs in that country:

All the functions of the so-called governments of these five tribes have become powerless to protect the life or property rights of the citizen. The courts of justice have become helpless and paralyzed. Violence, robbery, and murder are almost of daily occurrence, and no effective measures of restraint or punishment are put forth to suppress crime. Railroad trains are stopped and their passengers robbed within a few miles of populous towns and the plunder carried off with impunity in the very presence of those in authority. A reign of terror exists, and barbarous outrages, almost impossible of belief, are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims. We are now informed that within the territory of one of these tribes there were 53 murders during the month of September and the first twenty-four days of October last, and not a single person brought to trial.

I submit, are we in the distribution of this money going into partnership with a lot of cutthroats like those? I think it is our duty to have the money distributed by an accredited officer of

this Government, without paying it into their treasury to be handled by a gang of thieves.

Mr. JONES of Arkansas. Will the Senator from South Dakota allow me to interrupt him right at that point?

Mr. PETTIGREW. Certainly.

Mr. JONES of Arkansas. The Senator either clearly misapprehends the facts in this case or I do. Our purpose is certainly the same. He stated in the beginning of his remarks just now that there is a specific amount of money in the Treasury which belongs to the freedmen, the Shawnees, and the Delawares. I think this \$1,666,000 belongs to the Cherokee Nation; that it is held in the Treasury for the purpose of making the claims of the Shawnees and Delawares and freedmen equal to the balance of the Cherokees; and that when they are paid the amount of money which will make them equal, the remainder of it, if there is anything over, will go to the Cherokee treasury. If the amendment, as the Senator suggested just now, should go out, and nothing whatever goes in the bill, the result will be that the Treasury will pay the amount of the judgments in favor of these three classes of people, and there will be something like \$800,000 of this money which will go into the absolute control of the Cherokee council instead of being controlled by a Government officer; and instead of having a partnership with these people in an honest distribution of the money it would put it all bodily in the hands of the Cherokees to be disposed of as they please.

Mr. PETTIGREW. The committee amendment certainly obviates that, although there was another section in the bill that will thoroughly obviate it. It certainly can be fixed so that it does obviate it and see that the money is paid out by an officer of the Government. This money belongs to the Cherokee Indians; that is, what remains of it after the proper share is given to the freedmen, Delawares, and Shawnees.

Mr. JONES of Arkansas. That is correct.

Mr. PETTIGREW. Now, what I want is an amendment which will require the Secretary of the Interior to pay this money first to the freedmen, the Shawnees, and the Delawares, and, if there is anything remaining, per capita to the Cherokees themselves. I think it is time we stopped the practice of turning money into the treasury of the Cherokee Nation to be distributed by them, and the people do not get the money.

Mr. JONES of Arkansas. Then I suggest if the Senator will take the amendment which I have presented and modify it to cover that point exactly it will meet my hearty concurrence. I am perfectly willing—

Mr. PETTIGREW. Then I do not see that we disagree.

Mr. JONES of Arkansas. We do not.

Mr. PETTIGREW. I simply do not want the money turned over there and then send an officer down to supervise its distribution and let the balance be stolen. That is not necessary. We can send an officer who will attend to the matter without any partnership on the part of those people whatever. I want to say further, Mr. President, the freedmen have had paid out to them \$900,000 of the \$1,600,000 that was in the Treasury and their attorney has been paid \$54,000 of that sum for his services.

Mr. COCKRELL. And all the attorneys in all the suits have been paid, in accordance with the judgment of the Court of Claims, every one.

Mr. PETTIGREW. Then strike out the judgment fees and turn the matter over to the Indian Commission by an officer of the Government. That is all I want.

Mr. COCKRELL. This amendment does exactly what the Senator wants done. Now, let us see:

The Secretary of the Interior is hereby directed to distribute out of the balance of \$1,660,000 now in the Treasury and the interest thereon, being the balance of the first payment for the purchase of the Cherokee Outlet, a judgment rendered in favor of the Cherokee freedmen against the Cherokee Nation, the sum of \$903,254—

Mr. PETTIGREW. That has been paid.

Mr. COCKRELL—

and the cost of said suit, as directed by the terms of the judgment in said case. He is further directed to pay the Shawnee Indians residing in the Cherokee Nation the judgment rendered in the Court of Claims—

Mr. PETTIGREW. That has been paid. Those items have been paid.

Mr. COCKRELL—

in their favor against the Cherokee Nation the amount of said judgment, to wit, \$149,604, and the costs thereof, as provided in said judgment.

Mr. JONES of Arkansas. If I remember correctly, only the Delawares have been paid.

Mr. PETTIGREW. They have all been paid all the amounts read by the Senator from Missouri.

Mr. PLATT. How much was the judgment in favor of the Delawares?

Mr. COCKRELL. I will come to the next clause. This is another thing the Secretary is to do:

The judgment rendered in favor of the Delaware Indians residing in the Cherokee Nation in the Court of Claims, amounting to \$205,265, having already been paid—

That is the one which has been paid.

Mr. PETTIGREW. They have all been paid. All the items the Senator has read have been paid.

Mr. COCKRELL—

having already been paid by said Secretary of the Interior, he is directed to pay the balance of the aforesaid \$1,600,000 and interest thereon, after paying the aforesaid judgment as herein provided, to the treasurer of the Cherokee Nation, in accordance with the terms of the agreement hitherto made between the Secretary of the Interior and said Cherokee Nation and with the act of Congress providing for the purchase of said Cherokee Outlet.

And the Secretary is directed to appoint a special agent to cooperate and have joint authority with the treasurer of the Cherokee Nation in disbursing \$400,000 of said balance so paid over to the Cherokee treasury, or so much thereof as may be needed to equalize the freedmen with the Cherokees by blood per capita, in accordance with the terms and conditions of an act of the Cherokee council entitled "An act to appropriate and pay certain moneys out of moneys arising from the sale of the Cherokee Outlet to the freedmen of the Cherokee Nation," approved March 27, 1896, appropriating said sum and providing for the distribution thereof. Said special agent shall also cooperate in the same manner with the treasurer of the Cherokee Nation in disbursing \$53,461.60 of said balance, or so much thereof as may be needed to equalize the said Delaware Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee council approved March 30, 1896, for the benefit of said Delaware Indians, and \$76,536 of said balance, or so much thereof as may be needed to equalize the Shawnee Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee national council approved March 30, 1896, for the benefit of the said Shawnee Indians.

Now, the only difference on earth between what the Senator from South Dakota wants and what the amendment provides is that only \$400,000 goes into the Cherokee treasury, and it is then to be paid out per capita to the freedmen and to the Delawares and to the Shawnees by the treasurer of the Cherokee Nation, supervised and directed by the presence of a United States officer. The Senator makes objection to that, that it will not reach the hands of these men. Then let us change it and say that the Secretary shall pay those amounts. Then in what condition would we be? Where would the liability be? The Cherokee council and Nation, authorized to enact laws, have passed a law that this \$400,000 shall be paid to these persons in conformity with the declaration of the Supreme Court. Now, we appoint an officer to go down there and see that it is paid over. Does the Senator want the \$400,000 to go into the treasury to be paid directly by an officer?

Mr. PETTIGREW. Oh, certainly.

Mr. COCKRELL. Then it would be very easy to arrange it so far as that point is concerned.

Mr. PETTIGREW. In the first place, there was \$1,660,000. The judgments referred to have been paid. I do not see why that recital is in the amendment at all. The judgment of \$900,000, after deducting \$54,000 attorney's fees, has been paid to the freedmen.

Mr. COCKRELL. The judgment in favor of the freedmen has not been paid.

Mr. PETTIGREW. It has been paid.

Mr. COCKRELL. I say it has not.

Mr. JONES of Arkansas. I should be glad to ask on what authority the Senator from South Dakota states that that money has been paid. My understanding has been—

Mr. PETTIGREW. The attorney of the freedmen, a Mr. Kern, who is a resident of St. Louis, a well-known lawyer, told me that it had been paid and that he had received his attorney fee of \$54,000.

Mr. JONES of Arkansas. My understanding has always been—

Mr. COCKRELL. I read from what Mr. Kern has just sent to me since this discussion has been going on:

Freedmen judgment not paid.

R. H. KERN.

Mr. PLATT. Does that mean the \$900,000 or the \$400,000 additional?

Mr. JONES of Arkansas. The \$900,000. That is the only judgment they had. My understanding has been all along that the \$205,000 in favor of the Delawares has been paid, but that the amounts in favor of the Shawnees and the freedmen have not been paid. I have just telegraphed to the Department of the Interior for the facts. I presume they will be here in a few minutes. I am perfectly willing to have the amendment so modified as to do exactly what the Senator from South Dakota suggests, and I am willing to let the matter be passed over to give him an opportunity to change the amendment so as to conform to his wishes.

Mr. PETTIGREW. Very well.

Mr. JONES of Arkansas. There are one or two other amendments to which we can devote a few minutes.

Mr. PLATT. I understand if the amendment is passed over that there are no other committee amendments to be considered.

Mr. PETTIGREW. I have some amendments that I am authorized to offer on the part of the committee.

Mr. CHANDLER. All the reserved amendments have been concluded?

Mr. PETTIGREW. I think so.

Mr. PLATT. When the committee has concluded its amendments I desire to be recognized to offer an amendment.

The VICE-PRESIDENT. The Chair will recognize the Senator from Connecticut at the time.

Mr. PETTIGREW. The Senator from Connecticut may as well offer his amendment now.

Mr. PLATT. I understand that the Senator having charge of the bill is perfectly willing that the amendment shall be offered at the present time, and I therefore offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Connecticut will be stated.

The SECRETARY. On page 69, at the end of line 8, insert:

For salaries and expenses of the commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of \$50,000, to be immediately available; and said commissioners, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory, namely: The Cherokee, Muscogee or Creek, Choctaw, Chickasaw, and Seminole tribes or nations, and to make for each a full and complete roll of all persons entitled to the rights of citizenship therein; and in the performance of such duties said commissioners, and each of them, shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, to send for persons and papers, and to punish any disobedience of their orders and process as for contempt. They shall at all times have access to all rolls of citizens, records, and documents belonging to any of said nations or any of their officers, or in any of the Departments of the United States which they may deem necessary for the prosecution of said work, and may make copies thereof. In determining all said questions of citizenship said commissioners are authorized to consider all the acts of the national councils of said several nations, and the acts and decisions of persons claiming to act by authority thereof, and any decisions made or papers issued by such persons in any case before them, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong. In making up such citizenship rolls said commissioners shall accept as citizens all persons now on rolls recognized by said several nations with reference to whose citizenship no controversy has been instituted. The decisions of said commissioners in all such cases shall be final, and the rolls so prepared by them shall be thereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizens in said several nations. Such rolls shall be made in duplicate, attested by the commissioners, one to be deposited with the secretary of the nation to which it relates and the other with the Secretary of the Interior. The said commissioners shall also make a full and complete roll of all those persons residing in the Choctaw and Chickasaw Nations, and designated in Article III of the treaty of April 28, 1866 (14 Stat., page 769), with said nations as "persons of African descent resident in said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said Indians," who shall not be found by said commissioners entitled to be enrolled as citizens of said nations; and the said commissioners shall forward said roll as early as practicable to the Secretary of the Interior, with their report thereon, showing whether the stipulations prescribed in said treaty of April 28, 1866, for the benefit of said persons have been fulfilled, with their recommendations for such action by Congress as in their judgment is required, said report to be laid before the Congress by the Secretary of the Interior with his recommendations thereon.

When the rolls of citizens of any one of said nations or tribes are fully completed and deposited as aforesaid, the President of the United States shall, at his discretion, order said commissioners to proceed to allot the occupancy of all the lands of said nation susceptible of allotment among the citizens thereof as shown by said roll, and to persons of African descent aforesaid who may be entitled, giving to each so far as may be his just and equitable share considering the nature and fertility of the soil, location, and value of same, and providing, when practicable, that where lands are now occupied by citizens in excess of their fair share, such allotments shall be from lands thus occupied, and where lands are now occupied by citizens amounting to less than their fair share, such allotments shall, if desired by the occupants, include the lands so occupied. When such allotment has been by them completed, said commissioners shall make full report thereof to the Secretary of the Interior for his approval; said commissioners shall in said report also describe the lands or other property found incapable of division, giving reasons why the same can not be divided; all reports made by the commissioners shall be submitted by the Secretary of the Interior to Congress; said commissioners may employ such assistants as they find necessary in the performance of their duties, to be so certified by them and approved by the Secretary of the Interior, who may fix their compensation, and at his discretion may commute the subsistence of said commissioners and assistants to a certain per diem amount. All per capita payments hereafter made to the citizens of any of said nations shall be paid directly to each individual citizen by an officer of the United States, who shall be required to give sufficient bond for the faithful performance of such duty and to render strict account for such disbursements, and he shall be paid by the United States for such service.

Mr. WALTHALL. Unless the Senator in charge of the bill or some other member of the Committee on Appropriations makes a point of order upon the amendment I desire to do so myself.

Mr. PLATT. What is the point of order?

Mr. WALTHALL. The point of order is that it is general legislation, open and undisguised, of a most important character, upon an appropriation bill.

Mr. PLATT. I do not think the amendment is open to that point of order. I should like to have Rule XVI read.

The VICE-PRESIDENT. The Secretary will read the third paragraph of Rule XVI.

The Secretary read as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule when raised shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. GRAY. Read further.

The Secretary read as follows:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. PLATT. All that is raised by the point of order, if I may be permitted, by the consent of the Senate, is that the amendment proposes general legislation to an appropriation bill. If the Chair is in doubt on that point I should hope that the question might be submitted to the Senate in order that I may be permitted to express my views on the subject.

We have now a commission appointed to negotiate with the Five Civilized Tribes. In 1894 the Cherokee commission was created and given certain duties. It was provided in the Indian appropriation act of 1894 that there should be created a commission to be composed of—

three commissioners, to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, the Seminole Nation, for the purpose of the extinguishment of the national or tribal titles to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes respectively as may be entitled to the same.

So the original act contemplated as a part of the duties of these commissioners the negotiation of the allotment and division of their lands.

Mr. GRAY. From what act did the Senator read?

Mr. PLATT. I read from the Indian appropriation act of 1894, where the commission was created. Now, in 1895 there was appropriated for the purpose of continuing the work of the commission, under section 16 of that act, \$30,000, and the President was authorized to appoint two additional members of the commission. So the commission, for the payment of the salaries and expenses of which this appropriation is made, is already in existence. It is authorized to deal with the subject-matter which is referred to in the amendment.

Mr. GEORGE. Will the Senator from Connecticut allow me one question just for information?

Mr. PLATT. Yes, sir.

Mr. GEORGE. Were not the powers of the commission to deal with this subject-matter confined to negotiations with the Indians?

Mr. PLATT. They were in the original act. That I have stated. I agree that this appropriation for the payment of the salaries and expenses of the commissioners contemplates somewhat of an enlargement of their powers. I agree to that. But under the decisions of the Senate heretofore this is not general legislation. It is an appropriation of money and a direction as to what shall be done in the expenditure of that money. That has always been held not to be within the scope of the rule that no amendment proposing general legislation to an appropriation bill shall be received.

The matter first came up in the Senate in a notable form in 1885, when the Senator from Maine [Mr. FRYE], the Senate being engaged in the consideration of the Post-Office appropriation bill, moved to strike out three lines, and to insert in lieu thereof a provision which appropriated \$800,000, and proceeded to authorize the Postmaster-General—

to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip, each way, actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

Within the point as made by the Senator from Mississippi, that was general legislation on an appropriation bill. There was no legislation which authorized the Postmaster-General to advertise for any such contract, to make any such contract, or to limit any such contract to the owners of American vessels. That matter was submitted to the Senate by the President pro tempore; it was argued at length, and finally decided by the Senate to be in order. On many occasions that precedent was followed from 1885, and has been followed to the present day.

The same question came up again notably in 1891, where the same Senator, the Senator from Maine [Mr. FRYE], moved to strike out from the Post-Office appropriation bill an item "for transportation of foreign mails, \$752,990," and to insert in lieu thereof an appropriation of \$1,200,000, covering two or three pages, an amendment as long as the pending one, providing that the Postmaster-General should advertise for contracts for a variety of service, prescribing the character of the vessels to be employed in the mail service; dividing them into four classes; providing how they should be built and officered; that they should be adapted to be used as cruisers and subject to be taken by the Government; the rate of compensation for the mail service and a provision as to how much the owner should be paid in case the vessel should be taken for a cruiser, and an immense amount of what the

Senator would call general legislation. I happened at that time to be in the Chair, and the question being raised by the Senator from Virginia [Mr. DANIEL], I said that the Chair would rule upon the question of order that—

Under the rulings of the Senate on former occasions upon amendments similar to this, which have been proposed to the Post-Office appropriation bill and which, according to the recollection of the Chair, were similar in substance, it has been decided that such amendments were in order. Following that decision, which has been repeated several times, the Chair will hold that the amendment is in order.

Then the Senator from Virginia appealed from the decision of the Chair; there was a very long discussion on the appeal, and the Chair was sustained and the amendment declared to be in order.

There are many other cases of that character which might be referred to, but these are the notable ones, because the practice was perhaps commenced upon these amendments. I might refer to a variety of cases where perhaps the question was closer than it was in the two cases to which I have referred.

The pending amendment is an appropriation; it proposes to add a new item of appropriation to the bill; it provides for the continuance of the commission—that is to say, for the payment of the salaries and expenses of the commission not provided elsewhere in the bill. It is not liable to a point of order upon that ground, because it has been proposed by the Committee on Indian Affairs and submitted to the Committee on Appropriations. That cures any defect that the amendment adds a new item of appropriation to the bill. Then the sum of \$50,000 being appropriated, it simply determines the services to be performed by the commission. The amendment is carefully worded in that respect. It reads:

The sum of \$50,000 to be immediately available; and said commissioners, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory, etc.

To sustain the point of order would be to hold that when money is appropriated to pay a Government official his salary and expenses, no legislation can accompany that appropriation defining what he shall do, what services he shall perform in order to be entitled to the salary.

I apprehend, Mr. President, there can be no question that this amendment is not general legislation in the sense in which that phrase has been understood in the Senate. This very commission was created in this way in the Indian appropriation act of June 30, 1894, by section 16, where the sum of \$50,000 was appropriated. That section commenced by saying:

The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners.

It then went on to determine the duties of the commission, and then the appropriation followed the appointment of the commission and the prescribing of their duties. In this case, the commission being appointed, the appropriation for their payment and expenses is first put into the amendment, and what follows is merely an amplification of the duties of the commissioners to be performed under the appropriation.

I think clearly, Mr. President, the amendment is outside of the rule to which reference has been made.

Mr. WALTHALL. Mr. President, the third paragraph of Rule XVI, which is in question, provides that:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The language is plain, is explicit, and its object and purpose and meaning are unmistakable. If the pending amendment proposes general legislation, then it must go out of the bill under this point of order, or a standing rule of the Senate must be boldly overridden.

The Senator from Connecticut [Mr. PLATT] has shown, by reference to other cases he considers somewhat analogous, that this rule has probably been disregarded in times past.

Mr. PLATT. No, Mr. President, I do not say it has been disregarded. I say it has been construed.

Mr. WALTHALL. That this rule has been construed, if the Senator prefers that expression, in the past, and the effect of the construction in every case referred to by him has simply been to decide that the legislation involved in those amendments was not general legislation. That is the whole of it.

The Senator opposed my position with reference to this point of order upon another ground, which is, that this commission was itself appointed under a general appropriation bill. If that be true, Mr. President, it does not follow that it ought to have been done or that it would have been done if a point of order like the one now submitted had been urged against it. No matter what the Senate has done in the past in deciding that certain amendments were or were not general legislation, I propose to show that this amendment proposes general legislation of the most important, the most delicate, the most difficult, and, as many think, of the most doubtful character.

Sir, what does the amendment propose? I shall only give the substance of its leading features. It proposes that the commis-

sioners appointed heretofore to negotiate with the Five Civilized Tribes in the Indian Territory, appointed simply for that purpose, shall proceed to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory, naming them, and make for each a full and complete roll of all persons entitled to the rights of citizenship therein; and in the performance of such duties that they, and each of them, shall have power and authority to administer oaths, to issue processes, and compel the attendance of witnesses, to send for persons and papers, and to punish any disobedience of their orders and process as for contempt—as high a power as any court in this land possesses.

It provides further that the decision of said commissioners shall be final, and the commissioners shall forward the roll as early as practicable to the Secretary of the Interior, with a report thereon. When the rolls of citizenship of any one of said nations shall be fully completed, the President shall, at his discretion, order the commissioners to proceed to allot the occupancy of all the lands of the nation susceptible of allotment among the citizens thereof, as shown by said roll, etc.

Mr. President, the intention of that amendment is, as its advocates will not deny, to work a radical change in the land tenure of these Indians, from holding in common to holding in severalty, and I believe it will not be denied that it is the initial step in a programme for a radical and sweeping change in the government of those Indians.

It is not only general legislation, Mr. President, but, as I have said before, it is legislation of the most delicate and difficult character; it is legislation upon a subject which has puzzled the greatest statesmen in this land; which has vexed this Government for years, and no solution of it has yet been proposed, as I believe, which is wholly satisfactory even to the author of it.

Mr. President, bills proposing to do thoroughly and at once what this amendment proposes to do tentatively and partially have been considered by the proper committees of both Houses of Congress at this session; much attention and consideration have been given to them, and many hearings have been had upon them. I have before me a statement made at one of these hearings by the Hon. A. S. McKennon, a member of the Dawes Commission, favorable to the general scheme of these bills, but I wish to read an extract from it for the purpose of showing how much attention has been given in the past and how much is now being given to this most important subject which it is proposed now to deal with summarily upon an appropriation bill, instead of in the orderly and usual manner which its gravity and importance would seem to demand. What that gentleman says will serve to refresh us as to the troubles which have attended the consideration of the question it is now proposed to dispose of so summarily in this incidental manner. He says:

This is a matter that has attracted considerable attention for several years. It is nothing new. We find that in 1889 a committee was sent to the Territory to investigate affairs there. There must have been some reason for that committee going there. If everything had been regarded as in a perfectly safe condition, I apprehend that Congress would not have gone to the trouble of sending a committee there. That committee was headed by a then member of the House of Representatives, now one of the judges in that Territory, Hon. William M. Springer. Mr. Mansur, Mr. Perkins, Mr. Peters, and Mr. Allen were also members of it. I do not now remember who the other members were, if there were others. When they returned the chairman of that committee introduced a bill providing for statehood in that Territory.

Afterwards, in 1892, another committee was sent down there—that was in the first session of the Fifty-second Congress. The chairman of that committee was Senator Butler, and Mr. Perkins and Mr. Higgins were his associates. When they returned Mr. Perkins introduced a court bill for the purpose of regulating affairs in that Territory.

In 1894 a bill was introduced by Mr. Higgins in regard to the intruder question. I desire to call attention to that. It is Senate bill No. 1850, Fifty-third Congress, second session.

I merely call attention to these in order to show you the interest that has been manifested in this question.

In 1893 Congress passed a bill for the creation of a commission to negotiate with the Five Civilized Tribes. Hon. Henry L. Dawes, Major Kidd, and I were appointed the members of that commission; Senator Dawes was made chairman of it. We went to the Territory about January 10, 1894.

Afterwards, during that year—

To show some few of the steps which have been taken in reference to this all-important matter which is now proposed to be disposed of so summarily—

Afterwards, during that year, a Senate committee, composed of Senators TELLER, PLATT, and ROACH, came to the Territory to investigate matters, and on their return Senator TELLER made a report (Senate Report No. 377). Gentlemen of the committee, I invite your especial attention to this report, because it is in the line of the report which we afterwards made, in substance the same, reporting the same condition of affairs that we found to exist in that Territory.

Mr. President, that report of the Senator from Colorado [Mr. TELLER] was a very thorough one, a very instructive one, and a very able one, and it concludes with these words:

As the matters submitted are so complicated and of such grave importance, the committee has thought proper to submit this preliminary report, and hopes, upon further investigation, to be able to make such further and more specific recommendation as to necessary legislation as will lead to a satisfactory solution of this difficult question.

This strong committee, on account of the complications of the question involved, on account of the grave importance, to use their own language, of this great problem, after they had been to the Indian Territory and investigated as thoroughly as they could do, asked to be allowed to investigate further before they would take the responsibility of making a specific recommendation as to necessary legislation, and now it is proposed, not by a committee amendment, but by an amendment offered by an individual not a member of the Committee on Appropriations, as I understand, to summarily deal with this matter just before this appropriation bill, which has been pending here for more than a week, is disposed of.

Mr. President, it is not even proposed that this subject, which in this report is shown to be so complicated, so grave, so important that a strong committee hesitated to make a recommendation as to legislation—it is not even proposed to submit this subject to the existing Committee on the Five Civilized Tribes, which is the same committee which made the report from which I have just read the concluding paragraph, in which we were led to hope that a specific recommendation from that committee would come, which never has come.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. WALTHALL. Certainly.

Mr. PLATT. This matter relating to the Indian Territory has been very much more thoroughly considered during the past years by the Committee on Indian Affairs than by the Committee on the Five Civilized Tribes. The Committee on the Five Civilized Tribes was authorized to go to the Indian Territory, and did make their investigation there, and did make that report. I am a member of both committees, but I am able to say that it is a matter which has been very much more considered by the Indian Committee than by the Committee on the Five Civilized Tribes.

This is not my amendment, but it is an amendment which represents the deliberate judgment, after full hearings, of the Indian Committee as to what ought to be done.

Mr. WALTHALL. Let me ask the Senator why that committee did not propose a bill dealing directly with the subject?

Mr. PLATT. If it is not interrupting the Senator too much I shall be very glad to answer the question. This has been a matter of very serious consideration by the Indian Committee at this session of Congress. There have been many bills introduced and referred to that committee. The members of that committee have had different views as to what ought to be done finally, but upon this amendment, that we ought to go this far and do this much, all the members of the committee agree. They could not agree as to further proceedings and as to those bills. The provision of this amendment is taken from bills which have been before the committee, and as to it every member of the Indian Committee is agreed. I will not answer the Senator any further now than to make this explanation.

Mr. WALTHALL. Yet the fact remains, Mr. President, that this matter, which engaged the attention some years ago, in 1894 I believe it was, of the Committee on the Five Civilized Tribes sufficiently to justify Congress in authorizing that committee to go into that Territory and investigate the matter—which committee indicated in their report they would recommend some specific legislation—and this matter, which has had that sort of consideration from that committee, for some reason or other that I do not understand, has never gone to the existing Committee on the Five Civilized Tribes, of which my distinguished friend who sits in front of me, the Senator from Delaware [Mr. GRAY], is chairman, and which is composed of some of the very ablest men in this body, including the Senator from Colorado [Mr. TELLER], who made the report from which I have quoted, referring to a probable supplemental report, which we have never received; including also the distinguished Senator from Connecticut [Mr. PLATT], who offers this amendment, and the Senator from Minnesota [Mr. DAVIS] and the Senator from Florida [Mr. PASCO].

Mr. TELLER. I should like to say to the Senator, in explanation of why the Select Committee on the Five Civilized Tribes did not proceed further, that, as I stated in the report, it was a complex and difficult question, and we found that there was some feeling in the Committee on Indian Affairs of the Senate that really that committee ought to proceed with it, and, so far as I was concerned as chairman of the select committee, I did not want to invade the province of the other committee, and thought we had better perhaps withhold any further report until the other committee had acted.

Mr. WALTHALL. I can understand from considerations of delicacy why the Senator should have done that; and yet if the Committee on the Five Civilized Tribes were not organized expressly and solely to deal with just such a question as this then the purpose for which it was organized does not appear to the naked eye. I can understand how my distinguished friend the Senator from Colorado might have yielded to the Indian Committee, as I said, from considerations of delicacy; but he went out to the Indian Territory with other members of that committee.

They made a most careful examination, they made a most elaborate and able report; and when they came back they said the question was so grave, so important, so complicated, that that committee declined to make any specific recommendation as to legislation without some further investigation. Now, both the Senator from Connecticut and the Senator from Colorado assure me, of which I have no question, that the Indian Committee have dealt with this matter more than the Committee on the Five Civilized Tribes; but, sir, the Indian Committee have not proposed a separate bill, to stand on its own merits, dealing with this entire subject. This matter ought not to be put through on an appropriation bill when possibly it might not succeed in going through otherwise. It makes no difference what committee has had charge of it, the Indian Committee or the Committee on the Five Civilized Tribes; one or the other ought to bring us a bill which will stand on its own merits, and dispose of this troublesome and vexatious problem and pass upon its merits independently of any connection with an appropriation of money for various other purposes.

Mr. President, the Senator from Connecticut has talked about the precedents. I say his precedents simply show that certain propositions have been held by the Senate not to be general legislation, and if it shall hold that this is not general legislation, let it go. But, sir, only a few weeks ago, on an amendment proposed by the Committee on Appropriations, not an amendment of another committee, it was proposed to do even so inconsiderable a thing as to change the time of holding the legislature in New Mexico. It was vigorously opposed on the ground that it was general legislation upon an appropriation bill, and it was defeated here within the last few weeks after very full argument. Even so inconsiderable a matter as that proposed by that amendment went down on the ground, and on the ground alone, that it was general legislation upon an appropriation bill.

In the same appropriation bill there was a provision, not offered here, but inserted in the other House, changing the mode of compensating United States marshals and district attorneys from the fee system to the salary system. I remember some of the oldest and most distinguished Senators in the body—I allude especially at this moment to the Senator from Massachusetts [Mr. HOAR]—warned us of the danger, to use his own words, of the grave and serious objection to legislating upon a general appropriation bill upon any subject whatever, however important. I think I have quoted the substance if not the words he used. I took great interest in the debate, because I am not versed in parliamentary law, and I listened attentively to these older Senators, for whom I have great regard on account of their ability and their experience. Here is what the Senator from Ohio [Mr. SHERMAN] said in that very debate on a bill which has not become a law yet. I believe it is in a conference committee. Talk about precedents; we have them right here. The Senator from Ohio [Mr. SHERMAN] said:

As a rule, no important legislation ought to be ingrafted upon an appropriation bill. We all admit that, and yet we constantly violate that rule—

That may account for some of the precedents which have been suggested—

The established rule of almost every legislative body is to confine appropriations to the distribution of money to the various public objects. The practice of attaching legislation to appropriation bills has largely increased of late. Formerly, thirty or forty years ago, it rarely occurred, and only when it became necessary, either by the urgency of a political faction or to accomplish some political purpose, was a legislative amendment placed on an appropriation bill.

Here is a most striking example of the dangers which may occur from this kind of legislation.

I will not follow him to the end of his argument.

Mr. PLATT. Was the point of order made on the amendment?

Mr. WALTHALL. It was debated. I will explain the situation.

Mr. ALLISON. It was not an amendment.

Mr. WALTHALL. I will get to that point in a moment, and I will explain it. He was discussing the danger of legislating at all upon a general appropriation bill with or without reference to the point of order. The point of order was not made, and the reason will appear in a moment. But I read a little further from the Senator from Ohio:

The first objection I have to the system proposed is the general principle that it is faulty; that it is bad legislation to encumber an appropriation bill with legislative provisions affecting the whole judicial department of the Government of the United States.

Again, he says:

I do not know the history of the measure in the House of Representatives, or how it came to be attached to the bill before the Senate, but it is certain that the principle is adopted of ingrafting in a bill that must be passed provisions to which there may be marked opposition, and which could not pass upon their own merits.

Referring to the matter to which the Senator from Iowa [Mr. ALLISON] calls my attention, I will state that the provision to change the mode of compensating United States marshals and district attorneys upon an appropriation bill was defended here not because it was proper upon an appropriation bill—everybody ad-

mitted that it ought not to be there—but on the ground that it had passed through the House of Representatives according to the rules of that House, and that our committee here were not able to control the matter. Is not that a fair statement? Even there, in the absence of any point of order, we received these warnings from distinguished Senators of great experience as to the serious, grave objections to this sort of legislation.

Now, the situation as to the bill just mentioned was explained very fully by the chairman of the committee, who is now doing me the honor to give me his attention. The Senator from Iowa [Mr. ALLISON] said:

I agree with all that has been said by Senators as to the impropriety of placing riders in the way of legislation on appropriation bills—

That is what is proposed here—

The Senator from New York [Mr. HILL], who laid great stress upon that point, can not outdo me in objecting as a rule to placing riders upon appropriation bills. I have heard the Senator from Ohio many times express his view upon that subject and I have never differed from him in his argument. I think I can say truthfully for all the members of the Committee on Appropriations that they do object to legislation upon these bills. They would greatly prefer to deal with the appropriation bills without respect to legislation upon them; and we always hope that as to every one of these bills the rule which prohibits general legislation upon them will be adhered to. The House of Representatives has a similar rule. So, according to the rules of the two Houses, legislation of a general character can not be put upon appropriation bills, and that question need not be debated here.

The only question—

Says the chairman—

which arises now, as it seems to me, is whether the situation and condition surrounding this question of the compensation of district attorneys and marshals take this proposed legislation out of the general rule which prevails here, and which ought to prevail.

Then he goes on to discuss that question. I will not trouble the Senate to listen to the reading of the paragraph, but I will ask leave to insert it in my remarks.

In the first place, so far as the Senate is concerned, it has no choice as respects this bill. These provisions came to us from the House of Representatives; they are in the bill; and in some form they must be dealt with here. I know perfectly well it would be an easy thing for us to adopt the motion proposed by the Senator from Ohio and strike them out; but that does not deal with the question which is presented to us in these sections, unless the Senate is ready, and it never has been ready so far as I know, to say to the House of Representatives, "We will not agree to pass this bill unless you strip it of the legislation which you propose." I agree that according to parliamentary law, and according to the just relations that should exist between the two Houses, when either House proposes on an appropriation bill new legislation, if the other House objects to it the legislation should be taken from the bill. That is the rule; nobody disputes it that I know of; and every member of the Senate, so far as I know, agrees with the suggestions made by the honorable Senator from Ohio, the Senator from New York, and other Senators who say that we should not legislate upon appropriation bills.

The Committee on Appropriations, however, in the consideration of this bill regarded, and were compelled to regard, this as an exceptional case; and they so treated it. The House of Representatives, with its rule providing that no legislation should be placed upon appropriation bills, took this proposed legislation out of the scope of that rule. The Committee on Rules, having the power to bring in special rules as respects special questions, overriding the general rules of the House, brought into that body a special rule; and so unanimous was the House of Representatives for this legislation that the yeas and nays were not called, as the record of the House shows, upon the adoption of that rule.

Mr. HILL. Will the Senator from Iowa permit me to ask him a question? What was precisely the special rule which the Committee on Rules reported?

Mr. ALLISON. The special rule provided that these sections which are now incorporated in the bill should be made in order upon the legislative, executive, and judicial appropriation bill, and that the sections should be considered pending that bill, and they were so considered under that special rule. Otherwise, of course, the provisions would have been subject to a point of order, and ruled out.

When the distinguished chairman of the committee said:

I think I can say truthfully for all the members of the Committee on Appropriations that they do object to legislation upon these bills.

The statement carried the implication to me, at least, that the Senator and his powerful committee would resist all general legislation such as this upon an appropriation bill. When it was sought a few weeks ago to strip that great committee of very much of its power, it was urged with great force that it was overburdened now with its legitimate work. That work undoubtedly is heavy enough to justify the committee, to say the least, in resisting all efforts to enlarge its sphere of responsibility by general legislation on appropriation bills, and especially in a matter of such gravity as this.

I do not propose to discuss the merits of the amendment. It is enough for me to know and to show that it involves very serious issues which ought to be dealt with in a separate measure, presenting them directly, so that the bill would be either passed or defeated upon its own merits.

What are those issues? These Indians claim that they are protected against what is proposed to be done by solemn treaty stipulations with this Government and by the Government's pledge of honor and of faith, and many wise and just men in and out of Congress agree with them. On the other hand, the Dawes Commission claim (and many equally wise and just men in and out of Congress agree with them) that—

The pretense that the Government is debarred by treaty obligations from interference in the present condition of affairs in this Territory is without foundation. The present conditions are not "treaty conditions." There is

not only no treaty obligation on the part of the United States to maintain or even to permit the present condition of affairs in the Indian Territory, but, on the contrary, the whole structure and tenor of the treaties forbid it.

A square issue upon a most important, vital, perplexing public problem between the parties most interested and the commission appointed by the President to treat with them, and appointed for no other purpose.

I submit that these issues do exist upon this old question which we have been trying to dispose of for years. Although we have had two committees—one the general Indian Committee and the other a special Indian Committee—to take charge of this very question and instruct us about it, this important amendment is proposed at the end of an appropriation bill to be summarily dealt with, while the very subject, in bills dealing with the entire question, has been fully considered by the proper committees of this body and the other.

I do not know, sir, what the merits of this amendment are. It is too large a question for me to inform myself about, presented in this indirect way, although I will say that I have given it considerable attention since I saw a copy of the amendment. I have no fixed conviction upon it, but I wish to see the Indians fairly dealt with hereafter, as I think they have been by Congress in the past, in legislation enacted in the usual, orderly way in accordance with the rules of this body.

I perhaps ought to say that I feel especially interested in the Chickasaws and the Choctaws, because the State which I represent in part is composed largely of lands ceded by those nations in exchange for the very land they are living on now in the Indian Territory which the amendment proposes to deal with. Those people have blood relations in my State, substantial, orderly citizens, some of them prominent in the communities where they live. It is perhaps on that account that I have looked into this question as far as I have done, and to that fact, sir, is perhaps due the very strong memorial which was lately sent to Congress by the legislature of Mississippi on this subject, which I will ask to have read, and then I will yield the floor. However, it is a lengthy paper, and if it is desired to adjourn, it now being pretty late in the evening, it can be printed in the RECORD as a part of my remarks. Otherwise I will have it read.

The VICE-PRESIDENT. The Chair hears no objection, and the memorial will be printed in the RECORD as requested.

The memorial is as follows:

Memorial of the legislature of the State of Mississippi to the Congress of the United States.

Whereas the State of Mississippi is composed largely of the lands ceded by the Chickasaw and Choctaw Nations of Indians by solemn treaties made by said Indians with the United States, by which said Indians acquired in exchange therefor the lands on which they now live in the Indian Territory; and

Whereas the Chickasaw Indians ceded all that part of our State from the Tombigbee on the east to the Mississippi River on the west, and the Choctaws ceded all that part of our State from the Alabama like on the east to the Mississippi River on the west and to the Gulf coast on the south; and

Whereas the Five Civilized Tribes, the Chickasaws, Choctaws, Cherokees, Creeks, and Seminoles have ceded vast empires of lands to the Government of the United States, out of which State after State has been carved, and have received in exchange for this vast domain by solemn treaties and formal letters patent what is known as the "Indian Territory," west of the Mississippi River; and

Whereas there is an effort now being made before your honorable bodies to virtually strip the Five Nations of Indians of the land thus solemnly conveyed to them, to destroy the autonomy of their respective governments, fashioned as they all are on the constitution and government of our own States, we respectfully memorialize your respective bodies to keep honorable faith with these weak nations, and in aid of our prayer and memorial, beg leave earnestly to call the attention of the Congress of the United States to the terms of the treaties solemnly entered into with these Five Civilized Tribes of Indians.

In the year 1830 the United States Government announced its policy of removing the Indian tribes then located east of the Mississippi River to west of the river by an exchange of lands, and authorized the President, by an act of Congress passed on the 28th day of May, 1830—

"To assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them, and their heirs and successors, the country so exchanged with them; and if they prefer it the United States will cause a patent or grant to be made to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon same."

And by treaty made on the 14th day of February, 1833, the Government of the United States, by authorized commission, guaranteed their present home to the Cherokees (and all the other tribes), in the words following:

"ARTICLE I. The United States agrees to possess the Cherokees (and same terms apply to the other tribes), and to guarantee it to them forever, and that guarantee is hereby pledged, of 7,000,000 acres of land to be bounded as follows [and here land is described], which includes the land now owned and occupied by the Cherokees, and letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed."

By treaty of December 23, 1835, the United States confirmed the grant and renewed the pledge of a patent in the following words:

"ART. 3. The United States also agrees that the lands above ceded by the treaty of February 14, 1833, including the 'Outlet' and those ceded by this treaty, the so-called 'neutral lands,' shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the act of May 28, 1830."

This patent was issued December 31, 1839, and conveyed the lands to the Cherokee Nation, their heirs and successors, "to hold forever."

By treaty of August 17, 1846, the United States further declared:

"ARTICLE I. That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit."

By the treaty of 1835, sections 5, 6, and 7, all these grants of land were solemnly confirmed, and so anxious was the Government of the United States to secure these lands lying within the limits of the States of Mississippi, Alabama, Georgia, Florida, and Tennessee, and to remove the Five Civilized

Tribes to the west of the Mississippi River, that they agreed, by the seventh article of the treaty of 1835, to grant to the Indian tribes, should they desire it, a Delegate to the House of Representatives of the United States.

At the close of the war between the States, the Cherokees and Chickasaws having raised regiments and taken sides with the Confederates, it became necessary to make new treaties, to define the relation of the Indian Nation to the United States, and by the treaty of 1866, made after the close of the war, it was provided—

"ART. 26. The United States guarantee to the people of the Cherokee Nation (and same provision applied to all the Five Civilized Tribes) the quiet and peaceable possession of their country, and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected from interruption and intrusion from all unauthorized citizens of the United States who may attempt to settle on their land or reside in their territory."

"ART. 27. All persons not in the military service of the United States not citizens of the nation are to be prohibited from coming into the Cherokee Nation or remaining in the same except as herein otherwise provided, and it is the duty of the United States Indian agent of the Cherokees to have such persons not lawfully residing or sojourning therein removed from the nation, as they now are or hereafter may be required by the Indian intercourse laws of the United States."

TREATY OF 1866.

"ART. 7. The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory: *Provided, however*, Such legislation shall not in any wise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations, respectively."

"ART. 10. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislature with regard to the Choctaw and Chickasaw Nations extending prior to the late rebellion and in force at that time not inconsistent herewith; and, further, agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulation and acts of legislation from and after the close of the fiscal year ending on the 30th day of June, in the year 1868."

It will thus be seen that by every treaty stipulation between the United States and the Indian tribes from 1830 to 1866 the right to govern themselves and to hold their lands in common was most solemnly guaranteed.

Now it is proposed to do away with these governments, all republican, and closely modeled after the Government of the United States and the State constitutions and governments, and to force them, against the most solemn treaty stipulations, to hold their lands in severalty.

It must be remembered that these Indians were asked to give up their homes and the homes of their wives and children and the graves of their ancestors, and seek new homes in the then wilds of the West. All this they did for the whites. The love and reverence of the Chickasaws for the homes they left behind them is shown by the fact that in naming the counties of the nation they took the names of the old counties they left behind. They have their Tishomingo, Choctaw, Pontotoc, as we have. The Indians gave up their homes with fear and dread; but when the brave old hero, whom they had learned to honor and respect (for he never spoke to them "with a forked tongue") said to them in their own beautiful and figurative language, "This land shall be yours as long as the grass grows and the water flows," they yielded and sought a new home in the Western wilds, and have become a civilized and prosperous people. Shall our own Government go back on the word of the hero of New Orleans? While our Government is demanding that there shall be no dismembering of the territory of far-distant Venezuela, and proclaiming its advocacy of the far-distant Christians of Armenia and its horror of the Turkish barbarism which oppresses them, shall we go back on our pledged faith to the weak Indian nations in our very midst, who have yielded to the white man an empire of lands, the richest and most fertile on the globe? Shall we tarnish the honor and bright fame of our Government by keeping puny faith with the weak and the helpless?

We ask that you keep faith with these tribes, and break not the solemn treaties by which you have agreed to let them have their own government and conduct their own affairs.

Be it resolved by the senate (the house concurring). That a copy of this memorial, signed by the president of the senate and the speaker of the house, and attested by the secretary of state, with the great seal of the State attached, be forwarded to each of our Senators and each of our Representatives in the Congress of the United States.

Passed the house March 3, 1896.

FRANK A. CRITZ,
Speaker of the House.

Passed the senate March 14, 1896.

J. H. JONES,
President of the Senate.

A true copy.
[SEAL.]

J. L. POWER,
Secretary of State.

Mr. BERRY. Mr. President, before I undertake to say anything upon the point of order made by the Senator from Mississippi [Mr. WALTHALL], I wish to say a few words in answer to the remarks he made with regard to the committee having jurisdiction of this matter. As was stated by the Senator from Connecticut [Mr. PLATT], the amendment comes from the Committee on Indian Affairs, and by the unanimous vote of that committee he was directed to offer it as an amendment to the Indian appropriation bill. I want to say further, and I mean no disrespect to the other committee when I say it, that the committee known as the Committee on the Five Civilized Tribes of Indians has never had anything to do with this matter, nor with any legislation that has been passed with reference to it since the time when the committee was appointed. Those of us who knew anything of affairs when the committee was appointed knew that it was not appointed with the expectation or intention that it would take charge of the matters which belong to the regular Committee on Indian Affairs and with which it has always dealt.

The Senator from Mississippi spoke of the fact that three members of that committee had gone out to the Indian Territory. I want to say that two of those members, the Senator from Connecticut [Mr. PLATT] and the Senator from North Dakota [Mr. ROACH], are members of the Committee on Indian Affairs, and both join in recommending the adoption of this amendment.

Therefore it comes from the committee that has always dealt with the matter. It comes from the committee which has thoroughly investigated it. It comes from the committee that originated the commission with which the amendment deals, and which was passed as an amendment to the Indian appropriation act first in 1891.

The Senator from Mississippi also says that it is proposed in a summary way to dispose of this great and important question. The amendment does not propose to dispose of this great and important question. There are many questions in regard to the Indian Territory resting behind this and pressing upon Congress that are as important as anything which has been before the present Congress, and they should be dealt with and finally settled. The only proposition and intention of the amendment is that however much difference may exist in that committee in regard to what shall finally be done, for the present it is absolutely necessary that this be done at least before the adjournment of the present session of Congress. If there be no legislation had with reference to this commission, if no provision be made for continuing it, all that has been attempted, all that has been fought for, and all the work and labor which have been going on for the last seven or eight years in order to try to correct the abuses existing there will amount to naught, and we shall have to commence where we began in 1891.

I introduced a bill early in this session, as I introduced one in the last session, proposing a Territorial government over the Five Civilized Tribes, and giving them representation in Congress, providing for the allotment of land, and finally dealing with this subject-matter. That bill, with others, is being considered by the Committee on Indian Affairs. It is being considered by the House Committee on Indian Affairs, as the Senator from Mississippi has said. But this is not a final determination. It is a temporary proposition. This is something that is absolutely necessary to be done at the present session of Congress.

Without going at length into the merits of the amendment, I simply wish to say as to the section of country bounding the Indian Territory that among those who are familiar with the condition there, among members of Congress from those States, there is but one opinion, that legislation is not only important, but imperatively demanded by the conditions in that country. When the commission was sent there the distinguished Senator from Massachusetts, Mr. Dawes, known as the friend of the Indians for the last thirty years, was made chairman. Up to that time he had a belief that possibly the people in the western part of the Union were not disposed to do justice to those Indians. When he was put at the head of the commission he and the two other gentlemen came and reported to Congress that the condition of affairs existing there was intolerable and that something must be done. Those who control affairs in the Indian Territory were dissatisfied with that report, and they said that if they could get on that commission General Armstrong and others who were their friends they would make a different report. During the last Congress, to comply with their wishes, the commission was enlarged. General Armstrong and two other gentlemen who had been members of the House of Representatives were placed upon the commission, and yet all five of them came back to Congress and said that it was imperative that something should be done.

Now, coming down to the present condition, if no legislation is had, if no appropriation is made for the commission, the probabilities of agreement which exist will disappear and all the good effects which have arisen will have disappeared with the commission. If the Senator from Mississippi lived as I do, bordering upon that Territory; if he knew the violations that are going on; if he knew the murders that are being committed; if he knew the robberies not only in the Territory but which extend to surrounding States by those who congregate in the Territory; if he knew the strife and contention there, he would be as earnestly in favor of dealing with the situation as those who come from that section of the country.

Mr. WALTHALL. Will the Senator from Arkansas allow me to ask him a question?

Mr. BERRY. Certainly.

Mr. WALTHALL. Has not the Senator shown that he thinks this subject ought to be dealt with in an independent bill by introducing such a bill first at one and then at another session of Congress?

Mr. BERRY. I will answer the Senator with pleasure. I have stated already that the bill I have introduced deals with the whole subject. The bill which I have advocated and which I hope will become a law deals finally with all of the questions as far as it is possible to deal by legislative act at this time with the entire question.

Now, the probabilities are that by reason of delay we will be unable to pass that bill or one of a similar character during the present session. The Committee on Indian Affairs, with a full knowledge of the surroundings, have said it may be that on account of difference of opinion as to what shall finally be done legislation

can not be had, but this much must be had. Otherwise great wrong and injury will be done not only to the people of that Territory, but to the people of the surrounding States.

A few words as to whether or not the amendment is in order. I wish to state in the first place that this commission was created by an amendment proposed by the Committee on Indian Affairs in 1891 on the Indian appropriation act. On the same Indian act, I think it was, we also dealt with the matter of purchasing some 6,000,000 acres of land, known as the Cherokee Strip. So far as I know, during the ten or eleven years that I have been here there has never been any legislation with regard to the Five Civilized Tribes except it was on the Indian appropriation act. It has always been done there. This commission was created in that way. The salaries, if it is to be continued, will have to be provided on this bill, and it seems to me it is clearly as much in order to define the character and duties of the commission, if it is extended, as it is to make a disposition of the Indian school money. Will the Senator say that that was legitimate legislation upon an appropriation bill? Have we not this very day said in what direction and in what manner that money shall be expended? It is a necessary result of providing for the commission and providing for the salaries.

Not only that, but from time to time payments have been made to those Indians. Heretofore it has been made to the treasurers of those nations. Experience has demonstrated the fact that when paid to the treasurer of the nation it has gone into the pockets of white men, half-breeds, and squaw men, a large part never reaching the Indians to whom it belongs. The amendment proposes that hereafter the money shall be paid over directly by an officer appointed by the Secretary of the Interior to make the payment. Is not that legitimate legislation on the Indian appropriation bill? Is not this proper legislation to go on a bill in dealing with this commission?

In addition to that, the commission, it is provided in the amendment, shall make the roll and determine who is entitled to a share in paying out Indian money. It is claimed, it is asserted, and it has been proved that hundreds of Indians—a great many Indians at any rate—are entitled to be on those rolls and are entitled to a part of the Government money that is continually paid down there. Yet they are cut off by the council and by interested parties, and they get no part and no interest in it. Is it not legitimate in dealing with the pending bill to say that this commission shall determine to whom the money shall be paid—Government money which goes to the Indians?

Mr. President, I want to repeat, and I wish the Senator from Mississippi to hear the statement I can make, that this becomes legitimate and proper in defining the powers of that commission because of the fact, it is alleged and believed, that a great many persons are entitled to be on that Indian roll who have been kept off by means of bribery and many other causes because it would lessen the fund that might go to others. Is it not proper and legitimate, then, in dealing with the salaries of this commission and in providing for their continuance, to provide also that they should regulate and determine as to whom this Indian money should go that is paid out by the Government?

There is another point to which the Senator from Connecticut called my attention and to which I wish to allude.

Mr. PLATT. I said, in reply to the suggestion made by the Senator from Mississippi to the effect that the provision was dealing with and settling all the complicated questions down there, that so far as it relates to allotments it is a mere preliminary matter and settles nothing.

Mr. WALTHALL. The Senator from Connecticut certainly understood me when I said distinctly that it was the initial step in a radical and sweeping change by the Government.

Mr. PLATT. I understood the Senator to say that it was dealing with all the complicated questions.

Mr. WALTHALL. It is dealing with them.

Mr. BERRY. I do not know that I can add anything to what the Senator has stated in regard to the allotment save and except to say that it is only preliminary. It is true that eventually we shall have to allot that land. It is true that it ought to be allotted. It is true that a bill ought to be passed through the present Congress allotting that land and creating a Territorial government down there at once. But if we can not do that, Mr. President, it is the duty of Congress to do the best that it can. It is the duty of this Congress, that is responsible for the Indians, to see that the conditions which now exist there do not continue.

I want to say to the Senator from Mississippi that in the Creek Nation, with 14,000 Indians, with something about 3,000,000 acres of land, 62 men to-day have fenced up and are controlling and receiving the proceeds of more than a million acres of that 3,000,000 acres of land. In talking about this commission and the duty of Congress to take care of those Indians, let me state that we guaranteed to them that they should have equal rights in that Territory; that each Indian should have an equal right with every other Indian; yet in the case I have just cited 62 men, half-breeds,

white men, and squaw men, have got control of more than a million acres of the 3,000,000 acres belonging to the entire tribe. It is not denied. Ex-Senator Dawes and his Commission have everyone stated it; it has been stated and restated; and no man has raised his voice to deny it. And yet we talk about fulfilling and keeping treaty stipulations when such wrongs and such injustices are done by a few men who have got control in that Territory and have used it to further their own profit and to put money into their own pockets, while the Indian proper is crowded back on the creeks and hills with no property, with his little cabin, with his rocky home around him, while those fertile lands are occupied by strangers and aliens to his tribe.

I say, Mr. President, such a condition should not exist there; and if this amendment be defeated, if we can not legislate upon the appropriation bill, if Congress adjourns and takes no action in regard to the other bill, the conditions will grow worse; the Indians will regard it as a license hereafter to go further and further in the direction of wrong which has characterized that country for the last few years.

Two years ago robberies, robberies of trains, robberies of stores, murders, were daily committed within that Territory. I believe that in the western district of Arkansas (which has jurisdiction of the felonies over there in connection with the court of Paris) there are 250 felons to-day in that jail, 40 or 50 of them being charged with murder. Such is the condition there that legislation is a necessity.

Then I say that, according to the rules and precedents which have been adopted by the Senate, to invoke that rule here and defeat all legislation when the Senator from Connecticut has shown clearly that it is not contrary to the rule, when it comes from the proper committee, when it is a unanimous report of the Committee on Indian Affairs, which is thoroughly familiar with this matter, would be a great injustice and a great wrong to the people not only of the Territory, but to the States which surround it.

Mr. GRAY. Mr. President, I do not rise to discuss the merits of the amendment proposed by the Senator from Connecticut [Mr. PLATT] from the Committee on Indian Affairs, but I want to say a word or two, if anything at all were necessary to be said, on the propriety of this legislation when proposed as an amendment to a general appropriation bill.

I have sat here—I will not say many a time, but more than once—and seen what I considered general legislation attached to appropriation bills, because there was a strong and overwhelming feeling in the Senate in favor of the legislation proposed by the given amendment. But no one whom I heard of ever disguised the fact that it was in violation of the rule which has just been read in the hearing of the Senate. I do not believe it was wise under those circumstances, or under any circumstances, to depart from rules that we have adopted to govern our own procedure. If we are not capable of governing ourselves by rules, we might as well forego the pretense of being governed by rules.

There is nothing that needs, it seems to me, construction in the rule which was read by the Senator from Mississippi [Mr. WALTHALL] and with which we are all so familiar, that "no amendment which proposes general legislation shall be received to any general appropriation bill." There is no doubt in anyone's mind as to the propriety of that rule as a general rule. The reasons upon which it rests are obvious to all.

The only question, then, that is presented, sir, to you is that the amendment, after appropriating \$50,000 for salaries and expenses of the commissioners appointed under certain acts of Congress named, goes on, after that complete and entire disposition of the matter of appropriation, to legislate. The amendment provides that the "said commissioners," appointed under another act of Congress, shall, "in addition to the authority already conferred upon them by law," be "authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory."

That is not all by any means, but that is enough. It proposes to confer upon these commissioners a judicial power of the highest importance. It puts into the hands of the commissioners the right to determine finally the whole matter of citizenship in the Territory, and the roll of citizenship determines the per capita of distribution, determines to whom moneys are to be distributed and to whom lands are to be allotted. Then it proceeds, after providing in detail how the commissioners shall exercise this judicial function, to require, for instance, that—

In determining all said questions of citizenship said commissioners are authorized to consider all the acts of the national councils of said several nations and the acts and decisions of persons claiming to act by authority thereof—

And so on. Then the amendment proceeds to enact that—

When the rolls of citizens of any one of said nations or tribes are fully completed and deposited as aforesaid, the President of the United States shall, at his discretion, order said commissioners to proceed to allot the occupancy of all the lands of said nation susceptible of allotment among the citizens thereof as shown by said roll and to persons of African descent aforesaid who may be entitled, giving to each so far as may be his just and equitable share, considering the nature and fertility of the soil, location, and value

of same, and providing, when practicable, that where lands are now occupied by citizens in excess of their fair share such allotments shall be from lands thus occupied, and where lands are now occupied by citizens amounting to less than their fair share such allotments shall, if desired by the occupants, include the lands so occupied.

Mr. President, that is a very important, far-reaching power conferred upon these commissioners.

Mr. GEORGE. It is a judicial power.

Mr. GRAY. It is a judicial power conferred upon them, one that gives them the right, if the amendment shall become a law, to take from A and give to B, to turn a man out of his homestead without, so far as I have gathered by a hasty examination of the amendment, any compensation for improvements.

Mr. PLATT. Will the Senator from Delaware permit an interruption?

Mr. GRAY. Certainly.

Mr. PLATT. I do not think that the provision to which he alludes has the effect or goes so far as he thinks it does. It is a preliminary plan for an allotment and is to be all brought back to Congress.

Mr. GRAY. That may be, and it may be the fact—

Mr. PLATT. The Senator will easily see by an examination that under it it is impossible to put anybody into possession or to dispossess anybody. The whole matter is to be brought back to Congress.

Mr. GRAY. Of course I do not profess to have studied the amendment, for I have not had the time to study the amendment as the Senator from Connecticut has done, nor has any Senator here who has not made a previous study had time to examine this matter since the amendment was introduced. That is just the trouble about it.

Mr. BATE. May I read a sentence from the very amendment upon the point the Senator makes as to whether the action of the commission is to be permanent or not?

Mr. GRAY. Certainly.

Mr. BATE. On page 3, line 2, you will find the following:

The decision of said commissioners in all such cases shall be final.

Mr. PLATT. That relates to the roll.

Mr. JONES of Arkansas. In what cases? Citizenship?

Mr. BATE. It relates to the question of citizenship.

Mr. JONES of Arkansas. It has nothing to do with land. It does not relate to land.

Mr. BATE. That is the point. I say if there is a right there that is greater than another it is citizenship. The commissioners are given the power here to make and unmake a citizen, and that is a greater and a grander right than that involved in the distribution of property.

Mr. PLATT. That may be true; but the thing we were all talking about at that particular moment was allotment and not citizenship.

Mr. BATE. We were talking about judicial power, as I understand it, and this is judicial power that is granted.

Mr. PLATT. The Senator from Tennessee is entirely mistaken as to the reference I made when I rose to interrupt the Senator from Delaware.

Mr. GRAY. Let me say right here that while I think the point of the Senator from Tennessee has been well taken, it is true that the language to which he refers me on page 3, "The decisions of said commissioners in all such cases shall be final," undoubtedly refers to the ascertainment and the making of rolls of citizens, but the land is to be allotted to the citizens who are thus ascertained, and if A B is not included in that roll when he ought to have been included he is deprived of his allotment.

Mr. BATE. Then I am right about it; it is a judicial power.

Mr. GEORGE. Certainly it is.

Mr. GRAY. You can not get away from that. So, Mr. President, I am more than justified in saying that this is general legislation of a very important and a very far-reaching character. This proposed legislation determines men's rights. It confers powers that go so far in their exercise as to dispossess those who claim rights to property.

Mr. PUGH. Allow me to suggest that the extraordinary power is given of passing on the quality of each piece of land, the relative value of each piece of land, so as to determine whether the allotment is fair and equal—a most sweeping power.

Mr. GRAY. In that sense it does seem to me that when you give power to a commission to determine who shall constitute a class that is entitled to property, you give them the power to determine a property right. The persons so empowered may make that class large or small according as their discretion may direct them. Now, sir, that is legislation of too grave a character to be conferred in an amendment proposed in the last stages of the action of the Senate upon a general appropriation bill.

The Senator from Connecticut has studied this subject, and to his opinion and that of his colleagues upon the Committee on Indian Affairs I would defer in all these matters; but this is proposed here to the Senate, and upon the very face of the amendment

we are confronted with this extraordinary judicial power sought to be conferred, and we ought to go slow about it. We ought to have time to consider it. As the Senator from Mississippi, who made the point of order, said, it is too grave and difficult a subject not to be treated independently in a bill proposed by one of the committees having jurisdiction of the subject.

The Senator from Connecticut thinks, and no doubt it was so intended, that the part of the duty imposed upon the commission which relates to the allotment of the lands in severalty to the Indians was not meant to be final, but in the hasty reading that I have been able to give it I do not see why it is not final. The language is that when the roll of citizens is complete—

the President of the United States shall, at his discretion, order said commissioners to proceed to allot the occupancy of all the lands of said nation susceptible of allotment among the citizens thereof as shown by said roll and to persons of African descent aforesaid who may be entitled, giving to each so far as may be his just and equitable share considering the nature and fertility of the soil, location, and value of same, etc.

The verb "allot" means to give partitively, to distribute, to assign to the individuals of a class their respective shares in a common piece of property. That is all you can make out of it. It seems to me the word "allot" is complete of itself. It is not a provisional thing. An allotment of land, unless there are words of limitation, means a final allotment, it seems to me. I submit, with entire deference to the Senator from Connecticut, that if there is language limiting the word "allot" I have not discovered it.

Mr. PLATT. If the language is not sufficient here, the intention of the committee was to leave the matter for Congress to pass upon. It is provided that—

When such allotment has been by them completed, said commissioners shall make full report thereof to the Secretary of the Interior for his approval.

It is also provided that—

All reports made by the commissioners shall be submitted by the Secretary of the Interior to Congress.

Perhaps the language is not sufficiently full there to make it absolutely beyond question that it is submitted to Congress for Congress to deal with the plan thus submitted by the commissioners and the Secretary of the Interior.

Mr. GRAY. That may be.

Mr. PLATT. If the language is not complete, it can easily be altered to conform to the opinion of the committee.

Mr. GEORGE. Will the Senator from Delaware allow me to ask the Senator from Connecticut one question?

Mr. GRAY. Certainly.

Mr. GEORGE. I should like to ask the Senator from Connecticut if he believes Congress has the judicial power of making an allotment of land to these Indians?

Mr. PLATT. I do believe it has, and I am very much inclined to believe that it is a power which it can not delegate and can only appoint the commission an agent to formulate a plan to be submitted to Congress for its action. I doubt very much whether there is any power which can make an allotment of the occupancy of the land except Congress acting directly upon the subject.

Mr. GRAY. It does not make any difference for the purposes of my argument on the propriety of the amendment under the rule whether the allotment is to be final or not. I will only say in passing that the remarks of the Senator from Connecticut show the hasty character of the proposed legislation, and that, although the general subject may have been considered, as he said it was and as it doubtless was, by the committee, here in a most important particular he is not quite sure that the language employed has been adequate to express fully the meaning of the committee. But whether the allotment be final or not, the list of citizens is final. As I said a while ago, that is the key of the whole situation in regard to these lands, as to who are to be entitled to come in and share them and who are to be excluded.

Mr. GEORGE. Does the Senator from Delaware notice that the very highest of all judicial powers is conferred upon the commission—the power to punish for contempt and to imprison a man?

Mr. GRAY. The Senator's colleague alluded to that point. I will not consume the time of the Senate by going over in detail the various provisions of the amendment which make it necessary to assert the general legislative power in providing for a roll of citizenship and providing for allotment. There are various clauses that empower the commissioners to do things of great importance. The Senator from Mississippi referred to the power to punish for contempt, to fine and imprison as one of the powers to be conferred upon the commission. Surely no Senator will say that a power conferred upon this body of men to fine and imprison is not general legislation of the gravest possible character.

Mr. PLATT. It is special legislation.

Mr. GRAY. I hope there is no special legislation that will allow the imposition of a fine or imprisonment. No fine or imprisonment can be imposed except by virtue of general legislation.

Mr. MILLS. Will the Senator from Delaware yield for a motion to adjourn?

Mr. GRAY. In one minute I shall be through.

Not only is it general legislation on this account, but it is general legislation on another and distinct ground. In my opinion it repeals the public law of the United States. It repeals the solemn treaties entered into by the United States with these Indian tribes, and those treaties have been declared by the Supreme Court to be the supreme law of the land. In undertaking to make this roll of citizenship by the instrumentality of these commissioners we would directly violate a solemn treaty ratified by an agreement made more than once with these tribes, the last time in 1891, by which it is stipulated "that all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof," and so on. That has been passed upon by the Court of Claims and passed upon by the Supreme Court of the United States in the case which I have here, in 117 United States Reports. I shall only read a sentence from it:

This action of Congress affirming the right of the Cherokees to determine the question of citizenship has been construed by the United States court in the Cherokee Trust Fund cases (117 U. S., page 288), and held to confer upon the Cherokees the exclusive right to determine the question of citizenship with the Cherokee Nation.

If that right has been conferred by treaty upon the Cherokee Nation, then surely the legislation proposed by this amendment, which repeals or violates that treaty right, is general legislation of the most violent character. It is general legislation beyond all question, for it undertakes to repeal existing law, and upon that ground I would be willing that this case should be determined.

Something has been said by the Senator from Arkansas [Mr. BERRY], and very strongly said, in regard to the unhappy condition which obtains in the Indian Territory and as to the necessity of some legislation. Deferring to his opinion, as I cheerfully do in all matters which he has carefully considered and knowing how conscientious he is in the performance of his duty here, let me say that, notwithstanding that, I have had information from gentlemen who have come directly from the Indian Territory, who have lived among the Indians, which predicates a state of things directly contrary to what has been asserted by the Senator from Arkansas.

Mr. BERRY. Will the Senator from Delaware permit me to interrupt him?

Mr. GRAY. Certainly.

Mr. BERRY. I wish to repeat what the Senator from Mississippi [Mr. WALTHALL] read from the address of one of the members of the Dawes Commission, that every committee of either House of Congress which has been sent to the Indian Territory, that Mr. Dawes and two other gentlemen who were selected by the President of the United States as a commission, that Mr. Dawes and one of those gentlemen, with three others selected by the President of the United States as a second commission, that every official body and every member of every committee of either House which has been sent there to investigate the matter has come back and always made substantially the same report in regard to those conditions. There can be no mistake, I think, on that point.

Mr. GRAY. Very well, Mr. President, I would have thought not on the first statement made by the Senator from Arkansas; but all I have to say is, and I think I ought to say it, that I have been informed by gentlemen who have lived in that country and who have investigated the Indian question, that this mode of allotting the land and destroying occupancy in common would be very detrimental to the best interests of the Indians.

Mr. JONES of Arkansas. Mr. President—

Mr. GRAY. That may be wrong; that information may not be based upon proper evidence, but certainly the persons from whom I gained that information were sincere and had devoted their attention to and had carefully considered the subject.

Mr. JONES of Arkansas. If the Senator will allow me, I will suggest that it might be possible that one of the persons who went into the Territory from abroad, who has lived for some years in that country, and who has and now occupies and controls absolutely 68,170 acres of land, while 520 members of the Cherokee tribe petitioned their council and said that there are thousands of Cherokees who have no land at all—that that man, having 68,170 acres, thinks this condition of things very delightful, and that any change in it would be very bad.

Mr. GRAY. Mr. President, I think that the gentleman who expressed this opinion to me would be very much amused if he were convicted of having 68,000 acres of land or 68 acres of land, and would be very glad to have the Senator from Arkansas prove that he owns that or any other land. But I do not feel at liberty—perhaps there is no reason why I should not—to give his name without his authority. The names of both these gentlemen, if they were given, would carry weight wherever they were mentioned.

But I want time to consider this matter; I want to see the appropriate committee, the Committee on Indian Affairs, or whatever the proper committee is, take this matter up and propose a bill, after due investigation, and bring it before the Senate, so that

it may be properly discussed. I do think it most dangerous and most perilous legislation for the United States and for these Indians to have such far-reaching provisions as are contained in this amendment enacted into law as an amendment to an appropriation bill incidentally as we pass.

I have not had time to consider the amendment. I have only seen it this afternoon. What the Senator from Connecticut [Mr. PLATT] says may be true, but I do have an opinion now, which perhaps might be changed by fair examination and discussion, that the amendment if enacted into law will repeal the solemn treaty obligations of this Government with these Indian tribes.

Mr. PLATT. To what treaty does the Senator refer?

Mr. GRAY. The treaty of 1835 and the agreement made in 1891 and recognized by the Secretary of the Interior and by the Supreme Court of the United States.

Mr. PLATT. The Senator does not claim that there is any treaty which specifically gives to these nations the right to determine their citizenship, does he?

Mr. GRAY. I think there is, and I think it recognizes the right distinctly.

Mr. PLATT. I think not.

Mr. GRAY. The lands were patented to these Indians in fee by the United States.

Mr. PLATT. To the tribe.

Mr. GRAY. And full value was given for them.

Mr. PLATT. I know; but we are talking about their right to determine citizenship as being a treaty right.

Mr. GRAY. If we patent lands to the Cherokee Nation as a body politic, and then undertake to distribute those lands in severalty among the members of that nation and take away from them the power to determine that membership, it seems to me that there we have violated not only the treaty to which I referred, but we have violated the obligation, and not only impaired the obligation, but destroyed it.

Mr. PLATT. All there is to that point, Mr. President, is—and I think perhaps I can state it so that the Senator will think it is quite as strong as when he bases it upon a supposed treaty provision—the Supreme Court decided by an obiter dictum in a case where this question was not involved that we had treaties with these Indians in a way that they were entitled to be considered as a distinct political community. This was the language of the court:

Our Government, by its treaties with the Cherokees, recognized them as a distinct political community, and so far independent as to justify and require negotiations with them in that character.

From that it has been inferred that if these Indians are a distinct political community they must themselves have the right to determine who belong to that community. It is an inference growing out of the way in which we have treated them.

Mr. VILAS. Will the Senator from Delaware allow me to ask the Senator from Connecticut a question?

Mr. GRAY. Certainly.

Mr. VILAS. Does not the Senator from Connecticut recognize that it is now the law that the right to determine the citizenship of persons in the Five Civilized Tribes is vested exclusively in the authorities of those tribes, especially in their judicial tribunals?

Mr. PLATT. I do not.

Mr. VILAS. The Senator does not recognize it?

Mr. PLATT. I do not recognize it. I am aware that the Interior Department has said that this decision of the Supreme Court—and I have read the only words in it which refer to this question—in effect recognizes that right to exist in the judicial tribunals of the different tribes. I do not think so.

Mr. VILAS. Does not the Senator recognize that that decision recognizes that right?

Mr. PLATT. That decision had nothing whatever to do with the question of citizenship; that case had nothing to do with the question of citizenship. In determining that case relating to the trust fund and as to what was the character of the cession, whether it conveyed the property to the nation and divested the interests of the members of the nation, whether it gave the nation the title rather than the members of it, the court made use of the language I have read, from which the inference has been drawn.

Mr. VILAS. It is only an inference, but it is a direct interpretation of the treaty itself to the extent necessary in that case by the Supreme Court and by the Interior Department, when our distinguished associate, the Senator from Colorado [Mr. TELLER], was the Secretary of the Interior, and always followed since, that the right was exclusive in those tribes to determine their citizenship, and that that right followed from and grew out of the treaties which were made between the United States and the Indians.

Mr. GRAY. Let me read to show that not only the legislative and judicial departments of the Government have recognized it, but that the Executive has recognized it through the Secretary of the Interior, the Hon. H. M. TELLER, our honored colleague here

at present, in a letter dated as January 3, 1885. I am reading at secondhand, but I presume this to be authentic.

Mr. PLATT. When was it dated?

Mr. GRAY. January 3, 1885.

Mr. PLATT. That was before the case was decided on which the Senator commented.

Mr. GRAY. The letter was addressed to the Senate, and used the following language:

The right of the Cherokee Nation to control its property is especially guaranteed by the provisions of article 5 of the treaty of 1835 and subsequent treaties. This is especially the case in the treaty of 1866, as may be seen by article 16 of that treaty, wherein it is stipulated that the lands to be taken by the United States to settle friendly Indians on should be paid for at such price as the Cherokees and such friendly Indians might agree upon, subject to the approval of the President of the United States. The rights reserved to the United States are clearly expressed in the several treaties, and the right of the United States to control the Cherokee property and prevent the nation from having the full and absolute control of the products of these lands is not even suggested. On the contrary, the Government guarantees, in article 26, as follows.

Then it quotes the article. The letter further says:

Their right to occupy and control the possession of such lands and to receive the products thereof can not be questioned, and Congress can not interfere to prevent the cestui que trust from having the usual and natural use of the lands so occupied by them.

Mr. President, that would be going somewhat into the merits, and I have only gone so far as is necessary to show the character of the legislation proposed by the amendment, that it is general, that it comes within the denunciation of Rule XVI, and as such is not appropriate upon an appropriation bill.

Mr. CALL. If there be no objection on the part of anyone, I move that the Senate adjourn.

The VICE-PRESIDENT. Before putting the question on the motion of the Senator from Florida, the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 7100) to donate eight condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado; and

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana.

The bill (H. R. 7200) for the relief of A. T. Hensley was read twice by its title, and referred to the Committee on Claims.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1363) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891; and

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

The VICE-PRESIDENT. The Senator from Florida [Mr. CALL] moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 23, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 22, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ELECTION CONTEST—GOODWYN VS. COBB.

The SPEAKER. When the House adjourned yesterday it had voted by yeas and nays upon the resolution which the Clerk will now read.

The Clerk read as follows:

Resolved, That Albert T. Goodwyn was elected a member of the Fifty-fourth Congress as the Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is entitled to the seat in the Fifty-fourth Congress as such Representative.

The SPEAKER. No quorum appearing on the vote taken yesterday on this resolution, the vote will be again taken by yeas and nays.

The question was taken; and there were—yeas 145, nays 55, not voting 153; as follows:

YEAS—145.

Aldrich, Ala.
Aldrich, Ill.
Allen, Utah
Atwood,
Avery,
Babcock,
Baker, Kans.
Baker, Md.
Baker, N. H.
Barney,
Bartholdt,
Beach,
Belknap,
Bell, Colo.
Bennett,
Bishop,
Brewster,
Broderick,
Bromwell,
Brosius,
Burton, Mo.
Burton, Ohio
Cannon,
Clark, Iowa
Clark, Mo.
Coddling,
Connolly,
Cook, Wis.
Cooper, Wis.
Corliss,
Cousins,
Crowther,
Crump,
Curtis, Kans.
Dalzell,
Danford,
Daniels,

Dayton,
De Witt,
Dingley,
Dolliver,
Doolittle,
Draper,
Eddy,
Ellis,
Evaus,
Fowler,
Gardner,
Gibson,
Gillet, N. Y.
Graft,
Griffin,
Griswold,
Grout,
Hadley,
Hager,
Haltermann,
Hardy,
Harris,
Hartman,
Heatwole,
Hemenway,
Henderson,
Henry, Conn.
Henry, Ind.
Hill,
Hitt,
Hopkins,
Howell,
Hubbard,
Huling,
Hunter,
Hurley,
Hyde,

Jenkins,
Johnson, Cal.
Kem,
Kirkpatrick,
Knox,
Lacey,
Lefever,
Leighty,
Lewis,
Linney,
Long,
Lorimer,
Loudenslager,
Low,
Mahany,
Mahon,
Marsh,
McCall, Tenn.
McCormick,
McEwan,
Mercer,
Miller, Kans.
Milnes,
Minor, Wis.
Moody,
Murphy,
Northway,
Otjen,
Parker,
Payne,
Pearson,
Perkins,
Phillips,
Pitney,
Pugh,
Quigg,
Ray,

Royce,
Scranton,
Shafroth,
Shannon,
Shuford,
Simpkins,
Skinner,
Snover,
Southard,
Spalding,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Strowd, N. C.
Sulloway,
Thomas,
Towne,
Treloar,
Updegraff,
Van Horn,
Van Voorhis,
Warner,
Watson, Ind.
Watson, Ohio
White,
Wilson, Idaho
Wilson, N. Y.
Wood,
Woomer.

NAYS—55.

Allen, Miss.
Bartlett, Ga.
Black, Ga.
Clardy,
Cockrell,
Cooper, Fla.
Cooper, Tex.
Cox,
Crisp,
Culbertson,
Denny,
Dinsmore,
Ellett, Va.
Elliott, S. C.

Erdman,
Hall,
Harrison,
Hart,
Hendrick,
Hutcheson,
Kendall,
Lester,
Little,
McClellan,
McCulloch,
McDearmon,
McLaurin,
McMillin,

McRae,
Meredith,
Meyer,
Miner, N. Y.
Money,
Owens,
Pendleton,
Price,
Richardson,
Sayers,
Sparkman,
Spencer,
Strait,
Sulzer,

Swanson,
Talbert,
Tate,
Terry,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Underwood,
Washington,
Williams,
Wilson, S. C.
Yoakum.

NOT VOTING—153.

Abbott,
Acheson,
Adams,
Aitken,
Anderson,
Andrews,
Apsley,
Arnold, Pa.
Arnold, R. I.
Bailey,
Bankhead,
Barham,
Barrett,
Bartlett, N. Y.
Bell, Tex.
Berry,
Bingham,
Black, N. Y.
Blue,
Boutelle,
Bowers,
Brown,
Brumm,
Buck,
Bull,
Burrell,
Calderhead,
Catchings,
Chickering,
Clarke, Ala.
Cobb,
Coffin,
Colson,
Cooke, Ill.
Cowen,
Crowley,
Cummings,
Curtis, Iowa
Curtis, N. Y.

De Armond,
Dockery,
Dovener,
Downing,
Fairchild,
Faris,
Fenton,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Gamble,
Gillett, Mass.
Grosvenor,
Grow,
Hainer, Nebr.
Hanly,
Harmer,
Hatch,
Heiner, Pa.
Heppburn,
Hermann,
Hicks,
Hilborn,
Hooker,
Howard,
Howe,
Huff,
Hulick,
Hull,
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kerr,
Kiefer,
Kulp,
Kyle,

Latimer,
Lawson,
Layton,
Leisenring,
Leonard,
Linton,
Livingston,
Lockhart,
Loud,
Maddox,
Maguire,
McCall, Mass.
McCleary, Minn.
McClure,
McCreary, Ky.
McKenney,
McLachlan,
Meiklejohn,
Miles,
Miller, W. Va.
Milliken,
Mondell,
Morse,
Moses,
Mozley,
Neill,
Newlands,
Noonan,
Odell,
Ogden,
Otey,
Overstreet,
Patterson,
Pickler,
Poole,
Powers,
Prince,
Raney,
Reeves,

Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerharing,
Settle,
Shaw,
Sherman,
Smith, Ill.
Smith, Mich.
Sorg,
Southwick,
Stallings,
Stokes,
Stone, W. A.
Strong,
Taft,
Tawney,
Taylor,
Tracewell,
Tracey,
Wadsworth,
Walker, Mass.
Walker, Va.
Walsh,
Wanger,
Wellington,
Wilber,
Willis,
Wilson, Ohio
Woodard,
Woodman,
Wright.

So the resolution was adopted.

The following pairs were announced:

Until further notice:

Mr. ANDREWS with Mr. MILES.

Mr. WILSON of Ohio with Mr. McKENNEY.

Mr. PRINCE with Mr. BAILEY.

Mr. RANEY with Mr. COWEN.

Mr. LEONARD with Mr. BERRY.

Mr. REEVES with CATCHINGS.

Mr. OVERSTREET with Mr. BELL of Texas.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. HOOKER with Mr. STALLINGS.

Mr. BINGHAM with Mr. DOCKERY.

On this vote:

Mr. JOHNSON of Indiana with Mr. ROBERTSON of Louisiana.

Mr. WANGER with Mr. WHEELER.

Mr. ROBINSON of Pennsylvania with Mr. RUSK.

Mr. McCALL of Massachusetts with Mr. MAGUIRE.

Mr. HULL with Mr. JONES.

Mr. BARHAM with Mr. CROWLEY.

Mr. HATCH with Mr. DE ARMOND.

Mr. MOZLEY with Mr. LAYTON.

Mr. SAUERHERING with Mr. ABBOTT.

Mr. HAINER of Nebraska with Mr. DOWNING.

For this day:

Mr. KIEFER with Mr. SHAW.

Mr. RUSSELL of Connecticut with Mr. CLARKE of Alabama.

Mr. PICKLER with Mr. MOSES.

Mr. WILLIAM A. STONE with Mr. BANKHEAD.

Mr. HOWARD with Mr. WALSH.

Mr. KULP with Mr. MADDOX.

Mr. FOSS with Mr. RUSSELL of Georgia.

Mr. BROWN with Mr. FITZGERALD.

Mr. LEISENRING with Mr. LOCKHART.

Mr. HULICK with Mr. BUCK.

Mr. MEIKLEJOHN with Mr. BARTLETT of New York.

Mr. JOY with Mr. CUMMINGS.

Mr. GROSVENOR with Mr. NEILL.

Mr. ACHESON with Mr. SORG.

Mr. DOVENOR with Mr. LIVINGSTON.

Mr. BURRELL. Mr. Speaker, I came into the Hall from my committee room just after my name was called the second time. I should like to vote.

The SPEAKER. Under the terms of the rule, the gentleman's vote can not now be received.

Mr. BURRELL. If permitted to vote, I should have voted "yea."

The result of the vote was announced as above stated.

On motion of Mr. DANIELS, a motion to reconsider the vote just taken was laid on the table.

Mr. DANIELS. I ask that the oath of office be administered to Mr. Goodwyn.

Mr. Albert T. Goodwyn presented himself, and was duly qualified by taking the oath prescribed by law.

DELEGATE FROM ALASKA.

Mr. SCRANTON. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 3826) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PICKLER. I shall have to object.

Mr. CRISP. I must object, unless some explanation be given. I should like to know whether there is any government out in Alaska with any machinery for holding this proposed election.

Mr. PICKLER. I would like to inquire of the gentleman in charge of this matter if he expects this bill to take up any considerable time? If so, I will be compelled to object to it.

Mr. SCRANTON. I am sure it will not occupy more than a half hour.

Mr. JOHNSON of California. Scarcely that long; a quarter of an hour would be ample.

Mr. PICKLER. If there can be an agreement that the gentleman will call the previous question in an hour I will be content. I have waited now to get up this pension bill for a long time, and I want to have the right of way.

Mr. SCRANTON. It will not take a half hour.

Mr. PERKINS. I do not know about that. I would like to say something about this matter myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CRISP. There is, Mr. Speaker, unless we have some explanation as to the points I have already referred to.

Mr. SCRANTON. I will be perfectly willing, if the gentleman will withhold his objection, to explain this matter—

Mr. CRISP (continuing). I want to know whether they have the machinery out there for holding an election, whether there are any officers who are capable of conducting an election, and something about the matter that is proposed to be accomplished by this bill before consent is given.

Mr. HOPKINS. Mr. Speaker, there is nothing before the House. The gentleman from South Dakota has objected.

Mr. PERKINS. The gentleman withheld his objection, I understood.

The SPEAKER. The Chair understands that there is objection, and the gentleman from Texas [Mr. COCKRELL] is recognized.

Mr. SCRANTON. I understood the objection was withdrawn. The SPEAKER. The Chair will again submit the request of the gentleman. Is there objection to the present consideration of the bill relating to the election of a Delegate from Alaska?

Mr. CRISP. There is, Mr. Speaker, without some satisfactory explanation.

The SPEAKER. That settles it.

The gentleman from Texas is recognized.

GREER COUNTY, OKLA.

Mr. COCKRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the portion of the Territory of Oklahoma bounded by the North Fork of the Red River and the State of Texas, heretofore known as Greer County, Tex., be, and the same is hereby, established as Greer County of Oklahoma, with Mangum as the county seat. The governor of Oklahoma shall forthwith appoint for said county the same officers as are provided by law for other counties of Oklahoma, who shall have the same powers and duties, receive the same compensation, and hold office until their successors shall be provided by the legislature of Oklahoma. All provisions of law applicable to the organization and government of counties in Oklahoma shall forthwith be applied by the proper officers thereof to said Greer County, the intention being to provide without delay the same organized government for said Greer as for the other counties of Oklahoma. All appointments herein provided shall be made from persons, having the other qualifications required by law, who were on March 16, 1896, bona fide residents within the territory now erected into said county. All public buildings and property of every description heretofore belonging to Greer County, Tex., or used in the administration of the public business thereof is hereby declared to be the property of said Greer County, Okla., and the officers thereof shall, as soon as appointed, take immediate charge and custody thereof.

SEC. 2. That all proceedings and actions of every kind in or before the several courts and officers of Greer County, Tex., shall have the same force and effect as if said courts and officers had been legally authorized courts and officers of the United States or of the Territory of Oklahoma, and the courts of said Territory having jurisdiction of similar matters shall make and issue all orders and writs necessary to enforce the orders, decrees, and final judgments of said courts and officers of Texas.

SEC. 3. That all suits which were pending in the several courts of said Greer County, Tex., on March 16, 1896, as shown by the dockets thereof, shall be entered upon the dockets of the courts of Oklahoma having jurisdiction of like cases, and the same shall proceed as if they had been brought in said courts of Oklahoma. Where an appeal or writ of error has been taken from a judgment in any civil or criminal case rendered by any of said courts of Greer County, Tex., to any other court of Texas, the judgment of such appellate court shall be binding upon all parties to such case, and upon the filing of a certified copy thereof in the court of Oklahoma having jurisdiction of like cases, it shall be the duty of such court to enter the same upon its minutes and proceed in said action in all respects as though it had rendered the original judgment therein. All rights in the cases mentioned in this section shall be determined by the law of Texas applicable to the act or transaction involved, and the courts shall take judicial notice of such law for that purpose. When any judgment affirmed by any such appellate court provides for imprisonment, such imprisonment shall be in such place as the proper court of Oklahoma shall designate.

SEC. 4. That all records, minutes, and files of any of the courts and officers mentioned in section 2 of this act shall be preserved and kept by the proper courts and officers of Oklahoma, and they, or certified copies thereof, shall be competent evidence. All written contracts, conveyances, mortgages, or other instruments which have been heretofore filed or recorded in said Greer County, in conformity with the laws of Texas, shall be held and considered to have been legally filed or recorded, and it shall not be necessary again to file or record them.

The Committee on the Judiciary recommend the adoption of the following amendments:

At the end of section 1 insert the following:

"And all school property in said county shall become the property of the respective school districts in which the same are situated."

In line 6 of section 4, after the word "mortgages," insert the word "liens."

At the end of section 4 add the following:

"And all interests, rights, titles, and estates conveyed, limited, encumbered, or in any wise affected by any contract, lien, conveyance, mortgage, or other instrument, or by any judgment or decree of any court of Texas of competent jurisdiction, and all judgments of said courts, civil and criminal, prior in date to March 16, 1896, shall have the same force and effect in all respects as if said Greer County had legally formed a part of the territory of the State of Texas up to March 16, 1896, and had upon that date been lawfully ceded by Texas to the United States with a reservation and ratification of all existing rights and liabilities according to the laws of Texas."

Mr. DINGLEY. As I understand it, this bill simply provides for the government of the county of Greer, which by a decision of the Supreme Court has been held not to belong to the State of Texas, in which it was formerly included, but to Oklahoma, and this provides a county organization and government under the law of Oklahoma.

Mr. HENDERSON. Simply clothing it with its proper powers in Oklahoma; that is all.

There being no objection, the bill was considered, and the amendments recommended by the Committee on the Judiciary were agreed to.

Mr. FLYNN. Mr. Speaker, I desire to offer another amendment.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Strike out all after the word "seat," in line 7 of section 1 of the bill, down to and including the word "Oklahoma," in line 12, and insert:

"The present county officers of said county shall be continued in office until the first Tuesday of November, 1896, or until the successors are elected and qualified at an election to be held on said first Tuesday in November, 1896, as provided in the laws of the Territory of Oklahoma."

Mr. HENDERSON. That is all right. It simply applies to the persons now holding office in that county.

The amendment was agreed to.

Mr. FLYNN. I desire now, Mr. Speaker, to offer another amendment to perfect the text of the bill, an amendment rendered necessary by the adoption of the amendment just passed upon.

The Clerk read as follows:

On page 2, strike out all after the word "Oklahoma," in line 17, down to and including the word "county," in line 21.

Mr. BAILEY. I would like to ask, Mr. Speaker, what will be the effect of that amendment? I presume it can only be ascertained by a statement or by rereading the bill.

Mr. FLYNN. The object of the amendment is merely to perfect the text of the bill. As at present drawn the bill reads:

All appointments herein provided shall be made from persons, having the other qualifications required by law who were on March 16, 1896, bona fide residents within the territory now erected into said county.

These are the words which will be stricken out if the amendment is adopted. The previous amendment did away with the appointing power and confirmed the present officials in office. This is now surplusage in the bill, owing to the adoption of that amendment.

Mr. BAILEY. What amendment has been adopted providing for continuing the present officials in office? Do I understand that such an amendment was reported from the Committee on the Judiciary?

Mr. FLYNN. No, sir—

The SPEAKER. It was an amendment offered by the gentleman from Oklahoma.

Mr. BAILEY. I did not hear it; and, Mr. Speaker, I seriously doubt the power of the House to appoint the officers in that Territory.

Mr. FLYNN. We do not appoint; we only confirm those already in office.

Mr. BAILEY. The confirmation of an existing official in this manner can not amount to the appointment of a new one. I think that there is some question about that amendment, and would have made the objection at the time if I had heard it read.

Mr. CULBERSON. Mr. Speaker, I did not understand when that amendment was read that it attempted to confirm in office the persons who now hold office in that county. I understood this question had been settled by the Judiciary Committee. This bill, in the main, as read by the Clerk, was prepared by the Attorney-General and by the Secretary of the Interior. I concur in the opinion of my colleague [Mr. BAILEY], that Congress has no power to make the appointment.

Mr. BAILEY. I suggest, as an easy way out, that my friend from Oklahoma [Mr. FLYNN] ask unanimous consent to reconsider the amendment that has been adopted, and then to withdraw both amendments.

Mr. FLYNN. Mr. Speaker, I desire, first, in justice to myself and the House, to make a statement. The remarks which have been made would seem to indicate that I had offered an amendment here which did not meet with the approval of certain gentlemen. The gentleman from Texas [Mr. COCKRELL] has represented Greer County in this House in the last Congress and in this. By a decision rendered on the 16th day of last March, in a suit pending between the United States and Texas to determine who should control and own Greer County, the decision was rendered in behalf of the United States. By that decision Greer County, owing to the act of 1890, became a part of the Territory of Oklahoma. Greer County has been electing its county officers the same as any other county in the State of Texas.

The bill as reported provided that the governor of the Territory of Oklahoma should make new appointments of officials in that county. I did not think it would be just to those people who had been elected that that recommendation should be approved by Congress. So that, in order to show the people of that county that we had no desire to interfere with their county officers that they had elected, I have offered this amendment. Let me say here that there is no politics in this in my favor. Greer County, I am informed, has 700 votes, and I understand that 35 of them are Republicans, so that there is no danger of confirming any Republicans in office by this amendment. But I do say, in justice to those people who have been elected to those offices, it is but right they should serve out their terms until next November, when the general election in Oklahoma will give them authority to elect whomsoever they see fit. I do object to any governor, no matter what his politics may be, being authorized to remove these men and appoint new officials in their places.

Mr. CULBERSON. I should like to ask the gentleman from Oklahoma if he proposes to confirm in office the Democrats who are now holding office in this county?

Mr. FLYNN. I propose to confirm every officeholder who has been elected by these people, no matter what his politics may be.

Mr. CULBERSON. Do you not know that there is hardly a Democrat in office in that county?

Mr. FLYNN. No; I do not know any such thing. I know I am told that there are 700 Democratic voters and only 35 Republicans, and let me say to my friend from Texas that this amendment is acceptable to the gentleman from Texas [Mr. COCKRELL] who has represented Greer County in this House so long.

Mr. CULBERSON. Then I withdraw all objection to it.

Mr. COCKRELL. I want to say this in explanation: As to whether these officers are Democrats, Republicans, or Populists, my impressions are that they are about equally divided. I know that some of them are Democrats and I know that some of them are Republicans.

Mr. FLYNN. Republicans?

Mr. COCKRELL. Populists; but I think it is nothing but fair that those people who have been selected under the laws of Texas at an election properly held should hold their offices in preference to others to be appointed by the governor. I do not think there is any politics in this. I consulted with my colleague [Mr. CULBERSON] about this before this bill was framed. He told me he did not believe that Congress had the authority to pass a law confirming these men in office. With that view the bill was framed leaving them out. The gentleman from Oklahoma [Mr. FLYNN] asked me if I would accept this amendment and I told him I would do it most cheerfully, because I think it is just and right.

Mr. LACEY. I may say, in justice to the Attorney-General, that the bill introduced by me was drawn by him. He suggested that he would recommend the appointment of all those officials, and that he thought perhaps that was the best way out of it, the way that the bill was originally drawn. I am quite sure that he would have no objection to the other form, as it was his intention to recommend the appointment of these men over again.

Mr. BAILEY. Mr. Speaker, I have no desire to detain the House over this matter.

The amendment of Mr. FLYNN was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COCKRELL, a motion to reconsider the last vote was laid on the table.

GREER COUNTY LANDS, OKLAHOMA.

Mr. LACEY. Mr. Speaker, I would like to call up the bill H. R. 7945, which is another branch of the same matter. We have just disposed of one part, and we might as well dispose of the other while the House has the subject before it.

Mr. PICKLER. How long will this take?

Mr. LACEY. It will not take longer than the other bill. The House has the facts before it, and the subject will not have to be gone over again. This is the land bill; the other was the government bill. At first the whole matter was proposed as one bill, and then afterwards divided into two parts before it was introduced. We have just passed one part, and this is the other part.

Mr. PICKLER. Will the gentleman move the previous question?

The SPEAKER. The Chair will submit it to the House for unanimous consent if the gentleman sends up the bill.

The Clerk read as follows:

A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes.

Be it enacted, etc. That every person of the age of 21 years, or the head of a family, who, on March 16, 1896, was a bona fide occupant of land within the territory established as Greer County, Okla., shall be entitled to continue his occupation of such land with improvements thereon, not exceeding 160 acres, and shall be allowed six months' preference right from the passage of this act within which to initiate his claim thereto, and shall be entitled to perfect title thereto under the provisions of the homestead law, upon payment therefor, at the rate of \$1 per acre, to be paid in five equal annual payments, at the expiration of five years from the date of entry, except that such person shall receive credit for all time during which he or those under whom he claims shall have continuously occupied the same prior to March 16, 1896. Every such person shall also have the right for six months prior to all other persons to purchase at the like rate and upon the same terms of payment at the time of making his homestead entry, any additional land of which he was in actual possession on March 16, 1896, not exceeding 160 acres, which, prior to said date, shall have been cultivated or improved by him, or those under whom he claims. When any person entitled to a homestead or additional land, as above provided, is the head of a family, and though still living, shall not take such homestead or additional land, within six months from the passage of this act, any member of such family over the age of 21 years, other than husband or wife, shall succeed to the right to take such homestead or additional land for three months longer, and any such member of the family shall also have the right to take, as before provided, any excess of additional land actually cultivated or improved prior to March 16, 1896, above the amount to which such head of the family is entitled, not to exceed 160 acres to any one person thus taking as a member of such family, upon like payment of \$1 per acre therefor.

In case of the death of any settler who actually established residence and made improvement on land in said Greer County prior to March 16, 1896, the

entry shall be treated as having accrued at the time the residence was established, and sections 2291 and 2292 of the Revised Statutes shall be applicable thereto.

Any person entitled to such homestead or additional land shall have the right during twelve months from the passage of this act to remove all crops and improvements he may have on land not taken by him.

Sec. 2. That all land in said county not occupied, cultivated, or improved, as provided in the first section hereof, or not included within the limits of any town site or reserve, shall be subject to entry to actual settlers only, under the provisions of the homestead law, upon payment of \$1 per acre.

Sec. 3. That in the acquisition of land as provided in this act, the surveys and boundaries heretofore adopted by the settlers in said county shall be observed as near as practicable, and no land shall be taken in an irregular shape when it can be fairly avoided.

Sec. 4. That when any town plat covering lands in said county, not exceeding 640 acres, shall have been made and lots improved according thereto, prior to March 16, 1896, the Secretary of the Interior shall adopt said plat, and the persons who have made or own such improvements shall be entitled to receive patents for said lots, upon payment therefor at the rate of \$10 per acre, including streets, in such manner as shall be fixed by rules and regulations of the Interior Department. Any land covered by such town plat remaining undisposed of for the period of one year after the passage of this act, and not involved in contest or controversy, shall be subject to sale to the highest bidder for cash, under such rules as the Secretary of the Interior may prescribe, at not less than \$10 per acre, including streets. The general provisions of the town-site laws of the United States are hereby made applicable to the lands within said Greer County.

Sec. 5. That when any land which by law would otherwise belong to sections reserved for school purposes shall be taken under the provisions of this act the Secretary of the Interior shall designate other lands for school purposes in place thereof. Sections numbered 16 and 36 are reserved for school purposes as provided in laws relating to Oklahoma.

Sec. 6. That all lands which on March 16, 1896, are occupied for church, cemetery, school, or other charitable or voluntary purposes, not for profit, not exceeding 2 acres in each case, shall be patented to the proper authorities in charge thereof, under such rules and regulations as the Secretary of the Interior shall establish, upon payment of the Government price therefor, excepting for school purposes.

Sec. 7. There shall be a land office established at Mangum, in said county, upon the passage of this act.

Sec. 8. That any law hereafter passed releasing claimants from, or extending the time for payment for land in Oklahoma, shall have like force and effect on lands in Greer County.

Sec. 9. That the provisions of this act shall apply only to Greer County, Okla., and that all laws inconsistent with the provisions of this act, applying to said territory in said county, are hereby repealed.

Sec. 10. That this act shall take effect from its passage and approval.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, I want to make an inquiry. I notice in the amendments reported by the committee that these lands are to be taken, although as to part of them, I understand there is some claim by the Indians upon them, without any payment to the Government. Now, if it should be decided that these Indians have a claim—although I am assured there is no foundation for such a claim—would not the claim come upon the Treasury?

Mr. LACEY. That involves the old Chickasaw and Choctaw dispute that was discussed very thoroughly by previous Congresses. The committee reported in favor of making the land free, because this House has already by an almost unanimous vote declared for free homes for all Oklahoma; and these men who have settled on these lands have a meritorious claim to free homes as anyone in any other part of Oklahoma.

Mr. DINGLEY. But would it not be possible, if this bill were passed, that the Government might have to meet some claim of the Indians, if it was decided in their favor?

Mr. LACEY. Whatever we do with this land in making it a part of Oklahoma there is a probability that the Indians will ask for some further compensation from the United States. They have asked it in reference to the lands elsewhere, and no doubt they will as to Greer County. But President Harrison, in his message to Congress, declared that they had no valid claim, and the Secretary of the Interior, Mr. Noble, concurred in that statement. A claim will be asserted, I presume, but the validity of it is another matter. Now, that is not involved in the question before the House. The House has determined that homesteads in Oklahoma should be free, and this bill is in harmony with the bill already passed in favor of free homes in Oklahoma.

Mr. DINGLEY. But in Oklahoma there is no Indian claim, and here possibly there may be an Indian claim.

Mr. LACEY. In old Oklahoma 2,000,000 acres were bought and made free; the balance of it was bought and paid for and not made free; and this bill is in harmony with the former action of the House.

Mr. DINGLEY. I call attention to this in order that the House may understand in passing this bill, with the amendments which have been reported, that whatever claim the Indians may be proved to have in these lands, if any, the Government must step in and pay for it and give away the land.

Mr. LACEY. A portion of the land would be given away, and a portion of it would not be. I yield to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, Greer County, as I stated when the Oklahoma bill was up, without any additional legislation from Congress, would be free. It stands to-day, if there is any surplus land there, subject to entry free, with the exception of the land-office fees. The law of 1890, giving Oklahoma Territorial

government, provided that the land affected should be open to homestead settlement free and without cost, and then provided that if the suit pending between Texas and the United States should be decided in favor of the United States the same law should apply. So that there is no change of existing law in this bill. It is merely giving them the benefit of the law that they are entitled to on the statute book, and it would take some very positive action on the part of this House before the people in Greer County would be compelled to pay any more than land-office fees.

Mr. DINGLEY. The bill as originally introduced provided for the payment of a dollar an acre. This seems to be an afterthought.

Mr. FLYNN. The bill as introduced would change existing law, and compel the people of Greer County to pay for land when the existing law provides they shall have it for nothing. Now I yield to the gentleman from Texas.

Mr. COCKRELL. Let me make a statement to the gentleman from Maine in reference to that matter. That bill was originally drawn at the instance of a gentleman—Mr. Brown—who came here to represent the people of Greer County. You will understand that these people in Greer County for years have been under serious apprehension as to what would be the result of this suit, and what would become of their rights in the event the land should go to the Federal Government. Many of these parties had been on the land for ten years without being able to acquire any title from Texas. During the time that the lands were in controversy Texas did not sell them to anyone. The settlers had gone into that territory by virtue of the right of Texas over that territory, by a provision that it is useless to state here; and they told Mr. Brown, their representative here, that they wanted this question settled and their rights determined somehow or other during this Congress; and he went and consulted the Attorney-General and the Commissioner of the General Land Office in reference to this matter. They told him that they thought these people ought to pay for their homes, for the reason that the Choctaw and Chickasaw Indians were setting up some claim to the land.

Now, whatever that claim may be, it has been investigated by committees of Congress, by a good many able lawyers, and by a previous Administration, and all of them have found that the Indians have no right or title to Greer County under any circumstances; and while it is true that these settlers were willing to pay a dollar an acre for that land, they agreed to that under the impression that unless they did so they might forfeit their rights by delay. As the chairman of the Committee on Public Lands knows, I was opposed to that bill. I told the Secretary of the Interior and the Commissioner of the Land Office that no bill should pass through this House if I could help it that did not give those people free homesteads in common with the other people of Oklahoma, because I believed that was just and right, and while they might have agreed to pay for the land, they had so agreed under the impression that if they did not they might be deprived of their rights in the future. Consequently this bill was changed at the instance of the gentleman from Oklahoma and myself. We agree upon this subject. We agree as to what the rights of these people are. He is now their legal representative. I have been, and I know all about the character and conditions of that region. It is a desert country, and I tell you that a man who makes a home in that wind-swept district secures but a very meager property upon which to support himself and his family. I hope this bill will pass, doing justice to those people, with the amendments that have been proposed and agreed to and recommended unanimously by the committee.

Mr. SHAFROTH. Mr. Speaker, I wish simply to say a word concerning the hearings that took place before the Public Lands Committee in relation to the character of this land. It was stated there by gentlemen who well knew that the character of the land in that region is semiarid, that crops are not raised there regularly, and, in fact, that the lands are worth little if anything. Indeed, it was thought by some of the committee that a man who would undertake to live on those lands ought to have a pension instead of being required to pay anything for them. [Laughter.]

Mr. DINGLEY. But that is not the question. The question is, are we giving away lands that belong to the United States or lands that belong to the Indians? If these lands belong to the Indians, even though they may be such as the gentleman describes, we may rest assured that we shall have to pay a big bill for them before we get through. If the lands belong to the United States, I am in favor of giving them to homestead settlers, but I do not want to give them to homestead settlers and then have the Indians come in and collect \$1.40 per acre for them from the Government.

Mr. DOCKERY. The gentleman may rely upon it that whether the lands belong to the Indians or not, the United States at some time will be called on to pay something to the Indians.

Mr. SHAFROTH. It has been the policy of the Government, whether lands were bought from the Indians or not, to throw them open to settlement, and it seems to me that the people who have gone upon those lands and made homes there ought not to

be disturbed or required to pay when other settlers in the same region do not have to pay.

Mr. BAILEY. The effect of this bill, and the only effect of it, will be to give the settlers whatever title the United States may now have, and if the Indians were to establish their right to these lands they would take them from both the settlers and the United States, and the United States would be under no legal or moral obligation to reimburse these people, it having given them the land originally. I believe, although I am not familiar with the public-land laws, that the United States Government never warrants the title to land, and of course if there is no warranty of title there can be no legal obligation. I will ask the chairman of the Committee on Public Lands whether I am correct in saying that the United States never warrants the title to lands.

Mr. LACEY. I think the gentleman is correct in that; but in this case the United States first had a perpetual lease of these lands for the purpose of allowing Indians to settle upon them. Subsequently additional contracts were made by various Indian tribes, and lands between the ninety-eighth meridian and the one hundredth meridian, instead of being leased, were sold outright to the United States. The Indians say, however, that that was done with a verbal understanding that the lands were to be part of the Indian Territory, for occupation only by Indians, and on the basis of that understanding they have made a claim, what is known as the Chickasaw and Choctaw claim, about which there was so much controversy in a previous Congress. They do not claim that they own the lands, but they hold that they have some sort of claim to them in equity owing to the United States undertaking to use them for other purposes than to settle Indians upon them.

Mr. BAILEY. Of course Greer County belonged to the United States all the time. That is the decision of the court. It is also true that the act which established the Territory of Oklahoma included Greer County within that Territory, exempting it, however, from the operation of the act until the question of ownership could be decided. Now, if Congress requires these settlers to pay for these lands, would it not be true that they would be compelled to take their lands under different and harder conditions than the other residents of Oklahoma Territory have taken theirs?

Mr. DINGLEY. Undoubtedly; but that was an exceptional policy. Has there ever been a case where the Government has bought lands from the Indians and then opened those lands up to homestead settlement without payment?

Mr. LACEY. Oh, yes. The United States has always done so. That has been the almost uniform course of procedure. There was no other policy until recent years. Old Oklahoma was purchased from the Indians and then opened up free to settlers.

Mr. SAYERS. With the permission of the gentleman from Iowa, I wish to ask him a question bearing directly on the one asked by the gentleman from Maine [Mr. DINGLEY]. Is it not true that the Government has paid large prices for public lands, and in opening them to settlement has either given those lands away in the shape of homesteads or has sold them for a smaller price than it paid for them?

Mr. LACEY. In some cases that is true. I took a great deal of pains in preparing the Oklahoma report to ascertain the facts of this question, and I found that in this matter the Government is not behind very much. In the aggregate it has gained enough on the sale of public lands to offset in large part such losses as the gentleman refers to.

Mr. SAYERS. If that be true, does it not follow that it would be an injustice to the people of Greer County, situated as they are, to refuse to them these lands with the same privileges and on like conditions that have been given to other communities not so well entitled?

Mr. LACEY. Much of Greer County is as undesirable homestead lands as the country contains. The land is largely arid, and whatever these settlers may be compelled to pay will of course operate as a great hardship upon them. They should be put, perhaps, in the same category with the settlers in old Oklahoma. The lands of old Oklahoma were bought from the Indians and paid for and then homesteaded free of charge. It was new Oklahoma, including the Cherokee Strip and the additional purchases made by the Government, where settlers were required to undergo all the requirements of the homestead law and pay for the land afterwards. The bill as originally drawn in this case at the Attorney-General's Office provided that in case the Oklahoma free-home bill should pass, these men should have the same benefits as settlers under that bill.

Mr. HENDERSON. And this bill gives them those privileges.

Mr. LACEY. Yes, sir; and without waiting the determination upon the Oklahoma bill.

Mr. HENDERSON. We seem to be all agreed. Why should not the bill pass?

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LACEY. I desire to offer two formal amendments to the amendments reported by the committee. I ask that they be read. The Clerk read as follows:

Amend the amendment by striking out, in line 3, page 1, the words "of the age of 21 years or the head of a family" and inserting "qualified under the homestead laws of the United States."

The amendment to the amendment was agreed to.

Mr. LACEY. Now I ask that the other amendment to the amendment be read.

The Clerk read as follows:

On page 5, in section 4, strike out, after the word "by," the words "the laws of the Territory of Oklahoma" and insert the word "law."

The amendment to the amendment was agreed to.

The amendments of the committee as amended were adopted.

Mr. LACEY. I now yield two minutes to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. Mr. Speaker, I wish to say a few words. I am in favor of the amendment which allows homestead entries to be made in Greer County free of cost except office fees, and I think it unnecessary to discuss that question. I wish, however, to put upon record in this connection an emphatic denial that the Indians have any right or title to or interest in the lands in Greer County. If any such right should ever be asserted, it will be predicated upon such suggestions as have been introduced into this discussion this morning. The inquiries and indirect admissions that have been made here may suggest to the Indian lobbyists who fill our corridors from day to day and from year to year a basis for the pretense that the Indians have some sort of claim to these lands. Sir, the Indians never occupied Greer County; they have no rights there and have never had, and, so far as I am concerned, I believe it is the judgment of the House that they never can establish any right to those lands. I insist that we should not do or say anything that will countenance or recognize the idea that there is any foundation for such a claim.

Mr. COCKRELL. I should like to say just one word.

Mr. LACEY. I yield to the gentleman one minute.

Mr. COCKRELL. Just one word in response to what has been said by the gentleman from Arkansas [Mr. McRAE]. I have lived on that border for thirty-odd years, and can say that no one there has ever heard of a Choctaw or Chickasaw Indian laying any claim to Greer County until within the last few years, when the Government began to make some trades, and some lawyer lobbying around here got up a scheme to make the Government pay the Indians for Greer County in the event that the Government should recover it from the State of Texas. That is the history of the whole matter.

Mr. DOCKERY. In other words, those claims have been made by white Choctaws and Chickasaws?

Mr. COCKRELL. Yes, sir.

Mr. LACEY. I now call for the previous question.

The previous question was ordered, and under the operation thereof the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 2557) granting a pension to Sarah E. Boyd; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo.;

A bill (S. 2593) granting to the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases;

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut; and

A bill (S. 559) for the relief of Bvt. Col. Thomas P. O'Reilly.

The message also announced that the Senate had passed with amendment bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.; and

Joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled Messages and Papers of the Presidents.

The message also announced that the Senate had passed without amendment the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring). That there be printed 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of

Experiment Station Work, of which 2,000 copies shall be for the use of the members of the Senate, 4,000 copies for the use of members of the House of Representatives, and 4,000 copies for the use of the Secretary of Agriculture.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2557) granting a pension to Sarah E. Boyd.

CONDEMNED CANNON, GRANT PARK, GALENA, ILL.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

The SPEAKER. The Clerk will report the Senate amendment. The Clerk read as follows:

Amend by striking out, in line 16, after the word "infantry," the words "and bearing an inscription 'Presented to the sovereign State of South Carolina in commemoration of the 20th day of December, 1860, by citizens abroad.'"

Mr. McMILLIN. Mr. Speaker, I wish to call the attention of the gentleman from Illinois and of the House to the phraseology of this bill, which seems to be peculiar in this, that it devolves on the Secretary of War the necessity of making the transfer. It is true that there are words affixed to the bill to prevent the Government from bearing any of the expense, but in matters of this kind usually we have been in the habit of providing in terms that the expense of the movement or delivery of the guns shall be paid by the post or the association receiving them, the Government incurring no responsibility of the transfer.

Mr. HITT. The people there are prepared to pay all the expense at once, and only desire the gun to be transferred under the authority of the Secretary of War, as the facilities are at hand. They will meet the necessary expense.

The amendment of the Senate was concurred in.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

MEDICAL COLLEGES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5488) providing for the incorporation and regulation of medical colleges of the District of Columbia.

The SPEAKER. In this case the amendment of the Senate is to the title. The Clerk will read the amended title.

The Clerk read as follows:

A bill to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia.

The amendment to the title was concurred in.

BRIDGE ACROSS CORPUS CHRISTI CHANNEL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

The Senate amendments were read at length and concurred in.

DISTRIBUTION OF MESSAGES AND PAPERS OF THE PRESIDENTS.

The SPEAKER also laid before the House the amendment of the Senate to the joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

The Senate amendment was read at length.

Mr. PERKINS. I move that the House concur in the Senate amendment.

The motion was agreed to.

DONATION OF CONDEMNED CANNON, CHICAGO, ILL.

Mr. BELKNAP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association of Chicago, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association of Chicago, Ill., for the soldiers' monument now erected in St. Boniface Cemetery, Chicago, Ill.: Provided, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BELKNAP, a motion to reconsider the last vote was laid on the table.

CONDEMNED CANNON, LAMBERTVILLE, N. J.

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6666) granting to Major C. A.

Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls, for the decoration of the soldiers' monument of said city: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PITNEY, a motion to reconsider the last vote was laid on the table.

AMENDMENT TO PENSION LAWS.

Mr. PICKLER. I ask for the regular order.

Mr. PHILLIPS. Mr. Speaker, I ask present consideration of the bill I send to the desk.

The SPEAKER. Does the gentleman from South Dakota demand the regular order?

Mr. PICKLER. Mr. Speaker, I must demand the regular order. I desire to present a privileged report from the Committee on Invalid Pensions. I send to the desk for present consideration the bill H. R. 8271, a bill relating to pensions.

The bill was read at length.

And then (on motion of Mr. PICKLER) the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, with Mr. HOPKINS in the chair.

Mr. PICKLER. Mr. Chairman, more than thirty years have passed since the close of the war for the preservation of the American Union—

Mr. RICHARDSON. Mr. Chairman, I suggest that the first thing in order would be the reading of the bill.

Several MEMBERS. It has been read.

Mr. RICHARDSON. The bill was read in the House, but it has not been read in the committee.

Mr. PICKLER. I ask unanimous consent to dispense with the first reading in the committee, as it has just been read in the House.

Mr. RICHARDSON. There is no objection to that.

The CHAIRMAN. The gentleman asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PICKLER. Mr. Chairman, more than thirty years have joined the past since the close of the war for the preservation of the American Union. A generation has been born and grown to prime manhood and womanhood, who know by experience nothing of that great contest.

To this new generation that great struggle is only history. Historical knowledge of war can but faintly approximate actual experience of the same. To know war one must have been of it. No description can approach reality. The men who were soldiers in the war of the rebellion on either side are in mature manhood and old age, and more than half their number have joined the great army of the dead.

More than thirty thousand of the Union Army, and doubtless relatively as great a number of the Confederate army, went down to death during the past year.

To the bill under consideration, entitled "A bill relating to pensions," the Committee on Invalid Pensions invite your attention to-day. It is a bill in the interest of the soldiers of that war.

There has grown up all over this country a feeling of unrest, disquiet, and dissatisfaction concerning the administration of the pension laws during the last few years; claimants for pension and increase have been long delayed in the adjudication of their claims; constructions have been severely technical; pensions have been discontinued and reduced; and much complaint is heard among pensioners, claimants, and their friends throughout the land.

No community is free from these complaints, and thousands of neighborhoods have their well-known cases of injustice to pensioners and applicants for pension; and this injustice has, in a great number of instances, ripened into disgust and indignation.

There is a widespread feeling among the soldiers and their friends that they are entitled to more liberal treatment in the adjustment and allowance of pensions than they are receiving. The committee, after very careful consideration of this bill in detail, present it to the House, believing that every section will be found important in the future administration of the pension laws, and that this bill, if it shall become a law, will greatly facilitate the allowance of pensions and allay the fear of the pensioner as to the reduction or discontinuance of his pension after its allowance.

The committee has, in the abuses it seeks to correct, confined itself to no particular time or administration, but, regardless of the time of the initiation of such abuses, seeks to remedy the same and aid the claimant in allowing and preserving his rights under the law.

It does not add a single new class of pensioners to the pension rolls, but seeks to establish a more liberal construction of existing laws.

It will, if it becomes a law, answer a large number of the questions and inquiries that come to members of this House.

PRIOR CONFEDERATE SERVICE.

The first section of the bill provides—

That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service: *Provided*, That no pension shall be granted by virtue of this section for disability contracted or incurred while aiding or abetting the late rebellion against the authority of the United States.

Mr. MILES. Will my friend allow me to ask him a question?

Mr. PICKLER. I prefer not to be interrupted. When I get through I will be glad to answer any questions I can. I propose to take up the bill by sections, and when I get through with that I shall be glad to confer with my colleague or any other gentleman who may desire to ask questions.

The inhibition sought to be removed by this section of the proposed bill is contained in section 4716 of the Revised Statutes, and is as follows:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

On March 3, 1877, the disqualification was removed as to soldiers who afterwards voluntarily enlisted in the Army of the United States and incurred or contracted disability or disease while in line of duty, and their widows, children, or heirs.

On March 9, 1878, the inhibition was removed as to survivors and widows of the war of 1812.

On January 29, 1887, it was removed as to survivors and widows of the Mexican war.

July 27, 1892, it was removed as to survivors and widows of the Indian wars.

And on August 1, 1892, the act of March 3, 1877, removing the bar as to soldiers, was made applicable to sailors as well.

It is worthy of special attention that the section under consideration seeks only to remove the disqualification of a prior service in the Confederate army or navy, whereas three of the statutes above mentioned refer to and necessarily condone a similar service subsequent to the one by virtue of which the pensioner draws a pension.

The Department of the Interior, under the last Administration, laid down the rule that section 4716, Revised Statutes, had no application to the law of June 27, 1890, and hence held substantially as we now provide in this section.

In the case of George W. Coffey (4 P. D., 285), December 16, 1890; Assistant Secretary Bussey decided that the fact that the claimant served in the Confederate army prior to his enlistment and service in the Army of the United States did not impair his pensionable status under the law of June 27, 1890, or any other act. He says:

The claimant is entitled to pension * * * under the act of June 27, 1890, if he can prove a service of not less than ninety days, an honorable discharge, and also that his disabilities are not the result of his own vicious habits.

In the case of Henry Hayman, decided March 19, 1891, Assistant Secretary Bussey says:

The foregoing provision (section 2 of the act of June 27, 1890) expressly states that proof of service for ninety days in the naval service of the United States during the late war of the rebellion, and of an honorable discharge therefrom, shall be sufficient as a basis for invalid pension under the act of June 27, 1890. This provision is made regardless alike of section 4716 and the act of March 3, 1877. It is made without reference to any other condition than those distinctly named in the act of which it forms a part, and it may be added that if there be aught in preceding legislation in conflict with this provision it would be held by the Department as repealed, in conformity with the accepted rules of statutory construction. The latest expression of the legislative will is necessarily the law until the same be amended or revoked. The claim of Hayman must therefore be adjudicated under section 2 of the act of June 27, 1890, and not in pursuance of section 4716, Revised Statutes, which has in fact no bearing upon the case. The Government accepted Hayman as a suitable person for the naval service, and nothing that he had done prior to his authoritative admission into the service can invalidate his claim for pension under the act of June 27, 1890.

Again, in the case of Daniel B. Garrison (6 P. D., 289), decided March 11, 1893, Assistant Secretary Bussey says that the Department "has universally held this view of the law."

But with the incoming Administration came a change of policy, and Assistant Secretary Reynolds, in the cases of Bernstine (7 P. D., 229) and Ozborn (id., 317), decided May 19 and September 6, 1894, expressly overrules the cases of Coffey, Hayman, Garrison, and all other like cases, thus refusing to allow pensions to those who had all the qualifications required by the act of June 27, 1890, but who had previously served in the Confederacy, and thereby overturning the rulings made by his predecessor. The present Administration, however, has not stopped with applying this rule to claims as such, but has dropped from the rolls the

names of pensioners who were granted pensions under the former decisions.

It seems that this section should become a law. It is not only an act of justice to these men who were in the Confederate service and afterwards served in the Union Army, from which they were honorably discharged, to give them a pensionable status, but is an act of magnanimity on the part of Congress toward these men who fought against it, now that thirty years have elapsed since the close of the war, that the Government will not longer regard their hostility to their detriment.

The war was not a war of individuals; it was a war of sections. Little individual enmity was ever engendered. The Union soldier and the Confederate never had a personal grievance against each other. They were the same people—all proud of the Republic they and their fathers had founded and nurtured, all proud of the old flag to the very dawn of the conflict. Kindred were arrayed against each other, neighbors found themselves opposed, friends parted and followed the fortunes of different armies, father and son could not agree and raised their hand the one against the other. It was a war among kindred upon issues of government, hence had naturally little individual resentment.

I remember during that memorable siege of Vicksburg, while passing from the camp of one of the besieging regiments with a comrade to trenches nearest the enemy, we traveled under cover much of the time, but at occasional points of exposure we were advised to pass quickly, to stoop and run, to hurry here and hasten there, in order to avoid the deadly and almost instantaneous shots of the watchful sharpshooters. Reaching a point where the trenches of the two armies were very near together and raising a small flag, 8 by 12 inches in size, attached to a small staff a little above our trenches, 13 bullet holes were shot through it, seemingly in an instant. To expose one's self on either side meant certain wounds or death. Although these men for days and weeks so watched each other with deadly intent while on duty, when nightfall came they stacked arms, crawled from the trenches, talked and bartered in friendly intercourse, conversed as to their homes and families, and expressed their hearts' desire to one another that the war might soon be over.

And as the asperities of war have been softened by the lapse of three decades and all now bear allegiance to the flag our fathers bore, the flag of all of us since the war, it seems fitting that the provisions of this section should become a law; and, Mr. Chairman, I am sure that no member of this House will more cheerfully vote for its passage than the many Union soldiers on this floor.

During the present session Congress has passed a law permitting persons who served as officers in the Army of the United States and afterwards joined the Confederacy to again serve in the Union Army. This section seeks merely to extend the benefits of the pension laws to persons, or those claiming under them, who would otherwise be entitled to a pension but for the fact of a prior service in the Confederate army or navy.

All soldiers are
Or should be comrades, even though enemies.
Our swords when drawn must cross, our engines aim
(While leveled) at each other's heart; but when
A truce, a peace, or what you will, remits
The steel into its scabbard, and lets sleep
The spark which lights the matchlock, we are brethren.

As to the probable number of claimants who might be granted pensions under this section, I have obtained the following authentic information:

The records of the War Department show that there were six regiments and one independent company of infantry, known as United States Volunteers, which were chiefly composed of deserters from the Confederate army and prisoners of war, after having taken the oath of allegiance to the United States. The officers of these organizations were mostly appointed from the Regular Army or from volunteer regiments then in the service, and consequently they should not be taken into consideration in connection with this section of the bill. The enlisted men numbered 5,738, and many of them are undoubtedly now drawing pensions for disabilities incurred in line of duty.

These were not all the men in the service of the United States who had served in the Confederate army, however, but the war records afford no clew to determining the number. Some pensions probably have been granted and may be granted in the future to men who come within the provisions of section 4716 of the Revised Statutes, whose service in the Confederacy has never been brought to the attention of the Bureau of Pensions, because for such information the Bureau must depend on the claimants themselves to disclose the fact or on other persons having knowledge of it.

While this section would add to the pension rolls the names of a comparatively small number of men who have heretofore been held to be pensionable, yet it would also introduce a uniform rule to be applied to all claimants. On this point the committee says:

More than thirty years having elapsed since the close of the war, your committee are of opinion that the soldier who had an honorable service in, and an honorable discharge from, the Union Army should not be refused a pensionable status on account of a prior service in the Confederate army.

The inhibition has long been removed in the cases of those soldiers who incurred disabilities in line of duty, and there are diverse rulings on the subject under the act of June 27, 1890. The distinction between voluntary and involuntary enlistment has been sought to be made, but we think the line of demarcation, as shown by the decisions, is rather finely drawn. A uniform rule should be adopted in the matter, and we believe that the comparatively small number of this class who are not already on the pension rolls should be given a like chance with the others.

NO PENSION SHALL BE REDUCED OR DISCONTINUED.

Section 2 provides:

SEC. 2. That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability: *Provided, however*, That nothing herein contained shall be construed to entitle any person to more than one pension, or as allowing more than one pension for the same service, nor to affect or enlarge the pension rights of widows and others under sections 4702, 4708, and 4708 of the Revised Statutes of the United States and acts supplemental to and amendatory thereof.

If this section shall become a law it will bring greater peace, quiet, comfort, and satisfaction, and to a far greater number of people, than any other legislation that this Congress can possibly enact. The pensioners all over this land, soldiers, soldiers' widows and orphans, hundreds of thousands of whom are now in absolute dread and fear of the discontinuance of their pensions, will rejoice. To wives and daughters, to children and grandchildren, will this provision come with feelings of the deepest gratitude.

Veterans in all parts of the country who depend on their pensions to keep them out of the almshouse have during the past two years experienced the greatest solicitude and fearful anxiety lest their pensions should be discontinued. This section will dissipate this fear. It will be a solace to their declining years. It is just, it is humane, it is righteous.

These men now average nearly 60 years of age. The pension roll for some time past has been subjected to the closest scrutiny. Hundreds of men have been in the field, and great treasure has been expended in seeking to detect and strike from the roll every fraudulent and irregular pension. Impelled by the desire to verify the mistaken declaration of the Chief Executive that thousands of neighborhoods had their well-known cases of fraudulent pensioners, the subordinates have scoured the country seeking to strike from the rolls the names of soldiers, widows, and orphans. In thousands of cases, honest and deserving, this has been wrongfully done, and the pensioners have thus been deprived of support, as well as humiliated and disgraced in the eyes of their neighbors and friends as persons who had been defrauding the Government.

The presumption, therefore, Mr. Chairman, being conclusive that the present pensioners are honestly and rightfully drawing their pensions, and as they now average nearly 60 years of age they are entitled to the protection of this section, that there shall be no reduction or discontinuance except for fraud, clerical error, mistake of fact, or recovery from disability.

Furthermore, the exceptions in this section upon which a pension may be suspended or discontinued cover all cases where pensions should be suspended or discontinued. And to call attention to the breadth of the exception and the multitudinous forms of deceit covered, thus providing the means of stoppage of any dishonest pension that may be discovered, at the risk of quoting elementary definitions I desire to refer to the wide latitude still extended to the Bureau of Pensions in pursuing the dishonest pensioner by giving the breadth and scope of the term "fraud."

Fraud is said to be manifested in such endless variety of forms and ever-changing colors that a definition of it would appear almost useless. Few codes, courts, or text writers have ever made the attempt. Says Lord Hardwick:

Fraud is infinite; and were a court of equity once to lay down rules how far they would go, and no farther, in extending their relief against it or to define strictly the species or evidence of it, the jurisdiction would be cramped and perpetually eluded by new schemes which the fertility of man's invention would contrive.

The text-books have divided fraud into (1) actual and (2) constructive.

1. Actual fraud may consist in (1) the statement of that which is false—*suggestio falsi*; or (2) the concealment of that which is true—*suppressio veri*.

The gist of actual fraud is deception in some form. Where this element is lacking there is no actual fraud.

Deception or deceit is any trick, collusion, contrivance, false representation, or underhand practice used to defraud another.

It consists in guiltily creating a false impression on one's mind by act or omission.

Deception by "act" may be caused either by misrepresentation or misconduct. Deception by "omission" is caused by silence where there is a duty to speak.

2. Constructive fraud arises where a party can not take advantage of the act or transaction complained of without subverting or violating some principle of law or equity or settled rule of public policy.

He who alleges fraud must always clearly and distinctly prove it.

Examples of fraud arising in the administration of the pension laws may be found in 1 P. D., 443; 2 ib., 65; 7 ib., 494.

An example of clerical error or mistake of fact can be found in the Rudder case (7 P. D., 488).

Considering their age, it is not probable that many pensioners now upon the rolls will recover from their disabilities. However, in case of actual recovery, of course the pension should not be continued thereafter. This can not interfere with the pensioner who does not recover; as long as the disability exists he should draw his pension.

Nor is this provision that a pension shall not be discontinued without precedent. We find in the act of June 9, 1890, relative to the Navy, the provision that nothing contained in the act shall—

operate to reduce the rate of any pension which had actually been allowed to the commissioned, noncommissioned, or petty officers of the Navy or their widows or minor children prior to July 25, 1866; and the Secretary of the Interior is hereby directed to restore all such pensions as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction.

This is an express provision in regard to naval officers, declaring in terms that pensions shall not be reduced, and it also affords a precedent for what is asked in section 3 of the bill by declaring that the Secretary of the Interior shall restore pensions that had already been reduced. Thus the statute affords a direct precedent for sections 2 and 3 of this bill.

Again, in the law concerning pensions for the Indian wars, we find the following provision:

SEC. 2. That pensions under this act shall be at the rate of \$8 per month, and payable from and after the passage of this act for and during the natural lives of the persons entitled thereto.

If possible, this is a more emphatic statute than the one last quoted, where it is provided absolutely that the pensions shall be granted for the natural life of the pensioner, the statute taking it out of the power of the Secretary of the Interior to discontinue the pension. This statute, however, is modified in exactly the same manner that we provide in this bill, to wit, that they shall only be discontinued for fraud; the language of the law being as follows:

And the Secretary of the Interior shall cause to be stricken from the pension roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act.

So it will be observed that we have the strongest precedent by former acts of Congress for what we ask in this bill.

By the act of March 18, 1818, concerning Revolutionary soldiers and their widows, it is provided:

Every commissioned officer, noncommissioned officer, musician, and private soldier, and all officers in the hospital department and medical staff who served in the war of the Revolution until the end thereof, or for the term of nine months or longer at any period of the war, on the Continental establishment, and every commissioned officer, noncommissioned officer, mariner, or marine who served for the same time and for a like term in the naval service of the United States, who is yet a resident citizen of the United States, and who is or hereafter, by reason of his reduced circumstances in life, shall be in need of assistance from his country for support, and shall have substantiated his claim to a pension, shall receive a pension from the United States; if an officer, of \$30 per month during life; if a noncommissioned officer, musician, mariner, marine, or private soldier, of \$8 per month during life.

Likewise, under the act of March 15, 1828, it is provided that certain officers of the army of the Revolution in the Continental line shall be entitled to a pension "to continue during his natural life."

Here it will be observed that the pension was granted when, "by reduced circumstances in life," he "shall be in need of assistance from his country for support," and the pension, when granted, continued during life. And so this statute, in the strongest language possible, upholds the theory of this bill in taking it out of the power of the Secretary to reduce a pension unless for the causes provided in this section.

Again, concerning pensioners of the war of 1812, by section 4637 of the Revised Statutes, it is provided that pensions under the preceding section shall be at the rate of \$8 per month, "and shall be paid to the persons entitled thereto for the term of their lives from and after" February 14, 1871. And by act of March 9, 1878, the Secretary is directed to place the names of pensioners upon the rolls for and during their natural lives.

The committee, therefore, in providing that pensions shall not hereafter be discontinued or reduced, announces no new or strange doctrine, but simply follows the many precedents above cited that Congress has applied to the pensioners of other wars.

The veteran pensioner, Mr. Chairman, is richly entitled to rest without further anxiety as to his pension. He is the gray-haired remainder of the great Union Army. He was an active participant in the tremendous conflict which shook this nation to its very foundation. Years of his life were amid fire and sword, carnage and strife, bloodshed, destruction, and battle.

His best days were in the shadow of a mighty struggle. He lived at a time that "tried men's souls." His age and generation were dedicated to the sword. A nation saved or a nation lost were the alternatives offered him. He stood for the nation. Victory

perched upon his banner. War is over. Another generation has appeared. Peace reigns. Mr. Chairman, how blessed to a nation is peace.

The neighing troop, the flashing blade,
The bugle's stirring blast;
The charge, the dreadful cannonade,
The din and shout are past.

The active days of a great majority of that old army are nearing a close. Peace and quiet is their desire; the Government should accord it to them. Half of their number have crossed the great river; the remainder must soon join their comrades gone before.

On Fame's eternal camping-ground
Their silent tents are spread,
And Glory guards with solemn round
The bivouac of the dead.

Nor war's wild note, nor glory's peal,
Shall thrill with fierce delight,
These breasts that never more may feel
The raptures of the fight.

This section, Mr. Chairman, will afford true peace in this age of peace to the living veterans of the war, the widows, and orphans.

RESTORATION.

Section 3 provides that pensions reduced or discontinued by reason of the late interpretation of the act of June 27, 1890, shall, upon application, be restored under the provisions of this act.

INVESTIGATIONS—FRAUD.

Section 4 provides that all investigations into the merits of any pension previously allowed shall be conducted by question and answer. Under the present practice the special examiner calls upon the pensioner, claimant, or witness, and himself submits in narrative form the testimony to be examined. It needs no argument to show that the examiner can easily color the testimony in one direction or the other as he may be inclined when he is allowed to examine the witness orally and then commit the statement to writing in narrative form, with his own interpretation and bias concerning the facts sworn to. It is believed that in a large number of cases the exact meaning of the witness does not, by this means, reach the Pension Office, and the provision that it shall be by question and answer will enable the office to understand just what was asked and what was replied thereto. It will clearly demonstrate whether the examination was fair and whether the answers are responsive to the questions put. It will also conform to the examination of witnesses in courts more nearly than under the present system.

This rule would closely adhere to the former provision of law as contained in the act of June 21, 1879, in the following words:

But in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the examining surgeon.

The proviso to this section is as follows:

Provided, That when fraud is alleged the allegations shall be reduced to writing and under oath and the person or persons affected thereby shall be furnished with a certified copy of the charges made, together with the names of the persons making the same and of the witnesses by whom said charges are to be proved at least thirty days prior to such investigation, such investigation to be conducted at the county seat of the county in which the person affected resides, and the depositions of witnesses residing outside of said county shall be taken as near as may be in accordance with the practice of the State or Territory in which said witness resides.

This provides a mode of taking testimony where fraud is charged. Fraud can not be inferred, but must always be clearly established by the evidence, and there is no reason why a charge of fraud in a pension case should not be as carefully investigated and examined as in a case at law. Fraud should not be inferred against the pensioner, nor should it be found to exist by evidence which is incompetent to establish the charge or improperly adduced. Under this proviso the pensioner will be fully advised as to the nature of the charges made, he will have time to secure counsel and procure witnesses to rebut the allegations, and it is believed that thereunder his rights will be fully protected.

Nor is it any hardship to the Government or its agents that they should proceed to the county seat of the county wherein the pensioner resides, and there, after due notice, conduct the examination. It is but fair that the pensioner should be fully informed of the exact charge made against him; that he should be confronted by the witnesses who are to testify, and that he should be assisted by counsel if he should so desire; for not only may the continuance of his pension depend upon the outcome of such investigation, but he may also be subjected to severe punishment under the law if such fraud shall be established. This provision will conduce largely to a fair examination and the ascertainment of the facts in such cases.

THE OATH OF AN ENLISTED MAN.

Section 5 provides that the oath of an enlisted man shall be of equal weight with that of a commissioned officer, and that no claim shall be rejected because of claimant's inability to furnish the testimony of more than one witness to any material fact.

This section, in form substantially as here stated, passed the last House, but was not considered in the Senate.

There never was any good reason why the oath of a noncommissioned officer or private should not have as great weight as the oath of a commissioned officer. It is a strained effort to keep up rank when applied to testimony which is neither logical nor American. The equality of men is the fundamental principle of republican government. The Declaration of Independence declares that all men are created equal, and equality before the law is the boast of our civilization.

The distinction between the officer and enlisted man was far less in the war of the rebellion than in any other war. Generally there was very little difference in the education and ability of a large number of men in the company and the captain and lieutenants who commanded it, and, as promotions were made from the ranks, many enlisted men at the beginning became officers before their service was over. It is unreasonable, therefore, to hold that the oath of a soldier while he was in the ranks should not be as good as when promoted to the grade of a commissioned officer. The adoption of this portion of the section will save the claimants much delay and troublesome annoyance in the prosecution of their claims, and the Government will not be any worse off by reason thereof.

Nor is there anything unreasonable in the proviso to the section, to wit:

That no claim shall be rejected because of claimant's inability to furnish as to any material fact in the case the testimony of more than one credible witness having knowledge of such fact.

While it does not provide that a proposition shall be considered as established by such evidence it inferentially directs the allowance of the claim if the Commissioner shall believe the fact is thereby sufficiently proved.

ORDER 229 DISPENSED WITH.

Section 6 provides—

That in the administration of the pension laws an affiant shall be required only to make oath that said affiant has read or heard read the subscribed affidavit; that the same was prepared in his or her presence at his or her dictation, in his affiant's own language, and that the matters and things therein stated are true.

Mr. HEPBURN. Why do you strike from this bill the provision in the other one that I will read?

And that the matters and things therein stated on information and belief affiant believes to be true.

Why should not that be permitted to remain in this bill?

Mr. PICKLER. If the gentleman from Iowa will permit me to proceed, I will return to that and speak upon that later.

The demand for the provision embodied in this section arises from what is known as "Order 229" of the Department of the Interior, which is as follows:

[Order No. 229.]

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 19, 1893.

In the preparation of testimony in support of claims in pension cases all statements affecting the particular case and not merely formal must be written, or prepared to be typewritten, in the presence of the witness, and from his oral declarations then made to the person who then reduces the testimony to writing, or then prepares the same to be typewritten. And such testimony must embody a statement by the witness that such testimony was all written, or prepared for typewriting (as the case may be), in his presence, and only from his oral statements then made; stating also the time, place, and person, when, where, and to whom he made such oral statements, and that in making the same he did not use, and was not aided or prompted by any written or printed statement or recital prepared or dictated by any other person and not attached as an exhibit to his testimony.

Any needless delay in the preparation of such testimony after such oral statement by the witness, or in forwarding the same to this Bureau, and any material alteration or erasure will be cause for rejecting such testimony.

WM. LOCHREN, Commissioner.

Approved:

HOKE SMITH, Secretary.

The complaint against this order is universal. In actual practice it is very difficult to prepare an affidavit in accordance with its mandate. No such drastic requirements are known in any court or tribunal in the land. In fact, the careful attention of a good lawyer is absolutely necessary.

When it is considered that many applicants for pension are persons of limited education and very generally unacquainted with legal rules and forms, such a measure becomes impracticable and unreasonable, and should be discontinued. The annoyance and vexation to applicants growing out of this order can readily be imagined. It is condemned the country over, and the last paragraph of it, stating that any delay in the preparation of the testimony or the forwarding of the same will be cause for its rejection, is a constant menace to the claimant, and in his anxiety and haste to comply with this condition, in a majority of cases he gets the affidavit wrong.

The order carries with it the intimation that the witness does not intend to testify to the truth, and the object of it would seem to be to delay him by its unusual requirements. It has hindered and delayed the granting of more pensions than probably any other emanation from the Pension Bureau. Such an order is wholly unnecessary.

The section provides that the affidavit may be prepared in a

form similar to that generally obtaining in courts of justice throughout the land, and an affidavit so prepared would be good in any State or Territory. No more technical requirements should be imposed upon the pensioner in the preparation of an affidavit than are required in the preparation of like papers in the courts where great property interests, and even life itself, may be at stake. After all this is complied with, the climax is reached when the Bureau writes to the postmaster or other person as to the standing of the witness and the validity of his affidavit, thereby causing increased delay.

The correction of the abuse, as provided in this section, is universally demanded.

NOTIFICATIONS AS TO STATUS.

Section 7 of the bill provides—

That all notifications from the Bureau of Pensions as to the status of any case shall set forth each and every fact upon which further evidence is required to complete the same.

Upon receipt of such notification the claimant will be informed as to all the facts upon which evidence is required to complete his case, and can intelligently at once judge for himself whether it is possible to secure the evidence to substantiate such facts. This is said to be the rule of the Pension Office at the present time, but it seems to be "more honored in the breach than the observance," the evidence being frequently required by piecemeal.

Taking into consideration the many other sources of delay in the adjudication of claims and the snail-like progress made in their allowance, it is but fair to each applicant that he should have before him exact information as to the facts on which further evidence is necessary, in order that he may, if possible, submit the evidence on all controverted points at one and the same time, and thus close his case.

NO MORE "CONFIDENTIAL COMMUNICATIONS."

Section 8 requires that all papers, memoranda, writings, letters, or exhibits relating to any pension or claim shall be open to the inspection of the claimant or his attorney. It has long been the practice of the Pension Office after the filing of the affidavits, the medical certificate, and other evidence necessary to complete the case to secretly inquire of postmasters and other persons in regard to the applicant, the witnesses, character of the testimony, and various other matters relating to the case. The claimant and his attorney are never allowed to inspect these communications, and thousands of cases have thus been delayed and often disallowed on account of the malicious statement of some person unknown to the applicant, which he necessarily could in no way rebut. Many cases have thus been delayed for years, the claimant simply groping in the dark, he having furnished sufficient evidence to complete it, and yet the claim being refused for some cause of which the Bureau never informs him. In a large majority of these cases, should the claimant be informed of the charges against him or his witnesses, he could easily disprove them; and in many instances, where made out of pure malice, they never would be made if such communications were open to inspection. Under the present system it is an easy method of paying off an old grudge.

Such secret inquiry presupposes that the soldiers who fought the battles of their country, who saved the nation in its hour of direst peril, when the very fabric of this great Republic rocked—

From turret to foundation stone—

are now seeking to obtain their pensions by fraud and misrepresentation.

The imputation is false, and should be removed.

In the courts of no civilized country is a litigant required to try a case where testimony is submitted by his opponent as to the nature and character of which he is ignorant; and there is no reason why a pension claim should not be as fairly and openly investigated as any claim against the Government in the district or circuit courts or in the Court of Claims, or as an ordinary case between individuals is tried in any court. This practice is one of the most un-American and star-chamber proceedings that has ever obtained in this country, and there is no necessity for its longer continuance. The Government is provided with plenty of money and plenty of agents to investigate the character of witnesses and everything else relating to a pension claim, and this section is simply in the interest of fair treatment and justice to the claimant.

The last Congress took a step in this direction by providing that the reports of examining surgeons, to which the claimant or his attorney had formerly been denied access, should be open to inspection. Probably there was more opposition to the inspection of papers of this kind than any other class, but there seems to be no complaint that this provision has not led to good results.

WAR OR NAVY RECORDS CONCLUSIVE.

Section 9 provides—

That in all claims for pension or increase of pension the records of the War or Navy Department showing disabilities to have been incurred or contracted in line of duty shall be conclusive of that fact.

There can hardly be objection to this section making the records of the War or Navy Department conclusive of the fact of incurment of disability. After the Government has made up its own

record concerning the soldier it should not afterwards be allowed to repudiate it in order to escape the payment of a paltry pension. In other words, it should be estopped from denying its own record.

PRESUMPTION OF DEATH.

Section 10 provides—

That the common-law presumption of death, after the lapse of seven years without news or tidings of the missing person, shall obtain and be of force in the administration of the pension laws: *Provided*, That if such person shall afterwards be proved to be alive, any pension that may have been granted on account of his death shall thereupon cease.

In this connection it may not be amiss to state that the act of March 13, 1896, is very similar to this section in its provisions, but therein the presumption is confined and limited to any officer or enlisted man, whilst this section makes it apply to any case arising in the administration of the pension laws.

The enlargement of the provision as herein is well warranted by past precedents. The act of March 13, 1896, is as follows:

Be it enacted, etc., That in considering claims filed under the pension laws, the death of an enlisted man or officer shall be considered as sufficiently proved if satisfactory evidence is produced establishing the fact of the continued and unexplained absence of such enlisted man or officer from his home and family for a period of seven years, during which period no intelligence of his existence shall have been received. And any pension granted under this act shall cease upon proof that such officer or enlisted man is still living.

Mr. LACEY. I should like to ask the gentleman whether or not what is known as the Poole bill as to death covers that question?

Mr. PICKLER. The Poole bill, now the act of March 13, 1896, covers the absence of the officer or enlisted man, but there are a great many other cases that it does not cover. For instance, a widow applies for a pension. She was married to a soldier say five years ago, and he is now dead. As his widow she undertakes to prove up her claim. It turns out that twenty-five years before she married this soldier she was married to another man who was not a soldier. That man has disappeared, and she can not prove that he is dead. It takes the enlargement of this statute to cover such cases as that—the presumption of the death of this party who was not a soldier. A great many such cases arise, in addition to the one covered by the Poole bill.

In general, when a thing is once proved to have existed, there arises a presumption in favor of its continuance until the contrary is shown; but in regard to the duration of human life there is also a presumption which has been acted upon for centuries, and when a person is shown to have been absent for seven years without being heard of by those who, in the usual course, would naturally be likely to hear from him, a disputable presumption of law arises that he has ceased to exist. This period of seven years is supposed to have been adopted as the ground for such presumption from analogy to the statutes of 1 Jac. I, 19 Car. II, and 9 Geo. IV, relating to bigamy and the continuance of lives on which leases were held. It can, however, be traced further back than that, and in all probability the unwritten rule gave direction to these statutes. As matter of fact, even as long ago as 1560 (Thorn vs. Rolfe, 2 Dyer, 185a) it seems not only that the presumption of death arose after the lapse of seven years without news from the absent person, but that the onus probandi was shifted on those who alleged the continuance of life after that time.

In *Rowe vs. Hafland* (1 Wm. Bl., 404) Lord Mansfield, the great expounder of the common law, said:

In establishing a title upon a pedigree where it may be necessary to lay a branch of the family out of the case, it is sufficient to show that the person has not been heard of for many years to put the opposite party upon proof that he still exists.

In the case of *Doe vs. Jesson* (6 East, 85) Lord Ellenborough applies the settled rule to the facts before him, as follows:

As to the period when the brother might be supposed to have died * * * (it) ends with the expiration of seven years from the time when they were last known to be living. Therefore, in the absence of all other evidence to show that he was living at a later date, there was fair ground for the jury to presume that he was dead at the end of seven years.

And in *Hopewell vs. De Pinna* (2 Camp., 113) he reaffirmed the rule, and held that it lay upon the defendant to prove that a person was alive within the seven years.

According to some of the English cases, the presumption arises even before the lapse of the period mentioned, and in *Phene's Trusts* (L. R., 5 Ch., 150) the evidence was to the effect that A went to America in 1853 and wrote home continually until August, 1858. From this date no letters were received from him by those to whom he would naturally have written. It was found that he enlisted in the United States Navy, and was entered upon the books as having deserted June 16, 1860. The court said:

If we are to draw a conclusion at all, we should infer that a person in the position of sergeant, having nothing against his character, would not desert, and that he died while on leave and was not heard of by the authorities.

And hence the court refused to presume that A was alive on January 6, 1861, less than two and one-half years after his friends at home heard from him, and less than six months after his alleged desertion.

In our country the question is almost universally settled by statutory enactment, limiting or enlarging the common-law period in which the presumption can arise, and shifting the burden of proof on the opposite party after that time. For instance, the revised statutes of Arkansas fix it at five years, thus:

SEC. 2473. Any person absenting himself beyond the limits of this State for five years shall be presumed to be dead in any case in which his death may come in question, unless proof be made that he was alive within that time.

The presumption arises by statute in California, Delaware, Missouri, Mississippi, Montana, New Jersey, New York, Rhode Island, Texas, Virginia, West Virginia, and some other States, and the burden of proof is shifted accordingly.

Under the civil code of Louisiana, if a second marriage is contracted after the lapse of ten years without news from the absent husband or wife, such second marriage shall be valid, notwithstanding the return of the absentee.

In those States which have no statutory enactment on the subject the common-law presumption obtains, and the Supreme Court in *Davie vs. Briggs* (97 U. S., 628, 633), states the universal rule as follows:

The general rule undoubtedly is that "a person not shown to have been heard of for seven years by those (if any) who, if he had been alive, would naturally have heard of him, is presumed to be dead, unless the circumstances of the case are such as to account of his not being heard of without assuming his death."

In former times the same rule obtained in the administration of the pension laws, and on December 16, 1892, in a case in which the intention of the soldier to abandon his wife was manifest, the Department held:

That although the claimant would not naturally have heard from him if living, yet diligent and conscientious inquiry having been made as to his whereabouts, far more than the average duration of life having elapsed, and a chronic disease having existed, his death will be presumed.

Again, in 6 P. D., 172, death was presumed after the lapse of about ten years.

But on March 6, 1895 (7 P. D., 462), the Department uses the following extraordinary language:

In view of these findings I therefore feel it incumbent upon me to lay down the rule that, independent of absence for any period of time, it must be held in pension cases that the facts attending the absence must show beyond a reasonable doubt that the party is dead. I am fully convinced that more urgent reasons exist for the modification of this rule in the consideration of pension claims than any shown in the decisions of the courts.

It is not so readily apparent to the ordinary intelligence why such a marked distinction as that above drawn should be made between prospective pensioners and common litigants, and it is more inexplicable why the rule of evidence as applied in criminal cases should obtain in respect to this deserving class. According to the foregoing decision, the evidence must exclude every possible hypothesis other than that of death before it will be presumed. Mr. Greenleaf, in speaking of the subject of circumstantial evidence, says (section 13):

In criminal cases, because of the more serious and irreparable consequences of a wrong decision, the jurors are required to be satisfied beyond any reasonable doubt of the guilt of the accused. * * * In civil cases, it is sufficient if the evidence on the whole agrees with and supports the hypothesis which it is adduced to prove; but in criminal cases it must exclude every other hypothesis but that of the guilt of the party.

By section 4719 of the Revised Statutes, in favor of the Government, the presumption of death arises if the pensioner fails to claim his pension for three years, with the right of restoration on filing a new application; and it is not unreasonable to apply a similar rule for the benefit of the widow or dependent relatives of the soldier, subject to discontinuance if it should afterwards appear that the soldier or other person is alive, as provided in the bill.

COMMON-LAW MARRIAGE.

Section 11 of this bill provides as follows:

SEC. 11. That hereafter in the administration of the pension laws the fact of marriage may be prima facie proved by satisfactory evidence that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as husband and wife and were so recognized by their neighbors, and lived together as such up to the date of the death of either of them, or, if the soldier, sailor, or marine died in the service, up to the date of enlistment; and the children born of any marriage so proved shall be deemed and held, for pensionable purposes, to be legitimate.

This section makes applicable to all marriages, without reference to race or color, the simple method of proof as contained in section 4705 of the Revised Statutes, which allows marriages thus proved in the case of Indians and colored soldiers to be valid.

Mr. STEWART of New Jersey. Does your section take into consideration the fact that there may have been a marriage existing prior to this common-law marriage or marriage by report?

Mr. PICKLER. This makes a prima facie case. That is all it provides. I may as well read the section with reference to marriages. The provision referred to in section 4705 is as follows:

SEC. 4705. The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof

that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor.

The present law on the subject is contained in the act of August 7, 1882, and is as follows:

SEC. 2. That marriages, except such as are mentioned in section 4705 of the Revised Statutes, shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued.

In many instances this law works excessive hardship, because in several of the States a marriage good at common law (and a marriage proved in accordance with the provisions of this section would be a common-law marriage) is not held to be valid.

We may take as an example the States of Pennsylvania and Maryland. In the former the laws as to marriage are lax, while in the latter they are probably as stringent as in any State in the Union. A widow who was married in Maryland has to prove that every formality was complied with, but the widow who in Pennsylvania went through no ceremony whatever can obtain her pension without proof of anything beyond cohabitation and repute.

Parties who live in Pennsylvania may cross the line to Maryland and be married and return to their home. After living there for a number of years sufficiently long to establish a good common-law marriage in the former State, they move to Maryland and the soldier dies. If they have omitted some formality required by the preexisting law of Maryland, the widow will not be entitled to a pension, but the widow under the same circumstances who had never left the State of Pennsylvania, and went through no ceremony whatever, would obtain a pension. In the illustration given, outside of the fact of the great inequality on which the parties stand, in the case of the widow who has been denied her pension there is something more than a common-law marriage; there is a common-law marriage plus a solemnization, but on account of some informality or defect in the law her claim is not recognized.

This section makes valid in the administration of the pension laws a common-law marriage, and there is no room for criticism of this provision as not being sufficiently rigid in its requirements.

Marriage, Mr. Chairman, is as aged as the human race. It is said to be the parent, not the offspring, of civilization and society.

Marriage is a contract *jure gentium*, and consent is all that is required by natural or public law. No ceremony is necessary, no solemnization by priest or layman. The ancient maxim of the law is *consensus non concubitus facit nuptias*—the consent makes the marriage. It may take place to all intents and purposes between two individuals, although no other person exist in the world.

The consent of two persons expressing present mutual acceptance, without more, constitutes a legal marriage, technically known as *sponsalia per verba de presenti*. The parties having accepted the relation of husband and wife, consummation is presumed. A contract for future marriage, *sponsalia per verba de futuro*, is a mere pactum until consummation, when it becomes *sponsalia per verba de futuro cum subsequente copula*, and is then a valid marriage.

This was the doctrine of the Roman law, the canon law, and the common law of England. Throughout all Europe, up to the days of Innocent III, the solemnization of marriages in churches was unknown. There was merely an agreement to cohabit, after which the man led the woman to his dwelling, this constituting the simple ceremony then in vogue. Book 4 of the Decretals lays it down that a male and female competent to contract matrimony may take each other for husband and wife *per verba de presenti tempore*, and if either of the parties contract a second marriage, the other being alive, the latter is absolutely void. It seems the parties to the first contract could even be compelled to cohabit. This was the law of the civilized world on the subject until the time of the Council of Trent (1545-1563).

The decrees of the Council of Trent, however, were never recognized as authority by the English people, being after the separation, and the customary law as it existed prior to that time, therefore, remained in full force. This state of things continued until the statute of 26 George II (1753), which required a publication of the bans and solemnization in *facie ecclesie*, declaring marriages not thus made to be mere nullities.

Notwithstanding this drastic measure the courts of England ignored the statute whenever possible and upheld the marriage made according to the common law. It was not until the leading case of *Queen vs. Millis* (1844), decided by the House of Lords, that a marriage good at common law was held to be invalid, and even then by an equally divided house (3 to 3), the decision of the court below being thereby affirmed. In favor of the validity of such a contract on this appeal we find the names of Brougham, Denman, Campbell. But it must be borne in mind that this was a criminal prosecution, involving the severest penalties, and in such a case, says Mr. Wharton (*Evidence*, section 86):

When the prosecution rests simply on a technical first marriage it is not inconsistent in courts that recognize the validity of a consensual marriage to

hold that such technical first marriage should in a criminal issue be fully made out beyond a reasonable doubt by proof in the way the *lex loci contractus* prescribes.

In view of the far-reaching effects of this decision the law was afterwards somewhat modified, and the rule laid down in this case is repudiated in some of the English colonies, more especially in Canada, where it was treated with disdain. (*The Breakey Case*, 2 U. C., Q. B., 349 et seq.) As matter of fact, the opinions of the great men hitherto mentioned are quoted as law, while the decision of the house itself is allowed to sink into insignificance and oblivion.

In Scotland such a marriage was always recognized (*Dalrymple vs. Dalrymple*, 2 Hag. C. R., 54), and the celebrated *Gretna Green* unions, wherein the blacksmith supplied the place of priest or magistrate, were invariably upheld in England without reference to any act of consummation.

The essentials at common law are that the parties must be capable of consenting and that they must in fact consent to assume the new relation. "The only doubt entertained on the subject," says Chancellor Kent, "was whether cohabitation was also necessary to give validity to the contract."

In our own country the subject of marriage is, of course, regulated to a large extent by statutes of the different States, but out of them all there are only three or four in which the common-law marriage has been held to be absolutely void. In Kentucky the statute is positively against it, while in Maryland, Massachusetts, Tennessee, and probably North Carolina, it would seem to be a nullity on account of conflict with preexisting law. In Kentucky, Maryland, and Massachusetts the point has been definitely settled.

The doubtful States are probably 17 in number, but in a majority of these it may safely be assumed that a marriage good at common law would be held to be valid should the question arise. In at least 18 of the States it has been held to be good.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. McCLELLAN. Mr. Chairman, I ask unanimous consent that my friend from South Dakota be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from South Dakota be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. PICKLER. I thank the committee.

In *Hutchins vs. Kimmell* (81 Mich., 127) Judge Cooley declares it to be the law of Michigan that—

Where parties agree presently to take each other for husband and wife, whatever the form of ceremony, or if all ceremony be dispensed with, and from that time live together professedly in that relation, this constitutes a valid marriage.

And further—

This has become the settled doctrine of the American courts, the few cases of dissent, or apparent dissent, being borne down by the great weight of authority in favor of the rule as we have stated it.

In the case of *Meister vs. Moore* (96 U. S., 76, 78) the Supreme Court says:

That such a contract (*per verba de presenti*) constitutes a marriage at common law there can be no doubt in view of the adjudications made in this country from its earliest settlement to the present day.

Marriage is the most favored institution known to the law; all ordinary presumptions are overthrown that come in conflict with it. The doctrine on the subject is that a marriage good at common law is good notwithstanding the existence of any statute regulating it, unless such statute contains express and positive words of nullity.

When parties have lived together as man and wife in the United States, it will require very strong proof that their marriage was void for want of formality to justify with us an adjudication that it is invalid.

With regard to parties marrying in their domicile of origin with the intention of settling in the United States, no American court, after the parents had taken up their residence in this country, would venture to pronounce the marriage void because the formalities prescribed by the *lex loci contractus* were not followed. (*Wharton on Evidence*, section 83.)

Where parties live together as man and wife, demean themselves toward each other as such, and are received into society and treated by their friends as having and being entitled to that status, the law will presume that they have been legally married. (*Stewart on Marriage and Divorce*, section 132.)

The facts that parties have publicly acknowledged each other as husband and wife, have assumed marriage rights, duties, and obligations, and have been reputed in the place of their residence to be husband and wife are relevant to prove a contract of marriage, and consequently, in cases where no celebration is necessary, a valid marriage.

Cohabitation and repute are evidence of marriage, and even when repute is lacking a marriage will sometimes be presumed. (4 Bradf., 28.)

The fact of cohabitation as man and wife by itself raises a presumption of legal marriage, and this is particularly so after a long period of time.

The reputation which has thus to be proved may be the reputation of either a neighborhood or of a family, and may be established by a single witness; but proof of mere reputation, unsupported by that of cohabitation, is by itself insufficient to establish a marriage. (*Wharton*, section 84.)

As an apt illustration of the extent to which the courts of this

country will go in favor of marriage, the case of *Yates vs. Houston* (3 Tex., 433) may be cited, the facts of which were as follows:

The parties presented themselves as man and wife in 1822; they were so reputed until the death of the man in 1827; it subsequently appeared that the man had been previously married in 1809 and lived with his first wife until 1818, when a separation occurred; the wife shortly afterwards disappeared. On this state of facts the court held:

1. That the rational presumption was that the first wife was dead.
2. That there was no legal impediment in the way of the man's contracting marriage with a second wife.
3. That such marriage, from cohabitation and repute, must be presumed to have been entered into.
4. And this, notwithstanding the connection of the parties was clearly illicit and criminal in its commencement.

The onus of rebutting a marriage by habit and repute is thrown upon those who deny it. (Appeal Cases, H. L. Div., 686.)

In striking contrast to the liberal views of judicial tribunals on the subject of marriage where property rights are involved, let us turn to a case recently decided by the Department (7 P. D., 600), wherein the trifling sum of \$8 per month was at stake. The facts are stated thus:

It appears from the evidence that claimant and the soldier were formally married by a minister of the gospel in Kansas August 3, 1862; that at the time of their marriage the soldier had another wife living, from whom he had not been divorced; that this fact was known to both him and the claimant; that the first wife secured a divorce from the soldier in 1876; that no marriage ceremony between him and the claimant was performed subsequently to the granting of said divorce, but that they simply continued to live together as man and wife in the same manner as they had done before, and that they continued to live together until the soldier's death, which occurred July 10, 1882.

Claimant says she was informed by the soldier before she married him, and also by friends and neighbors, that as he and his first wife had been separated for three years no divorce was necessary. It is in evidence that the soldier always after their marriage acknowledged her to be his wife, and that she was so regarded in the community where they lived; also that they raised a large family of children, some of whom are still living.

The Assistant Secretary then quotes from Bishop's well-known work on Marriage, Divorce, and Separation, as follows:

If the parties desire marriage and do what they can to render their union matrimonial, yet one of them is under a disability—as where there is a prior marriage undissolved—their cohabitation, thus matrimonially meant, will in matter of law make them husband and wife from the moment when the disability is removed, and it is immaterial whether they knew of its existence or its removal or not; nor is this a question of evidence.

The living together of the parties for a single day after the disability is removed makes them man and wife. (Ib., sec. 975.)

The law as thus laid down by this excellent writer does not quite meet with the ideas of propriety entertained by the Assistant Secretary, and he says it has given rise to considerable confusion. This "confusion," however, seems to pertain solely to the Pension Office, and the decision under consideration is a fair example of it. He proceeds:

What the courts have held is that where cohabitation commences between parties under a contract of marriage which was void, a subsequent marriage, after the removal of the disability, may be presumed from circumstances.

We will grant all that.

In order to bring a case within the rule it must be shown that there was a mutual wish for marriage at the time the impediment was removed or after the parties became free to marry. How is this shown? * * * The mere fact that they went through the form of a marriage in 1862 is not proof that there was even then a mutual wish for matrimony.

Shades of Hymen! What better evidence could be found?

Why should they not be willing to go through an empty ceremony in furtherance of their purpose to deceive the public; undoubtedly there have been cases in which persons have done so.

And because he thinks there have been such cases the assumption is made that the case at bar is one of them.

Was there a mutual wish to marry in 1876, when the parties became free to marry? If there was not, it is clear that the law did not make them man and wife.

The Assistant Secretary finds that there was not. To live together as husband and wife for sixteen years after 1876, to rear a large family of children, to attend the bedside and smooth the pillow of the soldier in the hour of dissolution after thirty years' cohabitation and repute preceded by a ceremonious marriage, these are not expressive of a "wish"—are "circumstances" not sufficient to satisfy this astute mind and prevent the stigma of bastardy from resting on the offspring of this union.

It will thus be seen that the provisions of this section—

That * * * marriage may be prima facie proved by satisfactory evidence that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as husband and wife and were so recognized by their neighbors and lived together as such up to the date of death of either of them—

are abundantly sustained as constituting a good common-law marriage, and, in fact, are more rigid in requirement than at common law. Hence, in the administration of the pension laws, the committee believes that marriages so proved should be regarded as valid.

This, too, will establish uniformity—as is the object of this bill in all of its provisions—in making proof of marriage, and hereafter the soldier's widow and children residing in one State will have an equal chance of securing a pension as those residing in another State, and these children will not, as under the law as construed at present, run the risk of being tainted with illegitimacy.

It must be borne in mind, however, that this section does not repeal the existing law on this subject. Proof must be made under the *lex loci contractus* when possible, and it is only on failure in this respect that evidence of marriage in accordance with the rules of common law can be resorted to.

END OF THE WAR.

Section 12 provides that in the administration of the pension laws the war of the rebellion shall be deemed to have closed July 1, 1865.

Recruiting for the war of the rebellion ceased immediately after Lee's surrender, April 9, 1865, and muster out began April 29, 1865. The last battle or skirmish is reported to have been fought May 13, 1865, and the last Confederate force surrendered May 23, 1865. The blockade was raised by proclamation June 23, 1865. (7 P. D., 214, 215.)

The date fixed by the bill is taken from this proclamation, which went into effect July 1, 1865. The material part of it is as follows:

Whereas by the proclamations of the President of the 19th and 27th of April, 1861, a blockade of certain ports of the United States was set on foot, but whereas the reasons for that measure have ceased to exist:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare and proclaim the blockade aforesaid to be rescinded as to the ports aforesaid, including that of Galveston and other ports west of the Mississippi River, which ports will be open to foreign commerce on the 1st of July next.

It is held by the Department that enlistment for the war of the rebellion determines the nature of the service, and, although a portion of the ninety days' service may have been after the date fixed as the close of the war, yet it is during the war of the rebellion (7 P. D., 374). So that under this provision an enlistment prior to July 1, 1865, by the same construction of the Pension Office, will render the soldier's service during the war of the rebellion.

This section will greatly simplify the practice by reducing the date to a certainty, and will be generally acceptable in the administration of the pension laws.

The conclusion is forced upon us from the decisions of the Pension Office that there were different dates for the closing of the war, and it is for the purpose of obviating this uncertainty that section 12 is incorporated in the bill.

Mr. STEWART of New Jersey. Is not that section 12, which you are explaining, repugnant to judicial decisions?

Mr. PICKLER. The Supreme Court of the United States decided that August 20, 1866, was when the war closed. The committee thinks that it has extended the date to cover the cases of men who are supposed to have fought in the war of the rebellion and that they are covered by this act.

Mr. HEPBURN. Will the gentleman allow me to ask him if it is not true that some of the volunteer regiments were not mustered out until nearly a year after that?

Mr. PICKLER. Yes, sir.

Mr. HEPBURN. Notably the First Nebraska. Under this section these persons would be precluded from obtaining a pension, although they served for nearly half a year. I know that there were many regiments on the Texas frontier, perhaps 30,000 or 40,000 men, where they continued until late in 1866.

Mr. PICKLER. I know, Mr. Chairman, the great difficulty in fixing a specific date, and it is very hard to get a date that will not do injustice to somebody. I call the attention of my colleagues to this—that will bring some light upon this:

The question as to whether services were rendered in the war of the rebellion or in other military operations is determined by the actual purposes of enlistment and actual services rendered.

The date of enlistment is evidence only so far as that fact may elucidate the purposes of enlistment. (7 P. D., 374.)

Mr. LACEY. I would like to call the attention of the gentleman from South Dakota to a ruling reversing that upon which he is relying. This law, as he has stated, was good law up to then, which is within the last few weeks. But there has been a new ruling made, so that the bill as you have now drawn it would have the effect of cutting out every soldier who enlisted for less than ninety days prior to the 1st day of July, 1865. So that there ought to be an amendment, if this bill goes through, providing that no pension heretofore granted shall be terminated on account of this provision.

Mr. PICKLER. What ruling is that to which the gentleman refers?

Mr. LACEY. The decision was made on March 30, 1896, and it reversed the decision to which you have referred.

Mr. PICKLER. What decision is it?

Mr. LACEY. It is the George Lessor decision, reversing the decision to which you called the attention of the committee. The

effect of the decision would be to cut out a large number of pensioners that my friend has no purpose to interfere with.

Mr. PICKLER. What is the date of that decision?

Mr. LACEY. March 30, 1896. It was rendered within three or four weeks, and has not yet been reported.

Mr. PICKLER. I will say that the Commissioner of Pensions has written a letter to the committee in support of fixing this date; and I scarcely see how he could have done so with knowledge of that decision.

Mr. LACEY. The date is all right. July 1 is as good a date to make a pension on as any other would be, but the result of fixing that date would be to cut off many men under this decision; and I think it would be a mistake, unless provision is made to preserve their rights. So that I say my friend is relying on this old decision, without having notice of this recent decision, which has not yet been published.

Mr. PICKLER. I do not know of any contrary decision.

Mr. LACEY. I suggest that some amendment ought to be made to this section.

Mr. PICKLER. Have you a copy of the decision?

Mr. LACEY. No; I have not. It has not been published yet.

Mr. NORTHWAY. What is the effect of the decision?

Mr. LACEY. The effect of the decision is—I have the memoranda of the decision, but I have given the wrong reference; but there is a recent decision which would have the effect to which I have called your attention.

Mr. PICKLER. What is the case? The decision mentioned by the gentleman refers to desertion solely. I have it in my hand.

Mr. LACEY. I do not at present find the memoranda I have; but the decision is there must have been ninety days of actual service prior to the end of the war, and the end of the war has been differently construed. In Tennessee it is construed to be at a certain time, in Texas at another time; and so, if we are to adopt the uniform date of July 1, 1865, a number of pensions that have already been granted on the theory that the soldier had served more than ninety days before the end of the war, having taken a later day as the end of the war, these pensions would be cut off.

Mr. PICKLER. I think section 2 of our bill will cover all that.

Mr. LACEY. I am afraid not; and I know that the purpose of the bill is not to cut off pensions already granted.

Mr. PICKLER. I am very glad of the suggestion of the gentleman.

Mr. LACEY. The other decision to which I referred was in regard to deserters.

Mr. PICKLER. We have no information of such a decision, and it is strange that the Commissioner of Pensions should have written this letter with a knowledge of the decision of which the gentleman speaks. But I will leave this question. I think section 2 would cover the matter completely:

That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability.

Mr. LACEY. There is the point now, right there. You say from a "mistake of fact." Now, the close of the war is a fact, and if there is a mistake as to the fact and Congress determines by act when the war closed as the 1st day of July, 1865, if they have held it to be the 2d of April, 1866, and the 20th of August, 1866, that is a mistake of fact, because the close of the war was a fact.

Mr. PICKLER. Well, Mr. Chairman, let me suggest to the gentleman that Congress has the right to say when the war ended, so far as the act of June 27, 1890, is concerned, regardless of all decisions. We are only applying it to one act of Congress, that for pensions. I am anxious that it shall not cut off any pensions.

Mr. LACEY. What I am trying to effect is this: August 20, 1866, is fixed for the date of discharge from service in Texas. Now, a man enlisted there would have more than ninety days' service during the war by that decision; but when you change it from August 20, 1866, and put it to the 1st of July, 1865, if the man did not enlist until in April the result would be that his pension will have been issued through "mistake in fact," and that "mistake in fact" will lead to a reference of the matter to the present Secretary of the Interior, and I am afraid he might possibly feel he ought to refuse this pension on this ground, and it would go out. Anyone who has a pension ought not to be put to this risk by this change of date, and this definite settlement of the date ought to go out.

Mr. PICKLER. Section 2 will cover that I think; but I agree with the gentleman that we do not want to cut out anybody.

Mr. HEPBURN. The question I want to ask is this: The Supreme Court have determined, as far as they could, that the war closed on the 20th of August, 1866, and the Pension Office is governed by that decision. A large number of troops were mustered out about that date, perhaps earlier. It is proposed by this bill to change the date at which the war ended, and the declaration of this bill upon that subject will doubtless control. Now, what will be the status of a man who incurred disease between

the 1st of July, 1865, and the date of his muster out, perhaps a year later? Does not this cut him out almost absolutely? There are nearly 40,000 of these men, mostly from the West. I know of a regiment from the State of Nebraska, and there are a great many such cases from the State of Iowa.

Mr. MILES. It does not make any difference when the man was discharged, if his disability was contracted in the service.

Mr. PICKLER. In the first place, Mr. Chairman, the fixing of a date at which the war shall be considered to have ended applies solely to the act of June 27, 1890. That act provided that a soldier who had had ninety days' service during the war of the rebellion should be pensioned provided he came otherwise within the provisions of the law. The Pension Office has been holding that the war ended in Tennessee at one time, and at another time somewhere else. That has caused great confusion, and the office itself, and everybody, I think, is desirous of having some date fixed as applicable to pension cases under the act of June 27, 1890; some rule that we can all work to. In the first draft of this bill the committee were inclined to insert the date fixed by the Supreme Court decision, but an objection to that was that there was quite a large number of men who enlisted along in July and August of that year. I know of two regiments being mustered in in August, although Lee had surrendered in April.

Now, the question is whether those men who did not enlist until after the war was really over should be included in the act of June 27, 1890. The idea of the committee in fixing the 1st of July, 1865, was this: The surrender was on the 9th of April, and this date, July 1, was about three months after the surrender. It would seem that the war ought to have been over by that time, and the holding of the Pension Office heretofore has been that the enlistment governed, so that if a man enlisted before the 1st of July, 1865, nearly three months after the war actually closed, he would still come under the act of 1890.

Mr. NORTHWAY. Suppose he enlisted in May, 1865, and was not mustered out until after July 1, and contracted his disease after July 1, would he be included?

Mr. PICKLER. Yes, sir; this relates only to the act of 1890, and the time of the contraction of the disease has nothing to do with the act of 1890, as the gentleman knows. The only point about the date is to show ninety days' service in the war of the rebellion. If the man was a soldier for ninety days in the war of the rebellion, it does not make any difference when his disability was contracted. Therefore there can be no point in that suggestion. There is difficulty about this case just as there is about another case—the question of how to determine the length of service, to determine whether a man served the full ninety days or not. In many instances men were enlisted at one time and mustered in a little later, so that they lacked a few days of serving ninety days, although if you were to count from the time they started from their homes there would be more than ninety days. The fixing of absolute dates, therefore, is pretty certain to do injustice to somebody, and I am glad to have these interruptions, because they throw light on the subject and the committee are anxious to let in all the soldiers who ought to come in under the act of June 27, 1890.

Mr. STEELE. Were there any enlistments after the 1st of May, 1865, excepting the veteran reserve?

Mr. PICKLER. There were colored regiments, I know.

Mr. LACEY. There were a great many men enlisted in April. The surrender did not occur until the 9th of April, and a good many men enlisted in the early part of that month, and they would be cut off by this bill.

Mr. PICKLER. No; if this bill becomes a law section 2 will save them, anyway.

Mr. LACEY. A mistake as to the date of the close of the war would be a mistake of fact.

Mr. PICKLER. No; it would be a mistake of law. If it appears to the committee, however, that this date ought to be changed, there are no sticklers for this particular day.

Mr. LACEY. I suggest this amendment:

Provided, That no pension shall be terminated by reason of this section.

Mr. PICKLER. That seems to me to be only a reduplicating of what is already in the bill—the provision—

That from and after the passage of this act no pension heretofore granted, or which may hereafter be granted under the pension laws, shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability.

Mr. LACEY. But a mistake as to the date of the close of the war would be a mistake of fact, and the date was different in different parts of the country.

Mr. PICKLER. Not if Congress fixed the date.

Mr. LACEY. Congress by this bill will make the date the 1st of July, 1865, but in Texas it would be the 20th of August, 1866, and in other parts of the country the date would be different. Now, we say in this bill that neither of those dates was right, that the 1st day of July, 1865, was the time. Congress having authoritatively declared when the war closed, that is to be accepted as a

fact, and the question is whether pensions granted under a mistake of fact as to the proper date should be stricken down.

Mr. PICKLER. Congress has never determined when the war ended, so far as the act of June 27, 1890, is concerned.

Mr. LACEY. We are just now doing it.

Mr. PICKLER. And we are saying that nobody's pension shall be reduced or discontinued on that account.

Mr. LACEY. Not on that account, but on account of the mistake of fact.

Mr. PICKLER. Well, we will see about that.

Now, the decision to which the gentleman refers does not sustain the assertion he has made in regard to the legal termination of the war of the rebellion. Under section 2 of the act of June 27, 1890, service must have been rendered both during and in some necessary connection with the war of the rebellion. This decision does not sustain the gentleman.

Mr. LACEY. That man was enlisted in the Regular Army, and he did not serve more than ninety days prior to July 1, 1865.

Mr. PICKLER. There is no such holding as the gentleman cites. I read from the decision mentioned:

Service rendered after July, 1865, will be presumed to have not been in said war; and the burden of proof will be upon claimants to show by positive and satisfactory evidence that such service was in some actual connection with the war as existing at the time the service was rendered.

Service rendered after April 2, 1866, must be shown to have been rendered in some connection with the war as existing in the State of Texas.

Service rendered within the State of Tennessee after June 13, 1865, will likewise be presumed not to have been in said war, unless shown to have had some necessary connection with the war elsewhere.

So I say the gentleman is mistaken in supposing that there is any decision controverting the assertion I made, to wit, that the enlistment before the date fixed as the termination of the war is what determines whether the service is to be considered as during the war of the rebellion. That, I understand, is the decision of the Pension Office; and there is nothing in the decision referred to by the gentleman from Iowa that controverts it.

Mr. LACEY. The rulings have been both ways. In one case the holding was just as the gentleman claims.

Mr. PICKLER. It is only a few days ago since the Commissioner wrote this letter to the committee, and he then cited this date which we fix here as the proper one.

Mr. LACEY. I know that my friend does not want to make a mistake, and, having examined the decisions, I want to say to him that there has been a change in the rulings. I wish to give him notice of that fact now.

Mr. PICKLER. Let me say this to the gentleman: Suppose the office is holding, as I say and as the Commissioner said they were holding when he wrote this letter—suppose the office is holding that it is the time of enlistment that governs; that would let in under the act of June 27, 1890, every man who enlisted before the 1st day of July, 1865.

Mr. LACEY. Undoubtedly.

Mr. PICKLER. Is not that late enough for the enlistment to run?

Mr. LACEY. That would be all right if it were not for the subsequent holding to the contrary.

Mr. PICKLER. If the man served ninety days after date of enlistment, although it should run beyond the date fixed here, then, according to the holding of the Pension Office, he would be entitled to the benefit of the provisions of the act of June 27, 1890. That is the position of the committee. That is where we have stood. Of course if we have named a date here which ought to be changed it will ultimately be changed.

Mr. SPALDING. What would be the result if the soldier were injured after the date named?

Mr. PICKLER. It would have no effect in his case.

Mr. SPALDING. Is the gentleman sure he is correct in that view?

Mr. PICKLER. If the gentleman will reflect a moment he will remember that the law of 1890—

Mr. SPALDING. I am not talking about the law of 1890.

Mr. PICKLER. This does not refer to any other law. This fixing of a date refers only to the law of 1890, to ascertain whether the soldier was in the war of the rebellion ninety days.

Mr. SPALDING. This provision refers to the entire system of pension laws.

Mr. HEPBURN. All of them.

Mr. SPALDING. And it will cut out a large number of persons, it seems to me.

Mr. PICKLER. No, sir. Under the general law it does not make any difference when the disability was incurred. If a man contracts a disability now in the Regular Army he can get his pension.

Mr. CALDERHEAD. I know that some volunteer regiments were taken from the field and sent to the Plains to fight the Indians. That was long after the date named—July 1, 1865. Now, if any of those men received injuries in the service after July 1, 1865, would they be entitled to pensions under the law of 1890?

Mr. PICKLER. Yes; if they volunteered before the 1st of July, 1865. The only point in that date is—and let me say that this relates exclusively to the pensions under the act of 1890—the only point is that it will necessarily fix the date preceding which these men should have enlisted to come under the provisions of that law. Now, under the general law it makes no difference when the disability was incurred, whether during the war or not, provided it was in line of duty. The law of 1890 required ninety days' service in the rebellion.

The question then is, When did the rebellion end? It has been held that if the enlistment was before the date fixed for the close of the rebellion, the ninety days, although a part of the service might extend after that date, was service under the law "during the late war of the rebellion."

Mr. SPALDING. But it was held by Secretary Stanton—and I know the facts myself, because I had a division of cavalry that was affected by the ruling—it was held that these men, although the war was declared ended, must serve out the entire term of their enlistments, and they were sent out on the Plains to fight the Indians after their term of service had expired, and they were not mustered out until October, 1865. Now, if they were engaged in service, they were certainly engaged in the war of the rebellion, although they had been sent out to the Plains.

Mr. PICKLER. Oh, there is no question about those men.

Mr. SPALDING. But this bill that you are passing now covers all pension legislation, and unquestionably it would affect men under such circumstances.

Mr. MILES. This does not affect any man, under such circumstances, who was injured in the service.

Mr. SPALDING. If the disability has any service origin in the war of the rebellion he would come in under the provisions of the law; but if the disability occurred after the close of the rebellion it would come under the head of the regular service.

Mr. PICKLER. He would come under the provisions of this bill if he enlisted before June, 1865.

Mr. CROWTHER. Let me suggest to the gentleman from South Dakota, if in his opinion it would not be better to follow the decision of the Supreme Court instead of the particular ruling made by some departmental officer?

Mr. SPALDING. Certainly that would be a better rule to adopt.

Mr. PICKLER. But the point is, and everybody will concede the fact who knows anything about the matter, that there were many troops who enlisted throughout the year 1865 who were not in the war of the rebellion to any extent, and would have no right to be classed as soldiers of the rebellion—

Mr. SPALDING. But these men, some 40,000 of them, composed largely of Sheridan's cavalry, were certainly engaged in the rebellion.

Mr. PICKLER. Oh, they were always in it. There could be no question about them.

Mr. SPALDING. Well, these very men, under the orders of the Secretary of War, were sent out, serving under their officers, although they claimed at the time that the term of their enlistment was over and had expired. They were sent out by order of the Secretary of War, who decided against their contention, and they reluctantly went out on the Plains and fought the Indians for several months after the war was over.

Mr. PICKLER. They enlisted before the date fixed by the bill and would come under the head of enlistments during the war of the rebellion.

Mr. CROWTHER. It seems to me that the only question would be as to when the war actually closed according to the interpretation of the highest authority of the land to decide that question, and that is the Supreme Court of the United States.

Mr. SPALDING. It seems to me that it would be much better to adopt that date.

Mr. CALDERHEAD. Let me ask the gentleman why was it changed? It was reported August 20, 1866.

Mr. PICKLER. We will consider these matters afterwards.

Mr. STEELE. Before the gentleman proceeds I would like to ask him a question as to whether or not he would be willing to modify this bill, beginning with line 6, section 13, and ending with line 11, extending the law to apply to those who reenlisted, so that the claimants under this act should prove to the satisfaction of the Secretary of War that they were not bounty jumpers or had not deserted in the face of the enemy.

Mr. PICKLER. The gentleman can discuss that question hereafter, and if the section needs modification it can be done.

Mr. STEELE. Clearly a modification should be made of it.

Mr. PICKLER (continuing). And I want to say in regard to the bounty jumpers and camp followers, that there is more scare in it than anything to hurt. Let me ask the gentleman whether there were any bounty jumpers in Indiana?

Mr. STEELE. I suppose there were.

Mr. PICKLER. Well, I was an Iowa soldier, and I do not believe that there was one in that State.

Mr. STEELE. I have no doubt that there were some in Iowa as well as in Indiana.

Mr. PICKLER. There were some in the eastern parts of the country, I admit—

Mr. SULLOWAY. Not at all. I protest against that statement. There were none in the East.

Mr. STEELE. I investigated myself on one occasion, and found that one man had enlisted forty-one times in one day in New York City.

Mr. PICKLER. I venture then if there was a man who was sharp enough to do that that he had his pension long ago. The bounty jumpers and those who went into the Army for money were perhaps shrewd enough after getting their money to also get a pension if they could make any show for it. The fact that we required them to go under oath would not stand in their way, and if they made application for pension they were sharp enough to back up the application with sufficient evidence to get it.

Mr. STEELE. I do not suppose the gentleman wants to take any man in who did not perform honorable services.

Mr. PICKLER. This very question about pensions to deserters in the face of the enemy and bounty jumpers is no doubt largely overdrawn. While the actual deserter, the man who deserted in the face of the enemy, ought not to have any leniency whatever shown to him, still there is a large class of men classed as deserters thirty years after the service, who as boys, or young men, entered the Army, and as boys went away to see a sick mother—

Mr. STEELE. And a very large majority of them were deserters, too.

Mr. PICKLER. Husbands who went home to sick wives, men who, when their term of service was out, as the gentleman has just said, went home. There were hundreds of cases of these boys, who said: "The war is over; we have completed the contract. We are going home." They went, and they are marked deserters on the rolls to-day.

Mr. STEELE. The general law has provided for such men.

Mr. PICKLER. If the gentleman from Indiana can fix any way to sift out everybody who was a bounty jumper I want to do it, but I do not know how you will do it. I say there is more of a bugbear than there is of reality about the bounty jumper. I suppose in some of the Eastern States there were professional bounty jumpers; but, take the country over, the talk about bounty jumpers on the part of men opposed to pensions has stirred up a great deal of opposition, and the result has been that a great many good men who were in favor of pensions have a prejudice on that subject, and great injustice has been done to men who were marked on the rolls as technical deserters, but who were not actual deserters.

Now, Mr. Chairman, I would rather proceed until I conclude my remarks, and will have these explanations by and by.

The conclusion is forced upon us from the decisions of the Pension Office that there were different dates for closing the war, and it is for the purpose of obviating that uncertainty that this section is incorporated in the bill. I think it is conceded that we ought to fix some date when it can be said that the war closed. It ought to be done for all purposes, for that matter, but as we are principally concerned in this act of June 27, 1890, it ought to be done especially as regards pensioners claiming under that act.

PRIOR DISHONORABLE SERVICE.

Section 13 provides that under the act of June 27, 1890, a prior service from which the soldier was not honorably discharged shall not disqualify the claimant from receiving a pension by virtue of a subsequent service of ninety days from which he was honorably discharged, provided the disability was not contracted or incurred during the dishonorable service. In a vast majority of these cases the service is technically "not honorable."

Until a recent date the rule of the Pension Office was substantially in accordance with the first provision of the section; and there being diverse rulings as to the method of determining the length of service, the second provision makes the discharge certificate conclusive of that question. Certainly no better evidence can be adduced than the certificate itself.

The proviso—

That the death of a soldier, sailor, or marine while in the service of the United States, and not for or in violation of any law or regulation thereof, shall be construed and held as equivalent to an honorable discharge in determining title to pension under said act—

is added for the purpose of putting into statute form a very just and equitable rule. The Department has held that death in the service under the circumstances stated is not equivalent to an honorable discharge. Thus, in 6 P. D., 29, it is said:

"The death of the soldier in the service is not construed as an 'honorable discharge' from the service under section 3, act of June 27, 1890. * * * Death in the service, while a release from military duty, is the result of a decree of Divine Providence; but the act of June 27, 1890, requires an 'honorable discharge.'"

It was hardly the intention of Congress to have such a construction placed upon the statute, or to have it construed otherwise than as herein provided.

Mr. TRACEY. I should like to ask the gentleman a question. The CHAIRMAN. Does the gentleman from South Dakota yield?

Mr. PICKLER. Yes; I will yield.

Mr. TRACEY. Is the discharge certificate under that section conclusive in all cases as to the length of service?

Mr. PICKLER. That is provided for here in this bill. Let me say to the gentleman it is a pretty difficult question to fix a date that will not do somebody an injustice.

Let me say in regard to the provisions of this bill that it seems as though every Assistant Secretary of the Interior who succeeds another Assistant Secretary takes great liberties with the decisions of his predecessors. I believe the present Assistant Secretary of the Interior has reversed fifty decisions of former Secretaries. Now, disregarding the fact as to who is right and who is wrong, Congress ought to fix, on these debatable questions and on these prominent points, a certain rule, and that is the object of this bill throughout, to fix some time, so that different Secretaries can not be changing these rulings.

If it will not weary the committee too much I want the especial attention of members, and particularly those interested in pension legislation, to the question of rating, comparing the rule of rating under the last Administration and the rule of rating, as changed, under this Administration, because this is one of the vital provisions of this bill.

OLD RATINGS ESTABLISHED.

The question involved in section 14, and upon which section 3 depends, is whether the ratings of disabilities shall be calculated the same under the law of June 27, 1890, as under the general law. It provides that the ratings of fixed disabilities shall be the same under both laws.

I shall not only contend that the action of the committee in placing this section in the bill establishes a just and equitable rule of rating but that it is and ever has been the law.

From the passage of the act of June 27, 1890, the rulings were, as the committee herein contends, the same, and made on the same theory as they had been made under all former pension laws of the Government up to January 7, 1893, when Assistant Secretary Bussey promulgated a new theory of rating for the act of June 27, 1890, in the Weike case (6 P. D., 193), which was followed by Assistant Secretary Reynolds, May 27, 1893, in the Bennett case (7 P. D., 1).

The committee will understand that under the general pension laws as distinguished from the act of June 27, 1890, there has grown up under statute and by rulings of the Department fixed allowances for specified disabilities; for instance:

TABLE OF RATES.

Rates fixed by law for officers for disabilities which would entitle a private or other enlisted man to \$3.

ARMY.		Per month.
Lieutenant-colonel and all officers of higher rank	.....	\$30.00
Major, surgeon, and paymaster	.....	25.00
Captain, provost-marshal, and chaplain	.....	20.00
First lieutenant, assistant surgeon, deputy provost-marshal, and quartermaster	.....	17.00
Second lieutenant and enrolling officer	.....	15.00
All enlisted men	.....	8.00

NAVY AND MARINE CORPS.

Captain and all officers of higher rank, commander, lieutenant commanding, and master commanding, surgeon, paymaster, and chief engineer ranking with commander by law, lieutenant-colonel, and all of higher rank in Marine Corps	.....	30.00
Lieutenant, passed assistant surgeon, surgeon, paymaster, and chief engineer ranking with lieutenant by law, and major in Marine Corps	.....	25.00
Master, professor of mathematics, assistant surgeon, paymaster, and chaplain, and captain in Marine Corps	.....	20.00
First lieutenant in Marine Corps	.....	17.00
First assistant engineer, ensign, and pilot, and second lieutenant in Marine Corps	.....	15.00
Cadet midshipmen, passed midshipmen, midshipmen, clerks of admirals, of paymasters, and of officers commanding vessels, second and third assistant engineers, master's mate, and warrant officers	.....	10.00
All enlisted men, except warrant officers	.....	8.00

Rates and disabilities specified by law.

Loss of both hands	.....	100.00
Total disability in both hands	.....	72.00
Loss of both feet	.....	72.00
Loss of both eyes	.....	72.00
Loss of an eye, the other lost before enlistment	.....	72.00
Regular aid and attendance (first grade)	.....	72.00
Frequent aid and attendance	.....	50.00
Amputation at shoulder or hip joint, or so near joint as to prevent use of artificial limb	.....	45.00
Total disability of arm or leg	.....	36.00
Loss of one hand and one foot	.....	36.00
Total disability in one hand and one foot	.....	36.00
Amputation at or above elbow or knee	.....	36.00
Loss of a hand or a foot	.....	30.00
Total disability of one hand or one foot	.....	30.00
Inability to perform manual labor (second grade)	.....	30.00
Total deafness	.....	30.00
Disability equivalent to loss of hand or foot (third grade)	.....	24.00

Tables of rates fixed by the Commissioner of Pensions for certain disabilities not specified by law.

Anchylolysis of shoulder.....	1
Anchylolysis of elbow.....	1
Anchylolysis of knee.....	1
Anchylolysis of ankle.....	1
Anchylolysis of wrist.....	1
Loss of sight of one eye.....	1
Loss of one eye.....	1
Nearly total deafness of one ear.....	1
Total deafness of one ear.....	1
Slight deafness of both ears.....	1
Severe deafness of one ear and slight of the other.....	1
Nearly total deafness of one ear and slight of the other.....	1
Total deafness of one ear and slight of the other.....	1
Severe deafness of both ears.....	1
Total deafness of one ear and severe of the other.....	1
Deafness of both ears existing in a degree nearly total.....	1
Loss of palm of hand and all the fingers, the thumb remaining.....	1
Loss of thumb, index, middle, and ring fingers.....	1
Loss of thumb, index, and middle fingers.....	1
Loss of thumb and index finger.....	1
Loss of thumb and little finger.....	1
Loss of thumb, index, and little fingers.....	1
Loss of thumb.....	1
Loss of thumb and metacarpal bone.....	1
Loss of all the fingers, thumb and palm remaining.....	1
Loss of index, middle, and ring fingers.....	1
Loss of middle, ring, and little fingers.....	1
Loss of index and middle fingers.....	1
Loss of little and middle fingers.....	1
Loss of little and ring fingers.....	1
Loss of ring and middle fingers.....	1
Loss of index and little fingers.....	1
Loss of index finger.....	1
Loss of any other finger without complications.....	1
Loss of all the toes of one foot.....	1
Loss of great, second, and third toes.....	1
Loss of great toe and metatarsal.....	1
Loss of great and second toes.....	1
Loss of great toe.....	1
Loss of any other toe and metatarsal.....	1
Loss of any other toe.....	1
Chopart's amputation of foot, with good results.....	1
Pirogoff's modification of Syme's.....	1
Small varicocele.....	1
Well-marked varicocele.....	1
Inguinal hernia which passes through the external ring.....	1
Inguinal hernia which does not pass through the external ring.....	1
Double inguinal hernia each of which passes through the external ring.....	1
Double inguinal hernia one of which passes through the external ring and the other does not.....	1
Double inguinal hernia neither of which passes through the external ring.....	1
Femoral hernia.....	1

THOS. FEATHERSTONHAUGH,
Medical Referee.

Approved:

WM. LOCHREN,
Commissioner of Pensions.

Commissioner Raum followed the general-law ratings just quoted in ascertaining the measure of incapacity under the law of June 27, 1890. His Order 164 (October 15, 1890) on the subject is as follows:

That all claimants under the act of June 27, 1890, showing a mental or physical disability or disabilities of a permanent character not the result of their own vicious habits, and which incapacitate them for the performance of manual labor, rendering them unable to earn a support in such a degree as would be rated under former laws at or above \$6 and less than \$12, shall be rated the same as like disabilities of service origin; and that all cases showing a pensionable disability which, if of service origin, would be rated at or above \$12 per month shall be rated at \$12 per month.

Approved:

GREEN B. RAUM, Commissioner.

CYRUS BUSSEY,
Assistant Secretary.

In accordance with the ruling in the Bennett Case (supra) Secretary Smith, introducing a new principle into the administration of the pension laws and establishing a novel system of rating, made the following order:

DEPARTMENT OF THE INTERIOR, Washington, D. C., May 27, 1893.

SIR: Order No. 164, signed "Green B. Raum, Commissioner of Pensions," and approved, "Cyrus Bussey, assistant secretary," of date October 15, 1890, is hereby revoked.

You will prepare, for approval of the Secretary, new rules and regulations covering the proof of the right to pensions and rates of same in accordance with the provisions of section 2 of the act of Congress approved June 27, 1890.

Your attention is directed to the fact that the disabilities which are pensionable under this section must be of a permanent character, incapacitating for the performance of manual labor to such a degree as to produce inability to earn a support. You will observe also that the rate of pension is fixed at not less than \$6 nor more than \$12 per month, proportioned to the degree of inability to earn a support.

You will have an examination made to determine what pensions have heretofore been allowed under section 2 of the act approved June 27, 1890, in disregard of the terms of said act and in conflict with the ruling of this Department in the case of Charles T. Bennett this day transmitted to you.

Respectfully,

HOKE SMITH, Secretary.

To the COMMISSIONER OF PENSIONS.

Here, then, Secretary Smith abandons the Raum rating, which was the same as under the old law, and orders that the disability shall be arrived at in some general way which has never been described—simply some kind of general estimate—and orders all pensions under the law of 1890 to be examined.

This reexamination was made, Raum's ratings overthrown, a great number of pensions reduced and stricken from the rolls, a great number of claims rejected which would have been allowed under the Raum rating; and this practice still prevails, and therein is the great complaint of the pensioners.

This, then, is the contention. Which is correct? Did Congress, by the act of June 27, 1890, provide for a new scheme of pension ratings, independent of all prior laws, or was it contemplated that that act should become a part of the pension system and be construed in pari materia with all prior laws?

Of course it is the province of Congress, aside from this contention, to fix by statute, as herein, these ratings and to say what shall hereafter be the rule under the act of June 27, 1890; but I purpose, Mr. Chairman, to show that the order promulgated by Commissioner Raum was the law and is the law, and that it is the only way in which justice can be administered in these cases.

To arrive at a correct conclusion as to this question we must examine these laws in relation to each other.

The act of June 27, 1890, is a part of our pension system, and the various enactments must be construed together.

There is no conflict of authorities as to this rule of construction, and relating to same subject-matter and being a part of our system of pension laws is in pari materia.

Statutes which are not inconsistent with one another and which relate to the same subject-matter are in pari materia, and should be construed together and effect given to all, although they contain no reference to one another and were passed at different times. (23 Eng. and Am. Enc. of Law, 311.)

In construing a statute regard must be had to other current legislation in pari materia, and the whole should, if possible, be made to harmonize and if the sense be doubtful, such construction should, if possible, be given as will not conflict with the general principles of law, which it may be presumed the legislature would not intend to disregard or change. (Mannell vs. Mannell, 13 Ohio St., 464.)

The revenue laws of the United States, though made up of independent enactments, are to be regarded as one system. (Pennington vs. Cox, 2 Cr., 33; United States vs. Collier, 3 Blatchf., 333.)

The various acts of Congress on the subject of soldiers' bounty are in pari materia. (Philbrook vs. U. S., 8 Ct. Cls., 523.)

Laws upon the subject of public lands are in pari materia, and are to be construed together. (2 Atty. Gen. Ops., 46.)

The sections of a code referring to the same subject-matter are to be construed in pari materia. (Roberts vs. Briscoe, 44 Ohio St., 600.)

The several statutes relating to the jurisdiction and practice of the district courts, though varying in their titles, are in pari materia. (Gartner vs. Cohen, 51 N. J. L., 125.)

Where two acts of Congress are in pari materia it will be presumed, in the absence of anything to show a contrary intent, that if the same word be used in both and a special meaning be given to it in the first act it was intended that it should receive the same interpretation in the second act. (Reiche vs. Smythe, 13 Wall., 162.)

When terms or modes of expression are employed in a new statute which had acquired a definite meaning and application in a previous statute on the same subject or one analogous to it, they are generally supposed to be used in the same sense, and in settling the construction of such new statute regard should be had to the known and established interpretation of the old. (Whitcomb vs. Rood, 20 Vt., 49.)

It is the universal rule in the construction of statutes, and a settled maxim of the common law, that all acts passed on the same subject in pari materia must be construed together and made to stand if capable of being reconciled. There is no exception to the universality of this rule. (McFarland vs. State Bank, 4 Ark., 410.)

If a thing contained in a subsequent statute be within the reason of a former statute, it should be taken to be within the meaning of that statute. (United States vs. Freeman, 3 How., 564.)

But not only did Secretary Noble and Commissioner Raum so construe this act, but the present Assistant Secretary so construes it, and continues to do so except as to ratings for disabilities.

In the case of Adolph Burnstein (7 P. D., 229) Assistant Secretary Reynolds held:

The act of June 27, 1890, is a part of the pension code, and is to be construed like all similar acts in pari materia. The various statutes upon the subject of pensions enacted by Congress from time to time comprise our system of pension laws, in the nature of a code, relating to one subject and governed by one spirit and policy. They are to be construed together like our revenue laws, banking laws, land laws, mining laws, patent laws, and other similar laws upon a specific subject, and where the later statute fails to repeal a former in express terms or by necessary implication such later statutes operate cumulatively and not by way of substitution or repeal.

For the reasons already stated the act of June 27, 1890, is not complete in itself, and was not intended, nor does it purport to prescribe the only rule to be observed; nor is the scope and aim distinct and unconnected with former legislation. * * * In the very first line we are forced to look to section 4707 of the Revised Statutes to ascertain the rights of persons designated as "dependent parents" and the rate of pension to which they are entitled; so, too, we are forced to recur to a former statute for authority to medically examine the applicants under said act, and the whole detail of issuing the pension certificate and paying the same depends upon the then existing laws.

The Department sought the aid of the acts of March 3 and 6, 1873, in construing and ascertaining the scope and meaning of the words "all persons," used in section 2 of said act of June 27, 1890.

So, too, the Department held that sections 4707 and 4708 were not repealed or modified by the act of June 27, 1890, but are applicable to claims under said act.

So, also, sections 4702 and 4703 of the Revised Statutes, in reference to minor children, were relied upon in construing the rights of minors under said act of 1890.

Again, the Department held in 1890 that while section 4716 was repealed by the act of June 27, 1890, the act of March 3, 1877, was not, and that claimant was entitled to a pension under the act of June 27, 1890, notwithstanding his prior voluntary service in the Confederate army.

How the Assistant Secretary could so strongly hold this act of 1890 in pari materia with the pension laws for all these purposes and abandon it when he comes to the subject of ratings is a mystery.

But comparing the language of the act of June 27, 1890, to wit, "which incapacitates them for the performance of manual labor in such a degree as to render them unable to earn a support," with the language of former pension legislation, and noting its exact similarity to those statutes, the construction for which we contend is still more apparent.

In the Bennett case (7 P. D., 1) Assistant Secretary Reynolds says:

Disabilities incurred during service and in line of duty are pensionable without regard to capacity to earn a support, and are graded without reference to this condition. Disabilities resulting from causes other than of service origin are only pensionable when incapacity to labor joins with incapacity to earn a support, and the degrees of rating are dependent upon these two conditions.

On this erroneous reasoning the new system of ratings is based. Turning to section 4693 of the Revised Statutes we find the classes of persons thereunder entitled to pensions, as follows:

First. Any officer or enlisted man disabled, without more.
Second. Any master serving on a gunboat, etc., disabled * * * or otherwise incapacitated * * * for procuring his subsistence by manual labor.

Mr. TERRY. Will the gentleman allow me to ask him a question in regard to that section which he is on now?

Mr. PICKLER. Yes.

Mr. TERRY. Would that apply to a pilot on an armed transport who was wounded in the line of service?

Mr. PICKLER. I think it would.

Mr. TERRY. I have known of such cases that did not receive any pension.

Mr. SPALDING. He would have to be an enlisted man in order to draw a pension.

Mr. TERRY. This man was a pilot and served on quite a number of armed transports. He was wounded while in the service. He was in the service in such a way that he was compelled to go whether he wanted to go or not. An armed transport, as I understand, is not a gunboat within the strict meaning of the word.

Mr. PICKLER. We provide in this bill for all those pilots and engineers who were pensioned under the general law to come in under the law of 1890, as they did under the last Administration.

Mr. TERRY. I do not believe that would cover the case.

Mr. PICKLER. I could not answer the gentleman intelligently without knowing the exact case.

Now I will return to my argument. The fourth subdivision provides for—

Any acting assistant or contract surgeon disabled.

Fifth. Any provost-marshal, etc., disabled * * * to procure a subsistence by manual labor.

Now, we have these three distinct terms, to wit: (1) "Disabled," pure and simple; (2) "incapacitated for procuring his subsistence by manual labor"; and (3) "disabled to procure a subsistence by manual labor." And assuming that the conclusion of the Assistant Secretary is correct, we would naturally seek in the ratings and rulings to find a marked distinction between the three. But we find it not. As matter of fact, the question had never arisen; they have all been treated as equivalent since the enactment of the laws composing the section until these days of refining on subtle refinements.

"Disabled" in the first class has the same significance and weight as "incapacitated for procuring his subsistence by manual labor" in the second class, and either expression is equivalent to "disabled to procure a subsistence by manual labor" in the fifth class.

The master who served on a gunboat is allowed the same pension if "incapacitated for procuring his subsistence by manual labor" as the soldier of the same rank if "disabled"; and the provost-marshal with an empty sleeve, being thereby "disabled to procure a subsistence by manual labor," draws the same pension as the enlisted man in the same condition who is merely "disabled" thereby.

Capacity to procure a subsistence or earn a support by manual labor is the foundation, the very bed rock, upon which the entire fabric of ratings is based. Congress has never enacted a general law granting pensions to soldiers or sailors who are perfectly able to earn a support; it is only when infirmity sets in, whether from wound, disease, or old age, that the bounty of the Government is extended. It grants no pension for the wound itself, or the pain suffered therefrom, but it is its result that is pensionable. That result is measured by capacity to perform manual labor, and manual labor becomes a factor in the calculation only in so far as it is a means of support.

Says Assistant Secretary Chandler, in the case of Henry Schmidt (February 11, 1876):

A soldier is not allowed a pension for a wound received by him in battle unless such wound results in a disability and injury, so that the pension is granted, if at all, for the injury and not for its cause, the wound.

The language of the statute is "disabled." Disabled from what? may be asked. The answer is ready: "Disabled from the performance of manual labor." But "manual labor" is merely the thing by which the result of the disability is measured. It is

based on manual labor because every man, when he enters the service, must be found to be capable of performing that kind of labor at least. Manual labor is merely significant as a means of obtaining a subsistence—a general mode of measurement which is applicable to every class of enlisted men without exception.

Turning to the resolutions and laws upon the subject of pensions, we find that as early as August 26, 1776, the Continental Congress resolved, among other things:

Whereas in the course of the present wars some commissioned and non-commissioned officers of the Army and Navy, and also private soldiers, marines, and seamen, may lose a limb, or be otherwise so disabled as to prevent their serving in the Army or Navy or getting their livelihood, and may stand in need of relief, etc. (1 Journals of Congress, 454.)

In the first general statute enacted on the subject of pensions (act of March 23, 1792; 1 Stat., 244) the claimant is required to produce—

The affidavits of three reputable freeholders of the city, town, or county in which he resides, ascertaining of their own knowledge the mode of life, employment, labor, or means of support of such applicant.

The act of February 28, 1793 (1 Stat., 325), requires—

Every claimant shall be examined, upon oath or affirmation, by two physicians or surgeons, to be authorized by commission from said judge, who shall report in writing their opinion, upon oath or affirmation, of the nature of said disability, and in what degree it prevents the claimant from obtaining his livelihood by labor.

Again, by the act of March 3, 1803 (2 Stat., 243), granting pensions to Revolutionary soldiers, it is provided:

Every claimant shall be examined, on oath or affirmation, by some respectable physician or surgeon to be authorized by commission from said judge, who shall report in writing his opinion, upon oath or affirmation, of the nature of said disability and in what degree it prevents the claimant from obtaining his livelihood.

It will be observed that this provision is substantially the same as that contained in the law of February 28, 1793 (supra), with the exception that the claimant need not necessarily be prevented from obtaining his livelihood by labor.

Carrying the matter a little further, we find in the act of March 3, 1805 (2 Stat., 345), which was amendatory of the act of March 3, 1803:

All persons in the service of the United States who, in consequence of their disability by known wounds received in actual service during the Revolutionary war, resigned their commissions or took discharges, or who, after incurring their disability, were taken captive by the enemy and remained either in captivity or on parole until the close of the war, and who, in consequence of known injuries received in the actual service of the United States, have at any period since become and continued disabled in such manner as to render them unable to procure a subsistence by manual labor.

The act of April 10, 1806 (2 Stat., 376), provides a pension to any man injured in the service of the United States during the Revolution who—

became and continued disabled in such manner as to render him unable to procure a subsistence by manual labor.

Section 2 of the same act, as to the matter of evidence, provides:

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon.

And section 5 is to the effect that every claimant making application for increase of pension—

Shall be examined by two reputable physicians or surgeons * * * who shall report, on oath or affirmation, their opinion of the nature of applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labor.

The act of August 2, 1813 (3 Stat., 73), provides for the payment of pensions to persons disabled during the war of 1812, and substantially reenacts the provisions of the act of April 10, 1806 (supra), as to proof, etc.

The act of April 10, 1806, which had expired by limitation, was subsequently reenacted and revived on several occasions (3 Stat., 596, 650; 4 Stat., 307), and seems to be the basis on which all subsequent pension legislation was founded.

But if there were any doubt as to whether "disabled" means anything more or less than "incapacity to earn a support," we have only to look at section 9 of the act of May 8, 1792 (1 Stat., 273), containing the following express promise:

If any person, whether officer or soldier, belonging to the militia of any State and called into the service of the United States be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

That is to say, if the person so wounded or disabled while in the service is unable by reason thereof to obtain a subsistence through his own efforts he shall be provided with the necessities of life—the means of living—by the Government, and in the fulfillment of this promise the later statutes on the subject of pensions were enacted.

In the text of the law of June 27, 1890, there is no new rating provided for; no direction that disabilities shall not be rated as under all previous laws, except that, whatever the disabilities of the claimant might be (because proof could not be made that the disability originated in the service, or because it actually did not originate in the service), the maximum pension was to be \$12. Now, with these ratings long established, based, as all of them are, on laws granting pensions for "inability to perform manual labor"

or "gain a subsistence," the act of June 27, 1890, is passed with no repeal of these laws or ratings, using the same terms—inability to earn a living by manual labor—with no mention of different ratings in the debates in Congress, how can anyone arrive at a conclusion that different ratings were intended?

Moreover, the executive officers to construe this law, the Secretary of the Interior and the Commissioner of Pensions, being in office and knowing the intent of the legislators, place a construction thereon, Order 164 (*supra*) giving the same ratings to disabilities under the law of June 27, 1890, as are given to like disabilities under the general law.

The will of the legislators and the contemporaneous construction always have great weight in construing a statute.

Statute law is the will of the legislature, and the object of all judicial interpretation of statutes is to determine what intention is conveyed, whether expressly or by implication, by the language used. (23 Eng. and Am. Ency. of Law, 297.)

A thing which is within the intention of the makers of the statute is as much within the statute as if it were within the letter, and a thing which is within the letter of a statute is not within the statute unless it be within the intention of the makers. (26 N. Y., 198; 15 Johns., 358; 8 Pa., 608; 3 Cowan, 89; 80 N. Y., 339; 108 id., 524; 32 Fed. Rep., 147.)

It is a canon of interpretation that the legislative purpose and the object aimed at are to be borne in mind, and that language susceptible of more than one construction is to receive that which will bring it into harmony with such object and purpose rather than that which will tend to defeat it. (23 Eng. and Am. Ency. of Law, 319, and cases cited.)

Words in a statute which have acquired a particular legal meaning are, in the absence of other controlling circumstances, when applied to the subject-matter as to which they have acquired such meaning, to be taken in their technical sense. (1 Black, 58; 98 U. S., 440.)

In statutory exposition the reason and spirit of the law are above the mere cavil about words. (Spencer vs. State, 5 Ind., 41.)

Courts, in construing or interpreting a statute, give much weight to the interpretation put upon it at the time of its enactment and since by those whose duty it has been to construe, execute, and apply it. (23 Ency. of Law, 339.)

The contemporaneous construction is generally the best construction of a statute. It gives the sense of the community of the terms made use of by the legislature. If there is ambiguity in the language, the understanding and application of it when the statute first comes into operation, sanctioned by long acquiescence on the part of the legislature and the judicial tribunals, are the strongest evidence that it has been rightly explained in practice. (Packard vs. Richardson, 9 Am. Dec., 123.)

Chief Justice Marshall, in *Cohens vs. Virginia* (6 Wheat., 418), says:

Great weight has always been attached, and very rightly attached, to contemporaneous exposition.

The contemporaneous and continued practice of officers required to execute or take special cognizance of a statute is strong evidence of its true meaning. (5 Cr., 22; 8 Wall., 330; 3 Wall., 291; 12 How., 299; 21 id., 35; 111 U. S., 53; 113 id., 568; 130 id., 52, 169; 142 id., 615; 1 Cr., 299; 12 Wheat., 206; 6 Pet., 29; 95 U. S., 760; 114 id., 411; 124 id., 236; 138 id., 573; 140 id., 35; 24 Ct. Cls., 299.)

The presumption is that the legislature does not intend to change or modify the law beyond what it explicitly declares, or by unmistakable implication. (1 Kent, 464; Dwarries, 695.)

But it is unnecessary to cite additional authorities on this point.

It remained the construction from passage of act, June 27, 1890—never questioned, never doubted, no dispute as to its construction—until January 7, 1893, although millions of dollars had been paid out under this construction which would not have been under the later one.

But are the ratings of the general law practical when applied to the act of June 27, 1890, and are they reasonable?

I assert, Mr. Chairman, that they are—more than that, such ratings are not only reasonable, but they are the only practical ratings.

What are these ratings? What do they mean? What do they measure?

These ratings, under the general law, are found on pages 18 and 19 of Instructions to Examining Surgeons of the Bureau of Pensions, 1895. Certain of these ratings are fixed by law and others by the Commissioner of Pensions.

These ratings measure the incapacity of the applicant to earn a living by manual labor. A certain disease or disability represents a certain incapacity to perform manual labor, and the ratings of the Pension Bureau fix in dollars what the applicant ought to receive for such disability under the statutes. For instance, the loss of any other than the index finger, without complications, is two-eighths—that is, \$2. Now, this means, and can only mean, that, rated in dollars, the loss of such finger incapacitates the person to the extent of \$2 per month from earning a living by manual labor.

Again, when the rate of six-eighths, or \$6 per month, is fixed for inguinal hernia, it simply means that, rated in dollars, such disability incapacitates the soldier to the extent of \$6 per month from earning a living by manual labor.

The basis of all pension legislation, as we have already shown, being the incapacity to earn a support by manual labor, these ratings necessarily indicate and measure the extent which the disabilities incapacitate the pensioner from performing manual labor. And where the claimant is found, under the old law, to have more than one disability, they are all taken into consideration in fixing the amount that may be allowed him—they are added together until the maximum of \$17 is reached, and for-

merly \$18. To use the language of the present Assistant Secretary (7 P. D., 150):

Subsequently, during the administration of Commissioner Black, it was held that where a claimant was found to be suffering under two or more disabilities, for each of which an allowance was made, the aggregate allowance for all the disabilities might be \$18 per month under the provisions of section 4699, Revised Statutes. In other words, a man might be allowed \$12 per month for rheumatism and \$6 a month for chronic diarrhea, making a total pension of \$18. But if he had only one cause of disability he could not receive more than \$17 unless the disability was equal to the loss of a hand or foot.

Under the general law all the disabilities are taken in the aggregate up to \$17. For instance, if the applicant lost his middle finger (\$2) and had an inguinal hernia (\$6) he would be allowed \$8. Again, if he lost his middle finger (\$2), had an inguinal hernia (\$6), lost an eye (\$17), and was totally deaf in one ear (\$10), he would be allowed but \$17, unless it were found that his infirmities disabled him for manual labor equivalent to the loss of a hand or foot, in which event he would be granted \$24.

I contend that the same rule should be pursued in regard to ratings under the act of June 27, 1890, with the restriction, however, that for the total of all disabilities the claimant should not be allowed more than \$12, the maximum fixed by that law, just as under the general law the claimant is allowed nothing in excess of \$17 for the total of all disabilities until the next grade rating is reached, which, as before stated, is a disability equivalent to the loss of a hand or foot.

This was Commissioner Raum's interpretation of the statute, and is the only sensible and logical one. There is no other way of measuring these disabilities. The examiners ascertain the disabilities separately, and apply some rating to each of them. To ascertain the claimant's incapacity under the act of June 27, 1890, the examining boards proceed on this same theory. The disabilities are rated by them as under the general law. As under the general law, they proceed in exactly parallel lines until it comes to fixing the amount, and then, in some mysterious manner which has never been explained, and which can not be explained, but which permits one examiner to designate one amount and another examiner to designate a wholly different amount for the same disabilities, a sum is arrived at which is finally allowed the pensioner.

The difficulty of the Pension Office in endeavoring to carry out the provisions of that act in the abandonment of the ratings under the general law is made manifest by the first order issued under Assistant Secretary Reynolds's ruling discarding the old law rates. We find, under date of June 12, 1893, the following circular issued by the medical referee:

MEDICAL DIVISION CIRCULAR.

JUNE 12, 1893.

In rating cases under act of June 27, 1890, the following directions will serve as landmarks only, and will be subject to such variations as each particular case may require:

- The ratings will be \$12, \$10, \$8, and \$6.
- The rate of \$12 will be allowed only in the following cases:
 1. In cases where claimant is clearly disabled from performing any effective manual labor.
 2. In loss of either hand or foot.
 3. In total deafness of both ears.
- The minimum rate will be allowed for a disability equivalent to ankylosis of elbow joint.
- The ratings between \$12 and \$6 will be given in proportion as claimant is disabled from earning support by manual labor.
- If there are two or more disabilities demanding a rate of \$6 (each), the rate of \$8 only shall be allowed, and if there are two or more disabilities demanding a rate of \$8 (each), the rating of \$10 shall be allowed. But two or more disabilities, each demanding a rating below \$6, shall not be added to make a minimum rating, and such cases shall be rejected.
- All specific ratings, as published in the book of instructions, have no application in claims under act of June 27, 1890.

FEATHERSTONHAUGH,

Medical Referee.

While it is declared that the old ratings under the general law shall be abandoned and shall not apply to the act of June 27, 1890, and while declaiming against them and their application to this act of June 27, this circular of June 12, 1893, clearly shows that the old ratings were followed. For instance, the circular states that the ratings shall be \$12, \$10, \$8, and \$6, which are ratings under the old law. There are no \$7, \$9, or \$11 ratings under the old law, nor do they recognize any such ratings under the new.

The order continues by giving the cases in which \$12 shall be allowed, to wit:

- 1. In cases where claimant is clearly disabled from performing any effective manual labor.
- 2. In loss of either hand or foot.
- 3. In total deafness of both ears.

Assistant Secretary Reynolds, in the Bennett decision, abandoning the old theory of ratings and seeking to establish a new one for the act of June 27, 1890, declares that—

Disabilities resulting from causes other than of service origin are pensionable only when incapacity to labor joins with incapacity to earn a support, and the grades of rating are dependent upon these two conditions.

In this order, however, he ignores this distinction which he has drawn with so much effort, and declares that the highest rate under the act of June 27, 1890, shall be allowed where claimant is clearly "disabled from performing any effective manual labor,"

utterly disregarding his second condition above stated, on which, as he says, the whole difference between the two systems depends. The circular fixes the rating at \$12 where the claimant is disabled from performing any "effective manual labor," saying nothing of capacity to earn a support, although, according to his decision, "the grades of rating are dependent upon these two conditions," to wit, ability to perform manual labor and capacity to earn a support.

But the strangest part of this circular is the following:

If there are two or more disabilities demanding a rate of \$6 each, the rate of \$8 only shall be allowed; and if there are two or more disabilities demanding \$8 each, the rate of \$10 shall be allowed.

In the list of disabilities under the old law there are eight rated at \$6. Theoretically, an applicant could have all these disabilities and would yet receive only \$8, whereas under the general law he would receive at least \$17, and possibly \$24.

Again, by this circular he might have all the disabilities in the catalogue that are rated at less than \$6 each and still get absolutely nothing.

Right here is the cause of the soldiers' complaint. Although they may have six-dollar disabilities aggregating \$18, \$24, or more, they are allowed only \$8, while the law clearly provides that they shall have at least \$12. Regardless of the number of eight-dollar disabilities they may have, they are allowed only \$10.

The Assistant Secretary argues that the ratings under the general law should not apply to the act of June 27, 1890, because a man may suffer the loss of a finger and have some inferior disability, and yet be able to earn a living by manual labor. This is conceded; but it must be remembered that the act of 1890 presupposes that he may have a two-dollar disability or a four-dollar disability and yet not be entitled to a pension, because he can earn his support by manual labor. However, when these disabilities, measured by the old law rates, as was the evident intention of the act, amount to \$6 or more, then he should receive at least the minimum rate under the law of June 27, 1890, to wit, \$6.

Whilst pretending to rate the disability in proportion to the degree of inability to earn a support, three, four, or even more six-dollar disabilities are not allowed any more than two six-dollar disabilities, though it is apparent to the most ordinary intelligence that a man with but two disabilities is not as much incapacitated as a man with the same two disabilities plus two equivalent disabilities. It is evident that with three or four disabilities he is less able to earn a support than with two, and hence he is not pensioned in proportion to his inability to earn a support by the terms of this circular.

The inefficacy of this blundering order was soon apparent to the Bureau of Pensions, and on September 2, a little more than two and one-half months after its issue, it was withdrawn by order 241, which is as follows:

[Order No. 241.]

SEPTEMBER 2, 1893.

The circular of June 12, 1893, is withdrawn.

Hereafter in fixing rates under act of June 27, 1890, the medical referee or the medical officer in the board of revision shall weigh each disability and determine the degree that each or the combined disabilities disables the claimant for earning a support by manual labor, and a rate corresponding to this degree shall be allowed.

In cases in which the pensioner has reached the age of 75 his rate shall not be disturbed if he is receiving the maximum, and if he is not a pensioner he shall receive the maximum for senility alone if there are no special pensionable disabilities shown.

From necessity there can not be a different rate for a disability allowed under the general law and the act of June 27, 1890. This follows from the fact that the disability is a constant factor, unvarying, unchanging, regardless of where incurred. It measures the same incapacity to perform manual labor. The soldier who lost his leg in a railroad accident a year ago is incapacitated to exactly the same extent, all other things equal, as the man who lost a leg at the siege of Vicksburg, and the soldier who had his finger shot off at Lookout Mountain is not disabled to a greater extent thereby than the one who a month since had his finger shot off by accident. The disability is therefore constant, and is the same. It equally incapacitates the soldier, regardless of the place or time of its incurrence. So that when, under the general law, a rating is fixed for any disability it must be the same under any other law, because, as before stated, the disability is a constant factor. And as the aggregate disabilities are considered under the general law in ascertaining the total disability, there is no other way of ascertaining the total disability under the act of June 27, 1890, than by following the same rule, namely, by aggregating, adding the disabilities, as was done by Commissioner Raum. It is true that the soldier can not receive more than \$12 under the act of June 27, 1890, regardless of what these disabilities may amount to, and it is equally true that he can not receive more than \$17 under the general law, regardless of what these disabilities may amount to, if they are not equivalent to the loss of a hand or foot. The principle is precisely the same.

But further hostility and unfairness to the pensioner are exemplified by Order 245, dated November 2, 1893, which is as follows:

[Order 245.]

NOVEMBER 22, 1893.

Pension certificates issued under second section of act of June 27, 1890, will no longer specify particular disabilities. In such certificate, where the maximum rating of \$12 is allowed, the certificate will state that it is for "inability to earn support by manual labor." Where less than the maximum rating is allowed, the certificate will state that it is for "partial inability to earn support by manual labor."

Whenever, in case of a pension granted under said section at less than the maximum rating, a higher rating is subsequently sought, the application for such higher rating shall be considered and treated as a claim for increase and not as a claim for a new disability, and the increase, if allowed, will commence from the date of the official medical examination showing the increased disability.

It is directed that the medical officer "shall weigh each disability and determine the degree that each of the combined disabilities disables the claimant," etc. But how is it possible to "weigh" disabilities without weights? All rates for particular disabilities are abandoned, and yet the order is that the disabilities must be weighed. How can these officers come to any correct conclusion as to the extent of claimant's incapacity if these disabilities are not considered separately and a rating given to each? Why should they be allowed to jump at a conclusion as to the sum the disability entitles the claimant to receive unless these disabilities are considered separately?

The fact is, it is impossible to so do; nor do they pretend to carry this order into execution. Every one of these examiners, in examining a case and ascertaining the disabilities, attach to each one an old-law rating which they claim to have abandoned. In other words, while claiming to have abandoned the old law and jumping at a rate for all the disabilities, thus putting it out of the power of the claimant to know for what he has been rated or to show that a mistake has been made in the rating of any particular disability, they still cling to the old-law figures.

Moreover, the instructions to the examining surgeons are exactly the same for examinations under both laws (Instructions to Examining Surgeons, pages 16 and 17), and the same directions are given, regardless of which law the application is filed under.

The most conspicuous feature of the present practice is found in this Order 241, which commands the medical officer to lump the disabilities and fix the amount for all, without a particular amount for any, thus rendering it impossible for the claimant to show wherein he is improperly rated, and rendering as many different conclusions possible for the same disabilities as there are different medical officers. It is a notorious fact that such is the case at the present time, and that there is no uniformity whatever in the ratings of these medical officers, because of the fact that it is impossible to obtain satisfactory results after abandoning the old-law system and substituting nothing certain in its place.

This same intent to confuse the claimant and to render it impossible for him to ascertain from his certificate for what he is pensioned, and also to make it difficult for him to obtain a higher rating, is illustrated by Order 245, which declares that the pension certificate "will no longer specify particular disabilities," but will merely state inability or partial inability to earn a support; and likewise, when a higher rating is sought, it will be treated as an application for increase and not as a claim for a new disability. The pensioner is thus deprived of the increase he would justly be entitled to by filing a new application, as in increase cases he receives pension from the date of medical examination only, which may take place a year or two after he has filed his claim. From his pension certificate he does not know for what disabilities he is pensioned, and is therefore in the dark as to what new ones he might apply for, although entitled to increase. Suppose the pensioner has rheumatism, hernia, and ankylosis of wrist; from his certificate it is impossible for him to tell whether he is pensioned for one or all of these things, and therefore impossible for him to know whether justice has been done him.

The fact is, the whole matter under the present system is chaotic, a jumble of distinctions without a difference and differences without the least distinction, by which it is intended that the claimant or pensioner shall not understand and can not understand the grounds upon which he is pensioned or anything else connected with it. It is unfair and unjust, and it all arises from a strained construction of the law under which a new system of ratings was forced into existence, entirely different from that in vogue at the passage of the act and during two years and six months thereafter.

The necessity of the enactment of this section into law is therefore apparent. It restores the former practice of rating, which is the just and true one under a liberal interpretation of the statute.

NEW APPLICATION NOT REQUIRED.

Section 15 provides:

That upon the rejection of a claim for pension under said act of June 27, 1890, on the ground of no pensionable degree of disability, the applicant shall not be required to file a new or supplemental declaration, but on filing in his case the sworn statement of a reputable physician that a pensionable

degree of disability does in fact exist, an order for the applicant's examination, before another board of surgeons if desired, shall issue; and in case the report of such board and the evidence show the existence of a pensionable disability at the time of filing, the pension, when allowed, shall commence from the date of filing the application rejected as aforesaid, or, if otherwise, from the date subsequent to said filing at which the disability began to exist, as shown by the evidence.

This is simple justice to the applicant, for it is unfair that, after filing one application and having diligently sought to prove up his claim, if the same is rejected, although wrongfully rejected, he must file a new application, and can receive a pension, if it is allowed at all, from the date of his second application only. Probably no greater source of complaint has arisen during the last few years than from this practice of refusing a claim after the applicant has for a long time tried to make proof, compelling him to file a new application, and then allowing it from the date of the second filing. If the first refusal is unjust or a mistake, it hardly needs argument to show that the pension should commence from the date the disability actually existed as shown by the evidence.

A provision very similar to this is contained in the pension appropriation act recently approved, but there are several points of difference of more or less importance.

Under the appropriation act it is required to file a new application. This, of course, would have to be in form, and in accordance with the rules of the Pension Bureau. It would also subject the applicant to the payment of an attorney's fee. Under section 15 of this bill the provision is that "the claimant shall not be required to file a new or supplemental declaration," but can file merely the sworn statement of a reputable physician that a pensionable degree of disability does in fact exist.

Under the present practice of the Pension Bureau it is required that each application shall be technically correct, and the claimant is held to the strict rules of pleading.

For example, a soldier applied under the act of June 27, 1890, and was allowed pension thereunder. He is afterwards dropped. He wants a renewal. He executes an application alleging his disabilities, but merely states his service, without setting forth in terms the dates of enlistment and discharge or that he served ninety days. In every case the application is held to be defective, and the applicant must begin anew, notwithstanding the fact that the term of his service is matter of record in the Pension Office and War Department.

This is equally true in regard to a second application when the first is rejected on the ground of no pensionable degree of disability.

The Pension Office abides by the record in any event, even if these things are alleged with exactness and precision.

Moreover, the section under consideration gives the applicant the option of being examined by another and different board of examining surgeons if he believes justice was not done him on his prior examination.

And further, to obtain relief under the appropriation act, after filing the new declaration, the evidence must show that the disability existed at the time of filing the first application. If the claimant fails to show this fact, he is without remedy, although he may be able to prove that a pensionable disability existed shortly after his first filing. Under this section, however, he may establish his disability at the time of filing or at any time subsequent thereto, and the pension will commence accordingly. It need hardly be said that this is eminently fair to the Government and to the claimant—in truth, it more nearly approaches exact justice to them both. This section will prove a valuable supplement to the remedial and beneficial provisions of the pension appropriation act.

THE INCOME OF THE WIDOW.

Section 16 provides that the phrase "without other means of support than her daily labor" in section 3 of the act of June 27, 1890, shall be construed to mean "without a net income of \$300 per annum." The present Administration holds it to mean "without an income of \$96 per annum," and the former Administration was a little more liberal; but the whole matter is very well understood by the members of the House, it having been lately fully discussed. In regard to this section the committee says:

While this amount must necessarily be arbitrary, yet it is believed to be better to establish a sum certain than to leave it to the whim or caprice of the officers who execute the law.

After careful consideration this sum was fixed upon, and generally, it is believed, gives satisfaction on all hands.

RESTORING TO THEM THEIR PENSIONABLE STATUS.

Section 17 gives a pensionable status under the act of June 27, 1890, to certain classes of persons who for several years were held to be within the letter and spirit of that law. Lately, however, under a different interpretation of the statute, they have been denied this right.

The persons mentioned are on the same plane with the enlisted

man under the general law, and there is no reason why they should not receive the benefits of the act of 1890, if, as provided in this section, they otherwise bring themselves within the provisions of said act.

These classes are as set forth in section 4693, Revised Statutes:

Second. Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered serving upon any gunboat or war vessel of the United States. * * *

Fourth. Any acting assistant or contract surgeon. * * *

Fifth. Any provost-marshal, deputy provost-marshal, or enrolling officer.

COST OF THE BILL.

From estimates from the War Department and the Commissioner of Pensions as to sections in regard to which numbers can be definitely ascertained, and approximating the number under other sections of the bill, the total cost would be about \$3,160,000. Supposing it would require, in connection with other business of the Pension Office, three years, as it probably would, to replace those heretofore drawing pensions, together with claims which will be allowed in the first instance, the cost would be about \$1,000,000 per year.

Now I yield to the gentleman from Ohio or the gentleman from New York.

Mr. NORTHWAY. I see that section 15 of your bill applies only to claims which have been rejected on the ground of no pensionable degree of disability. Now, why do you limit it to that, so long as there are rejections of applications which are on mere technical grounds? Many of the rejections have been on the ground that there was no pensionable degree of disability, but others have had their applications rejected because the declarations are sworn to before an improper officer. Why should you not include all of them in this provision?

Mr. PICKLER. Well, the gentleman will see that this section is confined to the ratings. We try to bring it back to the old ratings.

Mr. NORTHWAY. But it is section 15 I am speaking of.

Mr. PICKLER (reading)—

That upon the rejection of a claim for pension under said act of June 27, 1890, on the ground of no pensionable degree of disability, the applicant shall not be required to file a new or supplemental declaration.

Mr. NORTHWAY. Now, why not let it apply to any rejection, so that if a pension is eventually granted it shall be from the date of the filing of the first application? Why limit it to the rejection on the ground of no pensionable degree of disability?

Mr. PICKLER. Can you do that with safety?

Mr. NORTHWAY. Certainly you can.

Mr. PICKLER. Suppose that the applicant alleged no disability in his application?

Mr. NORTHWAY. Very well; put in the limitation that if the proof shows that he was entitled to a pension from the date of the filing of his first application, he shall draw pension from that date. There is no harm in that.

Mr. PICKLER. Of course, I recognize the force of what the gentleman says. The committee in discussing this matter found the trouble as to the pensionable disability. The pensioner sends in an application that is defective, and if they do their duty they let him know immediately that it is defective.

Mr. NORTHWAY. But they do not let him know. They may not reach the case for two or three years.

Mr. PICKLER. It is very hard to govern that. Then the question is, How will you limit it?

Mr. NORTHWAY. If he makes one application for a pension, and a pension is eventually allowed, it should go back to that date.

Mr. PICKLER. Yes; we provide in this bill it shall go back to the time the evidence shows it to exist. A person might file an application and not allege that he is disabled.

Mr. NORTHWAY. Then that would not be an application.

Mr. PICKLER. It would be an application, if he made it and filed it as such.

Mr. NORTHWAY. If you will read the examination of the Commissioner of Pensions before the subcommittee on Appropriations having in charge the pension appropriation bill, you will find that where a claim is rejected on the ground of no pensionable degree of disability alone, and a new application is required, they will date it back; but if the application is rejected on the ground of some technicalities then they will not permit it to date back, even if the proof shows that he was entitled to a pension prior to the date of filing the application; and these are the very men that you ought to help.

Mr. PICKLER. I refer the gentleman to the law lately passed on the pension appropriation bill—March 13, 1896. Let me read it:

That whenever a claim for pension under the act of June 27, 1890, has been, or shall hereafter be, rejected, suspended, or dismissed—

I suppose that is what the gentlemen is referring to?

Mr. NORTHWAY. Yes, sir.

Mr. PICKLER (reading):

and a new application shall have been, or shall hereafter be, filed, and a pension has been, or shall hereafter be, allowed in such claim, such pension

shall date from the time of filing the first application, provided the evidence in the case shall show a pensionable disability to have existed, or to exist at the time of filing of such first application, anything in the law or ruling of the Department to the contrary notwithstanding.

That is under the pension appropriation act. This, which you have in the appropriation bill, applies to the pension act of June 27, 1890. The appropriation act covers your objection; but in the appropriation act you adhere to present ratings as to pensionable degree of disability. We supplement that in this act and go back to the old Raum decision. It will make the appropriation act effective and cover rejected claims, so it is not necessary to cover in terms rejected cases in this bill.

Mr. NORTHWAY. Then it is all right.

Mr. PICKLER. This supplements the appropriation act by applying the Raum rulings. We first had rejections in our bill, but concluded to change it in the manner that it is in the bill now, believing the former act to be all that is necessary.

Mr. NORTHWAY. I see in your old bill, 5549, section 10, you had, but you have not included it in the bill now under consideration. The following section (10) of the bill you before introduced, 5549—

That, in the administration of the pension laws, the first acceptance into the military or naval service of the United States shall be conclusive evidence of soundness—

is stricken out of the present bill, is it not?

Mr. PICKLER. Yes, sir.

Mr. NORTHWAY. Why was that done?

Mr. PICKLER. Well, on further consideration of the matter by the committee.

Mr. NORTHWAY. Who considered it?

Mr. PICKLER. The members of the committee and other gentlemen who are very warmly interested in the soldiers and in pensions—

Mr. NORTHWAY. I am not questioning that.

Mr. PICKLER. The objection made to that provision was the fear that it would be criticised as showing that we wanted to pension men who were not sound when they went into the service.

Mr. NORTHWAY. Who would criticise in that way? I would like to know if there is anything wrong in applying to the Government the same rule which the Government enforces among individuals? If the Government examines a man and accepts him and he serves it three or four years, is there any reason why it should not be estopped from denying that he was sound when he entered the service?

Mr. PICKLER. Individually I do not think there is any objection to that provision as it originally stood in the bill. I have always contended the Government should be estopped from denying soundness after accepting soldier as sound.

Mr. HEPBURN. I call the gentleman's attention to this phraseology in section 15 of his bill:

That upon the rejection of a claim for pension under said act of June 27, 1890, on the ground of no pensionable degree of disability, the applicant shall not be required to file a new or supplemental declaration, etc.

Will that apply to rejections other than those made hereafter? Will it apply to those that have been made heretofore?

Mr. PICKLER. Whether it does or not, I call the gentleman's attention to the fact that under the pension appropriation act, which goes back to June 27, 1890, these cases will be provided for.

Mr. HEPBURN. So far as this language is concerned, it seems to me that it applies only to future rejections.

Mr. PICKLER. Let me say to the gentleman that if there is a rejection existing in that Bureau at the present time and this bill should become a law, then, while the rejection stands, the applicant takes the pension under the present law.

Mr. HEPBURN. If this read, "That upon the rejection of a claim for pension under the act of June 27, 1890, heretofore or hereafter made," etc., the idea would be more clearly expressed.

Mr. PICKLER. We thought there could not be any doubt about the meaning of the provision as it stands, and with what is included in the appropriation act and this taken together I do not think there will be any trouble. We want the rule to apply to all of these cases, of course.

Now, Mr. Chairman, thanking members of the committee for their patience and indulgence, I yield the floor. [Loud applause.]

Mr. McCLELLAN was recognized.

Mr. McCLELLAN. Mr. Chairman, before proceeding I should like to make some arrangement with the gentleman from South Dakota for the purpose of yielding to him at this time to move that the committee rise. I find that several gentlemen desire to continue the discussion upon this bill to-morrow, and as the hour is so late, within twenty minutes of 5 o'clock, I think I can hardly conclude what I have to say before the usual hour of adjournment. I suggest, therefore, to the gentleman that he move that the committee rise.

Mr. PICKLER. How much time does the gentleman desire to occupy?

Mr. McCLELLAN. I shall need from forty-five minutes to an hour.

Mr. PICKLER. Will not the gentleman go on for half an hour this afternoon?

Mr. McCLELLAN. I would rather not.

Mr. PICKLER. Well, Mr. Chairman, I do not wish to ask the gentleman to go on against his inclination, and I therefore accept his suggestion, and move that the committee do now rise.

Mr. McCLELLAN. I am much obliged to the gentleman.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 8271) in relation to pensions, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891; and

An act (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table, and referred by the Speaker as follows:

A bill (S. 559) for the relief of Bvt. Col. Thomas P. O'Reilly—to the Committee on Military Affairs.

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes—to the Committee on Ways and Means.

A bill (S. 2593) granting to the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HATCH, indefinitely, on account of sickness.

To Mr. McCURE, for one week, on account of important business.

To Mr. HULL, for ten days, on account of important business.

To Mr. KIEFER, for twelve days, on account of important business.

To Mr. BARHAM, for five days, on account of important business.

To Mr. BROWN, for one week, on account of important business.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 4 o'clock and 35 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes, reported the same without amendment, accompanied by a report (No. 1442); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred House bill No. 6178, reported in lieu thereof a bill (H. R. 8383) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes, accompanied by a report (No. 1443); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 8282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 25, 1894, reported the same with amendment, accompanied by a report (No. 1444); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7169)

providing that all judgments in civil causes in the District of Columbia shall bear interest, reported the same with amendment, accompanied by a report (No. 1448); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 888) entitled "An act to amend an act entitled 'An act to incorporate the Capital Railway Company,' approved March 2, 1895," reported the same with amendments, accompanied by a report (No. 1449); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 273) to refer the bill (H. R. 6596) for the relief of George S. Ayre, with accompanying papers, to the Court of Claims, reported in lieu of House bill No. 6596. (Report No. 1440.)

By Mr. OTJEN, from the Committee on War Claims: A resolution (House Res. No. 273) to refer the bill (H. R. 7550) for the relief of Nimrod D. Keneaster, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 7550. (Report No. 1441.)

By Mr. HANLY, from the Committee on Claims: The bill (H. R. 2388) for the relief of William R. Wheaton and Charles H. Chamberlain, of California. (Report No. 1445.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 7600) for the relief of Maria E. Mumford, widow of Ferdinand S. Mumford, late captain First Regiment United States Infantry. (Report No. 1446.)

The bill (S. 923) entitled "An act for the relief of Irving W. Stanton." (Report No. 1447.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TOWNE: A bill (H. R. 8379) to authorize the improvement of the water power in the Mississippi River at Grand Rapids, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: A bill (H. R. 8380) to authorize the Auditor for the War Department to audit the claims of the State of Missouri on file in his office—to the Committee on War Claims.

By Mr. DE WITT: A bill (H. R. 8381) disposing of 6 condemned cannon and 48 cannon balls—to the Committee on Naval Affairs.

By Mr. KULP: A bill (H. R. 8382) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to General W. H. Ent Post, Grand Army of the Republic, Bloomsburg (Pa.) Monumental Association, and 60 condemned muskets to C. B. Brockway Camp, No. 270, Sons of Veterans, Bloomsburg, Pa.—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 8384) providing for an additional circuit judge in the sixth judicial circuit—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 8410) to incorporate the Maritime Canal of North America, and for other purposes—to the Committee on Railways and Canals.

By Mr. CROWLEY: A bill (H. R. 8411) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON (by request): A bill (H. R. 8412) to revive and amend and extend the act of Congress of August 15, 1876, to encourage and promote telegraphic communications between America and Asia across the Pacific Ocean, from the western shores of the United States to the Hawaiian Islands, to Japan, and China—to the Committee on Foreign Affairs.

By Mr. HENDERSON: A resolution (House Res. No. 274) to set apart Tuesday, April 28, and April 29, for consideration of H. R. 8110, a bill to establish a uniform law on bankruptcy throughout the United States—to the Committee on Rules.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 1371) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators,

agents, or assigns—Committee on Claims discharged, and referred to the Committee on the Judiciary.

The bill (H. R. 7955) to remove the charge of desertion from the naval record of William Kiernes—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 8385) for the relief of Mrs. L. A. Barber—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 8386) granting a pension to Josiah Sykes, of Olathe, Kans.—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 8387) for the relief of the Columbia Brewing Company, of Shenandoah, Pa.—to the Committee on Claims.

By Mr. DE ARMOND (by request): A bill (H. R. 8388) for the relief of William G. Buck—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 8389) to pension Lawrence James—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 8390) granting a pension to Andrew Porter—to the Committee on Invalid Pensions.

By Mr. HYDE: A bill (H. R. 8391) for the relief of Thomas H. Burns—to the Committee on Military Affairs.

By Mr. KIEFER: A bill (H. R. 8392) to refer claim of Jessie Benton Fremont to Court of Claims—to the Committee on Claims.

By Mr. LAYTON: A bill (H. R. 8393) for the relief of Mark Guyton—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 8394) granting a pension to John M. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8395) granting a pension to Sarah A. North—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 8396) to grant a pension to William Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8397) granting a pension to Eveline Pave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8398) to grant a pension to William Kemper—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 8399) for the relief of William Christenberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8400) to remove charge of desertion against R. A. Blount and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 8401) for the relief of Emma H. Slamm, Addison Slamm, and Clara S. Mitchell—to the Committee on Claims.

By Mr. PITNEY: A bill (H. R. 8402) granting an increase of pension to Marion W. Wildrick, widow of Bvt. Brig. Gen. Abram C. Wildrick—to the Committee on Invalid Pensions.

By Mr. STROWD of North Carolina: A bill (H. R. 8403) for the relief of Jacob Hobbs—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 8404) to pension Mrs. Marzey Collins, widow of Charles O. Collins—to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 8405) granting a pension to Charles E. Gregg—to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 8406) granting a pension to Miss Susan M. Baskett, of Fluvanna County, Va.—to the Committee on Pensions.

By Mr. TYLER: A bill (H. R. 8407) for the relief of Jane McD. Armistead, widow of Samuel W. Armistead, late constructor in the United States Navy—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 8408) for the relief of Hannah Howard, stepmother of Francis W. Howard, late of Company D, Sixty-fourth New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 8409) for the relief of A. C. Landis, late lieutenant of Company K, One hundred and seventh Pennsylvania Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Alabama: Papers to accompany House bill No. 7781, for register for barge *Black Diamond*—to the Committee on the Merchant Marine and Fisheries.

By Mr. CLARDY: Papers to accompany House bill No. 8247, for the relief of T. R. Mason, of Adairville, Ky.—to the Committee on Claims.

Also, papers to accompany House bill No. 8116, to grant a pension to Mrs. Sarah D. Lightfoot—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 8117, for increase of pension of Charles B. Eades, of Hopkinsville, Ky.—to the Committee on Invalid Pensions.

By Mr. COWEN: Petition of Henry N. Rahn and 25 other citizens of Baltimore, Md., praying that religious publications be given every advantage of the act of Congress of July 16, 1894, in transmission through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND: Resolutions of Bates County Post, No. 58, Grand Army of the Republic, of Butler, Mo., to accompany bill for the relief of William G. Buck—to the Committee on Invalid Pensions.

By Mr. ELLIS: Petition of Loyal Orange Lodge, No. 79, of Portland, Oreg., on behalf of its 378 members, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Charles M. Davis and 35 others, of Portland, Oreg., against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on Appropriations.

By Mr. HALL: Petition of citizens of Triplett, Mo.; also of citizens of Linneus, Mo., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Petition of committee of Stonecutters' Union of Evansville, Ind., protesting against the use of convict stone in the construction of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. LINTON: Remonstrances and petitions of citizens of Washington, D. C., Baltimore, Md., and Newark, N. J., respecting the Marquette statue—to the Committee on the Library.

By Mr. LOUDENSLAGER: Petition of S. C. Woodhull, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Epworth League, Chapter 8188, of the Trinity Methodist Episcopal Church, Merchantville, N. J., in favor of the passage of resolutions to prevent the recurrence of outrages upon the Armenians and for the protection of American missionaries in Armenia—to the Committee on Foreign Affairs.

Also, petitions indorsed by 70 members of the Presbyterian Church and 250 members of the Methodist Church of Elmer, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Liquor Dealers' Association of Bayonne, N. J., against the passage of House bill No. 6668, to raise the license fee in the District of Columbia from \$400 to \$800—to the Committee on the District of Columbia.

By Mr. McCALL of Tennessee: Papers to accompany House bill to remove the charge of desertion against R. A. Blount and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. McCORMICK: Petition of citizens of Southampton, N. Y., in favor of better immigration laws—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Petition of F. J. Lambeck and 14 other citizens of Milwaukee, Wis., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. POOLE (by request): Petition of citizens of Peterboro, Madison County, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, memorial of citizens of Syracuse, N. Y., engaged in the manufacture of clothing, protesting against the passage of House bill No. 3346, introduced by Mr. SULZER—to the Committee on Manufactures.

By Mr. SOUTHWICK: Remonstrance and petition of citizens of Albany, N. Y., asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. STRODE of Nebraska: Petition of citizens of Salem, Nebr., for the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of New York: Resolutions of the New York Jewelers' Association, relative to the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the New York Jewelers' Association, favoring the bill which provides for the establishment of a department of commerce and manufactures, introduced in the Senate on March 9, 1896, by Senator FRYE—to the Committee on Manufactures.

Also, resolutions of Order of Knights of Labor, Local Assembly No. 1562, recommending the restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, April 23, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the pastors of sundry Presbyterian churches of Oakland, Cal., remonstrating against the passage of the Pacific railroad funding bill; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Boston and Philadelphia Steamship Company and 19 other vessel owners and transportation companies, praying for the purchase of the jetties at the mouth of the Brazos River, Texas; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying that the Government of the United States use its influence with the Government of Spain to effect the release of Rev. A. J. Diaz, imprisoned in Cuba; which was referred to the Committee on Foreign Relations.

Mr. SEWELL presented the memorial of A. Turner and 67 other citizens of Newark, N. J., and the memorial of John B. Loder and 29 other citizens of Newark, N. J., remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. TELLER presented a memorial of sundry citizens of Leadville, Colo., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of Farragut Post, No. 46, Grand Army of the Republic, Department of Colorado and Wyoming, of Denver, Colo., praying for the transfer of the Fort Lyon Military Reservation to the Grand Army of the Republic of Colorado for a soldiers' home; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Colorado, praying for the appointment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of Federal Labor Union, No. 409, American Federation of Labor, of Martins Ferry, Ohio, praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. BURROWS presented the memorial of William Higgins and 41 other citizens of Michigan, and the memorial of O. A. Purchase and 40 other citizens of Michigan, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. COCKRELL presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying Congress to so amend the act known as the Harter Act, adopted in 1893, entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," as to afford ample and proper protection to shippers of produce or merchandise from American ports against damage from negligence of shipmasters or other employees of vessels engaged in the transportation thereof; which was referred to the Committee on Commerce.

He also presented a memorial of Journeymen Stonecutters' Association of North America, Kansas City branch, remonstrating against the employment of convicts to cut stones in the penitentiaries of the country; which was referred to the Committee on Education and Labor.

Mr. PASCO presented a petition, in the form of resolutions adopted by the Home Mission Board of the Southern Baptist Convention, praying that all proper efforts be made for the relief and deliverance of Rev. A. J. Diaz, an American citizen, now under arrest in Cuba; which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the passage of House bill No. 4437, relating to the customs administration act; which was referred to the Committee on Finance.

Mr. VEST presented a petition of sundry citizens of Cooper County, Mo., praying for the enactment of legislation to reduce letter postage to 1 cent per half ounce, and also to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Free Home League, No. 3, of Grant County, Okla., praying for the passage of the so-called free-home bill; which was referred to the Committee on Public Lands.

Mr. HILL presented a petition of sundry citizens of Herkimer County, N. Y., praying for the passage of House bill No. 2826, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

Mr. WOLCOTT presented a memorial of sundry citizens of Holyoke, Colo., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. GORDON presented a petition of the Home Mission Board of the Southern Baptist Convention, of Atlanta, Ga., and a petition of sundry citizens of Macon, Ga., praying for the release of Rev. A. J. Diaz, now under arrest in Cuba; which were referred to the Committee on Foreign Relations.

Mr. ALLEN presented the petition of W. P. Jacks, of Grand Island, Nebr., and the petition of A. G. Diehl, of Holdrege, Nebr., praying for the passage of Senate bill No. 2741, reorganizing the railway postal service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Aspen Consolidated Mining Company of Kansas City, Kans., remonstrating against the adoption of the second section of Senate bill No. 2739, to confirm the Aspen town site in the State of Colorado; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, reported it with amendments.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1896) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia;

A bill (S. 1337) relating to the sale of gas in the District of Columbia; and

A bill (S. 2339) to reduce the price of gas in the District of Columbia.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 915) for the relief of Sarah R. Dresser, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2892) to incorporate "The National Plant, Flower, and Fruit Guild," asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 2332) to extend North Capitol street to the Soldiers' Home, reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, reported an amendment providing for the erection of a post-office building at Fortress Monroe, Va., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CALL. I am instructed by the Select Committee on Woman Suffrage, to whom was referred the joint resolution (S. R. 106), proposing an amendment to the Constitution of the United States, introduced by me on the 23d of March, by request, to report it without recommendation, and I ask that it be placed on the Calendar. I also submit, for myself and the Senator from Mississippi [Mr. GEORGE], the report submitted by the minority of the Select Committee on Woman Suffrage by the Senator from Mississippi [Mr. GEORGE] and others in the Forty-seventh Congress, first session, June 5, 1882, expressing the views of myself and the Senator from Mississippi [Mr. GEORGE].

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 20th instant, providing for an appropriation to pay the amounts found due the States of Iowa, Illinois, Maine, Ohio, etc., for expenses incurred by them under the act approved July 27, 1861, intended to be proposed to the general deficiency appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west of the sixth principal meridian, in the State of Nebraska, north

and west of the Niobrara River, and quieting the title to settlers thereon, and for other purposes, reported it without amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HOAR on the 22d instant, intended to be proposed to the sundry civil appropriation bill, the amendment appropriating \$1,021,863.20 for the payment of claims adjudicated by the Court of Claims under the French spoliation act of January 20, 1885, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

PARTY WALLS IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom the subject was referred, to report a bill and to ask for its immediate consideration. It will take but a moment.

The bill (S. 2927) in regard to party walls in the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the terms, conditions, and regulations in regard to party walls in the city of Washington, in the District of Columbia, established by President George Washington October 17, 1791, be, and the same are hereby, extended to the entire District of Columbia, to have therein the same force and effect in all respects as in the city of Washington aforesaid.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHERMAN. Will the Senator state the object of the bill?

Mr. McMILLAN. It is simply to extend the law in regard to party walls beyond the boundary line of the city.

Mr. SHERMAN. That is where persons build on the same line?

Mr. McMILLAN. Yes, sir.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. ATKINS.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 296) for the relief of William H. Atkins, formerly commissary sergeant, United States Army, to report it favorably without amendment. The beneficiary is a poor, deserving soldier, who is denied money which clearly belongs to him. There is an element of urgency in the matter, and I ask that the bill be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay William H. Atkins, of St. Augustine, Fla., \$145, the amount due him for travel pay and allowances from the place of his discharge to the place of his enlistment, as an honorably discharged soldier from the United States Army, under section 1290, Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAN S. PLACE.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers, to report it without amendment.

Mr. PASCO. This is a very meritorious bill, and it will take but a few moments. I ask that it be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the military record of Dan S. Place so as to show him honorably discharged from the service as first lieutenant, Eighteenth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. SEELEY.

Mr. DAVIS. I ask unanimous consent to call up the bill (S. 1287) to place Francis W. Seeley on the retired list of the Army. It is a very short bill, and will give rise to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Francis W. Seeley, late a captain in the Fourth Regiment United States Artillery, a captain of artillery in the Army, and to place him on the retired list thereof with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after his appointment under the provisions of this act no pension shall be paid to the said Francis W. Seeley.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT BOONVILLE.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo., to report it favorably, with amendments. I will ask for its present consideration. It is necessary that the bill should be passed upon now.

Mr. PETTIGREW. I should like to ask if we have completed the order of morning business.

The VICE-PRESIDENT. The morning business has not been completed. The Senator from Missouri asks unanimous consent for the present consideration of the bill reported by him from the Committee on Commerce. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the committee was, in section 2, line 17, after the word "bridge," to insert "and accessory works"; and in line 20, after the word "soundings," to insert "and direction of currents at medium high water"; so as to read:

The said parties shall submit to the Secretary of War, for his examination and approval, a design of and drawings for said bridge and accessory works, and a map of the proposed location, giving for the space of 1 mile above and 1 mile below such proposed location the topography of the banks of the river, with shore lines and soundings, and direction of currents at medium high water, and such other information as may be required for a full understanding of the subject.

The amendment was agreed to.

The next amendment was, to strike out section 9, in the following words:

SEC. 9. That the right to alter, amend, or repeal this act by Congress at any time is hereby expressly reserved.

Mr. VEST. That clause is in section 7, and this is a repetition.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 2929) granting a pension to Charles F. Berger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2930) restoring the pension of Theron Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2931) granting an increase of pension to Silas M. Stevens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER (for Mr. McMILLAN) introduced a bill (S. 2932) relating to the probate of wills in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PASCO introduced a bill (S. 2933) to provide for connecting the survey stations of the United States Coast and Geodetic Survey, the United States Lake Survey, and the United States Geological Survey with the corners of the public-land surveys; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLACKBURN introduced a bill (S. 2934) granting an increase of pension to Mrs. Lilly Middleton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 2935) for the relief of Col. G. H. Mendell, Corps of Engineers, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HILL introduced a bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WOLCOTT introduced a bill (S. 2937) granting an increase of pension to Orlando J. Hopkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 2938) granting an increase of pension to Anna B. S. Phillips, widow of Col. William A. Phillips, late colonel of Third Regiment Indian Home Guards; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 2939) to amend "An act providing for the public printing and binding, and the distribution of public documents"; which was read twice by its title, and referred to the Committee on Printing.

Mr. BURROWS introduced a joint resolution (S. R. 137) granting a life-saving medal to Henry Adsit Woodruff, of New York City, N. Y.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PETTIGREW. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. SEWELL and Mr. WILSON addressed the Chair.

The VICE-PRESIDENT. The Senator from New Jersey.

Mr. SEWELL. I ask the Senator from South Dakota to allow me to call up a bill of public interest. It will take but a moment.

Mr. PETTIGREW. I should like to get up the Indian appropriation bill first.

The VICE-PRESIDENT. The morning business is not yet concluded.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GEAR (by request) submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. GRAY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

RETURN OF PAPERS TO THE SECRETARY OF STATE.

On motion of Mr. LODGE, it was

Ordered, That the Secretary of the Senate be directed to return to the Secretary of State the papers contained in the memorandum transmitted to the Senate by the President of the United States with his message of March 21, 1854, the return of which papers is requested by the Secretary of State in a letter dated April 3, 1896.

SARAH A. BOYD.

Mr. GALLINGER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2557) granting a pension to Sarah A. Boyd, by striking out the word "captain," in line 5 of said enrolled bill, and inserting "first lieutenant."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate 2 pieces of condemned cannon and 4 pyramids of cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association of Chicago, Ill.;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes; and

A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes.

ORDER OF BUSINESS.

Mr. PETTIGREW. I renew my motion to take up the Indian appropriation bill.

Mr. CALL. I make no objection to the motion of the Senator from South Dakota, but I ask leave, after that is done, if the Senator from South Dakota will agree to it, and there be no debate upon it, to have the Senate consider joint resolution No. 119, introduced by me some time since, requesting the President of the United States to send a portion of the American Navy to Cuba for the protection of American citizens.

The VICE-PRESIDENT. The Chair will state to the Senator from South Dakota that his motion can not be entertained until the morning business is transacted. Then the Chair will entertain the motion.

Mr. CALL. I ask unanimous consent that the joint resolution introduced by me, which is now lying on the table, requesting the President of the United States to send a portion of the American fleet to the Island of Cuba for the protection of American citizens, may be taken up and considered by the Senate at this time.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. PLATT. It is very difficult to understand what is going on.

The VICE-PRESIDENT. The Chair requests Senators to refrain from audible conversation.

Mr. PLATT. To what measure does the Senator from Florida refer?

Mr. CALL. I introduced a joint resolution some time since, which lies upon the table, requesting the President of the United States to send the fleet of the United States, or so much thereof as may be necessary, to the Island of Cuba for the protection of the lives and property of American citizens in that island. I will state to the Senator that I understand there is an urgent necessity—

Mr. PLATT. The joint resolution is lying upon the table?

Mr. CALL. It is lying upon the table awaiting action.

Mr. PLATT. Does it require unanimous consent to call it up?

The VICE-PRESIDENT. The Chair so understands. The Chair has submitted the request of the Senator from Florida to the Senate. Is there objection?

Mr. PLATT. I wish the Senator from Florida would not press the request this morning. The Indian appropriation bill has been before the Senate now for many days. The Senator from Kansas [Mr. PEPPER] has a matter in charge in which he is extremely interested and deems of great importance, and he very kindly and I think properly agreed to refrain from pressing it until the Indian appropriation bill is disposed of. If the joint resolution is taken up it will lead to discussion and consume the morning hour. I wish the Senator would withhold any request to consider it this morning or until the Indian appropriation bill has been disposed of. I do not want to interpose a formal objection, but I shall have to do it if he insists upon it this morning.

Mr. CALL. Very well; I will withdraw the request.

The VICE-PRESIDENT. The request is withdrawn. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. A resolution, by Mr. WARREN, directing the Secretary of the Interior to rescind his order to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad land list now on file, embracing lands along the main line in western Nebraska.

Mr. WARREN. In the interest of economy of time, as I think it will take less time, I ask that the resolution may lie over another day, without losing its place.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SEWELL. I desire the consent of the Senator from South Dakota to call up House bill 3719. It will take but a few moments.

Mr. PETTIGREW. I ask unanimous consent to proceed with the Indian appropriation bill. The Chair said he would recognize me to move to proceed to its consideration.

The VICE-PRESIDENT. The Chair stated to the Senator that the motion could not then be entertained, not his request for unanimous consent. The Chair submits to the Senate the request of the Senator from South Dakota for the present consideration of the Indian appropriation bill. Is there objection? The Chair hears none, and lays the bill before the Senate.

The SECRETARY. A bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. SEWELL. Now, I trust the Senator from South Dakota will allow me to call up House bill 3719.

Mr. PETTIGREW. I hope the Senator from New Jersey will not press that matter. There are a great many other bills in the same situation. I think we can dispose of the Indian appropriation bill, so that we can go on with the Calendar, this afternoon if other bills are not now urged. There are several Senators who have made the same request, and I know we shall spend the day with those bills if we undertake to go into it. I very much hope the Senator will not insist upon it.

Mr. SEWELL. I represent in this matter the Committee on Military Affairs with instructions to press this case. It will take but a few moments. We have probably, with the exception of the Committee on Pensions, the largest number of bills in charge of any committee of this body; and unless its members occasionally press bills we shall not get anything through at all. I ask the Senator to give way.

Mr. PETTIGREW. With the understanding that it will lead to no debate and that the consideration of no other bill shall be consented to, I will yield.

Mr. WILSON. I rose at the same time with the Senator from

New Jersey. If the rule is to be departed from, I shall certainly ask to be accorded the same privilege.

The VICE-PRESIDENT. The Chair intends to recognize the Senator from Washington at the proper time. The Chair was first addressed by the Senator from New Jersey [Mr. SEWELL]. The Chair understands that the Senator from South Dakota has yielded to the Senator from New Jersey. Is that correct?

Mr. PETTIGREW. With the understanding that this will be the only matter interposed. I shall not yield again.

Mr. WILSON. The Senator will proceed more rapidly with his appropriation bill, I think, if he accommodates us in the passage of small bills that will not lead to any debate.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

The VICE-PRESIDENT. The bill was reported from the Committee on Military Affairs with an amendment, which will be stated.

The SECRETARY. In line 5 strike out the word "shall" and insert the words "may at the discretion of the President."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I should like to know if the bill increases the compensation of these officers.

Mr. SEWELL. It does not increase any pay one dollar.

Mr. HILL. I do not wish to interfere especially with the passage of the bill, for I know nothing about its merits. It has been suggested to me that the Senator from Nebraska [Mr. ALLEN] desires to offer an amendment to the bill and probably to be heard upon it. I suggest whether it might not be delayed until he comes in. He will be here very shortly. I merely suggest the matter.

Mr. SEWELL. I will say to the Senator from New York that the proposed amendment of the Senator from Nebraska is ridiculous in its character. He proposes that the President shall be authorized to brevet all privates and noncommissioned officers in the Army under the rank of colonel. That is about what his amendment amounts to. I do not think it ought to receive any consideration in this body. The bill only applies, I think, to about 68 officers of the Regular Army. It absolutely leaves it to the discretion of the President after the passage of the bill whether he will give the brevets or not.

Mr. HILL. I will inform the Senator from New Jersey that I do not regard myself as committed to any amendment that the Senator from Nebraska may offer to the bill, especially in the line indicated. I merely suggested as a matter of courtesy, as he desires to offer an amendment to the bill, whether it would be exactly the right thing to take up the bill in the morning hour in his absence and pass it. Having made that suggestion, I will interpose nothing further.

Mr. SEWELL. I think the statement I made in relation to it ought to be sufficient to cover that objection.

Mr. KYLE. I think the bill had better go over until the Senator from Nebraska returns. Therefore I object.

The VICE-PRESIDENT. Objection is interposed to the present consideration of the bill.

Mr. SEWELL. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Jersey, to proceed to the consideration of the bill.

Mr. PETTIGREW. The Indian appropriation bill is before the Senate. With the understanding that this bill would not lead to discussion, I yielded the floor to allow it to be called up, but it clearly appears that it will lead to discussion and take up the time of the Senate. Therefore to press it seems to me to be a violation of the understanding. Certainly it was not to be crowded in the face of an objection. I very much hope the Senate will do nothing of the sort.

Mr. SEWELL. I do not think it will lead to any discussion. It may lead to a vote upon taking it up. I think the time of the Committee on Military Affairs is worth something, and that we ought to receive consideration. I think our bills ought to be taken up.

Mr. PEPPER. Let us have a yea-and-nay vote, Mr. President.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from New Jersey, to proceed to the consideration of the bill.

Mr. PEPPER. On that I ask for the yeas and nays.

Mr. SEWELL. Rather than delay the time of the Senate, I will withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. CALL. I desire to give notice that at the first opportunity to-morrow morning, or on Monday, if there shall be no session to-morrow, I shall ask the Senate to proceed to the consideration of

Senate joint resolution 119, providing for sending ships of war of the United States to the Island of Cuba.

Mr. CHANDLER. Allow me to ask whether the Senator from Florida gave notice that he would ask the Senate to take up the joint resolution after the appropriation bill is finished, or tomorrow?

Mr. CALL. Whenever the opportunity shall occur. I do not desire to interfere with the Senator from South Dakota in the passage of the appropriation bill.

Mr. CHANDLER. Then I understand the Senator will defer his effort until the Indian appropriation bill is disposed of?

Mr. CALL. I will do so.

Mr. PEPPER. Was the request made by the Senator from Florida a request for any particular order?

The VICE-PRESIDENT. It was not.

Mr. PEPPER. It was simply a notice?

The VICE-PRESIDENT. He simply gave a notice. The Chair now recognizes the Senator from Washington [Mr. WILSON].

Mr. WILSON. I desire unanimous consent to call up a bill which will require no time.

Mr. PETTIGREW. I shall be obliged to object to the consideration of any further bill.

The VICE-PRESIDENT. Objection is interposed.

Mr. WILSON. Knowing the temper the Senator from South Dakota is now in, I did not intend to renew my request.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate 2 pieces of condemned cannon and 4 pyramids of cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association of Chicago, Ill.; and

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls.

The bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. I should like to have the pending amendment read.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Connecticut [Mr. PLATT], which will be again read.

The SECRETARY. On page 69, at the end of line 8, it is proposed to insert:

For salaries and expenses of the commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of \$50,000, to be immediately available; and said Commissioners, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory, namely: The Cherokee, Muscogee or Creek, Choctaw, Chickasaw, and Seminole tribes or nations, and to make for each a full and complete roll of all persons entitled to the rights of citizenship therein; and in the performance of such duties said Commissioners, and each of them, shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, to send for persons and papers, and to punish any disobedience of their orders and process as for contempt. They shall at all times have access to all rolls of citizens, records, and documents belonging to any of said nations or any of their officers, or in any of the Departments of the United States which they may deem necessary for the prosecution of said work, and may make copies thereof. In determining all said questions of citizenship said Commissioners are authorized to consider all the acts of the national councils of said several nations, and the acts and decisions of persons claiming to act by authority thereof, and any decisions made or papers issued by such persons in any case before them, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong. In making up such citizenship rolls said Commissioners shall accept as citizens all persons now on rolls recognized by said several nations with reference to whose citizenship no controversy has been instituted. The decisions of said Commissioners in all such cases shall be final, and the rolls so prepared by them shall be thereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizens in said several nations. Such rolls shall be made in duplicate, attested by the Commissioners, one to be deposited with the secretary of the nation to which it relates and the other with the Secretary of the Interior. The said Commissioners shall also make a full and complete roll of all those persons residing in the Choctaw and Chickasaw nations and designated in Article III of the treaty of April 28, 1866 (14 Statutes, page 769), with said nations as "persons of African descent resident in said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said In-

dians," who shall not be found by said Commissioners entitled to be enrolled as citizens of said nations; and the said Commissioners shall forward said roll as early as practicable to the Secretary of the Interior, with their report thereon, showing whether the stipulations prescribed in said treaty of April 28, 1866, for the benefit of said persons have been fulfilled, with their recommendation for such action by Congress as in their judgment is required, said report to be laid before the Congress by the Secretary of the Interior with his recommendations thereon.

When the rolls of citizens of any one of said nations or tribes are fully completed and deposited as aforesaid, the President of the United States shall, at his discretion, order said commissioners to proceed to allot the occupancy of all the lands of said nation susceptible of allotment among the citizens thereof as shown by said roll and to persons of African descent aforesaid who may be entitled, giving to each, so far as may be, his just and equitable share considering the nature and fertility of the soil, location, and value of same, and providing, when practicable, that where lands are now occupied by citizens in excess of their fair share such allotments shall be from lands thus occupied, and where lands are now occupied by citizens amounting to less than their fair share such allotments shall, if desired by the occupants, include the lands so occupied. When such allotment has been by them completed, said commissioners shall make full report thereof to the Secretary of the Interior for his approval; said commissioners shall in said report also describe the lands or other property found incapable of division, giving reasons why the same cannot be divided. All reports made by the commissioners shall be submitted by the Secretary of the Interior to Congress. Said commissioners may employ such assistants as they find necessary in the performance of their duties, to be so certified by them and approved by the Secretary of the Interior, who may fix their compensation, and at his discretion may commute the subsistence of said commissioners and assistants to a certain per diem amount. All per capita payments hereafter made to the citizens of any of said nations shall be paid directly to each individual citizen by an officer of the United States, who shall be required to give sufficient bond for the faithful performance of such duty and to render strict account for such disbursements, and he shall be paid by the United States for such service.

The VICE-PRESIDENT. The Senator from Mississippi [Mr. WALTHALL] makes the point of order against the proposed amendment which has been discussed. The Chair will hear any further argument if Senators desire to address the Chair on the question.

Mr. GEORGE. Mr. President, at some stage of the proceedings I desire to submit a few remarks on the point of order.

The interest I feel in a portion of the Indians who are affected by the amendment, the Choctaws and the Chickasaws, who were once the owners of nearly all of the soil of the State in which I live, and the fact that the point of order was made upon full consultation and deliberation between my colleague and myself induce me to submit some remarks in support of the point of order, although I believe that the side upon which I shall submit those remarks has been so fully presented to the Chair that very little if any further argument is needed.

However, there are one or two points which need some elaboration, so that the Chair may fully understand the magnitude of the question involved in the amendment. Really, sir, except for a disposition which has heretofore been manifested in the Senate to disregard the rule of the Senate upon the subject of placing general legislation on appropriation bills, I should feel that any argument at all would be unnecessary.

This is an amendment of very sweeping and very broad provisions. It undertakes in the first place—and I desire to call your attention, Mr. President, especially to this—to convert the commission, whose sole powers up to this time are powers of negotiation with Indian tribes, into a tribunal—I hardly know whether I ought to call it judicial or not, but into a tribunal which has very large powers of adjudicating upon the property and the rights of citizens of the Indian tribes. The Senator from Connecticut [Mr. PLATT], who opened the discussion in favor of the amendment, seemed to think that Congress having once provided a commission to do certain specific work and having created it upon an appropriation bill, therefore it might enlarge the powers of the commission to any extent. He made the very ingenious yet fallacious argument that this is no more than an appropriation of a certain sum of money for salaries, and then a direction as to how the money shall be expended. In that he is mistaken. There is no attempt and there could be no attempt in the amendment to make any disposition of so much of the money as goes to the salaries of the commissioners further than to pay it into the hands of the commissioners. After the payment has been made the money becomes the absolute property of the commissioners, not subject to any provision of law which Congress might enact upon the subject.

The provision, under color of an appropriation to pay the expenses of the commission, converts the commission into something else. It has been stated to the Chair that the commission originally had no powers, except powers of negotiation, to treat with the Indian tribes. That was purely an executive duty. As has been pointed out by Senators who have discussed this point on my side, very large powers of a very different character are attempted to be conferred on the same commission by the amendment; and I wish the Chair to understand that when those commissioners were appointed and confirmed by the Senate, as the law required that they should be confirmed, they had a specific duty and no more, the duty of negotiation.

Upon that is attempted to be ingrafted by the amendment power "to make for each a full and complete roll of all persons entitled to the rights of citizenship therein, and in the performance of such duties said commissioners, and each of them, shall have power and authority to administer oaths." That is a quasi judicial power,

though it frequently is given to persons who have not judicial powers. They are to have power to issue processes. I believe that is exclusively a judicial power. I am unacquainted with any provision by which a tribunal has the power to issue processes except the tribunal be a judicial tribunal. They have power to compel the attendance of witnesses. That is a judicial power. The compulsory attendance of witnesses of course means this, and nothing but this—the imposition of a pecuniary penalty and the collection of it in case of failure to attend. Let us see what it means to collect a fine. The tribunal first adjudges the crime, adjudges the default of the party, adjudges the amount that ought to be imposed on him as a penalty, and then it has the power to enforce its judgment, which can only be done in one of two ways, either by confining in jail the witness or the party who refuses to attend on process until he pays the fine or entering a judgment against him and issuing an execution to be levied on his lands and tenements.

So right here in the beginning we have the most important judicial power. The commissioners are to have power to send for persons and papers. I do not know exactly what that means, unless it means, so far as a person is concerned, to issue a process by which a person who is unwilling to come is brought before the tribunal. So far as papers are concerned, I do not know what it means, except to summon the party in whose possession the papers may be, and compel him to bring them before the commission. That is a very high judicial power. The commissioners are to have power to punish any disobedience of their orders and processes as for contempt, which of course is of the highest nature of judicial power. I will venture to say that in Anglo-Saxon institutions no tribunal ever had, or now has, the power to imprison a man for contempt for disobedience of its orders unless that tribunal is a court. It is a judicial power.

There is some trouble about the amendment which the framer of the amendment did not probably look into. All officers of the United States, and these are officers, are required to be appointed by the President by and with the advice and consent of the Senate, unless he is allowed by law to appoint them on his own responsibility. These were appointed by and with the advice and consent of the Senate. Here arises a very serious question to which I wish to call the attention of the Senator from Connecticut, as well as the attention of the Chair. Can Congress, after having created a commission of purely executive character, with limited powers of negotiation only, by subsequent act impose upon it judicial duties, independent now of the question of the power of Congress to create a commission with judicial powers in the Indian Territory? I leave that out of the question. I admit, for the sake of argument, that it can do that; but when a law has been passed creating certain officers, giving them certain powers which are exclusively of an executive character, can Congress, after that, confer upon those individuals who have been thus appointed under the law the extraordinary powers of a judicial nature which are named in the amendment?

I am not going to express my opinion as to whether Congress can do so or not, for this reason: The example has been set to me by the Senators who have argued on my side of the question not to argue the merits of the amendment, but simply to show what serious questions arise out of the attempted legislation, and how much those questions deserve the serious consideration of the Senate and its committees on regular bills. I have, however, without expressing it, a very decided opinion upon the subject, but I shall not express it. But I will read to the Senate and to the Chair what the Supreme Court of the United States has said upon a similar question. The Supreme Court of the United States may be wrong or it may be right. I will not say anything about that. I hold in my hand the thirteenth volume of Howard's Reports, and I propose to read a sentence or two from a very learned opinion contained in that volume, delivered with the full consent of all the other justices of the court by Chief Justice Taney. To show how nearly the question involved in that case approaches the question involved in this, I will make a short statement.

In our treaty with Spain of 1819, by which we acquired Florida, there was provision made for a settlement, adjustment, and payment by the United States of certain claims of Spanish citizens against the Government. Congress passed a law on the subject. In fact, it passed two or three acts on the subject. Finally, however, though—and this is the point to which I wish to call the attention of the Senator from Connecticut as well as the attention of the Chair—it passed a law by which the judge of the district court for the district of Florida was made the agent or commissioner to adjudge and settle the claims. The judge did, in the case of Ferreira, adjudge the claim. He adjudged a certain amount to be due to Ferreira. The district attorney of the United States was not satisfied with the adjudication of the judge, and he appealed to the Supreme Court of the United States. There these questions arose: If the judge in deciding upon the claim of Ferreira acted as judge of the district court in his judicial capacity, and if the award which he made was a judgment of the court,

then the appeal would lie; if, however, he was a mere commissioner designated by the name of district judge of the district of Florida for the purpose of adjusting the claim, with no judicial power, then there was no appeal to the Supreme Court of the United States. The court said:

It is too evident for argument on the subject, that such a tribunal—

That is, the one by which the judge acted—

is not a judicial one, and that the act of Congress did not intend to make it one. The authority conferred on the respective judges was nothing more than that of a commissioner to adjust certain claims against the United States; and the office of judges and their respective jurisdictions are referred to in the law merely as a designation of the persons to whom the authority is confided and the territorial limits to which it extends.

There they decided that the judge was not a judge in the act which he performed, but was a mere commissioner.

Here is what the court says, which will be found to be very pertinent to this case:

A question might arise whether commissioners appointed to adjust these claims are not officers of the United States within the meaning of the Constitution. The duties to be performed are entirely alien to the legitimate functions of a judge or court of justice and have no analogy to the general or special powers ordinarily and legally conferred on judges or courts to secure the due administration of the laws. And if they are to be regarded as officers, holding offices under the Government, the power of appointment is in the President, by and with the advice and consent of the Senate, and Congress could not by law designate the persons to fill these offices.

The district judge had been appointed judge by the President by and with the advice and consent of the Senate. That was settled. But when it is attempted by an act of Congress, although approved by the President, as acts are usually, to make out of the judge a commissioner with entirely distinct powers from those of judge, the courts say that the question arises whether Congress can appoint a commissioner who ought to be appointed by the President of the United States. So now I ask whether these commissioners, appointed by the President, confirmed by the Senate, with the single power of negotiation—it raises a very serious question—can be converted into a judicial tribunal by a mere act of Congress? You will read, Mr. President, and consider the decision to which I have called the attention of the Senate and of the Chair, and find at least that it is a very serious question, and that is all I am going to say. I have a very positive, clear, decided opinion as to whether Congress can do that or not, but that is not the point here. The question is whether upon an amendment to an appropriation bill we can make such a provision, general legislation, which raises these important and serious questions.

Another very serious question arises, and it is one to which I wish to call the attention of the Chair. Here is a provision to allot the lands of each of those tribes among the citizens of the tribes. There may be several views taken of the ownership of that land. If the land belongs to the tribe as a nation, and as the lands of the United States belong to the United States as a nation, then no individual, no citizen, has any interest in any part of it. Every man who enters upon the land, every Indian who enters upon the land, would be just like a citizen of the United States entering upon the public land of the United States, a trespasser. If he cuts down a tree he would be liable to indictment and fine.

In that view, Mr. President, you will see what a remarkable, what an extraordinary, change it makes in the general law of this country. The amendment undertakes to divide out among the citizens of the country lands which belong to the nation as a nation. If we are to regard, which I think probably is the correct way to view it, that the title to the land is in the nation, but for the use of the people in common, and that they are tenants in common thereunder, or rather joint tenants (because their title originates by one act and at the same time, and there is survivorship and all that sort of thing; but whether they be joint tenants or tenants in common makes no difference), then each citizen of the nation would have an undivided interest in every parcel of land in the nation. It would be a property interest, subject to division at the proper time and by the proper processes.

Admit that to be the case, which I think probably it is. Then you come here with a judicial tribunal and propose to divide the property rights of the citizens of the nation into several allotments, to destroy the right of each citizen in the common property and give him a sole and separate right in a particular piece of property which may be allotted to him. I say that can not be done, or rather it could not be done—no, I do not like to express myself so clearly, because I am not discussing the merits of this question. But would it not be a little singular, would it not raise a very serious question, if a law were allowed to pass authorizing a judicial tribunal to allot lands held in joint tenancy or tenancy in common among the coparceners or tenants in common or joint tenants without giving notice to any single individual?

Take that out and then let us see. You divest by the judgment of the court—do not forget that—each Indian of his joint right to every parcel of the land and confine him to a certain allotment. Can you do that in any court in the world without giving the party notice, summoning him before the court, that he may object to the allotment? He has a right to say when he comes before the court, "My allotment has not been fair."

Very serious questions are submitted to the commission. They are not to divide the land per capita, to each a certain number of acres. They are to adjudge the value of each piece, so as to give as nearly as may be to each Indian the same value. Can you conclude—this is one of the questions, and one of the most serious questions—the right of any Indian in the joint property by setting off to him a part of that property without giving to him an opportunity of contesting the question whether the division be fair? That is one of the questions, and I should like to hear the Senator from Connecticut upon it. I have very decided opinions about it, but I am not going to express them for the reason that I do not intend to discuss the merits of the amendment. I am going to show what the troubles are; I am going to show what a large job we have taken upon our hands when we undertake to ingraft upon an appropriation bill this very remarkable and important legislation.

It was said that this is all technical; that it does not amount to anything. The commission make allotments to this Indian, to that Indian, and to all Indians, and yet they are not bound by it until Congress approves it. I should like to know where there is authority for the Congress of the United States, without notice to anybody, to perform the judicial act of rendering a judgment in case of partition of property held in common or in joint tenancy or as coparceners. That is one thing we can not do. Where we have jurisdiction we may authorize a proper tribunal to act, but we can not ourselves make partition.

Mr. PLATT. Will the Senator from Mississippi permit me?

Mr. GEORGE. I shall be very glad to be corrected if I am wrong about anything.

Mr. PLATT. My view of land title in the Indian Territory is that the several tribes took the land under treaties and under deeds as trustee for the equal benefit of all the members of the tribes. That language is used in certain treaties.

Mr. GEORGE. Very well. I do not know anything about that.

Mr. PLATT. They were then bound to execute the trust fairly and equally, so as to give each citizen an equal benefit from all the lands.

Mr. GEORGE. I agree to that.

Mr. PLATT. Those who desire this legislation hold that they have utterly failed to execute the trust, and that therefore it becomes the duty of the United States to step in and to execute the trust; and it is in furtherance of the duty and the purpose of the United States to execute the trust which those nations or tribes have utterly neglected and refused to execute that this legislation is proposed.

Mr. GEORGE. Mr. President, I do not know that I differ with the statement the Senator from Connecticut has made. I do not propose to discuss the merits of this question, but I am very glad he made the statement, because it does help the Chair to understand, and also the Senate to understand, if it pays any attention to this discussion, that this is general legislation of the utmost importance. What is it according to the statement of the Senator from Connecticut? It is no more than a provision ingrafted on an appropriation bill for the purpose of compelling a trustee to execute a trust, or, which is probably the better phrase, adjudging that he has failed to execute his trust and to make other provisions for the execution of that trust. I suppose that would be the better statement.

Mr. President, that is the great question; that is the question which the Senator from Connecticut says is involved in this amendment. How general; how important! First, we are to adjudge a breach of trust on the part of the trustee. Who does that? The Senate? The Congress? That is a judicial power. Have we a right under the Constitution of the United States to exercise a judicial power? I am not going to say we have not, for that would be discussing the merits of this controversy; but I will say that if you pass this bill into a law you will find lawyers, and plenty of them, too, who will insist before the courts of this country, and with great plausibility, that we have no such power.

What is the next thing we do on the statement made by the Senator from Connecticut? We not only adjudge under this amendment that this trustee has been a faithless trustee, that he has not discharged his trust by giving to each one of these Indians a right to which he was entitled, but we go on and invest this tribunal, which we have created here, with the power to do that thing. Is not that general legislation? How much more general could you make it? You can not get around it upon the idea that you are merely conferring additional powers upon a tribunal already established. The book which I read from in the hearing of the Senate will give you information upon that. I should like to show how that is. Take the Sergeant-at-Arms of the Senate, for instance, an officer of the United States, elected in pursuance of the Constitution of the United States. Can we make an appropriation to pay his salary, and then in the same bill go on to provide that he shall hold court in the Indian Territory, or in the District of Columbia, or anywhere else? Most certainly not. There would be some trouble about it. I hesitate to say we could

not do it, because I do not want to discuss the merits of this matter, but it would raise a very serious question, and I should think my friend from Connecticut himself would think that it was rather a serious question, if he did not say at once we could not do it.

Here is another question. This proposition is as full of serious trouble from beginning to end as it has lines in it. We have not only made out of a commission to negotiate a court with power to adjudicate upon titles, to divide property, to adjudicate upon who are citizens of a certain country—not only that, but the power to summon witnesses and to punish them—but we go on further and do this: We actually in this amendment undertake—I suppose it is special—to lay down the rules of evidence by which the tribunal is to be governed. Let us see what the amendment says on that subject:

In determining all said questions of citizenship said commissioners are authorized to consider all the acts of the national councils—

That is evidence—

of said several nations, and the acts and decisions of persons claiming to act by authority thereof, and any decisions made or papers issued by such persons in any case before them, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong.

Going into the general question of evidence. That is pretty general legislation, pretty important legislation. Ex parte affidavits are made by this amendment competent evidence to be used against the Indians, and the Indian has no right to appear before the tribunal and cross-question any witness that may be summoned. There is no provision here that he may have a witness summoned in his behalf or have a lawyer there.

Mr. President, it seems to me that these are rather important constitutional questions to be decided in an amendment to an appropriation bill. If I were not discussing the point of order to the Chair and not under the limitations upon which I put myself not to discuss the merits of the case I should be very apt to say that the first principle of law that we learn is that you can not decide a man's right unless he is present or has an opportunity to be present—has had notice. You can not decide upon people's rights and take away their property from them without giving them either actual or constructive notice; but what good will notice do them unless you give them the opportunity of appearing before the tribunal and placing their rights before it? All these are very important questions, and yet all of them are summarily disposed of by this amendment.

I believe I have only one other thought which I wish to bring before the Chair. The case has really been so fully discussed by Senators who have sustained the point of order that but very little is left for anyone to say. But I understood the Senator from Connecticut to say yesterday evening that Congress had a right to make this allotment, not to order it. That is another question. I am not going to dispute but that Congress may have the power to order the allotment; but that was not the question to which I understood the Senator from Connecticut to speak yesterday evening, when he said he thought that Congress had power to make it.

All reports made by the commissioners shall be submitted by the Secretary of the Interior to Congress.

What are we to do when the report comes here? It is not stated. If the allotment has no validity for want of judicial power on the part of these commissioners to make it final, if it is still in fieri, still a matter in process of becoming final and perfect, how can the Congress make it perfect?

Recollect now, Mr. President, there is a very broad distinction between the power to order by proper judicial means the partition of property held in common or joint tenancy and the power actually to go to work and make the allotment itself. We can not escape from that upon the idea either that we have appointed machinery to make the several allotments but reserve to ourselves the power to make it final, because if we reserve to ourselves the power to make it final or to set it aside, we reserve to ourselves precisely the power of a judge who issues a writ from his court to make a partition in case of joint tenancy or tenancy in common and requires a commission to report to him, to hear evidence upon both sides upon a motion to confirm the report and decide whether that allotment or that partition has been made in accordance with the law of right and justice, and if it has been so made to affirm it, and if it has not been so made to set it aside. What is that, if that be the process to which the Senator from Connecticut alludes in saying that Congress has the power to make it, but constituting the Senate and House of Representatives in Congress assembled a judge to revise, to correct, to set aside, or to affirm these allotments or partitions which have been made in the Indian Territory?

Calling the attention of the Chair to the point simply that this commission originally and now has only the power to confer, to

treat, to get the assent of these Indians to a bargain, to make a bargain—that is their full power at present—now we take them in that shape, and under cover, as the Senator from Connecticut argued, of making an appropriation to these commissioners for their salaries for one year or more, we do away with the powers of negotiation. That is not only, as the Senator supposed, an enlargement of the powers of this commission, but an annulment of every power which they had up to this time, and conferring on them the extraordinary powers to which I have called the attention of the Chair. I should like to hear now by what process of reasoning that is to be justified under an appropriation bill.

In calling the Chair's attention to the other extraordinary provisions, which others on this side have called to the attention of the Chair, I think I have said enough, and I shall not proceed any further with the argument.

Mr. VEST. Mr. President, it always interests me to listen to any discussion in this august assembly upon a point of order. However interest may flag upon international subjects and great constitutional issues, a point of order is a call to battle and arouses all the analytical inquiry, the rhetorical elegance, and historical research of this body.

It is equally interesting, not to say amusing, to recur to the precedents which the Senate has established upon points of order, and upon none so particularly as upon the one now under consideration—that of general legislation. During my twenty years' service, or nearly that, in this body I think I have heard, within proper limitations, 500 definitions of general legislation, and I have never known but one that has been crystallized by the practice of the body, and that is, the Senate always finds what it does not want to do to be general legislation, and vice versa as to what it wants to do.

Not to give more than one or two precedents which occur to me now, I remember that in the river and harbor bill of 1891 we created a crime, a violation of the laws of the United States, to be prosecuted by indictment, if any citizen should throw debris into any navigable river of the United States, and that was voted by the Senate not to be general legislation.

I heard a very accomplished lawyer, now dead, whom I considered one of the most accomplished jurists I have ever known, declare in this body that general legislation meant such legislation as existed after the appropriation was exhausted. It was suggested to him at the time, and I do not think he answered it, that there was, with the exception of a payment of salaries, no appropriation which did not in its effect last after the appropriation was exhausted.

If I were disposed to go into a technical discussion and follow the Senator from Mississippi, I think I could very easily show that no judicial powers are to be vested in these commissioners under this proposed legislation, and that after the payment of \$50,000 and the discharge of their duties, under the rule which I have stated as given to us once from eminent legal authority, this is not general legislation.

The nearest approximate definition to general legislation which has ever satisfied me—it may be entirely wrong, but I state the result—is that legislation is general which affects the whole country, but does not apply to a community or to one State alone. Obviously the meaning of this rule by the parliamentarians who constructed it was that in an appropriation bill, paying money out of the Treasury of the United States, there should not be laws which affect the entire United States and all the people thereof simply under the guise of paying out so much money.

This provision under that rule is not general legislation, but it is only—and to be frank, and every Senator knows it to be true, however he may argue—that the Senate has decided this question in every way possible, to suit its own wishes, and will always do so, without impugning the integrity of the individual members of this body, so long as any tribunal—legislative or judicial—is engaged in a work which applies alone to its own action. If a court is making a judgment which affects the interests of other people than themselves, or, to speak more broadly, which affects the entire people of the country, it is safe to say that that opinion and that judgment is entirely disinterested. But if any tribunal is engaged in making a decision which applies alone to its own action, you will always find exactly the same result which has happened in this body, that that tribunal will do what it pleases, because it assumes that, as the effect is alone upon it, it has the right to construe the rule as it pleases. I say that for fifty years this body has overruled the written text in our parliamentary manual whenever it saw proper to do so or wished to do so; and I could stand here until my strength was exhausted and the patience of the Senate worn out in adducing precedents which every Senator here knows to have existed.

I am not attacking the right of any Senator to oppose this legislation, but to oppose it upon the ground of a point of order is to my mind simply absurd, in view of the precedents we have established and what we have done.

Mr. President, all at once we have discovered the sacredness of

treaties with Indian tribes. When did this revelation occur to the Senate of the United States or the Congress of the United States? When was it before discovered that the Congress of the United States have no right to abrogate a treaty made not only with an Indian tribe but with a foreign country? We have placed upon the statute book now a law that no treaty shall be made with an Indian tribe, and the Supreme Court of the United States has solemnly adjudicated that the Congress of the United States can repeal any treaty made with any foreign country, and certainly with any domestic dependency, as they have declared these Indian tribes to be.

Mr. GRAY. May I ask the Senator a question?

Mr. VEST. Of course.

Mr. GRAY. I made that point myself yesterday afternoon as a test as to whether this proposed amendment was general legislation or no. I thought that its effect would be to repeal a treaty. I do not at all deny the proposition that Congress may repeal a treaty, as it may repeal any other of the laws of the land; but I do contend that legislation which repeals a law of the land is general legislation.

Mr. VEST. We do not expressly repeal a treaty by this amendment. The effect of it may be to take away certain rights which have been granted to these Indian tribes. We have been doing that for one hundred years.

With great respect to my friend from Mississippi, who is an eminent lawyer, and I concede his ability as such, I am rather amused by his argument as regards the rights of the Indian in courts of justice. He speaks of these Indians as if they were citizens of the United States, entitled, if I may use the expression, to the vested constitutional rights given to our own people. We never so considered them. The Indians are *sui generis*; their position has always been nebulous and uncertain; a most unfortunate people, and, in a great many respects, an outraged people. The Supreme Court, in the Cherokee case which went up to that court from the Indian Territory, said these Indian tribes were independent dependencies. What the Supreme Court meant I have never been able to understand; but that we have ever given them the rights that we give in courts of justice and under the law to our own people is absurd.

Mr. GEORGE. If the Senator will allow me, I wish to call his attention, and also that of the Senator from Delaware, to a statement made by both of them. I hope that neither of the Senators contends that Congress has the power to destroy property rights vested under a treaty.

Mr. VEST. Mr. President, if the property rights, as the Senator from Mississippi terms them, of an Indian—such as the property rights which were given to the Indians in the Indian Territory—come in conflict with the general welfare, to use the constitutional expression, the people of the United States have a right to destroy them. These Indians were put there, not with a fee-simple title to that land, as all the world knows who has ever examined it, but they are there with a conditional fee, dependent upon their occupation of the Indian Territory and their autonomy as tribes.

Mr. GEORGE. Speaking of the decision of the Supreme Court upon the power of Congress to repeal a treaty, a treaty is both a contract and a law. So far as it is a law merely it may be repealed, but so far as it is a contract and vests property rights, the court never held that it could be repealed and never will so hold.

Mr. VEST. When we wipe away the law all the rights under it go, and anything in contravention of that declaration is a bare, naked technicality; and, with great respect to the Senator, there is nothing in it. If we have a right in the interest of the people of the whole United States, and it becomes with us a question of national preservation to change the treaties made with these Indian tribes and the laws which govern them, that settles this whole question. We have come directly to that issue now and have been in front of it for years.

Why talk about the rights of these Indians as claimed now, that we can not legislate in regard to them on account of past treaties? What did we do in regard to the Cherokee Outlet? We attempted vainly to negotiate with these Indians, and finally the Congress of the United States, in sheer legal or parliamentary desperation, said to them: "We will give you so much for those lands; you may take that or you will get nothing; we intend to take those lands." We took them, and then they accepted the money, and I think they have been very well satisfied ever since.

Just so long as we tolerate the idea that these Indians can continue to constitute themselves a national nuisance, just so long as they can make their country a harbor for criminals and thieves and men who live by violations of the law, just so long shall we continue to menace the prosperity of the adjoining States, and indirectly of the entire country. I could stand here by the hour and recite instances in which we have torn to pieces and scattered to the winds stipulations, agreements, and treaties made with the Indians. Nobody has ever undertaken to go into a court of justice under the technical learning of the Senator from Mississippi to

show that we had no right to pass such laws. The Indians have been called, as the negroes were at one time, the wards of the nation. Unlike the negroes, they have never received the rights of citizenship, except upon special grants of allotment of land under special acts of the Congress of the United States. In Nebraska and other States there are Indians to-day who vote, but they vote because they have had lands allotted to them, without notice, by commissioners appointed by the Government of the United States.

The Senator from Mississippi asks, Can we make this allotment without notice? We have done it, and the legal efficacy of such a statute has never been successfully questioned in the courts, and never will be. We moved Indians across the river from Georgia and Alabama under a treaty. Does anybody suppose that it was then contemplated that the present conditions would supervene, and that this agreement should be eternal? Did anybody suppose that the Indian Territory would become what it is to-day—an outrage and a menace to the prosperity of the whole Southwest?

I do not wonder that the Senator from Mississippi so scrupulously avoids discussing the facts, and confines himself to technical assertions in regard to the point of order. But, Mr. President, I venture to incur his criticism by the statement that in the southern part of my State, abutting upon the Indian Territory, property has been depreciated 33½ per cent. Men dash out almost every week upon that country from the Indian Territory, upon the towns and cities of Kansas, Arkansas, and Missouri, pistol in hand, rob banks, and go back to a harbor of refuge; and we are told that we have no right to interfere except by notice and by contract with these people! We put them in the Indian Territory upon the condition that they should be law-abiding citizens. They have now a close corporation, with some twenty-five or thirty men owning the entire Territory, the peon Indians, every full-blood back from the railroad upon the rocky points, living upon the pittance doled out to them by their lords and owners, who come here and crowd these galleries and draw pay from the people they are robbing under the pretense that they are protecting their rights.

Senators say to us now, "Put this legislation in a separate bill and we will vote for it." For twenty years I have tried to secure the passage of such a bill. I have introduced a dozen such bills; but by some subtle process—I know not what—those bills never reached a vote in the Senate nor in the other House. We are met always with treaty stipulations, with technical arguments as to the right of notice, and as to the title which these people have. Mr. President, if we were to come here with legislation of the same sort we should be then met by the same sort of argument that we hear now to-day.

I confess, sir, that I listen with some impatience to these arguments about points of order. I have not the greatest respect for the rules of the Senate, as I have had occasion frequently to say; but when I see these points used or not used in order to meet the wishes of Senators, I confess, I say, to some impatience in regard to them.

I repeat that the nearest approximation to what is the real meaning of general legislation is in what I have said as to its effect upon the entire country or upon individuals, communities, or States. As to the rule, which, as I stated a few minutes ago, was written in here by a distinguished lawyer, it is evident upon the slightest reflection that that can not be the test as to general legislation. But I wish to say in conclusion to Senators who do not appreciate the situation in the Southwest that if there ever has been a case in which a rule or a point of order should not be invoked against such legislation as we propose now it is found in the facts that exist in the Southwest to-day.

Mr. JONES of Arkansas. Mr. President, I confess that I am not critically informed as to the rules. I believe that the point of order made against the proposed amendment is not well taken. I have given the best attention I could to the question. I have talked with experts, with men who have carefully investigated these questions, and they tell me that at best it is a doubtful question that no man can determine positively as to one way or the other.

I sympathize with the feeling expressed by the Senator from Missouri [Mr. VEST] of some degree of impatience at the fact that whenever there is a proposition to change the condition of things existing in the Indian Territory it is met in the Senate by some technical complaint and technical objection; that no change can be made in the condition of things that is crying aloud and demanding a change and that is a disgrace to civilization to be allowed to exist; and I hope that the Senate will not allow technicalities to prevent it from entering upon the administration of justice in this case.

The very language of one of the treaties with these Indians is that their land is to be held in common, "so that each and every member of either tribe shall have an equal and undiminished interest in the whole." Yet what are the facts in the case? Has this Government, which entered into a solemn treaty with these Indians that every member of each and every tribe should have

an equal interest in this land, maintained that treaty? Has this Government discharged its duty under the solemn obligations of that treaty? On the contrary, the exact reverse has been the fact.

Only about three years ago I was personally in the Cherokee Nation while the council was in session, and was told by individual Indians within a stone's throw of where the council sat that they were practically without homes; that they had no land of any consequence; that the whole of the country was occupied by a handful of individuals, some of whom hold enormous quantities of land, and they were begging that the United States Government should see to it that they had their rights.

Mr. GEORGE. Will the Senator from Arkansas allow me to ask—

Mr. JONES of Arkansas. For the last fifteen years this has been the case and their rights have been demanded again and again by those people. When I asked those men why they did not stand up and say like men that that was the case, they answered because they would not live two weeks.

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. JONES of Arkansas. Yes, sir; I will yield to the Senator from Mississippi.

Mr. GEORGE. I should like to ask the Senator from Arkansas what that statement has to do with the point of order?

Mr. JONES of Arkansas. The Senator from Mississippi studiously refrained from discussing the merits of this case on the point of order, but every other Senator who has discussed the point of order on his side has discussed the merits of the case. I admit that it is judicious in the Senator from Mississippi to want to avoid the discussion of the merits of this case in determining what shall be done on the point of order.

Mr. GEORGE. I think both my colleague and myself refrained from discussing the merits.

Mr. JONES of Arkansas. Perhaps the Senator's colleague did.

Mr. WALTHALL. I have not touched on the merits of the case.

Mr. JONES of Arkansas. Perhaps the Senator's colleague has avoided the discussion of the merits as well as himself. I believe that is true, but it has been the rule generally on the other side that they have discussed the merits. It is as well for the merits to be understood as the point of order as we go along, and that we should point out the reasons why no technicality ought to be invoked to prevent the passage of a law that ought to be passed.

Mr. GEORGE. The Senator means by "technicality" that no rule of the Senate ought to be invoked?

Mr. PLATT rose.

Mr. JONES of Arkansas. As I said just now, the rule of the Senate is not clear on that point. Does the Senator from Connecticut wish to say anything?

Mr. PLATT. I was going to say that it seemed to me, while the Senator from Mississippi was every few minutes denying that he was discussing the merits of the amendment, he was going pretty fully into a discussion of the merits of the amendment under those denials.

Mr. JONES of Arkansas. It did seem so, but I will frankly admit that I propose to discuss some of the merits of this case as we go along on the point of order.

I have just stated that some years ago I was at the capital of the Cherokee Nation, and Cherokees not a stone's throw from where the council was sitting then told me they were absolutely without homes and they could get no fair division of the land, and when I asked the reason why they did not say so, they answered, because they would not live two weeks if they dared to do it. I have in my pocket now a letter from an Indian stating that in an effort he made a short time ago to provide a home for a younger member of his family, after a fence had been put around a piece of land the fence was cut down in the night by the emissaries of a man who is now sitting in the galleries of the Senate, who is listening to this debate, and who has been making arguments in private conversations with Senators to show that there should be no change in the status of things existing down there, that it is all meritorious. Of course the Indian winds up his letter by saying that I must by no means use his name. I must not let anybody understand who he is, because we understand that with the assassination that goes on and with that sort of rascality no man's life is safe when it is known that he dares to open his mouth in opposition to any of those people.

There has been a little better condition of things, no doubt, in that nation by reason of the discussions in Congress in the last year or two. The very first instance that I know of a complaint ever being made openly and audibly by any of these Indians was in a petition sent to the Cherokee council, signed by 520 of their citizens, only a short time ago. It was absolutely ignored by that council. They pay no attention to the complaints of these people, and when they transfer their complaints to the Senate of the United States, stating that they have been robbed of their patrimony, that they are entitled to some land and a place to live, that

they are entitled to a home, we invoke technicalities and say we will not give them what the treaties require that we shall give them. A part of the petition, as presented to the committee in the other House, reads as follows:

Petition to the honorable council of the Cherokee Nation.

We, the undersigned citizens, beg leave to call your attention to the deplorable and unsatisfactory condition of our public domain, with which you are familiar, and ask that you enact such law or laws as will correct this condition. A portion of our citizens, through the connivance and financial assistance of noncitizens, have managed to monopolize our entire public domain under various pretenses of law. Thousands of our citizens are to-day without homes, and there is no land left upon which they can make homes. Our entire country is wired in, and anyone desiring to travel across the country a few miles is necessarily forced to go, in many instances, 10 miles around in order to reach a place only 3 or 4 miles away. In most places in the nation the noncitizens on land claims outnumber the citizens. West of Grand River, in Cooweescoowee and Delaware districts, it is the exception to the rule to find a citizen on a claim; the noncitizens will outnumber them 100 to 1. There is nothing thought of one man in this portion of country claiming from five to twenty farms. And in most instances these farms perhaps consist of 10 acres in cultivation, and from 1,000 to 5,000 acres in grass land, for hay to cut and ship out of the country for speculation. These noncitizens claim to be leasing this land from citizens. And in most instances when a noncitizen once gets to be a leaseholder he then commences to lease to other noncitizens on his own account. Hundreds of leases are held by noncitizens, emanating from another noncitizen. Thus our entire public domain is absorbed, and they even go so far as to sell the unfenced quarter for hay purposes for shipment. This condition of affairs has been productive of a great hardship to a large portion of our citizens. They realize that they are entirely deprived of homes and privileges in the public domain, while the few citizens, together with noncitizens, are monopolizing all of their rights. Even hay and wood are denied them.

Denied to Indians by blood and denied by men who are not members of the tribes at all, simply because they hold under pretense of a right under Indians who sublet the inheritance of their fathers.

A committee of this body made a report some years ago calling attention to the wrong and outrage of this condition of things, which if I had time I should be glad to read to the Senate. I will not ask the Senate to listen to it further than to call attention to the fact. The Senator from Colorado [Mr. TELLER] was chairman of the subcommittee. I believe the Senator from Connecticut [Mr. PLATT] was on the subcommittee, and also the Senator from North Dakota [Mr. ROACH]. They made the following statement as to the condition of things they found existing in that Territory as to the use of this land:

Instances came to our notice of Indians who had as high as 100 tenants, and we heard of one case where it was said the Indian citizen, a citizen by marriage, had 400 holdings, amounting to about 20,000 acres of farm land.

In a list of landholders given a committee of the other House by a member of the Dawes Commission sixty or seventy Indians are named who hold from 5,000 to 70,000 acres of land each; and yet a technicality in the rule is invoked to prevent the Senate of the United States from undertaking to guarantee the rights that are due to these people under the solemn obligations of treaty, that this land was to be held in common, so that each and every member of every tribe shall have an equal undivided interest in the whole.

Mr. President, the complaint which has been made by Senators here that it is the purpose of the amendment to divide this land in severalty is not well founded. The proposition of the amendment is that a roll shall be made of the Indians by this commission, and that when the President shall order it to be done, the occupancy of the land shall be divided equally among these people; that the man who has 70,000 acres shall be compelled to give up his excessive holdings, and that the man who has no land shall have the same rights to the inheritance of his fathers; that the land baron, the robber who has been exercising his power there for the last twenty years in monopolizing all that comes within his reach, shall be put on the same footing with him. That is all the amendment directs. It proposes to do simple and equal justice to all members of this tribe, and nothing more. No complaint can be made, and no complaint will be made among the poorer classes of Indians, the rank and file of these people, who have been deprived of their homes. The complaints come from those who have made a monopoly of the rights of the nation for themselves.

But some Senators have complained that for us to determine who are citizens is a great outrage. When gentlemen make up their minds to find some cause of complaint they always find it. The truth is that the Department here has always determined finally who were those citizens. I sent this morning to the Indian Office to get a copy of a letter written some years ago that I happened to remember, which has been the rule in the Department from then until the present time. I will read a part of it. It is a letter addressed by the acting Commissioner to the United States Indian agent at Muscogee. It is dated July 20, 1880, and says:

This office is in receipt of a communication, dated the 8th instant, from the Cherokee delegation in this city, requesting that this Department cause the immediate removal from the Cherokee Nation of all persons not claiming Cherokee citizenship. With a view to effecting such removal this office has requested the Cherokee authorities to submit to you a list of the names of all persons claimed by them to be intruders.

The question of Cherokee citizenship and the rights of colored persons who claim to be beneficiaries under the ninth article of the Cherokee treaty of 1866 (14 Stats., 801) are subjects which are now pending before this Department, and no action will be taken by you which will in any way tend to embarrass or complicate these questions or which in the slightest degree tends to recognize the authority of the Cherokee Nation to determine or fix the legal status of such claimants, that question being also under consideration.

But in all cases presented to you by the Cherokee authorities for removal wherein the parties named claim citizenship, either by blood, through the father or mother, or by virtue of adoption, according to the laws and customs of the Cherokees, after making proper investigation, if you are satisfied that they have, prima facie, a just claim to citizenship, you will permit such persons to remain in the Territory to await final action in their cases, which will be hereafter determined under such rules as may be adopted by the Department.

That has been the rule of the Executive Departments from then until this hour. Whenever we direct that money shall be paid among those people how do we pay it? By the rolls that are made under the administration of the Indian Department. Again and again those rolls are made up and the money is paid out. We are charged by our obligations under these treaties with paying certain moneys to those people. Are we not compelled in the very nature of things to determine to whom the money is to be paid? How can we do that except upon the ascertainment of who are those citizens. Mr. President, it is a fact—

The VICE-PRESIDENT. The Senator from Arkansas will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A resolution, by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. JONES of Arkansas. In the absence of the Senator from South Dakota [Mr. PETTIGREW], I ask unanimous consent that the unfinished business may be laid aside that the Senate may proceed with the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Senator from Arkansas will proceed.

Mr. JONES of Arkansas. The letter from which I was reading proceeds:

Your inquiry in such cases will proceed only far enough to ascertain whether or not a prima facie case exists. You will notify all persons of either of the above classes and all other persons known to you or whose names are presented to you by the Cherokee authorities who have no written permit from the Government or the Cherokees and who do not establish a prima facie right to remain to immediately remove from the Cherokee country.

I simply refer to this to show that it is a matter of absolute necessity when the Government is undertaking to discharge its obligations to these people that it shall determine who are citizens. I will not follow this discussion further than to say I believe the recommendation made by the subcommittee of which the Senator from Colorado [Mr. TELLER] was chairman, and which made a report to the Senate several years ago, was wise and should have been acted upon long since. The Senator from Colorado in that report said:

It is apparent to all who are conversant with the present condition in the Indian Territory that their system of government can not continue. It is not only non-American, but it is radically wrong, and a change is imperatively demanded in the interest of the Indians and whites alike, and such change can not be much longer delayed. The situation grows worse, and will continue to grow worse. There can be no modification of the system. It can not be reformed. It must be abandoned and a better one substituted. That it will be difficult to do your committee freely admit, but because it is a difficult task is no reason why Congress should not at the earliest possible moment address itself to this question.

The propositions embraced in the amendment proposed by the Senator from Connecticut [Mr. PLATT] are reasonable and moderate. It does not propose to interfere with the title to the land. It proposes simply to continue the powers that the present commission have, to allow them, if possible, to negotiate with these people for a change in their situation; and in the meantime it authorizes the commission to purge the rolls of that country. It is an open fact—it is notorious, and no one will deny it—that quite a number of people were added to the roll of citizenship in those councils last fall, and that it was corruptly done. Corruption will not be denied; the proof can be brought here if anybody wants to see it, that these people simply hired the council to put them on the roll. It is equally true that men who were Indians by blood, about whose right there can be no dispute, were refused rights on the roll of the tribe simply because they had no money to pay corrupt counselors for their corrupt votes. These things are notorious; they will not be denied. In conversation in the Territory I have heard members of the council openly laugh about it and boast of it in hotels at the capital of the nation. They do not make any secret of it. It is the most corrupt pretense of a government that exists on the face of the earth.

When the masses of those people petition their council to divide the use of the land among them fairly, to give them some show, and they refuse to do it, and when we have the solemn obligation

of our treaty binding upon us it seems to me that we can not shirk the duty to appoint a commission to investigate these facts and to do what justice demands of us. I have in my hand pages of lists of men with the holdings they have in the Territory. Many of these men are really not Indians by blood; the most of them are either white men or mixed bloods. The Indians, scornfully and contemptuously called "tubbies," are pushed into the background and they have nothing of this inheritance of their fathers. It is these interlopers, these unjust and unfair men who are willing to take the patrimony of these people by blood and by force, who have got possession of that country and are holding it now. It is a disgrace to the Senate that it should be so. The condition ought not to exist another day; it is a shame that it has existed as long as it has. If technicalities are to be invoked for the purpose of preventing justice being done in this case, I for one feel like the Senate ought at least to release the Committee on Indian Affairs from any further effort ever to do anything in this line. I am heartsick and disgusted with the efforts that have been made here and with the defeats that have been met on these same technicalities, which have been invoked in the advocacy of injustice and wrong and which never have been invoked in advocacy of what is right.

Here are a number of Indians belonging to the Cherokee Nation holding lands in 15,000, 18,000, 12,000, 8,000, 4,000, and 10,000 tracts. Here are pages of names given. In another part of the report made by the Dawes Commission several pages of names are given of men who hold tracts of land ranging from 4,000 to 70,000 acres each. Such a condition of things ought not to be allowed to exist. Everybody knows well enough the advantages that these people get. They have large wealth in their hands; they are here to be heard. The poor people who have no patrimony, the poor men who have no homes, are not here; they can not be here. There is no chance for them except to appeal to the sense of justice of the men who are in this body. Yet we find the shrewd, sharp, wide-awake robbers who have got possession of that country are actively engaged all the time in pouring out the woes of the poor, miserable Indians to gentlemen who stand up here and invoke technicalities to prevent the enactment of a law that will bring justice to these people.

Mr. President, this condition ought not to exist any longer. I wish I had the power to make the Senate of the United States understand the facts as they exist; but it seems impossible to get Senators to pay any attention to these wrongs. The mere suggestion of a technicality by which there can be a refusal to do anything is considered enough, and they turn their backs upon any proposition to bring relief to these downtrodden, oppressed, and outraged people. Our treaty obligations require that we shall see to it that each man of them shall have his equal, undivided right with the balance of his brethren. The amendment does not propose to divide the fee of the land. It simply proposes to divide the occupancy, to put these men in the occupancy of equal parts of the land, and then we believe that it will result in an agreement by which the fee of the land shall be divided among the members of that tribe.

Mr. BATE. Mr. President, I thought it was conceded that the point of order should be discussed without much reference to the facts, and certainly to such facts only as would be calculated to elucidate the nature and show the effect of the law now sought to be enacted through the instrumentality of this amendment. I do not propose to go fully into the merits, and will speak but a little while. I am, however, led, by the two speeches that have just been made, to say something in regard to the facts, for I do not know what course the President of the Senate will take in regard to this motion, whether he will sustain the point of order, overrule it, or refer it, as he has the right to do, to the Senate. Therefore, taking a broad view of it, perhaps, since Senators who oppose the motion have said so much about the facts, it may be proper that those of us who differ with them should likewise allude to them, so that the Senate may have a clearer understanding of the real, legal, and practical effect of this amendment than they otherwise would.

The Senator from Mississippi [Mr. GEORGE] purposely avoided discussing the facts, and for so doing the Senator from Arkansas [Mr. JONES] criticised and ridiculed him upon the idea that he is seeking only upon the barest technical grounds to defeat the amendment. Technicalities, Mr. President, have often been the salvation of human life, as they have been the salvation of the rights of men and of governments. Technicalities should not be scouted from a tribunal like this Senate, judicial in its character although political in its organization. Sir, we have a right to rely upon technicalities, and if there was ever a case in which technicalities should be invoked it is certainly where the downtrodden, the oppressed, and the poor, unfortunate Indian has been made the victim for a hundred years of our white people. I repeat, in a case of this kind, technicality should be invoked. I invoke it, sir. I invoke it in the name of justice, in the name of right, in the name

of humanity, in the name of Christianity. If there is a technicality that will protect these Indians from imposition, from wrong, from the wicked course which has been pursued by our people, and which has destroyed their rights, whether of a personal or a proprietary character, let them have the benefit of it. As I conceive it, it is your duty, as it is mine, to invoke those technicalities to protect against wrong and injustice, and I do it without the fear of just criticism or of bringing the blush of shame upon any honest face.

This commission was appointed for the purpose of "negotiation," not as lawmakers, or lawgivers, or law executors. It had no judicial faculty, no judicial power, conferred upon it in the original appointment.

In 1890, I believe it was, there were three commissioners appointed and subsequently two more, making the present commission consist of five—against whom personally I have no criticism, but entertain the highest regard. What was the object of this commission? The sole object was to be on friendly terms with these unfortunate Indians and to appeal to them and to satisfy them that it would be better for them to be in a different condition than that in which they are now; and that the relations of the Government with them should be somewhat different. Therefore, they have pursued that line of policy, not once, but twice, yea, three times have the commissioners been among them on persuasive missions. Two or three times have they invoked these Indians to enter into such further agreement with this Government touching their land tenure as would inure to their advantage. But, sir, they have refused it. And now we are told by the Senator from Arkansas [Mr. JONES] who has just taken his seat that there is trouble in that country; that it is full of theft, murder, and rapine, that human rights are trampled upon, and that citizens in the adjoining States dare not go in this Territory, and that incursions are constantly being made into adjoining States from this Territory, while it has been asserted by the Senator of Missouri [Mr. VEST] that this Indian reservation is a nest of robbers from which come all sorts of evils.

That Senators may better understand the condition of affairs there, it is proper to say that interlopers, intruders, are there and they have gobbled up the land, at least to the extent of securing to themselves the benefits that come from its use. The real owners have been divested of its practical use and the Indians are mere "subs" under these intruders while they are reaping the rewards of their greed. Let us see what our Government has said in regard to these intruders. Article 6 of the treaty concluded with the Cherokees December 29, 1835, soon after the beginning of the matter of transferring the Indians to this reservation, says—

The Cherokees shall also be protected—

The very tribe which the Senator has just criticised—

The Cherokees shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in their country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics, and teachers for the instruction of Indians, according to treaty stipulations.

You see, therefore, it is the fault of the Government if there are intruders and outlaws there who are disturbing the peace of the neighboring States.

We have, I think, but little right to complain of the treatment that has been given by the Indians to the white man in this Territory. We are the violators of the law. We are the poachers upon the rights of others. Indeed, we have trespassed upon their rights for a hundred years. We have especially trespassed upon the rights of those who, under sacred treaties, in 1830, 1832, 1834, 1835, and 1836, left our borders, going from Mississippi, Georgia, Alabama, and Tennessee to the far West, where they could be free from the disturbances they found at their then homes and free from the enforcement of laws of the white man, which were uncongenial and distasteful to them. They were promised that when they got beyond the Great River, in their own territory, they should be free from molestation, free from the intrusion of the white man, as Senators will see from what I have just read. Under this treaty there should be no intruders, but if there were, it became the duty of the President of the United States, even by the use of military force if necessary, to eject those who thus came among them and remained there improperly to their annoyance.

Now, this commission was empowered simply to "negotiate," and there is no authority upon the statute books that I have been able to find—and I have searched—which gives any commission power beyond that of negotiation in a friendly, peaceable, and just way. The amendment comes in, however, under the sheltering wing of this appropriation bill, injected into its body that it may be saved from defeat. Other bills affecting the rights of Indians have frequently been introduced in Congress, but none so bold, so far-reaching, and so vital as this; and now its promoters, so solicitous for its passage, so fearful of its defeat, and so satisfied that

it can not stand alone and be passed on its own merits, they seek to ingraft it into the body of this appropriation bill, knowing that Senators as well as members of the House of Representatives would hesitate long to vote against an appropriation bill which is to move the machinery of the Government and is absolutely necessary to carry on the business of the country although it has objectionable features in it. One of the reasons for and the beauty of this rule is the very fact that Senators do not wish to vote against a bill because it may have an objectionable section in it, when it is otherwise full of good features and known to be essential legislation.

Although this rule which forbids general legislation on an appropriation bill has been the subject of ridicule and criticism by the Senator from Missouri [Mr. VEST] and the Senator from Arkansas [Mr. JONES] in their presentation of precedents, its virtue and value can not be denied. Another difficulty attaching to such vicious legislation is when it has thus passed the Senate and House and goes to the President for Executive action, the President is necessarily embarrassed, because, under the Constitution of our country, he has no right to eliminate the objectionable feature in an appropriation bill from that which is good; therefore, he must take it as an entirety and give or withhold his approval to the whole bill. This is one of the embarrassments that arise in legislation of this kind; hence the necessity for Rule XVI, clauses 3 and 4. There is no more wholesome rule embodied in the rules of the Senate than this one, and I regret to see it violated. It is very rarely violated without turning back to trouble us. It has often proved a boomerang in this Chamber, as you know, Mr. President, and will continue to do so.

Since so much has been said in this debate about the condition of affairs in this Territory, let us try and get at the truth and legislate accordingly. We have listened to much talk about treaties, and they have been made the subject of ridicule and spoken of contemptuously. I am not going into a harangue on the abstract rights of Indians as shown in treaties with the United States, but I think after what has here been said touching them it is eminently proper that something should be said in their vindication. But before I speak of them, permit me to say that the very context of the amendment, if adopted, although passed under the wing of the appropriation bill, will, nevertheless, be a law of equal force and virtue as if enacted in a separate and distinct bill.

See the very face of the amendment. Look at it. Its terms have been read to you, and I shall not reiterate them except in a brief way, to illustrate and elucidate the fact that it is general legislation. One of the most objectionable features, and one of first importance, is that it clothes the commission with extraordinary powers. They are empowered as a judicial body. And what, pray, are these commissioners to do? The are, among other things, to decide upon the citizenship of the Indians, notwithstanding our repeated pledges to them that they should not be molested, that they should have their homes and personal and property rights secure and undisturbed. A treaty rises to a grade higher than an ordinary statutory law, as the legislative body that makes the law can repeal it at will. A treaty, however, is made by more than one party—there must be two or more governments, nations, or tribes that agree to it. We can make our laws and enforce them or repeal them, but we can not alter or annul a treaty at will. Why? Because we have to consult all the parties with whom we made it. It rises to a higher and more sacred dignity than a contract, which our Constitution declares is inviolable. It is not only a contract, but a treaty, with all the dignity and binding force of a treaty, and we must so regard it. Can we dare to put into an appropriation bill an amendment which uproots and changes the civil rights of tribes as well as the individual rights of the Indians who are parties to the treaty without their consent?

Mr. GEORGE. Or anywhere else?

Mr. BATE. Yes, or anywhere else. Even in an original and separate bill, or otherwise.

These Indians have no right to treat with foreign powers. They do not hold that dignity and strength of separate nationality to entitle them to do so, for they are a domestic nation, if I may so speak. They could not treat with England, Mexico, or any foreign power, because they are supposed to be under our care, isolated from other nations, and any intercourse between them and other countries would necessarily be through our Government. We are their protectors, so called, which is another reason why we should be sensitive of their rights and sympathize with their misfortunes and not take advantage of them or let boomers, land grabbers, and heartless speculators force themselves upon them, use their lands under unlawful leases, and grow rich at the Indians' expense.

Article 7 of the treaty between the United States and the Choctaws and Chickasaws contains upon this subject the following provision:

And all persons not being citizens or members of either tribe found within their limits shall be considered intruders, and be removed from and kept out of the same by the United States agent, assisted, if necessary, by the military.

Again, article 15 of the treaty with the Creeks and Seminoles contains this provision:

And all persons not being members of either tribe found within their limits shall be considered intruders, and be removed from and kept out of the same by the United States agents for said tribes, respectively, assisted, if necessary, by the military.

The same, in substance, was entered into and now exists between the United States and the Cherokees.

So you see it applies to all those nations known as the Five Civilized Tribes.

Now, Mr. President, what is proposed to be done by this amendment? The commission is to be granted, as I said, judicial power, and as such it has the right to chase down the victim and bring him by force, under arrest, before that august tribunal and compel him to submit to its process and its judgment, and upon refusal send him to jail and submit him to such other indignities and punishment as the law would allow in the case of any court of record. Yes, the commission would have the power to imprison, to fine, and to do all that will enable it to effect its object, which is to allot their lands and have their holdings in severalty.

Again, we are told by its advocates that the amendment does not affect the property rights of the Indians. I shall not trouble you, Mr. President, or the Senate to reread that which has been read twice by the Secretary, and read and commented on by Senators who have preceded me, which clearly shows that property rights are involved, that jurisdiction is granted over the lands for purposes that are vital to the Indian, and that \$50,000 is appropriated to enable the commission to enforce its orders and decrees touching ownership in their lands. The commission is granted jurisdiction over all the citizens of all the tribes, and having that jurisdiction it goes there empowered by authority of law with the instrumentality and machinery at hand to carry it into effect if it takes all the agents that are in the Territory or all the military force in the United States.

Furthermore, would not the forced allotment of their lands and passing titles thereto from the tribal tenure to that of severalty seriously and vitally affect property rights? And what is worse, they are practically denied the right of appeal—a constitutional right that belongs to every citizen of the United States. But we are told by the Senator from Arkansas [Mr. JONES] that the action of the commission is subject to review by the Secretary of the Interior. But when we look to the terms of the amendment we find that the Secretary may review it as a whole, not as an appeal, but as a kind of perfunctory duty in passing upon the general official course adopted by the commission. This is, in fact, no appeal. It is a mockery of this right. No individual, no tribe, as a tribe, can appeal, however dissatisfied with the judgment of this court, to any tribunal. Then, from that departmental officer it can be taken to Congress and carried into effect.

This is a judicial proceeding. Why would you appeal from a judicial proceeding to the Secretary of the Interior, a nonjudicial officer? Why should you not carry it to the courts where the rights of those Indians have been adjudicated since the date of 5 and 6 Peters, when these Indians were in Georgia, and where they were regarded as "a domestic nation," to use the language of the Supreme Court in that case, and were entitled to an appeal? Why not allow them those rights? Those rights are taken away from them, sir, in the very terms of this amendment. The matter is sent to the Secretary of the Interior to do what? Not to decide whether they are citizens, for the Secretary will not go into the minutiae of it (no one man can take an appeal), but the Secretary is to review the whole matter, and then, perchance, it will come to Congress. But that does not settle the right of appeal that every man should have when his rights are taken from him by judicial or quasi judicial proceedings.

Sir, I further say it may affect the property rights, in this indirect way, because when it is passed upon by the Secretary of the Interior those property rights are affected. It is a mere play upon the part of Senators to avoid that conclusion which was made so clear by the Senator from Mississippi [Mr. GEORGE]. But, Mr. President, there is a higher right than that jeopardized by this proposed amendment. It is the right of citizenship. Is the right to property to be compared to the right of citizenship? Ah, Mr. President, those who immediately after our late and unhappy war were deprived for four or five years, as in my State, of citizenship know how to appreciate it. We put a value upon it that is beyond all price. That which is higher than property, next to life and honor—citizenship—is taken charge of by the court or commission—I may call it an inquisition, because it is such. The commissioners go there to inquire into the condition of these rights and to summarily dispose of them. They will inquire into a man's rights to citizenship. They pass upon those rights and say the judgment is final, from which the party has no appeal to any court. The word "final" as to the commission's judgment touching citizenship is the one used without qualification in the proposed amendment.

Then I am not to be told, without challenge, that it is not general legislation, when it affects the rights of the Indians by granting or denying citizenship that carries with it the exercise of the ballot and all the personal rights that belong to the citizen. This right of citizenship is higher than if it were a property right, and any law affecting it alike in all the tribes is general legislation. The amendment denies such rights to whole tribes, to those who do not wish to give up the mode of their fathers in holding title to their lands.

These Indians, for the sake of peace and quiet, gave up their hunting grounds, their forests and fields, their little tepees, and all that made life dear to them. The white man trampled upon them and drove them from those sacred spots, and under pressure, they left and sought peace and homes in the West. But the same restless spirit of the Anglo-Saxon, as shown by the earliest settlers in our country, and which somehow infuses itself into all our blood, seems still further to be encroaching upon the rights of the Indians in an attempt to interfere with what has been left them, yea, granted them under the seal of this Government. The very language of the first cession to the Cherokees touching titles to the lands purchased by them uses the words "fee simple," and guarantees to them fee-simple titles. In the very treaty itself which they signed with General Coffey, the words "fee-simple title" are used as to the land which was ceded them in the West. Yet we are told by the Senator from Missouri that there was no such title as "fee simple" given, and that it was held in abeyance to the wishes of the United States, subservient and of doubtful tenure.

Mr. KYLE. Will the Senator from Tennessee allow me to ask him a question?

Mr. BATE. Certainly.

Mr. KYLE. Upon what ground, may I ask, can we enact a law such as is proposed in the amendment? Can it be done otherwise than with the consent of the Indians in council?

Mr. BATE. We can not, and I will read to the Senator the reason for it from the sacred treaties of this Government, which, I have already shown stand higher than a statutory provision. Article 20 of the treaty from which I read, concluded between the United States and the Cherokee Nation on the 10th of July, 1866—even as late as that—provides as follows:

Whenever the Cherokee national council shall request it, the Secretary of the Interior shall cause the country reserved for the Cherokees to be surveyed and allotted among them at the expense of the United States.

Whenever they request it, and not before; and there is the sacred seal of the United States to it. Yet you have heard the character of speeches in urging the adoption of this amendment which have just been made by Senators in this Chamber.

Mr. KYLE. Whose consent has been received?

Mr. BATE. I will get to that point in a moment. I wish, in this connection, to read another treaty. It is found in the Revision of Treaties, page 293. I read the provision of the treaty concluded between the United States and the Choctaws and Chickasaws (the treaty with the Cherokees I have just read) of April, 1866. Relating to this subject there is the following provision:

It is hereby agreed that should the Choctaws and Chickasaw people, through their respective legislative councils, agree to the survey and dividing their land on the system of the United States, the land aforesaid shall be surveyed and laid off in ranges, townships, sections, and parts of sections.

Never until when? To use the language of the treaty, article 20, until they shall request the Secretary to do it. So declares the Cherokee treaty, and the Choctaw and Chickasaw treaty says it is not to be done until it is done through their respective councils and they agree to it. That is the mode by which it can be done, and the only one.

Mr. PEPPER. There has been no such request made yet.

Mr. BATE. No, sir.

Mr. GEORGE. There is a protest.

Mr. BATE. I hold in my hand, instead of a request, a protest by those Indians, passed in their legislative council. There never was but one agreement to it, and that was by the Chickasaws on conditions, which conditions were not complied with. That Senators may the better understand this conditional agreement by the Chickasaws, I will state that the Choctaws and Chickasaws bear this relation to each other: The Choctaws made the original purchase of the lands occupied by the two tribes. The Chickasaws became their partners in that purchase to the extent of one-fourth of the land. They hold one-fourth and the Choctaws hold three-fourths of the land conditioned that neither tribe can do anything affecting the title to the land without the consent of the other. This conditional agreement with the Chickasaws was ten or twelve years ago; but immediately thereafter when their council got together they rescinded or repealed that conditional agreement. The Choctaws, on the contrary, who have three-fourths of the land—a joint and common interest—holding the territorial possessions in common with the Chickasaws, would not agree to it at all and never have. It never has been done. To the contrary, as I said, there is a protest from the council of the Chickasaws and

Choctaws protesting against this amendment and asking that they have justice done them. Instead of it being requested and agreed to by the nations, they are actually protesting to-day in solemn form against it. The Senator from Missouri [Mr. Vest] ridicules their standing around this Capitol, and says they are lobbyists, etc.

Mr. President, why should not a man whose rights are imperiled stand at the doors and knock and ask to be heard in vindication of his rights? These Indians did not come here through idle curiosity nor for a bad purpose, but to let Congressmen know the true inwardness of this unjust and outrageous attempt to deprive them of their rights, regardless of treaty stipulation; rights that are vital to their tribal existence. I have seen two or three of them, and find them intelligent and speaking with fluency our language. They are alive to the injustice and wrong that is sought to be perpetrated upon them by the adoption of the amendment now under discussion. The only recourse for the Indian in this embarrassment is an appeal to Congress, or to give up his rights. He seeks none other than a pacific and polite mode of protesting against this burning wrong. For one, I will lend him a listening ear, and if his cause is just and right I will stand by it. These Indians, in their capacity as delegates from their respective tribes, are here to speak in an humble but manly way for their interests. They have sorrow in their hearts and tears in their eyes for fear that this amendment may be adopted, and as they believe, and have the right to believe, will be the crack of doom, if not the death knell, to their tribal relations.

Indeed, sir, this is more fateful to these Indians known as the Five Civilized Tribes than any attempted legislation known to our statutes for half a century.

I repeat, and say that no species of legislation has ever been enacted that was so fraught with fate, so pregnant with results to them, as this very amendment, sheltered under the wing of an appropriation bill.

We, as a Government, stand, as it has been said, as guardian to them. If so, let us see that our wards are fairly dealt with. Let the great American Christian heart throb with sympathy for their misfortunes; let our love of justice and sense of honor forbid a wrong to these unfortunate and dependent red men, who are struggling under our guidance to rise still higher in the scale of Christianity and civilization.

Mr. PEPPER. I should like to ask the Senator a question before he takes his seat.

Mr. BATE. Certainly.

Mr. PEPPER. I ask the Senator whether or not, in his opinion, the difficulties which are intended to be cured by the proposed amendment would not be cured quite as well and much better if the United States Government would remove the intruders from the Territory?

Mr. BATE. Unquestionably; and it is the duty of the United States to do it under the treaties which they have made and the laws of the country. They have failed to do it, and "the nest of robbers" spoken of would not be there if the United States did their duty. Furthermore, it is the duty of the United States not only to see that bad men are put out, but it is their duty to see that the individual citizens who have intermarried with these Indians, if they are good citizens, get their rights also.

Whence comes all this trouble? Is it not from those land grabbers—those aggressive, and, in many instances, vicious, men who have gone among these Indians for no good to the Indian?

It is true that most countries in their earliest settlement have more or less bummers and bad men to contend with, and this Territory is not an exception. Many of these intruders are mere adventurers who have gone in among the Indians to take advantage of them, and if they can not do it one way they will make another. They are generally reckless of life and disregardful of law. They are alike ready to boom a town or lease a ranch for one year and hold over longer, in violation of law. Where the carcass is the eagles will gather.

There are rich pastures in this Territory to graze, and cattle are cheap. They have inspired this movement that they may, under the guise of law, get these lands. If once allotted and owned in severalty, as this amendment contemplates, these intruders will have an easy task in "gobbling" them up. There is another class who hang around the borders of the Territory, expecting and hoping that soon some such bill as this amendment will pass Congress and open up the way to eject the Indian from his seat. This class of boomers is waiting for the Government to make a deal with the Indian or force upon him some such law as this, and when done, and the bell taps or the signal gun fires they will leap into the Territory with the eagerness of the hound unleashed for the chase.

Having failed thus far to get this under the commission by negotiation, they now seek to add judicial powers to the commission and force the Indian, against his will, in the face of sacred treaties, to yield to the white man's greed. I thank the

Senator from Kansas [Mr. PEPPER] for his suggestion as to these intruders.

Now, Mr. President, is there in point of fact much lawlessness in the Territory among the Indians, and is not the lawlessness there, if it is there, confined principally to the interlopers and intruders, the hangers-on who are ready to grab the land when the occasion offers?

I have myself no experience to give like the Senator from Arkansas [Mr. JONES], who has been there, it seems, time and again, and who relates his own experience, which almost melted me to tears when he talked of the sadness of the condition of things there and the great misfortunes which individual Americans there have had visited on them. Well, if this is so, why do they remain there? I was never there, except as I have been on a passing train, and then I saw one of the most magnificent, beautiful, and attractive countries that my eyes ever rested upon, with outstretched plains and mountains in the distance; with swelling mounds, green with pasturage; here and there streams draining rich valleys. Coal fields and mines of precious metals abound and are of easy access. This last fact is named in this amendment as an inducement, I suppose, to excuse, if not justify, this proceeding.

As I said, I can not give the experience of my friend from Arkansas, for I have not been there, as he has, but I can call upon testimony that is as good as that of any man, I care not who he may be, and to that end I ask, Mr. President, the attention of the Senate for a moment while, with permission, the Secretary reads something that bears directly on this point. Let me preface it by saying that if there are any persons who have better opportunities than others to know the exact condition of the morals and crimes of that country it is those who preside upon the bench and try the violators of law. The paper which I present first is from Judge Bryant, who has been holding court in that country, or rather on its border, with criminal jurisdiction extending over it or parts of it, for a number of years. I ask the Senate to listen to what he says about the Indians there and as to the infractions of law.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

OFFICE UNITED STATES DISTRICT JUDGE,
EASTERN DISTRICT OF TEXAS,
Galveston, Tex., March 9, 1896.

DEAR SIR: As you are aware, for nearly six years I have been on the bench, and among other places hold court at Paris, Tex. During this time my duty has led me to a careful study of the conditions existing in the Indian Territory. The courts at Paris and Fort Smith have improved the Territory very much in ridding the country of lawless men, and if a comparison is made with any adjoining country, considering area and population, it will be found that less crime is committed in the Territory than any contiguous Territory or State of equal size. This is due solely to the fearless and certain enforcement of the law by the above courts.

If you look to Oklahoma you will find that crime is practically unpunished as compared with the Indian Territory. Many circumstances combine to make the Paris and Fort Smith courts preferable, but the main reason is, the juries are not acquainted with the parties or witnesses, are not related to nor interested in them, except to do their duty firmly and fairly, and consequently the innocent are protected and the guilty punished.

The records of these courts will compare favorably, to say the least, with any court on earth. The Indian is seldom a defendant in my court. The crimes are committed by white men nearly altogether, and they are generally fugitives from justice from the States.

The question of governing the Indian Territory is a simple one. If the United States will follow strictly its treaty obligations and expel all intruders from the Indian country, the question is then settled. The trouble comes from the intruder, and when he is removed, the cause is removed and the trouble ceases.

If Congress puts the Indian Territory into a Territorial form of government, or takes the jurisdiction from Paris and Fort Smith and gives it exclusively to the courts in the Indian country, crime will rule the day; life and property will not be safe. In making this statement I desire to be distinctly understood as not reflecting on the judges or marshals of those courts. They are gentlemen and good officers and will do all that anyone can do to enforce the law. The fault is not with them. If the juries are composed of white men, in many verdicts of fact feeling will determine it, and the Indian will sincerely think it does in all. If the juries are composed of Indians the white men will think the same. If the juries are composed of both they will agree possibly in one case out of ten. In any event, either the white or Indian element will have no confidence that the verdicts are impartial. You know there are many feuds in the country, and they play no small part in the enforcement of law.

The Indians and the law-abiding white men in your country have confidence in the juries at Paris and Fort Smith, because they are not involved in the local feuds and local interests, not related to nor acquainted with the defendants, and consequently can have no motive to do other than right. If the United States will expel the intruder, let the tribal relations stand as they are, the question is settled and settled right. Many white men live in the Indian country that are honest and good citizens, but they comply with all regulations, are not in the criminal courts, and this letter does not apply to them. I refer to the large class of white men in your country who live by crime.

I would write more fully, but I am very busy here and have not the time. I will add, personally, it would be to my interest to lose the jurisdiction at Paris; it would relieve me of great labor and annoyance, but interest does not control me. I have given you my real convictions on this question.

Yours, truly,

HON. HOLMES COLBERT,
Washington, D. C.

D. E. BRYANT.

Mr. BATE. I will also ask the Secretary to read a short extract from the charge of Judge Stewart of December 1, 1894, which I

preface by saying as to the letter which has just been read from Judge Bryant, that he is the judge presiding over the court at Paris, Tex., which has jurisdiction over a certain part of the Indian Nation. It is a part carved out of the peninsula between the white man and the Indian, which he presided over. Prisoners have been taken there and have been tried there for several years by him. He has made a statement touching the character of crimes that are committed there. I ask now that a short letter from Judge Stewart may be read, and also another one following it from Judge Parker. These are the men before whom the criminals are brought and tried, who understand their nature and who live in their midst.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

Charge of Judge Stewart, December 1, 1894:

"And I say now, and I say it everywhere, and I am proud to say it, that I lived on the border, right on the edge of the Chickasaw Nation, for years before I came to this country, and I will say that there never has been a more law-abiding people than the people of this Territory. Why do I say it? These people were here for years without law; these white men who came in here with the permission of the Indians had intercourse with each other to protect their rights; they had no law to protect them against crime; yet these men went out and built towns, they erected churches and schoolhouses, and the good order of society was preserved and maintained without law, and now for the world to say that this Territory, as a whole, is more lawless than other new countries is a slander on the good people of this Territory, and it is not true. I have seen it and I know it."

WASHINGTON, D. C., December 20, 1894.

SIR: In accordance with your knowledge of crime in the Cherokee Nation, were there as many as 53 murders committed there during September and part of October last, and no attempt to make arrests?

W. A. DUNCAN.

To Judge I. C. PARKER, Fort Smith, Ark.

FORT SMITH, ARK., December 21, 1894.

To Hon. W. A. DUNCAN,
Cherokee Delegate, National Hotel:

In reply to your dispatch of 20th, I state four cases of murder were reported to United States commissioners here as having occurred in the Cherokee Nation during the whole of September and October last. Arrests in all cases.

I think all the cases over which court had jurisdiction were reported. These were cases over which court here had jurisdiction. There were probably as many more cases of murder committed by Indians upon Indians. There was more crime than usual during these months, owing to the number of reckless men attracted to that country by payment to the people of so large a sum of money. The story that there were 53 murders committed in the Cherokee Nation during the month of September and part of October for which no one was brought to justice, in my opinion, is a grave mistake. Some one has imposed on the author of the statement to the committee. I do not believe any such statement is warranted by the truth, and I think a gross injustice is unintentionally done your people by such statement.

I. C. PARKER.

Mr. BATE. Mr. President, I have a statement here from the Rev. Walter P. King, a Baptist minister, who has gone over that country with others, and also a statement of Dew M. Wisdom, United States Indian agent at Muscogee, in the Indian Territory. I will not ask that they be read, nor detain the Senate by reading them myself, but they are to the same effect as the statements which I have read.

Mr. GEORGE. I hope the Senator will insert the statements in his remarks.

Mr. BATE. Very well. I will do that, if there be no objection. The VICE-PRESIDENT. In the absence of objection, leave will be granted.

The papers referred to are as follows:

CHEROKEE ACADEMY, Tahlequah, Ind. T., January 15, 1895.

HONORED SIR: I have read with interest the newspaper report of your reply to the report of the Dawes Commission. Allow me to add my humble indorsement thereto. After a three-years residence in your nation, with perfect liberty to observe your people, and every possible opportunity to study their customs and the administration of your government, with no possible political limitations, and in a work that brings men of all classes and conditions together on common ground, and having traveled the length and breadth of your country in public and private conveyance, I am free to say that I have found the enforcement of law as effectual, and the safety of persons and property as sure as in any of the well-governed Atlantic Seaboard States in which I made my home for many years. And this is especially true of the safety of our women from insult and annoyance upon our streets, or on the highways, where they frequently travel unattended for many, many miles together. I have never heard of a single instance where the slightest insult or indignity has been offered them.

I may say also upon the grave question at issue, merely as the conviction of one who has the best interest of your people at heart, and who has no personal gain or loss in the balance, that any of the plans submitted for a change of government for the Cherokee Nation (I know nothing about the others) must be detrimental to the best interests of the Cherokee people, if not of fatal result to the full-blood Indians.

Believing the position of yourself and your delegations to be the only correct one in the face of the facts, allow me to wish you godspeed toward success in your noble efforts for your people.

WALTER P. KING,

Principal under the American Baptist Home Mission Society.

HON. C. J. HARRIS,
Principal Chief of the C. N.,
National Hotel, Washington, D. C.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muscookee, Ind. T., January 3, 1895.

SIR: I am in receipt of your letter of December 18, 1894, in which you state that a statement was made on that day, before the House Judiciary Committee, that 53 murders had been committed in the Cherokee Nation from the 15th of September to the 20th of October, for which no one had been brought to justice. You also ask if I have any information to prove or disprove this statement, or if I give it any credit.

I would respectfully state that my information discredits any such statement, and I do not believe it to be true.

I know that the Cherokees, as a rule, apprehend and punish all criminals, and their laws are reasonably well executed.

Whenever I have called upon the Cherokee authorities to assist me in capturing outlaws they have always responded.

Very respectfully,

DEW M. WISDOM,
United States Indian Agent.

J. F. THOMPSON,
Cherokee Delegate, care National Hotel, Washington, D. C.

Mr. BATE. Mr. President, in addition I may be permitted to say in conclusion, for I have but very few words more to utter, when you go into that country and pass along even on the railroads which permeate it you find in many respects a most happy condition. One would think, to have heard the speeches that have been made this morning by the Senator from Arkansas [Mr. JONES] and the Senator from Missouri [Mr. VEST], that these people are savages, and that they dwell in a wild and untamed region, leading a barbarous life, but when you go there you find some parts of it, in many respects, almost a garden. It is cultivated, and cultivated by the Indians themselves. But we are told that the lands are leased out. While I am on that point as to the question of leases I wish to say it is claimed that there is exercised by a few individuals an ownership of 10,000 or 20,000 acres of land leased by the men who go there and monopolize the cattle business.

Mr. President, it is said in the New Testament—

Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

Look at the vast corporations in our own country holding millions of acres of land—given them, too, by the Government, to say nothing of many private individuals who own more than a million acres of land in our Western country. You have enacted no laws to stop the ownership of such enormous landed estates, but you want to have us stop those of much less magnitude in the Indian Nation, over which lands, as the law now is, our Government has no control. If we allow such things to go on with impunity in our own country, we should be consistent and not ask that it be denied elsewhere.

These civilized tribes have modeled their respective forms of government after that of our States. They have their governors, their legislatures, composed of senate and house, their judges, sheriffs, etc., all elected by ballot. They have their capitol, legislative halls, court-houses and jails, and their court trials by judges and juries, all Indians. These are exclusively for the Indians. When white men have suits with one another or with an Indian, the United States courts have jurisdiction and try such cases. The Indians have their own hospitals and charitable institutions, kept up at public expense. It is a singular fact, however, that while they have asylums for the blind and deaf and dumb, they have none for the insane, for the reason, it is said, they have no insane Indians.

These Indians have churches and schools in that country. The spires of their churches ascend to heaven, showing that they are followers of that meek and lowly Nazarene, that Man of Galilee to whom we all bow. They have churches of all denominations there—the Presbyterian, the Methodist, the Baptist, the Episcopalian, and Catholic churches. Not only so, but they have their schools, fashioned after ours, the common schools, as we have in our precincts or districts. They have likewise their academies, their high schools, and their colleges, all kept up at the public expense. They keep up, at public expense, an orphan school where every orphan in the tribe is educated.

The Chickasaws annually expend \$160 per capita in the education of their children. I am asked how they raise the money. In answer I say if they are the lazy lazzaroni and worthless set of blanketed thieves that Senators have tried to make it appear, they would spend no money for such civilizing purposes. Where do they get the money? I will tell you where the money for the schools comes from. The money comes from their lands that were sold and the proceeds invested by the Government of the United States. It is the interest upon that fund, together with certain taxes levied and collected that constitute this school fund.

Then, as I said before, they have their churches. We are informed by a Baptist minister, whose letter you have just heard read, that three-fourths of these Indians are members of the various churches; and yet we are ridiculing and abusing them and saying that they are not progressive. Look at their condition when they went there and see their condition to-day. I challenge history to show any people who have been elevated from the savage condition in which these Indians were fifty or sixty years ago up to the high point of Christian life and obedience as have these

Indians. I say such progress in civilization and Christianity in so short a time can not be found in all history.

Now we propose to give them a backset by doing away with their tribal relation; that relation, and the only one, which means success with the Indians. Permit me to say that the history of all the Indians, if I am not mistaken—Northwestern men like the Senator on my right [Mr. VILAS] know more about these things than I do—but history teaches that wherever the tribal relationship of the Indian has been done away with the Indian has gone down. He has flourished for a few years, as did the Wyandottes in New York, as did the Chippewas in Michigan, as did the Ossawatimies out in the West; but, Mr. President, after a few years they have begun to go down, down, down, and where are they now?

I have the history of it here, which shows that they have gone into degradation and infamy—have returned to ignorance and vice. They go into these sluices of dependence and beggary, and are swallowed up. We have pushed them to the precipice, and now bid them leap. Truly, Mr. President, as it has been said, there will be no one left to mourn for Logan—no, not one.

Poor race of man! Said a pitying spirit,
Dearly ye pay for your primal fall—
Some flow'rets of Eden ye still inherit,
But the trail of the serpent is over them all.

These discomfited Indians have arisen from an humble and barbarous condition to one that is praiseworthy and has received the approbation of all Christians; and we, as a Christian people, should not put a stumbling-block in their way.

Tribal relationship of the Indian is the ideal relationship for him. Deprive him of that and you make him a vagabond. This amendment strikes at that vital point. It means to allot the Indian's land and let him own it in severalty. It means to individualize him and to give him the power to sell his land to the white man who goes there and gives him liquor, if he wants it, or shows him gold or silver, if he wants it, or trinkets, or anything of that kind with which to purchase his land from him. What becomes of the Indian? He is then without a home, and falls back into the spurs of the barren mountains, without a guardian and almost without a God. Keep him from that; let his tribal relations remain, and allow him to go on and on, as he is now doing. This amendment strikes at the root—the pith and marrow—of that relation and whether intended or not it will destroy him.

You hold out to him a beautiful and peaceful picture. You say to him, when your land is allotted you will have your home; you will have your family around you; you will have the right to dispose of your property in your own way, and all that. This pleasing picture fascinates him. To him it is a blushing rose, but beneath that rose there is a serpent coiled to bite the hand that plucks it. This pleasing picture held out to him is but a dagger behind a smile; and that dagger in the end will pierce the red man's heart. Let the tribal relations of the Indians remain. Do not allot their lands. Let them continue as they now are in their progress, civilization, and Christianity, of which we shall be proud, and in which we should be glad to give them a helping hand.

You will pardon me, Mr. President, for having gone into the facts. I should not have done so, or said anything except simply in regard to the point of order made by my friend the Senator from Mississippi [Mr. WALTHALL]. He handled the subject so successfully, as did his colleague [Mr. GEORGE], that I felt it unnecessary for me to say anything in regard to it, and I should not have uttered a word in this discussion by way of advocating the cause of these Indians and their rights had not the Senator from Missouri and the Senator from Arkansas opened up the facts and talked so vigorously about murders, the nests of robbers, etc., in giving the condition of things in the Indian Territory.

Mr. VILAS. Mr. President, a question has been raised as to what the law now is in regard to the right to determine citizenship in any one of the Five Civilized Tribes. The Senator from Connecticut [Mr. PLATT] rather surprised me yesterday by saying that he did not recognize the right under the present state of treaty and law to exist in the several tribes themselves. It is enough for the purpose of showing that the amendment, were it enacted into law, would revolutionize the present treaty condition, to show that one of those people, the Cherokee people, is now protected, beyond the least question or doubt, by the most explicit stipulations. I should like to correct, if I am right and if the statement was somewhat erroneous which the Senator from Arkansas made, that view of it which he submitted. The question did not become important under the treaties which established autonomous government of those civilized tribes for a long time after those treaties were made.

The treaty of 1835, by which the Cherokee Nation was established, or by which the former treaty made with them in 1829 was given its durable form, provided explicitly that the Cherokees on their part should endeavor to preserve and maintain the peace of

the country and not make war upon others, while in consideration of that it was added immediately:

They shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent.

That was the origin of the intruder question and of the difficulties which have arisen in respect to the subject. That was practically reaffirmed in the treaty of 1866, and there was little need for a considerable time for enforcement of that agreement on the part of the United States. Little or no claim was made by either of the nations or by the Cherokees until the settlement of the West began to expose their borders to intrusion from lawless persons, individuals who disregarded every sort of right and every sort of obligation which the United States had imposed upon their citizens. It happened at last that one of those nations claimed the exercise on the part of the United States of this guaranty to protect them from intrusion. Then Attorney-General Devens gave it as an opinion that the United States were at liberty to decide, when asked to expel an intruder, whether or not the person was an intruder, whether or not he could be regarded by the constituted authorities of this Government as entitled to participate in their citizenship or to remain in their country. After that opinion was announced, the Supreme Court, in the case to which I referred yesterday, which is known as the Cherokee Trust Fund case, arising out of claims of the Eastern Cherokees to participate in the funds of the nation, etc., decided, as stated in the first head-note of that case, that—

By treaties with the Cherokees the United States have recognized them as a distinct political community, so far independent as to justify and require negotiations with them in that character.

There followed in the discussion of that case the further question of the right of the Eastern Cherokees to participate as citizens in the funds and property of the Cherokee Nation domiciled and settled in the Indian Territory, and to which as a nation a patent had granted the right of ownership of their lands in common, upon whatever implied trust need not be discussed. The Supreme Court said then that—

The claim presented by the Cherokees of North Carolina to a share of the commuted annuity fund of \$214,000, and of the fund created by sales of lands west of the Mississippi ceded to the Cherokee Nation, resting as it does upon the designation in the treaties of the lands originally possessed by the Cherokees and ceded to the United States, or subsequently acquired by them from the United States as "the common property of the nation," or as held for the "common use and benefit" of the Cherokee people, has no substantial foundation.

Then follows what they add as the reason for that:

If Indians in that State, or in any other State east of the Mississippi, wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be readmitted to citizenship as there provided.

In other words, the Supreme Court of the United States declared, what to a lawyer was obvious without that declaration it seems to me, that the constitution and laws of that independent political community were the sole touchstone of the right to citizenship within that community. After that decision, which was made subsequent, indeed, to the ruling of Attorney-General Devens, the case was heard at the October term, 1885—after that decision, the Department of the Interior always regarded that the right to decide upon the status of a claimant to citizenship in one of those Five Civilized Tribes was exclusively vested in the lawful authority of the tribes, to be determined by the constitution and the laws of the tribes. That decision was made by the honorable Senator from Colorado [Mr. TELLER] a little before, even, when he was Secretary of the Interior. It was afterwards followed by others in that office, and I myself had occasion, when occupying that office, to render a similar decision, although I insisted that when a person had been allowed to enter the lands of a tribe and remain there for years while the question of citizenship was depending undetermined by its authorities, if they suffered him so to delay, and while delaying to accumulate property and interests, that there remained in him a right which the Government should protect, however tenuous that right was; that a final decision of the question against his claim of citizenship should be accompanied with sufficient accord to him of privilege to dispose of his property without taking it from him.

Mr. GEORGE. Still their decision would be final.

Mr. VILAS. Their decision was so recognized in the Department in a case to which I refer—the Kusterman case. The fact that they had found him to be no citizen was considered as controlling the Department upon that point. That has been ever since the ruling of the Department, as I understand it.

But a few years ago Congress established a commission to deal with this same nation for the extinguishment of the title, whatever it was, whether to the use or otherwise of a large body of land, exceeding 6,000,000 acres in quantity, called the Cherokee Strip.

Mr. JONES of Arkansas. The Cherokee Outlet.

Mr. VILAS. The Cherokee Outlet, sometimes also called the

Cherokee Strip. That commission made a bargain with those Indians by which, after long resistance on their part and great reluctance to part with their title, they did finally agree to transfer it to the United States upon certain considerations. One was a consideration of money, but others upon which they insisted with the greatest pertinacity were considerations of another character. They were left with their original patented lands in their possession, but for the protection of their government and exclusive enjoyment of those patented lands they made this stipulation in the treaty then agreed to—

Mr. GEORGE. Concerning the Outlet?

Mr. VILAS. Concerning the Outlet.

For and in consideration of the above cession and relinquishment—

Begins article 2, the cession being made in article 1—

the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof—

Mr. JONES of Arkansas. That has no relation to citizenship. That was the question about intruders.

Mr. VILAS. I will repeat that, in order to answer by its own terms the suggestion of the Senator from Arkansas, which I think was rather hastily made:

For and in consideration of the above cession and relinquishment the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section 6 of the treaty of 1835 and sections 26 and 27 of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation.

Mr. GEORGE. What is the date of that agreement?

Mr. VILAS. I will give it. That agreement was signed by the commissioners at Tahlequah, in the Indian Territory, on the 19th day of December, 1891, and was approved by the law of March 8, 1893, with this qualification touching the particular clause in question:

Amend the same by adding to the first paragraph of article 2 of said agreement the following words: "And provided further, That before any intruder or unauthorized person occupying houses, lands, or improvements, which occupancy commenced before the 11th day of August, A. D. 1886, shall be removed therefrom, upon demand of the principal chief or otherwise, the value of his improvements, as the same shall be appraised by a board of three appraisers to be appointed by the President of the United States, one of the same upon the recommendation of the principal chief of the Cherokee Nation, for that purpose, shall be paid to him by the Cherokee Nation; and upon such payment such improvements shall become the property of the Cherokee Nation: *Provided*, That the amount so paid for said improvements shall not exceed the sum of \$250,000: *And provided further*, That the appraisers in determining the value of such improvements may consider the value of the use and occupation of the land."

In other words, Mr. President, by the act of Congress confirming and sealing that contract, by which we purchased the Cherokee Outlet, we agreed that they should be considered as intruders whom that nation did not recognize as citizens, with the exception of those particular cases specially named.

I think that argument leaves no sort of question of the proposition that the right to determine the citizenship of the several nations, certainly of the Cherokees, is as solemnly vested by contract and by statute in the nation itself as it is possible for the Congress of the United States to accomplish it.

The question then is presented whether by an amendment thrust in upon this appropriation bill we shall trample down, hardly more than three years after that agreement upon which we obtained their lands, that right which we then declared to be theirs and covenanted to respect.

Mr. President, I am by no means prepared to say what is the best thing to do with that disordered country. It may be necessary that the United States shall trample, as it always has in the past, upon its agreement with these Indian people. I believe it was General Harney who once testified before a committee of Congress that after fifty years' service in the Army of the United States upon the plains of the West he had never known the Indians to be first to break an agreement which they made with the whites, and had never known the whites to keep an agreement with the Indians; that no treaty of the United States but had gone unbroken in defiance of the obligation and good faith of the Government.

The case must be, as it seems to me, a desperate one before we openly resort to the remedy of the club and the bludgeon in order to put down the disorders in the Indian Territory. I feel reluctant to resort to those extreme measures of violence, so destructive of the sentiment of repose upon the obligation of the United States, when I reflect that it is undoubtedly true, as was stated in the document which was read at the request of the Senator

from Tennessee, that the cause of the troubles in the Indian Territory, more than any other, is the unauthorized, unwarranted intrusion of reckless and lawless white men whom the United States has not removed, although it covenanted that it would protect those tribes from such intrusion. That was the cause of their woes, for we must all be able to remember that up to the time when that intrusion became considerable they prospered, they grew in intelligence, until we pointed to the Five Civilized Tribes of Indians as an example of what might be yet in store for all Indians.

When I reflect upon that, I am unwilling to proceed to such extremities without the exhaustion of every remedy, of every effort; and when we do it, let us do it not by a measure half considered put upon an appropriation bill, but let us take time fairly, deliberately, in the way in which we legislate upon matters of solemn consequence, to consider the whole question, and dispose of it with dignity and with justice to that people. If we can not but exert the power of the law to tear away from them what it has bestowed, let us at all events apply as fair and comforting an anesthetic as it is possible to devise to accompany and assuage the violence. If this were not an appropriation bill we might offer many amendments and discuss it, but when the subject is presented in this way it becomes difficult to dispose of it with satisfaction.

I do not feel myself assured of what the right step to take is; but I do feel assured that we ought not to throw down the whole system of right, of independence, and authority which we have so solemnly created and so solemnly guaranteed the existence of without proceeding in a due and orderly manner to consider all the circumstances of it and the proper measures of relief which should be addressed to the necessity.

This condition can better rest a little longer than the Senate of the United States can be called upon to violate that rule which it has prescribed to itself with such obvious advantage in principle, and which, as the distinguished Senator from Missouri [Mr. VEST] to-day said, is asked to be disregarded upon every instance when there is a strong desire on the part of somebody to obtain some relief or advantage which the rule of the Senate denies. Let us, the highest lawmaking body of this country, proceed with respect to law; and if we can not, how can we expect our law to be observed by others?

Mr. PLATT. Mr. President, I feel very much embarrassed in attempting to reply even briefly to the attack which has been made upon the legislation proposed in this amendment. I feel that I am not justified in taking the time of the Senate which should be taken for a thorough, conclusive reply to the arguments which have been addressed to the merits of this case. I can not attempt to go into the merits of the case.

But I want to say that neither in Russia nor in Turkey is the despotism of the so-called governments in the Indian Territory equalled; neither in Cuba nor anywhere else are the atrocities committed in that Territory surpassed. If the Territory and those governments and this despotism and these atrocities were not in our midst every Senator in the United States Senate would be crying out in the name of liberty and justice and humanity that something should be done to put an end to the condition of things in that Territory. It is in our midst, Mr. President, and therefore there is resorted to every ingenious technicality to prevent the consideration of this subject by the Senate, to prevent the remedy of these enormous wrongs and this flagrant injustice and inhumanity. We are asked to forget that we are under any obligation to the Indians.

We talk about Indians, Mr. President. The objections, technical and otherwise, which have been made to this proposed amendment are not in the interest of Indians; they are in the interest of white men; men as white as you or the Senator from Wisconsin or myself; men who have not one drop of Indian blood in their veins, yet who dominate those tribes and those nations with as heavy a hand as the feudal baron ever dominated the people of his barony.

When the appeal is made here in behalf of the Indians I take it that it is not in the interest of the Indians that these objections are raised. When we are appealed to to observe the letter of the treaties which we have made, I reply that to observe them as we are told they should be observed is to violate them in their spirit, to transfer the interests of the wards of this nation, whom we are bound to protect, to the tender mercies of white men who have no regard for them or their interests.

Mr. President, in that Territory, as large as the State of Indiana, as fertile in soil, richer, if possible, in mineral resources, 500 men, largely white, with scarcely a half-blood Indian in the list, have seized, appropriated, and hold nine-tenths of the agricultural land to the exclusion of those who are entitled equally as citizens of the Territory to the use and benefit of that land; and the moment any measure is proposed looking to a remedy for that awful injustice, that unholy spoliation of the Indians, our wards, whom we are bound to protect, then Senators are shocked lest some rule of the Senate should be transgressed.

Mr. President, I can not exercise sufficient imagination to believe that the zeal which has been shown here for the rules of the Senate, the fear lest they should be transgressed, is born wholly of the desire that nothing should be done here except in the strictest order, according to the most technical construction of our rules. The course which the debate has taken, the arguments which have been brought forward here, the appeals which have been made in behalf of the poor Indian, the defense which has been put up here for the robbers and oppressors and corrupters of that nation, indicate to me that there is something which influences the minds of Senators besides that just regard which we all ought to have for the rules of the Senate.

I think I know of what I speak, Mr. President. I have not only examined that country personally, but I have examined carefully all that has been reported from that country. I do not whistle down the wind the statements of the gentlemen composing the Dawes Commission. I do not impute to men like the former honored Senator in this body from the State of Massachusetts either ignorance or a desire to misrepresent, nor do I impute to his associates any such ignorance or desire to misrepresent. There is no better friend to the Indian in the United States than Henry L. Dawes, who stood at the head of the commission. There is no man in the United States who would more scrupulously preserve the rights and protect the interests of the Indians; and conceding his honesty, the only answer which is made to the arraignment of the robbers and the corruptionists who have seized upon the Territory is that his powers are failing and that he has been imposed upon.

Mr. President, filled with years and with honor, that ex-Senator has not lost his powers of observation, his sense of justice, his desire to protect the Indians, nor his fearless honesty to expose the corruptions and wickedness of the people who are attempting in the Territory to despoil the Indians. If any man believes that that honored ex-Senator has been imposed upon by reason of failing powers let him meet him in debate and discussion of this subject. I could wish it were possible that for one day he might stand in the Senate in his old place and tell the Senate and the American people what he knows of the condition of affairs in the Territory.

I can not continue in detail what I would say respecting that condition of affairs which demands the attention of the United States and its action, but I want to say here upon my own responsibility and knowledge, based upon my own observation as well as derived from the testimony and observation of others, that pretended self-government in the Territory is a failure. It is more than a failure; it is a shame, a disgrace, an intolerable nuisance. The 500 men who have seized the land control it by the corruption of the legislatures, by the corruption of courts, by the terrorizing of those whose lands they have seized. Robbing the Indian, they either corrupt him with money or close his mouth by fear, and so represent themselves as being those persons who have a right to be heard as to the condition of the Territory.

The Senator from Wisconsin [Mr. VILAS] said something about adopting desperate remedies; but desperate cases sometimes require desperate remedies, and until this Government awakens to a sense of its responsibility, to a sense of its duty, and is ready to adopt any measure which will enable it to discharge its duty to the real Indians and to take them out of the hands of the false Indians, their oppressors, this wickedness, this unholy condition of affairs will go on in the Territory from bad to worse.

This is not a measure thrown in here to be adopted without consideration and without discussion. The amendment has been here one month and more as the result of the deliberation of the Committee on Indian Affairs, carefully considering the subject. It does not attempt to deal with the political conditions in the Territory. It does not attempt to set up a Territorial government over the Indians. It does not attempt to deal with the great question of the title to those lands. It does not attempt to limit the powers of the Indian courts. In all those matters where there are specific treaty obligations we have avoided the question whether the time has come when we must disregard the letter of the treaty in order to carry out its spirit.

There is nothing to be derived from the argument that this is not a well-considered proposition; that it is not a well-considered report of the Indian Committee; that it is not fairly considered in the Senate; that it is unjust and improper to attach it to an appropriation bill because of the importance of the subject. The same objections, the same technicalities, not perhaps on the question of order but on the question of the provisions of the amendment, have met us and will meet us until this question is settled. The money which the Government of the United States pays out liberally year after year to the Indian tribes is diverted from the Indians who are entitled to it and made into a fund to employ the best of lawyers and lobbyists to come here and endeavor to prevent any legislation whatever. I think I do not overstate it. I think I have information in my possession which justifies me in stating that never since I have been a member of this Senate has there ever been such fund of money raised to be spent in the

endeavor to prevent any legislation which would affect the Indian Territory. The appeal that is made in behalf of the Indians is made in behalf of the land grabber, the land monopolist, the legislature corrupter, and the court briber.

This language may seem harsh, it may seem strong, but the condition of affairs as stated in the Dawes Commission report, as known to every person who has carefully studied the condition existing in the Territory, warrants and demands the use of such unqualified language. I undertake to say that no important measure passes through the legislative councils of the Territory without having its way bought openly and unblushingly through those councils. I mean to say that as a general thing no important cause is decided in the Indian courts where bribery, either of the judge or of the jury, is not resorted to. Nobody denies it in that country. They laugh at it. They say, "You do the same thing in your State legislatures and in your courts and with your juries." The white men who have been admitted to citizenship in the Indian nations because they have married Indian women, or women who have some Indian blood in them, have all the vices of the white man, all his methods of corrupting legislatures, bribing juries, and every species of management by which a man enriches himself and despoils others, and they are beyond the possibility of being interfered with except as the United States Government takes a hand and does what in the name of civilization and justice and humanity it ought to do, restore the Territory to a condition which shall no longer be a disgrace to us.

Mr. President, one word with regard to the question of order. What is the meaning of the term "general legislation"? The Senator from Mississippi discusses it as if it meant important legislation. That is not the meaning of the term. There is nothing in the rule which prevents legislation on an appropriation bill because the word "general" qualifies the word "legislation." The Senator from Mississippi has given one definition of what general legislation is. In my judgment no legislation is general legislation which relates to the expenditure of money appropriated, which relates to the object to be attained by the appropriation of money. The clause "general legislation" was purposely adopted in order that matters entirely foreign to the object for which money is appropriated should not be introduced and carried through as riders upon an appropriation bill. So whatever has reference either to money appropriated, as to how it shall be spent, or as to the object to be attained in the expenditure of the money is not general legislation upon an appropriation bill. The Senator from Missouri [Mr. Vest] well remarked that when Senators are opposed to an appropriation contained in an amendment they are quick to discover that the amendment is general legislation on an appropriation bill, and vice versa that when Senators feel the importance of legislation they are equally quick to put a more liberal construction upon the rule.

Under the rules and decisions of the Senate by the Chair, upon appeals from the decisions of the Chair, upon the submission of the question of order to the Senate for the last seventeen years in which I have had the honor to be a member of this body, the pending amendment does not fall within the definition of general legislation. I have seen amendment after amendment much more open to the objection adopted by the vote of the Senate as not being within the inhibition of general legislation. General legislation is either that legislation which affects the whole country and all classes of its people, or it is that legislation which has no connection with the appropriation, with the expenditure of the appropriation, with the object sought to be accomplished by the appropriation, with the duties of the officers for whom the appropriation is made. Judged by this test the amendment is not general legislation on an appropriation bill; and the importance of the subject, the solemn duty which rests upon the United States now to do something without further delay to wipe off and to wipe out the foul blot and disgrace upon our national honor resulting from the condition of affairs in the Indian Territory would be a justification for a most liberal construction of the rule, if such a construction were necessary.

Mr. President, the proposed legislation is not conclusive; it is not harsh; it is not severe. It is tentative; it is preliminary, and, in my judgment, if carried into law, it will result in the accomplishment of the object for which the commission was originally appointed—the settlement of the difficulties and the complicated affairs there by negotiation. Just so long as these technicalities can prevail to prevent action by Congress, just so long as the attorneys and lobbyists can prevent anything being done by Congress, just so long will this great wrong and iniquity continue, and every failure to act but fastens stronger upon that unhappy people, whom we are bound to protect, the grasp of the despoilers.

I do not know that I need to say more. I could talk by the hour, and I could detail facts, I could refer to correspondence showing that all I have stated in this general way falls even short of the terrible reality. If it be necessary to override treaties, if in the opinion of any Senator there is anything in the amendment which by any construction or by any stretch of construction can

be held as not living up to the letter of the treaties, then I am prepared to say that no more solemn obligation ever rested upon the Senate of the United States than to disregard those treaties. When we make a treaty with an Indian nation we make it not only for ourselves, but for the Indians. We make it with our wards. We make it with a people whose interest we are bound to protect, and when the letter of the treaty is used for the oppression of those people by men who have thrust themselves into the situation for gain and for personal advancement it becomes our duty to see that the spirit in which the treaty was made is carried out. Five hundred people of the 60,000 so-called Indians have appropriated the property which belongs to the whole number. Civilization is arrested, progress is arrested, the real Indian is retrograding; he is going back to a state of savagery and barbarism, and all in order that the 500 robbers and despoilers may be kept in their unlawful possessions. I would not hesitate to disregard a treaty if it were necessary to do so for that purpose.

We are told that we have nothing to say about who are citizens there; that the 500 men who have thus usurped the power can decitizenize all the rest of the Indians, and we have nothing to say about it; that this Government has relinquished to the people who, through bribery and corruption and fear, control the tribes, to whoever may be in control the right to determine who are citizens there. If we have we had better regain it, and the more quickly the better, for the 500 people who own the land, who control the courts, who control the legislatures, will very soon be solving the question, if they have the unlimited power, by wiping off from the rolls of citizenship all the rest of the people there. The argument of the Senator from Wisconsin [Mr. Vilas] goes to that extent that whoever can control the courts and the legislatures of those nations can determine the rights of the people claiming to be citizens, and it has been done.

When the great payment of \$6,000,000, which we gave for the Cherokee Outlet, was made, name after name of persons who had been upon the rolls as citizens was deliberately and corruptly wiped off in order that there might be a larger per capita distribution for the rest. Pitiable indeed is the condition of those Indians, for whom we are in honor bound to look out, if they are to be left to the tender mercies of those who control the courts and the legislature in those nations. No, Mr. President, there rests behind all treaties, there rests behind all statutes, there rests behind all the decisions of the Court of Claims and of the Supreme Court the solemn obligation on the part of the Government to protect the Indians in the Indian Territory, and there is no protection possible for them unless we are to assume the right to determine who are the rightful citizens of the Territory.

As I said, I shall not detain the Senate further. I feel that the amendment is in order. I feel that it is of the highest importance. I feel that no question of Armenia or Cuba or Hawaii, no question of foreign policy, is to be compared in importance and in obligation with the question of our own domestic affairs.

Mr. WALTHALL. Mr. President, before this question is disposed of I desire to have printed in the RECORD a paper which I hold in my hand. Several Senators have insisted that the Government may properly disregard its solemn treaties, but I believe none of them has been bold enough to claim that the Government may properly annul its own patents. I wish to have inserted in the RECORD a specimen of the patents issued by the Government to these several tribes. The one I hold in my hand is a patent issued to the Choctaws. After the usual recitals and a special reference to a particular treaty, it proceeds:

Now, therefore, ye: That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted and by these presents do give and grant, unto the said Choctaw Nation, in the aforesaid "tract of country west of the Mississippi," to have and to hold the same, with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, as intended to be conveyed "by the aforesaid article, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it," liable to no transfer or alienation, except to the United States or with their consent.

The VICE-PRESIDENT. Without objection, the paper indicated will be inserted in the RECORD.

The patent is as follows:

THE UNITED STATES OF AMERICA.

To all whom these presents shall come, greeting:

Whereas by the second article of the treaty began and held at Dancing Rabbit Creek on the 15th day of September, A. D. 1830 (as ratified by Senate of the United States on the 24th day of February, 1831), by the commissioners on the part of the United States, and the mingoes, chiefs, captains, and warriors of the Choctaw Nation on the part of said nation, it is provided that the United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it. Beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the sources of the Canadian Fork in the "limits of the United States, or those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas"; thence north along that line to the beginning. The boundary of the same to be agreeable to the treaty made and concluded at Washington City "in the year 1825."

Now, therefore, ye: That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant, unto the said Choctaw Nation, in the aforesaid "tract of country west of the Mississippi," to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended to be conveyed "by the aforesaid article, in fee simple to them and their descendants, to inure them, while they shall exist as a nation and live on it," liable to no transfer or alienation, except to the United States or with their consent.

In testimony whereof, I, John Tyler, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the 23d day of March, in the year of our Lord 1842, and of the Independence of the United States the sixtieth.

By the President.

JOHN TYLER,
DAN'L WEBSTER,
Secretary of State.
JOHN C. SPENCER,
Secretary of War.
T. HARTLY CRAWFORD,
Commissioner of Indian Affairs.

I. WILLIAMSON,
Recorder of the General Land Office.

This is to certify that the foregoing is a true and correct copy from the original patent as given to Choctaw tribes of Indians by the United States Government in the year 1842, now in the office of national secretary at Tashka Humma, the capital of the Choctaw Nation.

In testimony whereof I have hereunto set my hand and affixed the seal of the Choctaw Nation, this 14th day of March, A. D. 1896.

[SEAL.]

J. B. JACKSON,
National Secretary, Choctaw Nation.

Mr. CHILTON. Mr. President, it is a matter of no importance to me, but I wish to correct the generality of one observation made by the Senator from Connecticut [Mr. PLATT]. I read from the RECORD, in which he says:

The provision of this amendment is taken from bills which have been before the committee, and as to it every member of the Indian Affairs Committee is agreed.

I believe that I am the junior member of the committee, and I did not happen to be present at the time the measure was considered. I do not wish to imply any particular opposition to a drastic measure in regard to the Indian Territory when the matter comes before the Senate in the ordinary way, but I think it proper to put myself upon the record, as no doubt my absence at that time escaped the attention of the Senator from Connecticut.

Mr. PLATT. The mistake into which I fell is a very natural one—

Mr. CHILTON. Entirely so.

Mr. PLATT. Because I knew that every member of the committee who was present did agree, and I was not aware of the absence of the Senator from Texas.

Mr. CALL. Mr. President, if the amendment shall be decided to be in order I propose to address some observations to the Senate upon it, but as there are very few Senators here, we had better have an idea with respect to what course the amendment will pursue, as to whether or not it is in order.

I wish to state, so that my position upon this subject may be known, that I regard the proposed legislation as the most extraordinary that has ever been presented to the consideration of this body since I have been a member of it. Conceding all that the Senator from Connecticut [Mr. PLATT] has said to be true, admitting his propositions to be true, this body has no information upon which it can act.

We can not proceed to take away the rights of these Indians, guaranteed by treaty, upon the opinion of individual Senators here, without any opportunity on the part of these people to maintain by proof the contradictions which they have sent here of these statements, to maintain by proof the opposing declarations of judges who preside in that country, of ministers of the gospel, of men of high character. We should not be asked summarily to violate these treaty obligations, which are admitted by all, upon statements which are absolutely without any other proof or sanction than the declaration of opinion of a few persons—Senators of character, it is true, whose opinions are entitled to respect, but not that conclusiveness, not that weight of evidence which should characterize the action of this body upon a subject so important as this. Therefore I say I earnestly hope that this proposition may not be entertained, because if entertained we shall have a protracted debate of many days here. I for one shall insist upon going carefully over all the statements which are contained in the pamphlets presented by these Five Civilized Tribes.

It is a matter of no importance whether there is a lobby here or not. It is not to be presumed that any lobby can improperly influence or by corrupt measures influence any member of this body. If a lobby is here and presents substantial reasons, based in truth and logic and justice, why this legislation should not be passed, it is proper that those reasons should be considered, come from whatever source they may.

But I observe one of the statements here is that this commission never went into the Territory except at one or two prominent places, with the exception of a part of two days. I have here the statement that these people are prepared to negotiate if the United

States will first fulfill its treaty obligations with them; and they appear before this assembly in this light to-day, denying these statements and saying, "We are prepared to negotiate if the United States will first keep its faith with us." But, in view of the fact that the consideration of this amendment will involve many days of further discussion and debate, I hope that the point of order will be sustained.

The VICE-PRESIDENT. The point of order is made against the pending amendment that it proposes "general legislation upon a general appropriation bill."

The third paragraph of Rule XVI reads as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received, etc.

The proposed amendment contains the following provision:

And said commissioners, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory; namely, the Cherokee, Muskogee or Creek, Choctaw, Chickasaw, and Seminole tribes or nations, and to make for each a full and complete roll of all persons entitled to the rights of citizenship therein; and in the performance of such duties said commissioners, and each of them, shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, to send for persons and papers, and to punish any disobedience of their orders and process as for contempt, etc.

Undoubtedly this is general legislation of a most important character. In addition to the authority already conferred upon the commissioners, they are by the pending amendment invested with judicial powers. It can hardly be questioned that "to hear and determine all questions of citizenship" as provided for in the amendment is to exercise important judicial functions.

In the judgment of the Chair the proposed amendment is obnoxious to the third clause of Rule XVI, and the point of order is therefore sustained.

Mr. PETTIGREW. There is a committee amendment on page 59 which has not yet been disposed of.

The VICE-PRESIDENT. The reserved amendment of the Committee on Appropriations will be stated.

The SECRETARY. On page 59, line 7, after the word "sites," it is proposed to insert "one hundred and"; so as to read:

For construction, purchase, lease, and repair of school buildings and purchase of school sites, \$140,000.

The amendment was agreed to.

Mr. PETTIGREW. I am authorized by the Committee on Indian Affairs to offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 9, on page 21, it is proposed to insert:

To enable the Secretary of the Interior to assist the Kickapoo Indians of Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed, grain, and subsistence for said Indians, \$5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians interest at the rate of 5 per cent per annum from July 1, 1895.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which is recommended by the Committee on Indian Affairs.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of page 50 it is proposed to insert:

That the homestead settlers on all ceded Indian reservations be, and they are hereby, granted an extension of one year in which to make payments as now provided by law.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment, which I send to the desk, to come in at the end of line 3, on page 56. The amendment is recommended by the Committee on Indian Affairs.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, at the end of line 3, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to ascertain and pay to Louis Magawakingena, Louis D. Coteau, and James W. Lynd, of South Dakota, such sum as he shall find justly due them for property lost and destroyed by the Sioux Indians on the Sioux Reservation during the outbreak in 1890. For the purpose of carrying out the provision of this act there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated a sum of money sufficient to carry out the provisions of this act, not exceeding \$500.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which is recommended by the Committee on Indian Affairs, to come in after line 11, on page 58.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 58, after line 11, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to A. J. Campbell, the son of Scott Campbell, deceased, or his legal representatives, the sum of \$10,000, as provided by the ninth article of the treaty of June 19, 1858, with the Medawakanton and Wahpakoota bands of Dakota or Sioux Indians, and for which purpose the sum of \$10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which is recommended by the Committee on Indian Affairs, to come in at the end of line 15, on page 49.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 15, on page 49, it is proposed to insert:

That the Secretary of the Interior is hereby authorized and directed to ascertain and determine the amounts due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians, not exceeding in the aggregate \$6,600, for supplies furnished to said Indians, at the request of the Indian farmer, during the years 1888 and 1889, or upon orders approved by the Indian farmer drawn upon and accepted by certain contractors for the purchase of pine timber on lands allotted to or selected by said Indians or claimed by them, and to pay said merchants the amount found due them, or each of them, their proportion of said sum out of any money on hand paid the United States by said contractors, or any of them, in settlement or satisfaction for pine timber cut upon such lands.

The VICE-PRESIDENT. The amendment will be regarded as agreed to, if there be no objection.

Mr. CHILTON. I ask that that amendment may be passed for a moment. I wish to examine it.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. PETTIGREW. On page 57 there is a committee amendment which led to some controversy yesterday, beginning on line 15. I think we have come to an agreement that the amendment I now propose shall take the place of the amendment adopted. I have not had time to examine it carefully, but I think there is no objection to it, and I now offer it. It is to strike out, after line 14, on page 57, down to and including line 11, on page 58.

Mr. COCKRELL. In lieu of the amendment adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out, beginning in line 15, on page 57, down to and including line 11, on page 58, and insert:

The Secretary of the Interior is hereby directed to cause to be paid out of the balance of \$1,600,000 now in the Treasury, and the interest thereon, being the balance of the first payment for the purchase of the Cherokee Outlet, the judgment rendered in the Court of Claims in favor of the Cherokee freedmen against the Cherokee Nation for \$903,254, with costs, and the judgment rendered in said court in favor of the Shawnee Indians residing in the Cherokee Nation against the Cherokee Nation for \$149,604, with costs, he having already paid the judgment rendered in said court against said nation in favor of the Delaware Indians residing therein for \$205,285.

The Secretary of the Interior, after making such payments, is hereby further directed, out of the balance of said \$1,600,000 and interest due thereon, to make payments in manner following:

The sum of \$400,000 to said freedmen, or so much thereof as may be necessary, to make them equal to Cherokees by blood, in per capita payment of moneys derived from the sale of said Cherokee Outlet; and the sum of \$53,461.60 to said Delaware Indians, or so much thereof as may be necessary, to make them equal to Cherokees by blood, in per capita payment of such moneys; and the sum of \$76,536 to said Shawnee Indians, or so much thereof as may be necessary, to make them equal to Cherokees by blood, in per capita payment of such moneys; appropriations for such payments having been made by acts of the national council of said Cherokee Nation, approved March 27, 1896, and March 30, 1896.

He shall also pay out of said money the attorney of record in the case of Moses Whitmire, trustee of the freedmen of the Cherokee Nation, against the Cherokee Nation and the United States in the Court of Claims, the fees provided by a certified copy of an act of the Cherokee national council and a stipulation for a consent decree filed in said cause in said court December 19, 1895.

And he shall pay to the attorneys of the Shawnees and Delawares, as they appear of record in the respective cases in the Court of Claims, fees at the same rate and in the same manner herein provided to be paid to the attorney of record of the freedmen: *Provided*, That after making the payments herein referred to the balance of \$1,600,000 shall be distributed under the direction of the Secretary of the Interior per capita to the persons entitled thereto, members of the Cherokee tribe of Indians.

The amendment was agreed to.

Mr. CALL. Mr. President, it seems to me that the payment of these great sums of money, which no one understands anything about, ought to be provided for by some separate measure. I guarantee that there are not a dozen Senators in this body who know anything about the payment of this large sum of money. I presume it is probably correct, and that it may be in all respects right and proper—I do not know whether that is so or not—but I do not think such amendments ought to be put on an appropriation bill in this way without very mature consideration and very full explanation.

Mr. PETTIGREW. I offer the amendment which I send to the desk, to come in at the end of line 11, on page 58, after the amendment just adopted:

The Secretary of the Interior is hereby authorized and directed to locate and establish certain Kansas Indians known as the Absentee Wyandotte Indians in the Choctaw and Chickasaw Nations, in accordance with the provisions of articles 30, 31, and 37 of the treaty made between the Government of the United States and the Choctaw and Chickasaw Nations, April 28, A. D. 1866, and the sum of \$15,686.80 appropriated by act of August 15, 1894, made for the purpose of buying homes for the said Absentee Wyandotte Indians, and the additional sum of \$5,000 appropriated by act of March 2, 1895, shall constitute a fund to be used by the Secretary of the Interior for the payment of the Choctaw and Chickasaw Nations, according to the provision of article 37 of the treaty of 1866 herein referred to, not less than 80 acres per capita for the said Absentee Wyandotte Indians, which said fund shall be paid to the national treasurers of the Choctaw and Chickasaw Nations in the proportions of three-fourths to the former and one-fourth to the latter, the tender of the same being equivalent to the payment thereof. And the Secretary of the Interior is hereby authorized and directed to carry out and enforce the said articles 30, 31, and 37 of the treaty of 1866 in such manner as may be necessary and sufficient for the purposes of this act.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, at the end of line 23, it is proposed to insert:

The Lower Brulé Indians who were living on the Rosebud Reservation in South Dakota, south of White River, prior to the 3d day of July, 1890, are hereby allowed to return and select the allotments of land occupied by them prior to July 3, 1890, and said lands shall be surveyed and patented to said Indians under the provisions of the acts of Congress in relation to the allotment of lands in severalty to Indians.

That such of the Lower Brulé Indians as desire to do so may take allotments of land on the Rosebud Indian Reservation, south of White River, in South Dakota, the same as they might have done prior to March —, 1889; and the Secretary of the Interior is hereby directed to pay to the Rosebud Indians the sum of \$1 per acre for all lands so taken and allotted, and the money to make such payment is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. PETTIGREW. I think that concludes the committee amendments to the bill.

Mr. WILSON. I offer an amendment to the bill, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. After the word "necessary," in line 25, on page 50, it is proposed to insert:

Provided further, That the time for the completion of said canal, or any part thereof, authorized by an act entitled "An act granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation in Washington," be, and is hereby, extended two years from July 24, 1896.

The amendment was agreed to.

Mr. CLARK. I submit an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 68, line 12, before the word "thousand," it is proposed to strike out "one" and insert "four"; and in the same line, after the word "all," to strike out "twenty-seven" and insert "thirty"; so as to read:

For support and education of 150 Indian pupils at the Indian school, Shoshone Reservation, Wyo., at \$167 per annum each, \$25,050; for pay of superintendent of said school, \$1,400; for general repairs and improvements, \$4,000; in all, \$30,450.

The amendment was agreed to.

Mr. PEPPER. I propose an amendment which has been referred to the Committee on Indian Affairs. The committee was not willing to report it in that form. Afterwards I had a letter from the Commissioner of Indian Affairs, which I think sets at rest all difficulties in the way. I ask that the amendment, which I send to the desk, may be inserted after line 3, on page 55, which is as convenient a place as any other for its insertion.

The VICE-PRESIDENT. The amendment submitted by the Senator from Kansas will be stated.

The SECRETARY. On page 55, after line 3, it is proposed to insert:

To pay Josephine Lofland, an Indian woman, formerly assistant matron at the Seneca, Shawnee, and Wyandotte school, her heirs and representatives, such sum as the Secretary of the Interior shall ascertain will compensate her for loss sustained by reason of the burning of the school building in which she was employed, not exceeding the sum of \$200.

Mr. PEPPER. In connection with this amendment, I wish to have read a letter from the Commissioner of Indian Affairs, which I send to the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 14, 1896.

SIR: In accordance with your request, I have the honor to advise you that on March 23, 1894, a fire occurred at the Seneca Boarding School, Quapaw Agency, Ind. T., which destroyed several buildings and other property. It is stated that the fire began in the room of the assistant boys' matron, Josephine Lofland, during her absence a few minutes, sending the little boys to school. When first discovered the flames were coming through the doors and windows, and in a few seconds it was too hot in every part of the building to remove any furniture or clothing. Superintendent Mateer, in his report to Agent Doane, states that Josephine Lofland, the assistant boys' matron, lost all of her clothing and other valuable articles, besides \$40 in money. Special Agent John Lane, on April 13, 1894, made a report upon said fire, and inclosed the affidavits of the assistant boys' matron, Josephine Lofland, Supt. J. H. Mateer, and the farmer, Solon Perrin, which he states gives all the facts that can be ascertained in relation to the fire, loss of property, and the struggle made by the school employees and others to save the other buildings. Superintendent Mateer says that the assistant matron lost almost all of her private property and \$40 in money, but there is no exhibit or inventory on file among the papers relating to the fire which gives a list or inventory of what personal property belonging to Miss Lofland was destroyed or its value.

Very respectfully,

D. M. BROWNING,
Commissioner.

Hon. W. A. PEPPER,
United States Senate.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Kansas.

Mr. PETTIGREW. I should like to have that amendment again read.

The VICE-PRESIDENT. The amendment will be read.

The Secretary again read the amendment submitted by Mr. PEPPER.

Mr. PETTIGREW. The Committee on Appropriations discussed and considered that matter and decided that it ought to go upon the deficiency appropriation bill and not upon this bill. I therefore hope that the Senator from Kansas will not press it, but will again let it be referred to the Committee on Appropriations.

The VICE-PRESIDENT. Does the Senator from Kansas desire a vote upon his amendment?

Mr. PEPPER. I do not see why the amendment may not be inserted, as the Senator had a somewhat similar amendment inserted a few moments ago.

Mr. PETTIGREW. The amendment inserted on my motion a few moments ago had the approval of the Committee on Indian Affairs. This has not, as I understand.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Kansas.

The amendment was agreed to.

Mr. BAKER. I offer an amendment, to come in at the end of line 7, on page 26.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 26, at the end of line 7, it is proposed to insert:

That all deeds and instruments of writing pertaining to real estate within the Quapaw Agency and the town of Miami, in the Indian Territory, shall be recorded at the said town of Miami by the clerk of the United States court in and for the northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

Mr. BAKER. I understand that there is no objection to that amendment on the part of the chairman or other members of the committee.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I offer an amendment, to come in after line 13, page 51. I will state that the amendment was introduced by me and referred to the Committee on Indian Affairs, and by that committee reported back favorably and referred to the Committee on Appropriations. I think there is no objection to it.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 13, page 51, insert:

That the President of the United States is hereby authorized to appoint a commission, to be composed of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be a resident of any one State, whose duty it shall be to visit and thoroughly investigate and determine as to the correct location of the boundary lines of the Klamath Indian Reservation, in the State of Oregon, the location of said boundary lines to be according to the terms of the treaties heretofore made with said Indians establishing said reservation; and when the correct location of said treaty boundaries of said reservation shall have been ascertained and determined, said commission shall ascertain and determine, as nearly as practicable, the number of acres, if any, of the land, the character thereof, and also the value thereof, in a state of nature, that have been excluded from said treaty reservation by the erroneous survey of its outboundaries, as now existing and as shown and reported to have been made in reports of the Commissioner of Indian Affairs and of the Commissioner of the General Land Office, submitted to the Senate by the Secretary of the Interior, and as set out in Senate Executive Documents No. 129, Fifty-third Congress, second session, and No. 62, Fifty-third Congress, third session.

And said commission shall make report of the facts ascertained and of their conclusions and recommendations upon the matters hereby committed to them to the Secretary of the Interior, who is hereby directed to report the facts found and reported by said commission and their conclusions and recommendations in the matter, together with his recommendations thereon, to the next regular session of Congress for its action.

And each member of said commission shall be paid not to exceed the sum of \$10 per day while necessarily engaged in the performance of the duties of said commission and actual expenses of travel and subsistence, the same to be audited and paid upon proper vouchers as other expenditures for the Indian service are audited and paid. And the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for such purpose.

The amendment was agreed to.

Mr. DUBOIS. I offer an amendment which was introduced by the Senator from Colorado [Mr. TELLER]. In lieu of the committee amendment at the top of page 51, which was ruled out of order, I move to insert:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation in the State of Utah, and with any other Indians, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, \$15,000.

Mr. BROWN. I move to amend the amendment, in lines 1 and 2, by striking out the words "with the Uncompahgre tribe of Indians and." My object in moving the amendment is because the language contained in the amendment of the Senator from Idaho would seem to recognize that the Uncompahgres have some rights that ought to be treated with, whereas in fact, as has been explained to the Senate in the discussion of the question of the Uncompahgre Reservation, they have no rights in that land or in any lands whatsoever in the United States. Their lands were in Colorado. They were settled with for them in 1880, they were paid for them, and their money is now in the Treasury of the United States, drawing interest. It is there as a trust fund, amounting to a million and a quarter of dollars, and they have no rights here. The act which was passed in 1894 provided that they could have lands by paying for them in the ordinary way, but it

did not recognize them as having any right to be treated for. I fear that the language in the proposed amendment would raise the implication that they have some right in those lands. I therefore move to strike out the words.

I will say further that I called the attention of the Senator from Colorado [Mr. TELLER], who introduced the amendment, to this subject, and he is very familiar with it. He agreed with me that the Uncompahgre Indians have no rights there, and I understand has no objection to the words I have indicated being stricken out.

Mr. DUBOIS. I accept the amendment to the amendment, and with an agreement with the Senator from Colorado and the Senators from Utah, after the word "the," in line 2 of the amendment, where the words "Uncompahgre tribe of Indians" are stricken out, I ask leave to insert "Indians residing upon the Fort Hall Reservation, in the State of Idaho."

The VICE-PRESIDENT. The amendment, will be read as modified.

The Secretary read as follows:

To enable the Secretary of the Interior to negotiate with the Indians residing on the Fort Hall Reservation in the State of Idaho and with the Indians residing upon the Uintah Reservation in the State of Utah, and with any other Indians, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, \$15,000.

The amendment as modified was agreed to.

Mr. SHOUP. I move to insert, after line 9, page 48:

For surveying the unsurveyed portions of ceded lands of the Nez Perce Indian Reservation, in the State of Idaho, \$10,000, the same to be immediately available.

The amendment was agreed to.

Mr. MANTLE. I submit an amendment, to be inserted after line 14, on page 50.

The amendment was read and agreed to, as follows:

For the purpose of paying the expenses of a commission of three persons, to be appointed by the Secretary of the Interior, to negotiate with the Crow and Flathead Indians in the State of Montana for the cession of portions of their respective reservations, and also to negotiate with the Northern Cheyenne and Crow Indians for the removal of said Northern Cheyenne Indians from their present reservation on the Rosebud River at Lamar Agency to the southern portion of the Crow Reservation, the sum of \$3,000, or as much thereof as may be necessary: *Provided*, That any agreement made with said Indians shall provide that a certain sum of money shall be deposited in the Treasury of the United States out of which to pay the taxes upon all inalienable allotments of lands to said Indians during the time said allotments are inalienable.

Mr. TELLER. I offer an amendment, to come in on page 72, after line 25. I will simply say that the amendment is sent up by the Commissioner of Indian Affairs, with an indorsement, and it seems to be a very proper amendment, and one that ought to be adopted.

The amendment was read and agreed to, as follows:

To enable the Secretary of the Interior to provide additional school facilities for Indian pupils at Santa Fe, N. Mex., and also suitable agency accommodations for the Pueblo and Jicarilla Agency, the abandoned military reservation known as Fort Marcy, containing about 17.17 acres, and situated in the city of Santa Fe, N. Mex., which said reservation was, by Executive order of June 15, 1895, placed under the control of the Interior Department for disposal in accordance with the provisions of the act of Congress approved July 5, 1894 (23 Stat. L., page 103), and is also subject to disposal under the act of Congress approved March 3, 1893 (27 Stat. L., page 593), is hereby withheld from sale or grant under said acts and placed under control of the Interior Department to be used for Indian school and agency purposes: *Provided*, That when this abandoned military reservation is no longer needed for such school and agency purposes by the Interior Department, then the same shall be disposed of in accordance with the provisions of the said acts of Congress.

Mr. BACON. I understand the amendments adopted as in Committee of the Whole have not yet been agreed to in the Senate.

The VICE-PRESIDENT. The Senator is correct.

Mr. BACON. I trust the Senate will not agree to the amendment of the committee on page 7, which was agreed to as in Committee of the Whole.

Mr. ALLISON. Let the bill be reported to the Senate.

Mr. PETTIGREW. As the amendment to be proposed by the Senator from Georgia is to amend an amendment already agreed to as in Committee of the Whole, I think the bill should be reported to the Senate first.

Mr. BACON. I understood that the bill had been reported to the Senate.

Mr. PETTIGREW. The bill has not yet been reported to the Senate.

Mr. BACON. I beg pardon. I understood the Chair to so announce.

Mr. JONES of Arkansas. I was requested by an Indian to offer an amendment to the pending appropriation bill at a proper place; I presume at the end of the bill. I do not know anything about the merits of the amendment, but, as everything seems to be going in, I suggest that it shall go in.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert at the end of the bill:

That the Secretary of the Interior is hereby directed to issue a patent in fee to Benjamin J. Clardy for all the land heretofore allotted to him in the Territory of Oklahoma as a citizen Pottawatomie Indian, and all restrictions as to the sale, incumbrance, or taxation of said land is hereby removed.

The amendment was agreed to.

Mr. PETTIGREW. I desire that the bill shall be reported to the Senate.

Mr. PEPPER. There is another amendment that I wish to submit. It is an amendment that was before the Committee on Indian Affairs, and I understood the chairman to say that the committee were satisfied with all of it except the latter paragraph. I ask that it may be read. It can be inserted anywhere.

The Secretary read as follows:

Provided, That any Indian of any tribe who has heretofore taken allotment of land in severalty, or who shall hereafter take allotment of land in severalty under any of the laws of the United States, and who does not reside upon said allotment, but is a legal resident of another State or Territory other than the State or Territory in which said allotment is situated, or a legal resident of any foreign country, may sell and convey all of the land included in such allotment, and upon filing in the proper office of the State and Territory where said allotment is located of a certificate of a court of record of the district and county in which said Indian is a legal resident, setting forth said facts, and that the same has been proven to the satisfaction of the court making such certificate, the said conveyance shall become absolute, and the title to such lands shall thereupon vest in the grantee therein named, and patent shall issue therefor, and the said land shall therefore be subject to taxation as other lands.

Mr. PETTIGREW. I make a point of order against the amendment that it is general legislation. Worse than that, it has not been passed upon by any committee.

Mr. PEPPER. If the Senator from South Dakota will pardon me for a moment, I understood the chairman of the committee to say that the committee would be satisfied with all but the last paragraph. I have stricken out the last paragraph, leaving the rest of the amendment to stand.

Mr. PETTIGREW. I shall insist on the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order. If there are no further amendments to be proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Without objection, the amendments made as in Committee of the Whole—

Mr. BACON. The question now is on concurring in the amendments made as in committee.

The VICE-PRESIDENT. That is the question.

Mr. BACON. Therefore my proposition must be made now. An amendment proposed by the Committee on Appropriations, which has been adopted by the Committee of the Whole, on the seventh page, is the one to which I ask the attention of the Senate. I trust the Senate will not concur in that amendment. It is found on the twelfth and thirteenth lines, on page 7. I will read it. The bill as it came from the House is as follows:

For pay of five Indian inspectors at \$3,000 per annum each, \$15,000.

That is the clause as it came from the House. The Senate committee struck out "\$3,000" and inserted "\$2,500," changing the aggregate from \$15,000 to \$12,500. The general law fixes the salaries of Indian inspectors at \$3,000. It is found in section 2044 of the Revised Statutes, and is as follows:

Each inspector shall receive an annual salary of \$3,000 and his necessary traveling expenses, not exceeding 10 cents a mile for actual travel, etc.

The House in recognition of that statute appropriated the amount provided in the statute as the salary of each of these five Indian inspectors, and I am at a loss to see upon what principle the committee bases its proposed change. If it were true that no fixed salary was specified as that to be paid to these inspectors and the committee saw proper to reduce their compensation below what had hitherto been given to them, of course there would be no right to complain; but it does occur to me that an Indian inspector whose salary is fixed by law is just as much entitled to have that amount of money appropriated for his compensation as any other officer of the Government, and that it would be just as proper for the Committee on Appropriations to say that any judicial or legislative officer should not have appropriated the amount necessary to compensate him, his compensation being fixed by law, as to say that the salary of an Indian inspector shall be reduced \$500 below the amount of salary which the general law of the land says shall be his.

The general law fixes the amount of salary to be paid a judicial officer; it fixes the amount of salary to be paid to each member of the Senate and each member of the House of Representatives, and we who have control of the appropriations go forward and appropriate the amount provided by law. And yet when it comes to one of these officers, who has no voice in the matter and who has undertaken to represent the Government in conformity to the implied, or I may say the express, contract that he shall be paid the amount appropriated by law, arbitrarily and without reason, so far as I have been able to learn, he is reduced the amount of \$500, one-sixth of his entire salary.

Mr. President, of course we have the power to do it. I know that on the first page of the pending appropriation bill it is specified that the amounts hereby appropriated shall be in full compensation for all offices the salaries for which are provided for herein; but that is simply the exercise of an arbitrary power. The question is, what is right? The only way, it seems to me,

by which the matter can be properly reached is to change the general law. I insist that it hardly comports with the good faith and dignity of the Government to have upon the statute books a law which provides that an officer shall have a certain amount of salary, and then when we come to appropriate money for the payment of the salary arbitrarily to reduce it by the amount of \$500.

I fully understand that the reply is made that the appropriation is for the next fiscal year, and if any one of these officers does not like to serve for that amount he is not compelled to do so. But that is not a good argument. That argument would apply to any other officer of the Government. It might be said that in the judicial or legislative departments officers could be found who would serve at a much less rate than the salary provided by law. That is not the question. The question is, What is the amount fixed by law as the proper compensation of these persons? When persons undertake to serve the Government, especially in an office which calls them away from home, it is necessary that they should give up their private business. It so happens—

Mr. PETTIGREW. I wish to ask the Senator from Georgia a question. I should like to know when the inspectors were appointed to whom the Senator has special reference?

Mr. BACON. I will state to the Senator from South Dakota that I know but one of the inspectors. He was appointed during the present Administration, and he is a citizen of my State. I know as a fact that he was doing a good law business, but he has laid it down and gone into this business in the belief that his salary would be \$3,000 a year.

Mr. PETTIGREW. I think we can obviate all difficulty of that sort. The fact of the matter is that he has been receiving but \$2,500 a year. That is all that has been appropriated in the past for these officers.

Mr. BACON. I think the Senator is mistaken.

Mr. PETTIGREW. I have the appropriation acts of the last two years here upon my desk.

For pay of five Indian inspectors, at \$2,500 per annum each, \$12,500.

Mr. BACON. What is the date of that act?

Mr. PETTIGREW. It is the appropriation act of last year, and here is the appropriation act of the year before.

Mr. BACON. What was the amount appropriated the year before?

Mr. PETTIGREW. For the year before—

For pay of five Indian inspectors, at \$2,500 per annum each, \$12,500.

The clause in the bill is an exact copy of the provision of the present law. So the Indian inspector to whom the Senator refers has been receiving just \$2,500. The Senator will find also that many of the surveyors-general of the United States have their salaries fixed at \$3,000 in the statute, but for ten years Congress has never appropriated over \$2,500. The governors of Territories have their salaries fixed at \$3,000, but for fifteen or twenty years Congress has appropriated only \$2,600; so this is a custom of Congress well established by precedent.

Mr. BACON. It may be that it is well settled by precedent, but that does not change the justice of the case. If at the time these inspectors were appointed the law said they should have \$3,000, they certainly had the right to assume in accepting the office that they would be paid that amount. As I was proceeding to say, the acceptance of this office, unlike the acceptance of many other offices, requires the utter abandonment of a man's private business. It takes him away from his home; it requires the surrender of all other emoluments. These persons have their arrangements made for the support of their families and for conducting their private business; and they have a right, it seems to me, to depend upon the assumption that Congress will appropriate the amount of money which the statute says shall be their lawful salary. If wrong has been done in the past I do not think that is a sufficient reason why it should be repeated in the future.

I have felt it my duty at least to ask the Senate not to insist that these inspectors shall receive less than the law upon the statute book prescribes for their regular salary.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurrent in.

The VICE-PRESIDENT. The question is on concurring in the residue of the amendments made as in Committee of the Whole. The amendments were concurred in.

Mr. BACON. I do not understand exactly what is the result of the vote on the amendment. The question, as I understand, was on concurring in the amendment which was made as in Committee of the Whole.

The VICE-PRESIDENT. That is correct. The Senate voted upon the amendment referred to by the Senator from Georgia, and refused to concur in the amendment.

Mr. BACON. The gentlemen sitting near me did not so understand it. They thought I had proposed an amendment. I did not propose an amendment. I simply asked the Senate to concur in the amendment which had been agreed to as in Committee of the Whole.

The VICE-PRESIDENT. The Senate did not concur in the amendment.

Mr. PETTIGREW. I shall ask that the question be again put, because it was not so understood on this side of the Chamber.

The VICE-PRESIDENT. By unanimous consent the Chair will again submit the question on concurring in the amendment made as in Committee of the Whole.

Mr. VILAS. I ask that the amendment be stated, so that there will be no misunderstanding about it.

Mr. ALLISON. The question is on concurring in the amendment made as in Committee of the Whole.

The VICE-PRESIDENT. That is the question.

Mr. ALLISON. An "aye" vote is a vote to maintain the action taken as in Committee of the Whole, and a "no" vote of course has the reverse effect.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, agreed to the following amendment: In line 12, page 7, strike out "three thousand" and insert "two thousand five hundred," and in lines 13 and 14 strike out the total "fifteen thousand," and insert in lieu "twelve thousand five hundred"; so as to read:

For pay of five Indian inspectors, at \$2,500 per annum each, \$12,500.

The VICE-PRESIDENT. The question is on concurring in the amendment which has been stated. [Putting the question.] The noes appear to have it.

Mr. PETTIGREW. I do not like to delay the progress of the bill, but I do not feel that that precedent ought to be established.

Mr. DUBOIS (to Mr. PETTIGREW). Call for a division.

Mr. BACON. The only precedent I know of that the Senator can refer to is not agreeing to the amendment of the committee, because there have been numerous precedents during the present session where amounts proposed by committees have been raised. I do not know that there is any very great hazard in such a precedent.

Mr. PETTIGREW. I call for a division.

The question being put, there were on a division—ayes 27; noes not counted.

Mr. PETTIGREW. I hope the Senator from Georgia will not insist further.

Mr. BACON. I am not at liberty to withdraw it, I will state to the Senator from South Dakota. I do not insist upon it from a captious spirit, but the circumstances are such that I can not withdraw it. I have no disposition to disclose the fact of the absence of a quorum, and if I were otherwise circumstanced I would withdraw it, as I see what is the disposition of the Senate. I am willing that the matter shall go over until to-morrow morning, if the Senator from South Dakota prefers, and let us take a vote then.

Mr. CHANDLER. It seems to me the want of a quorum has been suggested. I therefore ask for a call of the roll.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chilton,	Hawley,	Pritchard,
Allison,	Clark,	Hill,	Proctor,
Bacon,	Cockrell,	Jones, Ark.	Shoup,
Bate,	Cullom,	McMillan,	Squire,
Berry,	Daniel,	Mantle,	Teller,
Blackburn,	Davis,	Martin,	Turpie,
Brice,	Dubois,	Nelson,	Vest,
Brown,	Elkins,	Pasco,	Vilas,
Burrows,	Frye,	Peffer,	Walthall,
Call,	Gallinger,	Perkins,	Warren,
Carter,	Gordon,	Pettigrew,	Wolcott,
Chandler,	Gray,	Platt,	

The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum of the Senate is present. Upon the vote the ayes have it. The amendment made as in Committee of the Whole is concurred in.

Mr. GORDON. On page 57, after line 10, I move to insert: "To Stephen W. Parker, \$5,000." I do this by agreement with the committee, although when I gave notice of the amendment yesterday it was \$17,303.79.

The VICE-PRESIDENT. The amendment submitted by the Senator from Georgia will be stated.

The SECRETARY. After line 10, on page 57, it is proposed to insert:

To Stephen W. Parker, \$5,000.

Mr. PETTIGREW. I wish to make a statement in regard to this matter. I am willing to accept the amendment with the understanding that it can be looked into hereafter, as it is a Senate amendment. I understand this man has no contract. However, if there is any merit in the claim I presume it should be considered and disposed of along with the other Old Settlers claims. Therefore I am willing that the amendment shall go into the bill with the understanding that we will investigate the merits, and if the man shows a contract the matter will be disposed of properly.

Mr. GORDON. I do not want to introduce the amendment and have it acted upon under any cloud. This gentleman has a

contract. He has performed the service, and is as much entitled to his pay as any man whose name the committee has brought into the Senate. I hold in my hand the contract.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Georgia [Mr. GORDON].

The amendment was agreed to.

Mr. VILAS. I offer the amendment which I send to the desk. The SECRETARY. At the bottom of page 47 it is proposed to insert:

For salaries and expenses of the commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of \$40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PETTIGREW. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

Mr. COCKRELL subsequently said: In the appointment of the conferees on the Indian appropriation bill I ask that instead of my name that of the Senator from Florida [Mr. CALL] be inserted.

The PRESIDING OFFICER (Mr. BACON in the chair). It will be so ordered, in the absence of objection.

PUBLIC BUILDING AT NASHUA, N. H.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 131) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$100,000 for the purchase of a site and the erection of a public building thereon at Nashua, N. H.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 7664, being the sundry civil bill.

Mr. PEPPER. The Senator from Iowa understands that that will not displace the unfinished business?

Mr. ALLISON. Not to displace the regular order.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa to proceed to the consideration of the bill indicated, which will be read by title.

The SECRETARY. A bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. VEST. I take it for granted that the Senator from Iowa, the chairman of the Appropriations Committee, does not desire to go on with the sundry civil bill this evening.

Mr. ALLISON. I do desire to go on with it.

Mr. VEST. I ask the Senator to allow the bill to be laid aside for a moment while I ask the Senate to consider a little bill of five lines.

Mr. ALLISON. If the Senator from Missouri will allow me for a moment, I will state that I am willing, if it is understood that to-morrow morning after the routine morning business I shall call up the bill without objection, to give way this evening for a few bills that will require no special time.

Mr. VILAS. I hope also for an executive session.

Mr. ALLISON. I will yield also for that purpose.

Mr. VILAS. There are thirty or forty nominations which have not yet been laid before the Senate.

Mr. VEST. There is no objection to the statement of the Senator from Iowa.

Mr. ALLISON. Very well; then I yield to the Senator from Missouri.

ARTHUR P. SELBY.

Mr. VEST. I ask the Senate to consider the bill (S. 261) for the relief Arthur P. Selby. It will give rise to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Arthur P. Selby \$946, being an amount paid into the Treasury by Selby, as clerk of the United States circuit court of the eastern district of Missouri, by mistake.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDISON A. HOSMER.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 2503) for the relief of Addison A. Hosmer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to issue to Addison A. Hosmer a certificate of location in place of certificate No. K 9, upon proof of ownership and loss of the same, as the Secretary of the Interior may deem proper.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. DE FREEST.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator from Wisconsin to yield to me for a moment that I may call up a little bill which it will take but a moment to pass. It is a bill that came from the other House, and I should be glad to have it passed. It is for the benefit of an old soldier in my State.

Mr. VILAS. Very well.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the bill (H. R. 3852) to amend the record of William H. De Freest.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to amend the record of the War Department in the case of William H. De Freest, late second lieutenant of Company B, First Iowa Cavalry, so as to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL W. PERKINS.

Mr. BURROWS. I ask unanimous consent to call up the bill (S. 308) for the relief of Daniel W. Perkins.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Daniel W. Perkins, late of East Saginaw, Mich., now of New York City, \$1,045, in full for his services rendered as substitute district attorney of the eastern district of Michigan from October 1, 1871, to June 30, 1875.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD INDEMNITY LANDS.

The PRESIDING OFFICER (Mr. BACON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2231) for the relief of settlers on the Northern Pacific Railroad indemnity lands; which was referred to the Committee on Public Lands, and ordered to be printed.

ADDITIONAL JUDGE IN SIXTH CIRCUIT.

Mr. DAVIS. I ask unanimous consent for the present consideration of the bill (S. 1200) providing for an additional circuit judge in the Sixth judicial circuit.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELLEN SEXTON.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 515) for the relief of Mrs. Ellen Sexton.

Mr. COCKRELL. Let the bill be read for information, subject to objection.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. WARREN. The bill was reported from the Committee on Claims with amendments.

Mr. COCKRELL. Before I give consent for the consideration of that bill I wish to know if it is not setting the precedent of making the United States liable for all the costs in all criminal prosecutions for violations of the pension laws. It seems to me it is opening a very broad and wide door; and while I beg the Senator's pardon, I must be permitted to examine it a little further before we take it up. I have only glanced at the bill, but I see that it reads:

To reimburse her for the expense she was caused in defending herself against charges of perjury in connection with her pension claim, on which charges she was acquitted.

In case a grand jury finds an indictment for perjury against a witness and that witness is acquitted the United States will be liable to reimburse the attorney's fees and expenses and everything of that kind. I think that is setting a precedent which is too far-reaching.

Mr. WARREN. I will only take time to state, first, that I do not consider that the bill sets such a precedent, and, second, that the bill as proposed to be amended on the report of the committee does not reimburse the claimant except in part. I should only hope, if it did make a precedent, it would be one that would be followed in all cases so aggravated as this one.

Mr. COCKRELL. There is a long report in the case, and I hope

the Senator will allow the bill to pass over, without losing its place, so that we may examine it.

Mr. WARREN. Certainly, if it is so desired.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

OLIVIA AND IDA WALTER.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 278) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased. The bill has heretofore been twice passed by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Claims with an amendment, in line 7, before the word "thousand," to strike out "twenty-five" and insert "fourteen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased, out of any moneys in the Treasury not otherwise appropriated, the sum of \$14,000, in full satisfaction of all claims against the United States for services rendered by the testator in connection with any of the public buildings belonging to the Government, whether as architect, designer, disbursing agent, superintendent, or otherwise.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS AT SALT LAKE CITY AND OGDEN.

Mr. BROWN. I ask unanimous consent for the present consideration of the bill (S. 2178) to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah, and at Ogden.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HILL. Is there provision made for two public buildings in that bill?

Mr. BROWN. Yes, sir.

Mr. HILL. One at a time is about the average.

Mr. BROWN. I know that is ordinarily true; but, if the Senator will permit me, I will say in regard to this bill that these cities, had they been in States, would have had public buildings long ago.

Mr. HILL. I did not hear the Senator.

Mr. BROWN. Had these cities been in States they would have received public buildings before this on account of their size and the amount of business transacted; but it has not been the policy of the United States to erect buildings in Territories, and for that reason we are a little behind.

Mr. HILL. The Senator is making up for lost time by providing for two public buildings in one bill.

Mr. BROWN. In a certain measure that is true, but of course the capital of the State is entitled to a building.

Mr. HILL. What is the size of the other town for which a building is provided?

Mr. BROWN. It has a population of 20,000. It is a railroad town and is growing rapidly.

The PRESIDING OFFICER. The amendment reported by the Committee on Public Buildings and Grounds will be stated.

The amendment was, after the words "sum of," in line 10 of section 2, to strike out "three hundred thousand" and insert "one hundred and eighty-eight thousand"; so as to read:

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States court, post-office, and other Government offices in the city of Ogden, in the State of Utah. That the cost of such building, including vaults, heating and ventilating apparatus, elevators, and approaches, complete, shall not exceed the sum of \$188,000, etc.

Mr. HILL. One hundred and eighty-eight thousand dollars is to be the total cost?

Mr. BROWN. One hundred and eighty-eight thousand dollars is to be the total cost of the building at Ogden.

Mr. HILL. For which \$100,000 only is appropriated in this bill?

Mr. BROWN. But \$60,000 is now appropriated.

Mr. HILL. What is the other building to cost?

Mr. BROWN. Five hundred thousand dollars, and \$100,000 is to be expended during the coming fiscal year.

Mr. HILL. Creating debts for some one to pay.

Mr. BROWN. To an extent that is true. It is to cover a long period of years. It will take probably five or six years to complete the building at Salt Lake City. Salt Lake City has a population of nearly 60,000, and Ogden has a population of about 20,000.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Public Buildings and Grounds. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT SHAW MILITARY RESERVATION.

Mr. MANTLE. I ask unanimous consent for the present consideration of the bill (S. 1985) to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead and mining laws of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORTSMOUTH, VA.

Mr. DANIEL. I am authorized by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 270) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia, to report it favorably without amendment. In making the report, I ask unanimous consent of the Senate to consider the bill at this time.

Mr. HILL. Does it provide for only one building?

Mr. DANIEL. There is only one building provided for in this bill. Portsmouth is an old Virginia town, with over 21,000 inhabitants, a deep-water terminus, with four railway lines, the site of a great navy-yard of the United States, and I believe in the true interests of the United States a Government building should be erected there.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CHANDLER. I ask that the bill be read, subject to objection.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, which proposes to appropriate not to exceed \$150,000 for a site and the erection thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Portsmouth and State of Virginia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 24, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 23, 1896.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. John Moore Sigworth, Tenth Infantry, to be first lieutenant, April 15, 1896, vice Tyson, Ninth Infantry, resigned.

REGISTER OF LAND OFFICE.

Edwin E. Sluder, of Santa Fe, N. Mex., to be register of the land office at Las Cruces, N. Mex., vice John D. Bryan, to be removed.

RECEIVER OF PUBLIC MONEYS.

Caleb P. Organ, of Cheyenne, Wyo., to be receiver of public moneys at Cheyenne, Wyo., vice Cyrus D. Kelley, to be removed.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Frederick C. Billard, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed C. M. White, promoted.

Bernard H. Camden, of West Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed C. S. Craig, promoted.

Benjamin M. Chiswell, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed George M. Daniels, promoted.

Leonard T. Cutter, of New Hampshire, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed F. S. Van Boskerck, jr., promoted.

Moses Goodrich, of New Hampshire, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed D. F. A. de Otte, promoted.

Harry G. Hamlet, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed S. B. Winram, jr., promoted.

James C. Hooker, of Mississippi, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed A. R. Hasson, promoted.

Thomas L. Jenkins, of North Carolina, to be a third lieutenant

in the Revenue-Cutter Service of the United States, to succeed Fred. J. Haake, promoted.

Randolph Ridgely, jr., of Georgia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed James H. Scott, promoted.

Richard M. Sturdevant, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed F. A. Levis, promoted.

POSTMASTERS.

Thomas H. Tulley, to be postmaster at Silverton, in the county of San Juan and State of Colorado, in the place of Daniel Flisher, removed.

Duncan G. Campbell, to be postmaster at Rockford, in the county of Floyd and State of Iowa, in the place of Alex. McElroy, whose commission expired April 18, 1896.

John W. Irwin, to be postmaster at New Sharon, in the county of Mahaska and State of Iowa, in the place of David Vail, whose commission expired April 8, 1896.

L. S. Kennington, to be postmaster at Newton, in the county of Jasper and State of Iowa, in the place of J. T. Sherman, deceased.

Lois Martin, to be postmaster at Pella, in the county of Marion and State of Iowa, in the place of Samuel F. Cole, whose commission expired February 16, 1896.

R. L. Mortland, to be postmaster at Montezuma, in the county of Poweshiek and State of Iowa, in the place of Allen T. Underwood, whose commission expired December 16, 1895; L. H. Boydston, who is now serving as postmaster under a temporary commission issued during the recess of the Senate, not having been nominated to the Senate.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts, in the place of Charles E. Brady, whose commission expired April 18, 1896.

Edwin L. Cragin, to be postmaster at Melrose Highlands, in the county of Middlesex and State of Massachusetts, in the place of John Singer, whose commission expired December 16, 1895.

William J. Flynn, to be postmaster at Staples, in the county of Todd and State of Minnesota, in the place of William A. Miller, whose commission expired January 19, 1896.

Michael J. Toher, to be postmaster at Owatonna, in the county of Steele and State of Minnesota, in the place of Charles E. Luce, whose commission expires April 23, 1896.

Thomas M. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota, in the place of James A. Foote, whose commission expires April 23, 1896.

Julia H. Bronson, to be postmaster at Clinton in the county Oneida and State of New York, her commission having expired April 12, 1892.

Charles E. Rose, to be postmaster at Patchogue, in the county of Suffolk and State of New York, in the place of John J. Kirkpatrick, whose commission expired February 2, 1895.

John T. Baldwin, to be postmaster at Hennessey, in the county of Kingfisher and Territory of Oklahoma, in the place of Isidore McShea, removed.

Charles L. Pohe, to be postmaster at Catawissa, in the county of Columbia and State of Pennsylvania, in the place of Jonas H. Geary, whose commission expired April 4, 1896.

Boyce Rankin, to be postmaster at McDonald, in the county of Washington and State of Pennsylvania, in the place of David L. Williams, whose commission expired April 4, 1896.

James A. Crow, to be postmaster at Plano, in the county of Collin and State of Texas, in the place of Robert L. Livingston, whose commission expired March 21, 1896.

John L. Anable, to be postmaster at Mount Vernon, in the county of Skagit and State of Washington, in the place of Charles D. Kimball, whose commission expired March 21, 1896.

George B. McCall, to be postmaster at Chippewa Falls, in the county of Chippewa and State of Wisconsin, in the place of Albert E. Pound, whose commission expired January 19, 1896, the nomination of Arthur Gough to be postmaster at Chippewa Falls, which was sent to the Senate March 4, 1896, having been withdrawn.

WITHDRAWAL.

The following Executive nomination was withdrawn April 23, 1896:

POSTMASTER.

Arthur Gough, to be postmaster at Chippewa Falls, county of Chippewa, in the State of Wisconsin.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1896.

CONSUL-GENERAL.

Fitzhugh Lee, of Virginia, to be consul-general of the United States at Habana, Cuba.

POSTMASTERS.

Oliver P. Kendrick, to be postmaster at West Brookfield, in the county of Worcester and State of Massachusetts.

Henry A. Pope, to be postmaster at Milton, in the county of Norfolk and State of Massachusetts.

George B. McCall, to be postmaster at Chippewa Falls, in the county of Chippewa and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 23, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ARREST OF AMERICAN CITIZENS IN CUBA.

Mr. TALBERT. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk.

The Clerk read as follows:

Resolved, That the Secretary of State is hereby directed to communicate to the House of Representatives the information which he has, if any, relative to the arrest and imprisonment by the Spanish authorities in Cuba of Rev. A. J. Diaz, a citizen of the United States of America, and the superintendent of the mission work in Cuba of the Home Mission Board of the Southern Baptist Convention.

Also, what steps, if any, have been taken or directed for the purpose of securing for him a fair and impartial trial upon any charges which may have been preferred against him.

Also, such further information as may be in the possession of the State Department relative to said arrest and imprisonment, the communication of which is compatible with the public interest.

Resolved, That the Secretary of State is hereby directed to communicate to the House of Representatives like information relative to the arrest and imprisonment of A. J. Diaz, a citizen of the United States, by the Spanish authorities in Cuba.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. DINGLEY. Has not a similar resolution of inquiry been adopted by the Senate?

Mr. TALBERT. Yes, sir; a resolution of the same nature.

Mr. DINGLEY. Is there any necessity for both bodies taking this action? The information which may be sent to the Senate will suffice for the two Houses.

Mr. TALBERT. I think it should be sent officially to the House; in that way it will come to us in stronger form. That is my idea.

Mr. DINGLEY. All right.

There being no objection, the House proceeded to the consideration of the resolution; and it was adopted.

REPRINT OF REPORT ON BANKRUPTCY BILL.

Mr. HENDERSON. I ask unanimous consent that a reprint of 5,000 copies of the report of the Judiciary Committee on House bill 8110—the bankruptcy bill—be ordered. The copies already printed are exhausted, and members have been pressing me for a reprint. This report, I will state, contains the bill and also an index, all being condensed in one document.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. HENDERSON] for printing 5,000 extra copies of the report of the Committee on the Judiciary on the bankruptcy bill?

There was no objection; and it was ordered accordingly.

JOHN N. QUACKENBUSH.

Mr. HEPBURN. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill, with the amendment of the Committee on the Judiciary, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McEWAN. I reserve the right to object. I want to hear some explanation.

Mr. DINGLEY. Let the right to object be reserved.

The SPEAKER. The gentleman from New Jersey [Mr. McEWAN] and the gentleman from Maine [Mr. DINGLEY] reserve the right to object, pending an explanation.

Mr. HEPBURN. Mr. Speaker, in February, 1874, this officer was sentenced by court-martial to be dismissed from the service of the United States.

Mr. DINGLEY. For what cause?

Mr. HEPBURN. For drunkenness. The President of the United States commuted the punishment to six years' suspension from rank, and the officer was put upon shore pay. During the period of his suspension his place in the Navy was, by an error, filled through the commissioning of another officer; so that at the expiration of six years there was no place in his grade for him. He was, however, retained upon the Navy Register until 1882, receiving his pay and being recognized as an officer of the Navy. In the year 1882 the Secretary of the Navy for some cause dropped his name.

In the Forty-seventh Congress a bill similar to this was favorably reported in both Houses. In the Forty-eighth Congress an act similar to this was passed by both Houses, but got to the President only a few moments before the expiration of that Congress and did not receive his signature. In the Forty-ninth, the Fiftieth, and the Fifty-first Congresses this bill was favorably reported to both Houses.

Mr. SAYERS. Is the gentleman quite sure that the bill for the relief of this officer was reported favorably in both Houses?

Mr. HEPBURN. I am reading from the report of the Judiciary Committee, which states that the bill was favorably reported to both Houses in the Forty-seventh Congress and was passed by both Houses in the Forty-eighth Congress; that in the Forty-ninth, Fiftieth, and Fifty-first Congresses the bill was favorably reported to both Houses. In the Fifty-third Congress it was favorably reported, unanimously reported, by the Judiciary Committee of this House. This is the statement of the report of the Judiciary Committee at this session.

In 1885 this officer instituted a proceeding in one of the courts here against the Secretary of the Navy to secure his restoration to the Official Register of the Navy. This matter was heard before Judge Bradley, of the supreme court of the District of Columbia, who, for want of jurisdiction, refused to grant the peremptory mandamus applied for. Yet the judge, in rendering his decision, said:

The correction of this error—

That is, the restoration of the officer to the Navy Register—

The correction of this error, from which Commander Quackenbush has so long suffered, would be a simple act of justice. It should be corrected, not only as matter of righting a wrong to an injured and powerless citizen, but as a matter of honor on the part of a great and powerful Government. The remedy, however, is not in the courts, but in Congress. The petition must be dismissed.

Now, Mr. Speaker, I believe that for Congress to pass this bill is simply to do an act of justice, because the failure to do so imposes upon this officer additional or double punishment for an offense. He has suffered sufficient punishment already inflicted upon him by the court as modified by the action of the President of the United States. He should have been restored to his place twelve years ago. He is now an old man. He went into the Navy when a boy. He remained until 1874; he has no other occupation; he has no means of support; his service during the war was of an honorable character, and his record, with the exception of the one unfortunate habit, was a splendid record, that any officer of the Navy might well be proud of. I do not believe that the House will be willing longer to let him rest under this great disability, under this second punishment for one offense.

Mr. DINGLEY. Before consent is given, I would like to ask a question. It appears that this officer was dismissed under rather flagrant circumstances for drunkenness by a court-martial—permanently dismissed—and the President modified the sentence to a suspension for six years.

Mr. HEPBURN. Yes, sir.

Mr. DINGLEY. Now, the question is whether the habits of the officer whom it is proposed to restore and place on the retired list have been such within the last ten or a dozen years as to justify this action?

Mr. HEPBURN. I think there can be no possible doubt of it. Here are a dozen or more letters or certificates from his intimates, from the pastor of the church of which he is a member, and from other persons who have intimate acquaintance with him, all of them testifying to that fact, and that there has been no such conduct on his part since the period in question as would justify the prolongation of this sentence.

Mr. HENDERSON. I would like to add, with the consent of my colleague, that there are a large number of the best people in Washington who have interceded in behalf of the passage of this bill. He has children of the loveliest character who are suffering under this blot upon the record of their father, and all good citizens in the District who know the man seem to be united in urging favorable action upon this measure.

Mr. HEPBURN. I might say that during two winters I boarded in the same house with this gentleman, and have never observed anything in his conduct or habits not exemplary and correct in every respect, and I thank my colleague for the statement he has made with reference to the case.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. Mr. Speaker, I object.

Mr. HEPBURN. I hope my friend will not interpose objection now.

Mr. WILLIS. I trust the gentleman from Texas will withdraw the objection.

Mr. SAYERS. Mr. Speaker, I am not interposing an objection here without some knowledge of the facts connected with the case. This matter was referred to the Committee on Naval Affairs in the Forty-ninth Congress, of which committee I was then a

member, and while many of the facts have passed from my recollection, yet I remember that when this officer was dismissed from the Navy for the offense alleged the President transmitted to the Senate the name of some officer to be appointed in his stead, and that nomination was approved by the Senate. Afterwards, if I remember correctly, the change was made from a permanent dismissal from the Navy to a suspension for a term of years.

Mr. HEPBURN. The gentleman will remember that there is abundant evidence in the case showing that this was an error; that it was not the purpose of the President so to do, but was simply the result of an oversight. It is clear beyond all question that such was the case, and the then Secretary of the Navy certifies to that fact; and I hope, therefore, my friend from Texas will not object.

Mr. SAYERS. I do not believe the bill ought to pass—

Mr. HEPBURN. It is a good and righteous bill.

Mr. BAKER of New Hampshire. If the gentleman will permit me, the then President of the United States, General Grant, and his Secretary of the Navy, Mr. Robeson, both certify in the case that the nomination to the Senate and its confirmation was an error.

Mr. SAYERS. At the solicitation of gentlemen around me I withdraw the objection. [Applause.]

But I wish to say, Mr. Speaker, in reference to this bill, that I do not believe it ought to be passed until all of the facts connected with the history of this officer, which can be obtained in a few days from the Navy Department, are laid before the House.

Mr. HEPBURN. They are all embodied in the report—

Mr. SAYERS. I do not think that the House should pass upon the bill without all the facts before it.

Now, I ask the gentleman from Iowa to take a unanimous consent, and let this bill lie over until Saturday morning, retaining its place.

Mr. HEPBURN. I would be perfectly willing to consent to that, but, Mr. Speaker, I shall not be here on Saturday morning.

The SPEAKER. The question first is, Is there objection to the present consideration of the bill?

There was no objection.

Mr. SAYERS. Mr. Speaker, I ask that the consideration of the bill go over until Saturday morning.

Mr. HEPBURN. I would like to make it Friday, if it will suit the gentleman from Texas, as I can not be here on Saturday.

Mr. SAYERS. Then say Monday.

Mr. HEPBURN. Let us make it Tuesday next; that will make it more convenient for me.

Mr. SAYERS. Very well.

The SPEAKER. The Chair understands that the gentleman asks consent that the consideration of this bill be set for Tuesday? Is there objection?

There was no objection, and it was so ordered.

CONDEMNED CANNON, EVANS CITY, PA.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post No. 573, of Evans City, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Post No. 573 of the Grand Army of the Republic, of Evans City, Pa., one condemned cannon and five cannon balls for the purpose of decorating the soldiers' monument in said place: *Provided,* That the same can be spared without detriment to the service, and that no expense is hereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PHILLIPS, a motion to reconsider the last vote was laid on the table.

N. T. APPLEGATE.

Mr. COX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7334) to increase the pension of N. T. Applegate, who served in Company B, Twenty-eighth Kentucky, in the late civil war.

The bill was read, as follows:

Be it enacted, etc., That the pension of N. T. Applegate, who served in Company B, Twenty-eighth Kentucky Regiment, in the late civil war, be, and the same is hereby, increased to \$40 per month, the said soldier being entirely helpless.

The Committee on Invalid Pensions recommended an amendment, to strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William T. Applegate, late private and second lieutenant in Company B, Twenty-eighth Kentucky Volunteer Infantry, and pay him a pension of \$30 per month in lieu of the pension he is now receiving.

Amend the title so as to read: "A bill granting an increase of pension to William T. Applegate."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Has this bill been considered in Committee of the Whole?

Mr. COX. No, Mr. Speaker, the bill has not been considered in Committee of the Whole, but I desire to make a short statement in regard to it.

This bill is to increase the pension of this man from \$12 to \$30 a month. That is done by the committee amendment. I know this man well. He lives in my district. He is utterly helpless. I prosecuted his claim as earnestly as I could, to try to get the pension increased at the Bureau. He can not establish to the satisfaction of the Bureau that his disabilities were caused by his service in the Army. He is a man of upright character, of as good morals as anybody. He is utterly helpless. I have seen him time and time again. He has to be nursed by his wife as though he were a child. The committee recommend an increase to \$30 a month. I hope there will be no objection to helping this old man to that little sum of money.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I should like to ask the gentleman if there is any evidence that would tend to show that this man's present disability is the result of his service?

Mr. COX. I will tell you what the evidence does show, which strongly recommends the case to me. This man enlisted in the Army. He was a second lieutenant. In the service he had his leg broken. He is now absolutely helpless. But the trouble is, he is paralyzed, and it is hard to trace that, as they tell me, to the results of exposure in the service. Now, if my friend could see this man for one moment he would not stop at \$30 a month.

Mr. LOUD. Oh, well, permit me to say, Mr. Speaker, that I do not believe Congress has any right to be charitable in matters of this character. There are, I will assume to say, 100,000 old veterans in this country who are totally disabled, and many of them feel that it is the result of their service; but if it does not appear clearly that it is the result of service, I hold that this Congress has no right and no power to pick out a special individual and pension him above the rate allowed by law simply because he is disabled at the present time and is poor and in want.

Mr. COX. If the gentleman will allow me to interrupt him for one moment, I will say that part of this disability and trouble grows out of having his leg broken in the service; but every other limb is nearly helpless. He could not make proof which was sufficient to satisfy the Department, because he could not find his old comrades; he could not find his physician. The evidence before the committee is full. Every mark and every point in regard to it has been taken with care, and if there ever was a case where an old soldier, under any state of facts, should have enough so that he can be fed, why this is that case.

Mr. LOUD. I should like to ask the gentleman now, on his honor as a member of Congress, if he believes that this man's disability is the result of his service?

Mr. COX. I will tell you what I honestly believe. I believe it was in part, and I have known him for years.

Mr. LOUD. Now, I beg your pardon—

Mr. COX. Well, I think that I would not be disabled that way for any consideration on earth.

Mr. LOUD. You would hardly assume that the breaking of a leg resulted in paralysis thirty or thirty-five years after the war, or that the paralysis was the result of the service, would you?

Mr. COX. Well, I would hardly presume that, if you state it in that way; but he has been stricken with paralysis for quite a number of years. Let me appeal to my friend. I know what I am talking about. This man had his leg broken. His health is utterly broken down, and he has no sort of assistance in the world except that of his good wife. I do think that if there ever was a case which appealed to the conscience of my very warm personal friend, this is such a case.

Mr. LOUD. Then I will ask the gentleman why he does not, with all his vigor, advocate the granting of a pension of thirty, or forty, or fifty, or seventy dollars a month to every man who served in the late war and who is at present disabled? Why not do justice to all of them?

Mr. COX. I will answer my friend by saying that I have never objected to the pensioning of an old soldier that I saw was thoroughly disabled and could not help himself. I left it to the committee to say what they would do, knowing that they would be fair in regard to the matter. I did not press the matter with the committee as to the amount to be allowed. Now, you know as well as I know that I am as cautious about these appropriations as the gentleman from California.

Mr. LOUD. I understand. Every gentleman is prejudiced in favor of his own claim. If this House should do this in one case why should it not do it in a great many others? I shall make no objection to the consideration of this bill. If it is on the Calendar it would be passed if it carried a thousand dollars. [Laughter.] I simply desire to call the attention of the House to what is

being done in these individual cases. If it were shown that the beneficiary's present condition was the result of service I should raise no objection, but this House has passed bills granting pensions where in the reports they have stated the present disability was not the result of service.

Mr. COX. There is no such statement as that in this report.

Mr. LOUD. Is not the inference about the same?

Mr. COX. The inference is the other way, in a unanimous report of the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title recommended by the committee was agreed to.

On motion of Mr. COX, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN J. SHIPMAN.

Mr. MEREDITH. Mr. Speaker, I ask unanimous consent to take up and pass the bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John J. Shipman, out of any moneys in the Treasury not otherwise appropriated, the sum of \$17,811.96, the same being the amount found by the Court of Claims to be due to the said John J. Shipman from the United States for stone furnished and delivered by the said Shipman to the United States and used by it in the construction of a lock on the Big Sandy River near Louisa, Ky., the said findings of the Court of Claims having been made in a proceeding and trial in said court authorized by resolution of the Senate of the 16th day of January, A. D. 1889, transmitting said claim to the Court of Claims under the provisions of an act approved the 3d day of March, A. D. 1883 (22 U. S. Stats., page 485), and an act approved the 3d day of March, A. D. 1887 (24 Stats., page 505), to be instituted in said court against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I reserve the right to object until we can hear a statement. I do not see why this has not been presented to the proper accounting officers for payment.

Mr. MEREDITH. Mr. Speaker, if my friend will permit me, the report is very short; I will state the substance of the report. There was a contract entered into with the United States Government to build a lock in the Big Sandy River, in the State of Kentucky. The contract was entered into—

Mr. LOUD. I would like to have the report read, as we can not hear.

The SPEAKER. The gentleman from California demands that the House shall be in order. The Chair hopes that gentlemen will take their seats and cease conversation, and gentlemen desiring to converse will retire to the cloakroom.

Mr. MEREDITH. I will state that this bill passed the Senate and has been favorably reported to the House. The report on the House bill will give all the information that my friend may desire.

The report (by Mr. MINOR of Wisconsin) on House bill 1030 was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1030) entitled "A bill to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman," has carefully examined the records in this case and find that the report made to the House January 29, 1895 (Fifty-third Congress, third session), covers the ground very thoroughly, and, as shown by evidence in the case, is correct.

Your committee therefore append said report and incorporate the same as a part of the report of this committee, and recommend that the bill do pass.

[House Report No. 1695, Fifty-third Congress, third session.]

The Committee on Claims, to whom was referred the bill (H. R. 7076) entitled "A bill to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman," respectfully submit the following report:

A contract was entered into by Capt. James C. Post, for the Government of the United States, with David B. Shipley for the delivery of stone for the construction of a lock in the Big Sandy River. By an agreement between said Shipley and said John J. Shipman the latter furnished the stone required by the contract. This agreement was known by the Government officers, and all the dealings of the latter were with Mr. Shipman. The quantity of stone required by the contract was delivered, but orders were given to Mr. Shipman under which he delivered stone and made changes in cuttings required in excess of what the contract called for. Payment was duly made to the extent of what the contract called for, but no payment was made for the excess above alluded to, and, as Mr. Shipman was in no position to enforce his claim therefor by a suit in the Court of Claims, he applied to Congress for relief, and the matter was referred by Congress to the Court of Claims.

He then filed his petition in that court, and the case proceeded to final hearing, resulting in a finding that there is due to Mr. Shipman the sum of \$17,811.96.

Your committee have examined the record and find that the matters involved were carefully and exhaustively considered. Much testimony was taken, and the case was carefully prepared and tried on behalf of the Government, with the result above named. There seems to be no reason to question the accuracy of the findings of the court.

The Government has received and is now enjoying the benefit of the material and labor, and Mr. Shipman should be paid therefor without delay.

Your committee therefore recommend that the bill do pass.

The findings of the Court of Claims are hereto appended.

[Senate Miscellaneous Document No. 103, Fifty-third Congress, second session.]

COURT OF CLAIMS, CLERK'S OFFICE,

Washington, February 28, 1896.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the finding filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the Senate of the United States under the acts of March 3, 1883, and of March 3, 1887.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. ADLAI E. STEVENSON,
President United States Senate.

[In the Court of Claims. Congressional No. 6653. John J. Shipman, claimant, vs. The United States.]

STATEMENT OF CASE.

This claim in the above-entitled case was transmitted to the court on the 16th day of January, 1889, by the following resolution of the Senate:

"Resolved, That the bill (S. 2081) entitled 'A bill for the relief of John J. Shipman,' now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act approved March 3, 1883, and an act entitled 'An act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim, including the loyalty of the claimant and all other facts contemplated by the provisions of said act."

Messrs. Shellabarger, Wilson, and Hoehling appeared for the claimant, and the Attorney-General, by Felix Brannigan, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case was brought to a hearing on its merits on the 28th day of February, 1893.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I.

On the 23d day of July, 1883, David B. Shipley entered into a contract with Capt. James C. Post, United States Army, of the Corps of Engineers, on behalf of the United States, for the delivery of stone for the construction of a lock on the Big Sandy River, near Louisa, Ky., and which said contract was duly approved by the Chief of Engineers, United States Army, on the 10th day of August, 1883. On the 1st day of September, 1884, a supplemental agreement was entered into, which was duly approved by the Secretary of War on the 17th day of September, 1884.

II.

On the 23d day of August, 1883, the claimant entered into a contract with the said David B. Shipley, whereby the said Shipman agreed to deliver stone contemplated by the first contract named in the finding, in accordance with the requirements contained therein and at the prices fixed by the contract. The second contract was subsequently entered into by Shipley with the assent of the claimant.

III.

After the making of this contract between said Shipley and Shipman, Shipley, as well as the claimant, requested that the name of Shipman might be substituted for his (Shipley's) in the contracts, the requests being accompanied by the written consent to such change on the part of the bondsmen of Shipley. Captain Post, having charge of the construction of said lock, recommended that said substitution be made; but the Chief of Engineers refused, on the ground of its not being lawful so to do. Thereupon the claimant gave notice to the Secretary of War and the other officials of the Government having charge and control of the matter of the execution of the contracts of the agreement by which he, Shipman, was to complete the said contract of Shipley; and the Secretary of War and other officials having the matter in charge, with full notice of said arrangement with Shipman, recognized him throughout the entire execution of said contracts as the party who, in fact, executed the same, and who delivered all the stone in the execution thereof.

IV.

After the foregoing arrangement was reached the claimant proceeded, with full knowledge and approval of the defendant's officers having charge of the work, and, under their orders and directions, fully performed all the requirements and conditions of Shipley's contract, to the satisfaction of the officers in charge of the work.

V.

From time to time during the progress of the work payments were made by drafts or warrants, payable to the order of Shipley, and which were indorsed by Shipley, and by him delivered to the said Shipman, who received the proceeds thereof, amounting in the aggregate to \$66,285.22.

VI.

The contractor, David B. Shipley, has disavowed and disclaimed all right and interest in the compensation, both that paid and that unpaid, and has in this case expressly declared and testified that he is not interested in the claim here sued for, and that he had no connection with the execution of the contracts, and that he did not furnish any money for the carrying out of the same; and he has filed in this case his written disclaimer of all interest in the compensation due under the contract, and has ordered and requested that any such compensation remaining due, if any, may be paid to the claimant, Shipman.

VII.

The contracts between Captain Post and Shipley, before referred to, contained, among others, the following provision:

"The decision of the engineer officer in charge as to quality and quantity shall be final."

The assistant engineer in charge of the work was satisfied with and approved the quality of work performed by claimant, but a dispute arose as to the quantity of stone furnished, and the mode and manner of measurement, and of ascertaining the quantity where it could not be ascertained by direct measurement. The decision of the assistant engineer was that the claimant had furnished the following quantities:

Cubic yards.

Cut stone, dressed face.....	1,532.46
Cut stone, quarry face.....	803.42
Squared stone.....	2,002.66
Backing stone.....	6,042.58
Special stone.....	785.40

The whole of which aggregated, at contract rates, the sum of \$66,285.22.

VIII.

The contract also contained, among others, the following provisions: "If at any time during the prosecution of the work it be found advantageous or necessary to make any change or modification in the project, and

this change or modification should involve such change in the specification as to character and quantity, whether of labor or material, as would either increase or diminish the cost of the work, then such change or modification must be agreed upon in writing by the contracting parties, the agreement setting forth fully the reasons for such change and giving clearly the quantities and prices of both material and labor thus substituted for those named in the original contract, and before taking effect must be approved by the Secretary of War: *Provided*, That no payments shall be made unless such supplemental or modified agreement was signed and approved before the obligation arising from such modification was incurred.

"No claim whatever shall at any time be made upon the United States by the party or parties of the second part for or on account of extra work or material performed or furnished or alleged to have been performed or furnished under or by virtue of this contract, and not expressly bargained for and specifically included therein, unless such extra work or materials shall have been expressly required in writing by the party of the first part, or his successor, the prices and quantities thereof having been first agreed upon by the contracting parties and approved by the Chief of Engineers."

But the claimant did not comply with the foregoing conditions of the contracts—that is to say, he did not procure an agreement in writing with regard to the extra stone furnished by him for the use of the defendants in excess of the quantities prescribed by the contracts, as shown in the next finding.

IX.

The quantities of stone required by the contracts were stated as follows:

	Cubic yards.
Cut stone, dressed face.....	1,352.05
Cut stone, quarry face.....	943.00
Squared stone.....	2,000.00
Backing stone.....	6,089.05
Special stone, coping, etc.....	853.00

The court find from the evidence in the case, irrespective of the foregoing restrictions of the contracts, that the quantities of stone actually furnished and delivered by the claimant for the use of the defendants were, at contract rates, as follows:

	Cubic yards.	Amount.
Cut stone, dressed face.....	1,717.23	\$12,879.22
Cut stone, quarry face.....	1,480.35	9,622.27
Squared stone.....	2,062.56	11,014.08
Backing stone.....	6,891.88	31,261.40
Special stone, coping, etc.....	1,357.91	19,350.21
Amounting in all to.....		84,097.18
The claimant has been paid.....		66,285.22
Leaving a difference of.....		17,811.96

BY THE COURT.

Filed November 6, 1893.

A true copy.

Test this — day of —, A. D. 1894.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. DINGLEY. From the reading of the report it seems that the War Department made a contract with a certain gentleman to furnish the material for a river improvement in Kentucky?

Mr. MEREDITH. Yes, sir.

Mr. DINGLEY. And this was stone furnished outside of the contract, or rather an additional quantity?

Mr. MEREDITH. It became necessary, in order to complete the work, to have this stone.

Mr. DINGLEY. Now, my inquiry is this: According to the report the Department accepted this stone and used it?

Mr. MEREDITH. It was used by the Government.

Mr. DINGLEY. Now, my inquiry is, Why, under the circumstances, the War Department did not audit the account and pay it in the usual manner?

Mr. MEREDITH. It seems to me that that ought to have been done, but they failed or refused to do that on account of the fact that the contract was made with Shipley by the Government and not with the man who furnished the stone. The gentleman who has this claim has been waiting for twelve years after furnishing this stone, at the instance and request of the Government officers. It was inspected by them, and they say it was necessary for the completion of the work; but they say they were unable to pay him, because it was not embraced in the contract. The Government officers say that this work was done. A court that has been established by this Government has found that every dollar he claims is justly due to this petitioner.

Mr. DINGLEY. Why did not he bring a suit in the Court of Claims, instead of bringing the matter before Congress?

Mr. MEREDITH. He did not have the contract himself.

Mr. DINGLEY. That is the point.

Mr. MEREDITH. And therefore his case was sent to the Court of Claims, and we have its findings.

Mr. DINGLEY. Do you know whether the Law Department presented any facts in defense?

Mr. MEREDITH. There was no objection to it anywhere. The War Department would be glad for it to be paid.

Mr. DINGLEY. I ask this because the claim seems to be an entirely just one on its face, and because I do not see why the War Department did not audit the accounts and pay them.

Mr. MINOR of Wisconsin. I made the report in that case.

Mr. MEREDITH. I yield to the gentleman who made the report.

Mr. MINOR of Wisconsin. I will say to the gentleman from Maine that Shipman was substituted in the place of Shipley, who originally had the contract; but it was not done in writing, and Major Post, in charge of the work, said he had no authority to pay the money to Shipman.

Mr. DINGLEY. But the Government could have corrected that at the War Department.

Mr. MINOR of Wisconsin. That is just the way it occurred. They failed to do it. The Government has used this material in this work, and it has met the entire satisfaction of the engineer in charge.

Mr. GROUT. Is there anything from the War Department recognizing this as a just claim?

Mr. MINOR of Wisconsin. I have found nothing from the War Department.

Mr. DINGLEY. The Department ought to have been called upon for some explanation of what appears to be a dereliction of duty on their part.

Mr. MINOR of Wisconsin. They appeared in the Court of Claims.

Mr. MEREDITH. They defended the claim in the Court of Claims; but the testimony shows that this work was done and was approved by the Government officers in charge and accepted by them.

Mr. DINGLEY. Of course gentlemen understand that when a bill is sent to the Court of Claims for a finding of fact, that is done only for the assistance of Congress. The finding of the court is not conclusive upon Congress. Now, I would like to know what the War Department have to say in explanation of what appears to have been a dereliction of duty.

Mr. MEREDITH. Well, I can say with confidence, though not officially, that the Department would have been glad to pay this claim if they thought they could do it legally; but, for the reasons stated by the gentleman from Wisconsin, they did not feel that they could do so.

Mr. MINOR of Wisconsin. This claim is a just one.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEREDITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDUSTRIAL SCHOOLS, ALABAMA.

Mr. ALDRICH of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama and of the Tuskegee Normal and Industrial Institute.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PICKLER. I must call for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from South Dakota calls for the regular order, which is equivalent to an objection.

ORDER OF BUSINESS.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the pension bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

PENSIONS.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the bill (H. R. 8271) relating to pensions.

Mr. McCLELLAN. Mr. Chairman, the Republican party has so often made the claim that it has been in the past, and is to-day, the only party that is friendly to the old soldier that gentlemen on the other side of the House, who on nearly every other subject are inclined to be comparatively fair, have, from constant reiteration of this claim, almost persuaded themselves that it is true. They have constituted themselves a sort of "Old Soldiers' Friendship Trust," to the exclusion of all the rest of the world. During the short sessions of Congress this "Old Soldiers' Friendship Trust" is very seldom heard from, but toward the close of the long sessions, before the commencement of Congressional, and more especially of Presidential, campaigns, this "Old Soldiers' Friendship Trust" springs again into life and great activity.

It is an open secret that the bosses of the Republican party have decreed that no bill carrying on its face any large appropriation shall be allowed to pass during the present session. They have at the same time recognized the necessity of giving to the country some guaranty of good faith that the "Old Soldiers' Friendship

Trust" is not dead, but has been only sleeping. Hence this Pickler bill, warranted by its authors to confer a maximum of benefit upon the old soldier at a minimum of cost.

At the commencement of the present session a majority of the Committee on Invalid Pensions, with most commendable industry, began to draft a general pension bill. On the 11th of February it was reported to the House and placed upon the Calendar. It was proudly referred to by the majority members of the committee as "our general pension bill." It was guaranteed by them to cure all the ills and to right all the wrongs of the old soldiers. It was the little ewe lamb of my friend the gentleman from South Dakota [Mr. PICKLER], who from that time until quite recently never ceased to clamor for the blue ribbon of recognition from the Chair wherewith to decorate his little pet. [Laughter.] Unfortunately for the gentleman from South Dakota, the bill was critically examined by the bosses who preside over our destinies. It was too bad for even them. It was returned to the Committee on Invalid Pensions, and, under the lash of party discipline, recast and reintroduced on Friday last. The little ewe lamb of the gentleman from South Dakota has been shorn of some of its bad features, but many of its worst remain.

It is proposed in this bill to pension certain classes of undeserving survivors of the late war, to the prejudice of the deserving Union veterans. It is not the economical bill it was supposed to be by the bosses on the other side. It calls for an annual expenditure of, at the very least, \$5,000,000. Moreover, it seeks to criticize and to reflect upon the present excellent and just administration of the Interior Department in its adjudication of pension claims.

THE PRESENT ADMINISTRATION THE FRIEND OF THE OLD SOLDIER.

During the time that I shall occupy I propose, first, to show wherein the indirect charge contained in this bill that the present administration of the Interior Department has been unfair to the old soldier is false; and that, on the contrary, it has been one of the fairest, justest, and most friendly to the honest old soldier that we have ever had; and, secondly, to show wherein some of the provisions of this bill, enacting present rulings of the Department and reenacting existing law, are unnecessary, and wherein other of its provisions are scandalous.

When the present administration of the Interior Department began, on March 4, 1893, it was confronted by a body of rulings and decisions which represented the practice of the Department in the enforcement and execution of the pension laws during the preceding administration. Some of those decisions were so unjust to the old soldier, were so unfair, were so extraordinary and so much in violation not only of the spirit but of the letter of the law, that it became necessary, without delay, to virtually reorganize the practice of the Department in so far as the Pension Bureau was concerned. The Assistant Secretary of the Interior is the court of last resort in pension appeals. His decisions, therefore, represent the practice of the Department in reference to the pension code.

For purposes of convenience, the decisions of Assistant Secretary Reynolds which change, modify, or overrule former decisions may be divided into two groups or classes: First, decisions wherein previous departmental decisions and rulings have been rendered more liberal to the old soldier; and second, decisions whereby improper and illegal practices in the adjudication of pension claims in the Pension Bureau have been corrected and decisions by which former illegal, erroneous, and absurd departmental rulings have been set aside and overruled.

1. LIBERALIZING DECISIONS.—HONORABLE DISCHARGE.—DEATH IN SERVICE.

It had been held by the previous administration of the Interior Department that where a soldier served one enlistment, from which he obtained an honorable discharge, and then reenlisted and died in the service, that for pensionable purposes his widow did not come under the operation of the act of June 27, 1890, because death was not considered an honorable discharge. Secretary Reynolds overruled this narrow and unjustifiable decision, and held that in such cases death in the service of the United States shall constitute an honorable discharge. The proviso of section 13 of this bill in effect pays a well-deserved compliment to the justice and fairness of Secretary Reynolds by enacting into law his decision rendered March 1, 1894, in the case of Mary E. Walker. (7 P. D., 197.)

AMPUTATIONS AT THE KNEE AND ELBOW.

The act of August 4, 1886, providing a \$36 rate of pension for amputations at the knee and the elbow was so liberally construed by Secretary Reynolds in an opinion rendered April 6, 1894, that more than 300 maimed veterans have in consequence had their pensions raised from \$30 or under to \$36 a month. By means of this decision a fixed rule, entirely defensible in surgery, was for the first time established, humane in its terms, and both just and liberal in defining the intention of Congress with respect to pensions to be allowed in this class of cases.

ARMY NURSES.

On March 1, 1893, there were 53 army nurses on the pension rolls under authority of the act of August 5, 1892.

On the 27th day of June, 1893, in response to a request from the acting Commissioner, instructions were given to the Bureau of Pensions (7 P. D., 8) to govern the adjudication of claims arising under this act. As the effect of these instructions, on March 1, 1896, the number of army nurses on the roll had increased to 520.

The following letter is self-explanatory:

NATIONAL WOMAN'S RELIEF CORPS HOME, MADISON, OHIO,
Office of the Chairman, Sanatoga, Pa., October 10, 1893.

DEAR SIR: I desire, in the name of the Woman's Relief Corps of the Grand Army of the Republic, to thank you most heartily for your wise and generous rulings in regard to the army nurse pension law. And especially do I most sincerely thank you for your ruling in regard to the dietary nurses, who by their additional efforts brought, on the orders of the surgeons of each ward, under the direction and authority of the surgeon in charge, food in home-like preparation which won so many back to health.

I was mainly instrumental in securing the passage of the army nurse pension bill through Congress, and was unanimously chosen by the tenth national convention to aid them in making out their claims. You have by your clear and generous rendering of the law greatly helped me in my difficult duties.

Again thanking you, I am, yours, with great respect.

ANNIE WITTENMYER.

HON. JOHN M. REYNOLDS,
Assistant Secretary of the Interior.

A MILLION DOLLARS TO PENSIONERS.

Perhaps the most important liberalizing decision that has ever been rendered by an Assistant Secretary of the Interior in reference to pension claims was that in the case of Adolph Bernstein (7 P. D., 229) decided on May 19, 1894. The previous Administration had held that the act of June 27, 1890, was legislation of an independent and special character, not to be construed with the rest of the pension code. As the result of this holding, section 4718 of the Revised Statutes, which provides for the payment of accrued pensions to the widows or minor children of pensioners under the general law, was not held to be applicable to the act of June 27, 1890. Secretary Reynolds held that the act of 1890 was merely a part of the pension code and should be construed whenever possible in pari materia.

This ruling authorized the widow of a deceased soldier who had died while his application for pension, under the act of June 27, 1890, was pending, and who had served his country loyally and faithfully through his entire term of enlistment, to prosecute his pending claim to completion, and to receive the accrued pension to the date of the death of such soldier.

It has not been practicable to ascertain the whole number of cases founded upon the act of June 27, 1890, which have received the benefit of the ruling in the Bernstein decision; but between October 1, 1894, and February 29, 1896, inclusive, accrued pension was allowed in claims under the act of June 27, 1890, to the number of 6,243.

Assuming that these claims would carry an average rating of \$12 per month each, and that but one quarterly payment was due in each case, as intervening last payment and death, and we reach an expenditure, in favor of claimants under the June 27, 1890, act, by reason of the decision in the Bernstein case, to the amount of \$224,748, or nearly a quarter of a million of dollars disbursed among pension claimants which had been denied them previous to the decision in the Bernstein case.

As a matter of fact, since section 4718, Revised Statutes, applies its benefits to pending claims as well as adjudicated claims, and the Bernstein decision applies section 4718 Revised Statutes to claims under act of June 27, 1890, pending claims under the latter act would carry arrears from the date of filing the declaration therefor.

As the Bernstein case was not decided until May 19, 1894, there was likely to be due on each pending claim, under the June, 1890, act, from one to three years' pension, at rates varying between \$6 and \$12 per month, running through those years.

Assuming that 1,561 claims, or one-fourth of the accrued pensions allowed between October 1, 1894, and February 29, 1896, carried arrears from date of filing (and that would not be an extravagant estimate), and that the rate would be \$6 per month, or \$72 per year, for, say, three years, making \$216 per claim, we would thus reach the amount of \$337,176 paid out on 1,561 claims by virtue of the Bernstein decision, and one quarterly payment each in the remaining 4,682 claims at \$12 per month, as accrued between last payment and death, would make an additional payment of \$168,552, or in all the sum of \$505,728. Should the accrued pension on the 1,561 claims referred to carry arrears for three years at the rate of \$12 it would increase the amount so paid by \$337,176, making a total of \$842,904, almost a million of dollars, paid out in behalf of June, 1890, claimants by reason of Secretary Reynolds's decision in the Bernstein case, which had previously been denied them.

If the figures were accessible to show how many accrued pensions under the June, 1890, act were allowed by virtue of the Bernstein decision between May 19, 1894, the date when it was rendered, and October 1, 1894, when the statistics of the Pension

Bureau take hold of the subject, it would be seen that the amount expended would be, covering about four and one-half months, at least one-third greater than is herein enumerated.

REIMBURSEMENT.

Under the decision in the Bernstein case the right to reimbursement in June, 1890, claims, which had before been denied, was likewise conceded in invalid claims. It appears from the records of the Treasury Department that 1,151 reimbursement claims were allowed between May 19, 1894 (the date of the Bernstein decision), and March 2, 1895.

As the registry of reimbursement settlements in that Department does not disclose the "classes" and laws under which such settlements were made, it is of course impracticable to present the number of reimbursement claims under the act of June 27, 1890, allowed and paid by virtue of the decision in the Bernstein case; but it would be conservative to put the number at one-third of all claims allowed, or in the vicinity of 400 claims in which reimbursement was paid out as a direct result of the decision in the Bernstein case.

The act of March 2, 1895, providing for reimbursements of dependent claims, was drafted by a Democratic Assistant Secretary of the Interior, John M. Reynolds, passed by a Democratic Congress, and signed by a Democratic President. As the result of that act up to March 23, 1896, 5,562 claims have been allowed.

THE FRIEND OF HELPLESS CHILDREN.

Secretary Reynolds held, in the case of the minor of Jacob Loeb (7 P. D., 163), March 24, 1894, that the act of 1890 was retroactive in effect; and as a result of this decision, while before only 30 minors had been placed on the rolls, we find that on March 1, 1896, there were 248 pensioned in their own right.

It has also been held, in the case of Thomas H. Strange, decided December 21, 1893 (7 P. D., 36), that the adverse presumption arising from long delay in alleging new disability as the basis for increase is rebuttable by the testimony of officers, comrades, and neighbors.

The act of March 14, 1890, and the act of July 14, 1892, providing for periodical and regular aid and attendance, have been more liberally and generously construed.

It was held by the last Administration that if the minor children of a deceased soldier can have no valid right to pension during the life of the soldier's widow, and at the date of her death had attained the age of 16 years, no title can vest in them to receive the additional pension not paid to her, because theirs was only a contingent right which could not mature during her life, and the accrued pension can not vest in them after they have passed the age of 16 years; in other words, that the conditions on which the child or children of a deceased soldier who leaves a widow may be pensioned must arise during the pensionable minority of the child or children. (Fitzpatrick, 5 P. D., 248.)

On April 17, 1895, it was held by the present Administration, in the case of the minors of Thomas W. Baugher (7 P. D., 433), that the—

Exception contained in the proviso to the second section of the act of March 3, 1879, which declares that the limitation therein contained "shall not apply to claims by or in behalf of * * * children under 16 years of age," is descriptive of a class of claims wherein title has accrued by reason of minority at the date of the father's death, and does not limit the pensionable period during which said minors must apply. Such claims are excepted from all limitation, and are not forfeited by neglect to apply during the period of pensionable minority.

While the exact number of minors' claims that received benefit under this construction of the law has not been definitely ascertained, it is reasonable to believe, from data at hand, that not less than 1,000 of such claims received that benefit.

On March 30, 1896, the Department ruled and held, in the case of the minor children of Eli Phipps, that there is nothing in the statute that can be construed to indicate that the contingent right of the minors to the same pension which the father would have been entitled to receive, had he been totally disabled, must be asserted during the pensionable period of the minor; and, if this be so, the right to file an application after that period may be recognized by the Department, as has generally been done, and as stated in the case of the minors of Thomas W. Baugher.

It is not definitely known how many claims have received the immediate benefit of the last-named decision, but it is known that not less than 50 and perhaps very many more, involving the same point, have received the immediate benefit of the doctrine of stare decisis growing out of these decisions.

CARE FOR THE DEPENDENT AND HELPLESS.

All of these holdings serve to show the consideration which has been bestowed by the present Administration of the Interior Department upon the weak and helpless, upon the widows, the minors, and helpless children. Nor has this generous care been confined alone to such cases as I have mentioned.

An urgent necessity was found for liberalizing the rules governing the filing of declarations. It was held by this Administration that minors may file declarations and prosecute claims in

person, by guardian, or next friend, thereby saving arrears and setting aside the previous technical practice to the contrary; and that claims for insane persons may be filed and prosecuted by any competent person, as of next friend, guardians being appointed to receive the amount due upon certificate.

Where a widow has forfeited her title to pension by adulterous cohabitation it has also been held that the minor children of soldier take title as if the widow's right had terminated by death or remarriage. Where the minor is insane or helpless, the two-dollar increase is continued during the insanity or helplessness of the child; the entire pension is continued to the insane or helpless minor so long as such disability exists. The two-dollar increase provided by law will be paid to the widow under the present rulings, where the stepchildren are being maintained, in whole or in part, by any educational institution or any institution organized for the care of soldiers' orphans, and all former decisions to the contrary have been overruled.

Where there is nothing to indicate that the disability was caused by vicious habits, claimant's affidavit, setting forth the circumstances, together with the testimony of witnesses, will be accepted. If these show that claimant, prior to and after the incurrance of disability, was a man of good habits, vicious habits, in application under the act of June 27, 1890, will not be presumed. (See case of John Martin, 7 P. D., 578.)

Dependence upon the soldier at date of his death has been held to relate to the needs, wants, and necessities of the father, mother, or minor brother or sister of the soldier, and not to the ability of the soldier to furnish support; and prior holdings to the contrary have been overruled.

Where a soldier at the date of his death leaves a divorced wife or children over 16 years of age it has been held that his mother has a pensionable status, other statutory requirements being shown.

THE MAIMED SOLDIERS' LEAGUE.

The statements of a soldier, made immediately after an accident which caused death, have been held to be a part of the res gestæ and therefore admissible in his widow's claim.

This last-named ruling met with prompt recognition and approbation on the part of those most interested, and especially on the part of the United States Maimed Soldiers' League, which, through its board of officers, in expressing its appreciation of the action taken, took occasion to say that—

The board of officers of this association have read with pleasure your decision [Secretary Reynolds's] in the Rebecca Maness case. No former Secretary would so rule. It is the correct, equitable way to look at such cases. Your various decisions on pension-appeal cases have done justice to the soldier and his widow and orphan.

In a very recent case, that of Clement B. Guchess, it has been held by this Administration that the act of June 27, 1890, was intended to confer a benefit, and for that reason where one is receiving a general-law pension at a given rate and is entitled to a higher rate by virtue of an application under the act of June 27, 1890, he may receive the allowance due upon the general-law certificate up to the date when the June 27, 1890, application was filed, after which, in order that he may receive the benefit of the June, 1890, act, a new certificate shall issue to him thereunder, at any rate an excess of that allowed by the general law; and that when the rating under the act of June 27, 1890, shall reach \$12, the benefit under that law being thereby exhausted, the pensioner may, if he so desire, apply for and obtain pension under the general law at a higher rate, if he be entitled thereto, than \$12. In other words, the legal consequences of the doctrine of election are held not to apply in such a case.

It will be seen that the policy of this Administration, from beginning to end, has been one of watchful care and anxious concern to administer the pension laws in the liberal spirit that ought to characterize a nation's dealings with its preservers and their survivors.

If any further evidence were necessary it would be sufficient to add that, out of 5,611 original appeals disposed of by the Secretary of the Interior during the year ending June 30, 1895, 1,208 were reversals of the action of the Pension Bureau, thus extending benefit in many cases often upon the principles announced that overruled former decisions, and these were cases not simply covering the practice during the past three years, but extending backward through many years.

2. DECISIONS OVERRULING FORMER ILLEGAL RULINGS.

I shall be obliged in considering the bill under discussion to mention at length several of Secretary Reynolds's rulings under this head. I shall, therefore, now only consider the decisions not affected by the Pickler bill.

LINE OF DUTY.

Very many indefensible rulings and decisions were made during the last Administration on the subject of line of duty.

It may be instructive to note some of them. The decision in the case of Zenas Hamilton (3 P. D., 3), April 11, 1889, overruled one in the same case September 15, 1888 (2 P. D., 217), and holds that a man hurt by a fall of seats in a circus which he was attending

as a spectator was injured in line of duty and was pensionable therefor.

In the case of the widow of Alex. McNeil (3 P. D., 26) it was held that a soldier injured in a wrestling match with a comrade was in line of duty.

In the case of Henry A. Helmer (3 P. D., 111) it was held, overruling a decision of March 1, 1889, in the same case (2 P. D., 385), that injuries received by being thrown from his captain's horse, which the soldier was riding solely for his own pleasure, and against the warning and direction of his captain, were incurred in line of duty and were pensionable.

In the case of Lewis Summers (3 P. D., 372) it was held that injuries received by accidental shot from a pistol (which was not part of his military accouterments, but his own property and carried at his own risk) while out foraging, and in the attempt to shoot a hog belonging to a citizen, were within the line of duty and pensionable.

In the case of James A. Pearl (3 P. D., 375) it was shown that instead of returning directly to his command, as directed by his superior officer, the soldier stopped on the way at a hotel to get a private supper and drinks, and on coming out fell down a cellar and was injured; notwithstanding which it was held that his injuries were incurred in the line of duty and were pensionable.

In the case of Alfred C. Taft (5 P. D., 110) it was held that disabilities incurred while soldier was absent from his command in desertion were incurred in line of duty and were pensionable.

In the case of William F. Wescott (6 P. D., 226) the soldier, who was an infantryman, was wounded by a pistol (his private property and not a part of his proper arms and accouterments) while engaged in shooting at a mark for sport, was held to be in line of duty and pensionable, if by the authority of his commanding officer.

The untenability of such holdings is so apparent as to require no elaboration. The plain duty devolved on this Administration to check and correct the abuses necessarily incident to such a perverted view of the conditions on which a claim for disability incurred in the service line of duty must rest.

On October 31, 1894 (7 P. D., 376) the Department overruled the previous decisions in the Helmer case, before mentioned, holding that as the soldier was, when injured, engaged in a private matter for his own pleasure or gratification, and was not engaged in the performance of that which the law required of him as a military duty, he is not pensionable. This decision likewise overruled that in the McNeil and Pearl cases, and all similar cases.

In the case of James E. Harrison (7 P. D., 97) the Department, on December 23, 1893, reversed and overruled General Bussey's decision of July 29, 1892, under which the claim was admitted, the proof showing that the claimant had received permission to hunt for his own recreation, and while hunting was shot in the hand by the accidental discharge of his gun. The claimant himself testified that at the time of the injury he was not on duty or acting in pursuance of orders from his superior officers, but was acting in this particular instance on his own volition.

In this case the Department, in order to return to a form of sound doctrine, in the matter of line of duty, laid down the rule that—

While in the performance of those things which the law requires of him as a military duty, the soldier is in the line of duty.

In cases involving the line of duty, the vital question is, Was the cause of disability appurtenant to, dependent upon, or otherwise essentially connected with the claimant's duty as a soldier, or was the disability incurred while the soldier was acting in a personal matter independent of, or adverse to, his military duty? If the disability was incurred under the latter circumstances the soldier would not be pensionable as one in the line of duty.

Here the rule is succinctly stated. While no harsh technicality should defeat the generous intention of a grateful nation to pension those who were disabled while discharging their duty in its defense, at the same time no maudlin sentiment should be permitted either to deflect the course of justice or, by ignoring the law of cause and effect, to apply a different rule from that which both law and usage has shown to be just and proper.

ACT OF AUGUST 7, 1882.—OPEN AND ADULTEROUS COHABITATION.

Under this head decisions were rendered by General Bussey which completely overturned the construction formerly put upon the act of August 7, 1882, holding that it was in the nature of a criminal statute and must be strictly construed; that it applied only to a widow who was actually in receipt of a pension and who was living with one man and being supported by him as a mistress.

The result of such a holding was to place on the rolls in many instances women of notoriously immoral character.

To illustrate: In the case of certificate No. 32698 the evidence established the fact that the claimant was the keeper of a house of ill fame, or an assignation house, in Oakland, Cal., and the chief of police swore that she was under the surveillance of his men. Other witnesses testified that she was a lewd woman and a prostitute, and her name was dropped from the roll, for violation of act of August 7, 1882. Yet, under the rule laid down in

the case of Sarah E. West, she was not shown to be supported by a paramour, and therefore, on appeal, her name was restored to the pension roll.

In the case of certificate 36141 the pensioner's name was dropped from the roll. The son of her paramour had sworn that—

When I was at home two years ago this winter (1883) they were living as man and wife. They were not then married, and I never heard of their being married. * * * They slept together except at times when they had company or there was sickness. Claimant's own son knows it, but, like me, does not like to speak of it.

And yet, on appeal, the Department held that—

The evidence does not establish the fact that claimant is supported by —, as a paramour.

And thereupon her name was restored to the roll.

In another case it was not only held that the adultery which constitutes a forfeiture of a widow's pension is her living with a paramour as a substitute for her deceased husband and being supported by him, but it was likewise gravely announced (5 P. D., 195) that—

The adulterous cohabitation which the law thus makes the ground of forfeiture is a living together in the apparent though not lawful relationship of husband and wife, involving the voluntary sexual intercourse of a married person with a person other than the offender's husband or wife, the theory of the law being that a widow who is a pensioner is a married person within the legal definition of adultery, and within the meaning of the inhibitory clause of section 2 of the act of August 7, 1882.

This absurd and remarkable proposition was but the logical outcome of the line of reasoning resorted to in sustaining the West and the Lingers decisions, and others of like nature, and served to show how imperious was the demand for a return to the age of reason and law.

Accordingly, on February 28, 1894, decisions were rendered in 7 P. D., 205, and 7 P. D., 207, which overruled the decisions in the cases hereinbefore referred to, and returned to the doctrine held and announced by all administrations before the last one.

In the case reported in 7 P. D., 205, claimant not a pensioner, but an applicant, the evidence showed that she was married to the soldier in 1863, lived with him about six weeks, and then deserted him; and from that time until 1892 led the life of a prostitute.

One witness testified:

She is nothing but a prostitute of the lowest kind, consorts with negroes and anyone else. She has had two children during the past seventeen or eighteen years, and she is now living with a man named —.

Under the doctrine of the preceding administration this woman would have been held pensionable, because promiscuous intercourse was not held to be within the rule which made a regular paramour necessary, and because she was not and never had been a pensioner, and the construction given to the act excluded her from its operation.

But the present Administration held that where a widow, at the time of filing her claim for pension, was living in open, notorious, adulterous cohabitation, the act of August 7, 1882, is applicable and the claim should be rejected. For the moment the claimant's name is placed on the rolls she is a pensioner, and the act of August 7, 1882, provides that the pension of a widow who is a pensioner shall be terminated from the commencement of the adulterous cohabitation. If the claim should be allowed the fact would remain that the adulterous cohabitation commenced before and existed at the very moment her name was placed on the rolls.

In the case reported in 7 P. D., 207, the evidence showed that the claimant married the soldier in July, 1883. She had not borne a good reputation for chastity before her marriage to him, and upon his death in 1885, leaving children by a former marriage, but none by her, the children were taken by his relations, and she went immediately to Madison, Ind., where she engaged at once in prostitution, which continued up to 1889 (when her claim was examined), at which time she was living with one — as his mistress. She was indicted by the grand jury of Jefferson County, Ind., January 8, 1887, for keeping a house of ill fame in Madison, Ind.; was arraigned, pleaded guilty, and was fined. And yet, under the rulings of the former Administration, as hereinbefore cited, she would have been held pensionable.

But in this case the present administration held that—

The open, notorious, and adulterous cohabitation of a widow who is a pensioner, or an applicant for pension on account of the service and death of her husband, will work a forfeiture of her pension, or her right to a pension; and such cohabitation may be proved by her conduct in habitually, openly, and notoriously consorting with one or more persons of the opposite sex, under circumstances which would lead the guarded discretion of a reasonable and just man to infer from such relation, as a necessary conclusion, that it was illicit.

This rule, which is founded in the very elements of the law of evidence, was not a novel construction, but simply a return from the realm of vagary into which the late administration had wandered to the domain of reason and law from which it had departed. It had long before been held, during the first Cleveland Administration, in 1 P. D., 427, that—

A review of the whole body of the pension laws enacted by Congress, the remainder of the act itself (August 7, 1882), and all the circumstances surrounding its passage, leads the Department to the conclusion that the words "open and notorious adulterous cohabitation," used in said act, were

intended as descriptive merely of acts which would deprive a widow of pension. In other words, Congress intended and did say by said act that any widow pensioner who was guilty of immoral and licentious acts of an open and notorious character should forfeit her pension. * * * To hold that the term adulterous should be taken in its strict legal signification would exclude from the operation of the pension act the very parties whom it was intended to reach, since at law it is impossible for an unmarried person to be guilty of the crime of adultery.

These doctrines were asserted not only in 1 P. D., 427, but also in 1 P. D., 171; 2 P. D., 119, and other cases which raised the same issue.

The holding of December 22, 1893, by the present administration in 7 P. D., 134, and in 7 P. D., 207, and 7 P. D., 205, before named, was really a reaffirmation of the doctrine which had always governed the Department previous to the innovations and legal gymnastics resorted to by the late administration.

And so a shameless and undeserving class were excluded from the pension rolls, who, but for such timely action, would still be fattening upon the spoils obtained through a relation to the soldier whose memory was being dishonored every day.

MARRIAGE AND DIVORCE.

Some astounding doctrines concerning the marriage status of parties were promulgated by the late administration.

In the case of Mary A. Garman, the facts showed that she was married to the soldier, Jonas T. Boynton (as whose widow she claimed pension), September 11, 1852, at Manchester, N. H. She separated from him in 1856, and then married William M. Stevens, in Hookset, N. H., in 1867, and lived with him until he died, in 1876. One year later she heard that her husband was alive. On the 9th of March he died. On May 23, 1884, she married Elbridge G. Garman, at Manchester, N. H.

It was held in this case (3 P. D., 179) that the voluntary separation of Mary A. Garman and the soldier was equivalent to and constituted a divorce.

In the case of Margaret J. Anderson (4 P. D., 67) it was likewise held by the late administration that a husband or wife who willfully abandons the other for seven years is barred by statutory limitation in the State of Pennsylvania from returning after that time and asserting any marital rights, and the other party is fully and completely released from all obligations and duties growing out of the marriage.

The origin of such extraordinary doctrines is necessarily involved in obscurity. They do not commend themselves as familiar principles of law. They may not even be said to be old friends with new faces. When a great Department of the Government, giving loose rein to its fancy, engrafts such daring innovations upon the law as these cases supply, it is high time that prompt measures should be resorted to to correct and check such dangerous abuses.

In the case of Lavanchia L. Salsbury (7 P. D., 247), this administration, on June 2, 1894, overruled the Garman case and all standing upon a common plane with it. This claimant, in her declaration for pension, alleged that the soldier to whom she was married June 5, 1868, at Salamanca, N. Y., died January 2, 1888. Further, that she had been previously married to Langford Hall, which marriage was dissolved by mutual consent. The claim was rejected, and the appellant said that she would not have filed the appeal but for the opinion of the Department expressed in the case of Mary A. Garman.

In overruling the Mary Garman case it was held by the Department (June 2, 1894) that—

It is not necessary to enter into an extended discussion of the question involved, as it is fully determined by a reference to the well-settled doctrine that while abandonment or desertion of one party by the other is quite commonly a cause for divorce, it does not dissolve the marriage relation, but such relation remains in force until the death of one of the parties, or until it is annulled by the decree of a court of competent jurisdiction. (Stewart on Marriage and Divorce, sections 165 and 167; Bishop on Marriage, Divorce, and Separation, section 1778.)

REVERTING OF WIDOWS' PENSIONS.

From April 15, 1890, under the doctrine announced in the case of Rowland M. Jones (3 P. D., 433), it was held that under the provisions of section 4718, Revised Statutes, a widow had the right to file and prosecute an original claim for the reverting of her deceased husband's pension, although he had never filed such a claim in his lifetime, and had left nothing pending and unadjudicated in the Pension Bureau at his death.

This doctrine was so palpably repugnant to the plain provisions of the law, as expressed in section 4718, Revised Statutes, that on September 2, 1893, it was distinctly overruled in the case of the widow of Rowland A. Colby (7 P. D., 24), and the practice was made to conform to the original holding in the Rowland M. Jones case (3 P. D., 72), in which it was declared that section 4718, Revised Statutes, gives to the widow such accrued pension as may be due upon a pension actually in possession of the husband at the date of his death, or for which he has made a claim which is left pending and undetermined at said date, and which she is permitted to complete after his death; but manifestly confers no right upon her to assert or prosecute a claim for any invalid pension or for increase of invalid pension after his death for which he had not made claim in his lifetime.

Not only is this doctrine believed to be the true construction of section 4718, Revised Statutes, which makes the widow of a pensioner or claimant for pension the residuary legatee, as it were, of the fruits of his actual pension or of a claim asserted by him in his lifetime, and therefore pending (in the sense that it has not yet been adjudicated) at his death, but any other holding would have the effect of nullifying the law, for the law simply authorizes the pensioner himself to receive payment upon a claim made and filed by him; and section 4718, Revised Statutes, simply bestows upon his widow the right to convert to her own use whatever balance may be found to be due to him, upon a claim presented in due form of law, in his lifetime. And to allow any other holding would confer superior rights upon the soldier's widow, by enabling her to do what he could not do, if living, to wit, to receive allowance upon a pension for which he had never made a claim.

STATE MILITIAMEN.

It was held by the former administration, in the case of Louisa S. Norris (5 P. D., 42), that a person who served as a member of a State militia organization which was never in the service of the United States and had never been recognized by the War Department occupied a pensionable status.

This erroneous holding was corrected by the overruling decision delivered October 26, 1893, in the case of Alvin West (7 P. D., 74), in which the distinction was clearly drawn between those persons who served in the militia organizations which were included in the Army of the United States by a proclamation of the President, and by incorporation into the Army of the United States, and those who were never even temporarily in the military service of the United States.

Mr. CURTIS of Kansas. Will the gentleman permit me to ask him a question?

Mr. McCLELLAN. If it is not very long.

Mr. CURTIS of Kansas. No; a very short one. I want to ask the gentleman a question with reference to the State militia. Is it not a fact that the last Congress passed a law retaining about 10,000 of the State militiamen who, under the ruling referred to, would have been dropped from the rolls?

Mr. McCLELLAN. I should have said, if I have not already done so, the State militia who had not been in the service of the United States—

Mr. CURTIS of Kansas. Is it not a fact that the militiamen of Missouri did not come under the law as construed, and were not entitled under the ruling to remain on the rolls, and the Administration recommended and the last Congress passed an act which affected about 10,000 of them and placed them on the rolls, but did not extend the same privilege to the militiamen of the other States who were entitled to the same relief?

Mr. McCLELLAN. I understand that an act was drafted, and is now pending, to place on the roll all of these State militiamen.

Mr. CURTIS of Kansas. And ought to pass.

THE PICKLER BILL.

Mr. McCLELLAN. I did not intend to discuss this bill in detail or by sections at this time, but I have been informed, and I trust it is not accurate information, that it is proposed later on in this debate to apply the gag rule and not permit amendments or discussion of any of the paragraphs of the bill under the five-minute rule. I trust it is not true—

Mr. CROWTHER. I would like to interrupt my colleague for a question: Do I understand you to say that the gag rule is to be applied?

Mr. McCLELLAN. I say that I have heard it rumored, but trust it is not true.

Mr. CROWTHER. Pardon me; I understood you to assert that such was the case.

Mr. McCLELLAN. Section 16 is much-needed legislation, strongly recommended by Secretary Reynolds.

Section 10 is existing law (act of March 13, 1896), and section 15 is a reenactment of a proviso of the last pension appropriation bill.

Sections 2, 5, 7, and 12 are the present rulings of the Department.

Sections 6 and 9 are unnecessary, but harmless.

The proviso of section 4, described in the report as allowing the party affected by allegations of fraud to be confronted by his accuser in the light of day, as in ordinary tribunals of justice, is most misleading, as it is intended to be. The proceedings which it reaches are the preliminary proceedings under a charge of fraud against a pensioner—proceedings analogous to those before a grand jury. I have yet to hear of any State where a grand jury notifies the accused thirty days prior to its investigation of the crime charged, and before indictment, and permits him to examine the evidence and to cross-examine the witnesses. I may say that the present practice of the Pension Bureau, after a prima facie case of fraud has been made out, is to give the accused a full and fair opportunity to defend himself. If this proviso is enacted it is needless to say that no pension, even though obtained by the most glaring fraud, can ever be revoked.

Section 8 is apparently drawn in the interest of pension attorneys. It permits them to run riot in the Pension Office and to ransack every scrap of paper in the possession of the Department for the purpose of finding possible clients and obtaining possible fees. This section, besides putting the Government at the mercy of the pension attorneys, would require at least double the number of clerks in the Pension Office to serve the interests of the attorneys.

TO GALVANIZE EX-CONFEDERATES.

It is proposed in section 1 of the bill to practically overrule the decision of Secretary Reynolds in the Osterhout and similar cases.

It was held by the late Assistant Secretary that the pensionable status, as prescribed in the second section of the act of June 27, 1890, was regardless of section 4716, Revised Statutes. The effect of such an interpretation was to allow pension for disabilities of whatever character, including gunshot wounds received in a prior service in the Confederate army, as was done in the case of one George W. Coffee (4 P. D., 285), wherein it was held that the fact that the claimant served in the Confederate army prior to his enlistment and service in the United States did not impair his pensionable status under said act, nor under any other act, and that the only inquiry on this point that can be raised was whether or not, subsequently to his service in the Confederate army, claimant served ninety days in the Army of the United States and was honorably discharged therefrom.

In the cases of Russell S. Cole (4 P. D., 141), John R. McCoy (5 P. D., 369), and Louis Pereles (No. 571677) it was held that where a soldier in the Union Army, who had been captured and was held as a prisoner of war, deserted to the enemy and joined the Confederate army, and afterwards returned and succeeded in obtaining a discharge from his previous service in the Union Army, his own unsupported statement that his desertion and joining the ranks of the enemy was intended as a device or plan to escape from prison and rejoin his original command should be accepted as sufficiently explaining or excusing his conduct, and avoid the inhibitory provision of section 4716, Revised Statutes, and give him a pensionable status.

In the case of Ezra Reed (7 P. D., 95), decided December 13, 1893, and particularly in the case of Milo Osterhout, decided July, 1894, the Department overruled the decisions cited and others rendered by the preceding Administration, which led to such anomalous results.

In the case Milo Osterhout (No. 491797) the facts were as follows: He deserted while a prisoner of war and joined the Confederate army; he was recaptured afterwards in arms against the Government by the Union forces and held for some time as a Confederate prisoner of war, and released in June, 1865, on taking the oath of allegiance to the United States. He applied for pension on account of disability contracted during his first Union service. It was held by this Administration that his right to pension was barred under the circumstances of the case by the provisions of section 4716, Revised Statutes, which prohibits the payment of pension money to those who have voluntarily engaged in rebellion. This decision overruled all adverse decisions by the former Administration and returned to the rule which had been followed in all similar cases by Secretaries Usher, Cox, Delano, Chandler, Schurz, Teller, Kirkwood, and Lamar, and, in fact, by every Secretary of the Interior since the war, saving only Secretary Noble.

The theory upon which the decision setting aside his ruling was based was that the desertion of a prisoner of war and his enlistment into the forces of the enemy was to be construed as a plan and device for escaping from imprisonment to enable him to return to his command, and was not voluntarily engaging in or aiding or abetting the rebellion.

While it was not denied in the Osterhout case that in some exceptional instances such a theory might be sound, yet it was held that the act of desertion and joining the enemy is of such a suspicious character that the bona fides of the party must be conclusively established, not only by direct testimony but by all the facts and the circumstances of the case, before it could be accepted as an excuse for what would otherwise be the gravest and most inexcusable military offense that could be committed. The party advancing such an explanation of his conduct, in order to obtain the bounty of the Government whose cause he had apparently basely deserted, should not only be required to establish by positive proof that he acted in good faith, but his own actions must show that he really intended to return to his command by doing so, or attempted to do so upon the first opportunity presented, and with reasonable promptness.

In not one of the cases admitted under the decisions of the last Administration, and overruled by the Osterhout decision, was this shown or attempted to be shown. In no single instance did it appear that the applicant for pension had rejoined or attempted to rejoin his command in the Union Army, until just prior to or about the time of the utter collapse of the Confederacy, when the motive for such action would be naturally open to grave doubt. In none of these cases, moreover, was there a scintilla of evidence,

either direct or circumstantial, going to show the bona fides of the applicant, except his own statement that he had deserted and joined the forces of the enemy—not to aid the rebellion, but to avoid the hardships of prison life, and for the purpose of escaping and rejoining his command. In other words, the unsupported statement of this class of applicants for pension was accepted as sufficient to countervail the prohibition of the statute and place them in line of duty while serving in the ranks of the enemy, when, at the same time, the man who had served his country faithfully and well, without a stain upon his military record, was required by the rules of the Department and the Pension Bureau to establish every material fact in his claim by evidence other than his own testimony or fail to obtain his pension.

The adoption of the theory of an attempted escape to return as an explanation for the desertion to and service in the Confederate army of these applicants for pension necessitated the holding that they were in line of duty for pensionable purposes during the whole time; that their alleged plan, scheme, or method of escape or return was in progress even while bearing arms in the ranks of the Confederate army. So the late Assistant Secretary was driven by the position he had taken to decide in the case of Louis Pereles (No. 571677), on October 4, 1892, that the rejection of this claim by the Pension Bureau and the affirmation of said rejection on appeal by the Department on January 25, 1888, was error, and to set aside and overrule such action and direct the admission of the claim and the allowance of pension, although it was conclusively shown by the record, and so admitted by the applicant, that the disability for which he claimed a pension was incurred while he was actually serving in the Confederate army.

Here we have an instance where pension was ordered by departmental ruling to be granted for disability incurred while actually serving in arms against the Government by which the pension was bestowed. It is safe to say that no administration had ever before so construed the law as to render possible such a monstrous anomaly.

It was likewise held, in the case of Daniel B. Garrison (6 P. D., 289), that the act of June 27, 1890, being legislation of a special nature, is independent of the provision forbidding pension to those who aided and abetted the rebellion.

A single additional instance may be cited. In the case of Sarah C. Hutsell (5 P. D., 58) it was held that taking the oath of allegiance to the Confederate States was not voluntarily aiding and abetting the rebellion and not disloyalty within the meaning of section 4716, Revised Statutes.

It is noteworthy that the War Department records contain the following statement with regard to the husband of this claimant:

Deserted; entered General Forrest's rebel lines; solemnly renounced his allegiance to the United States and swore true and faithful allegiance to the Confederate States. This oath was taken before Andrew Ewing, Judge-advocate of General Forrest's staff, October 15, 1862.

Notwithstanding this record, this widow claimant was on appeal held, on March 24, 1891, to be pensionable.

The act of June 27, 1890, was, undoubtedly, controlled by section 4716, Revised Statutes, and the act of March 3, 1877, which provided that—

No money, on account of pensions, shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States—

and which denies pension, under the act of 1890, as well as under the general law—except in the case of persons who, after participation in the rebellion against the authority of the United States, voluntarily enlisted in the Army of the United States, and who, while in said service, incurred disability from a wound or injury received or disease contracted in the line of duty (act of March 3, 1887)—to those who voluntarily aided and abetted the rebellion.

Now, which construction ought to prevail—a construction in harmony with the law which grants accrued pension to the widow and children of a soldier who dies with a pending application under the act of 1890, who served his country without a stain on his record, or in case of his death without widow or children allow the unpaid portion of his pension to reimburse the person who bore the expenses of his last sickness and death and burial, or that construction which denied this justice to the widow and children and placed on the rolls instead of them those who served the Confederacy for a while and then, when the fortunes of war were found to be against them, enlisted and served merely for ninety days in the Union Army, as many did, just before the collapse of the rebellion, a construction which in the case of Job White (7 P. D., 312) placed this man on the rolls under the act of 1890 for inability to perform manual labor, when the facts in the case showed that the disability producing his inability to earn a support by manual labor was incurred in the Confederate service?

It does not seem as though need exists to further demonstrate the necessity for the ruling in the Osterhout case and others of similar import by the present Administration in order to prevent the bounty of a generous Government from being misdirected to such persons as lifted their hands against it in actual

warfare, and compelling them, as well as those who claim that they were conscripted, by the strictest method of proof compatible with the case, to demonstrate their bona fides before they may be permitted to acquire a pensionable status under the act of June 27, 1890.

I believe that entire justice is already accorded this class of claimants under the broad and liberal ruling of the Department that—

Where such enlistment and service in the Confederate army is sought to be palliated or excused on the ground of duress, that the same was not voluntary, or that it was for the purpose of escape from imprisonment by the so-called Confederacy, the presumption of voluntarily aiding and abetting the rebellion can only be overcome by the most positive, direct, and satisfactory evidence, and the uncorroborated testimony of a claimant will not be accepted to overcome such presumption.

The first section of this bill has been greatly modified since it was originally drafted, but it still permits the "galvanized" Confederate, the man who waited until the close of the war and then deserted the flag he had sworn to support and went over to the Union Army mainly for the purpose of taking service in the West, away from the fire of the enemy—permits him to be foisted on the pension roll of the country and placed on an equality with the man who never deserted the flag, but who fought for the Union from start to finish.

Mr. GIBSON. Let me inform the gentleman from New York—

Mr. McCLELLAN. I decline to yield.

Mr. GIBSON (continuing). That there were thousands as good Union men as ever served the cause of the Union from Tennessee who went into the Army under such circumstances.

Mr. McCLELLAN. I decline to yield—

The CHAIRMAN. The gentleman from New York can not be interrupted without his consent.

COMMON-LAW MARRIAGE.

Mr. McCLELLAN. Section 11 is apparently intended to enact the common-law rule of marriage. What it virtually does is to make section 4705 of the Revised Statutes universal in its application, and the section would be commendable if the wording were somewhat changed to accomplish the result evidently desired.

The proposition to make section 4705 of the Revised Statutes of the United States universal in its application to marriage, extending it to marriages between white persons, I believe to be unwise and that it would not subserve the purpose intended.

Section 4705 was an act of public policy—a remedial act—and in its nature was akin to the laws enacted by most of the Southern States, removing or remedying the inconsistencies and matters of injustice incident to a change of status from slaves to freemen of a great class of residents in these States, the whole necessity for such legislation being the desire to remove these disabilities. When, therefore, pensionable status was conceded to the widows of colored or Indian soldiers or sailors who had died or should hereafter die by reason of wounds or injuries received or disease contracted in the service of the United States, it was found necessary to make some provision by which the relation of these persons, not matrimonial in its inception, could be brought within a universal provision relative to the establishment of marriage. The foundation of this act lies in the inability of the slave to contract—it extends only to slaves and to Indians. It is, in fact, an adoption of the law governing common-law marriages in force in every State in the Union save three, namely, Massachusetts, Maryland, and Kentucky.

Section 4705 applies only to negroes and Indians, excluding marriage under the common-law rules in the three States above indicated. It will, therefore, readily be seen that the widows (in fact if not in law) who have resided in Massachusetts, Maryland, or Kentucky are denied rights which never would be disputed had they been residents of any of the other States. In these three States—Massachusetts, Maryland, and Kentucky—the widow of a colored soldier is afforded by section 4705 the facility for establishing her marriage and title to pension, while the widow of a white soldier, married under the common-law rules, could establish neither.

A case in point will illustrate this: Eliza Kelly claimed pension as the widow of John D. Kelly, late of Company K, Third Maryland Infantry, claim No. 301,388. The evidence clearly showed a marriage contract by mutual agreement in the State of Maryland on the 7th day of July, 1842. This claimant and the soldier continued to reside together as husband and wife until the 12th day of September, 1877, when the soldier died. During these thirty-five years of continuous cohabitation together many children were born, and the evidence shows that the soldier and claimant were respected and universally regarded as husband and wife by their friends and neighbors; that they so conducted themselves at all times, being respected and received accordingly. A satisfactory reason for the absence of ceremony was given and the claimant's title in any other save the three States indicated would be conceded to be clear and well founded. But under a law enacted more than three hundred and fifty years ago in England (July 1,

1540; reenacted 1712-1732, Henry VIII, chapter 38), this woman's marriage must be held to be void.

It would seem to be neither consistent nor advisable to adopt this remedial slave legislation in order to give title to the widows of soldiers residing in these three States, and it is believed that a provision of law to the effect that for pensionable purposes marriage established under the common-law rule, *per verba de præsenti*, the parties being required to show that they were universally known, recognized, and respected as husband and wife prior to the death of the soldier—this law being made to cover all the States of the Union, and it being indicated that it would in no way repeal or modify section 4705 of the Revised Statutes of the United States, would accomplish the result desired.

The first part of section 13 is so framed as to give pension to bounty jumpers, who, having deserted, afterwards enlisted again for bounty, and perhaps repeated this, but finally had a service of ninety days and honorable discharge without discovery. The second proviso in this section enacts a rule established by this Administration contrary to a preceding holding.

PENSIONS NONCOMBATANTS.

One of the sections of this bill (No. 17) seeks to overrule Secretary Reynolds's decision in Shannon's case.

In the case of Richard Mace (5 P. D., 16) it was held by General Bussey that contract surgeons, having been made pensionable by the acts approved March 3, 1865, and March 3, 1873, are likewise pensionable under section 2 of the act of June 27, 1890.

The doctrine herein contained was overruled November 24, 1893, in the case of Andrew J. Shannon (7 P. D., 64), in which it was declared that the pension provided by section 2 of the act of June 27, 1890, is limited to such persons as regularly enlisted, or were mustered into the military or naval service of the United States; and service by a provost-marshal, deputy provost-marshal, enrolling officer, and contract surgeon is not such military service as is contemplated by section 2 of the act of June 27, 1890. Such persons are neither officers nor enlisted men; and having been employed in the civil branch of the service are not included within the terms of said section, and are not pensionable thereunder.

The general doctrine was laid down that none of the classes of persons for whom special provision is made by the second, third, fourth, and fifth subdivisions of section 4693, Revised Statutes, can be considered as having been regularly or legally in the military or naval service of the United States, or included within the terms of the second section of the act of June 27, 1890, or pensionable thereunder. This doctrine has been reaffirmed in later decisions; but the decision in the Shannon case marked the turning point in the history of this class of cases and corrected a practice that was without foundation of law.

It is now sought by this bill to place these noncombatants, men who never saw a gray uniform, except that worn by a prisoner; men who had never faced the enemy, unless the enemy was a prisoner and were under a strong guard—it is sought to place them on the same basis under the act of June 27, 1890, as the men who went to the front and fought for the flag from the very beginning.

Mr. MILNES. What section do you refer to now?

Mr. McCLELLAN. Section 17. This section relates to non-combatants, and I have stated what it proposes to accomplish.

NOTORIOUS ORDER NO. 164.

The worst feature of this bill, however, is contained in sections 3 and 14. It is sought by these sections to undo the work of the board of revision, so called, and to enact the illegal Order 164 of Green B. Raum, countersigned by Cyrus Bussey.

From the passage of the act of June 27, 1890, until September 26, 1890, when the adjudication of claims under this act was begun, there was no rule formulated to govern such adjudications.

On September 26, 1890, the Pension Office issued Order No. 162, which plainly declares—

That pensionable status under the act of June 27, 1890, is based upon the incapacity of the claimant for earning a support by manual labor on account of disabilities of a permanent character not the result of vicious habits.

This order, which was a correct interpretation of the act of June 27, 1890, was published for the guidance of the Pension Bureau in the adjudication of claims arising under said act.

For some reason not definitely made known, just nineteen days later, about three weeks before election day, and, if my memory serves me, about the time of the annual encampment of the Grand Army of the Republic, on October 15, 1890, Order 164 was issued by the Pension Bureau. This order provides that—

Disability under the June 27, 1890, act, such as would be rated under former laws at or above \$6 and less than \$12, shall be rated the same as like disabilities of service origin; and that all cases showing a pensionable disability which, if of service origin, would be rated at or above \$12 per month, shall be rated at \$12 per month.

Here was a strange departure from the proper construction of the act, as set forth in Order 162, in which the rate was fixed wholly by the degree of incapacity to earn a support by manual labor, to a rule wholly diverse in its character, established only nineteen days later, without adequate reason, so far as appears,

whereby the rate was fixed by the rule for measuring the degree of disability of service origin.

To illustrate the workings of Order 164, it may be said that if a man were suffering from slight deafness of one ear, and the deafness were of service origin, he would be pensioned at the rate of \$10 a month, utterly regardless of whether it incapacitated him from the performance of manual labor. Under Order 164, if a man suffering from slight deafness applied under the act of June 27, 1890, he would still be rated in the same manner as though the disability had been of service origin, and pensioned at \$10 a month, which would be equivalent to saying that slight deafness of one ear rendered him ten-twelfths, or almost wholly, incapacitated from the performance of manual labor, a proposition so preposterous that it is difficult to conceive of any sane man for a moment supposing it to have been the intention of Congress.

The practice authorized by Order 164 continued without abatement until January 7, 1893, when Assistant Secretary Bussey was called upon to decide an appeal in the case of Henry H. Weike. (6 P. D., 193.) Referring to Order 164, he said:

The foregoing order has governed the practice of your Bureau in the matter of rates under the act of June 27, 1890, since the date of its issue. It appears, however, that said order, as understood by the Department when approving it, may have been misconstrued by your Bureau so far as it has been your practice to add the separate nominal and schedule rates allowed for several disabilities in making a rate under this act.

This has resulted by reason of the fact that it has been your practice under the old law to combine these rates where the total does not exceed seventeen-eighths. The question as to the correctness of that practice is not now before the Department for decision. It is deemed proper to state that the Department in approving said Order 164 did not intend that small rates should be added together, as, for example, three or more rates of two-eighths, in order to make a rate under the provisions of said act. * * * The basis of rates under the act of June 27, 1890, is inability to earn a support by reason of incapacity for manual labor due to a permanent mental or physical disability not the result of vicious habits.

It is directed that the views herein expressed be observed in future adjudications of claims under the act of June 27, 1890.

When this conclusion was reached the Department found that over 350,000 claims had already been adjudicated upon the erroneous basis set forth in Order 164. It proposed to change its methods for the future, and approve a construction hitherto employed in violation of the law for the adjudication of over 350,000 claims already allowed, and to lay down a new rule, in accordance with the law, in the adjudication of the 200,000 and more claims unadjudicated and still pending.

With the ruling in the Weike decision before it, the present administration held that if Order 164 was illegal for the pending 200,000 claims, it must necessarily be illegal for the 350,000 and more claims already adjudicated, and therefore came the decision in Bennett's case, which directed that all claims should be placed upon the same footing. And yet the Bennett decision was not reached until the admission had been obtained from the chief medical officer of the Department, who, by the bye, was a Republican and a member of General Raum's administration, that in adjudicating claims under the act of June 27, 1890, disability for the performance of manual labor was never taken into consideration.

WORK OF THE BOARD OF REVIEW.

The result of the Bennett decision was the formation of the so-called board of revision. It is now proposed in this bill to undo all the work of this board of revision, to place these men upon the pension rolls, and afford the right of review to the men whose pensions have been discontinued or reduced, and not to afford that right to the men whose pensions have been allowed at just and legal rates.

The board of review was in existence from June 9, 1893, to June 30, 1895. I desire to be perfectly frank with the committee. The number of pensioners dropped from the rolls was 6,329; the number of pensioners reduced was 23,702; the number of pensioners dropped under the act of June 27, 1890, and renewed under general law, 3,366; the number of pensioners continued was 187,273.

Now, assuming that this bill becomes a law, and assuming that the reductions in the cases of the 23,702 pensions reduced amounted to one-half—and I am sure gentlemen on the other side will concede that that is a very moderate estimate—we find that the annual expenditures for the restoration of these claimants alone, without considering the claims that may hereafter be allowed under the working of this bill, amount to \$3,617,920 per annum; and when we add to that the claims that will hereafter be adjudicated, and also the deserters, the bounty jumpers, and the galvanized Confederates who are placed upon the rolls under this bill, I think the estimate is very moderate when I say \$5,000,000 will be required to meet its requirements.

I may also say that every estimate in the history of Congress that has ever been made of the probable cost of a pension act has fallen short of the ultimate expenditure.

The Senate Committee on Pensions estimated that the act of June 27, 1890, would not require an annual expenditure of more than \$36,000,000. As a matter of fact, during the past year nearly \$60,000,000 were expended under this act alone. I shall ask leave at this point to insert in my remarks in the RECORD two tables

for the information of the committee, illustrating the work of the Pension Office during the present Administration.

TABLE NO. 1.—Act of June 27, 1890.

June 27, 1890, claims allowed prior to and during the week ended June 10, 1893 (the order establishing the board of revision is dated June 7, 1893):

Invalid original.....	402,153
Widows' original.....	85,378
Total.....	487,531

June 27, 1890, claims pending and unadjudicated (week ended) March 4, 1893:

Invalid.	
Original.....	111,880
With pending original invalid.....	32,039
With rejected original invalid.....	10,184
With certificate invalid pending.....	18,789
With certificate invalid not pending.....	45,255
Total.....	218,147

Widows.	
Original.....	59,895
With pending widows.....	16,955
With rejected widows.....	3,499
With certificate widows, not pending.....	800
Total.....	81,149

Grand total..... 299,296

Statement of work performed by board of revision from June 9, 1893, to June 30, 1895:

Number of pensioners dropped from rolls.....	6,329
Number of pensioners reduced.....	23,702
Number of pensioners dropped under act June 27, 1890, and renewed under general law.....	3,366
Number of pensioners continued.....	187,273
Total number of cases revised.....	230,670

TABLE NO. 2.—Statement showing the various causes for which pensioners were dropped from the rolls between March 1, 1893, and March 24, 1896, inclusive, and the number dropped for each of such causes.

Allowance erroneous.....	15
Allowed on fraudulent evidence.....	92
By request of pensioner.....	1
Desertion at large.....	217
Dependence ceased (mother).....	2
Death of soldier not established.....	3
Death of soldier not due to service.....	39
Disloyalty (act of June 27, 1890).....	900
Disability not due to service.....	127
Disability due to vicious habits (act June 27, 1890).....	97
Did not perform service alleged.....	12
Illegal declarations.....	179
Married after 1890.....	2
Mother living (dependent father).....	3
No disability; feigned to obtain pension.....	2
No service in war of rebellion (1890).....	56
No pensionable service.....	25
Not dependent parent.....	101
Not father or mother of soldier.....	11
Not soldier's legal widow.....	205
Not soldier's legitimate child (minor).....	4
Not required service (Indian wars).....	7
Not honorably discharged (1890).....	91
Not discharged.....	14
Not in United States service.....	62
Other means of support than daily labor (widow, 1890).....	74
Pensioned for disability—law provides pension for wounds only (old war).....	1
Rating fixed on medical examination of another person of same name.....	1
Reenlisted.....	2
Remarried (widow or mother).....	107
Remarriage prior to 1890 (act June 27, 1890).....	1
Soldier rendered no service.....	1
Soldier still living.....	20
Soldier left widow or minor (dependent parent).....	6
Soldier's adopted child (minor).....	1
Soldier not identical with one who rendered service.....	35
Served less than ninety days (1890).....	100
Served less than sixty days (Mexican war).....	12
Served less than thirty days (Indian war).....	5
Violation of act of August 7, 1882 (widow).....	475
Widow declared unsuitable person to have custody of minor children.....	3
Disability existed prior to enlistment.....	57
Not regularly enlisted.....	99
Nondependence of minor.....	1
Not mustered into service.....	26
Soldier not legitimate son of pensioner.....	1
Disability self-inflicted.....	2
Invalids, cause unknown.....	18
Widows, cause unknown.....	77
Total.....	3,392

THE PRESENT CONGRESS THE ENEMY OF THE TRUE SOLDIER.

The present Congress has refused relief to the regimental and camp nurses, a class of most self-sacrificing women who should long ago have been placed on the pension rolls. They have been pushed aside by this bill. The present Congress has up to this time turned a deaf ear to the request for a moderate increase in the pensions of the armless and legless, the maimed veterans of the late war, a class of soldiers who carry with them evidences of their gallantry. Their bill has not thus far been considered—it has been laid aside for this.

In the Fifty-first Congress, when the Republican party was in control, instead of passing a service-pension bill that would have been just and equitable, it passed this act of June 27, 1890, with

all its inconsistencies. The Republican party is again in control. As I understand it, several service-pension bills have been introduced. They have all been laid aside for this, and now the majority of the House submit for your consideration this bill that gives no relief to those soldiers who most need it, drawn for the purpose of protecting a class of men who are not worthy of the ample provision it makes for them. No thinking, fair-minded man, in any part of the country, and least of all, to its honor be it said, in that part of the country that constituted the Confederacy, begrudges for one moment one cent of the magnificent appropriations that are annually made for the payment of pensions; but I think, and I believe that my opinion is in line with that of the vast majority of old soldiers, that the old soldiers of the Union Army should be pensioned in accordance with the service that they rendered, and in recognition of the wounds and disabilities that they received while fighting for the Union, and not as an indirect method of bribery against election day.

The self-respect of the old soldier should be maintained. He should not be brought down to the level of men he would be ashamed to call his comrades. The pension roll should be kept a roll of honor. It should be kept free from the names of deserters, of bounty jumpers, and of the men who, influenced by motives of revenue only, deserted the flag of the "lost cause." With all its professed friendship for the old soldier, constituting, as it does in its own estimation, a sort of "old soldiers' friendship trust," this bill is the best that the Republican party of the Fifty-fourth Congress is apparently able to produce. The mountain has labored and brought forth a mouse! This bill should not pass.

A SERVICE-PENSION ACT THE REAL SOLUTION.

I send to the desk and ask to have read in my time a bill which I should feel inclined to offer as a substitute for this bill, but, unfortunately, I understand no such opportunity will be given me. It is a service-pension bill in substance similar to one that was submitted during the debate of the act of June 27, 1890, in the Fifty-first Congress, which was called the "Grand Army" bill. It represents only my own ideas upon the subject; it is only my personal opinion, but I think that if some such legislation could be enacted it would go a long way to solve the vexed problem of pensions. It is, I think, a bill that would meet the approval of every fair-minded man and the approbation of almost every honest soldier. I ask the Clerk to read it in my time.

Mr. RAY. Do you offer that as a substitute now?

Mr. McCLELLAN. No; I have no opportunity to offer it. I ask that it be read, as representing my own views on the subject.

Mr. POOLE. Why do you not offer it?

Mr. McCLELLAN. I can not offer it now; it would not be in order at this time. This bill is submitted merely as a suggestion. I do not pretend that it is perfect. It is only a step in the right direction. It would be far less expensive than the present act of June 27, 1890, which it is intended to repeal. I firmly believe that were some such legislation enacted it would tend toward taking the pension question out of politics, which should be the purpose of every true friend of the old soldier. [Applause on the Democratic side.]

The Clerk read as follows:

A bill providing for the granting of per diem service pensions to veterans of the civil war and their widows.

Be it enacted, etc. That the act of the Congress of the United States, approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents," be, and hereby is, repealed, and all pensions allowed or granted under said act prior to the approval of this act, and all claim or right to any such pension, or the allowance or payment of any such pension, shall cease and be determined upon the approval of this act, except as hereinafter provided.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension rolls of the United States the name of any person specified in the following section, and grant to such person a pension as hereinafter provided.

SEC. 3. That the persons to whom this act shall apply, and who shall be entitled as beneficiaries hereunder, are as follows: Any officer or enlisted man who shall have served in the Army, Navy, or Marine Corps of the United States, including regulars and volunteers, subsequent to 12th day of April, 1861, and prior to the 1st day of July, 1865, and who shall have been honorably discharged from such service. Also the widow of any deceased officer or enlisted man who shall have served and have been discharged as aforesaid. The provisions and benefits of this act shall apply to any officer or enlisted man who shall heretofore have been granted or who may hereafter be granted a pension under any other law for or on account of wounds or disabilities incurred while in the line of duty.

SEC. 4. That the rate of pension to be allowed and paid to any person whose name shall be placed upon the pension rolls under the provisions of this act shall be at the rate per month of 1 cent per day for each and every day such officer or enlisted man may have served in the Army, Navy, or Marine Corps of the United States, and any widow entitled to pension hereunder shall be allowed and paid at the rate per month of 1 cent per day for each day her husband shall have served as aforesaid.

SEC. 5. That the period of service shall be computed from the date of enlistment into the service of the United States to the date of discharge therefrom: *Provided*, That when any officer or enlisted man shall have served under more than one enlistment and shall have received more than one honorable discharge the rate of pension shall be fixed and determined by the aggregate of the time of such cumulative periods of service.

SEC. 6. That the said Secretary of the Interior is hereby directed, immediately upon the approval of this act, and without any additional application or proofs other than the proofs now on file in the office of the Commissioner

of Pensions and the records of the office of the Adjutant-General of the Army, to ascertain the length or period of service of each and every officer or enlisted man to whom a pension has been allowed under the said act approved June 27, 1890, or to whose widow a pension has been granted thereunder, and to continue the name of such officer, enlisted man, or widow upon the pension rolls of the United States, and to cause such officer, enlisted man, or widow to be paid a pension thereafter at the rate specified in this act.

SEC. 7. That any officer or enlisted man of the Army, Navy, or Marine Corps of the United States, having served as aforesaid, and the widow of any officer or enlisted man who may have served as aforesaid, may avail themselves of and have the benefits of this act without any formal application therefor. The filing with the Commissioner of Pensions of an honorable discharge from the Army, Navy, or Marine Corps of the United States, which discharge shall show service within the period aforesaid, together with satisfactory proof of the identity of the person claiming pension hereunder as the person named in such discharge, or as the widow of the person named therein, and of her marriage, shall be deemed and held sufficient application and proof to entitle such person to the benefits of this act; but no pension shall be granted to any officer or enlisted man who shall have deserted from the Army, Navy, or Marine Corps of the United States, nor to the widow of any such officer or enlisted man, until the record of such desertion shall have been removed or amended by the issue of an honorable discharge, covering the period of enlistment from which such officer or enlisted man shall have deserted.

SEC. 8. That no fee or compensation shall be allowed or paid to any attorney or agent for any service in procuring or aiding in procuring the allowance of any pension under this act, and it shall be unlawful for any person to solicit, accept, or receive any compensation, gratuity, or reward from any applicant for pension hereunder for any service or pretended service relating to the application or allowance of such pension.

Mr. McCLELLAN. Mr. Chairman, I ask leave to insert in my remarks certain decisions of Secretary Reynolds in illustration of what I have said.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert in his remarks certain decisions.

Mr. PICKLER. What is the request?

Mr. McCLELLAN. To insert in my remarks some decisions of Secretary Reynolds.

Mr. PICKLER. In the Bennett case?

Mr. McCLELLAN. The Bennett and two or three other decisions.

The CHAIRMAN. Without objection, that leave will be given. There was no objection.

Mr. PICKLER. I yield ten minutes to the gentleman from Michigan, my colleague on the committee, Mr. Wood, being out.

Mr. SMITH of Michigan. Mr. Chairman, it had not been my intention to take any part in the discussion of the bill now under consideration in Committee of the Whole. Not that I do not feel an interest in the welfare and happiness of the old soldiers of the civil war, for I do feel a deep interest. In fact, sir, no service that I have rendered during my brief experience as a legislator has been rendered more willingly than that which has been given to the old soldiers of my district. I sat silent while the committee were formulating this bill, feeling every confidence and expectation that they would report a measure that would be entirely satisfactory to the loyal veterans of the civil war and to those in this Chamber who wished fitly to recognize their honorable service, but I am obliged to dissent from a portion of this bill, and my reasons for so doing are these: Many of the abuses that have crept into the administration of the Pension Department and that we have sought to remedy have arisen from leaving too much discretion to the Pension Department, and I find that this bill fails to remedy that evil. Indeed, in the second section of the bill, in line 4, I find a startling concession to the practice that has prevailed for several years in the management of the Pension Department. Section 2 of this bill reads as follows:

SEC. 2. That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability.

I give notice now, Mr. Chairman, that when we come to consider this bill under the five-minute rule for amendment I shall move to strike out the words "mistake of fact" and "the recovery from disability." I believe that those six words will have a far-reaching effect, and that they will be interpreted by the present officers of the Pension Department in a way calculated to react upon the pensioner and to prevent him from obtaining and enjoying that which is his right at the hands of this Government.

Mistake of fact! Why, Mr. Chairman, what mistake of fact can creep into a pension that has been granted to an old soldier of the civil war? Any man who runs the gauntlet of Government scrutiny and the judgment of the officers of that Department is certainly entitled to have the facts of his case foreclosed against reopening by any later officers of the Department. In a court of law such a proceeding is deemed to be *res adjudicata*, and it should be so regarded in the Pension Department of this Government. I know of no reason why there should be always dangling over the head of the pensioner the possibility that some new fact will develop which will set aside the honorable pension that he has received, and I object to the matter being left open so that any future administration of the office can cause the pensioner trouble and annoyance. Therefore I repeat, when the proper stage in the consideration of this bill is reached, I shall move that the language I have indicated be stricken from it. Then, as to "recovery from

disability," who is to say when the pensioner has recovered from his disability? Is he to be obliged to crawl through life exhibiting his suffering and distress for fear that some sneaking spy may come upon him and seek to deprive him of the bounty which the Government has given him?

I want to discourage the tattle-tale spy system in this country, Mr. Chairman. [Applause.] I want to brand as unworthy the dignity of this Government the spy system that now exists, and therefore I shall move to strike out those words. If you strike them out, you will find that the Department will be more vigorous in the prosecution and closing up of pending claims and less vigorous in pursuing the pensioner after his case has been adjudicated. [Applause.] For one, I object to any such opening being left in this law. It has no place or business here. What soldier can recover from the injuries received in battle or the hardships endured for months and years of service in the field? No man came out of the army as good as he went into it, exposed to its hardships and perils. Hundreds and thousands of men are obliged to crawl through life, bearing the effects of their service as cripples and invalids, and I want the law so framed that they shall not live in fear that any cowardly informant, spy, or detective is dogging their footsteps, watching for some pretext upon which to take away the small compensation which the Government allows them, watching every word that falls from the pensioner's lips, every expression of his countenance, to find out something that may be reported to the Department which will enable them to humiliate the pensioner and make the remaining years of his life more distressing than the past. I believe it to be the duty of the House to prevent the possibility of such proceedings in the future. I take this ground for two reasons; first, because I want the pensioner to enjoy the bounty of his Government; and second, because I want to relieve and force into more honorable employment that band of meddlesome tattle tales who have gone about this country during the last three and a half years of Democratic Administration trying to find some pretext upon which to drop pensioners from the roll.

For my part I want no more of it. When the pension is granted I want it to belong to the pensioner for life, and I do not want any Commissioner of Pensions to have the right to strike a pensioner from the rolls because, forsooth, in his judgment the man seems to have recovered from his disability. Who, I ask again, is to pass upon the recovery? Is it to be some person who does not enjoy the confidence of the pensioner? Who knows whether he has recovered or not? No one but himself. Many a man carries a pleasant face and an agreeable smile when he is enduring constant suffering and distress which he does not choose to expose to the world. I am utterly opposed to any legislation which will leave it open to the Commissioner of Pensions to disregard the sufferings of the old veterans. Why, our gallant friend the gentleman from Iowa [General HENDERSON], who sits upon this floor, went back into battle after his leg had been shot off at Corinth and rendered gallant service to his country in the campaign that followed in Tennessee. Recovery from injuries! I say a man never can recover from such injuries. There never will be a time in his life when he will be as good a man as he was when he entered the Union Army, and I do not want any officer of this Government or anybody else to have the right to say that he has recovered, when he himself knows that he has not, and is not in any respect so good a man as when he entered the service in defense of the flag.

Mr. MILES. Will the gentleman allow me a question?

Mr. SMITH of Michigan. Certainly.

Mr. MILES. Suppose a person who has been upon the pension rolls at \$72 a month for insanity should recover his reason, would the gentleman have the pension continued at \$72 per month?

Mr. SMITH of Michigan. I will answer the gentleman from Maryland [Mr. MILES] in this way: If any man is upon the pension rolls for insanity and is held by some officer of the Government to have recovered his reason, I ask the gentleman, as a member of this House, to tell me what the likelihood is of that man being again afflicted with the same calamity; and if he should be so afflicted when all of his associates shall have passed away, when the cause of his distress and suffering shall be known only by secondary evidence, I ask how such a man could be reinstated so as to draw the pension that he justly deserves?

Mr. MORSE. Will the gentleman allow me a question?

Mr. SMITH of Michigan. Yes, sir.

Mr. MORSE. Does not the gentleman think that the defects of which he complains in connection with the administration of the pension laws would wholly disappear under a Republican Administration with its just and liberal construction and execution of the pension laws? Under such an Administration would there be any danger to the pensioner?

Mr. SMITH of Michigan. The gentleman is undoubtedly correct in his suggestion; but we never can account for some of the changes of heart of the American voter. They are sometimes led off to do strange things which they afterwards regret; and in or-

der that there may be no opening left for a possible reversal of their good judgment again, I would foreclose the question by an act of Congress and let the pension be guaranteed to the pensioner for life.

Mr. MORSE. My friend knows that the American people would not again go after "strange gods" during the next twenty-five years.

Mr. SMITH of Michigan. I am hopeful in that respect, as the gentleman is. But in order to provide against such a possibility I would make this bounty which goes to the pensioner a bounty for life, so that it may never be disturbed while he shall live and shall wish to receive it.

Mr. Chairman, this morning on my way to this Capitol I passed the magnificent monument erected to the memory of Gen. Winfield S. Hancock. It will soon be unveiled upon Pennsylvania avenue leading to this Capitol. It was but a quarter of a century ago that the soldiers who helped maintain Hancock's columns at Gettysburg marched up that street; and while you are putting into monuments and upon tablets the memory and glory of the achievements of Hancock, I ask you not to forget that thousands of veterans who walked up that avenue bleeding and wounded after the close of the war are still haunting the Pension Department of this country asking that justice may be done them in their old age. [Applause.] And I say to you that 500,000 applications are still undecided and soldiers who believe that they were injured to a pensionable degree are waiting at your doors. They helped to make the campaign of Hancock memorable. It was upon his right and upon his left that the soldiers filed into the thinned ranks from which their comrades fell and made it impossible for the foe to successfully pierce that line of living fire. [Applause.] In my Congressional district and State thousands of those veterans are still waiting for this Government to pass upon their claims, while thousands of them are trembling for fear that they may be dropped from the pension roll without even the formality of a public hearing. In the interest of those men who saved their country, who did so much that we younger men might enjoy the blessings of liberty here, I say it is our duty to protect them now and make the future years of their lives less liable to annoyance than they have been in the last four years. [Applause.]

Mr. MORSE. I certainly hope that my friend from Michigan did not understand me as making any apology for the present administration of the Pension Office. I believe it is contemptible. [Applause on the Republican side.] I believe that the Commissioner has overridden the acts of Congress and assumed legislative as well as judicial functions, and that he has done great wrong to the pensioners of this country. I am making no apology for him.

Mr. SMITH of Michigan. I would not ascribe any hostile motive to the gentleman from Massachusetts, but call the attention of this House to the fact that those six words "mistake of fact" and "recovery from disability" leave it open to any future administration of the Pension Department to drop these veterans when it is impossible, owing to the death of their comrades, for them to furnish the new testimony that would reinstate them; and I believe it to be our duty to close this door now.

In another part of this bill I find that for fraud a public hearing shall be given; that for fraud a man shall have the right to face the witnesses and to be represented by an attorney. But where in this act is the authority for the pensioner to meet face to face the man who shall sneak around and peer through the window of his castle and see that he is enjoying himself in the last years of his life and that such enjoyment is inconsistent with the pain and sufferings of which he has complained?

Mr. MILES. Will the gentleman yield to me for a question?

Mr. SMITH of Michigan. Certainly.

Mr. MILES. The gentleman will find that the first part of section 4 meets the objection he urges.

Mr. SMITH of Michigan. Not at all.

Mr. MILES. I think if the gentleman will read it he will find that it does meet exactly the objection.

Mr. SMITH of Michigan. That relates only to cases where objection has been raised on the ground of fraud. But it is our duty—that is what I am claiming—to shut this door now against the opportunity of depriving these men of their pensions on mere technical grounds, and give to the veterans the right in old age to feel secure in the pension which the Government has seen proper to give them. I care not who formulated this bill; I care not who revised the first edition of it; I would be in favor of overriding any rule adopted here that will not leave the pensioner absolutely secure in his title from the Government. I repeat that it is our duty to do it, and it is our duty to do it now. Let us do it thoroughly and courageously, so that there may be no misapprehension in future. We do not want any further rulings that will set aside the express will of Congress.

Mr. MILES. If the gentleman will allow me, I want again to call his attention to the fact (and parenthetically I may say that

I do not stand as godfather for this bill) that I think he is laboring under a mistake in the objection he is urging to this measure. If he will permit me, the first part of section 4 provides—

That hereafter, in the administration of the pension laws, all investigations into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney.

Mr. SMITH of Michigan. Present where?

Mr. MILES. Well, of course, that is, I suppose, a matter to be left to the discretion of the Department.

Mr. SMITH of Michigan. I repeat the question, Where? Are you going to oblige a soldier to come all the way from Michigan to Washington to answer a claim or charge against him?

Mr. PICKLER. Oh, that would not be required. Under the rules and regulations of the Department they go to where the soldier lives.

Mr. SMITH of Michigan. There is nothing in this bill that makes that necessary.

Mr. PICKLER. That is the practice of the Department now.

Mr. MILES. That is a matter of practice in the office, of course. This Administration, and all Administrations, have always gone to the pensioner's home and conducted the examination there, and this bill provides that this examination shall be conducted in open session, in the presence of all persons interested and in the presence of the attorney for the claimant, if desired. So that the objection of the gentleman really has no force.

Mr. SMITH of Michigan. In the fourth section of this bill it is provided that where fraud is alleged there shall be an investigation at the county seat in the county in which the pensioner resides; and I make the claim that you should make that section apply in every case where the pension is questioned. I do not believe the pensioner should be called to go a distance from his home, to go to a remote part of the country, perhaps to come to Washington, to establish a right the Government has accorded to him after due examination.

Mr. PICKLER. This applies in every case where the pension is questioned.

Mr. SMITH of Michigan. Where there is fraud alleged. But suppose a man is held up by the Pension Office under the spy system, and is claimed to have recovered from the disease from which he was suffering, then where is the examination to be held?

Mr. PICKLER. The only difference is that where fraud is charged they go to the county seat and conduct the examination or hearing, but where other things are charged it has been the practice to go to the soldier's home and meet him and his witnesses there and conduct the examination. The trouble has not been there, but in the rating and in the medical examinations.

Mr. SMITH of Michigan. In answer to the gentleman from South Dakota, whose loyalty to the soldiers all will admit, I will say that this is a mere regulation of which he speaks. But we are now formulating a law, and we ought to make it mandatory on every Commissioner of Pensions who questions the disability of the soldier to go to his home and find out the truth of the allegation and enable him to meet the charges and to present his own witnesses face to face.

Mr. PICKLER. That is the case now; that is the practice.

Mr. SMITH of Michigan. Under what law?

Mr. PICKLER. There is no statute providing for it. It is simply a practice or rule of the Department.

Mr. SMITH of Michigan. That is just the point; there ought to be a rule of law for it.

Mr. PICKLER (continuing). If the gentleman will allow me, in case of fraud they go to-day, and have always done so under all Administrations, and make the examination at the home of the soldier, taking his statement, and he gives the names of the witnesses he wants to call, and he is informed of those that the Government proposes to call. This bill provides that in cases of fraud there shall be a more formal examination; that the pensioner shall be cited to the county seat; that he shall have the privilege there of being represented by his attorneys.

Mr. SMITH of Michigan. I admit what the gentleman says in the case of fraud. I want to make it obligatory in all cases where hostile action is contemplated.

Mr. MILNES. Let me ask the gentleman from South Dakota if a soldier who is drawing a pension is deprived of it for any reason, is he not hurt just as much as if he was deprived of it for fraud?

Mr. PICKLER. He can not be deprived of it except for that—

Mr. SMITH of Michigan. The language of the bill is:

Except for fraud, clerical error, or mistake of fact.

Mr. PICKLER. The gentleman is borrowing a great deal of trouble about those words "mistake of fact." The words "mistake of fact" have a technical meaning in the Pension Office. They do not refer to anything which the gentleman has in mind.

Mr. SMITH of Michigan. I understand there has been an adjudication on that language, and I understand it is held to apply

in this one case, that it would be a mistake of fact if a pension was granted at \$10 a month and actually put in the certificate at \$16 a month.

Mr. PICKLER. That is a clerical error.

Mr. SMITH of Michigan. It is a clerical error and a mistake.

Mr. PICKLER. Does not the gentleman think that is right?

Mr. SMITH of Michigan. I think it is right to correct it.

Mr. PICKLER. That is all they do here.

Mr. SMITH of Michigan. But I would not leave such general language to apply to such a technical question.

Mr. PICKLER. Neither have we.

Mr. SMITH of Michigan. I would strike out that general language, or else I would specify after the language what is intended to be meant by it, limiting its force and effect.

Mr. PICKLER. Let me put a case to the gentleman from Michigan. The gentleman gives a good instance of a clerical error. Suppose the Pension Office, after an adjudication, allows a man \$10 a month, and the clerk, in making out his certificate, gets it \$16. We want to correct that. That is right. Now, in regard to a mistake of fact. Suppose a woman married a soldier five years ago, and that soldier dies, and she continues to draw the pension, and it turns out that this soldier had a legal wife before he married her, and that that wife comes in now for her legal pension. That would be a mistake of fact that ought to be corrected.

Mr. SMITH of Michigan. Now, I say this—

Mr. PICKLER (continuing). Or suppose the case of a wrong man. Suppose there is some man drawing a pension under some other man's name. Suppose John Jones, of Tennessee, is drawing a pension in the name of John Jones, of Illinois, and it is a clear case of that kind—a mistake of fact.

Mr. SMITH of Michigan. No, sir; that is a fraud, and it should be so denominated, and this law provides for it.

Mr. PICKLER. It is a mistake of fact as well as a fraud.

Mr. SMITH of Michigan. No; it is not a mistake of fact. It is a fraud, and it is open to review.

Mr. PICKLER. I will not detain the gentleman any longer, because I appreciate his earnestness in behalf of the soldier; but this matter of allowing anybody to draw a pension, where it becomes known that it is a mistake, does more to create prejudice against the pensioners than anything that can be brought about. Now, what the gentleman complains of, the words "mistake of fact," are a technical term, and do not refer to ratings or anything of that kind. Under this bill the pensioner will be absolutely safe in his pension. Pass this bill, and he will be absolutely safe.

Mr. SMITH of Michigan. How will he be safe under the language that follows, "recovery from disability"?

Mr. PICKLER. I agree with the gentleman from Michigan to this extent—that there will be very few pensioners in the United States who will recover; but we have had such instances brought to the attention of our committee; for instance, where a man had been pensioned at the rate of \$72 for blindness, and he seemed to be totally blind for a time, but afterwards recovered his sight altogether. Now, I do not think the gentleman can say that it is fair to anybody that that man after recovery should continue to draw \$72 a month for his whole life. The burden of proof, of course, is on the Government to show that the soldier recovers, and I have no idea that anybody will suffer injustice from this provision.

Mr. BURTON of Missouri. Suppose it is claimed by somebody that a blind man has recovered, and he denies it. Where are you going to try that issue of fact, and upon what kind of pleading?

Mr. PICKLER. You would try the issue as you would any other case before the Pension Office.

Mr. BURTON of Missouri. Why not on sworn complaint, as in cases of alleged fraud?

Mr. PICKLER. In such a case as that the man has the physicians. He can be examined by the physicians. The whole thing is all open.

Mr. Chairman, now, if the gentleman will allow me, I would like the attention of the gentleman from Missouri. I want to call his attention to the fact that the bill covers everything in the language of section 4:

That hereafter in the administration of the pension laws all investigations into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney.

Now, I defy any member of this House to make any objection to this section.

Mr. SMITH of Michigan. That section is good, and I am not complaining of it.

Mr. PICKLER. We first contemplated putting in every investigation, whether the pension was allowed or not; but, after consideration, it was concluded that that might possibly bar the allowance of pensions by having them to go into this rigid examination before the pension was allowed. Now, any attack on earth, any charge that can be made against a pension that has been granted, this bill covers it; and the investigation has to be

in open session, where the pensioner has the right to be present in person or by attorney.

Mr. SPALDING. What is meant by "open session"?

Mr. PICKLER. Well, Mr. Chairman, the gentleman certainly understands the practice of the Pension Office. In every Administration these special examiners go to where the soldiers live and take the testimony there. They must go to the claimant.

Mr. BURTON of Missouri. Very well. You require when fraud is alleged that the allegation shall be reduced to writing and sworn to. Now, in case some one claims that the pensioner has recovered, why do you not require that that allegation of recovery shall be reduced to writing and sworn to?

Mr. PICKLER. They would have to do that. That is a medical question, and would depend upon the proof.

Mr. BURTON of Missouri. And yet I had to hustle around down in my district and get up affidavits to prove that the man was still blind.

Mr. PICKLER. You did not have to do that.

Mr. BURTON of Missouri. But I did.

Mr. PICKLER. That was certainly unnecessary. Every special examiner goes to the neighborhood where the claimant lives and takes the proof.

Mr. BURTON of Missouri. The examiner did go to the neighborhood.

Mr. PICKLER. Did he not examine the witnesses?

Mr. BURTON of Missouri. Yes, sir.

Mr. PICKLER. And did he not take the testimony of everybody that the soldier gave him the names of? Now, while I do not admire the present Administration in its conduct of the Pension Office, the special examiners are required to take all the testimony offered.

Mr. BURTON of Missouri. Well, the claimant did not know anything about it.

Mr. PICKLER. He received notice, and he must have known about it.

Mr. BURTON of Missouri. Very well. Where it is alleged that a man has recovered and the Government is required to go into this inquiry I want the statements to be made under oath.

Mr. PICKLER. It must be made under oath, because the burden of proof is on the Government to show that he has recovered.

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. SMITH of Michigan. Now, Mr. Chairman, what I complain of particularly in this bill is this: That in section 2 the words "mistake of fact or recovery from disability" leave a door open where this pensioner's right to his pension may be questioned arbitrarily by the Pension Bureau.

And it does not do what the report of the committee says it does. For instance, the report of the committee says:

This guarantees to the old survivor of our great struggle, whose average age is now nearly 60, that security and peace of mind which should come to him in his declining years. The pension roll has recently been critically inspected, and it is a very reasonable assumption that few persons are now drawing pensions who are not entitled to them.

It does not guarantee to the pensioner that "peace of mind"; and I think he never will have that "peace of mind," after the sad experience of the past three years, until these three words are stricken out of the law and no opening left for any future Commissioner to override and drop his pension.

If there is any citizen in this Republic that I honor more than I do another it is he who took the gun at the first fire on Sumter, and, turning to the gray-headed mother with pale and trembling lips, or to the wife whose moistened eyes could little tell the feeling of her heart, or to the child perhaps but newly cradled, leaving all, only turned back to say, "Good-bye; duty calls; my country is in danger, and I go forth to do its battle." I honor the soldier who bled and died in such a cause, and I love the living. It is the duty of this House to minimize all the possibilities calculated to deprive the soldier of this little mite of bounty that has been guaranteed to him by this great Government; and I give notice that I shall urge and insist that these three words shall be stricken from this bill and that the further possibility of dropping the pensioner shall be forever foreclosed to future Commissioners who may be placed in charge of that Department. [Loud applause on the Republican side.]

Mr. WOOD. Mr. Chairman, I desire to submit a few remarks upon this bill. It is not a question of sentiment that we are considering here; it is a question as to whether we shall give our attention to a practical measure to cure some defects in the administration of the pension laws. It is not my desire, being a member of the Committee on Invalid Pensions, to offer any amendment to this bill. I shall support it as a measure that will perhaps remove some of the causes of complaint against the present administration of the pension laws. I will more cheerfully vote for it if some amendments are made, which I trust some gentleman will offer, and which I hope will be adopted by this Committee of the Whole.

The pension laws now in force are not generally unfair or unjust to the pensioner. If gentlemen will recall discussions in this

House on the subject of pensions they will recognize the fact that the great cause of criticism has been found not in the laws themselves, but rather in the manner in which they have been administered. We have already passed an act, introduced by my colleague on the committee, the gentleman from New York [Mr. POOLE], and we propose in this bill to supplement it by prescribing a rule of evidence in regard to death. We have also in this bill a provision in regard to marriage and the evidence proving marriage. Neither is necessary. It was in the power, and I think it was the duty, of the Secretary of the Interior to have adopted these proposed rules of evidence independent of any enactment by Congress. The statutes of the States have generally recognized the presumption of death after an unexplained absence of the person for seven years. That was the common-law presumption adopted by the courts without any statutes. The presumption of legal marriage by man and woman living together, holding out each other and being recognized in the community as husband and wife, has generally been indulged in by the courts of the country in matters quite as grave as that of the allowance of a pension. It is somewhat remarkable that the Secretary of the Interior should not have adopted these same reasonable rules. So I may say that after this bill becomes a law, an unfair, or a narrow, or an unjustly strict construction of it will practically undo all the work that we may do here.

I desire now to call the attention of the committee to two or three other sections of this bill. All of the fourth section after the fifteenth line should be stricken out. I ask the attention of the gentleman from South Dakota [Mr. PICKLER] to this point. There is entirely too much machinery, involving too great expense and trouble to the pensioner, provided for in the latter part of this section. The taking of depositions invariably requires the aid of a skillful attorney. If counties were all of small size, and if the pensioner was always found to be living near the county seat, it would not be very objectionable to require the examination to be conducted at the seat of justice; but many counties, particularly in the Western States and Territories, are very large. One within my knowledge has quite an important town, where old soldiers are living, 250 miles from the county seat.

Mr. WILLIS. In the same county?

Mr. WOOD. In the same county. That county is represented by my friend from California, Mr. BOWERS.

This section gives the right to the pensioner to rebut or substantiate any facts alleged. He must do that by testimony; and to make a journey to the county seat with his witnesses, and to support them during the time they are there, might practically work as great hardship to him as to absolutely cut off his pension. Considering the expense and trouble, would it not be better, after we provide that charges shall be made under oath with notice and with a copy of the charges to be given to the pensioner, to let the place of examination be left to the Commissioner, with the hope and the expectation that a fair and just Commissioner will be in charge of the Pension Bureau? Leave the matter as it is now. Let me state one thing further. Whenever charges of fraud are required to be reduced to writing and sustained by the oath of the person making them there will be very few pensioners dropped from the roll on the ground of fraud. Occasionally, of course, some worthy man may have the charge made against him, and with this section as it stands in the bill it practically amounts to a denial of a fair hearing in such cases. If we strike out all of this section after the fifteenth line it will then be a good section, and we may trust to a fair Commissioner to execute the law fairly and with due regard to the interest of the old soldier as well as to the interest of the Government.

I wish now to call the special attention of the committee to section 6. This section is aimed at Order 229. The chairman of the Committee on Invalid Pensions, the gentleman from South Dakota [Mr. PICKLER] has shown to his own satisfaction, but not to mine, nor, I think, to the satisfaction of the House, how this section of the bill abrogates that order. It does not do it. It in fact substantially approves that order, and is a virtual indorsement of it; it really enacts the more stringent part of that order into law. Let gentlemen scrutinize this section carefully. All the objectionable features of Order 229 are retained, or at least are not prohibited. The requirement of the preparation of testimony, the reducing it to writing or typewriting, the preparation and forwarding of the same without "needless delay"—the Commissioner being the sole judge of what is "needless delay"—are not forbidden by this section. Order 229 did not require the affidavit to be in the affiant's own language as this section does. This section, by necessary implication, prohibits any oral prompting or questions suggestive of answers.

Mr. PICKLER. Not at all.

Mr. WOOD. I think it does. Order 229 does not prohibit oral prompting or leading questions for the purpose of drawing out the facts. It only requires that any "printed or written statement or recital" which aids the recollection of the witness shall be attached to the affidavit. Mr. Chairman, I submit that no

statute of the United States, or of any State, nor any rule of court, can be found which requires so great a degree of particularity and strictness in the preparation of affidavits to be used in courts of justice in the disposition of business involving important consequences. Injunctions are issued on sworn bills of complaint. Men's hands are tied in the conduct of their business, or the disposition of their property. Injunctions are dissolved on motions and answers supported by affidavits. Receivers are appointed on verified bills of complaint. Property is taken from the hands of owners and from the process obtained by creditors, and turned over to the hands of receivers or officers of courts, and there retained, perhaps until eaten up in fees and costs. Property is taken from defendant and turned over to plaintiff under replevin writs issued after affidavit is filed. Writs of attachment are daily issued from our courts and property seized under them and, if perishable, sold before judgment.

This proceeding, in which execution precedes judgment, is based on an affidavit to be first filed. Causes are continued, new trials are granted, and alimony decreed pending suit upon affidavits. Men are arrested on criminal charges based on complaint under oath. In any or all of these instances of daily occurrence in our courts, involving frequently important interests, has any gentleman ever heard of requiring from the affiant a statement that the affidavit "was prepared in his or her presence, at his or her dictation," and "is in affiant's own language"? And yet we require in this order from an old soldier more particularity in an affidavit to establish a six-dollar-a-month pension claim than courts and statutes generally require to take away from creditors and out of the hands of owners a hundred or a thousand miles of railroad. Take the average comrade of ordinary intelligence upon whom the old soldier must depend for his evidence. I submit that if an affidavit must be obtained "from his or her dictation," or must be "in affiant's own language," nine out of ten would be defective and would be rejected. I send to the Clerk's desk to be read as part of my remarks a substitute for this section. If some member does not offer a better provision, I give notice that I shall offer this at the proper time.

The Clerk read as follows:

SEC. 6. That in the administration of the pension laws an affiant shall be required only to make oath that said affiant has read or heard read the subscribed affidavit, that affiant knows the contents thereof, that the matters and things therein stated as of affiant's personal knowledge are true, and that the matters and things therein stated on information and belief affiant believes to be true. Such affidavit shall be considered in the adjudication of the claim and such weight be given to it as it may be justly entitled to.

Mr. WOOD. That is not very much different from the ordinary jurat that is attached to a bill in chancery where a discovery is sought. It is about the same that is attached to an answer which may be introduced as evidence, and in default of answer the bill might be taken as confessed and regarded as evidence under the statutes of some States.

It may be insisted, and I believe it is claimed by the Commissioner, that pensions are granted on ex parte evidence, and therefore there should be great particularity used; also that affidavits in pension cases are ex parte, and that to adopt this section would open wide the doors to fraud. This, I believe, is the insistence of the present Commissioner. I deny that any affidavit of a material fact in a pension case is ex parte except in form. If affiant is a comrade, whether officer or enlisted man, his affidavit, if to a material fact, is not considered until the records of the War Department are searched to ascertain if affiant was present at the time with his command. Even if he is corroborated there, it does not suffice. The postmaster is written to, or a special examiner reports whether the man is credible; then he himself is written to, to get a version in "affiant's own language" of the facts about which he testified. Next it frequently happens that a special examiner is sent to examine him under oath. If his examination or affidavit discloses that some one else knows the same facts, the consideration of the claim is generally stayed until such person is written to and his reply is received, to ascertain whether the affiant may not be contradicted or may not be mistaken. Lastly, if the allowance of the claim would carry any considerable amount of money, it is generally resolved that a special examination is required to determine the merits of the case. That action is good for a year's delay, and generally for a much longer period. This course of procedure is well known to every member of the committee who has examined claims in the Pension Office, and he knows, as do I, that no material affidavit filed in support of a pension claim is in effect an ex parte affidavit.

Mr. Chairman, no harm will ever be done to the Government by the adoption of this substitute. The Commissioner or the Secretary of the Interior will still be the sole judge of the weight to be given to every affidavit. The present method of determining its truthfulness is not abrogated. If affiant makes a statement on information or belief, he will still be obliged to state the sources of his information so that the reasonableness of his grounds of belief may be determined. If he fails to do this, no weight would be given to his affidavit; it would go merely for what it is worth; and it would be worth nothing.

The administration of the pension laws is wholly in the hands of the Secretary of the Interior. There is no appeal save to Congress. I am aware that there is a pretty theory indulged in by unsophisticated claimants and their attorneys, and I believe by my colleague from New York [Mr. McCLELLAN], that there is an appeal from a decision rejecting a claim or cutting down or discontinuing a pension. That is a great mistake. The Interior Department is charged with the administration of the pension laws. True, there is the Commissioner of Pensions; but he is practically the head clerk of a bureau in that Department. An appeal is said to lie from his decision. That appeal is decided by the Assistant Secretary of the Interior, another head clerk in the same office or the same Department. It is an appeal from Philip drunk to Philip not yet sobered up.

After this act is passed the old soldier will still be in the hands of the Secretary of the Interior; he will still feel the effects of the policy of the Administration. If that policy be that the pension laws shall be fairly construed, to carry out in fairness and good faith the purpose of their enactment, he will have no reason to complain. Everyone whom the policy of the law has declared to be the proper recipient of a pension will have no serious trouble in obtaining it. If, on the contrary, the policy of the Administration shall be to admit none to the pension rolls whom it is possible to prevent and to cut off every pensioner where some excuse may be invented, then the same complaint will meet the next Congress.

The policy is not to be settled here or in the Interior Department or in the White House. A greater than Secretary or Congress or President must determine it. The appeal is to the people. On them we must wait for the final judgment in November.

Now, there is one thing in regard to a suggestion made by my friend the gentleman from South Dakota, the chairman of the Committee on Invalid Pensions, to which I will allude briefly and then I am done. He suggests that I select some section of the bill with which I am satisfied. I have criticised, I trust, in all fairness, two sections of this bill. I think the criticisms I have made are not at all unjust. I think it due to the Pension Committee and this side of the House that we perfect this bill, if it is possible for us to do so, so that after it becomes a law it be not worse than the present law, or the construction which has been given to the present law. There are many parts of the bill that are good—

Mr. NORTHWAY. May I ask the gentleman if he is a member of the Committee on Invalid Pensions?

Mr. WOOD. I am a member of that committee.

Mr. NORTHWAY. Now, if the gentleman will permit me, you have liberalized the bill in one respect by a provision permitting the oath of a private to have as much weight as that of the commissioned officer, and I indorse what has been done in that regard. But why not go further and permit an applicant himself, in this matter of pension cases, to be heard as a witness in his own behalf, as he would be heard in the courts of justice? Let him appear under oath and let his evidence be taken to prove the facts connected with his claim.

Mr. WOOD. I will say to the gentleman that I think the ordinary rules of pleading in courts of justice, that the allegations of the claimant should be taken most strongly against him, are not unfair in their application to a man who is seeking a pension.

Mr. NORTHWAY. But if, in a court of justice, a party can go and be sworn in his own behalf, and his testimony is received just as the testimony of any other witness, why should not the same rule apply in pension cases? Why, in other words, should not a claimant, when he makes his application to the Department, be heard in a pension application the same as he would be heard in a court—of course his interest being taken into account?

Mr. PICKLER. But he can do that now.

Mr. NORTHWAY. Not at all. You do not permit a claimant for a pension to prove by his own evidence an independent fact. He must call sufficient witnesses to establish the fact, either two privates or one commissioned officer under the present law.

Mr. PICKLER. The claimant may make his statement; the only difference is that more testimony is required in support of it. But let me ask the gentleman from Ohio if he thinks it would be a safe policy to enact a statute whereby an applicant for pension should be allowed his claim upon his own unsupported testimony?

Mr. NORTHWAY. No; I would not claim that. But I claim that he should have the same right to introduce testimony in his case that he would have in a case in a court of justice.

Mr. PICKLER. He can do that now.

Mr. NORTHWAY. The gentleman is entirely mistaken. He can not. I have known cases myself where the principle has been applied. I have one case now, the case of Captain Goodwin, a resident of Norfolk, Va., who was the captain of a Massachusetts regiment during the war, who filed his application, and it has been pending for a long time. I secured him a pension of \$12 a month under the law of 1890, but he has an application for a pension pending under the old law. He is absolutely and entirely

helpless. He was wounded in one of the battles, a bullet rupturing his intestines, and he took from his own person the bullet. No physician was near; no one was able to testify as to the facts. He has an abscess arising from the wound formed in the intestines, and yet no human being can swear but himself that the bullet passed through. The Department refuses to listen to his testimony. Now, that is a case absolutely in point—

Mr. PICKLER. I wish to call the gentleman's attention to section 5 of this bill, by which it is provided that the oath of a person who has served as a noncommissioned officer or private shall not be of less weight than that of a commissioned officer. It provides as follows:

SEC. 5. That in the administration of the pension laws the oath of a person who has served as a noncommissioned officer or private shall not have any less weight than if such person had served as a commissioned officer: *Provided*, That no claim shall be rejected because of claimant's inability to furnish, as to any material fact in the case, the testimony of more than one credible witness having knowledge of such fact.

Mr. NORTHWAY. That is equivalent to saying that he must furnish one credible witness besides himself.

Mr. PICKLER. Oh, not at all. The Commissioner of Pensions has held that a man's own testimony may be taken, and it has been held that the statement of the claimant is good in support of the facts set forth in the application.

Mr. WOOD. Mr. Chairman, I was about to make an inquiry for information as to who had the floor. [Laughter.]

Mr. NORTHWAY. The gentleman has.

Mr. WOOD. I will state to the gentleman from Ohio [Mr. NORTHWAY] that the affidavit of the pensioner and his statement are received, and when a pension examiner goes out hunting up fraud, or when he goes for the purpose of assisting the claimant or pensioner in making out his case, as he many times does, the affidavit of the applicant is generally taken. That affidavit, so far as my attention has been called to it—and I have examined a great many cases—seems to have no weight whatever unless there should be some word or phrase in it that could be construed into an admission against the claimant. If that should happen, then it has great weight and will overturn a great deal of other testimony. But in this case let me say that the claimant is not treated very much worse than his witnesses.

Mr. NORTHWAY. That may be.

Mr. WOOD. As I have endeavored to show to the committee—and I think the facts will justify me—no statement of material facts by a witness or claimant is considered at the Pension Office unless it is verified to some extent. I am not complaining about that. I think it is no more than right that it should be verified; but with that practice of verifying those statements, and with the orders that are made requiring a special examiner to go and cross-examine the witnesses, with the practice in vogue of writing a year or two afterwards to the witnesses, who may be unlearned, to put down in writing their recollection of the facts in the case—with that in mind, I do not think it may be said that pensions are allowed upon ex parte affidavits or ex parte evidence.

One thing further. The Commissioner of Pensions, under the direction of the Secretary of the Interior or the Assistant Secretary of the Interior, is absolutely his own judge as to the length of time he will take to consider a case. It may be one year, it may be five years; and there is no power, so far as I know, that will compel him to expedite a case. There is absolutely less danger of fraud creeping into a pension claim than there is in a proceeding in a court of justice as exemplified under the practice of the Pension Office in a large number of cases that I myself have examined; and I presume other members of the committee will also bear me out in that.

As I said before, I have criticised only two sections of this bill. Whether these should be amended as I have suggested, or whether they should not be, will make no difference in my support of this bill. I believe it would be better to amend in these particulars, but the bill is a step in the right direction.

Let me state another thing to the committee. The gentleman from South Dakota [Mr. PICKLER], the very efficient and able chairman of this committee, has spent no small amount of time in the perfection of this bill. His opinion should have great weight; and yet, after all, this bill which is introduced by him, and which bears evidence of his research and examination, is not altogether sacred. It should be treated as any other bill. If we can perfect it in this or that particular it is only right that we should do it. By section 6 we open a trap to catch the unwary pensioner or claimant. That is also the case with the latter part of section 4.

I thank the gentlemen of the committee for their attention. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PITNEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 951) to amend the military

record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers.

The message also announced that the Senate had passed joint resolution and bill of the following titles; in which the concurrence of the House was requested:

A joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship;

A bill (S. 2642) to provide for the safety of passengers on excursion steamers.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring). That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2557) granting a pension to Sarah A. Boyd, by striking out the word "captain," in line 5 of said enrolled bill, and inserting "first lieutenant."

AMENDMENT TO PENSION LAWS.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. TALBERT. Mr. Chairman, I am opposed to the passage of this bill for several reasons. In the first place it is very indefinite. No man has been able to tell anywhere in the neighborhood of the amount which the passage of this bill will carry in appropriations. Therefore I am opposed to it, because I have no idea of the amount of appropriation which it will necessitate.

In the next place it seems to me that the bill is a misnomer, because it misstates and conceals its real object. It is stated in the report of the Committee on Invalid Pensions that this bill adds no new class of pensioners to the pension roll. Then by a careful perusal of the bill you will see that it enumerates numbers of persons who will come in as new pensioners under this bill who are not now drawing pensions. Hence I say the very name of it is a misnomer to begin with, and hence it is deceiving and hypocritical.

In the very first section of the bill it is provided that a number of persons who did service on the Confederate side in the late war, but who, toward the close of the war, for some reason or other, saw proper to desert the flag under which they had been fighting, to turn their backs upon their own country and to seek shelter under another flag—the first section of this bill proposes to put that class of soldiers along with other soldiers who went into the Union Army and fought for four long years amidst snow and storm and sunshine and rain. It proposes to pension a class of citizens who were loyal to no flag, who were loyal to no country, who were loyal to no principle at all. For that reason again I shall be constrained to vote against the passage of this bill. I do not think such a class of people deserve any such consideration at the hands of any nation. That is another reason why I shall vote against the passage of the bill.

Mr. PICKLER. Will the gentleman allow me to ask him a question? The country has forgiven the Confederate soldier for everything else on earth, I think, except for being a Union soldier afterwards. Does not the gentleman think it is time that we should forgive him for being a Union soldier after having been in the Confederate service?

Mr. TALBERT. That is not relevant to the subject at all. I am not discussing the question of pardon, or anything of that sort. I am just discussing the merits of the bill upon which the gentleman from South Dakota came very near killing himself on yesterday afternoon. [Laughter.] I think the gentleman's widow should be cared for if he does kill himself speaking. I say that the man who will desert his flag in time of distress, in time of war, who will deliberately walk out from under his flag, can not claim to be loyal to any country, and is not deserving of a pension at the hands of any nation.

These men, seeing the declining star of the Confederacy, deliberately deserted and went over to the Yankee Army, showing themselves to be cowards, without principle, without patriotism, and without love of country altogether. For this reason, I shall vote against the passage of this bill.

Then section 2 goes on, and upon its face it seems to be very fair. It is very well that we should have "rest" from anxiety and perturbation among the old regular soldiers who are now enjoying their pensions, and that they should be undisturbed, that they should have "rest and quiet." I have no objection to that, but it goes on to say—

No pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except from fraud, clerical error, or mistake of fact, or recovery from disability.

That is all very well; but why is it that you do not go further and designate and say to whom this section would give advantage, to another class of citizens, the remarried widows?

Mr. ERDMAN. They cut them out by the proviso.

Mr. TALBERT. I suppose they are cut off by the proviso, however.

As to sections 3 and 4 I have nothing to say.

Then we come down to section 5. The report says:

The purpose of this section is to abolish the distinction between the oath of a commissioned officer and that of a noncommissioned officer or private.

That is very well. Why do not you go further and do away with this discrimination in favor of officers' widows as against the widows of private soldiers? It seems to me that if you had intended to do justice you would have gone a little further, and have inserted that in the bill here. And the report says further that—

While the proviso allows large latitude to the Bureau of Pensions in the matter of evidence, yet it prescribes that no claim shall be rejected because of claimant's inability to furnish the testimony of more than one credible witness as to any material fact in his case.

That is breaking down the rules of evidence, and leaving it so that not only do we do away with affidavits, but let anybody come in, and on his ipse dixit a claim for pension shall be allowed without any testimony whatever. I submit, Mr. Chairman, that that is not right; it is wrong; and that is another reason why I shall vote against the bill.

As to sections 7, 8, and 9 I have nothing in particular to say.

Section 10 provides that the common-law presumption of death after lapse of seven years without news or tidings of the missing person shall obtain in the administration of the pension laws. The committee says this will—

establish a rule of long standing in the ordinary courts of justice and lighten to a large extent the labors of this committee.

It seems to me that this opens up a field wide for fraud, where men desert their families, and run off, and after seven years they ought not to be considered as dead. I think that is wrong. But I make no particular objection to that; at the same time no woman is a widow with a living husband.

Section 11, the committee says, introduces a new rule into the Pension Office, the common-law rule, in the matter of proving marriages on failure of the best evidence, and they say it is—

Substantially in accordance with the rule for establishing common-law marriages.

It seems to me that the usage in the Pension Office at present in that regard should not be interfered with.

As to section 12 I have nothing to say.

Section 13 provides that under the act of June 27, 1890, desertion or dishonorable discharge from a prior service shall not be a bar to pension if the soldier has a subsequent service of ninety days and honorable discharge from the same. Now, it seems to me here that this section, if passed, will add a number of new pensioners to the rolls. It opens up a wide field for granting pensions to bummers, coffee coolers, and deserters, men who had deserted and received bounty after bounty whenever they enlisted before the close of the war. I think that is wrong, and not justice, and it is not right to the old soldiers who are drawing pensions to-day. That is another reason why I shall vote against this bill.

These are some of the reasons, Mr. Chairman, which actuate me; and in the next place I submit that any further pension legislation is unnecessary and extravagant and unjust to the great mass of taxpayers. I contend, sir, that the pension laws of the United States are just as liberal toward the old soldiers as they ought to be. I do not object to them as they stand. I do not stand up here and oppose the pension policy of our Government, because I know that it is just for every government to have a liberal pension policy toward the soldiers who stand up and fight for their country. But, Mr. Chairman, I submit that all of this talk and all of this oratory about the old soldier is mere claptrap. It is mere hypocrisy upon the part of a great many who talk of their love for the old soldier, unattended by anything but love for his vote. It reminds me of the love of the vultures for dead bodies, because they feed upon them; and these gentlemen feed upon the old soldiers by getting their votes. I say it is unnecessary to have any further pension legislation, and it is beginning to become a heavy burden upon the soldiers as well as the people.

I just want to call the attention of the committee for a few moments to some figures which I have collected in regard to the amount of pensions that have been paid to the soldiers of the United States. There was paid in pensions in 1888, \$83,167,500; 1889, \$76,312,400; 1890, \$81,758,700; 1891, \$98,587,252; 1892, \$135,263,085; 1893, \$147,064,550; 1894, \$166,831,350; 1895, \$162,631,570, and in 1896, \$142,000,000.

In 1887 there were paid \$86,667,500, and so on down until 1894, when the amount was \$166,531,350, making in all about \$2,000,000,000. I think that speaks well for the United States. I think that the laws giving pensions are liberal enough.

The army of Germany, which is in the neighborhood of 800,000, costs less than our pension roll, with all her wars and troubles. Think of this enormous sum of money yearly extorted from the toiling masses, and then upon the top of that you would increase the amount. Russia, with an army of nearly the same number as Germany, expends less than a hundred millions. France, with an army of 550,000, spends but \$120,000,000, including the pensions

resulting from all of her wars, and so it goes with the other nations—Spain, Great Britain, Italy, etc. The comparative figures go to show that we have been extremely liberal in granting pensions to the Union soldiers.

Mr. Chairman, in opposing the passage of this bill I am not opposing anything that would inure to the benefit of the old soldiers. I submit that this bill, if it becomes a law, will not do justice to the old soldiers, but will rather detract from them by placing upon the rolls the names of men who never ought to be on a roll of honor, thus making it instead a roll of dishonor. A great cry is raised here about the men who saved the Union. Well, sir, they deserve credit for it, of course. But who saved the Union? A great overruling Providence saved the Union. I would like to hear some of the members of this House give more credit to Providence and to God Almighty than they do for saving the Union. I recall an anecdote of the war of 1812-1815, that bears on providential interposition. On the evening before the battle of New Orleans a British and American picket came near enough to hold a colloquy, when the Britisher ventured the prediction that a battle would result the next day. Forecasting events, he said: "On our side we have General Keane, General Gibbs, and Lord Pakenham, and we will be bound to whip you."

The Kentuckian replied: "Well, on our side we have the Lord God Almighty, the Lord Jesus Christ, and Old Hickory Jackson, and if we don't whip you, I'll be damned!"

Yes, Mr. Chairman, it was the great overruling Providence, which controls the destinies of nations as well as of individuals, that saved this Union, for it is plain if the war had not ended when it did there would have been little left, as nearly every soldier is either wounded or dead.

Now I say, gentlemen of the other side, if you propose to go any further in this pension legislation you might just as well turn over the whole Treasury at once to the old soldiers. Let them have it all and then adopt the plan that we are told they have adopted at some of the Soldiers' Homes out West; let the old soldiers take possession of the Treasury, and then set up beer saloons and sell them beer in the name of the Government, and make them all drunk and set up Keeley cures to cure them, and in that way get all the money back again into the Treasury. [Laughter.] I say we have gone far enough in granting liberal pensions to the soldiers of the civil war, and while some may criticize my motives because I am a Southern man and stand up here to protest against this legislation, I propose to do what I conceive to be my duty in the premises, regardless of fear or favor from any source whatever.

Mr. MAHANY. Will the gentleman permit a question?

Mr. TALBERT. Yes, sir.

Mr. MAHANY. You say that Providence was responsible for the Union victory. Have you any objection to a pension being granted to Providence? [Laughter.]

Mr. TALBERT. Well, if it were granted I do not think my friend would get any of it. There is not much Providence about him, I think. [Laughter.] Now, Mr. Chairman, in conclusion, let me say that I only spoke of the overruling hand of Providence (which I do not think the gentleman from New York ever has recognized properly, judging from his question) in order to direct the attention of members of this House to the fact that whenever a nation forgets God and turns her back upon Him and goes out after false gods, calamity comes upon that nation. When the top and the bottom of the map fell out we had our civil war. It amounted to nothing more than that the United States, after whipping Great Britain and whipping Mexico, turned around and whipped herself. It was a providential thing that the Union was saved. Now, we do not propose to go back and dig up the dry bones of the past. We are living men, living and acting in the present.

Mr. MAHANY. Will the gentleman permit another question?

Mr. TALBERT. Of course, if I can answer it. If I can not I will not, for it is said that a certain class can ask questions that another class can not answer. [Laughter.]

Mr. MAHANY. Will you tell the House how you got your commission to speak as a special agent of Providence on this floor?

Mr. TALBERT. I did not understand the gentleman's remark.

Mr. MAHANY. I should judge from your remarks that you are the special instrument of Providence here. Now, will you tell us—

Mr. TALBERT (interrupting). Oh, no; but I am instructed in the Bible, and its teachings have directed me not to cast pearls before swine, so I will not say anything more to the gentleman. [Great laughter.]

I have now no more to say on the bill, but shall vote against its enactment, and hope it will not pass. [Applause.]

[Mr. KIRKPATRICK addressed the committee. See Appendix.]

Mr. MAHANY. Mr. Chairman, I listened the other day to the eloquent and beautiful eulogy pronounced by the gentleman from Massachusetts [Mr. MOODY] in honor of the memory of

General Cogswell, a Representative of that State. One particular passage struck me as peculiarly appropriate for the men of a younger generation to ponder when they presume to speak upon the questions affecting the relations and results of the civil war. It is this:

Though we stand here reaping where we have not sown, though we understand little of the agony of the seedtime we can, at least, measure the abundance of the harvest.

And as a man of this generation, not knowing from experience the fury, the sufferings, the hopes, the aspirations, the disappointments, or the glories of the civil war, I felt an especial and painful surprise on listening this morning to the opening speech made by a colleague from my own State, my equal in years, but having the added advantage of bearing the great name of one who once led the armies of the United States. It was an astonishing thing to me to behold the son of George B. McClellan standing in the path of the justice due to the men his father led.

I have no need here to place myself on record as a friend of the Union soldiers of the civil war. I have no political or selfish interest animating the words I now utter, for the people of my district fully understand and appreciate my position upon these questions; but as a patriotic man, as one who is an inheritor of the splendid and inspiring possibilities of this Republic, preserved to me and to all other men of this generation—yea, to all the generations that are to come—I should be recreant to my own sense of gratitude if I did not stand upon the floor of this House in protest against the policy which seems to harass and hound and obstruct every step of the aged and helpless veterans whose sacrifices made free government a verity. [Applause on the Republican side.]

I sometimes believe, Mr. Chairman, that we who, in the language of Lowell—

Sit here in the promised land
That flows with freedom's honey and milk—

are not sufficiently conscious of the heritage which we enjoy. I imagine the prosperity in which we are lapped and the magnificence of our political and personal possibilities have a tendency to dull that appreciation which should be the first instinct of every American to-day, and especially of the representative Americans who occupy seats in this Chamber. [Applause.] Were it not for the heroic faith of those men who were the pillars in the upholding of the best Government the world has ever seen, a Government freighted with all the hopes and dreams of human kind, the gentleman who dared with flippancy to speak regarding the merits and deservings of these soldiers of an immortal struggle would not to-day hold citizenship in the foremost of nations nor have the opportunity open to him to be honored with a seat upon the floor of this House.

When we picture to ourselves the historical significance of their accomplishment, when we see the Asiatic despotisms and the sullen monarchies of Europe galling the necks of subject peoples, and when we picture the slaves of old oppressions looking across the severing ocean to this fairland of human liberty and human happiness, we can appreciate the better the deathless debt of gratitude we owe to the men who made such a Government possible; yea, who did more than that, perpetuated it to all generations. [Applause.]

I remember five or six years ago when I made my first visit to this city, the capital of this nation, I sat in the gallery of the Senate of the United States and I saw a new Senator from the State of Texas make his first entry into that Chamber and I beheld Senators from the North and Senators from the South crowd about him and give him a reception which might well have made any European monarch grateful. When I inquired who the distinguished personage was, they told me it was Mr. Reagan, the Senator from Texas, the ex-postmaster-general of the Southern Confederacy. And then, Mr. Chairman, beyond that stately scene at the other end of this Capitol, my mind went out to the crippled and decrepit veterans of our civil war, dying neglected and forgotten in the almshouses of the country they had helped to save, and it seems to me a monstrous thing that Senator Reagan in his dignity, and the gentleman from South Carolina in his absurdity, should be in a position in these halls to vote away the bread from the mouths of the men who made the triumph of their treason impossible. [Applause on the Republican side.]

Mr. TALBERT. I challenge the gentleman to cite a single instance where I have opposed the granting of a pension which in my judgment was due to a meritorious Union soldier.

Mr. MAHANY. I may say to the gentleman from South Carolina that I would be exceedingly loath to accept his judgment upon the merits of a pension claim or on any other subject. [Laughter.]

Mr. TALBERT. I have never opposed the granting of a pension in any meritorious case, and I am responsible for every position that I have taken here, but I am not responsible to the gentleman.

Mr. MAHANY. I should judge you were irresponsible.

Mr. TALBERT. My record shows that I have only opposed the giving of pensions to deserters and bummers and coffee coolers and camp followers, and I shall continue to do that as long as I have a seat here.

Mr. MAHANY. Mr. Chairman, as the Thersites of South Carolina has brought up his record, I will quote from the modest encomium he passes upon himself in the Congressional Directory:

In all relations of life, as neighbor, friend, and public official, he has been faithful to every trust, zealous as a church member and Sunday-school worker, legislator, and Alliance man

[Laughter.]

Is the gentleman satisfied with my indorsement? [Laughter.]

Mr. TALBERT. I want to state to the gentleman that I am not the author of that biography, but he is obviously the author of his, and I propose to read it:

He was born in Buffalo—

Mr. MAHANY. I object, Mr. Chairman. The gentleman from South Carolina will pardon me if I am too modest to permit my own biography to be read on this occasion. [Laughter.]

But, Mr. Chairman, there is in this discussion a seriousness not suggested by the personality of the gentleman from South Carolina. The question before us rises, in its dignity and sublimity, far above any interchange of personal recriminations or personal amenities. It is a consideration affecting the interest and the well-being of the saviors of that Republic which is the hope of humanity and the pledge of its future. It concerns the duty and obligation of this Commonwealth to the men who, from 1861 to 1865, went forth in the morning of their years, in the glory of their hopes, in the fullness of their powers. It involves our dignity and our honor and our integrity as a nation, and I say, as one young American, standing here not in my character as a Representative on this floor, but simply as a citizen of the United States, enjoying the benefits and largess of their unequalled and heroic sacrifice, that I for one am proud to support this bill, and my only regret is that we can not throw better and closer safeguards around the rights and interests of those who in their day deserved so well of the Republic. [Prolonged applause.]

Mr. HAGER. Mr. Chairman, the bill now being considered by the committee recalls events in our country's history that it would be well for the generation of men who have appeared on the scene of action since the close of the war to contemplate with care and much thoughtful attention. To those men who took an active part in that great contest for the preservation of all that is dear to us as a nation, or to those old enough at the time to comprehend and appreciate the services those men rendered the country, humanity, and the cause of freedom throughout the civilized world, the necessity for the character of the legislation now proposed is anything but flattering to the justice and fairness and appreciation of the men who are responsible for the administration of the pension laws as they now appear upon our statute book. The condition of affairs at the Pension Office for the past three years causes one to wonder whether or not if republics are not altogether ungrateful or totally forgetful of services rendered. During my brief service in this body I have closed my lips and held my peace when pension questions were being discussed, and have attempted in vain to reason myself into the belief that the pension laws were being justly administered by this Administration, but I have been unwillingly forced to the contrary conclusion, and, after exercising the broadest charity for the men who have made necessary the enactment into law of the pending measure, I have been forced to the conclusion by their open, continuous, and notorious acts that they are guilty beyond a reasonable doubt of doing everything in their power to make it difficult and almost impossible for a claimant to receive justice before that Department.

I do not intend to be severe in my criticisms, and desire to be perfectly fair, charitable, and candid in what I may say, but I judge there are few members of this Congress who may have been called upon to examine pension cases during the present Administration who could not cite case after case and instance after instance coming under his personal notice where the evidence demanded from the claimant was of a character that was perfectly frivolous and absurd, and I know of no court in Christendom that would not hold much of the evidence demanded as irrelevant, immaterial, incompetent, and not a little of it impertinent.

In the name of reason, of common sense, and common justice, why is it that a rule of evidence obtains in the Pension Department as now administered that resolves and determines every doubt against the claimant for a pension instead of adopting the correct and charitable and just rule of giving to every old soldier the benefit of every doubt and aiding him in every proper and just way to secure a pension if he is fairly entitled thereto. The road to the Pension Office, Mr. Chairman, should be made as free from technicalities and legal obstacles as possible, and the doors to its entrance as broad as the courage and loyalty and sacrifice of

the men who are, by force of circumstances and changed conditions, compelled to seek entrance thereto. [Applause.] Were I President of the United States (and if my modest ambition in that direction can not be gratified I should be abundantly satisfied to have the next Executive of this Republic chosen from within the borders of my own loved State), I would do all in my power to make the Pension Department of this Government a great object lesson of loyalty to all the people of this country, and would demonstrate the fact to the people of every nation and of every tribe throughout the whole world that the greatest of all of the Republics was not ungrateful and infinitely prouder to remember and care for its defenders than to boast of its wealth, its intelligence, its manufactories, its standing armies, or its strength upon the land or upon the seas; for, after all, Mr. Chairman, the best test of a nation's strength is not in its standing armies, its trained soldiery, its iron-clad navy, or its flying squadrons, but in the willingness and readiness of its citizens to respond to its call and to come to its defense in times of need and danger. [Applause.]

In the administration of criminal laws in all our State and Federal courts, whenever the Commonwealth accuses one of its citizens of violating law the presumption of innocence at once obtains to shield and protect the accused against the accusations brought against the citizens, and the State, in the trial of the defendant, is required to convince the jury beyond a reasonable doubt of the prisoner's guilt or they must acquit him. The law of reasonable doubt in the case of men accused of crime commends itself to the candid judgment of conservative men, and if such a rule should apply in the case of men accused of violating law then with what greater force should it apply to the laws passed in the interest of those men who fought to uphold the flag, preserve the Union, free a race, and support the laws of our common country.

Is there a member of this Congress, fully advised of the course that has been pursued in the Pension Department during this Administration, who will argue for a moment that the presumption of innocence that obtains in all our courts in favor of men accused of crime has not been reversed by the Pension Department in its treatment of claimants for pensions before that tribunal? Every doubt, so far as I have been able to discover, is resolved against them. Every shred of evidence in their reach or in the reach of their friends, I care not how broadly scattered, is demanded; and the common presumption of the credibility of men generally has been reversed, and the evidence furnished by the soldier himself, or by those who may have known him, is not accepted by the Department, and a new and modern use has been made of the freshly appointed Democratic postmasters of this Administration, and those men are finally called upon as a court of last resort to pass upon the character of the soldier and the credibility of the evidence furnished to the Department by the claimant. What an outrageous proceeding is this. What utter nonsense. What a violation of the spirit that should pervade and prevail in the just administration of that great Department of this great nation. The ingenuity exercised in devising rules of evidence for the express purpose, it seems to me, to prevent or postpone the allowance of just and valid claims is certainly worthy a better cause, and the Administration that has made possible such a condition of affairs will most surely be overtaken by the righteous wrath of an outraged and aroused public conscience, and be swept from power and position, and its acts be remembered only to be condemned by a patriotic and fair-minded people. [Applause.]

Mr. Chairman, in the State which I have the honor in part to represent we have a law providing that the head of every family shall have exempt a homestead, and that the head of every family shall have certain personal property exempted from execution, and the same law provides that the laws of homesteads and exemption shall be liberally construed by the courts of the State. The law is certainly a just one and recommends itself to the judgment of candid men; as it protects the family and encourages home building. If laws of such a character should be liberally construed, then with what greater force can be urged a broad and liberal interpretation of the laws passed in the interest of those men who by their valor and courage saved the nation and made it possible, or desirable even, for men to make and own their own homes. A vast majority of the men who responded to the call of duty in 1861 and 1865 came from the ranks of the common people, from the hills of New England, from the valleys of the Mississippi, from the prairies of the Northwest, and, as Lincoln so truthfully said, "God must love the common people, He made so many of them." They most certainly were not tempted to leave everything dear to them from sordid motives, but the vast majority, and with scarcely an exception, were inspired by patriotic motives and a love of our free institutions. And if there is any class of men in the world whose statements could be accepted and relied upon without support and corroboration, it is most certainly the men who were brave enough and loyal enough and unselfish enough to respond to the command of Abraham Lincoln, men who were baptized with the spirit of true patriotism and to whose serv-

ices we are justly indebted for a united and indivisible union of States.

Mr. Chairman, from my experience in the Fifty-third Congress, and from what I have observed in this session, I am satisfied that I hold views on the question of pensions to private soldiers and their widows that would fail to receive the indorsement or approval of quite a large number of members of this Congress. However, my views are well grounded and, in the district which I have the honor to represent, fairly well understood and, I am satisfied, very generally indorsed. I gladly take advantage of this opportunity of expressing my views in the presence of such a representative body of men, and under circumstances when what I may say will reach beyond the sound of my own voice.

I have ever been willing and ready to accord to each and every man who took a part in that great contest for the preservation of this Union his just deserts, and on this occasion I willingly and gladly accord to all the officers of the Union Army all the praise and honor that their bravery and ability deserve. I would certainly withhold no laurel that their valor or leadership won, but it seems to me, Mr. Chairman, in discussing a measure that, if enacted into law, will affect so large a class of men, we should see to it that equal and exact justice is meted out to all alike.

This committee will certainly agree with me that during that terrible contest from 1861 to 1865 there was not a day nor an hour when the life of this nation depended upon any one man, or upon all of our generals, or upon all of the civil officers of the Government, but it did depend, from hour to hour, from day to day, and year to year, upon the valor and the courage and the loyalty of the rank and file, the boys who carried the musket and the knapsack, the men who tented upon the open field and were in the front of every battle, and met death and carnage in ten thousand forms.

Mr. Chairman, there never was such an army of men since creation dawned as marched and fought and died under the Stars and Stripes from 1861 to 1865. [Applause.] They were as brave as any army that Napoleon Bonaparte ever led to victory or to defeat, as patriotic as any Spartan who ever offered his life a sacrifice to his country, and had a more thorough comprehension of the principles for which they fought, and a more thorough realization of the awful results of defeat to themselves and to their countrymen than any army ever before marshaled on the field of battle.

With such an army as Grant commanded there was little need of leaders. They neither asked nor expected any man to go in advance of them to battle. They were enlisted for three years or during the war; were there at their country's call and to defend the flag, with a full knowledge of what our independence had cost of blood and treasure, and with love of country stronger than love of life, they were at the front to remain until every rebel had laid down his arms and acknowledged allegiance to one country and to one flag. At the call of Abraham Lincoln, the most majestic figure in the history of the world, the loyal sons of the North responded as though touched by the mighty hand of the Omnipotent. They waited for no second call, for the issuance of no draft. They knew that armed treason was assaulting the flag, and they went to the front to make treason and secession odious, and there they remained for four years of war and suffering and death and until the cause for which the South had fought went out in everlasting midnight at Appomattox, never to have an Easter, never to have a resurrection. The rank and file who responded to the call of country and duty were in no way responsible for the war. They met at the point where the lightnings burned and the thunderbolts fell, and when the shock came they were at the front to meet its terrible force and stood between us and all danger like a wall of fire and as firm as the everlasting hills around Jerusalem.

The echoes of the guns fired upon the flag as it floated over Sumter in April of 1861 had scarcely died away until England and France and Germany were casting lots for our garment. The once proud Republic was in their estimation soon to be scattered to the four winds, and they hoped amid the crash and crumble and ashes of its ruins to forever establish the "divine right of kings." But, Mr. Chairman, they were not acquainted with Lincoln and they had not heard of Grant. They were boasting of a great standing army and of a trained soldiery, but they had no comprehension of that great army of men who came forth as if by magic and rallied around their leader when the proud emblem of the nation was assaulted and the Union was in danger. They were judging our institutions and form of government by their own, and a nation of freemen by a nation of subjects governed by kings and emperors. The sequel must have convinced them that the comparison could not stand in either case. The cause for which our soldiers fought, the unity of a nation and the freedom of a race, was as grand, was as noble, was as laudable, as when at Lexington the embattled farmers fired the shot whose echoes resounded around the world and made every throne in Europe totter as though in the mighty throes of a terrible earthquake.

The men who made up that vast army arrayed in defense of the nation's honor, the nation's integrity, and the nation's life were volunteers; and from the very nature of the case the vast majority were compelled to serve as privates in the ranks, although it will not be questioned by the members of this House that thousands, yea, tens of thousands, of the men who served in that capacity were as well equipped and qualified to serve as officers as those who were really in command. During the war the officers received greater honor and praise and more emoluments than did the private soldier, but now that the war is over it appears to me, Mr. Chairman, that officer and soldier should stand absolutely equal before the law [applause], and the Government that they saved, in passing upon their claims for a pension, should see nothing but the honorable service that each rendered during the war and the honorable discharge that each received after performing every duty asked of him by his Government. [Applause.]

Let us not forget for one moment that this is a government of the people, and in my judgment the time has come when men sitting in this Chamber as the representatives of all the people should see to it that the interests of the common people are looked after and cared for as well as the interests of those who occupied higher official positions during the war. It should be remembered that it costs just as much money and labor and thought to care for, support, and educate the children of the man who served as a private in the ranks as it does to perform the same service for the children of those who occupied higher positions; and we should not forget that the grief of the wife of the private soldier over the death of her loved husband is just as sacred and just as poignant as the grief of the officer's widow over the loss of her dead husband; and that it requires the same amount of energy and care and concern to support and maintain the orphans of the private's widow as it does the orphans of the officer's widow.

Mr. Chairman, I am now and have been for years strongly opposed to four-dollar and six-dollar and eight-dollar monthly pensions to private soldiers and as unalterably opposed to fifty-dollar and seventy-five dollar and one-hundred-dollar monthly pensions or one-thousand-dollar yearly pensions to officers and to officers' widows. [Applause.] Let us abolish the two extremes and adopt a happy mean, with all deserving soldiers upon a perfect equality. [Applause.]

If I had the power I would with one stroke of the pen scale down all these large pensions we are now paying to officers and to officers' widows and at the same time would raise to a higher level the pensions we are now paying to private soldiers and the widows of private soldiers. And, Mr. Chairman, the time is not far distant when such a change will take place, as the people are already demanding it, and when they make their demand earnestly enough their voices will reach the innermost recesses of this Chamber, for if there is any place in the world where equality before the law should mean something more than theory it should be in this Chamber, where the people's representatives are assembled.

Mr. Chairman, I believe the road to the Pension Office should be made so plain and easy that the humblest soldier who served in the ranks could not possibly err in finding his way thereto with a just claim, or, if perchance he did err, that the administration of that great Bureau should be such, so just, so broad, and liberal, that his error would not be taken advantage of, but that the servants of this great Government would stand ready to extend a friendly and a powerful hand to aid and encourage and direct him, and make it every whit as easy for an old and worthy veteran to get his name upon the pension roll as it was for the same soldier thirty-three years ago, then young and strong and patriotic, and when the nation was in dire need of defenders, to get his name upon the muster roll [loud applause]; and if these conditions do not exist now, then this Congress should not adjourn until such conditions were enacted into law, and I think we may safely trust the common people of this great country to elect a President in this year of grace 1896 whose first duty will be to place a man at the head of the Pension Bureau who will see to it that the laws we enact shall be fairly and liberally construed and enforced. [Applause.]

Mr. Chairman, I shall never forget, I think, an instance that happened in my experience while present at a reunion in my own district in the fall of 1895. I had been attending a reunion of the veterans of the late war, and after finishing some remarks I had the honor to make on that occasion, I was approached by one of the veterans whose hair was whitened with the frost that never melts, whose cheeks were furrowed with lines of care, and whose general appearance at once indicated that he was far down the western slope of life. He took my hand and thanked me very earnestly for the words that I had spoken and asked me why it was that it was so much more difficult for an old veteran to get his name upon the pension roll than it was for that same soldier thirty years ago to get his name upon the muster roll. Mr. Chairman, I stood dumb before my questioner, unable to answer or to give any explanation, and I now refer that entire matter to this Administration and to the thoughtful consideration of the honorable Commissioner of Pensions. I do not believe that we should

forget the debt we owe to those men. They willingly gave their services when the nation was in great need, and, now that conditions are reversed, I see no reason why the Government for which they suffered should not as willingly and as freely come to their help and see to it that those old and worthy veterans are looked after in their last days even as a father would care for his own children. [Applause.]

Mr. Chairman, it seems to me that we are living in peculiar times. A spirit seems to be abroad in the land inspired from very high sources seeking to bring reproach upon the veterans of the war. Mr. Chairman, you may have heard it, and I know that the veterans throughout the length and breadth of the land have felt it, as it railed and proclaimed against the pension roll with hypocritical pretenses of "purging" it and making it "a roll of honor," but, thank Heaven, our pension roll is the most honorable roll ever held up for the inspection of 70,000,000 of people whose liberties were preserved and whose nation was saved by the bravery and valor of the men whose names appear upon that roll, and I am truly thankful of this opportunity to say to the men who made up that vast army for the preservation of our institutions that they need not be ashamed of that roll, neither need they be ashamed to have their children or their children's children inspect it, for the most searching and painstaking investigations made by the present Administration have demonstrated the fact that the pension roll is almost absolutely free from fraud and misrepresentation, so far as soldiers themselves are concerned, and every true American citizen, however exalted or however humble his station in life may be, should rejoice in the knowledge that this rigid and exhaustive investigation has not only refuted the statement "that every community has its well-known cases of pension frauds," but has demonstrated the fact beyond any hope of dispute that the Pension Department, so far as the claimants themselves are concerned, is infinitely freer from fraud than any other of the great Departments of the Government.

During my service in this body I have received letters from hundreds of old soldiers calling my attention to their claims pending before the Pension Department, and with the rarest exception the letters have been free from fault-finding or complaint, simply requesting that some action might be taken by the Department and that their claims so long pending might be allowed or rejected. I have been surprised at the patience and forbearance of these men, but I judge that the sufferings through which they passed from 1861 to 1865 gave them a philosophy and a view of life that I can not fully understand, and strengthened, and broadened, and purified them and made them grander and better men than they otherwise would have been. I regret to say, Mr. Chairman, that I have not been able to write them many encouraging letters in answer to their appeals, but have encouraged and cheered them as best I could, and have assured the boys that if they could hold on to life a few months longer light would break through the clouds that were now hovering over the Pension Department; that the Democratic party could already discern the handwriting on the wall; that this Administration had been weighed and in the judgment of the people been found disqualified to conduct the affairs of this great nation and unworthy the trust confided to them on the fatal 6th day of November, 1892 [applause], and that on March 4, in the year of our Lord 1897, there would be inaugurated as President of the United States a man who would have patriotism enough to see to it that full and complete justice was meted out to the saviors of this Republic. [Loud applause.]

Mr. Chairman, if the committee will bear with me I would like to recall a brief chapter of American history that vividly portrays the circumstances and conditions under which men were placed when they gave their names to their country and were enrolled among their country's defenders. This Administration and the men selected by the President of the United States to administer and interpret the pension laws deserve to have their attention called to that remarkable period in our country's history that tested the experiment of self-government as it had never before been tested, and we most earnestly trust as it may never be tested again. As I glance around this Chamber I see many members of this body old enough to readily recall the time in the history of this country when slavery was a despot whose every wish and desire was obeyed. At its command we were forced into an unholy war with Mexico and robbed that country of a vast empire now forming the magnificent State of Texas; we wrote into our statute books that most infamous and abhorred of all the laws that a republic ever passed—the fugitive slave law. Under its devilish provisions we drove the black fugitive fleeing from bondage and the lash back into slavery, ignorance, and degradation; we sealed the lips of our press and demanded the silence of our churches; in the eloquent language of another: "We became the instruments of torture and revenge, and we hissed Phillips at Boston, imprisoned Garrettson at Baltimore, and murdered Lovejoy at Alton." Though but a mere lad, I can recall the threats that were made prior to and during the campaign of 1860. When the

people of the North realized that the threats made by the leaders of the South would be carried into effect fear and frenzy seemed to seize the nation's heart. "Incompetency reigned at the White House, while traitors' hands sowed the seeds of discord and scattered the nation's strength and plundered the nation's Treasury. A rope of sand, cemented only by loyal affection, seemed to be holding the States together, and they were fast falling asunder."

Already in the Halls of Congress lips of treason poured forth the fiery poison of its eloquence, as with scoff and scorn they bade their fellows and the nation farewell. But in the mighty heart of him who had been chosen our leader there breathed the spirit of loyalty and devotion to God and to man and country that feared nothing save dishonor and knew no course of conduct save that of duty, and around him in that supreme hour of the nation's peril gathered the noblest manhood and the supremest courage of the nation's best; men seemed to realize that the time had come when their souls were to be tried as if by fire. A cloud had settled on the horizon more awful in its blackness than any that had yet overcast the sky. Then came the shots like lurid lightnings upon Sumter's walls, and the old flag, torn and dismantled, bowed in shame and disgrace. A shock like that which follows a blinding flash left men for a moment stunned and dazed. It was at such an hour as this, it was under such circumstances as these, Mr. Chairman, that the men who are now so anxious to get the names of these old veterans off of the pension roll were then praying with blanched cheeks and whitened lips that those same men, then young and strong, patriotic and determined, would place their names upon the muster roll, and as in answer to a nation's prayer, in willing obedience to a command that came to them from across the century, from Lexington and Bunker Hill, from Trenton and Valley Forge, and a hundred battlefields of the Revolution, a million swords leaped from their scabbards, and a million men rushed to defend the insult to that old flag, and in that hour of heroism and self-sacrifice and devotion, thank God, the Union was preserved [applause], the honor of the old flag maintained, and an indivisible Union of indestructible States cemented by the blood and the courage and the loyalty of those men was placed upon a foundation so strong and lasting that all of the armaments of all the flying squadrons in Europe could not shake a stone in its foundation. [Loud applause.]

But, Mr. Chairman, a generation has passed since then, and we find that same class of men who were then so anxious to get the names of those men upon the muster roll now quite as anxious to get their names off or to keep them off the pension roll. But, Mr. Chairman, I have never lost faith in the justice of the people of this country, and I believe that there is loyalty and patriotism enough in the hearts of the people to see to it that substantial justice is done in this question of pensions; and if I can read the history of the times correctly they point to the repudiation and the utter annihilation of the vilifiers of the old veteran. [Applause.] This question of pensions, Mr. Chairman, will not trouble us long at most. The old soldiers are being rapidly marshaled on the other side of the "mystic river." The last report of the Commissioner of Pensions shows that nearly 30,000 were "called out of the noise of time" during the last fiscal year, and it seems to me that the death roll is sufficiently long to satisfy the most enthusiastic in their demands for reduction of pension appropriations. The debt that we owe these men is the only part of the national debt that we shall never be able to repay. I am one of those, Mr. Chairman, who believe that the men who loaned their lives to the Government should be paid quite as freely as the men who loaned their money to the Government. [Loud applause.] And the generation of men who have come upon the scene of action since the close of the war will see to it that those men and those depending upon them are looked after and cared for.

Mr. Chairman, while the bill which the Committee on Invalid Pensions has presented for the consideration of this House is not a perfect product, it represents the best thought of one of the ablest committees of this body, and I sincerely trust that it will receive the votes of a large majority of the members on both sides of this Chamber, will pass the Senate, receive Executive sanction, and become a part of the law of this land.

I am under obligations to the committee for their forbearance, and thank the members very earnestly for their attention. [Loud applause.]

Mr. MAHON. Mr. Chairman, I do not propose to discuss all the features of this bill, but I do want to say some things in regard to a certain section of it. I should be satisfied to have the bill go through without amendment; but if it is to be open to amendment I should like to see a substitute adopted for section 2—not that I am dissatisfied with the bill, but I believe that such a substitute as I would like to propose for the second section would tend to perfect the bill and provide for taking better care of our pensioners. I ask to have read this bill, and then I will make a few remarks upon it.

The Clerk read as follows:

That from and after the passage of this act no pension heretofore granted or that may be hereafter granted under the pension laws shall be reduced or discontinued, except for fraud, clerical error, mistake of fact, or recovery

from disability. Where a pension has been allowed by a clerical error or by mistake the same may be suspended until the case is investigated and a decision thereon had.

SEC. 2. That in any case where fraud or recovery from disability is alleged the person making the charge of fraud or recovery from disability shall file his or her statement of fraud or recovery from disability in writing, setting forth fully and in detail all the facts in the case, said statement to be signed by and sworn to by the person making the same. When said statement is filed in the Pension Office the Commissioner of Pensions may suspend, and not before, the payment of the pension until said charge is proven or dismissed. Within thirty days from the date of filing said statement with the Commissioner of Pensions, notice of not less than thirty days shall be given to the pensioner of the time and place the testimony in support of and in denial of the allegations of fraud or recovery from disability will be taken, said testimony to be taken within twelve months from the time said statement is filed as aforesaid; and said notice shall have attached to it a certified copy of the charge of fraud, which said certified copy shall contain the name of the person making the charge.

SEC. 3. That the pensioner or his attorney, or both, shall have the right to be present at the taking of the testimony, and to cross-examine all witnesses produced by the Government. The pensioner shall have the right to produce witnesses in denial of the charge, the Government having the right to cross-examine witnesses produced by pensioner. The testimony of all witnesses living within 50 miles of the county seat of the county wherein the pensioner lives, or within 50 miles of the city of Washington, if pensioner lives in the District of Columbia, shall be taken at the county seat wherein the pensioner lives, or in the city of Washington if the pensioner lives in the District of Columbia. The evidence shall be taken by an examiner appointed by the Commissioner of Pensions; said examiner is hereby authorized to administer the oath to witnesses. The testimony of all witnesses residing 50 miles from the county seat, or city of Washington, shall be by depositions taken before said examiner, under such rules and regulations as the Commissioner of Pensions shall make, said depositions to be in the usual form and manner of taking depositions by interrogatories and cross-interrogatories.

SEC. 4. That all testimony taken shall be reduced to writing and filed with the Commissioner of Pensions within thirty days from the time the evidence is closed.

SEC. 5. That the pensioner or his attorney shall be allowed to examine all papers and evidence in the case. If the charge of fraud or recovery from disability is sustained, the pension shall be annulled and vacated. If the charge is dismissed, the suspension shall be removed and payment of pension be made from date of last payment, the right of appeal to remain as now allowed by the Pension and Interior Departments and by the courts having jurisdiction in such cases: *Provided, however*, That nothing herein contained shall be construed to entitle any person to more than one pension, or as allowing more than one pension for the same service, nor to affect or enlarge the pension rights of widows and others under sections 4702, 4706, and 4708 of the Revised Statutes of the United States and acts supplemental to and amendatory thereof.

SEC. 6. That all acts or parts of acts inconsistent herewith and repugnant to the foregoing act be, and the same are hereby, repealed.

Mr. MAHON. Mr. Chairman, the amendment that has just been read is proposed to take the place of section 2 in the committee's bill. In my judgment it is a much better provision. It is fuller than the one in the bill, and will give better results. It provides that all soldiers living within 50 miles of the county seat, having a charge preferred against their pension, shall have all testimony taken at the county seat. When they live 50 miles away from the county seat, the mode of taking the testimony is changed to depositions, and the amendment also provides for closing the testimony in the case, so that there shall be no unnecessary delay.

The head of the present Administration has adopted a policy of hostility to the pensions of Union soldiers. Since the 4th day of March, 1893, about 20,000 men have been dropped from the rolls who were put there after a fair, honest, and legal investigation of their claims. The first thing a pensioner must do is to file his application in the Pension Office, setting forth his military record and his disability. If his military record is not verified by the examination of the records of the War Department he is required to correct it, and if the records disclose the fact that he was a deserter or was not in the service that is an end to the case. I state this fact, Mr. Chairman, to deny the charge made by the Democratic party and their leaders that the pension rolls are full of men who were deserters or had no military record. That statement, coming from whatever source it may, is an absolute falsehood without any possible reference to the truth—a falsehood in every respect, except in those very rare cases where men may have been put upon the rolls through a mistake.

If a man gets on the pension rolls who was a deserter or not in service, the fault is in the Pension Department, because they have failed to examine his war record. So this charge of deserters and men who were never in the service being placed upon the rolls of the Pension Office has nothing whatever in it. The man who has no war record, or the man who has a record with desertion appended to it, can not get a pension through the Pension Office if the officials are careful and diligent in the exercise of their duties.

What is the next step that is required of the applicant for a pension? The next step is to ascertain whether the disability existed as alleged in his application. During the Harrison Administration the medical boards throughout the country had on them two Republicans and one Democrat representing the Democratic minority, they being given one member of each board. The present Democratic Administration refused to give the Republicans representation, and the boards were made solidly Democratic. With the selection of the board of examiners the pensioner has nothing whatever to do. They are creatures of the Pension Office. My experience, and I suppose that that is the experience of every member of Congress, is that the gentlemen placed on these boards

are physicians of experience, men of reputation and intelligence in their business. Pensioners are ordered before the board of examiners, whereupon they are examined carefully, with the applicant before them in person, and after a careful examination a report is presented either that the man was disabled to a certain extent, or was not, according to the circumstances. Upon that examination and other evidence the pension is granted. It is an examination conducted by the officers of the Government. During the present Administration, however, permit me to say again, nearly 20,000 pensioners who had filed their application under the law, who had proved their disability before the board selected by the Government, and, after a full hearing, had been placed on the rolls, were dropped from the rolls without cause, without any notice; they were arbitrarily dropped. To prove that an infamous outrage was perpetrated upon these men it is only necessary to state that the Pension Office restored all of them except about 15 per cent.

How were these men dropped? The present Democratic Administration appointed a "board of review." That board of review is composed of men who are known as "sun-down doctors," men who are clerks in the Department during the day, and who attend the medical colleges and practice medicine after office hours, and who are willing to work at salaries ranging from twelve hundred to fourteen hundred dollars a year. Why, Mr. Chairman, I have veterinary surgeons in my district who would not enter the service of the Department at that price. These young gentlemen—inexperienced men—take the medical testimony of the board of examiners and review it, and on that review the pensioner is dropped from the rolls. A more dastardly outrage was never perpetrated upon a class of men who have just claims against the Government.

This bill is intended to stop such outrages in the future. All over my district Democrats openly denounce the whole business. I had men in my district who were suspended from the rolls who had been for six months confined to their bed by illness before they were suspended, and before they could be restored to the rolls they passed from time into eternity. Notice was sent to them that unless satisfactory reasons were given within thirty days their names would be dropped from the rolls. If a man is on the roll fraudulently, let the person who makes the charge file his statement, put his name to it and swear to it; let a copy of that notice be served upon the pensioner. Let him know who his accuser is. Why should the pensioner be deprived of that right?

I examined a case about ten months ago in my district where I found an old soldier who had been refused a pension. Upon the examination of his papers in the Pension Office, I suppose I got hold of the case before it was "stripped." They have a process in the Pension Department which they call "stripping the files"—that is, taking out all private information, taking out the report of the postmaster and all other private information which they get. After the Department have stripped the files, they are willing to hand them over to the member of Congress or to the attorney of the claimant for examination, but not before. Somehow I got hold of that case before it was stripped, and in the case I found a blank filled in by the postmaster of the place where applicant lived, in which he stated that he would not believe one physician who testified in the case on oath, and the other physician, who also testified, he might believe, but it would be a very close case. Those two physicians are reputable physicians, men who had practiced medicine for many years, and men who stand high as physicians and citizens. I was told that this very postmaster had called both of those gentlemen to his house when his wife or child was sick. These men no doubt had spent many long and weary hours of the night to minister to the sick in his family, but unlike most men he failed to pay their bills, and because these men compelled him to pay what was honestly due them he sent that untrue report to the Pension Office about them. The result of that report was that the pensioner was refused his pension.

Mr. Chairman, postmasters are used by the Pension Office as spies upon the old soldiers of this country. I have seen the blanks, and no doubt all you gentlemen have seen them. The Pension Office sends these blanks to postmasters to obtain information about claimants and about their witnesses; and upon information given by postmasters, not sworn to, these pensioners are suspended.

Of all the men in this country who should be trusted with work of that kind, the postmasters, as a rule, are the last that should be employed, and for the following reason: There is scarcely a person holding a position of postmaster in a village or town to-day who did not secure his place after a contest. Other persons were applicants for the same office, and woe betide the pensioner if any man has testified in his behalf who signed the petition of some one who was an applicant against the fellow who got the office. Many of these men are prejudiced, and I would advise pensioners to be on the lookout for postmasters who ply them with questions about their pension.

I stated in the Fifty-third Congress, and I state it here again, that when the great State of Pennsylvania rolled up her majority

of 183,000 for my venerable colleague, the Hon. GALUSHA A. GROW, I am satisfied that 50,000 of that majority came from the ranks of soldiers and their friends who were Democrats. I know of Grand Army of the Republic posts in my district in which a few years ago the Democratic members predominated, and to-day you could not find a Democrat in one of them if you should go through it with a microscope. [Applause on the Republican side.] Do you wonder that these men, after all these years of fidelity and loyalty to the Democratic party, have finally come to understand that the only party in this country that ever was, is to-day, or ever will be their defenders and protectors is the Republican party? [Applause on the Republican side.]

My young friend from New York [Mr. McCLELLAN], in his speech, stated that the Republican party set up a sort of "friendship trust" for the old soldier. I will read some few statistics from the records of Congress to show him that perhaps some things have happened in this country during the past thirty years that he knows nothing about.

I repeat that the gentleman who to-day sits in the White House, Mr. Cleveland, when he was in that office before, did not disguise his opposition, hostility, and prejudice against the pensioners of this country. He has never changed his position or policy toward the Union soldier; and let the feelings of the members of the Democratic party be as they may in this respect, he is the head and front of this business of dropping pensioners from the rolls and reducing their pensions. A few weeks ago the Secretary of the Interior, Hon. Hoke Smith, made a speech in the State of Georgia. He said, in substance, if the Democratic party was entitled to any credit, one thing they were entitled to credit for in their financial management of this Government was that they had taken from the soldiers of this Union, by reduction and suspension of pensions, \$25,000,000. Well, the Department over which he presides has filched from the old soldier millions of dollars and have succeeded in sending many of them to the poorhouses, but I now venture the assertion that the child is not born in this country to-day that will live long enough to see another Hoke Smith in the Interior Department. [Applause and laughter.]

Mr. Chairman, I ask the House to bear with me. I want to get some facts before the country, in order to show that the Democratic party, or at least a large portion of it, has always been hostile to pensions. I will not go back of 1878, because I have not the time. The most important pension legislation of this Government was subsequent to that date. Let us see who passed the great pension bills under which most of our soldiers are pensioners. In 1878 a bill was passed by the lower House of Congress repealing all limitations of time in which applications for arrears of pensions should be made. Upon this the vote stood: Democrats for the bill, 48; Democrats against the bill, 61; Republicans for the bill, 116; Republicans against the bill, none.

Subsequently a bill increasing the pensions of widows from \$8 to \$12 was voted on, with the following result: Democrats for the bill, 80; Democrats against the bill, 66; Republicans for the bill, 118; Republicans against the bill, none.

The amputation bill, passed August 4, 1886: Democrats for the bill, 75; Democrats against the bill, 51. Republicans for the bill, 91; Republicans against the bill, none.

The widows' arrears bill, giving arrears of pensions, from the death of their husbands, to widows entitled to pensions, passed the Senate by the following vote: Democrats for the bill, 1; Democrats against the bill, 20. Republicans for the bill, 22; Republicans against the bill, none.

The disability pension bill (gives pension to all disabled soldiers and to dependent parents and children), passed June, 1890: Democrats for the bill, 28; Democrats against the bill, 56. Republicans for the bill, 117; Republicans against the bill, none.

Same bill in the Senate: Democrats for the bill, 3; Democrats against the bill, 18. Republicans for the bill, 31; Republicans against the bill, none.

In the Forty-ninth Congress a dependent pension bill was voted on in the Senate, with the following result: Democrats for the bill, 7; Democrats against the bill, 14. Republicans for the bill, 27; Republicans against the bill, none.

In the same Congress a similar bill was voted upon in the House of Representatives, with the following result: Democrats for the bill, 66; Democrats against the bill, 76. Republicans for the bill, 114; Republicans against the bill, none.

This bill was vetoed by President Cleveland. An effort was made in the lower House to pass the bill over the veto, with the following result: Democrats for the bill, 37; Democrats against the bill, 125. Republicans for the bill, 138; Republicans against the bill, none.

Showing that 29 Democrats who had originally voted for the bill hastened to avail themselves of the opportunity afforded by the President's veto to vote against it, thus testifying their real sentiments, while 20 others who had dodged the first vote came up promptly to the support of the veto.

The vote upon which the dependent pension bill was finally

passed by the Republican Congress, of which TOM REED was Speaker, stood as follows in the Senate: Democrats for the bill, 10; Democrats against the bill, 12. Republicans for the bill, 32; Republicans against the bill, none.

In the lower House it was sought to take up and pass the bill promptly, but the Democrats solidly opposed a motion to suspend the rules for that purpose, and the effort failed. Shortly after this, however, a second effort met with success, the vote standing: Democrats for the bill, 38; Democrats against the bill, 71. Republicans for the bill, 141; Republicans against the bill, none.

This bill was, as the old soldiers well know, promptly approved by President Harrison.

The next pension legislation of importance was the bill to pension prisoners of war, and giving them each \$3 for every day they were held by the Confederates. When it came up in the lower House the following vote was had: Democrats for the bill, 24; Democrats against the bill, 78. Republicans for the bill, 119; Republicans against the bill, none.

To sum up, the following gives the totals of fourteen votes in Congress upon the most important of the various pension measures presented since the war, viz: Democrats for the bills, 417; Democrats against the bills, 648. Republicans for the bills, 1,066; Republicans against the bills, none. [Loud applause on the Republican side.]

So you see that since 1878 all important legislation by which the pensioners are now on the pension rolls was written by Republican statesmen and voted into law by Republican legislators.

The following statement, prepared from official records, shows the number of pension bills to which each President since the war has refused his signature:

Lincoln, none.
Johnson, none.
Grant, 5.
Hayes, none.
Garfield, none.
Arthur, none.
Cleveland, 540.
Harrison, none.

[Loud applause.]

You will also see that said laws were signed by Republican Presidents, with the exception of five private bills vetoed by President Grant.

Mr. PICKLER. Two more yesterday.

Mr. MAHON. Two more yesterday and more to follow. This is the record I want to put before the young gentleman from New York [Mr. McCLELLAN] who stated that the Republican party set themselves up as the friends of the soldier. The record quoted proves beyond all controversy that the Republican party is the friend of the soldier. If the soldiers of this Union had had to depend since the war on a Democratic House and a Democratic Senate and a Democratic President, we would have had no pension roll to-day, and not a solitary defender of the Union would be drawing a pension, because the record of the Democratic party just read shows they would have defeated all pension legislation. Since the war was over, on every yea-and-nay vote in this House, not one solitary Republican cast his vote against a general pension bill. I bring this to your attention, and I hope that the Republican members of this Congress will keep up the record. [Renewed applause.]

During the war the Democratic party, through its representatives in Congress, opposed and voted against nearly every measure intended to maintain the honor and integrity of the nation. It opposed the raising of revenue and money from other sources to support the nation in its hour of peril. It voted against raising men for the field. It did all in its power to prevent giving the soldiers in the field adequate pay, or to provide them with supplies, tents, and all the comforts necessary to make a soldier's life even tolerable. So, after the war, as the record read by me shows that the Democratic party, in season and out of season, have voted against and opposed legislation granting pensions to the defenders of the flag—after the war, when the Confederate Democrat was given all his rights to citizenship and a seat in the Congress of the United States, and when our Democratic brethren from the South again took charge of the national Democratic party, to dictate its policy and direct all its doings, they eagerly joined in the unholy crusade waged against the Union veterans.

I will now, in proof of this assertion, give you another glance into the record of the Democratic party. If I had time I could consume a week of the time of this House, instead of the half hour allowed me, in bringing up their record. Any vote would show the determined and malignant hostility of the Democratic party toward the men who saved the Union. Now for the record showing how ex-Confederates voted.

On February 3, 1879, a bill was passed by a vote of 140 to 81 providing for the issue of bonds to be sold for the payment of the arrears of pensions. Of the votes against it 78 were Democrats, and 69 of those were from the South. Of 67 votes cast against the pension appropriation bill, with provisions covering the ar-

rears, passed on the 17th of February, 1879, 61 were from the South.

Of 66 Democratic votes and two pairs against increasing the widows' pensions by the enormous amount of \$4 a month, I regret to say that all but two were from States lately in rebellion, and they included a remarkably representative group of ex-Confederates. That historic vote, recorded in the proceedings of this House, shows that of the men who stood up here and opposed granting that little increase of \$48 per year, not to widows who had married since 1870, but to widows of Union soldiers, who died by reason of their service, included, as I find by the Congressional Directory, 1 ex-Confederate postmaster-general and acting secretary of the treasury, 2 ex-Confederate congressmen, 1 ex-Confederate State attorney-general, 1 ex-Confederate corps commander, 5 ex-Confederate brigadier-generals, 7 ex-Confederate colonels, 2 ex-Confederate lieutenant-colonels, 2 ex-Confederate majors, 7 ex-Confederate lieutenants, 1 ex-Confederate midshipman, and 4 ex-Confederate privates.

On the final passage of the bill, on June 27, 1890, known as the dependent pension bill, 56 of the 71 votes against the bill came from the ex-Confederate States.

On January 5, 1885, on the Mexican pension bill, with the Senate's Union soldiers amendments, under suspension of the rules, there were—yeas 129, nays 85; 67 of the nays being from the late Confederate States. No Republican cast his vote against suspension.

Mr. Chairman, not only the private soldiers of the Union Army encountered their hostility, but our distinguished generals met the same opposition. My time will only permit me to give you several cases:

On February 12, 1885, on the bill granting a pension of \$2,000 to the widow of Maj. Gen. George H. Thomas, there were—yeas 144, nays 52, of which 48 were cast by ex-Confederates.

On March 22, 1886, on the bill granting pension of \$2,000 to the widow of Gen. W. S. Hancock, the yeas were 158, nays 47, of which 38 were from the late Confederate States.

On March 3, 1885, of 78 Democratic votes cast against putting Gen. Ulysses S. Grant upon the retired list 58 were from the South.

Mr. Chairman, I have only given you a portion of the record, but it is true, and a fair illustration of the whole record. It shows beyond all doubt that the Democrats from the South, aided by some of their Democratic colleagues from the North, have ever since the war been waging a guerrilla warfare upon the crippled and enfeebled old soldiers and their widows. And this contemptible business is still going on under the leadership of President Cleveland and his "man Friday," Hon. Hoke Smith, a gentleman from the Southland. In the name of the 2,859,132 men who offered their lives in defense of the Union, in the name and over the sacred graves of 304,369 gallant men who went down to death by disease contracted in the service and in the hell of battle, in the name of the tens of thousands of loyal sons of the North who were many long and weary months confined in Andersonville, Libby Prison, and other rebel prisons, all veritable hells on earth, I do most solemnly protest against this cruel taking away from our old soldiers the small pensions given to them by a grateful Government by the votes of Republican members of Congress. Southern Democratic votes have always been cast against pension legislation in favor of the Union soldier; against the widows of men they starved to death, shot to death over the dead line, and tore to death by thirsty bloodhounds in Southern prison pens. But Southern votes were ready to open, and did open, the pension roll for their own kind, so that to-day the "men who manned the dead line in Andersonville, a palisade of horror, the fiendish guards who shot down the starving maniac who crawled a yard across that limit to snatch at a decaying bone, these human bloodhounds," have had, if they had service in the Mexican or Indian wars, opened up to them the pension rolls of the nation.

I have but little of the time assigned me left, and can give you only a few names of ex-Confederates who are now on the pension rolls.

EX-CONFEDERATES ON THE PENSION ROLLS.

I find that Samuel Cooper, colonel and adjutant-general of the United States Army, resigned in March, 1861. That gentleman served throughout the whole rebellion, I believe, as the adjutant-general of General Lee's army of northern Virginia. He used the great talents that had been cultivated at West Point in trying to compass the military overthrow of the United States Government. His political disabilities under the fourteenth amendment had not been removed at the date of his death. A Democratic Commissioner of Pensions, however, ruled that the fact that he was brevetted colonel for meritorious service—although he never left Washington during the Mexican war—brought him within the requirement of the act which says:

Or personally named in a resolution of Congress for specific service—as his brevet had to be confirmed by the Senate. It was also ruled that his widow was not, at the date of the passage of the

act, herself laboring under the disabilities referred to in the fourteenth amendment. So the widow of Gen. Lee's Confederate adjutant-general throughout the war has been drawing a pension from the United States Government since June 6, 1887, under certificate No. 116.

Gen. Thomas J. Jackson. He was a first lieutenant in the First United States Artillery. He resigned a long time before the rebellion to take a professorship in the Virginia Military Institute, and commanded its cadets as a part of the military guard at the execution of John Brown, December 2, 1859. On the 21st of April, 1861, he marched with his cadets to Richmond in response to the call of Governor Letcher. A few days later he was commissioned as colonel of Virginia Volunteers, and his service as a leader in the armies of the rebellion are well known. His widow is not yet on the pension roll, but her application is on file, and just as soon as the age limit is reached the widow of Stonewall Jackson will be drawing a Mexican war pension from that United States Government against which he advocated hoisting the black flag.

STONEWALL JACKSON'S PROPOSAL TO HOIST THE BLACK FLAG.

I hold in my hand another remarkable book—a volume not of Northern origin—the Life and Letters of Stonewall Jackson, by his wife; and this reveals another phase of the kind of warfare to which our soldiers were subjected. I will not stop to read at any length, but will incorporate in my remarks some portions of this astonishing contribution to the history of that great struggle.

Mrs. Jackson, in the chapter headed "The raising of the black flag," says that "the statement would be received with the greatest reserve did it not come from his own brother-in-law, Capt. (afterwards Gen.) Rufus Barringer, who might be supposed to be in his confidence." General Barringer's statement begins by saying that General Jackson sent for him by a letter to Gen. J. E. B. Stuart, and that he visited General Jackson in the middle of July, 1862, and spent the night with him. He says that General Jackson said he desired to talk with him about a new policy of organizing movable columns to attack important cities in the North. After giving his views of the origin of the war, General Barringer, on page 310, quotes General Jackson as saying:

With these convictions I have always thought we ought to meet the Federal invaders on the outer verge of just right and defense, and raise at once the black flag, viz: "No quarter to the violators of our homes and firesides!" It would in the end have proved true humanity and mercy. The Bible is full of such wars, and it is the only policy that would bring the North to its senses.

He went on to state that he had not been able to get the black-flag policy adopted, but that he had been talking to General Lee about a more radical military policy; that he "gave him frankly certain outlines of my own plan of waging the contest, which he considered favorably, and which he promised to lay before Mr. Davis and try to secure his approval in whole or in part." He says General Jackson then proceeded to state his views of a new plan of operations, as follows:

As I have always said, my own first policy would have been the black flag to all comers against the safety of our Southern homes.

Then he proposed to organize two, four, or more movable columns to assail the enemy "as they entered our borders"—

But better, I would hurl these thunderbolts of war against the rich cities and teeming regions of our Federal friends. I would seek to avoid all regular battles. I would subvert my troops as far as possible on the Northern people. I would lay heavy contributions in money on their cities. I would encumber my marches with no prisoners, except noted leaders, held mainly as hostages for ransom or retaliation. All the rank and file I would parole, but only at the risk of life if the parole was violated. All this, just as Pope is doing in northern Virginia. * * * And so I would make it hot for our friends at their homes and firesides all the way to Kansas, "bleeding Kansas," and doubly so for Ohio and Pennsylvania.

The results of military operations changed all these plans, but General Barringer says:

But now, after the lapse of nearly a generation since the conversation occurred and since the cause for which we fought went down in disaster and defeat, I think it my duty to Stonewall Jackson to give him the full credit of the strong and clear convictions that he entertained, and which he, and he alone, seems to have had the courage to express.

I will not take time to read further, because the book is accessible to all. Failing the black flag, his plan was to organize separate columns and divide them and carry fire and sword into some of the great cities of the North. It was a sort of variation of the policy attempted of secretly applying the torch and introducing pestilence into New York and other of our populous cities.

Now, Mr. Chairman, I have been reading history. It is useless to shut our eyes to it. There is nothing gained by making believe that we do not see it.

Dabney H. Maury, second lieutenant United States Mounted Rifles, was dismissed June 25, 1861, for going over to the enemy. He was admitted to the pension rolls and now draws a pension under a ruling of the Assistant Secretary of the Interior in the Cleveland Administration that service until the close of the Mexican war constituted an "honorable discharge" under the act of January 29, 1887.

We have heard men inveigh here by the hour against granting a pension to a Union soldier who had not received an honorable discharge, although he might have rendered years of gallant service at the front. Here is the case of an officer dismissed from the Regular Army in 1861, put on the pension roll by Democratic legislation and ruling after fighting the Government throughout the rebellion.

Sidney Smith Lee, commander in the United States Navy, was dismissed April 22, 1861, for similar cause. His widow draws a pension under certificate No. 6328, under the same ruling, that the service of a man until the close of the Mexican war was equivalent to an honorable discharge.

S. B. Maxey, second lieutenant Seventh United States Infantry, resigned in 1849, long before the war, but served, I believe, all through the war of the rebellion on the Confederate side. He was United States Senator from Texas from 1875 to 1887, and an able man. The docket shows that this claim was received at the Pension Office Monday night, May 23, 1887, jacketed Tuesday, 24th, called up by Commissioner Black's chief clerk Wednesday, 25th, submitted to the board of review for allowance on the same day, and the certificate was issued Friday, May 27. Pretty rapid work! I hardly think this will be cited among the cases of delay of which we have heard complaint.

Francis T. Bryan, captain United States Engineers, resigned June 10, 1861, and now draws pension under certificate No. 8466.

Richard C. Gatlin, major Fifth United States Infantry, resigned May 20, 1861, and now draws pension under certificate No. 1738.

Thomas Claiborne, captain United States Mounted Rifles, resigned May 14, 1861, and now draws pension under certificate No. 9125.

JAMES Z. GEORGE, United States Senator from Mississippi, late colonel in the Confederate army, draws pension under certificate No. 17214, issued two days after he was 63 years of age.

Alfred H. Colquitt, late United States Senator from Georgia, formerly major-general in the Confederate army, drew pension under certificate No. 19199.

I could give you similar examples, which include other members and ex-members of the Senate and House of Representatives, who have found the United States Government generous enough to ignore the war they waged against it in order to put them on the pension roll. Should not that gratitude that should fill every man's breast at least give them a kindly feeling toward the brave men who conquered them in battle?

Mr. Chairman, I can not discuss all the features of this bill.

The present Administration has been and is to-day urging a malignant and treacherous warfare upon the gray-haired men whose courage and loyalty saved this Republic. President Cleveland regards Union pensioners with undisguised hostility, and a large majority of his party heartily sympathize with him. Nothing that his Administration could do to deprive veterans of hard-won pensions has been left undone. No subterfuge has been too mean, no pretext has been too trivial, for his chosen agents to use in robbing the old soldier of their just dues.

The suspension of a soldier, once pensioned legally, without notice of hearing, is unprecedented as well as unlawful. Such a course is unworthy a great Government which was preserved through the services and sacrifices of its volunteer army. There is no good citizen who desires that an unworthy person should have a place upon this honorable roll of the nation, and while this is true, there is no good citizen who will not condemn the striking down upon ex parte testimony and statements of postmasters, not sworn to, of any soldier who has been judicially determined by a previous Administration worthy of his place there. Every soldier on the pension roll to-day is there after trial and investigation of his case. He is there because, in the judgment of the Commissioner of Pensions and the Secretary of the Interior, he has fully met every requirement of the law granting pensions to soldiers. Once there, he is entitled to remain until it is shown by competent testimony, to which he shall have an opportunity to reply, that he is there by fraud and has no place among the honorably disabled soldiers of the war. No man should be condemned without a hearing. No soldier should have the taint of fraud put upon him without an opportunity to meet his accusers. It is like opening a judgment once rendered by a competent court. The burden of proof rests upon him who charges fraud and assails the integrity of the judgment, and he can not set aside that judgment upon ex parte testimony. The simplest and the most fundamental principles of justice require that a man should have an opportunity to confront his accuser and the witnesses who testify against him. I understand that in the cases suspended the suspended pensioner has no access to the testimony, to the letters, or the information furnished by those who complain against the validity of the pension. All that is denied him. He simply is advised that his pension is suspended, and he is required to show why he should be restored to the roll. The Government should be required, in the first instance, to show why his name should be dropped from the roll, and it should be by clear and unmistakable

and conclusive evidence. The pensioner is dropped, and, without knowing why he is dropped, he is required to show that he ought not to have been dropped, and he is required to show that the judgment heretofore had in his case by an authority as competent as that now passing upon his case was justified.

After the conduct of the Pension Office during the past two years, if there is a solitary soldier who served in the war and who still has faith in the Democratic party, he has more faith than Abraham ever had. Yes, sir; he has more faith than a bald-headed man who would step into a barber's shop and buy a hair restorer from a bald-headed barber. [Laughter.] He has more faith than a fellow who would eat old chestnuts in a dark room. [Laughter.]

I do not believe in a system which permits the Government to thus treat the defenders of the flag. I condemn with all the earnestness of my nature a system that puts this stigma of fraud upon my comrades in that great war which preserved the Union. Thousands of as brave men as ever wore a uniform have been summarily dropped from the rolls and disgraced before the eyes of their fellow-citizens, and the work of the executioner still goes on.

If an undeserving soldier is on the pension roll to-day, and the Administration has reason to believe he is there unlawfully, let the Administration confront him with the evidence in its hands and permit the old soldier to meet his accuser, a privilege which is religiously accorded the most depraved criminal in the land. He is permitted to meet his accuser in open court. Shall the veteran have less consideration at the hands of the Government which he helped to save? Grant him this plain, legal right, and if upon full trial it is the judgment of the Administration that he has no right to receive a pension and does not fall within the provisions of the pension law, every soldier and every other patriotic citizen will respect the verdict.

I protest against the presumption of fraud being put upon the men who preserved this country by a member of an Administration who had no part in the great work of its preservation. I protest against this cruel stigma being placed upon them. I protest against this disgrace being put upon their wives and their children who have esteemed the honorable record of their protector as the dearest heirloom of the generations to come. These men who were willing to die for their country must not be left helpless and defenseless by their country. The patriotic people of the country have not thought of deserting them, and will not permit their honor to be impeached.

The amount paid for pensions matters little. The soldiers of the Union did not count the cost when they offered their strength, their manhood, and their lives as a free gift to their country. The nation which owes its existence to their valor and their devotion should not make return with a niggard's hand. The people have decreed that no veteran and no veteran's widow shall want for the necessities of life or tread the stony path that leads to the almshouse. The Administration whose constant aim is to lessen the veteran's bounty and whose proudest achievement is the snatching of a pension from an old soldier's trembling hand has earned the condemnation and contempt of every loyal citizen. [Applause.]

In ancient days the man who saved the life of a Roman citizen was entitled to wear, as a badge of honor, a laurel wreath. The soldiers of the Union saved the life of the Republic; and the pension voted by a grateful country is their badge of honor. The men who seek to take it from them by tricks and quibbles, who garb their malice under the cloak of hypocrisy and cover their treachery with the pretense of patriotism are guilty of baseness which makes the crime of the highway robber seem honorable by comparison. The nation reveres the veterans who preserved it. The American people will neither forgive nor forget injustice to the defenders of the American Republic.

At the national review of 1865, stretched across the walls of the Capitol in bold letters to be read by the returning Army, was this motto:

The only debt this country can never pay is the debt it owes the brave men who saved this nation.

This noble sentiment may be temporarily disregarded or ignored, but it will be only temporary.

Now, Mr. Chairman, just one word. There is no court in this land, there is no court in Christendom, that would not indorse a proceeding set forth in my amendment. It is fair for the Government; it is fair to the pensioner. It is simply a provision for a fair hearing where fraud is alleged, and certainly no man should be deprived of a hearing in this country, whether he be a citizen or a soldier, under the pension laws. Upon this amendment we can all stand irrespective of party, and I believe its adoption will put an end to the bitterness now existing between the pensioners and the Pension Department, because under its provisions all will be, all must be, treated with candor and honesty. The rights of the Government, as well as the rights of the pensioner, will be fully protected. What more could either party ask for?

Now, Mr. Chairman, we have heard here a great deal of talk about the amount of money that these pensions require. It is true

that they require a large amount of money, but do gentlemen put against that the sacrifices the soldiers of the Union made? Many of my comrades around me know that when a man entered the Army in 1861 he had to be as near as could be a perfect man. He had to be "sound of eye, sound of tooth, sound of lung and of limb; he had to measure a certain height; he had to measure so many inches around the chest." Other men who failed to come up to that standard could not enter the service. A man defective in these respects might stand in the market. He might stand at the bar and plead the cause of his client. He might stand in the pulpit and preach the love of Him who came to save all men. The man who became a soldier of Uncle Sam had to be a perfect man, but, as was eloquently said by the gentleman from Michigan to-day [Mr. SMITH], hardly any man, no matter how sound and strong he was when he entered the service, could stand the hardship and exposure and come out of the service a sound man.

I am in favor of this bill. I do not know what the chairman of the committee will think of my amendment. I hope he will consider it favorably. I do not want to interfere with his bill. I am satisfied with it as it is. If, however, he thinks this amendment improves the bill and will give better protection to the old soldiers, I hope he will not object to having it made a part of his bill.

It simply makes the examination easier for the old soldier. That is all. If testimony is to be taken a long distance off let the Government pay the expense. The old soldier ought not to be compelled to take his witnesses more than 50 miles. This Government is rich and strong, and it ought to give the veteran a chance. If the bill becomes a law I am satisfied that the Commissioner of Pensions will enforce it fairly and for the benefit of the old soldiers. I thank the committee for their attention. [Loud applause.]

Mr. HEPBURN. Mr. Chairman, I ask to be recognized for the purpose of giving notice of an amendment which I propose to offer.

The CHAIRMAN. The amendment is not in order at the present time.

Mr. HEPBURN. I understand that, but I wish to give notice of my intention to offer this amendment, so that it may go into the RECORD.

The amendment was read, as follows:

Add as an additional section:

"That in the administration of the Pension Bureau all pension laws shall be construed liberally in the interest of the claimant, and in no case shall the claimant be required to furnish a measure of proof that excludes all reasonable doubt, but he shall only be required to establish his claim by a fair preponderance of proofs."

Mr. PICKLER. Mr. Chairman, I now yield three minutes to the gentleman from New Jersey [Mr. STEWART].

Mr. STEWART of New Jersey. The citizen soldiery is the glory of a republic, and the nation thus blessed is doomed if it condemns or improperly disregards their interest.

As has been well and beautifully said by the prose poet Gardner:

When the emaciated Union prisoner at Libby or Andersonville in his delirium saw a vision of home, and in his mad rush escaped the bullets of the guards at the dead line and reached the swamps, the bloodhounds that were turned loose upon his weary trail were less pitiless than the sleuthhounds which a Democratic Administration has set upon his faltering track thirty years afterwards.

[Applause.]

I do not desire to influence the passions of party or draw invidious distinctions, but are any so blind as not to see that every obstacle is offered by the Bureau of Pensions and the Democratic Administration to the allowance of the just claims of the worthy soldier?

Why are the gentlemen on the other side so silent when a bill like the one under discussion, against which they offer no cohesion, is up for consideration and passage? Does their love for the "old soldier" restrain them? Or, rather, do not considerations of settled opposition and indifference prevail?

In law, as in logic, a principle prevails that to remain silent when it is a duty to speak is conclusive evidence against the party affected.

It remained for the gentleman from New York to allege, with a smile upon his face, that the administration of the Bureau of Pensions is admirable. I presume the veterans of the country and those who have interested themselves in their behalf are the best judges; and I assert, without danger of successful contradiction, that their voice is unanimous in absolute condemnation of this Bureau for its delays, injustice, and positive exhibitions of unfriendliness.

The day of the veteran is fast passing to a close. The eye is dimmer day by day, the steps more faltering and unsteady, and the vital current less ebullient as the days pass and go. His soul is gazing on eternity; his earthly shadow is gathering apace out of time and touch. Shall we then, in this solemn period, longer stay that justice which the universal sense of right and justice proclaim and approve of?

Justice demands that the meritorious soldier shall be as securely assured of his pension as the owner of chattels or lands in his muniments and title. [Loud applause.]

Mr. PICKLER. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 8271) relating to pensions, and had come to no resolution thereon.

LEAVE TO PRINT.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that members may have leave to print remarks upon this bill or to extend their remarks made on the floor for ten days after the close of the debate.

There was no objection, and it was so ordered.

CHANGE OF REFERENCE.

There being no objection, the Committee on Foreign Affairs was discharged from further consideration of the bill to revive, amend, and extend the act of Congress of August 15, 1876, to encourage and promote telegraphic communication between America and Asia across the Pacific Ocean from the western shores of the United States, etc., and it was referred to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ALDRICH of Alabama, for ten days, on account of important business.

To Mr. LACEY, for ten days, on account of important business.

Mr. PICKLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a reply to the House resolution of March 11, 1896, asking for information relating to the purchase of minor coinage blanks by the superintendent of the mint at Philadelphia, together with accompanying papers, was taken from the Speaker's table and referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States, reported the same without amendment, accompanied by a report (No. 1451); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the Senate (S. 2022) entitled "An act to amend an act entitled 'An act to provide for the protection of the salmon fisheries of Alaska,'" reported the same without amendment, accompanied by a report (No. 1452); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5486) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes, reported the same with amendments, accompanied by a report (No. 1453); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 7257) making Pueblo, Colo., a port of entry, and for other purposes, reported the same without amendment, accompanied by a report (No. 1454); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURPHY of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 4068) to enable the city of Tucson, in the Territory of Arizona, to issue bonds to construct a water and sewer system, reported the same with amendment, accompanied by a report (No. 1456); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 6186) to provide for the condemnation of allotted lands in Oklahoma Territory, reported the same with amendments, accompanied by a report (No. 1457); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STEWART of Wisconsin, from the Committee on Indian Affairs: The bill (S. 361) entitled "An act for the relief of Silas P. Keller." (Report No. 1450.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 5854) granting a pension to John Caster. (Report No. 1455.)

By Mr. WOODARD, from the Committee on Claims: The bill (H. R. 1803) for the relief of Nathan Plummer. (Report No. 1461.)

By Mr. DOWNING, from the Committee on Claims: The bill (S. 67) entitled "An act for the relief of E. R. Shipley." (Report No. 1463.)

The bill (H. R. 6861) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493 in the city of Washington, D. C., as laid down on the original plan or plat of said city. (Report No. 1460.)

By Mr. SNOVER, from the Committee on Claims:

The bill (H. R. 4945) for the relief of James Grace. (Report No. 1462.)

The bill (S. 1546) entitled "An act for the relief of Levi Stoltz." (Report No. 1458.)

The bill (S. 290) entitled "An act to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service." (Report No. 1459.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MCRAE: A bill (H. R. 8413) to confirm certain cash entries of public lands—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 8414) to regulate the use of a uniform flag in the Army and Navy, its proportions, and location of the stars in the union or blue field—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8415) to authorize the purchase of a steam launch for use in the customs collection district of New London, Conn.—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 8416) to provide for the construction of a system of municipal subways in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BAKER of New Hampshire: A bill (H. R. 8417) to refer to the Court of Claims the war claims of the State of New Hampshire—to the Committee on War Claims.

By Mr. MEIKLEJOHN: A bill (H. R. 8418) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington—to the Committee on the District of Columbia.

By Mr. CATCHINGS: A bill (H. R. 8419) to authorize the Muscogee or Creek Nation of Indians to sell and assign their right and claim to \$400,000 of the money set apart and remaining to their credit in the Treasury of the United States by virtue of "An act to ratify and confirm an agreement with the Muscogee or Creek Nation of Indians, in the Indian Territory, and for other purposes," approved March 1, 1889—to the Committee on Indian Affairs.

By Mr. BABCOCK (by request): A bill (H. R. 8420) to secure uniformity in the names of streets and roads in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILLIS: A joint resolution (H. Res. 176) authorizing and directing the President to invite the commercial nations of the world to join in an international monetary conference—to the Committee on Coinage, Weights, and Measures.

By Mr. PEARSON: A joint resolution (H. Res. 177) authorizing the President of the United States to make overtures for the establishment of an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. SHUFORD: A resolution (House Res. No. 276) to investigate the extent to which Federal patronage is being used to control legislation and corrupt the public service—to the Committee on Reform in the Civil Service.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 2366) to increase the pension of John A. Anderson, with petition and evidence—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Memorial of Sprage Camp, No. 4, Sons of Veterans, of Tacoma, Wash., indorsing joint resolution No. 102—Committee on Military Affairs discharged, and referred to the Committee on the Militia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 8421) for the relief of George McCracken—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: A bill (H. R. 8423) granting a pension to John W. Hartley—to the Committee on Invalid Pensions.

By Mr. CURTIS of New York: A bill (H. R. 8423) to increase the pension of William J. Lee, confidential scout and guide at headquarters Army of the Potomac—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 8424) for the relief of James Q. Shirley and the estate of Francis De Long, deceased—to the Committee on Claims.

By Mr. HEATWOLE: A bill (H. R. 8425) to correct the military record of George E. Day—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 8426) for the relief of M. J. Gilstrap—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 8427) granting an increase of pension to John Doeblor—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 8428) for the relief of Cyrus H. Thurlow—to the Committee on Claims.

By Mr. RAY: A bill (H. R. 8429) increasing the pension of William A. Peck, private Company H, Third New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8430) for the relief of the legal representatives of Joseph A. Mower—to the Committee on Military Affairs.

By Mr. SHUFORD: A bill (H. R. 8431) granting a pension to Mary Wesley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8432) for the relief of John W. Gray—to the Committee on War Claims.

By Mr. STEELE: A bill (H. R. 8433) for the relief of Charles T. Brant—to the Committee on Claims.

By Mr. TAWNEY: A bill (H. R. 8434) granting an increase of pension to John B. Norton—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 8435) for the relief of the heirs of Andrew J. Surber—to the Committee on War Claims.

Also, a bill (H. R. 8436) granting a pension to Joseph Hazleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8437) granting a pension to Orison Williams—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 8438) for the relief of Thomas Rogers, late postmaster at Sheffield, Mo.—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8439) for the relief of the heirs of Dr. Andrew Moore—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK (by request): A letter to accompany House bill No. 8420, to secure uniformity in the names of streets and roads in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BLACK of New York: Remonstrance of citizens of Troy, N. Y., against the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, remonstrance and petition of citizens of Troy, N. Y., asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. BROSIUS: Resolutions of the Pennsylvania State Grange, Patrons of Husbandry, in favor of equitable protection—to the Committee on Ways and Means.

By Mr. CONNOLLY: Petition and evidence to accompany a bill granting a pension to John W. Hartley—to the Committee on Invalid Pensions.

By Mr. COOKE of Illinois: Petition of Samuel S. Greeley and others, of Chicago, Ill., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. DANFORD: Petition of William H. Wilson and many others, of Bridgeport, Ohio, for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on Military Affairs.

By Mr. DOOLITTLE: Remonstrances and petitions of citizens of Port Angeles, North Bend, and Snohomish, in the State of Washington, regarding the Marquette statue—to the Committee on the Library.

Also, memorial of citizens of Tacoma, Wash., favoring the passage of House bill No. 7251, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, memorial of citizens of Olympia, Wash., favoring the passage of House bill No. 444, for the relief of A. D. Glover—to the Committee on Claims.

By Mr. HEATWOLE: Papers to accompany House bill to correct the military record of George E. Day—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska: Petition of the First Presbyterian Church of Wahoo, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of California: Petition of citizens of Stockton, Cal., for levy of duty on chicory—to the Committee on Ways and Means.

By Mr. KIEFER: Petition of the Minneapolis Board of Trade, for a bureau of commerce and manufactures—to the Committee on Manufactures.

By Mr. LEFEVER: Petition of A. H. Wardle, secretary of Young Men's Christian Association of Poughkeepsie, N. Y., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. LINTON: Remonstrances and petitions of citizens of San Diego, Cal.; Wray, Colo., and Lyman, Wash., regarding the Marquette statue—to the Committee on the Library.

By Mr. LOUD: Petition of the William Tonk & Bro. Company, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce, in favor of a voluntary bankruptcy law—to the Committee on the Judiciary.

By Mr. PHILLIPS: Petition of Falls City Lodge, No. 385, Order United American Mechanics, of Beaver Falls, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. POOLE: Memorial of the Business Men's Association of the city of Syracuse, N. Y., protesting against the passage of House bill No. 3346, introduced by Mr. SULZER—to the Committee on Ways and Means.

By Mr. RUSSELL of Connecticut: Papers relating to the pension case of L. Electa Brown—to the Committee on Pensions.

By Mr. SHERMAN: Petition of 118 citizens of Herkimer County, N. Y., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of Robert Hardie and others, of Rome, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Illinois: Petition of citizens of Cartersville, Ill., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of D. A. Sinclair, secretary of the Young Men's Christian Association, of Dayton, Ohio; also of G. N. Bierce, of Dayton, Ohio; also of N. Thacker and others, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Papers to accompany bill for the relief of the heirs of Andrew J. Surber—to the Committee on War Claims.

SENATE.

FRIDAY, April 24, 1896.

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, in response to a resolution of the 17th instant, calling for a list of accidents that have occurred to naval vessels during the last six years, the causes thereof, and the amount of damages, separately, in money, stating that instructions have been issued for the collection of the data necessary for the Department's answer, and it will be made at the earliest date.

practicable; which was ordered to lie on the table, and to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 24, 1896, a letter from the Commissioner of Pensions, containing a list of the number of soldiers and sailors now on the pension rolls drawing respectively \$30 and \$36 per month for total disability of arms and legs; which, with the accompanying papers, was referred to the Committee on Pensions, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the petition of George Simmons, A. B. Jameson, and G. M. Husted, a special committee representing the Columbia Heights Citizens' Association of Washington, D. C., praying for a change in the system of naming minor streets in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed as a document.

Mr. TURPIE presented a memorial of the South Bend Medicine Company of South Bend, Ind., remonstrating against the repeal of the tariff law of 1894, allowing manufacturers a rebate on alcohol; which was ordered to lie on the table.

He also presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying for the release of the Rev. A. J. Diaz; which was referred to the Committee on Foreign Relations.

Mr. GORDON. I present a petition of sundry citizens of Albany, Ga., praying the intervention of our Government in behalf of Rev. Dr. Diaz, recently arrested and imprisoned by the Spanish authorities in Habana, Cuba. Although he has been released, as we see by the newspapers, I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GORDON presented the memorial of Lippman Bros., wholesale druggists, of Savannah, Ga., remonstrating against the repeal of the law allowing manufacturers a rebate on the alcohol they use in the manufacture of medicine and the arts; which was ordered to lie on the table.

He also presented the petition of Armstead Brown, business manager of the Talbotton Creamery and Manufacturing Company of Talbotton, Ga., praying for the enactment of legislation to regulate the manufacture of counterfeit butter and cheese, filled cheese, and oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. Frank Beck, of Atlanta, Ga., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Bishop H. M. Turner, of the African Methodist Episcopal Church of Atlanta, Ga., praying for the passage of House bill No. 6851, to aid the Wilberforce University, located in Greene County, Ohio; which was referred to the Committee on Education and Labor.

Mr. SHERMAN presented a petition, in the form of resolutions adopted by Local Union, No. 2, Carriage and Wagon Workers' International Union, of Cleveland, Ohio, praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of a bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of James McIntosh & Co., of Minneapolis, Minn., and a petition of the J. R. Watkins Medical Company, of Winona, Minn., praying for the enactment of legislation touching the matter of rebate for alcohol used in the arts; which were ordered to lie on the table.

Mr. THURSTON presented a petition of Banner Post, Grand Army of the Republic, Department of Nebraska, of South Sioux City, Nebr., praying for the enactment of a per diem service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Mary E. Howe, of Table Rock, Nebr., praying for the adoption of an amendment to the Constitution of the United States allowing woman suffrage in all the States; which was ordered to lie on the table.

He also presented a petition of sundry railway-postal clerks of Nebraska, praying for the passage of House bill No. 2741, reorganizing the railway-postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the United Presbyterian Church of Ewing, Nebr., and a petition of the United Presbyterian Church of Orchard, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of Home Circle, No. 14, Ladies of the Grand Army of the Republic, of Arborville, Nebr., and a petition of McPherson Circle, No. 23, Ladies of the Grand Army of

the Republic, of Nebraska, praying for the enactment of a service-pension bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER. On the 21st of April I introduced an amendment intended to be proposed to the deficiency appropriation bill, the amendment making an appropriation to pay the rent of the Miner School building for the fiscal year ending June 30, 1896. It was referred to the Committee on the District of Columbia, and I am now directed by that committee to report it favorably. I move that the amendment be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. TELLER on the 7th instant proposing to make an appropriation for the purchase of the Howell counterpoise gun carriages, intended to be proposed to the fortifications appropriation bill, reported favorably thereon, and asked that it be referred to the Committee on Appropriations; which was agreed to.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights, reported it with amendments.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892, reported it with amendments.

CARE OF INEBRIATES.

Mr. GALLINGER. Some time ago the Committee on the District of Columbia reported adversely the bill (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia, and it was indefinitely postponed. I ask unanimous consent that that vote may be reconsidered, and that the bill and accompanying papers be recommitted to the Committee on the District of Columbia.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

TESTS OF MATERIALS FOR INDUSTRIAL AND OTHER PURPOSES.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives providing for printing a report of the commanding officer of the Watertown Arsenal, to report it without amendment, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring). That the Public Printer be, and he is hereby, authorized to print and bind in paper covers 500 copies of the report of the commanding officer of the Watertown Arsenal of tests of materials for industrial and other purposes made at said arsenal during the fiscal year ended June 30, 1893.

Mr. GORMAN. I wish to state to the Senate that in the printing act there was a failure to provide for the printing of this report for 1893. For that reason the adoption of the concurrent resolution is necessary.

The concurrent resolution was considered by unanimous consent, and agreed to.

BRANDY FROM FRUITS AND ALCOHOL IN THE ARTS.

Mr. SHERMAN. I ask the unanimous consent of the Senate to take up for consideration the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits. There seems to be a pressure for the passage of the bill. I believe there will be no opposition to it, and I therefore ask for its present consideration.

Mr. PROCTOR. I must object to the consideration of the bill at this time. The Senator from Connecticut [Mr. PLATT] is absent.

The VICE-PRESIDENT. Objection is interposed.

Mr. SHERMAN. I am rather surprised to learn that there is any opposition to the measure. There is great pressure by the Department to have a certain mistake corrected. It is a House bill. I did not suppose that any one in the Senate would object.

Mr. GALLINGER. The difficulty, I will suggest, is with the

amendment that the Committee on Finance has reported to the bill. Very likely there is no objection to the original bill, but there is very serious objection to the amendment which the committee has added to the bill.

Mr. PROCTOR. But for the amendment there would probably be no objection to the bill.

Mr. SHERMAN. The Committee on Finance, I believe, with a single exception, directed the amendment to be reported, and as a matter of course I have no right to withdraw it. I consider the amendment as even more important than the bill, although the bill is very important, and it is necessary to have speedy action upon it.

The amendment which is objected to simply repeals the clause that was inserted in the last tariff act, and inserted by inadvertence. The author of it himself, the Senator from Massachusetts [Mr. HOAR], who is now absent, said it was put there merely for the purpose of presenting the subject-matter to the committee of conference, and that it ought not to be there. The Secretary of the Treasury in an official report says it is impossible to carry into execution the terms provided for, and he asks Congress to repeal that section. I supposed there was really no opposition to it. It is vitally necessary to repeal it, because all the time, every day and every hour, claims may arise under that section which can not be enforced. It is a dead cock in the pit, I might say; it never has been enforced and can not be enforced; it is admitted that it can not be enforced; and yet claims may be accumulating arising out of it because of the failure to put it in force, claims that would be very embarrassing to the Treasury, amounting to millions of dollars.

Mr. PLATT entered the Chamber.

Mr. SHERMAN. The Senator from Connecticut is now present and he can speak for himself. I ask that House bill 886 may be taken up.

Mr. PLATT. I object, Mr. President.

The VICE-PRESIDENT. Objection is interposed.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. When the morning business is closed the Chair will entertain the motion.

Mr. SHERMAN. I will wait until the morning business is closed.

UNION PACIFIC RAILROAD LANDS.

Mr. ALLEN. I am directed by the Committee on Public Lands to report a concurrent resolution directing the Secretary of the Interior to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad land lists now on file, embracing lands along the main line in western Nebraska, northern Colorado, Wyoming, and Utah, and I submit a report thereon. I ask unanimous consent for the present consideration of the resolution.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file, embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railway Company, without delay, to all lands described in the several lists now on file in the United States Land Office upon which title is due to the Union Pacific Railway Company, in order to complete, through the Union Pacific Railway Company, good and sufficient title to the purchasers and present owners of such lands: Provided, No patents shall be issued for any lands which have not been sold by said company prior to the passage of this resolution.

Mr. CALL. I hope the Senator from Nebraska who reported this resolution will allow it to stand over and let us examine it. I have no objection to the purpose of the resolution as it is stated, but I think where there is no title in the railroad company, if it shall be so adjudicated, there ought to be some provision that the title of the settler or purchaser should be protected, and also that suits may be brought against the railroad company for the recovery of the money paid for property they had no right to sell. I should like to have that point considered. I understand there is no pretense even of rightful claim of title on the part of the railroad company, and while every settler should be protected and every purchaser should be protected, I know of no reason why the corporation itself should be allowed to retain the money of these people wrongfully taken from them.

Mr. DUBOIS. I will say to the Senator from Florida that the proviso which has been added at the end covers the objection which he makes to the resolution.

Mr. CALL. All right; then I make no objection to it.

The concurrent resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2940) to secure uniformity in the names of the streets and roads in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2941) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURPIE introduced a bill (S. 2942) granting an increase of pension to Theodore B. Harlan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORDON introduced a bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2945) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River"; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DUBOIS introduced a bill (S. 2946) to protect and administer the public timber lands; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CHANDLER introduced a bill (S. 2947) granting an increase of pension to Mary E. Nesmith, widow of Capt. Arthur S. Nesmith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2948) granting a pension to Irena Wilkinson Gibson, only child of David Wilkinson, of the Revolutionary army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PARTY WALLS IN THE DISTRICT OF COLUMBIA.

Mr. CHANDLER. I desire to enter a motion to reconsider the vote by which the Senate yesterday passed the bill S. 2927, in regard to party walls in the District of Columbia.

The VICE-PRESIDENT. The motion to reconsider will be entered.

UNION PACIFIC RAILROAD LANDS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. A resolution, by Mr. WARREN, directing the Secretary of the Interior to rescind his orders to the Commissioner of the General Land Office, suspending work upon the Union Pacific Railroad land list now on file, embracing lands along the main line in western Nebraska.

Mr. WARREN. The substance of the resolution has already been passed, and it may be postponed.

Mr. ALLEN. Let the resolution be indefinitely postponed.

The VICE-PRESIDENT. It will be postponed indefinitely.

BRANDY FROM FRUITS AND ALCOHOL IN THE ARTS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits.

Mr. PLATT. The motion is not debatable, I am well aware, but I wish, with the consent of the Senate—

Mr. SHERMAN. If it is not debatable I hope there will be no debate. I have not said a word.

The VICE-PRESIDENT. Objection is interposed to debate.

Mr. CHANDLER. I desire to ask the Senator from Ohio, with his permission, not to press the bill at this time. If he will give notice that he will call it up to-morrow or some other day there will be no objection; but it is a tariff bill; it will occasion long debate, and I do not think the Senator, without giving some notice, ought to press the measure upon the Senate.

Mr. SHERMAN. The bill has been here since the 30th day of January.

Mr. CHANDLER. How long has the amendment been before the Senate?

Mr. SHERMAN. Two or three days.

Mr. PLATT. On Tuesday it was reported.

Mr. CHANDLER. The amendment proposes to repeal free alcohol in the arts.

Mr. SHERMAN. I regard it as a bill of the very highest importance. It is pressed by the Treasury Department, and is brought here by the unanimous vote of the Senate committee.

Mr. CHANDLER. I say to the Senator, then, that he ought to give us a little notice before he presses it. It is a tariff bill; it opens the whole tariff question, and it ought not to be taken up this morning so suddenly. The Senator will admit that.

Mr. SHERMAN. If the Senate will allow me five minutes to state the two simple points involved in the bill, Senators can then judge as to the importance of the measure.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. SHERMAN. I will not speak over five minutes.

Mr. PLATT. I think the Senator from Ohio did not intend to object to a suggestion which I desired to make to him, inasmuch as he allowed the Senator from New Hampshire to make a suggestion in the line which I proposed to make.

This is a measure to which there is very serious and earnest objection, and we have had no notice whatever. The part to which the serious objection is made was reported to the Senate only on the 21st of April, three days ago. Senators who desire to be heard on that amendment, who oppose it and desire to submit amendments to it, have had no notice of it; and I do not think the Senator from Ohio ought to press the measure this morning. If he desires to press it to-morrow morning I shall be prepared with an amendment to the amendment.

Mr. SHERMAN. Very well; if the Senator really desires time to prepare himself I have no objection.

Mr. GORMAN. I trust the Senator from Ohio will at least give notice that to-morrow or Monday he will call the bill up before the consideration of the appropriation bill is proceeded with.

Mr. SHERMAN. I merely give notice. In my judgment there is no measure upon our Calendar that is more important for immediate action. The Government is suffering day by day to the amount of perhaps thousands of dollars. I do not believe that when the subject is considered by the Senate there will be any doubt about it. I will let the bill go over until to-morrow.

Mr. CHANDLER. That is all we should ask the Senator to do. We shall be prepared to meet the question.

The VICE-PRESIDENT. The motion of the Senator from Ohio is withdrawn.

Mr. PLATT subsequently submitted two amendments intended to be proposed by him to the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits; which were ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate authorizing the Committees on Enrolled Bills of the two Houses to correct an error in the enrolled bill (S. 2557) granting a pension to Sarah A. Boyd.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.; and

A bill (H. R. 7334) granting an increase of pension to William T. Applegate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.;

A bill (H. R. 5488) to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia; and

A joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the amendments of the committee may be first considered, and considered in the progress of the reading.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, after line 10, to insert:

For public building at Boise City, Idaho: For continuation of building, \$50,000; and the limit of cost of said building and site is increased from \$150,000 to \$200,000.

Mr. DUBOIS. The original bill passed during the last session of Congress excluded the site from this appropriation, and I wish to offer an amendment signifying that, to exclude the cost of the sites of the buildings. That will apply to the appropriations for Boise, Cheyenne, and Helena.

Mr. ALLISON. The sites have been selected.

Mr. DUBOIS. I understand that the sites have already been selected with the appropriation of \$55,000 made for the selection of those sites. This appropriation will be for the buildings exclusive of the sites.

Mr. ALLISON. I hope the Senator from Idaho will not press the amendment. This is the usual way to limit the cost of the building including the site. We have increased the limit at the request of the Senator and other Senators interested, and I think the limit is large enough now.

Mr. DUBOIS. I will withdraw my amendment.

Mr. GORMAN. Mr. President, the amendment that we are now considering is one to which I have no special objection, although it seems to me that right on the threshold of the consideration of this bill some statement by the chairman of the committee or those of us who are specially charged with the consideration of the bill ought to be made to the Senate.

I find that the bill as it came here contains appropriations amounting to \$29,498,374.59, which it is stated is \$10,975,000 less than the estimate and over \$17,000,000 less than the appropriations of a year ago. By the report of the committee of the Senate we find the statement that the estimates were \$40,473,653.90, and that the increase recommended by the Senate committee in the shape of amendments, of which this is one, is \$5,122,350.31, showing an immense increase recommended by the Committee on Appropriations to the bill.

In nearly all the increases recommended by the Committee on Appropriations I, as one of the members of that committee, have agreed that the amendments are not only proper but absolutely necessary; and yet on the face of the papers the Senate committee will stand in an attitude of extravagance in recommending a larger increase than usual.

The reason is that in this bill the attempt is made (and it is the only appropriation bill in which I find the attempt being made) to cut down the appropriations by making provision for public buildings and public works for only nine months in the year and for the judiciary for only six months, with a view of making the impression upon the country that there is great economy in the recommendations and appropriations of a coordinate branch, and throwing the responsibility upon this body of making extravagant appropriations, when the fact is that the appropriations in the aggregate as they have reached this body and as they will be enacted into law are greater than ever before in the history of the country.

It seems to me that the chairman of the committee, on the very threshold of the consideration of this bill, so that all Senators may have an opportunity to know why we have recommended these amendments, ought to give to the Senate a full statement of the attempt to make an appropriation for only six months or nine months of the year instead of appropriating the whole amount.

I have made a cursory examination of the matter, which everybody is interested in all through the country. I have here the estimates of the Department, and I want to say that the Treasury Department has, I understand, cut down the estimates wherever they could be reduced in every Department of the Government, and that it asks only the amounts that are absolutely necessary for the continuance of public buildings and for the continuation of the improvements in the public works, such as rivers and harbors, that are contracted for. The Department estimated that it would require \$3,223,899.29 to go on and complete the public buildings already under construction. Unless that amount is appropriated there will be not only great delay but greatly increased expense because of the delay. Yet the bill as it comes here carries with it an appropriation of \$1,558,074.29. We have increased that amount. The Senator from Iowa will give the exact figures, I have no doubt. If the bill were to pass as it came here there would necessarily be a deficiency of sixteen hundred thousand dollars at the next session. So with the courts and so with rivers and harbors. Yet I know that while the Senate committee has done its full duty and not added to the bill in the

aggregate more than is absolutely necessary to carry on the Government, leaving the bill as it comes from the Committee on Appropriations, a deficiency is to follow when we meet here in December next.

As to this particular amendment and three or four other amendments to follow, they are appropriations for public buildings at the capitals of the States. With the exception of the State of Utah and the State of Maryland, this will make provision for a public building at the capital of every State in the Union. Whether the limit fixed in this case is too great is a matter of opinion. We did, on an appropriation bill a year ago, fix a lower limit, but the Western States are growing and they are active and anxious to have not only public buildings for the accommodation of the present population, but, as they have a right to suppose, they will have a largely increased population within a few years, and they of course are naturally anxious to have larger appropriations made than are necessary for the present wants. I think probably there is economy in such a course. I have no special objection to those provisions, but I do think that the Senator from Iowa, who I know does not desire to consume time, ought to make in the very beginning of the consideration of this bill a very full statement of the attitude of the Committee on Appropriations.

Mr. MILLS. Will the chairman of the committee permit me a moment before he takes the floor? In reference to the statement just made by the Senator from Maryland, which I have heard made and repeated for a number of years since I have been a member of one or the other of the two Houses of Congress, it seems to me that it would be a proper thing for this body to take some steps to prevent it from being put constantly in the wrong before the American people. Why would it not be the proper thing to do to agree to the bills as they come from the other House? Let the deficiency occur. Let the President when he signs the bills call the attention of the two Houses of Congress to the fact that they are only appropriations for three-fourths of the year or for one-half of the year, and require the House, which is authorized by the Constitution to originate these measures, to bring in a supplemental bill for the necessary appropriations to support the administration of the Government.

I do not think that it is the right thing for the Senate to continue to carry the suspicion that is thrown upon it. It is an improper method of legislation. If my advice should be taken, I would approve their bills and pass them as they are, and let them take upon themselves the responsibility of originating the necessary appropriations to support the Government.

Mr. ALLISON. Mr. President, the Committee on Appropriations in presenting this bill also presented with it a brief report, which is Senate Report No. 738. In that report we have made an analysis of the increases proposed by the Senate Committee on Appropriations, so that if Senators will send for the report they will find a brief abstract of the several increases made by the committee.

It is true, as stated by the Senator from Maryland, that in regard to a portion of the subjects treated of in the bill the other House has provided for only nine months and in regard to another portion probably only for six months.

In response to the suggestion made by the Senator from Texas, I will state that the Committee on Appropriations has not felt it to be its duty to withhold appropriations for the ordinary and necessary expenses of our Government for a fiscal year, the House of Representatives itself failing to make appropriations for the year. The appropriations alluded to by the Senator from Maryland are chiefly to be found in the appropriations for public buildings and for rivers and harbors under subsisting contracts, the appropriations now being carried into the sundry civil bill instead of being carried on the river and harbor bill as heretofore, and perhaps there are one or two other instances.

In the case of the United States courts, I think it may be safely said that the bill as it comes to us from the House appropriates only for six months, or until the 1st of January, 1897. This has been the practice for a good many years. It is found in the appropriations for the current fiscal year. My impression is that we have already in our deficiency bill for this year appropriated more than \$3,000,000 for the courts. The appropriations for the current year for the courts of the United States were \$3,450,000. We have already appropriated in round numbers \$3,400,000 as a deficiency, making the expenditures of the courts for the current year nearly \$7,000,000.

The estimates for the courts for the current year were about \$6,489,512. The bill as it came from the House of Representatives appropriated for these purposes \$3,308,212. The Senate Committee on Appropriations have added for the expenses of the courts \$2,538,000, making a total as now found in the bill, including the Senate amendments, of \$5,130,450.31. This may not be sufficient to carry on the courts for the next fiscal year. It is hoped and believed that the legislation which is likely to pass, found upon the executive, legislative, and judicial appropriation bill, will

materially diminish the expenditures of the courts. So it was our purpose, as nearly as we could, in proposing the amendments as to the courts, to provide for the fiscal year and not for one-half of it.

But the making of insufficient appropriations is not a new habit of the House of Representatives. The same thing appeared on the sundry civil bill of last year. When it came to us from the House of Representatives it only provided for about six months, and I believe last year the Senate did as it now proposes to do; it allowed these appropriations to be made as the House of Representatives proposed. The result has been, as I have already stated, that an amount more than equal to the original appropriation has already been appropriated in the deficiency appropriation bills for the expenditures of the current year.

We have increased these items, as will be seen from the document to which I have already alluded. We have increased for public buildings \$501,000. In doing so, we have provided \$50,000 each for the three capitals of the new States of Idaho, Wyoming, and Montana. We have also increased the appropriations for the building in Washington City known as the post-office building \$100,000, and have appropriated for other small necessary items. We have also increased the appropriations for the public buildings in progress of construction, so as to enable the Secretary of the Treasury to proceed with the construction of those buildings to the end of the fiscal year in cases where that is necessary, as we believe that it is wise, where a public building is in process of construction, especially where the United States is paying large rental, notwithstanding the condition of our Treasury, to complete those buildings at the earliest practicable moment. We have also increased various items here in other branches of the public service, such as military posts in process of construction, surveys of the public lands, etc.

I believe the Committee on Appropriations have, with the utmost care, limited the appropriations to necessary objects and have not increased the bill as it came from the House of Representatives except where it appeared that it was wise to make the additional appropriation. I am glad that the Senator from Maryland [Mr. GORMAN], who is so able and efficient on this committee, has given his assent to the increases made by the Senate.

I do not know that it is worth while for me to make a more elaborate statement in the beginning of the consideration of the bill. As the amendments are read I shall be glad to make such explanation as may seem necessary to a full understanding of the reasons why the committee recommend the increases.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 2, after line 22, to insert:

For public building at Cheyenne, Wyo.: For continuation of building, \$50,000; and the limit of cost of said building and site is increased from \$150,000 to \$250,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

Assay office at Deadwood, S. Dak.: For establishing an assay office at Deadwood, in the State of South Dakota, \$15,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert:

For public building at Helena, Mont.: For continuation of building, \$50,000; and the limit of cost of said building and site is increased from \$150,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 3, line 15, to increase the appropriation for continuation of building of post-office and court house at Kansas City, Mo., from \$50,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

For court-house and post-office at Los Angeles, Cal.: For additions to and alterations in the court-house and post-office building, \$12,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 19, to insert:

For court-house and post-office at Martinsburg, W. Va.: For completion of approaches, \$5,000.

The amendment was agreed to.

The next amendment was, on page 4, line 9, to increase the appropriation for continuation of building of court-house, custom-house, and post-office at Omaha, Nebr., from \$70,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to insert:

For custom-house and post-office at St. Albans, Vt.: For rebuilding and repairing same, made necessary by recent fire, \$70,000.

The amendment was agreed to.

The next amendment was, on page 4, line 15, to increase the appropriation for continuation of building for post-office, court-house, and custom-house at St. Paul, Minn., from \$60,000 to \$125,000.

The amendment was agreed to.

The next amendment was, on page 4, line 21, before the word "hundred," to strike out "two" and insert "three"; and in the same line, after the word "dollars," to insert "and the limit of cost of said building is increased \$410,000"; so as to make the clause read:

For post-office at Washington, D. C.: For continuation of building under present limit, \$375,000; and the limit of cost of said building is increased \$410,000.

Mr. GORMAN. Mr. President, the Washington City post-office, for which an increased appropriation is contained in this amendment, is one of a class of cases which are constantly arising. It is now found necessary to increase the limit of cost fixed for that building \$410,000. It is, of course, absolutely necessary, the committee think, to increase that limit. It is no fault of legislation. There is no extraordinary reason that occurred in the construction of the building for this increase. It has arisen from the fact that the Supervising Architect's Office saw proper to change the original plans, not to increase the size of the building, but its ornamentation, from rough-faced stone to cut stone. Whether that improvement is a substantial one and one which will add to the beauty of the building is a question; but the change was made, and the increased appropriation becomes necessary largely because of that change.

I think myself that the officers of the Government ought to be held to a more strict account, and that when they have made plans for public buildings and furnished their estimates no change other than one which is unforeseen at the time the estimate was made ought to be allowed without their having first obtained the consent of Congress.

There is an improvement authorized in this new appropriation which will, I believe, give sixty or seventy additional rooms in the post-office building. That is suggested by the present Architect, who is not at all responsible for the change which necessitates this large appropriation. In this case it is absolutely necessary, I take it, to have the appropriation made; but I call attention to this practice, and, so far as I am concerned hereafter as a member of this body, I shall not agree that such additional appropriations be made where they become necessary because of the mere change in the ornamentation of a building without the consent of Congress having been first obtained.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The question is on the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 4, line 26, to increase the appropriation for repairs to Treasury, Butler, and Winder buildings, in Washington, D. C., from \$8,000 to \$12,000.

The amendment was agreed to.

The next amendment was, on page 5, line 20, before the word "sidewalk," to strike out "macadamizing"; in line 21, before the word "hundred," to strike out "two thousand three" and insert "eight"; and in line 22, before the word "hundred," to strike out "eight thousand nine" and insert "seven thousand four"; so as to make the clause read:

For marine hospital at Chicago, Ill.: For artesian and surface wells, \$1,650; sidewalk and curbing, \$800; boundary walls, stone or brick, \$5,000; in all, \$7,450.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert:

For quarantine station, Key West, Fla.: For wharf on iron piles, and 70-foot bridge and tracks, \$8,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 3, to insert:

Lynn Harbor, Massachusetts: For establishing four lighted beacons in Lynn Harbor, Massachusetts, \$2,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 8, to insert:

Sandusky Bay light stations, Ohio: For establishing two range-light stations in Sandusky Bay, Ohio, \$30,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 3, to insert:

Menominee light and fog-signal station, Michigan: For establishing a fog signal at Menominee light station, Green Bay, Lake Michigan, Michigan, \$5,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 17, to insert:

Cocos Bay post and range lights, Oregon: For establishing post and range lights at Cocos Bay, Oregon, \$500.

The amendment was agreed to.

The next amendment was, on page 12, after line 5, to insert:

Swan Island light, Caribbean Sea: For the establishment on Swan Island, belonging to the United States, in the Caribbean Sea, of a light-house, \$15,000: *Provided*, That a suitable site for said light-house shall be secured to the United States free of cost or liability.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

Fire Island light-vessel, New York: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, \$80,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 18, to insert:

Overfalls Shoal Light Vessel, New Jersey: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, \$70,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

Diamond Shoal light-vessel, North Carolina: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, the Secretary of the Treasury is hereby authorized to use not exceeding \$80,000 of the unexpended balance of the appropriation of \$200,000 made by the sundry civil appropriation act approved March 2, 1889, for the establishment of a light-house on Outer Diamond Shoal, off Cape Hatteras, North Carolina; and the remainder of such unexpended balance of appropriation, after paying outstanding bills thereunder, if any, shall be covered into the Treasury.

Mr. GORMAN. Mr. President, I wish to say as to the amendment which has just been read for Diamond Shoal Light, North Carolina, that it is to authorize the construction of a light-ship instead of the construction of a light-house on Diamond Shoal. This is on the Atlantic Ocean, and a more important point, perhaps, than any other except the entrance to New York Harbor. It is one in which the people I represent are very deeply interested, as the commerce entering the Chesapeake Bay by this very dangerous point is very great.

Congress authorized the construction of a light-house at Diamond Shoal to cost \$500,000, but up to this time the officers of the Government have absolutely failed to erect a light-house at that point, although the attempt has been made, at a loss of \$100,000 to the contractors and not to the Government.

Since this provision was incorporated in the bill quite a number of gentlemen who are engaged in shipping have communicated with me. They seem to think that this is a backward step on the part of the Senate of the United States in abandoning the attempt to construct a light-house and to place a light-ship at that point. Some of these gentlemen go so far as to say that, in their judgment, it will be impossible to maintain a light-ship at that point owing to the roughness of the sea.

So far as I am concerned, I wish to say that I think the committee, after patient inquiry into this matter and hearing statements, differ from the accomplished officers who are in charge of this branch of the public service—and there are none more competent and skilled than Admiral Walker, who is the head of the Board, and the Naval Secretary. We were satisfied if any relief whatever was to be given to commerce at that point, that the proposition submitted by the committee is the proper and the only way in which it can be reached; but even should it be found impossible to maintain a light-ship at that point, it can be transferred to other points where it may be necessary.

I make this statement because of the respectability of the gentlemen who have communicated with me upon the subject, and so as to show that we have not attempted to do anything except to facilitate navigation and to give greater security to life and property at that place. I am fully satisfied that what the committee propose is the only means of accomplishing the result desired for the benefit of the commerce of the country.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, after line 9, to insert:

Relief light vessel for the Atlantic coast: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, for the Atlantic coast, \$70,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 13, to insert:

San Francisco Harbor light vessel: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, \$80,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 16, to insert:

Tender for the Second light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Second light-house district, Massachusetts, \$75,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 21, to insert:

Tender for the Seventh light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Seventh light-house district, Florida, \$75,000.

The amendment was agreed to.

The next amendment was, on page 15, line 3, to increase the appropriation for expenses of light vessels, from \$300,000 to \$320,000.

The amendment was agreed to.

The next amendment was, on page 15, line 7, to increase the appropriation for expenses of buoyage from \$430,000 to \$460,000.

The amendment was agreed to.

The next amendment was, on page 20, line 1, after the word "dollars," to insert:

Provided, That the Secretary of the Treasury be, and he is hereby, authorized to permit officers and others of the Revenue-Cutter Service to make

allotments from their pay, under such regulations as he may prescribe, for the support of their families or relatives, for their own savings, or for other proper purposes, during such time as they may be absent at sea, on distant duty, or under other circumstances warranting such action.

The amendment was agreed to.

The next amendment was, on page 20, after line 12, to insert:

For constructing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, \$200,000.

The amendment was agreed to.

The next amendment was, at the top of page 22, to strike out:

For rent of office for agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, \$600.

The amendment was agreed to.

The next amendment was, on page 24, line 7, before the word "thousand," to strike out "twenty" and insert "fifteen"; so as to make the clause read:

For triangulation, topography, and hydrography of the coasts of California, Oregon, and Washington, and for necessary resurveys, San Francisco Harbor, triangulation, topography, and hydrography, \$15,000.

The amendment was agreed to.

The next amendment was, on page 26, line 17, before the word "thousand," to strike out "fifteen" and insert "ten"; so as to make the clause read:

In all, for field expenses, \$110,800.

The amendment was agreed to.

The next amendment was, in the provision for clerical force of the Coast and Geodetic Survey, on page 29, after line 16, to insert:

For one, at \$1,400.

The amendment was agreed to.

The next amendment was, in the same provision, on page 29, line 19, after the word "For," to strike out "one, at \$1,000" and insert "two, at \$1,000 each"; so as to make the clause read:

For two, at \$1,000 each.

The amendment was agreed to.

The next amendment was, on page 29, line 22, to increase the appropriation for additional engravers, Coast and Geodetic Survey, from \$4,000 to \$4,100.

The amendment was agreed to.

The next amendment was, on page 30, line 17, to increase the total appropriation for office force, Coast and Geodetic Survey, from \$32,670 to \$35,170.

The amendment was agreed to.

The next amendment was, on page 31, line 3, before the word "dollars," to strike out "eighteen thousand" and insert "fifteen thousand five hundred"; so as to make the clause read:

For copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; for extra engraving and drawing, and for photolithographing charts and printing from stone and copper for immediate use, \$15,500.

The amendment was agreed to.

The next amendment was, on page 32, line 16, to increase the appropriation for cases, furniture, fixtures, etc., for the National Museum from \$15,000 to \$20,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2, page 33. Mr. ALLISON. In line 1, page 33, I move to strike out "forty-three" and insert "fifty-three." In this connection I ask that two letters which I hold in my hand may be printed in the RECORD, giving the reasons for the increase.

The PRESIDING OFFICER. If there be no objection, the letters will be printed in the RECORD.

The letters referred to are as follows:

SMITHSONIAN INSTITUTION,
OFFICE OF ASSISTANT SECRETARY
IN CHARGE OF UNITED STATES NATIONAL MUSEUM,
Washington, April 22, 1896.

SIR: I deem it my duty to bring to your attention the fact that unless some special provision is made for its maintenance, the National Herbarium, recently transferred from the care of the Department of Agriculture to that of the Smithsonian Institution, will become comparatively useless.

This is one of the largest collections of American plants in the world, and one of the most important, embracing as it does the collections of all the Government surveys from the time of Fremont and Wilkes to the present day. It contains about 250,000 specimens, mostly American, and constitutes for American botany a "consultative library of specimens" of the very greatest importance. In it there are many types of American plants not to be found elsewhere, and it is constantly consulted, either personally or through correspondence, by all working botanists in America.

Although the Smithsonian Institution has always been responsible for the administration of this herbarium, it was for many years relieved of the care and expense of this work by the Department of Agriculture. In the fall of 1894, however, the present Secretary, finding himself unable to give it proper accommodation, and also thinking it might suffer destruction if kept longer in a building which is not fireproof, requested the secretary of this Institution to resume its direct custody, promising, however, that so long as funds should be available for the purpose in the hands of the Department of Agriculture he would be responsible for its support and maintenance.

The value of the collection was so great that the secretary did not feel at liberty to refuse to receive it, and it was at once transferred, although at very great inconvenience, since our Museum building is so crowded that several of its departments were seriously discommodated by the change.

From that time until now the herbarium has been maintained from the appropriation of the Department of Agriculture; but the appropriation for botanical work has been so much decreased by the present Congress that, as I am informed, this can no longer be done.

The Secretary of Agriculture has already addressed a letter to you calling your attention to this fact, and suggesting that the sum of \$10,000, which was withdrawn from his appropriation, be added to our appropriation "for the preservation and increase of the collections in the National Museum," in order to provide for the utilization of this great collection of plants.

I need scarcely say to you that the collection is of special importance to the Department of Agriculture, and is necessarily in constant use by many members of its staff.

Should this addition to our appropriations not be made, I do not see how it is possible to do more for the herbarium than simply to preserve it from destruction. It can not be kept in such shape that it will be conveniently available for reference; it can not be increased in order to keep pace with the growth of botanical knowledge and the necessities of American botanists and of the Department of Agriculture. Nothing can be done with the great amount of material which is already on hand, which requires special treatment for its preservation and utilization. It will also be impossible to carry on the system of exchange, long practiced, by which not only the National Herbarium but all the herbariums of the country are constantly benefiting.

Should the sum of \$10,000 be provided, it would be utilized in the first place by the retention of the staff of skilled assistants, clerks, and preparators already engaged upon this work and now on the rolls of the Department of Agriculture. The direct charge of the herbarium would be, as now, in the hands of the Botanist of the Department of Agriculture, who, by permission of the Secretary of Agriculture, serves in this capacity without compensation with the title of honorary curator in the National Museum. There are also two skilled assistants, one at \$1,800 and one at \$1,200; and it is desired to add another at \$1,500 to take charge of the collection of cryptogamic plants. There is also a typewriter and clerk at \$900, one preparator at \$720, and three at \$600; making, in all, \$7,920.

Supplies and materials for preservation cost annually about \$1,000, about \$800 of this sum being required for the purchase of paper for mounting and covers.

A certain sum is required each year for the acquisition of new material—the types of new investigations and the results of explorations of the year. For this a sum of about \$750 is required. This would leave a contingent fund of \$330.

Should the desired sum be granted, it will be possible to maintain this vast collection, which is of much importance to botanical science, in a manner befitting the dignity of the nation.

I am, sir, yours, with great respect,

G. BROWN GOODE,
Acting Secretary.

The Hon. WILLIAM B. ALLISON,
Chairman of the Appropriations Committee, United States Senate.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., April 22, 1896.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

DEAR SIR: In response to your desire, communicated through Mr. Coville, for further information as to the purpose and effect of granting to the National Museum an additional sum of \$10,000 for the maintenance of the National Herbarium, I have to reply as follows:

When, nearly two years ago, the Secretary of Agriculture found the Department buildings entirely too small and it was brought to his attention that a large amount of space was occupied by a collection of plants estimated to be worth \$250,000 and liable at any time to be destroyed by fire, arrangements were made with the Smithsonian Institution to house the collection in the fireproof building of the National Museum. The Department agreed to retain on its rolls so long as the appropriation admitted it the force of assistants necessary in caring for the collection, but the unexpected reduction in the botanical appropriation recently made has forced the Secretary to ask that he be relieved of this charge.

If the proposed appropriation be made, the force of assistants and mounters now engaged in caring for the herbarium in the National Museum building will be transferred to the rolls of that Institution, and the places thus made vacant upon the statutory roll in our Division of Botany will be filled by the transfer of employees now on the botanical lump sum. No new employees will be appointed as a result of the change, and the statutory position of assistant curator will be left vacant during the coming year, either to be abolished in the next Agricultural appropriation bill or to be changed to assistant botanist.

Besides the emergency reasons just cited for the transfer of the herbarium, the Department holds that the care of the collection is properly the function of the Smithsonian Institution, but that it should always be open to the botanists of the Department for reference and consultation in any investigations in which they need it. The object, and the sole object, of the proposed change is to place the herbarium in good hands and in its legitimate place, so as to enable the Department to organize all the botanical work on a distinctly practical basis.

Respectfully,

CHAS. W. DABNEY, JR.,
Assistant Secretary.

N. B.—This letter is written in connection with that of the acting secretary of the Smithsonian Institution, dated April 22, 1896, addressed to the Hon. W. B. ALLISON, chairman Committee on Appropriations, United States Senate, which is our authority for the above statement with regard to the part to be performed by the National Museum and Smithsonian Institution.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In line 1, page 33, before the word "thousand," it is proposed to strike out "forty-three" and insert "fifty-three"; so as to make the clause read:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, \$153,225.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 33, line 4, to increase the appropriation for repairs to buildings, shops, and sheds, National Museum, from \$4,000 to \$8,000.

The amendment was agreed to.

The next amendment was, in line 23, page 33, to increase the appropriation for the National Zoological Park from \$65,000 to \$70,000.

The amendment was agreed to.

The next amendment was, on page 36, line 8, after the word "dollars," to strike out "one laborer, \$480" and insert "two laborers, at \$540 each"; and in line 11, before the word "and," to strike out "three thousand four hundred" and insert "four thousand"; so as to make the clause read:

Green Lake (Maine) station: Superintendent, \$1,500; foreman, \$780; fish-culturist, \$960; two laborers, at \$540 each; in all, \$4,020.

The amendment was agreed to.

The next amendment was, on page 37, line 1, before the word "dollars," to strike out "five hundred and forty" and insert "six hundred"; and in line 4, before the word "dollars," to strike out "seven hundred and eighty" and insert "nine hundred and sixty"; so as to make the clause read:

Woods Hole (Massachusetts) station: Superintendent, \$1,500; machinist, \$960; fish-culturist, \$900; pilot and collector, \$720; three firemen, at \$600 each; two laborers, at \$540 each; in all, \$6,960.

Mr. LODGE. I wish to say a word on the amendment. The committee has been good enough to raise the pay of the firemen from five hundred and forty to six hundred dollars, but I do not see why, as they do the same work, they should not receive the same pay that is paid at the Cape Vincent station. Woods Hole is the largest station, I believe. The work is extremely heavy. If the employment is worth \$720 as established at Cape Vincent, where the duties are the same as at Woods Hole station—I think the work is precisely the same at both places—the same class of labor being employed, it is only fair that the firemen at Woods Hole station should receive the same grade of pay that is given to those at the Cape Vincent station. I would suggest to make it the same as at Cape Vincent—that is, \$720 instead of \$540.

Mr. ALLISON. I hope the Senator from Massachusetts will not press the motion. If he will look over the different stations he will see that a large number of firemen receive much less than those at Woods Hole. We looked into the matter with considerable care. We did not feel that we could fairly reduce the laborers at the Cape Vincent station. If the Senator will look at the provision as to the office of the Commissioner in this city he will see that the firemen receive only \$540.

Mr. LODGE. Those duties are not the same as at the stations.

Mr. ALLISON. They are of like nature.

Mr. LODGE. That is simply for firemen to be employed in heating the building.

Mr. ALLISON. Here in this station—

Mr. LODGE. It does not mean the station. That is for the office of the Commissioner, and it is not the station.

Mr. ALLISON. It is the fish station here, including the office of the Commissioner.

Mr. LODGE. The fish station here is the fish pond. The provision the Senator refers to is simply for ordinary firemen to run the engine in the building. I am speaking of the station, where the work is connected with the work of fish culture. If the Senator will point out to me the pay of a fireman at some other station which is less, I shall not make any unreasonable objection.

Mr. ALLISON. Very well; I will do so. Take Green Lake, Me., where the laborers are receiving only \$480.

Mr. LODGE. Those are laborers. I mean firemen. Our laborers are getting the same.

Mr. ALLISON. That is true.

Mr. LODGE. I am speaking of firemen.

Mr. ALLISON. We increased the laborers as we increased the firemen at Woods Hole.

Mr. LODGE. The laborers at Green Lake have been paid on the same basis as the laborers at Woods Hole, to which I make no objection. I think it is proper. I am speaking of the firemen at the station, whose work is connected directly with the work of fish culture.

Mr. ALLISON. The firemen in this city at the office of the Commissioner receive only \$540. They are engaged in the same kind of work.

Mr. LODGE. That is an entirely different kind of work I think.

Mr. ALLISON. There is an aquarium on the first floor of the building where the office of the Commissioner is situated. I hope the Senator from Massachusetts will be content with what we have done in this matter. I think it is an increase that they ought to be satisfied with.

Mr. LODGE. I looked through the list of stations hastily and I may be mistaken, but I could find only the two firemen at Cape Vincent in addition to the three at Woods Hole, because that is a large station—

Mr. ALLISON. The Senator is right except as to this city.

Mr. LODGE. Those in this city, I suppose, have simply the ordinary charge of the furnace and steam-heating apparatus.

Mr. ALLISON. They are firemen.

Mr. LODGE. That is the reason I desire to have those at Woods Hole put on the same basis as the firemen at the Cape Vincent station.

Mr. ALLISON. I do not like to move to reduce the firemen at

the Cape Vincent station. If the Senator thinks it ought to be done—

Mr. LODGE. I have no desire to have the pay of the firemen there reduced. I do not think they are overpaid, but it seems to me that those at Woods Hole might fairly be paid at the same rate. It is a very small amount.

Mr. ALLISON. Five hundred and forty dollars is the amount that has been paid there for some years. We saw no great necessity for increasing their pay at a single jump \$10 a month. I hope the Senator from Massachusetts will be satisfied with what has been done.

Mr. LODGE. Very well; I will not press the matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 38, line 15, after the word "dollars," to insert "one skilled laborer, \$720"; and in line 18, before the word "dollars," to strike out "two thousand eight hundred and twenty" and insert "three thousand five hundred and forty"; so as to make the clause read:

Neosho (Mo.) station: Superintendent, \$1,500; foreman, \$720; one skilled laborer, \$720; one laborer, \$600; in all, \$3,540.

The amendment was agreed to.

The next amendment was, on page 38, line 21, after the word "each," to insert "one skilled laborer, \$720"; and in line 24, before the word "dollars," to strike out "four thousand nine hundred and eighty" and insert "five thousand seven hundred"; so as to make the clause read:

Leadville (Colo.) station: Superintendent, \$1,500; foreman, \$1,200; two fish culturists, at \$900 each; one skilled laborer, \$720; cook, \$480; in all, \$5,700.

The amendment was agreed to.

The next amendment was, on page 39, line 3, after the word "dollars," to insert "one laborer, \$600"; and in line 4, before the word "and," to strike out "three thousand four hundred" and insert "four thousand"; so as to make the clause read:

Baird (Cal.) and Fort Gaston (Cal.) stations: Superintendent, \$1,500; foreman, \$1,080; foreman, \$900; one laborer, \$600; in all, \$4,080.

The amendment was agreed to.

The next amendment was, on page 40, line 12, before the word "hundred," to strike out "two" and insert "four"; and in line 16, before the word "hundred," to strike out "fourteen thousand nine" and insert "fifteen thousand one"; so as to make the clause read:

Division of statistics and methods of the fisheries: Assistant in charge, \$2,500; one clerk of class 4; one clerk of class 1; two clerks, at \$1,000 each; one clerk, at \$900; two clerks, at \$720 each; statistical agent, \$1,400; three statistical agents, at \$1,000 each; one local agent at Boston, Mass., \$300; one local agent at Gloucester, Mass., \$600; in all, \$15,140.

The amendment was agreed to.

The next amendment was, on page 41, line 10, to increase the appropriation for the contingent expenses of the office of the Fish Commissioner from \$9,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 41, line 16, to increase the appropriation for propagation of food-fishes from \$105,000 to \$112,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 16, to insert: Fish hatchery in South Dakota: For the establishment of a fish-culture station in the Black Hills, in the State of South Dakota, at a point to be selected by the United States Commissioner of Fish and Fisheries, \$10,000.

The amendment was agreed to.

The next amendment was, in the clause for the Interstate Commerce Commission, at the top of page 43, to strike out:

For all other necessary expenditures to enable the Commission to properly carry out the objects of the "act to regulate commerce" (including expenditures for counsel), to give effect to the provisions of said act and all acts and amendments supplementary thereto, \$184,000.

And insert:

For all other necessary expenditures to enable the Commission to give effect to the provisions of the "act to regulate commerce," and all acts and amendments supplementary thereto, \$184,000, of which sum not exceeding \$25,000 may be expended in the employment of counsel.

The amendment was agreed to.

The next amendment was, on page 44, line 10, to increase the appropriation for contingent expenses, independent treasury, from \$75,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 44, line 13, to increase the appropriation for transportation of silver coin from \$55,000 to \$70,000.

The amendment was agreed to.

The next amendment was, on page 45, line 4, before the word "silver," to insert "fractional"; so as to make the clause read:

Recoinage of silver coins: For recoinage of the uncurrent fractional silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, \$100,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 7, to insert:

To enable the Secretary of the Treasury to pay to John Lampman, of Alexandria, Minn., for capturing, arresting, and procuring the conviction of Thomas F. Truman and John Martin for breaking into the United States post-office at Alexandria, Minn., on the 11th day of April, 1893, and stealing therefrom money of the United States to the amount of \$181.21, together with a large number of postage stamps of the United States, \$150.

The amendment was agreed to.

The next amendment was, on page 53, line 1, to increase the appropriation for the quarantine service from \$125,000 to \$137,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 19, to insert:

Map of the United States: For engraving on copper the map of the United States prepared by the General Land Office, \$12,000.

The amendment was agreed to.

The next amendment was, on page 54, line 5, to increase the appropriation for work at Capitol from \$25,000 to \$30,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 5, to insert:

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, \$100, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 54, after line 9, to insert:

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, under the direction of the Joint Committee on the Library, \$1,500.

The amendment was agreed to.

The next amendment was, on page 54, after line 13, to insert:

For necessary repairs and improvements to the steam-heating and ventilating apparatus of the Senate, including air ducts, elevators, legislative bell service, and all machinery relating thereto in the Senate wing of the Capitol, including the Supreme Court, under the direction of the Architect of the Capitol, \$4,600.

The amendment was agreed to.

The next amendment was, on page 55, line 2, after the word "including," to insert "the Capitol Grounds"; and in line 7, before the word "thousand," to strike out "sixteen" and insert "twenty-six"; so as to make the clause read:

Lighting the Capitol: For lighting the Capitol, including the Capitol Grounds, the Botanic Garden, Senate and House stables, Maltby Building, and folding and storage rooms of the House of Representatives; for gas and electric lighting; pay of superintendent of meters, lamplighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, \$26,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 8, to strike out:

Lighting Capitol Grounds: For electric lights for three hundred and sixty-five nights for 50 posts in the public grounds about the Capitol, at 23 cents per light per night, burning from forty-five minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wires; and each arc light shall be of not less than 1,000 actual candlepower, \$5,110: *Provided*, That all wires shall be placed under ground, and the conduits, wires, lamp-posts complete shall be furnished by the electric light company without expense to the United States, and that 23 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the said public grounds about the Capitol.

The amendment was agreed to.

The next amendment was, on page 55, after line 22, to insert:

For the extension of the electric-light plants in the Capitol and to the grounds about the Capitol: For additional engine and generator, running of conduits, wiring, lamps and fixtures, steam pipe and fitting, cables for feeder system, and for the pay of electricians, wire men, and laborers, said work to be done by the Architect of the Capitol, under the direction of the Senate Committee on Rules, in accordance with the plan adopted by said committee, \$45,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 56, after line 8, to insert:

Ventilation, Senate wing of the Capitol: For the improvement of the ventilation of the Senate wing of the Capitol, including the installation of refrigerating apparatus, in accordance with the plans submitted by Prof. S. H. Woodbridge to the Committee on Rules, United States Senate, said work to be done by the Architect of the Capitol under the supervision of said Woodbridge and the direction of the Senate Committee on Rules, \$55,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, line 12, to increase the appropriation for surveying public lands from \$250,000 to \$400,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 20, to insert:

When, under the provisions of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, any State may authorize any person or persons to reclaim arid lands, in pursuance and acceptance of the terms of the grant made in section 4 of said act, then such person or persons are authorized to create, in pursuance of the laws of such State, a lien or liens on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided*, That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part.

Mr. CARTER. I offer an amendment to the amendment of the committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out all after line 20, on page 60, down to and including line 4, on page 61, and in lieu thereof insert:

That under any law heretofore or hereafter enacted by any State providing for the reclamation of the arid lands in pursuance and acceptance of the terms of the grant made in section 4 of an act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, a lien or liens is hereby authorized and shall be valid.

Mr. ALLISON. I ask that the provision may now be read as it will read if amended.

The PRESIDING OFFICER. The Secretary will read the committee amendment as it is proposed to be amended by the Senator from Montana.

The Secretary read as follows:

That under any law heretofore or hereafter enacted by any State providing for the reclamation of arid lands in pursuance and acceptance of the terms of the grant made in section 4 of an act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, a lien or liens is hereby authorized and shall be valid on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided*, That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part.

Mr. ALLISON. Those provisions have been prepared with care by the Senator from Missouri [Mr. COCKRELL], a member of the committee, and I understand that he has examined and assents to the modification. Therefore the committee will make no objection to the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 61, after line 16, to insert:

That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use or lease Sibley Island, an island in the Missouri River near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed as authorizing the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds.

The amendment was agreed to.

The next amendment was, on page 61, after line 24, to insert:

That the sum of \$1,000, appropriated by the sundry civil act, approved August 18, 1894, to enable the Secretary of the Interior to examine the desert lands selected by the States under the provisions of section 4 of said act (28 Stat. L., page 422), be, and is hereby, reappropriated and made available for the examination of said lands during the fiscal years of 1896 and 1897.

Mr. ALLISON. This amendment has been inserted in the deficiency appropriation bill by the House, and therefore it should be disagreed to.

The amendment was rejected.

PROPOSED INVESTIGATION OF BOND SALES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEPPER. While the resolution is before the Senate, I wish to modify it in one other respect; that is, to strike out in line 21, after the word "bonds," all that follows to the word "arrangement," in line 5, on page 3. That is the only additional modification that I wish to make. I ask that the resolution may be printed in the amended form, so that Senators will understand the form in which the resolution will appear when it comes up for discussion.

The PRESIDING OFFICER. The Senator from Kansas proposes a modification of the resolution and asks that it be reprinted as modified. The Chair hears no objection.

Mr. ALLISON. I ask that the unfinished business be informally laid aside, that the Senate may proceed with the consideration of the sundry civil appropriation bill.

The PRESIDING OFFICER. There is no objection, and it will be so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa., was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 7334) granting an increase of pension to William

T. Applegate was read twice by its title, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States; and

A bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for the United States Geological Survey, on page 62, line 18, before the word "geographer," to strike out "chief"; so as to make the clause read:

For one geographer, \$2,700.

The amendment was agreed to.

The next amendment was, on page 63, line 10, to increase the appropriation for topographic surveys in various portions of the United States from \$150,000 to \$175,000.

The amendment was agreed to.

The reading of the bill was continued to line 5, on page 65.

Mr. ALLISON. In line 4, page 65, before the word "thousand," I move to strike out "thirty-five" and insert "fifty"; so as to read:

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, \$50,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 65, line 9, to increase the total appropriation for the United States Geological Survey from \$449,100 to \$474,100.

Mr. ALLISON. I move to amend the amendment so as to increase the total to \$489,100.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 67, line 14, to increase the appropriation for general repairs and improvements at the Government Hospital for the Insane from \$13,000 to \$16,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 20, to insert:

For rebuilding shops, \$7,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 21, to insert:

For laboratory extension, \$1,500.

The amendment was agreed to.

The next amendment was, on page 67, after line 23, to insert:

For electric fans and resistance coils, \$6,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 14, to insert:

For all expenses of a school at Circle City, including hire of a teacher, \$1,500.

The amendment was agreed to.

The next amendment was, on page 69, line 20, to increase the appropriation for support of the reindeer station at Port Clarence, Alaska, from \$5,000 to \$12,000.

The amendment was agreed to.

The next amendment was, at the top of page 70, to insert:

To enable the Government to take official part in the international exhibition to be held at Brussels, Belgium, during the year 1897, \$35,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 4, to insert:

For salary of consul at Alexandretta, Turkish Dominions, \$1,500.

The amendment was agreed to.

The next amendment was, on page 70, after line 6, to insert:

For editing, under the direction of the Secretary of State, with a view to future publication, all reports, papers, and documents belonging to the United States relating to the war of the Revolution, and the operation, organization, and administration of the forces therein engaged, and now in the custody of the State Department, \$5,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 13, to insert:

In editing the documents hereinbefore provided for all muster rolls, pay rolls, morning reports, regimental and company returns, and other lists or rosters of officers and enlisted men in said war of the Revolution, and all pensioners of said war shall not be included, but the same shall be collected and deposited for public uses in the Record and Pension Office of the War Department, to be there preserved and indexed as the rolls of the later wars have been.

Mr. ALLISON. I move at the end of the paragraph to insert a semicolon and the words:

And the Secretaries of State and of War shall each designate some competent person to examine such documents and determine those that should be transferred to the Record and Pension Office and those that should be retained in the State Department, and in case of their disagreement the said Secretaries shall select some third person to decide the questions.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 70, after line 20, to insert:

Authority is hereby given to expend from the appropriation of \$100,000, made by the act approved December 21, 1895, for the expenses of the Commission to Investigate and Report upon the True Divisional Line between the Republic of Venezuela and British Guiana, such amount for rent of building or part of building in the District of Columbia as may be deemed necessary by the Commission.

Mr. GORMAN. I ask the Senator from Iowa whether it would not be wise to put a limit to the amount to be paid for rent?

Mr. ALLISON. The committee in considering this provision did not think it necessary to establish any limit to the amount to be paid for rent, inasmuch as with great promptness some time ago Congress passed an appropriation of \$100,000 in bulk, supposing at the time that it would include the necessary rent of a building for the use of the Commission. So, having given them absolute, unlimited power as respects the remainder of the \$100,000, I think we may fairly trust them not to be extravagant in the matter of rent.

Mr. GORMAN. What is the occasion for making this provision when we authorized the Commission to expend without any restriction whatever the appropriation of \$100,000?

Mr. ALLISON. There is a general law which provides that no general appropriation shall be applied to the rent of buildings in the District of Columbia, and that no Department shall have authority to rent buildings under a general provision. So the Comptroller has decided, and I have no doubt, will decide that the general appropriation of \$100,000 will not cover the matter of rent. That is the only reason for inserting it here, I understand.

Mr. GORMAN. Does the Senator from Iowa say that such a decision has been made; that after Congress with great haste and great unanimity placed at the disposal of the President of the United States a hundred thousand dollars to settle a great international question—to prevent a war—the Comptroller of the Treasury has stepped in and said to the Commission that they can not pay a reasonable amount for rent out of the \$100,000? Do I understand that to be the case?

Mr. ALLISON. I understand that the Comptroller of the Treasury decides that under a statute passed some years ago it is not competent to rent buildings in the District of Columbia under a general appropriation for expenses. I am not sure that the Comptroller has already so decided, but I understand that is to be the ruling, if it has not already been so ruled by him. That is the only object in inserting this provision, in order that rent may be paid for the building or portion of building which is now being occupied by the Venezuelan Commission.

Mr. GORMAN. I am amazed that that should be the state of the case.

Mr. ALLISON. The Senator from Maryland is aware, of course, that the present Comptroller is very rigid in his rulings on a good many subjects.

Mr. GORMAN. I understand that he is very rigid, as all the Comptrollers have been; but under great excitement, at the request of the President of the United States, we authorized him to create the Commission and placed in his hands \$100,000 to be expended for any purpose whatever in connection with their investigation. I supposed the enactment was broad enough to authorize them to send agents abroad, to make maps, to employ clerks and other assistants, and, as a matter of course, to pay the necessary expense for quarters here suitable to the dignity of this great Commission. They have, I understand, selected very good quarters. Now we are confronted with the fact that after this great conference is organized that Congress proposed to the President, designed to settle a great question between the two greatest nations on earth, it is necessary to put in a provision to cover the matter of rent. I do not understand it. I ask the Senator from Iowa if there is an official communication from the Department showing that the Comptroller has interfered so seriously with this great Commission?

Mr. ALLISON. I believe there is a letter either from a member of the Commission or from the Secretary of the Treasury—I am not sure—among our documents here, stating that under the general statute to which I have adverted but do not have before me, the Comptroller either had decided or would decide that rent could not be paid under the appropriation of \$100,000. I will try to find the letter so that the Senator may have it spread upon the record. The Comptroller, I believe, holds that the Commission can not under the provision pay rent which they have agreed to pay.

Mr. GORMAN. I should like to ask the Senator if he concurs

in a view of that sort, that the general law, which prohibits in ordinary cases officers of the Government from renting buildings for quarters, would apply to a great commission of this kind, which Congress created, placing absolutely in the hands of the President \$100,000 to be used as he deemed best for the disposal of a great international question? I ask if that law applies in a case of this sort?

Mr. ALLISON. I should not have supposed so, but it seems it does, because the rent has not been paid and can not be paid without some further provision of law.

Mr. GORMAN. I am utterly amazed at it. I trust that hereafter, if we are to rush through resolutions which affect grave international affairs in which not only our own country but the entire world is concerned, there will be no trouble in a case of this kind, where the President of the United States is authorized to appoint a commission, in renting quarters in which to conduct their business, and where they are to invite the representatives of foreign governments to join them. It seems to me a very small affair.

Mr. ALLISON. It does seem ridiculous, I will say to the Senator; but we are in this difficulty: The appropriation was a general appropriation for the expenses of the Commission, and the Comptroller holds that under a prior statute, which forbade any of the Government Departments from renting buildings under any general appropriation, this Commission could not rent a building in this way.

Mr. GORMAN. Of course I think it is the general feeling throughout the country that the emergency for which the Commission was created has probably passed by, if a serious one ever existed. I am delighted that it has dwindled now to a mere matter of rent. I trust we are not to have any further serious trouble with this great problem; but I do want to emphasize the statement I have made, that it seems to me it is utterly ridiculous that an officer of the Treasury Department should be permitted to bring about such a state of things with this Commission, which is a very important one. I do not know how the executive branch of the Government may view the case, but I think it ought never to have been permitted to come here in the shape it is. The Comptroller ought to have found, at all events, what was the wish of the State Department and the President of the United States, and not have raised this small point. I understand that ordinarily Comptrollers do such things, and very properly in cases of ordinary administration, where officers may contract debts for the Government which are not authorized by the letter of the law; but in this particular case, it seems to me, considering the circumstances under which the appropriation was made, with full liberty on the part of the President to expend this money in any form he saw proper, that this provision ought not to have found its way into this bill.

Mr. WALTHALL. I should like to ask the chairman of the committee if the act appropriating \$100,000 for the expenses of the Commission did not repeal the law to which the Comptroller refers? That act provides—

That the sum of \$100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the expenses of a commission to be appointed by the President to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana.

If rent is part of the expenses, this is a specific provision for that purpose, and undoubtedly repeals pro tanto the law on which the Comptroller relies. I do not think the Comptroller ought to be humored by this sort of an appropriation.

Mr. ALLISON. The difficulty is—at least it seems to be—that the Comptroller decides that this rent can not be paid out of the \$100,000 heretofore appropriated. While it is very pleasant for us to decide otherwise, it is not so convenient to the person who has rented a building and can not get his money until the appropriation be made available. I should be glad that my opinion or the opinion of the Senator from Mississippi would be taken, but the difficulty is that the Comptroller has the control of this matter, and the person to whom the rent is due can not get his rent.

Mr. WALTHALL. Can there be any sort of doubt as to the proper construction of the law I have read?

Mr. ALLISON. It would appear from the reading that the Senator's interpretation of it is right. I have not at hand the general statute which is quoted as controlling this provision, which was passed some four or five years ago upon an appropriation bill, but I will have the statute here in a few minutes, if the Senator desires to read it.

Mr. WALTHALL. The law I have read is manifestly a later law, and repeals the former one.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The amendment will be considered as agreed to, if there be no objection.

Mr. ALLEN. I want to put just one question to the Senator from Iowa for information. This Government owns a great many million dollars' worth of property in this city, among other buildings a very large State Department. Was there any necessity for renting a private building for this Commission? Could it not have

been put in the State Department or some other Government building?

Mr. ALLISON. I have not examined into that question, but I take it for granted that it was necessary to rent portions of a building for this purpose, as I think there are no vacant quarters in any of the departmental buildings. In fact, we are paying now, I think, in the city of Washington about \$140,000 per annum for the use of the various Departments for the rent of buildings outside of buildings owned by the Government. So I have no doubt it was necessary to rent quarters for the accommodation of this Commission.

Mr. ALLEN. It appears to me that two or three rooms could have been found in the State Department or some other eligible quarters in a public building for this Commission, without going to the expense of renting of the Washington real-estate syndicate an expensive building for an indefinite length of time at the expense of the Government.

Mr. GORMAN. I think this is one of the cases where we ought to make a stand, unless, in the better judgment of the Senator from Iowa, it is absolutely necessary that the appropriation be made at this time. The act creating this Commission, as quoted by the Senator from Mississippi, is so plain, that it seems to me there can be no question regarding it. The Senator has kindly handed me that act, and I will read it again:

That the sum of \$100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the expenses of a commission to be appointed by the President to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana.

This act was approved December 21, 1895. It seems full and complete.

Mr. ALLISON. The Senator will see that if the Comptroller decides otherwise it is necessary to make some provision in this bill.

Mr. GORMAN. I ask to have the amendment go over, and let us see whether the Comptroller has so decided. I should like to know whether that officer, in a case of this kind, not the ordinary case of an appropriation for an ordinary commission, but for a high Commission, has made such a decision or not. Let the amendment go over until I can communicate with that officer.

Mr. ALLISON. I trust the Senator will allow the amendment to stand, as it has already been agreed to, and it can be taken up again, if necessary, when the bill is reported to the Senate. If we find the authority is given under that general clause we can strike out this provision.

Mr. GORMAN. Let the amendment be passed over for the present and I will telegraph to the officer.

Mr. ALLISON. Very well.
The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 71, after line 21, to insert:

For additional amount for the reconstruction of the Rock Island Bridge, as authorized by the act making appropriations for the sundry civil expenses of the Government for the fiscal year 1896, approved March 2, 1895, \$10,200.

The amendment was agreed to.
The next amendment was, on page 72, after line 8, to insert:

For shop fixtures, shafting, hangers, pulleys, gearing, and belting connected therewith, for use with shop engine, \$500.

The amendment was agreed to.
The next amendment was, on page 72, after line 23, to strike out:

For macadamizing that portion of Beyer's street, the property of the United States, forming a highway of the city of Springfield, \$1,000.

The amendment was agreed to.

The next amendment was, on page 73, line 8, after the word "dollars," to insert:

Provided, That no patented machine shall be erected unless the patentee shall first authorize its use by the Government without compensation to said patentee;

So as to make the clause read:

Watertown Arsenal, Watertown, Mass.: For manufacture and erection of an impact testing machine, \$5,000: *Provided*, That no patented machine shall be erected unless the patentee shall first authorize its use by the Government without compensation to said patentee.

The amendment was agreed to.
The next amendment was, on page 73, after line 18, to insert:

Machine guns: For purchase of machine guns of approved musket caliber, of American manufacture, \$15,000.

The amendment was agreed to.

Mr. GORMAN. I desire to call the attention of the chairman of the committee to the item at the foot of page 75, in relation to concrete or asphalt pavements in Washington City, where it is provided that the contracts shall not be at a higher price than \$1.75 per square yard in the bill as it came from the House. The Senator was probably not present yesterday when the Engineer Commissioner of the District made a statement in relation to this item, showing that the limit fixed in the bill will not be sufficient for securing such work.

Mr. ALLISON. I am obliged to the Senator. That amendment was omitted. In line 22, on page 75, after the word "than," I move to strike out "one dollar and seventy-five" and insert "two dollars and fifteen."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 75, line 22, after the word "than," it is proposed to strike out "\$1" and insert "\$2," and in line 23, before the word "cents," to strike out "75" and insert "15"; so as to make the clause read:

That under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than \$2.15 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 76, after line 9, to insert:

For fencing and planting children's playground in East Washington (reservation No. 126), \$1,500.

The amendment was agreed to.

The next amendment was, on page 76, after line 12, to insert:

For paving the roadways on the east and south sides of the State, War, and Navy Department building, \$15,000.

The amendment was agreed to.

The next amendment was, on page 77, line 7, before the word "dollars," to strike out "eleven thousand five hundred" and insert "fourteen thousand"; in line 10, after the word "than," to strike out "\$16" and insert "\$20.50"; and in line 13, after the word "burn," to strike out "every night on the average from forty-five minutes after sunset to forty-five minutes before sunrise" and insert "not less than three thousand hours per annum"; so as to make the clause read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamp-lighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and repairs of all kinds; fuel and lights for office, office stable, watchmen's lodges, and for the greenhouses at the nursery, \$14,000: *Provided*, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than \$20.50 shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this act; and said lamps shall burn not less than three thousand hours per annum; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided*, That before any expenditures are made from the appropriations herein provided for, the contracting gas company shall equip each lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 6 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 78, line 1, before the word "cents," to strike out "20" and insert "30"; and in line 2, after the words "Executive Mansion," to strike out "\$511" and insert "\$766.50"; so as to make the clause read:

For electric lights for three hundred and sixty-five nights from seven posts, at 30 cents per light per night, on grounds south of Executive Mansion, \$766.50.

The amendment was agreed to.

The next amendment was, on page 78, line 7, before the word "cents," to strike out "28" and insert "30"; in line 8, after the word "thousand," to strike out "\$270.40," and insert "\$504"; and in line 13, before the word "cents," to strike out "28" and insert "30"; so as to make the clause read:

For electric lights for three hundred and sixty-five nights for not exceeding 32 posts in Lafayette, Franklin, Judiciary, and Lincoln parks, at 30 cents per light per night, \$5,040: *Provided*, That all wires shall be placed underground, and that the conduits, wires, lamp-posts complete, shall be furnished by the electric light company without expense to the United States and that 30 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

The amendment was agreed to.

The next amendment was, on page 80, line 16, to increase the appropriation for the construction of buildings and the enlargement thereof at military posts from \$300,000 to \$400,000.

The amendment was agreed to.

Mr. ALLISON. On page 80, line 21, I move to strike out the letter "s" at the end of the word "posts"; so as to read:

Military post at Spokane, Wash.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 80, line 22, to increase the appropriation for beginning the construction of permanent buildings, etc., at the military post at Spokane, Wash., from \$50,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 2, to insert:

To continue construction of buildings at the Fort Harrison military post, in Montana, to be expended under the direction of the Secretary of War, \$80,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 5, to insert:

To extend the barracks and make necessary sanitary improvements at Fort D. A. Russell, Wyo., to be expended under the direction of the Secretary of War, \$50,000.

The amendment was agreed to.

The next amendment was, on page 81, line 12, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

Fort Wayne Military Reservation: For improving the Fort Wayne Military Reservation, \$20,000, to be immediately available.

The amendment was agreed to.

Mr. PALMER. I wish to call the attention of the chairman of the Committee on Appropriations to the proviso, beginning on line 6, page 82, to the clause relative to the target range at Jefferson Barracks, Mo.:

Provided, That any land purchased hereunder shall be unincumbered by any private or public ways or roads.

What does that mean? Is it the intention to exclude the purchase of land upon which there are public highways?

Mr. ALLISON. I should think that would be the intention; in other words, it is not wished to authorize the purchase of land which would be encumbered by an obligation to maintain a public highway.

Mr. PALMER. I know something of the ground, and I am not quite sure that that proviso is proper. I only ask for information.

Mr. ALLISON. That I understand to be the purpose.

The reading of the bill was resumed.

Mr. ALLISON. On page 82, line 14, in the clause relating to the improvement of the Yellowstone National Park, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 82, line 14, it is proposed to strike out "Yellowstone Park Reserve," and insert "Forest Reserve, in Wyoming, established by Executive proclamation September 10, A. D. 1891"; so as to read:

Improvement of the Yellowstone National Park: For the improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, not more than \$5,000 of which may be expended within the limits of the Forest Reserve in Wyoming, established by Executive proclamation September 10, A. D. 1891, \$35,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 84, line 2, to increase the appropriation for continuing improvement of harbor at Philadelphia Pa., from \$480,000 to \$600,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 10, to insert:

For improving harbor at Mobile, Ala.: To enable the National Dredging Company, the contractor under the continuing contract for the improvement of the harbor at Mobile, Ala., to proceed with the work of dredging, under the direction of the Secretary of War, as authorized by the joint resolution of Congress passed the present session, \$160,000.

The amendment was agreed to.

The next amendment was, on page 84, line 24, after the word "dollars," to insert:

Provided, That the Secretary of War be, and he is hereby, authorized and directed to expend of this amount not to exceed the sum of \$20,000 in constructing on the land and river sides of the canal, between the upper lock gate masonry and the upper guard gate masonry, such portions of the walls proposed in the modified project presented by the Board of Engineers in its report of October 18, 1894 (which report was printed in the Annual Report of the Chief of Engineers for the year 1895, part 5, pages 3576 and following), as may be necessary to construct in advance of the opening of the canal to commerce: *Provided*, That the contractor or contractors for completing the construction of the said canal in accordance with the present adopted project shall consent to such use of this appropriation, and shall make no claim of any kind against the United States on account thereof;

So as to make the clause read:

For improving canal at the Cascades of the Columbia River, Oregon: Completing improvement, \$179,597: *Provided*, That the Secretary of War be, and he is hereby, authorized and directed to expend of this amount not to exceed the sum of \$20,000 in constructing on the land and river sides of the canal, between the upper lock gate masonry and the upper guard gate masonry, such portions of the walls proposed in the modified project presented by the Board of Engineers in its report of October 18, 1894 (which report was printed in the Annual Report of the Chief of Engineers for the year 1895, part 5, pages 3576 and following), as may be necessary to construct in advance of the opening of the canal to commerce: *Provided*, That the contractor or contractors for completing the construction of the said canal in accordance with the present adopted project shall consent to such use of this appropriation, and shall make no claim of any kind against the United States on account thereof.

Mr. MITCHELL of Oregon. I move to amend the amendment of the committee by inserting after the word "dollars," in line 1, on page 85, the words "to be immediately available."

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Oregon to the amendment reported by the committee.

Mr. GORMAN. I think the Senator from Oregon ought to state the necessity for that amendment. We shall need it hereafter, and I should like to have it myself, to be used in the consideration of the bill elsewhere.

Mr. MITCHELL of Oregon. I will state the reason. Under the first project for the construction of a canal and locks at the

Cascades of the Columbia, the work is about completed. The project, however, of extending the walls of the canal and locks was made necessary by an extraordinary rise of water some two years ago; and it is necessary, in order to open the locks to commerce, that this amount of money be immediately available for the construction of the walls specified in the amendment, which can be done at a cost perhaps of something considerably less than \$20,000. If made immediately available the work can go on at once and the canal and locks will be opened.

Mr. GORMAN. The walls were erected to prevent floods from destroying the locks?

Mr. MITCHELL of Oregon. Certainly.

Mr. GORMAN. The Senator's information is that by making the money immediately available the work can be completed during the summer?

Mr. MITCHELL of Oregon. Immediately, without any delay whatever.

The amendment to the amendment was agreed to.

Mr. MITCHELL of Oregon. Then I suggest an amendment in the text of the bill, by striking out the word "completing," in line 22, page 84, and inserting the word "continuing," so that it shall not be for completing but for continuing the improvement.

The SECRETARY. In line 22, page 84, it is proposed to strike out the word "completing" and insert in lieu thereof the word "continuing"; so as to read:

For improving canal at the Cascades of the Columbia River, Oregon: Continuing improvement, \$179,597.

Mr. ALLISON. I do not object to the amendment proposed by the Senator from Oregon, but I should like to know whether or not he proposes to insert the word "continuing," in view of the diversion of the \$20,000, or if there will still be required an additional sum.

Mr. MITCHELL of Oregon. I do suggest it in view of the diversion of the \$20,000, and in view of the further fact that the total amount estimated under the new project, in order to construct all the walls necessary to be constructed there, is \$413,000. The \$179,000 appropriated here is a part of the \$413,000, so the engineers tell me.

Mr. ALLISON. May I ask the Senator when the new project was authorized?

Mr. MITCHELL of Oregon. About two years ago. It is referred to specifically on page 85.

Mr. ALLISON. The only thing that struck me as peculiar is that if a further appropriation will still be necessary to complete the work, we should have ascertained so accurately just the amount to be appropriated. I was under the impression, without having examined it with care, that the \$179,597, being such an accurate statement of the amount necessary, must be an estimate for the completion of the work.

Mr. MITCHELL of Oregon. I can state, I think, how that is. It is the limit placed originally on the amount to be expended to complete the whole contract. That is true under the original project, but when the new provision was made, rendered necessary by the extraordinarily high water, then the amount estimated by the engineers to do the work was \$413,000. The committee and the Senate will understand that the limit placed upon the amount to be appropriated to complete the first project will not all be required, I understand. Perhaps very little of the \$179,000 will be required to complete the original project. Consequently the great bulk of the \$179,000 will come out of the \$413,000. I think it is all right and in accordance with the recommendation of the engineers.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oregon [Mr. MITCHELL] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 85, line 17, to increase the appropriation for continuing improvement of harbor of refuge at Point Judith, Rhode Island, from \$240,000 to \$300,000.

The amendment was agreed to.

The next amendment was, on page 85, line 21, to increase the appropriation for continuing improvement of harbor and bay at Humboldt, Cal., from \$159,000 to \$225,000.

The amendment was agreed to.

The next amendment was, on page 86, line 4, after the word "patients," to strike out:

For the support and medical treatment of medical and surgical patients who are destitute in the District of Columbia, under contract or contracts to be made with responsible and competent persons or institutions by the Surgeon-General of the Army, \$38,000, or so much thereof as may be necessary: *Provided*, That no payment shall be made under any such contract except for service actually rendered, for which specific compensation shall be provided under such contract.

And insert:

For the support and medical treatment of 95 medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, \$19,000.

Mr. GALLINGER. Before we act upon the amendment, it would be gratifying to me to have the Senator in charge of the bill give a brief explanation as to why the House provision should be stricken out and this amendment inserted. The House provision is for \$38,000—

For the support and medical treatment of medical and surgical patients who are destitute in the District of Columbia, under contract or contracts to be made with responsible and competent persons or institutions by the Surgeon-General of the Army.

Then there is a proviso which reads:

Provided, That no payment shall be made under any such contract except for service actually rendered, for which specific compensation shall be provided under such contract.

It strikes me that the House provision is a proper one and that it meets specifically and accurately what we have undertaken to accomplish in our legislation, so far as appropriating public money is concerned to take care of destitute people in the District who may require medical and surgical attendance.

The amendment contemplates appropriating one-half of that amount to the Providence Hospital and the other half to the Garfield Memorial Hospital, as I understand it, and the provision requiring the service to be actually rendered is not included. For my part, I can not see why the change should be made, and I should like to have a brief explanation of the matter.

Mr. PLATT. And there is no contract?

Mr. GALLINGER. Yes, a contract is to be made, so far as the Providence Hospital is concerned.

I will simply state that I myself am clearly of the opinion that the House provision is the better one, and that it involves the element of business such as any careful business man or firm would insist upon in providing funds for carrying on charitable or benevolent work. I may be wrong.

Mr. ALLISON. The Committee on Appropriations considered the matter with some care and made examination respecting the effect of the provision as it came to us from the other House. Under the existing provision as to the support and medical and surgical treatment of patients, Providence Hospital, here mentioned, have a contract with the Government whereby they care for destitute medical and surgical patients at the rate of 60 cents a day, while the Garfield Memorial Hospital, the only other hospital which has the care of this class of persons, finds the cost to it in maintaining the patients to be 90 or 95 cents a day. The persons who are managing and caring for the Garfield Memorial Hospital say it is impossible to maintain the efficiency of the hospital unless they can have support from the Government itself as respects these destitute persons, and that if the House provision remains, as a matter of course the Surgeon-General will feel obliged, as I think he would be, being a mere administrative officer of the Government, to make a contract for the whole number of these patients with Providence Hospital, where the rate is 60 cents a day, as against Garfield Hospital, where the absolute cost is 95 cents a day.

So the committee, believing that the provision as to Garfield Hospital is absolutely necessary for the maintenance of the hospital, separated the provision as it came from the other House into two clauses, allowing Providence Hospital to continue its contract with the Surgeon-General at 60 cents a day and continuing the Garfield Memorial Hospital as provided for under the appropriation act of the current year.

I will say to the Senator from New Hampshire that there is no objection that I know of to the proviso. I think it is a wholesome proviso, and that it could be very well inserted at the end of either of the clauses; certainly at the end of the first paragraph. As to the next paragraph, relating to Garfield Hospital, I think it is not contemplated that a contract shall be made, but there is no objection to its insertion in connection with the first paragraph.

Mr. GALLINGER. Then I move an amendment to the amendment adding the proviso which is proposed to be stricken out by the amendment of the committee.

Mr. GORMAN. Let the amendment to the amendment be stated.

The SECRETARY. After the word "dollars," in line 16, page 89, it is proposed to insert the following proviso:

Provided, That no payment shall be made under any such contract except for service actually rendered, for which specific compensation shall be provided under such contract.

Mr. GORMAN. Mr. President, the Senator from Iowa in charge of the bill has stated very frankly and justly the condition as to these two hospitals. The provision as it came from the other House, as we understand it, would in effect have given to Providence Hospital all that they would have been entitled to under the old provision of law, and in all probability more. It would have deprived the Garfield Hospital of the possibility of reasonable existence. So much for the plain business statement of the case.

That was not the object of the House provision. It is one of

the many provisions which have been inserted in all the appropriation bills striking out all charitable institutions and educational institutions which are conducted and controlled by certain religious denominations. It may be well to separate, as the phrase goes, church from state in the matter of educational affairs. We have had the question discussed very thoroughly upon the Indian appropriation bill. We will have it very thoroughly discussed in the matter of charitable institutions in the District of Columbia. But I confess my amazement that any Congress of the United States or any party in control of the Congress of the United States could be so far swept from just treatment, from fair treatment, when it comes to a matter such as is now under consideration. If it be for political purposes, it will react upon the authors. Can it be that the Senate of the United States will ever agree to a proposition to strike down two great hospitals in the city of Washington, which take care of the unfortunate, simply because one of them happens to be controlled by one religious denomination?

I can understand the sentiment when it enters upon the public-school question; how men may be carried away by fanaticism; how a man can honestly believe that there ought to be no appropriations on that account. But in the matter of a hospital, the only one in the city of Washington which to-day is equipped to take charge of persons who are afflicted with diseases that are contagious, a hospital which the Congress of the United States has aided by giving it sufficient appropriations to enable it to put up one of its buildings, how can anyone propose to strike at it simply because it happens to be under the control of the Catholics? But in striking at it the authors of the proposition strike down another great hospital, known as the Garfield Hospital, which happens not to be under the control of Catholics, but of Protestants. They come and say to Congress, "You have stricken us down and have made it impossible for us to take care of the unfortunate." The provision as it comes to us would give it all, in all probability, to the Providence Hospital, because they can contract cheaper than the Garfield.

Now, the Senator from New Hampshire [Mr. GALLINGER], after the Committee on Appropriations have adjusted the matter properly and simply propose to continue the old rule of designating the amount to each one of these hospitals, offers a proviso as to one that a contract shall be made and they shall only be paid for service actually rendered. He proposes, I understand, to make a distinction between the two hospitals in a matter where life and limb and health are at stake. Can it be that the sentiment of proscription is to go that far? Has it come to this, that you will practically prohibit a good woman or a good man, because she or he is a Catholic, from attending a child who is afflicted with a disease that is contagious?

A great many things are occurring. A great many things do occur every four years. When we are about to enter upon a great campaign for the control of the executive branch of the Government propositions are presented and speeches are made that would not be entertained or made at any other time. But is it possible that the great party on the other side of the Chamber, with all its strength, which controls another branch of this Government (it seems as if every member of it is looking forward to November next, that they may control every branch of this Government—both Houses of Congress and the Executive), will enter upon this crusade which would prevent a Catholic from administering to the wants of the unfortunate in the District?

I am amazed that the Senator from New Hampshire, a learned and skilled physician, who knows the wants of the District, who understands the organization here, should have offered the amendment. He understands that we have the Emergency Hospital, controlled by energetic, and active, and intelligent citizens of the District, aided only to an extent by Congress, which takes charge of one class of patients, the Garfield Hospital, and this hospital near us on the Hill. I am amazed that in the matter of hospitals the question of religion should enter. If the provision the Senator from New Hampshire has offered as a proviso applying to the one hospital is adopted it should apply to both, and when you do that you will destroy the Protestant hospital and enable the Catholic hospital to live.

The insignificant sum of \$19,000 to each of these hospitals ought to be given without a word. It ought to be given in the interest of humanity. I am sorry the Senator has offered the proviso, or that he or any other member of Congress should bring up the question of religious denominations in connection with these institutions. I move to lay the amendment to the amendment upon the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the amendment to the amendment.

The amendment to the amendment was laid on the table.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 89, after line 16, to insert:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, \$19,000.

Mr. GALLINGER. I move to amend the amendment by inserting, after the word "dollars," the words which I send to the desk. I desire to be heard for a moment on the amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "dollars," in line 19, page 89, it is proposed to insert:

Provided, That no payment shall be made except for service actually rendered, for which specific compensation shall be provided.

Mr. GALLINGER. Mr. President, after the vote just taken on the amendment which I submitted a moment ago to the amendment, I do not expect the amendment to the amendment which I now offer to be adopted. It ought not to be adopted. But inasmuch as the distinguished Senator from Maryland [Mr. GORMAN] made a speech misrepresenting my position and then by a motion to lay on the table refused me the courtesy of a word in reply—

Mr. GORMAN. I would have withheld the motion.

Mr. GALLINGER. I have availed myself of the rules of the Senate to make a brief reply.

I dissent entirely from every statement made by the Senator from Maryland connecting me with any purpose or plan to draw the religious line in the matter of appropriations made by the Congress of the United States for charitable or benevolent purposes. If he wishes to arraign the other House, as he did arraign it, he must settle with the members of that legislative body without reference to any word or act of mine.

Two years ago I called attention to the fact that this provision, which always finds its way into appropriation bills, is very strangely drawn. It reads:

For the support and medical treatment of 95 medical and surgical patients who are destitute in the District of Columbia, etc., \$19,000.

I then took the liberty to interrogate the Committee on Appropriations as to the exact meaning of the provision. I was assured then that it meant something or nothing, as the case might be, and that in some future appropriation bill it might be corrected. The House of Representatives saw fit to omit from the bill those two clauses regarding these two hospitals and to put in a general provision. I presume the Senator from Maryland is right when he says that the House provision, if adopted, might strike a blow at the Garfield Hospital, which I should be unwilling to have done; but I wish to say that it is barely possible that it might give the money to other hospitals in the District of Columbia. I am not quite sure that we should be bound by our acts here to give donations to two specified hospitals in the matter of caring for destitute medical and surgical patients in the District. I want to say here and now that, in my judgment, the policy adopted by Congress of voting public money to hospitals has resulted in the multiplication of hospitals in the District of Columbia to an extent far beyond the necessities of the case. I know of no other city of the size of Washington which has one-half so many hospitals as we have in this city to-day.

I asked a courteous question of the chairman of the Committee on Appropriations. He answered it courteously, and not upon my own motion, but at the suggestion of the chairman of the Committee on Appropriations, I offered the amendment to the amendment. Immediately the Senator from Maryland arraigns me as an enemy to the hospitals of the District of Columbia, as a man who draws the religious line in questions of charity. Nothing that I said could have warranted the accusation which the Senator from Maryland made against me in this respect. I have my own opinions, which have been expressed here on other occasions, and will be again, if I find it necessary to give expression to them; but in this matter I was in the first place seeking light, which very kindly was given to me by the distinguished chairman of the Committee on Appropriations, and in the next place I offered the amendment at the suggestion of the distinguished Senator from Iowa. I submit that under the circumstances it was not kind, it was not fair, it was not just on the part of the Senator from Maryland, who is usually kind and fair and just, to represent me as being an enemy to charitable work in the District of Columbia, and as desiring to strike a blow at the welfare and prosperity of certain hospitals in this great city.

Mr. President, that is all I care to say about it. If it is the judgment of the Senate that this matter shall stand precisely as it is, I have no objection. I presume that it is a wiser provision than that which was inserted by the House of Representatives. I, with unanimous consent, will withdraw the amendment I have submitted to the amendment of the committee.

Mr. GORMAN. Of course the Senator from New Hampshire understands that by my motion to lay the amendment to the amendment on the table I had no idea of cutting him off from

debate. Probably I ought not to have done it at the moment, as I am always very glad to hear the distinguished Senator from New Hampshire. It was not my intention, I am sure, to cut him off from an opportunity to reply to what I had said. It is possible that at the moment I may have held the Senator responsible for the movement to a greater extent than I ought to have done. What I intended to convey was not anything personal to himself. I know how liberal and just he usually is. I was astonished that the Senator moved the amendment, knowing how liberal and how fair he has been heretofore.

Mr. GALLINGER. If the Senator from Maryland will permit me, did he observe that it was made at the suggestion of the Senator from Iowa, the chairman of the Committee on Appropriations? The Senator from Iowa made the suggestion to me.

Mr. ALLISON. I am perfectly willing to take my share of blame, whatever it is. The reason why I said it would do no harm to be inserted, at least as I understood it, is the fact that I believe Providence Hospital has largely in excess of 95 patients all the time. So they would have no difficulty in complying with the proviso as the House has it. But it certainly would not do for the Garfield Hospital.

Mr. GORMAN. Of course I had no special intention in the matter, I say again; and I want to assure the Senator from New Hampshire that I have a very high regard for him personally. My general remarks were not intended to apply especially to him, but to the evident intention elsewhere, from which this body, I am glad to say, so far has been entirely free, to bring in the religious question upon all appropriations for schools and charities. This is only one of many provisions which are in the appropriation bills as they come to us. I wanted to announce in the most emphatic way I could the general scheme that has been inaugurated elsewhere, and which, if we are to believe the newspapers, has been inaugurated for purely political purposes right in the face of a Presidential election. It was intended for those who are advocating it and pushing it forward on every bill that is before the body.

I want to assure my distinguished friend from New Hampshire that, while I may have used some expression that he has taken exception to, if I did, it was only because of the extraordinary astonishment I had at the moment that he should fall to any extent into the line which has been pursued elsewhere.

The VICE-PRESIDENT. The amendment of the Senator from New Hampshire to the amendment is withdrawn, the Chair understands?

Mr. GALLINGER. It is withdrawn.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 91, after line 12, to insert:

Cable, Alcatraz Island, California: For purpose of restoring communication by cable between Alcatraz Island and Angel Island, California, \$6,000.

The amendment was agreed to.

The next amendment was, on page 91, after line 15, to insert:

Military telegraph, Colorado: For construction of a military telegraph line between Fort Logan, Colo., and the headquarters of the Department of the Colorado, at Denver, Colo., \$800.

The amendment was agreed to.

The next amendment was, on page 91, after line 19, to insert:

California Débris Commission: To defray the expenses of the California Débris Commission, authorized by the act approved March 1, 1893, \$15,000.

The amendment was agreed to.

The next amendment was, on page 91, after line 23, to insert:

Army and Navy Hospital, Hot Springs, Ark.: For improvement and maintenance of grounds about the Army and Navy Hospital, Hot Springs, Ark., \$850.

The amendment was agreed to.

The next amendment was, on page 93, line 18, in the items for National Home for Disabled Volunteer Soldiers, after the word "nurses," to insert "internes."

The amendment was agreed to.

The next amendment was in the items for the Eastern Branch, on page 96, after line 19, to insert:

For new coal shed, \$4,000.

The amendment was agreed to.

The next amendment was, on page 96, line 23, to increase the total of appropriation for current expenses at the Eastern Branch of the National Home for Disabled Volunteer Soldiers at Togus, Me., from \$54,100 to \$58,100.

The amendment was agreed to.

The next amendment was, on page 97, after line 17, to strike out "For additional boilers, \$3,500" and to insert "For reimbursement of amounts advanced for additional boilers, \$4,200."

The amendment was agreed to.

The next amendment was in the items for the Southern Branch,

on page 98, line 2, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

For construction of sewage pumping works, including building, reservoir, machinery, pipes, ventilating chimney, and other items necessary for the purpose, \$26,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 98, line 6, to increase the total appropriation for the National Home for Disabled Volunteer Soldiers at the Southern Branch at Hampton, Va., from \$65,500 to \$66,200.

The amendment was agreed to.

The next amendment was, on page 101, line 25, before the word "dollars," to insert "five hundred"; and on page 102, line 14, before the word "hundred," to strike out "thirty-eight thousand eight," and insert "thirty-nine thousand three"; so as to make the clause read:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$2,000; one general treasurer, who shall not be a member of the Board of Managers, \$3,500; one inspector-general, \$2,500; one assistant inspector-general, \$2,000; clerical services for the offices of the president and general treasurer, \$5,500; messenger service for president's office, \$144; messenger service for secretary's office, \$52; clerical services for managers, \$1,500; agents, \$2,400; for traveling expenses of the Board of Managers, their officers and employees, \$11,500; for outdoor relief, \$1,750; for rent, medical examinations, stationery, telegrams, and other incidental expenses, \$2,500; in all, \$39,346.

The amendment was agreed to.

The next amendment was, on page 102, line 17, to increase the total of the appropriations for the National Home for Disabled Volunteer Soldiers from \$2,469,778.75 to \$2,474,978.75.

The amendment was agreed to.

The next amendment was, in line 18, page 102, after the word "cents," to insert the following proviso:

Provided, That all amounts disbursed from the appropriation of a Branch Home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that Branch, except such expenditures for inspections, services, and supplies as may be required by the Board of Managers to be legally made by the general treasurer, and all such supplies shall be shipped and distributed as may be directed by the Board of Managers.

The amendment was agreed to.

The next amendment was, on page 104, line 17, to increase the appropriation for defending suits in claims against the United States, to be expended under the direction of the Attorney-General, from \$25,000 to \$40,000.

The amendment was agreed to.

The next amendment was, at the top of page 106, to insert:

For repairs and preservation of buildings in the custody of the United States marshal for the district of Alaska, to be expended by the Attorney-General, \$1,500.

The amendment was agreed to.

The next amendment was, on page 107, line 6, before the word "fees," to insert "salaries"; and in line 8, before the word "thousand," to strike out "eight hundred and seventeen" and insert "one million five hundred"; so as to read:

For payment of the salaries, fees, and expenses of the United States marshals and deputies, \$1,500,000.

The amendment was agreed to.

The next amendment was, on page 107, line 15, before the words "United States," to insert "salaries and fees of"; in line 16, after the word "attorneys," to strike out "the same being in payment of the regular fees"; and in line 18, before the word "thousand," to strike out "two hundred and five" and insert "four hundred"; so as to make the clause read:

For payment of salaries and fees of United States district attorneys provided by law for official services, \$400,000.

The amendment was agreed to.

The next amendment was, on page 107, line 19, before the word "regular," to insert "salaries of," and in line 22, before the word "thousand," to strike out "sixty-five" and insert "one hundred"; so as to make the clause read:

For payment of salaries of regular assistants to United States district attorneys, who are appointed by the Attorney-General at a fixed annual compensation, \$100,000.

The amendment was agreed to.

The next amendment was, on page 108, line 1, to increase the appropriation for fees of clerks of United States courts from \$165,000 to \$300,000.

The amendment was agreed to.

The next amendment was, on page 108, line 5, to increase the appropriation for fees of United States commissioners and justices of the peace acting as United States commissioners from \$170,000 to \$300,000.

The amendment was agreed to.

The next amendment was, on page 108, line 6, to increase the appropriation for fees of jurors from \$400,000 to \$800,000.

The amendment was agreed to.

The next amendment was, on page 108, line 8, to increase the appropriation for fees of witnesses from \$750,000 to \$1,400,000.

The amendment was agreed to.

The next amendment was, on page 108, line 16, to increase the

appropriation for support of United States prisoners, etc., from \$320,000 to \$600,000.

The amendment was agreed to.

Mr. CHANDLER. I wish to make an inquiry of the chairman of the committee in reference to these provisions for expenses of United States courts. There has been much discussion during the present session of Congress concerning those expenses. The fact was developed early in the session in the debate upon the urgent deficiency appropriation bill that it had been the custom to make appropriations for the courts far less than the estimates, really and in fact not intended to cover the whole expenses of the year, but simply to provide for the expenses of from one-half to three-quarters of the year. That was spoken of very justly as a vicious and improper practice, as deceptive in its effect.

I observe that the House of Representatives made limited appropriations for the expenses of the United States courts under these various heads, as, for instance, for commissioners, \$170,000; and the committee propose \$300,000. For fees of jurors the House appropriated \$400,000; the committee propose \$800,000. For fees of witnesses the House proposed \$750,000; the committee propose \$1,400,000; and for the support of prisoners, where the House provided \$320,000 the Senate committee propose \$600,000. I should like to have the chairman of the committee inform me if I am correct in my surmise that the Senate committee propose only the estimates of the Department?

Mr. PLATT. For the year.

Mr. CHANDLER. For the whole year. Am I right in supposing that the House of Representatives cut down the estimates to two-thirds or three-quarters the amount which the Department contended would be necessary, and made these insufficient appropriations, so that the increase by the Senate is only bringing the appropriations up to the estimates? Am I right in that supposition, or have the Senate committee proposed to make increases beyond the original estimates of the Department?

Mr. ALLISON. In response to the inquiry of the Senator from New Hampshire, I will say that in the amendments reported the committee have not appropriated up to the estimates. Take, for example, the illustration given by the Senator of the fees of jurors, \$800,000. The House of Representatives appropriated \$400,000, and we have already appropriated for the current year a deficiency of \$200,000. So the appropriation provided here is the exact amount appropriated for the current year in the original bill and in the deficiencies, and it is in accordance with the estimate.

For fees of witnesses, where the House have appropriated \$750,000, we have appropriated \$1,400,000, the estimate being \$1,500,000. What the Committee on Appropriations propose is still \$100,000 less than the estimates, and also \$100,000 less than the appropriations for the current year, including deficiencies. It may be true that there will be deficiencies in some of these items, notwithstanding the great increases proposed by the Committee on Appropriations. That is practically true of all the items which are included in the judicial expenses.

Mr. CHANDLER. Then I understand that the Senate committee in no case have provided more than the estimate of the Department?

Mr. ALLISON. In no case have they provided more than the estimates of the Department, and in no case have they provided more than has already been appropriated, including the deficiency appropriations for the current fiscal year.

Mr. CHANDLER. So the House of Representatives seem to have deliberately reduced the appropriations below what they knew would be the expenditures, unless very large economies should be secured during the fiscal year?

Mr. ALLISON. It appears in a general way from the statements, reports, etc., that they only provided for one-half of the year.

Mr. CHANDLER. Mr. President, I should like to ask the Senator from Iowa whether it is not possible to insert in this bill some provision which, without crippling the administration of justice in the courts, will impose some duty upon the officers engaged in the expenditure of this money, from the Attorney-General down to the district attorneys and marshals, of keeping these expenditures within the estimates? Is there no way of requiring these amounts to be so apportioned to the districts or to the courts in the districts, or so apportioned during the four quarters of the year, that they will not all be spent during the first half or three-quarters of the year; but so that they will be sufficient, in order that there may be no deficiency, for which we shall be called upon to appropriate next year, as we have been always hitherto, and have been especially called upon to appropriate during the present session of Congress? Can not some provision be inserted in the bill which will keep the expenditures for the whole year within the estimates? In other words, can we not do something to keep these officers of justice from spending all this money between now and the 1st of next January, and then saying to us, "The courts will stop unless you appropriate about as much more as you have already appropriated?"

I remember when we began the discussion of this subject here in January the Senator from Florida [Mr. CALL] said that we must appropriate, I think, about two and a half million dollars, because, he said, there was a court to meet in about a week in Florida, and there was not money enough to pay the expenses of that court. In order that the Senator's court might meet in his State, we had given to us this one great reason why we should appropriate two or three million dollars.

Mr. CALL. My friend will allow me to correct him. I should be very glad to get two and a half million dollars for the court in Florida, but I did not make such an extravagant statement as that. I did say that there was a deficiency, and that the expenses of the courts all over the United States had largely increased, and very much because of the attempts to punish the laboring people who had been engaged in strikes for the protection of their wages. That is what I said.

Mr. CHANDLER. I did not mean to say that the Senator conveyed the idea that any such large sum of money was to be expended in Florida. I have no doubt if the Senator could have got the larger part of the whole appropriation into Florida he would have generously taken it into that State.

Mr. CALL. That is what I should have done.

Mr. CHANDLER. The argument that was made was that we could not do anything to stop the \$3,000,000 of appropriation, because money had already been expended in the first half of the year and the courts could not go on, especially the court in Florida could not go on. So we took all the appropriation. Can not we to-day in this bill do something which will keep us from being in that predicament next January?

Mr. ALLISON. If the Senator will allow me a moment, I will say to him that the appropriations for the current fiscal year were largely under the estimates. Our friends, who had charge of the appropriations last year especially, only appropriated for the expenses of the courts, if I remember rightly, \$3,340,000, when it was apparent, at least from the estimate of the Department and from the expenses of prior years, that that sum would be largely less than would be necessary to defray the expenses of the courts. I know of no way whereby we can provide in a statute for a limitation upon these expenditures. These expenses are under the control largely of the district, circuit, and appellate courts. They are also greater or less, depending upon litigation, criminal and otherwise, in those courts, and no man can tell a year in advance how many people will break through and steal, or how many robberies there will be of the mails, or how many infractions of the liquor law of the United States, the tax laws, and so on. Therefore we can only take an average of the expenditures, assuming and supposing that those who have control of the courts, the judges, district attorneys, and so forth, are not men who will wastefully use the public money, although that may have been done in some instances in the case of the district marshals; but it was the aim of the Committee on Appropriations to reasonably provide for the expenditures of those courts for the next fiscal year as disclosed by the actual expenditures this year, appropriating, I will say, nearly \$1,000,000 less than the expenditures of those courts for the current fiscal year.

Mr. CHANDLER. I suppose the amounts which the committee propose are based upon the assumption that during the next fiscal year the district attorneys and marshals are to have salaries?

Mr. ALLISON. They are based upon a large reduction in the expenditures of those courts in view of the legislation which is now in process of completion, in the legislative, executive, and judicial appropriation bill.

Mr. CHANDLER. Does the committee think that the appropriations contained in this bill, if the officers of the Department of Justice, great and small, do their duty, will be sufficient without the necessity of large deficiency appropriations next winter?

Mr. ALLISON. We hope so.

Mr. CHANDLER. I ask the Senator whether there will be any objection to putting into the bill a proviso like this?

It shall be the duty of the Attorney-General to so apportion and control the expenditure of the appropriations contained in this bill for the expenses of the United States courts as to prevent deficiencies toward the close of the year.

Is there any objection to putting that legislative injunction into the bill?

Mr. ALLISON. I do not believe that would be a wise provision. Suppose we appropriate \$800,000 for jurors, and toward the end of the last quarter or the beginning of the last quarter it turns out that there has been expended for jurors all the appropriations, shall the court stop and no jurors be summoned because of the fact that this inhibition is upon the Attorney-General? Or suppose the Attorney-General should so distribute this appropriation for jurors as to say that \$100,000 of it shall be expended in the first quarter, another \$100,000 in the second, and so on, and the moment the \$100,000 is exhausted for the first quarter the judge sitting upon the bench, although there may be the most important trial in progress, will be obliged to say, "The jury is

discharged because of the want of money provided by this inhibition proposed by the Senator from New Hampshire." As the Senator from Connecticut [Mr. PLATT] wisely suggests, these expenditures are not uniform.

I see no way whereby these expenses can be reduced, unless they are reduced either by fewer prosecutions or by the greater care of the judges, district attorneys, and marshals, who are in control of the expenditures very largely. I do not think it is in the power of the Attorney-General to control many of these expenditures, although I must say for all the Attorneys-General I have known, at least in recent years, that great care has been taken to minimize so far as possible the expenditures of the courts.

Mr. CHANDLER. I do not believe that a limitation of this kind and an apportionment of the expenditures to be made by the Attorney-General would result in any serious calamity. I do not believe that any court would not be held that would otherwise be held. As I understand, the Attorney-General is in the habit of making advances to marshals. He subdivides these appropriations, makes an estimate of how much will be wanted in each district, and sends that to the marshals, so that they may make payments of certain sums of money, and the balance of the appropriation is held subject to the control of the Department of Justice to pay audited accounts which may come in. I think the Attorney-General does substantially what my amendment would require him to do or would advise him to do. He undertakes to make an apportionment of this money to the districts, and he certainly can at least transmit the admonition of Congress to the district attorneys and the marshals, warning them that Congress expects them to get along with the money that has been appropriated.

Mr. President, I remember once this was done in connection with some naval appropriations when I had the honor to be Secretary of the Navy. An appropriation for labor in the Department of Construction, or an appropriation for labor in the Engineering Department, was made, and the Secretary of the Navy was directed to so apportion it during the four quarters of the year that there would be no deficiency; and you may be certain that it was so apportioned, and that the expenditure did not exceed the estimates under that direction. I thought then that there was a disposition on the part of a Democratic House of Representatives to somewhat hamper or restrain a Republican Secretary of the Navy; but after it was over I was glad that the limitation had been imposed, because I found that the head of a Department with will power enough could compel the keeping of the expenditures within the estimates; and I believe that the Attorney-General, although these are very large sums to expend, if he is directed to so control and apportion these expenditures that there shall be no deficiency at the end of the year, can so control and apportion them that we shall not be put to the necessity here next January of passing a deficiency bill of three or four million dollars for the expenses of the United States courts.

Mr. President, I am glad that the Committee on Appropriations have increased these amounts. Nevertheless, the Senator from Iowa is aware that it will be claimed, and it will be claimed by members of the House of Representatives, that that House appropriated, we will say, three or four million dollars for the United States courts, and that the Senate increased those amounts a million and a half or two million dollars; that the Senate unnecessarily raised appropriations made by the House of Representatives. That will be said after the old fashion of attaching or attempting to attach discredit to the Senate. Nevertheless, I am glad that the Senate committee have proposed to make appropriations which they think ought to cover the whole year, and I do think there ought to be some injunction put into this bill, which the Attorney-General shall obey, which will operate upon his subordinates in such manner that we shall not be confronted next winter with these deficiencies. I shall read again my suggested amendment:

That it shall be the duty of the Attorney-General to so apportion and control the expenditure of the appropriations contained in this bill for the expenses of the United States courts as to prevent deficiencies toward the close of the year.

I think that would be a useful provision. If the Senator prefers, I will insert the words "if possible" in the amendment. It seems to me that when we legislate as much as we do in these appropriation bills, filling them all up with legislation, we might occasionally put an injunction upon the heads of Departments, who are given appropriations in general terms which we mean shall be sufficient for the whole year, that they shall make those appropriations last during the whole year, and not subject us to the necessity of making deficiency appropriations.

Mr. STEWART. Will the Senator allow me to make a suggestion there?

Mr. CHANDLER. Certainly.

Mr. STEWART. From Bradstreet's reports it appears that crime of all kinds is increasing to an alarming extent, and that the almshouses and insane asylums are overflowing.

Mr. CHANDLER. Will the Senator tell us why that has happened?

Mr. STEWART. It is happening for the want of employment for the people. If we put an appropriation in this bill which would enable the people to go to work, I think we could probably cut down the appropriations. If they had something to do, if there was any business going on in the country, it would not be necessary to spend so much money for prosecuting people for crimes, for many of their crimes are the result of necessity. I think if there was a little more money in the country, so that business could go on, the appropriations could be cut down; but if you are going to keep the people in idleness, you must increase your appropriations for criminal purposes.

Mr. GALLINGER. Does it make any difference what kind of money it is? [Laughter.]

Mr. STEWART. Money that will buy bread, that is what we are looking for; money that will buy bread in this country. We will be satisfied with that. We are not hunting money to be used in doing our marketing in London. Very few of these poor fellows buy their vegetables in London, but they do want something with which they can buy bread in this country.

The VICE-PRESIDENT. Does the Senator from Nevada propose an amendment?

Mr. STEWART. No; but I make the suggestion to the Senator from New Hampshire if he wants to move an amendment.

Mr. CHANDLER. I will offer the amendment now, if the Senator from Iowa will allow me at this point, or wait until the committee amendments are concluded.

Mr. ALLISON. If the Senator consults me, I should hope he would wait a long time. I do not believe it is wise for us to undertake to place this restriction upon the Attorney-General. These expenses are not within the control of the Attorney-General, but they are within the control of 72 or more courts, scattered all over the country, having litigation not of their own volition. A judge sitting on the bench can not control the expenditures of his court. He does not know how many cases are to come before the grand jury, he does not know how many witnesses are to be summoned before the grand jury, he does not know how many indictments will be found, or how many witnesses will appear in court in the various cases, or how long they will remain, or whether the cases will occupy one day or two days or three days, and so on.

If the Senator from Nevada [Mr. STEWART] be right as to the increase of crime, the increase of litigation may happen in certain portions of our country and not in other portions; it might happen this year that the apportionment given, for instance, to the State of Iowa would not be needed by the courts in Iowa, and so of other districts and circuits. I think that this is one of the instances where it is impossible for legislation to control the expenditures of the courts from month to month.

Mr. CHANDLER. Then the Senator thinks we are in the hands of these officers of ours and can not do anything to restrain them?

Mr. ALLISON. We are in the hands of these officers, who are discharging their duties as the law requires, hearing and deciding cases which come before them. I do not see how we can very well regulate these expenditures by the Attorney-General.

Mr. GRAY. Without hampering the administration of justice.

Mr. ALLISON. Without hampering the administration of justice, as the Senator from Delaware well says.

The Attorney-General distributes to the marshals a certain amount of the appropriation. He does that for convenience, the marshal having given a bond for the faithful expenditure of the money coming into his hands. It is usual, I believe, for the marshal to estimate the cost of the expenses of a single term, for example, of the district court or the circuit court at the places where court is to be held, say, in April or in May, or whatever the time may be. The marshal then estimates the cost of that term of court as near as he can by knowing the situation of the business of the court, whether there is a grand jury, and, if so, the number of commitments that are to take place, and so on. The Attorney-General by requisition provides the marshal with two-thirds of that estimated expense, but that estimated expense may be increased in the first month or the first week of the court; and, if so, the expenses must be paid upon vouchers furnished by the marshal and approved by the court, as all these vouchers must be approved by the judge who sits in the trial of the causes.

So, with all deference to my friend from New Hampshire, who desires so much, as we all do, to curtail and limit the expenditures of our courts, I see no way whereby it can be done by a restrictive provision upon an appropriation bill.

Mr. CHANDLER. In deference to the Senator from Iowa, I will not offer the amendment; but I do insist that we shall endeavor to effect some reform by electing a new President of the United States and getting new district attorneys and new marshals. I hope that suggestion will meet with the favor of the Senator from Iowa. [Laughter.]

The reading of the bill was resumed at line 17, on page 108. The next amendment of the Committee on Appropriations was, on

page 111, line 10, to increase the appropriation for rent of United States court rooms from \$50,000 to \$80,000.

The amendment was agreed to.

The next amendment was, on page 111, line 21, after the word "judges," to insert "and such payments shall be allowed the marshal in the settlement of his accounts with the United States"; so as to make the clause read:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed \$10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, \$5 per day, not exceeding three days for any one term of court, \$10,000.

Mr. ALLEN. Mr. President, I desire to call the attention of the Senator from Iowa to a fact which came to my knowledge the other day, and it is to the effect that under this law, or laws similar to this which have been passed where Congress allows compensation to judges who hold courts outside of their particular districts, and especially the United States appellate judges, that in all instances they certify to \$10 a day, regardless of the actual expenses to which they are put. The evident policy of the law was to cover the actual expenses of the judges at hotels and for traveling expenses not to exceed \$10 per day.

I have information from a source that I am not permitted to disclose that in many instances where the legitimate expenses and hotel bills are not to exceed three or four dollars a day, where a judge has gone to a city and stayed there perhaps for a month or two months—

Mr. WOLCOTT. We can not hear the Senator.

Mr. ALLEN. In cases where the judge has gone to a place where the court is to be held, and has no expense except the mere expense of hotel bills, remaining there for a month, or, possibly, all winter in some cases, or for several months at least, uniformly he certifies to \$10 a day, which is the full maximum allowed by the law. I call the attention of the Senator from Iowa to this fact, so that this bill may be amended and the law not be abused by the very officer whose duty it is, above all others, to see that the law is observed. This bill provides:

That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed \$10 per day each, to be paid on written certificates of the judges.

There is a maximum fixed. There may be days when \$10 would be required to cover the expenses of the judge, and it would be perfectly proper for him to draw that sum and certify to it; but I submit that it is improper and in violation of the spirit, if not of the language, of the statute that the judge, simply because he has the power to certify, will be enabled to take from the Treasury of the United States \$10 for every day to cover his expenses when his actual expenses do not exceed four or five dollars a day.

It may be a small item; probably it is a small item, but it is not small in so far as it develops a disposition upon the part of high judicial officers of the country to violate the spirit of a law which they themselves are engaged in enforcing against criminals and other violators of the law.

Mr. CHANDLER. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CHANDLER. The provision is that the judge shall be paid his reasonable expenses for travel and attendance, not to exceed \$10 a day. The judge of a United States court has to certify that that is an expense; that that is what he has paid out. Does the Senator mean to say that there is a judge anywhere in the United States holding court in that way who, if his expenses were \$7 or \$8 or \$5 a day, would certify that they were \$10 in order to get the additional money?

Mr. ALLEN. I mean to assert, according to my information, and I look upon it as reliable, and I think inquiry at the Department of Justice would disclose the fact, that there are Federal judges in the United States—there is where they belong—who uniformly certify to \$10. They take the maximum under a certificate covering their expenses.

Mr. GRAY. Do I understand the Senator to say that all the judges certify to \$10 a day?

Mr. ALLEN. Not all. I do not say all. But I say that there are judges who do it—district judges holding, for instance, courts of appeal. Some of them do certify uniformly to \$10 a day and take \$10 a day out of the Government in cases where their legitimate expenses are not, and in the nature of things can not be, to exceed three or four dollars a day.

Mr. CHANDLER. Let me ask the Senator from Nebraska where on this footstool of ours where there is United States juris-

diction a judge going from one district to another can stop at a hotel, get a bedroom and a parlor (because he has to be where the attorneys can call upon him, where he can maintain the dignity and the decency befitting a Federal judge), with board, the poorest board the Senator would be willing to feed a district judge on, for three or four dollars a day?

Mr. ALLEN. It can be done in almost every city and town in this Union.

Mr. CHANDLER. Would the Senator be willing, if he were counsel, to go and wait on a judge holding court and find him living on \$3 a day? What sort of accommodations could he get? He could not for that price get a room big enough to take the Senator in to make his call. I do not think the Senator, who I know is for economy in public affairs, as I am, is disposed to be mean and to cut down the judges under such conditions. I certainly do not think the Senator means to say that there is a single judge in the United States who would make a false certificate for any such purpose.

Mr. ALLEN. If I had a decent-sized room and a very small-sized closet, I could take care of the Senator from New Hampshire and myself. There would be no trouble about that.

Mr. ALLISON. The Senator from Nebraska will observe that the only object of this provision is to place the district judges upon an equality with circuit judges as respects their expenses.

Mr. ALLEN. Yes, sir; I observe that they are put upon an equality. What I am contending for, and what I hope the honorable Senator from Iowa will remedy, is that these men shall not be permitted to violate the law themselves.

Mr. ALLISON. Does the Senator believe that any district judge or circuit judge is likely to violate the law by making a false certificate? The Senator must remember that this includes all traveling expenses as well as expenses while at the place of holding court.

Mr. ALLEN. I hope the Senator from Iowa will not put me in the attitude of making the charge that all Federal judges violate the law, for I do not make it.

Mr. ALLISON. I certainly would not put the Senator in any such attitude.

Mr. ALLEN. I say some of them do, according to my information. A judge is a human being. He is no more of a man after he becomes a judge than he was at the time he became a judge. If he had frailties at that time, he carries them to the bench with him.

The proposed statute fixes the maximum in these words:

Of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed \$10 per day each, to be paid on written certificates of the judges.

That carries the implication, which is as clear as language can make it, that he shall not receive \$10 a day unless his actual expenses amount to \$10 a day.

Mr. GRAY. His reasonable expenses.

Mr. ALLEN. His reasonable expenses. Reasonable expenses include hotel bill and railroad fare. I do not suppose it includes the purchase of a new suit of clothes or a box of cigars, but the reasonable, ordinary expenses of travel, including hotel bills.

Now, in answer to the honorable Senator from New Hampshire [Mr. CHANDLER], I wish to state that so far as my section of the country is concerned any district judge, or any other judge for that matter—any gentleman who wants to be entertained with reasonable liberality and have clean and decent, commodious quarters—can sustain himself at the best class of hotels, with the best class of food and the best class of service, for not to exceed \$2.50 a day. There is no hotel where he will be charged more than that, and he ought to be compelled to take that amount, because it is enough for any decent, respectable man.

Why, under these circumstances, should the judges be permitted to certify—a mere formality—that their expenses have been \$10 a day? I regret very much to feel it my duty to call attention to this matter. It would be much more pleasant to me, especially in view of the fact that I am in trouble here half the time with Democrats and Republicans and skirmishing between lines, trying to establish the Populist party as the respectable party of this country, to let the matter pass over and say nothing more about it. I may sometimes feel the weight of the remarks I am making when I go into one of the Federal courts to try a cause. At least if the judge should be against me I should have some suspicion that by something I had said here I had incurred his enmity, especially if the honorable Senator from Iowa concludes to accept my position as right, that the certificate should state that the actual expenses covered by the certificate were incurred and paid by the judge. I hope that will be done.

Mr. ALLISON. The object of the provision, as I stated a while ago to the Senator from Nebraska, is to equalize the judges when they travel outside of their circuits or districts to hold court. If there are abuses of the provision as respects circuit judges (there can not be abuses with respect to district judges), if the circuit judges are in the habit of certifying to more than they ought to

certify to, it would be wiser and better to allow the equality to be established, and then let the Judiciary Committee of this body take cognizance of the whole question, and make such modification of the statute of 1891 as will cure the defect or the evil which seems to be in the mind of the Senator from Nebraska. I hope that will be satisfactory to the Senator, and that he will allow the amendment to go in without objecting to it.

Mr. ALLEN. I suggest to the Senator from Iowa the propriety of inserting after the word "judges," in line 21, on page 111, the words:

Which said certificate shall in all cases contain a statement that the expenses therein certified have actually been incurred or paid.

Mr. ALLISON. I think on reflection the Senator from Nebraska will not care to have that amendment inserted in the bill. It is an imputation upon the good faith of the judges, and I should greatly prefer that the Senator would not press the amendment to the amendment.

Mr. ALLEN. I do not myself look upon it as an imputation at all. I dislike very much to disagree with the chairman of the Committee on Appropriations, for which position I have high respect, but there is altogether too much of a disposition to take money from this Government upon the thought that the man who occupies the position holds a very high official position, and therefore it would be wrong to impugn either his motives or his purpose. I do not regard this as an imputation upon the character of the judges. I do not think any honest, conscientious man can object to it. I am speaking now of the judges. I do not think any clear-minded man can object to it. It does not require the specification or itemizing of his expenses or anything of the kind. It simply requires that he shall state in the certificates that the amount has actually been incurred or paid by him. What can there be wrong about that? I do not see wherein it is wrong. Wherever a man draws mileage he is required to certify under oath what he has paid. Marshals are required to certify and so are bailiffs, and the fact that one is a judicial officer and the other an executive officer, it occurs to me, should make no difference.

The disposition which has been fallen into in our Government, and especially in certain branches, that some man is to be offended by legislation, and therefore the disposition to trust too much to his sense of honor rather than to trust it to statute, has brought about much of the extravagance in this country. Take, for instance, the case which the honorable Senator from New Hampshire [Mr. CHANDLER] spoke of a moment ago. Here we have in every Federal court in the United States 23 jurymen summoned at every term of court. We could very well dispense with 7 of them and come within the common-law rule as to the grand jury. The grand jury, according to common law, can not be less than 16 nor more than 23, so that 12 shall always constitute a majority. What objection is there or what objection has there been in the last twenty-five or thirty years to cutting off 7 of those grand jurymen at each term of court? They are as worthless as the fifth wheel to a wagon and are a great source of expense. Senators talk about expenses increasing constantly, and they are increasing to the great detriment of the debt-ridden and debt-burdened people. Why not take hold of this matter at a sensible and reasonable point and cut off expense? If we keep up the work of paring off a little here and a little there, where the expense is useless, in the course of time the expenditures will be brought down to a reasonable sum.

Mr. ALLISON. I will say to the Senator that I will agree, so far as I am concerned, to accept his amendment to the amendment.

Mr. ALLEN. I hope the Senator will not only yield at this time, as I feel he ought to do, but that he will not be in a yielding mood in the committee of conference.

Mr. ALLISON. That is rather anticipating what may be done hereafter, I suggest to the Senator. I always insist upon every amendment which the Senate insists upon.

Mr. ALLEN. I beg the honorable Senator's pardon for the remark, but I have been the victim, four or five times, of conference committees, and a burnt child always takes warning.

I move, then, to insert after the word "judges," in line 21, page 111, the words:

Which said certificate shall state in all cases that the judge has actually incurred or paid the expense therein stated.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 112, line 9, to increase the appropriation for payment of miscellaneous expenses, United States courts, from \$100,000 to \$175,000.

The amendment was agreed to.

Mr. ALLISON. I offer the amendment which I send to the desk.

The SECRETARY. On page 113, after line 7, insert:

That the Secretary of the Senate be, and he is hereby, authorized and directed to pay for reporting the debates and proceedings of the Senate from March 26 to March 29, 1896, inclusive, the payment to be made to the Official Reporters appointed by resolution of the Senate of March 30, 1896, the service having been performed by them.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 113, after the amendment just adopted, to insert:

Maltby Building: For repairs to building, \$3,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 113, after line 9, to insert:

Rent of warehouse: For rent of warehouse for storage of public documents for the Senate, \$1,800.

The amendment was agreed to.

The next amendment was, on page 113, after line 12, to insert:

For repairs and improvements to the Senate stables and grounds, \$2,000.

The amendment was agreed to.

The next amendment was, on page 113, after line 14, to insert:

Purchase of historical publications: That the Secretary of the Senate be, and he is hereby, authorized and directed to purchase from Gen. James D. McBride 2,500 complete sets of his historical publications, entitled *Important Periods in the History of the United States*, *Portraits of the Presidents of the United States*, and *the Seal of the United States*, and *Seals of the Executive, Judicial, and Legislative Departments of the Government*; and that said publications be distributed by the Secretary of the Senate as follows: One set for the use of the Senate of the United States, 1 set for the use of the House of Representatives, 3 sets to each Senator, Representative, and Delegate in Congress; 1 set to the President, 1 set to the Vice-President, 1 set to the Chief Justice of the United States, 1 set to each associate justice, 1 set to each member of the Cabinet, 1 set to the Executive Mansion, and 1 set to each of the Executive Departments, 1 set to the Supreme Court of the United States, 1 set to the Congressional Library; 42 sets to the Department of State for distribution among the various United States embassies and legations; 88 sets to the War Department for distribution among the various military post schools, including 1 set to the Military Academy at West Point and 5 sets to the National Homes for Disabled Volunteer Soldiers; 2 sets to the Department of Justice for the use of the United States prison; 78 sets to the Navy Department for distribution among the various vessels of the United States having libraries, including 1 set to the Naval Academy at Annapolis; 48 sets to the Department of Agriculture for distribution among the various agricultural colleges in the United States and Territories, and 800 sets to the Commissioner of Education for distribution among the various public libraries and educational institutions in the United States. And the sum of \$12,500 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the said Secretary of the Senate to carry into effect the provisions of this act.

Mr. HILL. What is the publication entitled *Important Periods in the History of the United States*—which may mean a good deal or nothing—*Portraits of the Presidents of the United States*, and *the Seal of the United States*, etc.? It seems to me the portraits of the Presidents of the United States are pretty well known and spread over the country in documents. The seal of the United States has been published over and over again. What is the document proposed to be published?

Mr. ALLISON. I am told this is a very valuable publication. I have not myself had time to investigate the subject thoroughly. It was presented to us by the Committee on Education, one of the responsible committees of this body, and very strongly urged upon the Committee on Appropriations. One or two members of the committee made an investigation of the subject, and were very warmly for it. I am sorry that they do not happen to be present at this moment. If there is any objection to the adoption of the amendment I will ask that it may be passed over until the chairman of the Committee on Education comes in.

The VICE-PRESIDENT. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to increase the appropriation for public printing and binding from \$2,917,320 to \$2,922,320.

The amendment was agreed to.

The next amendment was, on page 117, line 11, before the word "thousand," to strike out "seven" and insert "nine"; and in the same line, after the word "dollars," to insert:

Provided, That hereafter the entire cost of paper, printing, and binding of the separate chapters and papers from the annual report of the Director of the Geological Survey, provided for in the sundry civil act approved March 2, 1895, shall not exceed \$4,000;

So as to make the clause read:

For engraving the illustrations necessary for the report of the Director, \$9,000: *Provided*, That hereafter the entire cost of paper, printing, and binding of the separate chapters and papers from the annual report of the Director of the Geological Survey, provided for in the sundry civil act approved March 2, 1895, shall not exceed \$4,000.

The amendment was agreed to.

The next amendment was, on page 117, line 20, after the word "dollars," to insert:

Provided, That hereafter the reports of the Geological Survey in relation to the gauging of streams and rivers may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number, for official use and for distribution upon the request of Senators and Representatives in Congress;

So as to make the clause read:

For printing and binding the monographs and bulletins, \$20,000: *Provided*, That hereafter the reports of the Geological Survey in relation to the gauging of streams and rivers may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number, for official use and for distribution upon the request of Senators and Representatives in Congress.

Mr. WARREN. I desire, with the consent of the Senator in charge of the bill, to move an amendment to the committee amendment. I send the amendment to the amendment to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Wyoming to the amendment will be stated.

The SECRETARY. On page 117, line 22, it is proposed to strike out the word "rivers" and insert "to the methods of utilizing the water resources"; so as to read:

Provided, That hereafter the reports of the Geological Survey in relation to the gauging of streams and to the methods of utilizing the water resources may be printed in octavo form, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed at line 1, page 118. The next amendment of the Committee on Appropriations was, on page 118, line 13, to increase the appropriation for the Library of Congress from \$12,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 121, after line 3, to insert:

To enable the Public Printer, with the approval of the Secretary of the Treasury, to purchase two lots of land immediately adjoining the site of the Government Printing Office on the west, said lots running north and south from H street to Jackson alley, and containing 8,412 square feet, more or less; and to purchase in addition a site in the vicinity of the Government Printing Office, within that part of square 624 bounded on the south by G street northwest, on the east by North Capitol street, and on the north by Jackson alley, and containing 8,412 square feet, more or less, and to erect thereon a boiler house and coal sheds; and for the purchase and erection of two 300-horsepower steel steam boilers, with all necessary fittings and connections to connect said boilers to the Government Printing Office, \$100,000, to be immediately available.

If from any cause the Public Printer, with the approval of the Secretary of the Treasury, shall be unable to purchase said land at a satisfactory price from the owners, he is hereby directed and empowered, within thirty days after the passage of this act, to secure the same by condemnation proceedings, as provided in the act approved June 25, 1890, entitled "An act to authorize the acquisition of certain parcels of real estate embraced in square No. 323, of the city of Washington, to provide an eligible site for a city post-office," and the amendment to said act contained in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890.

Mr. PLATT. I should like to make an inquiry of the chairman of the committee for information. I see that the first part of the amendment provides for the purchase of two lots adjoining the Printing Office, and the second half of the paragraph provides for the purchase of two lots which I understand are not adjoining the Printing Office, the last two lots being for the purpose of erecting a boiler house upon them. What are the first two lots intended for?

Mr. ALLISON. The first two lots are small parcels of ground immediately west of the wing that has been constructed during the last year, and they are intended to make it certain that it may be utilized for lighting, etc. They are small lots; I have forgotten the size of them, but they are not large. The other is to build a new boiler house for the purpose of heating and power for the Printing Office. The present power house is in the heart of the Printing Office and is very dangerous to the people who work there.

Mr. PLATT. Then the first two lots are not intended for building upon?

Mr. ALLISON. No; they are not.

Mr. PLATT. That is to say, if the first two lots were built on they would shut off the light from the wing?

Mr. ALLISON. It is not the intention to build on them. They are narrow lots.

Mr. PLATT. It is to give the Government some ground around the wing which has been built.

Mr. ALLISON. That is all there is of it.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. On page 3, after line 16, I move to insert:

For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judges' chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, \$43,000.

The amendment was agreed to.

Mr. ALLISON. On page 10, after line 21, I move to insert:

Morris River lights, New Jersey: For establishing range lights and keepers' quarters at or near the entrance of Morris River, Delaware Bay, New Jersey, \$4,500.

The amendment was agreed to.

Mr. ALLISON. I suggest to the Senator from Maryland that we now go back to page 70 and consider the amendment that was passed over.

Mr. GORMAN. Very well.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment which was passed over will be read by the Secretary.

The SECRETARY. After line 20, on page 70, the Committee on Appropriations report to insert:

Authority is hereby given to expend from the appropriation of \$100,000 made by the act approved December 21, 1895, for the expenses of the Commission to Investigate and Report upon the True Divisional Line between

the Republic of Venezuela and British Guiana, such amount for rent of building or part of building in the District of Columbia as may be deemed necessary by the Commission.

Mr. ALLISON. A letter, which I believe the Senator from Maryland has in his possession, can be read if desired, and I should be glad to read the statute. The statute of March 3, 1877, provides that—

Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building.

That is the statute under which, I understand, it has been ruled, or is to be ruled, that under the appropriation of \$100,000 the Commission can not pay rent for a building, or part of a building, in the District of Columbia.

Mr. GORMAN. What is the date of the statute?

Mr. ALLISON. March 3, 1877, and it is in volume 1 of the second edition of the Supplement to the Revised Statutes. Under the provision read by the Senator from Mississippi [Mr. WALTHALL], general in its terms, I think it might be fairly decided by a court, or by an officer of the Government, that a general provision such as is inserted in the clause appropriating money for the Venezuela Commission could not be used for renting buildings in the District of Columbia. The Commission could use a part of the appropriation for renting buildings anywhere else. If they chose to establish their headquarters in New York City there is no doubt but that the appropriation could be made to apply.

Mr. WALTHALL. When this matter was up before I read to the Senate the act making the appropriation for the expenses of the Commission and suggested that that act, I thought, probably ought to work the repeal pro tanto of the statute just read. I did not have before me at that time the statute which the Senator from Iowa has just read, but after reading the statute I think it is very clear that I was mistaken.

Mr. ALLISON. I hope, then, there will be no objection to the amendment.

Mr. GORMAN. Of course I shall make no further opposition to the amendment, but the fact was brought to my attention that in 1893, when we made provision for the Exposition at Chicago, and a lump appropriation was made placing it in the hands of the board, this question was not raised at that time. That was the only case that I had in mind. Since the discussion took place I have been informed by a gentleman who was connected with that commission that there was no trouble. As a matter of course, if the Senator in charge of the bill and the Senator from Mississippi think there is no question in this case, I make no further opposition to the amendment.

The amendment was agreed to.

Mr. ALLISON. That, I believe, closes the committee amendments, except that on to-morrow I may desire to offer one or two amendments.

The PRESIDING OFFICER. The Chair will inquire of the Senator from Iowa if the amendment on page 113 was not passed over?

Mr. ALLISON. That is to be passed over until to-morrow.

The PRESIDING OFFICER. That amendment will be passed over for the day.

Mr. BACON. I ask leave to offer an amendment to the bill, to come in on page 122, after line 12.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 12, on page 122, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay over to the Cotton States and International Exposition Company all those portions of the appropriations heretofore made under the act of August 18, 1894, for the building and for the exhibit by the Government at the Cotton States and International Exposition at Atlanta, Ga., which shall remain unexpended after all the liabilities incurred by the Government on account of said building and exhibit shall have been fully paid off and discharged.

Mr. BACON. I offer the amendment with the consent of the Committee on Appropriations, and I trust after the statement which I shall present that I shall also have their support in its adoption as a part of the bill. The amendment does not appropriate any money. It simply seeks to have paid over to the Exposition Company the money which was appropriated in 1894 for the purposes of the Government building and the Government exhibit at the Atlanta Exposition.

I will state the facts. In 1894 Congress passed an act by which \$50,000 was appropriated for the building at the Atlanta Exposition and \$150,000 for the other expenses of the exhibit. When the commissioners who were charged with this work began it they were apprehensive that if they did certain grading and sewerage and built certain structures which were needed there would not be enough money left to carry out the design of the appropriation. While they were hesitating the Atlanta Exposition Company themselves went forward and made an expenditure of over \$33,000 in grading the ground, in sewerage it, and in other matters. I will call the attention of the Senate to the various items of expenses, all of which were legitimate charges upon the Government.

In the matter of preparing the ground, grading it, and in laying sewer pipes, etc., the expense was over \$21,900. A life-saving station also was needed for the purpose of exhibiting the life-saving apparatus and methods. The Government commissioners were afraid to undertake that work, and the Exposition Company went forward and erected it at a cost of \$4,097. A custom-house was also needed for the purpose of collecting the revenues of the Government from the exhibits which were imported, and that was erected by the Atlanta Exposition Company at a cost of \$900. There were other expenses of this character amounting to \$6,344, and the aggregate is over \$33,000.

The commissioners went forward in the discharge of the duties laid upon them by the law, and after having discharged all of the indebtedness there is of the appropriation still remaining about \$13,000. There are still some bills, probably amounting to \$2,000, unpaid. The purpose of the amendment which I have offered is to have this fund, which was designed for the making of the Government exhibit, apply so far as it is not needed for the discharge of the remaining liabilities, to the reimbursement pro tanto of the Exposition Company.

I desire to state that the amendment was introduced by me some days ago and referred to the Committee on Appropriations. I think it met with the approval of the committee. My information from members of the committee is that it was not ingrafted upon the bill, and the amendment does not come here with their recommendation simply from the fact that they had information as to proceedings in the other House with reference to the disposition of the Government building. In other words, the committee were informed that in the House it was proposed that the Government building, which still stands upon the ground, should be donated to the city of Atlanta or to the militia of that city, and thinking that that would be full compensation for this expenditure of \$33,000, they did not in the last moment put it upon the bill, although there are some members of the committee who absolutely thought that it had been done, and so informed me, they being mistaken.

Now, here is the point to which I desire to call the attention of the Senate. The proposed disposition of the building does not in any manner reimburse the Atlanta Exposition Company. The Atlanta Exposition was not carried out by the city of Atlanta or by the citizens of Atlanta, but by an incorporated company, the Cotton States and International Exposition Company. That company at a very large expense made that splendid exhibit. I am sure that no Senator who hears me will think I speak extravagantly when I say it was a splendid exhibit, which did credit not only to the city of Atlanta and the State of Georgia, but to the entire country. I have heard it commended in the most unstinted manner by ex-Senator Palmer, who was chief officer of the Chicago Exposition, as being in many respects superior to that one. It has certainly done a great deal to bring the people of this country together and to produce harmonious, friendly, and fraternal relations among them.

Another point to which I desire the attention of the Senate, and particularly of the Committee on Appropriations, is that the members of the company have made no money out of the enterprise. On the contrary, I hold in my hand a statement of the president of the company to this effect:

The directors have contributed from their private means about \$250,000 to bring the enterprise through to a successful conclusion, not one cent of which do they ever expect to receive back.

So, even if the building should be disposed of as it is proposed in the other House, it will not in any manner reimburse the directors to the amount of one dollar. If the donation of the building is to defeat this disposition of the unexpended balance, it would be very much preferred by the citizens of Atlanta that the Government would make some other disposition of the building and let them have this unexpended portion of the money.

I trust, Mr. President, with this statement, that the members of the Appropriations Committee and the Senate will see the propriety and justice of having the unexpended balance of the appropriation which has been heretofore made devoted to this purpose.

Mr. ALLISON. When this matter first came to the Committee on Appropriations I gave it my assent for the reason chiefly that it was the first time—

Mr. BACON. The Senator will please pardon me while I read a few lines from the Commission—it will take but a moment. I beg pardon for the interruption, but it is necessary in order that I may complete what I intended to say. This is a letter from the commission which was appointed under the law for the expenditure of this money, which has taken this action. It is signed by the secretary, Mr. W. I. Adams, addressed to the president of the commission, and is as follows:

COTTON STATES AND INTERNATIONAL EXPOSITION,
BOARD OF MANAGEMENT UNITED STATES GOVERNMENT EXHIBIT,
Office Agricultural Museum, Washington, D. C., April 10, 1896.

SIR: I have the honor to transmit the following true extract from minutes of the meeting of this Board held yesterday afternoon:

"Resolved, That in view of the fact that the Cotton States and International Exposition Company has made considerable expenditures on behalf of the

Government exhibit in Atlanta, it is proper that the unexpended balance of the appropriation for the exhibit be transferred to the Exposition Company."

Very respectfully,

W. I. ADAMS, Secretary.

Mr. C. A. COLLIER,
President and Director-General
Cotton States and International Exposition Company, Atlanta, Ga.

That is an extract from their proceedings.

Mr. ALLISON. This amendment commends itself to me from the fact that this is the first instance within my knowledge where there appears to have been a surplus remaining after such appropriations have been made. Some years ago, in aid of the Cotton Exposition at Atlanta, Congress appropriated \$200,000, providing, however, that \$50,000 of it only should be used for the construction of a building and \$150,000 should be used for the Government exhibit. It turned out, as shown by the papers, that the building cost ten or twelve thousand dollars more than the \$50,000.

Mr. BACON. More than that.

Mr. ALLISON. Whatever the exact amount may have been is immaterial. In other words, the building cost considerably in excess of the amount appropriated in the act providing for the exposition. Then there was a residuum, after paying all the expenses of the Government exhibit. So, although an appropriation of \$200,000 was made for the exposition, less than \$188,000 has been expended. So I thought this was a wise recognition of this exposition; but when I saw in the deficiency bill a provision that the building should be turned over to what I supposed at the time to be the same corporation, or the same people, I withdrew my support of the amendment. Learning since, however, from the Senator from Georgia and others that this building, if turned over at all, will be turned over to entirely different people, I am willing, for one, that the amendment shall be agreed to.

The amendment was agreed to.

Mr. ALLEN. I ask the unanimous consent of the Senate to call up for consideration at this time Order of Business 697, with the consent of the Senator from Iowa.

Mr. ALLISON. Mr. President, as the Senate has been very faithful in the consideration of the sundry civil bill during the day, and as I have on behalf of the committee two or three amendments to offer to-morrow, which are not quite ready to be offered now, and as I learn that there are more amendments to follow, notably the one to be proposed by the Senator from Connecticut [Mr. HAWLEY] relating to the printing of postage stamps, it is impossible for the bill to be completed to-night. Therefore I will yield to the Senator from Nebraska and other Senators for ordinary current business.

STOUT, HALL & BANGS.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 1656) for the relief of Stout, Hall & Bangs.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I do not object to the consideration of the bill, but I wish to amend the last sentence of the bill, which reads:

One-third of the sum herein appropriated shall be paid to each of the said claimants or to their authorized agents in writing.

So that the payment will go to the firm of Stout, Hall & Bangs, who did the work.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be read for information.

The SECRETARY. In line 14, after the word "Congress," it is proposed to strike out "one-third of"; and in line 15, after the word "to," to strike out "each of the said claimants," and insert "Stout, Hall & Bangs"; so as to read:

The sum herein appropriated shall be paid to Stout, Hall & Bangs, or to their authorized agents in writing, and the Secretary of the Treasury shall take vouchers therefor.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota.

Mr. ALLEN. Just one word. I hope the Senator from South Dakota will withdraw the amendment. The firm of Stout, Hall & Bangs has been dissolved, so that there is now no firm of that name in existence; and the amendment proposed by the Senator from South Dakota might permit one of those persons to go to the Treasury Department and draw this entire sum of money to the exclusion of the others. It is to prevent that that I hope the Senator will withdraw his amendment.

Mr. PETTIGREW. I shall not withdraw my amendment to this bill. Two of these three partners have bought the other out. I am perfectly willing to so arrange it as that the two partners shall draw the money equally, but I am not willing to have it so that one can cheat the others. The Senator, I know, does not understand that, but I think I do. If my amendment is not adopted I shall object to the bill.

The PRESIDING OFFICER. The Chair has not yet submitted the question as to the matter of unanimous consent. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I object.
The PRESIDING OFFICER. Objection is made.

JAMES SIMS.

Mr. WALTHALL. I ask unanimous consent for the present consideration of the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$6,338 to James Sims, of Marshall County, in the State of Mississippi, for quartermaster and commissary stores furnished by him to the Army of the United States in the years 1862 and 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF HERDS AND FLOCKS.

Mr. WARREN. I ask for the present consideration of Order of Business 133, being Senate resolution No. 72.

The PRESIDING OFFICER. The resolution will be read for information.

The Secretary read the resolution submitted by Mr. WARREN January 20, 1896, as follows:

Resolved, That in view of the late unprecedented shrinkage in numbers and values of farm animals throughout the United States, as shown by the last published reports of the Department of Agriculture, the attention of the Committee on Agriculture is hereby especially directed to this subject, with the request to consider and report to the Senate, or to invite the Finance Committee to consider and report by bill or otherwise, what legislation, if any, is necessary to preserve our herds and flocks.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HILL. I do not think the recitals in that resolution are well founded. Is there any special hurry about it, I ask the Senator?

Mr. WARREN. The resolution has been on the Calendar for some time, and I should like to have it disposed of. Has the Senator any amendment he desires to offer to it?

Mr. HILL. I thought it was one of those resolutions that was offered for the purpose of making a speech, and the speech having been made, that that would end the matter.

Mr. WARREN. Mr. President, if the Senator objects to the Committee on Agriculture taking cognizance of this shrinkage in numbers and value of live stock and of its submitting the question to the Committee on Finance for that committee to investigate the cause of the shrinkage, and, if possible, suggest a remedy, then I of course do not propose to press it. The resolution merely directs the committee to make an inquiry and to submit a report.

Mr. HILL. Let the resolution go over to-day.

Mr. WARREN. If the Senator from New York objects to the investigation and will take that responsibility, I am willing to leave it in that way.

The PRESIDING OFFICER. Does the Senator from New York object?

Mr. HILL. Yes; I will take the responsibility of objecting, though I think it is not a very serious one.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

SALARY ACCOUNTS OF SENATORS.

Mr. MITCHELL of Oregon. I ask unanimous consent for the consideration at this time of a concurrent resolution, reported from the Committee on Privileges and Elections, in relation to the salary accounts of certain Senators.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections on the 10th instant, as follows:

Resolved, That it is the duty of the Secretary of the Senate to credit the salary accounts, respectively, of LEE MANTLE, a Senator from the State of Montana, and CLARENCE B. CLARK, a Senator from the State of Wyoming, to the full extent of their monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, to July 31, 1894, the date of the passage of the act of Congress changing the time when the salaries of Senators elected or appointed to fill vacancies in the Senate, and of Senators elected for a full term subsequent to the commencement of such term, shall commence to run.

The resolution was considered by unanimous consent, and agreed to.

Mr. COCKRELL. I ask that the report in that case may be printed in the RECORD.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The report referred to, made by Mr. MITCHELL of Oregon on the 10th instant, is as follows:

The Committee on Privileges and Elections, to whom was referred resolution No. 165, directing such committee "to investigate and report to what extent, if any, the salary accounts of any members of the Senate should be credited with amounts which have accumulated during former vacancies in this body," having had the same under consideration, beg to submit the following report:

The only cases embraced in the terms of the resolution to which they could possibly have any application are those of LEE MANTLE, a Senator from the

State of Montana, CLARENCE D. CLARK, a Senator from the State of Wyoming, and, possibly, GEORGE L. SHOUP, a Senator from the State of Idaho.

Mr. MANTLE was elected January 16, 1895, took the oath of office February 2, 1895, and has been paid from the date of his election.

Mr. CLARK was elected January 23, 1895, took the oath of office February 6, 1895, and has been paid from the date of his election.

Mr. SHOUP was elected March 2, 1895, took the oath of office December 2, 1895, and has been paid from the date of his election.

Accounts have been stated in these cases, certified by the President of the Senate, and allowed and passed by the Treasury Department.

Prior to July 31, 1894, Senators elected for a full term subsequent to the commencement of such term were invariably paid from the beginning of the term. The act of July 31, 1894, however, provided as follows:

"That the salaries of Senators elected or appointed to fill vacancies in the Senate and of Senators elected for a full term subsequent to the commencement of such term shall commence on the date of their election or appointment."

It is claimed upon the part of Messrs. MANTLE and CLARK that inasmuch as the full terms to which they were elected had commenced to run prior to the passage of the act of July 31, 1894, supra, they are entitled to compensation from the date of the commencement of such terms to the date of the passage of the act aforesaid.

Your committee are of the opinion that such contention is well founded, and therefore that the salary accounts, respectively, of Messrs. MANTLE and CLARK should be credited to the extent of their full monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, to July 31, 1894, the date of the passage of the act aforesaid.

No claim has been made by Mr. SHOUP, nor do your committee believe that his account should be credited with any amount whatever, from the fact that the full term to which he was elected did not commence to run until subsequent to the passage of the act of July 31, 1894.

Your committee therefore report the following resolution and recommend its adoption:

Resolved, That it is the duty of the Secretary of the Senate to credit the salary accounts, respectively, of LEE MANTLE, a Senator from the State of Montana, and CLARENCE D. CLARK, a Senator from the State of Wyoming, to the full extent of their monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, respectively, to July 31, 1894, the date of the passage of the act of Congress changing the time when the salaries of Senators elected or appointed to fill vacancies in the Senate and of Senators elected for a full term subsequent to the commencement of such term shall commence to run."

JOINT SPECIAL COMMITTEE ON CONGRESSIONAL LIBRARY.

Mr. JONES of Arkansas. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from New Hampshire [Mr. GALLINGER] for the Senator from North Dakota [Mr. HANSBROUGH], to report it favorably.

Mr. HANSBROUGH. I ask unanimous consent that the resolution may be considered at this time.

There being no objection, the Senate proceeded to consider the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a joint special committee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable. Also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden. That the said joint special committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the said joint special committee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

Mr. GORMAN. I suggest to the Senator to strike out the words "and the Botanic Garden" wherever they occur, and let the investigation be confined to the Congressional Library.

Mr. HANSBROUGH. I have no objection to that amendment. I will say that the resolution has already passed the Senate before, and was subsequently referred to another committee.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland, to strike out the words "and the Botanic Garden" where they occur in the resolution.

The amendment was agreed to.

Mr. CHANDLER. I move, after the word "sit," in line 8, to insert the words "in Washington"; so that the committee will sit in Washington City.

Mr. HANSBROUGH. I have no objection to the amendment. The amendment was agreed to.

The resolution as amended was agreed to.

REASSESSMENT OF WATER-MAIN TAXES.

Mr. PROCTOR. I ask unanimous consent for the consideration of the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to insert at the end of the bill the following:

And any amount heretofore paid upon an assessment which has been declared void shall be credited the owner upon the reassessment made under the provisions of this bill.

Mr. PROCTOR. From the Committee on the District of Columbia I submit other amendments in lieu of that amendment which was formerly proposed, and I ask that the amendments which I now send to the desk may be considered.

The PRESIDING OFFICER. The amendments reported by the Senator from Vermont will be stated in their order.

The SECRETARY. In line 4, after the word "cases," it is proposed to insert "not exempted by this act"; so as to read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed in all cases not exempted by this act, where water-main taxes or assessments in the District of Columbia may hereafter be quashed, etc.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That no water-main tax or assessment shall hereafter be assessed or reassessed upon any land in the District of Columbia held and used exclusively for agricultural purposes, or upon any unsubdivided land not used for business purposes: *Provided*, That this exemption shall not apply to any land into which Potomac water has been or shall be introduced from a public water main in the avenue, street, alley, or road on which the land abuts.

Mr. GORMAN. I suggest to the Senator to let the bill go over and have the amendments printed, as I should like to examine it as the committee propose to amend it.

Mr. PROCTOR. I suggest to the Senator that the amendments to the bill may be agreed to, so that the bill may be perfected and then go over and be reprinted. The amendments have been reported by the Committee on the District of Columbia, and are recommended very earnestly by the Commissioners in view of avoiding litigation which comes up over these reassessments. The bill is precisely the same in principle as a bill we passed the other day in regard to the reassessment of general taxes.

Mr. GORMAN. I should like to see the amendments in print before they are adopted, and I trust the Senator will consent to have them printed and let the bill lie over.

Mr. PROCTOR. Then I ask that an order be made that the bill be printed with the proposed amendments.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

Mr. ALLISON. I move that the Senate adjourn.

Mr. ALLEN. I hope the Senator will withdraw that motion for a moment.

Mr. STEWART. I hope the Senator from Iowa will yield to me to secure the passage of a bill.

Mr. ALLISON. I will yield to my friend on my right [Mr. STEWART] and then to my friend on my left [Mr. ALLEN], after which I shall insist on my motion.

JAMES A. MOORE.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 768) for the relief of James A. Moore.

Mr. JONES of Arkansas. There was a list of Senators submitted to the President of the Senate who were to be recognized in the order they were placed on the list, and I am not going to agree that Senators whose names are there shall be displaced now by the action of any Senator; and I move that the Senate adjourn, so as to make us all even.

Mr. STEWART. I have not displaced anybody; I was in order.

Mr. JONES of Arkansas. I beg leave to say that the Senator has displaced several Senators whose names were down on the list before his.

Mr. STEWART. Oh, no; I have not.

The PRESIDING OFFICER. The Chair will explain to the Senator from Arkansas that the Senator from Nevada [Mr. STEWART] had his name on the list.

Mr. JONES of Arkansas. Was he next on the list?

The PRESIDING OFFICER. He was next on the list.

Mr. JONES of Arkansas. Then I withdraw my motion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 768) for the relief of James A. Moore. It directs the proper accounting officers of the Treasury to settle the accounts of James A. Moore for services rendered and expenses incurred as United States marshal for the district of Nevada from October 12, 1892, the date of the expiration of his commission, until May 15, 1893, the date when his successor qualified, in the same manner as if section 793 of the Revised Statutes of the United States providing for ad interim appointments had been complied with.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JANE CHRISTIAN MARYE.

Mr. GORMAN. I ask unanimous consent for the present consideration of the bill (S. 2637) granting a pension to Jane Christian Marye.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Jane Christian Marye, only child of W. S. Jett, late a soldier of the Revolutionary war, on the pension roll as a dependent daughter, to be paid a pension at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHMOND COLLEGE, RICHMOND, VA.

Mr. MARTIN. I ask unanimous consent for the consideration of the bill (S. 2143) for the relief of Richmond College, located at Richmond, Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 12, after the word "officers," to insert the following proviso:

Provided, That no money be so paid except upon accounts of such occupation, injury, and destruction, and the damage caused thereby duly verified and proven.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Richmond College, located at Richmond, Va., the sum of \$25,000, out of any money in the Treasury not otherwise appropriated, to reimburse said college for the occupation of its buildings and grounds by United States troops and officers for the period of eight months, said occupation commencing in April, 1865, and for injury to and destruction of the buildings, the apparatus, libraries, and other property of said college by said troops and officers: *Provided*, That no money be so paid except upon accounts of such occupation, injury, and destruction, and the damage caused thereby duly verified and proven.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SEWER AT HOT SPRINGS, ARK.

Mr. BERRY. I ask unanimous consent to call up the bill (H. R. 2265) to provide for reimbursement of the expenses of constructing a sewer upon the permanent reservation at Hot Springs, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Albert B. Gaines, S. H. Stitt, and A. S. Garnett, of Hot Springs, Ark., S. W. Fordyce, of St. Louis, Mo., and Charles B. Platt, of the city of New York, \$930 in reimbursement of the amount actually expended by them in the construction of a sewer upon the permanent reservation at Hot Springs, Ark.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY OF LAND IN NEBRASKA.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, in line 6, section 2, after the word "meridian," to insert "lying on the left bank of the Niobrara River."

The amendment was agreed to.

Mr. ALLEN. After the word "dollars," in line 5, section 3, I move to insert "or so much thereof as may be necessary."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE AT ST. JOSEPHS BAY, FLORIDA.

Mr. PASCO. I ask unanimous consent to call up the bill (S. 657) to provide for the erection of range lights at St. Josephs Bay, Florida, and at St. Andrews Bay, Florida.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, in line 3, after the word "that," to strike out "range light" and insert "a light-house"; in line 5, after the name "Florida," to strike out "and at St. Andrews Bay, Florida"; in line 6, after the word "thousand," to insert "five hundred"; and in line 6, after the word "dollars," to insert "or so much thereof as may be necessary"; so as to make the bill read:

Be it enacted, etc., That a light-house shall be erected, under the supervision of the Light-House Board, at St. Josephs Bay, Florida, and \$20,500, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a light-house at St. Josephs Bay, Florida."

JENNIE E. BURCH.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 1902) granting a pension to Jennie E. Burch.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie E. Burch, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of \$12 dollars per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA WILSON.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (H. R. 4265) granting a pension to Eliza Wilson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Eliza Wilson, widow of the late Nathaniel Wilson, late of Company M, Second Regiment Iowa Cavalry Volunteers, at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 25, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 24, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

WATER BONDS OF TUCSON, ARIZ.

Mr. MURPHY of Arizona. I ask unanimous consent for the present consideration of the bill which I send to the desk.

Mr. PICKLER. I call for the regular order.

Mr. MURPHY of Arizona. I hope the gentleman will withdraw that call for a moment. This bill will occupy no time.

Mr. PICKLER. Very well; I withdraw the call for a moment.

The Clerk read as follows:

A bill (H. R. 4068) to enable the city of Tucson, in the Territory of Arizona, to issue bonds to construct a water and sewer system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the city of Tucson, in the Territory of Arizona, by its mayor and common council, is hereby enabled to issue bonds of the said city, not to exceed \$100,000 in amount, payable within thirty years from the date thereof, in lawful money of the United States of America, and to bear interest at not to exceed 5 per cent per annum, interest payable semi-annually, the proceeds of the sale of said bonds, which shall not be sold at less than par, to be used exclusively in the construction of a water and sewer system for the said city of Tucson. That before said bonds are sold, at least thirty days' notice shall be given by publication in one or more newspapers of general circulation, asking for bids for the purchase of said bonds at not less than par.

SEC. 2. That at the time said bonds are ready to be issued by the mayor and common council of the said city of Tucson, the city treasurer of said city of Tucson, in whose custody the said bonds, or the proceeds of the sale thereof, shall be kept, shall be required to give an additional bond, to be approved by the mayor and common council of said city of Tucson, to the said city of Tucson, in not less than the value of said bonds, or the proceeds of the sale thereof, in his hands, for the safe-keeping of said bonds, or the proceeds of the sale thereof, and to account for the same.

SEC. 3. That before said bonds are issued the mayor and common council of the said city of Tucson shall cause an election to be held, in all respects as elections are now held in said city for the election of city officers, at which election the qualified electors of said city may vote for or against the issuance of said bonds, and should a majority of the votes cast at said election be against the issuance of said bonds, then said city of Tucson, by its mayor and common council, shall not issue said bonds.

The amendment reported by the Committee on Territories was read, as follows:

In line 6 of section 3, strike out "a majority" and insert "one-third"; so as to read, "one-third of the vote cast at said election," etc.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read a third time, and passed.

On motion of Mr. SCRANTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2642) to provide for the safety of passengers on excursion steamers—to the Committee on Interstate and Foreign Commerce;

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut—to the Committee on Claims; and

Joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship—to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.;

A bill (H. R. 5488) to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia; and

Joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

ARTICLES EXPORTED FOR EXHIBITION PURPOSES.

Mr. DINGLEY. I ask consent to call up a public bill which has been reported by the Committee on Ways and Means, and which the Treasury Department desires to have immediately passed.

The bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes was read, as follows:

Be it enacted, etc., That whenever any article or articles or live stock shall be sent out of the United States for temporary use or exhibition at any public exposition, fair, or conference held in a foreign country such articles shall be entitled to be returned to the United States, under such regulations as may be prescribed by the Secretary of the Treasury, without the payment of customs duty, whether they shall be of domestic or of foreign production: *Provided,* That the articles of foreign production have once paid duty in the United States and no drawback has been allowed thereon, and if any domestic articles are subject to internal-revenue tax such tax shall be proved to have been paid before exportation and not refunded.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

Mr. PICKLER. I call for the regular order.

ELECTION CONTEST—CORNETT VS. SWANSON.

Mr. JONES. I desire to present a privileged report. I am directed by the Committee on Elections No. 3 to present their report in the contested-election case of Cornett vs. Swanson, from the Fifth Congressional district of Virginia, and to ask that the minority of the committee be allowed until Wednesday next to file their views.

The SPEAKER. The report of the committee will be ordered to be printed. The gentleman from Virginia [Mr. JONES] asks that the minority of the committee may have until Wednesday next to file their views.

There was no objection.

The resolutions appended to the report of the committee are as follows:

Resolved, That George W. Cornett was not elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia.

Resolved, That Claude A. Swanson was duly elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia, and is entitled to his seat.

SARAH A. BOYD.

The SPEAKER laid before the House the following resolution of the Senate; which was read, considered, and concurred in:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2557) granting a pension to Sarah A. Boyd, by striking out the word "captain," in line 5 of said enrolled bill, and inserting "first lieutenant."

PENSION BILLS PASSED.

The SPEAKER. The next business in order is certain pension bills reported on last Friday evening from the Committee of the Whole House. These bills will now be taken up in their order.

Bills of the following titles, reported with amendments from the Committee of the Whole House, were severally taken up; and under the operation of the previous question (called for by Mr. PICKLER) the amendments were agreed to, and the bills as amended were ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer;

A bill (H. R. 4298) granting an increase of pension to Annie Thompson;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 1609) to remove the charge of desertion from the military record of Peter Fleming, of Battery E, Third United States Artillery (title amended so as to read "A bill for the relief of Peter Fleming, of Battery E, Third United States Artillery");

A bill (H. R. 2048) for the relief of Rufus Betz; and

A bill (H. R. 2844) granting a pension to Martha McNeil.

Bills of the following titles, favorably reported from the Committee of the Whole House, were severally taken up; and under the operation of the previous question (called for by Mr. PICKLER), were ordered to be engrossed, read the third time, and passed:

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary J. Davis, an invalid daughter;

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon, Seventy-seventh New York Volunteers; and

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull.

On motion of Mr. PICKLER, a motion to reconsider the several votes by which bills reported from the Committee of the Whole House were passed was laid on the table.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. MILES as a member of the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar.

Mr. PICKLER. Mr. Speaker, if I may be permitted to say so, I hope the motion will not prevail, as we wish to proceed with the further consideration of the pension bill.

The question was taken; and on a division (demanded by Mr. MAHON) there were—yeas 58, noes 63.

Mr. RICHARDSON. I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 77, nays 139, not voting 138; as follows:

YEAS—77.

Abbott,	Denny,	Mahon,	Spencer,
Adams,	Dinsmore,	McCreary, Ky.	Stokes,
Aldrich, Ala.	Downing,	McCulloch,	Strait,
Allen, Utah.	Erdman,	McDearmon,	Stroud, N. C.
Baker, N. H.	Evans,	McMillin,	Sulzer,
Bartlett, Ga.	Fischer,	McRae,	Swanson,
Bell, Colo.	Gibson,	Miller, Kans.	Talbert,
Bell, Tex.	Hall,	Odel,	Tate,
Berry,	Hart,	Odey,	Terry,
Black, Ga.	Hendrick,	Owens,	Tucker,
Broderick,	Hubbard,	Patterson,	Turner, Ga.
Clardy,	Johnson, Cal.	Pendleton,	Turner, Va.
Cobb,	Jones,	Pugh,	Tyler,
Cockrell,	Kem,	Richardson,	Underwood,
Cooper, Fla.	Layton,	Sayers,	Wheeler,
Cooper, Tex.	Lester,	Sherman,	Williams,
Cox,	Lewis,	Shuford,	Wilson, S. C.
Crisp,	Little,	Skinner,	
Crowley,	Livingston,	Smith, Ill.	
De Armond,	Loudenslager,	Sparkman,	

NAYS—139.

Acheson,	Dingley,	Jenkins,	Sauerhering,
Andrews,	Dolliver,	Joy,	Seranton,
Arnold, R. I.	Draper,	Kerr,	Shafroth,
Atwood,	Eddy,	Knox,	Shannon,
Avery,	Ellis,	Leighly,	Simpkins,
Baker, Kans.	Faris,	Linney,	Snover,
Baker, Md.	Fenton,	Linton,	Southard,
Bartholdt,	Fowler,	Lockhart,	Spalding,
Bartlett, N. Y.	Gamble,	Low,	Sperry,
Beach,	Gardner,	Mahany,	Stable,
Bennett,	Gillet, N. Y.	Marsh,	Stephenson,
Bishop,	Gillet, Mass.	McClellan,	Stewart, N. J.
Blue,	Graff,	McCormick,	Stewart, Wis.
Boutelle,	Griffin,	Meiklejohn,	Stone, C. W.
Brosius,	Grosvenor,	Mercer,	Strode, Nebr.
Brumm,	Grow,	Miller, W. Va.	Sulloway,
Bull,	Hadley,	Milliken,	Tawney,
Burton, Mo.	Hager,	Milnes,	Thomas,
Calderhead,	Halterman,	Minor, N. Y.	Thomas,
Cannon,	Hardy,	Minor, Wis.	Tracey,
Chickering,	Harmer,	Moody,	Van Horn,
Clark, Mo.	Heatwole,	Morse,	Van Voorhis,
Coddling,	Hemenway,	Northway,	Walsh,
Coffin,	Henderson,	Otjen,	Warner,
Connolly,	Henry, Conn.	Overstreet,	Watson, Ohio
Cooke, Ill.	Henry, Ind.	Parker,	Wellington,
Cooper, Wis.	Hepburn,	Payne,	Wilber,
Corliss,	Hermann,	Pearson,	Willis,
Cousins,	Hilborn,	Perkins,	Wilson, Idaho
Crowther,	Hitt,	Phillips,	Wilson, Ohio
Curtis, Iowa	Howell,	Pickler,	Wood,
Curtis, Kans.	Huff,	Poole,	Woodard,
Dalzell,	Hunter,	Quigg,	Woodman,
Danford,	Hurley,	Ray,	Woomer,
Daniels,	Hyde,	Royce,	

NOT VOTING—138.

Aitken,	Doolittle,	Kyle,	Prince,
Aldrich, Ill.	Dovener,	Lacey,	Raney,
Allen, Miss.	Ellett, Va.	Latimer,	Reeves,
Anderson,	Elliott, S. C.	Lawson,	Reyburn,
Apsley,	Fairchild,	Lefever,	Robertson, La.
Arnold, Pa.	Fitzgerald,	Leisenring,	Robinson, Pa.
Babcock,	Fletcher,	Leonard,	Rusk,
Bailey,	Foot,	Long,	Russell, Conn.
Bankhead,	Foss,	Lorimer,	Russell, Ga.
Barham,	Goodwyn,	Loud,	Settle,
Barney,	Griswold,	Maddox,	Shaw,
Barrett,	Grout,	Maguire,	Smith, Mich.
Belknap,	Hainer, Nebr.	McCall, Mass.	Sorg,
Bingham,	Hanly,	McCall, Tenn.	Southwick,
Black, N. Y.	Harris,	McClary, Minn.	Stallings,
Bowers,	Harrison,	McClure,	Steele,
Brewster,	Hartman,	McEwan,	Stone, W. A.
Bromwell,	Hatch,	McKenney,	Strong,
Brown,	Heiner, Pa.	McLachlan,	Taft,
Buck,	Hicks,	McLaurin,	Taylor,
Burrell,	Hill,	Meredit,	Tracewell,
Burton, Ohio	Hooker,	Meyer,	Trelor,
Catchings,	Hopkins,	Miles,	Updegraff,
Clark, Iowa	Howard,	Mondell,	Wadsworth,
Clarke, Ala.	Howe,	Money,	Walker, Mass.
Colson,	Hulick,	Moses,	Walker, Va.
Cook, Wis.	Hulling,	Mozley,	Wanger,
Cowen,	Hull,	Murphy,	Washington,
Crump,	Hutcheson,	Neill,	Watson, Ind.
Culbertson,	Johnson, Ind.	Newlands,	White,
Cummings,	Johnson, N. Dak.	Noonan,	Wilson, N. Y.
Curtis, N. Y.	Kendall,	Ogden,	Wright,
Dayton,	Kiefer,	Pitney,	Yoakum,
De Witt,	Kirkpatrick,	Powers,	
Dockery,	Kulp,	Price,	

So the motion was rejected.

The following pairs were announced until further notice:

Mr. HICKS with Mr. MADDOX.

Mr. HOOKER with Mr. MINER of New York.

Mr. JOHNSON of North Dakota with Mr. STALLINGS.

Mr. REEVES with Mr. CATCHINGS.

Mr. PRINCE with Mr. BAILEY.

Mr. RANEY with Mr. COWEN.

Mr. LACEY with Mr. HUTCHESON.

Mr. BINGHAM with Mr. DOCKERY.

Mr. ALDRICH of Alabama with Mr. MCKENNEY.

Mr. WILLIAM A. STONE of Pennsylvania with Mr. NEILL.

Mr. JOHNSON of Indiana with Mr. ROBERTSON of Louisiana.

Mr. WHITE with Mr. RUSK.

Mr. MOZLEY with Mr. MAGUIRE.

Mr. ROBINSON of Pennsylvania with Mr. SHAW.

Mr. McCALL of Massachusetts with Mr. CLARKE of Alabama.

Mr. HULL with Mr. MOSES.

Mr. BARHAM with Mr. BANKHEAD.

Mr. LEISENRING with Mr. MONEY.

Mr. HATCH with Mr. WASHINGTON.

Mr. MEIKLEJOHN with Mr. ELLETT of Virginia.

Mr. BRUMM with Mr. ELLIOTT of South Carolina.

Mr. RUSSELL of Connecticut with Mr. RUSSELL of Georgia.

Mr. KULP with Mr. CUMMINGS.

Mr. WANGER with Mr. FITZGERALD.

Mr. FOSS with Mr. HARRISON.

The following pairs were announced on this vote:

Mr. LEONARD with Mr. MEREDITH.

Mr. DOVENOR with Mr. McLAURIN.

Mr. KIEFER with Mr. LATIMER.

Mr. DE WITT with Mr. KENDALL.

Mr. HULICK with Mr. KYLE.

Mr. CURTIS of New York with Mr. SORG.

Mr. REYBURN with Mr. CULBERSON.

Mr. SMITH of Michigan with Mr. YOAKUM.

Mr. AITKEN with Mr. ALLEN of Mississippi.

Mr. FAIRCHILD with Mr. PRICE.

Mr. FLETCHER with Mr. OGDEN.

Mr. HOPKINS with Mr. MILES.

Mr. STEWART of New Jersey. Mr. Speaker, my colleague Mr. PITNEY is confined to his room by sickness. I ask that he be excused.

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I entered the Hall immediately after my name was called and desire to be recorded.

The SPEAKER pro tempore. The Chair can not entertain a request to record a vote under the circumstances.

Mr. SMITH of Michigan. I believe I am paired, but desire to state that I should vote "nay" on this proposition.

Mr. BAILEY. I am paired with the gentleman from Illinois, Mr. PRINCE, and desire to withdraw my vote. I had temporarily overlooked the fact.

The result of the vote was then announced as above recorded.

AMENDMENT OF PENSION LAWS.

Mr. PICKLER. Mr. Speaker I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pension bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

Mr. PICKLER. I yield to my colleague, the gentleman from Ohio [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman, as a member of the Committee on Invalid Pensions that reported this bill to the House for its consideration, my first thought was, in view of the fact that it was the first bill of a general character pertaining to pensions that had been presented to the House for its action at this session, it was incumbent on me, as a member of the minority of the committee especially, to say something upon the floor as to its merits or demerits. But after having heard the long, able, interesting, and, all things considered, the very fair and conservative speech of the chairman of the committee [Mr. PICKLER] I reconsidered my first opinion, and came to the conclusion that inasmuch as I could not hope to add anything of interest to the discussion, I would willingly refrain from taking the floor at all. I believe I so stated in the committee room; but I did couple that statement with the qualification that if no gentleman upon the other side of the House should in his zeal provoke me further I certainly would adhere to my original resolution, but reserved the right as a matter of self-defense, not particularly for myself as a member of the minority of the committee, but of the party which I represent, to present some matters to this House in explanation of any opposition that I might offer to any portion of the bill.

Mr. Chairman, I want to make myself understood at the outset. I am not here as a champion of this Administration on the pension question. I am not here in opposition to this bill now under consideration. As a whole, I think it a good bill. I believe that it is in the interest of the old soldier—in the language of the gentleman from Illinois of the "sure-enough" soldier. But while I shall vote for it in its present condition if compelled to do so, it seems to me at the same time proper to add that I hope an opportunity will be given to those who are interested in the special welfare of the "sure-enough" soldiers to submit two or three amendments at least, to which I wish to call attention before concluding.

I take pleasure in saying that I have the honor to represent on this floor a large soldier constituency. I do not know the exact number and could not undertake to say; but including the old soldiers and their widows and dependents, I have no doubt the number will be between five and six thousand. I would be perfectly safe in saying that the number is not less than 5,000. I have mingled a great deal with those old soldiers; I have mingled with them since my early boyhood, long before I ever aspired to an office; and more especially since I have had the honor to be a member of this body. I have become in that time acquainted with a very large number of them. Hence I assume and claim that I have the means of knowing their wishes relative to pension legislation, because I have always made it a point, when talking with them either in public or private, to ascertain what their wishes were relative to these subjects which I knew I would have continually to deal with while discharging, or attempting to discharge, my official duties in this body. Therefore I say, as a friend of the old soldier, as a friend of the true soldier, that I believe this is a good bill, as a whole, and I shall vote for it. I hope that gentlemen on this side of the House will, with at least substantial unanimity, concur with me in my position.

Referring again to the provocation that put me on the floor, I anticipated that unfortunately, in the discussion of this question, some gentleman upon the other side would not fail to lug in politics. I deprecate it. I condemn it. I enter my protest against it; for if there is any question that ought to be regarded as non-partisan, that ought to be considered without any feeling or bias in a political way, it is the question of pensions to the defenders of our flag and of our country.

But before I refer to the gentleman who has thus irritated me, or who has provoked me to take the floor, I want to respectfully call the attention of this committee to my objections to this bill. I ask the earnest attention of gentlemen, because I have given this bill a great deal of serious consideration. And I repeat, speaking now as the friend, as the representative of the true soldiers, as the friend of the "sure-enough" soldiers, that there are at least two sections in this bill which do not meet with their approval.

I wish especially to refer to section 13. I will not take the time to read it, but it is the section which provides that, notwithstanding the fact that a soldier may have deserted the Army, if he has afterwards enlisted and received an honorable discharge it shall be no bar to his status upon the pension roll. I ask your earnest consideration of this proposition; and that is all there is in it. It presents the simple question now, whether or not a soldier, having enlisted in the Army, and having deserted, willfully deserted, if you please, because there is no exception—basely deserted—but having afterwards reenlisted, and from that reenlistment received an honorable discharge, whether or not he is worthy to be placed upon the pension rolls?

In this connection, I want to call the attention of the committee

to this important fact, which came to me by reason of my intermingling and conversations with the old soldiers themselves. I have heard it referred to frequently. In 1864, especially—and a great many of the old soldiers upon this floor can bear me out in this statement—the year 1864 was the time especially in which these desertions principally occurred. I have forgotten the number of desertions that took place from the Army of the Union in 1864, and hence shall not undertake to state it, but it was among the thousands and tens of thousands, and possibly 100,000. There was a very large and extraordinary number of desertions during that year. And I am told by these "sure-enough" soldiers that a great majority, if not nine-tenths, of those who thus basely deserted their flag and their country in that year and hour of trial did it for the express purpose of receiving the large bounties that were paid to soldiers during the latter part of that year. And the effect would be to give these soldiers who deserted in that year especially, and who are not upon the rolls, who deserted their commands for the mercenary purpose of receiving the large sums of money that were offered by way of bounty, to place them upon the pension rolls.

Mr. Chairman and gentlemen of this committee, I submit to you that that ought not to be done, and as a true friend of the true soldier I am here to enter my protest. If I have an opportunity, which I hope the Chairman of this committee or the members of the House will give me, I shall submit an amendment striking out the following words in section 13, covering the objection to which I have just referred, namely:

Notwithstanding a prior service from which the person on whose service the claim depends was not honorably discharged.

That will, by striking out the words I have just referred to, prevent these objectionable people to whom I have just alluded from getting upon this roll, which I believe we all, on both sides of this House, want to preserve as a roll of honor.

My second objection to this bill is to section 14, and I call the especial attention of the Committee of the Whole to this objection, which has been well stated by my colleague upon the committee, Mr. MCCLELLAN. The portion that I object to is the rating that shall be allowed to the soldier for his injuries. My objection is to this part of the section:

To all disabilities pensionable under the general law the same rate of pension shall be allowed as under the general law, not to exceed in the aggregate \$12 per month.

Now, when you stop to think a while, you will see the pertinency of my objection. There is not a true friend of the true soldier but will concede that a man who receives his injuries in battle, at the front, in the face of the enemy, is entitled to more consideration at the hands of a grateful country than a man who may have received his injuries in a runaway, or in a sawmill, while engaged in peaceful pursuits. But yet, if you permit those words to remain in the bill, you make no distinction up to and including \$12 a month. The man who was shot on the field of battle, and who was maimed or injured in some way while in the Army, or who incurred a disease while at the front, will be entitled to no more consideration, to no greater pension at your hands if this rate is permitted, than will the man who received a wound while pursuing his peaceful avocations last year, in 1895, or any prior year since the war.

I submit to you, gentlemen of this committee, that that distinction ought to be obviated; that it has been recognized as the policy of this Government from the close of the war, and with every other government, that men who receive their injuries on the battlefield, or in the front, are entitled to more consideration at the hands of a grateful country than are those who received wounds or injuries or contracted disease otherwise.

Now, these are the only two serious objections I have to this bill. I hope they will be eliminated, and then I can vote for it cheerfully. I will vote for it, I repeat, anyhow, but under protest, because I believe it is in the interest, taking it altogether, of the old soldier. It will enable him to secure a pension much more speedily, if he is entitled to it, and it will at least enable him to have his case closed up and determined without unnecessary delay, whether or not he is to receive a pension.

Now, as to the other objections that have been made, I suggest they are not tenable, in my judgment. The gentleman from Michigan [Mr. SMITH] objects to this second section of the bill, providing that no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced except on "mistake of fact" or "recovery from disability." The gentleman objects to those six words, and objects to that portion of the bill. The distinguished gentleman from Iowa [Mr. HEPBURN], as I remember, objects to the form of the jurat required in prosecuting an application for pension before the Pension Bureau; and the distinguished gentleman from Iowa submitted an amendment which he proposes to offer for the consideration of this committee if opportunity is given him—an amendment which I will read here, and will vote for it, because if this amendment is adopted it will not only be in the interest of the old soldier, but at the same

time it will obviate entirely, in my opinion, the objections offered by the gentleman from Michigan and the gentleman from Iowa himself to other portions of the bill. That amendment offered by the gentleman from Iowa [Mr. HEPBURN] is as follows:

That in the administration of the Pension Bureau all pension laws shall be construed liberally in the interest of the claimant, and in no case shall the claimant be required to furnish a measure of proof that excludes all reasonable doubt, but he shall only be required to establish his claim by a fair preponderance of proofs.

I believe that amendment, I say, should be adopted; and if it is, it will obviate and entirely eliminate all these other objections that have thus far been advanced against this bill. When we come to deal with a definition of fraud, and to provide a code of laws for it, and a definition of mistake of fact, all lawyers will agree that you are getting into very deep waters. In other words, it can not be done; it is not practicable. The only thing you can do as to these details, as to what constitutes fraud and mistake of fact, is to leave that to the broad discretion and judgment of your judicial and executive officers; and when you put in this amendment that in the administration of the laws in the Bureau all pension laws shall be construed liberally, in the interest of the claimant, you at once obviate the objections made by the gentleman from Michigan [Mr. SMITH] and the gentleman from Iowa [Mr. HEPBURN]. Therefore I think, with these three amendments, I can cheerfully commend and do commend this bill to every member upon both sides of this House.

Mr. OWENS. As to the first section, too?

Mr. LAYTON. Yes, as to the first section. That includes the men who first enlisted in the Confederate army and afterwards repented of their mistake and enlisted in the Union Army and received an honorable discharge therefrom. I do not see any objection to that. I believe in forgiving men when they honestly admit that they made a mistake and try to make all amends possible; and this was the only or the best way they could show their good faith at that time.

Mr. PICKLER. Will my colleague allow me to ask him a question right there?

Mr. LAYTON. Certainly.

Mr. PICKLER. Why should you not, in good faith, be in favor of the proposition to forgive those boys who deserted and afterwards went into the Union Army?

Mr. LAYTON. I will forgive them if they were not deserters for a mercenary purpose.

Mr. PICKLER. My colleague of course remembers that in the Administration preceding this these men were all pensioned, and this is only going back to the old rule, so far as that is concerned.

Mr. LAYTON. I never approved it; I have never known any true soldier that did approve of these willful deserters being pensioned under any circumstances. If they were simply technical deserters, if they did not, in fact, intend to desert, I would give them a pensionable status; but, as I have stated, a great majority of them are reported to have deserted in the latter part of 1864 from one regiment and enlisted in another, in order to secure the large bounties which were paid at that time. If it was a mere technical absence without leave and not a willful desertion, I believe in removing that charge; but everyone who is in that condition can come to Congress; and after they have done that no objection will be made to their being thereafter placed in a pensionable status and that they may go on the pension roll.

Mr. COX. Will the gentleman yield to me for one moment?

Mr. LAYTON. With pleasure.

Mr. COX. Let me call your attention there to the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

Mr. LAYTON. I have it before me.

Mr. COX. You have it before you. That is, that in construing the evidence it shall be construed with a view to deciding the case according to the preponderance of the evidence. That is the point, is it not?

Mr. LAYTON. That is the purpose.

Mr. COX. Now look at the amendment. It provides on the face of it that this evidence shall be construed in the interest of the applicant. Now, why not strike that out and leave the evidence to be construed with reference to the preponderance, regardless of the applicant or the Government?

Mr. LAYTON. I think that, taking the whole amendment together, is its intent and purport. The rule has been, not only under this Administration but also under the preceding one—I speak from personal knowledge, because I have had a great deal to do with both in my official capacity—the rule has been, or at least the practice has seemed to be, no matter what rule they claim to be acting under, that the soldier was required to prove the claim beyond all reasonable doubt.

Mr. COX. Of course. Now, the point there is on the construction of the evidence, and your position is that the rule has been that the applicant must prove his case beyond reasonable doubt. That is the point you are making.

Mr. LAYTON. I say that has been the practice, whatever the rule may have been.

Mr. COX. But that is your point. Now, then, why put in this bill a provision that the evidence shall be construed liberally for the applicant?

Mr. LAYTON. In answer to the distinguished gentleman from Tennessee I will say that I believe the time has come when that provision ought to be placed in a general pension bill, for the reason that at this time, thirty-one years after the close of the war, it is often very difficult for these old soldiers to secure the technical evidence that might be required. This is only a question involving in each case a few dollars and cents. It is in the nature of a simple civil action in a court, and there is not a court in Christendom that requires anything more than this amendment requires where the mere question of dollars is involved; the rule in all such cases is that the preponderance of testimony shall govern. In that same connection I do not know that it would be well now, so long after the close of the war, that the executive officers should be required to construe the law and the evidence applicable to these pension cases liberally in favor of the applicants.

But, Mr. Chairman, I am talking a good deal longer than I intended when I took the floor. I want now to speak of the provocation to which I referred at the beginning of my remarks. The gentleman from Iowa [Mr. HAGER] in his eloquent speech yesterday afternoon used this language, as near as I can quote it:

The same men who thirty years ago did all in their power to keep men off the muster rolls are now doing all they can to keep them off the pension rolls.

And the gentleman from Pennsylvania [Mr. MAHON], who followed the gentleman from Iowa, said:

The soldiers and their friends have come to know that their only true friend is the Republican party.

Now, reverting to the statement of which I have complained as made by the gentleman from Iowa, I assume in commenting upon it that he possibly referred to the members of this House from the Southern States. He either referred to them or he referred generally to the great Democratic party, to which I have the honor to belong. If he referred to the former, I do not hesitate to stand here—because I know that those members will remain silent, as they always have done during the discussions of these questions—to repel and refute any such imputation as might be implied by the statement that the men who thirty years ago did all in their power to keep men off the muster rolls are now doing all they can to keep them off the pension rolls.

Mr. MILES. Who made that remark?

Mr. LAYTON. The gentleman from Iowa [Mr. HAGER]. Mr. Chairman, during my short experience in Congress I have sat in my place and have seen these gentlemen from the Southern States, men who were soldiers in the army of the Confederacy, brave soldiers, men like the gentleman from Alabama [General WHEELER], like the gentleman from Georgia, the ex-Speaker of this House [Mr. CRISP], like the distinguished gentleman from Tennessee [Colonel COX] who has just asked me a question, and many others—I have seen those men day after day, session after session, without opposition, without objection, ungrudgingly, and cheerfully, if you please, vote millions and millions of dollars; in fact, vote every dollar that was asked for by the administration of the Pension Bureau for the payment of pensions to the veterans of the Union armies. Take for illustration now, for the purpose of refuting these statements, the action of the Fifty-third Congress.

I repeat, in order that I may not be misunderstood, that I am not appearing here as the champion of this Administration in its conduct relative to the pension laws. I do not indorse it, but I do protest against the statements of the gentleman from Pennsylvania [Mr. MAHON] and the gentleman from Iowa [Mr. HAGER] in the light of the record of the Fifty-third Congress, the preceding Democratic Congress, of which I had the honor to be a humble member, and I believe that when I get through calling the attention of this committee and of the gentleman from Pennsylvania and the gentleman from Iowa to the record, which I have taken the trouble to look over and compile briefly, they will rise in their places and say that, so far as the Democratic party in the Fifty-third Congress is concerned, the statements that they made here yesterday were not correct.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. LAYTON. Yes, sir; just a question.

Mr. MAHON. I gave you yesterday from the records of Congress the figures to show that in all general pension legislation the majority of the votes cast by the Democratic party were in opposition.

Mr. LAYTON. Mr. Chairman, I have seen that record, with the exception of the last few votes, for many years past, and I have heard it cited at every session of Congress since I have been here.

Mr. MAHON. Those data I secured by getting and paying for the services of an expert. Now I want to ask the gentleman this question: If pension legislation since the war—I mean general legislation; I am not talking about appropriations—had depended

on the votes of the Democrats on that side of the House, would there have been any such legislation?

Mr. LAYTON. I am going to answer that question in my own way by calling the gentleman's attention to what I know to be the fact. I am going to answer the question, in other words, by referring to the action of the Fifty-third Congress. The gentleman knows—he was a member of that Congress—I do not now refer so particularly to the gentleman from Iowa [Mr. HAGER], who was not a member—the gentleman from Pennsylvania [Mr. MAHON] knows that the Fifty-third Congress had about 100 Democratic majority. They had full control of the legislation of this House; they could have refused, if they had so desired, to appropriate one dollar for the old soldier. They could have refused to pass any legislation whatever in the interest of the old soldier. I am not going to refer to the appropriations only, but before I get through will refer also to the general legislation. I propose to cite not only one bill, not only two bills, not only three bills, but many bills passed by the Fifty-third Congress—all in the interest and for the benefit of the soldier. And in passing I may say that this same line of remark would apply to the Fifty-second Congress, in which we had a larger majority on this side and in which we made about \$15,000,000 more of appropriations for the benefit of the old soldier than we did in the Fifty-third Congress—many more millions than was ever appropriated by any Congress in the history of the country. I do not desire to take up the time of the committee; but for the purpose of refuting a statement that the only true friend of the soldier is the Republican party, I propose to give the record of the Fifty-third Congress, in which the Democracy had a majority of 100.

I claim that the Representatives on the floor of this House represent, as their name indicates, the true belief and feeling of the people and of a party better than it is represented elsewhere. They come directly from the people; they are of the people themselves; and hence when we are discussing and determining the question whether or not a party is against a certain proposition, the best and most satisfactory way to determine that question is by what their representatives do here rather than by what they say.

As I have said, Mr. Chairman, I hurriedly collated some figures last night upon this question—provoked to do so, if you please, by what the gentleman from Pennsylvania [Mr. MAHON] and the gentleman from Iowa [Mr. HAGER] had said. I propose to read a statement of the appropriations for pensions made by the Fifty-third Congress, as shown by the United States Statutes at Large, volume 28, covering the years 1893 to 1895. I give the pages of the various acts, with the purposes for which the appropriations were made, and the respective amounts.

Appropriations for pensions made by the Fifty-third Congress.

[United States Statutes at Large, volume 28, Fifty-third Congress, 1893-1895.]

Page.	For what purpose.	Amount.
18	For special examiners	\$200,000
113	For Army and Navy pensions.....	150,000,000
	For examining surgeons.....	1,000,000
	For pension agents.....	72,000
	For clerk hire.....	450,000
114	For fuel.....	750
	For lights.....	750
	For stationery.....	35,000
	For rents.....	23,070
194-195	For Pension Office.....	2,291,610
195	For special examiners.....	250,000
	For extra special examiners.....	195,000
638	do.....	250,000
703	For Army and Navy pensions.....	140,000,000
	For examining surgeons.....	800,000
704	For pension agents.....	72,000
	For clerk hire.....	450,000
	For fuel.....	750
	For lights.....	750
	For stationery, etc.....	35,000
	For rents.....	23,070
706	For Pension Office.....	2,086,710
	For special examiners.....	500,000
707	For extra examiners.....	195,000
	Total for two years.....	298,931,460
	Average each year.....	149,465,730

Thus it will be seen that the total amount appropriated by that much-maligned Democratic Congress was \$298,931,460.

Mr. SULLOWAY. Will the gentleman give the political complexion of the members who voted for the acts to which he is referring?

Mr. LAYTON. I have not that data here or I would do so with pleasure, because I believe this side almost unanimously voted for every one of those appropriations. I believe the record will sustain me in that statement. The bills were all reported by Democratic committees, and reported unanimously. Governor SAYERS, of Texas, sitting here, was chairman of the Committee on Appropriations. I know there was no minority report in any case, or any serious opposition.

The figures I have just stated, \$298,931,460, cover the two years, making an average of \$149,465,730 for each year. Those amounts cover, so far as I now remember, every dollar asked or estimated for by the Pension Department; nor do the figures I have just given include the several hundred thousand dollars appropriated for the maintenance of the many National Soldiers' Homes in the country, nor several other minor appropriations not enumerated, which, if added, would probably make a grand total of over \$300,000,000 appropriated by the much-maligned Democratic Fifty-third Congress for the benefit of the Union soldier in the war of the rebellion, his widow, orphans, and dependents.

But that is not all that this much-maligned Fifty-third Democratic Congress did in behalf of the old soldier. I have here collated, and shall take the liberty of reading, a statement of the pension legislation other than appropriations passed by the Fifty-third Congress. This statement I have made after a hasty glance at the CONGRESSIONAL RECORD, because I had but little time last evening. I find that the House of Representatives—those men who represent the people, who come directly from the people, who speak and act for the people—the House of Representatives of that Congress, passed the following bills in the interest and for the benefit of the Union soldier, his widow, orphans, and dependents:

1. A bill to supplement the act of June, 1890, so as to give pensions to widows of soldiers who died in the service, but not in line of duty. (This bill did not pass the Senate.)

Mr. MAHON. Will the gentleman give the dates of these several acts?

Mr. LAYTON. Unfortunately, I have not included the dates; but I give the titles.

2. A bill to repeal the law of March, 1893, prohibiting the payment of pensions to nonresidents, because it was ascertained upon a more careful investigation that most of these nonresidents are widows and mothers of deceased soldiers.

3. A bill to give the same weight and character to the testimony of private soldiers as to that of officers. (This bill did not pass the Senate.)

4. A bill to pay accrued pensions prior to the death of the pensioner, and also providing that where a pension check is forwarded by the United States Government to a pensioner who dies after executing the proper voucher, but before the receipt of the check, such check shall be considered as a payment, and shall be honored and paid to the proper person representing the deceased pensioner.

The following bills were also passed:

5. A bill to authorize fourth-class postmasters to administer oaths in the execution of pension vouchers.

6. A bill to pension certain members of the Missouri State Militia who actually served in the war of the rebellion and who had theretofore been granted pensions under the act of June, 1890, but whose right to draw same had been overthrown by a ruling of the Assistant Secretary of the Interior.

7. A bill to amend the act of June, 1890, so as to include the insane, idiotic, or otherwise permanently helpless children of soldiers, regardless of their age. (This bill did not pass the Senate.)

8. A bill to prohibit the Commissioner of Pensions from withholding or suspending a pension theretofore granted until due notice is first given the pensioner and an opportunity to be first heard relative thereto, known as the "vested-rights bill."

In passing along I may state that I had the honor to introduce this very just bill substantially as it passed the House. One of the effects of this law was to stop the practice which had been followed for many years in the Pension Office of suspending pensions without notice to pensioners; thus recognizing the principle and well-known rule of law and justice that no man should be deprived of an adjudicated right, by an executive officer especially, without first being given a fair opportunity to be heard in his defense.

9. A bill providing that the reports of medical examining boards shall be open to the inspection of applicants for pensions, or the attorneys representing them.

10. Another bill, authorizing and requiring such medical boards to state ratings for the various disabilities of applicants whom they examine and make these ratings a part of their reports to the Pension Bureau.

11. And another, providing that all pensions heretofore allowed for any sum less than \$6 per month shall be immediately increased to that sum; and providing further, that no pension shall hereafter be granted for a less sum than \$6 per month.

The effect of this law was to increase to \$6 per month the pensions of nearly 50,000 soldiers who had theretofore been drawing less than that amount.

One or two other minor bills may have passed the House also which I have overlooked in my hurried examination of the RECORD, but surely the foregoing are amply sufficient to refute any statement or assertion that the Fifty-third Congress was, or that the Democratic party is, unfriendly to the old soldier, and at the same time ought to convince you and all fair-minded men—such as I know the old soldiers to be—that they can safely intrust their claims and their welfare in the hands of the great party of all the people of which I have the honor to be a humble member. So long as this party shall have the power to do so, all just and reasonable relief shall and will be afforded by a grateful nation to all these now rapidly aging heroes.

I earnestly hope that the enactment of this bill into a law may be speedily followed by other and additional legislation granting a reasonable service pension to all honorably discharged ex-Union

soldiers; by an act increasing the pensions of the armless and legless and otherwise maimed soldiers, and other favorable legislation on the same line which my limited time will not permit me to mention in detail.

Mr. Chairman, I will conclude these brief but earnest remarks by reciting a few lines from a poem written by the celebrated author of "Ben Bolt," who was himself a Democratic member of the Fifty-third Congress. I will further preface them by saying that I most heartily approve their spirit and sentiment.

The past is glorious. Shall we e'er forget
The veterans' service and country's debt?
But few survive; age, penury, and pain
Are thinning fast the veterans who remain.
Shall sleek economists then grudge the meed
A country gives its servants in their need?
Not long these heroes need our help and thanks,
For death is breaking fast their white-haired ranks.
Dear mother country! that indeed were shame,
Staining thine honor, sullied thy name.
If these were not, from out thy full supply,
Sustained while living, honored when they die.
Thou lovest all thy children! Let us see
Thy love no less for men who fought for thee—
For men whose deeds, predestined by the Fates,
Restored the Union and preserved the States—
States to remain as many, joined in one,
So long as grasses grow and rivers run.

Mr. Chairman, the pending bill, as a whole, is a meritorious one, and hence I shall cheerfully vote for it. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.;

A bill (S. 131) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire;

A bill (S. 261) for the relief of Arthur P. Selby;

A bill (S. 2503) for the relief of Addison A. Hosmer;

A bill (S. 308) for the relief of Daniel W. Perkins;

A bill (S. 1200) providing for an additional circuit judge in the sixth judicial circuit;

A bill (S. 278) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased;

A bill (S. 2178) to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah, and at Ogden;

A bill (S. 1985) to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead and mining laws of the United States;

A bill (S. 270) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia;

A bill (S. 1287) to place Francis W. Seeley on the retired list of the Army; and

A bill (S. 296) for the relief of William H. Atkins, formerly commissary sergeant, United States Army.

The message also announced that the Senate had passed with amendments the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, had asked a conference with the House upon the bill and amendments, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment concurrent resolution relative to printing report of the commanding officer of the Watertown Arsenal of tests of materials for industrial and other purposes made at arsenal during the fiscal year ended June 30, 1893.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file, embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railroad Company without delay to all lands described in the several lists now on file in the United States Land Office, upon which title is due to the Union Pacific Railway Company, in order to complete, through the Union Pacific Railway Company, good and sufficient title to the purchasers and present owners of such lands: *Provided*, No patents shall be issued for any lands which have not been sold by said company prior to the passage of this resolution.*

The message also announced that the Senate had passed without amendment a bill (H. R. 8852) to amend the record of William H. De Freest.

PENSIONS.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. TRACEY. Mr. Chairman, it is with a feeling of pride that I arise to address the committee upon this occasion, mingled with regret at my inability to do justice to the subject under consideration. I have the honor to represent in part upon this floor a State greater in the endowment of natural wealth than any other, and the equal of any in its devotion to the integrity of the Union; a State that gave 109,000 soldiers to the Union Army in spite of all the influences that were urged against it; a State whose quota of volunteers was always filled; a State that has made wonderful progress since the war, and whose progress in the years to come will make one of the brightest chapters of the history of the Republic.

The district I have the honor to represent contains a quarter of a million population, and among its people, all of them inspired by the spirit of patriotism and of progress, are from eight to ten thousand Union soldiers. These men were not coffee coolers or camp followers, nor are they in whole or in part an old soldiers' pension trust, which I have heard referred to here. They are citizens because they were soldiers, and they realize that citizenship in the Republic now was only made possible by the devotion and sacrifices of a generation ago. The people among whom they live realize the same great truth, and hence in the remarks which I desire to submit I expect to represent the entire people of the district, and I believe of the State as well.

I believe, after having listened very earnestly to the discussion which has thus far taken place upon the bill pending before the committee, that I may be permitted to say that I doubt very much indeed whether any man or any member of this body is entitled to speak here or elsewhere as the especial representative of the true soldier in the late war. The true soldier can usually speak for himself, and even he can but express his opinion, as can others. But in so far as the assumption goes that any particular person is endowed with the right to speak for him, I may repeat that I seriously doubt it.

Now, this bill pending before the committee, if it is anything at all, is a bill intended to simplify and render less burdensome and tedious the proceedings on the part of the pensioners making an application for an increase of pension, or on the part of those who are not on the pension roll to secure a place upon it. If that is a correct description of the bill, then it seems to me that every member of the House, regardless of the State from which he hails or the party with which he affiliates, can afford to give it his hearty support.

The war out of which these pensions have grown, the war to which this bill owes its existence, is so far in the past that to-day and for some time past a feeling of unity, a spirit of peace, and a desire to act in the direction of unity has grown up among the American people that live not alone in any particular State or States, but has permeated every community beneath the flag, from the Lakes to the Gulf, and from ocean to ocean.

Mr. Chairman, I know of no better expression of that feeling of unity than has been given in the wording of a letter which I shall read, written by as distinguished and as brave an ex-Confederate officer as ever bestrode a horse—Gen. Jo. Shelby, of Missouri. I know him personally, Mr. Chairman, and know whereof I speak. He is as brave to-day and as fearless in the expression of his sentiments as he was brave and fearless thirty-odd years ago in the discharge of what he believed to be his duty then.

The letter was written in response to an incident which occurred some two or three months ago, and which will be remembered as the letter is read. I read it solely for the purpose of emphasizing what I have said about the spirit of unity that has grown up in every community of this great land of ours. This letter is as follows:

DEAR SIR: Replying to your telegram of yesterday, will say: When General Lee furled the flag and stacked arms at Appomattox, then and there the colors and uniform of the Confederacy were buried for all time. The idol of brave men lay shattered as the Stars and Stripes floated again in its old-time place. Heroes wept at the burial, but raised their faces to salute the flag of an undivided and indivisible country. And we, who still stand "this side of the weary door of death," enjoying the protection vouchsafed to us by our common country and that flag, realize that there is but one flag and one uniform, one symbol and one country. Citizenship is broader than sentiment and duty greater than tender recollections. But above all, true Americanism is chief of this trinity of virtues.

And so the ex-soldiery, whether of the North or of the South, should maintain that spirit of duty, citizenship, and Americanism which will banish sectionalism, bitterness, and prejudice, and tie us together with a fourfold bond of respect, esteem, affection, and patriotism.

Believing, therefore, as I do, that in the parade as proposed in your city July 4 next, of the Grand Army of the Republic in national uniform, and the ex-Confederates in gray uniform with the stars and bars, would be incongruous and mar the harmony of that occasion, I endorse cordially and commend the action of General Walker, commander-in-chief, in the course he has taken. Our griefs are private—the sunny Southland, all billowed over with the graves of our dead from the sea to the plain, from the mountain to the gulf, invites our love and claims our tenderest care. And it is no part of our duty or patriotism to obtrude ourselves or our private sorrows into the marching columns of the Grand Army.

JOE O. SHELBY.

FOSTER COATES, Esq.,
Commercial Advertiser, New York City.

I have read that letter, Mr. Chairman, as I stated at the outset, for the purpose of emphasizing here and now that we have again become one people, one broad-spirited American people, animated

by the same desire to see this grand Republic of ours grow and prosper in the future as it has in the past—aye, and to accelerate that growth and progress, if it is possible to do so. Hence the only question which, it strikes me, is raised by the bill pending before the committee is as to whether or not in a free state the defenders of that state shall at all times feel assured that their services, when given in time of danger, shall not be forgotten in time of peace; that their services, given to the state when indeed, in unstinted measure, shall not go unremembered when the hour of need comes to them. I see nothing else in the bill before the committee.

Upon the question of the right or wrong of the granting of pensions, it has been the policy of this country, as it has been the policy of every free state on earth, to grant pensions to the soldiers of its volunteer armies. There was a time, now nearly thirty-one years ago, when an immense column of the men who had given three or four years, the best years of their young manhood, to the service of their country, were gathered in martial array and marched in triumph through the length of Pennsylvania avenue, in this city, carrying back to a restored Union and to the waiting and anxious friends they had left at home the remnant of physical manhood they yet had.

If you ask the question: Did those brave and victorious men once think, as they marched along the Avenue, of the priceless investment they had left behind; did they think of the lives that lay buried upon the battlefields upon which they had turned their backs forever to welcome the rising sun of the new Republic; did they think once of the blood that had flowed in unstinted measure to preserve the freedom of the country, or of the limbs that had been shattered, or of the health that lay buried on the plains or in the swamps of the sunny Southland? I answer, no, Mr. Chairman. These men as they turned their backs upon the past and their faces to the future thought only of the building up of the Republic, thought only of returning to home and loved ones, thought only of thanking the God of Battles that the flag they had followed so long still floated in triumph above them. These were the thoughts which animated the bosoms of the men in those marching columns. No thought of pensions then entered the mind of one of them.

But the years passed, and although they had marched with a proud and stately step along the Avenue, yet when twenty or twenty-five years or more had passed over their heads their steps became a little slower, a little less stately, a little more feeble. Then it was, perhaps, in ten or fifteen or twenty years, that they began to think about the promise that had been made to them by the history of their country, the promise that had been expressed by the immortal Washington, when he expounded the principles upon which he believed the Revolutionary war could alone be successfully conducted. They began to think, when the pains of wounds and disabilities incurred began to afflict them, of the promise which the policy of the country held out to them, that its defenders in time of war should not be forgotten when their hour of need came. [Applause.]

Did those veteran legions, as they melted away from the ranks of war, bristling with bayonets, to the employments and the ranks of peace, bristling with the tools and implements of commerce and the industries, look askance at the future and endeavor to raise the veil that they might see the result to which they were so quietly and in such an orderly way devoting themselves? Assuredly, no. They went with hearts full of faith in the future. They went, believing in the eternity of the Republic whose life they had assisted in saving. They went, believing not only in the eternity of the Republic, but in the justice of the Republic as well. And it gratifies me to be able to say they have not believed altogether in vain. The thousands who to-day are upon the pension rolls of the United States are a most significant proof of the fact that republics are not ungrateful. But there are still those among the defenders of the country in the past who are yet asking that they, too, may receive some recognition, some remembrance of the services they rendered their country years ago.

Strange as it may seem, thirty-one years after the war closed, there are yet men in this country whose names are not upon the pension roll, but who rendered as faithful and as honorable services as were rendered by any soldier in the Army. There are men who in one way or another, through the administration of the pension laws, have been kept off the rolls throughout all these years. It may be the fault of the law. It may be the fault of those who administer the law. It may be the fault of the soldier himself; but it is some one's fault, and this bill seeks to furnish a remedy for a large number of those cases; seeks to furnish a means by which the Pension Bureau may no longer misinterpret the law or enact a rule whose seeming purpose is to aid the law, but whose real effect is to delay the action of the Government, to delay the granting of the pension.

Different administrations have made different rulings. The law should be made so plain that it would not be subject to more than one construction. This bill will eliminate a number of the evils of that sort and lead to a wider distribution of justice and

a more expeditious settlement of claims. But it does more than that, it seeks in itself to declare in those cases of the greatest frequency in the administration of the pension laws, where it has been rendered difficult for meritorious claimants to have their pensions allowed, to furnish a remedy by which the rule of administration is itself made a part of the law.

Now, I have listened to some of the criticisms that have been made of the bill, and I confess that while it does not go as far as I wish it did in the direction of eliminating the difficulties that have grown up in the administration of the pension laws, yet, inasmuch as it does go a long way in the right direction, it seems to me that the great American people will indorse it heartily and that we, their representatives, not as Republicans, not as Democrats, not as Populists, but as representatives of the American people, representatives of the Republic, ought to give to it our unanimous vote and support.

I might say in reference to the first section of the bill that perhaps a date ought to have been fixed, and it ought to exclude those whose prior service in the Confederate army was voluntary; but I apprehend no serious danger will come to the pension roll if that section is left in as it is. I heard it intimated a few moments ago that under certain contingencies the pension payments required by the pension roll of this country would amount up to \$200,000,000 a year. To me that statement appears to be utterly absurd. I do not believe myself that it can ever hereafter under any circumstances exceed \$160,000,000, and should it ever reach that figure death will speedily reduce the amount.

Now, let us look at this pension payment for a moment. I spoke a few minutes ago of the investment that had been made by the marching thousands who passed in review on Pennsylvania avenue, and the marching thousands who were mustered out in other towns and cities of the country, and who never saw Pennsylvania avenue. What was it? From three to four years of the energy and vigor, and blood, so to speak, of active young manhood. The bloom of health had gone from their cheeks and they had become wan and lean, the energy and vigor of youth had gone, even from those who saw least of the severities of the service. Arms and legs, and eyes and ears by the thousands had gone, and rivers of blood had been shed and thousands of lives sacrificed. Out of that investment, not of money, but of the health and vigor of the noblest young men of the country, including the 800,000 lives that were given and consigned to the dust—out of that investment, out of that magnificent libation poured around the roots of the tree of liberty, behold, it rises anew among the nations of the earth with a new majesty and a new meaning. Out of that investment comes a new Republic, with a growth and progress and development that the world had never seen equalled. Out of that investment, at a time when the nation had but \$16,000,000,000 of wealth, has grown a nation with \$70,000,000,000 of wealth. Out of that investment has grown a nation with an internal commerce greater than the internal commerce of all the nations of Europe. Out of that investment has grown up a nation with 70,000,000 of people with a capacity to make, to create, to produce, to consume, equal to four or five times the number of any other people in the world.

By reason of that investment less than 40,000 miles of railway have grown until the iron arms of commerce equal 180,000 miles and cover the 3,000,000 square miles of the United States like a network, making our unequaled internal commerce possible.

Out of that investment the Republic has risen to be the first among the nations of the earth in agriculture, in manufactures, in inventions, in mines and mining, in education, in wealth and power, and in the comfortable housing of its laboring millions. But great and glorious as are these achievements, there is a greater glory in the birth and growth of a genuine American spirit. A spirit that sees in the atmosphere of the Republic a place for but a single flag, the flag born out of the very poetry of patriotism, christened with the blood of heroes and carrying in every thread of its warp and woof a story of human achievement without a parallel in the annals of mankind. A spirit that sees in the Republic the embodiment of man's highest and best capacity to govern; that sees in the right of every man to worship God beneath his own vine and fig tree according to the dictates of his own conscience, a sacred right that can not be invaded without peril to liberty itself. A spirit that watches with sleepless vigilance every approach toward a union of church and state, and guards against it. A spirit that believes in educating the children of the people and clings to the public school as the foundation rock upon which the Republic rests and which no storm can destroy. A spirit that regards the Republic as the hope of mankind and guards against every encroachment upon the ideal of the fathers. A spirit that believes in and encourages the development of our own country, the constant increase of our own industries, the enlargement of our commerce and the employment at fair wages of our own people, and believes that with such devotion to the interests and welfare of the people of the Republic, want and destitution would give way to comfort and plenty, and happiness would reign triumphant in American homes.

All this was made possible by the unmeasured sacrifices of four years of war to preserve the Union. The vast growth, the unexampled development, the progress and glory of achievement, became possible alone through a restored and preserved Union. The 300,000 men who fell ask nothing. Their names are surrounded with a halo of imperishable glory. But loved ones were left behind who may be asking. Let it not be said they have asked in vain.

And there are some thousands yet who were equally generous in the time of danger with those who have been provided for, who, by reason of difficulties they have been unable to surmount in procuring the testimony demanded by the administration of the Pension Bureau, are standing with one foot in the grave and the other on the verge of it, shuddering in the face of an uncertain future, and asking, as they sit down in this land of plenty to a dinner of bread and water, without meat, without vegetables, without milk, without coffee, asking, as they look upon the growth and progress around them, asking as they remember their sacrifices which made that growth and progress possible, that out of the unexampled abundance which blesses the country a portion may be given to them—a small portion—in order that their last days upon earth may not be days of absolute suffering. That is all, Mr. Chairman, that these disabled and debilitated heroes of the Republic ask, and the bill under consideration will aid them in securing what is so justly due. The request can not be regarded as unreasonable, and the bill therefore ought to be supported.

As the Father of his Country stood amidst his bleeding countrymen and saw them falling on every hand, saw them poorly fed and poorly clothed, and poorly paid, in the darkest hour of the Revolution he was gazing wistfully through the smoke of battle, the thunder of the cannon, and the shouting "at the temple of liberty and order which he trusted, even then, was growing in symmetry and strength," but nowhere in the beautiful temple that filled his prophetic vision was there a place for a large standing army, because the maintenance of such an army is inconsistent with the preservation of the temple. And yet Washington, whose judgment was singularly clear, fair, and comprehensive, was not blind to the fact that governmental institutions, whether builded upon the divine right of kings to govern the people or the divine right of the people to govern themselves, must be strong in order to be permanent.

Wanting a standing army, there is but one remaining source of strength, the citizen soldiery, who are soldiers in time of war and citizens in time of peace; men who willingly leave the plow standing in the unfinished furrow, or the plane upon the unsurfaced plank, or the unforged iron upon the anvil, to join the serried ranks of war when danger threatens, and who as willingly return to their several employments when the danger has passed. But it is manifest that while patriotism is saving a country it is losing a business, while it is supporting the source of all employments it is abandoning its own, and the men who are thus prompted, and who are the very salt of their country, ought certainly to have some assurance that they will not be thrown entirely upon their own resources when they return to the employments they abandoned, not because they loved their homes the less, but their country more. It would be unjust for the country to make this, the heaviest of all drafts upon patriotism, without some recompense other than the beggarly stipend paid under the misnomer of wages.

Four years of life in camp, on the march, and on the battle line, or three years, or two years, perhaps a month or less, leaves an impress upon the soldier which can not be eradicated and which partially or wholly unfits him to do battle in the ranks of peace. To the extent that he is disqualified by reason of his service for the active employments of peace, the State has robbed those depending upon him and should make the loss good. This is the foundation of the pension system, and every part of it is rock ribbed with the principles of justice and truth.

It is not unnatural, perhaps, to regard with higher favor those who were in the forefront of great battles, because their situation appeals in the strongest terms to the dramatic element in our nature, which is ever present and always ready to mount its heroes upon a pedestal and shout their heroism to the world; and this, too, although they may have come through unscathed, while a night's sleep in the mud of a camp, on the wet ground, or amid the poison vapors of a swamp, may have planted in the system the germs of disease which, partially or wholly, ever thereafter incapacitates the soldier from playing an equal hand in the great game of practical life.

In a free government every citizen of military age owes to his country the same duty, if he is of sound mind and body, and his acceptance after an examination should be conclusive upon that question. The government should not in after years be heard to dispute the truth of what its own officers had averred. Each owes his life, his fortune, and his sacred honor, but all do not render this heroic service, and manifestly those who do not, owe to those who do, a fair and just compensation for the services which yield a benefit to all alike.

Washington declared, when he was Commander in Chief of the Continental Army, that—

Military service is a profession and business for which there should be due training and due support. Hence, in addition to the conditions of good training, officers and soldiers should be well paid, well clothed, and should have the security given them of pensions when the war closes.

The policy of the United States, having so high an origin, has been consistent and straightforward, including, without opposition, the soldiers of every war until the war of the rebellion. The soldiers of the war of the Revolution, the war of 1812, numerous Indian wars, and the war with Mexico have all been pensioned. There is a difference, it is true, between the war of the rebellion and all other wars in which the country has engaged, but in no other war did our soldiers gain more for their country than in the war of the rebellion. The differences, then, whatever they may be, can not be called upon to justify any discrimination against the soldiers of the Union Army.

The large number of soldiers in the war of the rebellion, and the large number, therefore, who are pensionable, has something to do, doubtless, with the spirit of opposition that breaks out occasionally in places to making any increase in the list possible. But the amount required each year will not probably exceed an average of more than a hundred and forty millions, and that average can not continue but a few years longer, when it must inevitably begin to decrease. But if the amount should reach two hundred millions per annum, as has been asserted, it can not be regarded as unjust. A stream of youth and health and vigor poured into the terrible maelstrom of war from the loyal homes of the Republic for four long years. Three hundred thousand young men, the support of 300,000 homes, went down in the swirl; and a half a million more were cast up in a bruised and maimed condition or with bodies debilitated with disease, and another half a million were injured more or less.

The payment of the money quarterly to meet the demand upon the pension roll has never been a burden and never can be. It is manifestly unfair to compare the cost of our pension roll with the cost of the standing armies of Europe. A standing army is a cancer that feeds upon the body politic, that has destroyed it, and may destroy it again. The pension roll in a free country, the result of service in a volunteer army, is an element of strength. Its presence is a constant assurance to each generation of freemen that a prompt response to their country's call when danger threatens will not be allowed to go unremembered. It is infinitely better than a promise, because in our country, at least, it is the continued fulfillment of the settled policy of the Republic.

Without the sacrifices of thirty-odd years ago the nation of to-day would have been impossible.

Without those sacrifices the sun of liberty would in all human probability have gone down forever in a night of eternal gloom.

Without those sacrifices the iron heel of despotism would rest heavier upon the necks of the people to-day than it did a century ago.

Without those sacrifices, instead of one flag floating over a united, happy, and peaceful country, we would have had a dozen or more flags floating over bodies of armed men engaged in the rapine and plunder of perpetual war.

Without those sacrifices, instead of a nation of 70,000,000 people, we would have had a dozen or more so-called independent States, without industries, without commerce, without education, without growth or development, constantly embroiled with each other and constantly cultivating the art of war.

Without those sacrifices the tremendous growth and progress of the Republic, and of the world, would have been impossible.

Barbarous as is war, it has its uses if its lessons are rightfully applied. Among those lessons there is none of higher importance than that that is illustrated by the men who are asking as a right a share in the marvelous growth and progress which their sacrifices alone made possible.

Washington looked upon war as the pioneer looks upon the destruction of the forest in the midst of which he casts his lot for the purpose of building a home. As the trees crash upon the earth and are made into rails or cut into wood for fuel or hauled to the sawmill to be made into lumber, the pioneer sees the farm, the garden, the orchard, the domestic animals, the home that is to be, rise like a beautiful vision of the mirage upon the horizon of the future. So to the soldiers of the Union Army, as they lay down upon the wet earth or in the mud to get a few moments of sleep, as they went day after day with a half or less than half a ration, as they went day after day into battle and saw the destruction going on around them, could also see the picture of the glory of the Republic yet to come, and they cheerfully made the sacrifices which might otherwise have been impossible.

Now, Mr. Chairman, I have read one letter to show the spirit of unity that has taken possession of the people and has made us again one country and one flag, with a common ancestry, a common heritage, and a future of greater glory than can be described in words.

I have another letter to read which is as well calculated to excite feelings of sadness as was the former to excite feelings of pride and pleasure. The letter is dated April 20, and I read it to emphasize the necessity for just such legislation as is embraced in the pending bill. It is from a man I know well and have known for years, and I do not believe he has overdrawn the picture. I trust I may have the serious attention of every member on the floor, because the story told in the letter addresses itself to every sentiment of humanity, as well as to that love of country that revolts at the possibility of a condition such as is described:

Col. J. P. TRACEY, Washington, D. C.

SPRINGFIELD, Mo., April 20, 1896.

SIR AND FRIEND: TRACEY, please do not consign this to the waste-paper basket, but please, for humanity's sake, read and then act. By accident I came in contact with an old soldier in the most abject poverty. Some days ago his wife came to me to get me to write an application for her husband's discharge from the Home at Leavenworth. I did so; and Saturday his papers were returned to my care. Yesterday (Sunday) I hunted him up to deliver the papers. In a miserable hovel not larger than 8 by 10 feet I found a husband, wife, and little girl at a dinner of dry bread and water. The wife told me that Saturday she cleaned the office of the Queen City Mills and received in pay a 25-cent sack of flour and 25 cents cash, and was glad to get it. The woman has more than ordinary culture and refinement for her station—evidently has seen better days, and is devoted to her wreck of a husband. He has been a man of splendid physical organism, but is now as deaf as a stone, epileptic, and badly ruptured. He was pensioned at \$6 per month July 18, 1892, under certificate No. 795067, under act June 27, 1890, for disease of the rectum. That pension was cut off May 4, 1895. He can not tell for what cause.

His discharge from the Home states his disease to be deafness and rupture. His name is Samuel Davidson, late a member of Companies I and M, First Regiment Missouri State Militia Volunteer Cavalry. I earnestly believe the man to be a sober man, and he and his wife Christians. When I got home and sat down to a good dinner I related to my wife and children my experience of the last hour and asked what we had done that we should be more favored than they, who were as good by nature and better by practice than we were. While in your line of duty and to be consistent you are compelled to sit in your seat and vote large pensions to officers' widows, now please do this much out of your line of official duty—make a strong effort to have this man restored to the pension rolls. There is not a board of medical examiners in the United States that would not certify the man to be totally disabled to perform any kind of manual labor.

I was pleased to read and proud to know that you put yourself on record against the management of the Leavenworth Home. No wonder that such poor, abject mortals as the one of whom I have written prefer to take anything a cold, uncharitable world may give than to submit to the treatment endured by the rank and file who are taken into that institution.

Please act at once and in earnest for Davidson, and oblige your friend.

Every word of that letter is the truth, and I submit that in my opinion it would be difficult to frame a more powerful appeal for prompt action in the direction indicated by the bill under consideration. Had this bill been a law Davidson could not have been unceremoniously dropped from the pension roll, and the story of that letter would never have been written. But Davidson's case is but one of hundreds, perhaps of thousands. Is it not a shame that there should be one, and while there is one ought any friend of the present administration of the Pension Bureau complain of unfriendly criticism of its action?

I would not knowingly be unfair to anyone, and I believe the present Pension Commissioner to have been a brave Union soldier, and I believe he is a good man. He is doubtless affected, more or less, by his surroundings—most men are—and those surroundings do not appear to be overflowing with love for the Union soldier. At any rate, whatever the cause there are features of the present administration of the pension laws that do not commend themselves to the hilarious indorsement of men who believe themselves entitled to pensions, and who are so entitled if faithful service in the Union Army and disability by reason thereof to earn a support are evidence of title.

Some of the regulations appear to be based upon the theory that the old soldier is a sort of nuisance, to be tolerated because the laws require it, but to be rid of as far as the laws will permit, instead of being regarded, as he should be, a citizen to be proud of and to be treated with deference and respect. One of those regulations is a printed reply to a letter of inquiry as to the status of a claim.

The claimant is informed that his claim is awaiting replies to letters written by the Bureau to persons who are supposed to have personal knowledge of the merits of the claim; that as soon as the replies are received the claim will again be taken up for further consideration. It is difficult to imagine anything more exasperating. The letters must be written upon the assumption that the claimant is dishonest and is engaged in the effort to perpetrate a fraud, and yet just such letters have been addressed to claimants whom I personally know to be honest men. There is no intimation that the claims will ever again be taken up should the parties addressed fail to reply, although it is easily within the possibilities that they may never reply. Should they be enemies of the claimant, as they doubtless are in many cases, they will make haste to fill the Bureau with the poison that rankles in their own mind and heart.

Under the law of 1890 Congress certainly intended that a disabled soldier should be pensioned unless his disabilities were the result of his own vicious habits. That being true, it need only be shown that the claimant was a soldier, that he is disabled, and that his disability was not caused by his own vicious habits. But under the rulings of the Bureau every claimant should be both a

lawyer and a physician, so that he would make no mistake in alleging his disabilities and thus avoid a fatal variance between the allegations and the proof. Pension claims have been rejected for no other reason than such a variance. Now, it seems to me that it ought to be apparent to the dullest intellect that disability being the ground of pension under the law of 1890, whenever such disability is established, and along with it the absence of vicious habits as the cause, the pension should be allowed whether the proof corresponds with the allegation or not.

These faults of administration will be corrected by the bill under consideration, if it becomes a law, and I sincerely regret that it does not go further and extend the benefits of the law of 1890 to members of State organizations who, while they were never mustered into the service of the United States, were called into that service by the commanding officer of a military district or department and performed for ninety days or more as faithful and valuable services as did the troops regularly mustered in. There are also a number of others who were not mustered into any organization, but who shared every danger and vicissitude of the soldier and whose services were in constant demand and were invaluable. I refer to the civil scouts who were employed and paid, but who were not mustered into the service, and hence are not pensionable. I hope an amendment may be adopted that will embrace these deserving men.

I trust the amendments I have suggested, and some others I will not take the time of the committee to suggest, may be adopted; but, Mr. Chairman, if they are not I will support the bill and vote for its passage, because, with whatever defects it may have, it is an improvement upon existing laws, and will help many an honest, struggling, poverty-stricken, almost heartbroken soldier to render his declining days brighter and more cheerful by securing the pension he should have had years ago. Where is the man who begrudges the payment or feels like commending the Pension Bureau for stopping it?

With all the deference and respect which I think I ought to feel for gentlemen upon the floor who feel it to be their duty to criticize the present bill, and who have criticized other pension bills from time to time, I am compelled to say that in my opinion every act that enables the placing of one more deserving name upon the pension roll until all are there who are entitled adds to the glory and the longevity of the Republic.

But, Mr. Chairman, I can not refrain from saying in conclusion that a better law than this, a law that ought to have been passed when the invalid-pension law of 1890 was enacted, is a service-pension law properly framed to do justice to all the gallant men whose services helped to save the Union and to the dependents of those who have crossed the river to camp forever on "fame's eternal camping ground." The time has come to do away with the machinery of the Pension Bureau, the medical boards, the special examiners, the army of clerks, and the boards of review, instituted, doubtless, to aid the deserving veteran, but often used against him; their cost absorbs a considerable sum of money that could be more wisely and profitably paid to deserving pensioners. The average age of those who served in the Union Army has reached beyond 60, and if all were given an equitable rating upon the roll the immediate increase of the pension payment would not be as great as many suppose, and before the first quarter had passed away after the completion of the roll it would begin to decrease, and the decrease would be rapid. It is but an act of simple justice. The millions who have come to the country since the war, or who have grown up in it, are in the full enjoyment of the blessings vouchsafed them through the labors and sacrifices of the soldiers of the Union Army. The very sacrifices out of which the blessings came rendered those who made them incapable of participating fully in the advantages of the era which, under God, they had created. It must be right to share with them. There is no serious complaint against it; there can be none. The occasional kick that comes is but the misconception of those whose thoughts have skimmed the surface of the facts. It would give me great pleasure to vote for such a law, but in its absence I want to repeat that I will support and vote for the best that is offered, believing that each step forward in the right direction brings us nearer the promised goal, the time when full and complete justice shall be done cheerfully and with unanimity and zeal.

Mr. ANDREWS. Mr. Chairman, many members have assigned certain reasons which induce them to support the passage of this bill. I hope it will not be considered out of order for me to state briefly a few of the merits of the bill which induce me to favor its passage. It seeks justice in behalf of the Union soldiers of the late war of the rebellion. It is firmly believed that its enactment into law would level many harsh practices to the plane of patriotic gratitude. It has been strongly urged by some that the complaints existing generally throughout the country relative to the present administration of pension affairs have resulted from the fact—at least, the alleged fact—that a hostile spirit of revenge has gone into almost every hamlet of the country and laid the hand of cruelty upon the feeble forms of those who, in the vigor of early manhood, were the Union's brave defenders and preservers. In

reply to this charge others allege that these complaints have resulted from a correct interpretation and construction and a proper application of existing laws.

But, Mr. Chairman, whatever may be the nature of the causes producing these results, it is important that this House should seek proper remedies whereby these complaints may be corrected and justice be served. If these complaints have arisen from the exercise of a hostile spirit of revenge, everyone will concede the necessity of legislation upon this point. If, on the other hand, they have resulted from a true construction and proper application of existing law, it is all the more urgent that proper legislation be had in order that justice may be served. Waiving, then, all question as to the correctness or incorrectness of either of these statements, let us direct our attention to the features of this bill which seek to correct some of these complaints. I need not stop to enumerate them one by one. They will be readily suggested by the reading of various sections of the bill.

Section 2 makes this specific provision:

That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability.

In this connection, please note the following provisions of section 8:

That all papers, memoranda, writings, letters, or exhibits received by the Bureau of Pensions relating to any pension or claim shall be preserved and filed with the papers in said case, and every pensioner or pension claimant shall have the right, in person or by attorney, to examine and inspect each and every such paper, memorandum, writing, letter, or exhibit which has any reference to or bearing upon his or her pension or claim.

It will be readily noted that section 2 seeks to prevent hasty and unjust discriminations against those who already hold pension certificates and the almost instantaneous suspension of payment of their claims. I assume that every member is fully aware of the deep-seated spirit of unrest that prevails throughout the country upon this question. Thousands of pensioners are forced by existing circumstances to pass through weary days in cruel anticipation that their small remittances from the Government are likely to cease at any moment.

I will not dwell upon this point, except to say that it is the settled judgment of the committee that the provision, as herein stated, will guard against many of the unjust practices of recent years.

It is the manifest and imperative duty of Congress to do everything in its power to give to these veterans the same measure of defense and peace that their loyal, patriotic services have given to the nation.

By section 8 the committee hopes to incorporate into law a provision which will enable the claimant or the pensioner to know the name of every man who makes any charge against his claim or his pension, as well as those who testify in his behalf.

It will bear strongly, and we hope effectually, against that practice which has evidently obtained in many instances, of sending clandestine reports to the Pension Office, to be used to the prejudice of the claimant, who has no opportunity whatever to reply to the allegations against his claim. Section 3 deserves special attention:

That all pensions reduced or discontinued since January 7, 1893, shall, upon application, be reconsidered and adjudicated in accordance with the provisions of this act, and the pension, if restored or allowed, shall commence from the date of such reduction or discontinuance, or from the date subsequent thereto at which the disability is shown by the evidence to have existed.

The original draft of this section read as follows:

That all pensions reduced or discontinued, and all claims for pension or increase rejected, since January 7, 1892, shall, upon application, be reconsidered and adjudicated in accordance with the provisions of this act, and the pension, if restored or allowed, shall commence from the date of such reduction or discontinuance, or from the date subsequent to the filing of the rejected application at which the disability is shown by the evidence to have existed.

This modification was made because an appropriation bill which has recently passed into law carries a provision much more extensive in relation to rejected claims than the one contained in the committee bill. Hence the matter of rejections is not here referred to. Let me call your attention now to the fact, Mr. Chairman and gentlemen of the committee, that this section 3 stands as one of the important and central features of the bill and relates to one of the principal evils which we seek to correct. This section affords an opportunity whereby those who believe that they have been unfairly treated at the Pension Office may have their claims reopened upon their own application and readjudicated in accordance with the provisions of this bill.

It will be observed at this point that members of the House are powerless to afford the relief asked, and almost demanded, by the daily correspondence which they receive. Persons write us saying that their claims have been rejected, suspended, or reduced, and appeal to us to make the restoration. But we are powerless to make the restoration; we have no authority whatever except as we can bring the question to the attention of the officers of the Interior Department and by persuasion secure, perhaps in one case out of a thousand, reconsideration and proper adjustment.

But by the provisions of this bill we seek to go to the full measure of our authority under the law in affording relief to this class

of claimants and to the pensioners who firmly believe that they have been unfairly and unjustly treated. Instead of ordering by statute the immediate restoration of these names to the roll and the payment of the pensions in full from the date of discontinuance or reduction, we open the way for a fair and candid examination of the evidence in each case and a proper and fair hearing under the terms or ratings as proposed in this bill, and in accordance with the rule which was in operation when those claims were allowed originally.

Thus we believe, Mr. Chairman, that the thousands of pensioners throughout the country will see that we have gone to the proper limit in the exercise of legislative power for the purpose of opening the way and making it possible for them to secure a rehearing in these cases and a rerating upon the ground of the evidence in the case.

We all understand far too clearly—in many instances very painfully it is understood—that these words “rejection,” “reduction,” “suspension,” and “discontinuance” have been brought out into bold relief by the events of the past few years, until they appear like firebrands thrust to the hearts of thousands and thousands of loyal soldiers throughout the land. They come to them like flashes of lightning from out the clouds of renewed war; and justice to them, justice to the country at large, demands that we shall go to the full limit of our power in opening the way for redress in these cases and giving to them the possible rehearing and the possible restoration of their claims and their pensions.

Under the provisions of section 7 we seek to prevent delay in the adjudication of pending claims. That section reads as follows:

That all notifications from the Bureau of Pensions as to the status of any claim shall set forth each and every fact upon which further evidence is required to complete the same.

A brief reference to the practice of the office will disclose the practical benefit sought to be secured by this section. Every member of the House knows full well that from time to time he receives in reply to his status calls a letter calling for evidence upon a certain point in the case. That letter of the office is forwarded to the claimant; the evidence is prepared and returned. Another call is made for status. If it is made within ninety days of the date of the last reply from the office, it is a very common thing to receive a reply saying:

Respectfully returned with the information that, inasmuch as it appears from the records of this Bureau that he was fully advised as to the status of the claim above noted under date of —, 1896 (less than ninety days ago), the present call can not, under the rules of the Bureau, be recognized. —, Commissioner.

At the end of ninety days we may send another call; and, as a rule, we will receive our reply at the end of four or six weeks. Continuing this order, we may receive a call for additional evidence; and thus each case runs for an indefinite period. Thus we can receive no more than four replies from the office in the course of the year in any one case. Under existing practice, however, we can not reasonably expect to receive more than three replies in one case in the course of a year. After the evidence is all completed, we are likely to receive a letter stating that letters of inquiry have been sent out to ascertain how many men have sworn to falsehoods, what the standing or reputation of the claimant may be, what the character of witnesses may be, “letters of inquiry,” so called, but in far too many instances they might be properly called “letters of iniquity.”

After these letters of inquiry shall have run their course, and three or four or five months shall have been consumed with one of them, we may receive in reply to the next call a letter stating that “the claim is now under consideration with view to its final disposition.” We all know that that may mean something or nothing. Then the case may be reopened to travel the old circuit again, and time consumed unnecessarily in this way.

Now, this provision of the bill seeks to secure as far as possible a full statement of the points of evidence, and also of the material facts, so far as the papers will enable the statement to be made, upon which the final adjudication of that claim is based and must necessarily rest.

Mr. Chairman, upon this point I desire to call attention to the fact that my correspondence has forced me to believe that under this administration of the Interior Department every claim meets this question when taken up in the Pension Office: “Can this claim be defeated by delay or otherwise?” It does not seem to meet the question, “Is it admissible under existing law?” but, “How long can we prevent its allowance? How long can we prevent payment upon this claim? By what means can payment be defeated or delayed?”

I would not seek to press a prejudicial bearing into this discussion or seek to make a statement unfair in this case, because I believe we are called upon to deal with it in a practical, candid manner. If the existing policy in the Pension Office retards rather than facilitates the adjudication of these claims, we ought to speak out plainly and candidly in regard to the effect of that policy. I would not be understood as intimating that anything of discourtesy on the part of the officers and clerks in the Pension Office (with the exception of one—the second deputy) has ever

been shown toward me in any portion of my work. But as a rule, Mr. Chairman, we come in contact with this work in such a way as to be required to measure the whole policy by the results that can be achieved. If the policy in its nature has a tendency to retard and prevent the payment of these just claims we ought to speak out candidly in opposition to it and propose modes of correction; and this section seeks to make an important correction. Let us direct our attention for a few moments to a portion of section 14 which reads as follows:

That an application under said act of June 27, 1890, shall be sufficient as to allegation of disability if the applicant alleges therein the existence of disability, not the result of his own vicious habits, which renders him unable to earn a support; and every disability found to exist at the time of filing which is recognized as pensionable under the general pension laws or under said act of June 27, 1890, shall be taken into consideration in determining the degree of disability of such applicant, and to all disabilities pensionable under the general laws the same rate of pension shall be allowed as under the general laws, not to exceed in the aggregate \$12 per month.

The claimant should be simply required to state that he is entitled to a pension under the law, and that he makes application therefor. To the committee it seems unreasonable to require that the claimant must state in his application, in technical medical terms, the precise nature of the disease and the exact extent to which it may have gone; but upon the ground of his loyal, patriotic service he should be permitted to say, "I am entitled to a pension from the Government, and I make my application therefor." The Government, upon the receipt of such application, even though the applicant does not give an exact specification of the nature and extent of the disease, cites him to appear for examination before a board of surgeons chosen by the Government of the United States itself. He appears before such board for his examination. That medical board examines him in such manner as it may deem proper to ascertain the nature and extent of the physical disability from which he suffers, and that report is returned to the Pension Office. Upon that report the office makes its findings, or I may properly say it is sometimes supposed to do so, although there are instances on record which I could cite from my own private register here in which cases of total disability more than twofold, as found by the medical board, were either rejected or rated far below the proper figure.

But assuming that the matter will work fairly and justly, the report of the local board goes before the medical division of the Pension Office. I know it has become common to refer to that division as the division of pathological sequences; but perhaps it ought to be termed under existing conditions the division of "illogical nonsense." When this report comes into possession of the medical authorities in the Pension Office it will be referred for review to the medical division of the Bureau, and then the finding is expected to be made upon the report submitted.

Now, how will the Government be placed at any disadvantage in the matter of ascertaining the disability? Take a case with which I am familiar, a case in point, a case pending which I may cite as an illustration: The claimant alleged two specific disabilities. He applied under the law of 1890, and the medical board examined him and found four specific disabilities and named them in the report.

Under that finding he was entitled to the maximum rating under the law of 1890, but simply because he failed to allege the existence of the four disabilities in the application, the office says the claim must be rejected on the ground that he is receiving already \$6 a month under the general law, and having failed to allege the two additional disabilities in his application, he can not be admitted under the law of 1890. Then, Mr. Chairman, let the medical authorities, chosen by the Government itself, pass on this question and let the matter be rated on the basis of their report. It is unreasonable to require a man who is untrained to the use of medical or professional terms to go beyond this practical requirement. It is unfair and unreasonable to say that the pensioner shall be denied the full measure of the pension indicated by the disability, reported by the board of pension examiners who have passed upon his case. I say strike down these technicalities. Sweep them away by statute, and wipe out of existence a rule of the Department which prevents the man from securing the proper rating of his pension.

Under section 15 of the bill it is proposed in the matter of reduced claims that payment shall be renewed upon the measure of disability as determined in the examination. This is just and should be done at once; and this bill furnishes an opportunity whereby the thousands of pensioners throughout the country, who believe that they have been unjustly dealt with, may come and have a fair and impartial hearing of their claims. If it should be shown by the testimony on a reexamination of the case under this bill that they are fairly and clearly entitled to it, let them be restored to the former rating.

Why, Mr. Chairman, it is strange that any person would stand on the floor of this House and allege objections against this provision in regard to rating, and at the same time be understood to be in favor of a service-pension bill at a rating of \$12 per month, the maximum under this law of 1890. Suppose they do all come in who can show disability according to this rule of rating.

No harm would be done. For myself I would like to see placed on the statute books at the earliest practicable date a service-pension law which would give the Union soldiers of the late war of the rebellion a liberal service pension.

I hope the people will soon delegate to the legislative and executive departments of the Government the adequate power to enact a genuine protective tariff law and follow it speedily with a just service-pension law.

Section 16 makes the following important provision in regard to widows' pension under the law of 1890:

That the term "without other means of support than her daily labor," in section 3 of said act of June 27, 1890, shall be construed and held, to all intents and purposes, to be equivalent to and mean "without a net income of \$300 per annum."

Under this section many claims would be allowed that are rejected by the present rulings of the Pension Office. Such a provision is reasonable and just and should become a law.

Passing from the specific provisions of the bill I desire to call attention to two or three items which bear directly upon this subject.

The question of pensions can not be discussed and fully considered without taking into account other important lines of legislation. We must of necessity consider the question of revenues. For what would it benefit the soldiers of the country to pass a pension bill and have no money in the Treasury with which to pay the claims?

It is important, then, as a matter of business, that we have proper provisions made as to revenue when we enact the law, however friendly it may be toward the survivors of the late war of the rebellion.

Some have referred to this question upon party grounds. I would not intrude the question of party politics into this matter except for the fact that so long as there is a party objection, thrown by any person or persons in this country, against the just claims of the Union soldiers of the late war of the rebellion, some one responding to patriotic duty must stand forth to speak in their support and behalf.

The gentleman from New York [Mr. McCLELLAN] on yesterday spent considerable time in telling us how much the present Administration has done for the old soldiers of the country. I will not enter into a denial of any statement made in his remarks, but I submit, Mr. Chairman, without passing upon their correctness or incorrectness, that he would have found a much broader subject if he had undertaken to tell this committee what the present Administration has not done for the old soldier; in fact, if he had taken up the task of telling us what it has done against them. In that event, the words "rejection," "suspension," "reduction," and "discontinuance," as if by force would have stood out in clear relief to challenge the correctness of his statement at every word and every sentence and every thought as they fell from his lips. I do not claim that the Republican party alone possesses all the patriotism there is in this country; but no one can truthfully deny that it has always been a patriotic party. I appeal to the history of the past thirty years; I appeal to the records of Congress to bear forth the vindication and the truth of the statement that the Republican party has always stood loyally to the support of the just claims of the Union soldiers.

In the discussion of this matter, Mr. Chairman, we ought to take into account the broad range of patriotic sentiment that should thoroughly imbue the citizenship of this country, East, West, North, and South. Our patriotism as members, whatever our party affiliations may be, our patriotism as American citizens—a plane which is higher than party—should lead us in these later years to exhibit in the enactment of the laws of this nation a patriotism commensurate with that which actuated the rank and file of the Union Army. We should stand forth to show gratitude, not simply in words but in deeds, written upon the statute books of the country, carrying temporal relief to the men and women, in the hour of their temporal need, who, in the hour of the nation's need, bore the full measure of its relief and laid upon the altar of their country their best services, their best thought, and their highest devotion.

Let us, Mr. Chairman, rise above party lines, join hands on both sides of this House, and place before the country an example showing clearly and distinctly that, more than thirty years after the close of the war, fraternal peace, fraternal union, and fraternal gratitude bind together the citizens of this country, North, South, East, and West, as a reunited country. Let us forget the bitterness of the past, and always insisting that the Union forces were right and forever right and that by virtue of their victories we have a reunited country of magnificent proportions, of immeasurable power and possibility, let us unite in one glad acclaim, saying:

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing:
Land where my fathers died,
Land of the pilgrims' pride,
From every mountain-side
Let freedom ring.

[Applause.]

Mr. BURTON of Missouri. The survivors of the Army and Navy of the Union do not demand extravagance in pension legislation, nor do they demand looseness in the construction thereof, but they do insist that all pension legislation shall be construed, administered, and enforced in the spirit which prompted its enactment, to the end that not one of them living shall, either by disease or misfortune, be compelled to live beneath the roof of the almshouse, or, dying, be laid at rest within the unconsecrated limits of the potter's field.

I am not here, Mr. Chairman, to enter into a discussion which shall involve crimination or recrimination. I accept it as true that the laws now upon the statute books have not received the construction, have not been administered and enforced, in the spirit in which they were enacted, and this bill, while it does not go to the end or the limit which I desire, yet does cure or will cure in many respects the evils that now exist in the administration or enforcement of the pension laws.

This bill may be said to treat of this subject in four particulars: First, as to the personnel of those entitled to pensions; second, to the declarations of applications therefor; third, to the method and degree of proof required; and fourth, in relation to the discontinuance of pensions that have been heretofore granted.

Sections 1 and 13 amend the existing laws so as to admit to the benefits of those laws a certain class of soldiers who are not now entitled to pensions. I confess that they do not meet with my approbation. I will admit that there are existing evils which these sections attempt and will in a measure overcome and rectify; but in my judgment, Mr. Chairman and gentlemen of the committee, the sections are too broad, in this, that they will permit men to obtain pensions thereunder who are in no wise entitled to pensions.

The first section of the bill directly permits anyone to obtain a pension, although he may have rendered service in the Confederate army. I listened to the suggestion of my friend the gentleman from east Tennessee [Mr. GIBSON] on yesterday, and it was full of meat and merit. I recognize the fact that there were quite a number of men who were conscripted into the Confederate service and who at some subsequent period enlisted and were mustered into the service of the Union and rendered gallant service to the flag and the country. I say to him that every such a one is entitled to or ought to be entitled to a pension. I concede that. But, Mr. Chairman, I do not believe that every man who served in the Union Army, although he may have received therefrom an honorable discharge, should receive a pension; and I refer particularly to a number of regiments that some five or six months before the close of the war were enlisted and mustered out of the prisons at Indianapolis and Chicago; of men who preferred, rather than remain in the prison in Chicago or Indianapolis, to accept service under the Union flag out upon the Plains. I say not a single man of that kind or character ought to be permitted to draw a pension under this bill or any other law upon the statute books. I shall not indicate such an amendment as I would offer. My seat mate, the gentleman from Illinois [Mr. CONNOLLY], has brought to the consideration of this subject a careful scrutiny and analysis, and at the proper time he will offer an amendment to this first section which, in my honest judgment, will remove from it the evil to which I now call your attention; and when that amendment shall have been presented by my friend from Illinois I shall vote for it, and I hope that every other old soldier upon the floor of the House will vote for it.

The thirteenth section, Mr. Chairman, is objectionable in this, that a fair construction of the thirteenth section will permit deserters and bounty jumpers to obtain a pension. We all know that in the earlier days of the war there was either no bounty or a very small bounty. We also know that in the latter days of the war, when the draft was on, that large and liberal bounties were offered, and it is a notorious fact that there were a large number of men who deserted from existing organizations and enlisted in other organizations, prompted by the fact that by doing so they would obtain the enormous bounties that were then being offered for recruits. I believe that every such man ought to be shut out, and I hope that the thirteenth section will be amended so as to provide against the contingency of any bounty jumper obtaining a pension under the provisions of this act. My friend from Illinois has also drafted an amendment which I think squarely cures that evil. I shall vote for that amendment, and I sincerely hope that it will receive the unanimous support of the members upon the floor of this House.

The second subject-matter to which I desire to call the attention of the House is that provided for in section 14, which relates to the declaration or application for pension. The lawyers upon the floor of this House will all understand what I mean when I call their attention to the "doctrine of variance." We all know that in the trial of a case in the courts, either civil or criminal, if the proof offered does not conform to the allegation contained in the pleadings or in the indictment it can not be received. That doctrine now holds in the Pension Department in the administration

of the law of June 27, 1890. So far as the law of July, 1862, is concerned, the rule is correct; because in order to obtain a pension under the law of 1862 it is necessary that the person shall prove that his disability was of service origin; that is, incurred in the line of his duty; and, therefore, of necessity his declaration should set out with particularity the disease, injury, or disability upon which he bases his claim for a pension; but the act of June 27, 1890, confers upon a soldier the right to a pension if he shall have honorably served for ninety days or more and shall be so disabled as to be unable to earn his support by manual labor.

Now, if he be so disabled that he can not earn his support by manual labor, and the disability is not due to his vicious or criminal habits, why should he be required to name with particularity the disability of which he may be suffering? In other words, Mr. Chairman, supposing that the soldier is absolutely disabled from earning his support by manual labor, he alleges in his declaration that his disabilities are due to disease of the lungs. The medical examination shows that his lungs are sound, and yet it shows that the man is not able to earn his support by reason of some disease of the liver or of the kidneys. I ask you is there any reason in the world why that man should be refused a pension? Every man upon the floor of this House will say "No." The fourteenth section of this law does away with the doctrine of variance, by providing that all that is requisite shall be simply a declaration of disability that prevents him from earning his support by manual labor.

As to those sections which change the nature and degree of proof, I do not know that I particularly care to tax the time and attention of this body. As to the sections which relate to those whose pensions have been discontinued or dropped, I clearly think that the specific provisions of this bill not only ought to be adopted, but that they ought to be rigidly enforced. The gentleman from New York [Mr. McCLELLAN], in the presentation of his views on yesterday, took the position that quite a number of those who were borne upon the pension rolls had been placed there by reason of a certain order, No. 164, that that order was wrong, based upon wrong principles, and that when the Department abandoned the principles of the order then those who had been placed on the roll during the operation of that order ought to come off. I think not. I stated in the beginning, Mr. Chairman, that the survivors of the Army and Navy of the Union do not demand a loose construction of the law, but they do demand fair and honorable treatment.

Mr. Chairman, I call the attention of the Committee of the Whole to this fact: In every court in all this broad land and in every tribunal of justice in the whole civilized world any individual who stands before that tribunal charged with the commission of a crime or an offense is presumed to be innocent until he shall have been proven guilty beyond all reasonable doubt. I care not though he who stands there be a man whose reputation is of the worst in the community in which he lives. I care not though his lineaments be furrowed with crime, even though he bear the mark of Cain upon his brow, the crystallized intelligence of the nineteenth century throws around that man the presumption of innocence, and he continues to be guarded by that presumption until his guilt is clearly proved.

Now, I say to my friend from New York and to every member upon this floor that when, in conformity to the law and the requirements of the rules of the Pension Department, an old soldier has proved his claim and his name has been placed upon the pension roll, he ought at least to have the benefit of the presumption which the law throws around the person of even the vilest criminal. That same privilege, that same protection, ought to be given to the old and decrepit defender of his country and its flag. [Applause.] The survivors of the Army and Navy of the Union declare and maintain that the pension roll is a roll of honor, and if there be thereon a single name that has been put upon it by mistake, by false representation, by fraud, or by perjury, they say let it come off.

But, Mr. Chairman and gentlemen of the committee, it ought not to come off upon a mere charge made by somebody who is unwilling to put his name to the charge and back it up by his oath. Much less ought it to come off because of a charge contained in a simple anonymous communication. What the old soldiers demand is this, that if there be in all this land a Government official or taxpayer, a man who thinks, or claims, or maintains, that the name of any old soldier is wrongfully upon the pension list, that man shall make his charge fairly and openly; that the soldier shall be given notice thereof; that after notice is duly given there shall be an open, fair, and complete adjudication of the whole question; and if, upon such trial, upon such a hearing, it shall be found that the soldier's name has been wrongfully placed upon the pension roll, he will consent and his comrades will consent that that name shall come off. But until that showing has been made the old soldier demands that the presumption which, as I have heretofore said, this great Government and all other civilized governments throw around the person of the vilest person

that lives in a community shall also be extended to him, and that he shall not be struck down unjustly and without a fair hearing.

Mr. Chairman, there are quite a number of existing evils which this bill seeks to correct: In relation to marriage, in relation to divorce, in relation to several things. The spirit of the bill is right, and, over and above and beyond it, in addition to the two specific amendments to which I have directed attention to-day concerning the first and thirteenth sections, I sincerely hope that this committee will vote to incorporate into this bill the amendment offered by the gentleman from Iowa [Mr. HEPBURN]. I stand here to declare that right and justice, humanity and patriotism, demand that every enactment upon our statute books concerning pensions shall be liberally construed in favor of the claimant, to the end that he who bore the burden, he who donned the uniform of the nation in its hour of difficulty and danger, when he shall have become old and decrepit, may be protected not only in his person but in his family and in his home. [Loud applause.]

Mr. Chairman, I thank the committee for their attention.

Mr. OVERSTREET. Mr. Chairman, the report that introduced this measure to the House states that "the bill adds no new class of pensioners as such to the pension roll." In view of this fact, there can certainly be no objection to its consideration from the standpoint of the need for some legislation in aid of the administration of the pension laws. However meritorious legislation that adds to the rolls any worthy class of pensioners, and however meritorious any measure that may aid any class of pensioners may be, yet the time has come, in my judgment, when we can afford to step aside from such classes of legislation and consider a purely administrative bill that has for its object simply a safe adjustment of all matters pending before the Pension Bureau and the security of all pensions that have thus far been adjudicated.

This bill does not contain all that I might select, even in the line in which it is drawn, neither does it contain some things that in my judgment are essential to complete a just administration of the laws on the statute books. Yet it does contain so much of merit, so much that will expedite the work already in progress, and so much that will add safety and security to the adjudicated pensions, that it meets my most hearty approval in every respect.

While all that has been done by Congress in aid of the veterans of the late war has prompted most careful consideration, and in many instances, through the sympathies that have been aroused, created most liberal laws, that have brought comfort and relief to the wounded and stricken in health, and consolation and ease to the widows and orphans of deceased soldiers, yet, in my judgment, there is at least one part of this bill that in point of importance is of equal import to any law that has been enacted by Congress in aid or support of pension legislation.

I refer to sections 2 and 4, that undertake to fix a title to pensions already adjudicated and that may hereafter be passed upon by the Department.

In the past it has been thought that when once a claimant had gone through the minute and sometimes intricate rules of the Department, complying with their demands in all particulars, and had at last received an allowance that gave to him an annual pension, that there was an end to his further anxiety, and to him, at least, was secured during the remainder of his life the amount fixed by the certificate issued by the Department. It was thought by all that no further legislation would be needed to guarantee to the pensioner the allowance that the great Bureau had, after many months and sometimes years of investigation, at last determined upon, and that such an amount as fixed by that Bureau would be considered by the Government as a claim against it so long as the holder of that certificate should be in life. But it has been left to recent years, under changed circumstances, to demonstrate that dangerous rulings under existing laws may be so exercised as to entirely overcome the presumptions that had existed in favor of an adjudged claim. Not until the decision in the Bennett case, in May, 1893, was it ever dreamed that without further legislation by Congress the Pension Department could of its own motion re-investigate and re-examine claims that had once been passed upon and order a discontinuance or suspension of the same. But after that decision had been made and the present Secretary of the Interior had organized his "board of revision," thousands of claims already adjudicated, and, so far as any person had dreamed before May, 1893, were forever put at rest, not to be changed save upon the death of the claimants, when their various accounts should be closed, were reconsidered and suspended.

The exact data of the number of claims thus considered by that famous "board of revision" can not be obtained, but, without going into the details and giving a full and complete statement of the same, it is sufficient for the purpose of this argument to notice simply those that have occurred within recent months. As shown by the report of the Commissioner of Pensions for the year ended June 30, 1895, there were dropped from the pension roll during that year 42,411 pensions. Those pensions are divided into classes—so many dropped on account of death, so many for remarriage, so many for minors who had obtained the legal limi-

tations, and so many by failure to claim the pension. But all the others, being 9,680, are grouped into one class and noted by the Commissioner as having been dropped "for other causes," without stating what those "other causes" were; and it is safe to claim that those pensions so dropped, without identifying the exact nature of the claims or the reasons for their suspension, were simply dropped on the order of the Commissioner; otherwise there would certainly have been enumerated in his report some reason for his action.

In a subsequent report from the Bureau, in answer to the request of the Senate of the United States, the Commissioner reports that from the 1st day of July, 1895, to the 1st day of January, 1896, there were dropped from the roll 21,112 pensions, and in this late report, as in the former to which I have alluded, these pensions were classified; and under the head of "For other causes," the Commissioner notes that there were suspended during this period of six months 4,826 pensions, making the total suspension for the eighteen months ending January 1, 1896, 14,506. Fourteen thousand five hundred and six pensions suspended within a period of eighteen months for "other causes." It must be remembered that through all the pension legislation of this Government, the method and procedure of the Department has been of an ex parte character, wherein the claimant was permitted to file such application as he desired under the rules and regulations stipulated by the Department itself; after which the claim rested completely and entirely in charge of the officers of the Bureau, who, following out regulations prescribed by the Department in harmony with the laws that then existed, and at such times as they desired, passed upon the evidence that was submitted under their various rules, and either rejected the claim or made allowance therefor. There is no procedure known to the statute or common law that was and is as complete and searching as the method of procedure prescribed by the Bureau of Pensions of this Government. That procedure enables the most searching investigation under all varying conditions, and permits the officers of the Department unlimited time and means to make such investigation.

All evidence is filed subject to the approval of this Bureau and passed upon by its officers in star-chamber sessions, without the presence of the claimant or any of his representatives, and when his claim has been once rejected, after the allowance of an appeal to the Secretary of the Interior, his rights are forever concluded and his one salvation is to begin anew the effort that after long and laborious trial has resulted in failure. If, instead of rejection, his claim is allowed, after every avenue known to the Bureau has been traveled and every phase of the question completely exhausted, I believe, as all believed until the decision of May, 1893, that that allowance forever fixed the title to that pension in the individual to whom it had been granted. But it seems that under the recent dangerous rules of the Department, that give to this same Bureau the right to reopen at pleasure and examine any claim, reduce a rating, or suspend a pension, it becomes necessary that the legislative power of the Government be invoked to establish a line beyond which even this Bureau can not go, and forever put at rest the fear that has arisen that all pensions are in jeopardy.

Let us for a moment consider the various roads that a claim for pension must needs travel before it can culminate in an allowance. There are six different boards to which a claim may go, and five boards to which a claim must go before its final determination. After the formal filing of an application, it is at once referred to the adjudicating division, where it is charged out to an examiner, who, after obtaining the military record of the claimant and passing upon the formal matter of the application and the order of evidence, in the event evidence has at that time been filed, directs an examination by the board of examining surgeons. This constitutes the second board. Evidence is then called for, if not already filed, and examined to the satisfaction of the examiner in whose hands the claim rests, who thereupon submits the claim to the board of review. Not content thus far, after having been presented to three boards, the member of the board of review who receives the claim passes upon it under the various rules of the Department, and refers the same to the board of re-review, where it undergoes its fourth examination. All cases involving a medical question then pass from this board of review to the medical board. It must be remembered that at any stage of this investigation the claim may be at any time ordered into the field for special examination, so that where a claim is specially examined there are absolutely five separate and distinct examinations before final action thereon; and where a claim involves a medical question, there are six separate and distinct examinations of it.

Each board is a check upon the other, and if at any stage of the investigation it fails to meet the requirements of the law under the rulings of the Department as viewed by the board in whose hands it may then be found, the claim goes no further, but dies. If, for instance, in the original adjudicating division it is discovered by the examiner that some technical defect exists in the record of the soldier, as disclosed by the report from the War Department, the investigation ceases until the soldier can by his

own acts correct his record. If a soldier is fortunate enough to have that record complete and satisfactory and yet the evidence upon his physical condition as shown by the board of examining surgeons does not satisfy the examiner, then the investigation stops and the claim is rejected. If perchance the claim has been sufficiently strong to pass through these early stages of its travels and goes to the board of review and the examiner of it is not satisfied upon all the evidence that has been filed, both medical and otherwise, then investigation ceases and the claim is rejected. But even if it meets the favor of the examiner in this board and seems to conform with the rules of the Department, and by him is passed to the board of rereview, which has no fuller powers than he, but does not meet the satisfaction of this fourth board, then the investigation ceases and the claim dies. So it is evident from the history of every claim that has passed through the various boards that it must necessarily meet the approval of each board in the successive stages of its progress or else it fails.

Is it strange that the thought had arisen in the minds of our people that when a claim had passed through so intricate a procedure, and had met with favor at the hands of so many investigators, that it was at an end, and that the pensioner could rest secure in the thought that he need have no further anxiety concerning it? And is it any further wonder that astonishment, dismay, anxiety, and disturbance arose when it was announced by the ruling of this Department that, notwithstanding so thorough and complete and satisfactory an investigation of the claim, at any time and under any and all circumstances the Pension Bureau holds the right to reinvestigate a claim and reduce the rating or suspend the same entirely? It is because of this anxiety and disturbance that sections 2 and 4 have been incorporated in the pending bill, and inasmuch as these sections were incorporated at my suggestion, being in substance the same as a separate bill that had been introduced by me and by my consent and approval incorporated in this bill, I desire to direct especial attention to them.

The first clause of section 2 of this bill was, in substance, originally a part of what is known as section 4, and in order to bring the two sections together for consideration I desire to read this first clause and connect it with section 4 in order to clearly show that these two sections taken together undertake to establish a title to all pensions already adjudicated or that may hereafter be determined. This will read as follows:

That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension law shall be reduced or discontinued except for fraud, clerical error, mistake of facts, or recovery from disability.

That hereafter in the administration of the pension laws all investigation into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney; and such person or persons shall have the right to cross-examine, and a fair and full opportunity to rebut or substantiate any facts alleged or disputed: *Provided*, That when fraud is alleged the allegations shall be reduced to writing and under oath, and the person or persons affected thereby shall be furnished with a certified copy of the charges made, together with the names of the persons making the same, at least thirty days prior to such investigation, and shall be furnished with the names of the witnesses by whom the said charges are to be proved at least five days prior to their examination, such investigation to be conducted at the county seat of the county in which the person affected resides, and the depositions of witnesses residing outside of said county shall be taken as near as may be in accordance with the practice of the State or Territory in which said witnesses reside.

The enactment of this law will, in my judgment, establish absolute title to all pensions already adjudicated and that may be hereafter favorably determined. It has been common to speak of the title of a pension as a vested right; but no matter what it is called, the title is, after all, the thing to be desired. Some courts have held—and as yet the question is undetermined by our highest court—that a pension is not a vested right, and for this reason it is not deemed advisable to undertake by the terms of this bill to declare it to be a vested right. But if language can be definite and in terms clearly establish the title to a pension, it does not matter whether we undertake to declare the pension to be a vested right or not; but let that matter remain still as it is, because, after all, the thing that is to be desired is to put an end to the controversies that have arisen and forever establish the security and safety of a pension to the soldier by fixing the title in him.

After more than thirty years have passed, and after the claimant has exhausted all means known to him to discover the best evidence upon which to rest his claim, and it has at last been allowed him, he no longer endeavors to keep in mind all the evidence upon which he had asked that allowance, and the comrades who had been his witnesses may have scattered, or may have died; and yet the pensioner, unless this title shall be declared, is at the mercy of the Department, and if notice should be made, would be compelled to make some effort to gather together his scattered forces, relocate his absent comrades, and undertake anew to satisfy the Department that in the first instance had given so searching an investigation to his claim, and had passed upon it after it had met the requirements of five or six separate boards of examiners. If, however, we declare by the enactment of this law that when

once this investigation has been made, once the claimant has complied with all the rules of the Department, and his efforts have been favored by an allowance, then that shall end the matter, and he shall be permitted to enjoy all the rights and comforts which ensue from that allowance.

No individual ever excuses fraud, and no one will undertake to defend fraud or challenge the right of the Government to become released from any liability that had been established by fraudulent methods. It is for this reason that this exception is recited in this bill, and that the right shall still obtain to the Government at any and all times to reexamine what may have been obtained by fraudulent means, and if such discovery is made that the Government shall have the right to suspend such pension. However, the Government having once had the opportunity to discover any irregularities or fraudulent practices, having had the opportunity at every stage of the progress of the claim through its various boards of examiners to discover these irregularities or frauds, the Government must take the burden of proof when once the claim has been allowed and prove the fraud before it can finally suspend the pension.

In the first instance all burden rests upon the claimant, and he has no rights until he has established his claim to the entire and complete satisfaction of the Bureau of Pensions. So that when fraud shall be alleged as a reason for the discontinuance of a pension, the burden should be upon the Government to establish that the fraud did exist. Until that fact is so established, the presumption of innocence should rest and remain with the pensioner. I shall not go into severe criticisms or abuse of the practices of the Department that have resulted in the suspension of so many thousands of pensions under existing rules, neither shall I resort to any harsh expressions, believing that the main object of this measure is to remedy these evils and not to exhaust language in abuse of them. There can be no doubt, however, but that hundreds of pensions have been thus suspended simply because the pensioner failed to comply with the demands of the Department to furnish additional proof of his disabilities. I shall not impugn these officers, however strong the temptation and facts may warrant, but I do insist that speedy remedy should be made to put a check, aye, to prohibit further continuance of any such practice or methods.

I am informed that in some instances examiners have given assurance that if a charge should be laid against a pensioner that his disability does not warrant the rating that he has been given that the Department will see that the claimant's pension is reduced. I have been informed that pensions have been suspended upon hearsay statements of a special examiner in the face of overwhelming evidence against the charges. I have been informed that after notices have been sent for a claimant to state why his pension should not be reduced that the reduction has followed notwithstanding the fact that evidence was furnished by the pensioner showing that he is still disabled to a sufficient degree to justify the rating that had been made. Now, I submit that when these pensions have been finally determined and allowed that no change whatever should of right be made unless the pensioner had obtained it originally by fraudulent practice.

There are instances where a disabled condition has forced the pensioner to develop new faculties and talents, and pursue other avocations than what he might have followed had not the disability have been incurred. If, for example, a soldier is pensioned for the loss of an arm or both limbs, his rating would be such as to compensate for that loss. But it was never intended that that individual should be required to remain idle and undertake to do nothing further than to draw his pension. Because, if the loss of his limbs or the impairment of his physical strength has necessitated more vigorous mental development and training, whereby the soldier may have acquired faculties of mind that might bring to him emoluments in fields of labor that would not require vigorous physical efforts, his pension should not be reduced or suspended. Suppose, for example, a soldier found himself at the close of the rebellion disabled in body to that extent that he could not perform manual labor and was totally physically disabled, that would bring to him under the rules of the Department the full allowance, and yet, not content to remain idle, he should by careful training and study so develop his faculties of mind and voice as to become an orator of note and influence that would attract to him demands for public speaking that would bring emoluments far in excess of his pension. Would it be fair to him, and did the Government intend that because he had been able to thus earn support despite his physical disabilities, that his pension should for that reason be suspended? And yet, unless we by legislation fix the title to the pension absolutely in the pensioner, not to be wrested from him or in any way disturbed, there is no guarantee or assurance but that under the existing rules of the Department some method may be discovered whereby the pension of such individuals might be suspended or discontinued.

To direct attention particularly to section 4 of the bill, I frankly acknowledge that it is proper for the Government to investigate

a charge of fraud against any pensioner. But when so grievous a charge as that is made, the pensioner has the right to be informed of the names of the individuals who make such charge and to be apprised of the facts upon which the charges rest. He should have the right that every individual has in the smallest case at law—to confront his witness in open court and hear his statement and to subject him to cross-examination and meet his charges by evidence of his own. When these pensions have been allowed and the title given over to the pensioner, the charge of fraud fixes an imputation upon the pensioner. The presumption of innocence clothes him. His honor, integrity, and the good name of his family are at stake, and because of these things the Government owes it to its subjects, owes it to those who have established the title to this Government, to compel an open and frank and an honest investigation before it taints the good name of a soldier with the charge of fraud.

If an allegation of fraud is made, the pensioner whose pension is sought to be attacked shall be furnished with a certified copy of the allegations and the names of the witnesses who will be examined in support of the charge. This copy shall be furnished him at least thirty days before such investigation, and the names of the witnesses shall be furnished at least five days prior to their examination. The investigation shall be conducted at the county seat of the county in which the pensioner resides, except where witnesses live in other counties, and in that event their examination will follow the usual rules of law in force in the State of their residence. Under this method no hardship will accrue to the Government other than that incumbent upon her to make some investigation of the charges before the examination is had; in other words, compel the Government to prepare her case before she files it. As it is now, she simply serves notice on a pensioner to show cause, and if he fails to show cause his pension is at once discontinued.

Under the arrangement provided in this bill the Government would necessarily have to prepare a case in advance, and in so doing would avoid opening investigation that she did not feel assured would result in the suspension of the pension. I doubt not but that in hundreds of cases where simple notice is given by the Government the party whose pension is thus attacked is ignorant of what to do, and before he has fully advised himself what course to take the time has elapsed and it is too late. There certainly can be no reasonable objection to the enforcement of the procedure fixed by this section of the bill, and its results will guarantee to all the security and absolute safety of the pensions when once allowed, unless they have resorted to fraudulent practices in obtaining them. I sincerely believe that in following the procedure that I have outlined, after such scrutiny as is given originally by the Government upon all claims, this law will entirely do away with further suspensions and discontinuance of pensions.

It must be said, to the everlasting credit of the soldiers, that with all the machinery and means in the possession of the Government, managed and controlled by officers known to be hostile to the pensioners, less than 20 convictions for frauds have been effected in the past two years, notwithstanding the charge of the present Executive that "thousands of our neighborhoods have their fraudulent pensioners."

In my judgment this legislation at this time is of greater importance than legislation that seeks to enlarge the opportunities for the allowance of claims, because after the pension is allowed of what use may it be to the pensioner unless some safety is guaranteed to him in the pension. It can be but little consolation to him if clothed with doubt and uncertainty. In my judgment it devolves upon us to take such steps as shall remedy this evil, and so put away these doubts and forever dispose of the anxiety and unrest that have stricken terror to the hearts of the thousands of veterans who are so largely dependent upon this source of income. It is difficult for us to fully understand the extent of the anxiety that prevails. It is difficult for us to understand how far-reaching this disturbing element has been. There is an affinity between the veterans that can not fully and completely be appreciated by those who have been born since the opening of the war.

Those of us whose youth forbade contact with the times and appreciation of the trials, sacrifices, and hardships are absolutely unable to fully understand the tie of sympathy that binds the heartstrings of the soldiers. They have our regard and praise, our respect and honor, our unfaltering love; but there is a something, undefined, uncolored, unknown to us, and which the soldiers themselves are unable to disclose or describe, that strikes a chord of sympathy that finds response only in the heart of him who has felt the pulse beat and the throat choke when first he parted from his home. It is felt by those who have together slept upon the same bed, with its scanty covering, while the cold rain beat against the leaking tent, or touched elbows as the quickened march brought them nearer the angered foe; who have pressed the hand of the wounded comrade in exchange for the message of hope to be conveyed to his dear ones; or who have together

marched, slept, starved, and suffered with feelings so akin that thoughts seemed to be exchanged without the aid of speech and understandings, fathoms deep and freighted with meaning, were conveyed in the expression of the eye.

That sympathy between soldier and soldier was conceived in the common sorrow which all experienced upon enlistment; was nurtured by the common danger which threatened all alike; was warmed by the blood heat of battle; burned into their hearts by scenes and trials which no one can describe; and for thirty years has grown among the living or eased the dying moments of those who answered the last command of "taps," and for whom forever the "lights" are "out." Our failure to fully understand that sympathy is pardonable. But there is an appreciation which we owe them which we do understand, and a failure on our part is unpardonable. The recognition of the great work of the soldier, the true merit of his cause, and the scanty compensation for his wounds and crippled health, we can appreciate even better than they. They achieved the victory, our hearts are filled with gratitude. They suffered, we appreciate. They, without fear and little speech, discharged a grave duty. We praise and honor. They made peace and prosperity possible. We from the abundance of our fruits should ungrudgingly bestow bounteous aid for their shattered health and crippled limbs. In the dark hour of the nation's danger, when the lowering clouds of war hung over our land, they fought for us. And now, when age has weakened them, and enemies seek to withdraw the pitiful allowances a grateful Government has extended, and mar their good name with the blot of dishonor, we, using only the weapons of peace, should fight for them.

The friendship which developed a tie of sympathy between soldier and soldier as an outgrowth of the trials of the camp, the fatigue of the march, and the danger of the field, has in a measure been in part bestowed upon the children of the veterans so as to develop in them a desire to publicly exemplify their fidelity to the cause of their fathers, allegiance to their memory, and loyalty to the principles by which their acts were prompted.

If, by honest observance of the laws of the nation, due respect and reverence for our institutions, and allegiance to the flag, a spirit of patriotism shall be engendered, then the acts of the younger men become a monument to the "veterans," whose memory shall be forever beautified.

It was not given to us to witness the carnage at Shiloh, suffer the disastrous repulse in the charge upon the works at Vicksburg, breathe the miasmas of the Virginia swamps, or hear the whistling of the bullets in the Wilderness. It was not given to us to cheer the fall of Donelson, share the victory of Gettysburg, or participate in the triumphal march to the sea, or the grand review that displayed to the nation's capital the shattered army of victorious people triumphant in its cause.

But it is ours to rejoice in the achievement of those arms, respect the memory of those men, extend honor to their names, and by our conduct prove ourselves worthy of their sacrifice. [Loud applause.]

Mr. BROWN. Mr. Chairman, the pending bill in all respects meets my views and has my unqualified support. This bill does not enlarge the pension list and does not increase pensions, but it undertakes simply to correct many of the wrongs and injustices now found to exist in the Pension Bureau in the administration of our pension laws, and may be called a bill to better administer the present pension laws.

I endorse that patriotic sentiment that the claims of those who risked their lives and their all in defense of the best Government known to man "should not be weighed in an apothecary's scales."

It is now conceded by all that it is a sacred duty of this Government to provide in a generous way for the brave men who fought that we and the unborn millions might enjoy to the latest posterity the benefits of a republican government.

I prefer to regard the pension granted the soldier and his widow and children as a bounty freely given to him by a generous Government.

This view best accords with the idea of the generosity and large-heartedness of our people. It is not the paying of what we are compelled to pay, but it is the gift of a bounty because of sacrifices freely made in time of great public peril.

It is not my purpose to discuss the whole bill now before the House, but to speak especially of the first section, and I shall at the proper time offer an amendment to this section.

The first section is as follows:

SECTION 1. That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service.

The amendment which I offer reads as follows:

Provided, That pensioners who have been dropped from the rolls since March 4, 1893, solely on account or because of previous Confederate service shall be at once restored without formal application, and their pensions shall commence from the time their names were dropped from the rolls.

I shall offer this amendment because I do not believe any provision of the bill will remedy the wrong intended to be remedied by this amendment, and I hope the chairman of the Invalid Pensions Committee will agree to this amendment. I offer this amendment because a great many pensioners have been dropped from the pension rolls under the act of June 27, 1890, solely on account of their previous service in the Confederate army, and when this is the case they should be restored without further formal application and their pay commence from the time their pensions were so discontinued.

Mr. PICKLER. Suppose the persons whose pensions the gentleman proposes to restore by this amendment should be dead?

Mr. BROWN. Then, of course, their widows would receive the pension.

Mr. PICKLER. I think there is no question that this bill will fully provide for all proper cases where pensions have been dropped. We have made the terms of the bill as broad as it would be safe to make them. The committee thought that it would be very unsafe to undertake by a wholesale enactment to say that all these men who have been dropped should be restored. Some of them have died; some of them have already had their pensions restored; in some cases the disability has ceased.

Mr. BROWN. No men have been restored, so far as I know, where the pension has been discontinued on account of previous service in the Confederate army.

Mr. PICKLER. But, let me say to the gentleman, there must be some kind of identification.

Mr. BROWN. If the pensioner has died, the pension of course will not be paid to him.

Mr. PICKLER. But such a case will be covered by your amendment.

Mr. BROWN. No, sir.

Mr. PICKLER. Your amendment says that if the pensioner has been dropped his pension shall be restored.

Mr. BROWN. But it does not provide that the pension shall be paid if the party is in fact dead.

Mr. PICKLER. I am in accord with the gentleman's views in regard to the justice of restoration generally in these cases; but the bill as we have drawn it will accomplish the object which the gentleman seeks.

Mr. BROWN. The fourth section of the bill, as I understand, will give the Pension Department the opportunity to pass again upon the question of the pensioner's right to the pension. Now, this amendment provides that in the event that the pensioner has been dropped from the rolls solely on the ground of previous Confederate service it shall be the duty of the Commissioner of Pensions to immediately restore his name to the pension roll. As a matter of course, if the pensioner has in the meantime died, the pension will not be paid to him.

Mr. CROWTHER. I suggest to the gentleman that the restoration provided for by section 4 of this bill would enable the party to be readmitted to the pension roll.

Mr. BROWN. Does not that provision leave the Pension Department at liberty to adjudicate again the question of the pensioner's right to the pension?

Mr. CROWTHER. No; section 1 covers that.

Mr. BROWN. The purpose of my amendment is simply that a party who has been wrongfully dropped from the rolls shall be restored to the rolls without further formal application.

Mr. PICKLER. Section 3 ought certainly to accomplish the object the gentleman has in view. That section provides—

That all pensions reduced or discontinued since January 7, 1893, shall, upon application, be reconsidered and adjudicated in accordance with the provisions of this act, and the pension, if restored or allowed, shall commence from the date of such reduction or discontinuance, or from the date subsequent thereto at which the disability is shown by the evidence to have existed.

Now, for the reasons I have suggested, it would not do for us to undertake by any wholesale provision to restore all these pensions that have been dropped.

Now, in regard to the amendment which the gentleman suggests and other amendments which are proposed and other objections which are presented here, I wish to say that for six long weeks we have considered this measure in the Committee on Invalid Pensions; and although we may be mistaken in some of the provisions which we have adopted, yet during the consideration of this bill no proposition has been presented to the House that was not fully discussed pro and con in the committee. I repeat, it would be very unsafe to provide that the whole list of pensions that have been discontinued should be restored. In some cases the disability may have ceased; in some cases the widow may have been drawing pension and she may have died.

Mr. BROWN. I wish to say that I think this is a most excellent bill in its general provisions and one which ought to be passed. I simply wished to bring this amendment to the consideration of the chairman and members of the Invalid Pensions Committee.

Mr. PICKLER. I am quite in accord with the object which the gentleman seeks.

Mr. BROWN. Now, Mr. Chairman, addressing myself to the first section of this bill and the amendment thereto, under what is known and designated as the general pension law, previous service in the Confederate army was and is no bar to a pension for injury received or disability incurred in the line of duty in the service of the United States, and this is now the holding of the present Commissioner of Pensions. But under the act of June 27, 1890, as now construed by the Pension Department, service in the Confederate army is a bar to any man, no matter how long he may have served in the Union Army, and although he may have received at the close of the war an honorable discharge.

This construction of the act of June 27, 1890, is not what Congress intended, and is made in violation of every rule for the construction of acts of Congress, and is contrary to the former holding of the Pension Department, but this is the ruling of the Interior Department, and the only remedy now is to correct the wrongful construction by an act of Congress; and this is done by the first section of this bill. To be entirely fair and just to the Department, I shall state more accurately the ruling of the Department.

In substance its holding is that when a soldier appears to have been enlisted or conscripted into the Confederate service, and afterwards enlisted in the United States Army, the presumption is that he voluntarily rendered aid and assistance to the Confederate government, and is not pensionable, and the presumption is so great that it can not be overcome by his own testimony, however strong, and although he may swear that he never voluntarily rendered any service. I give you an illustration showing the injustice and harshness of the ruling of the Department.

It is the case of Thomas K. Edgman, of McMinn County, Tenn., who was pensioned under the act of June 27, 1890, and dropped from the rolls on account of his Confederate service.

On application to be reinstated, the following state of facts was shown.

Claimant proved by five or six good citizens, neighbors and long-time acquaintances, that he was a Union man; that he voted both times against secession in Tennessee, when submitted to a vote of the people in Tennessee; that he made two attempts to escape from McMinn County, where he lived (then in control of the Confederate authorities), and to go to the Union Army in Kentucky; that at the second attempt his relatives, who were in sympathy with the Confederacy, believing that he intended to go into the Union Army, had him (while on his way out of McMinn County) arrested by the Confederate military authorities, sent him off to some point above Knoxville, and compelled him to join the Confederate army. Soon after this he was sent to Vicksburg, Miss., and while there he and some others, seizing the first opportunity, laid down their arms and made their escape into the Union lines, joined Grant's army, served twenty-two months, and received an honorable discharge. And to make a still stronger case, Mr. Edgman swore, and his testimony was corroborated by two or three men who were with him in the Confederate army, that his Union sentiments were so strong that while he served in the Confederate army he never fired his gun, and while he was forced to do some service, he made up his mind from the start to do as little as possible, so as not to hurt or harm anyone on the other side. With all this proof of his loyalty to his country he was dropped from the rolls.

This is one of a large class of men who have suffered wrong and been denied justice by the unwarranted construction of the act of June 27, 1890.

In order that this House may know the difficulties which surrounded the Union men of the border States, and especially of east Tennessee, and that this House may fully appreciate the valuable services rendered by the Union men of the border States to this Government during the war, and, having this knowledge, to be better prepared to do them the simple justice long denied them, I desire to call attention to some of the history of our country in east Tennessee during the late war.

It is not my purpose to refer to these matters in order to stir up strife or to kindle anew any of the flames and passions of the war, but simply and alone that the truth of history may be known. I am glad to say that the people of the South are as loyal to this Government and love our republican institutions as much as the people of any other section of the country, and I do not believe there is in the whole South to-day a single intelligent man who wishes that the Confederacy had succeeded.

The Southern people are anxious that the feelings and prejudices growing out of the war may be forgotten, and that we shall all unite in an earnest effort to make our country what God intended it should be, the greatest and grandest country in all the earth, and because the people of the South have been undeceived and now believe that the Republican party is a national party, willing to legislate for the best interests of the whole country,

many, yes, thousands, who have heretofore acted with the Democratic party, who believe in sound money, a protective tariff, and the national policies of the Republican party, have parted company with the Democracy, and on questions of tariff, finance, etc., have come into the Republican party, and have come on principle, and for principle, and come to stay. And if we act wisely, addressing ourselves in a courageous way to do for the best interests of the country, leaving the Southern people to settle in their own way the race problem and the control of elections, we shall see the Republican party in the South composed of the best and most intelligent citizens and voters, and we shall see the Democratic party there rent in twain, divided and disorganized, and appealing for support to the worst element of society in that favored land.

Tennessee was one of the last of the States to go out of the Union. East Tennessee, or, more accurately, the eastern part of the State, was strongly opposed to secession. It was intensely Whig before the war. The people who lived there were Federal Whigs of the Alexander Hamilton and George Washington school, believing in a strong National Government. Being great admirers of Webster and Clay, they believed the Union should be preserved at all hazards, and in the campaign of 1860 had supported Bell and Everett, and marched, rallied, and hurraed to the campaign slogan of "the Union, the Constitution, and the enforcement of the laws." So when it was proposed to go out of the Union the people of east Tennessee strongly protested.

The people of Tennessee voted twice in 1861 on the question of seceding after the other States had gone out of the Union. At the first election the vote was overwhelmingly against secession, east Tennessee voting 34,400 for the Union and 7,000 against. But soon after this an extra session of the legislature was called and the question again submitted, and this time, on account of the presence of Confederate troops which had been brought into Tennessee, although it was still a State of the Union, and by other unfairness, it is claimed, Tennessee was voted out of the Union, although east Tennessee voted this last time largely against the proposition to go out of the Union.

Immediately the governor of the State called for a large number of volunteers for the Confederate army, and many thousands promptly responded, but comparatively few from east Tennessee, and later conscription was resorted to, largely on account of the attitude of east Tennessee.

The Union men did not believe a State could vote itself out of the Union, and instead of tamely submitting, as the Union men did farther South, they met in open convention at Greeneville, Tenn., on June 17, 1861, only a few days after the last vote on secession or separation, and in a largely attended convention, with delegates from every county in east Tennessee, passed resolutions strongly condemning the effort to take Tennessee out of the Union. This protest, however, was all in vain; the story of east Tennessee from this time on was written in blood and tears.

Immediately after this Greeneville convention the Confederate authorities, in order to retain supremacy in east Tennessee, occupied this territory with a large military force, and continued to hold this territory until September 4, 1863, when General Burnside entered Knoxville with his army, Colonel Foster, afterwards Secretary of State under General Harrison, leading the advance. The Confederate authorities found it necessary to keep a large force in east Tennessee on account of the strong Union sentiment there; and while the Confederate authorities occupied this territory Union men were compelled to join the Confederate army or go to Southern prisons, and this class of men are denied pensions now, although they quit the Confederate service at the first opportunity.

The State administration early took steps to enforce the doctrine of repression in east Tennessee. Confederate States troops from Alabama, Georgia, Louisiana, and Mississippi were hurried up and quartered, under various pretenses, in the mountains.

The question of "taking sides" actively, marching under the "stars and bars" or under the "Stars and Stripes," was forced to an issue. The day of discussion was a brief one. The conscript officer appeared on the scene. The way for this was prepared by reports that a Federal army was marching into Tennessee from Kentucky. Doubt and confusion were part of the atmosphere. The Union men who could be apprehended were conscripted into the Confederate army. Many fled, first to the mountains, to escape conscription, where they were fed for months by the Union women of the vicinity, and at length, despairing of Buell's army reaching east Tennessee, many of them determined to make their way to the Union Army in Kentucky. The traveling was to be done by night, and the journey lay over mountains and across deep rivers, and must be done with extreme caution, for the passes from Tennessee into Kentucky were constantly and strongly guarded. Many of the men thus attempting, through dangers and extreme cold, to reach and join the Union Army, because they wanted the Union preserved, were captured and compelled to join the Confederate army. Was it any disgrace or dis-

honor for them to desert a cause which they abhorred and to fight for a cause they loved?

Both generals—Grant and Sherman—in their memoirs speak of the desertions from the Confederate army before Vicksburg, on the march to the sea, and at other points. These were not the men who, believing in secession, had risked their all and gone to fight for what they believed to be right. These were not cowards, for braver men never marched to martial music than the Confederate soldiers, but they were in large part the Union men from the border States who did not believe in secession, but in the Union, and had been compelled to join a cause they hated, and felt it the exercise of the highest patriotism to quit this cause and fight for the old flag which they had been taught to love since they first looked on its sacred folds. And these are the men who, having quit the Confederate service with joy and gladness, joined the Union Army, fought bravely during the war, as all Tennesseans ever did, whether at Kings Mountain, under Jackson at New Orleans, during the Indian war, or under General Scott in Mexico, and made Tennessee famous as the Volunteer State; and these Union men having fought through the war and received an honorable discharge, and having seen peace restored, our country reunited, are in their extreme old age and helpless condition denied a small pension because of service in the Confederate army which they were compelled to render.

A generous Government will not tolerate this, and no brave, true man will wish that it should. The perilous situation of the east Tennessee loyalists and the great help rendered the Union cause by them was known to and recognized by President Lincoln, and he was constantly urging General Buell, then in Kentucky, to move into east Tennessee with his army to relieve them.

Mr. Lincoln, in a dispatch to General Buell dated January 6, 1862, says:

EXECUTIVE MANSION, Washington, January 6, 1862.

MY DEAR SIR: Your dispatch of yesterday has been received, and it disappoints and distresses me. * * * My distress is that our friends in east Tennessee are being hanged and driven to despair, and even now I fear are thinking of taking rebel arms for the sake of personal protection. In this we lose the most valuable stake we have in the South. My dispatch to which yours is an answer was sent with the knowledge of Senator Johnson and Representative Maynard, of east Tennessee, and they will be upon me to know the answer, which I can not safely show them. They would despair; possibly resign to go and save their families somehow or die with them.

I do not intend this to be an order in any sense, but merely, as intimated before, to show you the grounds of my anxiety.

Yours, very truly,

A. LINCOLN.

Brigadier-General BUELL.

General McClellan also felt the same way, as is seen by the following dispatch to General Buell:

CONFIDENTIAL.] WASHINGTON, Monday, January 6, 1862.

MY DEAR GENERAL: * * * There are few things I have more at heart than the prompt movement of a strong column into eastern Tennessee. The political consequences of the delay of this movement will be much more serious than you seem to anticipate. If relief is not soon afforded those people we shall lose them entirely, and with them the power of inflicting the most severe blow upon the secession cause.

I was extremely sorry to learn from your telegram to the President that you had from the beginning attached little or no importance to a movement in east Tennessee. I had not so understood your views, and it develops a radical difference between your views and my own, which I deeply regret. * * * Interesting as Nashville may be to the Louisville interests, it strikes me that its possession is of very secondary importance in comparison with the immense results that would arise from the adherence to our cause of the masses in east Tennessee, west North Carolina, South Carolina, north Georgia, and Alabama—results that I feel assured would ere long flow from the movement I allude to.

In haste, my dear General, very truly, yours,

GEO. B. MCCLELLAN,

Major-General, Commanding.

Brig. Gen. D. C. BUELL, Louisville, Ky.

Although with all the urging on the part of the President and his superior, General McClellan, Buell did not move into east Tennessee, and that section of Tennessee was not permanently occupied until later by the Federals. The aid rendered the Union cause by the Union men, not only of east Tennessee, but by the loyal men of all the border States, while known to the President and the Union officers, is hardly known to the general public, and has not been appreciated since as it should have been. I do not desire to take from any section or from any men the glory to which it or they may be entitled for the splendid services and sacrifices rendered for the Union cause. I do wish to see justice done to loyal men of the border States, who made many sacrifices for their "opinions' sake."

A brief review of the part played by the loyal men of the border States in the late war will not be considered, I hope, out of place here.

The whole number of men furnished to the Union Army, according to the Adjutant-General's report of November 9, 1880, from the firing on Fort Sumter to the close of the war, was 2,865,028, of which the Northern States furnished 2,432,801 men. The census of 1860 showed that the number of white males of the military age (between 18 and 45) in the Northern States was 4,327,000, so that the troops furnished by them to the Union Army were 60

per cent of the available men. Turning to the slave States, the first discovery is the amazing one that Delaware furnished a larger number of troops to the Union Army in proportion to her available military population than any other State in any part of the country. This is so contrary to accepted ideas that the average Northern Republican would pronounce the statement absurd on its face. But the figures leave no room for doubt. Delaware had in 1860 only 18,273 white males between the ages of 18 and 45. She sent 13,670 men into the Union Army, which equaled 74.8 per cent. New Hampshire contributed only about 54 per cent, Vermont and Massachusetts 58 per cent, Maine 59 per cent, Rhode Island 66 per cent, Illinois and Ohio 69 per cent, Kansas 72 per cent, and Indiana 74 per cent.

The other border States did nearly as well. Maryland had 102,715 white males of army age, and 50,316 of them did service for the Union, being almost exactly 49 per cent. Kentucky had 180,589 men to call upon, and 79,025, or nearly 44 per cent, responded. Missouri had 232,781 white males, and 109,111 of them went into the Union Army, being almost 47 per cent. West Virginia did not fall behind. She had 66,500 white males, of whom 32,068 became Union soldiers, or more than 48 per cent. Even Tennessee, one of the States which actually seceded, furnished no less than 31,095 men to the Union Army.

Altogether, the thirteen slave States contributed 432,227 men in defense of the Union. Kentucky also furnished 23,703 colored troops, which do not enter into this calculation. Maryland and Missouri also supplied the Army with a large contingent for the same arm of the service. It thus appears that one-seventh of the Union Army came from the South.

Contemplate, if you will, what would have been the result if this half million of strong, brave men had been in the Confederate army, making a difference of a million of men, and the border States of east Tennessee, Missouri, Kentucky, Delaware, Maryland, North Carolina, and West Virginia had been as enthusiastically against the Union as Mississippi, Louisiana, Texas, South Carolina, and the other cotton States. Not only would the seat of war have been in the North, but the result made more doubtful, to say the least.

LOYALTY OF EAST TENNESSEE AS ATTESTED BY A CONFEDERATE OFFICER.

In an article in the Century Magazine of February, 1885, Col. William Preston Johnson (son of Gen. Albert Sydney Johnson, and a member of Jeff. Davis's staff during the war), writing on the battle of Shiloh, and defending his father from the severe criticism of certain Southern newspapers for the loss of Forts Donelson and Henry, the evacuation of Bowling Green, and the disaster at Fishing Creek, says:

His father's army was weakened by the necessity of keeping thousands of troops in east Tennessee to overawe the Union population there, and so as to guard the only line of railroad communication between Virginia and Tennessee.

He further says:

This hostile section penetrated the heart of the Confederacy like a wedge, and flanked and weakened General Johnson's line of defense, requiring, as it did, constant vigilance and repression.

Gen. D. H. Hill, of the Confederate army, insisted a few years ago that the rebellion was suppressed by Southern men. Whether this be true or not, it is true that the first repulse to the Southern army was inflicted at Mill Springs by General Thomas, a Southern loyalist. The first confidence inspired in the demoralized army of Bull Run was owing to the generalship of Ord, of Maryland, at Dranesville. Blair, Canby, Crittenden, Alexander, and Nelson were born in Kentucky. Newton and Cook were Virginians; Ord and Sykes were Marylanders.

The most successful of all naval heroes was David G. Farragut, an east Tennessee boy. Dupont of Delaware and Goldsborough of Maryland made the first lodgment on the Atlantic coast.

When the Federal Army had been scattered at Chickamauga, who was it that stood at Rossville, Ga., like a rock in the ocean against which the waves dash and fret in vain? It was Thomas, the rock of Chickamauga.

Had it not been for the stubborn resistance of this gallant general and his brave men, Chickamauga would have been a complete Federal rout and the Confederacy an established fact at this very hour.

We have the testimony of Generals Grant and Sherman for the statement that the Union men of east Tennessee, out of their scanty supplies, fed General Burnside's starving army during the siege of Knoxville, and the loyal people of the Sequatchie Valley contributed liberally to feed General Rosecrans's army at Chattanooga before General Grant established the "cracker line" to Bridgeport, Ala.

H. V. Redfield, at one time the able correspondent of the Cincinnati Commercial Gazette, writing about Tennessee troops, says:

A detail of the exploits of the Tennessee troops in the Union Army would fill volumes.

The Tennessee troops were fighters rather than writers, and they left little record of their transactions. It was Tennessee troops who finally routed the famous cavalry command of Gen. John H. Morgan, and killed that fa-

mous rider. He vanquished armies and captured more prisoners in a single raid than his own men numbered, yet a strange fate decreed that he should meet his fate at the hands of Tennessee Unionists, aided by a Michigan regiment.

And the capture of Morgan was equal to the destruction of an army.

Mr. Chairman, I have not thus spoken to stir up bad blood, to bring skeletons from moldy graves to speak the language of revenge, but to set forth the work and virtues of humble people, who helped to continue and extend American institutions by heroic devotion and suffering, and have proved by their suffering that love of country is a divine truth; that the United States is not a rope of sand tying together antagonistic States; that the Constitution is not a "glittering generality," but a "divine ubiquity," a law of growth, freedom, and civilization, and that long-delayed justice may speedily be done the Union men of the South, many of them the descendants of the heroes of Kings Mountain, New Orleans, Monterey, and Buena Vista.

Mr. CONNOLLY. Mr. Chairman, before proceeding, I desire to yield two minutes to my colleague from Illinois [Mr. SMITH] for the purpose of suggesting an amendment he proposes to offer at the proper time.

Mr. SMITH of Illinois. Mr. Chairman, I do not desire to discuss this measure at this time, but will probably have something to say upon it under the five-minute debate. I have read this bill carefully and believe it to be a good one, although I believe, at the same time, it might be amended in some one or two respects with advantage, and that certain amendments which could not be objectionable to anyone might be incorporated in the bill which would be beneficial.

But I only desire now to give notice that at the proper time I shall offer an amendment on page 3 of the bill, and I ask unanimous consent that that amendment may go into the RECORD—it will take about five or six lines of the RECORD—so that members of the committee may have an opportunity of considering it before it comes up under the five-minute rule. I ask that the amendment be read as a part of my remarks.

The Clerk read as follows:

On page 3, after section 4, insert the following, to be known as section 4, namely:

"That hereafter, in the administration of the pension laws and determination of the rights of any claimant to a pension or an increase of pension, the same shall be determined solely on the sworn testimony, or affirmation, of witnesses, taken under the provisions of law; and the unsworn statements of any person or persons relative to the credibility of witnesses, or as to supposed facts in connection with such claims, shall not be considered or accepted by the Pension Office officials to impeach or discredit the sworn statements, or affirmation, of a witness."

[Mr. CONNOLLY addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNOLLY. I would like to have enough time to call attention to this section.

Mr. SPERRY. I ask that the gentleman have further time.

The CHAIRMAN. It is also five minutes to 5 o'clock, when the House must take a recess.

Mr. CONNOLLY. I will yield.

Mr. PICKLER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8271) relating to pensions, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

The SPEAKER. The Indian appropriation bill has come back from the Senate with Senate amendments and a request for a conference. The gentleman from Kansas [Mr. CURTIS], a member of the committee, moves that the House nonconcur in the Senate amendments and agree to the request for a conference. Without objection it will be so ordered; and the Chair will appoint as conferees on the part of the House the gentleman from New York, Mr. SHERMAN, the gentleman from Kansas, Mr. CURTIS, and the gentleman from Texas, Mr. PENDLETON.

There was no objection, and it was so ordered.

CONNEAUT, OHIO, A SUBPORT OF ENTRY.

Mr. GROSVENOR. Mr. Speaker, the Committee on Ways and Means direct me to report back the bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in the said State of Ohio.

Mr. DINGLEY. Ask for its passage. It can be passed in a moment or two.

Mr. GROSVENOR. I ask unanimous consent to pass the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. BAILEY. Let us hear what the bill is.

Mr. GROSVENOR. It is a bill to establish a subport of entry at a little town in Ohio.

The bill was read, as follows:

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a support of entry in the district of Cuyahoga, in said State of Ohio.

Be it enacted, etc., That the port of Conneaut, in the State of Ohio, be, and the same is hereby, declared to be a support of entry in the district of Cuyahoga, in said State of Ohio, from and after the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2178) to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah, and at Ogden—to the Committee on Public Buildings and Grounds.

A bill (S. 1985) to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead and mining laws of the United States—to the Committee on the Public Lands.

A bill (S. 1287) to place Francis W. Seeley on the retired list of the Army—to the Committee on Military Affairs.

A bill (S. 1200) providing for an additional circuit judge in the sixth judicial circuit—to the Committee on the Judiciary.

A bill (S. 278) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased—to the Committee on Claims.

A bill (S. 270) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia—to the Committee on Public Buildings and Grounds.

A bill (S. 131) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file, embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railway Company without delay to all lands described in the several lists now on file in the United States Land Office upon which title is due to the Union Pacific Railway Company, in order to complete, through the Union Pacific Railway Company, good and sufficient title to the purchasers and present owners of such lands: *Provided*, No patents shall be issued for any lands which have not been sold by said company prior to the passage of this resolution—

To the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, to wit:

A bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers; and

A bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for three days, on account of important business.

To Mr. GOODWYN, for twelve days, on account of important business.

REPRINT OF BILL.

On the request of Mr. SPERRY, a reprint was ordered of the bill (H. R. 3273) for the classification of clerks in the first and second class post-offices, for the purpose of correcting an error in the reported bill.

Mr. PICKLER. I ask consent that the House take a recess now.

Mr. SCRANTON. Pending that, I desire a change of reference made.

CHANGE OF REFERENCE.

Mr. SCRANTON. Mr. Speaker, I ask that the bill (H. R. 2466) to approve an act of the legislative assembly of the Territory of New Mexico entitled "An act to create a county court" be referred to the Committee on the Judiciary. It was referred to the Committee on Territories.

The SPEAKER. The gentleman from Pennsylvania asks a change of reference of this bill from the Committee on Territories to the Committee on the Judiciary.

Mr. PERKINS. What is the bill?

The SPEAKER. An act creating a county court in New Mexico. [After a pause.] The Chair hears no objection, and the change of reference will be made.

REPRINT.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent for a reprint of the bill under consideration (H. R. 8271).

There was no objection, and it was so ordered.

The SPEAKER. The time having arrived for the recess, the House is now declared in recess until 8 o'clock this evening, and the gentleman from New York, Mr. PAYNE, will please take the chair at that time.

And accordingly (at 5 o'clock) the House was declared in recess.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

Mr. PAYNE, as Speaker pro tempore, called the House to order and directed the reading of the special order, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The question being taken on the motion of Mr. PICKLER, the Speaker declared that the ayes seemed to have it.

Mr. TALBERT. A division, Mr. Speaker.

The House divided; and there were—ayes 45, noes none; so the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of business on the Private Calendar. The Clerk will report the first bill.

JOHN KEHL.

The bill (H. R. 1261) for the relief of John Kehl was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to restore the rating of John Kehl, late of Company D, Ninth Regiment of Wisconsin Volunteer Infantry, to the rate of \$30 per month, as it was previous to July, 1893.

Mr. TALBERT. Mr. Chairman, when we adjourned on last Friday evening we were discussing the propriety of the passage of this bill. If I am not mistaken, I had the floor when the hour of adjournment arrived. I do not believe that we ought to grant any increase of pension in this case. I think this man is justly entitled to what he is receiving, \$8 per month, but I fail to see any testimony which leads me to conclude that his pension ought to be increased. Therefore, to prevent friction and in order that we may move on and consider other more meritorious bills which possibly may be found upon the Calendar, I trust that the gentleman in charge of this bill will not press it this evening, but will let it be passed over without prejudice until the case can be further investigated and more proof, if possible, presented than is contained in the report of the committee in favor of increasing this pension. I hope the bill will not be favorably passed upon by this committee at this time.

Mr. BROMWELL. Mr. Chairman, so far from adopting the suggestion of the distinguished gentleman from South Carolina, I shall most unhesitatingly urge that this Committee of the Whole report this bill favorably and recommend its passage. I have gone very carefully over the reports of the various medical examinations in this case—there are six of them—and I am satisfied that no more meritorious bill ever came before the House of Representatives, and I hope to be able to show this committee that this has been a case of the most unjust persecution of this man from the time his first application for an increase was made up to the present time.

I shall state briefly the facts in this case. It is not a pleasant case to discuss in the presence of this House or in the presence of those who are visiting us this evening, but justice to this man demands that I shall speak plainly and deal plainly with this subject. In 1884 John Kehl, a poor, ignorant old German, applied for and was granted a pension at the rate of \$8 per month, for disease of the heart and rheumatism, resulting from cold and exposure while in the military service. He applied for an increase. On the 25th of August, 1884, the report of the medical board, consisting of Drs. Muscroft, Stevenson, and Prendergrast, three of the most reputable citizens of the city of Cincinnati, was substantially as follows. The language which I am about to read is quoted exactly from their report:

This man's case, in our opinion, shows the commencement of some special disease which is still somewhat obscure and prevents a diagnosis, but will result in locomotor ataxia. We think his present disability entitles him to three-fourths of total rating.

Now, the gentleman from South Carolina [Mr. TALBERT], for whom I have the highest regard and respect personally, is like some other members of this House who think it is extremely amusing and entertaining to boast of their ignorance. It seems to me, Mr. Chairman, that a man who has been studying these pension matters as he has been during this session and before, ought to know something of the meaning of medical terms, and when the gentleman gets up and talks about locomotor ataxia and twists and distorts the term, and then says that he does not know what it means, that is a confession of ignorance which, if I were he, I should be ashamed to make. I will say to the gentleman that locomotor ataxia is a complaint which results in lameness and inability to move the limbs, or rather inability to control their motions, and it is often a result of exposure to severe cold and rheumatism and other influences of that kind.

Mr. TALBERT. I want to say to the gentleman that "the gentleman from South Carolina" knows a little more about this case than you think he does.

Mr. BROMWELL (continuing). On the strength of this report this man was given a pension of \$8 a month. He applied for an increase. He lived in the city of Cincinnati. And here let me say that whenever an unfavorable report was to be obtained in this case (and there were three of them, more or less unfavorable) they took him away from Cincinnati, his home—once to Covington, Ky., and twice to Hamilton, Ohio, 25 miles distant from where he lived—and had him examined there, while the examinations by the physicians in Cincinnati, his home, were invariably favorable to his application. I mention this as a coincidence. The examination at Hamilton, Ohio, which took place on the 29th of May, 1888, before Drs. Hinckley and McNeeley, contains this language:

Scars of bubos are visible in each groin. Formerly drank freely, but now only temperately. We believe his trouble is due to spinal sclerosis from syphilitic taint.

That was by the examining board at Hamilton, Ohio, and, as I have said, was made and dated on the 29th of May, 1888. With the delay usual in the Pension Office under all administrations—I do not make any special criticism upon the present administration in that respect—this case was not again considered or an examination had until the 4th of September, 1889, a year and a half after the Hamilton examination. This examination was made by Drs. Hartshorn, Smith, and Klein at Cincinnati.

They say:

He is, in our opinion, entitled to first-grade rating for the disability caused by rheumatism, enlargement of the heart, locomotor ataxia.

Now, Mr. Chairman, as most of the members present are aware, locomotor ataxia is not a disease that comes suddenly; it is not a disease that develops itself at once, and at a stroke, like paralysis, immediately destroys all power and control of the limbs, but is a disease that is insidious and grows steadily day by day. This report continues:

There is reason to believe that he had suffered exposure previous to or at the time of his attack of rheumatism to produce the locomotor ataxia. In this particular there is a very close connection of the causes of rheumatism and locomotor ataxia. The applicant is totally disabled, requiring regular aid and attendance of another person.

Now, on the 27th day of February, 1890, or six months after this report was made, the Commissioner of Pensions not yet having acted on the case, the following instructions were issued for another examination in the case of this man. These are the identical words of the instructions:

It is desired in this case that the examination be made with special reference to chronic rheumatism and results. Claimant is on the rolls for rheumatism and resulting disease of the heart and alleges also resulting paralysis. There is a prevalent impression of a syphilitic taint in this case, and to this point your attention is especially directed.

I ask your attention to that language, because it called the special attention of the examining board to this part of the case and to what the medical examiners in the Department had done with a view to discovering the nature of this man's disability.

Please examine with care and let your report state what, if any, agency syphilis has had in causing present disabilities. Please state also as to condition of skin, throat, groins, bones, head, and scalp, as to any signs of syphilis which may be shown.

THOS. D. INGRAM,
Medical Referee.

Now, Mr. Chairman, I wish to call the attention of the committee to the condition of certain parts of the body of this applicant as shown by the examination of the case; because, as a result of this dreadful disease, these are the parts of the body that are always and invariably affected. This report of the board of examiners, a board composed of three eminent physicians in the city of Cincinnati, than whom none stand higher in this country, men with whom I am personally acquainted—Dr. A. C. Kemper, Dr. J. W. Stevenson, and Dr. A. B. Isham, himself a gallant soldier, who carries a wounded limb, and has a limp resulting from this wound received in the service that he will carry during his lifetime.

On March 19, 1890, this board used this language, and I will say that I have not quoted the report in full, as it is not necessary. I have quoted the language mainly applicable to the complaint to which reference has been made as affecting the standing of this applicant before the office. In that report they say:

Skin and tongue healthy. Find he has decided dragging of the right leg, with ataxia gait; some incoordination of muscles of right arm and hand. He is, in our opinion, entitled to a second-grade rating for the disability caused by rheumatism and spinal sclerosis.

Mr. ERDMAN. Will you permit an inquiry just there?

Mr. BROMWELL. No; not now.

Mr. ERDMAN. I suppose you will read the whole report?

Mr. BROMWELL. I will be glad to have the gentleman read the whole report if it will be any satisfaction to him. I am reading substantially the entire report, particularly that part of it which bears on this special disease. They say, continuing:

Unable to button clothes with right hand; could detect no anæsthesia of any part; * * * unable to stand alone with eyes shut. Find a cicatrix from ulcer under glans penis and near meatus, having destroyed prepuce and enlarged meatus somewhat; no induration. Could detect no enlargement of any of the glands of the body; no scars in groin; no nodes or enlargement of any of the bones indicative of syphilis. Says he had a sore on penis, but could get no other history of syphilis and no other evidence of any. Could detect no other changes in the case. This man is totally disabled, due to spinal sclerosis, and if it is the result of his army service we recommend a second-grade rating.

Now, I will say that most of the usual sequelæ of this disease are the enlargement of the glands on the back of the neck and the enlargement of the glands on the arm. The examiners at Hamilton spoke of having found lumps or enlargement of the glands in the groin. This examination finds a complete absence of any of those symptoms. Other symptoms are usually the falling out of the hair and the growth of nodes or lumps upon the scalp. Those are all missing; there is nothing of that kind.

Not satisfied with this report made by these three eminent physicians of Cincinnati, the Department sent this case to Covington, in the State of Kentucky, and there, on the 26th of August, 1892, before Drs. Tarvin, Davis, and Stuard, an examination was had, from the report of which I will read an extract; and I will say that in making the selection of what I read I have picked out those parts which refer to the particular disease in question; and if I omit any part which the gentleman from Pennsylvania [Mr. ERDMAN] wishes to include in his reply, I shall be very glad to have him do it. But I did not suppose the House would care to hear the entire report. I am dealing fairly with the House and giving in each case the worst statement made in the report. This board of examiners at Covington says:

He makes the following statement: "Also syphilis in 1863."

Now, as I stated on last Friday night when this matter was up, this claimant being an ignorant German and not understanding well the English language, misunderstood the question put to him in the first examination, and supposed it was whether he had ever had erysipelas, and he replied that he had. But the examiners put it down in their statement that he had admitted he had had syphilis. Then this board goes on to say:

Well-marked cicatrix on left side of glans penis and slight loss of substance of lower wall of meatus, the result of initial lesion of syphilis. * * * Well-marked case of locomotor ataxia. * * * We see no evidence of excessive consumption of spirituous liquors.

One of the claims was that his diseased condition was due to his having been intemperate.

Owing to the imbecility of the applicant—

Now, I ask attention to this language—

Owing to the imbecility of the applicant and the total inability to obtain a complete history of the case, we are unable to determine positively whether the condition of the applicant is due to syphilis or other pathological changes.

This board, sitting at Covington, with this statement before them that this man had made that he had had this disease, were unable to determine whether his disability was due to this disease or to other pathological changes. That was on the 26th of August, 1891; and the claim was rejected. It was afterwards taken up at the request of Mr. Storer, a member of the Fifty-third Congress, and another examination was ordered, which took place on the 28th of March, 1894, before Drs. Dunham, Juettner, and Fogel, of the city of Cincinnati. They say:

We can not find any evidence of syphilis (soldier denies it also); no chancre scar; no enlarged glands. Palate relaxed, pharynx and nasal passages catarrhal, skin cyanotic but healthy; hair, skull, tibiae, and other bones normal; no evidence of vicious habits.

Another examination was ordered before this same board, because the Department was determined to prove that this man was suffering from the result of his vicious habits. This examination was made on the 9th of May, 1894, a little less than two months after the one last mentioned. In the report of this examination the board says:

Locomotor ataxia; sense of cushion beneath feet; coordination of movements in walking markedly impaired; he reels immediately upon closing eyes; marked unsteadiness of the voluntary movements of upper and lower extremities; patella reflex lost; difficulty in swallowing and speaking; sense of constriction about thorax; local areas of anæsthesia of skin on thorax, neck, and legs. * * * There is a scar on both sides of meatus urinarius on

glans penis. (Soldier claims as the result of a practical joke while in Camp Siegel, at Milwaukee. A comrade touched his glans penis with a red-hot ramrod.)

In spite—

Now, notice this language—

In spite of the most painstaking examination, according to special instruction, we can not find any evidence of syphilis on skull, hair, skin, tibiae, or other bones, mucous membrane, brain, heart, lungs, or other viscera and glands. There is positively no enlargement of the post cervical—

That is the gland at the back of the neck—

epitrochlear—

That is the gland on the arm above the elbow—

and inguinal glands. It is the unanimous opinion of this board that claimant's locomotor ataxia is the result of exposure to wet and cold and rheumatism, not of syphilis.

No evidence of vicious habits.

Totally disabled for manual labor.

Now, with all this evidence before it, the Pension Department, still determined to harass this man and refuse him the pension to which he was entitled, sends him off 25 miles to the city of Hamilton for another examination. This is the sixth examination. On the 1st of August, 1894, he appeared before three doctors in Hamilton—Drs. Huston, Grafft, and Sharkey. After contradicting nearly everything found by former examinations, they say:

The cause of this trouble is probably a syphilitic germinata. There is a scar situated about the meatus and another scar situated near and on the right side of the meatus. No enlarged glands in the groin. No loss of hair. No nodes formed on the skull, but roughness of both tibiae.

There are the examinations into this case, and the Department, following, I am sorry to say, the usual rule in these cases, has determined that this man shall not get a pension, and they are construing every possible thing against him. Instead of doing as is provided for in the general bill that we now have under consideration; instead of giving this man the benefit of the doubt; instead of remembering that he risked his life in the service and came out of it a poor, crippled, broken-down man, requiring constant attendance, unable to control the natural functions of the body, filthy and diseased, and an absolute care and dependent upon his family, getting but \$8 per month for rheumatism, where he is undoubtedly entitled, upon the report of these physicians, to the amount asked for in this bill, \$30, they have construed everything against him, they have refused to allow him his pension, and it becomes necessary to appeal to this House to see that this injustice is righted.

Now, if the gentleman from Pennsylvania [Mr. ERDMAN] has the full statement of this case I should be very glad to have him read any parts of it that I have omitted if he wants to.

Mr. ERDMAN. Mr. Chairman, this case is of a character not proper for discussion in the open House, and I do not propose to be drawn into any discussion of the details of it. I want to say that this gentleman's pension was reduced in April, 1892, not under a Democratic Administration, and the implied fling at the present Administration, in the remarks of the gentleman who has just taken his seat, does not apply.

Mr. BROMWELL. May I ask the gentleman what remark I made which could be construed into any fling at the present Administration? Did I not say specifically that I did not propose to criticize the present Administration?

Mr. ERDMAN. Indeed, I heard you say that, but I judged your remarks by their general tenor. Now, in April, 1892, this man was reduced to \$8 a month. The Pension Bureau then said:

Medical experience shows that 50 per cent of all cases of "locomotor ataxia" are due to syphilis and alcohol.

And I want to say that this man had admitted before that he formerly indulged freely in alcoholic stimulants and that he had the other disease.

The medical certificates show that in this case these are the principal if not sole factors in claimant's condition.

I have gone over the medical reports, and it is my judgment that the Pension Bureau in 1892 reported correctly:

Strict justice would seem to demand the dropping of his name from the rolls. Granting, however, that some disability may exist, due to long service and exposure and independent of the effects upon the nervous system of the syphilitic virus and alcoholic poisoning, all doubts are amply covered by the allowance of \$8 per month.

A Republican Administration said that of him. If this is a proper case for pensioning by private bill in the House, then I have never seen an improper one.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

The question was taken; and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. ERDMAN) there were—ayes 80, noes 4.

Mr. TALBERT. No quorum, Mr. Chairman.

Several MEMBERS. Count, Mr. Chairman.

The CHAIRMAN (after counting). No quorum appears to be present, and the Clerk will call the roll.

Mr. PICKLER. Mr. Chairman, I ask if the gentleman will withdraw the point of no quorum, and allow this bill to be passed without prejudice?

Mr. TALBERT. If you will lay aside the bill with an unfavorable report, I will withdraw the point.

Several MEMBERS. Oh, no.

Mr. TALBERT. I made a suggestion which gentlemen indignantly refused, and in their refusal made some unpleasant remarks. I refuse to withdraw the point of no quorum.

Mr. PICKLER. Let the bill be passed over without prejudice, without any report upon it.

The CHAIRMAN. The Clerk will call the roll.

Mr. LAYTON. I hope the bill will not be passed over. It is a meritorious case. I have examined it, and it is undoubtedly meritorious.

The roll was called, when the following-named members failed to respond:

Abbott,	Dockery,	Lawson,	Robertson, La.
Acheson,	Doolittle,	Lefever,	Robinson, Pa.
Adams,	Dovener,	Leisenring,	Royce,
Aitken,	Draper,	Leonard,	Rusk,
Aldrich, Ala.	Ellett, Va.	Lester,	Russell, Ga.
Aldrich, Ill.	Elliot, S. C.	Livingston,	Sauerharing,
Allen, Miss.	Evans,	Lockhart,	Sayers,
Anderson,	Fischer,	Lorimer,	Scranton,
Apsley,	Fitzgerald,	Loud,	Settle,
Arnold, Pa.	Fletcher,	Maddox,	Shannon,
Arnold, R. I.	Foot,	Maguire,	Shaw,
Atwood,	Foss,	Mahany,	Sherman,
Babcock,	Fowler,	McCall, Mass.	Simpkins,
Bailey,	Gardner,	McClellan,	Skinner,
Baker, Md.	Gillet, N. Y.	McClure,	Smith, Ill.
Bankhead,	Goodwyn,	McCormick,	Smith, Mich.
Barham,	Griswold,	McCreary, Ky.	Southwick,
Barrett,	Grow,	McDearmon,	Spalding,
Bartlett, Ga.	Hall,	McEwan,	Spencer,
Bartlett, N. Y.	Halterman,	McKenney,	Stahle,
Beach,	Hanly,	McLachlan,	Stallings,
Belknap,	Harmer,	McLaurin,	Steele,
Bell, Colo.	Harris,	McMillin,	Stokes,
Bell, Tex.	Harrison,	McRae,	Stone, W. A.
Bennett,	Hart,	Meiklejohn,	Strait,
Berry,	Hartman,	Mercer,	Strong,
Bingham,	Hatch,	Meredith,	Strowd, N. C.
Black, N. Y.	Heatwole,	Meyer,	Sulzer,
Boutelle,	Heiner, Pa.	Miller, Kans.	Swanson,
Bowers,	Henderson,	Milliken,	Taft,
Brosius,	Hendrick,	Miner, N. Y.	Tawney,
Buck,	Hermann,	Mondell,	Taylor,
Bull,	Hicks,	Money,	Terry,
Burrell,	Hilborn,	Moody,	Tucker,
Burton, Ohio	Hill,	Morse,	Turner, Ga.
Cannon,	Hitt,	Moses,	Turner, Va.
Catchings,	Hooker,	Mozley,	Tyler,
Clarke, Ala.	Hopkins,	Neill,	Underwood,
Cobb,	Howard,	Newlands,	Van Horn,
Cockrell,	Howe,	Noonan,	Wadsworth,
Coffin,	Hubbard,	Noonway,	Walker, Mass.
Colson,	Huff,	Odell,	Walker, Va.
Cooke, Ill.	Hulick,	Ogden,	Warner,
Cooper, Fla.	Huling,	Otey,	Washington,
Cooper, Tex.	Hull,	Otjen,	Wellington,
Cooper, Wis.	Hurley,	Owens,	Wheeler,
Cousins,	Hutcheson,	Patterson,	White,
Cowen,	Hyde,	Pearson,	Wilber,
Cox,	Johnson, Cal.	Pendleton,	Williams,
Crisp,	Johnson, Ind.	Perkins,	Wilson, Idaho
Crowley,	Johnson, N. D.	Pitney,	Wilson, N. Y.
Culberson,	Jones,	Powers,	Wilson, Ohio
Cummings,	Joy,	Price,	Wilson, S. C.
Dalzell,	Kem,	Prince,	Woodard,
Danford,	Kendall,	Quigg,	Woomer,
Dayton,	Kiefer,	Raney,	Wright,
Denny,	Kulp,	Ray,	Yoakum.
De Witt,	Kyle,	Reeves,	
Dingley,	Lacey,	Reyburn,	
Dinsmore,	Latimer,	Richardson,	

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say that my colleague, Mr. GARDNER, was called away by telegram on account of important business.

The CHAIRMAN. The committee will rise.

The committee rose; and Mr. PAYNE resumed the chair as Speaker pro tempore.

Mr. HEPBURN. Mr. Speaker, the Committee of the Whole House finding itself without a quorum, as Chairman I directed the roll to be called, when 116 members responded to their names. I report the names of the absentees for entry upon the Journal.

The SPEAKER pro tempore. The names of the absentees will be entered upon the Journal. A quorum has appeared, and the committee will resume its session.

The committee again resumed its session.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. I demand a division.

The committee divided; and there were—ayes 97, noes 4. [Applause.]

So the bill was ordered to be laid aside with a favorable recommendation.

HELEN MORRELL CARROLL.

The next business on the Private Calendar was the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Helen Morrell Carroll, widow of Samuel Sprigg Carroll, late a major-general in the United States Army, at the rate of \$75 per month, in lieu of the pension she is now receiving.

The question was taken on the amendment offered by Mr. BAKER of New Hampshire to strike out the words "seventy-five" and insert the word "fifty."

The amendment was agreed to.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. TALBERT. Mr. Chairman, I am constrained to take the same position in regard to this bill that I did when it came up several Friday evenings past, and in doing so I do not propose to detain the committee.

Mr. PICKLER. Yes, you do.

Mr. TALBERT. I want to state to the gentleman that no insinuation nor any of his rough language can deter me from doing what I think is right. The gentleman may be as long and as lean and as lank as he pleases, but it does not deter me. As I was going on to say, I do not propose to repeat what I have said on former occasions in regard to this discrimination in favor of the widows of major-generals. I am already on record on that proposition. Right here, bearing upon this subject, I desire to send to the desk and to have read a letter bearing upon questions of this kind, which I will ask the Clerk to read in my own time. I would be glad if gentlemen will listen to this letter. These are not my words, but the words of a soldier whom I do not know.

The Clerk read as follows:

ERIE, PA., April 22, 1896.

DEAR SIR: I told you in my first letter that I may have more to say; but I gave up the notion until I saw the CONGRESSIONAL RECORD of last Friday night and saw what you said about the pension of General Van Dever.

I said in my first letter, "You was right." I think so yet. Keep up your work. If Congress wants to do anything for us let them pass a service bill that will satisfy the boys all along the line.

How much better is General Logan's and General Sheridan's wife than mine to get \$2,000 a year, because they had shoulder straps and sat on a horse while the boys tramped through the mud and slush? Oh, no!

Now for Mr. RAY, from New York. He asked what lunatic asylum I resided in. Tell him the same one that every man that voted for him to come to Congress.

[Laughter.]

He had better come here and see how much of a lunatic I am. He has not enough sense to be a "lunatic."

Any man that will stand up in his place in the Halls of Congress and talk like he does thirty years after the war and claims that he is a Republican, "and that the party is the friend of the men that made it possible for just such men to have a seat in Congress, show their gratitude toward us now."

You made him a good answer.

Respectfully,

CHARLES RICE.

Hon. J. W. TALBERT.

Mr. TALBERT. Now, Mr. Chairman, that letter speaks for itself. I move to amend the amendment by striking out "fifty" and inserting "thirty."

Mr. MILES. Mr. Chairman, this question was before the House in my absence a week ago. I regret that I was not here at that time to present some of the facts in this case, which I believe are not fully presented in the report. The report which is made in this case is the Senate report and was adopted by me with, I believe, no additions, and it goes without saying, Mr. Chairman, and I believe is admitted by my friend from South Carolina, that the distinguished soldier whose widow is asking a pension in this case had served his country brilliantly at Kernstown, Cedar Mountain, Gettysburg, Fredericksburg, Chancellorsville, the Wilderness, Spottsylvania, Petersburg, and all those great battlefields speak, and speak eloquently, of this man's service.

As to his widow, she is now lying in Providence Hospital, in this city, where she has been most of this winter. She is the war widow of Gen. Sprigg Carroll, and I sincerely regret—and I desire that every member of this House shall hear what I say—I sincerely regret that any amendment was offered to this bill which proposes to give this widow a pension of \$75 per month. I hope the gentleman from Illinois [Mr. CONNOLLY] will hereafter bear in mind that there are some Democrats who are not moved by economical considerations in recommending pensions for the widows of distinguished Union soldiers. [Applause.]

I am a Democrat, a Democrat by birth, the son of a Democrat, who was the son of a Democrat; I am a Democrat by training, a Democrat in every sense of the word, and am proud of it. But, Mr. Chairman and gentlemen, I deny that those of us who have served upon the minority of the Invalid Pensions Committee have been actuated by any motive of hostility to the soldiers in the positions which we have assumed with regard to pension legislation in the Fifty-fourth Congress. I bring you here a clean pension claim, in striking contrast with the one against which I stood up with four other members on this floor to vote proudly a while ago. It

has been said of me and it is true, although only by accident, that I am constantly reporting to this House bills granting liberal pensions for generals or the widows of generals and men distinguished in the naval service of the country.

I am proud, sir, that that has been my good fortune, and I want to say to gentlemen on the other side of the House, whoever they were, who favored the first amendment proposed to this bill on last Friday evening—I want to say to them that as a Democrat, believing not in any distinctions in the English sense, I favor allowing more liberal pensions to the men, or to the widows of the men, who have won fame and added luster to American history than to the class of men to one of whom you awarded a pension of \$25 a few moments ago, and I count myself fortunate that I have been by accident the champion here of the widows of the Union generals. She who was "last at the cross and earliest at the grave" will, in your pension legislation, add nothing unclean to the pension roll.

Now, Mr. Chairman, I do not know this lady. This is not a pension claim from my district or from my State. I desire simply in this connection that an affidavit which has been made by this invalid lady shall be read from the Clerk's desk, and when it shall have been read I trust that no man who stood up a while ago to vote in favor of a claimant to whom the granting of a pension is the granting of a badge of shame instead of a badge of honor will oppose this bill.

Mr. Chairman, I simply desire that this affidavit be read, and I beg pardon of the committee for having, with my usual earnestness, occupied so much time in presenting this case.

Mr. PICKLER. Will my colleague on the committee permit a suggestion?

Mr. MILES. Certainly.

Mr. PICKLER. I simply want to suggest that this bill passed the Senate in the Fifty-third Congress at \$75 a month.

Mr. MILES. I ask that the Clerk now read the affidavit.

The affidavit was read, as follows:

Personally appeared before me, a notary public in and for the District of Columbia, Helen Morrell Carroll, who, being first duly sworn, deposes and says that she is the widow of the late Maj. Gen. Samuel Sprigg Carroll, and that she is now receiving a pension of \$30 a month; that she is without property or means of support and entirely dependent upon said pension; that she is in very feeble health and has been ill for three years, finding it necessary on several occasions during said period to go to a hospital for treatment; that she is now confined by illness at Providence Hospital, this city; that some months ago she injured her right arm in letting a folding bed down, since which time she has been practically deprived of the use of it; that she had four children by General Carroll, two of whom are dead, a married daughter living, also a son, aged 19 years, who is employed at a very small salary, hardly enough to support him; that with the greatest economy and self-denial she finds it impossible to live on her pension of \$30 a month, as her ill health and injured arm render it impossible to perform any work in self-support, and as she is constantly in need of medical treatment.

HELEN MORRELL CARROLL.

Subscribed and sworn to before me this 23d day of April, A. D. 1896.
[SEAL.]

PAUL E. JOHNSON,

Notary Public, District of Columbia.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. TALBERT. I moved to amend the amendment, Mr. Chairman.

The CHAIRMAN. That motion was not in order and is not in order at this time.

Mr. MILES. I rise to a parliamentary inquiry, Mr. Chairman. What is the original amendment?

The CHAIRMAN. The original amendment was to strike out "seventy-five" and insert "fifty." The committee acted affirmatively upon that amendment, and the gentleman from South Carolina then proposed to strike out "fifty" and insert "thirty"; but that motion was not in order.

Mr. MILES. I move to strike out "fifty" and insert "seventy." The CHAIRMAN. That motion is not in order, the committee having inserted "fifty" by an affirmative vote.

Mr. MILES. Then I move to reconsider that vote. If that amendment is carried, I simply desire to say that the result will be that this lady will get no pension at all.

A MEMBER. Oh, no.

The CHAIRMAN. A motion to reconsider can not be made in Committee of the Whole. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question being taken, it was decided in the affirmative; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MIRIAM V. KENNEY.

The next business on the Private Calendar was the bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney.

The bill was read, as follows:

Be it enacted, etc., That a pension of \$25 per month be, and the same is hereby, granted to Mrs. Miriam V. Kenney, widow of Samuel W. Kenney, during the term of her natural life, together with the sum of \$5,000 for the services of her late husband during the war of the rebellion.

The amendment reported by the Committee on Pensions was read, as follows:

Strike out at the end of the bill the words "together with the sum of \$5,000 for the services of her late husband during the war of the rebellion."

Mr. WOOD. Mr. Chairman, the report which I desire to have read will fully explain this claim. The case is one which has been very fully investigated by the other members of the committee as well as by myself. If, after the reading of the report, any explanation should be desired, I think I can answer satisfactorily every inquiry which may be made.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3337) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney, submit the following report:

The evidence in this case discloses that Miriam V. Kenney was the lawful wife of Samuel W. Kenney, and has remained his wife since his death.

Samuel W. Kenney was employed and paid by and under direction of Gen. James S. Negley, commanding a division of the Army of the Cumberland, as a spy to seek information of the Confederate army, its position and intentions, and in January, 1863, he went into the Confederate lines, under the above authority and for the above purpose, and while on such duty was captured by the Confederates, tried and convicted as a spy, and was hanged as a spy at Tullahoma, Tenn., February 13, 1863.

The evidence in this case is voluminous, and a considerable portion of it is from Confederate archives, including the record of the court-martial which tried and convicted Kenney. Letters from General Negley have also been considered by the committee. There is no controversy or contradiction in the above facts nor that Kenney was from the first a Union man.

The claimant applied for a pension, which was rejected on the ground that Samuel W. Kenney was not in the military or naval service of the United States.

Your committee recommend that the bill be amended by striking out the last two lines, and that as amended the same do pass.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. ERDMAN. Will the gentleman in charge of this case give us a little more information relative to the employment and compensation of the man whose widow it is now proposed to pension? This is a new class of people whom we are asked to pension—spies. Possibly we ought to grant pensions in these cases, where the employment is demonstrated and where, as stated in this case, the spy was hanged by the enemy. But the evidence in a case of this kind ought to be very clear. I hope we shall have some explanation, therefore, from the gentleman in charge of this bill.

Mr. WOOD. Mr. Chairman, I shall very gladly give to the gentleman from Pennsylvania [Mr. ERDMAN] and to this Committee of the Whole all the information that has come to the Committee on Invalid Pensions in reference to this case. We found among the papers a certified copy of the record of the Confederate court-martial by which this man was tried, convicted, and executed as a spy. We found a very considerable amount of evidence, both Union and Confederate, to show that he was a Union man from the first. The circumstances are developed particularly in a letter of Gen. James S. Negley, who commanded a division of the Army of the Cumberland in the operations of that army immediately preceding the battle of Stone River, on the 1st of January, 1863. I have before me a copy of that letter, and will read it if desired, or I can give the substance of it.

Mr. ERDMAN. What officers constituted the court-martial that convicted this man?

Mr. WOOD. I am unable to say. I recollect that the court-martial was ordered by General Wood—I think Gen. S. A. M. Wood—of the Confederate army, commanding at Tullahoma, Tenn. I could send for the papers on file in the committee room and read the entire record, or a full exhibition of the case may be found in the records of the Pension Office.

Samuel W. Kenney was a Pennsylvanian by birth, coming from Armstrong County. He was a resident of the State of Tennessee. When the Union Army approached there he came to our lines to save his life, having been recognized as a Union man and driven out. He was acquainted with a number of the members of the Seventy-eighth Pennsylvania, a regiment of that Army; and General Negley, in his letter, which I have before me, states that he frequently employed Kenney as a spy and found him to be a brave and true man. Let me read a moment.

Mr. ERDMAN. I do not think it is necessary to occupy time in reading. I would like to know what rank this man held. Was he an enlisted man, a scout, or what was he?

Mr. WOOD. He was employed by General Negley, as that officer himself says, as a scout and spy. He penetrated the Confederate lines at General Negley's request for the purpose of ascertaining the forces and the intentions of the Confederate army, which lay at Murfreesboro.

Sir, there is a statue set up in New York to the memory of a spy whose name has been honored by his country—Nathan Hale. The services of this man Kenney were necessary; they were bravely and honorably performed. There is only one thing wrong, it seems to me, in regard to this bill. This woman ought to have been pensioned from the very day of the execution of her husband. [Applause.] The provision for paying her \$5,000 was struck out—

not because she was not considered as deserving it, but simply because a majority of the committee felt that they were not justified in paying anything in the nature of arrearages of pension. If there is anything wrong about the bill it is the amendment proposed by the committee, and for one I should be glad to have that amendment disagreed to, and the bill passed unamended, thus giving this woman the amount of money originally specified.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY F. DAVENPORT.

The next business on the Private Calendar was the bill (H. R. 75) granting a pension to Mary F. Davenport.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mary F. Davenport, widow of Dudley Davenport, late first lieutenant of the steamer *Caleb Cushing*, and pay her a pension at the rate of \$50 per month.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 75) granting a pension to Mary F. Davenport, widow of Dudley Davenport, submit the following:

Dudley Davenport was a first lieutenant of the revenue cutter *Caleb Cushing* during the late war of the rebellion. The evidence examined by your committee includes a letter from the Secretary of the Treasury dated April 21, 1863, which says:

"The records of the Department show that the revenue cutter *Cushing* was captured by a Confederate privateer in Portland Harbor, Maine, on the night of the 26th of June, 1863. She was at the time in command of Lieutenant Davenport, Captain Clark, who had been in command, having died on that date in the city of Portland.

"The *Cushing*, with the other vessels of the service, was under orders by the President dated June 14, 1863, to cooperate with the Navy in arresting rebel depredations on American commerce, etc."

At the time of the capture of the *Cushing* by the rebel privateer, great cruelty was shown Lieutenant Davenport by his captors, it being known to them that he was a native of Georgia who had remained loyal to the Union; that his life was threatened and he was placed in irons; that armed vessels of the United States pursued the privateer and the *Cushing*, and that finally Lieutenant Davenport and his crew were placed in small boats and abandoned in midocean, and the *Cushing* blown up.

As part of the evidence in this case is a letter to Lieutenant Davenport from Hon. S. P. Chase, Secretary of the Treasury, dated July 14, 1863, which says, in part:

"I am pleased to say that your conduct while a prisoner on the cutter *Cushing* in refusing to furnish any information whatever to her rebel captors meets my most cordial and unqualified approval."

The evidence presented in this claim shows conclusively that before and up to the capture of the *Cushing* by the rebel privateer, that Lieutenant Davenport had been an exceptionally strong and hearty man, but that the mental strain and anxiety, together with personal abuse received at that time, produced a very marked change in him; melancholia was developed, which soon resulted in insanity, and that he was confined in an asylum at New Rochelle, N. Y., and afterwards at Utica, N. Y., where he died May 9, 1869. Affidavits of well-known citizens of Oswego, N. Y., where he resided, are exhibited, which show that from the time of his arrival home, after the capture of the *Cushing*, about July 15, that he was undoubtedly insane.

Mary F. Davenport, the wife of Lieutenant Davenport, made application to the Commissioner of Pensions for a pension as the widow of Dudley Davenport, alleging that his death was the direct result of the hardship, suffering, mental strain, and exposure endured at the time of the capture of the *Cushing* by the rebel privateer on the 26th of June, 1863.

The claim was rejected July 19, 1890, "on the ground of no existing law granting pensions to widows of officers who served in the Revenue-Marine Service."

There is no dispute about the facts in this claim, and as all the evidence goes to show that the mind of Lieutenant Davenport became shattered, ending in total insanity and death, all resulting from the capture of the vessel commanded by Lieutenant Davenport by an armed vessel of the enemy. There is no equitable reason why the relief sought for in this bill should not be granted. It further appears from the testimony that Mary F. Davenport was married to Lieutenant Davenport on the 9th day of July, 1862; that she is entirely destitute and has been for several years partially blind, having to remain in a darkened room a large portion of the time, and that she is now dependent for her support upon the bounty of friends, and that she has no children.

Considering all the evidence in this claim, which evidence is from the leading citizens of Oswego, N. Y., as well as physicians of the asylum where said Davenport was confined, and the documentary evidence furnished by the Government, your committee believe that this is a case where special legislation only can afford relief that seems to be just, and therefore recommend the passage of the bill H. R. 75 with an amendment striking out the word "fifty" in the last line and inserting "twenty-five."

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET WOODBURY.

The next business on the Private Calendar was the bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Harriet Woodbury, late widow of Aaron G. Firman, of Company I, Seventh Regiment Vermont Volunteers.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1299) to pension Harriet Woodbury, having carefully considered the same, respectfully submit the following report:

The petitioner was formerly the widow of Aaron G. Firman, who served in Company I, Seventh Vermont Volunteers, from November 26, 1863, until

his death in the service, October 2, 1864; the widow was pensioned from the death of the soldier to July 14, 1866, when she again married; pension was then paid to a minor child of soldier until October 29, 1880, when he became 16 years of age, since which date no pension has been paid. These facts are shown by the records of the Pension Bureau.

The petitioner, Harriet Woodbury, of Windsor, Vt., testifies that after her marriage to Samuel H. Woodbury she was compelled to go out to labor to support herself and invalid husband, and that he lingered along until July 26, 1886, when he died of cancer; that since his death she is left without any means, and is now obliged to earn her subsistence by laboring at 25 cents per day, and that such remuneration is all the income she has.

Samuel H. R. Emery, of Bartonville, Vt., corroborates the above, and testifies that the petitioner's husband (Woodbury), while apparently healthy when she married him, was afterwards afflicted with cancer, and that the petitioner had to labor for their support; that Mr. Woodbury died in 1886, leaving his widow without means, and that she now labors for her daily bread, and hardly earns enough for a support.

Similar bills were favorably reported in the Fifty-second and Fifty-third Congresses, but died on the Calendar.

Your committee recommend that the bill be amended by adding to line 8 the words "and pay her a pension of \$12 per month"; and that as amended the bill do pass.

The CHAIRMAN. The question is on the amendment.

Mr. ERDMAN. Mr. Chairman, I suggest to the gentleman in charge of this bill that he allow it to be laid aside without prejudice for the present. It is another case of a remarried widow, and those cases always take up the time of the committee. Other good bills might be passed while we are considering this one.

The CHAIRMAN. Is there objection to the request of the gentleman to lay this bill aside?

Mr. GROUT. I object.

Mr. ERDMAN. Mr. Chairman—

Mr. GROUT. I hope the gentleman will not take up the time in discussing this matter. This whole question has been gone through with heretofore very fully; and it has been ascertained that the committee is in favor of these bills, where, as in this case, the widow is destitute, and dependent wholly upon her own exertions.

Mr. ERDMAN. Mr. Chairman, we are considering to-day, and have been for a day or two past, a general pension bill, and widows of this class are carefully excluded from the provisions of that bill. You had your opportunity, if you are going to pension every widow who remarried, to do it by general legislation, and you did not choose to avail yourself of that opportunity. You propose, on the contrary, to do it by private bills, and in that manner to do injustice to all others who have not a member of Congress here to make an effort in their behalf or to look after their interests.

Mr. PICKLER. Will the gentleman allow me a suggestion?

Mr. ERDMAN. Certainly.

Mr. PICKLER. As I have already said several times during the course of this discussion, we have added no new classes to this general administrative bill.

Mr. ERDMAN. Oh, yes; you do.

Mr. PICKLER. No, sir; not one.

Mr. ERDMAN. Oh, yes; this bill embraces in the first paragraph a certain class, and in the third and thirteenth paragraphs.

Mr. PICKLER. Not by any manner of means. These were always pensioned and pensionable until this Administration. This is not anything new in that line.

Mr. ERDMAN. They were never pensioned, I think.

Mr. PICKLER. Always.

Mr. ERDMAN. Under Order 164, an erroneous order, admittedly erroneous by General Bussey, after 300,000 pensioners had been placed on the rolls, you propose again to admit those who were placed there by this erroneous order or erroneous ruling of the Department.

Was it any wonder, when this Administration came into power, when, by the admission of General Bussey on his own ruling, there had been an erroneous construction, placing 300,000 men on the rolls—I say, was it any wonder that they should be careful and scrutinize the claims of the various claimants? And yet you propose to put them again on the rolls, notwithstanding the admission that that order was erroneous, by your general pension bill.

Now, in the proviso of the second paragraph you carefully exclude remarried widows, so that perchance you may have an opportunity every Friday, or soon, to bring up a special case to demonstrate to the country particularly that you are the friends of the remarried and divorced widows.

But, Mr. Chairman, I had occasion in the Fifty-third Congress to express my views at length upon this subject, and I will send the same to the desk to have read now; and I would be very much delighted to see one gentleman on the other side rise and controvert any one of the arguments or any single position therein set forth.

The Clerk read as follows:

The purpose of this bill is to restore to the pension roll, as widow of a soldier who died in 1864, his former widow who remarried in 1866 and lived with her second husband until he died in 1886. The minority have had occasion to express their views heretofore in cases of this character, and the statement made in report No. 601 on the bill (H. R. 2908) to pension Martha E. Miller, which is equally applicable to this case, is as follows:

To pass this bill is to nullify for the benefit of this one individual the sub-

stantial limitation of the general laws that the pension of soldiers' widows who have remarried shall cease.

The objections to be urged against such bills as this are numerous. In the first place, it makes an exception of a case which is in no wise exceptional. There may be varying degrees of destitution in different cases, but it may be fairly stated that all cases of widows who have remarried and again become husbandless by reason of death or divorce present the same substantial conditions.

If any widow so situated should be restored to pension all widows so situated should be restored, and this by general enactment and not by individual private bills, whereby those who may happen to have a friend to espouse their cause secure a benefit which the modest and the unknown never think of seeking. Special pension acts are justifiable only in cases which are essentially exceptional and should not be used to grant to one that which is denied to the many, whose situation is precisely the same. But aside from this consideration, however, the soldier's widow who remarries voluntarily relinquishes her pension because she prefers to do so.

The Government can not become an insurer against an unfortunate termination of this second matrimonial venture either by divorce or death. To restore pension in case of divorce is to encourage remarried widows to seek divorces, and, in any event, it is to give them an ostensible claim upon the soldier's death and memory which they have long since renounced by preference.

Furthermore, it is not to be assumed that legislation of this character is in the line of justice or of honor to the soldiers themselves, or that it is necessarily desired or favored by the soldier classes.

A contribution from the public Treasury to the support of the widow of the soldier so long as she remains his widow, every soldier, perhaps, desires, and the common consent of the nation for thirty years has sanctioned this, but that each soldier looks forward to and desires that his services and his memory shall be the basis of a pension to his wife at some remote day beyond an intervening period of matrimonial alliance with some other husband is by no means self-evident or fairly to be presumed.

Mr. PICKLER. Mr. Chairman, the gentleman from Pennsylvania is criticising the Committee on Invalid Pensions, saying that we have made a new class of pensioners in the general bill under discussion in the House at the day session, in which class Confederate soldiers are admitted to pensions. I call attention to the decision in the case of Daniel B. Garrison (6 Pension Decisions, 289), rendered March 11, 1893, where it is expressly decided that the Confederate soldier who afterwards went into the Union Army was entitled to a pension. The gentleman said it was a new class of pensioners. He is mistaken. Under the last Administration they were pensionable. I can assert that there is not a new class of pensioners in the general bill.

Mr. ERDMAN. If that is the construction of this Department, why pass the law at all?

Mr. PICKLER. Well, the present Administration have started out the other way. That is the only trouble.

Mr. ERDMAN. You say that decision was rendered in 1893?

Mr. PICKLER. Yes; March 11, 1893. There are several decisions to that effect, so that the gentleman ought not to say we are putting on any new class.

Mr. TALBERT. Mr. Chairman, it seems to me this is rather an exceptional case. The pension asked for is very small indeed. This is a very deserving lady, the widow of a private soldier. [Applause.] While I am disposed to oppose the granting of a pension to any widow who has remarried, whose husband is still alive, it seems to me that this is an exceptional case. She only drew a pension for two years, and then remarried, and her husband only lived a short time. She was an invalid during that time. It does seem to me that there is some merit in this bill. [Applause and cries of "Vote!"] You have just passed a bill giving \$50 a month to the widow of a major-general. The gentleman from Maryland [Mr. MILES] stood up here and pleaded eloquently for her because she was in the hospital, and he openeth not his mouth here now, when we are considering the case of a widow of a poor private, and that widow is working up in Vermont, as I understand from the report of the committee, for only 25 cents a day.

Mr. PICKLER. That is correct.

Mr. TALBERT. I want to say also, Mr. Chairman, that is a sad commentary upon these wide-mouthed orators who have been standing up here, day in and day out, proclaiming their love for the soldier and the soldier's widow, when there are such widows living at their doors earning the pitiful sum of 25 cents a day. It is a shame and a disgrace upon your heads, and I want to call the attention of this House to the fact. I am ready and willing, as a rebuke to the pretended friends of soldiers, to vote this \$12 a month to this poor woman, to make out a supplement to that pitiful little sum of 25 cents a day which you permit her to work for there, while you stand up here and make hypocritical speeches of love for the soldier, for his vote, and let his widow perish at your very doors. [Applause on the Democratic side.]

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY E. WYSE.

The next business on the Private Calendar was the bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Mary E. Wyse, widow of the late Francis O. Wyse, lieutenant-colonel Fourth Regiment United States Artillery, at the rate of \$20 per month.

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, have considered the same, and respectfully report as follows:

Francis O. Wyse, the claimant's deceased husband, entered the United States Military Academy September 1, 1833, and was appointed brevet second lieutenant, Third Artillery, July 1, 1837; promoted to second lieutenant July 31, 1837; to first lieutenant July 31, 1838; captain March 3, 1847; major Fourth Artillery May 14, 1861, and lieutenant-colonel Fourth Artillery November 1, 1861.

He resigned July 25, 1863, but was reappointed and retired February 23, 1879, under an act of February 15, 1849, as an additional lieutenant-colonel, United States Army.

Colonel Wyse participated in three wars (Indian, Mexican, and civil) during the period of his service, and his conduct throughout was marked by great gallantry and bravery. In the report of a joint committee of the Senate and House of Representatives at the first session of the Thirty-third Congress is contained a complimentary notice of efficient conduct on the part of the soldier and his junior officers, and gives them great credit for their services.

The record shows that in April, 1859, Colonel Wyse (then a captain and brevet major) received an injury of left ankle joint and fracture of the external malleolus from a fall of his horse, and the testimony on file in the pension claim of the widow shows that he continued to be seriously affected by this injury until his death, which occurred January 21, 1893.

A printed report, dated July 18, 1847, contained in a copy of the Tampico (Mexico) Sentinel (newspaper) bestows the highest praise upon Captain Wyse for the conduct of himself and men in an engagement near the Calaboso River, Mexico, about July 11, 1847.

The report was made by L. G. De Russey, colonel Louisiana Volunteers, who commanded the United States forces in the engagement, and repeatedly commends Captain Wyse for his courage and gallantry.

After the death of the soldier the widow filed an application for pension, and the proof established the fact that his death was due to causes originating in the service and line of duty, but the Pension Bureau rejected the claim on the ground that the fatal disease had its inception in a time of peace prior to March 4, 1861, and hence there is no law under which the widow can be allowed a pension. The officials of the Pension Office concede, however, that the disease originated during the soldier's military service and in line of duty, and the rejection is based wholly upon the absence of law under which the widow can be pensioned when the soldier's fatal disease originated during a time of peace prior to March 4, 1861.

The soldier held the rank of captain at the time of contracting the disease (bronchitis) from which he died, and in the light of the foregoing facts and circumstances your committee believe that it would be but an act of justice to allow his widow the usual pension granted to the widows of captains.

The bill is therefore returned with the recommendation that it do pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEN. WILLIAM H. MORRIS.

The next business on the Private Calendar was the bill (H. R. 4383) granting a pension to Gen. William H. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Morris, late a brevet major-general of volunteers in the Army of the United States, at the rate of \$100 per month, in lieu of the pension which he is now receiving.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. McCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4383) granting a pension to Gen. William H. Morris, have examined the same, and report as follows:

William H. Morris was born in 1827. He was graduated from West Point with the class of 1851, and commenced his military career as a lieutenant in the Second United States Infantry, then stationed at Fort Yuma, Cal. At the outbreak of the war of the rebellion he was assigned to duty, with the rank of captain, as the assistant adjutant-general and chief of the staff of Maj. Gen. John J. Peck, in the Army of the Potomac. He served through the peninsula campaigns with great credit.

He was commissioned colonel of the Sixth New York Volunteer Artillery on September 2, 1862, and was ordered with his regiment to Baltimore, which was then being threatened by Stonewall Jackson's army, only 40 miles away, at Frederick. The rebels having been driven back out of Maryland by the Army of the Potomac, Morris was placed in command of Fort McHenry and his regiment added to its garrison. Soon after he was ordered to Harpers Ferry. While there he was promoted to the rank of brigadier-general, and placed in charge of Maryland Heights, with a force consisting of the Sixth Regiment New York Artillery, regiments of infantry and cavalry, and batteries of heavy guns.

When Maryland Heights were abandoned, by order of the War Department, General Morris was ordered to join the Third Corps in the Army of the Potomac. A brigade was organized for him, consisting of the Sixth Regiment New York Artillery and the following regiments of infantry: The Fourteenth New Jersey, the Tenth Vermont, the One hundred and fifty-first New York Volunteers. General Morris was in the reserve at the battle of Gettysburg July 1 to 3, 1863, and engaged in the action of Wapping Heights July 23, 1863. Not long after this time the Sixth New York Regiment of Artillery was ordered to join the artillery reserve of the Army of the Potomac.

General Morris was conspicuous in the action of Locust Grove, November 29, 1863.

In the reorganization of the Army of the Potomac the Third Corps was broken up; one part sent to join the Second Corps, and the other part, with General Morris, was added to the Sixth Corps. The new brigade formed for him consisted of the One hundred and sixth New York, the One hundred and fifty-first New York, the Fourteenth New Jersey, the Tenth Vermont, and the Eighty-seventh Pennsylvania Regiment Volunteer Infantry. In the Richmond campaign under Grant General Morris was constantly engaged, taking an important part in the battle of the Wilderness.

At the action near Spottsylvania, May 9, 1864, General Morris was shot through the leg by a sharpshooter, and rendered unfit for further service in the field.

After some months passed in the hospital at Georgetown General Morris was ordered to report to General Dix for court-martial duty in New York, and continued on light duty until the close of the war, when he was honorably mustered out of service. The brevet rank of major-general, United States Volunteers, was conferred upon him by the President of the United States March 13, 1863, "for gallant and meritorious services in the battle of the Wilderness, Virginia."

General Morris represented Putnam County, N. Y., in the constitutional convention of 1867, and was chief of ordnance and inspector-general in the National Guard of the State of New York.

General Morris has lately been suffering from a complication of diseases which has made him a chronic invalid, unable to earn his living—a serious consideration to a man who has all his life been obliged to depend on his own exertions for his means of support.

In view of the very distinguished services of General Morris, and of his record as a gallant soldier, your committee recommend the passage of the bill.

Mr. TALBERT. I should like to ask what is the amount of pension asked for by this gentleman? I did not catch it from the reading of the report.

The CHAIRMAN. One hundred dollars a month. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. PICKLER. Mr. Chairman, I move to strike out "one hundred" and insert "seventy-five."

Mr. FAIRCHILD. Mr. Chairman—

Mr. TALBERT. I move to amend the amendment by striking out "seventy-five" and inserting "fifty."

Mr. PICKLER. This is an application on the part of the soldier himself.

Mr. FAIRCHILD. Mr. Chairman, I hope that neither of these amendments will prevail. There have been two things I have done in regard to pension matters. One is to come here every Friday night and hold my peace, content to only vote for the soldiers' pensions, realizing how valuable the time is to the soldiers who are seeking pensions through Congress. But when a motion is made by the chairman of the Committee on Invalid Pensions to amend a unanimous report, resulting from an examination into the record of General Morris, I feel it incumbent upon me to speak. The other thing I have done is never to introduce a bill in Congress for a pension without first examining into the merits of the case myself.

This matter was first called to my attention by the only Republican predecessor that I have had in Congress from my district in the history of the Republican party—Hon. William H. Robertson, who served a term in this House at the close of the war. After receiving the bill from him, and after it had been introduced by me without conversing with or request from any of the individuals who subsequently communicated with me, then, for the first time, I learned, in addition to the brilliant record of General Morris disclosed by my previous investigation, how warm a place he had in the hearts of those who served under him during the four years of war. Those who listened to the reading of the report learned that he served in California several years before the rebellion. He resigned from the Regular Army because of loss of health. Ten years elapsed, and the war of the rebellion broke out. Immediately he enlisted, and served as commander of volunteers throughout the war.

I shall not take the time of this House, after the reading of the report, in going over his military record, but I want to call the attention of this committee and the attention of the chairman of the Committee on Invalid Pensions, who has offered one of these amendments, to the fact that if, in addition to the evidence of his brave services, the testimony of the private soldiers who served under him as to the place a commander holds in the hearts of the soldiers has anything to do with granting \$100 per month pension to a man in his old age, with a wife and child dependent upon him for support, then this bill should pass for \$100 a month.

Mr. WILLIS. What is the financial condition of General Morris?

Mr. FAIRCHILD. He is without means, and is unable to support himself and family.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. FAIRCHILD. Certainly.

Mr. MILES. How old is General Morris?

Mr. FAIRCHILD. He was born April 22, 1827.

Mr. MILES. Then he is over 69 years of age.

Mr. FAIRCHILD. He is over 69 years of age. He is an invalid, broken down, unable to leave his house, with his wife and child dependent upon him for support.

Now, I want to call the attention of this committee, before they vote in favor of the amendment of the gentleman from South Dakota [Mr. PICKLER], to the resolutions that were sent to me the moment it was announced in the papers that the bill had been introduced. I will not take the time of the committee, when time is so valuable, to read the resolutions from every one of the Grand Army posts I have in my hand, but I will read just one

that came to me from the grand council of the Union Veterans' Protective Association:

At a regular meeting of the grand council of the Union Veterans' Protective Association, March 4, 1896, the following preamble and resolution were unanimously adopted:

"Whereas the Hon. BENJAMIN L. FAIRCHILD, member of Congress, has introduced in the United States House of Representatives a bill to increase the pension of Gen. William H. Morris; Therefore

"Resolved, That the grand council of the Union Veterans' Protective Association is much gratified at this action of Congressman FAIRCHILD as a well-deserved reward for the military services of General Morris, who distinguished himself as chief of General Peck's staff through the Peninsular campaign under McClellan; took, with his brigade, a prominent part in the Rapidan campaign under Meade, and commanded a chosen brigade in the renowned Sixth Corps, Army of the Potomac, in the Richmond campaign under Grant, and was recommended by his division commander, Gen. James B. Ricketts, and his corps commander, Gen. Horatio G. Wright, for the brevet rank of major-general, 'for gallant and meritorious conduct in the battle of the Wilderness, Virginia,' which honor was conferred upon him by the President of the United States."

C. P. QUINTARD,
Recording Secretary.

A true copy from the records of the grand council, Union Veterans' Protective Association.

WM. C. YORKE,
Corresponding Secretary.

I have in my hand similar resolutions from the John C. Fremont Post, No. 590, Grand Army of the Republic, Department of New York; Oliver Tilden Post, No. 96, Department of New York, Grand Army of the Republic; Judson Kilpatrick Post, No. 143, Department of New York, Grand Army of the Republic; and also G. K. Warren Council, No. 4, Union Veterans' Protective Association, Fordham, New York City, besides letters from commanders of other posts. It is said of George Washington, he was "First in war, first in peace, and first in the hearts of his countrymen." And I think it will be agreed that the statement that he was first in the hearts of his countrymen has as much to do with the position he occupies in the world's history as the statement that he was first in war and first in peace.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. FAIRCHILD. I will.

Mr. BAKER of New Hampshire. Can you give the committee the age of that dependent child?

Mr. FAIRCHILD. I do not know it; but I will state to the gentleman from New Hampshire that I made several inquiries and that I received information from various sources that in addition to his wife he has a child dependent upon him for support; and I have the impression that the reason of that is the invalid condition of the child; but that part of it I can not vouch for.

Mr. SULLOWAY. I think it is an invalid daughter.

Mr. FAIRCHILD. Now, I say it is likewise true that it is not only the deeds on the battlefields that is disclosed from the reports of his army record, but it is also the position that he occupied in the hearts of his comrades and those that served under him that distinguishes a deserving general. I have with me numerous letters from privates which I will not attempt to read. But I will give one extract from one of these letters. It is a sample of numbers I have received, coming continuously from day to day, from these men scattered throughout different parts of the country who had read in the papers that the bill had been introduced:

As an old comrade of General Morris, I thank you for what you are doing for him and pray that you may succeed. I know what the general was worth from 1861 to 1865, and know that he is old and feeble and also almost in want, and I had him, at the last meeting of the Sixth New York Heavy Artillery Association, as a mark of respect, made the president of the association. The general was too old and feeble to attend the meeting, but the nomination and his election were made with cheers and unanimously.

That, Mr. Chairman, is a sample of the letters that I have received from the privates of General Morris's command. From historians also commendations come. From the compiler of the Townsend Library of National, State, and Individual Record, now the property of Columbia College, is received a strong indorsement that reminds me that General Morris is the descendant of two signers of the Declaration of Independence, and a son of the author of "Woodman, spare that tree." From the Westchester County Historical Society I receive strong resolutions urging the amount named in this bill.

Mr. Chairman and gentlemen of the committee, I earnestly ask that the amendments, both of them, be defeated.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. TALBERT. Mr. Chairman, I desire to state briefly my reasons for offering the amendment to the amendment, proposing to strike out "seventy-five" and insert "fifty." This claimant was undoubtedly a distinguished officer, and he deserves credit for his service to the country; but he is now drawing \$30 a month, and the Committee on Invalid Pensions have recommended increasing his pension to \$100 a month, and I think \$50 is a happy medium between the two. This great Government of ours is built upon concession and compromise, and now let us come together in this

matter and agree upon a compromise and give this distinguished gentleman \$50 a month.

Mr. MILES. Why?

Mr. TALBERT. I have already stated the reasons; and I would be glad if I could get gentlemen who shed these crocodile tears over the generals and their widows here night after night to help me to get a pension for some poor widow that is working for 25 cents a day. I am sorry, too, that the gentleman from Ohio [Mr. BROWELL], who spoke so eloquently this evening in his effort to get a pension for a man who ought not to have it, has seen fit, after getting that bill through, to take his hat and leave this Hall. [Laughter.] I am sorry, also, that I do not see in his seat the distinguished Mr. ROWLAND BLENNERHASSETT MAHANY, from New York, who has such a long biography in the Congressional Directory, which he was ashamed to hear read here, and who was so loud-mouthed in behalf of the soldiers—I am sorry that his seat also is vacant this evening.

Mr. GROSVENOR. I would like to call the attention of the gentleman from South Carolina to the fact—

The CHAIRMAN. Does the gentleman from South Carolina yield?

Mr. TALBERT. Certainly; I always yield to the distinguished gentleman from McKinley—Ohio, I mean. [Laughter.]

Mr. GROSVENOR. I thought that possibly the distinguished gentleman from South Carolina might not know that the young gentleman from New York [Mr. MAHANY] was not present, as I supposed that he would not make that sort of allusion to a gentleman who was absent. Possibly, however, I may have put a wrong estimate upon the gentlemanly character of the distinguished gentleman from South Carolina.

Mr. TALBERT. I do not care anything about the opinion of the gentleman at all. [Laughter.] I stated that I was sorry that the distinguished gentleman from New York who saw fit to read other people's biographies here had run away and that his seat was vacant. If that is treason, make the most of it. Take me down and hang me up again. [Laughter.]

Now, Mr. Chairman, I want to say in relation to this bill that I think \$50 is ample for General Morris. I do not wish to deny anything that was said in his behalf by the gentleman from New York [Mr. FAIRCHILD]. He was undoubtedly a distinguished officer and deserves great credit for his services, but I think \$50 a month will pay him very well when we consider the pitiful sums that we are allowing to the private soldiers and their widows all along the line. I hope gentlemen will open their eyes to the fact that they are doing injustice to these private soldiers, and that here now, once for all, we shall put our foot down upon the business of granting these high pensions to officers and officers' widows, and I am glad to see in his seat the gentleman from Tennessee [Mr. MCCALL], who became converted on this subject several evenings ago, and I hope to have his assistance in this matter. [Laughter.]

Mr. PICKLER. Mr. Chairman, I am very glad that the Committee of the Whole can understand this evening something of the position of the Committee on Invalid Pensions and something of the appeals that are constantly made to it. Since you have listened to the eloquent, touching, and really, to a great extent, convincing words of the distinguished young gentleman from New York [Mr. FAIRCHILD] in behalf of this aged Union soldier, you are better able to understand something of the appeals that come every day to the Committee on Invalid Pensions. I appreciate what the gentleman from New York has said about this case. I did not know that this was his bill, though if I had known it that would not have made any difference. I did not know whose bill it was. The Committee on Invalid Pensions have been criticised night after night because they have reported in some cases larger pensions for officers and the widows of officers than they have recommended for privates.

The amendment which I have offered to this bill proposes to put this pension at \$75 a month. That is \$900 a year, and I suggest to my friend from New York that \$900 a year ought to keep in comfort any man with so small a family as that of General Morris. I think this amount ought to provide him with the comforts of life. My sympathies are as much aroused in his favor as any gentleman's can be. But this committee has been criticised time and again; and notwithstanding the records and petitions and letters which have been presented here in this case, if this bill goes through granting a pension of \$100 a month, the gentleman from South Carolina [Mr. TALBERT] and gentlemen from other parts of the country will be flooding the RECORD here next Friday night with outcries from private soldiers that we are putting these pensions too high.

I am in favor of giving this old soldier what will keep him comfortably for the remainder of his life; I am unwilling that he should suffer want or distress. But, Mr. Chairman, when the private soldier to whom we grant a pension is obliged in many cases to live on \$144 a year, or, if he should be in the condition of this man, might get \$30 a month or \$360 a year, regardless of what

family he might have, I do think in fairness to the private soldier and all others concerned that when we pension this man at \$900 a year it ought to be sufficient.

I am loath to differ with gentlemen who have so eloquently presented the claim of this old soldier. But I believe it is the duty of members of this committee to live up to their professions and to reduce this pension to \$75 a month. Not only will this amount keep this man in comfort, beyond the reach of want, but I do not doubt that if the bill goes through with a pension of \$900 a year the beneficiary will be surprised at the success of his distinguished Representative in getting the bill through in so liberal a shape. The bill was reported in the Fifty-first Congress at \$50 a month, and that was a very liberal Congress for pensions. It was reported in the last House at \$50 a month. And now, if we pass it at \$75 a month, we shall be doing, I think, our full duty in the case.

Mr. WALSH. The gentleman will allow me to ask why his committee reports a bill to pay \$100 a month, and then on the floor moves to reduce the amount to \$75 a month?

Mr. PICKLER. Let me say to the gentleman that since these bills were reported there has been a very decided expression on the floor of this House that probably bills of this kind have been reported at too high a figure. Let me say that while I am disposed to stand by my committee, yet individually I am not in favor of any of these high pensions. I am in favor of proper distinctions between officers and privates, because such a policy is in accord with the history of this Government. But I am not in favor of these unwarranted distinctions. That has not been my disposition in committee and it is not here. I believe it is unfair to the private soldier to put these pensions for officers and their widows at so high figures as some gentlemen here seem to favor.

Mr. FAIRCHILD. Allow me to say a single word in reply to the gentleman from South Dakota [Mr. PICKLER]. He has stated that this bill was reported for a less amount in previous Congresses. Sir, this bill as reported in the Senate in 1891 was for \$100 a month; as it passed the Senate it granted that amount; and it only failed in the House because it came here too late for consideration before the final adjournment.

Mr. PICKLER. Oh, no; the bill has always been reported to this House at \$50 a month.

The question being taken on Mr. TALBERT'S amendment to the amendment of Mr. PICKLER, there were on a division (called for by Mr. TALBERT)—ayes 17, noes 64.

Mr. TALBERT. No quorum.

Several MEMBERS. Do not make that point.

The CHAIRMAN (after a count). One hundred and three members are present. The noes have it; and the amendment to the amendment is rejected.

The question then recurring on the amendment of Mr. PICKLER to strike out "\$100" and insert "\$75," it was agreed to, there being—ayes 73, noes 20.

The bill as amended was ordered to be laid aside to be favorably reported to the House.

MARY L. BACON.

The next business on the Private Calendar was the bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act there be allowed and paid to Mary L. Bacon, widow of the late George B. Bacon, lieutenant-commander, United States Navy, a pension at the rate of \$40 per month during her widowhood, in place of \$30 per month, which she is now receiving.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5400) granting an increase of pension to Mary L. Bacon, have considered the same and report:

Mrs. Bacon is the widow of the late Lieut. Commander George B. Bacon, of the United States Navy, who passed through all the grades from midshipman, to which he was appointed October 10, 1850, to lieutenant-commander, the rank held by him at the time of his honorable resignation from the Navy on June 6, 1865.

During the above period this officer rendered gallant and arduous service to his country, including active duty during the war of the rebellion. He died April 1, 1890, of malarial poisoning, which had its origin during his said service, and his widow was allowed a pension at \$25 per month under the general pension laws. This was increased to \$30 by special act approved February 15, 1893.

Gen. N. M. CURTIS, a member of the House, states that he knows the claimant personally, and that she is of delicate constitution, without property or means of support aside from her said pension, and is dependent upon whatever employment she can secure of a nature suited to her bodily strength and lot in life.

General CURTIS further states that the bill is in all respects an exceptionally meritorious one, and that an increase of her pension is an absolute necessity to the claimant's comfortable support.

In view of the valuable service rendered by Mrs. Bacon's husband, and in the light of her dependence and necessities, your committee feel constrained to recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

ARCHIBALD HUNLEY.

The next business on the Private Calendar was the bill (H. R. 5580) granting a pension to Archibald Hunley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Archibald Hunley, late a member of Company H, Thirtieth Regiment Illinois Volunteers, at the rate of \$15 per month.

The amendment of the Committee on Invalid Pensions was read, as follows:

Strike out "sixteen" and insert "twelve"; so as to make the amount of the pension \$12 per month.

Mr. ERDMAN. Mr. Chairman, I ask for the reading of the report in that case.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5580) granting a pension to Archibald Hunley, submit the following report:

The committee, having examined the evidence in support of this bill, find: Archibald Hunley was tried by division court-martial January 25, 1863, on charge of disrespectful language and resistance to officer, was convicted and sentenced to be confined at hard labor in military prison during remainder of his term, and to be dishonorably discharged. The sentence was duly executed. The offense for which he was tried was very trivial, if, indeed, any offense whatever. A sergeant being in the act of putting a drunken soldier in a tent, and having the soldier down in the mud and water, Hunley said to the sergeant: "Let him up and don't hurt him. You ought not to treat Graves that way."

That was the whole offense. Hunley's captain seems to have had a spite against him. When sick the captain had him sent to hospital and directed that no descriptive roll be sent with him. On Hunley's return from hospital the said captain, then being major, had him marked "absent without leave" and prevented him from getting his pay on that account. On Hunley's obtaining a certificate from the hospital showing his presence there, the major refused to have rolls corrected and said to him: "You must lose your pay or stand court-martial." Two hours afterwards Hunley was arrested; the trial followed, with the above result.

The case of this soldier has been before the Forty-seventh, Fiftieth, and Fifty-first Congresses. Favorable reports were made in the Forty-seventh and Fiftieth Congresses, and the above facts were found. The Fifty-first Congress passed an act for this soldier's relief, which was approved March 3, 1891, and provides that "the said proceedings of said court-martial be no bar to application for and allowance of a pension to said Hunley in accordance with the provisions and limitations of the pension laws." This act also authorized the Treasury Department to audit and pay Hunley his back pay, bounty, and allowances, which has since been done. Prior to the passage of said act the Secretary of War removed the charges of "being absent without leave and desertion."

The Secretary of the Interior, through the Commissioner of Pensions, now refuses to place the claimant on the pension roll under act of June 27, 1890, holding that he has not an honorable discharge.

There is no question but that this claimant is entitled under that act to a pension, so far as disability from manual labor is concerned.

Your committee conclude that a great wrong and hardship has been done this soldier; that he has been a victim of oppression and injustice at the hands of his officers, which the Congress in good faith has endeavored to correct so far as it is able. The act of June 27, 1890, was in force when the act for the relief of this soldier became a law. It must be considered that the lawmaking power had in mind the condition of legislation in regard to pensions. If reasonable effect be given to every part of the act for this soldier's relief, there is now no bar to his receiving a pension, except the unwarrantable action of the Commissioner of Pensions in refusing to obey the law.

Your committee recommend that the bill be amended by striking out the word "sixteen," in sixth line, and inserting in lieu the word "twelve," and that the bill as amended pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside with favorable recommendation.

JOHN W. HINES.

The next business on the Private Calendar was the bill (H. R. 5712) granting an increase of pension to John W. Hines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John W. Hines, late first lieutenant and adjutant of Fourth Tennessee Volunteer Infantry, and pay him a pension of \$30 per month.

Mr. ERDMAN. Let us hear the report.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5712) granting increase of pension to John W. Hines, having carefully considered the same, respectfully report:

John W. Hines enlisted June 7, 1861, as private in Company C, First Kentucky Volunteer Infantry, and was discharged therefrom May 15, 1863. He reenlisted as first lieutenant in the Fourth Tennessee Volunteer Infantry January 2, 1864, and served to April 24, 1865, when he resigned.

February 24, 1891, he filed a claim under the old law alleging rheumatism contracted in the service. On August 21, 1892, the examining board finds him entitled to a first-grade rating for disability from said cause. He is pensioned under the act of June 27, 1890, at \$12, for rheumatism and resulting disease of the heart.

Almost every officer of the Pension Office who passed upon this claim under the old law recommended its allowance, but the reviewer says:

"The claimant having declared that inflammatory rheumatism was contracted during his first service at Shiloh, Tenn., in April, 1862, and having made no other declaration under oath as to origin, it appears that the evidence of the existence of rheumatism during the service as first lieutenant and adjutant of the Fourth Tennessee Volunteer Infantry is not sufficient to warrant the allowance as of that origin and that rank."

And for this reason the claim was rejected.

As to origin, Lieutenant-Colonel Patterson, in command of the Fourth Tennessee, testifies:

"In January, 1865, my command was ordered on forced march from Knoxville, Tenn., to Paintrock, N.C. It rained on us nearly all the time and we were marching day and night, wading many small streams and creeks, also Big Pigeon River and the French Broad River. Much ice was floating on these rivers and we had to wade them, the water coming to our armpits, and we had, what little camping we did, to lie on the frozen ground. From this exposure and hard marching Lieut. John W. Hines was again attacked with his old disease—diarrhea—and also with an attack of inflammatory rheumatism. The two disabilities together rendered him unfit for duty for a long

time afterwards. I remember that a great many of the men were affected and unfit for duty for some time afterwards. I am one of them."

The then major, afterwards lieutenant-colonel, in command of the same regiment, says:

"John W. Hines * * * was with the regiment in all its marches and exposures when able for duty. * * * I have read Col. M. L. Patterson's statement made for Mr. Hines and indorse the same as fully as if here related."

The testimony as to continuance is full and complete.

This case was several times specially examined, and on October 8, 1894, the examiner says:

"The claimant's general standing in the community and his reputation for truth are good. I find him a very much broken-down man—unable to dress himself. * * * The claim has merit."

December 15, 1894, another special examiner recommended the case for admission for rheumatism.

On April 23, 1894, the chief of the board of review says:

"The rheumatism appears to be established as of army origin, if not in Kentucky service."

The claim was rejected on a mere technicality.

Your committee think the claimant is entitled to at least \$30 per month, whether he claims as private or first lieutenant, and therefore respectfully recommend the passage of the bill.

The bill was laid aside with a favorable recommendation.

JOHN COOMBS.

The next business on the Private Calendar was the bill (H. R. 950) granting an increase of pension to John Coombs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coombs, of Hopkinsville, Ky., and pay him a pension at the rate of \$50 per month, in lieu of the pension he now receives. John Coombs served in the Army of the United States during the late war in Company H, Second Illinois Light Artillery, and this increase of pension is asked on account of total disability resulting from injuries and diseases traced to his army service.

Mr. ERDMAN. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 950) granting increase of pension to John Coombs, late a member of Company H, Second Illinois Light Artillery, having carefully examined all the facts and circumstances in evidence, submit the following report:

Soldier served from December 1, 1861, until July 29, 1865. He filed claim and was pensioned, receiving \$24 per month since April, 1889, for injury of back and left leg and varicose ulcers, disease of gums and loss of teeth, result of scurvy contracted in service. He filed claim for increase June 17, 1895, which was rejected.

Dr. J. M. Dennis and Dr. F. M. Stiles, both reputable citizens and excellent physicians, testify that claimant is wholly disabled for performing any kind of manual labor from the disabilities for which he is pensioned; and the board of examining surgeons at Hopkinsville, Ky., who examined him August 14, 1895, certified:

"Claimant is so disabled from disease of left leg and varicose ulcers and disease of gums and loss of teeth, as result of scurvy, as to be incapacitated for performing any manual labor."

In addition to his pensioned disabilities the soldier is now blind in one eye and almost blind in the other eye, and is practically helpless.

In view of all the facts we believe him entitled to a pension of \$30 per month. We therefore recommend that the bill (H. R. 950) be amended by striking out all after the word "Coombs," in the sixth line, and inserting in lieu thereof the following words: "Late a member of Company H, Second Regiment Illinois Light Artillery, at the rate of \$30 per month, in lieu of the pension he is now receiving."

Mr. ERDMAN. Mr. Chairman, I would like the gentleman in charge of this bill to make a somewhat more extended statement with reference to the bill than appears in the report, which is hardly satisfactory.

Mr. CLARDY. I will with pleasure. What particular point have you in view?

Mr. ERDMAN. This seems to be simply a charity, a gratuity on the part of the Government, and not a matter of right.

Mr. CLARDY. The gentleman is entirely mistaken; it lacks a great deal of being a matter of gratuity.

Now, let me say, in the first place, that this is not a ninety-day soldier, a bounty-jumper, or anything of that kind, but a soldier from the very beginning to the end of the war. That is the kind of a man we ask you to pension in this case. He served through the whole war.

His horse fell with him at Columbus and partially injured one of his legs, and although he went through the war in a somewhat disabled condition, it continued to grow worse and worse; varicose veins developed, and as you understand they continue to grow worse as a rule. Scurvy also was contracted, and the disease from that source grew worse. If there is any man who ever served in the Army of the United States who merits a pension this man is one, and he only asks to be pensioned at what the law allows him.

The physicians, reputable citizens and excellent physicians, who examined him testify that he is wholly disabled for any kind of manual labor; and the examining surgeons—the board at Hopkinsville, Ky.—in August, 1895, certified that he was so disabled from the disease of the left leg and from the results of the scurvy as to be incapacitated for any kind of manual labor.

Mr. Chairman, I know this man personally. He lives in my county town. And I am sure I would not recommend a pension to any soldier whom I did not believe was entitled to it. My

friend Colonel EVANS here, who once lived in the county, also knows this man well, and knows he was a good, a faithful soldier.

Mr. MILES. What is the proposition in the bill?

Mr. CLARDY. To give him \$30 a month.

Mr. ERDMAN. I am satisfied.

The question being taken on the amendment recommended by the committee, it was agreed to.

The bill as amended was laid aside with a favorable recommendation.

MARY E. HAZLIP.

The next business on the Private Calendar was the bill (H. R. 138) granting a pension to Mary E. Hazlip.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Hazlip, widow of John Hazlip, late a private in Company H, One hundred and fortieth New York Infantry, and pay her a pension at the rate of \$12 per month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 138) granting an increase of pension to Mary E. Hazlip, having examined the same, respectfully report:

It appears that the soldier served in Company H, One hundred and fortieth Regiment New York Volunteer Infantry, from August 16, 1862, to June 3, 1865, when he was mustered out with his company, and that he has an honorable record.

He was pensioned under general law at \$4 per month for gunshot wound of right shoulder, and also under act of 1890 at \$12 per month, and that the latter pension was terminated February 6, 1891, by reason of the pensioner's death, which is believed to have resulted from the effects of a bullet or other missile lodged in the right shoulder during the war of the rebellion, although this was not conclusively proved to the satisfaction of the Pension Office.

Dr. M. D. Bedal was called in on consultation just before the soldier's death, and says in his affidavit that, from statements made to him by the attending physician, Dr. S. B. Taylor, and the family of the soldier, he believes that said "soldier died from the effects of a bullet or other missile lodged in the right shoulder during the war of the rebellion, and as that fact was not disputed, no post-mortem examination was had." Dr. S. B. Taylor is now dead, and therefore his affidavit can not be secured.

Your committee believe that the claim is a just one, and therefore recommend the passage of the bill.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. ERDMAN. Will the gentleman who made this report state whether there is any other testimony in this case than the hearsay testimony of Dr. Bedal?

Mr. ANDREWS. Mr. Chairman, the consulting physician here named states in his affidavit the agreement between himself and the attending physician. As the attending physician is dead, his affidavit can not be secured, and the committee believed the affidavit of the consulting physician, under these circumstances, was sufficient to justify the recommendation of the passage of the bill.

The financial condition of the widow and all the circumstances, aside from the points stated in the report, led the committee to strongly believe that the pension was just and reasonable, and that it should be allowed at \$12 a month.

Mr. ERDMAN. Does the gentleman know from what disease this person died?

Mr. ANDREWS. I am not able to state the nature of the disease, but the affidavit of the consulting physician conveys definitely and positively the assurance that in the judgment of these two physicians his death resulted from this wound.

Mr. ERDMAN. Dr. Bedal had no knowledge at all on the subject, and Dr. Taylor only heard the statement of the soldier and his family.

Mr. ANDREWS. No; the physician who was in consultation with the attending physician states this as the result of their deliberations.

Mr. ERDMAN. That does not appear. He testifies in a very indefinite way.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANNIS H. ENOCHS.

The next business on the Private Calendar was the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enoch, widow of Gen. William H. Enoch, from \$20 to \$50 per month.

The bill was read, as follows:

Be it enacted, etc., That the pension of Annis H. Enoch, widow of Gen. William H. Enoch, late lieutenant-colonel of the Fifth Regiment of West Virginia Volunteer Infantry and brevet brigadier-general, United States Volunteers, be, and the same is hereby, increased from \$20 per month to \$50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of \$50 per month, subject to the provisions and limitations of the pension laws.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4275) to increase the pension of Annis H. Enoch, widow of Bvt. Brig. Gen.

William H. Enochs, from \$20 per month to \$50 per month, submit the following report.

William H. Enochs was mustered into service as first lieutenant Company K, Fifth West Virginia Volunteers, to date September 15, 1861, to serve three years; as captain Company E, same regiment, to date April 19, 1862; as lieutenant-colonel, same regiment, to date September 29, 1863; as colonel, same regiment, to date December 23, 1864, and was mustered out and honorably discharged with the field and staff July 21, 1865.

Under the provision of the act of Congress approved June 3, 1864, and the acts amendatory thereof, he is considered by this Department as having been commissioned to the grade of colonel of the said regiment to date from December 19, 1864.

The medical records show that W. H. Enochs, lieutenant-colonel Fifth West Virginia Volunteers, was dangerously wounded, being shot through the body in action September 19, 1864.

He was brevetted brigadier-general of volunteers March 13, 1865, "for gallant and meritorious services."

After careful consideration of the merits of this bill, your committee are of opinion, in view of the brilliant military record of the late General Enochs, who served constantly in the field from September, 1861, until the close of the late war, that the allowance asked for the benefit of his widow is by no means extravagant, and they therefore recommend that the bill do pass.

The widow has no sufficient means of support. Appended is a report from the War Department, giving the military record of General Enochs:

Statement of the military service of William H. Enochs, brevet brigadier-general of volunteers.

William H. Enochs was mustered into service as first lieutenant Company K, Fifth West Virginia Volunteers, to date September 15, 1861, to serve three years; as captain Company E, same regiment, to date April 19, 1862; as lieutenant-colonel, same regiment, to date September 29, 1863; as colonel, same regiment, to date December 23, 1864, and was mustered out and honorably discharged with the field and staff July 21, 1865.

Under the provisions of the act of Congress approved June 3, 1864, and the acts amendatory thereof, he is considered by this Department as having been commissioned to the grade of colonel of the said regiment to date from December 19, 1864.

The medical records show that W. H. Enochs, lieutenant-colonel Fifth West Virginia Volunteers, was wounded in action September 19, 1864.

He was brevetted brigadier-general of volunteers March 13, 1865, "for gallant and meritorious services."

By authority of the Secretary of War:

F. C. AINSWORTH.

Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,

War Department, December 30, 1895.

Mr. FENTON. Mr. Chairman, just one word in reference to this bill. The military record of General Enochs is not quite complete, as stated in the report. I desire to use about a minute in the statement of it. General Enochs not only served from September, 1861, but he first enlisted in the three-months' service, on the 19th of April, 1861, served through that service, and then re-enlisted. In October, 1861, he was elected captain of his company. Within a month afterwards he was chosen major of his regiment, but the colonel declined to commission him as a major on account of his youth, he being then only 19 years of age. When he was 20 years of age he was a colonel. At 22 he was a brigadier-general by brevet, and also in command of a department. His record was one of the very best and most brilliant. He was probably the youngest brigadier-general in the Army.

He was a member of this House in the Fifty-second Congress and reelected to the Fifty-third Congress. I doubt not there are many members present who knew him. I trust there will be no amendment offered to this bill.

Mr. TALBERT. Mr. Chairman, this is a case somewhat similar to that of Mrs. Mary L. Bacon, a little ahead of this case.

Mr. PICKLER. Will the gentleman from South Carolina yield to me to move that the committee rise?

Mr. TALBERT. Just let me offer an amendment, and let us pass this amendment, and pass this bill. Maybe we can get through with it. I move to amend by striking out "\$50" and make it "\$40," upon the same plane as Mrs. Bacon, the bill just passed, which was in charge of the gentleman from New York [Mr. CURTIS].

The question was taken, and the amendment was rejected.

Mr. TALBERT. Mr. Chairman, it seems to me that this is a very contrary kind of a House. [Laughter.] I thought that was a very fair proposition. I can not see any difference between the merits of this case and the merits of the one that we passed giving Mrs. Bacon a pension of \$40 a month. I see nothing in the testimony, I see nothing in the report of the committee which makes one single bit of difference between the deserts of these distinguished ladies, widows of these distinguished major-generals; and I can not see why it is that this House continually persists in this headlong way of extravagance in pensions of this kind.

Mr. PICKLER. Will the gentleman yield to me?

Mr. TALBERT. I will yield for a question.

Mr. PICKLER. I move that the committee do now rise.

Mr. TALBERT. I hope the gentleman will not take me off the floor and put me on the table or under the table until I get ready to go. I claim the right to address this House on an important question.

The CHAIRMAN. The hour has now arrived when the committee must rise.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN reported that the Committee of the Whole House had had under consideration the bill S. 730 and the bills H. R. 3937, H. R. 3075, H. R. 1299, H. R.

383, H. R. 5580, and H. R. 950, and had made certain amendments to them, and as amended recommended their passage; that it had also had under consideration the bills H. R. 1261, H. R. 4913, H. R. 5400, H. R. 5712, and H. R. 138, and recommended the passage of the same; that it had also had under consideration the bill H. R. 4275, and had come to no resolution thereon.

The SPEAKER pro tempore. The hour of 10.30 having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2) disposing of two condemned cannon, reported the same with amendment, accompanied by a report (No. 1472); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7416) to provide for the location of a fish-cultural station at Spearfish, S. Dak., and for the purchase of a site and the erection of building and equipments therefor, reported the same without amendment, accompanied by a report (No. 1474); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1466) entitled "An act for the protection and preservation of the burial places of certain soldiers and sailors of the war of 1812, and for other purposes," reported the same with amendment, accompanied by a report (No. 1489); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 7983) to pension Frances E. Wickware. (Report No. 1464.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 400) entitled "An act granting a pension to Johnson Hays." (Report No. 1465.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 8053) granting a pension to Alice Gard. (Report No. 1466.)

The bill (H. R. 5981) granting a pension to Elihu Jones, of Potwin, Butler County, Kans. (Report No. 1467.)

The bill (H. R. 6827) granting a pension to Mary E. Wallick. (Report No. 1477.)

The bill (H. R. 4201) granting a pension to Nicholas Gardner. (Report No. 1468.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 5787) for the relief of Henry A. F. Worth. (Report No. 1469.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 4191) granting a pension to George Schamberger. (Report No. 1483.)

The bill (S. 601) entitled "An act granting a pension to Clara R. Rodgers." (Report No. 1470.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 8408) for the relief of Hannah Howard, stepmother of Francis W. Howard, late of Company D, Sixty-fourth New York Volunteer Infantry. (Report No. 1471.)

By Mr. CURTIS of Kansas, from the Committee on Indian Affairs: The bill (H. R. 2596) for the relief of John S. Friend, of Eldorado, State of Kansas. (Report No. 1475.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of \$450 for damaged gun. (Report No. 1476.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 479) granting a pension to Malachi Cordeiro. (Report No. 1478.)

The bill (S. 625) entitled "An act granting a pension to Nellie L. Groshon." (Report No. 1479.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2238) entitled "An act granting an increase of pension to Simeon Stevens." (Report No. 1480.)

The bill (H. R. 5665) granting a pension to Henry F. Rice. (Report No. 1481.)

The bill (S. 1105) entitled "An act granting a pension to Mary E. Sessions." (Report No. 1482.)

By Mr. COUSINS, from the Committee on Foreign Affairs: The joint resolution of the Senate (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria*, who were injured by an explosion on that ship. (Report No. 1484.)

By Mr. GRAFF, from the Committee on Claims: The bill (S. 57) entitled "An act for the relief of Napoleon B. Giddings." (Report No. 1485.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 314) entitled "An act for the relief of Eunice Tripler, widow of Charles S. Tripler." (Report No. 1486.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 1513) granting a pension to Caroline Wilkinson. (Report No. 1487.)

By Mr. MOZLEY, from the Committee on Pensions: The bill (H. R. 5453) to pension Taylor Triplett. (Report No. 1488.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENSON: A bill (H. R. 8440) to repeal sections 2 and 3 of an act entitled "An act to provide for the extension of time within which suits may be brought to vacate and annul land patents," approved March 2, 1896—to the Committee on the Public Lands.

By Mr. RICHARDSON: A bill (H. R. 8441) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. SPARKMAN: A bill (H. R. 8442) to donate to the city of Pensacola certain pieces of cannon for the purpose of decorating the public parks of said city—to the Committee on Naval Affairs.

By Mr. BAKER of New Hampshire: A bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 8256) for the relief of Henry McGaddery; and the same was referred to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Utah: A bill (H. R. 8444) granting restoration of pension to Wallace G. Bone—to the Committee on Pensions.

By Mr. BARTLETT of New York: A bill (H. R. 8445) for the relief of the owner of the tug *William Alexander*—to the Committee on Claims.

By Mr. BENNETT: A bill (H. R. 8446) granting an increase of pension to James H. Stevens—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 8447) to remove the charge of desertion from the name of Turner Rodgers, of Frankfort, Ky.—to the Committee on Military Affairs.

By Mr. GAMBLE: A bill (H. R. 8448) to authorize and direct the Secretary of War to issue an honorable discharge to Sylvester Starkweather—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska (by request): A bill (H. R. 8449) for the relief of Harriett S. Edwards, widow of William G. Keen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8450) granting a pension to Alden B. Thompson—to the Committee on Pensions.

Also, a bill (H. R. 8451) granting an increase of pension to Samuel McConaughy—to the Committee on Invalid Pensions.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8452) for the relief of Mrs. Libbie Arnold—to the Committee on Claims.

By Mr. HYDE: A bill (H. R. 8453) to remove the charge of desertion from military record of Charles M. Sollars—to the Committee on Military Affairs.

By Mr. LINTON: A bill (H. R. 8454) granting an increase of pension to Frank Rockwith—to the Committee on Invalid Pensions.

By Mr. MILES: A bill (H. R. 8455) granting an honorable dis-

charge to certain members of Company K, First Regiment Eastern Shore Maryland Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 8456) to increase the pension of Lucy LeG. Jeffers—to the Committee on Pensions.

By Mr. SPALDING: A bill (H. R. 8457) to increase the pension of Mrs. Margaret Custer Calhoun—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 8458) for the relief of Mary Ann Hendricks, Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8459) for the relief of the estate of John Fisher—to the Committee on War Claims.

Also, a bill (H. R. 8460) for the relief of Mrs. Olivia F. Montgomery, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WATSON of Ohio: A bill (H. R. 8461) granting a pension to Theodore Jones, late brigadier-general of volunteers—to the Committee on Invalid Pensions.

By Mr. WOOLMER: A bill (H. R. 8462) to remove the charge of desertion against Israel Blessing—to the Committee on Military Affairs.

By Mr. STROWD of North Carolina: A bill (H. R. 8463) granting a pension to Milo Dixon—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Memorial of citizens of Polish nativity residing in Milwaukee, Wis., relating to immigration—to the Committee on Immigration and Naturalization.

By Mr. BROSIUS: Petition of the consistory of Zion's Reformed Church, of New Brunswick, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CRUMP: Petition of George B. Wilcox and 7 other citizens of West Bay City, Mich., favoring the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, remonstrance of Frederick Stearns & Co., of Detroit, Mich., against the passage of the Loud bill, regarding second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., in favor of House bill No. 5729, to regulate interstate traffic in wild game—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Papers to accompany House bill No. 7984, granting a pension to the widow of Philip W. Stanhope, of Indianapolis, Ind.—to the Committee on Invalid Pensions.

By Mr. HILBORN: Resolutions of the board of supervisors of Colusa County, Cal., asking for appropriations to cover the needs of the harbor of San Francisco, Cal.—to the Committee on Rivers and Harbors.

By Mr. JOHNSON of California: Petition of many thousands of citizens of the State of California, recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition and remonstrance of 35 citizens of West Point, Calaveras County, Cal., against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. LINTON: Remonstrance and petition of citizens of Chicago, Ill.; also citizens of Centralia, Ohio; also of citizens of Freemansburg, W. Va.; also citizens of Leavenworth, Kans., regarding the Marquette statue—to the Committee on the Library.

By Mr. LONG: Petition of Willis K. Folks, of Wellington, Kans., asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Remonstrance and petition of Hon. J. M. Pittman, H. A. Sykes, and 163 other citizens of Nevada County, Nev., against the acceptance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. OTJEN: Memorial of Polish citizens of Milwaukee, Wis., relating to immigration—to the Committee on Immigration and Naturalization.

By Mr. STRODE of Nebraska: Petition of citizens of Talmage, Nebr., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER of Massachusetts: Resolutions of the Paint and Oil Club of New England, Boston, Mass., in favor of Senate bill No. 2447, for a bureau of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, April 25, 1896.

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

Mr. CHANDLER. I suggest that there is not a quorum in the Chamber.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chilton,	Lodge,	Pritchard,
Allison,	Cockrell,	Mantle,	Proctor,
Bacon,	Cullom,	Martin,	Pugh,
Berry,	Davis,	Mills,	Sherman,
Blackburn,	Elkins,	Nelson,	Teller,
Brown,	Frye,	Palmer,	Turpie,
Burrows,	Gallinger,	Pasco,	Vest,
Call,	Gear,	Peffer,	Walthall,
Cannon,	Hansbrough,	Perkins,	Wilson,
Carter,	Hawley,	Pettigrew,	Wolcott.
Chandler,	Hill,	Platt,	

The VICE-PRESIDENT. Forty-three Senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. SHERMAN. I suppose the usual motion ought to be made to request absent Senators to attend. I have no doubt there are plenty of Senators about the Chamber. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. GRAY and Mr. SHOUP entered the Chamber and answered to their names.

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. NELSON. I move to dispense with further proceedings under the call.

The motion was agreed to.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HANSBROUGH. I ask that the further reading of the Journal be dispensed with.

Mr. LODGE. I object.

The VICE-PRESIDENT. There is objection. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal.

AMERICAN COTTON PICKER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 16th ultimo, calling for the report submitted to the Commissioner of Patents on the tests and field work of the American cotton picker exhibited at the Cotton States and International Exposition lately held at Atlanta, Ga., transmitting a letter from the Commissioner of Patents, and accompanying unofficial report, made by a law clerk in his office, regarding the cotton-picking machine referred to; which, with the accompanying papers, was referred to the Committee on Patents, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions adopted by the legislature of the State of Massachusetts, relative to the establishment of a national military park at Vicksburg; which were read, and referred to the Committee on Military Affairs, as follows:

Commonwealth of Massachusetts. In the year 1896. Resolutions relative to the establishment of a national military park at Vicksburg.

Whereas there is now pending in Congress a bill (H. R. 4339) "to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg," which has been favorably reported by the Committee on Military Affairs; and

Whereas Gettysburg and Vicksburg, being inseparably connected, and constituting the greatest epoch in the war of the rebellion, should be equally commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park to commemorate the campaign and siege of Vicksburg will be a most appropriate monument to the commander whose genius planned these operations and directed them to a successful issue, and whose fame and character are so dear to all Americans; and

Whereas the State of Massachusetts has not only a general but also an especial interest in this bill, for the reason that three of her gallant regiments of infantry volunteers, the Twenty-ninth, Thirty-fifth, and Thirty-sixth, participated in the operations it proposes to commemorate: Therefore

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, request the Senators and Representatives from this Commonwealth in the Congress of the United States to use their influence to secure the prompt passage by Congress, at this session, of the bill H. R. 4339, and request the House Committee on Rules to give the earliest possible date for its consideration by the House.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the clerks of the two branches of the general court to each of our Senators and Representatives in Congress.

SENATE, April 14, 1896.

Adopted. Sent down for concurrence.

HENRY D. COOLIDGE, Clerk.

HOUSE OF REPRESENTATIVES, April 19, 1896.

Adopted, in concurrence.

GEORGE T. SLEEPER, Clerk.

A true copy. Attest:

HENRY D. COOLIDGE,
Clerk of the Senate.

Mr. LODGE presented a petition of the Harvard Natural History Society of Milton, Mass., praying for the appointment of a director in chief of the scientific researches conducted by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Paint and Oil Club of New England, praying for the passage of Senate bill No. 2447, to establish a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. HANSBROUGH. I present a memorial of the Woman's Christian Temperance Union of North Dakota, containing 3,049 signatures, remonstrating against the granting of liquor licenses by the Federal Government in States having constitutional or statutory prohibition. The memorial has been approved by numerous mass meetings in the State, and, as I have stated, contains 3,049 names. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. GALLINGER. I present a memorial of the American Woman's Citizens' League of Boston, Mass., of which Mrs. Emma J. Staples is secretary, containing the names of over 200 women, remonstrating against the acceptance of the Père Marquette statue by Congress. I move that the memorial be referred to the Committee on the Library.

The motion was agreed to.

Mr. PASCO presented a petition, in the form of resolutions adopted by the First Baptist Church of De Land, Fla., relative to the arrest of Rev. A. J. Diaz, an American citizen, in Cuba, and urging prompt action in his behalf; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of 7 business firms of New Richmond, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Union ex-Prisoners of War Association of Hamilton County, Ohio, praying for the passage of House bill No. 306, for the relief of soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions.

Mr. CARTER presented a petition of Federal Labor Union No. 6512, American Federation of Labor, of Belt, Mont., praying for the free coinage of silver at the ratio of 16 to 1; which was ordered to lie on the table.

ASSAY OFFICE AT DEADWOOD, S. DAK.

Mr. PETTIGREW. I present a paper on the subject of the establishment of an assay office at the city of Deadwood, in the State of South Dakota. I move that it be printed as a document, to accompany the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER. On the 9th day of April the Senator from Kansas [Mr. PEPPER] submitted an amendment intended to be proposed to the District of Columbia appropriation bill, the amendment providing that the wages of van drivers and of all other drivers in the police department shall not be less than \$50 per month each, and it was referred to the Committee on the District of Columbia. I am instructed by that committee to report the amendment back favorably. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex., reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Public Lands, to whom was referred the bill (S. 2831) for the relief of Isaac Marsh, reported it with an amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to:

A bill (S. 2708) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park; and

A bill (S. 2232) to vacate Sugar Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry.

Mr. PROCTOR, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill, the amendment providing for the purchase of Analostan Island, in the Potomac River, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1914) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891, reported it without amendment, and submitted a report thereon.

Mr. SQUIRE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 163) providing for the erection of a public building at the city of Tacoma, in the State of Washington, reported it without amendment.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment, submitted by himself on the 21st instant, intended to be proposed to the District of Columbia appropriation bill, the amendment providing that the unexpended balance of appropriations heretofore made for the removal of Hancock Circle, in the city of Washington, D. C., be used for enlarging and beautifying the same, reported adversely thereon; and the amendment was postponed indefinitely.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PERKINS on the 13th instant, intended to be proposed to the District of Columbia appropriation bill, the amendment providing for paving Eighteenth street extended and Cincinnati street, for improving and protecting Connecticut avenue extended beyond Rock Creek, and for continuing the macadamizing of the road extending from the Broad Branch road to Chevy Chase Circle, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. STEWART March 16, 1896, intended to be proposed to the District of Columbia appropriation bill, the amendment appropriating \$2,500 for grading banks on First street extended, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 21st instant, intended to be proposed to the District of Columbia appropriation bill, the amendment providing for a commission to examine into the present system and course of study now in use in the seventh and eighth divisions of the Washington public schools, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States, reported it without amendment.

BILLS INTRODUCED.

Mr. BAKER introduced a bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2950) for the relief of Mrs. Libbie Arnold; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 2951) for the relief of William E. Russell, of Lebanon, Ky.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 2952) to remove the charge of desertion from James Burroes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GEORGE introduced a bill (S. 2953) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, administratrix of Franklin S. Whitney; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 2954) to increase the pension of Margaret Custer Calhoun; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER (by request) introduced a bill (S. 2955) to amend the act of January 5, 1893, granting increase of pension in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2956) granting a pension to Adrian Nappy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE introduced a joint resolution (S. R. 138) for the relief of James P. Veach; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DELAYS IN WASHINGTON POST-OFFICE.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to inform the Senate why there is so much delay in the transmission of public documents through the Washington post-office, and whether it is not possible to secure the prompt dispatch of such documents from Washington.

BRANDY FROM FRUITS AND ALCOHOL IN THE ARTS.

Mr. SHERMAN. I desire to move to take up the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits; but I should like the attention of the Senator from Iowa [Mr. ALLISON].

I regard it as of the highest importance that action should be taken on the bill at the present session. It is a matter involving very largely the revenue of the Government, running into millions of dollars. I wish to fix a time when it will be agreeable to the Senate to consider the bill, and when it will at least not interfere with the ordinary business. The Senator from Iowa appreciates with me the importance of this bill and the urgency of action upon it; but I do not wish to interfere with the appropriation bills if it can be understood by the Senate that the bill shall be taken up after the appropriation bills are disposed of.

Mr. PEPPER. It can not be so understood, Mr. President. I shall object to it.

The VICE-PRESIDENT. Objection is interposed to the suggestion of the Senator from Ohio.

Mr. SHERMAN. Then I move to proceed to the consideration of House bill 886.

Mr. CHANDLER. Mr. President, I desire to make a suggestion, with the permission of the Senate.

The VICE-PRESIDENT. The Chair will state that the motion is not debatable.

Mr. CHANDLER. I understand, but before making the motion the Senator from Ohio made an inquiry, and I suppose that perhaps under the circumstances there will be no objection to my making a suggestion. I ask unanimous consent to make a suggestion.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent to make a suggestion. The Chair hears no objection.

Mr. CHANDLER. It was generally understood yesterday, and has been for two or three days, that no business calculated to take up time or encounter debate should be brought before the Senate until after the appropriation bills were disposed of. That has been the idea of the Senator from Iowa and of other Senators, I think, upon both sides of the Chamber. The Senator from Ohio must be aware that interjecting the tariff bill, a subject which it has been announced in the Senate is as dead as Julius Caesar, is indefinitely postponing the consideration of appropriation bills. I appeal to the Senator to withhold his motion until the appropriation bills are disposed of.

Mr. SHERMAN. I ought to say in reply that this measure does not bring up the tariff question to any considerable extent. It is true the House bill does make a single provision in regard to the distilling of brandy from fruits, to which there is no objection and which it is important to pass at this time in aid of the revenue. The tax on brandy made from fruits is still continued, and it increases the revenue. The amendment proposed by the Senate committee, and which is vitally important, is a repeal of section 61 of what is called the Wilson-Gorman Act. That section is pronounced by the Secretary of the Treasury and by the Commissioner of Internal Revenue as practically inoperative, and so report to Congress; and yet, while it is in existence, claims are being constantly made by persons who are manufacturing whisky used in the arts and for other purposes. Claims are accumulating to the amount of millions of dollars, and unless the section is repealed those claims will go on.

I do not believe there is any foundation in the claims, because I believe that section 61, which we ask to have repealed, does not take effect, and has not taken effect, because it depends upon regulations made by the Treasury Department, and the Treasury Department reports that no regulations whatever can protect the Government from palpable fraud.

That is the simple question involved in the case. All I desire is the repeal of section 61, the history of which is known to most Senators. It was made by inadvertence, merely to present the subject-matter to a committee of conference, and not with a view to letting it remain upon the statute books. But as we all know, the law was passed at the end without a committee of conference, simply from the necessity of the case, and everybody has felt the necessity of repealing section 61. It will involve the country in a very large expenditure and very large losses unless it is repealed. All I desire is to repeal it, leaving the claims, if any are outstanding, to be settled either by the courts or by the Department, or by subsequent legislation.

Mr. PEPPER. This bill will undoubtedly bring up a great deal of discussion, and I hope that the Senate will vote the motion down. It has been understood for a number of days past that the unfinished business—the bond resolution—should not be set aside for anything except—

The VICE-PRESIDENT. The Chair will state that debate is proceeding by unanimous consent.

Mr. PEPPER. I so understand, but I know the Senate will bear with me a moment, as it has borne with others, and I know the Chair will do so as long as Senators do not object. It has been understood for several days—certainly for five or six days—that nothing should interfere with the consideration of the bond resolution except appropriation bills, and I do hope the Senate will vote the motion down.

Mr. PLATT. I do not rise for the purpose of saying anything about this bill or whether it is advisable to repeal section 61, except to say that I feel it ought not to be repealed, and I shall be obliged to oppose its repeal.

The Senator from Ohio said if we could have some understanding that the bill should come up after the appropriation bills are out of the way he would not press it at this time. Of course he can move to take it up when the appropriation bills are out of the way and take the chances with all other measures for which Senators are seeking consideration.

Mr. BACON. Mr. President, we can not hear the Senator from Connecticut on this side of the Chamber.

Mr. PLATT. I do not know whether I should repeat or not. The Senator from Ohio suggested that if there could be some understanding that this bill was to be considered after the appropriation bills were out of the way he would withhold his motion until that time.

Mr. SHERMAN. The pending appropriation bill.

Mr. PLATT. He corrects me now by saying "the pending appropriation bill." The Senator from Kansas says that he has unanimous consent, as I understand it, that his bond resolution shall be proceeded with except as it gives way to appropriation bills. There are other measures pending here in the way of special orders. So I suppose the Senator from Ohio would have to take his chances with the other matters that are pending before the Senate.

I simply desire to say, however, that this bill has not been long before the Senate, and it is a matter of such great importance to my constituents that I feel I shall be obliged to take considerable time in the discussion of it. I shall discuss it from two points of view. First, that the section ought not to be repealed without providing at the same time a substitute for it which should carry out the purpose of the law. The second point of view is that if it is insisted upon now that there should be a simple repeal of the section on the ground that it was a mistake, or that the Treasury is suffering, or likely to suffer, or possible to suffer from it, then I shall insist that if we are going to deal with the subject at all we should correct the great mistake of all and repeal the Wilson Act and reenact the McKinley Act.

Mr. GRAY. That would bring less revenue still.

Mr. PLATT. No, sir.

Mr. GRAY. That has been demonstrated. We will demonstrate it to you if you will bring it up.

Mr. PLATT. I should like to discuss that proposition.

Mr. GRAY. We will discuss it if you bring it up. We are anxious to discuss it.

Mr. PLATT. I am anxious to discuss it.

Mr. GRAY. Not more than we are.

Mr. CHANDLER. I should like to ask the Senator from Connecticut whether he knows why it should be considered urgent here to repeal the provision as to whisky without putting a duty on wool?

Mr. PLATT. I simply desired to state that I should be obliged to discuss the subject at length.

Mr. CHANDLER. Mr. President—

Mr. VEST. I object to further debate. Let us have a vote on the motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio to proceed to the consideration of House bill 886.

Mr. SHERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HILL (when his name was called). On this vote I am paired with the Senator from South Dakota [Mr. KYLE].

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH]. As he is not present, I will withhold my vote.

Mr. PUGH (when his name was called). I have a standing pair with the senior Senator from Massachusetts [Mr. HOAR]. I have no idea how he would vote on this motion. I therefore withhold my vote. I should vote "yea," if he were present.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. I do not think this is a matter that causes us to keep up pairs. I vote "nay."

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON]. I transfer my pair to the junior Senator from Kentucky [Mr. LINDSAY]. I vote "yea."

The roll call was concluded.

Mr. PRITCHARD. I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. His colleague informs me that he considers this a political question, and therefore I will withhold my vote. If I were not paired, I should vote "nay."

Mr. LODGE. I desire to state that my colleague [Mr. HOAR], if present, would vote "nay" on this question.

Mr. SHOUP. I have a general pair with the Senator from California [Mr. WHITE]. He seems to be absent from the Chamber, and I therefore withhold my vote.

Mr. CARTER (after having voted in the negative). I have a general pair with the junior Senator from Maryland [Mr. GIBSON], who has not voted. I withdraw my vote.

Mr. ELKINS. I am paired with my colleague [Mr. FAULKNER], who is absent. I think if he were present, he would vote "yea," and therefore I can not vote. I should vote "nay," if I were not paired.

Mr. BLACKBURN (after having voted in the affirmative). I have a general pair with the senior Senator from Michigan [Mr. McMILLAN]. I note his absence from the Chamber. I will transfer my pair to the Senator from South Carolina [Mr. IRBY] and let my vote stand.

Mr. BATE. I wish to announce that my colleague [Mr. HARRIS] is not well enough to be in the Chamber this morning, and he is paired with the Senator from Vermont [Mr. MORRILL]. If my colleague were present, he would vote "yea."

Mr. BACON. I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. BACON. I desire to state that I have a general pair with that Senator, but under our arrangement each of us has a right, in his discretion, to vote on matters which are not political. Therefore I will vote in this instance. I vote "nay."

Mr. JONES of Arkansas (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. HALE], and not knowing how he would vote on this question, I withdraw my vote.

Mr. CARTER. I wish to announce the transfer of my pair with the junior Senator from Maryland [Mr. GIBSON] to the senior Senator from Massachusetts [Mr. HOAR]. I vote "nay."

Mr. PUGH. I vote "nay."

Mr. GEORGE. I wish to inquire whether the Senator from Oregon [Mr. MCBRIDE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GEORGE. I am paired with that Senator. If he were present, I should vote "yea."

The result was announced—yeas 22, nays 27; as follows:

YEAS—22.

Allison,	Caffery,	Martin,	Teller,
Bate,	Call,	Mills,	Vest,
Berry,	Chilton,	Palmer,	Walthall,
Blackburn,	Cockrell,	Pasco,	Wolcott.
Brice,	Gordon,	Pugh,	
Brown,	Gray,	Sherman,	

NAYS—27.

Allen,	Chandler,	Hansbrough,	Platt,
Bacon,	Clark,	Hawley,	Proctor,
Baker,	Callom,	Lodge,	Tillman,
Barrows,	Davis,	Mantle,	Turpie,
Butler,	Frye,	Nelson,	Warren,
Cannon,	Gallinger,	Peffer,	Wilson.
Carter,	Gear,	Pettigrow,	

NOT VOTING—40.

Aldrich,	Hale,	McMillan,	Sewell,
Blanchard,	Harris,	Mitchell, Oreg.	Shoup,
Cameron,	Hill,	Mitchell, Wis.	Smith,
Daniel,	Hoar,	Morgan,	Squire,
Dubois,	Irby,	Morrill,	Stewart,
Elkins,	Jones, Ark.	Murphy,	Thurston,
Faulkner,	Jones, Nev.	Perkins,	Vilas,
George,	Kyle,	Pritchard,	Voorhees,
Gibson,	Lindsay,	Quay,	Wetmore,
Gorman,	McBride,	Roach,	White.

So the motion was not agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts and joint resolution:

An act (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company";

An act (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses;

An act (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

An act (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes; and

A joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

BILL BECOME A LAW.

The message also announced that the bill (S. 136) granting an increase of pension to Horace Townsend, having been presented to the President of the United States on the 9th instant and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PRITCHARD. I offer an amendment, to be inserted after line 6, on page 88.

The amendment was read, and agreed to, as follows:

For keeping in repair the Guilford battle grounds: To enable the Guilford Battle Ground Company to maintain and keep in proper repair the grounds and public buildings of said company, and other expenses, the sum of \$1,000; said amount to be disbursed on the order of the president of the said company.

Mr. PEPPER. I wish to call the attention of the Senator from Iowa to the last paragraph, on page 120 of the bill. It provides for repealing a portion of an act passed some time ago for the benefit of libraries in different parts of the country. I wish to ask the Senator whether there is a provision anywhere else in the bill or in any other bill passed at the present session that will supply the defect which will be caused by striking out these words.

Mr. ALLISON. I know of no other provision in the bill.

Mr. PEPPER. Then I move that the words on page 120, beginning with line 19 and continuing to the end of line 3, on page 121, be stricken out.

My reason for moving the amendment is because there is a very great demand coming up from the public libraries of the country, and more especially those which are being organized in the public schools, for the dissemination of public documents among them. My correspondence this spring has been larger than ever before on that line. I find that a number of young men who are going to take part in oratorical contests and in discussions in their schools and societies upon matters pending in the Congress of the United States and matters of public concern generally want information, and within the last sixty days I think I have had applications from at least twelve or fifteen private libraries, that is to say, libraries in institutions carried on by religious associations and by citizens in the towns, for the purpose of supplying themselves with this information which comes through public documents.

I hope the Senator from Iowa will not insist on retaining the provision in the bill, because it repeals the sections indicated. I will read the clause so as to call the attention of Senators to it:

That paragraph 46, section 73, of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, be, and the same hereby is, amended by striking out the following words: "Of which number eight copies shall be sent by the Superintendent of Documents, one each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress."

I think it would be better to enlarge the number, so that we might be able to supply all the demands. They are constantly growing, and I have conferred with some other Senators in relation to it and I find that it is the same with them.

Mr. GRAY. What reason is alleged for striking out those words?

Mr. PEPPER. I do not know.

Mr. ALLISON. It is economy; that is all. I shall interpose no objection to the amendment of the Senator from Kansas.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 120, after line 18, it is proposed to strike out:

That paragraph 46, section 73, of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, be, and the same hereby is, amended by striking out the following words: "Of which number eight copies shall be sent by the Superintendent of Documents, one each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress."

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment.

The SECRETARY. On page 20, after line 15, it is proposed to insert:

For constructing a steam revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific Coast, \$250,000.

Mr. PERKINS. I will state that at the last session of Congress a bill was passed authorizing the Secretary of the Treasury to construct a first-class revenue cutter for the Pacific Coast. Two hundred thousand dollars was appropriated for that purpose. Bids were invited from various shipbuilders, and the lowest bid received for a steam cutter suitable for that service, to ply in the north waters of the Pacific and in the Arctic Ocean, with sufficient capacity to carry coal for the voyage, was \$290,000. The \$200,000 still remains in the Treasury. At the present session of Congress a bill was introduced, and it has passed the Senate, Senate bill 1359, providing for the building of two revenue cutters. The bill, I am informed, has been favorably considered in the other House, but it will not become a law at this session.

The Secretary of the Treasury and the Chief of the Revenue Department are unanimous in requesting at least one cutter for the Pacific Coast. They say that there should be two. I think there can be no point of order made against the amendment, as the bill to which I have referred has already passed the Senate. I ask for only one revenue cutter, and I trust the chairman of the Committee on Appropriations will accept the amendment.

Mr. CHANDLER. I should like to ask the Senator from California a question. The Senator is very earnest and very diligent and very successful in procuring appropriations for his own coast. I desire to ask him about the provision on page 20, "for completing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific Coast, \$125,000." Is that the same cutter for which the Senator now asks provision, or another one?

Mr. PERKINS. This is for another cutter. The bill to which I referred provides for two revenue cutters. The Senator from New Hampshire gave that bill his approval. The Committee on Commerce unanimously reported in favor of it. It has passed the Senate, as I before stated, and if this sum is appropriated for that purpose it will enable us to complete the other cutter and give us an additional one, which is so necessary for protecting the revenues of our country on the Pacific coast.

Mr. CHANDLER. I think there ought to be two, but I want to vote intelligently on the amendment of the Senator from California.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from California.

Mr. ALLISON. Let it be again stated.

The VICE-PRESIDENT. The amendment will again be stated.

The SECRETARY. After line 15, on page 20, it is proposed to insert:

For constructing a steam revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific Coast, \$250,000.

Mr. ALLISON. I do not think \$250,000 is necessary. I hope the Senator from California will modify his amendment by inserting \$200,000 instead, and then I shall not object to it.

Mr. PERKINS. Under other circumstances I would gladly do so, but it is much better for us in building a cutter to have one suitable to the business of the Pacific Coast. As the Senator from Iowa is aware, we have over 3,000 miles of coast line on the coasts of Oregon, California, and Alaska, and it is absolutely necessary that the vessel shall not only have sufficient capacity for carrying fuel, but that she shall have speed. As I have stated, \$290,000 was the lowest bid received by the Secretary of the Treasury for a revenue cutter of a displacement of 1,000 tons, with a maximum speed of from 16 to 17 miles an hour and an average speed at sea of 12 miles, which is absolutely necessary. Frequently steamers break down, and the revenue cutters are called into service to rescue life and property. The Revenue-Cutter Service of this

country has rendered most valuable service to the merchant trade in that respect. Therefore I think it is much better for us to have sufficient money appropriated to build a suitable vessel. Of course, if the Senator from Iowa insists upon it, I will accept \$200,000, but it will not give us such a vessel as we ought to have for the trade.

Mr. FRYE. The report from the Department is that on the Pacific coast such a vessel can not be built for less than \$250,000, and the Senate Committee on Commerce unanimously reported a bill for that purpose, and it passed the Senate at that sum.

Mr. GRAY. Such a vessel could be built on this coast for a less sum.

Mr. FRYE. Undoubtedly.

Mr. ALLISON. It depends upon the kind of steamer that is built. I understand very well that such a revenue cutter as the Senator from California proposes would cost \$250,000 and probably more. But we have appropriated \$175,000 for cutters on the Atlantic coast. If the Senators think it will advance the building of the vessel better by leaving it at \$250,000 I shall not object.

Mr. CHANDLER. I am entirely certain that it is necessary to have much larger vessels on the Pacific coast than on the Atlantic coast.

Mr. FRYE. The Senator from Iowa does not object.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from California [Mr. PERKINS].

The amendment was agreed to.

Mr. FRYE. On page 16, line 3, after the word "Superior," I move to insert:

Gas buoys at or near the following-named places in the St. Lawrence River: One at Charity Shoals, one at Featherbed Shoals, one at Rock Island Point, one near the Sisters Island light, one at Sunken Rock, one at Bay State Shoals, one at the Lower Narrows, and one at entrance upper harbor, Ogdensburg.

This is an experiment, as to the success of which there is not much doubt. It will save a good many thousand dollars in the matter of light-houses, and it is recommended strongly by the Light-House Board, reported unanimously by the Committee on Commerce, and has passed the Senate in another shape. The cost is very small, not over \$4,000.

Mr. ALLISON. I submit to the Senator from Maine that he will not accomplish his object unless he puts a sum in the amendment. I believe the amount estimated for this purpose is \$4,000.

Mr. FRYE. The amendment is to be inserted in the provision where \$300,000 is proposed to be appropriated for this sort of thing.

Mr. ALLISON. It is in connection with that provision?

Mr. FRYE. Yes, sir.

Mr. ALLISON. Let the Secretary read the connection.

The VICE-PRESIDENT. The Secretary will read as indicated.

Mr. FRYE. There is no need of reading it. It says:

Lighting of rivers: For establishing, supplying, and maintaining post lights—

And then about 40 places are named.

Mr. ALLISON. I object to inserting it at that point. I prefer that the Senator should put the amendment in as a separate provision and make an appropriation for it. The appropriation for lighting rivers is now rather less than it ought to be, and I hope the Senator will not burden it with these lights. The Light-House Board stated that if this appropriation—

Mr. FRYE. If the Senator objects to the amendment going in at that point, I will not offer it there and I will not offer it at the present moment, because I shall be obliged to ascertain the exact cost.

Mr. ALLISON. I will say to the Senator that we considered the matter in the Committee on Appropriations very thoroughly, and the Light-House Board stated that if we would add to the appropriation at another place for lighted buoys, they would put up these lights without any additional appropriation. But I have learned since that time that it may be necessary to have a specification of those places in order to insure their being lighted. Therefore if the Senator puts in \$4,000 for this purpose I shall not object.

Mr. FRYE. I will amend it, then, by inserting the words "to establish" gas buoys so and so, "\$4,000," and offer it as an item to be inserted immediately after the conclusion of the paragraph where I did offer it.

Mr. ALLISON. I will state to the Senator that the Light-House Board said that if we would increase the appropriation they would put in these lights, but I have learned since that it is possible that this sum might be exhausted, or that it is doubtful, at least, whether it could be done unless a special appropriation be made.

Mr. FRYE. I propose to offer it now as a special appropriation.

Mr. ALLISON. Very well.

Mr. FRYE. Then there is no objection to it?

Mr. ALLISON. It ought to come in on page 15, after line 7.

The SECRETARY. On page 15, after line 7, it is proposed to insert:

To establish gas buoys at or near the following-named places in the St. Lawrence River: One at Charity Shoals, one at Featherbed Shoals, one at Rock Island Point, one near the Sisters Island Light, one at Sunken Rock, one at Bay State Shoals, one at the Lower Narrows, and one at entrance upper harbor, Ogdensburg, \$4,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maine.

The amendment was agreed to.

Mr. FRYE. I wish to call the attention of the Senator from Iowa to an item on page 20. The committee inserted a provision for constructing one revenue cutter for service on the Lakes. Two revenue cutters are absolutely necessary on the Lakes, and they ought to be first-class cutters, swift, and very strong. The Senator knows why they ought to be without my stating the reason, and the Senate does. The Committee on Commerce, on the recommendation of the Treasury Department, reported unanimously in favor of two vessels, to cost \$200,000 each. A bill for that purpose passed the Senate without any opposition. I should like, in line 13, after the word "constructing," to strike out "a" and insert the word "two," making "steamer" into the plural "steamers," and striking out "two," in line 15, and making it "four."

Mr. ALLISON. The Committee on Appropriations considered this provision very carefully. We are now building, as the Senator is aware, a revenue cutter for service on the Lakes, and the committee were of opinion that if we could get one additional cutter it would perhaps be all that we would be likely to secure this year.

I quite agree with the Senator from Maine that if we could provide for two vessels it would be well to do so. But I hope the Senator will not insist upon another revenue cutter.

Mr. FRYE. I should like to have the amendment put in here. I think we are infinitely more likely to get one cutter if we provide for two in the bill.

Mr. ALLISON. I am not so sure of that. I shall not object to the Senator's amendment, however.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In the amendment of the committee, beginning in line 13, page 20, it is proposed to strike out the word "a" and insert "two"; to strike out the word "steamer" and insert "steamers"; and, in line 15, to strike out the word "two" and insert "four"; so as to read:

For constructing two revenue steamers of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, \$400,000.

The VICE-PRESIDENT. By unanimous consent, the vote by which the amendment was agreed to will be considered as reconsidered. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. I offer an amendment, to be inserted on page 55, at the end of line 19.

The amendment was read and agreed to, as follows:

To collect statistics in relation to criminals and paupers, the feeble-minded, deaf, dumb, and blind, and to investigate the causes of criminality and pauperism from a scientific point of view, and purchase and repair of instruments of precision under the direction of the Bureau of Education, \$1,000.

Mr. PETTIGREW. I offer an amendment, to be inserted on page 3, after line 16.

The amendment was read and agreed to, as follows:

For constructing a bathroom and lavatory in the basement of the post-office building at Sioux Falls, S. Dak., \$300.

Mr. BATE. On behalf of my colleague [Mr. HARRIS], who is unable to be in the Chamber to-day, I offer an amendment, to be inserted after the word "dollars," in line 10, on page 112. The amendment embraces claims, permit me to say, which have been passed upon by the Court of Claims. All the items have been acted upon by the Court of Claims. The amendment has been reported unanimously from the Committee on Claims.

The SECRETARY. On page 112, line 10, after the word "dollars," it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, namely—

Mr. ALLISON. This is a very long amendment. I make the point of order against the amendment that it is not in order on the pending bill. It is not for service in the fiscal year ending in 1897. It is a collection of claims, which are not in order upon an appropriation bill. I hope the Senator from Tennessee will not press the amendment, as it is clearly out of order. I have the amendment before me, and I have also before me the reports

relating to the claims. They have always been considered in this body in separate bills; they have never appeared on any of the regular appropriation bills. They are not audited accounts; they are not estimated for; they are not judgments, and in no sense can they be considered as applicable to a bill of this character.

Mr. HAWLEY. What claims are they?

Mr. ALLISON. They are individual claims referred to the Court of Claims under the Bowman Act.

Mr. BATE. I would rather that the amendment should not be disposed of just now. My colleague [Mr. HARRIS], in whose behalf, as I stated, I offered the amendment, is not here, and I know but little about the matter. The point of order is made upon the amendment. I think my colleague will be here by Monday, and if we do not dispose of the bill to-day I have no doubt he would like to be heard upon it. I suggest to the Senator from Iowa, the chairman of the committee, that the matter had better go over for the present.

Mr. ALLISON. Certainly.

Mr. BATE. I am not here to say that the Senator from Iowa is not correct in his point of order. It is something I should like to look into. These are just claims. It has been so decided by the Court of Claims. The claims have been taken up item by item. There are reports to show it. The Government owes the money. It is not disputed. The committee sent the amendment here by unanimous report, and I do not see why we can not dispose of it. But it may be amenable to the point of order which the Senator makes. I am not prepared to say that it is not. Therefore I think it is proper for us to delay it until my colleague comes in.

The VICE-PRESIDENT. Without objection, the amendment will go over for the present.

Mr. ALLISON. I do not object to the Senator withdrawing the amendment or allowing it to lie upon the table; but, of course, it must be disposed of during the day, for I expect to finish the bill to-day.

Mr. BATE. If the bill is to be finished, of course the amendment will have to be disposed of; but if it is not finished I understand the amendment will not be disposed of.

Mr. GORDON. I offer an amendment, to appear on the third page of the bill, after line 9.

The VICE-PRESIDENT. The amendment, submitted by the Senator from Georgia will be stated.

The SECRETARY. After line 9, on page 3, it is proposed to insert:

That the act of Congress approved June 30, 1886, as amended by act of Congress approved January 21, 1891, providing for the purchase of a site and the erection thereon of a public building for the accommodation of the United States circuit and district courts, the post-office, and other Government uses, in the city of Savannah and State of Georgia, be, and the same is hereby, amended so as to extend the limit of cost of the site and building, including fireproof vaults, heating and ventilating apparatus, elevators, and appurtenances, complete, from \$400,000 to \$500,000, to permit the construction of said building of marble, and the Secretary of the Treasury may authorize a contract or contracts to be entered into for construction of any portion or the whole of said building within the limit of cost prescribed by law for said building, and subject to appropriations heretofore made and to be made therefor by Congress.

Mr. ALLISON. I offer as a substitute for the amendment what I send to the desk.

The VICE-PRESIDENT. The substitute proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 4, after line 15, it is proposed to insert:

For court-house at Savannah, Ga.: For continuation of building, \$25,000; and the limit of cost of said building is increased \$100,000.

Mr. GORDON. May I inquire of the chairman of the Committee on Appropriations the effect of that amendment? Is it intended as a substitute for the amendment I have just offered?

Mr. ALLISON. I hope the Senator from Georgia will withdraw his amendment. The Treasury Department recommend an increase of the limit \$100,000 at Savannah, Ga. This amendment provides for that increase, and also gives a small appropriation of \$25,000, which is substantially, I think, what the Senator desires.

Mr. GORDON. I should have no objection whatever to the substitute, provided it would accomplish the purposes in view, which are to give a marble front to a building in the city of Savannah, which ought to have it, instead of an ordinary brick front. The amendment is recommended by the Committee on Public Buildings and Grounds of the House of Representatives, and recommended by the Secretary of the Treasury.

Mr. ALLISON. The amendment I have offered to the amendment covers that idea by increasing the limit \$100,000.

Mr. GORDON. That is satisfactory.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Iowa to the amendment submitted by the Senator from Georgia.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GEORGE. Mr. President, I desire to call the attention of the Senator from Michigan [Mr. BURROWS] to what I am going to say. I did not understand exactly the point of order which was

made by the Senator from Iowa [Mr. ALLISON] against the amendment offered by the Senator from Tennessee [Mr. BATE] for his colleague [Mr. HARRIS]. I have an interest in that question, and I should like to understand what is his objection to that amendment, what rule of the Senate is violated by its being offered, especially when the amendment proposes simply to pay a debt which has been adjudicated by the Court of Claims, and the payment of which is recommended by the Committee on Claims of this body.

Mr. ALLISON. Is it the desire of the Senator that the point of order upon the amendment shall be now decided?

Mr. GEORGE. Yes; because it is a matter of very great importance to some very good people.

Mr. ALLISON. The Senator from Mississippi perhaps did not observe that the Senator from Tennessee asked that the amendment be laid aside for the present.

Mr. GEORGE. But the Senator from Michigan and I have amendments of a similar character which we intend to offer, and that is the reason why I am now interposing. I should like to know the specific point on which the Senator from Iowa believes the amendment out of order.

Mr. ALLISON. My point is that it is not estimated for. These claims have not passed through the accounting officers of the Treasury; they are not a judgment against the United States; they are simply the separate findings of the Court of Claims under the Bowman Act. We never have yet, so far as I know, put upon a regular appropriation bill any of the claims decided or considered by the Court of Claims under the Bowman Act. If we begin that business on appropriation bills there will be no end either to the amount of money appropriated or the time consumed in their consideration.

Mr. BURROWS. I only desire to state what the Senator from Mississippi has already indicated, that there is a claim of the same character of those embraced in the amendment of the Senator from Tennessee, which I have stated to the Senator from Mississippi I wished to offer as an amendment and intended to offer as an amendment, provided the amendment of the Senator from Tennessee [Mr. HARRIS] was offered to the bill and admitted. If, however, the point of order is made against it, of course I shall not offer the amendment. As the point of order is the only question now before the Senate, I have nothing to say in relation to the merits of the amendment until that shall be determined; but I am frank to say that I do not see how the point of order can be avoided under clause 4 of Rule XVI, which provides that—

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill.

These are claims in favor of 325 individual citizens claiming \$572,790.54, findings of the Court of Claims. As I said, however, I have nothing to say about the merit of the claims themselves until the point of order is decided.

Mr. HAWLEY. I move an amendment, on page 3, after line 3, concerning the post-office at Fortress Monroe.

Mr. ALLISON. I understand that the amendment relating to claims is now before the Senate.

The VICE-PRESIDENT. The Chair understood the Senator from Tennessee [Mr. BATE] to request that the matter be not determined at this time.

Mr. BATE. Certainly, Mr. President, but as other persons were interested in it, I did not want to interfere with their desires. I made my request in courtesy to my colleague, and I think that the amendment ought to lie over until he returns.

Mr. ALLISON. But the Senator from Mississippi insists that this matter should be disposed of.

Mr. GEORGE. No; I do not.

Mr. BATE. That is a matter which I can not control, because the Senator has that right.

Mr. ALLISON. I have no objection to the amendment being laid aside temporarily.

Mr. GEORGE. I desire to say as to the amendment that I do not insist upon its consideration now. My object was simply to have from the Senator a more clear and explicit statement of the point on which he relied in making the point of order. That was all.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. HAWLEY] submits an amendment, which will be stated.

The SECRETARY. On page 3, after line 3, it is proposed to insert:

For post-office at Fortress Monroe, Va.: That the sum of \$15,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the erection of a post-office building at Fortress Monroe, Va., upon the Government reservation. The said building shall be erected upon plans, specifications, and contracts to be approved, in the manner provided by law, by the Secretary of War, and to cover quarters for the postmaster and office accommodations for customs officer and United States commissioner. Nor shall any plan for the erection of said building be approved by the Secretary of War involving an expenditure exceeding the said sum of \$15,000.

Mr. HAWLEY. This is an amendment reported from the Committee on Public Buildings and Grounds.

The amendment was agreed to.

Mr. VEST. I am instructed by the Committee on Public

Buildings and Grounds to report an amendment, to come in at the foot of page 4.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the bottom of page 4 it is proposed to insert:

That the Secretary of the Treasury be directed to submit to Congress a plan giving the size and general characteristics of a public building to be used for a hall of records in the city of Washington, suitable for the storage of papers, documents, and other records which have accumulated in the various Departments and are needed only for occasional use and also for the storage and distribution of books and other publications issued by the order of Congress; and said Secretary is directed, before making his report, to consult with the heads of the other Departments and the proper officers of the Senate and House of Representatives; and he is also directed to consider and report upon the suitability for a site for such a building on the public reservation at the intersection of Ohio and Louisiana avenues with Tenth and Twelfth streets, and of any other public grounds located within the city of Washington within reasonable distance of the Departments to be accommodated by such hall of records.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

Mr. VEST. I call the attention of the chairman of the committee to lines 14, 15, and 16, on page 3 of the bill, for which I propose as a substitute the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 14, 15, and 16, on page 3, and insert:

For post-office and court-house at Kansas City, Mo.: For continuation of building, \$50,000, and the limit of cost of said building and site is increased from \$1,200,000 to \$1,310,000.

Mr. VEST. That only increases the limit \$114,000, which was the amount fixed by the Secretary of the Treasury.

Mr. ALLISON. I do not object to that amendment, but I call the attention of the Senator to the fact that the Senate amended the appropriation contained in the bill so as to make the sum \$100,000 instead of \$50,000, the Supervising Architect of the Treasury saying to us that if he had this additional \$100,000 it would not be necessary to deal with the question of limit at this time. If the Senator prefers to deal with that question now I see no objection to his amendment.

Mr. VEST. I would rather do that, because the building can not go on unless the limit is increased, and this would be the end of the matter.

Mr. ALLISON. Very well. I shall not object to the substitution.

The amendment was agreed to.

Mr. TURPIE. On page 62, after line 15, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 62, after line 15, it is proposed to insert:

Indianapolis Arsenal, Indianapolis, Ind.: For the payment to A. Bruner the sum of \$1,323.15 for the construction of a main sewer in Clifford avenue, adjacent to the United States arsenal grounds, in the city of Indianapolis, Ind.: *Provided*, That the Secretary of the Treasury shall not issue a warrant for the payment of said sum until the officer in command of the arsenal at Indianapolis shall certify that the sewer now provided for upon said grounds shall have been constructed by the United States and the same connected with the sewerage system of the city of Indianapolis.

Mr. ALLISON. The Committee on Appropriations considered this claim, if it can be called a claim, to reimburse Mr. Bruner for work he did on grounds of the United States, and we decided that it properly belonged to the general deficiency appropriation bill, and therefore left it off this bill. I trust the Senator will allow the amendment to lie over, to be placed on the general deficiency bill. I think that is the proper place for it.

Mr. TURPIE. It was on the sundry civil bill of last year, Mr. President.

Mr. ALLISON. I am aware of that. The Senate inserted this provision last year, but the House of Representatives did not agree to it.

Mr. TURPIE. This amendment has heretofore been offered and placed on the sundry civil bill. It passed the House at the last session, but was stricken out by the committee here on the ground that the connection of the local sewer had not been made to the general sewer in the street, for which this claim is made. Now the amendment is offered with a provision that that connection shall be made, and that the sum named shall then be payable. It is about four years since the work was done. The claim has been before the Committee on Claims two or three times, and this is the third session in which it has been presented. The claim is perfectly just and fair. The sewer runs along the street which is the boundary of the arsenal grounds.

Mr. ALLISON. The amendment is to pay for work already done, and not for work to be done, and therefore it belongs to the deficiency bill, and it is probable that when we get into conference that may be claimed. I therefore ask the Senator if he will not be willing to allow the amendment to be placed upon the general deficiency bill, which I am sure will be done?

Mr. TURPIE. With that assurance, Mr. President, I will withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. PERKINS. I desire to offer an amendment, on page 1, line 11, after the word "dollars," by inserting "to be immediately available."

This is an appropriation for repairing the wharf at Sitka, Alaska. The wharf is now in a very dilapidated condition, and the work should be done immediately. I received a communication from the collector of that port some few weeks since, in which he said if the appropriation was not made available immediately the season would be gone and the wharf perhaps washed away. I trust the amendment will be accepted.

Mr. ALLISON. I have no objection to it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 11, page 1, it is proposed to insert "to be immediately available"; so as to read:

Government wharf in Alaska: For reconstructing or repairing and putting in safe and proper condition the wharf at Sitka, Alaska, \$5,000, to be immediately available.

The amendment was agreed to.

Mr. HILL. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, at the end of line 12, it is proposed to insert:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein, in accordance with plans proposed by the Supervising Architect of the Treasury, to be done under the direction of the Secretary of the Treasury, the sum of \$50,000; such sum to be immediately available.

Mr. ALLISON. That amendment certainly was not called to the attention of the Committee on Appropriations, and I should be very glad to have the Senator from New York state the reasons for it. I have no knowledge of such an appropriation being estimated for.

Mr. HILL. Mr. President, a bill to the same effect was reported favorably by the Committee on Public Buildings and Grounds, and has passed the Senate. If the amendment was not referred to the Committee on Appropriations it was an inadvertence on my part. I suppose, the bill having once passed the Senate, that is a compliance with the rules.

Just a word as to the importance of this work, which arises from the fact that there is in the city of New York a corporation known as the American Law Institute, which has its library in the post-office building. It formerly had its library in the Chambers street public building, and has always accompanied the United States court. It is one of the most valuable law libraries in this country. The accommodations for that library have become totally insufficient, and the corporation will have to remove the library to some other place unless greater accommodations can be furnished.

The Supervising Architect has made an estimate of the amount necessary to make certain alterations. The stories are very high, especially the ones where the court rooms are. The court rooms can be reduced just one-half, and another story put in. By putting iron beams across the rooms they can be duplicated. It can be done for the sum named in the amendment, and it must be done immediately, or the association will have to remove its library. The president of the association is Mr. Choate, and the best lawyers of New York are interested in it. The amendment is recommended by the Committee on Post-Offices and Post-Roads; it is also recommended by the Supervising Architect and by the judges of the United States court in the city of New York.

A bill having the same object in view has passed the Senate and can not pass the House of Representatives for various reasons well known to this body, and this amendment ought to go on this bill. That is the reason why I ask for its adoption.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New York.

The amendment was agreed to.

Mr. HILL. I have another amendment, to come in on page 20, at the end of line 15, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20, after the amendment already adopted, at the end of line 15, it is proposed to insert:

For constructing and equipping a steam revenue cutter of the first class for service on the Atlantic Coast of the United States, with headquarters at the port of New York, the sum of \$250,000.

Mr. HILL. I offer the amendment to this bill at the suggestion of the chairman of the Committee on Commerce. A bill to the same effect has already been reported favorably, which has passed the other House, and it is suggested that it should go upon this bill as an amendment. I therefore offer it.

Mr. ALLISON. Certainly on the Atlantic Coast a revenue cutter can be constructed for \$200,000. I know of no appropriation hitherto for the construction of a revenue cutter on the Atlantic Coast at a higher cost than \$200,000, and I hope that the Senator will so modify his amendment.

Mr. HILL. I know nothing in regard to what the cost should

be, except that the committee have reported the provision in that way.

Mr. ALLISON. I move to amend the amendment by striking out the word "fifty," before the word "thousand"; so as to make the appropriation \$200,000.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from New York.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HILL. I offer another amendment, to come in at some proper place in the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To Elihu Root, ex-United States attorney, southern district of New York, for services rendered as attorney for defendant in the suit of the Yale Lock Manufacturing Company against Thomas L. James, in March, 1884, by the direction of the Attorney-General, the sum of \$2,000.

Mr. ALLISON. That is a deficiency. I trust the Senator will not move to put it upon this bill.

Mr. HILL. Are there no claims of that character in this bill?

Mr. ALLISON. Not usually.

Mr. HILL. A bill for this purpose has passed the Senate three or four times, but has always failed to pass the other House, and has never been finally acted upon.

Mr. ALLISON. I have no doubt it is a just claim, but it belongs to the general deficiency bill. I hope the Senator will not press it on this bill.

Mr. HILL. I will withdraw the amendment for the present, and will offer it on the deficiency bill.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. GRAY. On page 33, after line 16, I move the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 33, after line 16, it is proposed to insert:

For an additional fireproof building for the use of the National Museum, 300 feet square, with two stories and a basement, to be erected under the direction of Bernard R. Green, with the approval of the Regents of the Smithsonian Institution, in harmony with the present National Museum building, on the southwestern portion of the grounds of the Smithsonian Institution, there shall be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$250,000; said building to be placed west of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 50 feet, with its north front on a line with the south face of the Agricultural Department and of the Smithsonian Institution, and constructed as far as practicable, after proper advertisement, by contract or contracts approved by the Secretary of the Treasury, and awarded to the lowest responsible bidder; and all expenditures for the purpose herein mentioned shall be audited by the proper officers of the Treasury Department.

Mr. GRAY. I hope it may consist with the duty of the chairman of the Committee on Appropriations to accept this amendment. I will say that I offer it in place of the senior Senator from Vermont [Mr. MORRILL], who is absent, and who requested that I should urge the passage of the amendment upon the committee and upon the Senate.

Mr. PLATT. Is it the amendment in favor of which the Senator from Vermont made a speech recently?

Mr. GRAY. Yes, sir.

The Senator from Vermont is one of the Regents of the Smithsonian Institution. I also have the honor to be one of that body, and I know something in that way of the necessities for the building provided for in this amendment. There is a large amount of exceedingly valuable scientific material which is housed there in temporary wooden sheds, exposed to the peril of conflagration, and which would entail, if it were destroyed, incalculable loss not only upon the Government of the United States, but upon the scientific world. There are matters there now thus insecurely housed that could not be replaced. We all know what a credit the Smithsonian Institution is to the country and to the science of the country. There is no Department of the Government that is better conducted, more conscientiously administered in all of its branches, and from which there are so many benefits, direct and indirect, diffusing themselves among all the people of the country.

The Senator from Iowa, the chairman of the committee, of course understands this question better than I do. He is familiar with it. The Senator from Vermont [Mr. MORRILL] has the amendment very much on his mind and is exceedingly interested in its passage. He requested that I should make this statement for him as well as for myself to the Senate. I trust that the Senator from Iowa may see his way clear to accept the amendment.

Mr. ALLISON. The Committee on Appropriations considered the amendment very carefully and recognize the importance at an early day of an additional building for the National Museum, but in view of what appeared to be an apparent necessity for a large increase of the bill as it came to us from the House, we thought this matter might be postponed for another year. I am perfectly willing to leave it to the judgment of the Senate. I think the amendment is in order, and I do not make a point of order upon it.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Delaware [Mr. GRAY].

The amendment was agreed to.

Mr. PASCO. On page 87, after line 14, I move to insert:

Military cemetery at Key West, Fla.: For the purchase and use of land included in the military cemetery adjacent to the reservation of Key West Barracks, Fla., as recommended in a letter from the Secretary of War, dated February 7, 1896 (House Document No. 221, Fifty-fourth Congress, first session), \$2,058.

This purchase is recommended by the Secretary of War. The reasons for the recommendation are given in House Document No. 221, containing a letter from him, and accompanying documents. The amendment has been submitted to the Committee on Appropriations and the special attention of the chairman of the committee has been called to it.

Mr. ALLISON. I do not object to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida [Mr. PASCO].

The amendment was agreed to.

Mr. MITCHELL of Oregon. I offer an amendment, to come in after line 16, on page 106. I will state that the amendment was referred to the Committee on the Judiciary and reported favorably from that committee. I will also state that a bill of a similar character was reported favorably by the Committee on the Judiciary and is on the Calendar.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 16, page 106, insert:

That any State having a claim or claims against the United States, including the claims of the States of California, Oregon, and Nevada, heretofore examined and reported by the Secretary of War to the Senate in Senate Executive Documents Nos. 10, 11, and 17, Fifty-first Congress, first session, under an act entitled "An act to indemnify the United States for expenses incurred by them in defense of the United States," approved July 27, 1861, is hereby given the right within one year from the passage of this act to file a petition in the Court of Claims of the United States and have the same adjudicated and determined. Said Court of Claims shall, notwithstanding the statute of limitations, hear, determine, and give judgment upon all such claims according to law.

Mr. ALLISON. I make the point of order upon the amendment that it is legislation.

Mr. MITCHELL of Oregon. I hope the chairman of the committee will not insist upon that point of order. It makes no appropriation. It does not increase the bill in any manner. It simply puts the claims in a shape to be adjudicated in the Court of Claims. There are a number of States interested in it. It is not merely my own State, but perhaps some eight or ten States of the Union have claims of this character. The Judiciary Committee were united in recommending the amendment to the appropriation bill.

The VICE-PRESIDENT. The Chair is compelled to sustain the point of order against the proposed amendment.

Mr. MITCHELL of Oregon. I offer another amendment. On page 58, line 5, before the word "thousand," I move to strike out "two" and insert "ten"; so as to read:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to reproduce worn and defaced official plats of surveys on file and other plats constituting a part of the records of said office, and to furnish local land offices with the same, \$10,000.

If the chairman will allow me a moment, I will state that it is the purpose of the amendment to provide \$10,000 instead of \$2,000 for reproducing defaced official plats of surveys on file and other plats constituting a part of the records of the General Land Office. There are about 76,000 township maps; and they are all important in the transaction of the public business in the Land Office. The public-land States are immensely interested, of course, in the speedy and proper transaction of business relating to public lands.

The officer in charge of the Bureau submitted a letter recently recommending this increase in the appropriation and giving reasons why this work should be provided for. His recommendation is approved and earnestly recommended by the Commissioner of the General Land Office, and also by the Secretary of the Interior, letters from each of whom I hold in my hand, and I will ask to have them at least incorporated in the RECORD, or read now if desired. The chief of the division states that of the 76,000 maps now in the office there are 5,000 of them requiring immediate attention, which are unfit for use, and nearly one-half of the whole number should have attention at a very early date; otherwise they can not go out into the hands of the subordinates of the office for the purpose of transacting the public business in that office. I ask that the communications be read.

Mr. ALLISON. I hope the communications will be printed in the RECORD.

Mr. MITCHELL of Oregon. Very well.

The VICE-PRESIDENT. Without objection, they will be printed in the RECORD without reading.

The communications are as follows:

DEPARTMENT OF THE INTERIOR, Washington, April 23, 1896.

SIR: I have the honor to send you herewith a communication from the Commissioner of the General Land Office, inclosing a letter from the principal draftsman of his office, setting forth the necessity for the increase of the

appropriation from \$2,000 to \$10,000 (the amount originally estimated) to reproduce worn and defaced township plats, and to request your favorable consideration of the same.

Respectfully,

HOKE SMITH, *Secretary.*

HON. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 23, 1896.

SIR: I have the honor to transmit herewith a communication from Prof. Harry King, the principal draftsman of this office, dated the 23d instant, in which the necessity for the passage of an appropriation of \$10,000 originally requested by this office for reproducing worn and defaced township plats is set forth.

It is believed that the needs for this appropriation, instead of the \$2,000 recommended by the Committees on Appropriation in the sundry civil bill of the Senate and the House of Representatives, Fifty-fourth Congress, are imperative, and I therefore approve the suggestions contained in the accompanying letter.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 23, 1896.

SIR: I beg to state that in the report of the Senate Committee on Appropriations, No. 738, making appropriations for sundry civil expenses, and which was reported with amendments to the Senate April 20, 1896, I find that the sum of \$12,000 is allotted for engraving on copper the map of the United States, and but \$2,000 for reproducing the worn and defaced township plats, whereas this office had made a request for \$10,000 for this latter item.

Of the above two appropriations asked for the one for the preservation of the township plats is vastly of the greater importance, for reasons hereinafter stated. Should it be found impracticable to obtain appropriation for both objects, I earnestly recommend that the item of \$12,000 for the engraving on copper of the United States map (see page 53, lines 20, 21, and 22) be stricken out and in lieu thereof the appropriation for reproducing the township plats (see page 58, line 5) be raised to \$10,000.

Of the 76,000 township plats now on file in this division, at least 5,000 require immediate reproduction by photolithography, barely one-half of which are so worn and defaced from constant handling as to cause them to be almost unintelligible, and unless measures are adopted for their early reproduction their withdrawal from inspection of even the employees of this office will soon be absolutely necessary, a result that, in so far as applies to those plats, will cause the stoppage, to a large extent, of the adjudication of matters pertaining to the disposal of public lands.

The reproduction of a township plat by photolithography, including an edition of 15 copies, will cost on an average of \$6 per plat. The importance of applying at least \$10,000 for their reproduction therefore becomes apparent.

All expenses incurred in reproducing these plats would eventually be returned to the United States Treasury through the sale of copies to outside parties at a cost of 25 cents each if uncertified or 50 cents each if certified. This enlarged appropriation will not require an increased force of this division, as the work is given out by contract.

If the above recommendations should be carried out, it is my fixed opinion that they will inure to the best interest of the service.

Very respectfully,

HARRY KING,
Chief of the Drafting Division.

The honorable COMMISSIONER
UNITED STATES GENERAL LAND OFFICE.

THE VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oregon [Mr. MITCHELL].

The amendment was agreed to.

Mr. CALL. On page 20, after line 15, I move to insert:

For the construction of a revenue cutter for service on the Gulf of Mexico, \$150,000, or so much thereof as may be necessary.

I will state that a bill for this purpose has passed the Senate, and that it is recommended by the Department.

The amendment was agreed to.

Mr. ROACH. I offer an amendment which I send to the desk. I call the attention of the chairman of the committee to the amendment.

THE VICE-PRESIDENT. The amendment will be stated.

THE SECRETARY. On page 81, after line 9, insert:

For beginning the construction of permanent buildings, providing for sewerage, water supply, roads and other means of communication, and other necessary improvements at the military post at Bismarck, N. Dak., to be expended under the direction of the Secretary of War, \$50,000.

The amendment was agreed to.

Mr. ALLISON. I move to insert under the head of "Military posts," immediately after the amendment just adopted:

For continuation of construction of buildings at Fort Riley Military Post, Kans., to be expended under the direction of the Secretary of War, \$50,000.

The amendment was agreed to.

Mr. ALLISON. On page 4, after line 15, I move to insert:

For court-house and post-office at Salt Lake City, Utah: For purchase of site and commencement of construction of building, \$75,000.

The amendment was agreed to.

Mr. ALLISON. On page 2, after line 22, I move to insert:

Public building at Camden, N. J.: For construction of building, \$25,000, and the limit of cost of said building is increased \$125,000.

Mr. WARREN. On page 64, after the word "hundred," in line 5, I move to insert "and fifty"; so as to read:

For geological surveys in the various portions of the United States, \$150,000, to be immediately available.

Mr. ALLISON. I hope that amendment will not be agreed to. I make the point of order that the appropriation proposed is higher than the estimate. The estimate is only \$100,000, and the amendment is beyond the estimate.

Mr. WARREN. I desire to state that the amendment was submitted to a committee of this body and the committee unanimously recommended it. However, I do not wish to press it against the wishes of the Senator in charge of the bill. I believe that it ought to pass. I withdraw it simply in deference to the chairman of the committee, and for no other reason.

Mr. ALLISON. I am glad the Senator has done so. I ask that the amendment on page 113, which was passed over, be considered now.

THE VICE-PRESIDENT. The amendment passed over will be stated.

THE SECRETARY. On page 113, after line 14, the Committee on Appropriations reported to insert:

Purchase of historical publications: That the Secretary of the Senate be, and he is hereby, authorized and directed to purchase from Gen. James D. McBride 2,500 complete sets of his historical publications, entitled Important Periods in the History of the United States, Portraits of the Presidents of the United States, and the Seal of the United States and Seals of the Executive, Judicial, and Legislative Departments of the Government; and that said publications be distributed by the Secretary of the Senate as follows: One set for the use of the Senate of the United States, 1 set for the use of the House of Representatives, 3 sets to each Senator, Representative, and Delegate in Congress; 1 set to the President, 1 set to the Vice-President, 1 set to the Chief Justice of the United States, 1 set to each associate justice, 1 set to each member of the Cabinet, 1 set to the Executive Mansion, and 1 set to each of the Executive Departments, 1 set to the Supreme Court of the United States, 1 set to the Congressional Library; 42 sets to the Department of State for distribution among the various United States embassies and legations; 88 sets to the War Department for distribution among the various military post schools, including 1 set to the Military Academy at West Point and 5 sets to the National Homes for Disabled Volunteer Soldiers; 2 sets to the Department of Justice for the use of the United States prison; 78 sets to the Navy Department for distribution among the various vessels of the United States having libraries, including 1 set to the Naval Academy at Annapolis; 48 sets to the Department of Agriculture for distribution among the various agricultural colleges in the United States and Territories, and 800 sets to the Commissioner of Education for distribution among the various public libraries and educational institutions in the United States. And the sum of \$12,500 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the said Secretary of the Senate to carry into effect the provisions of this act.

Mr. PEPPER. I ask that the unfinished business may be laid before the Senate.

THE VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

THE SECRETARY. A resolution, by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEPPER. I ask that the unfinished business may be temporarily laid aside in order that we may proceed with the appropriation bill.

THE VICE-PRESIDENT. Without objection, it is so ordered. The question is upon agreeing to the amendment reported by the committee on page 113.

Mr. GEORGE. I should like to know something about that amendment. It seems to be a very large gift by the Congress of the United States. I should like to have it explained. I want to know something about it.

Mr. TELLER. I can not hear what the Senator is saying.

Mr. GEORGE. I should like to have the amendment explained. I want to know why we ought to expend money for this purpose. There must be some reason for it.

Mr. SHOUP. In the early part of the session a bill for this purpose was introduced and referred to the Committee on Education and Labor. The bill was then referred to a subcommittee, who corresponded with the heads of the Departments and had a favorable report from the Secretary of State, the Secretary of War, the Secretary of Agriculture, the Secretary of the Navy, the Attorney-General, the Secretary of the Interior, and the Commissioner of Education. The subcommittee reported favorably on the bill. The bill received the favorable consideration of the Committee on Education and Labor and was reported to the Senate. This is a very valuable collection. The Senator from Colorado [Mr. TELLER] has in his possession the correspondence with the Departments and is more familiar with the points set forth by the different Secretaries and the Attorney-General and the Commissioner of Education.

Mr. TELLER. The amendment is not the act of the Committee on Appropriations upon its own motion. The amendment came, as stated, from the Committee on Education and Labor, and it came to us with the indorsement of that committee and the indorsement of every Department of the Government. The amount to be appropriated is \$12,500. The publications consist of several charts, the first being what was called the Centennial chart, gotten up in 1876 by the author, Mr. McBride, containing the names of all the officers of the Government at that time, including Senators and Members of the House of Representatives, etc., with the Declaration of Independence and some other matters attached. Since that time he has added five other charts, which include the seals of the States, steel engravings of the Presidents

of the United States, and various other things, making five or six charts. I will read from the correspondence on the subject, and I am going to ask to put it entire in the RECORD, if the amendment is adopted, for the benefit of the Committee on Appropriations. The Secretary of State says—I will not read it all—

This work contains, in a highly compact and convenient form, much historical information, a knowledge of which will always be most useful to the people of our country.

That is in response to the bill that was sent to him with a request to state whether he had any objection to it. He said he would be glad to send copies to our different embassies. The Secretary of War recommends it also. He says:

I take pleasure in stating that they are considered by this Department of great interest and value.

The Secretary of the Navy indorses it and says that he desires it for the libraries on the ships.

The Secretary of Agriculture speaks of it in high terms and says:

I cordially indorse the proposition to distribute these valuable historical charts among the various agricultural colleges in the United States and Territories.

Then the Secretary of the Interior indorses it, and with it he sends the letter of the Commissioner of Education, Mr. Harris, which is quite a lengthy letter, and which I will have read if anyone desires to hear it. He says:

A gift of these charts would be a valuable gift to any one of these schools, and if it is intended to distribute to these elementary schools the matter can be best managed by sending first the proper quota to each of the 800 city superintendents, etc.

And he indorses it in the highest terms. I believe several educational societies have indorsed it from time to time. It seems to me that it is a matter we could hardly overlook. The committee felt that with these indorsements, as the sum is small, they ought to put the amendment in the bill, and we put it in. The committee have no other interest in it than anybody else.

The letters referred to are as follows:

DEPARTMENT OF STATE, Washington, March 11, 1896.

SIR: I have the honor to acknowledge receipt of your letter of March 3 instant, inclosing copy of Senate bill 2305, "A bill providing for the purchase and distribution of certain historical publications therein named."

In response to your request for my views of that part of the bill with which this Department is concerned, I have the honor to advise you that not only do I see no objection to it, but the Department will be glad to receive copies of General McBride's publications for distribution to the several embassies and legations of the United States. This work contains, in a highly compact and convenient form, much historical information, a knowledge of which will always be most useful to the people of our country.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

The Hon. JAMES H. KYLE,
United States Senate.

WAR DEPARTMENT, OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., March 27, 1896.

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, inclosing Senate bill No. 2305, "providing for the purchase and distribution of certain historical publications therein named."

I have examined the historical charts submitted by Gen. James D. McBride, and take pleasure in stating that they are considered by this Department of great interest and value.

If Congress should see fit to supply the Department with them, or to pass the bill referred to, that portion of the bill referring to the War Department should be amended to read substantially as follows:

"Ninety sets to the War Department, for distribution to military post schools, the military service schools, the Military Academy at West Point, and, if any remain, to be distributed in the discretion of the Secretary of War."

Very respectfully, yours,

JOSEPH B. DOE,
Assistant Secretary of War.

Hon. JAMES H. KYLE,
Committee on Education and Labor, United States Senate.

NAVY DEPARTMENT, Washington, March 5, 1896.

SIR: Answering yours of the 3d instant, in which you ask for the views of the Department touching the provisions of Senate bill 2305, lines 16, 17, and 18, page 2, which provide that 78 sets of the proposed publication be furnished the Navy Department for distribution among the various vessels of the United States having libraries, including 1 set to the Naval Academy at Annapolis, the Department is of opinion that this number of sets could be distributed with advantage as indicated and would be of value in these libraries. There are not as many as 78 ships now having libraries, but the spare numbers might be retained for future use and some of them also sent to the Naval War College and to the Torpedo Station.

Very respectfully,

H. A. HERBERT,
Secretary.

Hon. JAMES H. KYLE,
Chairman Subcommittee on Education and Labor,
United States Senate, Washington, D. C.

DEPARTMENT OF JUSTICE, Washington, D. C., March 23, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of March 3, inclosing a copy of Senate bill No. 2305, providing for the purchase and distribution of certain historical publications therein named. In response to your request for my views on that part of the bill contained in lines 23 and 24, page 2, I have the honor to advise you that this Department will be glad to receive copies of General McBride's publications, as provided for in the bill. These charts appear to have been prepared with great care, and I have no doubt will prove of inestimable value as a means of ready instruction to the officers and employees of the Government.

Respectfully,

HOLMES CONRAD,
Acting Attorney-General.

Hon. JAMES H. KYLE,
United States Senate.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., March 25, 1896.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, inclosing Senate bill No. 2305, "providing for the purchase and distribution of certain historical publications therein named."

I have examined carefully the historical charts originated by Gen. James D. McBride, entitled "Important Periods in the History of the United States," "Portraits of the Presidents," and "The Seal of the United States and Seals of the Executive, Judicial, and Legislative Departments of the Government," and take pleasure in stating that I cordially indorse the proposition to distribute these valuable historical charts among the various agricultural colleges in the United States and Territories.

There is so much in them to inspire patriotism, that I earnestly hope the time will come when they will be found upon the walls of every school and educational institution in this country.

Very respectfully,

J. STERLING MORTON, Secretary.

Hon. JAMES H. KYLE,
Committee on Education and Labor, United States Senate.

DEPARTMENT OF THE INTERIOR, Washington, March 10, 1896.

SIR: Replying to your communication of January 27, in which you inclose copy of Senate bill 1759, providing for the purchase and distribution of certain historical publications therein named, I have the honor to transmit herewith a copy of the report of the Commissioner of Education, to whom, in compliance with your request, said communication and bill were referred for an expression of "his views as to the educational worth of these publications and the advisability of their being distributed among the various public libraries and educational institutions of the United States."

Very respectfully,

HOKE SMITH, Secretary.

Hon. GEORGE L. SHOUP,
Chairman Committee on Education and Labor,
United States Senate.

[Copy.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 28, 1896.

SIR: I herewith acknowledge the receipt of your communication of present date referring to me a bill from Hon. GEORGE L. SHOUP, chairman of the Committee on Education and Labor of the Senate of the United States, requesting my views as to the educational worth of certain publications edited and prepared by Gen. James D. McBride, intended to illustrate important periods in the history of the United States, the same to be placed in public libraries, common schools, and other educational institutions for the purpose of interesting and instructing the people in the history of their Government and thereby tending to patriotism. I am requested to furnish an opinion as to the educational worth of these publications and the advisability of their being distributed among the various public libraries and educational institutions of the United States, and am requested to further state what in my judgment would be the proper number to supply to said institutions.

I have the honor to state that I have examined the several publications referred to and found that they present, among other things, authentic portraits of the Presidents of the United States; "the seal of the United States and seals of the executive, judicial, and legislative departments of the Government." It is admitted that one of the important means of interesting and thereby educating people in their government is the opportunity of seeing and studying important historical documents and symbols of sovereignty and authenticity, such as the Declaration of Independence and the several seals; the portraits of the persons who have been raised to the highest office in the gift of the Government. It seems to me that a set of charts like those prepared by General McBride, constituting a complete history of the subject-matter considered, should be placed in each of the schools of the country, and in each of the public libraries. This Bureau has prepared a list of 4,000 public libraries, each containing not less than 1,000 volumes. I would suggest that the first order in the Senate bill No. 1759, of which a copy has been handed me, should specify that 4,000 complete sets of the historic publications should be presented through this Bureau to the public libraries of the United States. Second in order after the public libraries, I would recommend that the public high schools of the country, in the number of 4,122, be supplied with sets of this chart, and 1,650 copies be provided for the corporate, endowed, and other secondary schools of same rank as the high schools herein mentioned. The normal schools for the education of teachers, to the number of 300, should be furnished one set each, and next after this in order of importance should come what are called the district schools, varying in size from those containing 1 teacher and 20 to 50 pupils up to those containing 25 teachers and 1,500 pupils. Of these schools there are in the United States upward of 228,000. A gift of these charts would be a valuable gift to any one of these schools, and if it is intended to distribute to these elementary schools, the matter can be best managed by sending first the proper quota to each of the 800 city superintendents, enrolling nearly 3,000,000 of the elementary pupils taught by nearly 60,000 teachers.

Very respectfully, your obedient servant,

W. T. HARRIS, Commissioner.

The honorable SECRETARY OF THE INTERIOR.

Mr. GEORGE. I should like to ask the Senator from Colorado one question. What is the exceptional condition of this particular publication different from any other good publication which requires its purchase by the United States Government?

Mr. TELLER. It is a historical chart that has been specially adapted, the author and friends think, to presenting in a concise and attractive form the history of the country. It contains particularly the Centennial year, which was, as we know, a very important year, and then it contains what is called the Columbian year, also.

Mr. GORDON ROSE.

Mr. TELLER. I see the Senator from Georgia [Mr. GORDON] on the floor. He introduced the amendment, and I will allow him to make a statement.

Mr. GORDON. I was merely going to add to what the Senator from Colorado has said that it has been my privilege to look into this matter very carefully. I was deeply interested in it myself. I really think that it would be a desideratum for every school in America to have the chart. I learned from it myself in a very brief space many points of interest in the history of our country.

I think it is a very small amount of money to be appropriated for a purpose so patriotic and so necessary—the education of the youth of our country in its great points of history in the past.

Mr. HAWLEY. I would suggest to the Senator having the amendment in charge that there ought to be more than one copy each for the two Houses. Such books I know from experience which are desirable in matters of amusement or instruction are apt to be taken from the library and lost. I think there ought to be two copies for each of the two Houses.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. McMILLAN. On page 26, line 24, I move to increase the salary of the Superintendent of the Coast and Geodetic Survey from \$5,000 to \$6,000.

The amendment was agreed to.

Mr. PEPPER. On page 81, line 2, before the word "thousand," I move to strike out the word "fifty" and insert "seventy-five"; so as to read:

To continue the construction of buildings at the Fort Riley (Kans.) military post, to be expended under the direction of the Secretary of War, \$75,000.

Mr. ALLISON. I do not object to that amendment. Inadvertently I offered an amendment with reference to the same post, which I beg leave to withdraw.

The VICE-PRESIDENT. It will be so ordered. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PEPPER].

The amendment was agreed to.

Mr. HAWLEY. I offer an amendment indicated in the printed form to come in at line 23, page 17, but the bill has been reprinted, with many additions, and the pages and lines are changed. It is now line 20, page 21, after the words "Revised Statutes," the amendment referring to the printing of stamps by contract.

The VICE-PRESIDENT. The Senator from Connecticut submits an amendment, which will be read.

The SECRETARY. After the words "Revised Statutes," line 20, page 21, insert the following proviso:

Provided, That on and after the 1st day of January, 1897, no postage stamps shall be manufactured or furnished by the Bureau of Engraving and Printing; but said stamps shall be procured by the Post-Office Department as formerly, under the provisions of section 3709 of the Revised Statutes of the United States, requiring such work to be given out upon competitive bidding, after public advertisement for proposals.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. NELSON. Mr. President, I object to that amendment.

Mr. PEPPER. Before the amendment is agreed to—

The VICE-PRESIDENT. Objection being interposed, a vote will be taken upon the amendment.

Mr. HAWLEY. The Senator from Minnesota objects to the amendment I have proposed?

Mr. NELSON. Yes, sir.

Mr. PEPPER. Before the vote is taken—

Mr. HAWLEY. I have certain things to say before the vote is taken. The first is to ask for a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Clark,	Mantle,	Shoup,
Bacon,	Frye,	Martin,	Stewart,
Bate,	Gaulinger,	Mitchell, Oreg.	Teller,
Berry,	Gear,	Nelson,	Tillman,
Blackburn,	George,	Palmer,	Turpie,
Brice,	Gordon,	Pasco,	Vest,
Barrows,	Gorman,	Peffer,	Waithall,
Butler,	Gray,	Perkins,	Warren,
Caffery,	Hansbrough,	Platt,	Wilson,
Call,	Hawley,	Pritchard,	Wolcott,
Cannon,	Jones, Ark.	Pugh,	
Carter,	Jones, Nev.	Roach,	
Chilton,	McMillan,	Sherman,	

The PRESIDING OFFICER (Mr. CHILTON in the chair). Forty-nine Senators have answered to their names. The presence of a quorum is disclosed.

Mr. NELSON. I make a point of order against the amendment.

Mr. HAWLEY. What is the point of order?

Mr. NELSON. That it is obnoxious to the rule, inasmuch as it changes existing law. By existing law the printing of the stamps is done at the Bureau of Engraving and Printing. The object of the amendment is to take it away from the Bureau. It is in opposition to the existing law and changes existing law. It is in the nature of general legislation. I understand that by existing law the printing of the stamps is done at the Bureau of Printing and Engraving, while the object of the amendment is to take it away from the Bureau and provide a different method for securing the printing of the stamps.

Mr. HAWLEY. I should like to have the attention of the chairman of the Committee on Appropriations and also of the chairman of the Committee on Post-Offices and Post-Roads.

The point is made that this is a change of existing law. The Senator from Minnesota insists that the law now provides for the stamps being printed by the Bureau of Engraving and Printing. Has there been any change of the existing law which requires that it shall be let by contract?

Mr. ALLISON. I do not think there has been any change of law.

Mr. HAWLEY. The law stands as before, I understand. That was my impression, and so I am informed by the Senator from Iowa.

Mr. PLATT. The law, section 3709, is this:

All purchases and contracts for supplies or services in any of the Departments, etc., shall be made by advertising a sufficient time previously for proposals respecting the same when the public exigencies do not require the immediate delivery of the articles.

As I understand the matter, the Bureau of Printing and Engraving has no right whatever to compete for this work. It is the duty of the Postmaster-General under the law as it now exists—

Mr. MITCHELL of Oregon. The Bureau not only competed, but it put in a bid, I understand, after all the other bids were in.

Mr. WOLCOTT. And opened.

Mr. MITCHELL of Oregon. And opened.

Mr. PLATT. What I was going to say is that I do not understand that the Bureau of Engraving and Printing has any authority to compete for this work.

Mr. MITCHELL of Oregon. None whatever.

Mr. HAWLEY. It is not a corporation.

Mr. PLATT. And the work is now being done by the Bureau of Engraving and Printing in opposition to the law. The object of the amendment is to restore the law and insist upon its performance.

Mr. HAWLEY. I am much obliged to Senators, and that is just my view of it. I may add that if the amendment proposed a change of existing law, if I am not mistaken in the rules of the Senate, the fact that it has been unanimously approved by the Committee on Post-Offices and Post-Roads would take it out of the objection.

Mr. ALLISON. I am not sure, if the Senator from Connecticut will allow me to interrupt him, but that the last clause of his amendment does change existing law.

Mr. PLATT. What is it?

The PRESIDING OFFICER. The Chair failed to hear the remark of the Senator from Iowa.

Mr. ALLISON. I think the last clause of the Senator's amendment, as I heard it read at the desk, does change existing law. That is to say, the Postmaster-General can now advertise, under existing law, and award the contract to the lowest or best bidder. That is precisely what was done two or three years ago. The Postmaster-General advertised for and when all the bids came in he rejected them all and made a contract with the Bureau of Engraving and Printing; but the amendment of the Senator from Connecticut, I believe, requires him to accept the lowest and best bid, which I think the law does not require.

Mr. HAWLEY. I will strike out those lines and say he shall do it under section 3709 of the Revised Statutes. That would not change existing law.

Mr. ALLISON. I think not.

Mr. HAWLEY. Then I will strike out all after the words "United States," in line 7, and make it conform to existing law.

The PRESIDING OFFICER. The modification will be stated.

The SECRETARY. It is proposed to strike out all of the amendment after the words "United States," as follows:

Requiring such work to be given out upon competitive bidding, after public advertisement for proposals.

Mr. HAWLEY. That is what he would have to do under the statute.

Mr. PEPPER. How will the amendment read then?

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

Provided, That on and after the 1st day of January, 1897, no postage stamps shall be manufactured or furnished by the Bureau of Engraving and Printing; but said stamps shall be procured by the Post-Office Department as formerly, under the provisions of section 3709 of the Revised Statutes of the United States.

Mr. NELSON. Mr. President—

Mr. HAWLEY. Will the Senator from Minnesota allow me to explain my own amendment?

Mr. NELSON. I wish to say on the point of order—the Senator can explain the amendment—that the amendment changes existing law in that it absolutely prohibits the Post-Office Department from having the Bureau of Engraving do the work. It is an absolute veto. Even under existing law there is nothing to hinder the Government from employing the Bureau of Engraving and Printing to do the work. The amendment is an absolute veto of it, and to that extent it changes the letter and the spirit of existing law.

Mr. HAWLEY. Mr. President, I hold that there is no statute anywhere and no proper usage of the Government which permits

one of its bureaus to enter into competition and bid for all the work that is being done. If the Senator's view is correct, why has not the Navy Department a right, under section 3709, to bid for the building of ships? Why should not the Post-Office Department bid for the manufacture of mail bags and all the various mechanical appliances that are used in that service? Why should not every Department of the Government bid for the manufacture of everything that it has or uses or gets now under contract?

Mr. GRAY. How can a Department bid?

Mr. HAWLEY. I should like to know myself.

Mr. GRAY. The Departments are supported by the taxes of the people and they can underbid any contractor, and then the people will have to pay the bill.

Mr. HAWLEY. The people have to pay the bill anyhow. They have to pay no matter how much in excess the expenditures of the Department may run. The people of the United States have to pay it. The Departments are not corporations. They are in no legal sense of the word persons at all. They are created for another purpose; not for the purpose of manufacturing, but simply for the purpose of administering the laws as they stand upon the statute books. It took a specific statute to create the Bureau of Engraving and Printing and specify its work. Its work has been specified. It has been doing its work. Some of it is done very satisfactorily. When private persons or what are called private corporations, as distinguished from Government institutions, did the work it was done to the universal acceptance of the people of the United States. The engraving was exquisite; the paper was substantial, good; the ink was good; the gum was satisfactory. No complaint was heard for a long series of years, and the price was down to what to the uninitiated would seem to be a ridiculously low figure.

After the bids of those persons were put in, varying considerably, one of them running down, I believe, to \$150,000 for the whole number of postage stamps, thousands of millions of them, and some days after the bids were opened, the Bureau of Engraving and Printing, desiring to magnify its office, was permitted to see the bids and to put in a lower bid. If it had been an authorized bidder that would have been a very unfair transaction.

Mr. NELSON. Will the Senator from Connecticut allow me to ask him a question? Ought not the Government of the United States to be nearer and dearer to us than any private concern?

Mr. HAWLEY. No, sir; not in this matter, and not in a great many others. The Government of the United States is not here to nurse a Department of the Government. We are here to do the work in the cheapest way and the best way it can be done for the people.

Mr. PEPPER. Are we not doing that now?

Mr. HAWLEY. No, sir; we are not doing it so cheaply. I challenge investigation in that respect. Why does not the Bureau of Engraving and Printing reply honestly and candidly and in detail to the inquiries legitimately addressed to it upon that subject? I hold it to be a very bad policy, especially as to bidding against private parties, to go out and take their work and do it by governmental agencies. It is unfair competition. The Government, under this form of bidding, can do the work nominally and by pretense cheaper than an individual can bid. It may bid a cent a thousand for the stamps.

Mr. WOLCOTT. I should like to suggest, because the whole subject is being so thoroughly stated by the Senator from Connecticut, that this bid, unfairly proposed after the bids had been opened, was apparently for something over \$50,000 cheaper, with the result that they have already spent nearly that amount in machinery; that the bid did not include rent, or fuel, or lights, or the use of machinery, or interest upon the cost of the plant; that 42 per cent of the stamps so manufactured were unfit for use; that the Bureau has fallen 14 per cent short of supplying the number it contracted for. Upon any fair estimate it has cost the Government 40 to 50 per cent more than if done by private individuals; and the Bureau has made a miserable mess of it instead of furnishing decent stamps, as the different bank-note companies did.

Mr. HAWLEY. I am very much obliged to the Senator from Colorado, for he has made substantially all the speech that is necessary to be made on this question. Every word he has said can be fortified by reference to the record. It appears that after repeated inquiries by the House of Representatives, if I may be allowed to make that reference to the other branch, after repeated inquiries by the subcommittee of the Committee on Appropriations, it was impossible to obtain a satisfactory reply from the Bureau of Engraving and Printing as to the details of its work; and when the distinguished chairman of the Committee on Appropriations of the Senate made a similar inquiry he got a reply which, if it is satisfactory to him, and as to that I am not informed, was not satisfactory to anybody else. We never yet have been able to get the proper details of the actual expenditure, nor a correct statement, if I understand the matter, of the enormous loss and waste that came from doing botched and bad work.

Now, the chief of the Bureau came here something like a year ago to get a deficiency appropriation to carry out the work of the year ending June 30, 1895, and he spent about all of his additional appropriation. He represented to the subcommittee on the sundry civil bill that he was making economies in various directions; that he had reduced the wages of printers engaged on internal-revenue stamps at the rate of about \$23,000 per annum in order that he might get money enough to make the post-office stamps.

He represented that he had reduced the wages of printers engaged on internal-revenue stamps at the rate of about \$23,000 per annum, amounting from the date of the reduction to the close of the fiscal year 1895 to about \$11,000, and that the cost of materials was much less.

That I do not know about.

The undeniable fact—

I am quoting now from a very interesting speech—

The undeniable fact was that he was obliged to skin his annual appropriations in every direction to meet the extra expenditure involved in the production of postage stamps over and above the amount which he was paid for the same by the Post-Office Department, and even then he came out barely ahead.

The work has never satisfied the public. It was obtained unfairly. It is in general against public policy. As I say, the case has been altogether stated. I have before me columns of matter all fortifying what has been said by the Senator from Colorado [Mr. WOLCOTT] and myself.

Mr. SHERMAN. Mr. President, it has been the established policy of the Government for a number of years, after a sad experience to the contrary, to engrave and print all forms of its public securities—

Mr. HAWLEY. That is right.

Mr. SHERMAN. Bonds of the United States, paper money that is circulated in the United States; and I see no reason why the same rule ought not to apply to postage stamps. We ought not to trust to any corporation to manufacture the stamps unless they are manufactured under the eyes of the officers of the United States. Even if it should cost more to the Government to print and engrave them, it is far better for the safety of the Government that all its certificates, all its obligations, should be printed under Government surveillance, with direct examination of Government officials. There is great danger, and there was danger years ago, that money would be printed, and sometimes it got into circulation, from paper printed by private corporations.

Mr. WOLCOTT. Will the Senator from Ohio permit me for just a moment in this connection?

Mr. SHERMAN. Certainly.

Mr. WOLCOTT. Is the Senator from Ohio aware that since the postage stamps have been printed by private parties, and they were so printed until 1894, the only robbery that ever took place—and it was an extensive robbery—took place under the Bureau of Engraving and Printing?

Mr. SHERMAN. That makes no difference. The general principle will apply to postage stamps as well as to any other securities.

The Government ought to control the manufacture and handling of the stamps at every stage to the final execution of the stamps. That is the general policy. I am therefore opposed to intrusting any corporation or any set of individuals with the power to print money and stamp it with the authority of the United States. The postage stamp is a completed work, and there is great danger that there may, by possibility, be a leak in the delivery of the postage stamps and that the stamps will get into circulation at the loss of the Government. It would be difficult indeed to find out exactly the extent of the loss.

I think it is wise, as a matter of public policy, that the Government should print all of its paper obligations, from the smallest postage stamp up to a registered bond of the United States.

Mr. GRAY. May I ask the Senator from Ohio whether there was any dissatisfaction with the contract system before it was changed to the present system in 1894; and, if so, what the grounds of dissatisfaction were?

Mr. SHERMAN. The change was made so as to bring the printing of postage stamps under the general rule of the Government, and there must have been a good reason which influenced the action of Congress two years ago. It strikes me, therefore, that we had better stand by it, and if there is any defect in the organization of our Bureau of Engraving and Printing it ought to be corrected. Stamps should only be manufactured under the surveillance and the control of the Government.

Mr. PEPPER. Mr. President, I was waiting for the point of order to be decided, but I see that Senators are discussing the merits of the proposition, and I have a word or two to say.

Some weeks ago I was down to the Bureau of Engraving and Printing. I observed closely and carefully—I spent an hour or two in doing it—the work that is going on there, and I was agreeably surprised to see the skill and the order and the efficiency that were everywhere manifest in the work of that organization. The

only criticism I have to offer is of the parsimony of the Government, our niggardliness here, in not giving those people better quarters, more room, instead of a little cramped-up hencoop, if I may use that expression, and I do not think of anything else that is more forcible, although I might think of something that would be more elegant, for they are sandwiched in; they are working along in little grooves, scarcely wider than the dais upon which our Presiding Officer sits—

Mr. HAWLEY. I wish the Senator from Kansas would speak a little more distinctly, so that I can hear what he is saying.

Mr. PEPPER. I was going on to say that the work which is now being done by the Bureau of Engraving and Printing is prompt, it is accurate, it is perfect, it is cheap. The only criticism I have to offer is of the parsimony of Congress in not giving to the Bureau more room, better buildings, more machinery. Within the two or three years that the Bureau of Engraving and Printing has been doing the work they have progressed from day to day, from week to week, from month to month, from year to year in the efficiency and excellence of their work. I thought at the time the change was made that it was an excellent one, that it would prove in the end beneficial.

I believe that every Department of the Government ought to do all of the Government's work that it can do or can accomplish. I believe we ought to build our own ships. I believe we ought to equip our own armies. I believe we ought to do everything that we can do in and of ourselves.

Mr. HAWLEY. Including the construction of railroads?

Mr. PEPPER. And to build railroads.

Mr. HAWLEY. That is what I thought.

Mr. PEPPER. Of course that disposes of the Senator's favorable view of what I was going to say. Yes, I would build our own roads. I would not go so far, however, I will say to the Senator from Connecticut, as to confiscate existing roads. I would let the present management go along as best they can. That is what they are doing now. But wherever and whenever a Department of the Government can perform its own work it ought to do so. Is there any reason why the Government should go outside of its own force to procure the manufacture of postage stamps, when it can be done so well and so accurately here close to headquarters?

I think what I have said is enough to express my view. I am very earnestly opposed to the amendment. I do hope that the Department will be permitted to go ahead as it is doing now and make its own stamps.

Mr. HAWLEY. As to the matter of conducting, through the Government, all the work and the manufacture of all the articles that the Government may need there has been a great deal of discussion in past years, and in some respects at least the policy has been irrevocably established.

The Senator from Kansas [Mr. PEPPER] said some things which I wished to have him say in order to complete the reductio ad absurdum of his own argument. He has said to us that the Government ought to build all of the railroads in the United States, and employ, of course, something in the neighborhood of—

Mr. PEPPER. The Senator from Connecticut perhaps did not understand me. I did not say the Government ought to build all of the railroads in the United States. The Government ought to build all the railroads that the Government needs.

Mr. HAWLEY. The Government needs every one over which the mail goes.

Mr. PEPPER. Very well; let it build them.

Mr. HAWLEY. It needs one as much as it needs the other.

Mr. PEPPER. Let it build them.

Mr. HAWLEY. We have discussed those things and have settled the general policy of the United States Government. Complaint is made that there would be a vast body of employees and of the power which they could exert under the influence of the Government—that is, of their employers.

There is a well-defined jealousy among the Senator's friends of the influence employers may exert, and the Government is the most wealthy and the most influential employer of them all. What is the total number of miles of railway in the United States now?

Mr. DAVIS. One hundred and seventy thousand.

Mr. HAWLEY. Imagine the Government of the United States with 175,000 or 180,000 miles of railroad, with nearly a million employees, immediately employed, and so at work in ancillary labor as to be practically at work under Government employ, and imagine that enormous force of men inevitably influenced more or less by leading persons, perhaps Government officers, or persons having them in charge. It used to be—

Mr. PEPPER. Will the Senator from Connecticut allow me?

Mr. HAWLEY. In a moment. That is very much better than to destroy the continuity of a Senator's remarks.

In old times it used to be thought very important that the collector of the port of New York should be taken from the party in control, because it used to be the fashion of half of the employees

there to go up to a State convention and run the whole machine. Public sentiment has in a measure corrected that and there is very much less of it. But that illustrates what I was saying as to the wiser modern policy and the vicious old one, to which I am not desirous of returning.

It is proposed that the Government shall take charge not only of the railways, but of all the telegraph lines. It is proposed that the Government shall conduct the great savings-bank interests as well.

Now, elaborate the scheme at your leisure and see what an enormous machine the Government would come to be—how practically the power over everything that enters into our daily life would be centered in the Government, and in some cases at the very demand of the people who are all the while denouncing the Government as corrupt, denouncing the Senate and the House of Representatives, the President, and everybody else as unfit to conduct business. Yet they turn around the next day, and when they have a little bridge to build across a river they think they have done the prettiest thing in the world when they provide an engineer of the Army to build it, and in a thousand other ways display the powers of the Government. Is it fair, in a free government, that we should require or permit a great bureau, in the absence of law, to come in and look over the rest of the bids submitted by private citizens, put in one confessedly ridiculously low, get the contract, and then have a great deficiency raised in the conduct of the business? I shall be very much surprised and I shall regret if the Senate shall sustain a departure from what I think is sound policy, and I shall lament that a sort of sanction will have been given to a very unwise practice, an extravagant practice, on the part of the Bureau of Engraving and Printing.

The Senator from Ohio [Mr. SHERMAN] says very properly that much of the work done by that fine Bureau has been excellently well done. I admit that, and I am proud of it. I have many of their engravings, obtained in one way and another, in the collection which I have, and it does some of the finest work done in the United States.

Mr. GRAY. Treasury notes.

Mr. HAWLEY. Not so much in that form as I would like.

It is quite right that the Government should print its own bonds, because there is a great sum of money involved. The number of bonds is not so great as the number of postage stamps, and the Government can keep a better record of them, a better account of them, and it does not make so much difference whether the work is in a measure shirked.

It is not absolutely necessary that a postage stamp, which is practically destroyed the moment it is used, should be as well done in every single respect as a bond, and we know what vexation there was by reason of poor gum, imperfect paper, and the dirty and inartistic colors upon the postage stamps; but there is no necessity in this case of this work going to the Government. There are no vast pecuniary interests liable to be injured here. A man would have to steal a very large number of stamps to get anything worth going to Canada for.

The answer to what has been claimed, that the work can be better done by the Government, is that it was done for a long series of years by private corporations, who have done a vast amount of bond and similar work for foreign governments, and they have just as much experience and skill in those concerns as can be found in the Bureau of Engraving and Printing here. They furnish South America and other countries with practically all the evidences of obligations that those countries have, and it has been done to absolute perfection. We went on years and years without any growling about it, unless it was as to the designs. I do not know who was responsible for some of the modern designs.

Mr. Thomas A. H. Hay, of Easton, Pa., makes this remark in a letter which happens to come under my eye just now:

If you will kindly get the report of the Auditor of the Treasury, showing the amount of money that was paid to the American Bank Note Company during the four years I was postage-stamp agent, you will find it is about half the amount of money used by the printing department in the manufacture of the stamps, and what miserable apologies for postage stamps we have had the past eighteen months.

Senators speak of doing this work under the charge of our own officers. It has all been done under our own officers; nothing has been done or is done under contracts with any of these private parties except under the close inspection of the Government agent, who has oversight and control of the paper, the ink, the presswork, the gum, the issue, and all that sort of thing. Nor was there ever a fraud dignified enough to get into history in connection with this work—none whatever, to my knowledge—while the business was conducted by the parties in New York.

Mr. PEPPER. The Senator from Connecticut does not say or intimate that the business of the Post-Office Department is not well conducted. There are somewhere in the neighborhood of 75,000 post-offices in the country; there are about 175,000 persons connected with these different offices.

Mr. HAWLEY. Is not that work enough for the Post-Office Department?

Mr. PEPPER. The distance that is traveled backward and forward in the transportation of the mails of the United States in the course of a year amounts to a line equal to about fifteen thousand times around the earth. It is the most stupendous business establishment in the world, and yet it is conducted with the systematic arrangement of clockwork by one man no larger than the Senator from Connecticut or myself, physically speaking, and it is done with perfection, and yet the Senator complains about the vast amount of power that will be concentrated in the Administration in case the principle involved in this discussion should be extended to other Departments of the Government.

Then the Senator undertakes to cast ridicule upon those who are taking the same view of the subject I do, because of the view that he and some other self-appointed critics allege that the party to which I belong holds. There is nothing in our political creed, so far as I am aware—and I think I know a good deal about it—that has ever looked toward the taking possession of the present railway systems of the United States and bringing the entire transportation business of the country immediately under Government control—nothing of that kind. We do believe that the people ought to have control of all of their own transportation interests; but, while that is true, we do not believe in the doctrine of the Senator from Florida [Mr. CALL], who insists that while we are anxious at some time or other to procure the good will, and all that that implies, of the people of Cuba, we should therefore immediately go down and take possession of the island and take possession of the people. That is not our view of the situation at all, Mr. President. We do believe that the Government of the United States should control by Government agencies; that all public functions ought to be exercised by public agencies in one way or another. That is the fundamental principle and the doctrine of the party to which I have the honor to belong; but we do not propose to go about and make a holocaust of this business; we do not propose to tear everything down, as anarchists would, to destroy. We are builders, Mr. President; we are not destroyers. In some respects, perhaps, we might be called iconoclasts, because we are breakers of images, but they are party images. We are not dangerous at all.

The principle that is involved in the work that is going on in the Bureau of Engraving and Printing covers the whole ground, so far as the principle is concerned of public officers doing public work. This is purely public work; it is for the benefit of the people; and it is one of the agencies that Government has in carrying on its business, in carrying on the work of the Post-Office Department, which has grown in a little over one hundred years from an expenditure of about \$22,000 a year to ninety-odd million dollars a year, and from 75 post-offices in the entire country in 1790 to some 75,000 post-offices in 1896; from an entire transportation distance of about 1,875 miles to over 450,000 miles to-day; and with the accuracy of its performance, with the perfection of its expansion, and all those things, the wonder is, Mr. President, why Senators should object to this work being done by the Government. I know of no other reason for it unless it be the interests of private parties who are anxious to do this work. The labor must be done somewhere. Why not do it under the eye of the Government?

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from Minnesota [Mr. NELSON].

Mr. PLATT. I desire to take an appeal from that decision.

The PRESIDING OFFICER. The Senator from Connecticut appeals from the decision of the Chair.

Mr. NELSON. Mr. President, do I understand an appeal has been taken from the decision of the Chair?

The PRESIDING OFFICER. An appeal has been taken.

Mr. NELSON. Under those circumstances, inasmuch as the discussion has passed off from the point of order into a discussion upon the merits of the question, by a sort of unanimous consent, I want to take up about five minutes of the time of the Senate with a few remarks upon the merits of this question, as the discussion seems to have been mainly devoted to that.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. PLATT. An appeal from the decision of the Chair on the point of order is debatable, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. NELSON. Mr. President, years ago most of the printing of the Government was done through private firms. The proceedings of these two Houses were printed in the Congressional Globe by private parties. All that system has been changed. We have a Government Printing Office here in the northwest, the best equipped and most perfect of its kind in the whole world, and all the printing of the Government—its reports, its bills, and, the most marvelous thing of all, a RECORD of the legislative proceedings—are printed there from day to day as perfectly and the work is as well done as it is possible to be done in any printing office on

the face of the earth. I do not think that this body or the American people, so far as that printing is concerned, would like to go back to the old system, the old method of doing things.

What we have done in that line we have done in the other line of printing in the finer work. We have established a Bureau of Engraving and Printing, where we print our bonds, all our different bank notes, Treasury notes, gold certificates, silver certificates, national bank notes, and stamps of various kinds. This printing is and has been done in a manner satisfactory and equal to the best in the world. There is no country on the face of the earth that has finer paper currency than the United States of America. I have seen any number of paper notes, and I have not yet seen any kind of paper currency equal to our own paper currency.

The Bureau of Engraving and Printing has been in successful operation, and now, in this year of our Lord 1896, because some firm is disappointed in its bid, because some firm has not the privilege of printing these stamps, because the Government has assumed to do that, what are we told? We are told all at once that this Bureau of Engraving and Printing, which prints the best paper money in the world, which can do as fine and as good printing as any printing institution in the world, is incompetent to print our postage stamps. I never knew that the people of the United States were suffering from bad postage stamps until it was told to me here on the floor of the Senate. For the last year I have been licking postage stamps unconsciously, and I never knew how bad they were until the chairman of the Committee on Post-Offices and Post-Roads told me. It is passing strange, Mr. President, that this Bureau, which is competent to print the best kind of greenbacks, the best kind of national bank notes, which can print beer and tobacco stamps, is all at once found incompetent to print postage stamps.

Sir, are we running this Government for the interests of the Government or are we running it for disappointed bidders? We have a Bureau of Engraving and Printing here, fully equipped, with a good force, which is run honestly and economically. The printing of postage stamps is only an incident to its general work. It can do this fine work just as well as it can do all the other work of the Government. Having established it, why should we single out this matter of postage stamps and take it away from the Government simply because some bidders somewhere in the Northeast have been disappointed in bidding for the printing of Government postage stamps?

Mr. President, we ought to think twice before we take this step. The people of this country are in favor of supporting their Government just as it stands. We have a Government Printing Office here in the northwest for doing our ordinary and everyday printing. You might as well come forward at this time and say that office is incompetent to print our RECORD; that our RECORD is dirty and nasty and we ought to let it to some private printer; that our documents and reports are not gotten out rapidly, and we ought to submit their printing to private enterprise.

It will not do to lug in this question of Populism about Government ownership of railroads and to attempt to throw discredit on the Government. You might as well attempt to bring that in to throw discredit on the Government in the management of its Post-Office Department. We run that Post-Office Department successfully, we run our Government Printing Office over here successfully, and we run the Bureau of Engraving and Printing successfully, and I do not think anybody will want to have any of them dismantled and destroyed. Why should we do in a roundabout and insidious manner what we would not do openly and aboveboard?

The Bureau of Engraving and Printing is competent to do our finer work. Look at the printing of bank notes. Why is it not competent to print an inferior grade of postage stamps? Let us stand by our colors and stand by our Government. It is our Government; let us smoke its pipe in peace and wield its tomahawk in war.

Mr. GORMAN. I understand the Chair has ruled the amendment not to be in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. GORMAN. And that there has been an appeal taken from the decision of the Chair.

The PRESIDING OFFICER. An appeal has been taken from the decision of the Chair by the Senator from Connecticut [Mr. PLATT].

Mr. GORMAN. I understand discussion is not in order.

Mr. PLATT. Discussion is perfectly in order, as I understand, upon an appeal from the decision of the Chair. That is debatable.

Mr. GORMAN. Then I desire to say only a word or two, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Mr. GORMAN. That this amendment is legislation, pure and

simple, I do not think there can be the slightest doubt. In the Post-Office appropriation bill of this year will be found an item appropriating "for manufacture of adhesive postage stamps and special-delivery stamps, \$160,000." When the appropriation was made placing that amount in the hands of the Postmaster-General, of course it would have been, I suppose, within the rules to put in a limitation in regard to the expenditure. The opportunity for that, however, passed. Now comes the sundry civil bill, which has no reference whatever to the appropriation for printing postage stamps, when a new provision of law is attempted to be inserted. I submit that there can not be any question that this is legislation pure and simple.

Mr. PLATT. I beg the Senator's pardon. That was not the point of order which was decided. The point of order the Chair decided was that the proposed amendment would change existing law, and was therefore obnoxious to the rule.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that the Senator from Minnesota made two points; First, that the amendment would change existing law, and secondly, that it constituted general legislation. The Chair did not sustain him on the first, because the first clause of the rule refers only to the question of increasing appropriations or adding a new item of appropriation. But the Chair sustained the second point of order made by the Senator from Minnesota.

Mr. PLATT. It must have been when I was out of the Chamber, then. I was called away.

The PRESIDING OFFICER. The Chair inquires of the Senator from Minnesota if he did not make both points?

Mr. NELSON. The Chair is correct.

Mr. GRAY. I hope the Chair will state the ground of his decision, if it will not interrupt the Senator from Maryland.

Mr. GORMAN. Certainly not. I should be glad to hear the ground of the decision.

The PRESIDING OFFICER. The ground of the decision is simply that the amendment proposes to absolutely prohibit the Bureau of Engraving and Printing from printing stamps in the future, and the Chair believes that such a provision must be fairly termed "general legislation."

Mr. GORMAN. And it changes existing law.

Mr. President, as an appeal has been taken from the decision of the Chair, as a matter of course it is usual in such cases to discuss the merits of the question. The Postmaster-General in 1894, in permitting the Bureau of Engraving and Printing to do this work, had, I think, authority under existing law to make that arrangement. The statement of the case by the Department, which is a very strong one, is that the printing of all the stamps, bank notes, and Treasury notes can best be done and more safely be done and much more economically be done by the Bureau of Engraving and Printing than by private parties.

In the first six months after the Bureau of Engraving and Printing undertook to do this work they had not the facilities, nor had they so many skilled men as were found in the American Bank Note Company and other companies which had theretofore been doing it. During that time there was an inefficiency, if you please; certainly the work was not quite so well executed. Since then the Bureau has performed the duty to the entire satisfaction of the Government; and from what information comes to me and from the examination I have made of the matter, their work to-day is equal to the best work heretofore done by the note companies, and is certainly satisfactory to the Post-Office Department.

It is claimed that in 1893 the cost of postage stamps to the Government was \$312,110, and in 1894 it was \$338,745. The only appropriation asked for doing the same work by the Bureau of Engraving and Printing was \$160,000. It may be said in answer to that that there is in the present cost of \$160,000 no estimate whatever for interest upon the plant, or for interest and wear and tear upon the fifty or sixty thousand dollars' worth of machinery which it was necessary to place in the Bureau to do the work of printing postage stamps; and to that extent the statement is true.

Mr. HAWLEY. Let me ask the Senator another question, if he will be so kind as to yield for that purpose. Whereabouts in the sundry civil bill now before us is to be found a definition or limitation of the money to be expended for stamps? A lump sum is applied to the Bureau of Engraving and Printing just as it was in previous years, but no mention whatever is made there of the stamp business. How has the existing law been changed?

Mr. GORMAN. I will say to the Senator that he has made a mistake in the bill to which he has offered the amendment. If he will refer to the Post-Office appropriation bill, which passed some days ago, on page 8 of that bill he will find a specific appropriation "for manufacture of adhesive postage stamps and special-delivery stamps, \$160,000." That sum is to be expended under the direction of the Postmaster-General, and he contracts with the Bureau of Engraving and Printing for all the printing of stamps, and, as they are delivered they are paid for out of that appropriation.

Mr. HAWLEY. There is nothing there said about giving the job to the Bureau of Engraving and Printing.

Mr. GORMAN. Nothing whatever.

Mr. HAWLEY. Section 3709 of the Revised Statutes provides that such work shall be upon public bidding.

Mr. GORMAN. If the Senator is correct about that, as a matter of course the Post-Office Department has been at fault; but I understand the Postmaster-General in making this arrangement with the Bureau of Engraving and Printing consulted the Attorney-General and the law officers of the Government, who advised that under this appropriation for postage stamps the Postmaster-General had a right to disburse the money as he is now doing under this contract.

Mr. HAWLEY. The Senator from Maryland will allow me to read section 3709, on page 733 of the Revised Statutes, to which I referred.

Mr. GORMAN. Certainly.

Mr. HAWLEY. That section reads as follows:

SEC. 3709. All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

That statute continues to be the law of the country, and has only been modified from time to time by little two-penny provisions in certain cases, as, for instance, that the engineers of the Navy Department may buy supplies under \$200 or under \$300, or something of that kind, for immediate necessities. That statute providing that all this work should be done under public proposals has not been touched at all, so far as I can find, by any of the bills which have been passed during the years in which this practice of working in the Bureau of Engraving and Printing has existed. I find no reference to it in what the Senator has read from the Post-Office appropriation bill. It gives so much money to the Postmaster-General, but it does not tell him he shall do the work in the Bureau of Engraving and Printing. There is no specification of that Bureau anywhere.

Mr. GORMAN. No, Mr. President; there is no specific provision requiring the Postmaster-General to have this work done at the Bureau of Engraving and Printing; that is true; but the Senator will find upon examination that it has never been held that the statute which he has just read, which was for the purchase of the little departmental supplies, applied to the Post-Office Department in such a case as this. At all events, bids were asked for this work and they were received, in fact, from the bank-note companies. I think two bids were made by outside parties which were not satisfactory to the Post-Office Department for some reason.

Mr. HAWLEY. They were in the exact figures used in that appropriation bill.

Mr. GORMAN. I know they were not satisfactory.

Mr. HAWLEY. They were \$150,000 and \$160,000. Those were the outside bids.

Mr. GORMAN. They were not satisfactory to the Department, at all events. I do not know about the bids, but the Postmaster-General thought they were not satisfactory. He then asked for a proposition from the Bureau of Engraving and Printing; and I am inclined to think that it was after the other bids had been submitted and possibly had been opened.

Mr. HAWLEY. It was.

Mr. GORMAN. You may criticize the Postmaster-General for that action; that is another matter; but he was advised that he had the authority to contract with the Bureau of Engraving and Printing. He did so contract, and the contract has continued until this time, and it is claimed by the Bureau, and it would appear from the appropriations that we have made that the cost to the Government has been much less than it was under the old system.

Mr. President, I have shown the Senate the amount appropriated for this work. As to the other suggestion, that there is no charge made for interest on this great plant and machinery now in the Bureau of Engraving and Printing, that is true, I admit.

Mr. PEPPER. Mr. President, before the Senator from Maryland goes to the next point of his argument I wish to call his attention, and also the attention of the Senator from Connecticut, to the wording of the statute, where it is required that bids shall be proposed to furnish supplies. What I wanted to suggest to the Senator, and to all Senators, is that supplies do not mean the performance of work; it means paper, paste, ink, mucilage, and all those things which the Departments have to purchase from parties outside. I think that is all that is contemplated in the statute—the securing of the necessary supplies for doing this particular work.

Mr. GORMAN. In the bill which we are considering there is the general provision for an appropriation for all the work of this Department. It does not include postage stamps, but all the printing for the Treasury Department, all the bank notes and internal-revenue stamps. If the appropriations are less on this bill than they were one year ago, or two years ago when the contract for postage stamps was in the hands of private parties, and if the volume of the work of the Bureau of Engraving and Printing for the Treasury Department is greater, it would seem to demonstrate that the claim of the Superintendent of the Bureau of Engraving and Printing is correct, that he absolutely does the work for the Post-Office Department \$150,000 cheaper than heretofore.

Mr. PEPPER. With our own plant.

Mr. GORMAN. With our own plant, and he assigns the reason why he can do it.

Mr. PEPPER. And under the civil service.

Mr. GORMAN. Yes; this Bureau is entirely under the civil service. The reason he assigns is because in this work he can utilize to some extent the same people who are engaged in printing stamps for the Internal Revenue Department, and keep his establishment going all the time.

Mr. HAWLEY. That is to say, he pays for stamp work partly out of the money appropriated for bond work, internal-revenue stamps, and—

Mr. GORMAN. No.

Mr. HAWLEY. That is what he said. He said he could equalize the work employed in printing internal-revenue stamps. So he expends it out of another fund in reality.

Mr. GORMAN. No; he claims not, and I say the figures would warrant his statement. He says that in 1894, the last year of printing stamps by a private concern, the cost of running the Bureau of Engraving and Printing, not a postage stamp then being printed, was \$1,195,705.66. Now, for the next fiscal year, for the same purposes of his Bureau, with a greater amount of work, as he claims, because of the increased amount of internal-revenue printing and the extraordinary demand for small notes, bank notes, and Treasury notes of all sorts and descriptions, we are appropriating only \$1,103,000, or eighty-four or eighty-five thousand dollars less than we appropriated the last year of the contract.

Mr. PEPPER. And doing vastly more work.

Mr. GORMAN. Doing vastly more work, as the Senator from Kansas suggests. If the Senate is to vote upon the merits of this question, I suggest, from the official figures furnished, there can not be any doubt about the economy of continuing the present work.

Now, as to the work itself. As I stated a moment ago, when the Bureau first began the printing of postage stamps there was for six months a good deal of trouble. They used the old dies of the American Bank Note Company, which had been purchased by the Government, and their printing of the stamps was not equal to the work of the American Bank Note Company's; but since then it is admitted, and admitted very frankly, by one of the ablest officers of the Government we have ever had, who is now, I think, interested in getting the work for private concerns, that, taking the last six months, the work of the Bureau is equal to anything we have had. They are making distinctive paper, and it is being made by the same firms with whom the private contractors contracted; and they have it in a shape that is almost as perfect as in the printing of national-bank notes and Treasury notes.

I think, on an appropriation bill, it would be unwise to prohibit the Post-Office Department from continuing this work. I think it was his predecessor and not the present Postmaster-General who made a mistake about it, and, if you will have a little patience we may have another Postmaster-General within a year who will change it, or, if it is considered wise to do it by legislation, let the Committee on Post-Offices and Post-Roads take up the question of the whole of the expenditures under the Post-Office Department, and let us have some greater checks and balances, if it can be done, without interfering with the postal service.

There are no appropriations made by Congress of so large amounts as are placed in the hands of the Postmaster-General. Millions of money are absolutely in the hands of the Postmaster-General to determine without contracts and without public advertisement what railroad companies are to receive, and but for the fact that in all time past, so far as I know—there may have been a few small exceptions—every Postmaster-General has managed this great fund if not with economy, certainly with honesty. But it does seem that as this system is growing, as the country is growing, and as the corporations are demanding more every year for their services, it would be wise if the Post-Office Committee, after consultation with the Postmaster-General, were to bring in a bill restricting the power of the Postmaster-General, and requiring, if you please, contracts in all these cases.

The Senator from Connecticut and I have had discussions before on the general idea involved. I believe as a rule that safety and economy in all these matters are secured by having competition

from outside sources with the Government. In the matter of printing bank notes, Treasury notes, and valuable securities there were good reasons why the Bureau of Engraving and Printing should be established. All sorts of abuses would have grown up in all probability but for that establishment. It was a wise provision and it ought not to be disturbed. The same consideration applies to a very great extent to postage stamps. It is claimed that under the bank-note contract no default ever occurred, but there is no way to follow that. One did occur under the present system with the Department here, but it was detected immediately, the men were soon arrested, convicted, and imprisoned. The same guarantees as to safety and the prevention of fraud are thrown around postage stamps that are thrown around the bank notes and Treasury notes. I do not believe the system ought to be changed at this time and changed in this way. Let the Post-Office Committee, if they desire to restrict the Postmaster-General, come in with a general provision covering all these subjects.

Mr. PLATT. I did not understand the ground upon which the Chair sustained the point of order, as I was called out of the Chamber. I thought it was upon the ground first suggested by the Senator from Minnesota [Mr. NELSON], that under Rule VII it proposes to change existing law. I understand now it was decided upon the ground that it is new legislation.

The PRESIDING OFFICER. Yes; under clause 3 of Rule XVI.

Mr. PLATT. Therefore I withdraw my appeal, and I submit another amendment, which I think is not open to the suggestion that it is not in order.

The PRESIDING OFFICER. The amendment will be stated.

Mr. SHERMAN. The appeal is withdrawn?

The PRESIDING OFFICER. The appeal is withdrawn, the Chair understands. The amendment now proposed will be stated.

The SECRETARY. After the word "statutes," in line 20, page 21, insert:

Provided, That, out of the sums appropriated for engraving and printing, the Bureau shall provide the full amount of internal-revenue stamps required by law, and the printing of postage stamps shall be done by contract to the lowest bidder.

Mr. HAWLEY. I concur in the amendment. I had an amendment to the same effect in my hands, intending to offer it if we were ruled out on the previous amendment.

The PRESIDING OFFICER. The Chair will hold the amendment now proposed to be in order.

Mr. HAWLEY. Now, I want to say just a few words. I shall not prolong the discussion. The Senator from Maryland has left the Chamber, I believe. He told us, I think, that the appropriation this year in the Post-Office bill was \$100,000 for procuring postage stamps. As against \$150,000 by private parties, the bid made by the Bureau two and a half years ago was \$139,487.52. We will add a few dollars and call it \$140,000. I had no idea the estimate was made so closely. Now, telling us that that would be cheaper than anybody else could do it for, they propose to give this year \$10,000 more than private parties stand ready to do the work for. So I think there is no economy in the transaction. Anyhow, I think there is more safety and more economy and more political wisdom in the old practice we had.

I want to give a parting word to my friend the Senator from Kansas [Mr. PEPPER]. I do not wish to appear altogether ignorant of the principles of the great Populistic party. When I said that the Senator's associates desired to own the railroads, etc., he corrected me. He said that they desired to build such railroads as the Government might need. I have here the Tribune Almanac for 1895 with the platforms of the various conventions for many years. Here is the platform of the People's Party convention which met at Omaha July 2, 1892. Is that the particular branch of reform under which the Senator marches? I ask the Senator from Kansas is that his convention, the one that met at Omaha July 2, 1892?

Mr. PEPPER. July 4, I think.

Mr. HAWLEY. Then my statement is substantially correct. It said in its third resolution:

We believe that the time has come when the railroad corporations will either own the people or the people must own the railroads, etc.

And again, under the head of "Control of transportation":

Transportation being a means of exchange and a public necessity, the Government should own and operate the railroads in the interest of the people. The telegraph and telephone, like the post-office system, being necessities for the transmission of news, should be owned and operated by the Government in the interest of the people.

All that I said and more, too, is specified there in that platform. Then it goes on to say that practically the Government should own the lands, but that involves an argument—I do not include that. I am entirely justified in what I said by the letter of the platform.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. VEST. Mr. President, I wish to say a word upon the amendment. To speak plainly, a persistent effort has been made by the bank-note engraving companies to force the Government of

the United States to put this work into their hands under the competitive system. One of these companies is in the city of St. Louis, and I have received numerous letters urging upon me the propriety of supporting this legislation. I have come to the conclusion that I will do nothing of the sort, and I simply want to give my reason for it.

We have here a Bureau of Engraving and Printing, a most expensive one, where the finest kind of work in the way of engraving notes and securities and other papers of the Government is being done daily and hourly. I should like to know from some Senator why we should support this Bureau and at the same time put out a contract for the postage stamps for the whole people of the United States with outside parties?

The principal argument made by the Senator from Connecticut [Mr. HAWLEY], I understand, is that the general provision of the statute requires that all supplies to furnish the Government and all contracts for services except personal services shall be put up to the lowest and best bidder. I can not believe that the framers of that law ever contemplated its application to a case of this sort. That has not been the practice of the Government.

But aside from that, I do not think the law itself would perpetrate any such absurdity. For instance, let us apply it to the Public Printing Office. Suppose that Congress orders 500,000 or 1,000,000 copies of any publication. Under the construction put by the Senator from Connecticut upon that general provision of the statute we would have immediately to advertise that that work should be done by the lowest and best bidder. Is it possible that the framers of the statute ever intended any such absurdity, that with this enormous Printing Office—the largest, possibly, in the world—we should allow all its machinery and all its workmen to remain idle while we put up to the highest bidder the publication of 1,000,000, 500,000, or 100,000 copies of any governmental publication? I do not think that was the meaning of the law. I do not believe it was ever contemplated that we should establish this Bureau of Engraving and Printing and then take the people's money and give it to outside parties, allowing the workmen and machinery of the Bureau of Engraving and Printing to remain idle. Therefore I shall vote against the amendment.

Mr. HAWLEY. I wish to say that the Senator's illustration of the Printing Office will not, in the common slang of the day, wash, because the Printing Office was established even before this law was passed, and nobody ever thought of providing and does not provide that the printing shall be done in this way. The work that has been done in other ways went on, and we had the Post-Office distinctly provided for by law for just that kind of work. If we had had a Bureau of Printing for just the work of printing stamps it would have been another affair, of course—it would have been perfectly legitimate to go on under that. But there is no thought of any interference with the Government Printing Office. Nobody can pretend to make a claim under the statute that the printing of 400,000 copies of the Agricultural Report should be let out, though I think it might be done cheaper. But no one objects to the existence of that splendid institution.

Mr. VEST. I submit with great respect that that is no answer to what I stated. Congress has enacted a statute which, under the construction of the Senator from Connecticut, requires that all services except personal services shall be put up to the lowest and best bidder. That statute, as a matter of course, was not retroactive, but it did affect all services except personal services for the future; and there is nothing whatever which would take the work of publishing the agricultural reports out of the operation of that statute. If it applies to one bureau or one Department it applies to all. I say, like the Senator from Connecticut, I do not think the framers of the statute ever intended it to apply either to the Bureau of Engraving and Printing or to the Public Printing Office.

Mr. HAWLEY. Does not the public printing go specifically to that office under the legislation from year to year?

Mr. VEST. It simply uses the words "public printing"; that all documents of the Government ordered by Congress or necessary for the Departments shall be printed by the Public Printer at the Public Printing Office. Afterwards this statute was enacted, which declared that all services except personal services—a most unfortunate expression, but passing by the verbiage—all services except personal services shall be put up to the lowest and best bidder. If the construction of the Senator from Connecticut is good as to the Bureau of Engraving and Printing, it is equally good as to every other bureau and Department of the Government of the United States.

Mr. PEPPER. Mr. President, before the vote is taken, I wish to say that while the amendment proposed by the Senator from Connecticut [Mr. PLATT] differs somewhat from that proposed by his colleague, the substance is the same and the object aimed at is the same. I hope that the amendment will be voted down.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. GORMAN. Let the amendment be read again.

The SECRETARY. After the words "Revised Statutes," in line 20, on page 21, insert:

Provided, That out of the sum appropriated for engraving and printing the Bureau shall provide the full amount of internal-revenue stamps required by law, and the printing of postage stamps shall be done by contract to the lowest bidder.

Mr. GORMAN. Do I understand the Chair to rule that the latter part of the amendment is in order?

The PRESIDING OFFICER. The Chair has ruled that the amendment is in order. The Chair thinks that there is some doubt as to the proper interpretation of the statute which has been read, but being in doubt, the Chair rules that the amendment is in order. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. PLATT].

The amendment was rejected.

Mr. ALLISON. If there are no further amendments, I ask that the bill be reported to the Senate. The amendment proposed by the Senator from Tennessee [Mr. BATE] I believe is withdrawn.

Mr. BATE. No, sir; it is not withdrawn. It was postponed temporarily. I do not ask any further postponement. I am perfectly willing that the amendment shall be acted upon at this time.

Mr. FRYE. Let the amendment be read.

The PRESIDING OFFICER. Is a ruling asked upon the amendment?

Mr. BATE. No; but I ask that the amendment be disposed of now.

Mr. ALLISON. I object to the amendment because it is a private claim, or rather a collection of private claims, and not in order upon this bill.

Mr. BATE. Mr. President, I have nothing to say about the amendment particularly, except that I wish to read section 4 of Rule XVI, which I am frank to say is rather against our view. The amendment was submitted by my colleague [Mr. HARRIS], who is not well enough to be here to-day. I am representing him, inasmuch as he introduced this amendment, but I represent likewise the interests he represents, for it concerns our people as well as many others in some fifteen States. The claims are small and numerous. The items have each and every one of them, however, been passed upon by the Court of Claims, and they have to that extent adjudicated the question as to loyalty and amount, and all have been certified up here.

Now, on the question of order made by the Senator from Iowa, who has this matter in charge, I will read clause 4 of Senate Rule XVI:

No amendment the object of which is to provide for a private claim—

Now, these are private claims, I admit—

shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

This is to carry out an existing law, and I think is sufficiently stated on the face of the amendment. There can be no question about it, for I read from the amendment itself to show what the law is and what we propose to carry out:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act.

That is on the face of the amendment. So it conforms, I think, to that part of the requirement of section 4 of Rule XVI, where it is stated that if it is a claim it shall be cited on the face of the amendment.

I have nothing more to say about it. I am perfectly content that the Chair shall rule upon the point of order. I do not wish to detain the Senate. I must confess, sir, that I am in doubt about it myself. I am generally against such things, but I submit that, if having been introduced and presented, it was hoped that there would be no debate upon it and that it would be passed as some other matters of this kind are allowed to be passed upon appropriation bills, the point of order not being made. But the point of order having been made, we have to take action upon it. I thus present this view, and will abide the result.

The PRESIDING OFFICER. The Chair sustains the point of order raised against the amendment of the Senator from Tennessee.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6249)

making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

The message also announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the further conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1609) for the relief of Peter Fleming, Battery E, Third United States Artillery;

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 2048) for the relief of Rufus Betz;

A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer;

A bill (H. R. 2844) granting a pension to Martha McNeil;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 4068) to enable the city of Tucson, in the Territory of Arizona, to issue bonds to construct a water and sewer system;

A bill (H. R. 4298) granting a pension to Annie Thompson;

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport in the district of Cuyahoga, in the State of Ohio;

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon, Seventy-seventh New York Volunteers;

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis, and mother of Mary T. Davis, an invalid daughter; and

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes.

STOUT, HALL & BANGS.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 1656) for the relief of Stout, Hall & Bangs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to W. H. B. Stout, Cyrus J. Hall, and Isaac S. Bangs \$31,803.52, in full payment of the balance due them on a contract to furnish stone for the walls of the cellar or subbasement of the Library building in the city of Washington.

Mr. ALLEN. I will state to the Senate that I understand the Senator from South Dakota [Mr. PETTIGREW] withdraws the amendment which he offered and withdraws all objection.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. GALLINGER. Mr. President—

Mr. GRAY. Will the Senator from New Hampshire yield to me for just a moment?

Mr. GALLINGER. Certainly.

Mr. GRAY. I ask unanimous consent to call up the bill (S. 1929) for the relief of William H. Crook.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. PEPPER. I insist upon the regular order. I ask that the unfinished business may be laid before the Senate.

Mr. GRAY. I hope the Senator from Kansas will allow the bill for which consideration has already been asked to be passed.

Mr. PEPPER. I will yield after the unfinished business is laid before the Senate.

The PRESIDING OFFICER. Does the Senator withdraw his request?

Mr. PEPPER. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. It was before the Senate, and was laid aside temporarily.

Mr. PEPPER. That is true—for the appropriation bill. But the appropriation bill having been passed, I ask that it may now be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. GRAY. I ask the Senator from Kansas to yield to me.

Mr. PEPPER. I yield temporarily.

WILLIAM H. CROOK.

Mr. GRAY. I ask the Senate to proceed to the consideration of the bill (S. 1929) for the relief of William H. Crook.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, before the word "thousand," to strike out "six" and insert "four"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of \$4,000, as compensation for services as secretary to the President to sign land patents for the fiscal years of 1879, 1880, 1881 and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. BECKFORD.

Mr. GALLINGER. I ask unanimous consent—

Mr. PEPPER. I have not yielded the floor.

The PRESIDING OFFICER. Does the Senator from Kansas insist on proceeding with the unfinished business?

Mr. PEPPER. The Senator from New Hampshire has not asked me to yield. At least I did not so understand him.

Mr. GALLINGER. I addressed the Chair and was recognized, and then I yielded to the Senator from Delaware [Mr. GRAY].

Mr. PEPPER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I appreciate the Senator's courtesy. I ask unanimous consent for the present consideration of the bill (S. 2594) granting an increase of pension to William A. Beckford.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension William A. Beckford, late first lieutenant of Company F, Eighth Regiment New Hampshire Volunteer Infantry, at the rate of \$50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ECKINGTON AND BELT LINE RAILWAYS.

Mr. GORMAN. I ask the Senate to consider Senate bill 2928, in relation to an extension of the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company. The bill has been reported favorably by the Committee on the District of Columbia.

Mr. PEPPER. I insist upon my right to the floor. I will yield to the Senator from Maryland, however, for the purpose of considering the bill he has indicated. Perhaps the Senator is not aware that the bond resolution is now before the Senate, and I have been yielding the floor to several Senators. I yield to the Senator from Maryland.

Mr. GORMAN. I am very much indebted to the Senator from Kansas.

Mr. HILL. The courtesy must be equal, of course. I hardly think the Senator from Kansas expects to take up the unfinished business at 4 o'clock on Saturday afternoon. It can not be finished to-day. In fact, I do not wish to have my argument cut off. Others desire to speak, and I suggest to the Senator from Kansas that the resolution go over and take its place on Monday, and then if the Senate wishes to go on with it I shall be ready to proceed.

Mr. PEPPER. I would not oppose a motion to adjourn.

Mr. HILL. I would make a motion to adjourn, except that I do not wish to be discourteous to Senators as to routine business, which might be proceeded with and disposed of.

Mr. GORMAN. I suggest that the bond resolution shall be laid before the Senate before we adjourn, so as to leave it the unfinished business, and that will serve the purpose.

Mr. PUGH. It has already been laid before the Senate.

Mr. GORMAN. With that understanding, I shall ask that the bill I have indicated may be considered.

Mr. PEPPER. Very well.

Mr. GORMAN. I ask the Senate to proceed to the consideration of the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN MC CARTHY.

Mr. WILSON. I ask unanimous consent to call up the bill (S. 2324) to relieve John McCarthy from the charge of desertion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 6, to strike out the word "desertion" and insert "having deserted from the service August 6, 1865"; so as to make the bill read:

Be it enacted, etc., That the charge of desertion now appearing against John McCarthy, formerly of the United States Navy, is hereby removed, and the said John McCarthy be, and he is hereby, relieved from the charge of having deserted from the service August 6, 1865, and that he be, and he is hereby, restored to all the rights to which he would have been entitled had no charge of desertion been entered against him and had no record showing desertion been made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRWIN TUCKER.

Mr. MARTIN. I ask unanimous consent for the consideration of the bill (S. 1082) for the relief of Irwin Tucker, postmaster at Newport News, Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Auditor for the Post-Office Department to credit the account of Irwin Tucker, postmaster at Newport News, Va., with \$4,290.80 for postage stamps and with \$83.93 for money-order funds stolen from his office February 8, 1894.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 8, after the word "dollar," to insert "and fifteen cents"; and after the word "feet," in the same line, to insert:

Until July 1, 1898, at a rate not exceeding \$1.10 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding \$1.05 per thousand cubic feet from July 1, 1900, until July 1, 1901, after which last-named date the rate shall not exceed \$1 per thousand cubic feet;

So as to make the section read:

That the Washington Gas Light Company of the District of Columbia is authorized to charge and collect, after the passage of this act, for illuminating gas furnished to and paid for by the Government of the United States, and other consumers in the District of Columbia, at the rate of not exceeding \$1.15 per thousand cubic feet until July 1, 1898; at a rate not exceeding \$1.10 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding \$1.05 per thousand cubic feet from July 1, 1900, until July 1, 1901, after which last-named date the rate shall not exceed \$1 per thousand cubic feet; *Provided*, That if consumers other than the Government shall not pay monthly any gas bill within ten days after the same shall have been presented, said company may charge and collect from said consumer so failing to pay said bill as aforesaid \$1.25 per thousand cubic feet for the gas furnished to said consumer during said month.

The amendment was agreed to.

The next amendment was, in section 2, after the word "and," in line 15, to strike out the words "twenty-five" and insert "forty"; and in line 16, after the word "feet," to insert:

Until July 1, 1898, at a rate not exceeding \$1.35 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding \$1.30 per thousand cubic feet from July 1, 1900, until July 1, 1901, after which last-named date the rate shall not exceed \$1.25 per thousand cubic feet;

So as to make the section read:

Sec. 2. That the Georgetown Gas Light Company, doing business in that part of the District of Columbia formerly known as Georgetown, is authorized to charge and collect, after passage of this act, for illuminating gas furnished to, and paid for, by the Government of the United States, and other consumers in that part of the District of Columbia, at the rate of not exceeding \$1.40 per thousand cubic feet until July 1, 1898; at a rate not exceeding \$1.35 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding \$1.30 per thousand cubic feet from July 1, 1900, until July 1, 1901, after which last-named date the rate shall not exceed \$1.25 per thousand cubic feet; *Provided*, That if consumers, other than the Government, shall not pay monthly any gas bill within ten days after the same shall have been presented, said company may charge and collect from said consumer so failing to pay said bill as aforesaid \$1.50 per thousand cubic feet for the gas furnished said consumer during said month.

The amendment was agreed to.

The next amendment was, in section 3, line 12, after the word "equal," to strike out "twenty-two" and insert "twenty-four," and in line 13, after the words "using the," to strike out "English parliamentary standard Argand burner having 15 holes and a

7-inch chimney" and insert "Bray slit union burner No. 7"; so as to read:

That section 1 of an act entitled "An act regulating gas works," approved June 23, 1874, is amended so as to read as follows: "That from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to 24 candles by the Bunsen photometer, using the Bray slit union burner No. 7, consuming 5 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 5. That neither the Washington Gas Light Company nor the Georgetown Gas Light Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual and necessary cost of the construction of future extensions or future enlargement of plant, which cost shall first be ascertained and authorized upon petition therefor to the supreme court of the District of Columbia, under such regulations as the chief justice and the justices thereof shall prescribe; also, if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for said court, or the chief justice and justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired: *Provided*, that the amount of stock and bonds so issued shall not exceed the actual cost of such extensions or enlargement of plant: *And provided further*, That the Washington Gas Light Company is hereby authorized to issue such additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, which conversion is hereby authorized to an amount not exceeding \$600,000.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 6. That the officers of the United States having in charge the lighting of the public buildings situated in the District of Columbia and the Commissioners of the District of Columbia are hereby authorized, in their discretion, to enter into contracts with the Washington Gas Light Company or the Georgetown Gas Light Company for Government or public lighting, as the case may be, for a period not to exceed five years, at such rates as they may deem for the public interest, but not in any case exceeding the rates named in this act: *Provided*, That nothing in this section shall be construed to restrict the substitution of electric lighting for gas, either in public buildings or public streets.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. ALLEN. I want to call the attention of the Senator from Michigan to the bill for a moment. I observe in one section of the bill a provision that the company may mortgage their plant upon obtaining a ruling from the supreme court of the District.

Mr. McMILLAN. That is to enable the company to increase their capital stock when their plant is increased.

Mr. ALLEN. It uses the language "the chief justice and justices thereof, as the case may be, or one of them." I suggest to the Senator the propriety of striking out the words "or one of them," in line 13, of section 5, so that the entire court shall pass upon it.

Mr. McMILLAN. I have no objection to that.

The amendment was agreed to.

Mr. CALL. I think that this bill ought not to pass without mature consideration. As I heard it read, it is one of the very worst forms of monopoly that could be created. For a long time the gas supply of this city and the conditions with which it has been surrounded have been regarded by the people of this city and throughout the United States as a most iniquitous condition of things; and this bill continues this monopoly until 1901, impliedly, if not directly. I have no objection to any company making a reasonable profit; but for years it has been contended here, and reported upon by different committees, that there is a most outrageous condition of things in reference to the enormous profits which have been made by this gas company. Now, in common fairness to the people, when it has been reported here time and again that gas can be supplied and will be supplied by companies petitioning for the opportunity at one-half the cost proposed, for this body silently to permit this monopoly to be fixed without any inquiry whatever, with the right to take from the people of this District double the price for which other persons are anxious to supply gas—without inquiry, without evidence, without any discussion, that this condition of things may be continued seems to me not creditable to this body.

I can not speak with any certainty of the facts in regard to this case, but it is the universal opinion of business men and of persons who have investigated the condition of this gas company, and we read it in the public journals, that in some places gas of a superior quality and of greater illuminating power is furnished at 75 cents a thousand feet.

Then, again, this bill provides that if a poor person shall fail to pay his gas bill within a certain time the price of gas shall be increased 25, 30, or 40 per cent. Why should not this enormously rich company be content with the ordinary means of obtaining what is due to it? Again, I am told that a poor person here is required to pay \$5 for a deposit, notwithstanding this company have made, I understand, four, five, and six times the original cost of their plant and every year receive nearly as much as the entire money they have put into the concern. We know that the stock

of the gas company is held here by a few enormously rich men, who have grown rich by plundering the poor people of this District in excessive and enormous charges.

If these things are not true, let them be disproved; but do not let us pass a bill of this description, with the most odious form of monopoly that can possibly be conceived of, and fasten it upon these people, without a single word of discussion.

Mr. PROCTOR. I do not understand that the Senator from Florida objects to the consideration of the bill. I wish to say that I sympathize strongly with his view. I was one of the committee who did everything in my power to get dollar gas, but I believed, as we could not get everything we desired, in accepting the best we could get. This was a compromise; and I think, under all the circumstances, a very fair one. It will give dollar gas after five years and makes an early reduction.

I think, on the whole, the purpose the Senator has at heart will be better accomplished by passing this bill than in any other possible way. I fear if the bill is not agreed to by the Senate we may fail to get any reduction. This is a step in the right direction, and I think the Senator, if he understood the case fully as it came before the committee, would be satisfied with the results that we reached.

Mr. BACON. Mr. President, I desire to say, as one of the committee, that I fully agree with what the distinguished Senator from Vermont [Mr. PROCTOR] has just said. I was also one of those who desired to make a more radical reduction than that proposed by the committee; but, as has been stated by the Senator from Vermont as to himself, I finally agreed to the bill in its present shape, because I thought it was better to do that than to jeopardize the getting of any reduction at all.

There is a gradual descending scale; there is a material reduction immediately; and while I should be very glad if the reduction could have been greater, I felt that I was serving the interests of the people of this District in giving my assent to the bill as it has been reported, rather than jeopardize the passage of any bill whatever.

Mr. GEORGE. What was the difficulty in adjusting the rate as the Senator from Georgia thinks it ought to be adjusted? Was the difficulty with the company?

Mr. BACON. No, sir; not with the company, but there was a difference among Senators as to what was proper.

Mr. GEORGE. Not the committee?

Mr. BACON. Not the committee. There were a few members of the committee who wanted the price fixed at \$1.25.

Mr. GEORGE. There was no dispute as to the power of Congress to fix the rate?

Mr. BACON. Undoubtedly Congress has that power. There was no trouble upon that subject. The sole difficulty grew out of the fact that there was a division among the members as to what was the proper rate.

I will state to the Senator from Mississippi that this conclusion was not reached simply by haphazard. Senators have gone carefully through the figures and made calculations as to what was a fair profit, and while they differed, it was thought best that there should be some common ground upon which they could agree, and this is the result.

Mr. GEORGE. The Senator from Florida complained of the very excessive charge made for delay in the payment of gas bills.

Mr. BACON. I am not exact in my recollection as to what it is, but in this case, as is not unusual in gas companies—I know it is so in other communities, and not only in gas companies, but telephone and other companies—a certain rate is allowed to persons who pay their bills promptly, and those who do not pay promptly are required to pay a higher rate. I do not remember exactly what that matter of detail is. I will state that the matter of detail was not carefully considered by me.

Mr. McMILLAN. I will state, in answer to what has been said on that question, that this is the rule in every city. There is always a rebate for the prompt payment of gas bills.

Mr. GEORGE. What is the charge here for delay in payment?

Mr. McMILLAN. At present it is 25 cents—about 20 per cent. Under this bill it will be but 10 cents on a thousand feet at first.

Mr. GEORGE. For how long a delay?

Mr. McMILLAN. Ten days.

Mr. GEORGE. Twenty per cent, then, for ten days' delay?

Mr. McMILLAN. There are less than 2 per cent of the people in the entire District of Columbia who do not pay promptly.

Mr. GALLINGER. A single observation, Mr. President, on this question. I started out very firmly convinced that we ought to have dollar gas in the District of Columbia. I will confess, however, that I knew nothing whatever of the subject except what I had read in newspapers and learned from public clamor. The Committee on the District of Columbia, of which I am a member, gave days and days to the consideration of this question, hearing everybody who pretended to be interested in it or who had a grievance. The result was that it was demonstrated to our entire satisfaction that the cost of some of the ingredients of gas, coal particularly, which enters into the manufacture of gas, was

higher in this city than in the Northern cities, and that a less amount was received for the so-called residuum in this city than is received in other cities of the country.

The company demonstrated further that for the next three years they had entered into contracts whereby they are to pay a very much larger amount for certain important ingredients which are used in the manufacture of gas than they had been paying in the past. They furnish gas for \$1.25 a thousand feet in the District of Columbia.

Beyond doubt the company has made very large profits, or what might be considered large profits, but those profits have not been anywhere nearly so excessive as is represented by parties who know nothing about the subject. We believed, after examining all the facts and figures that we could get access to, that it would be disastrous to the interests of the stockholders if we made an immediate reduction to \$1 per thousand feet. The result was that our judgment was—and it was the combined judgment of the committee, two or three members yielding convictions that they held a little more tenaciously than I did mine—that if we reduced for two years the price of gas from \$1.25 to \$1.15, taking some \$80,000 from the revenues of the company, reducing it still further for the next two years to \$1.05, and then to \$1, it would be as far as we ought to go and do justice to the stockholders of this corporation, which has invested some \$4,000,000 in a gas plant in the city of Washington. There was no difference of opinion finally in the committee; and I do not think that any Senator offhand can rise up and say that he knows more about this matter than the 13 members of the Committee on the District of Columbia, who have given, as I said a moment ago, days and days of their valuable time to the consideration of this great subject. I think we have done justice to the citizens of the District of Columbia. We have tried to do equal and exact justice to the men who have their money invested in this enterprise, and I trust the bill will pass without further objection.

Mr. CALL. I ask the Senator from New Hampshire if he will state what profits have been made by this company? What was the amount of money originally actually paid into the company?

Mr. GALLINGER. I am sorry to say to the Senator from Florida that I am unable to do that. I will say to the Senator that beyond a doubt some twenty years ago, or thereabout, this company made enormous profits; there is no doubt about that; but the stock is now held to a very large extent by other parties than those who held it at that time. The committee were of opinion that that old argument which had been used against this corporation and has been repeated and reiterated over and over again, that they made very large profits at some time in the past, ought not to be urged against the present stockholders, and that their investments ought not to be jeopardized because of that fact.

My judgment is that the company last year, receiving \$1.25 per thousand for their gas, were able to pay 10 per cent on their capital. I would say that their capital stock is \$2,000,000, and they having \$4,000,000 invested, it would be 5 per cent on the amount invested. They had a very respectable balance sheet, the exact amount of which I can not state, but by the bill which is now under consideration we propose to take \$80,000 from their balance sheet for the next year, which we thought was all that we could be reasonably expected to do.

I regret that the Senator from West Virginia [Mr. FAULKNER] is not here. He has made a very careful computation of the expenditures and receipts of this gas company, and was very largely instrumental in converting me as a member of that committee to the views he held, that we should be doing gross injustice to the stockholders of this company if we reduced gas at this time to a lower rate than \$1.15 a thousand.

Mr. McMILLAN. I would say to the Senator from Florida that the trouble is that the original stockholders, or most of them, have passed away. The present stockholders have paid a very large price for their stock in the open market.

Mr. CALL. Will the Senator please repeat his statement?

Mr. McMILLAN. I say the present stockholders are principally persons who have purchased stock in the market at high rates, and the rate of interest the present stockholders get with gas at \$1.25 a thousand is about 6 or 7 per cent. Of course the original stockholders make more.

Mr. CALL. Will the Senator state how many stockholders there are at this time and how many of the original stockholders now hold stock?

Mr. McMILLAN. The number of present stockholders would run into the hundreds, as I am informed. Some six or seven hundred of the stockholders are residents of Washington.

Mr. CALL. What proportion of the original stockholders still remain?

Mr. McMILLAN. I can not answer that question; but I will say that most of them died or sold their holdings.

Mr. GALLINGER. They are practically all dead, I will say to the Senator from Florida.

Mr. CALL. Will either of the Senators state what amount of money the company's plant can be duplicated for?

Mr. McMILLAN. The present plant could not be duplicated for less than \$4,000,000, possibly \$5,000,000.

Mr. CALL. Does the Senator state that as a fact?

Mr. McMILLAN. I state it as a fact. That is my opinion, based on experience, and I have had a good deal of experience in such matters.

Mr. CALL. I should like to know of what the great cost of the gas plant consists? The city furnishes the streets and there is nothing but excavations which have been made. What is it for which it is necessary to expend \$4,000,000 by the company which supplies gas to this city?

Mr. McMILLAN. This is a very large city and requires a great many retorts. A great deal of real estate is required, an enormous quantity of piping, and betterments, for which money is continually being expended here in carrying on the gas business. I have not any question in my own mind that if any one were to try to duplicate all the property in the possession of the gas company to-day it would require at least \$4,000,000 to do it. I have not any doubt about that.

Mr. CALL. What are the gross receipts of the company?

Mr. McMILLAN. About \$1,100,000.

Mr. CALL. One million one hundred thousand dollars on an investment of \$4,000,000.

Mr. GALLINGER. That represents the gross receipts.

Mr. McMILLAN. Certainly, that represents the gross receipts.

Mr. CALL. I understand that.

Mr. McMILLAN. Of course the cost of distributing gas, which is very expensive, must be deducted, and the price of coal, which is nearly double what it is in my city of Detroit. Coal costs more here than it does in most cities; for example, Cleveland, Buffalo, Chicago, or even Boston.

Mr. CALL. It seems, then, that everything in the District of Columbia is a subject of some kind of monopoly, which increases its cost beyond what it is elsewhere.

Mr. McMILLAN. The cost of labor, too, is very much greater here.

Mr. CALL. Then the committee ought to report some kind of legislation which would remedy that state of things.

I am informed, however, upon that point, that it is the opinion here that this gas plant can be duplicated for one-third of this amount, and that there are companies proposing to furnish gas, and to give bond and guarantee that they will do so to any extent which is demanded by Congress, for one-half the amount specified in this bill. I do not know that to be true, or that these companies are responsible, but I do know that if there be any particle of truth in the statement the opportunity should be offered to the people here to have their gas supplied at one-half the cost provided for in the bill. We ought to know before passing this bill whether or not these statements are untrue, and that the opinions of Senators who have spoken are well founded.

Mr. GALLINGER. I will say to the Senator from Florida that the committee has very diligently investigated that phase of the question, giving a great many hours to the advocates of so-called cheap gas, and the committee were unanimously of opinion that it could not be done.

Mr. CALL. Is it true that a company has offered to furnish gas, if the opportunity is allowed, for greatly less than the rates provided in this bill?

Mr. GALLINGER. That is on the face of it true, but the committee gave very careful consideration to that matter, and they were guided to a considerable extent by the fate of competing gas companies in other cities of this country, where they in almost every instance have been absorbed by the existing gas companies, and have simply added to the burdens of the people.

Furthermore, the very gentlemen who advocated cheap gas before the committee had their arguments absolutely refuted by a gentleman who is at the head of the only large gas company which is operating under their system, who says that the cost of gas is very much larger as a matter of fact than it is under the system which is used in this and most other cities.

Mr. HAWLEY. Can the Senator from Michigan tell us how many miles of service pipe there are in this city?

Mr. McMILLAN. Nearly 400.

Mr. HAWLEY. Then 400 miles of street would have to be torn up by a new company. I had rather pay more for gas than have that done.

Mr. GALLINGER. And simply for experimental purposes, too.

Mr. McMILLAN. I will say to the Senator from Florida that this is an intelligent effort to reduce the price of gas in the District of Columbia. We have examined this question very thoroughly and carefully, and we believe the bill the best possible solution of existing difficulties. The District Committee think we ought not to go to dollar gas at once, but that we ought to make the reduction gradually. The bill will give the people of the District of Columbia cheaper gas immediately and bring the price down to a dollar in five years. There are comparatively few cities in this whole country which have dollar gas. In New York and in most cities the price is \$1.25; and in others it is \$1.50. We are trying

to reduce it to \$1 here; and if the Senator succeeds in defeating this bill by objecting, he simply makes the people here pay \$1.25 per thousand feet for gas.

Mr. CALL. There is another provision of the bill to which I call attention, for which I have heard no kind of justification. The bill makes the poor man, who is unable to pay his bill promptly, pay \$1.30, I believe it is, for his gas, and the man who is able to pay and has money lying by him has to pay a third less.

Mr. GALLINGER. Does the Senator from Florida know of a single gas company in the world which does not have a provision of this kind which they can enforce?

Mr. CALL. I am happy to state that the American people ought not to be bound by the monopolies which have robbed and plundered the poor people of the world. We are here to protect the people; we are here to make this District the model government, in which the poor man equally with the rich man shall have all the comforts of life at his command; and I believe that it is in the power of legislation to do it. I do not think it is our policy to encourage monopoly; and, if we do permit it, it ought to be bound down by the strongest chains to what is reasonable.

I am willing to see men compensated for the use of their money in public franchises, but I insist upon it that they shall be restrained and limited, and if there be an opportunity offered to the Congress of the United States by responsible parties who are willing to furnish bond and security to supply gas for a less amount largely than the amount named in this bill, I think it should be accepted; and if it be necessary that there should be other legislation, why not enact it? If the Government can furnish gas at one-half the price, why not do it? If the railroad corporations of this country are demanding excessive and extortionate charges for the transportation of coal, why should not this Congress prohibit it and impose reasonable rates upon them? What is the difficulty about it, I should like to know? You say money should have reasonable compensation. Admit it. My friend laughs, but the people whose homes are suffering do not laugh. They have not the comforts of life, and they feel the hard hand of oppression. If these ideas are not true, disprove them. If an unreasonable price is charged for coal, come forward here and correct it. This is the arena for discussion. Let us have the proof upon this subject.

The Senator from New Hampshire says that some company has offered to furnish gas and offered to furnish security, and yet it is said that in the past the old monopolies have been able to defeat these efforts to cheapen the gas furnished to the people of the country, and that the new companies have been absorbed by the larger concerns. Can not we prohibit that? For what is free government except to protect the people?

Mr. President, it seems to me that this bill ought to have very careful consideration before we provide that after 1900 an absolute monopoly shall have the right to charge a fixed price for gas. I do not think that this bill ought to pass in the present conditions.

Mr. GEORGE. I was rather struck with the argument which was made in opposition to the views of the Senator from Florida [Mr. CALL]. The Senator from New Hampshire [Mr. GALLINGER] stated that in the past there had been enormous profits made by this gas company. The Senator from Michigan [Mr. McMILLAN] stated that the present stockholders, or a large number of them, have given a very high premium for the stock, that they have paid out a large sum of money for their stock, and that they ought to receive a fair interest on this large increase in the value of the stock. So the argument reduces itself down to this, that the company heretofore has been allowed to increase the value of its stock by extortionate charges upon the public; and now, when we are undertaking to regulate it, we are estopped from doing it because after they had made these large profits they had sold the stock to other people, and it would be unjust to make the present holders take less interest than they think they ought to get. That is about the situation; and I do not think that is a fair argument against the position taken by the Senator from Florida.

Mr. CALL. I think this bill had better go over until the Senator from West Virginia [Mr. FAULKNER] comes here, who, it is said, knows all about it.

The PRESIDING OFFICER. Objection being made, the bill will go over.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. CHANDLER. I desire to have the Senate proceed to the consideration of Order of Business 445, being resolution 54, proposing an inquiry concerning the election in Alabama in 1894.

Mr. PUGH. What do I understand to be the motion of the Senator from New Hampshire?

Mr. CHANDLER. I made no motion, I will say to the Senator from Alabama. I said that I desired at this time to proceed to the consideration of the resolution I indicated. Does the Senator rise to object?

Mr. PUGH. The Senator from Delaware [Mr. GRAY], who is the senior member representing the minority of the Committee on Privileges and Elections, which opposed the report of that resolution to the Senate, is not now present.

Mr. CHANDLER. If the Senator will allow me a word, that

is true. The Senator from Delaware is doubtless called away by the pressure of private or public business.

But I call the Senator's attention to the fact that this resolution was reported on the 3d of March with an amendment, and the minority were authorized to submit their views. The majority gave their reasons why the resolution ought to be adopted. It is a resolution of inquiry introduced, I think, in December by the Senator from Nebraska [Mr. ALLEN], who is here opposite me. The reasons given by the majority were reported March 10, 1896. It is now the 25th of April, and the minority have not yet submitted their views. We have waited for them patiently.

If the resolution is not to be proceeded with at this time I certainly desire to submit a few remarks, and so does the Senator from Nebraska, in reference to the facts which are the bases of the proposed inquiry. I do not like to go on in the absence of the Senator from Delaware. I do not like to go on in the absence of the colleague of the Senator from Alabama, whose title to his seat is in some degree impugned by the facts which are stated in the majority report and stated in the speech made here more than a year ago by the Senator from Nebraska, and will be impugned by the facts which I shall state.

But I ask the Senator from Alabama when there will be an opportunity to state these facts and to discuss this question? There is no minority report. We have waited more than a month for that. We ask to take it up. The Senator from Delaware is absent. It is manifest that if things go on in this way we shall be as little likely to pass the resolution as we are to pass the resolution to investigate the sale of bonds as long as the Senator from New York chooses to discuss that resolution.

Mr. ALLEN. I should like to ask the Senator from New Hampshire if he has any information as to when the minority report will be filed.

Mr. CHANDLER. I am obliged to say I have not. Perhaps the Senator from Alabama [Mr. PUGH] can tell us. I have inquired for it two or three times.

Mr. ALLEN. Has the Senator called the attention of the Senator from Delaware [Mr. GRAY] to the matter?

Mr. CHANDLER. Several times, and the Senator from Delaware has had good excuses, it seemed to me, personally. Perhaps the Senator from Alabama can tell us why we have not the report.

Mr. PUGH. It is true that the majority report was made at the time stated by the Senator and we have had sufficient time to present the views of the minority. But the cause of the delay ought to be well known to the Senator. The Senator from Delaware [Mr. GRAY], who had charge of the preparation of the minority report, has been engaged pretty much the whole time in listening to the protracted arguments upon the right of Mr. Du Pont to a seat in the Senate. Pretty much all of the time that he had to prepare the minority report has been taken up by the duty imposed on him to hear the argument and participate in the argument on the right of the claimant from Delaware as a Senator from his own State to a seat in this body.

I am sorry the Senator from Delaware is not present to make his own statement as to what engagements he has had that have interfered in preventing him from preparing the minority report. But I happen to know that he could not undertake to prepare it without submitting it not only to those who join with him in making the minority report, but also to my colleague, who is perfectly familiar with all the facts, more so than any other Senator, and the right to whose seat is involved in the proposed investigation. One of the predicates of the power claimed by the Senate to make the investigation is that it strikes at the right of my colleague to the seat he now occupies in the Senate founded on the election in August, 1894, at which the legislature was elected that sent him to this body.

I am unable to state with my knowledge of the condition of my colleague what time he would be in a condition to give attention to the preparation or examination of the minority report. I know that the very day this skeleton was sent to him for examination and to make such additions to it as he thought proper he was taken with severe illness, and he was confined to his room or his bed until a few days ago, when he was able to leave town. He is now absent in Pennsylvania, seeking the rest that is indispensable to restore him so that he can engage in his duties in this body. I am very much in hopes that he will be in a condition to give attention to the minority report in the course of the next week.

We have no disposition at all to delay action on this resolution, and while I am unable to state to the Senator what particular day we shall be ready to submit the minority report, I think I can undertake to say that we will have it ready in the course of the next week. I will correspond with my colleague and learn whether he is in a condition to give it attention, and if he is, as soon as it is received from him it will be presented, and when it is printed I see no objection to calling up and considering the resolution.

Mr. CHANDLER. Mr. President, I wish to show all possible consideration to the Senator from Alabama who is absent sick. I am willing to make such disposition of this subject for the time being as may be satisfactory to the Senator from Nebraska, whose

resolution it is. I desire at the earliest possible day to make some statements to the Senate in reference to the facts which are to be the basis of the investigation, if one is made by order of the Senate. I shall not take more than fifteen or twenty minutes. I shall be very glad to go on at this time if there is no objection. If not, I shall certainly desire to do so at an early day.

Mr. VEST. As it seems very evident that this case can not be determined this afternoon, I ask the Senator from New Hampshire to yield to me that I may call up an unobjected bill.

Mr. ALLEN. Will the Senator from Missouri yield to me just a moment?

Mr. VEST. Certainly.

Mr. ALLEN. It is due to myself that I should state the attitude I occupy to this resolution. I have been trying now for almost a year and a half to have it taken up and adopted by the Senate; and I have been at all times ready to take it up. The organization of the Senate now being in the hands of the Republican party, and they being within one of a majority, I have felt and still feel that the country will hold them responsible for a failure to take up and pass the resolution promptly. I may supplement that, however, with the statement that if the Republican party gives its 44 votes in this Chamber in favor of the resolution there will be no doubt about its passage.

Mr. CHANDLER. When does the Senator think we can get an opportunity to vote on it? That seems to be the point now. If he will expedite his political—I will not say associates, the Senators with whom he occasionally associates politically, oftener than he does with the Senators upon this side of the Chamber—if he will expedite them we will have a vote upon the resolution and can undoubtedly adopt it.

Mr. ALLEN. I do not know. I am afraid the resolution would not find much sympathy on this side of the Chamber. I feel as though the Republican party has declared itself repeatedly in favor of a fair ballot and an honest count, and that if it fails now, with a majority in this Chamber—

Mr. FRYE. No.

Mr. ALLEN. It has a majority upon this resolution. It has within one of a majority, and I, as a Populist, will make the forty-fifth man in favor of it. Therefore you have the majority. If the Republican party under those circumstances fails to take up and pass the resolution, as it has the power to do and has the time within which to do it, I shall feel that the country will simply construe its claim to preeminent purity in this respect as something of a mere claim, and that when the opportunity is presented to it it fails to avail itself of it.

Mr. CHANDLER. I do not think the Senator attributes any dilatoriness to me.

Mr. ALLEN. Not at all.

Mr. CHANDLER. We have been unfortunate in the fact that the Senator from Alabama whose seat is affected has been sick and is absent.

Mr. ALLEN. I feel that the Senator from New Hampshire has done all he could. I regret very much that the Senator from Alabama is sick and that there has necessarily been some delay in consequence. I hope, however, that the Senator from Delaware will get the minority report on file. I understand that the Senator from Alabama [Mr. MORGAN] is in Pennsylvania, and can be reached by a few hours' travel. I trust the minority report may be submitted to him and he agree to it, or suggest such amendments as he sees fit, and that it will be filed promptly, and the resolution can be taken up and passed before Congress adjourns.

Mr. CHANDLER. I will add but a word and then I will yield to the Senator from Missouri, if he desires to have a bill passed. I will submit on Monday morning a supplemental report containing the additional facts which I should like to state to the Senate in my remarks, so that the minority of the committee—who have been more than a month with the majority report before them without answering it—may also answer the supplemental facts in their minority report. After the minority report is printed I hope the Senator from Alabama will agree that we ought to have a day fixed for the discussion of the resolution, and we ought to have a vote upon the question whether there shall be an inquiry.

Mr. ALLEN. I should like to ask the Senator from Alabama if he can approximate the time when the minority report will be filed and when the Senator from Alabama will himself be willing to take the resolution up for discussion and consideration?

Mr. PUGH. I have stated that I am unable to mention what time my colleague will be in a condition to give attention to the preparation of the minority report. I apprehend that the Senator from Delaware would not be willing to submit a minority report without giving my colleague an opportunity to examine it and make such additions or changes in it as he might think proper with his superior knowledge of the facts. The Senator can tell as well as I can what time my colleague will be in a condition to give attention to business. I hope that he will recover rapidly enough to be in a condition to devote some time to the preparation of the minority report, or at least to examine the report that will be submitted to him by the Senator from Delaware.

There has not been an hour's intentional delay in the preparation of the minority report. The circumstances preventing its preparation we had no agency whatever in producing. It was the sickness of my colleague and the unavoidable duties of the Senator from Delaware. In the absence of my colleague and knowing the engagements of the Senator from Delaware, a skeleton report, imperfect in its thoroughness, has been presented and is now in the hands of my colleague. My belief is that with very little labor, when he is in condition to work at all, he will be able to make such additions to what he has in hand as to satisfy himself with the minority report, and it can be returned and presented to the Senate by the Senator from Delaware.

In my relations to this case, being a Senator from the State and a colleague of the Senator whose right to a seat is involved in this investigation, I am embarrassed in undertaking to assume any charge, or control, or management of this attempt to ask the authority of the Senate for making the investigation.

The first ground upon which the power is asked to be exercised by the Senate is that Alabama has no republican government, and the object of the inquiry is to ascertain facts upon which that conclusion is to be reached by the Senate. The trial is to be made by the Senate whether, upon the facts discovered by this committee, Alabama has a republican form of government.

The next ground upon which the power of the Senate is invoked to order the investigation is the denial of the right of my colleague to the seat that he has obtained from the legislature of Alabama. I undertake to say it is a mere statement that perhaps will amount to nothing, but I am satisfied that when the facts in the minority report are presented to the Senate it will be the most remarkable event in its history if 44 Senators are found here to vote to order that investigation. There is no event in the history of the Senate that would compare with the one that would happen if that investigation were ordered upon the facts which will be presented upon the record—indisputable facts presented upon the record in that minority report.

Mr. ALLEN. Will the Senator from Alabama object to stating briefly what those facts will be?

Mr. PUGH. I do object, because they will be presented in the minority report in due time.

Mr. ALLEN. I realize the situation the Senator is in. I hope, however, that there will not be manifested any purpose to further delay the filing of the minority report; that it may be filed at an early day next week, and the resolution taken up for consideration.

ROBERT M'GEE.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill (S. 229) for the relief of Robert McGee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to investigate the claim of Robert McGee, to be paid out of interest money due to the Sioux Nation of Indians from the Government of the United States, \$10,000, in compensation for damages sustained by him by reason of having been scalped and otherwise injured by the Brulé Sioux Indians while serving as a teamster with a train conveying Government supplies to Fort Union, N. Mex., July 18, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;
A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer;
A bill (H. R. 2844) granting a pension to Martha McNeil;
A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;
A bill (H. R. 4298) granting a pension to Annie Thompson; and
A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis, and mother of Mary T. Davis, an invalid daughter.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1609) for the relief of Peter Fleming, Battery E, Third United States Artillery;
A bill (H. R. 2048) for the relief of Rufus Betz; and
A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon, Seventy-seventh New York Volunteers.

A bill (H. R. 4068) to enable the city of Tucson, in the Territory of Arizona, to issue bonds to construct a water and sewer system; was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 4787) to establish the port of Conneaut, in the

State of Ohio, as a subport in the district of Cuyahoga, in the State of Ohio, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes, was read twice by its title, and referred to the Committee on Finance.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEPPER. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. VEST. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 27, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 25, 1896.

POST CHAPLAIN.

The Rev. Sewell N. Pilchard, of Delaware, to be post chaplain, April 24, 1896, vice Parker, retired from active service.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

First Lieut. Harry Taylor, to be captain, January 6, 1896, vice Rossell, promoted.

First Lieut. William Luther Sibert, to be captain, March 31, 1896, vice Symons, promoted.

Second Lieut. Charles Patton Echols, to be first lieutenant, January 6, 1896, vice Taylor, promoted.

Second Lieut. James Francis McIndoe, to be first lieutenant, March 31, 1896, vice Sibert, promoted.

Infantry arm.

First Lieut. James Alexander Leyden, Fourth Infantry, to be captain, April 22, 1896, vice O'Brien, Fourth Infantry, retired from active service.

Second Lieut. Percival Greene Lowe, Eighteenth Infantry, to be first lieutenant, April 22, 1896, vice Leyden, Fourth Infantry, promoted.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Samuel E. Maguire, of Louisiana, to be a captain in the Revenue-Cutter Service of the United States, in place of Alvan A. Fengar, deceased.

Second Lieut. James H. Brown, of the District of Columbia, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Samuel E. Maguire, promoted.

POSTMASTERS.

Ulysses G. Swartz, to be postmaster at Whiting, in the county of Lake and State of Indiana, in the place of Henry Schrage, whose commission expired April 8, 1896.

James L. Lincoln, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts, in the place of Lizzie F. Graves, whose commission expired February 9, 1896.

Charles C. Field, to be postmaster at Puyallup, in the county of Pierce and State of Washington, in the place of Benjamin S. Johnson, whose commission expired April 18, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 25, 1896.

CONSUL.

Leo Bergholz, of New York, to be consul of the United States at Erzerum, Armenia.

INDIAN AGENT.

Peter Gallagher, of Pocatello, Idaho, to be agent for the Indians of the Warm Springs Agency in Oregon.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Thomas L. Jenkins, of North Carolina, to be a third lieutenant.

Randolph Ridgely, jr., of Georgia, to be a third lieutenant.

Richard M. Sturdevant, of Pennsylvania, to be a third lieutenant.

James C. Hooker, of Mississippi, to be a third lieutenant.

Frederick C. Billard, of Maryland, to be a third lieutenant.

Bernard H. Camden, of West Virginia, to be a third lieutenant.

Benjamin M. Chiswell, of Maryland, to be a third lieutenant.

Leonard T. Cutter, of New Hampshire, to be a third lieutenant.

Moses Goodrich, of New Hampshire, to be a third lieutenant.

Harry G. Hamlet, of Massachusetts, to be a third lieutenant.

POSTMASTERS.

Thomas J. Buchanan, to be postmaster at Marietta, in the county of Lancaster and State of Pennsylvania.

Theodore Trowbridge, to be postmaster at Decatur, in the county of Van Buren and State of Michigan.

Frederick Holtz, to be postmaster at Williamsport, in the county of Warren and State of Indiana.

James B. Lucas, to be postmaster at Romeo, in the county of Macomb and State of Michigan.

Catherine E. McInnis, to be postmaster at Mosspoint, in the county of Jackson and State of Mississippi.

Guy Northrop, to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi.

Franklin Sansom, to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania.

Mary E. Gerety, to be postmaster at Honesdale, in the county of Wayne and State of Pennsylvania.

Jay R. Worst, to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania.

Alexander J. Myers, to be postmaster at Natrona, in the county of Allegheny and State of Pennsylvania.

William B. Gwathmey, to be postmaster at Aitkin, in the county of Aitkin and State of Minnesota.

C. C. Lockett, to be postmaster at Kerrville, in the county of Kerr and State of Texas.

Lizzie K. Weber, to be postmaster at North Wales, in the county of Montgomery and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 25, 1896.

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, delivered the following prayer:

Our Father who art in Heaven, we thank Thee for those tender ties which bind us together as families, and for those ties of friendship which tend to widen the circle of fraternity and teach us that all the world are akin. Help us to-day, O Lord, as we call to mind the character of one who lately occupied a seat among us, that we may be able to throw the sweet veil of charity over all his faults and magnify his virtues; and help us that we may emulate those virtues, so that when we are called upon to pass from this life we, too, shall have the eulogy of our friends. Through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I present a conference report on the legislative appropriation bill.

The SPEAKER. The Clerk will read the report of the committee of conference.

The Clerk proceeded to read the report of the committee of conference.

Mr. BINGHAM (interrupting the reading). Mr. Speaker, unless some gentleman demands the reading of the details of the report, I am of opinion the statement will give to the House all the information required and expedite business.

The SPEAKER. Without objection, the reading of the report in detail will be omitted. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 101, 131, 133, 134, 136, 225, 228, 227, 228, 230, 231, 232, 234, 237, 238, 239, 240, 241, 242, 245, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 259, 261, 262, 264, 265, 266, 267, 269, 272, 273, 277, 278, 279, 280, 281, and 288.

That the House recede from its disagreement to the amendments of the Senate numbered 88, 98, 132, 135, 156, 157, 158, 219, 220, 221, 222, 224, 258, 265, 266, 267, 289, 292, 300, and 302, and agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$39,900"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For printing, binding, and wrapping 1,000 additional copies of series 1, volumes 1, 2, 3, and 4, for supplying officers of the Navy who have not received the work, \$2,400."

And the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"For 10 examiners of surveys, to constitute a board of examiners of surveys, under the direction of the surveying division of the General Land Office, the members of said board to be certified by the Civil Service Commission, at

\$2,000 each, \$20,000: *Provided*, That this amount shall be paid from the appropriation for the examination of public surveys, and that no addition to the said appropriation, nor any increase of the employees of the General Land Office, shall be caused by the creation of this board: *Provided further*, That if any of the clerks of said office be transferred or promoted to this board, a corresponding number of clerks for whom appropriation is made in this act shall be dropped and their places shall not be filled."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,500"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,500"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,300"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,300"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$164,010"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Eleven and thirteen"; and the Senate agree to the same.

Amendments numbered 160 to 217: That the House recede from its disagreement to the amendments of the Senate numbered 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, and 217, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"SEC. 7. That the United States district attorney for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per cents, and other compensations now allowed by law, an annual salary, as follows: For the northern and middle districts of the State of Alabama, each \$4,000; for the southern district of the State of Alabama, \$3,000; for the Territory of Arizona, \$4,000; for the eastern district of Arkansas, \$4,000; for the western district of Arkansas, \$5,000; for the northern district of California, \$4,500; for the southern district of California, \$3,500; for the district of Colorado, \$4,000; for the district of Connecticut, \$2,500; for the district of Delaware, \$2,000; for the northern district of Florida, \$3,500; for the southern district of Florida, \$3,500; for the northern district of Georgia, \$5,000; for the southern district of Georgia, \$3,500; for the district of Idaho, \$3,000; for the northern district of Illinois, \$5,000; for the southern district of Illinois, \$5,000; for the district of Indiana, \$5,000; for the northern and southern districts of Iowa, each \$4,500; for the district of Kansas, \$4,500; for the district of Kentucky, \$5,000; for the eastern district of Louisiana, \$3,500; for the western district of Louisiana, \$2,500; for the district of Maine, \$3,000; for the district of Maryland, \$4,000; for the district of Massachusetts, \$5,000; for the eastern district of Michigan, \$4,000; for the western district of Michigan, \$3,500; for the district of Minnesota, \$4,000; for the northern and southern districts of Mississippi, each \$3,500; for the eastern district of Missouri, \$4,500; for the western district of Missouri, \$4,500; for the district of Montana, \$4,000; for the district of Nebraska, \$4,000; for the district of Nevada, \$3,000; for the district of New Hampshire, \$2,000; for the district of New Jersey, \$3,000; for the district of New Mexico, \$4,000; for the northern district of New York, \$4,500; for the eastern district of New York, \$4,500; for the eastern district of North Carolina, \$4,000; for the western district of North Carolina, \$4,500; for the district of North Dakota, \$4,000; for the northern and southern districts of Ohio, each \$4,500; for the district of Oklahoma, \$5,000; for the district of Oregon, \$4,500; for the eastern district of Pennsylvania, \$4,500; for the western district of Pennsylvania, \$4,500; for the district of Rhode Island, \$2,500; for the eastern and western divisions of the district of South Carolina, \$4,500; for the district of South Dakota, \$4,000; for the eastern, middle, and western districts of Tennessee, each \$4,500; for the northern district of Texas, \$3,500; for the eastern district of Texas, \$5,000; for the western district of Texas, \$4,000; for the district of Utah, \$4,000; for the district of Vermont, \$3,000; for the eastern district of Virginia, \$4,000; for the western district of Virginia, \$4,500; for the district of Washington, \$4,500; for the district of West Virginia, \$4,500; for the eastern district of Wisconsin, \$4,000; for the western district of Wisconsin, \$4,000; for the district of Wyoming, \$4,000."

And the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement

to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

Amendment numbered 244: That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

Amendment numbered 256: That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 263: That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 268: That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 270: That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the eastern and western divisions of the district of South Carolina, \$4,500"; and the Senate agree to the same.

Amendment numbered 271: That the House recede from its disagreement to the amendment of the Senate numbered 271 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 274: That the House recede from its disagreement to the amendment of the Senate numbered 274 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 275: That the House recede from its disagreement to the amendment of the Senate numbered 275 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 282: That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

Amendment numbered 284: That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten"; and the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"SEC. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such districts, who shall be known as field deputies, and who, unless sooner removed by the district court as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, including mileage, as provided by law, earned by him, not to exceed \$1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding \$2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of \$2,500 nor more than three-fourths of the gross fees earned by such field deputy. The marshal immediately after making any appointment or appointments under this section shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment, and the public interest may require. The field deputies herein provided for of the districts of California, Colorado, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, Wyoming, and Idaho shall, for the services they may perform during the fiscal year 1897, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided herein."

And the Senate agree to the same.

Amendment numbered 291: That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

Amendment numbered 293: That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen"; and the Senate agree to the same.

Amendment numbered 294: That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out the words "represent or"; and the Senate agree to the same.

Amendment numbered 295: That the House recede from its disagreement to the amendment of the Senate numbered 295, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

Amendment numbered 296: That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifteen"; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen"; and the Senate agree to the same.

Amendment numbered 298: That the House recede from its disagreement to the amendment of the Senate numbered 298, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

Amendment numbered 299: That the House recede from its disagreement to the amendment of the Senate numbered 299, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

Amendment numbered 301: That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 15, inclusive"; and the Senate agree to the same.

Amendment numbered 303: That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eighteen"; and the Senate agree to the same.

Amendment numbered 304: That the House recede from its disagreement to the amendment of the Senate numbered 304, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

Amendment numbered 311: That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 23"; and on page 127 of the bill, in line 10, strike out the words "June 30" and insert in lieu thereof the words "the 1st day of July"; and the Senate agree to the same.

Amendment numbered 312: That the House recede from its disagreement to the amendment of the Senate numbered 312, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6, 8, or 15"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314.

HENRY H. BINGHAM,
JNO. E. McCAILL,
ALEX. M. DOCKERY,
Managers on the part of the House.
S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers of the conference on the part of the House on the disagreeing votes of the two Houses on certain amendments of the Senate to the legislative, executive, and judicial appropriation bill for the fiscal year 1897 (H. R. 6248) submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 55 and 56: Appropriates \$4,500, instead of \$4,000 as proposed by the House and \$5,000 as proposed by the Senate, for the Assistant Comptroller of the Treasury.

On amendment numbered 82: Appropriates \$3,000, instead of \$2,500 as proposed by the House and \$3,500 as proposed by the Senate, for incidental and contingent expenses for the assay office at Boise, Idaho.

On amendment numbered 88: Strikes from the bill as it passed the House the provision authorizing the Secretary of the Navy to select the employees in the office of the Naval Records of the Rebellion.

On amendment numbered 89: Appropriates \$2,400, as proposed by the Senate, for printing 1,000 additional copies of the Naval Records for officers of the Navy, and strikes out the appropriation of \$11,000 proposed by the Senate for the expenses of a board of publication to conduct the preparation of said Naval Records.

On amendment numbered 98: Appropriates \$3,900, as proposed by the Senate, to enable the Secretary of the Interior to employ laborers in the work of distributing the Reports of the Eleventh Census.

On amendment numbered 99: Provides for the appointment of a board of 10 examiners of surveys at \$2,000 each in the General Land Office, to be paid from the appropriation for examination of surveys of public lands.

On amendment numbered 101: Strikes out the appropriation of \$44,020 proposed by the Senate for the classification division in the Patent Office.

On amendments numbered 115, 116, 117, 118, 119, 120, 121, and 122: Strikes out one-half of the increase proposed by the Senate for clerks in the offices of the surveyors-general of New Mexico, Oregon, Utah, and Wyoming.

On amendments numbered 130, 131, 132, 133, 134, 135, 136, and 137, relating to the Department of Justice: Appropriates for one additional assistant attorney, instead of two, at \$2,500 each, as proposed by the Senate; strikes out the increase proposed by the Senate of one clerk of class 4, one clerk of class 3, and one clerk of class 2; increases the compensation of the chief of division of accounts from \$2,000 to \$2,200; and provides for four additional clerks of class 1, as proposed by the Senate, and nine copyists at \$900 each, as proposed by the House, instead of six, as proposed by the Senate.

On amendments numbered 155 to 304, inclusive, and on amendments numbered 311 and 312, relating to the compensation of United States attorneys and United States marshals and deputy marshals: Fixes the compensation of United States attorneys as set out in detail in the conference report, being in the aggregate \$23,000 more than was proposed by the House, and \$43,500 less than was proposed by the Senate; leaves the compensation of United States marshals throughout the United States as proposed by the House, except as follows:

Southern district of Georgia, \$3,500, instead of \$2,500 as proposed by the House and \$5,000 as proposed by the Senate;

Idaho, \$3,000, instead of \$2,500 as proposed by the House and \$3,500 as proposed by the Senate;

Eastern district of Louisiana, \$3,000, instead of \$2,500 as proposed by the House and \$4,000 as proposed by the Senate;

Western district of Louisiana, \$2,500, instead of \$2,000 as proposed by the House and \$3,000 as proposed by the Senate;

Maryland, \$3,500, instead of \$3,000 as proposed by the House and \$4,500 as proposed by the Senate;

Nevada, \$2,500, instead of \$2,000 as proposed by the House and \$3,000 as proposed by the Senate;

New Jersey, \$3,000, as proposed by the Senate, instead of \$2,500 as proposed by the House;

Eastern district of New York, \$4,000, instead of \$3,000 as proposed by the House and \$5,000 as proposed by the Senate;

North Dakota and South Dakota, \$4,000 each, instead of \$3,500 as proposed by the House and \$5,000 as proposed by the Senate;

Western district of Pennsylvania, \$4,000, instead of \$3,500 as proposed by the House and \$5,000 as proposed by the Senate;

Western district of Texas, \$4,000, instead of \$3,500 as proposed by the House and \$5,000 as proposed by the Senate;

Utah, \$3,500, instead of \$3,000 as proposed by the House and \$4,000 as proposed by the Senate;

Vermont, \$2,500, instead of \$2,000 as proposed by the House and \$4,000 as proposed by the Senate;

Western district of Wisconsin, \$4,000, instead of \$3,000 as proposed by the House and \$5,000 as proposed by the Senate; and Wyoming, \$3,500, instead of \$3,000 as proposed by the House and \$5,000 as proposed by the Senate; the aggregate of salaries for United States marshals being \$4,500 more than was proposed by the House and \$67,000 less than was proposed by the Senate, and strikes out the provision proposed by the Senate to give salaries of \$1,500 each to field deputy marshals.

The committee of conference were unable to agree as to the following Senate amendments, namely:

Increasing the pay of certain committee clerks of the Senate from \$1,440 to \$1,800 each;

Providing for 10 additional messengers, at \$1,440 each, instead of 10 skilled laborers, at \$1,000 each, for the Senate;

Increasing the pay of 3 laborers from \$720 to \$840 each, for the Senate;

Appropriating for 12 additional Capitol policemen, at \$1,100 each, in lieu of 7 watchmen now employed in the Capitol Grounds, at \$840 each;

Appropriating for 38 annual clerks to Senators who are not chairmen of committees, at \$1,500 each;

Providing for 3 additional clerks, at \$900 each, for the execution of the copyright law, and for a register of copyrights, at \$2,000, to be selected by the Joint Committee on the Library;

Regulating time of meeting of legislature of New Mexico;

Providing for printing and distributing advance sheets of the opinions of the Supreme Court to all circuit and district judges;

Providing for a messenger, at \$2,000, to perform the duties of librarian and crier for the circuit court of appeals of the Eighth judicial circuit;

Increasing the salary of the marshal of the District of Columbia from \$5,000 to \$6,000; and

Striking out the provision proposed by the House regulating the appointment and fees of United States commissioners.

HENRY H. BINGHAM,
JNO. E. MCCALL,
ALEXANDER M. DOCKERY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

Mr. BINGHAM. I do not know whether there is any desire on the part of the House to debate the agreements and disagreements of the report. If there are any inquiries to be made, I am ready to answer them.

Mr. GROSVENOR. I would like to ask the gentleman from Pennsylvania if there is any legislation in regard to the capital of Oklahoma Territory?

Mr. BINGHAM. In what respect?

Mr. GROSVENOR. There is some money in one of these appropriation bills, appropriated for some purpose; and, in connection with that, I am informed that there has been put in by the Senate a limitation on the part of the Territorial legislature to legislate upon the subject of the capital of the Territory.

Mr. BINGHAM. I would say to the gentleman from Ohio that it is not in this conference, but was acted upon in the first conference by this committee, providing that the legislative assembly as to Oklahoma shall not consider any proposition or pass any bill to remove the seat of the government of said Territory from its present location. That was agreed upon by the first conference, and is therefore not before us in this conference.

Mr. GROSVENOR. Then it was agreed that a certain town should perpetually, until Statehood comes in, be established as the capital of the State, and putting it out of the power of the people of Oklahoma to have any voice in the matter of their capital.

Mr. BINGHAM. I again state to the gentleman from Ohio that that paragraph has already been agreed upon in the first conference.

Mr. GROSVENOR. It is a piece of legislation that ought to destroy any man that has been a party to it in the Territory. I have here a protest from a number of the largest towns of the Territory—a number of them—protesting against that legislation. I only voice that sentiment.

Mr. BINGHAM. I submit that this committee at this time has no authority over the subject.

Mr. GROSVENOR. Well, I want the responsibility to be fixed; that is all.

Mr. FLYNN. Mr. Speaker, I am responsible in a measure for the insertion of that provision in the bill. I desire to state that ever since Oklahoma was opened to settlement Congress has inserted, except in the first bill, a like provision. The gentleman from Indiana [Mr. STRELE], now a member of this House, was the first governor of the Territory. Congress provided where the temporary seat of government should be. The legislative assembly met, and more disgraceful action never was known than that which was taken by that legislature concerning the capital location. Since that time most of the officials of the Territory, Democrats and Republicans alike, have appealed to Congress to remove the possibility of a repetition of that disgrace before the people of the Territory have the right to determine by ballot where they desire to have their capital located. In reply to the gentleman from Ohio, I want to say this: That perhaps were he not rankling with reference to other matters, he, with every fair-minded man in this House desirous of good government in the Territory of Oklahoma, would approve this provision, and he would not have made this onslaught here. If there is an official in the Territory who is not in favor of this provision now, he was in favor of it and recommended it to the last

Congress by telegraph and by petition. The only reason now for dragging this matter in here is because, forsooth, I live in that town and am entering upon a campaign, and it is sought to have the people of the Territory think that perhaps by some underhand means I have succeeded in injecting this provision into the bill. The fact is, as I have stated, that it has been in every bill, except the first, since Oklahoma was organized. Let me say further that I was in the Territory at the time the present provision was put in the bill by the Senate, but I justify the action of the Senate. I justify the action of the House conferees in putting it in, and I think I voice the desire of our people. I say they have done well; they have done an act of justice to our people.

I am willing and desirous of our people being given an opportunity by their ballots to determine where the capital should be, and will support that kind of a proposition at all times.

Mr. GROSVENOR rose.

Mr. BINGHAM. Mr. Speaker, while I am willing to yield for a moment, I wish to say that this is not now a matter in dispute. I desire, however, to be courteous to the gentleman.

Mr. GROSVENOR. Oh, you will not cut me off after my motives have been attacked.

Mr. BINGHAM. I have no desire to cut the gentleman off. I merely wish to call attention to the fact that this is not now a matter in controversy.

Mr. GROSVENOR. I simply wish to say that there is not anything "rankling" in me, and I do not know what the enormously distinguished gentleman means when he attacks me in that way.

Mr. FLYNN. What did the gentleman mean, then?

Mr. GROSVENOR. I happen to be the recipient of a large number of letters from respectable citizens of that Territory, one of which has just come to my desk, and I felt it to be my duty to call attention to the matter. That was all I proposed to do.

Mr. FLYNN. Will the gentleman permit a question?

Mr. GROSVENOR. I will not. A man who attacks my motives and undertakes to cast reproach upon me in that way must take care of himself and not interrupt me. I have received a letter which I propose to read in part. It is but one of a series of letters which I have received from a number of people in that Territory. This letter is written from Oklahoma City, by a gentleman whom I vouch for as a highly respectable man, a lawyer. He does not authorize me to give his name, but I should not hesitate much to do that if necessary. He writes:

OKLAHOMA CITY, OKLA., April 22, 1896.

Hon. C. H. GROSVENOR,
Washington, D. C.

DEAR SIR: There is a provision in the bill appropriating certain moneys for Oklahoma that is intended to prevent the Oklahoma legislature from taking any action relative to the removal of the capital from Guthrie. The bill is in the conference committee at this time, I understand.

While the people of this section may not desire to agitate that question, still such a clause is not doing justice to the other parts of the Territory. Oklahoma City has two railroads and is now the largest city in the Territory. It has the best accommodations for a capital, and before any legislature meets in this Territory there will be a third railroad in the city. Notwithstanding the protection of Congress in the way of each time preventing the legislature from taking any action upon the capital question, Guthrie is suffering from ennui, while this city is moving ahead.

I think it but just to all the balance of the Territory that the people shall have the right to say where this capital shall be.

Mr. GROSVENOR. Now, simply because I had been appealed to in the matter, I called the attention of the House to this provision in the bill, and I care nothing whatever about it—nothing whatever—and the bombastes furious process by which the gentleman has worked himself into this spontaneous effervescence here makes no impression upon me. [Laughter.] I repeat, I care nothing about this matter.

Mr. FLYNN. What brought me out was the statement of the gentleman that whoever had anything to do with this ought to be "destroyed." I am willing to let my people destroy me, but not the gentleman from Ohio.

Mr. BINGHAM. Mr. Speaker, I regard it as due to the House, before calling the previous question, to make a brief statement. Among the most serious and complicated propositions your committee had to consider were the many paragraphs with reference to the compensation of United States marshals and district attorneys, the change from the fee system to the fixed salary or compensation. The Judiciary Committee of the House rendered valuable services to the House in connection with the discussion, as did also the Judiciary Committee of the Senate, in the several Chambers. We had these gentlemen in conference with us throughout our conferences, and they rendered more than valuable service, and this House is under very great obligations to them.

The Senate amended the House bill with reference to the district attorneys, increasing it \$66,500. We were able, with the aid of the gentlemen of the Judiciary Committee, both of the House and of the Senate, to reduce that to \$43,000, so that the House allowance of salaries was increased only \$23,000.

With reference to the marshals, the Senate increased the House allowance \$71,500, and we were able to reduce that, so that the increase is only \$4,500. [Applause.] There are between the two Houses to-day for the next conference only \$16,020 for contention other than the \$67,000 increase of the subordinate force of the

Senate. So that this conference report amounts almost to a conclusion of the bill.
The Senate made a net increase in the amount appropriated by the bill of..... \$247, 029. 20

From which sum, by the terms of the conference reports—
The Senate recedes from..... 103, 920. 00
The House agrees to..... 59, 209. 20
Remaining in dispute..... 83, 900. 00

Total..... 247, 029. 20

In dispute:

No. 11,* \$7,560. Committee clerks, \$37,440 to \$45,000.

Nos. 12* and 13,* \$3,320. Increasing 10 laborers, \$1,000 each, to messengers, at \$1,440 each, and for 3 laborers, at \$840 each, in lieu of 5 laborers, at \$720 each.

No. 19,* \$57,000. Clerks to Senators, at \$1,500 each.

* Relate to Senate.

No. 36, \$2,700. Copyright clerks.

No. 38, \$2,000. Register of copyrights.

Nos. 22, 23, 108, and 109, \$7,320. Increase of Capitol police.

No. 142, \$2,000. Supreme Court, opinions for judges.

No. 144, \$2,000. Messenger to circuit court, eighth circuit.

No. 233. Fixing salary of United States marshal, District of Columbia, at \$6,000 instead of \$5,000.

No. 305. Regulating appointment and fees of United States commissioners.

No. 83. Regulating time of meeting of legislature of New Mexico.

Mr. DOCKERY. I simply desired, Mr. Speaker, to concur in the tribute that the gentleman from Pennsylvania has paid to the Judiciary Committees of the two Houses.

Mr. HENDERSON. I would like to have the gentleman from Pennsylvania incorporate in the report, or with his remarks, this statement, a comparative statement, for the information of the House.

Mr. BINGHAM. I will do so with pleasure.

Statement showing the gross and net emoluments of United States district attorneys and United States marshals for the fiscal year 1895, and the salaries allowed in H. R. 6243 by the House and Senate and by the conference committee.

District.	Gross and net emoluments of the United States district attorney from which his compensation, not to exceed \$6,000, is paid.	Amount of annual salary—			Gross and net emoluments of the United States marshal from which his compensation, not to exceed \$6,000, is paid.	Amount of annual salary—		
		Allowed by the House.	Allowed by the Senate.	Agreed to by conference committee.		Allowed by the House.	Allowed by the Senate.	Agreed to by conference committee.
Alabama:								
Northern.....	\$11,598.70	\$4,000	\$5,000	\$4,000	\$43,726.08	\$4,000	\$5,000	\$4,000
Middle.....	9,094.31				6,119.27			
Southern.....	10,001.00	4,000	5,000	4,000	46,872.33	4,000	5,000	4,000
	8,787.43				6,521.26			
	4,880.00	3,000	4,000	3,000	27,645.60	3,000	4,000	3,000
	4,768.15				6,459.23			
Alaska.....	6,103.80				25,900.15			
Arizona.....	5,460.23	4,000	4,000	4,000	5,103.56	4,000	5,000	4,000
Arkansas:								
Eastern.....	5,582.80	4,000	4,000	4,000	20,092.60	4,000	4,000	4,000
Western.....	5,419.30				7,283.87			
	10,770.00	5,000	5,000	5,000	50,490.85	5,000	5,000	5,000
	10,562.90				10,356.18			
California:								
Northern.....	4,047.17	4,000	5,000	4,500	13,294.38	4,000	5,000	4,000
Southern.....	1,947.17				4,852.27			
	3,440.62	3,000	4,000	3,500	14,821.59	3,000	4,000	3,000
	2,900.62				3,533.17			
Colorado.....	6,860.60	4,000	5,000	4,000	13,697.76	4,000	5,000	4,000
	6,860.60				4,714.12			
Connecticut.....	2,763.60	2,000	3,000	2,500	3,728.12	2,000	3,000	2,000
	2,763.60				2,977.05			
Delaware.....	1,830.00	2,000	2,500	2,000	2,611.35	2,000	2,500	2,000
	1,822.75				2,591.35			
District of Columbia.....	47,055.00	5,000			20,573.48	5,000	6,000	
	31,178.42				12,889.41			
Florida:								
Northern.....	4,539.57	3,000	4,000	3,500	12,150.77	3,000	4,000	3,000
Southern.....	4,439.07				*4,775.27			
	3,607.90	3,000	4,000	3,500	4,752.94	3,000	4,000	3,000
	3,244.90				2,706.64			
Georgia:								
Northern.....	13,001.60	5,000	5,000	5,000	51,231.85	5,000	5,000	5,000
Southern.....	7,959.23				6,611.33			
	3,056.60	2,500	5,000	3,500	15,545.78	2,500	5,000	3,500
	3,056.60				6,000.00			
Idaho.....	3,856.60	2,500	3,500	3,000	11,544.07	2,500	3,500	3,000
	2,390.05				3,690.83			
Illinois:								
Northern.....	6,993.13	5,000	5,500	5,000	23,885.51	5,000	5,500	5,000
Southern.....	5,417.66				6,000.00			
	6,703.60	4,500	5,000	5,000	22,876.38	4,500	5,000	4,500
	5,590.65				6,857.48			
Indian Territory:								
Northern.....								
Central.....								
Southern.....								
Indiana.....	6,785.80	5,000	5,500	5,000	16,690.37	4,500	5,500	4,500
	6,588.00				4,363.93			
Iowa:								
Northern.....	9,114.60	4,000	5,500	4,500	13,783.02	4,000	5,000	4,000
Southern.....	7,783.43				5,195.64			
	6,952.30	4,000	5,500	4,500	30,722.20	4,000	5,000	4,000
	6,146.80				8,652.41			
Kansas.....	6,201.70	4,000	5,000	4,500	14,311.64	4,000	5,000	4,000
	5,203.26				4,033.64			
Kentucky.....	10,129.19	5,000	5,500	5,000	36,015.26	5,000	5,500	5,000
	8,558.45				6,200.20			
Louisiana:								
Eastern.....	2,906.00	3,000	5,000	3,500	4,733.22	2,500	4,000	3,000
Western.....	2,906.00				2,817.94			
	2,685.20	2,000	3,000	2,500	3,502.33	2,000	3,000	2,500
	2,685.20				3,143.67			
Maine.....	2,922.38	2,500	4,000	3,000	10,709.16	3,000	4,000	3,000
	2,922.38				5,326.94			
Maryland.....	4,067.50	3,000	5,000	4,000	6,048.15	3,000	4,500	3,500
	4,067.50				3,590.21			
Massachusetts.....	8,235.15	5,000	5,500	5,000	13,794.24	5,000	5,500	5,000
	7,816.25				6,000.00			

* Net emoluments estimated for six months.

Statement showing the gross and net emoluments of United States district attorneys and United States marshals, etc.—Continued.

District.	Gross and net emoluments of the United States district attorney from which his compensation, not to exceed \$8,000, is paid.	Amount of annual salary—			Gross and net emoluments of the United States marshal from which his compensation, not to exceed \$6,000, is paid.	Amount of annual salary—		
		Allowed by the House.	Allowed by the Senate.	Agreed to by conference committee.		Allowed by the House.	Allowed by the Senate.	Agreed to by conference committee.
Michigan:								
Eastern	\$3,444.48	\$4,000	\$4,000	\$4,000	\$11,576.99	\$4,000	\$5,000	\$4,000
Western	3,444.48				6,498.72			
	5,311.70	3,000	4,000	3,500	8,914.85	3,000	4,000	3,000
	5,311.70				5,815.78			
Minnesota	4,840.00	4,000	5,000	4,000	22,069.79	4,000	5,500	4,000
	3,485.12				*5,364.00			
Mississippi:								
Northern	7,377.40	3,000	5,000	3,500	18,899.35	3,000	5,000	3,000
Southern	6,125.65				5,404.58			
	7,916.00	3,000	5,000	3,500	19,405.51	3,000	5,000	3,000
	5,802.74				6,046.15			
Missouri:								
Eastern	†3,300.00	4,000	5,000	4,500	17,624.55	4,000	4,500	4,000
Western	3,084.00				5,292.79			
	7,761.30	4,000	5,000	4,500	21,964.78	4,000	4,500	4,000
	7,082.52				4,289.77			
Montana	7,314.80	3,500	5,000	4,000	24,253.22	3,500	5,000	3,500
	5,800.10				6,493.06			
Nebraska	5,507.70	3,500	5,000	4,000	17,937.96	3,500	5,000	3,500
	5,164.12				7,007.25			
Nevada	4,322.40	2,500	3,000	3,000	7,104.08	2,000	3,000	2,500
	4,322.40				4,255.52			
New Hampshire	†1,203.60	2,000	2,500	2,000	1,846.30	2,000	3,000	2,000
	886.80				1,846.30			
New Jersey	†2,254.40	2,000	4,000	3,000	6,444.44	2,500	3,000	3,000
	†2,254.40				3,409.53			
New Mexico	9,354.15	4,000	5,000	4,000	34,352.95	4,000	5,000	4,000
	7,833.54				8,525.00			
New York:								
Northern	5,217.56	4,000	5,000	4,500	21,888.82	5,000	5,000	5,000
Eastern	4,402.19				8,244.69			
Southern	3,950.08	3,000	4,500	4,500	6,923.49	3,000	5,000	4,000
	3,950.08				5,880.51			
					23,279.54	5,000	6,000	5,000
					†5,217.46			
North Carolina:								
Eastern	5,395.40	4,000	4,000	4,000	17,377.71	4,000	4,000	4,000
Western	5,395.40				5,823.30			
	19,563.20	4,500	5,000	4,500	43,762.25	4,500	5,000	4,500
	17,177.79				8,571.00			
North Dakota	5,923.20	3,500	5,000	4,000	36,172.88	3,500	5,000	4,000
	5,840.45				7,305.35			
Ohio:								
Northern	†5,697.88	4,000	5,000	4,500	14,474.62	4,000	4,500	4,000
Southern	*5,081.55				5,095.48			
	5,335.65	4,000	5,000	4,500	16,026.79	4,000	5,000	4,000
	5,206.05				6,281.93			
Oklahoma	16,364.80	5,000	5,000	5,000	248,179.39	5,000	5,500	5,000
	14,196.56				26,919.86			
Oregon	5,916.75	4,000	5,500	4,500	18,376.02	4,000	5,000	4,000
	5,747.52				3,955.62			
Pennsylvania:								
Eastern	†4,332.40	4,000	5,000	4,500	9,069.37	4,000	5,000	4,000
Western	4,047.54				5,283.34			
	4,520.00	4,000	5,000	4,500	8,699.40	3,500	5,000	4,000
	3,301.47				4,764.92			
Rhode Island	2,315.00	2,000	3,000	2,500	2,352.89	2,000	3,000	2,000
	2,315.00				2,293.12			
South Carolina	11,261.00				42,971.99			
Eastern	9,359.99	4,500	2,000	4,500	12,908.27	4,500	2,000	4,500
Western			3,000				3,000	
South Dakota	6,731.69	3,500	5,000	4,000	29,675.24	3,500	5,000	4,000
	5,974.75				6,484.46			
Tennessee:								
Eastern	12,560.20	4,000	5,000	4,500	35,094.53	4,000	5,000	4,000
Middle	10,471.47				5,997.35			
Western	11,425.00	4,000	5,000	4,500	30,983.41	4,000	5,000	4,000
	9,430.59				10,017.91			
	9,019.00	4,000	5,000	4,500	11,907.06	4,000	5,000	4,000
	8,843.25				5,431.83			
Texas:								
Northern	3,438.30	3,000	4,000	3,500	13,878.55	3,000	4,000	3,000
Eastern	3,438.30				4,769.50			
Western	10,405.74	5,000	5,500	5,000	83,067.37	5,000	5,000	5,000
	8,611.27				8,000.76			
	4,005.10	3,500	5,000	4,000	24,296.83	3,500	5,000	4,000
	4,005.10				5,327.83			
Utah	9,170.20	3,000	5,000	4,000	16,684.29	3,000	4,000	3,500
	7,833.42				4,191.65			
Vermont	2,985.60	2,000	3,000	3,000	4,545.48	2,000	4,000	2,500
	2,985.60				4,545.48			
Virginia:								
Eastern	5,293.20	3,500	4,500	4,000	6,144.13	3,500	4,000	3,500
Western	5,109.54				4,495.41			
	12,804.60	4,000	5,000	4,500	43,500.27	4,000	5,000	4,000
	10,687.77				8,643.66			
Washington	8,370.00	4,000	5,000	4,500	46,320.44	4,000	5,000	4,000
	6,460.13				11,084.57			
West Virginia	10,801.60	4,000	5,000	4,500	46,181.56	4,000	5,000	4,000
	7,928.05				6,365.70			
Wisconsin:								
Eastern	†6,211.00	4,000	5,000	4,000	14,775.77	4,000	5,000	4,000
Western	5,400.50				5,418.08			
	4,986.60	3,000	5,000	4,000	11,347.25	3,000	5,000	4,000
	4,986.60				5,680.99			
Wyoming	4,615.00	3,000	4,500	4,000	5,891.23	3,000	5,000	3,500
	4,410.00				5,484.98			
Total salaries		257,500	324,000	280,500		262,500	334,000	267,000

* Net emoluments estimated for four months.

† Estimated in part.

CONFERENCE AGREEMENT.

Attorneys:	
Increase over House.....	\$23,000
Reduction under Senate.....	43,500
Proposed increase by Senate.....	66,500
Marshals:	
Increase over House.....	4,500
Reduction under Senate.....	67,000
Proposed increase by Senate.....	71,500

I now move the previous question on the adoption of the report. The previous question was ordered; under the operation of which the conference report was agreed to.

Mr. BINGHAM. I now move that the House further insist upon its disagreement to the Senate amendments, and ask for a further conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BINGHAM, Mr. McCALL of Tennessee, and Mr. DOCKERY.

SENATE EXPENDITURES.

Mr. DOCKERY. Mr. Speaker, I congratulate the House and the country upon the adoption of this conference report, whereby the fee system as to United States marshals and attorneys is replaced by fixed salaries.

At the time this bill was being originally considered by the House I made some remarks in opposition to the pernicious fee system. I stated then that this reform was beneficial and far-reaching, that it would operate to forbid petty persecutions and prosecutions of honest citizens, and that it would result in a large reduction of the cost of maintaining the courts of the United States. This prediction will be fully verified by the bill agreed upon.

Mr. Speaker, there are yet remaining several items in controversy between the two Houses. Many of them are relatively unimportant, and a conclusion will probably be reached upon the greater number of them at the next meeting of the conferees. It may be well to state, however, that the very considerable increase of the salaries of Senate employees is a subject of stubborn contention. The bill as already agreed upon carries \$338,163.50 for the compensation of 295 employees of this body. This amount is exclusive of the salaries of Reporters of Debates, reporters of committees, and the reimbursement to members for clerk hire, and it shows that the average cost per Representative for the pay of the House employees is \$939.

The bill as it comes to us from the Senate, and insisted upon by the Senate conferees, appropriates \$403,529.90 for the salaries of 273 Senate employees. This amount does not include Senate Reporters of Debates, committee reporters, and clerks to Senators. The per capita cost, therefore, per Senator on account of the compensation of Senate employees is \$4,483.

Notwithstanding this, the Senate now insists that the salaries of Senators' personal clerks be increased from \$1,200 to \$1,500 per annum, and the compensation of clerks to certain unimportant committees from \$1,440 to \$1,800 per annum. The House conferees have earnestly resisted this proposed increase of compensation, it being their judgment that the present period of grave industrial depression is a peculiarly inopportune moment to increase the salaries of Federal officeholders.

Mr. Speaker, I will not further comment upon this comparative exhibit of the relative cost of maintaining the employees of the Senate and of the House. The facts I have submitted tell the story without the necessity for further comment or criticism.

In conclusion, I desire to incorporate as a part of my remarks the following interesting historical review, by Hon. Charles S. Hamlin, Assistant Secretary of the Treasury, of the accounting system of the Government from the days of Alexander Hamilton until the present time. The entertaining recital of Secretary Hamlin shows the various changes made by "Uncle Sam" in his system of bookkeeping and the methods of transacting public business, and also shows that the new system of accounting secures economy, accuracy, and expedition.

THE DOCKERY COMMISSION PLAN SAVES \$250,000 YEARLY.

"The old accounting system of the Government was established in 1789 by the First Congress, it being one of the many details of the original machinery of government authorized under the Constitution. Alexander Hamilton, then Secretary of the Treasury, was its reputed author. The system was one of double checks and divided responsibility.

"It provided for an auditor, by whom all accounts and claims against the Government were first examined; a comptroller, who revised the work of the auditor; a register, who registered the settlements; and a treasurer, who made payments upon warrants issued after settlements.

"At the time of the adoption of the system the area of the country was less than 830,000 square miles, its population less than 4,000,000, and its annual expenditures only about \$500,000. The appropriations made by Congress for the support of the Government for the

calendar year 1789 were expressed in a statute of 13 lines. For nearly thirty years thereafter the appropriations for the conduct of the several Departments were made in the most general terms, without stating the number of persons to be employed, specifying the salaries to be paid, or stipulating amounts for any other public objects. It was the early practice under the system, and apparently its design, to have all accounts against the Government (except possibly those for the Army and Navy) paid only after audit by the accounting officers.

"The growth of the country in area and population and the increase in public expenditures required in time many changes to be made in the original system. The first important change was in 1792, when the office of accountant for the War Department was created, with authority to settle accounts relating to that Department, and to whom advances of moneys were to be made for all expenses of the Department. In 1798 a similar office was created for the Navy Department. This material departure from the original theory continued until 1817, when these offices were abolished, and there was created in the Treasury a second comptroller, and a second, a third, and a fourth auditor, with jurisdiction over the War and Navy accounts. Other important changes in the system were those conferring on the General Land Office power to audit its own accounts, subject to revision only by the Comptroller; the creation, in 1836, of an auditor for the Post-Office Department, with power to settle finally all accounts of the postal service, subject to appeal to the Comptroller; the creation, in 1849, of the office of Commissioner of Customs, to relieve the Comptroller of such of his labors as applied to customs accounts; and, in 1867, the passage of the important act requiring in express terms an administrative examination of accounts by the Executive Departments before their submission to the accounting officers of the Treasury."

"This system, thus built upon and patched about, requiring a triplicate examination as to expenditures and a quadruple examination as to customs receipts, exhibited two fatal weaknesses, namely, an unavoidable delay in the final settlement of accounts, and an utter lack of power to require uniformly those intrusted with public funds to make punctual settlements. It failed in the fundamental proposition recognized by every Government and by every business establishment—that the essential virtue of an audit consists in the audit being as nearly contemporaneous with the receipt or expenditure as it is practicable to make it, and in the other equally fundamental proposition that sound business principles require that agents be compelled to account for funds already in hand before approval is granted to requisitions for further advances.

HOW MONEY IS DRAWN.

"Money is drawn from the Treasury, after appropriation by Congress, under two forms of warrants: First, accountable warrants, by which money is advanced to disbursing agents, to be accounted for after expenditure; second, by settlement warrants for money payable after audit and approval by the accounting officers. Of the enormous expenditures of the Government for the fiscal year 1895, excluding those of the postal service, about 91 per cent are paid under accountable warrants, and only about 9 per cent under settlement warrants. These percentages demonstrate that the audit of accounts by Treasury officials serves only to determine, in large measure, simply whether expenditures have been made in accordance with the forms of law, and that the accounts rendered therefor are mathematically correct, and that after an administrative examination of accounts by the Department responsible for the expenditure any system of Treasury auditing requiring another examination by more than one set of competent clerks serves only to cause delay, dangerous to the Government, and an indefensible extravagance.

"Any accounting system devised, no matter how wisely, more than a century ago is necessarily primitive when applied to conditions existing to-day, and to a country that has increased in area from less than 830,000 to more than 3,600,000 square miles, with a population that has grown from less than 4,000,000 to 70,000,000, and with expenditures approximating \$500,000,000 instead of \$500,000 annually.

"From its original theory of an auditor and a comptroller, the old system developed in the course of a century into a hydra-headed creation of five auditors acting under three comptrollers, a Department bureau (the General Land Office) settling its own accounts directly with one of the comptrollers, and a sixth auditor acting independently of a comptroller, except upon appeal.

"Under acts of Congress or by Executive regulations, the jurisdiction of the several auditors and comptrollers was confusing and utterly incomprehensible to the average citizen having to do with public affairs. One auditor settled a portion of the accounts of a Department, while other accounts of the same Department were settled by another auditor, and sometimes by two other auditors. The two comptrollers and the Commissioner of Customs (acting as a comptroller) construed statutes affecting public accounts without any pretense as to harmony of conclusions.

[A statute passed in 1878 was construed by one of the comptrollers as a statute of limitation against certain claims, while another of the comptrollers held that the same statute was not one of limitation.]

"The necessity for a reform in this anomalous accounting system had been recognized and pressed upon public attention for many years; radical changes therein had been recommended by Secretaries of the Treasury and other public officials, and it had been the subject of investigation and report by committees of Congress. That no change was effected until the new system was inaugurated in October, 1894, under an act of Congress, is not greatly to be wondered at when all the obstacles in the way of so radical and far-reaching a reform are considered. Some officials in the public service opposed a change, fearing that it might adversely affect themselves. Others, for years absorbed in the daily treadmill of their office routine, could not see anything better than the methods in whose practice they had grown old. Tradesmen, real-estate agents, and others inveighed against any change, fearing lest their business might be injured thereby through a diminution of public employments. There were others who, from honest differences of opinion, antagonized the new system as it was proposed."

JOINT COMMISSION.

"The joint commission of Congress commonly known as the Dockery commission, authorized by the act approved March 3, 1893, consisted of three Representatives and three Senators, as follows: Representatives A. M. DOCKERY, J. D. RICHARDSON, NELSON DINGLEY, Jr., and Senators F. M. COCKRELL, J. K. JONES, and S. M. CULLOM. Hon. A. M. DOCKERY, of Missouri, was made chairman. After many months of patient investigation and arduous toil, in which they were aided by the Secretary of the Treasury, by other public officials in the various Departments, and by efficient and experienced experts drawn from the business world, a new system was agreed upon.

"The new accounting system, as crystallized into a statute approved July 31, 1894, went into successful operation on October 1 of that year, and retains every feature of the old system that was of value. The primary or administrative audit of accounts by the several Departments is strengthened and extended, notably in the case of the Department of Justice. The offices of the First and Second Comptroller and Commissioner of Customs were abolished, with their deputies and numerous other subordinates. In their place there was created the office of Comptroller of the Treasury, to exercise all the functions performed by the three officers named, thus avoiding conflicting decisions and concentrating responsibility.

"The auditors, instead of being known by numbers, are given titles indicative of their duties. Their action in settling accounts coming to them after an administrative audit is made final and conclusive against the executive branch of the Government, except that an appeal may be taken from their decisions to the Comptroller of the Treasury by the head of the Department interested, or by the Comptroller of the Treasury himself, or by the claimant, or by the Secretary of the Treasury, upon any question of law or fact. The statute requires that when an auditor makes an original construction or modifies an existing construction of statutes, such decision shall be forthwith reported to the Comptroller of the Treasury, and the payment of items affected by the decision withheld until the Comptroller shall approve, disapprove, or modify the decision.

"This provision will necessarily beget a uniform rule of action applying to all public accounts. It authorizes the head of any Department or any disbursing officer to apply to the Comptroller of the Treasury for a decision upon any payment to be made, the decisions thus obtained to govern in the settlement of the account containing the disbursement. It requires also that where a claim is presented to an auditor before an administrative examination has been made the auditor must cause the claim to be examined by two of his subordinates, independently of each other. The new law further requires that upon the allowance of an account or claim the head of the Department interested shall forthwith be notified of the allowance, affording him opportunity to appeal if he believes the interest of the Government requires it. This privilege of appeal is made effective by a provision requiring the Secretary of the Treasury to fix a time that shall elapse between an allowance of an account and the issuance of a warrant therefor, thus affording the administrative Department opportunity to take an appeal, if one be necessary.

CHECK ON DISBURSING OFFICERS.

"Another innovation of the new system which was believed at the time and has since been proven by experience to be a most important and valuable feature, is the one requiring that every requisition for an advance of money, before being acted upon by the Secretary of the Treasury, shall be sent to the proper auditor for his action and requiring that the auditor withhold his approval unless the accounts of the disbursing officer for whom the advance is asked have been forwarded to his Department at Washington

within a specified time and have been forwarded by that Department to the auditor within another specified time. This provision is mandatory and is the most effectual method of preventing frauds against the Government that can be devised by any system of auditing. Under its operation, immediately after the enactment of the new law, disbursing officers were found to be in arrears in the settlement of their accounts—officers who were chargeable with millions of dollars, which they had expended for public purposes and for which they had rendered no accounts for settlement, although directed by law to do so. All of the accounts of each Department of the Government are required to be settled by the one Auditor, whose new title indicates his jurisdiction thereof, as for instance, all of the accounts of the War Department go to the Auditor for the War Department instead of, as previously, to the First, Second, and Third Auditors, whose titles indicated nothing and whose confused jurisdiction rested upon inexplicable construction of conflicting statutes or Treasury regulations.

"Under the new methods the work of settlement of public accounts is now as nearly current as it is practicable to have it under any system, while under the old system the work was from three months to two years in arrears in the offices of the several auditors.

"The new system has been in successful operation since October 1, 1894. It meets the unqualified approval of all the accounting officers of the Treasury and heads of Departments and other officials who have given the subject attention and who have publicly expressed opinions concerning it, and it is being effectually administered at an annual saving of nearly a quarter of a million of dollars as compared with the cost of the old system. It insures accuracy in a degree equal to if not superior to the old system, while it is more economical and vastly more expeditious."

EVENING SESSION FOR DEBATE ON PENSION BILL.

Mr. PICKLER. Mr. Speaker, I desire to ask unanimous consent that we may have a session of the House to-night, beginning at 8 o'clock and extending not later than 11 o'clock, for the purpose of debate only on the pending bill relating to pensions.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

Mr. ERDMAN. Mr. Speaker, there is leave to print already upon this bill, and I hardly see the necessity for acceding to that request.

Mr. PICKLER. I hope the gentleman will not object to it; there are many gentlemen who desire to be heard.

Mr. ERDMAN. I will not object.

The SPEAKER. The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 768) for the relief of James A. Moore;

A bill (S. 2637) granting a pension to Jane Christian Marye;

A bill (S. 2143) for the relief of Richmond College, located at Richmond, Va.;

A bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes;

A bill (S. 657) to provide for the erection of range lights at St. Josephs Bay, Florida, and at St. Andrews Bay, Florida;

A bill (S. 1902) granting a pension to Jennie E. Burch; and

A bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2265) to provide for reimbursement of the expenses of constructing a sewer upon the permanent reservation of Hot Springs, Ark.; and

A bill (H. R. 4265) granting a pension to Eliza Wilson.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring). That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a joint special committee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable. Also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden. That the said joint special committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the said joint special committee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On April 15, 1896:

An act (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Michigan.

On April 16, 1896:

An act (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.;

An act (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson; and

An act (H. R. 83) for the relief of John C. Cutter, late first Lieutenant, Thirty-sixth Massachusetts Volunteer Infantry.

On April 18, 1896:

An act (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers;

An act (H. R. 1141) granting a pension to Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion;

An act (H. R. 5088) granting an increase of pension to A. H. McLaws; and

An act (H. R. 6425) for the relief of Clifton R. Anderson.

NOTE.—The following bill was presented to the President on April 7, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 2912) granting to the Atchison and Nebraska Railroad Company, and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska.

On April 21, 1896:

Joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

On April 24, 1896:

An act (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

NOTE.—The following bill was presented to the President on April 13, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers.

On April 24, 1896:

An act (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I.;

An act (H. R. 995) granting a pension to Kate A. Pitman;

An act (H. R. 2340) granting a pension to Caroline Parker;

An act (H. R. 2797) granting a pension to Peter B. Palmanteer;

An act (H. R. 3993) granting a pension to Joseph Porter;

An act (H. R. 3432) for the relief of John E. Evans;

An act (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

An act (H. R. 994) granting an increase of pension to Andrew B. Keith;

An act (H. R. 1838) granting an increase of pension to Thomas Corigan;

An act (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

An act (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

An act (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

An act (H. R. 2813) granting a pension to Rita Stine;

An act (H. R. 365) to fix the date of the discharge of Thomas Johnson;

An act (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes; and

Joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

CONSIDERATION OF PRIVATE PENSION BILLS.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent to submit for consideration the resolution I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That on Saturday, May 2, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the purpose of considering private pension bills and bills removing

charges of desertion; and that in Committee of the Whole debate on each bill shall be limited to ten minutes, this time to be divided equally between those favoring and those opposing the bill.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ERDMAN. I object.

SEED DISTRIBUTION.

Mr. ODELL. Mr. Speaker, I desire to present for present consideration the resolution I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, etc., That the Postmaster of this House is hereby authorized to employ not to exceed four assistant laborers, at not exceeding \$3 per day, for such time, not exceeding twenty days, as shall be necessary to distribute and deliver to the members of this House the garden seeds which are arriving in carload lots, and such assistants shall be paid for such service out of the House contingent fund.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. McMILLIN. Mr. Speaker, I know the Agricultural Department has requested members to deliver the labels for seeds, assuring them that they would be filled by the office and mailed without going through our House post-office. Thus far there has been, as far as I am aware, no glut here of the seed or any necessity for the force proposed by this resolution. It may be necessary, but I think it would be better, before consent is given, to refer this matter to the Committee on Accounts for consideration.

Mr. LAYTON. It is entirely necessary, let me say to the gentleman.

Mr. ODELL. The members of the Committee on Accounts who are present have examined the resolution and agree upon the necessity for its adoption.

Mr. COX. I would like to ask my colleague a question.

Mr. McMILLIN. Certainly.

Mr. MEREDITH. My friend, let me say, is mistaken about there being no glut of seed here.

Mr. ODELL. Entirely mistaken.

Mr. COX. The question I would like to ask is this: Was it not understood that if members would send their franks to the Secretary of Agriculture he would furnish them to the parties who were to supply the seed for distribution?

Mr. McMILLIN. I do not know how that may be. I understood that if the franks were sent to the Department the packages of seed would go directly from the Department to the addresses given, and that there would be no necessity for sending them through our post-office here.

Mr. COX. I think my friend is mistaken in that.

Mr. McMILLIN. Mr. Speaker, if it can be shown that there is a necessity for this, I do not propose to stand in the way of it, and therefore I am entirely willing to have it considered, if we can have such a statement made as will show the necessity for its adoption.

Mr. ODELL. I will say that the necessity for the passage of this resolution consists in a desire on the part of a great many members to have the seeds sent to them in bulk, so that they may distribute them as they please. While a great many of the members have sent their franks to the Agricultural Department, yet there are a great many who want their seeds sent to them in bulk, and that requires the sending of the seeds through the Post-Office Department. There are already two or three carloads of seeds awaiting the disposition of the postmaster here now, and others are arriving, which can not be handled by the post-office help.

Mr. McMILLIN. Do I understand that they have been sent to the postmaster here?

Mr. ODELL. They are to be distributed through the House post-office; yes.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. PICKLER. I ask that the resolution to which objection was made, fixing next Saturday for private pensions, be referred to the Committee on Rules.

The SPEAKER. Without objection, it will be referred to the Committee on Rules.

There was no objection.

Mr. PICKLER. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole for the further consideration of the general pension bill.

CONDEMNED CANNON, REEDSBURG, WIS.

Mr. BABCOCK. Mr. Speaker, will the gentleman withhold that motion just for a moment?

Mr. PICKLER. I will withhold it if it is just for a moment.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4992) authorizing and directing the Secretary of the Navy to donate four pieces of

condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis., for use in completing the soldiers' monument at that place: *Provided,* That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSEPH S. BUNKER.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 649) granting a pension to Joseph S. Bunker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Joseph S. Bunker, a soldier in the Southern or Sabine war of 1836, and allow him a pension rated at \$15 per month.

The Committee on Pensions recommended an amendment, striking out "fifteen" and inserting "eight."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. One moment. What war was that?

Mr. TERRY. The Sabine Indian disturbances. By accident this was omitted from the general bill covering these old Indian wars. A number of these old men, I understand, had already been put upon the rolls before it was discovered that they were not provided for in the bill.

Mr. DINGLEY. Is this one of a whole class of men who are not now pensioned?

Mr. TERRY. I do not think there are many of them alive now.

Mr. DINGLEY. This seems to be adopting a new class.

Mr. TERRY. No; this House has been giving relief of this kind for a number of sessions.

Mr. DINGLEY. Has there been any relief given to soldiers serving in this particular war?

Mr. TERRY. Oh, yes; several times. Several bills have already passed. This man is about 80 years old, and if you are going to do anything for him, it is time to do it now.

Mr. LOUD. How many of these bills has the gentleman himself presented?

Mr. TERRY. This is the second one I have presented.

Mr. LOUD. How many more have you got?

Mr. TERRY. I have not any more now.

Mr. LOUD. Will you agree not to present any more?

Mr. TERRY. No; you can not put me under bond in that way.

Mr. DINGLEY. When did that war occur?

Mr. CROWTHER. I should like to ask the gentleman from Arkansas whether he attends the Friday night sessions of the House?

Mr. TERRY. I did while I thought there was any chance of doing anything, and then I quit.

Mr. LOUD. I should like to suggest to the gentleman that there is no room for privates anyway. They spend all the time in pensioning generals.

Mr. TERRY. Well, this man is a private.

Mr. PAYNE. I would like to know, Mr. Speaker, from the gentleman from Arkansas whether there is anything in reference to the history of that war that would justify taking this case up out of the regular order.

Mr. TERRY. I think it is just following the usual order we have been taking, and if it has to wait until we can consider it in the Friday night sessions we will not be able to get anything done.

Mr. DOCKERY. I understand the gentleman wants the bill passed?

Mr. TERRY. I would like to have the bill passed while this man is living.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, I would be glad to consider this bill under the five-minute rule as in Committee of the Whole. I only want to know what war this man served in, and whether he is fairly entitled to be pensioned. Now that, I think, we are entitled to know, and I hope unanimous consent will be given. There is no objection to considering it in the House.

Mr. PICKLER. When?

Mr. CANNON. At any time.

Mr. PICKLER. Not now.

Mr. TERRY. Here is the report. It will explain the whole matter.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pension bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

Mr. TERRY. Mr. Speaker, I hope this will be considered "unfinished business."

The SPEAKER. It seems unfinished. [Laughter.]

PENSIONS.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8271.

Mr. PICKLER. I yield fifteen minutes to the gentleman from New York.

The CHAIRMAN. The Chair does not understand that the gentleman from South Dakota has any time to yield.

Mr. PICKLER. Does the Chair hold that the chairman of the committee has no control over the time?

The CHAIRMAN. Only by consent of committee unanimously obtained.

Mr. PICKLER. It has been done unanimously heretofore.

The CHAIRMAN. The Chair thought the Chair was recognizing members.

Mr. PICKLER. If the Chair is going to assume control of the time, it is a very strange matter that the committee should not have control of it.

Mr. BARTLETT of New York. I ask to be recognized for thirty minutes in my own right.

The CHAIRMAN. Public business will await the pleasure of gentlemen.

Mr. BARTLETT of New York. Mr. Chairman, I ask to be recognized for thirty minutes in my own right.

The CHAIRMAN. The gentleman will wait a moment, until order can be obtained. [After a pause.] The gentleman from New York is recognized for fifteen minutes.

Mr. BARTLETT of New York. Mr. Chairman, I deem it to be my duty to make a few remarks on this general pension bill, in view of the fact that I was made for two or three days the target of villification and abuse during the consideration of the pension appropriation bill in the early part of this session. By the rules of our House, according to our standing rules, every Friday evening is devoted to the consideration of measures in violation of the existing law—that is, to bills for the relief of deserters, and to private pension bills in contravention of the provisions of existing statutes. I do not believe in special legislation. If you wish to provide pensions for the widows of officers, pass a general pension bill. If you wish to provide for a certain class of cases, provide for that class by general statute; but do not by rule devote one evening in a week to the consideration of bills which practically violate the laws upon our statute books.

Now, on one of the evenings in March, when these particular bills were under consideration, the gentleman from Illinois [Mr. CONNOLLY], who addressed the committee, took occasion to attack the leaders of this House, and in speaking of the general pension bill he said, "Why does that bill sleep? Why is no earnest step taken to have it passed?" And then he told us something about the chains which held back the majority. He said:

But there is a power somewhere in this House that is blocking this thing, holding it back; and I insist that with the numbers we have we break the chains that are binding on this side of the House.

Well, gentlemen, if there were any chains holding you back, if there were any fetters binding you from entering upon the consideration and passage of a general pension law such as this, I say it is a great pity for the American people, it is a great pity for our overburdened taxpayers, that these chains are not binding you to-day. That evening was a memorable evening, because a peculiarly objectionable bill was then passed, and that was a bill pensioning a photographer, a man not enlisted, not connected with the Army in any way, not wounded in battle, but wounded, it would seem, by a stray shot, and as to whose disability there was considerable doubt as to its being the result of the shot. That bill was passed, and the President of the United States, on the 21st day of April, vetoed it, saying in conclusion:

It seems to me an extension of pension relief to such cases would open the door to legislation hard to justify and impossible to restrain from abuse.

The passage of that bill furnishes an apt illustration of the danger of passing private pension bills enlarging the scope of our pension laws without full and careful consideration and examination. Now, we have devoted several days to the consideration of this general pension bill, and it has come before the House in its amended form free from some of the gravest objections to the original bill; but the bill to-day remains as it was in its inception, a bill for the relief of deserters, a bill for the relief of ex-Confederates, and a bill to remove the requirement of dependence of the widow which is found in the act of June 27, 1890.

Now, Mr. Chairman, I believe in giving full, fair, and adequate pensions to the men who were disabled or wounded in the Union service in the line of duty, and to the widows of such men. I believe that they can not be too fully paid. Moreover, I am willing that the act of 1890 shall remain as it stands upon our statute book. But, gentlemen, I tell you there is a sentiment in this country, there is a feeling among the intelligent people, among the very masses throughout the United States, against the further enlargement of the pension laws, against the enlargement of the dependent pension act of June 27, 1890. We have listened for several days to bombastic and turgid oratory. We have listened to gentlemen who would fain make you believe that there never had been any patriotism in any country until the breaking out of our civil war. From the earliest times, Mr. Chairman, from the time of prehistoric man, patriotism has been found among all peoples, and I would be the last man to fail to give the full meed of praise to the patriot and the soldier who dies for his country. You remember that one of our greatest poets, after speaking of the terrors of death, says:

But to the hero, when his sword
Has won the battle for the free,
Thy voice sounds like a prophet's word,
And in its hollow tones are heard
The thanks of millions yet to be.

I believe, sir, that by every man who fell fighting for his country in our civil war, as in every other patriotic struggle, the thanks of millions yet to be could be heard in his death knell. [Applause.] But, sir, that is not the question before the committee to-day. It is no question of giving money, of granting full and adequate pensions to the men who were slain on the battlefield, to the men who were wounded on the battlefield, to the men who incurred disease or disability in the service in the line of duty.

What is it that you propose to do? Not to extend the operations of the dependent pension act of June 27, 1890, to the deserving; not to extend the scope and operation of that act to those who would fairly come within its existing provisions. But it is proposed here deliberately, in the year 1896, thirty-one years after the close of the war, to impose upon the people an added burden of five or six millions per annum in order to pay what? To pay largess, to pay bounty to the men who were base enough, after having fought under another flag, to become mercenaries under the flag of the United States. I respect, I admire every man who fought only under the Union flag. I respect every man who fought only under the Confederate flag. But I have no respect, I have no admiration, I have only contempt for the men who, having fought under one flag, were base and cowardly enough, either from fear or for purposes of gain, to seek refuge under the opposite banner; and I believe that that feeling is entertained by many gentlemen on the other side of the aisle.

I do not believe that you as a whole, gentlemen, desire to pension the ex-Confederates, who are not entitled to your respect and who never should receive the respect of the men on this side of the House. Have we not done enough for the ex-Confederates already? We began with a very wise provision. Section 4716 of the Revised Statutes, passed, if I mistake not, first in 1862, reenacted in 1864, and then again reenacted in substance in 1873, provided that—

No money on account of pension shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner engaged in or aided or abetted the late rebellion against the authority of the United States.

Was not that a wise and proper provision of law? And yet on the 3d day of March, 1877, we modified and amended or practically repealed the operation of that section, so as to let in the ex-Confederates who had been wounded or disabled in the line of duty in the service of the Union. The act of 1877 provided that this section 4716 should not be construed to apply to such persons as afterwards voluntarily enlisted in the Army of the United States, and who, while in such service, incurred disability from wound or injury received or disease contracted in the line of duty. Was not that amendment sufficiently broad? I call the attention of the committee to the fact, which appears by the report of Assistant Secretary of the Interior, John M. Reynolds, that when a man was compulsorily forced to enlist in the Confederate army he is allowed, under the existing construction of the law, to receive a pension.

What is the next objectionable feature in this bill? But before I go on to discuss the special provisions of the bill I will ask the Chair what time I have remaining.

The CHAIRMAN. The gentleman has two minutes remaining. Mr. BARTLETT of New York. Did I not have thirty minutes, Mr. Chairman?

The CHAIRMAN. The gentleman had fifteen.

Mr. BARTLETT of New York. I understood that I was allowed thirty minutes.

The CHAIRMAN. The Chair stated to the gentleman that he was recognized for fifteen minutes.

Mr. BARTLETT of New York. I did not so understand it, and I now ask the gentleman from South Dakota to give me fifteen minutes more.

The CHAIRMAN. The gentleman from South Dakota has no more time.

Mr. BARTLETT of New York. Then I ask unanimous consent that I be allowed to proceed for fifteen minutes.

The CHAIRMAN. The gentleman from New York [Mr. BARTLETT] asks unanimous consent that he be allowed to continue his remarks for fifteen minutes. Is there objection?

Mr. GIBSON. Mr. Chairman, I desire to know if there is any limit upon any member except by the rule of the House which allows each member one hour?

The CHAIRMAN. There is no limit unless the gentleman makes an agreement with the Chair or is recognized by the Chair for a certain length of time.

Mr. PICKLER. Will the Chair recognize members of the committee when they wish to speak?

The CHAIRMAN. The Chair will endeavor to recognize members of the committee when they express a desire to be recognized.

Mr. PICKLER. I did not know whether you would or not. [Laughter.]

The CHAIRMAN. The question is on the request of the gentleman from New York [Mr. BARTLETT] for unanimous consent that he be allowed to proceed for fifteen minutes. Is there objection?

Mr. PICKLER. I object.

The CHAIRMAN. Objection is made.

Mr. PICKLER. I object for this reason: There are a great many members who desire to be heard on this bill, and the Chair has already given a good deal of time to gentlemen who are not members of the committee, and—

The CHAIRMAN. Is there objection to the request of the gentleman from New York that he be allowed to proceed for fifteen minutes? [A pause.] The Chair hears none.

Mr. BARTLETT of New York. Mr. Chairman, I say that if we further extend the scope and operations of the pension act of 1890, we break faith with the people of the United States; we break that faith which was pledged to them when the act of 1890 was passed by the Congress of the United States. Of course it was a somewhat singular proposition to enlarge the scope of pension legislation, then beyond that which had ever found favor in any other country in the world; for I believe that I am accurate when I state that there is no such pension act as the dependent pension act on the statute books of any other country in the world, and no such measure has ever found favor or advocacy in any other country in the world.

It was a measure to enlarge pension legislation so that it would include hundreds of thousands of new applicants, so that it would involve an additional burden upon the people of the United States of millions and millions of dollars per annum, and in favor of whom? In favor, not of those men who, according to the words of the gentleman from Illinois [Mr. CONNOLLY], bore the heat and burden of the fray, but men who were only ninety days in the service of their country, many of them. At the time of the passage of that bill it was stated by Senator DAVIS of Minnesota, who had charge of the measure in the Senate, that the whole additional burden or cost would be only some \$35,000,000, and that estimate in debate was increased only to about \$40,000,000. What has been the practical result? That we are paying \$61,000,000 per annum. This very year we are paying \$61,000,000 or more to men or women who have filed applications under the provisions of the act of June 27, 1890. And now you propose to enlarge that act, as I have said, in favor of the deserter, in favor of the ex-Confederate, in favor of the woman who does not need a pension, and the result will be an additional burden of some five or six millions of dollars.

Among the objectionable sections of this bill is the first section, which gives to ex-Confederates the benefit of the provisions of the act of June 27, 1890, and which repeals section 4716 of the Revised Statutes and the amendatory act of March 3, 1877. I may say in passing that not one of these sections has any merit. They are either declaratory of the law as construed by the Pension Bureau, by the Interior Department, or they are pernicious in their purpose and intended operation.

The third section is objectionable, because it assumes that our efficient Commissioner of Pensions, General Lochren, who I believe is a fair, honest, and able administrator of his office, and further, that his chief, the Assistant Secretary of the Interior, Mr. Reynolds, and the Secretary of the Interior himself, Mr. Hoke Smith—that each and every one of them has improperly administered the existing pension laws. It assumes that all the cases, going back to a somewhat arbitrary date, January 7, 1893, should be reopened, that they must be reopened; and by that assumption we virtually hold that the cases already decided have been dishonestly and unfairly decided. Now, without some reason, Mr. Chairman, without some argument, without some

clear evidence and proof, I do not believe that it is fair to attack the administration of any Department of this Government.

The most objectionable section is section 13, which alters the act of 1890 in this respect: It makes an honorable discharge no longer necessary. It says in substance that it matters not whether a man was a deserter, whether he ran away and enlisted again for merely mercenary reasons and received a bounty jumper's reward. Give him a pension; let him come in; let the coward and the deserter receive the benefit of our enlarged pension laws! It provides that a pension shall be received under the act of 1890, notwithstanding what? The words "dishonorable discharge" are a little too severe, but the substance is couched in more euphemistic language:

Notwithstanding a prior service from which the person on whose service the claim depends was not honorably discharged.

Not "dishonorably discharged," but simply "not honorably discharged." And so we are asked to let in all the bounty jumpers, all the deserters, provided they hoodwinked the authorities, and, having enlisted under their own names, made a subsequent fraudulent enlistment and served their ninety days. Give such men the benefit of our pension laws! Why, gentlemen, I think the proposition is too monstrous even to find favor with the most extreme advocate of the enlargement of our pension system.

Mr. WATSON of Ohio. Suppose a man was forced to join a Southern regiment, but was a Union man, and at the first opportunity had deserted and enlisted in the Union Army. Will you provide him a pension?

Mr. BARTLETT of New York. In answer to that question, Mr. Chairman, I shall call the attention of the gentleman to the fact that in *Lougee's appeal* (7 Pension Decisions, 586) it was announced relative to service in the Confederate army as affecting right to pension under act of June 27, 1890:

That where there is a record of service in the Confederate army, whether by conscription or otherwise, such record failing to show whether such service was voluntary or involuntary, it will be presumed that service was voluntary; and while such presumption may be rebutted, the burden of proof is on him to show that such service was not voluntary.

That, it will be conceded, is perfectly proper. Now, I go on to read the next section:

Where it is shown that a claimant voluntarily engaged in or aided and abetted the rebellion, his claim under the act of June 27, 1890, should be rejected under section 4716, Revised Statutes; but where it is shown that a claimant's service was wholly compulsory, who was conscripted into the Confederate army, he is excepted from the operation of section 4716, Revised Statutes.

Mr. WATSON of Ohio. I ask for the gentleman's individual opinion.

Mr. BARTLETT of New York. In cases where a man was forced into the Confederate service, I have no objection.

Mr. WATSON of Ohio. Where you can discriminate that class from the other class you have been describing?

Mr. BARTLETT of New York. Where you can not discriminate, no pension at all should be paid.

Mr. WATSON of Ohio. Does the gentleman think that no pension should be paid to men who deserve a pension who were forced into the Confederate army?

Mr. BARTLETT of New York. What I say is that where a man can show that his service was compulsory, not voluntary—that he was forced into the Army—let him have the pension. But where, as in ninety-nine cases out of a hundred—yes, I may say as in nine hundred and ninety-nine cases out of a thousand—the service was entirely voluntary, no pension should be paid to the man under any circumstances; and I claim that the act of March 3, 1877, giving such man a pension when wounded or disabled in the line of duty is radically wrong and absolutely improper.

Mr. PICKLER. Will the gentleman yield to me for a question?

Mr. BARTLETT of New York. Certainly.

Mr. PICKLER. The Mexican soldier who was drawing a pension and who went into the Confederate army had his pension stopped under that section for a time; the soldier who served in the Indian wars and who was drawing a pension and afterwards went into the Confederate army had his pension also stopped for a time; and so of the Navy as well as of the Army. Now, there have been five different acts of Congress with reference to these matters restoring these pensions. Let me ask the gentleman from New York, then, why should he treat the Union soldier differently or with less consideration than he is willing to give to the soldier of the Mexican war or the Indian wars?

Mr. BARTLETT of New York. I am not in favor of treating the soldier in any war in any different manner. I favor treating all alike, and if improper laws have been passed by the Congress of the United States in the past it is not within my power to revise them all to-day.

Mr. PICKLER. But take the case of a man who served in the Confederate army and afterwards went into the Union service and was disabled and injured in the defense of the Union. I would like to ask the gentleman why he would treat him differently from the Mexican war soldier or any other soldier?

Mr. BARTLETT of New York. I have never voted to treat the soldier of the Mexican war in the way the gentleman refers to.

Mr. PICKLER. But do you object to that principle? Can you say that a man who served in the Confederate army and afterwards went into the Union service and became disabled is any less entitled to the pension than the man who served in the Mexican war and afterwards went into the Confederate service and had his pension restored?

Mr. BARTLETT of New York. If such a thing was done with reference to the other wars in which this country was engaged it does not make it right to repeat the wrong in this case. It is clearly wrong, clearly improper, and I do not advocate any such provision in any statute.

Mr. MILNES. Will the gentleman allow me a question?

Mr. BARTLETT of New York. I have but a very brief time, and will yield to the gentleman for a question but not an argument.

Mr. MILNES. Only a question. The gentleman made a statement a moment ago, if I understood him aright, that an honorable discharge had been made unnecessary under this bill. Does the gentleman pretend to say that that is one of the effects of this bill?

Mr. BARTLETT of New York. I say a second discharge, if an honorable discharge, is held sufficient to wipe out a previous dishonorable discharge. I contend that a previous dishonorable discharge ought to be sufficient to keep a man off the pension rolls at any time and for all time.

Now, Mr. Chairman, in conclusion, we have in this bill a provision of law which removes the necessity for dependence on the part of the widow, and provides that a widow who has an income of \$300 a year can receive an additional pension of \$96, when her sister, with no income whatever, is given but \$96. That, I say, is unjust and manifestly unjust.

The bill changes the provision of the law of 1890 in three essential particulars. First, it lets in an enormous class of ex-Confederates to the pension roll who should never receive a dollar from the public Treasury. It further enlarges the law in this respect, that deserters—men who were dishonorably discharged from the service of the United States—may be restored to an honorable condition and receive a pension, and it further enlarges it so as to benefit a class of widows who do not need the benefit of the pension laws.

Now, Mr. Chairman, I want to testify to the pleasure and appreciation with which I have read the remarks of my colleague [Mr. McCLELLAN], from the city and State of New York. I honor the distinguished gentleman; I honor his courage and manliness and ability, and although I could not help noting the ridiculous criticism made upon him by a gentleman from another part of the State of New York—from the city of Buffalo—that criticism will be received either with utter indifference or with contempt.

Mr. MAHANY. Will the gentleman yield for a moment?

Mr. BARTLETT of New York. Certainly.

Mr. MAHANY. I understood the gentleman to say that I made an attack on my colleague from New York?

Mr. BARTLETT of New York. In your remarks, if they were correctly reported in the RECORD, you said you were sorry to see the son of so distinguished a general blocking the path of justice for the veterans of the late war.

Mr. MAHANY. Does the gentleman construe that into an attack?

Mr. BARTLETT of New York. I should say it was an attack.

Mr. MAHANY. The gentleman is entitled to his construction of the language.

Mr. BARTLETT of New York. I should certainly call a charge that the gentleman was blocking the path of justice an attack, notwithstanding the gentleman tells us that he is an inheritor of the splendid and inspiring possibilities of this Republic. [Laughter.] Now, most people are the inheritors of actualities. Most people do not inherit possibilities. I do not know of any law, either physical or legal, by which a man can inherit mere possibilities.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Ohio is recognized for ten minutes.

[Mr. GROSVENOR addressed the committee. See Appendix.]

Mr. KERR. Mr. Chairman, it has never been so difficult to secure a pension, and especially an adequate pension, as during the last three years. The Republican party in its years of power provided just and liberal pension laws, and while the executive and administrative officers were of its choosing no serious complaint was made against the Pension Bureau.

The unholy crusade against the old soldiers of the Republic by this Administration was not accidental in its origin nor purposed to secure needed reforms. It was begun designedly, with premeditation and malice aforethought. From beginning to end its infamous course has not been relieved by one redeeming quality.

The first message of the present President invited the attack,

and in the very organization of his Administration the batteries of the Government were trained on the broken and decimated ranks of the boys in blue, upon the remnant of the once grand army, upon the remnant of the once magnificent legions of Grant and Sherman, that bore the old flag through sunshine and storm, in victory and defeat, from Philippi to Petersburg.

The appointment of the gentleman who presides over the Interior Department created an atmosphere in which patriotism itself has withered and made impossible a just administration of the pension laws. He was and is a post bellum Confederate civilian, and I do not use the word Confederate as a term of opprobrium. I admire and honor courage wherever it is displayed. I do not forget that 500,000 Americans fought in the Southern army for Southern homes and firesides, for what they believed to be right, and with a valor and heroism that made glorious and immortal the victory of the Union arms.

If a Confederate soldier had been appointed to administer the Interior Department I believe justice would have been done the Union soldiers. I conceive that it is not from this quarter that danger comes or is threatened, but rather from such cold-blooded civilians as the Secretary of the Interior and the gentleman from New York [Mr. BARTLETT], whose unreasonable and unpatriotic attack upon the pension appropriation bill is still remembered.

It would have been a most fitting thing, it would have more than half redeemed his fame, had the President appointed a Union soldier as Secretary of the Interior. It would have been proper had he appointed a Confederate soldier; one who, in good faith, had accepted the results and settlements of the war. But he appointed neither. He appointed a man who, no doubt, is patriotic in the ordinary qualities of that term and in the ordinary duties of office and citizenship, yet who was wholly unfit for one of the great duties of his position, namely, the administration of the Pension Office, because he had imbibed all the prejudices of his section against the Union cause and those who battled for it, and had not those prejudices softened and neutralized by the chivalry and comradeship which inheres in every soldier whether he marched under "Old Glory" or the Stars and Bars.

The President at the beginning of this profited much by the experience of his first Administration. He found vetoing private pension bills too slow for his sanguinary temperament. By that process the mortality of his attacks was limited by the number Congress attempted to put upon the roll. So he organized a machine—a bloodless but merciless guillotine—and for more than a year, and until an outraged public sentiment compelled the slackening of its operations, the old heroes were cut down right and left.

In the last three years ingratitude, "more strong than traitor's arms," has broken the hearts of thousands of soldiers and sent hundreds of them to their graves, their service and sacrifice unrequited. What a stain upon the Republic the rejection of a soldier's claim because, forsooth, according to the strictest letter of the law, he could not show whether the shock to his constitution, the drain upon his vitality, which had made him an old man while he was young, was received at Bull Run or Shiloh, at both of which places, fresh from home, he breasted the fierce waves of battle like a veteran; whether he got it in the dark cedars of Murfreesboro or in the storm of death at Vicksburg; whether in the tangles of the Wilderness, by the stone bridge at Antietam, or in beating back the tide of treason at Gettysburg; in scaling the slopes of Lookout to fight above the clouds with old Joe Hooker, in the sweep up and over Missionary Ridge, or with Sherman in his immortal march to the sea—the blood of Caesar must be produced to prove that Brutus struck, or no. The venue, the place, the when, the time, has undone thousands of soldiers who were in the Army from Mill Springs to Appomattox. These men, victorious on a score of battlefields, have fallen before the invincibility of the impossible. In all reason, what difference is it whether the disability was incurred in '62, '63, '64, or '65? The ancient doctrine of venue and time was never so strictly enforced as in the Pension Bureau under this Administration. The obstacles erected in the pathway of the soldiers have wrought the desired result. Let me prove it.

During the last year of Harrison's Administration there were granted under the act of 1890, 62,291 invalid pensions, and under Cleveland's 8,810. During the last year of Republican rule there were 36,917 widows' claims allowed, and under the first year of this Administration 16,026.

But let us look at the adjudications under the old law. During Harrison's last year in office there were granted 10,233 invalid pensions, and in President Cleveland's first year 6,129. During the last year of Republican Administration 7,295 widows' claims were allowed, and during the first year of this Administration 4,225.

As I have intimated, these figures demonstrate not only a result, but a change in the system and practice in the Pension Office. In these figures we see the cause and ground of the discontent

which has prevailed among the soldiers, and which has aroused patriotic resentment and protest all over the country.

Let me dwell a moment longer on this point. Of the 1,443,666 pensions thus far allowed, 1,234,349 were granted by Republican Pension Commissioners. Of the thirty-three years since this Bureau was created the Democrats have controlled seven years and the Republicans twenty-six years, or in other words, substantially one-fifth of the time has been under Democratic Administration and four-fifths under Republican. Now, what does all this show? That the Democrats have held the Pension Office one-fifth of the time and have granted less than one-seventh of the pensions.

In this brief history we get some idea of the diluted and adulterated patriotism of the present Administration. If the pension laws were administered with that patriotism and fidelity to duty which characterized the service of the soldiers to the country no complaint would ever reach the Pension Office. [Applause.]

The report of the Pension Commissioner shows that there were sent out during the last year 142,289 "credibility witness letters," or an average of 474 per day, or 59 per hour, or about 1 a minute. These letters seek and invite information, or rather opinions, upon which to reject affidavits and evidence filed by soldiers to establish their pension claims. This proceeding is contrary to the whole course and spirit of legal investigation in every American tribunal save in the Pension Office. The answers to these letters are not under oath, and not required to be. Under this system a small postmaster at a crossroads may strike down and annihilate the evidence of half a dozen reputable citizens.

A wise man once said that the common law was the perfection of reason, and as near as a human institution can be it is. It has preserved Anglo-Saxon liberty for many centuries. The three main pillars in this temple of jurisprudence are, first, an impartial tribunal; second, the right to a clear and truthful statement of the charge; and third, the right to face and cross-examine the witness by which the charge was to be sustained. Every one of these fundamental principles has been violated in the organization and practice of the Pension Office.

In a civil suit a contention between litigants in a court of justice about property of smallest value no evidence is received except it be under oath. No evidence will be admitted unless the adverse party has or has had an opportunity to cross-examine the witness. Now, take this time-sanctioned and time-seasoned system, the crystallization of the wisdom of centuries, the product of the most enlightened system of jurisprudence in the world, and put over against it this modern method of character assassination, and we have some conception of the monstrous injustice which has been practiced against the soldiers.

An applicant's witnesses are destroyed, and he knows not from whence the blow proceeded. Three or four or five good citizens may be blackened and their evidence rejected upon the tale of a small politician told to satisfy his private malice or under the delusion that he is doing God's service in helping the Democratic party. There is no system of jurisprudence so barbarous but that it would be dishonored by this proceeding and practice.

It is simply a proceeding by which witnesses are impeached—that and nothing more. In every State in the Union, whether its practice is statutory or under the common law, the impeachment of a witness is a matter of grave importance; it proceeds with that formality and solemnity befitting its importance and the results. That is true not only in this Republic, but in every country where Anglo-Saxon institutions have been erected, and has been for five hundred years, save only in the Pension Office. To brand a man as a perjurer is a solemn thing; to deprive a man of his property or a right upon the assumption that his witnesses are false is a monstrous thing unless it is done by due course of law.

From the old days of Coke to this year of grace the legal and constitutional *modus operandi* of impeaching a witness has been fixed and clearly defined.

The first requisite is that the party whose credibility is to be attacked has the right to face the witnesses and cross-examine them. Again, although it may never have been written in the law, yet it is the unwritten rule that unless a certain number testify against his credibility the impeachment fails.

The second requisite is that the impeaching witnesses must live in the vicinity—the neighborhood—and be acquainted with the general reputation of the witness to be impeached as to truth and veracity. This testimony must not be predicated on particular transactions nor be the product of personal controversy or contention. To sum it all up, it must be what neighbors say and think of an individual's credibility, and not the private opinion of the witness. This salutary rule is wholly disregarded, and upon private and personal opinions testimony is rejected and affiants branded as perjurers.

But still again, in illustration of the obstacles thrown in the way of the soldiers in the Pension Office. The form required in taking evidence, in making affidavits, is onerous and unreasonable. Order No. 229 makes the pensioner's road a hard one to travel, and

I have no doubt it was so intended. No court, no matter what the issue—millions may be staked on the result, life or death may turn upon the judgment, yet whenever an affidavit is competent evidence the certificate of the officer that the affiant was duly sworn (and in some States that he is a credible person) is all that is required to admit it in evidence.

Order 229 reads as follows:

[Order No. 229.]

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., June 19, 1893.

In the preparation of testimony in support of claims in pension cases all statements affecting the particular case and not merely formal must be written, or prepared to be typewritten, in the presence of the witness, and from his oral declarations then made to the person who then reduces the testimony to writing, or then prepares the same to be typewritten. And such testimony must embody a statement by the witness that such testimony was all written, or prepared for typewriting (as the case may be), in his presence, and only from his oral statements then made; stating also the time, place, and person, when, where, and to whom he made such oral statements, and that in making the same he did not use, and was not aided or prompted by any written or printed statement or recital prepared or dictated by any other person and not attached as an exhibit to his testimony.

Any needless delay in the preparation of such testimony after such oral statement by the witness or in forwarding the same to this Bureau and any material alteration or erasure will be cause for rejecting such testimony.

WM. LOCHREN, Commissioner.

Approved:

HOKE SMITH, Secretary.

I object to this regulation especially because it carries with it the suggestion that the soldier and his comrades will commit perjury unless they are so hedged about as to render it impossible. The soldier and his comrades are slandered by inference—they are branded as unworthy of belief unless by form and regulation; every opportunity to prevaricate is cut off and their premeditated crime frustrated. This, in my judgment, is infamous. But still more infamous is another practice. The evidence—and I use the word evidence in this connection as a term of convenience merely—secured in response to these witness credibility letters is filed away in secret archives. Access to it and knowledge of its import is denied the applicant. His claim is rejected and his witnesses declared unworthy of belief upon this character of testimony, upon information which he has never seen or heard, which he has had no opportunity to combat, deny, or explain.

The Pension Office indulges in presumptions against the soldier which should not obtain, and it declines to act upon presumptions in his favor which obtain in every system of enlightened jurisprudence. It has refused over and over again to presume a party dead whose absence ran into twenty, thirty, and forty years without tidings. It has presumed disabilities the result of vicious habits if proof was not furnished to the contrary. The equitable presumptions that good is to be presumed rather than evil, that a man's character is presumed good until it is proven bad, and that he is not to be found guilty of an immoral or infamous offense or habit without proof are wholly disregarded, although there is no place in the world where the flowers of justice and equity ought to find a more congenial soil in which to bloom than in the Pension Office. As it is now, if any bloom there they are exotics.

The law ought to be amended as to the widows of soldiers. Especially should we treat tenderly and liberally the war widows—they who kept safely the little flocks around the sacred hearthstone of home while the husband and father was battling for our country. How long shall they be compelled to exhaust the philosophy and science of pathology and sequence before a few paltry dollars from the nation's riches shall go to supply their needs and make physically comfortable for them the sunset slope of life?

This pension administration has employed assiduously and applied harshly the accumulated and refined science and mystery of all the generations of Esculapius to break the threads of proof stretching from the soldier's grave to "the weary marches, the hospitals of pain, the prison pens, and the fields of battle."

It ought, instead, to call into requisition the hundred eyes of Argus and the hundred hands of Briareus to find the broken strands and tie them. This narrow and technical construction of the pension laws is against the clearly defined and often expressed sentiment of the country.

The nation's appreciation of their service and its gratitude to the Union soldiers have been manifested in a hundred ways and more. The battlefields upon which they fought have been marked by monuments, and so far as cold marble can enshrine it the story of their heroism and patriotism will descend until these splendid memorials crumble to dust. Their bones have been gathered from fields swept with the storm of battle and laid in consecrated ground to sleep the ages out. Splendid homes have been built in which the old heroes can live in peace and comfort until they are mustered out to join the comrades on the other side. The great captains, wrought in stone and marble, keep sentinel watch upon the streets of the capital. On Memorial Day, amid the perfume of flowers and the sweet incense of beautiful speech, a nation lays upon their graves its tribute of thankfulness and love. This day, in a civic sense, is the most sacredly conspicuous of any in the

calendar of the nation. It is a day of remembrance and reverence, all for the dead, and yet all the wealth of speech and eulogy, all the tribute of beautiful flowers and tears, can not throw a ray of light into the green tents in which they sleep nor add a shade of luster to their immortal fame. For them the chapter is ended, and their names are inscribed among the immortals. [Applause.]

How much more, then, should we do for the living. Lincoln was the embodiment and personification of grateful patriotism, and when he said it was the first duty of the redeemed country to take care of those who had borne the brunt of battle, their widows and orphans, he forced into a single sentence the most sacred obligation of the century. In that "dread tribunal where laws are silent and nations appear in arms for judgment" these men wrested liberty and republican government from the hands of those who would destroy them, and placed both beyond the reach of the iconoclastic hand of treason.

For three thousand years Thermopylae stood the highest headland in martial glory. The bloody angle at Gettysburg will stand above Thermopylae like a mountain above its foothills for the next three thousand years. [Applause.]

The sweep of Farragut up the Mississippi sinks into insignificance the maritime victories of Nelson and Decatur and the Greeks at Salamis.

The charge of the six hundred is embalmed in Tennyson's poem, but the charge of Pickett at Gettysburg will go down the centuries as the highest exhibition of courage and heroism in the annals of warfare. [Applause.]

Mr. Chairman, the day this Republic refuses or neglects to care for its soldiers commensurate with their deserts, that day will mark the beginning of its decadence. Let us avert that day by passing this law, and thus compel a fair and liberal administration of the pension laws. As for myself, if I should live so long and have a vote, I shall continue to the end to vote liberal pensions to the old soldiers until the last one has joined his comrades on the other shore.

If the opportunity presents itself, I shall vote against the proposition in regard to deserters. [Loud applause.]

Mr. MILES. Mr. Chairman and gentlemen of the committee, it had not been my purpose to participate in this discussion at all, and therefore what I say will be couched in such language as may come to me as I proceed with my remarks. In the beginning of this session I was assigned to the foot of the table in the Invalid Pensions Committee room as one of a minority of four Democratic members. We have tried in the discharge of our duties as members of that committee to be as fair, as patriotic, and as liberal to the old soldiers of the country as a proper sense of our obligations to them and to our constituents would justify. But, because of the fact that I was born in a State ordinarily classed as a Southern State, and came from a people—I desire to state it frankly—who in the "late unpleasantness" sympathized with Lee and Jackson and the followers of those commanders in the South rather than with the followers of McClellan, of Sherman, and of Grant, I thought it perhaps indelicate that I should stand upon this floor, though born only a short while before somber war clouds were dispersed, to discuss questions of pension legislation for the Federal soldiers.

But as I know my heart and my conscience, Mr. Chairman, I have tried to put those things behind me; I have tried to recognize the fact that a brave and true and really good and "sure-enough" Union soldier is entitled to the benefit of liberal pension legislation by this now reunited country, and I have endeavored to act upon that theory. However, as I have intimated, I should not have participated in this discussion at all but that I have been provoked to do so by the course of this debate. Mr. Chairman, it is not true that this side of the House has dragged politics into this discussion. I call upon any member on the other side to point to one word of violent partisanship that has fallen from any Democratic member of the Invalid Pensions Committee or from any member on the Democratic side of this Chamber in discussing this question. But can as much be said of gentlemen on the other side? I desire to read at this point an extract from the brief remarks of the gentleman from New Jersey [Mr. STEWART] on this bill. He said:

I do not desire to influence the passions of party or draw invidious distinctions, but are any so blind as not to see that every obstacle is offered by the Bureau of Pensions and the Democratic Administration to the allowance of the just claims of the worthy soldier?

And then comes a remark which, if nothing else had been said by him or by other gentlemen on that side of the Chamber, would have goaded me into participation in this discussion:

Why are gentlemen on the other side so silent when a bill like the one under discussion, against which they offer no cohesion, is up for consideration and passage?

I do not know what the gentleman means by "cohesion"—Mr. STEWART of New Jersey. If the gentleman will permit me, that is a misprint; it should be "criticism."

Mr. MILES. Well, I do not stand upon verbal criticism. It is the thought which I think the gentleman intended to express in

this language that I ask attention to, and not this mere word "cohesion," which, of course, in this connection, means nothing. The gentleman goes on to say—

Does their love for the old soldier restrain them, or rather do not considerations of settled opposition and indifference prevail?

Mr. Chairman, when the gentleman on the other side made that remark only one member on the Democratic side had addressed this committee, and that was the gentleman from New York, Mr. McCLELLAN. What has been said on this floor of the remarks of the gentleman from New York, who up to this time stood alone on his side of the Chamber in breaking that silence which the gentleman from New Jersey accepts as an evidence of opposition or indifference? I appeal to the fair-minded members of this House, without regard to party affiliations—I appeal to them to point to one remark made by the gentleman from New York in his discussion of this question which could be properly criticised as partaking of undue partisanship, or as tending to drag politics into the debate. And yet, sir, I regret that a veteran member of the Republican party, a distinguished member of the Judiciary Committee of this House, a man who, therefore, ought to be calm and judicial in the discussion of public questions, when he took the floor chose to make a violent attack upon this son of a gallant Union commander, a brilliant, cultured, patriotic, generous, and manly young American, who first saw the light of day after the war had closed.

I think, Mr. Chairman, that when the gentleman comes to revise those remarks (for they are not yet in the RECORD) he will not be content that the fair-minded soldiers of his district shall see that harsh, unjust, ungenerous, and unmanly criticism of the son of George B. McClellan. Here are the gentleman's remarks. I have them as taken down from his lips. Just here, Mr. Chairman, I desire to say I take it that the distinguished gentleman who presides over the deliberations of this body saw nothing in the character, education, training, or history of young McCLELLAN to unfit him for this kind of work, to wit, the work of pension legislation, or else he would not have assigned him to duty upon the Committee on Invalid Pensions.

And yet, Mr. Chairman, this man, advanced in years, who ought to be conservative, who ought to be deliberate, who ought to measure his words, who ought to know and appreciate the force of the English language, says—what, Mr. Chairman?

When I reflect upon matters that are within my memory, but are not within his, the name that he bears brings back to me the recollection of a reason why the gentleman may be presumed to be hostile to this measure and every other measure that may be introduced here for the benefit of the Federal soldier surviving the war of the rebellion.

But that is not all, Mr. Chairman. I read further from his remarks:

Because I remember, sir, in 1864, after a gentleman had been long leading a portion of the armies of the Republic and withdrew from that leadership, the next I heard of him was raising the white flag of truce and beckoning to South Carolina and her confederates—as the gentleman from New York yesterday beckoned to the gentleman from South Carolina to support him—beckoning to them and saying, "Hold on for a time, and we will help you in your work."

Here is an unmanly, ungenerous, indecorous, and unpatriotic assault upon the memory of as patriotic a soldier as ever fought in the war of the rebellion, made in the absence of Mr. McCLELLAN from the floor of this House; made not only against the memory of a deceased soldier, but made against his distinguished, manly, and high-souled son, who was born after the great surrender at Appomattox had closed the greatest epoch in American history.

Mr. Chairman, I do not mean by my earnestness in this matter to manifest any temper, ill will, or unkindness toward the gentleman from Illinois, because of these imprudent remarks; but what I do mean, Mr. Chairman, is to protest with all the vehemence of my nature against this unjust attack upon a distinguished soldier and his equally distinguished son.

Now, Mr. Chairman, there were some other things said by the gentleman from Illinois to which I might refer, but I should consume all of my time in a review of his speech if I were to attempt to do so. He undertook to give credit to the Democratic party for the Mexican war. As a Democrat, I accept the responsibility cheerfully, Mr. Chairman. I take it, however, that if Ulysses S. Grant were living he would protest against giving credit to the great men of the Democratic party alone for all the honors of Chapultepec, Buena Vista, and Monterey. But if the gentleman repudiates the honors of that war so far as the Republican party is concerned, I say to him we glory in accepting the responsibility for the making of that war, exult in the results of that great conflict, and are proud of the luster it reflects upon the pages of American history.

Mr. GROSVENOR. I want to ask the gentleman if he has read General Grant's discussion of the cause and necessity for the Mexican war in his memoirs?

Mr. MILES. There are a great many things which I have up to this time not read, but which when I shall have lived to the

mature age of the gentleman from Ohio I shall have read. I find, Mr. Chairman, that the gentleman from Ohio has a great deal of information upon a great many subjects which I do not claim to possess. But that has nothing whatever to do with the point I was trying to make.

Mr. GROSVENOR. You were speaking about what General Grant would say, and I asked you if you had read what he did say.

Mr. MILES. What I said was that Grant would not be willing to concede that all the glories of the great battles of the Mexican war should be reckoned up by the historian as belonging to the Democratic party alone.

Now, Mr. Chairman, as to the late war, I do not want to enter into a discussion here upon that subject, for if I should do so I should fall into the same error as the gentleman from Illinois. I do not want to enter upon a discussion as to who was responsible for the making of the "late unpleasantness;" but, Mr. Chairman, when that war came on all of the soldiers of the Union Army whose careers reflected renown upon American history were not members of the Republican party. I will ask if my friend from Ohio ever heard of the distinguished volunteer soldier General Steedman?

Mr. GROSVENOR. I served on his staff, and served with him for two years.

Mr. MILES. A better Democrat never breathed the breath of life, and, I may add, the gentleman from Ohio was never before or since under more excellent leadership.

Mr. GROSVENOR. Nor a better soldier.

Mr. MILES. And no better soldier ever lived.

Mr. HEPBURN. Will the gentleman permit me?

Mr. MILES. I do not want to yield further.

Mr. Chairman, no general in that war ever won a more splendid victory than did Steedman at Chickamauga. But the Democratic roll in the late war is a long and illustrious one. It includes the names of Rosecrans, Sigel, Hancock, Kearny, Schofield, Slocum, George H. Thomas, Bragg, and Farragut, not to mention George B. McClellan. Referring once more, Mr. Chairman, to General McClellan's sentiments on the question of the late war, and as a better refutation to the charges made against his memory than any that I could hope to make, I shall send to the Clerk's desk his letter of acceptance of the Democratic nomination in 1864, and ask that the marked passage be read as a part of my remarks.

The Clerk read as follows:

* * * The effect of long and varied service in the Army during war and peace has been to strengthen and make indelible in my mind and heart the love and reverence for the Union, Constitution, laws, and flag of our country impressed upon me in early youth. These feelings have thus far guided the course of my life and must continue to do so to its end.

The existence of more than one government over the region which once owned our flag is incompatible with the peace, the power, and the happiness of the people.

The preservation of our Union was the sole avowed object for which the war was commenced. It should have been conducted for that object only and in accordance with those principles which I took occasion to declare when in active service.

Thus conducted, the work of reconciliation would have been easy, and we might have reaped the benefits of our many victories on land and sea.

The Union was originally formed by the exercise of a spirit of conciliation and compromise. To restore and preserve it the same spirit must prevail in our councils and in the hearts of the people. The reestablishment of the Union in all its integrity is and must continue to be the indispensable condition in any settlement. So soon as it is clear or even probable that our present adversaries are ready for peace, upon the basis of the Union, we should exhaust all the resources of statesmanship practiced by civilized nations and taught by the traditions of the American people, consistent with the honor and interest of the country, to secure such peace, reestablish the Union, and guarantee for the future the constitutional rights of every State. The Union is in one condition of peace—we ask no more.

Let us add what I doubt not was, although unexpressed, the sentiment of the convention as it is of the people they represent, that when any State is willing to return to the Union it should be received at once with full guaranty of all its constitutional rights.

If a frank, earnest, and persistent effort to obtain these objects should fail, the responsibility of ulterior consequences will fall upon those who remain in arms against the Union. But the Union must be preserved at all hazards.

I could not look in the face of my gallant comrades of the Army and Navy who have survived so many bloody battles and tell them that their labors and the sacrifice of so many of our slain and wounded brethren had been in vain; that we had abandoned that Union for which we have so often periled our lives. A vast majority of our people, whether in the Army and Navy or at home, would, as I would, hail with unbounded joy the permanent restoration of peace on the basis of the Union under the Constitution, without the effusion of another drop of blood. But no peace can be permanent without Union.

As to the other subjects presented in the resolution of the convention, I need only to say that I should seek in the Constitution of the United States and the laws framed in accordance therewith the rule of my duty and the limitations of executive power; endeavor to restore economy in public expenditure, reestablish the supremacy of law, and, by the operation of a more vigorous nationality, resume our commanding position among the nations of the earth.

The condition of our finances, the depreciation of the paper money, and the burdens thereby imposed on labor and capital show the necessity of a return to a sound financial system; while the rights of citizens and the rights of States and the binding authority of law over President, Army, and people, are subjects of not less vital importance in war than in peace. Believing that the views here expressed are those of the convention and the people we represent, I accept the nomination.

Mr. DINGLEY. Let me ask the gentleman, why not incorporate, in connection with this letter of acceptance, the resolution of

the Democratic national convention of 1864, that declared the war a failure? [Applause on the Republican side.]

Mr. GROSVENOR. Yes; the second resolution of the convention.

Mr. MILES. Mr. Chairman, I want to be considerate and courteous to the distinguished gentleman from Maine, and to answer his question in a way that I believe will commend itself to his fair mind. I did not start out, sir, in a defense of the Democratic party's war history. [Applause on the Republican side.] All right, gentlemen; just hear me out. If I had time I would be delighted to compare the history of the Democratic party in peace or war with the unsavory record of the Republican party; but I could not in the few moments that are left of my time undertake a review of the history of the late unpleasantness. What I started out to do, and what I have undertaken to do, is to defend the great and good name of a distinguished Union soldier who has been charged in this debate with having beckoned to South Carolina in 1864 "to hold on for a while longer" and he would help her out in the war of the rebellion.

I say to you, sir, that there is nothing in the history of the war that is connected with the career of General McClellan and nothing in his political history that justifies the unmanly attack that has been made on his memory, now that he is sleeping beneath the sod. And the best refutation that I could make of the charge was to read his letter of acceptance of the Democratic nomination in 1864. But I must put this question aside, because, having taken the floor, in justice to myself I must address myself for a short time at least to the consideration of the pending bill.

I had hoped, sir, I had sincerely hoped, that this Committee on Invalid Pensions would bring for the consideration of this House such a bill as would command the respect, the support, and the vote of every man on both sides of this Chamber; and I believe they might have done so, and been even more liberal to the real and sure-enough soldier than they have been in the legislation proposed by the pending bill.

Mr. Chairman, for reasons which have already been well assigned by my colleague on this committee [Mr. McClellan], I can not get the consent of my mind to vote for this bill, and my objections to the bill control my vote against it. In view of all that I have heard from the lips of gentlemen on the other side of the Chamber, this is very strange, because their objections to the bill are the things which seem to control their votes in favor of the bill. My distinguished friend from Illinois spoke for half an hour against certain provisions of this bill, and yet I take it he will swallow it as a whole. My distinguished friend from Ohio [Mr. GROSVENOR] protested against the very provisions in this bill which will control my vote against it, and yet he said frankly that he would vote for the bill.

The sections to which I object are sections 13, 14, 17, 1, and 3. I shall be compelled, because of the few moments that are left me, to refer the House to the very cogent and convincing argument made by my distinguished colleague [Mr. McClellan] for a statement of the reasons which cause me to object to sections 3, 14, and 17. And yet I want to say—and this is the concluding remark that I shall make—that I would forego my objections to sections 3, 14, and 17, although section 17 proposes to put upon the pension list men who are noncombatants, who never enlisted, who never saw war, and men who never received injury in battle.

Mr. PICKLER. Who?

Mr. MILES. Pilots of gunboats and men of that class.

Mr. PICKLER. Does the gentleman say that pilots never saw any service?

Mr. MILES. They saw it at a very great distance, as the gentleman understands very well. He admitted in his opening statement, which was a very strong and a very fair one, very free from that partisanship that has characterized some of his speeches here on Friday nights, and I congratulate him for it—in that opening statement he admitted that section 17 included men who were unenlisted soldiers, and that it proposed to provide for men who were unenlisted soldiers. But that is immaterial. I do not propose to stand upon sections 3, 14, and 17. Although I am a Democrat and although I am the son of a rebel, I would stand here and vote for this bill cheerfully except that you propose to place upon the pension rolls hirelings who honored no flag, who served no country, perjurers and deserters, who were true to no cause, and whose mercenary souls made them strangers to the manly impulses of patriotism. These people entertained no sentiments, Mr. Chairman, that gold would not stifle or suppress.

That is my objection to this bill. I can not stand here and give my vote to those men who, in 1864, when Confederate money was cheap, and when eighteen hundred and two thousand dollars was being paid for substitutes, seeing the money that they could make, which was good money, and seeing the cause for which they had given three years of service was certain to be a lost cause, abandoned that cause and went as hirelings, mercenaries, Hessians, to do battle for gold in company with the patriotic sons of the Union.

Oh, talk about forgiveness! It is not a question of forgiveness. Of course we all forgive them; but we owe something to the real, true, sure-enough soldiers, of whom our friend from Illinois spoke so eloquently and so much with my approval.

Mr. Chairman, everybody knows that every bounty jumper in the land will be pensioned if section 13 becomes a part of the law, and no gentleman in this debate has undertaken to dispute the fact.

Now, Mr. Chairman, I have done. I have spoken without preparation and somewhat at random. I am sincerely sorry that this bill does not come to this House in such a way as to command my vote and my sincere respect. If the opportunity is allowed, I shall move to amend sections 1 and 3, and then I will cheerfully vote for the remainder of this bill.

Mr. PICKLER. Will the gentleman allow me a question?

Mr. MILES. Yes.

Mr. PICKLER. Why are you not willing to serve a Union soldier as the Government serves all other soldiers? For instance, the Mexican soldier who was drawing a pension and went into the Confederate army had his pension taken away from him for a long time. The Congress of the United States has given it back to him. It has, under the same circumstances, given back the pensions of the survivors of the Indian wars. There have been five acts of Congress forgiving these Confederate soldiers who are drawing pensions. Why not be as fair to the Union soldier as you have been to all others? We have forgiven the Confederate soldier for everything now except being a Union soldier afterwards. Are you not willing to forgive him for being a Union soldier after he has been a Confederate soldier?

Mr. MILES. I have heard the gentleman make that statement some three or four times.

Mr. PICKLER. It is a good statement, and it is true.

Mr. MILES. It has nothing whatever to do with the case.

Mr. MILNES. Let me answer that question. I can tell the gentleman from South Dakota what the difference is in my opinion.

Mr. PICKLER. I did not call upon the gentleman from Michigan.

Mr. MILNES. Will the gentleman allow me?

Mr. MILES. I give the gentleman the floor. That is all right. I hope I have made one convert.

Mr. MILNES. The difference is that these men deserted from one service into the other.

Mr. PICKLER. No, sir; the question as to what they should suffer from having been Confederates, as I understand it.

Mr. MILNES. In the case of the Mexican soldier they did not do any such thing.

Mr. MILES. That is so clear to everybody's mind except the gentleman from South Dakota that I did not think it was worth while to state it.

Mr. PICKLER. These men were in the prisons of the North. Our officers promised them their liberty on condition of enlistment on the Union side. Those men not only risked the ordinary dangers of the Union soldier, but they risked the danger of being hanged if caught by their neighbors. These men fought against their neighbors for principle. You have forgiven every other soldier, but you are not willing to forgive the Union soldier.

Mr. MILNES. Let me ask the gentleman another question.

Mr. PICKLER. Are you a Republican?

Mr. MILNES. Yes.

Mr. PICKLER. Do not you think Harrison's Administration was friendly to the soldier? It always granted these pensions, and this Administration has taken them away.

Mr. MILNES. I am not going to indorse everything that the Harrison Administration or any other Administration did. [Applause on the Democratic side.]

Mr. PICKLER. Then you are opposed to that?

Mr. MILNES. I will indorse what I believe to be right and condemn what I believe to be wrong; but the question is, what would you have thought of a Union soldier who was in Andersonville and who joined the Confederate service on a promise of his liberty?

Mr. PICKLER. Oh, well, that is going to the wrong side. These men came to the right side—they came to the Union, to the old flag—and you are trying to punish them because they became Union soldiers afterwards.

Mr. MILNES. I do not want to punish them, but I am against pensioning them.

Mr. PICKLER. The Democratic party has always been that way.

Mr. MILES. The best evidence I could possibly offer to this House of that kind of good nature which is always forgiving is the scene which gentlemen have just witnessed, in allowing these gentlemen to occupy so much of my time.

Mr. Chairman, I think I have made myself perfectly clear. I want to vote for this bill if sections 1 and 3 are stricken out. But if you do not strike those sections out, I give you notice now

that we shall make splendid weapons of them in the next campaign.

Mr. PICKLER. Oh, that is all right; you have always been opposed to pensions—

Mr. MILES. Now, the gentleman knows that the statement that I have always been opposed to pensions is not true, Mr. Chairman.

Mr. PICKLER. It is, except as to soldiers whom you have put up on a pedestal, and the kind of a soldier whom you say ought to have a pension is the kind that you do not often find. I do not say that the gentleman is opposed to all pensions.

Mr. MILES. Mr. Chairman, it is a little bit strange that a man who is opposed to pensions should be so careful to maintain the pension roll as a roll of honor and a pension certificate as something else than a badge of shame! [Applause on the Democratic side.]

Mr. PICKLER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8271, and had come to no resolution thereon.

VETO MESSAGE.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I herewith return without my approval House bill No. 1094, entitled "An act granting a pension to Francis E. Hoover."

It is proposed by this bill to grant a pension of \$50 a month to the beneficiary named, who served as a private for about one year and nine months in the Union Army during the war of the rebellion.

I do not understand it is claimed in any quarter that the present helpless condition of this soldier is at all attributable to his army service. He himself never applied for a pension until after the passage of the law of 1890, providing for a pension for those who had served in the Army and are unable to maintain themselves by manual labor on account of disability not chargeable to army service. The committee of the House of Representatives, in reporting this bill, declare: "The testimony does not show the disease of the soldier to be of service origin."

The beneficiary is now receiving the largest pension permitted under the law of 1890.

His condition may well excite our sympathy, but to grant him a pension of \$50 a month, without the least suggestion that his pitiable disability is related to his army service, and in view of the fact that he is now receiving the highest pension allowed by a general law enacted to expressly meet such cases, it seems to me would result in an unfair discrimination as against many thousand worthy soldiers similarly situated, and would invite applications which, while difficult to refuse in the face of such a precedent, must certainly lead to the breaking down of all the limitations and restrictions provided by our laws regulating pensions.

The value of pension legislation depends as much upon fairness and justice in its administration as it does upon its liberality and generosity.

GROVER CLEVELAND.

EXECUTIVE MANSION, April 25, 1896.

Mr. PICKLER. Mr. Speaker, I ask that the bill and the veto message be referred to the Committee on Invalid Pensions.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

HON. WILLIAM H. CRAIN.

Mr. PENDLETON. Under the order of the House eulogies were to be delivered on our deceased colleague, Mr. WILLIAM H. CRAIN, commencing at 2.30. I ask that the order be read.

The Clerk read as follows:

Resolved, That the session on Saturday, April 25, beginning at 2.30 p. m., be devoted to the delivery of eulogies on the late W. H. CRAIN.

Mr. PENDLETON. Mr. Speaker, it is well for the living to express their sorrow and to pay the tribute of respect due to those who have been our daily associates and friends, and who have before us passed over the line which is drawn between time and eternity.

It is a duty demanded by friendship, by affection, and by our common humanity; and while engaged in this duty it reminds us that we, too, are mortal; that we, too, are hastening to the grave, and that when a few more fleeting moments have passed we will be called into the presence of that Creator who has given us existence and opportunity, and to whom we are responsible for the use of the opportunities he has placed in our grasp.

We miss the genial smile, the cordial greeting, the hearty handshake of our noble friend; our hearts are sore, for many of us have known him long and well, and none knew him but to love him.

WILLIAM H. CRAIN was a native Texan, born at Galveston November 25, 1848; graduated at St. Francis Xavier College, New York, in 1867; studied law and was admitted to practice in 1871, at once taking high rank in his profession. Possessing fine natural ability, well educated, with a genial, social disposition, it was natural that he should engage in politics. True to his convictions and loyal to his friends, he drew to himself a body of earnest sup-

porters who followed his fortunes and made him successful in every contest. He was elected first as district attorney, then State senator, and in 1884 to the Forty-ninth Congress, which place he held by successive reelections until his death.

No man can long retain friends who is unworthy of them; on the other hand, he who through a long term of years and many trying ordeals secures and holds the respect and affection of a large number of the best among his fellow-men must possess many sterling qualities.

Mr. CRAIN was a poor man; he did not possess the money-making faculty, and he was too honest to barter his convictions for sordid gain. Yet when money was needed for legitimate campaign purposes, men—prudent, calculating business men—would use their means in his behalf as freely as if he were a brother or son. No man in Texas or any other State had a more loyal, faithful constituency. When he announced his candidacy at the beginning of a political campaign it was the signal for all the loyal enthusiasm and effort of which his friends were capable.

His death brought grief to many a heart and he will long be kindly remembered by the people he served so faithfully and well.

When the news of his death was sent the grief was deep and sincere. Throughout his district (one of the largest in Texas) meetings were held at all the principal towns, and appropriate resolutions were adopted.

The Congressional committee which escorted his remains to his home was met at Houston, 200 miles distant, by a special train occupied by his friends and neighbors.

The estimate placed upon him by those who had known him longest and best can be better shown by the account of the ceremonies at his funeral and burial, taken from the San Antonio Express, which I here append as a part of my remarks:

AT REST ON THE HILLSIDE—THE LAST HONORS PAID TO CONGRESSMAN CRAIN—DISTINGUISHED VISITORS AND TWO THOUSAND PEOPLE FOLLOW THE REMAINS TO THE GRAVE—FATHER SMITH'S TRIBUTE TO THE DEAD STATESMAN—MAGNIFICENT FLORAL TRIBUTES FROM A PEOPLE IN MOURNING—BURIED IN SIGHT OF HIS HOME—DETAILS OF THE FUNERAL.

CUERO, TEX., February 14.

Tenderly and with hearts whose every pulsation was a requiem the people of Cuero to-day laid in the bosom of Mother Earth all that is mortal of their beloved Congressman, WILLIAM HENRY CRAIN. Upon a hillside, where his children, playing in their home, can watch over his rest, they dug his grave, and into this they softly lowered his body amid 2,000 drooping heads.

Such a tribute seldom is paid a man. It was devoid of grandeur, but rich in simple sincerity. It was a funeral in which all were mourners, a funeral in which the most lowly negro trudged feebly along behind the rich equipage, in which white and black, gray hairs and kiltered tots, contributed their grief to the common woe. It was an inspiring spectacle—a lesson that must have made its impression upon everyone who saw it.

The shock which the sudden announcement of Mr. CRAIN's death caused made the people of Cuero almost insensible of their own grief. Dejectedly they hung crape about their stores, made mourners of their houses, and omitted no opportunity to show respect to the memory of their dead. But it was not until yesterday, as they filed slowly around his bier, and looked sadly down on the cold and rigid face they had known so well, did they become truly sensible of their grief. Since then this has been truly a town in mourning. From the moment his gray-haired mother and stricken wife were led away from the casket until this morning at 10 o'clock when the undertakers shoved them aside to shut his face off forever from the light of the world, a constant stream of people wended slowly around the catafalque to take the last look. It is doubtful if a man, woman, or child in this town omitted to pay the last respects. Certainly more people than are in Cuero did this honor, for hundreds were here from a distance for this very purpose.

FLORAL TRIBUTES.

Some brought flowers to lay on his bier. Some were but small bunches of violets, dropped by a childish hand. Others were magnificent designs, which taxed the art of the florist. Scarce a variety of nature's poems was missing. They were banked up a foot high on the casket, obscuring from view all save a small space of the glass through which the kindly face was visible. Then they were placed on tables and on the piano, and finally chairs had to be brought in to hold the wealth of floral offerings. All of them were pretty, some magnificent in the elaborateness of their design, some touching in their winsome simplicity.

Two especially were very striking. One was a circle of immortelles, full 2 feet in diameter, and with a rim not less than 6 inches wide. Around the edge of the immaculate immortelles was a faint line of purple, and elevated a few inches above was a crosspiece not unlike that to an anchor. This, too, was of immortelles, and through it was "Our friend" in purple. It was an offering from the National Association of Letter Carriers, who esteemed Mr. CRAIN their especial friend because of his activity in legislation in their behalf.

Another magnificent piece was presented by Mrs. E. D. L. Wickes, of San Antonio. It was very elaborate in design. Between two long slender palms, which gracefully nodded their tips together, assuming a shape something like that of a heart, was a bank, set incline, of flowers of almost every variety. About 2 feet long and a little less in width, it represented Mr. CRAIN's desk in Congress. The outlines of the desk were marked by a border of Marechal Neil buds, nestling close to an inner border of passionate dark red roses, just opening. The body of the desk was of sprays of evergreens and pinks, and in the center an open book was formed of hyacinths and pinks. Lying diagonally across the face of the book was a broken pen, the stem being made of delicate ferns. Rising above the whole by nearly a foot was a cross formed of Marechal Neils and red buds. The whole rested on a wire frame made especially for it.

There were dozens and dozens of other designs, all of them pretentious, while there were banks of flowers tied in bunches. Among the very many offerings were handsome designs from "The Ladies of Edna," Mrs. Richard King, of Corpus Christi, Mrs. Robert Kleberg, and Mr. and Mrs. Sinclair Taliaferro, of Houston.

To add to the striking effect of the scene, three candles burned at the foot

of the casket, where sat also a crucifix. The candles had been carried by three of Mr. CRAIN's sons when they made their first communion. Indeed, signs of Mr. CRAIN's religious faith were manifest everywhere, for, a consistent Catholic through life, he died surrounded by priests, and with all the rites of the church. The last sacrament was administered to him by Father Foley, of Washington, according to Mr. Corridon, his private secretary, who was with him when he died, and who bore his last messages to his stricken wife.

From the time the body was brought to the house until it was taken to the church this morning it was watched by a detail of the Merchants' Protective Hose Company, of which Mr. CRAIN used to be an active member and of which he was an honorary member at the time of his death. This privilege was granted at their own request, for each of them felt an especial affection for him.

CROWDS VIEW THE REMAINS.

Their vigil was not long, for, save during the middle hours of the night, there were always crowds coming to see the body. Early this morning before most people had breakfasted they began to come, and as the day grew, so did their numbers. Before the sun had driven the chill from the air the line reached from the street into the house.

Most of the callers this morning were out-of-town people, who had come in on the early trains and on the special from Victoria. There was an unwonted crowd on the streets, and had not a subdued air pervaded all a stranger might have thought some festival was about to begin. But as it was, this could not be thought, for it was not a moving crowd, but a crowd that gathered in knots all over town before closed doors and heavy-draped windows. Toward 9 o'clock they began to drift toward the residence where the body lay.

The residence is a big, old-fashioned two-story house, almost square, and destitute of the least fanciful design. It stands in one corner of a 2-acre lot, covered with grass. It is but a step from the church, and between the two places the sidewalks were not adequate for the crowds that passed to and fro.

Before the crowd became very large this morning the members of both fire companies in uniform took position on each side of the walk leading from the gate to the door and kept the line moving between the wall which they formed.

Among the callers about this time were Governor Culberson, accompanied by Colonel Proctor, Mr. Ed. Kauffman, internal-revenue collector of Austin, and Mr. Pleasanton, secretary of the Democratic State executive committee. State Senator Lawhon was also among the callers, as was Mr. Rudolph Kleberg, who came to look for the last time on the face of his dead partner.

Governor Culberson spent but a moment beside the body, and then stood out in the hall until the members of the Congressional escort arrived. They wore long white silk sashes, hung diagonally from their shoulders, with black rosettes at the shoulder and where they crossed at the button. They also wore white silk gloves, and these, with glossy silk tiles and long broadcloth Prince Alberts, made a striking uniform. When they arrived Undertaker Zurhorst, of Washington, who directed the ceremonies, pinned sashes on Governor Culberson and Colonel Proctor, and they were among the honorary pallbearers. The members of the Cuero Turn Verein, with their silk banner heavily draped in black, arrived in a body and passed around the casket. Then, it being just 10 o'clock, the cover was screwed on the glass plate and the face of WILLIAM HENRY CRAIN was shut from view forever. The flowers which had covered it were taken off, revealing a plain but rich casket covered with heavy velvet. Save for the ornamentation of the massive silver handle pieces, there was no decoration. On the middle was a heavy silver plate on which was engraved:

WILLIAM HENRY CRAIN.
November 23, 1848.
February 10, 1896.

The active pallbearers were Charles Breeding, Joseph Rice, Dr. W. R. Rathbone, John McDonald, Jeff Baker, and Joseph Sheppard, all of whom live in Cuero. These gently lifted the casket and bore it to the waiting hearse, to which were hitched four handsome black horses.

When the body was deposited in the hearse the members of the fire company marched ahead and took a position in front. The honorary pallbearers divided on each side of the hearse. Next, in carriages, were Mr. CRAIN's mother, his sister-in-law, and Judge Mitchell, of Victoria, and his five children. Mrs. CRAIN did not attend either at the church or the grave, she being completely prostrated. Probably a thousand others fell in behind, and thus they marched slowly to the church.

SERVICES AT THE CHURCH.

The big crowd which was standing outside the church, being unable to get admission, opened a passageway, and when the procession was in closed up and wholly hid it from view.

At the entrance the casket was met by Bishop Forest and five surpliced priests, with crucifix, font, and censor.

"I am the resurrection and the life," announced the arrival of the corpse, and simultaneously from the deep, solemn voice of the pipe organ came the dirge. Slowly up the aisle, following the praying clergy, the casket was borne and placed in front of the altar. Save that the altars and chancel were dressed in midnight black, the church was not draped. High above the altar, though, rested the floral piece which Mrs. Wickes had sent. The relatives took the front seats on the left of the aisle and the pallbearers were immediately opposite.

Then the crowd was admitted until the church was full, when the doors were closed, leaving a thousand outside.

Requiem mass differs from high mass scarcely in any detail except that the music is very solemn, being sung almost in dirge time. The Credo, Kyrie, and Offertory are sung, but not the Gloria. Father Wyer, of St. Joseph's College, Victoria, was the celebrant; Father Kline, of St. Edward's, Austin, was the deacon; Father Gerlach, of Myersville, subdeacon, and Father Moczygambi, of Pana Maria, master of ceremonies. Bishop Forest sat on the gospel side of the altar with Father Shehan, pastor of the church. Bishop Forest blessed the corpse and gave the benediction.

When the service had been concluded Father Smith, of San Antonio, robed only in a black cassock, with a crucifix in his belt, stepped to the front of the altar and spoke of the dead.

"Death is an unwelcome visitor," he said, "and, unbidden, enters every rank of life. It respects neither the righteous nor the wicked, neither rich nor poor, and so audacious is it that one day it ascended Calvary and did not come down until it had given the fatal blow to God himself, made man. Here before us to-day we have evidence of his visit.

"Among men there is an unbounded ambition. From birth they seek to attain the influential positions of life. Many aspire to the legislature of their country or of their States, and not a few as editors of newspapers aspire to lead the thought of men and mold the opinion of the public. From the newspaper men we expect that they shall strive to widen and uplift our thoughts. To the legislators the people look for such laws as will conduce to their happiness, and the one who seeks to rule by laws and enactments must, if he be successful, give heed to the higher laws of God.

"The deceased was one who considered the responsibilities of public life.

In yonder years, when he thought he was destined for public usefulness, he knocked at the door of the Catholic Church and asked to be admitted among her children. He was soon convinced that she who had witnessed the downfall and rise of so many people, who for so long a time had governed men and had assisted nations in regaining their lost prestige, had a true sense of liberty, which means to do the greatest good to the greatest number. She told him that there was a God, that there was a Christ, the Son of God. She told him that there were two powers independent in their spheres—the spiritual and the physical. She told him also of the necessity of making use of this world for the other, of the use of reason and religion. She told him all this and he accepted it, and those who may have listened to his reasons for joining that church knew that, as he frequently said to himself, he was a 'convicted Catholic.' He was a convinced Catholic, and, my dear friends, he took the teachings which he had received from the church and brought them into the public arena, and became not only a Catholic but an American, feeling himself at home anywhere in this country. He was not afraid to say that he was an American, and his loyalty to the church did not suffer. Never did he forget that he was a Catholic American.

"A Catholic American the deceased was, and as I have promised not to delay you long I can not better illustrate what I have said than to recall to your mind the last speech which he uttered in the halls of Congress. It was on a bill making an appropriation for charitable purposes. The peroration must still ring in your ears. Once more he brought the antagonistic armies on the fields of thirty years ago face to face. You saw them fight; you saw them fall dead and wounded, and on these fields of carnage he showed you the Sisters of Charity—white-winged ministers of God's mercy—going about the fields holding a cup of cold water to some parched lips, dressing the wounds of some prostrate soldier, praying beside some fallen boy, and closing in death the eyes of those who had been killed. In that peroration—in that speech—you can see the Catholic, who, fast in the faith of the church, teaches wisdom and love of country. You can see likewise the statesman applying the Constitution of his country, which demands justice for all.

"I will conclude by asking what he is unable to ask now. We have a soul; so had he, but it is now in eternity, and he realizes, no doubt, now the truth of the doctrines of the Catholic Church, and one of them was prayer for the dead. And to-day and hereafter, when his name comes to your memory, do not forget to say: 'O Lord, have mercy on the Honorable WILLIAM HENRY CRAIN, the Catholic American Congressman.'"

Then Bishop Forest passed twice around the casket, once sprinkling it with holy water and once with the censor. Then the pallbearers lifted the body, and, following Bishop Forest and five robed priests, they placed it in the hearse and it was borne to the cemetery.

AT THE CEMETERY.

The cemetery is about half a mile from the church, on a hillside, and in view of the house which was the dead Congressman's home. The procession en route passed quite in front of where his widow lay sick of grief. The order of march was the same as that from the house to the church, except that the honorary pallbearers rode in carriages immediately behind the hearse. The line extended almost from the church to the cemetery. Fully two-thirds of those who were at the cemetery went aloft.

The ceremony at the grave was very brief, consisting of Latin chants. When these had been sung Bishop Forest and each of the priests threw a spadeful of earth into the grave. Then the active pallbearers, hats in hand, filed singly around the grave, and as each passed the head he pulled off the crape from his arm and dropped it into the grave.

The firemen followed, dropping crape and bunches of evergreen, which they carried. Then came the honorary pallbearers, the Congressional escort, and as they passed the head of the grave they pulled the white silk gloves from their hands and dropped them onto the casket.

Then the flowers, of which there was an immense pile, were thrown in, and lastly four strong men covered the whole with earth and piled it up high to mark the last resting place of WILLIAM HENRY CRAIN.

A TRIBUTE TO CRAIN.

AUSTIN, TEX., February 14.

Out of respect to the memory of the late WILLIAM HENRY CRAIN, whose remains were to-day consigned to the grave in the cemetery at Cuero, the flags on the State capitol and the Federal building have been flying at half mast. No member of the Texas delegation in Congress was more popular in Austin than Mr. CRAIN, and the news of his death came to his Austin friends like a clap of thunder in a clear sky. Generous, impulsive, and brilliant, his was a life that shone like some majestic star, dimming those around it by its matchless luster, while his genius charmed and cast a spell on all who came beneath its influence. Born where the ocean's roar made the first music for his infant ears, he seemed to catch that inspiration from the boundless deep which moved to mighty deeds.

The S. S. Prentiss of the South, he knew not what fear meant when duty called, for his was the courage of a Richard Coeur de Lion and the spirit of a Henry of Navarre. But "he is now at rest, and praise and blame fall on his ear alike, now cold in death." No more will his voice charm with its magic or arouse with its eloquence, and to-day when the grave received all that was mortal of this mighty statesman, this matchless orator, this friend of liberty, this genial, generous, and impulsive man, all nature sighed and a shadow crossed the sun. "Yes, thou art gone, gone like a star, that through the firmament shot and was lost, in its eccentric course dazzling, perplexing," and

Look where we may, yet we will look in vain,
To find thy likeness, O immortal CRAIN!

A FRIEND.

EAGLE PASS'S ACTION.

EAGLE PASS, TEX., February 13.

The citizens of Eagle Pass, irrespective of party, met at the court-house last night to express the sentiments of this community on the untimely death of the Hon. W. H. CRAIN, once its honored Representative.

Judge Winchester Kelso was elected chairman and Maj. S. M. Simmons secretary.

After eulogistic remarks on the rare ability and charming personality of deceased, the following committee was appointed to draft resolutions expressing the sentiments of the meeting: J. M. Goggin, J. O. Williamson, W. Kelso, W. A. Fitch, A. H. Evans, and C. W. Hartup.

The committee afterwards presented the following resolutions, which were unanimously adopted:

"Resolved, First, that this community has heard with profound sorrow of the death of our former Representative, the Hon. W. H. CRAIN.

"Second. That in the death of the Hon. W. H. CRAIN Texas has lost one of her noblest and best sons and a nation one of her ablest and wisest lawmakers.

"Third. That the sympathies of this entire community go out to the family of the deceased.

"Fourth. That a copy of these resolutions be forwarded to the family of the deceased and to the press."

While he was sincere in his political opinions and bold in asserting them, he never unnecessarily wounded the feelings of those who differed with him, and among his political opponents he numbered some of his best personal friends. The Republican convention in Aransas County adopted the resolutions which I here append:

Be it resolved by the Republicans of Aransas County in convention assembled, That in the death of the Hon. WILLIAM HENRY CRAIN the citizenship of southwest Texas has lost a most polished, worthy, and able representative; that the Republicans of this district share and feel that loss, and join with their Democratic friends in mourning the demise of one of Democracy's brightest minds and one of Republicanism's most honorable and talented foes; that a copy of this resolution be furnished the press of the State, and as a mark of our respectful sympathy the secretary is also instructed to transmit a copy to the family of the deceased.

He left to mourn his loss a wife, one of the purest and noblest women who ever blessed a home, and seven children, all bright and sensible, but most of them too young to battle with the world.

The grief-stricken mother must not only bear her burden of woe, but must also take the place of both parents.

Our friend had his faults, and no man more regretted and deplored them. None of us is exempt. "To err is human."

No further seek his merits to disclose,
Nor draw his frailties from their dread abode;
There they alike in trembling hope repose,
The bosom of his Father and his God.

Mr. WALSH. Mr. Speaker, the last speech Mr. CRAIN made and the very last words he uttered in this House illustrate two traits in his character which it must please his friends to recall.

"The Speaker will take care of me" were his last spoken words on this floor, evidently in response to some suggestion of a fellow-member not recorded, and they evince that courteous respect for authority, coupled with that gentle manliness which was characteristic of him under all circumstances.

His last speech was for the charitable institutions of the District of Columbia. In it he begged us to remember those whose tender hands had cooled the fevered brows of our brave soldiers after the disasters of the battlefields, and who are now devoting their lives to comforting the afflicted, feeding the hungry, and harboring the homeless. He endeavored to inspire us with the gratitude that was burning so intensely in his heart and to impart to us a compassion for the unfortunate as deep as his own.

These qualities, with others his friends will well remember, bring him so near the great English thinker's estimate of a gentleman that I may be pardoned for quoting his words. It was Ruskin who said that "a gentleman's first characteristic is that of fineness of structure in the body which renders it capable of the most delicate sensation, and of structure in the mind which renders it capable of the most delicate sympathies—one may say fineness of nature. That is, of course, compatible with heroic bodily strength and mental firmness. In fact, heroic strength is not conceivable without such delicacy. Elephantine strength may drive its way through a forest and feel no touch of the boughs, but the white skin of Homer's Atrides would have felt a bent rose leaf yet subdue its feeling in glow of battle and behave itself like iron."

Who that saw his manly form and knew its sensitive nature; who that felt the generous warmth of his friendship, his uniform courtesy, the brilliance of his mental make-up and his tender sympathies can fail to appreciate in his memory the man and the gentleman.

I will leave to those who knew him longer—who are more familiar with his political career—the opportunity to dwell on the causes of his success. Yet it is proper to recall the fact that he pursued his college career in a college situated within the limits of the district which I have the honor to represent, and while there he lived in the neighborhood where I have spent my life.

When we heard of his nomination for Congress in far-away Texas—his home State—we felt as keen an interest in his success as might any of his constituents, for while with us in the years when he was budding into manhood, when he was developing his best qualities of mind and heart, he became endeared to us, and when he bade us farewell he left behind him a reputation for brightness of mind and cleanness of heart and generosity of soul which earned for him our ardent wishes for his future happiness and prosperity, and up to the very hour of his death we have been far from indifferent to his success.

We looked, in the nature of things, for a longer life, but the Almighty Providence, whose wisdom none will question, decreed the contrary.

For his friends in New York who were the companions of his early manhood I pay this last tribute of respect to his memory.

For myself I can only say that my association with him here was more than agreeable—and all too short. If there were any faults in his character they lie buried with his body beneath the "sacred grass and the saddened flowers."

His charming personality, his scholarly attainments, his noble soul, his generous impulses, his tender sympathies, and his brightness of mind will live in our memories as the characteristics which we honored and loved in him and which should endure.

May he rest in peace.

Mr. COOPER of Florida. Mr. Speaker, I shall not attempt any set speech or any formal eulogy of WILLIAM H. CRAIN. I wish merely to utter a few words, however inadequate, expressive of the esteem and the admiration which I feel for many of the qualities of the man. No one could come in contact with him without appreciating the fact that he was a cultivated gentleman. His manners were graceful, easy, simple, and unaffected. They came, as the best manners always do, from the heart within the man. One of his most notable characteristics was generosity. He was generous not merely in pecuniary matters, but generous of his time, generous of his information, generous of efforts for others, generous in all his intercourse with his associates and his fellow-men. Another admirable quality of the man was frankness. Whatever faults he had were apparent to all. He wore his heart upon his sleeve. There was naught of hypocrisy in his make-up. He possessed a fine mind, highly cultivated. He had as wide a fund of general information as most men in this House, and upon some special subjects he possessed as deep and as accurate information as any man on this floor, if not more. I did not know him as long as many here. My acquaintance with him began in the Fifty-third Congress, but I knew him long enough to appreciate many of his attractive, high, and noble qualities.

He was a man of sincere religious convictions, deeply attached to his church. Like most men who have mingled much with the world, its temptations, and its distractions, he may not always have reached his own ideal in a strict following of his own religious convictions, but his reverence for them was always deep and sincere. The last speech he made upon the floor of this House was in their defense, and among the last words he uttered was a deeply touching tribute to those pure and lovely devotees and ministrants of religion, the sisterhoods of the Catholic Church; and, indeed, it is a matter of sincere gratification to his friends to know that in his last hours he had the ministrations and the consolations of his religion. But words avail not; he is gone. May earth rest lightly and the grass grow green above him, for it is a noble heart that sleeps beneath.

Mr. COOPER of Texas. Mr. Speaker, it is not my purpose to detail the various incidents which collectively constitute the life history of the late member of this body whose memory we have met here to-day to honor. Of his biography others who have already spoken, or who may yet speak, are more competent to give account. Suffice it for me to say that, contrary to popular impression, the men who have made the most valuable contributions to the welfare of the human race, the men whose lives have most strongly influenced the current of contemporary history—the really great men of the world—were not always, perhaps not generally, those whose lives contained the most remarkable incident, the most sensational episode, the most wonderful vicissitude.

Our brother is gone. "The dull, cold ear of death" shall be his till it responds to the great roll call of the ages in the hour of the last judgment. Nothing that we may say or leave unsaid here to-day can or will be heard or recognized by him. Therefore we speak not to the dead but to the living.

The life of our departed friend and fellow-legislator offers us some useful lessons to be applied in the shaping out of our own personal life work.

Born a Texan, he spent his whole life among the people of his native State, and was at one time the only native-born Texan in her delegation in the National Congress. Though a part of his youth was spent in the commercial metropolis of America, surrounded by all the alluring attractions of the most advanced civilization of the Western World, yet he exhibited the sturdiness of his patriotism and love for his native State by returning to her borders at the close of his collegiate career and engaging in the arduous and exacting labors of his profession, which ultimately brought him distinction among his people. While he might have imitated the example of many others by yielding to the blandishments of life in the progressive East, and might have thus secured a high measure of success amid its gayer and richer environment, he preferred to cast his lot with his people in the lonely and sparsely settled plains of the Gulf Coast; and there he helped them to build the foundations of that great Commonwealth whose progress has awakened the admiration and yet excited the apprehension of the older States of the East, and whose wonderful growth has threatened their political supremacy.

As he made his home, by choice, with the poor and humble (though proud, brave, and adventurous) settlers in a new land, where ambition and self-interest could find little food for hope; so he was always a consistent exponent of that high chivalry that pleads for the helpless, champions the fallen, and gives its sympathy and effort to those who are needy rather than to those who are able to repay with interest. In him the poor found a friend, the destitute a benefactor, the oppressed a defender. These are the qualities that appeal most strongly to the hearts of the masses. Xerxes, panoplied in golden armor, attended by a congress of subservient and tributary kings, and surrounded by all the paraphernalia and proofs of earthly power, might well excite the wonder

or even the admiration of the world of warriors that gathered around him as he stood upon the shores of the Bosphorus in the long ago and claimed dominion over the two continents that its waters divided; but the picture of Stonewall Jackson, sleeping on a tattered blanket in a tentless field and rising at morn to share in the breakfast of corn bread and rye coffee that constituted the fare of his poorest soldiers—that submergence of self in the service of a great cause—reaches at once to the hearts of his followers on the fields of blood and his admirers throughout the world wherever men read history and admire unselfishness. Whatever else may be said of democracy, whatever other deductions may be made from its workings, we must concede that where it truly exists no man can long retain high public station unless he possess some of the great qualities that entitle men to success. Our deceased friend easily kept his place in this body and in the affections of his people, year after year, campaign after campaign, and the secret of his popularity was his brilliancy of thought, his eloquence of speech, his magnetic influence, and his chivalric character. In this day of greed and selfishness this is no mean tribute to the memory of any man when measured by the higher standards of human worth.

In addition to his nobler qualities of mind and heart, our friend had his weaknesses, as who of us—who, anywhere—has not? It is neither true to fact nor any particular honor to the dead to deny, after death, those frailties that the dead themselves did not and would not deny or extenuate while living. He who would teach us that our deceased friend had no weaknesses, felt no temptations, stumbled not in his march through the allurements of life, would lift him at once above the plane of mortal men and above that sympathy which the world is ever ready to accord to the noble, struggling, yielding, suffering weak. Of our departed friend, it might well be said:

Is it true, O Christ in heaven,
That the strongest suffer most?
That the noblest wander farthest,
And most hopelessly are lost?

But for him let it be said that it is a grander triumph for the man of warm and generous impulses to walk, even with uncertain and stumbling steps, than it is for the cold, cynical, unfeeling man to pursue the path of right without deviation, because his icy nature makes him incapable of temptation. It is one of the most beautiful, because one of the most comforting, thoughts connected with Christian theology that when all the individuals of the human race shall be convened in one mighty throng around the throne of God at the last judgment we shall all be judged by One who "took upon himself our weaknesses and bore our infirmities." One who trod in the footsteps of our erring life, and who, though He yielded not to temptation even when offered all the kingdoms of this world, yet knew from experience the power of the influences that entice men away from the right.

If, then, we hope to enjoy charity of judgment from the Son of Man when our life work shall be unrolled before the gaze of Omniscience, how much more meet is it that with none but loving hands and broad charity should we lift the veil that covers from the eyes of the world the frailties of our dead brother? Without seeking to deny or minimize his shortcomings, let us speak of them in tones of sympathy and regret, and with a felt, even if unspoken, prayer that we may profit by his errors and be saved from the inherited weaknesses of our own natures.

While our friend may not have attained international celebrity, let us not conclude that his life was not a success. The true measure of success is the work that we do for the generations to come, for posterity, for humanity. He has not lived in vain who has filled the full measure of his opportunity, who has justly exercised his means of serving his fellow-man, who has contributed something to the progress and happiness of humanity. In the laboriously framed fabric of national greatness, woven and interwoven with the threads of complicated purposes, conflicting interests, and mutual concession, no one man's work is easily separated from that of his fellows. Where so many have contributed to a nation's greatness and a nation's glory it is difficult to mete out to each actor his proportionate share of credit for what it is or blame for what it is not; but the statutes of this country and the personal observation of many members of this body show that our friend and fellow-legislator played no unimportant part in the accomplishment of much that was and is good. His eloquent voice was heard and his personal vote and general influence were cast for what he believed to be the greatest good of his people and his country. Along the stream of his life work lie no stupendous cataracts whose reverberations tell the world he lived; but the current of his influence moved quietly and steadily on toward the achievement of his aim—the ocean of his country's glory and greatness.

Let us honor our dead by imitating his fidelity to trust and his chivalry of soul. Let us utilize his life even in his death, by drawing from it lessons that may ennoble our own lives. Duty above

selfishness, the use for the public good of the opportunities given us by the voice of the people—let these be our aims. And in the execution of these high aims may we find in our entire consecration to public duty the surest safeguard against the temptations that beset him and us, and as a result of this consecration may we secure the highest reward attainable for duty well performed—the approbation of conscience and the deserved applause of the people we are here to represent.

Mr. BELL of Texas. Mr. Speaker, we to-day pay tribute to the memory of one who has been called from among us in the full vigor of matured manhood, and who it might reasonably have been expected would have been spared to his family, his friends, and his country for many years. He had already accomplished much, but apparently he had barely reached the beginning of the broader career of usefulness and honor for which he seemed destined and for which he was so well fitted.

The beginning of my personal acquaintance with Mr. CRAIN was of recent date, but I had long known of him as one of the gifted sons of his native State, upon which he reflected so much credit, whom all delighted to honor, and in whose well-earned triumphs we took a just pride.

At an age at which most lawyers are regarded as mere tyros in the profession Mr. CRAIN became the prosecuting attorney of his district, and by his courteous demeanor, his fair and honorable conduct, and the vigorous and eminently successful manner in which he discharged the duties incumbent upon him he established himself in the confidence and esteem and gained a hold upon the affection of the people of his section of the State which was never impaired.

As a State senator he soon became widely known as a man of dauntless courage, of tireless energy, of unquestionable integrity, of excellent judgment, and as the most eloquent speaker and readiest debater among the young leaders who were then forging to the front; and it was not strange that the members of his political party, which had suffered defeat in his Congressional district at the previous election, should have turned instinctively to him as the one person whom they preferred to have bear their banner, and to whom they were willing to intrust the task of restoring their supremacy. He was nominated without opposition as the candidate of his party, and was triumphantly elected a member of the Forty-ninth and of each succeeding Congress.

Of his work here much has been and more might be said. The courtly manners and chivalrous courtesy which had characterized him in all the walks of life, the felicity with which he could express himself in debate, his pleasing address and happy faculty of forming acquaintances and making friends, soon caused Mr. CRAIN to become one of the best and most favorably known members of this body.

Why he should have been called away in the very prime of life we can not understand. We can only deplore his loss and extend to his bereaved wife and fatherless children our sympathy. While we realize that no words of ours can—

Soothe the cold ear of death—

it will be some consolation to them to know that others share with them their sorrow; that others who knew him far from home and kindred had learned to love him and that they cherish his memory.

To us, the comrades in his labors, his sudden and unexpected death should teach a solemn lesson. We are reminded that we, too, must respond to the summons to join the innumerable caravan, and that we should prepare for a higher, nobler, better, and eternal life.

Mr. EDDY. Mr. Speaker, "In the midst of life we are in death." The truth of the quotation just given was never more strikingly illustrated than in the fate of the man to whose memory we to-day do honor.

One day standing in his place on the floor of this House, in the full flush of vigorous manhood, his voice ringing forth like a clarion in proclamation of what he believed was right, justice, and for the best interests of humanity, the next report was in-wafted upon the unwilling ears of his associates here that he was in the grasp of fell disease, and yet the next and the black, somber draping of his accustomed seat, surmounted by a white wreath of flowerets, symbolical of hope, proclaimed to us in language impressively eloquent by its very silence that the stalwart frame was cold in death, that the eloquent voice was for aye hushed, and that the immortal spirit of WILLIAM HENRY CRAIN had passed from the brief here into the never-ending hereafter, and that as a fellow-mortal in earthly avocation we should meet and greet him no more forever.

The story of his life's vicissitudes is eventful and interesting, but I leave its recital to those who were more intimately associated with him in his career than I.

He was a leader among men, but the task of describing his great qualities of leadership I leave to those who have followed where he led in the great battle of politics.

He was an orator bounteously endowed by nature with matchless powers of eloquence, ripened almost into perfection by years of training and experience in public life, but to those who have many times and often listened to his ringing sentences I leave the task of describing his wonderful abilities and powers as an orator.

The Hon. WILLIAM HENRY CRAIN was to me a stranger. In the brief time we were associates on the floor of this House I never had the honor of addressing to him a single word in conversation or of grasping his hand in an introductory clasp.

But scenes and pictures oftentimes appear upon the panorama of passing events that enable a stranger instantaneously to judge the character of a fellow-stranger in certain lines better, far better and more accurately, than a lifetime of intimate acquaintance would enable him to judge, and such an opportunity was afforded me to so judge him.

The only public utterance that I ever heard WILLIAM HENRY CRAIN make was when he stood up in his place and such a vivid word picture of battle painted that we could hear the rattle of the drums, the blare of the trumpet, the shrill notes of the bugle, and the scream of the life cheering men on to carnage, and the deep resonant tones of commanding officers as they urged their men to stand firm.

So vivid was the picture that we could see long lines of infantry marching and countermarching; could see the smoke of their muskets and hear the whistle of bullets as they sped on their mission of death.

We could see batteries of artillery gallop into position with almost automatic precision, could hear the reverberating roar of the pieces as they belched forth their awful missiles of annihilation, hear the rattle of grape and canister, the crash of solid shot, and the wild shriek of the shell.

Spellbound by his magic eloquence we saw the charging squadrons of horsemen meet in battle shock, and could hear the very clash of steel as saber clanked against saber in the terrible music of death.

Then with the hand of a master he shifted the scenes, and we beheld with horror the awful ravages of war after deadly battle, where Americans had met Americans on the red field of conflict in fratricidal strife, and by the pale moonlight, so vivid was the description, could we see rows upon rows of dead warriors and thousands of shot-torn, saber-slashed, mangled, and wounded fellow-men lying on the carnage-swept field.

Then his voice sank into the pathos of inexpressible tenderness as he described, with such startling reality that before our eyes we could see them there, the black-robed sisters, ministering angels of the church he loved so well—flitting to and fro among the stricken ones, closing the eyes of the dead, moistening the lips of the dying and bandaging the torn and mangled with women's tender fingers—black-robed sisters, with vision keen as eagle's to discover suffering, but with eyes so stricken with the color-blindness of heavenly charity that they were utterly unable to discover whether the recipients of their kindly ministrations wore the gray of the Confederacy or the blue of the Union.

And when he closed with splendid peroration, the curtains of his secret soul were rolled away and a grand and noble trait of character stood revealed in WILLIAM HENRY CRAIN, the most godlike trait that mortal man can possess—a deep and abiding love for his fellow-man and a boundless sympathy for oppressed humanity.

And when the funeral train, bearing all that was mortal of the Congressman, speeding southward, reached the borders of his native State, evidences of his love and sympathy for his fellow-man multiplied, for love and sympathy always beget love and sympathy in return, and the uncovered crowds that watched the cortège pass by bore upon their faces that wan and disconsolate expression that one sees upon the faces of those who stand by the grave of a friend.

And when we reached the beautiful city of Cuero, his home for many years, the throng of people that so sadly awaited our arrival bore upon their faces that look of sad and desolate loneliness that one sees upon the face of one who has lost one dearer than a friend.

Loving hands bore him from the funeral train to his modest residence, and there in state he lay; and multitudes of people—white, black, rich, poor, of all conditions of life—old men and women tottering on staves, men and women in life's autumn time, husbands and wives in the full vigor of noontide existence, youths and maidens, little children led by the hand—came to look once more and for the last time upon the features of him they had loved and honored. No idle motive of curiosity prompted them thus to come. Grief—deep, all-pervading grief—was the impelling force that moved them to look again upon him they loved so well in life. Sorrow, heartfelt sorrow, was everywhere manifest, and the tears of those who knew him longest and knew him best that that day fell upon his casket constituted a eulogy more eloquent than mortal lips can utter.

And as I gazed upon the sorrow-stricken features of those who stood around his bier the beautiful poem of Leigh Hunt came to my mind:

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw within the moonlight of his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said:
"What writest thou?" The vision raised its head,
And, with a look made all of sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" asked Abou. "Nay, not so,"
Replied the angel. Abou spoke more low,
But cheerily still, and said: "I pray thee, then,
Write me as one who loves his fellow-men."
The angel wrote and vanished. The next night
It came again with a great wakening light
And showed the names of those whom love of God had blest,
And lo! Ben Adhem's name led all the rest.

I would not have you think that WILLIAM HENRY CRAIN was a man perfect. No doubt he had failings many, for he was mortal. No doubt he had faults numerous, for he was, like us, human. But when I saw the fond remembrance in which he was held by friends and neighbors, I doubted not but that in God's great ledger, the only account books where mistakes are never made and where errors never creep in, over against the name of WILLIAM HENRY CRAIN, written in letters of brightest gold, were the words: "He loved his fellow-men."

After brief but impressive services in the church where, with wife and loved ones, he oft had worshiped, he was borne, sadly borne, to burial. Deep in the bosom of his much-loved State they laid him down to rest and to await the Archangel's summons. Peace, peace to his ashes.

No stately column need be raised to perpetuate his memory among the sons of Texas or their descendants.

In the hearts of Texans has he left a monument much more lasting than marble tomb or time-enduring granite shaft.

Mr. McDEARMON. Mr. Speaker, it was not my privilege to enjoy an intimate social acquaintance with the distinguished gentleman whose life and character we are considering. I had the honor to serve with him in the Fifty-third Congress and until his death in this, but my personal associations with him did not extend beyond a passing acquaintance and a few casual conversations. I was, however, attracted by his courtly bearing, knightly courtesy, and distinguished mien upon my first entrance into this body as a member, and I soon discovered that he was one of the leading spirits of the exceptionally able body of men, as a whole, who composed the membership of this House in the Fifty-third Congress. His commanding appearance, melodious voice, polished manner, vigorous and impassioned but faultlessly classical language, his clear, logical, and forceful arguments always commanded the closest attention of the House, challenging the respect of his political opponents, the delight and pride of his friends, and the admiration and applause of all. Mr. CRAIN was, in the true sense of the word, an orator. He possessed a vivid and towering imagination. His mind had been well trained in his early youth, and when I first knew him it had become richly laden with varied and valuable information. He had drunk deep at the fountain of knowledge and was endowed with its rarest fruits. His ability to clothe the most commonplace thoughts in the choicest rhetoric was striking and remarkable. His long experience as a member of this body and his familiarity with public affairs, coupled with his general information, enabled him to bear a leading and honorable part in all of the great discussions which made the Fifty-third Congress memorable.

He never failed to illumine any subject which he debated or to instruct and enlighten his hearers with his incisive and lucid arguments or to entrance them with his matchless eloquence. While my social intercourse with him was limited, as I have stated, yet I recall several little incidents with which he was connected which gave me an insight into his character, which, together with what I have learned about him since his death, convinced me that he was a man of the most scrupulous integrity and chivalric honor; and that his lofty soul was incapable of a low thought or an ignoble act.

He impressed me as being a man of superb moral and physical courage; a high-spirited, cultured, dignified, and accomplished gentleman in every sense of that too-often abused term. When the proceedings of this House were interrupted last February by the solemn and startling announcement that WILLIAM H. CRAIN, who had so recently been an active and prominent participant in the discussion of the grave questions which then engaged our attention, was dead, that he had been suddenly cut down in the prime of his splendid manhood, had journeyed to that "undiscovered country from whose bourn no traveler returns," we had another and a deeply impressive reminder and admonition that we are all sojourners here, and that sooner or later we, too,

must lay down our life's work, whether finished or unfinished, perchance as abruptly and unexpectedly as did he.

I was unusually shocked by the announcement of Mr. CRAIN's death, and was very soon thereafter designated as one of the committee appointed by the Chair to escort his remains to his far-off home in southern Texas.

Our long, sad journey on the funeral train, deeply draped in the gloomy habiliments of death, in its rapid flight through the great Commonwealths of Old Virginia, the two Carolinas, Georgia, Alabama, Louisiana, and Texas, ever and anon fitting past historic spots where in the not long ago great armies of Americans contended in bloody strife with brother Americans; the lamentations of the stricken widow and orphans; the sweetly solemn and peculiarly impressive ceremonies and sermon by the Catholic clergy in the church where he was accustomed to worship, and by the open grave on the hillside where we left our brother asleep, all conspired to awaken in my mind the deepest emotions of sympathy for those who wept, and to lead me to contemplate the life and character of him whose remains it became my sad duty to help to bury. The many noble traits of character and manly attributes which characterized our departed brother have been lovingly described and eloquently portrayed by his distinguished colleagues, whose good fortune it was to know him as a companion and to love him as a friend. His brilliant achievements as a statesman and valuable public services to his State and to the nation during his long and honorable career as a member of this House have been graphically and faithfully recounted by those who served with him from his advent into public life, and who witnessed his labors and rejoiced at his glorious triumphs.

But his votes and public utterances are transcribed in the imperishable archives of the several Congresses in whose proceedings he took part. They belong to his country and are a part of its heritage, and will be interwoven into its glorious history. In all of the important measures which have engaged the attention of Congress during the last twelve years, many of which have materially affected the welfare and destiny of our country, his influence has been felt and his voice has been heard in advocacy of the right and in condemnation of the wrong. I doubt whether the speeches of any other of the many able and eloquent statesmen whose footprints are interspersed through the volumes of the CONGRESSIONAL RECORD will, in beauty and purity of diction, rhetorical graces and polish, together with vigorous arguments and sound logic, surpass those of WILLIAM H. CRAIN. Generations that are to follow will take our places when we are gone and will pass impartial judgment upon his actions and ours by the transcript of our spoken words and registered votes as we leave them upon record.

Mr. CRAIN has had his entrance and his exit. His gentle spirit which made others happier by its charming influence came upon earth, dwelt among men for a brief season, and departed as mysteriously as it came.

The light of his genius dazzled and bewitched us during his sojourn, and when it was extinguished the world seemed darker for a time.

He was fondly loved by those who knew him intimately. Throngs of his constituents and friends from far and near, including the governor of the State and his staff, came on special trains to testify of their grief and to mourn at the grave of their friend and leader. The entire population of his home, the beautiful and picturesque city of Cuero, paid affectionate tribute to his memory by attending en masse his funeral, while many tears and sobs testified that true hearts sincerely mourned the death of one they fondly loved. I feel, Mr. Speaker, that this House has lost a valuable and able member, the country a loyal and patriotic citizen, and the world a noble man by the death of WILLIAM H. CRAIN. I reverently offer this poor tribute to his memory.

Peace to his ashes.

Mr. MILNES. Mr. Speaker, it became my sad duty, by your appointment, to accompany the remains of the Hon. WILLIAM H. CRAIN to their last resting place, to his home in Texas, there to be given a Christian burial among his relatives and friends, and I have now been asked to submit a few remarks in respect to his memory. It was not my pleasure to be intimately acquainted with our deceased brother. In fact, I never had the pleasure of being formally introduced to him, and therefore can say but little of his personality, as can those who knew him well and were his associates in his long and honorable career in this body.

That he was a man of great learning and ability, ever ready to serve his constituents and fight manfully for their rights, is fully evidenced by the official records of this House.

That his services were duly appreciated by his constituents his return to Congress for so many consecutive terms fully testifies.

One of the best things that can be said of any man is that those who knew him best—those among whom he was born and grew up to manhood, those among whom and with whom he has spent his whole life—loved him, honored him, and believed him worthy

of every confidence and trust. And this was emphatically the case with him whose memory we commemorate to-day.

The Hon. WILLIAM H. CRAIN was a native of the great State of Texas. He grew up on its mighty plains, in its genial climate, and among the liberty-loving and generous people of that great State, beloved and honored by all its people.

It was they who recognized his worth and ability; it was they who elected him district attorney while yet a very young man. It was his neighbors and friends who sent him to represent them in the senate of his native State at the age of 28 years.

It was those who knew him and appreciated his great learning and ability who sent him to represent them in this Hall during the Forty-ninth Congress and returned him at every Congressional election thereafter up to this Congress.

No man served his constituency more loyally than he. No man in either House of Congress was more beloved than he who has gone to his last resting place.

That he had his faults no one will attempt to deny, but who has not faults? That he had many virtues all who know him bear testimony.

During our long journey through the sunny Southland, and especially when we reached his native State and Congressional district, the people turned out in vast multitudes, regardless of party or sect, to view the funeral train, and to pay their respects to the remains of their Representative and friend. Thousands of people all along the route through Texas at every station stood with uncovered heads to pay their last sad respects to our departed friend and brother.

When the funeral train arrived at Cuero, the beautiful little city where for so many years he had resided with his interesting family, every business house was closed, and the people turned out en masse to receive the mortal remains of their neighbor and friend.

It was indeed a sad home coming. It was a great and sad bereavement to his stricken family. But the high respect and love borne for him by those who knew him best was shown on every hand.

His funeral was largely attended, not only by the people of his Congressional district, but by prominent men throughout the State. The governor of Texas, together with his staff, came to pay their last respects.

The Catholic bishop of the diocese and other clergy came to assist at his funeral and to give words of consolation and cheer to his bereaved family, and thousands of men and women, representing all classes of people, stood around the open grave and dropped a silent tear to his memory.

Nothing we can say or do here to-day will add to or take from the record he made for himself and his country during that long period in which he was in its service. We can only pay our last tribute to his memory.

He has gone to that home beyond the great river, and where, in the course of nature, we, too, will soon follow him.

Let us remember all that was good and true in his nature, and forget those frailties and shortcomings which universally afflict mankind, and from which none of us escape.

Farewell, our brother, sleep peacefully beneath thy native sod. Sleep on until that great day when all who sleep shall arise and be judged by a righteous judgment, by Him who knoweth our innermost motives and actions, and who rewardeth according to our merits. Again farewell!

Mr. CROWLEY. Mr. Speaker, the custom prevailing in the House of Representatives when death stalks in its midst and carries away any of its members, to memorialize the life, character, and doings of the dead is a beautiful one, notwithstanding the manifest disposition of many distinguished members of this body who are endeavoring to abolish memorial services. I still say it is a beautiful custom, and long may it last!

The man whose memory we honor to-day by this custom, WILLIAM HENRY CRAIN, was born in the city of Galveston, Tex., November 25, 1848. He was the first native son of the Lone Star State who had the distinction of representing this great State in Congress, and until this Congress the only one. His father dying in Galveston, in 1854 he was sent to relatives residing in New York City, who placed him at the Christian Brothers' School until he was 14, when he entered St. Francis Xavier's College, and graduated from that famous institution of learning July 1, 1867, being valedictorian of his class.

After an absence of twelve years in the North, young CRAIN returned to Texas. For two years he lived on a ranch, worked as a cowboy, rode wild horses and drove cattle, and performed all the duties pertaining to a cowboy on a ranch; but growing tired of that life, he moved to Indianola, then a thriving city in Texas, and there taught school. While teaching he studied law with Messrs. Stockdale & Proctor, and was admitted to the bar and licensed to practice in 1871.

In July, 1873, he married Miss Angelina G. Mitchell, daughter of Capt. I. N. Mitchell, of Indianola. The result of this union living to-day are six children, four boys and two girls, namely: Frank, Viva, William Henry, James Kerr, Newton Mitchell, and Mary, varying in ages from 7 to 21 years.

In 1872 he was elected district attorney of the Twenty-third judicial district and served until 1876. In this position he, by his brilliancy and versatility, soon attracted attention, making for himself in this office a splendid record. When he entered on the discharge of the duties of his office the country was overrun with malefactors of every description. When he retired from office nearly all the malefactors had left that section of the country, and law had taken the place of lawlessness. Owing to the arduous duties attendant upon this position and being somewhat shattered in health, he refused a reelection to the office of district attorney, but accepted a nomination as State senator from the Democratic party to represent the Seventh district, to which position he was elected practically without opposition. In that body he was an active worker, taking high rank for a young man, and at that time even was looked on as one of the coming men of the State. Owing to change of residence he resigned after a single session.

He then removed to Hallettsville and practiced his profession with Col. S. C. Patten for four years. Here he was successful, and soon built up a large and lucrative practice. While an active member of the Democratic party, and always useful and untiring in his efforts for his ambitious friends, he was not an aspirant for any office, but was prevailed upon, on account of his oratorical ability, to serve as an elector for the State at large on the Hancock ticket in 1880.

Prior to 1882 he removed to Cuero, Dewitt County, which, under the apportionment of 1881, was placed in the Seventh Congressional district. Here he formed a law partnership with the Hon. Rudolph Kleberg, who was recently elected to fill his unexpired term in this Congress. While this partnership was never dissolved, it was merely nominal after his election to Congress in 1884. He represented the Seventh Congressional district continuously until 1892, when a redistricting of the State placed him in the Eleventh. This last district he represented since its formation. He never attended but one convention at which he was a candidate, notwithstanding that at times there was a good deal of opposition. He was elected to the Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. At the expiration of this Congress it was his purpose, had he lived, to decline further service in public life, and so announced to his constituency several months prior to his death. His most bitter enemies have always accorded to him honesty of purpose and the courage of his convictions.

He possessed the love and confidence of his constituents to a remarkable degree, and was a political power in his section of his State. He was an able lawyer, a forceful and eloquent speaker, and charmed all with his close reasoning and magnetism. He was open and candid and never hesitated to express his opinion.

On the 4th of February, just six days before his death, he made a beautiful impromptu speech, his last on the floor of this House, which was characteristic of the man, as it was an appeal for the charitable institutions of the District of Columbia. It is a literary gem equal to anything I have ever read, which I quote from the CONGRESSIONAL RECORD:

Mr. Chairman, going back thirty or thirty-five years, a war was waged for the dissolution of this Union. Soldiers innumerable on both sides of Mason and Dixon's line flocked to the standards of what they considered right. The reverberations of cannon echoed down the valleys of Virginia. Swords and muskets asserted their supremacy. Brother fought against brother; soldier on one side against soldier on the other. As the soldiers went down on the side of the Union, there came upon the battlefields the white-winged messengers of peace, robed in the raiments of mercy and charity, and many a parched tongue and parched throat accepted the ministrations of those pure, beautiful creatures, who, protected by soldiers and officers, as well as by the President of the United States, the great, grand, and lamented Lincoln, came and ministered to them. Was there any question then on the part of the gentleman from Nebraska as to granting those emissaries of mercy a commission to fulfill their errand to those soldiers? Did he then, or did those whom he now represents, rise in their might and protest against the charitable work of those angelic forms in human shape? No, Mr. Chairman, not one word of protest was uttered then. Yet the representatives of the descendants of the men who were assisted by those lovely women come here to-day and protest in the name of what? Infidelity against religion.

Mr. Chairman, in view of the fact that this committee has put on record its vote in favor of the appropriation for the National Association for the Relief of Destitute Colored Women and Children (for which I voted), in view of the fact that that is an assertion on our part that the institution is not private in its character and is nonsectarian, although according to the statement of the chairman of the Committee on Appropriations it is in no wise different from the one now before us for consideration, I fail to see how our Republican brethren can vote against the appropriation.

His interest in the future development of southwestern Texas is shown by the following excerpt from a speech delivered at Corpus Christi on Tuesday, March 24, 1891:

The people of the North and West want to find a more congenial climate than they now enjoy in their present homes. They are well aware that no such climate and soil can be found anywhere in the world as are found within the confines of the State of Texas. Deep water in itself would not build

up and develop this country. We had a Northern invasion many years ago, and our fathers, sons, and brothers bared their breasts to repel the invaders. But that era has happily passed, and times have changed. We want another Northern invasion, and we will receive the invaders with open arms and shouts of joy. We want them to come with their wives, families, and kindred. We want them to come and stay with us—be one of us—and help develop the resources of the country.

The population of Texas has nearly doubled in the last decade, and it can go on and double for the next decade, and the next, and the next, and still there will be room for more industrious settlers in this grand empire. All these settlers will contribute to the wealth and upbuilding of the country, and will furnish export cargoes for the ships of the world that will enter your deep-water ports a few years hence. Without these settlers Texas would not derive any great benefit to the State at large from deep water. It is the back country after all that makes great cities, and it is the grand back country of the whole Union that has created and maintained the large commercial cities along the Atlantic Seaboard. Without the back country these cities could not have been created or maintained. We want the hardy young blood of the North and Northwest planted in the virgin soil of Texas, and we want lots of it. Give us half a million industrious farmers, mechanics, and artisans in the next few years and southwest Texas will leap forward with a bound that will astonish the world. They are surely coming, and you should welcome them and bid them join hands with you and lend nature a helping hand. Cut up your pastures into small tracts, sell them to the man with the hoe, and prosperity will follow in his tracks. He will have to exchange the products of the soil for merchandise brought hither by rail and water. He will raise a family, and every member will be both a partner and a consumer, and the wealth of the country will be increased proportionately.

Mr. CRAIN was a ripe scholar, and was shortly before his death paid a compliment by that eminent educationist and great scholar, Dr. William Everett, of Massachusetts, in reply to a communication from a gentleman in this city, who wrote to know if Dr. Everett had been correctly quoted in expressing his appreciation of the former's ability to handle his mother tongue. This was the reply:

QUINCY, MASS., December 26, 1895.

MY DEAR SIR: You were not misinformed. My seat was very near Mr. CRAIN's, and I had constant opportunities to hear him, both in conversation and debate. His English was simply faultless, copious, correct, natural, without a trace of vulgarity, provincialism, or pedantry, the language of a cultivated gentleman, who respected his mother tongue as well as mastering it. I avoid comparisons, but it was a delight to me to hear anyone talk whose language would satisfy every community and every person whereof English is the native speech.

Yours, very truly,

WILLIAM EVERETT.

EDWARD SMITH, Esq.

The admiration which Mr. CRAIN had won in early life as an entertaining and amiable companion in private society increased with his years. Those who knew him not within the circle of friendship knew him only by halves. He was always what he appeared, the scholar and the gentleman, the entertaining and instructive companion; polite, yet friendly; social, yet respectful. In his friendships he was strong, firm, and unalterable. He had great benevolence, enlarged ideas of philanthropy, and no tongue or pen can do him more justice than his own kind deeds for men, women, and children, and those deeds are usually outdone by the doing.

He was at his post of duty when suddenly taken ill on Thursday afternoon, February 6, suffering severely from a cold contracted at the Southern Relief Society ball on the night of February 4, and died of pneumonia on the Monday following, in the meridian of a most useful life. His death was a shock to the House, to his constituency, and to me a personal bereavement.

Mr. CRAIN was not unmindful of his end, yet seemed not to dread it, but patiently and placidly waited the hour appointed to all living, and as the dawn was breaking he peacefully passed to eternal rest. Thus died the Hon. WILLIAM HENRY CRAIN, on Monday, February 10, 1896. On the same night the committee of the two Houses of Congress with the remains of the great Texas statesman started on the long sad journey to his far-distant home.

From Houston his venerable and sorrow-stricken mother, with delegations of his friends and constituents from the surrounding country, accompanied the body to his home and family. As the draped car passed through the towns of the district he loved so well, sorrow was plainly seen upon the faces of the people, for the voice of their eloquent and chivalrous Representative was now hushed forever.

He was buried in the cemetery at Cuero, his home. The sun shone bright and clear on that day, but it brought no delight to the eyes, no cheer to the hearts of his friends. Flags hung from every pole at half-mast, business was suspended, and the schools were closed to enable the children of his home to look for the last time upon his intellectual face and to witness the commitment to mother earth of the body of Texas's noble son. Tributes were offered and resolutions were adopted throughout the State expressive of the sorrow of the people. Courts were adjourned and respect was paid to his memory by bench, bar, and press.

Judge Robert B. Green, a distinguished jurist of San Antonio, Tex., said:

I unhesitatingly say that I believe he is the most brilliant man Texas ever sent to Washington. I know of no man upon whom nature bestowed more of her gifts, and in an intimate acquaintance with him I never knew him to exercise any of his great gifts except for the good of his fellow-men. He was very strong as an advocate, and particularly strong in legislative and parliamentary bodies. His personal magnetism, coupled with great abilities, made him a most useful member of Congress, and he was of especial value to our

section of the State. He accomplished and was instrumental in accomplishing many works that tend to the material progress of our State, and upon many of the future gigantic developments of our particular section the corner stones thereof should have inscribed the name of WILLIAM HENRY CRAIN.

I can not properly pen the estimate that should be placed upon him as a companion, citizen, public servant, and man. It would require one of his rare qualities and gifted powers to write a suitable eulogy to his memory. Suffice it to say that he used his magnificent endowment by nature for the good and honor of his State and district, and that he was eminently a useful man.

Judge Thomas M. Paschal, of Texas, a colleague of his in the last Congress, wrote thus:

To say that this gifted and useful son of Texas was without faults, faults that marred the harmonious whole and symmetry of his character, would be to say what he least of all would have had insincerely said of him, but it can be truthfully said that the one human being who could most seriously complain of them was WILLIAM HENRY CRAIN himself. Over none in Texas or Congress who have crossed the great river and now rest beneath the shade of the trees will the mantle of charity be more completely drawn than over him. At the foot of none will be laid more lasting or genuine tribute. And his friends will ever shed a tear as his name is spoken, or his words and deeds remembered.

The press of the State which had honored him, and which he had honored, laid tributes of grief and sorrow on his bier. I quote the following from the Laredo News:

To pay tribute to this man is the duty of every man who called him friend. To those from whom he differed, both in politics and religion, he accorded the greatest freedom, and expected nothing less than he gave, and even Pythias had nothing to teach him in friendship. Could it be possible that such a man could go to that that mind could not conceive without a requiem in moans? "Let the dead past bury its dead," and no man who admires all that goes to make up a noble manhood will deny the tribute. "This was a man." With all his faults, where shall we find his equal?

The El Paso Times said:

His bitterest enemies have always accorded to him honesty of purpose and the courage of his convictions. BILL CRAIN will live in the pale moonlight of memory, and his name will shine resplendent in the list of patriots who have crossed over the river to rest in the shade of the trees.

To his political promises he was constant as the polar star. By his friends, through calm and storm, he stood like the granite hills. He knew the people; the people knew him. Many times he was their standard bearer. He was never defeated and never surrendered until he bowed his head in death.

And now he sleeps in the breast of the mother State he loved and served so well. Farewell, friend CRAIN. Thy life's battle is over. May thy soul find sweet rest in the sleep of the dead, and when the morning light breaks on resurrection day may your soul ascend to that abode above where all is peace and all is love.

Mr. FITZGERALD. Mr. Speaker, it was not my privilege to enjoy a very intimate acquaintance with WILLIAM HENRY CRAIN, but the short acquaintance I had with him endeared him to me very strongly. I think I do not go beyond the bounds of reason and fairness when I say that he was truly one of God's noblemen. The gentlemen who have preceded me and who have uttered words of earnest eulogy were, most of them, much more intimately acquainted with him than I was. They have told you, in beautiful and expressive language, of his career at college, how his kindly nature and his broad and generous sympathies endeared him to every member of his class, and how at that early age he gave promise of future greatness. They have followed his course in the days of his early manhood in his native State. They have told you of his service as district attorney, an office which demands the exercise of the best judgment, and sometimes of the stern spirit of justice, and they have described how, in that capacity, he was first of all true to the Commonwealth, true to the people, and how, regardless of friend or foe, he always meted out exact justice. They have described his career as a leader in the senate of Texas, and told you how he then manifested the same abilities and qualities which afterwards made him eminent in this House.

He became a member of this body in the year 1884. By his ability, by his knowledge of public affairs, by his wisdom, his forethought, and his judgment he soon became a prominent factor in the House of Representatives. I remember when, by reason of ill health, I was absent from the deliberations of this body on the occasion of the first debate of the District appropriation bill, I read the sentiments spoken by Mr. CRAIN on this floor—words which have been quoted by the gentleman who has preceded me—and I remember how proud and happy I felt that there was in this Chamber a man holding the same religious views which I held, belonging to the same church to which I belonged, who was ready to stand up here to defend her principles and defend her sons and daughters when unjustly attacked. But that was to be expected from WILLIAM HENRY CRAIN. He was always loyal and devoted to his church, always loyal and devoted to her teachings. In all the debates in which he participated in this body he showed himself to be one of the keenest observers, one of the best informed members, one who had always the interests of the whole people in view, one who could at all times be depended upon to cast his vote in the interest of justice and of broad humanity.

The gentleman who has preceded me [Mr. CROWLEY] read to the House a few moments ago the graceful tribute paid by Dr. Everett to the beauty of the diction and the rhetoric of Mr. CRAIN. Nothing that I could say would add to that, and I will not attempt to make any addition to it other than to say that such a tribute from such a source, coming from a man in my own State whose abilities in that line are recognized to be among the most eminent in our Commonwealth, is highly honorable and must be very gratifying to those who hold the memory of Mr. CRAIN in admiring and affectionate remembrance.

Mr. Speaker, WILLIAM HENRY CRAIN is no more. He died in this beautiful city of Washington during the cold, bleak days of winter. His body lies entombed beneath the green fields of Texas. The flowers of spring now grow and blush above his grave, and we, the members of this House, gather here to-day to pay tribute to his noble qualities. In closing, let me say, Mr. Speaker, that it seems to me that Boyle O'Reilly typified such a man as Mr. CRAIN most eloquently when he wrote the beautiful lines which end:

Come, brothers; here was a teacher,
And the lessons he taught were good;
There are no classes nor races,
But one human brotherhood.

There are no creeds to be outlawed,
No color of skin debarred;
Mankind is one in his rights and wrongs—
One right, one hope, one guard.

Mr. MILLIKEN. Mr. Speaker, I was not apprised until a few moments before I entered the Hall that there were to be eulogies this afternoon upon our departed colleague, WILLIAM HENRY CRAIN, and therefore I have not prepared myself to say anything formally, but still I can not forego this opportunity of paying my tribute of respect to the memory of a man who, during more than ten years in this Congress, commanded my admiration and affection. My early acquaintance with Mr. CRAIN, upon his entering Congress, sprang from a very peculiar coincidence. Before he was born, and when I had been born but a little while, my father, William Milliken, of Montville, Me., went to Texas. He built a number of houses at Port Lavaca. During his first year there the Comanche Indians, who were then very strong and very hostile to the whites, raided the town, scalped the men, violated the women, and set the town on fire. Those who could do so took to boats and vessels to secure their safety.

On the same boat with my father was a very beautiful and accomplished girl. Eight years afterwards, having been married, there was born to her a boy; and in the Forty-ninth Congress, that boy, having grown to manhood, I met as a colleague in the Hall of the House of Representatives. It was WILLIAM H. CRAIN, our departed colleague and friend. His mother, a very charming lady, was in Washington several years ago, and recollected the Indian raid upon Port Lavaca and all its terrible details, which, of course, were most interesting history to me. The coincidence to which I have referred attracted me to Mr. CRAIN, gave me a personal interest in him, a feeling of warm friendship for him, and I became more intimate with him on that account than I should otherwise have been. It was an intimacy that was always most gratifying to myself, for I found him to be one of the most lovable characters that I had ever had the good fortune to know.

WILLIAM H. CRAIN was a brave, honest, earnest man. His handsome face, his fine physique, his manly bearing, his uniform courtesy and kindness, and his generous nature could not fail to make him attractive to every one who had a heart and a mind to admire that which is good and beautiful.

Even if I were ever so well prepared, I am sure, Mr. Speaker, that I could not say anything that would be satisfactory to myself on this occasion. There are times in human life when the feelings which well up in the heart can not find adequate expression in words. When the devout Christian stands by the altar and partakes of the bread and wine which to him, if to no one else, is the blood and body of the Saviour whom he worships, and in whose pure life and painful, tragic death he thinks he sees his only hope of a happy life beyond the grave, he does it in subdued tones or in silence. When the Mohammedan, at the setting of the sun, kneels down and makes his orisons, he does it in utterance inaudible; and when a man stands by the deathbed of a friend, or thinks of him as we do to-day of having gone over the dark and shadowy river, tears alone are his natural language. So, while I would gladly pay to our deceased and lamented colleague a tribute such as I feel and such as he deserves, it is not possible for me to do so.

He has gone to return to us no more upon the shores of time. We shall see his incomings and outgoings no longer. His eloquent voice has been hushed. The charm of his material presence we shall feel here not again. But I feel that the influence of his noble qualities of mind and heart will ever linger with us as lingers the perfume of a sweet flower even when we have long parted from it.

We will cherish his memory as a possession most dear to us. Let us hope and believe that his eyes have opened to the morning light of a never-ending day. Let us have faith that he dwells beneath the smile of that Divine Power who created life, not to be swallowed up in death, but to be renewed, purified, and enlarged in a realm of clearer light and broader vision, where the noblest aspirations and grandest dreams of our lives here shall become our assured and beautiful realities.

Mr. WILLIS. Mr. Speaker, I had not such an acquaintance with the gentleman whose memory we mourn to-day as would warrant me in any detailed remarks in the way of a funeral oration or eulogium upon his character. What I have heard others say concerning him certainly has been calculated to bring a sentiment of complacency to our minds in connection with him: In the first place, that he was a gallant man, and in the next, that he had faith; and if these were possessed by him he fulfilled and carried out the requirements of two of the great cardinal virtues taught in the Divine Word. We have been instructed to add to our faith, as the best of virtues which man can possess, manliness and courage; and certainly there can be nothing more appropriate for a man who represents and loves the people than to exhibit the spirit, the sentiment, and the practice of bravery and manliness.

Mr. Speaker, I am always delighted whenever I see among public men that generous tone of bearing toward their associates, that unselfish attitude of action and opinion, which indicates to my mind the possession of true manliness.

As I said on a former occasion, greatness in human life is not to be measured alone by intellectual powers. It is a faculty that concerns the heart as well as the brain. A man must have a great soul to be a great man. He may have very many infirmities and many peccadillos, but if the soul is broad, full of humanity and unselfishness and of charity, he has in his heart some of the elements that make a great man. And then, if he has a broad intellect, with discriminating, comprehensive faculties of the mind and acumen to perceive circumstances, conditions, or situations and make them available to the interests of human nature, I think he needs no qualifications that go to make up a great man. And in so far as this was a manly man, a man of that character, he had at least the elements of greatness in his composition. So far as I had an opportunity in being acquainted with him I found him brave and intellectual.

I have been pleased, Mr. Speaker, on these funeral occasions, with the disposition of kindness which has been manifested on the part of the members of this body to speak well of those who have left us. In voting and speaking upon a resolution in regard to a proposition to do away with the memorial services, such as those which Congress has been in the habit of practicing in the past, I took the ground and made remarks touching the point that if nothing else were to be gained than an opportunity to speak well of those who have left us it seems to me that the exercises would be well worth the trouble and the time.

I said that public men, and particularly men in deliberative bodies, were too likely to find out what was objectionable in, and to enlarge upon the shortcomings of, their confreres and fellows, but that these funeral occasions afforded especially favorable opportunities for magnifying what they had found, if they never had before acknowledged it, good and broad and great in their departed fellows. I was impressed with this idea during the services that were held the other day. These manly intellects, broad hearts, affectionate natures which we find in representative men, such as those that have passed away from these scenes and are sleeping the last long sleep of death—I say these broad intellects, ever seeking to know more and more of the mysterious and the mighty, and these enlarged affectional impulses of the human soul, to me are presumptive arguments in favor of another life.

I do not and can not believe that so much of good material, intellectual, affectional, spiritual, social, was ever intended to be interwrought into a human structure for the existence and the limitations of only three score years and ten. When an architect builds a magnificent temple he lays the foundation deep in the soil, constructs it of impregnable and lasting marble, spreads the architrave and extends the walls, so that it shall not be a thing of a season; but, with all its grandeur and costliness and splendor, the idea underlies the whole operation that it is to last for generations, and he would, if he could, like the ancient Egyptians, aim at immortality with material things. I can not believe that Almighty God, the skillful and eternal Creator who has constructed the strange architecture of the little pebble and the fine fiber and fabric of the wing of the tiny insect, which can keep its place in the pathway of the eagle through the storm—that that Divine hand, with all its skill, ever incorporated so much valuable material in a human life to let it cease utterly at the end of three score years and ten.

I wanted to say this here in this House, and that was the purpose I had in rising. I believe that death is not the end of all things; that it is not the destruction of the living power; that the

fact that we live now is a presumption that we shall live hereafter, unless it can be shown that death is the destruction of the living power, and I think every presumption is against it. And though we may not be willing to go into the fine-spun philosophy of theology, I think this presumption lays itself at the door of the common sense of every man. There is too much in us to pass away with a season. These men who have left us will live again somewhere, in the undiscovered country to which we are hastening; and it is a good thing for us to remember that we are mortal and that we are immortal, and that our immortality carries with it a responsibility which is as becoming and as fitting and as effective in a legislator as in any other man in the community.

I have long since thought, before it was ever my honored privilege to appear in this august presence, that it ought to be considered a great functional privilege of a legislature such as this, a National Legislature, to hold up and have a very high standard of manhood. I think we ought to be above any small or meanly selfish thing; that we ought, indeed, to learn to ascend the elevation of human excellence which has been so beautifully marked out in those striking words in Scripture, adding to faith virtue, and to virtue knowledge, and to knowledge temperance, and to temperance patience, and to patience godliness, and to godliness brotherly kindness, and to brotherly kindness charity; that every man should make an earnest and honest daily attempt to ascend this sublime elevation, and when he gets at the summit he ought to find himself with his feet on the neck of his passions. In that lofty height to which he has attained he ought to feel that he is really himself a conqueror of the world through faith and virtue. And it is my honest desire that the American Congress shall have just as much of this grand principle as is possible under the circumstances and environments of public life.

Mr. PENDLETON. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of our esteemed colleague and friend, W. H. CRAIN, late a Representative from the State of Texas.

Resolved, That the sympathies of the members of this House be extended to the family of Mr. CRAIN in their bereavement, and that the Clerk of the House transmit to them a copy of these resolutions.

Resolved, That as a further mark of respect to the deceased the House do now adjourn.

The resolutions were agreed to.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House, in accordance with the special order, adjourned until 8 o'clock p. m.

SPECIAL EVENING SESSION.

The House was called to order at 8 o'clock p. m. by Mr. BROWNING, Chief Clerk, who read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES.
Washington, D. C., April 25, 1896.

Mr. PAYNE of New York is appointed to act as Speaker pro tempore for the evening session.

T. B. REED, Speaker.

The CHIEF CLERK. The gentleman from New York will please take the Chair.

The SPEAKER pro tempore. The House will be in order.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the bill H. R. 8271 be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the bill H. R. 8271 be considered to-night in the House as in Committee of the Whole, for general debate. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Mr. Speaker, we are in the House considering this bill?

The SPEAKER pro tempore. The gentleman from Tennessee will be recognized for ten minutes.

Mr. COX. I do not want half that time. It is so evident to everybody that we are proceeding here to-night without anybody present in the consideration of this bill, that will probably involve from \$3,000,000 to \$5,000,000 of appropriation, that I think it proper for the House to adjourn, and I make that motion. There are not six members on the floor of the House.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. COX. Just for the sake of seeing how many there are here, I call for a division.

The House divided; and there were—ayes 1, noes 6.

So the motion to adjourn was rejected.

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. HARDY. Mr. Speaker, for two days the bill now being considered has been under discussion, and during that time we have

been led to understand from our friends, the enemy, who occupy seats on the Democratic side of this House that the only true friend of the true Union soldier during all these years since the war has been the Democratic party and Democratic members of Congress. Now, Mr. Speaker, let us reason together for a few moments on this proposition. I find by a careful examination of the vote on every general pension bill from the Forty-sixth Congress to the present time that the vote of the majority of Democrats in Congress has been recorded against pension legislation. "The God's truth of the whole matter is" that the Democratic party as represented upon this floor, with a few exceptions, notably my distinguished friend from New York [Mr. CUMMINGS] and a few gallant gentlemen who fought with the South, have by their voices, their objections, and votes shown themselves absolutely opposed to any increase of the pension roll for Union soldiers, their widows, and their orphans. Yet, Mr. Speaker, the Northern Democracy as represented upon this floor would have the false representation go to the country that they are the special friends of the Union soldier. Why, sir, upon a careful examination of every vote that has been had upon the passage of pension bills since 1879 we find that all of the opposition has come from the Democratic party with the exception of one single Republican vote. The following has been the party vote on all important bills since 1879 as I find the vote recorded in the records of Congress:

Arrears act of January 25, 1879: In the Senate—Republicans voted for the bill, 28; against the bill, none. Democrats for the bill, 16; against the bill, 4. In the House—Republicans for the bill, 116; against the bill, none. Democrats for the bill, 48; against the bill, 62.

Arrears act of March 3, 1879: In the Senate—for the bill, 44; against the bill, 3 (all Democrats). In the House—for the bill, 183; against the bill, 67 (66 Democrats, 1 Republican).

Right to increase or reduce pensions, act of June 21, 1879: In the Senate—no ye-a-and-nay vote. In the House—for the bill, 187; against the bill, 22 (all Democrats).

Widows' increase act of March 19, 1886: In the Senate—no ye-a-and-nay vote. In the House—Republicans for the bill, 118; against the bill, none. Democrats for the bill, 80; against the bill, 66.

Dependent pension bill: In the Senate—no ye-a-and-nay vote. In the House—Republicans for the bill, 114; against the bill, none. Democrats for the bill, 66; against the bill, 76.

On motion to pass over veto: In the House—Republicans for the bill, 138; against the bill, none. Democrats for the bill, 37; against the bill, 125.

Amputation act of August 4, 1886: In the House—Republicans for the bill, 91; against the bill, none. Democrats for the bill, 75; against the bill, 51. In the Senate—no ye-a-and-nay vote.

Dependent pension bill, act of June 27, 1890, first vote: In the House—Democrats for the bill, 38; against the bill, 71. Republicans for the bill, 141; against the bill, none. In the Senate—Democrats for the bill, 10; against the bill, 12. Republicans for the bill, 32; against, none.

Dependent pension bill, conference vote: In the House—Democrats for the bill, 28; against the bill, 56. Republicans for the bill, 117; against the bill, none. In the Senate—Democrats for the bill, 3; against the bill, 18. Republicans for the bill, 31; against the bill, none.

Arrears act: Democrats for the bill, 48; Democrats against the bill, 61; Republicans for the bill 116. Republicans against the bill, none.

As this bill passed under suspension of the rules, it required two-thirds, or 150 yeas, of which 150 the Republicans furnished 116 and the Democrats the remainder.

This bill was taken up in the Senate on January 16, 1879, and after brief debate it was passed by a vote of 43 to 3.

The yeas were 27 Republicans and 16 Democrats, and the 3 nays were all Democrats.

The arrears act was not introduced by a Democrat, was not moved by a Democrat, was not passed by Democratic votes. A majority of Democrats in the House voted against it. Every vote cast against it in either House was by a Democrat.

On the votes on pension bills which I have cited I find that only one Republican vote is recorded as cast against any of the bills, and that the total Republican vote cast in the House of Representatives for the bills I have named was 1,421, and that 657 Democratic votes are recorded against these just and meritorious pension measures. The votes mentioned show, Mr. Speaker, that all opposition to pension legislation has come from the Democratic party.

Mr. Speaker, the Democrats of the North, as represented on the floor of this House to-day, are but the lickspittles of their Southern brethren, ready and willing to lick the hands of those Democrats of the South who, by unconstitutional abridgment of the suffrage, occupy seats in Congress, and who silently but effectively dictate to and shape the policy of the Northern Democratic Congressmen, who are too cowardly to claim their souls their own.

Now, Mr. Speaker, after carefully considering the bill that is now before the House, I have concluded that so far as I am individually concerned I am willing and ready to vote for every section of it. While it may be said that men may be placed upon the pension rolls by the passage of this bill who served in the Confederate army, yet at the same time I learn from history, through reading the facts as they exist, that thousands of men of Union sympathies were pressed into the Confederate service, and as soon as they had an opportunity they left the Confederate service and went under the flag that their fathers fought for in the war with Mexico and their grandfathers in the war of the Revolution. My friend the chairman of the Committee on Invalid Pensions has said that the Confederate soldier has been forgiven for every act he ever committed except that of entering the Army of the Union, and I believe the time has come when he should be forgiven that act.

I did not have an opportunity, or perhaps I might have had an opportunity and did not embrace it, of being a soldier in the Union Army; but in order to anticipate any remark that may be made by gentlemen on the other side of this House on account of the fact that I am of Canadian birth I want to say proudly that 40,000 Canadians left their homes and enlisted in the Union Army, while 10,000 gentlemen from the South and copperheads from the North went into Canada during the war of the rebellion and plotted treason against this Government, and sought by words and by deeds to spread disease and contagion among the people of the North and burn Northern cities. Although I was not one of those who bared their breasts to the heat of battle in our great national struggle for liberty and union, yet it is not necessary that I should be criticised by Northern copperheads on account of that fact, because I have endeavored by my vote in this House to show my friendship for the Union soldier. I do not yet believe that the time has come when the people of the North should turn their backs upon those who saved the nation and made this a land of liberty.

I find that our Southern brethren have not yet forgotten the unholy and treasonable cause for which they fought, in proof of which I find that in the city of Charleston, S. C., on the 23d of the present month the Confederates assembled in reunion and boasted of their treason, and in this connection, Mr. Speaker, I desire to include in my remarks a portion of the account of the Confederate reunion at Charleston as I find it recorded in the Charleston (S. C.) News and Courier of April 23, 1896, as follows:

LAST NIGHT'S GRAND RALLY.

It was a notable gathering, that which took place at German Artillery Hall last night. Under waving banners, representing the four years of the great struggle for State's rights, under the blaze of hundreds of lights, and in the presence of hundreds of Charleston's fairest ladies and bravest men, hundreds of South Carolina veterans were royally welcomed to the old City by the Sea.

The German Artillery Hall is a handsome place at all times, but never before has it presented such a scene as last evening. The entrance is through an arch formed by two immense palmetto trees, flanked by brass cannon and 15-inch shells. The entire truss work of the roof is hung with flags. The signal flags of half a dozen ships make a pleasing variety, but the prevailing theme is the "stars and bars" and the Southern cross. The south stage is draped with the flags of the Confederacy of 1861, and at various other points are the Confederate flags of 1862, 1863, and 1864, with the battle flags everywhere. The front of the south stage is trimmed in palmetto branches, moss, and laurel leaves. On the right, all wreathed in laurel, hangs a portrait of Gen. Robert E. Lee, on the left is Jackson, and in the center Jefferson Davis. Two large palmetto trees stand in the corner at the south end of the great hall. The north stage is a beautiful piece of decoration. Edged with palmetto, laurel, gray moss and laurel, the rail is surmounted by potted palms, Spanish bayonets, azaleas, and callas. Above this stage hang flags of various nations.

OPENED WITH PRAYER.

When quiet was restored and the audience was in order Commander Brodie, of Camp Sumter, asked the members to unite in prayer. The Rev. Mr. Thompson was called upon to deliver the prayer, and he touched the hearts of the veterans. He said:

"Lord God Almighty, Jehovah of Hosts, in Thy kind providence we are met to-night as the representatives of vanished armies, of desperately fought battlefields, of the dear, dead Confederacy. Let Thy benediction rest upon our exchange of salutations upon our revival of martial comradeship.

"May we hold in eternal honor the glorious chieftains who led us and the soldiers who surrendered their lives to their conviction of duty.

"May the motives that governed us and the righteous principles for which the South went forth to battle be transmitted to the future by impartial and unprejudiced historians.

"May these survivors whose ranks are thinning and who must all soon be gone enlist under a greater than an earthly leader, and in a cause far grander than that which has passed away, and be gathered at last as the good soldiers of Jesus Christ—victors over the world and the flesh and the devil, into the everlasting Kingdom of our God.

"Hear us in the name of our Redeemer. Amen."

THE MAYOR'S WELCOME.

Mayor Smyth as he arose was received with applause. He proceeded at once to extend a most cordial welcome to the visitors, saying:

"COMRADES: There needs no words of mine to emphasize the welcome Charleston offers to Confederate veterans. In spite of the years that have rolled by and the vicissitudes through which she has passed; in spite of the calamities and persecutions she has suffered and still suffers, the heart of this good old city beats as true to-night to the great principles for which you fought as in 1860, when the first ordinance of secession was passed within her walls, or in 1861, when the boom of the first cannon of the war reverberated across the blue waves of her beautiful harbor, to be echoed and reechoed a

thousand times over and over again during the four bloody years that followed.

"Were it conceivable that the authorities of Charleston could hesitate or be lukewarm in their welcome the very city gates would fly open wide of their own accord at the approaching tramp of 'the men who wore the gray,' and did her people fail to meet you with warm and loving hospitality the very stones in her streets would utter shouts of greeting and welcome. Thank God, however, Charleston's loyalty can not be questioned. It has stood every test and has never wavered. There is no spot in all this broad and sunny Southland where the memories of the heroes who fought and bled and died for the Southern Confederacy are more tenderly cherished, or where the 'lost cause' and all it represents is held in deeper reverence than in this old City by the Sea—the city that Beauregard so gallantly defended and to whose sacred keeping with his dying breath he bequeathed that sword that had so often flashed forth defiance to her enemies and to his.

"Even amid those sad, dark days 'when the cruel war was o'er,' and the remnant of the many brave sons she had sent forth to battle had returned home, broken in heart, health, and in fortune, even then Charlestonians were not ashamed to be known as 'Confederates.' Soon after reaching home her sons gathered themselves together and formed a Confederate Survivors' Association, the first one in the South, an association which only a few days ago celebrated its thirtieth anniversary, with over 100 members present. This has now been merged into Camp Sumter, and to-day there are in Charleston two large camps of Confederate veterans, a flourishing chapter of the Daughters of the Confederacy, and an enthusiastic camp of the Sons of Veterans, who are here to-night to extend to you the right hand of comradeship and of welcome.

"Had you still any doubt of Charleston's devotion to the Confederate cause, and of her love for the Confederate veteran, could you have stood in her streets a few months ago, on Hampton's Day [applause], and witnessed the grand outpouring of the people to greet that gallant soldier, that noble hero, and listened to the shouts of welcome that rolled and swelled continuously as he rode by; had you seen the vast throng assembled to listen to his words of counsel and of wisdom rise to their feet, like one man, at his entrance, women joining the men in pouring forth enthusiastic cheers upon cheers; had you seen and heard that day, you would have been convinced beyond a question that there was 'life in the old land yet,' and that the great heart of Charleston thrilled and throbbled with the same old love and patriotic devotion of days gone by."

"The signal flags of a half dozen ships made a pleasing variety; but the prevailing theme is the 'stars and bars' and the Southern cross!" The "stage was draped with the flags of the Confederacy of 1861, and at various points are the Confederate flags of 1862, 1863, and 1864, with the battle flags everywhere," while the preacher prayed, "May the motives that governed us and the righteous principles for which the South went forth to battle be transmitted to the future by impartial and unprejudiced historians," and the mayor of Charleston said, "The heart of the good old city beats as true to-night to the great principles for which you fought as in 1860, when the first ordinance of secession was passed within her walls; and had you stood in the streets a few months ago, on Hampton's day, you would have been convinced beyond a question that there was 'life in the old land yet,' and that the great heart of Charleston thrilled and throbbled with the same old love and patriotic devotion of days gone by."

This, Mr. Speaker, explains the sentiment of South Carolina to-day. The words of the South Carolina editor, preacher, and mayor of Charleston speak for themselves; and, sir, as a sequel to the account of the recent Confederate reunion I will include in my remarks the following editorial on the reunion from the Charleston (S. C.) News and Courier of the same date, which paper I hold in my hand, and find on the editorial page an article which declares that the attempt to establish the Southern Confederacy was a "dream that was worth the dreaming. It has left us," says this South Carolina editor, "nothing to regret but its end." Is it possible that any man in this country regrets the end of that terrible strife? Is it possible that any editor in all this land of ours can regret that that strife has been ended?

Mr. PICKLER. What did the gentleman say was the date of that paper?

Mr. HARDY. Thursday morning, April 23, 1896.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HARDY. I would like fifteen minutes more, Mr. Speaker.

Mr. MILES. Mr. Speaker, I ask unanimous consent that the gentleman be allowed fifteen minutes additional.

There was no objection, and it was so ordered.

Mr. HARDY. This editorial, Mr. Speaker, is as follows:

THE REUNION AND A RETROSPECT.

What hosts of strange and stirring memories are recalled to the older generation in Charleston to-day as we look on the groups of veterans on the streets, or greet old acquaintances among them as we meet them passing about with bent forms or empty sleeves or on crutches, or still carrying themselves with the bearing of soldiers, but all showing war-worn and time-worn faces, and heads touched with the frost of age, and appearing, as they go about marked with their varied badges of service under the rows of Confederate flags fluttering overhead, almost as ghosts come back to remind us of the hopes and fears, the days of alternating glory and of gloom they shared with us years and years ago "in the land when we were dreaming."

What a dream it was! Who would have missed sharing in it, with its soul-stirring visions and aspirations, even though it vanished into nothingness at the last, leaving us stunned and heartsore and all but discouraged at the sad and stern awakening. It is something to us that we dreamed it for four glorious years! That our hopes were so high and our hearts were so hot while it lasted. That our pulses were set to the throbbing of drums and our veins tingled with the fierce joy of battle in a cause to which all were alike devoted. That we feared no fate in life or death, and fought as men should fight who fight for all that men hold dear, in scorn of consequence to one or all. That we had faith in ourselves and faith in each other, and bore the

brunt of unequal war without caring for the odds or counting the odds against us, content in the assurance that each would do his part and do it well and to the bitter end!

It was a dream that was worth the dreaming. It has left us nothing to regret but its end. We were free while we dreamed, and struggled to make the dream a glorious reality. The land we fought for was ours. The dear flag that floated over it was ours. It floated in the sunshine and under the stars over a united people, of one race, one blood, and having one purpose—the purpose to establish it among the flags of the nations and make it forever worthy of its glorious unfolding. A dream only though it was, it was a dream worth the dreaming, and whose every incident is worth recalling as often as its heroes come together around peaceful camp fires of their ever-thinning "reunions," or as often as they gather their children and children's children about their knees to hear the brave old story told again and again around the fires in their homes.

The memories of one day, one hour, of the glorious past are worth more to us than a decade of such dull years as these. They are memories to be cherished and loved and guarded and handed down from heroic father to son, and from equally heroic mother to daughter, as their chiefest treasures for all time to come. What is there to compare with them in the gross and groveling present? Who of the new generation can taste the cup of passionate delights, of profound emotions, of exalted sentiments, of burning enthusiasms, of pride in victories hardly but grandly won, which was our portion in full measure, and which we drained even to the bitter dregs, with these "old soldiers" only a few years ago?

It is all over now. The dream has faded and gone. The dear flag is folded and is forgotten save by the faithful few. The flag it opposed floats over it, and we walk in its shadow as we go about the businesses that engage us in the latter and duller days. We are at one with those who fought us down and crushed our hope. Their monuments tower over the fields where we fought so vainly, if so well, while our dead sleep by thousands in unmarked graves. We are a conquered people and the marks of our conquest are on every hand. Some of us have already attained the last low level of subjugation, and bowing in humility to the feet of the victors, deny the faith their fathers fought for and profess satisfaction over their defeat. Happily for our pride and hope for the future, they are few. But we are a changed people since the war drums were silenced and the battle flags were folded a little more than three decades ago, and the change has been for the worse, as none can fail to see and understand.

The old days of our four years of true "liberty and independence," when we were our own masters and played the part of brave men on the world's stage, come back in memory with the coming among us of so many of the brave men who gave to us that blessed brief experience. Hats off to them! A heart's welcome to them! All honor to them, every one! We owe to them all that we have of honor and fame in history. The story of the glory of the Southern Confederacy is the story of their deeds, and the record is closed forever. A few more years and they will have passed from our sight never to return. There are none to take their places. We shall miss them when they are gone.

All honor and service and blessing should be their portion while they are yet with us. It is "Confederate week" in Charleston, and the old heroes, all crowned with the "gray" we love so well, are our guests while it lasts. Let us not forget for a moment to honor and entertain them, every one, in such spirit and form as is due to the immortals.

That is an editorial in the leading paper of Charleston, the chief city of the great State of South Carolina. Mr. Speaker, that editorial does not preach good doctrine to the American people. That editorial teaches the children of the soldier of the South that the Southern cause was right in the great conflict of years gone by. That editorial is wrong. The Southern people should teach their children that they at the time thought they were right in the great struggle which they maintained against the flag and the country, but are now convinced of their error. They should teach the children that there is only one flag and room for only one flag in this nation, and that not the "Stars and Bars," but the "Stars and Stripes," the heaven-born banner of Washington, of Lincoln, of Grant, and the Union. [Applause.] So much, Mr. Speaker, for the present prevailing sentiment in South Carolina. The country can consider the matter and govern itself accordingly. The prayer of the preacher, the speech of the mayor, and the editorial of the editor will stand denounced and condemned by every loyal heart in all this broad land of ours as the rankest vapors of the unreconstructed, disloyal element of the South Carolina Democracy, and can only find a responsive echo in the breasts of the cowardly, truckling Democrats of the North, who always stand ready to kiss the hand that smites them—

And crook the pregnant hinges of the knee,
Where thrift may follow fawning—

to their brethren of the South, who love them only to use them.

Now, sir, I want to say simply this, that those men and those boys who left wives, children, and sweethearts, who left the plow, who left the pulpit, who left the office, who left the shop, who left everything that was dear to them in life and went out from 1861 to 1865 to maintain the integrity and supremacy of this Government, were right, and I want to declare in this presence to-night that every man who opposed the flag, who fought against the Government, was everlastingly and will be everlastingly and eternally wrong. [Applause.] I know the holy principles and high motives which filled the hearts and actuated these men and boys of the North in the great struggle for human liberty and union. I know, sir, that in every nation and in every clime men have fought and died for liberty. I know that the Frenchman has stood behind his barricades in the streets of Paris and fought against the autocratic rule of kings and emperors. I know that the German has stood by his castles upon the Rhine and guarded them against those who sought to take away that which his fathers had gained and held. I know that the negroes under Toussaint l'Ouverture fought on their island for liberty, and patriots are fighting now in their island home of Cuba in order

that liberty may have another resting place in the Western Hemisphere and in the isles of the western ocean. I know that the Scots have fought upon the hills of Scotland and with Bruce at Bannockburn that they might stand on their native heath and claim their country free. [Applause.] I know that Ireland, poor, downtrodden, and oppressed, has ever stood for liberty, and the daily prayer of every Irishman is that his green isle may once again become one of the nations of the earth; and I know further that in years gone by, during the great famine in Ireland, when the slaveholders of the South raised a large sum of money and sent it to that grand Irishman, Daniel O'Connell, to relieve the struggling poor of Ireland, he sent it back to them in scorn, with this message:

Ireland is poor—God knows she is—but she is not so poor that she will accept money to relieve her starving people which was earned by the unrequited toil of the slave.

[Applause.]

Now, Mr. Speaker, I am honestly and candidly and heartily in favor of paying a pension to every man who served in the grand army of the Republic, if he needs it [applause]; and, furthermore, to every widow of every soldier and to every dependent orphan of every soldier who served in that Army.

Go out into the great States of the West, and you gentlemen who stand in this House as you do stand here, and who think that this country extends no further toward the setting sun than Oakland or Deer Park, in Maryland, go out into the West, where many of these soldiers live, and witness their sufferings, their trials, and their struggles, and you will come back here and grant them more liberal pensions. [Applause.]

Mr. Speaker, some of our friends in the House do not seem to realize the fact that in the great West there are men who fought from 1861 to 1865, and who to-day have their wives and their children about them, and the widows who were wives of soldiers during the war, many of whom are to-day suffering for the comforts of life. There are in the district I have the honor to humbly represent on this floor about seven or eight thousand of them. Some are provided for, but the great majority, who gave from one to five years of the best days of their lives in the service of their country, receive very small pensions and are to-day actually suffering for the very necessities of life because this Pension Office—this office of circumlocution—has so surrounded the claimants with frivolous technicalities that they can not comply with the conditions required and are therefore denied pensions to which they are entitled.

I believe that the Commissioner of Pensions was a good soldier and that he wants to do everything that is necessary for the benefit of the soldiers of the Union and remove the snags that stand in the way of the progress of their pension claims. The bill that is now before this committee will have the same effect as sending a snagboat up the Ohio or Mississippi River; it will take out every snag and give a free channel and a straight road to every pensioner who has an honest claim before the Pension Department. Now, Mr. Speaker, I believe that every soldier, that every widow of a soldier, should have such pension as would purchase for them at least the necessities of life. [Applause.] This army that went out from 1861 to 1865 was composed of 2,700,000 men. They were the flower of the Republic and were prompted in the mighty deeds they wrought during those four years of war by a spirit of patriotism, and their sacrifices and sufferings have made the nation they saved their eternal debtor. [Applause.]

While we can not pay the debt in full, we can acquit ourselves of the obligation in part by seeing that no soldier and no family of a dead soldier shall ever know want; that his widow, whether he died in line of duty or not, shall have more than a pittance doled out to her; that she shall not be confined to rules of proof at times impossible for her to comply with; that dependent parents shall not be shut off because thirty years ago they were not dependent. We can see that the disabled soldier is taken care of, whether disabled in line of duty or otherwise. We can see that the 15,000 surviving comrades in the poorhouses of the land are relieved. All these are wards of the nation. If the Republic demands love and loyalty she must care for those who suffered and for the widows and helpless orphans of those who sacrificed their lives for her. They died to preserve this nation and make men free. Their widows and orphans, and the surviving soldiers of the Republic must have thrown around them the fostering care of the Government they suffered and died to save, not in a niggardly, empty-handed manner, but in a full, heaping measure, and may God speed the day when the spirit of Lincoln, of Grant, of Garfield, and of Oliver P. Morton shall again prevail throughout the land, and the high places in the seats of National Government shall once more be filled by those who sought to save and not to destroy the nation's life.

The soldiers of the Union were comrades in the greatest army ever assembled upon earth since the beginning of modern warfare. In the four years of unceasing battle this Army participated in more than 2,000 actual engagements. The conflict from

first to last armed nearly 3,000,000 men. The Army subsisted during the four years of war in the open field on a continuous advance over the fortified territory of a brave and powerful enemy. It was compelled to accept for its battlefield those places selected by the foe and carefully prepared to resist attack. Added to this, it kept up an almost unbroken line of battle more than 1,500 miles in length, presenting a spectacle of war of so great and wonderful magnitude that it stands without a parallel in history or tradition. Nearly a million lives were offered up as willing sacrifices on the altar of American liberty. The war for the Union was the completion of the work left unfinished to us by the Revolutionary fathers. They left us the blot of slavery on the escutcheon of American liberty. The South boasted of its wealth piled up by the unrequited toil of the slave. The plaintive wail of the bondman made discord in the harmony of the nation. Every starry banner that floated in the heavens had the slave pen and the whipping post for a background. We boasted of our freedom, and the civilized world pointed the finger of scorn at us and denounced us as a nation of liars. The day of national retribution was here. The prophecy of Lincoln was to be fulfilled: "Every drop of blood drawn by the lash was to be paid by one drawn by the sword, and every dollar accumulated by the unrequited toil of the slave was to be scattered like chaff to the four corners of the earth." The supreme moment had arrived. Popular government was to be tested in the crucible of civil war. God had called his servant Lincoln to become the herald of liberty, the savior of a nation, the emancipator of a race.

This nation could not endure half slave and half free. Freedom cried out for aid in the midnight of her despair, and 2,000,000 patriots sprang to her rescue. The clash of arms was heard throughout the world, and the host of liberty marched to victory through the red sea of war. The cause of the Union was the cause of mankind. The soldiers of the Union shot to death the monster of slavery and disunion. They drove treason from its fortified citadels and proclaimed a new doctrine of liberty to the world, and here I pour out my full measure of gratitude upon the altar of my adopted country to these men who suffered and who died that there might be erected on this earth one great nation, the foundation stone of which is the eternal liberty of the citizen and the equality of all men before the law; the only nation, sir, which grants to the citizen absolute liberty of conscience, of action, and of religion, to be exercised by all alike under wise and beneficent laws; the only Government, Mr. Speaker, "of the people, by the people, and for the people" that has had an abiding place in the universe since the Almighty hurled this earth ball into infinite space, and one which I believe will continue to exist and be a guiding hand and an inspiration of liberty to all the nations of the world until the stars shall sing together and time shall be no more. And, Mr. Speaker, all that stands for freedom, for liberty, for greatness, for unity in this mighty nation of ours to-day is largely owing to the deeds wrought by those defenders of the Republic who stood by Old Glory and battled for God, for home, and native land during that great epoch in our country's history—from 1861 to 1865—and nothing that a grateful Government can give is too good for those of that noble army of heroes who still remain and for the widows of those who have gone beyond; and he who in this time of peace, living in the full enjoyment of the blessings won by the sacrifices and shed blood of the Union soldier, grudges to him his meager pension is an enemy to his country, bereft of patriotism and dead to gratitude. [Applause.]

[Here the hammer fell.]

[Mr. GIBSON addressed the House. See Appendix.]

Mr. LEWIS. Mr. Speaker, I desire to give notice that I propose to offer the bill just referred to by the distinguished chairman of the Committee on Invalid Pensions, by way of two additional sections, to be numbered 18 and 19, but identical with the bill reported by Mr. CROWTHER, from the Committee on Invalid Pensions. I desire to give that notice now. The proposed new sections are as follows:

SEC. 18. That the provisions of existing pension laws are hereby extended to the officers and enlisted men, their widows, children, dependent mothers and fathers, of all militia raised in the several States during the years 1861 to 1865, inclusive, who performed military service in the Federal Army, or when serving with United States volunteers or regulars, or when serving as State militia under the orders or command of the War Department or any military officer of the United States, during a period of ninety days or longer, and that a certificate of discharge from such service from either State or United States authority shall be prima facie evidence of such service.

SEC. 19. That the following provisions of paragraph 3, section 4093, Revised Statutes of the United States, to wit: "But no claim of a militiaman or non-enlisted person on account of disability from wounds or injury received in battle with rebels or Indians while temporarily rendering service shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874," be, and the same are hereby, repealed.

[Mr. WHEELER addressed the House. See Appendix.]

Mr. CURTIS of Kansas. Mr. Speaker, I have listened with great interest to the remarks of the gentleman from Alabama [Mr. WHEELER]. When he speaks about the friendship of the

Democratic party for the old soldiers and of the large appropriations made by that party of which he is a member to pay pensions, I would like to ask him what party wrote the laws upon the statute books which called for those large appropriations? Every one of them was written thereby the Republican party and not by the Democratic party, and he knows it. [Applause on the Republican side.] There has never been but one Republican vote cast against a general pension law since 1861, and that was cast by a Representative from Florida.

The gentleman talks about the large appropriations made by the Democratic party for pensions for the old soldiers. If the Democratic party did make those appropriations, I ask the gentleman whether the appropriations they made were not made to carry out the act of 1890, which was passed by the Republicans? And I remind him that after having appropriated ten millions less than the last Republican Congress his party, by failing to properly carry out that law, covered back into the Treasury \$11,000,000 of that pension appropriation which should have been paid to the old soldiers. [Applause on the Republican side.] If your party is the friend of the old soldier, I ask you, General WHEELER, why it is that they have reduced the pension expenditure so that eighteen millions less was dispersed for the last year than for the year ended June 30, 1893, and why they paid out twenty-one millions less than the Republicans estimated would be required? [Applause.] In reply to a question by the gentleman from South Dakota, you challenged him to name a case where this Administration had done injustice to an old soldier. I give you the name of a man, B. H. Yonker, late Company D, Third Indiana, certificate 229749, who, according to reports of the medical examiners appointed by this Administration, is rated fifty-eightieths, yet they decline to give him a pension under the new law. He drew \$2 a month under the old law. He applied under the new law and was rated at fifty-eightieths—

Mr. PICKLER. That means \$50 a month.

Mr. CURTIS of Kansas. Yes; and they refused the pension which he is entitled to under the new law.

But that is not all. You say that there are no other cases, and that this Administration does justice to the old soldiers. I can give the name of another man, J. D. Muller, late Company L, Thirtieth Missouri, certificate 553895, who was drawing a pension of \$12 a month by virtue of a bill passed by a Republican Congress and signed by a Republican President. [Applause on the Republican side.] The medical examiners rated him at twelve-eightieths for one disability, twelve-eightieths for another, and four-eightieths for another; and yet your Administration, which you say is so friendly to the soldiers, reduced his pension from \$12 to \$8 a month, notwithstanding the fact that two reputable physicians testified that he was totally unable to perform manual labor. And yet you claim that justice is done to the old soldier!

But, more than that, Mr. Speaker; take the report of the Commissioner of Pensions within a period of one year and two months—that is to say, from March, 1893, to May, 1894—and you will find that they dropped, suspended, or reduced over 15,000 pensioners in that period, and yet of their own accord, compelled by public sentiment, they were forced to restore over 9,500 of these men to the rolls. [Applause.]

Another thing: Your President proclaimed in a message to the Fifty-third Congress “that thousands of neighborhoods have their well-known fraudulent pensioners,” and yet do you know that in the report of 1895 your Commissioner of Pensions says that there have been only a little over 500 cases recommended for prosecution and only 294 convictions out of a total roll of 970,000? [Prolonged applause.] Think of that condition of affairs, General, and then if you can repeat the statement that this Administration is friendly to the old soldiers. You can not do it. [Applause.]

Mr. CROWTHER. And but thirty-nine of them were old soldiers.

Mr. CURTIS of Kansas. And as suggested by my friend from Missouri, only thirty-nine of that whole number were old soldiers.

But that is not all. That demonstrated what the Republicans have always claimed, that the pension roll of this country is a roll of honor. [Applause.] But when I read that infamous statement of the President of the United States, and then when I look at that record, I conclude that the statement was not only untrue and unjust, but it was unmanly, and came with bad grace from a man who was not brave enough to shoulder his musket in the defense of his country, but did his fighting by a substitute. [Applause.] General, do you want any more of the record of your party? [Laughter.] If you do, I can name for you case after case.

But, Mr. Speaker, I did not intend to talk upon this measure to-night. I did not intend to say anything, but having listened to the speeches made this afternoon, especially that by the gentleman from New York [Mr. BARTLETT], and I am sorry he is not here this evening. He criticised the bill, and said that there was

not a provision of it that was good. He objected to that section of the bill particularly which provides that the widows of soldiers shall come under the new law where their income is less than \$300 a year. He says, just think of giving a woman a pension of \$8 a month who has already an income of \$300 a year! Then I thought of the statement he made more than two years ago on this floor, when he told us what a great sacrifice he was making in coming to Congress when he had an income from his law practice of \$25,000 a year. And I thought what a big heart that man must have who would begrudge the granting of a pension of \$8 a month to a poor widow when he received more in one day from his income than she would receive in one long year.

Mr. SULLOWAY. If he did.

Mr. CURTIS of Kansas. Yes; if he did.

But I want to say to you, Mr. Speaker and gentlemen of the House, that the man who can listen without feeling to the appeal of the widows and the old soldiers of this country—the man who can listen without feeling to their appeals must have a heart that an X ray could not penetrate. [Applause.] He stated to the House this afternoon that the people “were against the enlargement of the pension laws”; that Congress had gone far enough. I want to call his attention to this fact: On the 22d day of May, 1865, the old soldiers marched down Pennsylvania avenue, and as they came to the Treasury building they saw on that building a canvas containing these words: “There is one debt the Government owes which it can never pay, and that is the debt it owes to soldiers and sailors who served the Union.” [Applause.]

That was the sentiment of the country then, and, Mr. Speaker, that is the sentiment of this country to-day [applause], and it will always be the sentiment of the country. [Applause.]

Mr. Speaker, I do not like the way this bill is limited. I think the trouble with the bill is that it does not go far enough; and that is the sentiment in the section of country that I have the honor to represent on this floor. The old soldiers of this country, those who took part in that war which saved the Union, have waited a long and weary time, and have waited long enough. [Applause.] They are entitled to more than this bill gives them; and I want to call the attention of the gentleman from Alabama to the fact that as every general pension law ever written upon the statute books was written there by Republican votes in the House and Senate, so that party, when restored to power again, as it will be on the 4th of March, 1897 [applause on the Republican side], will do full justice to every old soldier, and to the widow of every old soldier, and to the orphan of every old soldier in this country. [Applause.] And one of its first acts will be to right the wrongs this Administration has done to the brave defenders of this country. [Prolonged applause.]

Mr. MAHANY. Mr. Speaker, I desire to pay my respects to the gentleman from New York who criticised this bill this afternoon.

Mr. PICKLER. To which gentleman do you refer?

Mr. MAHANY. I refer to the gentleman from New York, Mr. BARTLETT, and I will take for my text one criticism which he passed upon the rhetoric of my remarks delivered on Thursday last. This gentleman, whose legal ability has been exploited with such sarcasm in the speech of the gentleman who has just preceded me [Mr. CURTIS of Kansas], is unquestionably eminent in his profession. If you doubt it, you can be convinced, for he admits it. [Laughter.] In the course of my remarks I said that the men of this generation are the inheritors of the splendid and inspiring possibilities of this Republic, a heritage secured to us through the sacrifices of the heroes who gave their lives for the preservation of the Union. The gentleman from New York, whose acute legal mind nets him an income, according to his own confession, of \$25,000 a year, ignores the greater question of justice to the nation's dead and living benefactors, in order to quibble on a point of rhetoric, a subject regarding which his knowledge seems to be as vague as his legal lore is supposed to be profound. He stakes his reputation, legal and rhetorical, on the statement that one can not inherit a possibility.

Well, Mr. Speaker, I think he is the most striking illustration of that fact, because he inherited at birth the possibility of making himself an irritating figure in the pension legislation of this country—a possibility which he has fully realized to the perception of everybody but himself. When he says that one can not inherit a possibility, he strikes down the noblest ideal of this Republic, because to a boy born in poverty and confronted by all the obstacles which that condition involves, there is only one precious thing which he does inherit, and that is the possibility of rising from that condition. In the beautiful language of Tennyson, he is—

The heir of all the ages, in the foremost files of time.

Why, Mr. Speaker, it is possibility, and possibility alone, that glorifies American citizenship. It is the gift which the fathers of the Revolution and the preservers of the Union gave as their legacy to posterity. I do not expect that the gentleman from New York, whose disposition leads him, unconsciously, perhaps, to harass helpless pensioners, will understand an inheritance of that

kind. Apparently he recognizes only such as have a rating in commercial agencies.

But in a broader sense the possibility of bettering our conditions, of having all the doors of honor swing wide to merit, is the best heritage conferred upon Americans by the worthies of an elder day. Compare, in this respect, our citizenship with that of other lands. Take the poor German peasant, and contrast his condition with that of the German Emperor, the most powerful monarch in the world. The peasant has no possibility of breaking down the obstacles that confront him in his hope of progress. Think of the German Emperor on the other hand, who, rising above the counts, the dukes, the princes, and the federated kings, towers into such a height of power and glory as almost to invest him with the attributes of a god. Yet that same German peasant, emigrating to the United States, may have born to him here a son who fifty years thereafter may become the President of the United States and deal on terms of absolute equality with the Sovereign of Germany. That is a possibility which Americans inherit from the statesmen who framed and the heroes who preserved the American Republic. I desire to call that fact to the attention of the gentleman from New York. [Applause.] His apparent inability to understand the genius and the instinct of this people is shown in the spirit that animated his criticism; and his failure to recognize the higher truths involved in this discussion proves how unsuited he is to pass upon the merits of a pension measure.

In these questions neither politics nor prejudice should have any part. I wish to say that, so far as I am personally concerned, I have the profoundest respect for every man who honestly and nobly fought in defense of his sincere convictions on the other side. But it is, indeed, a subject for astonishment in the latter days of the nineteenth century, when all the splendid and glorious accomplishments of humanity seem to conspire to realize the original dreams of paradise upon this earth, that in the forum of the foremost nation in the world, we should behold a man standing here, weighing with an apothecary's scale the sacrifices and the sufferings of those who made his own success possible. The genius and the inspiration of this people are unalterably against such petulant and capacious opposition to the justice which is due to those whose heroic and hallowed service secured freedom to all mankind. [Applause.]

And then, on motion of Mr. PICKLER (at 10 o'clock and 4 minutes p. m.), the House adjourned.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 261) for the relief of Arthur P. Selby—to the Committee on Claims.

A bill (S. 308) for the relief of Daniel W. Perkins—to the Committee on Claims.

A bill (S. 2503) for the relief of Addison A. Hosmer—to the Committee on the Public Lands.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, replying to the House resolution of February 14, 1896, making inquiry as to the number of employees below a fair standard of efficiency—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting, with a communication from the Chief of Ordnance, documents relating to payment for work done on Columbia Arsenal—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia, reported the same with amendment, accompanied by a report (No. 1490); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5169) granting post of Fort Supply (now abandoned) and certain lands to the Territory of Oklahoma, reported the same without amendment, accompanied by a report (No. 1491); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. POWERS, from the Committee on Pacific Railroads, to which was referred the bill of the House (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, reported the same without amendment, accompanied by a report (No. 1497); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COX, from the Committee on Claims:

The bill (S. 1365) entitled "An act for the relief of the National New Haven Bank of the State of Connecticut." (Report No. 1492.)

The bill (S. 250) entitled "An act for the relief of W. H. L. Pepperell." (Report No. 1493.)

By Mr. BAKER of Kansas, from the Committee on Pensions:

The bill (S. 2578) entitled "An act granting a pension to Andrew M. Callahan." (Report No. 1494.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers. (Report No. 1495.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 7969) to increase the pension of Joseph E. Vantine. (Report No. 1496.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HOWARD (by request of James Seldon Cowdon, of Vienna, Fairfax County, Va.): A bill (H. R. 8464) to enact a general loan law—to the Committee on Ways and Means.

Also (by request of James Seldon Cowdon, of Vienna, Fairfax County, Va.): A bill (H. R. 8465) to pay the debts of the United States, and for other purposes—to the Committee on Ways and Means.

By Mr. TOWNE: A bill (H. R. 8466) to allow actual settlers upon the Mille Lacs Indian Reservation, in Minnesota, to perfect title to lands in said reservation under the general land laws of the United States—to the Committee on the Public Lands.

By Mr. SOUTHARD: A bill (H. R. 8467) donating four condemned cannon to Post No. 20, Grand Army of the Republic, Weston, Ohio—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 8468) making an appropriation for the purpose of constructing a sidewalk in front of the public building at Pensacola, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK (by request): A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 8470) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc.—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8471) relating to the probate of wills in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 8472) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown—to the Committee on the District of Columbia.

By Mr. TALBERT: A bill (H. R. 8473) for the enlargement of the volume of currency and the distribution of the same—to the Committee on Banking and Currency.

By Mr. MAHANY: A bill (H. R. 8474) for the necessary and better protection of American labor and the enforcement of the law of domicile, and the restriction of immigration to such a degree as will serve that end—to the Committee on Immigration and Naturalization.

By Mr. PICKLER: A resolution (House Res. No. 278) to set apart Saturday, May 2, 1896, for the consideration of private pension bills—to the Committee on Rules.

By Mr. LINTON: A resolution (House Res. No. 279) that the House of Representatives consider on Monday, May 4, 1896, House bill No. 1, to reclassify railway postal clerks and prescribe their salaries—to the Committee on Rules.

By Mr. McCALL of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. GILLET of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. FITZGERALD: A memorial of the general court of the Commonwealth of Massachusetts, favoring the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. SIMPKINS: A memorial of the general court of Massachusetts, favoring the establishment of a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. DRAPER: A memorial of the general court of the Commonwealth of Massachusetts, in favor of House bill No. 4339 to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Papers to accompany the bill (H. R. 7984) for the relief of the widow of Bvt. Lieut. Col. P. W. Stanhope, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8444) to grant a restoration of pension to Wallace G. Bone—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 8475) for the relief of Charles French—to the Committee on Military Affairs.

By Mr. BERRY: A bill (H. R. 8476) granting a pension to Lucy B. Bryson—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 8477) for the relief of Joseph O. Smith—to the Committee on Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 8478) for the relief of John H. McBrayer—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 8479) for the relief of the personal representative of Powhatan Perkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8480) for the relief of Mrs. Lavinia Payne—to the Committee on War Claims.

Also, a bill (H. R. 8481) for the relief of the estate of John R. Bigelow—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 8482) to correct the military record of Thomas C. Jones, late of the United States Army—to the Committee on Military Affairs.

By Mr. MOODY: A bill (H. R. 8483) to increase the pension of Caroline S. Baker—to the Committee on Pensions.

By Mr. MOSES: A bill (H. R. 8484) granting a pension to Penny F. Stephens—to the Committee on Pensions.

By Mr. PHILLIPS: A bill (H. R. 8485) granting a pension to Regina O'Brien, daughter of Edward O'Brien, deceased, etc.—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8486) granting a pension to Margaret Maria Hedge—to the Committee on Pensions.

Also, a bill (H. R. 8487) granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. SKINNER: A bill (H. R. 8488) granting a pension to Lucy Moore, widow of Amos Moore—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8489) for the relief of L. W. Bon—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 8490) granting a pension to Robert Gamble—to the Committee on Pensions.

By Mr. TRELOAR (by request): A bill (H. R. 8491) for the relief of Mrs. Alice G. London, widow of Capt. Robert London—to the Committee on Invalid Pensions.

By Mr. WALKER of Virginia: A bill (H. R. 8492) for the relief of John Powers—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of citizens of Washington, urging

the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BINGHAM: Petition of Louis P. Gegenheimer and other citizens of Philadelphia, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Charles French, of U. S. S. *Phlox*, to accompany House bill, for the amendment of his naval record—to the Committee on Naval Affairs.

Also, petition of citizens of Philadelphia, Pa., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. BREWSTER: Petition of James T. Alling, praying for favorable action of House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRUMM: Petition of Patriotic Sons of America in Schuylkill County, Pa., embracing 59 camps with a membership of 6,000, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BULL: Resolutions of the Paint and Oil Club of New England, of Boston, Mass., in favor of Senate bill No. 2447, for a bureau of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: Petition of the heirs of Charles A. Comer, deceased, late of Cherokee County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Jane C. Vandiver, of Cherokee County, Ala., praying reference of her war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LINTON: Remonstrances and petitions of citizens of Salkum, Wash., and Mountain Grove, Mo., respecting the Marquette statue—to the Committee on the Library.

By Mr. LITTLE: Petition and resolution of the town council of Miami, Ind. T., relating to the Indian appropriation bill—to the Committee on the Judiciary.

By Mr. LOUD: Petition of Harry Clark, of Little Rock, Ark.; also of C. M. Henderson & Co., asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. D. Clarke and others, of Flint, Mich.; also of Frank L. Grant and others, of Chicago, Ill., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Board of Trade, in favor of the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Papers to accompany a bill for the relief of the personal representative of Powhatan Perkins—to the Committee on War Claims.

Also, petition of the heirs of Madison Grimes, of Loudoun County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILLER of Kansas: Petition of A. R. Toms and others, of Junction City, Kans., against the acceptance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. POWERS: Petition of the president and faculty of Middlebury College, Vermont, favoring the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. RUSSELL of Connecticut: Papers relating to the pension case of Margaret Maria Hedge—to the Committee on Pensions.

By Mr. SHERMAN: Petition of citizens of Holland Patent, Oneida County, N. Y., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMPKINS: Resolutions of the board of aldermen of the city of Cambridge, Mass., remonstrating against the passage of the so-called Pasco amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Petition of Harry Clark, of the Press Publishing Company, Little Rock, Ark., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. UPDEGRAFF: Petition of G. A. Bethne and 32 others, of Luther College, Decorah, Iowa, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WALKER of Massachusetts: Remonstrance of the city council of Cambridge, Mass., against the so-called Pasco amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, April 27, 1896.

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The VICE-PRESIDENT. The Journal of the proceedings of Saturday last will be read.

Mr. CHANDLER. Mr. President, I regret to notice that there is not a quorum of the Senate present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Faulkner,	McMillan,	Stewart,
Allison,	Gallinger,	Mills,	Teller,
Berry,	Gear,	Palmer,	Tillman,
Blackburn,	George,	Pasco,	Turpie,
Blanchard,	Hale,	Peffer,	Vest,
Burrows,	Hansbrough,	Perkins,	Walthall,
Caffery,	Harris,	Pettigrew,	Warren,
Call,	Hawley,	Platt,	White,
Carter,	Hill,	Pritchard,	Wilson.
Chandler,	Irby,	Pugh,	
Clark,	Jones, Ark.	Quay,	
Cockrell,	Lodge,	Squire,	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present. The Journal will be read.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. CALL, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a memorial of the Brightwood Citizens' Association of the District of Columbia, relative to the sewerage system in the District of Columbia. I move that the memorial be printed as a document and referred to the Committee on the District of Columbia.

Mr. LODGE presented resolutions adopted by the city council of Cambridge, Mass., directing the mayor of that city to remonstrate against the adoption of the so-called Pasco amendment to the Post-Office appropriation bill; which were referred to the Committee on Appropriations.

Mr. VEST presented a petition of the Wholesale Liquor Dealers' Association of St. Louis, Mo., praying for the passage of the joint resolution recently introduced in the House of Representatives, providing for an extension of the bonded period as to all spirits put in bond after July 1, 1896, and up to July 1, 1898, etc.; which was referred to the Committee on Finance.

Mr. BLACKBURN presented a memorial of sundry citizens of Kentucky, remonstrating against placing the statue of Père Marquette in Statuary Hall, or in any other public hall or repository in the country; which was referred to the Committee on the Library.

Mr. GALLINGER. I present a petition of the members of Mount Washington Lodge, No. 276, of the International Association of Machinists, of Concord, N. H., "begging that a committee of investigation may be appointed to inquire into and thoroughly investigate the treatment our fellow-members are subjected to and the conditions they labor under in United States navy-yards and arsenals, particularly at the Brooklyn Navy-Yard." The petitioners state further that "a board of naval officers have met in secret session and have reported on this matter, but their scope was limited and they did not give our brother craftsmen an opportunity of giving their side of the case." I am in doubt whether the petition should go to the Committee on Education and Labor or to the Committee on Naval Affairs.

The VICE-PRESIDENT. The Committee on Education and Labor, the Chair suggests.

Mr. GALLINGER. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. GALLINGER presented a petition of the officers of the Merrimac Valley Association of Post-Office Clerks, of Lowell, Mass., praying for the passage of House bill No. 3273, providing for the reorganization of the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented sundry memorials of citizens of Wray, Gillette, Bachelor, and Victor, all in the State of Colorado, remonstrating against placing the statue of Père Marquette in

Statuary Hall; which were referred to the Committee on the Library.

He also presented a petition of the faculty of the State Agricultural College of Colorado, at Fort Collins, Colo., praying for the enactment of legislation to reduce the cost, increase the value, and simplify the methods of publication of the public documents furnished to designated depository libraries; which was referred to the Committee on Printing.

He also presented a petition of sundry citizens of Victor, Colo., praying for the passage of the so-called Linton bill, relative to immigration and naturalization; which was referred to the Committee on Immigration.

He also presented a petition of the Northern Mineral Mine Workers' Progressive Union, of Virginia, Minn.; a petition of Local Union, No. 257, Cigar Makers' International Union of America, of Lancaster, Pa., and a petition of the Carriage and Wagon Workers' Local Union, No. 2, Carriage and Wagon Workers' International Union, of Cleveland, Ohio, praying for the free coinage of silver; which were ordered to lie on the table.

Mr. BAKER presented a memorial of sundry citizens of Junction City, Kans., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2083) authorizing sale of the title of the United States in lot 5, square 1113, in the city of Washington, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 906) to amend the charter of the Brightwood Railway Company of the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2807) to remit penalties and interest on arrears of taxes in the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8012) donating condemned cannon and cannon balls, reported it with an amendment.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 497) to provide for a public building at Tampa, Fla., reported it with amendments.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1830) providing for the construction of a military road from Fort Washakie, Wyo., to the mouth of the Buffalo Fork of the Snake River, near Jacksons Lake, in Uinta County, Wyo., reported it with amendment, and submitted a report thereon.

He also, from the Committee on Claims, reported an amendment intended to be proposed to the general deficiency appropriation bill, the amendment providing for the payment of claims adjudicated by the Court of Claims under the French spoliation act of January 20, 1885, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with amendments, and to submit a written report thereon, which it is desirable should be printed as early as possible.

I give notice that I shall ask the Senate to proceed to the consideration of the bill, probably on Wednesday morning, if the naval appropriation bill shall be then completed.

The VICE-PRESIDENT. The report will be printed and the bill placed on the Calendar.

Mr. PLATT, from the Committee on the Judiciary, to whom was referred the bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut, reported it with an amendment.

Mr. SQUIRE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 162) for the erection of a monument and statue of Gen. Ulysses S. Grant on ground belonging to the United States Government, in the city of Washington, D. C., reported it without amendment.

Mr. HANSBROUGH, from the Committee on the District of

Columbia, to whom was referred the bill (S. 1008) to remit the penalties on unpaid taxes in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on the Library, to whom was referred the resolution submitted by Mr. QUAY February 6, 1896, authorizing the compilation of the colonial charters and constitutions of each State of the United States, reported it without amendment, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; which was agreed to.

Mr. PASCO. I am directed by the Committee on Claims to report an original bill, and I ask leave to present a written report within a few days. It is not yet ready. The bill is a substitute for Senate bill 172, which I report back and ask that it be indefinitely postponed. The original bill I ask may be read twice by its title and placed on the Calendar.

The bill (S. 2962) to confer jurisdiction on the Court of Claims in the case of the book agents of the Methodist Episcopal Church against the United States was read twice by its title.

The VICE-PRESIDENT. The bill (S. 172) for the relief of the book agents of the Methodist Episcopal Church South will be postponed indefinitely.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. CHANDLER. In behalf of the Committee on Privileges and Elections I submit, as I gave notice on Saturday I should do, a supplemental report to accompany Senate resolution 54. I ask that this supplemental report, together with the first report, No. 447, submitted March 10, 1896, may be printed together; that there be a reprint of the original report with the supplemental report.

The VICE-PRESIDENT. It will be so ordered.

Mr. ALLEN. I ask that the supplemental report be read at this time.

The VICE-PRESIDENT. The Senator from Nebraska calls for the reading of the supplemental report. The Secretary will read as requested.

Mr. CHANDLER. I suggest, instead of having the report read and delaying the morning business, that the Senator from Nebraska modify his request so as to have it printed in the RECORD.

Mr. ALLEN. That will be satisfactory.

Mr. COCKRELL. As well as a separate document.

The VICE-PRESIDENT. It will be so ordered.

The supplemental report is as follows:

The Committee on Privileges and Elections made a report in favor of the resolution of inquiry on March 10, 1896 (Senate Report No. 447), at which time notice was given that there would be a minority report opposing the resolution. That minority report is not forthcoming after a lapse of forty-eight days. The majority of the committee, therefore, add a supplemental statement, as follows:

At the State election in Alabama in August, 1894, as appears by the statements made in the majority report of March 10, William C. Oates, instead of being elected by 27,582 votes, was defeated and Reuben F. Kolb elected by about 7,000 majority, the apparent election being secured by an enormously fictitious vote, reaching 34,000 fraudulently returned from certain counties as having been cast for Mr. Oates.

The report of March 10 also states that the rejection of fraudulent returns would have given the supporters of Mr. Kolb a majority of the members of the legislature. But as the details of this claim were not given, its truth has been vigorously denied by the supporters of Mr. Oates, and it has been claimed that even if there was an actual majority for Mr. Kolb for governor, still there can be no plausible claim that Mr. Oates's supporters did not choose a lawful majority of the legislature which elected Senator Morgan. In refutation of this assertion, occasion is taken in this supplemental report to state the claim as to the legislature made by Mr. Kolb and his supporters.

First, we recapitulate the claim made by the petitioners for the inquiry as to the popular vote for governor. The speech of the Senator from Nebraska, Mr. ALLEN, made in the Senate, February 11, 1895, contained the following statement of the popular vote in the black-belt counties:

Black-belt counties.	State election, August, 1894.		
	Votes counted.	Vote (estimated) actually cast.	Estimated fraudulent vote.
Autauga	1,113	340	773
Barbour	4,064	1,243	2,821
Bullock	2,601	795	1,806
Clarke	2,959	905	2,054
Dallas	6,684	2,045	4,639
Greene	1,045	319	726
Hale	3,107	950	2,157
Lowndes	5,356	1,638	3,718
Monroe	2,074	634	1,440
Montgomery	5,210	1,594	3,616
Marengo	3,852	1,178	2,674
Perry	1,673	511	1,162
Russell	1,690	517	1,173
Sumter	2,251	688	1,563
Wilcox	6,401	1,958	4,443
Total	50,080	15,315	34,765
			15,315
			50,080

While Senator ALLEN in the above table estimates the fraudulent vote in the 15 counties at 34,765, he does not state the votes returned from those counties and counted for Oates and Kolb, respectively.

The following table does show the counted returns in those counties:

Counties.	Oates.	Kolb.
Autauga	776	337
Barbour	3,407	657
Bullock	2,309	232
Clarke	1,831	1,128
Dallas	6,517	167
Greene	846	199
Hale	2,725	382
Lowndes	4,995	361
Monroe	1,650	424
Montgomery	4,930	280
Marengo	2,808	1,044
Perry	1,184	489
Russell	1,271	419
Sumter	1,843	408
Wilcox	6,270	131
	43,362	6,718
		43,362
Total		50,080

There has been no pretense that any of the 6,718 votes for Mr. Kolb in these counties were fraudulent. Deduct, therefore, the fraudulent vote of 34,765 from the vote returned for Mr. Oates of 43,362, and Oates received only 8,597 actual votes, which, added to 6,718, the number cast for Mr. Kolb, make 15,315, being the number stated by Senator ALLEN as the vote actually cast.

The 34,765 fraudulent votes returned for Mr. Oates overcome the 27,582 majority by which he was declared elected and show the election of Mr. Kolb by about 7,000 majority.

We now proceed to show what was the actual lawful result as to the legislature.

A table of the 14 black-belt counties, with the number of Democratic senators and representatives who sat in the legislature, is as follows:

Counties.	Senators.	Representatives.
Autauga*		1
Barbour*	1	3
Bullock	1	2
Dallas	1	3
Greene		1
Hale		2
Lowndes*	1	2
Macon*		1
Marengo	1	1
Montgomery	1	4
Perry	1	1
Russell		1
Sumter		1
Wilcox	1	2
Total	8	25

There was false registration and ballot-box stuffing in the 14 counties and innumerable fraudulent returns, which might invalidate all the elections and reject all the members. At all events, it is beyond doubt that Populist or Republican members were actually elected in the 4 counties marked with a star, namely: Autauga, Barbour, Lowndes, and Macon, two senators and seven representatives.

A table showing the white counties, where the Populist or Republican candidates were chosen, but the Democratic candidates were fraudulently declared elected, is as follows:

Counties.	Senators.	Representatives.
Calhoun		2
Clarke		2
Colbert	1	2
Henry		2
Jefferson		5
Madison	1	2
Monroe		1
Morgan		2
Pickens		1
Pike		2
Talladega*	1	1
Tuscaloosa	1	2
Total	4	24

* And one Populist.

Now, to apply the foregoing facts.

The Alabama legislature as it actually assembled showed 45 Democratic majority, according to the following table:

Total membership:			
House			100
Senate			33
			133
	Republicans and Populists.	Democrats.	Total.
Senate	9	24	33
House	35	65	100

Or 45 Democratic majority.

A revision of the result, eliminating the frauds in the 12 white counties and the 4 black counties, in accordance with the above tables, gives a Populist and Republican majority of 29, as follows:

	Republicans and Populists.		Democrats.	
	Senate.	House.	Senate.	House.
Result changed by fraud in 12 white counties.....	9	35	24	65
.....	4	24	4	24
Result changed by fraud in 4 black counties.....	13	59	20	41
.....	2	7	2	7
Total.....	15	66	18	34

Total Republicans and Populists, 81; total Democrats, 52; total, 133. Populist and Republican majority, 29.

The foregoing claims of the petitioners for the investigation have been shown to the committee to be apparently correct. Whether or not they are in fact correct can only be determined by the inquiry which Mr. Oates and his supporters so persistently avoid.

There would seem to be little doubt of the correctness of the facts charged, in the light of the admissions made in an article in the Times of December 6, 1895, published by J. M. Anderson and J. J. Townsend, at Selma, Dallas County, Ala., which is the home of Senator MORGAN. The excuse which Messrs. Anderson and Townsend give for the crimes which they acknowledge were committed, namely, that they are necessary to prevent negro domination, is wholly refuted by the fact that both in 1892 and 1894 the Jones and Oates Democracy were overwhelmingly defeated in the white counties of the State. The "manufactured majorities," which, the Selma Times says, "the young men of the black belt are weary of going into the ballot boxes and bringing up," have not been manufactured in order to prevent negro domination, but in order to enable a minority faction of the white voters to hold in subjection the majority of the white voters. The article in the Selma Times is as follows:

[Selma Times, published at Selma, Dallas County, Ala.]

A CONSTITUTIONAL CONVENTION.

The Times believes that the time has arrived for the holding of a constitutional convention in Alabama in order to regulate the franchise. The white and black vote of Alabama is very nearly equally divided, and with a "free ballot and a fair count" there would be negro officers filling every office in one-third of the counties in Alabama, and that would necessitate a standing army to keep down riot and a war between the races. That we do not want.

The Times is one of those papers that does not believe it is any harm to rob or appropriate the vote of an illiterate negro. We do not believe they ought ever to have had the privilege of voting. This right was given or forced upon them and the white people by the bayonet, and the first law of nature, self-preservation, gives us the right to do anything to keep our race and civilization from being wiped off the face of the earth. It was, and still is, a cruelty to both races to arm the grossly ignorant with the ballot—the highest privilege of freemen. No man, after thirty years of taxation and effort to educate him, has a right to be too ignorant to vote intelligently. Right here we will state that we are in favor of keeping the white man on top—it matters not what means are resorted to—but it must be done. With Pet Caffee we believe that "if it is necessary to protect the women and children of Lowndes County and of Alabama, my county will continue to bring up 4,999 Democratic majority." He is our kind of a Democrat under the present order of things.

We hope, however, to see these things changed. The only way to do so is to adopt the Mississippi plan. The only way to reach that plan is through a constitutional convention. The young men of the black belt are weary of going into the ballot boxes and bringing up manufactured majorities in order to keep from being ruined by negroes, or what is worse, by unscrupulous white men leading the black hordes to the polls. We need a change—we must have a change.

A constitutional convention can do an intelligent man no harm in restricting the ballot. The unlettered white man and the ignorant negro will be on the same footing as to the ballot, but excluding both would be a powerful educational uplifting stimulant. If either would vote they must study. An educational qualification will fire their ambition, and as a consequence a better citizenship would result.

A constitutional convention to restrict suffrage is a necessity at this time. We are for it.

OYSTER BEDS IN RARITAN BAY.

Mr. PERKINS. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 357) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey, and to make compensation therefor, to report a joint resolution. The joint resolution is short, and I ask to have it considered at this time.

The joint resolution (S. R. 139) directing the Secretary of War to cause an investigation to be made respecting the claims of certain citizens of New York and New Jersey that damages were done to their planted oysters and oyster beds in Raritan Bay by dredges and other vessels in the employ of the United States, and to report the circumstances relating thereto, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he is hereby, directed to cause an investigation to be made respecting the claims of certain citizens of the States of New York and New Jersey that damages were done to their planted oysters and oyster beds in Raritan Bay and adjacent waters by dredges, scows, and other vessels in the employ of the United States Government from the 1st day of January, 1880, to the 1st day of January, 1892, and to report in full the circumstances relating thereto.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. Senate bill 357 will be postponed indefinitely.

QUIN NE MO SE.

Mr. WILSON. If the morning business has closed, I ask unanimous consent to call up the bill (S. 1704) for the relief of Quin ne mo se, an Indian.

Mr. HALE. Is the morning business over?

The VICE-PRESIDENT. The morning business is not yet concluded. The Senator from Washington asks unanimous consent that the Senate proceed to the consideration of the bill indicated by him.

Mr. HALE. I desire as soon as the routine morning business is completed to ask the Senate to proceed to the consideration of the naval appropriation bill. I shall not object to this bill if it gives rise to no debate, but after that I shall call for the regular order, and ask to be recognized at the completion of the routine business.

Mr. GEAR. I ask the Senator from Maine kindly to give way for a moment after the Senator from Washington gets his bill through. I have a little bill that will take no time.

Mr. HALE. I ask the Senator from Iowa to wait until I get the appropriation bill up, and then I will yield.

Mr. GEAR. Very well.

The VICE-PRESIDENT. The Senator from Washington calls up a bill which will be read for information.

The Secretary read the bill (S. 1704) for the relief of Quin ne mo se, an Indian, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CHILTON. I have no objection to the consideration of the bill, but I have an amendment pending that I would like to have read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. If the bill gives rise to any debate I must object to it.

Mr. WILSON. If the Senator from Maine will allow me, I will state that the amendment offered by the Senator from Texas I propose to accept, and the bill will not lead to any debate, although the adoption of the amendment will cause the Interior Department to send a special agent to the State of Washington to examine the land. I shall accept the amendment, however.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHILTON. Let my amendment be stated, and then I will explain it.

The VICE-PRESIDENT. The amendments of the Committee on Indian Affairs will first be stated.

The first amendment was, in section 1, line 16, after the word "removed," to insert:

And the fee simple to said above-described real estate is hereby vested in the said Quin ne mo se, his heirs and assigns, forever.

So as to make the section read:

That the restrictions imposed by the act of Congress approved January 18, 1881, upon homestead certificate No. 763, dated the 8th day of June, 1888, granting to Quin ne mo se, an Indian, the southeast quarter of the southeast quarter, and the lot numbered 4, of section 34; the southwest quarter of the southwest quarter of section 34, all in township 25 north; and the west half of lot numbered 5 and lot numbered 4, of section 3, in township 24, north of range 45 east of the Willamette meridian, in the State of Washington, containing 167½ acres, be, and the same are hereby, removed, and the fee simple to said above-described real estate is hereby vested in the said Quin ne mo se, his heirs and assigns, forever.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the said Quin ne mo se shall, with the consent of the Secretary of the Interior, have the right to alienate the title to said lands above mentioned: *Provided*, That whenever the said Quin ne mo se shall so alienate the title to said lands the same shall be subject to judgment, decree, and order of any court of competent jurisdiction and shall be subject to taxation; and that none of the provisions of the act of Congress approved January 18, 1881, shall apply to said lands after the alienation of the title thereof as hereinbefore provided.

The amendment was agreed so.

The VICE-PRESIDENT. The amendment submitted by the Senator from Texas [Mr. CHILTON] will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That said lands shall not be alienated by said Quin ne mo se or his heirs without the previous permission of the Secretary of the Interior.

Mr. WILSON. I accept that amendment.

Mr. CHILTON. The Senator from Washington has stated, I believe, that the adoption of the amendment will require the sending of a special agent to the State of Washington to determine upon the suggestion contained in the amendment. I will state that the amendment was prepared after communication with the Interior Department. I have here a letter from the Secretary of the Interior written some time ago to the Commissioner of Indian Affairs, but which contains his present views on the subject, in which he states his unwillingness to have this Indian resume his tribal relations, and under such circumstances it seems a wise

thing to subject the sale of the Indian's homestead to the approval of the Secretary of the Interior. I will read the letter. It is very short. The Secretary of the Interior says:

I have considered your communication of the 10th instant in the matter of the application of Quine mo se, an Indian, of De Smet, Idaho, requesting permission of Congress to sell and dispose of certain lands patented to him under the provisions of the act of March 3, 1875, by the removal of the "restrictive clause" contained therein.

The Indian states that in 1885 he made a final proof on his homestead entry and patent was issued to him in due course of time; that the settlement of that part of the country is so complete that his property is surrounded on all sides by white people; that he was unable to send his children to school and was therefore compelled to abandon his home and remove to the Coeur d'Alene Reservation in Idaho, and as his lands are some distance from that reservation, and as he is unable to give them proper attention, he petitions Congress for permission to sell and dispose of the same by removal of the "restrictive clause" in his patent.

That is the effect of the bill which the Senator from Washington has called up.

Your letter shows that Quine mo se homesteaded these lands under the provisions contained in the act of March 3, 1875—"That any Indian born in the United States who is the head of a family or who has arrived at the age of 21 years and who has abandoned or who may hereafter abandon his tribal relations shall, on making satisfactory proof of such abandonment under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled 'An act to secure homesteads to actual settlers on the public domain,' approved May 28, 1862, and the acts amendatory thereof, except that the provision of the eighth section of said act shall not be held to apply to entries made under this act"—and that patent was issued to him June 8, 1888, upon the express condition that the title thereby conveyed should not be subject to alienation or incumbrance, either by a voluntary conveyance or by judgment, decree or order of any court, or subject to taxation of any character, but should remain inalienable and not subject to taxation for a period of twenty years from the date thereof.

Legislation looking to the breaking up of tribal relations among Indians was recommended by the Secretary of the Interior in his annual report for 1874 (page 7).

The Secretary said: "A common ownership of property is the normal condition of the Indian race, and with it are found nomadic habits totally inconsistent with the idea of permanent habitations, individual ownership, and domestic industry. The work of civilization can never be completed until these habits are abandoned. Every proper inducement, therefore, ought to be offered the Indian which will prompt him to individual ownership of property and such habits of industry and economy as are incident to our civilization."

"An extension to the Indians of the benefits of the homestead laws under the safeguards mentioned and such others as the wisdom of Congress may suggest will greatly facilitate the work of their civilization. It will break up tribal organizations and Indian communities; it will bring Indians into subjection to our laws, civil and criminal; it will induce them to abandon roving habits and teach them the benefits of industry and individual ownership, and then prove highly advantageous in promoting their prosperity"; and Congress, concurring in the views of the Department, passed the Indian homestead act of 1875.

Quine mo se—

Who is the individual Indian mentioned in the bill—

Quine mo se, in order to obtain this homestead, must have made satisfactory proof that he had abandoned his tribal relations and by this action became a citizen of the United States, entitled to all the rights, privileges, and immunities of such citizens without in any manner impairing or otherwise affecting his right to tribal or other property as provided by the act of February 8, 1878 (24 Stats., 388), and having become a citizen—

And now comes the point of this letter—

and having become a citizen I am unable to see how he can be reinstated as an Indian in tribal relations, except by a departure from the well-established policy of the Government as declared in the act of 1875, supra, and other acts of Congress providing for the allotting of lands to Indians with the view of making them citizens of the United States.

Quine mo se has no right on the Coeur d'Alene Reservation except as provided by the act of 1875; and having abandoned his tribal relations and taken his home on the public domain he has no right to remain on said reservation. He is a citizen of the United States, and his home is on the lands patented to him.

For this reason I must decline to recommend to Congress that he be allowed to sell his lands and to return to the Coeur d'Alene Reservation and become an Indian in tribal relations.

I read this letter merely to show that my amendment is in the line of precaution which the views of the Interior Department makes necessary. It will commit to that Department the matter of permitting this Indian to sell his lands. If he is permitted to return to the reservation I presume he will be allowed to dispose of his land. I have no objection whatever to the bill with that limitation, and the Senator from Washington having agreed to accept it, it can be passed without hindrance.

Mr. WILSON. Mr. President, a single word in reply to the letter just read by the Senator from Texas.

It makes no difference whether the Secretary of the Interior is unwilling that Quine mo se shall abandon his land or not, because Quine mo se abandoned the land five years ago. Whether the Secretary is unwilling or not, he can accomplish nothing by interposing his objection. The Indian was compelled and forced to abandon his land. He has gone back to the Coeur d'Alene Reservation. He is residing there among his people. He is a farmer. He tills the soil, and is trying to educate his children there. He can not live upon this land, and has not lived upon it for five years. It is not very valuable. It is probably worth five or six hundred dollars. He is old, and wishes to sell it and avail himself of the means that he will acquire thereby.

I accept the amendment offered by the Senator from Texas.

Mr. CHILTON. I do not wish to protract this discussion, because it is now purely a moot debate; yet I wish to call the attention of the Senate to one point. If this Indian has left his home and has gone on the Coeur d'Alene Reservation, he has done so without the consent of the Interior Department. It rests with the

Department at any time to remove him from that reservation. It is entirely proper, therefore, that before he parts with his land he should have the consent of the Interior Department. That is all the amendment provides for. It is merely in the line of the universal policy which has prevailed in regard to lands allotted to individual Indians. It merely requires that this ward of the nation shall obtain executive consent before alienating his homestead, and thus be protected both in receiving a fair price and in regard to other surroundings of the trade. The old rule was that the President's consent was required. Since that time there has been a modification of the practice, so that the Secretary of the Interior is now usually entitled to consent. I am not aware of any case where Indians have been allowed to sell their land without some order of Executive consent. My amendment is merely in the line of safeguarding the matter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. TIBBITS.

Mr. PETTIGREW. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 1597) for the relief of William H. Tibbits, to report it favorably with an amendment, and I ask unanimous consent for its immediate consideration.

Mr. HALE. I must object to its consideration.

The VICE-PRESIDENT. Objection is interposed.

Mr. PETTIGREW. Let the bill go on the Calendar.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 2957) granting a pension to Mrs. Alice G. London; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2958) restoring the name of Mrs. Penelope E. Russ to the pension roll; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2959) granting a pension to Mrs. Sarah Townsend; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2960) restoring the pension of Alexander W. Browning; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2961) granting a pension to Aaron Jernigan, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2963) to amend sections 18, 19, 20, and 21 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GRAY introduced a bill (S. 2964) to declare the members of the Five Civilized Tribes of Indians in the Indian Territory to be citizens of the United States and subject to the Constitution and laws thereof, to authorize them to revise their rolls of citizenship, to allot their lands in severalty, to provide for laying out towns therein, and for other purposes; which was read twice by its title, and referred to the Select Committee on the Five Civilized Tribes of Indians.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, were referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

RESTORATION OF PROTECTIVE DUTIES.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits; which was referred to the Committee on Finance, and ordered to be printed.

PURCHASE OF ANALOSTAN ISLAND.

Mr. GALLINGER. Saturday last the Senator from Vermont [Mr. PROCTOR] reported from the Committee on the District of Columbia an amendment providing for the purchase of Analostan Island, intended to be proposed to the District of Columbia appropriation bill, which was sent to the Committee on Appropriations. That report was made upon a misapprehension of facts, and with the concurrence of the chairman of the Committee on the District of Columbia, I move a reconsideration of the vote whereby the amendment was sent to the Committee on Appropriations, and that it be recommitted to the Committee on the District of Columbia.

The VICE-PRESIDENT. Without objection, it will be so ordered.

EULOGIES ON THE LATE REPRESENTATIVE CRAIN.

Mr. MILLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That on Saturday, May 18, the session of the Senate for the day shall, after 3.30 o'clock p. m., be devoted to eulogies on the late W. H. CRAIN, of Texas.

C. F. LYNCH.

Mr. FAULKNER. I offer a resolution which I desire to have referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I wish to say in offering the resolution that it provides for a deplorable case, which now confronts us, and one as to which it is absolutely necessary something should be done. I will therefore ask the Committee on Contingent Expenses to consider it as soon as possible.

The resolution was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint C. F. Lynch a messenger, who shall be paid at the rate of \$1,440 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for.

CONDITION OF AFFAIRS IN INDIAN TERRITORY.

Mr. JONES of Arkansas submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate document room 500 copies of Senate Document No. 182, of the Fifty-fourth Congress, first session.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business has closed.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached.

The VICE-PRESIDENT. It will be so ordered, without objection.

Mr. HALE. I yield to the Senator from Iowa [Mr. GEAR] for a moment.

CLARISSA E. HOBBS.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (S. 1611) granting a pension to Clarissa E. Hobbs. If it leads to any debate I will withdraw it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty-five" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Clarissa E. Hobbs, of Louisville, Nebr., and pay her at the rate of \$12 per month for services as nurse in the Twelfth Regiment Iowa Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. TIBBITS.

Mr. PETTIGREW. I ask unanimous consent for the consideration of the bill which I just reported.

Mr. HALE. It will not give rise to any debate, I understand.

Mr. PETTIGREW. None.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (S. 1597) for the relief of William H. Tibbits; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was, in line 21, after the word "other," to insert the word "valid"; so as to read:

Provided, however, That said W. H. Tibbits shall not have made any other valid entry of land of the United States under the homestead laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC MARSH.

Mr. HALE. I yield to the Senator from Nebraska [Mr. ALLEN]. Mr. ALLEN. With the consent of the Senator from Maine, I ask leave to call up the bill (S. 2821) for the relief of Isaac Marsh.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, in line 10, after the word "spent," to strike out "upon the above-described tract of land, his entry on and claim of which were canceled by the decision of the Secretary of the Interior as aforesaid," and insert:

In improving land embraced in timber-culture entry No. 13732 in the North Platte land district in Nebraska: *Provided*, That in order to obtain the benefit of this act said Isaac Marsh shall show that he was not the owner in fee simple of 80 acres of land free of incumbrance at the date of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That Isaac Marsh, of Lincoln County, Nebr., be, and he is hereby, permitted and authorized to make a homestead entry of 160 acres on any of the public lands of the United States which are now or may hereafter become subject to homestead entry, without any fees or payments to the Government, excepting the local land office fees, and that in making proof thereof he shall be given credit for any time he may have spent in improving land embraced in timber-culture entry No. 13732 in the North Platte land district in Nebraska: *Provided*, That in order to obtain the benefit of this act said Isaac Marsh shall show that he was not the owner in fee simple of 80 acres of land free of incumbrance at the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLEN. I move that the preamble be stricken out.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now let the naval appropriation bill be read for action on the committee amendments.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 7, after the word "action," to strike out the following additional proviso:

Provided further, That all officers who have been or may be appointed to any corps of the Navy or to the Marine Corps after service in a different corps of the Navy or of the Marine Corps shall have all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy or into the Marine Corps.

The amendment was agreed to.

The next amendment was, on page 6, line 12, after the word "same," to strike out "eight thousand" and insert "including one draftsman, at \$1,200, nine thousand two hundred"; so as to make the clause read:

Naval War College and Torpedo School on Coasters Harbor Island, Rhode Island: For maintenance of the Naval War College and Torpedo School on Coasters Harbor Island, and care of grounds for same, including one draftsman, at \$1,200, \$9,200.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the word "all," to strike out "ten thousand" and insert "eleven thousand two hundred"; so as to make the clause read:

For the proper preservation, cementing, and reinforcing cellar walls, repairing window casings, floors, and door casings; a water tank in attic for use in case of fire, and a rainwater cistern and pumps, \$2,000; in all, \$11,200.

The amendment was agreed to.

The next amendment was, on page 7, after line 10, to insert:

For testing methods of throwing high explosives from guns on board ship with the ordinary velocities, \$50,000.

The amendment was agreed to.

The next amendment was, on page 7, line 14, to increase the appropriation for "Bureau of Ordnance and ordnance stores" from \$792,000 to \$842,000.

The amendment was agreed to.

The next amendment was, on page 7, line 21, after the word "dollars," to insert: *Provided*, That the Secretary of the Navy may, in his discretion, purchase by contract all or any part of such guns; so as to make the clause read:

Reserve guns for auxiliary cruisers: Toward the armament of modern guns for auxiliary cruisers mentioned in the act approved March 3, 1891, and in section 4 of the act approved May 10, 1892, \$250,000: *Provided*, That the Secretary of the Navy may, in his discretion, purchase by contract all or any part of such guns.

Mr. QUAY. At that point I desire to amend the clause by striking out the words "two hundred and fifty" and inserting "five hundred"; so as to make the appropriation for the armament of modern guns for auxiliary cruisers, according to the estimates of the Department, a half million dollars.

Mr. HALE. The order of the Senate was to first consider committee amendments and take up other amendments afterwards. Will the Senator wait until we get through with the committee amendments to the bill?

Mr. QUAY. Certainly.

The VICE-PRESIDENT. The Chair will recognize the Senator from Pennsylvania after the committee amendments shall have been concluded. The question is on the amendment which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for "torpedo station, Newport, R. I.," on page 8, line 15, after the word "dollars," to strike out "Extending" and insert "extending."

The amendment was agreed to.

The next amendment was, on page 16, line 1, to increase the appropriations for "navy-yard, Brooklyn, N. Y.," from \$15,341.50 to \$16,541.50.

The amendment was agreed to.

The next amendment was, on page 17, line 21, to increase the appropriation for "civil establishment, Bureau of Yards and Docks," from \$60,286.04 to \$61,486.04.

The amendment was agreed to.

The next amendment was, on page 19, line 2, to reduce the appropriations for "Naval Home, Philadelphia, Pa.," from \$79,730 to \$79,725.

The amendment was agreed to.

The next amendment was, on page 20, line 20, after the word "dollars," to insert "purchase of land adjoining the naval station, \$5,000"; and in line 22, before the word "thousand," to strike out "eighty" and insert "eighty-five"; so as to make the clause read:

Naval station, Port Royal, S. C.: For chemical fire engine, \$650; lightning conductors, \$532; artesian well, \$15,000; dredging channel opposite station, \$150,000; steel tower and tank, \$4,000; storehouse, \$10,000; purchase of land adjoining the naval station, \$5,000; in all, \$185,182.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

To pave Hanover street from Maryland avenue to Wagner street, Wagner street from Hanover street to King George street, and King George street from College avenue to College or Graveyard Creek, in the city of Annapolis, Md., \$8,000, in addition to the sum of \$13,000 made by the naval appropriation act approved July 26, 1894, which is hereby continued available for the same purpose; and the Secretary of the Navy is hereby authorized to convey to the city of Annapolis, Md., the title to the bed of King George street from College avenue to College or Graveyard Creek.

Mr. HALE. That amendment ought to be perfected by striking out all after the word "purpose," in line 10, as the deed for the property referred to has already been given. I make that motion.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment, in line 10, after the word "purpose," by striking out—

And the Secretary of the Navy is hereby authorized to convey to the city of Annapolis, Md., the title to the bed of King George street from College avenue to College or Graveyard Creek.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 22, after line 14, to insert:

That the Board of Visitors of the Naval Academy, when visiting said Academy in 1896, shall fully examine into and report to the Secretary of the Navy and to Congress the availability and desirability of acquiring as an annex to the grounds of said Academy so much of the property adjoining thereto in the city of Annapolis as is situate between the north side of Hanover street, the east side of Governor street, the north side of King George street, and the west side of Holland street, and the probable cost thereof by purchase or by condemnation for public use.

The amendment was agreed to.

The next amendment was, on page 23, line 16, after the word "laboratory," to strike out "and department of instruction, museum of hygiene"; so as to make the clause read:

Medical department: For surgeons' necessities for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and Naval Academy, \$65,000.

The amendment was agreed to.

The next amendment was, on page 32, line 2, before the word "repairs," to strike out "other" and insert "order"; so as to read:

Provided further, That nothing herein contained shall deprive the Secretary of the Navy of the authority to cause the necessary repairs and preservation of the U. S. S. *Hartford* or to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to strike out:

For making plans, examining and preparing the ground and other preliminary work toward the construction of a model tank, with all buildings and appliances, to be built upon the grounds of the old Observatory, Washington, D. C., under the Bureau of Construction and Repair of the Navy Department, which shall conduct therein the work of investigating and determining the most suitable and desirable shapes and forms to be adopted for United States naval vessels, \$7,500: Provided, That upon the authorization of the Secretary of the Navy experiments may be made at this establish-

ment for private shipbuilders, who shall defray the cost of material and of labor of per diem employees for such experiments: And provided further, That the results of such private experiments shall be regarded as confidential and shall not be divulged without the consent of the shipbuilder for whom they may be made.

The amendment was agreed to.

The next amendment was, on page 42, line 3, in the items for contingent expenses, Naval Academy, after the word "dollars," to insert "for contingencies for the Superintendent of the Academy, \$1,000," and in line 5, before the word "thousand," to increase the total of the appropriations from \$45,400 to \$46,400.

The amendment was agreed to.

The next amendment was, on page 43, after line 2, in the items for the Marine Corps, to strike out:

Pay of 10 sergeants, 40 corporals, 12 drummers, 12 fifers, and 426 privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, \$74,560, to be immediately available.

Mr. CHANDLER. I suggest to the Senator from Maine that he allow the provisions about the Marine Corps to go over until the reading of the bill is finished.

Mr. HALE. That is very acceptable to me, as there will be some controversy about it.

Mr. LODGE. To what provisions does the Senator refer?

Mr. HALE. All provisions relating to the increase of the Marine Corps. Let them all go over.

Mr. LODGE. There are only three of them.

Mr. HALE. There are three of them. They stand on all fours. If one goes out the others will go.

The PRESIDING OFFICER (Mr. BACON in the chair). Without objection, the provisions as to the Marine Corps will go over for the present.

The Secretary resumed the reading of the bill on page 44, line 3.

The PRESIDING OFFICER. Is it the pleasure of the Senate that these provisions which relate to the Marine Corps shall also be passed over?

Mr. HALE. The amendment on page 45, lines 19 to 23, should be passed over.

The PRESIDING OFFICER. The clause to which the Chair directs the attention of the Senate begins with line 3, page 45. It relates somewhat to the Marine Corps.

Mr. PLATT. That is the civil force.

The PRESIDING OFFICER. The Senate having passed over the preceding provisions relative to the Marine Corps, the Chair desires to know whether it is also the wish of the Senate to have this provision passed over?

Mr. HALE. There is no amendment at that point in my copy of the bill.

The PRESIDING OFFICER. There is no amendment. The Chair will suggest that there were no amendments on page 42, under the heading "Marine Corps," which was also passed over. The Chair understood that everything which relates to the Marine Corps was, under the order, to be passed over for the present.

Mr. CHANDLER. The amendment on page 43 was not included in the request.

Mr. HALE. There is no objection to the amendment on page 47 being disagreed to. If it is disagreed to it will leave the text of the bill as it came from the House remain.

Mr. GORMAN. To which amendment does the Senator from Maine refer?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 43, line 20, after the word "dollars," the committee report an amendment to strike out:

And hereafter officers of the Marine Corps traveling under orders without troops shall be allowed the same mileage as is now allowed officers of the Navy traveling without troops.

Mr. CHANDLER. I understand the Senator in charge of the bill to say that there is no objection to having to pay the same in the two cases; that that is the correct rule of payment.

Mr. GORMAN. As I understand it, this is an increase of the traveling expenses of the Marine Corps. They now receive the same expenses that are allowed to army officers. This is an increase. I do not understand that the Senator in charge of the bill desires to have the amendment disagreed to.

Mr. HALE. No; I had in mind the amendment on page 47. This amendment may be agreed to and go into conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. CHANDLER. The amendment on pages 45 and 46 have been passed over?

Mr. HALE. They have been passed over.

The Secretary resumed the reading of the bill on page 46, line 8.

The next amendment of the Committee on Appropriations was, on page 47, line 7, after the word "dollars," to strike out:

Provided, That the provisions of the clause contained in the act of Congress approved March 3, 1879, authorizing the Secretary of the Treasury to make such entries upon the books of the Department as will carry to the credit of certain railroad companies named in said act amounts earned or to be earned by them during each fiscal year on account of transportation of the Army and transportation of the mails be, and the same are hereby extended and made applicable to the transportation of the Navy and the Marine Corps;

So as to make the clause read:

Transportation and recruiting, Marine Corps: For transportation of troops, including ferrage, and the expense of recruiting service, \$15,000.

Mr. GORMAN. I understand this is the amendment which is to be disagreed to.

Mr. HALE. I have no objection to the amendment being disagreed to on papers that have come in since the bill was reported.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, line 24, after the words "District of Columbia," to insert "and for the leader of the Marine Band"; so as to make the clause read:

Hire of quarters, Marine Corps: For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, \$4,500; for hire of quarters for 7 enlisted men employed as clerks and messengers in commandant's, adjutant and inspector's, paymaster's, and quartermaster's offices, Washington, D. C., and for the leader of the Marine Band, and assistant quartermaster's offices, Philadelphia, Pa., at \$21 per month each, \$1,764; for hire of quarters for 3 enlisted men employed as above, at \$10 each per month, \$360; in all, \$6,624.

The amendment was agreed to.

The next amendment was, on page 50, after line 9, in the items for contingent expenses, Marine Corps, to strike out:

For iron bedsteads, mattresses, mattress covers, pillows, clothing boxes, and other articles, for 500 noncommissioned officers, musicians, and privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, \$5,000, to be immediately available.

Mr. HALE. Let this amendment go over with the others. It should be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. HALE. This brings us to the provision as to "Increase of the Navy." As there will be amendments offered to this clause, in order nominally to complete the reading of the bill, I suggest that we pass over the bill from line 16, on page 50, to line 9, on page 53, "armor and armament." I think there is nothing after that which need be passed over.

Mr. GORMAN. I suggest to the Senator that the clause as to armor and armament had better go over with the matter of the increase of the Navy, because it will be necessary to amend it if the Senate decides to reduce the number of ships to be authorized by the proposed act. There will not be required so much for armor for a less number of vessels.

Mr. HALE. Very well; it can go over with the other items.

The PRESIDING OFFICER. It will be passed over.

The reading of the bill was resumed at line 22, page 53. The next amendment of the Committee on Appropriations was, on page 53, after line 24, to insert:

The Secretary of the Navy is hereby authorized and directed to cause one of the six light-draft composite gunboats authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895, to be built and finished for a training ship for the use of the United States Naval Academy at Annapolis, Md.; and such changes in said vessel as may be necessary for its adaptation as such training ship shall be made thereto.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. As the nominal reading of the bill has been completed, I move an amendment. On page 2, line 7, after the word "enlist," I move to insert the words "at any time after the passage of this act"; so that the enlistment of those men can go on at the present time in order to meet the needs of the new ships.

The amendment was agreed to.

Mr. HALE. The Senator from Pennsylvania [Mr. QUAY] gave notice of an amendment.

Mr. QUAY. On page 7, line 20, before the word "thousand," I move to strike out "two hundred and fifty" and insert "four hundred"; so as to read:

Reserve guns for auxiliary cruisers: Toward the armament of modern guns for auxiliary cruisers mentioned in the act approved March 3, 1891, and in section 4 of the act approved May 10, 1892, \$400,000.

That is still \$100,000 less than the estimate of the Bureau of Ordnance.

Mr. GORMAN. Of course this is one of the items in the bill which the Senate ought to consider. It is a new estimate. There is contained in the bill as it comes from the other House for reserve supply of projectiles an appropriation of \$200,000, which is new; for additional supply of torpedoes, \$142,000, which is also new; an appropriation of \$250,000 for reserve guns for the auxiliary cruisers, and we also have an appropriation in the same bill of \$250,000 for the auxiliary supply of guns for ships of the Navy. That makes seven or eight hundred thousand dollars for the reserve guns. These provisions, taken together with the other provisions of the bill, which must be considered, for a large increase in the Navy, make it a very extraordinary bill indeed.

The total amount of the bill as it comes from the other House is \$31,647,239.95; that is money actually appropriated. The contracts that are authorized, which will require appropriations, swell that

amount some \$16,000,000. While I am in favor and have always been in favor of proper increase in the Navy, I suggest that in the present condition of our finances, in the present condition of our wants, we ought not to proceed so rapidly as is proposed by the pending bill. Notwithstanding the Department claim that they have facilities at the Washington Navy-Yard to manufacture these guns within a reasonable time and in time to equip the ships that have heretofore been authorized and those that are to be authorized by this bill, I do not believe that it is wise to go to this extent at the present time.

This is all I desire to say upon the pending item. When we reach the other and more important matter I shall have more to say about it.

Mr. CHANDLER. I hope the Senator from Maryland will not object to this particular amendment, but will confine any efforts he may make to limit naval expenditures to other portions of the bill. The Senator will remember that more than a year ago the estimate of the amount needed for the armament for the auxiliary cruisers was \$500,000, and there was quite an earnest debate at that time because no amount was appropriated for the armament for the additional cruisers.

Mr. President, it appears that we have the right to take at any moment the *New York*, the *Paris*, the *St. Louis*, and the *St. Paul*, the great passenger steamers constituting the American Line, two of them built abroad, two of them built in this country, and they are among the fleetest ships in the world. They are, I may say, taken together, perhaps the four best ships in the world belonging to any one steamship line. The United States can take them to-morrow, and if it has the armament ready to put upon them, it can send them out upon the ocean and they can move faster than any other ships in the world. They can destroy any other commercial ship that is afloat.

Here are ships representing perhaps ten millions of money, not one dollar of which has been expended by the United States and every dollar of which has been paid by private parties, by private enterprise. We can stop the voyages of those ships, take the vessels to-morrow, convert them into fleet naval vessels, and send them out upon the ocean, if we only have the guns to put upon the ships. We have not a gun to put upon the ships and we have not begun the work of making the guns to put upon them. By expending a half million dollars we can secure as an addition to our Navy \$10,500,000 worth of naval material. It is like buying guns for men. The men cost nothing until you call them into the service. When you call them into the service in an emergency, if you have not guns they are of no use to you. In my judgment there is no expenditure to be made immediately by the United States so important as the expenditures to make these four great, fine, fleet, magnificent ships an actual part of the Navy of the United States, by providing the guns which could be put upon them at an hour's notice.

There are 29 ships of the auxiliary navy, which, as the Senator from Pennsylvania [Mr. QUAY] will state, we have the right to take at any moment; but I confine myself entirely to these four fleet ships, the armament for which I desire to see prepared as soon as possible. The British Government and other governments provide guns for their auxiliary navy, for the commercial vessels which they have the right to take at any time. They provide the guns and those guns are upon the docks or the wharves of those nations and can be made ready at a moment's notice to be placed upon the ships.

We can not excuse ourselves for neglecting longer to provide the guns for these vessels. The Senator from Maryland a year ago said that if it was necessary to use these great ships we could take other guns which the Navy Department was engaged in building. The answer to that was then, and the answer now is, that the Navy Department is authorized to build no guns whatever except when there is a ship which is ready, or ought to be ready, for the guns, and therefore no guns which the Navy Department is now engaged in building can be put upon the *New York*, the *Paris*, the *St. Louis*, or the *St. Paul* without holding those guns back from some naval vessel, the whole cost of which the people of the United States are paying.

In this view of the case, I ask the Senator from Maryland [Mr. GORMAN], if he wants to limit the total appropriation made by the bill, and with whom I am entirely willing to cooperate to some extent, to concede that for this expenditure of \$400,000, which ought to be \$500,000, we give to the Government in the shortest period of time the greatest possible naval defense which can be secured for that amount of money.

Mr. GORMAN. I recognize fully the force of the argument of the distinguished Senator from New Hampshire, who has given as much attention to the affairs of the Navy as any Senator in this body. I know his anxiety to build up the Navy. It has been so from his first connection with it. I share with him the general view that we must manufacture sufficient guns to equip the ships that we have or have the right to control.

The Senator states that in the last naval appropriation bill this item appeared and I opposed it. I opposed it then for the reason

that I believed the appropriations were as great without this provision as the condition of the Treasury would warrant. I opposed it for another reason. I did not believe that the capacity of the Washington yard was equal to the appropriations we had made, but if the capacity of that yard was equal to the appropriations made for the armament of the other ships, the manufacturers of steel for the tubes and the jackets of these guns were not able to furnish them if we had made the appropriation, and therefore the appropriation would have been useless. I believed then that that was true. I believe it now. I know theoretically the capacity of this yard is greater than the number of guns they have turned out completed, and I know that since the last appropriation act was passed the manufacturers of steel have claimed that their facilities are greatly increased and they are enabled to furnish a larger amount than a year ago.

During the last fiscal year before the 1st day of July they were compelled to suspend a large number of persons employed in the Washington Navy-Yard and reduce that force. It is true that it was given out from the headquarters of the Navy Department to the newspaper press that that suspension was because of the failure of Congress to make an appropriation for these very guns. We were then about entering upon this patriotic course; we were then about to stir up a war feeling in the country, and it grew to immense proportions. But the fact was that that suspension was not the fault of Congress or the want of an appropriation, but it grew out of the fact that the manufacturers of the steel tubes and steel jackets for these guns had failed to furnish, according to their contract, the number that had been ordered. I do not know of any case where the Executive branch of the Government were so greatly at fault and so much to be condemned as they were in that particular case in trying to hold Congress responsible for the delay.

The fact is, Mr. President, all the guns have not been delivered yet. They could not have been delivered. After it was thought that serious trouble might come because of other questions south of us, this yard and the other yards were placed upon a war footing; all the guns that could be manufactured by the machinery that they have been manufacturing. Then there was no proposition as has been now recommended by the Committee on Appropriations to duplicate the facilities for manufacturing guns. That is proposed in the pending bill. There is a provision inserted that the Secretary of the Navy may contract for any portion of the guns that he sees proper. Fortunately for the country if an emergency should arise we have the Bethlehem and other works that can construct these guns equally as well as at the navy-yard. So the objection I had last year to making an appropriation that would be useless because of the want of facilities has to a great extent passed away.

But, Mr. President, as to the necessity and as to all this great haste in preparing for war, I do not share that feeling. I agree that the most important feature of the increase of the Navy now is the manufacture of guns. They could be utilized not only upon our Government vessels, but the great steamers the Senator from New Hampshire referred to, the *New York*, the *Paris*, the *St. Louis*, and the others of that line, could be utilized, if we were at war, as commerce destroyers. But is the emergency so great that we must appropriate now half a million dollars for that purpose? There is an item in the bill immediately preceding the one under consideration appropriating \$250,000 for reserve guns, which can be used for any purpose on any vessel that we can control, and with the \$250,000 as we have reported for reserve guns for auxiliary cruisers will make \$500,000.

The Senator from Pennsylvania [Mr. QUAY] proposes to increase this amount of \$250,000 to \$400,000, which would make \$900,000 upon that account, and then millions are to be given for the ordinary construction of the larger guns to go upon the war vessels. If the Treasury were in a condition I would say, "Yes; make this increased appropriation," but I submit to the Senate that it is unwise at this time to appropriate an amount so large on this account and then follow it up with the twenty-odd million dollars for war vessels.

Mr. STEWART. Will the Senator from Maryland yield to me a moment?

Mr. GORMAN. With great pleasure.

Mr. STEWART. What is the condition of the Treasury to-day?

Mr. GORMAN. I trust to get to that a little later in the day, or to-morrow, when we reach the main item of the bill.

Mr. STEWART. We have a cash balance of \$280,000,000, more than we have had for many years.

Mr. GORMAN. We have a large amount of silver also stored in the Treasury.

Mr. STEWART. Oh, no; we have too much cash balance. We are not talking about silver. We are talking about the cash balance in the Treasury, and if it is not gotten out the people will suffer, I think. I think the duty of the hour now is to make appropriations, if we have anything to appropriate for.

Mr. GORMAN. When we come to the main item of the bill I suppose the discussion will be more general, and I propose to sub-

mit some remarks then in reply to the suggestion made by my distinguished friend from Nevada; but in this matter I say to the Senator from Pennsylvania [Mr. QUAY] and the Senator from New Hampshire [Mr. CHANDLER] that it will be wiser to go on as we have gone on in the past and make fair provision for all these items, as we have done, without the amendment of the Senator from Pennsylvania, which would swell the appropriation for this item to \$400,000. Two hundred and fifty thousand dollars ought to be sufficient for the current year. I trust the Senator will not press his amendment, and I trust that later on both the Senator from New Hampshire and the Senator from Pennsylvania will unite with me in reducing the aggregate amount proposed to be appropriated for the increase of the Navy.

Mr. HAWLEY. Mr. President, I think there is no appropriation in the bill that is worth so much in an increase of our force at sea as this simple provision here. It goes to procure the necessary guns for the *Paris*, the *New York*, and the other two new vessels of that class and hold the guns in store ready for use in an emergency. While we practically own those ships now, while we have a right to take them at any moment, while they are a part of our Navy, they are, of course, absolutely useless for fighting. The proposed armament for the *Paris* and the *New York* and the two sister ships is five 6-inch guns each. The 6-inch projectile weighs 100 pounds, so each vessel would be able to throw 500 pounds of steel at a discharge. One of those vessels would whip, I think, about the best naval vessel that existed before the war of the rebellion. That 100-pound steel projectile is a fearful missile when sent with the velocity given it now with the improved powder. Those guns should be kept in store conveniently near. They could be put on board in a single night. The vessels are adapted to them; the frames are strengthened; the decks are strengthened. The traverse plates for the gun carriages are to be seen on the deck by any passenger. An examination below would disclose the strengthened frames. Trundle the guns on board with the ammunition, and you would have on the four ships twenty 6-inch guns, throwing an aggregate weight of 2,000 pounds.

Mr. HALE. Right in the line of the Senator's remarks, the improvements in modern machinery, as the Senator knows, make the rapid fire now apply to the 6-inch gun.

Mr. HAWLEY. Yes.

Mr. HALE. Heretofore it has only been applied to the 4 inch, but the contractors now are able to furnish rapid-fire 6-inch guns, as they have heretofore by contract furnished 4-inch guns. That I may say, by the way, is the reason for the provision put on at the close of the paragraph authorizing the Secretary of the Navy to contract. They are an auxiliary gun. The 6-inch rapid-fire gun, as the Senator says, makes one of these cruisers one of the most destructive types in the whole naval construction in the world.

Mr. HAWLEY. The devices for rapid firing and the extraordinary improvement in powder make the 6-inch gun or 5 or 4 inch gun probably worth twice as much as it would have been worth five years ago.

Mr. GRAY. I ask the Senator from Connecticut if those guns are available for coast defenses.

Mr. HAWLEY. They could be placed in coast defenses.

Mr. GRAY. In earthworks?

Mr. HAWLEY. Certainly; they are just as capable on shore as on board ship. The same carriages would not be furnished if the guns were intended for work on shore, that is all.

Mr. GRAY. So I supposed.

Mr. HAWLEY. If these 20 guns were in the harbor of New York and it became necessary to trundle them down to Sandy Hook or Fort Hamilton, of course that could be done, and there they could be used just as well as anywhere else. I say there is no wiser expenditure in the whole bill for the money in it than this one.

Mr. QUAY. Mr. President, I do not know that I can add anything to what has been said by the Senator from Connecticut [Mr. HAWLEY] and the Senator from New Hampshire [Mr. CHANDLER] in reply to the Senator from Maryland [Mr. GORMAN]. Of course, the Senator from Maryland and every Senator will recognize the truth of the old adage, "In time of peace prepare for war." It is no argument that the Senator from Maryland should say that there seems to be no instant occasion for the use of these guns. There has been a time within a very few days, or a very few weeks at least, when there might have been imminent necessity for the employment of these cruisers, but under the policy of the Senator from Maryland in the last Congress they would have been found absolutely worthless. He made a mistake and his party made a mistake I thought then, and I trust that the Senate will not permit them to do it now.

There are in the Navy of the United States some 75 to 100 vessels which, if the armament is ready, can be made, in the event of war, almost immediately available. There are 29 larger vessels of which we have the right to take possession. Concerning them, in their report the Bureau of Ordnance say:

Five hundred thousand dollars will be required for the manufacture of seventy 4, 5, and 6 inch guns for arming in part the auxiliary cruisers.

Two hundred and fifty guns will be required to place them in absolute equipment; so that from \$3,000,000 to \$2,500,000 is absolutely required to place us in condition to utilize our means of troubling an enemy on the high seas.

The Government is now entirely without means of furnishing these ships with guns or ordnance equipped of any kind. Twenty-nine of these ships which have been selected as suitable for cruisers in time of war would form a most important adjunct to our naval force if they were properly equipped. Aside from these vessels, a considerable number of excellent steamers are to be found upon the Lakes, where they would, if properly equipped, constitute the best defense of these shores in time of need. It would be wise to keep the gun ships working to their full capacity for several years in order to provide guns for such purpose. The old smoothbore guns of which a large number have accumulated during many years, are now practically obsolete, and an ample supply of modern guns should be manufactured, in order that in a crisis we should not be compelled to use such inferior weapons as the old smoothbore guns.

The British Government appreciates the situation, Mr. President. Here is what they are doing, and here is what this Government should be doing. I quote from the Naval and Military Record, published at Portsmouth, in England, April 4, 1896. It says:

The admiralty will pay in subsidies this year to the Cunard, Peninsular, and Oriental, White Star Line, and Canadian Pacific Steamship companies the sum of £48,620, an increase of £3,137 on the amount paid during the last twelve months. The vessels, with the amount of subsidy for each, are as follows:

Cunard Company, *Campania* and *Lucania*, £7,500 each; White Star Line, *Teutonic*, £7,285, *Majestic*, £7,396; Peninsular and Oriental Company, *Himalaya* and *Australia*, £3,375 each, *Victoria* and *Arcadia*, £2,438 each; Canadian Pacific Company, *Empress of India*, *Empress of China*, and *Empress of Japan*, £2,437 each. In addition to this, the companies engage to hold the following steamships at the disposition of the admiralty without further subsidy: White Star Line, *Britannic*, *Germanic*, and *Adriatic*; Cunard Company, *Etruria*, *Umbria*, *Aurania*, and *Servia*; Peninsular and Oriental Company, *Britannia*, *Oceana*, *Peninsular*, *Valetta*, *Masilia*, *Rome*, *Carthage*, *Ballarat* and *Parramatta*.

Now, Mr. President, I quote further, and invite the attention of the Senate to the quotation:

A reserve stock of breech-loading of the latter types of machine guns, with the necessary mountings and fittings, has recently been supplied in lieu of muzzle-loading guns for the ready armament of these vessels in the event of their being required. As a precaution against delay, a merchant cruiser reserve depot has been established on each station at which the vessels call, so that a merchant ship could be converted into a war vessel within a very short time; in fact, within a few hours if she happened to be at one of the naval depot ports.

My intention in offering the amendment is merely to put the Government in a way of beginning what the British Government has already accomplished with a view to meeting us on the seas.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. QUAY].

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from California will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be read by title.

The SECRETARY. A resolution, by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. CHANDLER. I ask unanimous consent that the unfinished business may be temporarily laid aside, without losing its place on the Calendar, until the present appropriation bill is disposed of.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The amendment of the Senator from California [Mr. PERKINS] will be stated.

The SECRETARY. Amend by adding, on page 6, after line 8:

Naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., for apprentices: For the construction of buildings and other improvements, \$100,000.

Mr. GORMAN. I do not see the Senator from Maine [Mr. HALE] present, but I shall be compelled to raise a point of order on the amendment.

Mr. PERKINS. On what grounds does the Senator from Maryland make a point of order?

Mr. GORMAN. It is new legislation, and is not estimated for.

Mr. PERKINS. Early in December I introduced a bill providing for this training station. It duly passed the Senate. It passed the House of Representatives, and on the 24th of April the President affixed his signature to the bill establishing the training station. Therefore we are simply proposing by the amendment to carry out the law and establish the station. I fail to see how the point of order can lie.

Mr. GORMAN. Does the Senator state that the act has passed both Houses and is a law?

Mr. PERKINS. It passed both Houses, and it was approved by the President April 24. I verified it in the office of the Secretary of the Senate a few minutes since.

Mr. GORMAN. What is the provision of the act? I have not had my attention called to it.

Mr. PERKINS. The Senator from Maryland voted for it. I will have it read if he desires. I will state that in substance it established a training station for apprentices upon Yerba Buena

Island, in the harbor of San Francisco. Mr. President, I wish to state that the object of the act and of the pending amendment is to Americanize the Navy. On the Pacific Coast we have no place where an apprentice boy can be enlisted into the Navy.

We have at Newport a naval training station. We have two training ships to take the boys who are apprentices at that station upon cruises on the Atlantic, the Gulf of Mexico, and elsewhere, and we are training boys to become seamen and Americanize our Navy and man an American navy.

On the Pacific Coast, extending from Lower California to Alaska, with over 4,000 miles of coast, with more than 25,000 miles, following the indentation of the shore, we have no place where boys can be enlisted in the Navy. Five or six times during the past year, as a special concession from the Navy Department, I have had permission to have boys there, and they are doing well. We have hundreds and hundreds of American boys who are seeking to gain admission into the Navy.

The object of the amendment is to establish a station for that purpose. I do not mean to say, as the Senator from Maryland may say, that we are going to make sailors on land; but when you take a boy of 14 or 15 years of age, modest, ignorant of the ways of the world, without discipline, without drill, it requires time to fit him to go on a cruising ship at sea. Therefore he is to be sent to the station, where he is probably disciplined in morals, in cleanliness, and all that goes to make a proper boy, and after six months' or a year's time he is detailed on a sailing vessel and sent off to sea, and in due time he will become an American seaman.

We have no merchant service whereby we can recruit our seamen from that service, as was the case in the earlier history of our country. I was deeply impressed in reading the report a few days since of the course pursued by the English navy. No matter what we may think of them, they speak our language, in a measure they are our own people, and they frequently get lessons that we may profit by. One of these lessons especially is that their ships are manned by English subjects. I do not believe that outside of the culinary department of the English navy you will find one-quarter of 1 per cent who are not English subjects. The English seaman feels a pride in his country's navy and the ship that is his home. He is a patriot and ready to fight for St. George's cross. I was impressed with the plan they have adopted which gives them that English patriotism, which makes their ships and their sailors the pride of their country.

In the naval estimates for the year ending March 31, 1897, out of the total number of officers and men for Her Majesty's fleet of 65,757, of which 56,420 are petty officers and seamen, there are 4,495 boys, and out of a total for other services of 7,932 there were 5,300 boys under training, which gives their navy a total of 9,795 boys assigned to seagoing ships or at a training station. So about 16 per cent, I think, of their navy are boys.

We have 9,250 seamen, I think, under the present law, and 750 boys. So we have only about 8 per cent of boys, one-half the number allowed by England.

Allow me, Mr. President, to ask where are the Decatur's of 1781 to come from? Where are the Perrys to come from, who said in glowing language, "We have met the enemy and they are ours"? Where are those who fought in 1812 and shed luster and glory upon the glorious Stars and Stripes to come from in future if it is not the American boys to whom we shall look? I say it is short-minded policy on the part of Congress that they have not taken a greater interest in building up our Navy by encouraging American boys to enlist in the service of the Navy. We are proud of our new Navy. Our ships are built by American mechanics; they are the product of American workmen. Now, let us have it manned by Americans, and let every home be represented by some relative of that home in the Navy.

In looking over the report of the enlistment last year for the months of July, August, September, and October I find that a majority of all the seamen enlisted in our Navy were foreigners. Can we sit idly by and permit this to go on when by a mere pittance we can establish training stations where we will give our boys an elementary education, discipline them, drill them in good morals, in cleanliness, and teach them that the greatest gift that can be given to anyone is to be an American citizen? No one feels more patriotism, and there is no one who stands ready to hold up the dignity and honor of our flag and our country more than does the American seaman. We have not encouraged American seamen heretofore, but we have now commenced and the Department are in sympathy with us. I hope the amendment which I have offered will be adopted.

Mr. GORMAN. As to the suggestion of the Senator from California that a bill has recently been passed to establish a training school on the Pacific Coast, I have the act to which the Senator refers, which reads as follows:

That the Secretary of the Navy be, and he is hereby, authorized to establish a training station for naval apprentices on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal.; and said Secretary is authorized to designate two officers of the Navy, and the Secretary of War is authorized to designate one officer of the Army, said three officers to constitute a board, who shall select and assign so much of said island as may be

necessary for the purpose of establishing said naval training station; and the site so selected, when approved by the President, shall be, by virtue of this act, transferred to the Navy Department for the purposes of said naval training station.

SEC. 2. That all apprentices of the Navy, whether at a training station, or on board an apprentice training ship, shall be additional to the number of enlisted persons allowed by law for the Navy.

It is true that this act may have been recently approved by the President, and I take it for granted that it has been, but we have no official knowledge of that fact, and I make the point that no estimate has been made for an appropriation such as is contemplated by the amendment of the Senator from California and that his amendment is not in order on this bill.

Mr. PERKINS. With the permission of the Senator from Maryland, I ask to have read for his information a letter from the Chief of Bureau of Yards and Docks.

The VICE-PRESIDENT. The letter will be read, in the absence of objection.

The Secretary read as follows:

WASHINGTON, D. C., January 20, 1896.

MY DEAR SENATOR: After consultation with Admiral Ramsay, who has charge of the personnel, I would respectfully submit the following estimates for the necessary buildings to be erected on Yerba Buena Island to fit it for a naval apprentice station:

Building for apprentices	\$87,000
Quarters for commandant	12,000
Quarters for two officers	12,000
Office and storehouse	3,000
Hospital building	5,000
Total	100,000

I believe there is a wharf already at the island.

I have the honor to remain, your obedient servant,

E. O. MATTHEWS,
Chief of Bureau Yards and Docks.

HON. GEORGE C. PERKINS,
United States Senator.

Mr. GORMAN. The Senator will see that that is not an estimate. There is no estimate here for this appropriation, and the ink on the pen with which the bill which recently passed was signed, if it has been signed, is scarcely dry. No action whatever has been taken by the Navy Department looking to the establishment of such a training station, and, of course, no estimate can come in at the present time. What the Senator has presented is merely a letter from the chief of one of the Department bureaus.

Mr. CHANDLER. I ask the Senator from Maryland would not the amendment be in order to carry out a law already passed? We passed a bill through both Houses, which has gone to the President, and which the Senator has read, which authorizes the establishment of a training station on the Pacific Coast. Now, is it not in order to move to give the Secretary of the Navy some sum of money to enable him to carry out the provisions of that act under the clause of our rules, with which the Senator is very familiar, that an amendment making an appropriation may be in order to carry out a previous order or decision of the Senate at the same session. This is not merely a decision of the Senate, but of Congress.

Mr. GORMAN. I think clearly not. The paper which the Senator from California has had read is a mere letter from the chief of one of the bureaus in the Navy Department, and I do not think it will cover the case.

Mr. CHANDLER. I should like to have the rule read.

The VICE-PRESIDENT. The Secretary will read the first clause of Rule XVI.

The Secretary read as follows:

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. PERKINS. I am willing to submit the amendment on that rule.

The VICE-PRESIDENT. The Chair overrules the point of order under the statement made by the Senator from California. The question is on the amendment. [Putting the question.] The ayes appear to have it.

Mr. GORMAN. Let us have the yeas and nays, Mr. President. The yeas and nays were ordered.

Mr. GORMAN. Mr. President, I know the anxiety of the distinguished Senator from California and his colleagues from the Pacific Coast to secure for that section of the country liberal appropriations. I have myself always believed that we must give every possible encouragement to the people on the Pacific Coast to build their vessels and to create great manufacturing establishments which will be necessary in the future. I think their industry and their influence with this Congress and with past Congresses in securing appropriations will stand for all time as a monument to show what Senators may accomplish by persistent action.

We have provided for the Pacific Coast most liberally by this bill. I have been anxious to see the great navy-yard at Mare Island made one of the first shipbuilding yards in the country. It is established at a point which is absolutely necessary not only for war purposes, but with a view of building up a great commercial marine. For that navy-yard we have most liberally provided. Ships to be used by the Treasury Department in the enforcement of the revenue laws we have given the Pacific Coast without stint.

We make special provision to increase the cost of all these structures on the Pacific Coast because it seems to be necessary. We have given dry docks at San Francisco and upon Puget Sound. We are appealed to, Mr. President, and with justice, to increase the appropriations on account of those dry docks, so that we may have places for our great ships to enter and to be repaired. We have great pressure also coming from the Gulf, and we have it from the Atlantic Coast; but the Committee on Appropriations, which is most liberal—too liberal, in my judgment, considering the present condition of affairs—has been compelled to deny these requests from other sections of the country; but I say to the Senators from California, while I have been the consistent friend of the projects they have had on hand, because I believed they were necessary and in the best interests of the country, this amendment ought not to be now pressed.

The Chair has decided the amendment to be in order—I will not take an appeal from the decision of the Chair—simply because of a bill which is said to have passed both Houses and to have become a law, but of which, so far as I know, there is no official notice; and this amendment is pressed in this body without ever having been sent to the Committee on Appropriations and without an estimate from any head of a Department, making provision for buildings and for the maintenance of this institution when the ground has not been laid off and when no officer of the Government has yet ascertained what ought to be done.

Mr. FAULKNER. And there is no limitation upon the cost.

Mr. GORMAN. Yes, Mr. President, that is true, as the Senator from West Virginia suggests, and yet we are to be pressed here to appropriate sixty or seventy thousand dollars to begin an enterprise which, so far as we know officially, may cost a million or five million dollars in the end.

The Pacific Coast has been treated with more generosity than any other section of this country in appropriations as they are found in this bill, and if the Senators from that coast press the amendment, let the Senate determine it. I appeal to the Senator from California not to press the amendment, because from the beginning of my service here I have been more than liberal to every enterprise which has been projected upon that coast, but this is going beyond anything that has occurred in legislation of which I have knowledge. It is pressing a great matter without an estimate and without its having been referred to the proper committee for consideration.

The VICE-PRESIDENT. The decision of the Chair was based upon the legislation indicated by the Senator from California [Mr. PERKINS]. The Senate has been officially notified of the approval by the President of the act referred to, the Chair will state in justification of the decision which he has rendered.

Mr. PERKINS. Mr. President, I want, on behalf of the delegation from California, to say to the distinguished Senator from Maryland [Mr. GORMAN] that we fully appreciate his kindness in what he has done in years past in assisting us to bring before the country the great undeveloped interests of our State and of the Pacific Coast generally. That is a part of our great country, it is a part of the Senator's country, and he would be less a patriot, less an American citizen, than I know him to be if he had not assisted in fostering and building up for the good of our country the great shipbuilding yards on the Pacific Coast and assisting in the construction of the dry docks and improvements of the navy-yard in California, which do not belong to that State alone, but belong as much to Maryland, which the Senator represents with so much ability.

We have agreed on every proposition relating to the building up of the Navy. We admit what the Senator has done for California; but he seems to have come to the crossroads near the close of his remarks. He said he believed in building ships on the Pacific Coast. So do we; and we believe in manning them on the Pacific Coast—manning them with Americans. We wish to man them with Americans because we want to Americanize our Navy. But in order to do that we must take apprentices, and we must teach them the art of seamanship; we must teach them those intricate things connected with a man-of-war, with a vessel which plies upon the ocean, and which it is necessary for them to know if they are to become efficient in that profession, for it is a profession, a trade, which no one can acquire except by application and by experience. All we ask of you to do is to do that which the Secretary of the Navy has recommended, that the heads of the different bureaus of the Department have recommended; that is, to assist us in the construction and establishment on that great

Pacific empire of the West, the great Pacific coast of California, a station similar to that which you have at Newport.

When the Senator appeals to my colleague and myself, as he has done, asking us to withdraw this amendment, I fear if I did so I should be unjust to the thousands of boys on that coast who are waiting anxiously the time when they may be admitted as apprentices into the naval schools of our country. I would be unjust to those people who are writing me by every mail saying, "Press that bill. We have hundreds of boys here who are driven out of employment by reason of Japanese and Chinese competition, and we want to send them into the Navy and help Americanize it."

But I will, with the consent of my colleague, instead of \$100,000, make the amendment \$50,000, and we will raise the balance of the money among the liberal-minded people of California, if it be necessary, to complete the work.

Mr. PEPPER. Will the Senator allow me to ask him a question before he takes his seat?

Mr. PERKINS. Certainly.

Mr. PEPPER. I understood from the Senator's remarks that he is limiting admission to this naval school to the boys of California. Is that correct?

Mr. PERKINS. No, sir. No such provision is in the amendment. They may come from any State in the Union. We are not exclusive in California.

Mr. PEPPER. I thought not.

Mr. PERKINS. Any boys in Kansas whose friends will pay their passage we will admit to the school and make good sailors of.

Mr. LODGE. Mr. President, during my four years of service on the Naval Committee in the House of Representatives I had occasion to look into the results of the training school established at Newport, and I think anyone who has examined the workings of the apprentice system and its results must be satisfied that no measure has ever been passed by Congress which has been more beneficial to the character of the American Navy than that. At the time when this apprentice school was established the seamen on American ships of war had become very largely persons of foreign birth, and it was to get rid of that undoubted evil that the apprentice system was established and the training school with a training ship was formed.

I do not regard the proposition of the Senator from California as in the least a local matter; it is one which affects the character of the American Navy. As we have two great ocean coasts, where it is obviously necessary and will be necessary for us to maintain two independent fleets, it seems to me of the utmost importance that we should have a training school, not so large, perhaps, as the one at Newport, but of a similar character, to provide apprentices for the ships on the Pacific Coast. There have been times, as the matter now stands, when it has been found necessary to ship an entire crew across the continent in order to man the ships on that coast.

Mr. PERKINS. That is so now.

Mr. LODGE. If we establish a training school at San Francisco and furnish it, as it will be furnished, with a training ship, we shall be able in a very short time to largely supply vessels on the Pacific Coast with men drawn from the training school. It will increase, as the Newport school has increased, the percentage of native American seamen; it will improve the character of the service, and I think it can not fail to be a benefit to the whole Navy.

I hope, therefore, that the amendment as proposed by the Senator from California will be adopted, for it is simply designed to carry out the wise general policy which has been already established by Congress with the training school and training ship at Newport.

Mr. WILSON. I should like to have the amendment again read.

The VICE-PRESIDENT. The amendment submitted by the Senator from California as modified will be stated.

The SECRETARY. It is proposed to strike out the words "one hundred" where they appear in the amendment and insert "fifty"; so as to make the amendment read:

Naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal. (for apprentices): For the construction of buildings and other improvements, \$50,000.

Mr. PLATT. Where is that amendment to be inserted?

The VICE-PRESIDENT. After line 8, on page 6.

Mr. HALE. Mr. President, there ought to be some limitation to the building of houses or the erection of other buildings in connection with this or any other naval training school. The whole purpose originally of the training school was to put boys on shipboard, on training ships, and train them there. The tendency is to abandon the training ship and to go on shore and get quarters, thereby subverting the original intention of the training school. This is the tendency to-day at Newport; and the committee has all the time to stand in the way of propositions to abandon the original design of these schools. I should not vote for this

amendment unless there were some limitation which would prevent this very thing happening, which destroys the purpose of any training school for the Navy.

Some years ago Congress dedicated the *Hartford* to the service of the training school whenever it should be established. Congress has appropriated most generously in that direction for fitting up that ship, and there ought not now to be any great project started which will result in a large expenditure for buildings on shore, and thereby take away the uses for which the *Hartford* was dedicated by Congress. Unless there is some limitation of that kind added to the amendment I certainly should not vote in favor of it.

Mr. PERKINS. Mr. President, I have no objection to the Senator making a limitation as to the amount which is to be expended on shore; but no one understands better than he does—for he is from the coast of Maine—that it is impossible, or at least it is inexpedient, to house, say, 500 boys on board of a small ship for twelve months in the year. Perhaps the Senator forgets when he was a boy and liked to play baseball. But boys should have the opportunity of going on shore at times, and there be disciplined in shore life as well as on shipboard. At Newport, I am informed, there are frequently 300 or 400 boys on shore. The Department, however, endeavors to so provide as not to have more than 200 at a time; to have relays, as it were. So it should be with us on the Pacific Coast. We expect to have 500 boys there attached to the training school, one-half of whom will be at sea all the time; and perhaps the *Adams* or some other wooden ship might be used for the purpose. I think the boys should be disciplined on a sailing ship to learn seamanship, for a large number of them will be at sea all the time on that coast.

I am willing to accept any reasonable amendment. I have no object in view, Mr. President, except as I have stated—that which Congress has evinced its willingness to attain by the law to which I have referred—the establishment of an apprentice school where boys may enter, not because they trace their genealogy to some Senator or some member of the House of Representatives who gets them an appointment at the Naval Academy, but where boys who are physically and mentally able to pass an examination may enter and receive a training which will make them the pride of our American Navy. Officers are all very well in their way, but it was Lord Nelson who won the great naval battle, who ran up at the masthead the inspiring words which have come down through time, "England expects every man to do his duty." We all know how well every man did his duty on that great naval occasion. So with us, we want our American boys to do their duty, but they can not do it unless we give them an opportunity of doing it.

To-day, as has been stated by the Senator from Massachusetts [Mr. LODGE], it is necessary to transport sailors from the Atlantic to the Pacific Ocean to man our ships. We are paying for the transportation of boys from the Atlantic to the Pacific when we have thousands of boys in the States of Washington, Oregon, and California who are waiting anxiously to enter the Government service. This amendment only provides an opportunity for them to do so; and for the life of me I can not understand how any patriotic American can object to so mild a measure as this. It is in the interest of our Navy; it is in the interest of American boys; it is in the interest of our country.

I have modified the amendment on the suggestion of the Senator from Maryland [Mr. GORMAN], and I hope it will now be adopted by a viva voce vote, and without objection.

Mr. FAULKNER. Mr. President, the sentiment of Congress has been fully expressed in favor of this project by the passage of the bill which has already been passed, and which the President has approved, but that bill looks forward to the transaction from that period being conducted in a businesslike way. The law provides that the Secretary of the Navy shall formulate plans for the establishment of that school, for the erection of the buildings necessary at that point, and to submit a report to Congress for its approval. By the adoption of the proposition of the Senator from California at this time, without any estimate whatever from the Department, without any plan laid out by the Department as to the extent of the buildings which it will be necessary to erect, it is proposed that we shall appropriate a lump sum of \$50,000, and say, "Go ahead, lay out your plans; expend the \$50,000, and subsequently make your report to Congress; and if it is not approved we will tear down the buildings, throw away the \$50,000 and make a new appropriation."

Now, I submit to the honorable Senator from California that to go into this business the proper way would be to wait until suitable plans have been formulated by the Department. When those plans have been formulated, Congress is committed by the act which has already been passed to make appropriations for the erection of those buildings, if the plans are in accordance with the judgment of Congress as to that particular training school.

Mr. President, we can not even pass a bill for the erection of a court-house for use of the Government without a limitation upon

the Department in the expenditure of the money for that purpose; and yet here in this amendment there is no limitation whatever. The plan designed by the Department may involve thousands and thousands of dollars over and above what Congress would be willing to appropriate for this particular purpose, and the expenditure of \$50,000 might be absolutely thrown away and wasted by Congress not approving of the designs which may be subsequently adopted.

For these reasons, and these alone, I shall feel compelled to vote against the amendment of the honorable Senator from California.

Mr. HALE. Mr. President, the Senator from California has asked me to formulate an amendment which would restrain the erection of unnecessary buildings in connection with this institution. I can not do that. The Secretary of the Navy is the man to do that.

The trouble is that the Senator from California is too fast in asking for an appropriation now. He has got his bill through providing for this training school, and the Secretary of the Navy will report a plan at the next session of Congress, and then we shall be able to act intelligently.

I may say—the Senator will recall it—when he first spoke to me about this proposed amendment I said, "You should be content with the passage of the act, and at the next session of Congress the Secretary will come in with his plans and make limitations, which Congress will consider." I can not make them now, because I do not know what the limitations should be. In the meantime, the distinctive work that is valuable for this coming training school, the building and the restoring of the *Hartford* and making her a training ship, is going on, but she can take no boys between now and next December, and there is no ship which can take one of these boys between now and next December.

I understand the Senator, who is very earnest and very able in his advocacy of the wants of his section of the country, would like to get this thing done now, but it seems to me I am justified in saying to him that he is premature in asking the Senate now to appropriate this money, when the whole scheme of the law which he has got through, and which we all helped him to get through, provides that it shall be considered by the Secretary of the Navy and a report made to Congress. If this amendment be adopted there will not be a single boy from the Senator's State who will get into the training school anywhere between now and next December. Therefore I hope the Senator will feel that he has accomplished his great work in getting Congress to establish this training school and leave the appropriation of money to come in subsequently, when an estimate has been made, a plan submitted, and the whole scheme laid before Congress. That is why I feel constrained to vote against the appropriation.

Mr. PERKINS. Mr. President, one word more and I am done. I seldom in a contest surrender until I am defeated, but when I see my associates on the committee so inconsistent as they have been in their declarations in this case, that there should be a limit upon every appropriation made, I must admit it is discouraging.

We have gone through this bill, and there is not an appropriation made under the Bureau of Navigation, under the Bureau of Ordnance, or under the Bureau of Equipment, which is limited, or in which there is a provision that a specific work shall cost no more than the amount named; and my short experience here has led me to believe that many deficiency bills have come in where there was a limit prescribed.

One word in answer to my friend from West Virginia [Mr. FAULKNER], that there has been no estimate for this appropriation. We have the same estimate that we have for other purposes. It has been read from the desk.

Mr. FAULKNER. I will state that it is not in law what we call an estimate. It is simply a statement of the head of a bureau in the Navy Department. Without examination we do not even know whether there is a dock there. He thinks there is.

Mr. PERKINS. By the advice and consent of the Secretary of the Navy the bill became a law on the 24th of the present month. This appropriation, if it passes, will not be available until after the 1st of next July. There is ample time to make the estimates, to appoint the commission, to select a site, and have the school in operation. The *Hartford* is a magnificent ship, a ship with a historic reputation, a credit to the Navy, and, while she will accommodate some of the young men, she is not suitable for a proper training ship. There should be a vessel like the *Adams* or some other smaller vessel. We have in this bill several propositions, one affecting especially the building of battle ships upon the Pacific Coast. As I stated before, my friend the Senator from Maryland has always been kind to us in California. He has made an appeal to me to withdraw the amendment. I propose to do so, with the permission of the Senate, and let the matter rest until next December.

The VICE-PRESIDENT. Without objection, the amendment is withdrawn.

Mr. CHANDLER. I offer an amendment by direction of the Committee on Naval Affairs.

The SECRETARY. On page 2, after line 23, it is proposed to insert:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

Mr. GORMAN. I should like to have some explanation of the amendment. Will the Senator from New Hampshire kindly give the Senate the reason for the amendment?

Mr. CHANDLER. The Committee on Naval Affairs have been investigating the subject of contracts for battle ships and armor, and their attention has been called to what they consider an unwise practice in connection with the naval service.

Naval officers upon the retired list draw ordinarily three-quarters of the full pay of a naval officer. They are not subject to be ordered to duty except in time of war. They have been in the habit, when their ailments or infirmities or disabilities which placed them upon the retired list have not wholly incapacitated them for duty, of entering into private employment. When that private employment is with business concerns that do not do business with the Government, no objection is perceived to such action. A retired naval officer—and he may be comparatively a young man—can draw his pay from the Government and also work for private individuals or corporations, and, as I say, there is no objection to it unless his employer is doing business with the United States.

The committee were of opinion that where this permission to a retired naval officer had been used by him to enter into the employment of large contractors with the Government, as, for instance, the contractors to furnish armor to the United States—contractors having large contracts running up into the millions of dollars—it is objectionable. It is objectionable, we think, to have a naval officer drawing a large sum annually from the United States, and also drawing compensation to a large amount from contractors who do business with the Government. To put it more in the concrete, it is objectionable to have retired officers of the Navy, drawing their salaries as retired officers, enter into the employment of contractors who are doing business on a large scale with the Navy Department.

Mr. HALE. Let me suggest to the Senator one point which he may have brought out, as my attention was diverted. The amendment does not interfere at all with the employment of a naval officer who is not needed for the uses of the Navy by any private concern that has nothing to do with the Government. It does not touch that at all.

Mr. CHANDLER. I had just reached that point, I will say to the Senator from Maine. I have stated the objection. Why is it objectionable? A retired officer of the Navy or Army is on the list. He comes to Washington. He is received with open arms at the War Department or at the Navy Department. He has facilities for learning what is going on in either of the two Departments. It is not desirable that he should be treated otherwise when he comes to the Department to which he belongs. But is it not a great mistake to allow that naval officer, with all the knowledge that he has, with all the facilities he has, with all the opportunities he has in connection with the Department, to enter into the service of these contractors who are thus doing business with the United States? He can enter into any private employment he pleases when the persons who employ him are not in the business of furnishing naval supplies or making contracts with the Government. Without imputing any censure as to any past transaction, the committee reached the conclusion that here is a practice which ought to end.

The Senator from Maryland [Mr. GORMAN] will notice that this employment is not prohibited until a year from the 30th of June next, so that any naval officers now so employed will have plenty of time in which to arrange to enter into other business, if it be necessary that they should enter into other business for their subsistence. I purposely avoid—

Mr. GRAY. At what point does the amendment come in? I have just entered the Chamber.

Mr. CHANDLER. It comes in at the close of the paragraph, under the heading "Pay of the Navy."

Mr. HALE. Let the amendment be again read. Some of us were not here when it was first read.

The VICE-PRESIDENT. The amendment will again be stated.

The SECRETARY. After line 23, page 2, it is proposed to insert:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

Mr. CHANDLER. I purposely refrained from citing any particular cases where I think an abuse has taken place, because these employments have been allowed by the Navy Department. I suppose they have been allowed by the War Department. But there are cases which do not reflect credit upon the naval service, and the committee think they ought to come to an end.

Mr. GRAY. May I ask the Senator from New Hampshire a question? I may ask him to repeat what he has said when I was out of the Chamber, and if so I shall be sorry. What is the real objection to a retired officer of the Navy, who has the requisite accomplishments, being employed by a concern that is making steel or guns for the Navy, if they can make his accomplishments and experience useful to themselves and to the Government?

Mr. CHANDLER. The objection is that that man is of our own household. He belongs to us. He has served us on the active list; he has gone upon the retired list; but still he is a naval officer.

Mr. GRAY. Very well.

Mr. CHANDLER. And his relations with the Navy Department are such that it is an impropriety, I think—I believe the committee were inclined to think so—while drawing a salary and remaining an officer of the Government to enter into the employment of a large corporation having great business transactions with the Navy Department.

Mr. GRAY. Take the case, if the Senator from New Hampshire will allow me—I do not know whether he has finished.

Mr. CHANDLER. I have finished.

Mr. GRAY. If I am not interrupting him, take the case of an officer of the Navy who has conceded skill in his profession, and more than ordinary accomplishment in the direction of construction and in the making of material for our guns or armor plate, and he is retired against his will, say, for color-blindness or something of that kind. Why should he be debarr'd, after being turned down by a board of superserviceable naval surgeons, from the profession of his life and of his choice and be put upon a pay that beggars him, and not be allowed to use the unquestioned ability and skill that he may have derived while in the service of the United States in the employment of a concern that is doing this great work for the Navy? What objection is there to it? What impropriety is there in it? He is not to be condemned to beggary because certain naval surgeons who want to exploit their own usefulness, perhaps, have discovered that he is not so efficient, physically, as they think he ought to be, whereas he is just as efficient as any officer who walks the deck of an American vessel, and have consigned him to beggary practically by putting him upon the furlough list along with drunkards and imbeciles and others who have the reproach of being retired for causes of that kind.

Mr. CHANDLER. I know the Senator from Delaware wants me to interrupt him at this point, because if he will reflect for a moment he will see that an officer retired for color-blindness does not go upon the furlough retired list.

Mr. GRAY. He does go upon that list. I beg the Senator's pardon. That is just where they have gone, to my knowledge.

Mr. HAWLEY. At \$75 a month.

Mr. GRAY. At \$75 a month.

Mr. CHANDLER. That, I suppose, is because his disability is treated as not having occurred in the naval service.

Mr. GRAY. Certainly it did not occur in the naval service, if there was such; and yet an officer of that kind might be as efficient to perform service at sea as any man who holds an active commission.

Mr. CHANDLER. The Senator from Delaware seems to want to discuss the conduct of a naval board in particular cases. Would the Senator be willing to keep on the active list and send to sea a man who can not tell a green light from a red light?

Mr. GRAY. When a man has been in the Navy twenty-five years and has passed every examination, professionally and otherwise, and has acquitted himself so as to make himself one of the very best types of the American citizen, I do not think color-blindness ought to drive him from the Navy.

Mr. CHANDLER. I ask the Senator the question.

Mr. GRAY. There is never a time when he is on the deck of a naval vessel to distinguish the light of another vessel that there are not others upon deck.

Mr. CHANDLER. I ask the Senator the specific question whether, if a man could not tell a red light from a green light, he would retain him in active service?

Mr. GRAY. I think the country ought not to be deprived of his services in a case of that kind. I think the naval surgeons have made too much of that. It magnifies their importance, perhaps.

Mr. CHANDLER. Whether the Senator would do that or not, it is not the superserviceable surgeons of whom he speaks—

Mr. GRAY. They make the regulations.

Mr. CHANDLER. Who declare that color-blindness shall prevent a naval officer from being promoted. It is the Secretary of the Navy; it is the Department.

Mr. GRAY. Oh, the Department does it under the advice of the surgeons.

Mr. CHANDLER. Still the head of a Department is responsible for what takes place.

Mr. GRAY. The Department does it under the advice of the surgeons.

Mr. CHANDLER. The Senator says the officers are reduced to beggary. Now, an officer is not—

Mr. GRAY. An officer 40 years of age, or thereabouts, when he can do nothing else, is reduced to beggary when he is put upon one-quarter of his pay.

Mr. CHANDLER. Let me suggest this case to the Senator. Such an officer goes into the employ of a contractor, a corporation having large contracts with the Government. There is a controversy; there are moot questions between the contractor and the Navy Department. That officer can be sent over here, he can be sent to the Navy Department, he can be sent to ascertain facts and do business. There certainly is an incongruity in having that officer draw a very handsome salary from the United States and also be in the employ of the contractor furnishing naval supplies to the Government.

Mr. GRAY. I think not. I think the Navy is exceedingly fortunate in having such a man. All of his prejudices and prepossessions and tendencies are in favor of the Navy. You can not say that such a man would be less faithful than a man who had no connection with the Government.

Mr. CHANDLER. He is certainly serving two masters—a Government contractor and the Government, too.

Mr. GRAY. The Government has no right to complain. The contractor may have a right to complain. What right has the Government to complain if the contractors have a naval officer in their employ. He is certainly as good as a civilian who has no prejudices or prepossessions in favor of the Navy.

Mr. CHANDLER. Such an officer draws \$5,000 from the contractor for naval supplies and \$2,500 from us.

Mr. GRAY. There is no such case.

Mr. CHANDLER. What is that?

Mr. GRAY. There are no such cases.

Mr. CHANDLER. I think there are.

Mr. GRAY. No; there are not.

Mr. CHANDLER. There are cases very much like that. There are cases in that proportion.

Mr. GRAY. The only men who are likely to seek such employment and receive it are the younger officers who have obtained the skill, who have studied and have made themselves proficient in their professions, who are turned down from some slight physical defect such as I have described, who have to seek a living elsewhere. They are retained upon the retired list at the very lowest possible pay, furlough pay, pay that is given to men who are retired for drunkenness or incapacity or something of that kind and have to seek a living for themselves.

Now, if the officers avail themselves of the skill and experience which they have obtained while in the Navy to get employment from the people who have contracts with the Navy, certainly the Government has no right to complain, for all their prepossessions and all their prejudices, if there are any, must be in favor of the Government, whereas a civilian employee employed by such a firm would be altogether, it seems to me, in the service and for the interest of his concern.

Mr. CHANDLER. The Senator from Delaware makes a mistake when he says that a naval officer is put on the retired list for drunkenness.

Mr. GRAY. I do not know whether there are any officers who have been retired for drunkenness, but there is a list, the retired list of the Navy—

Mr. CHANDLER. The whole retired list of the Navy is a roll of honor, and there is a very explicit law, which the Senator himself helped to frame, which provides that when a naval officer fails to secure his promotion on account of any fact arising from his own misconduct he shall not go upon the retired list. He goes out of the service.

Mr. GRAY. However that may be, I can not see where the interests of the Government are prejudiced in the slightest degree by having men whom these private concerns are anxious to employ, and whom they are anxious to employ only because they have the requisite skill and the requisite knowledge and accomplishment to accept such employment. I do not see why the Government should complain if those men are engaged by firms doing work for the Government.

Mr. CHANDLER. Because the Government is paying them a salary itself.

Mr. GRAY. It pays them a salary anyhow.

Mr. HALE. In addition to that they are in an employment that is literally antagonistic to the Government. The contractors from early morn until the end of the day are seeking constantly to get the advantage of the Government, to get enormous profits, and to deplete the Treasury of appropriations; and a naval officer commissioned by the Government, under pay, ought to be forbidden to enter into their employment at any and all times.

Mr. GRAY. Why?

Mr. HALE. It will make a scandal if he is not.

Mr. GRAY. Oh!

Mr. HALE. It is antagonistic. As the Senator from New

Hampshire says, he is trying to serve two masters, and the masters are antagonistic to each other. If I were Secretary of the Navy I should never permit a naval officer to take employment in a company or with an individual engaged in contracts with the Government. I would keep him out of such employ because it is antagonistic.

Mr. ALLEN. I should like to ask the Senator from New Hampshire a question or two. I did not exactly catch the name of the naval officer who is engaged in this kind of work.

Mr. CHANDLER. No names have been mentioned, I will say. I have purposely refrained from mentioning names because we think this question ought to be disposed of as a matter of principle.

Mr. ALLEN. I understood the Senator to say that the Naval Affairs Committee had made an investigation and had found that several retired naval officers had been engaged in this practice, and I think I heard the Senator from New Hampshire mention the name of one.

Mr. CHANDLER. The Senator is mistaken.

Mr. ALLEN. Has the result of the investigation been reduced to writing and reported to the Senate?

Mr. CHANDLER. The committee have not yet finished their investigation.

Mr. ALLEN. I should like to ask the Senator if it will be reduced to writing and presented to the Senate at any time.

Mr. CHANDLER. The testimony is fully printed.

Mr. HALE. The Senator will let me say that I do not think anything in the investigation disclosed any bad management or corruption on the part of those officers, but the committee was profoundly impressed with the unfortunate situation in which they found themselves, being officers of the Navy employed by a corporation that is all the time seeking for large appropriations from the Government. I think the Senator from New Hampshire will agree with me that nothing was found reflecting upon the personal character and integrity of those officers. It is their unfortunate situation.

Mr. ALLEN. No; I did not think there was anything involving moral turpitude found by the committee, but I was not certain whether or not it was the purpose of the Naval Affairs Committee to report the result of its investigation to the Senate before the adjournment of Congress. I ask the Senator from New Hampshire if that is the purpose of the committee?

Mr. CHANDLER. I will state that it is very doubtful whether the committee will make a report before the adjournment of the present session.

Mr. ALLEN. It is the purpose of the committee, however, to make a report?

Mr. CHANDLER. To make a report.

Mr. ALLEN. At some time?

Mr. CHANDLER. To make a report and to make public the testimony which has been taken.

Mr. ALLEN. Yes.

Mr. CHANDLER. The testimony, as the Senator from Maine says, makes no reflection upon any particular naval officer now in the employ of the armor contractors. But the testimony does disclose a system which the committee deem to be unwise. For instance, the committee wished to see the two representatives of the United States who are at the Carnegie works and the Bethlehem works, and word was sent that the committee would be glad to see them. The naval officers who were at the works were sent for. Two naval officers appeared. The committee supposed that they were there as the inspecting officers of the Government, but behold! they were two officers on the retired list in the employment of the Carnegie Company and the Bethlehem Iron Company.

Mr. GRAY. Whom the United States had disqualified from being there as agents of the Government.

Mr. CHANDLER. They were naval officers who had been retired, one of them upon his own application, I think, and the other for color-blindness. They appeared before us. We found that they were on the other side instead of on our side. Then we made a second request, and the two officers who represented the United States as inspecting officers at those great works appeared. I could go on and make several statements which—

Mr. ALLEN. I should like to ask the Senator from New Hampshire a question.

Mr. CHANDLER. In one moment. I could go on and make several statements which tend to show that an unwise system has grown up, but I refrain.

Mr. ALLEN. I should like to ask the Senator from New Hampshire whether one of those retired officers of whom he speaks was in the service of Carnegie & Co. prior to the recent trouble growing out of the defective armor plate furnished by that firm to the Government? The Senator will recall that a year or so ago the Government was said to have been defrauded in the quality of certain armor plate furnished by Carnegie & Co., for which, I think, the contractors were assessed in damages something like \$150,000. Whether or not it has been paid I do not know.

Mr. CHANDLER. I am not certain whether the naval officer was then in the employ of Carnegie, Phipps & Co.

Mr. ALLEN. Was he there at or prior to that time?

Mr. CHANDLER. I am not certain.

Mr. ALLEN. The Senator says he is not certain.

I have only a few observations to make in reference to this matter. I presume that Nebraska is not particularly interested in naval vessels any more than any other State in the Union which pays its taxes and desires to see an efficient public service. But it occurs to me that the Committee on Naval Affairs ought to pursue this investigation assiduously and report all the facts as well as the names of naval officers who have so far forgotten their duty to the Government that while they are receiving pay from this Government they permit themselves to enter the service of a corporation whose principal business is to obtain money from the Government.

I can not agree with my friend the Senator from Delaware [Mr. GRAY], with whom it is always a pleasure to me to agree. It occurs to me that an ordinary sense of delicacy would dictate to a man who has almost been raised in the naval service of this country at the expense of the Government, and has enjoyed the salary and emoluments and honors that come to him in consequence of his position, the propriety of refraining from putting himself in an attitude, when placed upon the retired list, which could be construed into hostility to the Government to which he owes loyalty and obedience.

It is not claimed that these retired naval officers are employed in consequence of their great ability. The claim is not placed upon that ground. It must be placed upon the ground that their association with naval officers from boyhood has given to them peculiar influence in naval circles and peculiar knowledge of Government demands and Government requirements, and thus made them more efficient in the services of contractors for naval supplies than an ordinary civilian would be who does not possess such knowledge. It is true that no man can serve two masters whose interests are hostile and at the same time be loyal to both. He must serve one to the exclusion of the other. It occurs to me that a man whose sense of delicacy is so blunt that, after having been educated by the Government and paid by it for his services almost from childhood to mature manhood, would suffer himself, when he has been retired and put upon the retired list at the expense of the Government, to enter the services of a private contractor, to use the knowledge the Government has given him in taking money from the Government and turning it over to the contractor, ought not to be permitted to enter that service as long as he is upon the retired list, and that his sense of delicacy is entirely blunted. I think the amendment should be adopted.

Mr. GRAY. Now, having said so much, perhaps it is necessary that I should say a word more in reply to the Senator from Nebraska. All this talk about blunting of sensibility, I think, so far as I know anything about the facts of the case, is out of place and does not apply certainly to anyone that I know. There is no question about lack of sensibility, or lack of personal honor, or of any of those feelings which would permit a man to put himself in any questionable attitude whatever.

The Senator will see there is everything in the way of putting it. He speaks of the question whether an officer of the Navy should seek employment with a firm having contracts with the Government. That is not the question I put. It is a question of an officer of the Navy, retired against his will, confessedly an accomplished officer, confessedly a man who has done his duty in every situation in which he has been placed, retired by a board of surgeons for some physical defect or a supposed physical defect for which he was not responsible, put upon the lowest grade of the retired list, prevented from serving his country, prevented from enjoying his rank and pay, prevented from pursuing the career of which he was proud and in which he would have been glad to have continued, and obliged to seek other employment to support himself and his family, who seeks employment in the direction in which his own experience and his own abilities would suggest, and while he is in that employment there is a contract with the Government. Is he to throw it up because the Government has chosen to avail itself of the facilities of that particular firm or association of persons doing the work? Is there anything of risk to the Government because it has a retired officer among the active employees of this firm? Certainly you can not claim that the Government will be any better off if it had a civilian employed in that position. You do not claim that the man who happens to have had no connection with the Navy is any better able to consider the interests of the Government than one who has had some attachment for it and some prejudice in its favor.

So far as the interest of the Government goes, it is idle to talk about being jeopardized; and the whole question comes back as to your care for the honor and integrity and sense of propriety of a particular officer. Now, I am quite willing to leave that to the officers themselves. I do not think that there is any propriety in it. I do not think, apart from any specific charge of double

dealing, or of conduct unbecoming, as the phrase goes in court-martial, an officer and a gentleman, that we have anything to do with it. When we turn these men out and put them upon one-quarter of their original pay, when they have nearly arrived at the meridian of life, with families on their hands, I am willing to let them earn a living the best way that they can.

Mr. TILLMAN. Is it not three-quarters pay?

Mr. GRAY. Oh, no; it is not three-quarters pay. That is where they are retired for disability incurred in the service. I am speaking of a retirement not owing to a disability incurred in the service, but some physical defect.

Mr. ALLEN. Allow me to ask the Senator from Delaware, if the law is wrong in permitting these officers to be retired under such circumstances, why not repeal the law and enact one that will be just to them, and not put them in the attitude of being in the employ of private corporations?

Mr. GRAY. I would be very glad to aid in passing a law that would enable the Government to avail itself of the service of one or two, at least, of these men whom I know.

Mr. ALLEN. Why put them in the attitude of taking pay from a private company or advancing its interests against the Government and at the same time receiving pay from the Government as retired officers?

Mr. GRAY. Putting a man in the attitude of taking pay from a private company and advancing its interests against the Government, if the Senator will pardon me, I do not quite understand. I try to keep myself alive to questions of that kind and suggestions of that kind that concern personal honor. But what would prevent the Senator from Nebraska, a Senator of the United States, from performing his full duties to his Government if he happened to be the owner or manager of a concern that was doing work for the Government?

Mr. ALLEN. I would not undertake to represent the Government at all.

Mr. GRAY. Not to represent the Government, but would you undertake to represent your own concern?

Mr. ALLEN. No, I would not put myself in the attitude of being an officer of the Government and at the same time an employee or officer of a corporation that was undertaking to contract with the Government.

Mr. GRAY. Oh, I grant it—

Mr. ALLEN. The objection I make—

Mr. GRAY. Let me make my statement, and then I will not interrupt the Senator again. I grant you, of course, if one of these officers was in a position of responsibility or trust on behalf or on the part of the Government, and had to act for the Government in the slightest degree, then I would consent as quickly as the Senator could to the impropriety of his being employed by a concern that was dealing with the Government for which he had to act. But in the case we are dealing with the officer has no responsibility for the Government. He is not called upon to act for the Government in the slightest degree. He has been put aside and rendered incompetent to act for the Government. The only question is whether he may not, in earning his living honestly and lawfully and honorably, be employed by a concern that is doing work for the Government for which he once had the right perhaps to be assigned to duty.

Mr. ALLEN. The Senator does not understand my position, I am sorry to say, or I do not understand his. I understood the Senator from New Hampshire to put this case: That Carnegie & Co. are large contractors with the Government for naval supplies, and when a contract was to be drawn and the agreements and specifications were to be made two retired naval officers appeared to contract and conduct the negotiations for Carnegie & Co.

Mr. GRAY. Yes; but not on behalf of the Government.

Mr. ALLEN. No; not on behalf of the Government. They appeared there to conduct the affairs of Carnegie & Co., contractors with the Government, who draw hundreds of thousands of dollars from the Government under their contract. The Senator from New Hampshire said it was supposed by those who were representing the Government for a time that these naval officers were also representing the Government.

Mr. GRAY. But did they represent themselves as representing the Government?

Mr. ALLEN. However, before the contract was completed it was discovered that they did not represent the Government, but they were in the employ of Carnegie & Co., and other officers of the Government were brought in to represent the Government.

Mr. GRAY. Was that mistake on the part of the committee due to these officers at all?

Mr. ALLEN. It may have been due, and probably was due, if the committee were intelligent—

Mr. GRAY. I do not think the Senator from New Hampshire will say so.

Mr. ALLEN. They were no doubt asked, but certainly the negotiations were conducted by these two officers.

Mr. CHANDLER. What is the inquiry?

Mr. GRAY. I said to the Senator from Nebraska that I did not think the Senator from New Hampshire would say the mistake made by the committee for a little while that these two retired officers were the inspectors of the Government was due to anything the officers themselves said or did.

Mr. CHANDLER. But it was a revelation, I will say to my friend from South Carolina. I ask the attention of the Senator—

Mr. GRAY. Will not the Senator, in justice to these officers, answer my question?

Mr. ALLEN. Let me finish my statement and then I will yield the floor.

Mr. CHANDLER. It was a matter of astonishment to us that the fact was as it appeared.

Mr. ALLEN. That is what I understand. The Senator from New Hampshire said that these two retired officers appeared there to conduct the negotiation for Carnegie & Co., and the committee supposed for some time that they were representing the Government, and finally discovered that they were not. That is the way I understand the Senator from New Hampshire to put the fact.

Mr. GRAY. All I wanted to make plain was in justice to them. I do not know that that mistake was due to anything they did or said. I should be very sorry—

Mr. CHANDLER. By no means.

Mr. GRAY. By no means.

Mr. ALLEN. No; but I suppose if they had announced plainly that they were representing Carnegie & Co. it would not have taken the committee some hours to find out that they were not representing the Government. I suppose they did not disclose that fact until something they said or did disclosed it to the committee.

Mr. CHANDLER. Oh, yes; I will say that we ascertained immediately that they were in the employment of the company.

Mr. ALLEN. I understood the Senator from New Hampshire to say in that connection there that these officers were receiving a salary from the Government at the same time.

Mr. GRAY. As retired officers.

Mr. ALLEN. I do not care what you call them.

Mr. GRAY. I say as retired officers.

Mr. ALLEN. As retired officers, something like \$75 a month each.

Mr. GRAY. Yes.

Mr. ALLEN. They were receiving pay from the Government at the precise moment they were receiving pay from Carnegie & Co. to make a contract with the Government by which the Government was to expend—

Mr. CALL (in his seat). Oh, no.

Mr. ALLEN. I have the floor. If the Senator desires to interrupt me, let him interrupt me publicly.

Mr. CALL. I did not intend to interrupt the Senator.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will suggest to Senators that if interruptions are desired they will please address the Chair and receive permission. The Senator from Nebraska will proceed.

Mr. ALLEN. They were engaged in this kind of transaction at that time, receiving compensation from Carnegie & Co., as employees of a private corporation. It would be the same if it were a private individual. There is no difference in that respect. By their intelligence, and by their knowledge of the Government, and by their knowledge of the ramifications of the Navy Department, they enabled Carnegie & Co. to get a beneficial contract from the Government, because Carnegie & Co. would not have been paying them unless the contract was of some benefit to them, and at the same time they were drawing from this Government pay as retired officers. They had received their education at the hands of the Government. They perhaps would have been no more than the balance of us common creatures that walk the earth if the Government had not educated them at its own expense. They had received all the honors and emoluments due to their position and due to their promotion from time to time. Yet the honorable Senator from Delaware says he can see nothing in that fact or in the relation they sustained to Carnegie & Co. and the Government at that time that no delicate man should not undertake.

Mr. President, if the rule announced by the Senator from Delaware is to be adopted in this country (and I am sorry to say that it has been adopted and has been the practice too long) and is to become the rule of the Government, then the beginning of the ending of this republican form of our Government is apparent. No man can honestly serve two men at the same time whose interests are diverse. These men are not employed in consequence of their extensive knowledge of machinery or anything of that kind. It is not pretended that they possess superior knowledge to a civilian in that respect. But all they have seen, the information they have acquired, and the knowledge they have obtained in the naval service of the Government, all the friendships which have extended through the years from boyhood to mature manhood, are

purchased by the private employer when he employs these retired officers.

I am not in favor of permitting the naval or military officers of the Government who are retired to be placed in this position. I believe them, as a rule, to be highly honorable gentlemen. If there is anything wrong in the methods of their retirement, in the law which retires them, let us begin at the proper place, at the foundation, and rectify that law. If they are being retired for mere excuses that there is nothing in, such as color-blindness—and if it was not for color-blindness it would be for something else, probably—it is a subterfuge to start with. If they are being retired in consequence of subterfuges that are created by the fertile imaginations of retiring boards or physicians, let us retire the retiring board; let us put some restrictions upon the surgeons and doctors in the naval service; let us define by proper legislation the causes for which a man shall be retired before he reaches a certain age and restrict those causes. Let us give these men the full benefit of the life they have chosen to lead and the education they have obtained to serve the Government, and not put them in the attitude of retiring upon inadequate pay and seeking employment from private corporations dealing with the Government and obtaining money out of the Government, when at the same time and in the same breath they are receiving pay from the Government with whom they contract. It is a delicate position to be placed in. It is, Mr. President, a position in which no man with a true sense of delicacy can afford to place himself.

Mr. BACON. Mr. President, as a member of the committee joining in this recommendation, I desire to say only a few words. The committee was unanimous in the opinion that the amendment should be presented and that the Senate should be asked to ingraft it upon the bill. The suggestion of its importance grew out of the practical manifestations before the committee of the evil of this system. The Senator from Nebraska has not stated with exact correctness the facts with reference to the appearance of these two officers before the committee.

Mr. ALLEN. I stated the facts just as I got them.

Mr. BACON. He stated the fact as he understood it, but it is natural that he should not have gathered it with particularity. The committee was endeavoring to ascertain whether the Government was paying too much for the armor which goes upon the battle ships. It was developed that the armor upon the battle ships costs the Government over \$600 a ton, including the amounts for material furnished by the Government and the amounts paid by the Government to the Bethlehem works and the Carnegie works for the preparation of the plates. It was exceedingly difficult, of course, to get this information from outsiders. We therefore, knowing that there were officers detailed at those works for the purpose of inspecting the armor, asked that they be sent before the committee. We did not state with particularity that we desired the inspecting officers; we simply asked that the naval officers who were there should be sent; and the two who came were two comparatively young men—men, I suppose, about 40 years of age, under the age that we would ordinarily expect to find in the retired list.

Mr. GRAY. We call that age young now.

Mr. BACON. Yes; it looks so now to us. There was no deception about it whatever. There was no misapprehension on our minds as to their position. Before the examination began we knew the fact that these two officers who appeared before us were not the inspecting officers, but that they were retired officers of the Navy. One was employed at that time, and is also employed at this time, by the Carnegie works; the other was employed by the Bethlehem works. It was, as a matter of course, of some significance to us that two gentlemen, apparently in robust health and of an age fitted for active service in the Navy, should be upon the retired list, and therefore an examination as to the cause of these several retirements by the committee ensued, and it was developed that one of them was retired for color-blindness and the other for some slight physical defect which did not appear in his ordinary actions.

But here is the point to which I desire to call the attention of the Senate: Our great purpose was to ascertain the cost of the armor, what was the expense to these armor-plate manufacturers in the various processes by which they finally put out the armor plate in shape and condition to go upon the battle ships. We could not ascertain it from those two officers.

Mr. GRAY. Had you any right to expect that?

Mr. BACON. That is exactly the question that the Senator ought to have asked. We had no right to expect it of them. The Senator, by his question, has anticipated the very ground which I propose to take, that no naval officer ought to be in a position where he is not at the command and call of the Government for any information he may have.

Mr. TILLMAN. If he is receiving pay.

Mr. BACON. If he is receiving pay, he has no right to be in any employment where he can stand before a committee of the Senate or the House or any officer of the Government and either

refuse to answer a question which may be asked him or occupy such a position that the one who proposes to ask it may feel that it is really a matter of delicacy to press it upon him.

Now, here was an officer occupying two confidential relations. Certainly it can not be denied that any officer of the Navy is in a confidential relation with the United States Government. He is in a confidential relation with the Navy Department. He is certainly in a confidential relation with his employer. Where the Government is engaged in a contract involving an immense amount of money, do you say that it shall not have the full benefit of any and all the knowledge which may be in the possession of a naval officer, and not simply that, but that the naval officer shall be in a position where he can represent his employer in making a contract with the Government and have the advantage of all the confidential relationship which he necessarily occupies with the Government in attempting to make a contract with it?

Mr. President, I go further than the rest of the committee. I think it is a very great evil that officers who are retired from the Navy from other causes than advanced years, and who are perfectly competent for the discharge of many of the duties that the Navy Department has need for, should be allowed to go upon a reduced pay, and only be in a position to be called into service in case of war. I do not think that a man who is retired from the naval service for any other cause than advanced years, unless it is for complete, total physical or mental disability, should be entirely relieved from the duty to perform service. I think there ought to be a radical change in the law in that particular. The two officers who were before the Naval Committee furnished all the argument that anyone would need in support of that position.

Now, there are at the Carnegie works two naval officers. One of them is on the active list, and he is detailed there as an inspector. The other is on the retired list and he is employed there at a salary. Yet there is no single duty performed by the officer on the active list, who is there as an inspector, which can not be perfectly performed by the officer on the retired list, who is there on a salary, under the employment of the works.

Mr. GRAY. I agree with you about that.

Mr. BACON. I am very glad that the Senator agrees with me. But what I say is a matter of my own individual opinion. It is not now before the Senate. The committee did not see proper to go to that extent; but the committee did think that an officer who is upon the retired list, who is still an officer of the Government, who is drawing pay from the Government, ought not to be allowed to take service with a corporation or an individual engaged in large contracts with the Government involving immense sums of money, running up into millions of dollars.

The argument of the distinguished Senator from Delaware is one addressed, of course, to the sympathy of Senators as to whether or not a retired officer who is robust and who may have a slight defect as to the ability to distinguish colors, who may be upon starvation wages, shall be condemned to live upon those wages.

I say that that argument is not sound for two reasons; that there are two reasons why that argument should not prevail; and that is the only argument which the Senator has been able to advance upon which it seems anyone could raise an objection to the recommendation of the committee as to this amendment.

In the first place, if such an officer is a man sound in body, he is not compelled to retain his position as a retired officer. At the same time, when the committee visited the Bethlehem works, when those two officers were there, there was another officer who had resigned because it was to his interest to resign and take private employment. If an officer is of the capacity which enables him to get a contract of employment with one of those great concerns, he certainly has the ability which will enable him to command a good salary, sufficient to support him outside of his retired half pay. Why should he retain this \$50 or \$75 a month if he can get employment at \$5,000 a year? If the education which he has obtained from the Government at the Naval Academy or his experience as a naval officer has so capacitated him for this work that he can command a salary of thousands of dollars, where is the great hardship to him in saying, "If you prefer to avail yourself of the opportunity to command such a salary, then give up the pittance the Government is giving you and retire from the service"? As to a man who can command thousands of dollars by reason of the capacity he has thus acquired, is it any great hardship in putting upon him this alternative?

Again, these are not the only classes or kinds of enterprises in which retired naval officers may obtain employment. There are comparatively few of these concerns which are having contracts with the Government, very few of them, only two in the armor-plate business; whereas the whole country is filled with manufactures and enterprises of various kinds in which the services of these retired officers can be utilized; and there is no restriction sought to be placed by this law upon their employment in any of the thousands of other enterprises. It is simply intended to say to them this one single thing: "If you have such capacity that these great enterprises desire your services, you must elect whether

you will serve them or whether you will serve the Government; you can not serve both"; and I can not see how there can be any hardship in putting a man thus circumstanced upon such an election.

Mr. GRAY. Mr. President, I should be very sorry indeed to have an issue in moral casuistry with the distinguished Senator from Georgia [Mr. BACON], or the distinguished Senator from Nebraska [Mr. ALLEN]. I hope that there could be no difference between us on an issue of that kind. It all comes back to the matter of fact as to the attitude of these officers toward the Government. I am afraid that the Senator from Georgia has been looking upon one side of the shield while I have been looking upon the other. The truth is not on the side at which the Senator has been looking, I am very sure; and I think I shall be able to demonstrate that to the Senate.

Mr. BACON. If the Senator will pardon me, I desire to say that I am quite sure I know the particular case he has in mind.

Mr. GRAY. Very likely.

Mr. BACON. And I desire to say that the officer the Senator has in mind impressed me most favorably, and is one for whom I should be most pleased to do a kindness in any manner which might possibly be offered.

Mr. GRAY. I have no doubt of it.

Mr. BACON. And there is nothing except the simple naked question which is influential in the matter.

Mr. GRAY. Now, we differ as to the naked question, that is all; and we want to see which is right.

Mr. BACON. I thought I would state that.

Mr. GRAY. I am much obliged to the Senator, because he has done no more than justice to the gentleman whom we both have in mind.

The question is, to use the phrase of the Senator from Nebraska, if that be the proper phrase, what is the attitude toward the Government of these officers who have been heretofore retired? As I take it, it is this: The Government of the United States has said to them after due examination, "You are no longer up to the standard that we require for service in the Navy on the active list," and though they protest that they are, though they appeal to the proper authorities, they are still told by this board of navy surgeons, "You are not up to that test; and though physically and mentally you are still able in every convenient opportunity of civil life to avail yourselves to perform useful service, you can not do it for your Government; your career in the Navy is ended; you have arrived at the meridian of life; you are in the full possession, it is true, of your faculties, mental and physical, but this ideal standard of ours does not permit us longer to employ you, and you may no longer count yourselves active officers in the United States Navy, and you are put down upon this list of men who are still officers of the Navy in a sense, and may be called on in time of war, but you are absolutely precluded from taking any part in the glorious career to which you have devoted yourselves in building up the Navy or in officering its ships." They are helpless. It is against their will; but there they are. This is no money-making profession. They have not laid by a fortune, and are compelled to support themselves and their families, which I presume at this age they have gathered around them, upon the pittance of one-third or one-quarter of their former pay.

The Navy Department by its regulations did not assume so cruel a position as to say, "You are to remain in absolute idleness; you may have a prejudice in favor of your profession; you may desire to be continued upon the roll of the Navy; but if you do, you shall not lift your hands in order to earn an honest living for yourselves and your families; we will not permit you to represent us; we will not send you to Pittsburg to inspect armor on behalf of the Government"—which they would be glad to do if they were permitted—"we turn you out of every active, honorable employment on behalf of the Government; we educated you for this profession, that is true, in which you have served up to this time twenty or twenty-five years."

The naval profession, while it is an honorable profession and requires intellect and character to properly perform its duties, is not one which is exceedingly well adapted to fit a man for civil life. A man who has passed twenty-five years of life on the decks of a ship or in the profession of a naval officer does not acquire the aptitudes and the experience that permit him to go and stand abreast of his fellows of the same age and the same education and the same opportunities in the tremendous competition of civil life. Those officers who are not permitted to represent their Government, not permitted to act on its behalf at any one of these great concerns, have acquired, if they are intelligent and wide-awake men, some experience and skill in the matter of the construction of ships and of armor plate, if you please, and in other matters to which they have devoted their attention and which have been the subject-matter of their studies.

The Government does not say that they shall not avail themselves of this limited class of employment; and so they seek it and obtain it, as in the instance cited by the Senator from Georgia.

But he says, and says, I think, without authority or without justification, that these men can seek other employment. Employment is not so easy to obtain. They have got to seek it where they have experience to bring and capacity to bring and aptitude to bring to the service of the employer who will give them compensation. Being refused employment by the Government, unable to represent it in any capacity, they are employed by these concerns. How is the United States hurt? How much worse off is the Government of the United States for having a contract with a concern which employs somewhere in some one of its branches a retired naval officer in either working or superintending work in the casting of armor plate and the creation of those great steel billets? I am curious to know. Certainly the Government is no worse off than it would be if we had some one who had no association with the Navy, no prejudice, if you please, in favor of it, no attachments to it. So, if there is anything in that employment, one way or the other—I doubt whether there is much—it would be in favor of the Government.

But the man is employed by the private concern now, says the Senator from Georgia; he is occupying two confidential relations. Well, we all know that a man can not do this, and ought not to be permitted to do it if he is willing to do it. How does he occupy confidential relations with the Government of the United States? He does not represent the Government of the United States; he is not allowed to represent the Government of the United States. They turn him out, so far as that is concerned; they forbid it. He is not making a contract with himself; he is not making a contract with the Government; he is not even inspecting on the part of the Government, but he is merely employed by another man who has a contract with the Government, and he does not represent the Government in any wise, and therefore is not occupying two confidential relations.

Mr. BACON. Will the Senator allow me to interrupt him?

Mr. GRAY. Certainly.

Mr. BACON. I want to suggest a case to the distinguished Senator. Suppose an officer upon the active list is employed in the construction department. He is in daily conference and confidential relationship with the Secretary of the Navy and with all the officers in that construction branch. He knows what their views are with reference to prices, how much they are willing to give, and what is the last limit to which they can be strained. He has acquired that information by reason of his confidential relationship, and the week after he retires and goes and takes employment with the Carnegie Company or the Bethlehem Company he is in a direct position to give them all the information which will enable them to drive the hardest bargain they can with the Government, and other information which they can not get from anybody else.

Mr. GRAY. In the first place, no such situation ever existed, and I will say never can exist.

Mr. BACON. I do not see why it could not.

Mr. GRAY. I shall try to show the Senator.

Mr. BACON. These are young men, as I say, comparatively, and they have been in active, confidential relationship with the Naval Department, and all the knowledge they possess, which was acquired when they were in active connection with the Government, is available to enable those companies which they now serve to make bargains with the Government.

Mr. GRAY. Mr. President, everything they acquired when in the service of the Government, on the other hand, is now available for the contractor who is doing work for that Government, and presumably the contractor has the benefit, and therefore the Government has the benefit, of the skill and the knowledge which he has brought to the special work for which he was trained.

Mr. BACON. Does the distinguished Senator mean to say that the Carnegie Company and the Bethlehem Company do not at the same time have the benefit of the knowledge those officers have as to what the Department thinks about prices? It is not simply the question of knowledge by which the work is to be done, but it is knowledge by which the bargain is to be made.

Mr. GRAY. Mr. President, the bargains probably are not made by the commissioned officers of the Navy; they may be made by civil employees of the Department or by the Secretary of the Navy.

Mr. BACON. The Navy Department is certainly in constant conference with these naval officers, and while a contract may be made on one side by the Secretary of the Navy, it is certainly made on the other side by those companies; and they are the ones to whom I refer who get their information from those officers, by which they are enabled to drive hard bargains with the Government, and it is my honest judgment that to-day the Government is paying to these armor-plate manufacturers a most enormous profit upon the material which they are furnishing for the battle ships.

Mr. GRAY. If they are making an enormous profit, I will venture to say, and stake my knowledge of human nature and affairs upon the assertion, that they are not making enormous or unjust

profits by reason of the employment of these gentlemen. They are not doing it, nor can they do it.

The Senator from Georgia seems to assume, in the first place, that in these contracts the Government of the United States, before they are made, is in a position of active hostility with the contractor. On the contrary, the Navy Department has in making these contracts attempted to aid and build up these very concerns in order that the United States may have within its own borders the capacity in time of war or in time of peace to build up its own Navy; and I do not believe that a contract once made by the Navy Department with any concern brings about a state of things in which all considerations of honor, all considerations of patriotism, all considerations of truth and justice and adherence to contracts and fidelity to duty are thrown to the winds—not at all.

Mr. BACON. I must decline to allow the distinguished Senator to put any such words in my mouth or any such construction upon any language I have used.

The purposes which the Senator says the Government had in view in the building up of these establishments are subjects upon which the Naval Committee has heard a good deal of testimony directly upon that line, and upon which there has been a good deal of conflict among the owners of these establishments themselves. It is not a question of honor or patriotism; it is simply a question that is always between all parties who are trading and contracting with each other. Conceding to both sides the utmost honor and honesty, the contracts which have been made are not the contracts which are to rule for the future. Contracts are about to be made now for two battle ships, and there is a House bill providing for a number of other battle ships.

If the Senator will pardon me for so lengthy an interruption—

Mr. GRAY. I am interrupting the Senator, I am afraid.

Mr. BACON. Not at all. I am interrupting you.

The point I make, or the point the committee makes, rather, because I do not speak for myself individually, is the same principle which is recognized everywhere, that human nature is fallible, and that the most honest and upright man who ever lived is not allowed to sit on the bench in a case in which he has an interest, not because he is dishonest, not because he is unpatriotic, but because his relationship warps his judgment and prevents him from being an impartial and upright judge, and we do submit to the Senate in all earnestness—

Mr. GRAY. That is the principle you rely on?

Mr. BACON. That is the principle. We submit to the Senate in all earnestness that an officer of the Government who, if not now, has been in confidential relationship with the Government, ought not to be permitted, while still drawing pay of the Government, to assume a confidential relationship with one with whom it is about to enter into contractual relations and to give information as to the views of officers of the Government which may affect the terms of contracts which are to be made.

Mr. GRAY. There we are again, Mr. President. We began with generalities, and when we come to analyze the position the facts do not warrant the moral position, if I may use that word, which the Senator seeks to put upon it. He says that a man ought not to be a judge in his own cause and ought not to be permitted to decide where his own interests are at stake. I say so, too; but, Mr. President, think of applying that to a case of this kind, where the Government of the United States is the party that we are interested in and are trying to protect, and we object, forsooth, to having one of our own officers on the other side. Is he, indeed, a judge in his own cause? If there is any prejudice or any prepossession, is it adverse to us?

Mr. BACON. I think so.

Mr. GRAY. Not at all.

Mr. ALLEN. Will the Senator permit me at this point?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Nebraska?

Mr. GRAY. Oh, yes; I always yield.

Mr. ALLEN. When a man enters the service of a private employer—putting this as a legal proposition—does he not contract to give his highest skill, all his time, his best ability, and his greatest loyalty to promote the financial interests of the employer who pays him?

Mr. GRAY. I suppose so. I am ready to admit that.

Mr. ALLEN. I am speaking as a mere proposition of law.

Mr. GRAY. I am prepared to admit that.

Mr. ALLEN. If he does not do that, that will afford an excuse to his employer to discharge him.

Mr. GRAY. Very well.

Mr. ALLEN. How can the Senator, under those circumstances, say that a man who is drawing pay from the Government as a retired officer and enters the service of a private corporation or a private individual, and by that means agrees to give his entire time, his highest ability, and his greatest loyalty to promote the interests of that private employer, at the same time be just and honest to the interests of the Government, when the interest of the

Government upon the one hand is to secure the best material for the least money and the interest of the private employer, upon the other hand, is to furnish the worst material for the highest price?

Mr. GRAY. I have wearied myself, Mr. President, and I know I have wearied the Senate, in trying to explain over and over again that though he does in a legal and in a moral sense give his best endeavor, his highest skill, and his most absolute fidelity to his employer, yet the Government of the United States, for whom we are acting, has no peril and no opening for any disadvantage in having a retired officer of its own in such employment by the very terms of the Senator's own proposition.

If it be true, as might have been inferred from something which has been said in this debate, that there are two hostile camps, one the Government and the other the contractor, it would certainly be no special detriment that we should have a friend of our own in the camp of the enemy, if we are to call him such. He could not hurt the Government. The contractor might object. He might say, "I do not know about trusting you in this matter with the Government; you are an officer of the Navy and we will keep you in the background in all these matters of work upon contracts." But surely it does not lie in the mouth of the Government as a party to object; and that is what I have been trying to insist upon all along, on the low plane of interest at least, as to a matter of honorable employment.

I have said that these men are not exercising, as the Senator from Georgia said they were, two confidential relations, for they are expressly forbidden to exercise any confidential relations, on the part of the United States. That is settled; that is proven absolutely. Therefore that position is not well taken, and no argument can be built upon it, for it is not so.

Mr. BACON. What the Senator asserts is not so, and I am very sorry I can not agree with him.

Mr. GRAY. It is not true that they occupy two confidential relations.

The Senator from Nebraska might as well say that a man drawing a pension had no right to work in one of these great foundries as to say that one of these retired officers, separated entirely from the active list of the Navy, is forbidden to occupy a position of trust or confidence in such an establishment and should be forbidden to seek employment there or was unable to honorably serve there.

Mr. ALLEN. Not at all, if the Senator will pardon me for interrupting him.

Mr. GRAY. The Senator is pardoned in advance.

Mr. ALLEN. Here is a man who entered the naval service of the United States, who had been educated by the Government and paid from the time he entered the Naval Academy, who is promoted from time to time in the service of the Government as a naval officer, and who is retired after a time for some reason, which may be just or may be unjust. I am inclined to accept the position of the Senator from Delaware and to say that they are unjustly retired. That man is drawing pay right along from the Government not for services that he has rendered and from which he has been finally discharged, but he is all the time an officer of the Government.

Mr. GRAY. There is no other ground upon which you can justify paying him, except for his services.

Mr. ALLEN. He is in the service all the while. It is just like the employment of a private individual who, after serving his master for a time, the master says to him, "You may take half your time for a month or two," or whatever time may be agreed upon, "and I will pay you right along for your services at a lower rate, of course"; and that individual, while sustaining that relation to his employer, goes into the service of another man whose interest is hostile to the interest of his original employer and gives his service and his intellect to make a contract in hostility to the interest of the first employer, just as in this case the naval officer owes allegiance to the Government, and, as the Senator says, may be called into active service at any time. He is retired upon pay which the Government judges sufficient to support him. He is still in the service of the Government, getting money out of it, and will be in its service until he dies, unless the law be changed. And now, under those circumstances, while he is in the service of the Government, he is employed by one of these corporations to give the knowledge which the Government purchased for him, to give all the strength of his ability and his intellect as a business man to enter into a contract where that Government through his instrumentality may be a sufferer in the contract.

Mr. GRAY. In the first place, all this argument has been predicated upon supposititious cases. There is no allegation here that any man on the retired list, in the employ of any concern, has made a contract with the Government or has represented his concern in making a contract with the Government. They were employees of the concerns, and were brought here not by the concerns, but were sent for, as it appears, by the chairman of the Naval Affairs Committee, and when they came there was no doubt about the

position they occupied. Senators have been arguing as if they were acting as inspectors for the Government, and were at the same time employed by the armor-plate concerns doing work for the Government.

Something was said by the Senator from Nebraska [Mr. ALLEN], in a question to the Senator from New Hampshire [Mr. CHANDLER], as to whether any of these officers were employed before or after a certain inquiry had been ordered in regard to armor plate or work for the Government for the Navy done by Carnegie & Co. The Senator from New Hampshire said he did not know. I do not know either, but it would not concern us here whether he had been employed before or after. The trouble about that investigation was not with reference to any retired officer, for no retired officer in the employment of that company had or could have had the slightest suspicion cast upon him as to any failure of duty to the Government. But suspicion was cast upon officers who were representing the United States Government, and it was they who should be investigated, and very properly investigated, if there was any ground for it. It was the Secretary of the Navy who was to be investigated to see whether he, by his request, had expedited the issuance of any of these patents in which the private parties were concerned. That did not touch this case at all or any case that can be supposed to apply to these officers.

All I wish to say in conclusion is that the matter has been presented, it seems to me, wrong end first, and we have got before the Senate the wrong conception of the attitude of these people. The argument has been made upon that wrong conception, I think. I have tried to correct it. I do not believe the Senate will, it certainly ought not, do injustice to these very meritorious men, who have been turned out of employment against their will and not with their consent, and who have to take employment in the only place where they can properly seek or obtain it.

Mr. TILLMAN. Mr. President, as a member of the Committee on Naval Affairs, I have taken a great deal of interest in the investigation which has been under discussion here, and I have listened with a great deal of pleasure, and I must say with some amusement, to this debate, which, it seems to me, is one of taste. Senators will remember the old adage that on questions of taste people must be allowed to disagree.

The committee, I think, had in view, and very rightly, in presenting the amendment the stopping of a scandal, to prevent a man from being accused of improper or dishonorable action or even suspected of it. In investigating the question of the cost of armor we very soon arrived at the conclusion that the armor-plate manufacturers and the Government were enemies. Their interests are directly opposed to each other. The Government wants to get the armor of the very best quality at as low a price as possible. The manufacturer wants to get the last dollar possible.

Now, we find in the employ of the manufacturers two of the ablest officers of the United States Navy that I have ever met. I have not met a great many of them. I hope we have a great many like them, but I doubt it. The Government has educated those men at its own expense. It has had them in its employ until the time has come under the law when they could be retired or when they were forcibly retired, and they go upon handsome pay. They go into retirement not as beggars, as the Senator from Delaware [Mr. GRAY] says, but their pay is such that they can live comfortably if they had nothing else.

Mr. GRAY. It is \$75 a month.

Mr. TILLMAN. Is that all? I think the Senator is mistaken.

Mr. GRAY. They are not retired on the longevity plan.

Mr. TILLMAN. They are retired for disability?

Mr. GRAY. They are retired for disability.

Mr. TILLMAN. Of course I do not say that a man can live handsomely on \$75 a month in this community. I have discovered the contrary. But here are men who now hold the right for the balance of their lives to draw on the Treasury for so much money. That is, they come and draw their pay on the retired list. They certainly owe the Government some obligation, and if they were not in a semicapacity at least in the employ of the Government, with the right of the Government to call on them, they would be under no moral obligation—

Mr. GRAY. That is right.

Mr. TILLMAN. The Senator acknowledges that they are under a moral obligation to the Government of some kind. Let us see to what extent it goes. They are now in the employ of enemies of the Government, men who, I said, are trying to get all they can out of the Government. They are using the skill which the Government has furnished them in educating them; they are using the technical knowledge in the management and construction of ships which they received from the Government in helping the enemies of the Government to cheat the Government or to rob it. If that is not a position in which no honorable man would like to be placed, I ask the Senator from Delaware just to tell me what sort of a position it is?

Mr. GRAY. As the Senator from South Carolina puts the question, I will agree with him entirely, and that is the trouble all

through this debate. You put the question in such guise as suits your own argument. But that does not suit the facts. That is what I have been trying to show. I will agree with the Senator perfectly, that in the way he puts it he is right; but let me ask the Senator, if I am not trespassing on his patience—

Mr. TILLMAN. Certainly not.

Mr. GRAY. This is a matter of some importance, perhaps. He says that he has in the course of the performance of his duty as a member of the Committee on Naval Affairs discovered that the contractors and the Government are enemies.

Mr. TILLMAN. I have.

Mr. GRAY. Are they enemies after the contract is made in the same sense that they were before?

Mr. TILLMAN. Of course they are, for this reason—

Mr. GRAY. Not if they are honorable men.

Mr. TILLMAN. Wait a moment. We are trying to discuss what is an honorable man. Suppose the contractors discover that they have an armor plate which has cost them several thousand dollars to manufacture, the plates weighing 30 or 40 tons, in which there are some flaws and defects, and the officer of the Government, who is receiving Government pay, knows that the plate is not an honest one under the contract, could he come and tell us so? Would he not lose his employment with the company if he did?

Mr. HALE. Let me ask the Senator from South Carolina a question.

Mr. TILLMAN. Certainly.

Mr. HALE. Did the investigation by the committee disclose a single case where a naval officer in such employ had ever disclosed any defects to the Government?

Mr. TILLMAN. Does the Senator mean a retired officer?

Mr. HALE. A retired officer.

Mr. TILLMAN. We never have heard of one of them hinting that there was anything wrong with the manufacture of armor plate or that the Government had ever been cheated in the slightest particle. Let us put it in this way: Suppose, instead of saying that the manufacturers are enemies, which, of course, is a little stretch of the imagination—

Mr. GRAY. Say they are antagonists.

Mr. TILLMAN. Say they were British or Spanish people, against whom we just now have a kind of aversion.

Mr. GRAY. Say they are antagonists.

Mr. TILLMAN. Say these manufacturers were somebody else, an actual enemy, and that these naval officers were in their employ while receiving our pay, does the Senator think it would be right for the officers, while they are on our retired list, to go into the employment of the enemy?

Mr. GRAY. I agree with the Senator in that respect.

Mr. TILLMAN. I think we will get the Senator down to a point where he will withdraw his objection and let the committee amendment go through.

Mr. GRAY. Go on and let us see.

Mr. TILLMAN. The Senator said a little while ago that we were acting only for the Government. We are appropriating money for both sides.

Mr. GRAY. How?

Mr. TILLMAN. We are appropriating to pay the retired officers in the employ of our enemy.

Mr. GRAY. We pay them whether they are so employed or not.

Mr. TILLMAN. Very well. We want them to get out of that, as a matter of decency, as a matter of taste. We want them to get into an employ in which the Government has no interest, in which their talents can not be used to cheat the Government.

Mr. GRAY. How can their talents be used to cheat the Government?

Mr. TILLMAN. These officers are right here using their technical skill in drawing up contracts for the company, and they get every advantage they can in drawing specifications for the contractors.

Mr. GRAY. Do they make contracts for armor plate?

Mr. TILLMAN. They are here as representatives of the contractors to draw contracts between the Government and the factory.

Mr. GRAY. I have asked once or twice whether anybody knows that fact. I have not received any reply.

Mr. CHANDLER. The Secretary of the Navy now meditates making a contract with these two concerns, who are in combination and not competing with each other, for \$3,000,000 worth of armor for the *Kentucky* and the *Kearsarge*, and of course these two retired naval officers are giving their employers their very best service in every direction to get the highest price for that armor.

Mr. GRAY. The question I asked was whether the officers were acting for their concerns in making contracts; whether they were the hand or mind that made the contract?

Mr. TILLMAN. We do not pretend to know who is coming forward as the putative bidder. We suppose the Bethlehem works

and the Carnegie Iron Works, the only two concerns in this country that can manufacture armor plate, will be the only bidders. We present the spectacle, I may say, as we are entering on the question of armor plate, although it is not the right time, because we have not got to that question, of putting our hands in the handcuffs of these two companies. They have formed a trust, and, to the best of my knowledge and belief, I am ready to take oath to it, they propose to rob this Government because you have on the statute books a law requiring us to use only American armor. Therefore we are in the position of giving to a monopoly the right to charge the United States \$600 a ton for armor which they have sold to the Russian Government for \$300.

Mr. GRAY. Why do you not repeal the law?

Mr. TILLMAN. Very well; I am ready to go with you to repeal it. I am willing to give preference to the American industry; I want to have armor plate for American vessels made in the United States, but I am unwilling to see monopolies grow rich by putting their hands into the pockets of the United States and taking out as much as they want.

Mr. GRAY. Let us get back to these officers.

Mr. TILLMAN. These officers are in an unfortunate position. Perhaps they do not realize it, and I am perhaps unfortunate that I can not see the matter as the Senator from Delaware does. He thinks it is honorable and in good taste for men who are in the employ of the Government to go into the employ of our enemies.

Mr. GRAY. I agree with the Senator about enemies.

Mr. TILLMAN. If the armor-plate manufacturers who have been trying to get the last dollar from the Government are not enemies, what are they?

Mr. GRAY. We ought not to have anything to do with them.

Mr. TILLMAN. How?

Mr. GRAY. By not making any contracts with them. If they are enemies in the sense in which the Senator from South Carolina asserts that they are, then I say that it is the duty of the Navy Department, it is the duty of Congress, to cut short all connection between us and them.

Mr. TILLMAN. That is begging the question. We must have armor made somewhere. We either have to repeal the law by which we are forced to buy American armor—and I have heard that all the armor-plate manufacturers of the world are now forming a trust to rob the governments of the world—

Mr. GRAY. Very likely.

Mr. TILLMAN. The only thing we can do would be to have an armor establishment of our own, and take these skilled people whom we have educated and put them there, and put the material there, and make our own armor.

Mr. GRAY. These gentlemen will be very glad if you will.

Mr. TILLMAN. Let it be clearly and distinctly understood that so far as this discussion and these individual gentlemen are concerned, I have no personal feeling in the world.

Mr. GRAY. I understand.

Mr. TILLMAN. I have no feeling about it.

Mr. GRAY. I understand.

Mr. TILLMAN. I never met them prior to the time when they came before the committee. I never heard anything about it until they came there. Then we discovered the position which they occupied toward the Government and toward the people who are furnishing the Government with armor.

It is a scandal, in my opinion. I may differ with the Senator from Delaware as to what is good taste and what is decent and what is honest, but still I believe we ought to require that no officer of this Government, either active or retired, shall receive its pay and then go into an employ and use the brains which he has had educated at the expense of the Government to the disadvantage of the Government.

Mr. GRAY. Before the Senator from South Carolina sits down, I should like to ask him a question, because this is the real point in the case, laying aside all speculation about the honesty of these men. Is it not to the interest of the United States Government, when it makes a contract with any one of these concerns, to get the best possible skill in the performance of the contract?

Mr. TILLMAN. Yes, sir.

Mr. GRAY. How is the Government injured, then, on the reasoning of the Senator if—

Mr. TILLMAN. Why—

Mr. GRAY. One moment. How is the Government injured if these officers possess superior skill and it is devoted to making the best possible product?

Mr. TILLMAN. We do not say the Government is injured at all. We are simply trying to prevent that feeling of wrong on the part of the taxpayers that here are men whom they have educated and trained using the skill and the education the Government has given them in aid of men who are not working for the Government's interest. We want the skill on our side and the honesty, too.

Mr. HALE. Mr. President, the committee has not gone very far

in this matter. It might have gone a great deal further. It might have asked Congress to forbid the employment in any private enterprise of naval officers, active or retired, who are receiving salary from the Government upon the ground that the Government is entitled to their entire life and service. But the committee has not gone to that extent. The committee does not believe in that. I do not for one. I see no great objection, no pertinent objection, no conclusive objection, if an officer is not needed in the service of the Navy of the United States, to his taking employment in private concerns that develops his mind, broadens his understanding, makes him more competent, and makes him a better officer when restored to duty than if he laid off and rusted up. So the committee does not go to that extent.

The only object sought by the amendment reported from the Committee on Naval Affairs is that retired officers shall not be employed by private establishments who are manufacturing armor for the Government at enormous prices; that in those limited concerns, only two or three in all, leaving the whole domain of American business life and manufactures outside and untouched, naval officers shall not be employed by men who are in a sense the enemies of the Government; that is, very antagonistic. They are opposed. They seek one thing and the Government seeks another thing. The two are diametrically opposite, and in that sense they are inimical and enemies.

If the Senator from Delaware is right, there is no limit to which corporations or private contractors with the Government are to be held. An officer of the Navy at the head of the Ordnance Department or the Engineer Department or the Construction and Repair Department may, upon retirement, forced retirement, voluntary retirement, at once be translated into the employment of a company that is making contracts with the Government and seeking enormous prices for its wares, and it may receive the benefit of all he has done as the head of that Bureau. I agree with the Senator from South Carolina [Mr. TILLMAN] that that would be in its effect and upon its face a scandal. It could never fail to receive attention and public remark and public censure. Therein those most harmed, if anybody is harmed by this discussion, are the naval officers themselves, honorable men, educated honorably, with honorable lives, who never ought to be put into a condition where they can be the subjects of such discussion.

I go further. I would not have any officer in the Navy, however well grounded his integrity may be, however it may be his by inheritance or by long life, submitted, when he is acting for the Government with these contractors, to the possible thought that one year from that time his employment may be changed and that, instead of representing the Government, he may be in the employment of one of the concerns with which he is dealing at that time. I would have all of those things removed. Everything that is in the domain of temptation ought to be removed. A naval officer ought never to be in the situation which has been alluded to here, where, when a committee is seeking to investigate into the rights of the Government, it can not enforce a question upon him, because the natural delicacy of his situation in the employ of a rival, inimical concern forbids his answering. That is all the committee says.

I am free to say that I do not understand why it is, going no further than this, that objection is made. I can not appreciate and I can not enter into the condition and the reasoning of the Senator from Delaware. I can understand how in individual cases it might work a hardship, but as I have said, to exclude a naval officer from the employment of two or three contracting firms and leave him the whole vast field of American enterprise outside of that is not a great hardship. It is not a great hardship to the officers who are in the employment of these two concerns—if it is thought better to correct the condition that has been so well described by the Senator from Georgia [Mr. BACON] and the Senator from South Carolina [Mr. TILLMAN]—that that situation should be relieved when, as I say, all the rest of the mechanical world and the business world is left to these men to resort to. So it looks like a one-sided question.

Mr. LODGE. I desire merely to ask the Senator from Maine whether I am to understand the committee had before them the Government inspectors at the iron works and also the two naval officers employed by the iron works and asked them in regard to the profits made on armor plate.

Mr. HALE. That has been stated in debate and stated as the Senator indicates. I do not think I went into that question. That is the fact, explained, I think, by the Senator from New Hampshire [Mr. CHANDLER], that the committee sent for the naval officers, having in mind the Government inspectors, and instead of their coming these other officers appeared whom the committee did not expect, to wit, the representatives of the contracting firms. As has been stated by the Senator from Georgia [Mr. BACON], I think, when questions as to the cost and the profits of the concerns were put to the officers the committee was unable to gain any information from them in regard to it. The Senator from Delaware interposed to ask if the committee had any right to expect it.

Mr. LODGE. Very well. They testified, and so far as they did testify it was to the effect that the prices were not excessive.

Mr. HALE. I think the impression that the committee got from the examination was that the officers, under the circumstances and conditions, did not wish to be put to examination. I will say further that when the Government inspectors—

Mr. LODGE. I was going to ask how they testified.

Mr. HALE. They testified that the cost of armor, instead of being \$450 or \$500 a ton, was about \$250 a ton. The committee found no sense of embarrassment as to them, because they had but one interest. They were there in the interest of the Government, to watch and to report. They had no concern whatever with the contracting parties, who are dealing with the Government, and the committee had no difficulty in eliciting information from them. I think, perhaps, the contrast between the two sets of officers was what brought the committee sharply to its conclusion that here was almost or quite a scandal and it ought to be stopped.

Mr. CHANDLER. If the Senator from Massachusetts [Mr. LODGE] will allow me, I did not think they ought to be asked. I realized that they had, with permission of the Navy Department, gone into the employ of these two concerns for large salaries, and I really thought we ought not to press them to make reply. There we were with those two naval officers, comparatively young men, and we were not at liberty, I thought, to ask them to state facts within their own knowledge.

Mr. BACON. If the Senator will pardon me, I think it is proper to add that not only did it not appear to the committee proper to press them, but they were not in fact pressed.

Mr. CHANDLER. They were not.

Mr. BACON. They were not pressed by the committee so soon as the embarrassment became apparent.

Mr. HALE. They certainly were not. As soon as the committee realized the condition which the officers evidently felt that they were in, the committee refrained from further pressure in that direction and went to the other officers, who represented the Government alone.

Mr. LODGE. I raised the question simply because it seems to me that that single fact shows the evil of the existing system. As I understand it, the amendment of the committee is not aimed at any individual, and no reflection is cast upon any of these officers; but it aims at a system, and it certainly seems to me that it is a very bad system, which makes such things possible, particularly the point made by the Senator from Maine at the end, that an officer at the head of a bureau knows that he may at any time get employment from one of these contractors. I think that is a situation in which no naval officers should be put. It seems to me only just to make it impossible for those conflicting interests ever to meet in the same hands.

Mr. GORMAN. Mr. President, the Senate passed a resolution in the early part of the present session which required the Committee on Naval Affairs to ascertain various things about these contracts made by the Government. The resolution was evidently intended especially to look into the matter of the contract with the Carnegie Company. The intimation at that time, and the suggestion of the resolution itself, was that the officers of the Government (and I do not mean these retired officers) had had some interest in that contract, or that they had not performed their full duty to the Government. The case attracted a great deal of attention. I assume to-day, and I should like to have the information in regard to it now, that the Naval Committee have examined very thoroughly into all the allegations made at that time. Those allegations were very broad, and the whole country was shocked to suppose that any high officer of the Government, acting for the Government, had been in collusion with the contractors, or that the Government had received, because of inattention to duty, armor and steel plates and steel tubes for guns that were not fit for service.

I should like to ask the Senator from New Hampshire if I am to understand, and if the Senate is to understand, because no report has been made by the Committee on Naval Affairs, that after their examination they find nothing more serious than the fact that two or three or four retired officers who were not charged with any duty by the Navy Department have been employed, and that is all there is in the investigation? Do I understand that to be the case?

Mr. CHANDLER. Does the Senator want a reply?

Mr. GORMAN. I ask the Senator from New Hampshire, who has introduced the pending amendment.

Mr. CHANDLER. I say, by no means has that been the whole subject-matter of the investigation. The Senator has not accurately stated the resolution. If the Senator will read it I shall be very glad to answer specifically; but I think that there was no implication, such as will be found in the Senator's remarks, in reference to high officers of the Government. There was, I think, a direction to inquire whether officers of the Government were interested in patents, and that question has been the subject of inquiry. The committee have not finished; they have made no

report; they are not ready to make any report; but I suppose the different members of the committee, as the debate upon the naval appropriation bill proceeds, will be able to give to the Senator from Maryland all the information he may desire in reference to the various branches of the resolution. There was disclosed some connection of naval officers with patents used in work done for the Government and questions have been under consideration in reference to the propriety of the connection of naval officers with patents used by the Government. The largest question that has been under investigation has been the price of armor. The Senator will see that that is the first clause in the resolution. I should like the Senator to read the first clause in the resolution of inquiry, if the Senator has it.

Mr. GORMAN. I will read it:

Resolved, That the Committee on Naval Affairs be directed to inquire whether the prices paid, or agreed to be paid, for armor for vessels of the Navy have been fair and reasonable, and as low as the prices charged by the same manufacturers to foreign governments.

Mr. CHANDLER. That was left out of the resolution at the Senator's suggestion, the Senator will remember.

Mr. GORMAN. I have the resolutions as they were introduced.

Mr. CHANDLER. Yes. I will say to the Senator that subsequently, after the passage of the resolution, the senior Senator from New Jersey [Mr. SMITH] introduced a bill providing for a Government armor-plate manufactory, and the committee have investigated that subject in connection with the first clause of the resolution which the Senator has read. The Senator from New Jersey has introduced also an amendment to the pending bill, in which he provides that no contracts for armor shall be made under the pending bill at a cost of more than \$300 a ton. The greater portion of the work of the committee has been the investigation of those two subjects.

Mr. GORMAN. The Senator from New Hampshire will remember, of course, the debate, and my surprise at the time the resolution was offered at the broad intimation of undue relation with this subject on the part of officers of the Government. I do not now refer to these retired officers and the contractors. So far as I know, and the Senate knows, the result of that deliberation is contained in the amendment offered by the Senator from New Hampshire, which simply prohibits these retired officers from being in the employ of any firm that is furnishing armor and armor plate to the Government and the further amendment, which I suppose will be offered in due course of time, to prohibit an officer of the Government from being connected with any patents—

Mr. HALE. Let me say to the gentleman from Maryland that these amendments are by no means the sum of the outcome of the investigation. They are only incidental and moved by the vote of the committee, because they naturally attach to provisions of the naval appropriation bill. It should not be said that the investigation is concluded by these amendments, or that they involve all the investigations and results that the committee reached, by any means.

Mr. GORMAN. I am very glad to have that information from the Senator, and that comes to the point I desire to make. If, as the Senator from New Hampshire says—and it is confirmed by the distinguished Senator in charge of the bill—the main investigation has been as to the cost of the armor, the amount that the Government is paying for it, whether excessive or not, that report and that information, which is more important than the mere prohibition of two officers who are on the retired list from serving in a subordinate capacity at Bethlehem and at Pittsburg, ought to be before the Senate before we appropriate the immense sums contained in the bill for future armor.

Mr. HALE. If the Senator draws that argument of course it can not be helped. I think any Senator will see the pertinency and the force of that, so far as it goes. It is a condition that we find ourselves in. Undoubtedly the investigation conducted by the committee, involving great time and labor (and which I may say here as a member of the committee, while I do not represent it in making a report, has not reflected upon the integrity of any naval officer), is a fair subject of consideration with reference to future appropriations, and the Senator must make the most of it. When we come to that portion of the bill which has been passed over, to wit, the construction of the ships and the large expense involved—

Mr. GORMAN. Mr. President, it has been brought into the discussion already upon this proposition. I find by the amendment itself, dropping for the moment the cost of the armor, that the committee propose to limit the prohibition to any officer on the retired list from acting in a private capacity where the Government has a contract with the party only to the appropriations of the bill, without attempting to make it a general law. If the rule is a good one, such employment should be made unlawful after a date fixed. If you desire to make it a permanent provision, let it be enacted that from the appropriations herein contained or hereafter made, which is the usual provision, such employment shall be unlawful. I ask the Senator from Georgia [Mr. BACON],

who is a lawyer, whether that will cover the case. It may. I do not think it would.

But, Mr. President, that provision alone is insignificant. The general rule, stated so well by the distinguished Senator from Maine, is correct. There ought to be, in my judgment, a general law upon this subject, not only for the naval officers and the Marine Corps, but for the retired officers of the Army. They are spread all over the country. It is not confined to the contractors for armor or the supplies for the Navy. It goes to every extent, to railroad companies who contract to carry the mails, and steamship companies. It has been the rule. It has been permitted, and heretofore it has never been considered against the interests of the Government. To condemn these officers in the broad terms in which the condemnation has gone forth to-day I think is unjust to these gentlemen. Personally I do not know them.

Mr. HALE. I think, if the Senator will allow me, the personal expression with regard to these officers has been very kindly.

Mr. GORMAN. Yes.

Mr. HALE. In fact, it has been disclaimed that there was anything reflecting upon them or their integrity.

Mr. GORMAN. No; except the statement that an honorable man could not have been in that position.

Mr. HALE. No.

Mr. GORMAN. That is a very broad statement.

Mr. HALE. I would not go so far as that by any means. When these officers accepted this employment, as the Senator says, it was a thing that was going on broad and large everywhere, and they are not to be blamed. Their situation at present is unfortunate. I would not go so far as to say that, remaining as they do, it stamps them with dishonorable motives. I think that the operation and outcome of this discussion will be that the thing will be ended hereafter, whether we put this into the form of concrete law or not. I do not believe that any Secretary hereafter will permit anything of this kind. But it is better, as the Senator suggests, to make it a provision of law, and I should agree with him that it ought to apply to officers of the Army as well as the Navy. However, I only rose for the purpose of disclaiming, so far as I know, and so far as I have listened to the debate, any reflection upon these officers personally.

Mr. TILLMAN. Will the Senator from Maryland permit me?

Mr. GORMAN. Certainly.

Mr. TILLMAN. As I perhaps went further than any other Senator, and with my usual frankness expressed my own honest convictions, I desire now with equal frankness to disclaim any assertion, insinuation, or anything else reflecting upon the honor and integrity of these gentlemen. I simply said that, in my judgment, I believe it is not a proper thing to do or to exist, and we are trying to stop it.

Mr. GORMAN. As to the proposition to stop it, that is a distinct proposition, and the one I am getting at. Senators have discussed it, and among others the Senator from South Carolina, who is frank and manly in his statement and general views, and I am in accord with him; but it ought not to go out to the country that there is anything to condemn these officers for when the facts are understood.

Now, what were the facts? In 1887 we were without the facility in the country to make a single ounce of armor that was fit to go on a ship. The then Secretary of the Navy, Mr. Whitney, sought these manufacturers. It was not a matter that they sought for; he sought them. He finally induced the Bethlehem Company to put up an establishment for the manufacture of armor and shafts and other paraphernalia necessary for the construction of war vessels. He did this after an examination as to the prices abroad. He, the Secretary of the Navy, acting for the Government, fixed the Government price which he would pay for so many thousand tons of armor. There was unquestionably an intimation—not a contract, but an intimation—that if they agreed to furnish armor at the price named by the Navy Department it would necessarily follow that the contracts made in the next two or three years thereafter would go to that firm, as no human being or no set of human beings would have undertaken to expend seven or eight million dollars to create that plant without such an understanding.

They went on and furnished the armor at \$575 a ton, as the statement shows. As we progressed and Congress became more anxious about the construction of war vessels, moving along faster than the Department or this firm could furnish the material, Mr. Whitney's successor, the distinguished gentleman from New York, Mr. Tracy, sought the Carnegies. The Carnegies did not seek the Department. Mr. Tracy pressed them to put up a plant that would enable them to make armor and the other heavy steel pieces necessary in the construction of vessels. Mr. Tracy, without public notice, as Mr. Whitney, the former Secretary, had done, entered into a contract with them on the 20th of November, 1890, giving them precisely the same price as his predecessor, Secretary Whitney, had given the Bethlehem Company.

Now, those contracts were considered by everybody as low, as

reasonable, and as much in the interest of the Government as ever contracts were made. Congress justified them.

Then came the discovery of the use of nickel in the manufacture of steel. It was an experiment not known to the world. It was doubtful as to its results. As the Senator from Maine will remember, the Senate, by a unanimous vote in the last hour of the consideration of the appropriation bill, gave to Mr. Tracy, then the Secretary of the Navy, power to spend a million dollars without question and without contract, so as to introduce it into the manufacture of the steel for these vessels, if not the guns. He changed the contract with the contractors furnishing the nickel.

The result was that the whole world was amazed at what American ingenuity had done. Up to that time, and up to this time, so far as I know, at least so far as the time when the resolution was introduced to investigate these officers, I never heard it questioned that any Secretary of the Navy or any officer at the head of the Ordnance Board, or any of the subordinates under him, ever had the slightest interest in the outcome of those contracts. They had no more to do with the prices than the Senator from Georgia and myself.

Mr. BACON. Will the Senator from Maryland permit an interruption?

Mr. GORMAN. Certainly.

Mr. BACON. I desire to say that all the matters about which the Senator is speaking have been testified to at length before the committee; and I want to ask the Senator from Maine [Mr. HALE], who is the senior member of the Committee on Naval Affairs in the absence of the chairman, whether he will take the responsibility of furnishing the Senate with the evidence, which up to this point has not been made public? I feel quite sure that the committee would justify him in so doing.

Mr. HALE. If the Senator from Maryland will permit me, I will answer that I do not see the least objection to making the testimony public. It has not been done up to this time, being kept only for the committee, as is customary with investigations of that kind; but I see no objection whatever to the testimony now being made public, so that the Senate in the further consideration of the bill may have the benefit of that investigation.

I wish to say further that there is nothing in the testimony that in any degree implicates any of the officials of the Navy Department as to any connection with these contracts. One thing the committee did find out, however, which the Senator will appreciate, that what Secretary Tracy had in his mind, a rival establishment to keep the bids down and protect the Government, had practically disappeared. The committee did not find that there is now any rivalry between these two companies. On the other hand, it is practically a conjoint monopoly instead of a rivalry.

Mr. GORMAN. I think if the Senator's inquiry will go a little further he will find that that is world-wide; that there is an understanding not only in this country, but in England as to the price of armor. When you talk about a combine and a monopoly, it is world-wide.

Mr. HALE. It may be unfortunate, may it not?

Mr. GORMAN. That is a question. That remains to be discussed when the facts are presented, that it is not confined to these two concerns in the United States.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. GORMAN. Certainly.

Mr. LODGE. I desire simply to ask a question on the point which the Senator made about nickel steel. Nickel-steel plates were made in France before they were made here. The first plate was the compound English plate. The next plate was the Creusot plate, made in France, in which the nickel was added. It was after that that the purchase of nickel to which the Senator refers was made or the authority to purchase it was given. The great process that has been invented here is the Harvey process, I think, which combines the carbonizing of the nickel process.

Mr. GORMAN. I think the Senator is more accurate than I was in stating precisely how it was.

Mr. CHANDLER. Will the Senator from Maryland allow me a word?

Mr. GORMAN. Certainly.

Mr. CHANDLER. I understood the Senator to say that he thought the armor manufacturers of Europe were in a combine. Did he mean to say that our two armor manufacturers are in the same combine?

Mr. GORMAN. What I mean to say is that the price of armor is practically fixed all over the world. The English get it slightly cheaper than we do.

Mr. CHANDLER. That is because there is no competition anywhere.

Mr. GORMAN. There is not practically any competition. There are only a few great firms that the Governments could afford to deal with. The Bethlehem Company two years ago made a bid for armor for the Russian Government for two ships at

almost half the cost that they furnished it to their own Government. That question came up here and was thoroughly discussed, because a provision was attempted to be inserted to the effect that no contract should be made with any firm in this country for a greater amount per ton than they had contracted for with a foreign government. When it came to be examined into we found that this enterprising concern, with not enough to do, as they supposed, to keep their wheels going and their machinery in operation, had desired to introduce at a loss the American manufacture to the Russian Government. They had the contract, and the result was that the examination on the other side showed that it was so much superior to anything the Russian Government could get that they have ordered from this company further armor at about the same price the Government is now paying; and by that one single act they have been enabled to ship large quantities of armor and other products of their furnaces abroad until it looks, and for the first time in the history of the country, as if we would compete with England in sending our steel blooms from this country to London and to Liverpool.

Mr. TILLMAN. Will the Senator allow me?

Mr. GORMAN. With pleasure.

Mr. TILLMAN. You said it was found by the Senate two years ago when the amendment was offered prohibiting higher prices than those at which any firm had sold to a foreign government. Who found it? How did you find it? This committee has been investigating here for four months, getting all the experts of our own that we could, and everybody else. We have gone to the works and seen the process from the crude ore to the finished plate, and it was all a guess with us. We have never yet been able to find a man who can pretend to say what the cost is. The contractors will not tell us; and when they undertake to say that they have sold armor to the Russian Government at a loss in order to keep their hands employed, I do not believe it.

Further, it has come out—I do not know who announced it, but it dropped in committee from some responsible member thereof—that when the original contract was made with the Bethlehem works and the Government sought the Bethlehem people and asked them to go to extraordinary expense, and a promise was made that the Government would continue to use that plant to manufacture armor—which promise was afterwards broken by the employment of Carnegie—the statement was made that the original price contemplated that the Government would create these works at its own expense, give them to these people, and then let them go in the first cost of the first order. So we stand to-day in the condition apparently of having built those works at Bethlehem ourselves with Government money and given them to the Bethlehem Company, and when we ask them to come forward and have some regard to decency and patriotism and give us somewhere like a reasonable price, they say, "Oh, we can not do it." That is the situation.

When Senators talk about finding that armor has been sold to the Russian Government at a loss, I should like to know how they found it out and from whom they found it out?

Mr. GORMAN. Mr. President, I say we found it, and we found it as we find other facts. The committee who had charge of the bill had before them men of ability, men of technical knowledge, men who were engaged in these enterprises, and from information so obtained—not under oath, it is true, because we had no power to investigate as had the Senator's committee—we came to the conclusion that the statements of these honorable men were correct, that they knew more about it than we did; and now the result has unquestionably proved the wisdom of the course adopted.

If we had adopted such a proposition, that no contract should be made except at the price of \$325 per ton, I think it was—I speak now from memory—then the contract for all the vessels that we had ordered by that bill would have been given to the Carnegie firm; and as the Carnegie concern were induced to manufacture this armor not because of the price alone, but because of the demand of the Government for armor to be delivered in greater quantities than the Bethlehem works could deliver it, we should have destroyed the very object the Government had in view when it contracted with Carnegie. The final result has been, at which I have no doubt the Senator from South Carolina will rejoice with me, that we can compete, and are now competing, with the English manufacturers and furnishing armor to the Russian and other governments, thereby extending our trade, giving employment to our people, and making thrift the order of the day if this shall continue for a year or two longer. That is the great object.

Have we paid for those establishments? I say to the Senator from South Carolina, of course the Government has paid for those establishments. We entered upon the enterprise because we wanted them.

Mr. TILLMAN. Why, then, do they belong to the other people and not to us?

Mr. GORMAN. Oh, Mr. President, the Government was not itself in a condition to build a great establishment of this sort.

Mr. TILLMAN. Why?

Mr. GORMAN. It was economy, it was wisdom, to let men of knowledge and ability undertake to do it. It would have cost us untold millions if we had taken our own officers and attempted to do it.

Mr. TILLMAN. One minute, if the Senator will allow me. Our investigation proved that Captain Jaques, an officer of the Navy, is the creator of the Bethlehem Iron Works. He planned the whole thing and built it; and therefore the skill has been furnished by the Government, the money has been furnished by the Government, and we have made a present of the plant to that corporation.

Mr. GORMAN. Mr. President—

Mr. HALE. I do not want to interrupt the Senator, but it is evident that the debate on the bill can not be closed to-night, and unless the Senator desires to go on to-night, I will move an adjournment.

Mr. GORMAN. Not at all. Any time will suit me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 4992) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.;

A bill (H. R. 3852) to amend the record of William H. De Freest;

A bill (H. R. 4265) granting a pension to Eliza Wilson; and

A bill (S. 2557) granting a pension to Sarah A. Boyd.

HOUSE BILL REFERRED.

The bill (H. R. 4992) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis., was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 28, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, April 27, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

CONTESTED-ELECTION CASE OF RINAKER AGAINST DOWNING.

Mr. MOODY. Mr. Speaker, I desire leave of the House for an extension of time for the filing of the views of the minority in the contested-election case of Rinaker against Downing. There is no objection on the part of the committee, and I ask that the time be extended until Wednesday of this week.

Mr. DINGLEY. How long was the extension to be?

Mr. MOODY. Two days.

There was no objection, and it was so ordered.

FREDERICK D. DAWSON, WIFE, AND DAUGHTER.

Mr. HAINER of Nebraska. Mr. Speaker, during the discussion of the deficiency bill on the 20th of April, speaking to an item therein contained to reimburse Frederick D. Dawson and family, I made a statement that the appropriation was recommended by the State authorities of Nebraska. I find, on reexamination, that the recommendation was made not by the State authorities, but by the Secretary of State. Among the papers submitted to the Committee on Appropriations, and which I examined, there was a summary of the evidence preceding the recommendations. Through inadvertence and, I think, by turning two pages instead of one, I charged the recommendation to the State authorities, while, as a matter of fact, I should have attributed it to the Federal Department of State. I make this suggestion with a great deal of regret, as I fear I influenced the gentleman from Illinois [Mr. HOPKINS], who was making a strong attack upon the amendment, to withdraw his opposition. As the matter has not yet been finally disposed of, I submit it to the House for such action as it may deem proper.

Mr. MERCER. Mr. Speaker, I desire to say in that regard that I have received a letter from the governor of Nebraska, and doubtless my colleague has received a similar letter, in which a copy of the communication addressed to the Secretary of State

shows that the Dawsons were negligent in the prosecution for the assault, if the McCartys were to blame in the matter; and from the information I have received from the governor I am inclined to the opinion that had we had that information at the time the matter was under consideration the item of \$2,800 would have been stricken out of the appropriation bill, and I regret very much that the information has come too late. The only recourse, I judge, would be in the Senate.

Mr. HAINER of Nebraska. Allow me to say, in reference to the remarks of my colleague, that I have received no communication whatever from the governor. The appropriation was not \$2,800; it was only \$1,800. The recommendation or want of recommendation on the part of the governor of Nebraska entirely apart, I still insist the appropriation was wisely and properly made.

Mr. BARTLETT of New York. I should like the gentleman from Nebraska to state briefly the circumstances. What was the appropriation made for?

Mr. HAINER of Nebraska. The appropriation was \$1,800, and was made to reimburse these persons for an assault made upon them, including damage to and destruction of their property.

Mr. KEM. Mr. Speaker, I ask for order. We can not hear what is going on.

The SPEAKER. The gentleman asks for order. The Chair thinks he is entitled to have it, and hopes he may get it. Gentlemen in the aisles will please take their seats and cease conversation.

Mr. HAINER of Nebraska. On page 4168 of the RECORD, under date of April 20, will be found by the gentleman from New York a statement of the facts, which are substantially correct. No question is made on that statement of the facts connected with the assault by the governor or anyone else. In my remarks at that time I called attention to the fact that the Dawsons failed to prosecute the McCartys for the assault which had been made upon them. As to the reasons for their failure to make the prosecution I have nothing to say now, and had nothing to say at that time. I simply suggested other considerations as reasons for the allowance of the claim. It seemed to me, while it was a case of conflicting evidence, yet the assault being conceded, its character conceded as unjustifiable and the circumstances disgraceful, and where, as here, it was strongly insisted by the British Government that the compensation should be made—where a settlement could be made on such easy terms—it seemed to me we were doing the right and sensible thing in making this small appropriation. I adhere to that opinion; but in justice to the State authorities, I improve the first opportunity to say that on a re-examination I find they simply submitted a statement relating to the case, and made no specific recommendation respecting the allowance or disallowance of any claim for damages.

Mr. BARTLETT of New York. I desire to ask the gentleman why the State authorities of Nebraska opposed the allowance of the claim?

Mr. HAINER of Nebraska. I do not know whether they are opposed or not. The letter which my colleague reports to have received from the governor leaves me much in doubt as to what he does think wise and proper. I construe it as conceding the case to the Dawsons, but suggesting that no large allowance be made. My only purpose, however, is to set myself straight in the matter, giving to the House the information upon which it may, if so advised, recall its action respecting the item.

Mr. BARTLETT of New York. I understand the gentleman to indicate that the governor of the State had opposed the payment.

Mr. HAINER of Nebraska. I make no further statement as to that. My colleague has a letter to which my attention had never been called until a few moments ago. The letter speaks for itself. I hope my colleague will make the letter a part of his remarks. It will then go into the RECORD, and members will have the data on which they may, if they so desire, revise or vacate their former action.

[Mr. MERCER addressed the House. See Appendix.]

Mr. MERCER. Mr. Speaker, I ask to have this letter, which is a copy of one addressed by the governor of Nebraska, Silas A. Holcomb, to Secretary of State Olney, inserted in the RECORD, as a statement of the governor's opinion in relation to this case.

Mr. BARTLETT of New York. I think we had better know something about it now, while we are discussing the bill.

Mr. MERCER. If the gentleman desires, I will ask to have the letter read now. It is not long.

Mr. BARTLETT of New York. I should like to hear it read. There being no objection, the letter was read as follows:

APRIL 23, 1896.

SIR: Referring further to the claim for indemnity by one Frederick B. Dawson, a British subject, and his family, for an alleged assault made by one Victor McCarthy and others in Sarpy County, Nebr., July 31, 1894, and the suggestions submitted by you in your communication of December 11, 1896, as to the advisability of criminally prosecuting the alleged assailants in the courts of this State, I have the honor to submit herewith for your considera-

tion a report made to me by the county attorney of Sarpy County, the county in which the alleged offense was committed, together with the affidavits of certain citizens submitted to me at the same time, throwing some additional light upon this controversy.

I beg to submit, in addition to what is said by the county attorney in this communication, that after a consultation between the deputy attorney-general and the county attorney and myself respecting the advisability of prosecuting the alleged assailants in Sarpy County, I reached the conclusion that, owing to the present situation of all the parties connected with this transaction, it would be very difficult and with no reasonable hope of success to prosecute any of these parties at this time. I am of the opinion that this condition is largely the result of the action of the Dawsons, who claim to be the injured party. I feel warranted in saying that the courts of Sarpy County were accessible to them at the time the transaction occurred, and it was through their own action and a seeming reluctance to interest themselves in securing the arrest and punishment of these offenders that the matter has been allowed to lie dormant until the conditions are such that a criminal prosecution can not be had with any reasonable hope of conviction.

It is undoubtedly true that the McCartys were disposed to be lawless and had frequently violated the law in different respects, and that their acts were severely condemned by all classes of citizens, and the people generally would have looked with great favor upon a prosecution in this or any other case where the evidence was obtainable, with the desire of having them brought to justice for any violation of the law.

It can not, in my judgment, be assumed, upon any reasonable hypothesis, that either the courts or the citizens generally were opposed to the prosecution of these men. On the other hand, I am quite confident that the prosecution for this as well as other violations of law of which they had been guilty would have been looked upon with great favor, but by the actions of the Dawsons in seemingly condoning this offense and neglecting to take any steps looking to their prosecution the impression became prevalent that the transaction was trivial in its character and the result of a drunken brawl.

Victor McCarthy, the principal offender—and the only one against whom it seems at all probable a conviction could be had—has since been convicted of a much more serious offense and sentenced to the penitentiary for a period of fifteen years, but has escaped from the officers of the law and is a fugitive from justice. The whereabouts of two of the other parties is unknown. The prosecuting attorney of the county is firmly of the opinion that a conviction could not be secured as against the fourth one, whose participation he looks upon as being more that of a person trying to settle the disturbance than an act of participation therein.

The injured parties in this transaction not only had the remedy for their wrongs by prosecuting their assailants in the courts of the county where the transaction occurred, but they also had the right to bring a civil action against them for damages sustained and recover for any injury, damage, or loss suffered by them by this transaction.

While I am of the opinion, from the evidence submitted, that the assault was unprovoked and that the parties should have and could have been successfully prosecuted at the time, and that a civil action would lie for whatever damage there was, I am inclined to the view that at this time, and because of the subsequent actions of the injured parties, a prosecution of this character would serve no good purpose. The injury resulting from the assault has, in my judgment, been greatly magnified, and the claims for indemnity presented are so unreasonably high as to throw discredit upon the merits of the entire claim. At most, in my judgment, it was only a case of aggravated assault, with little, if any, permanent personal injury resulting therefrom.

While I do not wish to be understood as saying there is no merit in the contention of the claimants in this matter, I am clearly of the opinion that there has been a studied effort made to greatly magnify the injury done, and that the claims made are deserving of a most thorough and critical scrutiny, and that, if any, only a very moderate sum should be allowed, which will adequately compensate these parties for the personal injury or loss of property sustained by them on this occasion.

I am, sir, very truly, yours,

SILAS A. HOLCOMB, Governor.

HON. RICHARD OLNEY,
Secretary of State, Washington, D. C.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments a bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

- A bill (S. 1656) for the relief of Stout, Hall & Bangs;
- A bill (S. 1929) for the relief of William H. Crook;
- A bill (S. 2594) granting an increase of pension to William A. Beckford;
- A bill (S. 2928) in relation to an extension of the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company;
- A bill (S. 2324) to relieve John McCarthy from the charge of desertion;
- A bill (S. 1082) for the relief of Irwin Tucker, postmaster at Newport News, Va.; and
- A bill (S. 229) for the relief of Robert McGee.

WILLIAM B. ELLIS.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2259) for the relief of William B. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to so amend the military record of William B. Ellis, late captain of Company I, Seventy-ninth Indiana Volunteer Infantry, as to show him honorably discharged such service upon resignation on the 16th day of July, 1893, and that the said William B. Ellis be granted an honorable discharge as of such date.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right to object, and ask for an explanation of the bill.

Mr. OVERSTREET. Mr. Speaker, this is a measure a little out of the ordinary. This relief is not sought primarily by the party himself, but at the earnest solicitation of the living officers of the regiment in which he served as captain. An error was evidently made in the original charge which was preferred against this officer. He had resigned pending a charge which was to have been inquired into by a court-martial. Upon the indorsement of the resignation, under the acceptance, the colonel of the regiment had recorded that this officer's resignation was accepted for the good of the service and because he was a worthless officer, and it is to remove that stigma that this bill is introduced. The colonel himself, who is still living, has signed a petition addressed to Congress, joining with all the other living officers of the regiment, praying for the passage of this bill. In his statement, which is verified, the colonel says that Ellis was a courteous, efficient, and brave officer, but that he fell under influences that led him into dissipation for a time. He says that the circumstances surrounding the offense were quite aggravating, and that he made an indorsement upon the application, feeling at the time that it was deserved, but that this man was not to blame; that another officer, who was worthless, was the one who should have been held responsible. He says he has known Captain Ellis as a citizen and that his deportment has always been without reproach. He says that at the time he got into trouble the controlling influences were those of this associate officer, and that he thinks Captain Ellis has suffered intense mortification because of the unfortunate circumstances connected with his discharge from the Army. Then the colonel says:

I feel it is due to him and to myself, and I respectfully urge upon your honorable body that the record in the case of this officer be changed to an honorable discharge.

He is supported in this request by all the surviving officers of the regiment. It will be seen that the case is a little out of the ordinary, and this bill is intended simply to remove a stain which the colonel himself feels was inadvertently put upon Captain Ellis.

Mr. BARTLETT of New York. Will the gentleman accept an amendment providing that no pension shall be claimed by this man?

Mr. OVERSTREET. I should have no objection to that; but it is an unusual proposition. I have never known such an amendment to be offered in a case like this.

Mr. BARTLETT of New York. I shall object unless you accept that amendment.

Mr. OVERSTREET. I trust my friend will not insist upon it.

Mr. BARTLETT of New York. I must insist upon the amendment. If the gentleman accepts that I have no objection to his bill.

Mr. OVERSTREET. I will say to the gentleman from New York that, in reply to inquiry which I made directly of this officer, he stated to me that he had no thought of making any such application. It would look very much like a bargain, and that is why I object.

Mr. BARTLETT of New York. Mr. Speaker, I make no bargain. If the gentleman accepts my amendment I will not object to his bill, otherwise I must object.

Mr. OVERSTREET. Do you insist upon objecting unless that amendment is accepted?

Mr. BARTLETT of New York. I do.

Mr. OVERSTREET. Well, Mr. Speaker, I will accept the amendment.

Mr. BARTLETT of New York. I move to amend the amendment recommended by the committee by inserting in line 10, after the word "bounty," the word "pension."

The SPEAKER. The Chair understands the gentleman from Indiana [Mr. OVERSTREET] to consent that that is to be considered as a part of the proposition before the House. The question is on agreeing to the committee amendment as amended.

The amendment as amended was read, as follows:

Add, after the word "date," the following: "Provided, That no pay, bounty, pension, or other allowances shall become due or payable by reason of the passage of this act."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL NEW HAVEN BANK.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 1365. It is in relation to a certificate which has been issued by the Navy Department, which certificate is now in one of the banks of New Haven awaiting payment. There never has been sufficient money to pay the certificate, and the purpose of this bill is to authorize its payment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay the National New Haven Bank of the State of Connecticut the sum of \$3,519.15 out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SPERRY. This bill was reported to the House by the gentleman from Tennessee [Mr. Cox]. I ask the Clerk to read in connection with the bill the letter of the Auditor of the Treasury for the Navy Department which I send to the desk.

The letter was read, as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE NAVY DEPARTMENT.
Washington, D. C., April 14, 1896.

SIR: In reply to your verbal inquiry in the matter of claim of the National Bank of New Haven for the amount of an approved voucher uttered February 28, 1877, by the Bureau of Construction and Repair of the Navy Department, in favor of John W. Griffiths, amounting to \$3,519.15, I have the honor to state that in an examination of the records I do not find that payment of the above sum was made by settlement in this office.

Respectfully, yours,

E. N. BOWMAN, Acting Auditor.

Hon. N. D. SPERRY, M. C.,
House of Representatives.

Mr. SPERRY. Now, Mr. Speaker, I ask to have read a letter from the Assistant Secretary of the Navy.

The letter was read, as follows:

NAVY DEPARTMENT, Washington, April 16, 1896.

SIR: Referring to your personal inquiry at the Department this morning concerning the status of the claim of the National New Haven Bank of Connecticut, on account of money due J. W. Griffiths for extra work on the U. S. S. *Enterprise* in the sum of \$3,519.15, I have the honor to inform you that the reason why said claim was not paid when demand was made therefor by said bank is that there was no appropriation available from which the amount thereof could be taken, and that although the claim is considered to be just, there is no appropriation from which it can now be paid.

For your further information in this connection, I inclose herewith a copy of a letter addressed to Hon. W. M. STEWART, Senate Committee on Claims, by the Department, under date of March 15, 1892.

Very respectfully,

W. MCADOO, Acting Secretary.

Hon. N. D. SPERRY,
House of Representatives.

Mr. SPERRY. Now, I should like to have the gentleman from Tennessee who reported the bill to the House make a statement concerning it.

Mr. COX. Has the report been read, Mr. Speaker? If not, I should like to have it read.

The report (by Mr. Cox) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 1365) for the relief of National New Haven Bank, submit the following report:

This bill is the same as H. R. 1903, now pending in the House and previously reported by this committee with a favorable recommendation.

Your committee therefore recommend that this bill be substituted for said House bill, and that said House bill lie on the table.

Mr. COX. I think the bill is perfectly correct and ought to pass.

Mr. BARTLETT of New York. Mr. Speaker, the gentleman from Connecticut [Mr. SPERRY] called upon the gentleman from Tennessee to explain this bill. The gentleman says he is satisfied with the bill, but that does not tell the House anything about it. I should like to hear an explanation.

Mr. COX. My attention was drawn to another matter and I supposed that the gentleman in charge of the bill had explained it.

Mr. SPERRY. Mr. Speaker, the explanation of the bill is this: A few years ago when the sloop *Enterprise* was built there was an adjustment of the account made by the Navy Department. After that adjustment a certificate was issued in triplicate by the Navy Department to Mr. Griffiths in final settlement of his claim. That settlement amounted to \$3,519.15. A certificate was given for that sum, but when the certificate was presented at the proper Bureau for payment it was found that there was not sufficient money to meet it. The holder of the certificate then took it to one of the banks and made a note and lodged the certificate with the bank as collateral security. When the note became due it was not paid, and the bank has been carrying the certificate ever since. This bill has passed the Senate once or twice, but has failed to come up in the House, and now, inasmuch as that certificate, which has the indorsement of the Secretary of the Navy and of the Auditor of the Treasury Department for the Navy, is still unpaid, I ask that it may be met by the passage of this bill. That is all there is of this case. It is a plain, simple proposition, to meet an undisputed Government indebtedness.

Mr. DINGLEY. I did not hear the letters read, owing to the confusion in the Hall, but, as I understand, the letter of the Treasury official states that this amount is due to the owner of the certificate.

Mr. SPERRY. Yes.

Mr. DINGLEY. And this New Haven bank holds the certificate as collateral on a loan?

Mr. SPERRY. Yes, sir.

Mr. LOUD. Mr. Speaker, until the bill shall be put in such shape as to show what this money is to be paid for, I shall have to object. I will never allow a bill to go through this House, if I

can prevent it, directing the Secretary of the Treasury to pay an amount of money to a given party without specifying the object for which the money is to be paid.

Mr. SPERRY. It does specify.

Mr. LOUD. No. It simply directs the Secretary of the Treasury to pay so much money.

Mr. SPERRY. I think it specifies.

Mr. LOUD. Let us have the bill read again.

The bill was again read.

Mr. LOUD. Now, Mr. Speaker, until the bill is amended as I have indicated, I must object.

Mr. SPERRY. I have no objection to the bill being amended so as to show what the money is to be paid for.

The SPEAKER. The gentleman will have to present his amendment.

Mr. COX. Mr. Speaker, does not the report show the number of the certificate which the bank holds? The bill ought to be amended, I think, so as to show that the money is to be paid on that certificate.

The SPEAKER. Does the gentleman from Connecticut desire to amend his bill? The gentleman from California [Mr. LOUD] objects unless an amendment is made.

Mr. COX. Mr. Speaker, the number of that certificate is in the papers, and it probably ought to be inserted in the bill. I now ask unanimous consent, inasmuch as I know that this claim is absolutely right, that the bill go over until to-morrow morning.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this bill go over until to-morrow after the reading of the Journal. There is already one special order of that sort pending.

Mr. KEM. I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. SPERRY. Mr. Speaker, is it understood that my bill goes over until to-morrow morning?

The SPEAKER. It is not.

Mr. SPERRY. Then I make that motion.

The SPEAKER. That motion is not in order. The regular order is called for by the gentleman from Nebraska.

Mr. SPERRY. I understood that the motion of the gentleman from Tennessee [Mr. COX] was that the bill should go over until to-morrow morning.

The SPEAKER. But the gentleman from Nebraska then called for the regular order.

REGULATION OF MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, on the last District day—

Mr. KEM. Mr. Speaker, I withdraw the call for the regular order.

Mr. MAHON. I renew it.

The SPEAKER. The gentleman from Wisconsin.

Mr. BABCOCK. When the House adjourned two weeks ago to-day, there was pending Senate bill No. 1904, for the regulation of marriages in the District of Columbia, upon which the previous question had been demanded. There being no quorum present on that vote, the House adjourned. I now renew the demand for the previous question on that bill.

The SPEAKER. The Chair thinks that the Senate bill ought to be read again.

Mr. DOCKERY. That is correct.

The Clerk read as follows:

A bill (S. 1904) to regulate marriages in the District of Columbia.

The bill was read at length.

The SPEAKER. The Clerk will also report the amendments recommended by the Committee on the District of Columbia.

The amendments were read at length.

The SPEAKER. There were also other amendments presented by the gentleman from Ohio [Mr. HULICK].

Mr. BABCOCK. I understood the amendments were cut off by the demand for the previous question. I do not understand that there were any pending amendments except the committee amendments.

The SPEAKER. The Chair thinks that they are pending.

Mr. PICKLER. Will the gentleman yield to me for a moment?

Mr. BABCOCK. Certainly; I yield to the gentleman for a moment.

Mr. PICKLER. How much time does the gentleman desire during the day for the District business?

Mr. BABCOCK. In answer to the gentleman, I will say that it will take but a very short time unless there shall be unnecessary discussion. This bill has been thoroughly discussed already. The previous question has been demanded, and it can be disposed of in five minutes, I think.

Mr. PICKLER. I understood the gentleman to say a short time ago in conversation that an hour or an hour and a half, he thought, would be sufficient.

Mr. BABCOCK. I do not think we can occupy that much time.

Mr. PICKLER. I do not want to antagonize the District, but

I think we have the right of way with the pension bill, and if at the expiration of two hours the business is not disposed of I shall feel compelled to ask the House to proceed with the consideration of that bill under the five-minute rule.

The SPEAKER. The gentleman gives notice.

Mr. MAHON. Does this committee not have the right of way for the further consideration of the pension bill without the vote of the House even?

The SPEAKER. The District of Columbia has the right of way to-day.

Mr. MAHON. Without a vote of the House?

The SPEAKER. Without a vote of the House.

Mr. GROSVENOR. But the House can vote down that right of way, if it so desires.

Mr. PICKLER. I give notice that I will ask the House to consider the pension bill after two hours, unless the Committee on the District of Columbia sooner disposes of this business.

The SPEAKER. The amendments proposed by the gentleman from Ohio [Mr. HULICK] will be read.

The amendments were read at length.

Mr. BABCOCK. Those are not committee amendments. The committee considered and refused to adopt them, and they ought to be defeated.

The previous question was ordered, under the operation of which the amendments reported from the committee were adopted.

Mr. WALSH. Mr. Speaker, I rise to a parliamentary inquiry, Is a motion to recommit now in order?

The SPEAKER. The Chair thinks not until after the bill has passed to its engrossment and third reading.

The question recurred on the amendments proposed by Mr. HULICK.

The amendments were rejected.

The bill was ordered to a third reading, and was read the third time.

Mr. BARTLETT of New York. Will a motion to recommit be in order now?

The SPEAKER. The gentleman from New York [Mr. WALSH] has indicated an intention of making that motion. The motion is now in order.

Mr. WALSH. I move to recommit this bill to the Committee on the District of Columbia. May I make a statement at this time?

The SPEAKER. It would not be in order.

Mr. WALSH. The matter is not now debatable?

The SPEAKER. It is not debatable, the previous question having been ordered.

The question being taken on the motion to recommit, there were (on a division demanded by Mr. WALSH)—ayes 5, noes 46.

So the motion was rejected.

The bill was passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

BANKRUPTCY.

Mr. HENDERSON. Mr. Speaker, I desire to say to the House that to-morrow, after the action upon the pension bill, I shall ask the authority of the House to bring up the general bankruptcy bill. Many gentlemen have asked the question, and I desire to give notice of that now.

CAPITAL RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, be, and the same is hereby, amended by striking out in the first section all after the words "for a common seal," to the end of the section, and inserting the following: "Said corporation is hereby authorized to construct and lay down and complete a single or double track street railway in the District of Columbia, and run cars thereon for carrying passengers by and along the following route: Beginning at a point on the District line near the Potomac River southeast of Shepherds Ferry, thence by such route as shall be approved by the Commissioners of the District of Columbia to the south side of the Eastern Branch or Anacostia River at the Navy-Yard Bridge; thence across said bridge to Eleventh street east; thence north on Eleventh street east to M street south; thence west on M street to a point to be located by the District Commissioners near Eighth street east, connecting with the lines of the Capital Traction Company, and returning over the same route to the point of beginning. Also, beginning at the eastern end of the Navy-Yard Bridge, easterly along Monroe and Harrison streets and Good Hope road, and from Good Hope road to the District line, over such route as the District Commissioners shall approve, and returning over the same route to the point of beginning: *Provided, That within the city of Washington a double-track railway shall be constructed.*

Sec. 2. That the motive power to be used on the lines in this act specified shall be the underground electric system within the city of Washington and the overhead trolley system outside the city of Washington. For crossing the Navy-Yard Bridge the said company may, in the discretion of the Commissioners of the District of Columbia, use either horse power or the underground electric system to propel its cars; and the said company shall have the privilege of carrying an electric current across the said Navy-Yard Bridge in such manner as the said Commissioners of the District of Columbia shall prescribe.

Sec. 3. That the Capital Railway Company and the Capital Traction Company are hereby required to issue free transfers at the point of intersection

of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both.

SEC. 4. That the portion of the company's route from Congress or Pencote Heights to Shepherds Landing shall be completed within four years from the date of the passage of this act.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this act.

Mr. BABCOCK. Mr. Speaker, there are certain committee amendments.

The Clerk read from the report of the Committee on the District of Columbia, as follows:

The committee think the Senate bill should be amended as follows:

After the word "Company," in line 21, section 1, page 2, of the bill, add the words "also continuing from said Eleventh and M streets, north of Eleventh street to the south building line of A street south."

The object of this amendment is to make the lines of the company connect with the Metropolitan Railway Company.

A further amendment should be made to the Senate bill as follows:

At the end of section 1 add the following words: "Provided, That the line of said railway company shall be commenced within three months and completed within two years from date of the passage of this act, with the exception mentioned in section 4 of this bill."

And a further amendment as follows:

"After the word 'Company,' in line 1, section 3, on page 3, add the words 'the Metropolitan Railroad Company.'"

The SPEAKER. The question is on agreeing to the amendments.

Mr. HEPBURN. Mr. Speaker—

Mr. RICHARDSON. Mr. Speaker, I want to make a statement about this bill. I will yield to the gentleman from Iowa then.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is recognized.

Mr. RICHARDSON. Mr. Speaker, this bill is designed to be an amendment to a charter which was granted to this railroad company by the Fifty-third Congress. The line will run about as follows: Beginning at Congress Heights, beyond the Eastern Branch, beyond the village of Anacostia, it then comes down through the village of Anacostia and crosses the Anacostia Bridge, comes up to the navy-yard, and there connects with the line of the Capital Traction Company—that is, the Washington and Georgetown Railroad Company. Then from Eleventh street, one or two blocks beyond the navy-yard, there is a branch to run up to Lincoln Park and there connect with the line of the Metropolitan Railroad Company.

The bill provides that there shall be a free transfer with both these roads at those points.

Now, Mr. Speaker, the line goes beyond Congress Heights to what is called Shepherds Landing, which is some 3 or 4 miles beyond the asylum, or beyond Congress Heights, which are just beyond the asylum, as I understand their location. It is also intended that from near Congress Heights a branch shall run up in the neighborhood of what is known as Overlook Inn. I presume some gentlemen, or all, know where that point is.

There is a great demand, Mr. Speaker, for this road, if we take the testimony of the citizens of Anacostia, who are now almost without railroad facilities and accommodations.

Mr. WILLIAM A. STONE. I desire to ask if this discretion which is vested in the Commissioners, on page 2, line 14—

Thence by such route as shall be approved by the Commissioners of the District of Columbia to the south side of the Eastern Branch or Anacostia River at the Navy-Yard Bridge—

relates to any portion of the line which is in the city proper?

Mr. RICHARDSON. None of it at all. It is outside of the city, as I understand it.

Mr. WILLIAM A. STONE. I will ask the same question with reference to the discretion lodged in the Commissioners, on page 2, in lines 24, 25, 26, 27, and 28:

Also beginning at the eastern end of the Navy-Yard Bridge, easterly along Monroe and Harrison streets and Good Hope road, and from Good Hope road to the District line, over such route as the District Commissioners shall approve, and returning over the same route to the point of beginning.

Is any portion of that route in the city?

Mr. RICHARDSON. No; that is all away beyond the Eastern Branch.

Mr. WILLIAM A. STONE. And the portions of the line that extend within the city are limited?

Mr. RICHARDSON. Yes.

Mr. WILLIAM A. STONE. And no discretion is given to the Commissioners as to that part?

Mr. RICHARDSON. None at all. The object is, as I was about to remark, to afford accommodations for the thriving village of Anacostia, which now contains five or six thousand people, who are almost without street-railroad facilities. My attention has also been called to the fact that there is a large settlement beyond Anacostia, known as Congress Heights, and there are some other villages beyond, which are utterly without railroad facilities. Also the Government lunatic asylum, St. Elizabeth's, on the edge of Anacostia, beyond the river, is without railroad facilities. I have been informed that there are twenty-six or twenty-seven hundred inmates, including patients and attendants.

Mr. WILLIAM A. STONE. Is this road all on the east side of the Capitol—in the eastern side of the city?

Mr. RICHARDSON. Yes. I will state that these people at the

lunatic asylum have no railroad facilities into town. The little Anacostia road stops at the foot of the hill, something like a quarter of a mile or more this side of the asylum, so that there is no accommodation whatever to the people there and to the persons who have to visit that institution. The object is to afford more rapid transit to that neighborhood and to accommodate the people in that locality. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] asked me about the limits in this city. The terminus in this city will be the navy-yard, in one case, and Lincoln Park, on Eleventh street, in the other, so that the road does not come into the populous part of the city. But it is provided that where that road connects with the Washington and Georgetown, or the Capital Traction Company, as it is now called, and the Metropolitan road, at the navy-yard and at Lincoln Park, there shall be free transfers with both roads, so that passengers desiring to come in from Anacostia and to go thence may have the benefit of one fare only.

Now, I believe that is all. The road is demanded, Mr. Speaker, by hundreds of people. The room of the Committee on the District of Columbia has been flooded time and time again by people who came in person, and a large number sent petitions urging this accommodation. It is a Senate bill, which has already passed the Senate, and we simply amend it with the small amendments to which I have called attention.

Mr. HEPBURN. Mr. Speaker, the gentleman from Tennessee has omitted to say that which perhaps he might have said, that there is no Capital Railway Company having an existing charter now. It is attempted by an amendment to revive a forfeited charter.

Mr. RICHARDSON. No; the gentleman is mistaken in that.

Mr. HEPBURN. If the gentleman will refer to the act of March 2, 1895, which was an act to incorporate the Capital Railway Company, he will find that there are two conditions of forfeiture in that bill. One requires that the road shall be begun within one year. That year expired on the 2d day of last March. The other requires that there shall be a report made to Congress containing the various matters referred to in that section. Inquiry shows that up to this time, although that report was due on the 1st day of February last, no such report has been made; and the provision of the section declares a failure to be a forfeiture of the charter. So that it is safe to say that, without a legislative recognition of the present existence of this charter, it has no existence.

Now, I am not disposed to oppose the general purpose of this bill. I believe that that portion of the District named by the gentleman from Tennessee [Mr. RICHARDSON] ought to be accommodated; but there ought to be some guaranty, Mr. Speaker, that when we authorize this company to act as a corporation it will do something. They were required to begin their work within a year, and to complete it within two years. Now, I am perfectly willing, if it is amended, to allow it to pass, but they ought to be required to begin their work at once and to complete their work in the District within a year.

Mr. RICHARDSON. Will the gentleman yield to me for a moment? If he will notice, the House has provided an amendment to the Senate bill which requires them to begin work in three months.

Mr. HEPBURN. Yes, sir; and to complete it within two years?

Mr. RICHARDSON. Yes. They have two years now.

Mr. HEPBURN. They have not a minute. They have no charter, and without the passage of this act the gentleman knows they can not now move a wheel or put a spade in the ground.

Mr. RICHARDSON. The gentleman will pardon me a moment. They had three years in which to complete it, and that is what I meant by saying that they still have two years more.

Mr. HEPBURN. But they have no right to complete it unless they began within a year.

Mr. RICHARDSON. I do not know how much work they have done.

Mr. HEPBURN. Their charter is forfeited on both the grounds, as I claim.

Mr. RICHARDSON. I would suggest to the gentleman that, however that may be, technically considered, the great demand for the road ought to influence this House to grant them the charter.

Mr. HEPBURN. I am not going to combat that if the gentleman will submit to proper amendments.

Mr. RICHARDSON. What amendments does the gentleman suggest?

Mr. HEPBURN. I suggest two amendments. The first one is that the road, after reaching Eighth street, by way of M, should continue on Eighth street to East Capitol street. That gives connection with both roads, and does away with the necessity of it on Eleventh street.

Mr. RICHARDSON. You want it to run on Eighth street?

Mr. HEPBURN. Let it continue on Eighth street.

Mr. RICHARDSON. Instead of Eleventh?

Mr. HEPBURN. Instead of Eleventh.

Mr. RICHARDSON. Well?

Mr. HEPBURN. I am not as solicitous about that as I am about the time of completion. The experience of this committee as to the building of roads in this city shows that it is entirely practicable within six months instead of a year or two years; and if they are in good faith I think they will accept this amendment as to the time. The other I am not at all particular about.

Mr. RICHARDSON. One moment there. I think the traction company is on Eighth street, and they can not run two sets of tracks on that street.

Mr. HEPBURN. It is on Eighth street to Pennsylvania avenue.

Mr. RICHARDSON. They can not occupy the same street.

Mr. HEPBURN. Their charter provides for the use of the tracks of roads with which their line coincides.

Mr. RICHARDSON. The Capital Traction Company or the Washington and Georgetown road have their lines there.

Now, then, as to the other amendment, I want to say that, while I do not know myself, I am informed by a note which I have just received that work has begun on the road. They have been at work on the road. I do not know how much they have done. I want to say this in justice to the gentleman—

Mr. HEPBURN. Well, the gentleman knows very well that nothing practically has been done. They may have attempted in some surreptitious way to hold their charter, but they have not made the report they are required to make. A provision in the bill declares that a failure to make that report works a forfeiture, and that report has not been made.

Mr. RICHARDSON. I am informed by the gentleman from Mississippi [Mr. CATCHINGS] that they have made a report and that a deposit has been made.

Mr. HEPBURN. I got it from the Clerk only a moment ago. I made the inquiry whether that report to Congress had been made.

Mr. RICHARDSON. Well, the gentleman from Mississippi sitting near me has that information, but I do not know that it is reliable.

Mr. HEPBURN. Now, I am not going to be tenacious about this, if the gentleman will accept an amendment requiring the completion of the work in one year. I know, and the gentleman knows, that if the company are in good faith they can do it in that time.

Mr. RICHARDSON. I understand the gentleman's proposition to be that they be required to complete it in one year instead of in two years, as proposed by the committee?

Mr. HEPBURN. Yes.

Mr. RICHARDSON. Well, I do not object to that, because I have never known Congress to forfeit a charter where the company went to work in earnest, thus giving evidence of its intention in good faith to complete its road.

Mr. HEPBURN. I think Congress has shown that in the case of the Metropolitan Company. Congress began seven years ago to force them to do what they have not yet completed.

Mr. RICHARDSON. Their time has not yet expired. I do not object to the gentleman's amendment, Mr. Speaker.

Mr. HEPBURN. In the amendment recommended by the committee, in section 1, line 32, I move to strike out "two," before "years," and to insert "one;" and also to strike out the letter "s" in the word "years."

The amendment was agreed to.

Mr. HEPBURN. Now, in section 4 there is a limitation of four years. Certainly the gentleman does not want to give any railway company four years in which to complete its road. In view of the existing demand for rapid transit, I think the limitation ought to be made two years.

Mr. RICHARDSON. I do not know that I shall object to that amendment, but I want to say to the gentleman that that part of the line begins at Congress or Penquite Heights, which is something like a mile beyond Anacostia, and from that point on to the river at Shepherds Landing the route, as I understand, runs through the woods, or at least through an entirely unimproved region, so that there is no demand for the early completion of that part of the road.

Mr. HEPBURN. Well, suppose we strike out that section.

Mr. RICHARDSON. But the company desire the right to build that line. Shepherds Landing is an objective point on the river which they desire to reach, and which I think ought to be reached.

Mr. HEPBURN. Then, Mr. Speaker, in section 4, line 3, I move to strike out the word "four," before "years," and insert "two."

The amendment was agreed to.

The amendments recommended by the committee as amended were adopted.

The SPEAKER pro tempore. The attention of the Chair is called to the fact that in line 16, page 2, of the engrossed bill, the word "the" is repeated.

Mr. RICHARDSON. I ask unanimous consent that one "the" be stricken out.

There was no objection.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the bill was passed, and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. BABCOCK. Mr. Speaker, I believe the Committee on the District of Columbia has no further business to bring before the House to-day.

REFERENCE OF A BILL.

Mr. EVANS. Mr. Speaker, I am instructed by the Committee on Ways and Means to ask that the bill H. R. 6659 be referred back to the committee.

There was no objection, and it was so ordered.

COL. PHILLIP KIRSCHNER.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk. It will take but a few minutes.

The SPEAKER pro tempore. If the gentleman from South Dakota [Mr. PICKLER] does not wish to be recognized, the Chair will recognize the gentleman from Michigan.

Mr. PICKLER (to Mr. CORLISS). Is this a private bill?

Mr. CORLISS. It is, but not one that ought to be considered at a Friday night session.

Mr. PICKLER. I will withhold the demand for the regular order for a few minutes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to reimburse and pay to Col. Phillip Kirschner the sum of \$388.52, with interest thereon from August 6, 1866, for money paid by him as a commissioned officer in the Army for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers during the war, on proper proof of the payment of the said sum by said Kirschner duly submitted to and approved by the auditing or accounting officer of the Treasury, which sum is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated.

An amendment recommended by the committee was read, as follows:

Strike out lines 5 and 6, and the words "and sixty-six," in line 7, and substitute therefor "\$387.52." Strike out the letter "c" in "Kirschner."

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right to object, and ask for an explanation.

Mr. CORLISS. It will appear from the report in this case, which was made by unanimous consent, that under the proclamation by the President in April, 1861, commissioned officers were authorized to engage bands for the Army, and this commissioned officer engaged a band for the three months' service, in connection with other officers, and made a contract for that period. The band served during the three months. This commissioned officer remained in the service, but the band were mustered out. They did not, however, receive from the Government the full contract price.

Several years afterwards Colonel Kirschner was compelled to pay his part of the balance. There was an act of Congress passed at the time authorizing the engagement of bands by commissioned officers and another act directing the Treasury Department to pay the amount contracted for. That act was afterwards repealed and the engagement of the bands was authorized to be made in the regular way. This transaction occurred early in the war, in April, 1861. This commissioned officer served through the war and from a gunshot wound lost his sight. Three years after he was mustered out a judgment was claimed against him for this money by another commissioned officer who had been compelled to pay it under a judgment. Colonel Kirschner was compelled to pay his portion. At that time he was able to pay it, but later he became blind, and now he is blind and penniless except for the pension that he receives, and in his helpless condition, at 75 years of age, he asks to be repaid the money which he was compelled to pay for this purpose by the judgment of a court.

Mr. PICKLER. Mr. Speaker, I think I will be compelled to demand the regular order.

Mr. CORLISS. This bill ought to pass.

Mr. PICKLER. This bill will evidently consume considerable time—

Mr. CORLISS. I think not. There is no possible question about the bill.

The SPEAKER. The gentleman from South Dakota demands the regular order, which is equivalent to an objection.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the further consideration of the pension bill.

Mr. HENDERSON. Pending that, I wish to submit a privileged report from the Committee on Rules.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Rules, having had under consideration Resolution No. 235, report back the accompanying resolution as a substitute, with the recommendation that the substitute be adopted:

Resolved, That on the passage of this resolution the consideration of the bill H. R. 8271, a bill relating to pensions, shall be resumed and considered under the five-minute rule for one hour and a half, when it, with any amendments that may be adopted, shall be reported favorably to the House, the previous question shall be considered as ordered upon the bill and said amendments to the passage of said bill, and on Tuesday, April 28, 1896, immediately after the reading of the Journal, the vote shall be taken on the passage of said bill.

Mr. HENDERSON. I reserve my remarks until I hear from any gentleman who may desire to oppose the resolution. If no one desires to take the floor, I shall ask the previous question on the report.

Mr. CRISP. That will allow debate afterwards.

Mr. MILES. Mr. Speaker, before the question is taken, I desire to submit an inquiry. I was unable to ascertain from the reading of this report exactly what it proposes. I would like to ask whether this rule will render it possible to offer any amendments to the bill?

The SPEAKER. The rule will be read again for the information of the House.

The rule proposed by the Committee on Rules was again reported.

The previous question was ordered.

Mr. CRISP. Does the gentleman desire to say anything about the rule—to make any explanation of it?

Mr. HENDERSON. I will reserve my remarks. I yield a few moments to my friend from Illinois [Mr. CANNON], who wishes to make a statement to the House.

Mr. CANNON. I do not wish to make any remarks upon the proposed rule, but I suppose that about 2 o'clock we will get a report from the Senate on the sundry civil bill. I would be glad when it comes over to have the committee rise, if we go into Committee of the Whole on the pension bill, and let me dispose of the sundry civil bill by sending the amendments of the Senate to conference. I ask this because I am compelled to be absent from the House to-morrow.

Mr. HENDERSON. Does the gentleman think it will involve any debate?

Mr. CANNON. I think not. If it does, however, it would not interfere with the hour and a half set apart by this rule, because under the order that time would be occupied anyhow. I suppose it would be in order to make that arrangement.

Mr. HENDERSON. I have no objection to it.

Mr. BARTLETT of New York. I would like to ask a question before the vote is taken on the proposed resolution. Why not have the vote this afternoon, instead of putting it off until to-morrow?

Mr. HENDERSON. Because there are a number of gentlemen, members of the House, who are compelled to be absent this afternoon and who wish to vote on this question. The vote was put off until to-morrow in order to accommodate them. This is General Grant's birthday, and a number of orators have been compelled to go abroad on this occasion. We are trying to accommodate them.

I reserve my time, Mr. Speaker.

Mr. CRISP. Mr. Speaker, if I can get the attention of the House for a moment, I would be glad that members should understand before they vote on this order exactly what it means.

There are occasions when a right is pretendedly given and yet substantially none is granted. This is one of those occasions. This order is remarkable for appearing to do one thing and, in fact, doing another.

Now, I take it for granted that there are numbers of gentlemen in this House who desire to offer amendments to the pending bill. There may be gentlemen in this House who fancy that upon the adoption of this order their right to offer amendments will be retained. They are mistaken. This order provides for one hour and a half to be devoted to the consideration of the bill under the five-minute rule. That means that amendments are in order. Now, under the rules of the House, when amendments are in order, four amendments may be pending at one time—an amendment to the text, an amendment to that amendment, a substitute, and an amendment to the substitute. When you adopt this order, therefore, all these amendments may be offered and recognized by the Chair as pending amendments. Now, then, you have got one and one-half hours under the five-minute rule for consideration of amendments and for debate. The first amendment probably would be to strike out the first section of the bill, which has been assailed on both sides of the House. An hour and a half is to be used in debate. It is very easy to use all of that time under the five-minute rule in debating the first section, and when the hour and a half expires the committee must rise and report to the House—what? Not the four amendments that are pending in Committee of the Whole, but report to the House only such amendments as have been adopted by the committee.

No amendment has been adopted by the committee, because the

hour and a half was used in debating the first amendment; so that when you get in the House the question is, Shall the bill without amendment pass? That is all there is to it. Every order of this kind that has been drawn heretofore, I think—I can not be positive, but that is my recollection—provided that when the time for consideration expired the committee should rise, report the bill to the House, and the House should vote on pending amendments—amendments that were pending in the committee—so that there might in fact be some right to amend. But if you adopt this order then you practically say that no amendment shall be voted upon by the House.

If there are members here who desire to amend this bill, the choice is presented to them here and now. If you want to amend this bill, you must vote down this order. If you want to pass this bill without amendment, then you vote up this order.

So that the matter may be clearly understood, so that no man can go to his constituents and say, "I voted for this bill because I had no opportunity to offer an amendment; I wanted to amend it, but I could not," I call attention to the fact that if a majority of this House desire to amend the bill the way to do it is to vote down this rule and let the bill be considered in the ordinary course of business. There have been three days devoted to general debate upon the bill. Nearly every gentleman who has spoken has announced his dissatisfaction with the bill and his desire to improve it, and yet you are allowed one hour and a half to consider it under the five-minute rule, to consider it in such a way that practically you must take the bill without amendment. If the majority want to do that, of course they have the power to do it.

I reserve the remainder of my time.

Mr. HENDERSON. I yield to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, this rule seems to be almost a literal copy of the rule presented by the Committee on Rules when the gentleman from Georgia [Mr. CRISP] was Speaker of the House, on the passage of the Wilson tariff bill in the House. The time was a little longer, but as to the principle involved substantially the same.

Mr. CRISP. Will my friend be kind enough to turn to that order, and see if it does not provide for a vote on "pending amendments"?

Mr. DINGLEY. I have not the order before me, but I remember substantially what it was. The gentleman is very well aware that there could have been but one amendment pending.

Mr. CRISP. Four amendments.

Mr. DINGLEY. You can not have several amendments pending at the same time.

Mr. CRISP. Four amendments might be pending.

Mr. DINGLEY. It must be an amendment, or an amendment to the amendment, or a substitute, or an amendment to the substitute. It is practically but one amendment.

Mr. CRISP. Four. The gentleman is not candid about that.

Mr. DINGLEY. Then again, as a matter of fact, the limitation of debate is entirely within the control of the committee on each of these amendments. A motion may be made in the committee, at any moment, to close the debate on a pending amendment or on a pending section. There is no difficulty about that at all.

It seems to me that after we have spent ever since last Tuesday debating this bill, the amendments that have been suggested having been largely amendments of form and not of serious moment, an hour and a half will be sufficient time to consider the bill for amendment and reach a conclusion in this matter. It seems to me that we are now so near the close of this session, if we expect to get legislation in this matter in the Senate, that we ought to complete this bill to-day, and not drag it along further. I hope the rule will be adopted.

Mr. HENDERSON. Mr. Speaker, I want action upon this bill. We have had four and one-half days' general debate upon it. If gentlemen still desire to spend their time in talking, the hour and a half may be lost. For my part, I am willing to have a rule that would bring us to a vote at once upon the bill. I do not disguise that, and I will tell you why. This bill has had careful consideration and reconsideration in the committee appointed by the House for that purpose. It has been fully discussed, and as the gentleman from Maine [Mr. DINGLEY] has stated, nothing of a substantial or original character has been suggested in respect to it in general debate.

But I want another thing. I want a bill to pass this House that will pass through two other Houses, the Senate and the White House, and if the friends of the soldier mean business they ought to sustain the proposition now pending before the House.

We know perfectly well that there are other things that we should like to have in the way of pension legislation. But this bill as it stands carries out the declarations of General Lawler, the late commander in chief of the Grand Army of the Republic, and one of the truest friends of the old soldier. In his report to the

great Louisville gathering he said that the soldiers were not asking for new legislation, but they wanted an honest interpretation and genuine administration of the laws now upon the statute books. The great purpose of the pending bill is to give force and effect to the recommendations of General Lawler, which were seconded in the resolutions of the Grand Army of the Republic, as officially adopted.

Now, I make no disguise about the fact. The purpose of this rule is to bring us to a vote on this bill. If there is any necessary amendment, important amendment, that in the judgment of this House should be put upon the bill, the hour and a half will afford ample time to do it. After the scope the debate has taken, I am sure that any amendment that may be offered will be understood at once, and we can come to a vote at once. But I will say for my own part, while I have many additional thoughts that could be added to the bill, I prefer, for the safety of legislation, to have this go forward at once. Now, it is important in respect to the matter of time. We have an intimation made from the other end of the Capitol that adjournment may be had by the 18th of next month, and we are at the threshold of that month. In my anxiety for this legislation, I was willing that the bankruptcy bill should give way in order that it might be considered in time to secure its passage into law. We have other matters that are pressing on us for consideration—important bills from the Committee on Labor and bills from the Committee on Immigration—and if we want to reach these matters so that the Senate shall have time to attend to them, I think the time for talk has passed and the time for action has arrived. [Applause on the Republican side.] I reserve the balance of my time, Mr. Speaker.

Mr. CRISP. One word, Mr. Speaker. Gentlemen will observe, and my friend from Iowa does not deny it, that the purpose of this resolution is exactly what I have said—to destroy the right of amendment. It is now fifteen minutes to 2 o'clock. You do not propose in this order to have a vote this afternoon. Oh, no! You want a vote on it to-morrow. Why can we not have the three hours and fifteen minutes from now until the usual hour of adjournment for amendments? If there was any real desire to have the right of amendment, why not let this run until 5 o'clock? That would give us three hours and fifteen minutes. But I will tell you the reason why. The reason is, the leaders of this House have decided that this bill must pass, and nothing else.

Now, Mr. Speaker, the Committee on Invalid Pensions devoted days and days, as I am told, to the consideration of a pension bill. They brought in a bill which in their judgment was a proper bill to pass, but they were not allowed to pass it. Those gentlemen who dictate the business of this House, those gentlemen who manage the business of the House, those gentlemen who protect this majority of 150 against itself, got together and made this bill. This bill was not made by the Committee on Invalid Pensions. It was made by the gentlemen who manage the House out in the Speaker's room; and then the Committee on Invalid Pensions was informed, "You take this bill or you take nothing." That, at least, is what we understand on this side. Certainly this is not the bill that the Committee on Invalid Pensions reported. And now, in order to get it through—in order to protect the Republican majority of 150 against itself—the gentlemen who know better what you ought to do than you know yourselves furnish you a rule by which you must either do what they decide or you shall do nothing. If, under these circumstances, you want this rule, you are welcome to it. [Loud applause on the Democratic side.]

Mr. HENDERSON. How much time have I remaining?

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. HENDERSON. I want to say a word in reply to this voice that comes from the solemn Star Chamber of the past [laughter on the Republican side], the Star Chamber from whence rules clad in steel have driven bills through this House that never had opportunity for amendment in the Committee of the Whole. I have made no concealment. The gentleman appeals for an opportunity to perfect this bill. I take it in the interest of the old soldiers, and in the same interest I ask for action here and now. He makes it appear from his remarks, as some other gentlemen have done in the general debate, that this bill does not reflect the views of the Committee on Invalid Pensions. The gentleman says that other gentlemen in this House, whose hearts are touched with the inspiration that gathers around the interests of the old soldiers, have lent their earnest counsel in respect to this bill. I say thus far that is true. There is not a man on this side of the Chamber—and I hope there are several on that, who have felt an interest in the matter—but has given the benefit of his counsel to perfect a bill that could be put upon the statute books. Can the voice of that ancient Star Chamber say as much for his people in the Committees on Rules of which he was a member? [Loud applause on the Republican side.]

I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, as one of that 150 majority in the House, referred to by the gentleman from Georgia [Mr. CRISP] and as a member of the House, I am very heartily in favor of

the adoption of this resolution, and briefly for the following reasons: I was in the Fifty-first Congress and voted for the act of 1890 that was construed by the then Administration. It wrote the names of 400,000 soldiers, their widows and orphans, upon the pension rolls or increased their pensions. The present Administration came in and at one stroke of the pen 20,000 pensioners under the act of 1890 were suspended and the remainder were put in fear—intimidated, as everybody knows, in relation to their just pensions and claims. The last Congress began and expired and gave no relief. The present Administration, touching the act of 1890, unsettled the construction of that law under which these men were pensioned—a construction ratified by three sessions of Congress.

Now, with Cleveland for President, under whose Administration this action was had, the present bill proposes to correct that faulty administration by legislation. Therefore I am for it. This bill goes as far as I believe the Senate and Grover Cleveland will go. I fear, perchance, that it goes further than they will go; and I will not refuse this meed of justice, which will place at rest the three hundred and odd thousand soldiers under the act of 1890 that are on the pension roll. I will not hesitate to go this far because I can not do complete justice. Therefore, as a member of this House, I am for the bill. As it stands it is the best we can do now. Later on, with full power, we will do better.

Mr. HENDERSON. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eleven minutes.

Mr. HENDERSON. I reserve it.

Mr. CRISP. How much time remains on this side, Mr. Speaker?

The SPEAKER. The gentleman from Georgia also has eleven minutes.

Mr. CRISP. I yield five minutes to the gentleman from Iowa, Mr. HEPBURN.

Mr. HEPBURN. Mr. Speaker, I do not believe that this rule ought to be adopted. If there is any question in the world upon which a Republican House can be trusted it is the question of pensions [applause], and I believe the Republican majority here is able to take care of this matter without the interference of the Committee on Rules. I doubt the good faith of some gentlemen with regard to this bill. I do not believe that this rule is in the interest of the old soldier. I believe that there ought to be amendments upon this bill. I believe there ought to be enlargements—perhaps not of the pension roll or of the classes, but I believe there ought to be enlargements made so as to compel construction of the pension statutes in the interest of the old soldier. There is no guaranty that those amendments can be placed upon this bill if there is a limitation as to the time for consideration. There are several amendments which gentlemen desire to offer, amendments that will require more or less discussion in general debate.

We have already occupied three days upon this bill, but without one moment for amendment.

Now, let us have an opportunity to perfect the bill. The bugaboo which gentlemen introduce as to what the Senate will probably do and as to what the President will do ought not to deter us. Let us have such a bill leave this Chamber as will meet the approval of Republicans. [Applause.] That is our duty. Let us have such a bill as coincides with our ideas of the interpretation that should be given to the statutes and our views of what are the old soldiers' rights in the premises. If there are other people who can thwart that legislation, let the responsibility rest where it ought to rest. Let us not assume that responsibility because it is feared that those other people may thwart our legislation. I do not want to be a participant, either with the Executive or with the Senate, in legislation hostile to the old soldier or in refusing him that legislation which he ought to have, and I am a participant when, guided or influenced by unfounded fears or by real fears, I refuse to do the whole measure of my duty. A gentleman has said that our action should comport with the opinion of a distinguished citizen of the United States who said upon an occasion that no further pension legislation was necessary.

Mr. Speaker, when did it become necessary that the House of Representatives should abdicate its powers, or that the Republican majority here should abdicate its powers, because some private individual has expressed an opinion as to the limits to which we should go? We are not relieved of our responsibility because General Lawler or any other man has expressed an opinion on this subject. It is merely the opinion of one of the twelve or thirteen million voters in the United States. It does not relieve us from the responsibilities or the obligations of duty. I want to see this rule voted down. I want to see ample opportunity given to amend this bill intelligently and after proper discussion under the five-minute rule, and when it is amended to satisfy the Republican majority let us send it on its way, undeterred by fear as to what may be the action of other persons or of other bodies. [Applause.] I yield the remainder of my time.

Mr. HENDERSON. Does the gentleman from Georgia desire to use any further time?

Mr. CRISP. I think not.

Mr. HENDERSON. Mr. Speaker, I ask for a vote.

The question was taken; and there were—ayes 70, noes 66.

Mr. HEPBURN and Mr. CRISP called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 89, not voting 147; as follows:

YEAS—118.

Acheson,	Evans,	Lewis,	Ray,
Allen, Utah	Fairchild,	Long,	Reyburn,
Andrews,	Faris,	Loud,	Royce,
Apsley,	Fischer,	Low,	Russell, Conn.
Arnold, Pa.	Foss,	Mahany,	Scranton,
Arnold, R. I.	Gamble,	Mahon,	Shannon,
Atwood,	Gibson,	Marsh,	Simpkins,
Baker, N. H.	Gillet, N. Y.	McCall, Mass.	Snover,
Barham,	Gillett, Mass.	McCleary, Minn.	Spalding,
Barney,	Griffin,	McLachlan,	Sperry,
Bennett,	Grow,	Mercer,	Stahle,
Boutelle,	Hainer, Nebr.	Miller, W. Va.	Steele,
Brewster,	Harmer,	Milliken,	Stephenson,
Broderick,	Heatwole,	Milnes,	Stewart, N. J.
Brown,	Hemenway,	Moody,	Stone, C. W.
Brumm,	Henderson,	Morse,	Stone, W. A.
Burrell,	Henry, Ind.	Newlands,	Strode, Nebr.
Cannon,	Hermann,	Noonan,	Tracey,
Chickering,	Hicks,	Odell,	Trelor,
Clark, Iowa	Hilborn,	Otjen,	Van Voorhis,
Clark, Mo.	Hill,	Overstreet,	Warner,
Coffin,	Hitt,	Parker,	Watson, Ind.
Corliss,	Hubbard,	Payne,	Watson, Ohio
Curtis, Iowa	Huff,	Pearson,	Willis,
Curtis, Kans.	Hunter,	Perkins,	Wilson, Ohio
Dayton,	Jenkins,	Phillips,	Wood,
Dingley,	Knox,	Pickler,	Woomer,
Doolittle,	Leighty,	Pitney,	Wright,
Draper,	Leisenring,	Poole,	
Ellis,	Leonard,	Pugh,	

NAYS—89.

Abbott,	De Witt,	Lockhart,	Strowd, N. C.
Allen, Miss.	Dinsmore,	McClellan,	Sulloway,
Bankhead,	Downing,	McClure,	Swanson,
Bartlett, N. Y.	Eddy,	McCreary, Ky.	Talbert,
Bell, Colo.	Elliot, S. C.	McCulloch,	Tate,
Bell, Tex.	Erdman,	McDearmon,	Tawney,
Berry,	Fenton,	McMillin,	Terry,
Black, Ga.	Fitzgerald,	McRae,	Towne,
Blue,	Graft,	Miles,	Tracewell,
Bowers,	Hager,	Miller, Kans.	Tucker,
Burton, Mo.	Hall,	Minor, Wis.	Turner, Ga.
Calderhead,	Hart,	Otey,	Updegraff,
Cobb,	Hartman,	Pendleton,	Van Horn,
Cockrell,	Hendrick,	Richardson,	Walsh,
Connolly,	Henry, Conn.	Russell, Ga.	Wanger,
Cook, Wis.	Hepburn,	Shuford,	Wheeler,
Cooper, Wis.	Johnson, Cal.	Smith, Ill.	Williams,
Crowley,	Kem,	Sorg,	Wilson, Idaho
Crowther,	Kirkpatrick,	Southard,	Woodard,
Culberson,	Kyle,	Sparkman,	Yoakum.
Cummings,	Latimer,	Stokes,	
Danford,	Layton,	Strait,	
De Armond,	Little,	Strong,	

NOT VOTING—147.

Adams,	Dalzell,	Joy,	Prince,
Aitken,	Daniels,	Kendall,	Quigg,
Aldrich, Ala.	Denny,	Kerr,	Raney,
Aldrich, Ill.	Dockery,	Kiefer,	Reeves,
Anderson,	Dolliver,	Kulp,	Robertson, La.
Avery,	Dovener,	Lacey,	Robinson, Pa.
Babcock,	Ellett, Va.	Lawson,	Rusk,
Bailey,	Fletcher,	Lefever,	Sauerhering,
Baker, Kans.	Foote,	Lester,	Sayers,
Baker, Md.	Fowler,	Linney,	Settle,
Barrett,	Gardner,	Linton,	Shafroth,
Bartholdt,	Goodwyn,	Livingston,	Shaw,
Bartlett, Ga.	Griswold,	Lorimer,	Sherman,
Beach,	Grosvenor,	Loudenslager,	Skinner,
Belknap,	Grout,	Maddox,	Smith, Mich.
Bingham,	Hadley,	Maguire,	Southwick,
Bishop,	Halterman,	McCall, Tenn.	Spencer,
Black, N. Y.	Hanly,	McCormick,	Stallings,
Bromwell,	Hardy,	McEwan,	Stewart, Wis.
Brosius,	Harris,	McKenney,	Sulzer,
Buck,	Harrison,	McLaurin,	Taft,
Bull,	Hatch,	Meiklejohn,	Taylor,
Burton, Ohio	Heiner, Pa.	Meredith,	Thomas,
Catchings,	Hooker,	Meyer,	Turner, Va.
Clardy,	Hopkins,	Miner, N. Y.	Tyler,
Clarke, Ala.	Howard,	Mondell,	Underwood,
Coddling,	Howe,	Money,	Wadsworth,
Colson,	Howell,	Moses,	Walker, Mass.
Cooke, Ill.	Hulick,	Mozley,	Walker, Va.
Cooper, Fla.	Huling,	Murphy,	Washington,
Cooper, Tex.	Hull,	Neill,	Wellington,
Cousins,	Hurley,	Northway,	White,
Cowen,	Hutcheson,	Ogden,	Wilber,
Cox,	Hyde,	Owens,	Wilson, N. Y.
Crisp,	Johnson, Ind.	Patterson,	Wilson, S. C.
Crump,	Johnson, N. Dak.	Powers,	Woodman.
Curtis, N. Y.	Jones,	Price,	

So the resolution was adopted.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to know whether the gentleman from New Jersey, Mr. FOWLER, is recorded as voting, because it may determine my action in this matter.

The SPEAKER. The gentleman from New Jersey [Mr. FOWLER] is not recorded.

Mr. BARTLETT of Georgia. The gentleman from New Jersey and I agreed to pair upon this bill. For fear he may have understood that the pair applied to this motion, I withdraw my vote, which I have cast in the negative, and am willing that the pair be regarded as applying to this question.

Mr. COX. On this question I voted in the negative, but I withdraw my vote because I am paired with my colleague from Tennessee, Mr. MCCALL.

Mr. DINSMORE. Mr. Speaker, I was paired on all questions in regard to this bill with the gentleman from Iowa, Mr. COUSINS; but by an agreement with him I have transferred the pair to my colleague from Arkansas, Mr. NEILL. If Mr. COUSINS had been present, he would have voted "yea" and Mr. NEILL "nay."

Mr. SAYERS. Mr. Speaker, I should like to know whether I am recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. SAYERS. I desire to withdraw my vote. I am paired with the gentleman from Ohio, Mr. GROSVENOR. If he were here, he would vote "yea" and I should vote "nay."

The following pairs were announced:

Until further notice:

Mr. HOPKINS with Mr. DOCKERY.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. KULP with Mr. MADDOX.

Mr. BEACH with Mr. HARRISON.

Mr. BISHOP with Mr. WILSON of South Carolina.

Mr. SHERMAN with Mr. PATTERSON.

Mr. MEIKLEJOHN with Mr. ELLETT of Virginia.

Mr. HATCH with Mr. WASHINGTON.

Mr. HULL with Mr. MOSES.

Mr. MCCALL of Massachusetts with Mr. CLARKE of Alabama.

Mr. MOZLEY with Mr. MAGUIRE.

Mr. WHITE with Mr. RUSK.

Mr. JOHNSON of Indiana with Mr. ROBERTSON of Louisiana.

Mr. ALDRICH of Alabama with Mr. MCKENNEY.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. FOWLER with Mr. BARTLETT of Georgia.

Mr. TAFT with Mr. OWENS.

Mr. COOKE of Illinois with Mr. TYLER.

Mr. ADAMS with Mr. MONEY.

Mr. HADLEY with Mr. PRICE.

Mr. LACEY with Mr. HUTCHESON.

Mr. PRINCE with Mr. BAILEY.

Mr. REEVES with Mr. CATCHINGS.

Mr. HOOKER with Mr. MINER of New York.

Mr. WOODMAN with Mr. LIVINGSTON.

Mr. COUSINS with Mr. NEILL.

Mr. RANEY with Mr. COWEN.

Mr. DALZELL with Mr. CRISP.

For this day:

Mr. LORIMER with Mr. MEREDITH.

Mr. HARMER with Mr. KENDALL.

Mr. GARDNER with Mr. JONES.

Mr. TAYLER with Mr. DENNY.

Mr. CRUMP with Mr. COOPER of Florida.

Mr. LINTON with Mr. BUCK.

Mr. DOVENER with Mr. MCCLAURIN.

Mr. FLETCHER with Mr. OGDEN.

Mr. JOY with Mr. LESTER.

Mr. HULICK with Mr. SHAW.

Mr. LOUDENSLAGER with Mr. SULZER.

On this question:

Mr. KIEFER with Mr. LATIMER.

Mr. REEVES with Mr. CATCHINGS.

On this bill:

Mr. GROSVENOR with Mr. SAYERS.

The result of the vote was announced as above stated.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I ask unanimous consent that the sundry civil appropriation bill, returned from the Senate with amendments, be taken from the Speaker's table, and that the House nonconcur in the amendments and ask a conference.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to take up House bill 7664—the sundry civil appropriation bill—disagree to the amendments of the Senate, and ask for a conference. Is there objection? The Chair hears none, and it is so ordered. Without objection, the bill and amendments will be printed. The Chair appoints as conferees on the part of the House the gentleman from Illinois, Mr. CANNON, the gentleman from Nebraska, Mr. HAINER, and the gentleman from Texas, Mr. SAYERS.

PENSIONS.

The SPEAKER. In pursuance of the order just adopted, the House will now resolve itself into Committee of the Whole on the state of the Union upon House bill 8271, relating to pensions.

The House accordingly resolved itself into Committee of the

Whole (Mr. PAYNE in the chair), and resumed the consideration of House bill No. 8271.

The order of the House relative to the consideration of the bill in Committee of the Whole under the five-minute rule was read.

The first section of the bill was read, as follows:

Be it enacted, etc., That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service: Provided, That no pension shall be granted by virtue of this section for disability contracted or incurred while aiding or abetting the late rebellion against the authority of the United States.

Mr. CONNOLLY. I offer, to the first section, the amendment which I send to the desk.

The Clerk read as follows:

Amend section 1, line 5, by inserting the word "involuntary" between the words "prior" and "service."
Also in line 8 by adding the word "involuntary" after the word "such."
Also by adding to said section the following:
"Provided further, That such involuntary service in the Confederate army or navy shall have terminated by May 1, 1864."

Mr. PICKLER. I make the point of order that the gentleman has sent up three amendments, and that only one amendment can be considered at one time.

The CHAIRMAN. The first amendment will be in order.

Mr. CONNOLLY. This is an amendment to the first section.

Mr. PICKLER. But the gentleman has offered three different amendments.

The CHAIRMAN. If the gentleman from South Dakota [Mr. PICKLER] insists on his point the Chair will hold that only the first amendment is now in order.

Mr. PICKLER. I ask that that be read again.

The Clerk read as follows:

Amend section 1, line 5, by inserting the word "involuntary" between the words "prior" and "service."

Mr. CONNOLLY. The effect of this amendment is to make this section apply to those whose service in the Confederate army was entirely involuntary, and it excludes those whose service was voluntary.

Mr. PICKLER. Mr. Chairman, I hope that this amendment will not prevail. A great deal has been said about this first section. This section, relating to Confederate soldiers, and one or two other sections; the section relating to widows and probably the one in regard to dishonorable discharges, are the only ones in the whole bill that seem to have provoked criticism.

In the first place, I want to say that there are only a very few men left to whom this section will apply. It applies possibly to five or six thousand Confederates who were in Northern prisons, and who while there were induced by our officers to enlist in the Union Army and to go out and fight the Indians. And as to any others who may have been in such service, there is no record, and the belief is such are already pensioned.

Mr. MILES. Will the gentleman yield for a question?

Mr. PICKLER. No; I can not yield in the short time I have.

Mr. Chairman, our officers promised these men everything that any Union soldier was promised to induce them to enlist in the Army. It was a time, you must remember, when we were needing men, and needing them badly. It was a time when the States were being compelled to resort to the draft in order to secure men. It was a time that every man was needed in the Army, wherever he might come from. There were between five and six thousand of these Confederate soldiers in the prisons at that time, and they were induced by our own officers to go into the service of the Union, under the promise of exactly the same emoluments, the same pay, and the same bounty as all of the Union soldiers were offered. They went in under precisely the same conditions. Now, after they have gone into the service and performed their duty under the promises made to them when they accepted the offer that was held out to them, is this Government to show bad faith toward them? There is but a handful of them left, and shall this Government now turn its back upon them in this matter of pensions?

If this amendment is adopted, if it be required that these men shall prove involuntary service, you make it absolutely impossible for any one of them to come in. It is impossible, of course, as a matter of fact, to prove involuntary service. Thirty years have passed since that service was rendered, and it seems to me that that is the very object of the amendment, that is what the gentleman from Illinois has in view, for he wants these men to say whether they went in voluntarily or otherwise into the Confederate service. It is impossible for them to prove it. That is all they need in the Pension Department now, just some such provision as that to keep them out. The Department would be very glad to be furnished with a requirement that they must establish by proof a fact which it is impossible to bring proof to establish. And so this amendment ought not to prevail. It is not right, it is contrary to the

promises of the Government to these men. They are entitled to be put exactly upon the same footing as any Union soldier who enlisted at that time.

Mr. TAWNEY. The gentleman contends that they can not prove that the service was involuntary on their part.

Mr. PICKLER. No; of course not. It would be impossible.

Now, I would like to call the attention of the committee to this point: Under the general law that was passed several years ago a man who was wounded or incurred disability in the service was pensionable—I mean men of this class who went into our Army after serving in the Confederate army and are on the rolls now. Under the law of 1890 they were, under President Harrison's Administration, put on the roll. They have been there until the incoming of this Administration; then, as to the law of 1890, the widows of these men were dropped and their children and the men themselves were dropped from the rolls, those who were in the Confederate service, by this Administration; and the idea now of going into the question of voluntary or involuntary service in the Army, introducing an absolutely impossible requirement, should not have favorable consideration in this committee.

Do not be caught with the idea that this is a reflection on the honor of any Union soldier. Every soldier is known by his own individual record. This proposition is recommended by the legislative committee of the Grand Army, which came here for that purpose, and I hope the gentlemen on this committee will remember that fact; and it is only a very narrow-minded soldier who would, after forgiving the Confederate soldier for everything else, refuse to forgive him for going into the Union Army and doing his duty there as an honorable soldier.

Mr. BLUE. Will the gentleman permit a question?

Mr. PICKLER. I have no time to answer questions; my time is up.

[Here the hammer fell.]

Mr. PEARSON. Mr. Chairman, I have a letter which has been addressed to me by a constituent of mine, and the substance of it refers to the gentleman from Illinois [Mr. CONNOLLY], whose attention I hope I may claim.

The writer of this letter is the post commander of the Marion Roberts Post, in my district, and he gives this much of his biography: Speaking of the time he left North Carolina to go into the Union Army—and I will say to the gentleman from Illinois, who is somewhat acquainted with the geography down there, that it is a truth although it may startle him, and it will doubtless startle the Democrats on this floor, but it is the literal truth, that in my district, the county of Madison sent more soldiers into the Union Army than any county in any State in the whole Union in proportion to its population. This man comes from that county, and he says:

I can say to you that if there is a people in these United States who deserve a pension it is most of those who joined the Union Army first chance, and nearly 10,000 did so from the fall of 1862 to 1863. Some few, I know, joined later, but there is not 1 per cent who did not do nearly two years' service in the Union Army. The men of the Northern Army either volunteered at home without trouble or had to be conscripted, while in the South men had to fight their way for over a hundred miles in order to get a chance to join the Union Army.

I went as a lad, not then 16 years of age, to keep out of the Confederate States army; and I can say this truthfully, that out of 45 who went along with me, 151 miles to Cumberland Gap, Kentucky, 21 of our crowd are buried on the roadside, and their widows and dependent fathers or mothers never can get a cent because they were never enlisted. Shot down, you see, before they could reach the Union flag.

And he goes on to say further:

And we now (I say we because whatever affects my comrades affects me) must be stigmatized as cowards or as men hunting for rations—

He seems to have read the RECORD, using the precise language used by the gentleman from Illinois—

It is an accusation that is unjust, especially as coming from our friends (?). We could stand the Confederate bullets, but we can not stand the ingratitude of our own friends.

[Applause.]

Mr. MILES. Will the gentleman allow me a question?

Mr. PEARSON. If I had more than five minutes I would allow the gentleman from Maryland five questions, but I must come to the point. Mr. Chairman, this is simply a question of a construction of law. I call the attention especially of my friend from South Carolina to what I am about to read. The law of March 3, 1877, provides that—

The law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person, who in any manner—

And I ask the gentleman from Illinois [Mr. CONNOLLY] to note this—

who in any manner engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterwards voluntarily enlisted in the Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty.

This was ratified March 3, 1877.

The question is of the voluntary enlistment of these men in the Army of the United States. As to that there can be no doubt.

I have here, Mr. Chairman, a letter which I shall ask to insert in the RECORD, because I have not time to read it. It is as follows:

[No. 539267. Stephen Johnson, Company D, Third Regiment North Carolina Mounted Infantry.]

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., April 18, 1896.

SIR: In response to your personal inquiry of recent date, I have the honor to advise you that claimant's name was dropped from the rolls under the act of June 27, 1890, on April 7, 1896, after due notice, on the ground that he rendered voluntary service in the Confederate States army. He is at liberty at any time to file a claim for restoration under said act, together with testimony showing that such service was not voluntary, but until then no further action can be taken in the claim.

Very respectfully,

WM. LOCHREN, Commissioner.

Hon. RICHMOND PEARSON,
House of Representatives.

This is a sample of the letters that I get from the Pension Office. Here is a man who has been dropped from the rolls this month, after he had been there for six years. He is dropped on the ground of service in the Confederate army. Now, the awful alternative forced upon these men was this: They had to fight against their neighbors or against their convictions, and I am here to say in this presence that it is the severest test that can be placed on any man. It was this frightful dilemma to which they were reduced. They had to wade through a flame of fire to get to the Union Army, and this man whose letter I have quoted says that more than half of his comrades were shot down by the way-side before they enlisted. They feel, sir, the humiliation that comes from your stigma [to Mr. CONNOLLY] more than any other wounds that could be inflicted. [Applause.]

Mr. CONNOLLY. Mr. Chairman, let me say to the gentleman that I cast no stigma upon any gentleman who voluntarily enlisted in the Federal Army. I simply spoke of those who had voluntarily served in the Confederate army until about ninety days before the close of the war—

Mr. PICKLER. There is no such case here.

Mr. CONNOLLY (continuing). And then sneaked away to the other army.

Mr. PICKLER. There is no such case here. These men were imprisoned in the North—

Mr. CONNOLLY. I know that North Carolina, east Tennessee, and Kentucky had plenty of good men who came to our lines and fought with them as soon as they could get there. I do not interfere with those men. They are entitled to pensions as much as if they had lived in the North; but it is only those who were Confederates voluntarily and remained so until their cause failed. I do not want to pension those men now. I want the pension roll to be a roll of honor.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. PEARSON] has expired.

Mr. PEARSON. I am sure the committee will give me back the time which the gentleman from Illinois has taken. I ask for a minute and a half more.

The CHAIRMAN. The gentleman from North Carolina asks that his time be extended one minute and a half. Is there objection?

There was no objection.

Mr. PEARSON. In that minute and a half I close with the expression of the hope which I address to my friend from South Carolina [Mr. TALBERT], that he will feel as I do, remembering that his people and my people fired the bullets that made these wounds, that we may be the last to obstruct the pious friends of these soldiers in binding up their wounds and relieving, as far as they may, the suffering of those heroes. [Applause.] If an objection must be made, let it be made by the copperheads of the North [applause on the Republican side] who did not have the courage to go into that fight; and, lacking courage, they lack the first element of magnanimity, and of course they are now here to do what they can to increase the sufferings of those old soldiers and add to the humiliation of their children and dear ones.

Mr. MILES. Mr. Chairman, I regret to feel compelled to begin my remarks with the statement that the gentleman who has just taken his seat is evidently discussing this question without any knowledge of it. The wounded soldiers to whom he refers have already been pensioned by past liberal legislation on the part of this country.

Mr. PEARSON. I have a letter here stating the case of one who has a wound, and who has been dropped this month.

Mr. MILES. Very well, sir. That does not prove that there is no legislation to cover this class. It probably tends to show that he does not belong to the class. What I desire to have understood by my statement is this: That the act of March 3, 1877, grants pensions to this class for wounds or injuries received or disease contracted in the Union Army, and these are the wounds to which

the gentleman so eloquently referred just now, which are already being taken care of by the legislation of 1877.

Now, Mr. Chairman, I desire to read an extract from a letter of Commissioner Lochren, addressed to the chairman of the Committee on Invalid Pensions, upon this subject. He says:

This section repeals section 4716 of the Revised Statutes of the United States and its amendments, and pensions ex-Confederates who had a later service in the Union Army as if they had never served in the Confederate army.

Then he quotes the act to which I have already referred:

The act of March 3, 1877, grants pensions to this class for wounds or injuries received or diseases contracted in the Union Army. Beyond this I think these galvanized rebels have no color of claim for pension.

Mr. PICKLER. That is a fine term to apply to these Union soldiers—"galvanized rebels."

Mr. MILES. And a very proper appellation to apply to them.

Mr. PICKLER. They were honorably discharged Union soldiers, too.

Mr. MILES. The gentleman has just stated, and he is a Union soldier, and as such ought to know better than one who was born during the war, and I do not set my statement against his, that there are only four or five thousand of these people, and that most of them were taken out of prison. I desire to say that my opinion is that there are not less than 10,000 of the mercenaries alone who deserted during the last year of the war, and who deserted after bounties of \$1,800 and \$2,000 were offered, and I base this estimate upon information received from reliable sources. I am sustained, too, in this by the opinion of many intelligent Union soldiers with whom I have conferred.

Mr. PICKLER. All you blame them for is because they deserted from the Confederacy.

Mr. MILES. No, sir; the gentleman does me injustice. If these men voluntarily left the Confederate army and entered it originally under any compulsion, or wanted to fight for the Union from the start, and at the earliest opportunity had gone in the Union Army to fight under the Union flag, I honor them, and would have them upon a pension roll that is so constituted as to make a roll of honor, and at as liberal a pension as any other soldier who fought in the late war. But the gentleman does not know all that is to be known about this question, although a soldier. A Union soldier who left an arm in the mountains of Virginia, and a member of this House, made a statement to me, and I am not at liberty to give his name without his consent, that these mercenaries came into his camp after the Confederate star had begun to sink twenty a night, and that they were recognized in that army as mercenaries who were fighting not specially for any flag.

Mr. PICKLER. There is no record of these men.

Mr. MILES. There were plenty of them. My authority is the Commissioner of Pensions, who was himself a Union soldier, and his word is worth something upon that subject. Besides that, Mr. Chairman, when these men had deserted, what service did they render? They were not kept where they could be subjected again to Confederate bullets, because it was well understood that if they were kept to fight against the Confederates and were captured they would be subject to the punishment that is meted out to all deserters, and would be shot, as they deserved to be. For this reason they were sent to the Western frontier, and never at any time after they were deserters did they render any service to the Government of the United States. In this statement I am also sustained by the Commissioner of Pensions.

Mr. PICKLER. That statement is not true, I do not care who makes it. I have the authority of Colonel Ainsworth that they did render service.

Mr. MILES. I believe it is true.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. MILES. I desire to be recognized for two minutes more. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that he may be allowed to proceed for two minutes more.

Several members objected.

Mr. LAYTON. Mr. Chairman, is an amendment to the amendment now or order?

The CHAIRMAN. It is.

Mr. LAYTON. I desire to submit an amendment to the amendment.

The Clerk read as follows:

Strike out all in the first section after the enacting clause and insert in lieu thereof the following:

"That on and after the passage of this bill all officers, commissioned and noncommissioned, and all soldiers and sailors who were enlisted between the 15th day of April, 1861, and the 1st day of July, 1865, inclusive, and who served in the military or naval service of the United States in the late war of the rebellion a period of three months or less, and who have been honorably discharged therefrom, shall be placed upon the pension roll of the United States and be entitled to receive for such service a pension of \$8 per month."

"That all such officers, soldiers, and sailors who served more than three months and less than one year in the military or naval service of the United States in the late war of the rebellion, and who have been honorably discharged therefrom, shall be placed upon the pension roll of the United States at the rate of \$8 per month.

"That all such officers, soldiers, and sailors who served for a period of more than one year and not exceeding two years in the military or naval service of the United States in the late war of the rebellion, and who have been honorably discharged therefrom, shall be placed on the pension roll of the United States and be entitled to receive for such services a pension of \$10 per month.

"That all such officers, soldiers, and sailors who served for a period of more than two years and not exceeding three years in the military or naval service of the United States in the late war of the rebellion, and who have been honorably discharged therefrom, shall be placed on the pension roll of the United States and be entitled to receive for such services a pension of \$12 per month.

"That all such officers, soldiers, and sailors who served in the military or naval service of the United States in the late war of the rebellion for a period longer than three years, and who have been honorably discharged therefrom, shall be placed upon the pension roll of the United States and be entitled to receive for such services a pension of \$14 per month: *Provided*, That from and after the passage of this act any officer, commissioned or noncommissioned, or any soldier or sailor who at the date of the passage of this act is drawing a pension under existing law, may relinquish the same and accept the provisions of this act, but nothing herein contained shall be construed to authorize any officer, soldier, or sailor to receive any pension under existing laws and also under the provisions of this act at the same time: *Provided further*, That the provisions of this act shall in no wise interfere with any pension which may hereafter be granted to any officer, soldier, or sailor by any special act of Congress for any disability received while in the service of the United States during the late war of the rebellion."

Mr. PICKLER. Mr. Chairman, I make the point of order against that amendment.

Mr. LAYTON. Mr. Chairman, I desire to be heard upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PICKLER. I want to say, Mr. Chairman, in connection with my point of order, that I will put in the RECORD certain figures submitted from the War Department in regard to this service pension. It is an interesting question, and I hope when it is in order that my friend from Ohio will stand by the bill.

The communication referred to is as follows:

[One inclosure.]

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 14, 1896.

DEAR SIR: In compliance with your request of recent date I have the honor to transmit herewith a memorandum relative to the probable number and ages of the army and navy survivors of the war of the rebellion, and the possible number of beneficiaries under and possible cost of certain proposed pension laws.

Very respectfully,

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

Hon. J. A. PICKLER,

Chairman Committee on Invalid Pensions,
House of Representatives.

MEMORANDUM RELATIVE TO THE PROBABLE NUMBER AND AGES OF THE ARMY AND NAVY SURVIVORS OF THE WAR OF THE REBELLION AND THE POSSIBLE NUMBER OF BENEFICIARIES UNDER AND POSSIBLE COST OF CERTAIN PROPOSED PENSION LAWS.

The basis of all estimates as to the number of beneficiaries under and the cost of any proposed pension law must be the determination of or an estimate of the number of the survivors of the late war at the present time and of the number who will be surviving at various periods in the future until none shall remain. Such an estimate was prepared by this office in March, 1890, at the request of the chairman of the Committee on Invalid Pensions, House of Representatives, for use in the consideration of various proposed measures which culminated in the act approved June 27, 1890. That estimate was as follows:

ESTIMATE OF MARCH 31, 1890.

It should be stated in advance that any estimate of the number and ages of the surviving veterans of the war can not be more than approximately correct, for the reason that the data on which to base such an estimate are deficient in two very important particulars, viz: First, the actual number of individuals in service has never been officially determined, and, second, the numbers of men of different ages upon entry into service, or for any given period of the war, has never been ascertained; nor can the missing data be supplied without a laborious search of the many thousands of original rolls and other records filed in the War and Navy Departments, a work which would require years for its completion.

Moreover, if the exact number and ages of the survivors at the close of the war were known, the problem of determining the number now living and the probable duration of life for each group of ages would still be involved in difficulty, for no life table has ever been constructed which is applicable to such a class of lives as that furnished by the veterans of the late war. While it is the generally accepted opinion that the expectation of life of men of this class is less than that of men of the same ages who have never been exposed to the shock of battle and the hardships and privations of field, camp, and prison, on the other hand it has been very ingeniously urged that, by the operation of the law of the survival of the fittest, the reverse is actually the case, for the reason that the individuals of little endurance and tenacity of life, whose early death materially shortens the average of life among civilians, have long since been eliminated from the class to which the veterans belong, having succumbed either to the hardships and dangers of the war or their subsequent results. Thus, it is claimed, the survivors have become a selected class whose average duration of life is likely to be greater than that of an equal number of nonveterans of the same ages who have not been subjected to this weeding-out process.

It will be readily seen, then, that the problem presented is incapable of anything like an exact solution, and that the results obtained can be nothing more than approximations. But it is also evident that an approximation which is reached after a careful study of all the data available, meager though they are, is of much greater utility than the loose estimates and wild guesses

which have heretofore passed current in discussions of this question. Moreover, it is believed that sufficient information is at hand to enable a calculation to be made which can not be very far from correct, and which may be safely used for all practical purposes.

In all the calculations embodied in this memorandum a recent life table (American male) has been used in determining the probable duration of life for each group of ages. The results obtained must be considered to be maximum figures if it is believed that the expectation of life of the veterans of the war is less than that of nonveterans of the same ages. If the reverse is held to be true, as suggested above, then the figures given must be accepted as minimum in all cases. As between these two opposite opinions, in support of each of which there is much to be said, it is perhaps not unreasonable to assume that the mean is more nearly correct than either, and that the probable average duration of life is about the same for the veterans as for nonveterans. If this be held, then the figures given must be considered to be nearly correct.

(This statement requires some modification. The life table which was used in the preparation of the estimate is based upon the experience of insurance companies with a class of lives that were selected, to a certain extent at least, and consequently it will not give absolutely correct results if used in estimating the duration of wholly unselected lives. But, for reasons that are more fully set forth below, it would seem that the expectation of life of the veterans of the war must be somewhat greater than that of nonveterans of the same ages, and, this being the case, that the life table which was used in the preparation of the estimate gave more accurate results than would have been obtained by the use of a table based upon wholly unselected lives.—April, 1896.)

Subject to the foregoing remarks, and to be considered only in connection with them, the following is submitted:

ARMY.

As shown by the latest official statement, the number of men furnished by the different States and Territories during the war, under calls from the President, was 2,778,304. Deducting from this the number of seamen and marines, 105,963, leaves a total of 2,672,341 credited to the Army.

(The strength of the Regular Army at the outbreak of the war was 16,422, but this number has not been taken into account in the calculation, because the majority of the men whom it represents, being professional soldiers, undoubtedly reenlisted or were commissioned in either the regular or volunteer service during the war, and are consequently included in the total number of credits. The strength of the Navy at the beginning of the war has been neglected in the calculation for the same reason.—April, 1896.)

No official compilation has ever been made of the total number of reenlistments in the Army, but various estimates have been made by different authorities, ranging from 370,000 to 716,787. The mean between these two numbers, 543,393, is believed to be a fair approximation of the actual number. Deducting this from the total credited to the Army leaves 2,128,948 as the number of individual soldiers serving in the war.

The number of deaths for the Army is 359,528, and the number of actual deserters at large at the close of the war (making due allowance for those incorrectly reported as deserters) has been estimated at 117,247. Deducting the deaths and deserters leaves 1,652,173 as the probable number of individual soldiers who were alive at termination of service and were not deserters.

NAVY.

The total number of men credited to the several States as having been furnished to the Navy and Marine Corps during the war was 105,963. This figure is taken as the basis of calculation and not the number of enlistments as reported by the Navy Department, which is believed to include a large number of transfers from the Army, and these have already been counted in the Army estimates.

No data are at hand from which to estimate the number of reenlistments, but assuming that their proportion was the same as in the Army, the total number of individuals in service was 84,417. No information has been obtained as to the actual number of desertions, but again assuming that the Army proportion is applicable, the number would be 4,649. The deaths, as reported by the Bureau of Medicine and Surgery, numbered 4,588. Deducting the deaths and desertions leaves 75,180 as the probable number of seamen and marines who were alive at termination of service and not deserters.

ARMY AND NAVY.

Combining the foregoing estimates, it appears that the total number of individuals in the military and naval service during the war was 2,213,365, and of these 1,727,353 were alive at termination of service (deserters excluded).

As in the case of reenlistments, no official compilation has been made of the ages of the men in service at any period of the war. From statistics of the ages at enlistment of about 1,000,000 soldiers, collected by the United States Sanitary Commission, Dr. B. A. Gould, actuary of the commission, formed estimates of the number of men in each year of age. In the absence of better information, and assuming that the age of soldiers, seamen, and marines were relatively the same, the tables published by Dr. Gould have been taken as the basis for calculating the appended table (No. 1), which shows the probable total number of survivors (excluding deserters) on June 30 of each year from 1890 to 1900, inclusive, and at the close of each quinquennial period from 1910 until none shall remain.

Table No. 2 shows the probable number of men who will arrive at the age of 62 years or over June 30, 1890, and of the probable number that will attain the age of 62 in each succeeding year, until practically all shall have passed that age.

SUMMARY.

(1) Estimated total number of survivors (deserters excluded) June 30, 1890	1,285,471
(2) Total number of men furnished during the war (credits)	2,778,304
To Army	2,672,341
To Navy	105,963
(3) Estimated total number of reenlistments	564,939
In Army	543,393
In Navy	21,546
(4) Estimated total number of desertions	121,896
From Army	117,247
From Navy	4,649
(5) Total number of deaths	364,116
In Army	359,528
In Navy	4,588
(6) Estimated total number of individuals in service	2,213,365
In Army	2,128,948
In Navy	84,417
(7) Estimated total number of survivors at termination of service (deserters excluded)	1,727,353
In Army	1,652,173
In Navy	75,180

TABLE NO. 1.—Total survivors.

[Showing the probable total number of survivors of the war of the rebellion (excluding deserters) on June 30 of each year from 1890 to 1909, inclusive, and at the close of each quinquennial period thereafter until none shall remain.]

Year.	Survivors.	Year.	Survivors.
1890.....	1,285,471	1904.....	858,002
1891.....	1,261,232	1905.....	820,687
1892.....	1,236,076	1906.....	782,722
1893.....	1,209,968	1907.....	744,196
1894.....	1,182,889	1908.....	705,197
1895.....	1,154,810	1909.....	665,832
1896.....	1,125,725	1910.....	626,231
1897.....	1,095,628	1915.....	429,727
1898.....	1,064,524	1920.....	251,727
1899.....	1,032,418	1925.....	116,073
1900.....	999,339	1930.....	37,033
1901.....	965,313	1935.....	6,296
1902.....	930,380	1940.....	340
1903.....	894,585	1945.....	0

TABLE NO. 2.—Survivors.

[Showing the probable number June 30, 1890, of the survivors of the war of the rebellion (excluding deserters), the number who will be 62 years of age or over on that date; also, the number who will attain 62 years of age after 1890, with the year in which they will reach that age.]

Probable number of survivors in 1890..... 1,285,471
 Probable number of survivors in 1890, 62 years of age or over..... 149,551

Will live to be 62 years old.		Will live to be 62 years old.	
In year—	Number of men.	In year—	Number of men.
1891.....	20,817	1901.....	62,414
1892.....	22,662	1902.....	70,799
1893.....	24,891	1903.....	80,224
1894.....	27,480	1904.....	90,733
1895.....	30,530	1905.....	103,043
1896.....	34,073	1906.....	97,836
1897.....	38,203	1907.....	44,747
1898.....	43,025	1908.....	5,672
1899.....	48,611	1909.....	820
1900.....	55,042		

In explanation of the foregoing estimate it may be stated here that the life table which was used in the calculations involved was that which is known as the "Thirty American offices" table (male). Since this table is based upon the experience of insurance companies with a selected class of lives, its rates of mortality are somewhat lower than those of other tables that are based upon unselected lives. But, as suggested in the memorandum of 1890, the veterans of the war may be considered to be a selected class, from among whom, by the operation of the law of the survival of the fittest, those individuals of little endurance and tenacity of life have been eliminated, either by the vicissitudes of the war or their subsequent results. In addition to this the lot of the average veteran is very much better than that of the nonveteran, in that the former enjoys the benefit of liberal pension laws, is given preference in municipal, State, and Federal employment, and is cared for by relief associations and in Soldiers' Homes when he needs such care. All of these favorable conditions combined must certainly tend to prolong the life of the class which enjoys their benefit, and there seems to be good ground for the belief that the expectation of life of veterans of the war, in later years at least, is greater than that of nonveterans of the same ages. And for this reason it is believed that the table used in the preparation of the estimate for 1890 and subsequent years has given more accurate results than would have been obtained by the use of a table whose rate of mortality is higher.

It should be observed also that in applying the life table to the determination of the number of survivors at various dates each group of individuals of the same age was dealt with separately, and no attempt was made to use an average age in any calculation. The inaccuracy of the results obtained by the application of a life table to an average age is so well known to those who are at all familiar with statistical matters that it would not be necessary to mention the subject here were it not for the fact that since the publication of the estimate made by this office in 1890 several estimates have emanated from other sources, in which it has been erroneously assumed that the average age of the survivors as determined by this office for a given period could be used as a basis for accurate calculations covering future periods. It is only necessary to say in this connection that because of the greater rate of mortality among, and the resulting more rapid decrease in the number of, the survivors of the higher ages, the average age of the whole class does not increase as rapidly as the age of an individual member of it. For instance, as shown by the estimate of 1890 the average age of all survivors in 1895 was 28 years, whereas in 1895, thirty years later, the average age was only 57 years. The number of survivors on June 30, 1895, as obtained by separately applying the life table to each group of survivors of the same age, differs by more than 40,000 from the number obtained by using an average age in the calculation.

The estimate of 1890 has recently been carefully reconsidered, with the view to determine whether, in the light of data now obtainable, any change should be made in it, and as a result of this reconsideration the conclusion has been reached that there is no ground for the belief that a more accurate estimate than that of 1890 could have been made then or can be made now.

According to the estimate the survivors of the late war (deserters excluded) should have numbered 1,154,810 on June 30, 1895, and if this figure is correct it should be supported by data obtainable from the records of the Pension Bureau.

It has been ascertained from the Commissioner of Pensions that 735,338 survivors of the war were borne on the pension rolls on June 30, 1895; that 116,177 other survivors had claims pending, and that 150,209 "original invalid" claims were on the rejected or abandoned files of the Bureau. These figures include those who have been pensioned for service in the Regular Army and Navy since the war, those who have died with rejected or abandoned claims on file, and some duplications in that class of claims. It is impossible to determine exactly how much of an allowance should be made for

these factors, but from the best data obtainable it is estimated by this office that a reduction of 57,540 in the foregoing figures should be made in order to make them represent individual survivors of the war of the rebellion. Making this reduction, it appears the records of the Pension Bureau account for 944,184 survivors on June 30, 1895.

It will be seen from the foregoing statement, then, that the number of survivors on June 30, 1895, as estimated by this office, is 210,626 in excess of the number that can be accounted for by the records of the Pension Bureau on that date, and, if the estimate is correct, this excess must represent the number of those who, up to June 30, 1895, had never made application for pension, and of whom consequently the Pension Bureau could have had no record on that date. This number is, and must always remain, an unknown quantity; but, being freed as it now is from other obscuring factors, it can be considered by itself, and each one interested in the problem can pass his own judgment upon it.

It is believed that the number of survivors of the war who have never made application for pension is considerably larger than those who have given the question but little thought are accustomed to estimate it to be. There are several different classes of veterans who have not applied for pension. The first and probably the largest of these is made up of those who are yet comparatively young men, who are still vigorous and able-bodied, and who are free from disabilities or ailments that disqualify them in any degree for the performance of manual labor or the discharge of their accustomed duties. The fact that this class is a very large one will be better appreciated when it is considered that, according to the estimates of this office, the average age of all survivors of the war on June 30, 1895, was only 57 years, and consequently (because of the preponderance of enlistments at the lower ages) at least half of them, or more than half a million in all, must have been younger than that, and many of them must have been considerably younger. In addition there must be considered those of all ages who have never applied for pension because of their prosperous circumstances, or for sentimental reasons, or because they are aware that they are suffering from disabilities that are not pensionable under any law. Of course there is no means of determining the total number of persons who are comprised in these four classes, but it needs but little reflection to convince anyone that the number must be a large one, and it would seem that it must equal, if it does not exceed, the 210,626 which must be added to the 944,184 considered to be accounted for by the records of the Pension Bureau on June 30, 1895, in order to make 1,154,810, which is the total number of survivors (deserters excluded) that is shown by the original estimate of this office for that date. This is in the proportion of 817.61 applicants for pension and 182.39 nonapplicants per thousand of all pensionable survivors.

It does not seem unfair to assume that in every thousand honorably discharged survivors of the late war there were, on June 30, 1895, 182 who for various reasons had never made application for pension, and that the estimate of this office as to the total number of survivors on that date is very nearly correct. And if the estimate is correct for the date in question it can be demonstrated to be equally correct for other dates covered by it.

But, as stated above, this question is one in the solution of which each inquirer can well exercise his own judgment. Those who believe that more than 818 in every thousand of the honorably discharged survivors of the war had, on June 30, 1895, made application for pension, must consider the estimate as to the total number of survivors on that date to be too large; whereas those who believe that less than 818 per thousand had applied for pension on that date must consider the estimate too small.

A special enumeration of survivors was made during the census of 1890, and in a recently published statement of the Commissioner of Labor in charge of the Eleventh Census (Senate Document No. 135, Fifty-fourth Congress, first session) the total number of survivors, as shown by the population schedules, is given as 1,034,073. But the census enumeration could not possibly have included all the survivors, because many of them were out of the country at the time, and many more must have failed to be enumerated as such for various reasons. It requires but a brief examination of the census figures to show that they fall far short of representing the total number of survivors in 1890, and that they can not be relied upon as the basis of any calculation for the future. If, as shown by the census report, there were 1,034,073 survivors of the war of the rebellion in 1890, of the ages ascertained by the enumerators, this number should have fallen, according to the life tables, to 919,954 on June 30, 1895. But this last number is only 80,917 in excess of the number of survivors who were either on the pension rolls or had claims pending at that date, excluding Regular Army and Navy pensioners and claimants who served since the war, and is 24,231 less than the number that, as previously pointed out in this paper, can be considered to have been accounted for by the records of the Pension Office on that date, to say nothing of the very large number of those who had never applied for pension, and of whom, consequently, the Pension Office could have had no record. It is confidently believed, therefore, that the figures shown by the estimate made by this office are much more reliable than those shown by the census of 1890 as the basis of any calculation for the future.

There has recently been made in this office a careful examination of the records of all organizations that are known to have been in the military service less than ninety days, and of all in which any considerable number of men are known to have served less than ninety days, and as a result of this examination it has been found that 42,323 officers and enlisted men served less than ninety days in these organizations. But it is well known that a large proportion of the short-term men had service under prior or subsequent enlistments. It is impossible to ascertain from the official records how many men served under two or more enlistments, because the records, as a rule, do not connect one enlistment with another and do not afford any means of determining whether similar or identical names borne on the rolls of two or more different organizations refer to one and the same man or to two or more different men. However, it is believed that fully three-fourths of the 42,323 members of the short-term organizations now under consideration, having been brought into service in other organizations, or in the same organizations at different periods, through patriotic motives, the operation of the draft, or the inducement of bounties, served a sufficient length of time to make their whole service exceed ninety days, and that the remaining one-fourth, or 10,581, fairly represents the number that rendered no service other than that of less than ninety days in these organizations.

It should be observed that in this connection no account is taken of the men who were discharged for disability or who deserted from both long and short term organizations and at various times throughout the whole war after a service of less than ninety days. It is evident that these should not be considered in estimating the number of beneficiaries under a per diem pension bill, because practically all of this class who were discharged for disability incurred in service may be presumed to have been pensioned already or to be pensionable under the general law at a rate higher than that to which their short service would entitle them under a per diem law, and that, consequently, they will not be applicants for pension under such a law; and those who would become beneficiaries under any other service-pension law must be so few that their number need not be considered in estimating the cost of that law. Deserters of course can not come within the provisions of any law whose benefits are restricted to those having honorable discharges from the military or naval service, and they have been excluded from all the calculations embodied in this paper.

Assuming the ages of the 10,581 short-term men referred to above to have been relatively the same as the ages of all other survivors at the termination of service, their number should have fallen, according to the life table, to 7,074 on June 30, 1895, and this figure must be excluded in estimating the cost of any law under which those who have served less than ninety days can not become beneficiaries.

There has also been made an examination of the records of all organizations that are known to have been in the military service more than ninety days but less than six months, and of all in which any considerable number of men are known to have served more than ninety days but less than six months, and as a result of this examination it has been found that 238,469 officers and enlisted men served more than ninety days and less than six months in these organizations. Adding to this number 42,323, to include those who served less than three months as explained above, it is found that 280,792 officers and enlisted men served less than six months in the organizations now under consideration, not taking into account those who were discharged for disability or who deserted at various times during the war, and from both long and short term organizations, after a service of less than six months. For the reason stated above, it is impossible to ascertain how many of these men served under two or more enlistments, but as the records show that 233,351 of them enlisted in organizations whose periods of service were one hundred days or less, it is believed that at least one-half of the total number, or 140,396, had prior or subsequent service sufficient to make their total service exceed six months.

Assuming the ages of these 140,396 men to have been relatively the same as the ages of all other survivors at the termination of service, their number should have fallen to 93,861 on June 30, 1895, and this figure must be excluded in calculating the cost of any law whose benefits are restricted to those who served six months or more.

Following is an estimate of (1) the number that will be pensionable under, and the possible cost of, an act granting a pension of \$8 per month to all honorably discharged survivors of the late war who are 62 years of age and over and who are not now on the pension roll, and increasing to \$8 per month the pensions of all those who are now pensioned at a rate less than that; (2) the number that will be affected by, and the possible cost of, a similar law whose benefits shall be restricted to survivors who are 62 years of age or over, and who served six months or more; (3) the number that will be pensionable under, and the possible cost of, a law pensioning at \$12 per month all survivors who are not now on the pension roll, but who served ninety days or more during the war, and increasing to \$12 per month the pensions of all survivors who are now on the pension roll at a rate less than that, but who served ninety days or more; (4) the number that will be pensionable under, and the possible cost of, an act granting to all survivors who are not now on the pension roll a pension of 1 cent per month for each day of their service during the war, and increasing to an amount equal to 1 cent per month for each day of service the pensions of all survivors who are now on the pension roll at a rate less than that; (5) the number that will be affected by, and the possible cost of, a similar law whose benefits shall be restricted to survivors who served ninety days or more.

It should be understood that these estimates are subject to the remarks made in connection with the estimate of 1890, and are to be considered only in connection therewith. It should also be understood that the term "survivors," as used in the estimates, excludes deserters in all cases.

I.

EIGHT DOLLARS PER MONTH. SIXTY-TWO YEARS.

Survivors at 62 years or over on June 30, 1896, excluding pensioners at \$8 or over per month.

Assuming that a law has been enacted granting a pension of \$8 per month to all honorably discharged survivors of 62 years of age and over who are not now on the pension roll, and increasing to \$8 per month the pensions of all survivors of 62 years of age and over who are now on the pension roll at a rate less than \$8 per month, and assuming that the ages of all those who would come within the provisions of such a law are relatively the same as the ages of all survivors of the war, whether pensioned or not, the maximum possible number of beneficiaries under the law on June 30, 1896, would be 130,961, and the maximum possible addition during the year following that date to the annual expenditures for pensions under other laws would be \$9,983,496. Following is a table showing for each year from 1896 to 1910, and for quinquennial periods thereafter, the total number of pensionable survivors of 62 years of age or over who are not now on the pension roll or are pensioned at rates less than \$8 per month, also the total amount required each year to pension all such survivors, and the increase or decrease of such total amount from year to year.

The figures given for the year 1896 and a few succeeding years are undoubtedly too large, because they have been based upon the assumption that the ages of those who would be affected by the proposed law, especially of those who are not now on the pension roll, are relatively the same as the ages of all survivors, whether now on the pension roll or not.

But it seems probable that the average age of those who are not on the pension roll is less than that of pensioners, because the class of nonpensioners must be very largely composed of the younger survivors who have not been able or who have not cared to obtain pensions under the act of June 27, 1890. This being the case, the figures for a few of the earlier years in the table must be too large, because those who have been counted as being 62 years of age in any particular one of those years, but are actually not so old, will become 62 in a later year. In addition to this, the only accessible figures showing the number on the pension roll are those given in the last annual report of the Commissioner of Pensions and represent the condition of that roll on June 30, 1895. Of course a considerable number of nonpensioners will have been pensioned under existing laws between that date and June 30, 1896. Although their number and the total amount of their pensions can not be foretold, the actual expenditure under the proposed law will be reduced thereby somewhat below the estimate in the table.

The table only represents what is believed to be the maximum annual expenditure that is possible in future under the proposed law. Of course, it is not at all probable that, if such a law should be enacted immediately, all those who now come within its provisions would be pensioned, or even would have filed application for pensions, as early as June 30, 1897, and for this reason also the estimate in the table of the expenditure for that year and the year following that date is too large. But this factor is not of so much importance in the calculation for later years, because the majority of those whose claims can not be adjudicated or are not filed within the first year of the existence of such a law will probably become pensioners under it within a short time afterwards.

In estimating the effect that the proposed law would produce upon the total expenditures of the Government for pension purposes in future it should be borne in mind that many of those who would be pensioned in the near future under such a law will without such a law be pensioned in the near future under the existing act of June 27, 1890, because they will shortly be brought within the operation of that act by reason of the infirmities of advancing age, if for no other reason. In addition to this, there should be taken into account the diminution in pension expenditures which will be caused in the future by the death of those who are now drawing pensions under existing laws.

EIGHT DOLLARS. SIXTY-TWO YEARS.

Table showing the number that will probably be pensionable under and the probable cost of an act granting a pension of \$8 per month to all honorably discharged survivors of the late war who are 62 years of age and over, and who are not now on the pension roll, and increasing to \$8 per month the pensions of all such survivors who are now pensioned at a rate less than that.

Year.	Beneficiaries.	Cost.	Increase from previous year.	Decrease from previous year.
1896	130,961	\$9,983,496		
1897	144,040	10,981,032	\$997,536	
1898	158,541	12,682,256	1,702,224	
1899	175,200	14,017,440	1,335,184	
1900	194,386	15,550,912	1,533,472	
1901	216,328	17,306,624	1,755,712	
1902	241,466	19,317,312	2,010,688	
1903	270,167	21,613,376	2,296,064	
1904	302,927	24,234,208	2,620,832	
1905	341,946	27,355,728	3,121,520	
1906	374,915	29,992,920	2,637,192	
1907	378,879	30,310,304	317,384	
1908	361,855	28,950,400	-1,360,904	\$1,297,544
1909	342,065	27,365,200	-1,585,200	1,508,376
1910	321,720	25,737,600	-1,627,600	1,550,640
1915	220,768	17,661,424	-8,076,176	*7,694,040
1920	129,322	10,345,760	-7,315,664	*6,569,600
1925	59,631	4,770,648	-5,575,112	*5,311,536
1930	19,025	1,521,840	-3,248,808	*3,094,800
1935	3,235	258,840	-1,263,000	*1,205,432
1940	175	13,944	-244,896	*235,208
1945	0	0	-13,944	*15,344

* Decrease in five years.

II.

EIGHT DOLLARS PER MONTH. SIXTY-TWO YEARS. SIX MONTHS' SERVICE.

Survivors at 62 years or over on June 30, 1896, who served six months or more, excluding pensioners at \$8 or over per month.

A law pensioning at \$8 per month all honorably discharged survivors who are not now on the pension roll, but who are 62 years of age or over and who served six months or more during the war, and increasing to \$8 per month the pensions of all survivors who are now on the pension roll at a rate less than that, but who are 62 years of age or over and who served six months or more, would differ from the measure discussed in the foregoing section of this paper only in one particular, viz, that its benefits would be restricted to those who, in addition to being 62 years of age, rendered six months or more of military or naval service during the war. In attempting to make an estimate of the number of persons that can possibly be beneficiaries under, and the possible cost of, such a measure it is found that a new factor is introduced into the problem, and that in addition to the number and ages of the survivors, the length of service of those survivors must be taken into account.

As stated above, a recent examination of the records of volunteer organizations on file in this office has led to the conclusion that 140,396 officers and enlisted men, exclusive of those who were discharged for disability or who deserted, served less than six months, and that of this number 93,861 were living on June 30, 1895. It is presumed that the majority of those who were discharged for disability after a total service of less than six months have been pensioned already, or are pensionable, under the general law at a rate equal to or exceeding \$8 per month, and that those who were so discharged and are now pensioned at less than that or are not pensioned at all, and who may consequently become beneficiaries under such a law as that now under consideration, are so few that their number can not perceptibly affect the cost of the law and need not enter into the estimate. And deserters have, for obvious reasons, been excluded from all the calculations embodied in this paper.

Following is a table showing for each year from 1896 to 1910, and for quinquennial periods thereafter until no survivors shall remain, the probable total number of pensionable survivors at 62 years of age or over, who served six months or more, and who are not now on the pension roll or who are pensioned at less than \$8 per month, also the total amount required each year to pension all such survivors, and the increase or decrease of such total amount from year to year. All remarks made with regard to the figures in the table in the preceding section apply with equal force to the figures in the following table:

EIGHT DOLLARS. SIXTY-TWO YEARS. SIX MONTHS' SERVICE.

Table showing the number that will probably be pensionable under and the possible cost of an act granting a pension of \$8 per month to all honorably discharged survivors of the late war who are 62 years of age and over, who served six months or more, and who are not now on the pension roll, and increasing to \$8 per month the pensions of all such survivors who are now pensioned at a rate less than that.

Year.	Beneficiaries.	Cost.	Increase from previous year.	Decrease from previous year.
1896	130,345	\$9,172,130		
1897	132,333	10,085,796	\$913,666	
1898	145,655	11,101,150	1,015,354	
1899	161,015	12,271,847	1,170,697	
1900	178,596	13,611,756	1,339,909	
1901	198,746	15,147,491	1,535,735	
1902	221,836	16,907,301	1,759,810	
1903	248,236	18,919,461	2,012,160	
1904	278,307	21,211,234	2,291,773	
1905	314,154	23,943,348	2,732,114	
1906	344,443	26,251,848	2,308,500	
1907	348,085	26,529,445	277,597	
1908	332,445	25,397,392	-1,132,053	\$1,192,053
1909	314,293	23,951,657	-1,445,735	1,385,735
1910	295,572	22,475,391	-1,476,266	1,476,266
1915	202,825	15,458,349	-7,016,952	*7,016,952
1920	118,811	9,055,256	-6,403,093	*6,403,093
1925	54,785	4,175,438	-4,879,818	*4,879,818
1930	17,479	1,392,171	-2,783,267	*2,783,267
1935	2,972	236,483	-1,165,688	*1,165,688
1940	160	12,231	-224,252	*212,022
1945	0	0	-12,231	*12,231

* Decrease in five years.

III.

TWELVE DOLLARS. NINETY DAYS' SERVICE.

Survivors on June 30, 1896, who served ninety days or more, excluding pensioners at \$12 or over per month.

Under a law providing a service pension of \$12 per month for all those who are not now pensioned, but who served ninety days or more during the war and were honorably discharged, and increasing to \$12 per month the pensions of all those who are now borne on the pension roll at a rate less than that, all honorably discharged survivors who are not now pensioned could become beneficiaries to the extent of \$12 per month each, provided they served ninety days or more; and all those now on the pension roll at a rate less than \$12 per month would be entitled to have their pensions increased to that amount, if their service equaled or exceeded ninety days. Following is a table showing for each year, from 1896 to 1910, and for quinquennial periods thereafter until no survivors shall remain, the probable total number of survivors pensionable under such a law, the possible total expenditure under the law, and the decrease in that expenditure from year to year. It is to be understood that this table is to be considered only in connection with the explanatory remarks made in preceding sections of this paper:

TWELVE DOLLARS. NINETY DAYS' SERVICE.

Table showing the number that will probably be pensionable under and the possible cost of an act pensioning at \$12 per month all honorably discharged survivors of the late war who served ninety days or more, and who are not now on the pension roll, and increasing to \$12 per month the pensions of all such survivors who are now on the pension roll at a rate less than that.

Year.	Beneficiaries.	Cost.	Decrease from previous year.
1896.....	771,442	\$79,303,291	.....
1897.....	750,817	77,183,053	\$2,120,238
1898.....	729,502	74,991,914	2,191,139
1899.....	707,500	72,730,133	2,261,781
1900.....	684,832	70,399,840	2,330,293
1901.....	661,514	68,002,828	2,397,012
1902.....	637,575	65,541,940	2,460,888
1903.....	613,046	63,020,304	2,521,636
1904.....	587,976	60,443,167	2,577,137
1905.....	562,404	57,814,453	2,628,714
1906.....	536,388	55,139,950	2,674,503
1907.....	509,986	52,425,940	2,714,010
1908.....	483,261	49,678,598	2,747,342
1909.....	456,285	46,905,484	2,773,114
1910.....	429,147	44,115,735	2,789,749
1915.....	294,485	30,272,729	*13,843,006
1920.....	172,501	17,733,265	*12,539,464
1925.....	79,543	8,176,923	*9,556,339
1930.....	25,378	2,608,842	*5,568,084
1935.....	4,815	443,531	*2,165,311
1940.....	233	23,952	*19,579
1945.....	0	0	*23,952

* Decrease in five years.

IV.

ONE CENT PER DIEM.

Survivors on June 30, 1896, excluding those who are receiving pensions equal to or exceeding 1 cent per month for each day of service.

It is apparent that under a law pensioning, at the rate of 1 cent per month for each day of service, all those who are not now on the pension roll, and increasing to an amount equal to 1 cent per month for each day of service the pensions of those who are now on the pension roll at a rate less than that per month, all honorably discharged survivors who are not now pensioned could become beneficiaries, as well as those who are now pensioners but whose service was of such a length that the pensions they would receive under such a law would be greater than those which they are now receiving under existing law. The latter class includes a considerable number of pensioners who are now receiving more than the average pension that would be allowed under a per diem law, but whose length of service was such that they would be entitled to more under a per diem law than they are now receiving.

Such a measure would be a pension law from the benefits of which no honorably discharged veteran would be excluded, however short his service, and under which the amount of pension to be paid would depend entirely upon the length of service in each case. Subject to remarks made elsewhere in this paper, the following table is given as showing for each year from June 30, 1896, to June 30, 1910, and for each quinquennial period thereafter until no survivors shall remain, the possible number of pensioners under a law such as that now under consideration, the possible total expenditure under the law, and the decrease in that expenditure from year to year:

ONE CENT PER DIEM.

Table showing the number that will probably be pensionable under and the possible cost of an act granting to all honorably discharged survivors of the late war who are not now on the pension roll a pension of 1 cent per month for each day of their service during the war, and increasing to an amount equal to 1 cent per month for each day of service the pensions of all such survivors who are now on the pension roll at a rate less than that.

Year.	Beneficiaries.	Cost.	Decrease from previous year.
1896.....	605,525	\$42,739,020	.....
1897.....	589,336	41,596,365	\$1,142,655
1898.....	572,005	40,415,486	1,180,879
1899.....	555,335	39,196,556	1,218,930
1900.....	537,542	37,940,678	1,255,878
1901.....	519,240	36,648,856	1,291,822
1902.....	500,450	35,322,602	1,326,254
1903.....	481,195	33,969,617	1,358,985
1904.....	461,518	32,574,714	1,388,903
1905.....	441,446	31,158,014	1,416,700
1906.....	421,025	29,716,646	1,441,368
1907.....	400,301	28,253,980	1,462,666
1908.....	379,324	26,773,350	1,480,630
1909.....	358,150	25,278,831	1,494,519
1910.....	336,848	23,775,350	1,503,481

ONE CENT PER DIEM—continued.

Table showing the number that will probably be pensionable, etc.—Continued.

Year.	Beneficiaries.	Cost.	Decrease from previous year.
1915.....	231,149	\$16,314,921	*\$7,460,429
1920.....	135,403	9,557,011	*6,757,910
1925.....	62,435	4,406,802	*5,150,209
1930.....	19,920	1,405,987	*3,000,815
1935.....	3,387	239,033	*1,166,954
1940.....	183	12,908	*236,125
1945.....	0	0	*12,908

* Decrease in five years.

V.

ONE CENT PER DIEM. NINETY DAYS' SERVICE.

All survivors on June 30, 1896, who served ninety days or more, excluding those who are receiving pensions equal to or exceeding 1 cent per month for each day of service.

A law pensioning at the rate of 1 cent per month for each day of service all those who are not now on the pension roll, but who served ninety days or more, and increasing to an amount equal to 1 cent per month for each day of service the pensions of all those who are now on the pension roll at a rate less than that per month, and who served ninety days or more, would differ from the measure discussed in the last preceding section of this paper only in one particular, viz, that its benefits would be restricted to those who served not less than ninety days.

The following table shows for each year from June 30, 1896, to June 30, 1910, and for each quinquennial period thereafter until no survivors shall remain, the possible number of beneficiaries under such a law, the possible total expenditure under the law, and the decrease in that expenditure from year to year.

ONE CENT PER DIEM. NINETY DAYS' SERVICE.

Table showing the number that will probably be pensionable under and the possible cost of an act granting to all honorably discharged survivors of the late war who are not now on the pension roll, but who served ninety days or more, a pension of 1 cent per month for each day of their service during the war, and increasing to an amount equal to 1 cent per month for each day of their service the pensions of all such survivors who are now on the pension rolls at a rate less than that.

Year.	Beneficiaries.	Cost.	Decrease from previous year.
1896.....	598,629	\$42,698,265	.....
1897.....	582,625	41,556,695	\$1,141,570
1898.....	566,084	40,376,936	1,179,759
1899.....	549,011	39,159,162	1,217,774
1900.....	531,421	37,904,513	1,254,649
1901.....	513,327	36,613,899	1,290,614
1902.....	494,750	35,288,911	1,324,988
1903.....	475,715	33,931,219	1,357,692
1904.....	456,262	32,543,647	1,387,572
1905.....	436,419	31,128,300	1,415,347
1906.....	416,230	29,688,306	1,439,994
1907.....	395,743	28,227,032	1,461,274
1908.....	375,004	26,747,815	1,479,217
1909.....	354,071	25,254,721	1,493,094
1910.....	333,012	23,732,672	1,502,049
1915.....	228,517	16,299,359	*7,453,313
1920.....	133,861	9,547,898	*6,751,463
1925.....	61,724	4,402,599	*5,145,297
1930.....	19,693	1,404,646	*2,997,953
1935.....	3,348	238,805	*1,165,841
1940.....	181	12,906	*235,909
1945.....	0	0	*12,906

* Decrease in five years.

From the foregoing statement it will be seen that all of the measures discussed therein contemplate a service, pension, although some of them differ widely as to the basis upon which the proposed pension shall be granted. The two \$8 per month measures, which only propose to pension survivors at the age of 62 years or over, would involve a minimum expenditure at the beginning, but this expenditure would increase from year to year until 1907, when the maximum would be reached by reason of the fact that nearly all of the survivors will have become 62 years of age on that date, after which there would be a steady decrease in the annual expense. These two propositions differ from each other only in the fact that one of them contains a requirement of six months' service, which would permanently exclude all those who served less than six months, and would reduce the first annual outlay from \$9,983,496 to \$9,172,130, or a little over 8 per cent.

The \$12 per month bill and both the "1 cent per diem" measures would each necessitate a maximum annual expenditure in the near future, which would steadily diminish thereafter. The maximum possible cost of the \$12 bill, if enacted into a law, would be \$79,303,291, as against \$42,739,020 for a law providing a pension of 1 cent per month for each day of service, with no restriction as to the length of service, making a difference between the two of \$36,564,271 in favor of the latter.

As has been pointed out elsewhere in this paper, the number of survivors who served less than ninety days during the war is very small, and the effect of a requirement of ninety days' service in a "one cent per diem" pension law would be simply to exclude from the benefits of the law a few men, no one of whom could receive, if pensioned under the law, more than 89 cents per month, while the average for all of them would be less than 50 cents per month. The estimated total expenditure that would be possible under such a law for the first year would be reduced \$40,750 by debarring those who served less than 90 days.

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.
RECORD AND PENSION OFFICE,
War Department, April 14, 1896.

Mr. LAYTON. I hope the Chair will hear me on the point of order.

The CHAIRMAN. The Chair has already ruled and sustained the point of order. The question is on the amendment offered by the gentleman from Illinois.

Mr. LAYTON. I would simply say this is a provision creating a service pension in a general bill relating to pensions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois. The Chair has already ruled on the point of order.

Mr. LAYTON. I simply ask for two minutes.

The CHAIRMAN. That can only be granted by unanimous consent.

Mr. BARTLETT of New York. I rise to a parliamentary inquiry. After the Chair—

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may be heard for two minutes.

Several members objected.

Mr. LAYTON. I respectfully appeal from the decision of the Chair, and upon that I desire to be heard for two minutes.

The CHAIRMAN. The appeal comes rather late, but the Chair will indulge the gentleman.

Mr. LAYTON. Mr. Chairman, I call the attention of the House, and not only of the House, but of the country, to the fact that the pending bill is entitled "A bill relating to pensions," and its first section—I want to emphasize and accentuate this point—provides for a certain class of pensioners being placed upon the pension roll. Now, my amendment also provides for another class of pensioners being placed upon the roll, and I would like to ask any parliamentarian whether or not such an amendment is not germane to the bill?

Mr. PICKLER. Will the gentleman yield for a question?

Mr. LAYTON. I have only two minutes—I can not yield. I repeat, Mr. Chairman, the first section of the pending bill provides for a certain class of pensioners, to wit, men who served in the rebel army, being placed upon the roll. Instead of that I move to strike that out and to insert a provision that pensions shall be granted to men who served in the Union Army for a graded service pension; and hence, I repeat, can any gentleman who has any knowledge of parliamentary law honestly say that that amendment is not germane to the first section of the bill? My bill provides for a service pension of not less than \$6 a month to every old soldier of the Union Army who served three months or less and who has an honorable discharge, \$8 a month to those who served more than three months and less than one year, \$10 a month to those who served more than one year and less than two years, and \$14 a month to those who served more than three years.

Mr. TAWNEY. Why did not the Fifty-third Congress, when the Democrats held the power, pass that bill?

Mr. LAYTON. That is the character of the proposition I now present, and I appeal to this House to permit a vote to be taken upon this amendment, which is offered in good faith, providing pensions for "sure-enough" Union soldiers instead of for men who served in the Confederate army. It is for the purpose of getting action upon this proposition, which is offered by me in the utmost good faith, that I have most respectfully appealed from the decision of the Chair, for whom personally I have the highest regard.

Mr. PICKLER. Mr. Chairman, in this bill from the first section to the seventeenth, every section in it having been placed there by the Committee on Invalid Pensions and on their own suggestion, there is not one that adds a new class of pensioners to the roll; but the gentleman from Ohio proposes an amendment which does add an entirely new class. The ex-Confederate soldiers who are recognized under the first section of this bill were recognized as a pensionable class until lately. The gentleman's proposition is for a new class of pensioners to be granted a service pension, men who as a class have never been on the pension roll. Now, any amendment which proposes to place a new class of pensioners on the roll is not and can not be in order on this bill. We are all anxious for the passage of a service-pension bill; we have been considering it in the Committee on Invalid Pensions, and I trust that the gentleman from Ohio will stand by his guns when we get it where it can be considered, because this side of the House is for it solidly. [Applause on the Republican side.]

Mr. LAYTON. If this first section of the pending bill does not provide for a new class of pensioners, why have it in the bill at all?

Mr. PICKLER. Because we are trying to cure the present maladministration of the Pension Bureau. The bill as reported covers only such cases as were covered by the law and were getting pensions under the Harrison Administration. This bill does not create any new class at all, while it does prescribe rules and regulations to facilitate the allowance of pensions.

Mr. LAYTON. I submit, Mr. Chairman, that this is a specific, absolute provision, placing upon the pension roll certain persons

who served in the Confederate army, and that it does not provide for any construction of any existing law.

Mr. PICKLER. Your substitute does not cut out these very Confederates that you are talking about; it includes them.

Mr. SMITH of Illinois. Mr. Chairman, I rise to a parliamentary inquiry. The amendment having been offered, the point of order having been made upon it, and the Chair having decided the point of order, shall we be compelled to sit and listen to a wrangle for half an hour, taking up time, when objection is made?

The CHAIRMAN. The gentleman from Ohio [Mr. LAYTON] appealed from the decision of the Chair, and the discussion has been on the appeal.

Mr. LAYTON. Mr. Chairman, I am quite sure the chairman of our committee does not wish to misrepresent me.

Mr. PICKLER. No, sir.

Mr. LAYTON. If he will listen to the reading of my amendment—

Mr. PICKLER. I call for the reading of the substitute.

Mr. LAYTON. Mr. Chairman— [Cries of "Vote!" "Vote!"] I desire, Mr. Chairman—

The CHAIRMAN. Objection is made to the gentleman proceeding.

Mr. LAYTON. I am talking on the appeal.

The CHAIRMAN. The Chair can not recognize the gentleman a second time on that question.

Mr. LAYTON. I should like to be heard for a moment only.

The CHAIRMAN. Does the gentleman from South Dakota yield?

Mr. PICKLER. Of course I do not.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a parliamentary inquiry. Is this controversy between the gentleman from Ohio and the gentleman from South Dakota in order?

The CHAIRMAN. If the gentleman from South Dakota, having the floor, yields to the gentleman from Ohio—

Mr. BARTLETT of New York (interposing). How many times can the gentleman from South Dakota get the floor?

Mr. PICKLER. I have had it only once.

Mr. BARTLETT of New York. I thought you had had it three or four times.

The CHAIRMAN. Does the gentleman from South Dakota [Mr. PICKLER] yield to the gentleman from Ohio for a question?

Mr. PICKLER. Yes, sir, for a question.

Mr. LAYTON. The gentleman has stated, as I understand, that my amendment would permit the first section to remain in the bill—

Mr. PICKLER. I beg the gentleman's pardon.

Mr. LAYTON. I understood the gentleman to say that my amendment, if adopted, would permit the first section to remain in the bill?

Mr. PICKLER. No; I say that the gentleman's substitute would strike out the first section. But the substitute provides that every soldier who served ninety days in the United States service and was honorably discharged shall be entitled to this class of pension; and that would cover these very Confederates who rendered service in that way.

Mr. LAYTON. Yes, sir. But, mark you, the existing law excludes the class of men here provided for in the first section, viz, ex-Confederates.

Mr. PICKLER. I insist that the appeal from the ruling of the Chair should not be sustained by the Committee of the Whole. This amendment creates a new class of pensioners. It provides for a service pension; and it shows why some of our friends over there were so anxious to get an opportunity to offer amendments to this bill. Now, sir, they can not put this side of the House in a false position on the question of service pension. We are for such a pension; and I trust, sir, that the election this fall will so demonstrate the wishes of the people and have such an effect in placing revenue in the Treasury of the United States that at the closing session of this Fifty-fourth Congress we may ingraft on the statute books a service pension for every old soldier [applause]; and this is, I know, the desire of this side of the House.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question being taken, it was decided in the affirmative.

So the decision of the Chair was sustained.

The CHAIRMAN. The question is now on the amendment of the gentleman from Illinois.

Mr. POOLE. Mr. Chairman and gentlemen of the committee, the first section of the bill now under consideration engaged the attention of the Committee on Invalid Pensions to as large an extent as all the rest of the bill, and we were substantially agreed upon that section as it now appears. The amendment of the gentleman from Illinois, while it seems to be an innocent proposition, is, in my opinion, a very dangerous one. It provides for inserting the word "involuntary" before the word "service," in line 5. Right there is where the danger arises. It is impossible for these men to prove that they entered the rebel service involuntarily.

There were thousands of men that entered the rebel army along the border States because they found it necessary to do so in order to save their lives. They knew well that to remain in that country and not take sides with the Confederacy meant certain death to them. Therefore thousands of them enlisted in the Confederate service, serving a shorter or a longer time, but at the very first opportunity they deserted to our lines and became Union soldiers. It is this class of men we want to protect. That has been the object of the committee in the preparation of the bill. We sought to give these men who thus served their country and their flag the same rights as Union soldiers from the North. I claim, Mr. Chairman, that these men took greater chances than even we of the North; for, sir, as everyone knows, if they had been captured in battle by their former comrades their lives would not have been worth a cent; they would have been shot for desertion. Hence I claim it is no more than fair that after they have served their flag and their country in the Union Army for ninety days they should receive the same generous treatment that we give to the Union soldiers who went from the Northern States.

One other thing. In this very Congress we have removed the ban which for thirty years remained upon those men who, having been educated at the expense of the United States at West Point or Annapolis and received commissions in our Army and Navy, afterwards deserted their flag and engaged in the service of the rebellion, remaining in it, in most cases, till the end of the war. Thirty years ago we said that those men should not again be permitted to receive commissions in the Army or Navy of the United States. But in the present Congress we have repealed this act and made it possible for them to hold commissions in the Army or Navy.

Now, why not be generous to these men, many of them of humble position, who were Union men at heart and who, when the opportunity came, did service for the Union? Why not extend to these men the same generosity that we have extended to those who fought us through the war, who deserted the flag of the United States in order to do so, and many of whom never repented. I voted freely for the bill restoring those men to their former rights. I thought it time that we should extend the olive branch to all the men of the South, giving them the opportunity to show themselves, as they claim to be, good Union men like ourselves. But I do not think it fair that these other men who did us good service during the war should be denied the little rights that we can extend to them under this bill.

Mr. PICKLER. Does not the gentleman know that the effect of this amendment is simply to put into the law what they have been holding at the Pension Office?

Mr. POOLE. I so understand.

Mr. PICKLER. And we should not sustain the Pension Office in a wrong ruling.

Mr. POOLE. Mr. Chairman, I want to say to the ex-Confederate soldiers on this floor that we concede that in this Congress they have been generous. I have never seen an ex-Confederate soldier oppose the pension bill of any Union soldier. I hope that we shall be as generous to the men of the South who were loyal in their hearts and as soon as the opportunity offered became Union men, as the men of the South in this Congress have been toward the Union soldier.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. CONNOLLY].

The amendment was rejected.

Mr. HEPBURN. Mr. Chairman, I offer the amendment I send to the desk as an addition to the first section.

The Clerk read as follows:

Insert in line 12, at the end of the section, as follows:
"Provided further, That in the administration of the Pension Bureau all laws shall be construed liberally in the interest of the claimant; and in no case shall the claimant be required to furnish a measure of proof that excludes all reasonable doubt, but he shall only be required to establish his claim by a fair preponderance of proof."

Mr. SMITH of Illinois. I wish to offer an amendment to the amendment.

Mr. HEPBURN. It has been suggested to me that this amendment be offered as an additional section, and I will do so and ask the Clerk to number it properly, allowing it to follow the first section.

I do not care to discuss it and hope we may have a vote upon it.

Mr. PICKLER. Let us understand this matter. How do you propose to get it into the bill? As an independent section?

Mr. PEARSON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PEARSON. If this is to be a separate section it is not in order now on the discussion of the first section.

Mr. HEPBURN. On reflection, I will renew my former motion to have it added as an additional paragraph to the first section.

Mr. ANDREWS. Mr. Chairman, a word only in regard to this matter as a member of the committee.

As this amendment relates distinctively to the administrative

features of the law, I heartily favor the amendment, and hope it will be adopted by the committee.

Mr. SMITH of Illinois. Now, Mr. Chairman, I offer what I send to the desk as an amendment to the amendment.

The Clerk read as follows:

That hereafter, in the administration of the pension laws and determination of the rights of any claimant to a pension, or an increase of pension, the same shall be determined solely on the sworn testimony or affirmation of witnesses, taken under the provisions of law; and the unsworn statements of any person or persons relative to the credibility of witnesses, or as to supposed facts in connection with such claims, shall not be considered or accepted by the Pension Office officials to impeach or discredit the sworn statements or affirmations of a witness.

Mr. SMITH of Illinois. Mr. Chairman, I desire to say to the committee that in my judgment the amendment which has just been read to the amendment offered by the gentleman from Iowa [Mr. HEPBURN] not only covers the point of the amendment offered by him, but goes a little further, and in the right direction.

Here we have laws under which pensions are to be granted to relieve soldiers who can prove up their cases; and under the law they are required to prove their claims by certain statements. Under the practice of the office a system has grown up which has gone beyond anything in that line ever recognized in any civilized country on the face of the earth. A claimant for a pension is required to prove by the oath of witnesses—officers, comrades, and himself—that his disabilities were incurred in the service, if under the general law of 1861; and after all that is done and proven to the satisfaction of any court of record in any State in the Union, then the Pension Office holds up the pension claim and sends out a notice to a postmaster in the vicinity of where the claimant lives, or to some other private individual and asks that individual to say is the testimony, for instance of the gentleman from South Dakota, who has sworn to the incurrance of the disability—is the testimony reliable; is he a credible witness, and ought he to be believed on oath?

That private letter comes into the Pension Office after a while, and on it they may hold up or reject the claim—on a private or secret letter, giving to it more weight in the office than to all of the affidavits of the officers or privates of his company or regiment who have testified in favor of the claimant.

The only object of the amendment is to let every case stand upon the evidence or affirmation of witnesses and to prevent private letters from being received as a better class of proof than that. It prescribes that these letters shall never be taken to impeach the testimony of a sworn witness, or the testimony of the colonel or captain of the company in which the man served; but let them all be decided by the evidence furnished in the case, and if the applicant is not able to furnish the evidence required, then the claim will be rejected.

This is a matter of interest to every pension claimant in the United States, and I do not want the chairman of the Committee on Invalid Pensions to get up and retaliate on me that I was not in the Army and could not be a friend to the soldier, and that he was the man.

This amendment is intended to reach and remedy a serious trouble that has grown up in this country. It has grown up not only in the present, but in other Administrations, and there is not a man, woman, or child having a claim for pension on file in this country but would be glad to see the amendment adopted and an end put to a system that has prevailed so long and so injuriously to these claimants. It only seeks to secure justice. If a man is entitled to a pension and proves it by sworn testimony or the affirmation of witnesses under the law, let him have it, and do not take the private statements of secret spies, which go in as confidential communications to impeach the testimony of sworn witnesses.

I believe this will appeal to the justice and fairness and good sense of my Democratic friends who favor those things, and I know that of course no Republican can object to it if he is a friend of the soldier.

[Here the hammer fell.]

Mr. PICKLER. I should like, in my time, to hear the amendment of the gentleman reported.

The amendment was again read.

Mr. PICKLER. Now, Mr. Chairman, I admit the gentleman's interest in the old soldiers. I know he is loyal to them, and I want to say right here that no man in this House, on either side of it, has ever heard me impugn the motives of any man on any question. I do not do that. Now, if the gentleman's amendment should carry, not another person could get a pension.

Mr. SMITH of Illinois. Why?

Mr. PICKLER. I will tell you why. You cut out the statements of the physicians.

Mr. SMITH of Illinois. Oh, no.

Mr. PICKLER. You cut out the records of the War Department.

Mr. SMITH of Illinois. Not at all.

Mr. WATSON of Ohio. The official records.

Mr. PICKLER. Well, let us have the amendment read again; I so understood it.

The amendment was again reported.

Mr. PICKLER. There is no provision for the war records in that. Besides that, Mr. Chairman, we have here a section that says every claimant and his attorney can go and look over everything in the Pension Office. My friend knows very well that there will be no trouble about that hereafter. We provide that the claimant and his attorney shall have access to every paper that is filed, and that is protection enough to the soldier.

It very often happens, gentlemen, that unsworn statements come in which are very beneficial to the soldier. You cut those off by this amendment. I know the gentleman means well, but his proposition is too broad, and it would be impracticable. He is erecting a new system of evidence that ought not to come in.

Mr. FAIRCHILD. Mr. Chairman, I should like to ask the gentleman from South Dakota if it is not a fact that the amendment of the gentleman from Illinois is provided for in section 4, which states—

That hereafter, in the administration of the pension laws, all investigations into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney.

Mr. PICKLER. I think the gentleman means to go further than that. He means to reach these letters that are written by postmasters.

Mr. SMITH of Illinois. Certainly; that is my intention.

Mr. PICKLER. I want to call attention further to the proviso in section 5:

Provided, That no claim shall be rejected because of claimant's inability to furnish, as to any material fact in the case, the testimony of more than one credible witness having knowledge of such fact.

Mr. VAN HORN. Mr. Chairman, there are other amendments which we want to reach. Let us have a vote on this.

Mr. PICKLER. I think the proposition which I have just read is open and fair. While I concede the earnestness of the gentleman from Illinois [Mr. SMITH], I do not think his amendment ought to prevail. It is erecting a new system of evidence that I think might be very detrimental to the allowance of claims.

Mr. SMITH of Illinois. It does not erect any system of evidence; it simply holds them down to a system of evidence.

The CHAIRMAN. The question is upon the amendment of the gentleman from Illinois [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Illinois) there were—ayes 2, noes 53.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

Mr. STEWART of New Jersey. Mr. Chairman, there is one expression in the pending amendment which is objectionable. It is the term "beyond a reasonable doubt." "Reasonable doubt" has its entire application to the criminal law. Its use would assume that all our old soldiers belong to the criminal class. I object to the use of the term.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

Mr. PICKLER. I want to say to the gentleman from Iowa [Mr. HEPBURN], and in behalf of the Committee on Invalid Pensions, that in the bill H. R. 5549, the former print of this bill, of which this is largely a part, we had a section providing that in the administration of the pension laws, in cases of doubt, the presumption shall be in favor of the claimant. I understand that is about what the gentleman intends.

Mr. HEPBURN. Will the gentleman tell us why that was stricken out?

Mr. PICKLER. I will tell you why it was stricken out, and I have no hesitancy in doing so. This is a very important measure, as we believe. It is so regarded by the Grand Army of the Republic all over the country. They sent their legislative committee here, and this bill has their approval. We went over it in detail. They approved of this bill in detail. There is not a section in it but what they approved. We had a section in regard to the presumption being in favor of the soldier; but upon further discussion with other friends of the soldiers it was concluded that it might perhaps be better to restrict this bill somewhat, so as to get a bill that would be sure to go through the Senate and sure to pass the White House.

I say I do not believe that anybody asked to keep anything out of this bill that was not done in the interest of the soldier. I have no objection to the amendment, individually. In leaving this section out of the bill the point which we had in our mind was whether we might not have an amendment adopted in this bill that might go further than was necessary, as this should be the construction of the Pension Office without a statute. I believe the presumption ought to be with the soldier. Individually I do not think there is any danger in it; and yet, gentlemen, we are seeking to pass a bill that will be approved by the Senate and by the

President; and if this bill is adopted, if it shall become law—and that shows the necessity of the law—it will help soldiers more than any law that has been passed since the law of 1890; and in connection with and supplemental to laws, some of them passed at this term of Congress, it will put a large majority of the rejected and discontinued and delayed cases in the Pension Office in a condition to go on the rolls.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. PICKLER. I yield first to the gentleman from New York, and then I will answer the gentleman from Maryland.

Mr. BARTLETT of New York. I would like to ask the chairman of the Committee on Invalid Pensions if the Grand Army disagrees with the amendment of the gentleman from Iowa, because it is very important that we should know how we are to vote as to this. [Laughter.]

Mr. PICKLER. I know what there is behind your point. Ah, my friend from New York, if you have not more patriotism than your speech the other day evinced I do not suppose the opinions of the Grand Army would have any effect on you. The patriotism of the gentleman's speeches on this bill is at a very low ebb.

Mr. BARTLETT of New York. Does the gentleman from South Dakota think that voting for this amendment, which would deny a pension to men who were base enough to fight under two flags—

Mr. PICKLER. They were under the wrong flag and came to the right one, under our promises to treat them as other Union soldiers, and it is cowardly for this Government to now refuse.

Mr. BARTLETT of New York (continuing). And men who were bounty jumpers, shows a lack of patriotism?

Mr. PICKLER. There is no bounty jumper provided for in this bill, the statement of the gentleman to the contrary notwithstanding. This is the section relating to deserters or those dishonorably discharged, and there are no bounty jumpers included or provided for in this bill.

This bill is to relieve the boy who went home to see a sick mother, or the poor husband who went home to see a dying wife, as was done in an instance that was given to me yesterday. A soldier heard that his wife was dying. He went to the colonel and asked for a furlough, and was told that he could not have it. He said to the boys that night, "I can not get this furlough." When the next day came he learned that his wife had died. He had one child that was 4 years old and another that was 2 years old; and he said, "Boys, I am going to place these children out in the hands of neighbors to take care of; but I will come back." He went, and he came back inside of thirty days, but was reported as a deserter. This will allow that class of men to be granted an honorable discharge. These are the men whose cases are cured by this bill. The bounty jumpers never went South. They were in New York City and cities of the North. [Applause and laughter.] These men never got South, and they never had an opportunity to desert.

Mr. BARTLETT of New York. Will the gentleman answer one question?

Mr. PICKLER. Yes, sir.

Mr. BARTLETT of New York. I do not care about having a stump speech or stump oratory in reply.

Mr. PICKLER. That is not a question.

Mr. BARTLETT of New York. Does the gentleman mean to assert that the thirteenth section of this bill does not apply to men who were bounty jumpers?

Mr. PICKLER. I do. Theoretically it might, but not practically. I do not believe that there is one man who is a bounty jumper in the whole country who claimed a pension that has not been able to get one. Such men after the war closed would get up their false evidence, and could get a pension then if it could be gotten at all. The purpose of this bill is to help those against whom the charge of desertion was made, and who found that it was made thirty years afterwards. These are the ones that this bill is designed to help. [Cries of "Vote!" "Vote!"]

Mr. LEWIS. Mr. Chairman, I want to ask the gentleman from New York a question. I have heard a great deal said about pensioning men who fought under two flags. Now, I want to know if I am not correct in saying that a great many soldiers of the Mexican war who fought all through the civil war in the Confederate army are not now drawing pensions as Mexican soldiers?

Mr. PICKLER. Yes; all of them are.

Mr. LEWIS. Now, I know some of them individually, and I want to ask the gentlemen who are so patriotic and who are so much troubled here about men who fought under two standards, if they would vote for a bill striking from the pension rolls the names of Mexican soldiers who fought in the Confederate army and who are now receiving pensions?

Mr. MILES. Will the gentleman permit an interruption?

Mr. LEWIS. Yes, sir.

Mr. MILES. Do you mean to say that those Mexican soldiers are to be classed with men who deserted their flag?

Mr. MAHON. They also deserted their flag at the beginning of the war.

Mr. MILES. Not at all; they deserted no flag.

Mr. LEWIS. I will answer the gentleman from Maryland. I say, as to men who fought under the Confederate flag and afterwards became loyal and fought under the flag of the Union, that one man of that class is as good as another [applause on the Republican side], and the man who fought in the Confederate army, possibly having got there under compulsion, as a great many did, and the man who conscientiously changed his views and became loyal and then fought for the flag of his country is as much entitled to consideration as a Mexican soldier who fought in the Confederate army, and as much entitled to the bounty of this Government. [Applause.] Now, Mr. Chairman, I have heard a good many times in this discussion the phrase "coffee cooler." I do not know what a coffee cooler is, and I would be glad if some of these patriotic gentlemen who use the term so freely would be good enough to define it, so that we may understand just what they mean by "coffee cooler." Who is the inventor of this expression "coffee cooler"?

Mr. MILNES. Grover Cleveland. [Laughter.]

Mr. LEWIS. Did it come from the same source as that other phrase, "innocuous desuetude"? [Laughter.] I want to say that the expressions "coffee cooler" and "bounty jumper" have, in my opinion, fallen into innocuous desuetude. We had no bounty jumpers or coffee coolers in Kentucky. The only sort of jumpers we had there were men who jumped over the enemy's works and jumped to the tops of the mountains and planted the Union flag there in triumph. [Applause.] The men who fought the battles of the civil war on the one side and the other were as brave and honorable as any in the country, and to my mind no such phrases can properly be applied to Union or Confederate soldiers. They are odious. And the time will soon come when the man who uses them as applied to the Union soldiers will be looked upon with the same contempt and scorn as one who would speak reproachfully or disrespectfully of the soldiers of the Revolutionary war, the war of 1812, or the Mexican war. The country cherishes its patriotic dead. The tumuli that cover their mortal remains are sacred spots to all good men and women. For their living comrades there should be no sentiment other than the broadest charity and warmest affection.

For them may springs in every desert flow,
All gentle spirits wait upon their words,
And every tree that o'er their path bends low
Have its bright flowers, its fruits, and singing birds.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

Mr. TALBERT. Mr. Chairman, I did not intend to say any more upon this bill, and would not now but for the reason that I have been alluded to in person by several speakers in connection with the Southern soldier and my native State.

Mr. Chairman, while I am opposed to this bill and shall vote against every section of it, if the bill must pass I think the amendment offered by the gentleman from Iowa [Mr. HEPBURN] is a very good one. It puts all applicants for pension upon the common evidence that is received in all courts of justice. The whole bill is vicious and deceptive from beginning to end. And, Mr. Chairman, the discussion of this bill has taken a very wide scope, embracing all manner of partisanship as well as the merits and demerits of the Democratic and Republican parties, which is possibly somewhat of a legitimate range of argument; but, sir, when the subject of the reunions of Confederate veterans has been lugged into this debate by the gentleman from Indiana [Mr. HARDY], I think the proper limits of propriety have been transcended, as that is a matter entirely irrelevant and disconnected from this bill.

The gentleman alluded more particularly to a reunion lately held in Charleston, S. C., a gathering of as true, loyal, and brave men as ever assembled upon this or any other continent. The Southern soldiers, after following Lee and Jackson, Johnston and other leaders through four years of winter's snow and summer's heat, often half naked and hungry, after accomplishing all that human endurance and bravery could accomplish, after showing the world how half-naked and half-starved troops could put to flight an army better equipped and three times more in number, yielded to fate only when our flag went down upon the now historic field of Appomattox, they accepted the situation and surrendered when the immortal Lee said they should fight no more. The war with them was ended, they accepted their paroles, shook the hands of their comrades in silence as they looked for the last time over the hills of Virginia, dotted with the graves of the slain of both armies, and returned to their homes. But what did they find there?

In many parts of the sunny South they found their houses burned,

their property gone, and all over the land was heard the cry like that of Rachel weeping for her children because they were not. Yet, amid all this destruction and devastation by the cruel hand of war, which had swept over the land with the crushing foot of a giant, they commenced life anew, and the fields that run red with blood in April were green with the harvest in June, and the horses that sniffed the battle in the spring under the saber (be it said to the honor of that grand and noble soldier, General Grant, for he magnanimously gave back to the boys their horses) were proudly walking before the plow in summer.

Then, as the years roll by, it is proper, it is natural, it is right, yea, it is more than right, that these old soldiers should meet together in their reunions to grasp each other again by the hand, to celebrate their trials, and live over again for the moment the life of the soldier. And it is unkind, it is unfortunate, it is improper and cowardly, to have their action adversely criticised here on the floor of the House in the discussion of a measure with which they have no connection except to pay their part of the burdens it may impose. Be this as it may, Mr. Chairman, I wish to say that while these men of the South are as true and as loyal to the flag to-day as those of the North, and as ready to fight for its defense, at the same time they will continue to have these reunions as long as time itself shall last. Yes, sir; as long as the sun shines by day and the moon gives her light by night, as long as the stars twinkle in the heavens, as long as the Potomac and the Shenandoah continue to flow, as long as the dewdrops fall upon the resting places of our dead and the Blue Ridge sentinels their graves, just so long will the men of the South meet together in reunions to commemorate the heroic deeds of her immortal soldiery in song and in story. [Applause.]

But let me say to this House that this is not done in any spirit of disloyalty to the Union of to-day. It is not done in any spirit of prejudice to the gallant and brave soldiers who fought on the other side, for I believe I voice the sentiment of every true Southern soldier when I say that with them the conflict of arms is over, the result accepted in good faith, and that now the soldiers of the South stand ready at all times to take by the hand the soldiers of the North, whom once they met in the red blaze of battle, now meeting over the chasm of sectionalism, ready and willing to bury forever the bloody spirit, and to plant upon its grave the white rose of peace, with the prayer that it may bloom perpetually, bringing forth fruit for the upbuilding and prosperity of this great nation of ours, with but one ambition, that we may forever remain a reunited, fraternal, and happy people. [Applause.]

Then it seems to me to be uncharitable in anyone to criticize the Confederate soldier for his love for the lost cause, for while he stood by the Southern cross, with more than filial affection, until it went down, he believed he was right, and that his quarrel was made upon a principle quarried from the mine of everlasting truth; and so he loves it still and will continue to love it till death. While the flag under which he fought is furled and put away forever, and while we are all reunited under the Star-spangled Banner, we feel that if we are to respect that flag and fight for it, which we are willing to do if necessary, its folds should wave gently over the graves of our dead and the forms of our living. That is Southern sentiment as I now understand it, and what is sentiment but patriotism itself? What is sentiment but principle refined? What is it to-day that controls the universe?

Sir, from the time that Joseph carried the embalmed body of his father back from Egypt to Canaan to bury it in a cave in the field of Machpelah sentiment has ruled the world. What was it but divine sentiment that led Joseph, the honorable counselor, to go to Pilate to beg the body of his Lord that he might wrap it in fine linen and bury it in his own tomb where never laid any other body—new, nice, and clean? It was sentiment.

What was it but a similar sentiment that led that devoted woman to break the alabaster box of ointment and anoint the head of her Lord? And when it was suggested by some one in the crowd of a mercenary turn of mind (possibly like the fellow who injected this subject into this debate) that it might have been sold and given to the poor, He said, "Let her alone; she has done what she could; and whenever and wherever in all lands and countries My gospel is preached, let this be told as a memorial of her."

What was it that led those devoted women to be last at the cross and first at the sepulcher? It was sentiment. Then do not impugn the motives of our people for their devotion to their own sunny South and their devotion still to the lost cause. What is it that fosters your fondest memories around the place of your birth? The old schoolhouse, the old oaken bucket, even, that hung in the well, and even the old garden gate. Sentiment makes us respect the living and leads us on in our pilgrimage, to give decent burial to the dead, to strew flowers upon their graves, and to mark their resting places with monuments as enduring as marble and as lasting as brass.

Now, Mr. Chairman, let me say, in conclusion, that no amount of diversion can divest this bill of its vicious tendencies or relieve

it from the appearance of humbuggery. It is a delusion and a snare, with no merit at all in it, and I hope it will be overwhelmingly voted down. [Applause on the Democratic side.]

Mr. MILLIKEN. Mr. Chairman, I have the highest respect for the gentleman from South Carolina [Mr. TALBERT]. He is opposed to the increase of pensions, and he has the courage to honestly state to this House his convictions. I have no criticism to make on account of his affection for his old comrades, for "blood is thicker than water," and I am glad to see every man feel an affection for those with whom he has labored and suffered. But how is it with our friends generally on the other side? I have seen pension bills considered in this House for a good many years. The same opposition comes each time. Our friends on the other side say they are in favor of doing everything for the old soldier; they stand up, as my friend from New York did the other day, and urge that the Democratic party is a better friend to the Union veterans than the Republican party; but one thing you will observe, Mr. Chairman, they always find some reason why the pending bill should not be enacted. Why, sir, my friend from New York offered a bill last week as a substitute for the pending bill. He knew his substitute could not pass this House. It was intended only as a club with which to knock in the head the bill that is pending.

Gentlemen on the other side of the House are ever ready to asseverate with great emphasis and much patriotic display that they very earnestly favor pensioning the "real soldier," the "brave soldier," the "soldier that did honest service." But when you come to reduce their propositions down to their real intent and meaning you will discover in every instance that they do not mean anybody that is included in the bill before the House, let that bill be of whatsoever character it may. The fact is that we meet with opposition from the other side on all important bills which are presented and considered here for increasing the pensions of the soldiers or to facilitate the allowance of pensions under existing law. Each man has his particular excuse for his opposition. It may be one thing with one man and another thing with another; but it always comes from the Democratic side of the House, and it always has to be met by the Republicans.

I repeat that I honor the gentleman from South Carolina for standing up here like a man and having the courage to say squarely that he is opposed to the increase of pensions, unlike most of our friends on the other side, who claim to be really aching in their hearts to increase the old soldiers' pensions and facilitate their allowance, but who can never bring their minds to support any measure for that purpose which is being considered and has the least chance of being enacted into law.

Why, sir, I have stood here many a time and heard the Union veterans called "coffee coolers," and "bummers," and all that class of pet names. But, Mr. Chairman, I am proud of one fact—and it is recognized by this country, too—that all these insults to the soldiers, these attacks upon their characters, these slanderous words, as unjust as they are infamous and indecent, have never come from the Republican side of this House. [Applause.]

Sir, I have been here for thirteen years; I have heard all the debates on this subject during that time; and when gentlemen stand up here and claim that the Democratic party, as represented on this floor, has been the friend of the soldier, they have the "gall" and the assurance to deny the absolutely established facts of history; history with which the people of this country are too familiar to allow themselves to be deceived by such false and absurd assertions.

I favor the passage of the bill before the House because I am satisfied that it will secure a more speedy adjustment of pension claims than can be reached under the present law. And this I regard as a consummation most devoutly to be wished.

A great majority of the veterans of the Union armies are becoming old men. In the ordinary course of nature we can hardly expect for them many more years of life. If we would have the Government confer upon them a just recognition of their services we must provide that it be done soon, or it will not be done in this world.

Thousands of them are now waiting, suffering, for the relief which their gallant services entitle them to, with very little prospect of receiving it in time to do them much good.

As their age advances their infirmities increase. Many of them who came out of the Army buoyed up by the vigor and elasticity of youth find themselves debilitated, decrepit, suffering, and unable by their labor to earn the comfortable livelihood which they, above all others, most richly deserve.

Each year and month finds them less able to support themselves and those depending upon them than the year and month before. Time, which finally depletes the powers of all men, is sapping the vitality of the veterans of the Union armies more than any others. It is developing the effects of the hardships and sufferings of war and the infirmities caused by life in the camp, on the march, and in battle.

Their wounds are, many of them, sorer to-day and their diseases incurred in their military service have grown worse than they were on the day of their discharge from the Army.

These men must very soon receive the Government's aid in granting them just and well-deserved pensions or become dependent upon charity for support, and I do not believe that any brave and worthy soldier should be driven to be a beggar or made to enter the portals of the poorhouse. [Applause.]

This great nation, cramped as it is in its resources by the wretched economic policy of the party in power, is still amply able to properly care for those who in the day of its danger saved it. They gave the vigor of their young manhood to its defense. With unsurpassed courage they clung to it and supported it. They came home not to make excuses for defeat. They accomplished their patriotic mission. They brought back the flag of their country vindicated, its cause triumphant, its integrity complete. The nation can not afford in the smallest measure to neglect them. It would be a shame and a stain upon its escutcheon which could never be eradicated.

I favor this bill, because it will confirm the soldier in his pension so that the law may not be so administered as to deprive him of it. I doubt not that there will be rulings and rulings in the Pension Office so long as that Bureau shall exist. But I would make the law so definite and conclusive, I would shut the legal door so tight, that no ruling not made in direct and clear violation of law should deprive any old soldier of fairness and justice.

He should not live in constant fear that the benefits righteously conferred upon him by the Government might at any moment be taken from him by some caviling pension inspector, perhaps once a member of the rebel army, who either in order to show himself to be earning his salary, or from hatred of the Union soldier, or from total depravity should report to the Pension Bureau against him.

He should hold his pension after submitting to all the examinations and furnishing all the testimony necessary to secure it by some stronger tenure than the whims, the caprice, the hostility, or the self-interest of anyone.

This is my position, and it is the policy of the Republican party.

The gentleman from South Carolina sought, a few days ago, to sustain his position against the further allowance of pensions by comparing the amount paid out each year by our Pension Bureau with the cost of maintaining the armies of some of the great nations of Europe. Did it never occur to him that the waste caused by taking the young men of France, Germany, and Russia from the fields of production and making them only destroyers and consumers is much greater than the expense of supporting them in the army? Would the gentleman have us adopt the European system of keeping great standing armies? Does he not think that this nation is much richer, as well as better, for retiring her armies at the end of her wars and pensioning the wounded and disabled than she would be under the military system of the Old World, where the young men who should be pursuing civil avocations and promoting their country's progress and greatness by the exercise of their genius and energy are drafted from their communities to become idlers or destroyers? I believe, Mr. Chairman, in the military system of my own country, as I believe in its economic system.

My friend asks if we shall turn the United States Treasury over to the old soldiers. No. They do not ask or want it. What they want and should have is that they and their immediate dependents shall not be allowed to suffer in their old age by the neglect of the country whose life they offered their own lives to save.

But if the Treasury were to be depleted I much prefer it should be done in paying pensions to the veterans of the Union armies to having its contents sent across the ocean to foreign lands, to purchase what our idle thousands would be glad to produce, as has been done by the free-trade policy of the party now in power.

There was no depletion of the Treasury, no failure to meet our expenditures with our revenues and have a large margin to pay our debts with while the party which stands by and sustains the soldiers held the reins of government. [Applause.]

The gentleman from South Carolina beseeches us not to forget God, turn our backs upon Him, go out after false gods, and thus bring calamity upon us.

We forgot God and brought calamity upon the nation when we established and maintained human slavery. The Confederacy still further forgot God and more severely suffered when it waged war upon the Union to continue and extend that institution of iniquity. Let us not again forget God by refusing to provide ample comforts for the veterans of that brave Army which, in achieving victory for our country, became the architects of the nation's greatness and prosperity, and thus invoke upon ourselves another and perhaps greater calamity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGLEY. I move that all debate upon the pending section and all amendments thereto be limited to one minute.

The motion was agreed to.

The question being taken on the amendment of Mr. HEPBURN, it was agreed to.

Mr. PICKLER. I ask unanimous consent that the amendment of the gentleman from Iowa, which has been adopted, be made section 18 of the bill.

Mr. BARTLETT of New York, Mr. SCRANTON, and others objected.

Mr. PICKLER. I move that it be made the last section of the bill.

The CHAIRMAN. That motion is not now in order.

Mr. WHEELER. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of line 12, page 1, insert the following:

"And provided further, That the pension list may be a roll of honor for those brave soldiers who have borne the brunt of battle, there shall be kept a separate pension roll, to be designated the battle pension roll, upon which shall be inscribed the names of all soldiers who creditably served in battle, and the pension certificates given to such soldiers shall state the battles in which they engaged and the nature of the wounds which they received. And all soldiers now on the pension list who are entitled to the distinction shall be transferred to the battle pension roll and be given new certificates in conformity with the above-recited provision.

"And a like certificate shall be given to the heirs of all deceased soldiers who, if living, would be entitled to such a certificate, and the names of said deceased soldiers shall be inscribed upon said battle roll."

Mr. PICKLER. Mr. Chairman, I will reserve the point of order upon that.

Mr. WHEELER. I will explain it in a moment.

The CHAIRMAN. It is not debatable.

Several MEMBERS. Make the point of order now.

Mr. PICKLER. Very well. Mr. Chairman, I make the point of order upon the amendment.

The CHAIRMAN. The Chair is ready to rule upon it.

Mr. WHEELER. The gentlemen who have spoken upon this bill have repeatedly asserted that it is a roll of honor. Certainly all true friends of real soldiers will approve my amendment. It is—

The CHAIRMAN. The gentleman from South Dakota makes the point of order, and the Chair is ready to rule upon it.

Mr. WHEELER. I ask unanimous consent to be permitted to proceed for five minutes.

Mr. PICKLER. Move to strike out the last word.

Mr. WHEELER. I move to strike out the last word.

The CHAIRMAN. By order of the committee debate upon this portion of the bill has been already concluded—upon the section and all amendments to it.

Mr. WHEELER. I ask unanimous consent to proceed.

Mr. SCRANTON and others. Regular order.

The CHAIRMAN. Objection is made.

Mr. FENTON. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Where a pensioner files a declaration alleging a new disability, and through ignorance or neglect fails to state that the disability for which he is already pensioned has increased in severity, and when the certificate of medical examination shows that such disability or disabilities have increased, the pension shall be increased accordingly, without reference to the medical report of the alleged new disability, and all such findings by medical boards of increased disabilities from pensioned cause shall be adjudicated for increase of pension.

Mr. PICKLER. I will reserve the point of order upon that. I would like to hear what the gentleman has to say about it.

Mr. STEELE. I make the point of order upon it.

Mr. FENTON. The reading of the amendment explains it—

The CHAIRMAN. The Chair will state that all debate has been closed upon this paragraph of the bill and all amendments to it.

The Chair sustains the point of order made by the gentleman from Indiana.

Mr. TRACEWELL. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert in line 4, page 1, after the word "States," as follows: "Who enlisted in the Union Army prior to the 1st day of January, 1865."

Mr. PICKLER. I make the point of order upon that. We have passed beyond that section, or all debate has been limited upon it, and amendments are not in order.

The CHAIRMAN. The Chair does not think that amendments are cut off.

Mr. PICKLER. I ask that the amendment be reported.

The amendment was again reported.

Mr. PICKLER. I make the point of order. We do not want that confusing date. None of these men did enlist after that date—January 1, 1865.

Mr. TRACEWELL. Eighteen hundred and sixty-four should be the date in the amendment.

Mr. PICKLER. The gentleman should have made it 1864. It was read 1865. Does the gentleman want to amend it?

Mr. TRACEWELL. I intended it for 1864.

Mr. PICKLER. Oh, well, nobody enlisted after January, 1865. These men had all been up there in prison and enlisted in the Army, as I understand, before that date.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana to offer an amendment to his amendment, if he so desires.

Mr. TRACEWELL. Then I move to amend, if necessary, by inserting "1864" in place of "1865" in the amendment.

The amendment to the amendment was agreed to.

Mr. PICKLER. How about the question of order?

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. PICKLER. But the point is that there has been an amendment already adopted to that part of the bill, on motion of the gentleman from Iowa—

Mr. STEELE. The Chair has already decided the question, and I call for the regular order.

Mr. PICKLER. I have the floor now, if the gentleman from Indiana will just be patient for a little while.

The CHAIRMAN. The gentleman from South Dakota will state his point of order, if he desires to make one.

Mr. PICKLER. It is that it is too late now to offer an amendment to this part of the bill, as we have passed from this section. The debate was limited on the section and all pending amendments to it. The Clerk was about reading the next section of the bill.

The CHAIRMAN. The Chair overrules the point of order; and the question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. PICKLER. I desire to be heard upon it.

The CHAIRMAN. The Chair will state that debate has been exhausted on this question.

Mr. PICKLER. This is a new amendment.

The CHAIRMAN. On the section and all amendments.

Mr. PICKLER. I hope this will be voted down. It only confuses things.

Mr. WATSON of Ohio. What is the amendment? Let us have it read.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. PICKLER. I move to amend by making it "April."

The CHAIRMAN. The gentleman from South Dakota moves to amend by substituting the word "April" in place of the word "January."

The question was taken on the amendment to the amendment; and on a division (demanded by Mr. PICKLER) there were—ayes 2, noes 48.

Accordingly, the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. TRACEWELL].

The question was taken; and on a division there were—ayes 40, noes 52.

The CHAIRMAN. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 2. That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability: *Provided, however,* That nothing herein contained shall be construed to entitle any person to more than one pension, or as allowing more than one pension for the same service, nor to affect or enlarge the pension rights of widows and others under sections 4702, 4706, and 4708 of the Revised Statutes of the United States and acts supplemental to and amendatory thereof.

Mr. GRAFF. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 5, page 2, after the word "disability," the following:

"*Provided,* No pension shall be suspended or reduced until such fraud, mistake of fact, or recovery from disability is established."

Mr. GRAFF. I offer this amendment because this section does not prevent the Commissioner of Pensions from suspending a pension upon which a hearing is pending. That is contrary to all law in any court, where rights of person or property are under consideration. It is one of the points in which the soldiers of this country are interested. If the examination into a pensioner's case is prolonged he may die and not receive the benefits of the pension.

Mr. PICKLER. I will ask that the amendment be again reported.

The amendment was again read.

Mr. PICKLER. That is the law now.

The CHAIRMAN. The hour and thirty minutes having expired the committee will, under the order of the House, rise and report the bill to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8271) relating

to pensions, and had directed him to report the same back to the House with an amendment, and with the recommendation that as amended the bill do pass.

The amendment reported from the Committee of the Whole was agreed to.

Mr. PICKLER. I believe it is the desire of the House that we take a vote on the bill now instead of to-morrow, and I ask unanimous consent that we do so. All gentlemen can place themselves on record to-morrow if they are not here now.

Mr. TALBERT. I would ask if the boys have come back from the horse race? [Laughter.]

Mr. PAYNE. I hope the previous understanding will be carried out.

Mr. PICKLER. I withdraw the request.

The SPEAKER. The Chair thinks the interpretation of the rule would be that the question should be taken on the engrossment and third reading of the bill this afternoon, and the final vote on the passage be taken to-morrow; but he will listen to advice on the subject.

Mr. LEWIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEWIS. I desire to ask if it is in order now to move an amendment by way of adding other sections to the bill?

The SPEAKER. It is not in order.

Mr. LEWIS. I misapprehended the rule. I gave notice on Saturday night that I would move an amendment. I understood that the bill would not be voted on until to-morrow.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. BARTLETT of New York) there were—ayes 118, noes 14.

The SPEAKER. The bill is ordered to be engrossed. Under the rule the vote on the final passage is postponed until to-morrow, after the reading of the Journal.

FREIGHT CHARGES ON VESSELS, ETC.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6836) to amend section 2981 of the Revised Statutes, as amended by the act of June 10, 1880.

The bill was read, as follows:

Be it enacted, etc., That section 2981 of the Revised Statutes be amended so as to read as follows:

"Sec. 2981. That whenever the collector of the port of entry of the vessel, or other proper officer of the customs, shall be duly notified in writing of the existence of a lien for freight, charges, or contribution in general average upon imported goods, wares, or merchandise in his custody, he shall, before delivering such goods, wares, or merchandise to the importer, owner, or consignee thereof for consumption, transportation, or exportation, give seasonable notice to the party or parties claiming the lien; and the possession by the officers of customs shall not affect the discharge of such lien, under such regulations as the Secretary of the Treasury may prescribe; and such officer shall refuse the delivery of such merchandise from any public or bonded warehouse or other place in which the same shall be deposited until proof to his satisfaction shall be produced that the freight, charges, or contribution in general average thereon has been paid or secured; but the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver. If merchandise so subject to a lien, regarding which notice has been filed, shall be forfeited to the United States and sold, the freight, charges, or contribution in general average due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses authorized by law to be paid therefrom are paid."

The Committee on Ways and Means recommended the adoption of the following amendment:

Insert in line 11, page 1, after the word "consumption," the following: "or to any vessel or vehicle for."

Mr. BARTLETT of New York. Mr. Speaker, I ask for an explanation of this bill. It seems to be important.

Mr. PAYNE. Mr. Speaker, the present law gives to steamship companies engaged in international trade a lien for freight even in the United States when in bond. The purpose of this bill is to extend that lien, not only to the freight of the transportation line, the ocean line, but also for advanced charges for freight for transportation from the other side, and also for losses on general average. That is all there is in the bill. The bill is reported unanimously from the Committee on Ways and Means, and also recommended by the Secretary of the Treasury in its present shape.

Mr. BARTLETT of New York. Is it for the benefit of the steamship companies?

Mr. PAYNE. It is for the benefit of the steamship companies, for the benefit of shippers, the benefit of those who advanced the freight, and also for the benefit of those whose goods are destroyed and are entitled to damage on general average.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 768) for the relief of James A. Moore—to the Committee on Claims.

A bill (S. 2637) granting a pension to Jane Christian Marye—to the Committee on Pensions.

A bill (S. 2143) for the relief of Richmond College, located at Richmond, Va.—to the Committee on War Claims.

A bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes—to the Committee on the Public Lands.

A bill (S. 657) to provide for the erection of range lights at St. Josephs Bay, Florida, and at St. Andrews Bay, Florida—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1902) granting a pension to Jennie E. Burch—to the Committee on Invalid Pensions.

A bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.—to the Committee on War Claims.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a joint special committee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable. Also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden. That the said joint special committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the said joint special committee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress—

To the Committee on the Library.

A bill (S. 229) for the relief of Robert McGee—to the Committee on Indian Affairs.

A bill (S. 1082) for the relief of Irwin Tucker, postmaster at Newport News, Va.—to the Committee on Claims.

A bill (S. 1656) for the relief of Stout, Hall & Bangs—to the Committee on Claims.

A bill (S. 1929) for the relief of William H. Crook—to the Committee on Claims.

A bill (S. 2324) to relieve John McCarthy from the charge of desertion—to the Committee on Naval Affairs.

A bill (S. 2594) granting an increase of pension to William A. Beckford—to the Committee on Invalid Pensions.

A bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3852) to amend the record of William H. De Freest;

A bill (H. R. 2265) to provide for reimbursement of expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.;

A bill (H. R. 4265) granting a pension to Eliza Wilson; and

A bill (S. 2557) granting a pension to Sarah A. Boyd.

NORTH GEORGIA AGRICULTURAL COLLEGE.

Mr. TATE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of \$450 for damaged gun.

The bill was read, as follows:

Be it enacted, etc., That the North Georgia Agricultural College, located at Dahlonega, in said State, be relieved from the payment to the United States of the sum of \$450, for which sum said college has become liable on its bond by the destruction of a gun used in the military department of the same, it having been satisfactorily shown that the destruction of said gun by explosion was not the result of misuse or carelessness of any person connected with said college.

Sec. 2. That after the proper custodian of said bond shall have credited the same with the above sum of money, the Ordnance Department is hereby authorized and directed to issue to said college two pieces of artillery of modern make and necessary equipments for the use of said college, upon the return of the gun now in use, and such portions of the damaged gun or gun carriage now on hand, to such Government armory as the Ordnance Department may direct, without expense for freight to the United States Government.

The amendment recommended by the committee was read, as follows:

Strike out all of section 2.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Mr. Speaker, I would ask the gentleman if there is a communication from the War Department?

Mr. TATE. No, sir. There is one from the commandant at the college. The War Department only states that they do not deal with this question; and I have a letter here asking the superintendent of the college to refer the matter to Congress. They make no recommendation whatever. The facts in the case—

Mr. DINGLEY. This is reported by a committee?

Mr. TATE. It is reported unanimously by the committee.

Mr. DINGLEY. Is it reported by the Committee on Military Affairs or by the Committee on Claims?

Mr. TATE. By the Committee on Military Affairs.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TATE, a motion to reconsider the vote by which the bill passed was laid on the table.

FORT LEWIS RESERVATION, COLO.

Mr. BELL of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain.

The bill was read.

Mr. BARTLETT of New York. I reserve the right to object.

Mr. SCRANTON. I object.

GEORGE W. FREEMAN.

Mr. MILNES. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 5280) for the relief of George W. Freeman.

The bill was read.

Mr. BARTLETT of New York. I reserve the right to object.

The SPEAKER. Is objection made?

Mr. MILNES. I would like to explain this case.

The SPEAKER. When bills are presented subject to unanimous consent the House ought to pay attention quite as much as at any other time. The Chair hopes, if the House is to go on with business in this way, that there will be order, because the responsibility rests upon every gentleman present.

Mr. SCRANTON. Mr. Speaker, I object.

CONDEMNED CANNON.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to furnish to George F. Fuller Post, No. 257, Department of Michigan, Grand Army of the Republic, of Manistique, Mich., a condemned cannon: *Provided*, That said post shall transport said cannon free of cost to the Government of the United States.

The amendment recommended by the committee was read, as follows:

In line 7 strike all out after the word "*Provided*," and insert the following: "That in the judgment of the Secretary of the Navy such article can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. Is a motion to amend that by adding cannon for another post admissible at this time?

The SPEAKER. It is not admissible if the point of order is made.

Mr. WILLIAM A. STONE. I move to amend that bill by adding to the bill two condemned cannon for Custer Post, Erie, and two for the James D. Clark Post.

The SPEAKER. The gentleman will send up his amendment.

Mr. RICHARDSON. Mr. Speaker, I object to the bill.

The SPEAKER. The amendment must be reported to the House first. Is there objection to the consideration of the bill?

Mr. RICHARDSON. I have objected to all of these cases. I think there ought not to be a coupling of two bills. Now, I have no objection to the original bill.

The SPEAKER. Is there objection to the present consideration of the original bill?

Mr. RICHARDSON. I have no objection to that.

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEPHENSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM GRAY.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 953) for the relief of William Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of \$174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant No. 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant without his authority or knowledge, and for which he has never received any return or benefit, and said reissued warrant shall be paid out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I ask for the reading of the report.

Mr. CONNOLLY. I will say to the gentleman that this bill was up for consideration before, and he investigated it then. It was where a draft was paid on a forged indorsement.

Mr. BARTLETT of New York. I recollect the gentleman from Illinois spoke to me about such a bill.

Mr. CONNOLLY. The report was read at that time.

Mr. BARTLETT of New York. I have not investigated it.

Mr. CONNOLLY. The report was read at your request before, and all objections were withdrawn. Finally the gentleman from Tennessee [Mr. COX] objected, and that objection is withdrawn.

Mr. BARTLETT of New York. The amount is so small I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CONNOLLY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNED CANNON.

Mr. GRAFF. I ask unanimous consent for the present consideration of the bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the city of Elmwood, Peoria County, Ill., 1 piece of condemned cast-iron cannon and 20 cannon balls, for use of said city: *Provided*, That said delivery shall be made without expense to the United States Government: *And provided*, That said delivery of said cannon can be made without detriment to the said naval service.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GRAFF, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN M'LAIN, ALIAS MICHAEL M'LAIN.

Mr. BURRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8037) for the relief of John McLain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of John McLain, alias Michael McLain, late a member of Company D, Tenth Illinois Infantry, and Company I, Thirtieth Missouri Cavalry, and grant him an honorable discharge, as of date October 23, 1864, the date he suffered an amputation of his left arm by reason of gunshot wounds received while engaged with his command against the enemy, at the battle of Independence, Mo.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. I reserve the right to object, and ask for the reading of the report.

The report (by Mr. GRIFFIN) was read in part, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5579) for the relief of John McLain, having considered the same, report the annexed substitute therefor, and recommend the passage of said substitute.

The War Department report shows that it appears by the official record that John McLain (also borne as John McLain) was enrolled on August 15, 1861, for three years, mustered in as a private of Company D, Tenth Illinois Volunteers, on September 16, 1861, and properly accounted for until April 30, 1862, when reported to have deserted at Cairo, Ill. His name is not borne on the rolls or returns of his company and regiment after that date; that in his sworn statement of January 9, 1884, subscribed by mark as John McLain, he states that when his regiment (the Tenth Illinois Volunteers) came up the river about April 30, 1862, and touched at Cairo, Ill., he procured a pass from his captain to go on shore to obtain tobacco; when he returned the boat had left and gone up the river, its destination to him unknown; that he then went to St. Louis, Mo., and there joined Company I, Fifth Missouri Cavalry, in which regiment his brother Hiram was serving; that after having at first stated and restated that he enlisted under the same name in this

regiment, a name which could not be found on the records thereof, he finally admitted that he changed his name to Michael, fearing that he might be punished for desertion.

The official record shows that Michael McLean was enrolled July 10, 1863, at St. Louis, Mo., for three years, as a private in Company I, Fifth Missouri State Militia Cavalry. He was transferred to Company I, Thirteenth Missouri Cavalry, reenlisted in that organization on August 16, 1864, and deserted March 16, 1865, from furlough granted him February 8, 1865.

With respect to his service in the latter regiment, the soldier alleges in his affidavit, presented to the War Department, that while in action with his company at Independence, Mo., on October 22, 1864, his left arm was shot through and amputated the same day by Dr. Cundiff, regimental surgeon (Dr. Cundiff was surgeon of that regiment), and that he was also wounded in the right wrist in the same battle; that he was sent to hospital at St. Louis, where he remained a few days, perhaps ten days, when, being anxious to see his family, he went home and never returned, because he thought he could never be of any further service to the Government in his maimed condition. Though this man's company was in action at Independence, Mo., on October 22, 1864, having one man (John W. Sullivan) severely wounded in bowels, this statement is wholly incompatible with the official record, which shows that on the muster of October 31, 1864, he was on detached service as a wagoner; present for duty on the muster of December 31, 1864, and up to February 8, 1865, when he received a furlough from which he never returned, as already set forth.

The application for removal of the charge of desertion standing on records of Company D, Tenth Illinois Volunteers, was denied on the ground that the case is not covered by the act of Congress approved May 17, 1866, as the absence between desertion and reenlistment exceeded three months; the enlistments in the Fifth and Thirteenth Missouri Cavalry having been made in violation of the twenty-second (now fiftieth) article of war, his services in those organizations are not recognized by the War Department.

Applying for a certificate in lieu of lost discharge to the War Department, John M. McClain is stated to have declared May 12, 1892, that he served faithfully until about October, 1864, when he was wounded at Independence, Mo., where his arm was amputated; that he was sent to Hickory General Hospital, St. Louis, Mo., and there remained one night, when he went home and never returned, being no longer fit for military duty.

Under date of May 30, 1892, he testified that he served in Company D, Tenth Illinois Infantry, under the name Michael McClain, until he enlisted in the Thirteenth Missouri Cavalry; that while serving in the latter organization he lost his left arm and had his right hand crippled, unfitting him for manual labor of any kind, and rendering him unable to support his family.

The War Department reports that no record has been found that the soldier was wounded as alleged, or that he was at any time injured while serving in the Thirteenth Missouri Cavalry. On the contrary, it appears that he was present with his company up to the date on which he is reported as having deserted, viz, March 16, 1865.

The application for the removal of the charge of desertion has been repeatedly denied by the War Department, and now stands so denied, on the ground that the period embraced between the date of the soldier's desertion from the first organization and that of his enlistment in the second exceeded four months; that it has not been established that he was prevented from completing his term of enlistment in the second organization by reason of disability contracted in the line of duty, and because the case does not come within any of the other provisions of the act approved March 2, 1899.

A favorable report was made upon a similar bill by the Committee on Military Affairs, House of Representatives, at the first session of the Fiftieth Congress. With regard to the discrepancy in the name of McClain, your committee finds from the evidence submitted to it in this case, in addition to that reported by the War Department, that a brother of John McClain, by the name of Preston H. McLeane, sometimes known as Hiram McClain and Hiram P. McClain, also served in Company I, Fifth Missouri State Militia Cavalry, and who was also transferred to the Thirteenth Missouri Cavalry, from which he was discharged as Hiram P. McLean. This testimony further shows—as bearing upon the discrepancy presented by the War Department report, with reference to the engagement of the command in action at Independence, Mo., on October 22, 1864, in which it is claimed that John McClain's statement as to his being in the charge on that day is totally incompatible with the official record, stating that he was on detached service as a wagoner—that the two names have been confused, and that it was Hiram P. McClain who was detached as a wagoner at the time of the battle.

This contention is also supported by the affidavit of Dr. W. H. H. Cundiff, whom the War Department reports was the surgeon of the Thirteenth Missouri Veteran Volunteer Cavalry at the time of the charge made by that regiment at Independence, Mo., on the 22d day of October, 1864, which affidavit was made on the 8th day of September, 1883, in which he states that on or about the day of that charge he was called to see John McClain, who had just been wounded by a gunshot wound in right wrist and left arm above elbow joint; that the wounds were fresh and bad, in his opinion, just been received while engaged in a charge upon the rebels, then commanded by Gen. Sterling Price; that the arm was badly shattered above the elbow, so much so that he deemed amputation positively necessary to the well-being of the soldier; that he had no personal acquaintance with the soldier prior to being called to dress his wounds; that he was then told by his officers that his name was John McClain, and that he was a member of Company I, Thirteenth Missouri Veteran Volunteer Cavalry; and that he left after the amputation was performed and the stump dressed; that he also dressed his right wrist, and that he left said soldier in a temporary hospital at Independence, Mo., on the 22d of October, 1864, and that as he was compelled to accompany the troops as brigade surgeon, he knew nothing of what became of the soldier since the amputation save through information received.

This statement is corroborated by one Perry Twitchell, in an affidavit made January 18, 1887, in which he states that he was well acquainted with Michael McClain, who was a private in Company I, Fifth Missouri Cavalry, Missouri State Militia; that he was orderly sergeant of that company; that he was appointed sergeant-major of the Thirteenth Missouri Volunteer Cavalry, and that said Michael McClain was a private in Company I of said regiment; that said Twitchell was afterward appointed second lieutenant of Company I, Thirteenth Missouri Cavalry, in which Michael McClain was a private. On October 22, 1864, between 2 and 4 o'clock in the afternoon, the Thirteenth Missouri Cavalry led a charge into the town of Independence, Mo., capturing a battery in the streets of the town; that Company I was among the advance, and that Michael McClain received a gunshot wound in the left arm, which was afterwards amputated by Dr. Cundiff, regimental surgeon, above the elbow, and he also received a severe wound in the right wrist; that it was while on duty in the said engagement that Michael McClain received the wounds above described, and that he was taken to a temporary hospital, and that affiant afterwards learned that he was taken to a hospital at St. Louis, Mo.; that he never returned to his regiment for duty, as he was entirely disabled and not able to do anything; that he had a vivid recollection of all the facts stated when the affidavit was made.

Notwithstanding the failure of the records of the War Department to show that this soldier was in the engagement of October 22, 1864, at Independence, Mo., your committee is satisfied that the evidence presented sufficiently

establishes the fact. There has also been presented to your committee a photograph of the soldier, verified so as to establish his identity, which shows the left arm amputated near the shoulder, and the right hand and wrist in a disabled condition.

Upon a careful review of all the testimony your committee find that the identity of John McClain and Michael McClain has been fully established as one and the same person, and that John McClain is his proper name; that having obtained leave at Cairo, Ill., to leave the transport to visit the city, from his superior officer, and, upon returning, finding the transport gone, shows no intention to abandon his command or desert the service at that time; that his subsequent enlistment at St. Louis, and his continuous service until he was completely disabled for further service also negatives any deliberate or willful intention to desert; that the amputation of his left arm at Independence, Mo., on October 22, 1864, and the injury to his right hand and wrist from wounds received in the charge mentioned, so completely disabled him as to justify the belief on his part that he was no longer fit for service, and that he might as well remain at home as to return to his command.

Conceding that it was the soldier's duty, in the first instance of desertion, to have reported to the nearest provost-marshal for orders, yet in view of the fact that the evidence submitted shows that the soldier was not well informed in such matters, he being unable to write his name even at the present day, your committee believe that the services which he rendered his country thereafter, in the performance of which he became maimed and crippled for life, sufficiently justifies the granting of the relief now applied for.

Your committee therefore recommend the passage of the following substitute:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of John McClain, alias Michael McClain, late a member of Company D, Tenth Illinois Infantry, and Company I, Thirteenth Missouri Cavalry, and grant him an honorable discharge as of date October 22, 1864, the date he suffered an amputation of his left arm by reason of gunshot wounds received while engaged with his command against the enemy at the battle of Independence, Mo."

Mr. BARTLETT of New York (during the reading). Mr. Speaker, I am satisfied—

THE SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, as I have understood the reading of this report as far as it has been read, this man has two charges of desertion against him. He makes an allegation that he lost an arm at the battle of Independence, but the hospital records show that he was not engaged there, and there is no record of his being engaged there. He states that he lost his arm and went to the hospital and remained there one night, and then went home. From my understanding of the part of the report that has been read, I should not think that I was doing my duty if I should allow so palpable a case of desertion—double desertion—to pass through this House by my consent. Unless I can hear something more in justification of this bill, I must object.

Mr. BURRELL. I think I can satisfy the gentleman by the testimony of the surgeon of the regiment, Dr. Cundiff, and I send his affidavit to the Clerk's desk to be read.

Mr. VAN HORN. Mr. Speaker, I know nothing about the facts of this case, but the battle of Independence was fought in my county. I know that the battle took place, and I know Dr. Cundiff, the surgeon. I have known him for forty years. He is as reputable a man as there is in the State of Missouri, and there can be no doubt about the facts being as he states them.

The affidavit was read, as follows:

STATE OF MISSOURI, County of Cass, ss:

Personally appeared before me, the undersigned, a notary public for and in the State and county aforesaid, W. H. H. Cundiff, M.D., &c., who, after being duly sworn by me, makes the following statement:

That I am 50 years of age and a practicing physician and surgeon in the town of Pleasant Hill, Cass County, Mo., and was surgeon of the Thirteenth Missouri Veteran Volunteer Cavalry on the 2d day of September, 1864, to the 4th day of September, 1865. And that while acting in that capacity on or about the 22d day of October, 1864, at Independence, Mo., I was called to see one John McClain, who had just been wounded by a gunshot wound in right wrist and left arm above elbow joint. The wounds were fresh and, in my opinion, had just been received while engaged in a charge upon the rebels, then commanded by Gen. Sterling Price. The arm was badly shattered above the elbow, so much so that I deemed amputation positively necessary to the well-being of the said soldier. I had no special acquaintance with said soldier prior to being called to dress his wounds. Then I was told by his officers that his name was John McClain, and that he was a member of Company I, Thirteenth Missouri Veteran Volunteer Cavalry. I left after the amputation was performed and the stump dressed; I also dressed his right wrist. I left said soldier in a temporary hospital at Independence, Mo., on the 22d day of October, 1864. As I was compelled to accompany the troops as brigade surgeon, I know nothing of what became of said soldier since the amputation, save through information received. I have no interest in the prosecution of this claim, nor am I related to said John McClain to my knowledge.

W. H. H. CUNDIFF, M.D., A. E.

Mr. LOUD. What is the date of that affidavit?

Mr. BURRELL. April 21, 1886.

Mr. LOUD. The records of the War Department showed that this man's regiment was not engaged in that battle at all.

Mr. BURRELL. Mr. Speaker, there is another affidavit that I should like to have read, the affidavit of Lieutenant Twitchell.

The affidavit was read, as follows:

BRADFORD, ARK., January 17, 1887.

This is to certify that I was orderly sergeant in an independent company of cavalry known as the Schofield Hussars, and attached to the Fifth Missouri Cavalry, Missouri State Militia, as Company I. Michael McClain was a private in said company. We both reenlisted in the Thirteenth Missouri Cavalry, being together over two years up to that time. I was well acquainted with Michael McClain. I was appointed sergeant-major of the Thirteenth Missouri Veteran Cavalry, and Michael McClain was a private in

Company I of said regiment. I was afterwards appointed second lieutenant of Company I, Thirteenth Missouri Cavalry, in which Michael McLain was a private.

On October 23, 1864, between 3 and 4 o'clock in the afternoon, the Thirteenth Missouri Cavalry led a charge into the town of Independence, Mo., capturing a battery in the streets of the town. Company I, Thirteenth Missouri Cavalry, was among the extreme advance. Michael McLain received a gunshot wound in the left arm, which was afterwards amputated by Dr. Cundiff, our regimental surgeon. It was amputated above the elbow. He also received a severe wound in the right wrist. It was while on duty in this engagement that Michael McLain received the wounds above described. He was taken to a temporary hospital, and I afterwards learned he was taken to a hospital at St. Louis, Mo. Michael McLain never returned to his regiment for duty, as he was entirely disabled and not able to do anything. I have a vivid recollection of all the facts as here stated. I am 43 years of age and work on public works, mostly railroad bridges. I am not related in any way to the applicant.

PERRY TWICHELL.

Mr. LOUD. Now, Mr. Speaker, I want to call the attention of the House to the condition in which we find ourselves in this case. The records of the War Department, as cited in the report, show that this man's regiment could not have been engaged in that battle, and we are here putting the affidavits of two parties against the records of the War Department. Either the report of the committee is radically wrong, or else there is something radically wrong in this case—one or the other. This affidavit states that Dr. Cundiff amputated this man's arm. But Dr. Cundiff does not make any such statement.

Mr. BURRELL. Yes, sir; he does.

Mr. LOUD. He simply makes the statement that he was there.

Mr. BURRELL. And he certifies that he amputated the man's arm.

Mr. BRUMM. I should like to ask whether the committee has investigated this matter.

Mr. BURRELL. Yes, sir; and has made a favorable report.

Mr. BRUMM. Is it not probable that this man was on detached service—that he was acting with a detachment of these troops.

Mr. LOUD. Oh, this last man swears that the company was engaged.

Mr. BRUMM. It was a very common thing for men to be on detached duty.

Mr. VAN HORN. Very common.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURRELL, a motion to reconsider the last vote was laid on the table.

Mr. BARTLETT of New York. I call for the regular order.

Mr. WILLIAM A. STONE. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. DRAPER, for ten days, on account of important business.

To Mr. BEACH, for five days, on account of important business.

To Mr. AVERY, for ten days, on account of important business.

The motion of Mr. WILLIAM A. STONE was then agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert Moss against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry H. Golight, administrator of Robert Rollins, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORT OF COMMITTEE ON PUBLIC BILL.

Mr. HUBBARD, from the Committee on Pacific Railroads, submitted the views of the minority on the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned. (Report No. 1497, part 2.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILLIAMS: A bill (H. R. 8493) making appropriation to dredge a channel between Ship Island Harbor and the pier of the Gulf and Ship Island Railroad at Gulfport, Miss.—to the Committee on Rivers and Harbors.

By Mr. POOLE: A bill (H. R. 8494) to amend section 3 of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. PITNEY: A bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

Also, a bill (H. R. 8496) granting to John G. Tolmie Post, No. 50, Grand Army of the Republic, of Phillipsburg, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

By Mr. SCRANTON: A bill (H. R. 8497) to incorporate the National Plant, Flower, and Fruit Guild—to the Committee on the Judiciary.

By Mr. RICHARDSON: A bill (H. R. 8498) to provide for construction of a building in Washington City, to be known as the Hall of Patriotism—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CURTIS of Iowa: A bill (H. R. 8500) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes—to the Committee on the District of Columbia.

By Mr. BERRY: A bill (H. R. 8501) to require persons who make their residence on boats on the Mississippi and Ohio rivers to obtain license, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A bill (H. R. 8503) to amend section 4488 of the Revised Statutes, relating to life-saving appliances on shipboard—to the Committee on the Merchant Marine and Fisheries.

By Mr. LEIGHTY: A bill (H. R. 8503) to donate 4 condemned cannon and 50 cannon shot to the Allen County Soldiers' Monumental Association, Fort Wayne, Ind.—to the Committee on Naval Affairs.

By Mr. WHEELER: A bill (H. R. 8504) authorizing the Court of Claims to adjudicate certain claims arising under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States"—to the Committee on War Claims.

By Mr. BOUTELLE: A bill (H. R. 8505) to provide for the reestablishment of a military post and garrison at Eastport, Me.—to the Committee on Military Affairs.

By Mr. WILLIAMS: A memorial of the Mississippi legislature, asking the passage of a bill to construct a canal to connect Ship Island Harbor with the pier of said Gulf and Ship Island Railroad at Gulfport—to the Committee on Rivers and Harbors.

By Mr. WALKER of Massachusetts: A memorial of the general court of Massachusetts, relative to the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. DENNY: A memorial of the legislature of Mississippi, relative to an appropriation of \$500,000 for dredging channel to connect Ship Island Harbor with pier of Gulf and Ship Island Railroad at Gulfport, Miss.—to the Committee on Rivers and Harbors.

By Mr. SPARKMAN: A memorial of the legislature of Florida, asking the purchase of Appomattox for purposes of a national park, and the erection of a memorial monument therein—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 8506) for the benefit of Francis M. Faront, of Bellevue, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8507) for the benefit of Theodore Miller—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 8508) granting a pension to William T. Snyder, of Prescott, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8509) correcting the military record of, and granting an honorable discharge to, Jack H. Parker, Company E,

Eighty-third United States Colored Troops—to the Committee on Military Affairs.

Also, a bill (H. R. 8510) for the relief of Tazwell C. Merrill—to the Committee on War Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 8511) granting a pension to Anna M. Tate—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8512) to pension Thompson F. Frisby—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 8513) for the relief of the Atlantic Works, of Boston, Mass.—to the Committee on War Claims.

By Mr. MARSH: A bill (H. R. 8514) to grant a pension to Charles C. Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8515) to grant a pension to William Flaig—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 8516) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, La.—to the Committee on the Public Lands.

Also, a bill (H. R. 8517) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, of the parish of Orleans, La.—to the Committee on the Public Lands.

By Mr. MILLER of West Virginia: A bill (H. R. 8518) for the relief of James Crosson—to the Committee on Invalid Pensions.

By Mr. PITNEY: A bill (H. R. 8519) granting a pension to Katharine Quick Pepper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8520) granting a pension to George Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8521) granting a pension to Mary E. Peck—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 8522) granting a pension to Mark Wells—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8523) granting a pension to Mrs. Lily E. Kingsley—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 8524) to pension William Rice, Company G, Tenth Ohio Cavalry, at an increased rate—to the Committee on Invalid Pensions.

By Mr. STAHL: A bill (H. R. 8525) to increase the pension of Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, Seventh United States Cavalry—to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 8526) granting a pension to Mary J. Lovejoy—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 8527) to correct the records of Cass County Regiment Missouri Home Guards, so as to place the name of the late Irwin Malley on grade as captain of scouts—to the Committee on Military Affairs.

By Mr. WALKER of Virginia: A bill (H. R. 8528) for the relief of Stephen Childress—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 8529) granting a pension to Helen V. Rorer—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 8530) for the relief of John Armstrong, jr.—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 8531) for the relief of the heirs of Joseph E. Wilson, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Remonstrance and petition of citizens of Clearfield, Pa., protesting against the acceptance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

Also, protest of citizens of Coburn and vicinity, State of Pennsylvania, against the appropriation of public moneys for sectarian undertakings, and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

By Mr. BLUE: Petition of John L. Snyder and 924 others, praying for a change in the laws governing the National Soldiers' Homes, so as to permit outdoor relief—to the Committee on Military Affairs.

Also, petition and remonstrance of R. H. Kepperling and 44 other citizens of Junction City, Kans., against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. BOUTELLE: Paper to accompany House bill No. 8503, for the reoccupation of Fort Garrison as a military post—to the Committee on Military Affairs.

By Mr. BOWERS: Petition of 650 citizens of San Diego, Cal., remonstrating against appropriations for sectarian purposes—to the Committee on the Judiciary.

By Mr. CROWTHER: Petition of citizens of Elmo, Mo., in favor of the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Iowa: Petition of the adjutant-general of

Iowa, in favor of Senate bill No. 2849, for the revision of the militia law—to the Committee on the Militia.

By Mr. DENNY: Petitions of Charles R. White, C. W. Montgomery, and others, of Natchez, Miss., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of publishers of the Daily Astorian, Astoria, Oreg., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Memorial of 110 Grand Army men of Ohio, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. HENDRICK: Petition of citizens of Kentucky, urging the passage of House bill No. 653, for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. HILBORN: Memorial of the board of supervisors of Alameda County, Cal., favoring certain improvements in San Francisco Harbor—to the Committee on Rivers and Harbors.

By Mr. HOWARD (by request): Papers to accompany House bill No. 8464, consisting of explanations—to the Committee on Ways and Means.

Also (by request): Paper to accompany House bill No. 8465, being an explanation of said bill—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Letter of Hon. Warren Upham, secretary of the Minnesota Historical Society, favoring certain changes in the issuance of public documents—to the Committee on Printing.

By Mr. MILLER of West Virginia: Petition of James Crosson and others, in support of his bill for pension—to the Committee on Invalid Pensions.

By Mr. NEWLANDS: Petition of Dr. Eliza Cook and others, praying for arbitration in international disputes—to the Committee on Foreign Affairs.

Also, remonstrance and petition of citizens of Panaca, Genoa, and Deeth, of the State of Nevada, asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. OTJEN: Petition of citizens of Milwaukee, Wis., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Connecticut: Petition of citizens of Norwich, Conn., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SULLOWAY: Petition of Mount Washington Lodge, No. 276, International Association of Machinists, praying for the appointment of a committee of investigation to inquire into the treatment of machinists in the United States navy-yards and arsenals, particularly the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. TRACEWELL: Petition of John C. Lawler and 19 others; also of Carl C. Wilson and 12 others, all of Salem, Ind., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, April 28, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.;

A bill (H. R. 3852) to amend the record of William H. De Freest;

A bill (H. R. 4265) granting a pension to Eliza Wilson; and

A bill (S. 2557) granting a pension to Sarah A. Boyd.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying for the release of Rev. A. J. Diaz; which was referred to the Committee on Foreign Relations.

Mr. TURPIE presented memorials of the South Bend Medicine Company of South Bend, Ind.; of the A. Burdsal Company of

Indianapolis, Ind., and of the National Wholesale Druggists' Association of Philadelphia, Pa., relative to the rebate on alcohol; which were ordered to lie on the table.

Mr. HARRIS presented a memorial, in the form of resolutions adopted at a meeting of members of the Baptist church of Brownsville, Tenn., remonstrating against the arrest, in the Island of Cuba, of Rev. A. J. Diaz, a naturalized citizen of the United States; which was referred to the Committee on Foreign Relations.

Mr. KYLE presented a petition of Phil. H. Sheridan Post, No. 72, Grand Army of the Republic, Department of South Dakota, of Faulkton, S. Dak., praying for the enactment of a service-pension law; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Gregory County, S. Dak., praying that lands be granted free to settlers under the homestead law; which was referred to the Committee on Public Lands.

Mr. PRITCHARD presented a petition of sundry citizens of Newbern, N. C., praying that an appropriation be made to provide for the erection of a clock tower and clock with illuminated dial, to be placed upon the public building now being constructed in that city; which was referred to the Committee on Appropriations.

Mr. FRYE presented a petition of the Maine National Association of Stationary Engineers, No. 1, of Portland, Me., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of Shepley Camp, No. 4, Sons of Veterans, Division of Maine, of Portland, Me., praying for the enactment of legislation authorizing the members of their order to wear the distinctive badge adopted by them upon all occasions of ceremony, and also by officers and enlisted men in the Army and Navy who are members of that order; which was referred to the Committee on Military Affairs.

He also presented petitions of the Chamber of Commerce of Tacoma, Wash.; of the Board of Trade of Scranton, Pa.; of the Jewelers' Association of New York, and of the Duluth Jobbers' Union, of Duluth, Minn., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. PASCO presented a memorial of the legislature of the State of Florida, relative to the improvement of the Withlacoochee River; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

A memorial to Congress of the United States asking an appropriation for the improvement of the Withlacoochee River.

Whereas the Withlacoochee River from Pemberton's Ferry to the Gulf of Mexico, a distance of 77 miles, traverses a section of country rich in agricultural and mineral resources, which fact is evidenced by the report upon the temporary survey of the War Department in the month of December, 1894, which report shows that 16 phosphate companies located along the line of said river annually mine an output of over 200,000 tons of phosphate, which said phosphate companies are now forced to pay \$2.91 freight and terminal charges to Fernandina; and that 2 of the several saw mills on said river have a capacity of nearly 200,000 feet of cypress lumber per day; and that 70 of the several thousand orange groves on said river have an annual yield of over 130,000 crates of oranges; and

Whereas the deepening and improvement of said river would prove of incalculable value to the thousands of people along its banks, and be of incalculable advantage to the Government: Therefore

Be it resolved by the legislature of the State of Florida, That our Representatives in Congress be, and the same are hereby, requested to use all honorable means to secure an adequate appropriation to thoroughly and effectually accomplish the objects herein named.

Resolved, That the secretary of state be, and he is hereby, directed to furnish to each of our Representatives and Senators in Congress a copy of these resolutions.

Approved June 1, 1895.

STATE OF FLORIDA, Office of Secretary of State, ss:

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a memorial to Congress of the United States asking an appropriation for the improvement of the Withlacoochee River, as passed the regular session of the legislature of the State of Florida, 1895, and as filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 24th day of April, A. D. 1895.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a memorial of the legislature of the State of Florida, relative to the improvement of the entrance to Cumberland Sound; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Memorial to the Congress of the United States asking that the improvement of the entrance to Cumberland Sound be placed upon the list of continued appropriations.

Whereas the phosphate industry of Florida is now upon so extensive a scale of development that there is needed all the facilities of commerce for the increasing demand for export to foreign countries; and

Whereas the cost of export is largely dependent upon the depth of water which will enable vessels of the largest class to enter our ports; and

Whereas the bar entrance to the port of Fernandina, known as the entrance to Cumberland Sound, by the aid of appropriations by Congress, has already been greatly increased, and is now frequented by large vessels engaged in foreign commerce, and only needs to have the work of improvement more rapidly carried on, both for phosphate as well as lumber, naval stores, and other exports of great advantage to our people, as well as all parts of the United States:

Be it resolved by the legislature of the State of Florida, That our representatives in Congress be requested to urge upon the Congress of the United States to place the improvement of Cumberland Sound upon the list of continued appropriations, both as a measure of very great commercial importance to the interests of Florida and of the whole country, and more economical in every respect; and that the secretary of state be requested to send a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

Approved May 22, 1895.

STATE OF FLORIDA, Office of Secretary of State, ss:

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a memorial to the Congress of the United States asking that the improvement of the entrance to Cumberland Sound be placed upon the list of continued appropriations, as passed the regular session of the legislature of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 24th day of April, A. D. 1895.

JNO. L. CRAWFORD, Secretary of State.

Mr. NELSON presented a memorial of the Minneapolis (Minn.) Branch of the Journeymen Stonecutters' Association of North America, remonstrating against the employment of convict labor on public buildings or on material used in the construction of the same; which was referred to the Committee on Public Buildings and Grounds.

Mr. SHOUP presented a petition of Abraham Lincoln Council, No. 2, Junior Order of United American Mechanics, of Boise, Idaho, praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. GALLINGER. Yesterday I presented a petition of the members of Mount Washington Lodge, No. 276, of the International Association of Machinists, Concord, N. H., asking for a committee of investigation to inquire into the treatment of machinists in the United States navy-yards. The petition was referred to the Committee on Education and Labor. I understand that there are numerous similar petitions before the Committee on Naval Affairs, and I ask that the petition be recalled from the Committee on Education and Labor and referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. Without objection, it will be so ordered.

REPORTS OF COMMITTEES.

Mr. PEPPER, from the Committee on Pensions, to whom was referred the bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo., reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amendment:

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company; and

A bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2945) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River," reported it with amendments.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 266) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota, reported it without amendment.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. HARRIS on the 14th instant, intended to be proposed to the sundry civil appropriation bill, the amendment appropriating one-half of a year's salary each to the widows of M. F. Watkins, Charles Stone, and James Newsom, late members of the Capitol police, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 2676) for the relief of Capt. John T. Bruen, of the State of New York, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 7200) for the relief of A. T. Hensley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2931) granting an increase of pension to Silas M. Stevens;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy;
 A bill (H. R. 2326) granting a pension to Thomas Holaday;
 A bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army; and
 A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1336) for the relief of John Mellifont and Ellen Riordon, reported it with amendments.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 3607) to increase the pension of Kate Grant, reported it without amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Territories, to whom was referred the bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park, reported it with amendments, and submitted a report thereon.

GREER COUNTY, OKLA.

Mr. TELLER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes, to report it favorably.

Mr. HILL. I suggest to the Senator from Colorado that he put the bill on its passage.

Mr. TELLER. I was about to ask, as it is a House bill and those people are without any government, that the bill be taken up and passed now.

Mr. HALE. Not to give rise to any debate?

Mr. TELLER. No; I think not.

Mr. HALE. If it leads to any debate I shall have to call for the regular order.

Mr. TELLER. If it gives rise to any debate I will withdraw it.
 Mr. HALE. After it is disposed of I shall ask for the regular order.

The Secretary read the bill by title.

Mr. BATE. As the bill affects the rights of Texas and I know of no agreement about it, I wish to state that neither of the Senators from Texas is present, and as it is a matter of importance they might desire to be here. That is all I suggest. I see neither of them in his seat. I know nothing about any objections to the bill.

Mr. TELLER. I do not hear what the Senator from Tennessee says.

Mr. BATE. I say the bill affects the rights of Texas more or less, in relation to its boundaries, and neither of the Senators from Texas is present.

Mr. TELLER. There is a bill of the same character, introduced by the junior Senator from Texas [Mr. CHILTON].

Mr. BATE. He ought to be present when this bill is considered.

Mr. TELLER. The Supreme Court has decided all the questions concerning Texas, and there is no controversy on the subject.

Mr. BATE. That may be true, but there may be a question as to the adjustment of the line or something of that kind. I see neither of the Senators from Texas here. That is the only point I make. It is a matter of courtesy to them.

Mr. TELLER. I will say to the Senator from Tennessee that if when the junior Senator from Texas comes in he has any objection to the bill we will reconsider the vote. I suggest that he let the bill pass now.

Mr. BATE. All right.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The bill is reported with an amendment, which will be stated.

The SECRETARY. In section 1, line 22, after the word "shall," strike out the words "as soon as appointed."

Mr. TELLER. I ask that that amendment may be disagreed to. It is immaterial.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Illinois [Mr. PALMER] on the 14th instant, to report it without amendment.

Mr. PALMER. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Dedication of the Chickamauga and Chattanooga National Park be, and it is hereby, authorized to expend the sum of \$500 in the preparation of a map and illustrations for the full report of the dedication exercises, to be paid out of the contingent fund of the Senate.

MARGUERITE SHANKLAND.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. QUAY on the 16th ultimo, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Marguerite Shankland, daughter of Manning R. Shankland, deceased, late a clerk in the office of the Secretary of the Senate, a sum equal to six months' salary, at the rate allowed by law to said clerk, out of the "miscellaneous items" of the contingent fund of the Senate; said payment to be considered as in lieu of all funeral expenses or other allowances.

MRS. SARAH TAYLOR.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ROACH February 5, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the appropriation for miscellaneous items of the contingent fund of the Senate, to Mrs. Sarah Taylor, mother of James Taylor, deceased, late a Senate laborer, the sum of \$360, being an amount equal to six months' salary as laborer aforesaid, the said sum to include all funeral or other allowances.

CLARA YEARGIN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. IRBY on the 11th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Clara Yeargin, widow of John W. Yeargin, deceased, late a laborer of the Senate of the United States, a sum equal to six months' salary at the rate allowed by law to said laborer, out of the "miscellaneous items" of the contingent fund of the Senate, said payment to be considered as in lieu of all funeral expenses or other allowances.

C. F. LYNCH.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. FAULKNER on the 27th instant, reported it without amendment:

Resolved, That the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint C. F. Lynch a messenger, who shall be paid at the rate of \$1,440 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for.

Mr. FAULKNER. I merely wish to state to the Senate that this is the case of the employee of the Senate, a laborer, who was so seriously injured about three weeks ago by a fall while putting up the flag over the Senate wing of the Capitol. He has been lying at the point of death. It is very doubtful whether he will recover, but if he does it is anticipated that he will be paralyzed from his waist down. He has a large family and his expenses are exceedingly heavy upon him. I introduced the resolution to relieve him in some measure from the burdens that rest upon him by reason of this serious accident. I ask that the resolution be now put on its passage.

The resolution was considered by unanimous consent, and agreed to.

JOSEPHINE FOOTE FAIRFAX.

Mr. GALLINGER. Some time ago the Senate passed a bill, Senate bill 1784, granting a pension to Josephine Foote Fairfax, the widow of the late Rear-Admiral Fairfax, at the rate of \$50 per month. It went to the House of Representatives, and they have returned a House bill in identically the same terms and granting the same rate of pension. I am directed by the Committee on Pensions to report back favorably the House bill, being the bill (H. R. 3112) granting a pension to Josephine Foote Fairfax, and as a similar bill has once passed the Senate and it will take but a moment for its consideration, I ask unanimous consent that it be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Josephine Foote Fairfax, widow of the late Rear-Admiral Donald MacNeill Fairfax, of the United States Navy, at the rate of \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN (by request) introduced a bill (S. 2965) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PETTIGREW introduced a bill (S. 2966) confirming the title of mixed-blood Indians to their lands and allowing the same to be alienated under certain circumstances; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SEWELL introduced a bill (S. 2967) to amend an act entitled "An act to regulate commerce," approved February 4, 1887;

which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. QUAY introduced a bill (S. 2968) for the relief of A. C. Landis, late lieutenant of Company K, One hundred and seventh Pennsylvania Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2969) for the relief of Lieut. T. R. Kennedy, Company F, Ninth Pennsylvania Reserves; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 2970) to provide for the enlarging and improving the building of the United States court and post-office at Greensboro, N. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. WOLCOTT introduced a bill (S. 2971) granting a pension to Frederick D. Bailey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 2972) to authorize and direct the Auditor for the Post-Office Department to credit the account of John W. Ross, late postmaster at Washington, D. C., with certain amounts now charged against him in his account as such postmaster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE introduced a joint resolution (S. R. 140) relating to the annual reports of the Chief of Engineers; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

LANDS IN CALIFORNIA.

Mr. MITCHELL of Oregon. I submit an amendment intended to be proposed to the bill (H. R. 5819) to provide for the examination and classification of certain lands in California. I ask to have it printed, and I express the hope that it may be printed so that it will be upon the desks of Senators to-morrow.

Mr. WHITE. We wish to call up the bill as soon as possible.

The VICE-PRESIDENT. Without objection, it will be so ordered.

THE RIVER AND HARBOR BILL.

On motion of Mr. FRYE, it was

Ordered, That 300 extra copies of H. R. 7977 and report thereon, No. 799, be printed for the use of the Senate.

MONONGAHELA RIVER BRIDGE.

Mr. HALE. Mr. President—

Mr. QUAY. Before the Senator from Maine asks the Senate to proceed to the consideration of the appropriation bill, which he has in charge, I should be glad, with his permission, to have the unanimous consent of the Senate to pass a bill I hold in my hand, being the bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893. It consists of only about eight or ten lines.

Mr. HALE. If it is not to give rise to debate, I will yield to the Senator from Pennsylvania.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7064) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 67) for the relief of E. R. Shipley; and

A bill (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road."

The message further announced that the House had passed the following bills, each with amendments; in which it requested the concurrence of the Senate:

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895; and

A bill (S. 1804) to regulate marriages in the District of Columbia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 953) for the relief of William Gray;

A bill (H. R. 2359) for the relief of William B. Ellis;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.;

A bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of \$450 for damaged gun;

A bill (H. R. 6356) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon;

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880; and

A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported by Mr. CHANDLER, from the Committee on Naval Affairs, on page 2, after line 23, to insert:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

Mr. BACON. By direction of the Committee on Naval Affairs I desire to offer an amendment, not to the pending amendment, but to a different portion of the bill, to come in on page 52. The purpose in offering it now is, as it relates to a very important feature of the bill, that it may be printed, so that Senators may have an opportunity to examine it before it comes up for consideration.

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 52, after line 15, insert:

And provided further, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of \$350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit, he shall delay action and report the offers made to the next session of Congress.

Mr. HALE. The Senator offering the amendment proposes that it shall be printed. I suggest that the clerks see to it that it be sent at once to the Public Printer, so that it may be here this afternoon.

The VICE-PRESIDENT. It will be so ordered.

Mr. HALE. I hope we may conclude the bill to-day.

Mr. GORMAN. It is a separate amendment.

Mr. HALE. It is a separate amendment, offered by the Senator from Georgia.

The VICE-PRESIDENT. The amendment will be printed as indicated.

Mr. PLATT and Mr. GORMAN. Let it be read once more.

The Secretary again read Mr. BACON's amendment.

The VICE-PRESIDENT. The pending question is on the amendment reported by the Senator from New Hampshire [Mr. CHANDLER] from the Committee on Naval Affairs.

Mr. GORMAN. I call the attention of the Senator from New Hampshire who offered the amendment to the fact that the amendment as it stands simply provides "that no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after January 1, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date." Of course it would compel any officer who desired to remain in the employment of one of these firms to resign from the Navy.

Mr. CHANDLER. The Senator will notice that the date is not right in the amendment as he reads it. He has the printed amendment. The time was changed by the direction of the committee to June 30, 1897, so that it gives officers who may be in employment of this kind a year from the 30th of June next to find other employment.

Mr. GORMAN. But the suggestion I made to the Senator yesterday was that the amendment confines its operations to the appropriations made in the pending bill. If the rule be a proper one to exclude the employment of retired officers by any firms

outside, it ought to be made a permanent provision and not be confined to the appropriations in this bill, which would expire one year from the 1st of July next.

Mr. CHANDLER. The committee do not wish to do anyone injustice. I think we have no objection to making it apply to cases arising hereafter, if that will gratify Senators; but the Senator will notice that we can not put general legislation upon an appropriation bill, and that the only way sometimes in which reforms can be initiated is by limiting the appropriations by offering amendments that are not subject to the point of order. If I were to change the amendment in pursuance of the suggestion of the Senator from Maryland and make it simply a general provision of law, as soon as that change was safely completed the Senator from Delaware [Mr. GRAY] would perhaps rise and say the whole amendment is out of order. It is the first requisite to an amendment to have it in order.

Mr. GRAY. If I may be allowed, I will state that the latter clause of the amendment, as I heard it read just now, would seem to settle the whole matter so far as these officers are concerned by rendering such employment unlawful. No officer could stay in the Navy and have such employment in the face of that amendment.

Mr. CHANDLER. After that date. That is the expression.

Mr. GORMAN. I submit to the Senator from New Hampshire that it is general legislation as it stands.

Mr. CHANDLER. It is not general legislation to say that we will not make payment from the annual appropriations for the Navy to officers of the Navy who are in private employment, engaged in the service of contractors with the Government. That is an amendment which is entirely within the scope and limit of the power of amendment.

Mr. HALE. I suppose the Senator from New Hampshire drew the amendment with that in his mind, to avoid the point of order that would be raised otherwise. Did he not?

Mr. CHANDLER. The purpose in drawing the amendment was to make it a limitation of the appropriations made in this bill, because I knew that if it was sought to put it in the form of general legislation upon the bill it would be objected to. I repeat, no reasonable limitation upon the expenditure of money in an appropriation bill is out of order, even if it changes an existing law. An appropriation made for a general purpose one year may be repeated in the next year's appropriation bill, and specific directions may be given how to spend that money. An amendment for that purpose is not out of order. If the Senator from Maryland will consent that that amendment may be passed over for the present I will examine the language of it; perhaps it can be put in a shape to satisfy him.

Mr. GORMAN. I have no objection to its being passed over.

Mr. HALE. We are right in the midst of the discussion upon this matter. Having the responsibility of the charge of the bill, I would rather that it would be followed up now, if there is to be any further discussion upon it, and that we should dispose of it, and then come to other matters which are perhaps of larger importance. The Senator from New Hampshire and the Senator from Maryland can come to an accord in this matter so far as they are concerned and fix the amendment while further discussion is going on. I object to its going over now and coming up again. Let the Senator put in the words "hereafter employed."

Mr. GORMAN. I move, then, to amend the amendment so as to read as follows:

That no payments shall be made from the appropriations by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1898—

Mr. HAWLEY. That would be general legislation.

Mr. CHANDLER. June 30, 1897, is the date of my amendment.

Mr. GORMAN. I think the whole matter is general legislation. The last four words in line 8 are unquestionably general legislation:

And such employment is hereby made unlawful after said date.

That line is as much general legislation as the words "hereafter employed." If the point of order will hold at all, it will hold against the amendment as it now stands. The point I make is, if it is right, if the Naval Committee, after due deliberation, have come to the conclusion that we ought to exclude these officers on the retired list from this private employment, the rule ought to be general, and it ought to be made permanent, so that such officers may have notice of it.

Mr. HAWLEY. And immediately cut off those who have this employment?

Mr. GORMAN. That is the suggestion of the Committee on Naval Affairs; not mine at all.

Mr. HAWLEY. What would be the effect of the Senator's amendment to the amendment?

Mr. GORMAN. It would make the provision permanent. It would not only confine it to the present appropriation, but to all appropriations made by Congress.

Mr. HAWLEY. Do I understand that it would compel the discharge immediately of those two gentlemen?

Mr. GORMAN. After June 30, 1898—in two years.

Mr. HALE. June 30, 1897.

Mr. GORMAN. I understand that the Committee on Naval Affairs have concluded that the employment should not be cut off immediately, in view of the fact that it was perfectly lawful to engage in the employment, that it was done with the knowledge of the Department. Indeed, in many cases, I understand, while this whole matter was being developed, the Navy Department, instead of discouraging it, encouraged the naval officers who were on the retired list to go into the private employment of these firms for the purpose of learning the manufacture from the beginning, because there was scarcely a naval officer who understood anything about it. The Department encouraged it, and it being not only the desire of the Department, but of the officers themselves, those two officers on the retired list ought not to be cut off immediately, if cut off at all. But if the rule is a proper one to apply to the pending appropriation bill, it ought to apply to all. That is the point I make.

Mr. CHANDLER. I suggest the following language:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps, on the active or retired list, while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment of any officer not now in such employment is hereby made unlawful after said date.

Mr. GORMAN. That will cover it.

Mr. HALE. That would allow officers who are now in the Navy—

Mr. CHANDLER. To continue—

Mr. HALE. To be employed after July. The Senator wants to fix that.

Mr. CHANDLER. That is the effect of the provision.

Mr. CALL. Mr. President—

The VICE-PRESIDENT. The modification submitted by the Senator from New Hampshire will be stated, and then the Chair will recognize the Senator from Florida.

The SECRETARY. Insert after the word "employment," in line 7 of the amendment, "of any officer not now in such employment"; so as to read—

Mr. SEWELL. I have been listening in vain to hear some good reason offered—

The VICE-PRESIDENT. The Senator from Florida [Mr. CALL] has addressed the Chair. The modification proposed by the Senator from New Hampshire will be first stated.

The SECRETARY. It is proposed to insert after the word "employment," in line 7, the words "of any officer not now in such employment"; so as to read:

And such employment of any officer not now in such employment is hereby made unlawful after said date.

Mr. CALL. Mr. President, I think nothing illustrates more clearly the fact that there is no subject upon which there may not be great differences of opinion than the debate on the pending amendment. It seems that the company organized to furnish the steel armor for battle ships proposed a contract to the Government by which the Government should appoint a naval officer as an inspector for the purpose of determining the performance of a contract made with that company, and that the same company has further agreed, not with the Government, but in fact with another officer of the United States, a retired officer, that he shall have no kind of connection with the decision as to the performance of this contract by the company and no connection whatever with it; but that they will not only agree to take the inspector, the regular commissioned officer of the Navy, to decide on the fact of the contracts being satisfactorily performed, but will also employ in the execution of this contract another officer, who shall be subject to court-martial if he shall fail to perform his duty to the Government by concealing, while in the employment of the company, any defect in the completed armor.

Mr. HAWLEY. Let the Senator add, which officer is also absolutely idle under the law.

Mr. CALL. Well, that is true, but to this point it does not exactly relate. This company stipulates that the Government shall have, by a separate and distinct officer, an absolute protection in the preparation of the contract and in its execution, who shall inspect for the Government, subject in all respects to the discipline of the Navy, and that they will take another officer of the Government, a retired officer, having nothing to do with the Government in the performance of duty of any kind, receiving a pension only, but still bound by the discipline of the Navy, and subject to be court-martialed if he shall conceal any defect whatever in the armor when completed.

How is the Government of the United States injured by having a skilled officer, not in the employment of the Government, but subject to discipline and court-martial, if he shall conceal any defects? It seems a singular idea to me that objection should be made to this additional security for the performance of the contract, when the retired officer is not only bound by the esprit de corps of his profession, but he is bound by the penalty of a trial by court-martial for concealing or being guilty of any kind of

collusion with the company in the performance of this contract. He has nothing to do with its examination, nothing to do with its acceptance by the Government, and it would be a high crime and a misdemeanor on the part of the superior officer of the Navy if he intrusted to anyone, to the regular commissioned officer, wholly removed from any connection with this Government, the approval of the contract. But the retired officer has nothing to do with it. The argument for this amendment is that the company are to stipulate by their agreement with the retired officer that his skill and his knowledge shall be utilized to deceive the Government, to give it incomplete armor, to give it armor in which there is a carefully prepared defect. This is not true; he is employed to see that the performance of the contract, so far as the company are concerned, shall be completely and fully in accordance with the stipulations made. That is the point of view in which the thing presents itself to me.

What is the argument? How can a retired officer affect injuriously the Government? It has been said by the Senator from Georgia [Mr. BACON] that he is familiar with the officers of the Navy. Admit it. Is that familiarity to cause the superior officers of the Navy to violate their duty to the Government? Is it to be assumed that because this officer is employed by a company to do what?—to exercise his skill and judgment in the performance of his contract according to stipulations—that therefore the officers of the Navy will receive, either from favor, from association, or from some corrupt motive, some inducement to betray their duty? I see no conclusion of that kind. I do not see that there is any antagonism as presented by the Senator from South Carolina [Mr. TILLMAN] between the company and the Government of the United States. Such antagonism can only result through fraud. The interest of the company is to see that the contract is performed according to its stipulation, and that is the interest of the United States; and if you assume that fraud is going to intervene by the employment of an officer, bound under severe penalties not to do the thing which it is assumed he will do, namely, betray the Government, that is another proposition which has no foundation.

I think there is another and a greater objection to the amendment, not only that it is utterly impossible that the officer can do any injury to the Government because of this employment, not only because the officer of the Navy who is charged with the inspection and approval is just as much subject to corrupt influence without the employment of the retired officer as with the employment, but also because the Government of the United States is interested in having its officers the most accomplished and skilled men who can be had anywhere. How is that to be attained? Is an officer of the Navy to be accomplished in the manufacture and inspection of steel armor by being withdrawn entirely from employments connected with that art? Is that the way a retired officer of the United States Navy, who may become useful, is to become an accomplished man, by being isolated and prevented from all association with the business pursuits of men? Unquestionably that is not true. You want these officers to know all about the manufacture of steel armor. You want them to be conversant with the progress of art of every kind. You want them in the workshops, you want them employed in private pursuits, and there are other and superior and more powerful safeguards against their influencing the Government corruptly which can be used than that of excluding them from private employment of every kind.

I do not think it even expedient to suspend the pay of these officers while they are employed by private companies, in business which can have no kind of connection in influencing the determination of the Government. But if that be so, suspend them temporarily and strike from the amendment the provision that hereafter such employment shall be unlawful. Let the amendment stand that while in the employment of such companies the officers shall not receive any salary from the Government, but do not exclude them from their place and from pension in the service because temporarily they have devoted themselves to something which educates them for a higher degree of usefulness in the Navy.

Mr. President, I do not think there is any foundation for the suggestion that the Government will suffer because of the temporary or permanent employment of a pensioned officer in something with which the Government has no connection whatever, except having identically the same interest that the company has, the preparation to the highest standard of efficiency of steel armor or any other material which the Navy is required to use. That is so in this case. The interest of the Government and the interest of the contractors are the same. The contractor is bound to perform his work according to certain specified stipulations, and the interest of the Government is that he shall do it. The interest of the contractor is that he shall do it. Now, the assumption is that fraud is to intervene by employing a skilled officer of the Government, in the pay of the Government, subject to court-martial for concealing any defects by which the Government is injured.

Mr. SEWELL. Mr. President, I have not heard all of the ar-

guments made in this matter. I do not believe that the Congress of the United States should deprive a retired officer of the opportunity of earning compensation outside, nor do I think you can properly draw the line as to what shall be the compensation, whether it shall be from any one branch of his profession or another, or by whom paid, or whether the party paying it shall be a contractor with the Government. We are all proud of the officers who have been educated both in the Navy and the Army, and I have yet to know of a case where they have disgraced the Government or themselves. The amendment looks to me very much like a provision to prevent a fraud which is not at all likely to exist as to officers who have been educated under the flag.

Unfortunately some of these gentlemen have been retired earlier in life than contemplated by reason of some deficiencies, one particularly, who has been employed in one of the steel-making foundries, for defection of sight. Here is one of the brightest young men in the country thrown on his beam ends, as you might say, by a defection over which he has no control, which was not brought about by any indiscretion on his part. He is educated up to the highest standard, and it is wholly wrong from my point of view to say that that young man, who probably gets a salary from the Government of \$1,500—

Mr. HAWLEY. Nine hundred dollars.

Mr. SEWELL. Nine hundred dollars—shall be deprived of the right to exercise his brains and his education in providing for his family simply because he is an officer of the Navy. I think it is stigmatizing them as a class and that it ought not to be done.

Mr. HAWLEY. Mr. President, when the proposition was first made to prevent this kind of employment hereafter I thought there was a show of wisdom in it. The more I have thought of it the more I am unwilling to assent to it in any form. It is an extraordinary case taken altogether. There are two officers whom the Senator from New Jersey [Mr. SEWELL] has referred to in appropriately high terms, men of great skill and high character, who happen to be now employed, one by the Bethlehem Iron Works and the other by the equally famous Carnegie works. Although they are getting but \$900 each from the Government, and are excused by law from all naval duty whatever, and simply have the general allegiance of a naval officer, being subject to court-martial, it is proposed now to forbid them from doing any work whatever in a field for which they are specially qualified and a work that is of very great benefit to the Government. Is it supposed that they can live on \$900 per annum apiece? Not at all. What shall they do? They are best qualified for this work, and in this case most eminently qualified. It is true there may be some great iron works in the country that might find use for them, but this is their natural home.

Now, singularly enough, it strikes these two men with the most severity. They are the men whom unmerciful disaster has followed fast and followed faster. One, who was retired because of a defect in his sight, went through the Academy and nobody discovered it. He served honorably for a great many years afterwards, and then a superserviceable doctor found that he had a little difficulty in distinguishing between red and green. That does disqualify him from being the officer on deck at night, but it does not take away his brains, nor is the sight defect, just now discovered, in any respect due to his vice or misbehavior of any sort. He is eminently a gentleman.

Now, there is the difficulty about it. In retiring him in this way, by some practice new to me, hitherto unknown so far as I have discovered, they found he was not to be retired honorably upon the full pay of his retiring rank, but on a half rate. If I am not mistaken, each of these gentlemen would be entitled, if retired in the ordinary way, to about \$1,800 a year, upon which they could probably live with more or less comfort. A great many people live on less than that. But there seems to be some discredit attached to it. I am going to hunt up the records, and if I find them to be as I suppose, I shall present a bill for the correction of the gross injustice. Is an officer who is compelled to be retired by physical disability before the age of 62 therefore, in some respect on account of being disabled and retired before 62, to be set aside on half pay? If these gentlemen had fallen down and broken their legs, so far as I know they would have been entitled to be retired fairly upon the regular retiring rate which would come to them at the age of 62 if they were in perfect health.

Now, just think of this particular notion of cutting off these men—striking these two, the worst possible cases for its illustration. I do not want any such limitation. I have known something of this business and of many of these men. I have not only been interested from the beginning in the building of these great steel and iron works for making ordnance and material for building war ships, but the Senate some years ago did me the honor to make me chairman of a committee which investigated the whole subject. I went to some of the shops here and to many of the great establishments in Great Britain. So I have come to know about it, and I have in a manner fallen in love in the matter of the history of the thing. What I am about to say applies to some

other remarks made on this subject as well as to the special question now under consideration. We did not know whether anybody in the United States was ready to make the enormous blocks of steel armor or to give us the various other forms of iron and steel necessary to build ships. It would have cost the Government an enormous sum to complete a plant for making armor and great guns. The question was whether there were any great establishments in the country ready to contract with the Government, partly on "spec," if you choose to call it so, and partly from patriotism, and to undertake to make all the parts of the great steel guns, rough hewn, rough bored, and rough turned, and turn them over to a Government shop, which had cost a good deal, which would finally finish and assemble the parts; and also whether there was any private party who would agree to make such armor as was wanted. That was the question.

We found upon going about the country that there were several gentlemen who would undertake it. I am bound to say it was not altogether a mere matter of dollars and cents; there was some patriotic pride in it. They said they would put down two, three, or four millions of dollars if necessary, \$2,000,000 to begin with, for the plant. They wanted to be sure of contracts. They laid down perfectly honorable and fair terms in every respect, general conditions, which would form a part of a sound policy. The Government started upon that arrangement, getting the rough parts of the guns and the whole of the armor from private parties, and building some ships in Government yards and the rest of them largely in private yards.

I say the history of these concerns and of their improvement in the mechanic arts and of the beauty and skill with which they have improved upon everything of the kind abroad is a matter of American pride; just pride; and I am sorry when gentlemen seem to think that everything which they do has an odor of suspicious behavior about it and must be investigated and must be construed against their claim. I say they have done a grand work for us. The great iron and steel forgers and the great shipbuilders have made us proud of the American mechanic and proud of the naval officer who has been connected with them. What on earth can one of these comparatively young men—say 45 years of age; the Senate gets in the habit of thinking that is rather young—do in the way of corrupting the Government or defrauding it in any way? They are gentlemen of honor. They still are bound not only by the esprit de corps of the Army and the Navy, but by the severities of martial law. They are liable to be court-martialed, and Senators know how strict that is in the matter of the conduct of a soldier and a gentleman.

But these two particular officers, unjustly retired on half pay, after an honorable life of twenty or twenty-five years, are to be told to-day, now idle and not having enough to live on, "You shall not engage in the particular calling for which you are, above any in the United States, fitted." I am sorry the subject has been brought up in any shape, but if I can get nothing better to vote for than the suggestion of the Senator from Maryland [Mr. GORMAN] I shall vote for it, and then I shall vote against everything on the subject.

Mr. CHANDLER. Mr. President, it is very hard to pass any proposition through Congress which strikes at any individual or affects any individual. The individuals concerned make a rally; the friends of the individuals are appealed to, and they generally succeed in preventing the legislation which it is thought, by persons not specially interested in those individuals, advantageous for the Government.

This is not a question alone of these two young men—45 years of age—of whom the Senator from Connecticut [Mr. HAWLEY] speaks. It is a question of an important principle in connection with the administration of the Government in the Navy Department. These two men are officers of the Navy. There is no earthly difference between them and any other officer of the Navy, except that they can not be ordered to duty unless in time of war, and they are on the retired list receiving half pay instead of full pay. These two men are thus employed under a system which is believed by the committee to be a vicious system, and we feel that we have a right to have a vote of this body upon the question of principle uninfluenced by considerations personal to the two men. They are to have, under the amendment, a year from the 30th of June next to find other employment, and the question is whether after that date the custom which contractors with the Navy Department—men receiving millions of dollars from the Government through the Navy Department—have inaugurated, of employing officers upon the retired list to serve them, shall at the proper time come to an end.

I submit that the Senator from Connecticut [Mr. HAWLEY] overlooked entirely the fact that the whole world is open in which these men can seek employment other than employment under contractors with the Government. The Senator from Connecticut argued as though these two men would be obliged to remain idle all their lives if they were not allowed to go into the employment of contractors with the Government. Not at all, Mr. President.

Mr. HAWLEY. The Senator from New Hampshire will allow

me to correct him. I did not quite say that. I did say that perhaps they could get employment in some of the other great steel and iron machine shops, but that this is the work for which they are more especially and finely fitted.

Mr. CHANDLER. Of course they can get employment elsewhere. These men were not educated as ordnance officers. They were not educated as constructors of steamships. They were not educated to fabricate guns or armor. The whole construction is recent in this country. They have had an education which fits them for almost any employment in private life, and it is not necessary, in order that they may spend the remainder of their lives usefully, that they shall be allowed to go into the employment of men who have contracts reaching into the millions of dollars with the Navy Department, and have the right to come here for those contractors and go through and through the Navy Department, to find out what is going on there, and what the views and purposes of the Government are, in order to serve their employers.

I certainly have refrained, and I know other members of the committee have refrained, from setting out the evil that is growing up in the language in which it might have been depicted. The aim of too many naval officers to-day is not to serve the Government faithfully, but to connect themselves for a little time with some of the new mechanical methods employed in furnishing war material for the Government to learn what they can, to learn enough to make themselves useful to outside contractors, and then to go out from the employment of the Government, either by leave of absence on the active list or by getting on the retired list, and make large sums of money which they do not see they can make as compensation for their services so long as they continue to serve the Government for their salaries. In view of the money that has been made by naval officers out of private employment, the service is being honeycombed by a desire to go out and do likewise, which is doing infinite mischief to the service.

Mr. GRAY. I will say to the Senator from New Hampshire, if he will permit me, that the cases with which we are dealing are cases where the officers were compelled to go out of the active service of the Navy and against their will to go on the retired list.

Mr. CHANDLER. That does not touch the principle, which is a sound principle and ought to be adopted by the Senate, that so long as they are officers of the Government, receiving salaries from the Government, they shall not go into the employment for high wages of contractors who are doing business by the millions of dollars with the Government. I will not say, as the Senator from South Carolina [Mr. TILLMAN] did, that those contractors are enemies of the Government. I will adopt the word suggested by the Senator from Delaware [Mr. GRAY]. They are antagonists of the Government. We think that armor for the battle ships which we are going to build ought to be purchased for \$350 a ton. The manufacturers want to get \$550 a ton. That is the contention. That is the very question which we are to debate in the Senate within a few hours, and the committee have been endeavoring to learn all they can learn about it.

I say that in the consideration and the decision of that question, and in the carrying out of contracts that are made for armor, we do not want to have in the employment of the contractors naval officers educated by the Government, to-day paid a salary by the Government, using all their knowledge, all their wit, all their skill, to get \$550 a ton out of the Government of the United States when the United States ought to pay only \$350 a ton. Mr. President, forsooth—

Mr. GORMAN. Will the Senator from New Hampshire please explain to me—for I confess I do not understand the proposition—what special knowledge any retired officer would have because of his education at Annapolis and his connection with the Navy which would enable him in the slightest degree to increase to the extent of a farthing the contract price for armor? I do not understand it, and I should like the Senator, who is familiar with the Navy Department, to explain how it can possibly be.

Mr. CHANDLER. I will only bring to the attention of the Senator from Maryland the case as presented by the Senator from Connecticut [Mr. HAWLEY]. He says we should take young naval officers, familiarize them with the manufacture of armor and guns and the construction of ships, educate them at our expense, employ them at the public expense until they are thoroughly expert in the business, and when they go upon the retired list we should allow them to go into the service of contractors with the Government for that kind of material. I say it is injurious to the Government to inculcate the idea that naval officers are to be on the lookout all the time for an opportunity, if by any possibility they can get upon the retired list or if they can find it more profitable to leave the Navy than to stay in it, to make fortunes by using the skill and knowledge and ability which have come to them while in the Government service in the employ of contractors who are engaged in doing business with the Government.

I know a naval officer who was examined for promotion and had a physical defect, but the naval surgeons found that the defect did not stand in the way of his promotion, and he was promoted to higher rank on the active list. He went abroad in an

important capacity for the United States. A little later he discovered that he could enter into private employment; that he could enter into the employment of one of the very firms who are engaged in supplying armor for the United States. Forthwith he applied to be put upon the retired list. The physical defect which was not sufficient to prevent him from obtaining his promotion upon the active list operated to put him upon the retired list, and he is now receiving a salary of \$5,000 a year, I think, from one of these private concerns.

The principle that I advocate, and I do it without the slightest personal unkindness to the naval officers who have been alluded to, but not named, which I believe ought to be sustained and which I believe it will be a mistake not to sustain, which I believe it will be a mistake to have stricken down out of sympathy for these two excellent gentlemen, is the principle that when the Government is doing business with great contractors to whom it is paying millions and millions of dollars, the men that wear the uniform and draw the pay of the United States, if they are connected at all with those transactions shall be on the side of the Government, and shall not be allowed, while they continue to draw the pay and wear the uniform of the United States, to use the knowledge and the skill which they have acquired in the service of the Government to the detriment of the Government.

Mr. President, that is the whole of it. If this amendment is to be voted down because these two men will find it inconvenient a year from the 30th of June, 1897, to get employment somewhere else than in the offices of the contractors with the Government, let that be understood, and let it be understood also as a principle that we will encourage the men who are officers in the Army and the Navy of the United States when they get upon the retired lists to seek employment with firms, with contractors, with builders, who are making themselves rich, or seeking to make themselves rich, on enormous contracts with the Government. Let it be understood that things are to be mixed up in this way, so that when we see an officer of the Navy or call an officer of the Navy, or see an officer of the Army or call an officer of the Army, we shall not know whether he is the servant of the Government, paid to serve the Government and to protect the Government, or whether he is in the employment of a Government contractor, employed to serve that contractor against the interests of the Government.

Mr. HAWLEY. What date does the Senator from New Hampshire state the provision will take effect?

Mr. CHANDLER. On the 30th day of June next year—1897.

Mr. HAWLEY. And the amendment of the Senator from Maryland fixes 1898?

Mr. GORMAN. I suggested that.

Mr. HAWLEY. I thought the Senator offered an amendment?

Mr. GORMAN. I did, but I withdrew it.

Mr. HAWLEY. I do not hear the Senator.

Mr. GORMAN. I suggested to the Senator from New Hampshire to modify his amendment. I understood him to say 1898 would be agreeable to him. I only made the suggestion; I did not offer an amendment.

Mr. CHANDLER. I suggested the amendment without consulting my associates upon the committee, who I find dissent from my modification, and therefore I revert now to the original amendment, which provides that it shall be unlawful for officers of the Navy to accept such employment after the 30th day of June, 1897.

Mr. HAWLEY. Just one word more of comment upon what the Senator has said and I am done. I do not know whether he approves of certain naval officers who have shown their great skill in mechanics and capacity as executive officers resigning from the Navy; I do not know whether he approves of that, which has frequently occurred, of officers becoming entirely familiar with this business, exhibiting great mechanical skill and executive ability, resigning from the Navy and then going into these private establishments. He does not object to that, does he?

Mr. CHANDLER. I have never objected to it, but I do say that there is danger that a system will grow up which will be injurious to the Government.

Mr. HAWLEY. If a system grows up on account of the superior excellency of the young gentlemen we have employed in the Navy, such excellency that the great manufacturing concerns who know what they want, and get it, will come after them, I think that is creditable. The gentlemen who go out and accept such profitable employment are the men that will not be found lagging in case there shall be a great war. We may be sure they will give a good account of themselves and will be found among our future admirals.

Mr. CHANDLER. I should like to answer the Senator a little further. Of course we can not prevent an officer of the Navy resigning if he chooses to resign and go into private employment. If he were to resign after he has served the Government in connection with the business and the work of contractors and intended to go into their employment under circumstances that would be vicious and scandalous, the Secretary of the Navy might,

of course, refuse to accept the resignation. That is a thing we can not help if officers of the Army and Navy choose to leave the service at the proper time and under proper conditions, but we can prevent men who continue to remain members of the military organization from entering into the service of Government contractors while they remain connected with the military or naval service.

Mr. HAWLEY. While they are on the active list the President or the Secretary of the Navy has absolute command over their actions, and they can not accept any such employment without specific permission. So that this prohibitory provision of the Senator will apply only to those men who are so unfortunate as to be retired while they still have the full possession of their intellectual and physical faculties.

Mr. CHANDLER. The committee intend to prevent the Secretary of the Navy from allowing officers on the active list taking such employment. Such employment has been allowed and the custom has been an injurious one; and the committee propose to prohibit it by law as to both active and retired officers.

Mr. TILLMAN. The assertion has been made here that these officers were retired contrary to their wishes and that it was a hardship for them to be so retired, was it not?

Mr. HAWLEY. I know it was in one case, for I have the personal assurance of the gentleman himself regarding it. As to the other particular case referred to I do not know, but his case was that of an unquestioned and somewhat serious disability, not affecting his intellect, but his eyesight.

Mr. TILLMAN. I have the Navy Register, and on page 78 is a list of the lieutenants of the Navy on the retired list. Running down the list I find the names of the two officers in question, and opposite their names the act of Congress under which they are retired. I have taken the trouble to get that act, and I will read it to show you how little truth there is in the claims which have been made. Section 23 of the act of August 30, 1861, under which these officers are retired, reads as follows:

Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or when, in the judgment of the President, an officer is incapacitated to perform the duties of his office, the President, at his discretion, may direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine or less than five commissioned officers, two-fifths of whom shall be members of the Medical Corps of the Navy, etc.

The beginning of the act of retirement rests with the officer himself or with the President. It is not an obligatory retirement at all, and therefore we are compelled under these circumstances to at least suppose that these officers, finding that they can get very remunerative employment, desire to get on the retired list and to receive pay from the Government, while at the same time they are holding their rank and getting higher salaries from these private concerns than they are getting as officers of the Navy. There is no hardship in these officers being retired at all under that idea, because you can not conceive of the President having a prejudice in such a matter and coming forward and saying, "Here, you are color-blind; you must get out." How does the President know it? The man has been in the employ of the Government twenty-five years; he has been an exceptionally bright officer; he has won his way; and is it supposable we should ever have a President so mean as to tell that man he must get out of the Navy. Now, suppose an officer comes forward of his own accord and says, "I am color-blind, and would like to get retired pay;" then it is optional with him whether he retires from the Navy or not. There is no great hardship in that.

Mr. HAWLEY. Will the Senator allow me to make an explanation?

Mr. TILLMAN. Certainly.

Mr. HAWLEY. The officer referred to, who is partially disabled by reason of color-blindness, had himself a suspicion of it coming on, but it was officially ascertained by the board who examined him for promotion, and he was obliged to admit that he ought not to have command of a ship at times. So he could not feel like remaining in the Navy as half of a man, and only be allowed to perform certain shore duties or office duties. Therefore, much to his sorrow, he felt compelled to get out of the Navy. But how on earth they contrived to put him on a list which gives him only half of what the ordinary officer gets I can not understand.

Mr. CHANDLER. Mr. President—

Mr. TILLMAN. Excuse me a minute.

Mr. CHANDLER. Certainly.

Mr. TILLMAN. I happened to be present and was surprised when that gentleman was before the committee, and I took the trouble to inquire as to the causes of his retirement, why in the case of a man seemingly so fitted for command it should be considered necessary to retire him, and he expressed the belief that he was just as competent to command a vessel now and to do just as good service as he ever had done. You see, then, that while he might not have been promoted on account of color-blindness, he could not have been retired on account of it under this act.

We are contending here simply for a principle. I do not think anybody will charge any member of the committee, certainly I do not think anybody will charge me, with any personal bias or prejudice or desire to make a spectacle or example of these officers. I consider them as honorable men who have gone into this business, because it is the habit now to go into such things. We are now, however, trying to purify the service and to get back to a sound basis of morals, and I think the committee amendment ought to go through.

Mr. HAWLEY. One matter more, just as to this retired officer. He told me last evening—I did not know at the time who was the officer who went before the board, but last evening when I saw him I remembered that I had made his acquaintance very pleasantly before. He told me that it was not right for him to take command of a ship; that he could not fairly and honorably do so, because he found from experience toward the latter part of his active duty that it was necessary for him, and he made it his practice, to have a young officer, a veteran seaman, by his side when he was on deck to see the lights ahead, and he could not honorably continue in the service when he could not command a ship.

Mr. CHANDLER. I wish the Senator from Delaware [Mr. GRAY] to hear that statement, that the officer himself admitted that it would not be judicious for him to command a ship. The Senator from Delaware had something to say about superserviceable sturgeons retiring an officer against his will.

Mr. HAWLEY. I can say something about it, in my opinion. I do not know that the retirement was unjust in other cases, for I have not inquired; but I say something very cruel and unjust was done in the case to which I have referred.

Mr. TILLMAN. I am ready to vote to restore that officer to rank on the active list of the Navy, and will vote for it, but I do think that if he is going to take the pay of the Government on the retired list, he ought not to take pay from the enemy. He should resign if he is going to serve that enemy. It is very easy to get out of the Navy if employment by the steel companies is more remunerative employment than the honor of belonging to the retired list of the Navy; his resignation can go in, and that settles the whole business, and we get rid of the odium attaching to the immorality, or the dishonor, or whatever you may call it, which now certainly is held by some of us to exist.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

Mr. GORMAN. Do I understand the Senator has withdrawn his modification?

Mr. CHANDLER. I have withdrawn the modification I made to the amendment.

Mr. GORMAN. Then I move to amend the amendment by offering the suggestion of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Maryland moves an amendment to the amendment of the Senator from New Hampshire, which will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting after the word "employment," in next to the last line, the words "of any officer not now in such employment"; so as to read:

And such employment of any officer not now in such employment is hereby made unlawful after said date.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. GEORGE. Mr. President, I happen to be in the very impartial attitude of not knowing either of these gentlemen, not knowing even their names, and I am prepared to vote on this question upon the principle involved in it. It is a very plain and simple principle, one recognized in Holy Writ by the expression "No man can serve two masters," one deeply embedded in the jurisprudence of this country, which prohibits any man from serving two parties who have antagonistic interests. No man, under the law of the land, can be the agent of the buyer and at the same time the agent of the seller; no trustee is allowed to deal on his own account with a trust estate. It is not upon any idea that corruption and bad faith must necessarily flow from this inconsistent relation; it comes from a higher principle, that men who are engaged in doing work shall not occupy positions which might—that is the word—which might influence their conduct.

Now, here is an officer of the United States, recognized as an officer, drawing a salary as an officer, and owing obedience and duty to the United States as an officer. He goes and embarks in employment with a man who has a contract with the United States. So his duty as an officer of the United States leads him one way to protect the interests of the United States, and his duty as an employee of these contractors leads him in another direction.

This idea was very fully expressed by the Senator from Florida [Mr. CALL], who argued that it was a real advantage to the United States to have one of its own officers in one of these shops, upon the ground that he was obliged to disclose to the United States any defect in the armor it should make. Mr. President,

that is nothing more than saying that he is a spy for the United States in the service of one of the contractors of the United States. We do not want any spies. The question is not whether the United States is to be benefited or whether it is to be injured by this relation. The question is whether it is not an immoral and inconsistent relation, forbidden not only by Holy Writ, but by the law of the land; and for that reason I think the amendment of the committee ought to be adopted, with this single exception, that there ought not to be any delay in the severance of this improper and immoral relation; it ought to commence now.

I confess with somewhat of astonishment and somewhat of amazement to having heard for the first time during this debate that any officers of the United States felt themselves at liberty to accept employment from a contractor with the United States and in relation to the matter about which the contract was made.

Mr. CALL. Mr. President, the question of immorality depends entirely upon the question whether there is any injury to the United States. I suppose it will hardly be denied that if the acceptance of this engagement on the part of this retired officer was a benefit to the United States, and has been done openly, there would be no immorality in it, whatever may be the law. I will not dispute with my friend from Mississippi in regard to the law, if there is any law by which a person in the employment of another person, with the consent of that person and of both of the parties, shall openly agree that his service shall be used for what? To see that one of the parties complies strictly with his agreement, and after he shall have devoted his skill to the performance of the contract in favor of the Government that another and a distinct person, not in the employment of this company, shall be the final judge and inspector.

If there be any disadvantage, any injury to the United States, or to any person in that position, it can not be discovered; it can not be pointed out. It has been said that a man so situated serves two masters. That is not true. In a certain form of words it is true, but pertinent to the subject, pertinent to the considerations which determine whether a man can serve two masters or not, it has no relation here, because the man is not a spy. A man is not a spy under such circumstances. When I say to another man, "I will agree to take your servant, who is in your confidence, who is bound to you, and use his skill, his loyalty, and his fidelity to you to see that this obligation of mine is performed, and then you may, after that is done, submit it to another inspection," it is but a form of words, with which the Scripture, of which my distinguished friend speaks, has nothing to do. There is no likeness between God and mammon in this case. In this case the company obligate themselves not to the United States, but to take this skilled servant of the United States and say, "You are subject to court-martial; you will be disgraced in the estimation of the fellows of your own corps; you will sacrifice your reputation and the honor of the profession to which you have been devoted, although now isolated from it, if you fail to have this work done in the manner stipulated, or if you conceal any defects." How is that going to be unfair, serving two masters, or attempting to conceal something? How is it that it is not an additional security to the Government of the United States that the contract shall be faithfully performed? It is impossible that it can be so.

Then, again, as I said before, there is the larger consideration which is involved in this amendment that the officers of the United States shall be isolated and separated from all the arts, all the progress, all the inventions, and the practical applications of science which are being made, and left with a small pittance to dawdle their lives away in idleness.

Mr. LODGE. Mr. President, I can understand very readily the differences of opinion as to the amendment offered by the committee, but I do not see how it is possible to sustain the amendment proposed by the Senator from Maryland [Mr. GORMAN] on any ground.

This is a question of principle. Either this double service now entered into by these officers is right or it is wrong. If it is right, none of them should be prevented from undertaking it; if it is wrong, none of them should be allowed to undertake it. As I understand the amendment of the Senator from Maryland, it is to prevent all officers in the future from accepting such employment, but allows those who are now in the employ of the contractors to remain there. That seems to me simply injustice. The provision ought to be made general, or it ought not to pass at all.

I would ask, Mr. President, if the question now pending is on the amendment to the amendment?

The PRESIDING OFFICER. That is the pending question.

Mr. GORMAN. Mr. President, the Senator from Massachusetts, I think, fails to remember this case. If it had not been for the fact that both the great Departments, the Navy and the War Departments, in the development of this industry had encouraged their officers to go out and take employment in these works and aid in their development—such a development as the world has never known in the same period of time—I could understand that

this provision ought not to apply, and that these gentlemen ought not to be exempted; but they were encouraged to go; they were permitted under the rules of the Departments to enter into this service; and the Departments did another thing that in the light of to-day would not be tolerated, and that was to give leaves of absence to important officers of the Government to enter into private enterprises and to receive compensation during the time of their leaves of absence.

At that time both the Secretaries of the Navy—Mr. Whitney and Mr. Tracy, two of the greatest Secretaries we have ever had—were only looking to the great result to be accomplished if the Government induced their officers to engage in such service. No man in Congress or out of Congress thought it was dishonorable on the part of these naval officers to accept such employment when their Government believed that they could render greater service by doing it. It was right, and it was encouraged; but we would not permit it to-day, and I would not permit it in the future, because the exigencies do not require it. There is much skill outside now to go on with the work. These great factories are accomplished results. They stand to-day as wonderful monuments to the genius of the American people. They are prepared to make all the armor and all the steel required by the Government, and, I am glad to say, it is better, or supposed to be better by all the experts, than any other which is now made in the world. Now, Congress should not reverse the action of the Department and overturn a system which we have all agreed to without exception, and deliberately deprive two or three young men, whom I do not know, and I have probably never seen but one of them, of their pensions, for that is practically what the pay of a retired officer is, and say to them, "The work you have done is wrong; what you have been encouraged to do by your Government is dishonorable, and this employment must cease from this time henceforth."

I submit to the Senator from Massachusetts that no man in private life could be guilty of such action and be sustained by the good judgment of the people who surround him. It is not a business transaction; it is not a fair transaction.

Mr. LODGE. Mr. President, no one has suggested—certainly I never suggested, and I have never heard anyone suggest—that it was dishonorable in these officers to take this employment, or that it was otherwise than an honorable employment. They took it, undoubtedly, with the approval of the Department, and as they had a right to do. Nobody desires to cast the slightest reflection upon them. But the system has proved to be a bad system, in my opinion; and I think it is obvious that it must be a bad system from the double service it involves.

My sole point is that if we are to make a general rule, as I think we should, that naval officers, whether on the active or retired list, are not in future to take employment with Government contractors, we should make it apply to all naval officers. The naval officers who are now in the employ of those contractors should be obliged either to give up their retired pay or their service with the contractors. They have had both for a number of years. They were undoubtedly led to do so by the approval of the Department, but if Congress decides that the policy and system are bad, I can not see that it is any hardship to them any more than to any other officers who may desire to enter into the same employment to be deprived of the opportunity of drawing two salaries. Besides, a year's grace is given under the amendment, as I understand, to enable them to make other arrangements. It is not proposed to force them out on twenty-four hours' notice. They are given a chance to remain where they are and resign from the Navy, or to seek employment elsewhere. The amendment really only cuts off those persons who are contracting with the Government from the sphere of this employment.

I have no feeling in regard to these officers. I do not have the pleasure of knowing any of them personally. I have been written to in regard to them. That is the only thing which I have heard about them. I have been urged to vote against this amendment because it affects one of those officers in this way. Beyond that I have no interest; but it seems to me the present system is a bad one, and I can not see how it can be regarded as otherwise than a bad and dangerous system, which may constantly give rise to suspicion and to insinuations. I do not see how it can possibly be right to put a naval officer in the position of serving a contractor who is engaged in dealing with the Government.

I hope, however, the Senator from Maryland will not suppose that I intended to reflect on anybody—not for a moment. I know they are as honorable men as there are.

Mr. GORMAN. I did not understand the Senator to reflect upon anybody, but I wanted to call his attention to what I believed to be the injustice of the proposition he presents. The Senator from Massachusetts and nearly all the Senators who take the view of the Committee on Naval Affairs present the case as if these men were serving two masters at the same time—serving the Government and serving the contractors. That can not be done. Nothing of that kind is involved in this proposition. A retired naval officer is never seen at the Navy Department, and has no

interest in what is going on there. His services can be commanded in time of war hereafter, it is true, but so far as the transactions of the Navy Department are concerned after he is retired he is as free from connection with them as Mr. Carnegie or the president of the Bethlehem company. He has absolutely no interest in the Navy Department except to draw his pay at the end of the quarter. He is not connected with the business; he is not expected to serve the Government; his services are not required and not asked for; he goes out and receives employment elsewhere and the Government recognizes him as they would any other foreman or any other superintendent at one of these factories. The place he was educated or the fact that he draws a pension amounts to nothing.

Mr. HALE. Does not the Senator know that retired officers are at the call of the Government at any time?

Mr. GEORGE. We can not hear the Senator from Maine on this side.

Mr. HALE. I ask if the Senator from Maryland does not know that retired officers are at the call and beck of the Government?

Mr. GORMAN. Yes.

Mr. HALE. And that a retired officer may at any time be requested by the Navy Department to go on a board to investigate just such circumstances as we have now before us?

Mr. GORMAN. Yes.

Mr. HALE. And that it is not an infrequent thing that when important supervisory boards deal with charges of this kind and deal with cases of this kind competent retired officers are put on those boards? They are not separated from the Navy Department; they are separated from certain active duty on shipboard and in shipyards; but they may be requested to deal with just such subjects as we are now dealing with. That is an additional reason why they ought not to be in the employment of these companies.

Mr. GORMAN. In very rare cases I admit that is the case, but the rule is as I have stated. When they are retired, that is practically the end of them so far as the business of the office is concerned. They have no facilities to ascertain what is going on in the Navy Department any more than I have or you have.

But, Mr. President, when this examination began it was not upon this line at all. An abuse, I admit, had grown up in the Department, an abuse that ought to have been corrected and will be corrected, and that was granting leaves of absence to prominent officers in the Department who are in the regular service to go off and take employment from private establishments; and the resolution and the statements in the press all struck at a very high officer of the Government who was supposed to have had not only that sort of employment, but an interest in the process by which the steel was made. As a matter of course that ought to be corrected, and that, I understand, is to be corrected. It would not be tolerated at the Department any longer. But nobody supposed that there was any abuse in the retired officers going into private employment.

Mr. President, I do not desire to continue this discussion. Already too much time has been devoted to it. I merely wish to say that I believe great injustice is about to be done these two or three gentlemen, whom I do not know and in whom I have no interest whatever. If it were not for the fact that they had been encouraged to accept this employment and entered into it with the full belief, as we all believe, that it was to the interest of the Government to do it, then I could understand how they may be stricken down within one year and deprived of this employment. But having been encouraged to do it, and it being the desire of the Government that these officers should be so employed, I think it is unwise and unjust to these men now by an act to embrace them in the category of officers who have done wrong.

Mr. SQUIRE. I should like to ask the Senator from Maryland, before he takes his seat, if it is not true that one of the Secretaries of the Navy suggested or requested such an employment?

Mr. GORMAN. As I said a moment ago, my understanding is that the sole object of the two great Secretaries of the Navy, Mr. Whitney and Mr. Tracy, was to build up these great establishments and to make this armor plate perfect, and they encouraged all these officers to do it, and in the light they had at that time they not only encouraged the men upon the retired list, but absolutely gave leaves of absence to retired officers of the Government that they might go out and during the time of the leave accept this employment. It was the policy of the Government, and the officers are not at all at fault in it.

Mr. SQUIRE. I was informed yesterday by a gentleman in whom I have great confidence, and who is in a position to know, that Secretary Tracy did encourage the going of retired officers into the establishment for the purpose of engaging in this business, believing it to be for the benefit of the Government that they should engage in the business for that company. It seems to me it is a matter of great injustice, under these circumstances, for us to criticize those men. It seems to me there is an unfriendly spirit here; and I am sorry to see it manifested. For my part, whether

the amendment should prevail or not, I intend to vote against it. I think it is a piece of injustice and casts a reflection upon these worthy officers now retired from the Navy.

Mr. HALE. Mr. President, I desire to call the attention of the Senate again to the real situation. It is plainly an instance where a committee of the Senate, charged with grave responsibility on public matters, is seeking to prevent what it believes to be a grievance, and, as is not infrequently the case, the attempt at a kind of reformation runs across the private wishes and the private interests of individuals.

Now, it does not follow that those individuals are corrupt, that they are worthy of censure. They are not said here to be corrupt or worthy of censure. But it does follow that any attempt which is made seriously to better things and better conditions ought not to be allowed in the Senate to be thwarted because of the impotency of a few individuals whom that attempt runs across. I have no doubt that the Senate has been very considerably and pertinaciously lobbied in this respect by friends of the gentlemen and by themselves, it may be, because the amendment will interfere with them. Mr. President, if that is going to be the rule of the Senate, if it is impossible to pass an act that is for the benefit of the general public and the Government in the future because it runs across the interests of a few individuals and those individuals can turn the current of our action awry, we may as well attempt to act without committees here or to do anything that is in the nature of reforming governmental abuses and set up a good standard.

I wish to say a word as to why it is that this condition has come about. I agree with what the Senator from Connecticut [Mr. HAWLEY] has said, that in the beginning it was a very desirable thing that men should be enlisted in the work of building up great armor-plate establishments and establishments to manufacture ordnance for the two military branches of the Government, the Army and the Navy. We had none. We were at the mercy of the foreign manufacturer, and Congress embarked in it honestly and seriously and earnestly by liberal appropriations, understanding that we were to give what, in fact, was a great bonus to establishments that would come in and devote American wit and American ingenuity, and put us on a plane with other powers of the world in having private manufactories. I advocated that as much as any member on the floor of the Senate. I have always believed in it. Out of it came first the Bethlehem Iron Works, works that have expanded and enlarged and have become a pride to us and in which all American people have great pride. Later, when it was found that we were continuing to appropriate liberally for the Navy for armor plate and guns, and also ordnance for the Army, another establishment was called into being, and the great reason which was urged why we should encourage another establishment, and why the Secretary of the Navy determined to divide the contracts and give them not all to Bethlehem, but one to the Carnegie works, was that we needed competitors. So the Government embarked in that, in the meantime giving liberal appropriations. They went on and increased their plants and made them what to-day is a wonder in the eyes of the world. Very soon the system, or the expectation of a system, of competitive bids disappeared between the two, and now there is nothing of that kind.

But while these concerns have been developing a great plant Congress has been doing an immense thing for them. We have appropriated and paid to them about \$11,000,000, and contracts, now perhaps just being closed, for two other ships at \$3,000,000 more will make \$15,000,000 paid to these concerns. It has now come about that the Committee on Naval Affairs believes from its investigation, not that these men are not meritorious in building up their plants, but that they have been largely paid for all that, and that the time has come when they can afford to furnish armor for the Government and make a reasonable and great profit at rates very much less than they have been getting heretofore. The Committee on Naval Affairs believes that for all their enterprise they have been amply compensated by the great appropriations of millions upon millions of dollars, and that the time has come when they ought to consider present conditions and reduce their bids. Therefore we are confronted with a condition of antagonism that has never existed until to-day.

Now, that being the condition and these two forces being antagonistic, being what the Senator from South Carolina calls enemies, being inimical, it is believed by the committee that in the new condition which now arises, where it is a contest between the Government and these concerns, they ought to reduce their bids and still have a fair and ample profit. We find connected with them and employed by them officers in the Navy of the United States. I do not care whether they are active or whether they are retired, the principle is the same. The moment that conflict looms upon the sky and the moment it is a battle drawn between the Government and these concerns as to reducing the price of armor and getting fair contracts there ought to be in the concerns no man who is an officer of the Government.

Mr. President, it does not stop here. If two officers can be employed by those two concerns, ten can be employed. If a retired officer who was retired because of certain physical causes for which he was not to blame can be employed, and the Senate declares that he may be employed, every man to-day in the Navy Department who is engaged in representing the Government, in furnishing it with facts and considerations which it can urge in favor of reduced appropriations and reduced prices, may all the time be haunted by the temptation that in one way or another to-morrow he may resign or be retired and go into the employment of the concerns, and give the wit and the knowledge and the influence that he still holds in the Navy Department to those establishments.

This is more wide reaching than the question relating to two men which has been urged here. It is very far, deep reaching, Mr. President. I can not see, and I do not believe that anybody can see, that unless there had been the happening of two or three officers molested to some extent there would have been a single objection to the provision reported by the Committee on Naval Affairs.

Mr. President, it will be a bad day for the Navy of the United States and for the status of the officers of the Navy of the United States when the Senate puts its seal of disapprobation on an amendment like this, which prevents the employment of naval officers in concerns that are competing with the Government and are trying to get extravagant rates of appropriation and when the Government is trying to reduce them. That very thing will react upon officers of the Navy. It is no kindness to the general personnel of the Navy, the officers broad and large, to contend against an amendment of this kind. You may depend upon it, sir, that the officers of the Navy who are engaged really in protecting the interests of the Government have no sympathy with a contest that is made against an amendment so wide reaching and so conclusive as this amendment, and which has nothing whatever to be said about it except that it does interfere for the moment with two or three officers.

I will not go over the proposition as to the indulgence of the Senate in being willing to postpone the operation of the provision until these men can get other employment, but it is absurd to say, if these men are so skillful and so needed at these works, that they can not get employment in the other great fields of American mechanical industry all over the country. If these two gentlemen are as competent and as honorable (and I believe them to be) as is stated here, they will not remain out of employment one day after June 30, 1897. They will go into other employments before that time, employments that are not connected and tangled up with concerns that have contracts with the Government.

Mr. SQUIRE. Mr. President, I do not desire to prolong the discussion. I have enjoyed listening to the interesting statement of the Senator from Maine, and I listened with great pleasure to what was said yesterday by other Senators on the floor. It seems to me we are making a great deal of fuss over a small matter, and that a few pertinent, plain points might be brought out which would decide the question in the mind of a reasonable man without any long discussion.

In the first place, what was this agitation about? In the beginning the committee were trying to ascertain what some armor plates cost. They had the experts of the Government at their command; they had the officers of the Navy; they had the whole Navy Department with its personnel at their command. I suppose these officers appeared before the committee, from statements made to the Senate yesterday. Then it appears that these two gentlemen, who were retired officers of the Navy, but who now hold a business relation to the companies in which they are serving, by permission of the Government, were called before the committee to give information, and that they were required on the part of the committee to expose business secrets they had ascertained while being employed by those companies. Now, it does not seem right—

Mr. BACON. If the Senator from Washington will permit me, the Senator misstates the fact, unintentionally. They were not so required. On the contrary—

Mr. SQUIRE. They were invited to appear before the committee.

Mr. BACON. On the contrary, as soon as it became apparent to the committee that they were in an embarrassing position the committee ceased to press the question upon them. They were not so required in any sense.

Mr. HALE. The committee did not even invite them.

Mr. BACON. No, sir.

Mr. HALE. They came of their own volition. The committee never invited them. The committee invited the men who are there as supervisors of the Government, and to the surprise of the committee these gentlemen appeared representing the companies. The committee never hailed them before it, and never expected that they would be there, because it recognized the delicacy of their situation.

Mr. SQUIRE. I understand the committee did expect an answer

from them, or it would not have asked the question. Of course the committee asked the question, or it could not have known the fact. As I understand the matter, the whole point turns on whether these men should be compelled, from the fact that they were retired officers of the Navy, to testify or make a statement before a committee. I do not say that they were bulldozed or anything of that kind.

Mr. GRAY. Will the Senator from Washington allow me to call the attention of the Senator from Maine to the statement that I do not think he quite concluded. He said they came there as representing the Government. I suppose he did not mean that.

Mr. HALE. I said they did not come as representing the Government.

Mr. GRAY. I beg the Senator's pardon.

Mr. HALE. The committee sought the testimony of naval officers who had been detailed by the Government to inspect and supervise the works, and to the surprise of the committee when it met to receive the testimony of those officers these two gentlemen appeared, who did not represent the Government, but represented the Bethlehem and the Carnegie works. So it was a surprise to the committee. I was surprised and the Senator from New Hampshire [Mr. CHANDLER], who was the author of the resolution, was surprised at their appearance. But the gentlemen being here, the committee proceeded to ask them certain general questions. The committee did not press them, as the Senator from Washington has indicated, because, as was brought out in the debate yesterday, the committee realized the delicacy of their situation. These men were serving two masters, and as the Senator from Delaware suggested yesterday we had no right to expect these men in the employment of these private concerns to tell us what the armor cost. The committee did not press it.

Mr. SQUIRE. I ask the Senator from Maine if it is possible and can be true that the Senator from New Hampshire, the author of the resolution, did not know exactly who these men were and all about them.

Mr. HALE. I say he did not.

Mr. SQUIRE. I have been led to believe that he has known them for years and knows all about them.

Mr. HALE. That may be.

Mr. CHANDLER. I did not know they were in the employment of these companies until they came and told us.

Mr. SQUIRE. I supposed the Senator from New Hampshire knew, having met these gentlemen recently, and I was in the same party when visiting Bethlehem.

Mr. HALE. It was long before that time.

Mr. BACON. It was before that time.

Mr. SQUIRE. I know, it was just before that time.

Mr. CHANDLER. I never had the honor of visiting the Bethlehem works until very recently, in company with the Senator from Washington.

Mr. SQUIRE. I understood the Senator from New Hampshire was very familiar with the personnel of that establishment.

Mr. CHANDLER. If I had stopped to think I could have straightened the subject out. But it is a little confusing to all of us when we meet these naval officers and really do not know exactly whether they are employed for us or employed against us.

Mr. SQUIRE. It seems to me we are laying too much stress on this matter. I should like to have the Government receive bids at a reduced price for armor plate, and I believe the committee have every means at their disposal for ascertaining the truth about the cost, so far as the Government can ascertain the present status of the making of armor plates. I believe that information is all easily derivable from the Government experts. It was not necessary to examine these men. If they appeared before the committee, I suppose they appeared by somebody's invitation and for the purpose of giving such information as they could properly give with due regard to the interest that they were engaged to serve.

I am not in favor of punishing these men because they declined to expose the business secrets of the establishments they were serving. That is what it amounts to. It is simply persecution, no matter whether they were pressed or not. As I remarked before, I do not say that they were unduly pressed.

Mr. BACON. The Senator from Washington is entirely mistaken as to the whole point in the case. He is mistaken as to what was the motive in the committee in suggesting the amendment and as to the true question before the Senate. There was no demand upon these officers that they should disclose any secrets, nor was there any declination on their part.

Mr. SQUIRE. That was the burden of the debate yesterday.

Mr. BACON. Not at all. The whole point is simply as to the situation which was then presented of officers of the Navy being put in a position where they were occupying an antagonistic position—

Mr. SQUIRE. Where they could not give this information.

Mr. BACON. The interest of the Government suggested to us the impropriety of their occupying such a position; but, I repeat,

there never was a demand upon them to disclose secrets, nor was there any declination on their part to disclose them.

Mr. SQUIRE. Then I do not see why we should press the question, because that was the point made yesterday in debate. One Senator, perhaps the Senator from Nebraska [Mr. ALLEN], made the remark. My recollection is that it was he.

Mr. ALLEN. I think I will stand sponsor for what nobody else will be responsible for.

Mr. CALL. Will the Senator from Washington allow me to interrupt him?

Mr. SQUIRE. Certainly.

Mr. CALL. I wish to state, in reply to the suggestion made by the Senator from Washington, that there is no evidence here nor is it true that these men are officers of the Navy. It is not true. It is a mere statement of words. They are disconnected from the Navy in every shape and form. They are pensioners, retired officers, and have no more connection with the Navy than I and the Senator from Washington have.

Mr. TILLMAN. Except—

Mr. CALL. One moment. Except that they are subject to a court-martial; that is all. They have no duties to perform. They have simply a liability—that is, if they violate the Rules and Articles of War, if they conduct themselves in any manner with duplicity, dishonesty, or dishonorably, they are subject still to a court-martial. That I understand to be the situation.

Mr. TILLMAN. Are they not liable to be called into the service of the Government in case of war?

Mr. CALL. As you and I.

Mr. TILLMAN. Oh, no; they go back as officers, with the same rank. They do not go as you and I, as men who would be picked up.

Mr. CALL. That does not make any difference at all. That is wholly foreign to the subject. It does not make any difference whether a man serves as an officer or a private. They are subject to be called into the service, and if they come back as officers what has that to do with it? No more than if they came back as privates. We are all liable to be called into the service of the Government. That has nothing to do with this question.

But I wish to say that there is one very plain point in this matter. If the committee did not inquire of these officers whether they had been guilty of or subject to suspicion of collusion in concealing anything from the Government, I think the committee ought to have inquired. If the officers have been guilty of any dishonesty, of any dishonorable conduct, either directly or indirectly, they ought to be dismissed from the service. But why should others be punished who have not been guilty? I understand there is no suspicion of that kind. I understand that these men are of unspotted character, and I make no suggestion to the contrary; but I say if they had been, the remedy is to court-martial them, prove the fact, and discharge them from the service. But what harm is it to the public service that other men have maintained the esprit de corps of the Navy, have performed their duties, have contributed their skill and received compensation for it elsewhere than the Government, and why should these men who have been innocent be punished? Let us know whether the practice has resulted disadvantageously to the Government or not. That is the question in this case.

Mr. SQUIRE. I did not intend to occupy the floor for any length of time, but the Senator from Florida has very kindly interjected remarks that are on the line of thought that I was about to express. I believe that these officers, after having served the Government honorably so many years, ought not to be required to resign in order to engage in employment. I believe that they understand more about this branch of business than about any other kind of business. They are peculiarly fitted for certain duties in connection with these great works. As I understand the matter, the works are not employed simply in making armor plate or in making guns. They are large manufactories making steel for all purposes, great mills making Bessemer steel and merchant steel, and doing an enormous business not only in this country, but all over the world. It seems to me puerile in us to demand that these retired officers of the Navy, after having served the Government for twenty-five, thirty, thirty-five, or forty years, simply holding positions as retired naval officers so as to maintain the rank and dignity they have earned by years of honorable service, should be compelled to resign the positions in which they receive a beggarly pittance of perhaps \$900 a year for the purpose of accepting employment under these great companies in an honorable way, when they have been in a position in which they may be able to render service to the Government, as was believed by several Secretaries of the Navy, who suggested or encouraged their employment, thinking such service to be for the advantage of the Government.

Mr. President, it seems to me that we have discussed this question amply. We all understand it. I am ready to vote upon it, and I am going to vote against it.

The PRESIDING OFFICER. The question is on the adoption

of the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

Mr. PASCO. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment of the Senator from Maryland to the amendment of the Senator from New Hampshire will be stated.

The SECRETARY. After the word "employment," in line 7, insert the words "of any officer not now in such employment"; so that it will read:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment of any officer not now in such employment is hereby made unlawful after said date.

Mr. HALE. In other words, as the Senator from Ohio suggests, it gives a monopoly to the men who are now in the employment, and nobody else.

Mr. CALL. I think we ought to have a quorum present. I ask for a call of the Senate.

The PRESIDING OFFICER. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Frye,	McBride,	Sewell,
Allison,	Gallinger,	McMillan,	Sherman,
Bacon,	Gear,	Martin,	Shoup,
Bate,	George,	Mills,	Squire,
Berry,	Gordon,	Mitchell, Oreg.	Stewart,
Brown,	Gorman,	Mitchell, Wis.	Teller,
Burrows,	Gray,	Nelson,	Tillman,
Butler,	Hale,	Pasco,	Vilas,
Call,	Harris,	Peffer,	Walthall,
Chandler,	Hawley,	Pettigrew,	White,
Chilton,	Hill,	Pritchard,	Wilson,
Clark,	Jones, Nev.	Pugh,	Wolcott.
Cockrell,	Kyle,	Quay,	
Faulkner,	Lodge,	Roach,	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. QUAY. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PETTIGREW and Mr. LODGE. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 23, on page 2, it is proposed to insert:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

Mr. GORMAN. With a view of making it a permanent law instead of applying only to the provisions of the pending bill, I move to amend the amendment as I have indicated on the copy which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment so as to read:

And provided further, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment is hereby made unlawful after said date.

Mr. GORMAN. The amendment offered by the Senator from New Hampshire would merely apply the rule to appropriations made in this bill, and the amendment as I propose to amend it will make it apply for all time until repealed by Congress.

Mr. CHANDLER. There is no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire as amended, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GORMAN (when his name was called). I am paired on this particular vote with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the

senior Senator from Alabama [Mr. MORGAN]. If he were present I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON] on political subjects, but I do not think this is such a question, and I therefore vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. I transfer my pair to the junior Senator from Kentucky [Mr. LINDSAY], and will vote. I vote "yea."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. Not being aware how he would vote, I withhold my vote.

The roll call was concluded.

Mr. CARTER. I am paired with the junior Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote, I withhold my vote.

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. Under our arrangement either of us has the right to vote at his discretion with respect to questions not strictly political. Therefore I will allow my vote to stand, although the junior Senator from Rhode Island is not present.

Mr. McMILLAN. I inquire if the senior Senator from Kentucky [Mr. BLACKBURN] has voted?

The PRESIDING OFFICER. The senior Senator from Kentucky has not voted.

Mr. McMILLAN. I am paired with the senior Senator from Kentucky.

The PRESIDING OFFICER. The Chair will state that the Senator from Maryland [Mr. GORMAN] announced a pair with the Senator from Kentucky [Mr. BLACKBURN] on this particular subject.

Mr. McMILLAN. Then I can vote. I vote "yea."

Mr. CALL (after having voted in the negative). I am paired with the Senator from Vermont [Mr. PROCTOR], but I will allow my vote to stand.

Mr. SQUIRE (after having voted in the negative). I am paired with the senior Senator from Virginia [Mr. DANIEL], but I think the vote is so overwhelmingly on the other side that I will allow my vote to stand. Under the arrangement I have with the Senator from Virginia [Mr. DANIEL] I can vote without infringing upon our agreement.

Mr. HANSBROUGH. I am paired with the junior Senator from Illinois [Mr. PALMER].

The result was announced—yeas 45, nays 11; as follows:

YEAS—45.

Allen,	Faulkner,	Mantle,	Pritchard,
Bacon,	Frye,	Martin,	Roach,
Baker,	Gallinger,	Mills,	Teller,
Bate,	Gear,	Mitchell, Oreg.	Tillman,
Berry,	George,	Mitchell, Wis.	Vest,
Blanchard,	Gordon,	Morrill,	Vilas,
Brown,	Hale,	Nelson,	Walthall,
Burrows,	Harris,	Pasco,	White,
Butler,	Kyle,	Peffer,	Wilson.
Caffery,	Lodge,	Perkins,	
Chandler,	McBride,	Pettigrew,	
Chilton,	McMillan,	Platt,	

NAYS—11.

Call,	Hawley,	Sewell,	Squire,
Clark,	Hill,	Sherman,	Stewart.
Gray,	Jones, Nev.	Shoup,	

NOT VOTING—33.

Aldrich,	Daniel,	Jones, Ark.	Thurston,
Allison,	Davis,	Lindsay,	Turpie,
Blackburn,	Dubois,	Morgan,	Voorhees,
Brice,	Elkins,	Murphy,	Warren,
Cameron,	Gibson,	Palmer,	Wetmore,
Canon,	Gorman,	Proctor,	Wolcott.
Carter,	Hansbrough,	Pugh,	
Cockrell,	Hoar,	Quay,	
Cullom,	Irby,	Smith,	

So the amendment as amended was agreed to.

Mr. HALE. I ask now that the reserved clauses in the bill, beginning at line 16, on page 50, be taken up. Let the amendments be stated as they are reached.

Mr. GORMAN. Mr. President, I ask the Senator from Maine whether it would not be more convenient and better to consider amendments to the first clause of the provision, as to increase of the Navy, which really brings up the main question—I refer to the number of battle ships—before considering the amendments relating to torpedo boats, etc.

Mr. HALE. I think there is force in that suggestion. If the Senator has an amendment to move, I will let the other amendments stand until after it has been passed upon.

Mr. GORMAN. Then, in line 19, page 50, before the words "seagoing coast-line battle ships," I move to strike out "four" and insert "two."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 19, page 50, it is proposed to amend by striking out the word "four" and inserting "two"; so as to read:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract two seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$3,750,000 each.

Mr. GORMAN. Mr. President—

Mr. QUAY. With the permission of the Senator from Maryland, I move to amend the amendment by striking out the word "two" and inserting "six."

The SECRETARY. It is proposed to amend the amendment by striking out the word "two" and inserting "six"; so as to read:

Six sea-going coast-line battle ships.

Mr. GORMAN. I do not suppose that the Senator from Pennsylvania wants to offer the amendment now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. HALE. I hope the Senate will preserve order, because this is an important matter, and I for one desire to hear the Senator from Maryland.

Mr. GORMAN. Mr. President, the pending bill as it comes to the Senate from the House of Representatives appropriates over \$31,000,000 to be expended during the next fiscal year. It authorizes contracts for battle ships, armor, and armament amounting to \$20,000,000, for which we will be compelled to make appropriations during the next two or three years. It is desirable, and I concur in that view, to build up our Navy, to make it formidable enough to meet all the wants of the country, and I have advocated such a policy from the day I was assigned to the Appropriations Committee until now. We have in the past six or eight years appropriated an immense amount of money on this account. We have kept pace with the requirements of the country until we have succeeded in making a Navy of which the whole country is proud. We have appropriated very liberally when we had the money. It will probably astonish many Senators to know how rapidly we have proceeded in this direction.

Sir, since 1887 to 1896, inclusive, we have appropriated \$239,961,109.73, being \$95,000,000 more money than was appropriated from 1877 to 1886 on account of the Navy and its construction. We have to-day under construction quite a number of vessels said to be equal in design to any that float in any navy in the world. We have appropriated all the money that was necessary to construct those vessels up to this time. We have taxed the ingenuity of the men who manufacture armor and the tubes for the guns to the full capacity of their great establishments. Indeed, the delay in the construction of the vessels has grown out of the fact that the great steel works have not been able to furnish armor in time to meet the requirements of the shipbuilders. We have now under construction a list of vessels which for their class are as formidable as any that are being constructed in the world.

They are as follows:

Vessels under construction.

Name.	Type.	Displacement.	Probable date of completion.
		Tons.	
Iowa.....	Battle ship.....	11,400	Apr., 1897
Massachusetts.....	do.....	10,288	June, 1896
Oregon.....	do.....	10,288	Do.
Texas.....	do.....	6,315	Do.
Kearsarge.....	do.....	11,525	* Jan., 1899
Kentucky.....	do.....	11,525	Do.
Brooklyn.....	Armored cruiser	9,271	Nov., 1896
Puritan.....	Monitor	4,084	July, 1896
Terror.....	do.....	3,990	Apr., 1896
Helena.....	Gunboat.....	1,322	Dec., 1893
Nashville.....	do.....	1,371	Do.
Wilmington.....	do.....	1,392	Do.
Gunboat No. 10.....	do.....	1,000	* Feb., 1897
Gunboat No. 11.....	do.....	1,000	Do.
Gunboat No. 12.....	do.....	1,000	Do.
Gunboat No. 13.....	do.....	1,000	Do.
Gunboat No. 14.....	do.....	1,000	Do.
Gunboat No. 15.....	do.....	1,000	Do.
Torpedo boat No. 3.....	Torpedo boat.....	142	Nov., 1896
Torpedo boat No. 4.....	do.....	142	Do.
Torpedo boat No. 5.....	do.....	142	Do.
Torpedo boat No. 6.....	do.....	180	Do.
Torpedo boat No. 7.....	do.....	180	Do.
Torpedo boat No. 8.....	do.....	182	Feb., 1897
Submarine torpedo boat.....	do.....	168	† Jan., 1897
Tugboat No. 5.....	Tug.....	225	Dec., 1896

* Contract time just begun.

† Experimental.

It is said that there is necessity for great haste in the construction of more vessels, that we are the fourth or fifth nation in the

world in point of tonnage as to navy. It is true that the special message of the President in relation to the Venezuelan matter and the action of Congress in regard to the revolution in Cuba did greatly excite the country. There was a universal determination in and out of Congress to make every preparation to put the nation upon a war footing and to be fully prepared to take more active measures in the affairs of our neighbors on this continent. Happily, these conditions are greatly modified; war is no longer imminent. Therefore there is no necessity for undue haste.

Mr. President, when Congress assembled in December last we were communicated with by the Executive, and we were informed that the financial affairs of the country were such that they required the first consideration; that the condition of the Treasury was such that economy must be exercised in the expenditure of the people's money, or else one of two things must be done: Taxation must be increased by increasing the revenue laws or else more bonds be sold under authority of the act of 1875, the proceeds of which would be applied to the ordinary expenditures of the Government when necessary. In that condition, the Secretary of the Navy, in his annual report communicated to Congress, suggested that two battle ships were all that were necessary, in his opinion, or proper at that time to be constructed, with their armament, costing between seven and eight million dollars each. Vessels of this class cost, exclusive of armament, \$3,700,000 each, and the armament costs about as much as the construction of the vessel, an immense amount of money. The Secretary of the Navy at that time said that his present programme was that two of such vessels would be sufficient. We ordered two at the last session of Congress. They are contracted for and under way at Newport News, in the great yard established there. We have at the Cramps and on the Pacific and in the other yards quite a number of vessels still under construction, which will not be completed for a year or two.

But when this great war scare took possession of Congress and the country, then more vessels were asked, larger appropriations were demanded, greater than ever before in the history of the country except in times of actual war; and the Secretary of the Navy, coming before the Appropriations Committees of Congress, reversed his recommendation in his annual report and suggested to Congress that he would be glad to have four or six of these vessels. Indeed, the tendency was, as conveyed by the suggestion of the Senator from Pennsylvania, to order six instead of four great battle ships. When the Secretary was asked, "Is the condition of the Treasury such as to warrant an outlay of this character?" his answer was, "Yes." I will give it to you in his own words. When he appeared before the Naval Committee of the House of Representatives, the chairman, Hon. C. A. BOUTELLE, asked him the following question:

Mr. Secretary, you will remember that after the issue of your report in December, 1893, in which you recommended the authorization of a number of new ships, the President, in his annual message, counseled Congress to consider the depleted condition of the Treasury before increasing naval expenditures. Will you kindly state your view as to how far the condition of the revenues has improved in regard to justifying a considerable authorization of new naval vessels at this session of Congress.

Secretary Herbert replied:

There seems to be no reason to be drawn from the condition and prospects of the Treasury against a liberal appropriation for new vessels. The Secretary of the Treasury estimated in his last annual report that there would be a deficit of about \$17,000,000 at the end of the present fiscal year—June 30, 1896. He now thinks that the deficit will be less than he then estimated. He also estimated on the basis of existing laws the revenues of the Government for the fiscal year 1897. His conclusion was that there would be a surplus for next year of something over \$6,900,000—in round numbers, \$7,000,000. Outside of these revenues, to come in in the ordinary way, and which the Treasury Department has estimated as more than sufficient to meet expenditures, there will be in the Treasury on the 1st of July next, excluding the \$10,000,000 which the Government attempts always to hold for redemption purposes, \$170,000,000 over and above the amount required for matured obligations, so that, in my opinion, the condition of the Treasury justifies as liberal appropriations for new ships as I have asked for to-day.

With that statement before them, the committee with which this bill originated seriously considered the proposition of appropriating for six battle ships, and the six would have been appropriated for but for the fact that the naval constructor and the naval officers, who have intimate knowledge of the conditions and the facilities of the different factories, stated that to appropriate for six ships would not facilitate the construction of the vessels, because the armor could not be furnished for more than four. The fact is that it never has been, up to this date, furnished as rapidly as necessary for all the ships under construction. So the committee in the House of Representatives modified the suggestion for six and sent to us this bill providing for four ships. The statement I have read, coming from a high Cabinet officer, one at the head of this Department, has been considered by many as a justification of those who are advocating the construction of four battle ships and the appropriation of the great amount which is contained in this bill, \$51,000,000, in time of peace, in the face of the fact that is known to every Senator and to every Member of the House of Representatives, that there is not revenue enough derived from the tariff, the internal-revenue law, and miscellaneous sources to pay the ordinary expenses of the Government, and

that there has been, that there is, and that there will be during this and the next year a deficit in the Treasury.

The distinguished Senator from Ohio [Mr. SHERMAN] and all who have spoken on that side of the Chamber have called attention sharply to the fact that our present revenue laws are not sufficient to meet the wants of the Government. It is true; every word of it is true. There has not been for four years a sufficient amount received into the Treasury from the revenue laws to meet the appropriations of Congress. One hundred and sixty million dollars more than the revenues have already been paid out for pensions, for the construction of ships, and for all the expenses of the Government. This money was the proceeds from the sale of bonds. The question presents itself to this Senate whether, in a time of peace, with no great emergency, it is wise to make these appropriations on the scale which they come to us when you know that the very votes you give for these appropriations mean the further sale of 4 or 4½ per cent Government bonds.

Sir, I take it there is no possibility of increasing the revenues of this Government by any legislation which is proposed by the other side. This Congress has met, will continue in session, and adjourn without having passed a single act to relieve the Treasury from any of the embarrassments under which it labors.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. With pleasure.

Mr. SHERMAN. I am glad the Senator from Maryland now confesses the great sin of the Democratic party. The Republican party did supply rather a defective measure, I concede, but a measure that would have produced at least \$50,000,000, and would have been amply sufficient to have carried on the operations of the Government. That bill was sent to the Senate and defeated at its very outset by the votes on the other side of the Chamber exclusively. So the only offer which has been made by the Republican party to furnish means to carry on the Government under a Democratic Administration was defeated early in the session by that party. Therefore it is not fair for the honorable Senator from Maryland to impute this fault, at least, to the Republican party.

Mr. GORMAN. Mr. President, I know how sensitive my distinguished friend from Ohio is upon this subject. I know that he is constantly—and has been during this entire session—constantly arraigning the Democratic party for its shortcomings in tariff legislation. In answer to a suggestion of the President of the United States, who thought that the only legislation which was absolutely necessary to protect the Treasury and prevent this drain upon its gold was that in relation to greenbacks, the Senator from Ohio took issue with the President. His party has taken issue with the President, and the only remedy which he offered was what? First, to authorize the sale of bonds at a lower rate of interest and running a shorter time than those authorized by the act of 1875; and second, a provision to increase the tariff rates on certain articles, a bill which could pass elsewhere under the rules which have been made, where consideration of any subject and intelligent discussion is impossible, and has been for years. That measure came here and found the distinguished Senator from Ohio and his party in control of this body. You assumed it; you took possession of every committee of the body and determined that you would have legislation as you wanted it. When you did it—speaking not only for myself, but for many of my associates on this side—I warned you that in the condition in which we were in this body you had not the power to relieve the country in all probability, and that you had better have come to us or permitted us to join you on some nonpartisan proposition. Our offer was rejected. You assumed the whole responsibility. You knew that your measures which came here could not pass. You knew that they were antagonistic to every Democratic idea. You knew that you had not the power on that side, unless you got all your forces together, to pass them. These propositions as they came to us, the whole matter as conducted, were intended for failure.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. Certainly.

Mr. SHERMAN. I most emphatically deny that statement. It was intended by that bill to furnish additional revenue for the support of the Government, controlled by an Administration which is not in harmony at all with the Republican party. We knew as well as anyone that we had not the power of passing that bill unless it was sanctioned at least by a portion of the Democratic party. We reported the bill to the Senate and they had it in their power at any time to have taken the bill up and changed it if it did not conform to their ideas. They might have proposed any amendments they chose to offer, and any amendment which, in my judgment, or in the judgment of this side of the

Chamber, would have furnished sufficient revenue and would have provided sufficient means to defray the expenses of the Government would have been freely adopted. It was not a partisan bill. It was a bill that I would not have supported if we had a majority in both Houses of Congress. It was a bill intended simply to supply revenue for the support of a common Government, which ought to be supported whether its President be a Democrat or a Republican. But the Democratic party refused unanimously even to consider the bill. The bill might have been taken as reported from the committee and changed perhaps to suit their ideas somewhat.

It has been the desire of our party to furnish revenue for the support of the Government, and I say it is a disgrace to the Congress of the United States, and especially to the Senate of the United States, that when they knew full well that the receipts of the Government would not be adequate to pay the necessary expenses for the support of the Government, they refused to act upon it, refused to propose any amendments to it, but at once defeated the bill, and there it stood. And, sir, during this whole Administration, in every day, in every hour, in every month, and in every year of its entire term the receipts of the Government have been insufficient to support the Government; and yet the Democratic party, having control of the executive branch of the Government, refused to aid us in passing the necessary provisions for raising more revenue. Therefore, when the honorable Senator gets up here and lectures this side of the Chamber, I say we have done all that can be done while we are in the minority in this Chamber in order to secure sufficient revenue to meet the ordinary expenses of the Government and to avoid that which is worse than all in every Government—to have expenditures exceed receipts.

Mr. GORMAN. Mr. President, the Senator from Ohio, with his long experience in both Houses of Congress, knows as well and better than any Senator on this floor that there has not been, and there could not be, a possibility of passing a revenue bill with the votes of your political opponents in this body, unless it should be a bill that was adjusted and agreed to before it reached the body, a pure and simple revenue bill on lines outside of the questions upon which parties divide.

The Senator from Ohio knew perfectly well from what had been said that we on this side of the Chamber never could agree to the proposition presented by the Committee on Finance raising rates of duty until the measure amounted to a prohibitory tariff. The Senator knew when that bill was presented in the Chamber that no Democrat in it, in view of the past, could afford to reverse the action upon the wool schedule, for instance. Hence, when the bill was brought in here it was brought in as a party measure; it was brought in with perfect knowledge that the Democrats could not support it; it was brought in with perfect knowledge that you had rejected my tender, made to you publicly when you organized the committees, that you should take into consideration those of us on this side of the Chamber who would have liked to have co-operated with you to relieve the Treasury—not on party lines. That was rejected, and in the place of it you brought a bill that your own party associates, as well as nearly all of the Democrats, believe would not have increased the revenue and would not have satisfied either Republicans or Democrats.

Mr. SHERMAN. The Senator says that the committee could do what it pleased upon this subject. It is one of the remarkable incidents of this Congress that the Republican party placed under the control of the Democratic party practically the only committee which can consider and control a bill for raising revenue. There are as many Democrats on that committee as there are Republicans. It is not a Republican committee; and when we were called upon to organize the committees, it was known perfectly that we had not a majority; and, as I have said, that committee, which alone could propose amendments to revenue bills coming from the House of Representatives, was composed of an equal number of Democrats and Republicans, with one or two Senators representing the middle party, if I may call them so, or the Populist party, or whatever they may call themselves. [Laughter.] Therefore the Republican party in the only committee where the question of politics could enter in regard to the question of revenue had no more strength numerically than the Democratic party. We acknowledged the fact that we had not a majority. We therefore organized the committee composed of an equal number of Republicans and Democrats, with one or two others, and we had reason to suppose that the Democratic party, now representing the executive branch of the Government, would do what was right and fair. If amendments had been proposed to that bill they could have been voted upon in committee; and if the bill sent to us from the House of Representatives was not satisfactory, it could have been changed. Four or five Democrats voting with us would have secured an all-sufficient revenue to provide for the expenses of the Government. The Democratic party therefore are responsible.

The Senator says that we seized upon the committees. We did

not. Never before in my service in the Senate Chamber were the committees so equally divided between the great political parties; never before was there so little partisanship shown in the organization of the committees. Look them over and you will find that, while we nominally have a majority of some of the committees, yet in the active, efficient committees, which control the very matters now complained of, the Democrats are practically equal to us, and they could have cooperated with us if they so desired.

Mr. STEWART. Before the Senator from Maryland proceeds, I want to inquire from him if he concedes in his argument that there is a necessity for more taxation, for more revenue? I understand that we have already too much revenue.

Mr. GORMAN. I hope to get to that later on.

Mr. STEWART. I hope so. I want to hear the Senator on that particular point.

Mr. GORMAN. Mr. President, I confess my amazement at the statement of the distinguished Senator from Ohio. A great party such as he represents and of which he is one of the most conspicuous members has deliberately taken charge of the entire business of this body. Knowing the conditions and knowing the opinions of every member of it, taking the organization of the committees of this body, which control and shape legislation, knowing all the conditions, and rejecting our offer to join them upon nonpartisan lines, they have assumed the responsibility.

Mr. HALE. What was that offer? Will the Senator tell the Senate what was that offer; what was the swap and dicker that was proposed by the Senator from Maryland to the Republicans touching any of the great financial or fiscal questions? It is brand new to me. I never heard of it before.

Mr. GORMAN. No, Mr. President, I offered no dicker. I suggested that when you were about to take possession and take the responsibilities of the organization of the Senate, with the division that existed, it was not wise; that the committees ought to be divided not on party lines, but so shaped that we might come together on the great measures that were necessary for the relief of the Treasury.

Mr. HALE. The Senator will allow me. I remember that the Senator, when we were considering the subject of taking control of the committees and who should nominally have them, did suggest that it would be better that what he called "the best thought of the Senate" should come together on a kind of compromise.

Mr. GORMAN. Yes.

Mr. HALE. But certainly I did not suppose, and I do not think any Senator supposed for a moment, that the Senator was proposing any arrangement by which the two sides could get together, or a majority of the two sides, on the great financial and currency questions. It was simply the matter of organization. I do not deem very important the possibility of having a nominal majority. It is a thing that the country cares nothing about. The question is, have you votes enough in the body to pass any bills? And we confess that we have not the votes here.

Mr. GORMAN. I am utterly amazed that my friend from Maine should come in and help plead the baby act.

Mr. CHANDLER. I suppose the Senator will allow me to be amazed also by asking him to tell a little more explicitly, so that it may come to my dull apprehension, when it was said openly on the floor of the Senate that Senators on the other side of the Chamber—I mean the Democratic Senators—were willing to cooperate by an arrangement with the Republican Senators upon this side of the Chamber in the organization of the Senate? I never heard any suggestion of that kind, except a little, short remark of the Senator one day, that he had hoped that the Senate would have been controlled or organized "by the best thought of the Senate." That was not sufficient notice to me of any such proposed arrangement [laughter], I beg leave to say to the Senator.

Mr. GORMAN. That might have excluded, perhaps, the Senator as well as myself.

Mr. CHANDLER. That was the only notice I ever had; and if there was any other proposition in open Senate, it must have been when I was not here.

Mr. GORMAN. I know it was very distasteful to the Senator from New Hampshire, but I pass that over, because I am dealing with a more serious matter.

Mr. SHERMAN. I will ask another question, so that the Senator may answer both at the same time.

Every Democratic member of the Committee on Finance has well known and often expressed opinions on the question of the free coinage of silver, and yet every Democratic member of that committee selected by their associates on the Democratic side—because the Democrats on the committee were all selected by the other side of the Chamber—was in favor of the free coinage of silver, and thus interposed that great obstacle against any action in favor of final legislation desired by the Administration.

It is understood that this Administration is opposed to the free coinage of silver, and yet gentlemen on that side of the Chamber,

having the power to select their own committee members, selected only those who were in hostility to the Administration on the most important question involved in the present politics of our day—that is, the free coinage of silver.

Mr. GORMAN. If the Senator will pardon me, I am not going into the discussion of free silver. That is a question that will be determined later on by other bodies, it seems to me, when that question will come before the country.

I am dealing now with what the Senator's party is doing and has done in Congress. You know that you have the power to frame revenue measures. They have been framed on such lines that it was known when they were framed they never could pass this body as at present organized. They came here and went to the Finance Committee, of which the Senator from Ohio is a shining light, a committee the majority of which upon the tariff question agree with the Senator from Ohio, and they were elected as Republicans by the Republican legislatures of their respective States. The committee is absolutely controlled by a majority of Senators for whom the Republican party is responsible.

Mr. HALE. How does the Senator figure that out?

Mr. GORMAN. I will read the list.

Mr. SHERMAN. I do not like to mention the names of Senators, but the Senator from Maryland is not correct in that statement.

Mr. GORMAN. Let us see, Mr. President. Reading names in this body may be out of order, but there can be no question about the Senator from Vermont [Mr. MORRILL] having been elected as a Republican.

Mr. SHERMAN. We recognize him.

Mr. GORMAN. And according to all the accounts I have had from the time I can remember anything the Senator from Ohio [Mr. SHERMAN] has been a Republican; and the Senator from Nevada [Mr. JONES] was elected by a Republican legislature and sent here in the beginning as a Republican.

Mr. PLATT. Oh, no.

Mr. SHERMAN. But he has taken a different position, as is well known. I do not wish to mention names, but he represents what is called the Third Party, and not the Republican party.

Mr. GORMAN. The Senator from Nevada was placed on the Committee on Finance long before the silver question became as prominent as it is now. He came here by the action of the Republican party, and on the question of taxation, so far as his views have been known, they are those of a sound Republican. There is not a Democratic idea in his head, so far as I know, as to the modes of conducting and levying taxation. Run down the list, and you find the Senator from Rhode Island [Mr. ALDRICH], the Senator from Connecticut [Mr. PLATT], and the Senator from Colorado [Mr. WOLCOTT], all of whom are Republicans, were elected as Republicans, and were placed upon that committee as Republicans at this Congress.

There is the organization. Every Republican in the body voting for it, aided by the refusal to vote of my distinguished friend from Nebraska [Mr. ALLEN], the Senator from Kansas [Mr. PEPPER], and probably the Senator from North Carolina [Mr. BUTLER]—not a Democrat voting for it, but a solid Republican vote. You took the responsibility, and you knew that it is not possible to pass your measures unless you again brought all these gentlemen who cooperated with you in the organization of the body up to voting for your bills. You presented a bill distasteful in every line to every Democratic Senator.

I am not unduly arraigning the Senator from Ohio or the Senator from Maine or my good friend from New Hampshire, who was possibly more active in the matter of organization than either of the others. I have seen the time within two years upon this floor when the Senator from Ohio rose in his seat, when we were in trouble to get together upon the silver question, upon which the division is so sharp that there is no compromise at present, and on which your party is divided as our party is divided, when it was a question whether we would repeal the law known as the Sherman law, and when we did not know what to do except to appeal to you to aid us, a part of your votes upon the main proposition were always given; but when we were hesitating, when we were most anxious, what did the Senator from Ohio say to us? I will read it. In October, 1893, after that long struggle, and after chiding us for not getting together, he said:

In times past, when they were in the minority and we were in the majority, we never shrank from responsibility. We were Republicans because we believed in Republican principles and Republican men and Republican measures, and whenever a question came into the Senate Chamber to be decided we never pleaded the baby act and said, "We could not agree." We met together in conclave, we measured each other's opinions, some giving away, and finally we came to an agreement. In this way we passed all the great laws which have marked the history of the last thirty years of our country, and it was not done by begging votes of the other side. We knew that by the usual and almost universal habit of the Democratic party they would oppose anything we should propose, even the Lord's Commandments or the Lord's Prayer.

Therefore the Senator from Ohio knew perfectly at the beginning of the present session that your partisan legislation, your

Republican legislation upon Republican lines, could not meet the support of a Democrat upon this side of the body. You knew that you had rejected the tender to join you to relieve the Treasury on nonpartisan lines. I say to the Senator from Ohio that no proposition has ever come from his party—none will be offered now—to relieve the condition of the Treasury by imposing a tax upon articles that are not in controversy between the two parties.

Mr. HALE. Let me ask the Senator from Maryland, because he has referred again—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Maine?

Mr. GORMAN. Certainly.

Mr. HALE. This time, in more definitive language than before, the Senator has referred to a proposition that came from the other side to join this side upon some measure which might relieve the Treasury. I wish the Senator would state the circumstance, the time, the occasion, and the proposition to that effect, from whom it came, if made, whom it represented, and how many votes it represented upon the other side of the Chamber. Because if the Senate is amazed at what is said here upon this side this morning, certainly many of us are amazed now at being told that an authoritative proposition came from the other side of the Chamber to join with this side upon some measure that should relieve the Treasury. I for one have never known of it or heard of it. With all the ability and with all the experience and the conceded sagacity and great capacity of leadership on the part of the Senator from Maryland, I doubt, Mr. President, whether he stands to-day with authority to propose for a majority or any more than a small minority of his party any proposition that involves the great currency and financial question; and I doubt whether from the beginning the Senator, with all the prestige that he carries, conceded in the country, has been in a position where he could make any proposition of that kind from his party.

Mr. GORMAN. Mr. President, it is a little difficult for me to remember all that has been said upon the other side, but I want to bring the Senator back (for a Senator in front of me has kindly looked up the RECORD) to the suggestion I made when you took possession of the committees of this body. In answer to the distinguished Senator from Iowa [Mr. ALLISON], as appears in the CONGRESSIONAL RECORD of December 30, 1895, page 427, I stated:

Mr. President, I confess my amazement at the distinguished Senator from Iowa [Mr. ALLISON], who, with his party friends on the other side of the Chamber, has been most anxious to assume responsibility by taking charge of the main committees of this body, and yet, before the committees are organized, proclaims to the country that they have no power to carry out the decrees of their party.

From this time henceforth Senators on the other side of the Chamber are responsible for the action of both branches of Congress. The Republicans came here knowing that they had not a clear majority in the Senate. By common consent provision was made at the last session of Congress for this very condition of affairs, knowing that it was absolutely necessary to make such concessions as had never before been made in the Senate, for such a condition, where a few gentlemen hold the balance of power, had existed but once before in the history of this body. In that condition, as I understood it and as I supposed the other side meant it, the resolution was adopted, in order that this great body might adjust its committees on more liberal lines as between the two parties, on a line which would have secured for the country the consideration of measures in committee by the best thought of both sides of the Chamber, without reference to the third party.

That statement was made in the open Senate.

Mr. HALE. I remember that distinctly, and there is no proposition whatever that would either bind the Senator or any of his associates upon that side as to any proposition touching these great measures. The Senator was talking, and all of us considered that he was talking, upon the organization of the Senate. He was indulging in reproaches such as have frequently come from the other side against this side of the Chamber for taking nominal possession of the committees. But everybody always understood that that possession was only nominal. Certainly I have the right now to make the inquiry of the Senator when he, at this stage of the proceedings, intimates that there was a proposition that any portion of his party could be got together with the Republican party to frame and pass any measure touching the great currency and financial questions. That was not ever considered or ever proposed by the Senator. What he has read bears out all that I have stated. He was dealing only with the little affair—the leather and prunella—of the organization of the committees of this body and not with the great questions that the country is interested in.

Mr. GORMAN. I confess my great surprise at the last statement of the distinguished Senator from Maine, that I was dealing with the small affair of the mere organization of the committees. That is as far from being the fact as it is possible for a statement to be. We cared nothing about the organization of the committees, as is shown in this very statement that I made, and it was done with the full consent, as I understand, of every Senator on this side of the Chamber. We were in the minority and we recognized it. We did not desire the committees, but we knew and stated to you publicly that you probably had not sufficient numbers in the body to control legislation, and therefore, in the inter-

est of the great public questions, if you took possession in that condition, you must assume the responsibility. I said:

But the desire for power, the anxiety to control committees and keep the legislation in their hands, have made the Republicans take a step which possibly will not give them the power of legislation, but they have taken the responsibility.

Mr. HALE. Now, Mr. President, that is precisely what the Senator did. He never made any proposition, but declared that the responsibility was with us. If the Senator is still of the same impression that he, for himself, or for his party, or some portion of it, did a little private wooing with the Republican party and invited them into some sort of compact or agreement, or arrangement, or nuptials, I should like to have him specify after that had been done and had been accepted what kind of a measure does he think would have been framed that could have passed this body, or what kind of measure does he think now could be framed and pass this body?

Mr. GORMAN. At that time I had great hopes of it, but I confess, after being here from December until now with the Republican party, I have absolutely none. I do not believe from what I have seen that there is any measure on the face of the earth that you would agree to that the Democrats could vote for.

Mr. HALE. Does the Senator believe that at that time he represented his party upon these great questions—I do not say the admitted leadership on the floor, but upon these great measures that touch, for instance, the coinage of free silver at a ratio of 16 to 1? I want him to state here in the Senate whom he represented at that time and what guarantee he had then that any arrangement could be made by which, upon that great subject, there could be any measure passed through this body; or, going further than that, will he outline now any measure that he believes would have got a majority in this body for the relief of the Treasury.

Mr. GORMAN. I have stated once before that upon the matter of the silver question the Senator from Maine and the Senate and the country know that this body by a clear and emphatic majority voted in favor of the increased use of silver, and the lines are not divided on the two sides of the Chamber.

Mr. HALE. No.

Mr. GORMAN. Your side is divided, and I eliminated the question of the coinage of silver. The Senator brings it in for the purpose, it appears to me, as if he might divert me from the line I am on of the other great question, that of the depletion of the Treasury.

Mr. HALE. No; I do not. But I will ask further, that being the case as he has stated, supposing the Senator from Maryland [Mr. GORMAN] and the Senator from Delaware [Mr. GRAY], the Senator from Wisconsin [Mr. VILAS] and any other Senators upon the other side, had met in friendly conference with the Senator from Vermont [Mr. MORRILL], the Senator from Ohio [Mr. SHERMAN], the Senator from Iowa [Mr. ALLISON], and other recognized financial lights upon this side, and had reported any measure for the relief of the Treasury, does the Senator believe that that bill could have been passed without the majority that he says exists in this body for free silver putting on it an amendment that provided for the free coinage of silver at the ratio of 16 to 1? I ask the Senator whether the fact he has stated here, that a majority of this body is in favor of the free coinage of silver, and not only in favor of it, but dominates all other issues to that, is not the paralysis that rests upon this body, that it is utterly unable to pass any act for the relief of the Treasury or a revenue measure that will not be loaded with a free-silver arrangement? Does the Senator believe that he could have reported any bill that would not have been so loaded? Does the Senator believe that if this advance that he says was made had been agreed to on this side and a bill had been reported it would not have been loaded with a free-silver amendment? What does the Senator think?

Mr. GORMAN. That is a mere matter of speculation. In the condition in which the Treasury is—

Mr. HALE. It has been demonstrated more than once.

Mr. GORMAN. On one proposition, but I do not know, with the views of Senators who are in favor of the coinage of silver at 16 to 1, whether they would antagonize a measure that was nonpartisan, that was intended only to get money into the Treasury to meet the wants of that Department. We have not made the effort, and that will be decided when we come to it.

Mr. HALE. That has been demonstrated more than once by a yea-and-nay vote of the body; and the ground of my adverting to it is the Senator's statement himself, as he looked over both sides of this Chamber, that a majority here was clearly for the free coinage of silver.

Mr. GORMAN. Supposed to be.

Mr. HALE. That is what we are resting under.

Mr. GORMAN. The votes have shown that.

Mr. HALE. The votes have shown that.

Mr. GORMAN. And right in the face of that proposition,

with that knowledge, here is what the Senator from New Hampshire [Mr. CHANDLER] said, speaking for his side in the same debate when you assumed the responsibility:

I rose for one thing—

Said the Senator from New Hampshire—

simply to say to those Senators who are so agonized and distressed at the responsibility which has been this day assumed by this side of the Chamber that the responsibility will be cheerfully undertaken. We shall take it with the incidental comforts and pleasures—

Mr. HALE. That is true.

Mr. GORMAN—

and benefits which go along with it, with an equanimity which will be astonishing to the Senator from Tennessee. The Republican party is not afraid of responsibility; it never has been afraid of responsibility in all its history.

Mr. HALE. Now, Mr. President, following that out as the Senator from Ohio has so clearly outlined, the party accepted a proposition that came from its representatives in the other House, a measure for the relief of the Treasury. It took the responsibility. It reported it to this body. It endeavored to pass it. There is no need of sticking further in the bark in this matter. We did not have votes enough to pass it. We had the solid Democratic vote arrayed against us. We had the Populist vote added to that. We had certain so-called silver Republicans who believed that the greatest and highest issue was silver and not the relief of the Treasury, and we were bound hand and foot. The Senator from New Hampshire did not misstate when he said we would undertake the responsibility. He did not state in those remarks that he believed we had a majority. All that we could do was to try and see if we could get a majority.

Mr. President, this is the whole outcome of the matter. There will never be any measure passed for the relief of the Treasury, for the protection of American industries, or for sound finances until one more appeal to the people gives to the Republican party a House of Representatives, as it has got now, a pure Republican majority in this body, which it has not got now, and a Republican seated in the White House. All the talk of reproach as to what is being done or what is not being done goes for nothing until that final appeal is made to the people next November. There will be nothing done until that is granted; and if the people do not grant that and the situation remains as it is now, we will go on in the same way, and it may be that we shall have to borrow money again, as we have been borrowing under the Democratic Administration. That is all there is in the question.

Mr. ALLEN. I think it is due to the Populist party, in reply to the Senator from Maine, to say that the Republican party in this Chamber since it has taken possession of it has always had the power to pass such reasonable revenue measure as it saw fit to present to the Senate. The Republican party was permitted to take possession of the organization of the Senate for the express purpose of casting the responsibility for legislation upon the Republican party in both branches of Congress. It was no matter of affection upon the part of the Populists for Republicans that the Republicans were suffered to take possession of the organization. It was repeatedly announced; it was announced at the time of the organization; it has been announced since by proper authority, that whenever the Republican party presents to this Chamber a measure for the relief of the country that is in keeping with the express declaration of its platform of 1892 they will receive Populist votes enough to make that measure a law.

Mr. HALE. I suppose the Senator is correct—

Mr. ALLEN. The Senator from Maine must remember that in the House of Representatives the Republican party has a majority of over 100.

Mr. HALE. Will the Senator allow me?

Mr. ALLEN. Yes.

Mr. HALE. I suppose the Senator is correct, that if the Republican party had framed a revenue bill which would suit the Senator from Nebraska and his associates in what is known and what is the Populist party, and if the Republican party had voted with those three Populists or five Populists, it would have passed undoubtedly. When the Senator says that they would have voted for any measure that in their judgment means a measure for the relief of the American people he means a Populist measure. The Republican party never has proposed that and I do not presume ever will. That is not possible. I might as well say that if the Senator from Nebraska, with his Populist associates, would vote with the Republicans for our bill we could pass it; but we were never able to get their votes and they will never be able to get our votes for their measure. So the Senate is hung in deadlock. That is all there is about it.

Mr. ALLEN. No; Mr. President, if the Senator from Maryland will permit me, in making the statement I did at the time of the reorganization of the Senate, I did not refer to Populist measures at all. We realized that the country was in a bad condition. I think we realize it and that we realized it then as fully as the Senator from Maine or any other Senator in this Chamber. I do remember, however, distinctly that at that time the Senator from Maine [Mr. HALE] and the Senator from Maryland [Mr. GORMAN]

stated openly in this Chamber, each of them using the expression that it would be good policy to organize this Chamber upon the lines of the best thought on the subject of finance—

Mr. HALE. The Senator goes a little too far there.

Mr. ALLEN. Assuming, I suppose—

Mr. HALE. It was not said—

Mr. ALLEN. If the Senator will allow me to finish the sentence I will yield. Assuming, I suppose, in that discussion that a certain element of the Republican party and a certain element of the Democratic party had a monopoly of knowledge upon the subject of the best thought upon financial questions. Now I will yield to the Senator.

Mr. HALE. The Senator has put an addendum on that proposition which was not conveyed at the time. There was some talk about the best thought of the Senate combining in the organization, but there was never anything which went to show that that was intended to convey a proposition with regard to the finances and the currency. Undoubtedly, Mr. President, there was some question of division of sentiment among Republicans and Democrats as to the advisability of nominally taking possession of the committees. Some Republicans did not believe in that. It looked to me like an ignis fatuus, as if nothing would come of it. But the general sentiment was that as we were in a plurality it belonged to the Republicans if to anybody. However, nobody thought that that carried with it the power to pass measures. Senators need not spend any more time on the old question of taking possession of the committees. The real question was when measures were framed and presented to the Senate for deliberation and action did we have votes enough to pass them, and evidently we did not.

Mr. ALLEN. I call the attention of the Senator from Maine to the fact that within the last six weeks, at least within the last two months, the Populist party in this Chamber has distinctly announced to you that they would accept your revenue measure passed in the House of Representatives, known as the Dingley bill, word for word, without the elimination of a letter or a word, if you would fulfill your promise to the country made in 1892 in favor of the free coinage of silver, and you distinctly declined to do it.

Mr. HALE. There the Senator has told the whole story better than I can tell it. The pistol was put at our heads. We were told if we would consent to the free coinage of silver at 16 to 1 that such a measure could be passed. The majority of the Republicans rejected that proposition, and I am very glad they did, Mr. President.

Mr. CHANDLER. I should like to ask the Senator from Nebraska a question.

Mr. GORMAN. Now, Mr. President—

Mr. PALMER. May I interfere at this point with an interruption? I have witnessed on this floor the dickering between two powerful, corrupt, and greedy interests, the one for protection, for the tariff, and the other for protection to free silver, to an extent that I had never expected to see in the American Senate.

Mr. SHERMAN. Will the Senator from Maryland allow me to refer to the measure he has alluded to?

Mr. GORMAN. With pleasure.

Mr. SHERMAN. I should be gratified beyond expression if now, even at this late period of the session, the revenue bill as it came to us from the House of Representatives should be taken up by this body and changed so as to meet and command a majority of the body. I have here before me that bill. It is not a partisan bill; it simply advances the rates of certain schedules, naming them, some of them being advanced 15 per cent and some of them 10 per cent. It is in no sense a protective-tariff bill, but it is purely a revenue-tariff bill.

There is another thing to which I wish to call attention. The whole of that simple bill from the House of Representatives was stricken out by a vote of the Committee on Finance, and I feel justified in saying now, since the Senator has spoken of the methods of that committee, that every Democratic member of the Committee on Finance voted to strike out the whole provision and substitute in its place the free coinage of silver. We were only of equal number when my friend the Senator from Nevada [Mr. JONES] voted with them upon the subject. Although he is a strong tariff man, yet he is in favor of the free coinage of silver. So a measure for the free coinage of silver was presented to the Senate as a substitute for the tariff bill. What more could we do? What more could be done by our party? We had not a majority.

Mr. HAWLEY. Allow me to call the Senator's attention to the fact that after they had swapped the horse for the yellow dog they killed the yellow dog. They all joined to refuse to take up the bill.

Mr. SHERMAN. I have nothing to do with the yellow dog, if they have killed it.

Mr. GORMAN. Mr. President—

Mr. SHERMAN. I do not wish to interrupt my friend, the

Senator from Maryland, further. However, I will say that the Senate of the United States should rise above all these petty political questions of the day, take up the tariff bill, strike from it the provision for silver coinage, and make provisions for increased revenue. I do not care what it is, anything that would relieve us from the danger and dishonor of carrying on the Government of the country without sufficient revenue.

When in the Senate of the United States, a great deliberative body, there is a large majority of Senators who are in favor of furnishing sufficient revenue to carry on the Government, why do we not do it when we have the bill before us? We can not originate a bill of this kind.

Mr. GORMAN. I should like to ask the Senator from Ohio a question, for this is the first intimation, public or private, which I have ever heard that the Senator is of that frame of mind. Would he agree to strike out all after the enacting clause of the bill and to put a revenue duty upon tea and coffee sufficient to bring \$30,000,000 into the Treasury?

Mr. SHERMAN. No; I would not, for I would not throw the whole burden of taxation upon those who consume tea and coffee.

Mr. GORMAN. Why?

Mr. SHERMAN. It would not be fair or just to do it. But I am willing to take up the bill and provide for raising the requisite taxation from foreign goods to carry on the operation of the Government and place us beyond the danger of a deficiency every year and the sale of bonds every six months.

Mr. SQUIRE. Mr. President—

Mr. GORMAN. I must be permitted to go on a little while. I would really like to get through this afternoon, if I can.

As a matter of course I assumed, and now I know, that it would not be possible for the distinguished Senator from Ohio [Mr. SHERMAN] or any other Republican Senator from Ohio or any Republican statesman from that section of the country, in view of their party hopes and anticipations, to abandon the McKinley rates. I knew perfectly well, and we all know, that the bill which the Senator holds in his hand not only restores the McKinley rates in most cases or in many cases, but goes beyond it. The entire legislation of the party which the distinguished Senator from Ohio represents is a forecast of what the country is to expect—great appropriations, greater than any revenue that you will have in the next few years; contracts provided for to an extent never heard of before in an American Congress; a depleted Treasury; all the proceeds of the bonds already sold will go if the appropriation bills are to pass in the shape in which they are presented. Then what will come when that Congress is to assemble which the Senator from Maine described—an overwhelming majority of Republicans in the House of Representatives, a clear Republican majority here that would follow the lead of the distinguished Senator from Ohio, a man in the executive branch of the Government who would sign a bill no matter how high the rates imposed, even to prohibition? That is the spectacle which will be presented to the country. It is the policy of your party. Your organization of this body and the other meant that from the beginning, and it means nothing else.

I am not surprised that the Senator from Ohio declines to agree to put a tax upon tea and coffee, notwithstanding the fact that it is a pure revenue duty, for he knows that when the tax was taken off coffee the price to the consumer was increased instead of diminished. The country from which it is shipped placed an initial duty on it. There is not a dealer in tea in the United States who does not know that we get nothing but the lowest grade of tea. There is not a dealer who does not know that you can put a duty of 3 cents a pound on tea without increasing the price to the consumer one-half penny in a thousand-dollar expenditure. It is a pure revenue matter. That is what I would agree to. Such a measure I believe you can pass through this body to meet the deficiency, unless you intend to force the sale of bonds or force your party to increase the McKinley rates when we meet in the next Congress.

The pressure to sell bonds comes not alone upon the Republican party, but, I regret to say, it came to our party. It was forced on us. The sale of our bonds never has and never can meet with my approbation. I have never believed that in time of peace any party which increases the public debt can live in the country. I have stood here always in favor of measures that would give revenue enough to prevent the sale of bonds, but it began not with the Democratic party. It began with the Republican party's legislation which created the necessity. It began with the bill known as the McKinley tariff act, which took effect November, 1890, and by June, 1891, the revenues fell off \$10,000,000, and in the next year they fell off \$52,000,000. The increase in the payments on account of pensions was from \$106,000,000 to \$118,000,000 in 1891, in 1892 \$141,000,000, and in 1893 \$158,000,000. In 1894 it was painfully evident that the tariff act of 1890 as a revenue measure was a failure.

We had entered, in addition, upon the construction of the Navy and the other great public works of the country. It left a deficit

in the Treasury which enabled the men who were anxious to invest in Government bonds to force the Treasury to sell.

That, Mr. President, it seems to me, is what we are coming to now. Why is it, I ask the Senator from Ohio, that where his party has supreme control, in the other branch of Congress, where all revenue bills and appropriation bills originate, where they are supposed to be considered, where they know the condition of the Treasury, where they know that there is no balance on hand except the proceeds of the sale of the bonds to the syndicate, which you denounce so roundly—why is it that your party has framed bills that come here amounting in the appropriations—money that is to go out of the Treasury in the fiscal year ending June 30, 1897—to \$505,778,070.43? In making up the appropriation bills they have appropriated for public works, for rivers and harbors, for only eight months in the year in order that that amount, great as it is, \$505,000,000, might be reduced on the face of the papers. For the courts, jurors, and all the paraphernalia connected with the United States courts they have appropriated for only six months, when the rule always is to appropriate for a year. Why was that done? Simply because they were afraid of the effect upon the country if they exceeded these enormous figures of \$505,000,000. They knew that this body would be forced to add to that sum, as the requirements of the Government would make it absolutely necessary, fifteen to twenty million dollars. That makes \$60,000,000 more than your revenue. Why does your party do it? Is not the Senator from Ohio aware of the fact that the Secretary of the Treasury has said to Congress:

While the situation—

Speaking of the actual money in the Treasury—

does not require any legislation for raising additional revenue—

For he has the proceeds from the sale of bonds—

by taxation at this time, it is such as to require the strictest economy in appropriations and public expenditures.

And yet we have before us a bill authorizing the expenditure of \$51,000,000 for the Navy, in time of absolute peace, prepared by the party on the other side.

At a time—

Says the Secretary—

When the people, upon whom the expense of sustaining the Government is imposed, are compelled to practice the closest economy in their business and domestic affairs in order to meet their obligations and reestablish their trade and industries, it is more than ever the duty of the public authorities to avoid waste and extravagance in the appropriation and disbursement of the revenues. Nearly every appropriation is in terms, or by necessary implication, a direction to the executive authorities to expend the money, and therefore the responsibility for an increase or reduction of expenditures rests primarily and mainly upon Congress. It is certain that if appropriations are not made the money will not be expended, and, for the reason just stated, it is almost equally certain that if appropriations are made the money must be expended. The power of the executive officials to reduce expenditures is limited to the comparatively few cases in which the disbursement is left to their discretion, and, however judiciously this discretion may be exercised, the effect upon the total outlay is scarcely appreciable.

In the face of that declaration your appropriations will amount to \$520,000,000, with an estimated revenue of \$464,000,000. That is not all you have done. To make it perfectly certain that taxes must be increased hereafter or more bonds sold, you have added other provisions to the bills that come to the Senate. In that branch you have a clear majority, not as in this body a doubtful majority. There you have a clear and unquestioned majority. You have added provisions authorizing contracts to be made by the Treasury Department, the War Department, and the Navy Department amounting to \$84,638,486. There, for the first time, in one session is nearly \$600,000,000 appropriated and contracted for.

I ask the Senator from Maine [Mr. HALE] in charge of the bill how he can defend a proposition to appropriate sixteen million, yes, twenty-three million, dollars for ships and armor not now needed, for which there is no pressing necessity, when you have not the money? The Secretary of the Treasury will, I think, be compelled to sell more bonds, and he who votes for these unnecessary appropriations, unnecessary in the sense of not being required for the safety of the Government or to carry it on, votes for more bonds. No Senator can escape his full share of responsibility on either side of the Chamber. The Department can not suspend them, says the Secretary of the Treasury, when you make the appropriations.

Mr. Herbert, the Secretary of the Navy, in his anxiety to be the greatest admiral of the greatest fleet there has ever been in this country and to rival that of other nations, says, "Give it to me, because there is money in the Treasury." Yes, it is the money of the people that is in the Treasury, money obtained by a mortgage on their industries.

Mr. VEST. Will the Senator from Maryland permit me to call his attention to the exact figures as to the river and harbor bill, to which he refers?

Mr. GORMAN. I shall be glad to have the Senator from Missouri read them.

Mr. WHITE. The bill has been reported to the Senate?

Mr. VEST. The bill was reported yesterday. Here is the amount contained in the bill as stated in the report of the chairman of the committee. The amount of actual cash appropriations in the bill is \$12,614,550. The amount of continuing appropriations is \$60,623,871.91.

Mr. GRAY. What is the amount of the cash appropriations?

Mr. VEST. Twelve million six hundred and fourteen thousand five hundred and fifty dollars direct immediate appropriations, and the amount of the continuing appropriations is \$60,623,871.91. The addition, of course, can be made very easily.

Mr. GORMAN. With the figures just read by the distinguished Senator from Missouri, and I thank him for the interruption, the total amount of the appropriations and obligations that will be created by this Congress will be \$600,000,000. That will make the greatest appropriation, including obligations authorized, which has ever passed through an American Congress.

It is said that the country is growing and the expenditures must increase. I agree to it. I agree that the country is growing and that so long as the pension legislation is on the statute books it is difficult to cut down the appropriations lower than they were during the past fiscal year. In some cases there must be increases. While the river and harbor bill may have its defects, it is more important to the people of the country than the naval bill. There you give an opportunity for commerce, for the people to send their wares hence and to receive whatever they want from abroad. It cheapens transportation; it breaks down monopoly; it is commerce; it is trade. A reasonable increase upon that item may be tolerated, will be tolerated.

But why, I ask Senators upon the other side, do you insist on spending \$23,000,000 on the Navy for great battle ships when five years from now it is questionable whether the same types of ships will be built? How can you afford to do it with the condition of the Treasury? It is said we have \$170,000,000 in the Treasury besides the reserve of \$100,000,000 to redeem the greenbacks.

Mr. SQUIRE. May I ask the Senator from Maryland a question in regard to the revenue? I should like to ask him whether or not it is true that there is a deficiency in the revenue caused by the method of valuation of importations?

Mr. GORMAN. I have no doubt—

Mr. SQUIRE. Is it not necessary that there should be a correction of the evils existing. It has been stated to me by a Democrat, one of the prominent inspectors of customs, that there is a very large loss to the Government by reason of difficulty in administering the law because of the ad valorem duties instead of specific rates.

Mr. GORMAN. I do not intend to go into the matter of defects in the tariff bill. I will tell the Senator, because I happen to have the matter in my hand, what the trouble is; and I appeal to him now to aid me to correct it.

From 1891 to 1895 (this includes the last Administration as well as the present one) your revenues were only \$2,109,304,756.78. Your appropriations by Congress were \$2,508,277,860.66. In other words, Congress from 1891 to 1895, inclusive, appropriated \$398,973,104.08 more than all your revenue. To meet those payments the Secretary of the Treasury (he was wise in doing it; it would have been criminal, in my judgment, had he not done it) took from the money which he received from the sale of bonds and has paid up to this date, by the statement I have, which is from the Treasury Department; \$163,160,803.32. He has now in the Treasury \$170,000,000. Everybody is trying to get it. There is not a single manufacturer of iron or steel who is content with moderate appropriations. There is not an interest which deals with the Government that does not look at the statement of the Secretary of the Navy, made to the House of Representatives, that we have plenty of money (a most unfortunate statement, in my judgment), that has not been after this supposed surplus. It does not exist, except on paper. There is \$116,000,000 owing by this Government for all sorts of purposes, where the matters have been suspended and not paid. Suspended why? As the distinguished Senator from Ohio [Mr. SHERMAN] said from his side, and said properly, under that condition he would apply the heroic remedy and refuse to expend when Congress appropriated. If Mr. Carlisle had not pursued that policy the Treasury would have been unable to meet its debt without the sale of more bonds than have already been sold.

The Senator from Ohio says we are responsible, because we did not put enough revenue in the Treasury. I stood here for more revenue at some little disadvantage to my own personal affairs, with a good deal of misrepresentation, a good deal of misunderstanding all around among my party associates, because I knew, as I thought, and as the figures have since shown, that all the estimates that were then made were not correct; that we had not revenue enough. I voted to increase it forty, fifty, and sixty million dollars. I wish to state frankly that, notwithstanding the most extraordinary decision of the Supreme Court of the United States upon a tax which did not meet with my personal approval, if the tax had been declared constitutional I do not believe the tariff bill as we passed

it would have furnished up to this time sufficient money to pay these most extraordinary appropriations. I know it would not have begun to pay the appropriations contained in the bills of this Congress. Therefore I say, without the slightest hesitation, that if a revenue measure were before this body to-day, and my party were in power, I should vote to put more revenue in the Treasury by \$75,000,000 than is contained in that bill, for the reason that I believe there is only one rule for a successful man or a city or a corporation or a government to pursue, and that is to have revenue enough to pay your current expenses.

Mr. GRAY. Keep your expenses within your revenue.

Mr. GORMAN. Keep your expenses within your revenue. I agree to that; and that is what I am urging now, so far as we can. You can not accomplish it, but you can prevent the deficit from running up to \$100,000,000. I am appealing to the Senate to cut off these appropriations. No man on this side of the Chamber, or on the other, has been more earnestly in favor of making liberal appropriations to create these great shipyards and steel plants than I have been. Ninety-five million dollars' increase for the Navy has gone to it. Where is the American, from Maine to California, who begrudges a penny of that money? You now have plants that make the best ships which float upon the ocean. The possibility of our commerce and the construction of vessels equal to those produced on the Clyde is not a dream. It was when John Roach urged it upon Congress. It is now a reality. The two great vessels that came from the Cramps' yards, the *St. Louis* and the *St. Paul*, were constructed at a cost not more than 15 per cent greater than vessels of like class would cost on the Clyde. They are manned by American officers.

There stand the great works at Bath, at New York, on the Delaware, in the town of my friend the Senator from Delaware [Mr. GRAY], and at Baltimore, and the equal of them all in equipment at Newport News; the splendid yard on the Pacific. Those yards and works are ready for any emergency, either for commerce or for war. No man, as I said a moment ago, who has an American thought, begrudges a dollar of the money that has gone to create these marvelous enterprises. The men who have made the steel at Bethlehem and near Pittsburgh have the establishments. They are entitled to them. The people have paid for them generously. Why should they now come to Congress, taking advantage possibly of a war sentiment—for they have power through the press to create a war sentiment—and in the height of the excitement, with a depleted Treasury, come and demand \$26,000,000 more than the ordinary appropriations? The Republican party, through patriotism, say give it to them, when they acknowledge that they are impotent to put another dollar into the Treasury, and yet you support this bill and the bills which are to follow it.

Mr. President, the responsibility is upon the other side of the Chamber. The Senator from New Hampshire [Mr. CHANDLER] was quite right when he said they were not afraid to take it. You take the responsibility, and these great interests will take all the money which the Treasury can furnish.

I have endeavored to ascertain what the real motive was and what the argument was of gentlemen who are asking these extraordinary increases. I knew there was a sentiment, a substantial one and a proper one, in the country that we had gone with the Navy away in advance of the land fortifications; that on our sea-coasts and on the Lakes we had not many modern guns in place; that we were without fortifications anywhere upon our coasts, and our great cities were helpless so far as armament was concerned. I knew that following this naval bill was to come another measure for the construction of these great monsters of war, 6, 12, 14, and 16 inch cannon, already too long delayed. It is impossible with the present feeling and with the present needs to stay that, and ten to fifteen millions must be expended on that line. This will afford employment for the manufacturers of steel. That alone will keep their furnaces going for the next three years, coupled with two ships of the Navy, the usual number that we build. The builders, the constructors of the vessels, of course would not have quite so much to do, but I ask, in the name of reason, why the men who are in interest should press this undue appropriation?

One of the supporters of this naval bill says that—

Our country must build up the Navy, keep it at a proper standard, and then there will be no occasion for thrilling the heart of our nation by a dynamite message. It is true that we are confronted with a depleted Treasury. But what has that to do with it? If the Administration is bankrupt, the country is not. There are loyal hearts and plenty of money among the 70,000,000 people living under the folds of our flag who will gladly and cheerfully indorse any outlay to build up the marine arm of our country's service and make it what it ought to be. I hope every Administration from now on will consider it a national duty, to wit, that the Army and Navy shall be the last two Departments to economize upon.

Mr. President, that may be patriotic; it certainly will find willing listeners among the men who furnish the materials for making these great instruments of war; but what will be said by the man who is struggling now to obtain a living, who finds the products of his land not bringing sufficient to pay his grocery bill? The American people patriotic! Mr. President, there is no question

about it. They want a Navy; they have a Navy; they want it increased, but they do not want extravagance in that increase. They want a gradual increase; they want it made as the revenues will justify it.

Mr. President, I have an old-fashioned Democratic idea that the Army and Navy ought to be kept in time of peace at the lowest possible point which the safety of the country will allow; that it is not wise to have a great standing army or a navy which will be a menace to other countries. We need a navy sufficient to protect our own interests, without attempting to rival any of the great powers who live, and can only live, by the protection of the guns of their navy and their army. Ours is a strong structure, built and to be maintained by the good will of the people, and without standing armies to protect them. Our people have been able for a hundred years to meet every emergency which came, no matter how great that emergency.

Mr. HAWLEY. Will the Senator permit me just one word there? I do not wish to interrupt him in his speech.

Mr. GORMAN. Let me finish this sentence.

Here, Mr. President, for the first time in a time of peace, comes a Secretary of the Navy, who comes into power because of the success of Democratic ideas as we supposed, anxious to command a large number of ships. We gave them to him, and a splendid lot they are; and in a time of peace, last year, he said, "The Navy must be increased in men; we want to have as many men on board of one of these war vessels as a British admiral has on his. We have the ships; now give me 2,000 more men. That is only a million dollars a year." Congress gave him a thousand men, a half million dollars, and at this Congress, early in the recent war scare, manufactured or real, as you please, he comes to Congress and recommends the increase of that force 2,500 men more, and a thousand more for the Marine Corps, all of which serve upon those vessels, requiring from a million to a million and a half dollars. This Senate absolutely passed a bill for a thousand men, and in this bill we have voted a thousand more and 500 marines. In time of peace, to keep these vessels going, an increase of 3,000 men is made within a year, greater than ever before in the history of the country.

But that is not all. In 1795 Congress passed an act authorizing the President to call out the militia in cases of invasion. No such provision was ever contemplated in the Navy. There Congress held the power in its hands, because, when the Navy is to be used, that means war with a foreign country, and Congress alone can declare war. This Administration asked for a provision to enlist additional men in the Navy—a most extraordinary one—and I only name it to show how the thing is going on and how we are increasing and how we are going as the French Government goes and as the German Government goes and as all the European Governments go—making this a great military and naval power, ready not only to take care of our own affairs, but to assume a sort of protectorate over all that portion of the world south of us, which would mean a speedy war.

So the bill provided—

That whenever an exigency may exist which, in the judgment of the President, renders their services necessary, the Secretary of the Navy is further authorized—

Besides enlisting these 1,000 men—

to enlist, for a period of two years, unless sooner discharged, such of the Naval Militia and other men as may be required for the purpose of manning vessels of the Navy not having full crews and such other ships as under laws now existing or under the authority conferred by section 4 of this act the President may decide to call into service.

Then there is a provision for the Secretary of the Navy to take any number of ships which he desires of the commercial marine. It is perfectly natural for these naval officers, restive and with no promotion, to want war. They want to test these ships. There is not one of them—and it is human nature—who is not ready and anxious to see how his ship will behave in action. Remember that this very bill which I have read passed this body and had the indorsement of the Secretary of the Navy, and he urged it upon Congress. Such power never was granted before, and never ought to be granted to any President, no matter who he may be—whether a Republican, a Democrat, or a member of the Third Party, if we should ever have one of that party.

The act of 1795 gave the President the power to call out the militia. Section 1642 of the Revised Statutes provides that—

Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States, most convenient to the place of danger or scene of action, as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Even that authority was contested, I think, by Massachusetts as to the President's right to use the militia away from the borders of their own States; yet we are going here in this matter to give all the power which is necessary for the President of the United States to declare war himself without the consent of Congress.

Mr. President, it does seem to me that, without regard to party, we ought on both sides of the Chamber to pause. We all have responsibility to our constituents and to the whole people. We know that depression exists from one end of the land to the other. We know that depression exists not only in our own country, but abroad. The great question to be solved—and it will be solved, in my judgment, by the sturdy men in charge of the business enterprises of the world, and not by legislation—is how we can set the wheels again in motion, how we can restore prosperity? There is one thing we can do. We can limit in Congress the expenses within reasonable bounds. If we can not increase the revenue at this session, and it is still to be made a party football, we can at least eliminate from these bills all the appropriations which are not necessary. They are there by the hundreds. Here you can save on this bill alone, without injury to a single interest, without crippling the Navy, within the next three years, \$15,000,000. The Secretary of the Treasury has told us, "You appropriate the money and I must spend it."

I repeat, Mr. President, that he who votes for these extravagant appropriations must do it with full knowledge that he takes his responsibility for the further issue of bonds or for the expenditure of every dollar which has come from those already sold.

A year ago the Committee on Appropriations, foreseeing that the then appropriations as compared with the revenue were such that there would be a deficit in the Treasury, reported to this body a proposition authorizing the Secretary of the Treasury to issue short-term certificates bearing 3 per cent interest, redeemable at any time after two or three years. That was antagonized. What was the result? Four per cent bonds running for a longer term of years were issued instead of those short-term certificates. I remember the Senator from Mississippi to my left [Mr. GEORGE], in the discussion of that matter, asked the question of the chairman of the Committee on Finance whether the report from the Treasury Department showed that they had money enough on hand and a surplus, and he was answered, "Yes." That was the estimate at the time, but it was short, and it will be short now. I say to the Senate that if the amendment I have offered is voted down, and if, by a majority vote, they increase or keep these appropriations as they are, then there is one thing that the other side ought to agree to do, put a permanent provision in this bill, as the Secretary of the Treasury has recommended, authorizing the issuance of \$50,000,000 of these short-term certificates at a low rate of interest, to be issued and used by him to pay the current expenses of the Government rather than to issue more bonds. Before this bill shall have been concluded I propose to offer such an amendment, and I say to the Senate that, in my judgment, we must do that or else by your votes you must sustain the action which has been taken heretofore by the Executive in selling long-term bonds whenever he finds the Treasury depleted.

Mr. STEWART. Mr. President, the controversy here to-day with regard to the revenues of the Government does not appear to be sincere. There appears to be an assumption that we want more money in the Treasury, when the Treasury is already overflowing. It matters not how the surplus was acquired, there is a surplus in the Treasury, and a surplus has been regarded during the whole history of the Government as more dangerous than a deficiency.

There is now in the Treasury at least \$270,000,000 of available cash—available to pay current expenses, available to pay interest, and available for the redemption of Treasury notes and greenbacks. There is certainly over \$150,000,000 more in the Treasury than there ought to be. There has been withdrawn from circulation by the sale of bonds more than \$270,000,000, and we ought at least to draw out from the Treasury as speedily as possible \$150,000,000. The vast amount of money piled there is having a most disastrous effect upon the country.

The pretext that anybody has been compelled to sell bonds is also an assumption which I deny. There has been no necessity to sell bonds. There has been no right on the part of the Executive to sell bonds; there has been no law under which bonds could be legally disposed of to buy money. It was settled by a more than two-thirds vote of both Houses of Congress in 1878, after an exhaustive debate, that every obligation of the Government was payable in either gold or silver coin at the option of the United States, and that it was legal and proper to coin silver dollars for the payment of all the obligations of the Government.

The only pretext of authority to involve this country in debt is based upon the idea that the Government owes gold obligations. By the resumption act of 1875 it is provided that after the Secretary of the Treasury has exhausted the current revenues he may sell bonds of the descriptions named in the act of July 14, 1870, sufficient to obtain coin with which to redeem greenbacks which would be outstanding on the 1st day of January, 1879. To an extent necessary to redeem the greenbacks then outstanding he might sell bonds to buy coin; and it was held by both Houses of Congress that silver coin answered that description; and it never has been successfully questioned. The present Secretary of the

Treasury when in Congress voted for that resolution, and all the leading members of both Houses, including the most prominent candidate for the Presidency, Mr. McKinley, of Ohio, voted for that resolution, and it was presumed that the question was settled.

Then the Secretary of the Treasury was authorized to sell bonds to buy coin sufficient to redeem United States Treasury notes and for no other purpose. Is there authority for it elsewhere? There is none. By the act of 1890, commonly called the Sherman Act, it is provided that the Treasury notes issued under that act shall be redeemed in either gold or silver coin at the option of the Secretary of the Treasury; and it is further made mandatory upon the Secretary, by the third section of that act, to coin sufficient of the bullion purchased under the act to provide for the redemption of the notes. The act expressly provided for coining silver to redeem the Treasury notes issued under the act. If there was not sufficient coin in the Treasury for the purpose of such redemption, the provision of law providing for the coining of silver for that purpose excluded, by implication, any other mode of obtaining coin for the redemption of the notes. That provision, making it mandatory upon the Secretary of the Treasury to coin silver to provide for the redemption of those notes, was equivalent to a positive law that he should not obtain money in any other way unless Congress provided it; that he should not invent any other mode, but should take the mode provided by law; and in selling bonds to buy gold to redeem the Treasury notes issued under the Sherman Act the Secretary of the Treasury violated the plainest principles of law.

The Administration is now, without a shadow of law, selling bonds to buy gold to pay the current expenses of the Government, for, view it as you will, that is the only pretext. The suggestion on his part that he sells the bonds to buy gold to maintain the gold standard is an admission of a usurpation, and there is no law authorizing it. There is no law authorizing him to sell bonds to buy gold for any purpose, and there never was. I defy any lawyer or any man in the United States to point to a shadow of law that authorizes the President of the United States or the Administration to sell bonds to buy gold for any purpose.

The Administration, in violation of the law, in violation of the express duties prescribed by the statute, has involved the country in two hundred and sixty-odd million dollars of debt, and has accumulated \$270,000,000 of available cash balance in the Treasury.

The argument is that the current revenues are not sufficient. That makes no difference; the money is there. It is an injury to the country that it should be there. It contracts the currency and makes times worse. It is a temptation to make appropriations and to indulge in extravagance. It being there, I am opposed to putting money there by any other means.

The idea of parties on both sides of the Chamber in pretending that there is necessity for more taxation upon a people already taxed beyond endurance to accumulate a larger surplus in the Treasury is an absurdity. A few years ago, when there was less surplus than now, there was a general clamor throughout the country to reduce taxation to get rid of the surplus. Taxation was reduced, the surplus was disposed of, but the Executive has accumulated a surplus greater than the former by bald usurpation.

Do Senators ever reflect what raising revenue by the Executive without the authority of Congress means? If the Executive can raise money to carry on the Government without calling on Congress this is no longer a Republic. Do Senators remember the controversy that occurred some three hundred years ago, when Charles I undertook to raise revenue to carry on his Government without the consent of Parliament? He lost his head. The exercise of the power to raise revenue without authority of Parliament was the principal cause of the English revolution. The same exercise of power is going on here. Neither party will attempt to check it. It is impossible to get through a resolution against it. We have been struggling for years to stop this proceeding, but it can not be done. We can not even have a resolution to examine the transactions with regard to selling bonds that have already occurred. Both parties are in favor of selling bonds in some form. It has been proposed on both sides of the Chamber to continue to involve this country in more debt to buy gold for gold gamblers.

The reason why you have not revenue enough under existing law is because the country is doing no business. There is no money with which to do business. Business is stagnant; the country is languishing. You have by your gold standard and by your sale of bonds created a surplus revenue. You have by every means curtailed the circulating medium until business is at a standstill.

The wealth of this country consists in its power of production more than in the property already produced. The productive forces of this country reproduce all the wealth in a very short period. For the last three years there has not been 33 per cent of the power of production realized in this country for the want of a circulating medium. While you stifle production, while you have millions of tramps, while you have poverty everywhere, while you are filling your insane asylums, while you are multiplying

your suicides, while you are flooding the country with bankrupts, while you strangle enterprise for want of money, you can not expect revenue under any bill. The more taxation you have the less revenue you will get under it.

If the revenue laws had been enforced; if all the laws had been obeyed by the Secretary of the Treasury; if the Secretary of the Treasury had coined silver and paid it out as required by law, we would not have lost our gold. If when Secretary Foster was asked after the passage of the Sherman Act whether he would obey the law and coin silver to redeem Treasury notes he had answered that he would, and that he would make no discrimination between gold and silver, do you suppose there would have been any run upon the Treasury? Do you suppose there would have been a word said? Do you suppose the combination to put Austria on a gold basis would have been made? Do you suppose that they would have attempted that combination or would have attempted to put Austria on a gold basis if it had not been for the assurances that they could get the gold here?

Do you remember that after the dinner at Delmonico's on the 17th of November, 1891, wherein Secretary Foster pledged this Government to pay gold, and said that he would not coin silver for the purpose of redeeming the Treasury notes issued under the Sherman Act, the President, in his annual message, declared that such assurance had done much to sustain the business interests? Do you recollect that in January following the Austrian cabinet met and agreed to the Rothschilds proposition to fund the debt of Austria? Do you recollect that they waited until both Presidential nominations were made, and immediately thereafter they took a million dollars of Treasury notes under the Sherman Act to the subtreasury at New York, demanded gold, got it, and they also obtained an interview with that officer declaring that that was the policy of the Government? Do you mark that immediately thereafter, in August, the legislative department of Austria met and sanctioned the proceeding to fund the debt? Do you recollect that they commenced then to sell Austrian gold bonds in Europe and elsewhere, and to get gold for the purchase of Austrian bonds they sold their American securities in this country for gold to accumulate \$150,000,000 of gold as a basis of redemption for the Austrian debt? Do you recollect that before Harrison's Administration closed they had drawn the gold reserve down to the hundred-million-dollar limit? Do you recollect that Secretary Carlisle is reported to have issued an order to pay in silver, and the next morning it was overruled by the President, and this Austrian combination had free access to our Treasury? Do you recollect the panic that followed the draining of the gold for gold gamblers?

Mr. GEORGE. I did not catch what the Senator said about Secretary Carlisle doing something and the next morning something else was done.

Mr. STEWART. It is reported that he issued an order to redeem the Treasury notes in silver. I know the President came out with a proclamation the next morning declaring that they would be paid in gold. I do not know whether it is denied or not. I think probably Secretary Carlisle did that.

Then what occurred? The Austrian debt was funded, and it was raised from a two-billion-four-hundred-million-dollar debt payable in silver to a two-billion-eight-hundred-million-dollar debt payable in gold. Two hundred million dollars of that may have been used for commissions and to buy \$150,000,000 of gold, for the bonds were sold for from 92 to 96. Suppose it took \$200,000,000 to pay commissions and buy their \$150,000,000 of gold. Who got the other \$200,000,000 of the \$400,000,000? Where did it go? What officials were influenced by it?

One thing we do know, and that is, it took our gold and brought on the panic. It stopped business. That raid injured this country. It cost this country more than double the cost of the war. It destroyed thousands of millions of securities in this country. It threw millions of people out of employment. It paralyzed industry everywhere. Then, to add a climax to the miseries of the people, the President of the United States called an extra session of Congress and wiped from the statute books by the votes of the two Houses which the Executive controlled every law that recognized silver as money and reduced this country to the single gold standard.

Now we are told that the misery in this country comes from our protests against the gold standard. They tell us that we would have happiness but for the talk about free silver, that our talk is doing all the harm. You might as well say that the only thing that made the wolf eat the lamb was because the lamb struggled. The Treasury was robbed of millions of gold for gold gamblers and stockjobbers without law, and the country was deprived of a circulating medium, and universal distress was created, as an object lesson to show the power of the Executive and the power of money. We have felt it and we will continue to feel it. But the American people now begin to understand what the matter is. There is not a business man in this country who, if you ask him why he is in trouble, will not tell you, for want of money.

If you ask him why he does not get money, he will tell you that his property will not bring money.

Go where you please, you will find that the agriculturists of this country are living more economically and in fact are suffering more for the necessities of life than they ever did at any time since the landing at Jamestown. Never before was every opportunity to young men to make headway in the world closed. Never before was the prospect for the youth of this land so dark. Never before was poverty staring the whole mass of the people in the face. Never before were willing hands denied the privilege of working in this country. The circulating medium is gone; the population is increasing and money is decreasing. There is \$100,000,000 less money in the country to-day than there was a year ago, and still it is said that we want more contraction! We have the proposition now coming from Democrats and Republicans to retire the greenbacks, to get rid of the Treasury notes. What for? More contraction. What for? To give money more purchasing power. What for? To allow the few to enslave the many.

That is the situation, and when Senators talk about more taxation upon the people already groaning under taxation, when they talk about more revenue with a Treasury overloaded with surplus, they mock the American people. We need no more taxation. We need an opportunity to pay taxes. Just see how we are situated. It is estimated that the debts of the United States, public and private, amount to the vast sum of thirty thousand million dollars. How do we pay those debts? They are paid with the product of labor. Many of them were contracted when wheat was \$1.25 a bushel and cotton 12 cents a pound. Now, see how the debts have increased. These are fixed charges. The interest on these obligations is a fixed charge. The salaries of officials remain the same; they are fixed charges. We have to pay \$500,000,000 for the support of the General Government, and not less than \$1,500,000,000 for State and local taxes to support schools and churches and to pay the local taxes of the country. It does not amount to less than \$1,500,000,000. This, together with the other fixed charges, rest upon the people, and it takes twice as many bushels of wheat, twice as many pounds of cotton, twice as much of the products of labor to earn a dollar now as it did twenty years ago, and the amount required is daily increasing. Taxes are increasing. They have driven the farmers from their homes; they are driving the laborers from their homes; they are depriving them of the means of educating their children. For what? Talk about economy. The President tells us that they must remember that they buy as well as they sell. To what do their purchases amount? It is very little after they pay their fixed charges. They must sell, however, and they are left without the necessities of life. That is the condition.

Give the people more money. Give them an opportunity to make a living and a liberal opportunity to pay taxes. Stop your forced sale of taxes and you will have revenue enough. But with the present depressed condition of the country, to extract more revenue by increased taxation is murder; it is outrage. I protest against the idea of an overflowing Treasury with a depressed people taxed beyond endurance and any discussion here of more taxation. I say give the people more money. Give them a chance to pay the taxes already levied. The increased business of the country will give you ample revenue. But in the present condition of the country, in its present stagnation, you may pile up taxation as you please; you are increasing the burdens every year without increasing the revenue.

Our fixed charges to Europe amount to at least \$400,000,000 a year. A year ago we paid about \$100,000,000 of that. Last year we did not pay a cent. I speak of our fixed charges to Europe, and I give them a most conservative estimate. That is the carrying trade, the travel abroad, the interest and dividends, which amount now to \$400,000,000. Not one cent of it was paid last year. We are giving our public and private notes or bonds, and what for? To buy gold for gold gamblers. We are giving our notes to Great Britain for gold with which to buy her commodities and with which to pay her the interest which she demands of us.

Can this Government go on always increasing its obligations to Europe, selling its products below the cost of production to buy gold to pay this accumulating interest? It seems to me there should be some thought of relieving the people, and I protest, while distress is universal, against any discussion which leads to more bonds or more taxation. We have enough of those.

Mr. PALMER. Mr. President, at some time I expect to take a part in this discussion, but for the present I shall ask the Secretary to read the slip I send to the desk.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

CONTRACTION BY FREE SILVER.

The most effective plea the 16 to 1 free-silver men address to ignorance and poverty is that we have not money enough. They urge that for this reason the prices of products have fallen, until the farmer is embarrassed to get

means with which to support his family. They urge free coinage as a means of giving the people "more money."

And yet there was never proposed so great or so disastrous a measure of currency contraction as free coinage would be. The facts are simple and easily understood.

There is no country in the world at this moment that uses both gold and silver or their paper representatives as money which does not maintain the gold standard and restrict the coinage of silver. There is no country in which free silver coinage exists that does not use silver to the exclusion of gold. In brief, it is a fact open to observation that free silver coinage at present ratios always and everywhere drives all money except silver and silver-bearing paper out of use.

Now, we have at present a total volume of money amounting to \$2,197,000,000. Of this there are—

Gold coin.....	\$568,106,930
Gold certificates.....	50,099,889
Greenbacks.....	345,702,504
National-bank notes.....	213,716,973

Total gold money..... 1,077,626,296

All this is gold or gold-bearing paper, the national-bank notes being so indirectly but effectively. Unlimited free silver coinage at 16 to 1 would immediately send all this currency out of circulation. It would contract the currency of the country by more than a billion dollars. Instead of giving us more money it would reduce the total stock by about one-half and depress prices accordingly.

Or if the paper currency were retained on a silver basis by a Treasury decision to redeem greenbacks in silver, there would still be a contraction of more than \$600,000,000, or considerably more than one-fourth of the total currency supply.

If we are really suffering from an inadequate currency, the insanest thing we could do would seem to be to compel a further and enormous contraction by adopting free silver coinage.

Mr. STEWART. That has gone the rounds sufficiently without publishing it here. It shows the sublime confidence of the author in the ignorance of the American people. It says if we would add silver to gold it would contract the currency.

Mr. PEPPER. Will the Senator permit me before he proceeds?

Mr. STEWART. No; I want to say a word in reply.

Mr. PEPPER. I should like to inquire whether the printed matter which has just been read by the Secretary represents the views of the Senator from Illinois?

Mr. PALMER. I have no desire to interrupt the Senator from Nevada.

Mr. STEWART. I understand where it comes from. It comes from the Reform Club of New York; it is the "sound view" of all those people.

Mr. PEPPER. I merely wanted to know whether it represents the views of the Senator from Illinois.

Mr. STEWART. It comes from the holy of holies of the gold standard.

Mr. PALMER. If the Senator from Kansas will allow me, I will state that within a day or two I hope to have an opportunity to address the Senate on this subject at length, but I have no desire to interrupt the Senator from Nevada.

Mr. STEWART. I will be through in a moment.

In the first place, it says that doubling the coinage, doubling the base of the circulation, would decrease its volume.

Mr. PALMER. Mr. President—

Mr. STEWART. I hope the Senator will not interrupt me.

Mr. PALMER. I was going to ask whether that is the statement.

Mr. STEWART. That is the substance.

Mr. PALMER. The statement?

Mr. STEWART. Oh, yes; I will tell you what the statement is. I state as an incontrovertible fact that the amount of standard money controls the volume. There must be some relation between the credit and circulation and the amount of standard money. We have no standard money in the country but gold. The Treasury has no gold except what it borrows from time to time. They exaggerate the amount of gold in the country. There is probably \$350,000,000 of gold in the country, not over \$400,000,000 at the outside, and if I had time I could go on and show why. That is all we have. All our circulation is based upon that, and consequently everybody knows that the foundation is insufficient. There can be no confidence. There is no confidence in the country. No credit can be extended, because there is no foundation for our credit. Gold can be taken out at any time. We are depending upon borrowing it and increasing the national debt. It is the only way we have to get gold. We have no other means of getting it except by increasing the debt. Our products which we sell abroad have become entirely inadequate to buy gold. We have no foundation for our currency, and to say that coining silver, giving a foundation for this credit, remonetizing the silver in the Treasury, would make less money is ridiculous. We have a large amount of silver in the Treasury. If it were money we would have some basis. But the Department says it is not money with which to pay debts. It is of no more use than so much pig iron. They will not pay it out for the obligations of the Government. It amounts to nothing so far as a basis of circulation is concerned.

The Department boldly say that silver itself must be redeemed in gold, and they keep it at a parity by their determination to redeem it in gold. The whole thing rests upon this narrow basis of gold. Except the small amount in circulation, besides the fractional silver, the balance is idle in the Treasury. It has to be bolstered up by borrowing gold. See how the currency stands with your greenbacks, your Treasury notes, your bank circulation, and all your silver depending upon redemption in gold as the Administration says. Then think of the little fleeting gold that you buy to maintain all that. That is what destroys confidence. That is what makes business men so anxious to borrow gold and issue bonds to get some money in the Treasury to bolster up what you have. There is no foundation for confidence. The remonetization of silver and the use of silver as money would give us a basis strong enough to maintain double the credit and double the circulation we have.

The gold men say it would drive gold out of the country. Was gold driven out of the country by the Bland Act or the Sherman Act? Did it not accumulate constantly while silver was used even under the limited commercial way of purchasing it and coining it? But let the Government of the United States say that silver is as good as gold and that it would just as soon have it as gold, and you would have something with which to buy gold. How does gold come into the country? Does it fly in? Does it come here by a kite? It is bought and brought here by our products. But the gold standard has reduced the value of our products below the cost of production, and with all we can export we can not pay for what other commodities we buy. Consequently we get no gold. Give us prosperity, set the wheels of industry in motion, and you can buy gold with your exports. But while silver is at the present price, while the Asiatics have a hundred per cent advantage in difference of exchange, they can furnish the wheat and cotton and take our markets from us.

Look at Russia. She is on a silver basis. She has grown rich in the last twenty years while we have grown poor. Twenty years ago our bonds were worth much more than Russia's bonds. Now her bonds are as good as ours, and she has some five or six hundred millions of gold which she does not use for circulation, because her ruble is the unit and she puts out paper enough to keep it on a par with the silver ruble. The consequence is she can produce wheat and drive us out of the market, as she has done.

The farmer of Russia takes his bushel of wheat to London. He sells it for the same price that we do. He goes back to his country and his money is doubled. He has fixed charges to pay the same as we do, but he can pay his fixed charges with half the labor and with half the products that we can. Our fixed charges have to be paid in gold. A bushel of wheat is taken to Liverpool. It is sold for 60 cents. It is 60 cents when it gets here. A bushel of wheat is taken from Russia to Liverpool. It is sold for 60 cents, and it is \$1.20 when it gets home to pay fixed charges with. The burdens are thrown off the backs of the people and they prosper; they can produce more wheat and they have driven us out of the market. The same is true of the Asiatics. Our farmers are brought face to face with this ruinous competition. Of course we can not have gold here. It is our poverty that makes them take the gold from us, because we must sell at gold prices in competition with the Asiatics. We can not accumulate it unless we have something with which to buy gold. When a man says that the remonetization of silver would produce contraction, he thinks the people of the United States are very ignorant or he is ignorant or vicious.

When did the coinage of silver in this country drive out gold? The two metals have been side by side for a thousand years, and it was easier to get gold while silver and gold could both be used. But when we are confined to gold alone and nothing to buy it with, the gold hoarded in Europe for military purposes, or held in a pool by the Rothschilds, it is different. We are selling our products to the Rothschilds combination to buy their gold. They have a gold corner, and they say to us, "You shall come to us and borrow gold to pay your interest"; yet it is said more standard coin would be contraction. When they talk about \$2,000,000,000 in circulation they duplicate the figures. There is no such amount in the country. They duplicate the figures to the extent of more than \$500,000,000. For instance, silver certificates are counted and the silver in the Treasury is counted; the gold certificates are counted and the gold in the Treasury is counted, and so it goes through. The most fallacious statement ever uttered by man is uttered in the paper presented by the Senator from Illinois. All the genius of duplicity, all the essence of avarice, all the desire to humbug and to deceive are concentrated in those few words. It is a result of years of juggling of words by the conspirators who demonetized silver to double the value of their obligations and to enslave the people. The idea that the American people must be loaded down with these accumulated debts and have the money with which to pay them taken away is preposterous.

If my friend the Senator from Illinois will go to his State he

will find the farmers there struggling to pay taxes, to pay interest, to school their children, and he will find that they sell wheat and what they raise at less than the cost of production. There is nothing left for them. If he does not know it, the country knows it. If he does not know that there is suffering in the country, the country does. The idea of trying to conceal from the people that there is universal distress! Where has it been produced? Nowhere but in the Halls of Congress. Why should there be universal distress after twenty years of abundant harvests and profound peace? What has occurred to make times worse than they ever were? What has occurred to take away from young men the opportunity to acquire wealth by industry? What has occurred to bring gloom to the country and sadness to every household? What has occurred to multiply suicides, to increase the millions of tramps? What has occurred to make hard times? Is there anything but the financial legislation of this country? What else can be pointed to?

You have tried all sorts of tariffs. You have tried a Republican tariff. You have tried the McKinley Act. After it was in force for two years you had the worst panic that has ever been witnessed in this country. The McKinley law remained in force a year after, and it did not cure the panic. It was a disease beyond the power of protection. It was a disease too deep to be cured by such a measure. I have advocated protection all my life, but it can not cure the currency disease. It is inadequate, it is impotent.

You have the Wilson Act. What has it done? It has not made a ripple. For the last three years, since Secretary Foster declared that he would not obey the law and coin silver to pay the obligations of the country, since it was determined that silver should be absolutely disgraced and not used as money, we have been on the downward course. Each succeeding year has been worse than the preceding, and now the only hope of the Republican party to get in power is that the Democratic party has made the condition intolerable. They think that the people have forgotten that the former Administration made it so intolerable that they elected Cleveland.

Look how this thing has gone on. In 1884 the Republican party was so intolerable that the people elected Cleveland. In 1888 the Democratic party was so intolerable that they elected Harrison. In 1892 the Republican party was so intolerable that they forgot the shortcomings of Cleveland and returned to him, and now it is supposed that a sufficient amount of political capital has been accumulated from the present Administration to make the people go on and step out of the frying pan into the fire. So they go, jumping from the frying pan into the fire, and then into the roaster. Each party runs on the misdoings of the other, and the "outs" have an unlimited capital in the misdeeds of the "ins." That is what the Republican party relies on. They rely on the short memory of the people. They think they have an unlimited capital in the infamy of the present Administration. In four years they will accumulate capital enough for another change. They think the people of the United States are sufficiently ignorant to be hoodwinked and fooled right along. And what do we have to-day? A serious discussion about increasing the surplus in the Treasury when the country is already overloaded with taxation. Neither party intends to give relief. Both intend to deceive the people and augment the wealth and power of gold monopoly, which is the mother of all monopolies.

Mr. CALL. I offer two amendments to the pending bill which I ask may be printed.

The VICE-PRESIDENT. It will be so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2259) for the relief of William B. Ellis;

A bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of \$450 for damaged gun; and

A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.; and

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 953) for the relief of William Gray; and

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880.

MARRIAGES IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1904) to regulate marriages in the District of Columbia.

Mr. FAULKNER. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. FAULKNER, Mr. McMILLAN, and Mr. GALLINGER were appointed.

CAPITAL RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895.

Mr. GALLINGER. I move that the Senate nonconcur in the amendments of the House of Representatives and ask a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. McMILLAN, Mr. FAULKNER, and Mr. PROCTOR were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

POTOMAC RIVER FLATS.

Mr. TELLER. I desire to have an order for reprinting Senate Document 151, being a report of the findings of the supreme court of the District of Columbia in the matter of the right, title, or interest of any person or corporation adverse to the complete and paramount right of the United States in the Potomac River Flats, with the accompanying papers. I wish to state that the document is to be printed for the use of the subcommittee of the Committee on Appropriations on the District appropriation bill. There are quite a number of maps, and I desire that the first copies shall be sent to the Senate without the maps, and that subsequently the maps be put in. I wish to have an order made to make the printing special.

The VICE-PRESIDENT. Without objection, it will be so ordered.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. SQUIRE. If there are no Senators who desire to discuss the bill further to-night, I would ask the Senate to take up some unobjected bills on the Calendar.

Mr. HALE. The Senator from California, I think, desires to submit some remarks on the pending bill, and perhaps also the Senator from Connecticut. Neither of them, however, is ready or inclined to go on to-night, and if there are other matters upon the Calendar that Senators desire to have taken up between now and 6 o'clock—

Mr. GORMAN. Oh, no; let us adjourn.

Mr. HILL. I move that the Senate adjourn.

Mr. HALE. I hope the Senator from New York will withdraw his motion—

Mr. PLATT. Will the Senator from New York withdraw his motion for a moment?

Mr. HALE. Otherwise I would—

Mr. PLATT. I should like to make a statement to the Senate.

Mr. HILL. The motion is withdrawn for the purpose of the statement.

Mr. PLATT. The Senator from Vermont [Mr. PROCTOR], who is very much interested in the subject of coast defenses, and who has been obliged to leave the city, prepared a speech before leaving which, if here, he would deliver upon the amendment proposed by the Senator from Maryland [Mr. GORMAN], and in support of the amendment, as I understand it. He left it with me and requested me to ask the unanimous consent of the Senate that it might be printed in the RECORD, or, if that should be refused, to read it for him myself. If unanimous consent can not be granted,

I will accommodate the Senator from Vermont by reading his speech.

Mr. HALE. Let the Senator from Connecticut submit the request now that the speech of the Senator from Vermont [Mr. PROCTOR] on the pending amendment be printed in to-morrow morning's RECORD.

The VICE-PRESIDENT. Is there objection?

Mr. BACON. I object.

Mr. HAWLEY. I should like to ask a question first. I think that is a very dangerous precedent.

Mr. PLATT. If there is objection I will withdraw the request.

Mr. HAWLEY. I want to suggest a way out of it. I think there would be no objection to having the Secretary read it.

Mr. GRAY. The Senator's colleague [Mr. PLATT] can read it.

Mr. HAWLEY. My colleague can begin it, and ask permission of the Senate for the Secretary to finish it.

Mr. HALE. Then I suggest that we go on and consume the time until 6 o'clock, and that the Secretary commence reading the speech of the Senator from Vermont, if the Senator from Connecticut has it in his hand and will send it to the desk.

Mr. BACON. I hope not.

The VICE-PRESIDENT. Is there objection to the request?

Mr. HILL. What is the request?

Mr. HALE. That the Secretary may be permitted to read the speech of the Senator from Vermont, who is necessarily absent, and who desires that his speech be incorporated into the debate on the pending amendment. The suggestion is now that the Secretary shall begin—

Mr. PLATT. I will go ahead now.

Mr. HALE. The Senator from Connecticut will go on himself.

Mr. HILL. The only question is whose speech it is.

Mr. HALE. It is the speech of the Senator from Vermont [Mr. PROCTOR].

Mr. HILL. Is that not establishing a bad precedent, even for the Senate?

Mr. HALE. The Senator from Connecticut can make it as his own speech.

Mr. HILL. He can do that. A Senator can always make a speech. He is competent to do that. But the question is whether we want to start the custom of a Senator making another Senator's speech here and having it printed in the RECORD. I do not think it is a good practice. I shall have to object, Mr. President.

Mr. FAULKNER. I understand the Senator from Connecticut has withdrawn that request, and he is now about to make the speech himself.

Mr. HALE and Mr. GRAY. And in his own time.

Mr. FAULKNER. The Senator from Connecticut has withdrawn the request he first made.

Mr. HALE. Both requests have been withdrawn—the request to print in the RECORD and the request to have the Secretary read the speech. I understand the Senator from Connecticut proposes to go on and read the speech in his own time.

Mr. HILL. I have no objection to the Senator from Connecticut making his speech, but I must object to his making the speech of somebody else, and having it appear in the RECORD that it is the speech of somebody else.

Several SENATORS. He has the right to do that.

Mr. HILL. No; he has not the right to do that. It is a practice that is abused in the other House, and it is unworthy of the Senate, and ought not to be made a precedent. With all due respect to the Senator from Vermont, who is absent, I think it is a precedent that ought not to be established, and I want to object right here. The Senator can make his own speech, and the RECORD will show that it is his speech. That is the right practice, and we must adhere to it.

Mr. FAULKNER. Let me suggest to the Senator from New York that if the Senator from Connecticut chooses to make a few preliminary remarks, and then proceeds to read the speech prepared by the Senator from Vermont, I do not know any ground in the world on which you can stop it, or any rule or custom of the Senate under which you could prevent it.

Mr. HILL. That is not the point.

Mr. FAULKNER. That is what the Senator from Connecticut proposes to do.

Mr. HILL. He can read the speech of Daniel Webster as part of his remarks, or read his own speech made years ago, or anybody else's speech; but that is not the point. That, however, is all he can do. Do not let us begin such a practice now out of courtesy to the absent Senator from Vermont. It strikes me it would be a bad precedent for the future. Let each Senator make his own speech, and let the whole of it be printed in the RECORD as his speech. That is what the Senate has always adhered to, and it is a good practice. If the Senator from Connecticut wants to go on now—it is rather a late hour for a speech from anybody, at half past 5 o'clock in the afternoon, after the able discussion by different Senators to which we have listened upon the bond question, and so on. [Laughter.]

The VICE-PRESIDENT. The Chair understands that the request of the Senator from Maine [Mr. HALE] has been withdrawn. The pending question is on the amendment submitted by the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. PLATT. Mr. President—
Mr. HILL. I have the floor, I yielded to the Senator from Connecticut to make a statement. I move now that the Senate adjourn.

Mr. HALE. I hope we shall remain here until 6 o'clock.

Several SENATORS. No, no.

Mr. GORMAN. Let us adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 29, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 28, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

The SPEAKER. Under the rule adopted by the House, the first business this morning after the reading of the Journal is the vote upon the passage of House bill No. 8271, relating to pensions.

Mr. CROWTHER. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 189, nays 54, not voting 111; as follows:

YEAS—189.

Acheson,	De Witt,	Kerr,	Russell, Conn.
Allen, Utah	Dingley,	Kirkpatrick,	Sauerhering,
Anderson,	Doolittle,	Knox,	Scranton,
Andrews,	Downing,	Kulp,	Shafroth,
Arnold, Pa.	Eddy,	Layton,	Shannon,
Arnold, R. I.	Ellis,	Leighly,	Sherman,
Atwood,	Evans,	Leisenring,	Simpkins,
Babcock,	Farris,	Leonard,	Smith, Ill.
Baker, Kans.	Fenton,	Lewis,	Snover,
Baker, Md.	Fischer,	Long,	Sorg,
Baker, N. H.	Fitzgerald,	Loudenslager,	Southard,
Barham,	Gamble,	Low,	Spalding,
Barney,	Gibson,	Mahany,	Sperry,
Bartholdt,	Gillet, N. Y.	Mahon,	Stable,
Bell, Colo.	Gillet, Mass.	Marsh,	Steele,
Bennett,	Graff,	McCall, Mass.	Stewart, N. J.
Bingham,	Griffin,	McCall, Tenn.	Stewart, Wis.
Bishop,	Griswold,	McClure,	Stone, C. W.
Blue,	Grow,	McClure,	Stone, W. A.
Bowers,	Hager,	McClure,	Strode, Nebr.
Brewster,	Hainer, Nebr.	McLachlan,	Strong,
Broderick,	Halterman,	Meiklejohn,	Sullivan,
Bromwell,	Hardy,	Mercer,	Sulzer,
Brown,	Harmer,	Miller, Kans.	Tawney,
Brumm,	Harris,	Miller, W. Va.	Thomas,
Burrell,	Hartman,	Milliken,	Towne,
Burton, Mo.	Heatwole,	Minor, Wis.	Tracewell,
Burton, Ohio	Hemenway,	Mondell,	Tracey,
Calderhead,	Henderson,	Moody,	Treloar,
Chickering,	Henry, Conn.	Morse,	Updegraff,
Clark, Iowa	Henry, Ind.	Noonan,	Van Horn,
Clark, Mo.	Hepburn,	Northway,	Van Voorhis,
Coddling,	Hermann,	Odell,	Walker, Va.
Coffin,	Hicks,	Otjen,	Walsh,
Colson,	Hilborn,	Overstreet,	Wanger,
Connolly,	Hill,	Parker,	Warner,
Cook, Wis.	Hitt,	Payne,	Watson, Ind.
Cooper, Wis.	Howe,	Pearson,	Watson, Ohio
Corliss,	Howell,	Perkins,	Wellington,
Cousins,	Hubbard,	Phillips,	Willis,
Crowther,	Huff,	Pickler,	Wilson, Idaho
Cummings,	Huling,	Pitney,	Wilson, Ohio
Curtis, Iowa	Hunter,	Poole,	Wood,
Curtis, Kans.	Hurley,	Pugh,	Woomer,
Curtis, N. Y.	Hyde,	Ray,	Wright,
Danford,	Jenkins,	Reyburn,	
Daniels,	Johnson, Cal.	Robinson, Pa.	
Dayton,	Joy,	Royce,	

NAYS—54.

Abbott,	Ellett, Va.	McDearmon,	Stokes,
Allen, Miss.	Elliott, S. C.	McRae,	Strait,
Bartlett, N. Y.	Hall,	Meredith,	Strowd, N. C.
Bell, Tex.	Hendrick,	Miles,	Talbot,
Black, Ga.	Jones,	Otey,	Terry,
Clardy,	Kyle,	Patterson,	Turner, Va.
Cobb,	Latimer,	Richardson,	Underwood,
Cooper, Fla.	Lester,	Russell, Ga.	Washington,
Cooper, Tex.	Little,	Settle,	Wheeler,
Cox,	Livingston,	Shuford,	Williams,
Culbertson,	Lockhart,	Skinner,	Wilson, S. C.
De Armond,	McClellan,	Sparkman,	Yoakum,
Denny,	McCreary, Ky.	Spencer,	
Dinsmore,	McCulloch,	Stallings,	

NOT VOTING—111.

Adams,	Dockery,	Kendall,	Powers,
Aitken,	Dolliver,	Kiefer,	Price,
Aldrich, Ala.	Dovener,	Lacey,	Prince,
Aldrich, Ill.	Draper,	Lawson,	Quigg,
Apsley,	Erdman,	Lefever,	Raney,
Avery,	Fairchild,	Linney,	Reeves,
Bailey,	Fletcher,	Linton,	Robertson, La.
Bankhead,	Foote,	Lorimer,	Rusk,
Barrett,	Foss,	Loud,	Sayers,
Bartlett, Ga.	Fowler,	Maddox,	Shaw,
Beach,	Gardner,	Maguire,	Smith, Mich.
Belknap,	Goodwyn,	McCleary, Minn.	Southwick,
Berry,	Grosvenor,	McEwan,	Stephenson,
Black, N. Y.	Grout,	McKenney,	Swanson,
Boutelle,	Hadley,	McLaurin,	Taft,
Brosius,	Hanly,	McMillin,	Tate,
Buck,	Harrison,	Meyer,	Taylor,
Bull,	Hart,	Milnes,	Tucker,
Cannon,	Hatch,	Miner, N. Y.	Turner, Ga.
Catchings,	Heiner, Pa.	Money,	Tyler,
Clarke, Ala.	Hooker,	Moses,	Wadsworth,
Cockrell,	Hopkins,	Mozley,	Walker, Mass.
Cooke, Ill.	Howard,	Murphy,	White,
Cowen,	Hulick,	Neill,	Wilber,
Crisp,	Hull,	Newlands,	Wilson, N. Y.
Crowley,	Hutcheson,	Ogden,	Woodard,
Crump,	Johnson, Ind.	Owens,	Woodman,
Dalzell,	Johnson, N. Dak.	Pendleton,	

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. QUIGG with Mr. CLARKE of Alabama.
Mr. DRAPER with Mr. TUCKER.
Mr. BOUTELLE with Mr. McMILLIN.
Mr. STEPHENSON with Mr. MONEY.
Mr. ADAMS with Mr. ERDMAN.
Mr. BEACH with Mr. HARRISON.
Mr. SMITH of Michigan with Mr. BERRY.
Mr. COOKE of Illinois with Mr. TYLER.
Mr. FOWLER with Mr. BARTLETT of Georgia.
Mr. TAFT with Mr. OWENS.
Mr. HADLEY with Mr. PRICE.
Mr. LACEY with Mr. HUTCHESON.
Mr. PRINCE with Mr. BAILEY.
Mr. REEVES with Mr. CATCHINGS.
Mr. HOOKER with Mr. MINER of New York.
Mr. GROUT with Mr. NEILL.
Mr. BELKNAP with Mr. MADDOX.
Mr. HULL with Mr. MOSES.
Mr. RANEY with Mr. COWEN.
Mr. HOPKINS with Mr. DOCKERY.
Mr. JOHNSON of North Dakota with Mr. LAWSON.
Mr. WHITE with Mr. RUSK.
Mr. ALDRICH of Alabama with Mr. MCKENNEY.
Mr. MOZLEY with Mr. COCKRELL.
Mr. DALZELL with Mr. CRISP.
For this day:
Mr. HANLY with Mr. PENDLETON.
Mr. AVERY with Mr. HART.
Mr. LINTON with Mr. BUCK.
Mr. GARDNER with Mr. MEYER.
Mr. DOVENER with Mr. McLAURIN.
Mr. HULICK with Mr. SHAW.
Mr. FLETCHER with Mr. OGDEN.

On this vote:

Mr. HEINER of Pennsylvania with Mr. WOODARD.
Mr. BULL with Mr. ROBERTSON of Louisiana.
Mr. FOSS with Mr. KENDALL.
Mr. MCCLEARY of Minnesota with Mr. BANKHEAD.
Mr. JOHNSON of Indiana with Mr. SWANSON.
Mr. WILBER with Mr. CLARDY.
Mr. CANNON with Mr. TURNER of Georgia.
Mr. CRUMP with Mr. CROWLEY.

On this bill:

Mr. GROSVENOR with Mr. SAYERS.
Mr. MOODY. Mr. Speaker, my colleague, Mr. BARRETT, is unavoidably detained from the House. If he were present, he would vote "aye."

Mr. REYBURN. My colleague, Mr. ADAMS, is detained at home by sickness.

Mr. TYLER. On this question I am paired with the gentleman from Illinois, Mr. COOKE. If he were present, I should vote "no."

Mr. TUCKER. I am paired on this question with the gentleman from Massachusetts, Mr. DRAPER. If he were present, I should vote "no."

Mr. McMILLIN. I am announced as paired with the gentleman from Maine, Mr. BOUTELLE. I therefore withdraw my vote. I voted "no."

Mr. BARTLETT of Georgia. The gentleman from New Jersey, Mr. FOWLER, is absent, and I have agreed to pair with him on this vote. If he were present, he would vote "aye" and I should vote "no."

Mr. SAYERS. I find that I am paired with the gentleman from Ohio, Mr. GROSVENOR. If he were here, he would vote "aye" and I should vote "no." I withdraw my vote.

Mr. BAILEY (who had voted in the negative). I am paired with the gentleman from Illinois, Mr. PRINCE. I withdraw my vote.

Mr. OWENS. Mr. Speaker, when my name was called I voted "no," forgetting that I was paired with the gentleman from Ohio, Mr. TAFT. I desire to withdraw my vote.

Mr. TURNER of Georgia. Mr. Speaker, I have voted against this bill, but I find I am paired with the gentleman from Illinois, Mr. CANNON. I therefore withdraw my vote.

Mr. SHERMAN. My colleague, Mr. WILBER, has been unavoidably called out of town. If he were present, he would vote in the affirmative. He desired me to make this statement.

Mr. DOCKERY. I am paired with the gentleman from Illinois, Mr. HOPKINS. If he were present, I should vote "no."

Mr. POOLE. My colleague, Mr. FAIRCHILD, is unavoidably detained from the House this morning. Were he here, he would vote "aye."

The result of the vote was announced as above stated.

On motion of Mr. PICKLER, a motion to reconsider the vote just taken was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etta, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to deliver to Custer Post, Grand Army of the Republic, of Etta, Allegheny County, Pa., two condemned cannon, and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa., for monumental purposes: *Provided*, That said cannon can be spared from the public service.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1704) for the relief of Quin ne mo se, an Indian;

Joint resolution (S. R. 139) directing the Secretary of War to cause an investigation to be made respecting the claims of certain citizens of New York and New Jersey that damages were done to their planted oysters and oyster beds in Raritan Bay by dredges and other vessels in the employ of the United States, and to report the circumstances relating thereto;

A bill (S. 1611) granting a pension to Clarissa E. Hobbs;

A bill (S. 1597) for the relief of William H. Tibbits; and

A bill (S. 2821) for the relief of Isaac Marsh.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax;

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893; and

A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1597) for the relief of William H. Tibbits—to the Committee on the Public Lands.

A bill (S. 1611) granting a pension to Clarissa E. Hobbs—to the Committee on Invalid Pensions.

A bill (S. 1704) for the relief of Quin ne mo se, an Indian—to the Committee on the Public Lands.

A bill (S. 2821) for the relief of Isaac Marsh—to the Committee on the Public Lands.

Joint resolution (S. R. 139) directing the Secretary of War to cause an investigation to be made respecting the claims of certain citizens of New York and New Jersey that damages were done to

their planted oysters and oyster beds in Raritan Bay by dredges and other vessels in the employ of the United States, and to report the circumstances relating thereto—to the Committee on Claims.

CHARLES K. JENREE.

Mr. WATSON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion from the military record of Charles K. Jenree, late of Company B, Twenty-seventh New York Volunteer Infantry, and to issue to the said Charles K. Jenree an honorable discharge: *Provided*, That no pay, bounty, or emoluments shall become due by virtue of the passage of this act.

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report in that case, subject to the right of objection.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6298) for the relief of Charles K. Jenree, having had the same under consideration, report it back to the House with the recommendation that it do pass.

The facts in the case, as shown by the papers and documents submitted to the committee, are as follows:

Charles K. Jenree enlisted as a private in Company B, Twenty-seventh New York Volunteer Infantry, July 5, 1861, for a period of two years, and was honorably discharged by reason of expiration of term of enlistment May 31, 1863.

He reenlisted August 8, 1863, in Company D, First Veteran Volunteer New York Cavalry, for three years, and served faithfully up to February 1, 1865.

On the 17th of January, 1865, Jenree received a fifteen days' furlough, on account of sickness in his family, and on reaching home found his wife at the point of death with consumption, and he decided to remain with her until her death, which took place in July, 1865. Jenree says he thought the duty he owed to his sick and dying wife was paramount to every other consideration, and so he did not return to his command, and was marked as a deserter from the time of the expiration of his furlough. By this act he lost six months' pay as well as his bounty.

His record as a soldier was exceptionally good, and shows him to have been both brave and honorable and faithful and prompt in the discharge of every duty.

At the battle of Piedmont, Va., June 5, 1864, his colonel's horse was disabled, and Jenree promptly dismounted and gave Colonel Carter his own horse.

Col. John J. Carter, commanding Jenree's regiment, pays him a high compliment and gives him (Jenree) an excellent record as a soldier.

Jenree is now an old man, reduced to such extreme poverty and helplessness as necessitates his being an inmate of the poorhouse; his wife and children are dead, and he seems to have no one to care for him. It is a sad finale to an active career and an honorable life to have added to his other troubles the cloud that has hung over him during the last thirty years—that of being untrue to his country—which, from his standpoint, was rendered necessary by the higher duty he owed to his dying wife.

In view of all the circumstances the committee think that it would be a generous act to let a single ray of sunshine fall upon the closing hours of this old man's life, so full of startling vicissitudes, by the prompt passage of the pending bill.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE COLUMBIA RIVER.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road."

The bill was read, as follows:

Be it enacted, etc., That "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post road," approved March 24, 1890, be, and the same is hereby, extended, revived, and declared to be in full force and effect from and after March 24, 1892. Section 12 of said act, which provides that said act shall be null and void if actual construction of the bridge therein authorized be not commenced within two years and completed within four years from the date of the approval thereof, shall be, and the same is hereby, so amended that the time within which said bridge is required to be commenced shall be within two years from June 24, 1895, and the time within which it is required that said bridge be completed shall be within four years from the 24th day of June, 1895.

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

FORT LEWIS MILITARY RESERVATION, COLO.

Mr. BELL of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain.

The bill was read, as follows:

Be it enacted, etc., That the lands included in the Fort Lewis Military Reservation, in Colorado, established by Executive order of date January 27, 1882, and located in townships 34 and 35 north, of ranges 10, 11, and 12 west of the New Mexico principal meridian, are hereby restored to the public domain.

SEC. 2. That said lands shall be subject to occupation, settlement, entry, purchase, and disposal under the public-land laws of the United States, except so much thereof as may be embraced in sections heretofore reserved for school purposes: *Provided*, That nothing in this act shall be so construed as to interfere with any rights which may have accrued previous to the withdrawal of said lands for the purposes of such reservation.

Mr. BARTLETT of New York. Reserving the right to object, I ask for some explanation of this bill.

Mr. BELL of Colorado. Do you desire the report read or some explanation?

Mr. BARTLETT of New York. Has this the approval of the Secretary of War?

Mr. BELL of Colorado. It is approved by every official interested.

In the first place, let me say to the gentleman that it is unanimously reported from the Committee on the Public Lands. There has been an effort to get this land opened up for two or three sessions of Congress by the Department, and there has been one mistake following another in reference to it. Now the Secretary of the Interior and everybody else interested approves the opening.

This is not a military reservation. It was taken out of the War Department and turned over to the Interior Department a number of years ago.

Mr. BARTLETT of New York. Does the gentleman state that there is a letter from the Secretary of the Interior approving this action?

Mr. BELL of Colorado. There is a letter stating that they have nothing to say about the manner of opening; but they extract from it the sections that are included in the amendments recommended by the Commissioner of the General Land Office; that is, the amendments propose to exclude certain land for an Indian industrial school and all general school sections. They want these sections for the purpose of an Indian industrial school.

Mr. BARTLETT of New York. Is this not a military reservation?

Mr. BELL of Colorado. Not now. It was ten or twelve years ago.

Mr. BARTLETT of New York. Is it not to-day?

Mr. BELL of Colorado. It was turned over by the Secretary of War to the Secretary of the Interior to be used as an industrial school; but there are about 30,000 acres of the land right among the peaks in the mountains. Miners are there now engaged in mining operations. This is right in the very heart of the coal and the gold section, and these men are trying to mine under difficult conditions. There is no objection from any source to the action proposed here.

Mr. BARTLETT of New York. I would like the letter of the Secretary of the Interior read and placed on record in connection with the matter.

Mr. SHAFROTH. If the gentleman will permit me, this matter was considered by the Public Lands Committee and unanimously reported. It was thoroughly investigated by the committee of which I am a member.

This land is situated about 8,000 or 9,000 feet above the level of the sea. It is not good for any purpose, except probably coal mining and mining of the precious metals, and when it is opened for private entry the Government will get out of it a much greater sum than if it were sold under the abandoned military reservation act. The abandoned military reservation acts require that the land may be advertised and sold at public auction. In that event there would be no appreciable amount received by the United States Government. But if it is opened to settlement then there will be a much greater amount received by the Government. The Secretary of the Interior has sent a letter to the gentleman from Iowa [Mr. LACEY], chairman of the Committee on the Public Lands, in which he says it is not his province to indicate in what manner the land shall be disposed of, but it ought to be disposed of in some manner.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the gentleman whether this land is to be paid for?

Mr. BELL of Colorado. Oh, yes.

Mr. SHAFROTH. Why, certainly. It can not be had in any other way, except by homestead entry, and there is hardly any of it fit for agricultural purposes.

Mr. BARTLETT of New York. Then I should like an explanation of the following words in the letter of the Secretary of the Interior:

The facts with reference to said reservation are fully set forth in the report of the Commissioner of the General Land Office, and, as stated by him, the policy of the Government has been, since 1871 to the present time, to require payment for lands in abandoned military reservations.

The question as to whether or not this policy should now be reversed is one which is wholly within the discretion and subject to the determination of Congress.

Now, as I read that, it would imply that if we pass this bill it will be a reversal of the former policy. I want an explanation of that.

Mr. BELL of Colorado. That is explained in the report.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I ask to have the report read. The report (by Mr. SHAFROTH) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain, having duly considered the same, do report:

The Fort Lewis Military Reservation was established by Executive order January 27, 1882, embracing 47.4 square miles of the public domain.

On the 12th day of November, 1891, long after said premises had been abandoned for military purposes, the Secretary of War turned all of the buildings, improvements, and premises over to the Secretary of the Interior for industrial-school purposes for educating Indians, and all of the improvements and the lands upon which they are situated and the lands adjacent thereto are now used by the Government for an Indian industrial school, and all such premises and improvements are excluded herefrom, to wit, sections 33, 34, and 35 in township 35 north, range 11 west; sections 9, 10, 11, and 12 in township 34 north, of range 11 west, and what will be, when surveyed, sections Nos. 1, 2, 3, and 4 in township 34 north, of range 11 west.

The foregoing bill was submitted to the Commissioner of Indian Affairs, and he selected the foregoing premises and informed the committee that the same would be ample for this purpose.

This reservation is near the head waters of the La Plata River, in the mountainous mining district of Colorado, called the San Juan; it is not in an agricultural country, but in the mining region of Colorado, although a very little of this reservation can be tilled and will produce such crops as will mature in an elevation 8,000 feet above sea level. Such tillable land, however, is found in small patches, the most of said reservation being rough mountainous territory only fit for mining, if good for any purpose; that the value of these lands has not been accelerated by contiguous settlement, as is usual in level agricultural countries; that it can not be put up and sold to advantage by the Government; that it is desirable, however, that it be thrown open to settlement under existing laws, that it may be prospected and located by miners if desired; and such as can be cultivated, or that may be found more valuable for other purposes than mining, may be located for such purposes under general land laws.

Therefore the committee recommend that said bill be amended by inserting, after the word "purposes," in the fifth line of the second section, the following: "to wit, sections 33, 34, and 35 in township 35 north of range 11 west; also sections 9, 10, 11, and 12 in township 34 north of range 11 west, and also what will be sections 1, 2, 3, and 4 in township 34 north of range 11 west when surveyed." Also by inserting after the last word of said bill the following: "and excluding all general school sections."

And your committee recommend that the bill as so amended do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I should like to have the gentleman who has this bill in charge explain how this bill will change the general law as applicable to military reservations which have been turned over to the Interior Department. These are mineral lands, are they?

Mr. BELL of Colorado. Yes. It is just as the report says, that you can not sell these lands at public auction for anything. They are located right in the peaks of the mountains.

Mr. DINGLEY. But if they are valuable mineral lands—

Mr. BELL of Colorado. If they are located for coal mining, every man who buys a coal claim must pay \$20 an acre. Every man who buys a lode claim pays \$5 an acre; and the committee say that the Government will get more money out of it in this way than in any other.

Mr. DINGLEY. That is, the laws applicable to mineral lands will then be applicable to this military reservation?

Mr. BELL of Colorado. Yes; and the committee decided that the Government would get more money out of it in that way than in any other.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BELL of Colorado, a motion to reconsider the last vote was laid on the table.

PETER P. FERGUSON.

Mr. STEWART of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6431.

The bill was read, as follows:

A bill (H. R. 6431) to pay Peter P. Ferguson \$1,765 and interest.

Be it enacted, etc., That the Treasurer of the United States pay to Peter P. Ferguson the sum of \$1,765 and interest thereon from December 24, 1892.

The Committee on Claims recommended the adoption of an amendment striking out the words "and interest thereon from December 24, 1892."

Mr. STEWART of Wisconsin. Mr. Speaker, I wish to offer an amendment to the bill which will obviate the objection made the other day by the gentleman from California [Mr. LOUD].

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I reserve the right to object, after the bill has been explained.

Mr. LOUD. This bill was up for unanimous consent some time ago, and the report was read. It seems to be a perfectly just claim. I objected at that time to the consideration of the bill, because it was not in proper form, as it did not set forth for what purpose the money was to be paid. The gentleman proposes to offer an amendment which will put it in proper shape.

Mr. STEWART of Wisconsin. Mr. Speaker, I ask that my amendment be reported.

The amendment was read, as follows:

Amend by adding after the word "dollars," in line 5 of printed bill, the following:

"The same being the amount of a certain judgment recovered by the United States against said Ferguson on the 24th day of December, 1892, in the circuit

court for the western district of Wisconsin for \$1,600, and also \$165 expended for costs by said Ferguson in defending the action, and which judgment was paid in full by said Ferguson, it being for the value of timber cut from certain lands in section 5, township 45 north, of range 4 west, Ashland County, Wis., by said Ferguson, and claimed by the United States, and which lands were subsequently determined by the Supreme Court in the case of Wisconsin Central Railroad Company against Forsythe to be owned by the said railroad company, through whom said Ferguson obtained his title."

Amend the title of the bill by striking out the words "with interest."

The SPEAKER. Is there objection to the present consideration of the bill as proposed to be amended?

There was no objection.

The amendment recommended by the committee was agreed to.

The amendment offered by Mr. STEWART of Wisconsin was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. DOCKERY. Ought not the title of that bill to be amended?

Mr. GRIFFIN. Mr. Speaker, I ask that the title be amended by striking out the words "and interest."

The SPEAKER. Without objection the change will be made.

There was no objection.

On motion of Mr. STEWART of Wisconsin, a motion to reconsider the vote by which the bill was passed was laid on the table.

E. R. SHIPLEY.

Mr. TRACEY. I ask unanimous consent for the present consideration of the bill (S. 67) for the relief of E. R. Shipley.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$400 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment in full to E. R. Shipley for moneys paid, by direction of Post-Office Inspector Edgerton, to parties having money in registered packages stolen from the post-office in Springfield, Mo., on the 23d day of June, 1884.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. DOWNING) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 67) for the relief of E. R. Shipley, submit the following report:

This bill is the same as House bill 608, now pending in the House and previously reported by this committee with a favorable recommendation.

Your committee therefore recommend that this bill be substituted for said House bill, and that said House bill lie on the table.

Mr. BARTLETT of New York. I ask for the reading of the full report—the report adopted by this committee. There must be a full report stating these facts.

Mr. TRACEY. There was originally a House report, for which this is a substitute. I desire to say, Mr. Speaker, that I can explain the bill so that every gentleman will thoroughly understand it. I explained it to the House when it was up before to the satisfaction of everybody. The facts are that the post-office was entered and a package of registered envelopes taken. The post-office inspector demanded that the money represented by this package of registered envelopes should be paid by the postmaster; and he did pay it, without investigation to see whether he was liable to pay it or not. He simply paid it on the demand of the post-office inspector. The full report gives the statement of the post-office inspector, as well as the statement of all other parties connected with the matter; and there can be no question whatever about the right of the postmaster to recover the money that he thus improperly paid.

Mr. LOUD. You ought to have the report read.

Mr. TRACEY. It was read before. This is a Senate bill reported back by the House committee. They have reported it favorably. The House committee have passed this bill. The full report has all these statements in it, and is an entire statement of the facts.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I would like to have read some report, if there is a report, setting forth the facts in the case.

Mr. TRACEY. The House report was read when it was called up before.

The SPEAKER. The Clerk will read the report.

The report (by Mr. DOWNING) on the bill H. R. 608 was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 608) for the relief of E. R. Shipley, having had the same under consideration, beg leave to report the same with the recommendation that it pass.

The Senate report No. 269, Fifty-third Congress, second session, on this bill fully sets forth the facts, and your committee adopt the same and make it a part of this report.

[Senate Report No. 269, Fifty-third Congress, second session.]

The Committee on Post-Offices and Post-Roads have considered Senate bill No. 199 and report as follows:

The bill is for the relief of E. R. Shipley, who was postmaster at Springfield, Mo., in June, 1884. On the 23d of June two bundles of registered matter were lost, as it was claimed, in the Springfield office. One of his clerks was charged with stealing the packages and was brought before the United States Commissioner, and, after hearing, discharged. There is nothing to show any guilt or negligence on the part of the postmaster and no suspicion attaches to him, and in the judgment of the committee he is entitled to the relief he asks.

The committee refer to report 113, Fifty-second Congress, first session, made by Mr. Sawyer, chairman of the Committee on Post-Offices and Post-Roads, where all the facts connected with the matter are stated, and the same is made a part of this report, and recommend the passage of the bill.

[Senate Report No. 113, Fifty-second Congress, first session.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 9) for the relief of E. R. Shipley, have examined the same and report:

This bill appropriates \$400 to reimburse E. R. Shipley, postmaster of Springfield, Mo., for moneys paid by him to parties whose money in registered packages was stolen. The circumstances are fully detailed in the report made by the House Committee on the Post-Office and Post-Roads, Forty-ninth Congress, first session, which is adopted, and is as follows:

"E. R. Shipley was postmaster of Springfield, Mo., in June, 1884, and for seven years previous to that time. His commission expired October 27, 1885, his successor taking charge of the office January 1, 1886; that during the discharge of the duties of the office of postmaster Mr. Shipley gave close personal attention to all the details and duties of the office. He was careful to select sober, industrious, and competent clerks therein, who observed the rules and regulations governing such offices; that on the 23d day of June, 1884, the postal clerk between Kansas City and Springfield, Mo., claimed to have thrown into his pouch for the Springfield office two bundles of registered matter; that when this pouch reached the Springfield office, on the evening of said day, it was opened by one of the sworn clerks in the office and its contents taken out in the usual and customary way; that one William A. Hoover, a clerk in the office, took charge of the registered matter; said Hoover, on his examination, under charge of stealing said parcel, swore before the United States commissioner that he placed said registered matter in the safe, locking said safe, about 8.45 p. m. on said 23d day of June; that no other person handled the registered matter except said Hoover; that no outsiders were permitted to or did enter the room during this time; that said Hoover, after a full examination was discharged. At 9.15 p. m. of said date Mr. Shipley, the postmaster, unlocked the safe and took out the registers to ascertain if they were in proper shape for dispatch. He then found all the registered matter coming from one train intact, but one bundle of registered matter claimed by the postal clerk on the Kansas City and Springfield road to have been delivered to the office could not be found.

"Mr. Shipley at once entered into a rigid investigation to ascertain by whom said registered package had been taken from the office, if by anyone, but was unable to discover by whom, if by anyone, said package was taken. The package of registers contained 30 packages, consisting of money orders, money, etc., to the amount of \$450. But thereafter, on the 2d day of July, 1884, the inspector claimed that another package, containing \$10, was lost in said office. Mr. Shipley, upon the demand of the post-office inspector, Gen. Warren P. Edgerton, paid to said inspector the amount of said losses, being in all \$460, believing that it was his duty to pay the loss, although he never saw one of the lost parcels and was guilty of no negligence whatever in connection with their loss. Thereafter he made application to the Post-Office Department for reimbursement for the amount so paid; but it was not repaid him by the Department, for the reason that under the facts in this case neither the postmaster at Springfield nor this Government was liable for this loss.

"The committee is of the opinion that the postmaster, in such a case, being guilty of no negligence in the premises, should not have been required to pay said sum of \$460, and that the sum should, in justice and equity, be refunded to him.

"The sworn statements of Mr. Shipley, as well as letters of J. J. Hanna, Gen. Warren P. Edgerton, post-office inspector, and Edwin E. Bryant, Assistant Attorney-General of the Post-Office Department, dated the first two May 9, 1885, and the latter January 23, 1886, and also a statement from McClain Jones, United States commissioner, are hereinafter set out in the appendix to this report."

APPENDIX.

Sworn statement of E. R. Shipley, late postmaster.

I, E. R. Shipley, late postmaster at Springfield, Mo., being duly sworn, depose and say that I was postmaster at Springfield, Mo., in June, 1884, and for seven years previous to that time; that my commission expired October 27, 1885, and that my successor took charge of the office January 1, 1886; that in all these eight years I gave close personal attention to all the details and business of the office, performing clerical as well as supervisory work; that my office was in that time inspected or examined by Inspectors Boyd, Baird, Anderson, and Thomas, and that their reports, I verily believe, were creditable to my administration of the office, showing that proper care and protection were given to all matter intrusted to the post-office; that on the 23d of June, 1884, there were employed in the office, as sworn clerks, F. G. Cowan, W. A. Hoover, S. H. Randolph, and F. S. Rountt; that on the 23d day of June, 1884, the postal clerk between Kansas City and Springfield, Mo., claimed to have thrown into his pouch for the Springfield office two bundles of registered matter; that when this pouch reached the Springfield office it was opened by F. G. Cowan, a sworn clerk, and its registered contents, with other matter, thrown or emptied onto a mailing table, as was the usual custom, and that William M. Hoover, a sworn clerk in the office, gathered up the registered matter and carried it into the postmaster's room, laying it on the table, where the record is taken of such matter; that the said Hoover swore before the commissioner that he (Hoover) also took the registered matter from this table and locked it in the safe; that during the time it lay on the postmaster's table no other person handled the registered matter except Mr. Hoover, who only placed it there and removed it therefrom to the safe; that no one entered the room from the time the registers were laid on the table until they were locked in the safe; that from the time the registers were received until after they were locked in the safe there were present in the post-office all the time Messrs. Cowan, Hoover, and Randolph, and a part of the time the postmaster; that at about 8.45 p. m. the registers were locked in the safe (according to sworn statement of Hoover), and that at 9.15 the postmaster came to the office, unlocked the safe, and took out the registers to ascertain if they were in proper shape for dispatch; that he found all the registered matter coming from one train intact; that only one bundle of the registers claimed by postal clerk on Kansas City and Springfield Railroad to have been thrown to the office could be found, and that I (the postmaster) at once sent for Mr. Hoover (the clerk handling the registers), who could give no information as to whether there were more registers put in the safe than I found or not.

Mr. Simpson, the postal clerk, was at once sent for, and he declared that there were two bundles, one of which contained 30 registered packages. The latter could not be found. Hoover swore before the commissioner that he put on the table all he received from the pouch; that he put in the safe all he took from the table, and that he took from the table all that he put there. At no time were all the clerks in the office more than 10 feet away from the table while the registers lay thereon, nor were there any persons other than Hoover in the room where the registers were. The room described is simply a corner of the post-office partitioned off for a postmaster's room, and the door leading thereto is through the office proper and past the employees, so that no one could enter without being seen by employees. I further declare

under oath that the manner of handling registered matter is, in my judgment, safe, and that I do not believe anyone entered the office and took the registers therefrom. Further, I declare under oath that my belief has always been that Mr. Simpson, the postal clerk, was in error in claiming that the lost matter was put in the pouch which came into this office. No clerk ever positively saw the lost matter, although after Mr. Simpson positively and emphatically declared there were two bundles, then one of the clerks thought there were two bundles. But to offset this, Mr. Hoover positively swore that all the registers from the pouch were put on the table, and afterwards, so far as he could see, the entire lot were locked in the safe.

I further declare under oath that it was my belief that it was my duty to pay the loss, although I never saw one of the lost parcels; that I wrote to chief inspector that I hoped he would give me a little time to make good the loss, and that he, from time to time, sent me statement of the losses.

I further swear that I sent to General Edgerton, inspector, St. Louis, Mo., August 26, 1884, \$100; September 13, 1884, \$350; total, \$450, to pay the losses above referred to. Also, July 2, 1884, \$10, to pay for another letter claimed to have been lost in this office, the theory of the inspectors being that, as Hoover stole the 30 packages, he, having a chance, stole the other; and the case was thus closed by inspectors on this hypothesis. I further swear that it is my belief that not one of these letters was stolen in this office, and that I was not legally or honorably bound to pay the same, but did so on application of the inspectors, recognizing them as superior in authority. I further swear that the receipts of General Edgerton for the above \$460 were sent to Hon. William H. Wade, M. C., and that I honestly believe the Government should reimburse me for the same, as suggested by the inspectors who investigated the loss.

I also swear that I have concealed no facts regarding this claim, and stand ready to furnish any additional evidence required.

E. R. SHIPLEY, *Late Postmaster.*

SPRINGFIELD, Mo., February 3, 1886.

Subscribed and sworn to before me this 3d day of February, 1886.

[SEAL]

MCLAIN JONES,
United States Commissioner.

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
St. Louis, Mo., May 9, 1885.

DEAR SIR: Upon the request of E. R. Shipley, postmaster at Springfield, Mo., asking for a statement regarding the loss of 30 registers taken from his office in the latter part of June, 1884, I beg leave to submit the following: I made a full and thorough examination of said loss, and as the result of my investigation arrested one William E. Hoover, a clerk in said office. Hoover was discharged by United States Commissioner Jones upon a preliminary hearing. Prior to my entering upon this investigation Inspector Schourte had fully investigated the case, and reported that Hoover was the guilty party. Notwithstanding the fact that Hoover was discharged by the United States commissioner, I am still fully satisfied that Hoover was one of the parties guilty of the robbery.

I am also well satisfied that E. R. Shipley, postmaster, was in no way responsible for the loss, as no carelessness or negligence was shown upon his part in the investigation.

Mr. Shipley was called upon to make good the loss resulting from said robbery, and has paid the same in full. In my judgment he should be reimbursed for the amount thus paid.

Very respectfully,

J. J. HANNA.

Gen. WARREN P. EDGARTON,
Inspector in Charge, St. Louis, Mo.

POST-OFFICE DEPARTMENT, INSPECTOR'S OFFICE,
St. Louis, Mo., May 9, 1885.

SIR: I have the honor to forward you herewith a letter from Inspector Hanna, who investigated the loss of registered packages at your office by the theft of Hoover, and for which loss you paid \$450. I considered it at that time a great hardship that you were compelled to make this loss good, and regretted that my duty called upon me to demand the money, but I have always worked upon the theory that, where the people intrust their money to the mail and it is lost while in the custody of employees of the Railway Mail Service, it should be made good.

You paid this money freely and without question upon my demand. I am of the opinion that you gave these registers the usual and ordinary care, and only lost them through the criminality of one of your clerks. If you can in any manner be reimbursed by the Government for the money paid on this account, I hope that you may accomplish this end.

Respectfully,

WARREN P. EDGARTON,
Inspector in Charge.

E. R. SHIPLEY, P. M.

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., June 23, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of date the 27th instant, relating to the loss of a registered package containing a sum of money. You state that Mr. Shipley, the postmaster at Springfield, Mo., from or in whose office the package was stolen, has paid the amount of the loss to the persons who were the losers by the theft, and that he wishes the Post-Office Department to make good the amount to him.

This can not be done. Revised Statutes, section 3926, provides that "the Post-Office Department or its revenues shall not be liable for the loss of any mail matter on account of its being registered."

The liability of the postmaster to the loser in such a case is one depending upon facts. Where a postmaster is guilty of no negligence in the premises, and a sworn assistant, appointed by him, steals the package, the postmaster is held not to be liable.

In *Keenan vs. Southworth* (110 Massachusetts, 474) it is said by Judge Gray: "The law is well settled in England and America that the Postmaster-General, the deputy postmasters, and their assistants and clerks, appointed and sworn as required by law, are public officers, each of whom is responsible for his own negligence only, and not for that of any of the others, though selected by him and subject to his orders." (*Lane vs. Cotton*, 1 *Ld. Raym.*, 641; *S. C. Mod.*, 472; *Whitfield vs. De Spencer*, *Cowp.*, 754; *Dunlop vs. Munroe*, 7 *Cranch*, 242; *Schreyer vs. Lynch*, 8 *Watts*, 453; *Bishop vs. Williamson*, 2 *Fairf.*, 443; *Hutchins vs. Brackett*, 2 *Foster*, 256.)

In the case in 7 *Cranch* the United States Supreme Court recognizes this doctrine and says that the liability of the postmaster will, in case of moneys lost in the mails, only result from his own neglect in not properly superintending the discharge of duties, when it is intended to charge him for the negligence of his assistants.

In numerous other cases the same rule is laid down, and seems to be clear that a postmaster would not be responsible for moneys stolen by a sworn clerk or assistant if the postmaster were guilty of no negligence in superintending the duties of his office or in keeping the dishonest official in employment.

This question of liability of postmasters to individuals is one that the courts, not the Post-Office Department, authoritatively decide. The inspector in this case probably deemed the postmaster negligent, and advised the payment. It was a matter, however, that the postmaster should have determined for himself, as it appears to me. Having paid it, he has no remedy against the Department.

Very respectfully,

EDWIN E. BRYANT,

Assistant Attorney-General Post-Office Department.

Hon. WILLIAM H. WADE,
House of Representatives.

SPRINGFIELD, Mo., January 15, 1886.

DEAR SIR: I examined the case of *The United States vs. William Hoover*, and although in my opinion the testimony of the witnesses that were examined in behalf of the United States was not strong enough as to facts to warrant his being held for trial, the circumstances pointed very strongly to him. In the examination of the case, which was very thorough and searching, and conducted by Hon. William Warner, who was one of the best prosecuting attorneys ever in this State, there were no facts disclosed to show any negligence or carelessness on the part of the postmaster, Mr. E. R. Shipley, and it was shown that Hoover handled this mail. There was no evidence to show that the registered matter had been handled in a careless way by the postmaster or his employees.

Respectfully,

MCLAIN JONES,

United States Commissioner.

Hon. WILLIAM H. WADE.

The bill is reported favorably with a recommendation that it do pass.

Mr. LOUD (during the reading of the report). I withdraw the demand for the further reading of the report.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. COX. Mr. Speaker, I desire to make a statement in regard to this claim that comes from the Committee on Claims, so that the House may distinctly understand what is involved in it. This postmaster of Springfield, Mo., had in his employ a certain clerk that it is almost certain and conclusive stole the packages from the post-office. The postmaster, upon that statement of facts, paid the money to the Government, and now asks to be reimbursed for the theft of one of his deputies. Now, it is true that certain statements are in this report that tend to show that the postmaster was guilty of no negligence himself, but the question of negligence or freedom from negligence can not properly be decided by the Department; and you will find upon reading it over that one of the authorities there, the Assistant Attorney-General for the Post-Office Department, concludes this question in this way:

This question of liability of postmasters to individuals is one that the courts, not the Post-Office Department, authoritatively decide. The inspector in this case probably deemed the postmaster negligent, and advised the payment. It was a matter, however, that the postmaster should have determined for himself, as it appears to me. Having paid it, he has no remedy against the Department.

That is Edwin E. Bryant, Assistant Attorney-General for the Post-Office Department.

Now, I have serious objections to all these cases; but I have said to my friend here that it might come to a vote, and if the House desires to vote for it I will not raise the question of objection, but I am satisfied this claim ought not to pass the House.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN HAYS HAMMOND.

Mr. MAHANY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, That whereas the cable report announces that John Hays Hammond, otherwise described as Eugene Hammond, an American citizen, has been condemned to death for treason in the Transvaal, the Secretary of State take immediate action to safeguard the interests of said Hammond and exert the friendly offices of that Department in his behalf, if the Secretary of State, in his judgment, deems such interposition advisable.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BARTLETT of New York. I should like to ask whether this resolution has been submitted to the Committee on Foreign Affairs, or the chairman of that committee?

Mr. MAHANY. I may respond to the gentleman that, owing to the fact that the cable reports do not announce when this sentence will be carried into execution, I deem it unnecessary that this resolution should be submitted to the Committee on Foreign Affairs. The Secretary of State is fully competent to deal with the situation, which is a matter of life and death, and hence requires immediate action.

Mr. BARTLETT of New York. I should like to ask if the Secretary of State is not competent to deal with this question without this resolution?

Mr. MAHANY. Possibly it might escape his immediate attention, but with the authority of the House of Representatives back of this request there can be no doubt that the interests of this American will be fully safeguarded. I wish to say further that,

as regards the English subjects condemned to death, the whole diplomacy and power of the British Government are certain to be exerted for the protection of their rights. It is quite likely that somebody will be made a scapegoat in the Transvaal affair, and I propose, not that any American who is guilty of wrong against a foreign Government shall escape the just consequences of his acts, but that an American citizen shall not be selected as a victim to be offered up on the altar of English conspiracy against the peace of the Boer Republic.

Mr. BARTLETT of New York. I will ask the gentleman if he is a member of the Committee on Foreign Affairs?

Mr. MAHANY. I am not; but I am a member of this House, and as such I have a right to stand here for the protection of an American citizen anywhere on the globe. [Applause.]

Mr. BARTLETT of New York. I will ask the gentleman from what source he has obtained the information that this American citizen is in danger?

Mr. MAHANY. From the published cable reports, which the gentleman must have seen if he has read his morning newspaper, and also through a dispatch from the Mail and Express, which reads:

NEW YORK, April 28.

Eugene Hammond, American, has been condemned to death for treason.

Mr. BARTLETT of New York. Eugene Hammond?

Mr. MAHANY. Yes. My resolution says "John Hays Hammond, otherwise described as Eugene Hammond." I hope the gentleman will not object to the immediate consideration of the resolution. This is a matter of urgent duty as well as a question of humanity. Nobody asks that this American shall escape the just consequences of his acts, but we do desire that immediate steps be taken to safeguard his interests and possibly his life.

Mr. McCREARY of Kentucky rose.

Mr. MAHANY. I have already yielded to the gentleman from Connecticut [Mr. HILL]. I will yield later to the gentleman from Kentucky.

Mr. HILL. Mr. Speaker, a few weeks ago I wrote to the Secretary of State in regard to Mr. Hammond at the request of one of my constituents. I received the truly American reply that the State Department had no knowledge on the subject except what had been acquired from the newspapers, but that its impression was that Mr. Hammond's interests were being guarded by the English Government. It seems to me that it is high time that the American Government protected its own citizens abroad, and I am heartily in favor of this resolution. [Applause.]

Mr. MAHANY. I yield now to the gentleman from Kentucky.

Mr. McCREARY of Kentucky. Mr. Speaker, I have no doubt that the Secretary of State will discharge his duty fully in this matter, and that all American citizens will be protected as far as we can protect them. This is an important resolution. We have a committee of this House authorized to consider such matters. No one will be endangered by this resolution going to the Committee on Foreign Affairs. That committee will take it up and act upon it promptly, and there is, in my opinion, no reason why it should not go to the committee instead of being rushed through here.

Mr. MAHANY. Before the gentleman objects, will he permit me to say that I am perfectly willing that this resolution shall go to the Committee on Foreign Affairs if the committee will hold an immediate session for its consideration? But the matter is urgent, because this American citizen may be executed to-morrow.

Mr. McCREARY of Kentucky. The time for the regular meeting of the committee is the day after to-morrow. I do not see the chairman of the committee present. However, the Secretary of State understands the situation, and I have no doubt that without this resolution he will do all that the resolution asks him to do. He will do what he can to protect this American abroad, and that is what the resolution asks him to do.

Mr. MAHANY. Let me say to the gentleman that this resolution is not in the slightest degree a criticism upon the zeal of the Secretary of State. I join with the gentleman from Kentucky in high appreciation of the ability and activity of that official, but I do ask that this matter be brought immediately to his attention. Having had some experience with the details of work in the State Department, I know that frequently matters, unless they are marked "urgent," are delayed until after the season of their utility is past.

Mr. McCREARY of Kentucky. I have no doubt that the resolution will be considered by the Committee on Foreign Affairs at the earliest practicable time, and I must object to its consideration at this time by the House.

Mr. MAHANY. I observe that the chairman of the Committee on Foreign Affairs [Mr. HITT] is in his place; and I will ask his opinion upon this subject.

Mr. BARTLETT of New York. Mr. Speaker, I raise the point of order that it is too late.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. HEPBURN. Mr. Speaker, I desire to call up the special order, House bill No. 6739, for the relief of John N. Quackenbush.

CONDEMNED CANNON.

The SPEAKER. The Chair has recognized the gentleman from New Jersey [Mr. HOWELL] to call up a bill.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls for the decoration of the soldiers and sailors' monument in said county: *Provided,* That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN N. QUACKENBUSH.

Mr. HENDERSON. I desire to submit a privileged report.

Mr. HEPBURN. I wish to call up House bill No. 6739.

The SPEAKER. The bill which the gentleman from Iowa [Mr. HEPBURN] desires to call up was made a special order after the reading of the Journal to-day.

Mr. HENDERSON. I thought that bill had been disposed of. I beg my colleague's pardon. I withhold my report for the present.

The SPEAKER. The bill which is the special order will be read.

The bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the Navy, was read, as follows:

Whereas John N. Quackenbush, late a commander in the United States Navy, was, during the month of February, in the year 1874, tried by a naval court-martial and sentenced to be dismissed from the service; and

Whereas said sentence of dismissal was, on the 9th day of June, 1874, by the President of the United States, Ulysses S. Grant, commuted to a suspension for six years on furlough pay, which sentence was fully served out until the date of the expiration thereof, to wit, on the 9th day of June, 1880, at which time the said John N. Quackenbush reported for duty to the proper authority at the Navy Department, and was by such proper authority placed upon waiting orders, and was, in all respects, recognized as and was in fact a commander in the United States Navy until August 1, 1883, having duly received his furlough pay until the expiration of his sentence of dismissal and his waiting orders pay until April 1, 1881, since which time and ever since his pay as such officer has been withheld; and

Whereas on the 10th day of June, 1874, the then President of the United States, Ulysses S. Grant, sent to the Senate of the United States the nomination of W. S. Schley to be a commander in the United States Navy, "vice Quackenbush, dismissed," which nomination was confirmed by the Senate on the 12th day of June, 1874, but it appearing to the then President of the United States and to the then Secretary of the United States Navy that the words "vice Quackenbush, dismissed," were inserted in said nominating paper by clerical inadvertence or mistake, and it not being the intention of said President to dismiss said John N. Quackenbush from the naval service, the vacancy created, shortly after said nomination of Schley, by the retirement of Commander Morris, was kept open for said Quackenbush, which said vacancy was duly filled by order of the Secretary of the Navy by the retention of said Quackenbush on the official naval list in the place of Morris, retired, until the 1st day of August, 1883, when the name of said John N. Quackenbush, in all respects and in fact a commander in the said service, was summarily dropped from said official naval list, and ordered not to be published again in the annually published register of the warrant and commissioned officers and others, by authority and direction of the then Secretary of said Navy, who, on December 13, 1883, recommended to the then President the nomination of Dennis W. Mullan, of Maryland, to be a commander in the United States Navy, "vice John N. Quackenbush, no longer in the service," which nomination was duly made by the President and confirmed by the Senate, said name of John N. Quackenbush being dropped as aforesaid by direction of said Secretary upon the authority of the decision of the Supreme Court of the United States in the case of *Blake vs. The United States* (103 U. S. Supreme Court Reports, page 237) to the effect that the President could dismiss any officer in the Army or Navy, in time of peace, by the appointment of another person in his place; and

Whereas the said John N. Quackenbush attained the age of 62 years on the 30th day of May, 1895, and would, if legally an officer of the Navy, be entitled to be placed upon the retired list, and it has become manifest that the only remedy for the relief, legally or equitably, of the said John N. Quackenbush, is by an act of the Congress of the United States: Therefore

Be it enacted, etc., That the provisions of law regulating appointments in the Navy by promotion in the line, and limiting the number of commanders to be appointed in the United States naval service, are hereby suspended for the purpose of this act only, and only so far as they affect John N. Quackenbush; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883, and to place him on the retired list of the Navy as of the date of June 1, 1895, the same as if he had never been considered out of the service since his original entrance therein.

The amendments reported by the Committee on the Judiciary were read, as follows:

Strike out the preamble of the bill.

At the end of the bill strike out the words "the same as if he had never

been considered out of the service since his original entrance therein" and insert the following:

"Provided, That he shall receive no pay or emoluments except from the date of such reappointment."

Mr. DINGLEY. Should not this bill receive its first consideration in the Committee of the Whole? I do not know whether the fact of the bill having been up before and having been postponed until to-day would change the operation of the rule in this case; but obviously the bill is one which under the ordinary rule should receive its first consideration in the Committee of the Whole.

The SPEAKER. The Chair thinks perhaps the bill ought to be considered in Committee of the Whole, as it involves pay or emoluments to this officer.

Mr. DINGLEY. Certainly the bill involves an expenditure from the Treasury.

Mr. HEPBURN. I move, then, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. SAYERS. I object. I prefer that the bill should go to the Committee of the Whole.

Mr. HEPBURN. I think I can offer an amendment which will obviate the difficulty which gentlemen suggest.

The SPEAKER. The Chair now understands that on a former day unanimous consent was given for the consideration of this bill, and that thereupon it was postponed and made a special order for to-day.

Mr. HEPBURN. That is the fact.

The SPEAKER. And consent was given at that time for the consideration of the bill in the House?

Mr. HEPBURN. That is correct.

The SPEAKER. The Chair thinks that under the circumstances the bill will have to be considered in the House.

Mr. HEPBURN. I ask unanimous consent to amend the amendment reported by the committee by striking out in lines 15 and 16 the words "June 1, 1895," and inserting "approval of this act," and by striking out in line 19 the word "reappointment" and inserting the word "retirement."

Mr. SAYERS. I should like to know from the gentleman in charge of this bill whether it is the intention to allow to those opposed to the measure an opportunity for discussion.

Mr. HEPBURN. I have no objection to that in the world.

The SPEAKER. The gentleman from Iowa asks unanimous consent for an amendment before the discussion begins. The Clerk will report the proposed amendment.

The Clerk read as follows:

In lines 15 and 16, on page 4, strike out the words "June 1, 1895," and insert "the approval of this act."

In line 19, same page, strike out the word "reappointment" and insert "retirement."

The SPEAKER. Is there objection to this amendment? The Chair hears none; and the amendment will be considered as adopted.

Mr. HEPBURN. I now yield to the gentleman from Texas [Mr. SAYERS] so much time as he may desire.

Mr. SAYERS. Mr. Speaker, this bill proposes to restore to the Navy and place upon the retired list a man who has been dismissed from the Navy in accordance with a finding of a court-martial. I know it may appear somewhat ungracious for anyone to stand on this floor and oppose what this man's friends claim is simply the correction of an injustice done him by reason of the action of the Navy Department. I will content myself on this occasion with the reading of his record, so that members of the House may decide for themselves whether it is of such a character as to justify them in passing the bill.

I will first ask the Clerk to read an abstract (furnished by the Secretary of the Navy) of the man's record of service, and I trust that members will attend to the reading.

The Clerk read as follows:

Abstract of the record of service of John N. Quackenbush, late a commander in the United States Navy.

John N. Quackenbush was appointed a midshipman in the Navy September 24, 1847, and on the 15th day of October of that year he was ordered to the U. S. S. *Cumberland*. He was warranted a midshipman July 26, 1848, and in October following was detached from the *Cumberland* and ordered to the Naval Academy, where he remained until April 9, 1849, when he was detached and ordered to the U. S. S. *Falmouth*, from which vessel he was transferred to the U. S. S. *Karitan*. He was detached from the latter vessel January 27, 1853, and granted three months' leave of absence. On the 18th of May, 1853, he was ordered to the practice ship *Preble*, where he remained until the 7th of October following, when he was detached and ordered to the Naval Academy, and while there he was dismissed from the naval service for drunkenness January 3, 1854.

On the 13th of May, 1861, Mr. Quackenbush, who had then been out of the service seven years four months and ten days, was appointed an acting lieutenant in the Navy, and ordered to report to the commandant of the navy-yard, Boston, Mass., for duty. On the 23d of May, 1861, he was ordered to the Gulf Squadron, and served on board the U. S. S. *Colorado*. He was sent from that squadron, in charge of the prize bark *Macao*, to Philadelphia, Pa., and after delivering the vessel to the United States authorities at that place, October 4, 1861, he was ordered to Hampton Roads, Virginia, for duty in the squadron under the command of Flag Officer L. M. Goldsborough, and was assigned

to the U. S. S. *Vandalia*, where he remained until February 9, 1863, when he was detached and placed on waiting orders. On the 10th of March, 1863, his restoration to the Regular Navy, in the grade of lieutenant-commander, to rank from July 16, 1862, was confirmed by the Senate, and on the 21st of March of that year he was ordered to the U. S. S. *San Jacinto*, where he remained until March 14, 1865, when he was detached and placed on waiting orders. He was ordered May 3, 1865, to the receiving ship at New York, and on the 11th of October following, he was detached from that duty and placed on waiting orders. On the 18th of December of that year he was ordered to the U. S. S. *Mackinaw*, to report for duty on the 5th of January following. He was detached from the command of that vessel April 23, 1867, and placed on waiting orders.

On the 5th of August, 1867, Lieutenant-Commander Quackenbush was ordered to command the U. S. S. *Yantic*, and he remained in command of that vessel until January 6, 1868, when he was detached and placed on waiting orders. He was ordered to examination for promotion April 3, 1868, and having appeared before the board, at Philadelphia, Pa., he was found not qualified for promotion. The finding of the board in his case is as follows:

"After maturely considering all the evidence, the undersigned, a majority of the board, are of the opinion that the mental, moral, and professional fitness of Lieut. Commander John N. Quackenbush to perform all his duties at sea in a higher grade is not satisfactorily established."

It appearing in this case that the board were not unanimous in their opinion, and that the depositions of witnesses had been taken whose testimony was material and who might, without inconvenience, have been present for oral examination, the President of the United States declined to approve the report of the board, and directed a reexamination of the case. A new board was therefore ordered to convene at the navy-yard, New York, July 7, 1868, for the purpose of inquiring into and reporting upon the case of Lieutenant-Commander Quackenbush. The board convened on the 8th of that month, and Lieutenant-Commander Quackenbush having appeared before the board, his case was reexamined, and the board reported their finding as follows:

"The board having examined all the testimony sent by the Department and witnesses called both by the Government and Lieutenant-Commander Quackenbush, and having maturely considered the same, have concluded that it can not recommend Lieutenant-Commander Quackenbush be promoted to a higher grade in the United States Navy."

On the 17th of July, 1868, Lieutenant-Commander Quackenbush, having failed to receive the recommendation of the examining board for promotion, was placed on the retired list of the Navy, in conformity with the fourth section of the act of April 21, 1864.

On the 23d of April, 1869, Lieutenant-Commander Quackenbush was ordered to duty at League Island, Pa., where he remained until October 1, 1870, when he was detached and placed on waiting orders.

By authority of a joint resolution of Congress approved February 6, 1871, Lieutenant-Commander Quackenbush was restored to the active list of the Navy May 4, 1871, to rank from September 29, 1868. On the 12th of May, 1871, he was ordered to examination for promotion. The board before which he appeared found him qualified for promotion, and he was accordingly promoted to the grade of commander May 25, 1871. The report of the board is as follows:

"The board, in accordance with the law, have examined Lieut. Commander John N. Quackenbush as to his moral, mental, physical, and professional fitness for promotion to the grade of commander. The records of the Department show that this officer has been twice examined for promotion, by two boards of officers. The findings in either case did not recommend him for promotion, and consequently he was placed on the retired list. Since then, by a law of Congress and the approval of the President, Lieutenant-Commander Quackenbush has been restored to the active list. The board does not therefore consider it its duty to go behind the action of the highest authority in this case, and this officer having passed a satisfactory examination before this board, he is accordingly recommended for promotion."

On the 9th of June, 1871, Commander Quackenbush was ordered to command the U. S. S. *Wasp* on the South Atlantic station. He remained in command of that vessel until February 17, 1873, when he was detached, ordered home, and placed on waiting orders.

In February, 1874, Commander Quackenbush was tried before a general court-martial for drunkenness, sentenced to dismissal, and the sentence was approved June 5, 1874, and he was dismissed June 9, 1874.

On the 10th of June, 1874, Lieut. Commander W. S. Schley was nominated for promotion to the grade of commander from that date, vice Commander John N. Quackenbush, dismissed; which nomination was confirmed by the Senate on the 12th of the same month.

It appears from the records of the Department that, under date of June 12, 1874, the Secretary of the Navy addressed a letter to Commander Quackenbush, requesting him to return the order dismissing him from the Navy; that the latter returned the order referred to in a letter dated June 15, 1874; that his name was thereupon omitted from the navy list in the Navy Register, which was published in July, 1874; that about six months later, December 8, 1874, the following letter was addressed to Commander Quackenbush by the Secretary of the Navy, informing him that the sentence of dismissal in his case was mitigated to suspension from rank and duty, on furlough pay:

"The naval general court-martial by which you were tried in February last found you guilty of the charges preferred against you and sentenced you to be dismissed from the naval service of the United States. This sentence was, on the 9th day of June, 1874, mitigated to suspension from rank and duty, on furlough pay, for six years, the suspension to date from that date."

Commander Quackenbush's name was restored to the navy list and appeared in the list of commanders in the Annual Navy Register issued in January, 1875.

Commander Quackenbush remained under suspension until the 9th of June, 1880, the date of the expiration of the mitigated sentence of the court, and his name was continued in the Navy Register until August 1, 1883, on which date, in view of the decision of the Supreme Court in the case of *Charles M. Blake vs. The United States* (13 Otto, 227), his name was dropped from the navy list.

Mr. SAYERS. I desire to submit also in this connection a copy of a letter addressed by the Secretary of the Navy (Hon. William E. Chandler) to Hon. EUGENE HALE on the 12th of February, 1885, when a bill for his restoration to the Navy was pending before Congress.

The Clerk read as follows:

[Copy.]

NAVY DEPARTMENT, Washington, February 12, 1885.

SIR: The receipt is acknowledged of your letter of the 5th instant, in which, by direction of your committee, information is desired, and also the views of the Department concerning the bill S. 2512, "touching the grade of commander in the Navy, and to correct an error in relation to an appointment thereto."

The bill names John N. Quackenbush five times in the preamble and twice in the body of the act, and was drawn solely with the view of effecting the

appointment of the person so named to the office he once held, as commander in the United States Navy.

The bill, however, carefully omits to narrate certain facts important to be considered. It states that said Quackenbush, a commander in the Navy, was, on June 9, 1874, in pursuance and in mitigation of a court-martial, suspended by the President for six years on furlough pay. It does not state for what offense he was tried nor what was his sentence. The report also made by your committee March 6, 1884 (Forty-eighth Congress, first session, Report No. 275), which appears to contain a full history of the case, says of the court-martial only that "he was tried by a naval court-martial in February, 1874, and sentenced to dismissal," but fails to state for what offense he was tried. The omitted facts are as follows:

On the 9th of June, 1871, Commander Quackenbush was ordered to command the U. S. S. *Wasp* on the South Atlantic Station. He remained in command of that vessel until February 17, 1873, when he was detached, ordered home, and placed on waiting orders. In February, 1874, he was tried before a general court-martial on the following charges and specifications:

Charge I.—Drunkenness. Specification 1. That on or about the 16th day of May, in the year 1872, the said Commander J. N. Quackenbush, then in command of the U. S. S. *Wasp*, was drunk on board the English mail steamer *Donro* at Montevideo.

Specification 2. In this, that on or about the 20th day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the U. S. S. *Wasp*, was drunk on board the said vessel at Colonia, Uruguay.

Specification 3. In this, that on or about the 8th day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the U. S. S. *Wasp*, was scandalously drunk at a ball given by the Club Libertad, at Montevideo, and deported himself in such a manner as to disgrace the uniform of an officer of the United States Navy.

Charge II.—Scandalous conduct tending to the destruction of good morals. Specification 1. In this, that during the months of April, May, and June, in the year 1872, the said Commander J. N. Quackenbush, being then in command of the U. S. S. *Wasp*, indulged to excess in the use of intoxicating liquor.

Specification 2. In this, that on or about the 3d day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the U. S. S. *Wasp*, in consequence of excessive use of intoxicating liquor, was in such a condition as to require to be medically treated for alcoholism.

Commander Quackenbush was found guilty of all the specifications and both the charges, and was sentenced by the court "to be dismissed from the naval service of the United States." The sentence of dismissal was confirmed by the President on the 5th of June, 1874, and in a letter dated the 9th of the same month the Department informed Commander Quackenbush of the sentence of the court and the action of the President thereon, and that he would from that date cease to be an officer of the Navy. It further appears that Commander Quackenbush commenced his naval career with drunkenness. September 24, 1847, he became a midshipman and served on shipboard and at the Naval Academy, and January 3, 1854, he was dismissed by the following letter:

"NAVY DEPARTMENT, Washington, January 3, 1854.

"SIR: As you have again been reported to the Department for drunkenness, I have to inform you that you are dismissed from the service, and will, from this date, no longer be regarded as a midshipman in the Navy.

"I am, respectfully, etc.,

"J. C. DOBBIN, Secretary of the Navy.

"Midshipman JOHN QUACKENBUSH,

"Naval Academy."

May 13, 1861, Mr. Quackenbush was appointed an acting lieutenant in the Navy. On two examinations as to his mental, moral, and professional fitness for promotion he was reported as disqualified, and thus, at last, forced on the retired list. Congress by special act restored him to the active list. The abstract of his record of service, herewith transmitted, shows how he managed to pass his examination for promotion. Three years afterwards he was, as above stated, tried for drunkenness and dismissed.

The fact from which it is argued that Mr. Quackenbush should be restored to the Navy is that six months after the President had, June 5, 1874, approved his sentence of dismissal and had, on June 9, 1874, actually dismissed him, the Secretary of the Navy, on the 8th of December, 1874, addressed to him a letter stating that his sentence had been, on the 9th of June, 1874, mitigated to suspension from rank and duty on furlough pay, for six years. Letters are also produced from ex-President Grant, dated February 10, 1882, and from ex-Secretary Robeson, dated February 16, 1882, in which they say they are quite sure the sentence was mitigated June 9, 1874.

Without intending any reflection upon the distinguished signers of these letters, it is permissible to say that it will not be wise to base action upon the recollections of ex-officers made eight years after official transactions have occurred, the effect of which, as recorded, they are besought to vary by their subsequent unofficial statements. The record shows a formal dismissal of Quackenbush on the 9th of June. On the 10th of June W. S. Schley was nominated to the Senate "vice Quackenbush, dismissed," and was confirmed June 12. No record whatever of the alleged mitigation has ever appeared, and no such record was in fact ever made, either on the 9th of June or at any time afterwards. Only on the 8th of December the Secretary wrote a letter stating that the sentence had been in fact mitigated June 9. Contemporaneous evidence of mitigation is entirely wanting.

June 12, 1874, the Secretary wrote Mr. Quackenbush, at Boston, to return the letter of dismissal, and on June 15 it was so returned. This may indicate an intention in the mind of the Secretary to consider an attempt to review the case and reverse the dismissal, but he, in fact, made no such attempt until December 8, and the very circumstance that he wrote the letter of June 12, and yet did nothing more till December, is strong evidence that no mitigation had been in fact made on June 9. If it had not been made on the latter date, it could not be made afterwards, and Quackenbush was irrevocably ejected from the Navy, according to the decision of the Supreme Court in *Blake vs. The United States* (13 Otto, 227).

The reason why an officer should not, on any pretext, be restored to the Navy who has been twice dismissed for drunkenness, once as a midshipman and once as a commander, is very evident. My views on this question have been expressed in a court-martial order, dated May 20, 1884, and a letter concerning the same, dated May 20, 1884, and also in a letter to the chairman of your committee, dated June 18, 1884. Copies of which are hereto annexed.

Consider for a moment the result of such a restoration. It places the officer on the active list. He then stands in order for sea duty. When his turn comes shall he, with his record, be sent to sea? What Secretary would dare to send him, perhaps to sink ships and seamen, as another drunken and dismissed commander, forced back into the Navy by act of Congress, did sink the *Ashuelot* and destroy eleven lives? If he is not to go to sea in his turn, why should he stand upon the active list, preventing the promotion of a faultless naval officer, and disgracing an honorable profession?

Such worthless officers distributed along the list bring the whole personnel into disrepute. With all the force which I can properly exert, and all the feeling I have any right to exhibit, I protest against the restoration of persons who are, or ever have been, drunkards to the active list of the Navy.

The unconstitutionality of this bill should also, in my judgment, prevent its passage. Any act of Congress which in effect directs or requires the appointment of a particular person named, or an officer of the United States, is an encroachment upon the Presidential power of appointment, and is, therefore, unconstitutional and void, because, by section 2 of Article II of the Constitution, all officers of the United States (excepting certain special classes of appointees) are to be appointed by the President, with the advice and consent of the Senate; and the legislative branch of the Government, being the Congress, composed of the Senate and House, authorized to legislate concurrently, with the approval of the President, or without such approval, if by a two-thirds vote, can constitutionally take no part in the function of appointment.

The above propositions are not disputed by the advocates of such bills, but they are claimed to be inapplicable to the various statutes which have been enacted or are proposed.

It is argued that as the statutes only give authority to appoint, and do not contain mandatory words, the President still retains his discretion, and therefore there is no interference with his prerogative.

It may be replied that the effect of such statutes is compulsory. If the selection of the particular individuals to nominate and, with the consent of the Senate, to appoint to office is the sole prerogative of the President, he is entitled to exercise it absolutely free from even the appearance of pressure or interference from the Legislature. The word "may" is often construed as "shall," and the word "authorized" as "directed." The passage of an act of legislation creating an office to which a named individual, if anyone, must be appointed, or authorizing the appointment to a specified office of that individual, is a legislative device for placing that particular person in office, and in effect is a coercion by the legislature of the appointing power, which is not mitigated by merely using the words "may" and "authorize" instead of "shall" and "directed."

If the public interests require a new office to be created, the Legislature may create it. If these interests require that a particular person should fill it, it is to be presumed that the President will select him. But the privilege of directing him to do so does not exist in the Legislature, and introducing the particular person's name into the act in any connection savors of coercion. To say that it is inserted as mere advice is disingenuous. In every case there is a condition without compliance with which the legislation is inoperative, namely, the condition that the designated person and no other shall be appointed. This is not advice, but requirement. If advice merely is meant, the Executive is entitled to be treated to it in some other form than one which requires him to affix his signature of approval to the advice before he considers whether it will be wise to follow it. The essence of this whole vicious system of special legislation is practical coercion of the appointing power. Eliminate that element, and bills to reach special cases will rarely be desired.

II. Precedents for bills of this character are cited. It is admitted that there are such; enough to show that a dangerous and injurious practice has lately arisen, but they are too few and too recent to fix irrevocably an erroneous construction of the plain language of the Constitution. The first special statute that can be discovered in the naval records was that of Capt. Charles Stewart, on March 2, 1859. The first case in the Army appears to have been that of Maj. James Belger, on March 3, 1871. February 29, 1884, the grade of Lieutenant-General was revived, but no mention was made of the officer to be appointed. July 25, 1866, the grade of general was revived, but Congress carefully refrained from naming the appointee.

All earlier legislation of the Republic under our present Constitution creating offices avoided specifying the persons to be appointed. The Congress of the old Confederacy had the power of appointing all officers of the land forces in the service of the United States, excepting regimental officers, appointing all the officers of the naval force and commissioning all officers in the service of the United States. But from the adoption of the present Constitution in 1787, vesting the appointing power in the Executive, for about eighty years no discovery was made of the existence of the legislative power of appointment in the Congress of the United States, which is now set up. The occasion has arisen for returning to the correct construction of the Constitution and establishing the true line of separation between the legislative and executive branches of the Government. Gradual encroachments of one branch upon the other will not be infrequent in the working of our system. The opportunities which may occur for retreating from such encroachments should always be unhesitatingly and courageously seized. By a frequent recurrence to the fundamental principles of the Constitution will its vigor be best preserved.

III. The laws requiring promotions in the Army and Navy to be made according to seniority of rank are mentioned. But general laws regulating the power of appointments are not usurpations of it. The right to regulate and even limit by law the power may be conceded, while the right to actually exercise it is denied and resisted. The line of distinction can easily be drawn between a law prescribing general rules and restrictions to govern the method of making appointments and a law naming a particular appointee. The one may be constitutional; the other is not.

IV. It is said that if such laws are unconstitutional no reparation can be made where an officer, by final sentence of a court-martial, has been dismissed from office, but it afterwards clearly appears that he was innocent and his punishment undeserved. The assertion is incorrect. Reparation in such case may be made, but it must be done constitutionally. To effect it the Legislature can neither annul a final judgment of a court, nor exercise the appointing power. If a judgment is for the payment of money, the Legislature can not destroy the sanctity of the judgment, but it may release or return the amount. Whatever reparation or restitution can be afforded by legislation alone, the Legislature may undoubtedly give. But where such can not be given without an appointment to office the Legislature must stop short. If the creation of a new office is necessary, the Legislature may create it, but can not say that it shall be filled by the appointment of the particular individual who has lost a similar office. Whether or not to make that portion of the reparation is the exclusive prerogative of the Executive, and while deciding the question he is entitled to be absolutely free from any apparent or actual coercion by the legislative branch of the Government.

V. If it is conceived that the law now proposed obviates the objections to the requirement of the appointment of a named person, an examination of the bill will dispel that opinion.

It is true that the enacting clause varies from the form heretofore used in such cases. Instead of saying that the President shall appoint Quackenbush a commander in the Navy, it says that he "shall nominate, and by and with the advice and consent of the Senate appoint a commander who shall take rank and position in the Navy as and of the time of the suspension of said Quackenbush." * * * or such commander so appointed shall receive pay from the date when said suspension took place."

The act also declares that if the President shall "appoint said Quackenbush" he shall not be overpaid; and it also names Quackenbush five times in the preamble, reciting the facts in his case (except his conviction and dismissal for drunkenness), and it declares the purpose of the act to be to restore him to the same rank and position "as if said dismissal had not been made." If there is the least weight in the constitutional objection to acts of Congress for the appointment to offices of the United States of particular persons

named in the acts this bill is obnoxious in the fullest degree. The attempted evasions of the objection only make the intended coercion more apparent. It peremptorily commands the Executive, if he does not appoint Quackenbush, to appoint some other person, who shall be a commander with the rank and position which Quackenbush had when dismissed in June, 1874, and who shall receive pay from the date of that dismissal; that is, eleven years' pay as a commander, without being in office or serving the Government a single day during the whole period. Surely this is not merely the creation of an office, leaving it discretionary with the President to determine who shall fill it.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

HON. EUGENE HALE,
United States Senate, Member Committee on Naval Affairs.

Mr. HEPBURN (before the reading was concluded). I call the attention of the gentleman from Texas to the fact that the portion of the letter which the Clerk is now reading is not pertinent to this bill.

Mr. SAYERS. The reading will be concluded in a few moments.

Mr. HEPBURN. This bill has none of the features that the letter of the Secretary of the Navy as now read comments upon.

Mr. SAYERS. The House will so understand. The reading will only take a few minutes longer.

Mr. HEPBURN. I thought perhaps the reading of those portions of the letter might be an unnecessary consumption of time, as this part of the document is not pertinent to this bill.

Mr. SAYERS. I would like to have the reading of the letter concluded.

The Clerk resumed and concluded the reading.

Mr. SAYERS. Mr. Speaker, I have nothing to add to the record of Mr. Quackenbush as read in the presence of the House. If members of the House with these facts before them can vote to restore him to the Navy and place him on the retired list, they will do so, it seems to me, in the face of a very bad record, and despite anything else that can be said against him.

Mr. STEELE. I have tried to listen carefully to the reading of this report. There was, as I understand, an order made by the President mitigating the sentence of the court-martial (which provided for dismissal from the service) to suspension for six years.

Mr. SAYERS. It is so stated.

Mr. STEELE. Now, as I understand from the reading, that order was made about six years after the dismissal.

Mr. SAYERS. No; it is claimed by the friends of the bill that the order of mitigation was made on June 9, 1874, though no record of such order is to be found at the Navy Department.

Mr. STEELE. And further, if the gentleman will permit me in that same line, I gather from the reading of the report that there was some doubt as to whether the President had written or ordered such a letter at all as that which emanated from the Secretary of the Navy without any authority.

Mr. SAYERS. The record shows that on the 9th day of June, 1874, Mr. Quackenbush was dismissed from the service. I will read from the record in verification of the date stated. The record shows that in February, 1874, Commander Quackenbush was tried before a general court-martial and sentenced to dismissal, and the sentence approved June 5, 1874, and he was dismissed June 9, 1874. On the 10th of June, 1874, Lieutenant-Commander Schley was nominated for promotion to the grade of commander from that date, vice Commander John N. Quackenbush, dismissed, which nomination was confirmed by the Senate on the 12th day of the same month.

Mr. STEELE. That would put Quackenbush out whether the court-martial proceedings had been held or not.

Mr. SAYERS (continuing). And here is the situation that appears with reference to this matter from the papers which are on file in the Department:

It appears from the records of the Department that under date of June 12, 1874, the Secretary of the Navy addressed a letter to Commander Quackenbush, requesting him to return the order dismissing him from the Navy.

Let it be noted, Mr. Speaker, that this was on June 12, 1874, three days after he was dismissed, and two days after Lieutenant-Commander Schley was nominated, and on the very same day that the Senate confirmed his nomination.

That Quackenbush returned the order referred to in a letter dated June 15, 1874; that his name was thereupon omitted from the Navy list in the Navy Register, which was published in July, 1874; and about six months later, December 8, 1874, a letter was addressed to Commander Quackenbush by the Secretary of the Navy, informing him that the sentence of dismissal in his case was mitigated to suspension from rank and duty on furlough pay.

Mr. STEELE. But I understood in the Chandler letter that there was no authority for the Secretary of the Navy to make such a statement or order, and that the President had not authorized him to do so.

Mr. SAYERS. He says there was no record of any such order.

Mr. STEELE. Yes.

Mr. SAYERS. He also says that the only record is the letter that was written by the Secretary of the Navy on the 12th of June, 1874, to Commander Quackenbush, requesting him to return the

order; and that on the 15th day of June, 1874, Quackenbush returned the order. But it was not until December 8, 1874, that the letter was written by the Secretary of the Navy to Quackenbush, informing him that the sentence had been mitigated to suspension from rank and command. This is all I think necessary to say in connection with the matter.

Mr. STEELE. But there was no authority for this letter of the Secretary of the Navy, apparently.

Mr. SAYERS. Apparently, no.

Mr. HEPBURN. Mr. Speaker, the question presented by the pending bill is as to whether or not Congress will do an act of justice to a man who was once in its service. I have nothing to say, and it is not necessary for me to say anything, in connection with this discussion or to make any reply to what has been said in regard to the letter of the Secretary of the Navy or with reference to the charges which seem to have been substantiated against this officer in the trial before the court-martial. All of these matters were matters that were known to the Department and to the President at the time he mitigated the punishment, or rather the sentence, of the court-martial from dismissal to a suspension. And I might say here that all the testimony—and there is much of it—goes to show and does show that for years, ever since the action of the President in the case, the life of this officer has been without reproach. No charge of any kind is made against him or his decorous conduct, and there is much proof to show that he has been entirely free from this vice ever since.

This letter of the Secretary of the Navy, in which the statement is made so confidently that he ceases to be an officer of the United States on the 9th day of June, 1874, seems to be disproved by this fact, that his dismissal from the register did not occur until a late date, 1882, and for more than a year after the writer of that letter was Secretary of the Navy.

The name of Commander Quackenbush stood upon the register, he drew his pay during all this period, and that, it seems to me, ought to be a sufficient answer. But, further, it is intimated in the letter and stated by the gentleman on the floor in this discussion that a long time after the approval of the sentence this attempted or asserted mitigation of the sentence occurred. I want to call attention to a copy of a letter I have in my hand. General Grant writes, under date of February 10, 1882:

I remember of Commander Quackenbush, but not the details of my action. I have no doubt, however, but that the Hon. George M. Robeson, then Secretary of the Navy, knows and remembers all about it.

I do know, however, the intention was not to put him out of the service, and I now recommend his nomination to the vacancy which was kept open for him from the time of the first vacancy after the promotion of Schley.

The fact that Executive action was delayed so long in the case of Commander Quackenbush—

This refers to the fact that the court-martial occurred in the early part of 1874 and the action upon that report did not occur until June—

The fact that Executive action was delayed so long in the case of Commander Quackenbush, at the request of Mr. Samuel Howe, shows quite conclusively that the approval of the sentence and commutation were done at one and the same time. My decision was probably given verbally to the Secretary, and the mistake in the record has been made by a clerk.

Very truly, yours,

U. S. GRANT.

There is proof most conclusive that the act of clemency was not an afterthought, that it did not occur six months after, as suggested by the gentleman from Texas [Mr. SAYERS], but that it was concurrent with the other action. But again, here is a letter from the then Secretary of the Navy. I read only the part that is pertinent here:

The action of approval and mitigation was at one and the same time, whatever the records in the Department may appear to show. The direction to me being verbal, and a letter being sent by me at once to Commander Quackenbush, and afterwards, in December, the letter promulgating the finding and mitigation. I may have rested content with my action and neglected to order or to make full indorsement on the records.

Now, this clearly shows that the order of appointment of Schley "vice Quackenbush" was an error committed in some incomprehensible way by the Department.

But, Mr. Speaker, this matter has been inquired into by one of the courts of this District. An application for a writ of mandamus directed to the Hon. Hilary A. Herbert, Secretary of the Navy, commanding him to cause the name of the relator to be restored to the Official Register of the commissioned, warrant, and volunteer officers of the Navy of the United States, and to cause the same to be printed upon the list of commanders in the next lawfully authorized publication of that Register, was begun in this suit. As I am informed, there was a full investigation of all the facts in connection with the matter, all that the Government could say and all that the relator had to say. The court refused the writ, because it had no jurisdiction of that matter, but the court in its decision goes on to discuss the case and says:

The situation of the relator seems to be remediless save by Congressional action. He appears to have been effectually displaced from the service by inadvertence or by accident in 1874, and by purpose and design in 1883.

The court goes on to say:

The inadvertence or mistake in the nomination of Schley "vice Quackenbush, dismissed" is demonstrated by the fact of the commutation of his sentence by the President on June 9, 1874, to six years' suspension; by his retention on the list as commander, suspended from rank and duty on furlough pay until July 9, 1880; by his being then placed on waiting orders, and drawing the appropriate pay until April, 1881, and by the keeping for him unfilled during these years a vacant position of commander.

He was dropped in 1883 because of the decision in the Blake case, and his displacement was intentionally made effectual, and the lack of intention in the displacement of 1874 emphasized by the nomination to and confirmation by the Senate in December, 1883, of Mullan, "vice John N. Quackenbush, no longer in the service."

That was in 1883, mind you, gentlemen. All of these years the Navy Department recognized the fact that this man was not dismissed in 1874. All these years they recognized the fact that there was clemency shown to him, and that he was still in the Navy on retired pay. The court goes on further to say:

The correction of this error from which Commander Quackenbush has so long suffered would be a simple act of justice. It should be corrected not only as matter of righting a wrong to an injured and powerless citizen, but as a matter of honor on the part of a great and just Government. The remedy, however, is not in the courts, but in Congress.

Now, Mr. Speaker, I do not care to occupy more time. I believe this is a simple act of justice. This man has suffered the full punishment inflicted upon him by the court and approved by the President. His sentence expired in June, 1880. For nearly sixteen years he has been striving to secure remedy for this gross wrong. I believe the House ought to pass this bill. He will now go upon the retired list. He is an old man, not fit for active service, and placing him on the retired list is but inadequate and incomplete justice in his case.

The SPEAKER. The question is on the committee amendment. The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, on a division (demanded by Mr. SAYERS) there were—yeas 59, noes 17.

Mr. SAYERS. Mr. Speaker, I am not willing that this bill should be passed by such a vote as this. If the gentleman will allow a yea-and-nay vote to be taken to-morrow morning, just after the reading of the Journal, that will be satisfactory.

Mr. HEPBURN. Let us take it now.

Mr. SAYERS. There is not a quorum here now.

Mr. HEPBURN. I think there is, or will be.

Mr. SAYERS. Very well, let us have the yeas and nays.

Mr. BAILEY. Before the announcement is made, of course, it is understood that my colleague does not lose the right to make the point of no quorum.

The SPEAKER. The gentleman asks unanimous consent that the vote be taken by yeas and nays. Is there objection?

Mr. FAIRCHILD. I object.

Mr. SAYERS. No quorum, Mr. Speaker.

The SPEAKER. The yeas and nays are demanded—

Mr. SAYERS. After conferring with the gentleman from Iowa, I understand that he has no objection to having an order entered directing that a yea-and-nay vote be taken to-morrow.

Mr. HEPBURN. I think upon reflection I should prefer to have the vote taken now. I think there is a quorum here.

The SPEAKER. Does the gentleman from Texas make the point of no quorum?

Mr. SAYERS. No quorum, Mr. Speaker.

The SPEAKER proceeded to count the House. Pending the count,

Mr. SAYERS said: Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman withdraws the point of no quorum and demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 48, not voting 144; as follows:

YEAS—162.

Abbott,	Chickering,	Graff,	Johnson, Cal.
Acheson,	Clark, Iowa	Griffin,	Joy,
Allen, Utah	Clark, Mo.	Griswold,	Kerr,
Anderson,	Coffin,	Grow,	Kirkpatrick,
Apsley,	Colson,	Hainer, Nebr.	Knox,
Arnold, Pa.	Cook, Wis.	Hall,	Kulp,
Arnold, R. I.	Cooper, Wis.	Hardy,	Kyle,
Atwood,	Corliss,	Harmer,	Leighty,
Baker, Md.	Crowther,	Harris,	Leisenring,
Baker, N. H.	Culbertson,	Hartman,	Leonard,
Barham,	Curtis, Kans.	Hemenway,	Lester,
Bartholdt,	Daniels,	Henderson,	Lewis,
Bartlett, Ga.	Dayton,	Henry, Ind.	Long,
Bennett,	De Witt,	Hepburn,	Low,
Berry,	Doolittle,	Hicks,	Mahany,
Black, Ga.	Eddy,	Hilborn,	Mahon,
Blue,	Evans,	Hill,	McCall, Mass.
Bowers,	Fairchild,	Howe,	McCall, Tenn.
Brewster,	Fischer,	Howell,	McCleary, Minn.
Broderick,	Gamble,	Hubbard,	McCormick,
Brown,	Gardner,	Huff,	McCleary, Ky.
Burton, Mo.	Gibson,	Hunter,	McClachlan,
Burton, Ohio	Gillet, N. Y.	Hurley,	Meiklejohn,
Calderhead,	Gillett, Mass.	Jenkins,	Mercer,

Miller, Kans.
Milliken,
Minor, Wis.
Moody,
Morse,
Newlands,
Otey,
Otjen,
Overstreet,
Parker,
Patterson,
Payne,
Pearson,
Pendleton,
Perkins,
Phillips,
Pickler,

Poole,
Pugh,
Ray,
Reyburn,
Robertson, La.
Royce,
Russell, Conn.
Russell, Ga.
Sauerharing,
Scranton,
Settle,
Shafroth,
Sherman,
Simpkins,
Smith, Ill.
Southard,
Spalding,

Sperry,
Stahle,
Stallings,
Stewart, N. J.
Stewart, Wis.
Stokes,
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Sulloway,
Tawney,
Thomas,
Towne,
Tracewell,
Tracey,
Treloar,
Turner, Va.

Underwood,
Updegraff,
Van Horn,
Van Voorhis,
Walker, Va.
Wanger,
Warner,
Watson, Ind.
Watson, Ohio
Wellington,
Wilson, Idaho
Wilson, N. Y.
Woodard,
Woomer,
Wright.

NAYS—48.

Baker, Kans.
Bartlett, N. Y.
Beach,
Bell, Colo.
Bell, Tex.
Bishop,
Burrell,
Clardy,
Cobb,
Connolly,
Cooper, Tex.
De Armond,

Dingley,
Dinsmore,
Downing,
Ellett, Va.
Hendrick,
Henry, Conn.
Jones,
Kem,
Latimer,
Layton,
Little,
Loud,

Loudenslager,
McClellan,
McCulloch,
McRae,
Miles,
Milnes,
Northway,
Pitney,
Sayers,
Shuford,
Snover,
Spencer,

Steele,
Strait,
Strowd, N. C.
Talbert,
Tate,
Terry,
Turner, Ga.
Washington,
Williams,
Wilson, Ohio.
Wood,
Yoakum.

NOT VOTING—144.

Adams,
Aitken,
Aldrich, Ala.
Aldrich, Ill.
Allen, Miss.
Andrews,
Avery,
Babcock,
Bailey,
Bankhead,
Barney,
Barrett,
Belknap,
Bingham,
Black, N. Y.
Boutelle,
Bromwell,
Brosius,
Brumm,
Buck,
Bull,
Cannon,
Catchings,
Clarke, Ala.
Cockrell,
Coddling,
Cooke, Ill.
Cooper, Fla.
Cousins,
Cowen,
Cox,
Crisp,
Crowley,
Crump,
Cummings,
Curtis, Iowa

Curtis, N. Y.
Dalzell,
Danford,
Denny,
Dockery,
Dolliver,
Dovener,
Draper,
Elliott, S. C.
Ellis,
Erdman,
Faris,
Fenton,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Goodwyn,
Grosvenor,
Grout,
Hadley,
Hager,
Haltermann,
Hanly,
Harrison,
Hart,
Hatch,
Heatwole,
Heiner, Pa.
Hermann,
Hitt,
Hooker,
Hopkins,
Howard,
Hulick,

Huling,
Hull,
Hutcheson,
Hyde,
Johnson, Ind.
Johnson, N. Dak.
Kendall,
Kiefer,
Lacey,
Lawson,
Lefever,
Linney,
Linton,
Livingston,
Lockhart,
Lorimer,
Maddox,
Maguire,
Marsh,
McClure,
McDearmon,
McEwan,
McKenney,
McLaurin,
McMillin,
Meredith,
Meyer,
Miller, W. Va.
Miner, N. Y.
Mondell,
Money,
Moses,
Mozley,
Murphy,
Neill,
Noonan,

Odell,
Ogden,
Owens,
Powers,
Price,
Prince,
Quigg,
Raney,
Reeves,
Richardson,
Robinson, Pa.
Rusk,
Shannon,
Shaw,
Skinner,
Smith, Mich.
Sorg,
Southwick,
Sparkman,
Stephenson,
Strong,
Sulzer,
Swanson,
Taft,
Tayler,
Tucker,
Tyler,
Wadsworth,
Walker, Mass.
Walsh,
Wheeler,
White,
Willber,
Willis,
Wilson, S. C.
Woodman.

So the bill was passed.

Mr. STALLINGS. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. STALLINGS. I desire to vote.

The SPEAKER. Was the gentleman present when his name was called?

Mr. STALLINGS. I answered, but they did not get it down.

The name of Mr. STALLINGS was then called, and he voted "yea."

Mr. McMILLIN. Mr. Speaker, I am paired with the gentleman from Maine, Mr. BOUTELLE.

The following additional pairs were announced:

On this question:

Mr. SOUTHWICK with Mr. ELLIOTT of South Carolina.

Mr. CANNON with Mr. BANKHEAD.

Mr. HULING with Mr. MEYER.

Mr. BABCOCK with Mr. RICHARDSON.

The result of the vote was then announced as above recorded.

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. ELLETT of Virginia on the Committee on the Merchant Marine and Fisheries.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I present a privileged report. The Clerk read as follows:

The Committee on Rules, having had under consideration resolution No. 274, report the same back to the House with the following substitute, the adoption of which is hereby recommended:

Resolved, The House shall, immediately upon the passage of this resolution, enter upon the consideration of House bill 8110, "A bill to establish a uniform law on the subject of bankruptcy throughout the United States"; that the remainder of this day and Wednesday, April 23, and Thursday, April 30, shall be devoted to general debate upon said bill; that Friday, May 1, and

Saturday, May 2, until 4 o'clock p. m., shall be devoted to the consideration of said bill under the five-minute rule; and at 4 o'clock p. m., May 2, the bill shall be reported, with any amendments that may have been adopted, to the House, and the previous questions shall be considered as ordered on said bill and amendments to its final passage.

Mr. HENDERSON. I move the previous question.

Mr. BAILEY. Mr. Speaker, as my friend from Iowa understands, there may be two substitutes offered, and possibly there will be, and probably under the rule we would only have an opportunity to offer one. I am willing to simply take his assurance, that if the friends of voluntary bankruptcy desire to submit two substitutes they shall have the right to do it.

Mr. HENDERSON. I have only heard of one, but of course it is nothing but fair to those who are in favor of voluntary bankruptcy that they should have an opportunity to offer a substitute.

Mr. BAILEY. I may say that there are those who desire that the estate shall be administered under the State laws and distributed according to the State laws, and there are others who desire a purely voluntary system, who desire that the administration of the estate should be regulated by the law in the Federal courts. It is possible we may get in one substitute, and it is possible two. I desire to offer a separate substitute. With that understanding, I am entirely satisfied.

The SPEAKER. The gentleman from Iowa demands the previous question.

The previous question was ordered, and under the operation thereof the resolution was agreed to.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent of the House that general leave to print may be given for ten days from this time, as it will be impossible for all to get an opportunity to address the House.

Mr. McMILLIN. On the bankruptcy bill?

Mr. HENDERSON. On the bankruptcy bill alone. [After a pause.] At the request of gentlemen around me I will modify that request by making it ten days from the conclusion of the debate, as it will probably be more convenient then.

The SPEAKER. The gentleman from Iowa asks unanimous consent that leave to print on the subject of the resolution be given for ten days, commencing with the close of the debate. Is there objection? [After a pause.] The Chair hears none.

The resolution speaks of being reported with any amendments which may have been adopted.

Mr. McMILLIN. Mr. Speaker, I think it would probably be well, and I think the gentleman in charge of the resolution would have no objection, to have it apply also to the amendments pending. That will make it possible for two amendments to be voted on in addition to the substitutes to be voted on by the House.

Mr. HENDERSON. I would be willing, under the understanding, that it should apply to the substitute, but I do not want it to apply to all amendments.

Mr. McMILLIN. I would suggest to the gentleman that there can be only two amendments pending—one amendment and an amendment to the amendment, and an amendment to the substitute pending; so that he would have very little trouble.

Mr. HENDERSON. I would suggest to my colleague on the Committee on Rules if we permit a vote on two substitutes that will be enough to cover it. I call the attention of the gentleman in charge of the matter on the minority to this question, whether that would be satisfactory. I suppose it will be to have a vote on both substitutes in the House.

Mr. BAILEY. That was the understanding I strove to arrive at a moment ago.

The SPEAKER. Is it understood that this bill shall be considered in Committee of the Whole?

Mr. HENDERSON. I was going to move to go into Committee of the Whole.

The SPEAKER. That may be interpreted as the meaning of the rule. If there be no objection, that can be the understanding of the rule, though without an agreement that construction might be doubtful. The gentleman moves to go into the Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

BANKRUPTCY BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HENDERSON. Mr. Chairman, I ask for the reading of the bill.

The Clerk read the bill in part.

Mr. HENDERSON (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the further reading of the bill.

There was no objection, and it was so ordered.

Mr. HENDERSON. Now, Mr. Chairman, I would like to reach an understanding with the gentlemen representing the other view

of the case as to the division of the time for debate, and I suggest that one-half be controlled by the gentleman from Texas [Mr. BAILEY] and the other half by myself.

Mr. BAILEY. Mr. Chairman, I suggest to the gentleman that there are really three sides to this controversy, and I think an entirely fair division would be to divide the time into three equal parts, the gentleman from Iowa [Mr. HENDERSON] to control one-third, the gentleman from Kansas [Mr. BRODERICK] to control one-third, and I should be glad to control the remaining third.

Mr. HENDERSON. I had thought of asking for two-thirds of the time, because of the great majority here in favor of a bankruptcy bill that is a bankruptcy bill. [Laughter.]

Mr. BRODERICK. If there is such a majority, then you do not need the time for argument on your side.

Mr. HENDERSON. I know, but gentlemen want to be heard. I thought I had reached an understanding with the gentleman from Texas as to the division of time.

Mr. BAILEY. The gentleman did reach an understanding with me, Mr. Chairman, purely because I could not help myself [laughter]; but I admonished him that I should ask for a division into three parts. If that can not be had, I suggest that the gentleman modify his proposition so as to provide that the gentleman from Kansas [Mr. BRODERICK] shall control one-half of the time allotted to the opposition to this bill.

Mr. HENDERSON. That is satisfactory. Let the arrangement then be that the gentleman from Texas [Mr. BAILEY] shall control one-quarter of the time, the gentleman from Kansas [Mr. BRODERICK] another quarter of the time, and I the remaining half.

There was no objection, and it was so ordered.

Mr. HENDERSON. Mr. Chairman, it is true, as suggested by the gentleman from Texas [Mr. BAILEY], that there are three views in respect to bankruptcy legislation, still there are really but two sides. On one side are those who are in favor of a bankrupt law as contemplated by the Constitution, and on the other are those who are opposed to such legislation. There are, however, three lines of thought in respect to it. First come those who favor a law providing for both voluntary and involuntary bankruptcy. This view is represented by the bill which is now under consideration. There is another school who believe in a law which provides only for voluntary bankruptcy, cutting off all right on the part of the creditor to move in bankruptcy proceedings and giving that right only to the debtor. That school of thought is represented by the substitute, notice of which has been given by the gentleman from Texas [Mr. BAILEY]. There is still a third class, namely, those who are opposed to any bankruptcy law and are in favor of remitting all remedies of creditors against debtors to the State laws, cutting off entirely all proceedings in the Federal courts under a general bankruptcy law. These are the three schools.

VOLUNTARY AND INVOLUNTARY BANKRUPTCY.

I will consider first the merits of a voluntary and involuntary law, which is the bill reported by the majority of the Committee on the Judiciary. This is unquestionably the kind of a bankrupt law contemplated by the Constitution. In the debates at the great convention at Philadelphia which adopted the Constitution I can find, after careful examination, no objection from any quarter against clothing Congress with that power. I go a step further. In the course of my investigation I have been unable to find that in any State legislature objection was developed on this point when the ratification of the Constitution was made.

Now, I want to impress this point upon the minds of the committee: The Constitution clothed Congress with the power, and I take it that that puts an obligation upon us. It imposes a trust upon us to exercise that power. My theory of that part of the Constitution which gives Congress the power to pass the general bankruptcy law is that Congress is thereby obligated to act upon that power. It is a trust reposed in this body. No bankruptcy law containing only voluntary provisions has ever been placed upon the Federal statute books, showing that Congress thus far has interpreted the Constitution in accordance with my interpretation.

Now a few thoughts in respect to the voluntary and involuntary law. Why should the creditor be cut off from proceeding under the provisions of a bankrupt law? Why should the debtor only be permitted to move in the bankruptcy court for relief in a case where he is a bankrupt? Let us suppose that I am a merchant, and my friend from Kansas, Judge BRODERICK, sells to me \$50,000 worth of goods, and I go to work with my industry and my energy to develop a business with that capital plus what I may have accumulated before. I work along for five, or six, or eight, or ten years. In the meantime I am living upon that business. Out of it my wife and my children are deriving their food and clothing. Finally things run on until I find that I can not sustain myself any longer and that my \$50,000 worth of borrowed assets have been reduced to \$25,000.

Now, at that point, who has the better right to deal with my remaining assets, Judge BRODERICK or Mr. HENDERSON? He is

the man who put that property into my possession. I have lived upon it, or upon the credit of it, all that time, but in the struggle of life—perhaps owing to hard times, possibly because I have not the genius to handle the business, but am better adapted to sawing wood—no matter what the reason may be, the fact is that I have but \$25,000 worth of assets left. I have lived five or six years off the property which I bought from Judge BRODERICK, and now I have only \$25,000 worth of it remaining. I trust that my friend from Kansas, in his time, will make it clear to this committee that I alone, the debtor, have the right to say what shall be done with respect to those remaining assets for the benefit of my creditor.

I contend, Mr. Chairman, that the man who put that property into my possession and who, in equity, owns every dollar of the \$25,000 that is left in my possession has a more sacred right to enter proceedings in the bankruptcy court in the matter than I have. But this bill treats them exactly alike. This bill has the voluntary and the involuntary provision. If I find my load too heavy, if I have satisfied myself that I can not go forward and win, I can file my petition in bankruptcy and ask that the assets be distributed among my creditors and that I be allowed to start anew in the battle of life. But suppose I want to struggle on and on, living as long as I can on the assets remaining, allowing them to run down, perhaps, to \$10,000, and suppose Judge BRODERICK sees where this thing is drifting, sees that \$25,000 of the amount which he advanced to me is gone, and that I am still going down and down, that those assets which he in equity owns are being depleted still further—I would like to hear some good reason given to this committee why Judge BRODERICK, my creditor, should not be permitted to move in the matter to protect what is left of the property that he gave me credit for.

Now, it should be borne in mind that when he steps in and when other creditors step in, what is left of my assets is equitably distributed among them all, all being treated alike; and under this proposed law, I, the debtor, will have left all the exemptions that my State gives me out of what remains. And then, let it not be forgotten, if I am an honest man, the load is lifted and I can reenter the arena of life, relieved of every debt excepting the few specified as exceptions in this bill, such as taxes; and with the load thus lifted I am allowed to make a fresh start. It seems to me, Mr. Chairman, that no other view can be taken than that the creditor and the debtor should both have the right to treat of this remaining fund in the hands of the debtor. If either should alone have the right, the creditor has the better right.

VIEWS OF STATESMEN OF THE PAST AND PRESENT.

This view has been taken since the Constitution was adopted by many of the ablest men in this country. I know that this statement is not argument; but I have sometimes found, when I had not myself the time or possibly the ability to investigate complicated questions, it was easier for me to pass judgment if I knew how able men had thought of the matter troubling me. In the first place, "the fathers"—and we are all accustomed to speak of "the fathers"—have pointed the way in the Constitution. In addition to that let me name a few, and only a very few, of the giants of the past who have contended in the House and the Senate and before the country in favor of a law with the voluntary and the involuntary provisions. Mr. Webster spoke with no uncertain sound in behalf of both provisions. Henry Clay made himself immortal as an American with his appeal for a bankruptcy law with both provisions. Madison, the great expounder of the Constitution, stood forth the fearless champion for a law with both these provisions. Thomas Benton was equally outspoken. The most eloquent appeal ever made under the American flag for a bankruptcy law, and with both provisions, came from Mr. Hayne; and the erudite Story, who is revered in every law office as one of the recognized exponents of constitutional law, advocated this kind of a law.

In our more modern times—and I have named but a few of the "fathers" and those who followed them—such a measure has been supported in this House by Judge Ezra B. Taylor, whom we all remember as chairman of the Judiciary Committee, the successor of Mr. Garfield; by Col. William C. Oates, now the governor of Alabama, who voted against the bill in the Fifty-first Congress but introduced and championed it in the Fifty-second and Fifty-third Congresses; by Mr. William L. Wilson, the present Postmaster-General; by General CATCHINGS, Mr. Outhwaite, Mr. McAdoo, Judge Hayes of Iowa, Judge Buchanan of New Jersey, ex-Senator Perkins, now gone; Mr. George E. Adams of Chicago, Mr. Frank of St. Louis, and by some of the strongest men of our own time, including Mr. REED and Governor DINGLEY. And I am glad to say that I have standing by my side to-day in advocacy of this measure one who ranks behind few men in point of intellectual ability—the distinguished gentleman from Texas, Judge CULBERSON.

In addition to that, four great national conventions—two held in this city (I had the honor of being a participant in the first one just about the time I was entering Congress some fourteen years ago), one held in St. Louis, and one in Minneapolis, made up of

the representative men of the great commercial and industrial interests of the nation—have advocated a bankruptcy bill, made up of both voluntary and involuntary provisions. The great journals of this country, East and West, North and South, have advocated such a measure. The press of the country generally has advocated it, and I can say that so far as the people of this country have spoken they have, with wonderful unanimity, spoken for a law with both voluntary and involuntary provisions.

Now, another thought in passing. What is the real difference between a voluntary and an involuntary bill? The moment that the adjudication in bankruptcy is made all differences are at an end. If Mr. Smith files an involuntary petition or the creditors file a petition against Mr. Smith, the moment that the bankruptcy court makes the adjudication in bankruptcy that moment all differences cease. The privileges, the rights, and the duties of the debtor are exactly the same from that moment, whether he files the petition or his creditors file it. From that instant of time the rights, the obligations, the duties of the creditors are exactly the same, no matter who petitions. I want that thought kept in the mind of this committee, because with that fact so planted many of the questions that might disturb the views of members will vanish from the mind.

INVOLUNTARY BANKRUPTCY.

Now, a few thoughts as to involuntary bankruptcy. There is a feeling in certain quarters that there is something harsh and cruel about involuntary bankruptcy, and that voluntary bankruptcy is generous and kind. This bill provides for voluntary bankruptcy; but is there anything harsh, cruel, or severe in the involuntary provisions of this bill? I want to say here to the committee that during the life of the bankruptcy law in 1867, under which I practiced constantly until it was repealed, I frequently encountered matters that made me think that it had some provisions which were too severe. I have not forgotten my experience, and the view I sometime took with my partners, especially Judge Shiras, with whom I was associated during my entire practice, that the law had been made up too much from the Eastern standpoint.

Westward the star of empire takes its way—

And perhaps—I do not say that it is so—this bill may have stamped upon it a little too much of the Western idea.

And right here let me give a little history. Within a few years after the repeal of the act of 1867 agitation began for another general bankruptcy law; and Judge Lowell, a clean, able man and a patriot, drafted what was known as the Lowell bill. Many of us in the West thought it was too drastic, too severe, in some of its provisions.

About this time a young lawyer living in St. Louis who had distinguished himself for his ability and great learning touching the bankruptcy laws in this country took an interest in this question, and at once his marked ability was recognized and he was made chairman of three national conventions to consider the question. I refer to Judge Jay L. Torrey, then a resident of St. Louis. I corresponded with him, making some suggestions in reference to the matter, because when he began to take an interest in the inquiry he invited an expression of the sentiments of the people generally throughout the country and criticisms of the measure. My old law partner, Judge Shiras, wrote making many suggestions, and the correspondence and the discussion at the conventions finally resulted in producing several radical changes from the original Lowell bill, changes which met the approval of the best legal talent and judgment of this country from every point of the compass until that bill has had the indorsement of the great and small commercial, industrial, and professional bodies of the land, has been supported by the organ of the Farmers' Alliance, as I am assured, and has had the support on the floor of this House of men from every State in the Union, I am safe in saying.

At the Minneapolis convention, on motion of one of the delegates, the bill was named the "Torrey bill" in honor of this young man. He is now the speaker of the Wyoming legislature, a man of ability, modesty, and character.

But, Mr. Chairman, this bill that was named the Torrey bill has undergone very many changes in the Judiciary Committees of the two Houses. It has been reported here for action several times. It was considered by the Judiciary Committee of the House under Judge Taylor, of Ohio, and under Judge Culberson; and before it was reported from the House at this session of Congress a subcommittee of five of the members of the Judiciary Committee had been spending between four and five weeks upon it, meeting almost daily, and twelve days were spent upon it by the full Committee on the Judiciary, in which time many friendly changes were made. And while it is known as the "Torrey bill," that bill having been the foundation on which this is based, yet the pending bill has stamped upon it the judgment of several committees, and many changes have been made from the original Torrey bill. I can truthfully add that Judge Torrey himself has been swift to favor any needed improvements.

We have had three bankruptcy laws in the United States—the one of 1800, which I think was only on the statute books a year or

two and was then repealed; then we had the act of 1841, which was only two or three years on the statute books, and was also repealed; and then came the third and last act, that of March 2, 1867, and, following the example previously set, that was repealed in 1878.

I have heard it contended that the brief life of these various bankruptcy laws should be a warning that there was something inherently wrong in such a system. There is no man so foolish as he who will not treat himself squarely. I have studied this question carefully and have endeavored to learn the reasons for their repeal.

Under the act of 1800, during the lifetime of that act, this country was practically a wilderness; we did not know hardly what a railroad was, and the Federal courts were regarded by the profession and the people as something far away and surrounded by great, dark, hidden mysteries. Transportation was limited, and that court was not easily accessible to the people; and in addition to that, as I find in one report made by Judge Wolverton on the Torrey bill, as it was then known, a few years ago, it is shown that the first act became a theme of partisan contention, and that the real merits of the question were lost sight of in partisan war, and consequently it was repealed. But I can well understand that in those days, when we had but little population and no railroad facilities, the masses of the people, and even the legal profession itself, or the great body of it, unfamiliar with the practice in the Federal courts, it could not hope to be a popular court because of the inconvenience to the people; and the same condition of affairs is applicable to and is true of the law of 1841. This condition is not to be lost sight of when we reach the consideration of the act of 1867. The United States courts and their divisions were even then few and remote from the masses of the people.

But another reason operated against the act of 1867. It was too expensive. The insolvent's assets went largely to officials instead of to the debtors, and by almost common consent it was repealed.

But how is it now? None know better than the members of the Judiciary Committee the growth of the Federal court system in this country. Almost every lawyer now knows something of its practice. It is, at every term of Congress, being brought nearer and nearer to the people of the country. Take it in my own State. I think we had but two places to hold the United States court in Iowa during the life of the act of 1867—perhaps three, Des Moines, Dubuque, my own town, and at Keokuk.

Now we have Keokuk, Mount Pleasant, Des Moines, and Council Bluffs, in the southern district, and in my district we have Dubuque, Cedar Rapids, Fort Dodge, and Sioux City. It has been brought nearer to all the people, is convenient to them, and if there is any one class of members of Congress that we become familiar with in the Judiciary Committee it is those gentlemen who are asking the establishment of new divisions in their States for holding United States courts. And now the tendency of legislation in Congress is to be liberal in that regard. I fought for four years to have my own State divided and provide greater conveniences to the people in that regard before I came to Congress, and I think that is where I got the "bee in my bonnet," for I thought possibly I could do the work better inside than on the outside. I finally succeeded in getting the division made, and that division has been a blessing to our State.

Here let me invite your attention to another fact: Under this bill each county is entitled to a referee district; so that the referees are found in each county under this bill. What does that mean? The referee has all the powers of the judge, except as to hearing the petition in contested cases, the confirmation of a composition, the setting of a confirmation aside, or the granting or revoking of a discharge. These matters must be tried before a judge. But if the judge is absent and no defense is made in an involuntary case either by the debtor or any of his creditors, it may be referred to the referee and he may dismiss the petition or make the adjudication in bankruptcy. He may also act on a voluntary petition when the judge is absent. So that this law lays the great bulk of its transaction at the door of everyone interested, and his local counsel, scattered through the State. It is not dumped into the hopper of a few leading lawyers in the cities and towns where these courts of bankruptcy are held; but under this bill, in addition to the advantages which we now have by the increase of the Federal courts and the new divisions, it gives a referee in each county, where the great bulk of the business under the bankruptcy law can be treated.

Now, passing from that let me say this: The involuntary features are kind, because, instead of having a large number of suits scattered around the country and a large number of counsel, you have it all brought into one suit. It is economy to the debtor and to the creditor who is interested in getting as large a dividend as possible. I want that kept in mind.

Another thing about the involuntary provision. Every creditor knows that with this law upon the statute book there is no use of his dashing in "where angels fear to tread" and attacking the

debtor with the numberless State writs and proceedings; no use of his going in to get preferences and advantages over his fellow-creditors, because if he does the other creditors can move and bring it into a common suit and he be compelled to surrender up his preferences and take pro rata with the rest.

Do you observe now that it is kind? Why? If a man is struggling a creditor is not afraid that Tom, Dick, or Harry at some point will dash in ahead of him, or that a few great commercial bodies, organizations, or houses in this country, antagonizing this bill, bodies which have got their traps set in front of every country store, communication with their attorneys, and an attorney hired to stay in their stores to manage them, where they can tap a bell and the writ issues under State law, will be able to drag the man in and get preference—there is no danger of that. Therefore, creditors are willing to consult with a debtor, go over his books, and see whether the man can afford to go on, whether he is able to fight the battle to a successful issue, or whether he had better surrender. There is no temptation under this law for the severity of treatment of the debtor that is found under our present State systems.

The creditors do not need to be alarmed. They can take time. If I am a creditor merchant, John Jones, in that other town, can not get ahead of me, for if he tries it we will have it all into a common pot and his attempted preference will have to come in and be divided. Therefore there is no temptation for the harsh treatment of the debtor, no reason why such writs should be issued, attachment, replevin, and so on, or suits be brought. We can take our time, and under that many a man who under our State laws is sent to the wall might be saved and continue successfully the battle of life.

Now, while on this head I will invite the attention of the committee to section 2 of the bill, while discussing the involuntary features alone.

There are nine grounds upon which a debtor may be proceeded against in bankruptcy. Briefly I will allude to each of them for the benefit of those who are sensitive about involuntary proceedings and frequently rack their brains to find hard terms to apply to them when there is no good reason for doing so. I see no cause in this debate for anything but an earnest consideration of this question with a view to doing our whole duty and what is best.

These nine grounds are what must be attacked if the involuntary features of this bill should be surrendered and the right to proceed in bankruptcy is left wholly to the debtor.

Now, I caution you to watch one thing well while I discuss these nine grounds for involuntary proceedings, and that is either one of two conditions must exist before a creditor can move by involuntary proceedings. We have changed these grounds not a little from what they have ever been before when submitted to Congress. There must be either some wicked purpose in the debtor's heart or he must be insolvent in fact and have made protracted defaults in payments due or shown his inability to protect his estate from an inequitable division. Simply being insolvent will not justify proceedings. Making defaults alone will not authorize creditors to proceed. Now, keep those two thoughts in your mind.

The first ground is this:

Acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile, with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with.

Now, right here let me call your attention to the dictionary in the first section, page 3, clause 12 of the bill, because the definition of the word "defeat" is there given.

"Defeat" shall include defraud or delay, evade, hinder, and impede with intent to defraud.

So that whenever you find in this bill the word "defeat" qualifying an act, it means that he shall try to defeat with a fraudulent purpose and intent. Therefore, keep the dictionary definition of "defeat" in your mind.

Mr. TAWNEY. Who, in the first instance, is to determine that fact for the creditor before he can file a petition in bankruptcy?

Mr. HENDERSON. He will have to look into that, certainly. That is one of the things he has got to determine.

Mr. DE WITT. He has got to allege that fact.

Mr. HENDERSON. Of course; and the burden of proof is on him, too.

Mr. MILES. That is to be proved like any other fact.

Mr. HENDERSON. Yes. Now watch the second ground:

Failed for thirty days and until a petition is filed while insolvent—

Mark the word "insolvent"—

to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale.

You will find that all through this bill. We even give the sinner a chance to repent and come back into the domain of good people and to stay the proceedings that the creditors must and should institute for self-protection.

Now, you see a party must be insolvent. And I want you to watch the condition we made. Three days of grace are given.

The third is:

Made a transfer of any of his property with intent—

What?—

to defeat—

With a fraudulent purpose. Are gentleman going to stand up here and defend scoundrels who defraud their creditors? Gentlemen of the committee, trace this law, chapter by chapter, paragraph by paragraph, and line by line; and when you read it through you will find it is a bill to provide remedies and protection for honest men, but not for thieves and scoundrels. [Applause.] We make no pretense here to hold back the moving creditor to secure his rights against the scoundrel who is trying to defraud him. If anyone here does not agree with that, let him trace through the field of thought and find an argument to satisfy earnest men why you should step in in such a case.

Made a transfer of any of his property with intent to defeat his creditors, and has not regained the ownership and possession of such property—

Here we make an amendment in this bill. Right here I will tell you that one of the things that led me to acquiesce in this, going possibly a little too far, was the counsel of my honored friend who sits in front of me [Mr. DINGLEY] when I entered upon the consideration of this question. He asked me, so far as I could, to tone down these provisions; and when my able colleague, the gentleman from New York [Mr. RAY], offered these amendments I acquiesced in them—

and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer, and at least ten days before the commencement of a proceeding in bankruptcy.

Mercy again on guard, even for one acting with a bad motive.

Fourth—

Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

When a man says, "I surrender; I can not any longer keep up this fight," surely his creditor—not a cutthroat, or scoundrel, or harsh, or cruel—his creditor is justified in saying, "I want now to protect my rights and have a fair distribution between man and man." No one will question the wisdom of a law that provides for fair distribution when a debtor gives up the fight and surrenders his property to creditors.

Fifth—

Made while insolvent—

Mark that qualification—

a transfer of any of his property, or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference.

The wicked element is lodged in this: If he is going to give some pet creditor or relative a preference and become bad, it is an act of bankruptcy, and the creditors have a right to step in and the right to act.

Mr. MILES. And that, too, while he is insolvent.

Mr. HENDERSON. And that, too, while he is insolvent. That is explicitly stated; and there, too, we give him time to repent. Observe what follows:

And has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy.

The only thing that I feared in this debate was that some one would say, "You have bent too far over to protect a man who did this wicked act." But we concluded that if he repented of his bad purpose, if he desired to reenter the domain of good people, retrace his steps, and put himself and property back where he and it were, we would not allow the creditor to proceed against him.

Sixth—

Procured or suffered a judgment to be entered against him with intent to defeat—

I have explained "defeat" to you as containing the element of fraud. With an intent to defeat, to fraudulently defeat—

his creditors and suffered to remain unpaid until ten days before the filing of a petition in bankruptcy: *Provided*, That a payment or satisfaction of such judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section.

Seventh—

Secreted any of his property—

The bad element again—hiding, sneaking, retiring from the open field of honest business, defrauding.

Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a bill in bankruptcy.

Eighth:

Suffered while insolvent an execution of \$500 or over, or a number of executions aggregating such amount, against him to be returned no property found, unless the amount shown to be due by such execution shall be paid before a petition is filed.

There mercy again comes in.

Surely if the debtor's status is such that the sheriff can find no property and the debtor has given up the battle and permits judgment to be rendered against him, the creditors are wholly justified in moving in bankruptcy, if they see anything in the situation to encourage them in so doing.

Ninth, and last—now watch this, for here is where the battle is often waged against a bankrupt law:

Suspended and not resumed for thirty days, and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating \$500 or over.

Under the act of 1867 the suspension of one's commercial paper for a second of time, fraudulently, was an act of bankruptcy. The suspension of the payment of a man's commercial paper for fourteen days, without reference to fraud, was an act of bankruptcy under the act of 1867, and that without any qualification, without any reference to whether he was solvent or insolvent. The man might be worth a million dollars more than his liabilities, but if his commercial paper for any amount went unpaid for fourteen days he could be thrown into bankruptcy under the act of 1867.

Mr. MILES. Is not that so under many of the insolvent laws of the States?

Mr. HENDERSON. Undoubtedly. In this bill we make the time thirty days, the amount \$500 or over, and in addition to that he must be in fact insolvent, and the creditor must prove these facts.

Mr. Chairman, if a man, and especially a merchant or trader—an active business man—fails for thirty days to meet his commercial paper for such an amount, and is unable to have the same renewed, and if he is in fact insolvent, we know by experience that his case is hopeless, and that all interests—his and his creditors'—will be best served by the surrender of his assets to his creditors.

Now, gentlemen, I have gone over the nine grounds for involuntary bankruptcy. If I have not thought, read, and studied this subject in vain and helped to put the bill in its present shape, I say to you you will need "the tongue of Greeks and Jews, and nobler speech than angels use," to satisfy the business men and the honest men of this country that these are harsh and unjust provisions. Under either of the conditions enumerated in these nine heads the creditor is permitted to do—what? To ask that the assets shall be put into a common fund and divided pro rata between creditors of equal rights. That there shall be no advantage to the swift, the cruel, the heartless creditor, but fair treatment to all; and then, if the man is honest and makes no false statements, the load of debt is to be lifted from him and he can start again. If I can not recommend those provisions as fair and just to my associates in this House, then I am incapable of analyzing what is fair play between man and man in the business transactions of life.

Now I call attention to another fact: The creditor can not move by involuntary proceedings unless the debtor owes a thousand dollars. No proposition that has ever heretofore come before Congress made the amount more than \$500, and I believe it was \$250 or \$300 under the act of 1867. If I am wrong I shall be glad to be corrected. But in this bill we make it a thousand dollars, and then, under the voluntary provisions, all limitation is taken off, so that the poorest man in this country who is entitled to a discharge can secure one under the voluntary provision, without regard to how much or how little he owes. Not only that, but we take this step further. If he shows by affidavit that he is unable to pay the filing fees due to the receiver, the trustee, and the clerk, making in all \$25, he will be exempt from that requirement, and can go in and secure his rights under the law.

There is one thing that I will answer for in the future if this bill shall become a law. No one can sustain the charge against me or my associates reporting this bill that we have reported a measure against the interests of the poor.

But, Mr. Chairman, I see from my notes—for I have been talking entirely from notes—that they would occupy me for hours, and I must change my line and treat of matters as they come to my mind.

Another point is that a man who is engaged chiefly in farming can not be proceeded against under this bill, and the wage earner is exempted from the involuntary provision. I offered this amendment myself in the committee. In this we may be drifting a little westward, but I have my own reasons and my own feelings about this point. In the first place, the debts which the farmer owes are usually secured by mortgage. He borrows money by mortgage, and finally pays it off and runs without it. The creditors, being secured, do not need to have the farmers covered by this bill, and if they were in it that feature would be made a pretext and a football for those who do not wish to treat this matter candidly—I hope we shall find none such in this Chamber—without being any real advantage.

In our dictionary here we define what "wage earner" is. A "wage earner" is one who does not earn to exceed \$1,500 a year. In examining the existing definitions in the law books we found

that there might be some difficulty, and we did not wish to leave the matter in doubt, so we made this definition, and we make a wage earner who earns not to exceed \$1,500 a year exempt from the involuntary provisions of the bill. Of course he may go into bankruptcy voluntarily, but he can not be thrown in by creditors. I am afraid that if we have committed any error we have leaned too much to the kindly side in this matter, but, Governor [addressing Mr. DINGLEY], you must bear a large part of the responsibility, for you put some of these things into our heads with your valuable and kind suggestions.

We also exempt national banks from the involuntary provision. Now, that looks like bending the supple hinges of the knee to the corporations, but it is not. We would hit them in an instant if it was thought best, but no law can be framed for the national banks better than the law which is now in existence, and inasmuch as these banks have relation to the money of the people and the Government is responsible to the people for the condition of the money, we felt that it was better to leave them to be dealt with by the existing national-bank law. But under this bill no corporation can voluntarily take the benefit of the bankrupt law. If creditors desire to proceed against a corporation in bankruptcy they may do so except in the case of a national bank, while, as I have said, no corporation can voluntarily take advantage of the law.

Mr. DINGLEY. As to the national banks, they are cared for by another law that is more drastic than this.

Mr. HENDERSON. Certainly; more drastic—more severe—than anything in this bill.

I have treated of voluntary and involuntary bankruptcy, and of involuntary bankruptcy alone, and now I want to say a word about

VOLUNTARY BANKRUPTCY ONLY.

My friend from Texas [Mr. BAILEY] has a substitute which he proposes to offer for this bill. I have in my discussion of the involuntary reached over somewhat into the domain of the voluntary, and, inasmuch as his substitute is to be discussed, we will leave the minute discussion of that phase of the question until we hear the argument which he has to offer. The onus probandi, I take it, is upon those who urge that as a substitute for this bill.

But I ask that the fact be kept in mind that the committee's bill provides generously for voluntary bankruptcy. We are as faithful in looking after the interests of the debtor as of the creditor, and, through both, of the public, for the public good is the foundation stone of this whole question.

THOSE OPPOSED TO ANY BANKRUPTCY LAW.

Now, there is a third class—those who are opposed to any bankruptcy law. I know that I have the reputation of being too kind. It has operated against me sometimes, I think; it has been assumed that I was not suitable for responsible position because I am "too good-natured." I am willing to confess that is one of the elements of my nature; and if the charge is true I would not exchange it for a heart of steel—not for a kingdom; because I enjoy life as I go along. But if I can not sustain some kind of a bankrupt law, I think I shall have to lay it to a defective judgment—not to an overabundant heart.

We are living in an age in which I think we are fortunate to live. I have sometimes felt as if we were in great good luck in having our lot cast in this century. While the world's embryotic state was full of interest and development, full of daring men and great chiefs, of courage, mental and physical, I sometimes feel as though in our age the guiding hand had opened the floodgates of light and let it come upon us like a great ocean. I can not counsel a retention of the influence of the Dark Ages. I bless my God that there was a Charles Dickens to wield the mighty pen that opened the doors of the jails of England to let the debtors free. I can not afford to give counsel that will send this country backward. In China the debtor involved to a certain amount is decapitated. I am not with China. I retain upon my library shelves the writings of Dickens, who, with his warm heart and burning genius, dissolved the iron gates that held the debtor a prisoner. The spirit of this age cries out to every lawmaker in favor of a class who are absolutely unfortunate.

Why, my fellow-legislators, this country has seen crash after crash, when the business giants went down before the storm of disaster. Sometimes there was one set of causes; sometimes there was another. It is not for us to discuss now the causes. Let us not turn partisan, and sink this debate below the great dignity that belongs to it. This is no partisan question; it is purely a business matter. In every debate on this question for years there have been found side by side Republicans and Democrats in favor of a bankrupt law, and side by side Republicans and Democrats against a bankrupt law. So let the battle continue—a battle of earnest thought—without belittling it with any partisan considerations. If this bill becomes a law and blesses our people, as I believe it will, it will be no Republican victory; the victory will belong to every man that steps forth to help to do this great good for his country.

In the terrible crash of 1893 and 1894 some of the best men in this country—best in all that is intellectual and moral—went down before the storm. No matter where the whirlwind came from or what hand set it in motion. When the debtor is down, are we going to gain anything as a country by keeping him there? Do we gain anything by holding in chains possible and known activity, vigor, and courage? I do not believe in the jail any further than necessary for the good of society; that is, to tie up the man whose hand would be at your throat or in your pocketbook, not to tie up and chain down honest men with their possible powers and great results locked up in their brains and hearts.

In order to judge intelligently whether a bankruptcy law is needed, let us look at a few facts, for you know Burns said that these were "chiefs that wanna ding," and Burns, drunk or sober, used to get off some good things.

From the Bureau of Statistics I gather that the total failures in the United States from 1879 to 1895, both years included—a term of seventeen years, commencing, as will be observed, with the first year after the repeal of the last bankruptcy act, the act of 1867—the total failures in the United States during that period were 171,389. What an army to have followed Washington! The tea question would have been solved in lively fashion if he had had that body behind him promptly. The aggregate liabilities of these men were \$2,611,521,704.

Then I compared the first three months of 1895 with the same three months of 1896.

I found that in three months of 1896 the failures were 4,031, and in the three months of 1895, 3,802. The increase of failures in the first three months of this year, as compared with the corresponding period of last year, was, as will be seen, 229, showing that, although the crisis occurred in 1893 and 1894, the conditions are still unfavorable. What do these liabilities amount to? For the first three months of 1896, \$38,755,015; for the first three months of 1895, \$34,160,952, the increase for the first three months of 1896, as compared with the corresponding period of 1895, being \$4,594,063. So that a bankruptcy law is not alone needed for the crisis, but in a great country like ours there is a continuing condition that needs this remedy; and when I show you that in seventeen years \$2,611,521,704 of liabilities have fallen upon an army of 171,389, is it not time for the lawmaker to ask whether it would not be well to lift this load and let such of these prisoners as are honest go free? If the creditor is willing to do it, we should be, and creditors and debtors urge this legislation.

Now, there is a fact here that must not be forgotten. To lift this load, to set this army of debtors free and let them come back among us as active workers and useful members of society, Congress alone has the power. The State can not do it. The State, I grant, is potential, excepting where limited by the Constitution. But the Constitution, Article I, section 10, provides that "no State shall pass any law impairing the obligations of contracts." Therefore the State can not invalidate the contract between the debtor and the creditor where they reside in different States; it can not open the prison doors; it can not put this great, stricken army once more into the field relieved from their parole, but Congress, having the power to pass a general bankruptcy law, containing the full power to annul contracts—for we have it specially granted—we alone have the power to relieve the burden which rests upon the individual. Mr. Chairman, that argument alone should bring us promptly forward to the support of a general bankruptcy bill.

But I find I am consuming a great deal more time with these details than I had expected, and I am running over the usual time.

Mr. CULBERSON. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa have time to conclude his remarks.

Mr. HENDERSON. I thank the gentleman from Texas. I have the control of the time on this side, and that is the reason I do not want to trespass upon the indulgence of the House, because so many of our brethren want to talk. I shall endeavor to make my remarks as brief as possible.

Mr. NORTHWAY. You want to take sufficient time to explain the bill.

Mr. HENDERSON. Mr. Chairman, I ought to have called attention to the fact, in passing, that the average failures for the fifteen years I have referred to—and I will only give it in round numbers—is one hundred and fifty-three million for every year; and at the rate we are now going on in 1896 it will amount to more than that—to over \$155,000,000 annually. I mention this because that condition appeals eloquently to the judgment of the lawmakers for the necessity of some law on the statute books in reference to this subject.

Now, Mr. Chairman, this suggestion or thought I call to the attention of the committee. I have discussed why all of the other bills were short lived, and I want to suggest here that now we have reached the period of great growth in this country, which may be understood by these figures: Taking the first period, for instance, in 1890, after the first act was passed, we had but 5,000,000 of population, while now we have 70,000,000; of telegraph

lines, in 1867, when the last bill was passed, we had but 46,000 miles, while in 1894, we had 190,000 miles. Telegrams sent in 1867, 5,000,000; in 1894, 58,000,000. Exports of merchandise in 1845, right after the first act of 1841, \$106,000,000; in 1867, \$294,000,000, when the last act was passed; and in 1894, \$892,000,000. Of imports of merchandise in 1845 we had \$113,000,000; in 1867, \$395,000,000; and in 1895, \$731,000,000. The revenues of the Post-Office Department in 1847 amounted to the sum of \$3,000,000 in round numbers, and in 1895 they had reached \$76,000,000; while our railroad mileage in this country (you remember I discussed the facilities of getting to the Federal courts in 1841), when the first law was passed, amounted to 3,535 miles; in 1867, to 39,250 miles; and in 1894 this had grown to 179,279 miles.

Mr. Chairman and gentlemen, the experience of a child will not do to test what is best for the full-grown man. The condition of affairs in this country which you are looking back to when this act was first tested—and that thought will even measure the conditions of 1867—showed this country to be but a mere stripling as compared with the great, throbbing commercial nation now, where on every hand the great engines of industry are plowing the way to future greatness and success. Who would look back at those times when we tried that law and declare that that should be the standard by which to measure our judgment upon it now?

England in 1542 first passed a general bankruptcy law. They have never taken that law from the statute book. But what have they done? They have passed over 200 enactments since that time amending the original bankruptcy law. So I appeal to you, gentlemen, to join in framing a bill where we have done our best, consulting the experiences of the past, to learn the objections to the practical operations of the old law, and frame it now in the best possible shape for present conditions; and then let our experience in the future enable us to amend and adjust it to our growing national necessities.

STATE LAWS.

Leaving it under the State law, with the obligations upon the debtor, what is the effect? Does it tend to develop a healthy growth of good, sound commercial relations? The man who is left with hopeless debt hanging over him, what does he do? He must put his property into other hands—in his wife's name or in the name of some relative or friend. I do not care what your State law is, that will be the result. The man who has God's imprint on his soul will do something to sustain his wife and child and save them from want. I believe I would steal a potato if such a condition of affairs were forced upon me, and if you keep this chain around the debtor's neck you drive him, in order to meet these duties of life, the affections that cling round his heart and his hearthstone—you force him into dishonorable courses. When the time has come, when he is forced to the wall, he can not get through. It is a great deal better for the commercial and industrial world, for the creditor, for the debtor, for the people at large, to provide for him a system of relief under our Constitution and under our laws, and divide what he has left among those to whom it belongs, give him the benefit of the exemption laws of his State, and let him start again; but let him start side by side with his fellow-man like a man, and not run from his creditor as the thief runs from the sheriff or the constable.

I tell you that that kind of legislation which brings out the manhood of the people, which offers a premium upon honesty and encourages the brave heart, you need never be afraid of. That kind of legislation which encourages the sneak, and the fellow who would cover up, and lie, and go through life like a craven, is a dangerous class to follow. Let us leave the Dark Ages behind. Let China decapitate if she will, but let us join in the march of those who are in sympathy with the civilization of this age and the enlightened tendencies of a true humanity!

I for one am in favor of taking off the load from this great army of unfortunate men. I speak only of the honest men, and they are the great mass. I pity the lawmaker or philosopher who treats mankind from the standpoint of believing that the majority are knaves. That is an unjust criticism upon the Creator, and my experience is that the generous impulse and the noble sentiment dominate mankind, and it is the small exception that belongs to the knavish, crawling, thievish class.

I say, lift the load and let the defeated get away from their Bull Run and fight like brave men for their Appomattox. It is a great deal better for all of us.

CHANGES IN THIS BILL FROM FORMER LAWS.

Now let me call your attention to some changes in this bill from former laws, because I want, as I go along, to have the bill understood. I am only naming some of the leading changes.

We have made many changes in almost every section from the original Torrey bill. I do not say we alone, but refer to the other committees that have treated it, and to ripe suggestions made by Judge Torrey himself.

For instance, operatives, clerks, and servants, under the act of 1867, were allowed a fifty-dollar exemption. Under this law we exempt \$300.

Under the law of 1867 you might move to put a man into involun-

tary bankruptcy where he owed \$300. I thought it was \$250, but I find by referring to my notes that it was \$300. Under this bill the debtor must be owing \$1,000.

I have explained to you about the suspension of commercial paper, the difference between the act of 1867 and this bill. I treated of that before, because, as I saw the hands of the clock moving along, I took things as they occurred to me.

Under the act of 1867, in order that a voluntary bankruptcy bill might be filed, the party had to owe \$300. Under this bill we make no limitations. Any man can move.

The costs and fees are cut to a minimum in this bill. My colleague, the gentleman from Missouri [Mr. BURTON], will go into this matter in detail, and when he does I promise you that he will demonstrate what I say in brief, that under the provisions of this bill the hideous, the expensive, features of the act of 1867, which more than anything else drove it from the statute books, because so much went into the pockets of officers—those features have been swept away, and under this bill everything is done at a minimum of expense. I make the general statement. My colleague from Missouri [Mr. BURTON] will demonstrate it. That is one of the leading differences between the two bills.

Under the act of 1867 the title to the property of a debtor passed to the assignee as of the date of the filing of the petition. Under that law it might be many months, or even over a year, before an adjudication could finally be had; and people dealing with the man attacked in bankruptcy did not know, if they bought anything, whether they were getting good title or not. I speak of people dealing in perfect good faith with the alleged bankrupt, the man against whom a petition had been filed. The purchaser bought at his own risk. That had a tendency to destroy the business which he was still conducting.

Now, we have aimed to radically change that in this bill; and I want those who distinctively represent, perhaps, the creditor class to follow this distinction.

Under this bill the title passes as of the date of the adjudication and not as of the date of the filing of the petition. So that the alleged bankrupt doing business in his store or wherever his business is can buy and sell and give perfect title under this bill up to the date that he is adjudicated a bankrupt, and the citizens at large can deal with him with confidence and safety.

Now, some of my friends may say, "That is a bad thing, Brother HENDERSON; you have gone too far. This fellow will let his stock run down. He will stick the proceeds into his pantaloons pocket, and by the time the adjudication is ordered this stock will be run down very badly."

Well, we are not quite as thoughtless as we seem to be under this promising statement, because we have another provision in the bill whereby, if the creditor sees that that condition of things is going on, and the debtor is taking advantage of the situation, the creditor can first file an affidavit alleging the commission of one or more acts of bankruptcy; second, give bond to indemnify the alleged bankrupt if the creditor's allegations do not turn out to be true, and then the court issues a warrant to the marshal, and he takes possession of the property. That stops the depletion of the stock.

But we do not stop there. We provide that even then, if the debtor, acting in good faith and as an honest man, knows he has not committed an act of bankruptcy and wants to keep on conducting business or promoting enterprises he can file a forthcoming bond, a delivery bond, in court and have the stock of goods returned into his possession, and he can go on with his business or enterprise. Then both debtor and creditor are safe. But we believe that he should not be treated as a bankrupt until it is proved that he is in fact a bankrupt. And we have so framed our bill that if he attempts to act the rogue we can stop his business, and in addition to that, if he acts dishonestly he can not get his discharge. This latter fact will tend to keep him in the straight and narrow way, the way of honest dealing.

So that we stand threatening him with taking the position—having first given bonds ourselves—that we will prevent him from getting rid of his debt by securing a discharge from the bankruptcy court. It seems to me this is a wise provision. It is a radical change, but intended to secure justice and fair play between man and man, and makes it absolutely safe for the public, acting in good faith, to deal with the alleged bankrupt.

Another change we have made which I have discussed. That was one about the referee. I have referred to the referees of the district being in each county, showing liberality in accommodation to the people.

Under the old law arbitration was provided for in addition to the bankruptcy proceedings. Under this bill we have what is called "composition." A majority in number of creditors and amount of claims in value may do what? Recommend a "composition" to the court. That does not effectuate a composition. Some of us at one time thought that we should make that absolute, so that the court would have nothing to say about it; but the view finally prevailed that we should only carry the composition before the judge, who might ratify or disapprove it. Why?

Because we did not feel that a majority, a bare majority—which might be a majority of one creditor or a majority of one dollar—should absolutely dictate the dismissal of the case because A or B might have been bought up or some secret work might have been indulged in. Besides, we want the alleged bankrupt first examined, so that his creditors might know his real status before voting on the proposed composition.

Mr. HOWE. Why not leave it to two-thirds?

Mr. HENDERSON. You might just as well say, "Why not leave it to seven-eighths or nine-tenths?" A majority seems to be the rule of life in such matters. The only intent of this was to get an absolute settlement.

Mr. HOWE. Why not make it two-thirds, so as to have a final settlement, as it would save a great deal of the expense, and there would be no danger about the size of the majority?

Mr. HENDERSON. Now, that is a very proper question, and one that occupied much thought and discussion; but if the whole transaction is honest the judge has but one motive, and that is to do what is for the best interests of the creditors. If the majority recommend a composition and the minority do not come in and prove that there has been some foul play, the composition will unquestionably be granted, and will result in a dismissal of the case. And we have further protection by providing that if within six months after the adjudication has been made it is shown that fraud was perpetrated, the composition can be reopened and the matter shall be passed upon by the court.

Mr. NORTHWAY. That is provided for in the act of 1867.

Mr. HENDERSON. It was arbitration and not composition that was provided for in the act of 1867.

Now, in addition to that, we have arbitration and we have compromises. We can arbitrate differences; and there is a provision whereby the trustee can appoint one arbitrator, the other party in the controversy one arbitrator, and these two the third; and if they can not agree on the third, the judge shall appoint the third, and thus settle many differences. So we have a compromise of the question in the court. The bill is framed to expedite the closing up of the estate at the earliest possible moment. The application can be filed for discharge in bankruptcy after the expiration of two months, and within the next four months, and conditionally within the next six months, but not afterwards, and a reasonable notice will be given to the creditors of the filing of such application. The court will fix the time when the application will be heard and the application refused or the discharge granted.

Now as to the fees. The clerk gets \$10, and only that amount, for all his work until the case is settled and nothing more after settlement. That will effect expedition. The aim of this bill is that everyone who is interested in the matter is interested in the prompt closing of the estate. The clerk gets \$10 at the beginning of the case, and if it stays in court for three years or ten years he does not get another cent. He is therefore interested in the settlement and hurries it up. In the case of the fees of the trustee and the referee, one gets \$5 and the other \$10 when the case is closed, and not until then; and when the final dividends are paid, each gets his commission, as will be explained by the gentleman from Missouri [Mr. BURTON]. All of it is to be done after it is closed, not keeping the estate open until the assets are eaten up, swallowing the dividends that belong to the creditors.

Under the act of 1867 as amended the discharge was not granted a debtor unless he paid 50 per cent, unless a majority consented in recommending it. Here no consent is needed. No per cent is required. If a man is honest, and has a clean record, he has no trouble. But, gentlemen, if he is crooked, if he is dishonest, if he has been doing a dishonest business, he will find no relief in this bill from one end of it to the other. I am going to be perfectly square with you about that. I will recommend no bill to this body that is made for the purpose of shielding and protecting scoundrels. I will join hands with all of you to lift the unfortunate and give him a chance to start again.

The last bankruptcy bill that we had—the act of 1867—reached back for six months. This bill only goes back four months. That is another distinction in favor of the debtor.

NO IMPRISONMENT FOR DEBT.

I saw it stated in a New York paper the other day—it was thought fully brought to my attention by some member—that the old law used to imprison for debt, and uneasiness was expressed as to whether this bill did so. It does not. Nowhere does it provide imprisonment for debt. The only parts of the bill that could even suggest such an idea are these: Under section 8, if a man is about to run away and a showing is made to the court by affidavit that his absence will defeat the operation of the law, the court may in such case do what any court may do and ought to do, it may issue a warrant for his arrest, just as if a man is going to jump bail or escape so that justice can not be carried out. A warrant may issue for his arrest, but he can not even then be put in jail under the bill; he can only be held until he gives bail. There is no imprisonment for debt.

Under section 17, paragraph 12, where parties refused to obey

or to carry out the orders of the court in the operations of the bill fine and imprisonment may be inflicted. For instance, suppose the court orders the bankrupt in to be examined upon matters about which he may be properly examined and he refuses. In such a case he may be fined and imprisoned, not because he has not paid his debts, but because he has disobeyed the order of the court. The fine and imprisonment are in the nature of punishment for contempt. If you strip a court of the power to enforce its mandates when authorized by law to issue them, you destroy the power of that court. That is well understood. But nowhere in this bill, from one end to the other, can be found a single provision bearing out the suggestion that it authorizes imprisonment for debt.

A PLAIN AND CONCISE BILL.

Another thing; this bill is so simple that one who is not a lawyer can understand it. It is plain, condensed, concise. Why, we used to go almost crazy over the old act of 1867, trying to understand and apply its provisions, and the courts went more crazy than anybody else. [Laughter.] The men who have been connected with the framing of this bill, both in Congress and outside of it, have tried to profit by experience and to frame a bankruptcy bill so simple that no court or counsel or business man could fail to understand it. [Applause.]

TRIAL BY JURY.

We provide here for jury trial. Under the old law, if a jury was demanded in writing, the matter had to be set down for trial at the next term of the court, which might be six months or twelve months off; but under this bill we provide that a jury may be summoned at once.

Mr. KERR. I understand the gentleman to say that under the provisions of this bill creditors can force a corporation into involuntary bankruptcy.

Mr. HENDERSON. Yes, sir; except national banks.

Mr. KERR. What is the objection to giving to corporations the right to go into voluntary bankruptcy?

Mr. HENDERSON. The real objection is this: A corporation is made up of stockholders, and the corporation may fail, and it may be difficult to catch the stockholders and hold them for their individual liabilities. They may own stock in a corporation and may be rich and well able to handle the obligations of the corporation, and yet may escape themselves, while the institution takes advantage of the act.

Mr. RAY. If my colleague will permit me, there is another good reason for that provision in the bill. It is this: Corporations are always created and have life given to them by the laws of the several States, and the States almost without exception have provided very drastic laws to compel them to pay their debts. For that reason it was thought better to leave them to the operation of the laws of the States which created them.

Mr. KERR. But my question is, Why should they not be permitted to take the benefit of voluntary bankruptcy as well as an individual?

Mr. HENDERSON. I will say to the gentleman that there is another reason. We have given him the substantial reasons. There is another reason, which belongs somewhat to the domain of the demagogue; and we are all more or less tainted that way. [Laughter.] I do not know that it is necessary that I should explain further on that point. A bill that gave the benefit of the voluntary provisions to corporations would be assailed most vigorously on that ground, and as corporations have other remedies, we thought we would not make the bill open to attack in that direction. I will say frankly to the gentleman, further, that on broad legal grounds it is pretty hard to figure out a good substantial reason for the exception, but we decided that on the whole it was best not to give corporations the right to take advantage of the voluntary provisions of the bill. They may be proceeded against in involuntary bankruptcy by creditors in exactly the same way as individuals and firms may be proceeded against.

Mr. WATSON of Ohio. Section 19 provides for a jury trial. It says (division b):

b If a jury is not in attendance upon the court one may be specially summoned for the trial, or the case may be postponed; or, if the case is pending in one of the district courts within the jurisdiction of a circuit court of the United States, it may be certified for trial to the circuit court sitting at the same place.

I understand that the object of that is to get a speedy trial by jury.

Mr. HENDERSON. Yes.

Mr. WATSON of Ohio. Well, take my State. It is divided into two districts, and each of those districts is subdivided into two subdivisions. The judge of the northern district resides in the city of Cleveland, and the judge of the southern district resides in the city of Cincinnati. They hold courts in the cities of Toledo and Columbus twice a year. With the exception of the times when they are holding court in those subdivisions they are never in those subdivisions; they are holding court in the cities of Cleveland and Cincinnati. Now, if a man should desire a jury trial in either of those subdivisions he could not get it under this provision of the bill. Now, I want to know why you can not provide in your bill that the referee may preside at a jury trial?

Mr. HENDERSON. Well, we thought it best not to give that great power to the referee. There is a law now authorizing another judge to act when necessary.

Mr. WATSON of Ohio. But there may not be another judge.

Mr. HENDERSON. Then we shall have to give you another judicial division.

Mr. WATSON of Ohio. I wish you would. These referees are to be appointed by the United States district judges.

Mr. HENDERSON. Of course we can not meet every remote condition.

Mr. WATSON of Ohio. If the gentleman will think about it, he will recognize this as a serious matter. Parties desiring a jury trial under this law, but not residing in a district where a judge resides, might not get a jury trial in six months.

Mr. HENDERSON. This appeared to the committee the best that we could do. The parties would have a right to demand a jury trial, and the judge would have authority to go to that place.

Mr. WATSON of Ohio. But he might be busy at home and unable to leave.

Mr. HENDERSON. Then some other judge would have to be detailed. Under the existing law it often happens that one judge is detailed to hold court for another.

Mr. WILLIAM A. STONE. I should like to ask my friend from Iowa a question. I understood him to state that in the case of every act alleged against the debtor as an act of bankruptcy the bill secures the right to a trial by jury. Does the gentleman claim that the question of the discharge—

Mr. HENDERSON. I was speaking only of the adjudication touching acts of bankruptcy.

Mr. WILLIAM A. STONE. I understand that. But what I wish to know is this: Under this bill when an application is made for a discharge, and is traversed by the creditors on the ground of some act on the part of the debtor, can that traverse be tried before a jury?

Mr. HENDERSON. I think not; and it has not been under any bankrupt law, as I remember.

Mr. WILLIAM A. STONE. Then it would be tried before a judge.

Mr. HENDERSON. Yes, sir.

Mr. WILLIAM A. STONE. That is the way I understood it.

Mr. HENDERSON. This touches the matter of adjudication. The provision of the bill is:

A person against whom an involuntary petition has been filed shall be entitled to have a trial by jury in respect to any act of bankruptcy alleged in such petition to have been committed, upon filing a written application therefor before the expiration of the time within which an answer may be filed. If such application is not filed within such time a trial by jury shall be deemed to have been waived.

Mr. PARKER. Will the gentleman allow me this suggestion? One reason, as I understand, for omitting corporations from the operation of this bill is that the bill is intended to relieve persons who can not pay their debts, and who can not obtain relief under the State insolvency law. That reason fails to apply in the case of corporations, because when a corporation becomes insolvent it is practically dead, and somebody else succeeds to its assets. So that there could be no advantage in embracing corporations within the operations of the bill.

Mr. HENDERSON. There is something in the gentleman's suggestion. The bill provides that corporations may be proceeded against in involuntary bankruptcy like any other debtor. It would be unwise, I think, to make a distinction between debtors, except as explained.

We all know that originally bankruptcy under the old English law referred simply to traders, the word "bankrupt" meaning by its derivation "bank broken" or "bench broken."

Mr. PARKER. My suggestion was that full relief in the case of corporations is given by existing statutes, and no further relief for them is required in a bankruptcy law.

Mr. HENDERSON. Oh, yes; they have other methods of winding up their business.

Mr. STEWART of New Jersey. As I understand, this bill makes no provision for trial by jury in the case of voluntary bankruptcy. I suggest to the gentleman that in such cases there may be an issue raised by creditors which ought to be decided by a jury trial.

Mr. HENDERSON. In cases of voluntary bankruptcy, as we understand, the necessity for a jury trial does not arise because the debtor goes into bankruptcy of his own choice; but where his creditors sue him in bankruptcy he ought to have the right to a trial by jury.

Mr. STEWART of New Jersey. But where the debtor voluntarily goes into bankruptcy a creditor may desire to raise the issue of bankruptcy or no bankruptcy; and in that case should there not be a trial by jury?

Mr. HENDERSON. The case which the gentleman suggests is hardly likely to occur.

Mr. STEWART of New Jersey. I can imagine many cases of that kind.

Mr. HENDERSON. In very few cases where the debtor himself "throws up the sponge" and says, "I can not continue the

fight any longer," will the creditor be found opposing the proceeding. They would rather adopt the view that the sooner they can have a dividend the better, and can have no motive for contesting his being adjudicated a bankrupt.

The filing of the petition would be an act of bankruptcy; if the petition was in due form it seems to me there would be no alternative for the court but to make the adjudication.

Mr. Chairman, I do not want to take up more time. I more than appreciate the kindness of this committee in giving me its attention on what is usually considered a dry theme. I wish only to say that we of the committee have worked conscientiously in this matter. The different members of the committee have worked side by side without any bickerings. There have been no politics in this measure—not a particle. Even those who did not agree with the majority of the committee with reference to the sort of a bill to be presented have shown the greatest thoughtfulness and consideration and have done nothing to impede, but everything to help and expedite, our labors. Whatever there may be in this bill of good, we have brought it in as your committee—as your servants. There is nothing in this bill for us that is not for each member of this House—nothing.

We hope to have your approval and support by the further discussion of the bill. We have the approval of our own judgment and consciences and would like, beyond that, to have your approval and that of the country.

I can say to you that the bill is not framed for the East or the West, for the South or the North, but for the benefit of the whole country. There is nothing sectional whatever in the bill, and I believe that its provisions are in full accord and full sympathy with the great heart beat, conscience, and intelligence of this wonderful century. [Applause.]

I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bankruptcy bill, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. PICKLER. I desire to offer a resolution, and ask immediate consideration of the same.

The SPEAKER. The resolution will be read, subject to the right of objection.

The Clerk read as follows:

Resolved, That Monday, the 4th day of May next, be set apart for the consideration of the same class of business that is now considered at the Friday evening sessions of the House, and that 100 members shall constitute a quorum in the Committee of the Whole in the consideration of such business at that time; and that hereafter, during the first session of the Fifty-fourth Congress, the House shall, at 5 o'clock p. m. on Fridays, take a recess until 7:30 o'clock p. m., and remain in session from 7:30 p. m. until 11 p. m., and that debate hereafter at the Friday evening sessions of the Fifty-fourth Congress and on said Monday, May 4, shall be limited to ten minutes on each bill, to be equally divided between those favoring and those opposing the same.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAYTON. Mr. Speaker, I shall have to object unless the gentleman will modify the resolution and make it ten minutes on a side.

Mr. PICKLER. That will be longer than necessary. The whole time of the committee is taken up now at these night sessions by debate, practically.

Mr. LAYTON. I will be compelled to object, unless that modification is made. You can not explain a bill under ten minutes.

Mr. WILLIAM A. STONE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. If the resolution is adopted would it not interfere with the present order of business for the consideration of the bankruptcy bill, provided that is not disposed of by Saturday afternoon?

The SPEAKER. It would, if it is extended beyond that time, except under certain circumstances; where the previous question had been ordered, for instance, that would have to be taken instead of this order.

Mr. WILLIAM A. STONE. Everybody knows that Saturday afternoon at 4 o'clock it will be difficult to take a vote upon this bill. There are usually but few members here.

Mr. PICKLER. I think it was well understood that we were to have Saturday for the consideration of these private pension bills, and the bankruptcy bill now has displaced us.

Mr. BAILEY. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. BAILEY. I have attended, Mr. Speaker, every Friday night session since I have been a member of Congress, except in cases of sickness, when unavoidably absent, and I do not believe I want to multiply them, in view of the fact that less than one-third of the members are in the habit of attending such sessions.

The SPEAKER. The Chair understands the gentleman from Texas to object.

Mr. PICKLER. This bankruptcy bill crowded us out of the way. You had better give us this time—

Mr. BAILEY. We are taking no time belonging to your committee. As I understand it, you are asking unanimous consent now that the House shall give you additional time for the consideration of private pension bills.

Mr. PICKLER. The House well understood that we were to have one night or a day for the consideration of these bills when the bankruptcy bill interfered.

Mr. HENDERSON. We gave way, the gentleman should remember, three days last week; so that the gentleman ought not to throw accusations against our committee.

Mr. PICKLER. I am not throwing accusations against the committee, but I understood that we were to have a day, and I supposed we would have Saturday. Now I thought it proper, as we could not get Saturday, that we should have the next day thereafter.

Mr. WILLIAM A. STONE. Make it Tuesday next.

The SPEAKER. The Chair understands the gentleman from Texas to object.

Mr. HENDERSON. I move that the House do now adjourn.

Mr. PICKLER. I ask the reference of the resolution to the Committee on Rules.

The SPEAKER. It will be so referred.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. DANFORD, for eight days, on account of important business.

To Mr. HENRY of Indiana, indefinitely, on account of important business.

To Mr. STEPHENSON, for ten days, on account of sickness in his family.

The motion of Mr. HENDERSON was then agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3832) to amend section 1225 of the Revised Statutes so as to provide for the detail of officers of the Army and Navy to assist in military instruction in the State normal schools and in the public schools, reported the same without amendment, accompanied by a report (No. 1502); which said bill and report were referred to the House Calendar.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 666) entitled "An act to amend section 4829 of the United States Revised Statutes concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers," reported the same without amendments, accompanied by a report (No. 1505); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill., reported the same with amendments, accompanied by a report (No. 1506); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, reported the same with amendments, accompanied by a report (No. 1507); which said bill and report were referred to the House Calendar.

Mr. ANDERSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7539) to facilitate the payment of pensions, reported the same without amendment, accompanied by a report (No. 1513); which said bill and report were referred to the House Calendar.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 295) entitled "An act making an appropriation for the improvement of the road to the national cemetery near Pensacola, Fla.," reported the same with amendment, accompanied by a report (No. 1525); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COLSON, from the Committee on Pensions: The bill

(H. R. 6037) granting a pension to Mrs. Amanda Woodcock. (Report No. 1498.)

By Mr. HARDY, from the Committee on Pensions:

The bill (H. R. 7192) granting an increase of pension to Row Brasie. (Report No. 1499.)

The bill (H. R. 7743) granting a pension to Emily J. Lyons, widow of Aaron D. Lyons, late a private in the Third Regiment United States Dragoons, Mexican war. (Report No. 1523.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 7584) granting a pension to Phoebe A. Thurber, of Providence, R. I., dependent daughter of Samuel Short, a Revolutionary soldier. (Report No. 1500.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 1122) to remove the charge of desertion from the military record of Edward T. Lewis. (Report No. 1501.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 4223) for the relief of Curtis P. Wise. (Report No. 1503.)

By Mr. CURTIS of New York, from the Committee on Military Affairs: The bill (H. R. 6427) for the relief of Capt. Charles G. Ayres, Tenth United States Cavalry. (Report No. 1504.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 622) granting an honorable discharge to Samuel Johnston. (Report No. 1508.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 1738) for the relief of John Redden, late of Company D, Tenth Tennessee Cavalry Volunteers. (Report No. 1509.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 1636) entitled "An act granting a pension to John G. B. Masters." (Report No. 1512.)

The bill (S. 2175) entitled "An act granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers." (Report No. 1510.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 5846) granting an increase of pension to First-class Pilot Capt. James M. Herrington. (Report No. 1511.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 3798) to pension Laura E. Davenport. (Report No. 1515.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 651) entitled "An act granting a pension to Jane L. Buckingham." (Report No. 1516.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2353) entitled "An act granting a pension to Delia Gilman." (Report No. 1517.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3165) granting a pension to Henry W. Schroder. (Report No. 1518.)

The bill (S. 2194) entitled "An act granting a pension to Mrs. Weltha Post Leggett." (Report No. 1514.)

By Mr. LOUDENSLAGER, from the Committee on Pensions. The bill (S. 2347) entitled "An act for the relief of Laura C. Dodge." (Report No. 1521.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 1186) granting increase of pension to Jane Lister. (Report No. 1522.)

The bill (S. 1880) entitled "An act to increase the pension of Thomas J. Haughey." (Report No. 1519.)

By Mr. WOOMEY, from the Committee on Military Affairs: The bill (H. R. 2891) granting an honorable discharge to George A. Daniels. (Report No. 1520.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (H. R. 91) to pension William Russell for services in Oregon Indian wars. (Report No. 1524.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WANGER: A bill (H. R. 8533) amending section 3 of the pension act of June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8534) amending section 2 of the pension act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8535) to secure international free coinage of silver at the ratio of 16 to 1; to maintain the gold reserve; to regulate the exportation and to protect the production and manufacturing of cotton within the United States—to the Committee on Ways and Means.

By Mr. SHERMAN: A bill (H. R. 8536) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHANY: A resolution (House Res. No. 282) to safeguard the interests of John Hays Hammond, an American citizen

condemned to death for treason in the Transvaal—to the Committee on Foreign Affairs.

By Mr. HEATWOLE: A resolution (House Res. No. 283) providing a hoisting machine for the use of the folding room of the House, for lifting books and other heavy material—to the Committee on Accounts.

By Mr. MORSE: A memorial of the Commonwealth of Massachusetts, recommending that the Government establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. BARRETT: A memorial of the Commonwealth of Massachusetts, relative to the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8155) for the relief of Amy McCormick—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7961) for the relief of John Mellifont and Ellen Riordon—Committee on War Claims discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 8537) granting a pension to Frank J. Carr—to the Committee on Invalid Pensions.

By Mr. BRODERICK: A bill (H. R. 8538) granting a pension to Uri S. Keith—to the Committee on Invalid Pensions.

By Mr. BURRELL: A bill (H. R. 8539) to increase the pension of Mrs. R. Corida Marshall—to the Committee on Invalid Pensions.

By Mr. HURLEY: A bill (H. R. 8540) to compensate Jesse Johnson for legal services rendered by direction of the Attorney-General—to the Committee on Claims.

By Mr. KYLE: A bill (H. R. 8541) to authorize and direct the Auditor for the Post-Office Department to credit the account of John W. Ross, late postmaster at Washington, D. C., with certain amounts now charged against him in his account as such postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: A bill (H. R. 8542) granting an increase of pension to Elisha M. Luckett—to the Committee on Pensions.

By Mr. MARSH: A bill (H. R. 8543) to grant a pension to Thomas Hickman, sr.—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 8544) granting a pension to Charlotte M. Bryson, widow of Andrew Bryson, late rear-admiral in the United States Navy—to the Committee on Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 8545) for the relief of Benjamin Stribling—to the Committee on Invalid Pensions.

By Mr. TYLER: A bill (H. R. 8546) for the relief of the Methodist Episcopal Church South, of Fox Hill, Elizabeth City County, Va.—to the Committee on War Claims.

By Mr. WATSON of Ohio: A bill (H. R. 8547) granting a pension to Cornelius L. Leport—to the Committee on Invalid Pensions.

By Mr. REED (by request): A bill (H. R. 8548) granting a pension to Sarah T. Usher—to the Committee on Pensions.

By Mr. CUMMINGS: A bill (H. R. 8549) authorizing the Secretary of the Navy to grant unto Charles O'Neill, an enlisted man in the United States Marine Corps, the benefit of increased pay in his enlistment of October 17, 1893—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Remonstrance of the citizens of Osceola Mills, Pa., protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

Also, papers to accompany House bill No. 8241, for the relief of Albert J. Goble, late of Company H, Eighth Regiment Pennsylvania Reserve Volunteer Corps—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: Petition of the Wooden Ware Local Union, No. 72, of Menasha, Wis., favoring the passage of

the bill to secure Government ownership and control of telegraph lines—to the Committee on Ways and Means.

By Mr. CURTIS of Iowa: Two petitions of citizens of Marengo, Iowa, praying for favorable action of House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EDDY: Resolution of the St. Paul (Minn.) Chamber of Commerce, asking for the passage of a voluntary bankruptcy law—to the Committee on the Judiciary.

By Mr. FLETCHER: Petition of the Minneapolis Branch of Journeymen Stonecutters, for prohibition of convict labor on public buildings—to the Committee on Public Buildings and Grounds.

Also, petition of George McCormick, of Company B, One hundred and seventeenth New York Volunteers, for the bestowal of a medal on certain soldiers who formed a storming party before Port Hudson—to the Committee on Military Affairs.

By Mr. GAMBLE: Petition of J. W. Mauck and 17 others, of Vermillion, S. Dak., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of P. E. Sparks and others, of Sturgis, S. Dak., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLET of New York: Remonstrance and petition of James D. Pease and 288 citizens of Corning, N. Y., protesting against the continuance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. HILBORN: Memorial of the Union Veteran Legion of Vallejo, Cal., praying for the passage of the per diem pension bill (No. 3727)—to the Committee on Invalid Pensions.

By Mr. LOW: Petition of Theodore Von Bremsen, of the city of New York, late first lieutenant and adjutant of the One hundred and third Regiment New York Volunteers, for an act granting him an honorable discharge from the military service of the United States—to the Committee on Military Affairs.

By Mr. MAGUIRE: Memorial of Chamber of Commerce of San Francisco, Cal., in favor of Senate bill No. 1242, relating to the improvement of the naval reserve and marine engineer service—to the Committee on Naval Affairs.

By Mr. MCCALL of Massachusetts: Petition of Hon. William Everett of Massachusetts, for payment of claim for Congressional services—to the Committee on Claims.

By Mr. MILLER of West Virginia (by request): Petition of Benjamin Stribling, with affidavits, to accompany House bill for pension—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of William C. Durkee and 9 other citizens of Massachusetts, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. REED (by request): Papers to accompany House bill granting a pension to Sarah T. Usher, dependent and permanently helpless daughter of Robert Usher, soldier of the Revolutionary war—to the Committee on Pensions.

By Mr. SHERMAN: Petition of citizens of Dolgeville, N. Y., favoring the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Illinois: Petition of H. B. Madison and others of Kent, State of Washington, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of citizens of New Richmond, Ohio, in favor of the Torrey bankruptcy law—to the Committee on the Judiciary.

By Mr. STAHL: Petition of 150 ex-soldiers and sailors, residing in York, Pa., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. TYLER: Petition and affidavits of trustees, to accompany House bill relating to the destruction of the Methodist Episcopal Church South at Fox Hill, Elizabeth City County, Va.—to the Committee on War Claims.

By Mr. WHEELER: Petition of Jane C. Vandiver, of Cherokee County, Ala., praying that the war claim of J. C. Vandiver be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of the estate of Charles A. Comer, deceased, late of Cherokee County, Ala., praying that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of William Bryant, deceased, late of Marshall County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

SENATE.

WEDNESDAY, April 29, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. PEPPER. I present petitions of certain Kansas churches: of the Presbyterian Church at Burlingame, having a membership of 250; of the Second Methodist Episcopal Church at the same place, having a membership of 305, and of the First Methodist Episcopal Church at the same place, having a membership numbering 460, all praying for the enactment of legislation to create and enforce a Sunday-rest law for the District of Columbia. I move that the petitions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MITCHELL of Wisconsin presented a memorial of sundry citizens of Milwaukee, Wis., of Polish descent, remonstrating against the enactment of legislation restricting immigration; which was referred to the Committee on Immigration.

He also presented a petition of the officers of the Wisconsin National Guard, praying for the enactment of legislation to promote the efficiency of the militia; which was referred to the Committee on Military Affairs.

He also presented the petition of C. B. Willis, of Milwaukee, Wis., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Henry Smith and sundry other citizens of Milwaukee, Wis., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Veteran Post, No. 8, Grand Army of the Republic, Department of Wisconsin, of the National Home, Wisconsin, praying for the passage of House bill No. 7860, making an appropriation for the erection of a monument to commemorate the services and achievements of the private soldiers and sailors of the United States in the late war of the rebellion; which was referred to the Committee on the Library.

Mr. LODGE presented a petition of District Assembly No. 66, Order of Knights of Labor, of Washington, D. C., praying for the passage of Senate bill No. 2147, providing for the restriction of immigration; which was referred to the Committee on Immigration.

He also presented the petition of Henry W. Tyler and 20 other members of the instructing staff of the Massachusetts Institute of Technology, praying for the adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of the Trades and Labor Assembly of Massillon, Ohio, praying for the passage of House bill No. 6119, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. GORDON presented a memorial of sundry wholesale grocers of Savannah, Ga., remonstrating against the passage of the so-called filled-cheese bill; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2133) granting a pension to Mary E. Ely, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2954) to increase the pension of Margaret Custer Calhoun; and

A bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1946) granting a pension to Elijah N. Parkhurst, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pen-

sions, to whom was referred the bill (S. 759) granting a pension to Carrie A. Moody, reported it with an amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment providing an appropriation for the survey of Portland Channel, Alaska, intended to be proposed to the river and harbor appropriation bill, and moved that it be referred to the Committee on Commerce and printed; which was agreed to.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. CARTER on the 28th instant, providing an appropriation for the removal of the refugee Canadian Cree Indians, intended to be proposed to the general deficiency appropriation bill, reported it favorably and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the memorial of the American Anti-Semitic Association of Brooklyn, N. Y., remonstrating against the passage of the so-called McCall educational-test bill, and praying for the passage of the so-called Stone consular-certificate bill, asked that the committee be discharged from the further consideration of the memorial and that it be referred to the Committee on Immigration; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (H. R. 145) for the relief of J. J. Lints, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 2556) granting an increase of pension to Lewis D. Baker, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 1147) for the establishment of a bureau of animal industry for the inspection of meat products and live stock, suppression and extirpation of contagious and infectious diseases among cattle and live stock, to regulate the transportation of cattle and live stock, and prevent the exportation or importation of diseased horses, mules, cattle, sheep, hogs, or other animals, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post-road from Taiya Inlet to Lake Bennett, in the Territory of Alaska, to report it with amendments.

Mr. QUAY. If there is no objection, I should be glad to have the bill put upon its passage. It is one in which some of my constituents are interested.

Several SENATORS. Let us go through with the morning business.

Mr. QUAY. I will wait until the conclusion of the routine business.

Mr. GRAY, from the Committee on Foreign Relations, to whom was referred the bill (S. 2116) for the relief of Wilber H. Graef & Co., reported it without amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, submitted the views of the minority of the committee on the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which were ordered to be printed.

ESTATES OF HUGH M'DONALD AND ELIJAH MOSELEY.

Mr. PASCO. I am instructed by the Committee on Claims to report and ask for the passage of a resolution referring a bill to the Court of Claims under the fourteenth section of what is known as the Tucker Act. I ask unanimous consent for the consideration of the resolution at this time.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the bill (S. 1104) entitled "A bill for the relief of the estates of Hugh McDonald, deceased, and Elijah Moseley, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of the fourteenth section of such act, and report to the Senate in accordance therewith.

Mr. PASCO. I submit a written report to accompany the bill, which I ask may be printed.

The VICE-PRESIDENT. The report will be printed under the rule.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 2973) to amend section 4488 of the Revised Statutes, relating to life-saving appliances on ship-board; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY. In behalf of my colleague [Mr. CAMERON], who is unavoidably absent from the Senate, I introduce two bills.

The bill (S. 2974) to authorize the President of the United States to appoint and confer the rank of lieutenant of the junior class upon the instructor of swordsmanship at the United States Naval Academy; was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

The bill (S. 2975) granting a pension to John Amrein was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2976) granting a pension to Isaac Neer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TURPIE introduced a bill (S. 2977) to correct the military record of Lake B. Morrison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HILL (for Mr. MURPHY) introduced a bill (S. 2978) to provide an American register for the steamer *Menemsha*; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORDON introduced a bill (S. 2979) for the relief of representatives of John W. Branham; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 2980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAULKNER introduced a bill (S. 2981) granting a pension to Mary Throckmorton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2982) granting a pension to Caroline Vierheller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott; which was read twice by its title, and referred to the Committee on Pensions.

HEARINGS ON WOMAN SUFFRAGE.

Mr. CALL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That 5,000 copies of the hearings on woman's suffrage be printed for the use of the Senate, the cost not to exceed \$200.

Mr. HARRIS. Does not the resolution have to go to the Committee on Printing?

Mr. CALL. A similar resolution, a concurrent resolution, has been reported from that committee and passed the Senate. The chairman of the Committee on Printing consents to the resolution.

Mr. HALE. A similar resolution has already passed the Senate. The resolution was considered by unanimous consent, and agreed to.

GOVERNMENT PRINTING OFFICE INVESTIGATION.

On motion of Mr. PRITCHARD, it was

Ordered, That there be printed for the use of the Senate 1,000 copies of the evidence taken in the investigation of the charges preferred against the Public Printer before the Committee on Civil Service and Retrenchment, and that a like number of the reports of said investigation be printed.

LIENS UPON IMPORTED MERCHANDISE.

Mr. FRYE. Yesterday the bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880, came from the other House and was referred to the Committee on Finance. A Senate bill, the same bill, word for word, has already been reported from the Committee on Commerce and is on the Calendar. I ask that the vote by which the House bill was referred to the Committee on Finance may be reconsidered, and that it be placed on the Calendar in the place of Order of Business 784, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. Without objection, the Committee on Finance will be discharged from the further consideration of House bill 6836, and it will be placed on the Calendar at the point indicated.

Mr. FRYE. And let the bill (S. 2391) to amend section 2981 of the Revised Statutes of the United States as amended by the act of June 10, 1880, be indefinitely postponed.

The VICE-PRESIDENT. Without objection, it will be so ordered.

ORDER OF BUSINESS.

Mr. QUAY. I ask unanimous consent for the consideration of Senate bill 2522, reported a few moments ago from the Committee on Post-Offices and Post-Roads.

Mr. HALE. Let me get up the appropriation bill first.

Mr. QUAY. Very well.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. VILAS. I call the attention of the Senator from Maine to the fact that I gave notice that this morning I should ask the Senate to receive the communication from the governor of Wisconsin presenting the statue of Marquette. I have no objection to calling up the appropriation bill if it is not to interfere with that order.

Mr. HALE. I desire to have the bill taken up, and then, under the arrangement which has been made for addresses upon the subject indicated, I shall not ask to go on with the bill until that is completed.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine, to proceed to the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. HALE. Will the Senator from Wisconsin defer for a moment until I have yielded, as I agreed, to the Senator from Pennsylvania [Mr. QUAY]?

Mr. VILAS. Certainly.

Mr. QUAY. I have no desire to press the consideration of Senate bill 2522 if the Senator from Wisconsin desires to proceed now. But the bill was reported a few moments ago and I should be glad to have it passed to-day.

Mr. VILAS. I will ask the Senator from Pennsylvania if the consideration of the bill is likely to occupy any time?

Mr. QUAY. If it occasions any debate I will not press its consideration.

Mr. VILAS. Very well.

ALASKA TRANSPORTATION AND TRADING COMPANY.

Mr. QUAY. I ask the Senate to proceed to the consideration of the bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post-road from Taiya Inlet to Lake Bennett, in the Territory of Alaska.

The VICE-PRESIDENT. The bill will be read for information. The Secretary read the bill.

Mr. PERKINS. I ask what committee have reported upon that bill?

Mr. WOLCOTT. I will say, in answer to the inquiry, the Committee on Post-Offices and Post-Roads. The purpose is to build over an almost impassable mountain range, where now supplies are carried upon the backs of natives in the snow, a toll road for post-office and post-road purposes. The bill carries with it no sort of appropriation except a right of way and land at the termini. All the expenses of construction are to be borne by the company itself.

There is no way of incorporating a company to do business in Alaska except by Federal statute. Otherwise persons must apply under the laws of the different States and do business in the Territory of Alaska by the comity that exists between States and Territories. There have been some gold fields discovered in the section through which this road is intended to extend, and the building of the road will be of great service.

There is another consideration which makes it especially desirable at this time, and that is one I do not care to dwell upon. In view of differences that may arise as to the proper boundary line of Alaska, the construction and possession of this road may be a wise measure.

Mr. PERKINS. Mr. President—

Mr. PEPPER. I object to the further consideration of the bill.

Mr. PERKINS. The explanation, as far as it goes, is very satisfactory.

Mr. QUAY. Mr. President, I will not press the bill at this time.

Mr. PERKINS. I, however, have introduced one or two bills in Congress, the object in view being to acquire title to sites where people have erected mills and where they have expended hundreds of thousands of dollars in securing a location. Those bills were referred to the Committee on Public Lands, and that committee have been considering them for weeks and months, and they have decided that no recommendation should be made touching the lands of Alaska until after a commission has investigated the question fully under the direction of the governor or judge or some one familiar with that country.

Mr. PEPPER. Mr. President, I object to the further consideration of the bill.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from California for a moment. The Senator from Kansas, the Chair understands, objects to the present consideration of the bill.

Mr. PEPPER. I do.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HALE. Let us have the regular order.

STATUE OF JAMES MARQUETTE.

Mr. VILAS. Mr. President, I ask that the communication of the governor of Wisconsin which has been laid upon your table be presented to the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the communication from the governor of Wisconsin indicated by the Senator from Wisconsin. The communication will be read.

The Secretary read as follows:

EXECUTIVE CHAMBER, Madison, Wis., March 19, 1896.

SIR: It gives me pleasure to inform you, and through you the honorable body over which you preside, that the State of Wisconsin, in response to the invitation extended to the States of the Union under section 1814 of the Revised Statutes of the United States, and in accordance with the resolution passed at the first session of Congress in 1893, has placed in the old Hall of the House of Representatives at the Capitol of the United States a marble statue of Père Marquette. This statue was made in pursuance of an act of the legislature of this State passed at its biennial session in 1887, and is the work of the Italian sculptor, Mr. G. Trentanove, of Florence, Italy.

I have the honor, in behalf of the State of Wisconsin, of presenting this statue to the Congress of the United States.

I am, sir, very respectfully, yours,

W. H. UPHAM,
Governor of Wisconsin.

Hon. ADLAI E. STEVENSON,

Vice-President of the United States
and President of the Senate, Washington, D. C.

Mr. PALMER. Mr. President, I present resolutions in connection with the same subject and ask for their immediate consideration.

The VICE-PRESIDENT. The resolutions submitted by the Senator from Illinois will be read.

The resolutions were read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary, explorer, and discoverer of the Mississippi River.

Resolved, That the statue be accepted, to remain in the National Statuary Hall, and that a copy of these resolutions, signed by the presiding officers of the Senate and House of Representatives, be forwarded to his excellency the governor of the State of Wisconsin.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

Mr. MITCHELL of Wisconsin. Mr. President, the ancient city of Laon, in the north of France, not far from the Belgian border, was the birthplace of Jacques Marquette, the man whom Wisconsin has seen fit to honor. It sits upon a rocky eminence and dominates the vine-covered country of Champagne. Girt about by battlements, with a stately mediæval cathedral rising in its midst, it forms a citadel and sanctuary in one.

Born into such surroundings, growing up between war and worship, young Marquette was bound to become either a soldier or a priest. He inclined to the latter, but, a hero at the core, it mattered little whether he donned cassock or cuirass. Marquette came of a martial race. His forefathers distinguished themselves in the Continental wars. Three of their descendants fell in our own war for independence. At 17 Marquette joined the followers of Loyola. Among them he spent twelve years in diligent study and in teaching. St. Francis Xavier, "the apostle of the Indies," became his model. He burned with desire for work in pagan lands. Under the authority of his order he sailed for Canada, landing at Quebec on September 20, 1666, buoyant with health and high ambition.

In 1534 Verrazzano, a sailor of fortune (if the expression is permissible), flying the flag of France, skirted the coast of New England and Canada, thereby founding a territorial claim.

In 1535 the French navigator Cartier ascended the St. Lawrence River as far as Mont Royal, the Montreal of to-day.

In the beginning of the seventeenth century came the colonizer Pontgravé; after him the soldier Champlain, with his men at arms and their arquebuses. In a battle at the modern Ticonderoga he gained the questionable friendship of the Algonquins and the unrelenting hatred of the Iroquois. For over a century thereafter the Iroquois left a bloody trail in Canada. Then the French Government sent out to represent it De Tracy, Courcelles, and the vigilant Talon. About this time arrived the Recollects, the "Gray Gowns"; after them the Jesuits, the "Black Gowns."

Up to the time of Marquette's arrival French colonization in the populating sense had proved a failure. Some insignificant settlements along the St. Lawrence, a handful of priests, a few scattering fur traders and bushrangers made up the population. All Canada did not count to exceed 6,000 souls. Despite all these efforts at colonization, Canada still remained a wilderness hardly touched by the hand of civilization save in the matter of gunpowder and the equally destructive brandy. Into this domain of barbarism Marquette betook himself, having for sole protection the cross of Christ. He remained for a while at the mouth of the Saguenay River, ministering to the Montagnais Indians and perfecting himself in their language. Marquette was a gifted linguist, mastering later on six distinct Indian tongues.

In 1668 he was ordered to the Sault Ste. Marie. With a party of Nez Percés he moved up the Ottawa River, crossed Lake Nipissing to Georgian Bay, thence by Lake Huron to the "Sault."

Throughout this perilous passage he stuck to his paddle like a galley slave to his oar, subject meanwhile to the taunts of his brutal companions. The party landed on what is now the American side of the St. Marys River, at a point frequented by the Chippewa Indians. Here he erected the first church in the present State of Michigan. Here he dug and planted the first garden in the Northwest.

In the autumn of 1669 he set out for La Pointe de St. Esprit, in the present State of Wisconsin. This was a mission founded a short time before at the entrance to Chaquamegon Bay and not far from the western extremity of Lake Superior. Here were gathered remnants of the Huron and Ottawa tribes of Indians, who had fled before the fury of the Iroquois.

Marquette writes interesting accounts of the Indians to Le Mercier, superior of the missions:

I am obliged to render you an account of the mission at La Point de St. Esprit among the Ottawas, according to your orders, on my arrival here after a month's navigation on snow and through ice, which closed my way and kept me in constant peril of life.

Divine Providence having destined me to continue this mission, I arrived and went to visit the Indians here, who are divided into five towns. The Hurons, to the number of about four or five hundred, still preserve some little Christianity. The nation of the Outouaks is far from the Kingdom of God, being above all other nations addicted to sacrifices and juggleries. They ridicule prayer and will scarcely hear us speak of Christianity. The Kiskakons had resolved in the fall of 1668 to obey God. They were then in the fields harvesting their Indian corn. They listened with pleasure when I told them that I came to La Point for their sake and that of the Hurons, that they never should be abandoned, but be beloved above all other nations.

Winter closed in. For Marquette, what a disheartening sojourn alone on that desolate shore! For him no communion with civilized man, no caress of child, no soothing voice of woman. Even nature offered no consolation. Frost had withered the grass in the openings. The foliage of the trees had put on, by way of leave-taking, its coat of many colors, then dropped to the ground. Only the dormant pines retained their green. They slept like knights of old, with their armor on. Snow fall stilled the hum in the forest. Ice stopped the tinkle of the streams. No sound fell upon his ear save the guttural tones of savages and the swash of the angry waves of Chaquamegon.

From the west came trooping bands of warlike Dakotas, their long locks dangling, bunches of flint-headed arrows slung on their backs, and stone hatchets stuck in their belts. From the south, a thirty days' journey, bent on trade, came the more pacific Illinois.

All these brought stories of the "Great Water"—the Mississippi—flowing no one knew whither; where houses walked on the water and monster fishes swam. The exploration of this river, which he believed had its mouth in California, became a settled purpose in the mind of Marquette. He says:

If the Indians who promise to make me a canoe do not fail to keep their word, we shall go into this river; we shall visit the nations which inhabit it, in order to open the way to so many of our fathers who have long awaited this happiness. This discovery will give us a complete knowledge of the southern or western sea.

Throughout the winter he ministered to his unruly flock, baptizing the infants and instructing the adults. In the pungent smoke of his cabin he pondered over his project of discovery, schooling himself in Indian lore.

The following year the Dakotas, incensed at the conduct of the Hurons and the Ottawas, declared war upon them, "first returning to the missionary the pious pictures which he had sent them as a present." It was resolved to abandon La Pointe. The Ottawas decamped first. Marquette remained with the Hurons to join in their wanderings and privations. They took to their canoes and, mindful of the good fishing at Michilimackinac, they made their way to that "pebbly strand." The Hurons, or Wyandots, came originally from Georgian Bay, whence they fled before the Iroquois. In years gone by, on their passage to Chaquamegon Bay, they had touched at Michilimackinac. On this storm-swept, inhospitable spot, Marquette's first care was the erection of a mission chapel, calling it St. Ignace. He writes to Father Dablon:

The Hurons come regularly to prayers and have listened to the instructions I gave them, consenting to what I required to prevent their disorders and abominable customs. We must have patience with untutored minds, who know only the devil, who like their ancestors have been his slaves, and who often relapse into the sins in which they were nurtured. God alone can fix these fickle minds and place and keep them in His grace, and touch their hearts, while we stammer at their ears.

He ends his letter:

This is all I give about this mission where minds are now more mild, tractable, and better disposed to receive instructions than in any other part. I am ready, however, to leave it in the hands of another missionary to go on your order to seek new nations toward the South Sea who are still unknown to us.

Colbert, in France, and Frontenac, then governor of Canada, were scheming to circumvent the English and "confine them to their weak and broken line along the coast of the Atlantic." Besides, they wanted a more southerly outlet than the St. Lawrence, icebound half the year. The acquisition of the region through which flowed the much talked of but unexplored Mississippi appeared to them important to these ends. For this expedition

Frontenac, on the advice of Talon, selected Marquette and Joliet. The latter was a young man, a Canadian by birth, and a trader and rover by inclination.

In December, 1672, Joliet joined Marquette at Michilimackinac. Of Joliet's coming and purpose Marquette writes:

I was delighted at this good news, because I saw my plans about to be accomplished, and found myself in the happy necessity of exposing my life for the salvation of all these tribes, and especially of the Illinois, who, when I was at Point St. Esprit, had begged me very earnestly to bring the word of God among them.

The winter was passed in preparation for the trip. On May 17, 1673, the two Frenchmen and five Indian companions started upon their journey in two canoes, with a small provision of Indian corn and smoked beef—a sorry outfit, but gaily escorted by hope. At first they followed the northern shores of Lake Michigan and entered Grand Baye, or Green Bay. The Indians upon the banks of the Menominee River, where they put in, endeavored to dissuade them from proceeding farther. The banks of the Mississippi, they said, “were inhabited by ferocious tribes, who put every stranger to death, tomahawking all newcomers without cause or provocation.” They added that “there was a demon in a certain part of the river whose roar could be heard at a great distance and who would engulf them in the abyss where he dwelt; that the waters were full of frightful monsters who would devour them and their canoes, and, finally, that the heat was so great that they would perish inevitably.” Marquette did not take counsel of these fears. The party took the same course that Nicolet had followed some forty years before, up the lower Fox River, crossing Lake Winnebago, then ascending the upper Fox to a portage, and passing over to the Wisconsin River. Here they reached the limit of previous exploration. In this neighborhood they chanced upon a village of Muskoutens, Miamis, and Kickapoos, who directed them as to their course. Marquette gave to the river the name Mesconsin, which was changed to Ouisconsin, and, finally, to Wisconsin.

Down the stream they sped, threading the currents and grating over the sand bars; by forests resplendent with verdure; past nature's fields rich with ungarnered harvests. On the 17th of June, just below the present city of Prairie du Chien, Wis., they shot out upon the virgin waters of the Mississippi. From the prows of their frail canoes came the first ripple in the rising tide of civilization which was to overspread the great West. Marquette surveyed the scene—one that no white man had ever before looked upon—“with a joy he could not find words to express,” to use his own language. Southward they steered, landing to cook their food, at night anchoring in the stream for safety. They had journeyed for over a fortnight seeing no sign of human life, when they came across footprints in the mud at the water's edge. Following a path, not without trepidation, they came to a village of the Illinois. Here, when Marquette had addressed them in their own tongue, they were greeted with kindness. After a friendly smoke, Marquette was presented with the mysterious talisman of peace, a “calumet.” It is claimed that Marquette in his written narrative introduced this word into civilized speech. A feast followed. A large dog, boiled, was the “*pièce de résistance*.” This did not tempt the travelers and they were allowed to regale themselves on fat buffalo meat. Taking leave of their hosts, they drifted past the Illinois River. Later they reached the mouth of the Missouri, and their canoes were tumbled about in the turbid waters of the confluence. A little time and they espied on their left the Ohio—Iroquois for the “Beautiful River.” Day after day passed on in solitude. Nearing the mouth of the Arkansas River, Indians on the banks became threatening and put out in their canoes to the attack. This would certainly have proved fatal to the party but for the calumet which Marquette had received from the Illinois. He held it aloft by way of flag of truce. The natives lowered their weapons and the travelers went on in peace. They landed at an Indian village opposite the mouth of the Arkansas. At this point they decided to turn back. A young warrior who spoke Illinois warned them of the dangers which awaited them lower down the river—death by disease or at the hands of the Indians, or capture by the Spaniards.

They had established the important point that the Mississippi did not flow into the Atlantic or Sea of Virginia, nor into the Gulf of California or Vermilion Sea, but into the Gulf of Mexico. If they proceeded farther the results of their discovery would be lost. They began their homeward voyage on the 17th of July. Paddling against the current all day under a midsummer sun, sleeping at night in a malarial atmosphere, subsisting on scant, unwholesome food, Marquette soon sickened. With him it was the beginning of the end. By toilsome stages they reached the Illinois River and ascended it, believing it an easier course to Lake Michigan than by way of the Wisconsin River. Under the guidance of a band of young Illinois warriors they reached the lake. They coasted its western shores and landed at Green Bay toward the end of September. They had been absent about four months, during which time they had paddled over 2,500 miles.

Of this memorable voyage Marquette kept a journal. Sparks says:

The narrative itself is written in a terse, simple, and unpretentious style. The author relates what occurs and describes what he sees without embellishment or display. He writes as a scholar and as a man of careful observation and practical sense. There is no tendency to exaggeration, nor any attempt to magnify the difficulties he had to encounter or the importance of his discoveries. In every point of view this tract is one of the most interesting among those which illustrate the early history of America.

At Green Bay, in the hope of recovery, Marquette remained during the winter and summer. The following fall, feeling somewhat restored, he started to the country of the Illinois with two Frenchmen and a band of Pottawatomies. They passed over the portage at Sturgeon Bay and followed the western shore of Lake Michigan. Storms baffled them. It took them a month to reach the Chicago River. Here Marquette's malady, the dysentery, took hold on him anew. Too feeble to proceed, he spent the winter with his two companions near the present site of Chicago, a prey to hunger, cold, and disease. But he had promised the Indians at Kaskaskia, on the Illinois River, that he would return. He found strength enough in the spring to visit them, and was greeted by them “like an angel from heaven.”

His life was fast ebbing. He decided to set out for St. Ignace, wishing to die among his brother missionaries. The party moved northward along the eastern shore of Lake Michigan. On the 18th of May, 1675, knowing that his end was approaching, he landed. He gave directions as to his burial, asked the forgiveness of his companions for the trouble which he had caused them, then peacefully passed away.

Two years after his death a party of Kiskakons, former disciples of his, hunting thereabouts, sought out his grave. They placed his bones in a birchen box. With a flotilla of 30 canoes they conveyed it reverently to St. Ignace. King Arthur's mortuary bark did not bear to the Island of Avalon the earthly remains of a more chivalric soul. Priests, Indians, and traders assembled on the shore to receive the funeral cortege. They carried the rustic casket to the chapel, where it was buried to the sound of the church-going bell and the harmonious accents of his mother tongue, “with tapers burning, like his zeal, and incense rising, like his aspirations, to heaven.”

Gentleness, courage, self-sacrifice, were the characteristics of Marquette.

In fortitude he was the equal of his brother missionaries. In native refinement and in education he was their superior. He was a zealot, if you will. But I have no quarrel on that ground. Religion is the jewel in the toad's head; let each one carry his own.

With him, the longings of a sensitive heart, divorced from earth, sought solace in the skies. A subtle element of romance was blended with the fervor of his worship and hung like an illumined cloud over the harsh and hard realities of his daily lot.

He was a Jesuit, it is true. Whatever faults the Jesuits of those days may have had were peculiar to their time. The Puritans, for instance, were every whit as bigoted as they. Their conduct in other countries is not in question here. In North America they stand the transcendent heroes in the advancing army of civilization. As explorers, they pushed into the cruel wilderness, unfalteringly, self-devotedly, far to the front, where others followed with calculating circumspection.

Bancroft writes of them:

Defying the severity of climate, wading through water or through snows, without the comfort of fire; having no bread but pounded corn, and often no food but the unwholesome moss from the rocks; laboring incessantly; exposed to live, as it were, without nourishment, without a resting place; to travel far, and always incurring perils; to carry their lives in their hands, or, rather, daily and oftener than every day, to hold them up as targets, expecting captivity, death from the tomahawk, tortures, and fire.

But the qualities of priest and of Jesuit had no part in determining Wisconsin's choice of Marquette for the honors of Statuary Hall. His pure and saint-like life, his writings and his fame as the explorer of the Mississippi controlled the selection. He was the first white man to traverse our territory and write a description of it. He was the first to map out our confines. He gave a name to the river after which our State is called. On our soil he planned his voyage of discovery. From our borders he first caught sight of the waters of the Mississippi.

Marquette is the one great historic character identified with our State. Wisconsin has developed many notable men. They are the men of yesterday who may seem great to-day, but to-morrow their names will be lost in obscurity. Not so with Marquette. On the pages of history his name will shine the brighter as time goes on.

Mr. KYLE. Mr. President, on the shores of the upper St. Lawrence and the chain of lakes extending to the Superior are to be found the footprints of French explorers who more than two centuries ago were the first to penetrate that unknown wilderness. Ferdinand De Soto, a Spaniard, had, a century before this, reached Florida by the West Indies and had pushed his way to the Mississippi in 1541; but little was known of that vast region except extravagant tales told by wandering tribes of Indians. Prior to

De Soto's discovery, James Cartier, the distinguished navigator, had in 1535 discovered the St. Lawrence and taken formal possession of the country in the name of Francis I of France. The French thus having possessions, had from time to time sent explorers and missionaries to the frontier. Father Dreuillettes had traversed the region from the St. Lawrence to the Kennebec and on to the sea. Father Allouez, who had founded the Ottawa mission and had labored among the Indians as far west as Green Bay, welcomed Marquette. Samuel De Champlain had founded Quebec in 1608, and had explored much of the territory from there to Lake Huron. The cities of St. Louis, St. Joseph, St. Charles, mark the path of French exploration along the Mississippi, and Joliet, Sault Ste. Marie, Marquette, and others along the Great Lakes. Many of these towns are the sites of early mission stations.

Prominent among these early explorers may be mentioned James Marquette. He was born in France of a family well known in civil and military life. His mother was a woman of rare culture and piety. From her Marquette inherited those traits of character which made him priest instead of soldier. From early childhood great pains had been taken with his education along secular and ecclesiastical lines, and he was doubtless moved with deeds of bravery, both on the field of battle and on the frontier, by missionaries of the Cross. His soul was fired by the enthusiasm of Ignatius Loyola, who, a century before, casting aside luxury and fortune, had founded the Society of Jesus and had, without purse or script, gone forth by the Cross alone to Christianize northern Europe. Deeds of war to his mind were transitory, a mere passing glory, while a life of sacrifice for his fellow-men would win laurels from the Prince of Peace.

At an early age Marquette entered the religious Society of Jesus, where he spent fourteen years in study and contemplation. He had dwelt on the lives of the early church missionaries who carried the gospel to Germany, Switzerland, France, and England in the early centuries of the Christian era and had built monasteries and convents in these heathen lands. Such pioneer work had the air of romance, and instead of settling in some staid parish of his native land he determined to cast his lot with the settlers of the New World and devote his life to Christianizing the savages of the frontier. He accordingly sailed for French Canada, landing at Quebec in 1666, a hundred years before this region was made historic by the French and Indian wars.

To us who now journey over the scene of his travels by means of the Grand Trunk Canadian lines, or make the tour of the lakes on palatial steamships, it is difficult to picture the hardships of pioneer exploration. History records that after spending a couple of years in studying the Huron and Algonquin languages, Marquette set out for his Lake Superior mission accompanied by a couple of guides. His course was by boat up the Ottawa River and Georgian Bay to Lake Huron, a distance of several hundred miles, thence to Sault Ste. Marie, where he founded a mission. Subsequently he moved his station to La Pointe, where he labored among the Hurons and Ottawas. In 1671 the Sioux Nation made war upon his tribes, and he was forced with them to Mackinaw, where he founded the mission of St. Ignatius.

While at La Pointe he had heard from roving bands of Indians of the mighty Mississippi and determined to push his way to it, but owing to warlike demonstrations among the tribes he was unable to make the journey till 1673, when Joliet reached Mackinaw with a commission from the governor of Canada to attempt the discovery of the Mississippi. Marquette, who had waited patiently and prayerfully, considered this a providential circumstance, and accordingly joined Joliet and his five men. This small company made the journey through great privations, their shelter at night being rudely constructed huts and their subsistence Indian meal and the game of the forests. Their course was through Lake Michigan and Green Bay, thence up the Fox River in Wisconsin to the Divide. Carrying their boats a short distance, they launched them in the Wisconsin River and continued their journey, reaching the Mississippi June 17, 1674.

Quoting from our worthy Chaplain, Dr. Milburn—

Streams with broader openings to the sea there are, with grander historic associations, with more romantic memories thronging their banks; but what one of all earth's water courses can vie with this majestic appeal to the imagination and hope of mankind? A great, silent joy was in Marquette's breast, and as grateful tears wet his eyes he offered a fervent thanksgiving that he had been permitted to look upon this wonder. The devout spirit thought of the greatest birth of time, and in commemoration of it he named the river "The Conception." For eight days they glided over the crystal pavement between shores widening to the distance of half a league, and then approaching in rocky bluffs, as if they were the towers and battlements of hostile cities, to within a few hundred yards. In vernal pasture lands they beheld the moose and the elk and the deer cropping the herbage, and lower down vast herds of buffalo grazed in the meadows, and the woods were filled with flocks of wild turkeys. For fifteen days they had not come in sight or trace of the habitation of human beings. At length they discerned a well-marked trail on the west bank of the river, and landed to seek the men whose feet had left it. With minds moved alternately by hopes and fears, Marquette and Joliet proceeded 6 miles, when they descried three Indian villages. Uttering a loud cry, they rapidly approached them. A company of old men came forth to meet them, and when asked by Marquette who they were replied, "We are Illinois." Great was the good father's joy. He explained who he and his

companions were, whereupon they were joyfully welcomed with the peace pipe. Then followed six days of feasting. Heartily did the simple natives urge the Frenchmen to tarry with them. But their task was not half performed, and they must up and away. Taking an affectionate farewell of their kind hosts, they were escorted to their canoes and presented with a calumet magnificently adorned, than which no more valuable gift could have been made them.

It was thus Marquette first met his beloved "Illinois," and his life's aim thereafter was to settle among and preach the gospel to this tribe. For a month they paddled their boats with the current, making note of what they saw, and stopping only to greet or hold council with Indians on the banks, not knowing whether the waters would carry them to the Pacific or to the Southern Gulf.

Reaching a point near the Arkansas River, and being convinced that the river discharged its waters into the Gulf of Mexico, they began their return journey under great difficulties. Marquette was taken ill, and it was only with the greatest care that he survived to reach Lake Michigan. The return journey was made by way of the Illinois River, the company reaching Green Bay in September. Marquette subsequently rallied and determined to found on the Illinois his mission called the Immaculate Conception. This he undertook, and in December, 1674, reached the spot where Chicago now stands. He had the honor of erecting there the first cabin and church. A little later he visited the Kaskaskias, but failing health warned him to cease his labors. His desire was to reach Green Bay and spend his last hours among his Indian friends. For many days his companions plied the oar in Lake Michigan, inspiring their friend with hope. They were, however, compelled to take him ashore, where, on the soil of Michigan, he died and was buried. Subsequently some friendly Indians removed his remains to St. Ignatius Mission, at Mackinaw, where, beneath the church floor, they now rest.

Such is the story of Marquette's life—a short one. He was but 38 years of age, and had spent but six years in his chosen mission, and yet he carved a name for himself both as philanthropist and explorer. His mission was to carry the gospel to a heathen people; yet he rendered great service to our country as a pioneer of civilization.

To such men our nation rightfully does honor. Marquette stands for a great class of Christian missionaries who have led the vanguard of explorers into the unknown parts of the earth. From the time St. Boniface carried the gospel to Germany, in the eighth century, and Ansgar, the apostle of the north, to Scandinavia, until now, when missionaries of all denominations are penetrating the jungles of Africa, the church has been foremost in discovery and has rendered untold service to civilization. Eliot and Brainerd spent their lives on the frontiers of Massachusetts and Pennsylvania, and paved the way for later settlements. Dr. Stephen R. Riggs, born early in this century, is known and revered in Minnesota and the Dakotas for his labors among the Sioux Indians. In 1839, when white people thought it dangerous to cross beyond the Mississippi, Dr. Riggs established his mission at Lac Qui Parle. Soon after he crossed into the Dakotas and spent a long and useful life among the Sioux. Besides his schools and churches—the result of his religious work—he left nearly fifty volumes of literature relating to the Indians, among them being a grammar and dictionary of the Sioux languages. Not less valued are the services of Marcus Whitman, who, under the American Board, went as missionary physician to the Territory of Oregon in 1839. He, with his associate missionaries, blazed his way into the forests of Oregon to carry the gospel to the Indians, but noted the valleys of fertile land, with valuable forests and streams, and in 1842, when the Webster-Ashburton treaty was under consideration by the Senate, Whitman made the journey from Oregon to Washington on horseback with but one companion and a guide. This vast territory was represented by the British as worthless and inaccessible, and the land would have been given them but for the representations of Whitman, who arrived on the 3d of March, just before the ratification of the treaty. The State of Oregon and the United States owe this distinguished missionary a debt of gratitude that can not be paid. Four years after this trip he and his family were massacred by the Cayuse Indians and buried at Wallawalla. Time would not permit, Mr. President, the enumeration of the missionaries of the church, both Catholic and Protestant, who have laid the world under obligations for their valuable discoveries. It was David Livingstone who left his Scottish home to spend a life of hardship in the interior of Africa. His was a gospel mission to the benighted natives, but he ranks with the great explorers of his generation. Missionaries were among the first to visit the Hawaiian Islands, and certainly the first to demonstrate their commercial value to the world.

Thus, Mr. President, the church has added greatly to the geographic and scientific knowledge of the world. To this great class of discoverers belongs James Marquette. He was saintly in character, unselfish in his purposes, and untiring in his efforts to bring the message of gladness to darkest civilization. How striking the contrast between this man and De Soto and scores of explorers whose ambition was gold. As many of his predecessors

had done, Marquette gave his life for those he loved. Dr. Milburn well remarks, "When we hear of faith and love like theirs, can we say contemptuously, 'They were Jesuits,' and forget they were Christians sealing their testimony with their blood?"

Marquette had made a journey of 2,500 miles, touching the territory of four of our Northwest States. His mission was to the Indians. He had left to Joliet the part of reporting their journey to the governor of Canada. He was content to remain and die with those for whom he had labored. His life is beautiful in self-sacrifice. His discovery ranks among the foremost and most important on the continent; and it is to Marquette the explorer that we do honor at this time. Though a simple missionary of the cross and without a possession in the world, his name is written beside those of De Soto, Balboa, Cartier, Joliet, and others who are enrolled in the historical annals of our country.

Mr. PALMER. Mr. President, the State of Wisconsin has selected and presented to the United States to be placed in the "Hall of Heroes," the statue of James Marquette. It will, when accepted, take its place among the marble and bronze representations of the great men selected by the States as their ideals of lofty characteristics and noble deeds.

No State has chosen better than Wisconsin in selecting Père Marquette as the representative of courage, resolution, and devotion to the elevation of humanity.

Mr. President, mankind honors heroes, and the history of our race in all ages exhibits the universal disposition to honor names ennobled by the possession and the exhibition of great qualities. Eminent soldiers are oftenest the objects of popular regard and adulation, and it is to great commanders we are ready to attribute highest qualities.

The public grounds of this magnificent city afford abundant proof of the truth of these reflections, for in nearly all of them are to be found the statues of soldiers who have won distinction—Washington, Lafayette, Greene, Jackson, Scott, and leaders who distinguished themselves at later periods. Civil fame does not bear such rich and generous fruit, though the qualities which go to constitute greatness in military and civil life are much the same.

Washington and Jefferson, Jackson and Clay, Grant and Lincoln alike possessed great sagacity, exalted courage, and, what is more impressive if not more valuable than either, unflinching, unflagging resolution. Sagacity, by which term I mean to include extraordinary wisdom, often perceives and exaggerates danger. Courage is sometimes intermittent, while resolution, when associated with the qualities I have mentioned, utilizes both, and gives them steadiness, persistent force, and success, when success is possible.

Lincoln never commanded an army in the field, but many of us know that his patient resolution, which checked the desperate purposes of the rash and extravagant and supported the faltering and the timid, equaled Grant, who would "fight it out on that line if it took all summer."

James Marquette, whose history is brief, was, we are informed, born in 1637, one hundred years before the birth of our Washington.

When about 17 years of age he joined the Jesuits, evidently from motives purely religious, and in 1666 he was sent to the mission of Canada. His talent as a linguist must have been great, for within a few years he learned to speak six Indian languages.

Parkman, whom I follow, says:

A subtle element of romance was blended with the fervor of his worship, and hung like an illumined cloud over the harsh and hard realities of his daily lot; kindled by the smile of his celestial mistress, his gentle and noble nature knew no fear. For her he burned to dare and to suffer, discover new lands, and conquer new realms to her sway.

In the journal of his voyage, after referring to a particular change made in his destination, he wrote:

I was the more delighted at this good news, because I saw my plans about to be accomplished and found myself in the happy necessity of exposing my life for the elevation of all these tribes, and especially of the Illinois, who, when I was at Pointe St. Esprit, had begged me to bring the Word of God among them.

He then made preparation for the expedition he was about to undertake. The outfit of the travelers was very simple. They provided themselves with two birch-bark canoes and a supply of smoked meat and Indian corn, embarked with five men, and began their voyage on the 17th day of May, 1673.

It is needless to describe the route of the adventurous voyagers. They reached the Wisconsin; they discovered and descended the Mississippi River, passing the mouths of the Illinois, the Missouri, the Ohio, and the Arkansas. Without weapons of offense or defense, they visited tribes of turbulent and ferocious savages, armed only with the sublime doctrine of "Peace on earth and good will to men." His efforts for the civilization of the savages he visited prove his boundless benevolence.

The story of his death and burial by the shore of Lake Michigan is full of pathos.

His comrades, knowing his death to be near, built a shed of bark for his protection. With perfect cheerfulness and composure he gave directions

for his burial. * * * At night, seeing they were fatigued, he told them to take rest, saying he would call them when he felt his time approaching. Two or three hours after they heard a feeble voice, and hastening to his side found him at the point of death. He expired calmly, murmuring the names of Jesus and Mary, with his eyes fixed upon the crucifix which one of his followers held before him.

They dug a grave beside the hut, and there buried him according to the directions he had given.

Whether his remains rest where they were placed by the hands of his comrades or were removed to St. Ignace is perhaps uncertain; but whatever may be true in that respect, the gentle breezes of the lakes sing his requiem, and we may hope that a spirit so pure and gentle and yet so brave and resolute rests where peace aboundeth forever.

Mr. President, Father Marquette was a priest—I do not hesitate to speak of him by that respectful title—was an explorer, and an apostle to all the tribes and peoples he might discover. He combined the courage and resolution of Paul, and of Judson, and of Brainerd with the gentleness of John and the humanity and self-devotion of Damien, who gave his life to the service of the lepers. He had more of courage and resolution than a soldier, for without intending to resist the dangers he might encounter he met the threats of savages without fear, inspired with love for them and an eager desire to promote their temporal and eternal welfare.

Mr. President, the State of Wisconsin has selected this marble representation of this extraordinary man as its contribution to the Hall of Statuary. The selection is one worthy to be made, and the statue of Père Marquette will stand in that hall, surrounded by other statues representing men whose names will not die or be forgotten while respect and veneration for true manhood survives.

I hope it will not degrade or even lower the dignity of this occasion if I should say that I do not assent to Roman Catholic theories of ecclesiasticism, but I would despise myself if the garb of a priest of that church could hide from my view the noble, resolute, devout Christian hero within.

Mr. VILAS. Mr. President, when this lusty nation, outgrowing the habitations of its youth, built new council chambers for its legislators it was a happy thought that consecrated to the noble art of sculpture the old Hall of the House of Representatives, where patriotism will hear the echoes ring forever of glorious words there spoken for liberty and justice among men. Nor less felicitous was the plan which proposed to the sovereign associates in Federal Union the work of its embellishment as authors and sharers, in fraternal equality, of the national prizes of honor and fame to be there illustrated and preserved. So, naturally enough, came up the suggestion that was directed by Congress to go with the invitation which the President was empowered to give, desiring the States to select for this noble commemoration from among them who in life on earth had been their citizens "illustrious for historic renown or for distinguished civic or military services." It was the offspring, too, of a time when the country throbbed with patriotic fervor, and all hearts and minds were fixed on the mighty conflict then raging, the year 1864, when the world witnessed the soldiers of the Union clinched in a death grapple with the great revolt, and surely saw the last issue of war had been joined, and that with the coming triumph a glory unequalled in the annals of mankind would be won by the heroes of liberty.

This restriction of the invitation was, however, very differently applicable to the States of our Federation. The older, especially the original thirteen, had gained even then, as States, a historic past. Among their possessions "already secure" were the records of a time beyond the memory of living men; and if not yet dim or misty still we are able to see in perspective the creative and memorable deeds done in the course of their evolution, distinguishing the merit of achievement as contemporaries can never see it. They may, therefore, justly lay peculiar claims to noble figures, radiant among the shades, whose story is the treasure of all Americans, and say, "These were our citizens."

But, sir, the conditions are necessarily somewhat different with the newer States like Wisconsin. For, although as part of colonial grants whose base was on the Atlantic coast, our territory shared with the earliest the boon of independence; it long lay an almost unknown land, the remote corner of the old Northwest of the Republic. During many ensuing years the eager crowd of home seekers pushed out upon a course southward of the Great Lakes, unconscious of the surpassing excellence, riches, and beauty with which nature had endowed her land of choice, and so left it the prize of a later but not less fortunate generation. Thus it happens that while Wisconsin takes date with the first in liberty and title, her entrance to the Union was preceded not only by ten States—all the States, in fact, until Virginia was divided in war—which were built upon the soil won from Great Britain but also by six erected upon later acquisitions, four of them even beyond the Mississippi. Her organization as a Territory, a Territory then stretching from Lake Michigan to the Missouri, is within the recollection of venerable Senators still in honored service in this

Chamber. So it was that but sixteen years had passed of statehood when this invitation was received to share the honor and duty of contribution to the nation's Hall of Statuary.

To accept it, therefore, in terms unqualified, demanded choice among contemporaries for the special commemoration; an invidious task, not congenial to human nature, inevitably to be shrunk from. There was no chance for a far retrospection through the aisles of time, with its softening lights, its soothing oblivion, its justice in relative measurements, its elimination of true desert. Many were the brave and generous spirits, the strong and helpful, among our pioneers and the builders of our State, whom the respect and affection of their fellows commend to the grateful remembrance of posterity; too many most cherished to be omitted by a particularization of some. And when the war time befell, and manhood heard throughout the land the call of Liberty to arms, the answering voice of Wisconsin came not from some daring few, in advanced leadership of thought and action; but from every home and hearthstone, through town and countryside, responding thousands poured forth to battle, knowing well their cause; near one-half of all her voting citizens bore her banner, floating beside the Stars and Stripes on every field of war in the Southern land, and her list of true heroes a Homer might worthily sing. Not yet do we dare the choice among them, all so cherished in honor and esteem.

And so it was that, from no lack of sensibility, no lethargy of appreciation, more than twenty years passed by while the national summons to participate in an undertaking so honorable remained, not unheeded, yet unanswered.

But, sir, although the sway of nature was there longer undisturbed by immigration and settlement, that goodly land made, in fact, its entrance to the page of American history at a far earlier date. Indeed, its discovery and visitation by the white man had much precedency in time over many of our sister States of prior establishment in the Union. A peculiar charm attaches to the story of those early days. It is augmented by the very length of the intervening period before the settlements of civilization came, during which the activity of development elsewhere increased the seeming quiet there. This has cast back into even deeper shade its historic dawn, and thrown upon the simple facts something like the twilight hues of an ancient story. But fourteen years after the *Mayflower* sowed her precious seed on "the wild New England shore," Jean Nicollet paddled his canoe through the rich natural rice fields of the Fox in the center of our present borders. Before any footstep but of red men had been imprinted on the western slopes of the Alleghanies, "the good tidings of great joy" sent down through the ages by a crucified Saviour were delivered to His barbaric children of the forest in the far interior Wisconsin land.

It was Nature's way of shaping the continent which thus lured the explorer to its very heart so soon after settlement was begun upon its borders. Once upon the magnificent waters of those great interior seas, the like of which the earth does not elsewhere show, a fascination irresistible pressed on to their fountain head. Side by side, often even hand in hand, cupidity and benevolence, with daring hardihood, urged the quest; and the trader's greedy courage found more than a match in the unfaltering hearts who challenged the horrors of the wilderness, bent on no selfish aim, but wholly to rescue the imperiled souls within its deep recesses. It so came to pass that without intermediate establishments of any sort, without even journey posts or resting stations, or a white man's abode along the entire route, Christianity had her missions domiciled in Wisconsin, on Lake Superior and Green Bay, while the advanced frontier of European movement, the nearest settlement or residence to the east, was a thousand miles away at Montreal.

The heavy forest stood, in primeval majesty, stretching to the prairies of the Mississippi from the mountains of the East, and not one of the coming race had ventured once within its awful solitudes. Through the vast woods westward from the Hudson and the Delaware roamed the merciless Iroquois in terrible dominion, the scourge and destroyer of the savage race, the Tartars of the wilderness, whose butcheries multiplied and deepened its solitudes and filled them with perils and horrors.

And there, sir, in the deep interior of the continent, on whose wild primeval surface no light of civilization cast a ray save the flickerings here and there begun to show along the ocean margin, there in that vast isolation, that "profundity obscure," the lamp of Christianity was kindled by the spark brought from Calvary, and its gleams burst forth above the forest gloom, a solitary beacon, presaging and beckoning to the oncoming column of humanity soon to march thitherward in triumphant splendor. And there, sir, slender and feeble as was that early flame, and though amid sometimes distressing vicissitudes and perils, there has it ever burned unquenched. There, in the first faint gray of morning, a Caucasian's home was builded and church and school were founded; and thus, with typical step, civilization, the civilization of highest evolution, made its advent to the continent's interior on the land of Wisconsin, and, in a sense, Wisconsin took also her beginning as one among civilization's grandest forms

and agencies, a self-governed Commonwealth of intelligent, God-fearing freemen.

Among the shadowy forms that move on that far-off scene, touched by the light rosy ray that tells of a splendor coming in its time, among the brave who dared the peril of that morning hour, was one, the type and exemplar of a noble class, fixed in human honor by devotion, heroism, and sacrifice, in whose soul burned also the genius of the explorer, the glorious greed of knowledge. Short and swiftly sped was his path to the altar of self-sacrifice, so often the goal of his class, but his few hard years were enough for his renown; he departed for the world beyond rewarded by the fame of history here. He was a citizen of Wisconsin only in its embryonic age; no more; but otherwise it was of such as him that Congress spake when it marked for this special honor "persons illustrious for historic renown."

Wherefore, Mr. President, the legislature of Wisconsin, unwilling that a State which yields in public spirit and intelligence to none should stand no sharer in the national gallery of honor, and conceiving the true sense of the Congressional plan to comprehend whatever achievements upon our country's soil have brilliantly wrought toward its predestined usefulness to man, proposed to Congress that Wisconsin should be permitted, at once and together, to recognize and honor the men who daringly planted there the first abode of civilization; to distinguish and illustrate the noblest character in the vanguard of its march—the missionary of Christ; and to celebrate also a famous triumph of geographic exploration from within her borders, by raising here the marble effigy of that gentle, devoted, high-souled, fearless priest and teacher, James Marquette, the discoverer of the Mississippi.

Well knowing, of course, that the original invitation was, for the reason given, not literally a full authority therefor, the consent of Congress was explicitly sought. Twice the legislature of the State declared itself; by its act of 1887, and again, when its Senators, or one of them, hesitated in doubt of its true desire, by its joint resolution of 1893, "urgently requesting" those Senators to secure that assent of the Government. And Congress twice responded with the desired permission. At first, the concurrence of the Senate in a joint resolution of the House of Representatives was given on the last day of the Fifty-second Congress, too late for Executive consideration among the mass of crowding measures.

The next session, first of the Fifty-third Congress, supplied the failure, and by joint resolution approved on the 14th of October, 1893, the State of Wisconsin was "authorized and granted the privilege of placing in Statuary Hall at the Capitol the statue of Père Marquette, the faithful missionary, whose work among the Indians and explorations within the borders of said State in early days are recognized all over the civilized world."

In these terms the Congress testified, Mr. President, its intelligence and appreciation of the moving considerations which justly award to this missionary and explorer a commemoration among the historic characters of America. The choice of Wisconsin was ratified, and the free interpretation which carried back the theory of citizenship to the early movers on her soil found approval.

The privilege bestowed has been exercised as it should have been. By universal testimony a work of art unexcelled has been erected in our Hall. The representatives of the State feel no other need than to say, "Go, view the artist's work, gaze upon the noble figure discerned by genius in the Italian stone. There you shall find the ideal we would commemorate; a noble man, with a soul lifted up to God, a mind inflexibly bent to duty, a heart swelling with tenderness toward his fellow-creatures, so surely treading the pathway lighted to him by education and conscience that suffering, privation, danger, death, could cause no shadow of turning in it; yet still the gentle, enthusiastic, generous man, beloved among his fellows—the man to dare without flinching, to do without boasting, the deeds that heroes do, when heaven calls."

Perhaps so I might leave it, confident in the award of credit so justly due the good State I love for its worthy gift, and conscious that the eloquent remarks of my colleague and other Senators have left no addition needful by me.

But yet, sir, I would wish to contribute something, if I could, to distinguish with clarity the figure and career of Marquette from confusion with intermingling persons and events in the background of history, and give a plainer view of what he was and what he did by drawing to the eye the circumstances in which he stood and acted.

For the discovery of the Mississippi in 1673 the Muse of History has recorded his name to stand forever on her unfading scroll.

Yet there be some, perhaps many, who see in that achievement little more than a summer ride in a bark canoe adown the beautiful Wisconsin River, as if it were in the sunlight and sweet airs, the peace and security, which the student tourist of our day oft delights in as he traces again the famous water path of exploration. It is an indolent, thoughtless view. Far different has been—ever must be—the just measure of its character and merit. A strong, vivid imagination, capable of reproducing the facts collated from memorials of the time, a penetrating sympathy with

beliefs and modes of thought then entertained, must gain sway in any mind which will realize the conditions then and there environing and characterizing human effort.

It was the fruit of no sudden inspiration, fortuitously conceived and hastily executed. Already so far sunk in the immensity of forest wilds, with horrors on its trail and terrors in front, exploration had for a period halted on the shores of Superior and Michigan, or moved but little in adjacent territory. Eight years had passed since the first white man's house was built on the Bay of Chequamegon to give a home to the mission of the Holy Ghost, and all that undertaking a panic of terror had ruined, driving thence backward to the Straits of Mackinac the converts who had found a refuge there. For in the unknown Western country dwelt the Sioux, monsters of bloody deeds, the constant fear of all natives within reach of their excursions. Marquette, then beginning the labors to which he had consecrated his life, had wrought there with the tribes whose summer wanderings, like of modern tourists, carried them to the great Northern Sea. Among them the Illinois, who told him stories of the great river, long before then a misty rumor, a far-off unreality. It fired his imagination and stirred his heart with hope that craving souls in other lands might hear the Gospel's tidings from his lips. He reported to his superiors, opened the plan, and waited obediently. It required years before the answering orders followed. Then came Joliet, with five other Frenchmen. Seven men, no more, were thus to hazard the unknown regions, of which no native spake but in notes of warning. They heard on every hand foreboding tales of terror, of mysterious and dreadful dangers. Monsters would be found in the waters, the fiercest savages upon the lands.

It was an age of credulity, and the stoutest hearts quailed often before chimeras of the fancy springing from the dread unknown. Now every friendly tribe, with common voice, at the Green Bay, along the Fox, and at the village of the Mascoutins and Miamis, where they bid adieu to the last frontier of the known, to the last friendly face, all picture only coming peril, with supplication to change their purpose. Yet on they pushed their way; timorously at times we may well imagine; with straining eye, as their frail canoes swept the bending curves of the Wisconsin; with hearts that sometimes throbbed, but unfalteringly, resolute of purpose. At length, a full month gone since they started from the Green Bay—the traveler now needs hardly a day—and there it rolled before them, the Father of Waters; there, as for untold ages all unknown, the majestic servant of nature's mighty plan! They had found it! For nearly forty years the voyageurs had passed the tale, the mystery of Indian report, of the great water in the West; now they saw it with their eyes in veritable majesty!

Mr. President, perhaps no man without experience can bring to himself by any effort a full sympathy with the emotion which such an achievement must stir in the explorer's mind. The long dream of meditation, the ripening purpose, the fixed plan, the execution begun, the hard labors done, the menacing perils met, all at last compressed to perfect fruition in a single moment! Who can measure it by any gauge but experience, yet who but must feel it worth a life to win? The judgment of the world has given accordant honor, and brightly shines the name of the discoverer on the temple wall of Fame.

Sir, no balance can invidiously weigh in competition the variant elements of merit in the many who have lifted the veil of mystery over hidden lands. One star differeth from another star in glory. There can forever be but one Columbus; never another Magellan. But the pages will never want for readers on which are written the stories of the discovery of the Mississippi and of the sources of the Nile, nor fade the names of Livingstone and Marquette.

Yet this was not discovery complete. They knew well their duty, and, though plunging afresh into the depths of prophesied perils, on they fared, out upon its wide waters, fearlessly bent to know the bounds and course set to the mighty flood in the plan of the continent, to carry back to civilized men a broadened field of knowledge, a new map, re-forming the old terra incognita. A full month longer, oft in dangers great and real, they sturdily and bravely held their purpose down its turgid current, among strange lands and tribes, and marked its assured flowage to the Gulf of Mexico. Then, their mission fulfilled, to return with its fruits no longer jeopardized was the ensuing duty, second only in importance.

It should perhaps be noticed, sir, that in point of fact, as men now know, more than a century before the Mississippi had twice been seen by European eyes. Coasting on the Gulf in 1519, De Pineda turned through its mouth and sailed up this river, no one knows how far. Wandering over the continent in 1542, De Soto crossed it, near the Yazoo's mouth, ascended for a distance its western bank, died, and was buried in it. Neither event gave the river to the world. Where it was, what it was, whence it came, what the countries of its drainage—all were untold. Water only had been found, a fluvial mystery unsolved. Geography had gained nothing, nor, until Marquette had shown it, was the water

known to be the Mississippi which these wanderers had seen. Only he who looks on past events without a perspective, like a Chinese drawing, confounds these transactions. Nor by one jot or tittle has it lessened the meed of honor measured to Marquette.

It is to this historic event, Mr. President, that the personal distinction of Marquette in the annals of America is to be ascribed. It was not conspicuously gained by service in his capacity of a missionary priest. Others shared with him the excellence, the labors, the sorrows of that character to a not inferior degree. But Fame, like the first beams of morning, gilds the heights of singular eminence, and men worship most the victories which increase dominion. And "Peace hath her victories not less renowned than war." It was his geographical conquest, the opening to man of a country unequalled in capacity for his enjoyment, the broad and splendid region of the Mississippi's drainage, which marked him for illustration by succeeding generations. Mainly this it was that affixed his name to the handsome city on the shore of Superior, to counties in the States that adjoin that wide water, and has led to the erection of the stately figure in marble now placed in the keeping of the nation.

But there mingles also, sir, a just respect for the heroic messenger of Christianity to God's children in the wilderness which has entered into its design and will share in the commemoration to endure in this monument—may it be for ages. The statue is itself an idealization, yet it is believed so natural, so true, that every detail is but genuine exposition of personality and character. If the artist has thrown into the beauty of the face the look and lineaments which tell the far sight, the fixed hope, the unbending courage of the successful explorer, they comport and mingle with features informed by submissive piety, benevolence, and zeal to do the will of God. Sir, the early missionary to the Indian the world will never cease to reverence, as heroism and goodness must be revered, however differently the light may fall in after times on beliefs and methods then entertained and pursued. Among them all, of whatever church or creed, Marquette deserves place with the foremost. Not that the effects he wrought were great, nor his experience of suffering unsurpassed. Others in that "noble army of martyrs" perhaps accomplished more and suffered more. It was the abundant power in him oft and fully manifested, the spirit that burned within, and his sad untimely loss, rather than shining achievements in his few years of labor, that give his prominence as a missionary among the mission pioneers.

Mr. President, you have heard in the appropriate and interesting remarks of our colleagues the story of his career pleasingly told. Who that listened can picture to himself the conditions which then beset the devoted wanderer in that far interior, and withhold admiration of the intrepid self-consecration that took him there on such an errand? I tried a few moments since to draw to the mind by some lines the superficial picture the continent then presented, the helplessness of these missionaries' remote isolation, their necessarily absolute surrender to the fate of the wilderness. But how can one now depict to entire realization all the meaning of peril and horror that resignation then implied to them who ventured on in the very light, as it were, of the fires which had consumed their martyred predecessors?

For bitter, indeed, had been the missionaries' experiences on the very path they traveled. Once already, in the wilds between Huron and Ontario, the soldiers of the cross had performed labors and endured privations the tale of which must ever excite pity and admiration, and yet their catastrophe had been utter and horrible. Through sufferings and indignities that might have rather moved despair, love and faith had bred still a sustaining hope. Never was its light more awfully extinguished. Their unhappy converts first were decimated by smallpox, and then upon them fell the fiendish Iroquois. Horrible was the fate of all. Massacre, even to annihilation, swept the friendly tribes—men, mothers, babes—from the face of the earth; and death, death through torments inconceivable but to savage ingenuity, the slow exhaustion of vital force amid lingering flames while agonizing wounds lacerated the inflamed flesh, had been the portion dealt the messengers of divine love. The annals of heroic devotion have no tale more pitiful than the constancy in duty to their disgusting pupils, and for it the awful earthly recompense, of the faithful fathers, Brebeuf and Lallemant.

Such was the present example, such the impending menace—martyrdom through agony unspeakable for the missionary, butchery for his converts—that lay across the path of the young priest of 29 as he set forth upon his lonely way to La Pointe de St. Esprit, on the Bay of Chequamegon. And to what task assigned! Not, like the voyageur or trader, to plunge licentiously into the wild Indian life, rejoicing in its freedom and adventure, reckless of results. The Christian missionary met those natives to challenge their habits of thought, to attack their traditions of life, to rebuke their morals. Yet his appeal was to a spiritual nature of which they knew nothing, to hearken to a tale beyond their understanding, to lift them beyond the only world they knew or were capable of knowing. At first, perhaps, he might win attention by the

charm of novelty, attractive always to the savage as even to animal nature. That sway was but momentary; his teaching necessarily carried reproof; and, gentle as he made it, few of those coarse, fierce spirits would tolerate it. Their frequent return and sometimes habitual usage were contumely, ridicule, indignity. Disgustful alike to his education, breeding, taste, was every close contact with them, and nature could but rebel against the duty religion enjoined. Dependent on them for the means of subsistence, his privations were often severe. Yet he toiled with unflinching perseverance, inventing new devices to win their trust and fix their minds on things eternal; always to encounter backsliding and relapse, and ever to see the momentous truths he taught fall like seed upon a stony ground. Whose heart must not melt in sympathy with those words my colleague read from that letter of the wearied Marquette to his superior after the ruin of the mission at St. Esprit:

God alone can fix these fickle minds and place and keep them in His grace and touch their hearts while we stammer in their ears.

Yet bethink you with admiration of the unflagging zeal that in so few years made him master of speech in half a dozen various native tongues, that he might better strive in that desperate work of salvation!

And who so base of spirit that would deny the guerdon of fidelity and goodness when, sick and broken with the malady that sent him to his grave, in the face of coming winter he set off again on the long, hard journey up Lake Michigan from Green Bay, to bring the healing truth to the heathen souls among the Illinois, who loved him? The event realized the gloomy presage with which the journey was begun. That testimony of the faith he gave as a dying man. With return of spring he tried his last chance for life. Borne by his red brethren to the shore near where Chicago teems with multitudes to-day, he was launched in a bark canoe with two friends to paddle the long way to Mackinac. The attempt was vain. One day, gliding along the eastern coast, he recognized his summons and bade them land. They sheltered him with a hut of bark, and he, beseeching forgiveness for all their pains, calmly ordered the particulars of his burial. Parkman, to whom we owe so much, paints with simple eloquence the final scene:

At night, seeing that they were fatigued, he told them to take rest, saying that he would call them when he felt his time approaching. Two or three hours after they heard a feeble voice, and hastening to his side found him at the point of death. He expired calmly, murmuring the names of Jesus and Mary, with his eyes fixed on the crucifix which one of his followers held before him. They dug a grave beside the hut, according to the directions which he had given them, then reembarking they made their way to Michillimackinac, to bear the tidings to the priests at the mission of St. Ignace.

Mr. President, let him who doubts the noble excellence of that good man's life contemplate the scene enacted on that coast in the next ensuing year! Then Nature bore her testimony unimpeachable to the wondrous impress of his goodness. A band of Ottawas, seven years before his pupils at La Pointe de St. Esprit, repaired at the bidding solely of their hearts to that lonely grave, with tender hands, after the fashion of their fathers—

Washed and dried the bones, and placed them carefully in a box of birch bark. Then in a procession of 30 canoes they bore it, singing their funeral songs, to St. Ignace of Michillimackinac. As they approached, priests, Indians, and traders all thronged to the shore. The relics of Marquette were received with solemn ceremony, and buried beneath the floor of the little chapel of the mission.

Sir, was ever tribute more genuine paid to king or conqueror? Could proof more ample be of the power of that noble spirit who had thus sent the beams of human kindness through the hearts of those rough savages in whom he saw the children of God? The cold marble in yonder hall, midst all its glorious company, can testify no more clearly to a character fit for remembrance than that wild procession which in the genuine reverence of nature moved slowly through many days adown the waters of Lake Michigan. God's eye was on it; His spirit ruled that scene.

Tell me not of creeds, of sects, or societies. There is a greater confraternity, the brotherhood of man, whose fellowship overrules and embraces all lesser societies and sects, all true men; and nowhere more than in this land of man's enfranchisement ought its triumphant power to break the fetters that narrow and degrade his soul. He who could so stamp his goodness on the hearts of those fickle barbarians, in whose ears he "stammered" the precepts of Christian faith, is worthy to-day and always the remembering honor of all true American manhood; and will surely have it.

But, Mr. President, the State of Wisconsin, now a Commonwealth of 2,000,000 freemen, rejoicing in prosperity and happiness on the soil he trod so long ago, in raising this stone in the nation's Hall of Statuary, does not merely celebrate a name "illustrious for historic renown," a character whose excellence is worthy of perpetual remembrance. It means still more, that it shall stand there as a testimony and monument to a principle of our social order of the utmost value to mankind—the principle of religious liberty! Sir, human intelligence and reason, all the history of the world, teach no more useful and impressive lesson than is embodied in that fundamental rule which draws an absolute and

impassable line between the affairs of state and the affairs of religion, and denies to the social law all right or jurisdiction to transcend it. On one side is the citizen, a component of and subject to the state, charged with its duties, obedient to the laws within its sphere. Across it is the man, the creature of Almighty God, His worshiper, His subject, amenable there to His law and no other.

In that domain man is entitled to enjoy all the liberty of nature untrammelled, unchecked, unrestrained by his fellows in the state. There he stands lighted and led by his own conscience. Thither no human law can follow him. If the potentate of human creation pursues him there he may, he must resist, or be recreant to his nature and his God. Unflinching before any menace, undaunted by any power, true to his faith, like Luther in his greater majesty before the Emperor at Worms, he must declare, "Here I stand; I can not do otherwise. God help me. Amen." Sir, this is no rule, as sometimes mis-called, of toleration. I condemn the term. I deny all it implies. It is the right, absolute, uncontrollable, of utter, perfect liberty. It is an inalienable right. The coward, the willing slave, can not divest himself of it. It goes with him in his bondage however recreant he be to nature. And, sir, this right attends and belongs to man as perfectly, also, upon the social side of the great dividing line, though with a different effect. He does not lose it; he retains it there in full perfection. His rights, his duties, his privileges as a citizen in whatever his relations to the state and society comport with and are independent of it.

Sir, he is wrongfully despoiled, his right invaded, a grievous injury done, when to any man is denied any part or share of his social rights or privileges by reason of his religious faith. If property, if place, if honor be his rightful due among his fellows, he who strikes aught away of either because of religious opinion is an enemy to law, to humanity, and all its hopes. Hostis humani generis.

And therefore it is, sir, that this statue of James Marquette will stand as a monument and emblem of religious liberty. The noble right to honor and remembrance among men, which the elgisature of Wisconsin and the Congress of the United States have declared to be his, he is not denied. It is sacredly preserved. This statue is raised to him in no token of his religion, in ascription of no honor to his creed, his opinions. It invites no special countenance from the adherents of any church or any creed. Regardless of all these, neither with favor nor with disfavor to any, this statue—ideal reproduction of him as in life he was—stands to the honor of the discoverer and the man, the testimonial of a people who rejoice in the brotherhood of man, who love liberty, and who guide their conduct by its precepts without a shade of fear.

Sir, no State in all this Union can more worthily, more honorably support this attitude in the presence of the nation and mankind than the State of Wisconsin. There, sir, is a composite citizenship which mingles the blood of all the civilized peoples on the earth. Around their altars gather the faithful servants of God in many and various forms, of many diverse churches, sects, and creeds. Together they abide in fraternity, in liberty, enjoying each his rights, trampling not upon his neighbor. Nowhere is order better maintained, life, person, property more secure. Nowhere does benevolence show a more generous and kindly face in public or in private care of misfortune. Nowhere is education more lavishly supplied; and yet, in strict observance of the rule of liberty, every shade of sectarian instruction—removed from the public schools—is left in unfettered freedom to the schools maintained by conscience. There, too, home and fireside are the centers of the noblest, sweetest life, the sure and safe foundation of a free, intelligent, powerful State.

Mr. President, no people more intelligently understands, more devotedly maintains, the basic principle of freedom to which their testimony is thus borne. They believe that upon it rest their peace and happiness. They will defend it, if need be, at any hazard. They as freely accord it to all.

We speak for no single class; we represent no creed; we court no favor, when, sir, from and for all the body of our good people, irrespective of race or opinion, my colleague and myself thus declare the sentiment which actuates our State, and supplement the action of its worthy governor in presenting to Congress the beautiful statue of James Marquette, in commemoration of his just renown and in illustration of the light and strength of liberty among men.

The VICE-PRESIDENT. The question is upon agreeing to the resolutions.

The resolutions were agreed to.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A resolution submitted by Mr. PEPPER providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with

the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEPPER. I ask unanimous consent that the resolution may be laid aside informally.

The VICE-PRESIDENT. It will be so ordered, without objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insisted upon its amendments to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 1904) relating to marriages in the District of Columbia; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS of Iowa, Mr. ODELL, and Mr. COBB managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.;

A bill (H. R. 6431) to pay Peter P. Ferguson \$1,765;

A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.; and

A bill (H. R. 8271) relating to pensions.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now, let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, the pending question being on the amendment of Mr. QUAY to the amendment of Mr. GORMAN.

Mr. TELLER. Mr. President, I do not intend to enter into any general discussion of the financial question on the naval appropriation bill, but inasmuch as the question of our revenues was discussed on both sides of the Chamber yesterday, I feel at liberty as a member of the Committee on Appropriations and as such somewhat responsible for the character of the appropriations, to express some dissent from the utterances perhaps on both sides of the Chamber with reference to this question.

The Senator from Ohio [Mr. SHERMAN] during the whole of this session, whenever he has spoken upon this question at all, has insisted that the only trouble in this country is from a lack of revenue. He opened up the discussion early in the campaign by a declaration in a very able speech that all we needed at this time was more revenue; that if we had more revenue the country would be in a state of peace, order, and prosperity. Yesterday the Senator again reiterated his anxiety for more revenue, and complained that the Democratic minority in this Senate—for no political party has a majority here—had not come to the rescue of the Republican minority for the purpose of securing needed revenue. In all these discussions the Senator has sought to make the public believe that the most objectionable feature of this Administration, the issue of bonds in time of peace, has grown out of the necessity for more revenue. I find in the public press of the country a very general disposition to attribute the issue of these bonds, amounting to \$262,000,000, to a lack of revenue. Particularly is this true of the party to which I am attached. All their public statements, and as a rule the statements of the Eastern press, have approved of the issue of bonds, and have excused it on the ground that it was necessary because there was not sufficient revenue; and, of course, they come back to the charge against the Democratic party, that it is responsible because the revenue is deficient.

Mr. President, before I go into the question whether these bonds have been issued because of a lack of revenue, I want to go back to 1890, when the Democratic party was not responsible for legislation and the Republican party was. We passed then what has been known as the McKinley law, a law which seems just now to be in great favor and very popular, although, I believe, it cost us the following election.

The McKinley law did not provide a sufficiency of revenue; everybody knows that it did not, and I think it but fair and honest to say that if there had been no change of Administration there would still have been a deficiency of revenue under that law. The condition of the country was such that it was impossible that there should not have been a deficiency. In each of the four months preceding the incoming Administration of Mr. Cleveland there was a deficiency in the Government receipts amounting on an average to over a million dollars a month, and we got through with that fiscal year, which ended in June, 1893, with a surplus of \$2,300,000.

Then came what is known as the panic of 1893, in which the consumption and consequently the importation of foreign products fell off, which, of course, produced a falling off in the revenues. It must be borne in mind, which the Senator from Ohio never stated, I believe, until yesterday, that from the time that this Administration came into power, and before they had had an opportunity to do the damage that we on our side recognize that they did in the passage of the Wilson-Gorman law—there had been a failure of revenue in nearly every month after the Administration came in. If there was any month in which there was not a deficiency, it was in the first months in which the Administration took office.

Mr. President, that is a condition which ought not to exist. I do not think, however, that this Senate is properly subject to the castigation which the Senator from Ohio gives it when he says that it is a disgrace to the Senate that there is not more revenue. The question whether we need more revenue now—that is, a new levy, a new order of duties—will depend upon various things and circumstances. I am of opinion myself, and I believe it can be thoroughly demonstrated, that the present tariff law will produce as much revenue as will be needed whenever prosperity comes to this country.

No revenue law, no collection of imports, which is fairly levied, fairly laid, and fairly collected, will bring to this country a sufficient income until conditions change, and the people are ready to buy and consume. That is the first subject to which the statesmen of this country should direct their attention; that is the first thing which is absolutely essential and necessary. We must bring back to this country the prosperity which formerly existed and ought still to exist in this country.

I know, Mr. President, that as a Republican it may be considered to be my duty from a partisan standpoint to insist that the lack of prosperity is the result of a Democratic Administration. I do not so believe.

I do not approve of the Wilson-Gorman Act. I think it is an inartistic measure; but I think in many respects it carries as much duty upon articles of import as any law ever should carry. I said when that measure was pending in the Senate that there were duties levied by that bill so large that if it had been proposed by a Republican House or a Republican Senate I should myself, as a protectionist, have voted to reduce them. That law is an unfair one in many respects. It is unfair in this, that it does not equitably distribute the burdens and does not equitably distribute the advantages which arise under a tariff law. One of the great industries in the State which I represent, the wool industry, is entirely ignored by that law.

When we came here in December, Mr. President, we came with exactly the same knowledge we have to-day of the political situation. We knew that no party in this Chamber had a majority; we knew that the country was divided into three political organizations, and that each organization had a number of Senators here, and that neither of the old organizations of itself could control the action of the Senate. We knew more than that. We knew that it was utterly impossible to secure any legislation with reference to the tariff question upon Republican lines. We knew very well that if we could induce a majority in this Chamber to vote for a measure of Republican character it could not be enacted into law. The rules of the Senate forbid that I should go into any expression of certainty as to why we knew it, but I appeal now to the Senate whether there is any reason in the world to suppose that if the Dingley bill had received a majority of the votes of the Senate it would have become a law.

Mr. President, on a former occasion I stated that I should attempt to show some time before the Senate adjourned that it was not intended that the Dingley bill should become a law, and to that point I will address myself now for only a moment or two. I have stated the difficulty; I have stated what every intelligent man knew was the condition. Was there any reason why any sane man should have believed that a measure proposing increased duties upon the Wilson-Gorman tariff act could ever have become a law with the present condition in the executive department and in the legislative department of the Government? It has been said that there was a dicker made, and that there was some underhand trick or method by which the bill was to become a law; that in consideration of some concessions to be made somewhere and by somebody—and nobody has ever been willing to

state where or by whom—there could be such a friendly relation brought about between the two organizations in this Chamber that the bill might become a law. No man has yet been willing to father that statement. No man in this country has been willing to admit that the Senate of the United States or the Executive, or a branch or part of either, has been dickering with reference to the question of finance and revenue. There was no occasion for such a statement except by those who wanted to deceive the public as to the purpose and intention of the introduction of the bill in the House of Representatives. There was not a member who voted for that bill who did not know there were a hundred chances to one that it would never become a law. The majority of the men who voted for the bill either here or elsewhere did not desire that it should become a law.

If the Dingley bill should become a law to-day I should like to ask the friends of the measure what particular grounds they would have on which to make the coming campaign. They have endeavored, with a zeal and an intelligence which are, I suppose, to be commended—because zeal and intelligence are always said to be commendable, even though sometimes they are used for a bad purpose—to get rid of the great question, the financial question, and to bring and keep to the front before the public the question of tariff and tariff alone. The bill came to us from the House of Representatives after only two hours of discussion. It came into the Senate and went to a committee that was known to be, if not hostile, at least indifferent to it. It came to a Senate where to secure its passage it was necessary, if every Republican in the Chamber voted for it, that at least one member of the opposition should also vote for it. It came here with a certainty that no Democrat would vote for it. It came with practically a certainty that no Populist would vote for it. Yet we are told that it was expected that the bill would pass and would give to the people of the country the relief that they are demanding all over the land—that it would start up our paralyzed industries and bring prosperity.

I shall not expose any secrets of caucus or party arrangements, but I can say here without doing so that not a single Republican on this side of the Chamber who professes now to be so zealously for the bill ever attempted to secure by his solicitation or argument or persuasion any vote for the bill save those of the Republicans in this Chamber, which we all knew were impotent to pass it. The bill came here with the certain knowledge that it was objectionable as a tariff bill to a considerable portion of this side of the Chamber. The Senator from Ohio [Mr. SHERMAN] said yesterday that it is not such a bill as he would vote for except in a case of emergency. If the public press is to be believed, it is such a bill as the Senator from Ohio in a public speech last fall declared to the people of his State he never would support; for if the press can be relied on, the Senator said that he would never support a tariff bill which did not take proper care of the wool industry of this country. After the speeches made by the two Senators from Montana the Senator will not pretend that the bill proposes to take care of the wool industry either of his State or of mine; and there is not an intelligent woolgrower in the United States who does not know that he will be practically as well off without the bill as with it.

Mr. President, we were furthermore told—I need not say where—that it was our duty to vote for the bill as it came from the House. We were told it would be rank heresy to our party if we should attempt to amend it. Who has the right, who has the power, to determine my relation to my political organization because of my objection to a bill which the Senator from Ohio on two or three occasions has declared in this Chamber is not a Republican measure and is not a partisan measure; as he says, a bill that nobody is obliged to vote for because he is a Republican and because he is in favor of the protective system? No effort was made to amend it. It was known here that with a slight amendment, not including any provision for silver coinage, at least one member of the opposition, called the Populists, could have been induced to vote for the bill. It was known, too, to Senators who had the bill in charge, and who talk so much about the necessity of passing it, that that vote could be secured by certain concessions, and it was not known then that others would object if such concessions were made. Yet no effort was made to secure this vote. Nobody attempted to secure it. Nobody cared, I may say, whether the bill passed or not. It had been introduced for a purpose. It had been introduced to attract the attention of the people of the United States from the currency question and to attract it to the tariff question. I may say, without violating any secrecy or any faith, that it was practically publicly proclaimed that the bill was not expected to become a law, but that it was expected to make an issue for the coming campaign, to put the case before the people where they would see that the great controversy was on the question as to import duties and not as to finance.

The Senator from Ohio [Mr. SHERMAN], on the 25th of February, in a speech in this Chamber in which he said the necessity was

for more revenue, and that it could only be secured by a tariff, announced his willingness to vote for a tax upon tea and coffee. So very strenuous was he then to secure more revenue that he was willing to vote for a tax upon tea and coffee, and he said the people of the United States would cheerfully pay such a duty. Yesterday, when the Senator from Ohio was asked by the Senator from Maryland [Mr. GORMAN] whether he would favor a tax on tea and coffee, he declared that he would not. That I may not be wrong in the matter, I will read what the Senator said on that subject on the 25th of February. He said:

Mr. President, as a member of the Committee on Finance I disclaim all partisan feeling in respect to the bill which the Senator from Vermont moves to bring before the Senate. That bill does not belong to any party; it is not the representative of any party. The only merit in the bill is that it proposes to furnish \$40,000,000 of revenue for the support of the Government, enough to meet the current expenses of the Government. I do not think anyone can claim that that bill is a Republican measure, or that it is to be voted for by anyone on that ground, or that it has any merit whatever except the fact that it would relieve the Treasury from the deficiency now occurring and accruing and increasing every day. It is a bill prepared for an occasion not a political one. The gentleman who prepared that bill in the House of Representatives did it in order to secure revenue for the support of the Government. I say now, Mr. President, I shall vote for any tax whatever which may be proposed by anybody, whether Democrat, Populist, or Republican, which shall supply sufficient revenue for the support of the Government.

It is a disgrace to our civilization, it is a disgrace to the country itself, that we are now expending \$30,000,000 a year more than the receipts of the Government, and that Congress, now in session, with both Houses fully armed with power to furnish the revenue, is idle and refuses to act.

I will vote for a tax on tea, on coffee, on anything, in order to meet this deficiency, and I say that if the present Congress does adjourn in the face of the declarations now made to us, of the official reports sent to us, of the statements made by the President of the United States and the Secretary of the Treasury, that we are now going on day by day like a careless spendthrift to involve the country in debt, selling bonds when it is the duty of Congress at once to supply the revenue—

I wish to call the attention of the Senate to that statement because the Senator from Ohio, whenever there has been debate on this question, upon every occasion, not only then, but yesterday, has spoken ex cathedra as if the whole question would be settled by increasing the revenue; that we would avoid the necessity of selling bonds if we had more revenue. He said practically the same thing yesterday. The Senator from Ohio has been Secretary of the Treasury; he has been connected with one of the most important transactions financially in this country, in the funding of the debt and the resumption of specie payments, and his words that go out, whether measured or unmeasured, whether correct or incorrect, go to thousands of people with convictions of their truth. There are plenty of people in the United States who are believing to-day that all our misfortunes, all our distress, all our depreciation, the lack of enterprise and progress, are simply the result of a failure to secure a sufficient amount of revenue, and that transactions of which we have spoken heretofore, which have not been creditable to the Government or to the nation, the selling of bonds in time of peace, were due to the one fact that we lacked revenue.

The Senator from Ohio further said on that occasion that "a tax on tea and coffee would be paid cheerfully by the people of the United States."

If the Senator from Ohio had desired a tax on tea and coffee he, as a member of the Committee on Finance when the bill was before it, could easily, I have no doubt, have secured a tax on those articles. He might not have found on this side of the Chamber so much support as he would have found on the other side, because a tax on tea and coffee is a pure revenue tax; but he ought to have found as much support as he would have found on this side for a measure to tax sugar, because tea and coffee are not anywhere near so necessary to the comfort and the health of the people as is sugar. And yet we maintained in the country for many years a tax of 2 cents a pound upon sugar; and if we were in extremity, if we were where we had to have more revenue from import duties, I do not suppose there is a patriotic man anywhere who would decline to put a tax upon tea, upon coffee, or upon sugar. But I have yet to learn that the Senator from Ohio, or anybody else who is as anxious as he is for the passage of the bill simply, as he says, to secure revenue and that only, has ever proposed any other system of obtaining revenue than by import duties.

How does the Senator from Ohio expect by increasing the duties upon imports, and thus keeping them out of the country, to increase the revenues of the country? The trouble is that not enough imports are coming in to keep up the revenues. The Senator from Ohio says the way to get more revenue is to put on additional taxes and have less imports come in. I agree with him as to the wisdom of fewer imports. I do not wish to see this country flooded with foreign imports. I should be glad myself to see the imports decrease. I should be glad myself to see some other method of raising revenue adopted. There are many ways in which we could get the revenue. We could get it by a tax upon beer. We could get it by a number of methods that would not have brought into this Chamber a conflict between the two parties, which are divided upon the question of protection and nonprotection. The Senator

can not say that we did not have the committee. We did have the committee practically. I will admit that only one-half of the committee consider themselves attached to the Republican party, but at least one member of the committee has always stood for the protective system in this Chamber, and because of his non-attachment to the Republican party just now there is no reason to suppose from any act of his, from any word that he has ever uttered, that he is not so much attached to the protective system as he ever has been. But if in the committee it had been suggested to the Democratic side of the committee that here was a necessity for more revenue, and that that revenue should be collected by a nonpartisan course, that that revenue should be collected because of the emergency, because of the necessity, in such way that both sides of the Chamber might get together, then it would have been time enough for him to berate the Senate when the proposition was rejected.

No such effort was made, for the simple reason, as I have stated, that nobody desired the passage of the bill at the time; and there are men in this Chamber, and outside of it particularly, who have been fearful that the bill might become a law. It might possibly, if it become a law, shatter the expectation of some Presidential candidate, and it would certainly take from the party to which I belong one of the great weapons with which it means to attack the Democracy during the coming campaign—the necessity for a change of the tariff—for two purposes; first, for protection; and secondly, for revenue.

The bill proposed to raise the duties on carpets of one class 2½ per cent above the McKinley Act; to raise the tariff 15 per cent on cottons, when it was said here on this floor, by the representative of the cotton interest, that the cotton schedule of the Wilson-Gorman bill was the best schedule and the best tariff for cotton that had ever been made; to increase by 15 per cent the duties upon steel and iron, when the representatives of the steel and iron industries in this country declared that the Wilson-Gorman Act had given them all they desired, or all they wished. If the Dingley bill were a law, the Republican party would be without an issue, and could not attempt to make the fight on this issue. They would have to take some other issue to avoid meeting the one which the people desire they shall meet, and that is the financial question as distinguished from the revenue question. They still might have promised us a duty on wool, and tried thereby to hold us in the West in line. They would not have had much else to promise, except, perhaps, an increase on woolen goods.

The trouble with the duty on woolen goods is not that it is too high or too low, but that Europe is in a condition where she can manufacture and must manufacture cheap goods. She has large foreign markets. She has large markets other than ours, and when the conditions here invited her imports she put her goods at such low rates that no American manufacturer, paying American wages, could compete with her. The foreign manufacturers are putting their goods at a price which is less than profitable, if the statements made in Europe are true. They are sending us goods which they manufacture with their cheap labor and which are not required for the other markets. No tariff that you could put on goods would probably meet that condition.

There would be nothing, I repeat, for the Republican party to make a campaign on with the tariff issue out of the way. The party could not then probably avoid the financial question. But if it can make the tariff the question, as it has evidently been doing, if it can by repeated declarations through the public press and by its Senators on this floor, like the Senator from Ohio, who have largely the public ear, I will admit, make the people believe that after all the only question before the American people is one of proper import duties, then the sailing will be clear and plain. I think myself any nation that goes along and fails to provide for its expenditures and relies upon borrowing money for the purpose of keeping up its expenses is certainly unwise. But it might not be wise always to increase revenue. There may be circumstances such as would excuse a nation from attempting to increase its revenue. If the Secretary of the Treasury is correct when he says that when prosperity returns to the country and business revives the revenue will be equal to expenditures, it would not be wise to put an extra tax on the people, it would not be wise to tax tea or coffee or sugar, or put extra import duties on woollens or anything else, if it were only with a view of raising revenue.

I wish to say a word or two on the question of protection, for fear I may be misunderstood. I am a protectionist. I believe in protecting American labor and American industries. I do not believe in protecting them in a way that shall give to the manufacturer an opportunity to unduly charge. I would so regulate the duties as to equalize the labor prices in this country and in Europe, and when that is done nobody ought to find any fault. If that is done you will have as much revenue as you need ordinarily when times are good and consumption is at a normal rate.

Mr. President, do we need the additional revenue? On a former occasion, on the 25th of February, the Senator from Ohio made a speech from which I have read an extract, and he means now, as

he meant then, that the public shall understand that the sale of bonds in this country was necessitated because of lack of revenue. He yesterday said the same thing in substance. I think I can turn to it. The Senator from Maryland [Mr. GORMAN] inquired of the Senator from Ohio whether he would vote for a duty on tea and coffee. I suppose the revenue question is not nearly so important as it was on the 25th day of February, or else the Senator has hopes of raising revenue by some other method which he did not then have, for he then said he would vote for a tariff upon anything, it did not make any difference what. He specifically declared his willingness to vote for a tax on tea and coffee. But yesterday he said:

No; I would not, for I would not throw the whole burden of taxation upon those who consume tea and coffee.

It would not be fair or just to do it. But I am willing to take up the bill and provide for raising the requisite taxation from foreign goods to carry on the operation of the Government and place us beyond the danger of a deficiency every year and the sale of bonds every six months.

There is nobody in this Chamber, there is nobody in this country who knows better than the Senator from Ohio that the sale of not a dollar of bonds was necessitated by lack of revenue. We have not sold bonds when anybody could pretend that we were in danger of not being able to meet our obligations. We have sold bonds with a full Treasury. We have sold bonds with more than any other nation in the world can show to its credit. There has been no time, so says the President, that it was necessary to sell bonds. I will read what the President of the United States has said upon this subject. In the President's annual message he said:

In the present stage of our difficulty it is not easy to understand how the amount of our revenue receipts directly affects it.

Speaking of the financial condition:

The important question is not the quantity of money received in revenue payments, but the kind of money we maintain and our ability to continue in sound financial condition. We are considering the Government's holdings of gold as related to the soundness of our money and as affecting our national credit and monetary strength.

I need not read it all. He says further on:

It can not, therefore, be safe to rely upon increased revenues as a cure for our present troubles.

It is possible that the suggestion of increased revenue as a remedy for the difficulties we are considering may have originated in an intimation or distinct allegation that the bonds which have been issued ostensibly to replenish our gold reserve were really issued to supply insufficient revenue. Nothing can be further from the truth.

Bonds were issued to obtain gold for the maintenance of our national credit. As has been shown, the gold thus obtained has been drawn again from the Treasury upon United States notes and Treasury notes.

Skipping—I need not read it all—

At no time when bonds have been issued has there been any consideration of the question of paying the expenses of Government with their proceeds.

Here is the declaration of the President of the United States that at no time when bonds have been issued have they been necessitated by the lack of money.

The Secretary of the Treasury comes with his report and makes the same statement. In February the Government of the United States issued \$100,000,000 of bonds.

The cash balance in the Treasury on the 1st day of December, 1895, was \$177,406,386.02, being \$98,072,420.30 in excess of actual gold reserve on that day.

The Secretary says:

While the situation does not require any legislation for raising additional revenue by taxation at this time, it is such as to require the strictest economy in appropriations and public expenditures.

Mr. President, that is a condition that must always exist in this country. I think that is a condition that always has existed. That is an obligation that has rested upon every man connected with this body and the other—"strict economy in appropriations and public expenditures."

The Secretary proceeds:

With a complete return to the normal business conditions of the country, and a proper legislative and executive supervision over expenditures, the revenue laws now in force will, in my opinion, yield ample means for the support of the public service upon the basis now established, and upon the assumption, which seems to be justified, that the progress now being made toward the restoration of our usual state of prosperity will continue without serious interruption.

And so on.

I do not know what the deficiency is going to be this year, but I do know that the deficiencies on the 28th day of April for the year were \$24,247,517.83. On that day we had \$273,522,333 in the Treasury. I repeat, there is not a nation on the face of the earth that holds \$273,000,000 in its Treasury for ordinary purposes. If there is such a nation at all it is Russia, that is stated to have accumulated a large amount, nobody knows how much, for war purposes—not to be used except in case of an emergency for war. There is more money in the Treasury than the people of the United States are willing should be put there and there tied up. Every dollar of money that is put into the Treasury comes out of the circulation that is necessary in this country to maintain even the

present bad conditions of commerce and trade. Inside of twenty-seven months you have put into the Treasury \$200,000,000 that had been in circulation. You drew out of the circulation of this country \$200,000,000 and put it where it is of no more value to commerce and trade than it would be if it were in the depths of the sea.

And yet, Mr. President, Senators rise here and wonder why it is that business does not revive, why it is that prosperity does not come to us. We have had contraction at the rate of \$100,000,000 a year, contraction since the 1st of February this year of \$100,000,000, apparently in ignorance of a well-known and well-settled principle of political economy, that when you decrease the circulation of the money you destroy prices and you discourage enterprise and retard all movements toward production.

Mr. President, if there ever was a nation in the world that seems to be governed by imbeciles and men without thought or men without reason, it is fair to say we are now in the hands of that class of people. The history of the world does not show such contraction as we have voluntarily and deliberately and willingly taken it upon ourselves to create for the simple purpose of maintaining the gold standard, and nothing else.

The Senator from Ohio [Mr. SHERMAN] knows, and every man in this Chamber knows, that the \$262,000,000 is a debt put upon this country to maintain the gold standard. And he knows, as I know, that the \$262,000,000 is but the beginning of a debt that is to be put upon us if the gold standard is to be maintained. It will not do for the Senator to tell me or anybody else in this Chamber that revenue is what you want. What you want, Mr. President, is some system of finance that shall bring confidence to the people who create and produce, that shall encourage them in the belief that when they manufacture an article they want to sell they can sell it for as much at least as it cost. The absolute certainty exists to-day in every productive circle in the United States, and pretty nearly in the world, that he who produces to-day must sell to-morrow at a loss.

Mr. President, the financial question is at the bottom of this trouble, not a lack of revenues. I do not intend myself to allow either the Senator from Ohio or anybody else to fool the people of this country with the idea that all you need is to pass the McKinley bill again, and that then prosperity will come. You will never see the McKinley bill reenacted, and if you did you would not see prosperity come from it. We have been promised all these years that if we would do this and if we would do the other thing prosperity would be at our door. Every promise made has failed.

I know that there is traversing the country and shouting a band of men who have labeled their candidate "the advance agent of prosperity." Mr. President, the people who look to him as the savior will find that they have been deluded and deceived. The agent of prosperity is not in sight, and he will not come into sight until this system of finance of ours is changed; until we return to the system which gave the people the agencies to do business with, so that we shall satisfy them that when they put their money in an enterprise and produce articles they may reap reward and advantage therefrom.

Mr. President, I said I would not enter into a general discussion of the silver question, and I do not intend to do so. I should not have made any remarks at all on the pending bill but for the statement made yesterday by the Senator from Ohio that I thought needed a challenge, and I have challenged it. Of course the Senator from Ohio may say that all you need is to pass the tariff bill and prosperity will come. I can only answer that, in my judgment, we are not suffering for want of more tariff. We are suffering for want of two things in this country. One is that the par of exchange between the silver-using countries and this country shall be reestablished; and the other, that the people may know that as business proceeds and grows the Government of the United States, either by an open mint or by some system of issuing paper money or some other method, will keep pace with the growth of commerce in its issue of currency.

Mr. President, there is one rule that has been observed in all commercial countries everywhere for all time, and that is that as the business of the country increases so the currency of the country must increase in proportion. Here we are with 70,000,000 people, the richest nation on the earth, with more natural advantages, with more intelligence, with more ambition, with more enterprise than any other nation without exception, and we are sitting here and watching the currency shrink and shrivel at the rate of \$100,000,000 a year, while we witness the increase of population of the country at a rate of 10,000,000 at least in a decade, and no provision made by which the people can secure additional means of doing business unless the national banks shall, in their generosity, come to our relief and issue more paper money.

The national banks will not do it. The representatives of the national banks met in a bankers' convention at Baltimore two years ago. All the wisdom of the banking interests of this country was represented there, and they assume that they have all the financial wisdom there is. They appointed a committee, and their

committee reported to the convention a system for the reorganization of national banks. I think I may say that the entire metropolitan press of the country approved of it because it came from a bankers' convention. I should say that the convention was held some time in the latter part of the summer, and in December we received a message from the President of the United States indorsing it. A month later we received another message from the President—I will not say it was exactly a month, but it was later—in which the President rather indicated that he had not perhaps thought as much about the system as he ought, and he believed, after all, it would not answer the purpose for which it was proposed. In the course of the next ninety days there was not a man anywhere so ignorant in this country as to defend that national banking system of the Baltimore convention. You could not find a banker who would do it, you could not find an authority upon banking who would do it. They absolutely abandoned it, and up to the present hour the bankers have had no system of reorganization whatever.

So we need not expect to look to the bankers to furnish us the money. They have \$262,000,000 of bonds that they can bank on if they choose, and yet we see that no banking paper is being issued; that is, none in excess of what was heretofore issued. We are simply going along increasing our commerce, increasing our trade, because we must do so by virtue of increased population, and we are making no arrangements whatever to give the people a proper currency to keep pace with the growth of the population and business.

Mr. President, I have myself an idea that there is a method by which we can relieve the people of this country. I do not know that I am correct. I will not insist that I am infallible upon the question. I may be in error. In my anxiety that the people should have some opportunity of recovering their standing, restoring the industries, bringing back prices where they ought to be brought, it is possible that I have thought so much of it and have been so anxious about it that my judgment may not be good. But in my judgment there is no one who has proposed any system in this country that will save this people except that of the free coinage of silver.

The President of the United States said that he wanted to retire the greenbacks. The Senator from Ohio said on this floor that that would not do. The President of the United States wanted to meet the crisis in financial affairs by a further and a greater contraction of the currency. The Senator from Ohio was not willing to go to that extent and he said it ought not to be done. But yet the Senator said they ought to pile up the notes in the Treasury and keep them out of circulation. I believe the Senator from Ohio proposed in this Chamber that \$100,000,000 of them should at all times be locked up in the Treasury and kept there—a permanent contraction.

That brings me down to the question of appropriations. The Senator from Maryland [Mr. GORMAN] complains that we have put in this bill too many battle ships, and he has an amendment pending to reduce the number from four to two. I think the number in the bill is ample, but not too many. For myself I have always voted for reasonable appropriations for the defense of the country. Living as I do in a part of the country where no hostile foot can ever tread, I have never failed to vote the most liberal appropriations for the defense of the coasts and the commerce of this land, and I shall continue to vote such appropriations until it shall appear that we are too poor to make them. And I believe as I stand here that the time will come, if we pursue the present financial system, when the people of this country will be too poor to make a gallant defense of their flag.

Mr. President, I hope that when that time comes I will not be here to look upon the flag. But it will come unless we reform our financial system. There is no system that touches the people like the monetary system—the system affecting the currency and the use of money. A distinguished French writer once said that "false political economy, false ideas on economic questions incorporated into the administration of public affairs have caused to the people of the world more suffering, more anguish than all the wars, than all the pestilence, than all the famine that ever afflicted the human race." He might have said with truth, and gone to history for his vindication, that false political economy has brought about nearly all the great wars of ancient and modern times.

People tell us you can not legislate prosperity. Mr. President, prosperity only comes by wise and prudent legislation. The currency question comes home to every man, and when we adopt a false system of finance, a system that will make the great masses poor and the few rich, we are entering upon an era when we shall not dare to stand before the world and defend our flag or our honor, because we shall be afraid of the consequences which may flow from it.

We saw, when the President of the United States sent here a message that awoke for a little while the patriotic impulses of the people of the United States, the fright that took possession of

the capitalists of the country, who put ahead of the honor and the dignity of the country the question of dollars and cents, and from the great commercial centers every one of us began to receive urgent messages "to not disturb the trade and the traffic of the country." You do not disturb the trade and traffic of the country by standing by your flag, by vindicating the honor and the credit of the United States. I do not care about pursuing that further. I might say with reference to those people who put dollars and cents above sentiment, as they term it, and above patriotism, things that might sound unkind and unjust, but I shall leave that now.

Mr. President, I am concerned, I freely admit, for the future of my country. I have stood in this Chamber and defended what I believe to be a correct monetary system, not because the people of my State produce silver, not because the people of my State are locally interested, but because I believe that the peace and prosperity, the morality and the religion of this country are dependent upon a sound and proper financial system. I do not believe you can have patriotism and love of country while the people are in distress. Empty stomachs do not make patriots; destitute homes do not make liberty-loving men. No nation can maintain its freedom and its independence if it does not have as the substratum for its people to stand on prosperity, not to a few, but to all. The system now in vogue is one calculated to make the rich richer and the poor poorer. I do not intend to go into details; I do not intend to cite, as I could, statistics to show that the great laboring mass, the twenty-odd millions of men who till the soil, are practically tilling it to-day without profit. They are farming, as was said of the English farmer by an Englishman not long since, for a bare subsistence.

The Senator from Ohio a short time since congratulated the Senate and the country that this heresy, as he called it, of silver was at an end; and he told us then that the Republican party would adopt a gold-standard platform, or words to that effect, and put itself on the gold-standard plan. Mr. President, I want to tell the Senator from Ohio that I can not say what the Republican party will do; but it does look to me as if the time had come when the Republican party, which has been closer to the masses than any political party which was ever organized, a political party which was organized in the interest of the human race, a party that grew up to defend human liberty and human rights, that went into its first great campaign inscribing on its banner "Free soil and free men"—it does look as if the time had come when the party had reached the point where it is about to drop its interest in the masses and follow the bidding and become the tool and agent of those who have no interest in the great body of mankind, whose sympathies never go out to the people, but are always with the dollars and cents.

Not long ago the Senator from Vermont [Mr. MORRILL] rather indicated that a few of us on this floor were not Republicans because of our votes on the tariff. I resented the insinuation then as I resent it now. I am a Republican in the truest and best sense. I am a Republican who believes in the old tenets, the old faith. Mr. President, I helped to create the Republican party. I was in it before the Senator from Vermont, and I did not go into it, as he did, out of a dying and decaying party. I left the strong, aggressive Democratic forces when I entered into the Republican party. And I say to the Senator that I came into that party voluntarily; he must allow me to go out of it in the way I came in. He can not fix my line of conduct any more than a Democratic or Republican convention can command my conscience and my judgment.

The times do not indicate prosperity; the times do not indicate peaceful conditions among the people; the times, I think, on the contrary, indicate a dissolution largely of present political organizations, and ultimately, I believe, a re-forming of political lines.

The Senator from Ohio says that the silver question is dead. A few days after that declaration was made he might have seen the British Parliament declaring by resolution that it was to the interest of the English people to bring back the rate of exchange and to restore the parity that no longer exists between the gold-standard and silver-standard countries. He might have seen a gathering a few days since, in one of the great capitals of Europe, of the very best thought of the world, without exception, in the interest of silver. I regret that I have not here a letter which I received the other day from the most distinguished writer of political economy in this country and whose reputation is world-wide. I meant to bring it here and read it to the Senate; I meant to put it against the Senator's declaration that the silver cause is dead, but I have forgotten to bring it. This writer of whom I speak is not a free-coinage man. He does not believe, as I believe, in the United States being able alone to solve this question, but he does believe, as I believe, that this question of bimetalism, as he puts it "of international bimetalism," is the cause of civilization; and I ask permission to insert the entire letter as an appendix to my speech.

The VICE-PRESIDENT. If there be no objection, it will be so ordered.

Mr. TELLER. Mr. President, in my judgment this question is the cause of civilization. I believe as firmly as I believe I am here that the welfare of mankind is bound up in a proper solution of this question. I believe that you are now facing the greatest danger which Christendom has ever faced. I believe we stand in the face of "the Asiatic peril," as it has been properly called, from the hordes of Asia with their cheap labor, with their ingenuity, with their ability to live upon food upon which we could not exist, who will become the active competitors with our laborers all over this country and those of Europe as well. No student of history can fail to see where we shall go. It is not a question of supposition; it is a question of certainty. We can not compete with them. Talk about tariffs! Talk about the paltry per cent that you have been able to put upon American manufactures keeping out from our competition the products of China and Japan and India! Mr. President, it can not be done. You are giving them now a bounty of nearly 100 per cent, and you can not start even until you restore the rates of exchange; and you can only do that by making silver and gold equal at some rate fixed by law.

I am not easily frightened. I have taken up this question with care, and I have studied it as becomes me and as it becomes you to study it. I can see the 400,000,000 of Chinamen—a great, stalwart people, with a civilization which we despise, but a civilization better fitted for production by a hundred per cent than ours, with a civilization of which the burdens are nothing compared with the burdens of our civilization; a people trained by thousands of years of industry and deprivation; a people who go to death with the same composure that they go to the table; a people who will live in huts and sleep in dungeons, and who practically despise the comforts that we must of necessity have—I can see them, I say, marching forward in their battle of industry to the astonishment and injury of the civilized world. It was said not long since by a writer that in this country and Europe we labor for the comforts of life; in those countries they labor for the necessities of life.

More than one-half of the whole population of the globe is being stimulated into industry and into activity by our baneful system of finance, and we shall build up in the Asiatic countries manufactures to such an extent that, when once they are created, they can not be destroyed. I see the Senator from Connecticut [Mr. PLATT] sitting in front of me. Recently from his State capital went to Japan to manufacture straw mats. Capital has gone from England to all the Chinese ports where Europeans are allowed to live, and the Chinamen themselves are building great manufacturing establishments to compete with American and European laborers. Do not let any man tell me that he is anxious to preserve to the American laborer that system of wages which will give him fair compensation, and then knowingly vote for a system that gives to his competitors a bounty of 100 per cent.

We are told that we who would not vote to take up this nondescript bill, which the Senator himself says is no Republican measure, are not protectionists. The protection system has its greatest enemy in the gold-standard party. I say you can not maintain in this country both the gold-standard and the protective system; and if you do maintain it you can not destroy the competition of which I have spoken, which is being built up in Asiatic countries to compete with American labor.

If I desired to consume the time of the Senate I could produce the most alarming statements with reference to the growth of manufactures in China, Japan, and India; but I need not do so. The reports of our consuls, the English consular reports, and the French consular reports all tell the same story; but though one should rise from the dead and proclaim the truth, I have not any idea that it would change the minds of the average gold-standard advocates. They have heard this again and again, and they have shut their ears to it. As to those who believe in the doctrine that trade should be free as air, I do not wonder, but as to those who profess that they are in favor of protecting American labor and American capital, I can not conceive how they can see the growth of manufactures in Japan and China and India and in the silver countries of South America and Mexico without some perturbation and fear.

Mr. President, when I took the floor I did not intend to speak at length on this subject. I simply meant to say, in response to the statement of the Senator from Ohio, that there was an abundance of money in the Treasury, that there was no necessity for any increased revenue, and that it was better for the country that we should spend the money we have in the Treasury than that we should leave it there locked up. It would be better to-day if that \$270,000,000 were afloat in the circles of commerce and trade than to have it there.

If we could but disabuse our minds of this foolish notion that we ought to keep in the Treasury a great amount of gold, so that those who want to export gold can get it without cost except its face or money value, we should take an important step in the right direction. We know very well if they go to the banks for gold they must pay something besides its face value. If we can

but disabuse the authorities who hold the money of the idea that it is their duty to pay in gold, and if we compel them to pay in silver, which is a legal tender and which is as valuable as gold for every purpose in the world except that of export, then there would be an end of the necessity for gold in the Treasury, and if gold continues to be exported it will go from the banks and not from the United States Treasury.

Mr. President, I ask the indulgence of the Senate for having said so much. I have said it because I believed it was a duty on my part that I should. I believe that now is the time that every American citizen should take hold of this question, and if we are wrong let the fact be known. I believe that the American people as a people are decidedly in favor of the use of silver as money.

The Senator from Ohio, as I said, congratulated us on the death of silver. Since that time there have been great gatherings of the American people declaring for silver. True, they have been almost entirely composed of members of only one of the great political organizations, the Democratic party, which, with the exception of the New England States, has uniformly declared for the white metal.

When the lines are drawn during the coming summer, when the political organizations shall arrange themselves for battle, it may be that one of these great political parties which has been in existence for many years will be the champion of silver. If that should be the case, then every man will have an opportunity to put this silver question where he thinks it belongs. For myself, Mr. President, it belongs in the front of everything that we can desire. There is nothing which this nation can do, in my judgment, that would bring prosperity to the country so quickly and so surely as to open our mints to the free coinage of silver; there is nothing, in my judgment, that this great nation can do which will bring upon it such great disasters as to adhere to the gold standard.

I look with fear and trembling to see what that great political organization with which I have acted for forty years will do. Will it take the side of the masses? Will it take the side which I believe leads to prosperity? Will it take the side which will save to the thousands and tens of thousands of struggling men the homes they are bound to lose if we continue on the gold standard, or will it yield to this seductive, false, and lying idea of "sound money" and declare for the gold standard?

If the Republican party becomes the party of the gold-standard people, from the day that it so declares, in my judgment, its disintegration will begin.

I am often asked, Mr. President, what I will do if the political party with which I have been connected and to which I am attached and of whose record, on the whole, I am proud—what I will do if that party adopts the gold standard and puts itself in line with those who are demanding that gold, and gold alone, shall measure the values of the world. I have no hesitation in saying here, Mr. President, as I have said before, that whenever the political organization to which I belong ceases to represent my sentiments and my judgment on great and fundamental principles I shall cease to act with it. When the Democratic party, in which I had been brought up, in which I was educated, and to which I had an attachment growing out of the fact that my people had been members of it ever since it was organized, and because I had been taught to believe in its principles, became, as I believed, the party of oppression and wickedness, I got out of it and I went into the party which represented my views and my ideas, although it was then a weak and despised party.

Mr. President, I should despise myself, holding the views I do, if I should lift my hand to put in power any man who could from the Executive Chamber use the slightest influence to continue the existing system of finance. Holding, as I do, that the interest of the whole race is wrapped up in this question; that it is not only for our interest, but the interest of the world—for I believe all peoples are interested in it, and that if we do not restore the par of exchange between the gold-standard and the silver-using countries inside of a generation that we shall transform Christendom into Asiatic conditions and we shall put the laborers of Christendom under Asiatic pay as well as under Asiatic conditions—believing that, as I do, I should despise myself, as you ought to despise me, if I did not lift my voice against a system threatening such danger; and if I should lift my voice one way and vote another, you would have a right to accuse me of hypocrisy and deceit. As I speak, Mr. President, so shall I vote, in the interest, as I believe, of the great masses of men in this country; and in the interest, as I believe, of the great masses of men throughout Christendom. [Applause in the galleries.]

I present to the Senate two letters which I have received, which I should desire to go into the RECORD with my remarks but for the fact that both of them are, I think, a little too voluminous for that purpose. I should like, however, to have them published as a document. One of them is on the money question and is from a former member of Congress from the State of Ohio, well known to very many Senators here. It is an able letter, well written,

temperate in tone and character. The other is a letter addressed to this ex-member of Congress by a very prominent business man in Ohio, a man, as I understand, of large wealth and high character. While there are some things in the letter to which I do not fully agree, yet the writer presents what he says is the condition of the country and what he thinks is the remedy, etc., and I think it is well worthy of perusal. I ask that the two letters may be printed together as a document.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

APPENDIX.

BOSTON, April 13, 1896.

DEAR SENATOR TELLER: Your letter of the 11th instant is received.

I presume the words you quote from Mr. Moreton Frewen have reference to some extemporaneous remarks made by me in London in 1894, how closely reported I can not say. Perhaps if I were stating my views for publication I should put the matter differently, in order to avoid possible misconception and misconception; but if the words be taken as they were meant, I stand by them. By the "right settlement of the silver question" of course is meant the establishment of international bimetalism on a broad basis. I believe the benefits of such a system to the trade and industry of the world would be almost incalculable, so that hardly any cost or pains required to bring this result about should be considered too high a price. I believe that the nations have suffered to an enormous extent from the dislocation of international exchange—"the break of gauge"—which followed the monetary measures of 1873, and from the continuous appreciation of gold. I believe that these have been among the chief causes of the crises, panics, and hard times which have so strongly characterized the last twenty-three years. I am fully ready to repeat the statement that the cause of international bimetalism is the cause of civilization. The demonetization of silver was in the first instance a disastrous measure, and every step since taken in that direction has brought fresh evils. All intelligent monometallists now admit that universal gold monometallism is now impossible. The old bimetallic world is thus to be left permanently divided into two monometallic worlds, trade between which must be subject to incessant and often wide and violent fluctuations of exchange.

While holding these views, I believe that the United States have suffered far less from this cause and have a far smaller interest in the restoration of bimetalism than any country of Europe, and I am altogether opposed to any action of our Government alone.

Very truly, yours,

FRANCIS A. WALKER.

Mr. SHERMAN. Mr. President, I may be expected, probably, through courtesy to the Senator from Colorado [Mr. TELLER], to make some brief reply to the speech he has just made.

I know that the Senator from Colorado is an honest man; he has strong convictions, the strongest of all of which is that silver is the loadstone of prosperity. I always respect a man who stands up for his opinions, whether they be right or wrong. Most of the Senator's argument has been repeated to us before, and necessarily so, because the Senator has often spoken on this subject. He has said many things to which I should like to reply, but I do not care to do so except as to some few points.

The Senator believes that the free coinage of silver, which means a dollar worth 50 cents in gold, will be the salvation of the country. He says that at some time I boasted of the death of silver. I am not conscious of ever having made such a remark in my life. On the contrary, I claim that the policy which I have sought to pursue since the depreciation of silver has been to use more silver coin than was ever used before in our own country, and it is a significant fact that all the countries in the world in which gold is the standard—that is, all the countries of Europe, all of which are upon the same basis as we are, the gold standard—use more silver than ever before; but it is purchased at market price and coined at the old ratio and maintained at par with gold coin precisely as we do. Therefore, when it is attempted to prejudice the public mind and convey the impression that we who believe in the standard of gold and the use of silver to the largest extent possible are the enemies of silver it is a great mistake. That is a blind fad that ought not to be repeated, and it seems to me ought to be abandoned by my honorable friend.

The Senator said several things to which I wish very briefly to reply. He talked about the McKinley law as if all the Republicans on this side of the Chamber were committed to all the provisions of the McKinley law. There was a great deal of difference of opinion between the two Houses when that bill was pending. As it was framed in the House of Representatives and sent over here I believe it was a very good bill. After it was sent here it was greatly modified by the Senate. It might as well be called the McKinley-Allison-Aldrich bill as by any other name, for the Senator from Rhode Island [Mr. ALDRICH] probably had as active an influence and power in controlling the terms of that bill as anyone.

On the whole, the McKinley Act was a good measure. It was weakened, however, in my opinion, by the reciprocity clauses, but not, however, in the opinion generally of those who voted for it. I believe the reciprocity clauses which were added to the McKinley bill in the Senate tended to weaken it as a revenue measure, and that the results of all the treaties and agreements made for reciprocal exchange of products on special terms between the United States and other countries ended in a loss of revenue. Still, in spite of all, the McKinley law would undoubtedly have

furnished enough money to carry on the ordinary operations of the Government but for the election of Mr. Cleveland and the events that followed. As a matter of course, the McKinley law was attacked during the Presidential contest of 1892. The Carnegie strikes and financial stringency weakened the Republican party. The result was that Mr. Cleveland was elected President.

The very fact that the Democratic party came into power in the executive branch and in the two Houses of Congress was a threat against the McKinley law, a declaration that it would be changed, and therefore at once importations under the McKinley law largely fell off. But in spite of it all the McKinley law, which has been so much condemned, did furnish enough money to carry on the operations of the Government, with the aid of the internal-revenue laws. After the close of the Administration of General Harrison, at the end of the fiscal year on the 1st day of July, 1893, some five or six months after the incoming of the present Administration, when Mr. Cleveland was President, there was a surplus in the revenue of over \$2,000,000.

Mr. TELLER. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. TELLER. Is it not a fact that in each of the months of November, December, January, and February preceding Mr. Cleveland's inauguration there was a deficiency?

Mr. SHERMAN. That may have been so—

Mr. TELLER. Amounting to over \$4,000,000?

Mr. SHERMAN. The defeat of the Republican party and the certainty of the repeal of the McKinley Act would have produced that result. I have no doubt whatever that if the Republican party had prevailed in 1892 the McKinley law would have furnished ample revenue. That is my opinion.

As soon as Mr. Cleveland was elected his first idea was the repeal of the law for the purchase of 4,500,000 ounces of silver per month, commonly called the Sherman Act, a misnomer, I think, because I was the last man to agree to it, and have regretted it every moment since, because I honestly believed it was not wise to continue the purchase of silver. But in order to prevent the passage of a measure for the free coinage of silver, I finally yielded and voted for the bill with the rest of my associates. That is the history of that act.

But at that very time, while this matter was being discussed in the Senate and the House, the committee on the part of the House was framing a new tariff bill. The Wilson bill was then being framed, and in the following session it was sent to us. If that bill had become a law in the form in which it passed the House the deficiency in revenue would have been fully \$100,000,000 a year. The honorable Senator from Maryland who spoke yesterday said that he and his associates here in the Senate added to the income upon what is called the Wilson Act some fifty or sixty million dollars. That was his statement. Even with that addition, in every hour and every day and every year there has been a deficiency in the revenue less than expenditures of thirty millions a year. The present condition of affairs grows out of the repeal of the McKinley Act and the passage of the Wilson-Gorman Act.

This did not at all present the question of the free coinage of silver, about which I shall have something to say hereafter. There are several fatal defects in the Wilson Act. The first and chief one in practical administration, as now stated even by Democratic officials, is the ad valorem principle which was adopted in levying duties upon imported goods. The ad valorem system has been found to be faulty in every country in the world where duties are imposed upon importations. You can not rely upon the prices stated in the invoices under the ad valorem system.

Mr. MILLS. Will the Senator from Ohio tell me, if he please, why they adopted the ad valorem system in the woolen schedule of the McKinley Act?

Mr. SHERMAN. There are certain classes of goods as to which the ad valorem system must be adopted.

Mr. MILLS. Ah!

Mr. SHERMAN. But wherever an article can be assessed by a specific duty it ought to be done.

Mr. FRYE. You had both as to woolens.

Mr. SHERMAN. I know we had both in woolens. On wool the duty was specific, so much a pound. On woolens, on account of the value varying 100, 200, and perhaps 500 per cent, it was necessary to have a compound of those duties. But the principle adopted in what is called the Wilson Act is the ad valorem system, and now the officers of the Government, Democrats all, claim and admit that the ad valorem system has led to great undervaluation and therefore to a large loss of revenue.

Mr. MILLS. The Senator from Ohio must recollect that his party always, in imposing duties on woolen goods, have declared that the specific tax on the woolen goods was simply to compensate for the tax on wool. Is not that true?

Mr. SHERMAN. No, sir; I do not think it is true.

Mr. MILLS. Oh, unquestionably.

Mr. SHERMAN. There never was an ad valorem tax on wool that I know of.

Mr. MILLS. It never has been denied anywhere, and that the ad valorem tax is on the manufactured goods for the benefit of the manufacturer.

Mr. SHERMAN. Where the duty can be specific, as in the case of wool, where it is levied by the pound, I think it should be fixed by a specific rate, but in the case of manufactured goods it is impossible to fix a specific duty, because they are so different in value. A piece of broadcloth of the finest quality would weigh far less than a coarser product, and yet it would be many times as valuable. In such a case an ad valorem rate is unavoidable. The two rates must be combined. But the general principle of ad valorem rates adopted in the Wilson Act has undoubtedly added to the deficiency of revenue.

Now, there is another matter. I do not want to go over these points very fully. We are told that the Dingley bill would not have been supported in the Senate. We could easily have passed the Dingley bill but for the omnipresent and omniscient question, in the eyes of some Senators, the free coinage of silver. When the bill went to the Committee on Finance, what was done with it? Was it considered in detail? No; simply because a majority of the committee were not only opposed to the tariff bill, but were in favor of the free coinage of silver. Then the unusual, I might almost say illegal, method was adopted of offering as an amendment or substitute for the tariff bill the provision for the free coinage of silver. Thus this omniscient silver head was thrust into a controversy where it was conceded on all hands that there was necessity for the increase of the revenues of the Government. Who did that? I am not here to complain. The Senator from Colorado [Mr. TELLER] to whom I am replying voted with the rest, there being several on this side of the Chamber, with the Democrats also. What I have always claimed and what I now claim is that the Democratic Senators who believe with me that it is not wise to adopt the single standard of silver, to adopt the free coinage of silver, themselves voted or their friends, a majority at least, voted for the free coinage of silver and then made it impossible to pass any revenue law.

My honorable friend the Senator from Maryland [Mr. GORMAN] yesterday talked a good deal about the Dingley bill. It was slaughtered in the house of its friends by his vote as well as by the votes of all others who, while believing in the gold or fixed standard of value and the use of silver as contingent, voted to defeat the bill by the adoption of the free coinage of silver. That is the history of the bill.

Mr. GORMAN. The Senator from Ohio does not mean to say that I voted for that proposition.

Mr. SHERMAN. I can not say who did. I know that a majority of the Senate voted for it, and I think a majority of the Democrats did, but I am not sure. I will take the Senator's word for it, whatever it is.

Mr. GORMAN. There was, and there is, an element on both sides of the Chamber, possibly a majority, irreconcilably opposed to such action. I think a small majority of Democrats voted for the free-coinage amendment to the bill; a very large minority of them voted against it. A very large minority of the Senator's party on the other side of the Chamber voted for the free coinage of silver.

Mr. SHERMAN. A small minority of this side voted for free coinage, and a large majority on the other side did, as I remember. I do not recall the votes of particular Senators, nor do I care. It is not material. It is sufficient to know that the raw head and the bloody bones of silver killed any attempt to add to the revenues of the Government. It is not the fault of the Republican party or of the Democratic party. It is because this new question is thrust into every other matter that is presented to the Senate, and I trust that in the present campaign a bold and manly stand will be taken by both sides, every man acting according to his judgment, and that the question will be settled. If it is settled in favor of silver, then we will have dollars that will have the purchasing power of only half of the present dollar. If we stand by the present standard we will have a standard that is adopted in nearly all the principal civilized nations of the world.

Mr. PEPPER. Dollars twice as valuable.

Mr. SHERMAN. That is not the question I am debating now. I am perfectly willing to abide by the action of the people of the United States and also of future Congresses. That is all I care to say about the Dingley bill.

The honorable Senator from Colorado [Mr. TELLER] said I was inconsistent, in that in a speech I made in January last I said I would vote for any tax, for a tax on tea or coffee or sugar. So I say now. Rather than have this Congress adjourn with a growing deficiency, I would vote for almost any kind of a duty; but I do not propose to allow the other side of the Chamber to designate precisely what those duties shall be. I wish to be consulted about it. We Republicans have nearly a majority here, and while I

would vote very cheerfully, as a measure of temporary relief, for a tax on tea and coffee and sugar, a moderate tax to aid in support of the Government under its present circumstances, yet I would not make the whole burden of increased taxation fall upon the people who drink tea and coffee.

The Senator from Maryland asked me if I would be willing to take a tax on tea and coffee as a substitute for all other measures. I said no. But if tea and coffee and sugar and other articles of that kind should contribute their portion of the taxes, so as to distribute their burden among our people fairly, without making it fall upon those articles consumed largely by the poorer classes, then, as a matter of course, I would be willing to vote for a moderate tax on tea and coffee and sugar and many other articles that might be named. But the idea of levying \$50,000,000 of taxation on tea and coffee never entered into the mind of anybody except my honorable friend the Senator from Maryland; and I do not believe he would vote for such a proposition.

Mr. GORMAN. Will the Senator from Ohio pardon me for interrupting him?

Mr. SHERMAN. Certainly.

Mr. GORMAN. I suggested to the Senator yesterday what every intelligent man in this country knows, that with the present divisions in this body it is utterly impossible to pass any revenue measure that trenches upon party lines and party ideas, and hence it was that I asked him if he would accept a proposition to impose a revenue duty of 25 per cent on tea and coffee—

Mr. SHERMAN. You propose to put on revenue duties only.

Mr. GORMAN. A less duty than is imposed on any other article on the list, when the Senator knows, as I know, that the imposition of such a tax would not increase by a farthing the cost of either tea or coffee to the consumers of the United States.

Mr. SHERMAN. The proposition made by the Senator was that we would drop out of all of that bill which he denounced—

Mr. GORMAN. Yes; strike out all after the enacting clause.

Mr. SHERMAN. And put a tax upon tea and coffee.

Mr. GORMAN. Yes, sir.

Mr. SHERMAN. That was the proposition. I do not believe the Senator would vote for it. There would be such a complaint made by the women of the land that he could not live here safely if such a tax were proposed. I do not think any sensible man would propose to levy \$60,000,000 on tea and coffee, leaving sugar to go free, and allowing all the various articles of importation to come in free of duties except such as are levied by existing law.

Mr. GORMAN. The Senator misunderstands me, and I know he would like to have the fact stated accurately. I did not suggest that we should levy \$60,000,000 on tea and coffee.

Mr. GRAY. Or leave sugar go free.

Mr. GORMAN. Or let sugar go free. I let the tariff stand precisely as it is now. That is a party measure for which the Democratic party is responsible. It has not produced revenue enough and there is an emergency. I suggested to the Senator that he take those two items, tea and coffee, and put a revenue duty of about 25 per cent on them, which would bring into the Treasury directly about \$30,000,000, a sufficient amount to cover the deficit at least for this year.

Mr. SHERMAN. It is sufficient to say that every Republican would resent such a tax. We are in favor of taxing so that it will necessarily incidentally protect American industries. We think that those taxes ought mainly to be levied upon articles that are imported from Europe and compete with our own industries, so that to the extent of the incidental protection our own industries will be built up and fostered. That is the Republican idea.

Mr. GORMAN. Now, what—

Mr. SHERMAN. The Democratic idea—let me state it—as I understand it, is to be absolutely indifferent as to the effect on our own domestic productions of taxation by tariff upon goods imported into this country. It seeks to put a tax upon such articles as tea and coffee and sugar and the like, which enter into every family and homestead in the land, and to make those articles bear the burdens of this great Government of ours.

Mr. MILLS. Not all of the burdens.

Mr. GORMAN. The Senator from Ohio has stated the difference between the two parties. He knows the impossibility of our coming together on these lines in this body as it is now organized.

Mr. SHERMAN. With a Democratic President in the White House, a Republican House of Representatives, and a plurality of Republicans in the Senate Chamber, is it expected of us that we shall surrender to you everything—

Mr. GORMAN. No; I do not—

Mr. SHERMAN. And adopt your creed and your principles? On the contrary, we expect to overthrow you, if the good time should come. We are doing it in a friendly way. When we offered you the Dingley bill, if the Democratic party had proposed reasonable amendments to the bill, anything that would strengthen the revenue, which was just and fair, they would have been accepted with great pleasure. The Committee on Finance, as I said before, was evenly divided between the two great par-

ties. We had no advantage whatever on the important question. The Senator from Nevada [Mr. JONES] has strong opinions, and he was in favor of the free coinage of silver. Every Democratic member of the committee voted with him, and thus created this very embarrassment. A single Democrat would have saved us. Had the Dingley bill been taken up in order, it could have been amended and changed so as to meet the judgment of the considerate men of the Senate of both political parties. It is far from being a Republican measure. Every Republican would scout it as a Republican measure. It is a measure designed to relieve a Democratic Administration upon the call of their President, and it is nothing else. We would have yielded largely to our Democratic friends upon a temporary tariff which was to last only until the time when we hoped to make a better tariff—that is, some time next year.

There is another thing. My honorable friend, the Senator from Colorado [Mr. TELLER], has spoken of the issue of bonds, why they were issued, the amount of money that has been collected and held in the Treasury in consequence of the issue of bonds. I say now to the Senate, with full knowledge that I am absolutely correct, that there is no law on the statute book by which the Government of the United States can issue any bond for the purpose of meeting deficiencies. There is at this moment no law in existence which authorizes the President to sell a bond of the United States to pay deficiencies created by lack of revenue. But the Secretary of the Treasury is authorized to sell bonds to provide for the resumption and maintenance of specie payments. The resumption act provides that he may sell bonds of a certain character and description in order to meet and maintain resumption, to pay the notes which are presented.

All the bonds which have been recently sold were sold for that purpose. The Administration has used the money to some extent, or did use it for a while, for the purpose of bolstering up and paying the deficiencies as they occurred. But it was soon found, when notes were presented and gold paid for them, that if the notes were immediately paid out they would again be presented, and thus the endless chain which the President of the United States described would go on. To put a stop to the endless chain they had to hold perforce the notes that were presented for redemption until there was demand for gold. That is necessarily true in cases of banks and all other institutions which issue paper money. When the time comes when notes are presented for payment they must pay them and hold them until they can issue them again at par with the standard money of the country. That operation is necessarily the result of fear created by want of revenue.

More than all else that now creates the disturbance in our country is the deficiency of revenue. If a man is deficient in his revenue at the end of the year he is miserable. If he has a little surplus over he is happy. So it is in the great affairs of a country. Any nation that is compelled to expend more money in time of peace than the revenues of the Government amount to is on the road to ruin, just as any man who spends more money than his income or than he earns is sure to go to the poorhouse in the end. That is the difficulty. The very fact that there has been a deficiency of revenue from the beginning of this Administration caused the doubt and now creates the uncertainty.

The President and the Secretary of the Treasury were perfectly justified in pursuing the course they have followed. They could not have done otherwise. Suppose they had refused payment of United States notes in gold. The result would have been that our money would have at once fallen below par and a disturbance in foreign and domestic trade would have occurred. They did right. Though I hold far different opinions from them on many questions, yet I stand here and say boldly and openly that in managing our financial affairs during the present condition of things I think the Secretary of the Treasury and the President have done their full duty, and I could say no more if there were a Republican President in office.

There are one or two things which were said yesterday by my friend, the Senator from Maryland [Mr. GORMAN], to which I wish to call attention. He talked a good deal about economy. He is opposed to large appropriations. He wants the Government to be kept within its means, and yet I am told he has been very liberal to Maryland; that after doing all that is proposed by the House of Representatives for their local interests, he secured an appropriation here in the river and harbor bill for \$400,000 for the harbor at Baltimore. He is always careful of his own and the people of his State. He has not, so far as I know, voted against any of the propositions to add to the enormous sums that have been put upon the appropriation bills. I think he is about as liberal in the use of public money as anybody I know of, and yet he arraigns the Republican party for being extravagant.

I shall not confess the sins of my party, but if I had the power I would not appropriate one dollar in excess of what naturally would come into the Treasury under existing laws. If I were an executive officer, as Mr. Cleveland and Mr. Carlisle are, I would not pay out one dollar of any appropriation that was not required to pay

salaries and contracts. The ordinary contingent appropriations that run through all our appropriation acts are not mandatory upon the Secretary, and he can withhold the money. I believe and hope he will do it, because from his sagacious management heretofore I believe that he will not place himself in the position of spending money which he has no power to replace by the sale of bonds or by any provision authorized by this Congress.

I might be asked, why not propose bonds? We know such a measure can not be passed in the Senate. If it can be, let the Senator from Maryland try it. Let him provide some means of supplying a deficiency that may be created by the excess of appropriations over receipts. If he is opposed to these high appropriations in the bills, why does he not contest them and point them out, and I will vote with him to strike them out or reduce them. It seems to me the real difficulty that now stares us in the face is not the free coinage of silver, not the standard of value, but the deficiency in revenue of the Government to meet the requirements of the public service. That is the trouble. The silver question must be settled by the people of the United States. I do not care how soon.

My own opinions on the subject are perfectly known and I need not repeat them. I believe that it is wise for this country, as the richest and most powerful one in the world, to hold to that standard which is recognized by all the chief civilized nations of the world. I am in favor of gold as the standard of value, but I am in favor of the use of silver to the largest amount possible. I will go far, perhaps farther than anyone else here, in a negotiation with foreign nations to establish some ratio between the two metals, so that there will be no deception in money. The gold standard is better for every business man, for every man conducting business affairs, and it is better for every laboring man. Nowhere in the world does the laboring man get as many dollars of as high purchasing power as are paid to him for all kinds of labor in the United States of America. No one will suffer more severely than he by a lowering of the standard of value. Every laboring man can buy more under this system with his money than any other. It seems to me we ought not to disturb the parity of the two coins of silver and gold.

Let this question be decided by the people of the United States. Let the two great parties of the country state honestly their opinions, one way or the other, and then we will be able to settle the matter in the next Congress. Debate here, a controversy or conversation between the Senator from Colorado and myself, will not settle matters. He calls me, what is it?—a gold bug. [Laughter.] Well, sir, I am a gold bug.

Mr. TELLER. I think if the Senator from Ohio will look over my speeches he will find that I have never called him a gold bug.

Mr. SHERMAN. It is somebody else.

Mr. TELLER. I have never used the term.

Mr. SHERMAN. That is the common term applied to those who believe gold is the better standard of value. I can have no interest in a question of that kind. I am neither a miner nor an owner of gold or silver. I believe in that money which measures fairest and best the production and property of the people of the United States. I believe the United States would go a grade down in the family of nations if it undertook to establish as the standard of value a metal one-half in value of what is now considered the standard and upon which all the contracts for forty years have been made by the people of the United States. We honestly differ about that. There is no power to settle that difference except the people of the United States of America. I appeal in this case to them, not upon the arguments I have presented, but upon the broad lines of public policy—of faithfully and honestly performing all contracts and obligations. This is the issue now before the people. Let it be tried if possible without heat or passion and so as to promote the honor and prosperity of the United States.

Mr. TELLER. Mr. President, the Senator from Ohio repeats what the gold-standard people always state when they make a speech. There is not a speech made that does not have in it the statement that if you go to free coinage you will have a 50-cent dollar. The fact is you have a two-dollar dollar now, and that is what is the trouble with this country. The dollar of this country to-day measures twice what it used to measure; it commands twice the products. There are several countries in the world that have free coinage, notably Mexico and Japan, and neither of them has a 50-cent dollar. It is a notorious fact which no one will deny who is at all acquainted with the conditions (and if anyone doubts my statement he can take the consular reports from Mexico and Japan and find that I make a correct statement) that the purchasing power of the Mexican dollar and the Japanese yen, which is equivalent to a dollar practically, is as great now as it was thirty years ago. That is true of the Mexican dollar, which circulates all over Asia, in the Straits Settlements, in China, and to some extent, though not much, in India; it will buy as much as it ever bought. The India rupee, equivalent at its face value to about 2 shillings

of English money, will buy just as much as it would ever buy. There has been no depreciation, or, in other words, there has been no rise of prices when measured by the three kinds of money that I have mentioned in the countries in which they circulate. The Japanese money, which is the standard there, is about the same as the Mexican dollar, and it buys just as much as it used to buy. When the Japanese pays his workmen he pays them just what he used to pay them in silver. When the Mexican pays his workmen he pays them just what he used to pay them in silver. If he wants to buy material for his manufacture, he pays the same price if it is home raised and home produced. The same may be said of India.

Now, why does the Senator from Ohio say there will be a 50-cent dollar? There has been no 50-cent dollar in the countries that have maintained free coinage. The theory of the Senator is that gold has advanced, and if we went to coining silver it would be worth half as much, or worth in its dollar state just as much as in its bullion state.

Mr. President, I do not intend to go into any discussion of that point, except to say that the moment you opened your mint and gave to the silver dollar the same power that you gave to the gold dollar for every purpose whatever in the domestic economy, at least of this country, it would be equivalent to gold. It is equivalent to gold to-day. While silver has not access to the mint, the American silver dollar will buy as much anywhere as the gold dollar. You can not use it, perhaps, as readily for exchange—that is, you can not send it abroad; and yet, if you take with you to Europe an American silver dollar there are a number of countries where it will bring a premium over its face. If you had a million American silver dollars in the city of London you could get credit for a million dollars; you would not get credit for \$500,000, because while those dollars could not be converted into English money, or French money, or any other kind of money by melting, they will come back here and be used. So we have had no cheap money in this country, notwithstanding the assertion of the Senator to the contrary.

Mr. SHERMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I yield to the Senator.

Mr. SHERMAN. Does the Senator believe that with free coinage the silver dollar would maintain its present purchasing power? I ask the Senator if all the world should have the privilege of entering our mints to coin their silver into dollars how much silver would be brought here?

Mr. TELLER. I do not care to weary the Senate again with repeating the argument. I have spent hours in the Senate to show that the American silver dollar, if we had free coinage, would be just as good as the gold dollar. I do not believe there would be any distinction whatever. All the talk about the English silver or the French silver coming here is nonsense, as I think we have demonstrated a dozen times.

The Senator from Ohio says in addition that we are using a large amount of silver. Mr. President, it does not make any difference about the amount of silver you are using; you are using it in subordination to gold; you make gold the standard. Gold is the measure of prices and not silver. So far as the influence of silver upon commerce and trade is concerned you might just as well have paper money, because it is in subordination. What we try to do is to put the two metals together and make one the equal of the other, so that they shall measure the values in this country and enhance the value of products. If the Senator from Ohio does not think that is valuable and necessary to the prosperity of the country he wants to oppose it, and I suppose that is what he does mean. He wants low prices. We want reasonable prices. He wants prices as they are now. We want prices that will give to the producer some margin for that which he has produced. We want prices that will give to the American farmer more than a fair living, prices that will enable him to pay his debts and to maintain himself in comfort, as he is entitled to be maintained. That is what the fight is for, Mr. President. It is not to secure low prices.

Then the Senator from Ohio appeals to the labor of the country. He means by that the men who work by the day. Who are the laborers? Not the men who take a dollar a day or 50 cents a day, but the men who till the soil—the 20,000,000 farmers and farm hands. They are the men who are interested; they are the men who are producing what they want to get a price for. The men who have their capital in enterprises and see their products selling at a market price below what it cost them to produce are the class of men who are interested.

Mr. President, I do not intend to go into this discussion now, but in the interest of history and truth and exactness I challenge the statement made by the Senator from Ohio that the Sherman bill was passed for the purpose of avoiding free coinage. Without meaning to be offensive to him, I say there is no foundation whatever for that statement. We had been here in the Senate

contending for free coinage. We had passed a bill and sent it to the other House, and had been beaten by more than 80 votes. We had in the White House a President who had said to numerous members of this body that if the free-coinage bill came to him he would veto it. We had a Secretary of the Treasury who had declared again and again to Senators and Members that a free-coinage bill would be vetoed by the President. On the day the Sherman bill passed there was no more show of a free-coinage bill becoming a law than there was of the heavens falling.

I will, in the interest of history, state why the Sherman bill passed. If it is a party secret I will give it out, because the statement of the Senator from Ohio has been repeatedly made that he yielded to that measure. The Senator from Ohio believed when he had that bill passed that it would do two things. He believed, first, that it would secure the passage of a tariff bill; and secondly, he believed at that time (he so stated to the Senate at least) that it would help the finances of the country. If he thought about it afterwards and concluded it did not have that effect, he did not think so then. He was a good deal more in favor of the Sherman bill than I was, because I from this seat condemned it as being an illogical bill, and indefensible from a monetary standpoint, agreeing with some of my friends on the other side that it was a makeshift and a mistake.

As I said, there was no probability of a free-coinage bill passing and becoming a law. We had in this body a majority for free coinage, and we who were in favor of a tariff bill were in favor of a free-coinage bill if we could get it, and if we could not get it we wanted something that would come near to it. We did not believe that we could use the tariff bill to secure free coinage. We did not believe the Executive would sign a bill if it had a free-coinage measure attached, although it might be a tariff bill that suited him. We knew then that if we put the free-coinage bill upon the tariff bill the free-coinage bill and the tariff bill both alike would be lost. But we determined that we would put the free-coinage bill upon the tariff bill, which we knew we could do with the help of the Democrats, who, of course, would vote with us. That we said we would do, and that is why the Senator from Ohio yielded his judgment. That is why the Republicans on this side who had been opposed to the free coinage of silver yielded, not to free coinage, but to what they thought was a lesser evil, what they thought would answer the purpose of satisfying the silver Republicans and secure their votes.

Mr. President, that is the unvarnished fact, which more than one Senator on the floor knows as well as I do. We drove our associates in this Chamber who were opposed to free coinage into passing a relief bill, as they call it—a bill in which some of our friends on this side had a great deal more confidence than I had, and they believed it would do more good than I believed it would. It was a bill, I am willing to say, which, illogical as it was, unsound as it was, and indefensible as it was from a proper money standpoint, when the panic came in the fall following the failure of the Baring Bros., which disturbed business in Europe, maintained—and that bill alone maintained—quiet in this country. We had relieved from the Treasury \$62,000,000 locked up there. We had put that into circulation at once. We had put into circulation \$4,000,000 a month practically, for silver went up to 120 in the beginning, so that in a few months we had put \$100,000,000 in circulation, and that tided us over and carried us over the disturbances which occurred in Europe and had its reflex influence upon us here.

Mr. President, that is the unvarnished history of that case. The Senator from Ohio and his compere who believe with him secured our votes for that purpose; and now what do they tell us? I have heard the Senator say that there never was an hour after he had voted for that bill when he would not have voted to repeal it if he had had a chance. It was a sort of an arbitration or a compromise, and when they obtained the advantage of the compromise they proposed to leave us. I have never forgotten the alacrity, the haste, and the zeal with which the Senator from Ohio and his associates in this Chamber who believe with him came to the rescue of the Democratic Administration when it asked for the repeal of that law, and when they knew its repeal was to strike down the industries of the State that I in part represent on this floor. We got no more sympathy and no more support than if we had been aliens in an alien land.

I remembered then what we had done for them; that we had yielded our judgment and voted for a bill that many of us did not approve of. Upon my judgment I would never have voted for the McKinley bill. I agreed with a number of Senators on this side that the McKinley bill went far beyond what we ought to have done. It was defective in not producing enough revenue, for one thing. The Senator from Ohio says it would have produced enough revenue. It did not produce enough revenue. We barely got through the fiscal year 1893 with \$2,000,000 of revenue over and above the expenditures, and then we did not pay out a large amount of appropriations that had been made, and if they had been paid there would have been an actual deficiency that year,

as the Senator from Ohio himself and everyone else know. It would not do to say there would have been no deficiency under that bill. There would have been a deficiency under it.

Mr. President, I do not care to prolong this debate. I do not care to go into it further than to make the statement I have made, in the interest of history, in the interest of truth, in regard to the statement so often made here that we could have acquired free coinage in some way but that we were fooled out of it by the astuteness of somebody. If I had not known that free coinage could not have been secured I would never have voted for the Sherman bill, nor the McKinley bill either. I would have voted to attach to the McKinley bill a free-coinage measure, and then if the President had signed it we would have had both. But I knew, as everyone knows (it is nonsense to talk about the case being otherwise), that the President of the United States would not sign a tariff bill, no matter how acceptable, that had attached to it a free-coinage measure. Therefore we were compelled to accept what we believed would be some relief to the country and what turned out to be some relief, a bill that has been much derided and falsified ever since, a bill the repeal of which the Senator from Ohio prophesied would bring prosperity, as it was prophesied on the other side of the Chamber. I recollect very distinctly, and I think I could quote from a distinguished Democrat who sits pretty nearly in the front seat here, some statements he made about the prosperity that was to come if we repealed that law. The newspapers were full of it, and the people were driven into the support of those who were clamoring for its repeal, and finally the law was repealed.

Mr. President, every hour since that time business has grown worse in this country. I did not come here to make a long, detailed speech, but I can produce the evidence right here to show that everything human ingenuity in this country produces—that everything, whether it be the product of the skilled mechanic or the miner or the farmer, save and except gold, has been steadily falling since the repeal of the Sherman law. Farm products have gone down more than 20 per cent below what they were then. Manufactured products have gone down more than 12 per cent below what they were then. There have been more failures in the last year than there were in any other year in our history except the year 1893. There has been more distress among the laboring people of this country during the last year than there has ever been since I have known anything about affairs in this land. The Sherman law did not bring disaster, nor did its repeal bring prosperity.

Mr. MILLS. Mr. President, I wish to submit some observations on one feature of the discussion which has taken place to-day, but it is too late to begin this evening, it being now 5 o'clock, and I move that the Senate adjourn.

Mr. GORDON. I hope that we may have an executive session.

Mr. WHITE. Will the Senator from Texas withdraw his motion for the moment?

Mr. MILLS. Certainly.

Mr. WHITE. I desire to submit a minority report from the Committee on Commerce.

[The minority report submitted by Mr. WHITE appears under the heading "Reports of committees."]

Mr. HALE. Mr. President, there is a tradition, possibly a memory, in this body that the naval appropriation bill is before the Senate. I should be very glad, and thereby I think I am voicing the feelings of a large majority of this body on both sides of the Chamber, if occasionally some attention could be paid to that bill and we could, in the regular procession of business, advance its consideration, so that at some not too remote day the bill may be passed and an opportunity given for the other great appropriation bills which must be passed. But I find that at 5 o'clock, not a late hour in the day, but within a month from the time when everyone expects and desires that we shall adjourn, not one moment's time during the day has been consumed by the naval appropriation bill. Everything else has been discussed; and the Senator from Texas, expressing a wish to-morrow morning to prolong the debate upon the currency question, and not being ready to-night to go on, indicates a desire to adjourn.

Mr. GRAY. Let us go on to-night with the appropriation bill.

Mr. HALE. All I have to say, Mr. President, is that, representing the committee, and perhaps the desire of the Senate, as has been indicated, to put through the appropriation bills, I am powerless. If Senators insist and persist in lugging into the consideration of appropriation bills all the old questions and all the dreary prophecies and all the fulminations about the currency question, we never shall get the appropriation bills through, and we shall be hung up here and the session will be prolonged until the heated term commences, until the Presidential conventions have come and gone, and we shall be here until August or September.

Mr. STEWART. I wish to suggest to the Senator from Maine, if he will allow me, in all fairness, that if he wants to exclude the discussion of the silver question and keep it out, he ought to keep

his gold-standard friends quiet. We had been very quiet for many days until to-day. When the author of the misery of the country has taken the floor and occupied the time, do Senators suppose that we will not protest? Something will be said on this subject to-morrow and the next day. If the gold-standard advocates can afford it, we shall talk, too.

Mr. HALE. I am not in any way the sponsor or in any way accountable for the participation in the debate of the Senator from Ohio.

Mr. STEWART. It started on your side.

Mr. HALE. The Senator from Ohio has taken up very little time. The political discussion was started yesterday by the Senator from Maryland [Mr. GORMAN]. I do not think that the Senator from Maryland was disappointed in the discussion. He started out with a proposition relative to the appropriations in the naval appropriation bill, which was perfectly legitimate. He had his right under the rules to extend far beyond and to go into other issues. Thereby he provoked the Senator from Ohio and other Senators to brief replies and retorts; but all passed with a small consumption of time. I do not complain that the Senator from Maryland in any way fatigued the Senate; he never does that; he talked to the point; but unfortunately he started the political discussion. It has been followed to-day by the Senator from Colorado, whose opinions upon this subject are well known, and he entertained us with a long speech on his side of the question that had nothing to do with the naval appropriation bill whatever. Of course it brought out the Senator from Ohio in a brief rejoinder. The Senator from Ohio consumed but little time.

What I am complaining of now, if I complain at all, is that the Senate understands the situation, and if it is prepared to indefinitely postpone real business and embark on this vast sea of debate on the currency question, out of which no good can come, no conversions can be made, no procession of business, no advance in anything, then, as I have said, I am at the mercy of the Senate. I should like now, however, as a practical proposal, as a practical matter, to go on until 6 o'clock with the consideration of this almost forgotten measure, the naval appropriation bill.

Mr. MITCHELL of Oregon. I hope the Senator's time will be extended. [Laughter.]

Mr. HALE. No; I do not desire any extension. I am talking in favor of business and trying to bring the Senate to a realization of the situation. I should hope that to-morrow the Senator from Texas [Mr. MILLS] would curb his remarks in the further discussion of the silver question and allow the Senate to go on with the consideration of the appropriation bills. The Committee on Appropriations will do its duty; it will have another bill here ready for the consideration of the Senate the moment that one appropriation bill is considered and passed; it will not keep the Senate waiting one hour. The bills are ready for presentation here, and the committee will stand ready at all times to carry out what it believes is the desire of the body; but a few Senators can thwart all that.

Mr. MILLS. I will relieve the mind of the Senator from Maine, so that he can sleep soundly to-night, by telling him that I shall not have a word to say on the silver question. I want to speak on an entirely new question.

Mr. HALE. A new question will be the naval appropriation bill. [Laughter.]

Mr. MILLS. I will speak on that.

Mr. HALE. I should be very glad to hear any comments, and I know they will be in point, from the Senator from Texas on that subject.

Now, I ask that the President of the Senate will see that the pending amendment is stated. The Senator from California [Mr. WHITE] has indicated that he desires to speak upon the pending bill, and I know that he is in readiness, and has been all day.

The VICE-PRESIDENT. The Chair understood the Senator from Texas to move to adjourn.

Mr. MILLS. I will withdraw the motion to allow the Senator from California to move to go into executive session.

Mr. WHITE. Mr. President, when I took the floor it was yielded to me by the Senator from Texas, and I now yield to the Senator from Texas.

Mr. MILLS. Then I move that the Senate adjourn.

Mr. HALE. At this hour, no later than 5 o'clock, and no business having been done, I certainly shall call for the yeas and nays upon that proposition.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Texas.

Mr. MILLS. I know the Senator from Nevada [Mr. STEWART] wishes to submit some remarks, and I yield to him.

Mr. STEWART. I wish to make a few remarks. I intend to speak before this question passes away.

Mr. HALE. Let the Senator from Nevada go on to-night.

Mr. MILLS. I yield to the Senator from Nevada.

Mr. STEWART. Mr. President, I desire to reply to the question of the Senator from Ohio. He asks, how much silver would

come to this country in case of free coinage? I answer, none whatever by reason of free coinage. Silver with or without free coinage would be brought to this country for the purpose of sale or exchange for our commodities, and not otherwise. If silver would flood us in case of free coinage, why does it not flood Japan? Her mints are open. Why does it not flood Mexico and various countries of South America? Their mints are open. Why did it not flood India while her mints were open? The simple reason is that the price of silver and all other articles internationally dealt in are the same all over the world. There is no object in taking it to any country except in the course of trade; and no more silver is ever imported in any country than is required for use in that country.

France, for seventy years prior to 1873, maintained the equilibrium of exchange all over the world by keeping her mints open for the coinage of both gold and silver at the ratio of 15½ to 1. Nobody will sell silver in any part of the world for a less price than they could obtain in France, nor would they sell gold for a less price than the coin value in France. They did not for this reason take their gold or their silver to France unless they desired to buy the products of France? The fact that they could get a fixed price for either metal in France maintained the price of both metals throughout the world. It has been suggested that Japan, for example, would bring her silver here and pay duties on her products with the silver she would import, and thereby cheat the United States out of their revenue. This is a most absurd statement. Why should they bring silver here when it will bring the same in Japan? Besides, Japan is not a silver-producing country. The United States produces a very large amount of silver, and silver would be exported rather than imported in case of free coinage, the same as now.

The Senator from Ohio has often asserted that the idols of India would be brought here and coined into our dollars. What nonsense. Who would pay the expense of bringing the idols of India into this country, coining them into dollars, and re-forming them into idols? This imaginary trouble of a flood of silver is shown to be absurd from the fact that no silver-standard country has suffered any inconvenience on that account. If the people of any country desire our products and will bring their silver here and exchange it at the market price for what we have to sell, we will be benefited thereby and will have no cause to complain.

There is another point constantly made by the Senator from Ohio. He says that the opening of our mints to free coinage would produce a 50-cent dollar. He says at the same time that the silver miner would be greatly benefited by receiving a 50-cent dollar for 412½ grains of standard silver. Does not the Senator from Ohio know that the silver miner can receive to-day a little over 50 cents in gold for a sufficient amount of silver to be coined into a silver dollar? If he would receive only a 50-cent dollar by free coinage, how would he be benefited? He can receive that now. Either there would be no silver 50-cent dollar or the silver miner would receive no benefit, for he can only be benefited to the extent that the value of silver is appreciated by free coinage. He would not receive any benefit from the depreciation in value of gold by the increase of the volume of standard money. But the debtor, the producer, and the people at large would be benefited to the full extent of doubling the value of their labor, their products, and everything they had to sell. They would also be benefited fully a hundred per cent in being relieved from the burden of debts, taxes, and other fixed charges, because they could pay fixed charges with the same amount of money as they could have done before silver was demonetized, which would be one-half the amount of wheat, cotton, or other property which would be required now to pay a fixed amount of money.

Mr. MITCHELL of Oregon. Will the Senator allow me to interrupt him at that point?

Mr. STEWART. In a minute.

So the miner would not be benefited at all, except to the extent that it enhanced the value of silver.

Mr. MITCHELL of Oregon. Has the Senator from Nevada what might be considered definite information as to the amount of uncoined silver bullion there is in the world outside of the United States?

Mr. STEWART. I have labored hard to keep the run of this matter, and I will say to the Senator there are probably from eight to ten million dollars of uncoined silver bullion in the world.

Mr. PETTIGREW. Will the Senator state where it is?

Mr. STEWART. It is mostly in China. There is no accumulation, but in going from the mines to the place of consumption there would be probably from eight to ten million dollars.

Mr. PETTIGREW. I will state to the Senator that on the 1st of January there were only two and a half million ounces of silver bullion in London, and less than a half million ounces of silver bullion in New York.

Mr. STEWART. That is true. But there would be some in transit; and I allow for that. I do not suppose there is any place where there is \$2,000,000 in the aggregate of silver bullion. The

silver is used for coinage or in the arts as fast as it is produced, the same as gold is, and there is no accumulation of that.

But the most exasperating stock argument of the Senator from Ohio is that the silver miner would be the only person benefited by free coinage. He says that in case of free coinage the silver dollar would be worth only 50 cents. The silver miner can get more than 50 cents now for 412½ grains of standard silver, the amount required to make a silver dollar. Either the silver dollar would be worth more than 50 cents or the miner would receive no benefit whatever from free coinage. The real benefit which the miner would receive would be exactly the amount which silver would be advanced in price by reason of free coinage. He would get no benefit from the depreciation of gold in consequence of the addition which free coinage would make to standard money. The author of hard times, who has so long represented the State of Ohio in these Halls, speaks of the benefits of the gold standard. Every assertion he makes with regard to those benefits is refuted by the universal distress which his policy has inflicted upon the country.

The original act in 1873 was passed through strategy and fraud. The clause which demonetized silver was not read in the Senate during the discussion of the bill. It is a remarkable fact that no mention was made during the pendency of the mint act which demonetized silver that the silver dollar was omitted from the list of coinage. The Senator from Ohio had charge of the bill and never alluded to the fact that he was demonetizing silver or adopting the gold standard. If he had done so, his object would have been defeated. From that time till now he has contended for the gold standard and contraction, and the country is now suffering from his policy.

I should not have engaged in any discussion on the silver question at this session of Congress if the gold men had not taken the lead; but when the author of hard times and the agents of the conspirators who are robbing the country of a circulating medium see fit to open the discussion for political purposes, the silver men can not be silent. When the author of hard times pretends that his policy is in the interest of labor, it is difficult to be silent. He speaks of the 200-cent dollar which the Rothschilds combination has secured as beneficial to the laborer. It would be very good for the laborer if he could obtain it; but in view of the fact of the millions of tramps and of the many millions that are out of employment, it is difficult to see how the laborers are to be benefited by the Rothschilds dollar.

How are the taxpayers and the interest payers benefited by being required to surrender twice as much property or twice as much labor to pay a debt as would have been required to earn that amount of money at the time it was contracted? Thirty thousand millions of debts resting upon the people of the United States is no small matter. The interest on that vast sum is a fixed obligation. Five hundred millions to maintain the Government, fifteen hundred millions for State and local taxation are also fixed obligations, and it requires to-day twice as much of wheat, cotton, or other products to pay these fixed charges as it would if the 100-cent dollar were restored. The 200-cent dollar of the Rothschild-Sherman stamp has destroyed the prosperity of the country and closed every avenue to wealth and progress.

I desire to give notice to the gold-standard advocates that in case any one of them attempts to justify the criminal method by which silver was demonetized, or to argue that the gold standard is beneficial to the community, I will answer his arguments at length. All that is required to induce me to make a full and complete speech on the silver question, though it may take weeks, is an inauguration of debate by some gold-standard man in the Senate.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 67) for the relief of E. R. Shipley;

A bill (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post-road;

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax;

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893; and

A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 5481) to restore the lands embraced in the Fort

Lewis Military Reservation, in the State of Colorado, to the public domain; and

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 6431) to pay Peter P. Ferguson \$1,765; and

A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls; and

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.

The bill (H. R. 8271) relating to pensions was read twice by its title, and referred to the Committee on Pensions.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PLATT. Mr. President, a person who had been observing the proceedings of the Senate this afternoon would, I think, fail to recognize the fact that the naval appropriation bill is pending before the Senate and that the question is upon a motion made by the Senator from Maryland [Mr. GORMAN] to amend the bill by decreasing the number of battle ships recommended by the bill as it came from the House from four to two. I do not think that that amendment ought to prevail. I think that we may well appropriate for the four battle ships.

There are two matters which I think fully receive the approval of the country; one is the building up of a sufficient navy. I do not say a navy which shall equal in the number of ships and the weight of fighting equipment the great navy of Great Britain, or perhaps of France, or of other nations which have a great navy, but a sufficient navy.

The other thing the people desire and to which they have given their approval is the fortification of our cities and our coast, so that our nation shall be put in a state where it can defend itself against the attack of any foreign navy. I think Senators who suppose that the people will not justify the expenditure of large sums of money for both these objects are mistaken. I think that whatever may be the condition of our Treasury and our finances, it is the part of wisdom both to increase our Navy so that it shall be sufficient and to fortify our coasts so that they may be defended against any foreign attack. Defensive measures, protective measures, always cost money; and I do not use the word "protective" in the sense in which it has been used here this afternoon. But any nation, or any community, indeed, finds it necessary to adopt certain protective measures. The nation must have an army, the State must have a constabulary, the city must have a police force. Those are all necessary for the defense and protection of the property, of the life, and of the liberty of the citizen.

A nation should therefore adopt all necessary measures of defense. I do not think that the building up of a sufficient navy and the adoption of a comprehensive plan for coast defenses should depend upon the question whether our revenues are equal to our expenditures. They are necessities in this country, and the country is rich. The parallel does not hold between a government which, in a single year, does not have as much revenue as its expenditures amount to and an individual who, at the end of his year's business, finds that his expenditures have exceeded his receipts. The country is rich. It is not engaged in business as an individual is. It levies its contribution by way of taxes upon its people for what are supposed to be the necessary expenditures, and if it so happens that at this particular time there is a deficiency in our yearly receipts, as compared with our expenditures, it is no reason why we should neglect to put ourselves in a proper state of defense. I think we ought to adopt the provision for the four battle ships which is in the bill as it comes from the other House, and that at the present session of Congress we ought also to inaugurate a complete system for our coast defenses and to appropriate as much money this year as can profitably and properly be expended for the purpose of carrying the system into full effect. Of course we can not expend this year all the money which is required for coast defenses, but whatever may be properly expended ought to be appropriated.

Nor, Mr. President, do I think the argument that our expenditures exceed our receipts holds good upon another point. We have a large surplus in the Treasury, and it does not matter, for the purpose of expenditure, how it came there. We have over and above the gold reserve somewhere in the neighborhood of a hundred and sixty or a hundred and seventy million dollars. I do

not know the precise figures; but the money is there, no matter how it came there. It was unfortunate, perhaps, that we had to issue bonds; but we did issue bonds, and those bonds brought money into the Treasury. Now, for the building up of a sufficient Navy, for the adoption of a comprehensive system of coast defenses, why should we not use that money? Why should we insist upon keeping in the Treasury the one hundred and sixty or one hundred and seventy-five million dollars over and above the gold reserve because, forsooth, our annual receipts do not exceed our annual expenditures? What are we going to do with the money in the Treasury? Are we going to keep it there always? Are we going to keep it there until the bonds mature? There is no deficiency likely to occur which can by any means use up that surplus.

Now, for a system of coast defenses, I think it would have been entirely proper to issue the bonds of this country, if we needed to do so, for the purpose of providing the money to establish and carry on the system of fortifications and defenses of our country. The bonds were issued for another purpose, but the proceeds being in the Treasury, it is quite proper, as it seems to me, to appropriate the money. Therefore I do not agree with the Senator from Maryland [Mr. GORMAN], who thinks we ought to have but two battle ships this year. I think there is nothing more essential, whatever the condition of our finances may be, so far as receipts and expenditures are concerned, than that we should provide for our defense.

Mr. President, the events of the last six months, while perhaps not so alarming as some people have thought, have impressed upon the thoughtful minds the fact that we are not beyond the possibility of attack from foreign nations. We know also that we are lamentably deficient in any preparation to meet such an attack, and I insist that not only sentiments of patriotism but a proper regard for our own commercial interests require that we should put our country in a state of proper defense both by the Navy and by coast defenses.

The Senator from Vermont [Mr. PROCTOR], who has been called away from the Senate, desired to express his sentiments in favor of the amendment proposed by the Senator from Maryland [Mr. GORMAN], not because he did not believe that we should expend the money that is necessary for the four battle ships, but because he feared that if we did expend it for four battle ships we should not make a proper appropriation and expenditure for our coast defenses. I think we may do both. He felt that we should not do much for our coast defenses if we built four battle ships, and he has prepared a presentation of his views which very fully set forth the fear that if we appropriate for the four battle ships it will be taken off and away from the appropriations for coast defenses. His views are so intelligently presented in his preparation of them that I shall take the liberty of quoting from them at length.

The Senator from Vermont [Mr. PROCTOR] says:

"Mr. President, I wish it distinctly understood that anything I may say on this bill is in no spirit of hostility to the Navy. I wish to see it increase and prosper. It is an honor to the country and deserves encouragement at our hands, and any comparisons I may make are not in a spirit of detraction, for I am an earnest believer in the usefulness and importance of a sufficient navy. But I claim that the coast defenses are far behind in their proper relation to the Navy, and that as we are limited by the lack of revenue in the amount we may properly appropriate our first and greater duty is toward coast defense. This is taking care of what we have and a measure for safety and insurance from loss. It may not be wise for a man to borrow money to build a house, but it is certainly wise for him, no matter what his financial condition may be, to keep properly insured the house he has already built. We can well afford to borrow money to make our country safe by means of defense. How far we can afford to borrow to make it strong for offensive operations is quite another question. Ours, Mr. President, is the only country in the world which can make any pretension of strength that has not a good system of harbor defense, and ours is the country of all others which has most need of it. Our great sea line and the great number of our harbors makes it impossible to defend our country in any other way than by fortifying our harbors unless we build a navy strong enough to cross the seas and sweep the most powerful European navy off the face of the ocean.

"On the other hand, Mr. President, ours is the country of all others among the great powers that has the least need of a great navy. We have no colonies and desire none, and in case of war with a great power, we would never send a navy to attack them.

"This naval appropriation bill provides for more new ships than have been before provided for at any one time in the recent history of our Government, and it is but just that this provision should be considered in connection with the subject of harbor defense appropriations. Shall we make so large an appropriation for the increase of the Navy that nothing but the annual excuse can be given for coast defense, for our recent appropriations have been but excuses? I am in favor of a steady and reasonable in-

crease of the Navy with the growth of the country, and I believe that this policy can be continued and still have the proper attention given to harbor defenses. But I insist that if the conditions of the revenue are such that we can have but one, the preference should be given to harbor defenses. This is our first duty to the whole country and to the Navy itself. I do not believe that this position can be controverted by sound argument.

"There has recently been much newspaper comment on the subject. The following is from the Scientific American, March, 1896:

THE PROPOSED INCREASE IN OUR NAVY.

It is announced from Washington that the House Naval Committee has recommended that an appropriation of over \$30,000,000 be made for the addition to our Navy of 4 battle ships and 15 torpedo boats. This would double the amount of any previous naval appropriation.

The Scientific American has for many years realized that our national defenses, both on sea and land, were not keeping pace with our commercial growth. We have been favorable to such a reconstruction of both forts and Navy as should enable our country to present an impregnable line of defense against the attack of any enemy or possible combination of enemies.

We have always felt, moreover, that such efforts of reconstruction should be directed toward this one single object of defense, and that the sums of money appropriated for this purpose should be distributed between land and sea defenses in such proportion as to secure the most effective results.

In view of the fact that we are a republican and not an imperial people, whose interests are domestic and not colonial, we have always felt that the sphere of our naval and military operations lay, or should lie, within our own shore lines, and that, therefore, our coast fortifications should be regarded as being practically our first line of defense, and that our Navy should be considered as complementary to our land defenses and should be designed strictly with a view to cooperation with the forts in our various roadsteads and harbors.

We have noticed with regret and some measure of apprehension that, while naval appropriations have been forthcoming at a rate that has created a complete modern navy in a few years' time, the land fortifications, which, as we have seen, should be considered as our first line of defense, have been practically neglected. So antiquated are the old fortifications and so incomplete the new that for purposes of cooperation with the Navy they are of very limited value.

Now, in view of the foregoing considerations, we think the time has come for the Government to bend its whole energies to bringing our land fortifications up to their proper strength relative to the new Navy.

While fully appreciating all that has been done in the past, we can not help thinking that the Government has attacked the problem of national defense at the wrong end. If only a part of the money which has been expended upon the Navy had been devoted to constructing a system of land defenses this country would to-day have been impregnable against attack from the sea and would have possessed the nucleus of a very respectable navy besides.

The Endicott Board of 1885 devised a complete system of land defenses, which included every maritime city of importance. The total estimate for this scheme was about \$100,000,000. We have spent upon the new Navy about \$120,000,000 up to date. If the above scheme had been carried out there would now have been mounted at our various seaports no less than 1,576 guns of 8-inch caliber and upward, as against the present 136 guns in the Navy, and 360 rapid-fire guns against the Navy's 187.

Such a comparison as this calls for no comment further than to say that a gun mounted within the shelter of a fort is worth at least two mounted on the unstable and exposed platform of a ship's deck.

The arguments in favor of concentrating our energies upon our land defenses rather than upon our Navy are both practical and ethical—these latter being based upon the spirit of our Constitution and upon those broad principles which dominate our national life and give us our strong national individuality.

The practical arguments may be classified as follows:

First. That a proper system of land defenses will make our great cities safe from any naval attack.

Second. Such a system can be constructed for a sum many times less than the cost of a navy like the great navies of Europe, and for a sum that may reasonably be expended.

Third. Land fortifications are much more efficient for coast defense than a navy, and when once constructed are durable, cheaply maintained, and easily strengthened.

Fourth. The defense of our cities can not be left to the Navy alone, however large.

Fifth. A navy that would equal the great navies of Europe is unnecessary, and its cost makes such a navy impracticable.

Sixth. A navy quickly deteriorates and is expensive to maintain.

Seventh. The construction of land defenses should always precede the building of a navy.

The ethical argument can be briefly stated by saying that when we have adequately provided for home defense our duty in the matter of military and naval preparation is done. Our Navy should be of such proportions only as are necessary for successful cooperation with the land defenses. Our naval programme should be laid down with strict regard to a home as distinct from a foreign—a republican as distinct from an imperial policy.

Great Britain's navy, by way of example, has been called into existence by the exigencies of the defense of an Empire whose widely scattered colonies bring her into hourly danger of conflict with any one of a dozen different governments. The secret of the strength of our great Republic lies not merely in the political and geographical union of its many States beneath one flag and within a single boundary line, but also in the fact that it has been both able and willing to concern itself with its own internal development, and has in the past and we hope it will in the future carefully abstain from embarrassing entanglements with the affairs of other peoples and nations.

The building up of a navy of European proportions would be a distinct departure from the national traditions above mentioned, and would involve the entering upon a policy whose execution would be as exhausting to the National Treasury as its principles would be opposed to the spirit of our Constitution and subversive of the brightest hopes of its founders.

[From the Chicago Tribune of February 29, 1896.]

In the last thirteen years \$110,317,710 have been spent for the increase of the Navy, and during the same time only \$10,631,710 for coast defense, and yet with this apparently large expenditure our naval equipment is hopelessly behind all foreign powers, and especially behind Great Britain. Figures again explain our naval inefficiency and the hopelessness of trying to overtake Great Britain. While we have spent more than \$110,000,000 in the last thirteen years, the English admiralty proposes to still further increase its already colossal naval establishment by spending more than half the above sum upon it in the next six months. * * *

We have been working all this time from the wrong end. Our immunity from attack is not to be secured by piecemeal additions to our Navy, but by

strengthening our land fortifications. The sum spent upon the Navy, which still leaves it far behind those of foreign powers, if it had been spent in strengthening the defenses of our coasts, would have rendered them invincible against any assault from a foreign fleet. If our harbors were properly fortified, no foreign squadron would make the attempt to capture them, and our seacoast cities would be secure. * * *

How much longer will this Congress remain inactive? How much more testimony does it want from our highest authorities before it will give its consent to take measures for the national defense? How much longer does it propose to leave every seacoast city from Portland, Me., to Portland, Oreg., in an absolutely defenseless condition in case of war with a foreign power? This is a question not of party but of patriotism, and Congressmen should not forget it. If they neglect to provide for ample defense they will be guilty of treacherous and criminal negligence, which should cost every one of them all future political office.

COAST DEFENSE.

[From the New York Tribune of February 28, 1896.]

The report on coast defenses submitted to the Senate by Mr. SQUIRE on Tuesday * * * ought to produce practical results. No public man, so far as we know, pretends to think that this is an unimportant subject or denies the general proposition that an extensive work of fortification ought to be steadily carried to completion. But it would be quite in line with Congressional practice to defer the task or dawdle over it until a more convenient season. Such is the history of operations during the last ten years, since the plan devised by the Endicott board was adopted, and such may be the story of national neglect for years to come, unless advantage is taken of the patriotic sentiment which has lately been aroused and has not yet lost its force.

The report made by Senator SQUIRE substantially confirms the views and calculations of the Endicott board, which planned an expenditure of \$98,000,000 during a period of years now about to end, of which in reality less than one-tenth has been expended. It is conceded that a sum considerably in excess of \$100,000,000 is essential to an entirely adequate defense of the chief ports of the United States, but it is estimated that fairly satisfactory results could be obtained by an expenditure of \$80,000,000, and the bill now under discussion proposes the appropriation of that amount, \$10,000,000 being available for use during the rest of this and the next fiscal year, and \$10,000,000 annually for seven years thereafter. The enactment of the bill in that form would provide a reasonable guaranty of systematic and steady progress toward a condition of national security. Experience has shown that reliance upon successive appropriations to carry on an imperative work is foolish. The money is never forthcoming when it is needed.

Not a few persons who are keenly sensible of the danger to which stupendous interests are exposed along our defenseless coasts have heretofore imagined that the new Navy would in the near future be able to provide the necessary protection; but that error has been abandoned. Land defenses are indispensable for the security of property on shore; and, more than that, the Navy itself is in a large measure dependent upon them for its safety as well as its efficiency. Every consideration of interest and honor demands the prompt adoption of a comprehensive scheme for the rapid and uninterrupted execution of a task which has been far too long neglected.

"Mr. President, were our Navy to be doubled, at a cost of more than another \$100,000,000, instead of increased by four battle ships, it would still be less than one-third as strong as that of the British, provided the latter remained in statu quo; but the policy of England is to keep her navy equal to the combined navies of any two other powers. It is plain to be seen that our Navy, with the proposed additions, will still surely be 'captured or destroyed' in case of a conflict with England. This proposed appropriation for naval increase seems a large one, but in comparison with what will be necessary to render our harbors safe by means of a navy, if, indeed, that were possible, it is but a drop in the bucket. And in the meantime our harbors are without protection. By means of harbor defenses and for a sum many times less than what would be required to place us on naval equality with the great naval powers of Europe we can render our harbors impregnable. It seems unnecessary to recapitulate the many conclusive arguments in favor of harbor defense and its efficiency. It can be accomplished more cheaply and more securely than by a navy. It is a matter of history that no well-constructed land fortification was ever reduced and taken by ships unaided by land forces. It is conceded by army and navy experts that guns mounted on shore are from three to five times more effective than those mounted on ships. When once constructed, fortifications are maintained at a nominal cost, while the maintenance of our present Navy is a constant drain upon the Treasury, to say nothing of the additional expense that will be incurred if the Navy is increased.

"To show the cost of maintaining ships I give the following table of the expense of a three-years commission of the cruisers named:

Baltimore.....	\$861,265.05	Philadelphia.....	\$309,243.85
Newark.....	808,427.12	San Francisco.....	918,113.91
Charleston.....	762,118.78		

"If the expense of maintaining the proposed battle ships increases in proportion to their larger tonnage, the cost of keeping them in commission for three years would be more than two millions each; but as this may not be a fair basis of comparison, I will call it a million and a half, or one-half million per year each.

"Whatever I have said or may say of the expense of building a navy, or of maintaining it when once constructed, I do not say because I oppose these outlays in their proper order and season, but rather because I think it all-important that a navy which is so expensive should be made as effective as it possibly can be and rendered safe from capture and destruction, for it is surely not only for the safety of our harbors that land defenses are necessary, but for the safety of the Navy itself. The first step of every commander of an army or a navy in active service is to select some safe base of operations, a base for organization and equipment from which to draw supplies and to which to send such of his

forces as may be disabled. Without one safe harbor on either coast as a base of operations, we are going on to build up a navy which, in case of war with such a power as England, will inevitably be 'captured or destroyed,' as stated by Admiral Walker. The only true way to make the Navy effective is to first fortify our harbors, so it may have a safe basis of operation and for refitting and repairs. In this way we will make our whole Navy available for offensive operations and to aid the land defenses, if needed, and for the protection of smaller ports. Our Navy in this way would be more increased in practical power and efficiency than if the entire amount required to fortify our harbors were expended directly to increase the Navy. It is offering a premium for defeat and disaster in case of a war with a great naval power to further increase our Navy before we fortify harbors that can safely protect it.

"Is it not our duty to defend our own coasts and possessions before we provide the means of attack on other nations? In round numbers, the cost of one battle ship and its armament would more than fortify Portland and the other principal ports of the State that the Senator reporting this bill so ably represents. Great Britain has the great fortified harbor of Halifax, a rendezvous for her fleets at our northern door, while the whole coast of Maine is defenseless. Which would be most for the safety and benefit of the people of that State, a complete system of defense for her harbors or one battle ship more or less? So the cost of a single ship would effectually protect Baltimore and Washington and leave a surplus of two and a half million dollars. Which is the more important, that the great commercial city of Maryland and the capital of the country, which has been burned once, should be defended or that we should have an extra battle ship? The cost of one ship would much more than fortify the Delaware River and protect the great cities of Philadelphia and Wilmington and the shipyards where our vessels are built, which now are at the mercy of any leading power that might be at war with us. The cost of a single ship would fortify Hampton Roads and defend our great navy-yards at Norfolk and the shipyards at Newport News. The cost of two would defend the ports of Boston and Portsmouth, N. H., and leave a surplus of more than a million dollars. The cost of four—the number carried by this bill—would completely protect the whole Pacific Coast—San Francisco, Portland, San Diego, and the great waterway, Puget Sound. The cost of one would defend Puget Sound. Great Britain is to-day making the harbor of Esquimaux impregnable, while we leave our side of Puget Sound defenseless. What can be her principal purpose in this except to provide a base of operations against our Pacific Coast in case of war? What object can it be to her to fortify this harbor, 7,000 miles from her shores, compared with the importance to us of defending our great Pacific Coast? Japan is fast developing into a powerful nation, and one that has an excellent and ever-increasing navy. The development of what I may call this new nation has been so rapid that I will read some extracts taken from an editorial in a recent issue of the New York Tribune:

"A new Japanese battle ship just launched is 412 feet long and 73½ feet broad, with a displacement of 12,300 tons. She will carry four 12-inch guns, each with 120° arc of fire; ten 6-inch quick-firing guns, twenty-four 3-pounders, and four torpedo tubes. The armor is 18 inches thick, Harveyized. The horsepower and speed will be 10,000 and 16½ knots with natural draft, and 13,500 and 18½ knots with forced draft, and there will be room in the bunkers for 1,200 tons of coal. * * *

"We have mentioned the new navy of a hundred and twenty ships which she is building. But still more noteworthy is the extension of her mercantile marine. The Japan Mail Steamship Company is extending its regular service to the ports of America, Australia, and Europe, and its 40 or more ocean-going steamers form one of the largest and best fleets in the world. There are several other shipping firms with fine fleets, and the 65 shipyards of the Empire are increasing the tonnage under the Japanese flag at an astounding rate. Whereas in 1888 Japan had only 524 steamers, most of them very small, and at the end of 1893 only 680, at the end of 1894 she had 1,017, and that number has now been increased probably by at least a hundred more, the majority of them large steel and iron ships of several thousand tons burden each. * * *

"The presence of this fleet on the western ocean, which we can not hope to match there for many years to come, and the fortifications being built at Esquimaux but add more to the many reasons why the Pacific Coast should be protected.

"The cost of one battle ship would nearly fortify the five harbors of Wilmington, N. C., Cumberland Sound, Georgia, Pensacola, Galveston, and Charleston, S. C., while one and a half would more than provide for the three harbors of Savannah, Mobile, and Key West. The cost of four—the number carried by this bill, would make the main harbor of New York impregnable and nearly provide for the fortification of the eastern entrance to Long Island Sound, and render the harbors of Connecticut safe from attack. Which is of the greatest importance to the country at large, that we should make safe the great port of New York, from which the bulk of our exports are shipped and where our imports are received and more than 65 per cent of our customs revenues collected, or that we should have four more battle-ships which will make nothing absolutely safe? The cost of one would much more than defend Narragansett Bay and protect our naval establishment at Newport. One-half the cost of one would nearly defend the lake ports. The cost of fourteen would carry out the whole programme

of coast defense and make our harbors impregnable, and yet with fourteen more battle ships we would not have one-third the number England would have. An annual appropriation for four years equal to the cost of three battle ships would nearly complete the entire system of land fortification. Secretary Lamont says, in his recent report to the Senate, that over \$25,000,000 could be used advantageously prior to July 1, 1897. But the bill of the Committee on Coast Defenses only calls during the year ensuing for ten millions, which is less than the cost of two battleships, with authority to contract for a like amount annually for the seven following years.

"I will read from some editorials that have recently appeared. First from the Brooklyn Eagle of February 28, 1896.

MORE FORTS.

It sounds worse than it is when this sum is put at over \$80,000,000, because this amount is not to be expended in a lump. The building of forts and turrets and batteries is not to be a thing of a day, but will proceed safely, if not leisurely, at an annual cost of perhaps an eighth of the gross sum. The peace feeling, the habit of minding our own business and allowing other nations to mind each others', has tended to a false sense of security; and it was not until the event of possible war was suddenly forced upon us that we realized how weak in many ways we were. The strength of a nation is in its men; but it is folly beyond expression to turn men into targets for the armament of European powers, and there are occasions when it is impossible to avoid war, not merely with honor but to avoid it at all.

We have a passable Navy. Indeed, in the strength of our cruisers we are probably ahead of all other nations. But ships are not enough. With our immense length of coast, parts of it with harbors, other parts of it forming a continuous beach where a military force could be landed from a fleet, it would require a navy ten times as large as ours to be completely effective. Every ship spared from aggressive activity would weaken the sea force by just so much, and many such ships would have to be spared in order to defend the cities. We may be as strong in our defenses as some of the optimists would have us believe; we may have mines and torpedo plants and concealed batteries and electrical appliances that the Army authorities have wisely kept secret from us, or we may not; but however we stand in equipment it is sure that we can not guard our cities too well. It is estimated that the property capable of destruction by a powerful fleet in the outer bay of New York is worth \$4,000,000,000. Surely 1 or 2 per cent of this sum is not too much to spend in its defense.

There can be no doubt as to the ultimate efficiency of our Navy, when our coast-defense monitors are finished and the battle ships are in commission—and built. But the way of an enemy that could steal past a protective line of ships would be calamitous to too many of our harbors. There are many fortifications, mere relics and curiosities of military engineering, that would be worse than useless in case of a siege. The old batteries in the Narrows and on Governor's Island would be more dangerous than open ground at such a time, for the masonry would be splintered over the heads of the garrisons under the pounding of the heavy guns of an English fleet. The increase of range in modern artillery, too, enables a virtual economy to be observed in the new scheme of defense. For instance, Long Island Sound is bordered by towns of size and is a highway to New York and Brooklyn. A fleet sailing westward through the Sound would demolish places like Port Jefferson, College Point, Stamford, and Saybrook, if its admirals thought it worth while to waste ammunition on them, and the conquest of New London, New Haven, and Bridgeport would be almost as easy a matter. In older times each of these ports would have required its armament. But with long-range guns, strong forts erected at the east end of Long Island and the opposite side of the Sound, with a mortar battery on Fisher's Island or Block Island, or both, the Sound and all the villages, towns, and cities fronting on it would be protected. And similar conditions apply in the case of the ports on Puget Sound, the bays of Delaware and Chesapeake, and the lower Columbia.

It is penny wisdom and pound folly to leave all of our greater cities at the mercy of invasion. When war comes it comes quickly, and there is no nation so polite as to give us a few years to prepare ourselves in case war arose with us. It would strike quick and hard. With proper defenses its stroke would fall powerless. The spending of money for ships has been generally approved; but * * * it is an expenditure for which we get a comparatively small return. A war ship is a thing of relatively short life. Types of vessels change, too, so that the battle ship of one decade is obsolete in the next. Repairs are frequent and expensive, and the risks in sailing, even in years of peace, are large. With forts it is different. A solidly constructed work ought to endure for centuries, and it is always easy to repair and keep in order, or even to adapt to changes in guns and mortars that may be brought to bear on it. Again, a good deal of "jerry work" has been done on our ships. But the construction of our forts is different, because the medium which is wrought is different. There are few bolts or plates or such matters to be adjusted, and human muscle enters to a larger extent in the work of construction. In fifty years perhaps not one of our cruisers will be afloat, at least in our service; but the forts at our water passes will be as stout as ever, and will be a virtually permanent bar to the passage of a foreign fleet, which means the destruction of life and property, the pillage of our cities, the restraint of our liberties, and the loss of honor.

"The Post-Dispatch, St. Louis, Mo., of February 28, 1896, said:

THE RATIONAL DEFENSE POLICY.

If the \$110,000,000 we have expended within three years on experimental floating batteries, which may be sunk or penned up in some harbor in the event of war, had been devoted to land fortifications and batteries, our principal harbors would now be effectively protected.

But not only are harbor fortifications effective for defense, there is a strong argument in their favor in the traditional policy of the United States. We want the means of defense, not aggression. A powerful Navy is a temptation to aggression and a constant menace to the peace of the country.

The policy * * * is the rational policy for Congress to pursue. It is cheaper, safer, and more effective than navy building.

"The Commercial, of Louisville, Ky., of February 29, 1896, said:

To create such a navy as that of Great Britain would demand an immense sum, and its maintenance would be an unbearable tax. Such a navy is clearly unnecessary. Our position is entirely different from that of Great Britain. Her insular position, her distant and depending colonies, and her widely-extended commerce demand the protection of a powerful navy. We have no dependent colonies; our Navy is already strong enough to protect our commerce, which is principally coastwise. What we need is to have all the cities and harbors of our extensive coasts upon the Atlantic and Pacific seaboard made safe from ocean attack by invulnerable defenses. This can be done at an expense much less, and in a manner more effective by land defenses than by a powerful navy. Besides, when completed, the cost of maintenance is trivial in comparison to the immense sums required to keep ships of war repaired, renewed, and afloat. Let us screw down our navy patriotism for a

while, and let out the valve which will unloose another quality, quite as creditable and much more practical.

"The Examiner of San Francisco, Cal., of February 28, 1896, said:

If we had spent as much in the past ten years on our fortifications as we have on our Navy our ports would now have been impregnable. A battle ship is a floating gun platform, but it takes a four-million-dollar ship to carry \$400,000 worth of guns. On land a gun can be mounted for little more than its own cost, and when it is in place it is equal to from two to six afloat. Two battle ships could be sunk by three vessels of their own kind, but the cost of two battle ships spent on land defenses would protect a port against a whole fleet. Moreover, every ship costs enough every year for maintenance to build a first-class battery on shore, while the fortifications call for almost nothing after their first cost.

We need a moderately strong navy, and can afford to pay for it, but it is not our policy to invest in a navy strong enough to defend us against that of England or France. For that work we must depend upon fortifications.

"The method of reference of the fortifications bill does not seem to me to give it an equal chance with the naval bill. In the House there is no committee on coast defense and the fortifications bill goes to the Committee on Appropriations and to the same committee in this body. The committees on Appropriations in the two bodies of course give the fortifications bill all the care and attention possible, but that bill is of such importance and it requires so much time to fully consider all the requirements of the situation that it should have in one body or the other the consideration of a committee upon that subject-matter. Its situation is peculiar as compared with the other appropriation bills, and especially as compared with the naval bill, in not having such a committee, nor any special, personal, or local interest to look after it. The naval bill in the House is made up by a committee on the subject-matter of the Navy, and one which of course makes a study of its requirements. In the Senate the naval bill goes to the Committee on Appropriations, but with three members of the Committee on Naval Affairs on the Committee on Appropriations and on the subcommittee on the naval bill, constituting a majority of that subcommittee, it is in the hands of its special friends in both bodies.

"As it comes to us it is not probable that it differs materially when reported by the Senator from Maine from the Committee on Appropriations from what it would be if reported by the same Senator from the Committee on Naval Affairs. Thus the naval bill practically receives the consideration of two committees charged with the duty of caring for the Navy, while the poor fortifications bill is left without a special friend, and has only the interest for the public welfare behind it. This accounts largely for the sad condition of decrepitude in which it reaches this body, if it ever reaches it. It has been the bill of all others upon which the individual, combined, and concentrated pangs of economy seem to have been satiated. Is it not, therefore, the duty of the whole body of the Senate to take up this matter earnestly and make amends for past neglect by making such appropriations as will put the work of harbor defense on the basis of progress which its pressing importance demands? What has happened to the fortifications bills is well shown by a comparison between the reduction from estimates that have been made in the naval bills and the reductions from estimates that have been made in the fortifications bills in the last fifteen years. They are as follows, and show that on an average the naval estimates have been cut in these fifteen years less than 15 per cent, while the estimates for fortifications have been cut 65 per cent. In the last three years the discrepancy has been still greater. The reduction from the naval bills averaged only 7½ per cent, while the reductions from the fortifications bills in the same years averaged over 70 per cent, or reductions nearly ten times as great as those from the naval bills. The result is that if continued at the present rate the appropriations for fortifications will put our harbors in a proper state of defense about the middle of the next century, as is shown by the last report of the Secretary of War:

Navy.

Year.	Estimates.	Appropriations.	Cut.
			Percent.
1881	\$14,509,147.95	\$14,405,797.70	7½
1882	15,022,331.01	14,566,037.55	3½
1883	17,249,148.46	14,819,976.80	14
1884	23,481,078.54	15,894,434.23	32½
1885	22,747,751.38	15,569,534.22	31
1886	30,654,010.50	15,070,837.95	50
1887	30,826,357.74	16,499,907.20	46½
1888	20,746,756.85	25,767,348.19	*25
1889	23,003,624.13	19,942,835.35	13½
1890	26,767,277.74	21,692,510.27	19
1891	25,590,253.79	24,136,035.53	5½
1892	33,331,580.11	31,541,654.78	5½
1893	27,194,639.80	23,543,335.00	13½
1894	24,471,498.21	22,104,061.38	9
1895	27,875,914.02	25,327,126.72	9
1896	30,952,096.96	29,416,245.31	5
1897	29,313,186.20	(†)	-----

Average cut, 14½ per cent.

† Increase.

† This bill carries \$31,611,034.95, an increase of over estimate of \$2,298,893.75.

Fortifications.

Year.	Estimates.	Appropriations.	Cut.
			Per cent.
1881	\$1,000,000.00	\$550,000.00	45
1882	1,387,600.00	575,000.00	58
1883	1,220,000.00	380,000.00	69
1884	1,000,000.00	670,000.00	33½
1885	1,000,000.00	700,000.00	30
1886	7,303,000.00	725,000.00	90
1887	3,396,000.00		100
1888	5,436,000.00		100
1889	8,239,000.00	3,972,000.00	51
1890	5,552,000.00	1,233,594.00	77
1891	8,488,998.00	4,232,935.00	50
1892	7,484,323.00	3,774,803.00	50
1893	9,386,607.00	2,734,276.00	70
1894	7,372,305.00	2,210,055.00	70
1895	7,438,413.00	2,427,004.00	67
1896	7,357,703.50	1,904,557.50	74
1897	7,414,633.00		

Average cut, 64½ per cent.

"The naval appropriations have more than doubled in fifteen years and have now reached thirty millions, and will soon reach fifty millions per year if the present rate of increase goes on. So great a naval authority as Admiral Walker, and one naturally and properly wedded to the interests of the Navy, considers that a proper distribution of \$100,000,000 for the national defense would be to give sixty millions to land defense and forty millions to the Navy; and yet it is proposed by this bill to provide four battle ships, which will cost when armed and equipped probably more than \$25,000,000 and at least two millions per year for maintenance when kept in commission, besides the constant repairs and rapid deterioration. I speak of these things at this time because I believe that whatever we may decide to do in regard to this naval appropriation we should do in reference to what we expect to appropriate for harbor defense, and that the whole Senate should take an especial interest in the matter.

"There is also a romantic side to the Navy, and I will read an editorial from the New York Press of March 3, 1896, which comments upon this phase of the subject:

WHY THE NAVY CAME FIRST.

Appropriation to Congress districts instead of appropriation to departments has been the prime cause both of our lack of shore defenses and our slow progress in sea defenses. The point of sea defenses, i. e., a navy, was the point of least resistance in this long line of local selfishnesses. A national spirit could be roused to pierce that line. It could be roused by the glorious traditions of the Navy, of which the heavy artillery, at least, of the Army has few. Local pride could be tickled, and was, by a system of naming the new ships after State capitals and big inland towns.

These in some instances acknowledged the compliment far more graciously than did their seaboard sisters. The system of distributing the building of ships among the States was pushed to the extreme of having a torpedo boat constructed in the middle of the continent—Dubuque, Iowa—which exhausted its usefulness in reaching its edge—New London—and has since been harmless enough to accord with a set of chamber of commerce resolutions. Vessels have been sent to take part in local festivities as far from their native brine as Memphis, Tenn. Squadrons have participated in three international parades—two at New York and one at Kiel. An ocean race against time has been made by one of the two crack cruisers, a brick battle ship was set up at the World's Fair, and, in short, we have had in the Navy a continual national circus, for which the people have been willing to pay.

On the other hand, it has been possible to bring not one of these perhaps meretricious aids to the cause of coast defense. We have no doubt that the one courageous Congress which has essayed the subject—the Fiftieth, of glorious memory—would in its separate and individual heart of hearts have preferred to split the award for 100 guns up among a hundred Congress districts than to pour the whole of it into one Pennsylvania constituency. Moreover, whatever of poetry there was in shore defenses has gone with the usefulness of the frowning old stone fortresses, heavily symbolic of Federal might. There is nothing impressive in a modern "fort," a mere hole in the ground, a burrow for a disappearing gun carriage. There has not even been an excursionists' interest in the work at Sandy Hook, whereas who can forget the veritable hundreds and thousands of sightseers who have rushed to the North River front at the promise of a naval gala day!

Such are some of the reasons why naval betterment has preceded the more strictly necessary work of coast defense.

"Some may think this article attaches too great weight to the effect of poetic sentiment in securing large appropriations for the Navy, but there is much truth in it.

"As another influence that has aided appropriations for the Navy, it might be added there are also great contracting firms and corporations, represented by honorable gentlemen; but it is obvious that these contractors, expending vast sums of money and desiring to show the excellent character of their work, do create and stimulate public sentiment in favor of ships. On the other hand, as stated in the article just read, there is nothing about the modern fortifications to stir poetic sentiment, but there is the plain, practical fact, that they make us safe from attack, and are what we need first and most. Neither have they the interest of great contractors behind them; but the money for them will all be expended in this country and will be much more generally distributed and a much greater proportion of it be expended for labor.

"Whatever we may think of the advisability of harbor defense, there can be no doubt of the sentiment of the country at large upon the subject. There has recently been considerable news-

paper comment upon it, and it is invariably favorable to fortifying our harbors.

"The following papers, and many others, have within the last six weeks declared themselves in favor of a modern system of coast defense: New York Tribune, New York Press, Brooklyn Eagle, Chicago Tribune, San Francisco Examiner, Boston Journal, Providence (R. I.) Telegram, Baltimore Herald, St. Louis Post-Dispatch, Louisville Commercial, Woonsocket (R. I.) Reporter, Newark (N. J.) News, Washington Evening Times, Pittsburgh Commercial Gazette, Indianapolis Sentinel, Norwich (Conn.) Record, Tampa (Fla.) Times, Bay City (Mich.) Tribune, New York Sun, New York Herald, New York Commercial-Advertiser, New York Journal, New York Times, Binghamton (N. Y.) Republican, Philadelphia Press, Hartford (Conn.) Courant, New York Advertiser, Kansas City Star, Milwaukee Sentinel, Bethlehem (Pa.) Times.

"As I believe the newspapers so well reflect the public sentiment, I will read some more editorials:

THE NATIONAL DEFENSE.

[From the Commercial Gazette of Pittsburgh, Pa., of March 2, 1896.]

The question of the rehabilitation of the Navy was one which excited a good deal of attention ten or a dozen years ago, and the results of the agitation are apparent in the vastly improved condition of that arm of the nation's defense. But we are still far behind Great Britain in the magnitude and effectiveness of our Navy, and there is a constant demand for additional expenditures in that direction. * * * No one in this country pretends that we should have a navy equal in prowess to that of Great Britain, but we should spend a great deal more money in seacoast defenses than we have been doing. * * * The United States does not need a great navy, able to cope with those of the leading maritime powers of Europe, mainly for the reason that this is not an aggressive nation and does not expect to engage in aggressive warfare. * * * There is no telling when the nation might be made to feel the consequences of this neglect. An attack from a foreign naval fleet is improbable, but not impossible. The Venezuelan affair and the Cuban insurrection furnish pointers as to what might happen very unexpectedly. There is little fear that in the end the United States would be able to hold its own against all comers, but in doing so no little humiliation and loss would be endured. The best way to render such attacks impossible would be to be fully prepared to repel them.

ECONOMY OF COAST DEFENSES.

[From the Washington Evening Times of February 27, 1896.]

If the United States were to get into a war with Great Britain, or France, or Russia, or any other foreign power having a considerable navy, a fleet of hostile vessels could do damage enough by a day's bombardment of one of our great seaport cities to more than equal the total cost of a complete system of defenses on the Atlantic, Pacific, and lake coasts. It is the same foolish policy from which many inland towns have suffered that have shunned the expense of a well-equipped fire department and lost more money by one conflagration than the whole outfit would have cost.

A perfect system of coast defenses is notice to the world that the country possessing them fears no attack from hostile fleets and has its own navy free to operate wherever its services may be most valuable. Its first cost is the chief outlay; it has not to be added to, nor have any parts of it to be replaced; it is there for all time. On the other hand, vessels wear out; they have to be overhauled and repaired; it takes time to get them ready for active service after once they have been out of commission. A modern fortification, built upon the best models, is practically indestructible, for the guns that can be mounted on it are so far-reaching as to keep even battle ships at such a distance that their shells can not reach the city back of the defenses.

THE OLD WAY THE BETTER.

[From the Boston Journal of February 27, 1896.]

It is a matter for patriotic congratulation that the important bill of Senator SQUIRE providing for the systematic expenditure of \$87,000,000 for coast defense has been favorably considered and reported to Congress.

It is a significant fact that the objection of a need of economy, which has been fatal this session to many deserving bills, has not been raised against this measure. Though it authorizes a heavy appropriation, the actual expenditure will be distributed over a series of years, and therefore can not overtax the national resources. Eighty-seven million dollars is a large sum, but it is only a little more than a dollar a head of our immense population—by no means an extravagant price to pay for an effective form of national insurance.

As a matter of fact, it is a far smaller sum than the Government in its days of comparative weakness expended to build and equip the really admirable system of coast defenses which we possessed prior to the war of the rebellion. Our fathers were poorer than we, but they created and maintained fortifications which commanded the respect of Europe and kept us for almost half a century free from serious menace by the great military powers of the Old World.

Our present relatively unprotected condition is a modern innovation—a departure from the traditional policy of the Republic—and the American people have given abundant proof that they want no more of such a rash experiment.

COAST DEFENSES.

[From the Woonsocket (R. I.) Reporter of February 29, 1896.]

England has at present 60 armed battle ships to our 8, and is going to build 10 more this year, while there are murmurs at the proposed addition of 6 battle ships to our Navy. It is necessary to provide strong land defenses under the protection of which our ships could take shelter when menaced by an overwhelming hostile force, or refit in case of necessity.

There is no doubt that the great majority of the people of the United States favor arbitration as the best method of adjusting international disputes, and the views of many good citizens are reflected in the opposition of a leading Boston paper to the appropriation of any money for coast defenses as wasteful and unnecessary. Such optimistic peace lovers have forgotten the immortal maxim of Washington, "In time of peace prepare for war," and need to remember that the continued absence of fire does not prove the folly of insurance. The example of China shows the helplessness of a great commercial nation with enormous population and unlimited resources, but without any efficient protection from hostile attack, when suddenly assailed by an energetic foe, far inferior in size, but provided with a sting.

The expenditure of \$87,000,000 in ten years would not add materially to the burden of the American people, and would build all the forts needed to protect our great seacoast cities. The appropriation of that sum by Congress for such a purpose would tend to perpetuate an honorable peace with all nations. Those who are opposed to taking any precautions against the dangers which but yesterday overwhelmed China should remember that, as Professor Hollis said in his admirable lecture in Boston this week, we are living in the nineteenth century, not the twenty-fifth.

THE DEFENSE OF OUR COASTS.

[From the New York Journal of February 29, 1896.]

If we leave our coasts unprotected we shall furnish an isolated example of a nation which believes itself above the need of land defenses of the modern pattern. The natural result will be that at some unexpected moment we shall receive an unpleasant lesson, the record of which it will not be agreeable to place in our archives.

We have entered upon an epoch of international questions. Each month brings its quota of foreign matters in which we are interested, and from which we can not hold aloof as we did of old. We need to speak our minds freely, and now and then to declare our policy imperatively. It must be clear to most thinking men that we shall not be listened to with absolute respect if by our negligence we invite successful attack. There was a time when England's "white sea wall" was inadequately defended, and when the Continental powers, just entering upon the period of monstrous armaments, pretended not to listen when she spoke. But when England girdled her island coast with steel and iron, and made it so that an enemy, were he as brave as William the Conqueror, could not land anywhere without receiving the converging fire of two gigantic forts, they were somewhat more attentive.

In arming our coasts we are not merely providing against the possibility of a national humiliation. We are strengthening our position on every international topic upon which we are obliged to declare ourselves. We want more guns, built in the Government foundries and in private establishments, also at a rate which will enable us to show satisfactory progress in defense. This powerful nation can afford the cost of a full equipment of every defensible point. It can not afford to neglect the matter another year. At this very hour questions are pending which might bring on hostilities with nations possessing powerful navies. This fact alone should plead eloquently for haste and thoroughness in arming the coasts.

OUR COAST DEFENSES.

[From the Sentinel, of Indianapolis, Ind., March 4, 1896.]

The question of expending money for a navy or expending it for coast defenses is one that is forcing itself more and more on the minds of men who are working on the problem of defense against foreign attack. Of course, both are needed to a certain degree, but there must be a limit somewhere to our Navy, and it may very properly be doubted that there is good policy in attempting to build up and maintain a navy equal to that of any of the great powers of Europe. At present our Navy rates not higher than sixth or seventh in the list of the navies of the world, although it has cost over a hundred millions of dollars, and it is very far surpassed by the best ones. At the same time it is conceded that it is not adequate for the defense of our coasts, and, indeed, not adequate for defense of any material portion of them. Practically, we can be attacked only on our coasts, but an immense amount of damage could be inflicted there by a strong naval force.

It is hardly practicable to attempt to keep up in a race of this kind when we have comparatively little use for a large navy, and when these countries are adding to their navies as fast as we can. But we can protect our coasts against any naval force that can be brought against them. Such is the opinion of such men as General Abbot, Admiral Walker, and other military and naval experts.

On every ground, therefore, reason would dictate that we turn our attention especially to coast defenses, at least until the country is put in condition in which there would be no occasion for fear of damage from foreign attack.

"I shall vote for the amendment proposed by the Senator from Maryland not because I feel any hostility to the Navy nor because I underrate its importance, but because the fortifications bill is so much more entitled to our consideration at this time as being the first provision in the logical development of our national defenses. I believe that it can but be apparent to the Senate that the fortifications bill is of more importance than the provisions for the increase of the Navy at this time, and that it should receive preference if we do not intend to pass both. It will meet the general approval of the country, regardless of the condition of our revenues, to establish and declare the policy that the protection of our own country is our first duty. If we have not the money in hand, we surely will have it. If we can afford to build four battle ships per year, for eight years, we can certainly afford to use one-half the money they will cost to make our harbors safe for them and to protect our cities. This amount, the cost of two battle ships, is not an extravagant or unreasonable appropriation for coast defenses.

"I would rather have no appropriation at all than to have the usual poor excuse for one. If we have none at all, the sentiment of the country will soon be so aroused as to compel a well-defined policy, while our annual apology might otherwise postpone such action for a time. Let us adhere to the traditional policy of the United States—we want the means of defense, not aggression."

I have quoted these very pertinent views of the Senator from Vermont [Mr. PROCTOR] as setting forth fully my ideas with regard to the necessity of coast defenses, but I do not agree with him that we may not appropriate for the four battle ships and at the same time make adequate appropriations for our coast defenses. I believe that the Senate and that both Houses of Congress are ready to do so, and that the people are ready to sustain them.

Mr. HALE. Mr. President—

Mr. CHANDLER. Will it be convenient for the Senator from Maine to allow me to offer an amendment to the bill at this time?

Mr. HALE. Certainly.

Mr. CHANDLER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. PEPPER in the chair). The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the Secretary of the Navy is hereby directed to examine, through a board composed of line and staff officers, into the merits of any system presented for the propulsion of vessels by direct action against the water without the use of screws, in comparison with the steam engine and the propeller, and into the relative efficiency of the two methods as to displacement, waste of fuel, liability to accidents, and speed endurance, and also into the applicability and special advantages of the direct system in connection with torpedo boats and coast-defense vessels.

Mr. TURPIE. I ask the Senate to proceed to the consideration of House bill 5853, a pension bill, which will not lead to any debate.

Mr. CHANDLER. Let my amendment be adopted first, if there be no objection. I move the amendment for adoption at this time.

Mr. PASCO. I suggest that the Senate is rather thin to adopt an amendment so important. There may be some experiments—

Mr. CHANDLER. There is no objection to the amendment going over at the suggestion of the Senator from Florida.

Mr. HALE. Let it go over, then.

Mr. PASCO. I wish to say before it goes over that I wish to bring up the amendment relating to the establishment of a tank, and perhaps the amendment the Senator from New Hampshire has offered may have some connection with that.

Mr. CHANDLER. No; it has no relation to the tank.

Mr. HALE. There is no necessity for any amendment to be offered in regard to the tank. The provision was placed in the bill by the other House.

Mr. PASCO. It was in the bill, but it has been stricken out, I understand.

Mr. HALE. No amendment is required, but simply a vote.

Mr. PASCO. I wish to have the vote reconsidered or the question brought up after the bill is reported to the Senate.

Mr. CHANDLER. The Senator can have the amendment striking out that provision reserved for a separate vote in the Senate.

ARMINDA STUCKER.

Mr. TURPIE. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mrs. Arminda Stucker, widow of John H. Stucker, late a soldier in Company B, Grundy County Battalion, Missouri State Militia, at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 30, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 29, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1904) to regulate marriages in the District of Columbia, asked a conference with the House on the bill and amendments, and had appointed Mr. FAULKNER, Mr. McMILLAN, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, asked a conference with the House on the bill and amendments, and had appointed Mr. McMILLAN, Mr. FAULKNER, and Mr. PROCTOR as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, had agreed to the conference asked by the House of Representatives, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

GETTYSBURG NATIONAL PARK.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2490) to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the

national park at Gettysburg, Pa., over which jurisdiction has been or may hereafter be ceded to the United States: *Provided*, That nothing contained in this act shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed nor the right of way to the same.

Mr. CURTIS of New York. Mr. Speaker, I can state more briefly than the report the provisions of this bill. It simply authorizes the Secretary of War to construct and repair roads within the limits of the Gettysburg National Park. It carries no appropriation. The bill passed the Senate and is unanimously reported from the Committee on Military Affairs. The amendment to the Gettysburg Park act is stated in the following words:

That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa., over which jurisdiction has been or may hereafter be ceded to the United States.

Mr. SAYERS. If this bill should become a law, would it interfere with the plans devised by the Department?

Mr. CURTIS of New York. Not at all.

Mr. SAYERS. You remember that in the last Congress we passed a bill making the battlefield of Gettysburg a national park. I believe that General Sickles reported the bill.

Mr. CURTIS of New York. It complies fully with the regulations heretofore adopted and the acts of Congress relating to this park, as provided in the map of General Sickles.

Mr. DINGLEY. Does not the Secretary of War have this authority now?

Mr. CURTIS of New York. No, sir.

Mr. McMILLIN. Has this bill been submitted to the Secretary of War?

Mr. CURTIS of New York. Yes.

Mr. McMILLIN. What is his report on it? Let us have the report read.

Mr. CURTIS of New York. I will read his letter. It is as follows:

WAR DEPARTMENT, Washington, D. C., March 2, 1896.

SIR: I have the honor to transmit herewith copy of letter from the Gettysburg National Park Commission, dated February 19, 1896, together with copy of proposed amendment to section 4 of the act entitled "An act to establish a national park at Gettysburg, Pa.," approved February 11, 1895, and to advise you that the proposed amendment meets with the concurrence of this Department.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

There is no objection to this bill from any source whatever.

Mr. McMILLIN. I will ask for the rereading of the bill. There was confusion and I was unable to hear it.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I should like to ask the gentleman if he has any idea what is going to be the probable cost?

Mr. CURTIS of New York. I can not give you the information. There is no appropriation asked for in this bill.

Mr. LOUD. Oh, of course not.

Mr. CURTIS of New York. It comes out of the appropriation already made.

Mr. LOUD. Of course it will have to come out of the regular appropriations made annually for parks all over the country.

Mr. BINGHAM. There is an appropriation of \$50,000 in the sundry civil appropriation bill.

Mr. LOUD. Oh, I know this will have to be met in the sundry civil bill. We are getting parks all over the country and we are piling up permanent expenses every year. There will have to be a halt somewhere, either on pensions or on roads, one or the other.

Mr. DOCKERY. I suggest to the gentleman from California that it is considered ungracious to propose a reduction of expenses here.

Mr. LOUD. Oh, perhaps so, but I can not help it.

Mr. McMILLIN. I will ask the gentleman from New York if the Government has complete jurisdiction over that park?

Mr. CURTIS of New York. It has.

Mr. McMILLIN. Has the land been bought by the Government, or ceded to it?

Mr. CURTIS of New York. Yes; this only relates to that which has been ceded, and is so specified in the bill.

Mr. BAILEY. Does the gentleman from New York mean to say that the Government of the United States has exclusive jurisdiction?

Mr. CURTIS of New York. Yes; the State of Pennsylvania has granted jurisdiction, in respect to this park, over the territory that the Government desires to occupy. The map has been made, the bill establishing the park was approved on the 11th of February, 1895, and the State of Pennsylvania has ceded jurisdiction.

Mr. McMILLIN. But the gentleman from Texas will observe that there are reserved rights over which, it seems, the Government has no control.

Mr. CURTIS of New York (reading):

Over which jurisdiction has been or may hereafter be ceded to the United States.

That is, for any extensions to the park that may be made in the future.

Mr. McMILLIN. But there seems to be a reservation of rights. I will ask the Clerk to read the proviso.

Mr. CURTIS of New York. I will read it:

Provided, That nothing contained in this act shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed, nor the right of way to the same.

Now, you must understand that the land for the park has been ceded by the State of Pennsylvania, and has been accepted by the Government. The plans were drawn under the supervision of General Sickles. The State of Pennsylvania has granted, with the concurrence of Congress, the right to put up monuments on various parts of the field by organizations from different States that were engaged in the battle. This bill provides that these monuments shall not in any case be encroached on by these roads.

Mr. KEM. I would like to ask the gentleman a question. Who keeps up the public roads there now?

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEM. I object.

EXTRA COPIES OF HOUSE BILL RELATING TO PACIFIC RAILROADS.

Mr. FARIS. Mr. Speaker, on behalf of the Committee on Pacific Railroads, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That there be printed for the use of the House 2,500 extra copies of House bill 8180, and a like number of the majority and minority reports of the Committee on Pacific Railroads thereon.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

CONTESTED-ELECTION CASE—THORP VS. M'KENNEY.

Mr. WALKER of Virginia. Mr. Speaker, I ask leave to present the report of the Committee on Elections No. 3 on the contested-election case of Thorp against McKenney from the Fourth Congressional district of Virginia; and I ask that it be printed.

Mr. DE ARMOND (some time subsequently). Mr. Speaker, in the case of Thorp against McKenney I present the conclusions of certain members of the Committee on Elections No. 3, and ask that they be printed with the report presented by the gentleman from Virginia [Mr. WALKER] in the same case. It is really a concurrent report. There is no difference as to the result, but expresses the views of certain members of the committee.

The report, with the views of the minority, was ordered to be printed, and referred to the House Calendar.

CONTESTED-ELECTION CASE—PEARCE AGAINST BELL.

Mr. WALKER of Virginia. Mr. Speaker, I present the report of the Committee on Elections No. 3 in the case of Giles Otis Pearce vs. John C. Bell, from the Second Congressional district of the State of Colorado, and ask immediate action upon this report. As it is but a few lines, there is no need of asking that it be printed.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Elections No. 3, to which was referred the contested election case of Giles Otis Pearce against John C. Bell, from the Second Congressional district of the State of Colorado, submits the following report:

In this case the contestant gave no notice of contest, as required by law, and has taken no evidence to sustain the allegations of fraud and intimidation claimed by him to have been committed.

The official returns show that the contestee received 47,703 votes; that Thomas M. Bowen received 42,309 votes; that W. A. Rice received 2,032 votes, and the contestant received 157 votes.

The committee therefore recommends the adoption of the following resolutions:

Resolved, That Giles Otis Pearce was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of the State of Colorado, and is not entitled to a seat therein.

Resolved, That John C. Bell was duly elected a Representative in the Fifty-fourth Congress from the Second Congressional district of the State of Colorado, and is entitled to a seat therein.

The SPEAKER. The question is on agreeing to the resolutions. The resolutions were agreed to.

CONTESTED-ELECTION CASE—HOGE VS. OTEY.

Mr. DE ARMOND. Mr. Speaker, I present the report of the Committee on Elections No. 3 in the contested-election case of J. Hampton Hoge vs. Peter J. Otey, from the Sixth Congressional district of Virginia. I ask that it be printed and referred to the House Calendar.

The SPEAKER. The report will be ordered printed and the case referred to the House Calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of

James Marquette, the renowned missionary explorer and discoverer of the Mississippi River.

Resolved, That the statue be accepted, to remain in the National Statuary Hall, and that a copy of these resolutions, signed by the presiding officers of the Senate and House of Representatives, be forwarded to his excellency the governor of the State of Wisconsin.

UNITED STATES COURTS, ROANOKE, VA.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia.

The bill was read, as follows:

Be it enacted, etc., That a term of the district and circuit courts of the United States shall be held in each year at Roanoke, in the western district of Virginia, on the Tuesday after the second Monday in February and August.

SEC. 2. That the counties of Roanoke, Botetourt, Giles, Craig, Franklin, Montgomery, Floyd, Pulaski, Tazewell, Bland, and Carroll, and city of Roanoke shall be attached to the division of the court established by the first section of this act, and all process running to said counties shall be returnable to said counties.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Amendments recommended by the Committee on the Judiciary were adopted, as follows:

Section 2, line 3, strike out the words "city of Roanoke."

Section 2, line 6, strike out the word "counties" and insert "courts."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OTEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIGHT-HOUSE AT ORIENT POINT, LONG ISLAND, ETC.

Mr. McCORMICK. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 853, providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor, and the west shore of Shelter Island.

The bill was read, as follows:

Be it enacted, etc., That the Light-House Board is hereby authorized and directed to erect a light-house at the site of the beacon heretofore existing at Orient Point, or Oyster Pond Reef, on the west side of Plum Gut, at the entrance of Long Island Sound, in the State of New York, and the said Board shall also erect beacon lights or gas buoys at the following points in the county of Suffolk, N. Y.:

First. On Hay Beach Point, Shelter Island.

Second. At the end of the Greenport breakwater, Greenport.

Third. On Conklings Point, about 2 miles west of Greenport.

Fourth. On Rocky or Stearns Point, on Shelter Island.

Fifth. On Hallowes or Paradise Point, on Great Hog Neck, opposite Shelter Island.

Sixth. On Tyndalls Point or Clarks Point, north of Sag Harbor.

Seventh. On the shore south of West Neck Harbor, on Shelter Island.

Eighth. On the shoal about three-fourths of a mile north of the Sag Harbor wharf, Long Island.

SEC. 2. That the sum of \$65,000, to be available immediately, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of constructing and placing the foregoing light-house, beacons, and buoys.

Mr. DINGLEY. Mr. Speaker, I observe that there is no limitation in the bill as to the expenditure.

Mr. DOCKERY. Mr. Speaker, I reserve the right to object. I do not know that I caught the reading of the bill accurately, but if I did it seems to be an omnibus bill.

Mr. McCORMICK. Oh, no. The other items in the bill in addition to the light-house are for small gas buoys.

Mr. DOCKERY. I should like to hear the report.

Mr. McCORMICK. I will ask the Clerk to read the report.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor and the west shore of Shelter Island, report the same back with an amendment, and recommend that the bill thus amended do pass.

The correspondence from the Department herewith submitted shows the necessity for the proposed legislation.

The committee recommend to amend by striking out all of section 2.

TREASURY DEPARTMENT,
Washington, D. C., February 15, 1896.

SIR: The letter from your committee of January 6, 1896, inclosing House bill No. 853, providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrance to Greenport and Sag Harbor and the west shore of Shelter Island, and asking suggestions touching the merits of the bill and the propriety of its passage has been received.

This matter was referred to the Light-House Board, which has replied that it recommends the establishment of a light-house and steam whistle at Orient Point or Oyster Pond Reef, at the entrance of Plum Gut, Long Island, and gas beacons on eight points or shoals on the course to Greenport Harbor, and thence to Sag Harbor.

Respectfully, yours,

S. WIKE, Acting Secretary.

CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

Mr. DOCKERY. Mr. Speaker, if I am correctly advised, the Light-House Board classifies these light-houses under three heads: Indispensable, necessary, and desirable. I should be glad to have

the gentleman in charge of this bill state in what class this proposed light-house comes.

Mr. McCORMICK. Indispensable, beyond question. This light-house is on the great route through Long Island Sound to New England, and is intended to take the place of a small light that was carried away a year or two ago.

Mr. SAYERS. Mr. Speaker, if the gentleman from Missouri will permit me, I will state that the Light-House Board takes up all of the light-houses, beacons, and fog signals that are authorized by Congress, and in its annual report classifies them under the heads of indispensable, necessary, and desirable; but I do not understand that the Committee on Commerce ever makes such classification.

Mr. DOCKERY. Has the gentleman from Texas any information as to the propriety or necessity of this expenditure?

Mr. SAYERS. None at all. I know nothing about it.

Mr. McCORMICK. There has not been a more meritorious bill before the House in this session. This proposed light-house is right on the highway of travel from New York to New England. It is at a point which thousands of passengers pass every week.

Mr. McMILLIN. What is the whole proposed cost?

Mr. McCORMICK. Sixty-five thousand is the estimated cost.

Mr. McMILLIN. What is to be the running cost when these appliances are under way?

Mr. McCORMICK. That I do not know.

Mr. McMILLIN. Well, if you want \$6,500 for this light-house and these beacon lights or gas buoys, which, I think, are the most expensive kind of appliances, it strikes me that the cost of maintenance after construction will be very considerable. I do not know but this light-house may be necessary, but I call the attention of the House to the probable cost.

Mr. DOCKERY. Mr. Speaker, I desire to make a single statement to the House. For the fiscal year ending June 30, 1894, the revenues of the Government failed to meet current expenses by \$69,808,260.58. During the last fiscal year the current income was inadequate to meet current liabilities by \$43,805,223.18, and it is now estimated that the deficiency in current revenues for the present fiscal year will not be less than \$25,000,000.

Mr. DINGLEY. And eleven millions more for Pacific Railroad bonds, making the estimated deficiency \$36,000,000.

Mr. DOCKERY. My information is that the deficiency will be about twenty-five millions.

Mr. DINGLEY. But that does not include the Pacific Railroad bonds.

Mr. DOCKERY. If the gentleman from Maine is accurate in his statement it only emphasizes the fact I desire to press upon the attention of the House.

Mr. Speaker, our current revenues are unequal to the task of meeting the current expenses of the Government. [Applause on the Republican side.] I do not understand, Mr. Speaker, just why that statement should be applauded by my friends from Minnesota [Mr. TAWNEY] and from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. We were expressing our gratification at the gentleman's statement with regard to the deficiency. This is the first time the fact has been admitted by a Democrat.

Mr. DOCKERY. I did not know that any intelligent Democrat had ever denied it.

Mr. WILLIAM A. STONE. There must be a great scarcity of intelligent Democrats, then.

Mr. DOCKERY. Mr. Speaker, I rose in a perfectly judicial frame of mind to state a few facts, but it is apparent that the gentlemen desire to provoke a partisan discussion. So far as I have heard, and I have been a regular attendant, no gentleman on this side of the House has denied—and I challenge the gentleman from Pennsylvania to produce the record to the contrary—that the current income of the Government during the period I have mentioned has been inadequate to meet current expenses. It is true we have a surplus of \$273,873,417.73 in the Treasury, including the \$100,000,000 gold reserve, but the gentleman and the country know how that surplus was created. It is the result of borrowing money by the issue of bonds.

Mr. DINGLEY. Exactly.

Mr. DOCKERY. Now, then, the Government is confronted with this unfortunate Treasury situation, and as business men, without regard to party affiliations, it seems to me that we should determine either to increase taxation, borrow money by the continued issue of Government bonds, or reduce expenditures. Of these methods, I prefer a reduction of expenditures.

Mr. MAHON. Let them pass the revenue bill over in the Senate.

Mr. DOCKERY. We do not desire to pass a prohibitory "revenue" bill.

Mr. McCORMICK. Let me ask the gentleman a question.

Mr. DOCKERY. Mr. Speaker, this is our situation in respect to revenue and expenditures. This Congress has met that condition by doing what? You have already authorized by the bills that have passed the House or pending in the Senate contracts

amounting to \$93,541,147.91. That is to say, the river and harbor bill as reported to the Senate carries an authorization of contracts, additional to the \$12,609,550 of direct appropriations, of \$60,623,871.91; the naval bill as passed by the House authorizes the construction of four battle ships and ten torpedo boats, which it is estimated will cost, additional to the amount appropriated, \$27,375,000; the fortification bill as passed by the House authorizes contracts, additional to appropriations, of \$5,542,276, making the total contracts authorized (and certainly the amount will not be decreased) \$93,541,147.91. The appropriation bills as they left this body carried \$505,079,410.88. So that, without taking into account the six and a half million dollars added by the Senate to the sundry civil bill, without reference to the certain increase of the deficiency bill and increases upon other bills, the specific appropriations of this Congress amount now to \$505,079,410.88, and on contracts authorized \$93,541,147.91, making a grand total of appropriations and liabilities of \$598,620,558.79.

It can not be stated at this time with absolute accuracy what the increases of the Senate will be; but I assume that the bills when they become laws will carry not less than \$7,000,000 (a very conservative estimate) additional to the \$505,000,000 carried when they left the House. It is obvious, therefore, that as a net result of the action of this Congress the direct appropriations will aggregate not less than \$512,000,000, and contracts not less than \$93,000,000, making the enormous total of \$605,000,000 of liabilities and appropriations for the session.

Now, then, Mr. Speaker, it seems to me that discarding partisanship—in view of inadequate revenues—in view of the liabilities already imposed by this Congress—the hour has come when the House and Senate should call a halt on appropriations unless they be absolutely indispensable for the proper conduct of the public service.

Mr. McCORMICK. I am sorry, Mr. Speaker, that the gentleman from Missouri [Mr. DOCKERY] has taken occasion to make a speech on national affairs, a political speech—a speech for the country at large—in connection with the proposition to pass a simple bill of which he evidently knows nothing—a bill, I may say, that involves no national or party issue, and that no man who examines it can reasonably object to. No matter what the financial obligations of the Government are, or may be, it can not afford—no Government could afford—to expose life and property in the manner they are now exposed in my district for the want of a single light-house. The light-house for which this bill provides is to be constructed on Long Island Sound, directly in the line of all water travel between New York and New England. It will be nearly opposite New London, on one of the most important points upon Long Island. The temporary light-house which was formerly at this point—Orient Point—a small and inadequate affair—was destroyed several years ago, and all the people have petitioned for a new and permanent light; and it is indispensable to safe navigation.

Beyond the through travel on Long Island Sound, which, as gentlemen know, is an enormous travel, thousands of passengers go to Shelter Island and other points at the east end of Long Island annually by steamboats, and need the use of this light. Its establishment has been urged by the officers of all the steamboats and all the navigation companies doing business on Long Island Sound. It also has the approval of all the Government authorities. It was approved by the Light-House Board before I introduced it, and has since been twice approved in communications to the Committee on Interstate and Foreign Commerce. The president of the Light-House Board has within a few days expressed to me the hope that this bill will be passed at this session. I may say that since I introduced the bill a wreck has occurred for lack of the light.

The bill does not carry an appropriation. That must be put in a regular appropriation bill. I do not know that we shall get a dollar this year. At most only enough will be asked to start the work, which should not be delayed to another season, which it will be little less than criminal to delay.

I repeat, there is no more important bill of this class before this House, no more meritorious and unobjectionable bill, no bill that ought to receive more prompt consideration. Congress can not afford to neglect to pass a bill of this kind where the question of the protection of life and property on one of the most important maritime highways in the Northern States is involved.

Mr. LOUD. I should like to ask the gentleman one question in relation to this bill; and let me say that if my question to the gentleman inflamed my friend from Missouri [Mr. DOCKERY], I am willing to withdraw that question. [Laughter.] I should like to know why this bill carries a provision for buoys. It is unusual for Congress to provide in this way for the establishment of buoys. The Light-House Board has ample authority and ample funds to provide buoys wherever they may be needed.

Mr. McCORMICK. That provision has been inserted because around Shelter Island, as anyone familiar with that island knows, these buoys are necessary at every point.

Mr. LOUD. I do not doubt that; but why is special provision for them carried in this bill? It has never been customary for Congress to provide specifically for the establishment of buoys.

Mr. McCORMICK. The buoys are carried in the bill, let me say to the gentleman, with the knowledge and approval of the Light-House Board and the House committee.

Mr. LOUD. The Board can establish them where they think there is necessity for their establishment, and I do not see the propriety of making specific provision for them.

Mr. McCORMICK. Probably the Board has not money enough.

Mr. LOUD. This provision would not give them any more money.

Mr. McCORMICK. Well, then, it can do no harm to put the provision in the bill.

Mr. LOUD. Only to this extent, that it is an entire departure from the custom which has prevailed heretofore with reference to this matter. There are hundreds of places throughout the country that no doubt need this system of buoys just as much as the point the gentleman refers to, but this undertakes to direct the Light-House Board where to establish them. I do not think it ought to be in the bill for that reason.

Mr. McCORMICK. The Light-House Board has made no objection to the direction or designation made in the bill, and I do not feel at liberty to strike out all reference to the buoys; certainly not without further consultation with the Board.

Mr. DINGLEY. Mr. Speaker, I dislike very much to interrupt the consideration of this bill, but deem it necessary and proper at this time to make a single word of response to the remarks of my friend from Missouri [Mr. DOCKERY].

Mr. Speaker, no one feels more deeply than I do, or has felt during the entire session of Congress, the importance of exercising the most rigid economy in the appropriations for carrying on the Government. We all know that since the 1st day of July, 1893, the revenues of the Government have not been sufficient to meet the current expenditures of the Government. As the gentleman from Missouri [Mr. DOCKERY] has stated, up to the present time the deficiency of revenue to meet the current expenditures of the Government is nearly \$138,000,000 since the date mentioned, July 1, 1893. In addition to this we have been called upon to pay maturing Pacific railway bonds to the extent of \$11,000,000 more; so that we now have a deficiency arising from all sources to the extent of nearly \$149,000,000, and with the absolute certainty that this deficiency is to continue. And this deficiency has been practically met by the sale of bonds, for it has been necessary to use greenbacks redeemed with the gold obtained by the sale of bonds to pay this deficiency, and thus these greenbacks have been put in a position to be again presented for redemption.

More than that, on the 1st day of January next, nine and three-quarter million dollars more of Pacific bonds will mature, and must be met, with no revenue in sight to meet them.

Now, it is well known that so far as we are concerned on this side of the House, we have recognized the fact that this Government, with the utmost economy, can not be run with the revenues we are now receiving under the present revenue laws and with the condition of business industries of the past three years. It is impossible, with the utmost economy, to run the Government with the revenue we are likely to have from that system of laws for some time to come.

We proposed to increase the revenues to the extent of \$40,000,000 a year in order to meet this exigency, and passed a bill for that purpose; but we all understand that that bill has not yet become a law, and is not very likely to become a law at the present session of Congress.

With respect to appropriations already made, it is very true that, in form, including the so-called permanent and indefinite appropriations, the appropriations made by this session of Congress are likely to exceed a little the sum of \$500,000,000. But it must be borne in mind, Mr. Speaker, that \$500,000,000 of that sum, coming under the head of so-called permanent appropriations, is the estimated amount to be set aside for the purposes of the sinking fund, which is not of course an ordinary expenditure but an estimate for a reduction of the interest-bearing debt. The actual appropriations for current expenses of the Government, including postal expenses paid by postal revenue, and for interest on the public debt, therefore will slightly exceed \$450,000,000 this session. The revenues, unless there shall be a considerable increase, under existing laws will not reach that sum in all probability. Including postal revenues, they are estimated for the next fiscal year at about four hundred and forty or fifty millions.

Mr. PITNEY. Will the gentleman yield to me for a question?

Mr. DINGLEY. Certainly.

Mr. PITNEY. On the point of the comparison between the appropriations made during the Fifty-third and Fifty-fourth Congresses, respectively—

Mr. DINGLEY. Oh, there has been no increase of appropriations.

Mr. PITNEY. Permit me to ask this question: When the appropriations come to be made up—that is, the total appropriations for the two Congresses—they include the permanent annual appropriations, and the sum total is made up in part of the interest on the public debt and in part of the sinking fund, which goes to diminish the principal of that debt—

Mr. DINGLEY. Precisely.

Mr. PITNEY (continuing). And is it not true that the recent bond issues, amounting to \$262,000,000 during the present Administration, have increased the annual interest account of the Government by eleven and a half million dollars and the annual expenditures on account of the sinking fund by over two and a half millions?

Mr. DINGLEY. I was about to say that the interest on the public debt now will exceed by eleven and a half million dollars the amount it had reached two years ago, and simply because of the fact that during this Administration, in a time of peace, the bonded indebtedness of the Government has been increased over \$262,000,000, thereby increasing the interest charge carried in the permanent appropriations to that extent. [Applause on the Republican side.]

Now, in view of this condition of things, it is important that we should be exceedingly careful with respect to appropriations; and I want to say, in general, so far as this House has acted, it has thus far been very careful. I may say again, with reference to the contracts that have been authorized in the river and harbor bill and in the naval appropriation bill and in connection with fortifications, they will amount, in the course of five years, to sixteen or eighteen millions a year. But bear in mind that these expenditures are to be stretched over the future, and will probably amount to about \$18,000,000 a year. So far as that is concerned, of course we are appropriating during this session of Congress for some contracts made by past Congresses. The contract system has been thought to be economical, and hence contracts are authorized for the future, stretching over a number of years; but on the whole it is regarded as wiser than the simple appropriation from year to year. I think that perhaps some of the contracts which have been authorized have been larger than they should have been, but, nevertheless, in the end there is no doubt of the economy of that system. So, therefore, when it is said that at this session of Congress \$90,000,000 of contracts have been authorized, it must be borne in mind that they are stretched over at least five years; that it will take five years to cover all these contracts, and that we are now appropriating money for contracts that have been made in the past; and the one fact offsets the other.

Mr. WILLIAM A. STONE. In nearly every instance, let me say, no new project has been begun under the contract system. They are all old projects.

Mr. DINGLEY. Very well, but I am not discussing that question at all.

Mr. SAYERS. I am sure the gentleman does not wish to give an erroneous impression to the House?

Mr. DINGLEY. Not at all.

Mr. SAYERS. When the gentleman seeks to draw a comparison between the present session of this Congress and either session of the last Congress in reference to contracts authorized, if the gentleman will examine the appropriations he will find that the last Congress at each session was required to make much larger appropriations in order to meet contracts which that Congress did not authorize than does the present Congress.

Mr. DINGLEY. That is so, I presume. The amount of actual appropriations by this Congress is substantially what the appropriations have been for several years. There is no increase of aggregate appropriations, as might be inferred from what has been said—certainly not outside of the increase of interest on the public debt. We are running along as carefully, on the whole, as we probably can, with the Government and its needs as they are. We need more revenue. There is no doubt about that at all; but it should be borne in mind that we have not appropriated \$500,000,000 for current expenses. It is about \$450,000,000, including the postal appropriation, which is paid by postal revenues. The amount of actual expenditure that must be paid by taxes outside of the postal revenue under the appropriations authorized by this Congress for the next fiscal year will be about \$360,000,000, about a million dollars a day.

Mr. SAYERS. I wish to submit to the gentleman whether this discussion at the present stage, so far as the relative appropriations at either session of the last Congress and the present session of this Congress are concerned, is not premature?

Mr. DINGLEY. Oh, I admit that, but when the gentleman from Missouri [Mr. DOCKERY] made the statements he did I was not willing to have it go to the country in the precise form in which they were made without a suggestion in response. [Applause on the Republican side.]

Mr. DOCKERY. I want to say to the gentleman—

Mr. SAYERS. One other question. I am not taking any part

in this discussion, except that the House may not have an erroneous impression. The gentleman from Maine spoke of an increased amount of permanent appropriations because of the interest due upon the bonds issued by the present Administration. That was something over \$11,000,000.

Mr. DINGLEY. Eleven and a half million dollars increase in the interest that we have to appropriate for.

Mr. SAYERS. I do not question the gentleman's figures. Now, after deducting the \$11,500,000 rendered necessary on account of the interest on bonds issued by the present Administration, the gentleman will find that the appropriations at this session of Congress are still in excess of those of either session of the last Congress.

Mr. DINGLEY. Do you mean the first session?

Mr. SAYERS. Either one of them.

Mr. DINGLEY. The appropriations at the first session of Congress are usually more than those of the second session.

Mr. SAYERS. Not in the Fifty-first Congress. The appropriations of the last session of the Fifty-first Congress were \$40,000,000 or \$50,000,000 more than the appropriations at its first session. In the last Congress the appropriations at the last session were smaller than those of the first session. That is to say, the appropriations were smaller after the election than before.

Mr. DINGLEY. That depends—

Mr. DOCKERY. The gentleman from Maine suggests that I made reference to comparative appropriations. I made no comparison with the appropriations of former Congresses, but will make that later on.

Mr. DINGLEY. It is true that the gentleman made no comparisons directly, but I was not willing for the inference to go to the country from his remarks that there had been larger appropriations made at this session of Congress than have been appropriated on an average for four or five sessions of Congress past.

Now, so far as that is concerned, when it is stated that we are a billion-dollar Congress, making appropriations of \$500,000,000 for each session, bear in mind that these billion dollars include \$100,000,000 of estimated payment of debt; \$50,000,000 each year is put in what is called the permanent and indefinite appropriations.

Mr. SAYERS. The sinking fund was put in the sum total of permanent and indefinite appropriations for the last Congress.

Mr. DINGLEY. When we come down to the real matter of public expenditures there have been no larger appropriations at this Congress than at the several sessions of Congress that have preceded for four or five years. Yet we ought to be extremely careful as to appropriations, because of the fact we do not have revenue sufficient to meet the current expenditures of the Government. Notwithstanding this House has passed a bill to provide this additional revenue, yet another body refuses to take it up, even for consideration. The fact that we have not sufficient revenue and that we are in this situation is not because of any fault at this end of the Capitol.

Now, in reference to this particular bill, I am not prepared to say from the information before us whether it is "indispensable" that this light-house should be erected during the present year. If it is not, then there should be a postponement until we shall obtain more revenue. For it seems that we shall have to appeal to the people to obtain a President and a Senate before we can get more revenue. [Applause on the Republican side.]

Mr. McMILLIN. I would like to ask the gentleman from New York if he would consent to the introduction of a proviso that no work should be done on this until more revenue is obtained?

Mr. MCCORMICK. I consider this is an "indispensable" work. A wreck or two have occurred at that place since I introduced the bill. It is opposite New London, a section which is traveled extensively. The bill has the approval of all the steamboat people, all the captains that go up and down the Sound. The owners of the large steamers engaged in the Newport, Stonington, and Fall River trade think it is indispensable. They think that an appropriation of \$25,000 would be sufficient; but there is no appropriation in this bill.

Mr. SAYERS. I would suggest, before unanimous consent should be given, that there ought to be a proviso inserted to the effect that the cost of the work herein named shall not exceed in the aggregate the sum of \$65,000.

Mr. MCCORMICK. I will accept that proviso.

Mr. DINGLEY. Now, I would like to ask the gentleman a question. This communication from the Treasury Department does not say whether this is an "indispensable," "necessary," or "desirable" case. Has the gentleman information as to whether the Treasury Department consider this "indispensable"? It seems to me that we ought not to go further than the cases that are reported as "indispensable."

Mr. MCCORMICK. I am assured by the Department that it is absolutely "indispensable," and that it ought to be done at once, and that there ought to be a small appropriation.

Mr. McMILLIN. I would like to ask the gentleman to include

in this bill a provision to appropriate the money necessary to build the light-house. If it ought to be built the money ought to be appropriated; and if it should not, we ought not to pass the bill.

Mr. DINGLEY. The gentleman from Tennessee is very well aware of the fact that for several years we have not put an appropriation in the bill authorizing the construction of a light-house, because only a small portion of the cost could be used in the fiscal year, and the appropriation is put in the sundry civil bill.

Mr. McMILLIN. I think my friend will find that the custom has been both ways.

Mr. DINGLEY. Not in recent years.

Mr. McMILLIN. Sometimes it is put in, and sometimes it is not put in.

Mr. McCORMICK. I would be glad to have this appropriation made, but I am told this is not the appropriate place for it.

Mr. DINGLEY. Any appropriation for a light-house goes into the sundry civil bill.

Mr. McCORMICK. So I understand. Only a small sum will be required for use this season.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, I hope the gentleman will withdraw this bill and present it again to the House in the regular form.

Mr. McCORMICK. I have had this bill on the Calendar for two months, and every day I have been receiving letters and telegrams urging its passage.

Mr. LOUD. Well, this is a departure from the usual custom, and I think I shall have to object on that ground.

The SPEAKER. Objection is made.

MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 1904) to regulate marriages in the District of Columbia.

The Clerk proceeded to read the bill.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with, as I think it is fairly understood.

There was no objection.

Mr. BABCOCK. The Senate has refused to concur in the House amendments. I move that the House insist and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CURTIS of Iowa, Mr. ODELL, and Mr. COBB.

THE CAPITAL RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I also call up the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," etc.

The Clerk proceeded to read the bill.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. MAHON. I object.

The bill was read in full, with the amendments.

Mr. BABCOCK. I move that the House insist upon its amendments to the Senate bill and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON.

BANKRUPTCY BILL.

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for further consideration of the bankruptcy bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcy throughout the United States.

Mr. BRODERICK. Mr. Chairman, I suppose the opposition is now entitled to occupy as much time as was occupied on yesterday by the gentleman in charge of the bill.

Mr. HENDERSON. Yes; go ahead.

Mr. WILLIAM A. STONE. Mr. Chairman, the consideration of this bill does not involve any question of party politics. It is a matter which simply calls for the best judgment and the best thought of the members of this House without any reference whatever to their party affiliations. Republicans and Democrats alike will favor the bill and oppose it. While I regret to take issue with so many members who, I believe, sincerely favor the passage of this bill, I do so only from a firm conviction that the passage of an involuntary bankruptcy bill would be a great misfortune and disaster to this country. We borrow our common law from England, and underlying our codes of State law the principles of the common law as compiled by Sir William Blackstone are found. Naturally we look to England as a guide in the matter of a bankrupt law, and while it is admitted that England has a

bankrupt law, yet it is a fact that it has been found almost an impossibility in that country to obtain a law that was satisfactory to the people and that worked good results to debtors and creditors alike.

They have had some sort of a bankrupt law in England ever since the time of Henry VIII. In 1825 they undertook to pass a general statute, and they have been amending that and passing new laws from time to time ever since. In 1825 the various existing acts of bankruptcy were consolidated and some amendments were made. Long before that they had various provisions of law pertaining to bankruptcy, but gentlemen will find on examination that those laws were not consolidated until 1825. That law of 1825 was amended in 1831, was changed in 1841, changed again in 1847, changed again in 1849, again in 1861, again in 1869 and in 1869, until they came down to the year 1893, when they enacted an entirely new bankrupt law. The history of bankruptcy legislation in England has not been satisfactory, but when we come to compare that country with this, when we realize the fact that the laws for all England are made in one legislative body and that the whole country, including Wales, is not so large as the States of Virginia and West Virginia—when we realize these facts and compare that country with our own, where 44 States are making laws, where the principal part of the laws relating to the subject of debts and credits are made by the States, and where there is a conflict between the States in reference to the insolvent and debtor laws, we can understand how much less the probability is that a uniform law can be enacted which will be satisfactory to the people in a country like ours. If this were the first attempt to pass a United States bankrupt law, if this were our first experiment, we might very properly enter upon the subject in an entirely different frame of mind from that in which we are compelled to be in the light of history.

We have had three United States bankrupt laws. The first was passed in 1800. It was intended to remain in force, and it provided that it should remain in force for five years. It was repealed at the end of three years. That law applied only to involuntary bankruptcy, and the acts for which a man could be put into bankruptcy were all acts of actual fraud, not of constructive fraud. Yet that law was so unpopular, so unfavorably regarded by the people, that Congress was quick to repeal it, being unwilling to wait even for the two years at the end of which it would have expired by limitation. Then we had the bankrupt law of 1841. That law lived about two years. So much hostility, so much objection, was manifested to it that Congress, bowing to the will of the people—the debtors and creditors alike—repealed it. That law was repealed under the same Administration under which it had been enacted. This brings us down to the act of 1867. Following the late civil war, we enacted a bankruptcy law in 1867. That law was in force eleven years.

It was constantly changed, and every amendment that was made was intended to make it more liberal and less harsh to debtors and creditors alike; yet finally it became so unpopular, so detestable to the people of this country, that it was repealed. Gentlemen will remember that that law was generally regarded by our people as a curse to the country, and they will also bear in mind that while that law was in full force and effect we had, in 1873, the most serious panic that has ever visited this country, and President Grant sent a special message to Congress pleading for the repeal of the law. A committee of this House, of which Mr. FRYE of Maine was a member, had tried with great care and diligence to make amendments to that law which would render it acceptable to the people; but they finally announced their inability to do so.

Mr. Chairman, I wish to send to the desk and have the Clerk read that portion of the message of President Grant in which he recommended the repeal of this law.

The Clerk read as follows:

Careful and prudent men very often become involved in debt in the transaction of their business, and though they may possess ample property, if it could be made available for the purpose to meet all their liabilities, yet on account of the extraordinary scarcity of money they may be unable to meet their pecuniary obligations as they become due, in consequence of which they are liable to be frustrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors.

People now are so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass and oftentimes accomplish the financial ruin of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money are prevented by their constant exposures to attack and disappointment by proceedings against them in bankruptcy, and beside the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves.

Mr. WILLIAM A. STONE. Mr. Chairman, it is very common for those who favor a bankrupt law to call attention to the uniform bankruptcy laws of England and other foreign countries; but in such suggestions gentlemen forget that the conditions of this country are wholly dissimilar; that our circumstances and environments are altogether different, and that what might be a proper

law in any one of those countries would necessarily cause great trouble in its administration in this country. In the Congress which repealed the bankruptcy law of 1867 there were many men who were favorable to a bankruptcy law; yet, Mr. Chairman, the fact is that the vote in the House for its repeal was 205 to 40, and in the Senate 38 to 6. Senator Conkling, who represented the State of New York, favorable to a bankrupt law, anxious to have the old act of 1867 maintained, believing that it was possible to so amend it as to make it acceptable to the people of this country, expressed his views upon that subject; and I desire to have the Clerk read what he said in comparing this country with other countries where bankruptcy laws had been maintained.

The Clerk read as follows:

I do not know, Mr. President, perhaps I should not feel warranted in saying—but for a consideration which I will refer to in a moment, and which alone would restrain me—that the present bankrupt law, with changes which we might hope for, would be clearly a wise measure of legislation to remain; yet I am inclined to think that the most serious complaints grow out of conditions wholly unavoidable. For illustration, at least, I may say that our geographical difficulties are very great and that they can not be overcome. Men look at the administration of the bankruptcy system in Great Britain, and they compare it with ours, and they wonder with discontent that the comparison is against us. They forget that the bankruptcy system in Great Britain operates upon a limited area, amid a very dense population, with a very numerous and effectual judicial staff. England without the 12 counties of Wales has a little less than the area of the State of New York. Twenty-four million people inhabit it. Look to the taking of the census for illustration of what I am saying. The British census is taken in one night. It is taken between sun and sun and after sundown.

We take an enumeration here to count all the people scattered throughout all our borders, and weeks and months are exhausted and expenses are involved which would seem apocryphal, comparing them with the expenses of taking the British census and making no allowance for the disparity of conditions. So when you come to execute a bankrupt law in the thirty-eight States of the Union, sparsely populated and illy conditioned for transit from place to place, as many localities are, without a judicial staff so numerous as to carry justice to every man's door, you find great impediments, prolixity, postponement, expenses; and accordingly you find, as was stated, I think, in a petition presented by my colleague, perhaps to-day, a percentage of the outcome of assets, and a percentage of that which is swallowed by the proceedings, and of that which accrues at last to the creditor, and very naturally say that this is a failure. But if you look into the causes, I fear you will find that most of them are such that no art in drafting a bill, no reformation in administration, nothing which falls within the province of legislation can encompass and avoid them, and so it may very well be said the best considered argument would acquit the present bankrupt act of much of the guilt laid at its door, and attribute its evil consequences, as I have endeavored to show, to conditions beyond the purview of legislation.

Mr. WILLIAM A. STONE. Mr. Chairman, the single matter of exemptions will more directly call attention to the varying operation of such a law as this in the different States, and the difficulty of applying any bankruptcy law to all of them. Take, for instance, the State of Pennsylvania, where the exemption allowed to a debtor is \$300; and he may select any property which he deems it most essential for him to save. In some other States the debtor may have a whole homestead exempted, to the value possibly of \$5,000. The bill under consideration provides that the exemption allowed to bankrupts in any State shall be that allowed under the law of the particular State. So that this bill, if it should become a law, might compel a debtor in Pennsylvania to give up all his property except possibly his household property and some necessary articles for himself and family, while debtors in other States would be left with quite a larger exemption. In a country like ours, where there are forty-four or more States making laws all different, and where the laws of our Western States are so framed in the matter of exemptions as to encourage immigration from the Eastern States, I do not see how it is possible to adapt a bankrupt law to the varying conditions of the country.

Another objection, Mr. Chairman, is that the people, many of them, live so far away from the United States courts. Some of them reside 200, 300, or 400 miles from the place where court is held. The idea that you can substitute a referee and call him a court is simply ridiculous. The place where the orders are made which affect the property of the bankrupt is where the court sits.

Our people are very seldom in a United States court. Those courts are not looked upon with favor generally by the people; and the court is in many cases so far removed from them that it is a journey to visit it. They have so little to do with that tribunal that the idea of being cited to appear in a United States court strikes the average man living in a back county with something of a fright. It is impossible, in my judgment, to obtain anything like a general bankruptcy law that will reach the everyday acts of the people.

Again, Mr. Chairman, when we come to look at the operation of a bankrupt law it does not affect the secured creditor at all. I am speaking now of what is known as involuntary bankruptcy, where a creditor is forced to go into bankruptcy against his will. In that case the secured creditor is not affected, because he holds his security. After the secured creditor and the referee and the trustee and the clerk and the marshal and the attorneys are through with the estate, after it has paid the State taxes, the United States taxes, the county, city, borough, or township taxes, after all the mortgages and judgments are paid, after the property upon which there are liens has been sold or exchanged, then the unsecured creditor, the man who holds a note or due bill or bank

account, has simply what is left. And, Mr. Chairman, there is scarcely anything left for him. Yet it is for the benefit of such creditors, and for their benefit alone, that this bill purports to be drawn. It can not affect the Government; it can not affect the State; it can not affect the county, the city, or the township; it can not affect the man who holds the mortgage, judgment, or lien. Who, then, will it benefit? If it benefits anybody, it will only benefit the general creditor.

Now, the statistics of insolvent estates in bankruptcy and out of bankruptcy in this country show that out of them all a very small percentage of the assets of such estates upon final settlement go into the hands of the general creditor. In the western district of Pennsylvania, composed of the largest number of counties in the State, under the act of 1867 there were 5,280 cases of bankruptcy. I had the clerk, who was formerly the clerk, during that period, of the court, a very competent, reliable, and trustworthy man, undertake to make an estimate of the average percentage paid to the general or unsecured creditor under the bankruptcy proceedings in the court, as he was in a position to know the results, and although he favored the bankrupt law, having resigned his office as clerk to become a lawyer, and was familiar with the practice in bankruptcy cases, yet he tells me that the average to the general creditor does not exceed 15 per cent of the estates, and that it never did average over that amount. What is, then, the benefit to the general creditor?

I believe, Mr. Chairman, that if this bill becomes a law it will create more hazards, more damage, and produce more trouble than it can possibly do good. It will benefit lawyers, of course, and benefit people who want to be referees, trustees, and assignees; it will increase the fees of clerks and marshals, but will hurt and harm very many people.

Mr. RAY. Will the gentleman permit me just there? May I ask whether the examination, to which you have referred, related both to voluntary and involuntary cases of bankruptcy, or was it confined exclusively to the involuntary cases?

Mr. WILLIAM A. STONE. It related to both—it covered all cases pending before the court.

Mr. RAY. Now, does not the gentleman see that such figures as he has stated would be very unfair as a basis of measuring the efficiency of a bankrupt law, because two-thirds or three-fourths of the cases examined into might have been voluntary cases of bankruptcy, where the parties had no property at all, but simply took the benefit of the bankrupt law for the purpose of obtaining a discharge from their liabilities? Does he not think, if he confined the examination solely to the cases of involuntary bankruptcy, persons with property, he might have found that the average paid to the creditor was very much larger?

Mr. WILLIAM A. STONE. I do not think so. My recollection of the act of 1867 is very fresh. I enjoyed my share of practice under it and am quite familiar with the practical workings of the system, and know something of the number of the estates that went through bankruptcy under it. I can scarcely recall an involuntary proceeding under that act where the assets arising from the estate ever surprised the unsecured creditors by making them think it worth while to put the party in bankruptcy. There were generally great disappointments growing out of the proceedings.

So, Mr. Chairman, I do not think it a good provision for the creditor, and I know it is bad for the debtor; and I can not see any good to anybody to be accomplished from the enactment of such a law. Let us take, for instance, as an illustration, a little country town. Suppose there are three or four merchants who are engaged in the dry goods business, and one of them is forced into bankruptcy, and the store must be sold for the benefit of the creditors. It is sold by the trustee—by the auctioneer. Immediately the goods in that store come into competition with the other three merchants in the same town. They are sold necessarily without regard to cost; they are sold at auction; and you will find, if this bill becomes a law, that in every country town and village throughout the land the men who are struggling to escape from the period of hard times that has been besetting us will have to come into competition with the assignee and the auctioneer, and either sell his goods at the same price that they are sold at public sale for, or else he must suffer the consequences. There is no legitimate merchant, who desires to sell his property at a profit, who can possibly compete with the auctioneer. But that is what will have to be done if this bill becomes a law. Hence I say it disturbs the channels of trade; it upsets the regular order of things, and brings trouble, confusion, and increased competition.

Many men have been forced into bankruptcy because those engaged in the same line of business with them had gone in, and they had either to sacrifice the stock of goods on hand or shut down, or wait until the bankrupt goods had been sold out and consumed. I recollect a case under the law, the last one in existence, where a lumber merchant having a large quantity of lumber of every variety had it brought to Pittsburg and piled up in a yard there, but was forced into bankruptcy, and that lumber yard

and his stock supplied the consumers of lumber there for more than six months, and forced two other dealers in lumber into bankruptcy who would not have gone in otherwise.

That is the natural result of the enforcement of such a law. One of the great arguments against the change in the tariff system is that it disturbs trade and unsettles things, and the same argument can be applied with equal force to a bankrupt law; it disturbs trade, unsettles things, diverts the channels of trade, and brings into it other elements not legitimately or naturally there, to wit, it authorizes the auctioneer to come in and the assignee.

Now, concede, for the sake of argument, that many men are anxious to have the law passed that they may go into bankruptcy, or that there are many creditors who wish to force others into bankruptcy. Why, gentlemen, in nearly every instance, if a man is an honest debtor and has any property to divide among his creditors, he will have no trouble in getting a compromise with his creditors without the aid of a bankruptcy law. I can cite you to men in my city who have been doing business for years, and who have failed time and again. Each time their creditors have got together, extended payment, reduced amounts, have even loaned them money and indorsed their paper to help them along. Intelligence, accompanied by experience, has visited the creditor as well as the debtor, and to-day there is nobody that wants to drive another to extremity if he is honest, if he is sincere, if his failure is an honest one. If his failure is dishonest, if he is a fraud, you might as well let him go first as last. You will get nothing out of him anyhow, no matter how much law you have.

The purpose of this law—I do not say it is the purpose in the minds of the gentlemen who have reported this bill, for I concede their absolute sincerity—the real purpose behind it is to enable the wholesale dealers in large cities to visit their customers in country towns and places and shake this bankruptcy law over their heads and threaten them until they compel their debtors to secure them and commit an act of bankruptcy. It is to be used as an aid and a spur and a whip to collect debts. Well, I do not wish to say that a man ought not to pay his debts, but I do wish to say that the very spirit and enterprise of trade in this country, that which has made poor boys rich men, is this credit, this hazard, this chance which enterprising men take. Let any young man sit down and scan over this bill, look at the impediments in it, look at the thin places in the ice, and then let him decide to borrow money and go into a hazardous business if he dare. It is an obstruction to trade; it is a clog upon the wheels of credit; it is a hindrance to enterprise and chance; it is an interference with the spirit of commercial and active business trade and life in this country, because it is a menace, it is a threat, it is a danger that does not exist there naturally.

The proposition is not to pass a voluntary bill, to enable men who are honestly in debt to unload their burdens and take their chances again for a brief period of three or five years. It is an attempt to fit to this country a uniform bankrupt law, which is an absolute impossibility. Pass it, if you will, but if you do, you or your successors will make haste to repeal it inside of five years.

I do not think that commercial bodies who now and then pass resolutions, and newspapers which say they favor a bankruptcy law, are the proper indexes and guides by which to judge the wants of the community in this respect. I know in my own State, where we have a chamber of commerce, and where they have annually indorsed the Torrey bill for the last fifteen years, at their session last fall one man who got up and explained the difficulties and hardships of the law, and made the chamber of commerce really understand it, succeeded in defeating a resolution similar to that which had annually passed unanimously for fifteen years.

Go to the judges of the State courts throughout this whole country. They are better judges of the wants of the community in respect to a bankruptcy law than boards of trade or newspapers; and I defy you to find very many men who have sat on the bench in different States, and who were there when the last law was in force, who will favor a bankruptcy law.

I send to the Clerk's desk and desire to have read some letters which were sent me by judges of courts when practically this same bill was before the Fifty-second Congress. I wrote to different judges in different States, knowing that they had been on the bench for years, knowing that they had sat constantly in determining controversies between the people in their sections; sent them copies of the bill and asked them to tell me what they thought of it. I ask the Clerk to read first a letter from the Hon. James T. Mitchell, of the supreme court of Pennsylvania.

The Clerk read as follows:

PITTSBURG, October 16, 1893.

MY DEAR SIR: Your letter of the 14th is just received, and I reply promptly. My experience in general is not favorable to a bankrupt law. Though the power to pass such a law was put in Congress by the Constitution, no exercise of it has ever been satisfactory to the country or has been more than temporary in duration. I had considerable experience in the working of the last act, and I believe it to have been intricate, cumbersome, expensive, and

oppressive, and I do not believe any new act can be drawn which will be any better in those respects, because the difficulties are inherent. Only the hard cases will ever come under the operation of such a law. Those easy of adjustment will always be settled out of court—the commercial spirit will compel such settlement.

When assets come into court the fees and expenses must be heavy, or the business will be unprofitable, and inevitably fall into the hands of the less competent or lower-toned members of the profession, and become a source of oppression and scandal, as in fact the pension business so largely has, while if they are heavy the dividends for creditors will be small in proportion to expenses, which always produces dissatisfaction, as it perhaps justly ought. If we look beyond these practical objections, as it perhaps justly ought, there are two main objects which a bankrupt act may be intended to promote, the relief of debtors or the facilitating of creditors.

The former is now cared for by the State laws to the satisfaction of their own communities, in which the bulk of indebtedness is generally owed, and there does not appear at present to be any substantial reason or demand for the exertion of the paramount national authority on the subject. Perhaps in a short time there unfortunately may be. For the other, the putting of severer remedies in the hands of the creditors, the time appeared to me particularly inappropriate. If the present financial situation shall continue there will certainly in a year or two be a vast body of debtors unable, not by their fault, but by misfortune, to pay promptly or in full. To put in the creditors' hands now, in advance of such a contingency, any additional weapons of compulsion would, in my judgment, be oppressive and particularly ill-timed.

I have answered your query at more length than is desirable, but I have had no time to condense. While written hastily, these are my settled views, and you are quite at liberty to make such use of them as you desire.

Yours, very truly,

JAMES T. MITCHELL.

To Hon. WILLIAM A. STONE,
Washington, D. C.

Mr. WILLIAM A. STONE. Mr. Chairman, I now desire the Clerk to read a letter from Justice Henry W. Williams, of the supreme court of Pennsylvania.

The Clerk read as follows:

MY DEAR SIR: Your favor relating to the subject of bankruptcy and the passage of a bankrupt law is before me. In reply I must say that it is my belief that the passage of such a law would not be wise for several reasons, among which are the following:

First. It would not facilitate the collection of debts. Except in rare cases, except in rare instances, no bankrupt law does. The real purpose and the direct result of such legislation is to enable an insolvent to shake off his debts—pay them by his certificate of discharge.

Second. It would naturally tend to increase existing distrust. It would be regarded as a Congressional declaration that bankruptcy and distress were before us, and that existing debts might be paid by a discharge in bankruptcy.

Third. In so far as such a law should place in the hands of creditors any additional means of constraint or coercion upon their debtors, such means would be so used by exacting conditions as to increase the difficulty in the way of every struggling business man, and make his ruin certain.

Fourth. Both the honest debtor and the humane creditor would suffer from the practical operation of such a law, while the estate would be consumed in fees and costs.

Fifth. The United States courts are removed from the people. There are so many of those subject to their jurisdiction remote and strange.

The right of appeal is beset by conditions, expenses, and delays that are exasperating to those who are in haste, and discouraging to men of moderate means. The State laws are known, the State courts are near and open at all times.

Sixth. I would have the whole subject to be settled under existing State laws, and by the parties. An enlightened selfishness—in other words, a consideration of what is best for all concerned—will lead to compromise when such relief is desired, and it will not open the doors for swindlers and unprincipled scoundrels to push their credit for the mere purpose of preparing to fail for a purpose.

With kind regards, I remain, very truly, yours,

HENRY W. WILLIAMS.

Hon. WILLIAM A. STONE.

Mr. WILLIAM A. STONE. I ask the Clerk to read a letter from Judge Dean, of the supreme court of Pennsylvania.

The Clerk read as follows:

DEAR SIR: Yours of the 14th, in reference to the bankrupt law, is before me. Such a law is of course intended to accomplish, first, protection to the creditor; second, relief of the debtor; third, material advantage to the State. Not much need be said as to the first and third, but as to the second, relief to the debtor, such a law passed now to take effect soon—and by soon is meant within two or three years—will operate with unnecessary hardship on the debtor class. This, as you are aware, is a time of serious business depression; fully 75 per cent of all men in business are heavy debtors. They have of real value ample assets in most cases.

These assets can not be turned into money at half their real value, and creditors will accept nothing but money. These debts have been incurred in view of existing laws; in great part they would have had no existence if such a law had been anticipated, and sudden change in the law will work financial disaster to many of them who, if not disturbed for a reasonable time, will squeeze through and have left considerable capital; if forced to a sale now their property will not bring half its worth, and after discharge they will start without capital. While a national bankruptcy law ought to be passed, it should not go into effect for at least two years. It is with some diffidence I give expression to this opinion. As you are aware, my judicial observation extends no farther than this State, but while limited as to territory, all imaginable kinds of business carried on in the State have been brought to my attention both on and off the bench.

Very truly, yours,

JOHN DEAN.

Hon. WILLIAM A. STONE,
Washington, D. C.

Mr. WILLIAM A. STONE. I now desire the Clerk to read the letter from Judge Earl, of the court of appeals of the State of New York.

The Clerk read as follows:

DEAR SIR: In reply to your letter asking my views as to a bankruptcy law, I have to say I know of no good reason for passing such a law. I speak only of this State. Here the laws are just to both debtor and creditor, and no change is needed. They furnish ample facilities for the collection of debts, and an honest debtor, who has unfortunately become insolvent, can nearly always obtain a discharge from his debts by a surrender of his property.

Bankruptcy proceedings have always proven expensive, and, unless the bankrupt estate is large, the lawyers and officials always get more of it than the creditors.

Very truly, yours,

R. EARL.

Hon. WILLIAM A. STONE.

Mr. WILLIAM A. STONE. Mr. Chairman, I will ask the Clerk to read a letter from Judge W. T. Spear, of the supreme court of Ohio.

The Clerk read as follows:

STATE OF OHIO, SUPREME COURT CONSULTATION ROOM,
Columbus, October 20, 1893.

DEAR SIR: Your valued favor of recent date is duly received.

In general, I favor a uniform bankrupt law, if framed so as to be fair to both creditor and debtor and the fees of court officers so limited as to admit of economical administration. Such a law would be, I think, more advantageous to all concerned than are the present inconsistent insolvent laws of the several States.

But I doubt very much the advisability of enacting such a law at this time. It seems to me that if made a law now the compulsory provisions would give inconsiderate creditors an undue advantage, and would result in driving many deserving debtors into bankruptcy, who, if not unduly crowded, would struggle through and finally avoid financial ruin, which result would certainly tend to further complicate the unfortunate financial disturbances which are now troubling the business world.

These suggestions are but first-blush impressions, and are not regarded by me as entitled to much weight, but I have no objection to reference being made to them.

Yours, very respectfully,

W. T. SPEAR.

Hon. WM. A. STONE,
Washington, D. C.

Mr. WILLIAM A. STONE. Mr. Chairman, I do not so much object to a provision which has purely voluntary features, for a brief period, to enable those who have been struggling during the past few years of depression to get relief from their debts and start in life anew. But the involuntary features, especially, of this bill convince me that they would result in great hardship to everybody concerned.

Take the acts of bankruptcy under section 2 of the bill as proposed.

The first provision is this: If this person shall have—

Concealed himself, departed, or remained away from his place of business, residence, or domicile with the intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with.

In the first place, he may get back in forty-eight hours, and they have forty-eight hours to put him in bankruptcy. Under the old law, if he returned before the petition was filed against him, you could not put him into bankruptcy for that. It seems to me this is an unnecessary and harsh provision, and ought not to prevail.

Mr. RAY. If the gentleman will permit me.

Mr. WILLIAM A. STONE. Yes, sir.

Mr. RAY. I think the gentleman misapprehends the meaning of the section. That is when he runs away to avoid service of process and to defraud his debtors, he may repent and return; and if he gets back within forty-eight hours before they file a petition, why, then, you can not put him in bankruptcy.

Mr. WILLIAM A. STONE. Yes; but if he comes back you have got forty-eight hours to put him in.

Mr. RAY. Oh, no.

Mr. WILLIAM A. STONE. I have carefully considered the matter, and that is the conclusion I have arrived at concerning it.

Mr. DOLLIVER. Will my friend allow me to ask him a question?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. DOLLIVER. The gentleman has spoken of the rapidity with which the old bankruptcy laws have been repealed. Have you examined to find out whether the popular objections to those laws were because of the harshness of the provisions, or did the objections lie to the principle of allowing the creditor to put his debtor into bankruptcy?

Mr. WILLIAM A. STONE. Well, I think all influenced somewhat the many who opposed it; but so well as I could gather from all sources in regard to the repeal of these bills it was the general unpopularity of a bankruptcy law, especially an involuntary bankruptcy. We have never had a law of pure voluntary bankruptcy in this country. It is absolutely impossible to apply a uniform bankruptcy law, voluntary or involuntary, in the various States under the various, different, conflicting laws of the States in reference to debtor and creditor. As I stated early in my remarks, the last bill was repealed by an overwhelming majority in the Senate and House on the message of General Grant.

Mr. COX. Will you allow me one question, though it may break into the line of your thought?

Mr. WILLIAM A. STONE. Yes.

Mr. COX. Has your mind been directed to the matter and have you made an examination in the case of involuntary bankruptcy to ascertain what proportion of the estate belonging to the bankrupt went to the creditor and what proportion to the officers and officials connected with the bankruptcy proceedings?

Mr. WILLIAM A. STONE. I have already stated that; but I

will state further that in the report filed by the minority of the Committee on the Judiciary in 1892 they reached a conclusion in reference to the per cent paid to creditors, and it averaged about 15 per cent.

Mr. COX. And the rest went to expenses.

Mr. WILLIAM A. STONE. Well, it appears that after the secured creditors and officers were paid—on an average about half, in insolvent proceedings, under that law, as this committee reports. It is easy to obtain this report, which is numbered 1674, second session Fifty-second Congress, part 2. This report shows that the creditor has received twice as much under the insolvent laws of the States as they do in an involuntary proceeding under the act of bankruptcy.

Mr. COX. That is very satisfactory, with this little suggestion, if you please.

Mr. WILLIAM A. STONE. Yes.

Mr. COX. It is this: That in all involuntary bankruptcy proceedings the creditors receive about 15 per cent. Now, it must have been that the rest of the estate was exhausted in expenses and in going through the court.

Mr. WILLIAM A. STONE. Well, the gentleman presumes that there was an estate.

Mr. COX. Now, I am speaking about the Federal courts.

Mr. WILLIAM A. STONE. Well, I say you will find that in all cases of involuntary bankruptcy the insolvent debtor has his property pretty well put up as collateral. His secured creditors are not affected, and after the secured creditors are paid very little remains for those that are unsecured.

Mr. COX. That is the point I made.

Mr. WILLIAM A. STONE. It resulted in no good except to marshals, lawyers, referees, and people who were interested in the bankruptcy proceedings and got the benefit of it.

Now, Mr. Chairman, turning again to this bankruptcy law, I will state, with all due respect to the committee who have reported this bill, for I know they have done the best they could, that they have reported as good a bankruptcy bill as they could, with the assistance of Judge Torrey, who has haunted the halls of Congress for the last fifteen years in an effort to secure a bill of this character for the wholesale dealers of the large cities; and yet I think this bill is infinitely worse than the last bill passed, and which existed for eleven years, and which this country was so anxious to repeal; and I will try to prove what I say.

Take the third act of bankruptcy:

Made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy.

He must have regained possession of his property at least ten days before the commencement of the proceedings in bankruptcy. I understand that to mean that he must have regained possession of his property and held it in his possession ten days before the beginning of the proceedings in bankruptcy, but if at any time before the period of ten days a petition is filed against him he may be thrown into bankruptcy.

Mr. RAY. No. That is where the gentleman falls into error. The original Torrey bill provided that if a man disposed of his property in the way there mentioned at any time within four months thereafter, even though he had regained possession of it, he might be thrown into bankruptcy. The committee have amended that by providing that if a man disposes of his property for the purpose of defrauding his creditors and it can be shown in case a petition is filed against him that he has regained possession of it at least ten days before the filing of the petition, then the petition must fail. So that even if a man has committed the acts mentioned and has repented and got his property back, he can not be thrown into bankruptcy if he can show that he got it back at least ten days before the commencement of the proceeding.

Mr. WILLIAM A. STONE. Suppose he got it back nine days before. What then?

Mr. RAY. Well, the committee had to make some limitation, and they made it ten days.

Mr. WILLIAM A. STONE. But the man goes into bankruptcy if he gets his property back nine days before the commencement of the proceedings, does he not?

Mr. RAY. There had to be some limitation fixed. The gentleman knows that.

Mr. WILLIAM A. STONE. Well, we will not quarrel about one day. The gentleman may be right about that.

Now take the fifth act:

Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy and at least ten days before the commencement of a proceeding in bankruptcy.

Made, while insolvent, a transfer of any of his property * * * for the purpose of giving a preference.

Here is a man who is insolvent and who wants to borrow a thousand dollars. He has 50 shares of Pennsylvania Railroad stock, which is worth \$2,500 in the market, and he puts it up as collateral on which to borrow that money. He is insolvent, and he has made a transfer of this property, and therefore you may throw him into bankruptcy.

Mr. MAHON. That is not transferring the property for the purpose of giving a preference; it is transferring it for the purpose of securing a loan.

Mr. WILLIAM A. STONE. Well, if you turn to the definition of "preference" you will see that there will be considerable difficulty in determining just what it does and does not cover, as there is in all these bankruptcy laws.

Mr. RAY. As a lawyer, will you say on the floor of this House that if a man were to borrow \$10,000 and put up his property to secure it, and put that money into his business, the giving of that security would be a transfer of his property for the purpose of giving a preference within the meaning of this act?

Mr. WILLIAM A. STONE. I would say, as a lawyer, that it would not be. But I wish to call your attention to a fact which you should remember as a lawyer, that in the early days of the bankruptcy law of 1867 our judges all construed it differently. There was no uniformity whatever in their rulings. They even held that a man once in bankruptcy under involuntary proceedings had, by virtue of that adjudication, put a bar between himself and a discharge and could not get out at all; and it was not until the Supreme Court of the United States began to lay down the construction of that bankruptcy law that we had any uniformity of rulings among the judges. You will have the same experience under this bill if it becomes a law. You will have all kinds of decisions and constructions. You will have the judges of the district courts differing entirely with each other in their construction of the law. It would be far better to reenact the old bankruptcy law of 1867, with its modifications and with its constructions as determined on appeal to the higher courts, than to throw a new law before the ninety or the ninety-five judges of the district courts of the various districts in the United States, who will do as they did with the former law, making all sorts of different constructions of the act and its provisions. I started out with the proposition that this bill was worse than the act of 1867, which gentlemen all admit was bad. If I remember correctly, the gentleman from Iowa himself [Mr. HENDERSON], in his very able and learned discussion of this bill yesterday, did not pretend to justify the old bankrupt act of 1867, but argued that this bill was far better and more liberal in its provisions.

Mr. HENDERSON. Mr. Chairman, when the gentleman refers to me I want him to refer to me correctly. I pointed out distinctly the features of the old law that I complained of. The great difficulty with that law was that it was too expensive, and that is substantially the ground of objection to it set forth in the letters which the gentleman has had read here.

Mr. WILLIAM A. STONE. I did not yield for a speech.

Mr. HENDERSON. Well, I want to correct you when you misrepresent me.

Mr. WILLIAM A. STONE. You will have an opportunity to do that. If I misrepresent the gentleman I desire to be corrected, but I understood him to say that this bill was much more humane and better than the bankruptcy law of 1867.

Mr. HENDERSON. It is.

Mr. WILLIAM A. STONE. Very well; on that I take issue with the gentleman.

Mr. HENDERSON. But there were many good things in the old law, although there were certain defects which I pointed out.

Mr. WATSON of Ohio. Does not the gentleman think that on the whole the act of 1867 resulted in benefit to the commercial interests of the country?

Mr. WILLIAM A. STONE. I decidedly do not. I think it was a great injury and a curse to the commercial community. And so the whole country thought, so the President thought, so Congress thought, and they repealed it when they got at it.

Mr. WATSON of Ohio. How many years was it in force?

Mr. WILLIAM A. STONE. Eleven years.

Mr. WATSON of Ohio. Were they then quick to repeal it?

Mr. WILLIAM A. STONE. They were, as soon as they got to understand it; and they will repeal this law as soon as they come to understand it.

Mr. WATSON of Ohio. How many persons took the benefit of the bankruptcy law of 1867 and were relieved, as they could not have been otherwise?

Mr. WILLIAM A. STONE. A very small percentage of debtors or creditors really got any benefit from that law. The great benefits of it were realized by bankruptcy attorneys, by registers in bankruptcy, by assignees, etc., the various persons who held appointments under the law.

Mr. WATSON of Ohio. That was the abuse of the law.

Mr. WILLIAM A. STONE. Very well—

Mr. WATSON of Ohio. Such abuses are corrected by this bill.

Mr. WILLIAM A. STONE. I claim that this bill, if it should become a law, will be capable of being abused in the same way, and is liable to even worse abuse.

Mr. WATSON of Ohio. Why not amend the bill so as to make it good?

Mr. WILLIAM A. STONE. I say it is an impossibility so to amend it.

Mr. HENDERSON. The gentleman had better demonstrate that, I suggest.

Mr. WILLIAM A. STONE. I can not very well do it—

Mr. HENDERSON. No; you can not.

Mr. WILLIAM A. STONE. If gentlemen are interrupting me with questions all the while. I think I can better succeed, however, in demonstrating the abuses of this proposed law than some other gentlemen have succeeded in attempting to demonstrate its benefits.

I claim that this bill is more objectionable than the old bill. Take the composition which is authorized by creditors under the provisions of this bill:

b An application for the confirmation of a composition may be filed in the court of bankruptcy after, but not before, it has been accepted in writing by a majority in number of all creditors whose claims have been allowed, which number must represent a majority in amount of such claims.

In other words, a composition may be ratified by a majority in number and amount whose claims have been allowed at any time after the first meeting of creditors. Now, everybody knows that in most of the States months must elapse before all the creditors have proved their claims. Some of the creditors live at a great distance, and proceedings may run along for months. The provision I have just read will enable the bankrupt to obtain a meeting of a majority of his creditors, and as soon as they have had a meeting will enable him to present a petition for his discharge, and it will enable him to make a composition with those creditors who are merely a majority in number and in the value of their claims—although perhaps only one-third of the creditors have had their claims approved or allowed. Thus a bankrupt may be discharged before the real majority of the creditors know that he is in bankruptcy.

Mr. NORTHWAY. This bill provides for notice.

Mr. WILLIAM A. STONE. But how many times do these notices reach the creditors?

Mr. NORTHWAY. They do not fail in one case out of a hundred.

Mr. WILLIAM A. STONE. Let me call attention to the old law.

[Here the hammer fell.]

Mr. BLUE. I ask unanimous consent that the time of the gentleman from Pennsylvania be extended until he has completed his argument.

Mr. HENDERSON. The time is under control of the gentleman on the other side [Mr. BRODERICK].

Mr. BRODERICK. How much time does the gentleman from Pennsylvania want?

Mr. WILLIAM A. STONE. Twenty or twenty-five minutes.

Mr. BRODERICK. I yield to the gentleman twenty minutes further. I would be glad to yield more time, but a number of gentlemen are yet to speak.

Mr. WILLIAM A. STONE. Mr. Chairman, let us look at the former bankrupt law, which has been condemned by everybody; let us observe the provisions of that law, which all admit to have been unpopular and to have been a failure in its results. Let us compare the provision of that old law in reference to compositions with the provision I have just read from this bill. The former law provided—

And such resolution shall, to be operative, have been passed by a majority in number and three-fourths in value of the creditors of the debtor assembled at such meeting either in person or by proxy, and shall be confirmed by the signatures thereto of the debtor and two-thirds in number and one-half in value of all the creditors of the debtor.

That provision, it will be observed, applied whether the creditors proved their claims or not. Yet here you bring in a provision which allows a majority in number and value of the creditors whose claims have been allowed to ratify a composition. I call attention to the fact that in nearly all the cases where the estates of bankrupts were really of any great value there was under that old law a compromise. The estates which finally were sold paid generally only a very small and limited percentage to the unsecured creditors. I submit whether it is fair to allow a bankrupt to compromise his debts until he has obtained the consent of at least a majority in number and value of all his creditors, regardless of whether they have proved their claims or not.

Mr. NORTHWAY. This bill, then, is in favor of the debtor rather than the creditor?

Mr. WILLIAM A. STONE. This particular provision is in favor of the debtor.

Mr. NORTHWAY. That is the way it ought to be.

Mr. WILLIAM A. STONE. But this applies both to voluntary and involuntary bankruptcy, and it will enable a man to file a

petition in bankruptcy and obtain a compromise with his creditors without requiring the consent of a majority of all his creditors. Mr. NORTHWAY. He can not do so without the concurrence of the court.

Mr. WILLIAM A. STONE. Well, the court—the concurrence of the court—this simply seems to allow latitude for correction—Mr. HENDERSON. Will the gentleman permit me?

Mr. WILLIAM A. STONE. Certainly.

Mr. HENDERSON. This concurrence of the majority of the parties in interest is simply essential to carry out the provision, and the result is only dismissal, not discharge. If the gentleman will study the section he will see—

Mr. WILLIAM A. STONE. Well, I have studied it, and my only criticism on the gentleman's speech on yesterday was that he had not studied the bill very carefully himself. Let me call his attention to it:

SEC. 12. COMPOSITIONS, WHEN SET ASIDE.—a The judge may, upon the application of parties in interest filed at any time within six months after a composition has been confirmed, set the same aside and reinstate the case if it shall be made to appear upon a trial that fraud was practiced in the procuring of such composition, and that the knowledge thereof has come to the petitioners since the confirmation of such composition.

Evidently only for "fraud," where fraud is established, can the judge set aside the composition between the parties. Now, let us see what the old law does. Let us compare that with the provision of law formerly enforced:

If it shall at any time appear to the court, on notice, satisfactory evidence, and hearing, that a composition under this section can not, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, a court may refuse to accept and confirm such composition, or may set the same aside; and in either case the debtor shall be proceeded with as a bankrupt in conformity with the provisions of law, and proceedings may be had accordingly; and the time during which such composition shall have been in force shall not, in such case, be computed in calculating period of time prescribed by said act.

In this case the court is limited to cases of actual fraud, while under the old law the court could do it in any case that presented itself to its judgment and discretion.

Mr. RAY. Let me suggest to the gentleman in that connection this point: That was one of the greatest objections to the old law, because certain creditors could come in with objection to the composition, have it set aside, and thus keep the estate in court for an unlimited time and dissipate it altogether in fees, etc., wasting the entire assets in that manner. That is the object of this provision, to compel a confirmation of the composition when the creditors have agreed, and so end the matter.

Mr. WILLIAM A. STONE. There is not thrown about the provision in this bill the restriction and safeguard that the unsecured creditor ought to have.

Mr. NORTHWAY. Do you oppose voluntary bankruptcy?

Mr. WILLIAM A. STONE. No.

Mr. NORTHWAY. You have got to have compositions in that.

Mr. WILLIAM A. STONE. Not at all. It is at the instance of the bankrupt, not the creditor party. Composition is for the benefit of the man who has property and can not meet his obligations and desires to pay his debts as far as he is able to pay them—

Mr. NORTHWAY. And to help the creditor to get more out of the estate of the bankrupt.

Mr. WILLIAM A. STONE. But, Mr. Chairman, I must hurry on. What does the bill provide in reference to the discharge when granted? It may be granted, unless several things are done. Let me call your attention to the third provision. Unless the party has—

(3) Obtained property upon credit which has not been paid for or restored at the time the petition is filed against him upon a materially false statement in writing, made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtained such property on credit.

Under that provision the person making a statement to R. G. Dun & Co. or to Bradstreet's contrary to the provisions of this law would fail in obtaining his discharge.

Mr. RAY. And so he ought.

Mr. WILLIAM A. STONE. Not at all.

Mr. RAY. Why, if I make as a merchant beginning business a statement of facts, communicating the same to the trade, and get the property or goods and do not discharge the obligation or return the goods, ought I to be discharged from the obligation of that indebtedness?

Mr. WILLIAM A. STONE. Well, after the creditors have got all there is of the man's estate I am opposed to any policy that keeps the bankrupt ever afterwards in bankruptcy.

If a man honestly gives up all the property remaining to him in the payment of his indebtedness he is entitled to his discharge; and yet under this provision he may make materially a false statement; he might make a statement materially false in reference to the estimated value of his property or estate. Many men when they are starting in business will not hesitate to tell a rosy story to R. G. Dun & Co. or to Bradstreet's, not with a view to obtain property under false pretenses or for the purpose of defrauding their creditors, but simply for the purpose of giving themselves a reason-

ably good standing in the community, and yet where no wrong, no injustice, has arisen from such a statement under this provision you make that a block to the discharge of the party, although he has given up all of his property in bankruptcy.

The fifth obstacle to the discharge is:

(5) With fraudulent intent and in contemplation of bankruptcy, destroyed or neglected to keep books of account or records from which his true condition might be ascertained.

Well, now, in the olden days, when the bankruptcy law was first launched on the country, the intent was always presumed to accompany the act, and if he was found guilty of keeping fictitious books, or of not keeping any books at all, the intent was presumed; and I say under this bill it will be years before we get a liberal and humane construction. I do not like the idea of withholding a discharge from a man simply because he has neglected to keep books of account. There are many men who get into bankruptcy who keep no books at all. Some of the best men in this country do not keep books. Their habits are not of that methodical character that they can do it; and while I will admit that that has been in all the bankruptcy laws, and was in the old bankruptcy law, yet I do not think it is a very wise or proper provision.

Now, coming back to this old bankruptcy law, if you will permit me, I am willing to admit that if you put men into bankruptcy for the acts stated and stipulated in this bill—and they have been in all the bills known as the Torrey bills—I am willing to admit that this bill is as well and humanely drawn and perhaps better than any of the previous Torrey bills that have been brought in here; but still I do not believe that it is wise to make any bankruptcy law at this time having an involuntary feature.

Mr. ALLEN of Utah. Before the gentleman starts on that point, I would inquire if he has taken up the question of the effect at this particular time of a bankruptcy bill being passed by Congress? I was not present when the gentleman began his speech.

Mr. TAWNEY. Does the gentleman mean a voluntary bill, or an involuntary bill?

Mr. ALLEN of Utah. Involuntary.

Mr. WILLIAM A. STONE. I do not know that I have alluded especially to the effect at this particular time, but I can see no occasion to pass an involuntary bankruptcy law at this particular time at all.

Mr. TAWNEY. There is great danger in it.

Mr. WILLIAM A. STONE. There is more danger in it than if the country was in a prosperous condition.

Mr. ALLEN of Utah. Upon that point I would call the attention of the gentleman to the fact that the failures in the first three months of 1896 have exceeded in number those of 1895, 1894, and 1893 by 18, 11, and 47 per cent, respectively, and in amount by 30, 27, and 60 per cent, respectively. Now, the question that I wish to ask is, under such conditions, would it not be very apt to bring a tide of bankruptcy upon the country which would carry everything before it?

Mr. WILLIAM A. STONE. Well, I certainly think so, and I stated when I began my remarks that it would put honest debtors into competition with the auctioneer all over the country.

Mr. HENDERSON. Do I understand you to mean that you want a physician when you are well, and no physician when you are sick?

Mr. NORTHWAY. That is, do you want a bankruptcy law when there are no bankrupts?

Mr. WILLIAM A. STONE. Well, we do not want a hair doctor, even when we are sick, or a doctor who will give us medicine that will do us no good.

Mr. HENDERSON. You do not want a doctor at all, except when you are entirely well. That seems to be the theory of your speech.

Mr. WILLIAM A. STONE. I want a doctor who will do me some good, and not one who will create a panic in the family and make me think I have got the smallpox when there is nothing serious the matter with me.

Mr. NORTHWAY. That is, you do not want a bankruptcy law when there are any bankrupts.

Mr. TAWNEY. This is a question whether the doctor is a good one, not whether we want one.

Mr. WILLIAM A. STONE. A man would not be exercising much prudence if he employed every man who came along pretending to be a doctor simply because he was sick.

Now, Mr. Chairman, referring to this bill again, it provides that any man who owes debts may go into bankruptcy. You will observe that it is peculiar in respect to the people who are privileged in this regard. Any person who owes debts, except a corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

Any person owing debts to the amount of \$300 or over, if adjudged an involuntary bankrupt upon an impartial trial, shall be subject to the provisions of this act, except a national bank or a person engaged chiefly in farming, or the tillage of the soil, or a wage earner.

One great objection to the bankruptcy law before was the objection raised by the farmers. This bill carefully takes them out of the category of bankruptcy. They may voluntarily go into bankruptcy, but they can not be put into bankruptcy. Many merchants all over the country own farms as well as stores, and it is difficult sometimes to determine whether they are chiefly engaged in farming or chiefly engaged in keeping store. They are exempt if they own a farm, while they may voluntarily go into bankruptcy. It differs from the old law in reference to corporations. Under the old law any person residing within the jurisdiction of the United States and owing debts exceeding in amount \$300 might voluntarily become a bankrupt. There is no limit on this at all.

If he owes anything he can go into bankruptcy. Perhaps this bill is not so objectionable as to the voluntary proceedings. It is the involuntary proceedings which are chiefly objectionable. Under this bill a person may be put into bankruptcy by one of three creditors. It is not necessary to have a majority in number or in value to petition to put him into bankruptcy. Under the old law it required at least five petitioners, and any petitioner whose debt did not amount to \$250 could not petition. Under this bill one man alone may put another into bankruptcy if the creditors do not exceed twelve, and three can do it where they do exceed twelve, though their debts may not exceed in amount over \$500.

Now, as to another provision of this bill. I understand that when a man goes into bankruptcy under this bill he has the right of jury trial as to the various acts of bankruptcy charged against him; but when he comes to his discharge, the right of trial by jury is taken away from him. The judge alone decides the question of fact. Anybody may file specifications against his discharge under the bill proposed, and the question may go to a trial before the judge. Every one of those specifications of objection to the discharge of the bankrupt must necessarily be questions of fact and not questions of law; and yet they are submitted to the judge and not to a jury. I do not see any good reason why a man who has been forced into bankruptcy, who has had his estate divided up among his creditors, and who applies for his discharge, should not have the facts involved in the issue tried before a jury as well as before the judge, and it would be much better. In other words, the bill takes away the right of trial by jury from those applying for discharge from bankruptcy.

The old law gave the bankrupt the right of trial by jury. He was entitled to it, and under the old law he could obtain his discharge on the petition of a certain number and proportion of his creditors in value and amount. Under this law he can not obtain a discharge unless the judge who passes on the case decides that he has not committed the acts of bankruptcy complained of. In many instances when you compare the acts of bankruptcy and the grounds for asking for a discharge as set forth in the bill you will find that they are closely allied, and that the man is adjudicated a bankrupt by the judge who afterwards tries the issue raised on his application for discharge.

Mr. NORTHWAY. He can not discharge him unless he is a bankrupt.

Mr. RAY. That grows out of the fact that we have carefully limited the cases in which a man can be forced into bankruptcy to those where he has committed actual fraud. There are only three exceptions to that rule; and of course if a man is forced into bankruptcy because he has committed an actual fraud upon his creditors he ought not to be discharged from his debt.

Mr. WILLIAM A. STONE. Let us see what you call this "actual fraud." Actual fraud in one case is suffering a judgment to be entered against him—

Mr. NORTHWAY. With the intent to prefer.

Mr. RAY. And with the intent to defraud. With three exceptions there is not a case of involuntary bankruptcy laid down in the bill where, under the State laws, you could not sue out an attachment and attach the property of the debtor.

Mr. WILLIAM A. STONE. You say here, "With intent to defeat his creditors."

Mr. RAY. "Defeat" includes fraud.

Mr. WILLIAM A. STONE. It includes so many other things.

Mr. RAY. It is all fraud.

Mr. WILLIAM A. STONE. "With intent to defeat his creditors."

Mr. RAY. Now turn back to the definition of "defeat."

Mr. WILLIAM A. STONE. I will read it:

Defeat shall include defraud or delay, evade, hinder, and impede with intent to defraud.

Now, I say that in all the constructions placed upon these old bankruptcy laws by distinguished judges this intent is running along in the same line. If a man suffers a judgment to be entered against him or borrows money on a judgment note, if he gives a judgment note with intent to defraud or with intent to delay, evade, hinder, or impede with intent to defraud, he comes under this act. He will require to have a pretty smart lawyer along

with him all the time to keep him out of court as a bankrupt, and if once he gets in it will require the best lawyer in the neighborhood to get him out. [Laughter.]

Mr. MAHON. Will the gentleman allow me to make a suggestion?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. MAHON. Under the law of 1867, if the bankrupt had complied with the statute he was entitled as a matter of right, without consulting his creditors, to his discharge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask that the gentleman may be allowed time to conclude his remarks.

Mr. BRODERICK. I would like to know what time the gentleman desires. There are several gentlemen who want to speak.

Mr. WILLIAM A. STONE. I can finish in ten minutes.

Mr. BRODERICK. I will yield ten minutes more to the gentleman.

Mr. WILLIAM A. STONE. Now, as to exemptions, in that respect the old law was much more liberal than this bill. Under the old law a bankrupt first had an exemption of \$500, and then he had all the exemption allowed by the State. Under this bill he has only the exemption allowed by the State. I can see no material difference between the real purpose of this bill and the old law. The chief difference is that in this bill they call the registers "referees" and the assignees "trustees." The same general purpose runs through both the old law and this bill, and that purpose is to enable the creditor to collect his debt, to enable him to force the debtor into bankruptcy in all instances for acts committed, and I challenge a comparison of the acts of bankruptcy enumerated in this bill with those enumerated in the old law, and assert that in my judgment the old law is quite as liberal in that respect as this is.

Under the old law every act for which exceptions to the discharge of a bankrupt could be filed was subject to a trial by jury, but in this bill it is not so. The only instance where the creditors really have any action upon the bankrupt's estate under this bill is in determining the question of composition, and that, I say, is to the interest of the bankrupt, by enabling him to take advantage of the situation and obtain a composition, when perhaps the majority of his creditors are opposed to it. The original law of 1867 enumerated among the acts of bankruptcy the making of an assignment under the laws of the State—a perfectly legitimate transaction; but in 1874 Congress struck out that provision from the law and allowed a man to make an assignment under the laws of his State; yet this bill, brought in here when we are supposed to have profited by our experience under the old law, provides that a man who makes an assignment under the laws of his State commits an act of bankruptcy.

Now, Mr. Chairman, I have no objection to a voluntary bankruptcy provision, and I do not think the country would have much objection to a voluntary provision for a limited period to allow people who have been unfortunate to surrender their property and be discharged from their debts. But an involuntary bankruptcy law will make confusion, will interrupt the channels of trade, and will benefit nobody who really ought to be benefited under such a law.

I reserve the balance of my time.

Mr. HENDERSON. Mr. Chairman, how much of the last ten minutes allowed to the gentleman from Pennsylvania has he consumed?

The CHAIRMAN. There are five minutes remaining.

Mr. BAILEY. I yield twenty-five minutes to the gentleman from Nevada.

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. HENDERSON (to Mr. BAILEY). Are you ready now to occupy further time?

Mr. BAILEY. No. There are one or two other gentlemen who desire to be heard, but not just now.

Mr. HENDERSON. Mr. Chairman, how much time was consumed by the gentleman from Nevada?

The CHAIRMAN. Thirty-three minutes.

Mr. HENDERSON. I yield now to the gentleman from Illinois [Mr. CONNOLLY] as much time as he desires.

Mr. CONNOLLY. Mr. Chairman, the gentleman from Nevada [Mr. NEWLANDS], who has just taken his seat, suggested that the New England States and the Eastern States were the sole beneficiaries of our tariff laws. I want to protest against that doctrine, because the State of Illinois, in which I live, great as it is as an agricultural State, is greater by multiplied millions of dollars in the value of its manufactured products. While Illinois is a great agricultural State, yet under the beneficent operation of the tariff laws of this country for the past thirty years its greatness as an agricultural State has been dwarfed by the greatness which she has acquired as a manufacturing State.

The gentleman from Nevada advises us that "gifted orators" in the coming campaign will succeed in convincing the people of

this country that their salvation depends upon the adoption of the free and unlimited coinage of silver at the ratio of 16 to 1. Mr. Chairman, three years ago the tongues of gifted orators convinced the people of this country that their only salvation lay in the adoption of the policy of free trade. They carried the people off to the top of a high mountain, like a compeer of theirs of old, and showed them all the world and said, "Bow down and worship us and our free-trade doctrine and we will give you this land flowing with milk and honey," and the people bowed down, and they have stayed bowed down ever since. [Laughter.]

Mr. TALBERT. Has not the gentleman made a mistake? He speaks as if the devil belonged to the Democratic party. I thought he was a member of the Republican party.

Mr. CONNOLLY. Many people rather think the Democratic party belongs to him. [Laughter.]

Mr. TALBERT. Well, I just thought there was some "belonging" somewhere.

Mr. CONNOLLY. Now, sir, if the people are not content where they have been led by the tongues of "gifted orators" three years ago, let them follow the gentleman from Nevada and his "gifted orators" into another quagmire, and then, I think, after a year or two of experience in floundering there, there will be no trouble in passing a bankruptcy law in this House by a unanimous vote.

Mr. Chairman, I apprehend that the discussion of this bill should turn upon its merits or demerits, without regard to these other questions that "gifted orators" desire to discuss so much. There was once a time in this country when there was no law for the protection of property or the collection of debts. The only law then was—

That they should take who have the power,
And they should keep who can.

But with the advancement of civilization, with the accumulation of property, it became necessary that there should be laws enacted for the preservation of that property. And when we became far enough civilized to credit each other, to accept each other's promises for the payment of money, then it soon became evident that laws were necessary for the enforcement of those promises. Hence there grew up with advancing civilization laws for the collection of debts, and as civilization continued to advance those laws became more and more severe, until to-day the laws on the statute books of all the States for the collection of debts are as severe, as inquisitorial, as harsh, as it is possible for human ingenuity to make them in the interest of the creditor class.

Gentlemen have spoken about this bankruptcy bill, or any bankruptcy bill, as a harsh measure. I ask those gentlemen and all others to reflect upon this question, Is any bankrupt law that ever was enacted in this or any other country as harsh upon the debtor as the laws that you have on the statute books of every one of your States to-day? Why, sir, there is not a State in the Union to-day but has laws under which the poor and honest debtor, the man who has been honest from the beginning of his business career, until the moment that his creditors fall upon him like harpies, may have stripped from him every cent of money, every cent's worth of property he has, except what may have been allowed him by the humane exemption laws that have been found necessary; because, gentlemen, there never was an exemption law passed by the consent of the creditor class. The creditor, like Shylock, demands every time what is "nominated in the bond." He wants "the pound of flesh"; and it was only because of the rapacity of the creditor that humanity entered into the hearts of the legislators of the several States so far as to make them say, "It will not do to permit creditors to thus impoverish debtors, to turn them out upon the world penniless, and, in addition, hold hovering over them for the rest of their lives the remainder of the debt that has not been paid."

My friend from Pennsylvania [Mr. WILLIAM A. STONE], a good lawyer, has argued against the involuntary features of a bankrupt law or against any bankrupt law at all. He has said that the tendency of such measures is to prevent any man who may embark in business from taking all the risks and chances of misfortune in that business, because of the inability which he may incur to pay his debt. If that is so, then how is the young man encouraged to embark in business with the certain knowledge that if by misfortune of any kind that business fails and his debts accumulate on him so that he can not pay, his creditors may then come in and sweep away everything that he has except what the exemption laws allow him—take it all and divide it among themselves, turning him out penniless upon the world, with still a load of debt hanging like a cloud over him, to paralyze his energies, destroy his hope, and absolutely deny him the ability to resume business?

There is where the enterprising man stands to-day if he has been so unfortunate as to become hopelessly involved in debt. He is at the mercy of attachments, writs of execution, injunctions, executions, and all the debt-collecting machinery that creditors for centuries have been able to devise. All those rusty implements of

the law are now treasured up in the statutes of every one of your States to harass and worry the life out of the unfortunate debtor; and when they have exhausted their power the debtor is turned out with what? With nothing left, and with that load of debt bearing him down and preventing him from getting one penny of credit anywhere else.

What is the difference between a bankruptcy law and your ordinary laws for the collection of debts? Your ordinary laws allow the creditor to take all that a man has, and, having absorbed that, to leave him with the balance of the debt unpaid, liable to have every penny that he may make during the rest of his life seized and applied to those old debts, with the interest that keeps at work accumulating while creditor and debtor alike are asleep. Under the debtor and creditor laws of your various States—without any bankrupt law—it is possible for a man to labor his whole life long and have the result of his life gathered up by a few rapacious creditors who in his early days encouraged him to embark in business by extending credit to him in a business that they should have known better than he could not be made a success.

Much is said about a bankruptcy law, as though it were something so entirely different from every other law for the collection of debts that it is a dangerous thing for any people to handle. Mr. Chairman, the distinguishing feature of the bankruptcy law from all other laws for the relief of the debtor is that it is forged with a degree of humanity, with a degree of consideration for the debtor that no other law ever was forged with. It provides that you can do under the bankrupt law just what you would do under any law on the State statute books; but it goes a great deal further than that in the spirit of humanity, in the spirit of consideration for the ineffectual efforts of a man who tries to pay his debts; for the poor debtor, to whom it says, "Here you have given honestly all that you have for the purpose of paying your debts; you have turned it all over; we will not hold you in perpetual bondage for the rest of the debt; we will provide by this humane law that when you have honestly given all that you have, when you turn it all over, that debt shall no longer remain a cloud on the sky of your life, forever darkening it, but you shall step out of the bankrupt court a free man to engage again in the struggle of life." And, as you all know, you can not do that now under the laws as they stand on the statute books of our States.

You all know that is true. You all know that there are debtors in your county and in your district in that precise condition to-day, men who can not absolve themselves from their obligation of indebtedness, although they may surrender all of their property. Their property is already swept away by their creditors—not enough to satisfy all of them—and the remainder of their debt rests upon them, and the obligation still remains to pay it. They dare not accumulate property, dare not bend their knowledge and energies to the accumulation of a new estate, because they know if they do it will be swept from them by their creditors who have been watching them from the banks of the stream that these men must labor in.

My friend from Pennsylvania [Mr. WILLIAM A. STONE], who speaks of the harshness of the bankrupt law, should not forget the harshness of the Pennsylvania statute for the collection of debts—as harsh as any statute I have ever known. It lets them take all the creditor has, my friend STONE, though he has a very small exemption, then kicks him out and compels him to live forever in a cloud of debt which he can not remove. And yet you object now that we shall not enact a law saying to that man, when he has given all that he had and honestly to his creditors, instead of relieving him of the burden of this remaining debt, you say, "Step out of the court in Pennsylvania, but you are not yet a free man; your debt is not discharged." We say step out of that court in future with a discharged debt, with a new lease of business life given to you. You can stand in the business community with your fellow-men and begin anew. But he does not want that; he does not want the debt to be absolved; he wants us to play the part of Shylock with the debtor. I say no. I say it is humane; I say it is in accordance with the spirit of the age in which we live, which has been for centuries tempering the wind to the poor debtor; that has been extending exemption in all of the States—in some more than in others—toward making a settlement of these matters and granting an exemption to the honest man, so that he may have a possibility of living again in the future.

So, Mr. Chairman, gentlemen who talk of involuntary bankruptcy and tell us that it is supposed to be in the interest of the creditor class alone will not be able to convince their hearers of the justice of that position. On the contrary, they are seriously mistaken. The creditor class have it in their own hands now to hold and oppress the debtor. With a bankrupt law they can not oppress the honest debtor, and I want to fix the machinery so that this inquisitorial power shall not remain longer in the hands of the people who have power to bear down and crush the business life out of those who have no property and can not have with their best efforts.

So, Mr. Chairman, I think with reference to all of the features

of this law, if it is properly appreciated and properly understood, the debtor class are the ones who reap the richest of benefits under it. Gentlemen tell us the same benefits might be reached under an involuntary bankruptcy law. That is true; they may be. A proud-spirited man, struggling under adverse circumstances in his business, keeps the star of hope in the sky above him as his guide; and no matter how dark the financial clouds around him may be, if he is honest he looks to that star just as an escaping slave once looked to the North Star for relief, and believes that by a proper struggle he may escape the disastrous results which seem to be threatening him in his business affairs. You say here, "You may release yourself by going to the bankrupt court and ask to be discharged from the indebtedness." "I don't want to do that; I don't want to allow that," the proud-spirited man says, "I don't want it. I don't want to back out and admit my defeat. I want to keep going, no matter what the struggle may be, if I can possibly do so."

Now, I say, give him a chance. Let him struggle on, not under the same adverse conditions. I am willing that he be given a chance, that he shall be relieved from his obligation. But the friends of the exclusively voluntary bankrupt laws say, "Oh, no; that will not do. You must pay in full or else you must acknowledge your defeat, plead guilty, go into a voluntary court, and have judgment passed upon your estate." The honest man does not want to do that, and I do not want to see any law passed by the United States Congress that will make that a condition, and the only condition, that will relieve the honest man from debts he can not pay.

The involuntary law is necessary to enable the creditors of a dishonest and fraudulent debtor to compel him to do as an honest debtor voluntarily does. So long as a man's creditors have confidence in him, they will not apply the involuntary bankruptcy law to him. They, too, will hope, if his hope and courage be strong. They will hope that he may succeed, and they will lend him a helping hand. But those who want a voluntary bankruptcy law alone say that man must get upon his knees, crawl into a bankruptcy court, and beg to be discharged from debts that he knows to be honest debts, and if you will let him alone he will pay them. This bill proposes to give both remedies. It proposes to put the machinery into the hands of the creditor. It takes out of the hands of the creditor the cruel and inquisitorial power that the State laws give to the creditor and puts into his hand weapons to enforce the payment of his claims so far as the debtor's property will go. But there the law steps in and says, as was said in Shylock's case, "Not one drop of blood. Take your pound of flesh; take your pro rata share of his estate, but nothing further." There are no chains to bind him and hold him down. You must let him up when you have got all he has.

These two features are here. They are humane. Take, for instance, the State law of Pennsylvania. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] complained of the causes for which a man may be placed in bankruptcy. Does the gentleman remember the causes under the Pennsylvania statute which authorize an attachment, a summary writ, to be issued merely upon the affidavit of one creditor, who may step in and in thirty minutes take hold of all the property a debtor has in his store, tie it up absolutely, shut up the factory or the store, stop the business, turn all the men out of employment, and sell the property? That may be done by attachment in Pennsylvania, in New York, and probably in all the other States. Let me compare the provisions of this law, which justify the placing of a man in bankruptcy involuntarily, and the provisions of the attachment law of the State of Illinois, which is about on a par with those of the other States.

Now, mark you, Judge DANIELS, you owe me a thousand dollars; I am your creditor. You have done some one of these things named in this attachment act. Without your knowledge—without the knowledge of anyone—I privately go to my lawyer. He writes out an affidavit. Nobody knows of it but himself and myself. That affidavit is taken to the clerk's office of the circuit court and privately filed. In ten minutes a writ is issued and in the hands of the sheriff. He goes to your store, your shop, your factory, or whatever it is, and says, "Judge DANIELS, I have an attachment to levy on your stock of goods." That is all the property you have, probably. Very good; there is nothing to be done but to submit. The door of the store is closed and a notice is put up on the outside, "This stock of goods is in the hands of the sheriff." The proceeding is had. You owe the debt; you can not deny that. A judgment is rendered; an order is made to sell your stock of goods; and that stock of goods must sell upon my attachment, and must be sold, as my friend from Pennsylvania [Mr. WILLIAM A. STONE] says, by an auctioneer. He thinks the auctioneer part of this bankruptcy law is something fearful, and yet every public sale in his State is by law conducted by an auctioneer.

Mr. BRODERICK. Under the laws of Illinois you have to give bond for all damages, do you not?

Mr. CONNOLLY. Oh, yes; any individual creditor must do that.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. CONNOLLY. Certainly.

Mr. TAWNEY. If you consider the State laws which have been enacted for the benefit of the creditor sufficient to protect his rights and interests, what is the necessity of a national bankruptcy law that will give him an additional right against a debtor, which may be used as an engine of oppression, just as these State laws which you complain of are used?

Mr. CONNOLLY. This does not give the creditor an additional right. This involuntary bankrupt law takes away from the creditor the right to oppress the debtor which he now has.

Mr. TAWNEY. What right does it take away from him?

Mr. CONNOLLY. It takes away the right to hold the residue of his unpaid judgment as a threat and a club over the debtor all the rest of his life.

Mr. TAWNEY. But, as far as his rights under the State law are concerned, he is not deprived of any of those rights.

Mr. CONNOLLY. Yes, he is; and I will show you how. Under this attachment law a man's property is attached, put up, and sold. It pays 50 per cent of the amount of the judgment. The other 50 per cent remains there as an unsatisfied judgment, and will remain there as long as debtor and creditor live, and if that debtor acquires any property afterwards by his industry another writ issues and that property is levied on. That is the state of things under your State law.

Mr. TAWNEY. One moment.

Mr. CONNOLLY. Now, under this bankruptcy law, after the creditor has got his portion of the debtor's property, that wipes out the debt, and he can not hold the remainder of his claim as a club over him any longer.

Mr. TAWNEY. That is a benefit to the debtor.

Mr. CONNOLLY. That is a benefit to the debtor.

Mr. TAWNEY. Would not the same benefit be given to the debtor under a voluntary law as under an involuntary law?

Mr. CONNOLLY. Yes, sir.

Mr. TAWNEY. Then what is the necessity for this?

Mr. CONNOLLY. Then you did not listen to what I said. By voluntary law alone you compel an honest man to humiliate himself by deliberately going into court and asking a discharge from his honest debts; and honest men do not want to do that.

Mr. MILLER of Kansas. Will the gentleman allow me to ask him a question?

Mr. CONNOLLY. Certainly.

Mr. MILLER of Kansas. Under the attachment laws it is not necessary. An attachment can be had on making certain allegations of fraud.

Mr. CONNOLLY. Undoubtedly; like those in the bankruptcy law.

Mr. MILLER of Kansas. Like those under the bankruptcy law. Under this bankruptcy law, if these same allegations are made, the man is thrown into bankruptcy and has to be discharged from these claims in the same way as in an attachment proceeding.

Mr. CONNOLLY. Oh, yes.

Mr. MILLER of Kansas. I say when you examine—

Mr. CONNOLLY. You asked a question; you can argue it at the proper time.

Now, here, for instance, is a series of causes for which attachment may issue in the State of Illinois, and it is not singular from other States.

That in any court of record having competent jurisdiction a creditor may have an attachment against the property of his debtor, or that of any one or more of several debtors, when the indebtedness exceeds \$20, in any one of the following cases:

- First. Where the debtor is not a resident of this State.
- Second. When the debtor conceals himself or stands in defiance of an officer, so that process can not be served upon him.
- Third. Where the debtor has departed from this State with the intention of having his effects removed from this State.
- Fourth. Where the debtor is about to depart from this State with the intention of having his effects removed from this State.
- Fifth. Where the debtor is about to remove his property from this State to the injury of such creditor.
- Sixth. Where the debtor has, within two years preceding the filing of the affidavit required, fraudulently conveyed or assigned his effects, or a part thereof, so as to hinder or delay his creditors.
- Seventh. Where the debtor has, within two years prior to the filing of such affidavit, fraudulently concealed or disposed of his property so as to hinder or delay his creditors.
- Eighth. Where the debtor is about fraudulently to conceal, assign, or otherwise dispose of his property or effects so as to hinder or delay his creditors.
- Ninth. Where the debt sued for was fraudulently contracted on the part of the debtor: *Provided*, The statements of the debtor, his agent or attorney, which constitute the fraud shall have been reduced to writing and his signature attached thereto by himself, agent or attorney.

Now, in order to obtain that attachment in my State—and you will find that substantially in all the States—the creditor simply files his affidavit, alleging his belief that some one of these things is true. Thereupon writs of attachment issue that will cover every penny's worth of property that a debtor has, and that property is held there just as firmly by an officer under that writ as

the trustee holds the property of a bankrupt under this bankruptcy law.

Mr. MILLER of Kansas. Will the gentleman allow me another question?

Mr. CONNOLLY. Yes, sir; if it is only a question.

Mr. MILLER of Kansas. Is it not true that under this bill, by an affidavit attached to a petition, you may throw a man into bankruptcy?

Mr. CONNOLLY. Yes, sir.

Mr. MILLER of Kansas. And another question. Is there any protection to a debtor provided he is not adjudged a bankrupt and seeks to recover for the injury done him?

Mr. CONNOLLY. Yes, sir; he will find his relief, if fraudulently charged with bankruptcy, for all damages under the common law.

Mr. MILLER of Kansas. Is there any bond given in this case?

Mr. CONNOLLY. A bond does not make any difference. If he takes the property there is a bond. Immediately on filing the affidavit he does not give bond, but when the property is taken he does. Now, then, suppose in an attachment under any one of those nine causes in the Illinois statute, a suit is brought on that bond by the debtor for damages, all that the creditor has to do is to prove his honest belief that at the time what he averred was true, and then he is released.

Mr. MILLER of Kansas. That is not so in Kansas.

Mr. CONNOLLY. Then you must have a peculiar law there.

Mr. WOOD. Do I understand the gentleman to say that under the Illinois statute an affidavit based on information and belief is good?

Mr. CONNOLLY. Yes, sir.

Mr. WOOD. The gentleman is mistaken.

Mr. CONNOLLY. Mr. Chairman, the gentleman from Illinois [Mr. WOOD] is correct. I can not stop to discuss in detail all the questions that may be raised as to the statutes of all the States. I simply desire to mention these things in a general way for the purpose of showing the difference, and all the difference, that there is between the bankrupt law proposed here and the laws of the various States; and I repeat it, the laws of the various States are made in great part, almost exclusively, in the interest of the creditor. The only law made in the interest of the debtor is the exemption law.

Mr. BAILEY. Is it not true, however, that in almost every State in the Union no attachment can be levied except upon the ground of actual fraud or nonresidence—

Mr. CONNOLLY. I have just read the causes.

Mr. BAILEY. But I say that in almost every State in the Union an attachment is not permitted except upon the ground of actual fraud or nonresidence, and the ground of nonresidence is intended of course to obtain jurisdiction of the property of the defendant. And, as my friend from Minnesota [Mr. TAWNEY] very properly suggests, in that case the party must file a bond.

Mr. CONNOLLY. Now, please ask your question and let me go on.

Mr. BAILEY. Well, I will ask you this question: Is it not true that in almost every State no attachment can be levied except upon the grounds I have mentioned?

Mr. CONNOLLY. I say no; it is not. I have just read a State statute which differs radically from the gentleman's statement of the law.

Mr. BAILEY. The gentleman surely did not understand me to state that there was no State where the law was different, but I said in nearly every State.

Mr. CONNOLLY. I said all or nearly all. I do not know what the causes for an attachment are in Texas. I have not read the statutes of all the forty-five States on that point.

Mr. BAILEY. I undertake to say, Mr. Chairman, that there are not five States in the Union that permit an attachment except upon actual fraud or nonresidence.

Mr. CONNOLLY. Well, you undertake to say that, but you do not incur any responsibility or liability by that undertaking. You do not have to give any bond. [Laughter.] I accept that as your belief, but I think when you go to the statutes of the forty-five States of the Union you will find that in most of them the causes for an attachment are substantially as they are in Illinois.

Mr. BAILEY. You still imprison men for debt in Illinois.

Mr. CONNOLLY. Now, that remark shows that the gentleman is not so familiar with the statutes of the States as he thinks he is. We do not imprison men for debt in Illinois.

Mr. BAILEY. Is it not true that under the law of Illinois you can bring a debtor into court, the judge orders him to surrender his property, and he can be kept in jail until he does surrender?

Mr. CONNOLLY. Not for a debt.

Mr. BAILEY. For a tort?

Mr. CONNOLLY. For a tort, a personal injury or wrong—for a willful personal injury against the person or property of another.

Mr. BAILEY. Of course I would not assume to know the law of the gentleman's State better than he does, but I am positive

that I have read such a law as that, under the process of the court, a debtor may be brought into court, may be ordered to deliver up his property to his creditors, and may be imprisoned until he has complied with the order of the court.

Mr. CONNOLLY. Undoubtedly, there were some old decisions to that effect before our new constitution.

Mr. BAILEY. Then I am right in my statement.

Mr. CONNOLLY. Not since our constitution of 1870, which is twenty-six years old. There used to be imprisonment for debt in all the States.

Mr. BAILEY. Yes; and I am sorry to say that Illinois was one of the last to abolish it.

Mr. CONNOLLY. One by one they have all abolished it, just as the policy has been to abolish all these harsh laws made in the interest of creditors. As I said a while ago, this legislation for debt collecting commenced in the interests of the creditors, and it went on for centuries in their interest, until finally among civilized people the debtors began to get a hearing and humanity made itself felt in their interest, and the States exempted property in various amounts for the benefit of the debtor's family. The gentleman's own State of Texas is a notable example of the extent to which humanitarianism has gone in depriving the creditors of the rights to collect their debts and exempting almost a fortune for the benefit of the debtor's family.

Mr. BAILEY. Permit me to say that Texas was the first State in the history of the world that exempted the homestead, and it is something in the history of our State that we would not willingly part with.

Mr. CONNOLLY. It is very creditable to Texas, and therefore I would expect to see every Texas gentleman here supporting a bankruptcy bill which would tend to still further protect the debtor from the unseemly rapacity of the creditor. [Laughter.] But, Mr. Chairman, of course this bill is not in the interest of the debtor class alone.

This bill goes to the extent of protecting the creditor class in this respect, that it gives all creditors a chance to be dealt with on precisely the same footing. It establishes a rule of uniformity, so that the creditor who lives close by the debtor gets no undue advantage over the creditor who lives a hundred or five hundred or a thousand miles away. It is framed on the principle that when a man is insolvent the law will take hold of his property and divide it equally among all his creditors pro rata. Is there any reason why it should not be so?

There are certain excepted debts, debts contracted in a fiduciary capacity—wages, taxes due to the State, the municipality, or the United States. Those are exempted; those must be paid. Of what remains the creditors will all get their pro rata share. What is wrong about that? This provision is based on a humanitarian principle toward the debtor. It says to him, "Give up all you have; call your creditors all in; do not give an undue advantage to any one of them, but let each man come up, prove his debt, and receive his pro rata upon the debt that he has proven. Then you can walk out to begin life anew." That is equity; that is simple justice as regards these men who hold the unfortunate position of creditors of an insolvent man. This is a relief from the inquisitorial harshness of all the laws now existing for the enforcement of contracts and the payment of debts.

Mr. TALBERT. I am very much interested in the gentleman's remarks, and as I am seeking information, I would like to ask him a question. Will he kindly state why it is that this matter can not as well be left to the States, each State regulating the subject for itself?

Mr. CONNOLLY. There is a manifest reason why there should be a general law on the subject.

Mr. TALBERT. I should like to hear the gentleman on that point.

Mr. CONNOLLY. The States can not provide by law for an equal distribution of property among all the creditors.

Mr. HENDERSON. Nor can they annul contracts.

Mr. CONNOLLY. No; they can not annul contracts of course; and Congress has no power to do that, either, but Congress has power to relieve from debts growing out of contracts, and the States have not.

Mr. TALBERT. How is it that we have been getting along without this law?

Mr. CONNOLLY. This is the way we have been getting along: The creditor living nearest to the debtor, or the creditor who is most diligent, steps in quickly and gets his judgment. Two or three or four creditors, being more advantageously placed than others, get their judgments; they levy on the property and exhaust it. Creditors living in other States or in distant counties of the same State know nothing of the insolvency of the debtor until judgments are rendered for the benefit of the favored few; and these creditors who have not had similar advantages find the property all gone, so that they can not collect anything. The debtor's property is all swept away to pay a few of the most active and diligent creditors.

Now, the purpose of this bill is to protect creditors all over the United States. Business men do not limit their trade to State lines. Trade and commerce extend all over our country from the Atlantic to the Pacific. Commerce has abolished State lines. So far as trade and commerce are concerned, we are all one people. New York trades with San Francisco; New Orleans with Chicago; the people in the intermediate States are trading with each other, back and forth, all the time and extending credit all the time. The lumber that comes from Texas and Mississippi is shipped to the Northern States, and is scattered all over the prairies of my own State. Lumber dealers are buying it from Mississippi and Texas men on credit. Now, the effect of this law will be to let those lumber dealers in the various States come and share equally in the property of any failing debtor.

I have spoken of the general features of this bill. I want now to speak of some of the specific features that have been criticised by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. The gentleman has stated very properly that we have had three bankrupt laws in the United States. The one which was enacted in 1800 remained in force but a few years, when it was repealed; it was to continue in operation, at any rate, but five years. I have here a communication from President Monroe submitting to Congress a statement of the number of cases commenced under the bankruptcy law of 1800 in the States of Maryland, Virginia, Pennsylvania, New York, and the District of Columbia—491 cases in all. I do not know why the inquiry to the President was limited to those particular States. But by the statement of President Monroe it appears that in Virginia there were 45 commissions under that law; in Maryland, 58; in Pennsylvania, 208; in New York, 166, and in the District of Columbia, 14. I find that in every one of the 208 cases in Pennsylvania a final certificate of discharge was allowed to the bankrupt. In one case in the State of New York the bankrupt's estate paid 100 cents on the dollar with interest. In other cases the amount realized ran down as low as 4 per cent.

The law of 1800 was purely an involuntary bankruptcy law; it had no voluntary feature at all. The law of 1841 had both features, voluntary and involuntary. That act, however, was repealed by the same Congress that enacted it. Then came the law of 1867, which I think, and always believed, was a most infamous law in that it allowed the estate of the debtor to be absolutely eaten up in costs and expenses. It was of no benefit to the creditor except in rare cases; it was of some benefit to the debtor, because under it he could get a discharge from his indebtedness. It was, I think, and always believed it to be, a most complete failure. There is no one familiar with the operation of that law who will read the provisions of this one and compare them with it and fail to see what a vast difference there is between the exhaustion of the estate in fees and charges under the provision of that law as compared with this one.

The amount that may be paid out is very small. The largest fee that anybody can possibly get is received by the trustee. The referee gets only \$10, the trustee gets \$5, and the clerk gets \$10. Now, there is the sum total of all the fees that may come out of the estate, except that when the dividend is made and paid the trustee will receive 5 per cent on the amount of the dividend so paid. That is about the ordinary fee that is allowed by the laws of the different States for such service, and what is usually paid to the administrator of an estate for collecting and paying out the money. And that cost can not be paid to him, remember, until the dividend is made, thereby insuring him to give diligence and careful work in closing up the estate.

Now, one other great objection that existed to the old law of 1867 was this: That it forced all of the litigation and all of the proceedings, as a rule, to the place where the United States court for the district was held. Registers in bankruptcy were not numerous. This law provides that there shall be a referee in every county, and the vast amount of business is done before the referee. Under the old law one or two registers in a district only were provided for, and the reference of cases was made to these men and they got all of the fees. Some of them I know made fortunes out of the old bankruptcy law simply acting as registers.

This law obviates that difficulty by saying that there shall be a referee in each county. This is a minor court, taking testimony or proof of claims, and for all of the detail work. It provides that it shall be done in the county where the bankrupt lives and does not force him to go to a distant court for that purpose.

Mr. MILLER of Kansas. Is it not true that the question of whether a state of bankruptcy exists in regard to any man must be brought before the court before which the claim is pending?

Mr. CONNOLLY. No, sir; if the bankrupt denies the act of bankruptcy it is tried before the jury.

Mr. MILLER of Kansas. I am speaking now of where it is to be tried. Is it not true that the question of the discharge of the bankrupt must be tried after all before the judge of the court before which the case is pending? If that is true why make a distinction in the trial of the question of discharge between the court

and the judge? In the case of the trial of the question as to whether a state of bankruptcy exists or not, you try that before the court, but when the question of discharge arises you want to send that before the judge.

Mr. CONNOLLY. Because they are not properly questions for a jury trial, but for a court to pass upon. The court has a record of all the proceedings, and can determine as to the question of the propriety of allowing a discharge.

Mr. MILLER of Kansas. But upon the question of discharge, is not the point as to whether preference has been given to any creditor a matter for legal determination?

Mr. CONNOLLY. Undoubtedly.

Mr. MILLER of Kansas. Is it not a question to be determined by evidence, as much as any other question that may be presented in the case?

Mr. CONNOLLY. Well, these are questions that the court can decide as well or better than a jury.

But, Mr. Chairman, continuing with the discussion of this particular part of the bill. In all suits brought by the trustee in connection with the estate and the debts due to it, they must be tried in the local State court; that is, they must be tried in the same court that the bankrupt would be himself compelled to bring his suit in if he were not a bankrupt. This localizes the proceedings in that regard. It brings the referee and the court just where the bankrupt lives and refuses to allow such proceedings to be tried in the Federal court except where the bankrupt himself is allowed to enter the Federal court with his suit. It withdraws all that is possible from the Federal court.

Now, as to the objections that have been made to this provision. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] insisted that this law would be a terror to any honest man going into business; that he would hesitate to take the risks involved in going into business if this law were enacted.

I maintain that this would not terrorize any honest man. It might be a terror to the rascal, but not to the honest man. Why do I say that? I turn to the second section of this bill, and I find in that section every cause laid down that will justify any creditor or any court to put a man into bankruptcy. Now, let us see, briefly, what these causes are. Nothing except one of these things will justify any creditor to attempt to put his debtor into bankruptcy.

Acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with.

Now, does that catch the honest man who is willing to pay his debts? This refers to a man who leaves his home, goes away to avoid the service of a summons in an action for debt against him, and who goes away with the purpose of defeating the creditor who may have that summons against him.

The second cause assigned is that a man shall have—

Failed for thirty days and until a petition is filed, while insolvent, to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale.

Now, that man must be insolvent.

Mr. BAILEY. I do not want to interrupt the gentleman now, but I have the revised statutes of Illinois here on the question between us a moment ago.

Mr. CONNOLLY. You will have time to make a speech directly.

Mr. BAILEY. Whenever it suits your convenience, I want to call your attention to the statute.

Mr. CONNOLLY. Oh, well, I am unwilling to be educated now on the statutes of Illinois.

Mr. MILLER of Kansas. Referring to the section you have just read, would it not in every case, or nearly so, where an attachment was run throw a man into bankruptcy if anyone took advantage of it? Is there hardly any case where an attachment is run in which you can get relief in any court within thirty days?

Mr. CONNOLLY. A man must be insolvent first, and when he is insolvent and when a creditor comes and runs an attachment on his property and takes all he has, does not that leave all the rest of his debts hanging like a burden over him? Is it not better to have a law enacted that will divide that property between all his creditors and then give him a discharge, instead of having it pay only one debt and leaving all the rest hanging over him?

Mr. MILLER of Kansas. Suppose that to be an unjust claim without opportunity or time within which to defend it?

Mr. CONNOLLY. Well, the same thing is true about the attachment, if it is an unjust claim. The term of court is three months after. The injustice of that claim can not be determined until after a hearing in that term of court, three or more months away. In the meantime his business is closed up, his property is sold by the officers of the law, and the man is effectually bankrupted, because here come all his other creditors then.

Mr. MILLER of Kansas. But in this case, if it happens to be

an unjust claim, there is a bond filed, is there not, to protect him against that, and also to protect his creditors?

Mr. CONNOLLY. I never knew an attachment bond to protect anybody yet.

Mr. MILLER of Kansas. Well, I have.

Mr. CONNOLLY. I never knew one to protect anybody.

Mr. BRODERICK. I have.

Mr. MILLER of Kansas. So have I.

Mr. CONNOLLY. This provision can not apply to anybody except a man who is insolvent. He must be insolvent to justify putting him into bankruptcy.

Mr. MILLER of Kansas. Well, generally, when a petition in bankruptcy is filed, it is held to be good.

Mr. CONNOLLY. Oh, well, that goes upon the theory that the law means nothing. Courts generally construe the law as it is written, to carry out its purpose. The man must be insolvent, must be in a condition where his property will not pay his debts. Then, by coming in under the bankrupt law, his debts are all discharged; but leave it as you want to leave it now, one debt is paid and all the other debts remain. The third ground of bankruptcy is that a man has—

Made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy.

Now, is that the case of an honest man? That is the case of a man who has made a transfer of some of his property for the specific purpose of defeating his creditors. Why should not that man be put into bankruptcy. The fourth ground is that he shall have—

Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

Now, if you leave him as he is now, the man files a written statement in court of his inability to pay his debts. His creditors come on him and sweep away what he has, but keep the balance of his debts to remain as a cloud to hang over him perpetually. This law lifts that cloud, and releases him from his debts.

The fifth ground is that a man shall have—

Made, while insolvent, a transfer of any of his property, or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy and at least ten days before the commencement of a proceeding in bankruptcy.

There is an attempt by the individual to cheat some of his creditors by paying others, taking the property of A to pay B.

Mr. MILLER of Kansas. But there is no provision there that he does it fraudulently.

Mr. CONNOLLY. He does it for the purpose of giving a preference. Is not that fraudulent?

Mr. MILLER of Kansas. Nearly every State in the Union provides that he may do that.

Mr. CONNOLLY. But every State in the Union, when he does that, and his property only pays a part of his debts, holds the rest of his debts over him as a club. This releases him.

Mr. MILLER of Kansas. If the gentleman will permit me—

Mr. CONNOLLY. I would rather the gentleman would not interrupt me so much, because I am taking too much time. I want to get through with this section. The sixth reason for bankruptcy is that a man shall have—

Procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section.

Now, is that the honest man that my friend from Pennsylvania [Mr. WILLIAM A. STONE] spoke of? The man who has gone and deliberately permitted a judgment to be entered against him so that thereby he may defraud his creditors? Certainly that man would not be held up as a model, honest business man. The seventh ground is that a man has—

Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy.

Do you want to protect that man? This seizes him if he attempts the secreting of his property. It brings it to light and applies that property to the payment of all his creditors equally.

Eighth. Suffered while insolvent an execution of \$500 or over, or a number of executions aggregating such amounts, against him to be returned no property found, unless the amount shown to be due by such execution shall be paid before a petition is filed.

Now, that may happen, of course, to a man who is perfectly honest.

Mr. MILLER of Kansas. If a man has honestly given a preference under the State law, and he may do it, then he is thrown into bankruptcy on that account, and he is prohibited, although doing it honestly, from being discharged under the provisions of this bill. Under the second section—

Mr. CONNOLLY. I am not discussing that section.

Mr. MILLER of Kansas. Is it not true that you throw him into bankruptcy for doing what he believes to be honest, and prohibit his being discharged on the same ground?

Mr. CONNOLLY. No; it is not.

Mr. MILLER of Kansas. I call your attention to it right here—

Mr. HENDERSON. You may throw a man into bankruptcy for his wicked acts, and you do not discharge him on account of those acts.

Mr. MILLER of Kansas. You do not say that it shall be done.

Mr. HENDERSON. What the gentleman proposes is: You say that a man can not be discharged for a matter that we are moving on him for. We move on him for doing a wicked act, and under the act of 1867 we had three times the number of grounds on which discharge could be denied compared to what there are in this bill.

Mr. MILLER of Kansas. That may be.

Mr. CONNOLLY. You are speaking about something that is not in this section.

Mr. MILLER of Kansas. You are putting a man in bankruptcy.

Mr. CONNOLLY. It is the seventh paragraph to which I am addressing myself, where a man secretes his property to evade its being levied on by legal process and for the purpose of defeating his creditors. Now, you say that he has honestly done this.

Mr. MILLER of Kansas. No; that is not the one. I am speaking of section 5, on page 6.

Mr. CONNOLLY. You are talking about a different matter. The eighth paragraph is:

Suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against him to be returned no property found.

Now, I do not claim, I do not insist and say that an honest man may not find himself in that situation. Of course he may be unfortunate and may have one or more executions amounting to \$500 or more returned no property found against him, and be where he can not help himself. Now, you do not want to give that man the benefit of a discharge from his debts. You want that under the law as it is now, held *in terrorem* over him for his life, while this bill, more humane, comes in and says that a man in that condition may be placed in involuntary bankruptcy, that his property, whatever is subject to execution, shall go to his creditors, and he shall be discharged. Now, there is the difference between the two things. We wish to discharge a man who honestly has become insolvent, who has used his property in accordance with law, and who has tried fairly to pay his debts and failed. We say in that kind of a case that he ought to be discharged from all of his debts. You say, "No." You want your "pound of flesh" and you want "the blood to follow." A man who has—

Suspended and not resumed for thirty days, and until a petition is filed while insolvent, the payment of his commercial paper for or aggregating \$500 or over.

There is another instance where a man perfectly honest may be compelled to suspend. He can not, by force of misfortune that may overwhelm him, pay his paper. He is insolvent. His creditor, as the law stands now, can come in and by execution and attachment seize everything he has and hold it. They can put him on the rack, and by inquisitorial bills filed for discovery ascertain whether he has any other property, recover it all, and divide it out to the diligent creditors, and still leave the debtor with an unpaid balance on this judgment, leaving him to struggle all the rest of his life. The bankruptcy law comes in and says when his property is all given up he is released.

I have enumerated all the causes that lead to an adjudication of bankruptcy, every one of them. There are only three wherein an honest man can be thrown into bankruptcy. A man who is honest, an unfortunate merchant, may, in three of these instances, be placed in bankruptcy under this law, but even then he is in a better condition with this law than without it. If placed in bankruptcy under this law his property is taken and goes to his creditors and he is absolutely discharged. Without this law his property is taken and goes to his creditors and the balance of his debts remain hanging over him.

Now, Mr. Chairman, I do not mean to say that in every section and in every particular this bill is what I would approve. I think I see several places where amendments can be made that will not change its character, that will not change its features, and yet that will make it more in accord with the best and most advanced thought upon the subject of bankruptcy laws.

Now, a word as to the general question of a bankrupt law and its necessity. We are a great trading and commercial people. The people of all these States trade interchangeably with each other without reference to State lines, and yet when it comes to collecting debts the parties are all met by the State lines and by the State laws, and the purpose of this bill is to use the power which the Constitution gives to Congress to say that in the collection of debts these State lines shall disappear and the laws governing the matter shall be the same throughout the country, except that where the States in their humanity have provided an

exemption for the wife and children of the debtor those humane laws shall be respected. Differing as those State laws do, they are still to be respected and the debtor is to be given the benefit of them. [Loud applause.]

Mr. HENDERSON. How much time has the gentleman from Illinois consumed?

The CHAIRMAN. An hour and eight minutes.

Mr. HENDERSON. Now, will the other side proceed?

Mr. BAILEY. My friend from Kansas [Mr. BRODERICK] is going to proceed, but I have asked him to let me occupy a few minutes now to clear up a little controversy which I had a moment ago with the gentleman from Illinois [Mr. CONNOLLY] about the laws of his own State.

I declared that in Illinois they still allowed the imprisonment of men for debt, and my friend, contrary to his usual courtesy, accused me of being ignorant. If I am ignorant on that point, Mr. Chairman, it is because the revised statutes of Illinois have misled me.

Mr. CONNOLLY. The gentleman had better look at the constitution of 1870.

Mr. BAILEY. I have the constitution here also. In examining this question, Mr. Chairman, I had looked at the insolvent laws of the various States, and I did not think it possible that I had made a mistake as to the law of Illinois on this point. I read now from the revised statutes of Illinois, chapter 72, section 2:

When any person is arrested or imprisoned upon any process issued for the purpose of holding such person to bail upon any indebtedness, or in any civil action when malice is not the gist of the action, or when any debtor is surrendered or committed to custody by his bail in any such action, or is arrested or imprisoned upon execution in any such action, such person may be released from such arrest or imprisonment upon complying with the provisions of this act.

Now, if they do not suffer a debtor to be imprisoned in the State of Illinois for debt, I am unable to perceive the necessity for that provision.

Mr. CONNOLLY. That may be, but still they do not imprison men for debt in Illinois. They never have done so since the constitution of 1870.

Mr. BAILEY. The provision which I have just read explicitly provides for cases in which men are imprisoned for debt.

Mr. CONNOLLY. I would like to see the gentleman from Texas come up to Illinois and try to enforce that provision of the statute as he understands it.

Mr. BAILEY. Well, if I found judges who did not know any more about the law of Illinois than my friend seems to, I would succeed. [Laughter.]

Mr. CONNOLLY. You had better come and try it.

Mr. BAILEY. I ought not to have made that remark, Mr. Chairman, and I beg the gentleman's pardon, for I know that he is a very distinguished lawyer.

Mr. CONNOLLY. You are reading from an old statute.

Mr. BAILEY. This is Myers's authorized edition of the Revised Statutes of Illinois, published in 1895.

Mr. CONNOLLY. I understand that. It is Cothran's edition, a private edition.

Mr. BAILEY. It is Myers's edition, with Cothran's notes.

Mr. CONNOLLY. Look at the bottom of that second section and you will find the letters "R. S., 1845," meaning Revised Statutes of 1845.

Mr. BAILEY. Certainly. We have revised statutes that go back as far as 1823. Now, will my friend say that this statute is not in force in Illinois?

Mr. CONNOLLY. That statute is not operative in Illinois at all, so far as imprisonment for debt is concerned. There is one instance where a *capias ad respondendum* or a *capias ad satisfaciendum* may be issued for willful personal tort, but that is the only case.

Mr. BAILEY. Here I find this provision:

Jail fees. In all cases where any person is committed to the jail of any county upon any writ of *capias ad respondendum* or *capias ad satisfaciendum*—

Mr. CONNOLLY. That is what I told you.

Mr. BAILEY. Then they do permit a man to be committed to jail upon a *capias* to satisfy a debt?

Mr. CONNOLLY. No.

Mr. BAILEY. Then why does it provide for jail fees in such cases?

Mr. CONNOLLY. If the gentleman will come to me privately and take lessons, and not occupy the time of the House, I will talk with him.

Mr. BAILEY. The gentleman publicly said that I was ignorant, and I wanted to prove in the presence of the House that if I was so it was the fault of the revised statutes of Illinois.

Mr. CONNOLLY. Either that or the fault of the man who reads them and does not understand them.

Mr. BAILEY. That would be a very serious fault; but I have never yet been accused of being unable to understand the English language; and I am willing to submit to the candid judgment of

every man who has heard this colloquy whether I was not justified in saying what I did upon that language; and the gentleman himself admits it by saying that the statute is no longer operative.

Mr. CONNOLLY. I will accept the gentleman's apology. [Laughter.]

Mr. BAILEY. Then, Mr. Chairman, I hope the House will accept the apology of my friend from Illinois. [Laughter.]

Mr. CONNOLLY. All right.

Mr. BAILEY. But, before we leave the question of the constitution of Illinois, I want to read from that instrument. Perhaps I had better take the precaution to examine the date of this constitution—

Mr. CONNOLLY. I think it would be well.

Mr. BAILEY. I presume, however, that they do not publish an obsolete constitution in the statutes of 1895.

Mr. CONNOLLY. Pretty nearly all our volumes of statutes publish all our constitutions.

Mr. BAILEY. This volume embraces only the one; so that I am certain to have the right one.

Mr. CONNOLLY. The gentleman had better look at the date, so as to be sure that he does not get a "back number."

Mr. BAILEY. I find that the constitution of Illinois, as here published, was "adopted in convention May 13, 1870; ratified by the people July 2, 1870; in force August 8, 1870." Is that the last?

Mr. CONNOLLY. That is good.

Mr. BAILEY. Now, I want to read section 12, which I find on page 3 of this volume:

No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Mr. CONNOLLY. Yes; he is imprisoned for his refusal to deliver up his property—not for the debt.

Mr. BAILEY. That was exactly my statement—that when a debtor was ordered to deliver up his property, and did not do it, he could be put in prison until he did so.

Mr. CONNOLLY. Does the gentleman want a certificate from me that he understands the constitution of Illinois? If he does I will give it to him.

Mr. BAILEY. Unless the gentleman were understood to possess a better knowledge of the law of Illinois than he now exhibits, his certificate would not admit me to the bar of Illinois.

Mr. CONNOLLY. I admit that it would not; you would have to pass an examination there; and I would not guarantee your admission.

Mr. BAILEY. I beg pardon of my friend from Kansas [Mr. BRODERICK] for having thus interrupted him.

Mr. HENDERSON. How much time has the gentleman from Texas consumed?

The CHAIRMAN. Six minutes.

Mr. BRODERICK. Mr. Chairman, I will say in the outset that I believe this bill is superior to any law that has been enacted on this subject in this country. As was stated by the chairman of the committee in his opening discussion, the subcommittee who had this bill in charge gave it much consideration, and when it completed its work the bill was reported by the subcommittee to the full committee, and it held daily sessions for three or four weeks for the consideration of this measure. And I am frank to say that the committee endeavored to present to the House the best possible bill on this subject. As a member of the committee I regret to differ from the majority; yet I think this proposed measure contains some objectionable and dangerous features, and there are many other gentlemen here who take the same view, but it is not because of any fault of the committee. It is because, as I believe, of the inherent impossibility of preparing an involuntary bankruptcy law which will meet the objections that have been raised and urged against it, especially when it undertakes as much as the one before us. This bill embraces, nominally, nine grounds or acts of bankruptcy, and each of these grounds contains more than one act which would subject debtors to the penalties of the involuntary provisions.

I want to state first my objection to this feature of the bill. I am not going to attack the bankruptcy system generally. I am not opposed to all bankruptcy legislation; and this bill may be amended when reached for amendment (and I hope it will be) so that all of us who believe in such legislation may vote for it.

I know that there is some demand at this time, and has been for a few years, for some system of bankruptcy legislation. But I do not believe there is any general demand over the country for this particular measure or any stringent or harsh measure. I represent what I think is at least an average district—one of the older settled districts of the State in which I live, where there are more than forty banks and where there is a prosperous wholesale and retail business; and since this bill has been under consideration in the Judiciary Committee I have received only four letters from my district regarding it.

One of the men who wrote protested against any sort of bankruptcy legislation. Another gentleman said he was in favor of some sort of legislation on the subject, and the third man wanted

some position under the law in case of its enactment. [Laughter.] I received the fourth letter the other day, asking for information and for a copy of the bill. And so I have reached the conclusion that there is no such general demand throughout the country for the passage of this bill as some gentlemen would have us imagine.

While it is true, as has been stated here, that this country has been passing through a period of great financial depression and many business people are still feeling the effects of it, and while there have been many failures within these years of honest men who either have returned or hope to reenter business, and some of whom would like to be relieved of their burdens, yet I believe if we could understand all the circumstances we would find this class is comparatively small.

Under the insolvency act of Kansas, where an assignment is made for the benefit of creditors and they are satisfied that all the property of the debtor has been delivered to the assignee in good faith, there are rare instances where the creditors do not come together and agree to a final distribution, and give full releases. I have known many such cases, and if that is the observation of the lawyers here generally who have had experience under their State insolvency laws, then it would seem that there is no urgent necessity for the enactment of these harsh provisions.

But, Mr. Chairman, as I admit, there is a small class who would like to have a voluntary law enacted; there is another small class who would like to have a statute on this subject, with involuntary provisions to aid in the collection of debts. I do not believe this class is as large as some gentlemen here seem to think. The methods of doing business are entirely different now from what they were in years past. The wholesale merchants throughout this country do not take the business risks they did thirty or forty years ago. The retail men in the Mississippi Valley no longer go to New York or elsewhere to the wholesale men to make purchases of their supplies. The country dealer no longer makes his semi-annual visit to the wholesale houses. The wholesale merchant sends his agent through the country to men who deal with him, and these agents understand their business as thoroughly as any class of business men. They know what they are doing and what they are expected to do; and when they see a dealer for the purpose of making a sale to him they know exactly what they are after. They go out to sell goods, and they make sales where it is safe to do so. It is a part of their business to inquire whether it is safe or not, and they do it. They understand the responsibility of the purchaser before the sale is made. And, in addition to this, there is the system of commercial agencies which collect and give out information and place it within the reach of every wholesale dealer. By reason of these innovations, business is not transacted as it was a few years ago, and there is no necessity for wholesale men taking such risks as they formerly had to take. They understand who they are dealing with, and if they are not satisfied with a customer no sale is made. I do not believe that there is one failure out of twenty among retail men that is not now understood and anticipated for months before the failure occurs, so perfect is the system of obtaining information in reference to the financial and business standing of merchants throughout the country. So, when we consider these conditions, I think we will agree that there is a smaller class of wholesale men who demand this legislation than we have been led to believe from newspaper publications and from the contention which has been made on the floor of this House.

But, Mr. Chairman, I said this bill might be amended so that many gentlemen who are now opposed to it would be willing to support it. If section 2, which enumerates the acts of bankruptcy, could be modified so as to allow debtors to be adjudged bankrupts only in case of actual fraud, this would be a fair bill.

Mr. RAY. What are the changes you would make?

Mr. BRODERICK. I would make a transfer of property by an insolvent debtor with intent to defraud creditors and the concealing of the debtor for the purpose of avoiding the service of summons and defrauding creditors the only grounds. If I could have these changes incorporated in the bill, instead of the nine as now written, I would be willing to support it. But I am unwilling to do so with the nine specifications that now exist. These changes, if made, will improve the bill and remove much opposition. The letters read from the Clerk's desk this morning from distinguished judges who had experience under former bankruptcy laws show the opinion of those best qualified to judge of the merits of this sort of legislation.

These judges stated what is the common knowledge of every official, lawyer, or merchant who has had any actual experience as to the practical operation and effect of these laws. If you ask the man who was registrar under the old law for his opinion, unless he again wants the office he will say that under that law there were many cases of oppression. So generally was this understood that the President of the United States recommended its repeal, and the House twice passed a repealing act before the Senate would concur, and then the sentiment against the law became

so strong throughout the country that both Houses acted, and the repeal of that obnoxious measure was accomplished.

The grounds for involuntary bankruptcy in the former law are not materially changed or modified by this bill. This is the vital part, and it contains as many objectionable grounds of bankruptcy as the law of 1867. We have here nine acts for involuntary bankruptcy, and some of them double-headers, embracing more than one ground. There are nominally nine stated in the bill, but there are, as a matter of fact, many more.

Mr. STEWART of New Jersey. Does not the crying demand for a national bankruptcy law inhere in the fact that under the insolvency laws of most of our States inequitable preferences are permitted?

Mr. BRODERICK. That is probably one reason for the demand, but preferences are not permitted under the laws of all the States. They are not permitted in the State in which I live; preferences are expressly prohibited by the law of my State.

Mr. STEWART of New Jersey. I will state a case that happened to a member on this floor, belonging to my delegation. A debtor in New York owed him \$6,000. Preferences are permitted in the State of New York. He took advantage of that fact and made preferences.

Mr. KIRKPATRICK. Before making his assignment?

Mr. STEWART of New Jersey. Before making an assignment, before taking advantage of the insolvency laws of New York, he gave preferences to his mother, sister, etc. Then he took advantage of the insolvency laws and completely defrauded his New Jersey creditor out of \$6,000.

Mr. BRODERICK. Your State ought not to allow preferences.

Mr. FAIRCHILD. I will ask the gentleman from New Jersey if his friend ever attempted to set aside that assignment?

Mr. STEWART of New Jersey. I do not know that he did.

Mr. FAIRCHILD. Then if he did not it is his own fault if he lost his debt.

Mr. STEWART of New Jersey. Does the gentleman mean to assert that no preferences are allowed in New York State?

Mr. FAIRCHILD. No; I mean no fraudulent preference can be made prior to an assignment to a man's mother, sisters, or members of his family.

Mr. STEWART of New Jersey. I understand from the gentleman from New York [Mr. RAY], a member of the Judiciary Committee, that preferences are allowed in that State.

Mr. RAY. To the extent of one-third of the assigned estate.

Mr. BRODERICK. If preferences are allowed in the State of New York, then the legislature of the State ought to remedy that condition of things.

Mr. STEWART of New Jersey. But it is our duty to enact an equitable bankruptcy law, and to do away with these inequities.

Mr. BRODERICK. The Constitution has simply granted the power to Congress to enact bankruptcy legislation. It is not directory, but simply a grant of power which Congress may or may not exercise.

Mr. STEWART of New Jersey. But that implies a duty to do it when the occasion arises.

Mr. BRODERICK. Then Congress has been derelict in its duty nearly ever since the adoption of the Constitution, for the three bankruptcy laws that have been enacted in this country have only existed altogether about fourteen years.

Mr. BAILEY. Under the proposition coming from the Judiciary Committee, could any man obtain the benefit of a discharge after having given a preference to anybody?

Mr. STEWART of New Jersey. I understand he could not. I was talking about the insolvency laws of the State.

Mr. RAY. That is, if he had given any fraudulent preferences.

Mr. BAILEY. No; any preferences at all, as the proposition comes from the Judiciary Committee.

Mr. BRODERICK. That there is some demand in the country for the enactment of this legislation I have already admitted. So there has been a demand at other periods in the history of the country, and there have been laws enacted, and yet it is true that in each case as soon as the people understood the practical operation of the law there was a cry all over the country for its repeal. The last law existed longer than any other. That was on the statute book for about nine years, but within three years after that law went into operation there was a demand in nearly every State in the Union for its repeal, and this question of repeal in some localities was discussed from the rostrum by all political parties because of the demand from the business people for the repeal of that legislation. In no instance has a bankruptcy law in this country met the expectations of those who have advocated it. It has almost wholly failed of its purpose.

I have examined some of the reasons given for the repeal of former laws. There have been many objections raised, but the three principal objections to the last one were the excessive costs and expense attending the settlement of estates, the inaccessibility of the courts, and the abuses practiced under the law. It has been

contended here that the costs under this proposed law will be reasonable. But it must be remembered that the costs which go to the officers are but a small portion of the actual expense in settling a bankrupt estate. The expense and loss of time in being absent from business must be taken into account.

Mr. WATSON of Ohio. Is it not the purpose of this bill, by appointing a referee in each county in the district, to bring the administration of the law to the door of the litigant?

Mr. BRODERICK. The referees may settle some questions, but they can not settle all questions.

Mr. WATSON of Ohio. Is not that the purpose of the bill?

Mr. BRODERICK. That is the purpose of the bill.

Mr. WATSON of Ohio. They will settle all the questions of fact in the counties where the litigants reside and take the law questions to the court, which will be at a very slight expense.

Mr. BRODERICK. They will not settle contested questions. These will be sent to the court.

Mr. FAIRCHILD. Is it not a fact that you can not use a referee to decide a question of fact unless he is willing to withdraw from his privilege of jury trial?

Mr. BRODERICK. I understand that to be so. Where there is no jury demanded questions of fact may be settled by the referee; but questions of law and questions of fact, where a jury is required, must go to the court for adjudication.

Mr. Chairman, it was said by the distinguished chairman of the Judiciary Committee in his opening discussion that since the last bankruptcy legislation the Federal courts have been brought to the doors of all the people. This is doubtless true of his State, but all the States have not been so fortunate. In my State the Federal courts are held at four places—three in the eastern portion and one in the southern; and many of the people of that State, probably one-half, have to travel from 50 to 300 miles to reach the Federal courts. Gentlemen here know that many of the new States are large, and courts are held as yet at but few places.

There is another objection which I think is entitled to much weight. It is provided in one section of this bill that liens and judgments against the debtor, obtained within four months prior to the commencement of proceedings, shall be dissolved or abrogated upon filing the petition in bankruptcy. It is provided further that any lien taken for a debt without present consideration, any lien taken for an antecedent debt, is destroyed by this act, so that in case of failure these liabilities must be taken into the bankruptcy court and stand upon the same footing as unsecured debts. Now, I believe that in all small towns and villages of the country people have about the same business methods, where opportunities are substantially the same. The business people in these towns who have not sufficient money of their own borrow from the local banks to tide them over embarrassments, and in States where they can do so, some mortgage their goods and wares. In my State they may mortgage to secure preexisting debts, and in case of embarrassment they sometimes do so. This is no crime. Suppose I want to borrow money and go into business. I go to a home bank, secure a loan, and induce Mr. NORTHWAY to become my security. I borrow a thousand dollars. That bank carries me along for one, two, or three years, but Mr. NORTHWAY finally wants to change his business, or for some reason wants to be relieved from the responsibility, and I am willing to relieve him if I can get other security. I offer security on my stock of goods in order to relieve Mr. NORTHWAY. The bank cashier goes to the register of deeds, or whoever keeps the record of liens, and examines the record and finds nothing there against my property. The banker does not know my business in New York or Chicago, where I have been purchasing goods. He takes a mortgage on my goods and releases Mr. NORTHWAY from my obligation. Now, here is a mortgage for a preexisting debt. This banker had been helping to carry me for years; he not only helped me, but helped my creditors by enabling me to go on with my business. But after I have given this mortgage things turn against me, and I am forced into bankruptcy. Now, then, the banker, although he has used diligence in his business, and had no notice of any other liabilities against me, released the security he had and took other, a perfectly legitimate transaction, and without any intention to defraud, yet under the provisions of this bill he is to go into the bankruptcy court with his security destroyed and take his pro rata with the other creditors.

Now, I say that this provision is wrong. It is wrong to the country banks and merchants, and will embarrass the small dealers in every State in the Union. This local help that they get is what they depend upon to carry them through from year to year, and if this bill becomes a law the banks and people who have money to help along the business men in their respective localities will be unwilling to extend this help because of this law.

Mr. NORTHWAY. Do you say that a mortgage such as you have described is as good as a lien in the State of Kansas?

Mr. BRODERICK. Yes; a mortgage given any time before an assignment is good.

Mr. NORTHWAY. Upon a stock of goods?

Mr. BRODERICK. Yes; our courts have sustained such mortgages when given in good faith.

Mr. NORTHWAY. I do not know of a State where a chattel mortgage given with power to sell, retaining possession in the mortgagor, is good under such circumstances.

Mr. BRODERICK. It is good in our State, and it is good in Missouri.

Mr. NORTHWAY. Well, now, I know two States.

Mr. BRODERICK. Provided it is recorded.

Mr. NORTHWAY. In at least twenty-seven of the States such a transaction is held to be prima facie fraudulent.

Mr. BRODERICK. It has been held to be good in our State and in some others.

Now, Mr. Chairman, I have just called attention to section 67. I think that should be materially changed, and I hope that the gentleman will study it and see if it is not open to objection.

There are other objections to this bill. I have not time to enumerate them all, but I will indicate one more. Corporations are exempted from its operations. There has been of late a tendency in this country to do everything through corporations. The original purpose of the State in dividing its sovereignty with a corporation was good. That object was to bring together aggregations of capital to establish and carry on enterprises that individuals were not able or willing to undertake. But for the last few years there has been a marked tendency throughout this country to do everything by corporations, and this provision of the pending bill, if enacted into law, will certainly greatly aggravate and promote this growing evil.

Mr. RAY. Do I understand the gentleman to object to the provision in this bill which denies to corporations the right to go into voluntary insolvency?

Mr. BRODERICK. I think corporations, except municipal and national banks, which are now regulated by law, ought to be included in the provisions of the act or be entirely excluded.

Mr. RAY. I want to know whether I understood the gentleman correctly. I understood him to say that there was another objection to this bill and that that objection was that it denied to corporations the right to take the benefit of this act voluntarily.

Mr. BRODERICK. I think they should come in with others or not be in it at all.

Mr. RAY. Does not the gentleman remember that in the Fifty-third Congress we put that exemption into the bill upon his own suggestion and rather against the judgment of some of the other members of the committee?

Mr. BRODERICK. No; I think the gentleman is mistaken about that. I do not think I was present when that was considered.

Mr. RAY. Let me say to the gentleman that that was put in the bill not in accordance with my judgment, but out of deference to a sentiment which prevailed among some members of the committee that legislation generally was tending too much to the benefit of the corporations, and that, as they were created by State laws, they ought to be held responsible under the State laws.

Mr. BRODERICK. The gentleman is mistaken about this provision being put into the bill at my suggestion. I was not a member of the subcommittee that considered the bill, and I am sure that that was in the bill when it was reported to the full committee.

Mr. RAY. The gentleman disclaims it, and possibly I may be mistaken; but I do say that that provision was put in the bill in deference to the sentiment of which I have spoken, and I do not think the committee to-day would vote to retain it except in deference to that sentiment. I know of no reason why corporations should not be permitted to take the benefit of the act or should not be put into bankruptcy involuntarily except this, that in most of the States the laws creating corporations provide stringent laws for winding them up and appropriating their property to the payment of their creditors, and it was thought by the committee that the State laws could better deal with them.

Mr. BRODERICK. However that may be, I do not care especially whether corporations are in or out, but they ought to be one thing or the other.

Mr. STEWART of New Jersey. If the gentleman will permit me, was not the exemption of corporations from the operation of the act based upon the idea that corporations being incorporeal bodies, existing only in contemplation of law, it would be illogical to permit them to destroy themselves?

Mr. BRODERICK. That may have been one reason, and then there is the further reason that most of the States have satisfactory provisions for closing up the affairs of corporations.

Mr. BURTON of Missouri. Does my colleague understand that we can not put a corporation into involuntary bankruptcy?

Mr. BRODERICK. Yes; they can be forced in, but can not be discharged.

Mr. BURTON of Missouri. The law prohibits a corporation from voluntarily becoming a bankrupt upon the theory that the

total liability of a corporation is its capital stock subscribed and paid in; but a corporation may be put into bankruptcy by its creditors.

Mr. BRODERICK. Yes; and then it never gets out.

Mr. NOONAN. I should like to know whether the law in regard to receivers is not adequate to protect the creditors of a corporation, and to protect the company itself, without providing for either the voluntary or involuntary bankruptcy of a corporation?

Mr. BRODERICK. I believe most of the States have adequate provisions on this subject.

Mr. NORTHWAY. As the gentleman is a member of the committee that reported this bill, I will ask him whether the committee intended that the individuals composing a corporation might not file a petition in bankruptcy, and be discharged from their debts.

Mr. BRODERICK. I do not remember any discussion of that question.

Mr. NORTHWAY. They can be, I presume.

Mr. BRODERICK. I judge so. Mr. Chairman, there are two sides to this corporation question, and I have called attention to it, so that members of the House may examine and think upon it. I would like in some way to check this tendency toward doing all things through corporations, if there is any practical way of doing it.

Now, I have briefly stated my objections to the second section and to the sixty-seventh section of this bill. If these provisions are amended and improved I expect to vote for the bill, but I am unwilling to vote for a bill which declares so many acts not criminal within themselves grounds for forcing men into bankruptcy and wrecking their business. I am willing that there should be involuntary provisions to reach cases of actual fraud against creditors, but am not persuaded to go further.

I am convinced that the necessity for the proposed legislation is very much overestimated. State insolvency acts may be imperfect, but in my judgment there is less embarrassment and less litigation for business people under these State enactments than there would be under this bankruptcy bill should it become law, unless it should be materially amended. The old arguments against the law would be renewed, and in a short time there would be a universal demand for its repeal. It would relieve a few individuals; it would distress many. Unless the bill is amended, at the close of the debate I shall offer a substitute containing more moderate provisions, and if this substitute should be defeated I will vote against the bill.

Mr. BAILEY. The gentleman from Iowa [Mr. HENDERSON] is absent, momentarily, from the Hall. If it agrees with his arrangements, I will move that the committee rise.

Mr. BURTON of Missouri. The chairman of the committee, General HENDERSON, stated that he was going to withdraw, and he asked me to watch the proceedings on behalf of the committee.

Mr. BAILEY. Then I shall be glad if the gentleman will move that the committee rise.

Mr. BURTON of Missouri. Very well; I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the bankruptcy bill, and had come to no resolution thereon.

PENSIONS.

Mr. POOLE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8494) to amend section 3 of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor and providing for pensions to widows, minor children, and dependent parents"; which, with the accompanying report, was ordered to be printed and recommitted.

REPRINTING OF REPORTS, ETC.

Mr. SHERMAN. I ask unanimous consent for a reprint of the House document embracing the report of the board appointed by the President to report upon the Nicaragua Canal. The previous edition is exhausted.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

Mr. MAGUIRE. I ask the present consideration of a resolution for reprinting Senate Executive Document No. 51, first session Fiftieth Congress. This document is the report of the Pacific Railway Commission. The Committee on the Pacific Railroads and the Committee on Printing agree that the document should be reprinted, as the previous edition is exhausted.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That there be reprinted the usual number of Senate Executive Document No. 51 of first session of Fiftieth Congress.

There being no objection, the resolution was considered, and adopted.

On motion of Mr. MILLER of Kansas, by unanimous consent, it was

Ordered, That House bill No. 4176 be reprinted as amended, the previous print having been exhausted.

RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred by the Speaker as follows: Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary, explorer, and discoverer of the Mississippi River.

Resolved, That the statue be accepted to remain in the National Statuary Hall, and that a copy of these resolutions, signed by the presiding officers of the Senate and House of Representatives, be forwarded to his excellency the governor of the State of Wisconsin—

To the Committee on the Library.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 67) for the relief of E. R. Shipley;

A bill (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post road";

A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes;

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893; and

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. MILES, for two days, on account of important business. To Mr. WASHINGTON, for two weeks, on account of important business.

To Mr. BROSIUS, for four days, on account of sickness.

Mr. HENDERSON. I move that the House adjourn.

Mr. PICKLER. Pending that, I should like to offer a resolution.

The SPEAKER. A resolution can not be offered pending a motion to adjourn.

The motion of Mr. HENDERSON was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McRAE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8413) to confirm certain cash entries of public lands, reported the same without amendment, accompanied by a report (No. 1526); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 264) entitled "An act providing for the location and purchase of public lands for reservoir sites," reported the same without amendment, accompanied by a report (No. 1527); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla., reported the same without amendment, accompanied by a report (No. 1532); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 2691) to correct the military record and grant an honorable discharge to Michael F. Dearmitt. (Report No. 1528.)

By Mr. COFFIN, from the Committee on Pensions: The bill (S. 2635) entitled "An act granting a pension to Caroline Watkins." (Report No. 1533.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 6634) granting a pension to Sarah M. Spyker. (Report No. 1534.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CURTIS of Iowa: A bill (H. R. 8550) imposing a license tax upon itinerant musicians and the proprietors of merry-go-rounds in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. HENDRICK: A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Kentucky—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: A bill (H. R. 8552) granting a service pension to all honorably discharged officers, soldiers, and sailors in the military or naval service of the United States during the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 8553) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895—to the Committee on Public Buildings and Grounds.

By Mr. LOW: A bill (H. R. 8554) to provide for reorganization and improvement of the musical service of the Army and Navy and Marine Corps of the United States, and to regulate the employment of enlisted men in competition with civilians—to the Committee on Military Affairs.

By Mr. CLARK of Missouri (by request): A bill (H. R. 8555) granting a pension to soldiers, sailors, and marines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8556) authorizing the Secretary of the Navy to deliver four condemned cannon to B. B. King Post, No. 70, at Canton, Mo.—to the Committee on Naval Affairs.

By Mr. LOW: A bill (H. R. 8557) to provide an American register for the steamer *Menemsha*—to the Committee on the Merchant Marine and Fisheries.

By Mr. CUMMINGS: A bill (H. R. 8558) to amend chapter 67, volume 23, of the Statutes at Large of the United States—to the Committee on Naval Affairs.

By Mr. DINGLEY (by request): A bill (H. R. 8559) to incorporate the Anti-Saloon League of the District of Columbia—to the Committee on the District of Columbia.

By Mr. WELLINGTON: A bill (H. R. 8560) to regulate the establishment of submarine telegraphs, cable lines, or systems in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: A bill (H. R. 8561) donating two condemned cannon to Coleman Post, No. 467, Grand Army of the Republic, of Annville, Pa.—to the Committee on Military Affairs.

By Mr. MURPHY of Arizona: A bill (H. R. 8562) granting to the Territory of Arizona a portion of the Camp Verde Military Reservation, in Arizona, and the buildings and improvements thereon for normal-school purposes—to the Committee on the Public Lands.

By Mr. SOUTHARD: A bill (H. R. 8563) donating one condemned cannon and one pyramid cannon balls to Grand Army of the Republic Post, No. 108, Fayette, Ohio—to the Committee on Military Affairs.

By Mr. PICKLER: A resolution (House Res. No. 288) asking for time to consider private pension bills—to the Committee on Rules.

By Mr. BULL: A memorial of the general assembly of Rhode Island, recommending the passage of the bill to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Rhode Island: A memorial of the general assembly of the State of Rhode Island, recommending the passage of a bill to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 8564) for the relief of Susan Elizabeth Laughren—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 8565) for the relief of John W. Ray, etc.—to the Committee on Military Affairs.

By Mr. BLUE: A bill (H. R. 8566) for the relief of S. R. Doolittle, late second lieutenant Company H, Seventh Regiment Kansas Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 8567) to increase pensions of Michael S. Brockett, George Williams, and Isaac Willhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8568) granting a pension to Florence Tate—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8569) for the relief of Mahala Jones and Elizabeth Jones—to the Committee on Pensions.

Also, a bill (H. R. 8570) for the relief of Catherine Moore—to the Committee on Invalid Pensions.

By Mr. CLARKE of Alabama: A bill (H. R. 8571) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Thomas W. McDonald, as administrator of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom—to the Committee on War Claims.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 8572) for the relief of the Greenbrier Distillery Company—to the Committee on Ways and Means.

By Mr. FITZGERALD: A bill (H. R. 8573) for relief of the heirs of Philip C. Rowe—to the Committee on Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 8574) for the relief of John H. Forbush—to the Committee on Military Affairs.

Also, a bill (H. R. 8575) for the relief of Andrew J. Riggs—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 8576) granting a pension to John L. Holden—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 8577) to remove the charge of desertion from the military record of John Ziegler—to the Committee on Military Affairs.

Also, a bill (H. R. 8578) for the relief of John Harper, Alexander Hammonree, and others, trustees of the Methodist Church at Warrenton, Mo.—to the Committee on War Claims.

By Mr. WALKER of Virginia: A bill (H. R. 8579) to correct the military record of Jefferson Hann—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 8580) to correct the military record of Frank D. Myers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BULL: Paper to accompany House bill No. 8206, granting an increase of pension to Mrs. C. Abbot—to the Committee on Pensions.

By Mr. BURTON of Ohio: Memorial of Army and Navy Post, No. 187, of Cleveland, Ohio, on behalf of pension for Mrs. Weltha Leggett—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri (by request): Petition of citizens of Scotland County, Mo., praying for the passage of House bill No. 5729, relative to the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLITTLE: Petition of American citizens in Australia, for the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Affidavits in relation to the bill in behalf of David N. Thompson for a pension—to the Committee on Invalid Pensions.

By Mr. HILBORN: Petition of many citizens of Alameda County, Cal., protesting against the continuance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. LOUD: Resolutions of the San Francisco Chamber of Commerce, in favor of Senate bill No. 2447, for a bureau of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the San Francisco Chamber of Commerce, favoring Senate bill No. 2410, for the encouragement of American shipping in foreign trade—to the Committee on Interstate and Foreign Commerce.

By Mr. ROYSE: Petition of numerous citizens of South Bend, Ind., recommending the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. STAHL: Petition of 69 ex-soldiers and ex-sailors of the late war, citizens of Hanover, Pa., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. TAFT: Petition of Thomas French, jr., and others, of Cincinnati, Ohio, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TRACEWELL: Petition of the Young Men's Christian Association of New Albany, Ind., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, April 30, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a letter in the form of a memorial from the National Academy of Sciences in opposition to the enactment of legislation on the subject of vivisection.

I also present a memorial of the Medical Society of the District of Columbia in opposition to legislation on the same subject.

I present also a petition signed by several hundred citizens of the District of Columbia, at the head of which is the name of Rev. Randolph H. McKim, on the same subject, the petitioners favoring legislation that will restrict and regulate vivisection in the District of Columbia. The petitioners say, first, that animals used for painful scientific experiments should be rendered insensible by the use of anesthetics; second, that such experiments should be performed only by licensed persons at registered places and subject to official inspection; and third, that no such experiments should be allowed before classes of children in the public schools.

I desire to call attention to the names on this petition, which is one of the most remarkable in point of influence and strength ever presented to the Congress of the United States:

Justices John M. Harlan, H. B. Brown, David J. Brewer, E. D. White, R. W. Peckham, and George Shiras, jr., of the Supreme Court of the United States; Justices Walter S. Cox, A. B. Hagner, and C. C. Cole, of the supreme court of the District of Columbia; Chief Justice W. A. Richardson and Justices C. C. Nott and Lawrence Weldon, of the United States Court of Claims; Bishop John J. Keane, rector of the Catholic University of America; Bishop Henry Y. Satterlee, Bishop John F. Hurst, Archdeacon Thomas S. Childs, Rev. Dr. Alexander Mackay-Smith, rector of St. Johns; Rev. Dr. Randolph H. McKim, rector of Epiphany; Rev. Dr. John H. Elliott, rector Church of the Ascension; Rev. Dr. J. A. Aspinwall, rector of St. Thomas Church; Rev. Dr. Tenuis S. Hamlin, pastor Church of the Covenant; Rev. Byron Sunderland, pastor First Presbyterian Church; Rev. Thomas C. Easton, pastor Eastern Presbyterian Church; Rev. Dr. Frederick D. Power, pastor Vermont Avenue Christian Church; Rev. Dr. Oliver A. Brown, pastor Foundry Methodist Episcopal Church; Rev. Dr. Frank Sewall, pastor New Church; Rev. Dr. J. G. Butler, pastor Lutheran Memorial Church; Rev. Dr. Alexander Kent, pastor People's Church; Gen. and Mrs. Nelson A. Miles, Mrs. U. S. Grant, Mrs. George Hearst, Mrs. John Davis, Mrs. A. W. Greely, Mrs. L. Z. Leiter, Mrs. Madeleine Vinton Dahlgren, Mrs. W. M. Stewart, Mrs. S. Powhatan Carter, Mrs. Florence Murray, Mrs. Robert Anderson, Mrs. George Shiras, jr., Mrs. H. B. Brown, Mrs. Emma Morton, Mrs. Henry M. Teller, Miss Olive Risley Seward, Mr. and Mrs. A. L. Barber, Mr. and Mrs. Henry F. Blount, Mrs. Benaiah J. Whitman, Gen. and Mrs. Rufus Saxton, Gen. John G. Parke, Gen. D. S. Stanley, Gen. J. S. Fullerton, Gen. H. V. Boynton, Gen. James H. Wadsworth, ex-Senator Charles F. Manderson, ex-Senator John B. Henderson, Representative CHARLES L. HENRY, ex-Commissioner John W. Douglass, Mr. Crosby S. Noyes, Mr. Theodore W. Noyes, Mr. S. H. Kauffmann, Mr. John R. McLean, Mr. John Joy Edson, Mr. B. H. Warner, Mr. Charles J. Bell, Mr. Samuel M. Bryan, Mr. James E. Fitch, Mr. John B. Wight, Comptroller James H. Eckels, Mr. R. Ross Perry, Mr. Enoch Totten, Mr. W. D. Davidge, Mr. Jere M. Wilson, Mr. Mahlon Ashford, Mr. J. Hubley Ashton, Mr. Nathaniel Wilson, Mr. Anthony Pollok, Mr. Calderon Carlisle, Mr. Halbert E. Paine, Mr. Reginald Fendall, Mr. Benjamin Butterworth, Mr. Samuel Maddox, Mr. J. J. Darlington, Mr. A. G. Riddle, Mr. Henry E. Davis, Mr. Chapin Brown, Mr. H. Randall Webb, Mr. John Sidney Webb, Mr. William A. Gordon, Mr. J. Holdsworth Gordon, Mr. William Henry Dennis, Mr. Leigh Robinson, Mr. R. E. Lee, jr., Mr. Montgomery Blair, Mr. Frank T. Browning, Mr. William Stone Abert, Mr. William Redin Woodward, Mr. Story B. Ladd, Judge Thomas F. Miller, Mr. Crammond Kennedy, Mr. John Cassels, Mr. and Mrs. Charles M. Ffoulke, Mr. and Mrs. Horace S. Cummings, Mr. W. M. Poindexter, Mr. Maxwell Woodhull, Mr. and Mrs. Horace S. Cummings, Elliott Coues, A. M., M. D., etc., late professor of anatomy National Medical College; Dr. F. A. Gardner, Dr. S. S. Stearns, Dr. James A. Freer, Dr. Reginald Munson, Dr. L. E. Rauterberg, Dr. S. I. Groot, Dr. Leigh Yerkes Baker, Dr. Waterman F. Corey, Dr. Charles B. Gilbert, Mr. A. S. Pratt, Mr. William B. Cabell, Maj. R. H. Montgomery, U. S. A.; Maj. Robert Craig, U. S. A.; James A. Bates, U. S. A.; David A. Irwin, U. S. A.; Theodore Mosher, U. S. A., and Frank G. Smith, U. S. A.

Mr. CHANDLER. I should like to ask my colleague whether

the Committee on the District of Columbia has reported or intends to report a bill prohibiting vivisection in the District of Columbia?

Mr. GALLINGER. The Committee on the District of Columbia, I will say to my colleague, will probably not report a bill absolutely prohibiting vivisection in the District of Columbia; and while I can not speak for the committee as to their action on this very important subject, I will venture to say that the committee have had under consideration a bill which proposes to limit and control vivisection in this District, which I think is being very favorably considered. In due time the committee will undoubtedly make a report, which I trust will be made before the present session of Congress expires.

I move that the memorials and the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BURROWS presented a petition of the First Methodist Episcopal Church of Sturgis, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition, in the form of resolutions adopted by Union Lodge, No. 7, American Association of Iron and Steel Workers, of Cleveland, Ohio, praying for the Government ownership and control of telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the passage of Senate bill No. 2410, providing for the encouragement of American shipping in the foreign trade; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the passage of Senate bill No. 2447, establishing a department of commerce and manufactures, and remonstrating against the provision in the bill which provides for the partial transfer of the United States consular service to this department; which was referred to the Committee on Commerce.

Mr. PRITCHARD presented a petition of the Chamber of Commerce and Industry of Raleigh, N. C., praying that an increased appropriation be made for gauging the streams and determining the water supply of the United States; which was referred to the Committee on Appropriations.

Mr. QUAY presented memorials of 35 citizens of Philadelphia, Pa., of 43 citizens of Pennsylvania, and of 63 citizens of Allegheny County, Pa., remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to postage on second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Philadelphia Union, No. 8, United Brotherhood of Carpenters and Joiners, of Philadelphia, Pa., praying for the free coinage of silver at the ratio of 16 to 1; which was ordered to lie on the table.

Mr. MITCHELL of Oregon. I present a petition of the board of directors of the Merchants' Association of Boston, Mass., praying for the passage of the Torrey bankruptcy bill. I move that the petition lie on the table, the bankruptcy bill having already been reported, and that it be printed as a document.

The motion was agreed to.

Mr. ALDRICH presented a resolution of the general assembly of Rhode Island, favoring an increase of compensation to letter carriers; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

[State of Rhode Island, etc., in General Assembly, January session, A. D. 1896.]

Resolution recommending to Congress the passage of the bill now pending in the National House of Representatives to increase the pay of letter carriers.

Whereas there is now pending in Congress a bill H. R. 200, which has been favorably reported by the Committee on the Post-Office and Post-Roads of the House of Representatives, entitled "A bill to increase the pay of letter carriers," by the provisions of which the compensation would range from \$600 for the first year of regular service, with \$200 annually added, to a maximum of \$1,000 a year in cities of a population of less than 75,000 and a maximum of \$1,200 in larger cities; and

Whereas granting the proposed increase the free-delivery service of the Post-Office Department would still be not only self-supporting, but the source of a large revenue to the Government; and

Whereas the duties of a letter carrier are of an arduous, responsible character, requiring for their best discharge the services of faithful and capable men, permanently employed: Now, therefore, it is

Resolved, That in the judgment of the general assembly of the State of Rhode Island the bill aforesaid, to increase the pay of letter carriers, should be promptly passed by Congress; that the Senators and Representatives of this State at Washington be, and they are hereby, requested to urge the passage of said bill at the present session of Congress, and that the secretary of state of Rhode Island be, and he hereby is, instructed to send a copy of this resolution to each of our said Senators and Representatives in Congress, as well as to the Hon. THOMAS B. REED, Speaker of the National House of Representatives.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 27, 1896.

I certify the foregoing to be a true copy of a resolution passed by the general assembly of said State on the 24th day of April, A. D. 1896.
In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date and year first above written.

CHARLES P. BENNETT,
Secretary of State.

Mr. BRICE presented a petition of the Trades and Labor Assembly of Massillon, Ohio, praying for the appointment of a non-partisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented a petition of the ex-Prisoners of War Association of Hamilton County, Ohio, praying for the passage of House bill No. 306, granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions.

He also presented the petition of Charles O. Heggem, superintendent of Russell & Co., manufacturers, of Massillon, Ohio, praying for the enactment of legislation reorganizing and increasing the Engineer Corps of the Navy; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Cheney Medicine Company, of Toledo, Ohio, remonstrating against the enactment of legislation taking the jurisdiction of the courts away from alcohol claimants; which was ordered to lie on the table.

He also presented a memorial of John D. Park & Sons Company, chemists, of Cincinnati, Ohio, and a memorial of Schaber, Reinthal & Co., of Cleveland, Ohio, remonstrating against the enactment of legislation tending to repudiate claims for a rebate on alcohol; which were ordered to lie on the table.

SOUTHERN PACIFIC COMPANY.

Mr. ALLISON. I present a letter from the Secretary of the Treasury, transmitting a statement of all amounts allowed in the name of the Southern Pacific Company, its branches and leased lines, on account of nonbond-aided services, and which remain unpaid, amounting to \$1,542,979.44. I move that the letter and accompanying statement be referred to the Committee on Appropriations, and printed.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment providing for the payment of expenses incurred under the treaty between the United States and Great Britain, signed at Washington, February 8, 1896, and for the procurement and enforcement of testimony under Article III of that treaty, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2396) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York, reported it with amendments.

Mr. PERKINS, from the Committee on Naval Affairs, to whom were referred the following bills and joint resolution, reported them severally without amendment:

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

Mr. ELKINS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3046) for the relief of Frederick Van Guilder, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1743) for the relief of the widow of Thomas L. Young, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2906) for the establishment of a light-

house at the pitch of Cape Fear River, near Wilmington, N. C., reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (S. 2628) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y., reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 2058) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co., reported it without amendment, and submitted a report thereon.

Mr. CHILTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," reported it without amendment.

Mr. BATE. I am instructed by the Committee on Military Affairs, to whom were referred the bill (S. 1950) for the relief of Enoch Davis, and the bill (S. 1986) for the relief of Enoch Davis, the former introduced by the Senator from Iowa [Mr. ALLISON] and the latter introduced by the Senator from Iowa [Mr. GEAR], neither of them knowing, I suppose, that the other had introduced such a bill, to report them adversely, and to substitute therefor a similar House bill, which I shall report favorably. I move that the two Senate bills be indefinitely postponed.

The motion was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2735) for the relief of Enoch Davis, reported it without amendment.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. PERKINS on the 23d instant, providing for the payment of certain claims reported favorably by the Court of Claims and reported by the Secretary of the Treasury to Congress in House Executive Document No. 151, Forty-fourth Congress, first session, page 27, intended to be proposed to the general deficiency appropriation bill, reported it favorably, with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. HILL, from the Committee on the Judiciary, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2984) in relation to contempt of court; which was read twice by its title.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1827) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1785) for the correction of muster of Adolph von Haake, late major Sixty-eighth Regiment Veteran Volunteer Infantry, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, reported an amendment intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

JOHN FOX.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 506) to correct the military record of John Fox, of Albany, Oreg., to report it favorably, without amendment.

Mr. MITCHELL of Oregon. I hope to have the consent of the Senate to place the bill on its passage. It is a private bill.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of desertion now standing on the records of the War Department against John Fox, who was enrolled December 20, 1861, and mustered into the service March 5, 1862, as a private in Company G, Twenty-sixth Kentucky Infantry, to serve for three years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 2985) to incorporate the Anti-Saloon League of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2987) to establish certain harbor regulations for the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. BLACKBURN introduced a bill (S. 2988) for the relief of W. J. Tapp & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 2989) to increase the pension of Caroline S. Baker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLANCHARD introduced a bill (S. 2990) for the relief of Charles M. Wells; which was read twice by its title, and referred to the Committee on Claims.

Mr. BRICE introduced a bill (S. 2991) granting a pension to George G. Eakins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2992) granting a pension to Ellen O'Hara; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2993) granting a pension to Rebecca Gilbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2994) granting a pension to William G. Alspach; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2995) granting a pension to James M. Dennison; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2996) granting a pension to Laura Moore, the widow of a soldier of the Florida Seminole Indian war; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims.

Mr. CARTER submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BATE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

JOHN MELLIFONT AND ELLEN RIORDON.

Mr. MILLS. I ask unanimous consent for the present consideration of the bill (S. 1336) for the relief of John Mellifont and Ellen Riordon.

Mr. HALE. I hope the Senator from Texas will let me get up the appropriation bill first.

Mr. MILLS. Very well.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. MILLS. The Senator from Maine yields to me to call up the bill which I have indicated.

Mr. HALE. I yield to the Senator from Texas.

The VICE-PRESIDENT. The bill indicated by the Senator from Texas will be read.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with amendments, in line 4 to strike out "determine" and insert "find the law and facts respecting," and at the end of the bill to add "and that the testimony and evidence now on file in the Senate may be used in said cause in the Court of Claims: *Provided*, That the bar of the statute of limitation is hereby removed"; so as to make the bill read:

Be it enacted, etc. That jurisdiction is hereby conferred upon the Court of Claims to hear and find the law and facts respecting the claims of John Mellifont and Ellen Riordon for damages sustained by them in consequence

of the illegal acts of the officers and soldiers of the United States in taking and killing and ordering off the stock of the above-named parties, destroying their fences and buildings, and for other injuries committed by the said officers and soldiers on the farm of the above-named parties near Fort Clark, in the county of Kinney and State of Texas, between the years 1866 and 1870, both inclusive, and that the testimony and evidence now on file in the Senate may be used in said cause in the Court of Claims: *Provided*, That the bar of the statute of limitation is hereby removed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the following bills, having been presented to the President on the 15th instant, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (S. 100) for the relief of the estate of John R. Bigelow; and

An act (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Brig. Gen. Abner Doubleday.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, the pending question being on the amendment of Mr. QUAY to the amendment of Mr. GORMAN.

Mr. HALE. I ask that the pending question be stated.

The VICE-PRESIDENT. The amendment and the amendment to the amendment will be read.

The SECRETARY. In line 19, page 50, after the word "contract," Mr. GORMAN proposes to amend the bill by striking out the word "four" and inserting "two"; so as to read:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract two seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$3,750,000 each.

Mr. QUAY moves to amend the amendment by striking out "two" and inserting "six"; so as to read:

Six seagoing coast-line battle ships.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. HALE. I do not desire at present to submit any remarks upon the pending amendment. The Senator from California [Mr. WHITE] has indicated a disposition to submit some remarks on the bill, and I yield to him.

Mr. WHITE. Mr. President, I desire to make a few suggestions in reference to the further construction of a Navy and as to the desirability of coast defenses.

I concede the necessity for an adequate Navy ample to protect us in case of exigency, but when we are considering the question of appropriating money for naval purposes we ought not to forget the situation of the country with regard to the matter of coast defenses.

OUR DEFENSELESS CONDITION.

While it is universally admitted that the United States is not in a position for successful defense against any leading nation, I do not believe that the public appreciate the utter ineffectiveness of the means heretofore taken to guard our coasts and property. The situation can hardly be exaggerated. In the event of armed contest with such powers as England or France we could not make even a respectable showing. General Miles, in a statement given by him before the Committee on Coast Defenses during the present Congress, sums up the situation thus:

In my judgment, legislation is required to put the principal ports of the country in a proper condition of safety and in order to give them suitable protection.

Senator SQUIRE. Have you examined the condition of the fortifications that have been erected at any of the seaports?

General MILES. Yes, sir; I have made it a question of study for many years. My attention was first called to it when in command of the Department of the Columbia in the Northwest some fifteen years ago, and later when in command of the Division of the Pacific. In my reports eleven and six years ago I called attention to the subject and urged the importance of protecting the principal harbors of the Pacific coast, especially at the entrance of Puget Sound, thereby protecting Port Townsend, Seattle, Tacoma, Olympia, and other important places on Puget Sound; also the defense of the Columbia River, giving protection to Astoria and Portland, Oreg., and the entrance to the harbor at San Francisco and that of San Diego, Cal.

Senator SQUIRE. Would the guns now at these places be of any use; are they serviceable?

General MILES. While there are guns mounted at Fort Canby, at the mouth of the Columbia, and in the harbor of San Francisco, they are mostly obsolete guns mounted on old and rotten carriages, and as far as the guns are concerned I believe that they could not be sold for enough to pay the purchaser for taking them down and using them for old iron.

General Craighill, Chief of Engineers, in his statement to be found on page 1 of the hearings before the subcommittee of the Senate Committee on Coast Defenses, said:

I assume that nobody doubts the need of coast defenses. Our coasts are utterly unprotected and should be put in proper condition as soon as possible, and what we need now is money.

No one denies that New York, Boston, Philadelphia, San Francisco, and all our seacoast cities will, in the event of war, be destroyed unless some provision is made for their protection. Recently work has been done at San Francisco and at New York, but the defenses even of those places are yet inadequate. Admiral Walker, who takes a very broad view of the situation and does not consider that the Navy alone can do the work, made the following statement concerning the defense of San Francisco:

It is a very difficult place to fortify properly, because of its wide, easy entrance, deep water, and strong currents—

And continuing—

Very many places on our eastern shore where our channels are shoal are easy of defense. They could be defended. It is impracticable to fortify any but the most important places on our coasts, but we do not want an enemy to come and keep out of range of the defenses of Boston, New York, etc., and ravage all the coast, as they could do if we did not have a Navy to protect it.

The Senator from Vermont [Mr. PROCTOR] thereupon interrogated Admiral Walker as follows:

The British do not neglect their defenses, do they?

Admiral WALKER. No, sir.

Senator HAWLEY. How about their fortifications here on this continent?

Admiral WALKER. They hold Halifax, Esquimaux, and Bermuda as bases for operations against the United States; in the West Indies, Santa Lucia and Jamaica.

Senator HAWLEY. In Kingston there is a fortification of some importance, is there not?

Admiral WALKER. Yes, sir.

The committee took testimony with reference to the various means of defense now available. I quote from Admiral Walker:

Senator PROCTOR. Do you consider that on the whole the plan outlined in the report of the Endicott Board—you are somewhat familiar with it—is a good plan for the defense of our coasts?

Admiral WALKER. Yes; I consider it so.

Senator PROCTOR. The board was composed of very able men, who made a thorough study of the subject?

Senator SQUIRE. And two members of the Endicott Board were officers of the Navy?

Admiral WALKER. Yes. I have thought, however, for some years that the engineers of the Army gave too much importance to their mortars. I believe in direct-fire guns.

Senator PROCTOR. How much fire from a direct-fire gun could a vessel stand?

Admiral WALKER. A modern battle ship would stand a good many shots at a reasonable range, but would of course be injured to a greater or less extent.

Thereupon the Senator from North Carolina [Mr. BUTLER] inquired:

Would not a few torpedoes either cripple a ship or destroy her if placed at the entrance of the harbor?

Admiral WALKER. Ships would not attempt to come in without first destroying the torpedoes.

Senator SQUIRE. We want you to give us some idea of the importance of the land defenses, and the proper relation of the Navy to the land defenses.

Admiral WALKER. I think there is some confusion of terms with our people. What we want are harbor defenses. You can not protect the whole coast by fortifications, but you can fortify the cities and important strategic points, and they should be firmly held by means of fortifications, torpedo boats, mines, and battle ships. We ought to hold these points firmly, but it would not be important to fortify minor points. The important points should be held for many reasons. For instance, the capture of New York would cause enormous loss from a financial and moral point of view. Again, from a naval officer's point of view, our cities are necessary as points to which our ships, if injured or defeated in action can withdraw under cover of the fortifications, and dock, repair, and receive supplies and coal. They must serve as bases for naval operations.

The admiral thereupon continued, showing that while with ample protection and strong fortification and abundance of direct-fire guns it will be impossible for a hostile fleet to enter our harbors, nevertheless unless much more generous provision is made than is now contemplated by Congress it is unreasonable to claim that our country is even tolerably protected.

I will again cite Admiral Walker:

Admiral WALKER. The plan of the English is to keep their navy equal (in strength) to that of any other two nations.

Senator PROCTOR. What would be our fate if they sent their whole naval force against us?

Admiral WALKER. If they were at this time to send over such a naval force as they could spare from Europe they would have their own way upon our coast.

Senator HAWLEY. They could take Portland and Boston in twenty-four hours.

Admiral WALKER. Yes, sir; there is nothing that could stop them for any great length of time.

Senator GORDON. How many guns have they for the protection of New York?

Admiral WALKER. We now have at Sandy Hook, in position, 2 guns and 16 mortars.

Senator GORDON. Under the conditions existing now, what would be the effect if the English navy should engage ours?

Admiral WALKER. They would probably capture or destroy our whole Navy.

Senator PROCTOR. Would there not be some chance if we made a proper defense at Sandy Hook to successfully defend New York?

Admiral WALKER. By putting all our vessels behind Sandy Hook we could make them something of a fight for that place, but nothing would prevent them from raiding the whole coast.

Lieut. James A. Frye, of Massachusetts, treats this subject in a most interesting manner. He says:

It safely may be assumed that a large portion of our people would be found to hold the same sanguine views of the outcome of a foreign war. Further than that, newspapers and individuals are not lacking that brand as traitorous any words of warning, from whomsoever they may come, or with however much of earnestness they may be uttered. Yet if the simple, stern setting forth of unpalatable facts is to be considered a mark of disloyalty the Secretary of War, the Secretary of the Navy, the officers of both regular establishments, and the thinking men in civil life must come in together for censure from their country. "It is embarrassing for a military officer to acknowledge this condition of affairs and to record these facts," said the general who now commands our Army, after calling attention to our defenseless coast. Yet he would do less than his duty to his country did he not endeavor to bring the truth before the Government, in order that it should be fully apprised of the true condition of affairs.

The Secretary of War sums up the situation thus:

If future appropriations for the manufacture of guns, mortars, and carriages be no larger than the average authorized for the purpose since 1888, it will require twenty-two years more to supply the armament for the eighteen important ports for which complete projects are approved. If the appropriations for the engineer work are to continue at the rate of the annual appropriations since 1890, it will require seventy years to complete the emplacements and platforms for the ports referred to. * * * It rests with Congress to determine by its appropriations the period which shall elapse before our coasts shall be put in a satisfactory condition of defense. The amount required for the eighteen ports is about \$82,000,000, and the entire work can be completed within ten years. The rate of progress will be slower in proportion as appropriations are kept below the amount which can be advantageously expended.

Mr. President, the sum and substance of the situation in this regard is as follows: If we continue to make appropriations as we have done for the purpose of fortifying our harbors, it will take seventy years to complete the scheme outlined by the Endicott Board, and since modified by the officers in charge. Manifestly, therefore, no appropriations whatever should be made or adequate appropriations should be made. It is absolute waste of money to enter upon a work which can not be utilized until the expiration of seventy years. But what will be thought of our coast defenses when completed seventy years hence? The improvements which the future has in store can not be foretold. Obviously a plan for fortifications, or, indeed, for anything else, which can not be realized for generations should not be countenanced by intelligent men.

Fortification work is not only in an unfinished state, but it has, as General Craighill says, barely been entered upon. We have but few guns of modern type. I have heard it remarked that the smoothbores now owned by the Government may be of avail. Admiral Walker tells us (Hearings, page 158) that these might be used as auxiliaries for the defense of small harbors. General Miles, however, states that in his opinion they are entirely useless, and might be sold for old iron.

The information furnished by General Flagler is interesting. The following is an extract from his examination before the Committee on Coast Defenses, page 31:

The change in our guns, carriages, projectiles, and powder within the last twenty-five years has been as wide and as great as that which took place from Napoleon's wars, or from 1815, to the period I mentioned, twenty-four or twenty-five years ago.

Senator SQUIRE. Up to 1870.

General FLAGLER. Consequently the whole coast defense which we have considered so far includes nothing that was found in our coast defense twenty-five years ago. It is all entirely new; and it must be new to be of any use against the modern armored vessels or for any modern ordnance, everything being entirely new.

The same statement holds good, and in some respects the changes are even more radical, in our field and siege material. All of the field and siege guns, ammunition, and material are entirely new. The Ordnance Department has been closely occupied on perfecting this material for many years. We had no money for manufactures and could accomplish little in the way of manufactures up to about six years ago; but investigations and experiments have been in progress for many years, and I feel authorized to state that our siege and field material at the present time is as good as or better than that of any other nation in the world.

All I wish to say, then, is that these field and siege guns and all material that goes with them are new, and we could not in any war against a foreign nation use any one of the guns or any of the material that was used during our civil war that is now on hand. New guns and new material must be provided throughout.

We have but a limited number of these guns with carriages and ammunition for them on hand. In any emergency this field and siege material would probably be as important and might be much more important than the sea-coast defense, or might form a part of it.

Therefore, in reply to your request as to what appropriations, in addition to the estimates now before Congress, should be made for the next fiscal year, I feel it my duty, and it is very important, that there should be added to the estimates I "have given to you another estimate for this field and siege artillery."

If trouble comes it will be impossible to make even fair defensive preparations. The enemy will have everything his own way. We are prone to be overconfident. Many of our people think that they can prepare for war within a few months. That such ignorance should prevail to any extent is remarkable. Nevertheless we must treat facts as we find them. The 12-inch gun is our main reliance as far as fortifications are concerned. We have no 16-inch guns, and there is some controversy as to their effectiveness.

General Flagler says (Hearings, page 28) we have a contract with

the Bethlehem Company for guns under which they are delivered slowly. We can procure in addition to that number no guns which the Department is willing to put into fortifications except those we manufacture at the gun factory. You will see, then, that the gun manufactory measures the rate at which we can go on with coast defenses.

General Flagler made the following statement with reference to the length of time necessarily consumed in making a 12-inch gun, and his opinion is, of course, most valuable:

What length of time—

He was asked—

would be consumed in making one of the large guns, such as there are in the harbor at San Francisco, if you had everything just as you want it?

I will state that the gun named is a 12-inch gun.

General FLAGLER. After the date of the contract we would not have the forgings in less than eight months. We could then finish the gun in about six months.

Senator WHITE. It would take a little over a year to complete the gun?

General FLAGLER. Yes; it would be about that length of time from the date of the appropriation before the gun would be completed. For an 8-inch gun it would take about seven months and for a 10-inch gun about ten months.

The statement made by General Craighill, and also contained in the report of the Committee on Coast Defenses, with reference to the difficulty of rapid work and the impossibility of immediate accomplishment, is alike instructive and interesting.

General Flagler insists with much force that we should not be without some 16-inch guns. In that respect, as I have before remarked, there has been some controversy among our military men, but he declares that he is willing to assert that we can manufacture a successful 16-inch gun. He argues that there is necessity for such a weapon, because a 12-inch gun would not necessarily be certainly effective when brought to bear upon one of the largest vessels that might be sent against us, but that one shot well directed from a 16-inch gun will put any vessel in the world out of action; and he tells us that it would take about three years to make the first or type 16-inch gun. I quote from his report as Chief of Ordnance:

The Board on Fortifications or Other Defenses of 1886, appointed under the act of Congress of March 3, 1885, adopted forty-four 16-inch guns as a part of our coast defenses, and designated the harbors for the defense of which these guns were to be used. For carrying out the provisions of this report this Department has several times submitted to Congress an estimate for funds for the construction of a type 16-inch gun, but the necessary appropriation therefor has not yet been made. It is believed that this failure of Congress to make the necessary appropriation is partly due to opinions expressed by persons who are opposed to the adoption and use of the 16-inch gun, and who profess to believe that the 12-inch gun has sufficient power for our needs. I do not know what arguments have been used to enforce this opinion, and can not, therefore, combat such arguments. The refusal of the necessary appropriation does not, however, relieve this Department from responsibility in the matter, and I deem it a plain duty to submit here some of the more important reasons for urging immediate preparation for producing guns of this caliber.

The question of the comparative advantage of guns of the largest or of a smaller caliber for the coast defense has sometimes been confused with the same question applied to naval guns, and the opinion formed against them for naval use has been, without sufficient thought, improperly extended to coast-defense use. The cases are so totally different that arguments applicable to the one case are not applicable to the other. The Navy is limited by the weight which can be conveniently carried or economically provided for, by the length which is admissible, by convenient provision for handling and protecting, and by provision which can be conveniently or economically made for strains due to recoil. Our coast defenses are not so limited in regard to any of these provisions. The naval gun is on a movable support, and can be placed in such proximity to the enemy for fighting purposes as the caliber of the gun and the circumstances of the case demand and will give the best results. The army gun is on a fixed platform, and must fight the enemy at such long ranges as the latter may select within the limits of water that will float his vessel. Many foreign governments carry the large caliber guns on their vessels, and could sometimes select positions and long ranges at which their large guns would be effective but at which our smaller guns would not be sufficiently effective.

The Army will, therefore, sometimes require the power of the larger gun, while there is not such necessity therefor for the Navy. The objections to the gun which are important to the Navy do not exist or are comparatively unimportant in its use by the Army.

The principal foreign powers have guns of 16-inch or larger caliber in their coast defenses, navies, or in both. The fact that they have them in their defenses shows their opinion on this subject. The fact that they have them in their navies shows that it is important that we be prepared to compete with their fire for the reason stated above.

This Department has never had any doubt of the necessity for the 16-inch gun, nor of the wisdom of its adoption by the Board on Fortifications or Other Defenses in 1886. Since the date of the report of that Board the history of Gun vs. Armor has steadily shown an increased necessity for a gun of as high power as that of the 16-inch caliber. Granting what was perhaps true nine years ago, that the 12-inch gun could, under favorable circumstances—that is, at close range and with the vessel's side normal to the trajectory—penetrate any armor then in existence, or under less favorable circumstances and at longer ranges, destroy any vessel by continued hammering; later experience shows that this is not the case with modern armor now. Moreover, the enemy will not place his vessel exactly in the position desired, as we place a plate for experimental firing, and the problem in most cases is to destroy a vessel which is doing its best to run past our batteries. Only a small number of shots can be fired from any one gun at a passing vessel, and to accomplish the required amount of hammering a great many 12-inch guns would be required. Not more than one moderately fair hit would be required from the proposed 16-inch gun to destroy or stop any vessel known at the present time. There are sites for our fortifications where one 16-inch gun should be the equivalent of a dozen 12-inch guns, and as the question reduces itself to one of dollars and cents, the 16-inch gun is the more economic gun for the work in hand.

Some of the latest experiments indicate that even with continued hammering with the 12-inch gun we can not expect to penetrate the best modern armor, and could not destroy or stop certain vessels, except by a rare and

exceptionally lucky hit in some weak spot. The report of the Chief of the Bureau of Ordnance of the Navy for this year will show that in some late experiments at Indian Head it was utterly impossible to penetrate modern heavy armor with a 12-inch projectile, fired under the most favorable circumstances at a range of only 130 yards and with the plate held normal to the trajectory. In some cases a 13-inch projectile barely got through the plate under the same favorable circumstances. In some later experiments with a modern plate the 13-inch projectile passed through, while the 12-inch produced little effect.

This Department again submits in its estimates for this year an item for the manufacture of a type 16-inch gun. After an appropriation is made it will require about three years to procure the forgings (forgings of a magnitude not heretofore made), to finish and assemble the gun, and to subject it to the tests required by law for a gun of new type. No 16-inch guns can be adopted and manufactured for service until the preparation and test of this type gun is completed. This action does not commit the Government to the adoption and manufacture of 16-inch guns for the service at the expiration of the three years if they are not then wanted. It is deemed certain that they will not only be wanted, but that they will become an imperative necessity. It would be an act of plain wisdom and forethought to advance by three years our condition of preparation for producing the guns, if wanted, by commencing, as soon as possible the manufacture of the single type gun required for this purpose.

It is not easy to regard with patience the conduct of Congress in making appropriations so meager as those heretofore provided for coast defenses. No business man would pursue such a course, and no prudent nation can afford to rest under such a menace.

Admiral Walker thus speaks of the necessity of coast as well as naval defenses:

If an enemy comes on our coast and we think we are strong enough to engage him we fight. But great injuries and many accidents occur to ships in action even if successful, and we must have a place of retreat where we have supplies and dry docks, and they must be protected by fortifications. We could not protect all the ports with the Navy, because it is impracticable to have a fleet for each seaport, or of sufficient size to cover our enormous seacoast, but it would be equally impracticable to protect our coast and large seaports without the assistance of the Navy. * * * In the present condition of our fortifications and Navy I would spend, say, \$80,000,000 on coast defenses and \$40,000,000 on the Navy, but as the total amount to be expended for the two purposes is increased, the percentage which should go to building up the Navy would be relatively less. If I could have my way I would spend for increase of the Navy during the next five or six years, say, \$80,000,000, and for fortifying our cities and harbors all that may be found necessary, working upon the general line of the report of the Endicott Board.

Although we are thus helpless, we discuss the propriety of engaging in wars with almost all nations. We have not perhaps been as bellicose within the past two or three weeks as we were some months ago, but still we have been and are seemingly ready and anxious to fight. But we have made absolutely no preparation; we are not making any preparation; we are not in a condition for aggressiveness, and yet we talk as though we are confident of glorious results when called on to meet the world. I fear that our pleasant anticipations are fanciful.

Mr. President, it is universally conceded that a gun well located upon the shore is of much more value than the same weapon upon shipboard. The reason for this is obvious. The expert gentlemen who testified before the committee differed somewhat in their estimates of this comparative efficiency. Some thought that a gun upon shore was worth three upon the ship; others said five. But the apparent discrepancy was perhaps explained by the suggestion that the conditions of sea and weather affect the steadiness of the vessel. However, it is evident that it is possible for us to guard the principal harbors and cities of the United States so that those points at least will be free from serious danger.

Lieutenant Frye makes a computation of the property which will be subject to destruction on the seacoast as matters are now situated. He says that there are 75 cities on navigable waters of the Atlantic coast. I will read the exact language used by him:

Tracing the broken coast line of the Atlantic, it will be found that 75 cities are situated on navigable waters, whose population reaches the aggregate of 6,640,532 and whose wealth may be estimated at \$6,899,512,748. In the region of the Gulf lie 8 cities, with 354,182 of population and \$367,995,008 in wealth. On the Pacific coast 11 cities show a population of 527,223, with a wealth of \$547,784,697. Along the shores of the Great Lakes are scattered 37 cities, with a population of 2,525,898 and \$2,624,408,022 in property. It should be stated that these figures, enormous and almost beyond the powers of comprehension as they are, yet fall short of the actual conditions of to-day, since the six years that have passed since the taking of the census have been years of expansion and not of contraction. This may be shown by a single illustration. The population and wealth of Boston, New York, Brooklyn, Philadelphia, Baltimore, Washington, New Orleans, San Francisco, Milwaukee, Detroit, Chicago, Cleveland, and Buffalo, as included in the above aggregates, were, respectively, 7,050,163 and \$7,325,119,357. By the latest obtainable estimates (January 1, 1896) the same cities should be credited with an aggregate population of 8,400,000 and with an aggregate wealth of \$10,369,452,574.

He then proceeds to show, and, indeed, we all know the fact without any argument, that these cities and this extensive population and vast wealth are all endangered by the policy which we have pursued and are pursuing.

But it is said, by some that the Navy affords adequate protection. Mr. President, if we construct a navy in accordance with the prevailing plan, it will be utterly impossible to meet any such exigency as will necessarily attend war. This very year Great Britain has appropriated sufficient money for the construction of war vessels superior in number and power to our entire Navy. Says the same authority from which I have already quoted, Mr. Frye:

The most elementary maxims warn us that if it be worth while to maintain a Navy at all we must also have a reserve supply of ordnance and ordnance

stores, and certainly we need not call on military science to tell us that our reserve of naval vessels is of no value without guns. Congress should give careful attention to the ordnance requirements of vessels that are liable to be called into service as auxiliaries in time of war, in accordance with the acts of Congress approved March 3, 1891, and May 10, 1892, providing that steamers registered under the provisions of said acts can be used by the United States as transports and cruisers. To mention no others, the *Paris* and *New York* of the American Line are now receiving large sums of money annually on condition that they hold themselves in readiness to serve the Government whenever demanded. When they hauled down the English to hoist the American flag they were receiving pay from the British Government to hold themselves in readiness to serve that nation, and the English had guns and gun-mounts ready to be put upon them at a moment's notice. We now have been paying subsidies to these ships for months, and have not a gun to put upon them.

With a war upon us our naval authorities would indeed find the situation disagreeable. In order to avoid capture, in order to avoid our ships falling into the hands of the enemy—assuming our contention to be with one of the great powers—we would find it policy to beach our Navy. We possess no protected port to which they could resort. Flight would be impossible. We have no properly defended coaling stations. As already shown, it is admitted by those who are more partial perhaps to the Navy than to the coast-defense idea that in the event of a war with Great Britain our Navy would necessarily be utterly destroyed, whereas if our great ports—New York, Philadelphia, Boston, etc.—were properly fortified it would be possible to afford protection. No one denies, none of the officers who are connected with the Navy disputes that there is grave necessity for immediate and thorough work in the direction of fortifications.

Admiral Walker's statements are clear and to the point:

If an enemy comes on our coast and we think we are strong enough to engage him we would fight, but great injuries and many accidents occur to ships in action, even if successful, and we must have a place to repair where we have supplies and dry docks, and they must be protected by fortifications. We could not protect all ports with the Navy, because it is impracticable to have a fleet for each seaport or of sufficient size to cover our enormous seacoast; but it would be equally impracticable to protect our coast and large seaports without the assistance of the Navy.

This testimony of Admiral Walker is exceedingly interesting as showing, first, the weakness of our Navy, and, secondly, the comparative inefficiency of our so-called commerce destroyers. These vessels are not as swift as the Cunarders, White Star, and other liners. The latter can be armed with 5 and 6 inch rapid-fire guns and would then be altogether more useful as commerce destroyers than our cruisers. The cruisers can not engage a battle ship or a fort, and can not catch the more rapid liners of the enemy, and are, therefore, of less value than is commonly supposed.

Admiral Walker further says (page 58):

To put ourselves in a position to defend our seacoasts without fortifications we must expend two or three hundred millions of dollars.

In other words, it is his testimony that if we are to have a navy adequate to obviate coast defenses we must invest that enormous sum.

We have manufactured some fine guns and carriages and have partially fortified New York and San Francisco.

Congress is to blame. Our officers having the matter in charge have done everything that skill and patriotism could accomplish.

It is said by competent authority that the utmost emphasis of experience teaches that ports properly defended by powerful batteries, reinforced by suitable auxiliaries in the form of submarine mines, torpedo boats, etc., can not be successfully attacked by even the most formidable fleet. With this view all authorities, military and naval, are in thorough accord.

We have, I might say, indisputable proof that in case of a war with England, circumstance as we are, it would be necessary for us, as I have before remarked, to destroy our own vessels.

I fully recognize the necessity of a strong navy. Fortifications are only of value for defense. It is necessary to have a navy, not only to guard unfortified points but likewise to enable us to attack our opponents. But it is clear that we ought not to proceed one step further without providing for coast defense. We might spend ten or twelve million dollars more on our Navy and yet we will be devoid of protection.

Lieutenant Frye, in the April number of *The Bostonian*, gives the following significant appropriations from 1889 to 1896; in other words, to date:

Pensions.....	\$1,003,421,486
Navy.....	196,721,568
Army.....	192,990,960
Rivers and harbors.....	118,214,777
Fortifications*.....	22,489,225
Miscellaneous.....	759,371,134

I quote from Wilson on ironclads in action:

Artillery has progressed so much that cannon can be mounted on land which can pierce armor thicker than any ship can hope to carry. Considerations of weight and displacement limit the protection which can be given to the ship, while they have no such determining influence on the fort. The ironclad's armor and ordnance are limited; the fort's unlimited. How can the two fight on an equal footing? There are these further considerations, too, to be taken into account. The guns must be crowded into a limited

space on board ship, where several may be silenced by a single lucky shot. In the fort a wide space can intervene between weapons, and if properly mounted each gun must be actually struck before it can be put out of action. Then, too, the fort's fire can be directed upon the ship's water line; hits here will be every whit as efficacious as upon her battery, and she can be driven off without a single one of her guns being struck. Thus, a close attack by ships upon forts has become almost impossible, though it is, beyond doubt, perfectly feasible for war vessels to run through an unobstructed channel commanded by forts, however numerous.

Mr. President, it has often been said that it is dangerous to provide fortifications and also to equip our Army properly because we may be tempted to engage in war. To this I do not assent. Says Admiral Walker:

In the interest of peace the best thing that could be done at this time by Congress would be to appropriate liberally for the defense of the important seaports and to make liberal appropriations for the Navy.

It is clear that self-respect, to say nothing of the demands of patriotism, requires that we shall be in a position to guard our honor and our families, our lives and our property. We wish to engage, I assume, in no unjustifiable struggle, but we do not care to be trampled under foot. Our cities must not be destroyed or placed under contribution. But if we continue the do-nothing programme of the present we must avoid all attempts to vindicate private or public right as against better equipped nations.

When General Miles was examined by the committee he was asked the following question:

Senator MILLS. But what would prevent a fleet from setting fire to and burning a city?

General MILES. They should be sunk before coming within reach of the city.

We all concur, I presume, in the wisdom of that remark.

Besides, I think it would be regarded as a violation of the rules of civilized warfare, if a fleet should get near enough to do so, to turn their batteries on a city when they were unable to silence the batteries defending it. (Hearings, page 50.)

The difficulty about this statement is twofold. In the first place, as General Miles correctly says:

A hostile fleet can not come within 24 miles of New York without coming under the guns at Sandy Hook, now Fort Hancock. When the fortifications are completed they could not enter Long Island Sound without encountering the land batteries. (Hearings, page 50.)

Therefore, if a hostile fleet were within the range of New York it is pretty certain that its proximity could be accounted for only because it had silenced or at least successfully passed the fortifications. It would, indeed, be a fearful exercise of power to destroy such a city as New York; but war is cruel, an irate enemy, determined upon conquest or vengeance, and panting for blood, might, notwithstanding the rules of civilized warfare, which are only binding in a moral sense, submit to the city of New York the alternative of the payment of an enormous ransom or obliteration and destruction. No nation can afford to rest in security upon the theory that the civilized rules of warfare inhibit the bombardment of a great metropolis. The desperate conflicts which have sullied the pages of history evidence the futility of such theoretical defenses. A war between the United States and either of the great European powers would mean ruin unexampled, and in such exigency our cities will be safe only if they are well guarded by not only skillful and brave men, who may be found easily and daily, but also by powerful guns, which can be built solely in expensive factories by complicated instrumentality slow of creation and easy of destruction. These great weapons can not be made by the best and most extensive mechanism save after months and even years of discipline and toil. To be safe our coast must be defended. To be defended we must provide weapons. To provide weapons we need years and money. At the present rate, according to the testimony of the Secretary of War, it will be necessary to wait for seventy years. This Congress should provide the means suggested by the War and Navy Departments, involving a decade of workmanship, for it must be recollected that if we adopt the plan submitted to us by our military authorities it will still take ten years to complete the armament. This is not very rapid work. It is slow enough, surely. If we decline to so legislate we should plainly announce that we do not intend to defend ourselves, and are seeking mercy, not demanding justice. Certainly, the present system is absurd. To appropriate a small sum which can eventuate in nothing, to postpone effective defense until the expiration of three-quarters of a century—approximates dementia. Long before our plan will have been completed the weapons created in inaugurating it will have become old-fashioned and useless. Our present system is burlesque and its continuance is a misappropriation of public funds.

IS THERE ANY DANGER OF WAR WITH A FORMIDABLE POWER?

While it is palpable that we can not justify our failure to provide adequate defenses if it be true that there is danger of serious complications with great powers, it must, nevertheless, be admitted that if such conflict is forever and certainly impossible then there is no necessity for any expenditure, and in that event we are not warranted in making any outlay whatever for our Navy or for coast defenses. While I do not think it at all probable that this country will be subject to the horrors incident to armed contests, nevertheless I see no impossibility of such an occurrence.

* Of this sum only \$10,631,000, or four-tenths of 1 per cent of the grand aggregate, has been available for expenditure upon modern forts and guns.

The experiences of the past necessitate these conclusions. Take the case of Great Britain. It is but little more than a century since we separated from the mother country, not peaceably, but after the disbursement of a large amount of money and the sacrifice of many valuable lives. But a few years afterwards the war of 1812 challenged the utmost exertions of our people. Upon several occasions later on our relations were further strained. During our civil contest we were upon the verge of war with England, and had it not been for the good sense of Mr. Lincoln it is probable that she would have found occasion to engage us. The theory advanced in this Chamber that the warm fellowship existing between England and America assures peace is utterly negated by familiar history. In the Venezuelan case the press and people of both countries manifested warlike symptoms. In this Chamber a demonstration the like of which has not been seen for many years greeted the somewhat belligerent phraseology of the Presidential message. The Cuban incident developed sentiments of an even more acrid character toward Spain, and while a contest with that nation would not be so serious, nevertheless other parties would likely intervene. Not very long ago, during Mr. Harrison's Administration, it was currently believed that a conflict with Chile was inevitable. The Nicaragua Canal project now pending before Congress will, if carried out, be followed by hostile protestations from Great Britain and probably from other powers.

In 1817 our Government and that of Great Britain entered into an agreement by which it was covenanted that on Lake Ontario neither Government should have any armed vessels except the following:

On Lake Ontario one vessel not exceeding 100 tons burden, armed with one 18-pound cannon. On the Upper Lakes two vessels not exceeding like burden, each armed with like force. On the waters of Lake Champlain one vessel not exceeding like burden and armed with like force. (Treaties, etc., page 414, 415.)

Of this agreement Secretary Herbert speaks in his late report. Thus both Great Britain and the United States concede the necessity of excluding all considerable armed force from the Great Lakes. In other words, we have mutually agreed not to carry deadly weapons, because of the apprehension that the same might be used with fatal effect. We can not trust ourselves in each other's company. We have conceded this fact by the solemn obligations above referred to. Moreover, there is in this country a warlike spirit. The men who were engaged in the civil war and who personally witnessed its horrors are not anxious for hostilities of any kind. That they are brave and patriotic passes without saying. They have been tried in a fiery and terrible ordeal. Another generation appears upon the scene. The national spirit has been properly cultivated, and there is much desire to whip somebody. Gentlemen who were well and old enough to fight during the civil war, but who did not fight, doubtless because they knew their country could get along without them, and gentlemen who think they would have fought had they been old enough, vie with each other in criticising and often insulting foreign nations. We are traveling around, figuratively speaking, with a chip on our shoulder. Some of us perhaps hope that no one will take us up. But we can not be certain as to this.

If we possessed proper coast defenses and reasonable naval strength, it is unlikely that any power would care to attack us; but if Great Britain or France, or even Germany, were to declare war against the United States to-day and at the same time draw upon Boston and New York for a few hundred millions, there would be nothing for those cities to do but to put up the money. If this were not done immediately the appearance of a fleet in the neighborhood would compel compliance. And if the enemy felt so disposed, our Navy, so called, would be either captured or sunk. This is not pleasant to contemplate. This condition makes one unduly conservative. However patriotic we may be, it is questionable whether under these conditions we are justified in trying to resent insults. Probably we should make an effort to resist. When a weak person of spirit is grossly insulted by one who is strong he may be expected to act, and if he is defeated he at least has the satisfaction of knowing that he was brave, though indiscreet. This makes him feel better while he is undergoing repairs.

We all observed that the New York newspapers did not take kindly to Mr. Cleveland's Venezuelan message. We can not wonder at this. Some of those newspapers possess very fine buildings. If the anticipated war with England had taken place many of these edifices might have been destroyed. The English admiral would have trained his guns by way of experiment upon these massive, elegant structures. The same journals have been, it is true, disposed to fight Spain, but that is because they feel safe as to Spain, having faith in our ability to better that nation on either land or sea. The circumstance that powerful governments have heretofore treated our bantering goodnaturedly or at least have declined to invite us to the field is no evidence of what may be done. A nation as well as a man may have, as Cervantes says, "a face like a benediction," and yet there may be savage preparation in progress. We can not give a good account of ourselves without modern arms, vessels, and fortifications.

Mr. President, the amendment proposed by the Senator from Maryland [Mr. GORMAN] with reference to the battle-ship question has suggested to me the propriety of making these remarks, not because I am opposed to the navy idea, but because I wish to call the attention of the Senate and the country to the manifest necessity for the adoption of a different policy in the matter of national defense.

I have referred to the circumstance that Great Britain, with her powerful naval force, does not ignore land defenses. She has taken pains at all times to provide adequate fortifications for the protection not only of her cities, but also for her navy and merchant marine. Her navy has been constantly increased and her land defenses augmented and multiplied.

She has not ignored her cities, harbors, and coaling stations. Nor has she in any respect followed the unreasonable plan adopted here. We declare our willingness to rely upon our Navy, and also assert that we are a brave people prepared at any moment to meet any exigency that may be thrust upon us. But we do not possess supernal power. Perhaps if we were compelled to face a foe in hand-to-hand combat as in the olden time, or if we could successfully use weapons of easy manufacture, the case would be different. But when we reflect that it takes months and even years to manufacture a single gun, when we remember that while the process is going on widespread destruction will have overtaken us, we begin to appreciate that our conduct is essentially unbusinesslike.

It appears to me that the committees having these matters in charge should either abandon all effort for coast defense or provide sufficient money to permit the adoption of a course suggested by common sense.

[Mr. ALLEN addressed the Senate. See Appendix.]

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. QUAY] to the amendment offered by the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. Let the amendment be stated.

The SECRETARY. On page 50, line 19, after the word "contract," it is proposed to amend the amendment by striking out the word "two" and inserting "six"; so as to read:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract six seagoing coast-line battle ships, etc.

Mr. GORMAN. I make the point of order that six battle ships are not estimated for, and therefore the amendment to the amendment is not in order.

The PRESIDING OFFICER. The Senator from Maryland makes the point of order that there is no estimate for the proposition embraced in the amendment to the amendment.

Mr. QUAY. Mr. President, of course I recognize the fact that if the Senator from Maryland and the Senate gag at four battle ships it is not likely they will swallow six. But believing, as I do, that the naval armament of the country will not be complete without these six battle ships, believing that the Republican party long before the fulfillment of the contract for their construction will be in possession of the Government and that there will be plenty of money to construct them and a surplus in the Treasury, I should like to have a vote directly upon the proposition. I trust the Senator from Maryland will withdraw the point of order.

The PRESIDING OFFICER. Is the point of order insisted on?

Mr. GORMAN. I shall have to insist upon the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order. The question recurs on agreeing to the amendment offered by the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. The amendment had better be stated.

Mr. VEST. Let the amendment be stated.

The SECRETARY. In line 19, page 50, after the word "contract," it is proposed to strike out the word "four" and insert "two"; so as to read:

Two seagoing coast-line battle ships.

Mr. GORMAN. Of course the Senate understands perfectly, after the debate we have had, although the real point under consideration may have been lost sight of in the long discussion, that if the amendment which I have offered to strike out "four" and insert "two" prevails it will decrease the appropriation about \$16,000,000.

Mr. WOLCOTT. Will the Senator from Maryland please state about what the cost of each battle ship will be?

Mr. GORMAN. The bill provides that the construction of each one of the vessels shall cost not to exceed \$3,750,000. The armament and armor will cost about an equal amount; so each vessel will cost not quite \$8,000,000—seven million and a half; and if the amendment which I have offered—

Mr. CHANDLER. The armor is included. It is only the armament which has to be provided in addition.

Mr. GORMAN. The armor is included.

Mr. CHANDLER. The limit is \$3,750,000 for each, and that includes armor. The armament is additional.

Mr. GORMAN. Yes; the armament is additional.

Mr. MILLS. The guns.

Mr. CHANDLER. The armament might cost half a million dollars.

Mr. GORMAN. If the amendment I have proposed is adopted it will give to the Navy two of these immense battle ships, which is the same number that we ordered two years ago. Those are only now being constructed at Newport News, and the armor for them has not yet been contracted for. Bids are in and are pending before the Navy Department. The armament as a matter of course has not yet been provided for. It will give a natural and a very large increase to the Navy if we make provision for two. I trust the amendment will be adopted. On that question I shall ask for the yeas and nays.

Mr. LODGE. I do not think the Senator from Maryland intended to leave the impression, but he certainly has left the impression, that these ships will cost complete between seven and eight million dollars.

Mr. GORMAN. Six or seven million dollars.

Mr. LODGE. They will cost complete between four and five million dollars each.

Mr. GORMAN. I have the exact amount.

Mr. HALE. The figures, if the Senator from Maryland will allow me, were given in the debate in the other House.

Mr. GORMAN. Yes.

Mr. HALE. The four ships complete, including their armament and everything, will cost between twenty-five and twenty-six million dollars.

Mr. SQUIRE. Including the armament?

Mr. HALE. Including everything. They will cost either between twenty-four and twenty-five million dollars or between twenty-five and twenty-six million dollars. I have the figures here.

Mr. CHANDLER. The Senator will notice that the cost of each ship is limited to \$3,750,000.

Mr. PLATT. What does the armament cost?

Mr. CHANDLER. I do not know, but say half a million dollars.

Mr. HALE. Oh, more than that; much more than that sum.

Mr. CHANDLER. Add a million and a quarter, and it is only \$5,000,000.

Mr. LODGE. These ships cost about \$5,000,000 each.

Mr. WOLCOTT. I think the bill had better be recommitted to the committee or to somebody who can tell us within a few million dollars what the ships will cost.

Mr. HALE. We are not all possessed of the great information on every subject that the Senator from Colorado is.

Mr. WOLCOTT. I do not profess it; it is not my duty to be charged with it, and I go to the fountain head of information, where I went courteously and had a right to go. I asked the Senator from Maryland [Mr. GORMAN] and he gave me one figure; the Senator from Massachusetts [Mr. LODGE] and the Senator from New Hampshire [Mr. CHANDLER], who is upon the Naval Affairs Committee, gave another figure. The Senator from Maine [Mr. HALE] gives another figure, and I am asking for information in the utmost good faith.

Mr. HILL. The Senator from Colorado can take his choice.

Mr. WOLCOTT. Not claiming myself to have unusual information, I suggest that the bill ought to be uncommitted or referred to somebody who can tell us within a few million dollars what the ships will cost.

Mr. HALE. I can tell the Senator within very much less than a few million dollars. When the matter was up in the other House the figures were given, and I have the debate here before me. I do not quite remember whether it is between twenty-four and twenty-five million or between twenty-five and twenty-six million dollars, but my recollection is that it is between twenty-four and twenty-five million dollars complete. I may be wrong about it. It may be a little less than that.

Mr. GORMAN. The Senator from Maine is right about it.

Mr. WOLCOTT. The Senator from New Hampshire [Mr. CHANDLER] says the armament will cost \$500,000. I understand. The Senator from Maryland [Mr. GORMAN] says the cost is \$3,750,000.

Mr. HALE. That is for all.

Mr. WOLCOTT. No, no. I beg the Senator's pardon.

Mr. MILLS. For each one.

Mr. WOLCOTT. Both Senators stated the cost of the armament for each vessel. The Senator from Maryland stated that it is about \$3,750,000 and the Senator from New Hampshire—I hope I do not misquote him—said it is about \$500,000. He is fresh from Bethlehem, having just returned from an investigation there.

Mr. CHANDLER. I am under pretty good discipline in one committee of this body, the Committee on Post-Offices and Post-Roads, where there is absolute accuracy of knowledge as to post-

office and post-road subjects. I have been occupying so much of my time this session in trying to keep up with the Senator from Colorado, that I have not kept myself fully informed as to the figures in connection with the naval appropriations. The Senator will understand that I can not remember down to a dollar, and we do rely nevertheless upon the vote of the Senator from Colorado being in favor of an increase in the Navy, although we can not give him the figures precisely—

Mr. HALE. Mr. President—

Mr. CHANDLER. I presume the Senator from Maine now has a table which will enlighten the Senator from Colorado so that he will allow the consideration of the bill to proceed without moving to recommit it.

Mr. HALE. I do not suppose the Senator from Colorado is very serious about recommitting the bill. We are entirely content with his mild sally at the expense of the committee. The committee is not so very far wrong after all. The same question was asked in the House of Representatives, and the estimates of the cost of the four ships, upon different figures, ranged between twenty-three and twenty-four million dollars up to \$26,000,000. Mr. DINGLEY said:

That is the statement in the report; and that the cost of the armament exclusive of that sum, about \$2,405,000 for each battle ship, which would be \$9,600,000 for the four battle ships; and that added together carries the whole amount up to \$26,275,000.

That is larger than I stated. It was afterwards stated that, reckoning the cheapness of material, the four ships could be builded for between twenty-four and twenty-five million dollars, or twenty-three and twenty-four million dollars.

Mr. MITCHELL of Oregon. Twenty-four million nine hundred and eighty thousand dollars is the amount, as I understand, according to the estimates which have been given.

Mr. HALE. I have no doubt that the four ships, fully completed and ready for service, with everything to make complete battle ships, will cost anywhere in the neighborhood of—not far either way—\$25,000,000.

Mr. SQUIRE. May I ask the Senator from Maine a question?

Mr. HALE. Certainly.

Mr. SQUIRE. By referring to a table which I received from the Navy Department, I observe that the *Iowa* has a displacement of 11,410 tons, with an indicated horsepower of 11,000, and that the cost of the hull and machinery of the *Iowa* is exactly \$3,010,000. The act authorizing the construction was passed July 19, 1892. This, we all know, is the most recently launched of the battle ships; in fact, the only one except the *Massachusetts*, the *Indiana*, and the *Oregon*.

As to the armament, I have been informed by those who are connected with the Department of the Navy that the cost of the armament and armor together will be about equal to the cost of the hull and machinery of one of these great battle ships. Of course, in that case the total cost of the hull and machinery and the armor and armament altogether would be a little over \$6,000,000 for each battle ship.

The point to which I was about to call attention is this: I should like to know what is the reason that the proposed appropriation for battle ships is to be \$3,750,000 for each, one to have a displacement of about 11,000 tons, when I see that the *Iowa*, which has just been launched, and having an equal displacement of 11,000 tons, cost for hull and machinery only \$3,010,000. There seems to be a difference of \$740,000; that is, \$740,000 more to be paid for each of these ships, or not to exceed that. I do not know but that there may be a reason that can be alleged for this increase in the price of the limit. What is the reason for this increase? Is it necessary? If so, why? Is it owing to a proposed increase in speed?

Mr. WOLCOTT. May I ask the Senator a question?

Mr. SQUIRE. Certainly.

Mr. WOLCOTT. There is a good deal of noise in the Chamber and I do not know that I understood him. Do I understand the Senator from Washington to say that for a battle ship of the same size as the *Iowa* the Government is to be committed now to the building of a ship which is to cost for the hull and machinery \$750,000 more?

Mr. SQUIRE. Seven hundred and forty thousand dollars.

Mr. WOLCOTT. Well, \$740,000.

Mr. SQUIRE. Yes; that is the limit. I was about to ask the Senator in charge of the bill if there were some reasons for the increase of the price beyond the price named for the *Iowa*. There is about the same amount of displacement and the same indicated horsepower, so far as I am able to learn.

Mr. BACON. I take the liberty of suggesting to the Senator from Maine [Mr. HALE] the fact that the amendment which has been reported by me to the Senate from the Committee on Naval Affairs limiting the price of the armor for these battle ships will very materially reduce the cost of the ships if it shall be adopted. So that element must not be lost sight of in suggesting to the Senate what will be the probable cost of the battle ships.

The amendment which has been reported from the Committee on Naval Affairs would contemplate the reduction of about 25 per cent in the cost of the armor for these four battle ships. Of course that has not yet been adopted by the Senate, and may not be; but it is proper that it should be considered in this connection.

Mr. WOLCOTT. May I ask the Senator, while he is on his feet, if he can explain the discrepancy to which the Senator from Washington [Mr. SQUIRE] has called our attention, that the battle ships of a year ago cost for hull and machinery some \$750,000 less than those proposed to be built by this bill?

Mr. BACON. I understand that the amount authorized to be paid is not an arbitrary amount which the ships are to cost, but that it is the outside limit which is specified.

Mr. HALE. There is no actual discrepancy, as indicated by the statement of the Senator from Washington. I have here the figures, so far as they can be got, of the two ships that are now being completed, the *Kearsarge* and the *Kentucky*, and it is thought that they will be completed at an expense of \$5,297,000 each, or, in round numbers, \$5,300,000 for each. That includes armor and armament. That would make the amount for the four ships about \$21,000,000. I think they will cost more. Part of the discrepancy arises from the fact that in making the estimates they did not include the three classes of cost making up the total of the hull, the machinery, and the armament. They are all expensive, and they make a battle ship cost ranging from five to six million dollars; and the Senate should consider that those figures varying from five to six million dollars each, including everything, will be the cost. One ship will cost more than another. If they were built at a navy-yard, they would cost 30 per cent more than that. It is true, if the cost of the armor is cut down—but that is not reckoned in these estimates and the present prices are reckoned—it will reduce the cost somewhat.

Mr. CALL. Mr. President, I have had some hesitation in regard to the vote I shall give on the amendment. The considerations that seemed to me to be proper to influence the votes of Senators upon this subject are not altogether those which are related to the financial view of the situation, nor entirely to the condition of the public defense. If I had my way, I am inclined to think that, in the condition of the present depression of business, the vast number of unemployed people, according to the best statistics I have been enabled to obtain, the use of the public credit of the country in the most available form to give employment in useful and necessary public works is an object of public policy not to be disregarded. If I am right in my conviction, in no past period of the history of this country, nor indeed of Europe, has there been such vast numbers of unemployed people able and willing to work—men and women—but in vain seeking for that employment which is absolutely necessary for the preservation of life.

It is not my purpose here to discuss what would seem to me to be the causes of this condition, but unquestionably in our own country it is widespread. There is no sale for property; there is but little employment for the people; great discouragement exists in all agricultural pursuits. In that condition of things it seems to me that the credit of the Government, employed in the most harmless and least oppressive way, may be advantageously used for the purpose of starting the wheels of industry and giving employment and subsistence to the people in every path and pursuit of life. Connected with that, the public defense is certainly not to be disregarded. Nor do I see how it is that ships built in the proper degree of art, capable of defense and offense, would not be a protection against vessels of the same kind coming from a great distance and appearing upon our coasts. I do not perceive that this question of coast defenses can supply the place of naval armament; nor do I perceive that the question of the public dignity and the consideration which this country should have amongst the nations of the earth ought to be disregarded. In my judgment, like a man who does not preserve his character and the respect due to him, a great nation amongst the peoples of the earth which is indifferent to the questions of humanity, to the questions of great public policy affecting not only themselves but other nations, will fall in the scale of public appreciation.

For these reasons it seems to me that an appropriation, even if it be of the public credit, should be made. I do not favor the selling of bonds of the United States, because, in my judgment, that is not necessary. I believe that contractors will be glad to take these contracts, payable in gold or silver coin, or in the Treasury notes of the United States, made redeemable at the option of the Government. I have no fears upon that subject.

But, paramount to all these questions, considering this to be a useful public work, comes the consideration of giving work and employment and using the public credit of the country in such shape and form as will create work, employment, prosperity, business.

I do not see that the imposition of taxes and the hoarding of money in the Treasury will start any enterprises which will give employment. Those things must be combined; and therefore we

can not regard this from a purely financial point of view, nor can we consider it as a question entirely foreign to the public defense of our coast, viewed in that aspect alone.

So it seems to me that, if this be not an excessive amount, considering the character of this country, its financial resources, and its future prosperity, conceding, as I do, the great oppression that comes from the form of public and private debts in this country and the manner in which they are being enforced, I am inclined to the opinion that it would not be wise in us to substitute in place of coast defenses, to a very considerable extent, a naval armament.

Having that judgment and that opinion, while it was my intention to have gone more elaborately into this view of the subject and have indicated by figures and the best statistics that could be obtained, the condition of paralysis of trade, of business, of the poverty and want which are to be found in almost every household of the great majority of the people of this country, and of the necessity of such public policies as would give employment the most widespread and universal—if it were in my power I would to-day engage in every public enterprise which was of utility or of necessity, even though it might be a little in the future, in order that prosperity might come to the great masses of the people and we should again have enterprise and activity and energy in all branches of private and public employment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

Mr. GORMAN. I ask for the yeas and nays on the amendment. The yeas and nays were ordered.

Mr. BACON. Mr. President, before the vote is taken I desire simply to say a word, without entering into any elaborate discussion.

Of course I am not indifferent to the appropriation of the large expenditures which would necessarily be involved in the construction of these battle ships. If the condition of the Treasury were in fact such as has been suggested here, and it would be necessary for the Government to go into debt for the purpose of constructing these ships, nothing but very urgent necessity for the ships would induce me to vote for these four; but the fact is that, however it happens, it is true that there is a very large surplus to-day in the Treasury which will be subject to expenditure for this very purpose. As the money is there, as it is represented by a bonded indebtedness which is bearing interest, and as that money is necessarily idle, it seems to me if these ships are needed—and upon that question there does not seem to be any dissent or difference of opinion—it is much better that we should use that money and put it again into circulation. I should not, of course, advocate that it should be put into circulation for a needless purpose; but if these ships are needed a double purpose will be subserved in the construction of needed ships, and, at the same time, in again putting into circulation money which I think has been very improperly locked up in the Treasury. For that reason I shall vote for the four battle ships.

Mr. GORMAN. Mr. President, it is true, as stated by the Senator from Georgia [Mr. BACON], that there is a very large amount of money in the Treasury.

Mr. HILL. Will the Senator allow me to ask is not that money now being anticipated in other appropriations also?

Mr. GORMAN. Certainly. I tried to show that the day before yesterday, when I discussed this particular question. Against the \$150,000,000 now in the Treasury, not including fractional currency nor the \$100,000,000 reserved for the redemption of greenbacks, there stands a charge of \$116,000,000 which Congress has appropriated prior to this session which has not been disbursed. There was that much owing at the beginning of this fiscal year. Those appropriations are as follows:

For the civil establishment.....	\$26,655,142.12
For the military establishment.....	39,208,700.23
On account of the Navy, which has been appropriated and not expended.....	9,123,145.89
On account of the Indians.....	5,311,618.29
On account of pensions.....	35,986,519.71
Total.....	116,285,126.23

Mr. BACON. Will the Senator from Maryland permit me to interrupt him a moment?

Mr. GORMAN. Certainly.

Mr. BACON. I wish to ask if in this statement transmitted from the Treasury Department which I hold in my hand, which is the same the Senator has, the amounts stated by him do not include the several amounts which are stated by the Treasurer in this report in these items:

Outstanding checks and drafts.....	\$3,332,504.56
Disbursing officers' balances.....	22,706,507.21
Post-Office Department account.....	3,673,176.36

Are not those amounts to be subtracted from the \$116,285,126.23 to which the Senator has alluded?

Mr. GORMAN. I do not recall the statement from which the Senator is reading.

Mr. BACON. I will hand it to the Senator.

Mr. GORMAN. The figures which I have given are from the books of the Treasury Department on the 1st day of July last, being the amount which has heretofore been appropriated and has not been paid out by the Department.

The present Secretary of the Treasury and his predecessor, Secretary Foster, under the Administration of President Harrison, were compelled to pursue the policy which the Senator from Ohio has said on this floor more than once any Secretary ought to pursue; that when Congress makes appropriations exceeding the revenues he should refuse to go on with the public work. The present Secretary of the Treasury has been compelled to do this. He has said, however, and I have read his statement in his annual report to Congress, that if you continue to make these appropriations he would continue to spend the money. He has absolutely suspended putting any amount to the sinking fund to pay for the debt which we have already created because he has not had the money to do it.

The Secretary of the Treasury informs Congress now at this session that he does not desire additional taxation, and that, with the proceeds of the bonds which he has been compelled to sell, he can manage to pay all the current expenses of the Government, provided Congress is economical. The answer which will go back to him after that declaration when this bill passes is what? That we have appropriated \$51,000,000 for the Navy, when his estimate is \$29,000,000. There is not a Senator or Member of either House of Congress who does not know, if he has examined these figures carefully, that it will take every dollar which is now in the Treasury to meet the current expenses and these extraordinary appropriations. Then will occur before December next, in my judgment, precisely what occurred this year. The moment that the Treasury has not enough money, has not a working balance, the money sharks, men who want to invest in United States bonds, they being the best securities on the face of the earth, will make another raid upon the Treasury gold, and it will be run down below the hundred-million limit. Then will follow the sale of bonds again.

It will not do for Senators to ignore the fact—for it is a fact—that whenever the Treasury has had a large balance in current funds it has been able to secure gold not by issuing bonds, but in exchange for the greenbacks and Treasury notes which are in the Treasury. A hundred million dollars and more of gold have been so obtained by Secretary Carlisle since he has occupied the position of Secretary of the Treasury at a time when he had a surplus and a working balance on hand; and Senators will remember that the moment the current report showed the fact that he had this large balance there was no raid upon the Treasury. But we are laying here, in my judgment, the foundation for another movement for the issue of more bonds.

Mr. President, who can doubt the unwisdom of the proposition to make appropriations which are desirable but not necessary for the conduct of the Government, when your revenues are confessedly short \$40,000,000 a year—\$50,000,000 a year as it stands on the face of the report, and probably nearer \$60,000,000. The Treasury statement which is presented to Congress every day and every month shows that the expenditures have exceeded the receipts \$25,000,000 a year, in round numbers—I have not the exact figures before me, but it is about \$26,000,000. The Senator from Texas [Mr. MILLS] says about \$24,000,000. The Senator from Texas, however, will observe that it fluctuates regularly; that the last four days of every month the payments are reduced, and of course the receipts, whatever they happen to be for the same time, and the balance against the Treasury is not so great, because they are closing up their accounts and do not pay out so much money during the last three or four days of a month. The first three days of every month the expenses begin to increase.

Mr. MILLS. They run up.

Mr. GORMAN. They run up. Twenty-five million dollars is about the amount as it stands to-day; but that does not represent all the charges against the Treasury. On the 1st day of July I have shown you that there was \$116,000,000 that had not been paid out which had been appropriated for. From July up to this present date the exact amount I do not know, but it is safe to say it is fifty or sixty million dollars more.

I said a moment ago that my deliberate judgment is that we have appropriated enough; that there are charges against the Treasury to-day which would consume all of the \$160,000,000 or \$165,000,000 in the Treasury. That does not include \$100,000,000 for the redemption of greenbacks.

Mr. BACON. Will the Senator from Maryland permit me to interrupt him?

Mr. GORMAN. Certainly.

Mr. BACON. The point to which I called the attention of the Senator from Maryland was that in the account of the Treasurer, which I handed to him, there was some \$29,000,000 which was not accounted for as being to the credit of the Government, because there are charges against it. Certainly that \$29,000,000

should be deducted from the \$116,000,000 of unpaid accounts to which the Senator alludes.

Mr. GORMAN. Mr. President, I would say that a part of this amount has been appropriated by Congress in the last appropriation on account of pensions. There had been a great deal of anxiety, and very proper anxiety, on the part of the Secretary of the Treasury and all the heads of Departments to cut down and to prevent the final expenditure of a part of the money which has been appropriated for by Congress. There is scarcely a public building going on in the country where they have not refused to expend the amount necessary to complete it. There is not an improvement which has been made anywhere as to which they have not labored in the same way to prevent the money going out of the Treasury. Why? Because they do not desire to issue more bonds.

Mr. President, the Secretary of the Treasury, in his annual report, calls the attention of Congress, very properly, I think, to the fact that he will expend the money if you continue to appropriate it. I will read his exact language, so that there may be no mistake as to what he means. He says:

While the situation does not require any legislation for raising additional revenue by taxation at this time, it is such as to require the strictest economy in appropriations and public expenditures. At a time when the people, upon whom the expense of sustaining the Government is imposed, are compelled to practice the closest economy in their business and domestic affairs in order to meet their obligations and reestablish their trade and industries, it is more than ever the duty of the public authorities to avoid waste and extravagance in the appropriation and disbursement of the revenues. Nearly every appropriation is in terms, or by necessary implication, a direction to the executive authorities to expend the money, and therefore the responsibility for an increase or reduction of expenditures rests primarily and mainly upon Congress. It is certain that if appropriations are not made the money will not be expended, and, for the reason just stated, it is almost equally certain that if appropriations are made the money must be expended.

In connection with that statement the Secretary of the Treasury furnishes an estimate of what the revenues will be during the year for which we are now appropriating, and here is his estimate—so far as he has gone he has overestimated the revenues: From customs, \$190,000,000; from internal revenue, \$170,000,000; from miscellaneous sources, \$15,000,000, and from the postal service, \$89,793,120.75, making the total receipts, as he estimates for the year ending 1897, \$464,793,120.75. He estimates the appropriations that are likely to be made, exclusive of the sinking fund, at \$457,884,193.92. For the Navy Department his estimate is about \$29,000,000. By this bill it is proposed to appropriate \$31,000,000 of direct appropriations, and there is a sufficient number of contracts to run up the amount to \$52,000,000.

Mr. PLATT. But all the money to be expended during the year is \$31,000,000 and a little over. Is not that true?

Mr. GORMAN. Yes; all the money to be expended during the year is \$31,000,000; and that is a greater amount than the Secretary of the Navy has estimated for.

Mr. PLATT. Some \$2,000,000.

Mr. GORMAN. A few million dollars greater. But taking the aggregate of the appropriations now being made, as the bill has come from the other House, as I showed a day or two since, with the additions in the Senate, it will swell the appropriations to the amount of forty or fifty million dollars.

Now, the question arises, where is this money to come from? There is but one answer, Mr. President. It is to come by issuing additional obligations of the Government. Hence it is that I said when I had the honor of occupying the floor upon this proposition, if you make these appropriations you do it with the full knowledge that it means more bonds of a long term or else the authority to issue certificates of indebtedness bearing a less rate of interest. But it means more for those of us on this side who happen to differ with our distinguished friends on the other side. It means fastening upon the country largely increased taxation when the next Congress assembles, and we shall be held responsible for it, just as the Fifty-first Congress was held responsible for the great appropriation of a billion dollars during that Congress, which made increased taxation absolutely necessary. The country held you responsible for those appropriations, and it was one of the main reasons why your party went out of power. Pass these bills as they came here and as they are proposed to be amended, and it is \$520,000,000 for this year of money directly appropriated—\$600,000,000, including the contracts which they contain.

Mr. BACON. Will the Senator from Maryland pardon an inquiry?

Mr. GORMAN. Certainly.

Mr. BACON. The Senator from Maryland speaks of the necessity for the issuance of bonds which these appropriations will necessarily entail. Does the Senator hold that there is any law now under which any bonds can be issued for the purpose indicated by him? Is there any law upon the statute book now which would authorize the issuance of any bonds to meet any deficiency of that kind? If so, what is it?

Mr. GORMAN. The Secretary of the Treasury is an exceedingly able man, who has had large and long experience in Congress, and who I believe, from my personal knowledge and from

his public declarations, was as honestly opposed to the issuing of bonds as any man in public life, not only while he occupied a seat upon this floor but after he had control of the great Department over which he now presides. He, I think at great risk as to his standing with those with whom he is associated, insisted, when the revenue bill was before the last Congress, that we should raise revenue enough to pay the current expenses of the Government. I do not know a more courageous act than that which he did when he wrote the letter to the distinguished Senator from Tennessee, insisting upon revenue enough to run the Government at a time when there was a widespread and terrific cyclone in Democratic quarters to cut the revenue down too close. I know from my personal knowledge that he never desired to use a dollar of the proceeds of the sale of bonds to pay the expenses of the Government, but he has acted precisely as all his predecessors have acted. He adopted the rule established by the distinguished Senator from Ohio [Mr. SHERMAN] when Secretary of the Treasury, that the moment a greenback or a Treasury note was redeemed in gold the note was immediately turned in to the general cash in the Treasury; and then, under the act of 1878, he was required to pay it out whenever the Government had a payment to make. The attention of Congress had been called to it: Congress had failed to act. Let me read what Secretary Carlisle says in his last annual report:

The total excess of expenditures over receipts from July 1, 1893, to December 1, 1895, was \$130,221,623; and of this sum \$22,462,290.38 was paid out of the balance on hand at this date in excess of \$100,000,000, and the remainder has been supplied by the use of United States notes and Treasury notes presented for redemption, and thus received into the Treasury in exchange for gold coin. The act of May 31, 1878, provided that when any United States note "may be redeemed or be received into the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation;" and the act of July 14, 1890, provided that the Treasury notes, when redeemed, may be reissued, but that "no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and the standard silver dollars coined therefrom then held in the Treasury purchased by such notes."

It is clear that when any of these notes have been redeemed they do not constitute a part of the reserve fund, but become a part of the general cash assets of the Treasury, to be used in the same manner as other money belonging to the Government. Whenever they could, by exchanges, be used to procure gold for the replenishment of the reserve, they have been so applied, but when this could not be done they have been treated as available funds in the Treasury and reissued in payment of public expenses. None of my predecessors in office have ever made any distinction between the notes received in payment of the ordinary revenue and notes presented by the holders and redeemed in coin, but such notes have been used indiscriminately as the exigencies of the public service required.

Secretary Sherman discussed this question in his annual report for 1877, before the passage of the act of May 31, 1878, and, among other things, he said: "A note redeemed with coin is in the Treasury and subject to the same law as if received for taxes, or as a bank note redeemed by the corporation issuing it. The authority to reissue it does not depend upon the mode in which it is returned to the Treasury." He was discussing the question whether the notes which might be redeemed after the 1st day of January, 1879, under the resumption act, could be lawfully reissued, and he held that they could; but he stated that this construction of the law was controverted, and insisted that the question should be settled by a distinct provision of law. The result was that Congress passed the act of May 31, 1878, making it mandatory upon the Secretary of the Treasury to reissue the notes. Since the passage of that act the right and duty of the Secretary of the Treasury to reissue the old legal-tender notes, no matter how received into the Treasury, provided they belong to the United States, has never been questioned in any quarter, and, as to the Treasury notes issued under the silver-purchasing act, they must be reissued when redeemed in gold, or if canceled standard silver dollars must be issued in their place; for if this were not done there would be a smaller amount of such notes outstanding than the cost of the silver bullion and the standard silver dollars coined therefrom and held in the Treasury, and this condition is expressly prohibited by the statute under which the notes were issued. Whether these notes are reissued or destroyed and standard silver dollars substituted for them, the practical result is the same, for in both cases the Secretary would be using notes redeemed in gold for the payment of the ordinary expenses of the Government; in one case, by paying out the notes themselves, and in the other by drawing silver from a reserve fund on account of their cancellation and then paying out the silver.

We had this question before the Senate over and over again. I think the authors of the acts of 1875 and 1878 never contemplated that the proceeds of the sale of the bonds should be used for any other purpose except for the redemption of the outstanding greenbacks at that time, but subsequent legislation required him to pay them out whenever they came in. It was held by the Department that they were required to do it, and under the act of 1878 these payments have been made openly, with the full knowledge by Congress that the payments would be so made, that the proceeds of the sales of the bonds would be used for this identical purpose. And when we vote for four great battle ships we vote with the perfect knowledge that we are taking the proceeds of the sale of the bonds. Now, the Senator from Georgia [Mr. BACON] and my good friend from Florida [Mr. CALL] seem to think that as this money is in the Treasury, no matter how it reached there, it is better to have it taken out and expended and put it in circulation.

Mr. BACON. Not unless it is for a necessary and an important purpose.

Mr. GORMAN. Yes; but there comes a matter of judgment. I do not think it is necessary to appropriate \$20,000,000 for four great battle ships which will be of no earthly use in the next three or four years and which can not be built for three years.

Mr. WHITE. Will the Senator from Maryland permit me to make a suggestion?

Mr. GORMAN. Certainly.

Mr. WHITE. Can the Senator state with probable accuracy the annual expense of maintaining one of these great ships?

Mr. GORMAN. I can not, because it depends on the amount of service they give.

Mr. WHITE. In time of peace, I mean.

Mr. GORMAN. The object is to keep the ship in commission for a year, fully manned. Hence we are asked, as I said a day or two ago, not only to make provision for constructing the ships, but to give them both sailors and marines, and all the rest of the paraphernalia that is required to put a ship in commission fully armored, fully equipped, and fully manned in time of peace that it may have practice. That becomes necessary, and as a matter of course the expense of it is enormous. The expense is increasing more rapidly, and it will increase in the next three or four years more rapidly than any Senator can imagine, in my judgment.

Now, we are not only appropriating money for building ships, but the first of the ships that were constructed are now here with immense appropriations for new machinery. They are worn out. The ships that were constructed at the time when my friend from New Hampshire [Mr. CHANDLER] was Secretary of the Navy were grand ships, at the time they were models, and they are splendid ships now for certain purposes, but no one would build such a ship for the Navy now; they are obsolete.

Mr. SQUIRE. May I be permitted to ask a question?

Mr. GORMAN. In one moment. Nobody would think of constructing the same type of battle ships that we ordered four years ago. Take the ships that are now being constructed at Newport News. We have a most distinguished Naval Board to ascertain if those ships can not be improved over the ships ordered the year before, and vitally improve over them. So it will be with three battle ships. If you appropriate now for four battleships there can not be any question that two years hence the navy officers, advancing as the science advances in the construction of ships all over the world, would improve upon these.

Mr. SQUIRE. I should like to ask the Senator from Maryland a question.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Washington?

Mr. GORMAN. Certainly.

Mr. SQUIRE. I understand that the Senator is a member of the Committee on Appropriations and that he has been engaged in considering the various questions comprised in this bill and the amounts of money to be appropriated. I should like to call his attention to the same point concerning which I made an inquiry of the Senator from Maine, but which does not seem to have been answered as yet. Why is it that in the consideration of this question the amount specified to be appropriated for each of these great battle ships is so large?

It seems to me we might look at this as a business question. There must be some reason for that. Here we have had several great battle ships built and others authorized to be constructed. We have the *Indiana*, now launched and in commission, the only one thus far of the United States battle ships that has ever been put into commission. We have the *Massachusetts*, which was launched a few months ago, and has just been going on her trial trip. We have the *Iowa*, that was launched only a few weeks ago. Many of us were present to see that magnificent ship launched. We know what the displacement of those vessels is. We know that the *Iowa* has a displacement according to the record of about 11,410 tons. We know what the displacement of the *Massachusetts* is by the record, and what is stated to be the displacement of the *Indiana* and of the others.

Now, I ask, how can we consistently be asked to vote an appropriation for any of these vessels to the extent appropriated in this bill, \$3,750,000 each, exclusive of armament, when it appears from the record of the Navy Department that the vessels to which I have referred, having the tonnage I mentioned, cost, for the *Indiana*, \$3,020,000; for the *Iowa*, \$3,010,000; for the *Massachusetts*, \$3,020,000; and the *Oregon*, which has also recently been launched on the Pacific coast, where the cost of building a great battle ship is supposed to be much greater than on the Atlantic coast—the *Oregon* was built at a cost of \$3,180,000?

If we take a ship of the heaviest displacement—the *Iowa*, 11,410 tons—and subtract its cost, \$3,010,000, from \$3,750,000, it leaves \$740,000 in excess, and there is no indication of any reason for this increase. Multiply that by four and you have \$2,770,000 more in this bill for the four ships than was paid for the ships already built, which I have named, and which were built at a time when the cost of building the ships certainly was not any less than at this day.

Mr. GORMAN. I think I understand the general idea of the Senator from Washington. I want to say to him that the amount appropriated—that is to say, the limit of cost, that it shall not exceed \$3,750,000—cuts no very great figure in this appropriation.

The last contracts we made were for about \$2,500,000, but it was thought best to give the opportunity to the Secretary of the Navy to make the very improvements that I speak of if they became necessary. We have now a splendid board of naval officers to ascertain whether they can change entirely the upper construction of the vessels. They have turrets on the decks of these great war vessels, and they have found by recent experience that they are so located, the one in the front of the ship and two more in the rear or on the sides, that the guns are at such an angle as almost to shatter the front turret. They are now trying to determine whether they can not have a double turret with a gun below and another turret above.

Mr. FRYE. When the Senator is talking about a ship I wish he would not say in front and rear, but that he would say in bow and stern.

Mr. GORMAN. I am trying to use such terms as all my constituents and all the people of the country will understand. I was not thinking of the technical Senator from Maine, who is a thorough shipman.

But, Mr. President, coming back, I want to reply to my friend from Georgia, who asked me a question about the reason and the right to use this money. The Secretary of the Treasury has said to Congress, as all Secretaries have said to Congress—

Mr. BACON. The Senator from Maryland misunderstood my question. I did not ask a question as to the right to use the funds in the Treasury, but the Senator was speaking of the necessity which would be entailed of the issuance of more bonds if this additional expense should be incurred. The question which I propounded to the Senator was not as to the right to use money now in the Treasury, but as to the right of any Department of the Government, under existing law, to issue any bonds on account of such expenditures.

Mr. GORMAN. Oh, no; there is no such right of the Secretary of the Treasury to issue bonds to meet directly the expenditures.

Mr. BACON. That is the point.

Mr. GORMAN. It is done by two steps. The point I make is that the history of the Treasury Department since the last year of President Harrison's Administration has been that if your appropriations exceed your revenues and the balance is run down to a very low limit, then the drain on the gold will begin. During the present Administration gold has absolutely been paid out for the current expenses of the Government; it has been paid to Senators and Members of Congress for their salaries.

Mr. TILLMAN. Will the Senator from Maryland permit me to ask him a question?

Mr. GORMAN. Certainly.

Mr. TILLMAN. Was that gold bought with bonds?

Mr. GORMAN. No.

Mr. TILLMAN. How does the Treasury get any gold except by the sale of bonds?

Mr. GORMAN. Oh, up to the time of the passage of the Sherman Act and for six months after gold came in from the customs. During the present Administration they exchanged for greenbacks and Treasury notes \$115,000,000 of gold before the fright began throughout the country, and the business interests of the country supposed that Congress was appropriating more extravagantly than the revenues warranted. When they knew that the Treasury was safe and had a safe balance in it, \$116,000,000 of gold poured into the Treasury. People were glad to get greenbacks and Treasury notes. Silver certificates have been taken for gold when this excitement did not exist and when the Treasury was full and had plenty; but the moment that it appeared at the short session of 1892-93, the last session in which President Harrison was President, that the revenues had fallen off and that the expenditures had increased, then a fright began throughout the country which has lasted until the present time. After selling \$262,000,000 in gold bonds, or in bonds for which gold was received, and with a balance of over \$100,000,000, in addition to the \$100,000,000 of reserve, in the Treasury, there is no raid on the gold.

I say to the Senator from Georgia and to the Senator from Florida that the moment Congress adjourns with \$600,000,000 appropriated and contracted for, and it becomes known that that charge on the Treasury will deplete the surplus, then you open the door to begin the endless chain referred to by my friend from South Carolina. You will find that the men who have steel and other supplies for the Navy to sell and who have other interests will unite in the general raid that is being made upon the Treasury and they will take out your gold, and the moment the gold is gone more bonds will be sold.

Mr. TILLMAN. What I am trying to get the Senator to answer me is as to the legality of paying out gold for which you sold bonds for current expenses. There is no law for it. But how can the President or anybody else pay out for current expenses gold that was bought with bonds and was put there to maintain the reserve? That is the point I wish to have someone answer as a legal proposition.

Mr. GORMAN. The Senator from South Carolina will under-

stand just what is done. The bonds were sold and gold was received. The next day or the next week the man who bought the bonds or somebody else goes to the Treasury with a greenback or a Treasury note—

Mr. TILLMAN. I understand the Senator to say that gold has actually been paid out for current expenses.

Mr. GORMAN. Yes; I said it had been done to a small extent even during this Administration. That, however, was gold which was received from customs duties and it came in in the ordinary way. It was gold which was received before there was the sale of a single bond by this Administration. Do I make myself understood by the Senator from South Carolina?

Mr. TILLMAN. The Senator does not make the law understood. He makes himself understood, but I can not see the law for it.

Mr. ALLEN. Will the Senator from Maryland permit me?

Mr. GORMAN. Certainly.

Mr. ALLEN. I remember very distinctly that at one time, something like two years ago, all the employees here in the Departments were paid in gold. It was a fact noted at the time by everybody. I think it was after all the free money in the Treasury had been exhausted, and it was said that the Secretary of the Treasury had begun to trench upon the gold reserve. That is my recollection.

Mr. GORMAN. No; the gold that has been paid out of the Treasury on any account, except for the redemption of Treasury notes and greenbacks, was received from customs duties. It came in in the same way as any other money, and the Department unquestionably had the right to dispose of it. But it was only paid out because the receipts in greenbacks and in paper from customs and internal revenue were not sufficient to pay the current expenses.

Now, I want to avoid that condition again. There is only one way to avoid it, and that is by reducing the expenditures. If Congress, in its wisdom, should make the immense appropriations of \$520,000,000 for the current year and authorize obligations for seventy or eighty million dollars for next year, Congress must take the responsibility for whatever comes to the Treasury. I have said on this floor, as I say now, that, while I shall never be satisfied with the action which made it necessary to sell bonds, if Congress refuses to give any other power than that to sell bonds, as has heretofore taken place, or if Congress makes it necessary by extravagant appropriations, there is not a man in the country who will go further than I will to sustain the Executive in maintaining the honor and integrity of the country. But we take the responsibility—we can not escape it—when we vote for these appropriations as they stand. If it does not mean an additional sale of bonds or securities or an immediate increase of taxation, I am more mistaken than I ever have been in my life.

Mr. ALLEN. Before the Senator from Maryland takes his seat, I should like to ask him a question. The Senator stated that the total appropriations in round numbers would amount to about \$600,000,000.

Mr. GORMAN. The total appropriations and contracts involving future appropriations.

Mr. ALLEN. The total actual appropriations and the contracts. I find by referring to report No. 336, from the Committee on Coast Defenses, that they want something like \$107,000,000 for coast defenses, sixty-odd million dollars of which they want the actual money for at this time, and the balance the ability to contract for. I want to ask the Senator if in estimating the \$600,000,000 of appropriations for this year, with authority to make contracts which together amount to that sum, he included the recommendation of the Committee on Coast Defenses.

Mr. GORMAN. No, I did not; and for the benefit of the Senator I will read him exactly what the status of the appropriation bills was as they reached the Senate.

Mr. ALLEN. I suggest that the Senator put the table in the RECORD.

Mr. GORMAN. I shall be glad to have it go into the RECORD.

The regular annual appropriation bills for the support of the Government for the fiscal year 1897, including the river and harbor bill as passed by the House, appropriate in the aggregate	\$374,613,449.19
The urgent deficiency act as approved February 26, 1896, appropriates	6,305,436.52
Permanent annual appropriations, which are fixed by law, as submitted in estimates for 1897	119,054,160.00
Miscellaneous acts approved to date	315,024.72
General deficiency estimates pending, for which bill has only recently passed the House, about	5,550,000.00

That makes an aggregate of..... 505,788,070.43

To that sum there must be added all the amendments to all the bills proposed in the Senate, the result of which will be an addition of not less than \$15,000,000, which will make \$520,000,000.

Now, in that sum only five or six millions is appropriated on

account of fortifications, and there is much more included in contracts to be made. Instead of a hundred million dollars for fortifications, the bill comes here carrying \$11,000,000. What the Senate will do with it is a matter of conjecture. I know that the distinguished Committee on Coast Defenses want \$100,000,000, or about that sum. Both the distinguished Senator from Washington [Mr. SQUIRE] and the distinguished Senator from Vermont [Mr. PROCTOR] are anxious to have the amount increased, I do not know how many millions. It is true that they say with great force the appropriations on account of the Navy have far outstripped those for coast defenses. I notice in the RECORD this morning that the speech made by my distinguished friend the Senator from Connecticut [Mr. PLATT], giving the view of the distinguished Senator from Vermont [Mr. PROCTOR], a former Secretary of War, holds the Committee on Appropriations responsible for the small appropriations made on that account. He talks of the neglect of the fortifications of the country, and seeks to charge the Committee on Appropriations with great neglect, implying, as the statement is published this morning, that the reason for it is that at another place the naval bill is considered by a committee specially charged with naval affairs and friendly to naval matters. It is pointed out that in the last ten or twelve years \$95,000,000 more than was appropriated in the preceding corresponding period has been put into the Navy, and scarcely anything into fortifications. He attributes it to the fact that the naval bill, where it originates in the other House, is in the hands of its friends, while the fortifications bill, originating in the Committee on Appropriations elsewhere, and also considered by the Committee on Appropriations on this side, has been kept down to a very small figure. That is true to a certain extent.

The result is that \$296,000,000 has gone to the Navy since 1867 and a mere bagatelle to fortifications. Senators come with great force and say that that is not right. The highest naval officers, as shown to-day by the distinguished Senator from California [Mr. WHITE], say we have gone too far with the Navy. They are not unfriendly to the Navy. The brightest man in the Navy, I think, Admiral Walker, says of these appropriations, looking to the proper defense of the country, looking to our own welfare, that the appropriations for the coast defenses now ought to be 60 per cent as against 40 per cent for the Navy, because the Navy has outstripped the land fortifications. Yet it is proposed in this bill not only to do what we have done in the last four or five years, but to go way beyond it, to double the amount. I say there is no reason for it.

When we reach the fortifications bill we shall be confronted by the very fact I have stated. It is not, however, accurate, as the Senator from Vermont [Mr. PROCTOR] has stated to the Senate, that it is, because of the action of the Appropriations Committee. I have had the honor for the last twelve years to serve upon the Committee on Appropriations, and nearly the whole time I have served on the subcommittees on the fortifications bill and the naval bill. I served upon that committee with a member of this body whose memory is dear to all of us and who in his day stood as high as any man in the Army, that great volunteer soldier, General Logan, whose whole heart was wrapped up in the proper defenses of this country, who believed that the real defense was by land. I labored with him, or under his direction, to help to create defenses for the country.

We appropriated money as rapidly as the condition of the Treasury would warrant, taking into consideration the knowledge of our officers and the wants of the country. It was a new field for them. The use of improved steel in the manufacture of guns of this class was scarcely known, and the army officers were slow in getting up provision for the defenses. They had not been able to assemble the machinery to make the guns. The Navy was in advance. They copied from people abroad and had better opportunities, and, I think, a little more knowledge and skill. It is only now, while I am talking, that for the first time, although we have given the Army the money, that the Army is in condition to make great guns. Only recently has there been completed the machinery, the immense lathes upon which you can place and turn a great 16-inch gun. But the time has arrived now when this branch of defense must be considered. Enlarged appropriations must be made, and my judgment is, as Admiral Walker says, that in the interest of the country the appropriations ought to be 60 per cent for coast defenses and 40 per cent for the Navy. But in the present condition of the Treasury it is utterly impossible to give both branches all they want, and it is for that reason that I am opposed to this appropriation.

Sir, I have stood here from the day I entered this Chamber perfectly convinced that the great leader of the Democratic party—I mean Samuel J. Tilden—was right when he advised his party associates and Congress not to be disturbed about the surplus in the Treasury, when we had from a hundred and fifty to two hundred million dollars, but to use it for defense and for aggression, and not to reduce the taxation to a point where we would be compelled to abandon proper defenses both by water and by land.

Now, when we are borrowing money, when there is no possibility, as it would appear, of putting more money into the Treasury by taxation, I am utterly opposed to running the country into debt and selling 4 per cent or 4½ per cent bonds for this purpose.

I would not vote for four battle ships now even if we had a surplus in the Treasury, because I do not believe that more than two are needed. I think the country would be benefited by giving our officers an opportunity to build two now and two next year. They are already building two under last year's appropriation. Let them go on and develop and improve them. That will be fast enough for the needs of the country.

Mr. ALLEN. I wish to ask the Senator from Maryland one question before he sits down, because I regard it as somewhat important. If we add to the appropriations that have been mentioned—five hundred and twenty-odd millions—the amounts in the river and harbor bill as it is recommended, and the coast-defenses bill, we have in round numbers \$700,000,000 of appropriations by this Congress.

Mr. GORMAN. Oh, no; I included all the bills.

Mr. ALLEN. The Senator did include all the bills?

Mr. GORMAN. Yes, sir.

Mr. ALLEN. Under the most favorable circumstances our revenues can not exceed \$430,000,000. How are we going to meet the difference between \$430,000,000 and \$520,000,000?

Mr. GORMAN. The Senator knows it will be paid out of the money in the Treasury, and, as I stated a moment ago, I think it means the issuing of more bonds. I do not myself see any other way.

Mr. ALLEN. Our expenditures are that much greater than our income?

Mr. GORMAN. Yes, sir.

Mr. ALLEN. Can we meet it in any other way than by issuing bonds?

Mr. GORMAN. I think not.

Mr. HALE. I do not want to delay the Senate, as a vote is to be taken to-night, but I now have the figures on which I made my estimate about the cost of these ships. It is based upon what is believed to be the actual cost of the two ships now being constructed at Newport News, the *Kearsarge* and the *Kentucky*. They are being constructed under the provisions of the act of last year, which provides that they shall be of about 10,000 tons displacement. Under that act the authorities have believed that a variation of something like a thousand tons or less could be made, so that each ship will be of about 10,800 tons. This year the limit as to size has been increased to 11,000 tons, and I suppose that the new ships, running in the direction of about 14,000 tons which the British build, will be near 12,000 tons. They might be under this provision.

The cost of the 10,000-ton ship, which is about 10,800 tons, is \$5,297,000, including hull, armor, and armament. If the Secretary, under this added thousand-ton size, builds a ship of nearly 12,000 tons displacement, it will add about 10 per cent to the cost, and that will make each of the ships cost about \$5,826,000, or the four together \$23,295,000. So if under this increase of limit or suggestion as to size the ships are made of about 12,000 tons, say 11,800, the cost, reckoning 10 per cent for additional size, will be brought up to between twenty-three and twenty-four million dollars.

I regret that I did not at the time when the question was first asked have the figures at my fingers' ends so that I could give the reason for my statement.

Mr. SQUIRE. If the Senator from Maine will permit me, are we to understand that the reason for the proposed increase is because of the contemplated increase in tonnage, in displacement? Is it proposed to increase the number of tons displacement from 11,000, as proposed in the bill, to about 12,000?

Mr. HALE. I am quoting the two acts. Last year it said of about 10,000 tons. That was the provision of the act under which the two ships are being built, the *Kentucky* and the *Kearsarge*. This year the provision is for ships of about 11,000 tons. Any Secretary—I do not know what he will do—would be authorized under the extension of size of a thousand tons to add 10 per cent to the cost and make a ship of nearly 12,000 tons instead of 11,000 tons. Whether he will do that, of course, I do not know. But he clearly would be authorized to do it following the same rule that has been pursued before.

Mr. SQUIRE. I ask the Senator from Maine, as he has been so kind as to give this information, which certainly is very important, to state for the information of Senators who are not so well informed whether the proposed decrease in the price of armor plate is going to affect the cost of building the ships?

Mr. HALE. That is a matter of conjecture for the future. It is not reckoned in this estimate.

Mr. SQUIRE. The Senator is not calculating on that?

Mr. HALE. I am not calculating on that, because nothing has yet been done on that subject.

Mr. SQUIRE. It seems to me very strange that there should

be so much stress laid upon the fact that these officers should be prevented from remaining as officers in the Navy while acting in the employ of the Bethlehem Iron Company and the Carnegie Iron Company (the committee is trying to reduce the cost of the plates to the Government, and that is an incidental feature connected with their efforts to try to get a reduction in the price of the great armor plates), and yet at the same time when we come to look at this bill we find here an amount proposed to be appropriated so much larger than that which was used in paying for the great battle ships already constructed that have been built with a displacement of 11,400 tons.

Mr. HALE. The Senator is wrong in thinking the figures which have been given as to the *Iowa* represent anything like her cost. He is dealing with one class of work as compared with another. The expense of the *Iowa* altogether did not differ materially from the expense estimated for the *Kearsarge* and the *Kentucky*. The contract which was made for the hull itself and a portion of the armor would amount to the figures given by the Senator himself, but they do not represent in any way the entire cost of the ship.

Mr. SQUIRE. I am well aware that the armament is not included, but I understand precisely the same elements are included that are included in the present bill for the new ships; that is, the hull and machinery.

Mr. HALE. No.

Mr. SQUIRE. Am I wrong about that?

Mr. HALE. Yes. In keeping books in the Navy Department a portion of the armor, that along the belt connected with the ship itself, is reckoned as being included in the general limit as fixed without armament. That is a matter of bookkeeping.

Mr. SQUIRE. Does the Senator from Maine mean to be understood as saying that in the present bill the armor is included in the cost and that the armor is not included in the cost of the ships named in the table from which I quoted, relating to the cost; that there is a difference?

Mr. HALE. I do not know exactly what the Senator has got, because I have not seen his figures. In the case of the *Kentucky* and the *Kearsarge* there is a part of the armor, the belt part of the armor, not relating to the turrets, the decks, or anything of that kind. The turrets and all those things are reckoned by the Department as being within the limit, which was last year \$4,000,000 and this year \$3,700,000. So, if the Senator will get from the Department the entire figures on the cost of the *Iowa*—the hull, the machinery, the armor, and the armament in the aggregate—he will find it does not differ materially from the cost of the *Kentucky* and the *Kearsarge*. My impression is that the *Iowa* cost more than the *Kentucky* and the *Kearsarge*, because the bidding was so keen for the *Kentucky* and the *Kearsarge* that the Department got an advantage of several hundred thousand dollars over and above the old contracts for the other ships. I think the Senator will find that the *Iowa*, all ready for commission, cost more money than it will take to finish the *Kentucky* and the *Kearsarge*.

Mr. SQUIRE. Then, too, I observe that the *Kentucky* and the *Kearsarge* each has a displacement of 11,525 tons.

Mr. CHANDLER. Will the Senator from Washington allow me to ask a question of the Senator from Maryland?

Mr. SQUIRE. Certainly.

Mr. HALE. I will yield directly to the Senator from Washington [Mr. SQUIRE], and through him to the Senator from New Hampshire [Mr. CHANDLER], and through him to the Senator from Maryland [Mr. GORMAN].

The PRESIDING OFFICER. The Chair supposed that the Senator from Maine had concluded, and therefore recognized the Senator from New Hampshire.

Mr. HALE. No; I was only asking a question.

Mr. CHANDLER. I would not venture to interrupt the Senator from Maine, and when he took his seat I thought I might interrupt the Senator from Washington [Mr. SQUIRE], who is always courteous, and supposed I might ask a question of the Senator from Maryland, and at the proper time, when convenient to the Senator, I shall ask it.

Mr. HALE. I want to get through first with the Senator from Washington.

Mr. CHANDLER. What are the prospects in that direction? [Laughter.]

Mr. HALE. The Senator must ask the Senator from Washington, and not me.

Mr. SQUIRE. I do not quite understand the imputation of the Senator from New Hampshire.

Mr. WOLCOTT. I hope the Senator from Washington will continue his explanation.

Mr. SQUIRE. I am not making any explanation. I desire to ascertain why it is that, with all this effort to reduce the cost of four battle ships, they will cost so much more than those which have been already constructed during the time when labor and material cost more. If we are studying economy, why are we asked to appropriate so much money? Why appropriate nearly

\$3,000,000 more than the other four ships cost, having an equal displacement?

Mr. ALLISON. That is a pertinent question.

Mr. HALE. That is a pertinent question; and the only answer to it is that they do not cost more.

Mr. SQUIRE. That is a conflicting statement with the statement I have received from the Navy Department.

Mr. HALE. No; I beg the Senator's pardon. He has not all the figures. As I said, if he will get the entire cost under the bids for the armor and everything else of the *Iowa* or the *Indiana*, and I think of the *Massachusetts*, he will find, instead of their costing less than the *Kentucky* and the *Kearsarge*, that they will cost considerably more.

Mr. SQUIRE. I understand that.

Mr. HALE. I thought the Senator supposed differently.

Mr. SQUIRE. The *Kentucky* and the *Kearsarge* are still more to the point and illustrative of the fact, because they were contracted for at still less cost and their displacements are to be still greater than that of the *Iowa*.

Mr. HALE. Does not the Senator understand, or have I not made myself clear to him, that in making my figures the aggregate cost will be between twenty-three and twenty-four million dollars?

Mr. SQUIRE. I ask the Senator from Maine if he meant that the proposed cost of the construction of the ships contemplated in this bill would include the armor, and if I am to understand him to answer definitely that it would?

Mr. HALE. Everything is included.

Mr. SQUIRE. If that is a fact, it is all right. It may be that the armor was not included in the cost of the other ships in the figures I have quoted.

Mr. HALE. I say I do not know what figures the Senator has. I have not seen them. When you come to the *Iowa* and other ships I have no doubt the Senator will find they cost more.

Mr. SQUIRE. That is sufficient. Now I understand the Senator.

Mr. CHANDLER. I do not think I shall ask anything of the Senator from Maine just now.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. I think I shall yield the floor generally, for I should like to get a vote, but I wish to hear from the Senator from New Hampshire first.

Mr. CHANDLER. I think I ought to speak, because what I wish to say is right to the point of the amendment. The question is as to four battle ships or two battle ships. I am free to say that if we could get an appropriation into this bill for a considerable number of torpedo gunboats, torpedo-boat destroyers, and torpedo boats I should be willing to see a delay in authorizing two of the battle ships. I should be glad, in other words, to see the amendment of the Senator from Maryland adopted. I do not think it is absolutely necessary to our progress in the construction of battle ships that we should authorize four at this time. There are already authorized the *Kentucky* and the *Kearsarge*, but the contracts for the armor are not yet made. The advertisements are out, the contracts will shortly be awarded, and the Bethlehem Company and Carnegie, Phipps & Co. will commence the construction of the armor for those two ships.

If each concern has a contract, it will have about a million and a half dollars' worth of armor to make. If we authorize two more battle ships, the Secretary of the Navy will be able in the next six or nine months to award contracts of about a million and a half dollars more to each establishment, and that work, I think, is about all that can be done within the next year or year and a half. So it is quite possible that we shall not expedite the construction of the four battle ships by authorizing them now. Possibly, if we authorize two now and two next year we shall get all four constructed quite as soon as if we authorize all four at this time.

Therefore I should like to substitute, if the sentiment of the Senate is in favor of only two battle ships, for the other two battle ships some torpedo boats. If we leave out the battle ships, we shall save from ten to twelve million dollars; that is, we shall omit that appropriation from this bill, and to that extent relieve the struggling mind of the Senator from Maryland. This reduction would give us an opportunity to build some torpedo boats, and in torpedo boats the United States is deficient. I do not mean small torpedo boats; I mean large torpedo gunboats.

Mr. HALE. Swift boats.

Mr. CHANDLER. Very swift and very large. We have only one, the *Cushing*, but in foreign navies it is deemed very essential to have a large number of torpedo boats for the purpose of destroying battle ships. Now, we have gone on fairly well in building battle ships and in authorizing battle ships, but we have not made sufficient progress in the construction of battle-ship destroyers; and Senators well understand that the principle of war is that we not only want to design ships to fight the enemy, but methods of destroying the great ships of the enemy. I should myself be very

willing, speaking personally—not for the committee, nor so far as I know for any other Senator—to substitute for the ten or twelve million dollars, which we shall save, the construction of 30 torpedo boats. I shall send to the desk an amendment, which I shall be glad to move—and I call the attention of the Senator from Maryland especially to it—if the rules of the Senate will allow me to do so, in case we are to now authorize but two battle ships in stead of four.

Mr. ALDRICH. Do I understand the Senator from New Hampshire to say we can not do both? Why not build the torpedo boats and also authorize the building of the battle ships?

Mr. CHANDLER. The Senate can do that if it pleases, but, assuming the Senate to be in an economical frame of mind and to have a proper desire to limit these appropriations, I should like in place of the \$11,000,000 for two battle ships to substitute between three and four million dollars for torpedo-boat destroyers and torpedo gunboats. I ask that the amendment be read for information.

The PRESIDING OFFICER. The amendment will be read for information.

The SECRETARY. It is proposed to strike out, on page 50, line 25, and on page 51, lines 1 to middle of line 4, and insert the words:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots and torpedo boats with a minimum speed of 26 knots, 30 in number, to cost in all, exclusive of armament, not exceeding \$4,500,000.

Mr. HALE. Does the Senator make the total number 30?

Mr. CHANDLER. Thirty in all. I call the attention of the Senator and of all who are within hearing of my voice to the fact that the House provides that these torpedo boats shall have a maximum speed, that is, that they shall not go faster than 30 knots an hour. I suppose that really we ought to be willing to have them go as fast as they can go, and the limitation ought to be a minimum limitation—that a gunboat shall not have less than a certain amount of speed, and that it may go as much faster as the makers can make it go.

But this amendment is subject to a point of order. The inquiry I wished to make of the Senator from Maine and the Senator from Maryland was whether by unanimous consent or in any other way we can have a consideration of the question of authorizing now instead of 3 or 4 or 6 torpedo boats at least 30 of this class of vessels. I have in my hand a letter written to the Senator from Connecticut [Mr. HAWLEY] by Mr. W. H. Jaques, which I shall read, on this subject.

Mr. HALE. Will the Senator allow me a moment on that matter of limitation?

Mr. CHANDLER. Certainly.

Mr. HALE. The provision in the House bill was for five torpedo boats to have a maximum speed of not less than 26 knots, and the Committee on Appropriations, believing that these torpedo boats, should be larger than that and should have a greater speed, raised the limit, if I may use the expression—

Mr. CHANDLER. Raised the maximum.

Mr. HALE. Raised the maximum to 30 knots. I should be in favor of making it even 32 knots, because the English are building, or attempting to build—in fact, I think they have already launched—some torpedo boats which make 32 knots. The Committee on Appropriations was endeavoring to get a better class of boats than is provided for in the bill as it came from the House.

In answer to the point of the Senator as to a maximum speed, I should not quite want to go to the extent of saying that if these torpedo boats did not have as much as 30 or 32 knots the Government should not take them, because I do not know whether that would be feasible.

Mr. CHANDLER. What does the term "maximum" mean as a matter of law in this bill?

Mr. HALE. It means that the Secretary of the Navy, in spending this money, shall seek to get that speed if it is possible.

Mr. CHANDLER. The legal construction is that he is to see to it that the vessels shall not go any faster than the rate of speed named.

Mr. HALE. There is no danger of that.

Mr. CHANDLER. That is the legal construction.

Mr. HALE. No; there is no danger but that the Secretary will get all the speed he can. I have no doubt that the House of Representatives felt that it was not safe to say that the boats should not be built if they do not attain 26 or 30 knots, but it is an indication to the Secretary that he should endeavor to get 30 or 32 knot torpedo boats.

Mr. CHANDLER. Of course it is open to the suggestion that "maximum" means "minimum," and frequently in statutes the courts give construction to language making it entirely the opposite of what the language says. But I have never been able to do that myself.

The Committee on Appropriations have gone in the right direction so far as they have gone, but they have not gone far enough. We ought to build more of these boats.

Now, I will read the letter to which I referred:

WASHINGTON, D. C., April 8, 1896.

SIR: Replying to your inquiries in connection with the provision of an adequate torpedo flotilla, if it is to be the policy of our Government to employ torpedo boats as one of the units of defense they should be provided by the hundred and simple efficient requirements demanded, leaving the details to private builders. By this method most excellent results will be obtained, as far as time, price, and efficiency are concerned. A contract for fifty or a hundred would give the country something more than a few unsatisfactory experiments, which more than describes our present torpedo-boat force.

The present combined torpedo flotilla of Great Britain, France, Russia, and Germany exceeds a thousand of the various types. Experiment and service in foreign countries have demonstrated the mistake of building these craft too small and of too low speed. England, particularly, has made a most radical departure, and there is every evidence that she will build no more torpedo boats of less than three or four hundred tons.

While these craft have received various names, such as torpedo gunboats, torpedo-boat destroyers, and torpedo boats of various classes, they are provided for the purpose of destroying ships with torpedoes, and the development in size and powers of offense and defense is a very natural one.

Great Britain has recently added to her navy 42 torpedo boats, distinguished by the name of torpedo-boat destroyers, of a tonnage of from 260 to 300, the majority of which have a speed of from 28 to 30 knots. These torpedo craft have a horsepower of from 3,000 to 4,000, and their average cost was about \$38,000 (about \$190,000), \$15,000 of which is for hull, including mast and rigging, \$22,000 for propelling auxiliary machinery, including air-compressing machinery, and \$1,000 for their rapid-fire batteries.

The latest first-class torpedo boats built by Great Britain have a displacement of 180 tons, horsepower 2,000, and speed of 26 knots, and were built at an average cost of \$15,000 (about \$75,000).

For your further information I append an extract from the London Times, giving a description of the fastest torpedo boat in the world, the torpedo-boat destroyer *Sokol*, built by Yarrow, of England, for the Russian Government.

Yours, truly,

HON. JOSEPH R. HAWLEY,
United States Senate.

W. H. JAQUES.

We have not any of this class of vessels.

Mr. HILL. Mr. President, I think we have consumed the maximum time we ought to consume to-day, and if the Senator will allow me, I desire to submit a motion.

Mr. SQUIRE. I should like to make a suggestion to the Senator from New Hampshire.

Mr. HILL. That will lead to further debate.

Mr. SQUIRE. I should like to say to the Senator from New Hampshire that for the information of the Senate and for my own I should be glad to have him explain what these torpedo boats are to take the place of. Are we to have only two battle ships if the torpedo boats are to be constructed, according to the amendment of the Senator, or are we to have three? I do not quite understand him. I think his amendment ought to be printed for the information of the Senate, and then lie over until to-morrow.

Mr. HALE. Mr. President—

Mr. HILL. Do I understand the Senator from New Hampshire [Mr. CHANDLER] has yielded the floor?

Mr. HALE. Let me say to the Senator from New York that I propose in a few minutes to give way for a motion for an executive session. There are certain Senators who want an executive session, and I hope, therefore, the Senator will not move to adjourn.

Mr. HILL. It is a little late, and I move that the Senate adjourn.

Mr. HALE. I ask the Senator to withhold the motion for a moment.

Mr. HILL. Certainly.

Mr. HALE. I do not propose to ask the Senate to remain longer in session this evening upon this bill. All the amendments, as I understand, that have been submitted to it are to be printed, so that we shall know to-morrow what is before the Senate. I shall endeavor to-morrow, if sustained by the Senate, to get a vote at as early an hour as possible on the passage of the bill. I give notice now that unless the bill shall be concluded by 6 o'clock to-morrow evening, or at some time before that, I shall ask that the Senate have an evening session to-morrow in order to finish the bill. Of course I am in the hands of the Senate.

Let me say now to the Senator from New York—for that is a matter for him to decide—that the Senator from Wyoming [Mr. WARREN] desires an executive session instead of an adjournment. I leave that between the Senator from New York and the Senator from Wyoming.

Mr. WARREN. I hope the Senator from New York will withhold his motion to adjourn, so that we may have an executive session.

Mr. LODGE. I also ask for an executive session.

The PRESIDING OFFICER. Does the Senator from New York withdraw his motion for that purpose?

Mr. HILL. Yes, sir.

Mr. CHANDLER. I ask for an order to print my amendment.

The PRESIDING OFFICER. The amendment will be printed in the RECORD.

Mr. CHANDLER. In addition to being printed in the RECORD, I also desire it to be printed in regular form as a proposed amendment.

The PRESIDING OFFICER. That order will be made.

Mr. QUAY. Before the order is made, I desire to make a point

of order that the torpedo boats provided for in the amendment of the Senator from New Hampshire are not estimated for.

The PRESIDING OFFICER. The amendment has not yet been offered, but notice of the amendment has been given. The point of order, the Chair understands, is reserved by the Senator from Pennsylvania.

EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 1, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 30, 1896.

ASSISTANT SURGEONS IN THE NAVY.

William M. Wheeler, a citizen of New York, and Robert S. Blakeman, a citizen of Connecticut, to be assistant surgeons in the Navy, to fill vacancies existing in that grade.

PROMOTIONS IN THE NAVY.

P. A. Engineer Albert B. Willits, to be a chief engineer in the Navy, from the 28th of March, 1896 (subject to the examinations required by law), vice Chief Engineer Albert W. Morley, retired.

Surg. William G. Farwell, to be a medical inspector in the Navy, from the 28th of February, 1896, vice Medical Inspector Thomas N. Penrose, promoted.

P. A. Surg. James D. Gatewood, to be a surgeon in the Navy, from the 28th of February, 1896, vice Surg. William G. Farwell, promoted.

Surg. John C. Wise, to be a medical inspector in the Navy, from the 20th of March, 1896, vice Medical Inspector Edward Kershner, dismissed.

P. A. Surg. Oliver Diehl, to be a surgeon in the Navy, from the 20th of March, 1896, vice Surg. John C. Wise, promoted.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Samuel A. W. Patterson, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTER.

Patrick H. McGrath, to be postmaster at Ronceverte, in the county of Greenbrier and State of West Virginia, in the place of Robert C. Rodes, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 30, 1896.

CONSUL.

R. Hughs Long, of Alabama, to be consul of the United States at Nogales, Mexico.

APPOINTMENT IN THE ARMY.

Rev. Sewell N. Pilchard, of Delaware, to be post chaplain.

RECEIVER OF PUBLIC MONEYS.

Caleb P. Organ, of Cheyenne, Wyo., to be receiver of public moneys at Cheyenne, Wyo.

INDIAN AGENT.

Luke C. Hays, of Oacoma, S. Dak., to be agent for the Indians of the Fort Belknap Agency, in Montana.

POSTMASTERS.

John J. Whetton, to be postmaster at Highlandville, in the county of Norfolk and State of Massachusetts.

Martin F. Burns, to be postmaster at Wollaston, in the county of Norfolk and State of Massachusetts.

T. Fitz Hugh, to be postmaster at Kansas City, in the county of Wyandotte and State of Kansas.

Herman Schulmerich, to be postmaster at Hillsboro, in the county of Washington and State of Oregon.

Matthew F. Conroy, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 30, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—RATLIFF VS. WILLIAMS.

Mr. McCALL of Massachusetts. Mr. Speaker, I desire to submit at this time a privileged report from the Committee on Elections No. 3.

The SPEAKER. The Clerk will read the report.

The report was read at length.

The SPEAKER. Does the gentleman desire immediate action? Mr. McCALL of Massachusetts. I do, Mr. Speaker.

The SPEAKER. The Clerk will report the resolutions of the Committee on Elections.

The Clerk read as follows:

Resolved, That W. P. Ratliff was not elected a member of the Fifty-fourth Congress from the Fifth Congressional district of the State of Mississippi, and is not entitled to a seat therein.

Resolved, That J. S. Williams was duly elected a member of the Fifty-fourth Congress from the Fifth Congressional district of the State of Mississippi and is entitled to a seat therein.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were agreed to.

CONTESTED ELECTION—NEWMAN VS. SPENCER.

Mr. McCALL of Massachusetts. I desire to submit another report from the Committee on Elections No. 3. It is similar to the preceding report.

I ask that the resolutions be read, as it is not necessary to have the report read in these cases.

The resolutions were read, as follows:

Resolved, That A. M. Newman was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of Mississippi and is not entitled to a seat therein.

Resolved, That J. G. Spencer was duly elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of Mississippi and is entitled to a seat therein.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were agreed to.

CONTESTED ELECTION—BROWN VS. ALLEN.

Mr. McCALL of Massachusetts. There is another report, Mr. Speaker, from the Committee on Elections No. 3, on which I desire action, and I ask that the resolutions be read.

The Clerk read as follows:

Resolved, That John A. Brown was not elected a member of the Fifty-fourth Congress from the First Congressional district of the State of Mississippi, and is not entitled to a seat therein.

Resolved, That John M. Allen was duly elected a member of the Fifty-fourth Congress from the First Congressional district of the State of Mississippi, and is entitled to a seat therein.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were agreed to.

RECONSIDERATION.

Mr. McCALL of Massachusetts. Mr. Speaker, I desire to move to reconsider the several votes just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM GROSE.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 515) granting a pension to William Grose.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Grose, of Newcastle, Henry County, Ind., late a brigadier-general of the United States Volunteers in the Union Army, at the rate of \$100 per month, said pension to be in lieu of that which he now receives.

The Committee on Invalid Pensions recommend the adoption of the following amendment: In line 8, strike out the words "one hundred" and insert "seventy-five"; so that it will read "at the rate of \$75 per month."

There being no objection, the bill was considered, the amendment recommended by the Committee on Invalid Pensions was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

DIRECTORS DEAF AND DUMB ASYLUM.

The SPEAKER announced the appointment of Mr. PAYNE and Mr. SAYERS as House directors for the Columbian Institution for the Deaf and Dumb.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 296) for the relief of William H. Atkins, formerly commissary sergeant, United States Army, was taken from the Speaker's table and referred to the Committee on Claims.

BANKRUPTCY.

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House to further consider the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

Mr. BAILEY. Before proceeding, Mr. Chairman, I would like to inquire how much time has been used by the respective sides?

Mr. HENDERSON. As I have kept the account of time, we have used one hundred and seventy-six minutes and the opposition has used one hundred and fifty-seven minutes. I have not compared notes with the Chair, but think that is about correct.

The CHAIRMAN. The Chair would suggest that on the theory that the debate should run five hours longer, the gentleman from Iowa would be entitled to two hours and twenty minutes, and the gentleman from Kansas [Mr. BRODERICK] to forty minutes, and the gentleman from Texas to one hour and fifty-nine minutes.

Mr. BAILEY. Mr. Chairman, I yield forty minutes to my friend from Missouri, Judge DE ARMOND.

Mr. DE ARMOND. Mr. Chairman, the question before the House is one of importance, and I regret that pressure of other affairs has prevented my giving that attention to the study of it which one ought to bestow before occupying the time of the House upon it. I know there are other gentlemen desiring to speak who, I have reason to believe, are better qualified than I to inform the House with regard to the merits and demerits of the pending measure. I shall, therefore, endeavor to hurry through what I have to say, and then give way to others.

I think, Mr. Chairman, that naturally the first inquiry is with reference to the real, legitimate purpose of a bankrupt law.

Without going into that question in detail, I will content myself with saying it is my conclusion, from such investigation as I have given the subject, that the only legitimate object of such legislation is the relief of insolvent debtors. About this central idea all just legislation upon this subject ought to cluster. There are enough laws for the collection of debts, every State in the Union having its own code. Common observation and common experience alike teach us that the creditor, so far as the laws go, is amply provided with remedies. The person who needs the benefit of a bankruptcy law, if there be occasion for it at all, is the person who is in the unfortunate condition of being so involved in debt that without the aid of such a law he can not get out and start again in the race of life upon something like equal footing with other persons engaged in the same pursuits in which he would engage.

Now, Mr. Chairman, without meaning at all to criticize the purpose of any gentleman who favors this bill or who has had a hand in drafting it, I believe that the bill did not spring into existence primarily on account of a desire to relieve insolvent debtors.

What is the history of this proposed legislation? The present bill is fashioned on the model of the Torrey bill, with some slight changes and modifications. How did the Torrey bill originate? Whence did it come? What brought it into being? What projected it into former Congresses, and what has brought it into this Congress?

The report itself states—for gentlemen are frank about these matters—that this bill was drawn in consequence of action taken by numerous commercial bodies and boards of trade throughout this country.

It might be stated further that the draftsman of the Torrey bill did not, as a humanitarian, looking after the good of human kind solely and exclusively, prepare that bill, or aid, so far as he aided in the make-up of the bill now under consideration. It is a fact, however, that the bill was prepared by that gentleman as an attorney prepares bills, contracts, and other papers for a client; and his clients were and are the wholesale men who are spoken of as having taken action in commercial congresses and boards of trade. Without going further on this line, it is enough to say that the bill was prepared by the agent of creditors, and naturally enough, without impeaching the motives of anybody, and using harsh language toward nobody—naturally enough, it was prepared to promote and conserve and advance the rights and interests of that particular class.

That this is true a very cursory examination of the bill itself will prove. It contains numerous provisions hedging in and guarding from the insolvent debtor the only boon that can possibly reach him—a discharge from the debts which he can not pay. It is difficult, very difficult, for the debtor to obtain his discharge if any creditor chooses to stand in his way. He goes in under suspicion. His every act, his every omission, his conduct clear through the proceeding and antecedent to it, all are subject to the closest examination, the most searching scrutiny, the most minute precautionary devices, to make it certain that by no chance or accident can he get the one thing, the only thing, which can be brought to him by this kind of legislation, unless he be clearly and undoubtedly entitled to it, namely, his discharge.

There is nothing thrown about the creditor in the way of restrictions and hamperings. A creditor animated by bad motives, maliciously inclined, bent upon the destruction of the unfortunate debtor, may move upon him without finding aught of terror in the law, without the dread of any loss or punishment, unless he violates what amount to ordinary criminal statutes.

The debtor is required to attend creditors' meetings and disclose everything within his information, for whose benefit? For the benefit of the creditor. If it be thought that he fraudulently conceals anything, fails in anything, is not vigilant about everything for the benefit of the creditor, he is denied a discharge; but if the creditor, animated by bad motives, seeking the ruin of the debtor, or needlessly or recklessly throws him into bankruptcy, pursues him relentlessly, causelessly, there is no penalty, no reparation provided. A man once started into bankruptcy upon a petition filed by his creditors, it is true, is given the form, the husks, of an inquiry into the question of whether or not he should be adjudged a bankrupt; but what is there left for him in that inquiry? A petition once filed against him, proceedings in bankruptcy begun against him, the bad news being spread abroad in his own neighborhood and as far as his name and his interests and acquaintance shall extend, there is nothing substantial left for him except the relief which may come from a discharge by a court of bankruptcy.

What real interest can he have in battling against Fate, without the common charity of a jury trial even, unless he is swift to demand and insist upon it? If he should defeat the petitioning creditors, will that rehabilitate his shattered credit; will that put him on his feet again? Will that give him his old position as a reputable trader, presumed to be able to pay his debts? By no means. The very act of saying, in the creditors' petition that he is insolvent, makes him insolvent. The charge makes fact that which is charged. If, animated by pride, the debtor successfully resists the effort to declare him a bankrupt, what does he get for the inevitable loss of credit, for a ruined business? Nothing. There is no responsibility resting upon any creditor who may have assailed him, no matter how wantonly or viciously.

There is no provision made in the bill for paying the debtor for making what he can for the creditor; not even witness fees are provided for him. Moreover, he is subject to arrest. But it is provided that he shall not be imprisoned. If it is charged by the creditor that the debtor is going from his present place of residence to some other, is going out of the district, no matter what his intentions or necessities, and that the effect of such removal may be to interfere with the getting out of the wreck all that might otherwise be realized, then the unfortunate debtor may be arrested, or "detained," as expressed in the bill. What is the meaning of all this? Probably that you shall not throw the victim into jail with common criminals, but that he is to be more decently deprived of his liberty. The heavy hand of the law shall be upon him, however; he can not go and come as other men go and come. He must languish under the control of an officer, under guard by an officer, merely because some omnipotent creditor concludes that by putting the screws on a little tighter and interfering with the helpless debtor's personal liberty, in addition to interfering with all his other rights, the creditor may fare a little better.

And then, after the discharge in bankruptcy, after a showing which the court thinks entitles the insolvent to an acquittance, after he has walked out of the bankruptcy court with his debts obliterated by judgment of the court and no longer a burden upon him, with some promise in life for him—even then for two years he is liable to be thrown back into the slough of despair by means of the vague affidavit of any creditor, his discharge set aside, and the whole thing reopened, so far as he is concerned.

Another thing. The definitions in this bill, as gentlemen will see who look at them, are something extraordinary. Ordinarily in definitions the usual meanings are given to words. But here extraordinary meanings are given to some of the words used. When you read one of these particular words in the body of the bill it does not impart to you the wonderful meanings actually crowded into it in the dictionary part of the bill. Turning to the dictionary section, you will find words perverted into meaning what they never meant before and will never again mean.

Take almost any one of these definitions, and you will find this to be the case.

Here is the word "transfer," for instance; an ordinary word, but an extraordinary meaning is given to it.

Transfer shall include the sale and every other and different mode of disposing of or parting with property, or the possession of property, absolutely or conditionally, as a payment, pledge, mortgage, gift, or security, and the creation of a lien on property by any means other than by compulsory process prosecuted in good faith.

"Transfer" means all that. Why give it so extraordinary a meaning? I do not even suggest that the committee in giving their sanction to these definitions have any thought or purpose of concealing the very broad meaning that is given to the words. But I say it is fair to infer that the man who drafted the bill originally, the man who acted for the wholesale dealers who desired the bill to be drawn up and now wish it to be passed, gave these words their sweeping scope and hidden power for a purpose. The purpose will be apparent to anyone who will analyze and consider them.

Mr. Chairman, if the object is to relieve the insolvent debtor, then the collection of debt is merely an incident. That kind of bankrupt legislation I favor. That kind I believe is embodied in

the substitute offered by the gentleman from Texas [Mr. BAILEY]. If the object be the collection of debt, however—if that is the object of bankruptcy legislation—then the bill submitted by the committee will admirably meet the expectations of those who designed it. Why should the object and the design of the law be to aid persons in the collection of debt or to punish persons for fraudulent practices? All these things are provided for in existing laws.

The only just ground for any bankrupt bill is to be found in the sad state of honest but insolvent debtors. Such legislation should be designed to relieve persons who can not relieve themselves; not necessarily or primarily to distribute their estates, not to divide the property of the insolvents, but to give them relief. If that be the object, why is it at all necessary or proper that the estate of a person who desires to be relieved as a bankrupt shall be administered in the bankrupt court? Why would it not be ample, more simple, surer, and better if the law should provide that when the estate of the insolvent which is subject to the provisions of the law, the property of the insolvent not exempted to him by the laws of the State in which he lives, has been distributed, when he has no property left which the law can reach, then he shall be permitted to go into the bankrupt court and ask for the only thing of value to him that such a court ever can give him, a discharge in bankruptcy, relief from the burden of unpaid debts? If that be the proper object, the substitute offered by the gentleman from Texas will secure it. If that substitute, which provides for voluntary bankruptcy proceedings in the Federal courts, after distribution of the insolvent estate through the State courts, and is to be in existence two years only—if that substitute be accepted, then all this machinery about the bankrupt court can be laid aside as totally unnecessary.

Take a man in any State—I do not care where—who is tired of struggling with the adversities of life and endeavoring to meet his obligations. When in the way provided in that State, whatever it may be—and if the laws of a State are good enough for the men who live in it, the people who live elsewhere have no very great reason to find fault with them—when in the way provided by the laws of his State he disposes of his property, then open the doors of your bankrupt court to him for a short though sufficient time. Let him present his petition asking for a discharge in bankruptcy, the only thing he seeks, the only thing that can be of value to him. Then comes up the whole question of the honesty of his transactions and of the facts of the case, special and general. The creditors would be notified, as the substitute provides. They would be heard, and before the insolvent could be discharged it would be incumbent upon him to show to the satisfaction of the court that he was in the condition of a man without property, yet having debts; an honest man burdened with debts and unable to pay them.

Upon showing satisfactorily that his transactions had been open and honest, that he was an honest but unfortunate man whose misfortunes were tying him down and destroying his usefulness in the community, he would be entitled to his discharge, and he would get it. If he did not show that, he would fail to get a discharge. Now, where does the creditor lose a solitary right under such a bankrupt law, under such a proceeding? The courts are open to him as before. All the laws that now exist in relation to the collection of debt are in full force and effect. Not a single law now existing in any part of the Union would be stayed or interfered with. Not a solitary right which the creditor had, either by law or by the contract with his debtor, would be in the slightest degree interfered with. The debtor would simply say: "I have nothing more with which to pay; I have acted honestly, and I now ask relief from the burden of these debts which still hang over me and shadow all my prospects in life."

On that proposition the creditor would be heard. Upon that proposition, upon every issue that could fairly and reasonably arise in order to determine the actual facts—the justice, the honesty, the equity of the entire proceeding—the creditor would be heard. What wrong would be done? If the debtor could not show that he had so conducted himself and that his property had been so administered, or so lost and dissipated, as to leave nothing with which to pay his debts, except what might be exempted by the law—if he could not show that he would not get a discharge from any obligation whatsoever. The creditor would have lost nothing. His debt would still remain unpaid; the debtor would still be under the ban of the law, would still be barred in large part from the enterprises that are open to men not weighed down by debt. On the other hand, if the debtor should show that he had acted honestly and that he had nothing more with which to pay, who could deny to him the discharge to which he would be entitled?

Another thing. This course of procedure would secure the distribution of the estates of insolvent debtors at their own homes, under the direction and supervision of officers elected by the people of the debtor's community. But it is said that under this bill the referee is carried to the home of the insolvent, that a referee is to be appointed for each county. But mark the qualifications of the referee. He is not bound to be a lawyer; he is not bound

to have any special qualifications whatever. It is enough if he be acceptable to the judge who appoints him. The judge has the absolute and the complete right to appoint anybody referee, without regard to qualifications.

Now, I have been always opposed to this one-man power. I believe that every time we can take a step toward enabling the people in any particular locality, or generally, to select, by their own votes, those who are to administer the laws, we are traveling in the right direction, and that whenever, in place of requiring officers, great or small, to be elected by the people, we provide that they shall be appointed by some one man, or by any number of men, we are traveling in the wrong direction.

There is a contention here that this bill will relieve the insolvent debtor from the great danger and hardship of his present situation. It is said that now the avaricious creditor, having the courts open to him, may seize the debtor's property, may force him to ruin, and that there is no relief for the debtor, no discharge for him.

Mr. Chairman, the creditor who merely brings suit against the debtor does not hamper him in the conduct of his business beyond the legitimate, natural, ordinary effect of that suit. The creditor who resorts to the extraordinary process of attachment is compelled to give bond for the indemnity and protection of the debtor in case he should fail to make good his attachment.

It is said that under this bill the property may be retained by the debtor until he is actually adjudged a bankrupt. How speedily after the filing of the petition, with one referee in each county, that adjudication might be reached we can guess. But in the meantime it is in the power of the creditor to have the property taken out of the possession of the debtor, not on the ground exclusively that the debtor is doing anything dishonest or dishonorable, but on the ground that he is not giving to it that care and attention which the creditor thinks may prevent it from sinking in value or deteriorating. In other words, it practically amounts to this—that the creditor can have the property of the debtor taken from his possession the very day he files the petition.

But the creditor, it is said, gives bond to be approved by the court; gives this bond before the debtor's property is seized. Yes; but the conditions of that bond are blank. There is no provision for indemnifying the debtor against the loss he may suffer by having the property taken out of his hands, as in the case of an attachment. The damages which he might recover would be purely nominal, speculative, upon paper. "Creditor," too, according to the dictionary embraced in this bill, is made to mean not only the creditor himself, but also his agent, his attorney, anybody assuming to represent him. Therefore, when the bill speaks of affidavits to be made by the creditor, it necessarily includes affidavits which may be made upon information solely. A claim sent to an attorney (in a distant State probably) can afford the basis for this proceeding to throw a man into bankruptcy, by virtue of an affidavit by that attorney, based solely on information, which itself would not be evidence. Wherever in this bill you read "creditor" you are to understand the word as meaning the attorney of the creditor, the agent of the creditor, the representative of the creditor.

On every page of the bill will be found evidence that by this measure the thrifty creditor is endeavoring to secure satisfactory machinery for administering upon the estates of unfortunate debtors, not for the purpose of relieving them and putting them upon their feet again, but for the purpose of getting out of an estate more, if possible, than he could get out of it under the laws of the land, in view when the indebtedness accrued.

The debtor is hampered in his freedom of movement. He is compelled to attend when and where he may be directed to attend. Although he may have absolutely nothing at stake, may be absolutely faultless in everything, he must stand guard, without pay, for the benefit of the creditor.

Another thing is contended here—that preferences, of and in themselves, are essentially and inevitably wrong. I deny that. The common experience of every man, if he will simply consult his own experience, will convince him of the fact that there are many times in the lives of both the fortunate and the unfortunate when it is not only not wrong but is absolutely right to make discriminations and grant preferences. Take the case of a man who lends to the debtor in his hour of peril the money or supplies him with the property which tides him over a crisis or possibly many crises; sustains him in his business for weeks or months or even years. The friend thus advances his money or parts with his property either from lack of knowledge of the true situation of the debtor's affairs or, knowing the situation, from his willingness to run the hazard and depend upon the honesty of the debtor, in order to give him a chance to live.

Now, then, is the debtor necessarily to be denounced as guilty of wrong and thrown into bankruptcy because, yielding to every dictate of humanity, respecting every principle of honor, acting as every man should act, he endeavors when the crash is about to come, when the inevitable fall is at hand, to protect him who

was his friend in his extremity, to preserve from ruin so far as he can the man who undertook to stay the ruin that threatened himself, until staying it ceased to be possible? Yet the granting of a preference—for months back, even—is made a reason or excuse for forcing a man into bankruptcy.

Why should a man be thrown into bankruptcy unwillingly? What is the reason for it? It is a creditor's reason and no other. Then should the law be made to collect debts or to aid in the collection of debts? That is the question that arises upon every proposition for involuntary bankruptcy. Involuntary bankruptcy simply implies or means that the insolvent himself does not ask for relief; that the insolvent himself, with the burden of his debts upon him, animated by hope—knowing possibly better the probable outcome of his affairs than anyone who has given them less attention and has less knowledge of them—believes that he can get through, struggles against adverse circumstances, hoping that somehow relief may come. At all events, the man thrown into involuntary bankruptcy is the man who, of his own volition, does not ask, declines the aid or relief which may or may not come from such a proceeding; does not ask the boon of any bankruptcy law under the sun; who shuns as a stigma the stamp of "bankrupt."

That being true (and it must be true), it is further incontestably true that what a man will not ask for, will not take when it is offered to him, is that which he does not desire; and if he is forced to submit, he is an unwilling victim. So, then, the bankruptcy law is not made for that class of people.

Mr. STEWART of New Jersey. Will the gentleman allow me to ask him this question: Does the gentleman think that the object of the bankrupt law is simply for the benefit of the debtor class?

Mr. DE ARMOND. I will answer that question with pleasure. I think the whole discussion of this matter might, and ought perhaps, justly to turn on this point. I think the principal, the sole just object of a bankrupt law should be the relief of the insolvent debtor, and that all other things in connection with it should be incidental and subordinate to that one consideration.

Mr. STEWART of New Jersey. Does not the gentleman recognize the fact that the creditor is oftentimes as unfortunate as the debtor?

Mr. DE ARMOND. I do recognize that exceptional fact. But the gentleman should remember that this is not a proposition to enable the debtor to force bankruptcy upon the creditor. The creditors are not asking to be relieved from the burden of debt resting heavily upon them. They are not asking to be set abroad again in the world with bright skies above them and bright prospects before them. They are not asking that species of relief.

Recollect that the one good thing which a bankruptcy law alone can bring, and upon which alone it can be defended, is the relief of the insolvent from the burdens of obligations which he can not meet. Of course no wrong should be done to the creditor, and it is not asked by me that the debtor should escape any just obligations that he is able to meet. I repeat what I said before, that by a voluntary bankruptcy law, such as the Bailey substitute, no rights are taken from the creditor. The creditor loses nothing by such a law. But the involuntary feature of the law is solely for the benefit of the creditor, and the incident, not the purpose of it, is to grant a release to a man who does not ask it and does not want it; a man who prefers struggling with the present condition of things—prefers to endure the ills he has rather than fly to those he knows not of.

Mr. WATSON of Ohio. Will the gentleman from Missouri permit me to ask him a question in this connection?

Mr. DE ARMOND. Certainly.

Mr. WATSON of Ohio. Are you in favor of a voluntary bankruptcy law?

Mr. DE ARMOND. I am, sir; as I have been stating. I believe, Mr. Chairman, that the condition of the country is such that a great many men whose misfortunes are not really of their own making, who are totally free from all taint of fraud in their transactions, are less useful to the community, to themselves, to their families, to the nation, than they would be if they could have a release from that from which they can not otherwise escape—the impeding, threatening, enduring blight of debt beyond their ability to meet, debts they can not pay.

But relief to those who ask it and merit it need not be coupled with the power to put a man unwillingly through a court of bankruptcy to make a bankrupt of him who can not pay at once what he may owe. There is a marked distinction between relieving insolvents and making bankrupts.

But, Mr. Chairman, another thing. I believe one effect of the legislation proposed will be this: The debtor, a tradesman, a retail dealer, wishing to escape bankruptcy, as many, indeed most, men do, will be compelled in order to escape that condition to put himself into the hands and under the protection of one or two wholesale men powerful enough in his judgment to carry him along and protect him and themselves. Being under their pro-

tection he must buy his goods from them. He dare not go elsewhere to buy. Carried by men having power at any moment to throw him into the bankrupt court, he dare not take his trade anywhere else for fear of provoking their wrath. The effect upon the community of such a condition can not be beneficial. The result is inevitable, but the extent of injury we can hardly contemplate or fairly measure. The trader thus situated will not only be compelled to confine his purchases to one or two houses but he will be compelled to buy at their own prices; the world of competition will be absolutely closed to him. Forced to buy from his guardians at their own prices, he will be also compelled to sell at corresponding prices, so that his misfortunes and their extortion will be visited upon the community at large.

Mr. WATSON of Ohio. Mr. Chairman, I should like to ask the gentleman from Missouri, does he not think that if a voluntary and involuntary bankruptcy law were in force there would be very few cases of involuntary bankruptcy?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BAILEY. I yield to the gentleman sufficient time to answer the question.

Mr. DE ARMOND. I will answer the question of my friend from Ohio.

Mr. SKINNER. I should like to ask a question in connection with the question asked by the gentleman from Ohio. I want to ask if you do not believe that it would be more oppressive for the debtor class when a vigilant creditor, by attacking and assailing the debtor, obtains a first lien, than it would be to have an involuntary proceeding in bankruptcy, when the moving creditor would then only get an equitable proportion of the assets?

Mr. DE ARMOND. I think not. I have already discussed that question. I will answer the question of my friend from Ohio [Mr. WATSON]. I think, Mr. Chairman, that whether there would be many or few proceedings in involuntary bankruptcy, is not really the question before us; we can but guess whether the proceedings would be few or many. If they should happen to be few, still the law ought to be cleared of the harsh provisions for involuntary bankruptcy. For then they would be practically useless, and the best that could be said for such a law would be that it would do but little harm. Upon the other hand, if such proceedings should be many, the evil would be increased in proportion. [Applause.]

Mr. BAILEY. Mr. Chairman, I think that a mistake has been made in the computation of the time. I am informed that I had at the beginning of the speech of the gentleman from Missouri [Mr. DE ARMOND] one hour and thirty-eight minutes.

The CHAIRMAN. The gentleman had one hour and fifty-nine minutes.

Mr. BAILEY. I understood that to be the announcement of the Chair, but the memorandum sent to me from the timekeeper shows that I had only one hour and thirty-eight minutes.

The CHAIRMAN. One hour and fifty-nine minutes according to the memorandum of the Chair.

Mr. HENDERSON. Is not the gentleman from Texas ready to go ahead?

Mr. BAILEY. Do you mean, am I personally ready?

Mr. HENDERSON. Well, you and the gentleman from Kansas [Mr. BRODERICK], I want you to go ahead.

Mr. BAILEY. I had supposed my friend from Kansas desired to yield to somebody now.

Mr. HENDERSON. I want your side to get an hour ahead of us, because we are entitled to close the debate.

Mr. BRODERICK. Do you want us to take all of our time now?

Mr. HENDERSON. Some more of your time.

Mr. BAILEY. Do I understand the gentleman from Iowa that he desires to occupy a full hour at the conclusion?

Mr. HENDERSON. We want the last hour in the debate; yes.

Mr. BAILEY. I recognize that the gentleman from Iowa [Mr. HENDERSON] is entitled to conclude the debate, but I do not recognize that he is entitled to reserve an entire hour, and to divide that hour among three or four gentlemen.

Mr. HENDERSON. Oh, yes; I think we are entitled to the control of our time, and we have the close of the debate.

Mr. BAILEY. Not any more than I am entitled to the control of my part of the time. I perfectly agree with the gentleman that—

Mr. HENDERSON. You can do just what you please with your share of the time, of course.

Mr. BAILEY. That is what I am trying to do, unrestrained by being compelled to use it all and leave you an hour to be divided between three or four gentlemen at the close. I do not need to do more than to appeal to the gentleman's sense of fairness.

Mr. HENDERSON. The last hour will be used by one of our side.

Mr. BAILEY. Very well.

Mr. HENDERSON. Though I think we have a perfect right to divide it if we want to.

Mr. BAILEY. Well, if you do not intend to do it, I will not stop to discuss that.

Mr. HENDERSON. My intention is to have it used by one man.

Mr. BAILEY. I am perfectly content with that.

Mr. HENDERSON. We have been running ahead of you, and I have been perfectly frank both in the House and in the committee.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BAILEY. I yield fifteen minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Chairman, the pending question, bankruptcy, is, in my opinion, a very pertinent one at this time; but it does seem to me, however, as said by the gentleman from Nevada [Mr. NEWLANDS], that it is a sad commentary upon this House that we have spent five months of time while the people of every portion of this country were complaining, when labor was unemployed, when machinery stood still, when the currency of this great country was daily and hourly shrinking in proportion to the number of people, and that now, in these closing days, the best that can be offered by the first session of the Fifty-fourth Congress to the people of the United States is to help them into bankruptcy.

Our friend from Illinois [Mr. CONNOLLY], a very brilliant and eloquent gentleman, on yesterday spoke under the seeming impression that he lived in a great State, one that had flourished beyond the power of man to compute, under and by reason of a high protective tariff. Thinking of that last night, I ran over the figures at my command to see whether or not the people of the State of Illinois and in the other States were flourishing and whether or not this Congress, after going into paroxysms over every other question so far as they affected people of foreign countries, should now content itself without trying to aid the people of the United States to reestablish their industries by stopping and helping them into bankruptcy.

Now, what is the condition of the people, even in the great States of Illinois, Pennsylvania, New York, Massachusetts, and other protected States? Is this a mere question of allowing the idle and profligate to go into bankruptcy? The masses of the people of this country are not asking you for a method of going into bankruptcy. The people from one end of this country to the other are asking for some way by which they may become solvent or to avoid bankruptcy.

I know that our friends complain and say that the Democratic party or some other party is the cause of this deplorable condition; but now and then a man gets up in the Republican ranks and exposes the fallacy of the Republican leaders.

Only yesterday, in the other Chamber, Senator TELLER, a man equipped, probably, as no other man in this nation is, with facts and figures, rose and told the country what the cause of this depression is. He clearly showed it is not deficiency of revenue or a low tariff, but he said:

I do not know what the deficiency is going to be this year, but I do know that the deficiencies on the 28th day of April for the year were \$24,247,517.83. On that day we had \$273,522,338 in the Treasury. I repeat, there is not a nation on the face of the earth that holds \$273,000,000 in its Treasury for ordinary purposes. If there is such a nation at all it is Russia, that is stated to have accumulated a large amount, nobody knows how much, for war purposes—not to be used except in an emergency for war. There is more money in the Treasury than the people of the United States are willing should be put there and tied up. Every dollar that is put into the Treasury comes out of the circulation that is necessary in this country to maintain even the present bad conditions of commerce and trade. Inside of twenty-seven months you have put into the Treasury \$200,000,000 that had been in circulation. You drew out of the circulation of this country \$200,000,000 and put it where it is of no more value to commerce and trade than it would be if it were in the depths of the sea.

And yet, Mr. President, Senators rise here and wonder why it is that business does not revive, why it is that prosperity does not come to us. We have had contraction at the rate of \$100,000,000 a year; contraction since the 1st of February, this year, of \$100,000,000 apparently in ignorance of a well-known and well-settled principle of political economy, that when you decrease the circulation of the money you destroy prices and you discourage enterprise and retard all movements toward production.

Mr. President, if there ever was a nation in the world that seems to be governed by imbeciles and men without thought or men without reason it is fair to say we are now in the hands of that class of people. The history of the world does not show such contraction as we have voluntarily and deliberately and willingly taken it upon ourselves to create for the simple purpose of maintaining the gold standard, and nothing else.

The Senator from Ohio [Mr. SHERMAN] knows, and every man in this Chamber knows, that the \$202,000,000 is a debt put upon this country to maintain the gold standard. And he knows, as I know, that the \$202,000,000 is but the beginning of a debt that is to be put upon us if the gold standard is to be maintained. It will not do for the Senator to tell me or anybody else in this Chamber that revenue is what you want. What you want, Mr. President, is some system of finance that shall bring confidence to the people who create and produce, that shall encourage them in the belief that when they manufacture an article they want to sell they can sell it for as much at least as it cost. The absolute certainty exists to-day in every productive circle in the United States, and pretty nearly in the world, that he who produces to-day must sell to-morrow at a loss.

Mr. President, the financial question is at the bottom of this trouble, not a lack of revenues. I do not intend myself to allow either the Senator from Ohio or anybody else to fool the people of this country with the idea that all you need is to pass the McKinley bill again, and that then prosperity will come. You will never see the McKinley bill reenacted, and if you did you would not see prosperity come from it. We have been promised all these

years that if we would do this and if we would do the other thing prosperity would be at our door. Every promise made has failed.

I know that there is traversing the country and shouting a band of men who have labeled their candidate "the advance agent of prosperity." Mr. President, the people who look to him as the savior will find that they have been deluded and deceived. The agent of prosperity is not in sight, and he will not come into sight until this system of finance of ours is changed; until we return to the system which gave the people the agencies to do business with, so that we shall satisfy them that when they put their money in an enterprise and produce articles they may reap reward and advantage therefrom.

This is a movement against the retail dealer. It is a movement that the wholesalers have been working at for half a generation for the purpose of throwing every claim they have to collect into the United States courts. It is a scheme that they have been contending for for a quarter of a century almost, to get their claims in a place that they can not be taken advantage of by local creditors. This law is being written not for the purpose of the debtors—this is another law that is being written in the interest of the creditor, and the creditor alone.

Mr. SORG. Will the gentleman allow me to ask him a question?

Mr. BELL of Colorado. Yes, sir.

Mr. SORG. Is not the wholesaler a debtor, too?

Mr. BELL of Colorado. The wholesaler is a debtor, of course, in a particular sense; and probably every man is more or less a debtor.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him a question?

Mr. BELL of Colorado. Yes, sir.

Mr. WATSON of Ohio. Have not the wholesalers all over the continent been making assignments?

Mr. BELL of Colorado. The wholesalers all over the continent, like everybody else, are making assignments, and have been demanding a bankrupt law for a number of years. The retailer never has demanded it.

Mr. LOW. Will the gentleman allow me to ask him a question?

Mr. BELL of Colorado. Certainly.

Mr. LOW. Is it not a fact that a great number of poor men, or comparatively poor men, are among the creditors?

Mr. BELL of Colorado. Every man is more or less, under our system, a creditor. The provisions of this act and the act itself has a tendency to make men more and more creditors and more and more debtors. If this act goes into effect every retailer in this country will also have a wholesale master. Every man in this country, I care not how you construct this bill—every retail merchant will have over his head a wholesale master, and the wholesalers are a class of men that are so few in number that they will combine when they take it into their heads to put a man into bankruptcy. Under this bill, I care not whether one of the nine causes is true or all false, they will make it so expensive for the debtor, they will so oppress him with their power to prosecute, they will make it so expensive for him through accumulating witnesses and in taking him to foreign courts, that it will result in bankruptcy whether the causes therefor in this bankruptcy bill are true or false.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him another question?

Mr. BELL of Colorado. Certainly.

Mr. WATSON of Ohio. Are you in favor of a voluntary bankruptcy law?

Mr. BELL of Colorado. If we are to have any bankruptcy law, I would be in favor of a voluntary law. I am, in fact, in favor of a bankruptcy law that will permit such men as have made commercial mistakes, or have been overtaken by misfortunes from which they can never rise, to be relieved, but do not think it very important. My experience in such matters is that under the usual conditions, even in our present condition, debts are hardly permanent. There is not one case in a hundred in the United States where a failing merchant obtains a judgment against insolvent debtors that is not settled by the statute of limitations. They could but do not keep their judgments alive and allow them to expire in five, six, or ten years, as the statutes of limitations operate, and that puts the judgments at an end. I believe if we have a bankruptcy law at all that it should be a voluntary bankruptcy law, or that a bankruptcy law, as stated by our friend from Kansas [Mr. BRODERICK], where a man can not be forced into bankruptcy but for the commission of an actual fraud.

But I meant when I took the floor simply to answer some suggestions made by our friend from the State of Illinois [Mr. CONNOLLY] on yesterday as to the prosperity of that State, and to illustrate as best I could to this House that the difficulty with this country to-day is that we are giving all of our attention to the great property holders of the country and letting the individual go without protection. I wish to say to my friend from Illinois [Mr. CONNOLLY] that perhaps, well fed and well kept as he is, as well as all other Congressmen, he does not feel the great difficulties of the people even of his own State. Let us see what is the condition of the people of the State of Illinois—and I am speaking now in the interest of the individual, not for aggregated wealth.

Property has written every law upon the statute book since this session of Congress began. Property threatens to write this one, and it seems to me that it is high time that the individual was writing a few statutes in the interest of the individual. I have here an extract from the Chicago Record of December 1, 1895, which reads as follows:

County Agent Oleson says that there are many more worthy poor to be remembered this Thanksgiving than for many years and that the appropriation is altogether inadequate. In 1894 the county agent relieved 38,500 families, or about 219,000 persons. Thus far this year 40,000 families have been relieved, and by the end of the year the number is expected to reach 46,000. This month 375 cases have been sent to the poorhouse. Calls for physicians have averaged 10 a day. There are 30 visitors, 1 of whom is a woman; there will be 40 after December.

That, Mr. Chairman, was the condition in one county in the State of Illinois in the month of November last. Now, some of our friends say that this condition is caused by the Democratic or some other political organization, but in another paper of the same city at the same time I find another item which tells the condition of the Chemical National Bank of the city of New York, and this illustrates the general condition of this class of property. Let us see how these two classes are getting along side by side under this and under former Administrations:

It is said that the capital stock of the Chemical National Bank of New York, issued at a par value of \$100 a share, is now worth more than \$4,000—40 to 1—and that its dividends to stockholders are 150 per cent per year.

This illustrates fairly the condition of the debtors and creditors throughout the country.

Now, gentlemen, that illustrates the point I am trying to make, and I remind you that both these extracts are taken from the newspapers of Chicago of December last. They show one class of people going down day by day into poverty while the other is going up daily into wealth. This country has beheld in the last two decades its aggregate wealth multiply with unprecedented rapidity. It has observed at the same time the wealth of the individuals of this country depreciating at a ratio without precedent. I noticed the other day that ex-Governor Fishback had made some figures from the last census which ought to be burned into the mind of every representative in this House and at the other end of the Capitol. It is a statement which ought to cause you to think, gentlemen, and to look into the causes of the distress throughout this country; it ought to make you go out and think why it is that when a farmer from the other end of the Capitol goes through the country crowds follow him with the emblematical pitchfork and appeal to him to turn over the ruinous condition of things and the causes or authors of this ruin about the Capitol.

Ex-Governor Fishback says, among many other things, the following:

Mr. Carroll D. Wright's Census Bulletin No. 98 shows that, notwithstanding the immense increase in the wealth in Massachusetts of 82 per cent, upward of four-fifths of all the families residing in Boston have no homes. * * * More than three-fourths of the families residing in Philadelphia have no homes, though its increase in wealth is 77 per cent. In Providence, R. I., nearly four-fifths of the people have no homes, with an increase of wealth of 79 per cent. In the city of New York nine-tenths of the families have no homes, with a marvelous increase of wealth equal to 94 per cent.

But in answer especially to the gentleman from Illinois [Mr. CONNOLLY] I cite the following from the same letter:

Take, for illustration, Illinois. Before the war this was a farmers' paradise. Almost every acre of it is as fertile as the Valley of the Nile, and is in a high state of cultivation, giving indisputable evidence of unremitting toil and energy. Every county in it has from 1 to 20 railroads. Its cities have grown in wealth during the last decade about \$500,000,000, yet the aggregate wealth of Illinois during this decade has decreased \$59,000,000, and during the single year from 1893 to 1894 it decreased upward of \$24,000,000.

Upon whom has this loss fallen? * * * Certainly not upon the cities, which have grown enormously. Not upon her manufacturing interests, for they have increased in the city of Chicago alone \$297,000,000 during the last decade, while 71 per cent of the families who reside in Chicago have no homes.

Ex-Governor Fishback further states, in illustration of the effects of special tariff legislation in the interests of New England and the Middle States, the following:

Pennsylvania, one of the most barren States, during the first decade, from 1880 to 1890, grew in wealth \$13,000,000 more than Kansas, Nebraska, Iowa, Illinois, Indiana, Kentucky, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana all combined.

Rhode Island, * * * not as large as the two smallest counties in Arkansas, with less than one-third of the people of that State, with its little patch of sand and stone and salt water, grew in wealth during the last decade \$41,000,000 more than the four great States of Illinois, Indiana, South Carolina, and Mississippi all combined, and these States are 136 times as large and have 21 times as many people as Rhode Island—just as earnest, just as honest, just as industrious people, all toiling just as eagerly to make wealth.

Does not the reading of the report of the committee photograph a sad future for the people? Does it not invite some remedy more helpful to the people than a system to shuffle off some burdens of debt by giving up all their possessions without any feasible hope of replenishing their condition?

At page 3 of the report the committee says:

From the Bureau of Statistics we learn that the total number of failures in the United States from 1879 to 1895, both inclusive, amounts to 171,389, most of them active, aggressive, honest men who have met with misfortune in the struggle of life, and who, if relieved from the burden of debt, would renew the struggle with fresh hope and vigor and become active and useful members of society. From the same source we learn that the total liabilities from 1879 to 1895, inclusive, of the number who failed, as just stated, aggregate \$2,611,521,704.

Is this not marvelous? Failures in four years for amounts equal to one-half of the gold coin in the world; and yet members on this floor speak of the abundance of our currency.

The committee has also ascertained from the Bureau of Statistics the failures and liabilities for the first three months of 1895 and for the first three months of 1896, showing that the total failures during the first three months of 1895 in the United States was 3,802; in 1896, the first three months, 4,031; liabilities during the first three months of 1895, \$34,160,952; for the same period in 1896, \$38,755,015, an increase in 1896 of failures, 229, and of liabilities, \$4,594,063.

Dun's Review for September, 1895, says that prices are 8.8 per cent lower than a year ago, notwithstanding the marked rise in iron and a few other things.

The Manufacturer, of Philadelphia, of date December 14, 1895, has the following pertinent paragraph:

The amount of money in circulation decreased for the month of November. It fell off net \$1,663,837, a net decrease of over \$13,000,000, as shown in the Treasury statement, of changes in money and bullion for the month. The total amount of money in circulation on December 1 amounted to \$1,594,195,479, which represents a decrease of about \$43,000,000 as compared with the corresponding date of last year. While the circulation has been decreasing, says Bradstreet's, the population has been increasing, and the circulation per capita has been falling even in a greater ratio than the decrease in circulation.

The amount of money in circulation per capita on December 1, as estimated by Treasury experts on the basis of a population of 70,504,000, is \$22.61, which represents a decrease of 11 cents per capita for the month and of \$1.11 since the corresponding date last year.

These facts and indisputable figures have been staring the leaders of the legislative and executive departments of the Government in the face for years, and yet at every mention of the subject one side replies it is a want of revenue, and the other that it is occasioned by the defect in our paper money; and to relieve these defects the best they can offer is an involuntary bankruptcy law by which the creditors can further despoil the poor prospects of the debtors of the nation.

If every individual in this country earned his livelihood through the same means but few laws would be required, and what would benefit one would inure to the benefit of all others. However, many generations ago mankind learned that the human muscles were subject to the same environments as was the human brain, and adopted the economic principle of training the mind and muscles of men to the apt use of only one kind of tools, thereby dividing men into innumerable distinct avocations. This brought with it a clamor from every branch of industry for legislation favorably fixing its status among the phalanx of industries.

Wealth, where held in inordinate quantities, has combined and obtained control of all departments of the Government and has written every material statute for the past quarter of a century. Every man in this House truly represents his favorite piece of property; but who especially represents the individual? Property holds a mighty and dangerous despotism here that overawes any consideration of the individual. It does not answer the objects of this bill to point out the fact that some leniency is meted out to the downtrodden debtor. In this bill such a course is logically necessary. There can not be a permanent law or institution that is utterly bad. Every bad law must have enough highly commendable provisions to hide in a measure the grotesqueness of its bad features. This one, however, has not even the usual quantity of good features. It is but a poor argument, also, to insist that this bill is preferable to any of the previous bankrupt laws. The former ones were mere machines of oppression, so glaring and abusive in their enforcement that public opinion forced them off the statute books. All experience teaches that where a combination is possible a fair competition is impossible. None of the large cities has any great number of wholesalers in any one line of trade. Combination is not only possible but is certain to take place in the enforcement of this law, as it has taken place in the efforts to obtain it.

The retail merchants are scattered and are so numerous that combination for self-protection is impossible with them. No one can be misled by this bill. The objects of the foreign wholesalers are palpable, and embodying their objects in a small compass, we may say they are to throw all collections into the United States courts and make it impossible for any local financier to aid an oppressed debtor by taking the ordinary mortgage or trust-deed security, and to give the wholesale dealer the club of insolvency to hold over his retail customer as long as he owes him a dollar, and to destroy his right to trade with any other than the one to whom he is indebted, as long as he owes him a dollar.

Mr. HENDERSON. I yield to the gentleman from Missouri [Mr. BURTON].

Mr. BURTON of Missouri. Mr. Chairman and gentlemen of the committee, the chairman of the Committee on the Judiciary has requested me to discuss certain provisions of this bill, namely, those that relate to the taxation and payment of fees and costs. I admit at the outset that it is not a very inviting theme. It is not a theme in the treatment of which one can indulge in any rhetorical pyrotechnics, and I apprehend that while upon this stretch I shall be unable, even if I desired, to mount the bicycle of wit and humor. [Laughter.]

Nevertheless, the question of fees and costs is an important one,

and deserves the earnest consideration of every man who would intelligently vote either for or against this bill.

Mr. Chairman, a proceeding in bankruptcy, like every other cause pending in a court or other tribunal of justice, must of necessity involve the taxation and payment of fees and costs. "He who works must eat." "The laborer is worthy of his hire." These are not only true Scriptural injunctions, but they underlie every principle of political economy, and, I might add, every system of moral philosophy. He who goes into a court and incurs costs, he who sets the machinery of the law in operation and invokes the services of the officers of the law, is primarily bound unto them for the services which they render unto him. He may be required to pay in the first instance, as a condition precedent to the rendering of the service, or it may be collected of him upon a fee bill. If he ultimately succeeds, then, subject to certain rules of equity, he can recover over and against the unsuccessful party a judgment for the costs by him expended.

Mr. Chairman, the Committee on the Judiciary in drafting this bill has kept in mind the fundamental truths which I have just asserted. The crowning evils of the bankrupt act of 1867 were the delays incident to the prosecution of a proceeding in bankruptcy and the enormous costs which that proceeding permitted to be taxed, and in most cases ultimately to be paid out of the estate of the bankrupt. In this connection I may add that delays created additional costs, and therefore there was an inducement to those who were to receive such costs to create delays. This bill has well guarded against the evil of delay. It takes from every officer of the court, from every person who may be called upon to perform service in the prosecution of a proceeding in bankruptcy, any inducement to create delay, because by so doing he can not possibly add a farthing to the fee bill or to the bill of costs.

Who are the persons that may be required under this bill to render services either on behalf of the petitioner or of the defendant? The clerk of the United States court, the United States marshal, the referee, and in some instances a stenographer who may be employed by him; the trustee, the witnesses who may be summoned to testify either upon the one side or the other, the jurors who sit in the box to try and determine under the law and the evidence the issues joined between the parties, and I may add an attorney who represents the petitioner in a case of voluntary or involuntary bankruptcy.

Before I start out and specifically analyze the provisions of this bill as to the fees and costs to be paid to each one of these officers or persons, permit me to suggest that he or they who file a petition in a court of bankruptcy must in the very first instance deposit the sum of \$25. There is one exception to that: In case a voluntary bankrupt shall with his petition file an affidavit that he is unable to pay, then he is relieved from the payment of the filing fees. Except in cases of that kind, a petitioner or petitioners, whether the debtor or creditor or creditors, must in the first instance deposit with the clerk the sum of \$25. What is that \$25 for? A clerk's fee of \$10; a referee's fee of \$10; a trustee's fee of \$5.

This bill further provides that in case a debtor is declared a bankrupt, then the creditors who have paid this \$25 shall recover it out of the estate of the bankrupt. And if you will turn to the section of this bill which treats of priorities, you will find that in the list of priorities (if I remember aright) the cost and expenses of preserving the estate after the defendant shall have been declared a bankrupt comes first in the list of priorities, and these filing fees come second.

Now, let us take up these respective officers and persons and see how much they are entitled to for the services which they may render under the provisions of this bill. The first officer is the clerk; and section 52 of this bill provides that the \$10 paid as a filing fee shall constitute his entire compensation for any and all services that he may be called upon to render in that proceeding. If you will turn to page 18 of the report you will find, commencing at the bottom of that page and running halfway down page 19, a statement of the fees which it was possible for the clerk to tax and collect under the law of 1867. I will not take time to read and comment upon those fees one by one; but I invite the attention of members to them.

This bill simply provides that the clerk shall receive the sum of \$10 and no more. And I say to this Committee of the Whole that it is the consensus of opinion of the 17 gentlemen constituting the Judiciary Committee that \$10 is amply sufficient, and there are some of us who would have been willing to place this fee at \$5.

In this connection I will say that my friend from Texas [Mr. CROWLEY] handed me yesterday a letter which I hold in my hand, written by the clerk of the United States district court for the eastern district of Texas. I do not care to read this letter at length, yet if there be no objection I may ask that it be incorporated in full in the RECORD. At this time I content myself with saying that this clerk writes to Mr. CROWLEY condemning the bill and insisting that under it the various clerks of the vari-

ous courts of the United States should be permitted to charge fees practically in conformity to the law of 1867. Answering him, I reiterate that when you take into consideration that after the debtor has been declared a bankrupt substantially all the work from that time on must be done and performed by the referee and the trustee, the sum of \$10 is ample compensation for any and all services which a clerk of a United States court may be called upon to render or perform.

Section 51 of the bill provides that these clerks shall respectively receive for copies of papers made for persons other than officers of the law the same compensation that they are now allowed for making copies. It will be observed that the compensation thus to be received can in no wise come out of the estate of the bankrupt.

The marshal of the United States under the provisions of this bill may be required to apprehend the person of the bankrupt. He will be required to serve all process, and in certain contingencies he will take possession of the property of the alleged bankrupt and hold it in his custody free from harm during the pendency of the original proceeding—that is to say, until the court shall have determined whether or not the alleged bankrupt be, as a matter of fact, an actual bankrupt. For his services in apprehending the alleged bankrupt, for his services in executing all process under this law, he receives the same fees and emoluments that he would receive for executing like process in civil proceedings pending in the same court.

But gentlemen will remember that under the salary bill recently passed by this House, and which is now in the hands of a conference committee, the fees and costs to be taxed in favor of the marshal are to be collected, accounted for, and by him paid over to the Treasury of the United States. For his services in taking possession and taking care of the property pending the adjudication of the question whether the alleged bankrupt be a bankrupt, the law provides that the court may allow the marshal a reasonable compensation, which in force and effect is the same provision that will be found upon the statute books of all the States of this Union providing for the compensation of sheriffs or constables when under a writ of attachment they go out and seize the property of some defendant in the writ which they may have been called upon to execute.

The referee receives this \$10 filing fee; and that is all he does receive until the estate is administered. I will read the section:

Referees shall respectively receive as full compensation for their services, payable after they are rendered, a fee of \$10 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which have been administered before them 1 per cent commissions on sums to be paid as dividends and commissions, or one-half of 1 per cent on the amount to be paid to creditors upon the confirmation of a composition.

Now, gentlemen, if you desire to do so (and the comparison would be interesting), I invite you to compare the fees provided under this bill for referees with those allowed a register in bankruptcy under the law of 1867. I have said heretofore that the crowning evil of the law of 1867 was the enormous fee bill which the register in bankruptcy and the assignee in bankruptcy were enabled to tax up against the estate of a bankrupt; but under this law the referee receives the ten-dollar filing fee and 1 per cent, and no more, on the amount paid out by way of commissions or dividends, not on the gross sum that comes into his hands, but only on the net sum that the estate shall have yielded for administration and after the actual expenses shall have been paid.

The law further provides that under certain circumstances the referee may employ a stenographer. You gentlemen all understand the necessity of that. The taking of testimony before a referee may be greatly expedited by the services of a stenographer, and this law confers on the referee under certain circumstances the power to employ a stenographer, but limits the compensation of the same to a sum not exceeding 15 cents a folio. Under most of the laws that now prevail in our States stenographers are allowed 25 cents per folio, but it was the judgment of the committee—and I believe it will be the judgment of the House—that 15 cents per folio, under the circumstances, will be ample compensation for a stenographer in this day of many stenographers and typewriters.

The trustee for his services in taking care of the bankrupt's property, making deeds to lands that may be conveyed, and for transfers of personal property receives the filing fee of \$5 and a commission, respectively, of 5, 2, and 1 per cent subsequently, not on the gross amount that goes into his hands, but upon the net amount remaining after costs and expenses shall have been paid. After providing for the filing fee of \$5, the law says he shall be allowed—

Such commissions on sums to be paid as dividends and commissions as may be allowed by the court, not to exceed 5 per cent on the first \$5,000 or less, 2 per cent on the second \$5,000 or part thereof, and 1 per cent on such sums in excess of \$10,000.

Again I invite a comparison between the fees allowed to the trustee under this law and the fees that were allowed to the assignee

in bankruptcy in the old law of 1867, and I refer gentlemen who desire to investigate the matter to page 18 of the printed report of the committee on this bill.

The witnesses who may be summoned, either before the court or the referee, are entitled to the same fees, mileage, and per diem as they would be allowed in other cases. Jurors are not allowed anything under the bill, and for this reason: That all jurors in the United States courts are paid by the Government, and a jury fee is not taxed in a case or proceeding pending or disposed of therein. Hence there was no necessity for making provision in the bill for their payment.

Section 64, clause 3, paragraph 3, provides—

(3) The cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases, to the bankrupt in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary cases, as the court may allow.

In other words, the voluntary bankrupt may be allowed an attorney fee. I apprehend that in many cases it may be absolutely necessary for the insolvent debtor, in order to obtain the advantages of the bill, to have the services of an attorney; and being insolvent and without other means of payment, it is right, it is just and humane, that the court should be permitted to allow him the services of an attorney to be paid out of his own estate. On the other hand, when the creditor goes into court seeking to adjudge the insolvent debtor a bankrupt, and to administer upon and divide his estate, the services of an attorney are necessary. But the attorney of one may do and perform practically all that is necessary to protect the rights of all. We have an illustration in the several State courts in proceedings to partition real estate. The partition of the real estate is for the benefit of all who are interested therein, and therefore in nearly every State in the Union, perhaps in all of them, provision is made allowing the courts to grant to one attorney of the petitioners a fee to be paid out of the estate. And so here it matters not though there may be a dozen attorneys, yet upon the theory that one attorney is competent and qualified to represent, take care of, and protect the interests of all, one attorney's fees and one only, is allowed out of the estate; and that is just and right and proper.

Another provision of the bill requires that all costs and expenses shall be reported to the court under oath, and that they shall not be allowed until they shall be so reported and sworn to.

Another provision of the law is that the judgment may be rendered for all costs made out and expended, and in the judgment of the committee we embodied in the law the equitable rule, not the harsh rule, of the law, which says that in every instance the prevailing party shall have the judgment against the unsuccessful party, for there are some times when the prevailing party has necessarily incurred large and improper expenses; hence this bill gives to the United States judge the power to say when and under what circumstances even the prevailing creditor may be called upon to pay the costs which he has unwittingly or wrongfully occasioned to the estate.

Now, Mr. Chairman, briefly, and yet I hope plainly, I have gone over the various provisions of this law applicable to the taxation, collection, and payment of the costs and fees in bankruptcy cases. A few words upon other features of this bill. I am, as every other man ought to be, in favor of a bankruptcy law. I am astonished to find upon the floor of this House anyone unwilling to give to the honest debtor, upon his application, a discharge from the burden of his debts. It seems to me that each and every one of us ought to be in favor of the bill introduced by my friend from Texas [Mr. BAILEY], if forsooth we can not obtain either the bill which the gentleman from Kansas [Mr. BRODERICK] stands for or the bill which has been reported to this House by the majority of this committee.

Misfortune has come and will continue to come unto those who by the sweat of their brows are compelled to earn their bread. There is no panacea, for there is nothing that can ward off misfortune, distress, misery, and woe. All over this broad land are men who are borne down by the heavy burden of an indebtedness which they are not able to pay. This bill says unto such that they may go into a court of justice, holding out that property, both real and personal, which the laws of their respective States give unto them, either as homesteads or as exemptions for their families, and upon surrendering the surplus they shall be entitled to a discharge, to the end that they may go out into God's sunlight, and by their own efforts again win, if possible, a competency for themselves and those unto whom they are bounden.

All over this broad land, Mr. Chairman, there are many men who to-day are devoting their vital energies to maintain themselves within the limits of an exemption law or a homestead law, knowing that the moment they shall become possessed of an inch of land beyond the limits of the homestead or of a dollar beyond that which shall be protected by the exemption law some rapacious creditor may seize that surplus and despoil them thereof.

We say to all of that large class, "Step forth; let us have the benefit of your brain and your brawn, your energy and your pluck, to the end that the waste places may be builded up and that the desert may again blossom as the rose."

There is a considerable difference of opinion, not only among the members of this House, but among the members of this committee, as to the details of a bankruptcy law. There are men who favor a voluntary bankruptcy law only. There are some who are in favor of an involuntary bankruptcy law, but they would apply it only in those cases where moral turpitude is involved. There are others who take the broad position that the creditors of an insolvent have a right at least equal with himself to say what disposition shall be made of his property. They are in favor of the bill as it is written and stands reported to this House.

Mr. Chairman, a few words concerning this bill. There are nine grounds of involuntary bankruptcy. In other words, there are nine causes set forth in this act for which, upon the petition of a creditor and upon proof that either one of those nine acts have been committed, a party may, without his own consent or volition, be declared a bankrupt, and his property, in excess of his homestead and exemption rights, be taken in charge by an officer of the court. I shall examine these clauses in a different order from that in which they are set forth in the bill. Four of them involve moral turpitude. In other words, four of them deal with those acts which constitute a fraud upon the part of the debtor against his creditors. Take the first one. If a debtor has—

Concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with—

That involves the doing of a wrong. That involves the concealment of a person or his removal for the purpose of defrauding his creditors, and I say to my friend from Missouri [Mr. DE ARMOND] there is no more harshness in this bill as applied to that man than is found in every attachment law in every State in this Union. Neither he nor I has any right, either in a court of justice or upon the floor of Congress, to constitute himself or myself the defender of such a man from a moral standpoint. We may justify such conduct when employed by those men as their attorneys in a proceeding in a court of justice, but stripped of the duty of counsel to client I say to the gentleman that neither honesty, fair dealing, nor good business demands that he or I or anybody else should set himself up as the champion of a debtor of that kind, and I say there is no reason, no argument, that can be produced that will justify any man in voting against this bill because, forsooth, that clause is contained therein.

Mr. BARTHOLDT. What gentleman from Missouri did you refer to?

Mr. BURTON of Missouri. Not the gentleman who is now addressing me.

The third cause, as set forth in the bill, is, if any person has—

Made a transfer of any of his property with intent to defeat his creditors, and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer, and at least ten days before the commencement of a proceeding in bankruptcy—

The very same reason prevails here. An intent upon the part of the debtor to deal dishonestly, to defraud and defeat his creditors in their rights under the law, is involved in that conduct.

Mr. BRODERICK. Will the gentleman allow me to ask him a question?

Mr. BURTON of Missouri. Certainly.

Mr. BRODERICK. Take the case of a man who has not disposed of his property, but has given a mortgage on his goods. Now, in our State, where they can give a mortgage on the goods and still retain possession, and go on and make the usual sales, would not the transfer, where a mortgage has been given, be considered as an intent to defraud, and would they not undertake to drive that man into bankruptcy for simply putting a mortgage on his goods, for doing a thing which he can do in my State and in your State?

Mr. BURTON of Missouri. I presume, Mr. Chairman, that there are creditors who would do that; and there have been creditors who have gone into his office and mine and insisted that a writ of attachment should issue against a man that has done the very thing he suggests when he may have done it innocently. But the provision in this bill is that he shall have done these things with an intent to defraud his creditors. That is a question of fact to be determined in a tribunal of justice which has jurisdiction in this matter. I simply say to my friend that if a debtor makes a mortgage, gives a bill of sale, or in any way transfers his property with the specific intent of defrauding any creditor, he is guilty of wrong, both in law and in morals, and ought to be adjudged a bankrupt.

Mr. GRAFF. I would like to ask the gentleman if he is talking about subdivision 5?

Mr. BURTON of Missouri. No, sir; I am talking about subdivision 3.

Mr. GRAFF. I will say in reference to subdivision 5 that it is not necessary that he shall make such transfer with intent to defraud anybody.

Mr. BURTON of Missouri. I will answer my friend by saying that I can not talk about five subdivisions all at once. I am talking about subdivision 3 now.

Mr. BRODERICK. The question that I meant to ask was whether this law would be strained in that particular, and would not it be set as a precedent?

Mr. BURTON of Missouri. I think, my friend, you are right. Human nature is the same, whether you find it under the coat of a wholesale or a retail man. Human nature is somewhat selfish and inclined to look after its own, and to misjudge the actions of others. I apprehend if you, an honest man, possessed of a limited amount of property, but indebted to a much greater amount, and even inspired by the very best motives, should give a mortgage on your property to secure the claims of one of your creditors, that the others would say in a court—in their own minds, at least—that you had been inspired with fraudulent intent. But that does not entitle the law to adjudge you a bankrupt. The question is whether you did it with that intent; and whether you did so or not is a question of fact to be determined by a jury in the box under instructions given to it by the court.

Mr. TAWNEY. But that is in a bankruptcy proceeding—the hearing of that question of fact—to throw a man into bankruptcy.

Mr. BURTON of Missouri. Exactly; that is where the question comes up.

Mr. TAWNEY. And it proceeds upon the allegation of a man who is throwing another man into bankruptcy.

Mr. BURTON of Missouri. Exactly; just as it proceeds now upon the affidavit of a man who seeks to obtain a writ of attachment.

Mr. CONNOLLY. In the preliminary hearing?

Mr. BURTON of Missouri. In the preliminary hearing. I will answer the question and will discuss it.

Under the attachment laws in the various States a party can file his affidavit. In some States they are required to make a positive charge, and in some other States merely "belief" in the statement or that he "has reason to believe" is required. I will say to my friend that I have known many a creditor who has insisted upon suing out a writ of attachment and levying it upon the property of an honest debtor, knowing that he had no ground for attachment, saying unto his attorney, "I do this for the purpose of making this man understand, and all others who buy goods of me, that he must promptly pay his debt, or I will run him to the ground." I have had creditors talk to me in that way in my office.

Mr. BRODERICK. That is the danger that I find in this bill.

Mr. BURTON of Missouri. But they say, "Ah, but you must give an attachment bond." I have said this to creditors. They replied, "Why, certainly; we will give an attachment bond. There will be no trouble about that. We will tie this man up and take every dollar he has, and he will not be able to fight." "But suppose he pursues the matter, and claims and obtains judgment?" "We will offset his judgment with our debt against him." I say to my friend that you can not create any machinery of law for the collection of debt that calls for an officer of the law to touch either the person or property of a so-called debtor but what may become machinery of wrong and injustice; and because it is true of necessity, because of human nature and its inherent selfishness, is no reason why we should refuse to enact a law either of attachment in the States or bankruptcy in the Federal courts.

The sixth is:

Procured or suffered a judgment to be entered against him with intent to defeat his creditors and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of such judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section.

The same argument applies here.

The seventh is:

Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy.

The same argument applies.

Now, I say that these four acts of bankruptcy involve moral turpitude on the part of the defendant debtor, and there can be no good reason why any man should be unwilling to permit such a debtor to be put into bankruptcy, and his property in excess of his homestead and exemption rights taken for the satisfaction of his debts and divided pro rata among his creditors.

Now we come to a class of causes upon which there may be a difference of opinion.

The fourth cause is:

Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

I can see no harm in permitting such a person to be thrown into bankruptcy, because, by his making an assignment for the benefit of his creditors, he has turned over all his property to be divided pro rata among his creditors, and the only difference between carrying out that assignment under the laws of the State and the enforcement of the bankruptcy law against him would be that in the first instance he would not obtain a discharge, while under the operation of the bankruptcy law he would obtain a discharge.

The ninth, the eighth, the second, and the fifth do not involve any moral turpitude on the part of the debtor. Now, we are carried into the discussion of a question upon which minds honestly differ. There are certain States in this Union which recognize a right of preference. There are certain States, I understand, which do not. My own State recognizes that right. If I am possessed of but \$5,000 and owe each of four persons \$5,000, I have the right under the law of my State to take that \$5,000 and pay either one of the four, and no man can call me to account in any court in the State. It has been asserted here that that is wrong, that it is unjust. There are others upon the floor who have argued to the contrary—that it is right and just. Taking these clauses up in irregular order, the ninth says:

Suspended and not resumed for thirty days and until a petition is filed while insolvent, the payment of his commercial paper for or aggregating \$500 or over.

The eighth provides that if he shall have—

Suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

The second provides as follows:

Failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold within such time under such process, then until three days before the time fixed for such sale.

The fifth is that he has—

Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy.

These are the acts of bankruptcy which do not involve moral turpitude. Reasons have been given by our friends on the other side why these acts should not, in their opinion, be made grounds of bankruptcy. On the other hand, reasons have been given on our side why they should be. But, Mr. Chairman, inasmuch as I intended when I rose to discuss only that portion of the bill which more particularly relates to costs and fees, and inasmuch as some of my colleagues have prepared themselves to meet the arguments upon these particular provisions of the bill, I shall conclude my address with thanking this committee for its kind attention. [Applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. HENDERSON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that bills of the following titles had become laws without the approval of the President.

NOTE.—The following bills were presented to the President on April 14, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897;

An act (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds;

An act (H. R. 2234) granting a pension to Joseph A. Cooper;

An act (H. R. 2800) granting a pension to Martha Brooks; and

An act (H. R. 4606) to grant an increase of pension to Mary B. Houk.

BANKRUPTCY.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. BRODERICK. I yield twenty minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, it is with the utmost reluctance that I find myself obliged to oppose the bill reported by the majority of the Committee on the Judiciary. This is especially so in view of my great respect for the chairman of that committee and his colleagues and for their preeminent abilities as lawyers. In opening this discussion the chairman of the committee informed us that this is not a political question nor is it a legal question. If it were either I should feel constrained to blindly follow his leadership. It is a question of practical common sense, one that must be determined largely by the experience of the past and from what we may reasonably expect in the future under the practical operation of the pending measure should it become a law.

Every member, therefore, is free to follow his own judgment and vote in accordance with his convictions.

Mr. Chairman, ever since the panic of 1893 there has been a great demand throughout the country for a bankrupt law of some kind. I regret that the Committee on the Judiciary did not report to this House a bill without the objectionable feature of involuntary bankruptcy. In the past this feature has always resulted in making our bankrupt laws obnoxious to the people, impracticable of execution, and has occasioned their speedy repeal. Were it not for the fact that this bill provides so many different grounds upon which the creditor may proceed to throw the honest debtor, the man who is struggling honestly and manfully to meet his obligations, into bankruptcy, and thereby destroy his business, and perhaps all his future business prospects, I should heartily support it. But containing as it does these objectionable features, it is impossible for me to do so.

The gentleman who opened the debate on this bill, when his attention was called to the experience of the past with regard to our bankrupt laws, attempted to show that their speedy repeal was due wholly to the fact that the Federal courts were inaccessible to the people, and that this objection no longer existed. Mr. Chairman, I was somewhat surprised that my distinguished friend from Iowa [Mr. HENDERSON] could not have found a more plausible reason for the speedy repeal of all previous involuntary bankrupt laws. It does not speak well for the intelligence of the men who enacted those laws to say that it was found necessary to repeal them in two or three years simply because the courts in which they were administered were discovered to be inaccessible to the people. The truth is, Mr. Chairman, that there was another and a far more vital cause for the prompt repeal of our bankrupt laws. Our experience in this respect and the causes which operated to make those laws unpopular and which demanded their repeal should appeal with great force to the members of this House in the consideration of any proposed involuntary bankrupt law.

I have examined the debate on the repeal of the act of 1867, and find that its repeal was due to the obnoxious feature of involuntary bankruptcy. This feature of that law was so outrageously abused by the avaricious and unscrupulous creditor that honest debtors all over the country were forced into bankruptcy and all their prospects for the immediate future ruined. Instead of being a law for the relief of the unfortunate debtor, it soon came to be used as an engine of oppression and extortion. It was that feature of the law that gave rise to the hostility, and which compelled the speedy repeal of the first bankrupt act of 1800 on August 19, 1803. After the repeal of the act of 1800 we were without a bankrupt law until 1841. That, too, was an involuntary bankrupt law. It followed the panic of 1837, and was passed to afford relief to those who were so unfortunate as to lose their all in that great financial crisis. But, like the law of 1800, the involuntary feature made it so objectionable that it was repealed on the 3d of March, 1843, by the same Congress that enacted it. The next attempt to enact a permanent involuntary bankrupt law was in 1867. Five years after this act was passed the House of Representatives passed a bill repealing it. In the succeeding Congress they again passed a bill repealing that act. But both bills died in the Senate; and in 1878 the Senate passed a bill repealing the act of 1867, and that bill passed the House by the overwhelming vote of 205 to 40.

Long before it was repealed its repeal was demanded by the legislature of almost every State in the Union. The Congress that repealed that act and previous Congresses were flooded with memorials from the State legislatures and with petitions from citizens praying for the repeal of that act. In the message of President Grant to Congress in 1873 we have the reasons why the people were so anxious for the repeal of that obnoxious measure. President Grant in that message said:

Careful and prudent men very often become involved in debt in the transaction of their business, and though they may possess ample property, if it could be made available for the purpose, to meet all their liabilities, yet on account of the extraordinary scarcity of money they may be unable to meet their pecuniary obligations as they become due, in consequence of which they are liable to be frustrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors.

People now are so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass and oftentimes accomplish the financial ruin of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money are prevented by their constant exposures to attack and disappointment by proceedings against them in bankruptcy, and, besides, the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves.

He recommended the repeal of the act, and if that could not be done, a repeal of its most objectionable features. That message was delivered to Congress in 1873, six years after the act had become a law. The reasons and the conditions which President Grant cited in that message, showing the necessity for the repeal of the involuntary bankrupt law of 1867, are more powerful arguments against the enactment of a similar law at this time than anything I can say. In view of our present financial and

industrial depression, in view of the scarcity of money, in view of the fact that thousands of honest men are struggling along in business in the hope of better times, and in view of the greed and rapacity of some creditors, we should take as a warning against the enactment of an involuntary bankrupt law the words uttered by General Grant in favor of the repeal of such a law.

In criticising the position taken by those who favor voluntary bankruptcy alone the chairman of the committee said:

Why should the creditor be cut off and the debtor alone be entitled to bankruptcy?

That, Mr. Chairman, is an incorrect statement of the position of those who are in favor of voluntary bankruptcy or who favor an involuntary bankrupt law limited exclusively to the ground of fraud. We do not propose to cut off the creditor. It is not a question of depriving him of any right he now enjoys. The question is whether or not, if we give to the creditor an opportunity under voluntary bankruptcy to share equally in the distribution of the insolvent debtor's property when that debtor goes honestly into a court of bankruptcy for that purpose, in addition to the benefit of the State laws passed for his protection, he should have the additional right to go into a court of bankruptcy, and upon the mere allegation of himself, his attorney, or agent that the debtor has committed any of the nine acts specified in this bill, throw his debtor into bankruptcy and perhaps ruin him forever. Voluntary bankruptcy does not take from the creditor any right he to-day enjoys, but insures to him a just and equal distribution of the property of the honest debtor.

The purpose, and I take it the only purpose, of a bankrupt law is to secure the equal distribution of the debtor's property among his creditors and to release him from obligations from which he could never hope to be released if he could not do so through some procedure of this kind. Is involuntary bankruptcy essential to the accomplishment of either of these two purposes? I think not. By the provisions of a voluntary bankruptcy law the creditor, when the insolvent debtor avails himself of the benefit of that law, obtains his proportionate share of the assets or property of the debtor. He could do no more if he had the benefit of an involuntary bankrupt act. The only difference is that in the one case the debtor himself must take the initiative, while in the other the creditor may take the initiative without regard to the interests of anyone but himself. If his grounds for doing so are valid, his motive can not be questioned, nor will the consequence to the debtor and his family be considered. It gives him the right to demand his pound of flesh.

If the honest debtor is unable to meet his obligations as they mature, and is therefore insolvent, and his creditors are pressing for the payment of their claims, and if the debtor knows that under the law he can make an equal distribution of his property and obtain a complete release, and then take a new start in life, he will not hesitate to avail himself of the benefit of such a law. It is only, therefore, where the creditor is dealing with a fraudulent debtor that involuntary bankruptcy is of any benefit to him, unless he seeks to put the debtor into bankruptcy upon the mere allegation of fraud for the purpose of extorting preferences to himself or for the purpose of ruining the debtor.

I take it, Mr. Chairman, that this legislation is intended to proceed upon the theory that honesty in man is the rule and dishonesty the exception. We should, therefore, legislate with a view to protecting the honest creditor and the honest debtor; and if involuntary bankruptcy is not essential to the protection of either of these two classes, but is necessary to protect the honest creditor against the dishonest debtor, it should be limited in its operation and effect so as to accomplish that purpose and that alone.

Is there any necessity for a bankrupt law at this time? In answering this question I want to call the attention of the committee to a few facts which I have gathered from a record recently published by the Bradstreet Company, a commercial agency of national reputation. It shows the failures within the last four years and the causes of these failures. I take it, Mr. Chairman, that every man on this floor will agree with me when I say that the unfortunate debtor who has been overtaken by disaster or who has failed because of competition or the failure of others, or whose failure is due to credit given unwisely to his neighbors or to lack of experience or to lack of capital to carry on his business, is especially entitled to relief in bankruptcy. They are what are known in trade as honest failures.

How many men have failed from these causes during the last three years? I find on examining this record, to which I have already referred, that in 1892, 1893, 1894, and 1895 there were 36,145 men who failed from one or the other of the causes I have recited, and that the aggregate amount of their liabilities was \$624,404,143, and that their estates did not equal more than 33½ per cent of their liabilities. It is fair, therefore, to assume that the great majority of these men are still laboring under the burdens of these enormous debts, and that they can only find relief in a court of bankruptcy. If this is not afforded them, the community in which they live will be deprived of their energy and

industry or they will have to practice dishonesty by concealing their property in the name of their friends or relatives.

In view of the great demand throughout the country for this legislation, and in view of the great number of citizens who are to-day weighed down with a load of debt, from which they can never hope to be released except by voluntary bankruptcy, the practical question for us to consider is, which of the three propositions now before us shall we pass? Will it afford any relief for us to pass the committee bill, a bill that we know will never become a law at this or any other session of Congress with the sentiment against involuntary bankruptcy it will encounter in the Senate?

I am in favor of the substitute which will be offered by the gentleman from Kansas [Mr. BRODERICK]. That substitute has been carefully considered by the Senate Judiciary Committee, and it has been reported by that committee to the Senate. That substitute provides merely for voluntary bankruptcy, except section 17, which authorizes involuntary bankruptcy in the case of actual fraud. I have not the time to discuss the details of the various sections of the substitute bill, but if the members of the House will send to the Senate document room and call for Senate bill No. 742 and examine it, they will ascertain how its various provisions compare with the bill now under consideration. I hope they will take the trouble to do so before we have a vote on the pending proposition.

The involuntary feature of the substitute is carefully guarded so as to protect the honest debtor and still afford the creditor an opportunity to proceed against the fraudulent debtor. If the debtor has made an assignment or other conveyance of his property, real or personal, or any part thereof, or has given or suffered any lien or any incumbrance on the same with the actual intent of defrauding his creditors, or any of them, the creditor can, in that case, force the debtor into bankruptcy, but under this provision before the creditor can proceed against the debtor in bankruptcy there must be a judicial determination of the question of whether or not the transfer was made with the intent to defraud. But mark the distinction between section 17 of the substitute and the bill now under consideration.

Section 17 provides that before you can put a man into bankruptcy you must adjudicate the question of fraud in court, before a jury if a jury is demanded. There must be a judicial ascertainment of the fact. You can not proceed by a petition alleging fraud, and on that ground force the debtor into bankruptcy. The creditor proceeds against the debtor first as a fraudulent debtor, not as a bankrupt, and the debtor has an opportunity to contest the allegation of fraud upon which he is to be adjudged a bankrupt. If the court finds the fact to be that he has transferred his property for the purpose and with the intent alleged, the debtor can then be adjudged a bankrupt, and not otherwise. There is, therefore, ample protection to the honest man who is charged with fraudulently conveying his property. He has the opportunity of disproving the allegation of fraud, and if he succeeds he is saved and his business is saved from the embarrassment incident to the filing of a petition in bankruptcy such as the committee bill authorizes.

Mr. Chairman, in view of our experience in the past with involuntary bankruptcy, let us drop that feature of the law except as it is authorized in the substitute of the gentleman from Kansas and enact into law only those features of previous laws which proved effective and which can not be abused by dishonest men. By doing so we will afford relief to thousands of men in this country who were ruined in the financial panic of 1893 and who are to-day weighed down with a load of debt they can never hope to pay. These men are bending, as it were, under a collar which for the balance of their lives will hold them in merciless bondage unless we give them the opportunity of passing through the court of bankruptcy and wipe out, as with a sponge, their past obligations and then go forth again as free men to work out for themselves a new fortune or go struggling down to their graves.

Mr. BRODERICK. I yield ten minutes to the gentleman from Illinois [Mr. GRAFF].

Mr. GRAFF. Mr. Chairman, I am sorry that, after careful reflection, I am unable to give my support to this bill. I hear no urgent demand from my own people for an involuntary or a voluntary bankrupt law.

The demand from the people, which is general, strong, and earnest even from the debtor class, is not that they be given an opportunity to repudiate their debts, but that they be given an opportunity to pay their debts. Yet I can see that cases arise where men are honestly involved in debt so hopelessly that some relief ought to be afforded to give them another chance in life. I should be willing to vote for a bill, reasonable in its provisions, which provided a way for a debtor to enter voluntarily into bankruptcy, provided that the period of the operation of that law was confined to a reasonable time, say one or two years. I am not one of those who believe that a liberal voluntary bankrupt law would either be calculated to increase commercial honesty or to make men prudent in business, or calculated to help either the debtor

or the creditor; but I believe in being national in my ideas, and if the South or the East or the West or any other portion of this country is so peculiarly situated from past reversals as to need the benefit of a voluntary bankrupt law, I am willing to pass such a law with reasonable provisions, and give them a reasonable time in which to obtain the benefits of it.

I carefully listened to the speech of my colleague [Mr. CONNOLLY], thinking that I should surely find some good reason for joining with him in the support of this bill, but I was very much surprised to find as able a lawyer as he is entering upon a defense of the involuntary provisions of this bill on the ground that it would help the debtor class. And how? He describes a man who in his imagination sees the star of hope, a man who is too proud, forsooth, to take advantage of the voluntary provisions of the act, and he argues you should support the involuntary provisions of this bill, so that this proud-spirited man can have his creditors force him into bankruptcy! I read from page 4582 of the RECORD:

Gentlemen tell us the same benefits might be reached under an involuntary bankruptcy law. That is true; they may be. A proud-spirited man, struggling under adverse circumstances in his business, keeps the star of hope in the sky above him as his guide; and no matter how dark the financial clouds around him may be, if he is honest he looks to that star just as an escaping slave once looked to the North Star for relief, and believes that by a proper struggle he may escape the disastrous results which seem to be threatening him in his business affairs. You say here, "You may release yourself by going to the bankrupt court and ask to be discharged from the indebtedness." "I don't want to do that; I don't want to allow that," the proud-spirited man says. "I don't want it. I don't want to back out and admit my defeat. I want to keep going, no matter what the struggle may be, if I can possibly do so."

Now, I say, give him a chance. Let him struggle on, not under the same adverse conditions. I am willing that he be given a chance, that he shall be relieved from his obligation. But the friends of the exclusively voluntary bankrupt laws say, "Oh, no; that will not do. You must pay in full or else you must acknowledge your defeat, plead guilty, go into a voluntary court, and have judgment passed upon your estate."

I submit that his argument means nothing more or less than that the involuntary features of the bill provide a kindly way of a man getting into bankruptcy by the act of his creditors instead of himself, which would not humiliate the debtor as much as his taking the step himself. This is indeed a peculiar and, I make bold to say, an unreasonable view.

When the star of hope can only be seen in a firmament of bankruptcy legislation, God help the debtors of the country.

Then the gentleman, with further strange, and to me inexplicable, argument, proceeds to give another reason why we should have an involuntary bankrupt law, because, forsooth, of the harshness of the State laws. When cited to the instance of attachment suits in his own State he speaks of the creditor making an affidavit upon information and belief as the foundation of the writ of attachment. The creditor does not do anything of the kind. He is compelled to make his affidavit, to verify it with certainty, from personal knowledge and absolutely. It is a condition precedent that he file a bond before the attachment issues, and the conditions of that bond are not those which can be escaped, as my colleague [Mr. CONNOLLY] said yesterday, by his pleading, when he is sued upon the bond, that he thought that what he alleged in the affidavit was true. Not at all.

The conditions of that bond are that he prosecute his suit to a successful conclusion, and there is no escape from a recovery upon that bond when the fact of his failure to do so is proven, of which the record itself would be plenty of evidence that he had failed to perform the conditions of the bond, and then the only question would be the amount of the damages. It is well known to all lawyers practicing in State courts in the United States that attachment suits are not so readily resorted to. We all know that we have had claims in our offices when we knew that a poor merchant was probably insolvent, yet we believed him to be honest, and we knew no way by which we could commence an attachment suit and maintain it, because the debtor was guilty of no fraud. We have sat there and waited with those claims and permitted that man to honestly administer his own business, and perchance fortune favored him, business grew better, and he finally paid his debts and came out of his financial difficulties. I think it is much better to let the remedy be where it is, in the State courts, under the State laws, framed with peculiar reference to the conditions of that particular locality.

Furthermore, from the slight experience which I have had in my practice, the difficulty about the collection of debts is where the debtor fraudulently conceals his property, where he is guilty of fraud of some kind and conceals the property, or transfers it fraudulently, where it is difficult to reach. There is not any particular remedy which is furnished by this bankruptcy law which is superior to the State courts for the purpose of ferreting out the fraud. The courts of chancery in every State are the courts which have the peculiar power adapted to this purpose. There is quite a contrast between the attachment laws in the different States and the provisions of this bill. The condition precedent of the creditor in the commencement of an attachment suit is that he file his bond, and a good bond, to be approved by the clerk of the court. Under this bill a creditor goes into a court of bankruptcy and files his

petition without bond and he can speculate on the chances of his being able to adjudicate the defendant a bankrupt. Every man knows that at this particular time thousands and thousands of merchants have no money and no property except the unsold stock of merchandise upon their shelves and the uncollected accounts upon their books.

Of ten creditors of one of such merchants nine may be willing to wait for better times and give the merchant debtor an opportunity to slowly work out of debt by gradually paying each a portion of their debt, but the one remaining creditor is master of the situation by simply announcing his intention of filing a petition in bankruptcy. Such a creditor assumes no risk, for he can in case of failure be compelled to pay only the costs of the proceeding. For the damages which the honest and solvent debtor in such a case would incur no recovery can be had.

Who can measure the vast amount of injustice which may be done to the large number of business men with small capital who would pull through if unmolested by the unjust filing of a petition in bankruptcy by a creditor at this particular crisis?

Remember that the question of solvency may turn alone upon the value placed upon the stock of goods of the debtor by the court, a subject upon which an erroneous judgment might be easily reached.

For the man who can pay his debt and will not I have no sympathy. I am not concerning myself on the floor of this House to shape legislation for his protection. He deserves none. This includes all debtors who have committed fraud in incurring the debt or who afterwards fraudulently try to escape payment. If the involuntary provisions included in its list of acts constituting bankruptcy on the part of the debtor were those only involving actual fraud, I would be constrained to vote for this bill. It, however, in my judgment, is far too comprehensive, and its provisions are so drastic as to permit it to be used as an engine of oppression against worthy honest debtors who are struggling against adverse circumstances for which they are not responsible, and who, if unmolested, will "work out their own salvation." This should be our highest aim: To encourage men to rise above these difficulties and pay their debts, and not to encourage scaling down honest obligations on the one hand or the oppression of the debtor on the other. Creditors are not usually inclined to ruin the debtor. It has been truly said that self-interest would prompt the opposite course.

This is true, as a rule; but exceptions are not wanting to the contrary. Sufficiently numerous are the exceptions to warrant us in passing no law which shall not guarantee, so far as we may, exact justice to each. There is nothing in present conditions to cause me to look to a bankrupt law as legislation calculated to relieve the present general business depression. Its passage is a confession of distress, not a cure for it.

I shall vote for the Senate bankruptcy measure because I believe it gives all the relief which a creditor should ask. It confines acts of bankruptcy on the part of the debtor to actual fraud, and it provides for involuntary bankruptcy, and is less harsh in its provisions than the present House bill. I vote for it because, if a bankruptcy bill is to pass, I prefer it to the House bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRODERICK. I yield ten minutes to the gentleman from Nebraska [Mr. STRODE].

Mr. STRODE of Nebraska. Mr. Chairman, I regard the measure which is now under consideration by the Committee of the Whole House as one of great importance to the people in all parts of the country—of as great importance, perhaps, as any measure that has been before this House during the present session of Congress. By reason of the great panic of 1893 and the financial and business depression that has existed from that time to the present, thousands of men engaged in business have become insolvent, and have not only lost or surrendered all their property, or will be compelled to do so in the near future, but are hopelessly overwhelmed with debts which they can not pay. Thousands of our brightest, most energetic and enterprising business men in every section of this country are loaded down with debt which, through no fault of their own, they can not pay. Nothing is to be gained by holding judgments over such men. To do so tends to discourage effort, to paralyze industry, and encourage deception. If these men could be freed from their obligations they would, with their former energy, enterprise, and ability, struggle to start themselves in business again and become the most useful members of the business world, and many of them would in time be able to pay and would pay off obligations incurred prior to their failure. Without the aid of a bankruptcy law this will be impossible in many cases.

One correspondent, writing to me on this subject, aptly says:

If a man can not use his own name and build up a credit on that foundation he becomes a salaried clerk, with little hope of bettering his own condition or doing anything toward paying his creditors.

I represent in part upon the floor of this House one of the great, growing young States of the West. It has made amazing progress during the last twenty-five years or more in all that goes to

make a State great. Her progress has resulted in a large degree from the energy, enterprise, and business ability of young men who had small means with which to begin business—men who left the Eastern and Middle States and sought the newer portions of the West. They established for themselves, by their energy, ability, and integrity, a business standing that enabled them to obtain extended credits in building up enterprises adapted to the development of the West. It is this class of men in that part of the West to which I belong who have suffered most from the unlooked-for depression in business and the enormous shrinkage of values that have occurred within the last three and a half years. Most of these men are yet in the prime of life. With an avalanche of debts hanging over them they can not hope to establish themselves in business again. If a proper bankruptcy law is enacted, so that they may make use of its provisions to free themselves, many of them will amass fortunes in the future and become the most useful and valuable members of society. Most of them are honest and will recognize their moral duty to pay their just obligations when they can, although they may be released therefrom by their taking advantage of the provisions of a voluntary bankruptcy law.

Gentlemen have said to this committee during the debate on this bill that there was no demand for the enactment of a bankruptcy law; that their constituents are not demanding the passage of such a law; that they have received no letters or petitions from their constituents asking them to give their support to such a measure. I can not say that. During the short time I have been a member of this House I have received about fifty letters and several petitions from the people of my district urging upon me the necessity for the passage of a bankrupt law by this Congress. These letters and petitions came from men who do not intend to take advantage of such a law, as well as from those who will seek legal relinquishment from their obligations under such a law, if enacted, until they can establish themselves in business again. Some members of this House have said that they would oppose the enactment of a bankrupt law of any kind. I believe it to be my duty to vote for the passage of a proper bankruptcy bill. But I do not want to vote for the passage of a bill that will enable the unjust and unscrupulous creditor to oppress or destroy the unfortunate debtor. The collection laws of the several States give creditors abundant means for the collection of their debts. They do not need the additional assistance of a bankruptcy law for that purpose. It was the abuse of the involuntary provisions of the law of 1867 by this class of creditors that made it so obnoxious that its repeal was demanded by the people and recommended by President Grant in a message to Congress, as the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] showed to the committee in his speech yesterday.

I have the profoundest respect for and confidence in the gentlemen of the Judiciary Committee of this House who framed this bill and reported it, recommending its passage. I know the chairman of this committee, Mr. HENDERSON, stated in his speech day before yesterday that this bill is much more humane in its provisions than the original Torrey bill, and more humane than any bankruptcy law heretofore enacted by Congress. I know he is sincere when he says that he believes this bill will prove a blessing to the country if enacted into law. I have so much confidence in his judgment that I am disposed to follow where he leads in matters presented for consideration in this House. Yet I fear the involuntary features of this bill are too drastic. If it should become a law with all its involuntary features as reported by the committee, I fear it may prove dangerous and damaging to that large class of business men who are unable to meet all their obligations promptly as they fall due. Many men now in business would be found to be insolvent if required to pay all their debts at the present time. There are many men engaged in mercantile business, manufacturing, and other industries in the country who are insolvent, but who keep the interest on their debts paid and manage to get enough out of their business to support themselves. If the financial and industrial interests of the country should be restored to the condition they were in three and a half years ago, these men will not only be able to pay their debts, but will have their business left which they have struggled to establish. The good will of the business, the reputation a man has acquired, the confidence of the public acquired by long-continued honorable dealing, is sometimes worth more to a man than the value of all his property. The enactment of a bankrupt law with drastic involuntary provisions will place the power to destroy all this in the hands of hard-hearted and exacting creditors.

Mr. RAY. May I ask the gentleman a question?

Mr. STRODE of Nebraska. With pleasure.

Mr. RAY. You say that a large number of your merchants are practically insolvent to-day. Now, what keeps them on their feet?

Mr. STRODE of Nebraska. The simple fact that their creditors do not enforce collections, I presume.

Mr. RAY. It is the leniency of their creditors.

Mr. STRODE of Nebraska. I presume so.

Mr. RAY. Then because their creditors have faith in them, and their creditors, having the right to press them, are lenient under the State laws, do you not suppose that they would be just as lenient under the United States laws? Will not they have the same interest in maintaining their credit?

Mr. STRODE of Nebraska. They may have, and they may not. If an Eastern creditor becomes alarmed, believing that he may not be able to collect from his Western debtor, if he gives him an extension of time and the opportunity to become further involved in debt, he may imagine that it would be an easier and more certain way of collecting his claim to force the debtor into bankruptcy before he loses what property he now possesses, or becomes more deeply involved in debt.

Mr. RAY. But the Eastern creditor to-day, if he becomes alarmed, can hasten to your State, institute proceedings for the collection of his debt, and put the debtor into the hands of the sheriff in twenty days or thirty days or whatever time may be required to get a judgment.

Mr. STRODE of Nebraska. That may be done under the State law, but—

Mr. WALSH. The creditor does not violate the debtor's personal liberty, though, even if he does do that.

Mr. STRODE of Nebraska. No, sir.

Mr. RAY. This bill does not violate his personal liberty.

Mr. WALSH. It permits it to be violated.

Mr. STRODE of Nebraska. I was about to say when the gentleman from New York [Mr. WALSH] interrupted me that the Eastern creditor often refrains from forcing the collection of claims rather than to commence proceedings in the local courts, where the debtor can be served with legal process, when he would not so refrain if the Federal courts are given exclusive jurisdiction in bankruptcy proceedings and an involuntary bankrupt law is enacted. It was because creditors did make frequent and oppressive use of the Federal courts for the collection of their debts that former bankrupt laws became so obnoxious to the people.

Mr. Chairman, I can not in the short time allotted me enter into a discussion of the merits or demerits of this bill in detail. I do not like the involuntary provisions which it contains. I should be glad to give my support to a bill properly framed containing provisions for voluntary bankruptcy only. I do not believe a man ought to be forced into bankruptcy simply because he can not pay all his debts within a short time after they become due. I do not like the second, eighth, and ninth acts mentioned in this bill, for the commission of which bankruptcy proceedings may be maintained. I am willing to support a bill containing a provision for involuntary bankruptcy based upon fraud committed by the debtor, the commission of such fraud to be made an issue of fact, to be first determined by a jury before the debtor can be thrown into bankruptcy. I am informed one or two substitutes will be offered for the pending bill, one of which is intended to provide for a system of purely voluntary bankruptcy, the other containing a provision for involuntary bankruptcy based upon the commission of fraud by the debtor, all its other provisions being for voluntary bankruptcy. I shall vote in favor of one of these substitutes, and if it is voted down, then in favor of the other, if I have an opportunity to do so. If both of such substitutes are voted down I hope the bill under consideration may be amended so that I can see my way clear to vote for it. I listened with deep interest to the speech of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] yesterday in opposition to this bill.

I said a while ago that I had received many letters and several petitions from the people of my district, asking me to support the passage of a bankruptcy law. Some of them say they have examined the Torrey bill and want it enacted into law. Others say, "Give us a voluntary law if you can, but if you can not do that, give us some kind of a bankrupt act that will enable the business men of the country who are overwhelmed with debts, and who still possess physical and mental vigor and are full of enterprise and energy, a chance to get from under the weight of debt that binds them down and renders them helpless." I have one letter here from a lawyer of extensive experience, who practiced under the bankruptcy act of 1867, and in whose judgment I have great confidence. He speaks of the bill under consideration in much the same language used by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] in his speech yesterday. This lawyer says he has examined the Torrey bill now pending in Congress. I presume he has examined the bill introduced in the House at this session by the gentleman from Vermont [Mr. POWERS].

Mr. RAY. Well, let me say right here that the provisions of that bill providing for involuntary bankruptcy have been very much modified by the committee.

Mr. STRODE of Nebraska. I sent several copies of the bill to persons living in my home city, in which city the writer of this letter resides, for examination. I will read his letter:

LINCOLN, NEBR., March 25, 1896.

DEAR SIR: I have been requested to write to you my opinion of the Torrey bankruptcy bill now pending in Congress. I can not too strongly condemn

this proposed measure, and can only suppose that it has received the indorsement of Nebraska people because they are not familiar with its provisions and did not experience, or have forgotten, the operation of the act of 1867, which in many respects was less objectionable than this measure, but which was so oppressive in its operations as shortly after its enactment to arouse a popular demand for its repeal. A prudently drawn enactment providing for voluntary bankruptcy only would, I should think, be a wise and beneficial measure. But a law containing the involuntary clauses incorporated into this bill would, in my opinion, seriously cripple and impair if it did not substantially ruin the banking, jobbing, and manufacturing interests of this State. That the act of 1867, so long as it remained in force, was effective to this end is very vividly within my recollection, as it must be within that of other lawyers who had a considerable practice in the bankruptcy courts in Nebraska.

There are other respects, which I have not time nor space to mention, in which this bill is equally open to criticism. It is in many ways, in my opinion, the most vicious measure upon this subject which, so far as I know, has been offered in either House of Congress.

Respectfully,

Hon. J. B. STRODE,

House of Representatives, Washington, D. C.

JOHN H. AMES.

Mr. Chairman, while the gentleman whose letter I have just read appears to favor no bankruptcy law unless it be purely voluntary, yet, in all the letters in this large package which I hold in my hand, all of which have been on file in the room of the Judiciary Committee, there is but one other letter suggesting the passage of a purely voluntary bankrupt law. I have here one petition containing the names of about forty or fifty business men living in my Congressional district, praying for the passage of the Torrey bill, the heading to the petition stating that they had examined the same. I will call the attention of the committee to the language used by the writers in some of these letters that gentlemen may know what the people of the West are demanding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLET of Massachusetts. Mr. Chairman, the bankruptcy bill now before the House has been so thoroughly explained and defended by the other members of the committee that I will not occupy any time in considering its details. The discussion seems now to have narrowed down to the question of the comparative merits of a voluntary system and of a system which has both the voluntary and the involuntary features. That seems to have become the issue, and in the short time allowed me I will confine myself to that issue and to one argument which has not yet been suggested in favor of this bill.

The purely voluntary system of bankruptcy has been advocated upon the ground that it "gives the debtor a chance," that it allows the poor man relief, and thereby appeals to our feelings of humanity and sympathy and as well, perhaps, to our desire for popularity. But it seems to me that is not the true ground upon which even the voluntary system can rightfully be defended. We have no right to pass a law which shall simply benefit and relieve a certain class except for the reason that that law is for the good of the whole. That is the only reason we can properly pass even a voluntary bankruptcy law; not simply because it relieves the bankrupts themselves, but because, by relieving the bankrupts, it releases to the community their energy and activity which would otherwise be kept down under a load of debt.

Now, Mr. Chairman, the same principle must authorize the involuntary system, and the question for us is, Will an involuntary bankruptcy law be for the good of the whole community? I claim that it will.

It is said on the other side that a law which allows involuntary bankruptcy is unfavorable for the debtor class. That is true as to individuals, but I deny that it is true for the class. Unquestionably it is pleasanter for individuals who are insolvent to decide for themselves whether they will become bankrupt or not, and to incur no risk of being forced into bankruptcy. But we must remember that the individuals who fail are but 1 per cent of the whole trading class, and that the other 99 per cent, as well as the rest of the community depending upon them, are the people for whom we ought to legislate. And although this 1 per cent would doubtless prefer to make their own choice whether they should go in or not, it may be better for the whole class that the involuntary system should be allowed and creditors have some voice in the decision. I claim that it is better for this reason: An involuntary bankruptcy law would do more than any other law that we could pass to extend and secure credit in the United States.

Of all the developments of this age of development one of the greatest is the credit system. There is no question that our whole industrial life has been stimulated and promoted by it and to-day depends upon it. Anything which improves credit, which makes it stronger and safer, improves the business of the whole community and every class of the community, and quite as much the debtor class as any other. Any law which strengthens and broadens credit benefits and advances the whole country. If we pass this law allowing involuntary bankruptcy, it is going to vastly strengthen the credit system, not because creditors will use it to any great extent, not that this bill will be or can be used as an engine of oppression, but because under it creditors will have confidence that they are going to be treated upon an equality with all other creditors. That is what creditors want. What they fear is

either that debtors will prefer their friends or that other creditors by connivance or by superior shrewdness or harshness will obtain an undue advantage. If each creditor knows that his chance is just as good as that of every other, that he will come in on an equal footing with every other, that if there is insolvency, if there is fraud, if there is preference, he can come in and stand on the same level as all other creditors, he will feel content and he will extend his credit. That will give him a sense of security which nothing to-day does.

The losses which creditors rankle under are not losses from the honest insolvent; they are the losses from fraud, or from preferences, or from the superior unscrupulousness or adroitness of other creditors, where they feel that somebody else has obtained an undue advantage over them. When a creditor sees another creditor anticipate him and seize his share of the assets, then he feels animosity toward that creditor and toward the locality or State that allowed the inequality.

It has been said upon the other side that this law would allow one creditor, more harsh and suspicious and energetic than the rest, to collect his debt by threats of putting the debtor into bankruptcy, and thus the debtor would be oppressed and other creditors would be circumvented, but I maintain that the result of this law would be just the reverse. The trouble to-day is that inasmuch as there is no general insolvent law by which all creditors can come in and share alike, each is suspicious and alert to resort to the collection laws, and thus gain an advantage over the other creditors. The neighboring creditors, who see the danger of the debtor, and who are at hand to avail themselves of attachment laws, take advantage of distant creditors. The large creditors in the big cities, whose business is so extended that they have agents constantly in every locality, are watchful and alert and able to protect themselves, and gain advantages at the expense of the smaller and less informed creditors; and hence it is that this bill is opposed by many of the largest houses in our largest cities, because it will take from them the advantage which their organized system of collection gives them, and take from them their monopoly, and put them on the same footing with smaller houses who can not now afford to maintain such elaborate watchfulness.

Under this bill one creditor can not, except in very small cases, file a petition of bankruptcy. It requires the concurrence of three creditors; so that it absolutely prevents one trying to use the law as an engine to extort payment of his debt—three must combine for the purpose. Moreover, this bill takes away the creditor's main motive for commencing proceedings against his debtor, namely, fear that unless he does so proceed he will lose his fair share of the assets and they will go to others. This to my mind is the great benefit of the bill. While it is in existence all creditors will feel that in emergency they have it in their power to step in and prevent others from unfairly absorbing all the assets. For the creditor does not want his debtor to be a bankrupt; he is of all men most interested to keep him solvent. The attempt is constantly made to consider the creditors and debtors as if they were two distinct classes, necessarily and violently antagonistic. But as a rule their relations are quite the reverse, and are mutually profitable and friendly. Of course, when it comes to a legal contest they are foes; but the creditor dreads that as much as the debtor.

It is for the advantage of the creditor that the debtor should keep on with his business. No one is so selfishly concerned as the creditor in the debtor's success. If he is able to collect his debts as they mature, he wants new debts to be created. If he has loaned money and the contract is performed, he wants to loan it again. If he sells goods and they are paid for, he wants to sell more goods. He does not want the debtor to pay except to borrow or buy again. He is the last one who has an interest in having the debtor fail. Hence the creditor, above all others, will be slow to take advantage of a law of this kind. He, above all others, wishes the debtor to prosper. As long as he feels there is no danger of being taken advantage of, as long as he feels, if insolvency should finally come, his chance is just as good as that of any other creditor, so long he will be glad to allow his debtor to go on and work out his own salvation if he can. And it is that security which this law gives; and hence it will do much to improve the relations between creditors and debtors, to broaden laws, extend credit, reduce interest and profits, and benefit the whole community.

Now, sir, experience tells us better than anything else whether such a measure as this would be harsh or not. In my State we have a law with far more stringent involuntary features than this bill, a law which has been on our statute books for more than half a century. But I have never known of any petition for its repeal. I have never heard complaint that it worked hardship on the debtors. I believe that under our law to-day three-quarters, and I am not sure but nine-tenths, of the insolvencies occurring are voluntary. That law is not used for the injury of the debtor. It is used equitably. Anyone can see by considering the proportion of involuntary cases that it is not the creditors who mainly appeal to it. And its satisfactory operation is shown, too, by the fact that there has never been, so far as my knowledge ex-

tends, any movement to suspend or repeal it. It has not worked inequitably. Such a fact, it seems to me, proves more than any theoretical reasoning could that a bankruptcy law with an involuntary feature is not necessarily harsh in its operation upon the debtor. It is useful to the creditors not because they can use it as a threat or engine of oppression, or because they use it frequently, but because its mere existence is a preventive of fraud and gives them confidence and security that in case of stress they can be protected.

We have had what are called "debtor States," who claim that they have suffered at the hands of the "creditor States." Now, I believe that one thing which the "debtor States" want and which would really be for the good of such States is to let the "creditor States," as they call them, understand that in those "debtor States" one creditor should stand on the same footing as every other creditor. What creditors fear, if they are at a distance, is that perhaps local favoritism or friendliness or neighborhood feeling may operate to give them less than their fair share as compared with other creditors. A law of this kind operating over the whole country will create among creditors a feeling that they can in any event get their proportion in any distribution which may be made of a debtor's estate, and will much improve the credit of the debtor States.

There are some persons who will not consider this an advantage. One able member discussing this bill said that he believed all credit was injurious, and that it would be better for the country if there were no credit system. If he was speaking as a philosopher, this might be true. It is possible that a country purely agricultural, where each man is able to supply all his own simple wants and aspires to nothing more, may be the most prosperous and secure. A return to the shepherd life of Arcadia might be the best for the happiness of the world, but we certainly are not sent here to legislate on any such principles. We are sent here to promote as far as possible the great industrial life of the country, and as far as possible to make its results felt and enjoyed equally in every section of the country, and one great method of accomplishing that, and of giving to remote regions the advantages of the large centers, and in improving the mutual relations and commercial dealings of different sections is this bill, with the great strengthening of the credit system which it will accomplish by assuring creditors fair and equal treatment.

Mr. BRODERICK. I yield ten minutes to the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Chairman, the question before the committee is one of very grave importance, so grave, in fact, that I regret that more time has not been allotted to its discussion.

I am not opposed to all bankruptcy legislation, but I am opposed to the bill pending before the committee. I am opposed to it because I do not believe that it is in the interest of the great majority of the people. If the argument of the gentleman who has just taken his seat is well founded, then assuredly no legislation in this direction can be regarded as necessary. If creditors above all others will be slow to take advantage of a law of this character, then there is no occasion for its passage, because nobody else is asking for it. It is with unfeigned regret that I make this statement, because I would not willingly or lightly antagonize the recommendation of a committee for whose chairman and membership I have so high a regard as I have for the chairman and membership of the Committee on the Judiciary.

The bill is said to be in the interest of debtors. That has always been the pretense upon which bankrupt laws were founded. If it were true, if the experience of the past had demonstrated the truth of that pretense, then we might have as evidence of it at least one petition, or, if not a petition, a letter from some one debtor throughout the length and breadth of this great land of ours asking the enactment of a bankruptcy law. But there is no such petition. There is no such letter. There has never been any such letter or petition sent to any legislative body on earth, and never will be, in my opinion.

It may be that it is better for the business interests of the country to occasionally take a sponge and to a degree wipe out existing indebtedness. To that extent perhaps a bankruptcy law voluntary in its character is desirable. If an involuntary feature is added, it should in my opinion be confined to the commission of actual fraud by the debtor, the proving of which should be carefully guarded. Such a law, if not a good thing, might at least not be an unmixt evil.

We have been cited to the fact that since the repeal of the last bankruptcy law enacted in this country, in 1867, the failures in business have amounted to more than 171,000. We have had our attention directed to the fact that the liabilities of those 171,000 failures amounted to more than \$2,600,000,000, and that therefore a law of this kind is a necessity.

Why, Mr. Chairman, it would be equally as fair and more logical to say, in response to that statement, that inasmuch as the growth and progress of this country since the repeal of the bankrupt law of 1867 has been unexampled in the history of nations,

therefore the absence of bankrupt laws from the statute books of the country has been among its greatest blessings.

Why, sir, as an offset to the twenty-six hundred millions of liabilities involved in the failures in the United States since 1878, I call your attention to the fact that there has been a growth in wealth during the same period of twenty-seven thousand millions of dollars.

Now, it is estimated that no more than an average of 25 per cent of the liabilities of the failures in the country is ever paid, leaving 75 per cent as a total loss. The statement of the proposition answers itself. The loss is very largely apparent, rather than real. If it is true that there had actually been abstracted from the channels of trade and commerce and from the industries of the country, through its business failures of the past eighteen years, the enormous aggregate of more than eighteen hundred millions of dollars, the growth of the country and the expansion of its trade, about which there is no question, would have been impossible. But the people who are constantly extending credit in the management of their business have learned by experience the per cent of loss likely to occur, and that per cent is largely, if not wholly, discounted by adding it to the credit extended.

To prove the soundness of these observations it needs only to be remembered that the withdrawal of twelve hundred millions from the sum paid the wage earners in 1892 produced the terrible panic of 1893.

Now, upon the question as to whether a bankrupt law is a necessity. I do not believe it is. The experience of the past eighteen years, and of nearly a century preceding that, seems to me to be conclusive upon that point. Still, I would not oppose the enactment of a voluntary system of bankruptcy; on the contrary, I would support it, and would even go further than that, and include an involuntary provision confined to the commission of fraud on the part of the debtor. I would support that sort of a bill, but the pending bill, with nine specific acts of bankruptcy, five of which may be committed without any act of dishonesty or fraud, ought not in my opinion to be enacted into law. The object of the law ought not to be lost sight of and swallowed up in a mad scramble for the collection of debts. Debts ought to be paid, but manifestly they can not all be paid in a day or a month, and laws intended to aid their collection ought to consider the welfare of the debtor as well as the creditor. Both are entitled to and should receive fair treatment.

The history of bankruptcy legislation is intensely interesting and deserves to be carefully studied. The administration of bankrupt laws is an almost unbroken history of misfortune in which the unfortunate debtor has been compelled by the remorseless arm of the law to drink the bitterest dregs of the cup of sorrow due to business reverses. But it is not so much the history of past laws or of their execution that we have to do with in the present instance. It is the scope and purpose of the present bill, and the past is valuable only to the extent that it may enable us to reach a correct conclusion.

I want to remark in passing that all of the bankruptcy legislation of the past, whether of our own or of other countries, was enacted for the purpose of aiding the creditor to collect his debts, and always under the pretense that it was meant to help the debtor by placing him again upon his feet. As a matter of fact, the debtor was not taken into account except as a source of supply.

The time has been when going into debt was regarded by both the makers and the executors of the law as close akin to the commission of crime. That feeling has not yet entirely disappeared from the earth, although it has been much modified by the wide dissemination of sound principles of both morals and business. Bankrupt laws had their origin in the sentiment that the man who owed and could not pay when the debt was due was of necessity a scoundrel and should be treated as such. In the estimation of the wise and virtuous founders of bankrupt courts an honest debtor was an absurd and incomprehensible being, to be found possibly in the pages of fiction, but never to be met with in practical life. That the most recent legislation upon that subject was the outgrowth of a sentiment somewhat modified from the original by the injection into it of the more humane teachings of the modern school may be conceded. The extraordinary diffusion of intelligence among the people in recent years has enabled man to know more of himself and, as a result, to be more lenient toward his fellows. There has, in consequence, been a general lifting up of humanity to a broader and better plane.

Bankrupt laws have been, in the main, if not wholly, extraordinary enactments for the collection of debts. They have been not inaptly termed thumbscrews, placed in the hands of the creditor to enable him to torture the unfortunate debtor into making his tale of bricks whether he had any straw or not. That the present bill is better than its predecessors is due to the influences I have mentioned and to the spirit of Christian kindness that pervades the excellent gentlemen who constitute the Judiciary Committee. But it is not yet in accord with the prevailing sentiment of the age, nor is there, so far as I know, any widespread demand among

the people for the enactment of a law of this kind; and in its present shape I sincerely hope it will be defeated. I have not received a single letter from the district I have the honor to represent urging me to support this bill or any bill proposing to bring back again the paraphernalia and the oppression of bankrupt courts. And yet there are in that district a number of towns and cities of 5,000 to 30,000 people, and in no other district in the United States is there a higher grade of commercial intelligence or a more thorough knowledge of the wants of the business world. In the absence of any such request, I have a right to assume that there is not a burning desire existing there for the enactment of this bill, or, for that matter, of any bill upon this subject.

The people of Missouri are the equal in patriotism, integrity, and honor of any people on the earth, and it may be that they have an abiding faith in their ability to manage the matter of making and collecting debts in the State without the aid of any laws other than those provided by their own legislature. I am of opinion, however, that they would approve a law enacted by Congress under the authority granted in the Constitution, which was equally fair to the debtor as to the creditor, and under the operation of which an honest man could not be forced into bankruptcy for the commission of a legitimate and honest act. A law of that sort would afford all the relief that ought to flow from a bankruptcy law without permitting the acts of oppression which would be easily possible under the drastic provisions of the bill under consideration.

I have heard it said here that the reason the bankruptcy law of 1800 was repealed within less than four years after its passage and that of 1841 within less than two years was chiefly the undeveloped condition of the country and the consequent great inconvenience to which debtors were put on account of the long distances they were compelled to travel to the Federal courts and the very slow and imperfect means of transportation.

That may have been the reason on the surface, but beneath the surface there was another reason of more potency.

The cause for the enactment of 1800 was in the fact that the war of the Revolution had left the country impoverished and almost everybody deeply in debt. Owing to the undeveloped condition of the country the process of recuperation was very slow and taxed the patience of creditors to the point of breaking. The law was enacted to meet the demand of creditors, and the debtors were lulled to sleep by the promise that the law would prove a blessing to them by lifting the burden of debt from their shoulders and placing them again upon their feet. It took less than four years of its practical working to dispel the illusions that had been woven around it, and it was repealed in obedience to the almost universal demand of the people. It neither collected debts nor restored debtors. What it did do was to fasten the opprobrious name of bankrupt to a number of the patriot fathers, who through no fault of their own had been unable to keep out of the machinery of the bankrupt court. The practical working of the law produced a storm of indignation among the people, and it was repealed to allay the storm.

What was true of the law of 1800 was also true of the law of 1841, which was enacted while the country was yet struggling with the terrible effects of the panic of 1837. It was repealed in less than two years for reasons similar to those which secured the repeal of the law of 1800.

The law of 1867 was enacted to meet conditions then new to the business world of the United States, and which conditions were either produced by or were the source of an almost universal mania for speculation. Money, always conservative, felt its safety endangered amid the rapid changes taking place in business circles. And these changes were not confined to speculators. Merchants and bankers who had established reputations for cool, calculating, and conservative judgment had grown wild under the operation of the influences at war with successful business. Far-seeing and sagacious men doubtless saw the culmination of the mad scramble for fortunes born on the cast of a card, and hoped to stem the evil tide by the bankrupt enactment of 1867. It is impossible to say what the result would have been had the law followed the panic of 1873 instead of preceding it, but my opinion is that if it had been enacted in 1877 instead of 1867 it would not have remained a law any longer than did the enactment of 1841. The panic of 1873 diverted the attention of the people from the bankrupt law and the bankrupt courts, and undoubtedly added a number of years to its life.

Certainly the country was not in an embryotic or undeveloped condition in 1878, which has been alleged as a reason for the repeal of the law which had then been in operation eleven years. It is true that there are a greater number of Federal courts now than then, and they are nearer to the people and the people are more familiar with them. But it will not be contended that that fact of itself furnishes a sufficient reason for repealing the law. Some additional reason must be found, and I do not think it is difficult to find. My recollection of the experience I had as a practicing lawyer while that law was in force, part of the time as a register

in bankruptcy, and the experience of the people among whom I lived warrant me in saying that as the wounds made by the panic began to heal and business began to resume its accustomed channels there remained little or nothing to divert the attention of the people from the iniquitous operations of the bankruptcy law, and they began to clamor for its repeal. The more they learned of its operations the more indignant they became, until the demand for its repeal was almost universal. I believe the only exceptions to that demand were the court officers and such practicing attorneys as had a large share of the business growing out of the operations of the law.

It became apparent that it was but a collecting machine and was extremely imperfect and defective in that respect. While it was used without remorse by creditors to compel debtors to find and pay over money whether they had it or not, the expenses of administration of such estates as were found consumed so large a per cent of the assets that even the creditors finally joined the ranks of the enemies of the law and became as earnest as the rest of mankind in their demand for its repeal. During the eleven years of its existence Congress had in it a number of very able men, and effort after effort was made to amend it so that its operation might at least seem to be consistent with the theory of its construction. I have a right to assume that these efforts to amend were earnest and made with a sincere desire to find a common ground in the law upon which debtor and creditor could meet as friends; a point where the rights of the debtor to his business and his property ceased and the rights of the creditor began as a matter of moral as well as legal right, and that this point could be arrived at in the law without injury to the debtor or to his business, and with full consideration for the rights of the creditor. The effort was in vain; it could not be done. At least it was not done. On the contrary, positive injury was inflicted upon both creditor and debtor by the dissipation of estates through the absorbing power of cost. Estates that I believe could have been made to pay from 40 to 75 per cent on their liabilities under the assignment laws of Missouri were absorbed by the fee-bill sponge until they did not pay 10 per cent of the liabilities of the bankrupt.

Many an honest man went down beneath the heavy hand of the law of 1867 to rise, if at all, only after the best years of his life had been wasted in fruitless effort. With rare exceptions, to rise in business again the bankrupt was compelled to seek a new field and a new atmosphere, where the taint of the bankrupt court was not upon his trail and where the brand was not visible to the people with whom he associated. Struggle against it as you may, declaim against it as unworthy of the age if you will, the fact remains that the term bankrupt is not a title of respect, and it is not at all likely that it ever will be. The argument in favor of a bankrupt law, therefore, which attempts to strengthen itself by the promise of restoring the discharged bankrupt to the commercial and business circles of the country must first invent a means by which the sting of the opprobrious epithet may be at least softened, if not eliminated.

If the law of 1867 had any good points or produced any good fruits they were never placed on exhibition. Whether purposely or not, they were concealed, while the evil results were visible on every hand.

A large number, perhaps a majority, of the business men of to-day have a personal recollection of the operation of the bankruptcy law of 1867. Perhaps their memory supplies them with as complete a knowledge as they care to have of the bankruptcy legislation of the past, and that instead of history they would like to have as much information as possible of the bill under consideration, what it proposes to do and how it proposes to do it, so far as that may be reasonably determined in advance of the practical administration of the law.

The professed purpose of every bankrupt law ever enacted was to benefit the debtor. Now, while I have the highest respect and esteem for the wisdom and the sincerity of my friends who are supporting this bill, I may be allowed to say that, in my humble opinion, all the benefits that will ever come to the debtor under the practical workings of a law with the provisions of this bill could be stuck in the corner of his eye without extending it or in any way interfering with his vision.

But I said a moment ago that the country was no longer in an undeveloped condition in 1878, and that such condition, therefore, can not fairly be offered as a reason for the repeal of the law, since it did not exist. At that time the nation had a population of nearly 50,000,000 people and about forty-three thousand millions of wealth. There were over 8,000,000 dwellings; 4,000,000 farms, with 284,000,000 acres improved; with farm values amounting to more than eleven thousand millions, and farm products equal in value to twenty-two hundred millions; with two thousand seven hundred millions invested in manufactures, employing 2,700,000 operatives and turning out over five thousand millions' worth of products in a year. With these elements of growth and progress, of industrial and commercial activity, the occasion for

the repeal of the law of 1867 must be sought for in some other direction. Whenever the cause is sought with an earnest desire to find it, I do not doubt that it will be found in the maledictions of the people and their imperious demand for its removal.

There was a time in the history of the world when the debtor who failed to pay his obligation promptly when due was regarded as a sort of moral monster, fit only to be caught by the machinery of the law and ground to powder. For the good of the world, to enhance its progress and lift up its people, that period has passed away forever, and the debtor of to-day, if there is no other charge against him, can hold up his head and stand side by side with his creditor, demanding and receiving equal consideration and respect. This change of sentiment is of modern growth, and under its operation trade and commerce have expanded and grown to a magnitude undreamed of while the illiberal and cruel laws and policies of the past prevailed.

The world has broadened in its views in proportion as it has acquired information. Curiously enough when the poor debtor was on the rack, men were burned at the stake and otherwise tortured for opinion's sake. It was a crime in those days to believe that the earth revolved on its axis, and it is to be regretted that an occasional remnant of the old philosophy yet exists. Truth is mighty and will prevail, but it takes time. Its forces are often deficient in discipline and difficult to manage, while the cohorts of falsehood are always in martial array and ready to be hurled at a moment's notice in any direction and against any invading truth.

As the years have marched along in stately procession it has been discovered that the progress of the world, whether in commerce, in the mechanic arts, or in the industries, was very largely due to the world's debtors. This mighty truth was not discovered in a day, but it was so forcibly presented year after year in the world's transactions that recognition of it could not be avoided. Every movement the result of which has been to give the world an impetus forward had behind it an army of aspiring and ambitious young men, who were not satisfied with things as they found them, whose intellectual energies grasped a scheme or schemes of improvement, whose nerve backed up their judgment as to results, and who to obtain results boldly enlisted in the army of debtors and gave to their country and to the world the imperishable benefits which all enjoy, and which ought to consign their names to a halo of glory instead of the pillory of a bankrupt court.

Illustrations of this truth are so numerous and striking that it would be an idle waste of time to stop and cite them. No man can draw a truthful picture of the world's progress and leave out of it the great toiling army of the world's debtors. Capital is a useful implement, absolutely essential in every field of human effort, but, as a rule, in the hands of those who own it it "toils not, neither does it spin." To be of value to the world it needs transplanting; but, like many another thing of value, in order to gain in possibilities it must take on an element to which in the old field it was a stranger—the element of hazard. In the old field, while accomplishing nothing, it was secure. In the new field, where the possibilities of achievement are immeasurable, it is constantly liable to assault, very often from forces against whose approach no care can guard and in the breath of whose presence fortunes take instant wing. Yet without this element of hazard, as the world is constituted, progress would be impossible. Bankrupt laws are enacted to reduce the degree of loss, and therefore the risk, not to the men who incur the liability and who have staked their all, but to the men who furnish the money and who seldom if ever stake all in a single enterprise.

But having said this much on the subject generally, I desire now to address myself to the pending bill, which I am assured by its friends is in the interest of the debtor—provided he is honest—but in the interest of the creditor if he is dishonest.

In section 2 of the proposed law there are eight specific acts of bankruptcy, one having been struck out by the committee. In most of them insolvency is a condition precedent, apparently without regard to whether the condition does or does not exist. It is contended that the debtor is protected against an improper or false charge of insolvency by the definition of the term in the first section. Let us see: A owes B; the debt is not paid when due. B waits what he regards as a reasonable time and files a petition alleging the second specific act of bankruptcy, to commit which the debtor must be insolvent. Suppose it is discovered upon a trial of the issue that, notwithstanding his failure to secure the release of property levied upon, his assets exceed his liabilities and that he is therefore solvent. Your law has in the meantime dragged him into court, perhaps at a distance from his place of business, has compelled him to be at considerable expense, and has injured his character and standing and partially or wholly prostrated his business.

The question of insolvency becomes a case in court and carries with it the features of litigation usual in all cases and which are seldom pleasant to suitors or jurors, and, in addition, it would have inquisitorial features of the most virulent character. For the

purpose of determining the matter of insolvency every act of the unfortunate debtor, real or imaginary, would become the subject of inquiry and subsequent criticism. Whether relating to the matter in hand or not, it would be tortured into a bearing upon it, and acts concerning the acquisition or disposal of property, entirely innocent of any taint of fraud, would be made to do service in some way, to the serious injury of the debtor. After all this, after his private affairs have been made public, after he has passed through days of torture, after his character has been blackened by innuendo, after his business has been impaired, the evidence is found to be insufficient to establish insolvency, and he is discharged and permitted to gather up the debris of the wreck that has been strewn about the court and return to his home, from which he would never have been taken but for a law like this. And this, we are assured, is for the benefit of the debtor.

How considerate the law which provides a way by which a creditor may involve his debtor in months of trouble and large expense for no better reason than to show the falsity of the allegation of insolvency, and how delightful must be the Christian charity of a law which assures an unfortunate debtor after he has been harried by the kind and considerate proceedings to which it has given rise, after his good name has been blackened, after his business has been seriously impaired, that it was enacted for his good! The inventor of the guillotine always contended that his machine was for the good of society, but the poor devil whose neck was bared to its descending knife was allowed the very poor consolation of differing, in the peace and quiet of the grave, with the opinion of the inventor. Possibly the poor debtor, after he has paid the penalty of exciting the wrath of some merciless creditor, may be permitted to contemplate in a respectful sort of way the beauties of the system of which he is the much-vaunted beneficiary.

This spirit of kindness toward the debtor runs through the bill. Another strong evidence of it is in the provision which makes the transfer of property by a debtor while he is insolvent an act of bankruptcy. He may at the time, in his opinion, have property enough to pay all of his indebtedness, but, in the tenderness of this bill for his welfare, that would count for nothing. One creditor out of ten makes up his mind that he knows what the debtor's liabilities are and what his assets are worth, and that the value of the latter is not equal to the amount of the former; and knowing of the sale and transfer by him of a horse, or a cow, or a hog, or a sheep, or some other piece of property, files his petition, alleging the transfer, and of course the condition precedent, insolvency, which makes it an act of bankruptcy. The trial might disclose that at the time of the transfer a fair valuation of the debtor's property would establish his solvency, but the provisions of this bill are so kind to the debtor that four months are allowed to the creditor within which to file his petition alleging the transfer, and the proof must relate to the date of filing the petition. Some misfortune might have swept away a large portion of the debtor's property between the time of making the transfer and the date of filing the petition, which would make the transfer—an entirely legitimate and innocent transaction at the time it was made—an act of bankruptcy at the date of filing the petition. But it is alleged that the transfer must be made for the purpose of giving a preference. If the man to whom the transfer was made was a creditor at the time, although the indebtedness was but the balance due on an open account, it would be practically impossible for the debtor to rebut the presumption that he intended to give a preference.

Let us take an actual case for the purpose of illustrating this point. A man is engaged in the retail grocery business. On the 1st day of May he owes \$5,000 and has assets worth \$6,000. He is then solvent within the meaning of the bill. A part of his indebtedness is due to farmers and gardeners, with whom he keeps an open account, selling them goods and buying produce from them, settling whenever it suits the convenience of himself and his customers. On the 1st day of May he sells one of his farmer creditors, to whom he owes \$100 for produce, \$50 worth of goods. Three months and a half afterwards a wholesale grocer to whom he owes \$500 learns of the sale to the farmer and immediately files his petition alleging insolvency, and that the sale was made for the purpose of giving a preference. The debtor might, between the date of making the transfer and the date of filing the petition, have met with losses that impaired his solvency, or his property might be unfairly appraised. In either case he would be forced into bankruptcy, not because he had violated any law, either of God or man, but because he had been making an honest effort to do a legitimate and successful business.

Under the second subdivision of section 2 an attachment is levied upon a debtor's property. If it is not released within thirty days it becomes malignant and grows into an act of bankruptcy. To avoid the perdition of a bankrupt court he transfers to the attaching creditor to pay the debt and release the writ, or to some other person to whom he is indebted, but who has faith enough in his integrity to let him have the money, a piece of property. The writ is released, but under the operation of the machinery of this

bill the poor dupe of a debtor would but have pulled himself off of one horn of the dilemma to be impaled upon another. He would have escaped from the second subdivision to be caught in the meshes of the fifth. He would have torn himself away from Scylla to be dashed to pieces against Charybdis.

But the teeth of this bill have not yet all been exposed. A debtor is sued. He has no defense against the note or account and suffers a judgment to be entered against him because he can not prevent it. Having allowed the judgment to be entered against him, he learns that he has committed an act of bankruptcy. He casts about him for the means of satisfaction. He has property that he could dispose of without impairing his solvency, but the same law that injected the poison of fraud into an innocent act prohibits him from satisfying the judgment by a sale of any of his property or from the proceeds of such sale. The "intent to defeat his creditors," intended as a protection to the debtor as against unjust and utterly unfounded petitions, would be found of little practical value. It will be noticed that insolvency is not an essential element in an assignment in bankruptcy under the sixth subdivision of the section. A debtor might have property worth three or four times the amount of his liabilities without having the money to prevent a suit and the recovery and entry of a judgment against him. The judgment having been entered, it needs only to be alleged that he suffered it for the purpose of defeating his creditors in order to lift it to the dignity or reduce it to the malignancy of a full-fledged act of bankruptcy? Perhaps he might be acquitted upon a trial, but from what source would he be compensated for the actual losses sustained? The language of the subdivision referred to is as follows:

(6) Procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy: *Provided*, That a payment or satisfaction of such a judgment by a sale of any of the debtor's property, or from the proceeds of such a sale, shall not be deemed a payment of such judgment under the provisions of such section.

The language of the paragraph speaks for itself, and is fairly descriptive of an ancient engine of torture, in the coils of which every movement of the victim served but to increase his pain.

But there is yet another subdivision to which I desire to call the attention of the committee. The eighth subdivision of the section under consideration reads:

(8) Suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such execution shall be paid before a petition is filed.

In construing the first paragraph of section 2 the second paragraph must be kept in mind, which permits the creditor to file his petition alleging any of the acts of bankruptcy specified so far as they relate to the transfer of property or its seizure upon legal process, or the rendition of judgment against the debtor at any time within four months after the commission of the act alleged, or after having suffered it to be done. It should be remembered also that insolvency is always a condition to be proven to the satisfaction of a jury, and necessarily involves time, trouble, and expense, to say nothing of damaged business standing and character, for which there is no compensation. The paragraph, therefore, should read: "If while suspected of insolvency the debtor suffers an execution against himself for \$500 or over to be returned no property found he shall be deemed to have committed an act of bankruptcy, unless the execution shall be paid before the petition is filed." The paragraph should read that way, for the reason that the condition of insolvency is, as has been stated, always a question to be inquired into and determined after the petition is filed. Now, an execution may be issued against a solvent as well as an insolvent debtor. It has been done a great many times under State laws and would, I think, be possible under a national law, the difference being that under State laws the consequences would be a great deal less serious. Besides, a perfectly solvent debtor may have less than \$500 worth of personal property. He may have a large amount of real estate, and it may be necessary to return the execution no property found in order to reach the real estate. Under the provision I am considering it would be equally an act of bankruptcy. Suppose it is suggested that the debtor might himself dispose of a portion of his real estate and pay off the execution, and thus relieve himself of the danger of being forced into bankruptcy. It is only necessary to call attention to the fifth subdivision of the section to show that while avoiding one danger he would be but courting another.

I do not believe that this collection machine was cunningly devised so that the cogs would fit into each other in this cold-blooded way. I can not believe that. It is impossible that men endowed with humane hearts and inspired with the sentiments of the good Samaritan—as I know them to be—rather than with the sentiments of the mercenary people who looked at the prostrate and bleeding form of the poor fellow who fell among thieves and then passed by on the other side, could deliberately plan a collection machine, however desirable such a machine may be, that would compel a large majority of the business men of the country to pass through

a bankrupt court whether they wanted to or not; that would transform legitimate and honest acts, done in the line of business, into knocks on the door of bankruptcy and invitations to be shoved in. The bill has many good features, if a system of involuntary bankruptcy can be regarded as having good features, and the bad features to which I have called attention are no doubt the result of a constant and too close watchfulness to prevent a debtor who has started downhill from checking his speed and getting a breathing spell and possibly starting back toward the top of the hill again by using some of his own property for that purpose. It was argued doubtless that if judgment was entered against a debtor and he was permitted to pay it off that in that way he might succeed in giving some creditor a preference. The ghost of preference must have been a constant attendant at the table of the committee, and will have to bear the responsibility for the harsh and cruel features of section 2 and for some other portions of the bill which had to be written in harmony.

It is believed, in the matter of expenses connected with the administration of bankrupt estates, that the bill under consideration is an improvement upon the law of 1867, and yet a careful examination of its provisions reveals possibilities in that direction which, should the bill become a law, might in a short time rob it of much of its supposed virtue in that regard.

It should be noted, Mr. Chairman, that the liabilities of the failures of 1895 are but little in excess of 1894 and less than half those of 1893. It must be apparent, therefore, that the country has started in the right direction without the aid of a bankrupt law, and out of sheer inability with its vital forces to remain at the bottom. It should be noted also that in a number of the States the liabilities of the failures of 1879, the year following the repeal of the last bankrupt law, amounted to a larger sum than did the liabilities of the same States for the year 1895. In quite a number of other States the amount of the liabilities for 1895 is about the same proportion greater than in 1879 as the volume of business is greater. It would seem, therefore, to be a reasonable conclusion that 1879 was not benefited in its business channels by the bankrupt law which had just been repealed, and that 1895 was not injured by the absence for eighteen years of any such law.

A great deal of eloquence has been given to the consideration of this theme during the progress and growth of the Republic. Much stress has been laid upon the responsibility and duty of Congress growing out of the constitutional provision, in spite of the fact that the provision may easily be accounted for without regarding it as an effort to give vitality to the great Declaration of Independence touching the inalienability of life, liberty, and the pursuit of happiness. If the beatitudes of a bankrupt law will open up such a vista of happiness to the otherwise bedeviled debtor as it is pretended they will, why is he so utterly blind to the fact? If he is "stripped of all motives to human exertion, with the incubus of an immovable mass of debt upon him, surrounded by a family sharing, without being able to alleviate, his sorrows and sufferings," and if an involuntary bankrupt law can lift that "immovable mass of debt" that is crushing him, why in the name of all those eloquent gentlemen does he not get up and say so? Why does he remain as dumb as an oyster in the presence of proffered blessings of such rare excellence and great magnitude? Is he wedded to his misery, or is he incapable of perceiving the happiness offered him and which he has only to reach out his hand to take? May it not be possible that he is wiser than are his eloquent friends, and that, sugar-coated as the scheme may be, he feels a natural and justifiable repugnance to placing himself and his business under the constant surveillance of a law that allows an honest business transaction to be transformed into an act of bankruptcy?

If the object and purpose of the law is to benefit the debtor, and through his restoration to a condition of financial soundness benefit the country, a voluntary bankruptcy law would accomplish the desired result. If, however, it is proposed to enact an extraordinary remedy for the collection of debts, in the operation of which the unfortunate debtor is to be assigned the rôle of helpless victim, it should be frankly so stated. The objections urged against a voluntary bankruptcy law can not be well founded, for they assume that the shrewdness of a scoundrel would enable him to use its provisions to obtain credit and then to escape from the liability; in other words, to play a succession of successful bunco games upon the innocent and unsuspecting creditor.

That class of creditors disappeared from the earth some years ago, and if the meshes of the law can not be so arranged that they will hold a debtor who voluntarily puts himself within them until his exact status can be determined, until it is known whether he is entitled to a certificate as an honest man or a ticket of leave as a rogue, it is a confession of weakness that is well calculated to place the entire scheme under the ban of suspicion.

Take the pending bill and strike out its involuntary features and then set it in motion. The instant a debtor begins practicing dishonesty and fraud he renders the law powerless to aid him.

Should he prepare for bankruptcy, as it is alleged he would do, he could not avoid making an index that would lead to his detection and prevent his discharge. If this reasoning is not sound the bill in its entirety would prove a failure, for the reason that the same scoundrel could, with the same ease and the same success, prepare for and file his petition to be adjudged a voluntary bankrupt, and secure his discharge with equal facility under the provisions of this bill whether section 2 is left or struck out. A system of involuntary bankruptcy will have all the benefits and all the evils of such system, whether operated alone or in conjunction with involuntary bankruptcy, as in the pending bill. If the object and purpose of the proposed legislation is to lift from commerce and the industries a burden of indebtedness that has become too heavy to carry; if its purpose is to restore confidence through a restoration of credit, and in that way rebuild the foundation upon which alone prosperity can be secured and retained, it would seem that the welfare of debtors should receive the first consideration.

But is the time opportune for the enactment of any system of bankruptcy, and more especially for the enactment of an involuntary system? Under the provisions of this bill it is the duty of the trustees to reduce the assets of the bankrupt to money as speedily as possible. At present there is no sort of property that will sell at a forced sale except at a ruinous sacrifice. Assets fairly worth enough to pay 100 cents on the dollar of the liabilities would be contracted by the forced methods of reduction until they would not pay 50 cents on the dollar. Besides, legitimate business would be seriously retarded and crippled by loading the market with immense quantities of goods at a price impossible to compete with. In the sale of goods a merchant has never been able to compete with the marshal, the sheriff, or the constable. The business of the former will not thrive unless the goods are sold at a profit, while the business of the latter thrives most when the loss is greatest. Evidently the desire for the return of business prosperity is incompatible with a desire for the passage of the pending bill. When men want water to flow, they do not build a dam across its pathway. Forced sales of property are always inopportune when money is scarce, and a law which would promote them, instead of aiding the country toward a return of prosperity, would but plunge it into deeper depths of commercial and industrial disaster.

It is but natural to conclude, as we look out upon the people struggling under a load of indebtedness they are unable to pay, that the load ought to be lifted and the people relieved. That conclusion is irresistible and nearly unanimous. The differences arise when an effort is made to provide methods and measures of relief. No one would deliberately add to the distress, and yet it is impossible to see how that result could be avoided under the operation of an involuntary bankrupt law enacted and set in motion under monetary conditions such as prevail to-day. It is not unreasonable to say that one of the chief virtues of the committee's bill—the diminution of expenses—would be speedily transformed into a grievous fault. The officers having no further use for an estate when once safely landed in court, their several fees having already been determined, would at once begin looking around for other victims, their income depending solely upon the number of estates.

Now, Mr. Chairman, in conclusion, I stand here to appeal for the people. It is a mistake to suppose that prosperity can be restored by firing the debtors of the country from the catapult of a bankrupt court. Individual indebtedness is less in amount now than it was two years ago or one year ago. Confidence is returning gradually. The croakers are retiring into the shadow as the dawn of a better day, already gilding the hilltops, descends into the valleys as the sun of prosperity rises toward the zenith. Do not impede the coming of the day by filling the land with bankrupt officers, bankrupt courts, bankrupt sales, and bankrupts.

Mr. DANIELS. Mr. Chairman, from the discussion that has already taken place concerning the provisions of the pending bill it is entirely clear that the gentlemen who have addressed the House are all in favor of the voluntary feature of it. It is not, therefore, necessary to enter into any considerable examination of these features, which are provided for the purpose of enabling the debtor who is loaded with debts to apply to the courts for relief upon his own motion. So far the bill seems to be free from any substantial exception. It is only concerning the involuntary system that the objections have been brought to the consideration of the House.

Now, let us see how the debtor stands who may be liable to be proceeded against under the bill, if it shall become a law, in view of the provisions of the State laws authorizing creditors to take proceedings for the collection of their debts. Whenever he fails to meet his obligations he may be sued by his creditor; and if one of his creditors sues him, the others are sure to follow as rapidly as they may be able to serve the processes; and in this manner, if the individual is insolvent, he is not only liable but sure to be broken up in his business, and sooner than by any possibility he

could be under the provisions of the enforcement of such an act as this. But we may go further. Suppose he is attempting to assign his property or place it beyond the reach of his creditors when they recover a judgment or judgments against him and the executions are returned unsatisfied, the process they then can pursue is a creditor's bill, or a proceeding supplementary to their executions, upon which search is made for the property of the debtor; and this, when found, is brought before the courts for distribution, and the proceeds divided among the creditors.

When this is all done, and all the property is in this manner found that may be capable of being found belonging to the debtor, the balance of his debts still remain against him, to be held over him for all time, if such is the disposition of the creditor. He is placed in a position, therefore, where he can not engage in business pursuits or substantially help himself by any exertions for the purpose of securing relief. Now, suppose the debtor is guilty, or is chargeable with one or more of the acts of bankruptcy that are mentioned in this bill. Then what is the course that the creditor is entitled to take against him under the State laws in these circumstances? It is not simply to bring a suit against him for the purpose of recovering a judgment before he can seize his property upon execution, but to issue an attachment, because the laws of nearly if not all the States of this Union provide for attachments under those circumstances, and when the creditor makes his affidavit maintaining one or more of these grounds and files his bond as the law requires, he may obtain an attachment without the knowledge of the debtor and seize every item of property not exempt from execution that is within the reach of this process in the hands of the sheriff.

The proceedings which are provided for by these statutes are substantially based on the acts contained in this bill relating to the disposition of his property, or to the absence of the debtor for the purpose of avoiding the service of process upon him, or the concealment of his property, or the confession or allowance of the recovery of judgment against him collusively, for the purpose of seizing and disposing of his property to a friendly purchaser. The State law allows all that to be done by proceedings harshly taken against him under the provisions of the State laws, and he has no remedy whatever.

But even under these circumstances, where his property is seized and sold owing to the fact that he has rendered himself obnoxious to attachment proceedings, his debts are not satisfied unless the proceeds of his property are sufficient to satisfy them, but the balance will still remain against him and hang over him through his life unless it be liquidated in some other manner or compromised through the voluntary action or generosity of his creditors.

This is the position in which a man stands who is a debtor under the laws of the different States, and in the State of Massachusetts the creditor may go still further without assigning any one of these causes; but upon the mere circumstance that a man is in debt and has failed to pay his indebtedness an attachment may issue in the first instance and his property be seized. Now, how does he stand in the bill as it is now before the House?

It is objected to this bill, or to the involuntary part of the bill, that it is cruelly harsh so far as the debtor is concerned. But if you will look at the provisions of the bill you will see that there is no harshness that is in comparison in any degree or in its consequences with the proceedings that may be taken against the debtor under the attachment laws of the different States.

Mr. FAIRCHILD. Will the gentleman from New York allow me to ask him a question?

Mr. DANIELS. Yes, if you will be brief. My time is short.

Mr. FAIRCHILD. Is the failure to pay a promissory note for thirty days a ground for attachment under the laws of these States.

Mr. DANIELS. No, sir.

Mr. FAIRCHILD. It is one of the grounds for involuntary bankruptcy.

Mr. HENDERSON. But there must be the element of insolvency also.

Mr. FAIRCHILD. That is one of the questions to be adjudicated.

Mr. DANIELS. Under the laws of the State of Massachusetts it would be a sufficient ground; but suppose it is not. You may sue a man under such circumstances, and recover a judgment against him, and levy an execution and take every cent's worth of property not exempt from execution that he has, and where one creditor sues the others are sure to follow, and the man is no better off in the end; certainly not as well off as he would be under the involuntary proceedings of this bill.

Now, let us see what this bill has provided, because I must proceed rapidly in the consideration of these proceedings. It does not provide for seizing the property of the debtor, as it may be seized under the attachment laws of the different States, or for the arrest of his person, because he may have disposed of his property under a charge that it was designed to defraud his creditor.

Mr. FAIRCHILD. I do not want to interrupt the gentleman, but is it not a fact that in order to secure an attachment under the laws of a State a creditor must give an adequate bond?

Mr. DANIELS. I have already stated that. Now, if this bill is matured into law, let us see what the proceeding then will be which can be taken against the insolvent debtor. It is not, as I said before, a harsh or cruel proceeding by any means. A petition is presented to the court or to the referee, if the court refers it to a referee, or the clerk, in the absence of the judge, does so. The debtor then has ten days, under the provisions of this bill, in which to file an answer to that petition, and when he files that answer to the petition he may deny the existence of any or all of these facts or circumstances which are designated in the law as acts of bankruptcy. He can not do that when an attachment is proposed to be issued against him. He has no opportunity to appear in court and question the validity of the proceedings or the right of the creditor to this process; but if the creditor prima facie complies with the laws of the State, he has his writ of attachment as a matter of course, and the debtor's property is seized.

But when the petition is filed, under the provisions of this bill the debtor is in a position to dispute the commission of either or all of these acts of bankruptcy which may be alleged as the ground of proceeding under the petition. He has ten days, by the direct language of this law, to file his answer and deny the existence of the cause or causes upon which it is claimed that involuntary bankruptcy shall be instituted and maintained against him.

So that here, instead of being proceeded against ex parte, without notice to him, and his property actually seized, nothing can be done, no step can be taken which may appear adverse to him in any respect whatever without ample opportunity for resistance. This petition must be served, and he has after that ten days to answer whether there is any ground for the proceedings to be taken against him to put him into involuntary bankruptcy.

Now, if he is guilty of the act or acts charged, then, of course, he has no ground of resistance to the proceeding. If he is guilty, if he has disposed of his property with intent to defraud his creditors; if he has concealed it; if he has absented himself to avoid service of civil process, or done either of these things, why, then, of course, he is obnoxious to the proceeding which the bill provides may be taken against him. But if he is not; if he is in a situation in which he can deny the charge made against him in the petition, and does deny it, then what is the consequence? Why, he not only arrests the proceedings there, but in addition to that he is entitled to a trial of the issue that is made in this manner with his creditors. You can not otherwise proceed. Is there anything like that in the proceedings of a State court if a man is liable to arrest or his property to seizure under attachment? You will find it nowhere in any one of the statutes of the States.

Then you go further, and by section 19 of this bill he is not only entitled to a trial for the purpose of ascertaining whether he is liable to these proceedings or not, but he is at liberty to have a trial by jury; and the gentleman from Nebraska [Mr. STRODE] in addressing the House to-day stated that in case there was an opportunity to try these matters before a jury that then, as I understood him, he saw no objection whatever to the enactment of this bill into law.

The section is this:

A person against whom an involuntary petition has been filed shall be entitled to have a trial by jury, in respect to any act of bankruptcy alleged in such petition to have been committed, upon filing a written application therefor before the expiration of the time in which an answer may be filed.

So that he not only has by virtue of this bill, if it should be enacted, ten days to file an answer and to put the allegations of the petition in issue, but he may also file a written application to the court asking that the issue which is made up in this manner by the petition and answer shall be tried by a jury, and that is another advantage that is not secured to the debtor in attachment proceedings under any of the statutes in the different States of this Union.

In point of fact, every possible precaution seems to have been taken in the bill to prevent these proceedings from being maintained wherever there is not a substantial ground for them. Wherever they may operate harshly upon the debtor he has ample means to go before the court and insist upon a trial, and there, if he chooses, have the matter investigated and determined by a jury.

Now, is it to be supposed that when the man goes before a jury of his neighborhood or of the district that he will be less likely to be protected in his rights than in the State courts? Is that the experience of the members of this House who are lawyers? Is it not true always that juries leniently regard, as far as they can, the rights of the debtor, and protect him against harshness in legal proceedings where the evidence will permit that to be done? It is the experience of every man that has ever had experience in cases of this character that the debtor is not sacrificed, and will not be sacrificed, either by the court or the jury, unless a case is made out against him which authorizes such proceedings as this

bill has provided may be instituted and maintained where the debtor is proved to have been guilty of either one of these acts of bankruptcy.

Mr. TERRY. Does the gentleman contend that under this bill they will have the right of jury trial by their neighbors?

Mr. DANIELS. Yes, sir.

Mr. TERRY. It is a jury in the bankruptcy court.

Mr. DANIELS. It is in his neighborhood, in his district.

Mr. TERRY. That bankruptcy court may be 400 miles away from his home.

Mr. DANIELS. They are to have trial by jury in the district wherever the charge may be made, because in the United States courts the case must be tried in the district in which the cause of complaint arises; and where a jury is brought before a court, under circumstances of this character, for the purpose of trying such charges, we can see at once that the inclination, the generosity, of the jurors will be in favor of the debtor who is proceeded against rather than in favor of the creditor.

There is this distinction also: Suppose the right to put the man into involuntary bankruptcy is established; then when his property is taken and distributed among his creditors, no matter what the percentage may be, whether it is large or small, he is discharged entirely from every debt that he owes, except those which have been contracted fraudulently or others of an extremely exceptional character; while under the laws of the State, whenever the proceedings are taken and whenever they are consummated, if there is a balance left against him that his property does not pay, that balance must hang over the debtor from the time when the proceedings are ended until his life is ended, unless he finds some other means of satisfying his creditors. These objections urged against this bill must therefore be seen to be wholly unfounded. The proceedings will be a source of relief and liberation to unfortunate men overtaken by financial disaster and rendered unable to pay their debts.

Mr. HENDERSON. Mr. Chairman, this brings our side to within seven minutes of the time that has been used on the other side. I will ask the gentleman from Texas to occupy some of his time now, as we shall have but one more speech on this side.

Mr. BAILEY. Mr. Chairman, I yield twenty minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Chairman, the Constitution of the United States authorizes Congress to enact a uniform law of bankruptcy, but when you come to the practical matter of framing a law that will be uniform and equitable you encounter very grave obstacles, and it is very difficult indeed to enact a bankruptcy law that will not be used as an engine of oppression or as machinery whereby dishonest men may escape payment of their just debts. Such has been the experience of the people of the United States in the past.

In 1800 we enacted a bankrupt law, but so unpopular did it become when its workings were understood that within three years after its enactment an overwhelming public opinion demanded its repeal. After that we had no bankrupt laws for nearly half a century. The people of the United States had had enough of them. In 1841 we again essayed the experiment of the enactment of a bankrupt law. That was at a time when there had been great distress throughout the land, and it was thought that such a law might be acceptable and useful, but as soon as it was put to work so gross were its inequalities, so great were the frauds and the oppressions practiced under it, that in less than two years it was hastily repealed under the same Administration under which it had been enacted. Then we rested for more than a quarter of a century before we sought to enact another bankrupt law.

After the civil war it was again thought that a bankrupt law would be acceptable to the people of the United States. So in 1867 we passed such a law; but so great were the oppressions and the hardships that resulted from its operation that year after year there came up from all over this broad land a clamor from the American people to repeal that law. Its repeal was resisted from time to time by certain of the mercantile classes, but finally so great had become its iniquities that the great soldier-President of the United States, Ulysses S. Grant, sent a message to Congress recommending its repeal, and it was repealed.

Why, then, sir, at a time like this, again attempt to enact a measure of this kind? It is no time, Mr. Chairman, to be passing bankrupt laws. It is no time to be flying kites when there is lightning in the air. It is no time for passing measures to put the American people virtually in the hands of receivers. This bill, carefully analyzed and looking at what there is back of it, is but another evidence of the grasping greed of the creditor classes of the North and the East, reaching out to gather in and devour the substance of the debtors of the West and the South. For nearly fifteen years, sir, the wholesale dealers in the great centers of trade have been pushing for a measure of this kind, and every session of Congress we behold the familiar features and form of the affable gentleman who, if he has not given a "local habitation," has at least given a name to the "Torrey" bankruptcy bill.

The boards of trade and the chambers of commerce, those same gentlemen who so recently assured us with so much complacency that if we would but repeal the purchasing clause of the Sherman Act prosperity would instantly resume its place in this stricken land—those same gentlemen have again been busy with their set resolutions telling us that what we need now is "confidence," and that the enactment of the Torrey bill, or of some similar measure, will restore us to that very elusive element called "confidence." That, they tell us, is what we need, and inasmuch as the repeal of the purchasing clause of the Sherman Act did not restore it, this is now the great panacea for all the ills that afflict the people of the United States. And straightway, as soon as these boards of trade and chambers of commerce have sent out their resolutions, they were adopted by other similar boards and echoed and reechoed throughout the land, and hence it is that the gentleman from Nebraska [Mr. STROBE] has been receiving the requests which he speaks of from people in his State in favor of some sort of a bankrupt bill.

I venture to say, Mr. Chairman, that the gentleman who sent him that request, like the gentlemen who have written similar requests to me to favor a bankrupt bill, have, many of them, no idea of what this bill really is, and if I were to surrender my own judgment in the matter and vote for the bill many of them, when they saw its workings in the community, might probably be among the first to condemn me for having favored its passage.

Now, Mr. Chairman, I undertake to make certain statements in regard to this bill—

Mr. CULBERSON. Do I understand the gentleman to say that he is opposed to a voluntary bankruptcy bill?

Mr. TERRY. No, sir; I would cheerfully vote for a proper voluntary bankrupt bill, enabling struggling debtors to wipe out and commence anew.

Now, as to this bill. In the first place, Mr. Chairman, this bill will increase the financial distress and distrust that already prevail. Persons already struggling with a load of debt will be driven to the wall and crushed remorselessly. Seventy-five per cent of the people of the United States engaged in business to-day are heavily in debt. There is a market of falling prices—such a market that when they purchase they have no assurance that they can begin to realize the cost, with freight and carriage, of what they buy. The same cause that diminishes their profits upon the goods purchased is also diminishing the value of whatever property they have out of which they expect to pay. Under such a condition and with the pitfalls of this bill before their feet, and the open doors of a bankruptcy court before their eyes, where will you find the prudent business man who will want to embark in business with such perils before him? Therefore, instead of relieving financial distress and restoring confidence, you strike down confidence and paralyze business enterprise.

Again, sir, what is it that is to-day enabling this 75 per cent of the business men of the country to keep their feet standing upon the slippery slopes of a market of declining prices? Nothing enables them to keep their feet but the backing of their friends at home—men who know them and have sympathy with them and are trying to extend them help. Pass this bill, and you write upon the sign of every one of these men, "Your local friends dare not credit you"; they dare not give you extensions and take a mortgage for any indebtedness already due them; if they dare to do that, they are liable to lose every dollar so secured. You may be hurled into a bankruptcy court; 40 per cent of your property may be consumed in costs and charges, and your credit ruined without having even the poor recourse of a suit against the man who has ruined you.

Why, sir, this bill, more drastic than any attachment law that was ever framed, will permit your creditor not only to exercise his right of attachment, as before, but to strip you of all your property except your homestead exemptions, to ruin your business, to write the brand of "Bankrupt" across the escutcheon of your commercial honor. And then, although you may have committed no real act of bankruptcy, and the court may finally so hold, you are utterly without redress. Your creditor, who would have to give a bond if he attached your property in the United States court, can by this measure get a more drastic process than the attachment without giving any bond or incurring any liability whatever.

Is this a time for passing such bills as this? I say to you, gentlemen, in all seriousness, that while you have had men clamoring for the passage of this bill under the instigations of boards of trade and chambers of commerce, yet if you enact this kind of a measure and put it into practical operation, denying your citizens the right of trial by a jury of their neighbors, dragging them off anywhere from 25 to 400 miles to appear before a bankruptcy court—if you enact a measure of this kind you will find that the indignation of an outraged people will be visited upon your heads. Do not make any mistake about this matter.

Some men, for whose opinions I have the most profound respect

and regard, have written to me in favor of the passage of this bill; but when I contemplate what has been the history of bankruptcy bills heretofore I can not bring my judgment or my conscience to support such a bankruptcy bill at a time like this. It may be a time for the enactment of a voluntary bankrupt law. In the olden time, under the Jewish dispensation, there was, at the expiration of a certain number of years, a period of jubilee, when the debtor was forgiven his debt upon certain terms. So in the history of nations there may come times when you should open the doors of the courts in order that honest debtors may be relieved of the burdens that are pressing them down, in order that their energies may be restored to their country, instead of being crippled and fettered with debt. This is a time for a voluntary bankruptcy law; but it is no time for placing the American people in the hands of receivers.

Mr. LINNEY. May I ask the gentleman a question?

Mr. TERRY. Certainly.

Mr. LINNEY. I observe that under the provisions of this bill the liens of judgment creditors, of mortgage creditors, and in fact all liens, will be preserved in the bankruptcy court, and the assets of the debtor will be distributed pro rata according to the merit or dignity of the different classes of creditors. Now, I wish to ask the gentleman what objection he would have to this bill if the involuntary features should be stricken out?

Mr. TERRY. I have already stated, as the gentleman might have heard if he had listened to my feeble remarks, that I favor a system of voluntary bankruptcy.

Mr. LINNEY. I did not catch that remark.

Mr. TERRY. Now, sir, this bill contains not only those features to which I have hastily referred, but others equally obnoxious. Not only can you take the debtor's property away from him without any bond to compensate for any wrong you may do him, but you may actually take his body and hold it in charge of a marshal for an indefinite time. Turn to section 8, page 12, of the bill, and you will see that this is the fact. Though the bill says that the debtor shall not be put in jail, yet he can be kept in the custody of a marshal, going back and forth at the dictation of one of these petty jumped-up referees. They are to sit in judgment upon the solemn rights of the American citizen—these little referees all over the land who are so anxious for a bill of this kind—these persons who, to use the language of another, are the yelping pack that "bark in the kennels of justice." They want a bill of this kind passed. The men whose grasping greed, already overgrown with wealth, is reaching out for all the earth, would like to have a bill by which they may force their debtors into bankruptcy and gather in the little remnant of their property. They favor a bill that would deprive their debtors of local assistance and the support of their neighbors, and leave them to the tender mercies of their Eastern creditors.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. TERRY] has expired.

Mr. TERRY. I would like a few moments more—two minutes, I think, will suffice.

Mr. BAILEY. I yield the gentleman two minutes more.

Mr. TERRY. Mr. Chairman, I say these parties are anxious for a bankruptcy bill. Under the present law, when they run an attachment upon one of their debtors if they falsely sue out a writ they are liable upon a bond. Under a bankruptcy law like this they are liable for nothing. They can use this bill as a cudgel over the heads of their debtors to force from them remorseless exactions. They can, as I have said, deprive them of the assistance of their local friends.

As the gentleman from Missouri [Mr. TRACEY] has asked, "Why all this clamor in behalf of those wholesale dealers in the crowded centers?" Have they been victimized by anybody? Have they sold their goods without figuring on a margin of loss? And not only that, but, Mr. Chairman, they have sent their agents around to the little towns and villages and country places throughout the land and painted to the merchants in those places extravagant pictures of the profit to be realized from certain classes of goods, and have actually inveigled them into the purchase of goods that these men would never have thought of purchasing otherwise, giving notice to them that they would extend their obligations; and yet, when the bill, if you enact it into law, goes into effect, if that note given in payment of these goods remains unpaid for thirty days after it is due, they can have all of their property snatched from their custody and placed in the bankrupt court. There are other provisions equally harsh for times like these, but, Mr. Chairman, I have said about all I can say in the limited time allotted to me. The bill is one that ought not to pass in its present shape; it is a bill that should be carefully scrutinized, and I hope every gentleman will consider well before committing himself in favor of its passage.

Mr. BAILEY. Mr. Chairman, I had intended to speak at some length in advocacy of a substitute which, at the proper time, I shall offer for the pending bill; but I find myself under the treatment of a physician for a throat affection, which renders it im-

prudent, and perhaps impossible, for me to attempt anything like an extended speech, and I shall be compelled to content myself with a brief and simple statement of the reasons which have induced me to believe that the substitute which I shall offer would be a wiser law than the bill which the committee have reported.

It is well understood that my substitute establishes a system of purely voluntary bankruptcy, while the committee bill establishes a system of both voluntary and involuntary bankruptcy. Therefore, apart from some details, the choice between the two propositions depends upon the merits or the demerits of involuntary bankruptcy.

If my time and my condition permitted, I think I could advance convincing reasons for my contention that no involuntary bankruptcy law can ever be satisfactory to the people of this country. And yet, sir, it is probably true that if both my time and strength were unlimited, I could not by any argument make that clearer than it has been made by the experience of this country. If my mind were a blank on this question; if in the discharge of my duty I had never been called upon to give it any thought or investigation, the fact that three times in our history a similar law has been tried and each time has proven a failure would be sufficient to deter me from the support of such a measure.

In the early days of the Republic, Congress passed an involuntary bankruptcy law. That law, by its terms and in its concluding section, limited its duration to five years. And yet, with that limitation of five years in the body of the statute, the law became so odious to the people that it was repealed within three years. The country then passed through many reverses, as a new and rapidly developing country always must, and again, in 1840, the Whigs signalized their return to power by passing the bankruptcy act of 1841.

The wise men of the country then admonished that party against the folly of repeating an experiment that had proven a failure before; but it was said then, just as our friends on the other side of the House say now, that the new law was free from the obnoxious features of the old law. And yet, with the benefit of an experience covering forty years, and though the House and Senate then embraced the greatest men of that or any other age, they were unable to devise a wholesome measure, and the law grew so odious that the very Congress that enacted it repealed it. From the repeal of that act the country was never again tempted to experiment with such a law until after the civil war had swept over the land, desolating its homes and wrecking its fortunes. After that dreadful time had come and gone, Congress responded to the popular demand for relief and passed the act of 1867. Within six years—yes, indeed, within four years—after that act had been written upon the statute book the people began to demand its repeal. The House repealed it twice before the Senate could be induced to act; but finally the slower-moving Senate was compelled to answer the popular demand, and for a third time the House passed a law repealing the act of 1867.

Mr. DOLLIVER. Will the gentleman yield for an inquiry just there?

Mr. BAILEY. With pleasure.

Mr. DOLLIVER. Has my friend examined the debates in connection with the matter to find out whether the unpopularity of the bankrupt laws of which he speaks arose from the machinery of their administration or from the principle of involuntary bankruptcy which was carried in them?

Mr. BAILEY. I have examined them; and I will say to my friend from Iowa that the general opinion was expressed by Senator Conkling, who declared that in a country like this it is impossible to successfully administer an involuntary bankruptcy law. Almost everybody agreed that its involuntary provisions had been abused by unjudy creditors. And how anxious they were to repeal it is well attested by the fact that the repealing act passed this House by a vote of 201 to 40.

Now, gentlemen of the majority, I appeal to you. Your party passed the law of 1867 at a time when the country stood more sorely in need of it than ever before, and that law was admitted to be as perfect as the wise men of that day could make it, yet it wrought injustice and disaster; and are you willing, within twenty years of the time when it was repealed, to put back upon the statute books a law more drastic in many of its features than it was? No man can point out the particulars in which this bill is an improvement upon that bill.

Mr. TAWNEY. Mr. Chairman, if my friend from Texas will permit me, in response to the question asked by the gentleman from Iowa [Mr. DOLLIVER], I will say that within the last twenty-four hours I have examined the debate on the repeal of the act of 1867, and it appears conclusively that it was the abuse of the involuntary feature of that act by the unscrupulous creditor that made it so obnoxious that the public demanded its repeal.

Mr. BAILEY. There can be no doubt about that. That was the ground upon which General Grant recommended the repeal of it.

It is frequently insisted that as a bankruptcy law operates suc-

cessfully in Great Britain it can be made to do so in this country. The difference between the conditions of the two is essentially different. The bankrupt law of Great Britain is practically their attachment law. Besides, England is a small, compact commercial country, and there are many differences between that people and this people, which necessarily makes the operation of the system there and here different. We have in every State in this Union an excellent system of collecting debts, and I believe there is no State in this Union in which a fraudulent debtor may not be brought by a summary process into court under a writ of attachment.

I feel now, as I have felt all the while, that while a purely voluntary system would be the best, yet I would have been willing to agree that the Federal bankruptcy law should embrace the same provisions which are comprehended within the State attachment laws; and if our friends are sincere in saying that they seek the benefit of the debtor as well as of the creditor, tell me, in the name of common sense and justice, why it is that they ask the American Congress to go further in a bankruptcy law than any of the States have gone or will go in an attachment law.

There is no State in this Union—or if there be one it will be found to be that exception which proves the rule—where a man can be dragged into court by the extraordinary process of attachment unless he has committed a fraud or unless that attachment is necessary to give the court jurisdiction.

Now, Mr. Chairman, though I do not believe that any involuntary system of bankruptcy can be successfully administered in this country, and although I believe that as often as the system is tried it will become unpopular and be repealed, yet I would be willing to try a law that limited acts of bankruptcy purely and only to those acts that justify attachments.

I have no fondness for fraudulent debtors. I am perfectly certain that fraudulent debtors do not deserve the favor of the law; but the vice of this bill is that in uncovering the fraudulent debtor it gives the merciless and vindictive creditor the opportunity to harass and destroy the honest debtor.

Our friends have proceeded throughout this entire debate upon the theory that those of us who advocate a voluntary bankruptcy law have lost sight entirely of the interest of the creditor. It is a strange oversight that leads any man to this conclusion. I am free to say that a voluntary system, like the substitute which I have prepared, proceeds upon the theory that when an honest man who is unable to pay all his debts has surrendered his property for pro rata distribution among his creditors, he ought to be permitted to begin life over again with a clean sheet; and that is also the theory of the committee bill. Every gentleman who has defended that bill affirms that it is right to permit an honest but unfortunate debtor to surrender his property and begin the race of life over again, unburdened by those debts which it is impossible for him to pay. We insist that in giving an additional remedy to the creditor against a dishonest debtor, or even against an insolvent debtor, there is great danger that it will be abused, for the experience of three laws and nearly a hundred years proves that it has been abused. We refuse to believe that human nature has changed, and we feel sure that what happened under the old law will happen under this law with its equal opportunities for oppression.

I believe that the consummation of wisdom in framing a bankruptcy law is to devise one under which an honest debtor can surrender his property and procure his discharge, but of which a dishonest debtor could not obtain the advantage, and I believe that very few men will dissent from that opinion. I also believe that any fair and impartial man who will examine this substitute without prejudice will agree with me that no dishonest debtor can procure his discharge under it.

Mr. RAY. I would like to ask the gentleman what his substitute is? Is it the bill 742?

Mr. BAILEY. No, sir; the substitute is numbered 8234. The bill to which the gentleman refers will be offered as a substitute.

My substitute provides that any man who has assigned all he has above his exemptions for the equal benefit of all his creditors is entitled to a discharge. It further provides that any man who has given a preference, either directly or indirectly, or has done any act tending to defeat—I do not even make it a matter of intention—but who has done any act “tending to defeat” the fair distribution of his assets among his creditors, or who has suffered an attachment to be levied upon his property, shall not be entitled to the benefit of this law.

The attachment clause was not free from difficulty. If a man whose property had been attached was permitted to get a discharge it opened the door for fraud, because his relatives and favorite creditors would attach him immediately upon the passage of the bill, and they would take all the property to pay their debts, leaving the other creditors to be paid with a certificate of the bankrupt court. To avoid that, the substitute denies him a discharge if an attachment has been levied upon his property within a given time. But we could not safely stop there, for if we did, any vindictive creditor could have prevented his debtor

from obtaining the benefit of the law by instituting attachment proceedings; and so we provided that if upon the levy of an attachment the insolvent debtor would make an assignment as specified in the bill, the effect of that assignment should be to vacate the attachment, and his estate should then be administered and divided among all his creditors. We thereby put it beyond the debtor's power to allow a favored creditor to attach him and thus obtain a preference, and we also put it beyond the power of a vindictive creditor to attach him and prevent him from obtaining the benefit of the law.

Mr. BURTON of Missouri. If he complies with the conditions there.

Mr. BAILEY. If he comes into the court and brings all his assets, then he is entitled to the benefit of the law, and I believe no man will say that he ought not to have it.

Mr. DOLLIVER. If the gentleman will permit me, what does your bill do with the old-time failures?

Mr. BAILEY. Every insolvent debtor can come in under it without reference to the date of his failure.

Mr. DOLLIVER. Suppose this case of preference or preferred attachment, originated at the time of the failure of a merchant, was ten or twenty years ago?

Mr. BAILEY. The bill does not undertake to go so far back. It provides that the prohibited acts shall not have been done within three months of the passage of the bill. That limitation was incorporated in the bill to prevent the rush of fraudulent debtors, who could give their property to their favorite creditors before the passage of the bill.

Now, Mr. Chairman, I am not one of those who dream that any legislation can make a rascal an honest man. I know perfectly well that no power short of that Divine power which gave sight to the blind and which healed the sick can make a rascal honest; but I do believe that it is within the reach of practical statesmanship to make a rascal act honestly by making it to his interest for him to do so. We attempt to do that by offering to every insolvent debtor his financial emancipation if he will place his property in the hands of an assignee for the benefit of his creditors. When he does that, it has passed out of his control and becomes the property of his creditors. We make him surrender his property before we permit him to ask for a discharge. He can come into court only by alleging that he has surrendered his property for the benefit of his creditors. Any creditor has a right to contest the debtor's application for discharge, and can defeat the discharge by proving that the debtor has done any of these prohibited acts.

Now, put it to yourselves, gentlemen. Suppose a dishonest debtor, in failing circumstances, desires to prefer some relative or favored creditor, he can do it, of course, in any State which permits a preference (though many of the States do not permit it), but if he does he can get no benefit under this bill. So he stands there with a relative or creditor on the one side, asking for a preference, and on the other side is the bankrupt law, warning him that if he does give a preference he shall not be discharged from his debts. What would a dishonest man do under the circumstances? He is looking always to his own advantage, and in such a case he will say to himself, “If I prefer any creditor and then assign the balance of my property my property will be gone, and if it is found that I have given a preference I shall get no discharge.” The certain result will be that rather than take the chance of giving a preference and being denied the benefit of the bankruptcy law he will assign all his property so that he may get a discharge, because insolvents always, whether honest or dishonest, believe that if they can only be relieved from their present obligations they can repair their fortunes.

Mr. STEWART of New Jersey. I should like to call the gentleman's attention to one point. At the top of page 2 of his substitute I find this provision:

The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated.

Mr. BAILEY. It also says “subject to the provisions of this act.”

Mr. STEWART of New Jersey. Now, the constitutional provision is that we shall have power to make uniform laws on the subject of bankruptcy; but how can a law be uniform if every State executes it according to its own special legislation on the subject?

Mr. BAILEY. The State does not execute this law. The law itself is uniform. The substitute says that when a certain state of facts exists the Federal courts may grant a discharge in bankruptcy. The fact upon which a debtor obtains the discharge is not that the property has been administered in a certain way, but that it has been surrendered. Now, I submit to my friend, and he knows perfectly well, that the exemptions are in no wise uniform throughout the several States of the Union; but the old law, which allowed these various and conflicting exemptions, was sustained by the courts.

Mr. STEWART of New Jersey. But this provision in the gentleman's substitute strikes at the substantive part of the law, not at the exemptions. It provides that it shall be administered according to the laws of the State.

Mr. BAILEY. That the estate shall be so administered; not the law. If my friend will read the substitute more closely he will find that the qualifying words, "subject to the provisions of this act," control practically all the preceding part of that provision.

Mr. STEWART of New Jersey. But my insistent is that this is a delegation of power to the States whose laws are discrepant and different, and therefore that its enactment would not execute our constitutional obligation to pass uniform laws on the subject of bankruptcy.

Mr. BAILEY. If that is my friend's only trouble, I will give him a bond to keep his conscience clear if he will support this bill. There is no difficulty on that point.

[Here the hammer fell.]

Mr. HENDERSON. Mr. Chairman, the fifty-eight minutes remaining on this side I yield to the gentleman from New York [Mr. RAY].

Mr. CULBERSON. Mr. Chairman, how much time has the gentleman remaining?

Mr. HENDERSON. We have fifty-eight minutes remaining. Does my friend from Texas desire to make some observations at this time?

Mr. CULBERSON. I wish to say a few words.

Mr. HENDERSON. I yield the gentleman five minutes.

Mr. CULBERSON. Mr. Chairman, I do not, of course, expect in five minutes to make any argument upon this bill or to discuss its details in any way.

I want to state, however, I am very anxious a bankruptcy bill should be passed at this session of Congress, for the reason that there are hundreds and thousands of good men all over the country who are unable to extricate themselves from debt. These men for the most part, in my State, are the very best part of the population; they are the most enterprising, the most energetic men we have among us; and we need their enterprise; we need their energy to help build up the interests of the country, which have been so greatly depressed.

Heretofore I have stoutly resisted the passage of any law containing an involuntary provision of bankruptcy; I have heretofore believed that such a system could not be well executed in this country. But I have arrived at the conclusion that it is impossible to pass a bankruptcy law containing only voluntary provisions; and I believe, Mr. Chairman, that the reason for this is that when you call upon the creditor class to allow voluntary bankrupts to be discharged from their debts they will demand, as they have heretofore demanded, some consideration in respect to their own interests. It is well known that throughout this country, within the last few years, the creditor class has been greatly imposed upon by the assignment laws of the States, by the privilege granted and exercised under State laws to make deeds of trust or assignments and by the preferences which have been given, by fraudulent attachments, by fraudulent judgments. Throughout the entire country the creditor class has been greatly and seriously imposed upon; and if we expect now to pass a uniform system of bankruptcy for this country it seems to me that we must give as well as take.

The bill now before the House, called the Henderson bill, is, I believe, the very best bill on this subject that has ever been offered in Congress.

Mr. BAILEY. Will my colleague permit me to ask him a question?

Mr. CULBERSON. Certainly, but I have only five minutes.

Mr. BAILEY. We will secure you more time. Do you believe that if the House should pass this bill it can pass the Senate?

Mr. CULBERSON. I am just coming to that. I ought to say in advance that the measure offered by my colleague [Mr. BAILEY] has in some of its features been offered heretofore both in the House and in the Senate. But the measure as heretofore introduced has been very greatly improved and enlarged by him, so that it is a far better measure than it was when it was offered in the Senate years ago and in the House of Representatives during the Fifty-first Congress; and if it could become a law I should vote for it with the greatest alacrity. I have an idea that I will vote for it at any rate as a substitute for the present bill, merely to maintain my record. [Laughter.] But I hardly think it can become a law. If it could, I think the country would be greatly benefited by it.

Now, as I was saying, the measure reported by the gentleman from Iowa [Mr. HENDERSON], the chairman of the Judiciary Committee, is the very best bill I have ever read, combining both the involuntary and the voluntary provisions. With the highest respect for the judgment of some of my colleagues on the committee who have opposed this bill, I think they have greatly exaggerated the hardships that will flow from the passage of this bill,

because it is a very different measure from the law of 1867. It is widely apart from the bill known as the Torrey bill.

[Here the hammer fell.]

Mr. BAILEY. I ask unanimous consent, with the approval of the gentleman from Iowa—

Mr. HENDERSON. I hope that my colleague on the committee will be permitted to proceed.

Mr. CULBERSON. I am unwilling to trespass—

Mr. HENDERSON. And I ask that the general time be extended so as to accommodate him.

The CHAIRMAN. The Chair hears no objection.

Mr. CULBERSON. Then I will take a few minutes more.

I say that this bill is widely different and apart from the Torrey bill. There are some things in this bill that ought to be stricken out. The fourth cause for involuntary bankruptcy ought, in my opinion, to be removed from the bill. But, Mr. Chairman, if you will consider this bill in all its details you will find that under it no man can be put into involuntary bankruptcy unless he is an insolvent. Now, under the old Torrey bill the word "insolvent" had a legal meaning affixed to it. Under that bill if a debtor failed to pay a debt for thirty days or forty days the presumption was that he was an insolvent.

A MEMBER. That is in this bill, too.

Mr. CULBERSON. A gentleman over here suggests that the same provision is in this bill, but I beg him to understand that this bill defines an insolvent as one whose property or assets shall not be sufficient to pay his debts; and that question, if he demands it, is to be submitted to a jury. I do not think you will find such a humane provision in any bankruptcy law in this country or in any other. All these provisions in relation to this matter of involuntary bankruptcy proceed upon the idea that the debtor is insolvent.

There is another matter which has been referred to here and which I beg to notice for but a moment. It has been objected that under this bill you can arrest a debtor for debt, that you can take him into custody—not put him in jail, but hold him in custody by a marshal. Now, I would, if I could, strike that from this bill. I did vote to strike it out in committee. But gentlemen ought to understand that this provision itself is more humane than any of the laws of the different States of this country regulating the attachment of witnesses. Under the laws of the different States you can attach a witness, and if he does not give security or bond for his appearance he may be placed in jail. Under this bill, when the creditors assert that the debtor has made some disposition of his property which defrauds them and about which they desire to have him examined, and they ask for a writ to arrest him and bring him before the court to testify, he may be brought there. The distinguished chairman of our committee thought that it would not do to put the debtor in jail, and therefore this bill provides that he shall have the privilege of going around with the marshal until he gives his testimony in court. Is there any injustice in that, anything inhuman, anything cruel, when in every court of the country a harsher power is exercised? I do not think so.

Mr. Chairman, I did not expect to say this much. I should like to see the bill of my colleague [Mr. BAILEY] pass the House. I believe I shall vote for it. I have a great fondness for it. But I do not believe it can become a law, and will, if necessary, vote for the Henderson bill. I believe that the bill of the committee will become a law. I believe that the pressure upon Congress now from all parts of the country will induce the Congress of the United States—the Senate as well as the House—to give us a bankruptcy law that will roll the load of debt off the shoulders of the insolvent. [Loud applause.]

Mr. RAY. Mr. Chairman, I shall not attempt at this late hour in the day to make the extended remarks in regard to this bill that I intended. The gentlemen who are opposed to this bill ought to be convinced by the argument of the distinguished gentleman from Texas [Mr. CULBERSON], who has just addressed the committee, that this is a proper bill to be enacted into a law.

I have had the honor to serve on the Judiciary Committee of this House with that gentleman for now six years, and I know him to be a good lawyer and conscientious, high-minded gentleman. During four of those years he was the chairman of that committee. We have had the bankruptcy bill before our committee in each of the last three Congresses, and it has commanded the best attention the committee was able to give to it.

This bill which is now reported from the Judiciary Committee is not the Torrey bill. The gentlemen who have served with me for four years upon that committee preceding this Congress, and the distinguished gentleman from Texas to whom I have already referred, who has just taken his seat, will not hesitate to assert that I have opposed with all the power that in me lay the bills as presented heretofore. I stood side by side with the gentleman from Texas [Mr. CULBERSON], and his agreement and my agreement to the bill now reported bear the same date. I am proud of my company, because there is no better lawyer in the

Congress of the United States than that gentleman. While I come from the great manufacturing counties and States of the East and North, he comes from the agricultural districts of the South, and understands the wants of the people he represents. We now agree on this bill as adequate and just.

The other gentleman from Texas [Mr. BAILEY] is possessed of a very peculiar mind. It must be undergoing a stage of transition, or transformation, for within the last few months he has presented either to the House or to the Judiciary Committee—or will have presented, if he fulfills his promises, before this subject is disposed of—four different measures which embody essential features radically different from each other.

Mr. BAILEY. Since the gentleman from New York has seen proper to refer to me, I will simply tell him that that is not the truth.

Mr. RAY. I say it is, and I have the proposed bills before me at this moment, and have been examining them.

Mr. BAILEY. You have not got them, and you can not find any such bills as that.

Mr. RAY. I will refer to them in the RECORD, and put in extracts from them.

Mr. BAILEY. Let me say to the gentleman—and I am sure he does not want to misrepresent me—

Mr. RAY. Certainly not.

Mr. BAILEY. I was one of the members of a subcommittee instructed by the full Committee on the Judiciary of the House to draft a bankrupt law containing both the voluntary and the involuntary features. In accordance with that instruction I submitted as my minority report from the subcommittee a report, which was printed. That report is exactly the bill which I shall offer to the House as a substitute for the pending bill, with the involuntary feature cut out. And the member from New York knows perfectly well that I stated to the committee that I had ingrafted the involuntary feature on the bill in accordance with and in obedience to the directions of the committee.

Mr. RAY. I have this only to say, that I desire to ask the gentleman from Texas a few questions, with his consent, and I ask for responses to them. Did you introduce a bankruptcy bill in the last Congress and secure its passage through the House?

Mr. BAILEY. I did, and you know it.

Mr. RAY. Of course I know it. Is that the same bill that you propose to offer as a substitute to-morrow for the pending bill?

Mr. BAILEY. It is not.

Mr. RAY. Very good—

Mr. BAILEY. And let me say here—

Mr. RAY. Now, do not take up my time. I refer to your bills H. R. 4609, Fifty-third Congress; H. R. 259, H. R. 8234, and H. R. no number, all in the Fifty-fourth Congress.

Mr. BAILEY. You have asked me a question; let me conclude my answer to it. The bill I propose to offer as a substitute for the pending bill to-morrow is that bill as I introduced it and as it passed the House and was amended by the Judiciary Committee of the Senate; and I introduced it in that form for the purpose of trying to get the two Houses as near together as possible on the subject.

Mr. RAY. Now, I trust the gentleman will not misunderstand me or the remarks I was about to make. The remarks I make are no reflection whatever upon his ability as a lawyer, or upon his intelligence, or his integrity as a man. They only show that the gentleman himself is in a condition of mind where he differs with himself as the weeks and the months go by. And I submit to the House that when a gentleman's mind is in that condition he is not a safe guide to follow in so important a matter as the construction or framing of a law upon the subject of bankruptcy.

Mr. BAILEY. If the member from New York will permit me, I wish to say that in all I have done since I have been here I have been striving to secure the passage of a bill through the House that could pass both Houses of Congress and become a law; and to-morrow, when the question comes, I expect to vote for a substitute that was not introduced by myself as the best thing that can be done.

Mr. RAY. Very good, and I trust the gentleman will not take offense. I did not question the gentleman's honesty of purpose or his desire to secure a good law. I simply referred to this as showing that the gentleman himself has gone from the support of one bill to another with incredible rapidity when we consider its importance.

Mr. WILLIAM A. STONE. Will the gentleman allow me to suggest that in the opening of his remarks he puts himself in the same attitude.

Mr. BAILEY. That is the reason why I do not want to be put in the same attitude myself.

Mr. RAY. I desire to say to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] that I do not put myself in any such attitude.

Mr. WILLIAM A. STONE. You admit a conversion.

Mr. RAY. The bill that was known as the Torrey bill was before

this House and before the Committee on the Judiciary when the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and myself sat side by side in that committee, and the gentleman from Pennsylvania and I came upon the floor of this House and opposed that bill as then reported—he upon certain grounds and I upon others. Now, the distinguished chairman of the committee in the last two Congresses [Mr. CULBERSON] will bear me witness that when the new bill, known as the Powers bill, came before the Judiciary Committee in this Congress I opposed it in the form in which it then stood. I insisted that I would not support it unless the drastic, harsh features were eliminated from it, and the result of our labor has been to eliminate from the bill now before the House every harsh, every drastic feature, every provision that an honest man can object to. This bill has passed and been subjected to the criticism of three sessions of Congress, and has grown better and better until no just criticism can be urged.

Now, Mr. Chairman, before my time is entirely exhausted, I desire to call attention for a few minutes to the unwise provisions of the substitute that will be offered by the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY. Will the gentleman from New York permit me? He stated a while ago that he had been opposing this bill all the time. I have here the record of the vote of the Fifty-third Congress, page 7598 of the CONGRESSIONAL RECORD, and it shows that the gentleman from New York [Mr. RAY] voted against the motion to strike out the enacting clause of this bill voted with all the friends of the bill.

Mr. RAY. Why, certainly I voted against striking out the enacting clause. But can not the gentleman understand that I might refuse to vote to strike out the enacting clause and yet stand upon the floor of this House and advocate amendments to the bill so as to perfect it and make it a bill that I would support; and if I failed in making it a bill that I could support, then vote against the bill itself?

Mr. BAILEY. The gentleman from New York [Mr. RAY] was one of the tellers in the fight against the bill, and on the side of the bill.

Mr. RAY. I was one of the tellers in the fight against the Bailey bill in the last Congress?

Mr. BAILEY. No; this is the Torrey bill. I know that you also opposed my bill.

Mr. RAY. I did oppose striking out the enacting clause; but I made a speech upon the bill that tired all the members of this House, in opposition to it. [Laughter.] And now I trust the gentleman from Texas [Mr. BAILEY] will permit me to make a few remarks in regard to his substitute, giving a few reasons, which will be amplified, why it should not become a law, why it can not become an effective law. Before I do that, I desire to read from Story on the Constitution, just a short extract, showing what a bankruptcy bill is or ought to be. Judge Story, who wrote this book, has always been considered an authority upon constitutional questions. He says:

Without stopping at present to consider what is the precise meaning of each of these terms as contradistinguished from the other, it may be stated that the general object of all bankruptcy and insolvency laws is, on the one hand, to secure to creditors an appropriation of the property of their debtors *pro tanto* to the discharge of their debts, whenever the latter are unable to discharge the whole amount, and on the other hand to relieve unfortunate and honest debtors from perpetual bondage to their creditors.

That is the purpose and object. Then, again, he says:

Perhaps as satisfactory a description of a bankruptcy law as can be framed is that it is a law for the benefit and relief of creditors and their debtors in cases in which the latter are unable or unwilling to pay their debts; and a law on the subject of bankruptcies, in the sense of the Constitution, is a law making provision for cases of persons failing to pay their debts.

Now, in the first place, the gentleman from Texas [Mr. BAILEY] goes upon the theory that the only object of our fathers in establishing this provision of the Constitution was to provide a way and manner in which failing debtors might escape from their debts; that this was the beginning and the end, the whole scope of this power. Such a law as he has designed and presented to this House has never been enacted in this or any other country on the face of the globe, excepting that at one time England, as a supplementary act to her bankruptcy law, did pass an act known as "An act for the benefit of poor English gentlemen," designed simply to enable them to escape from their pecuniary obligations.

Now, directing attention again to this bill, this proposed substitute of the gentleman from Texas, I will call attention to the first provision of it. I want gentlemen to understand and appreciate how pernicious it would be if permitted to become a law, and the results it would inevitably lead to.

Section 1 reads:

That if an insolvent debtor, not a corporation, shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia in which he may reside, or if he have property in any other jurisdiction, then as to such property valid according to the laws thereof, and also in accordance with the provisions of this act, it shall have the effect hereinafter provided for.

Now, what is the meaning and effect of that? I ask lawyers and business men to give their attention to the practical effect of

such a law as that. I reside in the State of New York, in the city of New York; I have property in that city. I am close to the borders of New Jersey and Connecticut. I own property in New Jersey and I own property in the State of Connecticut. In order that I may have the benefit of the law proposed by my colleague from Texas [Mr. BAILEY] what must I do? I must have an assignment filed valid according to the law of the State of New York; then it must be valid according to the law of the State of Connecticut; and then it must be valid according to the law of the State of New Jersey. But that is not all. It does not stop there. It must be valid also according to the law of the United States of America.

Now, if the law of New Jersey differs from the law of New York, I must make my assignment conflict with itself. If it differs from the law of the State of Connecticut, then it must differ and conflict in two particulars; and if the laws of the three States shall happen to conflict with the laws of the United States, then you have an assignment in conflict with itself in four different respects.

Mr. BAILEY. Will the gentleman from New York permit me to say this? He has stated that the gentleman from Texas [Mr. CULBERSON] is one of the best lawyers in the Union. That section is taken word for word, except the corporation provision, from the bill of the gentleman from Texas [Mr. CULBERSON].

Mr. RAY. The gentleman from Texas [Mr. CULBERSON] has seen the error of his ways. He has repented, and upon the floor of this House has told you he is in favor of the bill now reported by the Committee on the Judiciary.

Now, let us go a little further, and see what the effect will be if you enact into law any such measure. I read from a Senate bill (four bills were introduced by Mr. BAILEY of Texas), and the Senate bill that has been reported over there is known as 742, and contains the same provisions. All are alike in the particular mentioned.

Now, let us go a little further, and see what the gentleman's proposition is. The property in each State must be administered and distributed according to the laws of the State in which it is situated; but the bankrupt himself, when he applies for a discharge, which he may do within three months, must apply in the United States courts. So let us examine the condition of the poor bankrupt who has made an assignment. He has got one that conflicts with itself in four different respects. He has a proceeding running in the State courts of the State of Connecticut; he has another running in the State courts of the State of New York; he has another running in the State courts of the State of New Jersey, and he has still another suit, proceedings relating to the same property and the same man, running in the United States court. Four suits, four proceedings relating to his property, four sets of lawyers, four different courts to construe this law and to construe the laws of the different States.

Now, if the State courts differ in the construction of the State laws, which court is to be the final arbiter? Is it to be the United States court? If so, then if the State court does not decide as some gentlemen think the United States court would decide, it gives an appeal to the United States Supreme Court. From New Jersey comes another appeal, from New York comes another appeal, so that you will have proceedings pending and appeals pending; three sets of lawyers in three different State courts; and then you would have lawyers in the United States courts, all pecking away at the same estate. And that is the possible effect of this wise law of my amiable and learned colleague, Mr. BAILEY, if he will pardon me for mentioning his name.

Now, that is not all. Here you are providing a conflict of jurisdiction and decisions, not for one court, where the estate may be speedily administered, where it may be justly and cheaply distributed, but you are providing for troubles and litigations that would not end in the lifetime of the poor debtor. What a fruitful field for litigation is opened up. How gleefully the shylocks, the greedy shylocks of the profession, would grin as they scan the measure proposed by the gentleman from Texas; and how eagerly would the shysters of the profession hang upon the borders of the estate of every man anywhere near insolvency, saying "the moment he gets in we will pluck his estate to the utter exclusion of his creditors."

Now, without amplifying upon that provision of this bill further, I desire to call attention very briefly to one or two other propositions in connection with it; but before I do, that let me call the attention of my friends upon this side of the House who have criticised the bill reported by the Judiciary Committee, and who have favored the enactment into law of Senate bill No. 742, to a provision that is found in both bills. Several gentlemen have criticised House bill 8110 because it permits the bankrupt to be arrested and held during the proceedings.

Now, those same gentlemen, after making that criticism, after having upon that ground condemned the bill reported to this House by the Judiciary Committee, have announced that they should vote for Senate bill 742. The gentlemen have not read

that bill, because it, too, provides for the arrest and detention of the debtor during the pendency of the proceedings.

Mr. Chairman, time has been so consumed that I can not give particular attention to the several features of this bill, but must content myself with commenting upon some of them under the five-minute rule.

I ask gentlemen to remember that one of the strongest objections urged against the last bankruptcy bill that we had upon the statute book was that the estate of the insolvent was swallowed up in fees and costs and attorneys' fees. I want to impress upon your minds the fact that under the Senate bill which is to be offered as a substitute, and under the substitute to be offered by the gentleman from Texas [Mr. BAILEY], it is very evident that the estate will have to be enormously large or else it will be consumed in payment of attorneys' fees. While the estate is being administered in the State court according to the laws of the State, a proceeding will be pending in the United States court, and the debtor, and the creditor also, if they would prevent a discharge, would have to be traveling back and forth, vibrating between the two courts. Then suppose the two courts should differ in their construction of those State laws, what will be the inevitable result? Appeals and still further costs and delays and troubles.

The Senate bill, as well as the House bill, provides—and that feature has been criticised—that all preferences given within a certain time shall become void. Do you suppose that the proposed substitute of the gentleman from Texas can pass the Senate when that body has already spoken upon this point, when it has already condemned the proposition with reference to preferences?

One other objection, Mr. Chairman, and a serious one, is to be considered—the constitutional objection. I hold in my hand and I shall insert in my remarks some portions of an argument presented to the House of Representatives in the form of a report upon the proposition which is embodied in the bill of the gentleman from Texas. This argument will be found in Report No. 206, "Views of the minority," submitted by Mr. Wolverton, a Democratic member of this House in the Fifty-third Congress.

He is an able lawyer, who gave great thought to this subject and who condemns the substitute of the gentleman from Texas as unconstitutional; treats it without gloves, and shows it up in all its enormity and in all its deformities. I ask the lawyers of this House, as a legal proposition purely, how can you hold for a moment that a law enacted under the provisions of the Constitution, which says that the Congress may enact or establish uniform laws on the subject of bankruptcy throughout the United States, is constitutional which in the very send-off, instead of enacting or establishing a uniform law of bankruptcy, proposes to establish, or rather to adopt, the nonuniform laws of the different States of the Union? We all know that no two States have written upon their statute books the same assignment or insolvent laws; they all differ. Therefore when the Congress of the United States attempts to pass a law which either adopts the State laws or enacts them in any form as the law of the United States in relation to bankruptcy it is adopting or establishing nonuniform laws on that subject, and no court in Christendom would say or hold that such a law is constitutional.

Again, the Constitution contemplates and says that when we exercise this power of establishing laws upon the subject of bankruptcy throughout the United States those laws shall be uniform, so that all debtors and all creditors throughout the country coming within the provisions of the laws shall have equal protection and benefit from them. Suppose, now, that you enact this proposed substitute into a law, and suppose that the State of New York at once repeals its assignment law. It will then be impossible for a man to make an assignment valid under the laws of the State of New York and under the laws of the United States. He can make no assignment at all, and no citizen of the State of New York can have the benefit of the bankruptcy law if this proposed substitute is adopted.

Mr. STEWART of New Jersey. Will the gentleman permit a question?

Mr. RAY. Yes, sir.

Mr. STEWART of New Jersey. Is it the opinion of the gentleman that the enactment of a law providing for voluntary bankruptcy only would be an exercise of the constitutional power of Congress to enact a bankruptcy law?

Mr. RAY. My opinion is that such a law might be unconstitutional unless it took hold of the estate of the debtor, because from the very definition of a constitutional bankrupt law which I have read to you as laid down by Judge Story and from the decisions of the courts it is evident that the passage of such a partial law would not be an exercise of the power conferred upon Congress by the Constitution. It would not relate to bankruptcies, but simply the discharge of insolvent debtors.

Mr. HENDERSON. If my colleague will permit me to interrupt him for a moment, I wish to make a suggestion. It is now somewhat after 5 o'clock, and I ask unanimous consent that the

remaining portion of the gentleman's fifty-eight minutes be allowed to him when we meet again in Committee of the Whole for further consideration of this bill.

Mr. BAILEY. I object.

Mr. WILLIAM A. STONE. I wish to ask the gentleman from New York a question. If a bankrupt bill having a voluntary provision only would be unconstitutional, would not a bankrupt bill having an involuntary provision only be unconstitutional for the same reason?

Mr. RAY. I think there might be danger that it would be held unconstitutional. Still it would be saved because it takes the property. I believe that the provision of the Constitution providing for uniform laws on the subject of bankruptcy contemplates provisions in the case of insolvent debtors which shall take hold not only of the person but of the estate, administer the estate, and discharge the bankrupt in case he has not been guilty of any of the offenses defined and prohibited by the law. It must deal with both the estate of the debtor and his person.

I wish to say further that I would oppose on the floor of this House or elsewhere any bill which should propose to enact a purely involuntary law, as I would oppose here and elsewhere any bill proposing to enact into law something that was purely voluntary. I think the two should go together; that discharges are incidental to the administration of bankrupt estates.

Mr. WILLIAM A. STONE. Now, I should like to ask the gentleman this other question: Does he not know that the act of 1800 was an involuntary measure only, and that the courts held it to be constitutional?

Mr. RAY. The courts in those times did; but that gives no certainty that the courts to-day would so hold. Neither does it bind my conscience or judgment because incidentally the courts back in those times so held. But that law of 1800 dealt with the estate as well as the person.

Mr. WILLIAM A. STONE. Let me suggest that courts do not change their views upon bankruptcy laws as some gentlemen in this House are admitted to have done.

Mr. RAY. Well, I do not know whether the courts would change their views upon bankruptcy laws or not. It would depend altogether on the make-up of the court.

Mr. WILLIAM A. STONE. And something on the precedents.

Mr. RAY. The gentleman from Pennsylvania knows that.

Mr. TERRY. I understand the gentleman from New York [Mr. RAY] to criticize the substitute of the gentleman from Texas [Mr. BAILEY] as being unconstitutional, upon the ground that it adopts as part of its provisions the laws of the various States on the subject of insolvency, assignments, etc.

Mr. RAY. It attempts to adopt them as part of the bankruptcy law, and provides as a prerequisite to a discharge that the estate shall be administered according to the laws of the various States, and also, mind you, in accordance with the provisions of this bill.

Mr. TERRY. I understand the gentleman. Now, if that is a just criticism upon the substitute of the gentleman from Texas, will it not apply to the bill of the committee which the gentleman is advocating, because this bill adopts the exemption laws of the various States, which may be repealed from time to time in the same way as the insolvent laws of the several States?

Mr. RAY. We do not adopt those exemption laws.

Mr. TERRY. You say that the bankrupt shall be entitled to the exemptions allowed him under the law of his State.

Mr. RAY. That is so; the exemptions would be different in different cases; but we do not adopt those laws or undertake to enact them as a part of this bill.

Mr. FAIRCHILD. Would not such a provision be held to be unconstitutional?

Mr. RAY. Certainly not.

Mr. FAIRCHILD. There would be "nonuniformity."

Mr. RAY. It is immaterial whether there is uniformity as to the exemptions or not. I do not think such a provision would make the bill unconstitutional, although in my view it would be far better in the establishment of "uniform laws on the subject of bankruptcy throughout the United States" to have the exemptions uniform throughout the various States of the Union. It might be a close question, if raised, whether such a provision is constitutional, although I will say that under the last bankruptcy law that question went to the Supreme Court of the United States and the provision was expressly held constitutional.

Mr. FAIRCHILD. Then my colleague really has doubts as to the constitutionality of his own bill?

Mr. RAY. None at all.

Mr. FAIRCHILD. I so understood you just now.

Mr. RAY. None at all.

Mr. FAIRCHILD. You said it would be "a close question."

Mr. RAY. Oh, I meant the possibility that there might be a question—

Mr. FAIRCHILD. You said it was "a close question."

Mr. RAY. I said it might be a close question—or I intended to say that.

Mr. STEWART of New Jersey. Was the constitutionality of the act of 1800 ever decided affirmatively by the Supreme Court of the United States?

Mr. RAY. Oh, the question came up there, but as I understand the decision it did not come up squarely.

Mr. STEWART of New Jersey. Did the Supreme Court of the United States ever decide directly that the bankrupt law of 1800 was constitutional?

Mr. RAY. As I stated before in answer to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], it was incidentally so held.

Mr. STEWART of New Jersey. But that was obiter dictum simply.

Mr. RAY. Yes, sir; and of course when a decision is rendered in that way you do not know what the court might do if the question should come up squarely, and especially when that law was a different law and was passed upon a hundred years ago. We do not know what the courts to-day would say about it. But I do not see how any good lawyer can assert that it is a constitutional exercise of our power when we undertake to adopt the various laws of the various States, which are nonuniform, as to the taking hold of and the administration and distribution of the estates of these insolvent debtors.

Mr. MILLER of Kansas. Will the gentleman allow me a question as a matter of information?

Mr. RAY. Certainly.

Mr. MILLER of Kansas. As I understand, the gentleman claims that the provisions of this bill are just. Now, I ask him whether it is just that any person should be placed in bankruptcy and after his property is taken be prevented absolutely from obtaining a discharge where there has been no dishonesty on his part?

Mr. RAY. Certainly not, and this bill most emphatically declares that whenever the debtor has been honest in his conduct prior to and during the proceedings he shall be discharged from all of his debts except those which grow out of actual judgments rendered for personal injury or intentional wrong against property.

Mr. MILLER of Kansas. A very large portion of the business of this country is done by corporations which may be thrown in bankruptcy, and I desire to ask my friend with reference to that particularly. As I understand the provisions of the bill, the corporation may be thrown into involuntary bankruptcy. Am I right in that?

Mr. RAY. Certainly.

Mr. MILLER of Kansas. Now, there is a provision that the corporation may be thrown into involuntary bankruptcy under the terms of this bill, but there is no provision anywhere in the bill, after that is accomplished, for their discharge. If the gentleman will turn to the section of the bill providing for the discharge of bankrupts he will find that in no event can they be discharged from any debt.

Mr. RAY. Now, the gentleman says "turn to the section of the bill," as though I had not studied the bill from the beginning to the end, and had not studied and wrestled with the question as to corporations with my colleagues for months.

Why, my dear sir, I have had occasion to take that question under consideration, and most prayerful consideration, too, for the last six years. I have considered it in all of its bearings. That provision was placed in the bill in obedience to a sentiment, which I have already stated before during this debate, that we were much too liberal in dealing with corporations, and that if we permitted a corporation to go into bankruptcy voluntarily, the United States laws superseding and taking the place of the State laws, that it would relieve the corporation from many of the obligations and drastic features of the State laws connected with corporations and enacted for the purpose of making them honest and dealing honestly. We finally placed this provision in the bill for that and other reasons.

Mr. MILLER of Kansas. But I am speaking now of this point, not that you do not permit them to go into voluntary bankruptcy, but you put them into involuntary bankruptcy—that is, your bill makes provision for that—and yet you do not permit them to get out or be discharged from any of the obligations that they may owe.

Mr. RAY. Oh, certainly.

Mr. MILLER of Kansas. It does not so appear in the bill.

Mr. HENDERSON. If my friend from New York will allow me. If my friend from Kansas will read the second clause of section 13 in connection with section 60, I think it is, he will discover who are proper creditors and will see that the element of intent to give a wrong preference enters into it.

Mr. MILLER of Kansas. If my friend from Iowa will permit me, I am not speaking of that point. It was another question.

Mr. HENDERSON. I beg pardon; I thought that was the point you had in view.

Mr. RAY. No; he undertakes to criticize the bill on the ground that it does not provide for the discharge of a corporation from its indebtedness in case it is forced into bankruptcy.

Now, if you read the dictionary clause of the bill, in connection with the bill, if the corporation has been forced into bankruptcy, it stands on the same footing as an individual.

Mr. WILLIAM A. STONE. Now, let us examine that a little. I hope the gentleman will explain that more fully, for it is a very important feature.

Mr. MILLER of Kansas. Your bill provides that—

A person, not a corporation, may, after the expiration of two months, and within the next four months subsequently to being adjudged a bankrupt, file an application for a discharge, etc.

That is to say, you exclude the corporation from filing such a petition. And again, you will find in another part of the bill—

A discharge in bankruptcy shall release the bankrupt, not a corporation, from all of his provable debts, etc.

That excludes the corporation in every case.

Mr. CONNOLLY. The corporation that is insolvent and without any property is dead.

Mr. WILLIAM A. STONE. Oh, no; not in all cases.

Mr. CONNOLLY. It does not live if it is dead.

Mr. MILLER of Kansas. But this is not a dead corporation. It is a case in which you have simply taken its property and administered it. Now, you provide no method by which it may be released from the bankruptcy proceedings and get a discharge.

Mr. RAY. But every member of that corporation, every individual, if it is insolvent, may take the benefit of the law and apply his property to the payment of his just debts; and they are all discharged, just as all other individuals are. The corporation itself, if it made an assignment, ceases to exist, and becomes dead by operation of law.

Mr. FAIRCHILD. Oh, not at all. I do not agree with my colleague there. It may have a franchise which might become very valuable in the future.

Mr. RAY. But do you not see that if the affairs of a corporation are administered in the bankrupt court, and if they have a franchise that is worth anything, it will be sold and transferred for all that it will bring. It will be in the hands of somebody else.

Mr. FAIRCHILD. That would depend. While that may be done, it would not necessarily follow.

Mr. RAY. It would, if the corporation needed a discharge from its debts.

Mr. MILLER of Kansas. Does the gentleman from New York claim, as a lawyer, that the franchise of a corporation created by a State or city is a part of the assets of the corporation?

Mr. RAY. Well, I do not say it exactly in that sense.

Mr. MILLER of Kansas (continuing). And if not, it can not be administered on by the bankrupt court.

Mr. RAY. I think my friend is mistaken in that. The franchise of a corporation is held to be a thing of value—property in New York, and I think in nearly every State. I had occasion to examine the question. It was up in our court of appeals and was passed upon there. Of course, in the strict sense of that word, the franchise is not a part of the assets of the company, but it is a thing of value, which you can not take away from it without compensation when it is once granted, unless a power to do so is embodied in the constitution of the State, the organic law, as one of its enumerated powers, or reserved in the charter.

Mr. MILLER of Kansas. Nearly all franchises to corporations are such that they can not be sold at all, and the corporation will still exist after you have disposed of all of its other assets.

Mr. RAY. The gentleman does not claim that.

Mr. CONNOLLY. It is a part of the property of the company.

Mr. WILLIAM A. STONE. How are you going to get it out of bankruptcy? Suppose it is dead? Suppose you want to change its burying place?

Mr. RAY. When a corporation is once dead and buried, I do not believe in changing its burial place. Usually among the common people of this country corporations are offensive enough in life—give enough offense without disturbing their remains. I think you will find no trouble on that question when you come to examine the bill.

Mr. STEWART of New Jersey. Will the gentleman from New York allow me one question?

Mr. RAY. Yes, although you are spoiling my speech utterly by these questions—breaking it all up.

Mr. STEWART of New Jersey. I wish to suggest, in response to what has been said by some gentleman here, that under the common law, as under most of our statutes, bankruptcy works ipso facto a dissolution of the corporation, and it becomes dead in fact and in law.

Mr. RAY. I have asserted that three or four times, but the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and other gentlemen seem disposed to disagree with me.

Mr. WILLIAM A. STONE. I could demonstrate that you are entirely mistaken, but I do not want to take up your time.

Mr. RAY. I suppose it would depend upon the law of the

State creating the corporation. I know it would in the State of New York. As I understand the law, and always have understood it, a corporation is a creature of the statute. It lives by virtue of the statute. It may be wiped out of existence in any of the modes prescribed by the statute creating it, and there may be common-law rules also applying.

Mr. FAIRCHILD. And not otherwise.

Mr. MILLER of Kansas. Do you claim this bankrupt bill has any provision in it for wiping out a corporation? Certain proceedings have to be had in every State in the Union to dissolve a corporation and to wind it up, so that it no longer exists as a legal entity, and there is no such provision in this bill.

Mr. RAY. I have stated two or three times, and there is no necessity for my repeating it, that as I understand this bill, when the affairs of a corporation are administered, the property will go to its creditors and the corporation will be dead and gone, and I know of no way by which it could be resurrected. If the gentleman from Kansas [Mr. MILLER] or my colleague from New York [Mr. FAIRCHILD] can point out a way by which it could be revived and brought to life again I should like to know it. It would be a more miraculous raising from the dead than any that we read of in the Scriptures.

Mr. FAIRCHILD. I do not rise to discuss that question. I only want to ask my colleague from New York whether he would have any objection to striking out that exception as to corporations securing discharges; and if so, why?

Mr. RAY. So far as I am concerned, I desire to say that I have no objection to striking that out, and would consent to that amendment. I do not know what my colleagues on the committee may think; but I want to give here again a reason, which I have stated several times upon the floor, why I think the provision of the bill a wise one. A corporation being the creature of the State, having its life given to it by the State, being answerable to the laws of the State, and the State laws having provided the way and manner under which it can be wound up and its property distributed properly and equitably and honestly among its creditors, I think it would be better to leave that matter to the State courts creating the corporation.

Mr. FAIRCHILD. But we do not propose to wind it up. We propose to let it be discharged, so that it may continue in business.

Mr. DANIELS. All State laws provide for the division of the assets of a corporation among creditors, without a preference.

Mr. RAY. Yes; and that is very much better.

Mr. BURTON of Missouri. In some of the States the stockholders of a corporation are under a double liability. That liability is predicated upon a debt due by the corporation. Now, if you discharge the corporation, the debt is dead and the stockholders are relieved from their liability.

Mr. FAIRCHILD. You can easily include that proviso.

Mr. RAY. You might do so.

Mr. MILLER of Kansas. If you admit that the corporation is dead, how are you going to proceed to enforce the double liability?

Mr. CONNOLLY. Because the State laws provide that you can do it.

Mr. MILLER of Kansas. If your corporation is dead you can not do that.

Mr. CONNOLLY. The State law reserves that right against individual stockholders.

Mr. RAY. I do not concede for a single minute that if a corporation dies or is extinguished in any legal manner the individual liability of a stockholder dies with it. That liability, when it is incurred and fixed, remains, even if the corporation does die. That is my judgment as a lawyer.

Mr. MILLER of Kansas. If the gentleman will permit me, is it not true that before you can enforce the double liability you have got to sue the corporation and get a judgment and issue an execution?

Mr. RAY. Why, certainly, when the statute so prescribes.

Mr. MILLER of Kansas. If your corporation is out of existence how are you going to get judgment?

Mr. RAY. My entire remarks are predicated upon the proposition that your proceedings in bankruptcy are had before the corporation is dead. You have proceeded against it, established the debt, and distributed its property, and then it becomes dead. In the meantime, having established that liability against the corporation, you have done everything necessary to be done, and then you can proceed against the stockholders individually upon their individual liability.

Now, of course, I do not know what some court in Kansas or away down in Texas would hold. That is the law in the State of New York and all through the North in all the courts of which I have any knowledge; but I do not know that the laws of the several States are uniform. I suggest in that connection that all this argument but demonstrates the folly of enacting into law any such proposition as that contained in the proposed substitute of the

gentleman from Texas, who proposes to make a part of the uniform system of bankruptcy law all the diverse and conflicting laws of the forty-five States of the United States of America.

Now, Mr. Chairman, I ask the attention of this House to the various propositions upon which I have consented to reporting the bankruptcy bill, and the various grounds which I believe demand the enactment of this bankruptcy bill, and some reasons why the substitutes should not be enacted.

Uniform laws on the subject of bankruptcies throughout the United States should be established by the Congress of the United States for five good and substantial reasons:

1. Such laws will promote and strengthen the financial, industrial, and agricultural interests of the whole country.

2. They will strengthen the credit of individuals, give confidence to the creditors, and work no harm to the debtors.

3. They will greatly aid and encourage the debtors who are involved to such an extent that they own no property and can not do business in their own name, place them on their feet as men among men, and add to the wealth-producing power of our people.

4. They will make harmless the distrust of State laws relating to the administration and distribution of the estates of insolvent debtors by establishing a uniform system, giving uniform and reciprocal rights and remedies between debtors and creditors in all parts of the country. The merchant and manufacturer and investor will extend credit as willingly to customers in Kansas and Nebraska as to those in New York and Massachusetts, for they will have confidence in the law and will know that their rights and remedies in enforcing obligations are precisely the same in all the States.

5. Such laws will uphold and strengthen our national credit at home and abroad, for when you strengthen the credit of the individuals of a nation you strengthen the credit of the nation itself. A nation of bankrupts can not have national credit, and a nation of honest, rich, or well-to-do men can not but have good credit as a nation. Confidence in the individuals composing a nation gives confidence in the nation itself if it has a good system of enforced laws.

I can not regard the fact that we have had three bankrupt laws, and that all have been repealed, as any argument against the wisdom and propriety of establishing a wise and conservative law at the present time.

We have had at least four protective tariff laws at different stages of our national existence and all have been repealed, but if I mistake not we are to have another at no distant day and one containing both voluntary and involuntary features; one that will protect the free trader and protectionist alike.

It will protect a man whether he desires to be protected or not. It will aid the finances and business interests of this country. It will set in motion the wheels of the now silent mills and factories of this great nation.

Will any man argue that we ought not to have a protective tariff in the future because the Congress of the United States has blundered in repealing those we did have? Will the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], who represents one of the great manufacturing districts of the great State of Pennsylvania, urge to-day or at any future time that we ought not to enact a protective tariff law because those we have had were repealed?

It seems to me that gentlemen on the floor of this House must be hard pressed for arguments in opposition to this bill when they can find none better than the fact that prior bankrupt laws have been repealed.

The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has referred to the bankruptcy laws of the Kingdom of Great Britain and has stated without giving authority for the assertion that the laws of that Kingdom have been unsatisfactory. Mr. Chairman, I challenge the statement. Bankruptcy laws have been maintained upon the statute books of England for centuries, and she has one to-day, and England is the greatest and most prosperous commercial nation on the face of the globe. Her credit is good wherever the name England is known. No citizen of the United States would refuse credit to a citizen of England because of any distrust of the adequacy of her laws upon the subject of the administration of bankrupt estates. It is no argument against the propriety of a bankrupt law that England has amended hers. Conditions are constantly changing. Experience ripens the judgment of men. Practice under a law points to its defects. When defects appear or conditions change, as they are constantly changing in all civilized nations, it shows good sense to amend the laws and adapt them to the changed conditions. Such amendments and changes do not afford reason for the existence and maintenance of the law itself.

The gentleman seems to forget that the condition of things in the United States of America is far different from what it was when our former statutes on this subject were enacted. We have grown from three to seventy millions of people. Railroad lines span the continent and reach out in every direction, affording

speedy and easy communication with all parts of our country. Telephone and telegraph lines reach every hamlet in the land, and the forty-five States, instead of being separate and independent from a commercial and business point of view, are all one, for there is, must, and ever will be a constant interchange of the products and manufactures of one section for those of another. Credit must be extended, if we would prosper, by the citizens of one State to the citizens of every other State; and it follows that if this credit is to rest upon a sound and permanent and beneficial basis we must have a uniform system of laws relating to the administration and distribution of the estates of insolvent debtors. And these laws must not only protect the interests of creditors, but the interests of debtors.

It is a mistake to talk about the debtor class and the creditor class and to make so much distinction between them.

In this country of ours we have three classes: Those so very poor that they can not receive and never think of asking credit. This class is made up mainly of the Weary Waggles who tramp the country, and the thieves, bummers, and leg-pullers who infest the great cities. Then we have the very rich, who do nothing except live upon the interest of their money. This class is exceedingly limited, and includes most of the dude element and but very few of the active, brainy men of our country. The great mass, ninety-nine one-hundredths of our people, is composed of a class of active, energetic, laboring people, who are engaged in business of some sort, all of whom are both debtors and creditors. They ask and receive credit. They are asked for and grant credit. They are equally interested in having their interests protected by law both as creditors and as debtors. The Constitution of the United States wisely vests in the Congress the power to establish uniform laws on the subject of bankruptcies throughout the United States.

The power conferred is wisely guarded and limited. It is not a power to establish "a uniform system of bankruptcy" as proposed by the substitute bill of the gentleman from Texas [Mr. BAILEY], but a power to establish "uniform laws on the subject of bankruptcies" throughout the United States. In order to comply with the Constitution, not only must the "system" be uniform, but the laws enacted or adopted must be uniform; the same as applied to every bankrupt in every State of the Union. Anything short of this does not comply with the Constitution. "A uniform system of bankruptcy" is quite different from "uniform laws on the subject of bankruptcies." It may well be said that a "system" is uniform which provides that the estates of bankrupts may be administered according to the laws of the several States, but it is self-evident that in such case uniform laws would not be established. The laws would be nonuniform, depending on the will of the legislature in each State, and we should have as many laws as States.

The bill proposed by the gentleman from Texas violates the Constitution of the United States in the very "send-off." His substitute provides, sections 1 and 2:

That if any insolvent debtor shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia in which he may reside, or if he have property in any other jurisdiction, then as to such property valid according to the laws thereof, and also in accordance with the provisions of this act, it shall have the effect hereinafter provided for.

SEC. 2. That such assignment shall convey, subject to all valid liens, all of the estate of the debtor, except such as is exempt by the law of his domicile from execution or seizure for his debts, and shall be for the equal benefit of all his creditors, except with the preferences hereinafter allowed. The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act.

From the reading of these sections we discover, first, that the bankrupt must make an assignment valid according to the laws of the State in which he resides and has property; and second, that if he has property in two or more States, then valid according to the laws of each of such States, so that a man residing in New York City and having property in New York, New Jersey, and Connecticut, as is frequently the case, in order to become a bankrupt and obtain the benefit of the proposed act, must make one assignment valid according to and complying with the different laws of three different States, or else make three different assignments in the three States. In such case there would be three different assignees residing in three differing jurisdictions.

As I construe the proposed substitute, however, only one assignment is permitted, and as this must be valid according to the laws of three different States, if those laws are in conflict then the instrument of assignment must conflict with itself and be in part valid and in part invalid in each State. In any event the assigned property would pass in part to different assignees and would be administered and distributed according to the laws of three different States, and so there would be three different proceedings in three different jurisdictions and three different bills of costs running up at the same time. Creditors residing in New York would have to prove up claims in three different jurisdictions in three different ways, and before the court in one State could make distribution it would have to await action in two other

States in order to ascertain the balances on which to make division. No sane man can successfully contend for an instant that such a proposition is one "establishing uniform laws on the subject of bankruptcies throughout the United States."

But the proposed substitute goes much further than this in providing the form of the assignment. Every assignment must be valid, not only according to the laws of the State where the bankrupt resides and possibly those of several other States, but valid under and in "accordance with the provisions of this act," that is, the act of Congress.

Should "this act," the law of Congress, differ from and be in conflict with the law of the State, then it would be impossible for the debtor to make a legal assignment, and so he would be deprived of the benefit of the law.

It follows, inasmuch as Congress can not coerce a State into making laws, that any State could absolutely nullify the proposed substitute of the gentleman from Texas, if enacted into law, by passing State laws so inconsistent with the United States law that it would be absolutely impossible to make an assignment valid under both. So the citizens of a State having no assignment laws could not avail themselves of the act.

The proposed substitute does not undertake to prescribe the form in which assignments shall be made, except in one or two particulars, and so provide a uniform mode of making assignments, but says in terms that same must be valid according to the laws of the State in which the assignment is made and also according to the act of Congress. Therefore the act, so far as it provides for assignments, the first step to be taken in order to secure the benefits of the law, instead of establishing uniform laws, establishes nonuniform laws, conflicting laws, contradictory laws.

But the gentleman claims that the State law is uniform as to all the residents of the State and all persons having property therein subject to its jurisdiction.

The Constitution of the United States contemplates nothing of this kind. Congress is empowered "To establish uniform laws on the subject of bankruptcies throughout the United States." The words "uniform laws" must apply to all the States and to the citizens of all the States within their purview, and the citizen of Oregon and his estate must be taken hold of and the property administered the same as in the State of Georgia or any other State of the Union. The Constitution is speaking of the Union and not of the States in severalty.

Congress is to establish the laws, and these laws, when established, must apply and be uniform "throughout the United States." The proposed substitute is a mere meddlesome measure; that is, it seeks to interfere with the administration of State laws and give an effect to an instrument executed under a State law entirely different, it may be, from that given to it by the law of the State authorizing the execution of the instrument. The proposed substitute says:

That if any insolvent debtor shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside, * * * it shall have the effect hereinafter provided for.

This is shooting in the air. No one knows what laws the different States, Territories, and the District of Columbia may enact on the subject of assignments; neither does anyone know what effect the laws of the several States will give such assignments. This proposed substitute undertakes to say that all assignments shall have an effect prescribed by the Congress of the United States, even though the instrument itself and the law authorizing it in express terms state that it shall have a different effect. The proposed substitute says that the assignment shall convey, subject to valid liens, all of the estate of the debtor, except such as is exempt, and that the assignment shall be for the equal benefit of all creditors of the assignor, except with the preferences hereinafter allowed. Then certain preferences are prescribed. The preferences allowed by a State, Territory, or by the District of Columbia may be entirely different from those permitted by the act of Congress. And what shall prevail—the instrument itself and the laws of the State or the act of Congress? If the laws of the United States are to prevail, then the assignment would not be valid under the laws of the State, and if valid under the laws of the State and to be enforced in accordance therewith, then it might not be valid and probably would not be valid under the laws of the United States. This is not a bankruptcy bill at all, but a bill extending or limiting, as the case may be, the meaning and effect of assignments and deeds of trust in the various States and Territories and the District of Columbia for the benefit of creditors. The proposed substitute constitutes a plain interference by the Federal Government with the assignment laws of the various States and Territories of the United States and the District of Columbia. It is crude, inartificial, and plainly unconstitutional.

Under this proposed substitute if a debtor should undertake to avail himself of the benefits of the act he would be compelled to study, understand, and conform his assignment to the laws of every State and Territory in which he had property and also to

the District of Columbia, in case he had property there, and also to the terms of the act itself, and not one lawyer in five hundred would be able to draw an assignment in accordance with law. Mr. BAILEY's bill, H. R. 259, section 2, provides—

That such assignment shall convey, subject to all valid liens, all of the estate of the debtor, * * * and shall be for the equal benefit of his creditors.

Section 7 provides (page 5 line 23)—

Provided, however, That if within sixty days after the levy of an attachment the debtor shall execute an assignment or cession of his property and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act.

This attachment provision is not abandoned in Mr. BAILEY's bill H. R. 8234. Let us suppose that in one State the execution of an assignment does not operate to vacate the levy of an attachment made within sixty days prior to the assignment; would any State court surrender jurisdiction in the matter and yield to the act of Congress attempting to provide that all such attachments should be vacated by such an assignment? By what right or authority can the Congress of the United States vacate attachments granted by State courts prior to the execution of an assignment for the benefit of creditors made under and pursuant to the laws of the State and declared by the act of Congress to be valid under the laws of the State?

It is respectfully submitted that there is now enough of conflict between State and Federal jurisdiction without our deliberately framing a law that must of necessity result in innumerable conflicts—conflicts between the State and the United States and conflicts between the States themselves. How can a law valid according to the law of New York be valid according to the law of Florida unless the laws of the two States are identical; and how can an assignment that might be valid according to the laws of both those States be valid under the laws of a third State should the laws of that State happen to differ from the laws of the first two named? Would the several States enact laws to conform to the act of Congress? If a State desired the United States law to be made effective and to be enforced it might pass such laws, but if not in accord with the law of the United States the State would certainly throw as many obstructions in the way of a valid assignment as possible. In such case the citizens of that State would be deprived of all benefit of a bankrupt law. Is this establishing uniform laws on the subject of bankruptcies throughout the United States? It seems to me that it is a deliberate attempt to induce the Congress of the United States to enact into law a bill seeking to establish nonuniform laws and as many conflicting laws on the subject of bankruptcies throughout the United States as possible.

If the State passes a law authorizing an assignment for the benefit of creditors it must have the right to define the terms and conditions of the assignment and to prescribe the mode of administering and distributing the estate. Has the Congress of the United States any power to step in and give to such an act any broader or more limited effect? Has the United States any right to prescribe the mode and manner in which that assigned estate shall be administered? Has any power on earth the right to enact a law that the State shall not enforce the assignment in its own way and irrespective of the Federal Government? It is true that Congress may pass a general law on the subject of bankruptcies and provide for administering the estates of insolvent and fraudulent debtors which will, at the election of the debtor or of his creditor, supersede the State assignment or insolvent laws, but Congress can not add to or subtract from a State law administered by the State courts or prescribe its construction or effect, or dictate to the courts of the State its execution.

It will be noted that an assignment can not be made under the act of Congress alone, but must be valid according to the laws of the State in which the assignor resides or in which he has property, or possibly both, and also the assignment must be made in accordance with the provisions of this act, and then Congress attempts to say what effect that assignment shall have. It matters not what effect the laws of the State say it shall have. The State and its legislature are of no consequence. Its laws are not to be observed, but the Congress of the United States is the arbiter. Enact this proposed substitute into a law, and do you suppose any State in the Union would retain for a moment assignment laws upon its statute book?

The gentleman from Texas has always been a most strenuous and determined defender of the doctrine of State rights. He has always resented any interference by the General Government in the management of persons or property in any of the States of the Union except when the authority is expressly conferred by Congress. But to-day we find him advocating a bill that proposes to submit the laws of the various States relating to assignments of property for the benefit of creditors to the jurisdiction and adjudication of the Federal courts. I am quite willing that the Congress shall pass laws when jurisdiction is conferred by the Constitution that shall bind the citizens of the entire Union and control

their property and property rights, but I am not willing to deliberately legislate as though I had never read the Constitution of the United States or had suspicion that such an instrument exists.

Under the provisions of section 8 of House bill No. 8334 (Mr. BAILEY's proposed substitute), where, when, and in what manner is it to be adjudicated whether or not the person making an assignment is an insolvent debtor? Is the State court to determine that fact? Is it to be determined by the courts of the United States? On this subject the proposed substitute is as silent as pigs in thunder. Is the debtor to determine that question for himself, and shall the courts assume that a debtor is insolvent because he executes an assignment? Assuming that the State court is to exercise jurisdiction in that matter, and determines that the assignor was not insolvent at the time of making the assignment, may the United States court, when the debtor files his petition under section 5 asking a discharge from his debts, adjudicate and determine that he was insolvent at the time of making the assignment? Suppose, again, that a creditor of the assignor impeaches the assignment for fraud and seeks to set it aside in a State court, may or may not the action be prosecuted, and if the judgment is against the assignment, then what effect shall that adjudication have in the courts of the United States? May the question be retried, and if the United States court should decide the other way, which adjudication shall prevail in the State?

Section 5 of H. R. 8334, H. R. 259, and H. R. —, but all Bailey bills, provides that any such debtor, to wit, one who has made an assignment, within the period of four months from the date of the execution of the assignment may file his petition in the district court of the United States for the district or division thereof in which he resides alleging his insolvency and asking for a discharge from his debts. Thus far the debtor is to file his petition in the district in which he then resides, and he can not file it elsewhere unless he reside in a Territory or the District of Columbia, in which case he is to file his petition in the supreme court of the District or in the district court of the Territory where he resides. The section then says:

But the petition shall not be filed in any court unless the debtor has resided in said district or division [in which he resides at the time he files his petition] at least six calendar months immediately preceding the making of the assignment.

Therefore, if after making his assignment a debtor shall move to another State or jurisdiction, he is absolutely precluded by section 5 from filing a petition for a discharge in any court. If he has gained a new residence, seeking to obtain an honest livelihood, he must file his petition, if he files it at all, in the district or division where he resides; but if he did not reside in that district at least six calendar months immediately preceding the making of the assignment, then by the very terms of the bill he can not file his petition in any court. I can not understand the policy of a law that would seek to preclude the honest debtor from leaving the scene of his financial failures and attempting to start life anew in another State at the peril of losing his right to file a petition and ask a discharge from all his debts. The author of this proposed substitute, in attempting to avoid the rock upon which he was wrecked in the Fifty-third Congress, to wit, a provision that the debtor might file his petition in any district court in the district in which he resided at the time of filing it and obtain his discharge, and thus drag his creditors from Portland to San Francisco to oppose his discharge, has grounded upon a more dangerous rock, which prohibits the removal of the debtor from one jurisdiction to another unless he surrenders all hope of ever seeking or obtaining a discharge from his debts.

In my judgment it would be much more sensible to say that any debtor who has made an assignment for the benefit of all his creditors, and whose estate has been administered and distributed according to the laws of the State in which the assignment was made, may file his petition in the district court of the United States in the district where he then resides, and upon complying with the law be discharged from all his debts. It is quite true that this would be open to the objection just suggested, that the debtor by removing from one State to another would thus be enabled to drag the creditors who would oppose discharge from their homes to States, it might be 3,000 miles distant, and thus preclude just objections being made to the discharge of dishonest debtors. This objection could be avoided by permitting the filing of the application in the State where the assignment was made and the estate administered regardless of the then residence of the debtor.

It is a self-evident fact that should this proposed substitute become a law the citizens of some of the States would have a law on the subject of bankruptcy while others would not. All might have, all might not have, depending entirely not on the decree of the Congress of the United States, but on the decree of the States themselves. To illustrate, the assignment must be valid according to the laws of the State and of the United States or else it is not an assignment at all. Therefore a State having no law providing for assignments would not be within the provisions of the act at all, nor would its citizens. Thus, States having assign-

ment laws would be within its provisions. However, should all the States enact assignment laws, then all would be within the act, and the citizens of all the States would be entitled to such benefits as might be secured under it.

Is this establishing uniform laws on the subject of bankruptcies throughout the United States? Or is it establishing laws, or rather adopting laws, that may or may not be uniform throughout the United States? There can be but one answer to the question, and that is conclusive against the constitutionality of the proposed substitute.

Section 2 of all of Mr. BAILEY's bills and substitutes provides that the assigned property shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act. This clearly contemplates an administering and distribution of the property under the laws of the State and in accordance therewith.

Section 4 provides that the original assignment, accompanied by a list of creditors, giving names and residences and a statement of the debt due each, with a schedule of property, exempt and unexempt, and a statement of all liens and incumbrances, shall, within sixty days from the date of the execution of the assignment, be filed in the court in which the petition of the debtor is herein required to be filed. Section 5 then provides for the filing of that petition in the circuit court of the district or division of his residence. Now, as the debtor's property is to be administered by the State court, it must have a statement and inventory, with schedules, made and executed in accordance with the laws of the State, filed with it, so that we have a provision for the filing of at least two of these expensive schedules and lists in at least two different places and with two courts. If not so, then a State court must proceed without the information necessary for the proper settlement and distribution of the estate. This brings us to the consideration of another question, and that is the enormous cost and expense that would be entailed in the execution of the proposed substitute. Two schedules, two inventories, two lists of debts, a proceeding in the State courts of each State where the debtor has property, and then when the debtor seeks his discharge he goes into another court in another jurisdiction and must commence a new proceeding in that court to obtain his discharge. How much better would it be to have one proceeding in one court in one jurisdiction to take hold of the estate and distribute the property and grant or refuse a discharge to the debtor.

One of the most serious objections urged against our last law on the subject of bankruptcies was the fact that as a rule the estates were swallowed up or dissipated in the payment of costs and fees. The proposed substitute is as much more extravagant in its provision for fees and costs as can well be imagined.

The practical effect of section 5 would be to prevent the filing of an assignment by a person who had not resided six months in a given district or division of the United States. If a person doing business in one district or division should move across the line into another, continuing his business at the same place, and should file and make an assignment by reason of insolvency, he could not have the benefit of this so-called "uniform system of bankruptcy"; that is, he could not have or even file a petition for a discharge from his debts.

"The debtor must have resided in said district or division at least six calendar months immediately preceding the making of the assignment." Otherwise he can not file a petition for a discharge.

This proposed substitute makes no provision whatever for the control of the assignee. It does not prescribe his duties nor fix his bond nor direct when or how payments are to be made. All that is left to the State courts. If the laws of a State are lax and insufficient and the estate is wasted by the assignee the creditors have no remedy whatever. The courts of the United States have no jurisdiction over those matters.

By section 7, if upon the hearing of the petition for a discharge it shall appear that the debtor made an assignment and that the same contained a full and complete conveyance of all his unexempt property, and that within three months before the passage of this act no creditor of such debtor had been preferred except as authorized, and that certain other acts had been done, then "the court shall order and adjudge that said debtor be forever discharged from the payment of the debts mentioned and set forth in the list accompanying his petition, and such order and adjudication shall be a full, complete, and final discharge of said debtor from the payment of said debts."

It will be observed that so far as this proposed substitute is concerned it is entirely immaterial whether or not the estate of the assignor has been administered or not. The debtor, at any time within four months from the date of the execution of the assignment, may file his petition. On filing the petition the debtor is to be forthwith adjudged a bankrupt. It seems that at least four weeks' notice is to be given, and then the court is to proceed to discharge the debtor from his debts. In the meantime the first steps are being taken in the State court for the administration of

the debtor's property and the distribution thereof among creditors. No provision whatever is made to punish or prevent a fraudulent concealment of property by the debtor or the commission of other frauds upon the creditors, and the United States court may proceed to discharge the debtor from all the debts mentioned in the schedules filed by him before it has been possible to ascertain whether or not the conduct of the debtor has been just and honest or fraudulent and corrupt.

Section 16 of the substitute bill (section 13 of H. R. 259) expressly provides—

That this act shall not be construed to annul or suspend the laws of any State now in force or hereafter passed for the relief of insolvent debtors, or the distribution of their estates, except so far as the same may be in conflict with the provisions hereof.

Is it to be inferred that the substitute bill, if enacted into law, will annul or suspend the laws of a State now in force or hereafter passed for the relief of insolvent debtors or the distribution of their estates when in conflict therewith? If so, and that is the plain construction of the proposed law, then the State courts will be called upon to determine whether there is a conflict between the law of the State and the law of the United States, and if the State court shall determine that there is a conflict, then it must determine whether it will adopt and follow the laws of its own State or the laws of the United States. If it determines that there is a conflict, appeals may be taken from that decision, and if the State court determines that there is no conflict and proceeds with the administration of the estate, then appeals may be taken from that determination, and so the State court may determine that the debtor has been guilty of the wrongful acts mentioned in section 7, but such adjudication and determination may not be reached or the facts discovered until long after the United States court, proceeding under a petition for a discharge, shall have adjudicated that none of these acts have been committed, and shall have discharged the debtor. In the meantime the creditors of the debtor are struggling and contending in two different courts; in the one to discover the property of the debtor and compel its proper application, and in the other to prevent a discharge of the debtor from the debts they are seeking to collect. These courts may be running at the same time, demanding the presence of both debtor and creditors in two different tribunals at points far distant from each other. The same questions might be up for determination in both courts, and upon precisely the same evidence the State court might arrive at one conclusion, while the United States court would arrive at one directly the contrary. There is no provision giving to the United States court exclusive jurisdiction of any of these questions, except whether it shall grant a discharge.

With these proceedings running in two, and possibly ten, different courts (depending upon the number of States in which the debtor had property) the debtor and his creditors would be harassed and harried until life would become a burden, and both would be taken from Dan to Beersheba and back again over and over again at enormous expense, while the estate would be the legitimate prey of the attorneys prosecuting or defending suits relating thereto in the State courts.

The substitute bill of the gentleman from Texas is a crude experiment. It follows no precedent and contains no defined principle of administration. While adopting many children, to wit, the assignment laws of all the 45 States, it makes no provision for quarrels between them, but leaves all differences to be settled first by the State courts, and eventually by the Supreme Court of the United States, for all these proceedings must be valid according to the laws of the States and also in accordance herewith; that is, with the act of Congress.

What a fruitful field of litigation is here opened up for litigious men and greedy attorneys! With what glee will the shylocks of the profession whet their professional wits if this substitute should be enacted into law! The speculators of the profession would camp for the next six months on the borders of every suspected insolvent and plunge his estate into the boiling caldron of conflicting decisions immediately the law went into effect.

The proposed substitute bill provides for the appointment of auditors, but inasmuch as the estates are to be administered and distributed in accordance with the assignment or insolvent laws of the several States, it is difficult to see what these newly created officers will have to audit unless it be the number of conflicting decisions made by the several courts.

It is not the discharge of the debtor that is important to the creditors, but the speedy and honest administration and distribution of his estate. The author of the proposed substitute seems to think that uniform laws on the subject of bankruptcies only relate to the discharge of insolvent debtors. In this he errs, as we shall see. The speedy and honest cession of property for the payment of creditors is, and should be, the prerequisite of every discharge. Honest conduct should precede and accompany the assignment at every step of its execution, and only when this is finally completed should the debtor be permitted to institute a proceeding for a discharge. If there has been dishonesty at any stage, then

a discharge should be refused. Where can it be best known whether or not the debtor has been honest? Certainly in the court where the property has been administered, for there the whole conduct of the debtor will be necessarily inquired into; there the light of day will be let in upon all his transactions.

But this substitute bill permits the debtor to apply for and obtain a discharge before the administration of his estate has fairly commenced. And this proceeding is to be taken and conducted in another court.

I can conceive no more complex and cumbersome mode of dealing with this important subject. The mind of man never devised an easier way of escape for the dishonest debtor. Why remove him from the court in which his property has been administered and his financial transactions and conduct inquired into and made known to another jurisdiction at a distant point, where perchance his fleeced and impoverished creditors might not be able to follow, when he comes to apply for a discharge? Why not confer jurisdiction upon the State courts to at least recommend the granting or refusal of a discharge? If we are to adopt the State courts in one stage of the proceeding why not in all others?

How different the bill reported from the committee. We have here a complete and perfected system, fair and just to both debtors and creditors, simple and plain, easily and cheaply administered, calculated to speedily convert the estate into money and distribute the same fairly, and finally place the honest debtor on his feet again, a man among men.

The conditions mentioned by President U. S. Grant when he recommended the repeal of our former law do not now exist. No man can be forced into bankruptcy unless guilty of fraud or actually insolvent and in a condition when he has become unable to pay and has ceased to pay his debts.

The gentleman from Minnesota [Mr. TAWNEY] concedes a great demand for a bankrupt law; others make the same admission. Then why not act?

SHALL THE LAW CONTAIN VOLUNTARY AND INVOLUNTARY PROVISIONS, OR ONLY VOLUNTARY PROVISIONS?

It must be conceded that great difference of opinion exists on this proposition.

There seems to be objections to involuntary provisions, growing out of the fear that bankruptcy proceedings will be quite generally resorted to as a means of collecting debts, and that the law of Congress will supersede the laws of the various States within their respective jurisdictions as a collecting agency.

I am opposed to the enactment of laws intended simply as collection laws, for the reason that I do not think the Constitution confers any such power. Should we pass laws providing simply for the enforcement and collecting of debts, I think they would be unconstitutional. It would be convenient to have uniform laws throughout the United States for the collection of debts. But this is not the purpose of this bill, nor does it tend in that direction.

This bill is aimed at actual insolvency, and while all insolvents may have its benefits, the involuntary features are most carefully guarded, and great care has been taken to keep far within the powers conferred by the Constitution.

Two things must concur in all except three cases to render a person subject to the involuntary provisions of the bill.

First. In all cases there must be a condition of actual insolvency or fraud must have been committed.

Second. In all cases except three the person proceeded against must have been guilty of fraudulent acts affecting the rights and remedies of his creditors.

Third. In the other three cases a condition of things must have arisen rendering it highly proper and expedient for the law to take hold of and administer the property of the debtor for the benefit of all his creditors: (1) The debtor must have failed for thirty days, and while actually insolvent, to secure the release of property levied upon under process of law for \$500 or over; (2) The debtor must have made an assignment for the benefit of his creditors or filed a written statement admitting his inability to pay his debts; and (3) suspended and not resumed for thirty days, and until a petition is filed and while actually insolvent, the payment of his commercial paper aggregating \$500 or over.

It must be conceded by all just-minded men that in each of these cases the creditors should have the right to take hold of by some process the property of the debtor and apply the same equitably to the payment of his debts; and secondly, if the debtor is honest, that when this is done he shall have a full discharge from his debts and an opportunity to commence life anew. It is no answer to say that in such cases the most active creditor should have the full benefit of his zeal and diligence. We must remember that all creditors having equal equities—equal rights to recognition and payment of their claims—do not have equal opportunity to ascertain and know the debtor's financial condition.

Again, if those "who first come are to be first served" from the debtor's estate, the debtor may communicate his actual condition to a few of his creditors of long standing and enable them to obtain judgments in advance of more recent creditors who perchance

have recently filled the counters or storehouses of the debtor with their goods on credit, and these goods are in this way taken to pay old debts, and recent creditors are used to pay the more ancient ones. Again, the debtor would be enabled by way of suggestion to prefer a certain few of his creditors to the absolute exclusion of all others.

When a debtor descends to the commission of actual fraud upon his creditors it is certainly time that they be permitted to take the property of the debtor and apply the same equitably to the discharge of his debts.

Therefore, it seems to me, nothing can be said against the fairness and justness of this bill, if involuntary provisions are to be permitted at all.

It excludes from these involuntary provisions wage earners whose income is less than \$1,500 per annum and all persons engaged chiefly in farming or the tillage of the soil.

This leaves the involuntary features of the bill applicable only to merchants and manufacturers and bankers, giving some degree of protection to our great mercantile and manufacturing interests.

OBJECTIONS TO A PURELY VOLUNTARY BILL.

In the first place, any just and constitutional exercise of the power conferred on the Congress of the United States to establish uniform laws on the subject of bankruptcies throughout the United States demands that the law contain both voluntary and involuntary provisions.

Any other exercise of this power would be one-sided, be incomplete, and radically defective. There is nothing in the Constitution to indicate that it was the purpose of the framers of the Constitution to limit or restrict this power to the enactment of laws for the release of insolvent debtors from the burden of their debts. On the other hand, the language of the Constitution indicates that it was the purpose of our fathers to invest Congress with full power to enact complete and comprehensive laws on this subject.

The power to pass laws on the subject of bankruptcies was not included in the original draft of the Constitution of the United States. The author of *The Federalist* treated the subject with great brevity, and we find the following the only commentary on that clause in the Constitution:

The power of establishing uniform laws of bankruptcy is so intimately connected with the regulation of commerce and will prevent so many frauds where the parties or their property may lie or be removed into different States that the expediency of it seems not likely to be drawn in question.—*The Federalist*, No. 42.

Here is a clear indication in express language that the exercise of the power was intended to prevent frauds by debtors. How can frauds be prevented by the enactment of a law containing purely voluntary features? The enactment of a voluntary bankruptcy law, instead of preventing, would aid and encourage frauds of the most gross character. The enactment of such a law would encourage men to rush into debt, buy property on credit, and use the same extravagantly or perchance conceal the same from honest creditors, trusting to the law to relieve them from their obligations at a future day. Any bill containing only voluntary features might justly be entitled "An act to encourage frauds."

Honest men, of course, will decline to run largely in debt unless they can see a clear way to pay their debts. On the other hand, a dishonest man will incur all the indebtedness he can, provided he thinks he can make way with the property, secure the benefit of it, and eventually obtain a discharge from his obligation to pay.

The very definition of a constitutional law on the subject of bankruptcies throughout the United States requires both voluntary and involuntary features.

In Story on the Constitution, volume 2, fourth edition, page 50, note 2, it is said:

Perhaps as satisfactory a description of a bankrupt law as can be framed is that it is a law for the benefit and relief of creditors and their debtors in cases in which the latter are unable or unwilling to pay their debts. And a law on the subject of bankruptcies, in the sense of the Constitution, is a law making provisions for cases of persons failing to pay their debts.

It will be noted that the law is for the benefit and relief of creditors and also their debtors in cases in which the latter are either unable or unwilling to pay their debts. A law having for its object the discharge of debtors from their obligations is simply one for the benefit and relief of debtors, and does not take into account the creditor at all, except as he may be prevented from ever enforcing his just and legal claim against the debtor, it may be, without any compensation at all. Again, a law making provisions for cases of persons failing to pay their debts does not contemplate one simply for the discharge of the person failing to pay his debts from the obligation to pay, but clearly contemplates laws providing, first, for a surrender by the debtor of all his property to his creditors, which is a provision in their interest, and then a provision that when this is done the debtor shall be discharged. This last provision is in the interest of and for the benefit of the debtor.

To meet with favor, any law upon the subject of bankruptcies must work harmoniously and equitably in the interest of both

the debtor and creditor classes; it must protect all interests, and this can be done only by providing that when the debtor becomes insolvent and unable to pay his debts his property may be taken by his creditors and equitably distributed, and by providing that when the debtor becomes dishonest and insolvent and shows his dishonesty by overt acts, that then the creditors may take the property before it shall have been wasted and apply it equitably to the payment of creditors. Such a law can not be used as an instrument of oppression. No honest debtor will be or can be injured by it. Only rogues need be afraid of such a law. The creditor class is not only willing but anxious to encourage traders and manufacturers of every class and condition, so long as they remain honest and evince a disposition to meet their obligations. It always has been and always will be to the interest of the creditor class to sustain and keep their debtors out of bankruptcy. So long as debtors are honest and proceed honestly in their business and pay their debts when they can, the creditors are helped in their business, for the debtor is their most efficient ally in obtaining and commanding a market. It is not pay for the goods sold to-day that the dealer is aiming for, but a constant and well-sustained market for the product or products he deals in, and the creditor with this end in view, and aiming to have the profits of money transactions, always has and always will sustain the honest debtor so long as he, on his part, makes a determined and well-directed effort to succeed in business.

To establish a law on the subject of bankruptcies providing simply for voluntary bankruptcy would ruin credit. Such a law would create distrust in the business world the moment written upon the statute books. The merchant would suspect that men were seeking credit for the purpose of incurring as large an indebtedness as possible with the view of ultimately hiding or concealing their property and taking the chances of obtaining a discharge from their debts at a future day. Such a law would destroy all confidence between the debtor and creditor class. Within the last four years commerce and business of all kinds have suffered a paralysis, and what we need is a law that will speedily restore confidence in the business world, especially between the debtor and creditor classes.

It is written in history and is a common-sense proposition that men having money to employ in business will not employ it and give credit unless they have reasonable safeguards protecting them in so doing. When reasonably protected capital always greedily seeks investment, to encourage business, to encourage enterprising men of little or no capital in business. Capital is not lazy, but active, enterprising, ambitious. The men who are content to invest their money at simple interest are quite rare comparatively. Men of large capital are usually those who have amassed it in business, and they usually dislike to see it idle or engaged only in drawing moderate interest. Moneyed men delight to see their money engaged in a business that sets the wheels of great manufacturing industries in motion. Such men delight to know that their capital is making things hum.

When confidence is established and sustained between the capitalist and the honest, industrious, enterprising, poor man, the poor man finds no difficulty whatever in obtaining the aid and assistance of the capital of the rich, but the moment that confidence is destroyed capital hides itself, and the poor man, however industrious, active, or enterprising, finds himself without the ability to command means to engage in business. Hence it is that the Congress of the United States should not put its seal of approval upon any law that has a tendency to destroy the little confidence now remaining in the business world.

The great mass of active business men in the United States and in the civilized world are both debtors and creditors. They belong to both classes. They buy upon credit, and owe numerous and large debts. They sell upon credit, and have large amounts due them and a large number of creditors scattered over every State, and it may be the world.

These men do not want a bankrupt law that is purely voluntary or purely involuntary. In their own interest, to cover all the exigencies of life and of trade, they desire the law to be just first to themselves, and secondly, just to the persons with whom they deal. They can see no equity in a law that would permit their debtors to refuse to pay and then escape their obligations through a voluntary bankruptcy law. If their debtors are to escape the load of debt in certain exigencies and under certain circumstances, they want reserved to themselves the power to take the property of these debtors and apply it to the payment of their debts before it shall have been dishonestly or improvidently scattered and wasted. And the same rule and the same law they would apply to others they are willing to have applied to themselves. A just law is equity, and equity is a just law; and law and equity should go hand in hand, and so the debtor and creditor classes must, if they would prosper, go hand in hand and have laws upon the statute book that are reciprocal in their nature, giving relief and protection to both.

Both labor and capital are interested in the enlargement and

extension of the debtor class. Labor wants employment and capital seeks investment. Whenever capital is invested in business it gives employment to labor, and this combination of labor and capital produces something, and this something when produced goes into the markets of the world, is found in the channels of trade, and is continually asking men, who are honest, to buy upon credit, use or sell again, and pay by and by, and so keep the machinery of the business world well oiled and in constant motion. "Never run in debt" is a remark often made, but a principle rarely followed.

Young men of integrity, ability, and ambition, willing to work and determined to succeed, can do but little without credit, and capital would be largely useless unless credit should claim its assistance and cooperation. Intelligent labor is constantly seeking broader fields of usefulness. Inventive genius constantly seeks credit. Capital universally seeks to increase itself. He who would place impediments in the way of either is an enemy to mankind.

Failures sometimes occur. It is taught in Holy Writ that the attempt to create mankind was to a degree a failure. Adam was taken on credit, and he failed to hew to the line. After a few thousand years God sent great floods to wipe mankind from the face of the earth, and only a few were reserved to start business afresh, but God took these on trust, gave them credit, and has allowed the world to go on ever since. I do not think this earth should be blotted from the universe because its inhabitants have not been a perfect success. Nor do I think the credit system should be abolished or condemned because now and then men fail to pay their debts. Nor would I abolish capital because it grows at times intolerant. Those who cry out against combinations of capital and seek to undermine it are their own worst enemies. They degrade and belittle the communities in which they live. Poverty is not a disgrace, nor is it a magnificent blessing. Labor is the grand master, building up nations more surely than the proudest kings, and on the surest foundation. But labor must have its reward, and this is first a good living and then an accumulated capital upon which it may draw when old age has palsied its hand. That is the best nation which contains the most earnest, intelligent labor, the most active industries, the broadest education, the greatest active capital. Riches are the reward of labor and its best friend.

All this being true, the two must work in harmony, be mutually helpful, and our lawmaking powers must be considerate of both. Both have rights entitled to our respect and protection. Therefore, when we deal with the credit system at all, let us deal with and care for all interests, those who extend as well as those who receive credit. To ignore the one while we foster the other is legislative dishonesty, repudiation of duty. When we undertake to enact laws in the interest and for the protection of the debtor class we should see to it that the creditor class have their rights proportionately guarded and protected.

Judge Story, in his most excellent work on the Constitution, says, section 1106:

Without stopping at present to consider what is the precise meaning of each of these terms as contradistinguished from the other, it may be stated that the general objects of all bankrupt and insolvent laws are, on the one hand, to secure to creditors an appropriation of the property of their debtors pro tanto to the discharge of their debts whenever the latter are unable to discharge the whole amount; and, on the other hand, to relieve unfortunate and honest debtors from perpetual bondage to their creditors, either in the shape of unlimited imprisonment to coerce payment of their debts, or of an absolute right to appropriate and monopolize all their future earnings.

Again he says:

One of the first duties of legislation, while it provides amply for the sacred obligation of contracts and the remedies to enforce them, certainly is *pari passu* to relieve the unfortunate and meritorious debtor from a slavery of mind and body which cuts him off from a fair enjoyment of the common benefits of society and robs his family of the fruits of his labor and the benefits of his paternal superintendence. A national government which did not possess this power of legislation would be little worthy of the exalted functions of guarding the happiness and supporting the rights of a free people. It might guard against political oppressions only to render private oppressions more intolerable and more glaring.

It is evident from these quotations that the views of this great jurist were that the duty of Congress in the exercise of this constitutional power is first to secure to creditors an appropriation of the property of their debtors, who are either unwilling or unable to pay; and secondly, to guarantee to honest debtors a discharge from their pecuniary obligations. Anything short of this is not a bankrupt law. Anything short of this violates the just principles that should guide us in dealing with the subject. To secure these results a law must contain both voluntary and involuntary provisions.

It always has been and always will be impossible to enact or put into operation perfect laws on this or any other subject. Any system of laws born of the brain of mortal man will be incomplete, found to contain imperfections, but bringing to our aid the experience of mankind, taking into consideration the wants or needs of the human race, we can legislate with some degree of wisdom, and this we do when we regard all our citizens, all our

interests, and have a care to foster and protect everything conducive to the general good of our country and its institutions.

No State pride or jealousy should stand in the way of the enactment of just, comprehensive, and complete laws on the subject of bankruptcies throughout the United States. State laws are necessarily incomplete and inefficient. Each State can pass laws affecting its own citizens and discharging them from the obligations of contracts entered into subsequently to their enactment. But as no State can pass laws impairing the obligation of a contract it is utterly unable to pass insolvent laws that shall affect debts incurred before their enactment or between citizens of different States.

Says Story, section 1107:

But there are peculiar reasons independent of these general considerations why the Government of the United States should be intrusted with this power. They result from the importance of preserving harmony, promoting justice, and securing rights and remedies among the citizens of all the States. * * * There can be no other adequate remedy than giving a power to the General Government to introduce and perpetuate a uniform system.

Again, the author says:

In the next place, it is clear that no State can introduce any system which shall extend beyond its own territorial limits and the persons who are subject to its jurisdiction. Creditors residing in other States can not be bound by its laws, and debts contracted in other States are beyond the reach of its legislation. It can neither discharge the obligation of such contracts nor touch the remedies which relate to them in any other jurisdiction. So that the most meritorious insolvent debtor will be harassed by new suits and new litigations as often as he moves out of the State boundaries. His whole property may be absorbed by his creditors residing in a single State, and he may be left to the severe retributions of judicial process in every other State in the Union. Among a people whose general and commercial intercourse must be so great and so constantly increasing as in the United States, this alone would be a most enormous evil and bear with peculiar severity upon all the commercial States. Very few persons engaged in active business will be without debtors or creditors in many States in the Union. The evil is incapable of being redressed by the States. It can be adequately redressed only by the power of the Union. One of the most pressing grievances bearing upon commercial, manufacturing, and agricultural interests at the present moment is the total want of a general system of bankruptcy. It is well known that the power has lain dormant, except for a short period, ever since the Constitution was adopted; and the excellent system then put into operation was repealed before it had any fair trial upon grounds generally believed to be wholly beside its merits, and from causes more easily understood than deliberately vindicated.

These considerations so ably and cogently presented ought to impress every member of the Fifty-fourth Congress with the necessity of immediate and wise action.

The present financial distress and depression impresses everyone and invites our attention to the wisdom and necessity of providing relief to the victims of business failures not in their power to avert. Thousands of our best and most energetic business men are now hopelessly involved and bowed down beneath a load of debt which they are powerless to lift. We owe it to these men, to society, to our country, to enact a law that shall bring a spring-time of hope to these men and encourage them to a renewal of their old-time business vigor and activity. At the same time we must be reasonably certain that we do not throw open avenues that invite the dishonest to a career of fraud and speculation, the reckless to a life of extravagance and dissipation. Enough run easily and heedlessly into debt and then resort to questionable methods to secrete the remnants of their property without having an invitation extended and a promise deliberately made by the lawmaking power that however heedless, reckless, and extravagant their conduct may be the door to escape is wide open and the way plain and easy.

In point of fact, these views would seem to have commended themselves to the better judgment of the gentleman from Texas [Mr. BAILEY], for, having introduced House bill 259, to which I have made reference and from which I have made quotations and which is a purely voluntary bill, that gentleman submitted to the subcommittee having this bill in charge another proposition, headed as follows:

H. R. (no number). In the House of Representatives.

Mr. BAILEY submits as his report from the subcommittee the following bill:

A bill to establish a uniform system of bankruptcy.

Then follow eight sections substantially word for word like bill H. R. 259. In section 9 of his report from the subcommittee that gentleman takes a new departure and inserts a provision providing for involuntary bankruptcy, as follows:

That any three or more creditors of any debtor entitled to take the benefit of the provisions of this act may file their petition in a court having jurisdiction over such debtor, alleging that said debtor is a merchant, broker, banker, trader, manufacturer, or miner, and that he owes them debts amounting in the aggregate to the sum of \$500 or more, and that he has within four months of the filing of said petition, and since the passage of this act, committed either of the following acts, namely: First, concealed himself, departed or remained away from his place of business, residence, or domicile with intent, actual on his part, to avoid the service of civil process and to defraud his creditors; second, made a transfer of any of his property with actual intent on his part to defraud his creditors; third, made, while insolvent, a transfer of any of his property, or suffered any of it to be taken or levied upon, by process of law or otherwise, for the purpose of giving a preference; fourth, procured or suffered a judgment to be entered against himself with intent to defraud his creditors; fifth, secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors.

The court shall cause its due notice to be given to the debtor on such petition, and if, upon hearing, the allegations thereof are found to be true, such debtor shall be adjudged bankrupt, and proceedings shall be had as provided in this act for the distribution of the estate of a debtor among his creditors, except that the assignment provided herein to be made by the debtor shall be made by a decree of the court to such assignee as the court shall appoint upon the nomination of a majority in number and value of the creditors, or, in the absence of such nomination, in the discretion of the court, and thereupon like proceedings shall be had as are provided in this act for a case of voluntary bankruptcy.

It will be observed that this provision is much more radical and drastic in many respects than the bill reported by the full committee and now under consideration.

The provisions of this bill reported to the full committee by Mr. BAILEY, who was a member of the subcommittee, shows that the work of the subcommittee was not without result, and that the gentleman from Texas had been, in part at least, converted to the idea that a just and true bankruptcy law should contain both voluntary and involuntary features. Whether this conversion was genuine and permanent or not, it demonstrates that the gentleman from Texas is quite at sea regarding the true basis upon which a bankrupt law should be constructed. In the Fifty-third Congress he wrote and secured the passage through the House, by a very narrow majority, his bill providing for voluntary bankruptcy. At the very beginning of this Congress, and on the 6th day of December, 1895, he introduced H. R. 259, providing simply for voluntary bankruptcy, but he prepared and had printed as his report from the subcommittee the bill above referred to. This action on his part demonstrates one of three things; that the gentleman's mind is vacillating, that he really believes that a bankrupt law should contain both voluntary and involuntary provisions, or that he would prevent, if possible, by confusing the mind of this House, the enactment of a just and complete law on the subject of bankruptcy containing both voluntary and involuntary provisions.

Both bills suggested by the gentleman from Texas, and to which I have referred, provide that the act shall continue in force two years and no longer, except as to proceedings commenced within that time. He now proposes H. R. 8234.

If a law on the subject of bankruptcies throughout the United States should be enacted at all, the measure should be a permanent one and not merely temporary, a mere makeshift. If parties who are in debt to-day and unable to discharge their pecuniary obligations are entitled to a discharge from their debts, then those who are in the same predicament three and four and five years hence ought to have the same privileges extended to them. There is no good reason why a bankruptcy law should be temporary. It concerns the great debtor and creditor classes; it affects trade, commerce, and credit, and should be permanent and afford security to the creditor class and immunity to the honest debtor class when its provisions have been honestly complied with. Stability in law and in policy makes a country respectable and respected. Instability makes any government weak.

It may be that the unwise tariff legislation enacted by the Fifty-third Congress will give place to wise and efficient legislation on that subject enacted by the Fifty-fifth Congress. It may be that the financial distress and ruin brought upon the people of the United States by the unwise and incompetent Democratic Administration that has controlled affairs for the past three years have made all the bankrupts they will, and that if we pass a temporary bill designed to clear the deck and cure, so far as possible, the evils of improper legislation, we shall have done a good work and been of some use to the American people. But the Fifty-fourth Congress should not act simply as a physician. It is not here to cure diseases only. This Congress should legislate not only to cure existing ills, but to avert, if possible, distress and wrongs in the future. This Congress should aim to enact permanent laws that will build up and strengthen business, trade, commerce, agriculture; that will strengthen the hands of persons engaged in these pursuits. This Congress should aim to strengthen our financial condition and give confidence to all classes of our citizens.

NATIONAL AND STATE CONDITIONS DEMAND THE ESTABLISHMENT OF UNIFORM LAWS ON THE SUBJECT OF BANKRUPTCIES.

We should do all we can to extend and strengthen our national credit, and to do this we must maintain individual credit. A nation of bankrupts can not maintain national credit. The character and strength of a nation is measured largely by the integrity, intelligence, and ability of the people composing it. The day has gone by when physical power determines the standing of a nation among the governments of the earth. Fleets and standing armies will always command a certain degree of respect by operating on the fears of mankind, but even these can not be maintained without a firm national credit behind them. The United States of America would have gone down in defeat and suffered dissolution had not its credit at home and abroad commanded the respect, first, of her own people, and secondly, the respect and confidence of foreign nations and their people. The independence of the Southern Confederacy would have been recognized by some foreign nations and the attempt made by them to establish it had

not our people exhibited the ability and willingness to maintain our national credit, sustain armies and navies, and maintain and defend the integrity of the nation, the Union of the States.

Wise uniform laws on the subject of bankruptcies throughout the United States will do much to maintain our credit both at home and abroad. The more we foster, protect, and sustain our own industries, manufactures, and business men the more we add to our individual and consequently our national wealth. Couple this with honesty, and we have the indestructible basis of national prosperity. To-day we are dealing largely with the citizens of foreign nations, and we are seeking to extend these commercial relations. Credit is asked and received and must be maintained. We measure foreign nations by the wisdom of their laws, their ability and willingness to protect persons and property and property rights. We are weighed in the same manner and by the same rules. Let it be understood that the strong arm of the National Government is ready to extend itself and secure the honest administration and distribution of insolvent debtors' estates among their creditors, and the citizens of all civilized nations will have confidence in entering into commercial transactions with and extending credit to citizens of the United States regardless of the State in which they live.

Distrust of States and State laws will disappear or cease to be a factor in commercial transactions not only between citizens of the different States, but between citizens of the United States and of foreign nations. It is common knowledge that the laws of many of the States are extremely lax or inefficient in providing means for the just and equitable application of the property of an insolvent debtor to the payment of his just debts. As a result, it is many times difficult and sometimes impossible for residents of some of the States to obtain credit, and so trade and commerce even among citizens of the several States is limited and crippled.

In my judgment, no wiser action can be taken by this House, especially under existing conditions, than to provide uniform laws on this subject. Some of the States complain of the poverty of their people. The great West and South want credit with the East. The complaint has come from the West that the East has quite largely withdrawn investments, and she has felt this action and feels it to-day. This withdrawal of capital and credit has resulted in a depreciation of values and general business stagnation. Whatever other causes have contributed to this condition, one cause has been the distrust pervading moneyed men in the East of the efficiency and adequacy of State insolvent laws in the South and West.

So long as States permit debtors to prefer creditors without restriction or substantial limitation, making it possible, and even probable, that the debtor, when overtaken by insolvency, will devote all his property to the payment of his home creditors, friends, and relatives near by, whether it be honestly or fraudulently, merchants, manufacturers, and business men residing without their boundaries will be exceedingly shy of extending credit to citizens of those States. Usually they will not do this at all without exacting security that the would-be debtor is either unable or unwilling to give—security that he can not give without inviting attention to his weak financial condition, and thus impairing and usually destroying his credit at home.

A fair and impartial consideration of these conditions must be conclusive of the wisdom of the enactment of this bill into law. We must remember that our population, wealth, manufacturing industries, and interstate commerce are rapidly increasing.

The rapid growth and development of our means of intercommunication; the spread and extension of railroad lines, making transportation easy, rapid, and cheap; the growth of telegraph lines and the invention of the telephone, making it possible for the merchant in New York City to converse with the customer in Cleveland, Cincinnati, Chicago, and other western cities, and the growth and improvement of our mail service, together with the rapid growth of industries and manufactures in certain sections unknown to others, but the products of which are necessary for the use of almost every citizen in every home in the land, makes an interchange of our manufactures and products absolutely necessary to our prosperity. With this interchange trade and interstate commerce, credit must go hand in hand. Credit will be demanded when the agricultural States purchase the implements and supplies manufactured in others. They will pay when crops are marketed. Credit is asked when the great food products of the South and West are put on the market. The manufacturer purchases cotton on credit. If credit is not given, then these crops are sold to speculators for ready cash at less than their real value, and so the rich are made richer and poor producers, usually the planter and farmer, are made poorer, deprived of the just fruits of their toil. So illustrations may be multiplied at will. It all tends to illustrate the necessity of maintaining and making reasonably safe the credit system, a system as old as man and absolutely necessary to the growth and prosperity of any people.

To this end, as stated, a wise and moderate yet efficient system of uniform laws on the subject of bankruptcies is necessary.

The fathers who framed our Constitution foresaw the wisdom and necessity of conferring upon Congress this power. Present conditions demand its exercise. The great army of 175,000 persons who have met with financial disaster and are virtually debarred from actively engaging in business in a legitimate manner and other thousands who would profit by their release from their financial burdens, and more than 500,000 business men engaged in commercial pursuits demand a wise and efficient law on this subject.

The Fifty-fourth Congress will not have lived in vain if it does its duty in this regard and does what it can to dispel the financial gloom enshrouding so many of our most enterprising citizens.

If we do this, and act wisely in the doing, we shall gladden many a home, carry good news to many a despairing debtor, give new life and vigor to thousands of our best and most enterprising, though unfortunate, business men, gratify the creditor classes, strengthen our credit at home and abroad, extend our trade and commerce, and do much to set in motion the wheels of workshops and factories long idle and useless.

I trust this House will speak with no uncertain or wavering voice, for the Republican party is not only the friend of progress and of liberty, but of the oppressed and unfortunate. Let us not hesitate to exercise our constitutional powers when by so doing we add to the strength, wealth, wealth-producing power, and security of the Republic.

Mr. Chairman, I add as a part of my remarks some of the comments of Mr. Wolverton, an able Democrat from Pennsylvania, made by him on the Bailey bill H. R. 4609, in the Fifty-third Congress. (See Report 206, part 3.) That bill was virtually the same as the Bailey bill H. R. 259, the Bailey bill H. R. 8234, and the Bailey bill (no number) all of the Fifty-fourth Congress.

The minority of the Committee on the Judiciary respectfully dissent from the report of the committee, and submit herewith their principal reasons therefor, as follows:

DIFFERENCES BETWEEN THE TORREY BANKRUPTCY BILL AND THE BAILEY BILL.

The Bailey bill (H. R. 4609) is an incomplete measure, which contains imperfect provisions for voluntary bankruptcy; the Torrey bankruptcy bill (H. R. 4617) is a complete measure, which contains comprehensive provisions for voluntary as well as involuntary bankruptcy.

The incomplete bill (the Bailey bill) may not be, but the complete bill (the Torrey bankruptcy bill) is, constitutional.

The incomplete bill would be an experiment in bankruptcy legislation in this country; the complete bill embodies the wisdom and avoids the errors of past legislation in this and other countries.

The incomplete bill may not prove to be, but the complete bill is, unquestionably, a bankruptcy bill.

The incomplete bill may not apply to the whole country; it might be, in effect, repealed and reenacted from time to time by State and Territorial legislative acts or decisions by their courts; the complete bill applies to the whole country and can not be affected, except by an act of Congress.

The incomplete bill does not grant any relief to debtors who owe less than \$300; the complete bill grants relief to debtors without invidious distinctions as to amounts owed.

The incomplete bill leaves it discretionary with debtors to provide for the payment in full of the wages of servants and laborers in the States where they are not provided for by the insolvent laws; the complete bill makes absolute provision for the payment of the wages of employees of every grade for a reasonable time prior to bankruptcy, and for a liberal amount, and will apply alike in all of the States, Territories, and the District of Columbia.

The incomplete bill requires an assignment to be made by the debtor according to the laws of the State where he lives, and also according to its provisions, although they may be in conflict; it also requires that the trust shall be accepted by the trustee before an application for a discharge can be made; the complete bill permits the bankrupt to make his application to the Federal court for a discharge, irrespective of conflicts between State laws and the Federal laws, and without reference to the acts of the trustee.

The incomplete bill permits applications for discharges to be made without limit of time or number after the expiration of four months after the date of the assignment while it is in force; the complete bill permits the application to be made after the expiration of two, and within the next four months, or conditionally within the next six months, but not afterwards.

The incomplete bill makes it possible for discharges to be improperly granted or withheld without reason; the complete bill embodies such safeguards as are calculated to enable all honest insolvent debtors to receive discharges and to prevent all dishonest debtors receiving them.

The incomplete bill permits corporations, including national banks, to be discharged; the complete bill does not seek to interfere with the rights of creditors to pursue their remedies against the stockholders of corporations, and hence withholds the right of discharge.

The incomplete bill will permit the discharge of dishonest debtors, except those who make an assignment within three months before its passage; the complete bill provides for the discharge of only such debtors as are honest and ought to receive this great consideration under the law without reference to the time they become bankrupt.

The incomplete bill as well as the complete bill forbids the discharge of a person from any debt created by a defalcation while acting as a public officer, an executor, guardian, or trustee, or in any fiduciary capacity; but the incomplete bill permits the discharge of a corporation, although it may have plundered the estate of which it was executor or administrator, robbed a child of which it was guardian, misappropriated the funds received as a trustee or in some other fiduciary capacity.

The incomplete bill neither leaves the administration of the estates of unfortunates to be wholly dealt with by the State insolvent laws in their diverse ways nor to a national bankruptcy law in a comprehensive way; the complete bill is a national law and vests jurisdiction to administer it for the benefit of debtors and creditors in the Federal courts.

The incomplete bill requires proceedings to be had, first, under a State law, and, second, under a Federal law; the complete bill provides for proceedings only under a Federal law.

The incomplete bill provides that property shall be assigned and administered by a State law, subject to the provisions of this Federal law; it also provides that where property in different States is assigned it shall be according to the laws of the State where the debtor resides; the complete bill

leaves no room for unfortunate conflicts between State and Federal laws and the laws of different States, to be fought out at the expense of our citizens who may honestly endeavor to exercise a constitutional right.

The incomplete bill requires that the costs of two courts shall be incurred; the complete bill provides for economical proceedings in only one court.

The incomplete bill will expire in two years; the complete bill will protect the rights of debtors and creditors without limit of time.

The incomplete bill extends the benefits of voluntary bankruptcy, in the States and Territories where it applies, to corporations, including national banks; the complete bill does not permit corporations to become voluntary bankrupts, but extends to them, except national banks, the benefits of involuntary bankruptcy.

The incomplete bill is an imperfect reproduction of the law of the "Poor English gentleman"; the complete bill embodies all that is wise and conservative in the English bankruptcy act of to-day.

The incomplete bill is alleged to be in the interest of debtors; the complete bill recognizes the fact that all debtors are not poor, nor all creditors rich, and therefore protects the interests of both classes alike, without reference to their poverty or their wealth.

The incomplete bill is calculated to destroy credit and thereby require a great majority of those who buy property or borrow money, especially in a small way, to give good security in the form of collateral, indorsements, or mortgages, for their indebtedness; the complete bill will extend credit by securing an equitable enforcement of the rights of both the debtors and creditors, and will have a tendency to enable would-be debtors to buy property and borrow money without security, since under it preferences will not be given and the equitable rights of creditors will be secured.

The incomplete bill is not, but the complete bill is, demanded in the best interests of honest debtors.

The incomplete bill might, but the complete bill would not, advance the interests of dishonest debtors.

The incomplete bill is not, but the complete bill is, demanded in the best interests of both debtors and creditors.

The incomplete bill, or a purely involuntary bankruptcy bill, would not, but the complete bill would, protect the best interests alike of poor and rich creditors.

The incomplete bill would not, but the complete bill would, protect and promote the interests of consumers.

The incomplete bill is not demanded by any organization or by any man outside of Congress, so far as we know or have heard; its enactment is not advocated by any newspaper, so far as we have been advised; the complete bill has been demanded by organizations of all sorts, petitioners of every class, and very generally by the press in all parts of the country.

The incomplete bill is not, but the complete bill is, advocated in the best interests of all classes of people.

The incomplete bill is not, but the complete bill is, supported by the members of Congress who are in favor of securing to all of the people every right guaranteed by the Constitution.

The incomplete bill was voted down in the Fifty-first Congress in the House; the complete bill was passed at the same time by a large nonpolitical, nonsectional majority.

The incomplete bill was adversely reported by this committee in the Fifty-second Congress; the complete bill, at the same time, was reported by this committee as a comprehensive embodiment of the legislation anticipated by the Constitution.

When the debate on the Torrey bankruptcy bill reported by the Committee on the Judiciary began, the reading of the bill by the Clerk to the members was postponed upon the suggestion of a member from Texas until it should be considered under the five-minute rule; before that time came a member from Missouri, Mr. Bland, moved to strike out the enacting clause, and the motion prevailed. In the debate upon that motion it was stated, and not contradicted, that two-thirds of the members had not read the bill. We therefore respectfully submit that this subject has not been considered by the members of the House.

The complete bill is the one, the enacting clause of which was stricken out, with a few amendments suggested in the course of the general debate as calculated to improve it.

The fact that the incomplete bill was reintroduced by the leader of the opposition, Mr. BAILEY, and its prompt report to the House secured by those who have heretofore been classed as opponents to bankruptcy legislation, immediately after Mr. Bland's motion was made and carried, at an unexpected time to its friends, is an admission that bankruptcy legislation is demanded by the people. Since this demand is to be answered, the only question is, Will Congress pass the incomplete or the complete bill? When the members of the House shall have considered the subject fully we have no doubt but that their conclusion will be a wise one, and that the complete bill will be adopted as a substitute and then passed.

IS THE BAILEY BILL CONSTITUTIONAL?

Out of deference to the views of the members of the committee who have reported the Bailey bill to the House, we will not express an opinion as to whether it is or is not constitutional. We will, however, submit some questions which each member may answer for himself. If the answer to any of these questions, or any one of others equally pertinent, shall be adverse to the bill, such answer will show it to be unconstitutional. The fact that these questions are pertinent certainly shows that the bill is impractical and ought not to be passed in preference to one which is free from these objections.

By the first section of the Bailey bill it is provided:

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for."

By the second section it is provided:

"That such assignment shall be made in accordance with the laws of the State where the debtor resides."

Does this bill, by its above provisions, undertake to say how assignments under State laws shall be made? If so, it provides for a condition of things which may be illustrated thus: Mr. BAILEY resides in Texas. If he has property there and also in Mississippi and should wish to make an assignment under the first section of his bill, the one in Texas would have to conform to the laws of that State, and also "with the requirements of this act"; the one in Mississippi would have to conform to the laws of that State and also "with the requirements of this act." If he should wish to make an assignment under the second section of his bill, the assignment in Mississippi would have to be "made in accordance with the laws of the State where the debtor resides," i. e., in accordance to the laws of Texas. Would a national law which required an assignment to be made of property in any given State, Territory, or District of Columbia, in accordance with State or Territorial laws other than its own, be constitutional?

If it should be claimed that the above provisions are not for the purpose of overriding State, Territorial, or District of Columbia laws, but that they simply state conditions which must be complied with by a debtor before he can get a discharge, then our question is: Can a debtor having property in

more than one State, or Territory, or the District of Columbia and a State or Territory, get a discharge under this bill? If not, is it not unconstitutional for want of uniformity?

By the second section it is also provided:

"The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

Take again the example of Mr. BAILEY; let us waive the question, as it is a difficult one, as to how he is to assign his property in Mississippi, and consider the question of its administration, both in that and his own State. Does this provision require the State of Texas to administer estates assigned under its laws "subject to the provisions of this act"? We have always thought that when a State legislature, while in the exercise of its constitutional authority, passed a law, that the courts of that State might enforce it without reference to the "provisions of an act" of any other legislative body on earth! Does the above provision require the assigned estate, in the example given, to be administered by the courts of Mississippi "according to the laws of the State" of Texas and "subject to the provisions of this act"? The language used is, "shall be administered," etc. If such are its requirements, is it constitutional? It can not be said that it constitutes simply a condition precedent to a discharge, because, upon a hearing under a petition for a discharge, it is not required that any showing should be made as to the administration of the estate.

By the second section it is also provided:

"That such assignment * * * shall convey all of the estate of the debtor, except, etc., * * * and shall be for the equal benefit of all his creditors, subject, etc., * * * It shall contain a list, etc., * * * a schedule, etc., * * * a statement of liens, etc., * * * all of which shall be verified, etc., * * *"

This bill does not purport to provide for any proceedings in a United States court in which the question of bankruptcy shall be determined, by which the rights of creditors shall be adjudged, or by which the assets shall be marshaled and distributed. Can these provisions, therefore, have any force which relates simply to the effect and provisions of the assignment under State laws? It would be competent for such a law to embrace a comprehensive bankruptcy system, i. e., to provide, first, for the determination of the jurisdictional fact as to whether a given debtor was or was not a bankrupt; second, for the administration of the estates of bankrupts (not simply of debtors); third, the discharge of the bankrupt (not for the discharge of a debtor who might or might not be a bankrupt); fourth, the adjudication of the rights of creditors; and, fifth, the punishment of those who have committed frauds. In the event of such a law, embracing such a system, it might properly provide for an injunction against proceedings in the State courts which were in conflict with it. But since it does not so provide, will any restrictions which it may apply, first, as to what the State courts shall do, and, second, as to how they shall do it, have any binding force upon such courts? Is it not, therefore, unconstitutional for this reason?

Section 5 contains a provision with reference to what debtors the court may discharge, as follows:

"That the debtor did make an assignment * * * and that no attachment has been levied upon the property of such debtor within three months before the passage of this bill: *Provided, however*, That if, within four months after the levy of an attachment, the debtor shall execute an assignment or cession and file a petition for a discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act."

The primary purpose of this bill is to provide for the granting of discharges; and yet it is here provided how a debtor may "vacate the levy of" a State attachment otherwise than by paying the demand or giving bond. Would a State court which had issued an attachment, and a State officer who had executed it, pay any attention to such a provision in a United States law? Ought they to do so?

We will consider for a moment, only for a moment, that this bill may properly provide that an attempt of the defendant to assign the title to the property which has been attached and the filing of an application for a discharge in the United States court will vacate the levy of a State attachment. We take this view simply to enable us to consider an additional defect in this provision. Suppose that within the time provided the debtor makes the assignment or cession, but the property shall have been already sold under an attachment prior to his making such application, or prior to his making such assignment or cession, and the proceeds of such a sale shall have been paid over to satisfy the demands of the attaching creditors. The effect, in such an event, could not be to "vacate the levy of such attachment." Could the creditors who had not attached enforce this provision? Would the debtor be entitled to file his application for a discharge? Suppose that his attempt to assign the property as herein provided should be ignored by the State court issuing the attachment and its officer levying it, could the debtor then file his petition for a discharge? Is there anyone who will claim that such a provision is constitutional?

In brief, is not this bill unconstitutional because of what it contains and what it does not contain?

As between a bill concerning which, if enacted, there would be at least a reasonable doubt as to its constitutionality and one concerning which no such doubt exists we are in favor of the latter.

IS THE BAILEY BILL A BANKRUPTCY BILL?

Does the measure of Mr. BAILEY constitute more than an attempt to meddle with the State courts in their endeavor, under imperfect insolvency laws, to exercise the jurisdiction which was reserved to Congress by the Constitution? Is it anything more than an endeavor to pay, by the judgment of a court, the debts of debtors who never have been adjudged, and may not be, bankrupts?

Can a law under which there can not be any bankrupts be said to be a bankruptcy law?

This bill does not purport, by its terms, "to establish * * * uniform laws on the subject of bankruptcies throughout the United States," as provided by the Constitution. Its language is as follows:

"A bill to establish a uniform system of bankruptcy."

Even if the title conformed to the language of the Constitution, it would not make it a bankruptcy bill. You can not make a signboard into a house by posting a notice upon it. "This is a house."

"Laws on the subject of bankruptcies" had well-defined characteristics when that provision was inserted in the Constitution. It follows that any bill which it is proposed to enact, under the power given to Congress by the Constitution, must have those characteristics or else there is no power to enact it. Those characteristics were that there should be an adjudication in bankruptcy; an identification of the creditors and an adjudication of their rights; the discharge of, or refusal to discharge, the bankrupt if he filed a petition therefor; an administration of the estate; and the punishment of those who had committed frauds.

The first step is to give the debtor a status which will vest the court with jurisdiction of him and of his estate. Suppose that in an involuntary proceeding in bankruptcy, under a bankruptcy law, it should be found that an act of bankruptcy had not been committed; the result would be that the court

would not have jurisdiction and the case would be dismissed. If upon a hearing for the discharge of a voluntary bankrupt under a bankruptcy law it should appear that he had never filed a petition in bankruptcy, it would follow that he had never become a bankrupt, and therefore the court never had jurisdiction of him, and his application for a discharge would have to be dismissed. In other words, a bankruptcy court can never have jurisdiction of anyone except a bankrupt. When such jurisdiction is acquired, it extends to the rights of the creditors, the rights of the bankrupt, the administration of the estate, and the protection of the creditors, the bankrupt, and the estate, by the punishment of those who have committed frauds.

Under the Bailey bill the debtor is required only to make an assignment, secure its acceptance by the trustee therein named, and apply for a discharge. It is not necessary that the assignment shall have been filed or that his status shall have been fixed by the decree of any court. It can not, therefore, be said that he is a bankrupt. As the debtor does not become a bankrupt, the bill can not be a bankruptcy bill.

Mr. BAILEY, in his report, makes an admission as to the character of his bill as follows:

"This bill not only differs from all previous enactments in being purely voluntary, but another and material difference is that under it the property is administered according to State laws."

Can a law which "differs from all previous enactments" be established under the Constitution?

We hasten to explain, in view of the failure of the bill reported to have any of the characteristics of a bankruptcy law, that it was reported in the absence of three members of the committee on the day after it was introduced, and that there was a feeling that the House would decide the question, and that it was desirable to get the subject up again for consideration without delay.

In view of the characteristics of the bankruptcy law provided for in the Constitution, formulated and unanimously adopted by George Washington and his associates, what is the bill by Mr. BAILEY and his associates? It is unknown to the Constitution; it has no parallel in past legislation; it is a stranger to us, and we can not, therefore, give it a name. We advocate a bill which, when read to or by the members, will be found to contain each one of those characteristics, expressed in plain and simple language. We therefore think that it ought to be adopted as a substitute and then passed.

WILL THE BAILEY BILL APPLY TO THE DEBTORS OF THE WHOLE COUNTRY?

The language of the Constitution which confers upon Congress the power to pass such a bill as the one in question is as follows:

"To establish * * * uniform laws on the subject of bankruptcies throughout the United States."

We are in favor of carrying into effect this provision of the Constitution by the enactment of a perfectly fair and impartial law, as understood by our constitutional fathers.

The first section of the Bailey bill provides as follows:

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, etc., * * * it shall have the effect hereinafter provided for."

The legislature of Montana never has passed an assignment law. It has relied upon Congress to pass a bankruptcy law. Will the effect of the measure proposed be, if enacted, to deny any relief to the debtors of that State? Why should we pass such a law when we may as well pass one which is comprehensive of the rights of both debtors and creditors "throughout the United States," as provided by the Constitution?

We have not had time to examine the statutes of all of the States; there may be others which have no laws upon the subject. If so, their citizens may, under this proposed law, be denied their constitutional rights.

This law will result where it applies, if enacted, in a diverse administration of the estates of bankrupts in the States and Territories and the District of Columbia. Can it, therefore, be said to be "uniform throughout the United States"?

The citizens of all of the States which now have such laws may be denied their constitutional rights, as citizens of the United States, by their supreme court deciding that such laws were for some reason void, or by the repealing of such laws by their legislature. This proposed law may be, in effect, enacted or repealed again and again by legislative action thereon and without any action by Congress.

This proposed law does not of and within itself confer any right upon a citizen; the right which it purports to confer is wholly dependent upon the action heretofore or hereafter of a State or Territorial legislature or by Congress with reference to the District of Columbia.

Why should our constitutional rights as citizens of the United States be thus denied us, or be jeopardized by the possible action of our courts or legislatures, since they act wholly as to our rights as citizens of the State?

Would the passage of this bill indicate that we were a national body, composed of representatives from the whole country? We think not.

The first section provides as follows:

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, etc., * * * in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act."

The above provision is contradicted by one from the second section, as follows:

"That such assignment shall be made in accordance with the laws of the State where the debtor resides."

The second section also provides as follows:

"The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

The debtor having property in two States can never make an assignment according to both of the above provisions and therefore can not, as it seems to us, have the benefits of the act.

The debtor having property in two States can never secure the administration of that part of it which is situated in a State other than that of his domicile according to any laws other than those of the States in which the property is situated; the provisions of this act, therefore, can never be complied with in that respect. In view of these provisions, what must be said concerning the uniformity of this bill "throughout the United States"? Possibly the explanation is to be found in the title to the bill. It is not by its terms to establish uniform laws "throughout the United States," as required by the Constitution, but only "to establish a uniform system of bankruptcy."

Upon a consideration of the whole subject it seems to us that we must reach the conclusion that the enactment of such a law would not be a full exercise of the power conferred upon Congress by the Constitution to legislate upon this subject.

Such are the provisions of the bill reported favorably, the next day after being introduced, by a committee of lawyers of which we are members!

SMALL DEBTORS MUST, BUT LARGE ONES NEED NOT, PAY.

Section 1 of the Bailey bill provides that it shall apply only to persons who owe \$200 or more. Why should this financial limitation be put upon voluntary bankruptcy? The man who owes less than this sum may be as effectually borne down by it as the man who owes a greater sum. The probabilities are that he will be less able to pay it than the man who has succeeded

in owing a larger amount. Why should a rule be established that a debtor who owes amounts up to \$200 must pay or continue to owe them, but the debtor who owes a larger sum may secure a discharge without the payment of any sum? We contend that all citizens should be equal before the law.

Can it be possible that the members of the Committee on the Judiciary wish to recommend to the House that it shall draw this kind of a distinction between citizens who have large financial obligations and those who have small ones?

Would the passage of this bill indicate that we earnestly wish to legislate wisely for the equal benefit of all classes of the people? We think not.

The complete bill extends the benefits of voluntary bankruptcy to all debtors, except corporations, without invidious distinctions as to amounts owed. It provides that creditors holding unsecured claims for \$500 or over against a common debtor may commence proceedings for themselves and such other creditors as may wish to join them. This provision was made as to involuntary bankruptcy, because it was thought that a substantial benefit would not accrue to creditors by permitting them to proceed in cases where the indebtedness was less than that sum.

We do not want in this country any distinction between citizens under the laws because of their occupation, or because they are rich or because they are poor. We want it possible for an honest man, irrespective of the amount he owes, to make a voluntary surrender of his property, except his exemptions, and, if honest, secure a discharge; but we do not want it to be possible for a rich man to hide away his property and then go into bankruptcy and secure a discharge from his debts which he could and ought to pay. We do not want it possible for poor men to become rich by such means.

If a debtor has become insolvent and can not meet his obligations and protect his property we think his creditors ought to be entitled to proceed, under very careful restrictions, to secure the payment of at least a percentage of their claims, since it is the same to them in dollars and cents whether the loss they suffer grows out of dishonesty, incompetency, or the misfortune of their debtor. We want it to be possible for the creditors of a debtor who has swindled his creditors, or is preparing to swindle them, to be able to interfere by involuntary proceedings and secure their equitable rights.

The bill we offer as a substitute for the Bailey bill will apply, approximately, to the affairs of only one in a hundred of those who do business or conduct agricultural, mineral, or other industries in whole or in part on credit; it will affect the affairs of those to whom it does imply with impartiality, and therefore ought to be passed.

THE PROTECTION OF SERVANTS AND LABORERS INCOMPLETE.

The third section of the Bailey bill provides that there may be preferences for—

"Debts due the United States or any State in which any of the property of the debtor is situated, or to the servants or laborers of the debtor."

This provision leaves it discretionary to the debtor as to whether he will or will not provide for his servants or laborers, unless there is such a provision in the State law. We think that any bill on this subject should provide that servants and laborers should have a preferred claim for their wages. Eight of the States, as shown by a published table, do not make any provision under their assignment laws for the protection of servants and laborers. Such States and Territories as have enacted such laws might repeal them.

Would the passage of this bill indicate what we know of the daily necessities of laborers and of the wise public policy which justifies the payment to them when their employer fails of their wages for a limited time before such failure and in a reasonable amount? We think not.

The bill which we submit as a substitute makes provision for the payment of the wages of servants and laborers earned within a reasonable time, before the date of the failure of the employer, and for a liberal amount, without reference to whether the States have or have not done so. It thereby not only secures the rights of those in the States where they would be neglected under the provisions of the Bailey bill, and in all of the other States where they might be so neglected by the repeal of present laws, but it establishes a uniform rule under which the rights of servants and laborers of the whole country will be protected.

The wages of employees should be paid, because it will promote alike the best interests of debtors and other creditors. The great body of laborers live from day to day on their daily earnings. If they were compelled, in the event of the failure of their employer, to take a percentage of their wages in common with other creditors, as they might have to in eight of the States under the Bailey bill, it would result in untold hardships to them and their families. The possibilities of having such calamities befall them would result in their having always to be on the alert with reference to the financial standing and moral worth of their employers. Whenever it happened that they knew that their employers were about to fail, or thought there was danger, or heard a rumor, or became frightened, with or without cause, they, or many of them at least, would be compelled in financial self-defense to quit their employment. Such a result might possibly be secured by the circulation of a malicious rumor as to the solvency or fraudulent acts of an employer. The abandonment by employees of their employment at a critical time might ruin financially a solvent, honest employer. Such an abandonment might result in irreparable damage to the property of an employer who had become insolvent, and thereby result in great injury to the property interests of the creditors.

The bill we offer as a substitute is not liable to these objections, and hence ought to be passed in the best interest of employees, as well as other creditors, and of debtors.

IMPERFECT AS TO DISCHARGES.

The fourth section of the Bailey bill provides that—

"Such debtor, after the expiration of four months from the date of the execution of the deed of assignment and the acceptance of the trust by the trustees, may file his petition * * * asking for a discharge from said debts."

Suppose the trustee should not accept the trust. In that event the debtor might not be able to file his application for a discharge; at any rate he might be denied what ought to be his right, or hampered and delayed in securing it, by the whim or caprice of a trustee. There is no pertinent relationship between the right to file an application for a discharge and the acceptance by the trustee, and the bill ought not to make the one dependent upon the other.

This bill provides how property shall be assigned, surrendered, and administered. There are now in the country many hundreds of thousands of honest debtors who ought to be discharged under any law which may be passed, but who have no property to assign, surrender, or to have administered. Will this bill apply to this army of men? If it will, why should they be put to the trouble of making an assignment under a State law only to go with a copy of it to a United States court and begin another proceeding?

This bill provides that a debtor can not apply for a discharge in a United States court until after making an assignment under a State law. Great numbers of unfortunate men have been compelled to make assignments under the imperfect State insolvency laws during the many years that Congress has refused to pass a wise bankruptcy law; their estates have been administered and they are now penniless. Many of the States have passed insolvency laws under which creditors may cause the estates of their debtors

to be liquidated. Many, many men have seen their estates thus disposed of and are now waiting for relief under a national law. Will this bill apply to these different classes of unfortunate men? If so, why should it not permit them to apply directly to a United States court? Why require first the making of a needless assignment of nothing in a State court?

The creditors of many dishonest debtors have sued them for their debts, litigated with each other for preferences, and paid the costs and expenses. Sometimes they have recovered some part of their claims, sometimes they have lost everything in addition to their costs and expenses, and frequently debtors have escaped with the goods and money.

It is proposed by this bill that such creditors shall lose the residue of their claims against their debtors unless they go to the further expense of, first, contending with the personal representative (the assignee) of the debtor in a State court; and, second, defending in a Federal court an application for a discharge, which must be granted even to dishonest applicants, unless it happens that their assignment was made within three months before the passage of the bill.

Debtors and creditors have always found that diverse laws and complicated proceedings aid rascals, cause needless and exorbitant costs, and hamper and disgust honest men.

Would the passage of this bill indicate that we were familiar with past legislation upon this subject? We think not.

The complete bill will be found, when it shall have been read to or by the members, to contain plain and simple provisions by which every deserving bankrupt may, in an inexpensive way, secure a discharge. It will be found to contain also safeguards to prevent rascals extorting from a court of justice a certificate of discharge, which will constitute a fraud against small and large creditors. We therefore recommend it as a substitute.

NO LIMITATION OF TIME AS TO APPLICATIONS FOR DISCHARGES.

Section 4 of the Bailey bill provides:

"That any such debtor, after the expiration of four months from the date of the execution of the deed of assignment, * * * may file his petition in the district court of the United States for the district in which he resides * * * asking for a discharge from said debts."

The fraudulent debtor—an individual or corporation—who ought not to be discharged by any law enacted by honest men for honest people, may, under this bill, file his or its application at any time while the law is in force subsequent to the expiration of four months. Thus he or it may abide his or its time and then proceed with perjured testimony to exact from a court of justice, in the absence of the dead and indifferent creditors, a certificate which will constitute a fraud upon his or its creditors and enable him or it thereafter to enjoy the same benefits as those bankrupts who have become such through no fault of their own and who have been given a discharge upon the merits of their cases.

It is not required that the application shall be made in the United States district court having the same territorial jurisdiction, or partly so, as the court in which the assignment was made; the provision simply is that it shall be made "in the district court of the United States in which he resides."

If, for example, the assignment was made in Mr. BAILEY'S district and the conduct of the debtor has been so reprehensible as to prevent the probability of his securing a discharge in the United States court of that district, he may move to California or to any other district within the country and there again apply for a discharge. If the discharge should not be granted, the petition will be dismissed and will, of course, not constitute any bar to a removal to Maine or some other district and the renewal of the petition, until in the end a certificate of discharge shall have been exacted from a court of justice.

The bill we advocate provides that the application shall not be made within two months after the adjudication, that it may be made to the court in which the proceedings are pending within the next four months, or, if it can not be made within that time, the judge may permit it to be made within the next six months; but it shall not be made thereafter. The purpose of this provision is to have the matter disposed of within a reasonable time, to the end that all parties in interest shall have an opportunity to be heard and that justice may be done.

The discharge of honest insolvents who have failed, through no avoidable fault of their own, is justified by a wise public policy. They can not, while resting under the burden of their debts, either pay them, discharge their full obligations to their dependents, or fulfill the greatest possibilities as citizens in the communities in which they live. It was intended by the founders of the Government that these men should be discharged. We are ready to make good such intention by the passage of a law pursuant to which they may be discharged under such careful restrictions as will prevent bad men slipping through at the same time; we therefore urge the passage of the complete bill.

A DISCHARGE MAY BE IMPROPERLY GRANTED OR WITHHELD.

Section 5 of the Bailey bill provides, among a lot of other things, that—

"Upon hearing of the petition, if it shall appear that the debtor did make an assignment as authorized by this act." * * *

There is no limitation as to the number of assignments which he may have made. If, therefore, the first assignment does not conform to the provisions of the bill, it seems to us that he may subsequently, at his convenience and under circumstances which are thought to be entirely compatible with his interest, proceed to make another assignment and then force through his discharge.

There are certain limitations as to acts which might prevent the granting of a discharge if consummated "within three months before the passage of this act," but there is no limitation or inhibition against the same class of fraudulent acts if they shall have been committed prior to such three months or if they shall be committed after the act has gone into effect.

It is provided by section 5, among other things which a petitioner must show upon a hearing for his discharge, as follows:

"That no attachment has been levied upon the property of such debtor within three months before the passage of this bill: *Provided, however,* That if, within four months after the levy of an attachment, the debtor shall execute an assignment or tresson and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act."

We do not comprehend why the simple fact of an attachment having been levied against a debtor "within three months before the passage of this bill" should, of itself, bar him from the right of receiving a discharge; the language is that the attachment has been "levied." Many innocent men have their property wrongfully levied upon, and in the end the attachment is quashed. Why should the men who have been thus unfortunately attached, within three months before the passage of this bill, have any different rights from the same class of men who may happen to have been attached either before or subsequent to that period? The making of an assignment and applying for a discharge will not enable such a debtor to receive a discharge. The reason that it will not do so is that "the execution of such assignment and the filing of such petition" will not "vacate the levy of such attachment." The time never will come, therefore, when "such debtor shall be then entitled to the benefit of the provisions of this act."

This bill proposes to divide all time into three periods: First, the three months before its passage; second, the infinity of time before such three months; and third, the two years during which it is to be in force. It provides that the rights of those who may apply for a discharge shall be determined, not with reference strictly and only to whether such acts as they have committed were right or wrong, but especially with reference to whether they were committed within a particular one of these three periods. We do not know any reason why any such distinction as this should be made. The bill we advocate does not make any such distinction.

The method proposed of making proof under an application of a bankrupt for a discharge is an unheard of departure from the ordinary proceedings in courts of justice in this, that it not only requires the applicant to prove that he has done certain things, but that he has not done others, i. e., he must prove himself innocent. A bankruptcy bill should provide, in our judgment, with reference to a discharge so far as the applicant is concerned, that he has become a bankrupt by a decree of court, that he has filed his application within the time limited by the act, and conclude with a prayer for his discharge. It should then be the right of those who are in interest to oppose the discharge to show, as an affirmative proposition, that he has done any one or more of the acts the doing of which, according to the terms of the bill, would prevent his receiving that great privilege. Such are the provisions of the bill we advocate as a substitute for this one.

CERTAIN DEBTORS OUGHT NOT TO BE, BUT WILL BE, DISCHARGED.

The fifth section of the Bailey bill provides that a discharge shall be granted if, upon a hearing of the petition, it shall appear as follows:

"That the debtor did make an assignment as authorized by this act * * * and that within three months before the passage of this act no creditor of such debtor had been preferred in any manner except as authorized by this act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors, or to give one creditor an advantage over another, or to defraud his creditors, and that no attachment has been levied. * * * Provided, That no person shall be discharged from any debt or obligation which shall have been created * * * in any other fiduciary capacity."

Persons will not be discharged as to debts which may have been incurred in a fiduciary capacity, but there is no limitation as to the discharge of corporations: they may deliberately prepare for and make an assignment in certain parts of the country, except within three months before the passage of this bill, and afterwards secure their discharge without let or hindrance. Do the members of this committee, not joining herein, wish to maintain that position in the House?

There are now in the country large numbers of trust companies which become executors and administrators of the estates of the dead, guardians of the estates of children, and trustees of sacred funds of all sorts, and otherwise act in fiduciary capacities; there is no prohibition in this bill against their securing a discharge from debts created by their embezzling such funds; it prohibits a person from securing a discharge under exactly the same conditions. Why this distinction between corporations and persons?

There is now a national law for the government of national banks, which is more rigid and under which they can be better managed than under any bankruptcy law. Do the members of this committee, who join in recommending the Bailey bill to the House, wish to be understood as desiring to have national banks secure discharges in bankruptcy and go on in business?

All debtors, except such as shall have made an assignment within three months before the passage of the bill, are to be discharged; not simply the honest debtors who have surrendered their property over and above their exemptions, but also the fraudulent debtors of every degree of villainy and degradation; the insolvent railroads, the bursted banks, the rotten insurance companies, and everybody else—all are to be discharged; not only those who can not pay, but those who can but will not pay, are to have their debts, in effect, paid by the judgment of a court of equity! There is an exception to the above statement. It is that persons who become indebted as the result of misappropriating money or property in a fiduciary capacity can not be discharged; but this prohibition does not apply to corporations—they may plunder estates in their charge, rob children of whose estates they are curators, and embezzle funds received as trustees, and still be discharged under the incomplete bill.

The fact that honest men want a good law established throughout the United States which shall grant relief to honest insolvent debtors and protect honest creditors in their rights is made a pretext for considering a bill under which all debtors, except those making an assignment within a particular three months, may be discharged and the rascals who profit by fraud may go unwhipped of justice. Why encourage fraud and dishonesty by the passage of this bill, when by the passage of a complete law we can diminish it?

It may be all right, in the estimation of some persons, for parties residing in obscure places to secure discharges from their debts, due to people who are supposed to be rich; we do not believe that the honest people of any part of the country want such an opportunity. How will it be to have live stock and agricultural products sent to market, and have those who are intrusted with their sale secure the proceeds and then make an assignment, and subsequently secure a discharge as provided by this bill? Will the gentlemen who advocate this bill undertake to maintain that it would be right to pass a measure under which such wrongs, or kindred ones, might be perpetrated?

We are in favor of the discharge of voluntary and involuntary bankrupts under such careful restrictions as will prevent dishonest men taking advantage of the law.

Would the passage of the Bailey bill indicate an earnest endeavor on our part to protect the weak and the honest against the strong and the dishonest and enforce the rule of "Do unto others as you would that others should do unto you"? We think not.

The enactment of a voluntary law will subject the people to the greatest dangers incident to such legislation and secure for them only the minimum of good; the enactment of a voluntary and involuntary law would subject them only to the minimum of danger and secure for them the maximum of good. We are, therefore, in favor of defeating the incomplete and passing the complete bill.

JURISDICTION TO BE EXERCISED BY BOTH STATE AND FEDERAL COURTS.

The Federal Constitution not only reserved to Congress the power to establish "uniform laws on the subject of bankruptcies throughout the United States," but prohibited the States from impairing the obligations of contracts. The result is that Congress can, and the States can not, enact a comprehensive bankruptcy law.

The Constitution did not give the right to Congress to require the State courts to enforce its laws, but it did provide for Federal courts, and gave Congress the power to so perfect them as to make ample provisions for the administration of the Federal laws. We could not, if we could, compel the State courts to administer our laws; we ought not to do so if we could. It is the right of the people to have a wise and complete law enacted upon the subject of bankruptcy. It is their right to have it enforced in the courts

upon which we can confer jurisdiction and from which appeals will lie to the Supreme Court, to the end that a uniformity of construction and practice may be secured. It would not be right, even if it were possible, as it is not, for us to require the States to pay judges and maintain courts to enforce national laws.

Why require an assignment in a State court as a condition precedent to applying for a discharge in a United States court when the prospective bankrupt has no property to assign?

Why require parties in interest to pay the expenses of proceedings in two courts when by a complete law we can provide for the costs of only one of them?

Congress has been legislating ever since it was first organized, but has never yet passed a law making it necessary for a United States citizen, in order to secure his constitutional rights under a United States law in a United States court, to first begin proceedings under a State law; we do not believe Congress will make any such departure by passing this bill.

Would the passage of this bill indicate that we know that the State governments are different from the Federal Government, and why it is so? That each has its own trial courts to administer its own laws and pays the expenses of maintaining them, and why it is so? That each has a single appellate court to correct the errors of such trial courts, and why it is so? We think not.

We advocate two things: First, the passage of a law contemplated by the Constitution and founded upon precedent rather than one which will constitute an experiment—possibly a disastrous one; and second, the postponement of the Bailey bill until its friends submit a constitutional amendment and secure its passage and ratification, if they can, giving a joint jurisdiction to State and Federal courts of laws passed by Congress, so that there will be no question as to our power to pass this kind of a State-National law.

Can it be said that this proposed law will tend to "promote the general welfare and secure the blessings of liberty," for which the Constitution was ordained and established? If not, let us pass one which will do so.

A CONFLICT BETWEEN STATE AND FEDERAL LAWS AND LAWS OF DIFFERENT STATES.

The second section of the Bailey bill provides as follows:

"Such assignment shall be made in accordance with the laws of the State where the debtor resides. * * * The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

Suppose that the laws of the State where the debtor resides and the proposed law shall be in conflict; which will prevail? It is really of no importance to the debtor which will prevail, since the conflict will defeat the objects of the bill; i. e., such conflicts will, without his fault, prevent his securing a discharge.

Suppose that a debtor has property in several States—which is true of a large percentage of all of the debtors in the country—how can the assignments in the different States all be in accord with the laws of the States where he resides, in view of the fact that the laws of all of the States and Territories are diverse?

The report on the bill of Mr. BAILEY, in referring to the administration of estates under present State insolvency laws, says:

"The fraudulent practices so injurious and demoralizing in their effect upon all communities will, in a measure, cease, and many traders whose transactions are now a false pretense will resume their business in an open and honorable way."

There can not be any good reason, so far as we can see, for compelling debtors and creditors to continue to seek, as at present, their rights under such State laws as are here described.

We think it a mighty poor compliment to Congress to suggest that it can not pass a wise and comprehensive law, under which the rights of both debtors and creditors will be secure.

Would the passage of this bill indicate that we had ever read the Federal Constitution? We think not.

If we were to join the author of this bill in formulating a new government we might consider the advisability of giving a joint jurisdiction over this subject to State and Federal courts; we might also try to overcome the possibility of each one of such courts deciding a different way and thereby bringing about a serious conflict between the States and the Federal Government, to be fought out at the expense of the unfortunate bankrupts who might try to exercise their constitutional rights under it. But since the State and Federal Governments have been organized on the basis of each being separate, and each having courts to interpret and enforce its laws, we feel constrained to accept the situation as we find it and advocate a law to be administered in the Federal courts in a plain, simple, and economical way.

There never has been such a law enacted as is here proposed in this or any other country. Why should we make such a departure now, when we can instead enact a plain law which will be administered in the courts which administer our other laws, and thus avoid a possibility of unfortunate conflicts between the State and Federal courts and between the courts of the several States?

When the bill we submit shall have been read it will be found that it can be promptly enforced for the impartial benefit of all parties who attempt to conduct transactions on credit but meet with misfortune.

NEEDLESS AND ENORMOUS COSTS.

Section 5 of the Bailey bill provides:

"That the creditors of the debtor shall be made parties defendant, and shall have thirty days' notice of the filing of the same, notice to be given as in suits in the courts of the United States, and shall have thirty days thereafter in which to answer said petition."

The cost of securing service on the creditors, which an ordinary debtor has, as above provided, would be enormous; it is very doubtful if the insolvent with many creditors could raise the money with which to pay them. In the case of a debtor not owing a very large amount in the aggregate, but owing small sums to a large number of creditors, the costs of securing service on the creditors might amount to more than the indebtedness. Clearly this bill will not be available for a vast army of painstaking, economical, and worthy men, who have become debtors in a small way; it can be of service only to those who have operated on a scale of magnificent proportions. Under the bill we advocate the creditors would be notified at a trifling expense.

If the petition should be dismissed the costs of course would fall upon the petitioner; if the prayer of the petition is granted in the proceedings in which they shall have been "made parties defendant," and of which they have been given "thirty days' notice," and in which they shall have thirty days "in which to answer said petition," would they not be mulcted in the costs?

Why should we require the payment of the costs of two courts by a poor debtor whom we are professedly trying to assist in a financial way, when the costs of one would suffice? The costs of the assignment might be paid out of the estate, if there was one, but if not, the debtor would have to pay them. As the debtor is required to first make an assignment of all of his unexempt property before he can apply for a discharge, it follows that, if he has done

so in good faith, he will have only his exempt property with which to meet this outlay, which, if his creditors are numerous, will be enormous.

There is a very large class of honest men now in the country to whom the benefits of a bankruptcy law should be immediately available; they have no property either exempt or unexempt; they could not pay the enormous costs provided by this bill, and hence it would not be of any benefit to them. If a debtor shall file an affidavit with his petition, under the law we advocate, that he is without money and can not raise a sufficient sum to pay the costs in his case, he will be permitted to receive all of its benefits without the payment of any sum.

The chief purpose of all laws is to prevent the strong imposing on the weak; to keep the dishonest from robbing the honest; and to enforce the Golden Rule in the affairs of life. We do not want a bankruptcy law which we may enact to be an exception to the rule. It, therefore, must be a measure which can be cheaply administered so as to be available to all classes.

The complete bill requires strict economy on the part of all officers and others who assist in its administration. It will not apply to the affairs of honest, solvent people, but to the affairs of approximately 1 in 100 each year of those who do business or conduct enterprises, in whole or in part, on credit, i. e., 1 in 100 is about the percentage of those who fail in the course of a year. It is not in any sense a law which will serve as a guide for commencing or conducting business or enterprises, or as a guide in the affairs of everyday life, but is only for the compromise or settlement of the affairs of the unfortunate, or the administration of the estates of dishonest persons, and of unfortunates where a compromise can not be effected.

The bill we advocate will protect the debtor from the avarice of a "shylock" creditor; it will give him an opportunity to secure a fair compromise, notwithstanding it might be opposed by a minority of creditors who are moved by malice or greed, and who, under present laws, may pursue him to the final sale under the sheriff's red flag; it will secure him his State exemptions, and will, if he is honest, give him a discharge. It will protect the creditor from the fraud of the debtor; it will secure him a pro rata share with other creditors of the same class of the debtor's estate promptly and at small cost.

In brief, in the event bankruptcy intervenes at any time from the inception of the transaction by which one party voluntarily becomes a debtor and the other a voluntary creditor, and during the entire time until the debt is satisfied, the rights of both of the parties will be more perfectly preserved and be more readily and cheaply enforced than under the Bailey bill or pursuant to the present State insolvency laws.

Ought we not to pass the bill which will in the best sense and at the smallest cost serve the interests of the whole people?

IT OUGHT NOT BE LIMITED TO TWO YEARS.

Section 6 of the Bailey bill provides that the—

"Act shall continue in force two years and no longer." * * *

Debtors have failed from day to day since the repeal of the last bankruptcy law, but have been unable to secure a discharge. This bill proposes to accommodate some of them, but as soon as two years shall have expired, proposes that thereafter none of those who fail shall be entitled to a like benefit under the law.

We do not see any reason why a distinction should be made between the rights of the debtor who has failed, or who shall fail prior to the expiration of the proposed law, and the one who shall fail after it has ceased to be in force.

The provision of the Constitution is not that we shall enact for a short time a law for the benefit of those who may happen to be unfortunate during such period, but it is "to establish" such a law "throughout the United States."

We maintain that it is the right of every citizen to have the benefit of such a law, and that it ought to be permanently upon the statute books and at all times available to both honest debtors and honest creditors. Such are the provisions of the bill we advocate.

This bill should remain permanently upon the statute books, if it is the embodiment of what was contemplated by the Constitution; if it is not such a law, it ought not to be passed.

Why not make a bankruptcy law as permanent as any other law? What would be thought of us as legislators if we provided only at intervals for the exercise of the other constitutional rights of the people?

Would the passage of this bill indicate that we know that to "establish" the Federal Constitution meant that we were to enjoy the rights secured by it for all time and not for a short period from time to time; or that we know that the word "establish," as used in the preamble, is the same word "establish" which is used in conferring on Congress the power which it is here sought to exercise only for two years? We think not.

Honest men do not fail in classes or only at given periods, nor are they proceeded against by their creditors only in certain years, but from day to day, year in and year out. Rascals do not commit frauds to order, but have done so every night for past ages, and will continue to do so during the ages to come.

We ought, therefore, without further delay, first, to read and then patiently, wisely, and without prejudice to consider the subject, pass the complete bill, and trust to our successors to amend it from time to time, if occasion shall require, so that honest debtors and honest creditors shall at all times find relief and protection under it.

VOLUNTARY AND INVOLUNTARY BANKRUPTCY.

The terms voluntary and involuntary, as used in bankruptcy legislation, apply, or at least ought to apply, solely to the proceedings prior to the rendition of the judgment by which the debtor is declared a bankrupt, i. e., a voluntary bankrupt is one who has filed his own petition, and an involuntary bankrupt is one against whom a petition has been filed by his creditors; after the judgment is rendered the rights and duties of the bankrupt or his creditors do not and should not differ in any respect.

Debtors who may be adjudged bankrupts should be considered under four headings, as follows: First, insolvent honest voluntary bankrupts; second, fraudulent voluntary bankrupts; third, insolvent honest involuntary bankrupts; and, fourth, fraudulent involuntary bankrupts.

The first class embraces honest insolvents who have petitioned voluntarily for the benefits of the law. There is no disagreement, either in the committee or the House, among the members who are willing to exercise the powers conferred upon Congress by the Constitution, as to the wisdom of providing, without further delay, for the members of this class.

Those who may be placed in the second class, i. e., fraudulent voluntary bankrupts, are those who have obtained or retained property fraudulently, placed it beyond the reach of their creditors, and voluntarily petitioned for the benefits of the law. The only object which a member of this class would have in going into bankruptcy would be to get a discharge and be thereby better enabled to enjoy his ill-gotten gains. We do not believe that there is a disposition on the part of the members of this committee to favor this class of men, and yet we know that they, in large numbers at least, could obtain undeserved discharges under the Bailey bill.

The third class, i. e., insolvent honest involuntary bankrupts, is composed of persons who have become insolvent, are unable to pay their debts or protect their property from being inequitably distributed among their creditors,

and have therefore, pursuant to proceedings by their creditors, had their property, over and above their State exemptions, turned over to a trustee to be ratably distributed; they will be entitled to a discharge. There is a disagreement among the members of the committee as to this class.

Our opponents say, in effect, that no relief under the provisions of involuntary bankruptcy should be granted to debtors so situated or to their creditors; that a debtor should be left at the mercy of his individual creditors without an opportunity to deal with them as a class; that it is right and desirable that his estate should be taken by those who seize it first, or be kept by those to whom the debtor may deliver it, and that creditors who have extended credit to a common debtor on equal terms shall not necessarily share in his estate on equal terms or grant him favors on the same basis, but that those who first bring a suit against him shall be paid in full and those who are most considerate to him shall get nothing.

We contend that a debtor who is insolvent and can not pay his debts or protect his estate from an unequal division should have the protection of the complete bill, which will permit him to retain his exemptions, procure a discharge, and enable each of his creditors of the same class to receive their pro rata of his estate. Our opponents say that the possibility of there being such a class will give the cruel creditor an undue advantage over the honest debtor. We show that such is not the case; that the cruel creditor may now pursue, in the ordinary course, his debtor to a final sacrifice sale under the scarlet emblem of the executioner; that such a pursuit may not only be to the financial disadvantage of the debtor but of the other creditors as well. We also show that under the bill we advocate the bankrupt will not be at the mercy of the individual creditor, as at present; that the favors which the bankrupt may receive in the form of an extension of time or a reduction of his indebtedness, or both, will be from his creditors as a class and by the decree of a court of equity; that these favors will not be extended or withheld according to the whim of the creditors, and as a charity, as at present, but will be available for the benefit of the debtor and his creditors alike, and may be enforced as provided by the Constitution.

The fact that debtors may have the protection as above will make men more willing than at present to conduct and extend business, conceive enterprises, and borrow money to promote them, thereby becoming debtors. The fact that creditors will thus be put upon an equal footing with other creditors of the same class will make them more willing to sell property for which they have or have not paid, and to loan money which they have accumulated or borrowed.

It follows, therefore, that the omission of this class, i. e., insolvent honest involuntary bankrupts, would render the system of bankruptcy legislation incomplete and injure debtors and creditors by omitting these provisions for their protection.

There ought not to be, as it seems to us, but there are, differences of opinion among the members about the fourth class, i. e., fraudulent involuntary bankrupts. Their property should be distributed to the extent of the payment of their debts; they should be refused a discharge and punished for their wrongdoing. This should be done not only because deserved in the individual case, but as an example to deter those who are morally weak from essaying the same role.

The Bailey bill does not make any provision for the protection of the people from the machinations of fraudulent involuntary bankrupts; they will be protected under the bill we advocate. This omission from the Bailey bill should be a sufficient reason, even if there were not numerous others, why the complete bill should be substituted for it.

Those who say that there is a demand for any law which is short of a complete and just one have never felt the pulses of the sturdy men whose predecessors framed the Constitution, and whose brains conceive, integrity plumbs, and industry carries on, from day to day, the industrial and commercial transactions of the country.

THE LAW OF THE "POOR ENGLISH GENTLEMEN."

In England in very early times there was no such thing as a voluntary bankruptcy law, but all laws upon that subject were involuntary and applied only to traders. Later there was a voluntary scheme for "poor English gentlemen," and under it they might avoid imprisonment for debt; but if guilty of fraud they were subject to onerous punishments.

A purely voluntary system of bankruptcy, applicable to all classes, has never been in force in this or any other country.

In the evolution of thought upon this subject it was discovered that voluntary bankruptcy might be extended to debtors who were traders, since, if they became insolvent and could not protect their property from an equitable division, or were guilty of fraud, the rights of their creditors could be protected under the provisions of the law of involuntary bankruptcy. As a result the voluntary feature was added to the involuntary law in Great Britain by 6 George IV, chapter 18, and since then the two systems have been one. Prior to 1861 the involuntary system applied only to traders. In that year the complete system, i. e., voluntary and involuntary bankruptcy, was extended in England so as to apply, and still applies, alike to all classes.

It does not seem possible that the House of Representatives of the United States wants to go back to the abandoned law of the "poor English gentlemen" as a precedent for legislative action.

The part of a bankruptcy law most difficult to draft is its voluntary provisions; they must not only provide relief for the honest bankrupt, but they must refuse relief or encouragement to the dishonest bankrupt. It would be quite easy to write a bill saying that the court should grant applications for discharges; the passage of such a law would result in good, honest poor men getting discharges, and in so far it would be a good law, but it would also enable a lot of rascals to escape the payment of just debts, and in that respect it would be a bad law. The fact that all debtors might get a discharge, without the possibility of the interference of their creditors, would curtail credits and do untold harm to all of the members of that great class who conduct their various transactions on credit, and in that respect also would be a bad law. All of the scandals under the old law grew out of proceedings under its provisions for voluntary bankruptcy.

The only ways yet discovered to keep the frauds under a voluntary law down to the minimum are to make it possible for parties in interest to interfere, by commencing involuntary proceedings, before the fraudulent plans have been consummated and the property secreted or wasted, to provide adequate punishment for fraudulent acts, and to refuse a discharge to dishonest bankrupts.

The measure in question is an imperfect voluntary bill. It is not provided with effective safeguards for the protection of the rights of honest debtors or honest creditors, but is calculated to encourage every wrong which is known to rascals.

We think that a bankruptcy law ought to apply to all classes of our citizens, as well as be uniform throughout the country.

The "poor English gentleman" law answered a purpose in its time, but it is not adapted to a country where there is no imprisonment for debt; it does not meet the needs of the majority of American citizens, who are all rich—not always in money, but always in integrity, in energy, and in opportunities to promote their own happiness. We of the United States want a fair and complete law, which shall be comprehensive of the subject and under which the rights of all classes will be secure.

ALL DEBTORS ARE NOT POOR NOR ALL CREDITORS RICH.

It seems to us that the most tenable theory upon which a purely voluntary law may be advocated in opposition to a complete law is that all debtors are poor and hence ought to be favored, and all creditors are rich and for that reason ought not to be protected by bankruptcy legislation. It goes without saying that this theory is not true. Most men engaging in either small or large transactions occupy the dual position of both debtor and creditor. One of the largest classes of creditors in the country is the day laborers. The largest class of debtors in the country is the railroads. They owe more than six times the amount of the national debt. The next largest class is the banks.

Let us consider some of the conditions to which it is proposed by our opponents to apply a voluntary law, and to which we propose to apply both the voluntary and involuntary or complete law. Suppose we take cotton and trace it from the raw material on the plantation until it returns as a cloth to be used by the planter, and for the purpose of illustration, say that it is handled on the entire circuit on credit and at the same price. When the cotton is sold to the factor, the planter thereby becomes a creditor and the factor becomes a debtor. The manufacturer buys it and becomes a debtor and transforms the factor into a creditor. The manufacturer makes it into cloth and then sells it to the wholesaler; he in turn changes from a debtor to a creditor, and the wholesaler becomes the debtor. The wholesaler becomes a creditor by selling it to the retailer, who thereby becomes a debtor. The planter when he buys the cloth becomes a debtor and the retailer a creditor. Each person named has in turn been a voluntary debtor and a voluntary creditor. The debit and credit side of every transaction has been exactly equal and the totals are of course equal.

Why should the planter, the factor, the manufacturer, the wholesaler, and the retailer, who have all in turn become voluntary debtors, have any advantages as such debtors, pursuant to national legislation, without at the same time having reciprocal advantages as voluntary creditors with reference to the same transactions and property? Every article of raw material the product of which is used by the producer may be traced in like manner. The example holds good and the reasoning is unanswerable, irrespective of whether the contracts of exchange from the producer through middlemen to the consumer relate to the same article in its different stages or to different articles which may be voluntarily exchanged for the convenience or profit of the people.

Roughly speaking, the planter and farmer must pay for the products of the mills and looms with the products of the fields; the laborer must pay for the comforts of life with the products of labor; the business man must pay his expenses with the profits on his merchandise; and the man of wealth must pay for his luxuries with the income from his fortune. The same is true of everyone of every class, i. e., everyone must pay for everything bought with something produced or acquired. Why, therefore, should anyone who buys or sells on credit be favored by national legislation to the detriment of the other party to the same transaction?

It therefore follows that there is no reasonable theory upon which a bankruptcy law should be passed in the interest of any one class. Such a law, like all other laws, ought to be in the best interests of the whole people. Any class law ought not to be passed.

THE BAILEY BILL WOULD DESTROY CREDIT.

Business and commerce have suffered a paralytic stroke; agriculture and the industries have been seized with the palsy. Even if they shall now recover they will be liable to a recurrence under the present diverse State laws. The votaries of each need a restoration of confidence between themselves, and between them and the possessors of accumulated wealth, to enable them to secure credit and money with which to pursue their callings for securing profit and enjoying happiness. Can this result be accomplished by the passage of a law such as the Bailey bill, under which the poor debtor and the rich debtor may alike secure a discharge, except that individuals can not secure a discharge from fiduciary debts, irrespective of whether they are honest or dishonest, if they make an assignment more than three months before the passage of this bill, or after its passage and before it expires by limitation? We say no. We do say that such confidence can be restored and such results achieved under the bill we advocate, since under it the rights of both debtors and creditors will be more secure than under the present State laws.

The principle of the voluntary bill has been condemned by the people and the press; not only the principle of voluntary and involuntary bankruptcy, but the terms of the bill we advocate have been approved throughout the length and breadth of the country by all classes of honest people.

The fact that wrongs may be perpetrated in the industrial and commercial world makes it necessary to erect and maintain expensive safeguards; just in proportion as the laws are complete and wise these expensive safeguards are not necessary; just in proportion as the laws are imperfect and permissive of wrongdoing these safeguards must be fortified. These expenses are not paid by the rascals who occasion them, but by the honest consumers who support the tollers of the industrial and commercial world.

There has occasionally been before the House a bill which, if enacted, would ruin, in a financial sense, a single class of men; but there never has been one before it, to our knowledge, so far-reaching in its destructive qualities as this one, or so well calculated to destroy the credit of all classes, by preventing honest men buying goods and borrowing money, except upon prime security or mortgage. Never before have we had before us such a bill as this one, under which all debtors, except persons who have become such in a fiduciary capacity, might be discharged only to find that they could not buy goods or borrow money, because it would be possible under the law that they might, upon receiving such goods or money, make away with them and again get a discharge, and thereby rob their beneficiaries and bring distrust and bad repute upon all honest debtors.

Would the passage of this bill indicate that we know that the affairs of everyday life, including business and enterprises, can not be extensively and successfully carried on without credit; that credit is founded upon confidence, and that confidence can not exist, in a general sense, except under good and impartial laws? We think not.

Why curtail credit by the passage of this bill when we can, by the enactment of a complete one, extend it?

By reading the bill we recommend it will be seen that it is comprehensive of the best interests of all parties. It will therefore beget confidence in both debtors and creditors, and result in an extension of credit and the increase of the industries and commerce. For these reasons, as well as others, it ought to be passed.

HONEST DEBTORS DO NOT WANT AND THE DISHONEST SHOULD NOT HAVE A PURELY VOLUNTARY LAW.

There are many hundreds of thousands of present helpless, honest, insolvent men in the country who, while pursuing their chosen vocations, have had their property swept away in legal warfare between their creditors. This vast number of men are either out of employment or are serving in menial places at small compensation, unable to make headway against the ever-increasing interest upon their indebtedness or to accumulate property

upon which to pay taxes and with the income of which to support their families and educate their children. These men have not been able to secure discharges, because the States can not grant them, since, under the Federal Constitution, States can not impair the obligations of contracts; the State may give them relief from that part of their debts due to creditors of their own State, but not from creditors living in another State. So many of this class of men as become insolvents without fraud ought to be relieved under a wise bankruptcy law.

Honest debtors not engaged in any enterprise or business do not want such a law, because it would destroy or greatly impair credit, and hence after obtaining a discharge under it they would not be able to buy property on credit and borrow money with which to endeavor to repair their fortunes. The enactment of a complete law would enable them to secure a discharge, and would so strengthen credit as to enable them to buy property and borrow money and enter upon and prosecute their chosen callings for their own advancement and in the best interests of the communities in which they live.

The leading characteristic of a bankruptcy law is that it enables a debtor to secure a discharge from his debts—to have his debts paid in effect by the judgment of a court of equity, not a judgment that he has a defense to the claim of his creditor or has paid his debts, but that because of a wise public policy he is excused from paying them. Honest men would, if possible, pay their debts instead of asking for the protection of such a law.

No dishonest man would pay a debt if he could by fraud and perjury get a discharge, and herein lies the one great danger to honest men—the poor and rich alike—of having a bankruptcy law passed. The only excuse for incurring this danger is the great benefit that such a law will be to honest debtors and honest creditors. This danger ought to be reduced to the minimum; it can not be done under a purely voluntary law, not even a plain and simple one; it can only be done by adding to the voluntary law the provisions of the involuntary law, i. e., by putting the debtor and his creditors upon the same basis and giving them reciprocal rights.

It would be bad enough if a voluntary law simply gave to the rich rascal a right to swindle the poor and rich creditors who trusted him, but that is not the half of the wrong done; the success of one rich rascal would beget others; the existence of a class of rich rascals, created and fostered by a national law, would so destroy confidence between men who buy and sell property and borrow and loan money that their transactions would be curtailed, and the price of commodities would be increased to consumers, and the interest on money would be advanced to borrowers.

This class of unfortunates, the members of which arrived at their present state through fraud or dishonesty, ought not to be relieved by a discharge, but ought to continue to be liable financially to their outraged creditors. A purely voluntary law might enable them to secure an unmerited discharge, and hence ought not to be enacted.

It is an axiom in equity jurisprudence that those who invoke the rules of equity must do equity; we might with equal reason establish a rule in bankruptcy legislation that those who would be discharged from their honest obligations must be honest men.

PERSONS WHO ARE BOTH DEBTORS AND CREDITORS DO NOT WANT A PURELY VOLUNTARY LAW.

There are very few men engaged in business, in tilling the fields, in working the mines, in manufacturing, or in any of the other industries or enterprises but who are debtors to a greater or less extent and at the same time are creditors.

As a matter of fact very few of all the transactions had in conducting the entire business and promoting all of the resources of the country are for cash. The greater part of all of them are conducted on credit.

It is of the utmost importance that every one of these men who voluntarily becomes a debtor should have the protection of a law under which it shall not be possible for a single creditor to break him up in business, as is possible under the present laws; that is to say, it is usual for a debtor to have many creditors; they are frequently residents of different States and strangers to each other. Any one of these creditors may hear a rumor, either founded or unfounded, as to the solvency of a common debtor; and if so, he must in financial self-defense, under present conditions, act promptly and in a way to prevent other creditors from obtaining a priority. The result is that great numbers of honest, competent men, who, on a fair showing, are solvent and with a little time could pull through, are needlessly driven into liquidation.

Persons who are both debtors and creditors, in so far as they are creditors, are interested in preventing the commission of fraud and the giving of preferences by their debtors. They are themselves debtors, and as such must pay the amounts which they owe in that capacity, and in order to do so they must be able to collect the amounts which are due them in their capacity as creditors. They must avoid, if possible, suffering a total loss of any of the claims which they have against other debtors. Since only about one in a hundred of those who owe them becomes a bankrupt in the course of a year, they would be practically out of danger if the law we advocate were in force, so that they might be secured against total losses.

The foregoing class of debtors do not want a purely voluntary law, because it would destroy or impair the credit which now enables them to buy property and borrow money, and would hence prove of untold injury to them; a complete voluntary and involuntary law would not harm them in any way, but would help them in every way. The opportunities of this class to enjoy prosperity ought not to be sacrificed because a voluntary law might prove beneficial to dishonest debtors, who would use it to swindle alike their poor and their rich creditors.

Those who are thus always members of both classes do not want, in their capacity as debtors, any rights, without having at the same time, in their capacity as creditors, reciprocal or corresponding rights. The bill we advocate conforms to their wants, and hence should be passed in their best interests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENDERSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DINGLEY having assumed the chair as Speaker pro tempore, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8110, and had come to no resolution thereon.

MOTION TO RECONSIDER.

Mr. PAYNE. Mr. Speaker, I wish to enter a motion to reconsider the vote by which the resolution was passed last evening ordering that there be reprinted the usual number of Senate Executive Document No. 51, first session, Fiftieth Congress. I wish now to enter the motion, and will call it up afterwards.

The SPEAKER pro tempore. The motion to reconsider will be entered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1336) for the relief of John Mellifont and Ellen Rior-don; and

A bill (S. 506) to correct the military record of John Fox, of Albany, Oreg.

The message also announced that the Senate had passed without amendment the bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1336) for the relief of John Mellifont and Ellen Rior-don—to the Committee on Claims.

A bill (S. 506) to correct the military record of John Fox, of Albany, Oreg.—to the Committee on Military Affairs.

PÈRE MARQUETTE STATUE.

The SPEAKER pro tempore laid before the House the following communications; which were read, referred to the Committee on the Library, and ordered to be printed:

UNITED STATES SENATE, Washington, D. C., April 29, 1896.

SIR: I have the honor to transmit a communication of the governor of Wisconsin, at his desire, and to advise you that a similar communication to the President of the Senate was this day laid before the Senate.

Very respectfully,

WM. F. VILAS.

The Hon. THOMAS B. REED,

Speaker of the House of Representatives.

EXECUTIVE CHAMBER, Madison, Wis., March 19, 1896.

SIR: It gives me pleasure to inform you, and through you the honorable body over which you preside, that the State of Wisconsin, in response to the invitation extended to the States of the Union under section 1814 of the Revised Statutes of the United States, and in accordance with the resolution passed at the first session of Congress in 1893, has placed in old Hall of the House of Representatives, at the Capitol of the United States, a marble statue of Père Marquette. This statue was made in pursuance of an act of the legislature of this State passed at its biennial session in 1887, and is the work of the Italian sculptor, Mr. G. Trentanove, of Florence, Italy.

I have the honor, in behalf of the State of Wisconsin, of presenting this statue to the Congress of the United States.

I am, sir, very respectfully, yours,

W. H. UPHAM,
Governor of Wisconsin.

Hon. THOMAS B. REED,

Speaker of the House of Representatives, Washington, D. C.

MRS. FLORENCE E. MAYBRICK.

The SPEAKER pro tempore laid before the House the following message of the President of the United States; which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to the resolution of the House of Representatives of the 9th instant, addressed to the Secretary of State, a report of that officer, accompanied by copies of the correspondence in regard to the imprisonment of Mrs. Florence E. Maybrick.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, April 30, 1896.

CONTESTED ELECTION CASE—RINAKER VS. DOWNING.

At the request of Mr. MOODY, for the Committee on Elections No. 1, a reprint was ordered of the views of the minority in the contested-election case of Rinaker vs. Downing.

Mr. HENDERSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. L. Cochran, administrator of William Brooks, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. P. Mason, administrator of Henry Gorman, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7469) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1539); which said bill and report were referred to the House Calendar.

Mr. MEIKLEJOHN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 7138), to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported the same without amendment, accompanied by a report (No. 1540); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LATIMER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7248) to grant land to the State of Florida for the use of the normal college for white pupils at De Funiak Springs, and for the use of the normal college at Tallahassee for colored pupils, reported the same with amendment, accompanied by a report (No. 1541); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER, from the Committee on Labor, to which was referred the bill of the House (H. R. 6116) to protect free labor and the industries in which it is employed from the injurious effect of convict competition by confining the sale of goods, wares, and merchandise manufactured by convict labor to the State or Territory in which they are produced, reported the same with amendment, accompanied by a report (No. 1542); which said bill and report were referred to the House Calendar.

Mr. BAILEY, from the Committee on the Judiciary, to which was referred the joint resolution of the House (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va., reported the same with amendment, accompanied by a report (No. 1543); which said bill and report were referred to the House Calendar.

Mr. MCALL of Tennessee, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 8193) to aid and encourage the holding of the Tennessee centennial exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor, reported the same without amendment, accompanied by a report (No. 1544); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8415) to authorize the purchase of a steam launch for use in the customs collection district of New London, Conn., reported the same without amendment, accompanied by a report (No. 1545); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8167) to authorize the construction of a bridge across the Red River of the North, reported the same without amendment, accompanied by a report (No. 1547); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2032) entitled "An act to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming," reported the same with amendment, accompanied by a report (No. 1563); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls. (Report No. 1546.)

The bill (H. R. 6844) granting a pension to Paul Kempter. (Report No. 1551.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 4500) to increase the pension of Strother Brock. (Report No. 1548.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 3187) to pension Frances Jones, widow of Lieut. Col. Toland Jones, of One hundred and thirteenth Regiment Ohio Volunteer Infantry. (Report No. 1549.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6973) granting a pension to Mrs. Sarah A. Lyon. (Report No. 1550.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 6829) granting a pension to William Callaway. (Report No. 1552.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 2223) entitled "An act granting a pension to Riley W. Pierce." (Report No. 1553.)

The bill (S. 298) entitled "An act granting an increase of pension to William W. Tumblin, of Bradford County, Fla." (Report No. 1554.)

The bill (S. 1602) entitled "An act granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg." (Report No. 1555.)

The bill (S. 2216) entitled "An act granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal." (Report No. 1556.)

The bill (S. 2637) entitled "An act granting a pension to Jane Christian Marye." (Report No. 1557.)

The bill (S. 511) entitled "An act granting a pension to P. F. Castleman, of Oregon." (Report No. 1558.)

The bill (S. 823) entitled "An act granting an increase of pension to John B. Meigs." (Report No. 1564.)

The bill (S. 2068) entitled "An act to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy." (Report No. 1565.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 8103) to correct the military record of Edward P. Jennings. (Report No. 1559.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 4114) for the relief of W. E. Judkins, executor of Lewis McKenzie. (Report No. 1560.)

By Mr. DOWNING, from the Committee on Claims: The bill (H. R. 3991) authorizing the payment of the amount due Stella J. Coolbroth. (Report No. 1561.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 261) entitled "An act for the relief of Arthur P. Selby." (Report No. 1562.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MILNES: A bill (H. R. 8581) donating 1 cannon and 25 cannon balls to E. W. Hollingsworth Post, No. 210, Albion, Mich.—to the Committee on Naval Affairs.

By Mr. EVANS: A bill (H. R. 8582) to allow the bottling of distilled spirits in bond—to the Committee on Ways and Means.

By Mr. GAMBLE: A bill (H. R. 8583) making an appropriation to enlarge the military post of Fort Meade, near the city of Sturgis, in the State of South Dakota, and establishing the same as a permanent post—to the Committee on Military Affairs.

Also, a bill (H. R. 8584) confirming the title of mixed-blood Indians to their lands and allowing the same to be alienated under certain circumstances—to the Committee on Indian Affairs.

By Mr. CROWTHER: A bill (H. R. 8585) for the relief of certain State militia—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 8586) authorizing and directing the Secretary of War to furnish to the Thomas H. Marshall Post of the Grand Army of the Republic, at Belfast, Me., a cannon at Castine, Me.—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 8587) granting pensions to officers and enlisted men who served ninety days during the war of the rebellion, from March 4, 1861, to July 1, 1865—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 8588) directing the Secretary of War to take the necessary steps for the removal of the remains of the late Benjamin Franklin Hancock, Second United States Infantry, from the State of Washington to Arlington Cemetery, Virginia, for interment—to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 8589) to provide for the purchase of the birthplace of Abraham Lincoln, late President of the United States, and the erection thereon of a national soldiers' home as a monument to his memory, to be known as the Lincoln National Soldiers' Home—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado—to the Committee on the Public Lands.

By Mr. SHUFORD: A bill (H. R. 8611) to secure the debt of the United States against the several Pacific railroads, and provide a fair and full test in Government ownership of railroads, etc.—to the Committee on Pacific Railroads.

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 178) authorizing the distribution of certain documents by the Department of Agriculture under the Department frank—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: A concurrent resolution (House Con. Res. No. 44) to print 5,000 copies of the report of the Chief of the Bureau of Statistics made to the Secretary of the Treasury August 7, 1880, entitled "The proposed American interoceanic canal in its commercial aspects"—to the Committee on Printing.

By Mr. CURTIS of Kansas: A resolution (House Res. No. 295) requesting the President to communicate to the House of Representatives what, if anything, has been done by the State Department to carry out certain provisions of the act making appropriations for the Department of Agriculture for the year 1896, approved March 2, 1895—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BURRELL: A bill (H. R. 8591) to increase the pension of E. J. Conger—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 8592) to remove the charge of desertion from the military record of George Herrman—to the Committee on Military Affairs.

By Mr. FARIS: A bill (H. R. 8593) granting a pension to Lydia A. Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8594) to pension Matilda H. Galey—to the Committee on Pensions.

By Mr. GARDNER: A bill (H. R. 8595) granting an increase of pension to David A. Maple—to the Committee on Invalid Pensions.

By Mr. HAGER: A bill (H. R. 8596) granting a pension to William Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8597) granting a pension to Gotlieb Ruge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8598) granting a pension to John D. McGeehan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8599) granting a pension to W. W. Morton—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 8600) for the relief of William D. Campbell—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 8601) for the relief of E. M. Smothers—to the Committee on Military Affairs.

By Mr. McCALL of Tennessee: A bill (H. R. 8602) for the relief of William Christenberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8603) for the relief of Randolph Wesson—to the Committee on War Claims.

By Mr. MILNES: A bill (H. R. 8604) for the relief of William A. Buck, alias Andrew Buck—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 8605) granting an honorable discharge to James Brown, of Company A, First Florida Volunteers—to the Committee on Military Affairs.

By Mr. SWANSON: A bill (H. R. 8606) for the relief of Patrick County—to the Committee on War Claims.

Also, a bill (H. R. 8607) for the relief of Abram Staples—to the Committee on War Claims.

By Mr. TAYLER: A bill (H. R. 8608) to extend the term of patent No. 227034, dated April 27, 1880, granted to Daniel T. Lawson—to the Committee on Patents.

By Mr. WILSON of Ohio: A bill (H. R. 8609) to remove the charge of desertion against Patrick Welsh—to the Committee on Military Affairs.

Also, a bill (H. R. 8610) to remove the charge of desertion from the record of Elias Guisinger—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of Washington Camp, No. 434, Patriotic Order Sons of America, of Curllsville, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BROMWELL: Memorial of the Associated Banks of Cincinnati, Ohio, in favor of House bill No. 849, to increase bank circulation to the par value of bonds deposited—to the Committee on Banking and Currency.

By Mr. CHICKERING: Petition of citizens of Hannibal, N. Y., favoring the passage of House bills Nos. 4566 and 888, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Kansas: Resolution of Goodspeed Post, No. 295, Grand Army of the Republic, of Reading, Kans., in behalf of a service pension—to the Committee on Invalid Pensions.

By Mr. DOVENER: Resolutions of Encampment No. 119, Union Veteran League, Department of West Virginia, in support of House bill No. 3727 and Senate bill No. 1305, relating to the per diem pension bill, and urging the passage thereof—to the Committee on Invalid Pensions.

Also (by request), petition of E. T. W. Hall and 30 others, of Freemansburg, W. Va., respecting the Marquette statue—to the Committee on the Library.

By Mr. FARIS: Petitions of H. P. Townley, H. Hulman, W. C. Duncan, and others, of Indiana, praying for favorable action on bills to amend postal laws and to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of James L. Wilson and others, regarding the Marquette statue—to the Committee on the Library.

Also, petition of C. L. Mees, president Rose Polytechnic Institute, Indiana, and others, favoring the passage of House bill No. 7251, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HICKS: Petition of the Patton Publishing Company, of Patton, Pa., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph Boley, W. A. Beaver, Simon Tomlinson, and 15 other citizens of Lorette, Pa., asking for the passage of House bill No. 2626, in favor of equitable protection—to the Committee on Ways and Means.

Also, petition of Adam B. Heckman, of Bedford, Pa., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. LEISENRING: Petition of the Board of Trade, postmaster, judges, and officers of both city and county, officials of banks and corporations, and 1,000 citizens of Wilkesbarre City and county of Luzerne, Pa., praying for the passage of House bill No. 4793, for the purchase of ground and erection of a public building at Wilkesbarre, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LEONARD: Petitions of citizens of Mansfield, Pa., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: Petition of Lincoln Post, No. 56, Grand Army of the Republic, of Hodgenville, Ky.; also petition of council of administration of the Grand Army of the Republic, favoring the purchase of the Lincoln farm as a soldiers' home—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of C. W. Shoemaker, of Bridgeton, N. J., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. MCCREARY of Kentucky: Papers to accompany House bill No. 6037, granting a pension to Amanda Woodcock—to the Committee on Pensions.

By Mr. McEWAN: Petition of citizens of Jersey City, N. J., protesting against the continuance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. RAY: Petition of Chenango County Grange, of the State of New York, for laws against fraudulent food products—to the Committee on Ways and Means.

By Mr. CHARLES W. STONE: Petition of the faculty of the Teachers' College of New York City, asking for adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TAFT: Petition of Ex-Prisoners of War Association of Cincinnati, Ohio, asking for the passage of House bill No. 306, granting a pension to sailors and soldiers who were confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

Also, memorial of the Associated Banks of Cincinnati, Ohio, in favor of House bill No. 849, to increase bank circulation to the par value of bonds deposited—to the Committee on Banking and Currency.

Also, papers to accompany House bill No. 7566 granting a pension to Della Burrows—to the Committee on Invalid Pensions.

By Mr. TAYLER: Petition of citizens of Mahoning County, Ohio, praying for the establishment of a system of rural free delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL (by request): Remonstrance and petition of John C. Warner and 29 other citizens of Jeffersonville, Ind., asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

SENATE.

FRIDAY, May 1, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

On motion of Mr. HILL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

NIAGARA RIVER BRIDGE.

Mr. HILL. While we are waiting for Senators to gather, and before taking up the appropriation bill, I ask unanimous consent to call up Senate bill 2936, a bridge bill, reported yesterday from the Committee on Commerce. It is desirable that it shall be passed immediately. It will take but a few moments.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill (S. 2936) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara, State of New York; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 8, after the word "thereto," to strike out the words "on the east bank of" and insert "across"; so as to read:

That the Lewiston Connecting Bridge Company, a corporation created by the laws of the State of New York, being chapter 340 of the laws of the year 1896, is hereby authorized to construct, maintain, and operate a bridge, and the necessary approaches thereto, across the Niagara River at or from some point in the town of Lewiston, in the county of Niagara, State of New York, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 17, after the word "War," to insert the following proviso:

Provided, That any bridge constructed under the authority of this act shall be so kept and managed as to offer reasonable and proper means for the passage of vessels and other crafts; and if said bridge be constructed as a drawbridge, the draw shall be opened promptly, upon reasonable signal, for the passage of boats; and whatever kind of bridge is built, the owners thereof shall maintain thereon, at their own expense, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the words "New York," to insert the following proviso:

Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operations of the same.

The amendment was agreed to.

The next amendment was to insert at the beginning of section 6 the following:

That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ERIE (PA.) HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of a joint resolution approved April 24, 1896, a letter from the Chief of Engineers, United States Army, together with a report from Maj. Thomas W. Symons, Corps of Engineers, relative to the improvement of the harbor of Erie, Pa.; which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Manufacturers' Association of Kings and Queens counties, New York, praying for the adoption of a single gold standard; which was referred to the Committee on Finance.

He also presented a petition of the Massachusetts Library Club, of Cambridge, Mass., praying for the enactment of legislation providing for the better publication of the public documents of the United States; which was referred to the Committee on Printing.

Mr. PEPPER presented the petition of W. J. McBane and 175 other citizens of Thornton, Ind., praying for the passage of Senate bill No. 239, to prohibit the collection of special liquor taxes from

persons other than those who are duly authorized by State laws to traffic in intoxicating liquors; which was referred to the Committee on Finance.

Mr. ALLEN presented a petition of the faculty of the University of Nebraska, at Lincoln, Nebr., praying for the establishment of a permanent board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. HILL presented resolutions adopted by the assembly of the State of New York, relative to the claim of the Ogden Land Company to the lands of the Seneca and Tuscarora Indians; which were referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN ASSEMBLY, Albany, April 23, 1896.

On motion of Mr. Matteson:

Whereas by resolution of the assembly, dated March 21, a committee was appointed and "charged with the duty of investigating and ascertaining the social, moral, and industrial condition of the several tribes of Indians in the State; with ascertaining the amount of land, cultivated and uncultivated, on their respective reservations; with the investigation of their several tribal organizations and the manner in which they assume to allot their lands among the several members of their tribes; with the investigation of the title to their lands on their several reservations; with the investigation of the claims of the Ogden Land Company to said lands and the claims of any other companies or organizations or individuals; with the investigation of all treaties made with the State of New York and the Indians therein, and of all the treaties made with the United States and said Indians, and with the investigation of such other matters relating to said Indians as will afford valuable aid to the legislature upon which to base future action;" and

Whereas said committee made a very thorough and exhaustive examination of the matters committed to its charge, and submitted its report thereon February 1, 1896, as will more fully appear by reference to assembly document No. 51; and

Whereas said committee for various and cogent reasons set forth in its report recommended:

"1. That the compulsory-attendance school law be enacted.
"2. That the legislature request the General Government to take action to extinguish the claim of the Ogden Company to the lands of the Senecas and that portion of the Tuscaroras covered by it.

"3. That the lands of the several reservations be allotted in severalty among the several members of the tribe, with suitable restrictions as to the alienation to whites and protection from judgments and other debts; but such division not to go into effect as to lands affected by the Ogden Company's claim until the claim be removed. This allotment in severalty ought not to be limited to a division of the possession of the land, but should comprise a radical uprooting of the whole tribal system, giving to each individual absolute ownership of his share of the land in fee.

"4. The repeal of all existing laws relating to the Indians of the State, excepting those prohibiting the sale of liquors to them and intrusion upon their lands, the extension of the laws of the State over them, and their absorption into citizenship;" and

Whereas it is believed that the best interests of the Indians and their future prosperity and welfare demand that the title of the Ogden Land Company, so called, to the lands occupied by them be extinguished and the lands allotted in severalty to said Indians, and that they be made citizens and absorbed in the body politic: Therefore

Be it resolved by the assembly, That the Government of the United States be, and hereby is, requested to extinguish the title of the Ogden Land Company, so called, to the lands occupied by the Indians within this State, so far as such lands are affected by said title, and to then allot the said lands in severalty to the Indians, and confer upon them all the rights, privileges, immunities, and responsibilities of citizenship.

Be it further resolved, That a copy of these resolutions be furnished to each of the United States Senators and Representatives in Congress from this State, and they are hereby requested to use every effort and endeavor to bring about the extinguishment of the title of said company to the lands in question and the allotment thereof in severalty to the Indians as hereinbefore set forth.

Be it further resolved, That a copy of these resolutions be furnished to the President of the United States and the Secretary of the Interior.

By order of the assembly.

A. E. BAXTER, Clerk.

Mr. HILL presented a petition of Gouverneur Grange, No. 808, Patrons of Husbandry, of Gouverneur, N. Y., praying for the passage of House bill No. 8008, defining cheese and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Monroe County, N. Y., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented the memorial of Rev. E. A. Kinmouth and 28 other citizens of Ledyard, Conn., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of sundry citizens of Winona, Minn., of Polish descent, remonstrating against the passage of the so-called Johnson immigration bill; which was referred to the Committee on Immigration.

Mr. MORRILL presented the memorial of S. J. Somerville, John N. Gale, and sundry other citizens of St. Johnsbury, Vt., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was ordered to lie on the table.

Mr. GALLINGER. I present the petition of Andrew Wylie, ex-justice of the supreme court of the District of Columbia, and various other citizens of the District, praying that Senate bill 1553, relating to the subject of vivisection, may be enacted into law.

In the same connection I present a memorial, which has been

sent to me, of the Medical Association of the District of Columbia, addressed to the American Medical Association, on the same subject. I regret to observe that the officers of the Medical Association of the District of Columbia state that the enactment of that bill into law will prohibit vivisection or animal experimentation in the District of Columbia and effectively close the biological laboratories connected with the Surgeon-General's Department of the United States Army, the Bureau of Animal Industry of the Department of Agriculture, and the Marine-Hospital Service, and prohibit all illustrative experimentation on living animals in the medical colleges of this District.

I will state that either the officers of the Medical Association of the District of Columbia are entirely ignorant of the provisions of the bill that is now before the Committee on the District of Columbia, which purposes simply to regulate and supervise vivisection in the District, or else they have misstated the provisions of the bill.

The PRESIDENT pro tempore. The petition and memorial will be referred to the Committee on the District of Columbia.

Mr. MITCHELL of Oregon presented a petition of sundry citizens of the Lake View land district, of Oregon, praying that investigation be made into the administration of the land office in that district; which was referred to the Committee on Public Lands.

Mr. COCKRELL. I present a petition of the St. Louis Reed, Rattan, and Willow Workers' Union, No. 6454, American Federation of Labor, in which the petitioners state that "We, the undersigned officers, by direction of the above-named organization and its members and as a constituent body of the American Federation of Labor, do hereby most respectfully request that the United States Senate pass a law giving to the people of the United States free and unlimited coinage of silver at the ratio of 16 to 1, without waiting for the aid or consent of any other nation. We are of the opinion that to do so would relieve the present monetary stringency and contribute toward bringing to us a return of national prosperity."

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL presented a petition of the Hoffman Crusade Union of the Woman's Christian Temperance Union of Kansas City, Mo., praying for the enactment of a law raising the age of consent in the District of Columbia from 16 to 18 years; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Commercial Club of St. Joseph, Mo., praying for national recognition of the transmississippi exposition to be held at Omaha, Nebr., in 1898; which was ordered to lie on the table.

He also presented a petition of the Wholesale Liquor Dealers' Association of St. Louis, Mo., and a petition of Meyer Bros. Drug Company of St. Louis, Mo., praying for the enactment of legislation relative to a rebate on alcohol; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHOUP, from the Committee on Education and Labor, to whom was referred the memorial of the committee for philanthropic labor of the Ohio Yearly Meeting of Friends, remonstrating against the passage of the bill for the introduction of military drill into the public schools, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the resolution of the annual convention of the Missouri Roads Improvement Association, favoring the passage of the bill (H. R. 6452) to establish engineering experiment stations in connection with the colleges established in the several States under act of July 2, 1862, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HARRIS on the 30th ultimo, providing for the payment of certain claims reported favorably by the Court of Claims under the provisions of the Bowman Act, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. COCKRELL April 30, 1896, intended to be proposed to the general deficiency appropriation bill, the amendment proposing to pay to Charles B. Choteau, survivor of Choteau, Harrison & Valle, of St. Louis, Mo., the sum of \$174,045.75, reported it without amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill, the amendment providing for the purchase of Analoastan Island, in the Potomac River, and

moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1170) for the relief of Morgan Everts, asked to be discharged from its further consideration, and moved that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself April 27, 1896, intended to be proposed to the District of Columbia appropriation bill, the amendment providing for an extension of highways in the District of Columbia, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y., reported it without amendment.

Mr. GEAR. I submit the report of the majority of the Committee on Pacific Railroads on the bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned heretofore reported to the Senate. I wish to notify the Senate that the Senator from Colorado [Mr. WOLCOTT] reserves the right, if he wishes to do so, to make a minority report as to the Union Pacific.

BERING SEA FISHERIES ARBITRATION.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report a bill to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896. As this is a matter of urgent importance, I am requested on behalf of the Secretary of State and the executive authorities that immediate action be taken upon the bill, and I am instructed by the Committee on Foreign Relations to ask unanimous consent that the bill be put upon its passage. I make that request.

The bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896, was read the first time by its title and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives, etc., That the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State, with the approval of the President of the United States, in fulfilling the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896. And the commission constituted by said treaty, when sitting at San Francisco, shall have power to compel the attendance and testimony of witnesses by application to the circuit court of the United States for the ninth circuit, which said court is empowered and directed to make all orders and issue all processes necessary and appropriate to that end.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. I shall not object if it does not give rise to debate. There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2998) for the relief of Joel A. King; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. ALLEN introduced a bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3000) granting a pension to Thomas C. Kelsey, of Omaha, in the State of Nebraska; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 3002) granting a pension to S. H. Pierce; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER (by request) introduced a bill (S. 3003) for the relief of John S. Friend, of Eldorado, Kans.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3004) granting a pension to Jacob Saladin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3005) to protect American producers, manufacturers, and shippers from unjust discrimination in transportation charges in favor of foreign producers, manufacturers, and dealers, and to prohibit preferences to foreign merchandise over American commerce; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. McBRIDE introduced a bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McMILLAN introduced a bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3009) to increase the pension of Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, Seventh United States Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 3010) relating to the landing of any new submarine telegraph cable line or system in this country; which was read twice by its title, and referred to the Committee on Commerce.

FOREIGN AND DOMESTIC COINS A LEGAL TENDER.

Mr. BUTLER. I introduce a bill, and ask that it be read in full for information.

Mr. HALE. How long a bill is it?

Mr. BUTLER. A paragraph.

Mr. HALE. Let it be read.

The bill (S. 3007) making certain foreign and domestic coins full legal tender, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Mexican silver dollar, containing not less than 371 grains of pure silver; the Japanese yen, containing not less than 371 grains of pure silver, and the trade dollar shall be each equal in value to the standard dollar of the United States, and shall each be a full legal tender to any amount for all debts and demands, public or private.

Mr. BUTLER. Mr. President, a word in explanation of the bill before asking its reference.

Under the Constitution of the United States we have frequently passed laws making foreign coins a legal tender. The act of February 9, 1793, over one hundred years ago, made the Spanish milled dollar and certain other foreign coins a legal tender. Since that time we have passed numerous other acts to make foreign coins a legal tender in this country, including the Mexican dollar. For over half a century the bulk of the silver coin in circulation among our people was foreign coins which had been made a full legal tender by acts of Congress. Our people were more prosperous then than they are now. Now we neither coin silver nor do we make foreign coins a legal tender. Our people are in distress on account of the scarcity of those dollars.

This bill, it will be observed, provides for making three coins a legal tender. The first is the Mexican dollar. The Mexican dollar contains 371.17 grains of pure silver, or 419.08 grains of standard silver, and is therefore heavier than our standard silver dollar.

The Japanese yen, the next coin proposed to be made a legal tender, contains 374.40 grains of pure silver, or 416 grains of standard silver, it also being heavier than our standard silver dollar of 412½ grains.

The next coin that it is proposed to make a legal tender is the trade dollar of the United States. The trade dollar, as we all know, contains 420 grains of standard silver of the same fineness (900 parts fine) as our standard silver dollar.

All of these coins are heavier by from 4 to 7½ grains than our standard silver dollar, and therefore there can be no objection on the part of those who hold to the intrinsic-theory fallacy of the goldites to coining these dollars, which contain more pure silver than our standard full legal-tender silver dollar.

Of the trade dollars there are now outstanding, according to a report of the Director of the Mint which I hold in my hand, 27,330,131. There were coined in all 35,965,924 of them. Of this amount 7,689,036 were redeemed under act of March 3, 1887. There have been deposited and purchased as bullion at the mints 944,757, making the total number redeemed and purchased as bullion 8,633,793. Therefore leaving outstanding over 27,000,000 of them, as I have stated above.

I wish to call attention in this connection to an extract from a speech made on this floor by the Senator from Colorado [Mr. TELLER] day before yesterday, in which he said, in replying to what the Senator from Ohio [Mr. SHERMAN] said the same day about "50-cent dollars":

The fact is you have a two-dollar dollar now, and that is what is the trouble with this country. The dollar of this country to-day measures twice what it used to measure; it commands twice the products. There are several countries in the world that have free coinage, notably Mexico and Japan, and neither of them has a 50-cent dollar. It is a notorious fact, which no one will

deny who is at all acquainted with the conditions (and if anyone doubts my statement he can take the consular reports from Mexico and Japan and find that I make a correct statement), that the purchasing power of the Mexican dollar and the Japanese yen, which is equivalent to a dollar practically, is as great now as it was thirty years ago.

It will be seen that this bill provides for making a legal tender the Mexican dollar and the Japanese yen, which have the same purchasing power now that they had thirty years ago, and both of which are heavier than our standard silver dollar. Continuing, the Senator from Colorado said:

That is true of the Mexican dollar, which circulates all over Asia, in the Straits Settlements, in China, and to some extent, though not much, in India; it will buy as much as it ever bought. The India rupee, equivalent at its face value to about 2 shillings of English money, will buy just as much as it would ever buy. There has been no depreciation, or, in other words, there has been no rise of prices when measured by the three kinds of money that I have mentioned in the countries in which they circulate. The Japanese money, which is the standard there, is about the same as the Mexican dollar, and it buys just as much as it used to buy. When the Japanese pays his workmen he pays them just what he used to pay them in silver. When the Mexican pays his workmen he pays them just what he used to pay them in silver. If he wants to buy material for his manufacture, he pays the same price if it is home raised and home produced. The same may be said of India.

Mr. President, this bill provides for making a legal tender of three coins which are to-day 100-cent dollars. They are 100-cent dollars, and more than that, as measured in the products of the country, and as measured in the muscle, bone, sinew, and blood of humanity. These dollars can only be called 50-cent dollars when measured by the dishonest yardstick of Shylock and the goldites. They are only 50-cent dollars when measured by the blighting, congesting, and paralyzing 200-cent gold dollar. They are only 50-cent dollars when measured by the cruel measure which makes cotton 5 cents a pound and doubles every debt and all taxes, both State and national.

About one month ago, in fact, on April 1, exactly one month ago, I introduced a bill to prohibit gold notes and mortgages in this country; that bill has not yet been reported. If Congress will not pass a bill making these coins a legal tender; if Congress will not pass the bill which I introduced on April 1 to prohibit gold notes and gold mortgages, which discriminate against a part of our own money and make gold dearer and debts harder to pay, then I call the attention of the country to the fact that the States have the right to do this under the Constitution. The States have as much right to prohibit gold mortgages as the States have to regulate interest that shall be paid on a note or a mortgage. It is also clear that the States can make gold and silver coins a legal tender.

I quote from Article I, section 10, subsection 1, of the Constitution of the United States:

No State shall * * * make anything but gold and silver coin a legal tender in payment of debts.

What does that mean? It means that the States can make gold and silver coin a legal tender in payment of debts. If it does not mean that it means nothing. It is clear that the States have the right to make these foreign coins a legal tender. If the Constitution did not mean that, why was this clause put in it? I do not think the framers of our Constitution meant when they framed this section that the States would ever make United States coin a legal tender, for who could have ever supposed that the United States would coin money and then demonetize it? But since the United States has done so, I believe the language of this clause of the Constitution applies legally, by every fair construction, with as much force to the trade dollar as it does to foreign coin; and no man will question that that clause of the Constitution gives to the States the right to make these foreign coins a full legal tender when they contain more silver of the same standard fineness than our standard dollar.

If Congress, which has the delegated power to coin money and regulate the value thereof, will not make its own coin which it has coined a legal tender, if it will not make these foreign coins according to this bill a legal tender which are heavier than our own dollar, then I say the States have that right, and I hope the States of this Union will proceed on this line if Congress will not give them this relief. In my opinion it is unconstitutional for Congress to refuse to coin silver. The States delegated to Congress the great and important function and duty to coin both gold and silver. Congress violates this trust when it refuses to coin silver. But the States did reserve the right to make gold and silver coins a legal tender, and certainly it seems that the hour has come when the States should proceed to exercise this reserved power in the interest of stagnated business and a suffering people.

But the surest way for the people to get relief and restore good government is for them to drive the gold gamblers from power next November.

I move that the bill be referred to the Committee on Finance. The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

THE RIVER AND HARBOR BILL.

Mr. WHITE. I ask for the adoption of the following order:

Ordered, That 300 extra copies of the views of the minority on House bill 7977 be printed for the use of the Senate.

I will state that the same number was ordered printed with reference to the majority report.

The order was agreed to.

EMPLOYEES ON THE MALTBY ROLL.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay any employees of the Senate now or hereafter borne on the Maltby roll at the salaries now assigned to the places on said roll until otherwise ordered.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. QUAY. If the Senator from Maine will indulge me for a moment, I should be glad to have put upon its passage Senate bill 2522, which I called up Tuesday morning, to incorporate the Alaska Transportation and Trading Company. It was read at length; it need not be read again, and its passage will occupy but a moment. It was objected to then, but I believe that now upon examination there is no objection to the bill.

Mr. HALE. I will not object if it does not give rise to debate. The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the consideration of a bill, which will be stated.

The SECRETARY. A bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post road from Taiya Inlet to Lake Bennett, in the Territory of Alaska.

Mr. QUAY. The bill was read at length the other day.

Mr. HALE. If the bill does not give rise to debate I do not object.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. WILSON. The bill, it seems, will provoke considerable debate.

Mr. HALE. Then I must object, of course.

The PRESIDENT pro tempore. Objection is made.

Mr. QUAY. I did not hear the remark of the Senator from Washington.

Mr. HALE. He says the bill will give rise to debate.

Mr. QUAY. I did not so understand it. I did not know there was to be any debate upon the bill. Of course, I withdraw the suggestion.

A. T. HENSLEY.

Mr. BURROWS. I ask for the consideration of a bill of only seven lines, which will occasion no debate. It involves but four hundred and some odd dollars.

Mr. HALE. If it gives rise to debate, the Senator will withdraw it?

Mr. BURROWS. I will. I ask the Senate to proceed to the consideration of the bill (H. R. 7200) for the relief of A. T. Hensley.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$432 to A. T. Hensley, late of Lavaca, Tex., in full compensation for dressed flooring and rough boards furnished to the United States in August, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. J. LINTS.

Mr. TELLER. I ask the Senator from Maine who has the appropriation bill in charge if he will permit me to call up the bill (H. R. 145) for the relief of J. J. Lints. It is for the relief of a very old man and it has been pending many years. If it occasions any debate, I will, of course, withdraw it.

Mr. HALE. I will yield to the Senator from Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to J. J. Lints, of Syracuse, N. Y., \$1,289.33, in full for his services as custodian of the public property at Erie, Pa., from the 8th day of April, 1857, to the 10th day of September, 1859, inclusive.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN VALVERDE COUNTY, TEX.

Mr. CHILTON. I ask unanimous consent to call up a little bill to which there will be no objection, I feel sure. If any debate should develop, I will withdraw it.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. I yield to a matter not giving rise to any debate.

Mr. CHILTON. Yes, sir. I ask the Senate to proceed to the consideration of the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex. The bill has already been passed by the other House, and it was reported here from the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILSON. I desire to offer an amendment to the bill. It has occurred to me that if this property is to be reconveyed, as it is now used for military purposes and was conveyed for that purpose, the conveyance ought to be made subject to the approval of the Secretary of War. Will the Senator from Texas consent to that amendment?

Mr. CHILTON. Certainly, sir. I should be glad to have the Senator prepare the amendment.

Mr. WILSON. After the word "authorized," in line 4, I move to insert "subject to the approval of the Secretary of War"; so as to read:

That the Secretary of the Treasury of the United States of America is hereby authorized, subject to the approval of the Secretary of War, by proper deed, to reconvey by quitclaim deed all aforesaid land to said aforesaid company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

JOHN STULL.

Mr. SEWELL. Will the Senator from Maine allow me to call up the bill (S. 1288) for the relief of John Stull? It will take but a minute to pass the bill.

Mr. HALE. I will yield, and after that I shall ask that the appropriation bill be proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke and set aside Special Orders No. 144, paragraph 1, of the War Department, dated April 11, 1864, dismissing from the service John Stull, late captain of Company M, Third Regiment New Jersey Cavalry Volunteers, and to grant him an honorable discharge as of date April 11, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. GUYTON.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I do.

Mr. TILLMAN. I ask unanimous consent to call up the bill (S. 1860) for the relief of John M. Guyton, late postmaster at Blacksburg, S. C. If it excites any debate I will withdraw it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$484.79 to John M. Guyton, former postmaster at Blacksburg, S. C., being the amount deposited by him to cover a deficiency arising in his office in the year 1890, which deposit was made to meet a loss by the embezzlement of a clerk on or about the 30th day of January, 1890, without blame or fault on the part of Guyton.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. E. GILLINGWATERS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 65) for the relief of J. E. Gillingwaters. A similar bill has been favorably reported heretofore and passed

by the Senate in a former Congress. The bill was reported favorably at the present session from the Committee on Military Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that notwithstanding the records of the proceedings and sentence of the court-martial in the case of Private James E. Gillingwaters, late of Company H, Twelfth Missouri Cavalry Volunteers, the Secretary of War is directed to issue to Gillingwaters an honorable discharge of the date of his release from military control.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OKLAHOMA TERRITORY.

Mr. TURPIE. I ask unanimous consent to call up the bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma. I will state that I have the consent of the Senator who reported the bill to call up the bill and it has the unanimous report of the Committee on Territories.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. The bill was reported to the Senate without amendment.

Mr. CARTER. I desire to ask what committee reported that bill?

Mr. TURPIE. The Committee on Territories.

Mr. CARTER. I have no objection to the bill.

The bill was ordered to a third reading, read the third time, and passed.

HEIRS OF JACOB R. DAVIS.

Mr. ALLEN. Mr. President—

Mr. HALE. After the Senator from Nebraska has disposed of the bill he desires to call up, I give notice that I must insist upon going on with the naval appropriation bill.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 1367) for the relief of the heirs of Jacob R. Davis.

Mr. HALE. Not to give rise to any debate?

Mr. ALLEN. Not to give rise to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates \$1,500, to be paid to the heirs of Jacob R. Davis, as full compensation for services rendered by him as agent and judge of the Freedman's Bureau at Augusta, in the State of Georgia, from June 1, 1866, to June 1, 1867, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 515) granting a pension to William Grose; and

A bill (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

Mr. HALE. I ask that the pending amendment be stated.

The PRESIDENT pro tempore. The pending amendment, submitted by the Senator from Maryland [Mr. GORMAN], will be stated.

The SECRETARY. On page 50, line 19, before the word "seagoing," it is proposed to strike out "four" and insert "two"; so as to read:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract two seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$3,750,000 each.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the amendment. The Secretary will call the roll.

Mr. PERKINS. Is this the question upon the four or six battle ships?

The PRESIDENT pro tempore. It is upon the four or two.

Mr. MITCHELL of Oregon. It is to strike out "four" and insert "two," so as to provide for two battle ships.

The Secretary proceeded to call the roll.

Mr. CHANDLER (when his name was called). I am paired on this question with the junior Senator from New York [Mr. MURPHY].

Mr. HALE (when his name was called). The Senator from Tennessee [Mr. HARRIS] was called from the Chamber a few moments ago, and asked me to announce a pair with him. If he were here, he would vote "yea" and I should vote "nay."

Mr. PALMER (when his name was called). I inquire if the Senator from North Dakota [Mr. HANSBROUGH] has voted?
The PRESIDENT pro tempore. The Senator from North Dakota has not voted.

Mr. PALMER. I am paired with that Senator and withhold my vote. I should vote "yea," if he were present.

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but I will transfer my pair with him to the Senator from Ohio [Mr. BRICE] and vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON], but with the consent of the Senator from Florida [Mr. PASCO], who has the pairs on this side in charge, I transfer my pair to the Senator from Delaware [Mr. GRAY] and vote "yea."

Mr. WALTHALL (when his name was called). I transfer the general pair I have with the senior Senator from Pennsylvania [Mr. CAMERON] to the junior Senator from Kentucky [Mr. LINDSAY] and vote "yea."

The roll call was concluded.

Mr. TILLMAN (after having voted in the affirmative). I am just informed by the Senator from Florida [Mr. PASCO] that the Senator from Delaware [Mr. GRAY], to whom I transferred my pair a moment ago, is paired with the Senator from Illinois [Mr. CULLOM], but as the Senator from Louisiana [Mr. BLANCHARD] is absent and not paired on this vote, I transfer my pair to him.

Mr. BLANCHARD entered the Chamber.

Mr. TILLMAN. I see the Senator from Louisiana has come into the Chamber, and therefore I withdraw my vote.

Mr. MARTIN. On this question I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea" and he would vote "nay."

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The PRESIDENT pro tempore. He has voted.

Mr. BLANCHARD. Then I vote "yea."

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know whether it be correct or not, but I am told by the Senator in charge of the bill that the Senator from Vermont would vote "nay" upon this question, if he were present. If that be so, I shall vote "nay."

Mr. DUBOIS. I suggest to the Senator from Florida that he transfer his pair to the Senator from New Jersey [Mr. SMITH], which will allow each of us to vote.

Mr. CALL. I will make that transfer and vote "nay."

Mr. DUBOIS. I vote "nay."

Mr. GORMAN. I fear that is not exactly accurate. The Senator from Vermont, I think, would vote for the amendment for two battle ships, at least his speech clearly indicated that, and I understood that to be his position from personal statements.

Mr. HALE. I have no doubt the Senator from Vermont, from what I have heard, would vote "yea," if present.

Mr. GORMAN. He would vote "yea," and therefore, if this transfer be made, he would lose his vote.

Mr. BERRY. And so also would the Senator from New Jersey [Mr. SMITH].

Mr. CALL. Then I withdraw my vote, and announce that if the Senator from Vermont were present, I should vote "nay."

Mr. DUBOIS. I withdraw my vote.

Mr. COCKRELL (after having voted in the affirmative). I have a general pair with the Senator from Iowa [Mr. ALLISON], who is necessarily out of the Senate Chamber for a few moments. If he were present, he would vote "nay" and I should vote "yea." I withdraw the vote I have already cast.

Mr. BATE. I wish to state that my colleague [Mr. HARRIS] is temporarily absent, but was in the Chamber a short time ago. He is paired with the Senator from Maine [Mr. HALE].

Mr. BACON (after having voted in the negative). I have a general pair on political questions with the junior Senator from Rhode Island [Mr. WETMORE]. This not being a political question, under our arrangement I feel authorized to vote, and therefore, although he has not voted, I will allow my vote to stand.

Mr. BURROWS (after having voted in the negative). Has the senior Senator from Louisiana [Mr. CAFFERY] voted?

The PRESIDENT pro tempore. He has not.

Mr. BURROWS. Then I am obliged to withdraw my vote and announce my pair with him.

The result was announced—yeas 31, nays 27; as follows:

YEAS—31.

Allen,	George,	Pasco,	Vest,
Baker,	Gorman,	Peffer,	Vilas,
Bate,	Hill,	Pettigrew,	Walthall,
Berry,	Jones, Ark.	Pritchard,	Warren,
Blanchard,	Kyle,	Pugh,	White,
Butler,	Mills,	Roach,	Wilson,
Chilton,	Mitchell, Wis.	Sherman,	Wolcott,
Gallinger,	Nelson,	Turpie,	

NAYS—27.

Bacon,	Davis,	Lodge,	Quay,
Blackburn,	Faulkner,	McBride,	Sewell,
Brown,	Frye,	McMillan,	Shoup,
Cannon,	Gear,	Mantle,	Squire,
Carter,	Gibson,	Mitchell, Oreg.	Stewart,
Clark,	Hawley,	Perkins,	Teller.
Daniel,	Irby,	Platt,	

NOT VOTING—31.

Aldrich,	Cockrell,	Harris,	Palmer,
Allison,	Cullom,	Hoar,	Proctor,
Brice,	Dubois,	Jones, Nev.	Smith,
Burrows,	Elkins,	Lindsay,	Thurston,
Caffery,	Gordon,	Martin,	Tillman,
Call,	Gray,	Morgan,	Voorhees,
Cameron,	Hale,	Morrill,	Wetmore.
Chandler,	Hansbrough,	Murphy,	

So the amendment was agreed to.

Mr. ALLEN. If in order, I now move to strike out the entire paragraph authorizing the construction of battle ships.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment, which will be stated:

The SECRETARY. After line 16, on page 50, it is proposed to strike out the paragraph as amended, down to and including the word "and," in line 24, as follows:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract two seagoing coast-line battle ships, designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$3,750,000 each; and.

Mr. GORMAN. The Senator from Nebraska does not wish to strike out the first three lines. He wants simply to strike out all after the word "contract," in line 19, down to and including the word "and," in line 24. The words "that for the purpose of increasing the naval establishment," and so on, the Senator does not wish to strike out, for after that follows the provision for torpedo boats.

Mr. ALLEN. The Senator from Maryland, I think, is correct. I have not the bill before me, and therefore can not indicate the precise words. The purpose of my amendment, however, is to strike out everything which pertains to an appropriation or a contract for the construction of battle ships, and permit the remainder of the paragraph to stand.

The PRESIDENT pro tempore. The Chair requests the Senator from Nebraska to reduce his amendment to writing.

Mr. ALLEN. I will do so, Mr. President.

Mr. HALE. I suppose the Senator wishes to strike out all after the word "contract," in line 19.

Mr. GORMAN. That is it.

Mr. LODGE. Does the amendment propose to strike out all of that?

Mr. HALE. The Senate has stricken out the provision for four battle ships and left the provision providing for two. Now the Senator from Nebraska proposes to strike those out.

Mr. ALLEN. Let the amendment begin after the word "contract," in line 19, striking out down to and including the word "and," in line 24.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. It is proposed to strike out all after the word "contract," in line 19, down to and including the word "and," in line 24, as follows:

Two seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$3,750,000 each; and.

Mr. HALE. That strikes out the battle ships. I suppose that is the object the Senator from Nebraska has in view.

Mr. ALLEN. Yes, sir.

Mr. HALE. I hope we may have a vote.

The PRESIDENT pro tempore. The question is on the amendment. [Putting the question.] The ayes appear to have it.

Mr. ALLEN. I should like to have a yea-and-nay vote upon that amendment.

The yeas and nays were ordered.

Mr. WHITE. I desire that the question may be stated.

Mr. HALE. It is simply on the motion of the Senator from Nebraska to strike out the provision for the two battle ships.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. DUBOIS (when his name was called). I announce my pair with the senior Senator from New Jersey [Mr. SMITH].

Mr. HALE (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. HARRIS] to the Senator from Vermont [Mr. MORRILL] and vote "nay."

Mr. PALMER (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. HANSBROUGH], and withhold my vote.

Mr. PUGH (when his name was called). I am paired with the

senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BURROWS. I am paired with the Senator from Louisiana [Mr. CAFFERY]. If he were present, I should vote "nay."

Mr. DUBOIS. I am informed that the senior Senator from New Jersey [Mr. SMITH], with whom I am paired, if present, would vote "nay." Therefore I vote "nay."

Mr. WALTHALL. I desire to announce that the junior Senator from Kentucky [Mr. LINDSAY] is paired with the senior Senator from Pennsylvania [Mr. CAMERON] upon this question. I ask that this announcement may apply to all the yea-and-nay votes taken during the day.

Mr. BURROWS. I will transfer my pair with the Senator from Louisiana [Mr. CAFFERY] to the Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. COCKRELL (after having voted in the affirmative). I am paired generally with the Senator from Iowa [Mr. ALLISON]. I supposed he would probably be able to return to the Chamber before the result of this vote was announced, but, as I see he is not here, and knowing he would vote differently from the way I do, I withdraw my vote. The Senator from Iowa, if present, would vote "nay" and I should vote "yea."

The result was announced—yeas 13, nays 44; as follows:

YEAS—13.

Allen,	Jones, Ark.	Pettigrew,	Walthall.
Berry,	Kyle,	Roach,	
Chilton,	Pasco,	Vest,	
George,	Peffer,	Vilas,	

NAYS—44.

Baker,	Davis,	Irby,	Pritchard,
Bacon,	Dubois,	Lodge,	Quay,
Bate,	Faulkner,	McBride,	Sewell,
Blackburn,	Frye,	McMillan,	Sherman,
Blanchard,	Gallinger,	Martin,	Squire,
Burrows,	Gear,	Mills,	Teller,
Cannon,	Gorman,	Mitchell, Oreg.	Turpie,
Carter,	Hale,	Mitchell, Wis.	Warren,
Chandler,	Hansbrough,	Nelson,	White,
Clark,	Hawley,	Perkins,	Wilson,
Daniel,	Hill,	Platt,	Wolcott.

NOT VOTING—32.

Aldrich,	Cockrell,	Jones, Nev.	Pugh,
Allison,	Cullom,	Lindsay,	Shoup,
Brice,	Elkins,	Mantie,	Smith,
Brown,	Gibson,	Morgan,	Stewart,
Butler,	Gordon,	Morrill,	Thurston,
Caffery,	Gray,	Murphy,	Tillman,
Call,	Harris,	Palmer,	Voorhees,
Cameron,	Hoar,	Proctor,	Wetmore.

So the amendment was rejected.

Mr. CHANDLER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment reported by the Committee on Appropriations by striking out all after the word "each," in line 24, page 50, down to and including the word "dollars," in line 4, on page 51, as follows:

And 3 torpedo boats, to have a maximum speed of not less than 30 knots, to cost in all not exceeding \$300,000; and not to exceed 10 torpedo boats, to cost in all not exceeding \$500,000.

And insert:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots and torpedo boats with a minimum speed of 26 knots, 30 in number, to cost in all, exclusive of armament, not exceeding \$4,500,000.

Mr. HALE. It will be utterly impossible to build so many boats for the amount of money indicated in the amendment of the Senator from New Hampshire, and I suggest that we strike out "thirty" and substitute the word "twenty."

Mr. CHANDLER. I will not object to that modification, but I think that the Senator from Maine is mistaken. The highest boat costing \$300,000 and the lowest \$75,000, I think you could get the 30 for an average of \$150,000 each.

Mr. HALE. You can not get a 32-knot gunboat for less than \$350,000.

Mr. COCKRELL. I should like to hear the amendment to the amendment again read. I want to reserve the point of order on it. I do not think it is in order.

Mr. CHANDLER. I hope the Senator from Missouri will not make the point of order. We have stricken \$10,000,000 from the bill this morning.

Mr. COCKRELL. How many millions does the amendment ask for? If it is only four or five millions I may not object. [Laughter.]

Mr. CHANDLER. If the number of boats is reduced from 30 to 20—

Mr. HALE. I do not think you can get a 32-knot gunboat for less than \$350,000.

Mr. CHANDLER. Possibly not. The English estimate in-

cludes armament, and this excludes armament. I do not object to the modification suggested by the Senator from Maine. I hope the Senator from Missouri, when the European powers have a thousand of these boats and we have only one, will not make an objection to providing for 20 at least at this time.

Mr. COCKRELL. If the Senator from New Hampshire desires to explain his amendment I will withdraw the point of order for that purpose.

The PRESIDING OFFICER. The Chair understands the Senator from New Hampshire [Mr. CHANDLER] to accept the modification suggested by the Senator from Maine [Mr. HALE].

Mr. SQUIRE. Mr. President, I will be pleased to say a few words about the torpedo boats. Now that two battle ships are supposed to be all that the Senate wants, and probably that amendment will be concurred in by the other House, I think we ought to have more torpedo boats and that we ought to give the right kind. I have given some little attention to this matter in the past six or eight months. It so happens that torpedo boat No. 8 is now being built in the town in which I reside. That is the last contract made by the Government, and I believe it will afford the best torpedo boat yet constructed by the Government.

Mr. WOLCOTT. The Senator from Washington spoke of torpedo boat No. 8 being constructed.

Mr. SQUIRE. Yes, sir.

Mr. WOLCOTT. The Senator from New Hampshire [Mr. CHANDLER] says we have but one.

Mr. SQUIRE. I am very glad the Senator from Colorado has raised that question.

Mr. LODGE. The Senator from New Hampshire meant one in commission.

Mr. WOLCOTT. Others are being built?

Mr. LODGE. Yes, sir.

Mr. SQUIRE. There is now in commission only one such boat, the *Cushing*. She is a torpedo boat having a displacement of 105 tons, a speed of 22.5 miles, with indicated horsepower of 1,720. She was authorized on the 3d day of August, 1886, at a cost of \$82,750. The next torpedo boat which was authorized is the *Ericsson*, of 120 tons displacement, 24 miles speed, and 1,800 indicated horsepower. She was authorized on the 30th of June, 1890.

Since that time there have been authorized torpedo boats Nos. 3, 4, and 5, at a cost of \$97,500 each. They were authorized on the 26th of July, 1894. None of the last three has been built. They are being constructed at Baltimore by the Columbia Iron Works. The *Ericsson*, which I mentioned just prior to speaking of the last three boats, has never yet been put into commission, although it has been many years since she was authorized. There have been some difficulties, I do not know of what character, whether of a mechanical nature or of a financial nature, and it happens to be a fact that up to the present time there is only one torpedo boat in commission, that is the *Cushing*, and she has been built a great many years.

The last Congress authorized the construction of torpedo boats Nos. 6, 7, and 8. Nos. 6 and 7 are being built by the Herreshoff Company. The contractors have large liberty, I understand. They do not adopt the specifications of the Navy Department. They are allowed to have a free hand in their plans.

The construction of torpedo boats is something of an experiment. It seems that there are but few firms in the world that are able to be successful constructors of this class of vessels. There is the firm known as the Thornycroft firm, in England, which is very famous, and the firm alluded to in the letter quoted by the Senator from New Hampshire [Mr. CHANDLER] yesterday, that built the *Sokol*—Yarrow, of England. The Yarrow firm and the Thornycroft firm are the great firms of England in this line of business. It seems to require a special kind of ability to build vessels of this class, and I am very glad that we have shipbuilders in America who are willing to undertake the construction of these vessels, which are of superior power and speed. Of course their adaptation is peculiar for the purpose. It requires time to develop the ability to build well vessels of this class.

It seems to me that if we are going to engage in the business of building torpedo boats we ought to build the best. I have here a little memorandum which I have prepared from notes given me by officers of the United States Navy, which I will be pleased to state to the Senate.

The number of torpedo boats of and above 115 feet in length, belonging to foreign governments, is as follows:

Great Britain.....	131
France.....	108
Germany.....	116
Italy.....	106
Russia.....	78
Spain.....	36

Of the British boats, 62 are torpedo destroyers, with a speed of from 27 to 30 knots; 1 of the French, a speed of 30 knots; 1 of the Russian, 30 knots. The remainder are boats of from 20 to 26 knots.

Five or six years ago almost all foreign governments built what

were termed first-class torpedo boats, varying in size from 125 to 150 feet, and in speed from 22 to 28 knots, but during the past two years they have been abandoning this practice and going to boats of larger size. This is the result of experience gained with the smaller boats. The English contracts provide now for boats of about 300 tons, 200 feet long, and a speed of 30 knots. We read not long ago of a trial of one of these boats which developed a speed of over 31 knots.

It seems to me if we are going to enter upon the business of constructing torpedo boats that we do not want to commence where the other nations have left off. We want to build first-class torpedo boats and build enough of them so as to regard them as an efficient adjunct to our Navy. I am very well satisfied from inquiries made by me at the Navy Department that it will be impossible to build anything like 30 torpedo boats of the proper character for the amount indicated in the amendment of the Senator from New Hampshire. I do not believe it is possible to build those vessels for the figure named. I do not believe the amendment in the form presented will do any good. If it should pass I believe we would have an instance such as we had a few years ago, which I desire to mention to the Senate. The law provided that a torpedo cruiser or gunboat of 750 tons displacement, with 23 knots speed, should be built for \$350,000. That was the act approved June 30, 1890. The bids received were in excess of the appropriation, and the vessel has not yet been let by contract because nobody will build it for the appropriation. Even for a boat with so low a speed as 23 knots, when \$350,000 is authorized by law, we have not been able to find anybody, the Navy Department can not find anybody, to undertake the construction at the price named in the law. Therefore I think it useless to undertake to construct 30 torpedo vessels of the best kinds for the sum of \$4,500,000. Let us see what these other vessels will cost. The torpedo boats I have referred to—torpedo boats Nos. 3, 4, and 5, I believe—cost \$97,500 each. Torpedo boats Nos. 6 and 7, which the Herreshoff firm are to construct, are each to cost \$144,000. I have a copy of the contract in my pocket. All latitude is allowed to the Herreshoff Manufacturing Company. This firm is a free lance, and there is no one undertaking to control it. An officer of the Navy—I believe a lieutenant—stays there looking at the work. But the Chief Naval Constructor tells me he does not know anything about what those people are doing; and so does the Chief of Engineers of the Navy. They know very little about it. Here is a copy of the contract [exhibiting].

Now, what is the price in that case? One hundred and forty-four thousand dollars for each of these two boats. But in the case of the Moran Brothers Company, of Seattle, the specifications were prepared by the Navy Department. Torpedo boat No. 8 is to have a displacement of 182 tons, a speed of 26 knots, and indicated horsepower of 3,200. What is the cost? One hundred and sixty thousand dollars. I personally know this firm very well. I took a great interest in their obtaining the contract. I know they have taken the work at a price that will leave them no profit. I am satisfied they will not be able to make much, if anything, on the contract. They took it more for the sake of prestige. The Morans are able, noble men, who are doing great work for the Government. I am proud of them and of their ability to take such work at such a low price. I do not believe it is possible to build a good 26-knot torpedo boat of such a kind as the Navy Department will present the plans and specifications for a less sum than \$160,000. Let us see. Suppose every one of the 30 boats that the Senator from New Hampshire mentions in his amendment to the amendment was to cost \$160,000. That would be \$4,800,000. So you can see readily that it would be impossible to build any of the great torpedo-boat destroyers or torpedo gunboats for any such money; that is, if 30 vessels are to be built for the money. Four million five hundred thousand dollars will scarcely build 30 boats of the 26-knot class. Then how can any of the torpedo-boat destroyers be built unless the total number is decreased? I suggest that the total number be reduced to 20.

Mr. WOLCOTT. I should like to ask the Senator from Washington how many torpedo boats are now being constructed?

Mr. SQUIRE. I have gone over the list.

Mr. WOLCOTT. I did not understand it.

Mr. SQUIRE. Very well.

Mr. WOLCOTT. Will the Senator state the number for my information?

Mr. SQUIRE. The number of torpedo boats now being constructed is eight altogether, including one submarine boat.

Mr. WOLCOTT. So if nothing is appropriated at this time we still have coming into use, now being built in our different yards in the country, eight new torpedo boats. Is that the fact?

Mr. SQUIRE. It is a fact. One of them is a submarine boat, which I believe all naval authorities agree is an experimental vessel.

Mr. GORMAN. The Secretary of the Navy in his report shows that we have two torpedo boats already in commission and seven under construction. In addition to that there is under construction a very remarkable boat, if it succeeds, known as the Holland boat, that will make ten all told.

Mr. SQUIRE. That is the submarine boat to which I referred.

Mr. WOLCOTT. How many are estimated for in the report of the Secretary of the Navy, if the Senator from Maryland remembers?

Mr. GORMAN. I think ten or twelve. I can give the number to the Senator.

Mr. WOLCOTT. Ten new boats in addition to the seven now being constructed?

Mr. GORMAN. That is my recollection. I can give the exact number to the Senator in a moment.

Mr. SQUIRE. I think, if the Senator from Maryland will pardon me, that there is an error in regard to there being more than one torpedo boat in commission.

Mr. GORMAN. There are two.

Mr. SQUIRE. I understand the *Ericsson* never yet has been in commission.

Mr. GORMAN. On page 26 of the Report of the Secretary of the Navy the Senator will find a statement giving the total number of torpedo boats constructed by all countries, and the Secretary puts down two as completed by the United States and seven under construction.

Mr. SQUIRE. I think the Secretary must have looked forward with expectancy to the early coming into commission of the *Ericsson*. I do not think she has yet been put into commission. As a matter of fact, I understand from personal conversation with officers of the Navy Department that the *Cushing* is the only one actually in commission.

The point I wish to make is simply that if we are to enter upon the construction of torpedo boats and torpedo-boat destroyers we ought to have the best. Does anybody doubt that? If we are to have the best, let us appropriate enough money to get the best. If we can not get so many, let us have a less number, but let them be of the best.

Mr. CHANDLER. If the Senator from Washington, who has given to the Senate his views—with which I agree—will allow me, I will put the number of boats at 20 and propose to appropriate \$4,000,000 for that purpose.

Mr. SQUIRE. I hope the Senator will keep the sum \$4,500,000, as it is.

Mr. CHANDLER. Two hundred thousand dollars for each boat on the average.

Mr. SQUIRE. I beg to say to the Senator that I have just come from the Bureau of Construction of the Navy Department. I visited the chief of that Bureau and the Chief of the Bureau of Steam Engineering, and they tell me that it will be impossible for this class of torpedo-boat destroyers to be built for less than two hundred and fifty to three hundred thousand dollars apiece, and that the torpedo boats, so called in the amendment of the Senator, to have a speed of 26 knots, will probably each cost at least \$160,000.

Mr. WOLCOTT. How much does the Senator from Washington figure it altogether?

Mr. SQUIRE. If we build 10 torpedo-boat destroyers at an average of \$275,000 each, and 10 26 or 27½ knot torpedo boats at \$160,000 each, it comes to a little less than the amount named by the Senator from New Hampshire, \$4,500,000. In fact, it comes to exactly \$4,350,000.

Mr. CHANDLER. I will modify the amendment by reducing the number to 20 and the amount to \$4,000,000.

Mr. SQUIRE. That is much better; though I would prefer to keep the figure at \$4,500,000 as an outside limit. You allow considerable leeway when you fix the outside limit of the cost of battle ships. Why not allow a reasonable margin in the case of the torpedo boats and torpedo-boat destroyers, so that the Department need not be crowded into impracticable or impossible conditions, such as I have referred to as already existing in reference to the torpedo cruiser or gunboat authorized in 1890, for which the Government could not get a bid at the price authorized by law? It is true that a few of the smaller and poorer torpedo boats can be built for less money. Do we want any more of that class? I doubt it. My wish is to have the very best modern vessels of the respective classes.

The character of the English torpedo destroyers is of an exceedingly high class. If we are to have ship destroyers let us have those that are equal to the best English vessels of this class. They are very elaborate in their construction and as delicate in their mechanism as a watch. I have before me a copy of the Naval and Military Record, published in London, April 2, 1896, in which I observe, under the heading of "The Royal Dock-Yards," the prominent headline "Vagaries of the Destroyers," as illustrating the delicate and complicated character of these vessels. I will quote one or two sentences, as follows:

One destroyer is cured of distemper and two more take her place, and so the world wags. At present we have the *Daring*, *Sturgeon*, *Handy*, *Surly*, and *Havock* all in hand, each having kicked over the traces in some unaccountable fashion. The *Daring* was run into at Dover; the *Sturgeon* carried away her stanchions and behaved in a more or less erratic fashion; the *Handy* was deceived by her water-gauge, and her boilers suffered in consequence; the *Surly*, after some ugly defects had been made good, has made several attempts

to achieve the prescribed 27 knots, but without avail; the *Havock*, having had a smashup through the bolt of the crank-head breaking, shipped the star-board engine of the *Hornet*, but at her basin trial after the refit was not a success, owing to the overheating of the boilers. Officers who have had considerable experience with these vessels tell me that to lay up for one week in seven is not enough, as, if these crafts are to be relied upon for hard steaming and sudden spurts, it is necessary that the machinery should be overhauled and tightened up at least one week in four, otherwise these delicate vessels will be worn out long before their time.

I have quoted this to illustrate the character of the vessel that it is proposed we shall construct if we would emulate the English navy. Such vessels can not be built for a song. I doubt if we can build vessels to compete with the English counterparts for less than \$300,000 each, and we have yet to learn the trade of building this class of vessels.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. Strike out the word "thirty" and insert "twenty," and strike out the words "five hundred"; so as to read:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots, and torpedo boats with a minimum speed of 26 knots, 20 in number, to cost in all, exclusive of armament, not exceeding \$4,000,000.

Mr. PERKINS. I desire to offer a substitute for the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

The PRESIDING OFFICER. The amendment of the Senator from California [Mr. PERKINS] to the amendment will be stated.

The SECRETARY. On page 50, line 19, after the word "contract," it is proposed to strike out the word "two" and insert in lieu thereof the word "three"; so as to read:

Three seagoing coast-line battle ships.

Mr. PERKINS. The amendment will leave the bill as it now stands, merely substituting three battle ships for the two which have been voted for by the Senate. I offer what I have sent to the desk as a substitute for the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. The Senator from California will wait a moment. That is not a substitute.

The PRESIDING OFFICER. The Chair will state that the amendment of the Senator from California is not in order as in Committee of the Whole.

Mr. HALE. That is true.

The PRESIDING OFFICER. The question as to battle ships has been passed upon by the Senate as in Committee of the Whole.

Mr. PERKINS. Then I will speak to the amendment proposed by the Senator from New Hampshire.

The bill, as proposed to be amended by the committee, provides for 13 torpedo boats, 3 of which are to have a maximum speed of not less than 30 knots per hour. Ten of them are not to cost exceeding \$500,000, without any limit as to their maximum or minimum speed. A subsequent clause provides for the building of the Holland submarine torpedo boats, one of which is now under construction in Baltimore.

The question of torpedo boats is one of great importance to any government for its coast defenses. Marked improvements have been made in such boats within the past few years. The world was startled a year or two since by the achievement of a torpedo boat built for the Russian Government, called the *Sokol*, I think. She attained a speed of 30 knots an hour. Only last year Her Majesty's torpedo boat, the *Desperate*, attained the marvelous speed of 31 knots per hour, or equal to 36 statute miles. They have been making this wonderful progress in speed and great power which is entirely at the sacrifice of space. The power necessary to propel at such speed a vessel of 300 tons, which I think is the displacement of the *Desperate*, can not be less than 7,000 horsepower. It seems to me that in this age of improvement the authorization we propose to give for the construction of 13 new torpedo boats is amply sufficient.

If the experiment as to the Holland torpedo boat is a success, it matters not whether the boats go 6 or 8 miles an hour. Nothing can compete with them, for they are submerged and can attack the most formidable battle ship without any possible way for the latter to resist.

Not only is the Holland boat now in process of construction, but I noticed by the press only yesterday that a company has been formed in San Francisco, the president of which is a retired engineer officer of the United States Army, for the purpose of constructing torpedo submarine boats. More than that, scientists tell us that aerial navigation is not improbable, and perhaps when you have built a boat that will go 35 or 36 miles an hour we will have a balloon which will sail over and drop dynamite on board a battle ship, and the submarine boat will not be heard of further. It is the part of wisdom for our Government to profit by the experience of other nations. Let us go on and build the boats we have provided for in the bill, and then at the next session of Congress we can make additional improvements.

I am sorry that the Senate has stricken out four battle ships and substituted two therefor. I yesterday listened to the speech of the distinguished Senator from Maryland [Mr. GORMAN], as I always do, with much interest, and gained some instruction.

That we have not sufficient revenue to-day, perhaps, to build all these battle ships is as much due to a bill for which he is responsible as to any other cause. But the building of these ships can not be done in a day. The building of a great line-of-battle ships means two and a half to three and a half years' labor. The bill provides that after it becomes a law the contract for the construction of these ships can not be let for four months. It will be a year and a half before they are in frame, and it will be three years and a half before they are completed and ready for service.

It seems to me that the wise policy is for us to authorize the building of these ships. We would not send our money to Europe to pay for luxuries, for silks, for wines. We would distribute the money among our own people, giving them employment. Every dollar that goes into the construction of a great battle ship represents labor. The iron ore that comes from the mine, which is run into pig iron, and pig iron into ingot steel, and ingot steel rolled into plates, and there planed and fashioned into the frames and siding of the ship and into her machinery, all represent the result of labor. The money is kept here among our own people and distributed among them. We do not use the money this year or next year or the following year, but spread it over a period whereby we are all benefited.

It is wise policy, too, for us to do this, because battle ships are a bond for peace. Recently there assembled in this city a convention of representative American citizens, leading divines, leading philanthropists, able citizens of the country, who have no object in view but their country's good. They met in convention and petitioned our Government and European governments to submit differences, when they arose, to international arbitration for adjudication. That is a wise policy, but the strongest auxiliary, the most able assistant of arbitration, is for us, the Congress of the United States, to provide battle ships and armored cruisers to show that if they will not arbitrate we have the power to protect our rights. I was deeply impressed a few weeks since when I received by mail an illustrated paper from London, and I presume other Senators received the same paper. It was perhaps 36 inches square. It was headed "England's first line of defense; her great royal navy." There was on that sheet a lithograph of perhaps 250 of the most beautiful vessels that ever floated upon the water. It was an object lesson from which I think we may all derive profit. It was at the time we were having our differences, and the paper was simply sent to us as a friendly message: "See what we have; why should we arbitrate?"

England, with a formidable navy, has appropriated this year \$110,000,000 to build new ships, and yet she has already afloat 87 first, second, and third class battle ships and armored cruisers, the average displacement of which is 9,950 tons, while we hesitate here about building three battle ships which it will require more than three years for us to complete.

I think, Mr. President, it is an unwise policy on our part; I think it is narrow-minded for us to be niggardly in this respect. If we must economize let us economize in some other directions. Each one of these battle ships is a fortification in itself. It is a floating fort that is almost impregnable. It can be taken from Boston to New York, from New York to Philadelphia, and from Philadelphia to Baltimore, and so on to any port where defense is required.

The way to have peace, the way to avoid war, is to be prepared to meet war if it comes. There is no respect like the respect of fear, or if not fear the knowledge that your antagonist is your equal. I remember an incident that occurred in my own business a few months since which perhaps illustrates it more forcibly than anything else I could say. The engineer of one of our ships, a very capable, skilled mechanic, but of a pugilistic temperament, was continually at fault with one of the deck officers and on one or two occasions had assaulted him. Both officers were excellent men. We sent for them to come to the office, and after catechizing this man and that man, "Why did you do this?" the pugilistic one said, "I really could not resist it; it was an uncontrollable desire to strike the first officer." We did not care to dispense with their services, and we transferred the officer who had been assaulted to another vessel, and in his place we placed one physically superior to the officer who remained. No trouble followed, and a month or two later we sent for him. "How do things progress with you in your department?" "Oh, very pleasantly; we have no trouble whatever." "But are you not now seized with that irresistible desire to strike the deck officer?" "Well," he said, "I have learned to control myself." It was well for him that he did. It was because there stood arrayed against him one physically his superior. So it is with governments as well as individuals. If you have not the power to defend yourself upon land and sea, if you have not the courage to stand up and maintain your position if it is right, you will be assailed to your disadvantage.

I believe, as I have said before, that the construction of these 13 torpedo boats is all that it is wise for us to do at this time. I hope, however, most earnestly that when the bill is taken out of the Committee of the Whole into the Senate, the Senate will do that which I am sure the conference committee will do if we do

not, and we will sooner or later consent to it—order the construction of three ships instead of the two that we have already decided upon. This, then, will give employment to hundreds of American mechanics. It will keep our machine shops teeming; it will find a market for the farmers' products, and general prosperity where the vessels are being constructed will ensue, for the laborer will find remunerative employment.

I believe it the part of wisdom in Congress when times are hard, when business is depressed, and when people are discouraged, to foster great internal improvements, to build up our Navy, to construct public buildings. I think we have made a mistake at the present Congress in not making appropriations for the erection of public buildings in the different States. The Committee on Commerce have reported a bill here, enormous in extent so far as dollars and cents are concerned, and I am not prepared to say at this time but that they are wise recommendations. Certainly they have distributed the appropriations generally throughout the different States of the Union. It is wise policy for us to do this, and if we have not the funds now, after the 4th of next March we propose to take some of the profits at present being made by the great sugar trust of this country that go into their treasury and place them in the Treasury of the United States. We propose to take some of the business that is now being done in foreign countries, transporting to this country the products of their factories and looms upon vessels flying the foreign flag, and transport it to this country in vessels that fly the Stars and Stripes at their peak.

I believe, Mr. President, this is wise policy. I believe it an American policy, and it should find a responsive echo in the heart of everyone who believes America to be, as it is, the first nation and the first people in the world.

Mr. LODGE. Mr. President, in regard to the amendment concerning torpedo boats, I desire to say that I hope the Senate will agree to put it in the bill. There is no branch of the Navy in which we are so completely unprovided as in this important matter of torpedo boats. France leads in the possession of torpedo boats, with 218 in service and 54 building. Great Britain has 189 in service and 62 under construction. Spain is doubling her torpedo-boat force, and Japan, taking a lesson from her experience in the late war, and having already (with those captured from the Chinese) a total of 40 in service, is building 17 more.

These figures will show that while the 15 other countries mentioned have altogether 1,206 torpedo boats in service (Argentina, with the smallest number, showing 21), the United States has only 2. In the navy list which I have here before me we find the *Cushing* and the *Stiletto*, and those two only, as torpedo boats in commission. The *Cushing* is a fast boat according to the standard of speed of some years ago. The *Stiletto* is little more than a launch. We have really only one torpedo boat in commission, and that is the *Cushing*.

Now, torpedo boats, as I have said, are an exceedingly important branch of naval defense. They are particularly useful for harbor defense. They do not require a great addition to the enlisted force of the Navy. England keeps but few torpedo boats in commission, I think not more than half a dozen, although I have not the figures here. They are laid up and kept at the different yards. It is easy to keep them in condition. They are taken out and the machinery moved at different times in the year, but they do not involve the great running expense which battle ships and cruisers demand. In case of war, they can be all put in commission at once and are all useful.

Of late years, also, they have developed the torpedo boat into the torpedo destroyer; that is, the boat that carries a torpedo is fitted with an armament in order to be able to fight other boats of the same class. We have practically none of either kind. They are the most advantageous boats that can be built for harbor defense and for the fleet likewise, and yet it is with us an entirely neglected branch.

The Senator from California [Mr. PERKINS] speaks about submarine boats. Inventors have been trying to solve the problem of a submarine boat ever since our war. It has never yet been solved; it still remains in the experimental stage. There is no reason to suppose that the last device is any better than the first. They may invent a successful submarine boat any day, but it has not yet been done. In the meantime we are without this important branch of naval defense.

Mr. SQUIRE. Is there a successful submarine boat anywhere?

Mr. LODGE. There is no successful submarine boat in existence and there never has been, or a successfully controlled submarine torpedo. They may come. There is no possibility of saying what the limit of invention is, but it is certain that they have not been reached yet.

The amendment of the Senator from New Hampshire for twenty torpedo boats, instead of being excessive, is extremely moderate. We ought to have at least a hundred torpedo boats, and I am especially anxious that this amendment will be added, as the Senate has seen fit to strike down two of those battle ships.

I do not understand, Mr. President, from my point of view, this system of economy in national defense.

Mr. HILL. Will the Senator from Massachusetts allow me a moment?

Mr. LODGE. Certainly.

Mr. HILL. Are these torpedo boats recommended by the Department?

Mr. LODGE. The Department recommends twelve. I do not understand, as I was saying, this theory of economizing in national defense. If there is a deficit in the revenue, it is not owing to extravagant appropriations. The last Congresses, Republican and Democratic, have met the growing needs of the country and no more. We have a deficit because we have insufficient revenue, and insufficient because we have a bad tariff. It is a matter of very little interest to the country how we distribute responsibility for this insufficiency here. We may get up and argue back and forth who is to blame; the fact is there; and the people of this country will lay the blame for it where it belongs next November. But all that does not in the least concern our duty in making appropriations for national defense. The question of national defense stands apart and alone from all other issues. If we must economize, let it be on public buildings and rivers and harbors; let it be on something that can wait if it is necessary. I do not see any reason for making any proper appropriation wait, but to take the provisions for national defense and make those the subject of economy seems to me utterly wrong and unpatriotic. Whether we have sufficient current revenue or not, we ought to provide for coast defense and for the naval armament, which is part of it. If we have not the money in the Treasury, there is nothing more suitable to borrow money for. But now we are met with the cry of economy, and all the evils pictured by the Senator from Maryland [Mr. GORMAN] are to be met by striking down two of the battle ships. That is, we should begin to economize, and economize only at the very point where money should never be considered, because it concerns national safety and defense.

Mr. President, if we can not get four battle ships, I hope the amendment of the Senator from California will be adopted and that we shall get at least three. It is of very little consequence whether we have a deficit or a surplus in the Treasury if we are going to leave our coasts undefended and our country in a position where we may be put to expense by foreign invasion and attack compared to which all that can be expended for an efficient Navy and for proper coast defenses would be but a drop in the bucket.

I hope, Mr. President, that the Senate will at least make the battle ships three, and that they will also add the necessary number of torpedo boats, as proposed by the Senator from New Hampshire.

Mr. TILLMAN. Mr. President, as a member of the Naval Committee I have attended all of its sessions when in the city and endeavored to inform myself so as to act intelligently. I have not had the opportunity to get the full knowledge of the condition of the Navy that I ought to have, and it may be that I have been led into error in some opinions which I have formed; but let those opinions be just or unjust, true or untrue, I feel that I shall at least be excused if I give the Senate and the country the benefit of some "remarks," to use the ordinary phrase in use here, on this important question.

There are some very strange and anomalous things existing in regard to the Navy and the Navy Department, and all the other Departments here, for that matter, and I will try to point out some of them. As far as I have been able to judge the condition which exists, I will say that the Navy of the United States is suffering more from red-tape, from bureaucracy, so to speak, from official dry rot, than anything else. We find that in certain years there is great clamor for great navy-yards, for great preparations and equipments for the Government to be able to build its own ships, and we have the Bureau of Construction, the Bureau of Steam Engineering, the Bureau of Ordnance, and all that kind of thing—eight bureaus in all. From the little association I have had with some of those officers I think most of them are thoroughly competent and are creditable representatives of the United States Government. But I find that in the construction of vessels, after the different bureaus have taken charge and seasawed with one another and corresponded, and they have had the thing up and down, twisted and turned, they have nothing to do with them except to furnish the plans and superintend construction.

Complaints are coming in from mechanics who have been in the Government navy-yards and those who have been employed there that the ships are being let out to private contract, that bread is being taken out of their mouths, and that they can not get work; that they must move out and move off from their homes to hunt work in the yards of the private contractors.

The Chief Constructor, who is a very accomplished engineer and a very practical man, has advised and urged upon the Government the necessity of a change in the method of constructing our naval vessels. He pointed out very forcibly before the committee

the division of responsibility which now exists, and, if possible, the creeping in through this division of responsibility of abuses, and urged that a vessel when contracted for should be contracted for like you do for a coat; that you let the whole garment be completed by one man, all the buttons sewed on, all the lining in, the collar and everything, and turned over to you complete. But instead of that we find that one bureau designs and supervises the construction of the hull, another bureau designs and superintends the building of the machinery, another regulates the quality of the armor, and each works at times independently of the other. I have arrived at the conclusion that the whole scheme, summed up in a few words, is to get as much money out of the taxpayers as possible, and thus make the vessels very costly.

On the other hand, when you come to catechise them to find when they have built these navy-yards at such enormous expense and equipped them with all the costly machinery why they do not let the Government build its own ships, they say, "Well, we tried to build one and it is a monumental failure. It has cost more than you could buy them for by a private contract." Why has that been the case? Simply because business and politics have been brought together and the cries of certain men have been heeded, who think there ought to be reduced hours of labor. It is the eight-hour labor system and military routine prevailing in the Government industrial establishments, and one thing and another, with incompetence in the managers and overseers, that produce this undesirable condition.

The cry on this floor is: Labor must be given employment. We must give our people work. We must become a stepmother and feed them by giving them work.

Ah, Mr. President, there is a certain kind of labor that has a very strong pull, to use a colloquialism, but there are millions of other laborers who are considered as nothing more than hirelings, as hewers of wood and drawers of water, too ignorant or of too little concern, rather too debased, too far apart, to have any consideration in this Chamber.

Now, I come back to the question under discussion, for I shall wander from it in imitation of the bad example of other Senators, and shall, before I get through, discuss the general conditions and the diseases at work in this country. It seems to me that we are in this position, if we want to act as intelligent legislators and patriots: Our seaport cities, with their vast accumulations of wealth, are practically, so we are told by the army officers, defenseless; a hostile navy could come in and bombard them, burn them, or lay tribute, and there would be no means of defense. Well, Washington told us, "In time of peace prepare for war"; but I think any country in Christendom will think once, twice, and thrice before it goes to war with this country, unless we, just out of pure cussedness, so to speak, and aggression, which is un-American, shall go forth to force other people to fight for their rights.

But suppose we are defenseless, with the record or catalogue just read to us by the Senator from California [Mr. PERKINS] as to the strength of European navies, I ask you in all candor, is it the purpose of this country to try to emulate those old countries in getting up a navy that will cost us four or five hundred million dollars? Have we any need for such a navy? I think every statesman will agree with me that we need enough ships to have our flag respected wherever it may go and to have the nations of the earth consider us as being one of the powers that will let everybody else alone if they will let us alone, but that will be ready when the time comes to defend its honor and to enforce its will. How many vessels would that take? It is mere guesswork.

I believe we ought to have a respectable Navy, but with the rapid advance in the art of naval architecture, with the changes, lightning-like, going on from year to year, old guns and old systems of warfare becoming almost obsolete, it is a question which should be considered very carefully whether it is wise and proper for us to spend untold millions in the equipment of vessels that in a few years may become useless.

Without having any figures, I am prepared to say that since the time of the battle between the *Merrimac* and the *Monitor* in Hampton Roads, which revolutionized naval warfare, there have been billions of dollars spent by the governments of Europe and this country, most of which has been practically wasted. The history of this development has been that the engineers and the experts and the scientists have gone on making armor that was impenetrable, and then turning around and making a steel cannon that would penetrate it. They have perhaps reached the verge of extreme possibilities in that direction. But the mechanism of handling the enormous steel cannon and the other ingenious and mechanical contrivances which are necessary even to load the guns, all that kind of thing is being improved on every day, and we find that, as I said a moment ago, what was up to date ten years ago is now absolutely out of use.

Let us look at the record of the great battle ships that the world has spent so many millions on. According to my remembrance, the Japanese and Chinese and the Chileans and the Peruvians are the only nations that have ever made battle with the great ships.

Even during the Franco-German war, when both navies could have gone to sea and gone to fighting, what did they do? They remained in their own harbors. The only exploit of the English navy, which has cost, perhaps, nearly as much as all the others put together, that I can recollect is that they did bombard the defenseless city of Alexandria and burned it.

A hostile fleet might bombard New York. I dare say they would in case of war. Therefore if we are to attempt to protect New York the question presents itself as a practical one whether it is best to undertake to defend it with battle ships, or defend it with torpedo boats, or defend it with land batteries on the coast at the mouth of the harbor. With submarine torpedoes buried under the channel so as to be touched off by electricity I do not doubt if war were declared to-morrow between this country and any foreign nation, in a very brief while the engineers of the United States Army would have every one of our seacoast cities that can not be reached from outside in the open ocean, as a few may, defended by such mines of torpedoes as would prevent any destruction or injury to property.

The aspect of the question which presents itself to me (I have thrown out these general observations for what they may be worth) is the one as to where the ships are to come from. The Senator from Maryland [Mr. GORMAN] tells us more ships mean more bonds. If more ships mean more bonds, then, Mr. President, I am opposed to any ships. The Navy of the United States, which at the close of the war was the equal or the superior of any navy of the world, was built with greenbacks. If you bring in a proposition to build and equip a Navy to defend this country by issuing more greenbacks, or provide a proper system of coast defenses by issuing greenbacks, I will vote for it. But, sir, in the impoverished condition of our people, with millions out of employment, with the products of the farmers so low that there is nothing left with which to pay taxes and get a bare living, with the knowledge, which is brought home to me with more telling force than to any other man in this Chamber, that agriculture is languishing and dying, I can not vote for any such measures, and I can not stand here and remain silent while the proposition is made to continue in this hellish progress toward bankruptcy and universal ruin.

Therefore, while I am discussing in some degree the question of the Navy and its enlargement and the defense of the country and so on, I will follow, as I said, the bad example of others who have injected into their speeches a discussion of finance. What I shall say will be in answer to various speeches made by various men at various times and places, some Senators and some not.

I shall not undertake to go into the matter of the legality of the issue of bonds. I have denied, and I still deny, the right of the President of the United States to issue bonds to carry on the Government. I do not believe any lawyer here will dispute the proposition. All agree that there is no law which gives the President the right to issue bonds for current expenses. Is there any law which gives the right to the President to accomplish by indirection what he can not accomplish by direction? Is there any law which gives the President the right by hocus-pocus and legal legerdemain to get money out of the Treasury which it is unlawful for him to take otherwise? Some Senators say there is. They talk about the endless chain by which greenbacks are redeemed in gold, the greenbacks then going into the general fund and becoming subject to draft for general expenses, and in that way they have been used.

The Senator from New York [Mr. HILL], who I see is not in his seat, in a speech made on the 17th of April had this to say in regard to the interests of the Democratic party:

I wish to protect the best interests of that party. It would have been better had extreme counsels not prevailed then. It would be better for our party if extreme counsels did not prevail now. Therefore, I say it does not lie in the mouths of the friends of the Wilson Act to object because bonds have been issued for legitimate purposes, namely, the redemption of greenbacks, and because, incidentally, those bonds have furnished sufficient money to support the Government. How else would the Government have been supported? What chaos would have resulted without it! What a spectacle would have been presented to the country and its opponents! What a weapon we would have put into their hands if this Government had ceased operations because without enough money to support it! This very power, exercised under the act of 1875, properly, regularly, duly exercised, has been the means by which the Administration has floated the Government along. Any other course would make the failure of the Wilson Act more apparent and emphatic. We had to have some revenue. The House and Senate were deadlocked. How else was it to be procured to supply deficiencies? Not that anyone had proposed to issue bonds to meet the ordinary expenses of the Government; but as we had to have the gold with which to redeem the greenbacks, incidentally that very situation furnished us the revenue to meet the deficiency occasioned by the Wilson Act.

The tyrant's plea of necessity, Mr. President. With the representatives of the people in session, with the duty imposed upon them by law and by the Constitution to supply the ways and means to carry on the Government, a President overrides all decency, overrides the will of his own party, and accomplishes by indirection what he had no authority to do otherwise.

We are told further by the Senator from New York that this demand for the investigation of the bond sale, to which I shall not address myself, is a Populist measure, and he went on to catalogue me as being one of a coterie of four farmers, so to speak,

who denied the legality of this action, and as being the only ones who denied it, and with biting sarcasm he alluded to the Senator from Kansas [Mr. PEPPER], who claimed that the people desired this investigation, sneeringly alluding to us as "we, the people," "we, the tailors of Tooley street," are alone angry at the issue of bonds in time of peace. I deny the right of the Senator from New York to pass upon or give a nomenclature to my politics.

Mr. HILL. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Carolina yield to the Senator from New York?

Mr. TILLMAN. Certainly.

Mr. HILL. Does the Senator understand that in the remarks I made the other day I classed him as a Populist?

Mr. TILLMAN. I come along in the catalogue of Messrs. PEPPER, STEWART, ALLEN, and TILLMAN. I am one of the coterie of four.

Mr. HILL. I was referring to those who claimed that the President had no right and the Secretary of the Treasury had no right to issue bonds; and as the Senator had previously taken that position, and the Senator from Nebraska had taken that same position, and the Senator from Kansas had taken that position, it was that coterie to which I referred. I have not referred to the Senator from South Carolina as a Populist in any remarks which I have had the honor of presenting to the Senate. The Senator has a right to define himself, and with that definition I shall be entirely content.

Mr. TILLMAN. I do not wish to do the Senator from New York any wrong.

Mr. HILL. The Senator has before him my remarks.

Mr. TILLMAN. I have the Senator's remarks before me, and I shall read them and leave it to those who hear them as to their proper interpretation. The Senator from New York said:

The Senator from Kansas said further:

"Senators denounced the proceeding as unlawful."

Who? The Senator from South Carolina [Mr. TILLMAN], the Senator from Kansas [Mr. PEPPER], and the Senator from Nebraska [Mr. ALLEN], to whom has been added the distinguished Senator from Nevada [Mr. STEWART]. This coterie of Senators denounced it as unlawful.

He does not make any exception, leaving me out; he simply goes right on, and after mentioning three others, with me at the head, he says:

This coterie of Senators—

Well, I think I was in very good company. I certainly feel I was in better company than I am with some Democrats who go around on this side labeled "Democrats," and are nothing but Republicans in disguise. [Laughter.] I shall prove that they are Republicans before I get through. The Senator from New York further says:

The people! These Senators always speak in the name of the people, as if the Populist party represented the people. Mr. President, I am tired of hearing these men talk in behalf of the people. They represent but a small fragment of the people.

I do not know how much or how many we represent. I know I represent a State, and I represent it so thoroughly and so fully that I can stand here and claim to give its voice and say where its vote is going. You can not do it. [Laughter.]

Mr. HILL. Does the Senator mean to say further that he can take the Democratic State of South Carolina over into the hands of the Populists? Does he mean that?

Mr. TILLMAN. I will tell you what I propose to do with the Democratic State of South Carolina, or rather what the Democratic State of South Carolina proposes to do with itself.

Mr. HILL. I understood the Senator to say that he was proceeding to state what he would do with the State of South Carolina.

Mr. TILLMAN. If I recollect what I said—I know what I meant—it was that I could speak as to what the State would do, and you can not state what your State will do. But whether I represent the people of South Carolina or not, I want to show whom the Senator from New York represents, and whom he claims to represent. In this same speech of his on the 17th of April the Senator from New York went on to say:

I looked to see how the bonds were subscribed for. The total subscriptions to the recent loan were \$551,026,515, of which New York subscribed the modest sum of \$450,898,850. I thus speak of New York and its interests here as one of the reasons why I manifest interest in this question. I do not propose to have the bonds which my constituents purchased discredited by any such bogus, trumped-up resolution as this if I can prevent it. Massachusetts alone subscribed \$42,891,650; Pennsylvania, \$11,690,200; Ohio, \$9,398,950; Illinois, \$5,154,100; Maryland, \$3,729,500; New Jersey, \$3,305,200. Then Maine, New Hampshire, Vermont, Rhode Island, and Connecticut in all subscribed \$6,897,250.

Now, listen. Here I want you gentlemen who represent these States, you Senators, to consider, because you are making of this thing a sectional issue, and you know what sectionalism produced in this country once—

Then come Texas, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Georgia, Florida, Delaware, District of Columbia, Virginia, and West Virginia, all together, \$5,200,035. Then comes

another group of States, Nebraska, Missouri, Arkansas, Minnesota, North Dakota, South Dakota, Kansas, Indiana, Iowa, Michigan, and Wisconsin, \$5,570,850. Then comes another group of States which were going to take all the bonds before they were issued at 2½ or 3 per cent—

A slur at the silver representatives of the Republican party—

Arizona, California, Indian Territory, Montana, Nevada, Idaho, Colorado, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming, and all others, \$6,289,330.

Out of the \$551,000,000 New York subscribed for \$450,000,000; New England and the States east of Ohio ran it up to \$500,000,000, and the rest of the pauper States of this country subscribed for the other fifty millions.

You represent the "people." Yes, you represent the bondholders, the bankers of New York City, and nobody else on this floor. There are no more men, or very few more people, on Manhattan Island than there are in South Carolina. Of course it goes without a reason that the great metropolis of this country, which is its depot for the entry of imports and its principal port of export, that there the money will be. I have no objection to that. What I do object to is that after having by unjust legislation legislated all the millions of this country into your pockets, legislated all the railroads into your pockets, legislated all the bonds into your pockets, you say to the rest of us, "You have got to pay the interest on this in gold, and if you impoverish yourselves and have to go to the poorhouse to do it, you must do it." That is what I object to, and that is the fight.

Mr. HILL. Is the fight to pay the interest, or are you going to repudiate the interest?

Mr. TILLMAN. If you go on with your policy and drive the people to desperation and bloodshed, it will be repudiation of bonds and interest both, I fear.

Mr. HILL. If you can not do that, you will have bloodshed, I suppose?

Mr. TILLMAN. If you force the people to bloodshed, let the blood be on your hands, not on mine. I stand here as one mouthpiece of the agricultural interests of this country, and I tell you we are desperate.

Mr. HILL. That is very evident. [Laughter.]

Mr. TILLMAN. Yes, and before we starve we will make somebody else desperate, my friend. I have been in the West. Do not consider that this is a fire eater from South Carolina, who has lost his head. I know whereof I speak. There is to-day more hatred and anger in the hearts of the people west of the Mississippi for New York and Wall street and the bondholding, bloodsucking East than ever they had for the South.

Mr. HILL. I supposed my friend a few moments ago was trying to avoid sectionalism.

Mr. TILLMAN. I said that the people who were forcing this gold issue are producing sectionalism; and I take occasion now to reproduce, or rather to paraphrase, the words of Charles Sumner, that gold monometallism is sectional, and bimetalism, or free silver, is national.

We heard the argument—and everyone will acknowledge that it was a very luminous and able argument—of the Senator from New York as to the legality of the bond issue. He dwelt with great unction and emphasis upon the old laws of 1875 and 1878, the one to issue bonds to redeem greenbacks, and the other prohibiting the retirement of the greenbacks when redeemed. He says they must be construed together. That is all right. Why do you not go to the Stanley Matthews resolution, which is also an old law, and which should have some weight in your judgment as to how this paper shall be redeemed? That is rubbish, I suppose, and has been superseded by the parity clause of the act of 1890. You make laws to suit yourselves; you construe laws to suit yourselves, and you are oblivious of any act you choose to leave out of your mind. You plead as a special pleader for the interpretation of laws to suit yourselves, and when people come to you for relief you say it is unconstitutional.

Mr. HILL. Do I understand the Senator to speak of the Stanley Matthews resolution as a law of Congress?

Mr. TILLMAN. It is an expression of the idea, of the interpretation by Congress, of what the law is. It was passed by a two-thirds vote of both parties in both Houses, and it ought at least to have as much weight as the Sherman law, which was repealed by a combination of the gold bugs of both parties.

Mr. HILL. I desire to call the Senator's attention to the fact that it was simply a concurrent resolution of Congress.

Mr. TILLMAN. Well, forgive me if I am ignorant of the technical meaning and legal effect of a concurrent, a joint resolution, and all that sort of thing. [Laughter.] At all events, it got the necessary votes, which just as easily could have made it an act instead of a resolution, and it should have some weight in morals, if not in law. We could have had a similar resolution or act passed here by a heavy majority if it had not been that this bamboozling process has gone on on this floor by the representatives of monopolies and railroads and banks, and if you had permitted it; but you talked it to death and put it upon the Calendar. [Laughter.]

I have been governor of a State, and I know something about the feeling of official responsibility and as to the weight which presses on the executive head of a government who has imposed upon him the execution of law. I have been accused of even overriding some laws of South Carolina in connection with our dispensary or whisky law, but I can not go aside now to make any explanation of that. I have left that to be determined by my own people, who have passed on my record there twice as governor and once as Senator in sending me here. People may criticize the provisions of that law and my actions as governor as much as they please, but I leave it to my own people to answer that by their votes. I say this, however, that no Executive with a due regard for his oath of office would, in the face of Congress in session, do that by indirection which he could not do by direction, and had no authority at all to do.

We had in the past an illustration of a conflict between the Executive and Congress in the time of Jackson. When he vetoed the recharter of the banks, he gave his reasons, and to me they always seemed cogent; at least he appealed to the people and they reelected him by an overwhelming majority. The only vetoes which this President of ours has given are the vetoes of some pitiful little pension bills for some poor devil of a Union soldier, maybe a tramp or a deserter—I do not know—but anyhow it was a pitiful and contemptible exertion of that great power of the veto to keep a pension out of the hands of some poor devil and then turn around and with the other hand give \$10,000,000 to one syndicate of bankers. [Laughter.]

The difference between the two men and the difference between the Democracy of the two men is, that Jackson stood as the champion and defender of the masses of the people, while Cleveland stands as the exemplar and tool of the classes—one representing the blood, bone, brawn, and industry, and the other representing money—the almighty dollar. [Laughter.]

The point, however, which I wish to emphasize here, though it has already been in effect brought out by the Senator from New York, is that Grover Cleveland is the tool and instrument of Republican policies. He has had no policy as President except that of the distinguished Senator from Ohio [Mr. SHERMAN] in dealing with our finances.

The people turned the Republican party out of office in 1892 because it had grown intolerable; they turned the Democratic party out in the House of Representatives and mighty near got it turned out here because the Democracy had grown more intolerable. Now the Republicans come forward and say: "Here, these Democrats have shown themselves incapable of governing this country; they have closed your mills; they have stopped all the factories; they have put laborers out in the road and made tramps of them; now put us back in power."

Well, it so happens that the apostle of Republican finance, the man who has persistently day by day and night by night for a quarter of a century schemed and worked and plotted and planned and compromised, fooled the Senators from the West in that act of 1890, as stated by the Senator from Colorado [Mr. TELLER] the day before yesterday, and as soon as he got things in shape joined the so-called Democrats to undo it, leaving them in the ditch. That Senator can be called as a witness. Here is the testimony of the Senator from Ohio as to Mr. Cleveland and his policy:

The President and the Secretary of the Treasury were perfectly justified in pursuing the course they have followed. They could not have done otherwise. Suppose they had refused payment of United States notes in gold. The result would have been that our money would have at once fallen below par and a disturbance in foreign and domestic trade would have occurred. They did right. Though I hold far different opinions from them on many questions, yet I stand here and say boldly and openly that in managing our financial affairs during the present condition of things I think the Secretary of the Treasury and the President have done their full duty, and I could say no more if there were a Republican President in office.

"Praise from Sir Hubert is praise indeed;" and when Grover Cleveland, if he ever dare go before the people again asking the indorsement of the Democracy, of the true Democrats, he can bear on his brow the certificate of the Senator from Ohio that he has simply done his full duty, and that a so-called Democratic President has carried out that policy which a Republican would have done had he been in the Presidential chair. You are linked together, gentlemen. Grover Cleveland and JOHN SHERMAN and John G. Carlisle are a trinity of public enemies, and you can not separate them. [Laughter.]

The Senator from Ohio the day before yesterday said to the Senator from Maryland [Mr. GORMAN], who helped him to repeal the Sherman law, "We intend to put you out." Indeed they do. You Democrats get no credit and no thanks for having carried out his policy. They stand ready to come forward, and if they can fool the people again to trust in them they intend to take the entire control of the Senate and the House, as well as the Presidency. It is simply a question with them as to whether the people will ever be so damnably foolish as to trust them again.

And what do they propose to do when they get in? They are already laying the wires here now, forcing these enormous appropriations. They are to have either a heavy increase of taxes or

more bonds. Who are going to pay the taxes? Who are the ultimate payers of taxes? The laborers of the United States, because those who sit in their offices and clip coupons, who manipulate Congress and State conventions, do not labor. They produce nothing. It is the toiling farmer who plows with horses and the sweating laborer in the machine shop and the factories of this country who produce its wealth, and they will be the ones who must either pay your bonds, if you issue them, or pay the taxes which you propose to levy.

In 1893, on the 30th of August, the Senator from Ohio [Mr. SHERMAN], in urging the repeal of the purchasing clause of the Sherman law and the total destruction of silver as a money metal, used this language:

Let us not deceive our people as to the reasons for this repeal; for when the purchasing clause is repealed you will still have to deal with the real causes of the prevailing stringency and distrust. I do not vote for this repeal with any expectation that it will in any considerable degree relieve us from the industrial stagnation that has fallen upon all kinds of business and production, and that has thrown out of employment hundreds of thousands of laboring men and women. They care little about the kind of money that is paid them, provided that it is equal in purchasing power to any other money, and is backed by the United States. They do not study the question of ratio, or the difference between silver and gold, and, if left to choice, prefer the notes of the United States to either coin.

What they want is employment, fair wages for home industry, reasonable protection against undue competition with foreign laborers miserably paid, fed, lodged, and treated. Give them these, and you may make your standards of value as you choose.

Why do you not give them the greenbacks if they prefer them? They were good enough during the war, according to your own testimony, and made this country prosperous. Why are you unwilling to loosen your grasp from the throat of industry and give our people the opportunity, by having some circulating medium that will transact the business of this country, to renew their employment? How can the factories start up when their products can not be sold because of the poverty of the farmer? One-half of our population are farmers or dependent upon farmers. They are one-half of the consumers. How can they consume the products of your factories if you bankrupt them by your financial policy of restriction and contraction and the maintenance of the gold standard?

In the same speech the Senator from Ohio further said:

We ought to encourage in every way possible the exportations of our products. I do not precisely see how this can be done. If any measure whatever can be devised to facilitate transportation, even if possible by the use of American vessels, in various ways, it ought to be done. We ought to pour the wealth of our country into the lap of all Europe and sell them our products in order to avoid any difficulty. I do not say precisely how we could aid the Treasury, but the people of the United States are an ingenious people; they will devise ways and means of meeting any demand that is made upon our resources by the people of Europe or any other country.

He testified over here first as to the ignorance of the people and to their indifference and carelessness with respect to what kind of money they have so that the Government is behind it. Then he turns around and says we ought to pour the products of our country into Europe. In other words, knowing that two-thirds or three-fourths of our exports are raised on the farm, he says we must compete with other nations by selling lower than they do, so as to send our products to England and fatten and feed the British and let them grow wealthy. At whose expense and for whose benefit? Talk about the Tories whom we were supposed to have driven out of this country in 1776! They are here in full possession of the Government to-day, and our financial policy and the conduct of this Government are as much English as though we were a part of the Dominion of Canada, or more so.

Pour our products abroad; send them away; give them away. Then, when the farmer wants some reciprocity, wants the right, if he must sell in the cheapest market, to buy in the cheapest market, the Senator says, "Oh, no; we must protect American industries; we must protect American labor." Mind you, now, whenever I say Carlisle I mean SHERMAN. They are interchangeable as political entities, except that one has been honest and consistent and the other has proved treacherous.

Here is the famous speech which the Secretary of the Treasury delivered in Chicago a couple of weeks ago to a so-called laborers' meeting. I have seen it stated, I have letters from there so stating, and I have the best kind of information to the effect that he was not invited there by any of the actual laborers of Chicago at all, but that it was a bogus crowd that got in the hall, and that when some of the actual laborers went in and tried to catechise him and ask him some questions, so as to elucidate some of his points, he had them hustled out by the police. [Laughter.] We have it out of the mouths of JOHN SHERMAN and John Carlisle, for they are both alike. Here is what he said:

The naked proposition is that the United States shall coin, at the public expense, for the exclusive benefit of the individuals and corporations owning the bullion, all the silver that may be presented at the mints into dollars containing 371 grains of pure silver, or 412 grains of standard silver, worth intrinsically about 51 or 52 cents, deliver the coins to the depositors of the bullion, and compel all the other people in the country to receive these coins at a valuation of 100 cents each in the payment of debts due them for property sold, for labor and service of all kinds, for pensions to soldiers and sailors and their widows and children, for losses sustained under policies issued by life and other insurance companies, for deposits in saving banks, trust

companies, building associations, and other institutions, for debts due to widows and orphans by guardians, executors, and administrators of decedents' estates and other trustees, for salaries of all civil, military, and naval officials, and the compensation of private soldiers and seamen, and, in short, for every kind of obligation recognized by the laws of the land, except only in cases where the prudent capitalist has taken the precaution in advance to contract for payment of debts due to him in gold or its equivalent.

Now, here is SHERMAN:

Nowhere in the world does the laboring man get as many dollars of as high purchasing power as are paid to him for all kinds of labor in the United States of America. No one will suffer more severely than he by a lowering of the standard of value. Every laboring man can buy more under this system with his money than any other. It seems to me we ought not to disturb the parity of the two coins of silver and gold.

I ask the Senator from Ohio to tell me, if the wage earners to whom he was addressing himself and to whom Carlisle was addressing himself get their rations and bread and meat cheaper than they ever got them before, from whom do they buy them? Will the Senator be kind enough to answer? If he knows anybody in this country who makes bread and meat except the man who plows with a mule or horse, I am unacquainted with him. They take cognizance of every class of society—Carlisle cataloguing them, SHERMAN appealing to them; both ignoring that great agricultural interest which pays your foreign exchanges with its hard earnings. There is no farmer in it. He is not worthy of consideration. He has been sold bodily, as much as slaves were sold in the South, to English syndicates, to the bondholders and bankers and corporations of this country. He is a slave. They depend upon his ignorance, to which they have certified. They hope to bamboozle the laborers in the cities into voting the Republican ticket while depending on the ignorance of the farmers in the country to vote the Republican ticket, and thus hope to restore themselves and their people to power. Perhaps the people will do it. The fools are not all dead yet. But they are getting awful restless. You have burned them mighty hot. Take care you do not burn them so hard and so hot that when you count your votes in November you will not find enough to put you back. Every interest, however, is catalogued by Carlisle, as I said, in maintaining this iniquitous gold-bug policy of giving 2 pounds of cotton or 2 bushels of wheat for what ought to be bought with 1.

The Senator from New York [Mr. HILL] has served notice upon the country and the Senate that it is about time for the Democrats and the Republicans to join forces against this poor little coterie of three Populists in here. [Laughter.] Having destroyed utterly all hope of the Democratic party as now organized regaining its prestige or having anything to do with the Government for the next quarter of a century, having done it to death—for it is dead unless it can purify itself of the corruption and rottenness that now hangs around its neck like Sinbad's old man—he says, "Join with us; it is time to join. We must not have any investigation of bond sales, or it might throw a cloud on the title of my New York constituents, who are 'the people.'"

But here comes another "offensive partisan." Way back yonder, when we were blessed with a surplus rather than a deficit and the first Democratic President we had had for many years was laboring to convince the people that civil service reform was a dear thing to his heart, he used the words that he would not permit offensive partisanship in any office of the Government. What a spectacle has his Cabinet presented during the last year or more to all of us who disagree with them, who cling to the principles of Jefferson and Jackson and who swear by hard money, who are called "silver cranks," "lunatics," "wild-eyed people from the West." Do you blame us for being wild-eyed when they are trying to make us farmers especially contribute to support the whole business? Is it not time to get wild-eyed?

Mr. Herbert has a speech in this morning's paper which was delivered in Cleveland to some commercial gentlemen, some bondholders and coupon clippers. He comes from an agricultural State, with a few iron mines and a little coal. Carlisle comes from an agricultural State. Here is what Mr. Herbert has to say about the horny-handed sons of toil:

Against all such tendencies, against every contention between classes that might disturb the internal peace of our country, against every scheme that should tend in the remotest degree to affect the rights of property, against any interference by government with the principles of absolute justice between man and man, it was once supposed that the American farmer, in defense of his own home, would forever stand as an immovable bulwark; but a change has come over the spirit of many of our farmers. They have heard so much of industries built up and fortunes amassed by legislation, so much of wages said to have been increased by law, that they are naturally asking why something can not be done for their benefit by the Government at Washington. There is no other way in which to account for the change of sentiment among them. Many schemes have in recent years found favor in their eyes that would not for a moment have been entertained in the earlier days of the Republic.

Then he goes on and tells us what fools we are and why:

THE FREE-COINAGE CRAZE.

First the demand was for the issue of unlimited greenbacks, then it was for the issue of subtreasury notes upon a deposit of farm products, making the Government every man's banker, and now comes the demand, participated in by a very large number of farmers and others, for the unlimited coinage of silver at the ratio of 16 to 1, when the ratio of the values of gold and silver is as 31 to 1. It never occurred to Alexander Hamilton, who represented one

of the great parties of the country, when parties were forming, or to his great rival, Thomas Jefferson, who represented the other, that Congress had the authority or the power to make 50 cents' worth of silver equal to a dollar. Hamilton and Jefferson both understood that the bullion in a silver dollar and the bullion in a gold dollar should equal each other in value as tested by the markets of the world. When Jefferson was President he stopped the coinage of the silver dollar because a difference of 3 or 4 cents between the value of our silver dollar and the value of the cheaper foreign coin, then in circulation, was driving our silver dollar out of circulation. Later, when in the days of Jackson it was seen that there had come to be 3 cents difference in the bullion value of the two dollars, the ratio was readjusted to meet that difference. In those days the idea that Congress could legislate out of existence a difference of 50 cents in the value of the two dollars would have been deemed chimerical; but now that we are accustomed to look to the Government for material help in so many directions in our daily business—

Especially in building ships—

those who make these demands are claiming that Congress has already done things for special classes quite as beneficent and quite as marvelous as the keeping of gold and silver together at 16 to 1.

He says it never occurred to Hamilton or Jefferson that this Government could by law make 50 cents' worth of silver equal to a dollar. In other words, having by legislation, which debarred silver from the mints, hammered it from 103 down to 51 or 52, they take advantage of their own wrong and undertake to parade before the people of the United States the claim that silver is low because it is so in the markets of the world. It is so by law and nothing else. There is no man who dares to deny it. More; we hear talk of "fiat" money. Oh, the gold-bug papers have howled, and howled, and howled for years on the matter of fiat money. What is fiat money? Every dollar of this Government is fiat money. No man here dares to dispute it. How do I prove it? Fiat, of course, as every man knows, means be it enacted or so be it. There is no dollar in circulation that is not a dollar simply because it is a dollar by act of Congress.

We are told that we have bimetallism now because there is more silver in circulation than ever before. It is not a question of how much silver circulates. It is a question of the standard of value. Every man here knows that the silver would not circulate as a dollar under the law discriminating against it at the mints if it were not redeemable in gold. They say, "Law does not affect value. Law has nothing to do with it. You can not legislate on this matter. You can not do anything by law." Let me illustrate. Let us take three dollars—one in gold, one in silver, and one in greenbacks. They are interchangeable, and everybody prefers the paper dollar. It is a dollar, however, because it is redeemable in coin. It is a promise, a note. The silver dollar used to be a dollar because it was worth a dollar. It is now a dollar because it is redeemable in gold. Otherwise it is nothing more than 50 or 52 cents. Let us burn these three dollars, if you please. The paper goes up in smoke; the other two melt. Being indestructible, they become bullion. What a moment ago was a dollar in silver is now a commodity. It can be sold in the markets for what it will bring, like wheat or corn. Why is the gold still a dollar? Because the nations of the earth receive it as a dollar? No. Because it has the right of way to the mints by enactment and can come and get itself a new frock and be coined back into its old dress. If silver were allowed also to go and get a new frock it would be worth a hundred cents in a very few years, as soon as we get back into a condition of equilibrium between the two metals which has been destroyed by legislation.

Yet these wise men try to bamboozle the people by saying, "The law has nothing to do with it. It is a matter of interchange between the nations of the earth. It is fixed by commerce." I am bound to acknowledge that if we had free coinage of silver at 16 to 1 possibly our gold would disappear. Suppose it does. Being a coward and a thief, it always leaves when there is anything to do for the people. I have been out West, and I took some hand primaries to see how many there were who had seen any gold in a year. The result showed about 1 in 16. Talk about \$620,000,000 in gold in circulation now which will disappear and create a vacuum and a panic! Where is it going? Who is going to give it away? If silver coinage were instituted by Congress I dare say there would be a rush and an effort made by the shylocks to foreclose their mortgages and reap the fruits of their roguery before the country could get on its legs again. They are swallowing us by degrees now, and if we have to go it at one dash or go it in four or five years I prefer to take it right straight and have it over. I prefer to go inside the whale all at once, like Jonah did, than be slowly swallowed with the accompaniment of crocodile tears.

No man here who is honest will deny the proposition that with the recognition of silver as money, with the right to mintage like gold, silver will bound away yonder somewhere approximately on a par with gold. I do not know whether the ratio would be 20 to 1 or 16 to 1 or 17 to 1, or what it would be, but silver would just as inevitably rise and get to a par with gold in a year or two as air rises when you uncork a bottle where you have had it confined. You can not keep it down, and you know it. You talk about law having nothing to do with it. You take the fool farmers for such idiots that you think you can stuff it down them, and that you can continue to make them sell their products cheaply to Europe and to pay the bonds and the difference in exchange.

What is the matter with gold that it has been going away? It went to Europe simply because our exports were so low in price that they did not equal the imports and interest on our foreign debt. That sent gold to Europe to meet the foreign balance. There are those who undertake to say that you can rehabilitate this country and restore it to prosperity by increasing the taxes upon people, by levying more taxes, by building all these enormous vessels, by making a deficit, by issuing bonds. If that is your Carlisle-Cleveland-Sherman policy, and if the people take it, I say let them fry; they deserve to fry. If they have not sense enough, if they do not realize their duty as citizens to investigate, if they follow false leaders who sell them out here, let them suffer; it is their lookout. But where is it going to end?

Let us look down the vista and see where it is going to end. I shall not portray it. I once gave a picture here of what I consider is coming. I can see it. I may be one of those Cassandra's who can see things that nobody else can see and who grieves over them. But it has been the history of the world that those who were pressing the people—pressing, pressing, and oppressing—never did see anything. Belshazzar saw nothing. None of them ever took any warning. They go relentlessly and blindly forward to their doom. The only thing I have as a consolation is that I hope and believe there is a God in heaven who has some regard for this country, who has some care of it, who for wise purposes is bringing about this condition of unrest and panicky desperate feeling, so as to bring some relief other than the simple financial one. We need other things besides the rectification of finances. We need a purification in official life. We need an uplifting and upbuilding of American patriotism. We need a constitutional convention to adopt new guarantees for the liberties of the people, to tie the hands of the tyrants and the thieves who now govern them. You dam up water and you dam it up until you get a full head on, and then, in the words of old Jere Black when he was talking before the Electoral Commission and was lamenting the degradation to which his country had come:

Wait until there is a full head on; go on with your tyranny and your robbery, your cheating of the people; overthrow the foundations of republican liberty here; wait until there is a full head on and the flood gates open, and you will see some fine grinding done.

So I say you people are going to see some fine grinding done in 1896 or within the next four years.

Here is my friend the Senator from New York [Mr. HILL], whom I dearly love. [Laughter.] You know his slogan. His brag when he gets before an audience is, "I am a Democrat!" Whenever I am labeled as a Populist, as newspapers have done and as the Congressional Directory even did, though fixed up by a Democratic clerk, I say that Populism, which, of course, is derived from the Latin word signifying the people, ought to be good enough for anybody. In other words, the People's Party—having reference to those grand Democratic principles of the greatest good for the greatest number, the rule of the majority, local self-government, and the other cardinal principles which Jefferson and Jackson taught us—ought to be a party we all could join. I say to the Senator from New York, I am a Democrat after the manner of Jefferson and Jackson. He has departed from the faith. He prates sound money; I cry hard money. He stands here as an exponent of the proposition that the national banks shall take the paper money and issue it all; I stand here as an exponent of the proposition that the National Government should issue all the money and nobody else have anything to do with it. If we must have some paper to supplement gold and silver, well and good, but let us have gold and silver first.

As I said, there is a trinity of financiers who dominate and control, and who propose to control, our financial policy, no matter which party wins, Republican or Democratic. Nobody, however, has the slightest idea that the Democrats will win. This trinity is composed of Cleveland, Carlisle, and SHERMAN on the one hand, and in opposition I place Jefferson, Jackson, and Lincoln on the other. There they are. If the people can not see and will not see it; if the farmers of this country, after the plain, open, palpable statements by these three gentlemen, can be longer fooled into voting that ticket, they deserve it.

The Senator from New York asked me a while ago what I was going to do with South Carolina. I will say to him that I expect to go to Chicago as a delegate to the national convention. I expect to do my level best as a Democrat to call my party back out of the woods of Republicanism and get it to throw up and slough off all the corruption and rottenness it has had in the last four years. If we have to bid good-bye to New York, the State that has stood by us so long, and tell Tammany's chieftain adieu, I expect I will shed a few tears. But if they succeed in buying some more delegations, as they did in Michigan day before yesterday, as I am told; if the money from the New York boodlers can secure enough delegates at Chicago to say we must have what they call "sound money" and indorse Grover Cleveland's Administration and put that in the platform, then I will take my hat and bid the Senator from New York and all the Democrats like him a long farewell.

As to where I will go I do not know. I can not go to Populism, for Populism is simply an explosion of wrath and anger on the part of disgusted Democrats and disgusted Republicans at the rottenness and corruption and cowardice and treachery of both parties. They have had a bad chance. They threw out a platform that did not appeal to the business interests of the country, did not appeal to American common sense, and did not catch anything much except to carry a few States.

The Populists see their errors now. They are recognizing that they tried too much and simply spattered themselves on the wall. The Southern Democrats, those of us who have not been debauched or who do not allow our greed to control our principles, will line up somewhere, but we will not be at Chicago under a gold standard. If there are any traitors in the South who go there and profess to represent the Southern people and undertake to indorse Grover Cleveland I say they are liars before they start, for their States will not indorse them and they will not get any votes. If we do not get a recognition of silver and return to genuine Democracy at Chicago, then the Democratic party is dead and gone forever. A new party will spring into existence. I am prophesying now. The Senator from Nebraska [Mr. ALLEN] shall not monopolize the business of making the prophecies. A new party will spring into existence and it will in a short time be able to beat you and your machine. A great army disorganized, without generals, can not marshal itself like a compact and organized and skilled body. But so help me God, if we can not beat you this time we will serve notice on you that under some banner that will have on it America for Americans, and to hell with Britain and her Tories—we will serve notice on you if we do not beat you in 1896 that we will interest you in 1900.

Mr. HILL. Mr. President, I do not know that the remarkable performance which we have just witnessed calls for any special notice or reply upon my part. Had the Senator from South Carolina [Mr. TILLMAN] not gone out of his way to speak of some suggestions which I had the honor of making the other day, I would not have deemed that anything he has said here to-day called for any particular reply. Possibly it would be wiser for those who differ with him to have given the Senate and the country the spectacle which we witnessed the last time he edified the Senate of no Senator of either party thereafter alluding to anything he had said.

Possibly, sir, I err to-day in noticing some of the suggestions which he has made. His remarks have not been wholly addressed to the naval appropriation bill. He has discussed the question of parties, the question of finances, the bond issue, the bond investigation, not yet before the Senate. He prophesied about the future, and wound up finally by forming a new party all by himself in South Carolina. With much that he has said I have no concern. To much of his criticism of the present Administration I do not propose to reply.

I have, sir, as the Senate knows and the country knows, little in common with the present Administration, at least so far as being consulted in its policies or shaping its actions is concerned. I have not been the recipient of its patronage or its favors. I am under no obligations to it. I have many times been under its displeasure. I therefore do not propose to notice except very briefly some of the gratuitous, uncalled-for, undignified remarks pertaining to that Administration of my friend from South Carolina, who says he "loves" me.

The other day when the bond resolution was properly before the Senate I addressed the Senate upon the legal question which had been raised as to the power of the Secretary of the Treasury to issue bonds for the purpose of procuring gold with which to replenish what is called the gold reserve. It was an old question, it is true. The power was undoubted. It has been scarcely denied in all the old debates we have had in this Chamber for the last ten or fifteen years. Yet it has been denied in recent debates by a few Senators whom I facetiously term "farmers" because they saw fit to call themselves such. The Senator from Kansas [Mr. PEPPER] said he was a farmer; the Senator from Nebraska [Mr. ALLEN] abdicated his position as a lawyer and said he was a farmer, and then came last but not least the distinguished Senator from South Carolina [Mr. TILLMAN], and he said he was a farmer, and all of them united in giving their combined wisdom, legal wisdom, upon the question, concurring and concluding that Secretary Carlisle had no authority to issue bonds. It was against that contention that I spoke. I did not call the Senator from South Carolina a Populist. He has not accurately quoted from my remarks or properly construed them. I wonder a little, however, at his virtuous indignation, because if what he said to-day does not carry him right on the straight road that leads to Populism it must be to some worse place.

The Senator seems to feel indignant that I should have placed him in the honorable company of the few Populists who are in this Chamber; and honorable men they are, from whom I differ in opinion upon many public questions of the day, but who are, nevertheless, honorable men, serving their party as their judgment seems best. After the expressions of the Senator from

South Carolina, to-day I was not very far out of the way, even if I had gone to the extent that he says I did, in putting him in the Populist list, because he himself says that while he may not land with the Populists after the Chicago convention, he has no idea where he is going to land.

Mr. President, it is not necessary that I should defend the Populists from the indirect, covert, insidious attack of the Senator from South Carolina, who does not want to be placed in that category. They have views which even he can not stand. He used a figure of speech that they have "bespattered" the walls with something; I do not know what; he did not tell; but he said that they "bespattered" the walls with something, and he looked right straight at the Populists. I do not know what he meant exactly. But he says he can not join them. Even he rebels against alliance with them. He did not say he would join the cohorts of the abominable Wall street. No; he does not say that; but in one part of his speech he served notice upon us distinctly that he was not going to the Populists.

Now, I will hold my good friend from South Carolina to that promise. I am not going to prophesy in these troublesome political times what may occur in the next six months. Sir, no one can tell; things are changing rapidly day by day. The present political campaign is unprecedented in both parties. There are some Senators on the other side of the Chamber who recognize that fact as well as I do.

Mr. President, there has been a cyclone sweeping through the country in the Republican circles that all their leading statesmen pretty nearly combined have been unable to check. A nomination is likely to occur, strengthened by the events of the last few days, which six months ago no one could foretell. Changes are likely to occur rapidly. Events are likely to occur in the Democratic party which may change the present situation. I therefore decline to make predictions. But, sir, I say to the Senator from South Carolina if he has that love for Jefferson and for Jackson that he professes, and if he really and in fact still represents his people, I think and I hope that he will have no occasion to leave the old party which he has served so well in the past.

Mr. President, I do not propose at this time to discuss the bond question, because I hope at some time in the future—in the "sweet by and by"—we shall have the bond resolution up, and then I can express my views fully upon the great question involved, the tremendous question, the momentous question, as to whether we shall have a Senatorial investigation of the issue of the bonds of the Government during the present Administration. There are Senators around this circle, including the Senator from South Carolina, who are looking to that great hour when it shall arrive. That is the thing they are hoping for, praying for. The present Administration is then to be condemned, to be damned. The Senator from Kansas [Mr. PEPPER] the other day, it is true, withdrew and amended his resolution, taking out of it the only reasons that had really been alleged for the investigation, namely, that there were some charges of irregularity and misconduct, and so on. But he withdrew all those, and thus deprived the resolution of any vigor or any force. But nevertheless, Mr. President, when we reach that resolution and Senators see fit to express themselves on the resolution rather than on the pending naval appropriation bill, I shall then continue my few brief remarks upon that subject and express myself again upon the points involved.

The Senator from South Carolina has alluded to me as one who had represented New York, but he doubted whether I could speak for it to-day. There is considerable truth in that statement, I regret to say. New York continued for eight or nine years in the Democratic column. I do not propose at this time to speak of what took it out. Sir, the regular Democracy of New York can not wholly be charged with the responsibility of that.

I recollect that in 1892, and I will be pardoned for speaking of it now, State after State in the South instructed their delegates for free silver and Grover Cleveland. They have not gotten free silver, but they got Mr. Cleveland. [Laughter.] They nominated Mr. Cleveland over the heads of the regular Democracy of New York, who protested against it. After the nomination was made, loyal Democrats as they are, they went back and supported the ticket, and I joined them in giving New York again to the Democratic cause.

Sir, no matter what may be in store for us in the next campaign, come victory or defeat, come sunshine or shadow, come weal or woe, there is where I will be found again in behalf of whoever may be the Democratic candidate and whatever may be the national Democratic platform in the campaign. I do not expect to have my Democracy strained in so doing. I have confidence in the wisdom of the Democratic masses and the Democratic party.

Mr. TILLMAN. Will the Senator allow me?

Mr. HILL. Certainly.

Mr. TILLMAN. The reason (if the reason should exist at the time the convention meets) why there will be a split in the party such as occurred in 1860 will be because States which can not give

us an electoral vote, which are as hopelessly Republican, as Pennsylvania, seek to come to us and give us poison under the name of Democracy. They have changed the tenets of the party, they have changed its principles, they have deserted all those grand principles which Jefferson and Jackson gave us. They give us Cleveland and his rottenness, and we will not have such Democracy.

Mr. HILL. Mr. President, I will come to Jefferson and Jackson pretty soon. I was speaking of what took place in 1892. I was forecasting a little what might possibly occur in 1896.

Mr. TILLMAN. Will the Senator just recall to his memory that South Carolina and New York were the leaders in the fight to try to keep Mr. Cleveland from being nominated, and we went back home and gave him the largest vote of any State in the South?

Mr. HILL. I have not reflected upon the Democracy of South Carolina. I owe that State much. When under much misrepresentation and other influences other States yielded and forced upon New York a candidate against which its regular Democracy protested, I acknowledged the fact, and shall always feel grateful that South Carolina joined with the regular Democracy of New York and maintained its rights and dignity and prerogatives.

But, Mr. President, having stood together before, there is no occasion for any departure or division now. Neither shall I be led into any attack upon the Democracy of those States which, perchance, can not give an electoral vote for the Democratic candidate. While Pennsylvania can not give probably a single Democratic electoral vote, she may not in that respect be unlike some of the other States in this coming campaign, but nevertheless there are in that State several hundred thousand loyal, true Democrats who have maintained the cause of tariff reform against great obstacles, against powerful influences, corporate and otherwise, and are still ready to fight for the old Democratic cause upon that and other issues. I say, sir, for one, that while I have not had and did not have anything in common with that State in 1892 and have little in common now with its organized Democracy, I recognize their right to come to the national convention and express their choice and declare their principles. What folly it would be for our Republican friends to read out of the party States like Virginia, Alabama, Texas, and other Southern States where probably, with but few exceptions, they can not get a single Republican electoral vote.

Sir, our party, as I have already said, is, or ought to be, a national party. It must have representatives from each and every State; and those States, wherein there live as true Democrats as live anywhere, States which are less fortunate in condition and situation than others where the Democratic vote is larger, are not to be repelled; they are not to be cast aside; their views are to be consulted as well as the views of those States which can cast their electoral votes for the Democratic candidates. I protest against the effort to make the Democratic party a sectional party, composed only of States where victories are absolutely certain.

As I said a few moments ago, I do not wish to discuss the bond question proper, nor the silver question at this time. I was rather amused, though, to hear the Senator from South Carolina seek to place certain leading Democrats of this country in a position of entire harmony with the views of the distinguished gentleman who in part represents Ohio upon this floor. Mr. President, I heard the words of praise from the lips of the Senator from Ohio the other day. Because a man who has been a Republican all his life, who has given honor and credit to the party that has honored him, who has been its chief financial adviser through perilous times in our history, and to his great and everlasting credit and renown, when he chooses to say that he thinks a Democratic President and a Democratic Secretary of the Treasury have performed their full duty with regard to this whole question of finance so far as bond issues are concerned, I am not to be frightened away from the Administration or from the Democratic party on account of it. I welcome such terms of approval from distinguished Republicans. If our policy has been right in that respect, I am willing they should commend it.

I do not propose to repeat what I said the other day, and what I think I established, that under laws which the President and the Secretary of the Treasury inherited, laws for which they were not responsible, they have endeavored to administer the affairs of this Government during the present financial crisis fairly and for the best interests of the country. There were grave difficulties to encounter.

The mere fact that upon certain features of the financial question there may be harmony of views between two of the great parties is nothing to the discredit of either of them. Both the political parties are in favor of the rights of this country as against foreign aggression. Are we to run because every Republican vote in this House and in the other House was given in favor of the measure recommended by President Cleveland for the maintenance of the honor of this country on the Venezuelan question? Shall we run simply because it is said that the two parties are agreed upon the great questions of foreign affairs? I differ from many of

the views expressed by the Senator from Ohio, as he well knows; but when he said that in the emergency which has existed during the past year or so the President and the Secretary of the Treasury had performed their duty honestly and faithfully, I say he was right. There was no middle ground; there was no other course to take. On the other side there was repudiation, it is true; there was discrediting the currency of our country, it is true; there was what the Senator from South Carolina calls "desperation," but the course which the President and the Secretary of the Treasury marked out was the true, the correct, and the right path so far as the simple question of the issue of the bonds was concerned.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Yes, sir.

Mr. TILLMAN. With Congress in session and the duty imposed upon it under the Constitution to provide the ways and means for running the Government, do you think it the duty of the Executive to take the law into his own hands, to ignore the representatives of the people because they will not let him have his own way, and just go forward anyhow to provide ways and means of his own?

Mr. HILL. Mr. President, I do not live in a State which has ever approved of taking the law into its own hands. The President of the United States sent a message to Congress in which he detailed the whole financial situation. He asked for legislation to relieve the condition of the country. Congress refused to act. Did the Senator from South Carolina expect that we were to provide additional revenue when the Senate was deadlocked and the two Houses could not agree? Senators may rise in their places and say majestically and loftily that when Congress is in session the President ought not to take the law into his own hands; that it is the duty of Congress to provide some ways and means to support the Government; but if Congress refused to do it, and when under a law passed in 1878 it was provided that the greenbacks must be reissued, and there was in existence the law of 1875, which provides that when they are presented they shall be redeemed, the President and the Secretary of the Treasury properly proceeded to discharge that duty.

Mr. STEWART. May I ask the Senator a question right there?

Mr. HILL. I draw the line on the Senator from Nevada. [Laughter.]

Mr. STEWART. You may draw the line on me, but I ask the question, if the failure of Congress to make provision for revenue authorizes the Executive to raise revenue?

Mr. HILL. I expect to discuss this subject with my good friend from Nevada when we reach the bond question. Do not get impatient.

Mr. STEWART. You dare not enter the discussion with me on the proposition that the failure of Congress to provide revenue transfers the power to the President, as you intimated in your argument.

Mr. HILL. Nobody has said any such thing.

Mr. STEWART. Does the Senator withdraw that remark? Did the Senator not say that if the President called upon Congress to provide revenue and Congress had not done it, the President did right in going ahead and selling bonds?

Mr. HILL. Not for the purpose of supplying revenue.

Mr. STEWART. Ah!

Mr. HILL. I said the other day, and I repeat now, that for the purpose of supplying gold with which to redeem the greenbacks, the President had a perfect right to sell bonds, and then, when the greenbacks were thus redeemed and placed in the Treasury, he had a right to use the greenbacks. There are not two sides to the question.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

Mr. TILLMAN. Were not the funds for which the bonds were sold somewhat in the nature of a trust? Would you not think if a banker had your money put into his bank as a friend, or who held it in a fiduciary capacity and misused it, that he had stolen it? And when the President takes a fund, which has been replenished by the issue of bonds, and when the law says no bonds shall be issued except to redeem the greenbacks, and when he takes that fund and spends it, and has spent \$150,000,000 of it, or something like that, does the Senator still say he was justified? Ah, you lawyers can split hairs, but you can not get that into the head of a farmer. [Laughter.]

Mr. HILL. I should despair, after the exhibition of my friend here, of getting anything of that nature into his head. [Laughter.]

Mr. TILLMAN. Another thing, if you will allow me.

Mr. HILL. Yes.

Mr. TILLMAN. I want to read you what the President him-

self said. This is from Grover Cleveland's message of December 4, 1893:

I desire also to earnestly suggest the wisdom of amending the existing statutes in regard to the issuance of Government bonds. The authority now vested in the Secretary of the Treasury to issue bonds is not as clear as it should be.

There he acknowledges that there is grave doubt in his mind as to whether or not he had a right to issue bonds; yet when he wanted to bolster up his friends and get a chance to issue more bonds, of course he took it.

Mr. HILL. The act of 1875 is clear enough. It might be clearer. It is not exactly clear that my friend from South Carolina is going to land in the Populist party, but still it may be clear enough, not wholly clear.

Mr. TILLMAN. Before I land in the Populist party you will land in the Republican party if you keep on. You are going that way as fast as you can. [Laughter.]

Mr. HILL. I tell my friend that if he does not go to the Populist party until I go to the Republican party he will never get there. [Laughter.] Mr. President, if the Senate is to take the protestation of both my friend from South Carolina and myself, you could not kick either of us out of the Democratic party. But he seems to take delight in assailing the Senator from Ohio; and simply because some one may be disposed to agree with some of the views of that Senator he therefore says that there is a departure from Democratic principles.

Mr. TILLMAN. Will the Senator from New York allow the Senator from Ohio to defend himself and not give him a certificate of Democracy?

Mr. HILL. The Senator from Ohio is entirely competent to defend himself, but he need not defend himself, for I do not give him a certificate of Democracy.

My friend from South Carolina said a few moments ago that he wanted, in addition to gold and silver, a paper currency; that he was opposed to the retirement of the greenbacks.

Mr. TILLMAN. I am. I want about a billion of them.

Mr. HILL. About a billion? What is the use of making it so small a sum as that? Why not make it several billions while you are about it?

Mr. TILLMAN. Just wait a minute.

Mr. HILL. Give me a little chance. [Laughter.] I want to demonstrate how you and JOHN SHERMAN stand exactly on the same platform on the greenback question. I read from the speech to which you refer, the speech of January 3, 1896, of the distinguished Senator from Ohio, when he spoke about the revenues, finances, etc. He then referred to the greenback currency. He is just as strong an admirer of that blood-stained greenback as you are. He may not want over \$1,000,000 of them, but still he stands upon the greenback question just the same as you do. What does he say? As one of the reasons why he protests against the retirement of the greenback currency, and a retirement which Mr. Cleveland urges, a retirement which Mr. Secretary Carlisle urges, what does he say?

Another reason, founded upon belief—

He is stating why the greenbacks should not be retired—is that the national banking system could not long endure if the United States notes were withdrawn.

Mr. TILLMAN. That is just the difference between the Senator from Ohio and myself. I want the national-bank system destroyed utterly. I wish to pull it up root and branch.

Mr. HILL. Yet you join hands, and you said a few moments ago you prided yourself upon the fact that you are a hard-money Democrat, you prided yourself that you want the greenbacks kept in circulation, and the Senator from Ohio says the principal reason they should be kept in circulation is because, if you destroy them or retire them, you destroy the national-bank system. Now, my friend, you can fight it out with the Senator from Ohio as to which of you is the better Democrat or which is the better Republican.

Mr. TILLMAN. There is no fight in it at all. We are just as far apart as the poles on the question of the greenbacks. The policy of the Senator from Ohio is to keep the greenbacks in the Treasury in case there is a raid, to keep from issuing bonds; in other words, he would contract the currency for the purpose of keeping the greenbacks there; and Mr. Cleveland wants to pay them off and burn them and issue bonds instead. Therefore, the Senator from Ohio is a better Democrat than Mr. Cleveland, and, I believe, a better Democrat than you are. [Laughter.]

Mr. HILL. My friend from South Carolina is now defending, as I understand him, the Democracy of the Senator from Ohio?

Mr. TILLMAN. I am, as against you.

Mr. HILL. There is where I wanted to get you. [Laughter.]

Mr. President, I say the Democratic party never was a greenback party. Go back to the record when the greenbacks were issued, and you will find that they were issued against nearly the whole Democratic vote.

Mr. TILLMAN. You go back to Jackson's veto message and you will find that he said the Government should retain the function of making money in its own hands, that nobody should make

its notes; that if anybody made them, let the Government make them; and that is what I want.

Mr. HILL. Jackson never recommended in any public paper of his or in any document or speech the issuing of notes of this character—never.

The PRESIDENT pro tempore. The Senator from New York will please suspend for one moment. It is an opportune time for the Chair to call the attention of Senators to Rule XIX:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer.

Good order and decorum in the Senate absolutely require a strict observance of that rule.

Mr. TILLMAN. Mr. President, I apologize for having overstepped the rule. I have seen it done here a thousand times since I have been in the body; but, however, as you call it on me, I will try to obey it.

The PRESIDENT pro tempore. The Chair was not undertaking to call attention particularly to the Senator from South Carolina, but to-day scores of times other Senators as well have without any authority interrupted the speaker when he was debating.

Mr. HILL. Mr. President, the President of the United States and the Secretary of the Treasury in recommending the retirement of greenbacks were acting strictly in accordance with Democratic principles, and Democrats who antagonize that policy are antagonizing Democratic principles. A man can not be a paper-money man and a hard-money man at the same time.

Mr. TILLMAN. How can he be a sound-money man and a national-bank man at the same time? [Laughter.]

Mr. HILL. No Democrat has proposed the continuance of national banks. The Democratic party, sir, has never placed itself upon any such distinct ground. Such banks have been tolerated or accepted only until something better could be provided as a currency. Besides, national-bank notes are not legal tender—are not money. But the ground upon which greenbacks are kept in circulation is for the very purpose of keeping up the national-bank system, as Mr. SHERMAN claims, and my friend from South Carolina and those who act with him are playing into the hands of those who desire the continuance of the national banks. It is useless for my friend to attempt to escape the responsibility of the admission which he has made. What is the admission? That he favors a scheme for more greenbacks. This is the grand, momentous, gigantic scheme of finance that he is proposing—issuing a billion or perhaps several billions of greenbacks.

Mr. TILLMAN. I am satisfied with one.

Mr. HILL. Very likely. I do not want any. The Senator ought to be able to see, and those who follow him in his extreme views upon this question ought to be able to see, that they are playing right into the hands of the national banks. The retirement of the greenbacks, as recommended by Secretary Carlisle and the President, would create a necessity for more hard money. The Senator seems to have forgotten that the President in his last message made the suggestion that if the greenbacks could thus be retired there would arise, probably, the necessity to supply the vacuum thus created by the issuing of more silver money; and yet, Mr. President, the Senator from South Carolina, and those who agree with him, stand stubbornlike upon the position, not for hard money, but stand upon the position of more money, paper money. And these so-called, misnamed hard-money Democrats, who pride themselves on the principles of Jefferson and Jackson, stand here and ask for a billion more of paper currency. Out upon such Democracy! That is not true South Carolina Democracy; it is not New York Democracy.

I am not going to enter into any argument in favor of cheap products; I am not going to harrow up the feelings of those who listen to me because of the fact that our laboring men are enabled to get the food upon which they live cheaply at the expense of the agriculturists. Of course, Mr. President, the interests of the farmer and of the mechanic are somewhat diverse—more or less so—but the law of supply and demand must regulate this matter. We should not legislate upon the financial question either to put prices up or to put prices down. We should legislate according to certain fixed principles of finance, irrespective of the question whether it puts the prices of the products of the farmer up or down.

Mr. President, considerable has been said by the Senator from South Carolina upon the principles of Jefferson, Jackson, and Lincoln. One of the principles enunciated by Mr. Jefferson in his first inaugural address was that the will of the majority should be observed. Jackson followed that same precept. In the approaching Democratic convention, which the Senator from South Carolina has announced in advance that he is to attend—and he does not even say by the leave of the Democracy of South Carolina, but he is going to attend it anyhow—when he goes there I suppose he will enter that convention with the true spirit of a South Carolina Democrat and agree to abide by the will of the majority of that convention both in its declaration of principles and in its nomination of candidates. If he goes there, Mr. Presi-

dent, with any other idea he ought not to be admitted, and he will not expect to be admitted.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Will the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

The PRESIDENT pro tempore. The Senator from South Carolina.

Mr. TILLMAN. Mr. President, I just want to call the Senator's attention to this fact, that parties are voluntary associations of men who think alike, or who think that they think alike, and who come together for the purpose of enacting into law, by getting control of the Government, the principles and policies which they advocate. The Democratic party has split once before on questions of policy and principle, and it seems inevitable to me that it is bound to split again, because the rule of the majority has not governed in the past. Take the House of Representatives here in 1893. A majority did not govern there because the minority of gold bugs from the Northeastern States, oblivious of the platform upon which they had been elected, refused to go into caucus and be bound by the will of the majority. Take the Kentucky legislature. The men who were elected there as Democrats have refused to ratify the action of the caucus and to vote for the caucus nominee, thereby refusing to obey the majority rule. And now you ask us to take your gold-bug policy and call it Democracy because you say a majority will give it to us. I say we will not have it, and that the Southern Democrats and the Western Democrats are going there with one idea and with one policy; and if we can not get it, then we will bid you good-by, or tell you to get out yourselves if we are in the majority. [Laughter.]

Mr. HILL. Mr. President, neither the Democracy of any Northern State nor the Democracy of the South are going to the convention with simply one idea. I recall the words of the distinguished Senator from Tennessee [Mr. HARRIS] in a speech delivered here in December last. When he was taunted about the fact that some flippant man had said he was untrue to silver, the old veteran Democrat from Tennessee said, "Sir, I belong to a party that has more than one idea." So, sir, the Democrats of the South and of the West will go to that convention with more than one idea; they will go to that convention to compare views; they will go to consult and to reason together; they will go there with a determination to avoid the foolishness which characterized our party in 1860, when I do not think the party split upon any very great principle. That was unwise action, and it would be unwise now for that party, which has done so much in the history of this country in the past, to quarrel, to split, to divide, over the details of financial legislation.

There is more, sir, in the Democratic party than simply the silver question. There is the great question which overshadows all others, the great question of paternalism; there is the great question of the centralization of power, against which we of the North and of the South have stood together and protested during all the history of this Republic; there is the great question of the fundamental principle upon which taxation shall be imposed, namely, for public rather than for private purposes; there is the great question of the personal liberty of the citizen, which the Democratic party has always maintained. No, sir; I resent the insinuation that either the South or the North—I observe that my friend from Nevada [Mr. STEWART] is whispering some Democratic ideas, I suppose, to my good friend from South Carolina [Mr. TILLMAN], and I tell him not to get his Democratic principles from the Republican-Populist of Nevada.

Mr. STEWART. Will you allow me?

Mr. HILL. Not now.

Mr. STEWART. Will you not allow me to tell you what I was saying?

Mr. HILL. Later. I object to the combination, Mr. President. [Laughter.]

Mr. TILLMAN. I think the Senator from New York owes it to the Senator from Nevada to hear him.

Mr. HILL. I do not owe him anything.

Mr. TILLMAN. You owe it to me, then.

The PRESIDENT pro tempore. The Chair calls the attention of Senators to the rule which requires them first to address the Chair.

Mr. HILL. The Senator can explain afterwards, when we come to the bond question. [Laughter.] I want to hear him on that question.

The PRESIDENT pro tempore. The Senator from New York declines to yield.

Mr. HILL. Yes; for the present.

Mr. STEWART. It is well for the Senator that he does. [Laughter.]

Mr. HILL. I will hear the Senator if he wishes.

Mr. STEWART. The Senator will?

Mr. HILL. Yes.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nevada?

Mr. HILL. With great pleasure.

Mr. STEWART. I said, and I repeat it—

Mr. HILL. Do not repeat it.

Mr. STEWART. I said that the argument of the Senator from New York, when he speaks of the Democracy being opposed to the concentration of power, seems a little out of place when we have the object lesson of the Executive of the nation concentrating in himself the entire power of legislation, of controlling both Houses of Congress, of disposing of the entire patronage of the Government to rule Congress. Never since this Government began has there been so much danger of concentration of power as is exercised this day and this hour by the Executive. Furthermore, the reason why it comes with bad grace from the Senator from New York to make such a statement is that on every occasion, in season and out of season, he stands by every usurpation of power that emanates from the White House. Nothing can be done there but what he will indorse, even to the extent of raising revenue without authority of law—raising revenue without consulting the two Houses of Congress. Raising revenue is the very act for which Charles I lost his head. [Laughter.] There is concentration of power. He says, "We raise this revenue for another purpose." The Administration did it for another purpose. That is, they call it for some other purpose, but they raise revenue by selling bonds without authority of law when the Government to-day has a surplus in the Treasury—

Mr. HILL. Allow me.

Mr. STEWART. When the Government has a surplus in the Treasury of \$273,000,000 by the exercise of arbitrary power—

Mr. ALLEN. Without any power.

Mr. STEWART. Without any power. And then the Senator speaks of being opposed to the concentration of the Government in the hands of the Executive and to consolidation. Charles the First consolidated the English Government and lost his head. Grover Cleveland consolidated the American Government and receives the eulogy of the Democracy.

Mr. HILL. Does the Senator from Nevada want us to understand that he whispered all that to the Senator from South Carolina? [Laughter.]

Mr. STEWART. I want the Senator to understand I whispered the substance when I said "speak of consolidated power," when the Senator was defending every act of usurpation whereby the President is raising revenue without authority of law and in violation of the Constitution.

Mr. TILLMAN. Let me say just one word.

Mr. HILL. I wish to answer the Senator from Nevada.

Mr. TILLMAN. I want to have the Senator answer both of us at the same time.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

Mr. TILLMAN. I wish to impress upon the Senator the very sorrowful acknowledgment, if he will make it truthfully, that so far as the concentration of power is concerned this President of ours is the Democratic party, and that the Senator himself has no more voice and never had in New York in distributing patronage or doing any other thing that a Senator usually does since this man has been in office than some bootblack on the street.

Mr. HILL. Neither, sir, is our party a party of a single idea. Neither is all of Democracy the distribution of patronage. I did not intend to speak of that question. If the Senator thinks I have any grievance of which I publicly complain of the President of the United States or this Administration he is mistaken.

Mr. TILLMAN. I did not say the Senator had.

Mr. HILL. I do not say that the President or the Administration in all respects have treated my distinguished colleague or myself as Democratic Senators possibly ought to have been treated, but I make no public complaint of it. I care nothing about it. I think possibly that so far as we personally are concerned it is better that we have not had to do with the matter of patronage. I care nothing about it. If all there is of Democracy is the distribution of petty patronage that falls from the Administration, then, sir, I care nothing about being a Democrat. We kept up the Democratic party in New York during the whole four years of Mr. Harrison's Administration, and we had nothing whatever of patronage. In the previous Administration of Mr. Cleveland we kept up the Democratic party during our State administration with little or no aid. Patronage does not make a party; it is usually the curse of a party.

Mr. President, having said that, I was about to proceed to speak of the fact that the Democratic party of every State in the Union would send their representatives to Chicago in the usual way when I was interrupted by my friend the Senator from South Carolina. We will not imitate the unwise example of our fathers, who quarreled over immaterial things and split the party, brought on a war, and kept our party out of power for nearly thirty years. No, sir; those of you who are expecting such a feast will be disappointed. We appeal from you in such a view to the masses of the

party, who care little for leaders, but who think more of the party and its principles and its policies. There must be conciliation; there must be mutual agreements. Men can differ upon the details of policies of the Democratic party, and such of you as think that the party will die this year are mistaken.

I do not pretend to be a prophet or the son of a prophet. I am unable to say upon what exact lines our platform will be based as to the financial question. It is not for me to say. You have a right in your State conventions to frame your platforms without help from the outside. In 1892, if you will permit me to allude to a personal matter, New York had its candidate. Its convention met early, only a week or two or three weeks earlier than usual, but it was said that we were attempting to influence the Democracy of other States. A clamor was raised in regard to it. It is true that primaries had been held in Pennsylvania and adjoining States at that time, but a great furore and a great clamor were raised, and much criticism of the Democracy of New York was indulged in because it was said that the New York Democracy was attempting improperly to influence the Democracy of the rest of the country. Although it is said that the Democracy of New York desire to impress their financial views upon the Democracy of the rest of the country, I call attention to the fact that the same loyal organization which controlled the party in 1892 controls it now. It will be one of the last States to hold its State convention.

We are not seeking to impress our views upon our brother Democrats of other States improperly or prematurely. Probably, and I do not speak authoritatively, it will be one of the last conventions held. You are holding your conventions in the South and West in your own good time. You are passing your platforms and declaring your principles, as you have a right to do, but you have no right to say, when you come with your platform to the national convention, that the national convention shall not cross a "t" or dot an "i"; that it shall not be changed in any essential particular. What kind of a party can you keep up with that discipline which forbids and prevents conciliation and mutual concessions? What kind of an organization can you have with that spirit being fomented throughout the country by good loyal Democrats, or those who have been such in the past? Our party—and I am speaking now altogether to this side of the circle—should arouse themselves. There is, and we might as well admit it, an honest difference of opinion upon the currency question. Speaking for myself, personally, I have never assailed a man who has differed with me upon that question. I have used no improper words. I have indulged in no words of abuse. I have avoided every offensive epithet possible in speaking on the question.

The financial question is a great one, about which honest men, Republicans and Democrats, may well differ. Sir, it is, however, like all other great questions, one as to which there should be a harmonization of views. It is not for anyone to fix the precise lines upon which it shall be done. I have confidence in that party in which I was born. I inherited my Democracy from my father and my grandfather, and I am willing to live in that party still. I am willing to trust its great advisers when they shall meet in council, and I am willing to abide by the result. All other Democrats should do the same. We will express our views, which may differ with yours. You represent yours. We come to the great council at Chicago, and there, if wise counsels shall prevail, we will adopt a platform, and the moment the convention adjourns every loyal Democrat will swing into line. I hope that my friend the Senator from South Carolina and I will not part company at the doors of the convention. I do not even know that I shall be there as a delegate to represent in part the Democracy of my State. I can not speak as affirmatively upon that question as the Senator from South Carolina speaks of his State. I may be so honored and I may not be; but I will go there with no threat; I will go there with no menace; I will go there expecting to have my say, to speak my sentiments, and to abide by the result of the convention when it shall be ended.

I am not going to say that the great State of South Carolina will pursue a different course. I do not believe that the party which so loyally followed Jefferson and Jackson and Calhoun will now take itself out of the Democratic column. Of course the world is wide. Men have a right to change their political relations if they desire to do so. But I think no true Democrat will go to that convention uttering the sentiments of my friend, the Senator from South Carolina, with a sort of threat that their particular views are to be sustained or else they will part company with their political associates.

The Senator has alluded to some party affairs. When we are washing the Democratic linen we may as well have it out. The Senator from Nevada [Mr. STEWART] alluded to my defense of the Administration and its policies, as he said, I think, upon any and every question. The Senator drew upon his imagination. I have said but little upon the policies of the present Administration. Upon the financial policy, so far as the Administration was attacked for the issue of bonds, I believed it my duty to defend

the Administration, regardless of patronage, regardless of the fact that I have no special relations with the Administration and have had no consultation with any of its members. I have endeavored so far as I could to mark out a policy which would strengthen and not divide the party. That is all. I am not pledged either to the head of the Administration or to any member of it who may be a candidate for public position.

The Secretary of the Treasury is concededly an able man; I believe he is a thoroughly honest and competent man. He is a man of great ability, who has been in public life a great many years, one of the men who have reflected honor upon the section of the country they have represented, and while in reference to his financial policy I have seen fit to sustain him, in part, I will say this much, and I say it freely, that in reference to the contest before the Kentucky legislature, I think the Secretary of the Treasury made a mistake. A Senator near me says it was a grievous mistake. I say so. I said so to my brother Senators around the Senate. I did not take occasion to proclaim it publicly. While I differ with the Senator from Kentucky [Mr. BLACKBURN] upon the financial question, yet he was the nominee of his party caucus, fairly, duly, and regularly nominated, and whatever his views were upon the details of financial legislation, he had served the party during a long career of nearly thirty years at home, in the other House, and in this body. He had been true to Democratic principles in the main. When he went back to his people, an old and faithful public servant, and asked that he should receive again the nomination of his party, submitted to the majority of the Democrats of the legislature, and was fairly and duly nominated, I say he deserved the support of Secretary Carlisle and of every follower of the present Administration.

I say this because that is the only way to keep up a party, to support the regular nominee. While I differ with the distinguished Senator from Kentucky upon this financial question, there is more in Democracy than the mere question of finance. No true, faithful Democrat, no matter in what State of this Union he may be, is to be proscribed because of his financial views, especially upon details.

Mr. ALLEN. They are being proscribed.

Mr. HILL. My friend the Senator from Nebraska [Mr. ALLEN] need not become the guardian of the Democratic party. We can take care of our own troubles and our own squabbles. Sir, what did your Populists in the legislature of Kentucky do? They took a position first upon one side in the Kentucky legislature and then on the other side, just as you do here, trying to stir up strife, peddling your votes upon one side or the other for a little mess of patronage. You have no right to take any hand in a suggestion that the Democracy did wrong to the Senator from Kentucky [Mr. BLACKBURN] in the contest in Kentucky. If your men had been so favorable to free silver as you pretend to be, at one juncture they could have elected Mr. BLACKBURN as Senator from Kentucky. I do not blame my friend the Senator from Nebraska, however. He is the prospective candidate of the Populist party for President, unless the Senator from South Carolina [Mr. TILLMAN] gets over pretty soon and crowds him off his platform. Of course the Senator from Nebraska wants to stir up all the trouble he can. He has more sympathy—

Mr. ALLEN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. With great pleasure. I knew the Senator would be in the fight before we got through.

Mr. ALLEN. I desire to correct the Senator from New York, and I hope that before he concludes his remarks he will modify the statement, because I know he does not mean it. While the two Populists in the Kentucky legislature were under no greater obligation to the Senator from Kentucky [Mr. BLACKBURN] than they were to the member of any party to which they did not belong, they, in consequence of being silver men, gave him their votes at a time when, if he had received the full Democratic strength, he would have been elected.

Let me correct the Senator also as to another matter, because I know he does not mean what he said. I call his attention to it and give him an opportunity to correct himself. The Senator from New York certainly does not mean that the Populists in this Chamber have peddled their votes to anybody.

Mr. HILL. As my friend—

Mr. ALLEN. Does the Senator mean that?

Mr. HILL. As my friend said once, when he stated that a Senator on the other side lied, metaphorically speaking—

Mr. ALLEN. Oh!

Mr. HILL. So I say, metaphorically speaking.

Mr. ALLEN. If the Senator will permit me to say a word, I will subside. It has got to be a funny thing, a common thing, a smart thing for some one who is ignorant of the facts, because he wants to say something at the expense of a person or a party that he thinks is incapable of caring for his or its rights, to lay all the isms and things of that kind to a particular party or person. It

has become so in the galleries in reference to a Senator who has spoken. It certainly is a disgraceful thing. But it has become popular in this Chamber to speak of the Populist party peddling its votes and dickered between the two old parties.

I wish to say to the Senator from New York, to the Senate, and to the country that there have never been any negotiations, directly or indirectly, between the Populist party in this Chamber and the Republican or the Democratic party upon the subject of the reorganization of the Senate or upon the subject of patronage—not a particle more than there has been between the Populists and the Czar of Russia. I feel confident that when the Senator from New York understands this he will not think it is very witty or wise or a thing to be laughed at or a charge to be made with impunity that the Populist party has dickered and peddled its votes.

Mr. HILL. That depends upon which way you look at it. I recollect—my recollection is fairly good in regard to political matters—that all at once the Democracy was surprised that our Republican friends, although they had not, as they said, a majority in this body, were going to take possession of the committees and, in plain words, run the Senate. It came to us as a matter of some surprise. We supposed they would think it wiser to wait until they were exactly certain that they had the requisite number of ironclad Republicans. We called the roll, and our friends on the other side, the Populist Senators, remained silent in their seats and allowed the Republicans to take the responsibility of organizing all the committees of the Senate, thereby enabling them largely to shape and control legislation. That may have merely happened so.

Mr. ALLEN. Will the Senator from New York permit me to interrupt him at this point?

Mr. HILL. Let me get through.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Certainly.

Mr. ALLEN. Then I think he will be satisfied.

Let it be understood, and let the Senator from New York understand, if he never has understood before, that the Populist party in this Chamber is not under the slightest obligation to the Democratic party or to the Republican party. There is no kinship existing between the Populist party and either party. We are here to accomplish what we desire to accomplish. I stated at the time and I repeat that it was the deliberate judgment of our caucus—there are not many of us, but we have a caucus occasionally—that the Republican party being in power in the House should be in power here and be held responsible for the legislation of this Congress, the Democratic party having failed to do anything. I call upon the senior Senator from Maryland [Mr. GORMAN] now to bear testimony to the fact that a week or more before the reorganization I voluntarily said to him, as the leader of his party, that we would not vote and would not help the Democratic party retain the organization. Is not that true?

Mr. GORMAN. That is unquestionably true. I will make it broader than that and state that I have never known at any time since the Senator from Nebraska has been a member of this body that he has sought to make any arrangement or has had any arrangement suggested to him in relation to this matter.

Mr. ALLEN. Then, Mr. President, one more thing, and I will yield to the Senator from New York and not interrupt him any more. That was true. We called attention to the fact, and I call the attention of the Senator from New York and the country to it, that if the Democratic party had pursued the same policy we pursued, namely, not to have voted, to have refrained from voting on that occasion, they had it in their power to defeat the reorganization, because the Republican party did not have a majority, and therefore did not have a quorum. But they saw fit to vote, and they lost the organization.

Mr. HILL. I do not think, Mr. President, that the last statement is borne out by the facts. I do not see how the Democrats could have defeated the Republicans from organizing the Senate, I mean taking the committees, if our friends on the other side had remained quiet.

Mr. ALLEN. If the Democrats had remained quiet—

Mr. HILL. That is because we were paired.

Mr. ALLEN. If the Senator will permit me, if the Democrats had remained in their seats and not voted, as the Populists remained in their seats and refused to vote, then the Republicans did not have a quorum in the Senate and they could not have disturbed you in the committeeships. The responsibility is with your party, not with mine.

Mr. HILL. The difference is this simply: You were not paired with anybody.

Mr. ALLEN. And we would not be.

Mr. HILL. No Democrat who was not paired declined to vote, and the mere fact that on that one vote there would not have been a quorum, simply on account of pairs, amounts to nothing.

Mr. ALLEN. Oh, no, if the Senator will permit me; not that.

Mr. HILL. What is the point, then?

Mr. ALLEN. Although every Republican had voted, it takes 45 to constitute a quorum here. The Republicans have 44. It requires a majority to constitute a quorum in the Senate. If every Republican had voted, and if the Democrats had joined the Populists and remained silent, that fact alone would have defeated reorganization.

Mr. HILL. There are various ways of defeating measures as well as a reorganization. You can leave the Chamber and not come in. That is a breach of the rules. You can come in and remain quiet and not say anything when your name is called. That is another breach of the rules. You are obliged to vote; and Democrats, in accordance with the rules, voted. Our Populist friends remained silent and allowed the Republicans to take control. They knew the responsibility incurred. That is all I care to say in regard to that question.

Mr. ALLEN. That part is true.

Mr. HILL. That part of it is true. So is the other statement. I referred to the fact the other day, and I heard my friend from Nebraska say his party was founded upon principle. It complains of the rottenness, the corruption, the misdeeds of the Democratic party and of the Republican party. The other day I heard my friend from Nebraska get up and offer to vote for the Republican tariff bill which had been denounced in this Chamber, provided a provision in reference to silver should be placed thereon. He offered to vote to put a tariff upon wool that the Senator had voted before to take off. He offered to vote against every principle involved in the Wilson bill. I speak of the word "peddle" because he stood right here in his place and said: "I now tender"—tender—"the votes of the Populists in this Chamber; we will vote for your tariff bill."

Mr. ALLEN. I hope the Senator from New York does not intend to misrepresent me or misquote me.

Mr. HILL. I do not intend to do so.

Mr. ALLEN. I am perfectly willing to be put in as small a light as it is possible for the Senator from New York to put a man, and I know his great capacity in that direction.

Mr. HILL. Wherein do I misrepresent you, pray?

Mr. ALLEN. Let me state it. I did stand in this Chamber, and I stand here now for the third time and repeat it, and I will be very brief—I did stand in this Chamber and say to the Republican party, and I repeat it right at this moment, that whenever they see fit to take up their tariff bill, which they call the Dingley bill (I do not know why it is called that, but it is called that and known to the country as the Dingley bill), and put it upon its passage here, with the free and unlimited coinage of silver at the ratio of 16 to 1 attached to it as a part of it, they will get 6 Populist votes here to assist in the passage of that bill. I never have said anything to them privately about it. All my statements have been made in the open; they are made in the open now. There is not a Senator on the other side who can say that I have ever talked with him privately upon the subject or communicated with him or with their caucus.

Why did I say it, Mr. President? Not because there is any dicker, for we have no occasion to dicker with the Republican party or the Democratic party. We are the hinge upon which the door swings, and we are conscious of it.

Mr. DUBOIS. Will the Senator allow me to interrupt him?

Mr. ALLEN. Certainly, if the Senator from New York will yield.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. HILL. With great pleasure.

Mr. DUBOIS. I will say to the Senator from Nebraska that as far as I represent this side of the Chamber and as far as I am concerned I am entirely willing to accept the proposition.

Mr. ALLEN. I know there are some loyal men on that side of the Chamber, some good men on that side of the Chamber, as there are on this. I said that for two purposes. I said it not because I am committed to the policy of the Dingley bill, not because I am a believer in the principles that underlie it, if it has any principles, which I very much doubt, but because I believe that the free and unlimited coinage of silver in this country would overshadow and wipe out every evil that could spring from the tariff feature of that bill, and that benefit would come to the country and come to the people whom I represent in part in this Chamber.

I did it, Mr. President, for another reason, and I will be entirely frank with you, Mr. President, because you can read my thoughts whether I express them to you or not on this subject. I did it for the purpose of proving to the country, as I think I have conclusively proven, or we have proven, that when the Republican party claims to be a party in favor of bimetallism it is guilty of fraud and false pretenses; and you do not dare to-day to introduce that bill with silver upon it, for you know very well if it gets your own votes it will become a law. Your platform of 1892 was a fraud, a snare, and a delusion. You are not bimetallists; you are not in favor of free silver. Those are the reasons.

Mr. HILL. The Senator has stated the reasons very well, but that does not change the facts. The facts, as I understand them, are substantially as I stated them. As I understand it, he agrees with the Senator from South Carolina that there is but one principle mainly involved now in this campaign. In other words, there is but one idea which must predominate all other political ideas at this time; and therefore he and his friends will vote for a tariff bill or they will vote against a tariff bill; they will vote for free wool or they will vote against free wool; they will vote up or down a tariff schedule anyway to effect the one single question, although he himself knows from reading the platform of his party that they have a large number of other principles involved. Therefore I think I was substantially right when I said that they peddled them all off for one single principle and tendered those votes to the Republicans, and they to their credit or to their discredit, as you may think, declined the proposition to dicker.

Mr. ALLEN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Certainly.

Mr. ALLEN. I certainly did not intend to get into any controversy here with the Senator from New York. I supposed that when I corrected him, or called his attention to the mistake, there would be no backing and filling here.

Mr. HILL. What was the mistake?

Mr. ALLEN. The Senator is attempting to put the party of which I am a member in an incorrect light.

Mr. HILL. I did not intend to misrepresent you.

Mr. ALLEN. The Senator says now that there was an offer here on the part of the Populists, or upon my part, to abandon in favor of free silver everything that was in the Populist platform. That is not true. There is no truth in that statement, Mr. President: it is a mistake.

There are a great many gentlemen in this Chamber and outside of it who have been giving out in interviews and letters and speeches their views of Populists and Populism. A great many of these gentlemen have spoken of the socialistic features and the paternalistic features of the Populist party and of Populism. I challenge any Senator in this Chamber, or any man outside of it, I care not who he may be, if he be a gentleman and a truthful man, to point out in any authentic document issued by the Populist party a solitary thing that is paternalistic or socialistic in its faith.

I accompany that statement with my solemn conviction that nine men out of ten of that class, not excluding from my statement the members of this Chamber, have never read the Populist platform. If the truth were known, there are not seven Senators out of ten in this Chamber who have read it or know a word it contains outside of the silver plank.

Mr. HILL. Mr. President, I do not know whom the Senator is aiming to hit. I have expressed no views in regard to the Populist party outside of this Chamber; but I hold in my hand a letter written by a distinguished gentleman upon the other side of the Chamber, in which he says:

The Populist party—

I quote—

favours free coinage, but only as a means to secure more currency, and as a stepping stone to unlimited paper money; and it unites with its free-coinage advocacy socialistic and paternalistic doctrines which are dangerous in tendency, and which would be, if adopted, destructive of free institutions.

Mr. ALLEN. Will the Senator from New York permit me?

Mr. HILL. Yes, sir.

Mr. ALLEN. Is the author of that letter a Populist?

Mr. HILL. No, sir. I said it was written by a distinguished Republican on the other side of the Chamber.

Mr. ALLEN. Oh, but not a Populist?

Mr. HILL. No, sir.

Mr. ALLEN. We do not accept his interpretation of the Populist platform.

Mr. HILL. He is not only a distinguished Republican, but a distinguished free-silver man, an earnest, sincere, free-silver man, who expresses those views.

Mr. ALLEN. It is gratifying to learn that he is right on one point—that of free silver.

Mr. HILL. I notice that his views as thus expressed seem to agree entirely with the views of my friend from South Carolina, who, however, favors unlimited paper money.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

Mr. TILLMAN. Did I say unlimited? Did I not stop at a billion? Just about half, mark you; just what we issued during the war, when there were less than one-half the number of people in this country that there are now. I was willing to stop at one billion in paper. You see we have about a billion dollars in silver and gold, or would have if you let us coin the trash you

have in the Treasury, and we certainly could maintain \$1 in paper with \$1 in coin.

Mr. HILL. The trash in the Treasury of which you speak—
Mr. TILLMAN. Of which you speak. I do not call it trash. It is good enough for me, as it is good enough for my people.

Mr. HILL. I have never called it trash. I have no doubt that they take it in South Carolina.

Mr. TILLMAN. We would be glad to get it.

Mr. HILL. I never have spoken of silver as trash as the Senator has. I use his own expression.

Mr. TILLMAN. Will the Senator tell us just where he stands on silver?

Mr. HILL. Yes; when I speak on the bond question I will. It would be a little premature now. I want to wait until we come to that. The "trash" in the Treasury which you speak of could be coined with entire safety if such Democrats as my friend who combine with such Populists as my friend in front of me did not want to have unlimited paper money, and yet claiming all the while to be hard-money Democrats. That is the difficulty. The President in his message marked out a line. I have it here and I ask my friend to read it. He points out that if the greenbacks were retired, the trash, as you call it, the bullion as he calls it, which is in the Treasury could be safely coined.

Mr. ALLEN. No; he says it would be replaced by national-bank currency.

Mr. HILL. Only a part, he says—in part to be supplied that way, and the rest to be coined.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator yield to the Senator from South Carolina?

Mr. HILL. Mr. President, I am not to be diverted into a discussion of the gold and silver question at this hour of the day. I simply speak of this now for the purpose of showing that my friend, who says that he is a Democrat, is wrong upon one of the fundamental, elementary principles of Jefferson and Jackson. He quoted a few moments ago something from Jackson and Jefferson from which he was willing to claim that Jackson was a paper-money man. It would make old Jackson, who had a sort of affection for the people of South Carolina—you know on one occasion especially—

Mr. TILLMAN. He was born there. Having been born there, he had an affection for his birthplace.

Mr. HILL. And of course he was a good Democrat. But my friend quotes him as though he was in favor of the unlimited issue of paper money.

Mr. President, the Democratic party is not a paper-money party. Greenbacks were regarded when they were issued as a temporary matter. What there was of the Democratic party left in those days voted against them. But when the war was over and the Republicans saw that it was necessary to restrict and contract the currency and do away to some extent with the greenback currency the Democrats flopped over and became greenbackers. There has always been an element—

Mr. ALLEN. Will the Senator—

Mr. HILL. I am talking about Democrats, not about the Populists. You are not obliged to defend the Democrats.

Mr. ALLEN. May I ask the Senator a question?

Mr. HILL. Certainly.

Mr. ALLEN. The Senator has repeated here what I have heard fifty times in this Chamber during my incumbency of this seat, the stale statement that the Populist party is in favor of a limitless volume of irredeemable paper money. I have taken occasion frequently to deny that. I now take great pleasure in giving the Senator the national platform of the Populist party of 1892, and I ask him to read it.

Mr. HILL. I have read it.

Mr. ALLEN. If the Senator has read that platform—

Mr. HILL. Over and over again.

Mr. ALLEN. Over and over again, as he says; then there is no earthly excuse for his making the statement he has made.

Mr. HILL. Are you in favor of greenbacks? What is your limit? Is it a little trifle like a billion, like the Senator from South Carolina, or several billion?

Mr. ALLEN. I knew the Senator from New York had never read the Populist platform.

Mr. HILL. I have read it.

Mr. ALLEN. He talks like a man who has never read it. What does it say, Mr. President? If the Senator would not regard it as an offense, I would read the entire platform.

Mr. HILL. I would not want to speak of that as my friend did about the silver in the Treasury, as trash.

Mr. ALLEN. No; but here is a magnificent opportunity to educate a lot of ignorant people upon this platform, and the opportunity ought to be embraced. I hope the Senator will let me read it.

Mr. HILL. I think you had better not read it.

Mr. ALLEN. You do not want education on this subject.

Mr. HILL. Because, my friend, you may change your platform

at the next convention, like your votes here change, first to one side and then to the other, and we can not keep track of it.

Mr. ALLEN. No; Mr. President—

Mr. TILLMAN. Will the Senator allow me?

Mr. ALLEN. Let me say to the Senator from New York that if it had not been for the Populist party in this Chamber and the Populist party in the other Chamber there are a great many measures which have become laws that never would have been enacted. But let me return to this question—

Mr. HILL. I do not yield to the Senator. I am willing to yield that he may ask a question; but I can not yield to the Senator that he may read the Populist platform.

Mr. ALLEN. If the Senator from New York, like his party, declines knowledge when the opportunity is open to him, then I will take occasion when he is done to put this platform in the CONGRESSIONAL RECORD.

Mr. HILL. The idea of expecting to get any light about public questions of the day from the Populist platform! Among all the things said here to-day that is the worst.

Mr. President, my friend from South Carolina, who expressed his affection for me, was repeatedly speaking—

Mr. ALLEN. Who loves you.

Mr. HILL. Yes; he said he did. He spoke of the people of the two old parties, to one of which he belongs now, but he is going to rebel pretty soon because of the corruption, and he wanted something new; he wanted some change to induce him to go with the Populist party. I do not know what they want. The free coinage of silver will not give to any man who has no money, and has not anything with which to procure money, more money than he has. Money must be earned, whether it is gold, whether it is silver, or whether it is paper. There have been hard times in this country in the past and there will be hard times again. Hard times will produce all sorts of financial heresies, all sorts of financial schemes. I am not here to say that the free coinage of silver is a financial heresy; I do not say that. I say it is advocated by men of intelligence, some able students and able financiers, as I have said before. I treat it with respect and always have, and it is a question about which men may well differ. But, sir, I protest against Democrats who profess to be Democrats offensively arraigning members of their own party because they do not pursue a public policy exactly in accordance with their views.

Mr. TILLMAN. What about the platform, Mr. President?

Mr. HILL. The platform of 1892 stands. Would my friend be content with the platform of 1892 if it should be readopted by the next national Democratic convention?

Mr. ALLEN. As interpreted by Cleveland?

Mr. HILL. I pause for a reply.

Mr. TILLMAN. No, I want "16 to 1 or bust." [Laughter.]

Mr. HILL. My friend will "bust," then. [Laughter.] That reminds me of the fellow who started for Pikes Peak. On his way one of the horses ran away and the other got sick and died, and he himself was injured and much disfigured, while his wagon was all broken to pieces, and he had a sign up: "To Pikes Peak or Bust." We have here reiterated again "16 to 1," the same single idea all the time. You are going to found a great national party upon a single idea; that is all.

Mr. TILLMAN. Will the Senator allow me?

Mr. HILL. Yes, sir.

Mr. TILLMAN. What founded the Republican party, which has governed this country since 1860 with the exception of eight years? The one single dominant idea of freeing the slaves, and nothing else. Great parties are not founded on more than one idea.

Mr. HILL. Very soon after the Republican party was organized they adopted their policy in regard to free homesteads; they adopted their policy in regard to protection. Of course the war soon came on, which rendered the tariff question somewhat obscure, necessarily so, because there had to be a large tariff.

Sir, I do not believe it is possible for a party to succeed very long upon a single idea. The Prohibitionist party, a small dwindling party, only containing a small number of votes, does not grow, because it is based upon one idea. Sir, I do not believe the Democrats of South Carolina will follow my friend. I do not believe they will follow him from other States. I am not going to reiterate what I said before upon the point of there being other questions involved. My friend wanted me to read the platform of the Populist party, and as I am addressing the Senator from South Carolina and the Senator from Nebraska, and about half the time they are so mixed up in their views, he will pardon me—

Mr. TILLMAN. Not so badly as you and Mr. SHERMAN are mixed.

Mr. HILL. Mr. SHERMAN and myself are not mixed at all. Mr. SHERMAN and my friend agree upon the one great vital question of the retention of the whole five hundred million of greenback currency, and you want to increase it a billion more. The matter of a billion does not amount to anything with men of one idea when discussing great financial questions.

Mr. TILLMAN. Will the Senator allow me?

Mr. HILL. Not now.

Mr. TILLMAN. I simply want to drop a little side remark. [Laughter.]

Mr. HILL. I can not yield just yet. I will yield in a few minutes. My good friend from Kansas [Mr. PEPPER] introduced at the beginning of this session a joint resolution proposing an amendment to the Constitution of the United States. Here is section 2.

Mr. ALLEN. Read the entire joint resolution.

Mr. HILL. The first section is a mere matter of form, but the second section is as follows:

SEC. 2. No law to change or alter the established policy of the United States in any great matter of administration, and especially respecting our foreign relations, the public lands, taxation, and our monetary system, shall take effect until it has been approved by the people at an election held for that purpose.

Mr. ALLEN. That is right.

Mr. HILL. The people, Mr. President!

Mr. TILLMAN. Will the Senator allow me there?

The PRESIDENT pro tempore. Does the Senator from New York yield?

Mr. HILL. In a moment. I suppose the Senator will defend this last Populist plank, which must be orthodox, because it was presented by the Senator from Kansas.

Mr. TILLMAN. I am not dealing with the referendum now. I am dealing with that billion dollars on paper. You people in New York, or your people in New York, sell and buy twenty, thirty billions of agricultural products based upon nothing. I do not know how many billions of Southern products, and wheat and corn, dealing in futures; you speculate in air—

Mr. ALLEN. They gamble.

Mr. TILLMAN. Yes, they gamble; that is it. They gamble in the products of labor in this country, based on nothing, and when the laborers and farmers of the country come to Congress and ask to have this stopped by law the attorneys of corporations, the bondholders, the bankers, and the money sharks of New York have more influence here than 85,000,000 of us.

You said in your speech the other day that you subscribed \$450,000,000 to this loan.

Mr. HILL. I did not subscribe.

Mr. TILLMAN. That is a mere bagatelle. Why should you grumble if we and all of the rest of the people of the country want a billion of greenbacks to do our business, when you have gobbled up all the money of the country, when you have a tollgate on it, and when you have contracted it, so that you can handle and hoard it, and hammer our products down and prevent the blood from circulating through the body? And you sneer because we want a billion. Yes; we do want it, and we are going to have it, so help us God!

Mr. HILL. I should like to have my friend explain, if to-morrow this Government should all at once issue a mere trifle, like a billion, of greenbacks, how it is going to help you people down South.

Mr. TILLMAN. Will you let me tell you?

Mr. HILL. Yes.

Mr. TILLMAN. We will pay for these battle ships; we will fortify our entire coast from one end of it to the other; we will put every wheel in the United States into motion; we will put every tramp at work, and we will give every farmer money, so as to be able to buy clothes and shoes for his wife and children. That is what we will do.

Mr. HILL. And the millennium will then come!

Mr. ALLEN. No.

Mr. HILL. Here is this Jeffersonian-Jacksonian Democrat going into extravagant appropriations of money, into great systems of public improvements, and all sorts of expensive navies and an army, and going to do everything at governmental expense, I suppose.

Mr. TILLMAN. Oh, no.

Mr. HILL. Would the Democracy of South Carolina sanction that?

Mr. TILLMAN. What are we seeing here? The Senator from Maryland [Mr. GORMAN] told us yesterday that this Congress has appropriated or promises to appropriate \$600,000,000 in one year. What are you going to do with it? Spend it on everything? Very well; let us spend it so as to keep the people at work. That is the doctrine which has been preached here to-day. I say let us have it, but do not let us have any more bonds to buy it with, which bear interest and which are mortgages upon the labor of the country; but let us have the greenbacks.

Mr. HILL. The greenbacks would be a debt; the greenbacks would have to be paid at some time or other.

Mr. ALLEN and Mr. TILLMAN. But they do not bear interest.

Mr. HILL. Oh, it is a question simply of interest, then, is it?

Mr. ALLEN. A question of interest.

Mr. HILL. You do not know what you are going to do. Are you going to issue bonds or are you going to issue greenbacks? I

tell my friend that money is only the representative of wealth or labor. This, then, is the programme: Issue the greenbacks; let the Government issue them; issue them for public improvements. They do not propose to issue them even under the McKinley régime to manufacturers, do they? I do not suppose they intend to do that right directly from the Treasury, but suppose they are going to do it indirectly, as my friend from New Hampshire [Mr. CHANDLER] knows all about. I do not see how they are going to give a man a dollar unless he has earned it. I do not see how a professional man would get another dollar if the Treasury were full of gold or full of silver unless he earned it.

Mr. President, it is this false doctrine that the people are to get rich by public legislation against which I protest. I protest against this new-fangled doctrine—call it South Carolina Democracy, or Populist Democracy, or what you please to call it—that the people are to get rich simply by the Government issuing more money. It is a false idea, I tell my friend, and when he goes to the people upon that idea and tells that to the plain farmer or the mechanic or the intelligent people of this country, "so help me God" he will be deceived.

Mr. TILLMAN. The Senator will allow me?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Yes, sir.

Mr. TILLMAN. Mr. President, no man expects, least of all do I expect, that when this money is issued it is to be given to anybody; but if you put in circulation in this country money enough, that can not be contracted and expanded at the will of the banks so as to raise or lower prices at the will of the speculators, when you get money that they can not dam up, when you decentralize the money by a new banking system, so that the people of the whole country can go to the banks and get money instead of paying toll to New York, your great millionaires in New York will become poor and the happy prosperous farmers of this country will be more numerous.

Mr. HILL. There is nothing to prevent the millionaires or the farmers or the mechanics or the laborers of South Carolina from establishing a bank to-day if they have the money with which to do it. They can not pledge old worn-out lands to get money on. The people must labor and produce something that produces wealth. There is no more exclusive monopoly in national banks than in any other kind of banks. Any man who has got the capital may establish one. It may do for a while, like my friend here, to preach this sort of doctrine to the people; it may do in hard times, you will then find listeners, but you can not fool the people, in my judgment, in this way. This constantly calling people "gold bugs," this constantly calling everybody who lives in New York "a millionaire" will not do. We have, Mr. President, our poor people in New York and we have our rich people.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

Mr. HILL. Yes, sir.

Mr. TILLMAN. I did not say all you New Yorkers were millionaires, because you have more white slaves in sight of the Statue of Liberty, or within 10 miles of it, than are to be found in any other area on the American continent.

Mr. HILL. That is an old story with my friend, which he has repeatedly told on the stump. The State of New York is no different from any other State. We have got just and equal laws, made by the people of our State. Our people are industrious. What money they have they have acquired by hard labor upon their farms, in their manufactories, and they are, in the main, a contented and happy people. There will be in times like these some distress; there will be times when labor will be scarce; there will be times when labor will be plentiful; there will be times of high prices, and there will be times of low prices. What I say is that it is the height of demagogism to attempt to preach to the people that all of this condition of affairs which has occurred in all the periods of the world can be cured by legislation. It can not be done. Legislation may aid us in the great battle of life; it may do us some good, as good laws may help and bad laws may injure some; but, in the main, the doctrine which I teach and the doctrine which I learned from my father, and which I think should be taught to future generations, is that, in the main, every man in this free country of ours is the architect of his own fortune. Each man has the same right to become a millionaire as the sons of men in New York who have accumulated their millions, and honestly.

Sir, it is not necessary that I should to any extent defend what are called the millionaires of Wall street. They are like everyone else, they are endeavoring to get rich. The farmers are trying to better their condition, trying to educate their children; the laborers are trying to build their humble homes; all are trying to better their condition in life. They can not be much aided by legislation.

Mr. TILLMAN. Will the Senator from New York allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. I do.

Mr. TILLMAN. Why do you resist, then, the repeal of legislation which we have tried to get undone here? Why do you prevent us from restoring the money which we had from 1787 up to 1873? Why do you legislate against the people by cutting the standard in half, and thereby reducing the value of everything in this country one-half except debts, and reducing the productions of labor one-half, and then say legislation has nothing to do with it? You can not deny the proposition that by bad laws this country has been brought to a condition of bankruptcy; and it will only be by having good laws and a change of the system inaugurated which will restore any decent degree of prosperity.

Mr. HILL. Mr. President, physical facts have a great deal to do with the prosperity of a country. In nearly every twenty-five years of the history of this country, even when our fathers before us were governing the country, we had bad times; we had periods of excitement, we had periods of depression, when prices were low, when men were suffering for money and for the necessities of life. It will be so during all the future history of this country.

The solution of the silver question, sir, will not cure all the evils. It may help some, according to my friend from South Carolina, if he solves it, and it may not. I am not now going to discuss the silver question. Let us reserve that for some other day. I am simply now going to call the attention of my friend to this fact. It is evident from his views that while he does not profess Populism he is making steady strides toward that party. He agrees with that party in the main on some of its essential features. I ask him to remain with the true men from the South and the West in the endeavor to have party reforms within party lines.

What will be the effect of the action which he unwisely suggests? The effect of the action which he suggests will be a split at Chicago, and our Republican friends will be entrenched in power for another quarter of a century, with all the evils which are likely to occur.

If Democracy means the teaching of the people that they can get rich simply by legislation, I will have none of it. That is not the Democracy of Jefferson and Jackson; it is not, as I think, true South Carolina Democracy. If Democracy means the issue of paper money as the future money of this country, I will have none of it. I have never believed, and do not believe, that the Democratic party think that this Government has the real constitutional power to make paper currency a legal tender. We opposed it when it was done and we criticised the decision of the Supreme Court on that subject. The Democratic party is to-day thoroughly in favor of hard money and opposed to a paper currency. The position of the Democratic party is that this country can not be made rich simply by legislation. Now, my friend and I have thus discussed our respective positions. My friend does not wish to do me injustice.

Sir, I do not speak for Wall street, and he knows it. In no campaign of mine, from the first I made in the Empire State, have I ever had the support of any considerable number of the men who do business upon Wall street. I have antagonized their views. I have endeavored, so far as I could, to keep the Democracy of New York with the Democracy of the rest of the country, upon the financial as well as upon other questions; yet the Senator from South Carolina, in the heat of argument, in the excitement of debate, when he says he is becoming desperate, or the people are becoming desperate, stigmatizes me as the representative of Wall street.

Mr. President, the very men who are engaged in selling bonds are largely Republicans. The Democratic party in New York in the main is composed of the masses of the people, some bankers and business men, the farmers, mechanics, and the men of average means. Those are the men who stood by the Senator's State in the days when it needed friends; they are the men who stood up for Democratic principles, who have resisted the bills which were intended to harass and annoy your people. They are the men to whom the Democracy of every State have never appealed in vain to do what they could to aid the Democratic cause. We were the followers not of Wall street; we were the followers of Horatio Seymour; we were the followers of Samuel J. Tilden; we were the followers of the men who in this body and in other bodies were trying to do all they could for the Democratic party when extreme counsels prevailed elsewhere, so that we were handicapped in all our efforts. Our friends who have only the one idea of silver forget all this. They think they are strong enough to branch out for themselves. Be not deceived. The man from the South or the West who tries to take the Democratic party masses away from the old party upon the single idea of silver will find himself mistaken. Disaster will come, and the whole country be lost to the Democratic party if any such effort succeeds.

Let us discuss this question of financial differences in a manly, in a fair, in an honest, and sincere way. I can discuss it without making any unkind remarks as to those who differ with me.

What good does it do for Democrats to arraign the Administration which they helped to put in power because upon a few things we differ with it? The President and the Secretary of the Treasury have stood up against paternalism. The President has stood up against legislation which has been forced upon him. I am not here to defend any pension vetoes. I know nothing in regard to the merits of them one way or the other. There have been a few pension vetoes. Such is the venom, such the malice, such the indiscretion, such the judgment of my friend, that he thinks it is necessary to go out of his way to stir up some prejudice against the Democratic President of the United States because he may have vetoed some bill for some deserter or tramp or somebody or other of that kind. Oh, no; Mr. President—

Mr. ALLEN. Mr. President—

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Nebraska?

Mr. HILL. Not now, Mr. President.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. HILL. I want the Democratic party protected, if it can be, from such extreme utterances. The President is in power; he was placed there by Democratic votes. I differ from many things in his Administration. It is not necessary that I should publish or proclaim them. He, in my humble judgment, is not a candidate for reelection. Why trouble ourselves in regard to him or those who surround him? Let us prepare for the conflict against our common enemies and not quarrel here among ourselves. For one, I say to you, I protest against a few men, whether in the South or in the West, taking that position on a single idea. I deny that my friend speaks for the South. I deny that those speak for the West who assume to say that this party is to be wrecked, divided, and split upon this one question of the details of financial legislation.

Mr. President, it will be a sad day for the country when that occurs. The Democratic party has done much for the country in the past, and it is capable of doing much for it in the future. What I suggest is that we should pursue this policy: "In essentials, unity; in nonessentials, liberty; in all things, charity."

Mr. HALE. Mr. President, I gave notice last night, not fully apprehending how dreary a day it would be, but feeling that there might be trouble, that unless the pending bill was finished I would ask for a night session. Now, in view of the fact that the entire week has been consumed with this one appropriation bill, nominally, four-fifths of the time having been taken up by discussions entirely outside of the bill, I appeal to Senators to stand by in some endeavor or some plan for disposing of the bill. Otherwise to-morrow morning we shall be in precisely the same situation as we were this morning, and the day will go and nothing will be done. I am entirely willing either to stay now until 7 or 8 o'clock, until we finish the bill, or to have a night session. I ask unanimous consent that the Senate take a recess until 8 o'clock.

Mr. ALLEN. I object to the request.

Mr. HALE. Then I ask unanimous consent that we stay here to-night until the bill is finished.

Mr. ALLEN. I object to that, Mr. President.

Mr. HALE. Mr. President, I do not know what I can now do, instead of making the motion which I shall do later, unless I can get another agreement, and ask the sense of the Senate on a night session. I will, however, make another proposition, that the bill be taken up to-morrow morning—

Mr. HAWLEY. At 11 o'clock.

Mr. HALE. At 11 o'clock, taking a recess until that hour; that the consideration of the bill proceed until 2 o'clock; that after that time it be considered under the five-minute rule until 4 o'clock, when the final vote shall be taken upon the bill and amendments.

Mr. President, it seems to me that in making that proposition we avoid the inconvenience of a night session, although we frequently have night sessions in the last month of each session of Congress, and may have to have them hereafter. I gave notice last night to that effect, so that there should be no surprise; but to avoid either staying here now or coming here to-night I restate the proposition, that we take a recess until 11 o'clock to-morrow morning, that the bill be then at once taken up and continued until 2 o'clock—that is three hours—that then it be considered under the five-minute rule until 4 o'clock, when the vote shall be taken upon the bill and the pending amendments. If that be agreed to, I shall not ask the Senate to vote upon a proposition for a night session. Otherwise, I must take the sense of the Senate as to some method of disposing of the bill.

Mr. GORMAN. I understand the anxiety of the Senator from Maine to dispose of the bill at an early date, and there is no disposition on my part to prolong its consideration unduly. I do not think the bill has been delayed unduly, except possibly to-day, when we entered into the discussion of matters which have no special relation to this particular measure. I suggest to the Senator that while, of course, in the last month of the session we usually hold night sessions, because we are pressed for time, that

observation does not apply in this case. No time has yet been fixed for Congress to adjourn, and it can not at present be said that this is the last month of the session.

At the same time I suggest to the Senator that he agree that the Senate shall meet to-morrow at the usual time (to-morrow being Saturday, it will be almost impossible to get Senators here earlier than that hour) and proceed with the bill immediately after the ordinary morning business is concluded, which will consume some ten or fifteen minutes. Then let the general discussion go on until half past 2 o'clock, and after that under a ten-minute rule, with the distinct understanding that we shall remain here and finish the bill to-morrow night. The reason why I do not want to agree to fixing an exact time for a vote is because it might exclude some amendments, as we know has been the case heretofore under such agreements; but we can continue under the ten-minute rule after half past 2 o'clock, or I have no objection to the five-minute rule, provided the amendment that is pending from the Committee on Naval Affairs in regard to the price of armor is disposed of before half past 2. That amendment I do not believe can be disposed of under the five-minute rule.

Mr. HALE. I will accept—

Mr. GORMAN. We will agree to vote on the bill before we adjourn to-morrow evening.

Mr. HALE. I accept that proposition. I wish to be entirely reasonable in every respect.

Mr. GALLINGER. Before I can consent to any agreement, I wish to make a statement. I have been in my seat for three consecutive days waiting to offer an amendment on which I desire to be heard briefly, a little longer than five minutes, possibly fifteen minutes, and I think it is due to my constituents that I should have that privilege. I have neglected other business and have been here at my personal inconvenience listening to speeches to which I did not care to listen, not knowing when they might be completed, and while I am very desirous to have the bill finished, I shall rather insist on my right to offer the amendment and to be heard upon it for about fifteen minutes.

Mr. HALE. I will agree, so far as I can, as the manager of the bill, that after disposing of the present amendment the Senator's amendment shall come up next, so that he shall have the opportunity he desires.

Mr. GALLINGER. All right.

Mr. HALE. I accept the suggestion of the Senator from Maryland [Mr. GORMAN].

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] asks unanimous consent that the pending bill may be taken up for consideration immediately after the routine business to-morrow morning; that its consideration shall be continued until 2 o'clock under the ordinary rule, but after 2 o'clock the debate shall proceed under the five-minute rule, and that the bill and all amendments shall be disposed of before adjournment to-morrow night. Is there objection?

Mr. SQUIRE. I wish to say that I have one or two amendments which I wish to present.

Mr. HALE. The Senator from Washington shall have an opportunity to get in his amendments.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. CHANDLER. I am authorized to move the pending amendment by direction of the Committee on Naval Affairs; and in order that it may be within the rule, I ask that it may be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Appropriations.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 2, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 1, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

RAMSAY CROOKS.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 115) for the relief of the estate of Ramsay Crooks.

Whereas Ramsay Crooks, late of the State of New York, was, during the years 1842 to 1847, inclusive, a duly authorized and licensed trader, doing business with the Indians of Lake Superior, during which period he furnished said Indians a large amount of supplies necessary for their subsistence, and to enable them to carry on the chase; that in the year 1848 he was succeeded by others as traders for said Indians, whereby of necessity he left an out-

standing indebtedness due to him from certain bands of said Indians, which has never been paid to said Crooks, nor to his legal representatives; and

Whereas the said Ramsay Crooks, in his lifetime, filed said claims in the office of the Commissioner of Indian Affairs, showing that there was due to him from the Pillager and Lake Winnebagoish band the sum of \$6,410.80, and from a certain other band, known as the Chippewa Indians of the Mississippi, the sum of \$3,308.82, making a total amount of such indebtedness of \$9,719.62: Therefore

Be it enacted, etc., That there be, and there hereby is, appropriated, out of the Treasury of the United States, from any money not otherwise appropriated, the sum of \$9,719.62, to enable the Secretary of the Interior to examine said claims against the Pillager and Lake Winnebagoish band of Indians in the sum of \$6,410.80 and the Chippewa Indians of the Minnesota band in the sum of \$3,308.82, and pay said amount, or so much thereof as he shall find to be due to the administrator of the estate of said Ramsay Crooks from the respective bands, and charge the same to any annuities or other moneys due, or to become due, from the United States to the said Indians, in such proportions as shall be found to be due therefrom.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. I think the report should be read.

Mr. TAWNEY. The report is somewhat lengthy, and if it will satisfy the gentleman I can make a short statement of the facts and of the purpose of the bill. This bill is for the payment of a claim against the Chippewa and Winnebagoish Indians of Minnesota. The bill has already passed the Senate, and has been favorably reported by the House Committee on Indian Affairs. The claim is for supplies furnished to these two bands or tribes of Indians by Mr. Crooks in his lifetime, and the only object of the bill is to authorize the Secretary of the Interior to inquire into and ascertain the exact amount due to the heirs of Mr. Crooks for the supplies furnished, and to pay the same and charge it to the account of these Indians, who have at this time large annuities to their credit in the Treasury. The claim was considered in and passed the Fifty-first Congress, and was reported favorably in the Fifty-second Congress.

Mr. DOCKERY. Do I understand the gentleman to say that these Indians have a large sum to their credit now?

Mr. TAWNEY. Yes, sir.

Mr. DOCKERY. The question arose in my mind, on hearing the bill read, whether or not it was specific and clear enough. In other words, whether by implication it did not require the Government to make payment of this amount, and then, if any funds should be placed to the credit of these Indians hereafter, to charge it up against them.

Mr. TAWNEY. I am informed that these Indians have a large amount of money to their credit at the present time.

Mr. DOCKERY. Has this bill been referred to the Commissioner of Indian Affairs or the Secretary of the Interior?

Mr. TAWNEY. It has been before the Department. It will be observed that this bill simply authorizes the Secretary to ascertain the amount actually due, and provides that the amount so ascertained shall be paid and charged to the account of these Indians.

Mr. DOCKERY. Does the report contain a letter from the Commissioner of Indian Affairs or from the Secretary of the Interior approving this bill?

Mr. TAWNEY. It does not contain anything from the present Secretary of the Interior, but the claim has been approved by the Department in past Administrations. One of the members of the Committee on Indian Affairs, the gentleman from New York [Mr. FISCHER], informs me that the present Secretary has approved this bill.

Mr. FISCHER. My recollection is that this bill has the approval of the Secretary of the Interior. I will state that that recollection is founded upon the fact that the committee has recommended no bills at this session that have not had the approval of the Department. I am satisfied, therefore, that this has gone to the Department for approval.

Mr. DOCKERY. But the committee have no communication in writing from the Secretary of the Interior approving the bill?

Mr. FISCHER. All approvals from the Department are in writing, and possibly I can find this one in the committee room. The Department does not send us any merely oral approvals.

Mr. DOCKERY. Several gentlemen around me suggest a query which I will propound to the gentleman in charge of this bill for their information: Why has not this claim been paid heretofore?

Mr. TAWNEY. In reply to that I can only say that after the supplies were furnished, Mr. Crooks went to the West Indies, remained there for some time, and died there. After his death his estate was administered, and the heirs, who were at that time scattered all over the country, could not and did not take immediate action to recover this claim, but as soon as they could they did take such action, and since that time they have been proceeding diligently in the prosecution of their claim before Congress in order to secure its adjustment by giving the Secretary of the Interior authority to ascertain the amount and to pay the same out of the annuities due these Indians.

Mr. DINGLEY. When were these supplies furnished?

Mr. TAWNEY. In 1845, I think. The date is set forth in the report.

Mr. LOUDENSLAGER. Who was Mr. Crooks?

Mr. TAWNEY. He was a licensed trader with the Indians, and these supplies were furnished to these tribes. In fact, the amount claimed by the estate is larger than the amount in the bill.

Mr. CANNON. Let me read this to the gentleman from this claimant's own statement:

For the balance due and remaining unpaid for the merchandise furnished them in the course of the trade carried on with them by the agents of the American Fur Company from the year 1817 to 1841, inclusive, when myself and associates assumed the business and carried it on with these Indians to the same extent as for the preceding twenty-five years, say \$206.80 per annum for twenty-five years, amounting in all to \$5,170, and from the year 1842 to 1848, when the trade passed from mine to the hands of Charles W. Borup and Charles H. Oakes, six years, at \$206.80, \$1,240.80, making together \$6,410.80.

And so on, and so on. This man seems to have been the assignee of the American Fur Company, and this claim goes back into ancient history. I must object, Mr. Speaker.

The SPEAKER. Objection is made.

WILSON VS. M'LAURIN.

Mr. CODDING. Mr. Speaker, I desire to present a report from the Committee on Elections No. 3, in the case of Joshua E. Wilson vs. John McLaurin. The resolutions in the report represent the unanimous sense of the committee, and I ask for immediate action.

The SPEAKER. The Clerk will read the resolutions.

The Clerk read as follows:

Resolved, That Joshua E. Wilson was not elected a Representative in the Fifty-fourth Congress from the Sixth Congressional district of South Carolina, and is not entitled to the seat.

Resolved, That John McLaurin was elected a Representative in the Fifty-fourth Congress from the Sixth district of South Carolina, and is entitled to the seat.

The question being taken on agreeing to the resolutions, they were agreed to.

ELECTION CONTEST—MURRAY VS. ELLIOTT.

Mr. OVERSTREET. I desire to submit a privileged report. The Committee on Elections No. 3 have directed me to submit their report on the contested election case of Murray vs. Elliott, from the First Congressional district of South Carolina. I ask that the report be printed and that consent be given to the minority of the committee to submit their views at any time before this case is called up for consideration.

The resolutions appended to the report of the committee are as follows:

Resolved, That William Elliott was not elected and is not entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

Resolved, That George W. Murray was elected and is entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

The SPEAKER. The report of the committee will be ordered to be printed and referred to the House Calendar. If there be no objection, the minority of the committee will have leave to file their views at any time before the case is called up.

There was no objection.

CHANGE OF REFERENCE.

On motion of Mr. HALL, by unanimous consent, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill (H. R. 6307) to amend section 4 of the act approved March 2, 1895, being an act amendatory of an act with reference to the postal service; and the same was referred to the Committee on the Judiciary.

BRIDGE ACROSS TALLAHATCHIE RIVER, MISSISSIPPI.

Mr. KYLE. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure.

The joint resolution, with the substitute reported by the Committee on Interstate and Foreign Commerce, was read.

There being no objection, the House proceeded to the consideration of the joint resolution.

The substitute was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. KYLE, a motion to reconsider the last vote was laid on the table.

DELEGATE FROM ALASKA.

Mr. SCRANTON. I ask unanimous consent for the present consideration of the bill (H. R. 3826) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States.

The bill was read, as follows:

Be it enacted, etc., That a Delegate to the House of Representatives of the United States from the District of Alaska shall be chosen by the people thereof, who shall be a citizen of the United States and shall discharge like duties and be entitled to the same rights, privileges, and emoluments as are discharged, exercised, and enjoyed by Delegates from the several Territories of the United States in the House of Representatives.

SEC. 2. That the first Delegate shall be chosen for the remainder of the term of the Fifty-fourth Congress and for the full term of the Fifty-fifth Congress at the same election, and each succeeding Delegate shall be chosen for the full term of the Congress next succeeding his election.

SEC. 3. That the first election of such Delegate shall be held on the 1st day of October, in the year 1896, and thereafter such elections shall be held on the first Tuesday of September in each year when the members of the House of Representatives are chosen.

SEC. 4. That the governor, United States district judge, clerk of the district court, and United States marshal of the district, immediately after the passage of this act, shall establish polling places, located as conveniently as may be, for the general accommodation of the voters, the whole number of such polling places not to exceed 100 for the first election, and shall prescribe regulations for ascertaining the qualifications of voters and for holding the elections, which shall be binding upon the officers conducting the same. They shall also appoint an election board for each polling place, composed of a judge, two inspectors, and two clerks, not more than three of whom shall belong to the same political party, so far as it shall be found practicable to obtain suitable persons of different political parties.

The governor shall, by proclamation, give sixty days' notice of the time when and of the polling places where the election shall be held, and shall also issue the necessary instructions to the election boards in conformity to the regulations aforesaid.

SEC. 5. That all male citizens of the United States who shall have attained the age of 21 years, and who shall have been actual residents of said District for four months last prior to the election, shall be entitled to vote by ballot at one polling place and no more, at each election, for a Delegate to represent said District of Alaska in the House of Representatives of the United States.

SEC. 6. That the election boards shall make return forthwith by mail and such other convenient method of transmission as they may deem trustworthy, of the results of the election at their several polling places, to the clerk of the United States district court of said District, who shall compile the same and report to the governor the number of ballots cast for each candidate; and the person having the greatest number of votes cast by the electors qualified as herein provided, returns of which shall have been received on or before the second Tuesday of November next following the election, shall be declared elected by the governor, who shall issue his certificate accordingly.

SEC. 7. That the expenses incurred in carrying the foregoing provisions into effect, not exceeding \$25 at any one polling place, including posting of notices and making and transmitting the returns of election therein, nor \$3,000 in the aggregate for the election in the entire District, shall be audited and paid out of the Treasury of the United States.

SEC. 8. That this act shall take effect on its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PERKINS. I do not propose to object to the consideration of the bill; but if it be considered I shall ask a little time to present my views with reference to it.

Mr. HENDERSON. Unless there is some agreement as to the time to be occupied (and it must be a brief time) it will be my duty to object, because of the special order.

Mr. SCRANTON. How much time does the gentleman suggest?

Mr. HENDERSON. If the bill can be disposed of in thirty or forty minutes—say thirty minutes—I shall be willing to let it go forward; otherwise, in justice to the special order and to those interested in amendments, I shall feel it my duty to object.

Mr. SCRANTON. If we can have forty minutes, I think that time will be sufficient.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCRANTON] asks unanimous consent for the present consideration of the bill just read and that a vote be taken on it in forty minutes. Is there objection? The Chair hears none.

The House proceeded to the consideration of the bill.

Mr. SCRANTON. Mr. Speaker, the Committee on the Territories, during a series of well-attended meetings within the past three months, has given patient and thorough attention to the condition of Alaska. Of the many measures of remedial legislation proposed for her people the committee has selected the bill now presented for consideration of this House, and, with but a single dissenting voice, has indorsed a request for favorable action. It has seemed to us that the time had come when something should be done for Alaska, and that the best way to help her was to enable her citizens to help themselves by admitting their duly elected representative to the privileges of a Delegate in Congress. Since this was first attempted fourteen years ago, in the Forty-seventh Congress, when M. D. Ball appeared in Washington as the duly elected and accredited representative of Alaska, and unsuccessfully knocked at the door of this House during that entire Congress, the country has witnessed the marvelous development of Alaska's mines and fisheries. Her white population, despite the most adverse civil conditions, has also increased during that period to twice as many thousands as there were hundreds in 1880. The conditions now seem to justify the recognition desired, as is more fully set forth in the committee's report, which I ask to have read.

The Clerk proceeded to read the report, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 3826) entitled "A bill providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States," have had it under consideration, and respectfully report the same with the recommendation that it do pass.

A similar bill was unanimously reported by the Committee on the Territories of the House of Representatives near the close of the Fifty-third Congress, but too late for further action, in support of which that committee said:

"The isolated condition of the Territory of Alaska and the great distance from the seat of Government renders it impracticable for Congress to know the condition of the Territory. It has received but small attention from Congress since the passage of the act organizing a district government in 1884. The development of the country, the increase of population, and the investment of capital demand a more perfect government and more legislation by Congress, which can only be formulated by those who are acquainted with the environment and needs of the Territory."

In submitting a like unanimous report in favor of the passage of this bill

your committee deem it proper to enlarge somewhat upon the views thus briefly and forcibly stated by the committee of the Fifty-third Congress.

The District of Alaska has a surface area of 577,000 square miles, or one-sixth that of the whole United States and Territories, and by its location is of commanding importance to our future commercial and political relations. Independent of its internal resources, it is essentially an outlying dependency, the very last part of our domain which we can afford to neglect or leave to the control of its sparse population. This peculiar circumstance of itself renders the presence of a well-informed Delegate indispensable upon this floor.

The resources of Alaska in gold, iron, and coal are already known to be very great, if not inexhaustible. She has now the largest stamp mill in existence, and well-informed authorities believe that she will soon produce \$10,000,000 in gold annually, and ultimately become one of the greatest gold-producing regions known.

More than 100 species of food fish swarm in her waters. Her salmon, cod, and halibut will feed the world. The annual product of salmon is now over \$3,000,000. Her fur-bearing animals now constitute one of the chief sources of supply, and such is the nature of the country that they are not likely ever to become less important.

Some idea of her maritime extent may be derived from the fact that her coast line, including islands, is 26,364 miles in length, while that of all the rest of our country is 7,543 miles.

The population of Alaska was by the census of 1890: White, 4,293; mixed, 1,823; Indian, 23,531; Mongolian, 2,288; all others, 112; total, 32,052.

Governor Sheakley, in his report for the year 1895, estimates the white population at 8,000, of whom 1,500 are in the Yukon Valley. The white immigration is believed now to be more than 10,000, four-fifths of which is located in southeastern Alaska, the city of Juneau alone having upward of 2,000, and there is every indication of its great and continued increase, for the resources of this vast region must continue to attract capital and labor for all time.

The mixed population, generally the offspring of Russian inhabitants who did not elect to return to their natural allegiance after the treaty of cession, and of Indian women, which was 1,823 by the census of 1890, is by the census officials reported to be rapidly diminishing in numbers, and the Indians generally to be not increasing much, if at all. We have, then, a population of at least 10,000 white Americans, nearly all of them citizens of the United States, and by reason of the absence of families an unusual proportion of them entitled to vote, with a prospective increase to which no limits can be placed, inhabiting and developing a region comprising one-sixth the area of the United States, stretching along and commanding the Pacific Ocean and its principal lines of commerce for all time, yet so situated that by reason of her vast extent and great difficulties of intercommunication, her lack of agricultural capabilities, which are the foundation of States, the diverse elements of her population largely such as are at present inadmissible to American citizenship, they can probably never become a State in the Union, or even be benefited by a Territorial form of government—certainly not for many years to come—a population of necessity now and hereafter to be almost wholly dependent upon Congress for legislation, without any voice or representation emanating from the people themselves in framing the laws by which they are governed.

They have not even the power to protest on the floor of Congress against gross neglect to enact important laws imperatively required by their peculiar situation.

Some idea may be obtained of the pressing need that Alaska has of representation on this floor by comparing the business now before Congress from Alaska, much of it of a fundamental nature, relating to titles, taxation, and the preservation of property and good order and the very existence of civilized communities, with the old States and Territories.

Take New York, for instance, with 2 Senators and 34 Representatives. The CONGRESSIONAL RECORD of this session thus far indicates the pendency of 15 bills, memorials, and resolutions of a local nature from that State.

Oklahoma, with her complicated affairs, has 32 pending local matters, while Alaska has 35, including not less than 15 important bills and some that have been pending Congress after Congress because there was no responsible Delegate to give reliable information upon which to base intelligent legislation. As an instance of the actual conditions in Alaska, Governor Sheakley mentions "the city of Juneau, a mining town of 2,000 inhabitants, without any organized or local government whatever." (See report, page 20.)

The unfortunate state of Alaska is owing less to the wilful neglect of Congress than to the lack of reliable sources of information and active representation.

In confirmation of this view we incorporate an extract from a letter of Judge Dulaney, a resident of the Territory for several years, and lately appointed judge of the United States district court of Alaska, who declares in effect that, much as it is needed, there should be no further legislation for the District until she is properly represented on the floor of the House:

"ON BOARD CITY OF TOPEKA, December 7, 1895.

"Concerning legislation for this Territory, I think the energies of all who feel like helping this country should be first directed to securing a Delegate. After that other things will come.

"Truly, yours,

A. K. DULANEY."

We insert a table showing the white and total population of twelve of the States and of the Territory of Arizona at the census nearest the date of their organization as Territories. It will be observed that in many of them the enumeration was made several years after representation by Delegate was accorded, and it is well known that the influx of population was very rapid immediately after their organization. It is not probable that the average white population in these cases at the time of their becoming Territories, with local governments and Delegates in Congress, was over 3,000, while Alaska already has over 10,000 whites.

	Date of organization.	Population by census nearest date of organization.		
		Census.	White.	Total.
Arizona	Feb. 24, 1863	1870	9,581	9,658
Dakota, North and South	Mar. 2, 1861	1860	2,576	4,837
Idaho	Mar. 3, 1863	1870	10,618	14,999
Illinois	Feb. 3, 1809	1810	11,501	12,282
Indiana	May 7, 1800	1800	2,402	2,517
Michigan	Jan. 11, 1805	1810	4,618	4,762
Minnesota	Mar. 2, 1849	1850	6,938	6,977
Mississippi	Apr. 7, 1798	1800	4,446	7,600
Montana	May 26, 1864	1870	18,306	20,595
Nevada	Mar. 2, 1863	1860	6,812	6,857
Utah	Sept. 9, 1850	1850	11,330	11,380
Washington	Mar. 2, 1853	1860	11,138	11,594
Wyoming	July 28, 1868	1870	8,726	9,118
Alaska		1890	4,298	32,052
		* 1896	10,000	37,000

* Estimated.

The people of the District of Columbia, a less important community to the country at large than Alaska, have two great committees of Congress constantly at their service and are in close contact with all departments of the Government.

Thus it appears that this great and increasing body of isolated American citizens, holding a position and possessing and representing interests not inferior to those of many of the States, local and to the nation at large, present and prospective, and who now require representation more than any other, is the only portion of our countrymen who, like aliens and wild Indians, are absolutely disfranchised in every sense.

One other feature of the condition of our fellow-citizens in Alaska has impressed itself upon us with great force. Most of their relations are direct with the General Government and the people are in constant need of a Delegate of their own choice responsible to them for the attention which their innumerable affairs require at the several Executive Departments in Washington; and not less necessary is it for the Departments that they should be in communication with some one whose duty it is to be correctly informed upon the various subjects which arise.

Accordingly, we find the passage of this bill earnestly supported by the Treasury Department, with which the larger part of the business of Alaska is transacted.

In fact, the honorable Assistant Secretary Hamlin appeared before the committee and very earnestly and conclusively demonstrated the importance of representation being allowed to Alaska on account of her extensive business with that Department, he personally having often found great difficulty in determining the proper line of action for want of some reliable informant upon whom to fix responsibility.

It only remains to explain the working provisions of the bill—a matter attended with some difficulty on account of the vast extent of territory and the widely scattered population.

It may first be observed that the object being to give the people an opportunity to secure a capable and honest Delegate, who will, however, have no voting power, it is not necessary to raise all the delicate questions which might arise in State and national elections.

Whatever is done at the election, all the returns will be in the hands of the House, with power to seat or reject the candidate, as shall be deemed for the best interest of the whole people of Alaska; nor will the provisions of this bill necessarily be operative beyond the first election. Experience will be likely to suggest improvements.

It has been thought best to limit the right to vote in the first election to male citizens of the United States 21 years of age and upward. This rule is simple and safe. To authorize any but citizens to vote is to deprive citizens of their power. This rule will not permit the raising of doubtful questions as to the rights of women and Indians (which may well be considered later on) to perplex the officials at the several voting places, who will be performing their duties for the first time.

The census shows that practically the voters will be white American citizens, native or naturalized.

No question can arise unless in regard to those classed as "mixed Indians," not exceeding 300 or 400 voters, that whole population being 1,823 in the year 1890 and rapidly diminishing. (See Census Report, "Alaska," page xi.)

If they are living as civilized men they may be American citizens under the terms of the treaty with Russia dated March 30, 1867, which provides:

"ART. III. The inhabitants of the ceded territory, according to their choice reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of the uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country."

Whether these three or four hundred men (at most) shall vote or not, provided that they are not connected with the uncivilized tribes, can not materially affect the result, as there are probably five or six thousand white American citizens entitled to vote.

The governor, the judge of the district court, the clerk, and the marshal of the district, who are familiar with the treaty, the laws, the status of the inhabitants, and the whole situation are by the bill charged with the establishment of the polling places, the appointment of election boards, and the issuing of all necessary instructions for the conduct of the election.

Mr. Miner W. Bruce, who took the census of southeastern Alaska in 1890, and who is familiar with the whole coast to Point Barrow, in the Arctic Ocean, estimates the whole number of voters at points north of Unalaska at 50 and that not more than 4 polling places for them would be necessary.

Unalaska, the most important port of the Northern Pacific Ocean, and probably to be a great naval station, is 1,250 miles westerly of Sitka, the capital, which is in southeastern Alaska.

The Aleutian Islands stretch 1,000 miles beyond Unalaska toward Asia.

Mr. Bruce is of the opinion that, including Unalaska, 5 polling places only will be required between Unalaska and Sitka to accommodate, as estimated, an aggregate of 199 votes. Southeastern Alaska, including Sitka and Juneau, estimated to contain about 3,000 voters, can be accommodated at 10, while the Yukon Valley, practically including all the rest, will require but 3 or 4 polling places. Thus probably nine-tenths of the voters of the whole District will need but 22 stations.

It would be impossible, making every conceivable allowance for increase of population (since that increase must go mainly to points already occupied), that more than 40 places can be required at the proposed election next October. The bill, however, permits the establishment of not exceeding 100, and limits the cost to \$25 each, and the total cost, in any event, to \$3,000, including the establishment of stations, fees of election boards, collection of returns, etc., all to be audited by the Treasury Department before payment. It is not probable that the entire expense to the Government can exceed \$2,000.

Any further expense must be borne by the people themselves, and as they have no laws for the levy and collection of taxes, it is but right that the United States should provide for the first election. The vast mass of pending legislation concerning Alaska, as well as the great international boundary question (all making a Delegate on this floor so necessary), is morally sure to go over to the short session next winter, when it may be hoped that it will receive consideration.

The bill therefore provides for an election of a Delegate to the short session of this as well as to the Fifty-fifth Congress, and the time is fixed for the election this year in October, although, but for the preliminary work (which will be less hereafter), September would be the better month on account of the shortness of the season.

A mail steamer leaves Unalaska for Sitka October 15, and other conveyance is such from points still more remote that all the returns can be placed in the hands of the governor early in November, which will give opportunity for the Delegate to reach Washington promptly at the opening of the next session, during which, from the postponement of legislation, his services will be of practically the same value as for a full term.

On several occasions Congress has been urged by the people of Alaska to give them representation by a Delegate on the floor of this House. Public meetings, memorials, and the general expression of her representative men,

and of many others who know the situation, have prayed for her this privilege—if, indeed, it be not an inherent right—a privilege the exercise of which is as important to the country at large as to herself.

They are the only body of American citizens who have no voice whatever in the making of the laws by which they are governed, and, in view of all the preceding considerations, your committee urge the immediate passage of this bill in order that the necessary preparations may be made for an election next October.

Mr. SCRANTON. Mr. Speaker, I ask that the remainder of the report be printed in the RECORD without reading, as I find that it will take up more time than I have to spare.

The SPEAKER. The gentleman is at liberty to dispense with the reading of the report—

Mr. McMILLIN. Mr. Speaker, I would like, before proceeding with this any further, to ask the gentleman from Pennsylvania a question. I see that there is a provision in the bill for the election of a Delegate to represent that part of the Territory at the remainder of this session of Congress as well as in the next Congress. Now, does the gentleman think it would be desirable to put in operation the machinery of an election to supply a Delegate from that Territory for the remainder of this Congress? And does he think it advisable, especially in view of the fact that it will be necessary to change the date of the election from that on which the election is usually held? Does he not think it better to provide a Delegate to be elected to take his seat at the beginning of the regular session of the next Congress, instead of going through the form and putting in operation the machinery of an election to provide one for the ninety days of this Congress?

Mr. SCRANTON. I will reply by asking the gentleman another question. Do you not think that it would be a good business operation to get a large share of work out of a Delegate, at proportionate cost, at this term of Congress—work that is necessary to be performed for the benefit of that Territory—rather than to wait for the regular session of the next Congress?

Mr. McMILLIN. Well, Mr. Speaker, my observation has led me to conclude, and my experience has shown me in connection with such matters in this House, that men coming to Congress for the first time, and occupying their seats for the ninety days of the short session—the closing days of the Congress—when they are not familiar with the work of Congress are not very likely to accomplish anything of importance. I do not believe it can be done. I have never seen it done yet, and do not think it worth while to try the experiment now.

Furthermore, I would suggest that the gentleman does not seem to take into consideration the remoteness of this Territory, the difficulty of getting here, the time that will necessarily transpire before an election can be held, the machinery put in operation, and the Delegate arrive. It seems to me if we pass this bill at all that it should be prospective in character and apply not to this Congress, but to the coming Congress.

Mr. McCREARY of Kentucky. What has become of the reading of the report, which was commenced?

The SPEAKER. The gentleman from Pennsylvania has withdrawn the request for the further reading of the report.

Mr. McCREARY of Kentucky. I listened to this report as far as it was read, was quite interested in it, and would like to hear the rest of it.

The SPEAKER. The gentleman from Pennsylvania is, of course, entitled to present his views in such manner as he sees fit. If he has presented to the House all of the report that he saw proper to present, he has the right to withdraw the remainder of it.

Mr. McCREARY of Kentucky. If I can have time to read the rest of the report, before I am called upon to vote, I would not probably object to the bill. And I insist upon the reading of it unless by unanimous consent it has been dispensed with.

The SPEAKER. The Chair thinks that the reading of the report does not require that kind of proceeding.

Mr. McCREARY of Kentucky. Then I will take the floor and have it read in my own time.

The SPEAKER. But the gentleman can not take the gentleman from Pennsylvania off the floor.

Mr. McCREARY of Kentucky. Will the gentleman from Pennsylvania yield me the floor for a short time?

Mr. SCRANTON. I have but forty minutes altogether—

Mr. PERKINS. Mr. Speaker, it appears that the gentleman from Pennsylvania has control of the forty minutes allowed by the House for the consideration of the bill. I hope the gentleman will bear in mind that I would like a few minutes myself.

Mr. SCRANTON. Certainly. How much time—fifteen minutes?

Mr. PERKINS. It would not be unreasonable, I think, to ask fifteen minutes.

Mr. SCRANTON. I yield to the gentleman from Iowa fifteen minutes, and reserve the balance of the time.

Mr. DOCKERY. I would like to be allowed, before that is done, with the consent of the gentleman from Pennsylvania, to suggest an amendment to be added at the close of the bill.

The SPEAKER. The Clerk will report the amendment, after which the Chair will ask consent.

The Clerk read as follows:

On page 4 of the bill insert, in line 6, after the word "audited," the words "by the proper accounting officers upon the approval of the governor."

The SPEAKER. Is there objection to the offering of the amendment?

There was no objection.

The SPEAKER. Is there objection to the amendment?

Mr. McCREARY of Kentucky. I object.

Mr. DOCKERY. Oh, I hope the gentleman will not object to this amendment.

Mr. McCREARY of Kentucky. What is the purport of the amendment?

Mr. DOCKERY. Simply to direct the governor to approve the vouchers of the election expenses.

Mr. McCREARY of Kentucky. Very well; I will not object to that.

The SPEAKER. Is there further objection to the amendment? There being no objection, the amendment was agreed to.

Mr. PERKINS. Mr. Speaker, this is a bill of such general importance that it seems to me it would have been quite proper to have given more time for its consideration. As a member of the Committee on Territories, in the consideration of this bill I could not bring myself to believe that it was prudent or wise action for this House to make the provision recommended here for a Delegate from the Territory of Alaska. I think that the report, a portion of which has been read, itself establishes the incompetency of Alaska for Territorial relations. I read, Mr. Speaker, from the report:

We have, then, a population of at least 10,000 white Americans—

So far as that is concerned, that is an estimate. The alleged census in Alaska in 1890 gave 4,293. The governor, in his report in 1895, estimates the white population at 8,000. It is assumed that it has increased since that time by reason of some immigration to the Yukon Valley. But never mind—nearly all of them citizens of the United States, and by reason of the absence of their families—

They are there temporarily, a migratory people—

an unusual number—

The report continues—

are entitled to vote, with a prospective increase to which no limit can be placed.

Now mark you—

inhabiting and developing a region comprising one-sixth the area of the United States, stretching along and commanding the Pacific Ocean and its principal lines of commerce for all time, yet so situated that by reason of her vast extent and great difficulties of intercommunication, her lack of agricultural capabilities, which are the foundation of states, the diverse elements of her population, largely such as are at present inadmissible to American citizenship, they can probably never become a State in the Union, or even be benefited by a Territorial form of government—certainly not for many years to come.

Therefore we have an admission in this report, supported by all the evidence produced by the most ardent friends of this measure, that Alaska can never be granted a Territorial form of government.

Now, whom will this Territorial Delegate represent? There is now practically no civil government in Alaska. There are, as we understand it, no citizens in Alaska. There are no homes there. There are no titles to property. There is no system of taxation. But so anomalous is this condition of things, that it is provided that we shall place the elective system in the hands of a commission consisting of the governor, the judge of the supreme court, the clerk of the court, and the marshal, who shall make regulations for this election—an election in a Territory one-sixth of the area of the entire United States, with no communication in the interior, and communication practically impossible. They shall establish polling places, and the returns shall be made to these gentlemen; and it is provided that the election shall be in September. The gentleman from Tennessee [Mr. McMILLIN] inquired as to why it should not be held in November. It would be utterly impossible. There is no communication there. You might just as well provide in this bill that Alaska should be represented by a Delegate on this floor as the result of a town meeting in Sitka or Juneau as by an election in the manner provided here.

Alaska now belongs to the United States. It is the property of the United States, and if we have a representative from Alaska he ought to be a representative of the United States Government. Therefore I think this great Territory in its present condition should remain under the control of the Government of the United States. It should be represented here by the great departments of the Government, and not by a selected agent of the Alaskan companies. There may be some advantage to the gentlemen who have gone there for speculative purposes, but no Delegate from Alaska can represent a fixed population as we understand it in the United States, can represent in this Congress the interests of the United States, because they will come in conflict with those companies

now seeking to enrich themselves in the mines and in the salmon fisheries. It is represented that these companies engaged in the fisheries there are denuding the streams and leaving the people of that Territory, the real settlers there, to starvation; and so we have representations here from the Treasury Department, asking this Congress to make provision for the protection of those salmon fisheries against the raids of these companies.

Mr. McCREARY of Kentucky. Mr. Speaker, I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Kentucky?

Mr. PERKINS. I will yield.

Mr. McCREARY of Kentucky. Have there been any petitions sent here from Alaska asking for this legislation?

Mr. PERKINS. I am glad that the gentleman asked that question. To my knowledge not a petition that could be said to emanate from Alaska has been presented here. The gentlemen who are interested in the industries of Alaska have been here. I hold in my hand three reports of the governor of Alaska, and not in one of those reports is there a suggestion of a Delegate from the Territory of Alaska. The reports which I have are for 1893, 1894, and 1895.

Mr. SCRANTON. Will the gentleman yield?

Mr. PERKINS. I have not the time. I will tell you what they ask. They ask for the appointment of a commission to formulate some sort of civil government for the Territory of Alaska. Here is the recommendation of the governor:

Therefore I would recommend that Congress, either by joint resolution or by bill, empower the governor of the Territory to appoint a commission of five members, who shall be residents of Alaska, and whose duty it shall be to formulate amendments to the organic act of May 17, 1884, and also to prepare a code of laws, both civil and criminal, for the government of the Territory; which amendments and code of laws shall be submitted to Congress for their approval, and unless approved by act of Congress, said amendments and laws shall be null and void.

Mr. HENDERSON. Whose recommendation is that?

Mr. PERKINS. That is the recommendation of the governor of the Territory.

Mr. HERMANN. Will the gentleman permit an inquiry?

Mr. PERKINS. Yes, sir.

Mr. HERMANN. I will say to the gentleman that perhaps seven-eighths of the capital invested in the Territory of Alaska is from the people on the Pacific Coast, and perhaps seven-eighths—

Mr. PERKINS. I do not know about that. I can not yield to the gentleman for a statement.

Mr. HERMANN. And perhaps seven-eighths of the population of Alaska is from the Pacific Coast. I will ask the gentleman whether any petitions or memorials are here before his committee from any of these people who are interested in that Territory?

Mr. PERKINS. None whatever.

Mr. COOPER of Texas. I would suggest to the gentleman that possibly these corporations do not want representation. May it not be the miners who are there? Are there not 20,000 miners in Alaska who want representation?

Mr. PERKINS. The gentleman is a member of the Committee on Territories and knows very well from what source the pressure has come for this representation.

Mr. DOCKERY. Can not the gentleman tell us who it is?

Mr. KNOX. Let the House understand where it is from?

Mr. PERKINS. The gentleman is a member of the committee and I do not need to explain to him.

Mr. KNOX. Why should you not? You have the whole time.

Mr. PERKINS. I know this—that no representation from the Territory of Alaska, except as brought here by those living in the East and representing mining industries out there, has come before our committee. Nothing like a petition of citizens.

Mr. KNOX. I will ask the gentleman, Do you not know that this bill has the approval of the Secretary of the Treasury?

Mr. PERKINS. I know nothing of the kind.

Mr. KNOX (continuing). And the Assistant Secretary of the Treasury (Mr. Hamlin), who went to Alaska, and who asks for the appointment of this Delegate? Why do you not tell the House that?

Mr. PERKINS. I am willing to say that Assistant Secretary Hamlin was before the committee.

Mr. KNOX. Very well; why do you not tell this House that this bill meets with the approval of those who have any experience in looking after the interests of the Government there?

Mr. PERKINS. I say, Mr. Speaker, that it is practically impossible to hold anything like a popular election in that Territory. Everyone who knows anything about that Territory will appreciate and realize that fact. If we are to have a Delegate here, let us have him in an honest way. Let the governor appoint him, or the Secretary of the Treasury appoint him, or the people in Juneau or Sitka designate who he shall be, but such a thing as a popular election in the Territory of Alaska is out of the question. I do not believe that it is to the advantage of this Congress or this country to appoint a Delegate or to permit the agents of these

companies to have access to this floor and to our committees for the purpose of advancing their interest against the interest of the United States in that Territory.

The SPEAKER. The time of the gentleman has expired.

Mr. McCORMICK. I would like to ask the gentleman a question before he takes his seat.

Mr. PERKINS. My time has expired.

Mr. McCORMICK. Let me ask the gentleman from Iowa if the first election in each of our Territories has not been attended with difficulties of many kinds?

Mr. PERKINS. Not equal to those to be encountered in Alaska.

Mr. SCRANTON. Mr. Speaker, this detached territory of so great proportions, with its immense coast line, purchased of Russia for \$7,200,000 by Secretary Seward in 1867 and named by Charles Sumner Alaska, is a valuable possession. It has repaid us richly for the investment and is entitled to our protection and fostering care. Congress has legislated for its native Indians, its Russian half-breeds, its salmon, seal, and reindeer, but beyond granting an incomplete and inadequate form of civil government in 1884 nothing has been done for its white citizens. Since the rich gold development in southeastern Alaska thousands have been attracted to its mining camps and towns and to-day its white population is estimated at 10,000.

The residents of Alaska have repeatedly memorialized Congress for rights and privileges to which they are entitled as American citizens. These memorials have been expressions of the people of Alaska, without regard to party affiliation, in Territorial convention assembled. These conventions have each time chosen a Delegate to come to Washington as their representative. The first instance I have alluded to was in 1882; the last was at Juneau, November 5, 1894. In every instance their first and paramount request has been for representation in Congress by a Delegate to be elected by the people.

Mr. TRACEY. I would like to ask the gentlemen a question, with his permission.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. TRACEY. I would like to ask the gentleman a question for information.

Mr. SCRANTON. I have not much time to spare.

Mr. TRACEY. Who are the people of Alaska, and about how many of them would likely participate in an election held to elect a Delegate to Congress?

Mr. SCRANTON. I think I will answer that later in the course of my remarks. I hold in my hand a certified copy of the proceedings of the convention at Juneau, at which they elected Colonel Nowell, a mining operator, to represent them in Washington.

They need a new code of laws, extending to Alaska the laws of Oregon, amending jurisdiction of United States commissioners' courts, securing appeals in civil cases from United States commissioners' courts to United States district courts. They want a land office, mail facilities, high liquor license, and the right of acquiring a homestead to actual settlers on unoccupied lands, and much else. But above all they ask for representation in Congress. In their opinion that is their proper starting point, and after gaining it other needed aid will follow.

It is argued against them that it will not do to trust these 10,000 American voters with the ballot, lest they should be corrupted by corporate influence and elect as Delegate some capitalist whose wealth is employed in developing the gold mines of Alaska, and in thus contributing to support the people and to attract others thither. Suppose they should elect some such representative of the money power which has peopled Alaska with white American citizens, and suppose further that their chosen Delegate was a nonresident of Alaska during the severe winter months. Does it follow that such a person would not ably, creditably, and acceptably serve his constituency? Are not their interests identical, although the one may be rich and the many poor? Or would the blatant demagogue be preferable, whose self-appointed guardianship over the people is always mischievous and disappointing. The hardy miners, fishermen, and traders of Alaska can be as safely trusted with the ballot as can the voters of any section of our country. The people can be depended upon to attend to the personnel of their representative in Congress, and no argument to the contrary can be made which will not apply to districts all over the United States.

This cheap statesmanship would not be tolerated in any country but ours. When Russia owned Alaska her soldiers garrisoned its gateways, the Czar's edict none dared question in her waters, there was no piracy of seals from Russia. Ten years after we acquired Alaska our troops were withdrawn; it has had no military post since; it has no telegraphic communication with the rest of the world and only one light-house on its whole coast. Had not President Polk receded from his pledge to establish our northern boundary at "Fifty-four forty or fight," there would to-day have been

no British Columbia and the United States would have had continuous frontage on the Pacific Ocean from the southern line of California to Bering Strait. Had the map been constructed as any nation but ours would have compelled it to have been, we would have had no piratical destruction of our rich seal fisheries and no Bering Sea question for arbitration. There would have been no Canadian Pacific Railway to divert American traffic and no Canadian Pacific steamship lines to share our coast and ocean trade. As it is, Great Britain has 600 miles of coast between Washington and Alaska, and since the gold development in southeastern Alaska, she has trumped up a dispute over the boundary line and would crowd us into the Pacific Ocean and rob us of most of our Alaskan gold.

Let us look after our own; this is natural, it is right; nay, rather, it is our duty. Let us give this great Northwest Territory a voice to represent it on this floor. We have lost too much already by a penny-wise and pound-foolish policy to suffer its continuance. The expense of the proposed election is well guarded in the bill, being limited to \$3,000, and probably will not exceed \$2,000. This cost is a small item in comparison with accruing benefits. If Alaska is worth having, it certainly is worth caring for and fostering. What is Alaska's value to the United States?

First, let us consider the great importance of Alaska, by reason of its geographical location and characteristics, to the commercial prosperity and common defense of the whole country. San Francisco is situated easterly of the center of our possessions and Alaska flanks the great line of Pacific travel between America and Asia. The Aleutian Islands extend within less than 1,000 miles of the Asiatic ports, and the naval and coaling stations, really important to us in the control of the commerce and dominion of the Pacific Ocean, must be located upon Alaskan soil. Alaska is the Gibraltar of the Pacific Ocean; and if we properly appreciate and utilize her natural advantages it matters little to us who controls Hawaii or any other of the Pacific possessions. Pearl Harbor, in the Sandwich Islands, is 2,000 miles south of the great northern route of Pacific travel. The superb harbor of Unalaska is within 100 miles of the same route and is 1,000 miles nearer to Asia. Unalaska is one of the great harbors of the world, and there is likely to be the actual location of the "sea power" of the Pacific Ocean hereafter. Coal is found in various parts of Alaska, and it is most likely not only that she will supply her own coaling stations, but also those of the Pacific Ocean generally.

Again, despite the fact that in Alaska land can neither be bought nor preempted (thus virtually prohibiting immigration), that its lumber can not be exported, and that mining and fishing are the only industries permitted, yet Alaska stands alone among our "bloodless acquisitions" in having yielded a revenue from the beginning. The lease of the tiny seal islands has yielded 4 per cent interest on the sum originally paid for the whole Territory, which, in the end, has returned an equal amount—seven millions—to the Treasury. For more than ten years the gold mines have been producing an average of \$1,000,000 a year; and for the past ten years the salmon and other fisheries have yielded an annual product valued at \$2,000,000.

Since the United States purchased Alaska, that almost unknown region, extending "westward to the far East," has contributed from ninety to one hundred million dollars to the wealth of the world. In the last census report the value of the products of Alaska from 1868 to 1890 is given as follows:

Furs	\$48,518,929
Canned salmon	9,008,497
Salted salmon	603,548
Codfish	1,246,650
Ivory	147,047
Gold and silver	4,631,840
Whale oil	2,853,351
Whalebone	8,204,067
Aggregate	75,213,929

Since 1890 its mines and fisheries have yielded \$5,000,000 annually, which brings its total output since we have owned it to a round billion dollars.

Mr. Speaker, shall not Congress pay some heed to the petitions of the citizens of such a country as Alaska? Shall we longer slight our valuable Northwestern possessions, while England is steadily lavishing money on British Columbia by constructing wagon roads, extending the telegraph and mail service, and subsidizing Canadian Pacific steamships? Can we not learn much by observing the zealous care for every inch of its possessions exercised by the British Empire, upon which the sun never sets?

I have briefly noticed the salient points in Alaska's resources and natural advantages, and have endeavored to show by recorded facts her wonderful wealth. If her chrysalis civil condition and hitherto retarded development have produced such results as we have seen, what may we not expect of her future? The two great political parties have given Alaska the only recognition thus far received by according her representatives seats in their national conventions at Minneapolis and Chicago in 1892. Alaska has a voice upon our national committees and will be again accorded a

place in our national conventions of this year. Does not this precedent commit both Republicans and Democrats to the policy of giving her a voice in this House and to the passage of this bill? In order that the Government may grasp and make available to capital and industry the resources that are within easy reach in that Territory it is of great importance that Congress should take immediate steps to accord her a Delegate who can give information as to what can be done and should be done in Alaska's interest.

Mr. Speaker, Alaska will produce more gold this year alone than the price paid for it. Last year her gold output was between four and five millions, and this year it will exceed \$7,000,000. She has eight corporations mining gold, all of them representing American capital excepting the Treadwell, one-half of which is owned in Europe. They employ 2,000 men, have 540 stamps, and are producing now \$3,000,000 of gold a year. The placer miners greatly outnumber the quartz miners, and represent 7,000 men at work on their own account. These 7,000 placer miners average \$1,000 profit each per year above their living and other expenses, thus giving to the world seven millions more annually of gold. Alaska's contribution of gold during 1896 may reach \$10,000,000. Her fish and furs will yield five million more. The prospects of Alaska's future are wonderful; her recent development is marvelous; her people are of the best class of hardy pioneers, necessarily, because of the cost and difficulty of getting there. They are thorough Americans, who will fight if need be for our rights as a nation. They look to Congress for the privileges guaranteed to American citizens. Let their appeal be no longer in vain.

Mr. McCREARY of Kentucky. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question.

Mr. SCRANTON. I hope the gentleman will be brief.

Mr. McCREARY of Kentucky. What necessity is there for the election of a Delegate in October? Why not amend the bill so as to provide for the election of a Delegate at the next Congressional election?

Mr. SCRANTON. The election is to be held at the next election.

Mr. McCREARY of Kentucky (continuing). He would only be here three months, and then it would cost, as I understand, some \$5,000 or \$6,000 for him to come here.

Mr. SCRANTON. That is not a material point.

Mr. McCREARY of Kentucky. Before you take your seat I hope you will accept an amendment of that kind.

Mr. SCRANTON. If an amendment of that kind is offered I will accept it.

The SPEAKER. It will be necessary, if the gentleman accepts the amendment, to have it presented at once.

Mr. McCREARY of Kentucky. I have an amendment I want to offer to the second section, providing for the election of a Delegate at the next regular election, and to dispense with the election in October.

Mr. PERKINS. I will say, if the gentleman will allow me, that the climatic conditions are such in that Territory that they can not possibly hold an election in November. The bill provides for an election in September.

Mr. McCREARY of Kentucky. The bill provides to elect at the October election, but it also reads that the election shall be held on the first Tuesday in September in each year. Therefore, I will make my amendment so as to read the first Tuesday in September in each year.

Mr. SCRANTON. I accept that amendment.

Mr. DOCKERY. I have prepared an amendment to the same effect, but as the gentleman from Kentucky has offered one, I will not offer mine.

Mr. DINGLEY. I suggest to the gentleman in charge of the bill that unless there is an amendment made to that provision this Delegate, if he be elected for three months, will draw \$10,000.

Mr. SCRANTON. There is a provision in the bill already to prevent that.

Mr. DOCKERY. I was about to propose an amendment, but if the gentleman from Kentucky desires to offer it, I will yield to him.

Mr. McCREARY of Kentucky. Mr. Speaker, I will, at the proper time, move to strike out these words:

That the first Delegate shall be chosen for the remainder of the term of the Fifty-fourth Congress and for the full term of the Fifty-fifth Congress at the same election; and each succeeding Delegate shall be chosen for the full term of the Congress next succeeding his election.

There will remain section 3, which provides—

That the first election of such Delegate shall be held on the 1st day of October, in the year 1896, and thereafter such elections shall be held on the first Tuesday of September in each year when the members of the House of Representatives are chosen.

The SPEAKER. The amendment will be considered as pending. [A pause.] The time for debate has expired, and the gentleman from Kentucky will present his amendment.

Mr. SCRANTON. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. McCREARY of Kentucky. Mr. Speaker, the gentleman from Missouri [Mr. DOCKERY] has prepared an amendment which covers the same ground as the one I was about to offer.

Mr. DOCKERY. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out, in lines 1 and 2, section 2, after the word "chosen," the following: "For the remainder of the term of the Fifty-fourth Congress and"; also, section 2, line 3, strike out the words "at the same election"; also strike out all after the word "held" in line 2, section 3, down to and including the word "held," in line 3, section 3; also strike out the words "in each year," in line 4 of section 3, and insert "in the year 1896."

Mr. DOCKERY. I will read this part of the bill as it will stand if the amendment is adopted:

SEC. 2. That the first Delegate shall be chosen for the full term of the Fifty-fifth Congress, and each succeeding Delegate shall be chosen for the full term of the Congress next succeeding his election.

SEC. 3. That the first election of such Delegate shall be held on the first Tuesday of September in the year 1896, when the members of the House of Representatives are chosen.

Mr. McCREARY of Kentucky. That is acceptable to me.

The amendment was agreed to.

Mr. OWENS. Mr. Speaker, I desire to offer an amendment.

Mr. LOUDENSLAGER. I desire to offer an amendment.

The SPEAKER. It is too late to offer amendments unless by unanimous consent, the vote having been ordered.

The question was taken on the engrossment and third reading of the bill; and the Speaker declared that he was in doubt.

A division was called for.

Mr. OWENS. Mr. Speaker, I ask unanimous consent to offer the amendment which I send to the desk.

Mr. BARRETT. Amendments are not in order now, I believe.

The SPEAKER. Only by unanimous consent.

Mr. OWENS. I ask consent to offer this amendment:

Provided, however, That the mileage allowed said Delegate shall in no case exceed \$1,500.

The SPEAKER. Is there objection to the consideration of this amendment?

Mr. McCORMICK. I object.

The question being taken on ordering the bill to a third reading, the Speaker declared that the yeas seemed to have it.

On a division there were—ayes 44, noes 60.

So the House declined to order the bill to a third reading.

FOREIGN EXHIBITS AT TENNESSEE CENTENNIAL EXPOSITION.

Mr. McMILLIN. Mr. Speaker, I present a privileged report from the Committee on Ways and Means, and ask for its immediate consideration.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the joint resolution H. Res. 167, having fully considered the same, report it back with the recommendation that it do pass.

The purpose of the resolution is to allow foreign exhibitors at the Tennessee Centennial Exposition to exhibit their goods without payment of import duties, and to allow custodians and artisans in charge of said exhibits to come to and remain in this country, by employment, while making the exhibits.

The resolution is similar to the one for a like purpose passed by Congress in connection with the World's Columbian Exposition held at Chicago, and others. It is thoroughly guarded by the usual provision for payment of duties in case of sale, etc., and should pass.

The joint resolution is as follows:

Joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

Whereas the Tennessee Centennial Exposition Company of Nashville, Tenn., have extended invitations which have been accepted by the several nations, and space for installing foreign exhibits has been applied for and duly apportioned, and concessions and privileges granted by the exposition management to the citizens and subjects of foreign nations; and

Whereas for the purpose of securing the production upon the exposition grounds of scenes illustrative of the architecture, dress, habits, and modes of life, occupation, industries, means of locomotion and transportation, amusements, entertainments, etc., of the natives of foreign countries, it has been necessary for the Tennessee Centennial Exposition Company to grant concessions and privileges to certain firms and corporations conceding the right to make such productions: Therefore

Resolved by the Senate and House of Representatives, etc., That the act of Congress approved February 23, 1885, prohibiting the importation of foreigners under contract to perform labor, and the acts of Congress prohibiting the coming of Chinese persons into the United States, and the acts amendatory of these acts, shall not be so construed, nor shall anything therein operate to prevent, hinder, or in anywise restrict any foreign exhibitor, representative, or citizen of a foreign nation, or the holder, who is a citizen of a foreign nation, of any concession or privilege from the Tennessee Centennial Exposition Company, of Nashville, Tenn., from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they, or any of them, may deem necessary for the purpose of making preparations for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been granted by the Tennessee Centennial Exposition Company, of Nashville, Tenn., in connection with such exposition: Provided, however, That no alien shall by virtue of this act enter the United States under contract to perform labor except by express permission, naming such alien, of the Secretary of the Treasury; and any such alien who may remain in the United States for more than one year after the close of said exposition

shall thereafter be subject to all the processes and penalties applicable to aliens coming in violation of the alien-contract-labor law aforesaid.

SEC. 2. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell, for delivery at the close of the exposition, any goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: Provided, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such article by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be guilty of any illegal sale or withdrawal.

Mr. McMILLIN. Mr. Speaker, I ask for the adoption of the resolution, and will state that it varies in no material particular from the bill introduced for a similar purpose for the International Exposition at Chicago and the Exposition at Baltimore. It is sufficiently guarded in all respects. It meets the approval of the Treasury officials, and it is the unanimous report of the Ways and Means Committee.

Mr. DINGLEY. It is the ordinary bill in these cases.

Mr. McMILLIN. As stated by the chairman of the committee, it is the ordinary bill for the purpose of allowing foreign exhibitors to bring their exhibits here and place them on exhibition.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McMILLIN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BANKRUPTCY.

Mr. HENDERSON. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. PAYNE in the chair), and resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

The CHAIRMAN. General debate having been closed by order of the House, the bill will now be read by paragraphs for amendment.

The Clerk read as follows:

SECTION 1. MEANING OF WORDS AND PHRASES.—a The words and phrases used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: (1) "A person against whom a petition has been filed" shall include a person who has filed a voluntary petition; (2) "adjudication" shall mean the date of the entry of a decree that the defendant, in a bankruptcy proceeding, is a bankrupt, or if such decree is appealed from, then the date when such decree is finally confirmed; (3) "appellate courts" shall include the circuit courts of appeals of the United States, the supreme courts of the Territories, and the Supreme Court of the United States; (4) "bankrupt" shall include a person against whom an involuntary petition or an application to set a composition aside or to revoke a discharge has been filed, or who has filed a voluntary petition, or who has been adjudged a bankrupt; (5) "clerk" shall mean the clerk of a court of bankruptcy; (6) "corporations" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships; (7) "court" shall mean the court of bankruptcy in which the proceedings are pending and may include the referee; (8) "courts of bankruptcy" shall include the district courts of the United States and of the Territories, the supreme court of the District of Columbia, and the United States court of the Indian Territory; (9) "creditor" shall include any one who owns a demand or claim provable in bankruptcy and his duly authorized agent, attorney, or proxy; (10) "date of bankruptcy," or "time of bankruptcy," or "commencement of proceedings," or "bankruptcy" with reference to time, shall mean the date when the petition was filed; (11) "debt" shall include any debt, demand, or claim provable in bankruptcy; (12) "defeat" shall include defraud or delay, evade, hinder, and impede with intent to defraud; (13) "discharge" shall mean the release of a bankrupt from all of his debts which are provable in bankruptcy except such as are excepted by this act; (14) "document" shall include book, deed, and instrument in writing; (15) "holiday" shall include Christmas, the Fourth of July, the 22d of February, and any day appointed by the President of the United States as a holiday or as a day of public fasting or thanksgiving; (16) "insolvent," as applied to a person, shall mean that his property is not sufficient in amount, at a fair valuation, to pay his debts, and when insolvency is to be inquired into with reference to an act of bankruptcy it shall be determined as of the date of the filing of the petition; (17) "judge" shall mean a judge of a court of bankruptcy, not including the referee; (18) "oath" shall include affirmation; (19) "officer" shall include clerk, marshal, receiver, referee, and trustee, and the imposing of a duty upon or the forbidding of an act by any officer shall include his successor and any person authorized by law to perform the duties of such officer; (20) "person" shall include corporations, officers, partnerships, and women, and when used with reference to the commission of acts which are herein forbidden shall include persons who are participants in the forbidden acts, and the agents, officers, and members of the board of directors or trustees, or other similar controlling bodies of corporations; (21) "petition" shall mean a paper filed in a court of bankruptcy or with a clerk or deputy clerk by a debtor praying for the benefits of this act, or by creditors alleging the commission of an act of bankruptcy by a debtor therein named; (22) "referee" shall mean the referee who has jurisdiction of the case or to whom the case has been referred, or any one acting in his stead; (23) "secrete" shall include conceal, falsify, mutilate, remove, and suppress; (24) "secured creditor" shall include a creditor who has security for his debt upon the property of the bankrupt of a nature to be assignable under this act, or who owns such a debt for which some indorser, surety, or other person secondarily liable for the bankrupt has such security upon the bankrupt's assets; (25) "States" shall include the Territories, the Indian Territory, and the District of Columbia; (26) "transfer" shall include the sale and every other and different mode of disposing of or parting with property, or the possession of

property, absolutely or conditionally, as a payment, pledge, mortgage, gift, or security and the creation of a lien on property by any means other than by compulsory process prosecuted in good faith; (27) "trustee" shall include all of the trustees of an estate; (28) "wage earner" shall mean an individual who works for wages, salary, or hire, at a rate of compensation not exceeding \$1,500 per year; (29) words importing the masculine gender may be applied to and include corporations, partnerships, and women; (30) words importing the plural number may be applied to and mean only a single person or thing; (31) words importing the singular number may be applied to and mean several persons or things, and (32) words which are given a meaning or made to include other words herein, when used in one tense, shall have a corresponding meaning when used in any other tense.

Mr. MILLER of Kansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 54, on page 3, after the word "include," strike out the word "corporations."

Also strike out lines 58 and 59, on page 4.

Mr. MILLER of Kansas. Mr. Chairman, I offer this amendment for two reasons. In the first place, there is no necessity for including corporations in this bankruptcy act, because all the States of the Union, with perhaps one or two exceptions, provide for the appointment of receivers of corporations in all cases where the corporation is insolvent. But the principal reason that I urge for the adoption of this amendment is that by the terms of this bill anyone can petition a corporation into bankruptcy; and yet, under the bill, it can receive no relief from any debt that it owes. By the terms of the bill, a corporation is precluded from filing a petition for discharge, and it is expressly provided that a corporation shall not be discharged from any debt that it may owe. Now, I submit whether it is a proper thing for a corporation to be forced into bankruptcy under the provisions of this bill when no relief whatever can be given it? I call attention to the provision in regard to discharge on page 15:

A person not a corporation may after the expiration of two months and within the next four months subsequent to being adjudged a bankrupt file an application for his discharge.

That provision denies to every corporation the right to file a petition for discharge. Section 16, on page 17, provides that—

A discharge in bankruptcy shall release a bankrupt not a corporation from all of his provable debts, except, etc.

Now, I submit that the laws of all the States provide ample means for taking charge of the property of an insolvent corporation, for placing it in the hands of a receiver, and distributing it equitably among the creditors. There is no reason why under this bill a corporation should be forced into bankruptcy when no relief can be given it according to the terms of the very law under which it is placed in bankruptcy. All the private banks in this country are subject to the provisions of this law. National banks are excluded; but there are numerous banks in every State and Territory that may be forced into bankruptcy under the bill. Railroad corporations, all sorts of business corporations, may be placed in bankruptcy and stripped of their property without any relief whatever—left with all their debts standing against them as they were before they were petitioned into bankruptcy. I say it is right and fair, inasmuch as these matters are covered by State law, that the provisions to which I have referred should not be retained in this bill.

It has been suggested that corporations may be relieved from their indebtedness under such circumstances by amendments further on. But there is this difficulty in regard to that suggestion, most of the States provide for a double liability upon stock. Nearly all banking corporations are subject to such a provision. This is a security that goes to the creditor; and the assignee in bankruptcy could not collect that, because it is not an asset of the bank. Therefore the difficulty in relieving a corporation from indebtedness will be insurmountable. The only fair and just way, it seems to me, is to strike out the word "corporation" in this bill, and let such matters be taken care of under the State law. I submit it is not a proper thing to force corporations into bankruptcy, and then after stripping them of their property give them no relief.

Mr. HENDERSON. Mr. Chairman, the purpose of this first section is to provide a definition or dictionary of terms used throughout the bill, so as to save frequent repetition. By this single section we save the use of many hundreds of words. The definition here in clause 20, page 3, which the amendment of the gentleman from Kansas aims at, provides that—

Persons shall include corporations.

The gentleman proposes to strike out that provision, and also to strike out in lines 58 and 59, on page 4 (the gentleman will correct me if I have misunderstood him), the words—

And the agents, officers, and members of the board of directors or trustees or other similar controlling bodies of corporations.

The purpose of those two lines, as will be seen from reading the context, is to bring within the provisions of the definition the only parties that can represent corporations—the agents, officers, and members of the board of directors or trustees. This is clearly right.

Now, wherever the word "person" is used it should, as it seems

to me, apply clearly to corporations. Where an exception is intended as to corporations, the words of the bill expressly state the exception. I can see no harm to come from this proposition unless section 13 is to be amended; and even then it can do no harm, because the exceptions treat of the matter specifically. But the gentleman's real aim is to affect section 13, on page 15, which I ask members of the committee to turn to.

His objection is that the word "corporation" should be stricken out of the bill, because, while we give power to throw them into bankruptcy, yet we do not, under the operation of the law, provide that they may be discharged. Now, the objection I have to his amendment is, as I understand it, that the corporation, while it may not voluntarily go into bankruptcy and invoke the powers of the bill in its own behalf, may be thrown in under certain circumstances. Why? Because its assets can be thus placed within reach of the court for the benefit of the creditor. Then the question arises, when they are thrown into a state of bankruptcy, why you can not discharge them after the property has been disposed of.

Mr. Chairman, the answer to that question involves a consideration of the State laws. These corporations are all organized under the laws of their several respective States. The bill aims to get at their assets, just as it reaches the assets of the individual, but leaves them in their defunct, dead capacity, to be wound up according to the laws of the respective States under which they have received their charters. And it was thought when this bill was framed that it was not a wise provision to go beyond the mere act of reaching for their property and providing for the distribution of it among their creditors, as a protection to the public, and then leave the State to wind up the concern, if it so desired, according to its laws.

But why should we grant them a discharge in bankruptcy? What is to be gained by it? The liability of the shareholders is fixed by the laws of the several States by which the corporations are organized. There is a certain point with reference to that beyond which you can not go. All that we seek is to protect the rights of the creditor; to prevent fraud in the disposition of the property; and the rights of the companies themselves can be fixed afterwards by the laws of the States from which they have their being.

Mr. MILLER of Kansas. Let me ask the gentleman this question: Is it not true that the laws of all the States provide, in regard to the winding up of these companies, for the appointment of receivers in all cases where a corporation becomes insolvent, and the estate of the corporation is distributed in that way for the benefit of the creditors?

Mr. HENDERSON. That may be true, and that would be the process, of course, if we had not in operation such a law as this. But having a bankrupt law, we want to reach, by a general provision, the assets of all debtors, and we did not think that a corporation, being a debtor, ought to be allowed to escape.

Mr. MILLER of Kansas. But do you not want to be fair to all debtors and give them equal relief under the operations of the bill?

Mr. HENDERSON. Ah, but the corporation is peculiar in this: It is a person created by the law, a sort of fictitious person. No harm can come to them by the operation of this provision of the bill, for they still owe their being and existence to State laws. They invoke from the State this form of creating an artificial person for the purpose of transacting business within the States. They are put on the same footing by this bill as the citizen is, simply that it seeks to bring all of the estates of all bodies into a court having a uniform system for distribution amongst the creditors.

Now, the corporation, as I have already said, owes its life to the laws of the State. They can not complain. They can change the name of the corporation if it becomes insolvent, and if they can acquire means to do so may go on with their business if they so desire. We only do, by the operation of this law, by this particular provision, what we are doing for all others—that is, we get possession of the assets and distribute them amongst the creditors.

It seems to me, Mr. Chairman, that the amendment is not a wise one and should not be adopted.

Mr. HEPBURN. I would like to ask my colleague this question: Does not this place the corporation at a great disadvantage, to put them in a state of bankruptcy, but give them none of the benefits of the act?

Mr. MILLER of Kansas. That is exactly the point.

Mr. HEPBURN. The general benefit to be derived—that is, a discharge by the bankruptcy proceedings—is withheld from the corporation.

Mr. HENDERSON. We do not discharge them, and we can not afford to discharge them. The bill does not seek to do that.

Mr. HEPBURN. No; that is just the point.

Now, suppose that under the law of the State the corporation is in the hands of a receiver; it must have committed, therefore, some one of the bankrupt acts defined in this bill. Being in the hands of the receiver, in your judgment is it still liable to be proceeded against under the operation of the bankrupt law?

Mr. HENDERSON. Certainly. It would be exactly as in a similar case pending against an individual. If it be for the best interest of the estate, the court can direct the trustee to appear, and the proceedings of the trustee may be stayed until the case can be disposed of by the court, or the question is determined as to what is the best interest of the estate.

Mr. HEPBURN. But it is impracticable at times to stay the proceedings of a receivership.

Mr. HENDERSON. That would be entirely in the discretion of the court. It might direct the trustee to appear and represent the interest of the estate.

Mr. HEPBURN. But is there not liability to a conflict of jurisdiction in the court which obtained control of the estate and had the appointment of the receiver and the one which seeks jurisdiction by bankruptcy?

Mr. HENDERSON. There can be none possible. Congress clearly has the power, under the Constitution, to establish this system, which takes precedence of all others. It is not like a conflict between State courts, where the rule applies that the first court that gets possession has control and custody. It is simply regulated by the general law, which the Constitution gives us the power to enact.

Mr. BURTON of Missouri. Mr. Chairman, I think there are two objections to this amendment. The first is that this section merely defines the meaning of certain terms. The evil of which my friend complains would be reached by amending the provisions of this bill further along; but it seems to me that in the discussion of this matter our friends lose sight of the nature and character of a corporation. The corporations that could and would be put into bankruptcy are corporations that have been created for business purposes. When the shareholders of a corporation have paid up the total amount of the stock which they have respectively subscribed, that is the end of any and all liability on their part. The assets of the corporation consist of its property and the unpaid stock which has been subscribed.

When a corporation has been placed in bankruptcy, and a trustee has been appointed, he can not only take into his possession the tangible property of the corporation, but he can sue and recover any unpaid portion of the stock which has been subscribed by the respective individual shareholders. When the assets of the corporation are all in the hands of the trustee, it is perfectly immaterial whether that corporation have a discharge or not, because when you have deprived a business corporation of all of its property there is nothing remaining with which it can do business in the future. It can not levy an assessment upon its shareholders, because each and every one of them has paid up the full amount of stock that he has subscribed, and that ends any appeal to that source. Consequently, when a corporation becomes insolvent, and its property has been taken by a trustee and paid out to its creditors, the corporation is no longer in any condition to do business. It is, for all practical purposes, dead, and it is immaterial whether it has a discharge or not. If the same persons who compose the corporation desire to form another corporation, they can do it and can again subscribe to the capital stock, but that will be a separate and distinct entity. There would be no way by which the persons composing the practically defunct corporation could obtain any property with which to further carry on their business except by common consent.

It seems to me, then, first, because this section is merely a dictionary of terms, that the amendment ought not to prevail, and second, that the object and purpose contemplated by an amendment to that section which provides that a corporation may be placed in bankruptcy, and an amendment to that other section which says that a corporation shall not be discharged, granting a discharge would have no practical effect.

Mr. FAIRCHILD. Let me ask my friend from Missouri one question. Is it not a fact that a creditor, wishing to have the assets of a corporation equitably distributed, can do so just as well through the State courts, in winding up that corporation, as through the bankruptcy law, and even better, to this extent: that in the State courts, in a proceeding against a corporation, with a receiver appointed, he could secure possibly the additional asset consisting of any value that might attach to the franchise, which could not be secured in this bankruptcy proceeding?

Mr. BURTON of Missouri. I think not; and further, in answer to the gentleman's question, let me suggest that the assets of a corporation may have been transferred by the board of directors to some one who is not a resident of the territory over which the State court has jurisdiction; and your receiver has no power or authority outside of the jurisdiction of the court that appoints him. In that case your receiver under your State law is in no condition to follow the assets that have been improperly transferred to some one residing in some other State.

Mr. FAIRCHILD. Would not that create a personal liability on the part of the directors who would do such an act as that?

Mr. BURTON of Missouri. Certainly.

Mr. FAIRCHILD. A liability which would bring them both

within the laws of the State courts and also into the bankruptcy proceedings personally?

Mr. BURTON of Missouri. Exactly; it might create a personal liability, but that is no argument. The liability might be there, and the directors individually might be absolutely insolvent, and that would do you no good.

Mr. MILLER of Kansas. Does the gentleman from Missouri claim here as a lawyer that the receiver of a State court has no power to enter other States to sue and recover the assets of a bankrupt corporation?

Mr. BURTON of Missouri. Except by the comity of a State into which he may go. For instance, I say to my friend that a receiver appointed by the district court of Kansas in his district has no jurisdiction in the State of Missouri as a matter of right.

[Here the hammer fell.]

Mr. MILLER of Kansas. Mr. Chairman, in answer to the last proposition made, I will say that it has been my fortune within the last few months to be interested in a case in Kansas City, Mo., where a receiver of a Kansas City (Kans.) company went into Missouri and sued there an officer of the bank for fraudulently concealing and disposing of the property of the bank; and it is well-settled law now—although in times past it may have been claimed that it could not be done—that a receiver appointed by the court under the law of a State has the right to go into any State in the Union and sue and recover the assets of the bankrupt.

Mr. KNOX. Does not the gentleman know that a corporation established under United States law, when it is being operated by a receiver in the jurisdiction of one State, has no standing in the courts of another State except by comity?

Mr. MILLER of Kansas. Mr. Chairman, I believe I have the floor. I will answer the argument that my friend from Missouri makes, that this is simply a dictionary term and cuts no figure in this case. I have always found that when you come to definitions of terms, it becomes very important in a law of this kind, a provision that we seek to amend, as to whether a person would include a corporation. Now, then, we turn to a petition in bankruptcy, and we see that a petition may be filed against a person who commits an act of bankruptcy, and under the definition this gives the right to file a petition against a corporation as a bankrupt, and without that definition it is very doubtful whether it could be done or not. Therefore this amendment is proper and ought to be sustained.

Mr. HAINER of Nebraska. I move to strike out the last word of the amendment, for the purpose of asking a question. I desire to ask the gentleman in charge of this bill what would be the effect of leaving in the definition which has just been assailed? I direct his special attention to railroad corporations which are now in the hands of receivers. Would not the effect of this bill be ipso facto to take all the authority out of the hands of those receivers, the property from their hands, and vest the management of the railroad corporation now in the hands of the receiver appointed by the bankrupt court? It seems to me that it is opening up a very wide question, and one which can hardly be disposed of in this desultory way.

Mr. BLUE. I move to strike out the last word.

Mr. HAINER of Nebraska. Mr. Chairman, I trust I may have an answer to my question.

Mr. HENDERSON. Mr. Chairman, the Constitution of the United States in relation to Congress vests it in the fundamental law, with the power to adopt a general law to reach the estate of debtors. A corporation under this bill may be reached through an involuntary proceeding; and the same thought advanced by my friend from Nebraska was included in the question of my colleague from Iowa.

Mr. RAY. Will my colleague allow me?

Mr. MILLER of Kansas. Let him answer the question.

Mr. RAY. Ah! You have had your attention called to it.

Mr. HENDERSON. Yes; I know the point that my colleagues are making. We have this in the last clause of the bill, on page 63:

This act shall go into effect upon its passage as to the promulgation of rules, forms, and orders and the appointment of referees, and the designation of the districts in which they shall respectively have jurisdiction; and the expiration of six months after its passage as to all its other provisions, except that no cognizance shall be taken pursuant to its provisions of the act of persons so far as they constitute acts of bankruptcy or offenses as herein defined prior to the date when the act shall go into full force and effect.

That answers one feature of the question. It will not operate on those which are in existence now or prior to the time limited before going into effect. This point I take it is true—that in the event of a receiver being appointed for a railroad or any other corporation included in this definition, if they are in that condition, a proceeding in bankruptcy being commenced against it, if an act of bankruptcy has been committed, of course it is a fact which must be established first. I do not see why it would not be reached the same as any other individual, or why it should not be. I do not see why an exception should be made. Now, that does not affect the question of the gentleman from Kansas.

Mr. HAINER of Nebraska. Let me ask my friend another

question at this point. Is there any provision for the continuation of the business of a bankrupt?

Mr. MILLER of Kansas. That is the point exactly.

Mr. HENDERSON. No.

Mr. HAINER of Nebraska. In your bill, as you have drafted it, if it includes these railroad corporations which are now in the hands of a receiver, if either the railroad company or its receiver should commit acts which are specified as acts of bankruptcy in this bill, the receiver could not continue to operate the railroad at all after filing a petition in bankruptcy, and this could be filed by any one creditor.

Mr. HENDERSON. It is to be filed by three creditors.

Mr. HAINER of Nebraska. It could be three or a half a dozen. I suppose they could file a petition in bankruptcy, and establish that his acts were acts of bankruptcy. It would be a matter of record in the courts. There are no adequate provisions for carrying on the business of bankrupt corporations through the agents of the bankruptcy court. It would necessarily follow that every railroad which is now in the hands of a receiver would have to suspend business entirely, and could not carry on the business of transportation at all.

Mr. TAWNEY. How would it be with railroads that are not in the hands of receivers? Would it not be the same?

Mr. HAINER of Nebraska. It might be. Any railroad which committed an act of bankruptcy would be prevented from transacting any of its business thereafter, and it seems to me that the very statement of the proposition is a conclusive argument in favor of the amendment of the gentleman from Kansas.

Mr. RAY. It seems to me that the gentleman is entirely mistaken in his conclusions. It should be remembered—

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

[Mr. BLUE addressed the committee. See Appendix.]

Mr. RAY. Mr. Chairman, I do not desire to occupy any considerable time, but simply to say a word or two in answer to some of the objections that have been raised. Of course I am considerably surprised to see the gentleman from Kansas [Mr. BLUE] taking up the cudgel here in favor of corporations. I know of no good reason why corporations should not be subjected to the provisions of this bill so far as its involuntary features are concerned.

Mr. TAWNEY. Would you include railroad corporations as well as others?

Mr. RAY. I think no exception is made in the bill, and I do not see any reason for excepting railroad corporations.

Mr. TAWNEY. Then do you not encounter this difficulty, that where you force a railroad corporation into bankruptcy in one jurisdiction the same may be done in another jurisdiction, or in five or six separate jurisdictions, through which the railroad may pass, so that you may have five or six different receivers operating the same road?

Mr. KNOX. No; there is only one jurisdiction.

Mr. TAWNEY. You may have the same railroad company in different bankrupt courts, and you will have a conflict of jurisdiction between the several receivers, just as we have at the present time in the case of the Northern Pacific Railroad Company.

Mr. RAY. No; there is no such difficulty as that which is suggested by the gentleman from Minnesota. This bill provides that United States courts shall take jurisdiction in these cases, and in the county where the individual lives or in the district most convenient. The United States court in one jurisdiction or one district having taken jurisdiction, of course no other United States court will take hold of the case or attempt to.

Mr. TAWNEY. Why not?

Mr. RAY. Because the United States courts possess some sense, and the judges in one district, when an assignment has been made, or proceedings have been taken against the corporation and a trustee appointed under the laws of the United States, with full power to operate the road, will say that is enough, and will not attempt to take jurisdiction or to entertain proceedings in another district, even though the railroad does run through that district. The jurisdiction in the one district would be exclusive of all the others.

Mr. TAWNEY. You do not make it so in your bill.

Mr. RAY. It has been universally so held in the State courts, and also in the United States courts.

Mr. TAWNEY. Now, Mr. Chairman, in reference to that proposition, I call attention to the situation with regard to the Northern Pacific Railroad Company. A receiver was appointed by Judge Jenkins at Milwaukee, another by the circuit court at St. Paul, another was appointed in Montana, and still another in Washington. So that while the Federal courts do, as the gentleman says, have some sense, nevertheless, when they are called upon to exercise their jurisdiction within their territorial limits, they must do it, and it is but natural that these courts should be somewhat jealous of their respective jurisdictions.

Mr. RAY. Now, I have suggested the answer to all that, which

is that the bill itself provides that if the individual or corporation is in a particular county, jurisdiction shall be taken and exercised by the court in that county; but otherwise it must be exercised in the locality most convenient for the administration of the affairs of the bankrupt.

Mr. TAWNEY. Does this bill give the assignee or receiver who is first appointed exclusive jurisdiction over all the property of the debtor without respect to the county or State in which that property may be situated?

Mr. RAY. I so understand. I make that assertion.

Mr. TAWNEY. I have not found such a provision in the bill.

Mr. RAY. There can be no question about that. It is provided that all the property of the bankrupt, regardless of its situation or location, shall pass to the hands of the trustee. Now let me make another suggestion in connection with that. When these bankruptcy proceedings have been taken and a trustee appointed, the property of the corporation (a part of the property being its franchises and rights—not simply the assets, as some gentlemen would define them) passes to and vests in the hands of the trustee in bankruptcy; and that being the fact the court has jurisdiction, and there can be no conflict whatever. The trustee can operate a railroad and preserve it.

[Here the hammer fell.]

Mr. HENDERSON. I ask unanimous consent that twenty minutes, or so much thereof as may be needed, be allowed for the further discussion of this amendment.

There was no objection.

Mr. HAINER of Nebraska. At the suggestion of several gentlemen, I ask that the amendment be again read.

The amendment of Mr. MILLER of Kansas was again read.

Mr. HAINER of Nebraska. Mr. Chairman, it seems to me that a very slight consideration of the duties and obligations of corporations engaged in the business of transportation should convince members of this House that they certainly should not be included within the provisions of this bill. It is contrary to great public interests that those corporations engaged in the work of transportation should be prohibited from carrying on their business, no matter what the pecuniary reverses to which they may be subjected.

Mr. RAY. Allow me to suggest that they would not be prohibited from carrying on their business, because the property, the rights, and the franchises of the railroad company would pass into the hands of an officer of the court in the same way as they do now, and, being within the power and jurisdiction of the court, the business of the corporation would go right on. It would be the duty of the trustee (I have spoken of him once or twice as an assignee) to carry on the business and preserve the estate until it was sold.

Mr. HAINER of Nebraska. Mr. Chairman, I think the gentleman is hardly well advised in making that suggestion. Certainly no bankruptcy law can be framed whose provisions would even contemplate the continuation of the business of the bankrupt. When a person is thrown into bankruptcy, it is the duty of the court to wind up that business, to sell the property. Until the sale of the property of a railroad corporation is had there is absolutely no provision—and from the necessity of the case there can not be any provision—for carrying on the business of that railroad company.

Mr. RAY. Let me ask the gentleman right there this question: Does he deny the power of the United States court to direct the trustee to go on with the business of the railroad corporation, for the purpose of preserving it and maintaining its value, until it is actually sold by the trustee or under a decree of the court?

Mr. HAINER of Nebraska. Certainly, I think that under the provisions of this bill there can be no room for the intelligent discussion of such a proposition.

Mr. HENDERSON. Allow me to call the attention of gentlemen to section 17, clause 3, of this bill, on page 18. It is there provided, under the title "Jurisdiction of courts of bankruptcy," that authority be given to the court, among other things, to "appoint receivers or the marshals, upon the application of parties in interest, to take charge of the property of bankrupts after the filing of the petition, and until it is dismissed or the trustee is qualified."

So the power to appoint receivers is especially conferred by the terms of this bill.

Mr. MOODY. I call attention also to the fifth clause of section 17. It is there provided that the court of bankruptcy may "authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates."

Mr. BLACK of Georgia. Does not the language read by the gentleman from Iowa [Mr. HENDERSON] mean simply that the court may appoint a receiver immediately upon the filing of the petition and before there is an adjudication? As I understand, the point made by the gentleman from Nebraska [Mr. HAINER] is that after there has been an adjudication and the corporation has

been declared bankrupt there is no machinery provided by this bill to continue the business of the corporation.

Mr. MOODY. I refer the gentleman to clause 5 of section 17, which provides the machinery.

Mr. TAWNEY. I would like the gentleman from New York [Mr. RAY] to answer a question.

The CHAIRMAN. The gentleman from Nebraska [Mr. HAINER] is entitled to the floor. Does he yield for the question?

Mr. HAINER of Nebraska. Yes, sir.

Mr. TAWNEY. I wish to ask the gentleman from New York what is the territorial jurisdiction of the bankrupt courts under the provisions of this bill.

Mr. RAY. As I understand it, without limitation, throughout the entire United States; in the District of Columbia and throughout all the States and Territories.

Mr. TAWNEY. Take the circuit court of the United States in the eighth judicial circuit, and a petition in bankruptcy is filed in St. Paul, for instance, against a railroad company, and the line of the road extends beyond the territorial jurisdiction of that circuit, would the receiver appointed by the bankrupt court in Minnesota exercise jurisdiction in the ninth judicial circuit or on the Pacific Coast?

Mr. RAY. I do not see how there could be any question.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HAINER of Nebraska. Mr. Chairman, my time was taken up by other gentlemen, and I move to strike out the last word for the purpose of making a remark.

My attention has been called to section 17 of the pending bill, the fifth provision of which authorizes—

The business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates.

I call your attention to the preceding part of the same section, which provides as follows:

Courts of bankruptcy are hereby invested, within their respective territorial limits as now established, or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, etc.

Now, then, conceding that the court may authorize the business of the bankrupt to be carried on for a limited period as provided by paragraph 5 of this section, it may be done only for a limited period within their territorial jurisdiction under the first paragraph of the section which I have just read. It would appear, therefore, giving the bill the widest latitude of construction and scope, there would be receivers appointed in the territorial jurisdiction of each court under the operation of this bill through which the railroad happens to run.

Here, too, is necessarily involved a serious conflict of authority. The railroads are now in the hands of receivers, and they are doing and performing acts which are considered as acts of bankruptcy. Every court through whose territorial jurisdiction such road passes would have the right to appoint a receiver, and these in turn are to take possession of the property of the road and operate its business. Now, I submit that it is entirely against the best interests of the country that the great companies now operated by receivers should be put into numerous, changing, and too often rival hands by the operation of this bill, and thus apportion out between the several courts through whose territorial jurisdiction they happen to pass control of these great properties. The transportation business of this country should not be made the football of bankrupt courts.

Mr. WATSON of Ohio. That is done every day.

Mr. HAINER of Nebraska. Well, it ought not to be done, if it is. It makes confusion worse confounded. We have enough of that trouble now without increasing it, and it seems to me that we ought not to place the great railroads of the country in the hands of more receivers than at present.

It seems to me, therefore, that as we can not, within the time limits afforded by this bill, pass upon all the questions crowding upon us, the safest method possible, in order to avoid confusion in this regard, is to strike the word "corporation" entirely from the bill, in accordance with the amendment of the gentleman from Kansas, and leave corporations to be treated by the laws now in force in the various States. This would give them no benefits under this bill nor impose upon them any burdens. What concerns me most, however, is that the interests of the country be carefully guarded.

Mr. WATSON of Ohio. That is a sound proposition, and that is what ought to be done.

Mr. LEWIS. Mr. Chairman, with reference to the argument of the gentleman from Nebraska [Mr. HAINER] who has just taken his seat and his criticism of the pending bill, permit me to say it would have force if there was anything in the bill for it to apply to. The bill we have been considering, and the provision immediately under discussion, is not amenable to the criticism at all. It leaves these matters, with reference to the great corporations of the country, just in the same condition that they are in

now. It leaves them in statu quo, and all judicial proceedings, and all laws, and all steps relating to the appointment of receivers that have already been made will be just as effective if this bill shall be enacted into a law as they are now.

It occurs to me that the proposition is so plain and so simple as to be grasped at once by any legal mind, or in fact by the mind of any man trained as a lawyer. The bill does not interfere with the appointment of receivers to take charge of the insolvent corporations. Such a construction of the bill is a false construction.

Does the gentleman mean to say that a court could undertake to appoint a receiver for a corporation when a receiver has been already appointed by a court of competent jurisdiction within the State and has charge of that corporation? I think not. If such an idea were good, we would have nothing in this country except confusion and conflicts of jurisdiction.

The Constitution of the United States—the supreme law of the land—has a provision that regulates that beyond question. In the provision to which I refer it declares that due faith and credit shall be given by all of the States to the judicial acts and proceedings of the courts of the other States. I do not undertake to quote the words of the Constitution literally, but that is substantially the language of the provision in question, and carries out the idea in view. If a court of any State, or a Federal court, for that matter, of competent jurisdiction, places such property in the hands of receivers, it is a valid transaction anywhere, before any court, in any State, and must be respected. So that there is nothing in the hypercritical argument raised by the gentleman from Nebraska in favor of the amendment now pending to this section of the bill.

Mr. WATSON of Ohio. Mr. Chairman, as I understand the amendment of the gentleman from Kansas [Mr. MILLER], it is to strike out the word "corporations," in the next to the last line, on page 3?

Mr. MILLER of Kansas. That is my amendment.

Mr. WATSON of Ohio. I hope, Mr. Chairman and gentlemen of the House, that this amendment will prevail. There are thousands of corporations all over the United States that are struggling for their financial lives. This bill later on provides that any three creditors of any corporation can force it into involuntary bankruptcy. And yet when you have forced a corporation into bankruptcy there is no way of getting it out. That is a wrong and a distinction against corporations. It is a very important matter, and if gentlemen have not given it full consideration I hope that they will, if they have the time, and will vote to sustain the motion.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. MILLER].

Mr. HENDERSON. Mr. Chairman, it will be remembered by those who were present during the general debate, when the question of corporations was referred to, that I said in substance that I thought it was influenced more by the idea of avoiding the treatment of corporations as we did other people. In other words, I think it was more, perhaps, a bending of the knee as a demagogue would bend than otherwise. I am not referring to the pending amendment when I say that, but that is the way the bill has been urged and brought in here for a good many years. I want to say, too, with perfect frankness to the committee, that so far as I am individually concerned I have no pride or feeling about this particular feature of the bill. I can see some reason why it might be better to leave corporations like railroad companies and telegraph lines to be under the operation of the State laws.

My colleague, the gentleman from Illinois [Mr. CONNOLLY], has drafted a substitute for the amendment of the gentleman from Kansas [Mr. MILLER] which I shall be glad to have him submit, if he has it ready. It may meet with some objections on the other side; and I want to say now to the committee that this was probably one of the most troublesome questions that we had to deal with; that is, the treatment of corporations. Take, for instance, the Pacific railroads. I can see reasons why the treatment of those roads should be left to the United States statutes, in which special provision is made with reference to them, and I invite that perfect freedom in this committee in regard to all these matters which should obtain in a family of men interested in perfecting a bill for the good of the country. That is the way in which we all ought to feel, and I stand here representing no pride of personal opinion in this matter. I want the best that is obtainable out of this fountain of patriotic desire to benefit the people. Now, I would like to hear the amendment of my colleague [Mr. CONNOLLY] read.

Mr. CONNOLLY. Mr. Chairman, I send my amendment to the Clerk's desk and ask that it be read.

The amendment of Mr. CONNOLLY was read, as follows:

Amend in section 1, line 21, after the word "bodies," by inserting "other than transportation and telegraph companies."

Mr. CONNOLLY. Mr. Chairman, if gentlemen who have the bill before them will turn to page 2, line 21, they will find that it is the dictionary section. The bill defines what the word "corporations" means in this law. As it reads now it includes every

possible corporation that we can have in this country, railroads and telegraph companies, banks, and all that. I propose by this amendment to eliminate from this bill all objection that has been made by gentlemen with reference to the effect this bill would have upon railroad corporations and upon the business of the country in putting them within the terms of a bankrupt law. If this amendment is adopted the bill will then read:

Corporations shall mean all bodies other than transportation and telegraph companies having any of the powers and privileges of private corporations not possessed by individuals or partnerships.

If you strike out the word "corporations" it is well known to every gentleman here that dry goods, boots and shoes, groceries, drugs, hardware, queen's ware, every character of merchandise sold in this country is sold by mercantile corporations.

Mr. MOODY. Many of us have copies of this bill in which the lines are not numbered. I should like to ask the gentleman where this amendment comes in?

Mr. CONNOLLY. This is in the dictionary clause, the first section.

Mr. WATSON of Ohio. Do you think it just to a corporation dealing in merchandise that it may be forced into bankruptcy by three creditors, and then, having put it into bankruptcy, refuse any means of letting it get out? There is the iniquity of this thing.

Mr. CONNOLLY. Is that the gentleman's question?

Mr. WATSON of Ohio. Why, certainly.

Mr. CONNOLLY. Well, I certainly do think that if it is just to the human being, to the natural being, to the man or the woman who has risked all in a mercantile business, if it is just for him to be placed in the position of a bankrupt, it is certainly just to place an artificial being, that has no feeling, in the same position.

Mr. WATSON of Ohio. That is begging the question.

Mr. CONNOLLY. Not by any means. I answer that I think it is equally as just to place the artificial being in that attitude as it is to place a human being in that attitude.

Mr. WATSON of Ohio. Now, one question. You define an artificial being for the purposes of this act just as a real being, and yet you provide that the real being shall be discharged in bankruptcy and that the artificial being shall not. That is the language of this bill, and it is wrong.

Mr. CONNOLLY. You are referring to that. We have not reached that section yet. We are on the first section. We are on the question here, shall a corporation be included at all? Now, the gentleman is going from that section, away beyond there. If this amendment be made, others will be made necessary to conform the other sections of the bill to this amendment that is proposed now. If you strike out the word "corporation" entirely from this section, then it must be stricken out in all succeeding sections where it occurs. If you limit that word "corporation," then it must be in like manner limited in all succeeding cases. Now, the question is presented to the House whether a corporation shall be included at all. If so, this amendment offered to strike out the word "corporations" must necessarily fail.

Mr. MILLER of Kansas. Will the gentleman permit me one question?

Mr. CONNOLLY. Excuse me; I have only five minutes.

The CHAIRMAN. The time of the gentleman has expired. The time allowed for debate on this amendment has also expired, and the question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. MILLER of Kansas. Division.

The committee divided; and there were—ayes 32, noes 39.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. ACTS OF BANKRUPTCY.—a Acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy; and before the rights of creditors shall have been impaired, altered, or interfered with; (2) failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale; (3) made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy; (4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts; (5) made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy; (6) procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy: *Provided*, That a payment

or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section; (7) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy; (8) suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed; or (9) suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating \$500 or over.

b A petition may be filed against a person who has committed an act of bankruptcy within four months after the commission of such act. Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to defeat his creditors or for the purpose of giving a preference as hereinbefore provided, or an assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property unless the petitioning creditors have received actual notice of such transfer or assignment; or (2) the date of the return of legal process when the act consists in having secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, as hereinbefore provided.

Mr. WILLIAM A. STONE. Mr. Chairman, I offer the following amendment.

Mr. HENDERSON. Before any amendments are offered, I would like to submit a request to the committee. This is the section of the bill in which so much interest is felt and has been expressed throughout the general debate; and upon consultation with the gentleman from Texas [Mr. BAILEY] and the gentleman from Kansas [Mr. BRODERICK], I request that two hours' debate be given to this section, subject, of course, to the five-minute rule. I mean the whole section.

The CHAIRMAN. The Chair understands the gentleman from Iowa asks that debate on this section be limited to two hours.

Mr. BRODERICK. I simply want to make an inquiry. There are a number of amendments that will be offered. Suppose the first amendment, which will probably be to strike out the section, should take half or nearly all of this time. If it fail, there will be other amendments to strike out portions of the section. Will time be given for votes on all the amendments that gentlemen desire to offer?

Mr. HENDERSON. Of course my friend understands that amendments to perfect the section will be in order before any amendment to strike out the section.

Mr. McMILLIN. Will my friend from Iowa permit a suggestion?

Mr. HENDERSON. Certainly.

Mr. McMILLIN. It is only two hours and twenty-seven minutes until the time for taking a recess, and if the debate be continued for two hours the House will probably be slim by that time, when the vote should be taken. Does not the gentleman think it would be well to allow the amendments to be printed in the RECORD as notice, and let the vote commence in the morning? I would suggest that. It would seem to be a loss of thirty minutes, but probably will be no loss at all, because at that time the House is very slim.

Mr. HENDERSON. I want to do exactly what the committee would like to do in this matter. In the first place, I want a fair opportunity to discuss this section, and then to have a vote on it.

Mr. McMILLIN. That will give but twenty-five minutes for votes on the amendments, if it be agreed as the gentleman suggested, and the probability is we may be hung upon the first amendment if we are to take a vote on it this evening. I have no feeling whatever in the matter.

Mr. HENDERSON. I know. I am very glad to have the gentleman's suggestion.

Mr. BAILEY. I desire to suggest to the gentleman from Iowa and the gentleman from Pennsylvania that the amendment to strike out this whole first paragraph of section 2, which the gentleman from Pennsylvania has submitted, goes to the essence of the matter. If that amendment can not be adopted, then no amendment can be adopted, and no other substitute. It is absolutely certain that when the question comes on this amendment it would be the same with this as with all; they all either go out or they all stay in. Both in the committee and in the House, every time the question has been up I believe that has been the history of the matter, and the attempt to adopt the amendment to strike out will serve just as good a purpose as any other.

Mr. HENDERSON. I think I will want an opportunity to offer amendments to perfect the bill.

Mr. WILLIAM A. STONE. Let me suggest, instead of making two hours for that section, that a request be made for a reasonable time for discussing this amendment, and then there will be other amendments, if my amendment does not prevail, to that section.

Mr. BAILEY. Why not have two hours to offer amendments before the vote?

Mr. WILLIAM A. STONE. How much of that two hours are you going to give to the consideration of this amendment?

Mr. HENDERSON. Until it is disposed of. I am not considering any particular amendment in making the request.

Mr. BRODERICK. Mr. Chairman, I rise to a parliamentary inquiry. If an amendment is offered to strike out the entire section and is voted down, will it then be in order to move to strike out a portion of the section in order to perfect it?

The CHAIRMAN. The Chair thinks so.

Mr. BAILEY. I think not.

Mr. HENDERSON. The first thing in order is to perfect the section.

The CHAIRMAN. There is some question about that.

Mr. HENDERSON. It seems to me eminently proper that gentlemen should have an opportunity to perfect the section to their satisfaction before they are brought face to face with the question of striking it out entirely.

Mr. WILLIAM A. STONE. The gentleman can meet that difficulty by moving to close debate on this or any other amendment at any time.

Mr. BAILEY. We might have an understanding, by unanimous consent, that the defeat of the pending amendment shall not preclude the right to offer amendments to particular subdivisions of the section.

Mr. HENDERSON. I want the section perfected first, and I think that is the general feeling of the committee. I think that the suggestion of the gentleman from Tennessee [Mr. McMILLIN] will obviate the difficulty.

Mr. WILLIAM A. STONE. What is that?

Mr. HENDERSON. That we introduce amendments now and discuss them this afternoon—we have to take a recess under the rule at 5 o'clock—and that we vote upon them in committee the first thing to-morrow.

Mr. WILLIAM A. STONE. Then you ask unanimous consent that the balance of the day be given to the consideration of this section?

Mr. HENDERSON. Yes; and that the proposed amendments be printed in the RECORD and be considered as pending.

Mr. WILLIAM A. STONE. With that understanding there would be no vote upon any amendment to-day.

Mr. HENDERSON. No; not until to-morrow.

Mr. WATSON of Ohio. Mr. Chairman, I hope the suggestion will not prevail. There are 63 pages of this bill. There are other amendments just as important as, and, in the judgment of good lawyers on this floor, a great deal more important, than the amendments to be presented to this section, and, now it is proposed to give to this one section two and a half hours out of the four hours remaining.

The CHAIRMAN. Does the gentleman object to the proposition?

Mr. WATSON of Ohio. I do.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

The amendment was read, as follows:

Strike out all of paragraph 8, section 2, beginning with "section 2," on page 5, and ending with line 47, page 7.

Mr. DANIELS. Mr. Chairman, I desire to propose an amendment to subdivision 8.

Mr. BRODERICK. Mr. Chairman, I desire to offer an amendment.

Mr. WILLIAM A. STONE. I yield to the gentleman from Kansas for that purpose, but I do not yield the floor.

Mr. BRODERICK. I offer an amendment to the amendment, which I send to the desk.

The amendment of Mr. BRODERICK was read, as follows:

Strike out, beginning with and including the first line of section 2, down to and including the word "over," in line 47, and insert in lieu thereof as follows:

"SEC. 2. Acts of bankruptcy: Acts of bankruptcy by a person shall consist (1) of his having fraudulently contracted a debt or debts of creditors who seek to avail themselves of the provisions of this act; (2) sold or transferred his property, or some part thereof, with intent to defeat his creditors, or (3) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned before the filing of a petition in bankruptcy."

Mr. WILLIAM A. STONE. Mr. Chairman, I have offered my amendment believing that it is absolutely impossible to pass an efficient, practical bankrupt law containing an involuntary provision. Congress after Congress has wrestled with this problem. It is not a new one. We have never been able since the repeal of the last law to pass any new bankrupt law at all. I am quite familiar with the fact that all over this country there is a general demand for a voluntary bankrupt law, a law that will permit people who have been unfortunate in trade, who have encumbered their property, who have gotten into debt, to surrender what property they have remaining and be discharged from their debts and start anew in the race of life. There is, I know, a demand for that kind of a bankrupt law; but I undertake to say, with all due respect to the committee which has brought in this bill, that there is no demand of a general character, no demand for an involuntary bankrupt law outside of a few wholesale localities which sell goods to people who sell at retail.

An involuntary bankrupt law is nothing more nor less than a piece of machinery for the collection of debts. It benefits nobody; it can bring no good to anybody. I can scarcely imagine a case where an involuntary bankruptcy law would benefit either the debtor or the creditor; because, in the first place, a man who is tottering on the brink of bankruptcy has his property in all probability pretty well put up as collateral; there are mortgages and judgments against him, and the owners of such claims are protected. But the unsecured creditor, the general creditor, will benefit very little from the estate of any involuntary bankrupt. The expenses of distributing the assets and winding up the business consume money which would otherwise go to the general creditor.

The bill is like all the rest; there is no use in saying that it is different or better. There is no use in saying that it is anything more or less than the old Torrey bill, which has haunted these halls for years. It is folly to undertake to say you can put a man in bankruptcy without doing him any harm. It is idle to attempt to sugar coat this bill. You can not do so if you leave in it the provision defining the acts which shall put a man into bankruptcy against his will. I admit that among the nine different classes of acts which are specified as making a man a bankrupt there are some which involve fraud, but I deny that you can pass an involuntary bankruptcy bill which will leave to the creditor and to the debtor the status that before existed, and which would benefit the creditor or anybody else.

Therefore this fight might as well come first as last. We might just as well vote on the vital question here as to fight the matter piecemeal. We may as well have it settled now whether we want an involuntary provision in this bill at all. If the Committee of the Whole should decide that they do, we can then consider whether the bill can be so amended as to suit the majority of the House.

Mr. PICKLER. The gentleman's amendment simply strikes out the involuntary portion of the bill?

Mr. WILLIAM A. STONE. That is all. It strikes from the bill the nine specified acts for which a man may be put into bankruptcy. With this provision struck out the voluntary part of the bill will remain. Under the bill as thus amended a man may petition to be declared a bankrupt, and on the surrender of his estate may have it adjudicated in bankruptcy.

Mr. RAY. I should like to interrogate the gentleman from Pennsylvania.

Mr. WILLIAM A. STONE. Very well.

Mr. RAY. You are from the State of Pennsylvania?

Mr. WILLIAM A. STONE. I am. [Laughter.]

Mr. RAY. You have there a system of what are called "judgment notes"?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. RAY. And a man can not get any credit there unless he gives judgment notes?

Mr. WILLIAM A. STONE. Oh, I do not admit that.

Mr. RAY. Are not those notes the prevailing style of notes in your State?

Mr. WILLIAM A. STONE. No, sir.

[Here the hammer fell.]

Mr. RAY. I move to amend by striking out the last word. Now, I say those are the prevailing notes given in the State of Pennsylvania.

Mr. WILLIAM A. STONE. I will not admit that. Of course they are given. We have judgment notes.

Mr. RAY. I know from personal professional experience that those are the prevailing form of notes.

Mr. WILLIAM A. STONE. I will admit that up along the line of the State of New York they deal in that sort of obligations, but not down our way.

Mr. RAY. They deal in them all through the State of Pennsylvania to my personal knowledge. Those judgment notes prevail everywhere. When credit is given, the creditor wants that kind of a note. When such a note is given, the creditor goes immediately to the clerk's office and enters up judgment against the debtor. When that note is due and unpaid, the creditor can go to the sheriff, obtain execution, and gobble up all the property that the debtor has. Now, I ask the gentleman, are not the laws of the State of Pennsylvania under that system not only tenfold but a hundredfold more severe than any provision that you can spell out of this bill?

Mr. WILLIAM A. STONE. In reply to the gentleman I will say that the laws of the State of Pennsylvania are entirely satisfactory to the people of Pennsylvania. They are not asking a bankruptcy law.

Mr. RAY. Have I not stated the reason why you, coming from the State of Pennsylvania, are opposed to this bill and its provisions—

Mr. WILLIAM A. STONE. No.

Mr. RAY. Because you do not want anything that shall be more liberal and more in the interest of the debtor than what you now have.

Mr. WILLIAM A. STONE. Let me answer the gentleman. I will state my reasons for opposing this bill. Under the old bankruptcy law I had my share of the practice; I was brought face to face every day with its hardships as well as its benefits. The knowledge I obtained from my practice and experience under that law leads me, as a representative of the people who sent me here and in the discharge of my duty as I understand it, to oppose these provisions, and I am going to do so. If I were speaking for the benefit—

Mr. RAY. I have the floor.

Mr. WILLIAM A. STONE. Oh, no; you have not.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. WILLIAM A. STONE. Well, I wanted to answer the question which the gentleman asked me.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. RAY. Nearly all the other Representatives of the State of Pennsylvania are in favor of a bankruptcy bill; they are in favor of this bill, as I understand it, and have been heretofore; but it does seem to me (and that is the reason I propounded my interrogatory to the gentleman) that he has got this judgment-note business into his head; it is a bee in his bonnet; and he does not want to surrender the advantage that creditors obtain under that system.

Mr. WILLIAM A. STONE. I have answered—

Mr. RAY. I do not believe for a single moment that the gentleman from Pennsylvania is really opposed in his heart to these involuntary features on the ground that they are harsh. They can not be regarded as harsh. Under this bill a man can be forced into bankruptcy when he is absolutely insolvent—in a condition where he has stopped paying and is unable to pay—and also where he has committed a fraud. In addition to those two cases there is only one that can be made the ground of objection, and that is where for thirty days a man has ceased to honor his commercial paper. It is commercial paper and commercial paper only, mind you.

Now, if he can not pay his debts, if he is insolvent, if for thirty days he has been unable to renew the note, he may be forced into bankruptcy, and why? In order to prevent his going out to a few of his intimate associates and friends and saying, "Here, I have got to give up; I can not continue business any longer. You sue me, put your claims in the shape of a judgment, and then come and levy on my property." We try to prevent that, which would be a detriment and an injury to the rights of all the other creditors. Such action if permitted would result in unjust preferences under forms of law and work great hardship and injustice. [Here the hammer fell.]

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to be permitted to proceed for ten minutes, if that much time is necessary to conclude what I desire to say.

Mr. HENDERSON. I hope that will be done.

There was no objection.

Mr. BAILEY. Mr. Chairman, I perfectly understand that a member of this House is engaged in a very small business when he is calling attention to the inadvertent misstatements of a fellow-member. But it sometimes happens that it is due to truth that we shall point out an error; and we always owe it to ourselves to correct such a misrepresentation as the gentleman from New York [Mr. RAY] made of me in the speech which he delivered yesterday.

In the very beginning of that speech he congratulated himself and my distinguished friend from Texas [Mr. CULBERSON] that they had changed their minds on this question, and then straightway proceeded to complain at me because he seemed to think that I had been undergoing the same mental operation. In order that there may be no mistake as to what was said I read the exact language of the gentleman from New York. He said:

The other gentleman from Texas [Mr. BAILEY] is possessed of a very peculiar mind. It must be undergoing a stage of transition or transformation, for within the last three months he has presented either to the House or to the Judiciary Committee, or will present before this subject is dropped, five different measures embodying essential features radically differing from each other.

I interposed with the statement:

Since the gentleman from New York has seen proper to refer to me, I will simply tell him that that is not the truth.

He rejoined:

I say it is, and I have the bills before me at this moment, and have been examining them.

The gentleman from New York has admitted that he misrepresented me, because I find in this morning's RECORD his printed speech changing the words "five different measures" to "four different measures," and changing the words "three months" to "a few months."

Mr. Chairman, even with these changes, and admitting that the bill, the report, and the substitute are all as different as he says they are, he is still 25 per cent short of the truth, because they

will constitute only three, while he said I had presented five, and printed that I had presented four. Those who know the gentleman from New York will regard it as a remarkable approach to accuracy that he should come within 25 per cent of the fact.

But, Mr. Chairman, he has given his own testimony against his statement. After having declared in the very beginning of his speech that these measures were radically different from each other, he concludes the speech with this statement:

Mr. Chairman, I add as a part of my remarks some of the comments of Mr. Wolverton, an able Democrat from Pennsylvania, made by him on the Bailey bill H. R. 4609, in the Fifty-third Congress. (See Report 203, part 3.) That bill was virtually the same as the Bailey bill H. R. 259, the Bailey bill H. R. 8234, and the Bailey bill (no number), all of the Fifty-fourth Congress.

In one part of his speech he says that these measures are radically different from each other, and in another part of the same speech he affirms that they are "virtually the same" as the bill which was passed in the Fifty-third Congress.

Therefore I refute the gentleman's first assertion by invoking the old mathematical axiom, that things which are equal to the same things must be equal to each other. If these three measures are virtually the same as the bill introduced by me and passed in the last House, then necessarily they must be virtually the same as each other.

But I have a better refutation of the gentleman's assertion than that. I have here the three propositions to which reference is made. The first is the bill introduced early in this session and referred to the Judiciary Committee. That bill with other bills on the same general subject were referred to a subcommittee with special and positive instructions that it should report back a measure providing for both voluntary and involuntary bankruptcy. As a member of the subcommittee, I could not agree to the pending bill when it was to be reported, and therefore framed and submitted to the full committee a minority report.

The minority report is practically the bill which I had originally introduced, with an involuntary provision, and that involuntary provision was ingrafted upon it in conformity with the instructions of the committee. The gentleman from New York [Mr. RAY] knows, or if he does not know every other member of the Judiciary Committee does know, that when I submitted that report I distinctly stated to the committee that I had incorporated the provision for involuntary bankruptcy purely and only because I was instructed to do so, and that it did not meet with my approval. But when that minority report was voted down, I was perfectly free to prepare such substitute as my judgment might approve, and I have here the substitute, numbered 8234, which is identical, line for line, word for word, and letter for letter, with the report that I made as a member of the subcommittee to the full committee, save and except that I have eliminated the involuntary feature, which was incorporated under an instruction.

Thus, Mr. Chairman, I refute the charge of personal inconsistency. Why it was made I leave the House to judge, but as it had no pertinency to the argument, I concluded that it was intended as a criticism personally against me, and I felt that I was justified in answering it.

Mr. RAY. Mr. Chairman, the gentleman from Texas [Mr. BAILEY] seems to bear me personal ill will. I have nothing against him. I forgive him. I can remember what a fight we had in the last Congress over his bill, which I referred to in the RECORD of this morning and my remarks yesterday. I do not think he was very angry yesterday; but when he sees in the RECORD of this morning the unmerciful criticism and castigation of his bill introduced in the Fifty-third Congress, made and administered by Judge Wolverton, of the State of Pennsylvania, his wrath is stirred from the very foundation; and as that excellent and able Democrat is not now here where the gentleman from Texas can pour upon him his vials of wrath, he turns mightily and grandiloquently upon the young and inexperienced and innocent gentleman from New York. [Laughter.] I trust gentlemen of this House will examine the RECORD; that they will read the criticisms of the Bailey bill contained in the report of ex-Judge Wolverton, one of the ablest lawyers in the United States. He denounced the Bailey bill as unconstitutional, incomplete, and imperfect; an experiment productive of litigation and needless costs; one that will destroy credit, etc. My argument adopted the facts and ran in the same line.

Gentlemen of this House will remember that on yesterday, when I adverted to Mr. BAILEY's numerous bills simply for the purpose of making the argument that the gentleman from Texas [Mr. BAILEY] is not a safe guide in an important matter like this, for the reason he had introduced so many different, conflicting bills, showing a changing, unsettled mind, I asked him if the bill introduced by him into this Congress, or the substitute, was the same as his bill introduced into and put through the last House, and he answered "No." Therefore, between the last Congress and this he has changed his mind. So much is admitted. Now I call the attention of gentlemen in this House to his bill No. 259.

Mr. BAILEY introduced the following bill—

Read it.

I ask your attention to the bill (H. R. 8234) introduced by Mr. BAILEY, or proposed by him as a substitute. Read that.

I call the attention of members of the House to the report, unnumbered:

Mr. BAILEY submits as his report from the subcommittee the following bill—

Read that.

Read the three, and then read the Bailey bill of the Fifty-third Congress and compare the batch; then judge whether the gentleman has changed his mind on the subject of bankruptcy laws; then determine whether or not he has adhered to a settled policy and line of legislation; then determine whether or not I did him injustice yesterday. He has claimed that he acted under instructions.

He never was instructed by the subcommittee of the Committee on the Judiciary to submit any report. It never gave him any directions. We permitted him to act his own sweet will. We permitted him to submit such views as he had, or desired to submit, or might obtain. He was placed upon the subcommittee of the Judiciary Committee in order that he might be heard. He stated in the very beginning that he did not desire to participate in our deliberations or be a party to our transactions, and he did not; but at a later date he stated that he submitted his views on the subject. We did not instruct him. The full committee never instructed him. Neither did the full subcommittee ever instruct him. And when he came in with that proposition, which is in print and to which I have referred, he said:

Mr. BAILEY submits as his report—

What does he mean by "his report"? I ask the gentleman from Texas, if it was not your report why did you entitle it—

Mr. BAILEY submits as his report from the subcommittee—

So and so, printing it in full? Why not say—

Mr. BAILEY submits as the views of the minority of the subcommittee the following?

But the gentleman from Texas entitled it "his views," a proposition emanating from himself, because of the title, and I acted in perfect good faith in referring to it yesterday as "his views." Of course, I had before me yesterday afternoon, when I made my remarks, five different bills. One of them was from the Senate. I had supposed, and been informed, that Mr. BAILEY was the author of that, and only when he disaffirmed it did I understand the contrary. Of course, when I found myself in error in that regard, I was very willing to be corrected and to reduce my statement from five to four. I so corrected my remarks, as I had a perfect right to do. It matters little whether the gentleman has changed his mind four times or five times in "three months," or a "few months." He does not deny, and can not successfully deny, that he has presented these four differing bills within a year—three since the convening of this Congress. I do not know but there are "more to follow" of "his views."

Having called your attention to these various propositions of the gentleman from Texas, I repeat my assertion that no two of them are alike in all their essential features. I call attention to the further fact that all of them are alike in one essential feature, the main feature, the leading feature, which feature I took occasion yesterday to criticize, and which Judge Wolverton, in the last Congress, took occasion to criticize. I repeat again that notwithstanding all the remarks made by the gentleman in his charge of inaccuracy—and perhaps he would have it understood that I was willfully misrepresenting him, although I expressly stated that I had no such desire—I harbor no harsh feeling. I beg the gentleman's pardon most abjectly and humbly if I have offended him; but I take occasion to reassert, and to repeat, that to be a safe guide in matters of legislation as important as this a gentleman of this House should have a plan and a policy of legislation and should adhere to it. I have not varied from the line, plan, and policy that I had in my mind when, in the Fifty-second Congress, we considered the bills then presented. I followed in the same line in the Fifty-third Congress; I stand there now.

Mr. BAILEY. Mr. Chairman, there is one question between the gentleman from New York and myself, and I desire to ask the gentleman from Iowa if it is not true that when the subcommittee was appointed the full committee instructed them to prepare a measure for voluntary bankruptcy and one for involuntary bankruptcy?

Mr. HENDERSON. The instruction of the full committee to the subcommittee was to prepare a bill with provisions for both voluntary and involuntary bankruptcy, and not one for voluntary bankruptcy. I can answer that question very promptly.

Mr. BRODERICK. Mr. Chairman, I want to say a few words in reference to the amendment I have submitted. I think it is clear from the discussion that has been had upon this bill that a majority of the members want some bankruptcy legislation. I think it is also clear that there are many of them who are in favor only of a voluntary bankruptcy law, but who would be willing,

rather than have a law fail, to vote for a bill containing some involuntary provisions. Now, it was said during the argument here that this bill that was presented to the House is stripped of the severity of the old law and that it is much more liberal. That is true in reference to some of its provisions. I concede that it is true in reference to many of the provisions of this bill; but it is not true, as I understand—and I have made an examination of the matter—with reference to the so-called acts of bankruptcy.

The great objection to the old law was that it was abused—that under its provisions men were forced into bankruptcy, when, if they had been permitted to go on with their business and struggle along, they would have succeeded and recovered from their embarrassments. That was one of the chief objections; and on comparing the old law with this bill I find that the acts of bankruptcy are very nearly the same. There are slight changes in the phraseology, but they cover substantially the same ground. Now, what we desire, if this bill is to be made the law of the land and be accepted by the people as a settlement of this question, is to strip it of the severity of the old law. There are in this bill nine acts of bankruptcy, and some of them contain more than one cause; they are so phrased that they can be construed to embrace many more grounds. I apprehend that it will be found that some merchants who are embarrassed would hardly know how to keep out of bankruptcy if this bill should become law.

Now, I am willing that bill should embrace acts of fraud—purely fraudulent transactions. I am willing that actual fraud should be cause for involuntary bankruptcy, and the amendment I have submitted provides a remedy for this class of cases. First, fraudulent purchase of the property by an insolvent, and that will embrace all the purchases under misrepresentation as to ability to pay. Second, fraudulent transfer of the property; and that would, by the dictionary in this bill, embrace every sort of lien or mortgage and every sort of fraudulent action had to defeat creditors. The third is the debtor concealing himself to defeat the service of a summons upon him and thus defrauding his creditors.

Mr. MOODY. If the gentleman will pardon me, I would like a little further explanation of the second reason—the fraudulent transfer of property.

Mr. BRODERICK. If the gentleman will refer to the dictionary in this bill—I do not know whether it is in the copy you have, but it is in the large bill—

Mr. MOODY. I have it here before me.

Mr. BRODERICK. You will see that transfer means sale, mortgage, and every sort of lien given to defeat or defraud creditors.

Mr. MOODY. Mr. Chairman, the question is, What is a fraudulent transfer? Now, I assume the preference of one creditor over another is not fraudulent, except it be so stated in a bankruptcy law. A debtor has the right under the common law to include a preferred creditor. Does this include the preferred creditor, or does the gentleman exclude him?

Mr. BRODERICK. I intend to include every fraudulent act which it is necessary to prohibit in a bankruptcy act, and I believe that the three grounds set out in my amendment embrace every sort of fraudulent purchase or fraudulent conveyance of property that should be specified.

Mr. MILLER of Kansas. Either by way of preference or otherwise?

Mr. BRODERICK. Yes.

Mr. MOODY. Let me suggest to the gentleman that his amendment does not do that, whatever his purpose may be.

Mr. BRODERICK. That is a difference of opinion. I think it does. It goes as far as I think the law should.

The CHAIRMAN. The gentleman's time has expired.

Mr. TRACEY. Mr. Chairman, I think I can see in the provisions of this bill as they now stand, should it become a law, an almost if not an absolutely endless continuance of vexatious proceedings against men who are unfortunate but not dishonest. A number of the acts of bankruptcy that are specified in section 2 involve as a matter of course insolvency as a condition precedent to an assignment in bankruptcy. That condition is in itself a fact to be inquired into and determined by a jury.

Now, suppose that under the second paragraph of the bill an allegation should be made against a debtor living in a Western town involving the question of bankruptcy, citing him, for the purpose of determining whether or not he was insolvent, to appear at the next term of the district court of the United States to be held in the district of which the debtor was a resident. The public notoriety of the proceeding against him would in itself become vexatious, and then when the question came to be tried before the court the inquisitorial character of the proceedings, involving, as it necessarily would, an inquiry into every act he had done, into every sale he had made, into every purchase he had made, for months preceding the filing of the petition, in order to determine whether or not he was insolvent, in order to determine whether or not he had assets sufficient to meet his liabilities, because that is what settles the question of insolvency—all this would subject him

to great annoyance and injury. All these things would be inquired into, and I undertake to say that, without the commission of any dishonest act on his part, a condition of affairs would be brought about under the operation of this bill which would bring down upon it the righteous indignation of four-fifths of the people of this country and would compel Congress to wipe it from the pages of the statute book. I do not think there is any question about that. Hence I believe that if we have any bankruptcy legislation at all beyond a voluntary bankrupt law, if anything is to be added to its voluntary features, the provisions that are added should apply only to cases of actual fraud on the part of the debtor. That of course would stamp him as a dishonest man and put him outside the pale of consideration in the enactment of law. I hope the amendment of the gentleman from Kansas will be adopted.

Mr. MAHON. Mr. Chairman, I offer a substitute for the amendment and for the amendment to the amendment.

The substitute was read, as follows:

Add to the end of section 2 the following:

"Provided, If said involuntary petition be dismissed by the court, or withdrawn by the petitioner or petitioners with leave of the court, the respondent or respondents to said petition shall be allowed by the court all reasonable expenses and counsel fees incurred by respondent or respondents in defending against said petition, and the petitioner or petitioners shall pay all expenses and counsel fees as allowed by the court as well as the cost of said proceedings. And provided further, That within five days from the time an involuntary petition is filed in court the petitioner or petitioners shall file a bond in the same court where the petition has been presented, with at least two good and sufficient sureties, to be approved by the said court, in such sum as the court may direct, conditioned for the payment to the respondent or respondents, their heirs, administrators, executors, or assigns, of all expenses, costs, and counsel fees allowed by the court. No action shall be taken on the petition until after a bond has been filed and approved by the court.

The CHAIRMAN. The Chair will state to the gentleman that the paragraph to which this proposed substitute applies has not yet been read.

Mr. MAHON. Well, leave it pending and I will offer it at the proper time.

Mr. MILLER of Kansas. Would not the gentleman accept an amendment inserting the word "damages" in connection with costs and expenses?

Mr. MAHON. I think that if they pay him all reasonable expenses and costs that is sufficient. Now, Mr. Chairman, the only hard feature about the involuntary provision of the bill will be obviated if that amendment is adopted, because creditors will be very careful before they undertake to put a man in bankruptcy. This ought to be like any other proceeding in court; if the party who institutes the proceeding fails he ought to make the defendant whole. I think that with that proviso in the bill no man can make a reasonable objection to it.

Now, as to my State and my district; the great State of Pennsylvania does a very large amount of business, and in answer to my colleague [Mr. WILLIAM A. STONE] I want to say that the business men of Pennsylvania are in favor of this bill. I have not received a solitary protest against it, and I do not believe a protest has come here from the great Commonwealth of Pennsylvania against the passage of this bill.

Mr. WILLIAM A. STONE. Has my colleague received any letters or petitions in favor of the bill, or asking for its passage?

Mr. MAHON. Yes; I have received letter after letter from merchants, the very men who would be affected by this bill, asking me to support it. I understand, too, that the gentleman who represents the great city of Pittsburgh is in favor of this bill, and, Mr. Chairman, I want to make the prediction that when the yeas-and-nays vote is taken upon this bill my colleague [Mr. WILLIAM A. STONE] will find seven-eighths of the Pennsylvania delegation lined up in favor of it.

Mr. WILLIAM A. STONE. Let me say at this point, Mr. Chairman, that I have never received a petition, a postal card, or any other communication from anybody in my district asking me to support this bill. I did receive a letter from one man, who wanted to be appointed a referee under the bill.

Mr. MAHON. Mr. Chairman, I will not vote for this bill with the involuntary provision struck out, for this reason: It is a very nice thing to pass a law here to allow a man to go into voluntary bankruptcy. After a man has gone into the market and purchased goods running up into thousands of dollars and has got possession of those goods, has got all his matters arranged, and has in some manner made away with the goods to his kindred or to some other person, it is a very nice thing to let him then come in and take the benefit of a voluntary bankrupt law and get a discharge, and so swindle his creditors. There are scoundrels in the United States who go into the market and buy goods upon their own credit, and they would be the men to take advantage of such a law. They show that they have so many farms, or so much real estate, or so much personal property, and on that basis they get credit for goods to the extent of thousands of dollars, which they carry out of the State; and it is my experience as a lawyer that this class of persons, after they have purchased goods in that way—many of them with the intention to defraud their creditors—acknowledge judgment to a wife, or a brother, or a

daughter, or some personal friend; execution is issued upon that judgment, the property of the debtor is swept away by execution, and when the merchants in the large cities from whom the goods were bought seek payment, they find that the man's property has all been swept away and that they have no redress.

Mr. Chairman, these are the men we ought to catch. I say that when a man is in fact a bankrupt it does not matter whether he goes into bankruptcy voluntarily or involuntarily; the bankruptcy court is the place for him. I am in favor of involuntary provisions in a bankrupt law, because under them debtors will be prohibited from giving preferences; or if they do, they can be forced into bankruptcy and the preferences set aside.

I venture the assertion—and my colleague from Pennsylvania [Mr. WILLIAM A. STONE] knows it to be true—that merchants of Philadelphia, New York, and other large cities are robbed in our State to the extent of millions of dollars by men who go to the great commercial centers, purchase goods with which they stock their stores, and then confess judgment or give preferences, have executions issued by creditors with whom they are in collusion, and thus defraud the great mass of their creditors. If you will read the records of the mercantile business of our great cities you will find that this country is full of such scoundrels; I am willing to say it is teeming with them.

If the provision for involuntary bankruptcy be accompanied with provisions for giving a bond such as my amendment proposes—a bond under which a creditor engages to indemnify the debtor, if he does not sustain the proceeding which he institutes—there can be no objection to a measure of this kind. Under my amendment, if a man against whom bankruptcy proceedings are begun is in fact not a bankrupt, if he has committed no act of bankruptcy, if he has not undertaken to defraud his creditors, then he will be indemnified and made whole. If, on the other hand, after hearing and examination by the court, it is found that he has undertaken to defraud his creditors, or has been guilty of other acts of bankruptcy, then the bankruptcy court is just where he ought to be.

Sir, I would not give a baubee for a bankrupt law containing only provisions for voluntary bankruptcy, because such a law simply allows all the scoundrels who are robbing the merchants of our great cities to go free; it simply opens the way for them, after they have everything arranged, to step into the United States court with a voluntary petition for bankruptcy, to obtain a discharge, and thereby swindle their creditors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. I would like three minutes more.

Mr. WILLIAM A. STONE. I hope my colleague's time will be extended.

There was no objection.

Mr. MAHON. Mr. Chairman, under the bankrupt law of 1867 I was a register for seven years, and my practice as such covered a large part of the State of Pennsylvania. From my experience under that law I am willing to say that no injustice was done to the people of our State—nobody who was honest suffered under that law. Under its administration by the judge of the district court at Pittsburgh and by Judge Cadwalader in Philadelphia the estates of bankrupts were settled promptly. Let my colleague [Mr. WILLIAM A. STONE] point out, if he can, any instances in which estates of bankrupts in Pennsylvania were squandered under the act of 1867. Sir, there was no demand from our State for the repeal of that law.

Mr. WILLIAM A. STONE. Why, my dear sir, one-half of the estates which were thrown into bankruptcy have never yet been closed up.

Mr. MAHON. Then that is the fault of the registers.

Mr. FAIRCHILD. If no injustice was done under that law, why was there such a pressure to wipe it from the statute book?

Mr. MAHON. I do not think there was any such pressure. The law had served its purpose.

Mr. TRACEY. I wish to ask the gentleman this question: If section 2 of this bill, providing for involuntary bankruptcy, should be stricken out and the bill be enacted into law without those provisions, how would a dishonest debtor under its provisions get his discharge?

Mr. MAHON. If you pass such a law, I could in my State go into debt for \$25,000, and, if I were a business man, I could in the course of a year fix up my affairs so that I could go into bankruptcy and get my discharge in spite of anyone.

Mr. TRACEY. I do not see how you could do it.

Mr. MAHON. I would show you how I could do it. [Laughter.]

Mr. POWERS. It seems to me, Mr. Chairman, that section 2 of this bill, which I understand is now under consideration, is the very section of all others that ought to commend itself to the best judgment of this House. A bill framed solely for the benefit of the voluntary bankrupt threatens more fraud, threatens more danger tenfold over, so far as my experience under the old law goes, than a bill that embodies both features, as this bill does. Under the law of 1867, which was repealed because it bore heavily

upon bankrupt estates, the only instances of fraud that came under my observation—and I had quite an extended experience under the law—were frauds which were practiced, not by creditors, but by the bankrupt himself. Knowing the relief that was afforded him under the bill, by taking this step, as suggested by my friend from Pennsylvania [Mr. MAHON], he was enabled to smuggle away his property and defeat the creditor and yet get his discharge.

Now, as a practical fact in business, Mr. Chairman, I think this proposition is a sound one: That the creditors of the poor debtor are interested, and will follow that interest to protect the creditor. Just so long as the debtor can struggle along and hold out to his creditors any hope of future payment they are interested in having his property and his business well conducted and taken care of; and they are interested to protect him and let him alone and let him preserve the property and make it as valuable as possible, giving him abundant opportunity to work out his own salvation, and in the working out of his salvation to save them from certain loss. There is no danger as a practical fact of any oppression on the part of the creditor toward the poor debtor as a general rule.

Men, Mr. Chairman, act as a general thing from motives of self-interest. The creditors could have no possible interest in oppressing the debtor and destroying his property. Their interest is directly the reverse. They are interested in protecting his property to keep him along until he can work out and pay off even a small fraction of the claims to which they are entitled.

Before I come to this section of the bill, however, I wish to answer a question that is propounded by the gentleman from New York [Mr. FAIRCHILD], who asked if the act of 1867 was not oppressive upon the poor debtor, why it was repealed? I can answer the question. It was repealed because of the excessive fees that were taken by the clerk, the marshal, and other officials called upon to execute the law. This act is guarded in that the fees are limited. The clerk of the court can only get \$10, no matter how long the litigation is pending. The other officials charged with the administration of the law get small fees. The bulk of the estate is therefore available for the benefit of the creditors, and of course to the same extent available for the debtor, for he wants to be able to pay as much on his accounts as he can.

Mr. BRODERICK. Mr. Chairman, I would like to ask the gentleman a question, with his consent.

Mr. POWERS. Certainly.

Mr. BRODERICK. The gentleman says he understands that the law of 1867 was repealed because the officials charged with its execution had been in the habit of extorting exorbitant fees. I ask if he has examined the debate in the two Houses upon that question for the purpose of discovering what were the real objections to the law?

Mr. POWERS. I have not examined the debate, I will say in answer to my friend from Kansas. I came into this discussion but a few moments ago, and have not had an opportunity to determine what the debates show. I only speak from the standpoint of my own experience and the complaints that have originated in my own locality. I know that clerks of the United States court made very comfortable fortunes out of the business, and that the other officials got well off out of the administration of the law. I assume that these officials in every State, having the same opportunities, probably availed themselves of it and made good pay out of the law while it was in existence.

Mr. BRODERICK. If the gentleman will permit me, I will suggest that if he examines the debates he will ascertain that there were other objections.

Mr. MILLER of Kansas. And more pertinent ones.

Mr. BRODERICK. For instance, Senator Conkling, of New York, who was himself in favor of a bankrupt law, said that there were serious objections to the law because of the oppression sometimes practiced upon the debtor under its operation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAY. I ask unanimous consent that the gentleman from Vermont be permitted to have five minutes' extension.

There was no objection.

Mr. POWERS. As I was saying, Mr. Chairman, this section 2 is the section, of all others, that commends the bill to my mind. It has been said by gentlemen who favor a voluntary bankrupt law that they are willing to incorporate in it cases of fraud. I wish to call attention to this fact, that you in substance provide for that in this section 2, and if gentlemen will give me their attention for a little while they will see that such is the case.

Mr. WATSON of Ohio. Will the gentleman yield to me? Have you examined the list of grounds in the second section upon which a state of bankruptcy may be declared?

Mr. POWERS. I will call attention to them in order. I have examined them, and gentlemen will please excuse me, as I have but a very limited time.

The first act of bankruptcy committed by a person is the concealing of himself, departing, or remaining away from his place

of business, and so on, with intent to avoid the service of civil process and to defeat his creditors. Now, that is a fraud. All will agree to that. Being a fraud, it becomes an act of bankruptcy. The second is a failure for thirty days, and until a petition is filed while insolvent, to secure the release of any property levied upon for \$500 or over. Now, then, that does not necessarily establish or imply a fraud, unless it be argued that his failure to release the property is done on purpose to put it through the mill and grind it up. The third cause is the making of a transfer of any of his property with intent to defeat his creditors. Is that not a fraud? Fourth, the making of an assignment for the benefit of his creditors, or having filed in court a written statement admitting his inability to pay his debts. Now, that is sometimes, and doubtless would be ordinarily, an honest procedure. Fifth, having made, while insolvent, a transfer of his property, or suffered any of it to be taken or levied upon by process of law or otherwise, for the purpose of giving a preference. Is that not a fraud? The policy of the law is to provide for an equal distribution of the property among all of the creditors; and if a man gives a preference to one creditor, does he not commit a fraud against all the rest of them?

(6) Procured or suffered a judgment to be entered against himself with intent to defeat his creditors and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section—

Another rank fraud, on purpose to defraud the creditor—

(7) Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy—

Another instance of rank fraud.

That might be an honest transaction—

(8) Suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

Now, that might or might not be fraudulent; but every one of these propositions, with possibly one or two exceptions, goes upon the ground, it will be noticed, of a legal or moral fraud, and, whether it be legal or moral, it is just as disastrous to the creditor.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him a question?

Mr. POWERS. Yes.

Mr. WATSON of Ohio. Turn to clause 4—

(4) Made an assignment for the benefit of his creditors.

I want to ask the gentleman if this should become a law does not the existence of a general bankrupt law suspend the operations of the assignment laws of the States?

Mr. POWERS. Of course.

Mr. WATSON of Ohio. Then how can a man make an assignment if the State assignment laws are suspended?

Mr. KNOX. There might be a common-law assignment.

Mr. POWERS. A man might make a common-law assignment to his creditors. An assignment to his creditors may or may not be a fraud. It may be an honest transaction. The debtor may say, "I will assign my property to a trustee for the benefit of my creditors," and that may be honestly done, or, as I have already said, it may be done for a fraudulent purpose; and judging by my own observation of the old law of 1867—

Mr. WATSON of Ohio. How can you make an assignment if this law suspends the assignment statute?

Mr. POWERS. It suspends our State assignment statutes, but the act can be done. A man has the right to make an assignment at common law without any statute, and he might make an assignment in that way. But without stopping to cover these points, because my time is so limited, I will say that we have in a large proportion of our States an insolvency law which has been upon the statute books for a good many years. I think every one of the New England States has such a law. They have it in New Hampshire, in Vermont, and so forth. Under the operations of that law the property of debtors is distributed more fairly, more equitably, and more satisfactorily to the whole community, both to debtors and creditors, than it was administered before we had any of those laws. Of course the passage of a national bankruptcy law will supersede the operation of these State insolvency acts; but here is the trouble with a State law: It is limited to State lines.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. POWERS. I will ask for three minutes more.

The CHAIRMAN. The gentleman from Vermont [Mr. POWERS] asks for three minutes more. Is there objection?

Mr. WILSON of Ohio. Mr. Chairman, I object.

Mr. POWERS. We will have that delegation go against you. [Laughter.]

Mr. WILSON of Ohio. While I feel very friendly toward Vermont just at this time, I do not want her to take all the time. I object simply because I think gentlemen who desire to discuss the

merits of this bill should have availed themselves of the time we have had heretofore.

The gentleman from Vermont [Mr. POWERS] has undertaken to say that this bill is substantially the bill proposed by the gentleman from Kansas. If the friends of the bill will strike out of it those provisions of the bill which will leave it as the amendment of the gentleman from Kansas proposes to make it, I shall very heartily support this bill. But if it is intended that every man who is in debt, and against whom a judgment for \$500 has been rendered, and who is unable to pay it for thirty days, shall become a bankrupt I am not in favor of that proposition.

I am not in favor of the proposition that the man who owes \$500 and can not pay it for thirty days shall be thrown into bankruptcy by his creditors. But every man who commits a fraud, every dishonest man, such as the gentleman from Pennsylvania speaks of, should be subjected to the very closest scrutiny through a bankruptcy court, and every dollar of his estate subjected to the payment of his debts ought to be handed over entirely to his creditors.

Further than this there ought to be no involuntary bankruptcy. Hold the line to fraud and fraudulent conveyances. Protect the oppressed debtor against these unjust prosecutions and save the people who are suffering on account of the hard times; save the people from being thrown into bankruptcy and let all honest men try to pay their debts in the usual way. I hope the amendment offered by the gentleman from Kansas will be adopted and that then this bill will become a law.

Mr. MOODY. Mr. Chairman, I wish to say a few words with reference to the amendment which the gentleman from Kansas has been kind enough to hand to me for the purpose of examination.

But before I do that I want to say that I indorse every word of the statement made by the gentleman from Pennsylvania [Mr. MAHON] who last spoke upon this subject. It seems to me that however much this country wants a bankruptcy bill, it is not simply a voluntary bankruptcy bill which is sought. However much I desire to vote for a bankruptcy bill at this session of Congress, I believe I can do no greater harm to the great commercial interests of this country than by voting for a bankruptcy bill which contains the voluntary feature alone. It is nothing but an encouragement to fraud. I would no quicker vote for such a bill than I would vote for a bill which provided for involuntary bankruptcy alone. Justice requires that the interests of both debtor and creditor should be cared for.

Under the present existing system of State insolvency laws, which will be suspended by the passage of a voluntary bankruptcy act, there is something which stands in the way of a man entering upon the course of conduct which has been described by the gentleman from Pennsylvania. Pass this law, which will strike down the provisions of the State law and eliminate its involuntary features, and you encourage every dishonest man to incur debt fraudulently, to prefer one creditor above all others, and to delay his settlement with his creditors until the time shall have passed when his transactions can be inquired into. Then he will go into bankruptcy and take the benefit of the law.

I am opposed to that, Mr. Chairman. I believe the people of my State who want a bankruptcy law, and want it badly, are opposed to the enactment of a bankruptcy law that shall include only voluntary bankruptcy. They desire a national law which will operate for the benefit of both debtors and creditors. They do not want to strike down their own law, which has worked so satisfactorily now for about half a century, until something better is provided in its stead.

Now, Mr. Chairman, the gentleman from Kansas has offered us an amendment, and I desire to ask the careful attention of the committee to his amendment. He proposes to provide that an act of bankruptcy shall be, in the first place, the act of one who has fraudulently contracted a debt. Now, that ought not to be an act of bankruptcy—that alone. Where a man has fraudulently contracted a debt and is amply able to pay it, it ought not to be in the power of any one man to put him into bankruptcy to the detriment of the rest of his creditors. And if that shall be made an act of bankruptcy, I most respectfully suggest to the gentleman from Kansas that it should read in this way: "Being insolvent, has fraudulently contracted a debt," which is the subject of proof in a bankruptcy proceeding. It would be worse than any provision now in this bill if a single creditor holding a claim that he alleges has been contracted fraudulently could put a debtor into bankruptcy, destroy his property, and injure the interests of every other creditor.

The second provision of the amendment is that it shall be considered an act of bankruptcy if a person has sold or transferred his property or some part thereof with intent to defeat his creditors. Certainly, I differ entirely with the construction of the learned gentleman from Kansas. This language can not possibly include a preference. It is not fraudulent for a debtor to prefer one creditor over another. He has a right to do it, unless forbidden by statute. He can not be said to transfer his property "with intent to defeat his creditors" if he simply prefers one to another.

The words of this amendment refer only to a common-law fraud, the transfer from the debtor of his property to some third persons, to hold it upon some secret trust for him. That is an old fraudulent transfer which has been known ever since the statute of Elizabeth. Under this amendment a preference would not be an act of bankruptcy.

A transfer of property by a man who is in debt to one of his creditors in preference to all others is not such a transfer as is described by the language of the amendment of the gentleman from Kansas. His amendment would leave all the evils described by the gentleman from Pennsylvania in full force and effect. It would allow a man to contract debts to any amount whatever, then to suffer judgment upon the debt, and allow his property to be swept away and his honest creditors left without anything to pay their claims. I want to ask the gentleman from Pennsylvania, if after a judgment of that kind had been had and execution proceedings had been taken and the property taken away from the debtor whether there is any provision in the law of Pennsylvania by which honest creditors can find out whether the judgment is upon a genuine debt or not?

Mr. MAHON. Not unless it has become a matter of record. Then they have a right to inquire into it.

Now, Mr. Chairman, I am opposed to any proceedings of that kind.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

On motion of Mr. KNOX, by unanimous consent, the time of Mr. MOODY was extended for three minutes.

Mr. MOODY. There is only one other thought that I wanted to present to the committee, and it is this: I have been in and out here for several days and have heard a good deal about the poor debtor class, but I have not heard much about the poor creditor class. I for one have something to say for the creditor class. I was surprised when the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] got up here and condemned this bill because, as he said, it was simply "for the purpose of facilitating the collection of debts." In the name of God, gentlemen, why should you not facilitate the collection of debts? Is there anything wrong about that? Is it any objection to this bill that it will facilitate the collection of debts? Who are the people who own the debts?

Why, Mr. Chairman, there is not any creditor class. Every man who is a creditor, who is in business and whose business affairs this bill will touch, is a debtor as well. Who are the creditor class that are asking for this legislation? They are the great commercial bodies throughout this country, who are composed of men who are creditors and debtors at the same time. The gentleman from Pennsylvania says there is no demand for the enactment of this bill. Where has he been during this session of Congress that he has not heard the demand that is coming up from all parts of the country, from those who are engaged in commercial transactions, for the passage of a bankruptcy bill like this, and in opposition to the passage of a bill containing the voluntary provision alone? I have heard nothing on this subject except petitions for the passage of this bill.

In whose interest are those petitions? In whose interest is the passage of this bill asked? It is asked in the interest of the manufacturers, not the great capitalists, but the men who make the goods that are distributed throughout this country, the shoes, the cotton and woolen goods, the manufactured products of all kinds that our people buy and use. They ask for this bill, and all they ask is that when a man arrives at a position where he can not pay his debts in full, they, as creditors, shall be allowed to share equally with every other creditor. They ask nothing more than that. Is not that just? Who else is asking for this bill? The banks of the country. I am speaking to practical men. What interest have the banks of the country in this measure? There is no man who has been a director of a bank who has not had the experience of going into the directors' room upon every directors' day and negotiating the discount of pieces of commercial paper coming from all parts of this country.

At the very last meeting I attended I remember discounting two or three large pieces of paper from concerns in the State of the gentleman from Minnesota who sits before me. Any bank, at least any bank in the Eastern sections of the country, has in its drawer at any given time pieces of commercial paper that have been issued in almost every State in the Union. The banks are getting upon those loans less than 6 per cent on the average. They are lending that money to our friends in the West. Why? Because they can lend it cheaper than local capitalists there can lend it. Are gentlemen not willing to pay them? Are they not willing, when they are lending them money at less than 6 per cent, to pay them? Are they not willing to give these banks, which have taken the capital from where it is plentiful and distributed it in those portions of the country where it is needed, the right to share equally in the assets of the debtor when misfortune overtakes him—willing (to use the expression of the gentleman from Pennsylvania) to help the banks to collect their debts?

Mr. TAWNEY. Speaking for Minnesota, I say that we are.

Mr. MOODY. I am glad to say that we have never had experience of any other kind with Minnesota. Now, Mr. Chairman, all I want to add is that this bill ought to be defeated or else it ought to be passed with the involuntary provision in it. If it is to be made a mere voluntary bankrupt law it is worse than nothing, and I hope, if it comes to that, that the bill will be rejected.

Mr. MILLER of Kansas. Mr. Chairman, it gives me the utmost gratification to see at last that the advocates of this bill have come out of the brush and have announced its true purpose. The gentleman from Massachusetts [Mr. MOODY], whose people own, perhaps, more claims against poor debtors than the people of any State in this Union—

Mr. MOODY. I have not been in "the brush," so the gentleman will please not talk about my coming out of it. [Laughter.]

Mr. MILLER of Kansas. The gentleman comes from a State where more of these claims perhaps are owned than in any other State in this Union, and he has now, for the first time, announced that this is a bill for the purpose of collecting debts, and that is the reason and the sole reason he advocates it.

Now, Mr. Chairman, on the day when this discussion first opened the gentleman from Iowa [Mr. HENDERSON], with trembling voice and with tears in his eyes, said that this bill was for the purpose of letting those poor men who had been unfortunate escape from the burden of their debts. And that was followed up by the gentleman from Illinois [Mr. CONNOLLY], whose only ground for advocating the bill was that by the laws of various States there is placed in the hands of a single creditor the means of issuing an attachment against a debtor and taking all his property. Those were the two grounds on which this bill was advocated. Yet we find now that the true secret of the bill is that it is a bill for the collection of debts.

In this bill there are provisions under which every merchant in Kansas City (in which I reside) can be placed in bankruptcy. There are provisions in this bill by which a man having any amount of property may be placed in bankruptcy because subsequently to the time of the commission of the acts named or within six months accident may happen to him so that at the time of the filing of the petition he may not have sufficient property to pay his debts.

Mr. MOODY. Let me ask the gentleman what provision of the bill does that? What provision puts a man into bankruptcy under such circumstances?

Mr. MILLER of Kansas. Section 2—the very provision we are now discussing.

Mr. MOODY. Let me point out to the gentleman that he is mistaken. That section provides that a man shall be put into bankruptcy only when he is insolvent; and then if the gentleman will turn to the definition of an insolvent in this bill—the most liberal definition that has ever been embraced in any bill—he will find that if upon a fair valuation of his property the debtor can pay all he owes he is not to be regarded as insolvent.

Mr. MILLER of Kansas. Yes; but that matter is determined at the time when the petition is filed; and if at any time within six months previous he has permitted an attachment to remain on his property, however unjustly it may have been issued, however iniquitous the claim may be on which it is founded—if that attachment is allowed to remain upon his property for thirty days without his obtaining a release he is regarded as having committed an act of bankruptcy and may be thrown into the bankruptcy court. I say that under that kind of a provision the most iniquitous claim on earth may be used to throw a man into bankruptcy, because there is not one case in a million where an attachment could be released within the thirty days. In this way, then, a man may under such a provision be thrown into bankruptcy and unjustly oppressed.

But what is the situation in regard to a man's property so far as the determination of the question of his insolvency is concerned? When the petition is filed, an assessment is made of the value of the debtor's property, based upon its value upon a forced sale under bankruptcy proceedings, and though the man's property fairly valued might be three times what would be required to pay his debts, yet when you estimate it upon the basis of a forced sale, that property might be adjudged insufficient to meet the indebtedness, although under ordinary circumstances and with ordinary business management it might be more than three times enough to pay the man's indebtedness. I say, then, that under the provisions of this bill any man, however honest, may be thrown into bankruptcy by an accident, because forsooth his paper is not paid within thirty days after it matures. If a man's note, by accident or otherwise, happens to remain unpaid for thirty days he may be thrown into bankruptcy, and that, too, not by the man whose paper is unpaid, but by any creditor, even though that creditor's claim may be but \$10. Such a creditor, because of the debtor's default upon another man's paper, may throw him into bankruptcy. The great majority of the man's creditor's may not wish

him to go into bankruptcy. But here comes along a Jew clothing merchant from the city of New York or Boston—

[Here the hammer fell.]

Mr. BRODERICK. I ask that my colleague be allowed five minutes more.

There was no objection.

Mr. MOODY. Will the gentleman from Kansas allow me a single suggestion?

Mr. MILLER of Kansas. Yes, sir.

Mr. MOODY. The gentleman has just stated that an accidental failure to pay a promissory note may be a cause of bankruptcy.

Mr. MILLER of Kansas. Yes, sir.

Mr. MOODY. Now, let me call the gentleman's attention to this language of section 2, which defines acts of bankruptcy:

Suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper.

Mr. MILLER of Kansas. But I say that, in the administration of this bill, if a man's property, when the petition in bankruptcy is filed, is not three times enough to pay his debts he will be regarded as insolvent, because the value of his property is estimated at what it would bring at a forced sale by order of a bankruptcy court.

Now, I say, there may come along a man whose claim amounts to but \$10; other creditors, whose claims may amount to a hundred thousand dollars, may be anxious that a debtor shall continue in business; but that man whose claim amounts to but \$10 may, under this bill, put the debtor into bankruptcy.

Mr. GILLET of Massachusetts. Oh, no; it requires three creditors, and the indebtedness must amount to \$500.

Mr. MILLER of Kansas. Where is there any such provision in the bill? I ask the gentleman to look it up.

Mr. GILLET of Massachusetts. I can turn to it in a moment.

Mr. WATSON of Ohio. One man can do it. Let gentlemen turn to section 12.

Mr. RAY. I ask the attention of the gentleman from Kansas to this provision of the bill:

SEC. 59. WHO MAY FILE AND DISMISS PETITIONS.—a Any qualified person may file a petition to be adjudged a voluntary bankrupt.

b Three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to \$500 or over—

Now, let the gentleman withdraw his statement about a creditor with a claim of only \$10.

Mr. MILLER of Kansas. I will admit that in stating the sum of \$10 I was not quite accurate.

Mr. RAY (continuing to read)—

or if all of the creditors of such person are less than twelve in number, then one of such creditors whose claim equals such amount may file a petition to have him adjudged a bankrupt.

Mr. MILLER of Kansas. So far as my statement is concerned that a creditor to the amount of \$10 might put a man in bankruptcy it is wrong; but so far as it relates to the five-hundred-dollar man it is correct in every particular. No one can dispute that fact.

Mr. GILLET of Massachusetts. If there are less than twelve creditors.

Mr. MILLER of Kansas. Now, if the desire of the people framing this bill is, as stated, just to relieve the embarrassed, honest debtor, and second, to protect the creditors from having the property of the debtor taken away by attachment, why are they not willing to strike out from the bill the drastic provisions to which I have referred and leave only those provisions in it which are supposed to be capable of accomplishing the object they have in view—the provisions under which an attachment can be issued in a State court; that is, in cases of fraud? If what you claim is true, that the groundwork of the bill is to provide that one creditor shall not step in and by attachment absorb all of the estate to the exclusion of all others, why not leave the voluntary provision in the bill and restrict the involuntary provision to acts of fraud, on which the attachment might issue, just as it would issue in a State court? That would, in effect, meet every provision that the gentleman from Iowa in charge of the bill, the gentleman from Illinois, and others claim the bill was intended to accomplish.

Mr. HENDERSON. Oh, we recognize that it might help some manufacturer in Massachusetts with that out. You would not be willing to consent to anything of that kind.

Mr. MILLER of Kansas. Mr. Chairman, I wish to say to the gentleman from Iowa that I was born in Maine; my people lived in Maine; they are New England people, and I have no prejudices against Massachusetts, such as he seems to think in his assertion. I have no prejudice against Massachusetts as a State, or against any other State or any other part of New England; but I do say that no bill should be passed here by this House which is an instrument of oppression and an engine in the hands of the creditors of this country in addition to those already given by the States to oppress the people of the Western country, who, forsooth, happen to be in debt.

The people of the West are as honorable, as upright, and as correct in their business transactions as any other people in the United States or in the world. But unfortunately they have become involved in debt to some extent, and it is not right that under those conditions which exist among them an additional burden of oppression or an engine of oppression shall be given into the hands of the creditor class of the country to harass and oppress our people in the future.

I say that this bill, in all of its features, is a bill for the purpose, and that alone, that was announced here by the gentleman from Massachusetts a few moments ago; and if the House passes it it will never become a law; but even if it should pass and it ever becomes a law, it will be one of the most unpopular acts that ever emanated from a Republican House, and for that I shall be exceedingly sorry.

Mr. Chairman, I am in favor of a bankruptcy bill, both voluntary and involuntary, but I want the bill to be just in its terms. I want the involuntary sections declaring acts of bankruptcy to be limited to acts of fraud, such as might be grounds for attachment. By the terms of this bill as it now stands innocent men, who in the ordinary course of business might pay every dollar of their debts, may be thrown into bankruptcy and irretrievably ruined; and worse than all, under its provisions, although a man may have acted honestly, notably in the matter of preferences, after he has been ruined and his property taken he can not be discharged from his debts under the provisions of this bill unless the bill is materially amended. I can not in justice to my people support it, and I sincerely hope it will not pass in its present form.

Mr. KNOX. Mr. Chairman, I am quite sure that it was not the purpose of my colleague from Massachusetts, who addressed the committee a few moments ago, to convey the impression that the only purpose of this bill was the collection of debts. It was, I am quite sure, his purpose to say that it should not operate against this bill, in effect, that under it the honest creditor might be able to collect his debts which otherwise would be lost to him. The honest man who owns the debt has the same right before the courts, and should have before all courts, as the honest debtor that owes the debt.

This law has but a single interest in view, and that is that the honest debtor who shall honestly surrender his property to be divided among his creditors shall be discharged from the obligations of indebtedness, and that the honest creditor who has the debt shall receive his due and fair proportion of the estate, and take, with all others, exactly his proportion on a fair division of the estate.

There is in this bill, contrary to the assertion of the gentleman from Kansas, no question affecting the North, East, South, or West, but it is a bill of equal beneficence throughout the whole borders of the country. It deals equally with all men. And let me say to the gentleman from Kansas, or anyone else from that locality who attacks the bill on the ground that it may be oppressive to them, that when this bill is passed the capital of the great East will again flow to the West, to be loaned there, to be invested there, to build up industries there, and start men in business, to build houses, found banks, and organize new industries just as it did in the past. There can be no greater benefit, no bill passed that would add so materially to the best interests of the country, or that will aid so thoroughly the debtor people of the West as this very bill, which will assure those who have money to invest that if they make their investment they shall share equally with all others in the property of a debtor who fails to comply with his obligations, and that there is a law to protect them from the operation of fraud.

Now, I beg of the committee and the House to consider what would be the effect of passing a purely voluntary bill. All the laws in Massachusetts, the laws in nearly all the great Commonwealths of this country, which provide against fraudulent preferences on the part of debtors, which provide against the transfer of property for the purpose of hindering, delaying, or defrauding creditors, are contained in the insolvent laws of the various States. And the moment you pass a bill here, even if it provides that nothing but voluntary bankruptcy shall be the rule, when it goes into operation it supersedes the insolvent laws of the States, and we should in these great commercial States be deprived of any law which operates against commercial frauds. And I agree fully with my colleague that it is far better no law should be passed, that the laws should remain as they are, rather than that a purely voluntary bill should pass.

Now, as to the oppression which may prevail under this bill. The law of 1867 went into operation at about the time I came to the bar. I was familiar with the practice under it. I never knew of a case where a creditor employed the provisions of the law of 1867 to oppress an honest debtor, and I never heard of one in my locality or anywhere else.

Mr. TAWNEY. Will you permit a question?

Mr. KNOX. Certainly.

Mr. TAWNEY. Are you aware of the fact that President Grant,

in his message recommending the repeal of the act of 1867, put it upon the ground that it was used for the purpose of oppression?

Mr. KNOX. I will answer that I heard read from the desk what I supposed to be a portion of the annual message of President Grant. President Grant was a great general, the greatest that the country ever saw. We all worship him; but he was not a lawyer, and presumably had no experience under the bankruptcy act of 1867. I am simply stating what my experience and my knowledge were, and I was about to say that I never heard of a dozen cases tried by a jury where the issue of insolvency set up by the creditors was denied. There were no such trials. They were the rarest, which showed conclusively, Mr. Chairman, that creditors were not using the provisions of that law for the purpose of oppressing their debtors. If a man can pay his debts, he should pay them. If he can not pay them, his property should be divided among his creditors equally. If he surrenders his property to be divided, he should be discharged. The right of the creditors to have the property equally divided is no less sacred and important than that of the debtor to be discharged; and to deny that must amount to a denial of justice, and nothing else.

[Here the hammer fell.]

Mr. WOOD. Mr. Chairman, I have no doubt that the gentleman who has just taken his seat [Mr. KNOX] is well qualified to speak for his own State. I have some doubts as to whether he is as well qualified to speak for the West as are some gentlemen who reside there. Perhaps none of us are so well qualified as those who will be affected by this bill. I have just received a telegram from some gentlemen representing very heavy business interests in the State of Indiana. I send it to the Clerk's desk and ask that it be read at the conclusion of my remarks.

The Clerk read as follows:

TERRE HAUTE, IND., May 1, 1896.

Hon. BENSON WOOD, House of Representatives:

We believe the Torrey bankrupt law a good thing for fifty-thousand-dollar failures and up, but it means confiscation of a large part of the estates under \$5,000. Out of a total number of failures in the United States and Canada (1895) of 14,874, 12,986 employed a capital of less than \$5,000 each. We respectfully urge you to vote and work against its passage in the interest of all the West.

HAVENS & GEDDES COMPANY.
TERRE HAUTE SHOE COMPANY.
E. H. BINDLEY & CO.
BEMENT, REA & CO.
HULMAN & CO.

Mr. MARSH. Mr. Chairman, on the 4th day of March, 1893, the Democratic party came into power in this country. Since that time the failures and the shrinkages of value in wages and property in this country have been greater in number and larger in amount than in any other like period in the history of this country or any other country. In view of the thousands and tens of thousands of men who have been broken up and reduced to poverty during that time, I should be glad to-day to vote for a voluntary bankruptcy bill, with proper restrictions, limited in its operation to one or two years. The existing business interests of the country that have not been utterly destroyed by the accession to power of this old Democratic party are standing now tottering upon their weakened legs, and now you are here proposing an involuntary bankruptcy bill to complete the work that the united Democratic party so far have been unable to accomplish. [Laughter and applause.]

I should favor a voluntary bankruptcy bill, in order that the thousands and tens of thousands of good, straight, honest men in this country who have gone down under this political cyclone that has struck the country—I would favor a voluntary bankruptcy bill that would enable them to wipe out past scores and start anew in the battle of life, but I would not put it in the power of the great, the powerful, and the strong to wreck the remaining business interests of the country that are struggling with all their might and main to keep their heads above water until the glorious day, which is not far hence, when the friends of the American working men and women and the friends of American industries will resume possession of the country again. [Applause on the Republican side.]

Mr. Chairman, I yield the balance of my time to whoever may desire it. [Laughter.]

Mr. WATSON of Ohio. Mr. Chairman, I move to strike out the last word.

Upon the whole, Mr. Chairman, I am in favor of this bill; but that the involuntary features of it are subject to very great objection can not, in my mind, be doubted. Let me call the attention of the House again to section 59 and give you two or three illustrations under that section. It provides that—

Three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to \$500 or over—

may force a debtor into bankruptcy. Now, I ask the calm and deliberate judgment of this House with regard to this provision. What are we about to do? It makes no difference how much money a man owes, it makes no difference how many people a man owes, it makes no difference what the great majority of his

creditors desire, if three of his creditors only, representing \$500, wish it, they can force him into bankruptcy, against the desire and consent of every other creditor. I appeal to the common, fair sense of this House if that is plain, straightforward, average American justice.

To go on: The real tyranny and iniquity of this section comes now, if I may use such language in reference to it. The section continues:

If all the creditors of such person are less than twelve in number, then one of such creditors whose claim equals \$500 may force him into bankruptcy.

To illustrate: I owe 11 men. I owe 10 of them \$1,000 each. They are satisfied that I can pay them in time. They have no desire to oppress me. They are not asking for their money. They tell me to go on and work out this indebtedness. They have confidence in my ability to do so, and confidence in my integrity, but one man, to whom I owe the pitiful sum of \$500, forces me into bankruptcy, against my will, and against the will of the 10 creditors to whom I owe \$1,000 each.

Mr. RAY. May I make a suggestion there?

Mr. WATSON of Ohio. Yes, sir.

Mr. RAY. Suppose you do not permit him? Suppose he is not permitted to force a man into bankruptcy? What will be the result?

Mr. WATSON of Ohio. I do not know what you mean.

Mr. RAY. He can bring a suit and obtain his judgment in twenty days in my State, and I suppose that is about the time in nearly all the States. He would obtain his judgment, issue his execution, levy upon and sell the property of this man, and ruin him in his business. Well, stop all of this business. Now, there can be no question about the fact that he has the right under the State laws to enforce the obligation of the contract.

Mr. WATSON of Ohio. Yes; if it is due.

Mr. RAY. Why not permit one in this case that you mention and three in the other cases mentioned here to put him into bankruptcy when he gets where he can not pay, does not pay, and is unable to pay?

Mr. WATSON of Ohio. Well, I do not want all of this to come out of my time.

Mr. RAY. I will ask that you have further time, because this is not a matter that is to be rushed. A fair discussion should be given, and I am delighted, so far as I am concerned, to hear an expression of opinion. Now, I want right there to say that in a case of that kind, where there is only one, and they want to give this man further time, if they desire him to go on and pursue his business, let them raise the money. [Laughter.] Let them buy up this claim, and that will prevent forcing the man into bankruptcy.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RAY. I ask unanimous consent that the gentleman have five minutes further time.

There was no objection.

Mr. FAIRCHILD and Mr. RAY rose.

The CHAIRMAN. To whom does the gentleman from Ohio yield?

Mr. WATSON of Ohio. I yield to the gentleman from New York [Mr. FAIRCHILD] to ask a question.

Mr. FAIRCHILD. I want to ask my colleague from New York what would be done in the case if the defendant had a defense to the piece of paper? Would it not compel such a defendant to fight out that defense in bankruptcy proceedings, when otherwise he could fight it out under the ordinary statutes?

Mr. RAY. What is the difference, whether you fight out your defense in the State court—

Mr. WATSON of Ohio. I do not want a controversy between the gentlemen in my time.

Mr. RAY (continuing). Or whether you fight out your defense in the United States courts under this provision?

Mr. FAIRCHILD. I think the difference is very clear.

Mr. WATSON of Ohio. I must decline to yield further. I will undertake to answer the gentleman's question, as I now recollect it. He asks what evil effect would result when a party is thrown into bankruptcy. I want to call his attention to the fact that in the commercial world the moment a charge of bankruptcy is made against a debtor he is gone. If his paper is worth 75 cents on the dollar to-day, and you charge him by petition as being a bankrupt, to-morrow it is not worth 40 cents on the dollar, notwithstanding the fact that he may prove in court that your charge against him is not true, and that he be restored as far as possible to his position before the charge was made. The shadow that will follow him and ultimately drive him to poverty is the result of the first step you took. And this great and cruel power you propose to place in one creditor to whom the debtor owes the pitiful sum of \$500, when the rest of his creditors are not seeking to accomplish such a purpose.

Mr. RAY. Is it not true in practice that when a man is in failing circumstances and unable to pay his debts, if one creditor

sues the news goes out and everybody sues, and the man has to go down?

Mr. WATSON of Ohio. That may be so in any given case, but it is not necessarily so, or generally so.

Mr. RAY. Now, then, is there any greater injury or hardship by reason of having a petition filed against a man in bankruptcy than there is, under like circumstances, in having a suit brought against him in the State court and judgment rendered?

Mr. WATSON of Ohio. There is. If a suit is brought and judgment rendered, he may pay the judgment; but if you file your petition throwing him into bankruptcy, you cast a cloud upon him which hangs over him forever.

Now, Mr. Chairman and gentlemen of the committee, I want to say that under the old act of 1867 I had considerable practice in bankruptcy, and I believe that many beneficial results follow such a law, and I believe that this country demands, for its commercial interests, a universal bankrupt law. I am not especially opposed to an involuntary bankrupt law, but I am opposed to an involuntary bankrupt law, that gives such power, such cruel power, to one creditor as this bill does.

Again, turn to page 6 of the bill. The fourth ground for throwing a man into bankruptcy is that he has made an assignment. Think about that a moment. Here is Mr. A. He says: "I can not pay my debts; my assets are \$15,000; I can not pay all that I owe; I will make an assignment for the benefit of my creditors." He makes an assignment. There is no preference about it; there is no fraud about it. He says: "I want every creditor I have to get 15 cents or 20 cents or 60 cents on the dollar." Now, the very moment that man makes an assignment under the State law, you come in by this law and adjudge him a bankrupt. Is that just? He is doing the very best he can for his creditors; he has put all his property into the hands of an assignee for their benefit, for the purpose of paying his debts. Yet the moment he does that, along comes your act of Congress and says that he has committed an act of bankruptcy.

Mr. NORTHWAY. The case the gentleman supposes would be after the passage of this law, so that there would be two laws between which to choose, this law and the State law. Now, to which would the gentleman give the preference? Under the assignment the man's property would be taken and distributed among his creditors, and under this bankruptcy law also his property would be taken and distributed among his creditors; but the difference is that when the distribution was made under the bankrupt law he would get a discharge, while under the State law he would not.

Mr. WATSON of Ohio. But suppose he prefers the other course. Suppose he prefers to make an assignment under the State law and pay 50 cents on the dollar, or whatever his estate can pay, to every creditor, and have the estate administered upon by some man that he chooses to administer it. The very moment that he says: "I will be honest; I will make an assignment of all my estate for the benefit of my creditors; I choose my neighbor, whom I have known all my life and in whom I have perfect confidence, to administer the estate so that it may pay 50 cents on the dollar, or the highest amount it will pay;" the moment he says that, this act of Congress comes along and tells him: "You have committed an act of bankruptcy in trying to be honest."

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. BRODERICK. Mr. Chairman, after listening to the criticisms that have been made upon my amendment by the gentleman from Massachusetts and others, and on further reflection, I will ask consent to modify the amendment by inserting in the fifth line, after the word "having," the words "while insolvent"; and also by changing the word "of" to "in."

There was no objection, and the amendment was so modified.

A MEMBER. Let the Clerk read the amendment as it will stand in its modified form.

The amendment of Mr. BRODERICK, as printed above, was read with these modifications.

Mr. HENDERSON. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. The effect of that amendment is easily understood. It is to strike out the involuntary features of this bill. That is the sole and only purpose of the amendment.

Now, I want to say to my friend from Kansas that I live in the West, and I lived there, I guess, a long time before his feet touched Western soil. I went there when a child, and I expect to be buried in the West—and not buried by my efforts in behalf of a bankruptcy bill either. The people in the West are honest, and they want an honest, complete law. I think that, although a Western man, I am big enough to see this whole country and not to be influenced by any petty demagogism (and I am not referring to the gentleman) that may be thrust into this debate. I do not intend that any arguments for this bill shall be good in Massachusetts which are not good in Iowa and in Kansas and Louisiana.

The gentlemen entering into this debate to-day in support of the

amendment of the gentleman from Pennsylvania forget all the while what can be done and is done under State law. The only gentleman who has struck the keynote of thought on this question is the gentleman in front of me, my friend from Massachusetts [Mr. KNOX], who has said truthfully, as I believe, that the passage of this bill with the involuntary provisions will let Eastern money flow into the West and give us credit there. Sir, I favor this bill because it will bring peace and confidence throughout the entire country to business and industrial circles. When the men selling goods and lending money know that there is a method for reaching what belongs to them, based on high equitable grounds—that the grabber shall not get ahead—that the man “on the spot” shall not get ahead, but that all shall share equitably, whether the creditor lives at the Golden Gate or in the Pine State of Maine, then the debtor will have peace and there will be no rushing and grabbing among creditors.

Ah, gentlemen, there are men like those signing the telegram read to-day, presented by my friend from Illinois [Mr. WOOD], who have got, as I said in my opening remarks, their line of arrangements made through attorneys at every town; they have got a trap set by which, if possible, they shall first the victim catch; there are large jobbing houses in the cities who are opposed to this bill because they think they can get under present State laws an advantage over their fellow-men; and there are in some little towns and county seats lawyers who think they can do better without a bankrupt law because they may slip in ahead with some State writ and take care of their creditor clients. But, my fellow-countrymen, that is not a consideration on which to rest a question of this kind.

Pertinent to what came from Indiana, I hold in my hand a letter from a distinguished citizen of that State, received by me this morning. I will read the closing paragraph:

I think the impression of some of our Western boards of trade upon the bankruptcy question was that by reason of the nearness of our merchants to their customers they had an advantage with a failing debtor over the distant creditor, and that this would be surrendered under a bankrupt bill. It seems to me to be a short-sighted view of the question.

That letter is written by a no less distinguished man than Benjamin Harrison [applause], who in a Presidential message recommended a comprehensive bankruptcy bill, and who, whether President or private citizen, stands for every part of this country and all its great interests.

Some of our friends here favor bankruptcy proceedings which shall recognize only the debtor class. It is my judgment that such a bill would do irreparable damage to all debtors who wish to obtain credit. I am in favor of fully protecting the rights of that class. Its interests are perfectly cared for in this bill. Not with a “tear in my eye,” as sneeringly remarked by the gentleman from Kansas—as far from a tear when I opened this debate as I am now—

Mr. BRODERICK. To what “gentleman from Kansas” does my friend refer?

Mr. HENDERSON. Not you; no sneer ever came from your lip to me.

Mr. MILLER of Kansas. There is no gentleman in this House whom I desire to treat with more consideration than the gentleman from Iowa.

Mr. HENDERSON. That is all right. Just drop the “tear” when you are striking at this bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HENDERSON. I should like to occupy five minutes more. The CHAIRMAN. In the absence of objection, the gentleman will proceed.

There was no objection.

Mr. HENDERSON. I want to impress upon the minds of gentlemen here what I said in the opening of the debate, and what several of you were not here to listen to—that I do not think it is proper to pass such a law as will say that when a man is in failing circumstances, and there is a citizen from whom he has borrowed money or received goods on credit, the debtor should be allowed to have the whole say-so in respect to his estate. If any man lends me \$10,000 worth of assets, which go into my business and which I allow to run down to \$5,000, am I, the debtor, the only one who should say what should be done with what remains? Shall the creditor who trusted me with that property upon which I have been living for years, upon which I have been feeding myself, my wife and children, be debarred from coming in and having something to say as to when and how the assets should be distributed?

Gentlemen, there is an old Scotch proverb, “Fair play at the teetotum”; and this idea of fair play runs entirely through this general bankruptcy bill. I do not want partisan speeches here; I do not want sectionalism here. I want broad Americanism, upon which we can all stand. I do not want any bankruptcy bill which is not for the interest alike of the East and the West and the North and the South, and I shall be disappointed if the final vote shows that this House does not occupy the same position.

The amendment offered by my friend from Kansas [Mr. BRODERICK] is infinitely better than the one-sided, jug-handled proposition of the gentleman from Pennsylvania, which I thank God does not come from the “wild and woolly West.” I am, for good reasons, opposed to them both. The amendment of my colleague on the committee from Kansas [Mr. BRODERICK] has the merit of giving both sides something to say about these things. He limits it to three reasons or grounds.

This bill, as you well know, has nine grounds. Now, his first ground is new and is not in the bill under consideration. The second proposition of the gentleman from Kansas is substantially the same as clause 3 of section 2 of our bill. That ground is in most respects the same as ours. The third is in hæc verba the first section of our bill. The first ground that was in the bill has been adopted verbatim et literatim by my friend from Kansas; so we have two of our grounds, one of them absolutely and the other nearly so, embodied in his amendment, and one new one. But he leaves out six.

Now, let us pause for a moment and examine these six and see what they are. No. 1 of the bill is in the Broderick amendment, if he will allow me to so designate it. No. 2, which we would include as an act of bankruptcy—let us examine it and see what it is:

If he (the debtor) fails for thirty days, and until a petition is filed, while insolvent, to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold within such time under such process, then until three days before the time fixed for such sale.

If a man has reached that condition where his property is levied on by process of law, which property is held in the court for the benefit of some of his creditors under the said law who are going to ride roughshod over the rights of the other creditors and secure a preference for particular claims, I ask if it is not time that the law should step in and say, “Unloose your hands; let us all divide ratably?” I say that it is an essential element of a sound bill.

The third ground has been adopted, as I have already said, by my friend from Kansas in his amendment. The fourth ground he leaves out. What is it?

Made an assignment for the benefit of his creditors, or filed in court a written statement admitting his inability to pay his debts.

Gentlemen, when a debtor voluntarily lays aside the robes of business, when he locks the store door and says, “I quit; I throw up the sponge; I can not fight the battle any longer,” and goes voluntarily and makes an assignment for the benefit of his creditors, are we not justified in stepping into the court of bankruptcy and saying: “We take you at your word, but your own picked assignee, let us inform you, shall not have the whole say-so in regard to the matter.” We say, “We will tear up your assignment giving preference to anyone or putting the property into the hands of some member of your family to be distributed according to your own judgment and discretion, so that all of your creditors shall have the benefit of their proportionate share of your property.”

Mr. NORTHWAY. Right there, if the gentleman from Iowa will permit me, in response to the gentleman from Ohio [Mr. WATSON] let me say that in the State of Ohio, as soon as an assignment is made, the creditors can get together and take the property out of the hands of the assignee and put it in the hand of one of their own number or a person of their own selection, for distribution.

Mr. HENDERSON. And a wise provision of law.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may be permitted to conclude his remarks.

There was no objection.

Mr. GROSVENOR. If the gentleman from Iowa will permit me, I would like to say that under the law of Ohio, which the gentleman from Iowa compliments, the first proposition that follows the assignment is the selection usually of some friend of the debtor, perhaps his wife or some near relative, to administer the estate; but the creditors come together, and by a vote of the majority take the property out of the hands of the assignee and place it in possession of a trustee for distribution.

Mr. WATSON of Ohio. Then that must be the case only in your district.

Mr. GROSVENOR. Oh, no; that is the law of the State.

Mr. WATSON of Ohio. I have never known it done.

Mr. GROSVENOR. That makes no difference. That is the law of Ohio.

Mr. WATSON of Ohio. That is not the operation of the law generally in the State.

Mr. HENDERSON. Well, Mr. Chairman, I shall resume the floor, with the consent of these gentlemen, for a few moments. I would like very much to hear these distinguished doctors fight out the argument on their own ground, because it is a very interesting question, if I had the time; but it is very limited.

Now, the fifth ground of bankruptcy in the bill is that the debtor has—

Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy.

Now, a man, when he is insolvent, who permits or makes a transfer of his property, and gives a preference to A, B, or C as against the rights and claims of D, E, or F, do you think it an unjust law that steps in and says, "No; we will have fair play. There must be a ratable distribution; a fair divide."

Mr. HEPBURN. If my colleague will permit me a moment, I would like to ask him a question.

In this section of the bill, section 2, the act of bankruptcy in the second provision is in the following words:

Failed for thirty days and until a petition is filed while insolvent, to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold within such time, under such process, then until three days before the time fixed for such sale.

And the fifth is:

Having made, while insolvent, a transfer of any of his property, or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, etc.

Now, suppose an attachment runs against the property of an individual, and he releases it by a transfer of a portion of his property. He avoids the second ground of bankruptcy, but does he not come within the provisions of the fifth by that very act of attempting to save the estate?

Mr. HENDERSON. I think he would be ripped up in both, and ought to be. That would be my interpretation of that. Now I come to the sixth ground of bankruptcy:

Procured or suffered a judgment to be entered against himself—

How?

with intent to defraud his creditors.

And under section 1 of the dictionary which we have passed that includes the element of fraud; so that this must be interpreted to mean "who fraudulently intending to defeat his creditors" has done this.

Oh, gentlemen, are you defending that sort of a proceeding? Are you attacking a law that will bring a man up into court for fair treatment who fraudulently is seeking to defeat his creditors by these operations?

I pass to the seventh ground:

Secreted—

The sneak, the thief, from honest creditors—

Secreted any of his property to avoid its being levied upon under legal process against himself, and to defeat his creditors, to commit a fraud upon them.

I implore my technical brethren of the law who are influenced by memories of old laws to see how we have guarded this, so that only those who should be proceeded against are brought within the scope of the guns of this bill. Now let me pass to the eighth ground:

Suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

Creditors are not very apt to move hastily, even in bankruptcy, where an execution is returned "no property found." If the sheriff under the wide and fine-tooth-comb proceedings of the State law, and with all the whips and spurs that creditors put into the hands of the sheriff, is compelled to return a writ "no property found," I think it will be well to see if a trustee can not find some property. Now I come to the ninth and last ground of bankruptcy:

Suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating \$500 or over.

Mr. GRAFF. I should like to ask the gentleman from Iowa whether he thinks that the simple fact that an execution is returned "no property found" indicates that a man has no real estate?

Mr. HENDERSON. I will ask the gentleman from Illinois if that is not prima facie evidence of it?

Mr. GRAFF. Not at all.

Mr. HENDERSON. I do not agree with the gentleman.

Mr. GRAFF. Under the State law of Illinois one of the ways of preserving a judgment lien upon real estate is to have an execution taken out and returned "no property found."

Mr. HENDERSON. If that is so, the only way to set aside those liens is under a general bankruptcy law.

Mr. GRAFF. I do not agree with the gentleman. A man may have thousands of acres of real estate, and an execution may be returned "no property found" for the very purpose of preserving a lien of a judgment which the judgment creditor may not wish to immediately enforce.

Mr. HENDERSON. Then it only increases the weight of the

argument; because here is the only remedy that will set aside such a lien.

Now let me come to the ninth and last ground of bankruptcy, the one which disturbs some of our friends, I think, more than anything else and which disturbs me the least. One gentleman said yesterday that he regarded this as "perfidious," and that if the ninth ground should be left in, he could not vote for the bill; but I notice that he has been obstructing the bill at every stage of the proceeding, so I think he has other objections to the bill outside of this one ground. Now let me ask these gentlemen in all candor, if a merchant or a man giving commercial paper lets it go unpaid for thirty days and does not renew it—which will save him—I want to know if his condition is much worse than it will be after proceedings are commenced in a bankruptcy court?

Why, my fellow-citizens and countrymen and legislators, there is nothing so dear to the heart of the man in the commercial world as the meeting of his commercial paper. Let his commercial paper go to protest for an hour, and the fine edge of his ambition is gone. Every lawyer and every intelligent citizen of this country knows that. Do you tell me that it is worse to bring him into a court where equity can be done to all than to have some creditor go to work and bring suit on the unpaid paper, which he can readily do? And he can do so at once. No; thirty days of grace is given him under State law.

Now, I want to call the attention of the gentleman from Ohio [Mr. WATSON] to the fact that in the case of a man whose note goes unpaid from one to thirty days the man to whom the note is due can go ahead and sue on it "without consulting anybody," to use his own words.

Mr. WATSON of Ohio. May I interrupt the gentleman?

Mr. HENDERSON. I can not yield now. I am calling the gentleman's attention to the fact that "one" fellow whose note is past due from one to thirty days and unpaid, and when the debtor is not able to pay it—the creditor can go ahead under State laws and bring suit on that single note. Now, what is there in a bankruptcy proceeding that makes it worse? Bankruptcy is simply insolvency or wicked rascality. That is all. It is simply a suit for the benefit of all instead of a suit for the benefit of one. Then you gentlemen who are fighting for a voluntary bankruptcy bill—my eloquent and delightful friend from Illinois [Mr. MARSH], whose voice always thrills me with pleasure and joy, pleaded for a voluntary bill; and my friend from Ohio [Mr. WATSON] complains because involuntary bankruptcy will write disgrace on a man, and yet he pleads for voluntary bankruptcy.

Is it any more disgrace for the creditors to put it on him than for himself to do so? In fact, it seems to me a little worse where a fellow goes into the courts of his country and says, "I am a bankrupt." That is what he says. Ah, gentlemen, these are differences with which it is unworthy to disturb our minds if a man is insolvent—and that is what he must be—if he has commercial paper going for thirty days that he can not meet—and remember, too, that he must be insolvent. Gentlemen forget, I fear, what I pointed out in the opening discussion, that under the act of 1867 the fraudulent suspension for a single moment gives right of action. Suspension of commercial paper for fourteen days, whether a man was solvent or insolvent, under the act of 1867, gave the right of action. This we have changed. We have extended the fourteen days to thirty days, and in addition to that there must in fact be insolvency, and the amount of the default must be at least \$500. No such limitation as to amount was in the act of 1867.

Now is that terribly harsh? Anyone who can shuffle around among his friends, if he has any recuperative powers in himself or standing in the business world, will have that paper paid or renewed. But if in thirty days he is not able to renew or pay that paper, the very best possible course, not only in his interest but in that of his creditors, is to bring him where there can be a fair distribution or amicable settlement, and let him start de novo.

Mr. GROSVENOR. I want to ask the gentleman a question, and under that leave I want to print in the RECORD section 6338 of the revised statutes of Ohio, providing the means for the removal of any trustee previously appointed in the case of an insolvent and the appointment of another by a board of commissioners, who hold an election for that purpose. That statute has been in force in one form or another in the State of Ohio for more than twenty years.

Mr. WATSON of Ohio. Does anybody deny it?

Mr. GROSVENOR. And the judge can determine who are creditors and the amount of their claims, but that has no effect as to the validity of their claims except for the purpose of the election.

The section is as follows:

Whenever a petition shall be filed with the court, signed by creditors of the assignor who own not less than \$1,000 of debts against the assignor, and the validity of such debts is shown by the schedule of debts on file in the court or otherwise established to the satisfaction of the court, praying for permission to elect a trustee or trustees, the court shall, by its order, fix a time for such election, and cause notices to be sent by mail or otherwise to each of the creditors of the assignor, specifying the time when the creditors shall meet at the court room for the election of a trustee or trustees; and at

the time named, in such order, if creditors representing 50 per cent or more of the debts of the assignor are present in person or by attorney, they may proceed to the election of a trustee or trustees, a majority in value of all the debts so represented at such meeting being necessary to choose, and the proceedings of the meeting showing what creditors were present as aforesaid, and the amount of the debts held by them respectively, and who cast their several votes, shall be made out and signed by the president and secretary of the meeting and filed with the court; and if the court approve the choice and the trustee or trustees so elected appear with ten days thereafter and give bond, the court shall appoint him or them as such trustee or trustees, and remove the preceding assignee or trustee: *Provided*, That the summary determination of the court as to who are creditors and the amount of their claims in this section provided shall have no effect as to the validity of such claims except for the purpose of such election.

Mr. HENDERSON. The only other amendment is that of my friend from Pennsylvania [Mr. MAHON]. In expressing my opposition to it I desire to call his attention to the fact that this bill has what has never been in any bankruptcy bill. He will find on page 19, clause 17, the powers conferred upon the bankrupt court to—

Tax costs and render judgments therefor against the unsuccessful party, or the successful party for cause, or in part against each of the parties, and against the estates, in proceedings in bankruptcy.

Mr. MAHON. Then, if he will read my amendment, it says that they shall pay, if they are defeated, reasonable counsel fees, and the officers' fees; and they ought to pay if they fail.

Mr. HENDERSON. I say we have provided for taxing the costs against the losing party; but we also provide that the title shall not pass to the trustee until after the adjudication. And it is just the same in respect to ordinary suits under State law. The party keeps possession of the property until the final adjudication. So that if any damages or attorney fees are to be taxed, as suggested, against the plaintiff in the bankruptcy proceeding, then it should also be done in suits in the State courts. It would be equally just to do that under the State law. There is no practical distinction. I do not think it should be done in either case.

I wanted to touch upon these three pending amendments. I have covered the ground as well as I could in this hasty talk, and as I talked for two hours at the opening I feel like apologizing for having taken this much time now, and I want to express my sincere appreciation to the committee for having given time to me so generously at this time.

Mr. DINGLEY. I desire to ask my friend—

Mr. WALKER of Virginia. Will the gentleman allow me to ask him a question?

Mr. HENDERSON. Certainly.

Mr. WALKER of Virginia. Clause 9, section 2, of the acts of bankruptcy provides that in the event of failure to meet commercial paper in thirty days that is an act of bankruptcy. Will that apply to the indorser also?

Mr. HENDERSON. Certainly; if the maker fails to meet it, then the sureties are liable, provided that they too are insolvent and the amount is \$500 or over.

Mr. WALKER of Virginia. The maker's liability is fixed. Now, will the time run as to the indorser just the same as it does to the debtor? He is not always prepared to meet an obligation on which he is surety.

Mr. HENDERSON. If the maker defaults, the surety can pay and save all trouble. If this bill becomes a law, persons becoming sureties must understand all responsibilities that they assume. Remember, also, that under State law the surety must respond at once.

Mr. WALKER of Virginia. But the indorser is not always prepared on an emergency to make a payment of that kind under those circumstances.

Mr. HENDERSON. Every surety must consider that when he signs as such. But remember that under bankruptcy and State laws creditors are not interested in rushing in, and prefer to secure their money without litigation. Now I yield to the gentleman from Maine.

Mr. DINGLEY. Instead of detaining the committee, I will confer with the gentleman.

Mr. HENDERSON. I thank the committee.

Mr. WILLIAM A. STONE. Mr. Chairman, I move to strike out the last word.

Mr. HENDERSON. It is almost the time to take a recess under the rule, and I was about to move that the committee rise.

Mr. WILLIAM A. STONE. I yield for that purpose.

Mr. HENDERSON. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bankruptcy bill (H. R. 8110) and had come to no resolution thereon.

PASSENGER RATES IN INDIAN TERRITORY.

On motion of Mr. SHERMAN, by unanimous consent, the bill (H. R. 4585) to regulate passenger rates on railroads in the Indian Territory was recommitted to the Committee on Indian Affairs.

RECESS.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the recess be taken until half past 7 o'clock, and that the time for the evening session be continued until 11 p. m.

Mr. ERDMAN and Mr. TALBERT objected.

LEAVE OF ABSENCE.

Mr. BRUMM, by unanimous consent, obtained leave of absence on account of important business.

REPRINT OF A BILL.

Mr. PICKLER, by unanimous consent, obtained an order for the reprint of the bill (H. R. 8271) relating to pensions as the same passed the House.

The hour of 5 o'clock having arrived, the Speaker declared the House in recess until 8 p. m., and announced that at the evening session Mr. PAYNE would preside as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m., Mr. PAYNE in the chair as Speaker pro tempore, who directed the reading of the special order, which was read by the Clerk, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5532) to increase the pension of Josephine Glover.

Mr. CROWTHER. I object.

Mr. WOOD. I hope the gentleman will withdraw his objection. This is a highly meritorious bill, and ought to be considered.

Mr. CROWTHER. I withdraw the objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Objection was made.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of bills on the Private Calendar under the special order.

The question being taken on the motion of Mr. PICKLER, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. TATE. I ask for a division.

The House divided; and the ayes were 57, noes none.

So the motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the special order. The Clerk will read the first bill.

MRS. ANNIS H. ENOCHS.

The first business on the Private Calendar was the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enoch, widow of Gen. William H. Enoch, from \$20 to \$50 per month.

The bill was read, as follows:

Be it enacted, etc., That the pension of Annis H. Enoch, widow of Gen. William H. Enoch, late lieutenant-colonel of the Fifth Regiment of West Virginia Volunteer Infantry and brevet brigadier-general, United States Volunteers, be, and the same is hereby, increased from \$20 per month to \$50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of \$50 per month, subject to the provisions and limitations of the pension laws.

Mr. TALBERT. Mr. Speaker, I believe that we had this bill under discussion when the House adjourned on last Friday evening. It is a proposition to increase the pension of the widow of a general, and I desire to move an amendment, which I hope will be sustained by this committee. I move to strike out "fifty" and insert in lieu thereof "forty"; so as to make this pension \$40 a month. I do this, Mr. Chairman, for the purpose of attempting to arrive at some common grade or standard for the pensions to be paid to officers and their widows.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read, as follows:

In line 7, strike out "fifty" and insert in lieu thereof "forty."

Mr. TALBERT. Now, Mr. Chairman, as bearing on this subject I will send to the Clerk's desk and have read a letter which I received some days ago from an old soldier—the second letter that I have received from the same gentleman, Captain Cochenour—to whom I reported the effect of publishing his previous letter, which resulted in giving him a pension of \$50 a month. I ask to have the letter read in my time.

The letter was read, as follows:

OLNEY, ILL., April 19, 1896.

DEAR SIR: In answer to yours of recent date, allow me to thank you for your effort in my behalf. I am frank to admit that I did not expect favorable results so soon, but it seems that your plan was successful. I would much rather have seen a general bill passed that would reach all one-legged soldiers than a private bill. I have received quite a number of letters thanking me for stirring this Congress up on the subject of giving officers'

wives big pensions. I notice that the committee in making up their report make no account of my three months' service in Company I of the Eighth Illinois Infantry. It is a great wonder some one did not criticize my letter on account of this seeming discrepancy of statement, but I suppose it is on account of the kindly feeling that the Congressmen have for the old soldier. I notice also that some gentleman spoke something about a lunatic asylum. I have noticed recently that Eastern men talk quite often about "lunatics" in speaking of people out here in the West who differ with them on the financial question.

Now, I have one thing to say emphatically to these gentlemen. If they think they can put a Cleveland gold collar on the Republicans of Illinois they are making a mistake—

[Laughter.]

Neither can they build up a pensioned aristocracy of generals' widows. We are perfectly willing that a general's widow shall have all she can get when it goes as charity, but when it comes to a question of pensions, that is different. Pensions are just as much a legal obligation against this Government as the payment of bonds and interest on the debt that was contracted to put down the late rebellion. The Government paid us our poor stipend of \$13 per month in depreciated currency, but the bondholders must have gold. We are going to pay them their bonds in coin as the contract says, if we can get you fellows to throw away your free-trade foolishness—

[Applause on the Republican side.]

quit following after Cleveland and Carlisle and help us elect CAMERON and VEST on a protective tariff and free-silver platform—

[Laughter.]

Any tariff that will furnish funds enough will have to be protective, so you had just as well give up old Grover's free-trade and gold-standard ideas and help us get clear of Eastern domination. Thanking you again for your kindness, I am

Truly, yours,

JOHN S. COCHENOUR.

HON. JASPER W. TALBERT, Washington, D. C.

Mr. TALBERT. I have no comment to make upon that letter. It speaks for itself. I will merely remark that the writer is one of Mr. GIBSON'S "lunatics." [Laughter.]

Now, Mr. Chairman, I want to call attention to the bill of fare that you have before you on this Private Calendar. I have hurriedly gone over it, and I wish to call attention to at least 19 or 20 bills to pension generals and their widows at amounts ranging from \$50 up to \$100 a month. None of the 19 cases that I have examined is below \$50 per month.

We begin with the one that has just been read, a bill to increase the pension of Mrs. Annis H. Enochs. I notice that the majority of these officers whose widows are seeking pensions were only brevet generals, showing that they never really served as generals. Most of them were only majors and colonels, and would only be entitled to the rank of general if opportunity should be offered. The first of these bills, as I have said, is a bill to increase the pension of Mrs. Annis H. Enochs to \$50 a month. The second is a bill to pension Harriet C. Gregg, widow of a major-general. The third is to give an increased pension to Gen. James C. Parrott. The fourth is a bill granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army.

Now, it seems to me that that is an entirely new departure, giving a pension to the daughter of an officer, however distinguished. That is a new element in the bill of fare to which you are invited on this Private Calendar. The fifth is an act granting a pension to Matilda Gresham, widow, I believe, of the late Walter Q. Gresham, at the rate of \$100 per month. The sixth is a bill granting a pension to Mrs. Mary Gould Carr, widow of the late Bvt. Brig. Gen. Joseph B. Carr. He was not a general; he never acted in that capacity; he was a general only by brevet. The next is a bill granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing, at the rate of \$75 a month. The next is a bill granting a pension to Carrie L. Greig, widow of a brevet major of volunteers. The next is a bill granting a pension to Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, at the rate of \$75 a month, I think.

Tenth. A bill granting a pension to the widow of Gen. John Newton.

Eleventh. An act granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton.

Twelfth. An act granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers.

Most of these bills propose to grant pensions of \$75 to \$100 a month.

Thirteenth. A bill to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

Fourteenth. An act granting an increase of pension to Marion McKibben.

Fifteenth. A bill to increase the pension of Maj. Gen. Julius H. Stahel.

Sixteenth. An act granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan.

This is another brevet general.

Seventeenth. A bill granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman.

Eighteenth. A bill to pension Mary Elizabeth Hieskell, widow of the late Pay Director H. M. Hieskell, on the pension rolls.

Nineteenth. An act entitled "An act granting a pension to Mrs. Clifford Neff Fyffe."

I could go on with this recital; there are numbers of other

bills of the same kind, but those I have named are the most prominent. My object to-night in calling attention to this matter is to see whether we can not agree upon some common grade upon which to place the pensions of these distinguished officers and their widows so as to do away with this everlasting harangue here on Friday nights about the discrimination between the wives of common soldiers and the wives of officers. I offer this amendment in good faith. I hope it will be adopted, and may be a precedent, so that when we come to these other bills we may in every case fix the pension at \$40 a month, and do away with the wrangling over this matter.

I am sorry I do not see on the front benches here to-night some of the new converts to the doctrine of reducing the pensions of officers and their widows. As a general thing, when a man is converted he comes forward and sits upon the front bench. I see that some of these gentlemen have to-night taken back seats. I hope they have not backslidden, but will come to my assistance to-night and will help me to establish a common grade for these pensions by the adoption of this amendment. I trust the amendment will be adopted unanimously, and that in doing so we may establish a precedent which shall govern us hereafter.

Mr. GROSVENOR. Mr. Chairman, I trust that before I proceed we may have order.

The CHAIRMAN. The committee will be in order.

Mr. GROSVENOR. It is not very often I have to ask for order. There are reasons why this Committee of the Whole endeavors at times not to hear what is going on; and I sympathize with the committee in that respect.

General Enochs was brevetted; that is true; but the gentleman from South Carolina [Mr. TALBERT] I think has not quite gotten at the facts in regard to the service of this officer when he says that the fact of his having been a brevet brigadier-general shows that he never served as a brigadier-general. Now, it is within my knowledge that General Enochs commanded troops beyond his grade during nearly the whole of the latter half of the war.

Mr. TALBERT. What I said was that the word "brevet" seemed to signify that, while these officers may have deserved to serve in a higher rank when opportunity should offer, they possibly never had done so.

Mr. GROSVENOR. "Possibly never had done so!" I presume that 99 out of 100 who were brevetted as brigadier-generals served beyond their actual rank. They were given their brevet for that very purpose. But I do not want to speak further upon that subject. I have some modesty in regard to that question. [Laughter.]

Mr. TALBERT. I suppose the gentleman was brevetted himself.

Mr. GROSVENOR. I had two brevets before I was colonel, and I commanded a brigade for a long time while my actual rank was that of lieutenant-colonel.

Now, General Enochs was a distinguished, a specially distinguished soldier. He suffered for years from a wound or injury that he received during the war. For thirty-odd years while he was struggling to make a living he carried with him the seeds of death, received in the Army. He told me many a time that from this cause his death would some time come suddenly—instantaneously. And so the fact turned out. He went to bed one night in apparently good health and in the morning was found dead, having died doubtless by reason of the very injury which he had received in the line of duty while in actual service in the Army. Since his death his wife has been struggling to make a living. She has taken up the study of the law, and has been admitted to practice—

Mr. TALBERT. The gentleman will allow me to say that my remarks were not intended to have any personal application to this officer. I do not wish to be understood as having intended any attack on General Enochs. My remarks were made generally in regard to this class of officers.

Mr. GROSVENOR. I hope that this amendment will be defeated, and that this House will not be afraid to testify its appreciation of a man who was a splendid soldier and a good citizen, and of the worthy family that he has left behind him.

Sir, I have no sympathy for these hypocritical croakings. I do not believe they are in good faith. And when I examine the votes that are being taken here in this House of Representatives I have no fear that that sort of talk will make any impression on the intelligent soldiers of the country. The people of this country are willing that the widow of this distinguished officer should be pensioned a little above the rate that is allowed to the grade of a private soldier. There is nothing in it but the same stock in trade of the arrant demagogue. That and nothing more. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from South Carolina to strike out "fifty" and insert "forty."

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 14, noes 75.

Mr. TALBERT. No quorum.

The CHAIRMAN. The point is raised that no quorum has voted. The Chair will count the committee.

One hundred and eleven members are present in their seats. A quorum is present, and the amendment is rejected.

The bill was laid aside to be reported to the House with a favorable recommendation.

BYRON COTTON.

The next business on the Private Calendar was the bill (H. R. 1022) to increase the pension of Byron Cotton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is directed and empowered to place upon the pension roll the name of Byron Cotton, late of Company A, Twenty-fourth Iowa Infantry Volunteers, at the rate of \$72 a month, in lieu of the pension he is now receiving.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1022) to increase the pension of Byron Cotton, late of Company A, Twenty-fourth Iowa Infantry Volunteers, to \$72 per month, having carefully considered all the facts and circumstances in evidence, recommend that the bill be amended by striking out the words "seventy-two," in the sixth line, and inserting the word "thirty" in lieu thereof, and as amended recommend the passage of the bill.

The bill was favorably reported by the committee in the Fifty-third Congress, but the bill died on the Calendar.

Your committee adopt the report made by Mr. LACEY on February 19, 1895, as follows:

"Byron Cotton, of Company A, Twenty-fourth Iowa Infantry, enlisted on the 8th day of August, 1862, and served until the 27th day of May, 1865. He applied for a pension under the general laws and was placed upon the rolls at \$4, which was afterwards increased to \$12, for gunshot wound of left leg and injury to face and right eye, and resulting disease of eyes and impaired hearing of both ears.

"He is now drawing a pension of \$12 a month under the general law for those disabilities.

"The soldier is totally blind, and has been for several years.

"The evidence on file in the claims (certificate No. 82771) in the Pension Bureau shows that the soldier's eyes were injured in the service, and the evidence also tends strongly to show that his present blindness is the result of his army service. The evidence upon this question is not sufficient to satisfy the Pension Bureau that the blindness is the result of his army service. Mr. Hayes, of Iowa, appeared before the committee, explaining the helpless condition of the soldier and the esteem in which he was held while living in Clinton, and Mr. Long, of Iowa, making like statements as to the said soldier while living at Ottumwa.

"The evidence as to the origin of the blindness is very voluminous, and we therefore do not set it out fully herein, but the evidence is quite strong, tending to show that the blindness was due to his army service and was a result of his pensionable disease of the eyes. The Pension Bureau, on grounds satisfactory to the medical officers, do not accept the blindness as the result of army service, but there is no evidence tending to show that the blindness is due to any vice or fault of the soldier.

"The soldier is poor and is supported by his wife, who keeps a boarding house. He is totally and permanently blind, and if the evidence of army origin of his blindness had been accepted he would be entitled to \$72 a month under the general laws. But inasmuch as he has not made his title clear to the full rate of pension due to total blindness, and in view of the fact that the evidence does strongly show that his blindness is due to army service, we think that it would be a proper case for Congress to grant some assistance to this blind and helpless veteran."

Mr. TALBERT. Mr. Chairman, now I want to say a word or two just here on this question.

As far as the insinuation of the distinguished gentleman from Ohio [Mr. GROSVENOR] in regard to hypocrites with reference to pension cases is concerned, I do not care anything. He may have alluded to me and he may not have done so. I have too much respect for the distinguished-looking gentleman from Ohio to retort anything unkind against him. I admire him too much for that, and I admire him especially in view of the fact that the children have a great deal of respect for him because he looks so much like old Santa Claus, and so I will let it go along.

But if you want a sample of hypocrisy, if you want a sample of inconsistency, if you want a sample of discrimination against the good soldier, the old soldier, you need not go any further than the consideration of the present bill. You will find it right here. Here is a soldier against whom nothing can be brought, true and brave and loyal. He received a disability in the Army from which he is still suffering, and from the result of which he lost his eyesight. He is totally blind and helpless, and with a helpless wife on his hands to support, and yet gentlemen stand up here to advocate \$50 a month for the widow of a general officer, and have not a word to say when this poor soldier's claim is reduced from \$72 dollars a month that the law would give him and is cut down to \$30 a month.

I call the attention of the House to this unadulterated specimen of hypocrisy on the part of gentlemen who prate of their love for the old soldiers on every Friday night here, the old soldiers who stood by the flag. This same spirit of hypocrisy which has been manifested on so many occasions heretofore will go right straight along; and this bill, like others, will be reduced to the minimum amount, while the widows of the general officers and the officers of high grade in the Army will receive the bounty of Congress.

Mr. Chairman, why are there none to raise their voices here to carry this old soldier up to \$72 or even \$50 a month, where he properly belongs? Why are they willing to leave it at the sum of \$30, and make this discrimination in favor of men who happened to hold a little higher rank? I leave the matter to the distinguished line of hypocrites on the other side.

Mr. MILNES. Mr. Chairman, I move to amend the bill by striking out "thirty," and inserting "fifty."

Mr. TALBERT. Thank God for one sinner saved. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. ERDMAN. Mr. Chairman, one moment, if you please. If this applicant is entitled to anything, he is entitled to \$72 a month. Thirty dollars is a wobble and a straddle. Fifty dollars is the same; and \$72 is what he is entitled to, if anything is due to him.

Mr. MILNES. Does the gentleman desire to move an amendment to the amendment by inserting "seventy-two"?

Mr. ERDMAN. I have not examined the bill. I only wished to say that if he was entitled to anything he was entitled to \$72, and that the proposition here is a mere straddle.

Mr. BAKER of Kansas. Mr. Chairman, I had the honor to report the bill in question, and we endeavored to get at all the facts, as far as it was possible to reach them.

That this man's eyes were affected while he was in the Army I think there can be no question. That he has gradually grown worse until he has lost his sight entirely is undoubtedly true. Under the old law he would be entitled to \$30 a month for total disability. There is no positive evidence, however, on file that I could get possession of to show that the disability was absolutely the direct result of army service. But there is a strong presumption that it was due to his army service. Had it been traced clearly to army service he would receive \$72 a month; but it was not. To-day he is in a condition of total disability. There is no question about that, and there is no question about this other fact, that his total disability had its commencement in the army service.

I want the committee to distinctly understand that while I have not been voting for the pensions of \$50 and \$75 and \$100 a month, I stand ready not only to vote, but by voice and influence to favor a pension for every man who faithfully served his country in the hour of its peril and is to-day totally disabled, to give him not less than \$30 a month. In view of that sentiment in my own breast, and in view of the evidence before the committee, I have no hesitation in recommending \$30 a month in this case.

Mr. PICKLER. If my colleague will allow me, this man is only entitled to \$12 a month under the general law, and this raises it from \$12 to \$30.

Mr. KEM. Mr. Chairman, I desire to ask the chairman of the Committee on Invalid Pensions if he does not think that this soldier is as much entitled to \$50 a month as the widow of a general, whose pension has just been allowed?

Mr. PICKLER. Well, the gentleman remembers that the President of the United States vetoed a bill the other day because he said the soldier did not acquire his disability in the service.

Now, General Enochs, whose widow we pensioned, was wounded, as has already been said, in the service and died from that wound. In this case there is nothing to show that this disease was contracted in the service. Now, we have increased the pension of this soldier from \$12 per month, the amount to which he is entitled under the general law, to two and one-half times that amount. We have put it at \$30, and that is more advance than ever was given to a general's widow since I have been here in Congress. [Cries of "Vote!" "Vote!"]

Mr. BAKER of Kansas. I beg your pardon—

Mr. KEM. The answer of the gentleman from South Dakota is no answer at all. It is plain that if this man is entitled to any pension at all under the law he is entitled to \$72 a month.

Mr. PICKLER. No; that is not true, and whoever says that is ignorant of the law.

Mr. KEM. If he is not entitled to a pension at all he ought not to have a pension. The plea of the gentleman that his pension has been increased at a greater ratio than that of the widow of any officer falls to the ground upon that proposition. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Does the gentleman from South Dakota say that if he is totally disabled from a wound received, or from disability incurred in the service, if he is now blind, that he is not entitled to \$72 a month?

Mr. PICKLER. Not unless it was incurred in the service.

Mr. ERDMAN. Does the gentleman say it was not incurred in the service?

Mr. PICKLER. This report does not say that it was.

Mr. ERDMAN. Does not the gentleman from Kansas [Mr. BAKER] who reported the bill, and who has just spoken on the bill, say that it was thus incurred?

Mr. PICKLER. He says that that is his impression. It is not clearly proven. Now, the gentleman from Pennsylvania [Mr. ERDMAN] knows just as much about this case as any man here does.

The amendment to the amendment was agreed to.

The amendment of the committee as amended was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SOPHRONIA S. STOWELL.

The next business on the Private Calendar was the bill (H. R. 5996) for the relief of Sophronia S. Stowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Sophronia S. Stowell on the pension roll as the surviving widow of Maj. David P. Stowell, late of First Maine Cavalry.

Mr. ERDMAN. Let us have the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5996) for the relief of Sophronia S. Stowell, submit the following report:

David P. Stowell was mustered in as major of First Maine Cavalry October 31, 1861. He was granted leave of absence October 12, 1862, for thirty days on surgeon's certificate of disability, on account of inflammation of liver and kidneys. On November 25, 1862, his leave was extended for thirty days on another medical certificate, which showed that he was still suffering from inflammation of liver and kidneys. He was discharged to date December 4, 1862, before his leave expired, but the records, which are incomplete, furnish no further evidence of disability. He filed a claim on June 30, 1880, for disease of kidneys and injury of head which caused deafness in right ear. He was pensioned at \$6.25 per month for disease of kidneys from date of discharge until September 15, 1881, when it was made to end on the ground that the disability therefrom had ceased.

Major Stowell died July 23, 1884, and his widow, the beneficiary of this bill, filed a claim February 23, 1885, which has been rejected by the Pension Office and the rejection affirmed on appeal by the Secretary of the Interior on the ground that soldier's death resulted from chronic gastritis, not due to cause which has been legally accepted. Origin and continuance of disease of kidneys have been legally admitted. As has been stated, the records show that the soldier had disease of kidneys in the service and also disease of the liver, which is closely connected with the stomach. The testimony of Capt. Isaac G. Virgin shows that soldier had disease of stomach in service, as well as disease of liver and kidneys. There is other evidence of disease of stomach in service. Dr. Charles A. Coolidge, in an affidavit filed March 7, 1887, testified as follows:

"Soon after discharge, within a month, I think, I was called to treat Major Stowell and found him suffering from stomach trouble, with much inflammation of stomach, indigestion, etc., and continued to treat him year by year, and in his last sickness. His stomach trouble did not yield to treatment, but gradually grew worse and was the main cause of his death. In my opinion the kidney trouble aggravated the trouble with the stomach and contributed more or less to his death. His death, in my judgment, was caused by gastritis. I have no doubt but that the exposure in the Army, together with the climate and water, was the first and real cause of the difficulties that finally caused his death."

Dr. Coolidge testified in an affidavit filed March 13, 1884, that "his chronic kidney troubles have borne upon him with great severity for the past year, and he is now in a critical situation." Dr. A. L. Stanwood testifies that he knows soldier's death was caused by kidney disease, accompanied by gastritis. Dr. C. B. Bridgman testifies that soldier first came under his treatment in 1869, suffering with nephritis and dyspepsia, prescribed for him every year until his death; for two years prior to his death was his attending physician; that disease of stomach and kidneys increased, resulting in Bright's disease, which caused death.

The only really adverse testimony in the claim is that of Dr. Coolidge, who has tried to create the impression that soldier's death was due to intemperance, in which he succeeded to such an extent that the widow's claim was once rejected on that ground, but it was proved on special examination beyond the shadow of a doubt, by the testimony of the best people in the town where he lived, that the soldier was not an intemperate man.

Dr. Coolidge subsequently swore that he did not intend to create such an impression. He is shown by the report of a special examiner to be so biased against the claim that he can not and will not lay aside his bias and testify fairly. However the doctors may disagree on other points, they agree that soldier's death was due to causes arising in the service.

Abundant unimpeached and unimpeachable testimony shows that soldier contracted disease of stomach, liver, and kidneys in line of duty in the service; that he suffered continuously with disease of stomach and kidneys until his death occurred as a result of one or the other or of both combined.

Your committee therefore recommend that the bill be amended by adding, after the word "Cavalry," the words "and pay her a pension of \$25 per month," and that the bill as so amended do pass.

The amendment recommended by the committee, set forth in the report, was agreed to.

Mr. ERDMAN. Mr. Chairman, I think this bill ought to be considered more carefully than we are considering it. Here is a soldier who was pensioned at the magnificent sum of \$6.25 a month by a Republican administration. In 1881, under a Republican Administration, even that was cut off. It was not only reduced but cut off, and I am surprised that in this report there is no reflection against the Administration of that day on account of that fact. The sum of \$6.25 per month is what the soldier got. The gentleman making this report says that the soldier suffered continuously with a disease of the stomach and kidneys until his death, from disease contracted in the line of duty in the service; but the Republican Administrators of the Pension Bureau in 1881 said no, that the disabilities disappeared, and, having refused to pension this man for more than \$6.25 per month, they then took that away entirely. Now these gentlemen come in and pension the widow at \$25 per month on that sort of testimony. [Cries of "Vote!" "Vote!"]

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA H. H. CROSBY.

The next business on the Private Calendar was the bill (H. R. 446) to place the name of Julia H. H. Crosby, widow of Freeman E. Crosby, late lieutenant, United States Navy, on the pension roll at the rate of \$50 per month, and her two children each at the rate of \$5 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia H. H. Crosby, widow of Freeman E. Crosby, deceased, late a lieutenant in the United States Navy, commanding the U. S. S. *McArthur*, at the rate of \$50 per month, and \$5 per month for each of her two children, in lieu of the pension which she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill to increase the pension of Julia H. H. Crosby"; strike out the initial "E." occurring in the deceased officer's name, and substitute therefor the initial "H."; strike out the word "fifty," in line 9, and insert in lieu thereof the word "thirty-five"; strike out all after the word "month," in line 9, to and including the word "children," in line 10.

The CHAIRMAN. The question is on agreeing to the amendments recommended by the committee.

Mr. TALBERT. Mr. Chairman, I would like to hear the report read.

The report (by Mr. STRODE of Nebraska) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 446) increasing the pension of Julia H. H. Crosby, widow of Freeman E. Crosby, late lieutenant, United States Navy, have considered the same, and report:

Mrs. Crosby is the widow of Freeman H. Crosby, late lieutenant United States Navy, who was drowned in the active service in the line of his duty off the west coast of Washington on August 18, 1894.

While attached to the U. S. S. *McArthur* Lieutenant Crosby, in charge of the whaleboat, attempted to land through the surf about 17 miles north of Grays Harbor, State of Washington, to build a hydrographic signal, and while in the surf the boat was capsized and he was drowned.

Lieutenant Crosby was appointed midshipman in the Navy July 27, 1866, and was promoted through the different grades to the rank of lieutenant, which he attained on August 30, 1881. He performed arduous and distinguished services, and was one of officers who volunteered to go to the Arctic regions with Capt. W. S. Schley, in 1884, aboard the U. S. S. *Bear*. Commander Schley commends in the highest terms the conduct of the deceased officer on that voyage, and states that the loss to his country and to the naval service was very great when Lieutenant Crosby met so terrible a fate in the breakers of the Pacific.

The claimant is now in receipt of a pension of \$25 per month, granted under the general laws, with \$2 additional per month each for her two little children, one of whom is but 6 years old and the other 8.

Lieutenant Crosby at his death left nothing for the support of his widow and children aside from about \$4,000 life insurance, and the whole of this amount she has recently lost through the failure of a banking firm of Binghamton, N. Y.

Many prominent business men of Binghamton certify to this fact, and give it as their opinion that little or nothing will ever be saved from the wreck.

The papers before your committee show the claimant to be a most estimable and deserving woman, and that she has absolutely nothing now aside from her pension with which to maintain herself and support and educate her children.

There are several precedents for the allowance of an increased pension in cases of this character, and in the light of the facts presented above your committee recommend the passage of the bill with the following amendments:

Change the title so as to read: "A bill to increase the pension of Julia H. H. Crosby"; strike out the initial "E." occurring in the deceased officer's name and substitute therefor the initial "H."; strike out the word "fifty," in line 9, and insert in lieu thereof the word "thirty-five"; strike out all after the word "month," in line 9, to and including the word "children," in line 10.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARMSTEAD M. RAWLINGS.

The next business on the Private Calendar was the bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$8 per month, the name of Armstead M. Rawlings, who served as a private from September 30, 1896, to March 30, 1897, in Captain Bateman's company of Mounted Arkansas Volunteers, in the Sabine war.

Mr. ERDMAN. Let the report be read.

Mr. PAYNE. Mr. Chairman, I hope the report will be read. I would like to understand about that Sabine war.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1062) granting a pension to Armstead M. Rawlings, have considered the same, and report:

The claimant was a private in Captain Bateman's company of Mounted Arkansas Volunteers (subsequently Company B, First Battalion, Second Regiment Arkansas Mounted Gunmen), Sabine Indian war, and served therein from September 30, 1896, until March 30, 1897, when honorably mustered out.

The service is of record at the War Department, and it is also shown in the soldier's bounty-land papers on file at the Pension Office.

Mr. Rawlings is now over 76 years old and in dependent circumstances. His identity with the soldier who rendered the service is shown by the testimony of C. M. Ball and Warren G. Ball, old residents of Independence County, Ark., where claimant resides, and his financial condition is certified to by the gentleman who introduced the bill in the House, he having known the applicant for many years.

The Sabine Indian disturbances were inadvertently omitted from the list of Indian wars named in the Indian war pension act of July 27, 1892, and hence those who participated in the Sabine war are obliged to depend for relief upon special acts of Congress.

This case seems to fully justify favorable action, and the passage of the bill is respectfully recommended.

Mr. ERDMAN. Mr. Chairman, is this bill within the jurisdiction of the committee?

The CHAIRMAN. It is reported by the Committee on Pensions.

The bill was ordered to be laid aside with a favorable recommendation.

MISS JULIETTE BETTS.

The next business on the Private Calendar was the bill (H. R. 4395) for the relief of Miss Juliette Betts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll of the United States, subject to the provisions of the pension laws, the name of Juliette Betts, the daughter of Hezekiah Betts, a Revolutionary soldier, said woman being now 91 years old and dependent.

Mr. TALBERT. I would like to have the report read. I have not a copy of the report on my desk.

The report (by Mr. HALTERMAN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4395) granting a pension to Juliette Betts, have considered the same and report: The claimant is the daughter of Hezekiah Betts, a Revolutionary soldier, whose service is shown in the following statement from the Pension Bureau:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., February 1, 1896.

"SIR: In response to your request of the 29th ultimo, herewith returned, for a report of the service of Hezekiah Betts, Capt. Stephen Betts's company, Connecticut Volunteers, war of the Revolution, I have to report that the papers in the claim of his widow, Grace Betts, No. 17277, show that he enlisted July 11, 1779, and served three years, and that he served under Colonels Butler and Webb.

"Very respectfully,

WM. LOCHREN, Commissioner.

"Hon. H. C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives."

From the sworn statement of Miss Betts it appears that she is 91 years old, unmarried, and the only surviving child of the soldier, who died in 1837, leaving a wife, who died in 1840. It further appears from her statement that both the soldier and his widow were pensioners and that she is in feeble health and entirely dependent upon the charity of friends for support.

A communication signed by all of the officers of the Norwalk (Conn.) Chapter of the Daughters of the American Revolution fully corroborates the claimant's statements as to her relationship to the soldier, her age, and her dependence, and her allegations are also corroborated by the certificate of the pastor and deacons of the First Congregational Church of Norwalk.

There are several precedents for the proposed legislation, and in view of the long service of the soldier and the great age and destitution of the claimant the passage of the bill is recommended, amended, however, by striking out the words "subject to the provisions of the pension laws," in line 5, and substituting therefor the words "at the rate of \$12 per month."

[Cries of "Vote!" "Vote!"]

The amendment recommended by the committee was read, as follows:

Strike out the words "subject to the provisions of the pension laws," in line 5, and substitute therefor the words "at the rate of \$12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY CRAY.

The next business on the Private Calendar was the bill (H. R. 4598) granting a pension to Mary Cray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Cray, the wife of Michael Cray, late private in Company G, One hundred and fifth New York Volunteer Infantry, and Company G, Ninety-fourth New York Volunteer Infantry, and that he pay her a pension of \$12 per month from and after the passage of this act.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4598) granting a pension to Mary Cray, submit the following report:

Mary Cray is the widow of Michael Cray, private of Company G, One hundred and fifth New York, and Company G, Ninety-fourth New York Infantry, who enlisted November 9, 1861, and was discharged July 18, 1865, and who died December 6, 1874, of cancer of the neck. The evidence shows that the soldier received a gunshot wound in the neck at the battle of Antietam, Md., on the 17th of September, 1862. The ball entered the right shoulder near the top and passed through, making its exit through the shoulder blade.

Dr. James M. Casy, assistant surgeon One hundred and fifth New York Infantry, testifies that he dressed the wound at the time of the battle, and describes the wound as above. Comrades of Cray who were with him when he received the wound corroborate the condition of the wound, and both testify to Cray's complaining of pain in the shoulder from the wound until the time of his death. Dr. Charles Buckley, a well-known physician, of Rochester, N. Y., testifies that he was well acquainted with the soldier, and in 1873 prescribed for him for a swelling on the right side of neck below the ear, and behind the carotid artery. After a careful examination by Dr. Buckley and two other surgeons, it was decided to attempt to remove it. After proceeding with the operation it was found to be a growth of a malignant character, situated on the vertebral column and impossible to remove.

The disease was fatal in its character, and produced death in 1874. Dr. Buckley further testifies that it may be considered probable that the cancer was caused from the effects of the gunshot wound received in service. Three citizens of Rochester, N. Y., testify that they were neighbors of Cray, and knew him intimately from the time of his return from the Army, in 1865, up to the time of his death, in 1874, and that they often heard him complain of the wound in his neck that he suffered from until his death. Cray never applied for a pension. His widow applied for a pension under the general law in 1879, and was rejected June 30, 1882, on the ground that gunshot wound of shoulder was not the cause of cancer of the neck, from which soldier died. The claim was appealed in 1895, but rejection was affirmed January 4, 1896.

The medical referee of the Pension Bureau refuses to accept cancer as result of the wound. The claimant received a pension under act of June, 1890, on October 31, 1891, at \$8 per month. The question involved is whether the opinion of Dr. Richards, who treated soldier from discharge to his death, and that of Dr. Buckley and the other physicians who examined and attempted an operation on soldier in 1873 for the malignant growth, and the testimony of neighbors as to cause of death as the result of wound received in battle

should be set aside by the medical referee, who never saw the soldier, but who formed his opinion only on a theory, while the doctors who examined him formed their opinions on a condition which they found upon examination.

The committee are of the opinion that the evidence is very conclusive and satisfactory on this point, and therefore recommend the passage of this bill with an amendment, striking out all after the word "month," in last line, and adding "in lieu of all other pension."

[Cries of "Vote!" "Vote!"]

The amendment recommended by the committee was read, as follows:

Strike out all after the word "month," in last line, and add "in lieu of all other pension."

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. ERDMAN. Mr. Chairman, I want to call the attention of the House to this remarkable change or perversion in the human anatomy in order that it might appear that this soldier died from the effects of a wound received in battle. The evidence shows that the ball entered the right shoulder and passed through the shoulder blade. The gentleman drawing the report says the soldier received a gunshot wound in the neck. Now, it was, of course, within 3 or 4, or perhaps 4 or 5, inches of the neck; but that the wound was in the neck nowhere appears. And then that cancer followed from the wound in the shoulder. This aggregation of statesmen is to set itself up as a medical congress and declare and determine that cancer behind the ear follows from a wound down in the arm or shoulder.

Mr. PICKLER. Where do you want him to have the cancer located in order to get a pension?

Mr. ERDMAN. If the gentleman desires to address me, I wish he would rise in his place and address me in a tone of voice that I can hear.

Mr. SULLOWAY. Where would you have it located for the convenience of your argument? [Laughter.]

Mr. ERDMAN. Well, the convenience of gentlemen is not considered in locating wounds. I am not disposed to treat this matter as lightly as some gentlemen are. I do not want to stand here and have it said that I, without objection, consent to have it said of a body of which I am a member that we declared and determined such a foolish thing as that. If you want to determine it and assume the responsibility for blazing to the world in all these cases the ridiculous things upon which you pass bills granting pensions, say it out so that the world may see it, and then I am content. Put it in the report, spread it on the record, and I will say nothing more about it. [Cries of "Vote!" "Vote!"]

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID MOSTEN.

The next business on the Private Calendar was the bill (H. R. 1936) to remove the charge of desertion standing against David Mosten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of David Mosten, who enlisted under the name of David Mosten as a private in Company A, Nineteenth Regiment United States Infantry; was discharged, and reenlisted in the same company and regiment; was absent without leave from said Company A, Nineteenth United States Infantry, after December 27, 1881, and while so absent again enlisted under the name of Frank Blaw, in Battery H, Third United States Artillery, on August 1, 1882, and served until March 20, 1885; was then arrested and tried for desertion from his original Company A, Nineteenth United States Infantry, and sentenced; before the expiration of his term of imprisonment was pardoned by the President of the United States, with permission granted to reenlist, and is now of Battery I, Second United States Artillery, having served eleven years of faithful service since his absence without leave under his original enlistment.

Mr. TALBERT. Mr. Chairman, I ask the gentleman in charge of this bill to allow it to be passed over for the present and let us go on with the consideration of other measures. Here is a bill for the relief of a deserter, and I do not think we ought to take it up in view of the fact that there are cases of merit on the Calendar which ought to be considered ahead of such a bill as this. I ask the gentleman to let it be laid aside, in order that we may save time and proceed with the consideration of more meritorious bills.

Mr. TYLER. Mr. Chairman, in reply to the gentleman's request, I beg to say to him that if he would let this bill come immediately before this committee for consideration he would save more time than by seeking to delay it. I shall press for the passage of the bill. The simple reading of the report shows that this is a meritorious case. It is not a pension case. It is a bill for the purpose of removing a disgraceful ban which rests upon a soldier who is now serving in the Army of the United States. As the report shows, this soldier has already been in service of the United States for nearly twenty-two years. Some twelve years ago he committed the fault for which he asks the pardon of the Congress of the United States. He is now in the service. He is a member of Battery I, and is stationed at Fortress Monroe. He is a man of excellent character. He has already reached the grade of corporal since he was permitted by the Secretary of War to reenlist.

After his punishment for desertion, or rather for changing from one company to another, he was allowed to enlist again in the Army of the United States, and it would be a disgrace to that Army to allow a soldier to remain in its ranks with this ban upon him. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, I hope this bill will not receive a favorable report from this committee. I am astonished to hear gentlemen crying "Vote!" "Vote!" on a bill like this—

Mr. PICKLER. Mr. Chairman, I make the point of order that the gentleman from South Carolina is not entitled to the floor, having spoken once on this bill.

The CHAIRMAN. The point of order is well taken.

Mr. TALBERT. What is the point of order?

The CHAIRMAN. The point of order is that the gentleman has once addressed the House on this bill and therefore is not entitled to be heard a second time.

Mr. TALBERT. I have not addressed the House upon this bill. I have only made a few remarks. [Laughter.] And I submit to the Chairman that the point of order is not well taken.

The CHAIRMAN. The Chair has ruled that the point of order is well taken.

Mr. TALBERT. Then do I understand the Chair to say that a gentleman has no right to address the committee?

The CHAIRMAN. The Chair simply holds that the rule provides that a member shall not speak more than once upon the same question if objection is made.

Mr. TALBERT. That is, if somebody else wants to speak. If anybody else wants to speak on this bill I will yield to him and wait until he gets through.

The CHAIRMAN. The gentleman from South Carolina is not in order.

Mr. ERDMAN. Mr. Chairman, I think the rule is different from what the Chairman holds. The rule, as I understand it, is that if no other member desires to speak, a gentleman may address the committee more than once on the same subject. However, I yield to the gentleman from South Carolina.

Mr. TALBERT. Now, Mr. Chairman, I desire—

Mr. PICKLER. Mr. Chairman, I make the point of order that the gentleman from Pennsylvania has no time to yield.

Mr. TALBERT. I would be glad if the gentleman [Mr. PICKLER] would take a quart if a pint will not do him. I want to say to the gentleman that I will talk, and he can not prevent me. [Laughter.] You may try to apply the gag rule, but you can not stop my mouth.

The CHAIRMAN. The gentleman from South Carolina is not in order, and he will take his seat.

Mr. TALBERT. The Chair can rule to suit himself.

The CHAIRMAN. The gentleman can not violate the rules of the House in that way.

Mr. TALBERT. All right. I will come again. [Laughter.] The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY GENTRY.

The next business on the Private Calendar was the bill (H. R. 5175) granting a pension to Nancy Gentry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Gentry, widow of John A. Gentry, at the rate of \$5 per month.

Mr. ERDMAN. Let us hear the report, Mr. Chairman.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5175) granting a pension to Nancy Gentry, have considered the same, and report: Nancy Gentry is the widow of John A. Gentry, who served as a private in Captain Jetton's company of Tennessee Mounted Volunteers from May 19, 1836, to June 16, 1836, Cherokee Indian war. This service, which covered a period of twenty-nine days, is a matter of record at the War and Treasury Departments.

It is also alleged that he served from June 26, 1836, to December 28, 1836, in Captain Fletcher's company of cavalry, but no record of this service can be found.

In her application to the Pension Bureau under the Indian war service-pension act of July 27, 1892, the claimant has shown that she married the soldier in 1845 and remained his wife up to his disappearance from home in 1857; that he has not since been seen or heard from, and that she has never remarried.

The claim was rejected on the ground that the service of the soldier, so far as it is shown by the records, was one day short of the time required to give title under the law.

The claimant is about 71 years old, a great sufferer from rheumatism, and with no means of support except a small mountain farm worth not more than \$200. She is now unable to do any work and is obliged to rely upon the assistance of others. These facts are shown by the sworn statements of L. C. Farmer and W. J. Kerley, residents of Bledsoe County, Tenn.

The passage of the bill is respectfully recommended.

Mr. TALBERT. Mr. Chairman, as a good deal has been said upon this floor about my position in regard to deserters, coffee coolers, camp followers, and bummers, I want to say that the word "coffee cooler," as I understand, is a word that was coined by one of the most distinguished Union generals in the Federal Army, General Bragg, of Wisconsin, who commanded what was known

as the Iron Brigade, and who performed distinguished service throughout the war, and I want to have read, in my own time, an extract from a speech made by that distinguished Union general in the Forty-ninth Congress on the subject of pensions. It was made, I believe, when the pauper pension bill was under discussion after it had been vetoed by the President.

I ask that this portion of the speech of General Bragg be read, as it will throw some light upon this question of bummers and deserters, coffee coolers and camp followers. I hope gentlemen will listen to the reading of a part of the speech of as distinguished a man as belonged to the Federal Army. Especially do I ask for it the attention of the distinguished chairman of this committee, who is so anxious for "order." I ask him to listen to this.

The Clerk read as follows:

Mr. BRAGG. No, sir; not now. There were 140 regiments and a number of battalions, in all, of colored troops raised during the war. A large portion of these troops were engaged in guarding railway stations in the rear; and a few regiments, three or four, were regiments of heavy artillery. This pension clause opens the door for a pension to every one of the soldiers of the seven regiments that were organized into battalions for the purpose of caring for them, men picked out as being physically unable to do soldier's duty. It opens the opportunity to place upon the roll, out of the whole 130 regiments, every single man and regiment that was not engaged in active service in the presence of the enemy. It permits a pension for every hundred-day man who came out to have a pleasant and jaunty excursion when he thought that if the "rebs" only heard that he was coming they would run away from Bull Run.

It places or gives an opportunity to place upon the pension roll the hundred-day men who closed the war with a blaze of glory in April, May, and June, 1865. It permits an opportunity to go upon the roll 202,000 men, 11,000 of whom afterwards were deserters—202,000 men that were organized under the call of the President in December, 1864. Only three months before the war was terminated in fact a call came, and under that call during the months of January and February there were organized, in response to it, troops consisting of 202,000. Some 13,000 of these were discharged, even at the original camp of rendezvous, because there was no occasion to demand the assignment of them to any regiment. Now, who were these men?

I say to gentlemen who talk about soldiers, who were these men? Do not stand here in your place and talk about the devotion of the country to its defenders, to the men who heard the shriek of the bullet and shot and shell and battle, and covered with blood and carnage carried the flag to victory. Who were the majority of those men that found themselves in the service of the United States from December, 1864, to February, 1865, that Congress should sit up nights to pass pensions to provide for them? They were the scum of the earth. They were men who would not enlist and were not drafted. They were men who stayed until those who did not want to go to the front raised money by vote and taxation upon the property in the municipalities and counties had funds placed in their hands to hire and buy things to go that could fill the quota and enable them to escape the draft. They were, I said, the scum; yes, and the dregs. They stood in their holes until they were bought—bought by substitute brokers, bought by men who were speculating in blood, paid from \$100 to \$800 apiece, feeling assured that they were physically so defective that all they had to do was to go to a hospital and there was no danger to their precious carcasses, so that they could pocket their \$100 and go without fear of any injury befalling them.

There are gentlemen on the other side of the House who I trust are with me on this question, and who know just as well as I do that the prisons were emptied, that the poorhouses were emptied, that the slums were all emptied by the proffer of \$200 at the door to bring out the inmates that they might be put as a paper credit on the army roll of the United States, and the men who brought this about pocketed the difference made in the trade. I have seen them coming down with ambulances in the rear by scores trying to get people of that class, called soldiers, to march from the shores of the Potomac to the banks of the Rappahannock, and the attempt to get them to the front was a failure.

There is another class. And I might say in that connection when you talk about poorhouses the men you find there as a rule are the men who came from the poorhouses to go to the Army, and when they came back they lapsed into their natural condition. No genuine soldier in any patriotic community that I have ever seen ever needed to go to the poorhouse to be provided with all that was necessary to care for him. We know, Mr. Speaker, that it is not in that way that the patriotic people of the North treat their soldiers. These men that go to the poorhouse go because they are native there; they are drones; they have lived from hand to mouth. They have got no enterprise; they have got no self-respect; they have got no character. They lie down and open their mouths for a teat to suck, and it does not make much matter what animal has the teat so long as they can suck anything from it.

Mr. STEWART of New Jersey (before the reading was concluded). I ask unanimous consent that the further reading of this be dispensed with. [Laughter.]

Mr. TALBERT. I ask that the clerk read on. I have the floor, and this is being read in my time. I hope gentlemen will not get uneasy.

The Clerk resumed and concluded the reading.

Mr. TALBERT. Now, Mr. Chairman, that speaks for itself. I only want to put on record what that distinguished soldier thought of these "camp followers," "coffee coolers," and "bummers."

Mr. PICKLER. Let it be understood that it was a member on that side of the House who made that speech.

The question being put, the bill was ordered to be laid aside to be favorably reported to the House.

ELIZABETH T. BEALL.

The next business on the Private Calendar was the bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel of the First United States Cavalry, who is now on the rolls, to \$100 per month.

The amendment reported by the committee was read, as follows: Strike out the words "one hundred" and insert "fifty"; so as to make the pension \$50 a month.

Mr. TALBERT. I ask for the reading of the report.

The report (by Mr. STRODE of Nebraska) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3033) granting an increase of pension to Elizabeth T. Beall, have considered the same, and report as follows:

It is shown by a report of the adjutant-general, United States Army, that the deceased soldier, Benjamin L. Beall, entered the service of the United States June 8, 1836, as captain of the Second Dragoons; was subsequently promoted to be colonel, and retired from active service February 15, 1862, for incapacity resulting from long and faithful service. He died in the city of Baltimore August 16, 1863.

Mrs. Beall is now pensioned at \$30 per month under the general law, and her petition for an increase of the same is as follows:

"BALTIMORE, February 27, 1894.

"To the Senate and United States House of Representatives.

"GENTLEMEN: I beg leave most respectfully to petition to you for an increase of my pension. I have arrived at that age (now in my ninety-third year) where I require such care and attention that my present pension of \$30 per month is wholly inadequate to supply.

"I am the widow of the late Col. Benjamin L. Beall, of the First United States Cavalry, who, during a long life, rendered distinguished services to his country.

"Through the influence of Hon. Lewis Cass and Daniel Webster he was appointed captain in the Second Regiment of Dragoons, United States Army, by President Andrew Jackson, in 1836, and was ordered to Florida, where he rendered such valuable service that Gen. W. J. Worth recommended him for promotion for his successful contests with the Indians.

"In said recommendation General Worth says: 'Capt. B. L. Beall has met the enemy in this contest oftener, perhaps, than any other officer; is brave and generous. Would therefore recommend him for promotion.'

"Was promoted to the brevet rank of major for gallantry and successful services in the war against the Florida Indians March 15, 1837.

"Ordered to the Indian Territory after the Florida war to select a site for a fort. Established Fort Washita; and stationed there until the war with Mexico, where he served with distinction. After said war he was ordered to New Mexico; there served as civil and military governor. From there ordered to California and commanded Fort Tejon until the death of General Clark. Then commanded the Department of the Pacific from 1860 to 1861. For a time was conspicuously associated with the history of the Pacific Coast. From there was ordered East, placed on the retired list of the Army, and died at the city of Baltimore in the month of August, 1863.

"Hoping this will meet with your earliest consideration and approbation.

"I have the honor to be, most respectfully, your obedient servant,

"ELIZABETH T. BEALL."

The claimant's allegations as to her age and dependence are borne out by the testimony of Dr. Y. S. Marriott, Dr. H. M. Wilson, and other reputable residents of the city of Baltimore; and it is further shown that by reason of failing eyesight and other ailments incident to her great age she has for a long time past needed the services of an attendant.

It appears further that she has had dependent upon her an invalid granddaughter, and this, together with the requirements of her own condition, have long since exhausted all her means except the pension referred to above. She was married to the soldier in 1824.

There are several precedents for the allowance of \$50 per month to the widows of soldiers who attained the rank held by the claimant's husband, and in view of her extreme age and the necessities of her condition your committee believe that she should be allowed such a sum as will provide her necessary attendance and care during the remaining days of her life, which must of necessity be very few.

The bill is therefore returned with the recommendation that it be amended by striking out the words "one hundred," in line 6, and substituting therefor the word "fifty"; so as to allow a pension of \$50 per month, and that as so amended the bill do pass.

Mr. TALBERT. Mr. Chairman, I rise to a question of privilege.

The CHAIRMAN. The gentleman will state his question of privilege.

Mr. TALBERT. Mr. Chairman, when the bill before that last disposed of was under discussion I made a few remarks upon it, and after I sat down another gentleman made some remarks upon the same bill. When he took his seat I got up to make other remarks. The gentleman from South Dakota made the point that I had spoken once, and had no right to speak again. I desired to speak, provided no one else wished to speak. And I submit, sir, that the rule would have permitted me to speak, as no one else wanted the floor. But I was denied the privilege of expressing my views, and I think, sir, that I have been wrongly treated by the Chair. I believe the Chair has misconstrued the rule. Upon the top of that the gentleman from Pennsylvania [Mr. ERDMAN] took the floor and yielded to me, but notwithstanding all this I was denied the privilege of expressing myself before the Committee of the Whole. I think, sir, that I have been unjustly treated by the Chair. I call attention to the rule.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PAYNE. Mr. Chairman, I dislike to occupy any of the time of the Committee of the Whole; but the gentleman from South Carolina [Mr. TALBERT], in asking for the reading of a speech made by General Bragg in the Forty-ninth Congress, has recalled to my mind a scene which will never be effaced from it. The question then before the House was whether a pension bill which had been vetoed by a gentleman who was then and is now the President of the United States should pass notwithstanding his objections. It was about the close of that Congress, when several eminent gentlemen were about to retire. Among them was General Bragg, of Wisconsin, who had stood here during all that Congress as the special sponsor for the soldier.

When that veto came in there was a change of front; and the speech which has just been read to the committee at the instance

of the gentleman from South Carolina was made by General Bragg. There followed him, upon this side of the Chamber, a gentleman who is this evening the chairman of this Committee of the Whole. It will take but a moment to read, as part of the history of that occasion, the remarks then made by the gentleman from Iowa, which the Clerk now has before him. I ask that they be read.

The Clerk read as follows:

Mr. HEPBURN. Of all the gentlemen that have spoken in opposition to the passage of this bill every one save one voted for it. There is some reason for change of front, Mr. Speaker. A number of those gentlemen like myself terminate their official life on the 4th of next March. And a large number of them, unlike myself, are now mendicants about the White House—

"Crooking the pregnant hinges of the knee

"That thrift may follow fawning." [Applause.]

Mr. Speaker, I deny the right of the gentleman from Ohio [Mr. WARNER] or the gentleman from Wisconsin [Mr. BRAGG] to speak for the Grand Army of the Republic of this country. I tell you, sir, that while those gentlemen did occupy honored places in the great army, and were everywhere esteemed, yet they are looked upon by the Grand Army to-day, when they rise in their places here to denounce their old comrades as vagabonds and scamps and perjurers and the scum of humanity, as Benedict Arnold was after his treason by his old comrades in arms. [Applause.]

Mr. Speaker, there was a time when Benedict Arnold rode along the lines with flashing eye and gleaming saber, and when he met with the acclaims of a brave soldiery, who welcomed him with long huzzas as a leader without blemish or reproach.

Yet there was another period in his life when he held an interview with an American on English soil, he not daring to come on American soil. He asked that old comrade what he thought those who had worn the uniforms of the Continentals in the days of the Revolution thought of him—what would they do with him should they meet him? The reply was: "They would cut off your leg that was wounded at Saratoga and bury it with the honors of war, and the rest of your carcass they would hang upon a gibbet."

[Applause.]

It would be with such an answer as this that the old soldiers, the membership of the Grand Army of the Republic, would repudiate the claim of the gentleman to speak for them in support of the President's cruel veto.

Mr. Speaker, your table is now weighed down with petitions from the old soldiers calling for the passage of this bill.

Mr. PAYNE. Mr. Chairman, I desire only to add that very shortly after that speech was made the name of the distinguished gentleman from Wisconsin, General Bragg, was sent to the Senate by the President for confirmation as minister to Mexico. [Laughter and applause on the Republican side.] And the name of another distinguished soldier, whom I will not mention here to-night, who also changed front in view of the Presidential veto, was speedily sent to the Senate for confirmation to an office at a salary of \$7,500 a year.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. KEM. Mr. Chairman, I see that the bill now under consideration has been reported by the committee with an amendment reducing the proposed pension from \$100 a month to \$50 a month. I am glad to see that. It seems that the opposition which has been made in this House to this unjust discrimination in favor of officers and the widows of officers as against private soldiers and their widows is having some effect. And in hope that there may be additional good along this line, and that gentlemen on the other side of the House may be brought to see more fully the error of their way, I desire to send to the desk and ask to have read in my time a letter—

Mr. HARDY. You say "gentlemen on the other side." What side?

Mr. KEM. That side [referring to the Republican side].

I ask to have read a letter which I have just received from the adjutant of U. S. Grant Post, No. 12, Department of the Potomac, Grand Army of the Republic, Washington, D. C.

The Clerk read as follows:

WASHINGTON, D. C., April 29, 1896.

SIR: I have the pleasure of inclosing herewith copy of resolution unanimously adopted by this post, heartily indorsing the sentiment expressed and action taken by you upon the nonpensioning of officers or their widows at a rate greater than that of the private soldier, whose valor or patriotism was equal, if not greater, than those who wore the shoulder straps.

Very respectfully,

HORACE H. BROWER, Adjutant.

HON. OMER M. KEM,
House of Representatives.

Mr. KEM. In addition to that, I ask to have read the resolutions passed by that post in connection with this matter.

The resolutions were read by the Clerk, as follows:

At a regular meeting of U. S. Grant Post, No. 12, Grand Army of the Republic, Department of the Potomac, held on the 14th day of April, 1896, the following resolutions were unanimously adopted:

"Whereas the members of this post have with sorrow observed that the present Congress has, with a lavish hand, increased the pensions of the widows of certain officers of high rank far beyond the rates allowed by the general law; and

"Whereas, this Congress has not, down to this time, enacted any general law to benefit the widow of the officer or enlisted man, who receives but \$8 per month, or to remedy the ruling of the Pension Bureau which denies to thousands of them even this small pittance if they have an income of \$8 or more per month; and

"Whereas, the granting of large increases of pension by special acts to the widows of officers of high rank, while the widows of men of humbler rank, who were none the less brave, and whose lives were none the less precious, are ignored, is a great injustice, against which every patriot should protest; and

"Whereas recently certain honorable members of the House of Representatives have earnestly protested against this unjust discrimination and declared their determined opposition to such legislation: Therefore

"Be it resolved, That the members of this post hereby express their gratitude to the Hon. HENRY M. BAKER, the Hon. JAMES A. HEMENWAY, the Hon. OMER M. KEM, and the Hon. JOHN E. MCCALL for the words spoken and the attitude assumed by them on that occasion, and for which the veterans of U. S. Grant Post, No. 12, will ever hold them in tender remembrance; and "Be it further resolved, That these resolutions be made a part of the records of this post, and that a copy thereof be forwarded to each of the said members of the House of Representatives."

A true copy.

CHAS. S. HERRON,
Commander U. S. Grant Post, No. 12.

Attest:

HORACE H. BROWER, Adjutant.

Mr. TALBERT. Mr. Chairman, I move to amend the amendment of the committee by striking out "fifty" and making it "forty."

Mr. GROSVENOR. I move to amend the amendment by adding to that communication which has just been read the name of the gentleman from South Carolina, as he seems to have been omitted by the writers of it for some reason. [Laughter.]

Mr. TALBERT. I hope they will not put me in, but simply put in the name of Santa Claus. That will do as well.

Mr. PICKLER. I would like to ask who signs that letter which has just been read?

Mr. KEM. It is from the U. S. Grant Post, No. 12, of the Department of the Potomac.

Mr. PICKLER. It seems to me that the Grand Army posts of Washington are not likely to know more of our constituents and their needs than we ourselves do; and that they are hardly in a position to be able to instruct the representatives of the people as to their duty.

Mr. KEM. I presume that the Grand Army post in Washington is as capable of judging whether the action of Congress is just or unjust as anybody else in the country.

Mr. PICKLER. And I think they show very bad taste in making such comments.

Mr. KEM. They are men who as fully understand this question as anybody else.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment proposed by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 5, noes 78.

Mr. TALBERT. No quorum.

Mr. PICKLER. Who makes the point of no quorum against this old widow of the Mexican war, 93 or 94 years old?

The CHAIRMAN. The point of order is made by the gentleman from South Carolina.

Mr. TALBERT. I want to state to the gentleman from South Dakota that I made it and am entirely responsible for it, and I did not do it in a whisper, either. It was not made against this widow, but some of the deserters and bummers who are to come after her on this Calendar. I have to make a fight all along the line.

The CHAIRMAN (having counted the committee). One hundred and nine members are in the Hall—a quorum.

So the amendment to the amendment was rejected.

The amendment recommended by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

THERESA PEEBLES.

The next business on the Private Calendar was the bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Theresa Peebles, of Jefferson County, Ga., a widow of a soldier of the war of 1812, from \$12 to \$20 per month.

Mr. ERDMAN. Let us have the report.

The report (by Mr. BLACK of Georgia) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4355) granting an increase of pension to Theresa Peebles, have considered the same and report:

The claimant is the widow of Henry Peebles, who served as a private in Capt. John P. Harvey's Company of Georgia Volunteers from August 24, 1813, to March 12, 1814, in the war of 1812.

The soldier died September 21, 1880, and his widow (the claimant) has since been granted the pension of \$12 per month allowed by the general pension laws to the widows of soldiers of the war of 1812.

Mrs. Peebles married the soldier in 1864, and she is now about 66 years old. The above facts are shown by the papers on file at the Pension Bureau, and it appears from an affidavit signed by Joshua F. Denton, J. T. Glover, James Stapleton, and E. N. Stapleton that the claimant is very feeble and afflicted, and that she has but little means aside from her pension. She has been living alone until recently, her condition becoming such that she has been obliged to hire a woman to live with her.

There are several precedents for the proposed legislation, and in view of the facts above set forth your committee respectfully recommend the passage of the bill with an amendment fixing the rate of pension at \$18 per month.

Mr. BAKER of New Hampshire. Mr. Chairman, if I understood the reading of that report correctly, this lady is to be pensioned because she is the widow of a soldier of the war of 1812, and the report shows that she was married to him in 1864. If that is a correct statement of the facts, I would like the gentleman

who introduced the bill to explain to the House exactly what loss this lady ever incurred because of his service in the war of 1812, and consequently what pensionable disability is in the case at all.

Mr. BLACK of Georgia. I introduced the bill, I will state to the gentleman from New Hampshire, and the facts are stated in the report of the committee. The report and the bill are in the line of precedents heretofore established by the House. The beneficiary of this bill is old and feeble. Her physical condition requires the attendance of a nurse. She has practically no means except the pension she is now receiving, \$12 a month, and this bill increases it to \$18.

Mr. BAKER of New Hampshire. Does the gentleman propose that every person who does not have property enough to support her, no matter what time she was married to an old soldier, shall be supported by the Government of the United States?

Mr. BLACK of Georgia. No; the gentleman does not.

Mr. BAKER of New Hampshire. Then, under what rule does he support this bill?

Mr. BLACK of Georgia. I support it because of her helpless, dependent condition, because she is the widow of an old soldier, and because it is in the line of a precedent already established. I will state to the gentleman very frankly that if this was an original question, I think there might be more merit in his objection; but inasmuch as it seems to be the policy of the Government to grant pensions to this class of persons, I see no reason why others should be pensioned and this applicant denied.

Mr. BAKER of New Hampshire. But I presume the gentleman does not intend to say that a bad precedent makes a right bill; and if there is any reason for this pension, it is because the lady is now old, and, as the gentleman says, penniless; but she is not old because of the service of her husband some forty years prior to the time of her marriage to him, and she is not penniless because of that service. Now, if the gentleman can tell why she should be pensioned, except on the ground of a bad precedent, I should like to know the particular reason.

Mr. BLACK of Georgia. This old lady is already pensioned, and this is an application to increase her pension from \$12 to \$18 per month on account of her helpless physical condition. It is a small sum, smaller than has been reported in other bills which have passed the committee and the House.

Mr. BAKER of New Hampshire. Then receiving a pension under a law which does not debar her on account of her late marriage to the soldier is in the gentleman's mind a justification for our pensioning her at a greater rate over eighty years after the soldier rendered his service, she having married him about fifty years after the war?

Mr. BLACK of Georgia. I am willing to let the committee pass upon that question.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ADA J. SCHWATKA.

The next business on the Private Calendar was the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Ada J. Schwatka, widow of the late Frederick Schwatka, late first lieutenant, Third Cavalry, United States Army, at the rate of \$20 per month.

The Committee on Pensions recommended an amendment striking out "thirty" and inserting "seventeen."

Mr. ERDMAN. Let us have the report.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 710) granting a pension to Ada J. Schwatka, widow of Frederick Schwatka, late first lieutenant, Third Cavalry, United States Army, have considered the same, and respectfully report:

Said bill is accompanied by Senate Report No. 55, this session, and the same, fully setting forth the facts, is adopted by your committee as their report, and the bill is returned with the recommendation that it be amended so as to fix the rate of pension at \$17 per month, in accordance with the rank held by the deceased officer, and that as so amended the bill do pass.

[Senate Report No. 55, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 710) granting a pension to Ada J. Schwatka, have examined the same, and report:

A similar bill was introduced in the Fifty-third Congress, referred to the Committee on Pensions, reported favorably, and passed the Senate.

The military record of Lieutenant Schwatka is fully set forth in the following communication from the War Department:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

Washington, June 16, 1894.

"Statement of the military service of Frederick Schwatka, late of the United States Army, compiled from the records of this office.

"He was graduated from the United States Military Academy, and appointed second lieutenant, Third Cavalry, June 12, 1871; promoted first lieutenant, Third Cavalry, March 20, 1879; resigned January 31, 1885.

"He joined his regiment November 28, 1871, and served with it in Arizona and Nebraska to August 13, 1874; on duty with the Big Horn and Yellowstone expedition to October 2, 1874; with regiment in Nebraska and Wyoming to May 18, 1876; in the field on Big Horn and Yellowstone expedition to October 27, 1876; on duty at Camp Sheridan, Wyo., to November 25, 1877, and at Spotted Tail Agency, Dak., to March 6, 1878.

"He left his post in Dakota on the latter date, on leave of absence granted

him for the purpose of taking command of the expedition to Lady Franklin Bay to search for the papers of Sir John Franklin's expedition, etc., and was absent on this expedition until September 20, 1880. He was on special duty in New York City from that date until January, 1881; was absent on account of sickness and subsequently on leave of absence until October 21, 1881; served as aid-de-camp to General Miles until May 8, 1884, and in the meantime, while on General Miles's staff, was in command of an exploring expedition in Alaska from May 20 to October 12, 1883. He rejoined his regiment in Arizona in May, 1884, and was on leave from September 6, 1884, until his resignation took effect, January 31, 1885.

"During his service he was on leave of absence for the following periods in addition to these above specified:

"From September 24, 1875, to March 24, 1876, and from February 28 to September 24, 1882.

"J. C. GILMORE,
"Assistant Adjutant-General."

It will be remembered that in addition to his military services Lieutenant Schwatka rendered the Government valuable service as chief of the expedition in search of the relics of the Sir John Franklin party. In Appleton's *Cyclopedia of American Biography*, Volume V, page 433, the following appears:

"Schwatka, Frederick, explorer, born in Galena, Ill., September 29, 1849. After graduation at the United States Military Academy in 1871 he was appointed second lieutenant in the Third Cavalry, and served on garrison and frontier duty until 1877. He also studied law and medicine, and was admitted to the bar of Nebraska in 1875, and received his medical degree at Bellevue Hospital Medical College, New York, in 1876.

"On hearing the story of Capt. Thomas F. Barry, who while on a whaling expedition in Repulse Bay, in 1871-1873, was visited by Eskimos who described strangers that had traveled through that region several years before and who had buried papers in a cavern, where silver spoons and other relics had been found, Lieutenant Schwatka determined to search for traces of Sir John Franklin's party, and, obtaining leave of absence, fitted out an expedition on the 19th of June, 1878, and accompanied by William H. Gilder as second lieutenant in command, he sailed in the *Eothen* for King Williams Land.

"The party returned on the 22d of September, 1880, having discovered and buried many of the skeletons of Sir John Franklin's party, and removed much of the mystery of his fate. Lieutenant Schwatka found the grave of Lieut. John Irving, third officer of the *Terror*, and, in addition to many interesting relics, a paper, which was a copy of the Crozier record that was found in 1859 by Lieut. William R. Hobson, of Sir Leopold McClintock's expedition, and which contained two records, the latter, under date of 25th of April, 1848, stating the death of Sir John Franklin on the 11th of June, 1847.

"The expedition was also marked by the longest sledge journey on record—3,251 statute miles—during which a branch of Backs River was discovered, which Lieutenant Schwatka named for President Hayes. Afterwards he explored the course of the Yukon River in Alaska, and rejoined his regiment in July, 1884. In August of that year he resigned the commission of first lieutenant, Third Cavalry, to which he had been appointed in March, 1879.

"He commanded the New York Times Alaskan exploring expedition in 1886.

"Lieutenant Schwatka has received the Roquette Arctic medal from the Geographical Society of Paris, and a medal from the Imperial Geographical Society of Russia, and is an honorary member of the geographical societies of Bremen, Geneva, and Rome. He is the author of *Along Alaska's Great River* (New York, 1885); *Nimrod in the North* (1885), and *The Children of the Cold* (1886). See *Schwatka's Search*, by Col. William H. Gilder (New York, 1881); *The Franklin Search* under Lieutenant Schwatka (Edinburgh and London, 1881) and *Als Eskimo unter den Eskimo*, by Henry Klutschak (Leipzig, 1881)."

Lieutenant Schwatka died about three years ago at Portland, Oreg., leaving the claimant (his widow) and one child wholly dependent on Mrs. Schwatka's father for support. Since then her father has deceased, and she is left without any means whatever for the support of herself and child. This fully appears by affidavits on file with your committee.

In view of all the circumstances, your committee report back the bill, recommending its passage.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH S. BUNKER.

Mr. TERRY. I ask unanimous consent to call up a bill which was left in rather an indefinite condition in the House the other day. It is the case of an old man 80 years of age. The bill is No. 649, granting a pension to Joseph S. Bunker. It is away down on the Calendar, and I ask for the present consideration of the bill.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent for the present consideration of a bill out of its order. Is there objection?

Mr. MAHON and Mr. BROMWELL objected.

JACOB TAYLOR.

The next business on the Private Calendar was the bill (H. R. 713) for the relief of Jacob Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to recognize Jacob Taylor as a member of Company K, First Regiment of Missouri Cavalry, and grant him an honorable discharge as of date February 27, 1864.

Mr. MAHON. Mr. Chairman, that bill does not come under the rule. It is not a desertion case; it is to correct a record.

Mr. ERDMAN. Let us have the report.

Mr. PICKLER. This bill is not in order to-night.

Mr. WOOD. I think it is in order.

Mr. PICKLER. It is a bill to restore the applicant to some rank.

The CHAIRMAN. The Chair thinks this is not a case of desertion, and that the bill is not in order under the rule under which the House is now proceeding.

JAMES M'GOWAN.

The next business on the Private Calendar was the bill (H. R. 3524) for the relief of James McGowan from the charge of desertion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War or other proper official be, and is hereby, authorized and directed to remove the charge of desertion standing against James McGowan, late of Company F, Eighty-second Ohio Infantry Volunteers, and that the records be so amended as to show the said James McGowan to have been honorably discharged from the military service of the United States.

Mr. ERDMAN. Let us have the report.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3524) for the relief of James McGowan, beg leave to report:

It is shown by the records that James McGowan, aged 19 years, was enrolled February 21 and mustered into service February 23, 1865, to serve one year. He was forwarded March 2, 1865, to the Sixty-first New York Volunteers, but his name was not taken up on the rolls of either company of that regiment. He was transferred upon some date, not shown on the record, to Company F, Eighty-second Ohio Infantry. It appears that he served faithfully with said company until July 6, 1865. On this latter date he is reported as a deserter.

In application to the War Department for the removal of the charge of desertion he stated that the command was encamped at Louisville, Ky., at the time, and was ordered to Cincinnati, Ohio, to be mustered out; that in going to Cincinnati they would pass by his home at Madison, Ind., and that he, being sick at the time from a severe attack of diarrhea, went home to recuperate, with the intention of rejoining the regiment to be mustered out. Upon arrival at home he was compelled to go to bed and was unable to leave the same until long after the regiment had been mustered out. In going home he only had in view the obtaining relief which he could not obtain had he remained with the command.

Your committee also makes note of the historic fact that at the time the soldier is charged with desertion the war had ended and hostilities had ceased, which is an additional and very strong testimony corroborating the soldier's statement.

He is further corroborated by the statement of his sister, Anna McGowan, who testified, on the 28th day of November, 1892, that upon his return home her brother James was suffering from bowel troubles, and that two physicians (both of them since dead) were called to attend him; that he was confined to his bed, and was at no time able to rejoin his regiment until after July 24, 1865.

His brother, Thomas McGowan, testified to the same effect November 23, 1892. J. B. Baldwin, a sergeant in the soldier's company, testified that he knew that he was sick in May or June, 1865.

Maggie Dixon, a neighbor, testified, March 13, 1893, that she had known the soldier for thirty years and knew that he was sick when he arrived home, and was prevented from rejoining his regiment by reason of such sickness.

A. J. Grayson, who was first lieutenant of Company D, Sixth Indiana Infantry, testified, February 4, 1895, that he had known McGowan since he was a child, and that he had never been in good health since he came home from the Army. That he and his sister live near him and have done so for twenty-five years, and that he knows from personal knowledge that he has not been a well man during that time. That he had been and was at that time a mere shadow, looking so weak and bad that he had been repeatedly refused work because it was apparent that he could not do it.

His enfeebled condition is further testified to by other witnesses, and your committee believe, from the evidence presented, that the soldier did not intend to desert his company and regiment at the time he left them and went home; that he went home to obtain relief, and was prevented by sickness from rejoining his command to be mustered out.

Because of these facts, which appear to your committee to be sufficiently proven, and the additional fact that hostilities had ceased before the 6th day of July, the day upon which the soldier is charged with desertion, your committee recommend that the accompanying bill do pass.

Mr. TALBERT. Mr. Chairman, I should like to hear from the gentleman in charge of this bill more particularly some information in regard to the result of the application by this petitioner to the War Department to have the charge of desertion removed, why it was not, and the particulars in the case.

Mr. TRACEY. The application to the War Department was refused on the ground that the testimony was not sufficiently clear as to the inability of the soldier to return to his command in time to be mustered out.

[Cries of "Vote!" "Vote!"]

Mr. TALBERT. Now, Mr. Chairman—

Mr. PICKLER. I make the point of order that the gentleman from South Carolina has spoken once on this bill.

Mr. TALBERT. Mr. Chairman—

The CHAIRMAN. The Chair thinks he only rose for the purpose of asking a question.

Mr. PICKLER. He said he wanted to ask the gentleman a question, and on that he got the floor and spoke on this bill. I make the point of order that he has spoken on this bill.

The CHAIRMAN. The Chair overrules the point of order. The Chair thinks the gentleman proposed to do no more than simply ask a question.

Mr. TRACEY. If the gentleman wants to make any further inquiry I shall be pleased to answer him.

Mr. TALBERT. Mr. Chairman, I just wanted to state that it seems to me that this is going a little too far for this committee to take in charge the business of the War Department, where they have, or ought to have, all the official records of the soldier, and where the record of every soldier, if he has any record at all, can be looked up.

I submit, Mr. Chairman, that it is going too far if this applicant can not go to the War Department and find sufficient evidence to remove the suspicion or charge of desertion as a soldier. [Cries of "Vote!" "Vote!"] He is claiming here that he deserted after the war had closed. It seems to me that the whole report of the committee is contradictory, and it also seems to me that the Committee on Invalid Pensions are very careful here not to bring in one scintilla of testimony that would seem in the least to militate against the granting of pension to a petitioner. [Cries of "Vote!" "Vote!"]

Mr. PICKLER. Mr. Chairman, I think the gentleman had better strike that out of the record. This bill does not come from the Committee on Invalid Pensions, but comes from the Committee on Military Affairs.

Mr. TALBERT. My remarks are in a general way.

Mr. PICKLER. I should say they are.

Mr. TALBERT. And if they happen to hit such a bird as the gentlemen from South Dakota and he flutters I can not help it. The gentleman seems to anticipate that something was going to be said about his attempting to smother evidence and not bring it before this House as chairman of the committee. [Cries of "Vote!" "Vote!"]

It does not make any difference, Mr. Chairman, where this report comes from; there is nothing in this report that will lead me to vote for the removal of the charge of desertion from this soldier, if soldier he was, coming as he does under the head of a number of those mentioned by the distinguished gentleman from Wisconsin (Mr. Bragg) thirty-one years after the war ended—to come up and hunt for a pension, and I am astonished at the rapidity with which gentlemen want to hurry up here voting pensions to such a class of citizens as this. [Cries of "Vote!" "Vote!"] I want to say again that I propose to enter my protest against the passage of any such measure as this, and if they will pass them, why, the responsibility must rest where it properly belongs. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 102, noes 3.

So the bill was ordered to be laid aside with a favorable recommendation.

EDWARD H. MUNSON.

The next business on the Private Calendar was the bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion now standing against the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment of Infantry, and grant him an honorable discharge.

The Clerk proceeded to read the report. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Clerk will read the report.

Mr. ARNOLD of Pennsylvania. No one has demanded the reading of the report.

Mr. HENRY of Connecticut. I can explain this bill.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4199) for the relief of Edward H. Munson, beg leave to report:

There appear to be some discrepancies between the records of the War Department and the testimony submitted, as follows: The records of the War Department show that Edward H. Munson was aged 20 years at the date he was enrolled as a private of Company H, Thirty-second New York Infantry, while the soldier claims he was but 16 years of age, and this is corroborated by the testimony of Thomas Ash, who knew him at the time of his enlistment, and who says he was a mere schoolboy about 16 years of age; that he enlisted without the knowledge and consent of his parents, and came home one day in the uniform of his regiment and told his people that he had enlisted for nine months; by Jane Ryder, who lived a neighbor and knew the family intimately, and who says that at the time of his enlistment he was about 16 years of age and a mere schoolboy, and by a photograph taken about the time of his enlistment and which gives him a very youthful appearance.

It is shown by the record that Munson rendered faithful service as a soldier from the time of his enlistment until the 28th of May, 1863, when the term of service of the Thirty-second New York Infantry expired and the regiment was mustered out, and the remnant, apparently consisting of the recruits, was consolidated with the One hundred and twenty-first New York Infantry and Munson was assigned to Company D of said regiment. Against this assignment Munson vigorously protested at the time, claiming that he had been enlisted only for the unexpired term of service of the Thirty-second New York Infantry, a period of nine months.

The report of his desertion is shown by the records on June 5, 28, and 29, 1863, but it is held by the War Department that the true date is May 28, the date of his transfer to the One hundred and twenty-first New York Infantry.

Munson testifies that he accompanied his command on the march to Gettysburg, but became separated therefrom and fell in with a Vermont regiment and participated in the battle, but of this there is no other proof.

The facts which appear to be fairly well established by the testimony presented are:

1. That Patrick Stanley, first lieutenant of Company K, Thirty-second New York Infantry, and William Evans, second sergeant of Company H, Thirty-second New York Infantry, were detailed by Colonel Matterson and given a furlough to go home as recruiting officers to enlist men to fill up the regiment. This is testified to by Alfred Lawrence, who was first lieutenant of Company H, Thirty-second New York Infantry, the company to which Munson belonged.

2. That these recruiting officers represented that they were enlisting men for the unexpired term of the regiment, which was a two years' organization, and at the time of Munson's enlistment had about nine months to serve.

3. That the boy Munson signed all the papers presented to him and as directed by the recruiting officers without reading them.

4. That Munson immediately after his enlistment declared to his parents and to a number of others that he had enlisted for nine months.

5. That he was a good and faithful soldier from the time of his enlistment until the expiration of term of service of the Thirty-second New York Infantry.

The father of the boy makes a statement which, although not sworn to, is strongly corroborated, that his boy enlisted for the unexpired term of the regiment, and that he was so told by the recruiting officer, Patrick Stanley, on the day of the enlistment.

Aletha A. Munson testifies to the same facts.

Edward O. Jones testified to his acquaintance with the boy, to his enlistment, and says he verily believes that Edward H. Munson was deceived by the enlisting officer as to his term of enlistment. The affiant was captain of Company H, Thirty-second New York Infantry, to which company Munson belonged, and Alfred Lawrence, first lieutenant of same company, testified to his personal knowledge of the truth of the captain's statements. Both testify to the faithful and reliable service of the soldier during his service with the Thirty-second, and that he earnestly protested against being transferred to the One hundred and twenty-first New York Infantry on the ground that his term of enlistment had expired.

Lieutenant Lawrence further testifies that in conversation with General Sedgwick the general said that Munson and others should be discharged with the regiment, as they had been deceived and would not make good soldiers; that the said Edward H. Munson was a good and faithful soldier during the time he was a member of Company H, Thirty-second New York Infantry; that he served until about the 1st of June, 1863, when he was transferred to the One hundred and twenty-first New York Infantry, and that on the 13th day of June Company H and the whole Thirty-second Regiment was mustered out of service in the city of New York.

It is extremely probable that the boy gave his age to the recruiting officer as 20 in order that he might be accepted, as a large number of boys of extreme youth are known to have done.

A careful consideration of all the testimony leads to the conclusion that the boy was deceived as to his term of enlistment, and fully believed that he had enlisted for the unexpired term of nine months of the Thirty-second Regiment New York Infantry.

In view of all the facts, his faithful service during the term for which he believed he had enlisted, and his extreme youth at the time, your committee report favorably and recommend that the bill do pass.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division.

Mr. PICKLER. A parliamentary inquiry. Was there any negative vote? If there was no negative vote, a vote can not now be taken.

The CHAIRMAN. The Chair thinks it can.

The committee divided; and there were—ayes 92, noes 2.

Mr. TALBERT. No quorum, Mr. Chairman.

The CHAIRMAN. The point of no quorum is made. [After a count.] One hundred and thirteen members are in the House. On this question the ayes are 92, the noes 2; and the bill is ordered to be laid aside with a favorable recommendation.

MRS. ELIZABETH M. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 5235) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll at the rate of \$8 per month the name of Mrs. Elizabeth M. Williams, widow of William Williams, late a private in Captain Weir's Company, Tennessee Volunteers, Florida war of 1836.

Mr. TALBERT. Let us have the report read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5235) granting a pension to Elizabeth M. Williams, have considered the same and respectfully report as follows:

The claimant is the widow of William Williams, who served as a private in Captain Weir's Company of Tennessee Volunteers in the Florida Indian war of 1836. The records show that he was paid for twenty-five and one-half days' service, and it also appears that he was a pensioner during his lifetime at \$4 per month under certificate No. 7477, on account of a gunshot wound of left leg received in said service. After the soldier's death, which occurred November 10, 1876, his widow, the claimant, made an application for pension under the general law, alleging that his death was due to causes originating in the service, but owing to the long time which had elapsed since the war she was unable to furnish the necessary proof in support of her claim.

On September 3, 1892, she filed a claim under the Indian war service pension act of July 27, 1892, but the same was rejected by the Pension Bureau on the ground that the service, as shown by the records, lacked four and one-half days of the period required by the said act to give title.

It appears from the papers on file at the Pension Bureau that the claimant married the soldier in 1845, and it is shown by the affidavits of S. Y. Minnis and J. H. Kelso, sr., residents of Monroe County, Tenn., that she is about 75 years old, in very feeble health, and dependent upon her children for support.

It may be added that the records of the Treasury Department show that the soldier's enrollment took place June 30, 1836, and his discharge July 31, 1836, a period of thirty-two days; but as other records show payment for twenty-five and one-half days only, it was held that the claim did not come within the scope of the service act.

The passage of the bill is respectfully recommended, with an amendment changing the spelling of the captain's name, in line 7, to "Ware."

The amendment recommended in the last paragraph of the report was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH YAZELL.

The next business on the Private Calendar was the bill (H. R. 1171) to pension Hannah Yazell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the general pension laws, the name of Hannah Yazell, of

Hardin County, Ohio, as the widow of James Yazell, deceased, late of Company G, Eighty-second Ohio Volunteer Infantry.

Mr. ERDMAN. Let the report be read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1171) to pension Hannah Yazell, having carefully examined all the evidence in the case, report as follows:

James Yazell, who was the husband of this claimant, served from October 31, 1861, to July 24, 1865. He died October 26, 1893, from disease of heart, for which he was pensioned. Mrs. Yazell filed claims in the Pension Office under both old and new laws, but she is informed that her claim can not be admitted there without proof of the divorce of the soldier from his first wife, and on this point she is unable to furnish evidence which is satisfactory to the officials of the Pension Office.

She was married to the soldier April 8, 1873, with the understanding that he had been divorced from his former wife, and lived with him as his wife and bore him six children. She is unable to find any record of the divorce, but the evidence shows that after the divorce both the soldier and his former wife remarried, the soldier having procured a license, which he could not have done where all the parties were known without satisfactory evidence of the dissolution of the prior marriage bonds.

The soldier and this claimant, as well as his former wife and her husband, appear to have lived in the same community, respected by all.

Your committee are satisfied from the evidence that the soldier was divorced from his former wife, and that his marriage to the claimant was legal. The former wife of soldier died five or six years ago, so there is no possibility of her filing a claim as widow.

The bill, in the opinion of the committee, is a meritorious one and should pass, and the committee so recommend.

Mr. ERDMAN. Mr. Chairman, I should like to have the gentleman in charge of this bill give us some further explanation of it. The report is so brief that it is impossible to gather from it anything satisfactory as to the merits of the bill. If these parties, as the report says, "lived in the same community and were respected by all" their neighbors, the fact of their divorce ought not to be an obscure fact, but ought to be easily ascertained. If we do not have that fact established, or do not have some explanation or the case, we are simply voting another pension without knowing why we are doing it.

The question was taken on laying the bill aside with a favorable recommendation, and the Chairman declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 101, noes none.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM W. FRENCH.

The next business on the Private Calendar was the bill (S. 137) granting an increase of pension to William W. French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. French, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month, in lieu of that he is now receiving.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 137) granting an increase of pension to William W. French, quote from the report of the Senate Committee on Pensions the following, which they adopt as their own:

"Claimant enlisted in the Sixth Regiment New Hampshire Volunteer Infantry on the 15th day of October, 1861, to serve three years. He was engaged in the battle at Camden, N. C., April 19, 1862; Chantilly, Md., September 1, 1862; South Mountain, Maryland, September 13, 1862; Antietam, Md., September 17, 1862, and was wounded in the thigh at the battle of Fredericksburg, Va., December 13, 1862. He was discharged on the 2d day of September, 1863, for total disability, the surgeon certifying (almost a year after the wound was received) that soldier had not the slightest use of his limb, from which the ball has never been extracted. From the day he received the wound until the present soldier has been a great sufferer, and is now a complete physical and mental wreck. He was first pensioned at \$6 per month, which was increased to \$8, \$15, \$18, \$24, \$30, and \$36, the pension being granted for gunshot wound of left thigh, causing nervous prostration.

"Soldier has been confined to his bed for over five years, requiring the constant attendance of another person. He has been examined by many physicians and medical boards, and has almost uniformly been rated at \$72 per month. At three different times the medical board at White River Junction, Vt., found him suffering from gunshot wound and resulting nervous prostration and insanity. The only medical testimony that throws the least doubt upon the case is that of a single member of this same board, who examined the soldier at his home, and ventured the suggestion that the nervous prostration was possibly not due to the wound. As the soldier was pensioned for nervous prostration, and this same physician had signed certificates with his associates on the board recognizing nervous prostration as a result of the wound, the value of his adverse testimony can easily be estimated.

"Dr. James A. Davis, of Lebanon, N. H., a skillful and experienced physician, certifies that the nervous prostration was constantly increasing, and that it undoubtedly arose from the gunshot wound.

"Dr. James A. Leeb, of Canaan, N. H., gave an affidavit in the case, in which he said:

"I have practiced medicine for more than eleven years, and have been attending physician to the applicant since August, 1888. He was at that time suffering from nervous prostration, which was so severe as to produce mania in a mild form, and has been a constant sufferer ever since I first saw him. At times the pain is intense. In consequence of this nervous prostration he has been confined to his bed more than four years, and has not been dressed since May 16, 1891, and therefore requires the constant aid and attendance of another person, and has for more than five years. This condition of helplessness I believe to be wholly due to the nervous prostration caused by gunshot wound in left thigh, received at the battle of Fredericksburg, as stated in my previous affidavits, and for which applicant is now pensioned. This affidavit is written by me from my own personal examination, and was not prepared or dictated by any other person."

"In April, 1895, soldier applied for increase, asking that the examination be made at his home, but notwithstanding the history of the case and the conclusive opinions of physicians and medical boards who had examined this man, a medical examiner of the Pension Bureau disposed of the case in these words:

"The evidence mentioned does not warrant another medical examination looking to increase from \$36 to \$50 or \$72 per month for gunshot wound of left thigh, causing nervous prostration, for the reason that it does not show that claimant's helplessness is due entirely to said wound. He is shown by said testimony and medical certificates in the case to be suffering from mental impairment, which can not be accepted as a result of pensioned wound and results. Any nervous prostration arising from the wound appears to have disappeared."

"As a result of this opinion an examination was denied by the Bureau, under date of September 13, 1895.

"Comment is unnecessary on the medical statement upon which the action of the Bureau was based. It is well known to medical men of experience that mania frequently results from protracted nervous prostration, and there is not in the entire case a word or a sentence which justifies the statement that "any nervous prostration arising from the wound appears to have disappeared." On the contrary, it is conclusively shown that the nervous condition has steadily progressed, and is now more severe than ever before.

"Your committee are of the opinion that this case belongs to the class which, under the general laws, are entitled to \$72 per month. This bill asks that the pension be increased from \$36 to \$50, and we therefore report the bill back favorably, with a recommendation that it pass."

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. TALBERT. Mr. Chairman, I want to say just a word. I want this bill to pass. It is very strange to me, considering the condition of this old soldier, a private, perfectly helpless, with a helpless family around him, that these gentlemen come in and cut him down \$23 below what the law would allow him. I can not understand these things, but this simply shows again the hypocrisy of gentlemen on the other side.

Mr. PICKLER. We are not doing that. The gentleman states what is not true. [Cries of "Vote!" "Vote!"]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS M. SCOTT.

The next business on the Private Calendar was the bill (H. R. 6132) granting an increase of pension to Thomas M. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Scott, late Company H, Seventy-eighth Illinois Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of the pension which he is now receiving.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6132), granting an increase of pension to Thomas M. Scott, late Company H, Seventy-eighth Illinois Volunteer Infantry, having carefully examined the evidence relating thereto, respectfully submit the following report:

Said soldier served from September 1, 1862, to June 17, 1865, and was honorably discharged. He was virtually in command of his company as captain from September 20, 1863, to February 15, 1865, but could not muster for want of men.

The prisoner-of-war records show that he was captured February 15, 1865, at Seneca, S. C.; that he was paroled March 1, 1865, and reported at College Green Barracks, Md., March 7, 1865; that he was sent to Benton Barracks, Mo., March 8, 1865, and reported there March 14, 1865.

Under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he is considered by the War Department as commissioned to the grade of captain to take effect from March 20, 1865. He drew pay as captain from that date to June 17, 1865.

Both feet and ankles were seriously injured while he was a paroled prisoner, but a few days before he was mustered as captain, as per dates indicated above. He is now pensioned for those injuries at \$8 per month, but would have received \$20 per month if he had been mustered as captain.

Your committee believe that his service, the nature of his injuries, and his present physical and financial condition justly entitle him to an increase from \$8 to \$20 per month, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. PICKLER. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN, from the Committee of the Whole, reported that they had had under consideration sundry bills upon the Private Calendar and had directed him to report the same with various recommendations.

The hour of 10.30 p. m. having arrived, the Speaker pro tempore declared the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting, with recommendations in regard thereto, the draft of an act to amend the act excluding Chinese from this country, was taken from the Speaker's table and referred to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8332) to

establish certain harbor regulations for the District of Columbia, reported the same without amendment, accompanied by a report (No. 1578); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred House bill No. 4074, reported in lieu thereof a bill (H. R. 8616) for the relief of settlers on certain lands in Oklahoma, accompanied by a report (No. 1581); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2816) granting land to the Nashville Presbyterian Church, of Nashville, S. Dak., reported the same with amendment, accompanied by a report (No. 1586); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WOOD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6891) to amend section 1 of an act entitled "An act granting pensions to army nurses," approved August 5, 1892, reported the same with amendment, accompanied by a report (No. 1585); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHANY, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 8474) for the necessary and better protection of American labor and the enforcement of the law of domicile and the restriction of immigration to such a degree as will serve that end, reported the same with amendments, accompanied by a report (No. 1589); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, reported the same with amendment, accompanied by a report (No. 1590); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 935) for the relief of J. E. Gillingwaters. (Report No. 1568.)

The bill (H. R. 3325) to remove the charge of desertion from the service record of Alexander Warren. (Report No. 1569.)

The bill (H. R. 710) to remove charge of desertion against James A. Crouch. (Report No. 1570.)

The bill (H. R. 4742) removing the charge of desertion from the military record of James Murphy. (Report No. 1571.)

The bill (H. R. 936) for the relief of Henry Korzendorfer. (Report No. 1572.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 6009) to remove the charge of desertion from the military record of John D. Anderson. (Report No. 1573.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 3717) to remove the charge of desertion from the record of Peter Guia. (Report No. 1574.)

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 6385) to remove the charge of desertion against Carl F. W. Stolle, of Iron Ridge, Wis. (Report No. 1575.)

The bill (H. R. 4943) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirtieth New York Volunteer Infantry. (Report No. 1576.)

The bill (H. R. 1628) for the relief of Dewitt Eastman. (Report No. 1577.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (H. R. 589) to remove the charge of desertion from the military record of Joseph G. March, of U. S. S. *Galena*. (Report No. 1579.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 4379) for the relief of John H. Willis. (Report No. 1582.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 2045) entitled "An act granting a pension to Harriet R. Matlack." (Report No. 1583.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 836) entitled "An act for the relief of William J. Murray." (Report No. 1584.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 3898) granting a pension to Herbert W. Leach. (Report No. 1587.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash. (Report No. 1588.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 1793) for the relief of Michael Bassett. (Report No. 1591.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. MADDOX, from the Committee on Indian Affairs, reported adversely (Report No. 1580) the bill (H. R. 5) to pay to holders of Kaw or Kansas Indian scrip the balance due upon said scrip; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. WELLINGTON: A bill (H. R. 8612) to authorize the President of the United States to appoint and confer the rank of lieutenant, junior class, upon the instructor in swordsmanship at the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 8613) to amend chapter 67 of volume 23 of the Statutes at Large of the United States—to the Committee on Naval Affairs.

By Mr. PICKLER: A bill (H. R. 8614) donating condemned cannon and balls to the Department of the Grand Army of the Republic of South Dakota—to the Committee on Naval Affairs.

By Mr. CATRON: A bill (H. R. 8615) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887—to the Committee on the Territories.

By Mr. BANKHEAD: A bill (H. R. 8617) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of Kansas (by request): A bill (H. R. 8618) for raising additional revenue; for reestablishing, in the distribution of the burdens and benefits of government among the people, a condition of equity in its complex relation to the citizens and their prosperity; for creating a fund for the payment of pensions, and for setting our army of idle laborers at work on extensive public improvements; for removing the strongest incentive to crime among the poor and to vice among the rich; for protecting the American from the influx of undue alien competition, and for other purposes—to the Committee on Ways and Means.

By Mr. SHAW: A bill (H. R. 8619) for the establishment of a soldiers' home at Southern Pines, N. C.—to the Committee on Military Affairs.

Also, a bill (H. R. 8620) for the reestablishment of the United States Arsenal at Fayetteville, N. C.—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 8622) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: A concurrent resolution (House Con. Res. No. 45) providing for an investigation of the late purchase of seeds by the Department of Agriculture and of certain alleged statements of the Secretary and Assistant Secretary of that Department in regard to the conduct of Senators and Representatives in Congress—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8623) granting an increase of pension to Martin Funk, late of Company C, One hundred and forty-eighth Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8624) to remove the charge of desertion against the name of James Eagan, late of Company A, Fifty-ninth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BEACH: A bill (H. R. 8625) to relieve Samuel Schmitz from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 8626) to increase the pension of Col. H. N. Whitbeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8627) for increase of pension to Mrs. Esta Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8628) to relieve William H. Taylor from the charge of desertion—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 8629) to remove the charge of desertion against of John De Witt, late of Company D, Fifty-second Indiana Volunteer Infantry, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CLARDY: A bill (H. R. 8630) to correct the military record of Nathaniel L. Lightfoot—to the Committee on Military Affairs.

By Mr. COLSON: A bill (H. R. 8631) for the benefit of George W. Jolly—to the Committee on Claims.

Also, a bill (H. R. 8632) granting restoration of pension to George J. Polston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.—to the Committee on Invalid Pensions.

By Mr. HAGER: A bill (H. R. 8634) granting a pension to Mary Jane Crane—to the Committee on Pensions.

By Mr. HALTERMAN: A bill (H. R. 8635) granting a pension of \$20 per month to Eleanor M. Laise—to the Committee on Pensions.

By Mr. MEREDITH: A bill (H. R. 8636) for the relief of Alphonso M. Potvin, late of Colon, Republic of Colombia—to the Committee on Claims.

By Mr. MOODY: A bill (H. R. 8637) granting a pension to Elizabeth B. Manning—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 8638) for the relief of Patrick G. Meath—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8639) granting a pension to Matilda A. Higgins—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 8640) to increase the pension of Mrs. Rebecca S. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8641) to pension Michael McAndrew—to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 8642) for the relief of H. R. Bryan, of Craven County, N. C.—to the Committee on War Claims.

By Mr. STAHL: A bill (H. R. 8643) to increase the pension of Capt. Hiram S. McNair, Third Maryland Cavalry—to the Committee on Invalid Pensions.

By Mr. WALKER of Virginia: A bill (H. R. 8644) for the relief of Waller R. Staples, jr.—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8645) to refer the claim of Kennon H. Steger to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 8646) for the relief of the heirs of Dr. Andrew Moore—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of citizens of Lock Haven, Pa., to accompany House bill No. 7935, for the relief of Capt. C. Wilson Walker—to the Committee on Military Affairs.

By Mr. BABCOCK: Petition of H. P. Proctor and 20 others, of Viroqua, Wis., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER of Kansas: Petition of Percy Daniels, of Crawfordville, Ind., to accompany House bill for raising additional revenue, for reestablishing the distribution of the burdens and benefits of government, and other purposes—to the Committee on Ways and Means.

By Mr. BULL: Petition of citizens of Providence, R. I., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany House concurrent resolution No. 44, to print 5,000 copies of the report on "The proposed American interoceanic canal in its commercial aspects"—to the Committee on Printing.

By Mr. COOPER of Wisconsin: Petition and remonstrance of citizens of Kenosha County, Wis., against the statue of Pere Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. GROSVENOR: Petition of Rev. John W. Young and others, of the State of Ohio, for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on War Claims.

By Mr. HULICK: Petition of G. W. McMurch, J. & H. Glasceens, and other citizens of New Richmond, Ohio, asking for the passage of the pending bankruptcy bill—to the Committee on the Judiciary.

Also, petition of citizens of Lebanon, Ohio, in favor of the passage of House bill No. 4566, relating to second-class mail matter and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of North Dakota: Petition of 3,049 citizens of the State of North Dakota, in favor of the Denny bill or some similar measure forbidding the issuance of Federal licenses in prohibition States—to the Committee on Ways and Means.

By Mr. MADDOX: Petition of citizens of Cartersville, Ga., for

favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Remonstrances and petitions of Charles Ploetz and 15 other citizens of Milwaukee, Wis., regarding the Marquette statue—to the Committee on the Library.

By Mr. QUIGG: Petition of Abraham Lincoln Council, No. 6, Union Veteran Protective Association, of New York; also petition of John E. Land and others, of New York City, praying for the passage of a law giving \$8 per month to every soldier who served ninety days in the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of Michael McAndrew, late of the United States Navy on board of the *Wamsutta*, *Mercedita*, *Chenango*, and *Banshee*, for pension by special act, to accompany House bill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase the pension of Mrs. Rebecca S. Foster—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: Petition of L. Franc & Co. and several other business firms of Toledo, Ohio, asking for the passage of a joint resolution of Hon. J. H. BROWELL, relative to shortening the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. TURNER of Georgia: Preamble and resolutions of a town meeting at Dublin, Ga., of which W. S. Ramsey was chairman and F. C. Black secretary, relating to the case of A. J. Diaz, of Habana—to the Committee on Foreign Affairs.

SENATE.

SATURDAY, May 2, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HALE. I ask that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. HALE. I will take this occasion to state that in view of the agreement which was made yesterday that to-day should be devoted to finishing the naval appropriation bill, and as there are several Senators who desire to submit amendments and make remarks upon them, I shall be obliged to resist any request for unanimous consent to take up other measures, and immediately after the routine morning business is disposed of I shall ask the Senate to proceed with the naval appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. PEPPER. What is the request of the Senator from Maine?

The VICE-PRESIDENT. To dispense with the further reading of the Journal. The Chair hears no objection, and the further reading is dispensed with.

EMPLOYEES OF THE GOVERNMENT PRINTING OFFICE.

The VICE-PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, in response to a resolution of April 20, 1896, a statement of the amount of leave money claimed to be due to employees of the Government Printing Office for the fiscal year 1892 and 1893; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 515) granting a pension to William Grose was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the petition of John A. Wineberger and 12 other citizens of the District of Columbia, praying that an appropriation be made for grading and regulating Illinois avenue, in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. GALLINGER presented a petition of J. H. Danseur Post, No. 104, Department of Indiana, Grand Army of the Republic, of Lagrange, Ind., signed by J. J. Cookingham, commander, E. M. Hutchingson, adjutant, and H. M. Kromer, senior vice-commander, praying for the enactment of a service-pension law; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of Local Union, No. 2, United Brotherhood of Carpenters and Joiners, of Cincinnati, Ohio, praying for the free coinage of silver; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Manufacturers and Producers' Association of California, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. HANSBROUGH presented a petition of the members of the Turtle Mountain band of Chippewa Indians of North Dakota, praying for a speedy ratification of the agreement entered into October 22, 1892, between them and the commissioners appointed under the Indian appropriation act of July 13, 1892; which was referred to the Committee on Indian Affairs, and ordered to be printed as a document.

Mr. CALL. I present a paper addressed to me in the nature of a petition by the Fort Brook Cooperative Association of Tampa, Fla., relative to their claims as settlers upon the abandoned Fort Brook Military Reservation. I ask that the substance of the petition and the names attached to it may be inserted in the RECORD, and that the paper may be referred to the Committee on Public Lands.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Is there objection to the request of the Senator from Florida?

Mr. HAWLEY. I object temporarily.

The PRESIDING OFFICER. Objection is made by the Senator from Connecticut.

Mr. HAWLEY. Will the Senator from Florida state how long the paper is?

Mr. CALL. It is very short. It refers to a question of the right of certain settlers upon what were public lands immediately adjacent to the town of Tampa.

Mr. HAWLEY. I do not see why on earth that should pad the RECORD, which is already so big that it takes a pair of oxen to carry away the bound volumes at the end of a Congress.

Mr. CALL. I will not occupy time further than to state that a large number of very poor people are greatly concerned in this matter, and they would be very much gratified if the facts in the case could be made known to Senators by having them appear in the RECORD. That is all there is about it.

Mr. HAWLEY. It will be cheaper to print 500 copies of the paper as a document than to print it in the RECORD.

The PRESIDING OFFICER. The Chair understands objection is made to the request of the Senator from Florida by the Senator from Connecticut.

Mr. HAWLEY. I do not object to printing the paper as a document for distribution.

Mr. CALL. Then I ask that it be printed as a miscellaneous document.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection. The petition will be referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896.

The message also announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure; and

A joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

REPORTS OF COMMITTEES.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2778) to grant permits for the laying of pipe lines for commercial purposes in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3011) for the relief of Nicolai Bros.; which was read twice by its title.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment, authorizing the Commissioners of the District of Columbia to permit the erection of telephone poles in the public streets, etc., in the District of Columbia, outside of the city of Washington, intended to be proposed to the District of

Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2626) to amend the laws relating to American seamen, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2898) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa., reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3012) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District, belonging to insane persons, for purpose of reinvestment, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BLACKBURN introduced a bill (S. 3013) to change the pay and rating of machinists in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PRITCHARD introduced a bill (S. 3014) for the establishment of a soldiers' home at Southern Pines, N. C.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 3015) for the relief of Henry F. Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MITCHELL of Oregon introduced a bill (S. 3016) for the relief of Col. George H. Mendell, Corps of Engineers, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 3017) granting a pension to Rebecca Waldron; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3018) for the relief of Benjamin F. Smoot; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3019) to remove the charge of desertion from the name of George W. Adams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 3020) granting a pension to W. L. Faxon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 3021) granting a pension to Henry Walters; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3022) granting a pension to Philander Samples; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3023) granting an increase of pension to Isaac E. Boothe; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3024) granting an increase of pension to John Wood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3025) granting an increase of pension to John C. Mitchel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3026) granting an increase of pension to Marshall H. Blodgett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3027) granting an increase of pension to Dudley Ashton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3028) granting an increase of pension to Henry J. Huston; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3029) granting an increase of pension to Erastus C. Evans; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3030) granting an increase of pension to Erastus F. Phelps; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3031) granting an increase of pension to Gerhard Shoemaker; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

WAR IN CUBA.

Mr. MILLS. I move that the joint resolution (S. R. 109) directing the President of the United States to request the Government of Spain to grant to the people of Cuba the power of local self-government, and in case the Government of Spain shall refuse, to take possession of the Island of Cuba and hold it until its inhabitants can institute such government as they may wish, and organize and arm such forces as may be necessary to support it, introduced by me March 23, 1896, be taken from the Calendar and referred to the Committee on Foreign Relations.

The motion was agreed to.

PRICES OF ARMOR FOR NAVAL VESSELS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Committee on Naval Affairs 100 copies of the testimony taken by that committee in relation to prices paid for armor for vessels of the Navy.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury, was read twice by its title, and referred to the Select Committee on International Expositions.

NAVAL APPROPRIATION BILL.

Mr. GORDON. Mr. President, I have no morning business to present, but if the morning business is over I ask the Senate—

Mr. HALE. Let me say to the Senator from Georgia and to other Senators that yesterday by unanimous consent it was agreed that immediately after the routine business was concluded this morning the naval appropriation bill should be taken up.

Mr. GORDON. I beg pardon, I was not aware of it.

Mr. HALE. I have not any right to yield. I ask that the naval appropriation bill be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

Mr. CHANDLER. I ask the Senator from Maine, as I may be called away from the Senate, if there is any objection to allowing the amendment to be voted on which I offered the other day about the examination of a system of propulsion?

Mr. HALE. Not in the least.

Mr. CHANDLER. I have one other amendment that perhaps may be best disposed of at this time.

The VICE-PRESIDENT. The amendment of the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to add at the end of the bill, as an additional section:

Sec. — That the Secretary of the Navy is hereby directed to examine, through a board composed of line and staff officers, into the merits of any system presented for the propulsion of vessels by direct action against the water without the use of screws, in comparison with the steam engine and the propeller, and into the relative efficiency of the two methods as to displacement, waste of fuel, liability to accidents, and speed and endurance, and also into the applicability and special advantages of the direct system in connection with torpedo boats and coast-defense vessels.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. HAWLEY. That is not a new idea. Actual experiments have been made and deliberate conclusions published. I should like to know from the Senator from New Hampshire whether there is any new light, any invention that promises any improvement in that process.

Mr. CHANDLER. Such has been called to my attention, otherwise I would not have offered the amendment. The dream, I suppose, of marine architects is to have some method of propulsion without engines and propellers. This is a plan for exploding combustible material in cylinders located lengthwise on the ship directly against the water. Very remarkable results have been produced by various methods of applying that principle. One that was called to my attention certainly gives great promise of success. I can hardly conceive that there can be any objection to calling the attention of the Secretary specially to the matter.

Mr. HAWLEY. It is not, then, the old scheme of projecting steam directly against the water?

Mr. CHANDLER. Not with steam, but the process is more like the use of a gas engine.

Mr. HAWLEY. Throwing the gas against the water?

Mr. CHANDLER. By the explosion of gas at the end of cylinders against the water in the stern of the ship, and sending the ship ahead in that way.

Mr. HAWLEY. It is not worth while to say nowadays that anything can not be done. It can do no hurt.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. CHANDLER. In behalf of the Senator from Michigan [Mr. McMillan] and the Committee on Naval Affairs, I offer the clause I send to the desk as a substitute for the present provision in the bill as to the Naval Militia.

The VICE-PRESIDENT. The amendment will be stated.

Mr. GORMAN. What has become of the amendment already pending?

Mr. CHANDLER. The Senator from Maine is allowing me to offer these amendments while we are waiting.

Mr. HALE. The Senator from New Hampshire stated that he wanted action on the amendment which has just been adopted. I did not know he had more than one amendment.

Mr. CHANDLER. Let the amendment I now propose be read, if the Senator has no objection.

Mr. GORMAN. Under the general agreement debate closes at 2 or half past 2; I see it is 2 by the RECORD, and there are at least two important amendments to be acted upon, on which there will be debate.

Mr. HALE. I think there is great force in what the Senator from Maryland says. There will be an opportunity for putting in amendments under the five-minute rule, and I do not think that Senators ought to consume the time before 2 o'clock upon matters of that sort. The Senator from New Hampshire will be back in time, I understand.

Mr. CHANDLER. I would not have asked it if I had supposed that any one was ready to speak. I withdraw the amendment for the present.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. HALE. I think we can now dispose of the torpedo amendment, and then the Senator from New Hampshire [Mr. GALLINGER] will have an opportunity to address the Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER], which was pending at the time of adjournment yesterday.

Mr. HALE. Let it be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 50, after line 24, strike out all of the bill down to and including the word "dollars," in line 4, on page 51, and insert:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots, and torpedo boats with a minimum speed of 26 knots, 20 in number, to cost in all, exclusive of armament, not exceeding \$4,000,000.

Mr. GORMAN. Mr. President, I trust this amendment will not be agreed to. The bill as it came from the other House provided for 5 torpedo boats, the speed not to be less than 26 knots, for which there was appropriated \$875,000, and 10 torpedo boats, not to exceed in all \$800,000. The Senate committee proposed to strike out the 5 torpedo boats of 26 knots, and insert 3 torpedo boats of not less than 30 knots, and 10 torpedo boats the cost in all not to exceed \$500,000. In addition to that there is a provision for 2 submarine torpedo boats known as the Holland type, proposed by the Committee on Appropriations, the cost not to exceed \$175,000 each. This would make in the aggregate about \$1,500,000 for torpedo boats, as the Committee on Appropriations reported the bill, giving the Navy vessels of faster speed and larger than those proposed in the bill as it came from the other House. I think under the present condition of affairs this is ample. Six months ago nobody in this country would have proposed constructing one of these torpedo boats to run 30 knots an hour, and it is only a suggestion now, or an offer by the builders that possibly they can accomplish it. As to the boats of 25 or 26 knots, they may be of use, and probably will be useful, but at the same time if we can construct them at 30 and 32 knots hereafter, the 25 or 26 knot boats will be of comparatively little use.

The amount involved in this appropriation, \$4,000,000, as is proposed by the Senator from New Hampshire, if the Department sees proper to do so, would be expended within one year and a half, for probably it would not require longer than eighteen months to construct these torpedo boats. So the direct charge on the Treasury by the amendment proposed by the distinguished Senator from New Hampshire would be greater than if we appropriated \$4,000,000 for another battle ship.

In addition to that, these boats can be used practically, as the Secretary of the Navy says, only for harbor defense and near the

harbor. They can not go to sea. On the other side they have tried the experiment, and found that men could not live very well on board of them when they were out. I think we have made an ample provision, probably greater than the requirements of the service. In fact, the Secretary of the Navy only estimated for 10 or 12. By the bill as reported from the Committee on Appropriations it is proposed to give all in number that the Secretary has himself suggested.

Besides, the boat that is being constructed of the Holland type, of which we have provided that he may contract for two more at \$175,000 if the one that is now being built is a success, and only on that condition, will in all probability revolutionize the whole construction of these boats not only here, but all over the world. As the Secretary and other officers of the Department stated to the committee, it is a boat that goes under the water. They believe that they have about perfected an arrangement by which, while they are down under the water 10 or 12 feet, by two small instruments run up from the boat, they can not only ascertain their bearings, but actually see whatever war vessel is in front of them. It is in the experimental stage yet, but they have confidence in producing that result, and if they do, then there is an entire revolution in the whole construction of these vessels, and the type that is now talked about would be obsolete and of no use.

I think we have given the Department a sufficient amount of money for this purpose. As I said before on the main amendment, I do not believe that the condition of the Treasury is such as to warrant this expenditure. I think it is all wrong to place so much money in the hands of any officer of the Government when we are in this experimental stage.

It is a fact stated by the Secretary that no torpedo boat yet has ever sunk a great war ship except when she was at anchor. I have no doubt of the utility and the necessity of having some torpedo boats, but I suggest to the Senate that we are going too rapidly in this matter, more rapidly than the service demands or than prudence demands.

I therefore trust that the amendment will not be adopted. I shall call for the yeas and nays upon agreeing to it.

Mr. CHANDLER. Mr. President, I regret that the distinguished Senator from Maryland, who has never shown any unwillingness to make reasonable progress in the construction of the new Navy, should oppose the provision for additional torpedo boats, made advisable, as I think, because the provision for two of the battle ships has been stricken out. There has been saved, by striking out the two battle ships, \$10,600,000. The bill as it came from the Committee on Appropriations provided for 5 torpedo boats at \$875,000, and 10 torpedo boats at \$800,000, at a total cost for torpedo boats of \$1,675,000. Those provisions are stricken out by my amendment and 20 torpedo boats substituted. There is a saving by striking out the 2 battle ships and the 15 torpedo boats of \$12,275,000, and there is substituted 20 torpedo boats of the two classes, at \$4,000,000, making a net saving of \$8,275,000. I submit to the Senator from Maryland that he ought to be satisfied with that. I suppose the Senator from Maryland has not overlooked the fact that my amendment only increases the number of torpedo boats over that provided by the House from 15 to 20. It increases the number only 5. But it does increase, and here is the point, the discretion in the Secretary of the Navy to build larger boats, by giving him an appropriation of \$4,000,000.

Mr. President, I am not in favor of limiting the head of the Navy Department (acting presumably in questions of this great moment by the advice of the President) too much in matters of detail. I think we have been in the habit of too strictly defining what the Navy and Army expenditures shall be. I for one have been at all times ready to appropriate \$10,000,000 a year for improving the fortifications of the country in accordance with the recommendation of the Endicott Board, and I have been willing to appropriate money by the millions, not exceeding eight or ten million dollars a year, for new constructions, to be expended largely in the discretion of the executive officers of the Government, for the increase of the Navy. I believe that is the practice in England. When additional navy appropriations are called for a credit is asked for the navy. Undoubtedly the law indicates in a general way what the expenditures are to be for, but a very much larger discretion is given to the executive officers engaged in the construction of the vessels of foreign countries than we have been in the habit of giving here.

I do not sympathize with the feeling of the Senator from Maryland that too much discretion is about to be given by this bill to the present Secretary of the Navy. He is not the Secretary of my party; I have had no relations with him other than those of a formal character; but I am prepared to bear testimony in a general way to his ability, fidelity, zeal, and discretion as Secretary of the Navy during the last three years. I have very little criticism to make of his conduct of the Navy Department. I am glad to say that with one or two exceptions there has been nonpartisanship manifested during the last twelve years in the reconstruction of the Navy.

I do not even consider the Senator from Maryland to blame for the introduction of so much political-financial discussion as has been introduced in the debate upon this bill at the present session, but I think that, dealing generally with this subject, we ought to give the Secretary of the Navy \$4,000,000 with which to build torpedo gunboats, torpedo-boat destroyers, and torpedo boats. I think, instead of the House provision, we had better say to him, "Take \$4,000,000 and build 20 torpedo gunboats, torpedo-boat destroyers, and torpedo boats, and so apportion the price as to get 20 boats for that money; but in all cases get vessels of the larger size that are capable of 30 knots' speed, and vessels of the smaller size that are capable of 26 knots' speed."

If the amendment is not properly drawn, if it needs to be altered in any way, the alteration can be made in the committee of conference, which of necessity must revise the language of all the various amendments that are made in the Senate in connection with the text of the bill as it passed the other House.

Mr. BACON. Before the Senator from New Hampshire takes his seat I desire to make an inquiry of him for the information of myself and of the Senate. On page 52 there is provision made for the construction of certain submarine torpedo boats of the Holland type, if the one now being constructed in Baltimore shall prove to be a success. The question that I desire to ask the Senator from New Hampshire is, whether, in case the submarine boat of the Holland type shall prove to be a success, it will supersede the torpedo boats of the type of the 20 which are included in his amendment, or whether it is true that, even if the submarine torpedo boat of the Holland type shall prove to be a success, there will still be need for both the type of boats provided for in his amendment and also for boats of the Holland type?

I make the inquiry because it is a matter upon which I myself am not informed, and I think, in view of the suggestion of the Senator from Maryland, it is a point on which the Senate should be definitely informed. If it is true that the success of the torpedo boat of the Holland type will cause the torpedo boat of the present type to be superseded, to be obsolete, to be of no value, then I think the point made by the Senator from Maryland is well taken. But if, on the contrary, there is still an office for each to perform, we might go forward, I think, without fear of overdoing the matter.

Mr. CHANDLER. The Senator from Georgia was present in the room of the Committee on Naval Affairs when the parties interested in and familiar with the Holland boat were before the committee. He knows all about it that I know. The nations of the world are trying to devise a submarine boat, a torpedo boat that can dive under water and approach the great battle ships of an enemy and destroy them. The whole business is experimental, as the Senator knows very well, and it is a matter of very great doubt whether a submarine torpedo boat can be made a success. If it could be made a success and be put into use within a certain sphere it does not by any means follow that it will supersede the torpedo boats, especially the larger-sized torpedo boats. If the Senator asks for my opinion I should say that even if we are to have the three torpedo boats of the Holland type we still ought to have the 20 torpedo gunboats, torpedo-boat destroyers, and torpedo boats not of the submarine type, proposed by my amendment, and even more of them. That is my judgment.

Senators will notice that the two additional boats are not to be built unless the Holland boat now under construction proves an unqualified success. I very much doubt whether those two boats will be built, but I do not think that from the authorization given for them any argument is to be derived against the construction of the regular torpedo boats to move above water, such as are now being constructed by all the nations of the world.

Mr. BACON. I was, as the Senator has suggested, present when the plan of the Holland torpedo boat was explained to the committee. I believe I am correct in the recollection that there was no claim for it that it was possible to secure for that boat any such speed as is provided shall be one of the features of these proposed torpedo boats.

Mr. CHANDLER. I thank the Senator from Georgia for calling that fact to my attention. But the Senator will remember the point was also developed that if you can get a torpedo boat which can go down under water and move without the enemy discovering it, it is not material whether when under water it moves 8 or 10 knots an hour or 20 knots an hour, it will move stealthily and it will reach the battle ship without being discovered, while if it is above water it is liable to be discovered, and therefore it should be so fleet that not even a battle ship should be able to escape from it.

Mr. President, I do not intend to speak on this subject at great length, but I do intend to call the attention of Senators to the fact that a battle ship costs \$5,300,000 according to the present estimates, and we can build 20 torpedo boats for less than the cost of one battle ship. One of the battle ships involves a vast amount of money. When she goes to sea she carries four or five hundred lives on her, and by striking a rock or by coming in contact with a torpedo of the enemy she is liable to wholly disappear and be

lost to the Government, whereas for this sum of money we can put four or five torpedo boats into each one of the principal harbors of the country; we can do it within a year and a half or two years, and then, I say, we shall have secured better harbor defense, harbor defense more to be feared, for a smaller sum of money than we can possibly obtain in any other way.

Mr. FRYE. I wish to ask the Senator a question before he sits down, if he pleases. If these boats are provided for in the bill I suppose the building of them must be let to the lowest bidder?

Mr. CHANDLER. That is the intention.

Mr. FRYE. Suppose they should all be contracted for on the Atlantic Coast, then there would be no torpedo boats for the Pacific Coast at all, and the Pacific Coast certainly needs some as much as the Atlantic Coast.

Mr. HALE. If the Senator from New Hampshire will permit me, I will state that it is proposed, if this provision goes through, that other amendments will be put in afterwards covering that point.

Mr. FRYE. So that a portion shall be built on the Pacific Coast?

Mr. HALE. Yes.

Mr. CHANDLER. There is such an amendment now pending (I do not know whether it has been agreed to or not), providing that a certain portion shall be built on the Pacific Coast. It is to come in on page 51.

Mr. FRYE. That is all right, then. That is what I wanted to know.

Mr. HAWLEY. The idea of propelling offensive boats under water and out of sight is by no means new. A young graduate of Yale College, Connecticut, during the Revolution, Mr. Bushnell, committed his own life to one on one occasion. The boat was used, and in one case it hit not the ship aimed at but destroyed a transport somewhere in the rear. Other experiments were afterwards made abroad and here, and it has been a dream of inventors from that time to this day. Perhaps we have found it now; I do not know. I have my serious doubts as to the speed and efficacy of that class of boats. The Senator from New Hampshire will perhaps correct me, for he may have looked at the facts more recently, but I think the Holland boat does not entirely disappear. I observe in the drawings of it a smokestack standing at some distance above the water. That can not be a picture of the boat when it is supposed to be submerged.

Mr. CHANDLER. It can be completely submerged. The tube of which the Senator speaks remains above water for a time, but it can be submerged and the boat, supplied with air for a certain time, can move entirely under water.

Mr. HAWLEY. But how is the escape of gas or air or steam to be kept from the sight of the enemy as it bubbles up? It would be a small volcano.

Mr. CHANDLER. When the boat takes a complete dive and disappears the fires are all put out; it is propelled by compressed air, and the crew breathe from air reservoirs.

Mr. HAWLEY. But the fires can not well be put out without making very serious trouble on board the boat.

Mr. CHANDLER. If the Senator had seen the diagram and heard the explanation he would have found that all the points he is anxious about are carefully covered and with success, as the builders of the boat contend. They are so far solved that we are already paying for the construction of the Holland boat.

Mr. HAWLEY. I make no objection. I hope the thing will succeed. But the other kinds undoubtedly can be built. There is probably no method by which an equal quantity of offensive and defensive force can be so speedily supplied as by the building of these torpedo boats. I think the Senator's amendment is a perfectly wise one, especially after the immense reduction of \$12,000,000 by reducing the number of battle ships.

The example of Great Britain in building a navy is not referred to with the idea of commending it entirely to us, for Great Britain's problem is very different from ours. She has an unceasing and eternal policy of aggression, and is also under the necessity of immense expenditures to defend what she has already seized in all quarters of the globe. An enormous fleet, such as she is now struggling to maintain and to create in addition, are a life necessity for her. We are aiming only at a reasonable policy of self-defense, for we do not contemplate aggression upon warlike neighbors or upon peaceful countries for the purpose of possession.

It is instructive as to what the opinion of the wisest men in this matter is as shown by Great Britain. She has 189 torpedo boats in service and is building 62 more. This shows that the nation whose absolute existence depends upon naval power thinks it wise to supply a very large number of these boats. I am willing to vote for at least 20 or 30 now, and for more next year.

Mr. WOLCOTT. Mr. President, I have ceased to be surprised at the scope and character of the amendments which have been made respecting this bill and the suggestions which have been

made in connection with it. I therefore failed to be somewhat astounded, as I ordinarily would be, at the indorsement which the Senator from New Hampshire [Mr. CHANDLER] gives to the present Secretary of the Navy. It follows very close upon the indorsement by the Senator from Ohio [Mr. SHERMAN] of the Secretary of the Treasury, and it looks as if we were about to have the spectacle presented of an indorsement by this side of the Chamber of the members of the existing Cabinet and their repudiation by the Senators on the other side.

Mr. HAWLEY. If the Senator will pardon me one remark, in indorsing the policy of the present Secretary of the Navy it is an indorsement of the Republican policy. It was begun years ago under Republican administration.

Mr. WOLCOTT. The amendment suggested by the Senator from New Hampshire certainly seems to me rather curiously prepared. I do not wish to suggest that it has been prepared in undue haste, but it certainly does not seem to me to present an intelligent problem to the Senate. We have a Secretary of the Navy who estimated and recommended 13 additional torpedo boats, 3 to have a maximum speed of 30 miles, 10 without a maximum speed designated, and 2 submarine torpedo boats, if submarine torpedo boats should be a success. The Secretary estimated that the 3 torpedo boats which should have the maximum speed of 30 miles, or practically beyond which, I take it, we can not hope to go as present inventions stand, were to cost \$175,000 each. The 10 torpedo boats to be constructed in such manner as to the Department should seem wise were to cost \$80,000 each. The 2 additional submarine torpedo boats, if submarine torpedo boats should be a success, were to cost \$175,000 each. That makes \$1,675,000 for 15 torpedo boats.

Now, the Senator from New Hampshire comes in and yesterday morning he had an amendment to appropriate four and a half million dollars for 30 boats in all, which would add 15. He changed it in the twinkling of an eye yesterday to \$4,000,000 for 20 boats altogether, so that, without an estimate, without a careful investigation by any committee here, we are asked to appropriate \$2,325,000 for 5 torpedo boats, provided the estimate of the Secretary of the Navy was intelligently made. He wanted 10 boats, to cost \$80,000 apiece, to have such speed as he should think best. He wanted 3 torpedo boats that would cost \$175,000 each, to have a maximum speed of 30 knots.

Mr. CHANDLER. Will the Senator from Colorado allow me to interrupt him?

Mr. WOLCOTT. Yes.

Mr. CHANDLER. The Senator's mistake is here. The original bill provided for a speed of only 26 knots for the 3 boats. Thirty knots is the proposition proposed to be inserted by the committee.

Mr. WOLCOTT. Very well.

Mr. CHANDLER. The Senator does not wish to do me an injustice—

Mr. WOLCOTT. Oh, certainly not.

Mr. CHANDLER. The point is that the original boats were not sufficiently large and had not sufficient speed, and the additional money is necessary to cover the increase in those respects.

Mr. WOLCOTT. The Senator from New Hampshire knows very well that I do not wish for a moment to misquote him, but he must assume that the Secretary of the Navy knew what he was about; and he wanted 10 boats to cost \$80,000 apiece, and he wanted 3 boats to cost \$175,000 each; he wanted 2 submarine boats to cost \$175,000 each.

Now comes the Senator from New Hampshire, and he says, "We know a great deal better than the Secretary of the Navy what he wants. This is not what he wants at all. What he wants is 20 boats, to build them as he likes." And although the Secretary of the Navy has put himself on record as wanting these boats at this speed, now the Senator from New Hampshire proposes to pour into his lap during this financial condition of our country an additional \$2,325,000 with which he is authorized to build 5 additional torpedo boats. I do not wish to stand in the way—there is no Senator on this floor who does—of any legitimate and necessary appropriation. I was very much impressed by the argument of the Senator from Maryland [Mr. GORMAN], who showed us yesterday and the day before that this country is gradually drifting into a condition of insolvency. I was impressed by the warning words on this side of the Chamber that every instinct of patriotism should prompt us to limit the expenses of the Government to its absolute necessities until we have revenue enough to pay its running expenses.

The Senator from New Hampshire says to the Senator from Maryland, "It is true you have made a great saving; you have saved us \$10,000,000." We are already spending lavishly. We are building two battle ships, which the Senator from New Hampshire tells us are liable to be run into and sunk any day by torpedo boats. Nevertheless, we are building two, and now we are asked, in the face of our present financial condition, to appropriate \$4,000,000 for additional torpedo boats, with seven torpedo

boats now on the stocks and not yet launched. And the Senator from New Hampshire says to the Senator from Maryland, "You have saved us \$10,000,000." Now, we will just take out \$2,000,000, \$4,000,000 in all for torpedo boats; and then the delightful spectacle is presented to the country of the Senator from Maryland having saved us \$8,000,000.

If it be a fact that the Government during the present Administration has issued \$262,000,000 of its obligations; if it is true, and no Senator on this floor has presumed to deny it, that the Government has run behind in its expenditures over its receipts during this Administration \$139,000,000; if it be true, and no Senator has ventured to dispute it, that this country is marching on to the issue of additional bonds and that no power under heaven can stop it, then I ask what spirit of patriotism can animate us if we put upon the necks of the people interest-bearing securities that we may build 20 additional torpedo boats to cruise around our harbors?

Mr. President, if bonds are to be issued year after year what need have we of torpedo boats? Our country will present no glittering attractions to other countries. We will have enough to do to sustain the people, overtaxed and overburdened, who live within our own boundaries. No, Mr. President, our love of display and the spirit of competition will not justify this expenditure, for which the people must pay in added burdens year after year. If any Senator will tell me that every dollar we put into new ships does not mean the absolute certainty of additional bonds saddled on the people of the United States, I shall be glad to sink my individual judgment and to vote for additional boats. But if that be a fact, Mr. President, then I say that every instinct of patriotism as well as every duty of statesmanship requires us to forego something of our national vanity and to let our ships, already creditable, stand as a sufficient Navy until the Government is put back upon a paying basis where its receipts equal its expenditures.

Mr. President, this country is reasonably safe. We have been indulging in great hopes of conquest and, it inevitably follows, the construction of an enormous Navy. It was the theory of this Government that we were strong in peace; that we were a united and a happy and a prosperous people; that we interfered not in the affairs of our neighbors; that we proposed to protect our own integrity and our own autonomy at all hazards and under all circumstances, but that we would not interfere in the concerns of our neighbors. Our ships were to be used for purposes of discovery and for the spread of peaceful commerce. That was the theory upon which our Navy was constructed. Every additional warship, every additional cruiser, every additional battle ship but inspires the natural and inevitable love of competition in the minds of a free and progressive people, and is sure to instill the desire that we engage in some war of conquest or aggression in order that we may show that our ships are as strong and as able and our seamen as brave as those of any other nation whose ships sail the sea.

The unfortunate incident as to Venezuela seems for the moment to promise peaceful solution. The wise policy which the Administration appears to have pursued up to this time has apparently avoided the danger of any immediate collision with Spain. The Maybrick incident revived by a resolution solemnly offered in this Senate calling for her release seems to have passed without threatening danger of war, and under these circumstances it occurs to me that with 2 battle ships appropriated for, 7 torpedo boats on the stocks that have not yet been launched, and a bill reported by the committee containing provision for 15 additional torpedo boats, we can get along without 5 additional torpedo boats which are to require the issuance of Government bonds to the extent of \$4,000,000 to pay for them.

Mr. HAWLEY. Mr. President, I think there is no danger that this nation will embark on a policy of aggression and conquest. I do not recall a single person entitled to be called a statesman or ambitious to be a statesman who supposes it to be possible to lead our people into such a course of action. There is no country which we desire to seize and annex. A large part of what we have annexed from foreign countries during our history has been paid for in hard cash, even though we had first whipped the enemy.

But it is absolutely ludicrous to talk about our undertaking a war of aggression against naval powers, either with the Navy we have now or with one that is proposed by anybody. It is because we wish to make a reasonable attempt to guard our own shores, and to be able to repel, to delay, attack by hostile fleets that we desire a Navy, for the Navy is the outer guard that can delay the advance of transports and other ships coming to us until the various forts can be put in the best possible condition of defense.

Just now I say we are shamefully deficient in that which belongs to a nation of our power and with our enormous seacoast. I hear again and again the idea advanced that we are under no necessity whatever of providing ourselves with additional defenses, or that "an expenditure of five or ten or fifteen million dollars is foolishly extravagant." It is said that "nobody wants to attack

us. Nobody will make war on us. We are safe. Our defense is in the hearts of the people," as if the heart were not an organ particularly susceptible to injury. The good will, the valor of a million unarmed, untrained men without great guns on the coasts and without fleets are nothing. I repeat, as I have quoted heretofore, what Wellington said, that such a people are only food for cannon. The Senator says are we going on for a series of years with a deficient revenue and continually running in debt and issuing bonds. He seems to contemplate a continuance of Democratic Administration.

Mr. WOLCOTT. No. Let me tell the Senator what I do fear, a continuance of gold monometallism, which is even more disastrous to the country. I should like to ask the Senator while he is on his feet if he knows how many millions this bill appropriates, and if in his opinion additional torpedo boats will not require the issuance and sale of Government bonds to pay for them?

Mr. HAWLEY. I do not know just how soon they may be built or when the Secretary of the Navy may think it wise to avail himself of the power to make the contracts and payments. But if he will make the day of payment some eighteen months hence I have strong hopes that we will have laws that will soon provide a surplus and a reduction of the debts we have already incurred.

The pretense that we are in no danger is provoking and aggravating. You gentlemen know that eighty-four years ago to-day a British admiral and a British general took seats in the House of Representatives and put to a vote before a mob of British soldiers the question whether this harbor of Yankee democracy should not be burned, and the Capitol was burned and many other buildings—indeed, all the prominent offices of the Government. The dockyard was burned to save it from the enemy. The navy-yard was burned, the War Office was burned, the Treasury was burned, the White House was burned, the ropewalk was burned, and various buildings that might be supposed to be useful and many private houses were burned. The "hearts" of the people that were to defend the country ran through this town, as ordered by the general commanding—before firing a shot in the suburbs of the city—and retreated through Washington and Georgetown; and the best that General Winder, in command of the forces, could do was to suggest that they should fill the windows of the Capitol with rifle-men, and the others should stand out and shoot a while. But he got scared before the firing and ordered a retreat.

Just where the President of the United States spent that day history does not tell us; but at night his wife, who almost alone of all the people in Washington gained real glory on that day, met him on the shore of the river, where a boat was ready, and it took them over to Virginia. They found a refuge in some country hotel. They abandoned that and hid in the woods. Is it possible for imagination to conceive of deeper national degradation than all that? And yet three or four or five days before the troops were here members of the Cabinet said there was no danger, that Cockburn and his officers were not after Washington, which was a mere provincial village, and that Baltimore was the object of attack.

I do not dwell upon the details. A half hour might profitably be spent in showing the gentlemen who think we are always ready to repulse any enemy how wretchedly and ignominiously we failed then. Four thousand regular troops would have prevented that calamity. We had 6,000 troops here, of whom 2,300 were Maryland militia, and Maryland militia have been capable, after training, of performing some of the most brilliant deeds of valor in the Revolution and afterwards. But the President or the Secretary of War forbade calling them into service before they should appear.

The whole chapter exhibits idiotic management. We shall not repeat it; at least I hope not. We had only 300 regular troops and several hundred of Barney's sailors and marines, who made a gallant defense at one time against the approach of the enemy. Four thousand regular troops, I say, would have saved us that chapter. There were 4,000 against us, many of whom were veterans of Wellington's command.

I forbear to dwell upon it, but I say that the supreme duty of an American Congress is to put the nation in a reasonable condition of defense. By improving the fortifications and enlarging the fleet I know—I say I know it as much as any man can know such a thing—that this Congress will touch the hearts of the American people. They are American all over, in their pride, in their desire that our honor shall be maintained under all circumstances, and the persons who evade our duty—I make no specific charges—but the people who show timidity, who refuse to come up to this popular sentiment, will find that the people of the country are chilled toward them.

Mr. LODGE. Mr. President, I know that the Senator from Colorado [Mr. WOLCOTT], who always desires accurate information, did not mean to mislead the Senate in regard to what he said about the torpedo boats. There are no estimates from the Secretary of the Navy with regard to torpedo boats. Estimates, I think, are never given for propositions of authorization. The Secretary

recommends what he thinks ought to be authorized; but when he requests authorization he does not furnish an estimate. I have his recommendation before me; and, as Senators well know, it is for 2 battle ships and 12 torpedo boats. In the hearing before the House committee the Secretary may have made a statement as to the cost of torpedo boats, but he furnished no estimate. Since the Secretary made that statement—since his report, certainly—the English torpedo boat *Desperate* has reached the high speed of over 30 knots; and it becomes necessary for us to attain with our boats the same high speed. That necessarily increases the expense.

Mr. President, I called attention yesterday to the sudden explosion of economy directed against the Navy. We have passed a good many appropriation bills here. There are millions in the Indian bill for land, and in other bills millions to build public buildings. We have a river and harbor bill here with millions more, not for national defense, but for national improvement and comfort. The river and harbor bill as reported by the Senate committee has been raised a couple of million dollars, I think. I notice an increase of \$400,000 for the harbor of Baltimore alone. But the explosion of economy was against the Navy, against the defense of the country, and not against these other less imperative expenditures. We are told that we must not have ships because we shall be obliged to borrow money.

Mr. President, when we were engaged in defending the country in its great struggle for existence we borrowed every dollar for ships and men. National defense has never been placed on the same level with other expenditures; and yet here it is made the one and only subject for economy. Millions after millions go through, and we have to wait until we come to the ships of the American Navy to learn that we must not spend so much money. This great deficit is to be met, how? It is to be met by cutting off 2 battle ships. A deficit of \$130,000,000, or whatever it is, as the Senator from Maryland stated it, is to be met by cutting off 5 torpedo boats and 2 battle ships.

As I said yesterday, it seems to me this is the one place where we should never consider economy. All that we need consider, all that the American Congress should regard in dealing with the question of national defense, is what is required for the proper defense of the nation, both by land and by sea. We do not require a great navy for aggression. No one proposes that this country should enter on a career of aggression or of conquest, but we do need a navy and we do need national coast defenses that shall act as a sure guaranty of peace. When the difficulty as to Venezuela was at a crisis in this country some people were crying out that we should not stand up for the rights of the United States because we were not in a position to resist aggression, because New York was not fortified, because we had not ships enough in case England made war upon us; and now the very same people who used that argument against our taking proper American ground in regard to Venezuela come forward and oppose anything looking to a suitable national defense. It is an argument that can not work both ways. But it is used because these people wish us to be defenseless before foreign nations. That is not the way to maintain peace. Proper national defense is the greatest assurance and guaranty of peace that can be made.

But, Mr. President, as the debate has gone on we have got through the apparent economical opposition and come to the real resistance behind it. The economical opposition is not serious. Every Senator realizes, I know, that this is not a point at which to begin to save money. Behind the economical opposition comes the real opposition, resting on the general policy of not allowing the United States to be placed in a position to take the part that she ought to take in all foreign questions affecting her interests. We are going to settle the Venezuelan question, but surely the lesson which that situation taught us should not be lost. We are also told now that there is no danger of war with Spain. I hope and trust not; but let me say that the Cuban question will not down because gentlemen dislike to speak of it. Everyone reads day after day in the newspapers the hideous atrocities going on in that island. They pile up and pile up from disinterested witnesses, and we sit here with folded hands, while having ample strength to put a stop to it, and yet do nothing.

There are many questions outside the borders of the United States affecting us nearly. There are questions of national defense, like the Isthmian Canal, where we must have a naval force to secure the interests of the United States. If we desire, as I believe we all do, that the United States should take a position becoming a great people in international affairs which concern us closely, and should be able to maintain peace in the Western Hemisphere, which I regard as one great duty of this Republic, I think that the best guardian of peace, the greatest assurance of peace, lies in our being sufficiently defended and protected. With our coast properly defended, with a suitable navy, we need never have a war, and we can control the policy of the two Americas with regard to other nations. It is because a strong navy and suitable coast defenses guarantee the peace of the United States that I favor these appropriations.

Mr. President, after voting millions of appropriations in the other bills, here we are disputing over a couple of million dollars to be devoted to the defense of the country. Let me say that however much the people may deplore a deficit caused by the existing revenue laws, however much they may criticize some of the expenditures made by Congress, the American people, with hardly an exception, will never criticize proper appropriations to defend their cities and to build their fleets.

Mr. GORMAN. Mr. President, I have before in the course of my life heard practically the same speeches as those which have been made by the distinguished Senator from Massachusetts [Mr. LODGE] and the distinguished Senator from Connecticut [Mr. HAWLEY]. I have seen the flag waved all around the Capitol and flying over all the works of industry in the country; and the demands for these appropriations as a matter of course constituted the substantial thing behind the flag on all those occasions.

The Senator from Massachusetts is the foremost statesman in this line. By speech at least he is in favor of the most aggressive policy for the United States. He has announced to-day that he wants a navy and an army so strong that we may become the guardian of all the Republics south of us. He complains that we have attempted to enforce economy upon the naval bill, on an appropriation where he seems to think the honor and the interest and the protection of the country are at stake, and he intimates that those of us on this side of the Chamber who are appealing for economy have permitted large appropriations on other bills to pass without a word.

Mr. President, the Senator from Massachusetts is not accurate. He is so absorbed in what is termed the jingo policy that he has failed to look at the Treasury or the condition of the appropriation bills. There has not been an appropriation bill that has passed the Senate so far where the appropriations are not necessary to pay the current expenses of the Government under existing law, with the possible exception of the Indian bill. There is not an item in any of them so far as I know that has passed the Senate that is not absolutely necessary for the support of the Government under present laws. Here is the first opportunity for the exercise of economy, where an expenditure is proposed that is not necessary for the support of the Government. Here is the first proposition to go out of the usual line and to increase the appropriations, to make them greater than they have been made at any time since we began the construction of the Navy. Here is a bill containing \$51,000,000 as it came to us to support and maintain the Navy, greater by millions than the amount which we appropriated during President Cleveland's first term, when we had no navy and were about to construct one. At that time it was necessary to be liberal in order to enable the Bethlehem Works to establish their great plant and Mr. Carnegie to establish his near Pittsburg. Then we had not a built-up gun of steel in the United States. We could not make a tube for a 6-inch gun or a shaft for a vessel. We were compelled to go abroad to buy all those necessary things. Yet, in building up that magnificent structure, which we created under Harrison's Administration and under Cleveland's Administration, no Secretary of the Navy, no President of the United States, and no man who felt his responsibility to the taxpayers of the Union ever suggested such an appropriation as is contained in the pending bill.

The Senator from Massachusetts complains that we begin to exercise economy here. Here is the first great extravagance that has occurred in this Congress. Here is the first great useless appropriation which has been attempted to be made, running far in advance of the requirements of the country.

The Senator from New Hampshire [Mr. CHANDLER] twits us on this side with the fact, or rather intimates, that there is a Secretary of the Navy who is not of his party whom we criticize, and that we want to limit him as to what he should do with the \$4,000,000. I know how sensitive the Secretary of the Navy is upon this point. I know he feels as if he has been too carefully dealt with. I know personally that he has resented the same course which I pursued a year ago as to the limitation of his power in the amount of money to be expended by him. Weak men, Mr. President, always want power; weak men always want to have both money and men at their command and to deal with them as in their opinion may seem proper. I have dealt, so far as I am concerned, I want to say to the Senator from New Hampshire, with this Secretary of the Navy precisely as I dealt with Mr. Whitney when he was Secretary of the Navy and with Mr. Tracy when he was the Republican Secretary of the Navy. There never was an item of appropriation as to which Congress did not determine how much money he should spend for a cruiser or a battle ship. We limited the amount, as we ought to limit it, as to all these items. We limited the amount he was to expend for armor and for guns; we limited the number of men he was to command and to have in service. I have applied this same rule to the present Secretary of the Navy, observing his opposition to that policy with regret, with great regret; for personally I have a high regard for him, he having served upon the Appropriations Committee when he was in

the other House. As to his integrity and honesty of purpose I never have had a doubt; but I recognize that when placed in that high position because of the success of the Democratic party, under the rule which has governed that party in its councils in Congress, and in its action as to the Executive branch, there must be some limitation, always a strict limitation, upon the amount of money placed in the hands of any public officer for expenditure.

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. GORMAN. With great pleasure.

Mr. GEORGE. I want to know if the Secretary of the Navy has complained that a greater restraint has been placed on him than has been placed upon other Secretaries of the Navy heretofore?

Mr. GORMAN. Yes; to an extent that is true. He has in a statement before the Committee on Appropriations on this very item asked Congress to give him a lump appropriation to do as he pleased with, without regard to the types of torpedo boats to be constructed. I say to my distinguished friend from Mississippi that one year ago, when I stood in this Chamber trying to limit the appropriations on account of the Navy, and when we had succeeded in doing it, in striking off one battle ship, and limiting the other appropriations for the construction of guns in the navy-yards, I had every reason to believe that the Secretary himself, or his assistant, by means of the newspapers, denounced me personally for it. It may have been because some of the officers of the Administration at that time were supposed to be trying to affect the elections in Maryland, that that was the motive for doing it; but the fact remains that no such criticism, to my knowledge, of the action of Senators in attempting to limit appropriations and reduce expenditures has ever occurred under any previous Administration.

Now, we find the spectacle of our friends on the other side of this Chamber, the distinguished Senator from Connecticut [Mr. HAWLEY] and the distinguished Senators from Massachusetts [Mr. LODGE] and from New Hampshire [Mr. CHANDLER], coming here to pour out the public treasure and put in the hands of the Secretary of the Navy the amount of \$4,000,000, without a limit as to what he shall expend on either one of the boats. I should oppose it whether he were a Democratic or a Republican Secretary of the Navy.

The only time an act of the sort has been done of which I know since I have had the honor of a seat on this floor was when Secretary Tracy came in the last hours of a session and said to the committees, "It is necessary to give me \$1,000,000 to enable me to use nickel in the manufacture of steel." There were circumstances connected with that transaction which did not confine his negotiations to our own country; and, as in the case where an appropriation is made for the State Department for foreign purposes, no question was then raised regarding it; but Congress afterwards required and had from the Secretary of the Navy an account of what he did with that million dollars. Otherwise we have limited every Secretary in his expenditures, providing that this vessel should cost so much, or not more than so much, and the other vessel so much, and that the types of boats should be such and such.

What is the reason for it, Mr. President? It is because the naval board of the Navy Department and the great naval officers—for they are great—deserve the thanks of the people of the Union for the skill and enterprise and honesty with which they have conducted that Department. There is a contest between the branches of this service now as to the types of these vessels, and while I am talking a naval board is considering what changes should be made in the plans for the construction of the vessels provided for by this bill. It was only at the last session of Congress that the distinguished Senator from Maine [Mr. HALE], in charge of a similar bill, myself, and others in the Senate had inserted a clause, without the recommendation of the Secretary of the Navy and that of the skillful constructors of the Navy, to substitute for these great vessels six composite boats, with sail and with steam, and whilst there was opposition to it by the head of the Navy and whilst some of the bureaus disagreed to it, I venture to say that the action of the National Congress in that matter will save the Government millions of dollars. There is no controversy now as to the wisdom of that action. That was a limitation against the opinion of the head of the Department and against that of the constructors and the great naval officers who sail these ships. The result is that these vessels can be sent to all the coasts south of us, wherever you please, to look after our commerce. They are not vessels of war in the sense of great battle ships, but they can be sailed cheaply and will enable the young men from Annapolis to go on board of them and learn the art of running a vessel under sail without steam power, so that if we capture in time of war a vessel of commerce with sail they can understand the matter of navigation. They were cheap in construction, they are cheap in the cost of maintenance, and will protect our commerce and carry our flag wherever we desire.

The Senator from New Hampshire, when he intimates that there

is a desire on my part or, so far as I know, on the part of anybody on this side of the Chamber, to unduly hamper this Secretary of the Navy, or if he thinks so, it is not true. We have placed the same limitations upon his predecessors. Congress has been more liberal with this Secretary of the Navy than with any of his predecessors. He has had the opportunity to make greater contracts and build more ships. Whether he has in all these cases acted wisely remains to be seen. I hope he has. I believe he has been as honest as any of his predecessors.

Mr. SQUIRE. I wish to suggest to the Senator from Maryland that the first question is as to whether this Government desires to have torpedo boats and torpedo destroyers built on a scale compatible with the pretensions of our Government as to its present and prospective naval organization. If that is to be done, then we should exercise proper discretion in doing it.

It appears that the new conditions which exist in great foreign navies, such as the English navy, are now so clear in respect to the character of torpedo-boat destroyers and of the superior class of torpedo boats that we have to meet them, and it is not clear yet at what prices torpedo-boat destroyers having a speed of 30 knots can be constructed in this country. We all saw the statement made by Mr. Jaques in his letter to the Senator from Connecticut [Mr. HAWLEY], which was quoted by the Senator from New Hampshire [Mr. CHANDLER], as to the cost of these new torpedo-boat destroyers and the new torpedo boats in England. We all realize that we can not construct vessels in the United States so cheaply as they can be constructed in England, where the trade of building this class of vessels has been learned, where the Thornycrofts and that class of people are engaged and have been engaged for many years in constructing a superior class of vessels of the torpedo order.

It appears to me that this Congress should allow the Secretary of the Navy some latitude, some discretion. You do that in regard to your battle ships. As was explained the other day, the amount proposed to be appropriated, \$3,750,000, was not necessarily all to be used, but it was to be the extreme limit of cost. Perhaps there might be saved \$200,000 or \$300,000 of that amount, as was the case with the ships contracted to be built at Newport News, and it may be the same as regards these torpedo boats. But in the present condition of the art of constructing torpedo boats, there never having been a single one of the torpedo-boat destroyers constructed or contracted for in this country; there never having been a boat built for torpedo purposes having a record speed of over 24 knots; there never having been one contracted for by the Navy Department upon the plans and specifications of the Department requiring a speed of over 26 knots, and even in the case of the Herreshoff contract, in which that firm has such a large liberty as to drawings and plans, there being a guaranty of only 27½ knots—I say under these circumstances it is right and proper to give to the Secretary of the Navy some discretionary authority, so that if needful to pay \$300,000 for a 30-knot torpedo-boat destroyer he can do so under the law.

Mr. GORMAN. Mr. President, I agree, of course, that whenever the torpedo boats are ordered that is the effect. The amendment of the Committee on Appropriations limits the amount; but we say to the Secretary of the Navy, "You may construct three of a certain class and the cost per boat shall not exceed a given sum;" and the sum given is more than the Secretary himself estimates. So it is with every other appropriation for every class of vessels contained in this bill.

I am not going to detain the Senate but for a moment. The Senator from Connecticut says we shall have money enough later on; that a year from now we shall probably have another law providing revenue sufficient to support the Government. Mr. President, we have never had a law from the date of the passage of the McKinley bill until now which has given the Government enough money to pay its current expenses and to meet the extraordinary appropriations which have been made by Congress.

I said a few days ago that the Republican party, in control of the other branch of Congress and of the machinery, so far as the committees are concerned, of this body, have permitted these appropriation bills to stand as they came to us, and increased them by inserting items in addition to what we were bound to place upon them for the current expenses of the Government, thereby laying the foundation for and making further increased taxation absolutely necessary, not to meet the deficit of \$30,000,000 caused by the decision of the Supreme Court in striking from the last tariff act the tax on incomes, but an increased levy of from sixty to one hundred million dollars a year necessary on account of these extravagant appropriations. When I made the statement as to the amount going out of the Government, which is a charge against the \$170,000,000 which is in the Treasury, it was questioned, and it was supposed that possibly I had gone too far. So as to be perfectly accurate about it I have gone to the fountain head to ascertain just what that balance is, and I am certain it will astonish every Senator here when it is stated. On the 1st day of January of this year, just past, without taking into

account the \$100,000,000 which is due the sinking fund, if it had been kept up from Harrison's time down to now at the rate of forty-nine to fifty million dollars—leaving that matter as not necessary to be accounted for—I will read the balances that have been appropriated for, which are charges upon the Government and which will come against it at some time. I stated a portion of it may lapse into the Treasury, but only a comparatively small amount. Here is the statement:

Statement of balances of appropriations and expenditures (not including the sinking fund) on January 1, 1896.

Civil establishment.....	\$55,508,491
Military establishment.....	39,594,500
Naval establishment.....	20,032,236
Indian service.....	38,006,361
Pensions.....	105,108,738
Grand total.....	258,450,326

Mr. GEORGE. On the 1st day of January?
Mr. GORMAN. On the 1st day of January, 1896.
Mr. GEORGE. What was the balance in the Treasury then?
Mr. GORMAN. About \$160,000,000, as I recall it. I have not the figures before me, but it was, I think, less than \$150,000,000 at that time. It is between \$160,000,000 and \$170,000,000 now.

Mr. President, part of that money will never be paid out. Part of it is the Indian trust fund, which will be held and the interest paid upon it, and a portion of it on account of pensions will probably never be paid out; but I say, beyond peradventure, \$160,000,000 of it must sooner or later go out of the Treasury, whatever may be its condition. Add to that the appropriations we are making here of \$520,000,000, with only an estimated revenue of \$450,000,000, and then \$84,000,000 of contracts, and I leave it to Senators to determine whether or not it is wise to make this appropriation at this time. If you do make it, I can predict that the statement of the Senator from Connecticut will be more than verified, that one year from now you must tax the people of this country \$100,000,000 a year in addition to that which they are now paying or issue more Government bonds.

Mr. CALL. Mr. President—
Mr. CHANDLER. Will the Senator from Florida allow me to make a suggestion before he goes on?

Mr. CALL. Certainly.
Mr. CHANDLER. It has been agreed that at 2 o'clock we should proceed under the five-minute rule. Fifteen minutes have been accorded to my colleague [Mr. GALLINGER] to speak upon a special subject, and it has also been agreed that we should close this bill to-day. Mr. President, I hope that Senators will confine themselves hereafter, as far as possible, to the discussion of the particular amendments which may be pending to the bill; otherwise we shall find ourselves lacking in time and heavily burdened at the close of the day.

Mr. HALE. Let me suggest, as the Senator from New Hampshire [Mr. GALLINGER] has a special interest in his amendment, that the pending amendment be laid aside temporarily, and then the Senator can introduce his amendment and make his fifteen-minute speech upon it. Then, if we can get a vote upon his amendment, we will get it or debate will go on under the five-minute rule after that. That will enable the Senator from New Hampshire, who last night waived his objection to the unanimous agreement, to get the fifteen minutes he desires, as I said to him that I would try to get him the opportunity to speak before 2 o'clock. That will give any Senator the opportunity afterwards of speaking under the five-minute rule.

The PRESIDING OFFICER (Mr. HILL in the chair). Is that agreeable to the Senator from Florida?

Mr. CALL. I have but very few words to say, and then I will yield to the Senator from New Hampshire. What I have to say will not cause him any serious delay, probably not more than five minutes.

The PRESIDING OFFICER. The Senator from Florida [Mr. CALL] has the floor.

Mr. HALE. Of course I can not take the Senator from the floor.

Mr. CHANDLER. I suggest to the Senator from Maine that my colleague go on after the Senator from Florida finishes.

Mr. CALL. If the Senator from Maine thinks it is very important to have his fifteen minutes I will accord it to him.

Mr. HALE. It is not I. I do not want it. It is the Senator from New Hampshire.

Mr. CALL. Or the Senator from New Hampshire.

Mr. HALE. I would like the Senator from New Hampshire to have an opportunity of making his remarks, as I promised it last night.

Mr. CALL. I will yield to the Senator from New Hampshire for fifteen minutes. It is understood that I shall have the floor again, is it not?

The PRESIDING OFFICER. The Chair so understands.

Mr. GALLINGER. I submit the amendment which I send to the desk, and ask to have it read.

The PRESIDING OFFICER. The amendment will be stated.
The SECRETARY. After line 19, on page 21, it is proposed to insert:

Dry dock, Portsmouth, N. H.: For construction of a dry dock at the Portsmouth Navy-Yard of such size, design, and material as may be determined by the Secretary of the Navy, \$200,000, \$100,000 of which shall be immediately available.

Mr. GALLINGER. Mr. President, the amendment that I have offered is in these words:

For construction of a dry dock at the Portsmouth Navy-Yard, of such size, design, and material as may be determined by the Secretary of the Navy, \$200,000, of which \$100,000 shall be immediately available.

To that amendment I desire to speak briefly.

Mr. President, I have listened attentively to the discussion concerning the building of battle ships, and while I have always cheerfully voted for liberal appropriations for increasing the Navy I am strongly of the opinion that it is of far greater consequence that we have additional dry docks than additional battle ships. The bill we are considering, as it came from the House of Representatives, provides for four new battle ships, the cost of which will be about \$25,000,000. The Senate has voted to reduce the number to two; but he would be a rash man indeed who flattered himself that the amendment will be adhered to in conference. These large appropriations are being made for battle ships in face of the fact that there are only three dry docks in the entire country in which our largest vessels can be accommodated. The simple statement of that fact ought to be sufficient to turn the attention of Congress in the direction of making liberal appropriations for the immediate construction of one or more modern docks of sufficient capacity to meet the requirements of the largest vessels of our Navy. Believing this, I propose to make a brief appeal for the construction of a dock at the Portsmouth Navy-Yard, the most northerly naval station on the Atlantic coast. Such a dock will cost only about one-tenth that of a modern battle ship, and yet in this bill it is proposed to appropriate money for four huge battle ships, while no provision is made for the building of a dry dock in any part of the country.

Mr. President, twice or three times since I have been a member of this body an amendment providing for the construction of a dry dock at the Portsmouth Navy-Yard has been added by the Senate to a similar bill to the one now under consideration only to meet a *coup de grâce* at the hands of the conference committee, and now it is suggested that the amendment which I have just offered will be ruled out on a point of order. It is quite as well that it should be disposed of in that way as to be killed by the Senate conferees tamely agreeing to drop it from the bill in conference; so that it really matters little to me how it is disposed of if, as I understand, the Committee on Naval Affairs and the Committee on Appropriations have determined that no appropriations for new dry docks shall be made this year.

This determination I greatly regret, believing, as I do, that every consideration of wise public policy demands that a modern dry dock be immediately constructed at the Portsmouth Navy-Yard. It strikes me that there is no excuse for longer delaying this work; the only reason for which that I have heard advanced, except that the Treasury is practically bankrupt, being that as certain other points are clamoring for appropriations for the same purpose, there must be an adjustment of the rival claims before anything can be done for any one of them. This argument if persisted in will inevitably result in the abandonment of Portsmouth as a naval station, as it is quite improbable that an agreement outside of Congress will ever be reached as to where dry docks shall be located. For instance, our neighboring State of Massachusetts not only asks and will receive a million and a quarter of dollars or thereabouts to improve the harbor of Boston, but she also insists that the Portsmouth Navy-Yard shall be neglected until a large sum of money shall be expended on the dry dock at Charlestown. New Hampshire approves of and will aid to secure the appropriation for Boston Harbor, but New Hampshire will never agree that the Charlestown Navy-Yard shall be built up by appropriations from the public Treasury at the expense of the Portsmouth Yard.

Mr. President, on the 21st day of January, 1892, I spoke at considerable length on the subject of a dry dock at Portsmouth, dwelling especially on the fact that the old floating dry dock at that station, which was built in 1851, was going to decay, and that it ought to be replaced by a modern dock. To-day I will briefly give the reasons why this much-needed improvement should be provided for at once, and be built at the earliest possible day. Well did the Portsmouth Daily Evening Post of March 24, 1892, editorially say, and I commend the utterance to my associates here to-day:

There is here no natural obstacle to the fulfillment of every requirement of a first-class yard, while there are scores of reasons why it should rank, in extent and quality of equipment, with the best in the land. It is landlocked, and approached through a capacious harbor of refuge. It has an inshore depth of water at all points, and at all tides and seasons, wherein any ship in the world may ride at will. Its waters have never frozen and are freer from destructive effect upon wood or metal than any other maritime waters in the world.

It is the northernmost naval station on the Atlantic Coast; its climate has restored to health the most pronounced invalid and crushed out infection from fever-laden ships from southern stations times without number. Its mechanics are among the first in the land, and their handiwork has challenged and does challenge that of the civilized world.

It stands to-day a monumental interrogation point before the honorable Senators and Representatives in Congress assembled, demanding a recognition of its unparalleled advantages.

Mr. President, the question of providing sufficient docking facilities for the ships of our new Navy is one which has not received anything like the attention and consideration which would seem necessary when its vital importance is fully understood. We have built during the last twelve years, or have in process of construction, counting all classes, large and small, excepting tug-boats, 61 vessels, and only six docks have been built to provide for their necessary repair and preservation, and the four docks (not counting the old floating dock at Portsmouth) which we possessed previous to that time are only available for the smaller classes of our modern ships. All of these ships, except the six small gunboats recently contracted for, have unsheathed steel bottoms, and it is absolutely necessary for their preservation that they shall be docked for cleaning and painting at stated intervals, besides which it frequently becomes necessary to make repairs to the under-water portions of ships, thus occupying the docks for considerable periods of time to the exclusion of other ships which may need cleaning and painting only.

All maritime nations in modern times have recognized this necessity. England and France, with their limited coast line, possess, respectively, 43 and 34 dry docks, and both nations are constantly adding to the number. There are now completed at the Portsmouth (England) dock yard 18 docks, and several more are in process of construction or projected. They range from 200 to 650 feet in length, and some of them are capable of accommodating ships drawing 40 feet of water—a contingency which may easily arise in the case of ships damaged in action. Only two of our naval stations are provided with more than one dock—Norfolk having two and New York three, one of which is still uncompleted. One of our important naval stations has no docking facilities at all worthy of the name, for the antiquated wooden-balance dock at Portsmouth is long past its usefulness, and, while it was large enough for the majority of the ships of its day, it would accommodate very few of our modern ships, even if it were serviceable. Considering the natural advantages which this station possesses for the construction of basin docks, it seems strange indeed that the construction of one at least has yet to be authorized. An old waterway exists between the two portions of the yard, which is too shallow to float any ships in its present condition and has to be bridged over for communication. This could be closed and the entire length of it occupied by basin docks. The existing channel would largely reduce the amount and cost of excavation necessary, and there would be ample depth of water at the entrance to accommodate the largest ships.

The Portsmouth Yard is the oldest of our building naval stations. Its natural advantages for this purpose attracted attention almost with the first settlement of the country, and as early as 1690 the frigate *Falkland*, of 54 guns, was built here for the British navy. The sloop of war *Bedford* followed in 1697, and the frigate *America* in 1749. At the breaking out of the Revolutionary war the site of the present navy-yard was tendered to the Continental Congress by its owner for naval purposes, and as early as March, 1776, the construction was commenced of the frigate *Raleigh*, of 32 guns. So rapidly was the work carried on that she was launched on the 21st of May, in just sixty days from the time her keel was laid. She was built under the act of Congress of December 13, 1775, authorizing the building of "13 sail of cruisers," and she rendered distinguished and brilliant service during the naval operations of the Revolutionary war. The next ship built here was the sloop of war *Ranger*, which was probably the first ship which bore the new national ensign to Europe. The next ship to be built here was the 74-gun ship *America*, which was, in her time, the heaviest ship yet laid down on the continent after which she was named. She was presented to the French Government before she was launched as a token of gratitude, to replace the French 74-gun ship *Magnifique*, which was lost by an accident in Boston Harbor.

The site of the navy-yard was purchased by the Government for naval purposes October 1, 1800, and work was at once commenced on its development. The first commandant was Capt. Isaac Hull, who took command of the navy-yard April 3, 1813. In March, 1814, the keel of the 74-gun ship *Washington* was laid here, the port being closely blockaded by the British at the time. She was launched in July, 1815, shortly after the conclusion of peace. From this time until the 14th of June, 1839, when the sloop of war *Preble* was launched from the new ship house, little of any importance was done in the way of shipbuilding, but preparations in the way of facilities for future shipbuilding were actively under way and began to show a result. The *Preble*, which did good service until she was burned by the Confederates at Pensacola, was followed immediately by the frigate *Congress*, the keel

of which ship was laid August 16, 1841. This was a fine ship of 1,867 tons; 190 feet long by 50 feet beam; a very large ship for her day. She had a fine record, having made six long cruises in most of the waters of the world between 1842 and 1859. Her career was ended in Hampton Roads March 8, 1862, when she was burned in action with the Confederate ironclad *Merrimac*. The sloop of war *Portsmouth*, a fine ship, which was in service until very recently, was built and launched here in 1843. The first steam vessel built at the yard was the side-wheel steamer *Saranac*, the keel of which ship was laid in May, 1847. She was in active service throughout the civil war, and was finally sunk June 1, 1875, by striking a sunken rock near Vancovers Island. The keel of the steam frigate *Franklin* was laid in 1855, and the old *Mohican* was launched in February of the same year. In 1861 the *Kearsarge* and *Ossipee* were built here, the former being launched October 5, 1861. She sailed from the yard on her first cruise February 5, 1862, having been fitted out to search for and destroy the Confederate cruiser *Alabama*, which duty she finally performed more than two years later.

During the war the yard was very active, and the list of ships built and fitted out there is a long one. In the years following the war little was done, as at other places. The nation was resting. On the 14th of August, 1870, Admiral Farragut, who was visiting the commandant of the yard, died there. In 1873 work was resumed by the construction of the *Enterprise* and *Essex*, but the long building record of the yard closed with them, for no ship has been launched there since, though many have been repaired and refitted. Why the superb facilities of this station have been neglected is a question hard to solve. With a harbor among the best, having water enough for the deepest ships and being never closed by ice, a climate favorable to work at all times of the year, surrounded by a population famed for mechanical ability of the highest order, and with a past shipbuilding record second to none, it would seem as though all the elements existed for the establishment of a great naval station, and it is to be hoped that the nation's opportunity in this regard will not much longer be neglected. But whether shipbuilding is resumed there or not, ship repairing is carried on there, and a suitable dry dock is urgently needed. The old dock has served its purpose and repaid its cost. It was suited to its day, but its day is past.

It should be borne in mind that when the emergency comes the nation will need dry docks and that badly. The lack of them in an emergency will cost us more than the construction of a hundred docks, and in no place can a dock do better service and be more economically constructed than in the time-honored Portsmouth Navy-Yard, for it must be remembered that in event of war the larger portion of our fleet would be concentrated on the coast from Virginia to Maine, the territory embracing all the larger cities, which would become the objective point of the enemy. Dry docks are therefore necessary in the vicinity in order that vessels can be immediately repaired.

In this connection I wish to refer to the opinion of Chief Constructor Philip Hichborn, United States Navy, as contained in his report for the year 1895. He says:

From past experience it is fully realized that steel ships must be frequently docked in order that their bottom plating may be preserved from deterioration, and that the rapid fouling of the bottom may not entail a wasteful expenditure of coal to maintain a moderate rate of speed. But on account of docks being occupied for a long time by vessels under repair, it is sometimes impracticable to dock our cruising vessels as promptly as experience has shown to be advisable.

If such a condition confronts a Department in time of peace, it is easily realized how serious a defect it would prove in time of war, when the casualties of battle and necessity for keeping the bottoms of vessels in such condition that they might develop their highest speed would largely increase the demands on our docking facilities.

The navy-yard at Portsmouth, N. H., is especially lacking in docking facilities, and at the present time is the only Government shipbuilding or repair establishment which is not provided with a properly equipped dry dock. In the opinion of this Bureau this is a serious deficiency and should be rectified at an early date. The balanced floating dock at this station has been in service for nearly half a century, and is now not only obsolete, but in such a condition as to make it inadvisable to use it in docking a vessel of even moderate displacement.

There are unusual natural advantages of location at this yard which would greatly reduce the cost of construction of a dock, and the machinery plant in the construction and repair department has been enlarged and modernized, so that all ordinary repairs of steel vessels can now be satisfactorily executed.

The climatic advantages of this station deserve serious consideration in fitting out or repairing vessels which have had a long tour of duty in southern or tropical waters and constitute another argument for the proper equipment of this yard for making all ordinary repairs due to the wear and tear and casualties.

For the above reasons the attention of the Department is respectfully invited to the necessity of providing adequate docking facilities at the Portsmouth (N. H.) Navy-Yard.

Although all the other Government shipbuilding and repair yards are provided with at least one dry dock, they are hardly equal to the present necessities of the service, and must surely prove inadequate to meet the rapidly increasing demands of the fleet—taking account of the vessels in reserve as well as those in active service.

The Bureau is much impressed with the needs of the service in this most important element in the efficiency of our Navy, and begs to urge upon the Department the necessity for immediate action.

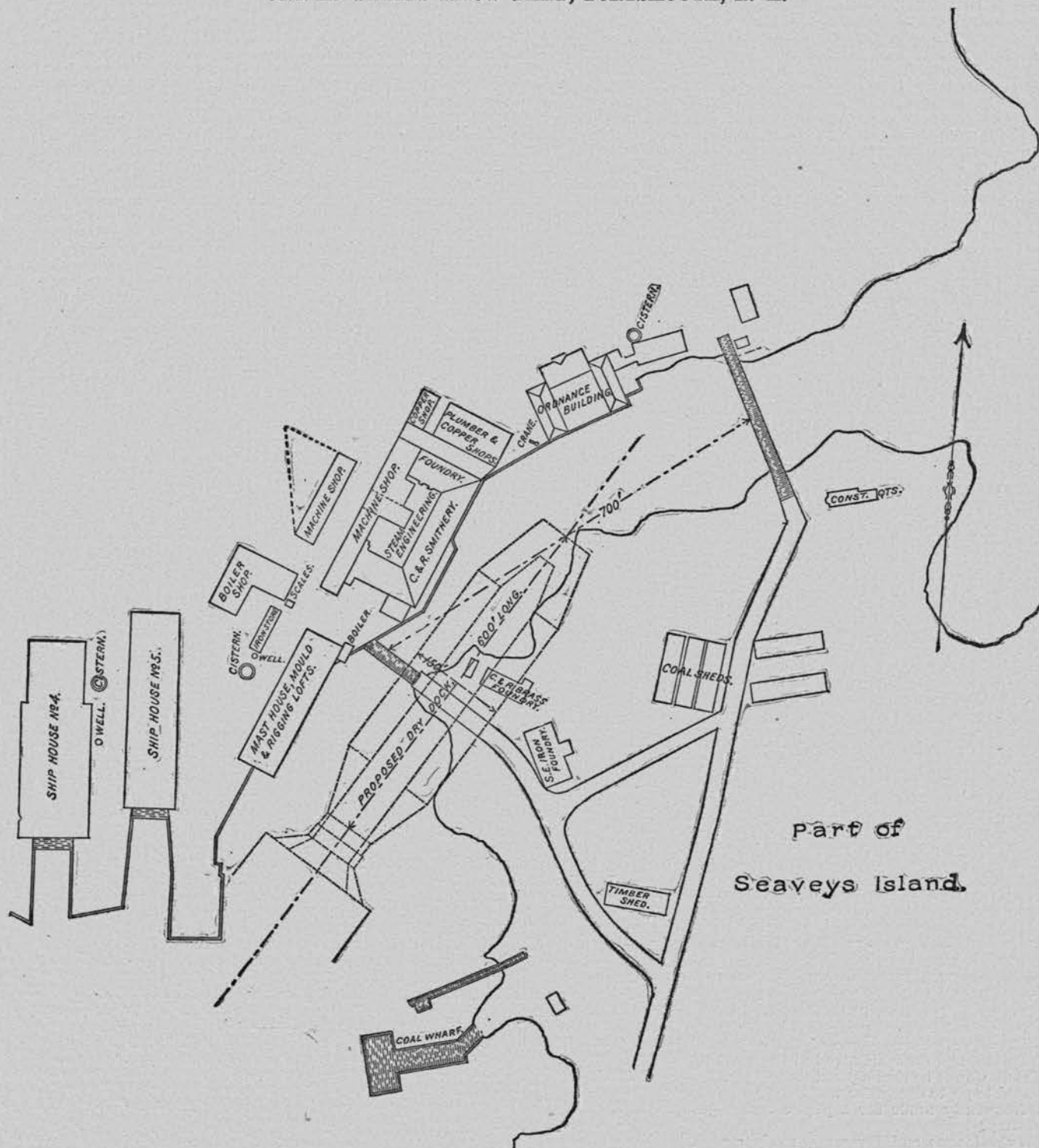
That opinion of Constructor Hichborn, admittedly one of the ablest naval officers of the Government, is in the same line of the

recommendation of Commodore N. H. Farquhar, Chief of the Bureau of Yards and Docks, in his report to the Secretary of the Navy, October 14, 1891, in which he spoke of the dock at the Portsmouth yard as follows:

The balance dry dock at this station requires extensive repairs. It is of wood and has been in constant use for forty years, but as its capacity is not beyond 3,500 tons it is useless for the larger vessels, and therefore I do not

recommend that a large sum be expended upon its repairs. If this yard is to be maintained a new dry dock is required. It is believed that by taking advantage of the channel the bottom and sides of which are between the two islands which compose this yard, closing one end and putting a gate at the other, with the necessary pumping machinery, a stone dock capable of docking the largest ships will be obtained at a comparatively small outlay. As this yard with its fine climate is a sanitarium for ships to go after a cruise in the tropics to refit, it is recommended that steps be taken to construct this dock by appropriating \$100,000 to commence.

UNITED STATES NAVY YARD, PORTSMOUTH, N. H.



In the History of the United States Navy-Yard at Portsmouth, N. H., by Rear-Admiral George Henry Preble, it is related that in 1782, toward the close of the war of the Revolution, the Marquis of Chastellux, who was then visiting Portsmouth, noted in his journal the following:

There is every appearance of its [i. e., Portsmouth] becoming to New England what the other Portsmouth is to the old; that is to say, that this place will be made choice of as the depot of the Continental marine. The access to

the harbor is easy; the road is immense, and there are 7 fathoms of water as far up as 2 miles above the town; add to this that, notwithstanding its northern situation, the harbor of Portsmouth is never frozen, an advantage arising from the rapidity of its current.

One hundred and fourteen years have come and gone since that was written, and note the sequel. Portsmouth in Old England has 18 dry docks, with more in process of construction, while Portsmouth in New England is begging for an appropriation for

a single dock, which is persistently, if not contemptuously, denied to her!

Mr. President, I need not say much more. Congress has heretofore been deaf to the pleas that have been made in behalf of Portsmouth, and the indications are that Congress will be equally deaf to-day. It may be that there will be an awakened interest some time in this historic old town, and that its advantages as a naval station will again attract the attention of our legislators. If any word that I have ever uttered will contribute to that result I will be content, as I am still hopeful that I may live to see the time when New Hampshire's only seaport will again receive the fostering care of the Government, to the end that her mechanics may be employed and the unsurpassed facilities of her navy-yard be utilized in the great and necessarily increasing work of ship repairing and shipbuilding. In my judgment we can not afford to do otherwise than build up this important station, the first requisite of which is a first-class modern dry dock.

In conclusion, let me recapitulate, even at the risk of repetition:

1. The largest and deepest dry dock on the eastern coast of the United States ought to be at Portsmouth, for the depth of water at the entrance to the dock would be no less than $5\frac{1}{2}$ fathoms (33 feet) at low water, and at any other place in its approaches not less than $6\frac{1}{2}$ fathoms, with an average rise of tide of about 8 feet; and there is no bar to delay the entrance of a deep-draft ship at any time. This might be of vital importance in time of war, for a difference of five or six hours might prevent the sinking of one of our battle ships when wounded, if it could be placed in dock immediately.

2. This yard is the only Government shipbuilding and repair establishment which is not provided with a properly equipped dry dock. This is a serious deficiency, and should be rectified at once. The floating dock at this station is nearly fifty years old, and is only safe for a vessel of about 1,200 tons displacement, and it would be of no use for any of our large new vessels.

3. From its geographical situation it would be an important point in a defensive war with another nation possessing a stronger fleet than our own, and every means for quick repairs should be provided there, as well as means of defense to make it a harbor of refuge.

4. There are natural advantages of location there which would reduce the cost of construction. The excavation for the dock is partly made, and the debris excavated could be utilized in filling up the rest of the channel near the dock to make the necessary roadways, instead of carting it away to a distance.

5. The foundation is rock and would never be subjected to the danger of sinking from insecure foundations.

6. The machinery plant in the construction and repair department has been enlarged and modernized, so that all ordinary repairs to steel vessels can be properly executed.

7. The climatic advantages of this station deserve consideration in fitting out or repairing vessels which have had tours of duty in tropical waters or which might unfortunately be stricken with yellow fever. An epidemic could much more easily be managed at Portsmouth than in one of our large cities like Boston, New York, Philadelphia, or Norfolk.

8. One of our largest vessels if chased by an enemy's fleet could enter the lower harbor at any time, while at New York or Boston it might be delayed at the entrance of the harbor by lack of water, and while so waiting be captured.

9. Portsmouth can be entered at all seasons of the year, while all of the other navy-yards, down to and including Norfolk, may be closed by ice, but Portsmouth never is so closed.

10. At all the other navy-yards it is necessary to dock large vessels at about the point of high water; at Portsmouth a dock could be constructed to dock vessels at half tide or with less water even than that.

Mr. President, New Hampshire gets practically nothing out of the vast sums distributed throughout the country by the river and harbor bill. The ten millions directly appropriated and the sixty millions prospectively appropriated in the river and harbor bill of this Congress will go elsewhere than to New Hampshire. Of this we do not complain. We have few streams to improve, but we have a harbor—one of the best in the world—for which we plead, and for which we have pleaded in vain for many long years. Can it be that a plant that has cost \$4,000,000 will be permitted to go to decay for want of an appropriation smaller than is frequently made for a public building in some city of the country?

My colleague and I recently made a visit to the Portsmouth Navy-Yard and carefully inspected the plant, taking especial pains to examine the site for the proposed dry dock. As a result of our examination, and believing that it will be valuable for future reference, we have had a diagram made of Portsmouth Harbor, showing the location of the contemplated dock and its surroundings, which, in the absence of objection, I will have inserted in the RECORD in connection with my remarks.

Mr. President, I trust that the point of order will not be made against the amendment, but that it will be allowed to become a part of the bill, and that the Senate conferees may see their way clear to insist that it shall remain, to the end that this long-delayed and much-needed improvement may be speedily undertaken. Let us give Portsmouth a dry dock this year, and in the near future Charlestown and Algiers can be provided for. This is a plain business proposition which ought to commend itself to every member of this honorable body.

Mr. CHANDLER. Mr. President—

Mr. COCKRELL. I wish to raise a question of order upon the amendment unless the Senator from New Hampshire desires to discuss it.

Mr. CHANDLER. I wish to say a word on the pending amendment.

Mr. COCKRELL. I reserve the right to make a point of order on the amendment.

Mr. CHANDLER. I desire to say that I concur fully in all that has been said by my colleague [Mr. GALLINGER] in behalf of an appropriation for a dry dock at Portsmouth, N. H. I thank my colleague for having so carefully investigated the question and for the full and complete and, as I think, conclusive exposition which he has made.

I regret, Mr. President, that a controversy between localities as to the erection at those localities of additional dry docks and an assumed necessity growing out of the condition of the Treasury are likely to prevent an appropriation for a dock at the Portsmouth yard at the present session. I hope that at no very distant period an appropriation may be made and the Portsmouth yard may be given a dock which will make that yard one of the finest and best yards in the world.

I ask that there may be inserted in my remarks the joint resolution of the city councils of the city of Portsmouth, passed on the 26th day of March, 1896, setting out the desire of Portsmouth for the construction of a dock and the advantages to the public to be gained by such construction.

The PRESIDING OFFICER (Mr. PASCO in the chair). In the absence of objection, the paper will be inserted in the RECORD.

The paper referred to is as follows:

In the year 1896. Joint resolution of the city councils of the city of Portsmouth.

Whereas Portsmouth Harbor and the Piscataqua River seem to have been designed and created by nature for the purpose of commerce, navigation, and as a birthplace for a mighty navy; and

Whereas, by the entire freedom, even in the severest winters, from ice which the Piscataqua River and Portsmouth Harbor enjoy, free ingress to and egress from said harbor and river are to be had at all seasons of the year; and

Whereas said river and harbor are broad, deep, safely navigable, and afford ample shelter for a large fleet of battle ships, where the anchorage and holding grounds are perfect; and

Whereas the water in the harbor and in the river to the United States navy-yard at Kittery, and for miles in the river above the navy-yard, is deep enough, at every stage of the tide and at all seasons of the year, to float the largest ships ever constructed: It is therefore

Resolved by the city councils of the city of Portsmouth, That the Senators and Representatives representing the State of New Hampshire in the national Congress be, and hereby are, invited and requested to use their utmost influence to secure the passage of the bill now pending appropriating a sum of money for the construction, by the Government of the United States, of a dry dock at the Portsmouth Navy-Yard.

Resolved, That a copy of these resolutions be transmitted by the city clerk to each Senator and Representative from New Hampshire.

Passed the common council March 26, 1896.

JOHN K. BATES, President.

Passed the board of mayor and aldermen March 26, 1896.

WILLIAM O. JUNKINS, Mayor.

Mr. COCKRELL. I make the point of order that the proposed appropriation is not estimated for by any Department and not recommended by any committee. It would place the Committee on Appropriations of the Senate in conference in a very bad position. It would be impossible to hold an amendment so placed upon the bill against the objections of the members of the conference on the part of the other House. I hope the point of order will be sustained.

Mr. GALLINGER. Before the Chair rules upon the point of order, I desire simply to state that in two previous Congresses the Committee on Naval Affairs have reported an amendment recommending an appropriation for a dry dock at Portsmouth. It is true that in the present Congress the amendment, which was submitted to the Committee on Naval Affairs, has not been reported back, and I do not contend that the amendment is in order under the rules of the Senate. I had, however, hoped that the point of order would not be made against it.

Mr. COCKRELL. We are forced to do it simply because there are a number of other applications for dry docks, and we could not possibly discriminate, as the Committee on Naval Affairs had made no recommendation in regard to any of them, and we simply excluded them all.

The PRESIDING OFFICER. The ground upon which the point of order is made being admitted, the Chair sustains it.

Mr. DANIEL. Mr. President, if I may be permitted a moment,

I will state that I had contemplated offering an amendment to the bill requiring one of the battle ships to be built at Portsmouth, Va., where there is not only a dry dock, but where there are most ample facilities for constructing almost any work that the Government might desire. I doubt very much the policy which predominates in the pending bill of giving out those vessels to private contracts. In fact, I think it would be better if a portion of them at least were built at the navy-yards which the Government has constructed at such great expense. But I have not thought it advisable to attempt to put an amendment upon the bill, because I have been advised by those who have it in charge of the objections which would be urged to it, and I did not wish to consume the time of the Senate in what seemed to me to be a vain and useless endeavor.

Mr. BLANCHARD. Mr. President, I wish to make the same statement as has just been made by the Senator from Virginia in respect to the dry dock at Algiers, in the State of Louisiana. Several commissions of naval officers have heretofore reported in favor of Algiers as the proper place for the erection of a dry dock for the convenience of the Gulf coast; but having understood that it was the policy of those in charge of the appropriation bills in the Senate that none of the propositions for dry docks would be permitted to go upon the naval appropriation bill, my colleague [Mr. CAFFERY] and myself have not thought proper to make the vain attempt of having an amendment to that effect adopted on the pending bill. However, we wish now to give notice that at the next session we intend to press the appropriation for the construction of a dry dock at Algiers, in Louisiana.

Mr. CHANDLER. Mr. President, reverting now to the amendment proposing \$4,000,000 for 20 torpedo gunboats, torpedo-boat destroyers, and torpedo boats—

The VICE-PRESIDENT (at 2 o'clock p. m.). The Chair will state, before the Senator from New Hampshire proceeds, that by agreement yesterday the bill will now be open to amendment under the five-minute rule.

Mr. CHANDLER. I understand that from this time on the debate is to proceed under the five-minute rule.

The VICE-PRESIDENT. That is correct.

Mr. VILAS. Will the Senator from New Hampshire oblige me by stating how long it requires to build one of these torpedo boats? Within what time under a fair exigency could one be constructed?

Mr. CHANDLER. Mr. President—

Mr. SQUIRE. I can answer the Senator from Wisconsin.

Mr. PEPPER. I rise to a question of order. I ask that the unfinished business may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEPPER. I ask that the unfinished business be temporarily laid aside in order that we may proceed with the consideration of the naval appropriation bill.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HALE. I ask the Chair, 2 o'clock having arrived, to enforce the rule which was established by the agreement yesterday.

The VICE-PRESIDENT. The Chair has announced that the debate will now proceed in accordance with the agreement of yesterday, and the Chair has recognized the Senator from New Hampshire [Mr. CHANDLER] under the five-minute rule.

Mr. CHANDLER. I dislike to undertake to answer technical questions of the kind asked me by the Senator from Wisconsin [Mr. VILAS], because I may be much out of the way. My impression is that any one of these largest gunboats might be built by contract in a year or a year and a half. Some of the smaller boats might be built in less than a year. I suppose there are half a dozen or perhaps ten establishments in the United States that can compete in public competition for the construction of these 20 boats. The more establishments there are to compete and to build the more rapidly I assume the torpedo boats could be constructed.

I would not be unwilling to be put in the attitude of voting to intrust more discretion to the Secretary of the Navy in the building of torpedo boats than the Senator from Maryland is. It would be perhaps a singular sight to see the Senator from Maryland, a distinguished leader of the political party which has placed the Secretary of the Navy in his present position, showing distrust of that officer. It might be equally surprising to see a radical Republican Senator willing to give him more discretion. How that comes about I will not undertake to say; but I say in reply to the Senator from Maryland that I do not think he will conceive that too much discretion is given to the Secretary. Under the bill as it comes from the House of Representatives there are to be 5 boats at a speed of 26 knots, to cost in all not exceeding \$800,000, and 10 other boats to have the highest practicable speed for vessels of

their class, to cost not exceeding \$500,000. There is the limit as to the 15 boats that we find in the bill as it was passed by the other House.

The limitation which I put in my amendment is simply that the Secretary of the Navy shall take \$4,000,000; that with that \$4,000,000 he shall construct 20 torpedo boats or torpedo gunboats—that is to say, at an average price of \$200,000; and that the larger boats shall attain a speed of 30 knots and the smaller boats attain a speed of 26 knots. It seems to me that here are sufficient limitations. Here are all the limitations which ought to be imposed. Senators ought to be willing to intrust that much discretion to the Secretary of the Navy. If there was no provision as to the number of ships and no condition as to the speed of the torpedo boats there might be objection. It would not do, I admit, to say to the Secretary of the Navy, "Take \$4,000,000 and build as many torpedo boats as you choose, and build them with just such speed, high or low, as you choose." But here is a safe, proper, judicious, and effective limitation, and I can not conceive that any Senator who is willing to vote to increase the authority to build torpedo boats will be unwilling to vote for the amendment as thus limited.

In reply to the Senator from Colorado [Mr. WOLCOTT], who said certain estimates had been made by the Secretary of the Navy which were not being conformed to by the committee, the Senator from Massachusetts [Mr. LODGE] has shown that no estimates have been submitted by the Secretary of the Navy. The Secretary of the Navy simply recommended the construction of 2 battle ships and at least 12 torpedo boats. The House of Representatives concluded to appropriate for 4 battle ships and 15 torpedo boats. The Senate has stricken out 2 battle ships, bringing the appropriation down to the number recommended by the Secretary of the Navy, and it is now proposed by this amendment to construct, instead of 15 torpedo boats, 20 torpedo boats. But, Mr. President—

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CHANDLER. One word, by unanimous consent. The appropriation is increased in order that we may get larger and better torpedo boats.

Mr. CALL. Mr. President, I desire to say a few words upon the pending amendment.

The arguments of the Senator from Maryland [Mr. GORMAN] and the Senator from Colorado [Mr. WOLCOTT] demand that we shall reduce all the appropriations, stop the public buildings, cut off the salaries, stop everything. If this country is bankrupt, if it is in serious financial distress, the proposition to cut off two or four million dollars upon the arguments made is insignificant, and is a conclusion that does not result.

Again, the proposition that there is no form of the public credit that can be properly used except bonds with interest payable in gold is another untenable proposition. Are we to stop the employment of labor? Is the public credit, which is the most important factor in the whole world in all financial enterprises, to be used only in the form of gold-interest bonds? I heard the other day that in the New York World recently there was a statement that the Rothschilds—less than 40 men—had accumulated within the last few years over \$20,000,000,000. Did they have it? We know that was a myth. We know it was the public credit of the nations of the world and the pledged taxpaying power in bonds drawing interest.

Mr. President, if we need any measures for the public interest, if we need public buildings, if we need a navy, if we need an army—if these are objects of public utility the proposition that this country is bankrupt is entirely untenable. It is the richest country in the world, whether in accumulated wealth or in the wealth that belongs to the people generally.

If the Senator from Maryland and the Senator from Colorado desire to lessen the burden of oppressive taxation, let them stop taxation by corporate powers, by trusts and syndicates, which, where there is one dollar collected by the Government, collect ten from the people.

That is the point of view in which the policy of taxation should be attacked, not that which looks to the preservation of the Government and the public defense. This country is the richest country in the world, and if the Senator from Maryland is right he should be here demanding that Congress shall prolong its session that revenue may be supplied. Where is the trouble with a tax on beer, a tax on spirits, a tax on tobacco, a tax on luxuries, on accumulated wealth? The resources of the United States are unlimited, and if there are errors of public policy, it is the business of Congress to correct them. If there are errors in the existing law, it is the business of the Senator from Maryland and the Senator from Colorado to propose to correct them, not to speak of financial embarrassments which are the result of our own negligence and our own fault.

Mr. President, if I had it in my power I would issue the public credit of the United States in the form of Treasury notes or silver coin, and I am confident that every appropriation in the pending bill would be gladly accepted in the form of the public credit of

the United States in the shape of circulating notes payable at the will of the Government. Why should it not be so? Why, sir, the credit of this country is the most valuable property in the world. It is the most secure Government in the world. The proposition of the Senator from Colorado is that the people of the United States are to take no part in the great measures of public policies that look to the advancement of the people, the comfort of the great masses of the people, the employment of the unemployed, the general distribution of comfort and prosperity, but that we are to be confined to the mere question whether some Administration has administered the finances of the Government in the wisest manner, and whether it is subject to the severest censure and condemnation. This is not a question for the Senate, but it is a subject which imperatively demands our attention, not only that we shall supply adequate volume, but also that we shall not stifle and embarrass and hinder the enterprise and energy and thrift of the people, and also that we shall not fail to use the public credit in such method as will least injure and benefit most largely the people.

The VICE-PRESIDENT. The time of the Senator from Florida has expired.

Mr. PEPPER. Mr. President, the little I have to say, perhaps, can be better said at this point than at another during the discussion of the bill.

I am opposed to the increase of our Navy beyond what is provided for under existing laws. I think that the true policy of the United States is to maintain peaceful relations with all its neighbors beyond the sea as well as with those immediately adjoining us. I do not believe that we are in danger of collision with any nation in any part of the world either now or in time to come, and that the only danger with which we are threatened is in our own midst, if there be any danger.

I am willing to make large appropriations for the improvement of our harbors and our rivers and the opening up of our public lands, the building of highways, railroads, reservoirs for storing water, canals and aqueducts for the transportation of water, and the division of public lands into small geographical areas in order to make homes for the people; in other words, to develop our latent resources, to get the people at work at home, to build school-houses and churches and railways, and in all other respects develop the resources with which a bountiful Providence has blessed us.

In addition to that, I do not believe that the millennium has quite reached us, or that it has even approached within sight. The war spirit among nations has not entirely subsided. There may possibly be danger in the future; we do not know what will arise. I would have no objection to the construction of coast defenses and the manning and equipping of them for the purpose of defending our interior.

The interests of the American Republic are all bound up in the little word "peace"; peace with all the world, peace among ourselves. With our Northern neighbors, our Canadian friends, we shall some day be united in eternal wedlock. Our railways now pass across both of the countries; their people are becoming assimilated. Some of ours are going beyond the border and some of theirs are coming to this side in order to help one another. Our railways are now piercing the Mexican Republic, and it will not be many years until Canada and Mexico and the United States of America will be one great nation, if we will only pursue a peaceful policy among ourselves.

Mr. CHANDLER. Will the Senator from Kansas allow me to suggest to him that the exception he makes in connection with the proper defense of the country ought to induce him to vote for the 20 torpedo boats, for they are purely defensive?

Mr. PEPPER. Oh, Mr. President, torpedo boats are made for the purpose of running out into the waters on the outside and destroying the commerce of the enemy, if we should happen to have any—

Mr. CHANDLER. They are for defense.

Mr. PEPPER. Or the battle ships of the enemy. It is in the line of war spirit.

Mr. CHANDLER. It is purely defensive.

Mr. SHERMAN. Mr. President, I am influenced in the vote I shall give on this question not by any want of confidence in the Secretary of the Navy, but solely by the fact that we are in no condition to build any greater number of vessels than are actually demanded by the exigencies of the country. I do not anticipate any war, and I am decidedly in favor of a strong, comparatively small increase of the Navy. The proposition now made by the Senator from New Hampshire [Mr. CHANDLER], it seems to me, ought not to be supported at this time. The House of Representatives have provided in the bill for the increase of the Navy to the extent of 5 torpedo boats, 4 seagoing coast-line battle ships, and 10 torpedo boats, the 10 torpedo boats to cost \$500,000.

It seems to me we ought to go no further. There is no occasion for entering upon the enlargement of the Navy to any undue extent. There is nothing in the signs of the times, there is nothing in the condition of our foreign and domestic relations, that de-

mands any haste. There is no danger of a war with any country at present; and although the increase of the Navy might be conducted properly and efficiently, so as to have a navy strong enough to defend our coasts, I would not now enter upon that course further than is absolutely necessary.

Since the Committee on Appropriations have provided for a reduction of the number of torpedo boats (and the Senate has already determined upon building only two seagoing coast-line battle ships) I think we ought to stand by the Committee on Appropriations. I shall therefore vote for no increase whatever that is proposed in respect to the Navy beyond the limits fixed in the bill. I think the Committee on Appropriations were very wise in reducing the number of torpedo boats. They can be easily and quickly built in case of exigency. They can be built within a year, according to the statement of the Senator from New Hampshire [Mr. CHANDLER]. There is, therefore, no pressing necessity for entering upon their construction now. I am always reminded that we have an insufficient revenue to carry on the Government. It has been shown by the vote already taken in the Senate that this body is opposed to any additional taxes. It is opposed to an increase of public revenue in that way, while it is conceded on all hands, by the Secretary of the Treasury as well as others who took a more hopeful view of it a while ago, that there will be a deficiency in the revenues this year of about \$31,000,000. In that condition of affairs it is not right, it is not just, for the Senate of the United States to provide for greater increase in the Navy. This is a merely permissive authority. It says, "The President is hereby authorized to have constructed by contract," etc. It is not mandatory, and in my judgment, if the President acts wisely, he will not exercise the power already given here to build boats unless the signs of the times are more favorable to an increase of revenue.

I think the next Administration to be elected this fall had better be intrusted with any measures that are necessary to enlarge the Navy, and it will also be prepared, no doubt, whatever party may prevail in this country, to provide additional revenue. Until that is done I think all works of any kind or any description whatever, all the appropriations contained in the river and harbor bill, all the appropriations that depend upon the discretion of the Executive authority ought to be limited, and that we ought not in any case to extend the amount of the appropriations beyond the amount of current revenue. I shall therefore vote against any proposition to increase the number of vessels of any kind whatever to be built. I voted yesterday for the reduction of the number of seagoing coast-line battle ships to 2. I did it entirely for that reason. I should like to see the 4 built, but this is not the time to do it. We should wait until our revenues are sufficient to justify the expenditure.

Mr. HALE. Mr. President, I propose to take very little of the time of the Committee of the Whole, as there are many amendments to be offered; and I have not, by the way, although the bill has been before the Senate for a full week, taken in all of the time of the committee over twenty minutes.

The other House sends to us a provision for two classes of these boats, in number 15, at a cost of \$1,675,000. There are no limitations except as provided in the clause. The last appropriation of \$800,000 under the bill as it comes from the House is to be devoted to 10 torpedo boats. That would authorize what I believe would be practically the squandering of this money. It would build little torpedo boats that are obsolete and good for nothing. No other powers build them. In that regard the amendment of the Senator from New Hampshire [Mr. CHANDLER] is much better, and it increases the appropriation, not in the large sum that has been stated, but, to be exact, \$2,325,000 over the House appropriations, the \$4,000,000 being that much more than the House provision.

The amendment sets out each class, into the type of torpedo boats that are now being built by the great nations of the world, with a minimum of 25 or of 30 knots. I doubt whether the 20 boats can be obtained for the \$4,000,000, but they can pretty nearly. I do not see any objection if any Senator proposes to say that no one of these boats shall cost more than \$375,000. I give that figure because a singularly competent man who has been engaged in the building of naval ships and has had the run lately of the French and English yards informs me that it is these large torpedo boats alone that are being built now. The others are considered creations of the past. I should hope, as the amendment increases the appropriation above the House provision for this class of vessels only \$2,325,000, that with some limitation of that kind the amendment would pass. But I do not propose to take any more of the time of the Committee of the Whole, being very desirous that a vote shall be taken, and as other important amendments, in the discussion of which Senators desire to participate, are coming up.

Mr. VILAS. Mr. President, I should like to make a few remarks in respect to this matter. My theory of the true course for the Government to pursue in respect to the Navy is to build such ships as it would require a long time to build, to make such

provision as it might in the case of exigency be impossible to make within a limited time, and to leave to the arising of the exigency such action in regard to other matters useful to the Navy as can be thus properly left. What is the object of our now expending millions on smaller vessels like these torpedo boats that can be built in a short time? Before they are built there will be something better devised, and they will be useless. The Government never built a ship which has not become somewhat obsolete. As was stated by the Senator from Maryland [Mr. GORMAN] the other day, not a vessel which has been constructed in our new Navy is now up to date except the very last ones. It seems to me that the course of wisdom is to provide those things for the Navy which can not be done in a hurry and to leave those things which can be done quickly to the occurring of the exigency for them.

The Senator from Washington [Mr. SQUIRE] informs me that under one contract for constructing a torpedo boat only ten months are required to build it. I have no doubt such boats could be built, if the occasion required, in four months. If that be true, why build a large number of vessels which may become entirely useless when the occasion arises for them? This is the only suggestion I desire to make. I do not understand that the American people are striving to build a navy to go a-jingling with, as the Senator from Massachusetts [Mr. LODGE] substantially put it this morning—to equip ourselves with a whinger, in order to become a national swashbuckler in the world.

Mr. GORMAN. I offer an amendment to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following proviso:

Provided, That not more than \$375,000 shall be expended in the construction of any one of said torpedo boats.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maryland [Mr. GORMAN] to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New Hampshire [Mr. CHANDLER] as amended.

Mr. GORMAN. On that I ask for the yeas and nays.

Mr. PLATT. Let the amendment be read once more.

Mr. CHANDLER. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Hill,	Quay,
Allison,	Daniel,	Kyle,	Roach,
Bacon,	Davis,	Lodge,	Sherman,
Baker,	Dubois,	McMillan,	Shoup,
Bate,	Elkins,	Martin,	Squire,
Berry,	Frye,	Mitchell, Oreg.	Stewart,
Blanchard,	Gallinger,	Mitchell, Wis.	Teller,
Brown,	Gear,	Morrill,	Tillman,
Burrows,	George,	Nelson,	Turpie,
Butler,	Gibson,	Pasco,	Vilas,
Caffery,	Gordon,	Peffer,	Walthall,
Call,	Gorman,	Perkins,	Warren,
Cannon,	Hale,	Pettigrew,	White,
Carter,	Hansbrough,	Platt,	Wolcott.
Chandler,	Harris,	Pritchard,	
Clark,	Hawley,	Proctor,	

The VICE-PRESIDENT. Sixty-two Senators have answered to their names. A quorum of the Senate is present. The question recurs on agreeing to the amendment submitted by the Senator from New Hampshire, as amended, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. ALLEN. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the word "each," in line 24, page 50, down to and including the word "dollars," in line 4, page 51, and insert:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots, and torpedo boats with a minimum speed of 23 knots, 20 in number, to cost in all, exclusive of armament, not to exceed \$4,000,000: *Provided, That not more than \$375,000 shall be expended in the construction of any one of said torpedo boats.*

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. I am informed that he would vote "nay," if present, and I will therefore vote. I vote "nay."

Mr. PUGH (when his name was called). I am paired with the

senior Senator from Massachusetts [Mr. HOAR]. I transfer my pair to the junior senator from Ohio [Mr. BRICE] and vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. WALTHALL. I desire to announce that the senior Senator from Pennsylvania [Mr. CAMERON] is paired on this question with the junior Senator from Kentucky [Mr. LINDSAY]. I ask that this announcement may apply to all yea-and-nay votes taken during the day.

Mr. CAFFERY. I transfer my pair with the Senator from Michigan [Mr. BURROWS] to the Senator from Texas [Mr. CHILTON] and will vote. I vote "nay."

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. Under our agreement either of us is authorized to vote on a question nonpolitical, and I will therefore cast my vote on this question. I vote "yea."

Mr. DUBOIS. I ask the Senator from Georgia to transfer his pair to the Senator from New Jersey [Mr. SMITH]. The Senator from Georgia [Mr. BACON] has voted anyhow, and it will make no difference.

Mr. BACON. I transfer my pair to the Senator from New Jersey [Mr. SMITH].

Mr. PASCO (after having voted in the negative). I notice that the Senator from Washington [Mr. WILSON], with whom I am generally paired, has not voted. I propose a transfer of pairs with the Senator from New Hampshire [Mr. GALLINGER], so that the Senator from Washington [Mr. WILSON] and the Senator from Texas [Mr. MILLS] will stand paired, and in that way I will let my vote stand. That arrangement will leave the Senator from New Hampshire [Mr. GALLINGER] free to vote.

Mr. GALLINGER (after having voted in the affirmative). That will permit my vote to stand. I have already voted.

Mr. GEORGE. I am paired with the Senator from Oregon [Mr. McBRIDE]. If he were present, I should vote "nay."

The result was announced—yeas 23, nays 39; as follows:

YEAS—23.

Bacon,	Davis,	Hale,	Morrill,
Brown,	Dubois,	Hawley,	Perkins,
Call,	Frye,	Lodge,	Platt,
Cannon,	Gallinger,	McMillan,	Proctor,
Carter,	Gibson,	Mantle,	Squire.
Chandler,	Gordon,	Mitchell, Oreg.	

NAYS—39.

Allen,	Cockrell,	Nelson,	Stewart,
Allison,	Daniel,	Palmer,	Teller,
Bacon,	Gear,	Pasco,	Turpie,
Baker,	Gorman,	Peffer,	Vest,
Bate,	Hansbrough,	Pettigrew,	Vilas,
Berry,	Harris,	Pritchard,	Walthall,
Blackburn,	Hill,	Pugh,	Warren,
Blanchard,	Kyle,	Roach,	White,
Butler,	Martin,	Sherman,	Wolcott.
Caffery,	Mitchell, Wis.	Shoup,	
Clark,			

NOT VOTING—27.

Aldrich,	Faulkner,	Lindsay,	Smith,
Brice,	George,	McBride,	Thurston,
Burrows,	Gray,	Mills,	Tillman,
Cameron,	Hoar,	Morgan,	Voorhees,
Chilton,	Irby,	Murphy,	Wetmore,
Cullom,	Jones, Ark.	Quay,	Wilson.
Elkins,	Jones, Nev.	Sewell,	

So the amendment as amended was rejected.

Mr. GEORGE. I offer the amendment which I send to the desk.

The SECRETARY. After line 13, page 7, it is proposed to insert:

The Secretary of the Navy is hereby authorized and required to pay, immediately, to the patentee the \$25,000 appropriated in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895. Said act providing "for the exclusive rights to and for ordnance appliances now in use on naval vessels and protected and covered by patent No. 533171, said patent being embraced in a contract dated January 23, 1893, and signed by the Secretary of the Navy and the patentee."

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Mississippi [Mr. GEORGE].

Mr. LODGE. I should like to ask who the patentee is and what the payment is for. We are to be economical.

Mr. SHERMAN. What is the amount, and for what is it to be paid?

The VICE-PRESIDENT. The amendment will again be read. The Secretary again read the amendment.

Mr. TELLER. I would say that the Committee on Appropriations examined that matter, but not in time to put it on the bill before it was reported. It was submitted to the Senator from Maine and myself, and we decided to let it go on.

Mr. HALE. It is to carry out a contract.

Mr. TELLER. It is to carry out a contract made with the Government, and to carry out a law of last year.

Mr. HALE. This was a provision made in last year's appropriation act, which has not been paid. The Senator from Colorado and I looked the matter over, and made up our minds that, under the circumstances, the man was entitled to his pay. Let the Secretary read the provision in the last naval appropriation act.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

To enable the Secretary of the Navy to pay, should he consider such payment desirable, for the exclusive rights to and for ordnance appliances now in use on naval vessels and protected and covered by patent No. 533171, said patent being embraced in a contract dated January 28, 1893, and signed by the Secretary of the Navy and the patentee and authorized in the act making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes, \$25,000, or so much thereof as may be necessary, to be immediately available.

Mr. TELLER. I would say that the patentee is a young man of the name of H. B. Hurst, who is a resident of the State of Mississippi when he is at home.

Mr. SHERMAN. It seems to me that a provision of this kind ought to be reported from the Committee on Claims or some committee which has immediate charge of such subjects. It seems this was appropriated for last year and that the Secretary of the Navy did not hold it to be binding upon the Government; at least that is the inference. I think, under the circumstances, we ought not to put a claim of this kind upon an appropriation bill. It is a private claim and could be objected to upon that ground, without putting it upon the broad ground that the money had not been paid by the executive authority, they deciding it not to be a just claim, or at least not paying it. I think we ought not to put it on here. Let it stand like any other private claim, to be referred to the proper committee, reported by them, and then acted upon by the Senate.

Mr. HALE. I do not think it is a private claim. It was on the appropriation bill of last year, and the Secretary, acting in his discretion, did not pay it. The ground taken by the Department, I understand, is that it was discovered, as claimed by the Department, that certain inventions covering the same principle had been made by officers of the Navy Department, and that therefore this was not needed, and was superfluous. The Senator from Colorado and myself did not believe that that was sufficient ground, but the Department thought it sufficient to prevent this man who got the appropriation last year from being paid the money. The whole consideration now about it being a private claim ended last year when Congress adopted it, and we have recommended that it be paid now in accordance with the action of last year. The Senate, of course, will do as it pleases about it.

Mr. GALLINGER. I notice the phraseology of the statute of last year reads:

To enable the Secretary to pay, should he consider such payment desirable.

It seems he did not consider such payment desirable; at least he did not pay it. There are thousands of meritorious claims against the Government. New Hampshire has several, but I do not expect to live to see the time when they will be appropriated for on a naval appropriation bill or any other bill. It does seem to me, when this claimant has a right before Congress to ask that his claim shall be adjudicated and the Court of Claims is open to him, that we ought not, certainly without a very full consideration of this matter, to cause the Government to pay \$25,000 for a claim which, I take it, is in controversy. I think there are very grave reasons why this amendment should not go upon the present bill.

Mr. TELLER. The Government of the United States made a contract with this young man for these patented articles. They have had the use of them and they are using them now. The question is whether they shall pay for them. That is the whole matter. It was considered by the committee last year, and has been reconsidered by the committee at this session, and we believe he ought to be paid. There is not any time under the five-minute rule to go into any very extended explanation of the case, and it would be quite impossible to make the proper statement of it in that time, but it has been twice before the Committee on Appropriations, twice thoroughly considered, and it is to carry out a contract contained in the law of last year.

Mr. LODGE. I have no doubt the claim is a very good one, but there are a great many good claims against the United States to carry out contracts which are not paid, and which are delayed year after year. This bill, as I understand, is for the support of the Navy, and it seems to me the proper place for a claim of this kind is not on the naval bill, but on the general deficiency bill, where payments of that sort are made. It is rather unusual to pay a private claim on a naval appropriation bill, and it seems to me when the deficiency bill is up, and we shall not be under the five-minute rule, there will be an opportunity to understand the claim. I have no desire to oppose an honest claim unreasonably, but all we know about this is that the Secretary of the Navy, on its being left to him, did not think it a good claim and refused to

pay it. That is really all we know about it. It seems to me that it would be better to allow it to come up on the general deficiency bill. Then it can be explained, and I have no doubt, if it be a proper claim, as I suppose it is, it will be passed.

Mr. ALLEN. I am not concerned whether this amendment goes on this bill or not. I do not see why it can not be paid on this bill, if it ought to be paid at all, just as well as to be paid on any other bill; but I rose for the purpose of inquiring from some person who knows, presumably the Senator having this bill in charge, as to what it is proposed we shall pay for? The amendment itself does not disclose anything. We are paying for some patented articles, and the amendment does not disclose what the act read a moment ago gives us to understand that we are paying for some patented articles; but we are not told what those articles are, nor what title we are obtaining to them.

I rose, in the second place, to ask the attention of the Senator from Maine to a statement that he made a moment ago, that naval officers are engaged in patenting certain articles which are used by the Navy. I should like to know if that be true.

Mr. HALE. It appears every now and then that officers in the Navy and the Army get out patents.

Mr. ALLEN. Does the Senator from Maine mean to say that officers who are in the service of this Government and who have been educated by the Government are taking advantage of their education and their experience as naval officers by patenting articles and selling them to the Government?

Mr. HALE. That raises another question about selling them to the Government. They generally give them to the Government.

Mr. ALLEN. Still they get money out of the Government for them?

Mr. HALE. They do not get any money generally.

Mr. ALLEN. I am not speaking generally. Are there patents in existence of that kind?

Mr. HALE. I do not think, unless there has been a special provision authorized by Congress, that there is any case on record where army or navy officers getting out patents have received money for them. Sometimes I have known of cases so remarkable, so meritorious, that Congress has authorized some recognition of such patents by giving some small sum to the patentee.

Mr. ALLEN. We are talking about a patent. What is this patent? What does it consist of?

Mr. TELLER. I will tell the Senator.

Mr. HALE. The officers do not get royalties.

Mr. TELLER. Mr. Hurst patented certain improvements in cartridges and breech-loading guns.

Mr. SHERMAN. Is this gentleman an officer of the Army?

Mr. TELLER. No; he is a private citizen. His patents also cover the use of a practice rifle inside of a large gun. It is taking a large gun and putting inside of it another gun, taking out the breech lock and using it for practice purposes, for training men, etc., and there is a recoil to prevent the smaller gun from injuring the larger gun. He has invented various kinds of machinery of that sort, which are complicated and difficult to understand. Having made these patents, he went to the Navy Department and made a contract with Mr. Tracy, who was then Secretary of the Navy. Thereupon inquiries were made—and I have a letter here showing that they inquired of the Navy Department—to know if he could get these patents and whether they were interfering with anything else, and also as to whether he made any assignment. Then he entered into a contract with the Government that it might use these appliances, and the Government has used them. Afterwards the Department said that somebody else had made the discovery simultaneously with him, although nobody else had got a patent, and no patent had been taken out for such appliances. Thereupon they declined to pay him. The committee, after investigating, believed that Mr. Hurst was the original inventor, and as the Government had had the use of his inventions, and is now using them, they could see no reason why the contract should not be carried out and why the money which was appropriated last year should not be paid.

I can say to the Senator that we have given some attention to this matter, and I have had some knowledge myself regarding it, because when the contracts were made by this young man I went with him and introduced him to the Secretary of the Navy, so that he might be able to make the contracts. He has made them. I believe his appliances are valuable, and after examining the subject last year and examining it again we think this amount ought to be paid him. It would take an hour or two to read the documents which the young man has left with me or with the Senator from Mississippi to be presented to the Senate. That can not be done under the five-minute rule.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. ALLEN. I hope the Senator's remarks will not be taken out of my time.

Mr. TELLER. I ask the Senator to pardon me. I did not suppose that my remarks would come out of his time.

Mr. ALLEN. I will make this inquiry. I want information. The Senator from Colorado has not yet disclosed what we have bought from this man or what we are to get from him.

Mr. TELLER. We have the right to use this patent. If the Senator wants to go into a careful statement of it I have the document here, but it would take some time for him to understand the matter, and unless he is a better machinist than the average Senator he would not be able to understand it.

Mr. ALLEN. Do we get the exclusive right to the invention, or the right to use it?

Mr. TELLER. We get the exclusive and absolute right. It is good for nobody except the Government of the United States.

Mr. ALLEN. Then we are the assignees of the patentee?

Mr. TELLER. We are, if we pay the money.

Mr. ALLEN. Do we have anything to pay after this payment?

Mr. TELLER. We have nothing to pay, no royalty. The Government is going to use it, and will use it whether it is paid for or not.

Mr. SHERMAN. I make the point of order that it is a private claim and not in order on an appropriation bill.

The VICE-PRESIDENT. The amendment will be again stated.

Mr. HALE. All there is in parliamentary law on that subject is found in clause 4 of Rule XVI. Undoubtedly no private claim can be put upon a general appropriation bill unless it is under the conditions which are prescribed in clause 4.

Mr. VEST. Read the rule.

The VICE-PRESIDENT. The Secretary will first read the amendment.

The Secretary read the amendment proposed by Mr. GEORGE, as follows:

The Secretary of the Navy is hereby authorized and required to pay, immediately, to the patentee the \$25,000 appropriated in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895. Said act providing "for the exclusive rights to and for ordnance appliances now in use on naval vessels and protected and covered by patent No. 533171, said patent being embraced in a contract dated January 28, 1893, and signed by the Secretary of the Navy and the patentee."

The VICE-PRESIDENT. The Secretary will read the fourth clause of Rule XVI.

The Secretary read clause 4 of Rule XVI, as follows:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. LODGE. On that point the existing law does not correspond with this amendment. The existing law is that the Secretary shall pay the amount at his discretion.

The VICE-PRESIDENT. The point of order is made against the proposed amendment by the Senator from Ohio [Mr. SHERMAN]. The Chair has caused to be read the rule, which is familiar to the Senate, and the Chair is of the opinion that the amendment does not carry out existing law, as it is not mandatory, but is discretionary with the Secretary of the Navy. For that reason the Chair will sustain the point of order.

Mr. HALE. I hope, Mr. President, we shall now proceed with the reserved items. I ask the Secretary to read the first amendment which has not been acted upon, at the bottom of page 50, line 25.

The VICE-PRESIDENT. The reserved amendments of the Committee on Appropriations will be stated.

The SECRETARY. In line 25, on page 50, before the word "torpedo," it is proposed to strike out "five" and insert "three"; so as to read:

And three torpedo boats, to have a maximum speed of not less than, etc.

Mr. HALE. This is a committee amendment.

The amendment was agreed to.

The next reserved amendment was, on page 51, line 1, before the word "knots," to strike out "26" and insert "30"; in line 2, before the word "thousand," to strike out "and seventy-five"; in the same line, after the word "and," to strike out "not to exceed"; in line 3, after the word "ten," to strike out "or more"; and in the same line, after the word "exceeding," to strike out "eight" and insert "five"; so as to read:

And three torpedo boats, to have a maximum speed of not less than 30 knots, to cost in all not exceeding \$800,000; and not to exceed ten torpedo boats to cost in all not exceeding \$500,000, and to have the highest practicable speed for vessels of their class.

The amendment was agreed to.

The next reserved amendment of the Committee on Appropriations was, on page 51, line 5, after the word "class," to insert:

And not more than two of said battle ships and not more than three of said torpedo boats shall be built in one yard or by one contracting party, and in each case the contract shall be awarded by the Secretary of the Navy to the lowest best responsible bidder.

The amendment was agreed to.

The next reserved amendment was, on page 51, line 21, after the

words "battle ship," to strike out "and one of said torpedo boats"; so as to read:

And, subject to the provisions hereinafter made, one seagoing battle ship shall be built on or near the coast of the Pacific Ocean or in the waters connecting therewith, etc.

The VICE-PRESIDENT. The amendment will be regarded as agreed to, if there be no objection.

Mr. MITCHELL of Oregon. We want to have something to say about that.

Mr. HALE. Very well.

Mr. SQUIRE. I propose to substitute the word "three" for the word "one"; so as to have it read:

And three of said torpedo boats shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith, provided that said battle ship and torpedo boats can be constructed at an additional cost not exceeding 5 per cent, etc.

Mr. MITCHELL of Oregon. In other words, the Senator from Washington proposes to amend the amendment of the committee.

The VICE-PRESIDENT. The amendment submitted by the Senator from Washington will be stated from the desk.

Mr. HALE. That goes back to the amendment on lines 21 and 22.

Mr. SQUIRE. Yes.

The VICE-PRESIDENT. The Chair so understands.

Mr. SQUIRE. In that connection I have dispatches from the Navy Department which I wish to submit to the Senate.

Mr. HALE. I will agree to the Senator's amendment rather than have them read.

Mr. SQUIRE. I ask that these dispatches be printed in the RECORD as part of my remarks.

The dispatches referred to are as follows:

NAVY DEPARTMENT, April 28, 1896.

Hon. WATSON C. SQUIRE:

In the naval appropriation bill, as now before the Senate, providing for 10 torpedo boats not to cost over \$500,000, and to have the highest practicable speed, the Department, while adhering to its original view, that it should be given the largest possible discretion in letting these boats so as to get the best results for the Government, has no objection, if the Congress so desires, to it being provided that one or more of these boats shall be built on the Pacific Coast, with a proviso regarding cost similar to that with reference to the battle ship.

W. MCADOO, Acting Secretary.

NAVY DEPARTMENT, April 29, 1896.

Hon. WATSON C. SQUIRE:

In reply to your written inquiry of this date, I have to say that if all conditions as to price and the capacity of the builders be fair, the Department would consider it good policy to encourage shipbuilding, including torpedo boats for the Navy, on the Pacific Coast.

W. MCADOO, Acting Secretary.

NAVY DEPARTMENT, May 1, 1896.

Hon. W. C. SQUIRE:

Replying to telegram of April 29, the estimated cost for sending a torpedo boat similar to the *Cushing* from New York to San Francisco, most economical rate of speed, for coal, oil, and engineer's stores, would be \$4,000.

F. M. RAMSAY, Acting Secretary.

The VICE-PRESIDENT. Will the Senator from Washington indicate his amendment?

Mr. SQUIRE. After the word "battle ship," in line 21—

Mr. WOLCOTT. How is the RECORD going to appear? There were no remarks made, as I understand, by the Senator from Washington. A suggestion was made that some remarks would be submitted, whereupon the Senator from Maine [Mr. HALE] said that rather than have the remarks he would accept the amendment. Now, the Senator from Washington proposes to print some telegrams in regard to remarks which were not made.

Mr. MITCHELL of Oregon. The Senator from Washington desires to have them printed as part of his remarks.

Mr. WOLCOTT. I did not so understand. I should be glad to have the dispatches printed in connection with the speeches of both the Senator from Washington and the Senator from Oregon.

Mr. SQUIRE. I thought I had the floor at the time.

The VICE-PRESIDENT. The Chair will ask the Senator from Washington to restate his amendment.

Mr. SQUIRE. On page 51, line 21, after the words "battle ship," I move to insert "and three of said torpedo boats."

Mr. HALE. The Senator does not need to do that. The amendment of the committee proposes to strike out the words "and one of said torpedo boats." Before the vote is taken on that, the Senator can move, as he has a right to do, to strike out "one" and insert "three." That is all that he needs to do, and then the vote will be taken upon the amendment of the committee as amended.

Mr. SQUIRE. I accept that suggestion and will move the amendment in that way.

Mr. HALE. I accept it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, in line 25, on page 51, by striking out the word "one" and inserting "three"; so as to read:

And three of said torpedo boats shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith.

Mr. GORMAN. Do I understand the Senator from Maine to accept that amendment?

Mr. HALE. I do. So far as I am concerned I agree to it.

Mr. GORMAN. I do not.

Mr. HALE. If the Senator objects, of course the vote must be taken.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Washington. The Chair recognizes the Senator from Maryland.

Mr. GORMAN. The amendment does not increase the number to be built, but it does provide that 3 of the 10 torpedo boats shall be constructed in the waters of the Pacific.

Mr. HALE. Three out of 13.

Mr. GORMAN. Yes; 3 out of 13.

Mr. MITCHELL of Oregon. It ought to be 5.

Mr. SQUIRE. Certainly it ought to be 5.

Mr. HALE. I thought it better not to increase from 3 to 5. I thought the Senators were getting along pretty well with 3.

Mr. GORMAN. I always wish to deal, and have always dealt, very liberally with the Pacific Coast. They have the great navy-yard at San Francisco provided for in this bill, and one of the battle ships is to be constructed there at \$500,000, or whatever it may cost. As to torpedo boats, you can not compete for them on the Pacific Coast, considering, as the Secretary has a right to do, the cost of transportation of such a boat from this side over there. You have in that matter absolutely open competition with the balance of the United States, and there is no good and sound reason, in my judgment, why such a provision should be placed in this bill. I know we have been in the habit of encouraging enterprise of this kind, providing that one shall be constructed on the Gulf and one on the Pacific Coast, but I think our friends on the Pacific Coast ought to be satisfied with this bill.

Mr. SQUIRE. I wish to say a word if the Senator from Maryland is through.

Mr. GORMAN. I am through.

Mr. SQUIRE. Last November the Government entered into a contract for the construction of one torpedo boat on the Pacific Coast, in the waters of Puget Sound, at a cost of \$160,000, to be completed in fifteen months from the time the contract was let.

Mr. MITCHELL of Oregon. And there was sharp competition for that boat in three or four different places.

Mr. SQUIRE. Very sharp competition.

Mr. GORMAN. But the Senator will observe that he proposes that three of them are to be built there.

Mr. SQUIRE. Yes; at various places, if suitable bids are made.

Mr. GORMAN. There is no discretion at all left in the Department.

Mr. SQUIRE. That is only 3 out of 13, and discretion is left to the Department. I wish to state further to the Senator from Maryland and the Senate that it is the policy of the Government, as shown in the dispatches I sent to the desk, to encourage the construction of some of these torpedo boats on the Pacific Coast. There is now a torpedo boat yard there already established, that is, I mean in the hands of a private company, quite equal, if not superior, to any yard of that kind that exists on this side. There is only one great battle-ship building concern on the Pacific Coast. I mean, as everybody knows, the Union Iron Works, of San Francisco. There never has been a torpedo boat built on the Pacific Coast. One has been contracted for, and is to be built on the waters of Puget Sound for \$160,000. As the Senator from Oregon [Mr. MITCHELL] just remarked, the bid was accepted by the Government after very severe competition and at a very low price. The law at that time authorized the construction of a boat to cost \$175,000, and the Department, in the exercise of its discretion, deducted a small amount covering the cost of the armament, and I believe that the Government deducted more than was necessary for the cost of the armament, and the Department concluded to make this contract \$160,000, which was \$15,000 less than the amount authorized by law.

Mr. WOLCOTT. Will the Senator from Washington allow me to interrupt him?

Mr. SQUIRE. I would prefer to complete my statement, if the Senator from Colorado will allow me.

It is the policy of the Government to continue the existence of the shipbuilding concerns on the Pacific Coast; and when the company at Seattle gets through with building the one boat contracted for they ought to have a chance to build another. They can not very well compete with the yards on the Atlantic Coast. It costs more for wages. They have to get every pound of their steel from the Atlantic Coast. Every pound of steel used in the construction of the battle ships at San Francisco and all the armor plates come from Pittsburgh. I am informed that it will be the same in regard to the torpedo boats.

I want to mention one fact before I leave this point. I have here a dispatch from the Secretary of the Navy stating that the cost of transferring one of the smallest torpedo boats from the Atlantic Coast to the Pacific Coast—the *Ericsson*, for instance, or

the *Cushing*—would be \$4,000 just for the expense of the coal and the oil and the necessary expenses, without including anything for the wages of the officers or crew or any estimate for the cost of pilotage or any reference to the question of risk to be encountered in going around Cape Horn.

Mr. HALE. Will the Senator allow me right there?

Mr. SQUIRE. In a moment.

Four thousand dollars is about 5 per cent on the cost of the *Cushing*, which was \$82,750. So you can see you must have some of your torpedo boats on the Pacific Coast, and it is absurd to spend the money to send them around the Horn when you can have them built there, and so distribute the money in part upon the Pacific Coast in payment for these vessels; besides encouraging the building up of another important shipyard for the benefit of the Government.

Mr. CALL. I ask the Senator from Washington if he has any objection to having the Gulf of Mexico inserted as one of those places?

Mr. SQUIRE. That is already included.

Mr. WILSON. The Gulf of Mexico is already included.

Mr. WOLCOTT. I desire to ask the Senator from Washington and the Committee on Appropriations if this would not be a fair proposition all around, that in the bill there should be some limitation of the percentage of cost over which the Pacific Coast should not go? That is to say, in the battle ships, one of them is to be built on the Pacific Coast, provided it can be built at the price mentioned. That is right; that is reasonable. Now, the Senator states, which is probably true, that 5 per cent would not be enough perhaps to make up the difference of cost in the torpedo boats; but if you are to build 3 on the Pacific Slope the United States ought to have some sort of a percentage on which it can protect itself; because if you have three yards on the Pacific Coast capable of building these torpedo boats, the Government will find those three yards pooled, and the 3 boats compelled to be built on the Pacific Slope will cost the full amount appropriated. If the Government is required to build the whole 3 boats on the Pacific Coast, I suggest that there should be some measurable limitation, that the cost of the torpedo boats should not be more than 5 per cent over the cost of building elsewhere.

Mr. HALE. If the 3 are put in, the clause should read: "Provided, That said battle ship and torpedo boats can be constructed at an additional cost not exceeding 5 per cent of the lowest accepted bid," etc.

Let me say here that one reason which led me, so far as I was concerned, to accept the proposition of 3 out of the 13 was that in last year's bill we provided for 3 torpedo boats, and provided that 1 of the boats should be built on the Pacific Coast. The percentage is not nearly so large this year as it was last, and we considered the expense of transporting these boats around the Horn. We have to take into consideration the fact that if we can build torpedo boats there that was not an unreasonable number, although I was besought to agree to 5. For that reason I shall vote for the 3, and I shall move to insert after the word "battle ship," to which the 5 per cent applies, the words "and torpedo boats"; so that the provision will cover the two.

Mr. MITCHELL of Oregon. There will have to be another amendment made.

Mr. HALE. I will move it.

Mr. BACON. I call the attention of the Senator from Colorado to the proviso on the fifty-second page, which will affect torpedo boats as well as battle ships. That puts it in the discretion of the President to have these vessels constructed elsewhere if, after the bids are opened, it is found that they can not be economically constructed on the Pacific Coast.

Mr. HALE. That is cured by the limitation in line 11, which says:

Subject to the limitations as to cost hereinbefore provided.

That was put in in order that the Secretary can not overrule the 5 per cent. The committee has been very careful about this clause, and I think it is very well guarded.

Mr. CALL. My object was to make it imperative that one of these boats should be constructed upon the Gulf of Mexico, and I think that ought to be done. I think the laboring people and others in that portion of the country ought to have the advantage of whatever accrues from the disbursement of this money. Under the language of the bill, which I understood to be remedied by the amendment of the Senator from Washington, it would not be imperative, but under that amendment it is imperative that they shall be constructed there.

Mr. SQUIRE. I will state to the Senator from Florida that the provisions which have been suggested or prescribed by the Senator from Maine are very clear. On page 52 it is provided "that if it shall appear to the complete satisfaction of the President of the United States, from the biddings for such contracts, * * * that said vessels can not be constructed at a fair cost," etc. That is all very well expressed in the next page.

Mr. CALL. "At a fair cost," the Senator will observe.

Mr. GORMAN. I wish to call the attention of the Senator from Florida to the fact that the bill as it is now proposed to be amended would provide that three of these boats shall be built on the Pacific Coast, provided, as I understand, that provision is also to be put in that the cost does not exceed 5 per cent of those constructed elsewhere. Then follows the provision for one torpedo boat on the Mississippi River and one torpedo boat on the Gulf of Mexico, but there is no 5 per cent limit as to them.

Mr. CALL. That is what I understood. It is to be left entirely in the discretion of the Secretary of the Navy.

Mr. CHANDLER. Of course, when we provide that any of these torpedo boats shall be constructed in a particular place, we limit the field of competition, and we run a risk of having to pay a larger sum than we would pay with full and complete competition. On this proposition I am willing to provide that one of these boats shall be built on the Pacific Coast, whatever the cost may be, within the limit, but if three are to be built there, I should like to be informed how many establishments there are on the coast that can bid and what the probabilities are as to competition.

Mr. MITCHELL of Oregon. There are three separate and distinct establishments in the city in which I live, the city of Portland, Oreg.

Mr. CHANDLER. The Senator from Washington has, I know, full information concerning the Pacific Coast. Will he tell us how many establishments there are on that coast which can build one of these torpedo boats?

Mr. SQUIRE. I think we have as many as six or eight. We have at Seattle, Moran Bros. Company, and there is at Port Townsend another firm—Heffernan—which has now a contract with the Government for the construction of steam launches. We have other concerns at Portland, whose names I do not now recall, and at San Francisco there are several concerns.

Mr. MITCHELL of Oregon. The Willamette Iron Works and Zwicker Bros.

Mr. CHANDLER. Does the junior Senator from Washington [Mr. WILSON] confirm this statement?

Mr. WILSON. I do not think "the junior Senator from Washington" can inform the senior Senator from New Hampshire upon any subject.

Mr. HALE. I am afraid these inquiries will extend to the number being increased to 5 or 6. I should like to have a vote on 3.

Mr. MITCHELL of Oregon. Let us have a vote.

Mr. HALE. Yes; let us vote.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Washington [Mr. SQUIRE], to amend the clause proposed to be stricken out by the committee.

Mr. ALLEN. Mr. President, I did not intend to delay the vote upon the pending measure, but I have thought, in view of the fact that the Naval Committee has been very generous in distributing the torpedo boats or locating the places where they shall be constructed, that it would not be improper for me to ask the honorable Senator from Maine who has the bill in charge to permit one of these boats to be constructed on the Missouri River. One of them is to be constructed on the Upper Mississippi River, I understand, which is not as large nor as important a stream at the location of the proposed construction as the Missouri River.

Mr. WOLCOTT. May I suggest to the Senator from Nebraska, as I hope he will not forget, that the South Fork of the Platte also runs through his State?

Mr. ALLEN. I was coming to that, and I hope the five-minute rule will not be called upon me in exact time. I was going to mention the fact that the Missouri River from its mouth to its source is something like 2,700 miles long 2,200 miles of which are navigable not only for boats but for boats. It is one of the great streams of the United States. One of these vessels is to be constructed on the Upper Mississippi River. I am glad to know that it is to be constructed there and to be constructed at a city where my honorable friend the senior Senator from Iowa [Mr. ALLISON] resides, a city of some 35,000 inhabitants. Nebraska has a city of 200,000 inhabitants on the navigable waters of the Missouri River; and why should not we, who have been drought-stricken there for years and have encountered all the hardships of pioneer life, have the profits as well as the honors to be derived from the construction of one of these torpedo boats?

The Senator from Washington wants two or three of these boats to patrol the creeks and the ditches and the obscure estuaries of the Pacific Slope. We are citizens of the United States, Mr. President, and taxpayers. We are citizens to the manner born. Why should we not have a torpedo boat to patrol the Missouri River, to patrol the meanderings of the Platte, the meanderings of the Republican, the meanderings of the North and South Loup, and the many magnificent streams that flow through our State? Why should not North and South Dakota have a torpedo boat constructed upon the Upper Missouri so that it might patrol and guard the

commerce of the Jim River, which intersects, or bisects, as my friend from Illinois would say, both of those great States?

Mr. KYLE. I should like to know if the Senator refers to the rivers that cross my State?

Mr. ALLEN. I refer to the Jim River, which for some four or five hundred miles is one of the great and important streams of the West. Do you not want a boat constructed on that river and kept there to patrol it?

Mr. KYLE. We do; and when we come to the river and harbor bill we shall propose—

Mr. ALLEN. I know the Senator from South Dakota to be a candid man, and I put the question squarely to him: Do you not need a torpedo boat to patrol the waters of the Jim River?

Mr. KYLE. Indeed we do.

Mr. ALLEN. On page 52, after the amendment of the Senator from Washington, I will attach the language to the amendment of the Senator from Washington, in addition to what he proposes—I move to so amend the bill that one of the torpedo boats shall be constructed upon the Missouri River and shall be used to patrol the waters of that river.

Mr. HALE. The best place is in line 9, page 52.

Mr. ALLEN. I will accept the Senator's suggestion. I presume it is just as well there as any other place.

Mr. HALE. It would come in more properly there.

Mr. ALLEN. Yes, it would come in more properly there; and if the Senator from South Dakota wants one I am perfectly willing that he shall amend my amendment. I hope the amendment will be voted upon, and that the same reasoning which carries through the project of the Senator from Washington will take these two propositions through.

Mr. HAWLEY. Mr. President, the first question is as to whether it is worth anything at all for this nation to try to defend itself anyhow against anybody under any circumstances. If adding to our force would make us too aggressive, the only way to keep us peaceable is to make us utterly defenseless. But I take it for granted that is not the wish of Congress and the people. We must have something.

Now, torpedo boats are thought to be worth having by all the world except the Senator from Nebraska [Mr. ALLEN]. It is a wise and proper thing, as the Navy Department says, and as we all know they have said and all of us have said before, to encourage the building up of yards on the Pacific Coast, in which can be built something for national defense, and we have sent some there to be built. It is desirable there should be torpedo boats there if we have any anywhere, and we must either build them there or take them around the Horn, at a cost of about \$4,000 each. If we build them over there, we get the advantage of building up an industry that is valuable to us, as valuable to us as if we owned the shipbuilding establishments there, precisely, because we can always avail ourselves of them. I think it is entirely a sensible thing to let them build two or three over there, that they may have shops which can help us hereafter, under the limitation that the cost shall not go above 5 per cent over what they can be built for on this coast. A dispatch that the Senator did not read, from the Navy Department, says:

If all conditions as to price and the capacity of the builders be fair, the Department would consider it good policy to encourage shipbuilding, including torpedo boats for the Navy, on the Pacific Coast.

And another dispatch speaks favorably of the limitation of 5 per cent. I think it ought to go through.

Mr. GORMAN. Who signs the dispatch?

Mr. HAWLEY. Mr. McAdoo.

Mr. ALLEN. I wish to suggest to the Senate in all seriousness that we have just as great capacity at Omaha, Nebr., for the construction of one of these vessels as can be found at any interior city in the United States. We have the means of transportation. We have, I was going to say, a dozen great transcontinental lines of road centering there. We have just as good means upon the Missouri River for the construction of one of these boats as they have upon the Mississippi River. There is no reason why we should not encourage the construction, if we are to start upon the process of encouraging the development of industries, and build up great works upon the Missouri River, which is the important river of the United States, and more important than the Upper Mississippi. There is no more reason why we should not encourage the development of one of these great industries by the construction of a torpedo boat at Omaha, or Kansas City, or some other important city along the Missouri River, than that one of the boats should be constructed upon the Mississippi River. We pay our taxes according to our population, and we pay them promptly. We are citizens of the United States. Why should ten of these boats be constructed here upon the Atlantic Coast, where everything is pooled, and where there is practically no competition? And why should the Senator from Washington be permitted to take the other three over upon the Pacific Slope, with the single one that has slipped up the waters of the Mississippi River?

Mr. SQUIRE. Will the Senator from Nebraska permit an interruption?

Mr. ALLEN. Certainly.

Mr. SQUIRE. I wish to occupy just one moment on that point. I will state to the Senator from Nebraska that I would not be opposed to the construction of one or more of those vessels on the Missouri River, or on any other practically navigable river in the West. I would not be opposed to it at all. Therefore it is useless, in my judgment, in discussing the amendment that I propose, to offset anything that was said by me or by other Senators in favor of my proposed amendment by the suggestion of the Senator from Nebraska, because we may be able to vote as he wishes when we come to that question.

Mr. ALLEN. I understand the Senator from Washington, then, to accept my amendment as a part of his amendment.

Mr. SQUIRE. I do not understand that the Senator's amendment is to come in at this place. I understood him to accept the suggestion of the Senator from Maine that his amendment should come in on page 52, line 9, after the words "Gulf of Mexico." That is the proper place for it to come in, and I understood the Senator from Nebraska to consent that it should come in there.

Mr. ALLEN. Very well; let it come in there. I do not care where it comes in.

Mr. VILAS. I should like to ask the Senator from Nebraska also if he does not begin to feel out there in Omaha some shiver of fear from that attack which is to be delivered upon us when the cordon is complete from Halifax, by way of Jamaica, entirely around the United States, and the Hawaiian Islands brought into the circle?

Mr. ALLEN. No; I do not feel any fear of that attack, for the simple reason that I am satisfied the gentlemen who would make the attack, if they had the opportunity, would be lost upon the great plains of Nebraska, and they would not be furnished with any guides to assist them to penetrate our section of country. We are a people who have acquired some experience—

The VICE-PRESIDENT. The time of the Senator from Nebraska has expired. The question is on the amendment of the Senator from Washington [Mr. SQUIRE].

Mr. PALMER. I ask that the amendment be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Amend line 21, page 51, by striking out the word "one" and inserting the word "three"; so as to read:

And three of said torpedo boats shall be built on or near the coast of the Pacific Ocean.

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee to strike out the clause as amended.

Mr. HALE. That is only a formal vote. The expression of the Senate already is that there shall be three built on the Pacific Coast; but a formal vote should be taken on striking it out. The committee report in favor of striking it out.

The VICE-PRESIDENT. The question is on the amendment of the committee striking out the provision as amended.

The question being put, there were, on division—yeas 19, nays 29.

Mr. VEST. On that I call for the yeas and nays.

Mr. SHERMAN. I should like to have the question stated. What is now the question before the Senate?

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. The committee amendment, in lines 21 and 22, page 51, is to strike out the words—

And three of said torpedo boats.

The VICE-PRESIDENT. The clause has been amended by striking out "one" and inserting "three." The question now is on agreeing to the committee amendment, striking out the clause as amended.

Mr. MITCHELL of Oregon. The text was amended by changing one to three.

Mr. HALE. That has been passed upon. The committee amendment was to strike out one torpedo boat. The Senate has put in three, and the question is, will the Senate now strike those three out. Those in favor of retaining three will vote "nay." Of course those in favor of striking it out will vote "yea."

The Secretary proceeded to call the roll.

Mr. MITCHELL of Oregon (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. I understand that he would vote "nay" upon this question, and I will vote. I vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). On this question

I am paired with the junior Senator from Texas [Mr. CHILTON]. If he were here, I should vote "nay" and he would vote "yea."

The roll call was concluded.

Mr. DUBOIS. With the consent of the Senator from Georgia [Mr. BACON], I will announce the pair of the Senator from Rhode Island [Mr. WETMORE] with the Senator from New Jersey [Mr. SMITH] and vote. I vote "nay."

Mr. BACON. I will transfer my pair with the junior Senator from Rhode Island [Mr. WETMORE] to the junior Senator from New York [Mr. MURPHY]. I vote "nay."

The result was announced—yeas 23; nays 41, as follows:

YEAS—23.

Allen,
Bate,
Berry,
Blackburn,
Butler,
Caffery,

Daniel,
George,
Gorman,
Hill,
Kyle,
Martin,

Mills,
Palmer,
Pasco,
Peffer,
Pugh,
Roach,

Turpie,
Vest,
Vilas,
Walthall.

NAYS—41.

Allison,
Bacon,
Baker,
Blanchard,
Brown,
Burrows,
Call,
Cannon,
Carter,
Chandler,
Clark,

Davis,
Dubois,
Elkins,
Frye,
Gallinger,
Gear,
Gibson,
Gordon,
Hale,
Hansbrough,
Hawley,

Lodge,
McBride,
McMillan,
Mantle,
Mitchell, Oreg.
Mitchell, Wis.
Nelson,
Perkins,
Pettigrew,
Platt,
Pritchard,

Proctor,
Sherman,
Shoup,
Squire,
Stewart,
Teller,
White,
Wilson.

NOT VOTING—28.

Aldrich,
Brice,
Cameron,
Chilton,
Cockrell,
Cullom,
Faulkner,

Gray,
Harris,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Lindsay,

Morgan,
Morrill,
Murphy,
Quay,
Sewell,
Smith,
Thurston,

Tillman,
Voorhees,
Warren,
Wetmore,
Welcott.

So the amendment was rejected.

Mr. HALE. Now, in line 24—

Mr. ALLEN. I hope—

Mr. HALE. I am only having this clause perfected before we come to the Senator's amendment.

Mr. ALLEN. Very well.

Mr. HALE. After the words "battle ship," in line 24, page 51, I move to insert "or torpedo boats"; and on the next page, after the word "ships," I move to insert the same words.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "battle ship," in line 24, page 51, it is proposed to insert "or torpedo boats," and after the word "ships," in line 1, page 52, it is proposed to insert "or torpedo boats"; so as to read:

Provided, That said battle ship or torpedo boats can be constructed at an additional cost not exceeding 5 per cent of the lowest accepted bid for the other battle ships or torpedo boats provided for in this act.

The amendment was agreed to.

Mr. HALE. Before going to the lower part of the bill, there is an amendment of the Senator from Nebraska to be considered, coming in after the words "Gulf of Mexico," in line 3, page 52.

Mr. ALLEN. I have the amendment in form here. I move to strike out the word "and," in line 2, page 52; after the word "Mexico," in line 3, to insert "and one torpedo boat on the Missouri River," and after the word "Mississippi," in line 8, to insert "or Missouri."

Mr. HALE. All those changes perfect the clause.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "river," in line 2, page 52, it is proposed to strike out the word "and"; after the word "Mexico," in line 3, to insert the words "and one torpedo boat on the Missouri River," and after the word "Mississippi," in line 8, to insert the words "or Missouri"; so as to read:

And one torpedo boat on the Mississippi River, one torpedo boat on the coast of the Gulf of Mexico, and one torpedo boat on the Missouri River: *Provided*, That if it shall appear to the satisfaction of the President of the United States from the biddings for such contracts when the same are opened and examined by him that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean, or on the Mississippi or Missouri River, or the Gulf of Mexico, he shall authorize the construction of said vessels, or either of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

Mr. CHANDLER. I did not hear the remarks of the Senator from Nebraska [Mr. ALLEN]. I merely wish to inquire whether there is any establishment on the Missouri River capable of building a torpedo boat.

Mr. ALLEN. I have no doubt about it. There is on that river Kansas City, Mo., where there are large iron works; there is the city of Omaha, Nebr.; the city of Council Bluffs, in Iowa, across the river; Sioux City, Iowa, and several important cities. Two of the important capitals of the nation are on the upper Missouri River, Pierre and Bismarck. I have not the slightest doubt that there is as much capacity at those cities to construct one of these torpedo boats as there is at any city on the Mississippi River. We

are an industrious people in that section. We can very soon get ready to build one of these boats if there is anything lacking. I do seriously hope, in view of the fact that these boats are being sent around to the different parts of the Union for construction, one being sent to the important river, the Mississippi, which I heartily approve, that the other one will be located on the Missouri River, to be let to some contractor for construction on that river.

Mr. CHANDLER. I congratulate the Senator from Nebraska upon having made one of his shortest speeches and having gained one vote.

Mr. ALLEN. I thank the Senator from New Hampshire.

Mr. WHITE. There is one feature of the amendment proposed by the Senator from Nebraska which appeals to me very strongly, and that is that the torpedo boat when built at Omaha will at least be safe. Admiral Walker in the hearing before the Committee on Coast Defenses was asked by the Senator from Georgia [Mr. GORDON]:

Under the conditions existing now, what would be the effect if the English navy should engage ours?

Admiral WALKER. They would probably capture or destroy our whole Navy.

So the element of safety which surrounds this case, as I have already stated, appeals to me with much force. I would prefer for the same reason that the boat should be built in the Grand Canyon of the Colorado. That I can not get, and I will accept Omaha.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Nebraska [Mr. ALLEN].

The amendment was agreed to.

Mr. CALL. On page 52, after the word "Mexico," in the third line, I ask the Senator from Maine to insert the same provision that is to be found on page 51:

Provided, That said battle ship can be constructed at an additional cost not exceeding 5 per cent of the lowest accepted bid for the other battle ships provided for in this act.

Mr. HALE. I could not, of course, agree to do that. The exception was made in the case of the Pacific Coast on account of added cost of transportation of materials there and added prices and cost generally. But I could not by any means agree to apply it, because there would be no end to it. It would want to be applied to the Mississippi River and everywhere else, and there is no expense especially in taking materials to those places or in taking a ship from them. The reasons that apply to California and the Pacific Coast do not apply to these other places. It never before has been asked for by any other place. I hope the Senator from Florida will not urge the amendment.

Mr. CALL. The reasons apply in part to the extent of the difference in the distance; that is all. The principal object of the clause is to give the people in this portion of the country where the ships can be constructed the opportunity to do so. This is an absolute discretion in the President and the Secretary. They can do as they please about it. There is no use to put a clause in the bill providing that one vessel shall be constructed on the Gulf of Mexico and say if the Secretary or the President choose to do it. That is all I have to say about it.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. GEORGE. There is a very meritorious claim, a just claim against the Government, which has been ruled out on the point of order.

Mr. HALE. Will the Senator from Mississippi allow me to complete this clause?

Mr. GEORGE. I merely want to offer an amendment. Let me dispose of it right now.

Mr. HALE. All right.

Mr. GEORGE. I offered the amendment, which was ruled out of order by the advice of some of the most experienced parliamentarians in the Senate. I have now been advised to offer the amendment which I hold in my hand, which I presume will not be objected to. It may be, upon the ground of order; I do not know about that. The object of the amendment now offered is to submit to the Court of Claims the question of the right of this party against the Government. Certainly there can be no objection to that. It has been shown here already by the Senator from Colorado [Mr. TELLER] that the Government made a contract and purchased this man's patent and is now using his device. The question of payment having been ruled out of order, I hope at least that Senators will allow this amendment to go into the bill and let the claim be referred to the proper tribunal to decide whether or not the Government owes anything—whether or not it has taken his patent.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 13, on page 7, it is proposed to insert:

The Secretary of the Navy is hereby authorized and required immediately to pay to the patentee of the patent No. 533171, out of the \$25,000 appropriated

for certain rights under patent No. 533171 in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, the sum of \$976.22, being the total amount expended by the patentee at the Washington Navy-Yard in cartridge and small-bore small-arm experiments made at said navy-yard. The balance of said \$25,000 the Secretary of the Navy shall hold subject to the order of the Court of Claims, said court being hereby directed and required to advance and adjudicate this claim under said act providing for payment "for ordnance appliances now in use on naval vessels and covered and protected by patent No. 533171." The Court of Claims to determine, first, whether the Government has infringed any one or more of the claims of patent No. 533171; second, whether said patent was covered by the contract signed by the patentee and the late Secretary of the Navy and authorized in the act making appropriations for the fiscal year ending June 30, 1896, and for other purposes; and third, the amount of compensation, including reasonable damages and costs, that the patentee is entitled to receive under said contract. The Court of Claims to admit as evidence all the correspondence and documentary proof in this case.

Upon judgment for the patentee by said court the Secretary of the Navy shall use the balance of the \$25,000 appropriated for patent No. 533171 to satisfy such judgment in full or in part, and pay the same to the patentee.

And the said Court of Claims may render a separate judgment, including reasonable damages and costs, should infringement be proven by the Government of either of the other inventions covered by said contract, applications filed March 23, 1892, serial No. 426539, and July 23, 1892, serial No. 441433.

Mr. SHERMAN. This proposition is subject to the same objection that I made heretofore. Besides, this man can sue in the Court of Claims. The Court of Claims has jurisdiction of all cases of private citizens against the United States, and there is no reason why we should give this particular litigant any particular favor. I make the point of order against the amendment. It is the shortest way to do it. He can sue in the Court of Claims any day he chooses.

The VICE-PRESIDENT. The point of order is made against the amendment submitted by the Senator from Mississippi [Mr. GEORGE]. The Chair is compelled to sustain the point of order under the rule.

Mr. HALE. The next committee amendment is on page 52, line 14. Let it be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 52, line 14, before the word "days," it is proposed to strike out the word "ninety" and insert "one hundred and twenty"; so as to read:

Provided further, That the contracts for the construction of the vessels herein provided for shall be made within one hundred and twenty days from the passage of this act.

The amendment was agreed to.

Mr. HALE. Now let the next committee amendment be stated.

The SECRETARY. On page 52, after line 15, it is proposed to insert:

The Secretary of the Navy is hereby authorized to contract for the building of two submarine torpedo boats of the Holland type, at a cost not exceeding \$175,000 each, said boats to be constructed and delivered to the Navy Department within four months from the date of contract: *Provided*, That the Holland boat now being built for the Department shall be accepted by the Department as fulfilling all the requirements of the contract, and as being satisfactory to the Secretary of the Navy; but no action shall be taken therein until said Holland boat now being built for the Department shall have been fully tested to the satisfaction of the Secretary of the Navy, and thereupon accepted.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment reported by the Committee on Appropriations will be stated.

The SECRETARY. On page 53, line 7, before the word "hundred," it is proposed to strike out "six" and insert "three"; so as to read:

Construction and machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, and of the vessels authorized under this act, \$7,370,679.

Mr. HALE. I move to amend the amendment by striking out the word "seven," before the word "million," in line 7, and inserting "six"; so as to conform to the action of the Senate in regard to battle ships.

The SECRETARY. In line 7 it is proposed to strike out "seven" and insert "six"; so as to read "\$6,370,679."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. Now let the next clause be read.

The Secretary read the bill, beginning with line 9, on page 53, to the end of line 21, on the same page.

Mr. HALE. In line 20, on page 53, I move to strike out the word "eight" and insert in lieu thereof the word "three."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 20, page 53, it is proposed to strike out the word "eight" and insert in lieu thereof "three"; so as to make the clause read:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of August 3, 1893; of those authorized by the act of June 30, 1890; of those authorized by the act of July 19, 1892; and of the vessels authorized by the act of March 3, 1893; of the three torpedo boats, act of July 23, 1894; of the vessels authorized under the act of March 2, 1895, and of the vessels authorized under this act, \$4,371,454.

Mr. GORMAN. I ask the Senator from Maine whether that sum can not be further reduced?

Mr. HALE. No; I am afraid I have proposed to reduce it a little too much. There will be very little armor contracted for this year, and if a certain amendment—

Mr. GORMAN. All right.

Mr. HALE. I think that is far enough.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE].

The amendment was agreed to.

Mr. SQUIRE. I wish to offer an amendment.

Mr. HALE. To come in at what point?

Mr. SQUIRE. I should like to offer an amendment on page 21.

Mr. HALE. Will the Senator wait until I can get through with the committee amendments?

Mr. SQUIRE. Very well.

Mr. CALL. I should like to know of the Senator from Maine whether there was an agreement made to vote on the bill at a specific hour?

Mr. HALE. There was not; but it was agreed that we should stay to-night until the bill was finished and passed. I now wish the committee would go back to the reserved amendments, as I want to have them taken up first.

Mr. GORMAN. Will the Senator permit one amendment from the committee on page 2, as to surgeons of the Navy?

Mr. HALE. I would rather take up the reserved clauses before taking up other amendments.

Mr. GORMAN. Very well.

Mr. ALLEN. I have an amendment to offer, if it is in order.

Mr. CHANDLER. Let me make an inquiry of the Senator from Maine. Does he intend to proceed with the committee amendments and dispose of them first?

Mr. HALE. I propose first to take up the reserved amendments which have been passed over.

Mr. CHANDLER. The committee amendments?

Mr. HALE. They are committee amendments. Then any amendments will be in order. The natural order is to take up those which have been reserved and passed over. Then the Senator, of course—

Mr. ALLEN. I have no objection to that. I do not wish to be shut out, however.

Mr. HALE. Of course the Senator will not be shut out. I ask the Secretary to go back and read the committee amendment on page 43.

The SECRETARY. On page 43, after line 2, it is proposed to strike out:

Pay of 10 sergeants, 40 corporals, 12 drummers, 12 fifers, and 426 privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, \$74,560, to be immediately available.

Mr. HALE. These amendments, the amendment on page 45, lines 19 to 23, the amendment on page 46, lines 3 to 7, inclusive, and the amendment on page 50, lines 10 to 15, inclusive, are all one amendment substantially; that is, they apply to the Marine Corps. One amendment is for pay; another is for articles of furniture; another is for provisions, and they all go together. The committee, I will simply say, believing that this could wait and is not so imperative as the increase of the force of the Navy, the enlisted men, struck it out, thereby saving some three or four hundred thousand dollars, and it is for the Senate to determine. I should like consent to be given that the amendments may be considered all together, because one goes with the other. I do not wish to take up any more time.

Mr. HAWLEY. Mr. President, I wish the Senator from Maine would set forth a little more in detail the reasons why the Marine Corps should not be enlarged. I suppose there will be some large vessels going into commission before long with large crews. In short, the conditions that require a marine corps are going to be very much enlarged.

Nobody thinks of dispensing with such a corps. It has been found in the best of navies and in our own from the beginning of the Government to be essential to the wise and safe government of a ship, and a very valuable instrument in case the necessity is imposed upon a naval vessel to enter a foreign harbor and protect American property and the lives of American citizens. In such cases a marine corps, a well-drilled, faithful body of men, is always ready to be thrown ashore to protect a consulate or a legation, and our Marine Corps has made very honorable records during all this time. It has nineteen times been thanked by votes of Congress, and I think the wisest and most experienced naval officers consider that a certain body guard, a certain reserve of purely military force, or nearly so, is essential to the wise conduct of the Navy.

Mr. HALE. The committee did not think the burden was upon it to show why the Marine Corps should not be increased. The burden is on the advocates of the increase. The committee did not think that under present conditions 500 men, including the lower grades of officers, were imperatively needed now by the Marine Corps. They did not believe they were so much needed as the thousand men for the enlisted part of the Navy given last year or the thousand men given in the bill for this year. It was thought, comparing the two together, that this matter could wait. The impression, I think, was general in the committee in report-

ing the bill, that the reasons for the increased expense were not sufficient to justify us in putting it on.

Mr. CHANDLER. One presumption in favor of the amendment is that it has already been adopted by the House of Representatives.

Mr. HAWLEY. Not the amendment.

Mr. HALE. Not the amendment.

Mr. HAWLEY. The original proposition.

Mr. HALE. Not the amendment; the original clause.

Mr. HAWLEY. The provision for the increase comes from the other House.

Mr. CHANDLER. The proposition to increase the noncommissioned officers and privates in the Marine Corps met the favor of the House of Representatives. The Senate committee proposes to strike out the increase. The necessity for the increase is proved by the increase in the number of our ships. The Marine Corps are the soldiers of the Navy, and it is important that we should have in every naval station a good strong company of marines. It is important that we should have upon every vessel of the Navy a strong, well-filled company of marines. These marines are wanted for the battle ships, the large cruisers we have built which are going upon the ocean, to be a credit to the country in every way, and just as much as we want the increase in seamen so we want the increase of 500 marines. The other House and its committee have studied this subject carefully, and they believe that considering the growth of the Navy this increase in the Marine Corps ought to be acceded to.

No additional officers are provided for. There is no increase of captains and lieutenants, but only of noncommissioned officers and privates. The increase of the ships of the Navy is such that if we are to man the various vessels which we propose to send out to the world to our national credit as they ought to be manned, we should have the additional 500 marines. They are just as much a necessity as the increase of the number of seamen of the Navy.

Mr. LODGE. I understand that the Secretary of the Navy informed the House committee that this is an absolutely essential addition; that it is impossible for the present force to do the work required of the Marine Corps.

Mr. HALE. He did not make that statement to the Senate committee.

Mr. LODGE. I am informed that the statement was made in writing to the House committee.

Mr. HALE. The committee of the Senate asked the Secretary which he considered the more essential or the essential thing in the force of the Navy, and he said the enlisted men in the line of the Navy rather than the Marine Corps. I do not mean by that that he was not in favor of an increase of the Marine Corps, but, taking the two together, he stated that the essential thing was the other and not this.

Mr. LODGE. I do not mean to say that the Secretary did not consider the seamen more essential than the Marine Corps, but if the Marine Corps is to be maintained, and in his report he argues very strongly in favor of maintaining it—I understand he formally wrote to the House committee that it was absolutely essential to have this addition.

The Marine Corps is the police of the Navy, both on the ships and at the yards. The increase of the Navy necessarily requires a larger force of marines. There has been no addition to the force since this large increase in the Navy has been made, and they are really becoming every day more and more unable to perform the necessary work. That is, the Department either have to send ships to sea without the marines or they have to leave the Government property, the yards, unprotected. If the Marine Corps is to be kept up at all, and I suppose it is, because all the best judges concede it to be a very important branch of the Navy, it seems to me we ought certainly to make it able to perform the duties which it is called upon to perform.

It may also be said in regard to the Marine Corps that under the conditions on the new ships the marines are able to perform many duties which they were unable to do upon the old ships. The privates and officers of the Marine Corps can be trained to handle and work the guns, so that a sufficient force of marines on board ships not only supplies the Marine Corps and takes care of police duties, but it is also to a certain extent able to perform duties of seamen and in that way prevent a further increase in that direction. It seems to me that if the Corps is to be kept up at all we should follow the provision of the House, made after careful deliberation and full hearing of the Secretary and the commandant of the Marine Corps, and give the increase asked for, which is not an excessive one.

Mr. MILLS. Why would it not be a good idea to divide up the increase between the seamen and the marines, giving 500 to each?

Mr. LODGE. We have already given the increase as to seamen.

Mr. BACON. If I am not mistaken in my recollection—and if I am the Senator from Maine [Mr. HALE] and other members of the committee will correct me—the Secretary of the Navy communicated to the Naval Affairs Committee what were the wants

of the Navy with reference to the increase of seamen. The numbers and the reasons were stated by him, and if I recollect correctly there was no statement made by the Secretary of the Navy, either then or at any other time, to the Naval Affairs Committee to the effect that an additional number of marines was desired for the service of the Navy. The Senator from Maine [Mr. HALE], or the Senator from New Hampshire [Mr. CHANDLER], or the Senator from California [Mr. PERKINS], all of whom were present at the time, will correct me if I am in error about the matter.

Mr. HALE. I beg the Senator's pardon. I did not hear his statement.

Mr. BACON. I stated to the Senator that the Secretary of the Navy had communicated with the Naval Committee upon the subject of what increased number of seamen were needed, and that while he stated the number of seamen that were needed, he did not state that any increased number of marines were required.

Mr. HALE. The communication the Senator refers to was, as I understand, limited to an increase of the enlisted men of the Navy, and did not refer to this.

Mr. BACON. Yes, sir.

Mr. LODGE. Mr. President, I have here a communication sent to the House committee by the Secretary of the Navy, in which he says:

SIR: I have the honor to forward herewith copy of a letter from the Colonel Commandant of the United States Marine Corps, calling attention to his statements, and to request, for the reasons therein mentioned, that an appropriation be made to provide for 500 additional men in the Marine Corps. The law already authorizes the enlistment of these men, so that only an appropriation is necessary.

Very respectfully,

H. A. HERBERT, Secretary.

Hon. C. A. BOUTELLE,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

He indorses the report of the commandant, which I have here, and this report is at some length. He states, as I have said, that it is absolutely essential to have this additional increase of marines, and he asks also that some of them be immediately available, as the pressure is so great. He gives extracts from some of his published reports, in which he says, among other things:

The increased demand for sea service has rendered it necessary to so reduce the number of men on shore as to make it impossible to furnish sufficient men for guard duty at the different navy-yards without a severe strain upon the enlisted men.

Mr. HALE. From what is the Senator reading?

Mr. LODGE. I am reading from the printed report of the commandant of the marines, indorsed by the Secretary of the Navy—

In fact this strain has been so great as to cause considerable dissatisfaction and discontent in the ranks, and has resulted in the corps losing many of its old soldiers, and to deter others from joining it. It is not an unusual occurrence for the enlisted men to be forty-eight hours on guard consecutively, with but twenty-four hours off, thus allowing them only one night in three to "sleep in." At no army post in this country is such severe guard duty performed.

These men are engaged directly in the protection of Government property at every navy-yard in the country and at every naval station. They are the only police to guard that property, and when an order comes for them to go on board ship, they have to be taken from the yards, and the property of the Government is exposed, as there is no other police to protect it. They have not got enough to meet the quotas which are required for the new ships which are coming into commission every day. Unless the Senate is prepared to enter upon the policy of abolishing the Marine Corps, which would be a very violent step, which, I think, nobody recommends—if we are going to have the Government property properly guarded, we certainly ought to have the addition for which the commandant asks, and which the Secretary of the Navy has formally indorsed.

The VICE-PRESIDENT. The question is on the amendment submitted by the committee.

Mr. LODGE. I will merely say in addition that the Secretary says—and I call attention to the fact—the law authorizes now 3,100 men, and all that is needed is the appropriation. It is not to authorize an enlistment of new men, but it is simply to carry out existing law.

Mr. GORMAN. Mr. President, the Secretary of the Navy stated to us at the last session that he wanted an increase of a thousand sailors, which would cost half a million dollars a year. In this bill there is provision for an increase of 1,000 sailors in addition to those of last year, making the increase of sailors 2,000, and there is also an increase of 500 marines. I understand the Department prefers the increase of the number of sailors rather than of the Marine Corps, if they can not have both; but it is due to the Secretary to say that he would like to have 2,000 sailors and 500 marines, so as to have our Navy on a war footing in a time of peace.

I understand there is very great division of sentiment among the officers of the Navy as to the propriety of increasing the sailors and marines, some holding that the marines on these great ships are of more use than the sailors. They are certainly cheaper. The Committee on Appropriations has not agreed with that recom-

mendation, and thought it unwise at this time to give 1,500 additional men to the Navy. Therefore I trust that the amendment will be adopted.

Mr. CHANDLER. There may be some difference of opinion among naval officers as to the propriety of standing by the Marine Corps, but there seems to be no hesitancy on the part of the present Secretary of the Navy, who at this time is in some disfavor with the Senator from Maryland—

Mr. GORMAN. Not at all.

Mr. CHANDLER. As to the wisdom of keeping up the Marine Corps. The Secretary devotes a page of his report to the Marine Corps, and I will quote only one sentence:

There has always been more or less objection on the part of some officers of the Navy to marines on board ship, but as marines have constituted a part of our naval establishment both on shore and at sea from its infancy, it may fairly be presumed that experience has, in the opinion of those who control, demonstrated the wisdom of maintaining this branch of the service.

Then the Secretary proceeds to argue at length, and says in conclusion:

For these and other reasons the Department decided to put 60 marines and 2 marine officers on board the *Indiana*, and it will put marines on the other battle ships as they are severally commissioned.

This country is not reduced, Mr. President, to such a petty strait, even under the present Administration of the Government, which it seems necessary for the Republicans all the time to defend from Democratic attacks, that it can not, in connection with the increase of its Navy, authorize the 500 marines who are now needed.

Mr. President, two-thirds of this country thirty years ago expended \$5,000,000,000 and ran into debt \$2,700,000,000, and it did not distress it half so much as the Senator from Maryland seems to be distressed to-day on the question of whether we shall expend \$1,000,000 or \$2,000,000 more or less now because we have not money in the Treasury to pay the bills. The country expects that Congress will provide for the national defense here and now, not extravagantly, not recklessly, but judiciously and appropriately; and when appropriations are made, somehow or other—either by President Cleveland or Secretary Carlisle or in some other way—the money will be provided, and all this discussion about the condition of the Treasury which has been indulged in in connection with this bill seems to me to be out of place. I repeat, it is pitiful to think that we are to be told that we can not give 500 additional marines, if they are needed to complete the corps, because there is not money enough in the Treasury to do it, when the Senator from Maryland is going back to his Republican State to tell the people there that he did succeed in saving two battle ships—\$10,000,000.

Mr. BACON. I simply wish to suggest to the Senator from New Hampshire that we had a very different system of finance at the time to which he refers.

Mr. ALLEN. Mr. President, I should like to ask the Senator from New Hampshire, so that we may know about this matter, if there is any pressing necessity to increase the Marine Corps until the battle ships are constructed? It will take, as I understand, some two or three years to construct them and to put them in a condition where they will be fit to be armed and manned. Why start at this time, three years in advance, to increase the Marine Corps?

I want to observe in connection with this question, so that the RECORD may contain it and it may appear as part of the proceedings here, that it occurs to me that this is part of the old scheme by which the people of this country have been buncoed for the last twenty-five or thirty years, of making lavish appropriations and lavish contracts for the Army and the Navy, and for other Departments of the Government, with the ulterior purpose, and possibly with the sole purpose, of laying the foundation to increase the burdens of taxation upon the people to meet those obligations.

I believe there is no necessity for any increase of these marines, and I do not think there is the slightest necessity for an increase of the Navy at this time—the naval force.

The amendment was rejected.

Mr. HALE. Let that apply also to the amendment on page 45.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The next reserved amendment reported from the Committee on Appropriations was, on page 45, after line 18, to strike out down to and including line 23, as follows:

For 500 noncommissioned officers, musicians, and privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, §30,612.75, to be immediately available.

The amendment was rejected.

Mr. HALE. I ask that the amendment after line 2, on page 46, be rejected.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 46, after line 2, it is proposed to strike out from line 3 to line 7, as follows:

For 500 noncommissioned officers, musicians, and privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, §17,255, to be immediately available.

The amendment was rejected.

Mr. HALE. Now let the amendment on page 50, from line 10 to line 15, be rejected.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 50, after line 9, it is proposed to strike out as follows:

For iron bedsteads, mattresses, mattress covers, pillows, clothing boxes, and other articles for 500 noncommissioned officers, musicians, and privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, \$3,000, to be immediately available.

The amendment was rejected.

Mr. HALE. I believe the Senator from Maryland has a committee amendment to offer.

Mr. GORMAN. I offer an amendment from the Committee on Appropriations, to come in at the end of line 17, on page 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, after the word "action," in line 17, it is proposed to insert:

Provided further, That such surgeons in the Navy not in line of promotion as may have been appointed to that position in accordance with a special act of Congress for meritorious services during yellow-fever epidemics shall have all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy.

The amendment was agreed to.

Mr. CALL. I offer, by request, the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Florida will be stated.

The SECRETARY. On page 50, after line 19, it is proposed to insert:

The Secretary of the Navy and the Secretary of War shall first cause to be tested the improved battle-ship armor and method of working the guns of W. W. Hubbell, together with his dynamite shells and armor-piercing shot in the high-power guns, which, it appears, he first invented and proposed in 1883 and 1884 to the Senate Select Committee on Heavy Ordnance, reported by them and now adopted in the Navy and Army, the armor to be used in place of the armor now being made when it proves superior in resistance or less in weight of equal resistance; and appoint a board of officers and report to Congress what is a just compensation to said Hubbell for his invention and proposal of said high-power steel guns now used, said armor for battle ships, method of working the guns, and said shells and shot, or either of them, for the secret or the public service of the United States Navy and Army.

The amendment was rejected.

Mr. SQUIRE. I desire to offer an amendment, which I send to the desk, to come in on line 13, page 21, after the words "sixty thousand dollars."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 13, on page 21, it is proposed to insert—

Machinery for said shops, \$25,000.

Mr. SQUIRE. Mr. President, I desire to make a statement very briefly on this matter. I suppose a point of order can be raised on the amendment. I do not find in the report of the Secretary of the Navy that there is a specific recommendation of an appropriation for this amount; but I think it is right and proper that the statement should be made to the Senate, and I hope the committee will allow the amendment to come in without raising the point of order. I have here a very brief dispatch from the Secretary of the Navy, as follows:

NAVY DEPARTMENT, April 20, 1896.

Hon. WATSON C. SQUIRE:

In reply to your inquiry asking how much it will cost for machinery for the new shop provided for in the pending naval appropriation bill at the naval station, Port Orchard, Puget Sound, and also if the Department had the money, could it equip this shop during the coming fiscal year with such machinery, I have to say that it would cost \$25,000 to furnish the shop with proper machinery, and that the same could be put in there by Department during the coming fiscal year.

W. MCADOO, Acting Secretary.

I would also, in this connection, by permission of the Senator having charge of this bill, present a letter from the Navy Department, dated May 1, 1896, which, with the permission of the Senate, I will read:

NAVY DEPARTMENT, Washington, May 1, 1896.

SIR: In reply to inquiries of Hon. WATSON C. SQUIRE, United States Senator from Washington, the Department telegraphed to him that if \$25,000 was appropriated in the present bill for the purpose of equipping the new machine shop at Port Orchard, Puget Sound, the machinery would be placed in there during the coming fiscal year. If the appropriation for the shop now in the bill carries work will be immediately commenced on it after the 1st of July, and it will be very speedily completed. If the bill also carried an appropriation for machinery the Department would have the same ready for the shop when it was completed.

An estimate in detail for ship fitters and machine-shop tools, amounting to \$31,628, is inclosed herewith. As will be seen, the estimate is made by the Chief Constructor, the shop in question being for the use of the Bureau of Construction and Repair. The dock at Port Orchard, now completed, is one of the largest and most efficient in possession of the Government.

Very respectfully,

W. MCADOO, Acting Secretary.

Hon. EUGENE HALE,
Committee on Naval Affairs, United States Senate.

Here is a list, which I do not suppose it is necessary to read, prepared with great care, signed by Philip Hichborn, Chief Con-

structor, United States Navy, which amounts in the total to \$31,628; which I shall insert in my remarks:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR, May 1, 1896.

PRELIMINARY SCHEDULE OF TOOLS FOR PUGET SOUND STATION.
Ship fitters and machine-shop tools.

1 drill, 4-inch spindle, No. 3 socket, Morse taper.....	\$375.00
2 upright drills, No. 1, Morse taper socket.....	195.00
1 radial drill, 72-inch swing.....	1,125.00
2 sensitive drills, 13-inch swing.....	116.00
1 No. 5 plain milling machine, complete.....	923.00
1 hand lathe, 12-inch, 4-foot bed.....	123.00
1 planer, 36 by 36 inches, to plane 10 feet, with vertical slide rest on both uprights, and extra slide rest on crosshead.....	2,000.00
1 No. 5 emery tool grinder.....	280.00
1 buffing lathe.....	60.00
1 large power pipe-cutting machine, 2½ inches to 8 inches, No. 4, right-handed.....	618.00
1 pipe-cutting machine, No. 1, ½ inch to 2 inches.....	95.00
1 No. 3 bolt cutter, ½ inch to 1½ inches.....	380.00
1 10-inch slotting machine.....	835.00
2 double No. 2 punching and shearing machines, 25-inch throat.....	3,000.00
1 open-side planer, size F, 48 by 48 inches by 16 feet.....	4,000.00
1 self-acting slide lathe, 36 inches, 22 foot 6½ inch bed, complete.....	2,610.00
1 No. 3 screw-cutting machine, with 1 set of box tools, collets, etc.....	800.00
2 16-inch engine lathes, 8-foot bed.....	590.00
1 20-inch brass lathe.....	870.00
1 self-acting slide lathe, 20-inch, 14 foot 1½ inch bed.....	865.00
1 37-inch boring and turning mill, with 2 heads.....	1,525.00
1 16-inch traveling head-shaping machine.....	990.00
1 Corliss engine to run shop.....	1,680.00
Line shafting and hangers.....	250.00
Total.....	24,305.00

Smithery tools and appliances.

1 350-pound single-frame steam hammer.....	575.00
1 800-pound single-frame steam hammer.....	785.00
1 Sturtevant blower.....	175.00
8 anvils.....	250.00
Total.....	1,785.00

Wood-working machinery and small tools.

1 No. 2½ 7-inch molding machine to work 4 sides.....	\$365.00
1 No. 4 band resawing machine to resaw material up to 20 inches wide and 6 inches thick.....	565.00
1 No. 4 improved smoothing planer to plane 26 inches wide and up to 6½ inches thick.....	500.00
1 improved wood-frame Daniels planing machine to plane 30 inches wide and 36 feet long.....	778.00
1 No. 5 automatic hollow chisel mortiser.....	440.00
1 improved double revolving circular sawing machine.....	313.00
1 No. 3 cabinet tenoning machine.....	352.00
1 No. 5 20-inch pattern-maker's lathe.....	327.00
1 No. 1 upright drill.....	195.00
1 large-size patent automatic knife grinder capable of grinding knives up to and including 36 inches in length.....	212.00
1 band-saw setting and filing machine.....	60.00
1 No. 2 solid-frame variety wood worker, complete.....	593.00
1 No. 1 patent friezing and edge-molding machine.....	202.00
1 No. 6 patent column fret scroll saw.....	242.00
1 No. 2 Universal trimmer.....	84.00
1 46-inch grindstone, 4-inch face.....	55.00
1 No. 3 self-feed saw table.....	345.00
Total.....	5,538.00

Grand total..... 31,628.00

The above does not include plumbers' and coppersmiths' appliances, hand tools, dry dock, and general outside outfit, etc., these being more in the nature of stores or supplies which would be provided out of the current annual appropriation.

PHILIP HICHBORN,
Chief Constructor, United States Navy.

I have here a newspaper, the Post-Intelligencer, printed in Seattle April 23, giving an account of the successful testing of the great dry dock at Puget Sound, illustrating this great dry dock, and showing the dock as it appears with a vessel after it enters the dock. I do not desire to do more than simply call attention to the fact that this great dock, which has been the subject of appropriations during the past three Congresses, has just been completed. I have taken the greatest interest in securing the appropriations for this dry dock from first to last. At last the efforts put forth have been crowned with success, and I have a right to be proud of it. It is the greatest naval dry dock in the United States, and one of the two or three greatest in the world. At this juncture that dock has been accepted, and it is found to be all right, and yet it is without any machinery for its shops. It is provided in the present bill—

Mr. WOLCOTT. Mr. President—

Mr. SQUIRE. Let me finish this sentence, if the Senator please.

Mr. ALLEN. I make the suggestion of the propriety of the Senator sending his documents to the Secretary's desk and having them read. I should like to hear them.

Mr. SQUIRE. I do not desire to inflict details of that kind on the Senate.

The VICE PRESIDENT. The time of the Senator from Washington has expired.

Mr. SQUIRE. I ask unanimous consent to say a word or two more.

Mr. WOLCOTT. I will withhold unanimous consent unless the Senator allows me to ask him a question, and if he consents I shall

interpose no objection to his going on as many five minutes as he likes.

Mr. SQUIRE. Very well.

Mr. WOLCOTT. I ask the Senator from Washington this question: He says at this juncture it is found that this magnificent dock has no machinery. I see by this bill the Senator gets \$101,000 for the State of Washington. Is the Senator not willing to chop off \$25,000 of the \$101,000 he has got, and put that into machinery, so that the aggregate appropriation will still be \$101,000, and yet he will still get \$25,000 for machinery? Is not that possible?

Mr. SQUIRE. I thank the Senator from Colorado for his suggestion.

Mr. WOLCOTT. I am in hearty sympathy with what the Senator desires.

Mr. SQUIRE. We wish to have the machinery, but I doubt whether it would be wise to diminish the appropriations for other purposes named in the bill. With reference to the naval station at Puget Sound, let me call attention to what the Senator from Colorado refers. The bill states:

Dry dock, Puget Sound Naval Station, Wash.: For construction and repair shops at dry dock, \$60,000; storehouse, \$20,000; two steel tanks, \$11,980; water main, and purchase of land adjoining station containing a spring for water supply, \$4,000; clearing the grounds about the station, \$5,250; in all, \$101,230.

I do not believe it is wise to undertake to change any of the figures as they are already in the bill, and it seems very evident to me that it is unwise to go without proper machinery for the shops. The committee have passed upon that part of the bill which calls for the construction of shops to cost \$60,000, and yet this great shop erected there is not to have any machinery. It seems very strange to me, and I do not understand for what purpose it is necessary to build shops and not put machinery in them.

I asked of the Chief Naval Constructor what they could do with this shop, and they said they could store paint there. What can they do with this dry dock which is without any machinery for repairing vessels? What can they do with it except simply to scrape the bottoms of ships and paint them? The *Monterey* has just been docked. It is in the dock at present, to remain a few days to be painted, and yet nothing can be done without the assistance of a private concern if there happens to be anything out of order about her machinery, the steering apparatus, or what not. It appears to me that this matter of an appropriation for machinery has been unintentionally omitted in the regular estimates of the Secretary of the Navy, and I think the estimate now made by the Department of \$25,000 is so small that I shall ask the Senator in charge of the bill not to make the point of order, but to admit the amendment.

Mr. HALE. We could get at it in a way which would be entirely satisfactory to the Senator if he did not exceed his five minutes, though we are always glad to listen to him, no matter how long.

Mr. SQUIRE. Thank you.

Mr. HALE. We could take this amount out of the buildings provided for.

Mr. SQUIRE. If you want to have machinery, you require the buildings; otherwise you can not have a place wherein to put your machinery.

Mr. FRYE. There is another way, from the success which the Senator has had on the river and harbor bill, which I suggest to him, which is that he offer his amendment to that bill. He can get it in there without the slightest difficulty.

Mr. HALE. How much has the Senator from Washington got in that bill?

Mr. FRYE. Only two or three million dollars.

Mr. HALE. For his State?

Mr. FRYE. Yes; that is all.

Mr. SQUIRE. I think the Senator from Maine [Mr. FRYE], the chairman of the Committee on Commerce, does too great honor to my humble efforts by his statement in connection with the public works in my State; but I think he speaks in a very sportive mood when he talks about my having secured so much, because no such amount has been secured by me in that bill, although it is true that two important contracts are provided for, besides only about \$355,000 in all actually appropriated in the bill (\$100,000 of this amount is conditioned on the right of way being obtained free of cost to the United States); and this for a State that has many important rivers and harbors; and, having only recently come into the Union, it has never hitherto had any large appropriations for river and harbor improvements, and only about \$497,350 in all hitherto for that purpose from the beginning of time. Of course this does not include the amounts to be counted under the head of "Oregon and Washington."

I fail to see how anyone can express any jealousy on that point; and the little that has been obtained for rivers and harbors ought not to affect the question of furnishing machinery for the completed dry dock.

Mr. HALE. Let us have a vote, and dispose of the matter.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Washington [Mr. SQUIRE].

The amendment was rejected.

Mr. CALL. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Florida will be stated.

The SECRETARY. After line 15, on page 50, it is proposed to insert:

Provided, That the contracts for the construction of said ships shall be payable in silver coin of the standard prescribed in the laws or in United States Treasury notes of full legal tender, redeemable at the option of the Government in gold or silver coin of the standard now prescribed by law.

Mr. CALL. Mr. President, a great deal was said here yesterday by the Senator from New York [Mr. HILL] about the necessity of issuing bonds. I have voted for every provision of this bill for the increase of the Navy. We have nothing provided for the South, not even the building of one ship, for which there is an imperative necessity. We are very unanimously of opinion in all that section of the country that it is not necessary to issue bonds of the United States bearing interest, but that the silver coin of the United States and the Treasury notes should be accepted for all contracts which may be required by law. I should like to have a vote on that proposition.

Mr. HALE. I raise the point of order, of course, that the amendment is not in order.

Mr. CALL. What is the point of order?

Mr. HALE. It is absolutely new, and very general legislation. [Laughter.]

Mr. CALL. When a proposition is made that contracts shall be paid for in lawful money of the United States, it is very singular to say that is new legislation. That is the law now. It is no change of the law.

The VICE-PRESIDENT. The Senator from Maine makes the point of order against the amendment submitted by the Senator from Florida that it is new legislation. The Chair sustains the point of order.

Mr. BACON. There is an amendment which was offered by me several days ago by direction of the Committee on Naval Affairs, to come in on page 52, at the end of line 15, which I ask may be now considered.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 15, on page 52, it is proposed to insert:

And provided further, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of \$350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit he shall delay action and report the offers made to the next session of Congress.

Mr. HALE. There is no objection to that amendment.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Georgia.

The amendment was agreed to.

Mr. LODGE. I desire, with the assent of the Senator in charge of the bill, to offer an amendment, to come in on page 37, after line 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert, after line 2, on page 37, the following:

The Secretary of the Navy is hereby authorized to transfer to the Enterprise one of the two boilers of the Galena, now at the navy-yard at Portsmouth, N. H.: Provided, That all expenses incurred in the installation of such boiler in the Enterprise shall be borne by the State of Massachusetts.

Mr. GALLINGER. I should like to ask an explanation of that amendment. I am unfamiliar with its provisions.

Mr. LODGE. I can state it very easily. The *Enterprise* is a Government ship, lent to the State of Massachusetts for a nautical training school by the Government. She is a very old ship, and her boilers are entirely worn out. At Portsmouth there are lying two old boilers belonging to the *Galena* or to one of the vessels of the *Galena* class. They can not be used in any other ship; they are entirely useless to the Government; and all I ask is for the Secretary of the Navy to have authority to put this Government boiler in a Government ship at no expense to the Government whatever.

Mr. GALLINGER. I was a little suspicious about the amendment, for the reason that Massachusetts a little while ago undertook to take the *Constitution* from us. I think they ought to have these boilers, but we are going to keep the *Constitution* so long as we can.

The amendment was agreed to.

Mr. ALLEN. I offer the amendment which I send to the desk, to be inserted on page 2, after the amendment submitted by the Senator from Massachusetts [Mr. LODGE] a day or two ago.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment already adopted on page 2, it is proposed to insert:

But no officer is to be paid from these nor subsequent appropriations, as on the retired list, after the disability for which he was placed there has ceased; whereupon, under his existing commission, he shall resume duty on the active list when the next vacancy occurs in his grade: Provided, That his recovery be verified by a board's examination, and also that he be found to have no other disability.

Mr. CHANDLER. I call the attention of the Senator from Nebraska to the fact that here is a very violent change of existing law. After a naval officer gets upon the retired list by the various processes through which naval officers are retired, he stays there so long as he lives, and can not get back upon the active list except by a special act of Congress.

While the point the Senator presents is worthy of consideration, whether some of these retired officers ought to be there, whether they may not have recovered from their disabilities, whether they might not under proper conditions be restored to the active list, yet it is a very radical and, as I have said, a very violent change of existing law, and I wish the Senator would withhold his amendment until it can be taken up as a separate measure.

Mr. ALLEN. Mr. President, I hope the Senate will indulge me just a moment to make a brief statement about this matter. The amendment, in my judgment, is one of very great merit and I hope it will not be disposed of upon a mere question of parliamentary law, as the great question of the free coinage of silver was disposed of a moment ago. I have had occasion to talk with some of these retired naval officers, and if the statements which have been made to me are true—and I have no doubt that many of them are true—they show a singular condition in our naval affairs at this time.

I was talking but a day or two ago with an officer who was retired as lieutenant-commander, if that is the title, in consequence of exhaustion produced by disease before he had fully recovered from the disease, and he is now entirely recovered and as strong as he ever was. He is a strong, robust man, and yet, in consequence of that retirement through the action of a retiring board, he is unable to get back upon the active list, although he is a vigorous and competent man evidently from his appearance and from his apparent education and experience.

Now, what should be the policy of the Government in reference to this class of officers? I assume that it is the true policy of the Government, if it is to be honestly administered, to keep these men in active service as long as they are competent to discharge the duties which are imposed upon them by virtue of their official positions, and when a man has been retired by a retiring board in consequence of some temporary accident or temporary sickness and recovers his health, or recovers from that accident, it should not be the policy of Congress or the executive department to keep that man upon the retired list.

Mr. CHANDLER. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. CHANDLER. I wish to say that an officer can not be retired for temporary sickness, for an acute sickness. He can only be retired for a permanent physical disability, a disability adjudged to be permanent by the naval surgeons. To be sure, he may recover; but there are not many such cases as the Senator describes, if there are any.

Mr. ALLEN. Mr. President, I observe wherever there is a desire to do a thing you can always find a way to do it. There is no doubt about that. The proposed amendment provides that an officer who has been retired by the action of a retiring board, whoever he may be—I know nothing about these officers—shall be entitled to resume his duties upon the active list when the next vacancy occurs in his grade after he has been reexamined and passed muster before the retiring board, and only when they pass upon the fact and find that he is physically and mentally fit and competent to resume his duties.

Now, let me make the statement about this matter a little more complete. These men are met by a certain class of officers called juniors, as I am informed, young men who have come into the naval service since their retirement, and in consequence of their retirement from active duty by the retiring board the juniors have been promoted in their places. That class of men are fighting and antagonizing the reinstatement of the retired officers, so as to prevent them from resuming their places in the naval service of the Government of the United States. That influence is to be felt here. I was warned of that when I introduced the proposed amendment. I knew it would be antagonized. I knew this junior influence, as it is called, would make its appearance in this Chamber and antagonize the amendment upon a point of order or in some other form.

The VICE-PRESIDENT. The Chair will state to the Senator that his time has expired.

Mr. ALLEN. I ask unanimous consent to finish my statement.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Nebraska will proceed.

Mr. ALLEN. Let me make an additional statement of information that has come to my attention within the last few days in reference to this matter, and which I think the country ought to know; at least I want the people out in the interior of the country to understand it. Many of these junior officers, as they are called, who are forcing their superior officers out of the Navy, have accepted leaves of absence and are to-day drawing pay from the Government and holding their positions in the naval service of the country, and are at the same time in the employment of

great corporations in the country and receiving pay superior to their pay as naval officers. They have obtained leaves of absence from headquarters, wherever that may be, for an indefinite period of time for the express purpose of going into the employment of private corporations and receiving salaries from them, drawing the full pay of a naval officer from the Government of the United States and drawing the full pay of an employee of a private corporation at the same time, and these men, to hold their positions, are keeping retired officers who are competent to reenter the active service out of the naval service.

Mr. President, this is wrong. I do not care who practices it, it is wrong. It is not only wrong, but it is absolute and downright dishonesty in any Department that will permit it with a full knowledge of its ramifications and its existence. This is all I desire to say.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. ALLEN].

Mr. LODGE. It seems to me this is very general legislation and of very sweeping character to put in an amendment without more discussion, affecting a whole class of officers. I make the point of order that the amendment is out of order, that it is new legislation, and that it changes existing law.

The VICE-PRESIDENT. The amendment submitted by the Senator from Nebraska will be stated.

The SECRETARY. Insert after the amendment adopted, to follow line 23, page 2:

But no officer is to be paid from these nor subsequent appropriations, as on the retired list, after the disability for which he was placed there has ceased; whereupon, under his existing commission, he shall resume duty on the active list when the next vacancy occurs in his grade: *Provided*, That his recovery be verified by a board's examination, and also that he be found to have no other disability.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. HALE. Mr. President, I wish to give a notice. The hour is late, and I have been requested by several Senators to insist upon the five-minute rule. I shall be obliged to hereafter object to any extension of time.

Mr. HILL. On page 38 I offer an amendment which I ask the Secretary to read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert on page 38, line 10, after the word "physics":

And one of English studies, history, and law, after thirty years' service.

Mr. WOLCOTT. I ask that the amendment be again read.

The SECRETARY. Insert in line 10, after the word "physics," page 38:

And one of English studies, history, and law, after thirty years' service.

So as to read:

Pay of professors and others, Naval Academy: For one professor of mathematics, one of chemistry, and one of physics, and one of English studies, history, and law, after thirty years' service, at \$2,500 each.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York.

Mr. ALLEN. What is the effect of the amendment?

Mr. HILL. It simply raises \$300 the salary of the professor in English studies, history, and law, after thirty years' service. It is a very proper and just amendment, in my judgment, and I have investigated the question.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from New York has sent to the desk other amendments, which will be stated in order.

Mr. HILL. The other amendments are simply to correct the number; that is all.

The SECRETARY. In line 11, strike out "six" and insert "five"; so as to read "five professors."

The amendment was agreed to.

The SECRETARY. In line 12, before the words "of English studies," strike out "two" and insert "one"; so as to read:

For one professor of mathematics, one of chemistry, and one of physics, and one of English studies, history, and law after thirty years' service, at \$2,500; five professors, namely, one of French and Spanish, one of English studies, history, and law, two of French, and one of drawing, at \$2,300 each.

The amendment was agreed to.

Mr. HILL. At the end of the bill I think is a proper place for the amendment which I now offer.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert as an additional section:

SEC. — That in order to provide for the safety of passengers on excursion steamers, and for the safety of yachtsmen and oarsmen taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered in his discretion to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers and the oarsmen and yachtsmen taking part in such regattas.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New York [Mr. HILL].

The amendment was agreed to.

Mr. CHANDLER. I now move the amendment reported by

the Senator from Michigan [Mr. McMILLAN], which I submitted a day or two ago, and I also move it in behalf of the Committee on Naval Affairs. It comes in after the words "arming and equipping Naval Militia," in line 22.

The SECRETARY. Strike out all after the word "militia," in line 22, page 8, down to and including line 2, page 9, and insert:

For arms, accouterments, signal outfits, boats and their equipments, the printing of the necessary books of instruction for the Naval Militia of the various States, and for one clerk, at \$1,200 per annum, under such regulations as the Secretary of the Navy may prescribe, \$50,000.

Mr. HALE. I ask the Senator to strike out the provision for a clerk, and then I will not object to the amendment.

Mr. CHANDLER. Senators will notice that the appropriation is now \$50,000. There is no change in that. The clause is only changed in the language, and gives the authority to the Secretary of the Navy which he desires. I ask to have printed in the RECORD, without reading, two letters from Acting Secretary McAdoo, one dated March 30, 1896, and the other April 10, 1896, with reference to the clerk.

The letters are as follows:

MARCH 30, 1896.

SIR: The Department begs leave to call attention to the item on page 8, line 14, of H. R. 7542, which has been reported to the Senate. As originally proposed by the Department, the paragraph was to read:

"Arming and equipping Naval Militia: For arms, accouterments, signal outfits, pulling boats and their equipments, the printing of the necessary books of instruction for the Naval Militia of the various States, and for one clerk at \$1,200 per annum, under such regulations as the Secretary of the Navy may prescribe, \$50,000."

The necessity for the wording of the appropriation as above is most pressing. The sum of money is that asked for by the Department.

Under the law only such boats, ships, their apparel and their equipments can be loaned as "are not suitable or required for general service." As a matter of fact, a boat which is not suitable for general service is really not fit to be issued to the Naval Militia. The value of the Naval Militia as a body depends upon utilizing them in work along shore and in the auxiliaries in time of war. They can only become familiar with the coast by service in pulling boats. It is an absolute necessity that they should become familiar with the signal code and signal methods used in both the Army and Navy. As the paragraph now stands in H. R. 7542, the available appropriation is so limited in its scope as to prevent the Department from getting the full value from the Naval Militia in return for all that the Government does for them.

The value of property in possession of the Naval Militia, loaned by the General Government, is now so large, and the correspondence with the States is so great, that a clerk is now an absolute necessity in this office to keep the records straight. The duties of the naval officer attached to this office require his absence in inspecting and cooperating with the Naval Militia organizations during a considerable portion of his time, and it is essential for the efficiency of the administration of the business of the Department with the Naval Militia that a clerk be set aside for the specific purpose.

Very respectfully,

WM. MCADOO, Assistant Secretary.

CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

NAVY DEPARTMENT, Washington, April 10, 1896.

SIR: The Department has the honor to acknowledge the receipt of the committee's communication of the 9th instant, inclosing a copy of an amendment intended to be proposed by Mr. McMILLAN to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, and requesting its views in regard to said amendment.

In reply I have to inform you that the proposed amendment fully accords with the views of the Department in regard to the matter of providing for the Naval Militia, and experience has demonstrated the fact that the services of a clerk are necessary to the proper administration by the Department of its duties in connection with the Naval Militia.

In this connection the attention of the committee is invited to the Annual Report of the Operations of the Naval Militia for the year 1895, pages 6 and 7, marked copy inclosed herewith.

Very respectfully,

W. MCADOO, Acting Secretary.

THE CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

Mr. CHANDLER. I wish the Senators who are upon the Appropriations Committee would consent to allow the provision for an additional clerk to go in. I think it ought to go in, because a special clerk for this work is desirable. If the business is assigned to some clerk who now has other duties it will not be done as well and as wisely as by a special clerk appointed for this purpose.

Mr. HALE. I do not think we ought to create an additional clerk. I move to strike out that part of the amendment which refers to an additional clerk.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine to amend the amendment of the Senator from New Hampshire.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORMAN. I move to strike out, on page 2, lines 8 and 9, the words "one thousand" and insert "five hundred."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, lines 8 and 9, strike out "one thousand" and insert "five hundred"; so as to read:

And the Secretary of the Navy is hereby authorized to enlist as many additional men as in his discretion he may deem necessary, not to exceed 500.

Mr. LODGE. That, I understand, is to cut down the seamen, which we have been told by the Senator in charge of the bill is the most important and essential provision the Secretary of the Navy has asked.

Mr. GORMAN. My reason for doing so is because we have by

the votes of the Senate this afternoon increased the number of marines four or five hundred, and as the marines practically perform the same duties as the seamen, I move to reduce the number to 500, so as to make the total increase of the Navy 1,000. I trust even the Senator from New Hampshire will agree to this amendment.

Mr. HALE. Let us have a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. We might as well have the yeas and nays upon it.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. MILLS. My colleague [Mr. CHILTON] is paired with the Senator from Wyoming [Mr. WARREN]. I do not know how either Senator would vote.

Mr. PALMER (after having voted in the affirmative). I observe that the Senator from North Dakota [Mr. HANSBROUGH], with whom I have a general pair, did not vote. I withdraw my vote.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question.

Mr. BURROWS (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and I withdraw my vote.

Mr. MARTIN (after having voted in the affirmative). I notice the Senator from Montana [Mr. MANTLE] has not voted. I desire to withdraw my vote.

Mr. PASCO. I suggest to the Senator from Michigan [Mr. BURROWS] that he exchange pairs with the Senator from Illinois [Mr. PALMER], so that the Senator from Louisiana [Mr. CAFFERY] will stand paired with the Senator from North Dakota [Mr. HANSBROUGH]. That will be satisfactory to both Senators.

Mr. BURROWS. Very well; if that transfer is made my vote will stand, and the Senator from Illinois [Mr. PALMER] is at liberty to vote.

Mr. PALMER. I vote "yea."

Mr. MARTIN. I will transfer my pair with the Senator from Montana [Mr. MANTLE] to the Senator from Arkansas [Mr. JONES] and vote. I vote "yea."

The result was announced—yeas 23, nays 27; as follows:

YEAS—23.

Allen,	Butler,	Martin,	Pugh,
Bacon,	Daniel,	Mills,	Roach,
Baker,	George,	Palmer,	Vest,
Bate,	Gorman,	Pasco,	Vilas,
Berry,	Hill,	Peffer,	Walthall.
Blackburn,	Kyle,	Pettigrew,	

NAYS—27.

Allison,	Clark,	Lodge,	Pritchard,
Blanchard,	Dubois,	McBride,	Shoup,
Brown,	Frye,	McMillan,	Squire,
Burrows,	Gear,	Mitchell, Oreg.	Teller,
Cannon,	Gibson,	Nelson,	White,
Carter,	Hale,	Perkins,	Wilson.
Chandler,	Hawley,	Platt,	

NOT VOTING—39.

Aldrich,	Faulkner,	Lindsay,	Smith,
Brice,	Gallinger,	Mantle,	Stewart,
Caffery,	Gordon,	Mitchell, Wis.	Thurston,
Call,	Gray,	Morgan,	Tillman,
Cameron,	Hansbrough,	Morrill,	Turpie,
Chilton,	Harris,	Murphy,	Voorhees,
Cockrell,	Hoar,	Proctor,	Warren,
Cullom,	Irby,	Quay,	Wetmore,
Davis,	Jones, Ark.	Sewell,	Wolcott.
Elkins,	Jones, Nev.	Sherman,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. CHANDLER. I desire to reserve the amendments on page 22 for separate votes in the Senate.

Mr. FRYE. I desire to reserve the amendment on page 2, submitted by the Senator from New Hampshire [Mr. CHANDLER].

Mr. PASCO. I was not in the Senate Chamber when the amendment on page 33 was voted on, and I ask for a separate vote on the amendment in the Senate. It is in reference to an experimental tank.

Mr. HALE. If the Senator from Florida will let that go, it can be fixed in conference.

Mr. PASCO. I would rather have it fixed on the floor of the Senate.

Mr. HALE. If it is fixed wrong here we shall be bound by it.

Mr. ALLEN. I wish to reserve the right to offer the amendment heretofore offered by me, on page 2, with reference to retired naval officers.

The VICE-PRESIDENT. Without objection, the amendments made as in Committee of the Whole, other than those reserved, will be concurred in. They are concurred in. The question now is on concurring in the amendments on page 22, reserved by the Senator from New Hampshire.

Mr. CHANDLER. I desire the attention of the Senator from Maryland [Mr. GORMAN] to the amendments on page 22. The first amendment is an appropriation of \$8,000 to pave certain streets in Annapolis on Graveyard Creek, and the second directs the Board of Visitors to the Naval Academy to inquire into the expediency of purchasing certain land adjoining the Naval Academy grounds. I am not certain that the United States ought not to pave those streets in Annapolis, and I am not sure that some provision as to the land, the expediency of acquiring which the Board of Visitors are to ascertain, ought not to be made by the Senate. But I should like to have some explanation of the Senator from Maryland.

The Naval Academy at Annapolis has been maintained at great expense to the United States. There has recently been connected with the Naval Academy grounds by the purchase of an intervening piece of ground the Naval Hospital grounds, covering 100 acres, more or less. I have been warmly in favor of these improvements as to the Naval Academy. I was earnestly in favor of acquiring the land that connected the Naval Hospital grounds, with the Naval Academy grounds. I am proud of the Naval Academy. I am not in favor of removing it to any other point in the United States. I should oppose its removal if it were ever attempted. During a short period in the war it was removed to Rhode Island, but it has been relocated at Annapolis; it is a credit to the nation, and I am opposed to removing it.

The Senator from Maryland also knows that I have been in favor of liberal appropriations for the Academy, but here is a proposition to pave certain streets in Annapolis which I infer are outside of the Naval Academy grounds. Here is also a direction to the Board of Visitors to report as to the expediency of acquiring a certain tract of land that is outside the present precincts of the Naval Academy. I hold in reserve the question, whatever may be the recommendation of the Board of Visitors, whether or not the Government ought to go outside of the present inclosure of the Naval Academy and buy this tract of land in the heart of the city of Annapolis, and I withhold my opinion upon that subject because I do not think Annapolis has done enough for the Naval Academy. Annapolis is not only the seat of the Naval Academy, but it is the capital of the State of Maryland, and it is not a capital for which the State of Maryland has done enough. It is not a capital for which its own citizens have done enough. The streets are all unpaved, and there are not sufficient streets for the capital of any State. There is also no hotel in Annapolis that is suitable either, I may say, for the accommodation of the citizens of the State of Maryland who go there when the legislature is in session or for the accommodation of visitors from all over the United States who go there to visit the Naval Academy. Here is a city not sufficiently paved, a city without a suitable hotel, and year after year we are called upon to make additional expenditures of the public money to benefit the city of Annapolis by increasing and beautifying the grounds and the buildings of the Naval Academy.

Now, at this hour, when the Senator from Maryland has proclaimed to us that of all the hours since the Republic was established we should worship at the shrine of economy, we are called upon to pave the streets of Annapolis and to buy a lot of ground outside of the walls of the Naval Academy and add it to the grounds of the Naval Academy, in order that we may beautify the city of Annapolis, which has never done enough for her own welfare, which has never had proper attention given to it by the great and prosperous and proud State of Maryland.

I shall not vote against concurring in these two amendments, although it is a singular proposition that we should pave the streets of Annapolis outside the walls of the Naval Academy. I shall not vote against the inquiry as to whether we need this piece of land, but I do say in all sincerity to the Senator from Maryland that hard as times are, short as we are of money in nation and in State, short as we are to remain of money in State and in nation until the Republican party is firmly seated in power both in the United States and in the State of Maryland, we ought not to make these appropriations unless there are some reasons for it submitted by the Senator from Maryland which have not been adduced. If the Senator can give good reasons for these clauses I shall vote for them. Otherwise I would prefer not to see them in the bill.

Mr. GORMAN. Mr. President, of course the Senate will understand that the Senator from New Hampshire has raised the question merely for the purpose of giving me a lecture.

Mr. CHANDLER. Not the Senator.

Mr. GORMAN. I understand and appreciate it thoroughly. It has given him an opportunity to call attention to a very small

matter and to make a very big speech. The appropriation contained in this item, six or seven thousand dollars, whatever it may be, for paying a street adjoining the Naval Academy at Annapolis, grows out of a contract between the Secretary of the Navy and the city of Annapolis, by which that grand old city, a city established before the Revolution, around which cluster so many memories, in its poverty generously donated to the United States a part of the land embraced in this street and which is included in the Naval Academy. The Government of the United States, in consideration of this gift, contracted to pave the street and to make it a public highway leading from the Naval Academy proper to the Government property outside, known as the hospital. It is, therefore, the Government's property under a contract made without my knowledge, but it was a very generous affair on the part of the city of Annapolis.

As to the second proposition, to authorize the Board of Visitors to ascertain whether a certain piece of ground in front of the present Naval Academy should be acquired, I will state that it is the recommendation of the Department. It happens, as is the case with many harbors on the coast, that there have been some accretions in front of the Naval Academy, supposed to interfere somewhat with health, and the space is utilized by small fishing boats. The Government desires to acquire it so that the yard can be beautified and utilized to some extent. It is merely an inquiry.

I think the Senator from New Hampshire is aware of the fact that citizens of that town, though poor as compared with the great cities of the North, have been indeed generous to this Government. The first Capitol that you had in Washington was constructed by the money of the citizens of Maryland and of Virginia; and it has never been reimbursed, notwithstanding the wealth of this great Government. The modesty of the people of Annapolis and of Maryland is proverbial. We are not here to ask large appropriations on any account. While I have no doubt that the Senator from New Hampshire is in favor of maintaining the Naval Academy at Annapolis, I will state that the Academy has had no appropriations compared with West Point. It has been sadly neglected, and instead of complaining of a small appropriation of this sort, if the Academy is to be maintained anywhere in the country larger appropriations should be made, and it should be improved in every respect.

The Senator from New Hampshire twits me with representing a State that is now under Republican rule. It is so temporarily, Mr. President, by an accident; and I wish to state to the Senator that I can understand perfectly his vote for an increase of the Marine Corps, a part of which is located at Annapolis, for a large number of that force, I think, will be required to keep the Republican party in Maryland in order in the near future.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The question is on concurring in the amendments made as in Committee of the Whole on page 22, which have been reserved. The amendments were concurred in.

Mr. QUAY. I desire on behalf of my colleague [Mr. CAMERON] to offer an amendment, to come in on page 38, after line 6. It is an amendment which carries no appropriation, and on which I trust the Senator from Maine will not make a point of order.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 38, after line 6, it is proposed to insert:

The Secretary of the Navy is hereby authorized and directed to audit and adjust the claim of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa., against the Government of the United States for damages and losses sustained by the said company in the execution of the contract to construct and deliver the hull, engines, and machinery required for the United States battle ship *Indiana*, and for placing the armor, turrets, and other ordnance work on said battle ship; the said damages and losses being caused by the delays of the Government and changes of plans of the Government in the construction of the hull, engines, machinery, and placing of the armor and armament of the said battle ship *Indiana*, and to report to Congress at its next session what amount may be due to the said company.

Mr. HALE. The amendment is subject to a point of order, but instead of making a point of order I offer as a substitute for it a general provision. There is not only this claim, but four or five others which stand with it, and if this amendment is offered and goes on the others will insist on being treated in the same way. By direction of the committee I have prepared a general clause, which I move as a substitute for the amendment offered by the Senator from Pennsylvania [Mr. QUAY]. I presume there will be no objection to it.

The PRESIDING OFFICER. The substitute will be read.

The SECRETARY. In lieu of the amendment of the Senator from Pennsylvania it is proposed to insert:

The Secretary of the Navy is hereby authorized and directed to examine claims against the Government which may be presented to him by contractors for the building of the hulls or machinery of naval vessels under contracts made for the same since January 1, 1891, where it is alleged that such contractors have been subjected to loss and damage through delays in the work under said contracts which were not the fault of said contractors but were the fault of the Government, and to report at the next session of Congress the result of said investigation, and whether said claims are, in his opinion, subjects for the jurisdiction of the Court of Claims or for the action of Congress upon the same.

Mr. QUAY. I have no objection to the substitute.

Mr. HAWLEY. I make no objection to the substitute except that I would change the phraseology in one place. It says changes which are not the fault of the contractors, but the fault of the Government. I would suggest the words "due to the action of the Government." The Government may have been right.

Mr. HALE. I have no objection to that change. Let it read, "due to the action of the Government."

The PRESIDING OFFICER. The substitute will be modified as indicated by the Senator from Connecticut.

Mr. ALLEN. I wish to call the attention of the Senator from Maine to the fact that less than an hour ago a point of order was made upon a similar amendment offered by the senior Senator from Mississippi [Mr. GEORGE], and it was ruled out. I refer to the claim of Mr. Hurst.

Mr. HALE. I did not make the point of order. I voted for the claim. But these are very different from that one. I do not think these have as much merit. I was in favor of that claim and voted for it. I did not make any point of order on it. In this case we are simply giving the discretion or authority to the Secretary of the Navy to report on these claims, that they may come in afterwards to Congress.

Mr. ALLEN. So that they may be sent to the Court of Claims for examination?

Mr. HALE. It is in the alternative, either to the Court of Claims or to Congress.

Mr. ALLEN. I simply want to ask the Senator from Maine why a point of order is made upon similar claims and claims that are admitted to be equally, if not more meritorious—

Mr. HALE. Of course I can not tell why another Senator makes a point of order. I did not make it.

Mr. ALLEN. Will the Senator hear me through? And why at the same time should the committee refuse to make a point of order upon these claims?

Mr. HALE. I think this is a better way to dispose of all of these matters than simply to strike out one of them on a point of order. I think it is better to let them all be brought into one hopper.

Mr. ALLEN. This is general legislation upon an appropriation bill and vulnerable to Rule XVI. It has not received the sanction of any committee, either. It is equally objectionable on that ground.

Mr. HALE. The Senator can make the point of order against the amendment if he chooses.

Mr. FRYE. Does the Senator from Nebraska want to make the point of order?

Mr. ALLEN. I will not make the point of order. If I can not defeat a man without making a point of order on him I will not defeat him at all. That is a good deal like a man going into court and making a special appearance and dodging and undertaking to avoid litigation. I simply wish to emphasize the fact that the bill has been loaded down—and if it does not smell, it will before a great while—by amendment after amendment by favoritism. I do not, however, charge the committee with anything of that kind. I credit the committee with higher motives. But the bill reeks with favoritism and with jobbery from top to bottom and in the center, from cuticle to core and from core to cuticle. Whenever a meritorious claim has been presented, such as the Senator from Mississippi [Mr. GEORGE] presented here, some Senator who is seeking to have some advantage on the bill rises gravely and calls the attention of the Presiding Officer to the fact that it is in violation of Rule XVI, and announces in sepulchral tones that he makes the point of order. But whenever a proposed amendment comes from some other source that has some interest to subserve, the point of order is deftly avoided. Neither the committee nor any member of the committee makes it. No Senator who seems to be protecting the bill undertakes to make it. The bill is permitted to be loaded down by favorite amendments.

Mr. QUAY. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. QUAY. My understanding is that the substitute proposed by the Senator from Maine comes from the committee.

Mr. HALE. The substitute was drawn at the suggestion and by direction of the committee—

Mr. QUAY. Yes.

Mr. HALE. To be submitted provided these claims were offered. We wanted to bring them to a head.

Mr. QUAY. So the substitute of the Senator from Maine is not subject to the point of order.

Mr. ALLEN. It has never been passed upon.

The PRESIDING OFFICER. The Chair does not understand that the point of order has been raised either against the amendment offered by the Senator from Pennsylvania [Mr. QUAY] or the substitute proposed by the Senator from Maine [Mr. HALE].

Mr. HALE. No; that is my understanding.

Mr. ALLEN. I am simply protesting against the adoption of the amendment.

The PRESIDING OFFICER. So the Chair understands.

Mr. ALLEN. I do not raise any point of order. I announced that I would not raise the point of order. I think it is absolutely cowardly to raise the point of order. It is the part of cowardice. A man never raises a point of order unless he is afraid to meet the merits of an amendment or a bill. It is a species of crawfishing so as to get away from something that is meritorious. No really brave man ever raised a point of order upon a meritorious measure. No generous lawyer or litigant ever came into court and said, "The process has not been properly served upon me, and therefore I appear here for the purpose of saying I do not appear." It is a species of pettifoggery that I do not propose myself to indulge in. I want to emphasize the fact that this point of order is continually used at times to pare out obnoxious amendments and at other times it is not made.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from Maine [Mr. HALE] for the amendment submitted by the Senator from Pennsylvania [Mr. QUAY].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRYE. Mr. President, I reserved an amendment on page 2, but for reasons which are sufficient for me, while I am very greatly opposed to the amendment, I will not insist upon a separate vote.

The PRESIDING OFFICER. The amendment then will be concurred in without objection.

Mr. ALLEN. I reserved an amendment on page 2, which I send to the desk, and ask that it be again read.

The PRESIDING OFFICER. The Secretary will state the amendment submitted by the Senator from Nebraska.

The SECRETARY. After the amendment adopted on page 2, after line 23, it is proposed to insert:

But no officer is to be paid from these nor subsequent appropriations, as on the retired list, after the disability for which he was placed there has ceased; whereupon, under his existing commission, he shall resume duty on the active list when the next vacancy occurs in his grade: *Provided*, That his recovery be verified by a board's examination and also that he be found to have no other disability.

Mr. CHANDLER. That amendment may have been reserved, but it was only reserved by the Senator from Nebraska himself. It was ruled out on a point of order.

Mr. ALLEN. How is that, Mr. President?

Mr. CHANDLER. I understand the Senator's amendment was ruled out of order when moved as in Committee of the Whole on a point of order.

Mr. ALLEN. But I have the right to offer it here.

Mr. CHANDLER. Certainly; but not as a reserved amendment.

Mr. ALLEN. If the Senator from New Hampshire makes the point of order on it, I will admit the point of order is well taken.

Mr. CHANDLER. It does require a good deal of courage to make a point of order after the Senator's disquisition here upon that subject. He said it is cowardly to make a point of order. I respectfully differ with the Senator. The rules are made to be observed upon the suggestion of any Senator—

Mr. ALLEN. And are constantly violated.

Mr. CHANDLER. And when any Senator in this body appeals to the rules, and asks that they may be observed, it is his privilege to do so, and it is not cowardly and ought not to be the subject of comment at any time or under any circumstances. I resent the idea that any Senator should be criticised when he appeals for the observance of the rules of this body and refuses unanimous consent to have them dispensed with. Therefore, having the fear of the Senator's censure somewhat, but not overwhelmingly, in mind, I make the point of order on this amendment.

The PRESIDING OFFICER. The Chair is informed by the clerks at the desk that the point of order was made against this amendment when offered as in Committee of the Whole, and that that point of order was sustained.

Mr. ALLEN. Does the present occupant of the chair feel bound by the ruling of his predecessor?

The PRESIDING OFFICER. The present occupant of the chair does not, but the present occupant of the chair desires to say that the clerks at the desk inform him that the point of order was made against the amendment of the Senator from Nebraska as in Committee of the Whole and was sustained. The Senator from Nebraska now renews the amendment in the Senate, and the Senator from New Hampshire renews the point of order made against it as in Committee of the Whole. The Chair sustains the point of order made by the Senator from New Hampshire.

Mr. PASCO. Mr. President, in the bill as it came from the House of Representatives there was a provision on page 33 for a model tank for the use of the Bureau of Construction and Repair

of the Navy Department. I ask that the paragraph on page 33 covering this matter may be read. By an amendment reported by the Committee on Appropriations it was stricken out, and I wish the matter to be voted upon again in the Senate. After it shall have been read, I wish to present a few reasons why I think the clause which the Secretary will read should be retained in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, struck out the following clause, beginning with line 3, on page 33:

For making plans, examining and preparing the ground, and other preliminary work toward the construction of a model tank, with all buildings and appliances, to be built upon the grounds of the old Observatory, Washington, D. C., under the Bureau of Construction and Repair of the Navy Department, which shall conduct therein the work of investigating and determining the most suitable and desirable shapes and forms to be adopted for United States naval vessels, \$7,500: *Provided*, That upon the authorization of the Secretary of the Navy experiments may be made at this establishment for private shipbuilders, who shall defray the cost of material and of labor of per diem employees for such experiments: *And provided further*, That the results of such private experiments shall be regarded as confidential and shall not be divulged without the consent of the shipbuilder for whom they may be made.

Mr. GORMAN. I suggest to the Senator that he had better move to amend the amendment by striking out that it shall be built upon the grounds of the old Observatory and inserting "at the Washington Navy-Yard." If an amendment of that character can be adopted, I should have no objection to the clause remaining in the bill. It is designed to appropriate the old Naval Observatory for a specific purpose; and I suggest that the Senator move, or, if he does not, I will move to strike out of the amendment the words providing that it shall be built at the old Naval Observatory and insert "at the navy-yard at Washington."

Mr. PASCO. Of course, Mr. President, it is proper that the text should be perfected before the motion to strike out is made. I make no objection to the suggestion of the Senator from Maryland, as I do not undertake to determine the best location for the tank, but if the amendment be adopted the question of location can be settled in conference. I make no objection to the amendment.

The PRESIDING OFFICER. The Senator from Florida accepts the modification of the amendment suggested by the Senator from Maryland.

Mr. PASCO. I have no authority to accept the amendment, but I do not object to it.

The PRESIDING OFFICER. What is the motion of the Senator from Florida?

Mr. PASCO. The bill came here containing the paragraph which stands on page 33, which has been read. It was stricken out in Committee of the Whole. I desire to restore this paragraph from line 3 to line 19. The Senator from Maryland, before that motion is put, moves to amend in lines 5 and 6. That amendment is in order, and I will give way that it may be voted upon.

Mr. CALL. I should like to understand what the matter pending is. Let the Secretary state what is the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33 it is proposed to amend the amendment of the committee, in line 6, by striking out the words "old Observatory" and inserting in lieu thereof the words "navy-yard at"; so as to read:

To be built upon the grounds of the navy-yard at Washington, D. C.

Mr. CALL. What is to be built?

The PRESIDING OFFICER. The Secretary will read the entire amendment.

The SECRETARY. It is proposed to amend so as to make the clause read:

For making plans, examining and preparing the ground and other preliminary work toward the construction of a model tank, with all buildings and appliances, to be built upon the grounds of the navy-yard at Washington, D. C., under the Bureau of Construction and Repair of the Navy Department, which shall conduct therein the work of investigating and determining the most suitable and desirable shapes and forms to be adopted for United States naval vessels, \$7,500: *Provided*, That upon the authorization of the Secretary of the Navy experiments may be made at this establishment for private shipbuilders, who shall defray the cost of material and of labor of per diem employees for such experiments: *And provided further*, That the results of such private experiments shall be regarded as confidential and shall not be divulged without the consent of the shipbuilder for whom they may be made.

Mr. CALL. Is it proposed to strike that out?

The PRESIDING OFFICER. The question is first upon the amendment offered by the Senator from Maryland.

Mr. CALL. To strike that clause out?

The PRESIDING OFFICER. The committee amendment is to strike out all of those lines which have been read by the Secretary. The Senator from Maryland offers an amendment to the amendment offered by the committee.

Mr. PASCO. An amendment to the original text of the bill.

The PRESIDING OFFICER. An amendment to the original text of the bill to locate the tank at the navy-yard instead of at the old Observatory. The question is on the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Florida [Mr. PASCO].

Mr. PASCO. No, Mr. President; the question recurs on the motion offered by the committee, to strike out.

The PRESIDING OFFICER. The question is upon concurring in the amendment made as in Committee of the Whole, to strike out the entire clause.

Mr. HALE. The amendment which has been agreed to as in Committee of the Whole should be nonconcurring in.

The PRESIDING OFFICER. The question is on the amendment.

Mr. HALE. To strike out the entire clause.

The PRESIDING OFFICER. To strike out the entire clause.

Mr. HALE. There is no necessity for reading it again.

Mr. PASCO. If the amendment is to be rejected I shall have nothing further to say, but if it is to be insisted upon I wish to occupy the attention of the Senate for a few minutes.

Mr. HALE. I suggest, as an amendment has been made in accordance with the suggestion of the Senator from Maryland [Mr. GORMAN], that the Senate disagree to the amendment striking out the clause, which will leave it in the bill as amended on motion of the Senator from Maryland.

Mr. PASCO. That will be satisfactory to me.

The PRESIDING OFFICER. The Senator from Maine moves—

Mr. HALE. I do not need to move. The question is simply upon disagreeing to the amendment to strike out the clause.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole to strike out the clause as modified by the amendment of the Senator from Maryland?

Mr. PASCO. The motion of the committee is to strike out; and the question is whether or not the paragraph containing the provision for the model tank shall be stricken out.

The PRESIDING OFFICER. The Chair begs leave to repeat that the question before the Senate is as to concurring in the committee amendment to strike out.

Mr. HALE. If we disagree to the amendment that leaves the clause in the bill as it is now amended.

The PRESIDING OFFICER. If the Senate shall disagree, the language will remain in the bill; otherwise it will be stricken out.

Mr. CALL. I should like the Senator to give us some reason for striking out the clause.

Mr. HALE. Nobody is asking to have it stricken out.

Mr. PASCO. We propose to vote down the motion to strike out.

Mr. HALE. I suggest that the Senate disagree to the amendment.

Mr. CALL. That would keep the provision for the tank in the bill?

Mr. HALE. Yes.

Mr. CALL. I should like to hear some reason why we should keep the tank in. I do not understand it, Mr. President, and I do not know where this idea comes from, or why it is necessary to build a tank to exhibit a little model of a ship. It seems to me that this is a very ill-advised idea. What possible use can there be for building a great tank to exhibit the models of ships when navy-yards all around the country have the ships themselves and models. There is something to be exhibited in the navy-yards, and there is nothing of any value to be exhibited in such a tank.

Mr. HALE. Let us have a vote.

Mr. PASCO. I will read the concluding sentence of a very interesting statement which I have from the chief of the Bureau, giving the advantages to result from the construction of this tank. I will ask that the whole statement be inserted in the RECORD, but I will only read the concluding paragraph. It is as follows:

Many advantages are realized from the results of these experiments. The most suitable form for a certain speed may be determined and the proper adjustment of power to form arranged. On the other hand, a ship having a given form, the most suitable speed can be selected at which it can be most economically propelled. The form and position of the waves created by the passage of a ship through the water at any speed may be determined. The settling or subsidence of the ship while running may be measured, this being an important feature in light-draft or low free-board vessels. The speed at which models may be run being relatively great, the performance of ships at higher speeds than have been realized may be predicted, and the possibilities of further advancement, so far as form is concerned, determined. Much power is frequently wasted in driving unsuitable forms at a high rate of speed, and waste of power involves both heavier machinery and boilers and increased coal consumption over what would be necessary with the proper form.

Mr. President, this tank has been recommended twice by the Chief of the Bureau of Construction and has been recommended by the Secretary of the Navy. If the experiments are carried on with its aid it will enable the Chief of the Bureau of Construction and those working with him to calculate with far greater accuracy the speed and performance of the large war vessels which we are now preparing to construct, and to make changes in the models when the experiments indicate that the speed and power of the

vessels can be increased. I hope that the committee amendment striking the item out of the bill will not be concurred in.

I now ask leave that the paper from which I have read may be inserted in the RECORD in full.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The paper referred to is as follows:

EXPERIMENTAL TANKS.

Experiments to determine the resistance of ships in advance of construction by towing models of the proposed ships were commenced by the late Dr. William Froude in 1872 in a tank built by him at Torquay. This tank was 280 feet long, 36 feet wide, and 10 feet deep, and in it experiments were carried on for the Admiralty, and in connection with the towing experiments with the *Greyhound* certain laws and deductions were established beyond question. Since the death of Dr. Froude in 1879 the work has been carried on by his son, Mr. R. E. Froude, and many useful and valuable results have been obtained, the designs of many proposed ships having been altered after model trials, notably in the case of the *Polyphemus* and the *Medway* class of gunboats, the deductions being afterwards verified by the performance of the vessels. In 1882 a tank of about the same dimensions and with practically identical appliances was constructed by Denny Bros., of Dunbarton, in which many thousands of experiments have been conducted with both engineering and commercial success, the tank having enabled them, as a case in point, to successfully construct a high-speed vessel for the Belgian Government under conditions so rigid that under ordinary circumstances surety of fulfilling them would have been impossible.

Mr. William Denny, one of the most progressive and well-informed Scotch shipbuilders, in a letter written in 1887 relative to the importance of the assistance that an experimental tank may render to the naval designer, expresses himself as follows:

"The truth is that of all the problems about a steamship the only one at the present moment incapable of being solved by a priori methods in extreme cases is that of the speed and power. No ability and no training will enable even the most skillful naval architect to overcome the want of an experimental tank in coping with these questions. My partners are so thoroughly convinced of the value of the tank that every one of them regards the large amount of money sunk in it in the form of a capital, and the large amount still to be sunk in it, as one of our best investments, and have met without grudging the annual outlay required for its administration."

The establishment of an experimental tank would not only benefit the naval service, but would greatly promote the shipbuilding interests of the country at large, by furnishing reliable information as to the future performance of new types of commercial vessels that would aid American shipbuilders to compete on more equal terms with foreign yards, in which similar information is already available.

The British Admiralty considered the results obtained so valuable that in 1886 a new tank was constructed at Haslar, near Portsmouth, and the apparatus at Torquay was removed to that place and installed there, with many improvements and additions, under the charge of Mr. R. E. Froude. The new tank is 400 feet long, 30 feet wide, and 9 feet deep, and commodious offices are attached with a view of entering extensively upon the work of experimental investigation. In 1889 an apparatus was constructed by the Italian Government at Spezia which is practically a duplicate of the British plant at Haslar, except that the tank is 500 feet long and 22 feet wide.

The latest apparatus constructed is that installed by the Russian Government at St. Petersburg in 1892. To duplicate such a plant, including cost of all apparatus and the necessary buildings, but exclusive of ground, would cost \$85,000. The primary object is to obtain the actual resistance of the model at a speed corresponding to the proposed speed of the full-sized ship. The speed at which the model is to be towed is ascertained by Froude's "Law of comparison," which is "for similar forms, corresponding speeds are as the square root of the length and resistance at corresponding speeds is as the cube of the length." As an illustration, supposing it is desired to ascertain the effective horsepower necessary to propel a certain proposed ship at a speed of 20 knots an hour. If a model is constructed one-twenty-fifth the size of the

ship, then the speed at which it should be towed will be $\sqrt[3]{\frac{20}{25}} = 4$ knots an hour. Supposing the resistance at this speed is found to be 10 pounds, then the resistance of the ship will be $10 \times 25^3 = 156,250$ pounds. To ascertain the effective horsepower required it is only necessary to divide the expression for the work due to this resistance, given in foot pounds by 33,000; thus, $20 \times 156,250 = 3,125,000$ foot pounds per minute, and $\frac{3,125,000}{33,000} = 9,493$ effective horsepower required.

This result, after being corrected for density of water, surface friction of ship's skin, friction of engines, and efficiency of propellers, gives the actual indicated horsepower necessary to develop the required speed in the proposed ship. The experiments may develop the fact that the intended lines produce an abnormally high resistance, or are in some other way unsuitable, in which case the model is easily altered or a new one made, and the ship saved from probable failure.

In conducting the experiments absolute nicety of observation and measurement are required. The model is carefully ballasted to the exact draft and trim to correspond with the proposed displacement. These factors are observed by inserting needles at intervals around the proposed water line projecting horizontally, and the model is adjusted so that all the needles just break the water. In this condition the weight of the model plus the ballast should agree with the calculated displacement. In towing, the change of trim is carefully observed and automatically registered by the machine, and exact observation of the currents, caused by drafts of air and by the movement of the model, are made, and the general deductions corrected therefor. The models are made of paraffine wax, a material which seems well adapted for the purpose, in that it does not absorb water to change its weight, is easy to finish and make changes in it if necessary, and when the experiments with a given ship are finished, the material is remelted and used for others. They are cast in a clay mold made to cross sections of the proposed lines, allowing about a quarter of an inch all around for finishing. They are cored to allow a finished thickness of about 1 inch. The core is formed of a wooden framework covered with cloth and coated with a solution of clay to make it impervious to the melted paraffine, and is filled with water to prevent it being floated on the liquid wax, which is cast at a temperature of about 160°. After cooling, the model is placed in a specially devised machine, by which the lines of the half-breadth plan of the proposed ship are automatically copied on both sides of the model at their respective heights above the keel.

The model is rigidly held in a frame capable of vertical adjustment, and after being carefully set to the proper height for the line to be cut the attendant simply passes a tracer around the line on the drawing, which is placed on an attached drawing board. The cutting is accomplished by two rotary cutters, which are run at a high rate of speed and connected by a pantograph gear with the tracing arm. In this way the successive lines are cut, and the model is then taken from the machine, the material between the lines is removed and the model faired and smoothed by hand. It is then

fitted with suitable interior strengthening and carefully weighed and ballasted, and is then ready to be placed in the dynamometric towing machine. This machine is placed on a truck which moves freely on rails located on the top of the side walls of the tank, the under side of the machine being about 18 inches above the water.

The model is so connected that while rigidly held against lateral deviation it is free to oscillate vertically and horizontally. The resistance is received on the short arm of a bell-crank lever and automatically traced to an enlarged scale on a sheet of cross-section paper wrapped on the surface of a cylinder. The same cylinder also records the time and distance run. The time pen records half seconds, and the distance pen records intervals of 10 feet, both being actuated by electric contacts. There are also cylinders at each end of the model for recording the change of trim by means of rods free to move vertically, their lower ends resting on the model. A secondary speed-recording register is also provided as a check, and a carriage is mounted in the rear of that containing the model dynamometric machine, fitted with another machine on similar principles, for testing the efficiency of model screw propellers, and also their efficiency in different positions relative to the hull of the ship. The truck is attached to an endless wire rope, moving over drums at each end of the tank, to which motion is given by a "Tower spherical engine," having a specially devised governor, capable of very delicate adjustment to any desired speed, from 50 to 1,000 feet per minute. The models are tested at varying speeds of small interval between certain fixed limits, and also at varying drafts of water and conditions of trim. The results, after being corrected, are plotted and curves drawn, giving in advance full data of just what the completed ship will do in all conditions with smooth water.

Many advantages are realized from the results of these experiments. The most suitable form for a certain speed may be determined and the proper adjustment of power to form arranged. On the other hand, a ship having a given form, the most suitable speed can be selected at which it can be most economically propelled. The form and position of the waves created by the passage of a ship through the water at any speed may be determined. The settling or subsidence of the ship while running may be measured, this being an important feature in light-draft or low-free-board vessels. The speed at which models may be run being relatively great, the performance of ships at higher speeds than have been realized may be predicted and the possibilities of further advancement, so far as form is concerned, determined. Much power is frequently wasted in driving unsuitable forms at a high rate of speed, and waste of power involves both heavier machinery and boilers and increased coal consumption over what would be necessary with the proper form. Displacement is often sacrificed to attain a certain speed when the same speed might have been realized with largely increased carrying capacity. Many other minor advantages might be specified. The time necessary to prepare a model from a given set of lines and make a complete record of resistances at varying speeds has been found to be about two days.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurrent in.

Mr. HALE. Now, Mr. President, I hope the bill may be passed. Mr. KYLE. I offer an amendment which was reserved in Committee of the Whole, at the end of line 13, on page 7.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 13, on page 7, it is proposed to insert:

The Secretary of the Navy is hereby authorized and required to pay, immediately, to the patentee the \$25,000 appropriated in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895, said act providing "for the exclusive rights to and for ordnance appliances now in use on naval vessels, and protected and covered by patent No. 533171, said patent being embraced in a contract dated January 28, 1893, and signed by the Secretary of the Navy and the patentee."

Mr. HALE. This is not a reserved amendment.

Mr. KYLE. I wish to state that this is an amendment heretofore offered by the Senator from Mississippi [Mr. GEORGE], and I do think it was misunderstood by the Senate at that time. It was ruled out under Rule XVI. Clause 4 of that rule is as follows:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"The provisions of an existing law." The amendment states upon its face explicitly that this appropriation was provided for by the act of March 2, 1895. It is further stated, I believe, upon the face of the amendment that the patent embraces a contract made by the Secretary of the Navy January 28, 1893. Therefore the appropriation of \$25,000 under this amendment is nothing more nor less than the carrying out of the contract to which I have just referred. It seems to me that the point of order does not lie against the amendment as being a private claim.

Mr. LODGE. Mr. President, we discussed this amendment while we were acting as in Committee of the Whole. The existing law is that the claim is to be paid at the discretion of the Secretary of the Navy, and this amendment proposes to make him pay it without discretion. The point of order was made by the Senator from Ohio [Mr. SHERMAN], who is not here now, and in his absence I make the point of order again.

The PRESIDING OFFICER. The Senator from Massachusetts makes the point of order against the amendment submitted by the Senator from South Dakota, and the Chair sustains the point of order.

Mr. HALE. Now, I ask that the bill be put on its passage.

Mr. GORMAN. I gave notice two or three days since, during the discussion of this bill, that before its conclusion I should offer an amendment authorizing the Secretary of the Treasury to issue certificates of indebtedness in denominations of 50s, 100s, and 1,000s, bearing 3 per cent interest, stating that I believed that the appropriations made it absolutely necessary for Congress to authorize the Secretary of the Treasury to issue that class of certificates, which would probably prevent the issuing of any more

bonds to pay current expenses. I fully intended to offer the amendment; but after the agreement which was made yesterday, that debate should be limited to five minutes on the part of each Senator after 2 o'clock to-day, it would be impossible under that limitation to properly discuss the proposition; and, therefore, I shall reserve it until the fortifications appropriations bill is considered by the Senate, when I expect to present it.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment. If there be no further amendments the question is upon the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CONDEMNED CANNON FOR NEW ROCHELLE, N. Y.

Mr. HILL. I ask the indulgence of the Senate for a moment to pass a little bill to donate condemned cannon to a village in my State. There is to be a celebration at the place next week; where the cannon are desired, and to be of any avail the bill should be passed at once. It is House bill No. 3544, and I think will take but a moment.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the consideration of a bill, which will be read for information.

The Secretary read the bill (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PEPPER. I do not object, provided the bill does not displace the unfinished business.

The PRESIDING OFFICER. The Chair hears no objection. The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF THE RIVER AND HARBOR BILL.

Mr. FRYE. I wish to give notice that I shall ask the Senate immediately after the conclusion of the routine business on Monday morning to proceed to the consideration of what is known as the river and harbor bill.

Mr. QUAY. I should be glad to have Senate bill No. 2522, in relation to the Alaska Transportation and Trading Company, taken up and passed, if there be no objection. It has been heretofore read at length.

Mr. DUBOIS. I think the bill ought to be referred to the Committee on Public Lands. We have had a similar bill before the committee. It is quite an important matter, and members of the committee have asked me—

Mr. QUAY. I withdraw the request.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until Monday, May 4, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 2, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

BANKRUPTCY.

Mr. HENDERSON. I call for the regular order, and move that the House resolve itself into Committee of the Whole on the state of the Union to consider the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. PAYNE in the chair), and resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. SPALDING. I desire to move an amendment, if it be in order.

Mr. HENDERSON. I believe there are three amendments now pending.

Mr. SPALDING. At any rate, I would like to get this amendment before the Chair. I wish to move, as an amendment to the substitute now pending, to strike out clause 9 of the first paragraph of the pending section, in these words:

Or suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating \$500 or over.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Michigan [Mr. SPALDING] to the substitute of the gentleman from Pennsylvania [Mr. MAHON].

The Clerk read as follows:

On page 7, strike out, in lines 45, 46, and 47, the words "or suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating \$500 or over."

Mr. SPALDING. Mr. Chairman, it is not an unusual thing for men engaged in business pursuits to have an aggregate of \$500 of past-due paper. The filing of a petition to put such a person into insolvency, if he was not in fact insolvent, would tend to bring him into disrepute and to ruin his credit. It seems to me that in the hands of a creditor disposed to be oppressive such provision might do great injury not only to the debtor but to other creditors, because under such circumstances a single creditor could file a petition in bankruptcy, provided there were not more than twelve creditors. For this reason I believe that the provision which my amendment proposes to strike out weakens the bill, which in many essential particulars is calculated to operate beneficially alike to creditor and debtor. I trust my amendment will be adopted. Without occupying further time, I am willing to submit it to the vote of the House.

The question being taken on the amendment of Mr. SPALDING, it was agreed to.

Mr. HENDERSON. I think, Mr. Chairman, we had better have the debate limited on this paragraph. As there are other amendments which gentlemen desire to offer, why should we not take a vote now on the pending amendments?

Mr. WILLIAM A. STONE. I should like to occupy about five minutes.

Mr. HENDERSON. Very well.

Mr. WILLIAM A. STONE. Mr. Chairman, when the committee rose last evening the gentleman from Iowa [Mr. HENDERSON], the chairman of the Judiciary Committee, had entertained the Committee of the Whole, as he always does, not only in a logical, practical way, but with his usual eloquence. He appealed to the patriotism of the House. He seems to find some sentiment in a bankruptcy bill. Why, Mr. Chairman, there is no more sentiment in a bankruptcy bill than there is in an undertaker's bill. This question addresses itself to the legal judgment of the House.

I call the attention of members to the fact that although we have been discussing this bill all this week, scarcely a paragraph concerning it has appeared in the newspapers of the day. The country is not demanding a bankruptcy bill. Members, if they will refer to their own experience, will be unable to say that the people in their districts are writing letters or petitioning for the passage of such a bill as this. Whatever demand exists for a bankruptcy bill to-day is confined to the voluntary features of the measure.

Among the acts for which, under this bill, a man may be put into bankruptcy is the making of an assignment under the laws of his State. Now, let me briefly refer to the history of that provision. Such a provision was in the bankruptcy law of 1867. After several years of experience with that provision, Congress, in 1874, struck it out of the law. It was found unpopular and ill fitted to the wants of the country. Yet after the trial we had of such a provision under the law of 1867—a trial which induced Congress to amend the law and strike out that provision—we are now told that it is wise to readopt it.

Why, Mr. Chairman, the features of the old bankruptcy law of 1867, which became so unpopular in the country because they harassed the poor debtor, were the features defining what are known as acts of bankruptcy; in other words, the provisions for involuntary bankruptcy. Yet with the light of our experience under the last bankruptcy law and with the country not demanding any such law with involuntary features, some gentlemen here seem willing to inflict upon the country the same evils with which it was afflicted under the former law. I beg members to pause before they vote against the amendment I have offered and to recall the experience of the country under the old law.

Mr. COOPER of Wisconsin. I see that the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has made a profound study of this bill, and I should like to put to him a question suggested to me by a conversation I have had with another member of the House, the gentleman from New Hampshire [Mr. SULLOWAY].

Mr. WILLIAM A. STONE. I yield for the question.

Mr. COOPER of Wisconsin. Suppose that one man should borrow of another \$10,000 for the ostensible purpose of entering into a legitimate business with the money, not expressly so stating, but that being the understanding. Then suppose that the borrower should lose that money by gambling with cards. Could he under such circumstances file a petition in voluntary bankruptcy and secure his discharge under this bill, if it were to become a law?

Mr. WILLIAM A. STONE. I understand that anybody can file a petition in voluntary bankruptcy.

Mr. COOPER of Wisconsin. Ought such a man to be allowed to receive his discharge?

Mr. WILLIAM A. STONE. As to whether he would get his discharge or not, that is another thing; but the gentleman's question was whether such a man could file a petition. I understand

that under this bill anybody can file a petition, no matter what may be his indebtedness or how it may have arisen.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WILLIAM A. STONE. I should like five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed five minutes more. Is there objection? The Chair hears none.

Mr. COOPER of Wisconsin. I will say to the gentleman from Pennsylvania that I have been informed that under the provisions of the former bankrupt law it would have been impossible for such a man to secure his discharge in bankruptcy; that is to say, if it could be established as a fact that he had lost his money in gambling.

Mr. WILLIAM A. STONE. I do not say that he could be discharged under this bill. I understood that the question of the gentleman was whether anything in the bill would exclude him from applying. Whether he could be discharged is another question.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I will call his attention to the fact that in section 13 of this bill there are five explicit acts mentioned, the commission of any one of which by the bankrupt is a ground for denying him a discharge. Now, if the mention of one thing is to be taken as the exclusion of all other things, then the only ground for refusing to allow such a man a discharge would be proof of one of the things embraced in this section. And the loss of his property through gambling not being specified as one of the grounds on which a discharge is to be refused, he would still be able to secure a discharge even though the borrowed money had been lost in gambling with cards.

Mr. WILLIAM A. STONE. Well, that may be an argument against the bill, and I am glad that the gentleman finds additional reasons for objecting to its passage.

Mr. RAY. Will the gentleman permit me a moment now, since he has an extension of time?

Mr. WILLIAM A. STONE. Yes.

Mr. RAY. Under the provisions of the bill I do not think such a man as that mentioned by the gentleman from Wisconsin could possibly obtain a discharge. But, however that may be, if it should be made a ground of refusal for granting a discharge, it is easy to insert it in the bill.

Mr. WILLIAM A. STONE. Well, we are discussing the provisions now that apply to the discharge of the bankrupt. We are considering the amendment which proposes to strike from the bill the first paragraph of section 2, which, if adopted, strikes out the nine acts of bankruptcy; and I undertake to say that if you are to pass a bill at all, a simple bill that permits a man to go into bankruptcy is all that you should undertake to pass. You ought not at this time, when the country is already disturbed very much over public questions, to throw a new element of disturbance into the commerce and trade of the country, and in my judgment it would be a very great and a very serious mistake not only for this Congress, but a great mistake for the party that is behind this Congress and responsible for its actions, to undertake to put a bankrupt law, especially such a bankrupt law as this, on the country now. Such a law is not popular at any time. Who wants engraved on his tombstone, when he has ended his labors here and elsewhere, that he is the father of a bankrupt law as a monument? It never was and never will be a popular measure, and you can not make it so in this country. You can not humbug the people of this country with a measure of this character any more; they have had experience. You can no more make such a proposition suit the people of this country than you can make a suit of clothes for a man 5 feet high to fit me. The country has grown too large for such a thing; it is not adjusted to such a provision; it is too diversified in all of its interests. There are 45 States in the Union now passing laws each conflicting with each other; and when all of these things are considered it is evident that this country is not in a condition to adopt a general law upon this subject by which a man shall be forced into bankruptcy against his will. You are simply putting on the statute books something that will come back to plague us in the future, a proposition that will stay the era of prosperity which the country so much demands, and which it should have, and which we all hope will soon make its appearance.

It is a great and a grave mistake to pass such a bill. No man ought to vote for such a bill until he has carefully studied the history of the country under the operation of the old bankrupt laws; and no man who will do that will ever give a vote, after impartial consideration, for such a measure as this. Any man who will give it a fair and impartial consideration will at least hesitate before voting for any bill, especially one that embraces eight or nine acts of bankruptcy, whereby a man can be forced against his will into the bankrupt court, many of which provisions were stricken down by Congress in the old bill, many of which were changed and altered, as it was found necessary to change and alter them, because of the demand of the people, who were disgusted with their operation.

It is, Mr. Chairman, the old story. It comes up at every Congress to plague us. Notwithstanding the fact that there are various other matters of greater importance that ought to receive the attention of the House, matters which the whole country is demanding as loudly as it can, measures that ought to be considered and passed by Congress, measures, for instance, that will prevent the coming of the hordes of people that are pouring into this country from other lands, people that we do not want, and yet, notwithstanding these demands, here in the expiring hours of this session of Congress you are wrestling with a bankruptcy bill, trying to establish in this country a system that the people do not want, and one that if you do pass you will be forced to repeal within a very short time after its enactment.

[Here the hammer fell.]

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, I have listened with some surprise to the remarks of the distinguished gentleman from Pennsylvania [Mr. WILLIAM A. STONE] who has just taken his seat. I am surprised that a Representative of so great a State as Pennsylvania, a State so vitally interested in this question of bankruptcy, voluntary and involuntary, should tell this committee that there is no public interest in that State and in this country on this question.

Now, I can say in behalf of my own State—in behalf of the great State of New York—that the citizens of that State, the business men of that State, are vitally interested in the measure now pending before this committee; and that the feeling in our State, so far as I have been able to sound it, is in favor of the enactment of just such a bill as that now under consideration.

The gentleman from Pennsylvania tells us that the country is too large, too diversified in its interests, to have a uniform bankrupt law. I suppose that by and by we shall be told that it is too large to have any uniform legislation. If there be any force in that argument, then the Congress of the United States should be abolished, and all legislation should be referred to the legislatures of the several States.

I believe, sir, that the fathers of the Federal Constitution knew what they were about. I believe that when they gave us power to enact a general law on the subject of bankruptcy, they looked away ahead into the future of this country, and knew that the time must come, as it has come in the past, as it comes more imperatively to us to-day, when the enactment of a general bankrupt law would be a matter of actual public necessity.

Now, I have read the report of the Committee on the Judiciary upon this bill. I have read the bill with great care, have given many hours to its examination, have consulted many lawyers and many business men as to its provisions, and have examined it crucially in connection with the former general bankrupt act of 1867. I believe that there never has been a general bankrupt law framed with greater wisdom and more justice in its scope and plan. I congratulate the distinguished chairman of the Committee on the Judiciary for this work which he has now presented to our consideration. In fact, I believe that it can not be justly criticised. I believe that it should be passed unanimously by this committee. The feeling in New York is this: If you propose to give us only a voluntary bankrupt law, give us none. If we can not have a law which provides both for voluntary and involuntary bankruptcy, we wish no legislation whatsoever. That is the feeling of our lawyers; that is the feeling of our business men in every special avocation. The State of New York, gentlemen, is somewhat interested in this legislation. I call your attention to Schedule A, which shows that the greatest number of failures occurred in the State of New York during the whole period from 1879 to 1895. I will call your attention briefly to these figures. In New York the liabilities from 1879 to 1895 were \$643,910,238. The total failures were 21,938, and the failures in 1895 were 1,940 as compared to 1,304 in 1879. That demonstrates, gentlemen, that in our State we have a practical interest in this proposed legislation, and I call the attention of the committee also to the fact that for the first three months of the year 1896 there have been 229 more failures than in the preceding period last year, and that the aggregate of liabilities amounted to \$4,594,000 additional; that is, as compared with the same period in the year 1895.

Now, I agree with the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] that business is in the main paralyzed throughout the United States; but if you enact a simple voluntary bankruptcy act you will not restore confidence. Confidence restored to the debtor alone will not benefit the country.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WILLIAM A. STONE. I ask that the gentleman's time be extended five minutes.

There was no objection.

Mr. BARTLETT of New York. All the business interests of the country are made up of the interests of the creditor on the one hand and of the debtor on the other. A measure for the benefit of the debtor alone will not benefit the country. It must also be passed with some regard to the interests of the creditor. And, as is well pointed out in the very able report which accompanies this

bill, a man is sometimes a creditor, or always a creditor, and at the same time a debtor, the twofold relation, the reciprocal relation, being sustained by every business man, because while he is a debtor to some parties he is also a creditor with debts due him from other parties.

Now, what should be the object of this legislation? It should be such legislation as would restore confidence to the business men of the country. It should be fair and just, and not unduly strict to the honest debtor. On the other hand, on behalf of the creditor, it should punish fraud and perjury and attempts to defeat the ends of justice. The gentleman complains of the acts which constitute involuntary bankruptcy, complains of the provisions of this section by which a man can be forced into bankruptcy. Well, now, Mr. Chairman, I have examined each and every one of these provisions with great care, and it seems to me that if any err in any way they are too lenient. Can it be wrong to punish a man for fraud? If a man conceals his property or transfers his property, or does any act whatsoever with the purpose and view of defrauding his creditor, is it hard to put him into bankruptcy? Is it not common fairness and justice to the business men of this country?

The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] says that the people take no interest in it. It is true, Mr. Chairman, that it is not a matter of sentiment, but it is a matter of business and of common honesty; and I call the attention of the members of the committee to a few extracts from the letters of business men which I will now read. Before reading the extracts from the letters of business men I shall read the expert opinion of one of the leaders of our bar, a man most familiar with the practical workings and operations of the bankruptcy act of 1867. He says:

NEW YORK, April 30, 1896.

Hon. FRANKLIN BARTLETT.

MY DEAR SIR: I have read with care the admirable report of the House Judiciary Committee on the subject of a uniform law of bankruptcy accompanying House bill 8110, and am thoroughly in favor of the provisions of the bill. A uniform system of bankruptcy seems to me most important, and I find but few suggestions which I can offer in reference to the bill presented—

I had asked the distinguished member of the bar to pick out some flaw. With his special knowledge and experience, I wanted him to place his hand upon some vulnerable point, and, Mr. Chairman, the result of his examination was that he could find nothing to criticize in this most admirable bill—

No bankruptcy act ought to be passed which does not provide for involuntary as well as voluntary bankruptcy. The latter without the former seems to me an anomalous condition of affairs. Both debtors and creditors should be protected by legislation, and it seems to me that this bill does this with great care.

Mr. COX. Mr. Chairman, I should like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BARTLETT of New York. Certainly.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARTLETT of New York. Mr. Chairman, I ask five minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Now let me give you this question, and make the point as clear as you can. I am not going to take your time except to make the question plain. Suppose a country merchant gives his paper, payable in thirty days, and John Smith indorses that paper.

Mr. BARTLETT of New York. Yes.

Mr. COX. And at the maturity of the paper he fails to meet it. Now, what position does the indorser occupy in regard to this bill? Is he a bankrupt, too?

Mr. BARTLETT of New York. That is all regulated by the provisions of the bill. Anyone who becomes a surety or guarantor for a debt remains still liable although the debtor may be discharged. Mr. Cox endeavored to propound another question.

Mr. BARTLETT of New York. I decline to yield further, with great respect to the distinguished gentleman from Tennessee. I must decline to yield, because he is only endeavoring to discover some problem which will interrupt the thread of my discourse. [Laughter.]

Now, the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], Mr. Chairman, said that the bankruptcy bill would not be popular. Well, a bankruptcy bill will never be popular—that is, any bill that provides for men paying their debts—with a certain class in the community; but I claim that this bill with its provisions is for the benefit of the debtor in allowing those business men who are hampered with debt to secure discharges and resume business; and it will be popular with a great class of debtors now burdened and with business men at large throughout the country, because it will bring about a renewal of credit and an extension of business.

With a general bankruptcy law men will not be afraid, as they are to-day, of embarking in business relations with certain parties

in other States. We all know, Mr. Chairman, that the unfortunate differences in the system of bankruptcy laws in the various States operate to unsettle business relations. The only way to secure relief is to pass the bill now under consideration, and there is a strong voice—I may say to gentlemen a general sentiment—throughout the State of New York in favor of the passage of this very bill. I call your attention to one or two letters:

Our business experience of forty years leads us to believe that the best interests of the country demand a uniform bankruptcy law, one which shall supersede or be a substitute for the conflicting laws of various States. Such a law should be both "voluntary" and "involuntary." Proceedings in bankruptcy cases should be in United States instead of State courts. "Preferences" should be absolutely prohibited. Honest debtors should be discharged, and the assets divided among bona fide creditors without delay and at the minimum of cost. Dishonest debtors should be refused a discharge, and fraudulent ones severely punished.

This letter is but a sample of many which I have received. But it seems to me, Mr. Chairman, that it states the case conclusively in terse and forcible language, which is better than most argument.

Mr. STROWD of North Carolina. What business is the party engaged in who writes that letter?

Mr. BARTLETT of New York. They are manufacturers of liquid paint, asbestos roofing, asbestos sheathing, asbestos cements, asbestos coverings, and several other branches of the same business. But it is a very large and well-known firm in New York.

Mr. MILNES. May I ask the gentleman a question?

Mr. BARTLETT of New York. And I may say that these letters come to me from firms not only in business in my own State of New York, but engaged in business in Massachusetts, Pennsylvania, and many other States. One firm calls my attention to the fact that the merchants of all the large cities throughout the Union are in favor of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Chairman, ever since I have had a seat in this House I have tried to be consistent in my opposition to all movements toward securing a bankruptcy law. I do not believe that there is any demand upon the part of the country for such an enactment; and I believe it would be most unwise for the Republican party at this time to enact that kind of legislation. I do not wonder at the distinguished gentleman from New York [Mr. BARTLETT], a leader of his party upon that side of the House, trying to place the Republican party in the disadvantageous position of being sponsors for this bill.

I have, Mr. Chairman, attempted to know something of the history of the three bankruptcy laws that we have had and their effect upon the party responsible for their enactment. In April, 1800, the Federalist party, then intrenched in power, supposed to be invincible, enacted a bankruptcy law. In the campaign that followed three charges were made against them. Their responsibility for the sedition law, for the alien law, and for the bankruptcy law; and under the assaults that were made that party ceased to exist as a powerful factor in the Government of the United States.

In 1841 the Whig party, which had just come into power strong and apparently invincible, with a majority such as never had been known before, enacted a bankruptcy law. They saw their error very soon, and the same deliberative body and the same Executive that had enacted and approved the law repealed it. But the party was tainted by that legislation and lost power. The House of Representatives that enacted the last bankrupt law had 49 Democrats and 143 Republicans in it, yet it was but a little while until that majority was well-nigh reversed and the Democracy had control of this House; and I undertake to say, Mr. Chairman, that no one factor was more important in turning over the control of Congress to the Democratic party than the responsibility that attached to our side for that bankruptcy enactment of 1867. In every instance the party that has assumed responsibility for such legislation has gone to the wall. The reprobation of the people has been upon it, and I do not wonder that the leader of the Democracy [Mr. BARTLETT of New York] now seeks to encourage the Republican party in this great mistake. But the gentleman has another motive, which he, as well as the gentleman from Massachusetts [Mr. MOODY], who addressed the committee yesterday, has disclosed. The committee reporting this bill has told us, and its advocates on this floor up to 3 o'clock on yesterday had uniformly insisted, that the underlying reason for this legislation was to give a boon to men who had been unfortunate in business, so that men who had gone down under the weight of misfortune and who were burdened with debt could find relief under the provisions of this enactment. It was all done, they said, in the interest of the indigent, unfortunate debtor. In their report the committee say:

It seems clear to the committee that a bankruptcy law is needed to relieve the country of the hopeless debts now resting upon active men—

That is, men who have been unfortunate, men who have been unskillful, men to whom disaster has come, honest men who are thus burdened, cramped, and trammelled are the people to be benefited, and this beneficent enactment is designed to give such men another chance in the race of life, so that they may regain the plane of solvent manhood.

[Here the hammer fell.]

On motion of Mr. WATSON of Ohio, the time of Mr. HEPBURN was extended for ten minutes.

Mr. HEPBURN. That is the ground on which the committee put this bill in their report, and that is the ground upon which it has been generally advocated upon this floor, but the gentleman from Massachusetts [Mr. MOODY] yesterday and the gentleman from New York [Mr. BARTLETT] this morning have told us another story. The demand for this bill, they tell us, is for the purpose of securing another method for the collection of debts. They want another means to secure the creditors of the country. Not satisfied with the collection laws of the States, not satisfied with the access to the courts which they have had all along and now have, the creditors of the country insist that something more shall be done whereby they shall be enabled to secure their debts.

Mr. Chairman, I do not think that any legislation of this kind is necessary. Everywhere in all of the forty-five States and in the Territories there are ample provisions of law for the collection of debts. Every debt that now exists has been contracted in view of the existing facilities for collection. No creditor has been deceived. When he made his investment or allowed another to become his debtor he knew what the facilities and possibilities were with regard to collection. But not content with that knowledge, not content with the facilities that they now have for the collection of debts, the creditors come here, by their Representatives, demanding that they shall have other means, that they shall have other ways, by which to secure their pound of flesh.

Are we doing any harm to the creditor when we refuse to give him that? The courts are open. The collection laws of the States are in full force. There is no proposition to limit their scope in any way or to embarrass their operation. The creditor has now every means that he had when he extended credit to his debtor. Why should he have other means? Why does he come here demanding this additional means for collection of his debts? It is unfair and unjust, and the man who urges it is not, in my belief, friendly to the masses of this country. The gentleman from New York [Mr. BARTLETT] tells us that if this measure is enacted into law there will roll over this country an unprecedented wave of prosperity, that if the debtor class is put absolutely into the power of the creditor class then the creditor class will consent that their money, which they tell us is now withdrawn from the Western region, will flow out, and we shall all bask in the sunlight of a new prosperity. Ah, Mr. Chairman, the men who loan money from the East to the West will not be affected by this bankrupt law. Their loans are already secured upon the real estate of the West. They are secured by mortgages upon the property of the West. Those mortgages will be as complete then as they are now, and I do not think that any new conditions of prosperity will come to us because of this enactment.

Now, Mr. Chairman, I have some objections to this particular bill. I called the attention of my colleague [Mr. HENDERSON] on yesterday to the incongruity presented, in my opinion, by the fifth and the second acts of bankruptcy as here defined. I thought then, and I still think, that while trying to escape from the second act of bankruptcy as defined in this bill the debtor must fall into the fifth. If this committee will give me its attention for a moment I will try to establish this point. The second act of bankruptcy, as set forth in the bill, is in part:

Failed for thirty days, until a petition is filed, while insolvent, to secure the release of any property levied upon under process of law—

Here is an attachment against a debtor's property. If he allows that attachment to run for the period described, it is an act of bankruptcy. In order to relieve himself from this he must release that property. How is he to do it? Only by payment or by giving security. Yet the fifth "act of bankruptcy" declares that either of those is an act of bankruptcy. Therefore, if the debtor tries to escape from the second he must necessarily force himself into the fifth. When I asked my colleague if there was not some incongruity between these two provisions, his answer, as I recollect it, was, "Yes; it is intended that both shall rip him up the back." And both do. Either does. In escaping from the one he necessarily gets into the other.

Mr. HENDERSON. Will my colleague allow me to interrupt him, not to correct his improvement upon my language at all, but to call his attention to section 60.

Mr. HEPBURN. I will try to quote my colleague exactly.

Mr. HENDERSON. Oh, that is not material. Give your fancy the fullest play.

Mr. HEPBURN. There is no need of displays of fancy condemning this measure.

Mr. HENDERSON. That seems to be your mood this morning. Now, I ask the gentleman to read section 60 in connection with clause 5, section 2. Section 60 provides that—

A person shall be deemed to have given a preference if, being insolvent or in contemplation of insolvency or bankruptcy, he has procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property with intent to (1) defeat the operation of this act.

The word "defeat," as used in this bill, has coupled with it the intention to defraud. As I said yesterday, if the debtor violates

either of the provisions he is liable to be thrown into bankruptcy; but the gentleman can not hinge the two provisions together in the manner he is now attempting.

Mr. FAIRCHILD. But I call the attention of my friend from Iowa to the second clause of the paragraph of section 60, to which he has just referred. It is in these words:

Or (2) enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class.

Mr. HENDERSON. That is another matter; and it is not presented even by the gentleman from Iowa. My restless friend from New York [Mr. FAIRCHILD], who is always hunting for some objection to this bill, can not find any this time.

Mr. HEPBURN. The word "defeat" means much more under the definition given in this bill than the gentleman has suggested. It does not mean simply "defraud," as he has suggested. The language is:

Defeat shall include defraud or delay—

Mr. HENDERSON. Delay with attempt to defraud.

Mr. HEPBURN. "Defeat shall include defraud or delay, evade, hinder, and impede."

Mr. HENDERSON. "With intent to defraud." The gentleman must not fail to put that in.

Mr. HEPBURN. My friend has made no answer to this criticism. None can be made. It was not intended by this bill, in my judgment, that there should be any escape for the man who has allowed an execution to run against him. This fifth clause most cunningly closes every possible door. If he should escape the second clause, he finds himself enmeshed in all the conditions of the fifth.

Mr. MORSE. Will the gentleman allow me to ask a question?

Mr. HEPBURN. I prefer not to yield for a question now; I have only a little time. Here is the answer which my colleague [Mr. HENDERSON] made to me yesterday:

I think he would be ripped up in both, and ought to be.

I said "up the back." I want to withdraw that phrase, so that the ripping may be general—all over his anatomy. [Laughter.] Mr. Chairman, this act is a fraud upon its face; it is a fraud in its title.

[Here the hammer fell.]

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman from Iowa may have time to conclude his remarks.

There was no objection.

Mr. MORSE. As the gentleman now has unlimited time, will he yield to me for a question?

Mr. HEPBURN. I will.

Mr. MORSE. I understood the gentleman to say that the same conditions exist now in regard to the collection of debts and mortgages that existed when the loans were made in the Western country by Eastern investors. Now, does not my friend know that the Populists when in control in Kansas passed stay laws which prevent the foreclosure of a mortgage or the beginning of proceedings for its collection for a year and a half after it becomes due? If the gentleman from Iowa does not know the fact, I happen to know it to my sorrow.

Mr. HEPBURN. There is some Populist here perhaps who can attend to the gentleman from Massachusetts. [Laughter.]

Mr. GROSVENOR. I should like to ask the gentleman from Iowa a question relating to the criticism he is making on this bill.

Mr. HEPBURN. I yield to the gentleman.

Mr. GROSVENOR. I understand the gentleman to criticize the language "hinder or impede with intent to defraud." Now, I ask him whether that is not the language used in the codes of all the code States in regard to acts which are analogous to acts of bankruptcy?

Mr. HEPBURN. I have no doubt about that. I was not criticizing it in any other sense than this: My colleague had defined the word "defeat" to mean defraud. I simply wanted to show—and that was my whole object in referring to the language of the bill—that according to this definition defeat meant much more than defraud.

Mr. HENDERSON. That does not apply to the question you raise.

Mr. HEPBURN. I think it does.

Mr. GROSVENOR. The language of the bill is, "delay, hinder, and impede with intent to defraud." Now, is it not a fact that, according to the construction of the courts, an act committed with the purpose of hindering or delaying the collection of a just debt is a fraudulent act?

Mr. HEPBURN. This is a bill which purports to establish a "uniform law on the subject of bankruptcies."

Now, Mr. Chairman, let us see how "uniform" it is. It exempts from the operation of the law, and from the necessity of distribution to the creditors, all that property that is exempt to the debtor under the laws of the various States. How can you, then, have a uniform system of bankruptcy if you base it on exemption law that exist in such great diversity in the statutes of the various States?

Why, a gentleman the other day stated that in the State of Pennsylvania there were no exemption laws; that the coat that a man might lay off from his back while engaged in his daily labor

might be seized by the officers on an execution. I do not know whether that is true or not. I simply refer to the statement made. In the State in which I live, on the contrary, there was an adjudication where a bankrupt was permitted to retain his homestead valued at \$93,000. Is that uniformity? Does that secure a uniform system of bankruptcy, where in one State a man may be stripped of everything under the operation of this law, and in another where he may have almost unlimited wealth, if it is confined to his homestead, for that is secured to him?

Mr. MAHON. Will the gentleman permit an interruption to make a correction there?

Mr. HEPBURN. Certainly.

Mr. MAHON. In the State of Pennsylvania there is an exemption law which allows the debtor to retain \$300 worth of property, unless he waives the right. It is true that they generally give him about a thousand, but that is the law.

Mr. HEPBURN. That does not change the argument that I make. It shows the impossibility of the enactment of a law framed in this manner, based on the State statutes, differing as they do widely from each other. It shows the utter impossibility of meeting the requirements of the Constitution and the pretended purpose of the bill in its title, "a uniform system of bankruptcy."

But, Mr. Chairman, I am opposed to the bill because of the sources of its demand. If there is a demand for it, it comes from the associations of wholesale merchants in the United States, who want to have another means of securing control over their trade. How will it operate? I undertake to say—

Mr. RAY. Before the gentleman leaves that point, having made that statement, to wit, that there is no demand for it, I desire to call his attention just there to this—

Mr. HEPBURN. I do not yield to the gentleman from New York for a speech. He has occupied hours of the time of the committee in the discussion of this matter. If he has a question to ask, I will be very glad to answer it if I can.

Mr. RAY. I beg the gentleman's pardon. I have occupied but very little of the time of the committee.

Mr. HEPBURN. Ask your question.

Mr. RAY. If you will permit me; you have been courteously accorded all the time you want—

Mr. HEPBURN. Not by the gentleman from New York.

Mr. HENDERSON. By every member of the committee.

Mr. RAY. The "gentleman from New York" is a member of the committee, and no objection was made to the extension of time asked by the gentleman from Iowa.

Mr. HEPBURN. Will the gentleman ask his question, if he desires to do so? If he has no question to ask, I decline to be interrupted further.

Mr. RAY. I did not desire to call attention to this document [referring to pamphlet in his hand] without permission of the gentleman—

Mr. HEPBURN. Mr. Chairman, I must ask to be protected from the gentleman from New York. I have yielded to the gentleman for a question only, if he has one to ask.

The CHAIRMAN. The gentleman from Iowa is entitled to the floor and declines to be interrupted. The gentleman from New York will be in order.

Mr. RAY. I ask the gentleman from Iowa—

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HEPBURN. The "gentleman from Iowa" will yield to the gentleman from New York for a question only.

Mr. RAY. I want to make this statement—

Mr. HEPBURN. I do not yield to the gentleman for a statement.

Mr. RAY. I want to ask the gentleman a question.

Mr. HEPBURN. Very well; ask it.

Mr. RAY. Will the gentleman, in connection with his statement that there is no demand for this bill—

Mr. HEPBURN. I did not say that.

Mr. RAY. Well, in connection with his statement as to the sources of the demand—I believe that was his statement—allow me to call his attention and the attention of the committee, not by a speech, but simply to a document which I hold in my hand and which is on file, showing, as I think, that his statement is inaccurate?

Mr. HEPBURN. What is it?

Mr. RAY. Well, if I answer that question it will be to state the very thing to which the gentleman has been objecting.

Mr. HEPBURN. Let me see it.

Mr. RAY. I would not name it without the consent of the gentleman from Iowa.

Mr. COX. Is that a speech of the gentleman from New York? [Laughter.]

Mr. RAY. The "gentleman from New York" had nothing to do with it.

Mr. HEPBURN (reading)—

Addresses, memorials, indorsements, petitions, and resolutions demanding the enactment of the Torrey bankrupt bill, by the Associated Wholesale Grocers, St. Louis; Columbus (Ga.) Board of Trade; Chamber of Commerce of New York; Omaha (Nebr.) Board of Trade—

And so on. Why, Mr. Chairman, it is just what I said. [Laughter.]

Mr. RAY. Read it all.

Mr. HEPBURN (continuing). That is what I said. Every one of these fellows who wants a new hold, a new grip upon his customers, is clamoring for it of course, and the gentleman from New York, their ready servitor, is anxious to give them all they want.

Mr. RAY. Will you allow—

Mr. HEPBURN. I will not allow further interruption.

Mr. RAY. I would not misrepresent were I in your place.

The CHAIRMAN. The gentleman declines to yield.

Mr. HEPBURN. I do not desire to misrepresent. I simply read from the document that the gentleman gave me.

Mr. RAY. Why not read the entire title of it?

Mr. HEPBURN. You might as well insist on my reading one of your speeches. [Laughter.]

Mr. RAY. It would do you good if you would.

Mr. HEPBURN. It might help me, but I have some consideration for other gentlemen here. [Laughter.]

Mr. Chairman, I undertake to say that a very large percentage of the business men in the West are, under the definitions given in this bill, bankrupts. They can not meet the requirements of this bill in their effort to avoid bankruptcy under it. And yet they are able to conduct their business. They are not usually engaged extensively in business, but it is the small merchants, the merchants whose property perhaps would not pay their debts, who have to postpone from time to time the payment of their paper. Technically they are bankrupts, technically they are insolvent; and yet they are able to conduct their business, to keep their heads above water, and to make a support for their families. A man so situated, dealing with the creditor who would use this bill, is compelled to submit to whatever exaction in the way of increased profits to that wholesale merchant that the wholesale merchant elects to put upon him. He has no way of escaping it. If he proposes to change the house with which he deals, conscious that he is in the power of this man, he has to go on dealing in the same line, submitting to the same exactions, paying the same exorbitant rates, and in turn imposing them upon his customers.

Mr. BREWSTER. Will the gentleman yield for a question?

Mr. HEPBURN. For a question, yes.

Mr. BREWSTER. Do you think the passage of this bill, or the failure to pass this bill, will have any effect on the relation of the retailers to the wholesaler? When the retailer is in the grip of the wholesaler, will the failure to pass this bill make the thing any better?

Mr. HEPBURN. I think it will, because under the collection laws of the State, with the time that is given, with which the creditor is familiar and which he expected, the debtor can have an opportunity to turn himself, to do something. He could have an opportunity for payment if nothing else. Yet under this bill if he were to take that time or were to pay one of his creditors he would become a bankrupt. Does not that place him in a worse position? It seems to me so.

Mr. BREWSTER. Is it not for the benefit of the wholesaler to keep the man going? Is he liable to shut a man up so long as he is solvent?

Mr. TAWNEY. That depends upon the character of the wholesaler.

Mr. HEPBURN. I accept the answer of the gentleman from Minnesota [Mr. TAWNEY]. Mr. Chairman, I should like to say—

Mr. COX. Will my friend yield to me for one question?

Mr. HEPBURN. Yes; for a question.

Mr. COX. That is all I want. I want to understand your construction of this idea. A country merchant gives his paper, payable in ninety days, to the wholesale merchant, and somebody goes his security upon that paper as indorser. He fails to meet it. What becomes of the indorser? Is he a bankrupt, too?

Mr. HEPBURN. It seems to me that he is equally liable.

Mr. TAWNEY. He is an original maker.

Mr. HEPBURN. He is practically an original maker. I do not see why the failure to pay, if the other conditions are present in the case, would not be an act of bankruptcy.

Mr. HENDERSON. The committee has stricken that clause out of the bill, so there is no use in wasting any time about it. In the committee this morning the ninth clause was entirely stricken from the bill.

Mr. COX. Then, as I understand, the indorser or security is not subject to the provisions of the bill?

Mr. HENDERSON. The ninth clause, with reference to commercial paper, has been stricken out of the bill. That was done in the committee this morning.

Mr. CONNOLLY. The indorser on commercial paper is not liable until after the principal has failed to pay, anyhow.

Mr. COX. Suppose he is a joint maker.

Mr. CONNOLLY. If he is a principal, that is a different thing, but not as an indorser.

Mr. HEPBURN. Mr. Chairman, I have just received a memorandum showing that it is the smaller dealer who suffers from

bankruptcy laws. In Indiana, out of 14,000 bankrupts under the old law, the assets of 12,000 were less than \$5,000 each, showing that it is the class of men of whom I have been speaking who are the victims under a bankruptcy law. I was going to ask some gentleman from the West who is in favor of this bill to show who else in the West is in favor of it.

There are a few gentlemen who favor the voluntary bankruptcy feature; there are a very few wholesale dealers that favor the involuntary features of it. I undertake to say that of all the Representatives from the State of Iowa upon this floor not one communication has come to them asking, on the part of their constituents, for the enactment of this law. I have received but a solitary communication on the subject, and that from a gentleman living outside of my State, and he opposing this bill. Not one letter have I had, not one comment in the newspapers have I seen, advocating this bill. I do not believe it is a want of the country. I do not believe that it is right in itself. I do not believe that the bill conforms to the requirements of the Constitution as to its uniformity; and I do believe that it will be most harmful in its effect upon the party majority of this House. We will be held responsible for it, and some of our friends on the other side, who perhaps now are urging us to make this mistake, will be among those orators who this fall will declaim against us and charge us with responsibility, point to the distress of the country, and say that instead of bringing about relief we have passed this unfair, injudicious, one-sided legislation. [Applause.]

Mr. GROSVENOR. Mr. Chairman, I ask that my time may be extended to the limit of fifteen minutes at this time. It is not worth while to begin with five minutes' time.

The CHAIRMAN. The gentleman from Ohio asks that he may have fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. I assert, in the first place, Mr. Chairman, that much the most essential thing to the welfare of the business interests of the country of America to-day is the reestablishment of credit. It is necessary that we shall reestablish the credit of the National Government, and it is necessary that we shall reestablish the credit of all component factors in the National Government, and prominent and conspicuous among those factors are the individual creditors, the business men of the United States. I deny that there can be good credit in one section of the Union and bad credit in the other section. I deny that the business men of the West can flourish when the business men of the East fail to flourish. And I deny that any proper argument can be based here by introducing into this subject the question of the West against the East.

The money of the East is being handled by the genius and enterprise of the West; and the credit of the one is the interest of the other, and the success of the one is a necessary incident to the success of the other. So that I think the gentleman who in this debate attempts to make it appear that a system that makes a sound business man in the West can by any possibility better the man in the East to a greater degree than is conferred upon a man in the West is not correct in his judgment. How shall we establish business credit? I want to say right here, in reply to the distinguished gentleman from Iowa [Mr. HEPBURN], that as I had something to do in ten or twelve States of the Union with the campaign of 1892; as I had, too, not to so large an extent, with that of 1890, and to a much larger extent of the campaign of 1894, when the Republican party in the one case went out of power in the legislative branch of the Government and in the other came back into power; and I never heard and never read one word of discussion on the subject of a bankruptcy bill. I have tried to recall all the charges of the Democratic party in 1890 and in 1892, and I never heard that thing mentioned until I heard it here this morning. Now, I do not say that it never happened, for I did not hear all that was said.

Mr. HEPBURN. Will the gentleman permit a suggestion?

Mr. GROSVENOR. Certainly.

Mr. HEPBURN. The gentleman is speaking now of a period twelve or fourteen years after the repeal of the act.

Mr. GROSVENOR. Then you are talking of the bankruptcy act of 1867. I never heard that mentioned as a matter of politics. I never heard any condemnation of it. It is said that that act was repealed after a while. It was repealed in due time. It was not the purpose of the legislation of the country, never has been, that there shall be a permanent system of bankruptcy. It is not necessary. Periods, cycles of business depression, sweep over the country. I might say, if I wanted to, though I am indisposed to go into that subject, that these cycles are generally an incident to the introduction into power of the Democratic party in this country; and it has been said by one of the wisest financiers of this country that it was necessary, indispensably necessary, to the success of the business of the country that, following every Democratic Administration, there should be a system of bankruptcy. [Laughter.]

Mr. MAGUIRE. The gentleman certainly knows that these cycles swept over the country in 1866, another in 1877, and another

in 1884. Will the gentleman explain if these happened after Democratic ascendancy?

Mr. GROSVENOR. There is no such thing. In 1866, going back to that, as it is the first fixed on by the gentleman, unfortunately for his recollection of history we emerged from the greater depression of 1857, when the property of this country went down 80 per cent in value all through the West. We emerged from that to enter a war. At the end of that war we had not reestablished our credit, and the transition from irredeemable paper money and the battle that we had to fight with the Democratic party to restore specie payments did bring upon us the trouble of 1877. What was the trouble of 1875-1877? Does the gentleman know? It was the existence of that upas tree, bad credit, in this country. In 1874 the Democratic party carried State after State in favor of practical repudiation of the obligations of the Government, and undertook to demand that the bonds of the Government should be paid in greenbacks and that the greenbacks should not be redeemed; and until we turned aside and fought the Democratic party to its death for the time being, we could not have any credit in this country. That was the trouble, and that was all the trouble there was; and when the time had come, and victory had perched upon the banner of the Republican party, and a Republican Administration came into power in 1877, and the resumption act was passed in the teeth of the opposition of the Democratic party, and the 1st day of January, 1879, came, and, under a Republican Administration, every dollar of our promises to pay came up to the level of every dollar in gold—then it was that prosperity came as the victory of honest money and the overthrow of the Democratic party. [Applause on the Republican side.] But, Mr. Chairman, I did not intend to make any such speech as this—

Mr. MAGUIRE. Will the gentleman permit another suggestion?

Mr. GROSVENOR. Yes, sir.

Mr. MAGUIRE. I wish to say to the gentleman that all of those depressions are recorded by the Hon. Carroll D. Wright, Commissioner of Labor, in his Report on the Industrial Depression of 1886, and he says that they all extended to the seven leading nations of the world.

Mr. GROSVENOR. Well, Mr. Chairman, if the gentleman wants to take his politics from Carroll D. Wright I bid him God-speed, but I do not want him to bother me with them. [Laughter.] I will take some political ideas from a Democrat, I will take a great many from a Republican; but from a Mugwump, God forbid! [Laughter and applause.] A man who has to trim his politics, to pare his common sense, and to engineer his figures so that he can retain office under Administration after Administration shall not be a professor in the political school which I attend. [Laughter and applause.]

Now, how shall we restore public confidence? There are several ways. I did not intend thus to trench upon the proprieties of this occasion by any political or partisan references. I simply wanted to come to this particular bill. The first step, in my opinion, to the restoration of public confidence is to restore to the column of active workers the greatest possible number of competent business men of the country. Go along the pathway where the wrecks are deposited and gather up the competent men and give them another chance. I speak for the business men of my section of Ohio, and I say that not one, not ten, not one hundred, but more than one hundred such men have appealed to me to support this bill. They are the men who, during the progress of this cyclone of financial disaster, have fallen by the wayside and—

Mr. HEPBURN. Will the gentleman permit an inquiry?

Mr. GROSVENOR. The gentleman ought not to have broken into that sentence, which was going to be a very pretty one, but I yield. [Laughter.]

Mr. HEPBURN. We all recognize its merit. This class of men that the gentleman speaks of would be affected as they desire to be affected by the part of this bill, or by one of the bills, providing for voluntary bankruptcy alone, would they not?

Mr. GROSVENOR. I admit that. That is probably so. But, Mr. Chairman, there has got to be something more than the restoration to activity of those men who have fallen, and that point I am coming to. They are the men who, without fault of their own, many of them young, active, and prosperous at one time; have suddenly found themselves engulfed and hopelessly insolvent. Their property is gone under the State laws, and yet there stands against them the burden of their indebtedness. Shall those men be restored to activity? I trust that they may. In my section of the country there are business men without a stain upon their character, with no reasonable ground to say that they were inefficient or ineffective, who have encountered the storms of adversity and trouble and have been temporarily drifted to the shore. I want to see those men allowed to emerge from under this load of adversity and disaster, for which they were not responsible. I want them set free to join again the great army of activity, the great army of productive industry in this country. Now, how are men of this class to again stand upon their feet, even by the operation of this bill? There must be a restoration of credit throughout the country. And just here I want to answer

one argument that has been made against this bill. It has appeared as though somebody here had got the impression that in this bill there was a new engine by which the creditor could become more exacting, more unreasonable, more oppressive than he is now. Mr. Chairman, if I were to-day to criticize the common procedure of the business men of my country from Boston to Omaha, I would say that, so far from there being any purpose or any action on their part as a class to crush the business men who are their debtors, to crush the dealers, to crush the retailers, to crush the debtor class generally, they have for years been too indulgent.

Mr. HENRY of Connecticut. That is so.

Mr. GROSVENOR. Of course it has been to their interest at times to be so; but how often—I appeal now to the lawyers here who know something about the collection business of the country—how often in the last twenty years have the business men of the great cities, the wholesale men, the manufacturers, been found coming to the relief of debtors in trouble, by extension of time, by renewal of credit, placing them upon their feet and pushing them forward as well as it was possible to do? In many cases they have compromised by the reduction of debts.

Mr. MARSH. I hope the gentleman will not forget to tell us how the involuntary features of this bill will restore credit to the people of this country.

Mr. GROSVENOR. I can not say everything at one time. I propose to occupy only a very few minutes.

How often, I ask, have creditors come forward in this way and done the best they could for their debtors? How often have they taken partial payments and extended the time for the balance? In this way the wholesale merchant, the Eastern manufacturer, or the Western manufacturer—for the East is not doing so large a percentage of the manufacturing as it did some years ago—has in this way sustained and built up the credit of many a man who was likely to fall by the wayside.

Now, let us see about the involuntary feature of this bill. I am not going to urge that so strongly as I do the other. But there seems to be a consensus of the wise opinion in this House on this subject. And right here I wish to say that I am going to take the details of this bill largely from the hands of this committee without criticism. I have looked into the bill just enough to know that there are no hardships in its provisions as compared with former laws on this subject. I have looked into it enough to know that there seems to have been a very wise conservatism in the drafting of the bill; and as to all the minor and unimportant details I would rather trust the committee than trust myself in the hurry of the progress of the measure through this House.

Now, then, how does the involuntary feature of this bill go to sustain credit? Credit can not be built up all on one side. You can not build up the credit of the retailer without some protection to the interests of the wholesale dealer. You can not protect the debtor without giving the creditor some protection. Now, when anybody shows me in this bill any provision creating an act of bankruptcy which is not already so recognized upon the statute books of every intelligent State of this Union, then I will argue with him upon that subject.

[Here the hammer fell.]

Mr. RAY. I ask that the time of the gentleman from Ohio be extended for five minutes.

Mr. WILLIAM A. STONE. I ask that the gentleman be allowed so much time as he may need to conclude his remarks.

The CHAIRMAN. Is there objection to the request that the time of the gentleman from Ohio be extended until he concludes his remarks?

Mr. GROSVENOR. I shall not occupy more than ten minutes.

The CHAIRMAN. The Chair hears no objection.

Mr. GROSVENOR. Now, Mr. Chairman, we have created no new act of bankruptcy. There is proposed here no new liability. A man whose paper has gone to protest in the bank where he has made it payable is an insolvent debtor in the eyes of the business men of the country of all grades and sizes. He is insolvent. The act of insolvency is the failure to pay, and it is not worth while to talk about terms or expressions. There is the fact. This bill undertakes to say that the debtor shall not fail to pay for the purpose of fraud. By the language of the statute of Ohio—borrowed from the code of New York, loaned again to the State of Indiana, and then transferred to Kansas and Iowa—it is provided that it shall be an act of bankruptcy if any person makes any movement with his property, hides it or hides himself or allows judgment against himself “with intent to hinder, delay, or defraud his creditors.” That is the language in common use throughout all the code States of the Union. Now, what says this bill. In defining the word “defeat,” it says:

Defeat shall include defraud, or delay, evade, hinder, and impede—

With what purpose? I understood the gentleman from Iowa [Mr. HEPBURN] to say that mere delay would be treated as an act of bankruptcy. That is not the meaning of this expression, and it would not have been so construed if the committee had seen fit to leave out of the statute the qualifying clause which follows;

but they have put it in. Any one of these acts or all of them, in order to be acts of bankruptcy under this provision, must have been done “with intent to defraud.” Now, if we are standing here to create legislation for the protection of men who acquire the property or money of others and then conspire to defraud them out of it, the criticism of the gentleman from Iowa lies against this bill, not otherwise.

I do not care to occupy further time except to say this: These two great classes—debtors and creditors—must be brought into just and equal relations with each other.

Mr. MARSH. I hope the gentleman will answer the question I put to him.

Mr. GROSVENOR. I can not be responsible for the gentleman's understanding. I have been arguing for quite a length of time that you can not build up the credit of the debtor class without putting protection into the hands of the creditor class. You can not make a law that will permit the debtor to do as he pleases with the property acquired from the creditor without giving to the creditor a chance to get at least a fair dividend out of the property of the debtor.

Mr. MARSH. We had very good credit in this country from 1879 to 1893—

Mr. GROSVENOR. I can tell the gentleman how we had it—

Mr. MARSH. And we had no involuntary system of bankruptcy.

Mr. GROSVENOR. We had an involuntary system of bankruptcy just back of that time; and one of the very last acts done under it of which I have knowledge was to relieve one of the heaviest debtor classes in my section of the State of Ohio by a bill filed, I think, as late as 1878. I do not remember the date of the repeal of the former bankruptcy law.

Mr. MARSH. It was repealed during the Forty-fifth Congress.

Mr. GROSVENOR. Very well. We cleared the decks; we restored confidence; we brought into the activities of business life thousands and tens of thousands of men who had been stranded before that.

Now, I do not want to talk politics with my distinguished friend from Illinois.

Mr. MARSH. Oh, you never will have to do that.

Mr. GROSVENOR. I know what aided to bring prosperity in 1879. It was the triumph of the Republican party on the 1st of January of that year over the combined forces of Democracy and the Repudiationists.

Mr. MARSH. And the mistake my friend is making now is that he is attributing it to the bankrupt law of 1867.

Mr. GROSVENOR. Oh, no; not at all; I am not attributing it to that. But when my friend from Illinois points out an era of prosperity and calls attention to it, I have only undertaken to show from whence it resulted, and incidentally to say that we had just passed from under the operation of that law.

Mr. WATSON of Ohio. Will my colleague, my distinguished and able colleague, allow me a question? [Laughter.]

Mr. GROSVENOR. Well, now, after that of course I can not refuse my colleague, and will yield to him all day for questions if he desires it. [Laughter.]

Mr. WATSON of Ohio. I wish to ask my colleague this: Was the case to which you have just referred, and in which you played, as I am sure you did, such an important part as an attorney, a case of voluntary or involuntary bankruptcy?

Mr. GROSVENOR. Well, it was both.

Mr. WATSON of Ohio. Which side preponderated?

Mr. GROSVENOR. The original petition was a voluntary petition in bankruptcy, but a cross petition for involuntary bankruptcy was afterwards filed as an outgrowth of the case.

Mr. WATSON of Ohio. No one is objecting to a voluntary provision.

Mr. GROSVENOR. Well, I have been trying to make it appear that you have got to make a bill so that both sides will be satisfied with it.

Now let us see what my friend's proposition is.

Mr. WATSON of Ohio. I have none.

Mr. GROSVENOR. A gentleman from my Congressional district, we will say, not his, for his district is a high-character district financially, but a gentleman from my Congressional district goes to New York, buys a great stock of goods or merchandise on credit, and at once it is discovered that he has done it fraudulently, that he has made false representations. A great number of creditors are interested in the case. The true policy of every law enacted by every State legislature in the Union where there is any credit or any provision for the collection of debts is that when a man is in failing circumstances his assets shall be divided between all of his creditors pro rata, and that they shall not be given to the man who can or may possibly, by collusion with the debtor, become a preferred creditor. There has been more loss of commercial and personal credit by the application of the preference system to the settlement of the estates of debtors than from almost all other causes combined.

Mr. MAHON. Systematic stealing.

Mr. GROSVENOR. Yes; systematic stealing.

Now, my friend having got possession of the property and having made away with it according to his own will, without any process by which he can be made to go into the bankrupt court, or the property being in his possession, and having reached the exact time when he is ready for the operation, he goes into voluntary bankruptcy and selects his own assignee. He tells the creditors in New York and Philadelphia and Omaha, Chicago, and Cincinnati, "I have my friend," as my friend said last night—"I have my friend to administer on the assets of my estate; but he will not ask me about anything I have disposed of heretofore. The fact that my wife is a preferred creditor, the fact that my son is a preferred creditor, that my brothers-in-law are preferred creditors, will not be inquired into, because he is my friend." And so the swindle is perfected; and instead of giving the creditor power to come forward and say, "You are placing the property beyond our reach; we will seize it, and then call all the creditors in and divide it," that is what actually occurs. It is not a fancy picture.

But, Mr. Chairman, such a proceeding is not in consonance with what is or what ought to be the law of this country. We have even decided in our courts that the title to property disposed of under such circumstances does not pass if the attempt is made by the seller to transfer it at the place where the fraudulent purchaser lives. The title is in the man who is defrauded of his right.

Now, in view of these facts, is it a wrong against public honesty to give to the creditor an opportunity to press the debtor? For the whole involuntary provision of the bill is based on the first consideration, which is that a wrong, or fraud, or an actual attempt at wrong or to commit a fraud, has been conceived by the debtor and he is trying to carry the wrong or the fraud into effect.

So in my judgment the passage of a wise and conservative bankrupt law (and I believe this to be one) will restore to the field of activity thousands of men who are unable now to participate in business affairs. It will add to the growth and greatness of the country, and will restore to all sections a degree of confidence in the conduct of business men and the protection of their interests that could not otherwise exist under the conflicting decisions and legislation of the several independent States of the Union. These States bordering upon each other have attempted to bring their legislation into consistency the one with the other, and they have always failed. Attachment laws in one State are defective in another State. Rights which grow up in one State are valueless in another State. To illustrate, we have undertaken to enforce in Ohio a law that prohibits a man who sells goods to the laborer upon a railroad from going outside of the State to attach the credits of a debtor in another State. And so we have had conflicting legislation and court decisions upon both sides of the Ohio River.

Here, for the purpose of uniformity, which is a great desideratum, is the proposition of a law which shall operate with uniformity from Calais to Galveston and from New York to San Francisco, so that the restored credit of the country shall operate uniformly from the West to the East. It is a very proper time to have this bankruptcy bill go into effect, just at the time when we are hoping and praying and believing that better days have come or are coming, when the star of hope begins to shine again in the horizon and seems to be traveling upward to span the heavens. Why should not we do the act that to my mind would be the greatest boon and benefit to the entire business interests of my whole and glorious country? [Applause.]

Mr. WHEELER. Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR] who has just taken his seat made a most earnest and eloquent speech in favor of every feature of the bill, both voluntary and involuntary bankruptcy. He then with great emphasis asks, how shall we restore prosperity and confidence? I say to him, not by a bankruptcy law, not by gold-standard laws, not by McKinley high-tariff laws. It is to such measures as those that the country owes to-day the thralldom under which it is passing. Did any gentleman on this floor, when he was in his canvass last year, tell his constituents that if elected to Congress he would vote to pass an involuntary bankruptcy law? If anybody in that vast Republican majority from the great and growing West made any such promise to his constituents, let him rise and proclaim it. [After a pause.] None! Then none should vote for it. It is a proposition to give one more element of power to the unscrupulous, overpowered creditor class of the East, additional power of oppression, and yet the gentleman who has just taken his seat said that is the way to bring prosperity!

Mr. Chairman, every time that the moneyed classes have asked for an additional power, the reason given is that they want to add to the prosperity of those who labor and produce; that it is not for themselves, but for the poor laboring people that they ask the legislation. That was the cry two years ago, when the wealth of the country demanded and got the unconditional repeal of the purchasing clause of the Sherman Act—a piece of legislation which has brought disaster and distress upon the producers of our country. The bankers and money-changers promised that the repeal bill would restore confidence, that it would restore prosperity;

but from that moment, notwithstanding the great industry, the great power, the great endurance, and the great inventive genius of the American people—elements which would make any country great under proper laws—notwithstanding all that, we have gone deeper and deeper and deeper into the depths of despondency and misfortune.

Who, Mr. Chairman, are the debtor class that are sought by this legislation to be placed under the creditor class of the East? The debtor class of this country are those men who have brought us all the prosperity and all the progress that has made this country the pride and admiration of the world. They have built up the West, they have transformed those barren plains into prosperous communities, and they have built up great and prosperous, progressive, and populous States.

Now, after having placed the country upon the gold standard, after having made it almost impossible for the people to pay their debts, after having at least made delays in paying them inevitable, you say to the creditor class, "We now place in your hands the power to go into any Federal court, which extends its hands over thousands of miles of territory, not only over one State but over two States and sometimes over three States, and sends its marshals a thousand miles to seize upon the property of an industrious, thriving citizen." I am opposed to the bill and shall vote against it. I am opposed to any bill which enables a creditor to oppress his debtor.

[Here the hammer fell.]

Mr. WATSON of Ohio. Mr. Chairman—

The CHAIRMAN. The gentleman from Ohio [Mr. WATSON] is recognized.

Mr. TERRY. Mr. Chairman, I have an amendment which I should like to offer to section 2, and to have it read from the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio [Mr. WATSON] is recognized.

Mr. WATSON of Ohio. Mr. Chairman, during the debate on this bill yesterday my colleague [Mr. NORTHWAY] made this interruption:

Mr. NORTHWAY. Right there, if the gentleman from Iowa will permit me, in response to the gentleman from Ohio [Mr. WATSON], let me say that in the State of Ohio as soon as an assignment is made the creditors can get together and take the property out of the hands of the assignee and put it in the hand of one of their own number, or a person of their own selection, for distribution.

A little later than that my other colleague [Mr. GROSVENOR] made this observation, substantially as Mr. NORTHWAY had:

Mr. GROSVENOR. If the gentleman from Iowa will permit me, I would like to say that under the law of Ohio, which the gentleman from Iowa compliments, the first proposition that follows the assignment is the selection, usually, of some friend of the debtor, perhaps his wife or some near relative, to administer the estate.

But with these additional words:

But the creditors come together, and by a vote of the majority take the property out of the hands of the assignee and place it in possession of a trustee for distribution.

To that I replied:

Then that must be the case only in your district.

Mr. GROSVENOR. Oh, no; that is the law of the State.

Mr. WATSON of Ohio. I have never known it done.

Mr. GROSVENOR. That makes no difference. That is the law of Ohio.

Later on, when the gentleman from Iowa [Mr. HENDERSON] had the floor, my colleague [Mr. GROSVENOR] interrupted him for a question, as follows:

Mr. GROSVENOR. I want to ask the gentleman a question, and under that leave I want to print in the RECORD section 6338 of the revised statutes of Ohio, providing the means for the removal of any trustee previously appointed in the case of an insolvent and the appointment of another by a board of commissioners, who hold an election for that purpose. That statute has been in force in one form or another in the State of Ohio for more than twenty years.

I wish now to call the attention of the House, and especially of my two distinguished colleagues, to the fact that section 6338 of the revised statutes of Ohio in that form has long since been repealed, and that there is no provision and has not been for years in the revised statutes of Ohio authorizing, permitting, or justifying any such proceeding on the part of the creditors of an assignor as they referred to. On the contrary, these gentlemen have entirely misconceived and misquoted the statute of my State. I now read the law which is in force.

Mr. GROSVENOR. When was it passed?

Mr. WATSON of Ohio. I will tell you in a moment. I read as much of the law now in force as will be necessary to give the House a correct understanding of what the law now is, unless it has been repealed within the last year. It is as follows:

SEC. 6338. Whenever any creditor or creditors of the assignor shall file a complaint, alleging that the assignee or assignees named in the deed of assignment, or the trustee or trustees appointed by the court under the provisions of the next two preceding sections—

Now comes the part which has been put in since the act was in force which my colleagues have referred to—

are not suitable persons to administer the trust, or that their administration thereof will not be for the best interests of the creditors of the assignor, and such assignor—

Now, two facts must be made to appear in the petition, viz, that the administration of the estate will not be for the interests of the

creditors, and that the administration of the estate by the assignee will not be for the interests of the assignee, assignor, or the creditors. The section which General GROSVENOR had incorporated in the RECORD, and which appears in the RECORD this morning as the law of Ohio, has not been the law of Ohio for years.

Now, Mr. Chairman, these steps must have been taken at the request of 50 per cent at least in value of the creditors of the assignor before they can remove the person selected by him as his assignee. That shows what the legislature of Ohio thought upon a subject similar to the one we are discussing now. If a man owes \$10,000, at least \$5,000 must be represented by the creditors before the assignee can be changed; but under the provisions of clause 9 of this bill you propose that one creditor, with only a five-hundred-dollar claim, may throw a party into bankruptcy.

Mr. RAY. Be fair; not where there is only a single creditor.

Mr. WATSON of Ohio. Where there are twelve. Mr. Chairman, I am not opposed to this bill, but I am in favor of these amendments that we have been talking about, and will vote for them. If they are voted down, then I wish to vote in favor of the passage of the bill as reported by the committee, with the hope that later on we may get one or two amendments which I regard as exceedingly important to this bill. I believe with my distinguished colleague from Ohio [Mr. GROSVENOR] and my personal friend, that a bankruptcy bill is a great necessity to the commercial interests of the United States. I believe it is the duty of this Congress to pass such a bill. I believe the Republican party, I believe that the people of this country, irrespective of party, expect us to pass such a bill. But I want it to be a wise bill. I want it to be a just bill. I do not want it to be a bill with tyranny blazing on every page of it, and giving the power to one single creditor, who simply has a debt of \$500, to throw a man, regardless of the interests and wishes of the rest of his creditors, into bankruptcy.

Mr. Chairman, I shall ask leave to incorporate in my remarks section 6338 of the revised statutes of Ohio as now in force.

There was no objection.

The statute is as follows:

SECTION 1. *Be it enacted by the general assembly of the State of Ohio, That section 6338, as amended April 23, 1891 (O. L., volume 88, page 351), be amended so as to read as follows:*

"Whenever any creditor or creditors of the assignor shall file a complaint alleging that the assignee or assignees named in the deed of assignment, or the trustee or trustees appointed by the court under the provisions of the next two preceding sections, are not suitable persons to administer the trust, or that their administration thereof will not be for the best interests of the creditors of the assignor and such assignor, the court shall thereupon issue a citation to such assignee or assignees or trustee or trustees and to the assignor, if resident within the State, to appear before such court at a time to be named therein. And if, on the hearing of such complaint, it be made to appear to the satisfaction of the court that such complaint is true, and a petition is filed with the court signed by creditors of the assignor, who own not less than \$1,000 of debts against the assignor, and the validity of such debts is shown by the schedule of debts on file in the court, or otherwise established to the satisfaction of the court, praying for permission to elect a trustee or trustees, the court shall, by its order, fix a time for such election and cause notices to be sent by mail or otherwise to each of the creditors of the assignor, specifying a time when the creditors shall meet at the court room for the election of a trustee or trustees; and at the time named in such order, if creditors representing 50 per cent or more of the debts of the assignor are present or represented by attorney, they proceed to the election of a trustee or trustees, a majority in value of all the debts so represented at such meeting being necessary to a choice; and the proceedings of the meeting showing what creditors were present as aforesaid, and the amount of debts held by them, respectively, and who cast their several votes, shall be made out and signed by the president and secretary of the meeting and filed with the court; and if the court approves the choice, and if the trustee or trustees so elected appear within ten days thereafter and give bond, the court shall appoint him or them as such trustee or trustees, and remove the preceding assignee or trustee; *Provided*, That the summary determination of the court as to who are creditors and the amount of their claims in this section provided shall have no effect as to the validity of such claims, except for the purposes of such election."

SEC. 2. That said section 6338 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage. Passed February 7, 1894.

Mr. HENDERSON. Mr. Chairman—

Mr. GROSVENOR. I hope the gentleman will permit me a moment to occupy the floor in regard to this controversy that my colleague has imposed upon me.

Mr. WATSON of Ohio. I hope the gentleman from Iowa will yield.

Mr. GROSVENOR. I want to say, Mr. Chairman, that the dispute under consideration was this: My colleague was inveighing against the arbitrary power of a court to appoint an assignee in bankruptcy, and was pointing to the benign influences under which a failing debtor could make his own appointment. I was pointing out the statute of the State of Ohio, in keeping with the statutes of other States, did not allow that thing to be done and provided for the removal of an assignee. Now, then, that is a provision of a section of the code which, I confess very frankly, I had not heard had been modified. But the modification does not change the principle of the law.

Mr. WATSON of Ohio. But, General, that is where you are mistaken.

Mr. GROSVENOR. It does not change the law in principle,

and my friend has been careful not to state the year when that law was passed.

Mr. WATSON of Ohio. I think that law was passed in 1894.

Mr. GROSVENOR. I have not kept the run of the statutes that have been passed a little over a year ago. But the law in principle has not been changed, the principle being that the court upon a vote of the creditors will revise the appointment that was made before. That is what I claimed to be the law, and it turns out that this is the same law I cited, except that the court must find affirmatively that the action of the creditors is right. That is the only difference. "If it appear not to be for the interest of the estate," says the amendatory statute. That is a very broad and sweeping affirmation of the proposition that I made, and which my colleague himself, being more familiar with the statute than I was, asserted as strongly at the time as I did.

Mr. WATSON of Ohio. One word, Mr. Chairman. Under the section of the statute as read by my distinguished colleague nothing was necessary but a petition of the creditors representing \$1,000 and a vote of 50 per cent of the creditors to remove the assignee, and that was the gist of my colleague's argument yesterday. Under the statute as it exists to-day, and as it has existed for more than two years (it was passed in February, 1894), the creditors must not only vote, but they must prove to the satisfaction of the court the existence of two facts which are omitted from the section which my colleague read, and the omission of which changes the entire meaning of the section.

Mr. GROSVENOR. I told the gentleman last night where the statute was.

Mr. WATSON of Ohio. You did not. I found it, but you did not tell me where it was.

Mr. GROSVENOR. I told you there was such a statute in existence. I discovered my error last evening, and told you of this amendatory statute.

Mr. WATSON of Ohio. Well, if the gentleman told me there was such a statute in existence, and if he knew it at the time he made his speech, why did he not send for the correct statute and have it incorporated in the RECORD?

Mr. GROSVENOR. I have confessed that I did not know it at the time; but you did not know anything about it. [Laughter.]

Mr. PARKER. Mr. Chairman, I rise to speak upon this amendment, because it goes to the essence of the bill. A bankruptcy law with the involuntary feature left out is like the play of Hamlet with Hamlet left out, because the interests of the honest and righteous creditors of any debtor are the same as the interests of the debtor himself.

Mr. WILLIAM A. STONE. I think it is true that the tragedy is left out of the case when you leave out the involuntary feature. [Laughter.]

Mr. PARKER. The gentleman is simply following out a comparison upon all fours. I propose to come to the practical case. We want to protect the honest man who is struggling with his debts, who owes more than he can pay, and who has so told his creditors, so that they, as a whole, say to him: "Go on; do what you can. We believe that your energy, your earnestness, your business ability are worth more to us than the few dollars that you have in cash, or the few acres that you have in land, or the few dollars' worth of stock in your store." That, Mr. Chairman, is the case. Now, that debtor has among his hundred creditors one man who is a fool, or another man who is a shark, or another man who is timid, and one of those exceptional creditors comes to him and says: "Give me a preference." Or he does more. He attaches the debtor's goods. He brings suit. He says: "This will be pressed unless you settle with me first."

This is the case to be met. Is it any answer to say that the debtor under a voluntary bankruptcy bill can defeat such a creditor and can say to him, "I will go into bankruptcy if you force this upon me"? Bankruptcy is what the debtor most fears. It is death to his business. It is death to his good will. It is death to his good name. It is the one thing he wants to avoid. It is the thing he is struggling against with all his might. You do not protect that man by saying to him that he shall have the choice between death by attachment or death by bankruptcy. If you want to protect him, you must give him the right to say, "I can't," not "I won't." You must give him the right to say to that creditor that if he does this his other creditors will immediately throw him into bankruptcy, and that no benefit will come from any attachment or from any attempted preference.

Now, Mr. Chairman, the condition of business all over the Union is much that case. Business is going on by the good will and by the help of the good, the kind, and the sensible creditors. They, as well as the debtor, ask that the single creditor who is sharp, who is keen, who is timid, or who is a fool, shall not be able to defeat the other creditors and to break up the business by insisting upon a fraudulent preference.

Mr. Chairman, no bill which is to protect the debtor can be successful if it does not contain a feature by which the creditor also can protect himself against preferences by insolvents. We may

not approve all of the particular provisions of this bill; I do not say that they are all necessary; but some law that will give protection to the honest, straightforward business men of the country, both debtors and creditors (for they have the same interests), is demanded by the people of this country. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DINGLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 7200) for the relief of A. T. Hensley;
A bill (H. R. 145) for the relief of J. J. Lints; and
A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma.

The message also announced that the Senate had passed with amendment the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1288) for the relief of John Stull;
A bill (S. 1860) for the relief of John M. Guyton, late postmaster at Blacksburg, S. C.;
A bill (S. 65) for the relief of J. E. Gillingwaters;
A bill (S. 1367) for the relief of the heirs of Jacob R. Davis; and
A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896.

TREATY STIPULATIONS WITH GREAT BRITAIN.

Mr. HITT. Before the House again resolves itself into Committee of the Whole, I ask consent that we take up for immediate consideration by the House the last bill embraced in the message just received from the Senate, as it is a matter of urgent importance, and the immediate passage of the bill is desired by the Secretary of State, by whom it was drafted. It has received the approval of both the members of the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations.

Mr. HENDERSON. I wish to ask the gentleman from Illinois [Mr. HITT] and the gentleman from Kentucky [Mr. McCREARY] whether this bill is going to involve any debate.

Mr. HITT. We are all agreed upon it. Every member of the committee in the House has examined the matter. It was sent by the Secretary to the House Committee on Foreign Affairs.

Mr. McCREARY of Kentucky. If the gentleman from Iowa referred to me when he spoke of "the gentleman from Kentucky," I simply wish to say that I do not know that it will be necessary to have any debate upon this bill. There will be none unless its passage is objected to.

The SPEAKER pro tempore (Mr. DINGLEY). The bill will be read.

The Clerk read as follows:

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896.

Be it enacted, etc., That the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State, with the approval of the President of the United States, in fulfilling the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896. And the commission constituted by said treaty, when sitting at San Francisco, shall have power to compel the attendance and testimony of witnesses by application to the circuit court of the United States for the ninth circuit, which said court is empowered and directed to make all orders and issue all processes necessary and appropriate to that end.

There being no objection, the House proceeded to the consideration of the bill; which was read three times, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BAKER of New Hampshire. Mr. Speaker, I rose a few moments ago, while the bill just passed was pending, to make a parliamentary inquiry. I wished to inquire whether, as the bill made an appropriation, it should not under our rules receive its first consideration in Committee of the Whole.

The SPEAKER pro tempore. That point would have been good if the House had not given unanimous consent for the immediate consideration of the bill in the House.

Mr. HITT. That was the request I made.

Mr. BAKER of New Hampshire. I did not hear it.

The SPEAKER pro tempore. The Committee of the Whole will resume its session.

BANKRUPTCY.

The Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. The gentleman from North Carolina [Mr. LINNEY] has two minutes remaining.

Mr. LINNEY. Mr. Chairman, the objection that I have to this and to all other bankruptcy laws is this: They proceed upon the assumption, as has been well said—or at any rate the leading idea of the advocates of them is—that a bankruptcy law is the best possible agency by which frauds may be suppressed; whereas the experience of the past, not only in America but in England, proves beyond question that the bankrupt system itself is the greatest possible agency of fraud. More frauds have been perpetrated in proceedings under bankrupt laws than anywhere else in connection with business. Now, sir, I do not rely merely upon my own weak, flickering intellectual lamp to establish that proposition. I will read for the benefit of this committee the opinion of Lord Eldon. It is reported in Kent's Commentaries, Volume II, page 393. That writer says:

With respect to the infirmities of the English bankrupt system, which has been the growth of upward of two centuries and has been constantly upon the review of Parliament and matured by the talents and experience of a succession of distinguished men in chancery, we may refer to the observations of Lord Eldon. When he succeeded to the great seal in 1801 he took the earliest opportunity to express his strong indignation at the frauds committed under cover of this system. He remarked that the abuse of the bankrupt laws was a disgrace to the country, and that it would be better at once to repeal all the statutes than to suffer them to be applied to such purposes. There was no mercy to the estate. Nothing was less thought of than the object of the commissions. As they were frequently conducted in the country they were little more than stock in trade for the commissioners, the assignees, and the solicitors.

Now, Mr. Chairman, I respectfully submit that the effect of the passage of this bill, containing, as it does, eight separate, distinct causes of involuntary bankruptcy, will be to transfer the greater portion of the insolvency business of this country from the State courts, from the neighborhood of the parties interested, to the Federal courts. It will not only do that, but it will involve a great amount of expense necessarily incident to such proceedings, by reason of the appointment of the vast number of agencies necessary to operate a system of bankrupt law. It will take probably three assignees or three trustees, as I believe they are called under this act (though never hitherto called such), in every county in these United States.

Mr. Chairman, let me proceed with the idea which I find sustained by Chancellor Kent, that the first great disadvantage necessarily connected with the operation of a bankruptcy system is the large number of agencies required to operate it. Why, sir, if we estimate the number of all the counties of the United States, and multiply that number by three, I should not be surprised if we should find a larger body of men who are to be engaged in the administration of this bill than were engaged on the Federal side in the battle of Bull Run. In the first place, this bill creates a perfect army of agents, every one of whom is to be fed out of the estates of the parties who are engaged in the litigation. Let us see how oppressively the bill would operate. Suppose a man has a dozen debts, each one of which we will suppose is a debt secured by mortgage or a judgment lien. No bankruptcy law that we can pass can affect such liens. They must be enforced by the sale of the property, and the debts paid, not by any agencies selected by the mortgagor or, in case of involuntary bankruptcy, by the mortgagee, but by the assignee or trustee appointed by the Federal court. Every particle of the property must be sold, if there is an outside creditor to institute the proceeding, and the cost must come out of the estate. Who, then, is the loser? Surely the creditor does not gain anything. So far as the costs are concerned, they go to this new swarm of officials that this bankruptcy bill will necessarily create.

But, Mr. Chairman, the most oppressive feature of this bill to my mind is this: The bill specifies eight causes of involuntary bankruptcy. As the bill now stands, the ninth provision having been stricken out, the unfortunate debtor—a mere child of misfortune—may have a petition in bankruptcy filed against him, alleging any one of the eight separate causes in this bill, and that petition is returned to a Federal court, and unless the party against whom the petition is filed answers the petition within fifteen days he is adjudged a bankrupt. Now, in many parts of the country the Federal court in which the petition is filed is remote from the home of the unfortunate debtor. Before the debtor against whom the petition is filed can escape the effects of being forced into bankruptcy he must appear and answer, and at the expiration of fifteen days all the perfidy and dishonor of involuntary bankruptcy are fixed upon him. Under this bill the judge may pass on the questions named by his answer, and in this way all the dishonor of involuntary bankruptcy is forced upon him without a jury trial. There are many other objectionable features of this bill.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. LINNEY. Mr. Chairman, I ask unanimous consent to continue for five minutes longer.

Mr. WILSON of Ohio. Mr. Chairman, I am compelled to object.

Mr. HENDERSON. Mr. Chairman, I move to limit the debate on this paragraph of section 2 and all amendments to it to twenty minutes.

The motion was agreed to.

Mr. TRACEY. Mr. Chairman, I want to say that I would most sincerely like to support this bill. My respect and esteem for the membership of the committee that brought in the bill, my esteem of their wisdom and patriotism, creates in me a desire to support it. But I do not see how it is possible for me to give my support to the bill in its present shape. As I have stated once before during the debate upon the bill, my duty is first of all to the people I have the honor to represent, not one of whom, by petition or letter, has asked me to support or vote for any sort of a bankrupt law.

I am willing to concede, Mr. Chairman, that although the condition that has prevailed in this country since the repeal of the bankrupt law enacted in 1867 has been one of the greatest growth and greatest expansion of both our commercial and industrial interests that the history of the United States has ever witnessed or any other country can show, so that it would seem we had been getting along very well under the operation of the statutes of the various States for the collection of debts—I am willing, however, to concede that the volume of indebtedness has been growing during these years of progress and prosperity, and the time may have come when the enactment of a general law by which the indebtedness of the country can be settled up and thousands of men who are to-day laboring and struggling under a load of indebtedness impossible to remove may be restored to the country and to its business interests. But in order to reach that end, no matter how desirable it may be, I contend that it can not be necessary to include in the involuntary features of the bankrupt law any provision that excludes from consideration acts of actual—not constructive—fraud.

No man ought to be forced into bankruptcy for an act in itself entirely honest. Now, if you will strike out of the second section of the bill—and I sincerely trust in the interest of what is so earnestly demanded here that the gentlemen supporting the bill on the floor of the House will do so—the second subdivision, the fifth subdivision, and the eighth subdivision, the ninth having been already stricken out, then you will leave in the bill, it seems to me, everything that can be demanded in the interest of the creditor as against the debtor anywhere in the land if you want to proceed along the lines of honesty, justice, and fairness. You leave in the first subdivision—that is to say:

Concealed himself, departed, or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned within at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired or interfered with.

That remains in. You leave in also the third subdivision, in the following words:

Made a transfer of his property with intent to defeat his creditors, etc.

You leave in also the fourth:

Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

You also leave in the seventh:

Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, etc.

Now, I ask, in the name of all that is just and right between the creditor and the debtor, what else ought to be demanded? What else ought the creditor to ask for in order to assist him in the collection of his just debts? Certainly if the bill is to become an equitable adjustment of the law as between the creditor and the debtor, the amendment I have suggested ought to be adopted. If the subdivisions of section 2 which I have mentioned are struck out, I feel justified in saying that the bill will receive a number of votes, my own included, which must otherwise be recorded against it.

[Here the hammer fell.]

Mr. STEWART of New Jersey. Mr. Chairman, the incomparable simile of the mysterious Junius reads:

Private credit is wealth; public honor is security. The feather that adorns the royal bird supports his flight. Strip him of his plumage and you fix him to the earth.

This simile is applicable to the subject we are now considering. It contains a large truth, forcibly and beautifully expressed.

It is amazing and somewhat surprising that so many gentlemen, in discussing the question now pending, seem to have in view the idea that the exclusive scheme of a bankruptcy bill is for the benefit of the poor debtor. My insistence is that the scheme of a uniform bankruptcy law should be the protection of the creditor class. Protect the creditor, and you therefore necessarily extend the credit of the country, and directly and indirectly, too, you protect the debtor.

Why, it is amusing, I do not say that it is demagogical, on the part of members who insist that a bankruptcy scheme should look for the protection simply of the debtor class, but the best judicial minds in this country, I think, are agreed that a bankrupt law that does not contain an involuntary feature would be unconstitutional, would not be carrying out the provision of our Constitution in regard to the enactment of a bankruptcy bill. There-

fore, while I have not the time nor the opportunity to discuss this matter fully, if gentlemen on this floor will only think for a moment they will come to the necessary conclusion that any bankruptcy scheme must necessarily have for its objective point the protection of the credit of the country rather than the debtor. The creditor has no interest in crushing the debtor; his selfish interest is rather to nurse and protect the debtor, save a customer, and get his whole debt rather than a portion. His selfish interest suggests the maintenance of the honest debtor as an active factor in our commercial energies.

Mr. RAY. Mr. Chairman, when the gentleman from Iowa [Mr. HEPBURN] had the floor this morning, I tried unavailingly to get before that gentleman and the House a document (Senate Document 48) showing that his statement that there is no general demand for a bankruptcy bill was inaccurate and a mistaken statement. I shall not print the document, but I call the attention of gentlemen to it. We have not seen fit to embody it in our report, but only to call attention to it. It is a document of 245 pages, containing the names and the short petitions of thousands upon thousands of business men of all classes and organizations of business men of all classes from all parts of this Union, every State and every part of every State, asking for the enactment into law of the original Torrey bill; and this bill is much more for the benefit of the debtor class than that bill ever purported to be. This shows a general demand for a bankrupt bill.

Mr. WILLIAM A. STONE. May I ask the gentleman the date of these petitions?

Mr. RAY. Do not interrupt.

Mr. WILLIAM A. STONE. When were they filed?

Mr. HENDERSON. The same date as those you read in your speech the other day.

Mr. WILLIAM A. STONE. That was in 1893.

Mr. HENDERSON. In 1892 and 1893; along there.

Mr. RAY. The gentleman from Iowa [Mr. HEPBURN] started in to read a statement of the contents of this document. He read just two lines, and then stopped and threw it down, thereby representing to the members of this House that it was a document emanating from the wholesale grocers of St. Louis. Now, I know that the gentleman from Iowa [Mr. HEPBURN] intends ordinarily to be fair and candid. He is a man of great ability; he is a man of integrity; but when he gets stirred in debate, when he is undertaking to defeat a measure, as he was undertaking to do to-day, he sometimes forgets to be fair and candid. I insert, under the general leave to print, the entire description of the contents of this document in the RECORD, as follows:

“IN THE SENATE OF THE UNITED STATES.

January 19, 1892.—Referred to the Committee on the Judiciary, and ordered to be printed.

See Bird's-Eye Index, page 181; Contents, page 3, and Index, page 205.

Mr. PERKINS presented the following:

“Addresses, memorials, indorsements, petitions, and resolutions advocating the enactment of the Torrey bankrupt bill of the Associated Wholesale Grocers of St. Louis; Columbus (Ga.) Board of Trade; Chamber of Commerce of the State of New York; Omaha (Nebr.) Board of Trade; Richmond (Va.) Chamber of Commerce; Missouri Bar Association; Board of Trade of Portland, Oreg.; National Wholesale Druggists' Association; Sundance (Wyo.) Board of Trade; Chamber of Commerce and Industry of Louisiana, at New Orleans; National Paint, Oil, and Varnish Association; Photographers' Association of America; first Western States Commercial Congress held at Kansas City; Contractors and Builders' Board of Trade of St. Paul; Trans-Mississippi Commercial Congress, held at Denver; Los Angeles (Cal.) Board of Trade; clippings from the press concerning national bankruptcy legislation; tables showing how commercial failures in the United States and bankruptcies in England are affected by legislation upon that subject; report of the Committee on the Judiciary of the House of Representatives; summary of the House of Representatives bill No. 2900 and Senate bill No. 1694 (the Torrey bill); list of the commercial, industrial, and professional bodies which have indorsed that measure, and the officers and committeemen of the National Bankruptcy Organization.”

I desire to call the attention of the gentleman from Iowa to the fact that here are many individuals, many associations from his own State and one or more from his own district, demanding the enactment of that measure into law. They are as follows:

IOWA.

Blue Grass League of Southwestern Iowa, Creston.
Board of Trade of Burlington.
Business Men's Association, Davenport.
Business Men's Association, Keokuk.
Citizens of Algona (petition).
Citizens of Council Bluffs (petition).
Citizens of Davenport (petition).
Citizens of Dubuque (two petitions).
Citizens of Keokuk (petition).
Citizens of Monticello (petition).
Citizens of Sioux City (petition).
Iowa Bankers' Association, Dubuque.
State Business Men's Association, Des Moines.
State Business Men's Association, Marshalltown.
William L. Allen, Davenport.
John Blaul, Burlington.
John H. Branch, Marengo.
Arthur S. Burnell, Marshalltown.
Jonas M. Cleland, Sioux City.
Philip M. Crapo, Burlington.
James B. Harsh, Creston.
Frank Le Bron, Keokuk.
Daniel B. Nash, Davenport.
Lucius Wells, Council Bluffs.

And I want to say further, that this emanates not only from grocers, from dealers generally, but it comes from the commercial, the industrial, the professional bodies of men all over this country.

Now, the gentleman made another charge to which I desire to call attention. I think he only did it in the heat of debate. He said that I was the active agent or the willing tool of these associations of grocers or wholesale houses. He ought not to have made that charge. If he knew the history of this legislation, if he knew the history of my relations to this bankruptcy bill, he would know that upon the floor of this House and in the Judiciary Committee in the Fifty-second Congress and in the Fifty-third Congress I opposed to the best of my ability what was known as the Torrey bill. The chairman of this committee knows, all the members of the Judiciary Committee know, that in the Judiciary Committee in this Congress I fought this bill, with its harsh measures, as I considered them; that I insisted upon striking out many of them. They were stricken out. I insisted upon qualifying almost every one of the involuntary features remaining in the bill, and they were qualified. I have labored in the same line as has the gentleman from Iowa [Mr. HEPBURN] to a considerable degree, and he ought not to have made the charge he made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAY. I should like two or three minutes.

The CHAIRMAN. The gentleman asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. RAY. I want to call the attention of the House to another argument that he suggested here and the fallacy of it. He went back a hundred years, and said that a bankruptcy bill was passed, and that after that the party which passed it was driven from power. Then he came down along the years and used that same argument.

Why, gentlemen of the committee, that is simply an appeal to your fears, trying to convey to the Republicans of this House the impression that should we enact this bill into law the people would turn upon us this fall and defeat us in the Presidential election. Now, that is not argument. That is not an appeal to your common sense or to your intelligence. After we had enacted the protective-tariff law in 1890 we were defeated at the polls. We had financial and industrial ruin and desolation, I believe, as the consequence, but when we came into power a year hence we shall have power to do what we think is right and just and proper, and place a law upon the statute books that will serve the interests of this people; and we shall have the courage and patriotism to return to the law of those days without fear and without asking favor. But I shall expect the gentleman from Iowa to rise in his place and say, "No, gentlemen; it will not do. In 1890 we passed a law changing the tariff, and were beaten at the polls thereafter. If we pass another, we will be again hurled from power." I simply call attention to this for the purpose of showing that the gentleman appeals to passion, to fear, and to prejudice, and not to the candid judgment of the members of this committee and House.

Mr. DINGLEY. Mr. Chairman, this is purely a matter of business, with no element of partisan bias entering into it. It appears to be conceded that there ought to be a uniform national bankrupt law. There has been no dispute of that proposition during the whole course of this debate. The whole issue, so far as the discussion has gone, is as to whether this proposed uniform bankrupt law shall be purely voluntary in its features, as provided by the amendment offered by the gentleman from Texas, or whether it shall be both voluntary and involuntary, within the limits of the eight conditions proposed in this bill. This, then, is the sole practical question before us.

It seems to me the sole inquiry ought to be, what will be the public interest in this matter? It is not simply, what is the interest of debtors? it is not simply, what is the interest of creditors? but it is, what is the interest of both debtors and creditors, who compose the whole people of this country—for there is not a citizen of this country that is not at some time or other a debtor or a creditor, and usually both. We have no exclusively debtor class and no exclusively creditor class in this country. Therefore, the question is one as to the public interest; that and nothing more.

Now, is it for the public interest, in enacting a uniform bankrupt law, which the framers of the Constitution intended Congress should do, that this law should simply put it into the hands of a debtor alone to determine the distribution of an insolvent estate?—for it really comes down to that practically. The objection that has been urged here to the involuntary feature—that is, to the feature which allows the creditors under some circumstances to initiate these proceedings—is that the debtor will be severely dealt with and will suffer. Now, if this be true; if the introduction of an involuntary feature in a proposed national bankrupt law will, as a matter of fact, bring new and additional hardships upon the debtors of this country—if that be true, then

it ought not to be incorporated in this bill, and no national bankrupt act should be passed. But is that true?

All the objections that have been raised to the involuntary features of this bill, it seems to me, have omitted to take note of the fact that there are existing laws in every State of this Union under which the creditor may proceed against the debtor more harshly than is provided in any of the provisions of this act; and it seems to me that right there lies what will prove to be the alleviating provision of this bill as respects the interests of the debtor. Here is a debtor, now, in any State of this Union, liable to be proceeded against by any single creditor he may have, and to have his property attached, with the knowledge on the part of the creditor that if he first gets in his attachment he will be first served; that acting as an ever-present inducement upon the individual creditors to fall upon the debtor at an earlier moment than they ever would fall upon him if they knew that that estate must in the last event be distributed proportionately among the creditors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAILEY. I ask that the gentleman may be allowed to proceed.

Mr. DINGLEY. Five minutes will answer my purpose.

Mr. BAILEY (continuing). Five minutes further, as the gentleman says that will answer his purpose.

There was no objection.

Mr. DINGLEY. I have observed not only in my own State, but in other States of the Union, that whenever a debtor is brought under any circumstances of suspicion, from any cause whatever, oftentimes without foundation, some creditor, knowing that if he attaches the property of such creditor first he will come in ahead and obtain his whole debt, instantly pounces upon his debtor, which he would not think of doing if he knew that under a general bankrupt law to proceed with a suit and attach the debtor's property would give him no advantage.

In my judgment the debtors of this country are suffering as they never would otherwise suffer because of the fact that selfish creditors have the knowledge that he that comes in first and attaches will obtain all his debt, so that we find a constant tendency to attach the property of creditors and drag them down; whereas if the creditors knew that they could obtain no advantage by such proceedings, but that, under a uniform bankruptcy law, if the debtor became insolvent and the estate was settled in bankruptcy each creditor would get only his appropriate share, the effect would be that all would keep their hands off, and the honest debtor would go along and finally would be able to lift his head above the troubles that had surrounded him.

And, Mr. Chairman, in this condition lies one of the difficulties in the way of the restoration of credit in this country. We must bear in mind that 90 per cent of the business of this country is done on credit. It is confidence, credit, that sets the wheels of business in motion, and a law which will restore credit and confidence will go far to set the wheels of industry in motion; is one which will establish the fact that every debtor and every creditor may proceed with a knowledge on the part of all that if the worse comes to the worst the assets of the debtor will be distributed proportionately.

Hence I say to you, Mr. Chairman, that, in my judgment, in insisting upon a merely voluntary system of bankruptcy, as some of you do—no doubt with the honest conviction that it is for the interest of the debtors of the country—you are making a great mistake. You are doing the debtor harm instead of good, and when it shall be recognized throughout this whole broad country that creditors must all be served proportionately, and that no one can obtain an advantage by pressing upon the debtor, then there will be not only improved credit and confidence, but greater prosperity everywhere. I have no more doubt of this fact than that I stand here. Hence I deprecate any attempt to introduce into this discussion class considerations. They have no place here. We have no such distinct classes as debtors and creditors in this country; and it is for the interest of every section of the country, North or South, East or West, to inspire that confidence which will come from a restoration of credit when it is believed and known that everywhere throughout this country every honest debtor may go forward with his business and every creditor may feel that the debtor will simply do for him what he does for every other creditor. Hence I hope, in the interest of the debtor, in the interest of the creditor, in the public interest everywhere, that the motion which has been made to strike out the involuntary provision in this bill will not prevail. [Applause.]

The CHAIRMAN. Debate on this paragraph and the amendments is exhausted under the order of the committee. The question is on the amendment of the gentleman from Pennsylvania [Mr. MAHON] to the amendment of his colleague [Mr. WILLIAM A. STONE].

Mr. MAHON. Mr. Chairman, I would like consent to withhold that amendment so that I may offer it at the end of the section.

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

MAHON asks consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. WILLIAM A. STONE. Mr. Chairman, I ask that the amendment and the amendment to the amendment be read.

Mr. BRODERICK. Mr. Chairman, I ask to substitute for the amendment I offered yesterday the one which I send to the desk. It is precisely what I offered yesterday except that two words are transposed in this.

The CHAIRMAN. The gentleman from Kansas [Mr. BRODERICK] desires to modify his amendment. Without objection, that will be done.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas, as modified.

Mr. MAHON. Mr. Chairman, I rise to a parliamentary inquiry. The Chair evidently misunderstood me. I did not wish to withdraw my amendment. I asked consent to withhold it so that I could offer it at the end of the section.

Mr. HENDERSON. Mr. Chairman, we can consider only one of those propositions at a time. The first is the withdrawal of the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MAHON] states that he did not desire to withdraw his amendment. The question, then, is on that amendment, which the Clerk will report.

The Clerk read as follows:

Add to the end of section 2 the following:

"Provided, If said involuntary petition be dismissed by the court, or withdrawn by the petitioner or petitioners with leave of the court, the respondent or respondents to said petition shall be allowed by the court all reasonable expenses and counsel fees incurred by respondent or respondents in defending against said petition, and the petitioner or petitioners shall pay all expenses and counsel fees as allowed by the courts as well as the costs of said proceedings: And provided further, That within five days from the time an involuntary petition is filed in court the petitioner or petitioners shall file a bond in the same court where the petition has been presented, with at least two good and sufficient sureties, to be approved by the said court, in such sum as the court may direct, conditioned for the payment to the respondent or respondents, their heirs, administrators, executors, or assigns, of all expenses, costs, and counsel fees allowed by the court. No action shall be taken on the petition until after a bond has been filed and approved by the court."

Mr. HEPBURN. I desire to amend the amendment of the gentleman from Pennsylvania by inserting the word "damages" between the word "expenses" and the word "costs."

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa to the amendment of the gentleman from Pennsylvania.

Mr. MILLER of Kansas. A parliamentary inquiry, Mr. Chairman. Is this proposition of the gentleman from Pennsylvania [Mr. MAHON] an amendment or a substitute?

The CHAIRMAN. It is in the nature of a substitute.

Mr. MILLER of Kansas. If the substitute were adopted, would that take away the opportunity to vote upon the amendment itself?

The CHAIRMAN. It would not. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN] to the amendment of the gentleman from Pennsylvania [Mr. MAHON].

The amendment to the amendment was adopted.

The CHAIRMAN. The question now is on the amendment of the gentleman from Pennsylvania as amended.

The question being taken, the Chairman declared that the yeas seemed to have it.

On a division there were—ayes 88, yeas 49.

So the amendment was adopted. [Applause.]

Mr. WILLIAM A. STONE. Mr. Chairman, I ask that the amendment offered by me and the amendment to my amendment offered by the gentleman from Kansas be reported before the vote is taken.

The amendment of Mr. WILLIAM A. STONE was read, as follows: Strike out all of paragraph "a," section 2, beginning with "section 2," on page 5, and ending with line 47, page 7.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas [Mr. BRODERICK] to the amendment of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Before this amendment is read I ask that the portion of the bill which my amendment proposes to strike out be also read.

Mr. WILSON of Ohio. Your amendment simply strikes out the provisions for involuntary bankruptcy?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. WILSON of Ohio. Then what is the use of reading it? I object.

The amendment of Mr. BRODERICK was read, as follows:

Strike out, beginning with and including the first line of section 2 and down to and including the word "over," in line 47, and insert in lieu thereof the following:

"SEC. 2. ACTS OF BANKRUPTCY.—Acts of bankruptcy by a person shall consist while insolvent (1) in his having fraudulently contracted the debt or debts of creditors who seek to avail themselves of the provisions of this act; (2) sold or transferred his property, or some part thereof, with intent to defeat his creditors; or (3) concealed himself, departed or remained away

from his place of business, residence, or domicile, with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned before the filing of a petition in bankruptcy."

Mr. DINGLEY. That will allow a portion of the creditors to bring suit and get preferences.

Mr. NORTHWAY. I should like to put a question to the author of this amendment.

The CHAIRMAN. Debate is not in order.

Mr. NORTHWAY. I ask unanimous consent to have an answer to one question.

Several members objected.

Mr. BAILEY. I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAILEY. My understanding is that the friends of the bill are entitled to perfect this section, if it can be perfected, and that therefore the vote should first be taken on the amendment of the gentleman from Kansas [Mr. BRODERICK] to the text of the bill, and then, even if that amendment should be adopted, the motion of my friend from Pennsylvania [Mr. WILLIAM A. STONE] would still be in order.

The CHAIRMAN. The amendment of the gentleman from Kansas [Mr. BRODERICK] was offered as an amendment to the amendment of the gentleman from Pennsylvania.

Mr. BAILEY. But the motion to strike out and insert, I take it, would take precedence of a motion merely to strike out, because the motion to strike out and insert is designed to perfect the text of the bill. I have no special interest in the matter one way or the other, but that seems to me the orderly method of proceeding.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. BRODERICK] to that of the gentleman from Pennsylvania.

The question being taken, there were on a division (called for by Mr. BRODERICK)—ayes 73, yeas 92.

Mr. BRODERICK. I call for tellers.

Tellers were ordered, 21 voting in favor thereof.

The CHAIRMAN. The gentleman from Kansas [Mr. BRODERICK] and the gentleman from Iowa [Mr. HENDERSON] will act as tellers.

Mr. TUCKER. I desire to state that I am paired generally with the gentleman from Massachusetts [Mr. DRAPER]. If not paired, I should have voted in the affirmative on this amendment.

Mr. BRODERICK. I withdraw the call for tellers.

The CHAIRMAN. The call for tellers being withdrawn, the amendment of the gentleman from Kansas [Mr. BRODERICK] is rejected. The question is now on the amendment of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] to strike out the paragraph.

The question being taken, the amendment was rejected; there being—ayes 72, yeas 102.

Mr. TRACEY. Is a further amendment to the pending section in order?

The CHAIRMAN. It is.

Mr. TRACEY. I move to amend by striking out the second, fifth, and eighth subdivisions of the first paragraph of section 2.

Mr. HENDERSON. I demand that each of these three different propositions be voted on separately.

Mr. TRACEY. Then I will move in the first place to strike out the second subdivision.

The CHAIRMAN. The gentleman from Missouri [Mr. TRACEY] moves to strike out the second subdivision of the first paragraph of the pending section. The language proposed to be struck out will be read.

The Clerk read as follows:

(2) Failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold within such time under such process, then until three days before the time fixed for such sale.

The question being taken on the motion of Mr. TRACEY, it was rejected; there being—ayes 77, yeas 82.

Mr. TRACEY. I move to amend by striking out the fifth subdivision.

The CHAIRMAN. The Clerk will read the language which the gentleman from Missouri proposes to strike out.

The Clerk read as follows:

(5) Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy.

The question being taken, the amendment was rejected; there being—ayes 19, yeas 96.

Mr. WILLIAM A. STONE. I move to amend by striking out the fourth subdivision.

The CHAIRMAN. The language which the gentleman from

Pennsylvania [Mr. WILLIAM A. STONE] proposes to strike out will be read.

The Clerk read as follows.

(4) Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

The amendment was rejected.

Mr. TRACEY. I now renew my motion to strike out the eighth subdivision.

The CHAIRMAN. The words which the amendment of the gentleman from Missouri [Mr. TRACEY] proposes to strike out will be read.

The Clerk read as follows:

(8) Suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

The question being taken on agreeing to the amendment, there were—ayes 71, noes 80.

Mr. TRACEY. I call for tellers.

Tellers were ordered, 29 voting in favor thereof; and Mr. TRACEY and Mr. HENDERSON were appointed.

The committee again divided; and the tellers reported that there were—ayes 78, noes 94.

So the amendment was rejected.

Mr. BAILEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert as paragraph 9:

"(9) Made while insolvent a contract personally or by agent for the purchase or sale of a commodity with intent not to receive or deliver the same, but merely to receive or pay a difference between the contract and the market price thereof at a time subsequent to the making of such contract."

The amendment was rejected.

The CHAIRMAN. The Clerk will read the next paragraph of the section.

The Clerk read as follows:

b A petition may be filed against a person who has committed an act of bankruptcy within four months after the commission of such act. Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to defeat his creditors or for the purpose of giving a preference as hereinbefore provided, or an assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property, unless the petitioning creditors have received actual notice of such transfer or assignment; or (2) the date of the return of legal process when the act consists in having secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, as hereinbefore provided.

Mr. BAILEY. Mr. Chairman, I move to strike out the paragraph, merely to say that it has been represented throughout this debate that the pending bill is a vast improvement on the bill which was defeated in the House during the last Congress.

I desire to say to the House and desire to put into the RECORD that there is absolutely no change in that vital part of the bill that specifies the acts of bankruptcy—or at least that there is none except unimportant verbal changes—with the single simple exception that this bill omits the amendment which I offered a moment ago, and which has just been rejected by the committee. Every act which constituted an act of bankruptcy under the bill we defeated last year constitutes an act of bankruptcy under this bill, save and except only the act of dealing in futures.

I submit to the judgment of the Judiciary Committee and the judgment of this House that the only theory upon which you can proceed to take from an insolvent debtor his estate is that his estate properly belongs to the creditors. And, if that theory be well founded and the commission of any act will entitle the bankrupt creditors to take possession of his estate and administer it, the fact that he is gambling with it would seem to be a proper ground for such action. I proposed to amend the act in good faith, not merely as a species of antioption legislation, but in consonance and in harmony with the spirit and principles of the bill, which is that an insolvent debtor is not entitled to administer his estate. If that theory is well founded it must follow, as naturally as night follows the day, that whenever he undertakes to gamble with it he forfeits his right to control it.

I withdraw the pro forma amendment.

Mr. ABBOTT. Mr. Chairman, I offer the amendment I send to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 7, at the end of line 64, add:

"Provided, That the person against whom a petition is filed shall have a right of action in any court of competent jurisdiction, Federal or State, to recover the actual damages by him sustained by reason of the filing of such petition, if the same be wrongfully filed; and if the person or persons filing such petition acted maliciously and without probable cause, the person against whom the petition is filed shall have a right of action for vindictive or exemplary damages as well as for actual damages."

Mr. ABBOTT. Mr. Chairman, I call the attention of the committee to the fact that there are no provisions in the bill whereby an honest debtor can be protected from an exacting creditor.

We all know, especially those who are lawyers and have had any connection with the practice of the courts in this country in this respect, that a debtor, when a writ of attachment has been levied on his property, if the writ of attachment is wrongfully sued out, is entitled to the actual damages by him sustained. If the writ is sued out maliciously and without probable cause, he is entitled to exemplary or punitive damages as a punishment to the creditor who seeks to oppress him. That is a principle that is recognized by all of the State courts and the laws of the various States in the Union.

Now, why should there be a distinction between involuntary bankruptcy and an attachment proceeding under the laws of the State? Suppose the case of an honest debtor who is embarrassed by an obligation that he can not immediately meet. The crops of the country may have failed to some extent; calamities may have come upon the community where he is doing business; he may be honest, and may make an honest effort to meet his obligations and pay his debts to the wholesale merchant, but circumstances beyond his control prevent him from meeting his obligations at the time they mature.

Now, if that man be honest—and it is a question of fact that can always be established by his neighbors and friends whether he is honest and whether he is dealing honestly and fairly or not—if an exacting creditor comes upon him under these circumstances and places him in the bankruptcy court, what relief has he under this bill? None whatever. You can take what he possesses and destroy the opportunities that he might have had if these unlawful and improper proceedings had not been begun against him. Therefore I say that the debtor ought to have the same rights which he would have in case an attachment had been sued out maliciously or without probable cause. Those are terms which the courts of every State have heretofore defined. There can be no mistake as to the wrongful or malicious suing out of an attachment without probable cause. In these cases I say that the debtor ought to be protected, and I will say furthermore that it will add very much, in my judgment, to the strength of this bill, so far as it relates to the involuntary clause, if you adopt this amendment. Creditors are not likely to go into the courts wrongfully and maliciously and place a man into bankruptcy if these creditors know that their debtor has a remedy against them for their wrongful acts; they will be cautious about placing debtors in the bankruptcy court. Therefore it will add strength to the bill in so far as the involuntary clause is concerned.

I believe, Mr. Chairman, these are all the remarks I desire to make on the subject.

The amendment of Mr. ABBOTT was rejected.

Mr. MAHON. I move to strike out the last word.

Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] made a statement here which he held up to the committee as a sort of bogey man to frighten the Republicans not to vote for this bill. He went back into politics to the day of the Federalists, to 1841, and 1867, stating that the party which favored and passed a bankruptcy bill met with defeat at the following election or shortly afterwards. Now, the act of 1867 was passed by a Republican House and Senate—

Mr. TAWNEY. And its repeal was advocated by a Republican President.

Mr. MAHON. In 1868 the Republican party elected Gen. Ulysses S. Grant President of this country after the act of 1867 was passed. In 1872 that act was still on the statute books, and Grant was again elected. In 1876 we elected Hayes President of this country, and the law was repealed in 1878. In 1880 we elected Garfield. Then Providence, having something against the American people, permitted the election of Cleveland in 1884. We elected Harrison in 1888. Cleveland was elected again in 1892—

Mr. BROMWELL. And McKinley in 1896. [Laughter.]

Mr. MAHON. And just as sure as the sun sets this evening we shall elect a Republican President in 1896. [Applause on the Republican side.]

Several MEMBERS. Name him!

Mr. MAHON. QUAY. [Laughter.]

Mr. WATSON of Ohio. I move to strike out "QUAY" and insert "McKinley." [Laughter.]

Mr. MAHON. Now, Mr. Chairman, I want to say that the act of 1867 did not frighten the Republicans of this country nor the people who were attached to that political faith, but after the law had been in force for years and years they continued to elect Republican Presidents and Republican Congresses.

Mr. WATSON of Ohio. Will the gentleman from Pennsylvania yield?

Mr. MAHON. Yes.

Mr. WATSON of Ohio. I move to strike out the word "QUAY" and insert the word "McKinley."

Mr. MAHON. If you do you will be defeated. You had better withdraw your amendment. [Laughter.]

Mr. HEPBURN. Mr. Chairman, the gentleman from Pennsylvania [Mr. MAHON] was undoubtedly sleeping while I made

the remark to which he has attempted to reply. I said to him and to the committee that the House of Representatives which enacted the bankruptcy law of 1867 contained 49 Democrats and 143 Republicans. I said that it was but a few years until that majority was reversed, and that the Democracy were in charge of this House, and trying, so far as they could, at least, to prevent beneficial legislation.

Mr. MAHON. Will the gentleman permit me to interrupt him?

Mr. HEPBURN. That statement is true; and the gentleman has not gainsaid it.

Mr. MAHON. Mr. Chairman, I want to call the gentleman's attention to the fact that that law was in force eleven years, in which period the Republican party was in power in this country.

Mr. HEPBURN. Were they in power? A Democrat from Indiana was elected Speaker of the House, and a Democrat from Pennsylvania was also elected Speaker of the House.

The CHAIRMAN. The Clerk will report the next clause.

Mr. TALBERT. Mr. Chairman, I move to strike out the last word. I do this in order that I may submit a few remarks upon the pending bill as expressive of my views in relation thereto. I have listened with a great deal of pleasure to the discussion on this subject for the last three or four days, as I always do on these occasions, that I may obtain knowledge and gain information. Distinguished lawyers upon one side have advocated the passage of the bill with the involuntary feature in it, and distinguished lawyers upon the other side have advocated the passage of a voluntary bankrupt bill, and I have been listening attentively, for I love to hear wise men talk, until I have gotten considerably tangled up in the premises, and I hardly know what to do. [Laughter.] So I have concluded that in order to be upon the safe side, and to relieve the doubt, I shall throw my vote and influence against the passage of the whole bill; and in doing that I think I will be right. [Applause.] This is a measure from the Judiciary Committee, composed, of course, entirely of lawyers, and they are divided on it. It is an old saying that "when rogues fall out honest men get their dues." In saying that I do not mean any reflection upon the lawyers [laughter], for some of the best men that ever lived were lawyers, and some of the best living to-day are lawyers; hence no affront from me.

It seems to me that this bill, with the involuntary and voluntary features in it, or either with one or the other by itself, is alone intended to be in the interest of a certain class, and a very small class at that in comparison with the whole country—the great wholesale dealers and the money power of this country—and against the interest of the great masses of the people. I am reminded, sir, by the lawyers, from the way they have talked and changed front on this question, of a discussion I once heard, and an explanation was given of the question, "Why a lawyer was like a restless man upon a bed." Can you tell me why? It is said that it is "because he lies first on one side and then turns and lies on the other." [Laughter.] Now, those conflicting opinions have, as I said, turned me around mightily. And in this dilemma in which I find myself I shall be compelled to vote against the passage of either the voluntary or involuntary feature of the bill in order to finally extricate myself from the difficulty. I wholly indorse the remarks made by the distinguished gentleman from North Carolina [Mr. LINNEY]; and I desire here to submit as a portion of my remarks a table which I have prepared, giving the years from 1857 down to 1895, which shows the number of failures in each year and the amount of the failures, amounting in all to \$5,086,000,000, which will speak for itself, and shows very plainly that the cause of these failures must rest somewhere as a result of unfriendly legislation at the hands of the lawmakers.

THE REIGN OF BANKRUPTCY.

Year.	Number of failures.	Amount of failures.
1857	4,932	\$291,000,000
1858	4,225	95,000,000
1859	3,913	64,000,000
1860	3,676	80,000,000
1861	6,963	207,000,000
1862	1,652	23,000,000
1863	495	7,000,000
1864	520	9,000,000
1865	530	17,000,000
1866	1,505	54,000,000
1867	2,780	96,000,000
1868	2,608	63,000,000
1869	2,799	75,000,000
1870	3,551	88,000,000
1871	2,915	85,000,000
1872	4,069	121,000,000
1873	5,183	228,000,000
1874	5,830	155,000,000
1875	7,740	201,000,000
1876	9,062	191,000,000
1877	8,872	190,000,000
1878	10,478	234,000,000
1879	6,658	98,000,000
1880	4,735	65,000,000
1881	5,532	81,000,000

Year.	Number of failures.	Amount of failures.
1882	6,738	\$101,000,000
1883	9,184	172,000,000
1884	10,968	226,000,000
1885	10,637	124,000,000
1886	9,834	114,000,000
1887	9,634	167,000,000
1888	10,679	123,000,000
1889	10,882	148,000,000
1890	10,907	189,000,000
1891	12,273	189,000,000
1892	10,344	114,000,000
1893	15,212	346,000,000
1894	13,895	172,000,000
1895	13,197	173,000,000
Total	265,774	5,086,000,000

This table shows a distressing state of affairs, and following it is the fact that the great common people are all bankrupt in a measure. And then again, Mr. Chairman, I am opposed to the passage of any bankruptcy bill, because I do not see the necessity for it at this time or the circumstances existing which calls for such enactment. Nobody has asked for it except the boards of trade, chambers of commerce, money kings, and such like. I think that the best way to judge of the future is by the past; and from an examination of past legislation we find that in 1800 a general bankruptcy bill was passed. How long did it live? In less than three years it was repealed, on account of its obnoxious features, on account of its vicious tendency and its outrageous effects upon the people of the country. In 1841 another bankrupt bill was passed, and in less than three years again, on account of the like vicious tendency and the same obnoxious features of that bill, it was repealed, because the people again moaned under its oppression and weight. Then again, in 1867, another bankrupt bill was passed. It lasted, I believe, a little longer than the others, about fifteen years, and then it was repealed, after it proved an engine of destruction and oppression.

Then, Mr. Chairman, I see no reason under the existing circumstances, with the uncertainty and difference of opinion among these distinguished gentlemen here who are lawyers and of whom there is a great majority in this Congress, as in many other Congresses, late and otherwise, and of whom there has been a great majority since we had a Congress in the United States, for the passage of such a bill. Just think of the condition of this country to-day, the greatest upon the face of the earth, and the concentration of wealth in the hands of a few and the continued efforts to further concentrate the same. The conviction must be riveted upon any intelligent man's mind that to-day, when he sits down and contemplates the present condition of our Government with its amazing class legislation and enormous grants of power, that a despotism of corporate wealth has subverted our free democratic institutions and we have a Government of the classes against the masses; and who are responsible for it?

I do not charge the Democratic party with being responsible for this condition; I do not charge the Republican party as being solely responsible for it; but I do say that the lawyers of this country are responsible for the present deplorable condition of this country, more particularly the lawyers who belong to the Republican party, because they have been instrumental mostly in fixing laws since the war, before there were many Democrats in Congress, especially from the South. But speaking of lawyers generally, they have controlled legislation for the last one hundred years, and I say they are entitled to all the credit that they can claim for putting the country in the condition in which it is found to-day; and I think the time has come when we should refuse to follow the lead of the lawyers entirely, as we have been doing, and go back to the people and to their interest, and try to do that which will inure to their benefit and try to do something in their interest. For these reasons and many others, which I have not time to enumerate in a five-minute speech, I am not in favor of the passage of any bankruptcy bill at present, but will vote against it; and I hope it will be overwhelmingly defeated. [Applause.] In conclusion, I desire to say that I do not mean to make war upon our lawyers in what I have said, but only to call attention to the fact that they are responsible for the most part for legislation, as they have for a long time controlled and are now controlling Congress, and to call upon them to come closer to the already impoverished yeomanry of the country who have put them in office. [Applause.]

Mr. HOWE. Mr. Chairman, I will occupy but a few moments of the valuable time of this committee in the discussion of this bill. Such a monstrosity in a business sense as attains in this country to-day is without a parallel in the commercial world outside of the United States. All civilized nations have enacted adequate laws for the protection of both creditors and debtors. In this country there are as many laws as there are States, each State being a law unto itself and each being antagonistic to the others.

We boast of our civilization; we boast of our internal resources and the grandeur and glory of the Republic, and yet we neglect to enact a law that will facilitate the general development of the country and the enlargement of its business. Our present and future commercial and industrial possibilities are dwarfed because of the lack of proper protection for the transaction of business. Thousands of honest men who have failed in business walk as slaves because, having failed, and that through no fault of their own, they find no relief from the bondage of debt because of the failure of Congress to enact a bankruptcy law for their relief. This condition should not be.

This bill provides for the expediting of a settlement of the estates of men who have become insolvent. It provides for the proper distribution of the effects of an estate in the interests of the creditors, and at the same time releases the debtor and allows him to start anew. It releases him from the darkness of Egyptian night and places him in the sunlight of hope. Mr. Chairman, there is a universal demand for a bankruptcy law, to be without which is to be wrong in theory, wrong in principle, and wrong in practice. The Constitution says: "Congress shall have power to establish uniform laws on the subject of bankruptcy throughout the United States." The enactment of this bill would be in accordance with its direction; its provisions have been carefully weighed and considered by the Judiciary Committee. It is the product of wise and sagacious men, and has behind it the indorsement of the business men of the country. In fact, the business interests of the nation cry aloud for its enactment into law. Not one protest has come from any of the great business concerns of the country against it.

Mr. Chairman, it is our privilege under the Constitution to enact this law, and the business interests of the country demand that we perform our full duty. No single State can establish such a law, for each is a law unto itself. A State may enact a bankrupt law, but it will only apply to its own citizens, and here is the present difficulty. What is law in one State is of no effect in another, so that the solution of the matter is only to be found in a uniform national bankruptcy law. The provisions of this bill are as much in the interests of the debtor as of the creditor, and at the same time are a standing menace to those who would be dishonest and grow rich by fraud. The enactment of this law will cause business to be conducted on a safe and sound basis. It will cause business men to see to it that their capital is kept intact. They will scan their credits as well as their liabilities, keeping them within the bounds of safety. It will stimulate wise business sagacity and promote integrity, which are essential to successful business enterprise. With these requisites trade and commerce will move on from conquest to conquest. Mr. Chairman, I but voice the sentiments of the commercial and industrial interests of the country when I plead for the passage of this bill.

Mr. FAIRCHILD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add after the word "act," in line 50, page 7, the following:
"Provided, however, That in no case can a petition be filed signed by less than three creditors with provable claims against the person who has committed an act of bankruptcy which amount in the aggregate, in excess of the value of securities held by them, if any, to \$500 or over."

Mr. FAIRCHILD. Now, Mr. Chairman, that amendment is offered in the interest of those who wish to support this bill if it is possible to do so. This morning one amendment was carried which struck from the bill the ninth clause, providing that any man who had failed to pay a promissory note for thirty days could be forced into bankruptcy. There still remains in the bill another clause equally pernicious with that, and that is the clause that allows any one creditor to force into bankruptcy any man, whether the other eleven creditors may wish it or not.

Now, it has been said here in the arguments in favor of this bill that involuntary bankruptcy is in favor of all the creditors in order to prevent a preference. It is my experience as a lawyer, and I am sure it is the experience of every lawyer in this House, that the most pernicious preference that has ever been obtained by any creditor is that preference which is obtained by the "shyster" lawyer, who comes in when all the other creditors desire to arrange with the debtor and by holding out secures the whole of his claim with interest and fees for the lawyer himself.

Mr. NORTHWAY rose.

Mr. FAIRCHILD. I do not care to be interrupted now. My colleague [Mr. RAY] admitted yesterday, when the question was asked him, that the way one shyster lawyer creditor could be gotten rid of would be by the other creditors paying off his claim, so that they might be free to arrange with the debtor. Now, Mr. Chairman, that is one of the most pernicious points in this bill, and if that is stricken out I am sure the bill will receive many votes of gentlemen who desire to vote for it if they are permitted to do so.

Mr. HENDERSON. I wish to call the gentleman's attention to

a point in connection with that amendment. On page 51 the bill provides that "three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to \$500 or over" may file a petition. There the number is limited to three, and unless that part of the bill should be reached there will be a conflict between it and the gentleman's amendment if it is adopted.

Mr. FAIRCHILD. It is there permitted to 3 creditors, unless there are 12, in which case if 11 of them desire to give the man an opportunity to get relief this 1 creditor, by holding out, can compel the other 11 to pay his claim in full. This amendment must come in at some place. We may not be able to insert it on page 51, because we may not have time to reach that part of the bill, and it is equally appropriate in this place, following the words "a petition may be filed against a person who has committed an act of bankruptcy within four months after the commission of such act."

Mr. WATSON of Ohio. What is the amount in the gentleman's amendment?

Mr. FAIRCHILD. Not less than \$500; the same as on page 51.

Mr. WATSON of Ohio. Why not make it a thousand dollars?

Mr. FAIRCHILD. No; I wish to have it accord with the provision on page 51, to prevent greater conflict in the two provisions.

Mr. MILES. Do you mean \$500 each or \$500 in the aggregate?

Mr. FAIRCHILD. Five hundred dollars each. I repeat, Mr. Chairman, that the most pernicious preference that is ever obtained in such cases is that which is obtained by the shyster lawyer, and this amendment will obviate that.

Mr. NORTHWAY. Suppose there are but three creditors and two stand out; can the other one force the man into bankruptcy?

Mr. FAIRCHILD. You can draw upon your imagination if you please, but I think you can hardly suppose that in actual business a man in this situation will have only three creditors—

Mr. NORTHWAY. Suppose there are twelve creditors and only two of them have claims amounting to \$500?

Mr. FAIRCHILD. If a man should be forced into bankruptcy it will be easy to get three out of twelve creditors to act.

Mr. WATSON of Ohio. Are you not mistaken when you say that on page 51 the amount is limited to \$500 each? Is it not \$500 in the aggregate?

Mr. MILES. If the gentleman will make it \$500 in the aggregate he will get some votes for his amendment that he would not otherwise get.

Mr. FAIRCHILD. The suggestion is made to me by the chairman of the Committee on the Judiciary that we put this amendment to a vote as it is, and if there is any conflict it can be arranged afterwards in conference.

Mr. HENDERSON. That is, if the gentleman's amendment prevails. Of course I have no authority to make any arrangement about it.

The CHAIRMAN. The time of the gentleman from New York has expired.

On motion of Mr. MILES, by unanimous consent, the time of Mr. FAIRCHILD was extended five minutes.

Mr. FAIRCHILD. Mr. Chairman, I have said all that it is necessary to say on this point. I am a good deal in the position of the lawyer who came into court to have his client excused from being punished for contempt for nonappearance. He said, "May it please the court, there are one hundred reasons why my client should not be punished for contempt of court. The first is that he is dead. The second is—" "Hold on," said the court; "that reason is sufficient. You need not give the other ninety-nine." [Laughter.] I think after we have heard the eloquent words of the chairman of the Committee on the Judiciary in regard to the evil effects of securing preferences to one creditor over another—and we all agree about that—gentlemen here can readily recognize, especially lawyers who have had experience in this business, that the most pernicious of all preferences is that which is given to a shyster lawyer who seeks to gain a selfish advantage.

Mr. WATSON of Ohio. The gentleman would better make his amendment read, "\$500 in the aggregate."

Mr. FAIRCHILD. Mr. Chairman, I ask unanimous consent to modify my amendment so as to provide that the claims shall be not less than \$500 in the aggregate.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York as modified.

The Clerk read as follows:

Add after the word "act," line 50, page 7, the following:
"Provided, however, That in no case can a petition be filed signed by less than three creditors with provable claims against a person who has committed an act of bankruptcy, which amount in the aggregate, in excess of the value of securities held by them, if any, to \$500 or over."

The amendment was agreed to.

Mr. ABBOTT. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by adding to section 2, line 64, the following:
"That this bill shall apply to debts existing at the time of the passage of this act, but not to debts thereafter contracted."

The question being taken on the amendment of Mr. ABBOTT, it was rejected.

Mr. BAILEY. I desire to make a statement, to which I ask the attention of the gentleman from Iowa [Mr. HENDERSON]. In about twenty-two minutes from now, under the operation of the special order, this bill, with the amendments, must be reported to the House. I have examined the order, and, except for the understanding which I had with the gentleman from Iowa, it would not be possible to obtain a vote on the substitutes which it is desired to offer.

Mr. HENDERSON. That understanding is sacred.

Mr. BAILEY. I am perfectly sure of that. In view of that understanding, and in view of the further fact that no other amendment could be offered and discussed, I ask unanimous consent at this time to offer the substitute which I desire to offer, and the friends of another substitute shall offer that.

Mr. HENDERSON. Which substitute do you propose to offer—the one you had pending?

Mr. BAILEY. The one I had prepared.

Mr. HENDERSON. You want to offer that now?

Mr. BAILEY. And then my friend from Kansas [Mr. BRODERICK] desires to offer another substitute.

Mr. HENDERSON. The gentleman from Kansas has surely had his "day in court."

Mr. BRODERICK. The rule provides that there may be two substitutes. The substitute I offered heretofore was simply a substitute for one section. I want to offer a substitute for the entire bill.

Mr. HENDERSON. Does the gentleman propose to offer the Senate bill?

Mr. BRODERICK. The Senate bill with some amendments. I will send it to the desk.

Mr. HENDERSON. Wait a moment. The gentleman from Texas [Mr. BAILEY] has the first right under the arrangement.

Mr. BAILEY. I ask that the gentleman from Kansas be permitted to offer his substitute.

Mr. HENDERSON. That you yield to the gentleman from Kansas?

Mr. BAILEY. Yes; I yield to the gentleman from Kansas that he may offer his substitute.

Mr. BRODERICK. I offer the substitute which I send to the desk.

Mr. TAWNEY. If the substitute is offered in Committee of the Whole, is it the understanding that under the agreement between the gentleman from Iowa and the gentleman from Texas the substitute may also be offered in the House? I understood the agreement was that the substitute might be offered after the committee rose and the bill had been reported.

Mr. BRODERICK. The rule provides that the substitute be reported to the House so that it shall be considered in the House.

Mr. TAWNEY. Then, by offering it in committee, the friends of the substitute do not waive the right to have it offered in the House.

Mr. HENDERSON. If it is offered in Committee of the Whole it will be reported to the House.

The CHAIRMAN. The Chair can hardly undertake to say what will be done in the House. But as the Chair understands the special rule, the Committee of the Whole is to consider the bill under the five-minute rule until 4 o'clock, when the committee will rise and report the bill, with the amendments adopted, to the House. Of course it would be competent for the committee by unanimous consent to allow this substitute to be offered in the committee at the present time, but that would not control the action of the House.

Mr. BRODERICK. The rule provides that two substitutes may be offered.

Mr. HENDERSON. The rule does not provide that; but we agreed to that.

Mr. BRODERICK. That was agreed to, at any rate. The rule provides that the substitutes shall be disposed of in the House. Now, I simply want to have this substitute pending, and I understand there is no objection to that.

The CHAIRMAN. The gentleman from Kansas [Mr. BRODERICK] asks unanimous consent to offer a substitute and have it pending at this time.

Mr. KERR. I object.

Mr. BAILEY. Then I shall make a pro forma amendment for the purpose of saying what I desire to say.

Mr. BRODERICK. I think we are entitled as a matter of right to have this substitute offered. It was assented to by the House, as I understand, that there might be two substitutes voted upon, and they are to be reported to the House. Now, the inference is that they may be introduced and pending here, so that when the

Committee of the Whole shall rise they may be reported to the House and acted on.

The CHAIRMAN. The Chair has examined the special rule and also what was said in the House at the time of its adoption. It is the opinion of the Chair that without the subsequent agreement on the part of the House itself the bill would have been considered in the House and not in the Committee of the Whole. The whole proceeding contemplated seemed to be a proceeding in the House. Subsequently, by unanimous consent, as gentlemen will remember, an understanding was had that the bill be considered in Committee of the Whole. The special rule speaks of no substitute, but it does say that at 4 o'clock the bill shall be reported, with the amendments adopted, to the House. The subsequent agreement, made after the adoption of this rule, was that these two substitutes might be offered. The Chair construes that to mean offered in the House, not in the Committee of the Whole.

Mr. HENDERSON. I think that was assented to by unanimous consent; I believe it was so understood and agreed to by the entire House.

The CHAIRMAN. The Chair so understands.

Mr. HENDERSON. I think it would be bad faith if the substitute were not permitted to be offered in the House.

Mr. BAILEY. That is sufficient.

The CHAIRMAN. Does the gentleman from Texas [Mr. BAILEY] offer a pro forma amendment?

Mr. BAILEY. Mr. Chairman, I am confirmed in the opinion which I have expressed on more than one occasion in this House, that a voluntary system of bankruptcy is the only one which will ever be satisfactory in this country, and it ought to be a temporary measure of relief.

I do not believe it can be fairly charged against the friends of a voluntary system that we look only to the interest of debtors and overlook the interest of creditors. We know that in every State in the Union the State courts, as well as the United States courts, stand open to creditors for enforcement of their honest claims against their debtors. But we know also that there is nowhere in all of this broad land of ours a forum where an honest and unfortunate debtor can surrender his property and procure a discharge from his obligations. Recognizing, therefore, that the creditors now have their ample protection, and that the debtors are without any adequate relief, we have proposed a simple measure, leaving the right of the creditors absolutely undisturbed, but giving to the debtors a right which they do not now enjoy. We have safeguarded it to answer the only objection which has been made and which can be made against it. We have provided that no debtor can obtain his release unless he surrenders all of his property for the equal benefit of all his creditors.

Neither my friend from Iowa [Mr. HENDERSON] nor my friend from Maine [Mr. DINGLEY] disputes that it is just, wise, and humane to emancipate an honest debtor; but my friend from Maine says that under the present law the creditor who first attaches absorbs the entire estate and leaves the other creditors without protection. Mr. Chairman, without stopping to insist that diligence is a virtue and that a watchful creditor deserves some advantage over one who sleeps upon his rights, I desire to make another answer to the suggestion of the gentleman. In our substitute it is provided that if any creditor attaches the property of a debtor, the debtor may file an assignment and vacate the attachment, thereby subjecting his property to a pro rata distribution among his creditors. Thus we secure what the gentleman from Maine declares to be the primary good of the pending bill—an equal distribution of the debtor's assets among his various creditors. We insure this result by appealing to the debtor's selfishness and resentment, which are the two most powerful motives that influence the conduct of men. It is certain that every insolvent will desire a discharge from his debts, and this can only be attained by vacating the attachment; it is also certain that the debtor will resent the conduct of an attaching creditor, and these two motives, operating in the same direction, are certain to produce the result at which we aim.

I fully subscribe to the doctrine that a debtor should not be permitted to pay some of his creditors with his property or money and to pay others with the certificate of a bankrupt court; but I do not subscribe to the doctrine that all debts are of equal obligation. All ought to be paid; but if all can not be paid, then it may frequently happen that some have higher claims upon the debtor's conscience than others, and in such cases it would be dishonorable not to pay these debts first. The fact that the debtor must treat all creditors alike in order to procure his discharge will be sufficient to induce him to do so, except in those rare cases where he is bound by some high sense of honor to give a preference. Legislators can not ignore the fact that there are debts in which an element of moral obligation enters which the honest man ought to and will respect, and which a wise law will permit him to respect. There is no man here who does not believe that rather than satisfy the greed of a rapacious creditor he should return to the widow the money which he borrowed of her, nor

is there one who will deny that a debt contracted to a creditor who desired only to accommodate the debtor ought to be paid before a debt due to a man who dealt with the debtor solely for the profit of the transaction.

Sir, all preferences are not dishonest, nor are they necessarily unfair. Many of them proceed from the very highest attributes of human nature—a desire to redeem a moral as well as a financial obligation—and this assault upon all preferences bears the taint of a commercial spirit, which, if permitted to have its way in this country, will eliminate from American life the element of good-fellowship, the spirit of neighborly accommodation, and place all debts, however contracted, for whatever purpose contracted, or to whomsoever due, on precisely the same footing. It is bad morals to teach us that the poor widow has no higher claim on our justice than a rich and powerful creditor; and I am one of those who do not believe that bad morals can be good law. [Applause.]

Mr. RAY. Mr. Chairman, as I understand it—and if I am mistaken I desire to be corrected—it is not the purpose of the gentleman from Texas [Mr. BAILEY] to offer his substitute, but it is the purpose of the gentleman from Kansas [Mr. BRODERICK] to offer the bill S. 742, with certain amendments, as a substitute. Now, am I correct in that?

Mr. BAILEY. I will say to the gentleman from New York that that matter is under consideration. I am inclined to believe that the proposition of my friend from Kansas [Mr. BRODERICK] is stronger than my own proposition, and if we reach that conclusion, why, we will try to unite on that. Otherwise, we shall offer both.

Mr. RAY. Then, of course, I am as yet uncertain as to how that will be; but however it may be, the objections to the one bill are equally as great to both. I desire to call the attention of those who favor a just, equitable, enforceable, and operative bankrupt law to the provisions of the proposed substitute and my objections. The proposed substitute reads as follows in section 1—

Mr. MARSH. Whose substitute?

Mr. RAY. I am reading from the substitute that is to be offered by the gentleman from Kansas [Mr. BRODERICK]. The proposed substitute of the gentleman from Texas [Mr. BAILEY] reads precisely the same, so far as this section is concerned.

Mr. DINGLEY. It is the George bill?

Mr. RAY. It is the George bill:

That if any debtor owing \$200 or more who is unable to pay his debts shall execute an assignment or cession of his property—

Mr. TAWNEY. The wording of the proposed amendment is: Insolvent and unable to pay his debts.

Mr. RAY (reading):

That if any debtor owing \$200 or more who is unable to pay his debts shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for.

Now, what does this proposition do? In order for any debtor to obtain the benefit of the proposed substitute, if enacted into law, he must make an assignment valid, first, according to the law of the State in which he resides; second, it must be valid according to the law of any other State in which he has property; and third, it must be valid under the laws of the United States of America.

A MEMBER. That is all right.

Mr. RAY. The gentleman says it is all right. No lawyer would ever say that. Any lawyer knows, and the ordinary lay mind knows, that the assignment laws of the different States vary. They are not in harmony. Therefore, if you undertake to get the benefit of this law you would have to make an assignment valid under the laws of several different States. It might be two, three, or ten different States. Your assignment would conflict with itself. Then it would have to be valid under the law of the United States. It must be valid under two or more conflicting laws. There is not a lawyer in the United States of America who could draw up such an assignment and make it valid under the laws of two or more States and also under the laws of the United States.

Then the next section proceeds to declare that—

The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated.

Therefore, if a man has property in two or more States, the property in one State must be administered according to the law of that State—

Mr. TAWNEY. There is no provision of that kind in the Senate substitute.

Mr. RAY. If the debtor has any property in another State, then it must be administered in that State under the law of that State; so that you have the estate of the bankrupt being administered by the State courts of two or more States; and if you would apply for a discharge, then you must apply in the United States court.

Mr. TAWNEY. The gentleman's argument might be applicable to the substitute proposed by the gentleman from Texas [Mr. BAILEY], but it is not applicable to the Senate substitute, because there is no provision of that kind in it.

Mr. RAY. It is applicable to the Senate substitute, because I have the Senate substitute before me at this moment.

Mr. TAWNEY. Read that part of it.

Mr. RAY. It requires that the property shall be administered in that way.

Mr. TAWNEY. In what part of it?

Mr. RAY. I have only five minutes, and my time is going.

Mr. TAWNEY. You can not find it in the Senate substitute.

Mr. RAY. There is no question about it. It reads in that way. Now, if you should undertake to proceed in that way, the estate of any ordinary debtor would be eaten up in litigation, first, in the various State courts; secondly, in the United States court. The alleged bankrupt would have to travel from one court to another. The creditors of the bankrupt would be traveling to the State courts, it might be, in two or three or more States, and also to the United States court. That condition would be especially applicable to debtors in the city of Chicago, the city of Cincinnati, the cities of New York and Boston, and other great cities. The proposed substitute has been declared unconstitutional by many great lawyers. There are other objections I can not refer to, but the same were set forth by me in my remarks closing general debate on this bill.

Mr. HENDERSON. Mr. Chairman, after having said as much as I have at different times during this debate, trying to say as little as possible consistent with my duty to the committee, I want to say briefly that the propositions which will be submitted under the arrangement that was made have practically been adjudicated in the committee. I do not want any of us, when we get into the House, to misunderstand the situation. With some trifling changes, we shall be facing again the battle which has been fought this morning, and the attempt will be made, by the introduction of a whole bill, to accomplish what failed of accomplishment when we voted down the Stone amendment and the Broderick amendment this morning.

Now, that is all I want to say about that. I think we have pretty clearly expressed the judgment of the committee as to how they feel in respect to this matter. We have yielded at several important points in the effort to get the real judgment of this committee in respect to a bankruptcy bill, and I want to thank the committee for the good spirit that has prevailed on both sides of this question and on both sides of this Chamber.

There has been no crimination; personal abuse has been avoided and the whole discussion for five days carried on in the domain where manhood should always be found, instead of being degraded to the low level of abuse. I want to express another thought, as I see I have the time. Of the committee that has reported this bill, 17 in number, 6 of them are from the West, 8 from the South, and only 3 from the East. It is not sectional; and, as has been developed in the debate, 4 only are against the bill with the voluntary and involuntary provisions we are about to report back to the House. Of the number opposed, 3 of them were from the South and 1 from the West. So you will see that there is no sectionalism at all in the element that brought the bill before this House committee, but it represents in its report every section of the country, and it has been my highest ambition to bring this bill far away from any sectional or partisan standpoint.

Mr. Chairman, the hour having arrived, under the order of the House the committee will rise.

The CHAIRMAN. The hour fixed under the order of the House having arrived, the committee will now rise and report the bill to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcy throughout the United States, and, under the order of the House, he reported the same back to the House with sundry amendments, with the recommendation that the amendments be adopted and the bill as amended be passed.

The SPEAKER. The question is on the amendments.

Mr. BRODERICK. Mr. Speaker—

Mr. HENDERSON. Let us dispose of the other amendments.

Mr. BRODERICK. If we can have the understanding that the two substitutes may be offered. I desire to offer a substitute.

The SPEAKER. The Chair will suggest that the amendments recommended by the committee have not been agreed to.

Mr. HENDERSON. I ask that the amendments be agreed to first before we take up the substitute.

Mr. BAILEY and Mr. BRODERICK. That is agreeable.

The SPEAKER. The substitute can be read and be pending, and then the vote will be taken on the amendments first. The Clerk will report the substitute.

Mr. BAILEY. Mr. Speaker, if the gentleman from Kansas will permit me, I desire to say—

The SPEAKER. The amendments have not been agreed to in the House.

Mr. HENDERSON. I thought that they were agreed to by unanimous consent.

The SPEAKER. That has not been done. But that course can be pursued, if there is no objection.

Mr. HENDERSON. I ask unanimous consent that the amendments agreed to by the committee be agreed to.

The SPEAKER. Without objection, they will be considered as agreed to.

Mr. FAIRCHILD. Mr. Speaker, one of those amendments, added on page 7, provided that not less than three creditors should sign a petition. There is on page 51 a clause "then one of such creditors" can sign. Now, I ask unanimous consent that the words "or if all of the creditors of such person are less than 12 in number, then one of such creditors" be stricken out, in order to conform it to the amendment which has been carried.

Mr. HENDERSON. What page is that?

The SPEAKER. The gentleman will please reduce his amendment to writing.

Mr. FAIRCHILD. It is to change "one" to "three," in line 8.

Mr. HENDERSON. There is no objection to that. I think it ought to be done, in view of the other amendment agreed to in committee.

There was no objection, and it was so ordered.

There being no objection, the other amendments were agreed to.

The SPEAKER. The question is now on the substitute offered by the gentleman from Kansas.

Mr. BAILEY. Mr. Speaker, if the gentleman from Kansas will permit, I desire a vote of the House on my substitute first, and I desire to vote for his substitute if mine should be voted down. I therefore desire to offer this substitute first and take a vote on it.

The SPEAKER. That is the understanding. A vote will be taken first on the substitute offered by the gentleman from Texas.

Mr. HENDERSON. Mr. Speaker, I did not understand what the gentleman from Texas said, and I would like for him to repeat his statement.

The SPEAKER. The gentleman from Texas said that his substitute should be voted on first.

Mr. HENDERSON. You have not abandoned that?

Mr. BAILEY. No.

Mr. HENDERSON. All right.

The SPEAKER. Then the Chair will carry out the understanding.

Mr. WILLIAM A. STONE. A parliamentary inquiry, Mr. Speaker. I desire to make a motion to recommit this bill. Will I have that opportunity after the third reading?

The SPEAKER. That will come up after the third reading.

Mr. HENDERSON. On the final passage of the bill.

Mr. BAILEY. I ask unanimous consent to dispense with the reading of the substitute.

Mr. DINGLEY. It has been printed.

Mr. HENDERSON. I hope that leave will be granted.

Mr. BAILEY. The bill has been printed, and I take it that if any gentleman is willing to vote for a voluntary bankruptcy bill he will be willing to vote for this.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

The substitute offered by Mr. BAILEY is as follows:

A bill (H. R. 8234) to establish a uniform system of bankruptcy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any insolvent debtor, not a corporation, shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia in which he may reside, or if he have property in any other jurisdiction, then as to such property valid according to the laws thereof, and also in accordance with the provisions of this act, it shall have the effect hereinafter provided for.

SEC. 2. That such assignment shall convey, subject to all valid liens, all of the estate of the debtor, except such as is exempt by the law of his domicile from execution or seizure for his debts, and shall be for the equal benefit of all his creditors, except with the preferences hereinafter allowed. The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act.

SEC. 3. That such assignment may contain the following preferences, namely: Debts due to the United States, or to any State or Territory, or the District of Columbia, in which any of the property of the debtor is situated, and debts due to the servants or laborers of the debtor for labor performed or services rendered within six months next preceding the execution thereof.

SEC. 4. That said assignment or cession shall be duly filed or recorded in the manner and in the offices where mortgages and deeds in trust on said property are by law required to be filed or recorded, and the original or a copy thereof, accompanied by a list of the names and residences of all his creditors, and the amount due each, together with a schedule of his property, exempt and unexempt, and a statement of all liens or other incumbrances thereon, all of which shall be verified by the oath of the debtor to be correct,

shall, within sixty days from the date of its execution, be filed in the court in which the petition of the debtor is hereinafter required to be filed.

SEC. 5. That any such debtor, within the period of four calendar months from the date of the execution of the assignment, may file his petition in the district court of the United States for the district or the division thereof in which he resides; or, if he be a resident of the District of Columbia, then in the supreme court of the said District; or, if he be a resident of a Territory, then in the district court of such Territory for the district or the division thereof in which he resides, alleging his insolvency and asking for a discharge from his debts. But the petition shall not be filed in any court unless the debtor has been a bona fide resident of said district or division at least six calendar months immediately preceding the making of the assignment, and the petitioner shall deposit with the clerk of the court upon filing his petition \$20 for costs.

SEC. 6. That the creditors of the petitioner shall be made parties defendant, and the judge shall, upon the filing of the petition, or as soon thereafter as practicable, make an order declaring the petitioner a bankrupt, and fixing a time and place for the hearing thereof, which time shall be not less than ninety days nor more than six calendar months subsequent to the date of the order; and a copy of such order shall be duly served on each of the creditors named in the list of creditors in the manner following: The service of notice of said order shall be made by mailing a copy of the order to each creditor, directed to the post-office nearest to his residence or place of business or to the post-office at which he is accustomed to receive his letters. The notice shall be mailed within thirty days from the date of said order, by the clerk of the court, and the petitioner shall pay to the clerk for mailing the notice 25 cents for each notice. The said order shall also be published once a week for four consecutive weeks in one or more newspapers to be designated by the court, due regard being had to the general circulation of the same in that portion of the district in which the bankrupt and his creditors reside. The first publication shall be within thirty days from the date of said order, and if the publication of notice shall appear to be irregular the court may order a new publication for such time as the court may decide and appoint another day for the hearing. But publication in a newspaper shall be dispensed with unless it can be made for such cost as the court shall decide to be reasonable.

SEC. 7. That the creditors or any of them may appear and answer said petition on the day named in the order of publication; and if no answer be filed on that day the petitioner shall have a right to an order of discharge from his debts; or, if an answer is filed and upon the hearing it shall appear that the debtor did make an assignment as authorized by this act, and that the same contained a full and complete conveyance of all his unexempt property, and that within three months before the passage of this act no creditor of such debtor had been preferred in any manner except as authorized by this act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent pro rata distribution of his estate among his creditors or to give one creditor an advantage over another, or to defraud his creditors, and that no attachment has been levied upon the property of such debtor within three months before the passage of this bill, the court shall order and adjudge that such debtor be forever discharged from the payment of the debts mentioned and set forth in the list accompanying his petition; and such order and adjudication shall be a full, complete, and final discharge of such debtor from the payment of said debts: *Provided, however,* That if within sixty days after the levy of an attachment the debtor shall execute an assignment or cession of his property and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act: *And provided further,* That the discharge of a debtor from his debts shall not include any debt or obligation which shall have been created in consequence of his defalcation as a public officer, as an executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity; nor any debt or obligation created by the obtaining of money or property under false pretenses. But this exclusion of said debts from the discharge shall take place only when said debts shall be ascertained in the decree of discharge and by the court directed to be so excluded. If the petitioner shall be discharged, property acquired by him, after the filing of the assignment or a copy thereof in the clerk's office of the court of bankruptcy, shall not be liable for his debts created before that time, nor shall any debt created by him after such filing be barred by such discharge.

SEC. 8. That any insolvent debtor who has no property besides what is exempt by law from execution and liability for his debts, may, without making any assignment as provided for in this act, file his petition in the court for the district or division thereof of which he has been a bona fide resident for six months immediately preceding the filing of his petition, alleging his insolvency and that he has no property except his exemptions, and asking for a discharge from his debts as herein provided for, accompanying the same with a list of his creditors; and thereupon the court shall take such proceedings as are provided for in this act for cases where there is an assignment, so far as the same may be applicable. In this case the filing of the petition shall have the operation provided for in the last clause of section 7 as to discharge from debts and the acquisition of property.

SEC. 9. That partners may jointly make an assignment as provided for in this act for separate and single debtors, but in such case the assignment shall contain a separate list and schedule of the partnership, and separate creditors and property; and the preferences allowed by this act shall be for partnership creditors out of the partnership property, and for separate creditors out of the separate assets of the partner giving the preference; and the separate and partnership debts shall be provided for in the assignment in the same way. The petition shall be filed in the district or the division thereof in which the partnership business was carried on up to a period of six calendar months prior to the assignment. If the business has not been so carried on within said period, then in the district or division thereof where all the partners reside, one of whom at least having resided there for six months prior to the assignment; and if they do not all reside in that district or division, then in the district or division in which a majority of them shall reside; or if a greater number do not reside in the same district or division, then in the district or division in which any one of them resides; but in all cases the residence required must be for six calendar months preceding the making of the assignment. If one or more of the partners be deceased, then the survivor or survivors may proceed as in this section provided, but in that case the legal representatives of the deceased shall have such notice as the court may direct.

SEC. 10. That if some of the partners are unwilling to join in such assignment and petition for discharge, then any of them may separately make an assignment of his separate property and file his petition as is hereinbefore provided for; and in the assignment shall include in general terms, with his separate property, his interest in the partnership property after the partnership debts are paid, and the names and residences of his other partners, specifying those in whose possession and control the assets of the partnership or any part of them may be, and such partners shall have such notice of filing the petition as the court may direct. He shall file with his assignment also a list of the partnership creditors and the amount due each, all of whom

shall have notice as in other cases of proceedings under this act. The separate property assigned shall first be applied to the separate debts, and the remainder, if any, to the partnership debts.

SEC. 11. That the court, on the hearing of the petition, or as soon afterwards as practicable, shall ascertain whether the partnership property is sufficient to pay the partnership debts. If it be found sufficient, the court shall so adjudge and order the separate property of the debtor to be distributed among his separate creditors; and if found more than sufficient, the court may direct a sale, on such terms as the court may prescribe, of the debtor's interest in the said partnership, and order the distribution of the funds arising from such sale among his separate creditors. But in both these cases the court shall make no further order interfering with said partnership estate. If the partnership property be found insufficient to pay the partnership debts, the court shall make such orders as may be deemed equitable and just to convert said property into money and to wind up the affairs of said partnership and distribute the assets among the partnership creditors. The court shall direct said winding up to be done by one or more of the partners not petitioning for a discharge and designated by the court for that purpose, and shall hold said partner or partners so designated accountable to the court as a receiver, giving to him or them all the powers of collecting and distributing said partnership estate as is necessary therefor, and as might be properly vested in a receiver. But if the court shall deem all of said nonpetitioning partners for any cause unfit for designation for such purpose, or if all of them deemed by the court fit to discharge that duty shall refuse to accept it, then the court shall appoint a receiver with full powers to take charge of said partnership estate and wind it up. And the court shall, in case of insolvency of the partnership estate, make all necessary orders and decrees, not inconsistent with the provisions of this act, as may be consonant to the rules of equity, in reference to said estate, as in cases of a dissolution of said partnership and a distribution of the assets by decree of a court of equity.

SEC. 12. That the district courts of the United States in the several States, the supreme court of the District of Columbia, and the district courts of the several Territories are hereby made courts of bankruptcy, with full jurisdiction, both at common law and in equity, to carry out this act and to try and determine all suits and controversies necessary to a full execution thereof. The said courts, for the exercise of the jurisdiction conferred by this act, shall be considered as always open, and the judges of the several courts may exercise in chambers any jurisdiction conferred on the said courts by this act, and the said courts of bankruptcy shall have power to make all proper rules not inconsistent with this act for the exercise of the jurisdiction vested in them by this act.

SEC. 13. That the court shall have power to appoint a sufficient number of auditors to transact such business as may be committed to them under this act. The auditors shall have power to administer oaths, state accounts, and, under orders of the court, examine witnesses, and perform such other duties not of a judicial character as may be prescribed by the rules of the court. The fees of the auditor shall be fixed by the court, but in no case shall any fee exceed the sum fixed by the laws of the State in which he holds his office for similar services rendered by State officials.

SEC. 14. That all oaths required to be administered in any proceeding under this act may be taken before and certified by any officer of the State in which they are taken authorized by the laws thereof to administer oaths.

SEC. 15. That there shall be kept at each place at which said courts of bankruptcy may be held, by the clerk thereof, a docket, in which shall be entered the filing of each petition and schedule and list and other papers, and a short statement of every order or decree of the court and of the auditors in that case, and a copy of the decree of the court granting or refusing a discharge; and such entries on the docket, together with the papers filed, shall constitute the record in such case. The cost of such docket shall be paid for as other record books and dockets of the district courts are paid for. The fees of the clerk, when not otherwise specified in this act, shall be fixed by the court, but shall not exceed the sum of \$5 for service in any case of bankruptcy.

SEC. 16. That this act shall not be construed to annul or suspend the laws of any State now in force or hereafter passed for the relief of insolvent debtors or the distribution of their estates, except so far as the same may be in conflict with the provisions hereof; and that all proceedings under the insolvent laws of any State actually commenced and pending at the date of the passage of this act may proceed to final determination in the State courts. And involuntary proceedings against a debtor under the insolvent laws of any State, which may be commenced after the passage of this act and before the filing of the petition of such debtor under this act to be declared a bankrupt, may also be prosecuted to final determination in the State courts, and the assets of the debtor shall be distributed by said State court. But where such insolvent proceedings shall be pending when this act is passed, or properly commenced afterwards, the debtor may, upon proper proceedings in the proper court of the United States, be discharged from his debts if he would be entitled to such discharge in case he had proceeded properly under this act before any such proceedings had been commenced against him. And the courts of bankruptcy shall make rules for the conduct of such proceedings whereby the insolvent shall proceed to secure a discharge if entitled to it.

SEC. 17. That this act shall continue in force two years and no longer, except as to all proceedings commenced under it within that time, and as to them shall continue in full force and effect until they are finally disposed of.

The SPEAKER. The question will first be taken on agreeing to the substitute offered by the gentleman from Texas.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. BAILEY. Division, Mr. Speaker.

The House divided; and there were—ayes 88, noes 120.

Mr. BAILEY. Mr. Speaker, I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Forty gentlemen have arisen in support of the demand for the yeas and nays; not a sufficient number, and the yeas and nays are refused. On this question the yeas are 88, the noes are 120; and the substitute is rejected. The next question is on the substitute offered by the gentleman from Kansas, which the Clerk will report.

The Clerk proceeded to read the substitute.

Mr. BRODERICK (during the reading). Mr. Speaker, it seems to be generally understood that this is the bill which has been examined and reported by the Senate committee, and I suggest—

Mr. HENDERSON. That must not be done. The Senate committee is not for this bill. I do not want that statement to go out.

Mr. BRODERICK. The bill was reported from that committee.

Mr. HENDERSON. Make your request, but make no argument.

Mr. BRODERICK. I simply wanted to say, Mr. Speaker, that this is the bill which was examined and reported by the Senate committee, with some amendments made here in the House, and as the bill is well understood by members generally, I am willing to waive the reading of it with the understanding that it shall be printed in full in the RECORD.

Mr. TAWNEY. In view of the fact that it is generally understood that this is a purely voluntary bankruptcy act, I suggest that the gentleman ask that sections 17 and 18, relating to involuntary bankruptcy, be read.

Mr. BRODERICK. Very well. They are the two last sections.

The SPEAKER. The Chair would suggest that no request has yet been made to dispense with the reading of the bill.

Mr. BRODERICK. I ask unanimous consent to dispense with the reading of the bill, except sections 17 and 18, and that the whole bill be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. RAY. I will not object to that, Mr. Speaker, provided I can make the simple statement that—

Mr. BRODERICK. I do not care whether the gentleman assents or not. If he wants to object, let him object. I make the request.

Mr. RAY. Will the gentleman listen?

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. RAY. I will not object.

The SPEAKER (after a pause). The Chair hears no objection. The Clerk will read sections 17 and 18 of the proposed substitute. The Clerk read the sections indicated, as embodied in the bill which is here printed in full.

That if any debtor owing \$300 or more who is unable to pay his debts shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for. Said assignment or cession shall be duly filed or recorded in the manner and in the offices wherein mortgages and deeds in trust on said property are by law required to be filed or recorded; and the original or a copy thereof shall, within thirty days from the date of its execution, be filed in the office of the court in which the petition of the debtor is hereinafter required to be filed.

SEC. 2. That such assignment shall convey all of the estate of the debtor, except such as is exempt by the law of his domicile from execution and liability for his debts, and shall be for the equal benefit of all his creditors, subject to all valid liens, except with the preference hereinafter allowed. It shall contain a list of the names and residences of all his creditors, and a schedule of his property exempt and unexempt from execution or seizure for his debts, and the amount due to each creditor, and a statement of the liens or other incumbrances upon his property, all of which shall be verified by the oath of the debtor to be correct, as near as he can make them.

Said assignment shall also contain a provision conveying all his unexempt property, though not specified in said schedule, and shall provide for all his creditors, whether named in the list or not; and the omission of any property or creditor from said list or schedule, or any misstatement as to liens and incumbrances, shall have no effect against the debtor's rights under this act, unless the same be fraudulent; but a creditor whose name has not been returned to the court prior to the decree of discharge of the debtor shall not be bound by such discharge. The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act.

SEC. 3. That such assignment shall contain the following preferences, namely: Debts due to the United States, or to any State or Territory, and the District of Columbia, in which any of the property of the debtor is situated, and debts due to the servants or laborers of the debtor for labor performed or services rendered within one year. Also, if the debtor be the head of a family, he may prefer a debt which is a lien or incumbrance on his homestead; but no more than \$1,000 shall be used for that purpose.

SEC. 4. That the fees to be allowed by said assignment to the trustee or trustees, or the person managing the estate, shall not exceed in any case the amount allowed by the laws of the State in which the debtor is domiciled to executors or administrators for the settling of the decedent's estate in their charge; and should any trustee or other person named in said assignment or by a competent court as manager of the said estate be removed or resign so that it shall be necessary to appoint another person in his stead, then the fees and allowances shall be divided between them, so that not more than the maximum allowable to one shall be allowed to all: *Provided*, That the fees, including the fees of the assignee, receiver, or trustee authorized by this act, and all other expenses necessarily incurred in the administration of the estate of the debtor and approved by the court, shall be first paid out of the proceeds of the property of said debtor.

SEC. 5. That any such debtor, within the period of thirty days from the date of the execution of the assignment, may file his petition in the district court of the United States for the district or the division thereof in which he resides; or if he be a resident of the District of Columbia, then in the supreme court of the said District; or if he be a resident of a Territory, then in the district court of such Territory of the district in which he resides, asking for a discharge from his debts; but the petition shall not be filed in any court unless the debtor has resided in said district or division at least six calendar months immediately preceding the making of the assignment. The petition shall state the debtor's inability to pay his debts and contain a prayer for a discharge from the debts of the petitioner and an averment that the list and schedule filed in the court are correct as therein amended, and shall be verified by the oath of the petitioner. It shall also contain a schedule and list of any other property or creditors which he may have since the

making of the assignment discovered or remembered; and said petitioner may, from time to time, prior to his discharge, amend and correct said list and schedule of property and creditors, so that the same shall conform to the facts. And he shall deposit with his petition for costs such sum as the court may direct, not exceeding \$20.

SEC. 6. That the creditors of the petitioner shall be made parties defendant, and the judge shall, on filing the petition, or as soon thereafter as practicable, make an order declaring the petitioner a bankrupt, and fixing a time and place for the hearing thereof, and directing notice to be given, which time shall not be less than ninety days nor more than six calendar months subsequent to the date of the order, and a copy of such order shall be duly served on each of the creditors named in the list of creditors or otherwise made known to the court, in the manner following: The service of notice of said order shall be made by mailing a copy of the order to each creditor, directed to the post-office nearest to his residence or place of business or to the post-office at which he is accustomed to receive his letters. The notice shall be mailed within thirty days from the date of the order by the clerk of the court, and the petitioner shall pay to the clerk for mailing the notice such reasonable sum as the court may allow, not exceeding 25 cents for each notice. The said order shall also be published once a week for four consecutive weeks in one or more newspapers to be designated by the court, due regard being had to the general circulation of the same in that portion of the district in which the bankrupt and his creditors reside. The first publication shall be within thirty days from the date of said order. If the publication of notice shall appear to be irregular the court may order a new publication for such time as the court may decide and appoint another day for the hearing. But publication in a newspaper shall be dispensed with unless it can be made for such cost as the court shall decide to be reasonable.

SEC. 7. That the creditors, or any of them, may appear and answer said petition on the day named in the order of publication, and if no answer be filed on that day the petitioner shall have a right to an order of discharge from his debts. The answer may contest the petitioner's right to a discharge on the following grounds, and no other:

First. That the debtor has intentionally concealed some of his property by omitting the same from his schedule or assignment, and has also intentionally failed to correct said omission as hereinbefore provided for, or has intentionally refused to give information which may aid and assist in recovering any property which ought to be subject to the payment of his debts.

Second. That he has, since the date of three calendar months prior to the passage of this act, conveyed or assigned or concealed his property, or some part of it, or given or suffered a lien or incumbrance thereon, which assignment, conveyance, concealment, lien, or incumbrance was contrived and devised with the actual intent and purpose to defraud his creditors, in which intent the debtor participated.

Third. That the debtor, being a banker, broker, merchant, trader, manufacturer, or miner, in addition to the foregoing grounds, shall be refused a discharge if, since said date, he, being at the time insolvent, has given any preference to creditors other than such as are allowed to be preferred in the assignment as provided in section 3 of this act, or since said date has, with intent to give such prohibited preference, created or suffered any lien on his property by attachment, judgment, or otherwise. Should a discharge be refused, the same proceedings shall be had in the administration and distribution of the bankrupt's estate as if he were discharged.

SEC. 8. That all preferences by any merchant, broker, banker, trader, manufacturer, or miner given or suffered after the passage of this act and within four months prior to the assignment by the petitioner, he being then insolvent, other than such preferences to creditors as are herein allowed, are hereby made illegal and void as against the creditors of any debtor who shall make an assignment and file his petition under the provisions of this act; and all the money or other property which may have been given or transferred in such prohibited preferences shall be and remain a part of the assets of the said petitioner and shall pass under the general clause conveying all the debtor's unexempt property by this act required to be inserted in said assignment; and all conveyances or transfers of property made at any time by any petitioner, which by the laws of the State or Territory in which the property is situated are illegal and void or voidable by creditors, or if the transfer be of money, then void or voidable by the law of the State or Territory in which the debtor resides, and all liens or other interest in said property which are prohibited by the laws of a State or Territory wherein it is situated shall be held for all the purposes of this act to be void or voidable by creditors and the property to have passed under said assignment; and it shall be distributed as other property conveyed in the same; and full recovery may be had of the said property so assigned or encumbered within the period allowed by the laws of the State or Territory in which it is situated, or if the property be money, then within the time allowed by the laws of the State or Territory where the receiver resides, and suits in behalf of the creditors for such recovery may be brought by the trustee or other manager of the assignment.

SEC. 9. That if on the hearing of the petition it shall appear that the assignment provided for in the first and second sections of this act has been duly made and filed and recorded as herein provided for, and no valid objection has been presented against a discharge, or, being presented, the same is not sustained by proof, then it shall be the duty of the court to grant to the petitioner a discharge from all his debts to the persons mentioned in his petition, or afterwards disclosed to the court, except the debts excluded by section 10 of this act. But said discharge shall not have the effect in any court to prevent a recovery, by proper proceedings against the property and the persons claiming and possessing the same, of any property which had been prior to the discharge fraudulently or illegally assigned or concealed or encumbered by such debtor, or omitted from his schedule, within such limitation as to time for bringing such suits as is fixed by the laws of the State in which the property is situated. The declaration of the petitioner as a bankrupt shall have the effect, in all courts in which proceedings may be had to subject such property to the payment of the bankrupt's debts, of dispensing with a judgment against the bankrupt as a prerequisite to such proceedings.

SEC. 10. That the discharge of the debtor from his debts shall not include any debt or obligation which shall have been created in consequence of his defalcation as a public officer, or as an executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity; nor any debt or obligation to any surety of the debtor who has paid or may pay any such fiduciary debt or any part of it; nor any debt or obligation created by the obtaining of money or property under false pretenses. But this exclusion of said debts from the discharge shall take place only when said debts shall be ascertained in the decree of discharge and by the court directed to be so excluded. If the petitioner shall be discharged, property acquired by him after the filing of the assignment or a copy thereof in the clerk's office of the court of bankruptcy, shall not be liable for his debts created before that time, nor shall any debt created by him after such filing be barred by such discharge.

SEC. 11. That the district courts of the United States in the several States, the supreme court of the District of Columbia, and the district courts of the several Territories are hereby made courts of bankruptcy, with full jurisdiction, both at common law and in equity, to carry out this act and to try

and determine all suits and controversies necessary to a full execution thereof; and said courts shall have also full power to cause said petitioner or bankrupt, his wife, or either of them, to be examined under oath touching any charge of concealment or illegal transfer of any property of said bankrupt and to issue a writ of ne exeat against the bankrupt to continue in force so long as it may be necessary to have such examination. The said courts, for the exercise of every jurisdiction conferred by this act, shall be considered as always open, and the judges of the said several courts may exercise in chambers any jurisdiction conferred on said courts by this act. But the said courts shall not interfere with, in any manner, the administration of the bankrupt's estate by the trustee or trustees or other manager mentioned in the assignment or appointed according to law unless it shall be made to appear to the said court that said trustee or trustees or manager is mismanaging the said estate or the said trustee or manager shall by petition ask the court for directions as to such management. The court shall also have full jurisdiction to enjoin or otherwise manage or control all suits or actions pending against the bankrupt at the time of filing his assignment in the clerk's office of the court of bankruptcy, as hereinbefore required, and to manage and control all suits or actions pending at that time in his favor, and to cause the same to be prosecuted or defended by the trustee or manager of said assignment, and to make all necessary orders and decrees to secure a proper distribution of the assets according to law.

SEC. 12. That partners may jointly make an assignment as provided for in this act for separate and single debtors, but in such case the assignment shall contain a separate list and schedule of the partnership, and separate creditors and property; and the preferences allowed by this act shall be for partnership creditors out of the partnership property, and for separate creditors out of the separate assets of the partner giving the preference; and the separate and partnership debts shall be provided for in the assignment in the same way. The petition shall be filed in the district or the division thereof in which the partnership business was carried on, up to a period of six calendar months prior to the assignment. If the business has not been so carried on within said period, then in the district or division thereof where all the partners reside, one of whom at least having resided there for six months prior to the assignment; and if they do not all reside in that district or division, then in the district or division in which a majority of them shall reside, or if a greater number do not reside in the same district or division, then in the district or division in which any one of them resides; but in all cases the residence required must be for six calendar months preceding the making of the assignment. If one or more of the partners be deceased, then the survivor or survivors may proceed as in this section provided, but in that case the legal representatives of the deceased shall have such notice as the court may direct.

SEC. 13. That if some of the partners are unwilling to join in such assignment and petition for discharge, then any of them may separately make an assignment of his separate property and file his petition as is hereinbefore provided for; and in the assignment shall include in general terms, with his separate property, his interest in the partnership property after the partnership debts are paid, and the names and residences of his other partners, specifying those in whose possession and control the assets of the partnership or any part of them may be, and such partners shall have such notice of filing the petition as the court may direct. He shall file with his assignment also a list of the partnership creditors and the amount due each, all of whom shall have notice as in other cases of proceedings under this act. The separate property assigned shall first be applied to the separate debts and the remainder, if any, to the partnership debts.

SEC. 14. That the court, on the hearing of the petition, or as soon afterwards as practicable, shall ascertain whether the partnership property is sufficient to pay the partnership debts. If it be found sufficient, the court shall so adjudge and order the separate property of the debtor to be distributed among his separate creditors; and if found more than sufficient, the court may direct a sale, on such terms as the court may prescribe, of the debtor's interest in the said partnership, and order the distribution of the funds arising from such sale among his separate creditors. But in both these cases the court shall make no further order interfering with said partnership estate. If the partnership property be found insufficient to pay the partnership debts, the court shall make such orders as may be deemed equitable and just to convert said property into money and to wind up the affairs of said partnership and distribute the assets among the partnership creditors. The court shall direct said winding up to be done by one or more of the partners not petitioning for a discharge and designated by the court for that purpose, and shall hold said partner or partners so designated accountable to the court as a receiver, giving to him or them all the powers of collecting and distributing said partnership estate as is necessary therefor and as might be properly vested in a receiver. But if the court shall deem all of said nonpetitioning partners for any cause unfit for designation for such purpose, or if all of them deemed by the court fit to discharge that duty shall refuse to accept it, then the court shall appoint a receiver with full powers to take charge of said partnership estate and wind it up. And the court shall, in case of insolvency of the partnership estate, make all necessary orders and decrees, not inconsistent with the provisions of this act, as may be consonant to the rules of equity, in reference to said estate, as in cases of a dissolution of said partnership and a distribution of the assets by decree of a court of equity.

SEC. 15. That the said courts of bankruptcy shall have power to make all proper rules not inconsistent with this act for the exercise of the jurisdiction vested in them by this act.

SEC. 16. That any person who is unable to pay his debts and owes \$200 or more and who has no property besides what is exempt by law from execution and liability for his debts may, without making any assignment as provided for in this act, file his petition in the court for the district or division thereof in which he has resided for six months previously for a discharge from his debts as herein provided for, accompanying the same with a list of creditors, and thereupon the court shall take such proceedings as are provided for in this act for cases where there is an assignment, so far as the same may be applicable. In this case the filing of the petition shall have the operation provided for in the last clause of section 10 as to discharge from debts and the acquisition of property.

SEC. 17. That where any debtor, who, being a banker, broker, merchant, trader, or manufacturer, owing \$500, and who is unable to pay his debts, shall make any assignment, transfer, or conveyance of his property, real or personal, or any part thereof, or give or suffer any lien or incumbrance on the same, contrived or devised with the actual intent on his part to make a preference or to defraud his creditors, or any of them, such act when found and ascertained as hereinafter provided shall be deemed an act of bankruptcy; and a creditor or creditors having debts against said bankrupt to the amount of \$500 may file a petition against said fraudulent debtor in the court of bankruptcy of the district in which said debtor may reside, alleging such fraudulent acts of bankruptcy. The debtor shall have such reasonable notice of the filing of said petition as the court shall prescribe; and on the day fixed by the court, if the debtor shall answer, denying the facts alleged in the petition, the said court shall hear the parties and the evidence, and if it shall be proven to the satisfaction of the court that such actual fraud was committed with the fraudulent intent and purpose aforesaid, and that the said debtor

was at the time of committing said act without sufficient property to pay his debts, or if the debtor shall fail to answer, the said court shall adjudge him to be a bankrupt; and if not so satisfied the court shall dismiss said petition with costs to the defendant.

Either party may demand that said issues shall be tried by a jury under the direction of the court as in other cases at common law.

If the debtor shall be adjudged a bankrupt as aforesaid, then the court shall take such other proceedings by the appointment of an assignee or receiver, and by such other and further orders as may be necessary to recover said property and all other property so found to be fraudulently transferred or conveyed, together with all other property belonging to said bankrupt, not exempt by law from seizure to pay his debts, and to distribute the same among his creditors, excluding from any participation therein the person or persons for whose benefit said conveyance, assignment, lien, or incumbrance was made or suffered, if such person had actual notice of the fraud of the debtor aforesaid.

Said petition shall not be filed unless within four months next after the commission of said act of bankruptcy.

All the other provisions of this act so far as the same may be applicable shall apply to proceedings under this section.

SEC. 18. That this act shall not be construed to repeal, annul, or suspend the laws of any State or Territory now in force, or which may hereafter be enacted for the compulsory distribution of an insolvent's estate among his creditors; nor to interfere with proceedings under said laws for that purpose which shall have been commenced prior to the filing of the petition as hereinbefore provided; and said petitioner shall not be permitted to dismiss his petition after filing the same without the consent of the court; but the jurisdiction of the court shall continue and remain after such filing for the purpose of recovering all property liable to the petitioner's debts and distributing the same among creditors, until full and complete distribution shall be had: *Provided*, The court may, if it shall deem the ends of justice will be subserved thereby, with consent of two-thirds of the creditors in amount and number, authorize a dismissal of said proceedings.

SEC. 19. That the court shall have power to appoint a sufficient number of auditors to transact such business as may be committed to them under this act. The auditors shall have power to administer oaths, state accounts, and under orders of the court examine witnesses, and perform such other duties, not of a judicial character, as may be prescribed by the rules of the court. The auditors shall also have power to make the necessary orders declaring the petitioner a bankrupt, and for serving notice of filing the petition of bankruptcy and for fixing the day at which a hearing on the petition shall be had. The fees of the auditor shall be fixed by the court, but in no case shall any fee exceed the sum fixed by the laws of the State in which he holds his office for similar services rendered by State officials.

SEC. 20. That all oaths required to be administered in any proceeding under this act may be taken before and certified by any officer of the State in which they are taken, authorized by the laws thereof to administer oaths.

SEC. 21. That there shall be kept at each place at which said courts of bankruptcy may be held, by the clerk thereof, a docket, in which shall be entered the filing of each petition and schedule and list and other papers, and a short statement of every order or decree of the court and of the auditors in that case, and copy of the decree granting or refusing a discharge; and such entries on the docket, together with the papers filed, shall constitute the record in such case. The cost of such docket shall be paid for as other record books and dockets of the district courts are paid for. The fees of the clerk, when not otherwise specified in this act, shall be fixed by the court, but shall not exceed the sum of \$1 for service in any case of bankruptcy.

SEC. 22. That this act shall continue in force three years and no longer, except as to all proceedings commenced under it within that time, and as to them shall continue in full force and effect until they are finally disposed of.

The question being taken on agreeing to the substitute, the Speaker declared that the yeas seemed to have it.

Mr. BRODERICK. I ask for the yeas and nays.

The yeas and nays were ordered, 53 members voting in favor thereof.

The question was taken; and there were—yeas 113, nays 129, not voting 113; as follows:

YEAS—112.

Abbott,	Curtis, Kans.	Lester,	Smith, Ill.
Allen, Miss.	De Armond,	Little,	Spencer,
Anderson,	Dinsmore,	Lockhart,	Stallings,
Andrews,	Dockery,	Maguire,	Steele,
Baker, Kans.	Dolliver,	Marsh,	Stokes,
Bartlett, Ga.	Doollittle,	McCleary, Minn.	Stone, W. A.
Bell, Colo.	Dovener,	McClure,	Strait,
Bell, Tex.	Downing,	McCreary, Ky.	Strode, Nebr.
Black, Ga.	Eddy,	McDearmon,	Strowd, N. C.
Blue,	Ellis,	McRae,	Sulloway,
Bowers,	Faris,	Meiklejohn,	Tawney,
Broderick,	Gamble,	Mercer,	Terry,
Buck,	Gardner,	Meyer,	Towne,
Burrell,	Graff,	Miller, Kans.	Tracewell,
Calderhead,	Hager,	Miller, W. Va.	Tracey,
Cannon,	Halmer, Nebr.	Millnes,	Treloar,
Catchings,	Hall,	Ogden,	Turner, Ga.
Clardy,	Hartman,	Otey,	Tyler,
Clarke, Ala.	Hepburn,	Owens,	Underwood,
Cockrell,	Hermann,	Patterson,	Updegraff,
Colson,	Hilborn,	Pendleton,	Walker, Va.
Cooper, Fla.	Hitt,	Pickler,	Watson, Ind.
Cooper, Tex.	Hubbard,	Pitney,	Wheeler,
Cooper, Wis.	Jones,	Richardson,	Williams,
Cousins,	Kem,	Russell, Ga.	Wilson, Idaho
Cox,	Kendall,	Sayers,	Wilson, Ohio
Crowley,	Kyle,	Shafroth,	Wood,
Crowther,	Latimer,	Shuford,	Yoakum.

NAYS—129.

Adams,	Brewster,	Connolly,	Erdman,
Apsley,	Brownwell,	Cook, Wis.	Evans,
Arnold, Pa.	Brown,	Corliss,	Fairchild,
Arnold, R. I.	Bull,	Culberson,	Fenton,
Atwood,	Burton, Mo.	Cummings,	Fischer,
Baker, N. H.	Burton, Ohio	Curtis, Iowa	Fitzgerald,
Barham,	Chickering,	Curtis, N. Y.	Fowler,
Barney,	Clark, Iowa	Daniels,	Gibson,
Bartholdt,	Clark, Mo.	Dayton,	Gillet, N. Y.
Bartlett, N. Y.	Cobb,	De Witt,	Gillett, Mass.
Bingham,	Coddling,	Dingley,	Griswold,
Bishop,	Coffin,	Elliott, S. C.	

Grosvenor,	Kulp,	Odell,	Southard,
Halterman,	Leisenring,	Otjen,	Spalding,
Hardy,	Leonard,	Overstreet,	Sperry,
Harmer,	Lewis,	Parker,	Stahle,
Harris,	Linney,	Payne,	Stewart, N. J.
Hart,	Long,	Perkins,	Stewart, Wis.
Henderson,	Low,	Phillips,	Strong,
Henry, Conn.	Mahon,	Poole,	Taft,
Hicks,	McCall, Mass.	Powers,	Talbert,
Hill,	McCall, Tenn.	Pugh,	Tate,
Hooker,	McClellan,	Quigg,	Taylor,
Howe,	McCormick,	Ray,	Van Horn,
Howell,	McCulloch,	Reyburn,	Van Voorhis,
Hulick,	McEwan,	Rusk,	Walsh,
Hunter,	McLachlan,	Russell, Conn.	Warner,
Jenkins,	Miles,	Sauerhering,	Watson, Ohio
Johnson, Cal.	Minor, Wis.	Scranton,	Wellington,
Joy,	Moody,	Shannon,	Wright.
Kerr,	Morse,	Sherman,	
Kirkpatrick,	Noonan,	Snover,	
Knox,	Northway,	Sorg,	

NOT VOTING—113.

Acheson,	Foot,	Leighty,	Settle,
Aitken,	Foss,	Linton,	Shaw,
Aldrich, Ala.	Goodwyn,	Livingston,	Simpkins,
Aldrich, Ill.	Grout,	Lorimer,	Skinner,
Allen, Utah	Grow,	Loud,	Smith, Mich.
Avery,	Hadley,	Loudenslager,	Southwick,
Babcock,	Hanly,	Maddox,	Sparkman,
Bailey,	Harrison,	Mahany,	Stephenson,
Baker, Md.	Hatch,	McKenney,	Stone, C. W.
Bankhead,	Heatwole,	McLaurin,	Sulzer,
Barrett,	Heiner, Pa.	McMillin,	Swanson,
Beach,	Hemenway,	Meredith,	Thomas,
Belknap,	Hendrick,	Miner, N. Y.	Tucker,
Bennett,	Henry, Ind.	Mondell,	Turner, Va.
Berry,	Hopkins,	Money,	Wadsworth,
Black, N. Y.	Howard,	Moses,	Walker, Mass.
Boutelle,	Huff,	Mozley,	Wanger,
Brosius,	Huling,	Murphy,	Washington,
Brumm,	Hull,	Neill,	White,
Cooke, Ill.	Hurley,	Newlands,	Wilber,
Cowen,	Hutcheson,	Pearson,	Willis,
Crisp,	Hyde,	Price,	Wilson, N. Y.
Crump,	Johnson, Ind.	Prince,	Wilson, S. C.
Dalzell,	Johnson, N. Dak.	Raney,	Woodard,
Danford,	Kiefer,	Reeves,	Woodman,
Denny,	Lacey,	Robertson, La.	Woomer.
Draper,	Lawson,	Robinson, Pa.	
Ellett, Va.	Layton,	Royce,	
Fletcher,	Lefever,		

So the substitute was rejected.

Mr. ROBERTSON of Louisiana. Mr. Speaker, I find that I am paired with the gentleman from Indiana, Mr. HEMENWAY, and I withdraw my vote.

Mr. TUCKER. I am paired with the gentleman from Massachusetts, Mr. DRAPER. If he were present, I would vote "yea."

The following-named members were announced as pairs until further notice:

Mr. DALZELL with Mr. CRISP.
 Mr. BOUTELLE with Mr. McMILLIN.
 Mr. PRINCE with Mr. BAILEY.
 Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.
 Mr. RANEY with Mr. COWEN.
 Mr. LACEY with Mr. HUTCHESON.
 Mr. STEPHENSON with Mr. MONEY.
 Mr. GROUT with Mr. NEILL.
 Mr. REEVES with Mr. CATCHINGS.
 Mr. BEACH with Mr. HARRISON.
 Mr. HULL with Mr. MOSES.
 Mr. DRAPER with Mr. TUCKER.
 Mr. WANGER with Mr. SWANSON.
 Mr. HADLEY with Mr. PRICE.
 Mr. JOHNSON of North Dakota with Mr. LAWSON.
 Mr. MOZLEY with Mr. McLAURIN.
 Mr. ALDRICH of Alabama with Mr. McKENNEY.
 Mr. HUFF with Mr. MINER of New York.
 Mr. BELKNAP with Mr. LIVINGSTON.
 Mr. SMITH of Michigan with Mr. BERRY.
 The following for this day:
 Mr. HOPKINS with Mr. LAYTON.
 Mr. BROSIUS with Mr. ELLETT of Virginia.
 Mr. SIMPKINS with Mr. MEREDITH.
 Mr. LOUDENSLAGER with Mr. SULZER.
 Mr. SPARKMAN with Mr. HENRY of Indiana.
 The following on this question:
 Mr. MILLIKEN with Mr. BANKHEAD.
 Mr. WALKER of Massachusetts with Mr. WILSON of South Carolina.
 Mr. ROYCE with Mr. TURNER of Virginia.
 Mr. BAKER of Maryland with Mr. SHAW.
 Mr. BARRETT with Mr. MADDOX.
 Mr. MAHANY with Mr. HENDRICK.

Mr. HEATWOLE with Mr. WASHINGTON.
Mr. WOODARD with Mr. ALLEN of Utah.
Mr. CRISP. Mr. Speaker, I voted, but I withdraw my vote, being paired with the gentleman from Pennsylvania, Mr. DALLAS.

Mr. BAILEY. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. PRINCE, and I therefore withdraw my vote.

Mr. HENDRICK. Mr. Speaker, I am paired with the gentleman from New York, Mr. MAHANY, and I withdraw my vote.

Mr. McMILLIN. Mr. Speaker, I voted in the affirmative, but as I am paired with the gentleman from Maine, Mr. BOUTELLE, I withdraw my vote.

Mr. FAIRCHILD. Mr. Speaker, my name was read as paired with my colleague from New York, Mr. HURLEY. That pair was made under the arrangement that I should have the right to vote on all amendments, and I wish to have that statement appear in the RECORD. I wish to state further that at the time this pair was made with my colleague I expected to vote against the bill, but because of the amendments which have been made to it I now intend to vote for it. My colleague is also in favor of the bill, and would so vote, if he were present.

The result of the vote was announced as above stated.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. WILLIAM A. STONE. I move to recommit the pending bill to the Committee on the Judiciary, with instructions to report the same back to the House so amended that the provisions for involuntary bankruptcy, if any, shall apply to none but cases of actual fraud.

The question being taken on the motion of Mr. WILLIAM A. STONE, there were—ayes 88, noes 116.

Mr. WILLIAM A. STONE. I call for the yeas and nays.

Many MEMBERS. Oh, no.

The yeas and nays were not ordered, only 37 voting in favor thereof.

So the motion of Mr. WILLIAM A. STONE was rejected.

The SPEAKER. The question is now on the passage of the bill.

Mr. BAILEY. On that I call for the yeas and nays.

Mr. HENDERSON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 80, not voting 117, as follows:

YEAS—157.

Abbott,	Curtis, Kans.	Hyde,	Poole,
Adams,	Curtis, N. Y.	Jenkins,	Powers,
Andrews,	Daniels,	Johnson, Cal.	Pugh,
Apley,	Dayton,	Joy,	Quigg,
Arnold, Pa.	Dingley,	Kendall,	Ray,
Arnold, R. I.	Doolittle,	Kerr,	Reyburn,
Atwood,	Dovener,	Knox,	Rusk,
Baker, N. H.	Eddy,	Kulp,	Russell, Conn.
Barham,	Elliot, S. C.	Leisenring,	Sauerharing,
Barney,	Ellis,	Leonard,	Scranton,
Bartholdt,	Erdman,	Lewis,	Shannon,
Bartlett, Ga.	Evans,	Lockhart,	Sherman,
Bartlett, N. Y.	Fairchild,	Long,	Snover,
Bell, Tex.	Fenton,	Loud,	Sorg,
Bingham,	Fischer,	Low,	Southard,
Bishop,	Fitzgerald,	Mahon,	Spalding,
Brewster,	Fowler,	McCall, Mass.	Sperry,
Bromwell,	Gibson,	McCleary, Minn.	Stable,
Brown,	Gillet, N. Y.	McClellan,	Stewart, N. J.
Buck,	Gillet, Mass.	McCormick,	Stewart, Wis.
Bull,	Griffin,	McEwan,	Strode, Nebr.
Burton, Mo.	Griswold,	McLachlan,	Taft,
Burton, Ohio	Grosvenor,	Meiklejohn,	Tawney,
Catchings,	Hainer, Nebr.	Mercer,	Taylor,
Chickering,	Hall,	Meyer,	Towne,
Clark, Iowa	Halterman,	Miles,	Tracewell,
Clarke, Ala.	Harmer,	Miller, W. Va.	Tyler,
Cobb,	Harris,	Milnes,	Updegraff,
Cockrell,	Hart,	Moody,	Van Horn,
Coddling,	Henderson,	Morse,	Van Voorhis,
Coffin,	Henry, Conn.	Noonan,	Walsh,
Connolly,	Hicks,	Northway,	Warner,
Cooper, Tex.	Hill,	Odell,	Watson, Ind.
Corliss,	Hitt,	Otjen,	Watson, Ohio
Crisp,	Hooker,	Overstreet,	Wellington,
Crowley,	Howe,	Parker,	Wilson, Ohio
Crowther,	Howell,	Payne,	Wright,
Culbertson,	Hubbard,	Pendleton,	
Cummings,	Hulick,	Perkins,	
Curtis, Iowa	Hunter,	Phillips,	

NAYS—80.

Allen, Miss.	Clark, Mo.	Downing,	Kirkpatrick,
Anderson,	Colson,	Faris,	Kyle,
Baker, Kans.	Cooper, Fla.	Gamble,	Latimer,
Bell, Colo.	Cooper, Wis.	Gardner,	Lester,
Black, Ga.	Cousins,	Graff,	Linney,
Blue,	Cox,	Hager,	Little,
Broderick,	De Armond,	Hardy,	Maguire,
Burrell,	De Witt,	Hepburn,	Marsh,
Calderhead,	Dinsmore,	Hilborn,	McCall, Tenn.
Cannon,	Dockery,	Jones,	McClure,
Clardy,	Dolliver,	Kem,	McCreary, Ky.

McCulloch,	Pearson,	Stallings,
McDearmon,	Pickler,	Steele,
McRae,	Pitney,	Stokes,
Miller, Kans.	Richardson,	Stone, W. A.
Minor, Wis.	Russell, Ga.	Strait,
Newlands,	Sayers,	Strong,
Ogden,	Shafroth,	Strowd, N. C.
Owens,	Shuford,	Talbert,
Patterson,	Smith, Ill.	Tate,

NOT VOTING—117.

Acheson,	Foot,	Leighty,	Skinner,
Aitken,	Foss,	Linton,	Smith, Mich.
Aldrich, Ala.	Goodwyn,	Livingston,	Southwick,
Aldrich, Ill.	Grout,	Lorimer,	Sparkman,
Allen, Utah.	Grow,	Loudenslager,	Spencer,
Avery,	Hadley,	Maddox,	Stephenson,
Babcock,	Hanly,	Mahany,	Stone, C. W.
Bailey,	Harrison,	McKenney,	Sulloway,
Baker, Md.	Hartman,	McLaurin,	Sulzer,
Bankhead,	Hatch,	McMillin,	Swanson,
Barrett,	Heatwole,	Meredith,	Thomas,
Beach,	Heiner, Pa.	Milliken,	Treloar,
Belknap,	Hemenway,	Miner, N. Y.	Tucker,
Bennett,	Hendrick,	Mondell,	Turner, Va.
Berry,	Henry, Ind.	Money,	Wadsworth,
Black, N. Y.	Hermann,	Moses,	Walker, Mass.
Boutelle,	Hopkins,	Mozley,	Wanger,
Bowers,	Howard,	Murphy,	Washington,
Brosius,	Huff,	Neill,	White,
Brumm,	Huling,	Otey,	Wilber,
Cook, Wis.	Hull,	Price,	Willis,
Cooke, Ill.	Hurley,	Prince,	Wilson, N. Y.
Cowen,	Hutcheson,	Raney,	Wilson, S. C.
Crump,	Johnson, Ind.	Reeves,	Woodard,
Dalzell,	Johnson, N. Dak.	Robertson, La.	Woodman,
Danford,	Kiefer,	Robinson, Pa.	Woomer,
Denny,	Lacey,	Royse,	Yoakum,
Draper,	Lawson,	Settle,	
Ellett, Va.	Layton,	Shaw,	
Fletcher,	Lefever,	Simpkins,	

So the bill was passed.

The following additional pairs were announced:

On this question:

Mr. HERMANN with Mr. YOAKUM.

Mr. HURLEY with Mr. TRELOAR.

Mr. WILSON of New York with Mr. OTEY.

Mr. McMILLIN. I have voted in the negative on this question; but I wish to withdraw my vote, as I am paired with the gentleman from Maine, Mr. BOUTELLE.

Mr. BRODERICK. The gentleman from Utah, Mr. ALLEN, who is absent, requested me to state that if he were here he would vote against this bill.

Mr. WILLIAM A. STONE. My colleague, Mr. HUFF, desired to be excused from attendance this afternoon.

The result of the vote was announced as above stated. [Applause.]

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—THORP VS. M'KENNEY.

Mr. WALKER of Virginia. I rise to a privileged question, and call up the report of the Committee on Elections No. 3 on the case of Thorp vs. McKenney, from the Fourth district of Virginia.

The resolutions reported by the committee were read, as follows:

Resolved, That W. R. McKenney was not elected a Representative to the Fifty-fourth Congress from the Fourth district of Virginia, and is not entitled to his seat.

Resolved, That R. T. Thorp was duly elected as a Representative from the Fourth Congressional district of Virginia to the Fifty-fourth Congress, and is entitled to the seat.

Mr. WALKER of Virginia. I presume it is not necessary to have the report read.

Mr. BAILEY. Is it intended to dispose of this matter now?

Mr. WALKER of Virginia. Oh, yes; there is no opposition.

Mr. MCALL of Massachusetts. The report of the committee is unanimous.

The SPEAKER. If no one asks to have the report read the Chair will put the question on agreeing to the resolutions.

The resolutions were adopted.

Mr. R. T. Thorp presented himself and was duly qualified by taking the oath prescribed by law.

PRINTING PACIFIC RAILROAD REPORTS.

Mr. PAYNE. I call up the motion to reconsider that I entered a day or two ago with reference to a resolution providing for the printing of the reports of the Committee on Pacific Railroads in the Fifty-fifth Congress. The gentleman from California agrees to this.

Mr. MAGUIRE. Yes. There was some question as to the scope of the resolution; and I am willing that the matter shall be reconsidered by the House and a different form of resolution adopted.

The SPEAKER. Without objection, the motion by which the resolution was adopted will be reconsidered.

There was no objection.

Mr. MAGUIRE. Now, Mr. Speaker, I offer the following substitute.

The Clerk read as follows:

Resolved, That there be reprinted the usual number of Senate Executive Document No. 51, Fiftieth Congress, first session, being the majority and minority reports of the Pacific Railway Commission, and the message of the President of the United States transmitting the same to Congress, but not including the testimony accompanying said report.

Mr. ARNOLD of Pennsylvania. I object.

The SPEAKER. The question is on agreeing to the substitute for the original resolution.

The substitute was agreed to.

The resolution as amended was agreed to.

RECONSIDERATION.

Mr. KNOX. Mr. Speaker, I desire to enter a motion to reconsider the vote by which the House refused the engrossment and third reading of House bill No. 3826 on yesterday.

Mr. DINGLEY. This is simply a motion entered to reconsider, without any action now?

Mr. KNOX. That is all.

The SPEAKER. The motion to reconsider will be entered.

ORDER OF BUSINESS.

Mr. CRISP. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair will lay before the House the following House bill with Senate amendments.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

The Clerk proceeded to read the bill.

Mr. CRISP. Mr. Speaker, I have called for the regular order. That can not be the regular order.

The SPEAKER. The Chair thinks the regular order is the consideration of House bills with Senate amendments.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. CRISP. Certainly, if the Chair holds that they come immediately after the reading of the Journal—

The SPEAKER. Unless a special order intervenes. But when the special order is executed, then this business is in order.

But the gentleman from Maine moves that the House do now adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1860) for the relief of John M. Guyton, late postmaster at Blacksburg, S. C.—to the Committee on Claims.

A bill (S. 1288) for the relief of John Stull—to the Committee on Military Affairs.

A bill (S. 65) for the relief of J. E. Gillingwaters—to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 3853) granting a pension to Armina Stucker, of Gallatin, Mo.; when the Speaker signed the same.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. STEELE, for one week, on account of business.

To Mr. WATSON of Indiana, for ten days, on account of important business.

To Mr. OVERSTREET, for ten days, on account of important business.

To Mr. MADDOX, indefinitely, on account of sickness.

The motion of Mr. DINGLEY was then agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McRAE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 119) to protect

public forest reservations, reported the same with amendment, accompanied by a report (No. 1593); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 8582) to allow the bottling of distilled spirits in bond, reported the same with amendment, accompanied by a report (No. 1595); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 6763) to remove the charge of desertion from the military record of Horace J. Rowell. (Report No. 1592.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 5811) to correct the service record of James Marley. (Report No. 1594.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WARNER: A bill (H. R. 8621) donating a condemned cannon to Franklin Post, No. 256, Department of Illinois, Grand Army of the Republic, of Monticello, Ill.—to the Committee on Naval Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 8647) for the relief of the Kickapoo tribe of Indians in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. BAKER of New Hampshire: A bill (H. R. 8648) to incorporate the Mutual Assessment Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. KULP: A bill (H. R. 8649) donating four condemned cannon and four pyramids of condemned cannon balls to Henry Wilson Post, No. 229, Grand Army of the Republic, of Milton, Pa.—to the Committee on Naval Affairs.

By Mr. OTJEN: A bill (H. R. 8650) providing for a naval training station on Lake Michigan, at the city of Milwaukee, in the State of Wisconsin—to the Committee on Naval Affairs.

By Mr. McCLEARY of Minnesota: A bill (H. R. 8651) donating a condemned cannon and some shells to Stoddard Post, No. 34, Grand Army of the Republic, Department of Minnesota, of Worthington, Minn.—to the Committee on Military Affairs.

By Mr. JONES: A bill (H. R. 8652) giving to any State or city having a claim for expenses incurred in the defense of the United States the right to have the same adjudicated by the Court of Claims—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 8665) to furnish the reports of the United States circuit courts of appeals to the various district and circuit courts, and circuit courts of appeals of the United States—to the Committee on the Judiciary.

By Mr. HYDE: A joint resolution (H. Res. 179) declaring that a state of public war exists in the Island of Cuba—to the Committee on Foreign Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 4026) to remove the charge of dismissal standing against William H. Harlin, and the same was referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BANKHEAD: A bill (H. R. 8653) for the relief of the estate of William G. Cochrane, deceased, late of Tuscaloosa County, Ala.—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8654) granting an increase of pension to George C. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8655) to pension Mrs. John W. Holt—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 8656) to increase the pension of Harriet B. Kitching—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 8657) granting a pension to Ellen Springer, widow of Horatio S. Springer—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 8658) to remove charge of desertion from military record of Julius Shelley—to the Committee on Military Affairs.

Also, a bill (H. R. 8659) to remove the charge of desertion from military record of Levi Wright—to the Committee on Military Affairs.

Also, a bill (H. R. 8660) granting an increase of pension to Edward Crawford—to the Committee on Invalid Pensions.

By Mr. MILES: A bill (H. R. 8661) to restore Charles C. Kleckner, of Maryland, to the position of passed assistant engineer in the United States Navy—to the Committee on Military Affairs.

By Mr. RUSK: A bill (H. R. 8662) to remove the charge of desertion from record of Jacob Hahn—to the Committee on Naval Affairs.

By Mr. SHERMAN (by request): A bill (H. R. 8663) for the relief of Willis Pinner, of the District of Columbia—to the Committee on Claims.

By Mr. WALKER of Virginia: A bill (H. R. 8664) for the relief of Leander J. Keller—to the Committee on War Claims.

By Mr. BARTLETT of New York: A bill (H. R. 8666) granting an honorable discharge to Newell Graham, of the United States bark *Houghton* and the United States ship *Cactus*—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition and remonstrance of Crested Butte Council, No. 58; also of Cripple Creek Council, No. 27; also of Durango Council, No. 57; also of Victor Council, No. 51; also of Grand Junction Council, No. 15; also of numerous citizens of Victor, all of the State of Colorado, against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

Also, petition of J. C. Huntington, of Pueblo, Colo., in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of P. Byrnes, publisher, of Pueblo, Colo.; also of James Flannigen, protesting against the passage of bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Colorado, favoring the passage of joint resolution No. 11, and remonstrating against appropriations for sectarian purposes—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Colorado, praying for arbitration in international disputes—to the Committee on Foreign Affairs.

Also, petition of J. R. Reinold and others, of Colorado, favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Lafayette Council, No. 45, American Protective Association, for the restriction of immigration and to regulate naturalization, etc.—to the Committee on Immigration and Naturalization.

By Mr. BULL: Petition of William W. Estes and other citizens of Providence, R. I., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Massachusetts Library Club, favoring the passage of a bill for the better publication of public documents—to the Committee on Printing.

By Mr. CANNON: Petition of citizens of Mayview, Ill., favoring the enactment of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CURTIS of Kansas: Petition of Journeymen Stone Cutters' Association of North America, Cottonwood Falls, Kans., asking for the passage of a bill to prohibit the use of convict labor in the construction of buildings erected by the Government—to the Committee on Ways and Means.

By Mr. FENTON: Petition of Robert Leach and other ex-soldiers of West Union, Ohio, asking for the amendment of the act of June 27, 1890, placing on a pensionable footing honorably discharged soldiers who served less than ninety days—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of Collins Council, No. 17; also of Patuioque Council, No. 9, Order United American Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILBORN: Letter of Edwin A. Sherman, Joseph Stewart, and W. C. Burnett, committee of arrangements of the Associated Veterans of the Mexican War of Oakland, Cal., addressed to the Speaker and members of the House of Representatives, inviting them to the fiftieth anniversary of the taking possession of California and raising the American flag at Monterey on July 7, 1846, which celebration will be at Monterey on July 7, 1896; also

favoring the passage of Senate bill No. 1609—to the Committee on the Library.

By Mr. HULICK: Petition of H. C. Dean, M. J. Flannery, M. A. Paxson, and 20 other citizens of Jamestown, Ohio, protesting against military education in public schools—to the Committee on Education.

By Mr. KENDALL: Petition and papers relating to the claim of A. C. Stokeley, for a pension—to the Committee on Invalid Pensions.

By Mr. LINNEY: Petition of the heirs of Edward Beckham, deceased, late of Alexander County, N. C., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LIVINGSTON: Petition of the heirs of Frederick Reed, deceased, late of Clayton County, Ga., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MERCER: Petition of citizens of Omaha, Nebr., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Commercial Club of St. Joseph, Mo.; also resolutions of a Democratic State convention which assembled in the Funke Opera House, Lincoln, Nebr., April 22, 1896, in favor of the transmississippi exposition at Omaha, Nebr.—to the Committee on Ways and Means.

By Mr. MEREDITH: Petition of the heirs of S. K. Proctor, deceased, of Fauquier County, Va., praying for the reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Sallie Prim, of Fauquier County, Va., praying for the reference of her war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORSE: Petition of the American Anti-Saloon League, praying for the passage of the bill (H. R. 1888) for the further restriction of the sale of alcoholic liquor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RUSK: Additional evidence in the matter of the claim of Elvira Hahn, relating to removing the mark of desertion from the record of Jacob Hahn, of the United States Navy—to the Committee on Naval Affairs.

By Mr. SOUTHARD: Petition of F. W. Camper and others, of the State of Ohio, praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: Protest of several hundred Polish-American citizens of the First Congressional district of Minnesota; also resolutions adopted by a mass meeting of Polish-American citizens of Winona, Minn., against the passage of a bill introduced by Hon. G. L. JOHNSON, designed to restrict Polish immigration—to the Committee on Immigration and Naturalization.

By Mr. TOWNE: Petition of citizens of Duluth, Sandstone, and Central Duluth, Minn., praying for the prohibition of the manufacture of intoxicating liquors within the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILLIAMS: Petition of Rev. H. Patton and others, against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

SENATE.

MONDAY, May 4, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

JAMES DUKE.

Mr. MITCHELL of Wisconsin. I ask unanimous consent to call up the bill (H. R. 572) for the relief of James Duke. It is a House bill, with a favorable report from the Committee on Naval Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the naval record of James Duke, who enlisted in the United States Navy February 21, 1862, and served as a first-class fireman on board the *Baron de Kalb* and *Maria Denning* up to July 6, 1863, by removing the charge of desertion from the record and granting him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUSCOGEE, OKLAHOMA AND WESTERN RAILROAD.

Mr. JONES of Arkansas. I ask unanimous consent to call up the bill (S. 1741) to authorize the Muscogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and Indian Territory, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with amendments.

The first amendment was, in section 2, page 3, line 2, before the word "hundred," to strike out "two" and insert "one," and in line 7, before the word "feet," to strike out "one hundred" and insert "fifty"; so as to read:

That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 100 feet in width through said allotted lands and through said Indian Territory, both for its main line and branches thereof, and to take and use a strip of land 100 feet in width, with a length of 2,000 feet in addition to the right of way, for stations for every 10 miles of said railroad, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width, along said right of way, or as much thereof as may be included in said cuts or fills.

The amendment was agreed to.

The next amendment was, in section 4, page 6, line 7, before the word "company," to strike out the words "or said."

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 24, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty"; so as to read:

That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of \$75, in addition to compensation provided in this act, for property taken and damages done to individual occupants by reason of the construction of the railway, for each mile of railway that it may construct in the Indian Territory, said payments to be made in installments of \$750 as each 10 miles of road is graded.

The amendment was agreed to.

The next amendment was to add at the end of section 8 the following proviso:

Provided further, That this act shall not be so construed as to give or grant said company any right, title, or interest in or to the wagon-road approaches to the nearest public highways which it is authorized to construct from the ends of the bridge, or to charge or collect toll fees for traveling over said wagon-road approaches.

The amendment was agreed to.

Mr. CALL. I ask the Senator from Arkansas if the bill contains the usual clause reserving the right of Congress to repeal, alter, or amend?

Mr. JONES of Arkansas. It is in the usual form. The last section of the bill provides "that Congress may at any time amend, add to, alter, or repeal this act."

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE NAVAL OBSERVATORY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of April 17, 1896, a list of the number of astronomical observers engaged in making observations with the principal instruments of the Naval Observatory, the object of the work being done with each instrument, etc., and also the total annual expense of administering the Naval Observatory, including the pay of naval officers on duty there, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

ANNUAL REPORT OF THE COMMISSIONER OF PATENTS.

The VICE-PRESIDENT presented the annual report of the Commissioner of Patents for the year ended December 31, 1895; which was referred to the Committee on Patents, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the board of managers of the Florida Society of the Sons of the Revolution, praying for the publication of the official records of the Continental Congress; which was referred to the Committee on the Library.

He also presented a petition of the Southern and Southwestern Railway Club of Atlanta, Ga., praying for the enactment of legislation providing for investigations and tests of American timber; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Credit Men's Association of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill as amended; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the Board of Trade of

Canton, Ohio, praying for the enactment of legislation advancing the rate of postage on second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of the Massachusetts Library Club, of Cambridge, Mass., praying for the enactment of legislation providing for the better publication of the public documents of the United States; which was referred to the Committee on Printing.

Mr. TELLER presented a memorial of sundry citizens of Ward, Colo., and a memorial of sundry citizens of Colorado, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

He also presented petitions of the Trades and Labor Assembly of Denver, Colo.; of the Reed, Rattan, and Willow Workers' Union of St. Louis, Mo.; of Lumbermen's Union, No. 6555, of Iron River, Wis.; of Union No. 8, United Brotherhood of Carpenters and Joiners of America, of Philadelphia, Pa., and of Boot and Shoe Workers' Union, No. 10, of Marlboro, Mass., praying for the free coinage of silver; which were ordered to lie on the table.

Mr. PROCTOR presented the petition of P. H. Peck and sundry other post-office clerks of Rutland, Vt., praying for the passage of House bill No. 3273, providing for the classification of post-office clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAFFERY presented a petition of the Credit Men's Association of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill as amended; which was ordered to lie on the table.

Mr. COCKRELL presented a memorial of the Evans-Gallagher Drug Company, of Kansas City, Mo., and a memorial of the Donnell Manufacturing Company, of St. Louis, Mo., relative to a rebate on alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the enactment of legislation providing 1-cent letter postage for each half ounce, and also to correct abuses in connection with second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's American Protective Association, of Kansas City, Mo., heartily commending the action of the House of Representatives in adopting the amendment to the Indian appropriation bill striking out appropriations of public funds for sectarian purposes; which was referred to the Committee on Appropriations.

He also presented a petition of the St. Louis (Mo.) Furniture Board of Trade, and a petition of the Simmons Hardware Company, of St. Louis, Mo., praying for the passage of the so-called Torrey bankruptcy bill; which were referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying for the release of Rev. A. J. Diaz; which was ordered to lie on the table.

He also presented a petition of the Merchants' Exchange, of Memphis, Tenn., praying for the enactment of legislation securing unrestricted interchange of traffic between common carriers, in order to promote trade in the free distribution of commodities; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Baptist Church of Milan, Tenn., praying the Government to sustain the Rev. A. J. Diaz in his work as a missionary in the Island of Cuba; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the memorial of F. E. Dwight, James Smalley, and O. B. Bengé, of Niobrara, Nebr., relative to the bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes; which was referred to the Committee on Indian Affairs.

Mr. BROWN presented a memorial of the Chamber of Commerce of Salt Lake City, Utah, remonstrating against the passage of the bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Salt Lake City, Utah, praying for the establishment of an assay office at that city; which was referred to the Committee on Mines and Mining.

Mr. QUAY presented a petition of Kensington Lodge, No. 217, International Association of Machinists, of Philadelphia, Pa., and a petition of Central Labor Union of Scranton, Pa., praying for the Government ownership of telegraph lines; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of the Baptist Church of Milan, Tenn., praying that the Government of the United States sustain Rev. A. J. Diaz in his work as a missionary in the Island of Cuba; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented sundry papers to accompany the

bill (S. 2518) removing the charge of desertion from the name of Myrick R. Burgess; which were referred to the Committee on Military Affairs.

JOHN TAYLOR WOOD.

Mr. DANIEL. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2746) to remove the political disabilities of John Taylor Wood, to report it with an amendment. I ask unanimous consent that the bill may be put upon its passage. I can not conceive that there can be any objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 7, to strike out the words "of Washington, D. C."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

REPORTS OF COMMITTEES.

Mr. MITCHELL of Oregon, from the Committee on the Judiciary, to whom was referred the bill (S. 715) for the relief of B. F. Dowell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 8221) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon, reported it without amendment.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. TELLER, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 2118) to protect public forest reservations, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2232) to vacate Sugar Loaf reservoir site in Colorado and to restore the lands contained in the same to entry, reported it with amendments.

Mr. TELLER. I am directed by the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes, to report it without amendment. As this is a bill that I think there will be no controversy over, I ask that it may be put on its passage.

Mr. VEST. Will the Senator allow us to get through with the morning business?

Mr. TELLER. Very well. I will call the bill up after the morning business is concluded.

Mr. VEST, from the Committee on Commerce, to whom was referred the joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3018) for the relief of Benjamin F. Smoot, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. HILL. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2794) concerning the trial and punishment of contempts in the United States courts herein mentioned, and the bill (S. 2040) giving power to impose oaths and punish contempts and resistance to United States officers, to report them adversely, the subject-matter having been previously reported in another bill. I move that the bills be postponed indefinitely.

The motion was agreed to.

Mr. PALMER, from the Committee on Pensions, to whom was

referred the bill (H. R. 515) granting a pension to William Grose, reported it without amendment, and submitted a report thereon.

Mr. SQUIRE, from the Committee on Coast Defenses, reported an amendment, providing for fortifications and other seacoast defenses, intended to be proposed to the fortifications appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

SETTLERS ON INDEMNITY LANDS.

Mr. CARTER. By direction of the Committee on Public Lands I move that the Senate disagree to the amendment of the House to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CARTER, Mr. DUBOIS, and Mr. BERRY were appointed.

BILLS INTRODUCED.

Mr. CAFFERY (by request) introduced a bill (S. 3032) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, in the State of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 3033) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, in the State of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GEAR introduced a bill (S. 3034) restoring the pension of Martha E. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3035) granting pension to Mrs. Elizabeth Gnash; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3036) granting pension to Elijah Herring; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McBRIDE introduced a bill (S. 3037) granting an increase of pension to James A. Ray; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3038) granting a pension to Mrs. C. E. Whiton Stone; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3039) granting a pension to Edward C. Spofford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3040) to protect commerce, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAVIS introduced a bill (S. 3041) granting a pension to Mary J. Hill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROACH introduced a bill (S. 3042) granting a pension to Surg. B. H. Peterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 3043) to establish an assay office and branch mint of the United States at Salt Lake City, in the State of Utah; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. WHITE introduced a bill (S. 3044) for the relief of Charles A. Nazro; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 3045) for the relief of William W. Jackson, of Washington, D. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 3046) granting an increase of pension to Fordyce M. Keith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3047) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BLACKBURN introduced a bill (S. 3048) to allow the bottling of distilled spirits in bond; which was read twice by its title, and referred to the Committee on Finance.

Mr. HANSBROUGH introduced a bill (S. 3049) to incorporate the Maritime Canal of North America, and for other purposes; which was read twice by its title.

Mr. HANSBROUGH. This is a redraft of the original bill, which the Committee on Commerce is now considering. I move that it be referred to that committee.

The motion was agreed to.

Mr. BUTLER introduced a joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Coast Defenses, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ELECTIONS IN ALABAMA.

On motion of Mr. CHANDLER, it was

Ordered, That 2,000 copies of Report No. 447, parts 1 and 2, of the present session, be printed for the use of the Committee on Privileges and Elections.

MEMORIAL OF NATIONAL WOOL GROWERS' ASSOCIATION.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 additional copies of Document No. 17, Fifty-fourth Congress, first session, being the memorial of the National Wool Growers' Association and others, with accompanying papers.

EMPLOYMENT OF STENOGRAPHER.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on Agriculture and Forestry, February 19, 1896, upon the memorial of the National Live Stock Exchange in relation to restrictions by foreign governments upon American live stock and meat food products, and the hearing before the same committee, March 4, 1896, on the proposed creation of the office of director in chief of the scientific bureaus of the Department of Agriculture, be paid from the contingent fund of the Senate.

REGULATION OF MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1904) to regulate marriages in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

CHARLES J. FAULKNER,
JAMES McMILLAN,
Managers on the part of the Senate.
GEORGE M. CURTIS,
B. B. ODELL, JR.,
S. W. COBB,
Managers on the part of the House.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

The message also announced that the President of the United States had on the 4th instant approved and signed the following acts:

An act (S. 1853) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891; and

An act (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 101, 131, 133, 134, 136, 225, 226, 227, 228, 229, 230, 231, 232, 234, 237, 238, 239, 240, 241, 242, 245, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 259, 261, 262, 264, 265, 266, 267, 269, 272, 273, 277, 278, 279, 280, 281, and 282.

That the House recede from its disagreement to the amendments of the Senate numbered 88, 98, 132, 135, 156, 157, 158, 219, 220, 221, 222, 224, 258, 285, 286, 287, 289, 292, 300, and 302, and agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$39,900"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For printing, binding, and wrapping 1,000 additional copies of series 1, volumes 1, 2, 3, and 4, for supplying officers of the Navy who have not received the work, \$2,400."

And the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"For 10 examiners of surveys, to constitute a board of examiners of surveys, under the direction of the surveying division of the General Land Office, the members of said board to be certified by the Civil Service Commission, at \$2,000 each, \$20,000: *Provided*, That this amount shall be paid from the appropriation for the examination of public surveys, and that no addition to the said appropriation, nor any increase of the employees of the General Land Office, shall be caused by the creation of this board: *Provided further*, That if any of the clerks of said office be transferred or promoted to this board, a corresponding number of clerks for whom appropriation is made in this act shall be dropped and their places shall not be filled."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,500"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,500"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,500"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,300"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,300"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$164,010"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Eleven and thirteen"; and the Senate agree to the same.

Amendments numbered 160 to 217: That the House recede from its disagreement to the amendments of the Senate numbered 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, and 217, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"SEC. 7. That the United States district attorney for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per centums, and other compensations now allowed by law, an annual salary, as follows: For the northern and middle districts of the State of Alabama, each \$4,000; for the southern district of the State of Alabama, \$3,000; for the Territory of Arizona, \$4,000; for the eastern district of Arkansas, \$4,000; for the western district of Arkansas, \$5,000; for the northern district of California, \$4,500; for the southern district of California, \$3,500; for the district of Colorado, \$4,000; for the district of Connecticut, \$2,500; for the district of Delaware, \$2,000; for the northern district of Florida, \$3,500; for the southern district of Florida, \$3,500; for the northern district of Georgia, \$5,000; for the southern district of Georgia, \$3,500; for the district of Idaho, \$3,000; for the northern district of Illinois, \$5,000; for the southern district of Illinois, \$5,000; for the district of Indiana, \$5,000; for the northern and southern districts of Iowa, each \$4,500; for the district of Kansas, \$4,500; for the district of Kentucky, \$5,000; for the eastern district of Louisiana, \$3,500; for the western district of Louisiana, \$2,500; for the district of Maine, \$3,000; for the district of Maryland, \$4,000; for the district of Massachusetts, \$5,000; for the eastern district of Michigan, \$4,000; for the western district of Michigan, \$3,500; for the district of Minnesota, \$4,000; for the northern and southern districts

of Mississippi, each \$3,500; for the eastern district of Missouri, \$4,500; for the western district of Missouri, \$4,500; for the district of Montana, \$4,000; for the district of Nebraska, \$4,000; for the district of Nevada, \$3,000; for the district of New Hampshire, \$2,000; for the district of New Jersey, \$3,000; for the district of New Mexico, \$4,000; for the northern district of New York, \$4,500; for the eastern district of New York, \$4,500; for the eastern district of North Carolina, \$4,000; for the western district of North Carolina, \$4,500; for the district of North Dakota, \$4,000; for the northern and southern districts of Ohio, each \$4,500; for the district of Oklahoma, \$5,000; for the district of Oregon, \$4,500; for the eastern district of Pennsylvania, \$4,500; for the western district of Pennsylvania, \$4,500; for the district of Rhode Island, \$2,500; for the eastern and western divisions of the district of South Carolina, \$4,500; for the district of South Dakota, \$4,000; for the eastern, middle, and western districts of Tennessee, each \$4,500; for the northern district of Texas, \$3,500; for the eastern district of Texas, \$5,000; for the western district of Texas, \$4,000; for the district of Utah, \$4,000; for the district of Vermont, \$3,000; for the eastern district of Virginia, \$4,000; for the western district of Virginia, \$4,500; for the district of Washington, \$4,500; for the district of West Virginia, \$4,500; for the eastern district of Wisconsin, \$4,000; for the western district of Wisconsin, \$4,000; for the district of Wyoming, \$4,000."

And the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

Amendment numbered 244: That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

Amendment numbered 256: That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 263: That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 268: That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 270: That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the eastern and western divisions of the district of South Carolina, \$4,500"; and the Senate agree to the same.

Amendment numbered 271: That the House recede from its disagreement to the amendment of the Senate numbered 271, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 274: That the House recede from its disagreement to the amendment of the Senate numbered 274, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 275: That the House recede from its disagreement to the amendment of the Senate numbered 275, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 282: That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

Amendment numbered 284: That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten"; and the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"Sec. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such districts, who shall be known as field deputies, and who, unless sooner removed by the district court, as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, including mileage, as provided by law, earned by him, not to exceed \$1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding \$2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual ex-

penses on any trip in lieu of mileage: *Provided*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of \$2,500 nor more than three-fourths of the gross fees earned by such field deputy. The marshal immediately after making any appointment or appointments under this section shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment as the public interest may require. The field deputies herein provided for of the districts of California, Colorado, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, Wyoming, and Idaho shall, for the services they may perform during the fiscal year 1897, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided herein."

And the Senate agree to the same.

Amendment numbered 291: That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

Amendment numbered 293: That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen"; and the Senate agree to the same.

Amendment numbered 294: That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out the words "represent or"; and the Senate agree to the same.

Amendment numbered 295: That the House recede from its disagreement to the amendment of the Senate numbered 295, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

Amendment numbered 296: That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifteen"; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen"; and the Senate agree to the same.

Amendment numbered 298: That the House recede from its disagreement to the amendment of the Senate numbered 298, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

Amendment numbered 299: That the House recede from its disagreement to the amendment of the Senate numbered 299, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

Amendment numbered 301: That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 15, inclusive"; and the Senate agree to the same.

Amendment numbered 303: That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eighteen"; and the Senate agree to the same.

Amendment numbered 304: That the House recede from its disagreement to the amendment of the Senate numbered 304, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

Amendment numbered 311: That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 23"; and on page 127 of the bill, in line 10, strike out the words "June 30" and insert in lieu thereof the words "the 1st day of July"; and the Senate agree to the same.

Amendment numbered 312: That the House recede from its disagreement to the amendment of the Senate numbered 312, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6, 8, or 15"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 11, 12, 13, 14, 16, 19, 22, 23, 26, 27, 28, 33, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
HENRY H. BINGHAM,
JNO. E. MCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. CULLOM. This bill has been once before in conference. This is the second conference report. It will be observed that the conferees on the part of the two Houses have agreed to a number of amendments and disagreed to others. There is one item of agreement as to which the conferees on the part of the Senate have, since agreeing, come to the conclusion that is not correct. I therefore ask the Senate that the conference report be disagreed to, so that we may correct that item and make a further report, perhaps during the day.

I should take time now to explain the items to which we have heretofore agreed; but as the conference report will probably come back directly, I shall not do so at present, but simply ask that the report may be disagreed to, so that the item to which I refer may be corrected.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. CULLOM. I now ask that the Senate insist upon its amendments and agree to a further conference.

The VICE-PRESIDENT. Without objection, it will be so ordered.

By unanimous consent, the Vice-President was authorized to

appoint the conferees on the part of the Senate at the further conference, and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

CORPORATE INFLUENCE IN POLITICAL AFFAIRS.

Mr. ALLEN. I ask the unanimous consent of the Senate to take up the bill (S. 581) for the relief of the legal representatives of Hiram Somerville, a small bill that will not lead to debate.

Mr. CALL. I hope the Senator from Nebraska will postpone the request for a little while. I have had a resolution lying upon the table for a long while, and which I have unanimous consent to call up at any time for consideration.

The VICE-PRESIDENT. There is objection to the request of the Senator from Nebraska. Will the Senator from Florida indicate the resolution to which he refers?

Mr. CALL. It is a resolution relating to the influence of corporations on elections in Florida and providing for the appointment of a select committee.

The VICE-PRESIDENT. The resolution indicated by the Senator from Florida has gone to the Calendar, the Chair is advised.

Mr. CALL. It was by unanimous consent laid on the table, and the privilege was given to me to call it up at any time.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Florida.

The Secretary read the resolution submitted by Mr. CALL December 17, 1895, as follows:

Resolved, That a special committee of five Senators be appointed by the President of the Senate, who shall be charged with the duty of investigating the subject of organized efforts of corporations, or of the president and directors thereof, to control the election of members of Congress, or to influence the legislation of Congress; also to investigate and report to the Senate whether corrupt means, bribery, or free transportation have been or are being used to influence such elections; also to inquire and report to the Senate whether the use of such influences or means is consistent with the preservation of the Republic of the United States and the rights and liberties of the people, and to report a bill for the punishment or suppression of such practices.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. SHERMAN. Let it be read again.

Mr. FAULKNER. I understand that the first question is on taking up the resolution.

Mr. CALL. It was agreed by unanimous consent that I might call it up at any time. It has been lying on the table for some time.

Mr. FAULKNER. I do not remember any agreement of that sort. I do not think the Senate has any power—

Mr. CALL. The Senator from Tennessee [Mr. HARRIS] made the suggestion, and it was agreed to. It has been lying on the table. As it appears from the RECORD, instead of calling it up every morning it was suggested that I should have the privilege of calling it up at any time, and that was agreed to by unanimous consent.

Mr. FAULKNER. If there was a unanimous agreement that the resolution should be laid before the Senate when called for, I have nothing further to say, but I opposed the resolution, for I did not think the Senate had the power to authorize the investigation provided for.

The VICE-PRESIDENT. The reading of the resolution is again called for. The resolution will be read.

The Secretary again read the resolution.

The VICE-PRESIDENT. The Chair understands that there is an amendment pending, which will be stated.

The SECRETARY. In line 1 strike out the words "a special," before the word "committee," and after the word "committee" strike out "of five Senators be appointed by the President of the Senate, who" and insert in lieu "on Privileges and Elections"; so as to read:

Resolved, That the Committee on Privileges and Elections shall be charged with the duty of investigating, etc.

Mr. CALL. The Secretary has read the wrong resolution. I introduced a resolution subsequently which proposes a select committee of five Senators.

The VICE-PRESIDENT. Will the Senator kindly indicate the resolution to which he refers?

Mr. CALL. It is a subsequent resolution, and it is on the table.

Mr. BERRY. My recollection is that the amendment substituting the Committee on Privileges and Elections was adopted and the resolution was then passed and afterwards reconsidered with that amendment in it.

Mr. CALL. And a new resolution offered.

Mr. BERRY. I do not know anything about a new resolution, but I have stated my recollection of the matter.

Mr. CALL. There is a new resolution lying on the table, which I ask be read.

The VICE-PRESIDENT. The resolution indicated by the Senator from Florida will be read.

The Secretary read the resolution submitted by Mr. CALL December 24, 1895, as follows:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, who shall be charged with the duty of investigating the subject of the efforts of corporations in the State of Florida, or of the president and directors thereof, to control the election of members of Congress from the State of Florida, or to influence the legislation of Congress; also to investigate and report to the Senate whether corrupt means, bribery, or free transportation have been or are being used to influence such elections in the State of Florida; also to inquire and report to the Senate whether the use of such influences or means is consistent with the preservation of the Republic of the United States and the rights and liberties of the people, and to report a bill for the prevention of such practices.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. SEWELL. I move that the resolution be laid on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey, to lay the resolution upon the table.

Mr. CHANDLER. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I ask if the senior Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. TURPIE. I withhold my vote, being paired with that Senator.

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON], which I transfer to the senior Senator from Indiana [Mr. VOORHEES]. I vote "yea."

Mr. WHITE (when his name was called). I desire to inquire whether the Senator from Idaho [Mr. SHOUP] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. WHITE. If the Senator from Idaho, with whom I am paired, were present, I should vote "nay."

The roll call was concluded.

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON] and withhold my vote.

Mr. CLARK. I have a general pair with the junior Senator from Maryland [Mr. GIBSON]. If he were present, I should vote "nay."

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL]. He has not voted, and I therefore refrain from voting.

The result was announced—yeas 21, nays 29; as follows:

YEAS—21.			
Baker,	Cannon,	McMillan,	Vilas,
Bate,	Daniel,	Mills,	Walthall,
Blackburn,	Faulkner,	Platt,	Wetmore.
Brown,	Gray,	Quay,	
Burrows,	Jones, Ark.	Sewell,	
Caffery,	Lodge,	Vest,	
NAYS—29.			
Allen,	Frye,	McBride,	Roach,
Berry,	Gallinger,	Mitchell, Ore.	Sherman,
Brice,	George,	Morrill,	Squire,
Butler,	Hansbrough,	Nelson,	Teller,
Call,	Harris,	Palmer,	Warren.
Chandler,	Irby,	Peffer,	
Chilton,	Kyle,	Perkins,	
Callom,	Lindsay,	Pettigrew,	
NOT VOTING—39.			
Aldrich,	Elkins,	Mantle,	Smith,
Allison,	Gear,	Martin,	Stewart,
Eaton,	Gibson,	Mitchell, Wis.	Thurston,
Blanchard,	Gordon,	Morgan,	Tillman,
Cameron,	Gorman,	Murphy,	Turpie,
Carter,	Hale,	Pasco,	Voorhees,
Clark,	Hawley,	Pritchard,	White,
Cockrell,	Hill,	Proctor,	Wilson,
Davis,	Hoar,	Pugh,	Wolcott.
Dubois,	Jones, Nev.	Shoup,	

So the Senate refused to lay the resolution on the table.

The VICE-PRESIDENT. The question recurs on agreeing to the resolution.

Mr. HARRIS. I move to refer the resolution to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, to refer the pending resolution to the Committee on Privileges and Elections.

Mr. CALL. Mr. President, this resolution has been by a small vote once referred to the Committee on Privileges and Elections and reconsidered, and the chairman of that committee informs me that the committee do not desire to have this reference made.

Mr. GRAY. That will not do. That is for the Senate to decide.

Mr. CALL. It will occupy more time than that committee can give it, and I hope the motion will not be agreed to.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee.

Mr. CALL. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. McBRIDE. I inquire whether the Senator from Mississippi [Mr. GEORGE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. McBRIDE. I am paired with that Senator and therefore withhold my vote. If he were present, I should vote "nay."

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. WALTHALL. I desire to announce a pair between the Senator from Pennsylvania [Mr. CAMERON] and the Senator from Indiana [Mr. VOORHEES]. I ask that this announcement may apply to all the yea-and-nay votes taken during the day.

Mr. MARTIN. I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

The result was announced—yeas 35, nays 22; as follows:

YEAS—35.

Bacon,	Cannon,	Irby,	Platt,
Baker,	Daniel,	Jones, Ark.	Quay,
Bate,	Faulkner,	Lindsay,	Sewell,
Berry,	Gear,	Lodge,	Shoup,
Blackburn,	Gordon,	McMillan,	Vest,
Brice,	Gorman,	Mills,	Vilas,
Brown,	Gray,	Morgan,	Walthall,
Burrows,	Harris,	Morrill,	Wetmore,
Caffery,	Hill,	Palmer,	

NAYS—22.

Allen,	Frye,	Nelson,	Squire,
Butler,	Gallinger,	Peffer,	Teller,
Call,	Hansbrough,	Perkins,	Warren,
Chandler,	Kyle,	Pettigrew,	White,
Chilton,	Mitchell, Oreg.	Roach,	
Cullom,	Mitchell, Wis.	Sherman,	

NOT VOTING—32.

Aldrich,	Dubois,	McBride,	Smith,
Allison,	Elkins,	Mantle,	Stewart,
Blanchard,	George,	Martin,	Thurston,
Cameron,	Gibson,	Murphy,	Tillman,
Carter,	Hale,	Pasco,	Turpie,
Clark,	Hawley,	Pritchard,	Voorhees,
Cockrell,	Hoar,	Proctor,	Wilson,
Davis,	Jones, Nev.	Pugh,	Wolcott,

So the resolution was referred to the Committee on Privileges and Elections.

SENATOR FROM DELAWARE.

Mr. TURPIE. I move that the Senate take up the resolutions with respect to the title of Henry A. Du Pont, esq., to a seat in the Senate from the State of Delaware; and upon the motion I call for the yeas and nays.

Mr. MITCHELL of Oregon. Mr. President, I am a little surprised at the motion of the Senator from Indiana.

Mr. GORMAN. I raise the point of order that this question is not debatable.

The VICE-PRESIDENT. The Chair will state that the motion of the Senator from Indiana is not debatable. It can be debated only by unanimous consent.

Mr. MITCHELL of Oregon. I ask unanimous consent.

Mr. GORMAN. I object to debate.

Mr. MITCHELL of Oregon. I ask unanimous consent, as chairman of the committee having the matter in charge, to make a statement in opposition to the motion.

Mr. GORMAN. If we are to enter into a debate—

Mr. MITCHELL of Oregon. No debate. I wish to make a statement, not to exceed two minutes.

Mr. GORMAN. I withdraw my objection for that purpose.

Mr. MITCHELL of Oregon. Mr. President, I reported the resolution as chairman of the committee of which I happen to be a member. I have charge of the case. There has been no disposition on my part, as chairman of the committee, and I think no disposition on the part of any Senator on this side of the Chamber, to delay a vote on that resolution. It was my intention, as soon as the river and harbor bill could be disposed of and two or three speeches made on the proposition, to press the matter to a vote; and why it should be taken out of my hands in this way at this time, when there has been no indication, so far as I know, on this side to delay a vote, I am at a loss to understand.

I can assure the Senator from Indiana, and I can assure every Senator on that side of the Chamber, that I shall move to proceed to the consideration of the resolution, and intended to do so as soon as the river and harbor bill was out of the way. I did not wish to interfere with that bill, but so soon as that is disposed of I shall seek the first opportunity, if permitted, to call up the Du Pont case, and shall insist that we proceed with it to final disposition.

Mr. TURPIE. The honorable Senator from Oregon, I think, has made too much of an assumption. He speaks of being in charge of the resolution. I did not move to take up the resolution of the honorable Senator from Oregon or the resolution at all for present consideration. I moved to take up the resolutions upon that subject for consideration, one of which, and the first of which to be considered, is the one offered by myself in the negative, and being in charge of that resolution first to be considered, without any interference at all with the duty of the honorable Senator from Oregon, the chairman of the committee, and I may say without the slightest consultation with him, I have made this motion this morning.

Mr. MITCHELL of Oregon. Mr. President, one word in reply. The Senator understands that he does not represent the committee. He represents the minority of the committee. I represent the committee, and the resolution referred to by the Senator from Indiana is a resolution reported by the minority, which the Senator now seeks to take up in advance of the resolution reported by the committee.

If there had been any disposition to delay this matter, Mr. President—and there has not been from the first, I think, the Senator will agree—then I should have nothing to say; but in view of the statement I have made, in view of the fact that there has been no intention upon our part to delay or postpone a final vote, it does seem to me that it is rather out of the ordinary for the Senator to move to take up the minority report at this time.

Mr. TURPIE. I wish to say to the honorable Senator from Oregon that he has furnished me a useless piece of information in saying that he is the chairman of the committee. I think that is known, and that he is in charge of the resolution reported by the committee. I, or the minority of the committee here, have charge of the resolution reported by the minority, which is first to be considered. Both resolutions are questions of the highest privilege and are entitled to preference over everything else unless the Senate shall otherwise order.

In order to test the sentiment of the Senate with respect to the immediate consideration of this question, I make the motion, and call for the yeas and nays upon it.

Mr. GORMAN. Mr. President, I should like to make an inquiry of the distinguished Senator from Oregon in connection with the matter suggested by the Senator from Indiana. Will the Senator from Oregon agree that this case shall be taken up one week from to-day, immediately after the routine morning business, and voted on the next day by 4 o'clock—to-morrow week?

Mr. MITCHELL of Oregon. I will agree substantially to that. I will agree to this, that immediately on the conclusion of the river and harbor bill by the Senate—

Mr. GORMAN. No.

Mr. MITCHELL of Oregon. That may be this week.

Mr. GORMAN. Let us have a specific day. Will the Senator agree to that?

Mr. MITCHELL of Oregon. I will state that there are one or two speeches to be made on the Du Pont case when taken up, and for that reason I do not wish to interfere with the river and harbor bill.

Mr. GORMAN. This will be a week from to-day, which will give ample time for all speeches, that we proceed to the consideration of Order of Business 333—

Mr. MITCHELL of Oregon. When does the Senator suggest?

Mr. GORMAN. Immediately after the conclusion of the routine business on Monday morning next that the resolution be taken up, and that at 4 o'clock on Tuesday, to-morrow week, the final vote shall be taken.

Mr. MITCHELL of Oregon. I am perfectly willing to hasten a vote, and have been from the first to have an early vote. Senators on the other side are no more anxious for a vote than I am.

Mr. TURPIE. This is the first time the honorable Senator has intimated that wish.

Mr. GORMAN. Will it be agreeable to the honorable Senator from Indiana [Mr. TURPIE] if I make that request?

Mr. TURPIE. Yes, sir; perfectly.

Mr. GORMAN. Then I make the request that the resolution in relation to the right of Mr. Du Pont to a seat in the Senate, being Order of Business 333, shall be taken up immediately after the conclusion of the routine morning business on Monday next, and shall be voted upon and finally disposed of at 4 o'clock on the following day, Tuesday—to-morrow week.

Mr. VILAS. I suggest that the request include the resolution of which the Senator from Indiana speaks—the minority resolution.

Mr. GORMAN. As a matter of course, the whole subject.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Maryland.

Mr. PEPPER. Mr. President, I beg leave to submit to the Senate that there is already a resolution on the Calendar which is the unfinished business, and it will come up properly, before taking up anything else, until it is disposed of. I mean, we can not properly take up anything else by unanimous consent that will interfere with the proper disposition of the bond resolution.

Mr. GORMAN. I will suggest to the Senator that that does not interfere with his resolution. By unanimous consent we are to take up the resolution at 2 o'clock, and we will dispose of it, if not to-day, to-morrow.

Mr. PEPPER. I so understand.

Mr. COCKRELL. This does not interfere with it at all.

Mr. PEPPER. In case the bond resolution should not be disposed of at the time to which unanimous consent would carry the Senate, it would place the bond resolution in a precarious position.

Mr. GORMAN. It can not possibly interfere with the Senator's resolution, which comes up at 2 o'clock, and I hope will be disposed of to-day or to-morrow.

Mr. PEPPER. I am willing to take the risk of it.

Mr. FRYE. Does the Senator from Maryland understand that the bond resolution has a unanimous consent to be called up at 2 o'clock any day?

Mr. GORMAN. It has the unanimous consent of the Senate to be taken up as unfinished business at 2 o'clock, and the Senator from Kansas gave way for its consideration until after the disposition of the naval appropriation bill, with the distinct understanding that it was to be proceeded with to-day at 2 o'clock; and, as a matter of course, if the Senate desires, it can be taken up and disposed of immediately.

Mr. FRYE. Then the river and harbor bill is put back an indefinite length of time.

Mr. PEPPER. I have given way three times.

Mr. FRYE. It is exceedingly important that the river and harbor bill should be acted on.

Mr. HILL. Mr. President, I do not quite agree with the statement in its whole breadth of the Senator from Maryland. There was no understanding, as stated, that the bond resolution was to be taken up to-day at 2 o'clock. The bond resolution is the unfinished business, and comes up as a matter of course every day at 2 o'clock.

Mr. GORMAN. It does not lose its place.

Mr. HILL. Oh, no; it does not lose its place, but there is a general understanding, which the RECORD shows from time to time, that the bond resolution would not be taken up until the appropriation bills were disposed of, and the Senator from Kansas has very courteously each day so expressed himself. There is a general understanding that it shall not lose its place as unfinished business, but not be taken up to-day at 2 o'clock any more than at any other time.

Mr. FRYE. I should like to understand what that unanimous consent was, the nature of which precludes me at 2 o'clock from moving to proceed to the consideration of the river and harbor bill?

Mr. HILL. Not the slightest, I will say, if the Senator addresses me. It was well stated by the Senator from Tennessee [Mr. HARRIS] the other day, when he said unanimous consent simply made the bond resolution the unfinished business. The Senator from Maine can, if he sees proper, and the public business so requires, move to take up the river and harbor bill, which undoubtedly I suppose will be necessary because of the general understanding that the resolution is not to be brought up and lead to a political debate until after the appropriation bills are disposed of. Undoubtedly the Senator from Kansas would yield, as I suppose we all understood and expect him to yield, to this appropriation bill.

Mr. GORMAN. Now I renew my request, and I trust there will be no objection to it.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Maryland. Is there objection?

Mr. MITCHELL of Oregon. What is the request?

Mr. SHERMAN. I should like to have the Chair inform us of his own opinion as to the understanding in regard to this matter. What was the agreement?

Mr. PEPPER. It is in the RECORD.

Mr. SHERMAN. I should like to have the opinion of the Chair, and he can, if he chooses, consult the RECORD, which shows the exact status.

The VICE-PRESIDENT. The Chair will examine the RECORD, so as to state it accurately. Is there objection to the request of the Senator from Maryland?

Mr. ALLISON. I ask that it be again stated.

Mr. GORMAN. I will again state it. It is that immediately after the disposition of the routine morning business on next Monday, one week from to-day, the Du Pont case shall be taken up for consideration, and the final vote upon the resolution shall be taken at 4 o'clock on Tuesday, the next day.

Mr. MITCHELL of Oregon. I object to that, and I submit as a counter proposition this: That at the conclusion of the river and harbor bill in the Senate I shall move to proceed to the consideration of the Du Pont case, or I will ask unanimous consent now that we proceed at that time to its consideration and stick to it until it is concluded; until a final vote is taken. Otherwise we shall have the vote right now.

Mr. GORMAN. If the Senator objects, I will withdraw my request and let the vote be taken.

Mr. TURPIE. I call for the yeas and nays.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana, to proceed to the consideration of the Du Pont case, on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR].

Mr. CHANDLER (when his name was called). On this question I am paired with the junior Senator from New York [Mr. MURPHY]. If he were present, I should vote "nay."

Mr. CLARK (when his name was called). On this question I am paired with the junior Senator from Maryland [Mr. GIBSON]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with my colleague from West Virginia [Mr. ELKINS]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were here, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. FAULKNER. I transfer the pair I have with the Senator from West Virginia [Mr. ELKINS] to the Senator from New Jersey [Mr. SMITH], so as to enable the Senator from Idaho [Mr. DUBOIS] and myself to vote. I vote "yea."

Mr. DUBOIS. Under that arrangement I am at liberty to vote, and vote "nay."

Mr. BRICE (after having voted in the affirmative). I have a general pair with the Senator from Colorado [Mr. WOLCOTT]. I understand he has not voted and I withdraw my vote, as I am uncertain how he would vote on this question.

Mr. CHANDLER. I transfer my pair from the junior Senator from New York [Mr. MURPHY] to the senior Senator from Rhode Island [Mr. ALDRICH] and ask that my name be called.

The VICE-PRESIDENT. The name of the Senator from New Hampshire will be called.

The name of Mr. CHANDLER was called, and he voted "nay."

Mr. JONES of Arkansas (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. HALE], and as he is not present, I withdraw my vote. I should vote "yea," if he were present.

Mr. McBRIDE. Has the Senator from Mississippi [Mr. GEORGE] voted?

The VICE-PRESIDENT. The Senator from Mississippi has voted.

Mr. McBRIDE. Then I vote "nay."

Mr. PRITCHARD. I desire to transfer my pair with the Senator from Louisiana [Mr. BLANCHARD] to the Senator from Connecticut [Mr. HAWLEY], and I vote "nay."

The result was announced—yeas 32, nays 31; as follows:

YEAS—32.

Allen,	Cockrell,	Hill,	Pasco,
Bacon,	Daniel,	Irby,	Peffer,
Bate,	Faulkner,	Kyle,	Roach,
Berry,	George,	Lindsay,	Turpie,
Blackburn,	Gordon,	Mills,	Vest,
Butler,	Gorman,	Mitchell, Wis.	Vilas,
Caffery,	Gray,	Morgan,	Walthall,
Chilton,	Harris,	Palmer,	White.

NAYS—31.

Allison,	Dubois,	Mitchell, Oreg.	Sewell,
Baker,	Frye,	Morrill,	Sherman,
Brown,	Gallinger,	Nelson,	Shoup,
Burrows,	Gear,	Perkins,	Squire,
Cannon,	Hansbrough,	Pettigrew,	Teller,
Chandler,	Lodge,	Platt,	Wetmore,
Cullom,	McBride,	Pritchard,	Wilson.
Davis,	McMillan,	Quay,	

NOT VOTING—26.

Aldrich,	Elkins,	Mantle,	Thurston,
Blanchard,	Gibson,	Martin,	Tillman,
Brice,	Hale,	Murphy,	Voorhees,
Call,	Hawley,	Proctor,	Warren,
Cameron,	Hoar,	Pugh,	Wolcott.
Carter,	Jones, Ark.	Smith,	
Clark,	Jones, Nev.	Stewart,	

So the motion was agreed to.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution, which will be read.

The Secretary read the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1893.

Mr. GEORGE. Mr. President, when I left the Chamber a few moments ago I supposed the matter of taking up the Du Pont case was about settled by agreement. However, I was informed when in the cloakroom that it had failed.

I desire to state, before going further into the matter, that the Senator from Oregon [Mr. MITCHELL], in charge of the measure so far as the committee is concerned, has been so liberal to me and, I think, to all others on this side of the Chamber with reference to the discussion of this subject that I am disposed to extend a like courtesy and a like liberality to him. Of course I desire that this case shall be disposed of at the present session of the Senate, and not be passed over; but I think it would be well and it would suit me if some arrangement could be made for the taking up of the case which would be agreeable to the Senator from Oregon and at the same time would not amount to a postponement of the final decision of the matter to the next session. That is all I desire to say.

Mr. MITCHELL of Oregon. In the seventeen years I have been in the Senate I think I have never seen such an unwarranted procedure as we have just witnessed. If there had been any disposition manifested on behalf of the majority of the committee reporting the case to postpone unreasonably a final vote, then there might have been some reason for proceeding in this summary manner upon the part of the minority of the committee. But even then it does seem to me that at least some intimation should have been given, some consultation should have been had, out of common courtesy, and because of the comity that exists between minorities and majorities and between Senators individually, for the purpose of ascertaining whether there was any disposition upon our part to bring this matter to an early conclusion. But no. With several Senators on this side of the Chamber absent and unpaired, without any intimation whatever of a desire upon the part of the minority of the committee (although it may be a majority of the Senate for anything I know; that will be determined by the final vote), a motion is made by those representing the minority of the committee to proceed to the consideration of the case.

I can look upon it in no other light than a discourtesy to the majority. Had those representing the minority of the committee come to me or to any member representing the majority of the committee, they could have been advised and would have been advised at any time within the last two weeks that so far from there being any disposition on the part of the Republicans to postpone action, we were ready and willing and anxious, so far as that is concerned, to take the matter up at some convenient and proper time, when it would not interfere with pressing appropriation bills, and bring the matter to a final vote. It has been understood on both sides of the Chamber that there were at least two further speeches to be made, one by the Senator from Illinois [Mr. PALMER], who announced on several occasions that he desires to be heard, and the other by the Senator from Connecticut [Mr. PLATT], who wishes also to submit some remarks. It was our intention, as I said before, as soon as the river and harbor bill was out of the way to move the consideration of this case, and to continue it until all speeches were concluded and then to take a vote.

There has been no other disposition, no other intention, upon

this side of the Chamber, no other intimation so far as I know, and therefore it is, in view of all these circumstances, that I can not look upon the proceeding of this morning, emanating as it did from the distinguished Senator from Indiana [Mr. TURPIE], for whom I have the highest respect, except as an act of discourtesy to the majority of the committee, and toward this side of the Chamber moreover. From the fact that this is an important matter, a matter upon which every Senator, I have no doubt, whatever may be his views, would have been glad to have been present and to have submitted his vote in accordance with his convictions, I suggested this morning, when the Senator from Indiana submitted his motion, that as soon as the river and harbor bill was out of the way, I would move to proceed to the consideration of this case with the understanding that we should proceed until all the speeches were made and a final vote was reached. But that did not suit the distinguished Senator from Maryland [Mr. GORMAN], who insisted that we must fix a day, we must fix an hour, something unreasonable in view of the status of the case and all the circumstances.

Mr. GEORGE. Will the Senator from Oregon allow me?

Mr. MITCHELL of Oregon. I yield to the Senator from Mississippi.

Mr. GEORGE. Of course I am not going to indulge, for I do not have any such feeling, in criticism against anybody for his action in this matter. I speak only for myself as one of the humblest members of this body, one who never assumes to have any control over the procedure of the body. However, I can not help feeling under some obligations to the Senator from Oregon for what I regard as the very unusual courtesy extended to me in the debate. I remember that after my distinguished friend, the Senator from Indiana [Mr. TURPIE], had made on this subject one of the ablest law arguments I ever listened to in this body, or anywhere else, so far as that is concerned, it was expected on my side of the Chamber that very soon thereafter I should occupy the floor on the same side of the question. I was in a condition in which I could not comply with that expectation. I went to the Senator from Oregon and told him the situation and asked him for delay. I believe he gave me all the delay I asked him for. After a while, getting the delay I did ask for from the Senator from Oregon, I was enabled to make my speech.

I wish to state now that up to this point the debate in the Senate on this very important question has been conducted in a spirit and on a plane which are very gratifying to me. We have had several elaborate speeches on both sides, and leaving out all consideration of anything I may have said, speaking alone of the remainder of the speeches, I must say that the debate has been characterized by an ability very unusual, by fairness, by deference to the wishes of others, and, I almost might say, with an absolute refraining from anything like partisan expression. So I began to hope, and it is a hope I shall not willingly surrender, that when this judicial question, a very important one, in my humble judgment, involving not only the constitution of Delaware, but the construction of the Federal Constitution, came up finally to be decided we should have the judicial judgment of this body upon those important questions.

Now, in view of all this I wish to say to my friends on this side of the Chamber that I think we ought to credit the statement of the Senator from Oregon [Mr. MITCHELL] that there is no disposition on his part or on the part of his side of the Chamber unduly to delay the decision of this question, and allow him and the other side the same liberality which was extended at least to me. I hope now that some agreement will be made. I understand the Senator from Oregon to say that he is perfectly willing to agree that the case shall be taken up on the final disposition of the river and harbor bill, and that is the next appropriation bill to be taken up by the Senate, leaving several others unfinished; and I hope my friends on this side of the Chamber will agree to that suggestion, so that this case may in its ending, as it has been heretofore, be characterized by liberality upon both sides, by putting the great question involved in the report of the committee upon that high plane of nonpartisanship which I think ought to characterize the proceedings of the Senate upon a question of this sort.

Mr. ALLISON. I wish to appeal to the Senator from Oregon and to the other Senators having the Du Pont matter in charge to allow the regular appropriation bills to proceed in their order and be passed before taking up the election case.

Mr. GRAY. No, no.

Mr. ALLISON. I understand it is the wish on both sides of the Chamber that the Du Pont case shall be disposed of during the present session. If that can be the understanding, I hope a time will be fixed for its consideration after the appropriation bills—three of which are still in committee—shall have been considered in the Senate. I hope, also, that when the time is fixed for the consideration of the Du Pont case, at the same time an hour and a day will be fixed for a vote, because if it is the intention of both sides of the Chamber to have a vote on the case, it can be arranged

for at the same moment, giving ample time for all of those who wish to speak on the subject to do so.

I hope, therefore, that the Senator from Oregon will suggest the postponement of the consideration of this case until the appropriation bills have passed the Senate.

Mr. GEORGE. All of them?

Mr. ALLISON. All of them. It will then take two weeks, probably, to dispose of the appropriation bills in conference. I observe the intimation of the Senator from Mississippi that if all of the appropriation bills are disposed of it will also dispose of the Du Pont case at this session. But I understand it is the wish and purpose on both sides that the Du Pont case shall be voted on at the present session. Therefore any agreement that is made upon the subject can involve that understanding also.

Mr. GEORGE. Will the Senator from Iowa allow me for a moment?

Mr. ALLISON. Certainly.

Mr. GEORGE. There is no bill among the appropriation bills, unless it be the deficiency bill, which can have any operation before the 1st day of July, the beginning of the next fiscal year, and therefore I hope my distinguished friend, the Senator from Iowa, will not insist on disposing of all of the appropriation bills first, because there is really no necessity for disposing of everything before the 1st day of July. The suggestion is made by my distinguished and liberal friend, the Senator from Oregon—I am bound to say that—that when we get through with the river and harbor bill, and that to be the next bill, we shall proceed to dispose of the Du Pont case. I ask as a personal favor, to enable me to repay in part a debt which I owe to the Senator from Oregon for his courtesy to me in this matter, that no member on this side of the Chamber will object to that proposition.

Mr. MITCHELL of Oregon. I appreciate very much what the Senator from Mississippi [Mr. GEORGE] has just said, and thank him for his consideration. I still hope that my friend, the chairman of the Committee on Appropriations, will consent that my original proposition may stand.

Mr. COCKRELL. What is the original proposition—the one that the Senator agreed to and he then backed out of and substituted another for?

Mr. MITCHELL of Oregon. The one I agreed to?

Mr. COCKRELL. Yes, sir.

Mr. MITCHELL of Oregon. I beg pardon. The Senator from Missouri wholly misunderstood me if he thought for a moment that I agreed to any proposition except the one to take up the Du Pont case at the conclusion of the river and harbor bill and then proceed with it to a finish.

Mr. COCKRELL. I understood the Senator distinctly to say, and I think every other Senator on this side of the Chamber so understood him, that he would gladly accept that proposition.

Mr. GRAY. We so understood it.

Mr. COCKRELL. Every Senator on this side understood that.

Mr. MITCHELL of Oregon. We were trying to come to an agreement. The distinct proposition I made was that we should take up this case at the conclusion of the river and harbor bill. There will then be still three or four appropriation bills to pass, and there will be no danger of breaking a quorum if Senators are afraid of that. We will all be here; we will all have notice and all have a chance to vote. I therefore suggest again, so far as I am concerned (I am only one Senator and one member of the committee), that I will be willing to take this case up immediately after the river and harbor bill is disposed of, and I am also willing to fix a time for voting at a certain time beyond that.

Mr. CHANDLER. The peculiarity of the present situation, about which it is not best to get excited, is that the motion of the Senator from Indiana [Mr. TURPIE] came upon this side of the Chamber with two Republican Senators absent and unpaired. When the Senate adjourned on Saturday it was with the expectation that the river and harbor bill would be taken up and proceeded with to-day. The motion of the Senator from Indiana was one entirely unexpected on this side of the Chamber, and if there is any such thing as Senatorial courtesy operating between the two sides of the Chamber the resolution ought not to be proceeded with at the present time.

I find no fault with the minority of the committee for raising the question whether or not this case is to be disposed of by vote before the Senate adjourns. I have never myself had any expectation that it would not be so voted upon. For some reason or other the idea seems to have prevailed on the other side of the Chamber that there was to be no vote upon this case. I see by the newspapers that they resolved in caucus that there should be a vote before the Senate adjourns. The only answer that I have made to a suggestion of that kind was that there was no intention on this side of the Chamber to avoid a vote before the end of the session. There never has been certainly so far as I am concerned.

Mr. President, while the minority, if they had that feeling of distrust of the majority, had a perfect right to make the motion to

proceed to the consideration of this case, it was fairly required of them that they should give us notice that they intended to take a test vote upon the question. The test motion was made without the least idea on this side of the Chamber that it was to be made, without any expectation that there would be any division of the Senate upon a partisan question or any question approaching partisanship until after the appropriation bills were disposed of, certainly not until after the river and harbor bill was disposed of. Therefore, I recognize the suggestion of the Senator from Mississippi [Mr. GEORGE] as entirely in accord with the general spirit that pervades in this Chamber. I do not mean to say by any means that the Senator from Indiana intended to precipitate this question prematurely or unfairly. He had a right to make the motion. It did not occur to him perhaps that we ought to have had the notice, either public or private, which I think should be given at all times and under all circumstances when a vote of this kind is to be brought up.

Mr. GORMAN. I regret that the Senator from Oregon took exception to the proceedings here this morning. I do not think on reflection that he will have the slightest right to complain. The resolution was first reported by the distinguished Senator from Oregon on the 18th day of February, and he gave notice to the Senate that he should press the resolution to a speedy conclusion. However, delays did occur and the matter has dragged along, having been discussed from time to time.

On the 15th day of April, after the matter had been considered and debated for quite a length of time, as the appropriation bills were pressing, I took the liberty to suggest to the chairman of the committee, the distinguished Senator from Oregon, that he then agree to a time when the case could be disposed of, and I suggested a week or ten days. But then as now the Senator from Oregon objected. The Senator from Maine [Mr. HALE] suggested that the naval appropriation bill was about ready for consideration and the matter went over until that bill was disposed of. The general understanding from the tenor of remarks, although the Senator then as now refused to fix any time positively, was that when the naval appropriation bill was out of the way the matter was to come up and be disposed of. I had that impression, but there was no agreement. So this morning when the distinguished Senator from Indiana moved to take up the resolution, the naval appropriation bill having passed this body and no appropriation bill pressing except the one from the Committee on Commerce, I suggested again to the Senator as a matter of fairness that we fix one week from Tuesday, that we take up the matter and discuss it on Monday of next week, and on Tuesday until 4 o'clock, so that notice could be had by everyone that at that time we would have a vote upon the resolution, which is the great privileged question before the body.

Now comes my distinguished friend from Iowa, and he presses all the appropriation bills before we shall have an agreement in this case. Mr. President, that is perfectly well understood. It is a way by which you can postpone a matter for all time, for when we pass the appropriation bills nothing upon the face of the earth will hold Congress here.

Mr. ALLISON. Will the Senator from Maryland allow me to interrupt him?

Mr. GORMAN. Certainly.

Mr. ALLISON. I coupled with that proposition the suggestion that there should be a final vote upon this question before the adjournment of Congress at the present session.

Mr. GORMAN. I understand the Senator from Iowa; but we all know it will be almost impossible to hold Congress here after the appropriation bills are out of the way.

Coming back, now, to the main proposition, for I do not want anything but an opportunity to vote on the question with a full Senate, will the Senator from Oregon agree that this case shall be taken up immediately after the passage of the river and harbor bill; that two days shall be devoted to its discussion, and that on the second day after the passage of the river and harbor bill, at 4 o'clock, the final vote shall be taken upon this question?

Mr. MITCHELL of Oregon. Will the Senator make it the third day and fix an hour?

Mr. GORMAN. Yes; I will make it the third day.

Mr. MITCHELL of Oregon. At 4 o'clock; not later than 4?

Mr. GORMAN. Certainly, I will.

Mr. MITCHELL of Oregon. At 4 o'clock, so that there may be two full days' debate, and on the third day at 4 o'clock, not later than 4, the vote shall be taken.

Mr. ALLISON. I wish to make a suggestion as respects the hour fixed for a vote. Unless the Senators know it is the desire of Senators to speak upon the question, I hope three days will not be occupied in its consideration.

Mr. GRAY. It need not be.

Mr. MITCHELL of Oregon. I do not think it need be. I know of only two Senators who desire to speak.

Mr. GORMAN. Then let us make it the second day, giving one day's full debate.

Mr. MITCHELL of Oregon. That is, giving two full days, and voting at 3 or 4 o'clock on the third day.

Mr. GRAY. That will be understood.

Mr. CHANDLER. I should like to say, if the Senator will allow me, that we know of only one or two speeches to be made on each side.

Mr. GORMAN. I think not more.

Mr. CHANDLER. It is known that the Senator from Illinois [Mr. PALMER] desires to speak. He gave notice of that desire. It is known that the Senator from Connecticut [Mr. PLATT] desires to speak. I do not think there will be any considerable debate upon the question.

Mr. GRAY. Will the Senator from Maryland allow me?

Mr. GORMAN. Certainly.

Mr. GRAY. I understand that under an agreement of such a kind the matter is to be taken up immediately upon the conclusion of the river and harbor bill, and that then, upon the third day thereafter, at a certain hour, a vote is to be taken—

Mr. MITCHELL of Oregon. Not later than 4 o'clock.

Mr. GRAY. I understand that such an agreement does not compel the whole time to be occupied with this case, if no one is ready to speak on it or cares to speak.

Mr. MITCHELL of Oregon. Certainly not.

Mr. GRAY. But two days ought to be given, so that Senators may have notice that at a certain hour the vote is to be taken.

Mr. MITCHELL of Oregon. Yes; so that Senators can be here.

Mr. ALLISON. It can be just as well understood that the hour for the vote shall be at 5 o'clock on the second day as at 5 o'clock on the third day.

Mr. GORMAN. Certainly.

Mr. ALLISON. I understand it to be the consensus of both sides of the Chamber that we are to have a vote upon the Du Pont case.

Mr. MITCHELL of Oregon. Make it 5 o'clock on the second day.

Mr. GORMAN. Very well; I suggest 5 o'clock on the second day.

Mr. MITCHELL of Oregon. All right.

Mr. GRAY. Let us understand what the "second day" means. If the matter is taken up at the conclusion of the river and harbor bill on Monday, for instance, does that mean that Tuesday or Wednesday will be the second day?

Mr. CULLOM. Tuesday.

Mr. GRAY. But is it the second day?

Mr. MITCHELL of Oregon. What does the Senator say?

Mr. GRAY. I say Tuesday; but let us have no misunderstanding about it.

Mr. GORMAN. What I mean is that when the river and harbor bill shall have been disposed of, immediately thereafter we shall proceed to the consideration of the resolution and debate it that day and the next day until 5 o'clock.

Mr. MITCHELL of Oregon. Suppose, however, that the river and harbor bill is concluded at 5 o'clock in the evening and then this resolution is taken up?

Mr. GRAY. We can adjourn immediately, if we choose.

Mr. GORMAN. Yes; we can adjourn.

Mr. ALLISON. It is my experience, as respects appropriation bills, that they are always finished about the last thing in the evening. I am perfectly willing for one that two full days of debate shall be given to the Du Pont case.

Mr. GORMAN. If anyone wants to debate it.

Mr. ALLISON. Therefore I suggest that at the conclusion of the river and harbor bill it be understood that the next day—

Mr. GORMAN. Very good.

Mr. ALLISON. Immediately after the routine business the Du Pont case shall be taken up.

Mr. MITCHELL of Oregon. That is better.

Mr. ALLISON. And when it is taken up, that on the second day at 5 o'clock or sooner we shall take the final vote.

Mr. GORMAN. That is perfectly agreeable.

Mr. CULLOM. Suppose nobody wants to speak?

Mr. ALLISON. We can then go right on and vote.

Mr. CULLOM. I make the suggestion simply because Senators who desire to vote may understand that at any time after the resolution is taken up debate may cease and we will come to a vote.

Mr. MITCHELL of Oregon. They must be here.

Mr. BLACKBURN. Very well. Leave it that way.

Mr. GORMAN. I then make that request of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. CHANDLER. Let it be stated.

The VICE-PRESIDENT. The Senator from Maryland will restate his request.

Mr. GORMAN. It is, that upon the passage of the river and harbor appropriation bill, the next morning, immediately after the routine business, the resolution proposing to seat Mr. Du Pont shall be taken up and continued under consideration, and that the vote shall be taken not later than 5 o'clock on the second day.

The VICE-PRESIDENT. Is there objection?

Mr. GRAY. I would suggest that the unanimous request be modified so as to read that the vote be taken at 5 o'clock on the second day, that everyone may be advised of the precise hour he should be here to vote.

Mr. MITCHELL of Oregon. Yes; Senators may have other business.

Mr. GORMAN. Very well; at 5 o'clock on the second day.

Mr. PEPPER rose.

Mr. GORMAN. This is not to interfere with the bond resolution, of course.

Mr. PEPPER. I am perfectly willing to give my consent with the understanding that this unanimous-consent proceeding shall not in any wise interfere with the bond resolution.

Mr. GORMAN. Certainly not.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I move that the Senate proceed to the consideration of House bill No. 7977, being the river and harbor appropriation bill.

Mr. PEPPER. Before the vote is taken on the motion, I suggest to the Senator from Maine that when the hour of 2 o'clock arrives I shall insist upon proceeding with the regular order, the unfinished business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask unanimous consent that the formal reading of the bill be dispensed with, and that as it is read the committee amendments shall be acted upon.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The reading of the bill will proceed.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, in section 1, on page 2, line 15, after the word "April," to insert "seventeenth"; so as to make the clause read:

Improving Portland Harbor, Me., according to the report of the Chief of Engineers dated April 17, 1896, and continuing improvement of Back Cove, according to existing project, \$20,000.

The amendment was agreed to.

The next amendment was, on page 3, line 6, after the word "Maine," to strike out "\$10,000"; and in line 7, after the word "submitted," to strike out "by the Chief of Engineers" and insert "February 6, 1895, \$10,000"; so as to make the clause read:

Improving Carvers Harbor, at Vinal Haven, Me., in accordance with plans submitted February 6, 1895, \$10,000.

The amendment was agreed to.

The next amendment was, on page 3, line 16, after the word "sum," to strike out "shall" and insert "may, in the discretion of the Secretary of War"; and in line 19, after the word "sum," to strike out "shall" and insert "may, in the discretion of the Secretary of War"; so as to read:

Improving harbor at Boston, Mass.: Continuing improvement, \$70,000: *Provided*, That this sum may, in the discretion of the Secretary of War, be used in the preservation and improvement of said harbor other than the project for improving the main ship channel, and that \$7,000 of this sum may, in the discretion of the Secretary of War, be used in improving Chelsea Creek.

Mr. LODGE. I ask the Senator in charge of the bill if he would have any objection to striking out, in line 18, the words "other than" and inserting "including"; so as to read:

Including the project for improving the main ship channel.

Mr. FRYE. None at all.

Mr. LODGE. I move that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment was amended was agreed to.

The next amendment was, on page 3, line 21, after the words "Chelsea Creek," to insert:

And so much thereof as the Secretary of War, in his discretion, shall direct to be expended for the protection of Great Head, Winthrop, to prevent the further washing away by the action of the sea.

The amendment was agreed to.

The next amendment was, in the appropriation for continuing

improvement of Boston Harbor, on page 4, line 2, after the word "out," to strike out "such improvement, submitted" and insert "the revised project of"; so as to make the proviso read:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out the revised project of August 11, 1892, such contracts to provide that said ship channel shall be widened to a minimum width of 1,000 feet and a minimum depth of 27 feet, to be paid for as appropriations may from time to time be made by law, in the aggregate not to exceed \$1,145,000, exclusive of amount herein and heretofore appropriated.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 4.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate providing for a joint special committee to inquire into the condition of the Congressional Library, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 129) for the relief of Capt. George H. Perkins;

A bill (S. 661) to amend section 2880 of the Revised Statutes of the United States, fixing time for vessels to unlade;

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa; and

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes.

The message further announced that the House further insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. McCALL of Tennessee, and Mr. DOCKERY managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896;

A bill (H. R. 145) for the relief of J. J. Lints;

A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

A bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.; and

A bill (H. R. 7200) for the relief of A. T. Hensley.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution submitted by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. FRYE. I should like to know what the unanimous agreement was in relation to this matter, whether it was anything more than that the resolution should be the unfinished business. I would not violate for any bill in my charge a unanimous-consent agreement made by the Senate, but I desire to ask, first, unanimous consent to lay the resolution temporarily aside, and if unanimous consent is not given, I desire to move that the Senate proceed to the consideration of the river and harbor bill, notwithstanding the unfinished business. I shall not do that if it is in violation of an agreement of the Senate.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Maine. Is there objection?

Mr. PEPPER. I insist upon proceeding with the unfinished business.

The VICE-PRESIDENT. Does the Senator from Kansas object to the request of the Senator from Maine?

Mr. PEPPER. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. FRYE. Then I should like to know what the agreement was?

The VICE-PRESIDENT. The Chair will hear the Senator from Kansas on that point.

Mr. FRYE. I desire to have the agreement read, because I wish to know positively whether I am in honor bound by the agreement to refrain from submitting a motion to proceed to the consideration of the river and harbor bill.

Mr. PEPPER. I was going to request that the RECORD be produced. I am satisfied the Senator will find from it that when the Indian appropriation bill was about to be taken up, or was under consideration, the hour of 2 o'clock arriving, I insisted upon proceeding with the bond resolution; and by unanimous consent it was agreed that the bond resolution should be temporarily laid aside and that the Indian appropriation bill should be proceeded with, the understanding being that at the conclusion of the consideration of the Indian appropriation bill the Senate should then proceed to the consideration of the bond resolution. At the conclusion of the Indian appropriation bill—

Mr. BACON. Mr. President, we are unable to hear the Senator from Kansas on this side of the Chamber.

The VICE-PRESIDENT. The Senator from Kansas will suspend for a moment. There is complaint that Senators are unable to hear the remarks of the Senator from Kansas.

Mr. GORDON. Will the Senator from Kansas allow me to suggest that the reading of the RECORD of the understanding would settle this matter?

Mr. PEPPER. If the RECORD is ready to be produced let it be proceeded with.

The VICE-PRESIDENT. The Chair has requested the clerks at the desk to find the RECORD.

Mr. PEPPER. I have forgotten the date. In the meantime I will proceed; and for the information of those Senators who did not hear the beginning of my explanation, I will restate that when the Indian appropriation bill was about to be taken up, or was under consideration, the Senator having the bill in charge asked unanimous consent that the bond resolution be temporarily laid aside in order that the consideration of the Indian appropriation bill might be proceeded with, and consent was granted. When that bill was disposed of, the next bill (I have forgotten now what it was; it was an appropriation bill) was brought before the Senate, and a like unanimous consent was given, and for a like purpose, that the bond resolution should be temporarily laid aside in order that the consideration of that appropriation bill might be proceeded with. Then at the conclusion of the consideration of that bill came the naval appropriation bill, which I believe was the last one, and a like consent was granted in that case.

Having given way for three different appropriation bills, I insist that the Senate ought now to proceed to execute the order granted by unanimous consent.

The VICE-PRESIDENT. The Chair would like to have a statement from the Senator specifically as to what he understood the agreement to be.

Mr. PEPPER. My understanding was that at the conclusion, first, of the Indian appropriation bill we should proceed to the consideration of the bond resolution. When that time was reached, unanimous consent was again asked that the next appropriation bill, whatever it was—I forget now what it was—should be proceeded with, and that the bond resolution should be temporarily laid aside for that purpose. It was so agreed. Then came the naval appropriation bill, and a like unanimous consent was asked for the same purpose. My understanding has been all along that at the conclusion of the then pending appropriation bill the bond resolution would be in order to be proceeded with. Consent was only asked, from time to time, for the disposition of the particular appropriation bill then in hand; not for all of them, but for one.

Mr. FRYE. The Senator from Kansas insists upon his unfinished business at the most inopportune time that is possible. It would have been a great deal better to have insisted as against the naval appropriation bill or any of the regular appropriation bills. The river and harbor bill may be obliged to lie practically unfinished for ten days after it passes both Houses, and it is important to have it pass the two Houses as soon as it possibly can be done. I wish the Senator would consent that the unfinished business might be laid aside until the river and harbor bill is finished.

Mr. PEPPER. I think that something is due to the Senate—

Mr. GORDON. Will the Senator from Maine allow me to suggest that the statement of the Senator from Kansas does not make a case of unanimous consent to take up the bond resolution? It simply means that we have given unanimous consent to lay it aside and leave it as the unfinished business. As I understand the Senator from Kansas, there is no unanimous-consent agreement whatever to take up the bond resolution.

Mr. PEPPER. The unanimous-consent agreement applied from time to time to the pending appropriation bill only, and the effect

and the understanding of the unanimous agreement was each time that, upon the conclusion of the appropriation bill then pending, the Senate would proceed to the consideration of the bond resolution.

Now, I have yielded three different times, and although it may not seem so important in the mind of the Senator from Maine and some other Senators, yet, Mr. President, this resolution proposes an investigation of one of the most important transactions that have ever occurred in the history of the American Republic, a subject that all Senators agree and that all citizens agree is one of surpassing importance. It is now urged with great vigor upon the part of a great many persons here and elsewhere, and if the resolution is agreed to and a special committee is appointed it will be necessary for a great deal of preliminary work to be performed before the committee could go into active work. A great many active plans will have to be advised, a great many different subjects will have to be examined, so that the investigation may proceed orderly and decently and ably, so as not to bring scandal upon the committee. In addition to all that, if the resolution is adopted it will have to be referred to the Committee on Contingent Expenses, in order that the necessary machinery for carrying on the work of the committee may be provided by the Senate.

Taking all these things into view, I frankly say I am of the opinion that the resolution at this particular time is more important than the river and harbor bill, because as soon as it is disposed of (it surely will not occupy more than a day or two; it ought not) the river and harbor bill can be taken up. As I said, if the resolution is agreed to, it will take some little time for the Presiding Officer to consider the subject of the appointment of the committee, and after the committee has been appointed there must be consultations and time again in order to lay out a plan of appropriate procedure.

So, Mr. President, I insist upon proceeding with the resolution.

Mr. HARRIS. I should like to inquire of the Senator from Kansas if the original unanimous consent asked by him and agreed to by the Senate went any further than to make his resolution the unfinished business?

Mr. PEPPER. Yes, Mr. President; it did.

Mr. HARRIS. That is the exact point about which I wanted information. If it went beyond that let it be shown exactly what the agreement meant, and I take it for granted that no Senator will violate it.

Mr. ALLEN. If the Senator from Kansas will permit me, I will read from the RECORD, to which I have turned, on this subject.

Mr. PEPPER. Let it be read, so that it can be heard.

Mr. ALLEN. On page 3719, April 8, 1896—there may be something since then—the RECORD shows the following:

Mr. PEPPER. Before the motion to adjourn is put I desire to state that the Senator from New York [Mr. HILL] and myself had a conversation this afternoon with respect to the resolution proposing to investigate the bond issue, of which I have been talking to the Senate several times lately. The Senator from New York is obliged to leave the city to-morrow and is not going to return until probably next Tuesday. I ask unanimous consent for an agreement that next Tuesday, at fifteen minutes past 2 o'clock, the Senate will proceed to the consideration of the bond resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. CALL. At what hour? Fifteen minutes past 1?

Mr. ALLEN. No; fifteen minutes past 2.

Mr. CALL. Why not take it up after the routine business?

Mr. HILL. Then it would be cut off by 2 o'clock.

Mr. CALL. All right.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Then the RECORD shows that the Senate adjourned.

Mr. PEPPER. That, however, was the first. It does not relate to the unanimous consent that was given for making the resolution the unfinished business after that time. I think I can find that in a little while. I will look for it. We can trace it if the clerks will get the time when the Indian appropriation bill was under consideration. My copy of the RECORD that contained it, I think, has been taken over to the Maltby Building.

Mr. HILL. While the Indian appropriation bill was before the Senate, with a prospect of several days' continuance, I was obliged to leave the city, and I made a suggestion to the Senator from Kansas that I hoped the resolution would not be called up in my absence. The Senator said he would have it set down for some later date, fixing it for the next Tuesday at 2 o'clock and 15 minutes. If I had not been obliged to go away the Senator, of course, could not have very well taken up his resolution during the pendency of an appropriation bill. When afterwards some question was made in regard to it I raised none, and was entirely willing to proceed with the resolution. We did proceed. We took it up and proceeded with it. Subsequently appropriation bills were brought forward.

I think it was the naval appropriation bill which was under consideration when the question arose as to which measure should have the right of way. I had spoken. The resolution had been considered; the unanimous agreement had been carried out, and debate had been had upon it. Then the Senator from Iowa [Mr. ALLISON]—I do not find the precise words—made a statement in

the Senate, when he asked to displace the resolution. The question then arose as to what had previously occurred in making an agreement. Then the Senator from Kansas distinctly stated that the resolution was the unfinished business without prejudice to the appropriation bills. The Senator from Iowa expressly stated: "I want it understood that it shall not be to the prejudice of taking up the appropriation bills." That was the precise language he used. Then we proceeded with the appropriation bills. Then from time to time the resolution has simply been laid aside by unanimous consent for the taking up of various appropriation bills.

One day the Senator from Kansas, when an appropriation bill had been taken up, wanted a new agreement. I objected to any new agreement, to any new unanimous consent, because we were standing upon the old arrangement, such as it was, which was the right to make the resolution, as the Senator expressly said, the unfinished business. It is the unfinished business to-day. It has no priority over anything else, with the distinct understanding that it must give way, as was stated by the Senator from Iowa, to appropriation bills. The language of the Senator from Kansas was that it was always rutable. I can not find the precise date. He says that it had been formally ruled, and with that understanding we have proceeded. All there is about it is that the resolution is the unfinished business. There is no solemnity in the matter, nothing about it that concerns the question of unanimous consent. The Senate has a perfect right to take up any appropriation bill that it wants to. It can do it with the consent of the Senator from Kansas or without his consent.

So far as I am concerned, it is immaterial to me what disposition shall be made of the bond resolution. I propose to submit some remarks, and others propose to submit remarks upon it. If it comes up there will be an extensive debate. The wisest course for the Senate to pursue, it strikes me, is to proceed, especially in view of the last agreement made, to take up the river and harbor bill. That will expedite the business of the session. There is nothing about the bond resolution which is urgent. It is a political, financial, semipartisan matter which can wait. The committee to be appointed, if one ever is appointed, can not dispose of this business before the session is over. The Senator from Kansas says he wants it considered immediately. It can not be done. Senators are all engaged in the transaction of public business and they have got to be here. If this investigation means anything at all, it means that the committee is to send for persons and papers and go to New York; it means to take expert testimony, and it will be a long investigation.

I am not going to discuss the bond resolution or to anticipate it. I quote from the RECORD of April 20, 1896, as to what heretofore occurred on this subject:

Mr. HILL. The resolution is temporarily laid aside, is it not? There is no other understanding or agreement on the part of the Senate?

The PRESIDING OFFICER. The Chair will state the proposition. The Senator from South Dakota asks that the unfinished business be temporarily laid aside. Is there objection?

Mr. HILL. To that I do not make any objection.

The PRESIDING OFFICER. The Chair hears no objection.

As is suggested by the Senator from Georgia, it was unanimous consent in relation to temporarily laying aside the unfinished business; that was all.

I also read from the RECORD of April 20 what the Senator from Iowa [Mr. ALLISON] said:

Mr. ALLISON. I can say without hesitation to the Senator from Colorado that the resolution of the Senator from Kansas must be the unfinished business until laid aside by a majority vote of the Senate for the consideration of other business. I hope that we shall not be put to the hazard of a contest, and I trust the Senator from Kansas will not enter into a contest whereby the resolution shall go on indefinitely in debate, as we see around us evidence that it is likely to do, to the exclusion of appropriation bills. The Senator has now absolute control of the Senate as respects his resolution, appropriations bills only intervening.

"Appropriations bills only intervening." That was the precise arrangement; and this bond resolution was to be kept as unfinished business until the conclusion of the appropriation bills, when we were to take up and proceed with the bond debate to whatever extent the Senate might desire to have it debated.

Mr. SHERMAN. I have always felt that whenever an understanding has been had by the Senate it should always be observed without regard to consequences. It is only in that way we can dispatch the public business. I have a very clear opinion that the Senate agreed to take up the bond measure and dispose of it, it holding its place always as against everything else except appropriation bills. The appropriation bills could only be taken up by a vote of the Senate or by a unanimous agreement. Under the circumstances, I think we ought to proceed to dispose of the bond resolution, because a question of this kind is always in the nature of a privileged question. When the Senate proposes to examine the conduct of an Executive Department of the Government by inquiring into the sale of bonds, or anything of that kind, such an agreement ought to be always strictly observed. Such a resolution as this, proposing to appoint a committee to examine into the circumstances of the sale of Government bonds, is one which

ought to be always favored and acted upon promptly, so that the Senate may get the necessary information in regard to the subject. I do not think the Secretary of the Treasury or any other executive officer would object to such an investigation. Indeed, the natural feeling of an executive officer, if he were the one at whom such a resolution was aimed, would be that the matter should be at once examined into. It seems to me that this proposition for a committee to examine into the circumstances connected with the bonds which were recently sold ought to be at once acted upon. It ought not to take twenty-four hours to act upon it; it ought not to take us more than a single day's session.

I do not see anything in the resolution itself but what is respectful in character. It simply seeks information as to the policy and propriety of the issue of bonds at a particular time, and I think it ought to be disposed of and not take any time, because whenever an inquiry is demanded by a Senator into the conduct of an executive officer it is in the nature of a privileged question, and ought to be promptly acted upon. I hope, therefore, the resolution may be taken up and disposed of to-day. If that is not done, then the resolution will be constantly in the way of all other business except appropriation bills.

Mr. FRYE. I call the attention of the Senator from Ohio to the fact that every time he mentions it he excepts appropriation bills. Where is the authority for not recognizing the river and harbor bill as an appropriation bill, and one of the most important?

Mr. HILL. And a pretty big one.

Mr. SHERMAN. The agreement was not to take up appropriation bills, but that they were liable at any time to be moved to be taken up. I think, though, that as the bond matter is now before us, we had better dispose of it immediately, and I hope that the Senator from Kansas will ask that a time be fixed, a reasonable time, a short time, when the vote may be taken upon the adoption of the resolution. That will clear the way for appropriation bills and for other business which is very important.

Mr. JONES of Arkansas. I wish to call the attention of the Senate to the words of the Senator from Iowa [Mr. ALLISON] at the time this agreement to postpone the consideration of this resolution and to take up the appropriation bill was made. The language of the Senator from Iowa, of which I will only quote a paragraph, is this:

Of course, by securing unanimous consent, and the Senator has secured it, impliedly he may have a claim upon the Senate, but surely it can not last a great while to the exclusion of appropriation bills.

The Senator from Iowa seemed to recognize the fact that at that time the Senator from Kansas might, if he insisted on it, rely on the unanimous consent of the Senate which had been theretofore given for the consideration of his resolution, and he was appealed to at that time to yield to an appropriation bill, which was then pending; but he gave up nothing of the rights he had before. It seems to me that it can not be used now to set aside the consideration of the resolution except by the unanimous consent of the Senate.

Mr. PEPPER. Mr. President, I wish to call the attention of the Senate to the language of the Senator from Iowa, found on page 4158 of the RECORD, about halfway down the page, which is as follows:

Mr. ALLISON. Allow me to make a suggestion to the Senate and the Senator from Kansas. I understand that the bond resolution is here not by vote of the Senate, but by the unanimous consent of the Senate. I understood at the time that consent was given that it was not to displace appropriation bills when they were ready, but I agree that the phraseology used by the Senator from Kansas would perhaps not imply thoroughly that he was willing, or that consent was given, to allow the resolution to be laid aside temporarily for the consideration of appropriation bills.

Then he proceeded to make an appeal in the polite and persuasive manner for which that Senator is famous.

Mr. HILL. I desire to call attention to the discussion had on page 4158, in which the Senator from Colorado [Mr. WOLCOTT] made a statement, in which he said:

If the appropriation bills can then be got through, the Senator from Nevada must see that all the moral support of the Committee on Appropriations, to which we have cheerfully yielded, must come to our aid in assisting us in securing the final consideration of the bond resolution.

Here is the last utterance upon the matter by the chairman of the Committee on Appropriations:

Mr. ALLISON. Besides that, the bond resolution has the exclusive right of way except for appropriation bills.

Mr. JONES of Arkansas. Will the Senator from New York allow me to interrupt him one moment?

Mr. HILL. Yes, sir.

Mr. JONES of Arkansas. It seems to me there was a debate between the Senator from Kansas [Mr. PEPPER] and the Senator from Iowa [Mr. ALLISON] as to whether the unanimous consent was to proceed absolutely to the consideration of the bond resolution, or whether it was to proceed to the consideration of the resolution subject to appropriation bills, the Senator from Kansas contending that there was no agreement that the resolution should

be considered subject to the prior rights of appropriation bills, but should have absolutely the right of way. An appeal was then made to the Senator from Kansas to consent to agree to a unanimous consent of the Senate that the rights he had for the consideration of his resolution under the unanimous consent of the Senate should not be pressed to the prejudice of the appropriation bill which was then proposed to be considered. That was the point of difference between the two.

Mr. HILL. As to whether it should not only yield to that particular appropriation bill, but should yield to the other appropriation bills. Every word that has been stated refers to appropriation bills, and not to a particular appropriation bill. It was stated that there were other appropriation bills coming and that it was not wise to take up the bond resolution; and the Senator from Iowa so understood it, for he said:

Besides that, the bond resolution has the exclusive right of way except for appropriation bills.

I have stated the circumstances under which the resolution was originally taken up. We did then proceed at the time named to take it up. We discussed it on two different days. Then it was displaced, under the circumstances stated, by the appropriation bills. There was then an understanding reached that it should remain the unfinished business.

Mr. President, the Senate, of course, is competent to take either course it sees fit. No unanimous consent is violated by simply taking up another matter after there has been a debate for two days. That does not even state the case so broadly as it is claimed by the other side, that originally there was unanimous consent to take up the resolution. The resolution has been taken up; it was discussed for two days; and then it was set aside by an appropriation bill. If there had been unanimous consent to take up and proceed to vote upon the resolution that would have been an entirely different thing. Ordinarily, when we give unanimous consent, we expressly reserve the point that the subject is not only to be taken up for consideration, but that we shall proceed to a vote upon it. There has been no such reservation made in this case.

It has therefore been stated that the agreement related to only one appropriation bill, and that the Senate, of course, could not refuse to take up the resolution after having once consented to do so by unanimous consent without a violation of the agreement. But after the resolution was taken up and laid before the Senate and debated on two different days, the Senate had a perfect right to take up any other order of business, for that would be held to be a simple taking up, as, for instance, where a Senator offers a resolution in the morning hour and asks unanimous consent to take up the resolution. Does that mean that it must be proceeded with to a vote on that day and that it can not be supplanted by another resolution? Does it mean that it can not go over? It is within the power of the Senate. The unanimous consent referred to is to the taking up of the subject at that time. That unanimous consent has been carried out in its full spirit and effect and we have had two days' debate on the resolution. So when it came up again the Senator could not hold the resolution over the Senate.

I listened particularly to the agreement that was made when the Senator stated that there should be excepted appropriation bills, not the particular bill then pending. Then the Senator had his resolution made the unfinished business, subject only to the right to take up appropriation bills. Therefore I think the Senator from Maine has a perfect right to insist that the river and harbor bill has the right of way, irrespective of a vote. That is the way it has been done, and there has been no objection to it until now. I do not know what has occurred that leads Senators to refuse further unanimous consent to lay the bond resolution aside.

Mr. PEPPER. Does not the Senator from New York remember very well that, upon the close of the consideration of every one of the appropriation bills since this unanimous-consent agreement has been talked about, I have asked to have the unfinished business, the bond resolution, laid before the Senate?

Mr. HILL. Yes.

Mr. PEPPER. And that, upon the request of the Senator in charge of the appropriation bill that the resolution might be temporarily laid aside in order that the bill might be proceeded with, I agreed to it?

Mr. HILL. That does not change the question.

Mr. LODGE. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I ask the Chair what is now before the Senate?

The VICE-PRESIDENT. The Chair will state that at the hour of 2 o'clock the Chair laid before the Senate the unfinished business, being the bond-sale resolution, and the Senator from Maine [Mr. FRYE] requested that it should be laid aside temporarily to proceed with the consideration of the river and harbor bill. The Chair submitted the question to the Senate, and the Chair understands the Senator from Kansas to object. That is the status of the case at present.

Mr. LODGE. Then, as I understand it, the bond-investigation resolution is now before the Senate?

The VICE-PRESIDENT. It is now before the Senate.

Mr. LODGE. And we are passing our time in discussing a unanimous-consent agreement to see what we agreed to—the usual method?

The VICE-PRESIDENT. The Chair has laid the unfinished business before the Senate.

Mr. LODGE. The actual business before the Senate is the bond resolution. Until that is disposed of there is nothing else, is there?

Mr. HILL. The discussion arose because the Senator from Maine [Mr. FRYE] desired to know the precise status of the resolution. He asked for information, and it has been read; the Senator from Kansas read it; and we have been discussing that question because the Senator from Maine said he felt reluctant to move to set it aside if there had been any unanimous agreement which precluded any such motion. That is all there is of it. I ask the Senator from Kansas if, in answer to one of the questions put to him by the Senator from Iowa as to whether he would yield for appropriation bills, he did not say, "Yes, that is rutable," and upon that we went on?

Mr. PEPPER. I ask that the question as to agreeing to the resolution may be put to the Senate. The resolution, I understand, is now before the Senate, and I ask that it may be put to a vote.

Mr. HILL. To have a final vote upon it, does the Senator mean?

Mr. PEPPER. Yes, sir.

Mr. HILL. Not quite yet.

Mr. MILLS. What is the decision upon the question?

The VICE-PRESIDENT. No question has arisen for the determination of the Chair.

Mr. FRYE. I have been reading what has occurred and have listened to the statement. The unanimous agreement was nothing more nor less than this, that the bond question should be regarded as the unfinished business, and the statement generally made when the appropriation bills have been up was that it should be the unfinished business as against everything but appropriation bills. The river and harbor bill is an appropriation bill. A unanimous consent that any measure may be made unfinished business is not unanimous consent that the question of consideration shall not be raised against it; that is entirely clear, else we might stay here in the Senate without doing anything for months under a general discussion of such a measure. I wanted to know whether the unanimous consent precluded me from making a motion to consider the river and harbor bill. In my judgment it does not. Of course it is immaterial to me very largely whether the river and harbor bill is proceeded with or not. If the Senate think it is better not to have any river and harbor bill, I am content; if they think it is better to postpone it for a week, I am content; but in order to settle this question and not waste any more time about it, and not caring at all myself, although in charge of the bill, what the vote of the Senate may be, I ask a vote of the Senate upon a motion to proceed to the consideration of the river and harbor bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine to proceed to the consideration of the river and harbor bill.

Mr. WOLCOTT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. I ask unanimous consent, although I know it is not debatable, just to make one statement in regard to this matter. I am very anxious to have the river and harbor bill considered; but believing, while I am opposed to the resolution of the Senator from Kansas, that the general understanding, at least my understanding, was that he should have a day in court for his resolution after the conclusion of the then pending appropriation bill, I can not now vote to take up the river and harbor bill.

The Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I desire to announce my pair with the junior Senator from Maryland [Mr. GIBSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I do not see him in the Chamber and withhold my vote.

The roll call was concluded.

Mr. PUGH. I have a general pair with the Senator from Massachusetts [Mr. HOAR], but I feel satisfied that upon this motion we are agreed, and I vote "nay."

Mr. DUBOIS. I transfer my pair with the Senator from New Jersey [Mr. SMITH] to the Senator from Nevada [Mr. JONES] and vote "nay."

The result was announced—yeas 28, nays 39; as follows:

YEAS—28.

Burrows,	Hansbrough,	Morrill,	Sewell,
Caffery,	Hill,	Nelson,	Shoup,
Cullom,	Lindsay,	Palmer,	Squire,
Davis,	McBride,	Pasco,	Thurston,
Elkins,	McMillan,	Platt,	Vilas,
Faulkner,	Mills,	Proctor,	Wetmore,
Gallinger,	Mitchell, Oreg.	Quay,	Wilson.

NAYS—39.

Allen,	Carter,	Kyle,	Stewart,
Bacon,	Chilton,	Lodge,	Teller,
Bate,	Cockrell,	Mitchell, Wis.	Tillman,
Berry,	Daniel,	Morgan,	Turpie,
Blackburn,	Dubois,	Peffer,	Vest,
Brice,	George,	Perkins,	Walthall,
Brown,	Gorman,	Pettigrew,	Warren,
Butler,	Harris,	Pugh,	White,
Call,	Irby,	Roach,	Wolcott.
Cannon,	Jones, Ark.	Sherman,	

NOT VOTING—23.

Aldrich,	Clark,	Hale,	Murphy,
Allison,	Frye,	Hawley,	Pritchard,
Baker,	Gear,	Hoar,	Smith,
Blanchard,	Gibson,	Jones, Nev.	Voorhees.
Cannon,	Gordon,	Mantle,	
Chandler,	Gray,	Martin,	

So the motion was not agreed to.

Mr. FRYE. I did not vote because I stated the exact fact when I said that it was indifferent to me what was done, and I prefer to be instructed by the Senate as to my duty. I now understand myself to be instructed to make no more attempts to take up the river and harbor bill for consideration until the bond resolution is disposed of.

Mr. WOLCOTT. I suggest that the country would breathe very much more freely if the Senator from Maine would fail to present his bill, with these millions and millions of dollars for rivers and harbors, until the country understands something as to how many bonds are to be issued from time to time, and how frequently, imposing additional burdens upon the people of the United States.

Mr. HILL. And all the information the Senator from Colorado will get from the investigation will not relieve his mind at all.

Mr. WOLCOTT. Mr. President—

Mr. HILL. Wait a moment.

Mr. WOLCOTT. Will the Senator from New York permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Colorado?

Mr. HILL. Not now.

The VICE-PRESIDENT. The Senator from New York declines to yield.

Mr. HILL. Mr. President, the Senate has seen fit in its wisdom to virtually displace a bill containing appropriations for rivers and harbors in the United States in order to take up a senseless, uncalled-for, and mischievous resolution. The idea or argument that a Senator is to get any information from the resolution of investigation as to how much money he ought to vote for in the river and harbor bill will scarcely stand scrutiny. It is a new claim only just now put forth that Senators want light on the subject of the circumstances under which bonds have been issued by the present Administration in order to vote for appropriations for rivers and harbors. I think the river and harbor bill, when it comes to be read in the Senate, will indicate that Senators have been very vigorous and diligent in their efforts to obtain appropriations for their respective localities, without much regard to the information which they are going to receive from the proposed investigation.

Does the Senator from Colorado expect to withhold this river and harbor appropriation bill until, perchance, the committee of investigation has reported? Is he so much in need of enlightenment that he requires this investigation report to be prepared and presented before he is ready to vote? I think, if I may venture a little prophecy, he will be ready to cast his vote upon one side or the other of these appropriations without waiting for the report of the investigation committee.

It answers, of course, for the time being—for the exigencies of the occasion—to say that Senators need time in order to prepare themselves to vote properly on the appropriations. That argument, however, will not impress the country very much. The appropriation bill is unquestionably to be taken up at the conclusion of the arguments on this subject. Senators who ask for the investigation will vote upon one side or the other of the question. The hearing before the committee, if it is to be substantially ex parte or summarily had, will carry no weight. The hearing, if it is to be completed hastily, will be without influence and without effect. Those who seem to expect that a result upon the hearing is to be completed this session will be disappointed. It will require much time, and must inevitably be postponed to a later date to reach a conclusion.

No, Mr. President, this proposed investigation is part of an effort made for political effect. It is a scheme upon the part of some persons proposing it to throw mud upon their political adversaries. It is the part of a scheme by others, who expect it is going to aid in some way in the solution of the silver question. Never will men be more completely fooled. The investigation will throw no light upon the silver question proper. It will add no argument to one side or the other. This investigation, so far as throwing

light upon the great financial subject, will be useless. It will amount to nothing.

The last suggestion made is that the investigation is wanted for the honest, bona fide purpose of ascertaining where we are going to get the money to meet our extraordinary appropriations. Can not Senators read for themselves? Have they not read the reports of the Secretary of the Treasury? Do they not get a report as to the condition of the Treasury every single day? Does not each Senator here know every morning the precise condition of the Treasury? Does he not read the monthly reports? Has he not read the President's message giving all the circumstances under which the bonds were issued? Have not Senators read the annual report of the Secretary of the Treasury? Are they ignorant of the financial situation of the Treasury? Do they really want information to aid them as to how much money they ought to vote for in the river and harbor bill, and for other appropriations?

That claim is simply ridiculous, utterly unworthy of distinguished Senators, whom I am compelled to believe know better. There may be, perchance, good reasons for the adoption of the resolution; but the last reason stated—the lack of information—is not one of them. There may be some other reasons existing which have not been developed in the argument. I have not heard them. But the last reason stated is as thin and transparent as the cause it represents.

Having had no debate upon this question for some time, undoubtedly the Senate was very anxious to proceed to take up something more interesting than an appropriation bill. I will resume the discussion where it was left off a week ago last Friday, when the Senate had vindicated its honor by taking up and discussing the resolution under an alleged unanimous-consent agreement. I commence now where it was left by the distinguished Senator from Massachusetts [Mr. HOAR], who, I regret to say, is not present. I stated at the time that I intended to comment upon the remarks which he made on the afternoon of the last day of the debate.

I understood the distinguished Senator from Massachusetts, while not committing himself to the details of the particular resolution, to express the general purpose of supporting some resolution providing for an investigation. I am going to analyze just what he said, because, with all due deference to the Senator, there was more misinformation supplied, more untenable arguments presented in that fifteen minutes' speech than I have heard in the Senate in many a day. First, he said substantially that the resolution ought to be passed as a matter of courtesy to the Senator from Kansas [Mr. PEPPER] because—I quote him now—"It is the ordinary case of a proposal by a Senator;" and he said it never had been denied. He said it is an inquiry which "never was refused in any previous Congress to any Senator who had asked it, and I do not think it ought to be refused to the Senator from Kansas."

In other words, he desires to place the opponents of the resolution among those who are unreasonably refusing a courtesy to the Senator from Kansas. If I should offer a resolution to-morrow to investigate any Department of the Government it would be discourteous to me to refuse the investigation. That is the claim presented. I suppose he would be willing to carry out his argument to its legitimate conclusion, namely, that the investigation when proposed should be had either by a special committee or by a standing committee, as I might prefer.

The ground of courtesy to a Senator is a new ground upon which to ask for an investigation. Whenever a Senator offers a resolution for an investigation it must be granted to him no matter what the expense, no matter how mischievous, no matter how troublesome, no matter how unnecessary. It must be granted to him because he asks it. Are there good reasons for it? No matter whether there are or not. Are there any good grounds for it? No matter whether there are or not, he must have it. That is a new-born theory upon which it is sought to here to pass the present resolutions. The Senator from Massachusetts [Mr. HOAR] in his new-born zeal for Senatorial courtesy confuses a request for information from the Departments with resolutions for investigations of Departments. There is a clear and well-defined distinction. No question of courtesy is involved. It is merely a question of propriety, the creation of a good or a bad precedent.

The Senator from Massachusetts [Mr. HOAR] has not always had the high regard for Senatorial courtesy which he now manifests. On August 23, 1893, the Senator from Kansas [Mr. PEPPER], always alive, as his friends say, to the public interests, introduced a resolution calling for information from the Secretary of the Treasury in reference to what some banks in Boston, New York, and Philadelphia were doing in violation of law. I want to read the resolution to the Senate:

Resolved, That the Secretary of the Treasury be directed to inform the Senate—
First. Whether, and in what respect, the national banks, or any of them, in

the cities of Boston, New York, and Philadelphia are being now conducted in violation of law.

Second. Whether said banks are paying depositors' checks promptly in lawful money.

Third. Whether said banks, or any of them, are demanding rates of interest higher than those provided by law for the loan of money or in discounting notes and bills.

The Senator from Massachusetts, who now says that the pending resolution should pass as a matter of courtesy, that such requests are never refused, on that day immediately upon the introduction, not of a resolution of investigation, but simply a resolution of inquiry from a Department, said:

Mr. HOAR. Let the resolution go over. I object to its consideration at this time.

The next day, August 24, the resolution was called up and debated until 2 o'clock pending the motion to refer to the Finance Committee, the extremely courteous Senator from Massachusetts moving to refer it. That little resolution, simply asking the Secretary of the Treasury if he had any information in his possession as to whether banks in New York City, Boston, and Philadelphia were violating the law, could not be considered at once, could not be passed, but must be referred, whereas the pending resolution, which is introduced for the investigation of great transactions of the Government, involving its credit and honor, must not be referred for consideration, but must be summarily passed.

I want to call the attention of the Senate and the country to the fact that the Senator from Massachusetts at that time said he thought the bank resolution untimely; that he thought it was unwise to hold our national banks to the strict letter of the law in a great crisis like the panic of 1893. In other words, he thought it was unwise to prod the banks, to make them strictly comply with the law during that critical period. It had not occurred to him then that the Senator from Kansas was entitled to have the resolution passed as a matter of courtesy. It had not occurred to him, when the national banks were involved, that a common and simple resolution of inquiry could be passed without injury to anybody. Then, as now, the Senator from Massachusetts [Mr. HOAR] was aided by the senior Senator from Maryland [Mr. GORMAN], at least so far as taking up the present resolution for consideration is concerned. Both seemed to think that it would be very injurious to have this information given to the public at that time. Both of them opposed the resolution. Both advocated the reference of the resolution to the Committee on Finance.

Mr. GEORGE. What became of the resolution to which the Senator refers?

Mr. HILL. I am going to trace it. Without speaking of myself any more than is necessary, I desire to say that I antagonized the Massachusetts and Maryland combination at that time as I antagonize it now. Both of the Senators opposed the resolution. I took the position then, sir, that the national-bank resolution was an ordinary, simple resolution calling for information, and that the Senate ought to pass it. On August 31 the resolution was taken up and not passed, as it should have been, but referred to the Committee on Finance. I refer to page 1102 of the RECORD, where it will be seen that the vote on the motion to refer was 35 yeas to 21 nays. It was not discourteous to the Kansas Senator then to refer the resolution to the Committee on Finance. It was regarded as the proper thing to do. I simply cite that resolution for the purpose of showing the inconsistency of the position of the Senator from Massachusetts.

The Senator from Mississippi [Mr. GEORGE] asks me what became of the resolution. No report was made. On September 8, 1893, the Senator from Kansas [Mr. PEPPER] introduced the same resolution more elaborated. On the next day, September 9, the same was taken up and considered until 2 o'clock. Nothing was done with it. It went to the Calendar. The Committee on Finance never reported the original resolution referred to it. It has remained in the Committee on Finance from that day to this.

At the next regular session, no report having been made by this committee in the meantime, the Senator from Kansas [Mr. PEPPER] reintroduced the same resolution on December 21, 1893, at the second session of the Fifty-third Congress, and asked that it be referred to the Finance Committee. No report has ever been made. That resolution or resolutions were resolutions simply of inquiry. They were proper in every respect. They were resolutions upon which the claim of courtesy might avail something; they were entirely different from the pending resolution, and yet they were opposed by the Senator from Maryland and the Senator from Massachusetts and other Senators in this body. The Finance Committee never has made any report. How discourteous to the distinguished Senator from Kansas!

Therefore I dispose of the first point made by the Senator from Massachusetts, that the alleged ground upon which the resolution should be passed is that of courtesy. It does not exist; it has been denied before upon simple, ordinary resolutions asking information from a Department, and denied at the instance of the Senator from Massachusetts. I am not one of those who invoke courtesy

when it is in my favor and refuse to recognize it when it is invoked by others against me.

The Senator from Massachusetts then proceeded in his argument to give a reason why the present investigation should be had. He says in the last bond sale the bonds should have been advertised for sale at a fixed price, and that they were not. Of all the preposterous claims set up by the advocates of the pending resolution this is one of the worst. Suppose the Secretary of the Treasury had advertised the bonds for sale and had said: "I will accept a fixed price for them." A clamor then would have been raised all over the country and it would have been said: "Why does he not put up the bonds to the highest bidder? Why fix an arbitrary sum at which to accept bids?" It would have been said: "He has sought improperly to limit the price at a particular figure." It would have been said he was acting in the interests of certain sets of bidders. It would have been said that the proper way was to expose the bonds to the highest bidder in the market; that that was the regular and legitimate way to do business.

The truth is that there has been a disposition manifested to criticize Mr. Carlisle in reference to this transaction, not because there was anything wrong with it, not because there is anything irregular about it, but simply because gentlemen, upon principle, are opposed to the sale of any bonds whatever. That is another question. You do not need any investigation to determine a question of principle. Concede, if you please, that the gold theory, so called—the maintenance of the gold standard—requires incidentally the issue of bonds. That is one question. The mere fact that Senators do not believe in the gold standard, and the mere fact that Senators think that bonds ought not to be issued because the Government should have pursued a silver policy, furnishes no occasion or demand for an investigation. What do you expect the committee to report? An elaborate argument in favor of the free coinage of silver? Is that what the report is to contain? The bonds have been issued. They can not be recalled or repudiated. Do you expect to have a written treatise on the questions of law involved? Is that what is asked for or what is really expected?

Before proceeding to discuss the third ground I wish to say that if a certain price had been fixed for the bonds it would have led to a clamor of which we would not have heard the last for many months. What better could the Secretary of the Treasury do than to put up the bonds to the highest bidder and ask for bids? That was the wisest course. It was the best course; it was the honest course. Men who claim to the contrary want to criticize because they dislike Mr. Carlisle and dislike the gold standard. That is all there is of it. They may conceal their motives under other pretenses, but that is all there is of the matter.

The next thing the Senator from Massachusetts [Mr. HOAR] says is that \$500,000,000 of gold was unnecessarily locked up pending the offer of these bids. All during the thirty days, he says, \$500,000,000 of gold was unnecessarily locked up. A man need not necessarily lock up his gold simply because he made a bid. Of course if a man wants to make a bid for bonds, and has not the gold, he must be able to borrow the gold or get it from some source. Suppose the terms of the sale had been that every man upon making his bid should deposit a certain sum of gold for the purpose of showing his good faith. Then it might have been claimed that it unnecessarily locked up a large amount of gold. It would have been said, "Why should a man, in making a bid for Government bonds, be compelled to place on deposit a certain portion of the gold as security for his bid?" I am one of those who think that possibly some security should have been required of men who bid, but if there was any error committed at all, it was an error in the interest of all bidders—in the interest of increased competition. The poorest bidder who had not a dollar of gold with which to buy a bond, the merest adventurer in any part of the country who wanted to take his chances in getting bonds, had a right to put in his bid. The bidding was open to all the world and to all upon an equality. Morgan & Co., with their millions, were obliged to compete with the humble clerk who had not a dollar actually to invest.

Possibly it would have been wiser to have compelled men to show their good faith by giving bond. Yet if the Secretary had done that you would have heard this Chamber ring with charges that such a course was in the interest of the rich, in the interest of the millionaires of Wall street, in the interest of men who had gold, and not in the interest of the people. Sir, when the Secretary issued that call, which I have here and which said that the Treasury Department would accept bids for a period of thirty days and that the bonds would be sold to the highest bidder, any citizen of this Republic or any other country had a right to bid, and I say he faithfully discharged his duty in the premises, and any criticism of his conduct is simply captious. You want to investigate his conduct. What is there to investigate about it? If he had pursued the contrary course, if he had required gold to be deposited in advance as security, if he had required bonds to be given of every man who wanted to bid, then it would have

been claimed that the proposal was for the benefit of the rich and of syndicates and of Wall street and of the bad men who live in New York. No, no. Mr. President, the trouble with these critics is that they act upon the principle of "damned if you do and damned if you don't." Nothing suits them. It is one grand tirade all the time against the finances of the country. You can not satisfy them with anything that is done. You can not expect to deprive them of their grievances, as that would be the greatest calamity that could befall them.

The next is the third ground. Before I quote parts of that I wish to read the popular loan call, beginning with the words "Treasury Department," which I will ask the Secretary to read. It shows just what the terms were, showing that they were open and free to everybody from Colorado to Florida, from Florida to Maine, from Maine to California. Any citizen, whether he had a dollar or expected to have, had a right to bid for the bonds—to bid any price he pleased for that purpose.

The PRESIDING OFFICER (Mr. PASCO in the chair). At the request of the Senator from New York, the paper will be read by the Secretary in the absence of objection.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 6, 1896.

Notice is hereby given that sealed proposals will be received at the office of the Secretary of the Treasury, at Washington, D. C., until 12 o'clock m. on Wednesday, the 5th day of February, 1896, for the purchase of \$100,000,000 of United States 4 per cent or registered coupon bonds, in denominations of \$50 and multiples of that sum, as may be desired by bidders. The right to reject any or all bids is reserved.

The bonds will be dated on the 1st day of February, 1895, and be payable in coin thirty years after that date, and will bear interest at 4 per cent per annum, payable quarterly in coin, but all coupons maturing on and before the 1st day of February, 1896, will be detached, and purchasers will be required to pay in United States gold coin or gold certificates for the bonds awarded to them and all interest accrued thereon after the 1st day of February, 1896, up to the time of application for delivery.

Payments for the bonds must be made at the Treasury of the United States at Washington, D. C., or at the United States subtreasuries at New York, Boston, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, or New Orleans, or they may be made at San Francisco, with exchange on New York, and all bids must state what denominations of bonds are desired, and whether coupon or registered, and at what place they will be paid for.

Payments may be made by installments, as follows: Twenty per cent upon receipt of notice of acceptance of bids, and 20 per cent at the end of each ten days thereafter; but all accepted bidders may pay the whole amount at the date of the first installment, and those who have paid all installments previously maturing may pay the whole amount of their bids at any time, not later than the maturity of the last installment.

The bonds will be ready for delivery on or before the 15th day of February, 1896.

Notice is further hereby given that if the issue and sale of an additional or different form of bond for the maintenance of the gold reserve shall be authorized by law before the 5th day of February, 1896, sealed proposals for the purchase of such bonds will also be received at the same time and place, and up to the same date and upon the same terms and conditions herein set forth, and such bids will be considered as well as the bids for the 4 per cent bonds herein mentioned.

J. G. CARLISLE,
Secretary of the Treasury.

Mr. HILL. Mr. President, the statement just read shows the care with which the Secretary of the Treasury hedged around the proposals in order that the bonds might bring the largest sum possible. I have no patience, sir, with the self-constituted financiers and critics who attempt to pick out here and there a flaw in some proposals for the purchase of \$100,000,000 of bonds. Of course they would have done it differently. Men who never made a loan of \$5,000 in their lives are perfectly confident of their ability to dictate the precise terms in which a great Government proposal should be made. I have heard men say that the Secretary of the Treasury should do this and the Secretary of the Treasury should do that. These men would solve the great financial problem without any trouble, without any difficulty, without any experience.

Mr. President, the proposal which has been read here was fair; it was in accordance with the statute; it was in the interest of public bidders; it was in the interest of the great public; it was in the interest of every man, no matter how poor or humble, who imagined that he had some money that he wanted to invest in bonds.

The next question to which I want to call the attention of the Senate is that the Senator from Massachusetts says that the resolution ought to be passed, so that we may know what has been done with the proceeds of bond sales.

In the few remarks I made the other day in answer to the Senator from Massachusetts I stated then, and I repeat it, if you really want such information read the reports of the Secretary of the Treasury, read the daily financial statements made. I am tempted to say that a Senator who does not know what has been done with the proceeds of the bonds is almost unworthy or incompetent to sit in the Senate. There are some men who are credulous enough to suppose the Secretary of the Treasury could take and dispose of a few million dollars and pocket them, and that nobody would discover it; that all this could be done under our Treasury system and no one would be the wiser. The reports of the Secretary of the Treasury show what has become of the avails of the bond sales.

Then, next, the same Senator doubts as to whether the Secretary has the right to use the proceeds for the current expenses. I am not going to thrash that old question over again. I have said before, and I repeat, the act of 1875, taken in connection with the act of 1878, requires the moneys in the Treasury to be paid out: it requires the greenbacks to be reissued; it requires them to be kept in circulation, and they can not be kept in circulation except by paying them out for the legitimate expenses of the Government. The Secretary of the Treasury can not keep greenbacks in circulation by hoarding them in the Treasury, nor can he legally place them in bushel baskets and give to every man what he wants. The theory of the act of 1878 is that the greenbacks are to be kept in circulation by using them for money in payment of legitimate expenses.

Mr. VILAS. Will the Senator from New York allow me to call his attention to a point that I do not think has been considered sufficiently in this part of the debate?

Mr. HILL. Yes, sir.

Mr. VILAS. Whenever Congress makes an appropriation it enacts a law, and whenever Congress enacts a law directing the Secretary of the Treasury to pay money out of the Treasury that law, as a later one, overrules the prior laws in respect to the manner in which the money is obtained. It is then a new and subsequent and, so far as is necessary, a repealing direction to him to pay out the money which may then be in the Treasury; and thereafter, whatever argument might be made upon those original laws, if limited to them alone in respect to the use of the money, is entirely changed when Congress enacts new laws directing the Secretary of the Treasury to pay out money for particular ends, which money he has in the Treasury.

Mr. MILLS. Not otherwise appropriated.

Mr. VILAS. Not otherwise appropriated.

Mr. HILL. The position stated by the Senator from Wisconsin is the correct one. All he stated is undoubtedly true. But now, for the information of those who may read my remarks in the RECORD, and for the benefit of the country at large, I want to incorporate in my remarks a communication from the Secretary of the Treasury of date January 11, 1896, in response to a resolution of the Senate, showing the exact legal status of what is known as the gold reserve, which I will ask the Secretary to read. It is a document of the Senate, but Senators rise in their places and in debates make statements as though they had never heard of the very facts which have been put before them in official records time and time again. None are so blind as those who will not see; none so deaf as those who will not hear.

The PRESIDING OFFICER. In the absence of objection, the paper will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 11, 1896.

STR: I have the honor to acknowledge the receipt of Senate resolution, dated the 3d instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if the sum of \$100,000,000, or any part thereof, has at any time since the establishment of the so-called gold reserve been actually segregated or set apart from the other currency or money in the Treasury Department, in gold coin, or gold coin and gold certificates, or either, for the redemption of the legal-tender notes and different forms of paper money of the Government; and when and by what act of Congress, giving the title of the act and the date of its approval, said so-called gold reserve was established, and if not established by act of Congress, state by what authority, if any, it was established.

In reply thereto, the Senate is respectfully informed that at no time since the establishment of the so-called gold reserve has the sum of \$100,000,000, or any other sum, been segregated or set apart from the general cash in the Treasury for the redemption of the legal-tender notes of the United States, or for the redemption of any other form of paper money for which the United States is liable. There is no provision of law requiring a separate fund or separate account to be kept, and all moneys received into the Treasury, from whatever source, are deposited in the general cash. The fund for the redemption of United States notes was accumulated under authority of the act of January 14, 1875, which directed the Secretary of the Treasury to prepare and provide for such redemption on the 1st day of January, 1879. No specific sum was prescribed, but the Secretary of the Treasury was authorized to use the surplus revenues from time to time and to sell certain descriptions of bonds to an extent necessary to carry the act into full effect.

In the exercise of the discretion thus conferred upon him, the Secretary sold for redemption purposes, in 1877 and 1878, United States 4 per cent and 4 1/2 per cent bonds to the amount of \$3,500,000, and deposited the proceeds, \$36,000,000 in gold, in the general cash in the Treasury. This, with other gold, which had been received as surplus revenues, constituted the fund prepared and provided by the Secretary of the Treasury for the redemption directed in the act of January 14, 1875.

The existence of the reserve fund was generally recognized from the time of its establishment, as above stated, and one of the measures adopted by the Secretary of the Treasury to prevent its unnecessary depletion was the discontinuance of the issue of the gold certificates authorized by the act of March 3, 1883. This act authorized, but did not direct, such issue.

Some inconvenience resulted from this discontinuance, and by section 12 of the bank act of July 12, 1882, the Secretary was authorized and directed to receive deposits of gold coin and bullion and to issue certificates therefor; but it was provided "that the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below \$100,000,000."

No other reference to the reserve fund is contained in the laws of the United States.

Very respectfully, yours,

J. G. CARLISLE, Secretary.

THE PRESIDENT OF THE SENATE.

Mr. HILL. Mr. President, that communication of the Secretary of the Treasury correctly states the condition of what is known as the gold reserve fund; it correctly states the law applicable to it, and the circumstances surrounding it. I need not reiterate the statement that no one has claimed any authority on the part of the Secretary of the Treasury to sell bonds for the purpose of realizing moneys to pay current expenses. Under the act of 1875 the Secretary of the Treasury has a right to issue bonds for the purpose of obtaining gold. The gold is placed in the Treasury. When greenbacks are presented, they are presented for redemption. The gold is paid out in redemption, and the greenbacks are thereby placed in the Treasury, and when Congress makes an appropriation of moneys the Secretary pays out whatever moneys there are in the Treasury and meets the appropriation. There is no other course left to him. No Senator has marked out any other practicable course.

The next ground stated by the Senator from Massachusetts is: Sixth, "We want to see what legislation may be necessary." Yet the resolution does not say anything about inquiring about legislation. There is no suggestion in the resolution to the end that a report by bill or otherwise shall be made. No one has suggested any legislation here. None is contemplated. It is an afterthought. According to the views of some Senators it is proposed to have this investigation over within ten days. No, Mr. President, no Senator can justify his conscience in voting for this resolution upon any theory that he wants information for the purpose of leading to additional legislation.

Seventh, he doubts "whether there has been any necessity for the issuing of bonds to support the gold reserve." He says that in his remarks to be found on page 4470 of the RECORD. He says sufficient revenue would have prevented any necessity for the issuing of gold bonds, but the difficulty with the situation is that there was not adequate revenue; there was not revenue sufficient to prevent distrust and the presentation of greenbacks and their redemption in gold.

Those who criticize the Secretary of the Treasury for issuing bonds have nothing to suggest as a practical remedy. Some venture to say that the Secretary should have redeemed in silver, and that involves the whole great question of the propriety of maintaining the parity of gold and silver. I am not going to waste words with those who criticize the Secretary of the Treasury because they think he ought to have paid out silver instead of gold.

Mr. President, the greenback dollar for ordinary purposes is kept as good as the gold dollar. I think that is so mainly because by the system of our present Administration its officials readily exchange the greenbacks for the gold dollar. They have kept by this system a parity between the currency. I do not know but such parity might have obtained if another course had been pursued. That is only a matter of speculation. I know of no other practical way to maintain the parity of currency except to be always ready to redeem your paper money issued with your standard money, or else your standard is repudiated.

In these remarks I am not to be led into a discussion of the whole course pursued by the Secretary of the Treasury during the present Administration. I can simply point to the fact that under previous Administrations, without regard to party, the parity of the currency has been maintained by always paying gold upon the presentation of paper. It may well be contended that the way to keep your currency with a standard is always to be ready to pay in standard money. If you are always ready to pay, people may not always want the standard; but the proper way to maintain the parity, in my judgment, seems always to be ready to pay in the standard money.

Mr. GRAY. What other way is there?

Mr. HILL. I do not know of any other way; perhaps some sort of legerdemain; perhaps pay in some inferior currency.

Mr. President. Senators forget what took place before 1879, before the resumption act went into effect. What made the difference in value in the markets between the old greenback currency and the gold dollar prior to 1879? The gold dollar was worth a large percentage more than the greenback dollar, or the greenback dollar was worth so much less, whichever way you put it. The way to make resumption a success was by the payment of your standard money in the place of your paper money.

Mr. MORGAN. Would the Senator from New York object if I should ask him what is the standard money of the contract as shown in our bonds and in all our public obligations? Is it the standard money of the law of the United States, or is it the standard money of the contract?

Mr. HILL. Standard money is fixed by law. You can make a contract, however, to pay in any other kind of money you please.

Mr. MORGAN. I am speaking of the contract as we made it, to pay in coin of the United States as it was of value on a certain date. Is that the standard money in which the payment is to be made, or is it some other standard?

Mr. HILL. That presents a mixed question of law and policy. The payment of bonds according to the strict letter of the contract is one thing, while the redemption of our paper currency is

another. I hope to discuss that question more fully before I finish my remarks. I propose to show just what was the currency when our bonds were signed and what it was understood that those bonds would be paid in. The payment of bonds is one thing and the redemption of currency is another. I want now to discuss further the remarks of the Senator from Massachusetts, and do not wish to be diverted from that point.

Mr. President, I do not have to convince the Senator from Massachusetts that under the act of 1875 the Secretary of the Treasury has authority to issue bonds. The Senator says the Secretary of the Treasury unquestionably had the power to issue bonds under the act of 1875, and then he goes further and claims that he had the same right to issue bonds under the law of 1890 to secure gold to redeem the Treasury notes issued thereunder; and he says—now I quote what the Senator from Massachusetts said:

I voted for the statute of 1890 on that ground, and on that ground alone, and should not have voted for what was known as the Sherman Act except that it gave that great and additional security, as I understood it, to the credit of the Government.

I have heard a great many reasons given why Republican Senators voted for the Sherman law of 1890. Some of them voted for it to prevent the passage of a worse statute; some of them voted for it for the purpose of preventing the free coinage of silver; some have given one reason and some have given another; but it remained for the Senator from Massachusetts to say that he voted for it because under the statute of 1890 the Secretary of the Treasury had the right to issue bonds for the purpose of procuring gold with which to maintain the parity of our money. There is considerable doubt about that, in my judgment. There is no express authority for it under that act; and if the Secretary of the Treasury has the right to issue bonds under the act of 1890 it must be done under the general authority to maintain the parity of the currency, and upon no other provision.

Mr. President, I am not intending at this moment to especially antagonize that position, but I am simply going to cite the remarks of the Senator from Massachusetts for the purpose of showing how he was driven into this position in order to support the present resolution. There is considerable doubt, and I concede it, whether, under the statute of 1890, the Secretary of the Treasury has the right to issue bonds for the purpose of the redemption of the notes authorized under that statute. There is no express authority, and, if it can be done at all, it must be done under general authority, and yet the Senator from Massachusetts says it was because of that great additional authority under that act that he voted for the Sherman law of 1890. So much for that.

The Secretary of the Treasury has not issued any bonds under the act of 1890, and has not claimed to have the power to do so under that act, and he does not assert, as I understand, a general authority to issue bonds for the purpose only of maintaining the parity of the currency. I am not prepared to argue that he can go to that length. The Senator from Massachusetts says, however, that he can, and claims that that was the very ground upon which he voted for that act. It is an abstract question, it is true, and I note it simply for the purpose of showing that in his advocacy of this resolution he goes further than any man who has defended the bond issues has yet gone. When the Secretary of the Treasury has proceeded to issue bonds under the act of 1890 for the purpose of maintaining the parity of the currency, and that alone, then, sir, it will be time enough to discuss that question; it is now, however, premature and unnecessary.

Finally, the Senator from Massachusetts is going to vote for some such resolution as that of the Senator from Kansas because of the assurance of the Senator from Kansas that he intends no reflection upon the Secretary of the Treasury. When the distinguished Senator from Kansas first addressed the Senate he said he presented grave allegations of wrong, and his resolution insinuated that some of the officials of the Government had been doing something unlawful. If that were so, it presented some ground for action; but the other day during the discussion the Senator from Kansas assured the Senator from Massachusetts that he cast no reflection upon the Secretary of the Treasury and no reflection upon the President of the United States, and he struck out of the resolution those insinuations which really constituted the principal ground upon which the resolution for investigation was based. So now, Mr. President, having stricken out those offensive provisions, the investigation is to be had without any ground whatever for it, with no allegation of misconduct, and we are going to have an investigation simply for the purpose of an investigation, and that is all.

I commented the other day upon how ingeniously the Senator had worded the resolution so as to inquire as to whether any officer of the Government had received any commissions upon the bond sales, had received any moneys, or had any interest in the bond sales, and all that sort of thing. If any Senator here will rise in his place and give us some tangible charge, supported by some evidence against the Secretary of the Treasury, I shall then vote for the investigation. While I have a reasonable share of confidence in my brother Senators, I am not willing to establish

the pernicious precedent, especially when a resolution comes from an antagonist of an existing Administration, of voting for whatever investigation may be suggested by any Senator. It is a precedent which will surely return to plague us.

Mr. GRAY. May I ask the Senator a question?

Mr. HILL. Yes, sir.

Mr. GRAY. I have just listened to the assertion of the Senator that everything had been removed from the resolution of the Senator from Kansas that contained an aspersion upon the character of the officers of the Administration concerned in this matter of the bond sale.

Mr. HILL. How does it stand now?

Mr. GRAY. What does this language mean, beginning on line 21 of the second page of the resolution:

Whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement or arrangement; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

That seems to me a very grave aspersion, by indirection, on somebody; and, if it be so, clearly there is an impropriety in the Senate instituting an investigation which may lead to an impeachment, and ought to lead to an impeachment if the charges are sustained.

Mr. HILL. I will come to that in time.

The PRESIDING OFFICER. The Chair will state to the Senator from Delaware that that language is not in the pending resolution.

Mr. GRAY. I asked for information. I asked the Senator whether that was so or not.

Mr. HILL. Will the Secretary please read the words which have been stricken out, so that we may understand precisely what we are discussing? I think the Senator from Kansas has stricken out the only ground upon which it was possible to predicate an investigation. If he does not charge anything to reflect upon anybody, what do we want an investigation for?

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. The following language has been stricken from the resolution:

And the profits made or to be made by such syndicate or any person or persons connected with such syndicate, directly or indirectly, whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement.

Mr. HILL. In other words, Mr. President, the Senator from Kansas has stricken out of his resolution all the direct and indirect allegations of misconduct, and has eliminated from it the very insinuations which made it possible to desire or require an investigation, at least an intelligent investigation.

Mr. SHERMAN. I should like to ask the Senator a question. I have read the resolution, and I did not know that that latter part had been stricken out.

Mr. HILL. I knew some change had been made in the resolution, and was not exactly certain of the precise words which had been stricken out.

Mr. SHERMAN. I have now the recent copy. To what clause in the resolution as it stands does the Senator from New York object?

Mr. HILL. The offensive part of the resolution has been eliminated during this debate.

Mr. SHERMAN. Then what is the objection to asking for this information?

Mr. HILL. The Senator was not here before when I proceeded in detail to discuss these offensive insinuations, as I claim they were, against officers of the Government. They have now been stricken out. I beg to inform the Senator from Ohio that this proceeding is not a mere "asking for information," but a proposition for a formal investigation.

Mr. SHERMAN. I do not see, then, what objection the Senator can make to the resolution. I do not want to pass a resolution that is offensive to the Secretary of the Treasury or that charges him with any wrongdoing, because I do not believe he has committed any, except, perhaps, in the manner of doing business. But I do not see any objection that anybody can have to an examination of the kind stated now, with the offensive provisions eliminated.

Mr. HILL. Then, Mr. President, I will simply congratulate the Senate and the country that this debate has led to the elimination of the objectionable features contained in the resolution. It looked at one time as though the Senate was anxious to throw mud; it looked at one time as though the Senate did not seem to care what this resolution contained, provided it was only an attack

upon the Secretary of the Treasury. Therefore I say it is the debate, and nothing else, which has caused these words to be stricken out; no one has attempted to defend them. The Senator from Kansas himself made a few remarks at the outset, and other Senators also, when they discussed the resolution as it originally stood indulged in all sorts of loose and general charges; and the Senator from Kansas has eliminated those offensive provisions during this discussion.

I have no objection, so far as I am personally concerned, to having my personal conduct in this Senate investigated, and the Senator from Ohio would have no personal objection if some Senator should rise and ask to have his conduct investigated. I have no particular objection to my private letters and papers being examined by anybody, so far as having any fear of any reflection being cast upon me; but, sir, I am not going to permit my private letters and papers to be examined at the instance of every man who comes along who wants to know about them. What is true about one's private affairs is also true about public affairs. Investigation should not be instituted for the mere asking.

I do not concede that it is the duty of this Senate to make this investigation; and before I get through I am going to show that the Senate should treat John G. Carlisle as a Democratic Congress treated JOHN SHERMAN of Ohio. When information was wanted about bond sales they courteously invited him to appear before them. He accepted their invitation and went before them; he explained the matter properly and fully. I am coming to all that before I get through.

Mr. SHERMAN. I desire to say that a resolution did impugn the conduct of the then Secretary of the Treasury, myself, at that time. I deemed it my duty not only to meet the charge or imputation made in the resolution, but demanded that the proper committee should investigate it, and I went before that committee. The Senator probably is not aware that the Secretary of the Treasury, by a law which has existed from the time of Alexander Hamilton, can be summoned before either House of Congress and may be brought here into our presence and examined orally, and he is required to appear in case he is so summoned, as he has been over and over again summoned before committees of Congress.

Mr. HILL. I am aware of that custom; I am aware of that power, substantially as stated by the Senator from Ohio.

Mr. SHERMAN. That law is still standing.

Mr. HILL. And I am going to argue before I get through that that is the course the Finance Committee of this Senate should have pursued. It is proposed here to usurp that function which properly belongs to the Committee on Finance, who have charge of the finances of the Government, and also to ignore the Ways and Means Committee of the House of Representatives, who have charge of such questions there, and where a proper investigation could be made more appropriately than here under our Constitution; and it is proposed to dignify this investigation with a special committee appointed by the Senate.

We have witnessed the principle of evolution since this debate began. What was the first resolution introduced? The Senator from Ohio has not forgotten it. It provided for a special committee of five members appointed, two from each of the great parties, and a Populist member was to be recognized as one—that was all—a committee to be divided, two and two, and one Populist, the opposition to the Democratic party having the majority. That was the theory of this resolution. That has now been eliminated, leaving the investigation to be made by a committee of Senators to be appointed by the Vice-President.

I do not know whether the Senate proposes to pass the resolution in this form or not. I heard the distinguished Senator from Tennessee [Mr. HARRIS], when the resolution was first discussed, say, substantially, "I shall oppose every investigation here which seeks to have this matter investigated by a special committee." Then the Senator from Ohio [Mr. SHERMAN] moved to refer the resolution to the Committee on Finance, and that motion is now pending.

Now, Mr. President, I again assert—and I might as well speak of this question right here as at any other time—that if the Finance Committee of this body wants any information in regard to the affairs of the Treasury, let them send a respectful summons to the Secretary of the Treasury, and he will appear before them. If the Ways and Means Committee of the House of Representatives desire any information on the subject, let that committee send a courteous note to the Secretary of the Treasury and ask him to appear.

Mr. SHERMAN. If I do not disturb the Senator, I will read the very significant language of the act of Congress, approved September 2, 1789, on this subject.

Mr. HILL. I will ask the Senator to read it, so that it may go into the RECORD.

Mr. SHERMAN. That act provides that the Secretary of the Treasury is—

to make report and give information to either branch of the legislature, in person or in writing (as he may be required), respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform.

It was one of the peculiar features of the organization of the Treasury Department that it was to be subject to the two Houses of Congress, and that the Secretary of the Treasury might be summoned before the committees and summoned before either the Senate or the House of Representatives and be examined orally or in writing, and be required to give information pertaining to the affairs of his Department. I believe the Treasury Department is the only Department of the Government that is thus placed under the surveillance of both Houses of Congress.

Mr. HILL. Absolutely, and that is the very reason I intended to argue before I completed my remarks why this proceeding was an unusual and an extraordinary one, because ample power exists in the very method pointed out in the statute, namely, by asking for the information desired from this Department of the Government, an entirely different thing from formally authorizing a special committee to prosecute an investigation into the conduct of the Secretary of the Treasury, where he is to be examined on oath with Tom, Dick, and Harry on the questions involved.

Mr. GRAY. That is what I was going to remark, if the Senator will allow me.

Mr. HILL. Certainly.

Mr. GRAY. The law read by the Senator from Ohio does contemplate the closest and most intimate relations between the Secretary of the Treasury and the committees of both Houses of Congress, and that he may be called upon at all times for information in regard to the financial condition of the country; but the existence of that very law emphasizes the impropriety, the gross impropriety, of such a resolution as this. That law assumes in advance that a Secretary of the Treasury would be of such character as would make a communication from him to a committee, where a respectful request has been communicated, always sufficient to inform either House of Congress as to the exact point inquired about. This resolution passes by that law while it stands upon the statute book and assumes, and has to assume, that such an inquiry and such a request would be disregarded or would not bring a frank and honest answer, and therefore it is proposed to do what? To investigate; not to ask a question. "Investigate" is a term which carries with it a reproach in such a resolution as this.

Mr. HILL. They propose to investigate—

Mr. GORDON. Will the Senator allow me to make an additional suggestion?

Mr. HILL. Certainly.

Mr. GORDON. This law contemplates not only that the Secretary of the Treasury may be called upon to make written communications, but he may be called in person. Surely it is ample enough in all of its provisions and in all of its bearings to meet every possible case that can arise.

Mr. HILL. I agree with the distinguished Senators who have just submitted remarks. But that was not the programme laid out for us here. We can not forget or overlook the features of this investigation as first proposed. It was a partisan scheme. There was to be just an equilibrium with each party, and the Populists were to have the additional odd man. The Democrats were to be in the minority.

As I was proceeding to remark, I have ordinarily no objection to a man's private or official business affairs being disclosed; but, sir, I would resent any attempt to compel a disclosure offensively. In the Senate, I know, Mr. President, there are Senators who argue to the contrary; I know there are Senators who say that everything should be investigated which anyone regards as suspicious; that it is cowardly not to do so. I repeat, on the other hand, it is moral cowardice when the Senate dares not stand up and say that there is no necessity for these senseless and unmeritorious inquiries.

If, I repeat, any Senator will rise in his place and make some definite, tangible charge about anything upon which the Senate needs information, then let us have the investigation; but having originally opposed this resolution in its first form, I do not propose, if I can help it, to have the authors of this resolution at the conclusion of this investigation say: "Well, we did not charge anything; we did not expect it to amount to anything; we did not say that the President had done wrong; we did not say that the Secretary of the Treasury had done wrong; we simply wanted an investigation, and that was all there was of it." I do not believe in that way of conducting official business. I believe that this Senate should not dignify the idle, loose talk that we hear in the Senate and on the streets and read in the newspapers by passing resolutions for investigations of such unfounded matters.

Secretary Carlisle believes in the gold standard. So do the majority on the other side of the Chamber. I need not say that the majority of the people are of the same view, but the Representatives, fresh from the people, in the other House of Congress, recently expressed their sentiments upon this subject and refused to vote for the free and unlimited coinage of silver under existing conditions. But because there are others who differ from Mr. Carlisle, and honestly differ, I concede, is it necessary to join in a crusade against him? Is he to be picked out as a subject of investigation in this offensive manner? We can imagine how this

proposed investigation, if ordered, will be heralded in the headlines of the newspapers. I am not here to especially antagonize the newspapers; I am not here especially to condemn or criticize them, but they naturally like sensations.

What will the average reader understand when you pass this resolution? He will believe that the Senate thought there was something wrong in the issuance of those bonds, some fraud, some irregularity, some wrongdoing, something that has been sought to be covered up, something by which millions of dollars have been squandered, millions of dollars have been stolen, millions of dollars have disappeared, and that somebody has improperly made a great fortune out of the transaction.

Mr. President, it is against the imputations which such a proceeding inevitably implies that I protest. The proposed action is unworthy of the Senate.

As I said before, and I need not repeat it, I do not take this position because of any special relations I have with Secretary Carlisle. I have none. Those who know me in this Senate know I would take the same position if a Republican Secretary of the Treasury were involved. I favored the ordinary resolution of inquiry in regard to the national banks which the Senator from Kansas offered in 1893. The Senator from Massachusetts and other Senators opposed it. That was an ordinary, simple, courteous resolution which it was proper to pass, but which never has been passed, a resolution simply asking for information. I have always favored such resolutions and always will. That is one thing; but I do not believe in dignifying by an investigation a proceeding of this kind.

What is the idea associated in the public mind with an investigation? The idea is that there is something wrong, something suspicious, something irregular, something unlawful.

Mr. President, has it not been the custom of the Senate to refuse to authorize special committees? I so affirm. I have no doubt the President of the Senate would appoint a fair committee. I have no question about it. But that is not the point. You have the Finance Committee, which has charge of and is familiar with financial subjects. The statute already read by the Senator from Ohio shows that the Finance Committee has ample power to summon the Secretary of the Treasury before it in the usual and ordinary way provided by the statute. If you want any information the Secretary of the Treasury will cheerfully furnish it.

Speaking in reference to Mr. Carlisle, I simply say it ought not to be necessary to urge our Democratic party friends to treat a Democratic Secretary of the Treasury as we would treat a Republican Secretary of the Treasury. Disagree with him as we may about the financial question, that is another thing. But it is unwise, it is foolish, from a party standpoint, to pass the resolution.

It is seriously proposed to examine all the bond sales. The first two bond sales are to be investigated. What is the objection to the first two bond sales? They were substantially popular loans; the people were authorized to bid. Subscriptions were asked. The people bid. Syndicates were formed, as they had a right to be formed. A portion of the bonds went to what are called the people proper and a portion to the syndicate, so called. They were both virtually popular loans. There was no difficulty about them. Nobody makes any complaints against them. Yet they are to be investigated.

I do not see why, simply because some fault has been found with what is called the syndicate bond sale, there should be any attempt to investigate the two preceding bond sales. Why is this Administration singled out for investigation of all its bond sales? Why is not the proposal of Mr. Secretary Foster to sell bonds to be investigated? Why are not previous bond sales in the history of the Government to be investigated? If there is any yearning desire to know all about the transactions of the Treasury, let us go back to the bonds issued at the close of the war. Let previous Administrations be investigated. Let not the Senate proceed simply to investigate the present Administration as though bonds had never been issued before, as though the issue of bonds is a new thing, unprecedented in the history of the Government.

Therefore I say if you are going to investigate the two first bond sales of \$50,000,000 each you will have to do it just because you want to do it, and not because anyone makes an allegation of irregularity. Nobody questioned them at the time. Some thought they were unnecessary. Some thought the Administration ought to have proceeded in a different way. They thought it was an effort for the maintenance of the gold standard, and that it was an impolitic thing to do. That is all right. No investigation is needed in regard to matters of that kind.

Next, we take the syndicate loan. There was nothing done secretly. The gold reserve was rapidly diminishing, and a crisis was at hand. Time was important. Concede, if you please, that the terms were harsh. What were the facts—the true intention? The President had sent in a special message informing Congress of the emergency, and Congress did nothing. That message is familiar to the people. The President concealed nothing from the country. He told the people that in his judgment the gold reserve

should be replenished. He told them that the only way to do it effectually was by the issue of bonds. He told Congress that if it did not want bonds issued it should pass some legislation. But Congress did nothing. What was the President to do? In the absence of special legislation by Congress, in the absence of any direction upon the part of the lawmaking power, the President must proceed to execute existing law. I wish before I get through to read the special message, but I shall not stop now to do it.

The President not only sent a special message to Congress, calling its attention to the crisis that then confronted the country; but in his subsequent annual message he stated the whole financial situation. He accepted the full responsibility. He shirked nothing. He did his duty as he understood it. He may be wrong from the silver standpoint. That is a different question. But, under the responsibility of his oath of office, understanding his duty as he saw it, believing that the best interests of this country, as well as existing law, required the maintenance of the gold standard and its policy, he saw fit to have the bonds issued. We may differ with him as to the mere question of propriety. That does not present a question to be investigated. All the bonds could then have been floated at 3 per cent if Congress had so willed it. Congress seemed to be afraid of gold, although gold, whether rightfully or wrongfully, was conceded to be the only legal standard of value.

Whether the gold policy is wise or unwise is not the question. The fact of the legal existence of the single gold standard confronts us, and it will remain such until it shall be changed. Senators who differ with the President have a right to introduce bills to change that standard. Senators have a right to argue that it ought to be changed. Senators have a right to go to the national conventions and endeavor to induce their party friends to change it as the policy of the party; but until it is changed a duty confronts the officials of the Government, and that duty they must proceed to discharge. It is unwise, it is inexpedient upon our part to indulge in senseless criticism of their conduct simply because we happen to differ with them, as some Senators may, upon the vital question of the gold policy or the silver policy.

I need not read now the syndicate contract that was made with Morgan and others of New York. The syndicate contract was specially valuable to the Government, because under its terms one-half of all the gold was to be procured from abroad. What do the facts show? They show that under the first two loans the gold that was used for the purchase of bonds was drawn out of the Treasury on the presentation of greenbacks only a few days before. Therefore, when the bond sales were fully completed there was very little more gold in the Treasury than when they were started, because a large portion of the gold was drawn out of the Treasury with which to pay for the bonds. But the syndicate contract of February, 1895, was valuable to the Government because one-half of all the gold was to be procured from abroad. I need not argue how it benefits the country to have the gold come in from abroad instead of taking it from our own Treasury. It is desirable as far as possible to sell our securities abroad in order that more money may come into the country.

I know it is said that gold bonds ought not to have been issued. Yet, sir, we expect to pay in gold if gold is demanded, especially if any difference in value exists. As I understand it, the true friends of silver have never asked that the obligations of the Government or the creditors of the Government should be paid in depreciated currency. They expect—and that is their argument—that whenever the free coinage of silver shall be decreed, in the very near future there will be a parity in fact as well as in law. That is the true theory of the silver men. But until that shall occur there can be no objection to the Government issuing its bonds, and there can be no objection to the Government insisting upon it that while the present standard of value remains the greenbacks shall be redeemed in gold.

The syndicate bond sale took place in February, 1895. No investigation was then suggested. None was proposed. The country was then familiar with the syndicate transaction. Some speeches were made against it, but no Senator rose in his place and asked for an investigation. Nearly a year and a half has elapsed since the syndicate sale of 1895, and then all at once there is a zeal manifested for the passage of a resolution of investigation. If the bond sale of 1895 was so irregular, if there was anything improper about it, if there was anything wrong about it, why did not some Senator then propose an investigation when it was fresh in the minds of the people? No, Mr. President: it is an afterthought. It is an outcome for use in the approaching political campaign. It is an effort of a combination here in the Senate of Senators who want to throw mud upon this Administration.

Mr. NELSON. Will the Senator from New York yield to me for a moment or two?

Mr. HILL. Certainly.

Mr. NELSON. I have a little local bill which I should like to have considered. It will take but a moment.

Mr. PEPPER. I guess we had better proceed with the regular order.

Mr. NELSON. It is a little bill which the soldiers of St. Paul wish to have passed for Memorial Day.

Mr. PEPPER. I think it would be better to proceed with the regular order.

The PRESIDING OFFICER. The Senator from Kansas objects. Mr. NELSON. I wish the Senator from Kansas would withdraw his objection.

Mr. PEPPER. I would then have to yield to some other Senator, and it would lead to confusion.

The PRESIDING OFFICER. The Senator from Kansas objects to the consideration of the bill asked for by the Senator from Minnesota. The Senator from New York is entitled to the floor.

Mr. HILL. Mr. President, of course the public interests would be greatly injured and delayed by the passage of the little bill of our friend the Senator from Minnesota. Everything now revolves about the bond investigation. It is going to save the country. It is going to vindicate those who are urging it. The appropriation bills must give way. Private bills must give way. Everything must give way in the Senate for the urgency of the passage of this extraordinary resolution of investigation. Senators are so confident that the officials of the Government are to be ruined and injured that they can not wait even for a few minutes to have a private bill passed. The result of it will be a disappointment to those who are urging it.

Third. Then came the recent loan, which has been called a popular loan. I do not know what real and substantive criticism can possibly be made in regard to that loan. I have answered some of the trivial criticisms. I have read the notice of the Secretary of the Treasury showing the terms under which the loan was authorized. We have not forgotten the debate that took place on the Thursday preceding the issuing of the call for the popular loan. All that Senators then wanted was a popular loan. It was said the people were ready and eager to invest. It was represented over and over again that the bonds of the Government could be sold at a rate which would be equivalent to 2, 2½, or 3 per cent. I recently read the list of the bids to show how disappointed were the expectations of those who made such predictions. Now, there are to be investigated not only the syndicate loan but the recent one.

I have already answered the proposition that the bonds should have been sold at a fixed price. I have already commented upon the fact that if the Secretary of the Treasury had authorized the bonds to be sold at a fixed price there would have been a clamor that the Secretary of the Treasury had attempted to prevent bonds being sold to the highest bidder, to the injury of the Government. I have already commented upon the fact that if he had insisted upon gold being deposited as security for the bid, or some other security given, it would have been said he was injuring the poor man; that the poor man had a right to bid for bonds; that he ought not to be required to give any security. He could borrow the gold and get the bonds if he were so disposed.

Suppose the bond proposal or the call had provided that gold should not be procured from the Treasury. I am inclined to think, from one point of view, it would have been wise enough, and that bids should not have been accepted from any bidder where the gold could have been traced and shown to have come recently from the Treasury. Suppose he had put in such a clause. I think it would have been a benefit to the Government and saved it from the endless-chain operation. But if the Secretary of the Treasury had placed in the call for the bonds such a clause, what then would have been the charge? "Oh, it is unfair discrimination. A man who has his greenbacks placed away in his trunk locked up, or in his stocking, or in his safe has the right to take the greenbacks to the Treasury of the country and to get gold, and if he wants thereafter to buy bonds he has a right to do it." It would have been said that it was an unfair discrimination against the poor man; that the poor man had nothing but greenbacks; that those who had money stored away had only greenbacks, and greenbacks would enable them to get gold by going to the Treasury. It strikes me that upon the whole the Secretary of the Treasury pursued the wise course. He left it open for everybody, whether he had gold, whether he had silver, or whether he had to get his greenbacks, go to the Treasury, draw out the gold, and obtain the bonds.

Need I comment further upon the fact that everyone had a chance at the bonds? Those who predicted that the bonds would be sold at a rate equal to 2½ or 3 per cent interest were disappointed. The sum total of these bonds were sold at only a trifle less interest than the syndicate bonds, and under the syndicate contract one-half of the gold was to be procured out of the country.

Among other bids was the bid called the Graves bid. The newspapers were filled with charges about the Graves bid. It was a bid for \$4,500,000 of bonds. It seems he did not have any money. He was an adventurer. But he made his bid. He made it under this "free-for-all" entry, under the call that let in any man, sane, insane, poor, blind, halt, Tom, Dick, or Harry. Everybody could come in, whether he had a dollar or not. That was fair, because it prevented criticism. Mr. Graves bid. He did not have a dollar of gold. He bid, and his bid was accepted. The Treasury noti-

fied him that on such a day, in accordance with the terms of the proposal, he was to produce his first installment of gold: I think it was 20 per cent. He did not fulfill. He did not respond. He was peddling his bonds, as the newspapers stated, all over Wall street. He was trying to get somebody to let him have the gold. But there happened to be a flurry in Wall street that day on account of the war scare, and down went the market value of the bonds and he could not get anybody to let him have enough money, and he forfeited.

Then what did he do? Messrs. Morgan & Co. had given a blanket bid to cover the whole amount. They were entitled, under the strict terms of that bid, to any bonds where the bidder failed. That is the legal, proper, and just construction of the Morgan bid. What took place? This man Graves made a fuss about it. He went into the newspapers, issued his charges that he was improperly shut out; that his bonds were irregularly given to the great syndicate formed by Morgan & Co.

I do not propose to unnecessarily drag into this matter any question of politics if I can avoid it. In the previous debate had here two months ago I explained to the country and to the Senate who Mr. Morgan is. There is not a member of his firm who is known to be a Democrat. They are strong Republicans and they aided the Republican cause in previous campaigns. They are business men. They are bankers; that is all. They deal in Government securities. They reorganize great railroads. They take railroads anywhere in this country—North, South, East, or West—and reorganize them. They are men who have accumulated their millions, and, so far as I know, they have accumulated them honestly and fairly. They are men of high standing. The charge or insinuation is that in some way or other there is an undue intimacy between the officers of the Government and this banking concern. I have alluded to the fact in the previous debates had two months ago that Morgan & Co. are of the same firm that helped to float our bonds during the time of the war. There is nothing new about them. Neither the President of the United States nor Mr. Carlisle has any peculiar relations with those bankers any more than with any other banker throughout the country.

Under the terms of the blanket bid, which covered all bids where there was a failure to take the bonds, Morgan & Co. obtained the \$4,500,000 of Graves's bonds. Here is something tangible. If the Senator from Kansas [Mr. PEPPER] had put into the resolution a clause for the investigation of that particular transaction, saying it has been charged so and so, there would have been something definite to act upon. Here was the \$4,500,000 bid, and the bonds were given to Morgan & Co. The answer is plain enough. The other man failed to produce the gold, and they gave it to the next bidder who, in formal terms, was entitled to it. That is the answer to it. But the charge is enough, if it is made specifically and definitely, to warrant somebody examining it.

What did the House of Representatives do? On February 21, 1896, in the House, which I submit to the Senate is properly the body to investigate the subject, if an investigation is to be had, the resolution was offered which I ask the Secretary to read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Whereas it has been charged by William Graves, in a statement made by him and given to the public press, that Hon. John G. Carlisle, the Secretary of the Treasury of the United States, has refused to deliver to said William Graves \$4,500,000 in bonds of the United States at 115.331 after having accepted the bid of the said William Graves therefor at said figure, although the said William Graves has tendered the Secretary of the Treasury the amount of said bid for said bonds in gold at the subtreasury in the city of New York, and that the Secretary of the Treasury has awarded said bonds to J. P. Morgan & Co. at a sum \$200,000 less than the amount bid and tendered by the said William Graves: Therefore

Resolved, That a committee of five members of this House be appointed by the Speaker of this House to investigate said charge and report to this House, in writing, the result of the investigation.

The committee is given power to send for persons and papers, to administer oaths, and such other powers as may be necessary in the course of the investigation hereby authorized.

That there be, and hereby is, appropriated, out of any money in the contingent fund of the House, the sum of \$10,000, or so much thereof as may be necessary, to pay the expense of making the investigation hereby authorized.

Mr. HILL. Mr. President, that resolution is legitimate and proper in form. It charges something; it alleges something distinct; it specifies the precise ground that Mr. Carlisle refused to let Graves have the bonds. Although it says he has tendered gold to the Treasury, it does not say when he tendered it. The resolution has never been acted upon in the other House. It stands there ready to be acted upon. If Mr. Carlisle has refused, arbitrarily, willfully, improperly, to let a bidder have \$4,500,000 of bonds, there is sufficient in that matter, of course, to justify the House of Representatives acting and taking cognizance of the matter.

Mr. VEST. Will the Senator from New York permit me to ask him a question for information?

Mr. HILL. Certainly.

Mr. VEST. I take no special interest in these charges as to the integrity of the Secretary of the Treasury, nor have I paid any attention to them. I do not believe them. But there is a part of

this transaction about which I have never been entirely satisfied. I mean as to the correct business relations between the parties, whether the Secretary of the Treasury construed the law correctly or not. As I understand the facts—possibly I am wrong—the firm of J. Pierpont Morgan & Co., or this syndicate, made a bid for the whole \$100,000,000?

Mr. HILL. Yes, sir.

Mr. VEST. That bid was not accepted, I understand?

Mr. HILL. It was not accepted as a whole in the first instance, because there were other bids to the amount of about \$60,000,000 which were more favorable to the Government—higher bids.

Mr. VEST. I understand the facts to be that a number of other bids were made which the Secretary of the Treasury found to be more favorable to the Treasury than the bid of J. Pierpont Morgan & Co.?

Mr. HILL. Yes; to the extent I have stated.

Mr. VEST. He then awarded these bids, and it turned out the parties were unable to furnish the gold for different reasons. Then the Secretary of the Treasury, under what is called by the Senator from New York this blanket bid, turned over all the unfilled bids to J. Pierpont Morgan & Co. Now, that seemed an extraordinary proceeding to me, unless there was a specific provision that all the bids not taken for any reason should be given to J. Pierpont Morgan & Co. I have always understood in regard to these Government biddings, and I think that obtains in all the Departments, that, when a bidder declines to comply with the terms of the bidding, it is then an option with the Government whether it shall award to the next bidder or, if the market has made it more advantageous to the Government, then to put up the same bid for other action by other bidders. I understand it is the fact that after these parties, for one reason and another, refused to take these bids the bonds went up. I have no personal knowledge on the subject, of course; I do not know any of the parties who bid; but I have understood that young men and women who did not have a dollar put in bids, and then either sold them or got other parties to put in the gold and divide the profits. But there were a large number of parties who could not furnish the gold, and in the meantime the market went up. Was it not the duty of the Secretary of the Treasury, as the trustee of an express trust, an official under the Government, to take advantage of his right to put up the bonds to a better bid than that of J. Pierpont Morgan & Co.?

Mr. HILL. What would have been the situation if the other bids were only half the amount of the hundred-million-dollar bid?

Mr. VEST. He could then have gone on and put them up again until he sold the balance, unquestionably. If the Senator will permit me, I will make just one suggestion, because I am actuated by no feeling against the Administration nor the Secretary of the Treasury, as much as I differ with them in a great many respects. What would have been the result of the construction the Secretary of the Treasury has put upon this transaction? Suppose a man of immense means, like J. Pierpont Morgan & Co. or Vanderbilt, undertook to corner, you might say, \$50,000,000 or \$100,000,000 of bonds put up to the highest bidder by the Government? All that would be necessary would be to put in a blanket bid at a low figure, and then send a number of impecunious men to make bids at larger figures, knowing that they could not put up the gold, and then, when they had failed to do so, come in and say: "Here is my blanket bid; that covers it at a lower figure, and I want those bonds."

I do not say that was the case here by any means. I am speaking as a lawyer and as a legislator, not as an individual. If any practice could be guilty of such abuse as that it is a most dangerous one. I have always thought that the Secretary of the Treasury ought, when he found thirty-five or forty million dollars of bonds—I will not be accurate as to the exact amount—was not taken by the parties who had made bids that were accepted, he ought then to have availed himself of the rise in the market and obtained a larger price for those bonds; and that was the duty of any trustee, whether he was a private trustee or a public one.

Mr. HILL. I hope before this debate is over to put in the RECORD precisely the bid of J. Pierpont Morgan & Co.

Mr. VEST. Yes; I should like to see that.

Mr. HILL. From that it will appear that the bid was in the form usual in business transactions of that character whereby they bid for the whole hundred millions, which, of course, included any part thereof, and any bids not taken by other bidders.

Mr. VEST. If the Senator will permit me, allow me to ask him a question right there, for that is the gist of this whole matter. Suppose when J. Pierpont Morgan & Co. put in those bids the bonds were worth 115. Suppose that \$50,000,000 of them were not taken by the parties who had bid, for one reason and another, and in five days afterwards those bonds had gone up to 130. Does the Senator think that the Secretary of the Treasury was authorized to make a donation of the 15 per cent to J. Pierpont Morgan & Co. because they had chosen to incorporate in their bids an offer to take all bids that were not taken? Now, that is the whole of this question.

Mr. HILL. The bid of J. Pierpont Morgan & Co. was in the form usual in such transactions. I am not called upon to answer the hypothetical case of the Senator from Missouri. I will state further that of course the rejection of any and all bids is always reserved, and it was reserved here.

Mr. VEST. Do I understand the Senator from New York to state that that is the usual offer, to take all the bids that are not complied with?

Mr. HILL. Such bids are very frequent in large transactions. I do not say that Morgan's bid contained an express clause agreeing to take all bids not complied with. That, however, was its legal effect. It was the next highest bid, and the Government was in duty bound to give the forfeited bonds to the next highest bidder.

Mr. VEST. And the Secretary of the Treasury holds that bid open until he sees how many other bids are not filled, and then gives that bidder the advantage of the rise in the market?

Mr. HILL. No; he gives to each bidder just what he is entitled to in the first instance, and upon any forfeiture he then gives the next highest bidder the benefit of such forfeiture. That was legal as well as fair to everybody.

Mr. VEST. What I stated is just what was done in this case.

Mr. HILL. No; it is not what was done in this case.

Mr. VEST. The market had gone up.

Mr. HILL. The market had gone up on some days and was down on others. On the very day when the Graves bid was to be fulfilled by the payment of the gold the bonds in the market price were below what he bid for them.

Mr. VEST. They immediately went up the next day and continued to go up.

Mr. HILL. That is very true, of course. The stock market varies from day to day.

Mr. VEST. They of course went right up. It was only a temporary depression.

Mr. HILL. The stock market, of course, in New York is like a stock market elsewhere; it can be manipulated; the men who have large quantities of gold or bonds can manipulate it. The fact conceded by all those who have investigated the transaction, conceded by the newspapers at the time, which detailed it accurately, was that the day before Graves had to pay his money on his bid his bonds were being peddled around New York. On that day the market went below, so that those bonds in the market were selling for less than the Graves bid.

They might have kept going down. Of course the Secretary of the Treasury could have accepted the J. Pierpont Morgan & Co. bid, which was very near this amount, or he could have resold the bonds again at public sale. But in what a situation would the Secretary have been placed if he had refused the Morgan bid and then had readvertised and resold the bonds, and they had brought less than the Morgan bid in the market.

Mr. VEST. Graves's bid was not the only bid—

Mr. HILL. Graves's bid was not the only bid, of course. There was little or no complaint of any other bid.

Mr. VEST. I beg pardon, but can the Senator tell the amount of bids not filled that J. Pierpont Morgan & Co. took under this blanket bid?

Mr. HILL. Not very many. I will furnish the exact list tomorrow.

Mr. VEST. I have seen it stated that there was a much larger amount than \$4,500,000.

Mr. HILL. Morgan & Co. had about \$37,000,000 in round numbers awarded to them in the first instance, and then they obtained \$4,500,000 (the Graves bid) and about \$237,000 more; that was all. I have read the resolution of the House of Representatives for the purpose of showing that the real branch of the Government whose duty it is to investigate these matters, if there is any duty at all, proceeded with it. A resolution was introduced for this investigation. It never has been considered worthy of consideration. It never has been brought up. It never has been discussed. It never has passed the body that has the power to act on the question with more propriety than we have.

Now, Mr. President, what is the situation? Do we want to aid a lawsuit? A short time since Mr. Graves brought suit against the Secretary of the Treasury in this District. Mr. Carlisle appeared, put in his answer, put in his affidavit, and detailed this whole transaction. Not expecting this debate to be resumed this afternoon, I was in hopes of getting a copy of the affidavit and that answer. The answer was put in and verified. The attorneys for Mr. Graves have been investigating the subject, and I am informed that this afternoon they withdrew the suit. It was wholly unfounded; they could not maintain it anywhere.

Mr. MILLS. I move that the Senate adjourn.

Mr. CHANDLER. I suggest a call of the Senate. I suggest that there is no quorum present.

The PRESIDING OFFICER (Mr. PASCO in the chair). The motion does not require a quorum, the Chair will state.

Mr. MILLS. A motion to adjourn has preference.

Mr. LODGE. Then I ask for the yeas and nays.

Mr. CHANDLER. I call for a division.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded? [A pause.] A sufficient number have not seconded the demand.

Mr. CHANDLER. I ask for a division.

The PRESIDING OFFICER. The Senator from New Hampshire calls for a division on the motion to adjourn.

The question being put, there were, on a division—ayes 13, noes 12.

The PRESIDING OFFICER. The yeas have it, and the Senate stands adjourned until to-morrow at 12 o'clock.

Mr. LODGE. I make the point of order that no quorum has voted.

Mr. MILLS. It does not require a quorum.

The PRESIDING OFFICER. A quorum is not required to adjourn. The Chair has declared the motion agreed to.

Mr. FRYE. I call for the yeas and nays.

Mr. MILLS. That has been refused.

The PRESIDING OFFICER. The yeas and nays were not ordered, one-fifth of the Senators present not having seconded the call. The vote has been taken by a division and carried, and it has been declared by the Chair that the Senate stands adjourned until 12 o'clock to-morrow.

The Senate thereupon (at 4 o'clock and 55 minutes p. m.) adjourned until to-morrow, Tuesday, May 5, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, May 4, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read, corrected, and approved.

CAPITAL RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to present a privileged report. I submit the conference report on Senate bill No. 888.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill No. 888, an act to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In section 1, line 7, strike out the word "for" and insert "have"; so that the phrase shall read "have a common seal"; and that the House agree to the same.

That the Senate recede from its disagreement to the second and fourth amendments of the House and agree to the same.

That the Senate recede from its disagreement to the third amendment of the House, and agree to the same with the addition of the following proviso:

"Provided further, That neither the Capital Railway Company nor any other street railroad company in the District of Columbia shall be permitted to run cars over any underground electric or cable road by a route or routes not specified in the charters of the respective roads and the amendments thereto except by authority of Congress hereafter to be granted."

And that the House agree to the same.

That the Senate recede from its disagreement to the fifth amendment of the House, and agree to the same with an amendment, so that section 4 shall read as follows:

"That the portions of the company's routes from Congress or Penceote Heights to Shepherd's Landing, and from Good Hope to the District line, shall be completed within two years from the passage of this act: *Provided*, That failure to complete the portions of the routes mentioned in this section, and also failure to complete the extension on Eleventh street east, shall operate to repeal the authority to build said portions and shall not repeal the charter of said company."

GEO. M. CURTIS,
JAS. D. RICHARDSON,
Managers on the part of the House.
JAS. McMILLAN,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

STATEMENT.

The amendment to the first amendment merely corrects a verbal error. The Senate recedes from its disagreement to the second and fourth amendments.

The Senate recedes from its disagreement to the third amendment, and it is further provided that all street railroads be kept to routes authorized by their individual charters.

The fifth amendment is agreed to with the proviso that if the minor extensions are not completed within two years then the routes of such extensions, but not the entire franchise, shall be forfeited.

Mr. HEPBURN. Mr. Speaker, I desire to ask the gentleman in charge of this matter a question.

Mr. CURTIS of Iowa. Certainly.

Mr. HEPBURN. I wish to ask whether the amendment proposed in the conference report whereby these roads are limited to the use of the routes laid down in their own charters does not change very materially the legislation heretofore passed upon that subject? There is a provision of law that where these roads coincide as to a part of their route, in order to avoid the multiplicity of tracks in the streets, such of them as coincide shall be required to

use the tracks already constructed. Under this amendment I think this very wise provision will be repealed. Is that so?

Mr. RICHARDSON. It will be modified in this way, as I understand: This is an amendment to the House amendment. The Metropolitan Company have put down an underground electric motive power, as required by Congress, and at very heavy expense. They claim that their connections are very delicate, being made of porcelain, and that the running of cars of other roads over their tracks, or any very heavy cars, would break the connection, and their engineer certifies in writing that it would be impossible to permit that without very serious injury. Therefore it is proposed that they must ask Congress for that authority if it is to be given. That is as I understand it.

Mr. HEPBURN. Mr. Speaker, the legislation that is sought to be repealed in this peculiar way was secured only after a very earnest contest with the railway companies of this city. It was regarded at the time by the House as a matter of very great importance.

Mr. RICHARDSON. That is already arranged for. It does not interfere with prior arrangements where they have that right already.

Mr. HEPBURN. It repeals that section.

Mr. RICHARDSON. Not where they have that right, as I understand it.

Mr. HEPBURN. If the gentleman will have that provision read again, I think he will find that my statement is correct.

Mr. RICHARDSON. It does not interfere with them where they have it in their charter.

Mr. HEPBURN. No; but there is a general provision enacted by the last Congress giving a road that coincides with another road the right to use the tracks of that road, instead of duplicating the tracks in the streets of the city.

Mr. RICHARDSON. This amendment provides that they may still do it if Congress consents to it.

Mr. HEPBURN. In every instance it makes it necessary to come to Congress, instead of using the legislation which we have now.

Mr. RICHARDSON. I remember the legislation to which the gentleman refers, and I do not object to it, but I will say to him that some of the roads are equipping themselves, or proposing to equip themselves, with a very heavy motor, known as the compressed-air motor. The Eckington Company, for instance, are doing this. I mention that as one company which has already given notice that its purpose is to use that motive power. It was thought that that company ought to submit the right to do that to Congress before it could run upon these tracks, and Congress simply reserves the right in this amendment to give them the permission hereafter or to withhold it.

Mr. HEPBURN. Then the gentleman does understand that this is in effect a repeal of the existing legislation?

Mr. RICHARDSON. I think it would provide that they must come to Congress for the authority.

Mr. HEPBURN. Then it does repeal present legislation?

Mr. RICHARDSON. I say it is a modification of it.

Mr. HEPBURN. It is a repeal, is it not? If they have to get legislation hereafter, when they do not have to get it under present legislation, it certainly is a repeal of existing statutes.

Mr. RICHARDSON. I do not understand that it repeals it totally, but modifies it. It does not interfere with them where they have that right already, but hereafter if they want that right they must get it through Congress. That is the idea.

Mr. HEPBURN. That is not the language of this amendment.

Mr. RICHARDSON. I think you will find that it is.

Mr. HEPBURN. I hope the House will not adopt this portion of the conference report. It is wrong. These companies fought very vigorously against this legislation, under the leadership of the gentleman, in the last House.

Mr. DOCKERY. I ask to have the amendment again reported.

Mr. HEPBURN. Mr. Speaker, I ask that that portion of the amendment be again read.

The SPEAKER. The Clerk will again read the report.

The Clerk read as follows:

That the Senate recede from its disagreement to the second and fourth amendments of the House and agree to the same.

That the Senate recede from its disagreement to the third amendment of the House and agree to the same with the addition of the following proviso:

"Provided further, That neither the Capital Railway Company nor any other street-railroad company in the District of Columbia shall be permitted to run cars over any underground electric or cable road by a route or routes not specified in the charters of the respective roads and the amendments thereto, except by authority of Congress hereafter to be granted."

And that the House agree to the same.

Mr. HEPBURN. That is the provision that I refer to.

Mr. DINGLEY. I desire to call attention to the fact that the conference committee have evidently exceeded their jurisdiction in undertaking, upon an act relating to a single railroad, to annex legislation in conference relating to all the railroads in the District. They have clearly exceeded their jurisdiction.

Mr. RICHARDSON. This amendment provides that the Capital Railway Company, the company we are chartering, and other companies shall not use the roads or shall not run their cars over the roads already chartered, the idea being of protecting the Metropolitan road because of the delicate machinery by which it operates its system.

Mr. HEPBURN. The gentleman has reference to one particular road. Was not this a charter in reference to one particular road?

Mr. RICHARDSON. No; not exactly. It provides that this road shall connect with the Metropolitan and also with the Capital Traction Company, which is the old Washington and Georgetown Company, and that there shall be a free system of transfers between them, but that they shall not run their cars on either of the other roads.

Mr. HEPBURN. Will the gentleman allow me to correct him there? There is no provision for "connection" with either one of those railroads.

Mr. RICHARDSON. No, sir.

Mr. HEPBURN (continuing). And connection is not contemplated. They are to approach each other, and at the points of approach there is a free-transfer system, but there is no connection. There is no authorization in this bill for the Capital Company whereby its cars may be used upon either of these other roads. This provision is absolutely gratuitous. It has no connection whatever with the subject-matter of the bill, and it is an attempt in this insidious way to repeal useful legislation that this House struggled over for days during the last Congress.

Mr. DINGLEY. Mr. Speaker, I desire to raise a point of order which will lie against this report. The committee of conference, in a bill having relation to the charter of one railroad has included legislation affecting all the other railroads. I do not know whether that was done by the conference committee or in an amendment of the Senate.

Mr. RICHARDSON. That is by a Senate amendment.

Mr. DINGLEY. Not done by the committee of conference?

Mr. RICHARDSON. It is done on an amendment to a House amendment in conference.

Mr. DINGLEY. The question is, is this amendment, whereby legislation is undertaken to apply to all the railroads in this District, an amendment put on by the Senate or proposed to be included by the committee of conference?

Mr. RICHARDSON. It was put on in the conference as an amendment to a House amendment.

Mr. DINGLEY. In the conference?

Mr. RICHARDSON. In the conference.

Now, I do not think the point of order is well taken, if the gentleman will pardon me. This road, when built, connects with these other roads. I do not agree with my friend from Iowa as to the effect of the bill. These roads do not coincide—that is, they do not run on each others' lines; but they connect, all three of them, with the Capital Railway Company—that is, the Capital Traction Company, which is the old Georgetown and Washington, and the Metropolitan Company are mentioned as connecting with that road; and the object primarily was to keep that road and all others off the Metropolitan road on account of the delicate apparatus by which it is operated.

Now, I do not understand that it interferes with the charter rights of the companies, but provides that hereafter the authority must be given by Congress. It does not interfere with those roads now, but it simply provides that hereafter the running of heavy cars over this delicate machinery shall not be granted on those roads without special authorization of Congress. I think that is right, Mr. Speaker, and the gentleman from Iowa will pardon me—I think it is right because under the legislation which the gentleman refers to this company has been required to expend \$2,550,000 to put in this underground electric system, which is a very delicate system, as it is explained to us.

Mr. TERRY. Will the gentleman allow me to ask him a question right there?

Mr. RICHARDSON. In a moment. The motive power is the underground electric current, and the connection that is made, as the engineer explains it to me, is by porcelain. It is a connection which is brittle and may be easily broken by the shock of these heavy cars, such as would be necessary for transporting the compressed air batteries; and it was thought that they ought to be protected in the use of this service by Congress.

Mr. Speaker, the gentleman from Iowa referred to the legislation of the last Congress. I remember it very well. I was on the committee, and it passed unanimously. If I remember the matter correctly, an amendment was reported which was put on in conference. That amendment provided for this reciprocal trackage arrangement; and it is not the intention that this shall break that down where we already have it. I have the report here of the engineer. I do not know these matters of my own knowledge, but I think I will quote it correctly. However, we provide that hereafter Congress shall pass upon the matter and decide whether it is right and proper that the road being chartered should run over the Metropolitan road, with the heavy motive power they will

have, heavy enough to crush this porcelain connection, which is a delicate apparatus that they have put in there.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. I promised to yield to the gentleman from Arkansas [Mr. TERRY] for a question.

Mr. TERRY. In view of the fact that Congress had expressly provided that when one of these railroads laid its tracks in the streets it would be liable to have other companies run over those tracks, what right had the Metropolitan Company to construct its roads with such delicate machinery as to make that law of Congress practically of no effect?

Mr. RICHARDSON. I will answer the gentleman by saying that it was the express requirement of Congress that the Metropolitan Company should equip its road with underground electric power, and that company has done so, and has expended \$2,500,000 in doing it, under the direction of the very best experts.

Mr. TERRY. But I understand you to say that in doing it they have used a kind of porcelain or some material so delicate that other cars can not run over the track.

Mr. RICHARDSON. Mr. Speaker, the gentleman from Arkansas and I would not differ about the method of constructing the road, because neither of us would know how to do it, but this company has expended this money, and the gentleman will understand that their object was not to do what he says, nullify an act of Congress. Their object was to get the very best apparatus and equipment for the purpose, and that is what they have provided. I want to call attention also to the fact that it is a thing of joy to ride on the cars propelled by this new system, and it seems to me we ought to protect this company as far as we can after having required them to make this large expenditure.

Mr. BAKER of New Hampshire. If I understand the act in question, it simply permits the cars of the Capital Railway Company to come up to a point where transfers are issued from that road to the Metropolitan and to the Capital Traction roads. The cars of this company are not proposed to be run over the tracks of either of those lines, and if that be so, what is the necessity for the provision that is creating this discussion?

Mr. RICHARDSON. Because they may get an amendment and obtain the right to run on this track.

Mr. BAKER of New Hampshire. But they have not got it now, and it is not proposed by this bill that they shall have it.

Mr. DOCKERY. Do I understand the gentleman from New Hampshire to say that this particular company does not propose to avail itself of the benefits of that provision of the statute?

Mr. BAKER of New Hampshire. It has no right under this charter to proceed one foot on the tracks of either of these other companies, and consequently this provision that has been injected here is not germane to this bill.

Mr. RICHARDSON. In reply to the gentleman, I will say that there are two roads to occupy the new line to be constructed. The Capital Railway is the name of the new one, and the other is the old Anacostia line, which now occupies the track and runs its cars now over the Metropolitan track not only at this point of connection, but clear on down to Ninth street, up Ninth to G street, around G street, and back down on the Metropolitan track. Now, the Anacostia road may change its motive power; it hopes to do so, and the line is to be used by that company in common with the company that is chartered under this bill, the Capital Railway Company, and therefore they will connect and run their cars on this track, and this provision is designed to prevent the abuse of the tracks of this new line.

Mr. BAKER of New Hampshire. Does the gentleman claim that the present company will have any right, by virtue of this bill, if it shall become a law, to run on the tracks of either the Metropolitan or the Capital Traction Company?

Mr. RICHARDSON. Not at present; but they may get it by some arrangement with the Anacostia Company, which connects with it.

Mr. BAKER of New Hampshire. But they can not do it under this bill, so there is no need for dealing with that question now.

Mr. HEPBURN. Mr. Speaker, on this point of order allow me to read the amendment of the House to the Senate bill. This is the amendment over which there was disagreement:

Provided further, That the line of said railway company shall be commenced within three months and completed within one year from the date of the passage of this act, with the exception mentioned in section 4 of this act.

That was all the matter of disagreement between the two Houses. Now two amendments have been introduced not by the Senate, but by the conference committee—

Mr. RICHARDSON. Is not the gentleman mistaken about that? Is not this amendment added to the one which provides where connection is to be made with the Capital Traction Company and with the Metropolitan Company?

Mr. HEPBURN. No, sir; here is the conference committee's amendment:

Provided further, That neither the Capital Railway Company nor any other street-railroad company in the District of Columbia shall be permitted to

run cars over any underground electric or cable road, by a route or routes not specified in the charters of the respective roads and the amendments thereto, except by authority of Congress hereafter to be granted.

Mr. WILLIAM A. STONE. Where do you get that? That is not in the bill.

Mr. HEPBURN. This is the amendment that the conference committee have added to the amendment of the House to the Senate bill. Here was a private charter. The subject-matter of the bill that was before the House was confined to this one road. There was no authority in the bill to use the tracks of either of these other roads. They do not in fact connect, any further than that they come together; in one case they do not even do that.

Mr. WILLIAM A. STONE. Will not the gentleman state again that amendment of the conference committee?

Mr. HEPBURN (reading)—

Provided further, That neither the Capital Railway Company nor any other street-railroad company in the District of Columbia shall be permitted to run cars over any underground electric or cable road, by a route or routes not specified in the charters of the respective roads and the amendments thereto, except by authority of Congress hereafter to be granted.

Mr. CANNON. Will the gentleman allow me a word at this point, for the purpose of making this matter plain as I understand it? The House amendment which was in conference contained, I believe, this provision (referring to the Capital Traction Company)—

Provided further, That the line of said railway company shall be commenced within three months and completed within two years from the date of the passage of this act, with the exception mentioned in section 4 of this act.

Now, that amendment of the House having been disagreed to by the Senate and having gone to conference, the Senate, by the conference report, recedes from its disagreement to that amendment. Then the conferees take up, as the gentleman says, an entirely new subject and report the matter which the gentleman has read, which was not in conference.

Mr. HEPBURN. I thank the gentleman for his explanation. Now, Mr. Speaker, it seems to me that if this conference committee were authorized to do what they have done, then there is no limitation whatever upon the power of such a committee.

Mr. WILLIAM A. STONE. Will the gentleman allow me a question? As I understand, the various charters or acts of Congress heretofore passed authorizing the occupation of the streets by street railways have all provided that the companies should permit other street-railway companies to occupy their tracks.

Mr. HEPBURN. Yes, sir.

Mr. WILLIAM A. STONE. And if this amendment which the conference committee has embodied in this bill should become a law, it will have the effect of repealing that provision in the various charters, so that hereafter no street-railway company may occupy the tracks of any other street-railway company, if it be either a cable or an electric underground road, without an act of Congress.

Mr. HEPBURN. Yes, sir. Now, Mr. Chairman, the unwisdom of this proceeding must be apparent to everyone.

Mr. CANNON. Before the gentleman proceeds further, let us get at the facts. I want to see whether I understand them. As I understand from the gentleman's statement, the conferees appointed by the House and the Senate to meet and adjust the differences between the two Houses met and adjusted the difference by an agreement that the Senate recede from its disagreement to the House amendment. Then the conference committees of the two bodies took up an entirely new matter, one which had never been considered by the House and never considered by the Senate, and proceeded to write into the bill legislation with reference to a matter about which there had been no difference between the two Houses. Is that the gentleman's contention?

Mr. HEPBURN. The gentleman is absolutely correct in that statement.

Mr. DINGLEY. It is understood that I made the point of order that the conferees have exceeded their jurisdiction in this matter, and that therefore the conference report can not be received.

Mr. RICHARDSON. Mr. Chairman, the amendments, in the way in which they are numbered, are misleading. The point at which the amendment excepted to by the gentleman from Iowa [Mr. HEPBURN] and other gentlemen should come in is where it is proposed that the Capital Railway Company (the new company now being chartered) shall issue free transfers with the Capital Traction Company (that is, the old Washington and Georgetown Company) and the Metropolitan Company. Here, then, is a charter dealing with the Metropolitan Company, with the Capital Traction Company (or the old Washington and Georgetown Company), and this new Capital Railway Company, which is being chartered.

Now, the bill goes into conference in that condition. As it goes into conference it requires that the three companies, the two old ones I have named and the new one which we are now chartering, shall issue free transfers at their points of connection. Then this amendment comes in. The action taken in this matter is coupled with the knowledge that the Anacostia road, the old road now in existence, which connects with the Washington Traction

Company and also with the Metropolitan Company, and is to-day running its cars along its line, the old line of that road, which is to be the new line of this new road, the two lines coinciding—

A MEMBER. Oh, no.

Mr. RICHARDSON. Indeed they do, from half a mile beyond the Anacostia Bridge which crosses the Eastern Branch. They are to run their cars upon that line. And to-day the Anacostia road is running its cars a mile or more over the Metropolitan tracks, up as far as G street on Ninth, and, as the gentleman knows, around on Ninth and back over the Metropolitan road, and out to Anacostia.

Mr. HEPBURN. Is the Anacostia road mentioned in this bill?

Mr. RICHARDSON. No, sir.

Mr. HEPBURN. Then why are you mentioning it?

Mr. RICHARDSON. Because the tracks of that road coincide with the new tracks of this new road for nearly half a mile; and that company is already running its cars over the Metropolitan road.

Now, Mr. Speaker, the conferees on the part of the House thought, and I still think, dealing with the three roads at the connecting point where they are required to make their transfers, in view of the fact that the line to be used in common, namely, the Anacostia road, coincided with the tracks of the proposed new road, that we had the right to provide that before they could run over or cross the tracks of that road, the Metropolitan, or any other, that Congress should be called upon to pass on this question.

Now, if I have been able to make myself understood, I have stated clearly the position that I take in regard to the matter.

The SPEAKER. The Chair would like to ask the gentleman from Tennessee what that has to do with the matter in dispute between the two Houses?

Mr. RICHARDSON. Nothing, Mr. Speaker, except that the question in dispute—one of the matters in dispute between the two Houses—was the amendment put upon the Senate bill by the House.

There was, the Chair will remember, no provision when the bill came here from the Senate for this connection with the Metropolitan road, and the House itself, in considering the Senate bill, put on the amendment which carried the new company from Eleventh street east up to Lincoln Park, where it connected with the line of the Metropolitan Street Railroad Company, and says so in so many words. That was the way of it; that was the way the matter originated; and the Senate having agreed to it with an amendment, that amendment was submitted by the House conferees as a part of the report, being the only matter in controversy. The Senate, in other words, agreed to the House amendment with an amendment of their own. They agreed to the amendment of the House making the road connect with the other lines by adding the provisions which the gentleman objects to.

Now, it seems to me to be strictly in order.

Mr. HEPBURN. The gentleman from Tennessee is in error in this matter. Now, in order to make the proposition germane he attaches it to another part of the bill—

Mr. RICHARDSON. I said that there might be some mistake of the numbers which would mislead the House.

Mr. HEPBURN. But section 3—there was no disagreement there. The only amendment by the House was to insert the words "Metropolitan Railway Company," and the Senate did not disagree to that. So that section was not a subject of difference between the Houses, and was not therefore a matter for conference. It was not even before the committee.

Mr. RICHARDSON. Oh, the gentleman is mistaken.

Mr. HEPBURN. I think not. The Senate agreed to that amendment of the House, as I understand it, and there was, it seems to me, no possible ground upon which the action of the conference committee could have been taken. The gentleman from Tennessee does not improve his case, therefore, by the statement he made.

Mr. RICHARDSON. The gentleman is entirely mistaken in supposing that section 3 was not in controversy.

Mr. HEPBURN. It was amended by the House, but there was no disagreement, as I understand it.

Mr. RICHARDSON. Oh, yes; the Senate nonconcurrent in all of the House amendments. It disagreed with that particular amendment with the others; and they were all in conference.

Mr. HEPBURN. Did it disagree to the insertion of the words "Metropolitan Railroad Company"?

Mr. RICHARDSON. Certainly. Every one of the amendments were disagreed to and went to conference.

Mr. BAKER of New Hampshire. But suppose that to be true, did the words inserted in section 3 by the House, "Metropolitan Railway Company," even if attached to the section, make this germane to the bill?

Mr. DINGLEY. Not at all; this matter is not germane.

Mr. RICHARDSON. I think it is germane; and if the gentleman from Maine will give me his attention a moment I think I can convince him. This matter is germane because we required this connection to be made. It is made by the House amendment

adding the words "Metropolitan Railway Company," the Senate having already made the connection with the Capital Traction Company.

Mr. WILLIAM A. STONE. But does not that relate to transfers only?

Mr. CANNON. That is all.

Mr. WILLIAM A. STONE. There seems to be no question that that is the only point, merely the exchange of transfer tickets. It does not mean that they are to run over the same tracks. Where is there anything in the bill that was put on in the Senate or has any relation to the provision that no other company shall run on the tracks except by a right of way granted by Congress?

Mr. HEPBURN. The gentleman from Tennessee is in error in regard to the insertion of the provision relating to the connection of these three roads. There is no connection in fact between them. In reference to the line on Eleventh street the provision is as follows:

Also continuing from said Eleventh and M streets north on Eleventh street to the south building line of A street south.

That comes within a half a block, and a half a block only, from the line of the Metropolitan Railway track.

Mr. RICHARDSON. No—

Mr. HEPBURN. There is still a space there of a full half block. I am confident that the gentleman is in error. They do not coincide. They do not approach nearer than a half block. And again, with regard to the other connection—

Mr. RICHARDSON. I think the gentleman is mistaken.

Mr. HEPBURN (reading)—

Thence west on M street to a point to be located by the District Commissioners near Eighth street east, connecting with the lines of the Capital Traction Company.

But there the authority to build ends. They can not go a foot farther than that. The Capital Traction Company tracks are on Eighth street, and the Capital Railway Company only reaches Eighth, and does not traverse it a foot. So, again, as to the provision for transfers. These two points preclude the idea that it was the purpose of the bill that the two companies should jointly use the same tracks. Why should there be transfers if the journey was not to be interrupted at that point? The gentleman is in error in every one of these propositions, and this is new legislation, repealing that which was secured last year. I submit, Mr. Speaker, that it ought not to be tolerated. Members do not scrutinize reports of this kind. They do not expect this kind of action. They do not expect committees to attempt new legislation in matters of this character.

My attention had been called to this report. I had opposed some of the amendments of the Senate, and I was told as to certain matters of agreement, with which I was perfectly content, but this was not one of them. This was entirely new to me, and it was only through an accident that I heard this part of it read. I supposed that the report would be upon matters that had been agreed upon and not this method of securing the coveted legislation.

Mr. DINGLEY. Mr. Speaker, I desire to say, on the point of order, that while I have no interest in the particular matter that is now in dispute, I do have an interest, as a member of the House, in the jurisdiction of conference committees. It is exceedingly important that conference committees should not overstep their jurisdiction. That jurisdiction is confined, under the rules, to matters in dispute between the two Houses that have been committed to the conference, and in reconciling those disputes. They have no business to go outside and legislate on any matters that do not refer to the particular matter in dispute.

In this case the particular matter that was in dispute related to the time of the construction of this particular road. Now, any amendment that related to the matter in dispute between the two Houses as to that particular railroad, as a proviso, would have been in order, but when it is proposed to add to that a proviso legislating generally as to all railroads in the District, the conference committee exceed their jurisdiction. Therefore they ought not to do that as a matter of precedent for other cases. Conference committees, as has been frequently decided by the House, must confine themselves to the matters that are in dispute, and not undertake to legislate outside of those matters. Otherwise you will have conference committees bringing in all kinds of legislation on minor matters of dispute.

It will be remembered that in the Fifty-second Congress this matter was carefully debated in the House, and the Speaker, in a case precisely like this, ruled out the report of a conference committee, holding that the conferees must confine themselves to the matter or matters in dispute, and that no amendment not germane to that particular matter in dispute can be included in the report of a conference committee.

Mr. RICHARDSON. I concur quite fully with the gentleman from Maine in his statement about introducing foreign matter into a conference report. I know that can not be done; but the point with me was, while the margin I can see is narrow and close, it occurred to me that, dealing with the three lines, providing this method of connection, providing that there should be free transfers between the three lines, providing that the connection should

be made between the lines of the two old companies and the line of this company, that it would be in order to provide these terms upon which the union might be made.

Mr. DINGLEY. But it will be noticed that the only point in dispute to which you attach this proviso, as the report says, is the third amendment.

Mr. RICHARDSON. The amendment may be wrongly numbered, I will suggest to the gentleman, because there is a typographical error in which one word is changed, and it may be that in making that change the numbers may be inadvertently placed.

Mr. DINGLEY. Now, the gentleman's case is much worse if it is confined to the third section. Notice all there was in dispute between the two Houses. The original bill read:

That the Capital Railway Company and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines.

Now, that was amended by inserting the words "the Metropolitan Railroad Company." That is the only point in dispute, whether or not the Metropolitan Railroad Company shall be added to the Capital Railway Company and the Capital Traction Company for the purpose of issuing free transfers. To that you attach an amendment providing general legislation for all the railways in the District. Obviously that is not germane.

Mr. RICHARDSON. I do not want to interrupt the gentleman, but I know he intends to be entirely fair—

The SPEAKER. The Chair would like to know what connection that has with the amendment—

The Metropolitan Railroad Company?

Mr. RICHARDSON. I was just coming to the point. The gentleman from Maine [Mr. DINGLEY] has well said that that is the only amendment in the third section, but that amendment in the third section was made necessary because of a previous amendment that the House put on the Senate bill. The provisions of the amendment related to the Metropolitan Railroad, and provided that cars should be run by this new company over Eleventh street east to the Metropolitan road and to the south boundary of Ninth street, where, I understand, the Metropolitan tracks are already laid, and upon which the railroad runs its cars; and inasmuch as these two amendments related to this road this amendment would apply to that road.

Mr. DINGLEY. I can not see the distinction. I submit the point of order to the Chair.

Mr. RICHARDSON. The point I desire to submit to the gentleman is that it was desirable legislation.

Mr. DINGLEY. It may be desirable legislation, but it was not included in the point of difference which was referred to the committee of conference.

Mr. RICHARDSON. If the Chair is of the opinion that it should not be there, I can withdraw it, if it is desired. I will confer with the gentleman who presented the report. [After a pause.] If the Chair is of the opinion that the amendment would not be germane, I will ask leave to withdraw the report.

The SPEAKER. The gentleman asks leave to withdraw the report.

There was no objection.

BRIDGE ACROSS ILLINOIS RIVER, NEAR GRAFTON, ILL.

Mr. JOY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7973) to establish a railroad bridge across the Illinois River, near Grafton, Ill.

The bill was read, as follows:

Be it enacted, etc., That the St. Louis, Perry and Chicago Railroad, a corporation organized under the laws of the State of Illinois, its successors and assigns, are hereby authorized and empowered to erect, construct, establish, and maintain a railway bridge, and approaches thereto, across the Illinois River, in the State of Illinois, between a point to be selected by said railroad, or its successors or assigns, within 5 miles from and above the upper limits of Grafton, in the county of Jersey, in said State, and a point in Calhoun County, in said State, to be selected by said railroad, or its successors or assigns, opposite or nearly opposite the point so selected as aforesaid in said Jersey County, which said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to free navigation of said river, the proceeding shall be instituted in and determined by the district court of the United States for the southern district of the State of Illinois.

SEC. 2. That the bridge authorized by and constructed under this act shall be a pivot drawbridge, the drawspan on the Jersey side to commence at the abutment of the approach on that side of the river, which abutment on the Jersey side shall be within the low-water mark, and the bridge shall have a draw over the main channel of the river at an accessible and navigable point, with spans of not less than 175 feet in length on each side of the center of the pivot pier of the draw, and the span next the drawspan on the Calhoun side of the river shall not be less than 200 feet in length, and the remaining span of such length as shall be necessary to reach the approach on that side of the river, which will be beyond low water on the Calhoun side. All spans to have a clear headroom of 10 feet above high water; and the piers of said bridge shall be parallel with the current of the river when said bridge shall be erected.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and the same is hereby declared to be a post route, and it shall enjoy the same rights and privileges as other post-roads in the United States upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads leading to said bridge; and the United States shall have the right of way for a postal telegraph across said bridge.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains over the same and the approaches thereto, and in the use of the machinery and fixtures thereof, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid as such compensation, and upon rules and conditions to which each shall conform in using said bridge, or either of said matters, then all matters in dispute or at issue between them or any of them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawings of said bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any change be made in the plan of said bridge during the process of construction, such change shall be subject to the approval of the Secretary of War; and the said construction shall be at all times so managed and kept as to offer reasonable and proper means for the passage of vessels through or under said structure; and to secure the safe passage of vessels at night there shall be displayed on said bridge, from the hour of sunset to that of sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within five years from the date hereof.

SEC. 7. That Congress shall have power at any time to alter, amend, or repeal this act so as to prevent or remove all hurtful obstructions to the navigation of said river by the construction of said bridge and its accessory works: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt the bridge from the operation of the same.

SEC. 8. That this act shall take effect and be in force from and after its passage.

The amendments recommended by the committee were read, as follows:

Strike out all of section 1, after the word "county," in line 14, and insert in lieu thereof the following:

"*Provided*, That the location selected shall be suitable to the interests of navigation."

After the word "with," in line 7 of section 2, insert "two equal draw."

And after the word "spans," in the same line, insert "one on each side of the central or pivot pier, each giving a clear width of waterway."

In line 8 strike out "seventy-five" and insert in lieu thereof "sixty."

Strike out all of line 8 after the word "feet," and all of line 9 to the word "and."

In line 20, section 5, strike out the word "construction" and insert in lieu thereof "bridge."

In line 24 strike out the word "displayed" and insert in lieu thereof "maintained." Insert after the word "bridge," in said line, "at the expense of the owners thereof."

Insert after line 22, section 5, "and such aids to the passage of the draw in the form of pile or crib guides as the Secretary of War may deem necessary shall be constructed by the said company."

In section 6, line 3, strike out "two years" and insert in lieu thereof "one year," and strike out "five" and insert "three."

Strike out all of section 7 and insert in lieu thereof the following:

"That the right to alter, amend, or repeal this act is hereby expressly reserved."

Strike out section 8.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JOY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONTESTED ELECTION—KEARBY VS. ABBOTT.

Mr. BELL of Texas. Mr. Speaker, I present a privileged report. I am directed by the Committee on Elections No. 3 to present the report in the case of Kearby vs. Abbott, and I ask that the report be printed.

The SPEAKER. Does the gentleman desire immediate action?

Mr. BELL of Texas. I ask first that an order be made that the report be printed, and then I will ask for action.

The SPEAKER. Without objection, the report will be ordered printed, and the Clerk will report the resolutions on which the gentleman asks for action.

The Clerk read as follows:

Resolved, That J. C. Kearby was not elected a Representative in the Fifty-fourth Congress from the Sixth Congressional district of Texas, and is not entitled to the seat as such Representative.

Resolved, That Jo Abbott was elected a Representative in the Fifty-fourth Congress from the Sixth Congressional district of Texas, and is entitled to retain his seat as such Representative.

The resolutions were agreed to.

On motion of Mr. BELL of Texas, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

TERMS OF COURT AT BEAUMONT, TEX.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2708) to constitute

a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.

The bill was read, as follows:

Be it enacted, etc., That the counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, Angelina, San Augustine, Sabine, Polk, and San Jacinto shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Beaumont on the first Mondays in June and December.

SEC. 3. That all civil process issued against persons resident in the said counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, Angelina, San Augustine, Sabine, Polk, and San Jacinto, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Beaumont; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Beaumont: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the judge of the eastern judicial district of the State of Texas shall appoint a clerk of said court, who shall reside at the city of Beaumont, in the county of Jefferson, State of Texas.

SEC. 5. That so much of all acts or parts of acts as are in conflict herewith shall be repealed.

The amendment recommended by the committee was read, as follows:

Strike out all of section 4 and insert in lieu thereof the following: "SEC. 4. That the clerks of the circuit and district courts for said district shall maintain an office in charge of themselves or a deputy at said city of Beaumont, which shall be kept open at all times for the transaction of the business of said division."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. FREEMAN.

Mr. MILNES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I forward to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 5280) for the relief of George W. Freeman.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of George W. Freeman for the removal therefrom of the charge of desertion, and that he issue to the said George W. Freeman an honorable certificate of discharge from the military service of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I reserve the right to object, pending the reading of the report, which I ask for.

The SPEAKER. The Clerk, then, will read the report.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 5280) for the relief of George W. Freeman, respectfully report the same back to the House, with the recommendation that such bill do pass.

The facts upon which this soldier relies for the relief sought by this legislation are as follows:

The soldier enlisted December 20, 1861, in Company H, Thirteenth Michigan Infantry; served faithfully until December 31, 1861, when he was captured at the battle of Stone River, Tennessee; was exchanged and returned to duty; reenlisted as a veteran January 18, 1864; was severely wounded in right hip at Bentonville, N. C., March 19, 1865, and was honorably discharged July 15, 1865, by reason of wound of right hip received in line of duty.

He was at once pensioned for his wound, but in 1867 he again enlisted in Company C, Forty-third United States Infantry, and thereby surrendered his pension. Subsequently he deserted.

Your committee, therefore, are of the opinion that the meritorious service of such soldier, and his severe wound received in line of duty, should condone his subsequent lapse from loyalty in time of peace.

Your committee further recommend that the bill be amended by adding as follows: "To date July 12, 1868, no back pay, bounty, or other emoluments to become due and payable by virtue of the passage of this act."

The military record of this soldier is as follows:

"RECORD AND PENSION OFFICE, WAR DEPARTMENT,

"Washington City, March 7, 1896.

"SIR: Referring to your letter of yesterday, received to-day, in which you request a statement of the military record of George W. Freeman, late of Company C, Thirteenth Michigan Volunteer Infantry, I am directed by the Secretary of War to inform you that the name mentioned has not been found on the rolls on file in this office of Company C, Thirteenth Michigan Infantry Volunteers.

"It appears from the records, however, that one George W. Freeman was enrolled December 20, 1861, at Portage, Mich., and mustered into service January 17, 1862, at Kalamazoo, Mich., as a private in Company H of that regiment, to serve three years; that he was captured by the enemy in the battle of Stone River December 31, 1862; that he was paroled at Murfreesboro January 3, 1863; that he reported at Detroit Barracks May 13, 1863, and was sent to Camp Chase, Ohio, May 14, 1863; that he reported at Camp Chase, Ohio, during the week ending May 16, 1863; that he was again sent from Detroit Barracks to Camp Chase, Ohio, June 24, 1863; that he reported at Camp Chase June 26, 1863; that he was arrested September 17, 1863, at Hilliard Station, by the provost guard, while absent from Camp Chase, Ohio; that he was sent to his regiment between October 20 and October 31, 1863; that he reenlisted as a veteran volunteer January 18, 1864; that he was promoted corporal in January or February, 1865; that he was wounded at Bentonville, N. C., March 19, 1865, and that he was discharged the service July 15, 1865, at Harper United States Army General Hospital, Detroit, Mich., because of a gunshot wound of the right hip, received while in the line of duty.

"He is reported on the bimonthly muster rolls of his company as follows: March and April, 1862, and May and June, 1862, absent, sick at Savannah,

Tenn., April 7, 1862; July and August, 1862, present; September and October, 1862, absent, left sick at Liberty, Ky., October 23, 1862; November and December, 1862, present; January and February, 1863, missing in action at the battle of Stone River, December 31, 1862; from May and June, 1863, to September and October, 1863, absent, officially reported missing in action; from March and April, 1864, to January and February, 1865, present; March and April, 1865, and May and June, 1865, absent, wounded at Bentonville, N. C.

"Very respectfully,

"F. C. AINSWORTH,

"Colonel United States Army, Chief Record and Pension Office."

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

"Washington, March 10, 1896.

"Respectfully returned to Hon. A. MILNES, House of Representatives.

"The records of this office show that Private George W. Freeman, Company H, Forty-third United States Infantry, enlisted November 28, 1867, for three years, deserted July 12, 1868, and never returned to his command.

"At his own request he was, on August 23, 1893, furnished a deserter's release under General Orders, No. 55, Adjutant-General's Office, 1890; copy inclosed. This protects him from arrest and trial by court-martial, but does not remove the record of desertion. The Department has no power to remove the record of desertion.

"J. B. BABCOCK,

"Assistant Adjutant-General."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the Committee was read, as follows:

Add to the end of the bill the following words: "To date July 12, 1868. No back pay, bounty, or other emoluments shall become due and payable by virtue of the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MILNES, a motion to reconsider the vote by which the bill was passed was laid on the table.

IRA POWERS.

Mr. McCALL of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ira Powers, late of Company A, Seventh Tennessee Cavalry, of Henderson County, Tenn., on the pension roll of the United States, to receive \$12 per month, from September 1, 1890.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the following words: "To receive \$12 per month, from September 1, 1890," and insert in lieu thereof the following: "And pay him a pension of \$12 per month."

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right to object, pending the reading of the report.

The SPEAKER. The Clerk will read the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5061) granting a pension to Ira Powers, late private Company A, Second Tennessee Cavalry, and Companies A and C, Seventh Tennessee Cavalry Volunteers, having examined and carefully considered the facts and circumstances presented, respectfully report as follows:

Ira Powers enlisted August 14, 1862, and was honorably discharged, after faithful service, August 7, 1865. He filed a claim for pension under the act of June 27, 1890, on August 18, 1890, alleging hernia, nervous debility, and spinal affection. His claim was rejected December 5, 1891, on the ground of "no pensionable disability under act of June 27, 1890."

He filed affidavit March 21, 1893, which alleges existence of hernia (right side), spinal affection, general debility, disease of eyes, and piles; and in affidavit of March 23, 1893, in addition to above, alleged disease of heart.

In support of his claim he filed, March 25, 1893, the affidavit of M. M. Grimsley, to the effect that he had been a neighbor for four years, and claimant had not been able to do a whole day's work in five years.

Also, affidavit of Dr. P. W. Austin that claimant has spinal affection, sore near hip, headache, does not see well, subject to piles, and has had hernia. Disability from spinal affection, one-half; from eyes, one-fourth; from piles, one-sixteenth.

Also, affidavit of W. B. Ruten that he is suffering from spinal affection—disabled one-half; seriously affected with heart disease, from which disabled one-fourth; also hernia, piles, premature old age, and loss of sight, one-fourth.

Soldier has a hospital record in service of diarrhea, catarrh, and variola, and was twice in hospital with catarrh and diarrhea. He was almost constantly in hospital from March 3 to July 3, 1865, with catarrh, fever, variola, and diarrhea.

The board of examining surgeons at Savannah, Tenn., rated him, May 6, 1891, at six-eighths for incomplete hernia and four-eighths for rheumatism. The board at same place, April 11, 1894, reported "No disability," and the claim was again rejected June 11, 1894, on the ground of "no ratable disability found under act June 27, 1890."

Dr. R. A. Dickson files with the committee an affidavit dated February 24, 1896, saying he—

"Finds on examination that claimant is suffering with chronic inflammation of the left kidney, irregular valvular action of heart, unable to rest on left side; also find a hernia of right side. I have known Mr. Powers and been his family physician since 1874 up to this date, and here testify his total disability for physical labor of any kind."

Rev. T. Rogers and John H. Rogers testify they served in same company with Ira Powers, and believe him entitled to the full benefits of the act of June 27, 1890 (\$12 per month), from the date of filing his claim.

A petition signed by 108 neighbors certify to personal acquaintance with Ira Powers for over five years, and believe him entitled to \$12 per month since date of filing his claim.

Your committee believe this soldier justly entitled to the maximum pension under act of June 27, 1890, and therefore recommend that the bill be amended by striking out all after the word "States," in line 7, and insert in lieu thereof "and pay him a pension of \$12 per month," and as amended that the bill do pass.

Mr. BARTLETT of New York. Mr. Speaker, as I understand, the gentleman from Tennessee asks this special legislation to override a ruling of the Commissioner of Pensions.

Mr. McCALL of Tennessee. No, sir; I think not.

Mr. BARTLETT of New York. Then why was the claim rejected under the act of June 27, 1890?

Mr. McCALL of Tennessee. It seems that his claim was rejected when he was rated by the board of examining surgeons at twelve-eighths disability. The case was reopened, and the same board rated him as no disability and the case was again rejected. The physicians that rated him at twelve-eighths disability also rated him at no disability and the Commissioner in both cases disallowed his claim. I know this gentleman and know his condition.

Mr. BARTLETT of New York. Did he serve in the war at all?

Mr. McCALL of Tennessee. For three long years.

Mr. BARTLETT of New York. Was he ever in battle?

Mr. McCALL of Tennessee. He was.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ERDMAN. I object, Mr. Speaker.

Mr. McCALL of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair can not recognize the gentleman for that purpose at present.

CHOCTAW POINT, MOBILE BAY.

Mr. CLARKE of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county which it may offer in exchange therefor and which shall be approved of by the Light-House Board as equally well or better adapted to use for light-house purposes and of equal value. And, upon making such exchange, the Secretary of the Treasury shall execute and deliver to said company a quitclaim deed for said Choctaw Point tract, and shall take from it a proper conveyance vesting in the United States title to the tract or parcel of land to be taken in exchange, together with delivery of possession of such tract, such title to be passed upon by the Attorney-General of the United States in the usual manner. And said tract or parcel of land so taken in exchange shall be held and used for light-house purposes: *Provided,* That the exchange herein provided for shall be without expense to the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Mr. Speaker, I take it for granted that this has been recommended by the Light-House Board.

Mr. CLARKE of Alabama. It has.

Mr. LOUD. Mr. Speaker, I suggest to the gentleman from Alabama that it would be well to put the report into the RECORD in explanation of this bill.

Mr. CLARKE of Alabama. I will do so.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred House bill 5364, beg leave to report, and recommend that Senate bill 1872 be substituted therefor and do pass.

The report upon the Senate bill contains the facts with reference to this measure, to which report reference is made.

The Senate report (by Mr. McMILLAN) is as follows:

The Committee on Commerce, to whom was referred the bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes, make a favorable report thereon.

The reasons for seeking the exchange are set forth in the following letter:

"HOUSE OF REPRESENTATIVES,

"Washington, D. C., February 1, 1896.

"DEAR SENATOR: I inclose a bill with the request that you will at once introduce it and have it referred to the proper committee, and then facilitate its passage as quickly as possible. The facts are that the Light-House Board is about to erect wharves, bridges, buildings, and other portions of a plant necessary for the lighting of the channel of Mobile Bay upon a tract of land at Choctaw Point which belongs to the Government and is devoted to use for light-house purposes. It is really not well adapted for use in this particular project, as the water is very shallow in its front and the wharf to be built will be a very long one and very much exposed. It is surrounded by property belonging to the Mobile, Jackson and Kansas City Railroad Company, which is just commencing to construct its road from Mobile by way of Jackson, Miss., to Kansas City.

"The road is very anxious to secure this particular tract for use, in connection with its other property, as a terminal, and has been for some little time in communication with the Light-House Board, offering to secure and convey to the Government in exchange for the Choctaw Point site a tract of land which will be acceptable to the Light-House Board as better adapted for the purposes of the project than the site now owned. While the Board has not yet passed upon any site offered as being preferable to the one now held, I have no question that one can be agreed on which it will wish to take in exchange. It will not have authority to accept it without a special act in the

nature of the accompanying bill. It is my desire to secure the passage of the bill upon two grounds, first, that it will result in securing to the Government a site for the necessary plant for lighting the channel upon which the cost of construction and that of maintenance will be less than that upon the present site; and secondly, because I regard the construction of the railroad as of great public importance, as it will certainly largely increase the commerce of our port, and therefore I wish to see it secure this tract, which is a necessary part of its terminal facilities, provided it can do so without the Government being in any way injured thereby.

"You will observe that the bill does not require an exchange, but simply authorizes one approved of by the Board. Of course the bill will first be referred to the Board, and it will doubtless make a report in accordance with the facts as I have stated them.

"Asking your assistance in the matter, I am,

"Yours, very truly,

R. H. CLARKE.

"Hon. JAMES L. PUGH,

"United States Senate, Washington, D. C."

The bill having been referred to the Secretary of the Treasury, was reported on as follows:

"TREASURY DEPARTMENT, Washington, D. C., February 6, 1896.

"SIR: The letter from your committee, dated February 5, 1896, inclosing Senate bill 1872, authorizing an exchange of the light-house land at Choctaw Point, Mobile County, Ala., for another parcel in said county for light-house purposes, has been received.

"In reply I have to inform you that the matter was referred to the Light-House Board, which reports that it knows of no objection to the passage of the bill.

"Respectfully, yours,

S. WIKE, Acting Secretary.

"The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
"United States Senate."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THE CONGRESSIONAL LIBRARY.

Mr. QUIGG. Mr. Speaker, I desire to present a report from the Committee on the Library.

The report was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a joint special committee with authority to sit in Washington, D. C., during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and to report upon the same at the next session of Congress, with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library; that the said joint special committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry, and that the necessary expenses of the sittings of the joint special committee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

Strike out all after the enacting clause and insert as follows:

"That the Joint Committee on the Library of the House of Representatives and of the Senate be authorized to sit in Washington, D. C., during the recess of Congress, for the purpose of inquiring into the condition of the Library of Congress, and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Library of Congress.

"The said joint committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry. The necessary expenses of the sittings of the said joint committee, including the pay of the stenographer, are to be paid out of the contingent fund of the House of Representatives and Senate, on vouchers approved by the chairmen of said joint committee."

Mr. BARTLETT of New York. Mr. Speaker, I should like to have an explanation of this.

Mr. QUIGG. This is a resolution that has passed the Senate unanimously, the purpose of which is completely stated in the resolution itself. The amendment that is proposed by the House Library Committee differs from the Senate resolution in that it provides that the commission shall consist of the two Library Committees for the purpose of providing for minority representation on the commission, and also for the purpose of preserving the equilibrium between the two Houses. The amendment provides also for the audit of the expenses of the committee, and puts the resolution in the form of other concurrent resolutions of the same kind.

Mr. BARTLETT of New York. I should like to ask the gentleman why, in reference to every subject of legislation, we should not have the various committees of the House sitting during the recess of Congress, employing stenographers and taking testimony? Why is an exception made in this case? If the Library Committee, in their wisdom, or the Joint Library Committee, have conceived some new plan of legislation, why not bring in a bill and let us dispose of it here? Why is this special inquiry needed?

Mr. QUIGG. For the reason that the Library building is about to be completed and it is proposed very shortly to remove the Congressional Library into that new building, and it was thought that before Congress takes action upon that matter it would be well to inquire into the custody and management of the new building, the space that the library will need to occupy, and the other matters that are related to the removal of so great a public institution into so great a building. It was thought that an investigation of that matter before Congress is called upon to act would be a very suitable thing. I may say to the gentleman, further, that before submitting this matter to the House I have consulted with various members of the Committee on Appropriations, including its chair-

man, the gentleman from Texas [Mr. SAYERS], and the gentleman from Missouri [Mr. DOCKERY], and with other members of the House, with regard to the form of the resolution as well as with regard to its subject-matter, and I think I may say they agree with me that the resolution is a very necessary one. I have not proposed it of my own motion.

Mr. BARTLETT of New York. I should like to ask my colleague [Mr. QUIGG] this question: In the event of the nonpassage of this resolution, what will happen? Will the new Library building be untenanted?

Mr. QUIGG. Either the library will not be removed to the new building when it is completed or action will have to be taken by the next Congress looking to such removal without the information which we conceive to be necessary.

Mr. BARTLETT of New York. Does the gentleman mean to say that there will be no power to make the removal from the present building to the new Library building without special legislation?

Mr. QUIGG. I think not.

Mr. BARTLETT of New York. Then the new building will remain for all time untenanted unless we pass such an act as this?

Mr. QUIGG. I think some act of this kind will be necessary. Mr. BINGHAM. Will the gentleman from New York allow an interruption? When the legislative bill was under consideration by the subcommittee of the Committee on Appropriations, Mr. Spofford submitted to the subcommittee an outline of his suggestions as to the transfer—the necessary additional force and all the details pertaining to the transfer of the library to the new building. General Casey, when he came before the committee, also went into considerable detail; and he stated that it was his purpose that the transfer be accomplished about the middle of February of next year. The whole subject having been gone over, the subcommittee reached a conclusion that the subject-matter should be taken up at the next session of this Congress and that any action on the subject should form a part, so far as appropriations might be necessary, of the next legislative appropriation bill. But as I now understand upon consultation with the gentleman from New York [Mr. QUIGG], the Committee on the Library, before submitting this concurrent resolution, went into an investigation of the details of this subject, so as to be prepared to submit to the Committee on Appropriations an outline as to what should be our procedure in appropriating in the next bill for the transfer of the library, as well as for its personnel.

Mr. BARTLETT of New York. Does the distinguished gentleman from Pennsylvania [Mr. BINGHAM] mean to assert that the Committee on Appropriations were not qualified to make such an inquiry, but deemed it necessary to have authority delegated to the Committee on the Library?

Mr. BINGHAM. I do not doubt about the Committee on Appropriations being fully qualified, for the reason that we have the recommendations of Mr. Spofford and General Casey; but there certainly can be no objection to a committee of this House, the Committee on the Library, passing judgment on the administration of this matter in the future and making recommendations in connection therewith.

Mr. BARTLETT of New York. I wish to inquire whether the subject of copyrights is affected by this inquiry?

Mr. QUIGG. It is not.

Mr. BINGHAM. Not at all.

Mr. COX. Does this inquiry involve the question of the conduct of the Librarian?

Mr. QUIGG. It does not.

Mr. BINGHAM. Not in any way.

There being no objection, the House proceeded to the consideration of the resolution.

Mr. DOCKERY. I suggest that the resolution be amended by adding these words: "that the expenses incurred under this concurrent resolution be reported to the second session of this Congress."

Mr. QUIGG. I accept that amendment.

The question being taken, the amendment was agreed to.

The resolution as amended was adopted.

SPECULATION IN CLAIMS AGAINST THE UNITED STATES.

Mr. HENDRICK. I ask unanimous consent for the present consideration of a bill which I send to the Clerk's desk, together with the favorable report of the Committee on the Judiciary.

The bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers was read.

Mr. BARTLETT of New York. I reserve the right to object, but I will not make objection if the provision with reference to ousting persons from office be struck out. I refer to the final clause of section 2, following the words "five thousand dollars."

Mr. HOPKINS. This bill can be presented under a suspension of the rules. I call for the regular order.

Mr. HENDRICK. I am willing to accept the amendment suggested by the gentleman from New York [Mr. BARTLETT].

Mr. HOPKINS. I withdraw the call for the regular order, but I object to the bill.

Mr. HENDRICK. I hope the gentleman will not object.

Mr. HOPKINS. I think this matter ought to be looked into.

Mr. HENDRICK. It has been looked into by the Committee on the Judiciary.

Mr. BINGHAM obtained the floor.

Mr. HENDRICK. I move to suspend the rules, and pass the bill I have sent to the desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] has been recognized.

JOSEPH R. WEST.

Mr. BINGHAM. I ask unanimous consent for the present consideration of the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph R. West, brigadier and brevet major-general, United States Volunteers, at the rate of \$100 per month, in lieu of the pension he is now receiving.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

In line 7, strike out the words "one hundred" and insert in lieu thereof the word "fifty"; so as to make the rate of pension \$50 per month.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

CHARLES HENTZ.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1345) to amend the military record of Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records of the War Department against Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers, and to issue him an honorable discharge.

Mr. BARTLETT of New York. Let us have the report read in that case.

The report (by Mr. WOOMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1345) to amend the military record of Charles Hentz, having examined and considered the same, report the bill back to the House with the recommendation that it do pass.

John Shields, a comrade, testifies that Hentz was captured by the Confederates in December, 1864, while on picket.

Wesley and Martha Vanover and Bettie Phipps, residents of Clintwood, Dickenson County, Va., testify that in February, 1865, Hentz came to the house of Dr. Cornelius Vanover, exhausted and worn out with disease and wounds, and was treated for erysipelas in the head.

Mr. BARTLETT of New York. Is that all of the report?

Mr. PATTERSON. That is all.

Mr. BARTLETT of New York. Does it not recommend anything?

Mr. PATTERSON. It recommends the passage of the bill, the gentleman will observe.

The SPEAKER. The Clerk informs the Chair that the entire report has been read.

Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PATTERSON, a motion to reconsider the last vote was laid on the table.

CAPT. GEORGE H. PERKINS.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 139) for the relief of Capt. George H. Perkins.

The bill was read, as follows:

Be it enacted, etc., That Capt. George H. Perkins, who was retired as captain after forty years' faithful service upon the active list of the United States Navy, as provided by section 1443, Revised Statutes, and who had honorable service in the late civil war, shall be placed on the retired list with the rank of commodore, without the corresponding increased pay, but receiving only the retired pay of captain of the Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. Speaker, there seems to be a special stipulation that this shall not increase the pay of this officer. May I inquire, then, what the purpose of the bill is, except merely to increase the rank?

Mr. BAKER of New Hampshire. The purpose is to increase the rank. This gentleman, I will state, is so fortunately situated that he does not care for the additional pay. His friends ask this as an appropriate recognition of his services.

Mr. BAILEY. If it costs the Government nothing I have no objection.

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the last vote was laid on the table.

NEW HAVEN NATIONAL BANK, CONNECTICUT.

Mr. SPERRY. Mr. Speaker, I wish to call up now the bill (S. 1365) for the relief of the National Union Bank of the State of Connecticut, which was considered the other morning and laid aside for the purpose of preparing an amendment. That amendment has been prepared and accepted by the gentleman on the other side who made the objection. I ask the present consideration of the bill.

The SPEAKER. The bill and the amendment will be reported.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay the National New Haven Bank of the State of Connecticut the sum of \$3,519.15 out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The Clerk will now report the proposed amendment to the Senate bill.

The Clerk read as follows:

Add to the Senate bill as follows: "Being the amount found to be due John W. Griffiths, as appears from a report dated February 27, 1877, made by a board of constructors appointed by the Bureau of Construction and Repair of the Navy Department, which report is on file in said Bureau."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment proposed by Mr. SPERRY was agreed to, and the bill as amended was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. SPERRY, a motion to reconsider the last vote was laid on the table.

MRS. AMANDA WOODCOCK.

Mr. MCCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, deceased, late a private in the Fourth United States Volunteer Infantry in the Mexican war.

Mr. MILES. Mr. Speaker, is there any report accompanying the bill? If so I would like to have it read.

Mr. MCCREARY of Kentucky. There is a report. I ask that it be read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6037) entitled "A bill granting a pension to Mrs. Amanda Woodcock," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

The claimant herein is the widow of Robert Woodcock, who served from October 28, 1847, to July 5, 1848, in the Mexican war. He was pensioned at \$3 per month under the act of January 29, 1887, and this was subsequently increased to \$12 per month under the act of January 5, 1893, upon his proving his indigent circumstances and his inability to earn a support by manual labor.

The soldier died September 6, 1894, and his widow, the beneficiary, filed an application for pension, but notwithstanding the fact that the soldier's claim for pension and bounty land had been allowed, her claim was rejected on the ground of no service in Mexico, the soldier having been prostrated by typhoid fever, for months, at Louisville, Ky., while en route to Mexico after his enlistment.

There is, however, no question of the service having been rendered, the soldier's discharge certificate and other papers on file establishing the same beyond question.

Mrs. Woodcock is 70 years old and in dependent circumstances, being dependent on her son-in-law for support. These facts are fully substantiated by the gentleman who introduced this bill in the House and who has known her (the beneficiary) personally for many years, and also by her written statement regularly signed and filed with the committee.

The committee recommend the passage of the bill with the following amendment:

Strike out, in lines 4 and 5, the words "subject to the limitations of the pension laws," and insert in lieu thereof the words "at the rate of \$12 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment recommended by the Committee on Pensions was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MCCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

SAMUEL M'KEE.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 467) for the relief of Samuel McKee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel McKee the sum of \$1,718, for expenses incurred by him in a contest for his seat in the Fortieth Congress.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PITNEY. Reserving the right to object, I should like to hear the report or some statement concerning the bill.

Mr. COX. Let the report be read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. COLSON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 467) to pay to Hon. Samuel McKee the sum of \$1,718 for expenses incurred by him in a contest for his seat in the Fortieth Congress, from the Ninth Congressional district of the State of Kentucky, have had the same under consideration and submit the following report:

Your committee find that said McKee's right to a seat in the Fortieth Congress was contested by Hon. J. D. Young; that issues were joined, evidence was taken, and a hearing was had before the Elections Committee of the House, and that the seat was awarded to said McKee.

The committee further find from the proofs in the case that the said McKee in his said contest incurred, necessarily, expenses amounting to the sum of \$1,718, as appears from the itemized account of the said McKee duly verified. It further appears that no part of said sum has ever been paid.

The committee also find that Hon. John D. Young has been paid the sum of \$2,500 for his expenses incurred in said contest.

This claim was before the Committee on Elections of the House in the Forty-eighth Congress, and was favorably acted upon by said committee, but no action was had by the House.

Your committee would therefore report back the bill and recommend that it do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. Speaker, I desire to reserve the right to object.

Mr. EVANS. I should like to explain the bill, because I want everybody to know what it is. I think there will be no objection when the bill is understood.

In the Fortieth Congress the Hon. John D. Young held a certificate of election as a member of this House from the Ninth district of Kentucky, but was never sworn in. McKee contested his right to the seat and was given the place. He presented at the time no account for expenses of contest. Mr. Young was, by resolution of the House, on the 11th of May, 1869, directed to be paid \$2,500 for expenses of contest. The Committee on Accounts paid him \$1,500. June 24, 1874, an act was passed giving him \$1,000, the difference between \$2,500 and the \$1,500 paid by the Committee on Accounts. Again, on March 3, 1880, by action of that date, he was paid \$6,865, his salary as a member of the House up to the date McKee was awarded the seat, although he (Young) had never served. He was never admitted to the Fortieth Congress at all, and on the contest it was held that McKee had a majority of the votes legally cast.

In 1881, Mr. McKee's attention being called to the fact that Mr. Young had been paid the salary and \$2,500 for expenses of the election contest, he made out his account and presented it, and it was referred to the Committee on Elections. It was thought that it ought to go to a different committee, and at the next session it was presented to the Committee on Claims. From that date to this, in several Congresses, committees of one House or the other have reported this claim favorably, always recognizing the justice of it.

Mr. SAYERS. Will the gentleman inform the House how it was that Young was not awarded his seat, and yet afterwards received pay as a member? What was the ground of his rejection?

Mr. EVANS. Young was not awarded the seat originally because he did not take the test oath and could not take it. On the subsequent contest McKee was held to have received a majority of the votes.

Mr. MILES. Why could not Mr. Young take the oath?

Mr. EVANS. Because he had given aid and comfort to the rebellion. It was shortly after the war. He was therefore not admitted on the prima facie certificate, and when the contest was subsequently determined it was decided that he was not elected.

Mr. PITNEY. What was the date of this election?

Mr. EVANS. To the Fortieth Congress. It was shortly after the war.

Mr. PITNEY. That would be thirty years ago, now?

Mr. EVANS. But this bill has never been paid.

Mr. PITNEY. And he never presented any claim until 1881?

Mr. EVANS. He has been presenting this claim ever since the Forty-seventh Congress.

Mr. PITNEY. I think it is too stale, and I shall have to object.

Mr. EVANS. I hope the gentleman will not do that. It is a perfectly just claim. I know this man well. He lives in my town, and he needs the money.

Mr. PITNEY. He made no statement of the claim at the time?

Mr. EVANS. He presented his claim as soon as he knew the other man had been paid, who was not entitled to the seat at all.

Mr. PITNEY. Because a previous Congress has passed a wrong bill that is no reason why we should.

Mr. EVANS. This is the only case where the expenses of a contestant have not been paid. I sincerely hope that my friend will withdraw his objection, because this is clearly a perfectly just and proper claim against the Government. The fact that it has not been paid for a long time by no manner of means diminishes the force of the claim.

Mr. MILES. What is the amount of the claim?

Mr. EVANS. About \$1,700. I speak with assurance when I say this gentleman is entitled to this money and needs it, and I do sincerely hope no member of this House will object.

Mr. PITNEY. I shall have to object. I do not think the statement is satisfactory.

Mr. BAILEY. I assume from the fact that the committee recommend this bill that the claimant filed properly certified vouchers showing that he incurred this expense.

Mr. EVANS. Perfectly satisfactory to the committee, and the claim has been established satisfactorily to committees of one or the other of the two Houses ever since the Forty-seventh Congress.

Mr. PITNEY. But he never presented his claim until fifteen years after the election. How could he present properly certified vouchers?

Mr. EVANS. It was perfectly satisfactory to those who investigated it.

Mr. PITNEY. Does the gentleman know that he has filed certified vouchers?

Mr. COX. Mr. Speaker, I will answer that. Mr. Speaker, this claim comes from the Committee on Claims. Under the law as it exists now, no party contesting an election is entitled to more than \$2,000. It requires that the itemized expenses shall be filed with the committee. The trouble in this claim grows out of the delay, and that is all. But that this man incurred these expenses there is no question about that.

Mr. MILES. He filed his vouchers?

Mr. COX. He has filed a statement of his expenses. Of course he can not file the vouchers—that is, vouchers in the proper shape—but he filed his claim with an itemized statement of the expenses that he incurred, and it passed the Committee on Claims upon that idea entirely.

Mr. TERRY. I would like to ask the gentleman if this gentleman drew \$6,000, and that the same amount was also paid to John Young Brown?

Mr. EVANS. He was paid the salary like any other member.

Mr. TERRY. There was a time during which he did not occupy his seat here, and neither one of them occupied the seat. Now, when this man came in did he draw the money for all that time?

Mr. COX. While in the seat he drew the money.

Mr. TERRY. He drew it for a period when neither one was in the seat.

Mr. EVANS. Like every other contestant, he got his pay back to the time when Congress began.

Mr. TERRY. Now, I have had a case of that kind before Congress for several years, and they never paid the man a dollar.

Mr. PITNEY. That is the trouble with such claims as this. We ought not to pay one of them, because it would establish a precedent for the payment of others.

Mr. COX. Now, hold on one minute and let us get it straight. When a man has a contest for his seat and it is decided in his favor that he is entitled to his seat, would it not be right to pay him the salary?

Mr. TERRY. I say it would. I have no objection to that, but the point I am making is this: That here is a man who did not have a seat more than a few months and drew pay for the whole time; and I have one here who occupied the seat half of the time, and is not allowed any pay and has been knocking at the doors of Congress for years.

Mr. EVANS. I am not objecting to his being paid.

Mr. PITNEY. Now, the gentleman from Kentucky [Mr. Evans] may have an opportunity to move to suspend the rules and pass this bill, but I am not willing to give consent to its consideration. It is too stale.

Mr. EVANS. If I am in order I will move to suspend the rules.

The SPEAKER. The Chair must follow the order of business that has been proceeding.

Mr. EVANS. Do I understand the gentleman to insist on his objection?

Mr. PITNEY. Yes, sir; I am constrained to object.

FRANCES E. WICKWARE.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 7983) to pension Frances E. Wickware.

The bill was read, as follows:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll of the United States the name of Frances E. Wickware, widow of Lieut. Charles Wickware, late of Company I, Sixth Regiment Vermont Volunteer Infantry, at the rate of \$17 a month.

Mr. BARTLETT of New York. I ask for the reading of the report and reserve the right to object.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7593) granting a pension to Frances E. Wickware, widow of Lieut. Charles Wickware, late of Company I, Sixth Vermont Volunteer Infantry, having fully examined and considered the facts in support thereof, respectfully report:

Charles Wickware enlisted as private in Company I, Sixth Vermont Volunteer Infantry, and served faithfully in said company as private and corporal until discharged on surgeon's certificate of disability February 6, 1865. He reenlisted as second lieutenant of Company B, Forty-third United States Colored Infantry, and served until mustered out October 20, 1865, and was honorably discharged at Philadelphia, Pa., November 30, 1865.

Charles Wickware was wounded at the battle of Savage Station, Va., June 29, 1862, the ball entering the left side and passing through the body in the lumbar region, just above the kidneys, made exit on the left side. He was left for dead upon the battlefield, taken prisoner, and sent to Libby Prison, where his wound was illy treated. He was exchanged, and after several months' treatment, returned to duty, and at the battle of the Wilderness, Virginia, May 5, 1864, he received another severe gunshot wound of left arm, which was amputated near the shoulder joint in field hospital, and for which he was discharged in February following.

He was pensioned from discharge—at various sums, between \$3 and \$20, for loss of left arm, which he was receiving at time of his death—May 4, 1893. His death cause was certified from public records as due to "inflammation of the bowels; duration of disease, four days."

Dr. C. I. Eberle, the attending physician, testified April 11, 1895: "I attended Charles Wickware during his last illness, and his death was caused by paralysis of the bowels, superinduced by a gunshot wound through the lumbar region, or immediately above the kidneys. The plastic exudation, formed by cicatricial tissue in the region of the bowels, caused a constant inflammation or irritation of the nerves of the bowels, causing paralysis of the same. No other cause existed that would have resulted fatally. Paralysis existed from the time he was first taken sick; being complete, caused death."

Claimant was married to soldier September 29, 1838, and four children, Elsie L., born May 31, 1873; Hattie B., born July 17, 1881; Katie E., born April 10, 1884, and Milton D., born November 3, 1888, were the fruits of the marriage.

The testimony presented shows that claimant is in feeble and delicate health, being a sufferer from rheumatism and disease of the heart, and has been confined to her bed for several months from said diseases, and her family physician certifies "she is not likely to live until the time her pension is allowed, if taken up in regular order."

Her claim for pension was rejected February 3, 1896, on the ground that "death resulted from disease of bowels, not due to cause which has been legally accepted"; although the record shows that the chief of the special examination division and the legal reviewers accepted the gunshot wound of back as the death cause. The special examiner who investigated the case and the history of soldier's life and ailments since discharge says:

"I can not help but believe that the wound of back contributed, perhaps largely, to the death cause, and I believe the claim to be meritorious."

In view of all the facts presented your committee recommend the passage of the bill with amendments, striking out the word "seventeen," in line 7, and inserting in lieu thereof the word "fifteen," and also by adding after the word "month," in line 8, "and \$2 per month for each minor child until they severally arrive at the age of 16 years."

Mr. LOUD. I would like to ask the gentleman from Iowa to give some explanation of this bill.

Mr. DOLLIVER. The beneficiary is sick in bed, and her doctor testifies that she is likely to die. For that reason I have asked the consideration of the bill; and I do not care to discuss the matter further.

Mr. LOUD. Of course the gentleman knows that, having died thirty-one years after having received this wound, it is doubtful whether his death was the result of the wound. I notice, further, that this woman married the soldier many years after the war, and was probably quite familiar with the fact that he was a sufferer, and why, I would like to ask the gentleman, could not every other woman for the same reason now come to Congress and ask for an increase of pension.

Mr. DOLLIVER. I will say to my friend that this is a widow of a soldier who lost his arm at the shoulder. In addition, he was shot through and through, and was nursed by this woman for nearly twenty-five years. He died, as this testimony shows, and as I think there can be no doubt, by reason of the effect of the gunshot wounds received in action. She is sick in bed, with four or five minor children dependent upon her, and without means of support. Therefore I confidently submit her claim to the good will of the House.

Mr. LOUD. I will ask the gentleman if he thinks we ought to extend our charity to all the women in the country who are widows of soldiers in this way?

Mr. DOLLIVER. I do not bring this case before the House as a matter of charity.

Mr. LOUD. That seems to be the strongest claim in the case.

Mr. DOLLIVER. The Pension Department have found that it was not shown beyond a doubt that the soldier's death was caused by his wound. I am informed by those who attended him that he died of inflammation of the bowels, and it is shown by the physician who attended him and admitted by the experts of the Pension Office that there can be little doubt that his death was due to that disability, but it is not demonstrated; but it is so fully proven that it is a fair and proper case for the interposition of a special act of Congress.

Mr. LOUD. Is there not the testimony of some medical experts that he did not die as the result of wounds received in the service?

Mr. DOLLIVER. Not at all.

Mr. LOUD. Then, in God's name, if all the testimony, medical

and lay, goes to show that this man died as the result of his service in the Army, why has not the Pension Office granted him a pension?

Mr. DOLLIVER. The examination made by the Pension Office was a special examination, and no medical testimony was taken except that of the physician who attended the soldier, and while that physician gives it as his opinion that death resulted from the wound, the testimony, in the opinion of the Pension Office, is not entirely conclusive. In my judgment it is. At all events, that was the only testimony of a medical character that the office took; but the testimony of the man's wife and of his nurses and of the neighbors all agrees that he died as the result of the wound. I have known him for ten years, and I know that he was unable to perform his duties as clerk of the court except standing upon his feet. If he did his work sitting he suffered from pain and difficulty as the result of this wound, and it is on account of my personal knowledge of the case that I have felt constrained to bring this bill here. The Pension Office, finding it impossible to say with absolute certainty that he died of that wound, have felt bound to reject his claim.

Mr. LOUD. Why did the committee reduce the pension from \$17 to \$15?

Mr. DOLLIVER. When I introduced the bill I thought he had been a lieutenant. The committee found that he was a second lieutenant, and they have recommended the amount named in their amendment to correspond with the rate allowed by the general law.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, with amendments in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y.; and

A bill (H. R. 572) for the relief of James Duke.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, asked a further conference with the House on the bill and amendments, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1904) to regulate marriages in the District of Columbia.

The message also announced that the President of the United States had notified the Senate that he did, on the following dates, approve and sign acts and joint resolutions of the following titles, to wit:

On January 21, 1896:

An act (S. 30) to amend an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893.

On January 22, 1896:

An act (S. 628) to provide an American register for the steamer *Miami*.

On January 23, 1896:

An act (S. 43) to amend an act entitled "An act to amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof."

On January 28, 1896:

Joint resolution (S. R. 50) authorizing the employment of a skilled architect to assist the Supervising Architect of the Treasury Department in preparing designs, plans, specifications, and other drawings for the public building at Chicago, Ill.

On February 5, 1896:

An act (S. 1450) to reconvene the delegates of the United States to the International Marine Conference of 1889.

On February 7, 1896:

An act (S. 650) to incorporate the Post Graduate School of Medicine of the District of Columbia; and

An act (S. 285) for the relief of the Independence National Bank of Philadelphia, Pa.

On February 7, 1896:

Joint resolution (S. R. 23) authorizing the Secretary of the Navy

to use a portion of the appropriation for new iron roof for foundry at navy-yard, Washington, D. C., in the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes," for repairs to the walls of said foundry.

On February 8, 1896:

An act (S. 1547) to extend the jurisdiction of the United States circuit court of appeals, Eighth circuit, over certain suits now pending therein on appeal and writ of error from the United States court in the Indian Territory.

On February 12, 1896:

An act (S. 708) to amend section 4 of an act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes.

On February 13, 1896:

An act (S. 1046) to amend an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes," approved February 27, 1893.

On February 20, 1896:

An act (S. 1591) to extend the mineral-land laws of the United States to lands embraced in the north half of the Colville Indian Reservation; and

Joint resolution (S. R. 39) making an appropriation to defray the joint expense of locating the boundary line between the Territory of Alaska and the British North American Territory.

On February 26, 1896:

Joint resolution (S. R. 17) providing for certain surveys in the State of Florida; and

Joint resolution (S. R. 59) extending the provision of section 79 of "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, so as to include monographs, bulletins, and reports of the Geological Survey published in 1894 and succeeding years.

On March 2, 1896:

An act (S. 1740) to amend section 5294 of the Revised Statutes of the United States relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

On March 4, 1896:

An act (S. 103) relating to final proof in timber-culture entries; and

An act (S. 879) to amend an act entitled "An act to grant to the Gainesville, McAlester and St. Louis Railroad Company a right of way through the Indian Territory."

On March 6, 1896:

An act (S. 259) granting to the Columbia and Red Mountain Railway Company a right of way through the Colville Indian Reservation, in the State of Washington, and for other purposes; and

An act (S. 141) granting a pension to Julia A. Hill.

On March 13, 1896:

An act (S. 636) to authorize the construction of a bridge across the Missouri River at or near Chamberlain, S. Dak.;

An act (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge for the southern district of Florida to reside at Key West;

Joint resolution (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service;

Joint resolution (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.; and

Joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto.

On March 16, 1896:

An act (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;

Joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War; and

Joint resolution (S. R. 24) for the return to the State of New Hampshire of the flag of the Eleventh Regiment of New Hampshire Volunteer Infantry.

On March 19, 1896:

An act (S. 227) to authorize the Auditor for the War Department to audit certain quartermaster's vouchers alleged to belong to John Finn, of St. Louis, Mo.;

Joint resolution (S. R. 47) relating to the Federal Census; and

Joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD.

On March 20, 1896:

An act (S. 1230) to extend the limits of the port of entry of New Orleans; and

An act (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its location and name.

On March 23, 1896:

An act (S. 818) for the relief of Halvor K. Omlie, of Homen, N. Dak.; and

An act (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps.

On March 24, 1896:

Joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River.

On March 28, 1896:

An act (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes";

An act (S. 789) for the relief of Kate Winter;

An act (S. 2251) to authorize the construction of a bridge across the Calumet River;

An act (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments; and

Joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

On March 31, 1896:

An act (S. 1179) to repeal section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1894, relating to appointment of officers in the Army or Navy of the United States.

On April 1, 1896:

Joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

Joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey, in relation to the construction and completion of the Library of Congress.

On April 6, 1896:

An act (S. 494) constituting Stamford, Conn., a subport of entry;

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

On April 14, 1896:

An act (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company.

On April 18, 1896:

An act (S. 344) granting a pension to Mary A. Hall;

An act (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

An act (S. 1271) granting a pension to Elizabeth Moore English;

An act (S. 640) to increase the pension of Joseph W. Fisher;

An act (S. 507) to pension Mollie Crandall;

An act (S. 626) providing for disposal of lands on abandoned portions of the Fort Assiniboine Military Reservation, in Montana, and for the relief of certain settlers thereon;

Joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; and

Joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa.

On April 20, 1896:

Joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

On April 24, 1896:

An act (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company";

An act (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses;

An act (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

An act (S. 744) providing for a naval training station on the Island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes; and

Joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

The message also announced that the President of the United States had notified the Senate that bills and joint resolutions of the following titles, having been presented to him on the several dates as follows, and not having been returned by him to the House of Congress in which they severally originated within the ten days prescribed by the Constitution, had become laws without his approval, to wit:

On January 28, 1896:

An act (S. 1) granting a pension to Mrs. Eva Davis Cogswell, widow of Brig. Gen. William Cogswell;

An act (S. 138) granting an increase of pension to James H. Os-good; and

An act (S. 142) granting a pension to Annie M. Greene.

On March 3, 1896:

A joint resolution (S. R. 43) authorizing and directing the Secretary of Agriculture to purchase and distribute seeds, bulbs, etc., as has been done in preceding years.

On March 26, 1896:

An act (S. 2419) to authorize the leasing of lands for educational purposes in Arizona.

On April 9, 1896:

An act (S. 136) granting an increase of pension to Horace Townsend.

On April 15, 1896:

An act (S. 100) for the relief of the estate of John R. Bigelow; and

An act (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Brig. Gen. Abner Doubleday.

FORT SULLY MILITARY RESERVATION.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the lands situated in the Fort Sully Military Reservation, in the State of South Dakota, may be selected at any time within one year after the passage of this act, or the approval of the survey of said reservation by the Secretary of the Interior, by the State of South Dakota as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands; and when said lands are selected as herein provided the Secretary of the Interior shall cause patents to be issued therefor to the State of South Dakota.

The report (by Mr. BOWERS) was read, as follows:

The Committee on the Public Lands have had under consideration the bill (H. R. 7324) entitled "A bill to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes," and report as follows:

Amend said bill by adding thereto the following:

Provided, That the State of South Dakota shall have a preference right over any person or corporation to select said lands, subject to entry by said State, granted thereto by the act of Congress approved February 22, 1889, for a period of sixty days after the foregoing lands have been surveyed and duly declared to be subject to selection and entry under the general land laws of the United States: *Provided further*, That such preference right shall not accrue against bona fide homestead or preemption settlers on any of said lands at the date of filing of the plat of survey of any township in any local land office of said State.

Under the act of July 5, 1884, it is provided that whenever in the opinion of the President the lands or any portion of a military reservation have become useless, he may by order so declare and place the same under the control of the Secretary of the Interior. Under this act the reservation in question was placed under the control of the Interior Department by Executive order of date November 5, 1894.

The reservation is unsurveyed and contains about 28,000 acres, as shown by letter dated March 24, 1896, from the Assistant Commissioner of the General Land Office, which is made a part of this report. The State of South Dakota has so far been unable to make selections of lands to the full amount donated to the State for the purposes designated under the enabling act admitting the State into the Union.

The provisions of this bill are substantially the same as the act passed by the Fifty-second Congress (U. S. Stat. L., volume 27, page 593), permitting the State to make selections of land from the Fort Randall Military Reservation, located in said State, for the same purposes.

Your committee see no objections whatever to the passage of the bill, and believe the State should be permitted to make the selections sufficient to satisfy the amount of lands donated by the Government to it, and therefore recommend the passage of the bill, with the foregoing amendment.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, D. C., March 24, 1896.

SIR: I am in receipt of your letter dated March 18, 1896, stating that on the 17th instant you introduced a bill in Congress to allow the State of South Dakota to select the Fort Sully Military Reservation for school indemnity lands, and for the purpose designated in the act admitting the State in the Union, and you ask to be informed as to the extent of the reservation, whether it is surveyed, and whether it is now in charge of the War Department, or has been turned over to the Interior Department.

In reply I have the honor to state that the former Fort Sully Military Res-

ervation in South Dakota is unsurveyed. It was placed under the control of the Secretary of the Interior for disposal under the act of July 5, 1884, by President's order dated November 5, 1894.

The estimated area of the abandoned reservation, as given in the report of this office for 1895, is 28,800 acres.

Very respectfully,

E. F. BEST,

Assistant Commissioner.

HON. ROBERT J. GAMBLE,

House of Representatives.

Mr. LOUD. Let me ask the gentleman why these lands should not be open to settlement the same as other public lands?

Mr. GAMBLE. For the reason that the State of South Dakota so far has been unable to select sufficient lands to cover the amount donated to it under the enabling act.

Mr. LOUD. Is not that the condition of every State?

Mr. GAMBLE. I think not.

Mr. LOUD. My own State is from sixty to ninety thousand acres short.

Mr. GAMBLE. The gentleman is aware that in South Dakota we have a large area of Indian reservations, something like 8,000,000 acres, and the State has been unable so far to select sufficient lands to supply the amount donated under the enabling act. This bill only allows a preference right to the State for sixty days, and that is allowed under the general law.

Mr. LOUD. Of course the gentleman understands how this lieu land law throws the lands into the hands of speculators and corporations. If you are working for the interest of your State, why not seek to throw these lands open to bona fide settlers?

Mr. GAMBLE. In answer to that I will say to the gentleman that we are anxious to have our full quota of land that was donated to the State for educational purposes. The land will be certified to the State and then it will be opened to actual settlers by the State.

Mr. LOUD. Of course the gentleman understands the working of the new law. If I were one of those land sharks and knew that this bill was going to pass, I would cover that land in an hour.

Mr. SAYERS. How?

Mr. LOUD. Why, I would cover it through the State, by making an application. There is not one of these land agents who has not applications on hand.

Mr. PICKLER. Under our constitution this land can not be sold at less than \$10 an acre.

Mr. SAYERS. I understand that this bill passes the land to the State for educational purposes.

Mr. GAMBLE. Yes.

Mr. SAYERS. And I suppose that the State has already passed laws looking to the protection of the lands given to it for that purpose?

Mr. GAMBLE. Yes, sir; they are protected in every way; so that it would not be possible for "land sharks" or anybody else to get them, as suggested by the gentleman from California.

Mr. LOUD. How many acres are there in this body?

Mr. GAMBLE. Twenty-eight thousand.

Mr. LOUD. Will that exceed the amount given to the State?

Mr. GAMBLE. No, sir; we are short eighty or ninety thousand acres.

Mr. PICKLER. I will say further that under our constitution this land can not be sold to anyone until it brings \$10 an acre for the benefit of the State.

Mr. LOUD. Does the gentleman mean 80,000 acres after this?

Mr. GAMBLE. Without this.

The SPEAKER. Is there objection to the present consideration of this bill.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GAMBLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNLOADING OF VESSELS.

Mr. BARTLETT of New York. I ask unanimous consent for the present consideration of the bill (S. 661) to amend section 2880 fixing time for vessels to unload.

The bill was read, as follows:

Be it enacted, etc., That section 2880 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 2880. Whenever any merchandise shall be imported into any port of the United States from any foreign port, in any vessel, at the expiration of ten working days if the vessel is less than 500 tons register, and within fifteen working days if it is of 500 tons register and less than 1,000, and within twenty working days if it is of 1,000 tons register and less than 1,500, and within twenty-five working days if it is of 1,500 tons register and upward, not including legal holidays and days when the condition of the weather prevents the unloading of the vessel with safety to its cargo, after the time within which the report of the master of any vessel is required to be made to the collector of the district, if there is found any merchandise other than has been reported for some other district or some foreign port, the collector shall take possession thereof; but with the consent of the owner or consignee of any merchandise, or with the consent of the owner or master of the vessel in which the same may be imported, the merchandise may be taken possession of by the collector after one day's notice to the collector of the district. All merchandise so taken shall be delivered pursuant to the order of the collector of the district, for which a certificate or receipt shall be granted."

Mr. BARTLETT of New York. The report of Senator FRYE on this bill is at the desk, if any gentleman desires to hear it.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. The bill is all right.

Mr. BARTLETT of New York. This bill has been submitted to the leader of the majority. [Laughter.] It is a public bill, and it has received the approval of the Secretary of the Treasury and the Commissioner of Navigation.

Mr. PICKLER. I reserve the right to object until we hear the report.

The Clerk proceeded to read the following report of the Senate Committee on Commerce:

The Committee on Commerce, to which was referred Senate bill No. 661, report as follows:

The object of this bill is to provide sufficient time for vessels from foreign ports, especially sailing vessels, to discharge their cargoes.

Its enactment has become necessary on account of the increase in the tonnage of vessels since the passage of the present law.

The present statute was enacted in 1790, when vessels of 800 tons—the maximum named in the law—were of extreme size. Since then, however, vessels have more than trebled in tonnage. Ships of 2,500 tons are common, and many exceed 3,000 net register. For such vessels the fifteen days allowed by law for the discharge of their cargoes is entirely inadequate. This bill provides the needed remedy.

This bill is moreover an improvement upon the present law, in that it substitutes for the word "burden" the term "register" to denote the official tonnage, which is fixed when the vessel is built, and is not only stated in her papers but indelibly carved upon her main beam, as required by law.

The bill moreover remedies the indefinite language "working days" in the present law, substituting therefor the more precise expression "excepting legal holidays and days so cold or stormy that they absolutely prevent the unloading of the vessel with safety to the cargo." The law of 1790, now in force, excepts only "Sundays and the Fourth of July," the only holidays then authorized. Treasury regulations have since excepted "rainy days and holidays," but it would manifestly be better to avail ourselves of the present opportunity and have them covered by Congressional enactment.

The provision as to weather is necessary, as certain cargoes can not be safely exposed while the temperature is below the freezing point.

The enactment of the bill is needed particularly for large sailing vessels loaded with coarse, bulky cargoes, which can not be discharged within the time now allowed by law, such as nitrates, etc., which are usually discharged at the rate of about 100 tons per day.

Its enactment into law, therefore, will be for the benefit of the commerce of the country at large, without detriment to the interests of the United States. The committee recommend an amendment, and as amended that it pass.

Mr. PICKLER (before the reading was concluded). I do not ask for the further reading of the report.

There being no objection, the House proceeded to the consideration of the bill; which was read a third time, and passed.

On motion of Mr. BARTLETT of New York, a motion to reconsider the last vote was laid on the table.

Mr. BARTLETT of New York. I ask unanimous consent that House bill No. 3538, corresponding with the Senate bill just passed, be laid on the table.

There being no objection, it was ordered accordingly.

DONATION OF CONDEMNED CANNON.

Mr. TRACEY. I ask unanimous consent for the present consideration of the bill (H. R. 2) disposing of two condemned cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to supply the First Regiment of Infantry of the Illinois National Guard with two condemned cannon, to be placed at the entrance to their armory at Michigan boulevard and Sixteenth street, Chicago, Ill.

The amendment reported by the Committee on Military Affairs to strike out in lines 5 and 6, the words "mounted on wheels," was read.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HAGER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate two condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans.; and that two condemned cannon be donated to Mathies Post, Grand Army of the Republic, at Burlington, Iowa: *Provided,* That the condemned cannon herein mentioned are available for the purposes stated and can, in the opinion of the Secretary of the Navy, be spared without detriment to the public interests: *And provided further,* That the Government shall not incur any expense in handling or transporting said cannon.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

KATHERINE S. M'CARTNEY.

Mr. GROW. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney.

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine S. McCartney, widow of William H. McCartney, late captain First Massachusetts Artillery, and pay her a pension at the rate of \$50 per month.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

In the last line of the bill strike out "fifty" and insert "twenty."

Mr. BARTLETT of New York. I ask for the reading of the report in this case.

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4528) granting a pension to Katherine S. McCartney, beg leave to submit the following report, and to recommend that the bill do pass, with an amendment striking out the word "fifty," in line 8, and inserting in lieu thereof the word "twenty."

The soldier enlisted April 19, 1861, and was honorably discharged October 19, 1864, as captain Battery A, First Massachusetts Light Artillery. The proof shows that he was in the artillery brigade hospital of the Sixth Army Corps from June 14 to June 23, 1864, with acute rheumatism. One of his comrades in the service states he suffered with rheumatic attacks after that time during his service, and after his return home. His associates in business and acquaintances testify to his having frequent attacks from 1880 to 1893 of severe rheumatic pains in his limbs and in the region of his heart, and the physicians that attended him in his last illness in May, 1894, testify that he was suffering from indigestion complicated with rheumatic gout and valvular trouble of the heart, which was the direct cause of his death.

Appended is a statement as to his service.

Military record of William H. McCartney, captain Battery A, First Massachusetts Light Artillery, late of Wilkesbarre, Pa.

When the rebellion came he was a Boston lawyer and Lieutenant of the Boston Light Artillery, a volunteer battery which had been in existence many years. It went into the three months' service, at one hour's notice, April 19, 1861, and reenlisted for three years, and was honorably discharged October 19, 1864.

Captain McCartney served in Franklin's Division and in the Sixth Corps in the battles of West Point, Mechanicsville, Gaines Mill, Charley City Cross Roads, Malvern Hill, Second Bull Run, Crampton's Gap, Antietam, Fredericksburg (December, 1862, and May, 1863), Marys Station, Mine Run, Saunders House, the Wilderness, Spottsylvania, Cold Harbor, Petersburg, Weldon Railroad, Winchester, Fishers Creek. He was frequently commended in general orders for gallantry.

WASHINGTON, D. C., April 23, 1896.

It gives me great pleasure to state that I have known Captain McCartney's military history personally since the fall of 1861, and that I have served in the Sixth Army Corps with him three years. During our service in the Sixth Corps I have seen Captain McCartney's battery engaged in every battle of the Army of the Potomac. The intelligence, skill, and bravery with which it was served by him elicited the admiration of all his superior officers and rendered the battery a favorite one in the corps. At the battle of Salem Heights Captain McCartney was under my command and was assigned to the most exposed part of the line. The coolness and skill of Captain McCartney that day saved our line from being broken, when to break any portion of it was sure defeat to the entire corps.

On the occasion he won and received the warmest praise from the division commander, General Brooks, and from the lamented General Sedgwick. On all occasions his battery could be relied upon as being always ready for action or review. I believe Captain McCartney to be worthy of any reward for his services during the war that the Government can bestow on him.

JOS. J. BARTLETT.

Late Brevet Major-General U. S. V.

WASHINGTON, D. C., April 18, 1896.

It affords me pleasure to bear testimony to the services of Capt. W. H. McCartney, formerly of the First Massachusetts Battery of Light Artillery, who was attached to the Sixth Corps, Army of the Potomac, during the eventful campaign of 1864, from the Wilderness to Petersburg. Being frequently detailed to act with my division (Third, of the Sixth Corps), I had ample means of witnessing his ability as an officer, which was such as to render his battery one of the most efficient, while his gallantry secured him the confidence and approval of his superior officers. It was while acting with my division at Spottsylvania Court-House, May 9, 1864, Major-General Sedgwick was killed in his battery, and Brig. Gen. W. H. Morris, commanding First Brigade, was wounded. I would also add my high personal regard for Captain McCartney, with my best wishes as a brother soldier.

JAMES B. RICKETTS,

Major First Artillery, Brevet Major-General of Volunteers.

HEADQUARTERS FIRST DIVISION, SIXTH CORPS,
Winchester, Va., September 20, 1864.

GENERAL: I take peculiar pleasure in commending to your favor Capt. W. H. McCartney, Battery A, First Massachusetts Artillery, whose conspicuous gallantry and meritorious services in every battle in which the Sixth Corps has been engaged since 1861 has earned for him the highest respect from his commanders. His eminent services at the battle of Winchester, September 14, 1864, where he gallantly fought and disabled a battery that, by a gallant flank fire, seriously impeded the advance of this command, are specially deserving commendation.

During the campaign of 1864, commencing with the battle of the Wilderness, Captain McCartney's services were most marked and meritorious, and by the lamented Generals Sedgwick and Russell, who were both killed at his battery, were always referred to in terms of the highest praise. I consider that the valuable and continuous services of Captain McCartney entitle him to prompt promotion and reward. I have the honor to be,

Very respectfully, your obedient servant,

FRANK WHEATON,

*Brevet Major-General, United States Volunteers,
Major Second United States Cavalry.*

THE ADJUTANT-GENERAL, ARMY OF THE UNITED STATES.

Mr. BARTLETT of New York. I trust the distinguished gentleman from Pennsylvania [Mr. Grow] will give us some

explanation in regard to this bill. What special reasons are there for its passage?

Mr. GROW. This soldier left his widow barely property enough to pay his debts, and she needs this pension in order to save what little remnant of property she can from sale. As the report shows, this man was a gallant soldier.

Mr. BARTLETT of New York. Would not the widow be entitled to anything under the general law?

Mr. GROW. This bill proposes to grant her the pension to which she would be entitled under the general law by reason of the rank of her husband. Her claim was rejected at the Pension Office on the ground that the evidence did not show conclusively that the soldier had not rheumatism before entering the service. Yet he served gallantly for three years, was in every battle of the Potomac, and was honorably discharged. In 1862, while in the service, he was in hospital five days with an acute attack of rheumatism; and his death, according to the testimony of the surgeon, was caused by rheumatism of the heart.

Mr. BARTLETT of New York. When did he die?

Mr. GROW. Two years ago.

Mr. BARTLETT of New York. Twenty-nine years after the war he died of the disease which confined him to the hospital five days during the war?

Mr. GROW. He died of rheumatic disease of the heart.

Mr. LOUD. I wish to inquire whether this woman is now receiving any pension?

Mr. GROW. No, sir.

Mr. LOUD. Why not?

Mr. GROW. Her application for pension was rejected at the Pension Office on the ground that the testimony was not conclusive that the soldier was not subject to rheumatism when he entered the service.

Mr. LOUD. Was not this claim rejected at the Pension Office because the woman had too much property to entitle her to receive a pension?

Mr. GROW. She did not apply under the act of 1890, but under the general law, for the pension to which she would be entitled in accordance with the rank of her husband.

Mr. LOUD. Why did she not apply under the act of 1890?

Mr. GROW. Because under that act she could only receive a pension of \$8 a month.

Mr. LOUD. And are there not four or five hundred thousand widows in the country who can get only that?

Mr. GROW. As her husband died of disease contracted in the service she was not obliged to apply under the act of 1890.

Mr. LOUD. But she could not prove that her husband's death was the result of disease contracted in the service?

Mr. GROW. I have already stated that this man, according to the testimony of the physician who attended him, died of rheumatic trouble of the heart; and two of his comrades testify that he was troubled with rheumatism at the time of the battle of Fredericksburg and was in the hospital for five days in 1862 with an acute attack of rheumatism. Allow me to repeat, that he served during three years of the war, and was in every battle of the Potomac.

Mr. LOUD. Permit me to say to the gentleman that I was in the hospital for four weeks during the war with an attack of rheumatism, and if there is a doctor on the face of this earth, if I were to die to-morrow, who would undertake to say that my death was the result of that army service then he ought to be incarcerated in an insane asylum.

Mr. GROW. But if the doctor found that the cause of the gentleman's death was from injury to his vital powers resulting from that service he would have no ground for complaint.

Mr. LOUD. This very assumption, thirty years after the service was rendered, that every soldier who dies at this late day dies from the results of disease contracted in the Army or from his army service is a simple absurdity.

Mr. GROW. In this case the gentleman should remember that his own companions, the associates of this officer, testified that he was suffering with this disease; that he had an attack of it frequently every few years apart, but they were gradually growing worse and worse on each occasion. The result was that finally he died of that trouble; and it is traced back through his own companions, by their testimony, to his service in the Army.

Mr. LOUD. I shall not object to the consideration of the case. It has probably as much merit as hundreds of others that have been passed in this House. But it is a bill that ought not to be passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TALBERT. Mr. Speaker, I desire to submit a few remarks on this bill.

The SPEAKER. Does the gentleman object to the consideration of the bill?

Mr. TALBERT. No; I do not object, but simply desire to discuss it briefly.

As I understand it, this is another claim for pension to an officer not of the rank of brigadier-general or general, but as low down as a captain. It seems that legislation will after a while reach the privates, if any are left. I would just like to know if there are any privates left in the Union Army at all. Is it a fact that every private who ever served in the Union Army has been brevetted as an officer? It certainly seems so from the cases that are brought before this House. We might fairly judge that to be a fact from the records that were made here. But few have descended so low yet as to ask unanimous consent for the consideration of a bill to raise the pension of a private soldier or the widow of a private soldier. All of the efforts seem to be for the officers and their widows; and I am very much surprised that the gentleman from Pennsylvania has got so low in the scale as captain. I wonder that he, too, did not make the application in behalf of some more distinguished officer; for instance, a colonel or general.

But, Mr. Speaker, I wish to call the attention of the House to some legislation that was passed here during this session in reference to this very subject. No longer ago than last week, I believe it was, a bill was brought up here and considered to place on the retired list a lieutenant of the Navy, named Quackenbush, and I would like to call your attention, and the attention of the House, to the record which has been presented and made a part of the official records of this House as a reason for placing him on the retired list. I am not surprised, in view of the reasons that have been submitted in this case, that enormous pensions should be asked for officers and widows on equally flimsy grounds. As to the bill under consideration, I have no particular objection; at the same time, it may not be entirely deserving or meritorious.

Mr. GROW. Will the gentleman allow me a moment? Do I understand the gentleman to make objection to the consideration of the bill?

Mr. TALBERT. No; I have made no objection to the consideration as yet, but only wished to call attention to a specimen of Republican legislation.

But, Mr. Speaker, I started to cite some of the reasons why this lieutenant was placed upon the retired list as I gather them from the records in the case. In the first place, we find right at the very threshold of it that he was dismissed from the Naval Academy for drunkenness. That is one reason, I suppose, why he should be placed on the retired list. That is, at least, given as one of the reasons in the report, or at least it appears in the RECORD.

In the second place, he was appointed a lieutenant in the Navy at the outbreak of the war. That of course might be a good reason to put him on the retired list. In the third place, including many other different orders, eight in all, as shown by the record, he was put on waiting orders at eight different times during the war. That is, he was found to be incapable, or utterly worthless, or something of that sort, and he was put on waiting orders until something was found that he was capable of doing. Now, what do sensible men think of such recommendations?

The fourth reason for putting him on the retired list was that there was no evidence before the committee that he was ever in a battle or received honorable mention during the war, or at least this appears as a part of his record and should have prevented it. Yet that is a strong reason for putting him on the retired list! There is not a word of evidence that he ever smelt powder or heard a gun fired in battle or ever saw the smoke of battle. And yet by an overwhelming vote he was put on the retired list. If you regard that as a good reason you are welcome to it, and welcome to the responsibility for such action.

In the fifth place, upon an examination for promotion, he failed to pass before two successive and independent examining boards. It seems that he had great merit because he failed to pass two successive examinations for promotion. That is another reason why you seem to have retired him, I suppose. In the sixth place, under the general law he was finally put on the retired list. Then comes a seventh reason for putting him on—Congress intervenes and had him restored to the active list.

Congress had to come along and exercise its power to put him on duty. In the eighth place, he was again dismissed for drunkenness. That is another good reason, apparently, why the claim is brought up here and, under whip and spur, the application is granted to put him on the retired list. In the ninth place, Congress again restored him to the active list, and then put him on the retired list. I only call your attention to these facts—that you are moving like greyhounds to pass such claims as this while you are neglecting the claims of the honest soldiers and the widows and orphans of the old soldiers. You are neglecting that great mass of claims existing against the United States that come from your War Claims Committee, claims that are costing the Government twenty or thirty thousand dollars a year, but they are never brought forward. There is no relief for such claimants.

Now, I do not know but what the claim that the distinguished

gentleman from Pennsylvania [Mr. GROW] has brought forward here is a meritorious one. I do not propose to even vote against it, because I do not think he has ever stood up here in advocacy of a claim unless it possessed some merit. But I just want to call the attention of the House again to the fact that it seems to be the paramount object of the sitting of this Congress to grant pensions to bummers, deserters, and coffee coolers, if the gentleman from Kentucky will allow me that remark, and to pass by meritorious claims. I just wanted to show the spirit which actuated you, it seems, in putting this Lieutenant Quackenbush upon the retired list. Here is the bill of fare. It is in the RECORD. You can look at it. He has never been in a battle. He has several times been dismissed for drunkenness. He has never passed an examination for promotion; was put under waiting orders eight times, and yet you come here with great big crocodile tears in your eyes and ask that this great, grand man be put on the retired list. If you can stand it, I can. That is only a sample of Republican legislation.

Mr. DINGLEY. I will ask the gentleman why he was not here to make that speech against the Quackenbush bill when it came up, instead of making it after the bill passed?

Mr. TALBERT. I was here, but as usual the gag law was applied, and the previous question was ordered, just as you Republicans do things to keep men from expressing their views. That is the reason why I did not do it, and that is the reason why I rose in my seat to-day to say what I have said. It is a bitter dose. You would not swallow it the other day, and you have got to swallow it now, however nauseating it may be, and I hope it will so purge you as to beget some fairness and justice into you.

Mr. GROW. There has been no gag law on this bill. The gentleman has not opposed this bill, and I am very much obliged to him. I ask for a vote.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GROW, a motion to reconsider the last vote was laid on the table.

JOHN CASTER.

Mr. TALBERT. Now, Mr. Speaker, I should like to suggest that we commence on privates. We have come down as low as a captain.

Mr. DOCKERY. Mr. Speaker, I have a bill pensioning a private. I ask unanimous consent for the present consideration of the bill (H. R. 5854) granting a pension to John Caster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Caster, late a private in Company A, Thirty-third Missouri Enrolled Militia Cavalry.

Mr. DOCKERY. I ask for the reading of the report.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5854) granting a pension to John Caster, having carefully examined and considered the facts presented, respectfully report as follows:

John Caster enlisted July 25, 1861, as a private in Company A, Thirty-third Missouri Enrolled Militia Cavalry, and served with such organization until November 25, 1864, when discharged.

He filed a claim for pension July 18, 1874, alleging gunshot wound of left thigh received in battle near Camden Point, Platte County, Mo., July 3, 1864.

The War Department records fail to show that the organization to which claimant belonged was ever mustered into the United States service, and the claim for pension was rejected on that ground and on the ground that the evidence in the case, completing it, was not on file before July 4, 1874, the claim having been completed November 10, 1874, as shown on the brief of the claim.

The adjutant-general of Missouri says the muster-in roll shows John Caster, private, Company A, Thirty-third Enrolled Missouri Militia, mustered in at Breckenridge, Mo., July 23, 1862. The Third Auditor reports that John Caster, jr., is borne upon the rolls of Company A, Thirty-third Enrolled Missouri Militia, as enrolled July 23, 1862, ordered into service September 26, 1864, and returned from duty November 24, 1864.

Maj. S. P. Cox, of same regiment, testified (filed September 5, 1890) that he was present when John Caster received wound, and saw the wound soon after he was shot, July 3, 1864, in left hip, in a battle with bushwhackers under Thrallkill and Thornton.

Capt. Daniel Lebo filed affidavit December 7, 1874, that he was in command of Company A, Thirty-third Enrolled Missouri Militia, at the time, and John Caster received a gunshot wound in left hip. John V. Johnston and Levi M. Mullins, comrades, also testify to the incurrence of the wound as alleged.

Dr. William H. Polmsbee, Gallatin, Mo., filed affidavit November 10, 1874, that he treated John Caster for gunshot wound of left hip, received while a member of Company A, Thirty-third Missouri Enrolled Militia.

Dr. McDonald testified March 21, 1896:

"I have known John Caster about fourteen years and treated him for catarrh and heart affection. The heart's action very weak and irregular; slight exercise produces dyspnea. He suffers from nasal catarrh, which has affected and changed his voice. He has had gunshot wound of left hip at junction of sacrum and ilium. The ball passed downward in an oblique direction and out at a point 10 inches from point of entrance, causing adhesion at both points and limitation of motion of leg as result of injury to gluteal and femoral muscles. The disabilities have been permanent since I have known him and totally disable him for performing manual labor of any kind.

The committee therefore recommend the passage of the bill with an amendment, adding, after the word "Cavalry," in line 7, the words "and pay him a pension of \$12 per month"; also amend by spelling the name "Caster" instead of "Castor," in line 6, and also amend title of bill by spelling the name "Caster" instead of "Castor."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee, set forth in the report, were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, the title of the bill was amended, so as to read: "A bill granting a pension to John Caster."

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill passed was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move to take up the naval appropriation bill as reported from the Senate, with the Senate amendments, and that the House disagree to the Senate amendments entire and request a conference; and that the bill, with the Senate amendments, be printed.

Before asking for a vote on that I desire to make a few observations to the House in connection with this bill. I will not state in detail the character of the amendments, which are quite numerous, but I desire to call the attention of the House particularly, in my request for a disagreement with the Senate, to the action of that body in reducing the provision for battle ships from four to two. The members of the House will remember very well the circumstances, and the condition of the public mind, and the conditions prevailing in the Senate and House of Representatives at the time when the naval appropriation bill was brought into the House, where provision was made for the construction of 4 first-class battle ships and 15 torpedo boats. I desire to emphasize at this time the very remarkable change of attitude on the part of our coordinate legislative branch, which has resulted in the cutting down of one-half the provision for the strengthening of the Navy made in the bill as it passed the House.

At the time the four battle ships were ordered, were voted for by the House, we found ourselves in a situation in which the public mind had been very greatly inflamed and excited by the discussion of "wars and rumors of wars" in various directions; and it is only fair to say that the Senate of the United States by action and speeches had probably contributed as much as any element that affected public sentiment or excited the public mind in regard to the strained character of our relations with several of the great nations of the earth.

It is within easy recollection of the members of this body that great excitement was produced by a message of the President of the United States in regard to Venezuela, which contained some very remarkable expressions as affecting our possible future relations with the greatest maritime power on the globe. The action of this House will be remembered in support of that message, and also the fact that the Senate of the United States, after some deliberation, followed the action of the House in what seemed to be a very strong indorsement of the most emphatic expressions of the President's message in the line of aggressive assertion of the duty and disposition of the United States to exercise its power in regard to the disposition of matters on this hemisphere outside of our own territory.

So strong was that disposition, so strong seemed to be the purpose of Congress, that our country should take a more prominent and aggressive attitude in the disposition of the great international affairs of the world that, one after another, remarkable propositions were introduced in either branch of Congress, all of them looking toward a more strenuous declaration of our military position among the nations of the earth than had ever before been assumed; and, as I say, in that direction the Senate of the United States took a very conspicuous part. I found in looking over the RECORD and public documents of this session a number of extraordinarily warlike measures brought before that body, seeming to show the earnest desire of the Senate that we should put ourselves in a position to maintain the unwontedly aggressive attitude to which it seemed the desire of so many people to commit our Government. Among them, on December 18, 1895, the Senator from New Hampshire [Mr. CHANDLER] introduced a bill (S. 1043), which was read twice and referred to the committee, providing—

That the President be, and he is hereby, authorized and directed to strengthen the military armament by adding thereto, equipped for use, 1,000,000 infantry rifles, 1,000 guns for field artillery, and not exceeding 5,000 heavy gun for fortifications, to be procured by manufacture in the arsenals, or by contract for manufacture, or by direct purchase in this country or elsewhere, according to the discretion of the President, who shall conform, when practicable, without undue delay, to the methods prescribed for making contracts and purchases by existing laws.

Sec. 2. That the sum of \$100,000,000 is hereby appropriated to carry into effect the provisions of this act.

And so exigent was the matter apparently regarded by the framer of this bill that the President was authorized to procure this war material—\$100,000,000 worth of war material—either in this country or "elsewhere," if we could not produce it fast enough by domestic manufacture to meet what seemed to be regarded as the exigency of the situation of this country at that time.

On the 8th of January, 1896, the Senator from Maine [Mr. HALE] introduced a bill (S. 1404) which came with a recommendation from the Navy Department, which was read a first and second time by unanimous consent, providing that the President of the United States should be authorized, whenever in his judgment an exigency should arise that warranted it, to enlist an unlimited number of men in the Navy of the United States for the term of two years and to appoint an unlimited number of officers not above the grade of lieutenant, who should be found necessary to command the men thus brought into the service. It provided further that the President should authorize the Secretary of the Navy to call into requisition the Naval Militia, and to charter "any private vessel or vessels which may be required for the transportation of troops or other purposes, at such rates of compensation and upon such terms and conditions as may be deemed proper for the protection of the public interest."

On the same day the public records show that the Naval Committee of the Senate addressed a communication to the Secretary of the Navy, asking him if he thought that "six battle ships" should be authorized at the present session. It was in this form:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether, in his opinion, it would be advantageous to the naval service to now contract for six battle ships instead of for the two at present authorized, on the basis of the bids now before the Navy Department, modified as might be, in the opinion of the Department, to the public interest.

In pursuance of the Secretary's affirmative reply, Mr. HALE, on the 19th of December, introduced a bill (S. 1058) providing for constructing "by contract 6 seagoing coast line battle ships" of about 11,000 tons each, and 25 torpedo boats.

On the 29th of January Senator MORGAN, from the Committee on Foreign Relations, submitted an elaborate report in regard to our relation to the conditions existing in the Island of Cuba, accompanying which was a concurrent resolution, No. 19, providing as follows:

Resolved by the Senate (the House of Representatives concurring), That the present deplorable war in the Island of Cuba has reached a magnitude that concerns all civilized nations to the extent that it should be conducted, if unhappily it is longer to continue, on those principles and laws of warfare that are acknowledged to be obligatory upon civilized nations when engaged in open hostilities, including the treatment of captives who are enlisted in either army, due respect to cartels for exchange of prisoners and for other military purposes, truces and flags of truce, the provision of proper hospitals and hospital supplies, and services to the sick and wounded of either army.

Resolved further, That this representation of the views and opinions of Congress be sent to the President; and if he concurs therein that he will, in a friendly spirit, use the good offices of this Government to the end that Spain shall be requested to accord to the armies with which it is engaged in war the rights of belligerents, as the same are recognized under the laws of nations.

On the 20th of February Senator CALL submitted an amendment in the nature of a substitute:

That the United States recognize the independence of the Republic of Cuba, proclaimed at Jimaguayua under the Presidency of Cisneros, and under the provincial constitution and form of government proclaimed at Jimaguayua in May, 1895.

Senator WHITE submitted another amendment, as follows:

That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will, at as early a date as the facts will warrant, recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

On March 2, 1896, resolutions were reported by the committee in lieu of these, which provided as follows:

Resolved by the House of Representatives (the Senate concurring), That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

During the discussion of these various propositions the expressions called out in the Senate were also of a remarkably aggressive character. I find that on the 27th of February the Senator from Missouri [Mr. VEST], in an argument as to the duty of the

United States in regard to the insurrection in the Island of Cuba, used language which was reported by the newspapers to have caused great excitement throughout Spain, where it was said to have been interpreted by the press and in Government circles as indicating serious hostility on the part of the legislative branches of the Government of the United States toward a nation with whom we were and still are holding amicable relations. He said, as reported in the RECORD:

Of all those vast dominions won by blood, won through torture and fire, there remains to-day to this toothless old wolf—

Meaning Spain—

the single Island of Cuba. And Spain to-day, like Giant Despair in that wonderful picture of Bunyan, almost helpless, sits at the door of the dark cave of despotism and grins with impotent rage at the procession of splendid Republics that march on in the progress toward civilization and liberty.

A little later, in the same debate, he is reported as saying:

We, Mr. President, are confronted now with one overwhelming, overruling, absolute, and determinate question in this debate. Shall we, the great exemplar of republican institutions throughout the world, declare that in our opinion the people of Cuba are able to maintain their independence and have achieved it? Are we to wait until that island is desolated by fire and sword? Are we, a Christian and God-fearing people, to stand silent and dumb while the Spanish governor, called a general, declares that he intends to pen up the people of Cuba and butcher them into subjection to the Spanish throne? Sir, if we do it, God will curse us. If we do this thing and stand here until a desert has been made of that splendid island, you may be certain that the time will come when there will be retribution upon us as a people, because we have not been true to the task assigned us by Providence, because we have not cherished the legacy of self-government as bequeathed to us by our fathers. [Applause in the galleries.]

Perhaps if it were parliamentary, Mr. Speaker, I might say that the RECORD shows that following this remarkable declaration the Senator from whom I have just made this quotation voted to strike out half of the provision made by the House bill for strengthening the Navy of the United States to help to maintain that dignified attitude of our Government which he seemed to be so desirous of asserting.

Senator ALLEN of Nebraska offered a resolution providing—

That the President of the United States be, and he is hereby, authorized and requested to issue a proclamation recognizing the Republic of Cuba as it exists under the constitution and form of government proclaimed at Jimaguayua, under President Cisneros, in the month of May, A. D. 1895, as a free and independent nation, and according the envoy extraordinary and minister plenipotentiary of said Republic all the rights and privileges accorded to the envoy extraordinary and minister plenipotentiary of the Government of Spain.

In advocating it he went on to say:

Mr. President, I would go further than these resolutions propose to go. I would not only recognize the belligerent rights of Cuba, but I would establish her as one of the republics of this earth. If need be, I would muster every man in the United States and every war vessel necessary to the accomplishment of the task, and I would erect on the ashes and ruins of Spain's control of that island a republic modeled after the institutions of our own. Sir, I would not only do that, but if I had it in my power I would admit the minister of the Republic of Cuba, feeble as it may be, unimportant in the eyes of the world as it may be, to the diplomatic circles at this capital upon terms of equality with the minister from Spain.

Mr. President, one word more. It is said that the action proposed is liable to involve us in war. We can not shirk responsibility because war may follow as a consequence of the discharge of our duties. The rule of Spain over Cuba has not been actuated from motives of humanity to those people, but simply for lust and gain. When Spain becomes convinced that republican institutions upon this continent mean more than mere empty declarations; that it means the United States of America will unfold its flag broad enough to cover the aspirations of the people of Cuba and adjoining countries, then the question of the independence of that people will be settled, and we shall have nothing to do but to adjust the financial results.

And, Mr. Speaker, after quoting that utterance, if it were parliamentary I might go on to say that in the line of "mustering every man and every war vessel of the United States" that Senator is reported to have voted to strike out all the provisions for battle ships in the House naval appropriation bill. [Laughter.]

On the 28th of February Senator SHERMAN of Ohio, the chairman of the Committee on Foreign Affairs, one of the most distinguished and venerated statesmen of the Republic and a Nestor in the halls of legislation, in a speech in favor of the resolutions declaring the duty of our Government in regard to insurrectionary disturbances within the dominion of a foreign power, namely, Spain, among other seemingly aggressive suggestions, used the following language:

Mr. SHERMAN. Mr. President, I would not engage in this debate but that I, as a member of the Committee on Foreign Relations, wish to share in the responsibility of the members of that committee for the consequences that may come from the adoption of the resolution which I hope is about to pass. I do not disguise the dangers, the possibilities of hostile movements into which our Government may be drawn. I know that the people of Spain are a sensitive, a proud, a gallant people, and will not submit to what they consider to be an injustice without resentment and resistance. At the same time my convictions are strong, made stronger every day, that the condition of affairs in Cuba is such that the intervention of the United States must sooner or later be given to put an end to crimes that are almost beyond description.

Mr. President, we have seen that this actual tragedy has already commenced. I read in a morning paper—it is open to all—the account of about the first battle which has been fought there since the arrival of this general, and the murder of unoffending prisoners. I wish to say upon my own responsibility that if this line of conduct is pursued by Spain in Cuba, and the people of the United States are informed of its conditions as they are narrated daily in the public papers, there is no earthly power that will prevent the people of the United States from going over to that island, running all over its length and breadth, and driving out from the little Island of Cuba

these barbarous robbers and imitators of the worst men who ever lived in the world. [Applause in the galleries.]

Sir, whatever may be the result of the adoption of this measure, I desire to take my share of responsibility in connection with it, and with a confidence in the judgment of the Almighty Ruler of the Universe, I believe it will be wise if we can assist, and all the other nations of America concur, in securing to the people of Cuba the same liberties we now enjoy. [Applause in the galleries.]

Mr. SPEAKER, if it were strictly parliamentary, I would say that the RECORD shows that the Senator voted to strike out two of the battle ships from the provision made by the House to enable the United States to maintain an aggressive attitude, if it should be necessary to do so, in the affairs of the world.

On the 23d of March, 1896, the Senator from Texas, Mr. MILLS, introduced a joint resolution in these words:

That the President of the United States is hereby directed to request the Government of Spain to authorize the people of Cuba, subject to the sovereignty of Spain, to institute such local government as they may wish, and invest it with such powers as they may think necessary to secure to the people of Cuba the right to life, liberty, and the pursuit of happiness.

SEC. 2. That in case Spain shall refuse to grant to the inhabitants of Cuba the rightful power of local self-government, then the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States, and hold the same until the people of Cuba can organize a government deriving its just powers from the consent of the governed, and arm and equip such military force as may be necessary to protect them from invasion.

Mr. QUIGG. Mr. Speaker, I rise to a point of order. I make the point that the debate in which the gentleman is indulging is obnoxious to the rule.

Mr. BOUTELLE. What is the rule?

Mr. QUIGG. The rule which provides that the members of one House of Congress shall not criticize the proceedings of another.

Mr. BOUTELLE. When the gentleman from New York shall have served here somewhat longer than he has, he will have learned that in order to escape all possible strictures under that rule it is only necessary for me to say that "if" such a thing as I was about to present to the House had transpired somewhere, and "if" it should prove that in the Senate of the United States or in any other legislative body of that high character on a certain occasion some Senator from a State, even from Texas, had introduced a measure of this kind, then I could state to the House that the measure read somewhat in this form—proceeding to read the resolution.

The SPEAKER. The gentleman from New York has made the point of order. Has the gentleman from Maine anything to say with regard to it?

Mr. BOUTELLE. I desire to state that it is a very familiar point of order, one which is very frequently made here, but almost always made by very new members. [Laughter.] And I desire to say to the Speaker—

The SPEAKER. The Chair has the impression that the point of order is well taken. [Applause.]

Mr. BOUTELLE. Very well. Then I will suggest to the Chair that all that it is necessary for me to do, as has been the practice ever since Congress was first organized, is to state a hypothetical case, which I will proceed to do.

The SPEAKER. The Chair thinks that the reason of the rule—

Mr. BOUTELLE (interposing). I ask a ruling as to whether I am not entitled to read from the RECORD anything that has transpired in either branch of Congress.

The SPEAKER. The Chair thinks not; but he will hear the gentleman from Maine on that point.

Mr. BOUTELLE. Does the Speaker rule that a member of this House, in debate, has not a right to read from the printed record of the debates in the Senate what has been stated in that body? I would like to have a ruling, and I wait for the Speaker to decide.

Mr. GROSVENOR. Mr. Speaker, I hope there will not be a ruling for a moment or two.

The SPEAKER. The Chair will hear the gentleman from Ohio on the point of order.

Mr. BOUTELLE. If the matter is to be debated I want to say a word myself.

Mr. GROSVENOR. Mr. Speaker, I take the ground that so far the gentleman from Maine has not transgressed the rule of the House. I can not put my hand on the rule at this instant, but my recollection of it is that the criticism of another legislative branch of the Government, or of a coordinate branch of the Government, which the rule contemplates, does not consist, and can not be construed to consist, in merely reading the action of the other body and quoting the utterances of the members of that body. I understand that the criticism must be something that would provoke personal reply, something that is in the nature of a criticism, either of the whole body or of the individual members of the body.

Now, I do not like to have it ruled, unless it is right, that we may not say on this floor that the Senate has defeated some bill of the House or that the Senate has put some amendments upon some bill of the House. As I understand the logic of the argu-

ment of the gentleman from Maine—and certainly he made it very clear—he was pointing out that the Senate at one time seemed to concur in a certain line of opinion in regard to the necessities of the military arm of the Government, and at another time had receded from that position. I hope that that may not be held to be an improper line of criticism.

Mr. MILLIKEN. But, Mr. Speaker, was not the gentleman personally criticising certain members of the Senate?

Mr. GROSVENOR. I did not think so.

Mr. MILLIKEN. I did.

The SPEAKER. This is a matter of considerable importance and one which should be very carefully presented.

Mr. BOUTELLE. It is a matter that has been presented a great many times. The idea that a bill can be passed by this House, sent to the Senate, acted upon in the Senate and amended there, sent back to the House, and that we in discussing that bill are estopped from citing the record of the votes in the Senate and the recorded expressions of Senators in debating the measure, is so monstrous a proposition that I will not dignify it by discussing it. I simply say that in any debate in which I hold the floor I have a right under the rules as a member of the House to read from the records of any legislative body on the face of this earth, and peculiarly the right to read from the records of the legislative body which is coordinate with this; and that no possible point of order can be made except upon such an assault on the motives or the integrity of a member of the coordinate branch as would involve, under well-understood parliamentary usage, the liability of provoking personal animosities or recriminations. The rule is perfectly plain.

Why, Mr. Speaker, this infantile point of order would preclude me from quoting from a President's message or from a decision of the Supreme Court. I am amazed that such a proposition should occupy the attention of the House for a moment.

Mr. GROW. Mr. Speaker, if I am correct in my view, the members of one House can not refer to proceedings pending between the two Houses in the way of comment. Proceedings, however, of either House as printed in the RECORD become history; and any member may refer to them as history, but without commenting upon them or discussing the reasons why a member of the other body uttered certain sentiments at one time and certain other sentiments at another. The record is history and may be referred to; but comments upon it are, I think, excluded by parliamentary law.

The SPEAKER. The principle involved in the matter now brought to the attention of the House is contained in a statement of Jefferson's Manual which will be found on page 132 of the Digest of the second session of the Fifty-third Congress:

Where the complaint is of words disrespectfully spoken by a member of another House it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoted which may give a ground of complaint to the other House and introduce proceedings and mutual accusations between the two Houses which can hardly be terminated without difficulty and disorder.

If the Chair understood the remarks of the gentleman from Maine, they were, in addition to the reading of matters in the RECORD, criticisms with regard to the personal action of members of the other House and in regard to their votes.

Mr. BOUTELLE. I desire to state that the Chair is entirely in error on that point; and I think perhaps he may have been misled by the fact that he was paying more attention apparently to somebody else than he was to the speaker.

The SPEAKER. The gentleman from Maine is right. When the gentleman commenced to read, the Chair was paying attention to some other business of the House.

Mr. BOUTELLE. Then if the Speaker—

The SPEAKER. The impression of the Chair was that an expression was used with regard to the vote of a Senator, comparing his vote on a portion of this bill with utterances in which he had indulged in the Senate.

Mr. BOUTELLE. If the Chair will be kind enough to refer to the language used, he will find that "the gentleman from Maine" very carefully, very specifically, and very parliamentarily stated that "if it were parliamentary," he might call attention, "if the fact were so and so," to the fact that the gentleman had voted "so and so."

The SPEAKER. The Chair thinks that is precisely the same thing.

Mr. BOUTELLE. That is for the Chair to decide. I believe I was strictly within the rules. If the Chair does so decide, it is entirely a different ruling from any other decision that I have ever known to be made upon the question.

The SPEAKER. That is the opinion of the Chair, and the thing to be kept in mind by the House and by gentlemen in addressing this body, not for our own sakes particularly, but for the sake of orderly proceedings in public bodies, is that principle which is laid down in this Manual—the principle that there should be in such bodies no such criticism or reference to the members of

another and a coordinate body as would be liable to lead to recriminations or disputes.

The reason for this is simple and plain, on reflection. It is that all legislation, in order to become law, must receive the sanction of both Houses. Anything, therefore, which means misunderstanding between the two Houses, like criticism of the person or manner by the members of either branch of those of the other, would be likely to create friction and have a very bad effect upon public legislation. At least that is the theory on which the rule and the construction of the rule to which attention is called is based. And I think everybody will see the soundness and wisdom of it.

The Chair has the impression that the rule certainly goes as far as stated by the gentleman from Pennsylvania, a former Speaker of this House [Mr. Grow], and possibly it goes even further under the usages of the House. So far as my personal recollection is concerned, my impression is that allusion to the acts, and especially to the motives, of members, or the criticism of members of the other House, is not permissible here, nor is a criticism of us permitted over there, and the purpose of it is that we may avoid unnecessary ill feeling between the two bodies in the interest of the country and the advancement of legislation. Because where criticism is made of a man where he can not reply it is more irritating than criticism of a man where he can reply. And so the motive for establishing a proper rule to govern our relations with the other body is even stronger than it is for establishing proper relations among ourselves. Now, I have no doubt that the gentleman from Maine will proceed in order. But I think that the remark which came to the attention of the Chair was not strictly in order.

Mr. BOUTELLE. Will the Speaker be kind enough to indicate the remark to which he refers?

The SPEAKER. The remark in which the gentleman had undertaken to quote language used in debate in another body and had referred to certain actions of its members.

Mr. BOUTELLE. What?

The SPEAKER. Where the gentleman quoted language used in debate in the Senate and proceeded to compare the language used with the action of a member of that body to show a conflict between them.

Mr. BOUTELLE. What I said was that if it was permissible to do so I should say so and so.

The SPEAKER. The gentleman said that if it were parliamentary he would characterize it as so and so.

Mr. BOUTELLE. That if it were parliamentary, I would state how he voted.

The SPEAKER. The Chair thinks that the general rule is plain, and the gentleman will see that that language comes within the spirit of the rule.

Mr. GROW. Mr. Speaker, I move that the gentleman from Maine be permitted to proceed in order.

Mr. BOUTELLE. Mr. Speaker, I thank the gentleman from Pennsylvania very much, but I do not wish any such privilege to be extended to me. If I can not proceed in a manner that I believe to be strictly in order I do not desire to proceed at all.

Mr. GROW. If the House does not give you permission to proceed you can not proceed anyhow. [Laughter.]

Mr. BOUTELLE. I have no desire to proceed unless I can proceed in what I recognize to be my right under the rule.

If it is ruled by the Chair—and while I recognize all of the fluency and skill of the admonition the Chair administered to me, I do not yet quite catch the idea the Chair had in mind—but if the Chair rules that I am estopped from proceeding, that I have made any infraction of the rules of the House by simply reading from the CONGRESSIONAL RECORD a public report of the proceedings of the Senate, then I have no desire to address the House further.

Mr. TERRY. Mr. Speaker, it seems to be a question of what the gentleman from Maine really did say. I ask if it would not be in order to have the stenographer's report read, in order to set the matter clear before the House. Let us have the report of what he did say, and not undertake to argue this question on probabilities, but let us take the facts.

The SPEAKER. The Chair thinks it is too late now to have the words taken down.

Mr. QUIGG. The Speaker has ruled on the point of order, and I call for the regular order.

The SPEAKER. The regular order—

Mr. BOUTELLE. I asked the Speaker to inform me, as a matter of parliamentary inquiry, if the Chair holds that I am forbidden here on the floor of the House to read the language of a joint resolution introduced in the Senate and made a part of the public records of that body?

The SPEAKER. The Chair thinks that the gentleman is entitled to read it.

Mr. BOUTELLE. Well, that is what I was doing, Mr. Speaker. That is exactly what I was doing, and all that I was doing. Now, I want to have this understood, if the Chair please— [Laughter.]

The SPEAKER. The Chair would suggest to the gentleman— Mr. BOUTELLE. This may be a very laughable matter to some of you gentlemen, but there are some serious aspects of the case which involve the rights of a member on the floor, and I ask the Chair if I may be heard on this question of order?

The SPEAKER. The Chair has already passed upon the question of order, and the Chair desires to say to the gentleman from Maine that all these matters can proceed without difficulty, provided the gentleman bears in mind, as the Chair has no doubt he will, the principles which have been invoked here, and which have been quoted from Jefferson's Manual; and the Chair hopes that the gentleman will proceed in order, under that, as he understands it.

Mr. BOUTELLE. I want to ask the Speaker if any man can properly rise under the rules of this House and call a member to order for anything except that which he is saying at the time?

The SPEAKER. The Chair thinks that in a case like this, where a matter has been going on in a particular direction, or such criticism as has already been alluded to, and it seems to be going on still further in that direction, if a member rises and asks the judgment of the Chair upon the general topic, that it is the business of the Chair to give it, and the Chair has done so.

Mr. BOUTELLE. Then the Chair holds, as I understand—

The SPEAKER. The Chair has made its ruling.

Mr. BOUTELLE. Well, I desire to find out what I may—

Mr. QUIGG. I call for the regular order, Mr. Speaker.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. Grow], that the gentleman from Maine [Mr. BOUTELLE] be allowed to proceed in order.

Mr. BOUTELLE. Mr. Speaker, I decline to accept that. I rise to a question of personal privilege, and I desire to ask the Chair if he holds that I am not in order in continuing to read from the bill or joint resolution, from which I was reading verbatim when called to order by the gentleman from New York [Mr. Quigg]?

The SPEAKER. The Chair does not hold that the gentleman was out of order in doing that.

Mr. BOUTELLE. Then I will proceed to read the rest of the resolution.

The SPEAKER. The gentleman may proceed in order, provided the House so votes on the motion of the gentleman from Pennsylvania [Mr. Grow].

Mr. BOUTELLE. The Chair stated that I was in order. I was reading from this joint resolution when the gentleman from New York [Mr. Quigg] called me to order. Now, if the Chair says that I have no right to read it I will refrain from reading it.

The SPEAKER. The Chair has made his ruling, and the gentleman from Pennsylvania [Mr. Grow] moves that the gentleman from Maine be allowed to proceed in order.

Mr. BOUTELLE (interrupting). I ask the Speaker if I have a right to read—

The SPEAKER. Those in favor of the motion of the gentleman from Pennsylvania will say aye; those opposed, no. The ayes seem to have it; the ayes have it, and the gentleman will proceed in order. [Applause and laughter.]

Mr. BOUTELLE. Now, will the Chair be kind enough to inform me—

The SPEAKER. The Chair sincerely hopes that gentlemen will conduct themselves with regard to this matter in such manner as may conduce to a proper understanding between the two bodies and a proper understanding among ourselves.

Mr. BOUTELLE. I hope the Chair will not admonish the members on my account at all, for I am entirely content with the record made. I want to ask the Speaker now, in order that I may escape the superserviceable zeal of some member on one side of the House or the other, who may think he can distinguish himself by bobbing up in the record of my speech—I want to ask the Speaker (and the Speaker is fully advised upon this matter, because he has ruled on portions of it) whether I am entitled to read the remainder of this concurrent resolution offered in the Senate of the United States?

The SPEAKER. The gentleman has liberty to proceed in order.

Mr. MILLIKEN. Mr. Speaker, I rise to a parliamentary inquiry. I wish to ask the question of the Speaker whether, if I state to the House that I would say a thing—

Mr. BOUTELLE. Mr. Speaker, was it voted that I should proceed in order?

The SPEAKER. It was.

Mr. BOUTELLE. If so, I desire to retain the floor. I do not yield to the distinguished gentleman from Maine.

Mr. MILLIKEN. I rise to a parliamentary inquiry.

Mr. BOUTELLE. I retain the floor, Mr. Speaker. I decline to be interrupted.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] has the floor.

Mr. BOUTELLE. I hope the Speaker will be as capable—

The SPEAKER. The Chair will endeavor to do his duty if he may be permitted to do it.

Mr. BOUTELLE (continuing). As capable of administering the rules with reference to one member as another of the "unruly" delegation from Maine.

Mr. MILLIKEN. Do not extend that beyond yourself.

Mr. BOUTELLE. Mr. Speaker, I will continue the reading of the concurrent resolution introduced in the Senate on the 23d of March, 1896, which proceeded as follows:

That the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States, and hold the same until the people of Cuba can organize a government deriving its just powers from the consent of the governed, and arm and equip such military forces as may be necessary to protect them from invasion.

Now, Mr. Speaker, I am entirely desirous, in perfect good faith, of adhering to the rules of this House, not only as I understand them but as they may be expounded by the present Speaker of the House; and I ask if there is anything in the rules or in the Speaker's recent holding that precludes or renders it improper for me to read from the CONGRESSIONAL RECORD language used in the Senate of the United States, which I now purpose to read unless precluded?

The SPEAKER. The gentleman will proceed in order.

Mr. BOUTELLE. On the 30th of March, 1896, the RECORD reports Senator MILLS of Texas as using the following language:

I say again that wherever there are rights there are corresponding duties, and I say the people of the United States owe it to the oppressed and down-trodden people of Cuba to say to Spain: "The time has come when you must take your heel off the necks of the people of Cuba. We are responsible for their slavery; we are responsible for the despotism in that island; we are responsible for every drop of blood that you shed; we are responsible for every dollar's worth of property that your mercenaries have stolen; our consciences and our character as a people are involved in this crime. Cuba has a right to appeal to us, and we intend that you shall give her just government."

Having the responsibility which even an equitable right would give, we should demand of Spain that just government should be given to Cuba. If necessary we should enforce the demand with the whole military strength of the nation.

I would say to Spain: "You can give her local self-government, you can keep your paramount sovereignty over her, but you must protect her people and give them the power to control their domestic affairs. If you do not do it, then I will take possession of the island, and with the armed forces of the United States I will see that they have the opportunity to organize a government and arm themselves for its security, and I will hold it until they are able to stand alone." If Cuba says: "I can not stand alone. I want to go with you. All these powers are ready to spring upon me. Spain will invade me. Perhaps a combination of European powers will combine and assail me. I do not want to stay alone. I want your help—if she says—

"Entreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God; where thou diest, will I die, and there will I be buried; the Lord do so to me, and more also, if aught but death part thee and me."

Then, sir, I would say to her in the language of that sweet Irish poet:

"Come, rest in this bosom, my own stricken deer,
Though the herd have fled from thee, thy home is still here;
Here still is the smile that no cloud can o'ercast,
And the heart and the hand all thy own to the last."

"Thou hast called me thy angel in moments of bliss,
And thy angel I'll be 'mid the horrors of this—
Through the furnace, unshrinking, thy steps to pursue,
And shield thee, and save thee, or—perish there too."

Now, Mr. Speaker, I would like to ask, with every deference to the ruling of the Speaker of the House and to my sensitive friends here, whether it would be in order for me to state that the CONGRESSIONAL RECORD shows that the Senator from Texas voted to strike out the two battle ships? [Laughter.]

The SPEAKER. Perhaps the answer will be found in paragraph 1710 of Cushing's Law and Practice of Legislative Assemblies:

It is irregular also to refer to or introduce the proceedings or debates of the other House, though there is no question pending at the time, for the purpose of making them the subject of comment, whether in the way of answer, explanation, commendation, discussion, or animadversion, and whenever any such allusion is made in any form in which it can be brought within the control of the House as disorderly, it is immediately checked by the Speaker, though, perhaps, the matter itself might with strict regularity be introduced into the debate, were it not for the impropriety of referring for it to the other House.

Mr. BOUTELLE. Then, Mr. Speaker, if there be a possibility of doubt, while I have none in my own mind, I will refrain from reading from the RECORD the vote of Senator MILLS as stated in my hypothetical question.

Now, Mr. Speaker, I desire to move that the House disagree to the Senate amendments entirely and refer them to a committee of conference, with an opportunity hereafter, of course, for the House to act on the results of that conference; and I ask also that a conference with the Senate may be requested.

Mr. CANNON. Mr. Speaker, the bill with Senate amendments I believe has not been ordered to be printed, with the Senate amendments numbered.

Mr. BOUTELLE. I will ask that my request may be modified so that the Senate amendments may be numbered and the bill printed, the amendments disagreed to, and a conference requested.

Mr. CANNON. I have no desire to interfere in any way with the management of the bill as may seem best to the chairman of the Committee on Naval Affairs; but there are one or more amend-

ments, one especially, in the bill, that at some stage of the proceedings I think the House ought to have a chance to vote upon, and I suppose, from what little I know of the way these matters are managed, as to one of the amendments that I have in mind, later on I hope we will have a chance to take some action. I refer to the amendment of the Senate striking out two of the battle ships. I hope the House will have an opportunity to express its opinion upon that Senate amendment, as to whether it shall insist on or shall recede from its disagreement to the amendment.

Mr. BOUTELLE. I suppose, Mr. Speaker, it is entirely within the power of the House to determine that question for itself. I do not know how the conferees can keep it from coming up here. I will state very freely and frankly that, so far as I am concerned, as chairman of the committee, and so far as I can speak for the committee, I know of no possible reason why any amendment will not be submitted to the separate action of the House if desired.

Mr. CANNON. I suppose that would come afterwards, as it is not convenient to do it now, because the bill has not yet been in conference, and really the time for action will come after it has been in conference. Then I hope an opportunity to test the sense of the House will be given as to certain of the amendments. I have no desire to interfere with the management of the bill, and could not if I would, on the part of the gentleman from Maine; and I only made the remark for the purpose of saying that I hope an opportunity will be given to the House later on to pass upon this amendment.

Mr. BOUTELLE. Mr. Speaker, I entirely agree with the gentleman from Illinois. My judgment is that members are not present in very large numbers to-day, and all of the members are entitled to act upon a question of this kind; and I think it is desirable that the information and the debates to which I have called attention to-day, as well as the bill, shall be printed for the perusal of the House, to enable members to form better judgment after reading what I have said this afternoon, and reflecting upon what I probably intended and desired to say that they may be able to deal in the most judicious manner with this subject when it comes up. I am the more convinced it should take this course because I have observed the latent remnant of that excitable and bellicose disposition which manifested itself so violently at the early stage of the session, that I think perhaps it would be well to have the bill printed and have these extracts from the public records of the Government printed, and let members have the whole matter before them and try to recognize in so far as they can the desirability (which I am glad to be able to say I recognized from the earliest days of the session, in which I had very little sympathy on this side) of looking at this question deliberately and calmly.

I think that when gentlemen read the record of some measures that have been introduced in this Congress, and which I had the temerity, not being aware of the presence of my vigilant friend friend New York [Mr. QUIGG], to quote, I think there are members who will recognize that probably no such excitable or extravagant propositions as some of those would be likely to be introduced to-day. I think the public mind is in a calmer state, and that we have reached a greater degree of equilibrium, and therefore I move that the amendments of the Senate be nonconcurrent in and that a conference be requested.

Mr. SAYERS. Mr. Speaker, as stated by the gentleman from Illinois [Mr. CANNON] for himself, I do not wish to interfere with the progress of this bill, but I do wish to have from the gentleman from Maine [Mr. BOUTELLE]—who will probably be at the head of the conference committee, as he is entitled to be—the assurance that the House shall have an opportunity to vote upon the Senate amendment reducing the number of battle ships from four to two separately and independently from other propositions contained in the bill. If the gentleman will give the House that assurance, I shall not object to his motion.

Mr. BOUTELLE. I do not know how I can accede to any request made prior to the conference, as I do not know what the conferees will agree to.

Mr. CANNON. I will say to the gentleman that the suggestion of the gentleman from Texas is along the line of precedents. Where amendments are nonconcurrent in by wholesale, as upon a general appropriation bill, it is not unusual for a request to be made similar to the request of the gentleman from Texas, and, so far as I recollect, such requests have always been conceded. The method would be when you go into conference that whatever may be done by way of agreement as to other amendments, this amendment will be reported back to the House by way of disagreement, so that the House, or any member of the House, will have an opportunity to test the sense of the House on a motion to concur with the Senate or on a motion to instruct the conferees.

Mr. BOUTELLE. Mr. Speaker, that amendment is the most important matter for which the conference is desired. I do not see how I can agree to exclude from conference the most important matter involved.

Mr. CUMMINGS. Suppose the Senate recedes from its disagreement, what then?

Mr. CANNON. It makes no difference whether it recedes or does not recede.

Mr. CUMMINGS. If it recedes there is nothing before the House. That settles it.

Mr. CANNON. You could still report the disagreement.

Mr. CUMMINGS. There would be no disagreement.

Mr. BOUTELLE. You could not report what was not true.

Mr. CANNON. It is to be presumed, primarily, that the Senate will not recede.

Mr. BOUTELLE. In other words, does the gentleman from Illinois propose to exclude that particular amendment from the conference?

Mr. CANNON. Not at all.

Mr. BOUTELLE. Then we must confer upon it.

Mr. SAYERS. Mr. Speaker, would it be in order now to move to concur in the amendment of the Senate which reduces the number of battle ships from four to two?

The SPEAKER. It would be in order.

Mr. SAYERS. Then I move that the House concur in the amendment of the Senate which reduces the number of battle ships from four to two.

Mr. DINGLEY. Mr. Speaker, while that motion would, of course, be in order at this stage, would it not be better to have the bill go into conference with an understanding that the paragraph fixing the number of battle ships shall be reserved for the House to act upon under any motion that may be made here?

Mr. SAYERS. That was my proposition to the gentleman from Maine [Mr. BOUTELLE]; my idea being that the House ought to have an opportunity to vote upon a motion to concur in the amendment of the Senate reducing the number from four to two.

Mr. BOUTELLE. The House will have an opportunity to vote upon the conclusion reached by the committee of conference on that question.

Mr. DINGLEY. If my colleague will pardon me, suppose the conference—

Mr. BOUTELLE. The only possible object of this must be a desire on the part of this House—and if so it may just as well be expressed at one time as another—that its conferees shall not endeavor to enforce the action of the House in this matter.

Mr. DINGLEY. Oh, no.

Mr. BOUTELLE. The Senate has cut down our House appropriation by one-half. We ask that the House disagree to that amendment. If the House want to agree to the amendment, that settles it. They will vote down their own bill and accept the amendment of the Senate. If the House propose to stand by their own action, they will send the bill to conference and instruct their conferees to get the best agreement they can.

Now, if the House is negative rather than affirmative in this matter, that alters the case entirely. All of my remarks have been predicated upon the idea that the conferees on the part of the House would be intrusted with the duty of upholding the contention of the House. The House voted upon the question whether there should be six battle ships or four, and they voted by a majority to authorize four. There was a very large disposition on the part of this body to authorize six, but they did authorize the smaller number, four.

Now, I have had no intimation from anybody until this moment that the House desired to retreat from that action. If they do, of course it is perfectly competent for them to so declare; but to send the bill to a conference with the understanding that the House conferees are not to confer upon the most important provision in the bill seems to me extraordinary.

Mr. SAYERS. Mr. Speaker, it is evident that we can not reach any definite understanding on this question; and I now move that the House concur in the Senate amendment reducing the number of battle ships from four to two; and upon that motion I demand the previous question.

Several MEMBERS. Oh, no.

Mr. SAYERS. Well, I will withdraw the demand for the previous question.

The SPEAKER. If there is no other separate vote demanded, the question will be first taken on nonconcurring in the other amendments of the Senate.

The question being taken, the amendments were nonconcurring in.

The SPEAKER. The question now before the House is on the motion of the gentleman from Texas [Mr. SAYERS] to concur in the amendment of the Senate relating to a reduction in the number of battle ships.

Mr. BOUTELLE. Is not that question debatable?

The SPEAKER. Certainly.

Mr. SAYERS. I believe I have the floor on the motion and control the time. Do I not, Mr. Speaker, under the rule?

Mr. BOUTELLE. How can the gentleman control the time as against the chairman of the committee having control of the bill?

Mr. SAYERS. It is a parliamentary question presented to the Chair.

The SPEAKER. The Chair is not quite sure about it.

Mr. BOUTELLE. The idea of the gentleman controlling the time on both sides of the question! [Laughter.]

The SPEAKER. As the Chair understands, the gentleman from Maine [Mr. BOUTELLE], being in charge of the bill, moved to non-concur in all the amendments of the Senate. Thereupon the gentleman from Texas [Mr. SAYERS] moved to concur in a particular amendment. That is a privileged motion as compared with the other, and supersedes it; but it does not change the control of the matter. The Chair thinks that the gentleman—

Mr. SAYERS. Just one moment, if the Chair please. Does the Chair rule—

The SPEAKER. The Chair was stating his impression. Perhaps the gentleman from Texas can give the Chair some light on the subject.

Mr. SAYERS. I do not know that I can give the Chair any light. What I mean to say is that, according to my recollection, upon a motion to concur made by any member of the House the member making the motion is entitled to one hour, and that at the end of the hour or before the lapse of the hour he can, if he chooses, move the previous question. If the motion for the previous question be voted down, then of course anyone opposed to the motion to concur is entitled to an hour; but up to the expiration of one hour, if the gentleman making the motion does not yield, he has control of that hour, and at the end of the hour or before it he can move the previous question.

Mr. DINGLEY. Pardon me a moment. I should like the attention of the gentleman from Texas on another matter. This is individual suspension day, and there are several matters which members desire to bring up. The pending question has come up unexpectedly, and if the gentleman from Texas and the gentleman in charge of the bill will agree, I will ask unanimous consent that the further consideration of this matter be postponed until to-morrow morning, immediately after the reading of the Journal.

Mr. SAYERS. And the question occupying its present status.

Mr. BOUTELLE. No; I can not consent to that. I can not consent to have this matter go over with the understanding that the gentleman from Texas can get up here and move to concur in an amendment and occupy all the time himself—allow no one else to be heard except such members as he sees fit to select.

The SPEAKER. As the Chair understands, the proposition is that the matter go over subject to a decision to-morrow morning—

Mr. SAYERS. Whatever rights or privileges the rules of the House and parliamentary law, under the decision of the Speaker, give to me I shall be certain to assert.

Mr. BOUTELLE. That is very lucid and graphic.

Mr. SAYERS. All right; I hope the gentleman understands it.

The SPEAKER. If the Chair can have the attention of the gentleman from Maine a moment—

Mr. BOUTELLE. I should like to know whether the Chair has ruled upon the extraordinary point of order.

The SPEAKER. If the gentleman from Maine will give the Chair his attention one moment—

Mr. BOUTELLE. I will say to the Chair that I was listening to gentlemen around me who, as I understood, were trying to adopt some arrangement—

Mr. MILES. We can not hear what the Chair is saying.

The SPEAKER. The proposition is that this matter shall be resumed, just where it is now, to-morrow morning, after the reading of the Journal.

Mr. BOUTELLE. And the pending status is a motion to concur in the Senate amendment regarding the battle ships?

The SPEAKER. That is the motion. And the Chair, to-morrow morning, will decide the question of the right to the floor on the motion.

Mr. BOUTELLE. Well, Mr. Speaker, in deference to what seems to be a general desire all around me, I have no wish to press the matter this evening; and if we can let the matter go over until to-morrow morning, I shall not object.

Mr. SAYERS. If the gentleman from Maine will permit me a moment.

Mr. BOUTELLE. Oh, well, I am not so anxious that it shall go over that it would require very much of an objection to stop it.

Mr. SAYERS. I am not objecting. The only question is this: Should unanimous consent be given, at the proper time to-morrow will I be recognized with my motion to concur? I submit the inquiry to the Chair.

The SPEAKER. The gentleman's motion to concur is now pending.

Mr. SAYERS. The motion to concur is pending? Then, will I be recognized as having possession of the floor?

The SPEAKER. That the Chair will determine hereafter.

Mr. BOUTELLE. I would like to know what that "possession of the floor" may include. [Laughter.] The gentleman from Texas has indicated that the possession of the floor includes the right to control all debate.

The SPEAKER. The Chair will submit the request. Is there

objection that this matter shall go over until to-morrow morning, the status to remain as now?

There was no objection.

Mr. CANNON. A single moment, Mr. Speaker.

Mr. HENDERSON. I demand the regular order.

Mr. CANNON. Before that I ask unanimous consent—and I think it will be given if gentlemen will wait a moment—that an order be made that the amendments of the Senate be numbered and printed with the bill, so that we may have the bill on our desks in the morning.

Mr. BOUTELLE. That is proper, and I hope it will be done.

The SPEAKER. Without objection, that order will be made. There was no objection.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, before the regular order is proceeded with, I desire to state that the Senate has sent back to the House the conference report on the legislative bill, nonconcurring in the action of the House, and asking another conference. I move that the House further insist on its disagreement to amendments of the Senate on that bill, and agree to the conference asked by the Senate.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On April 30, 1896:

Joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled Messages and Papers of the Presidents.

On May 1, 1896:

An act (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.

On May 2, 1896:

An act (H. R. 2224) granting an increase of pension to Lewis C. Schilling; and

Joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

On May 4, 1896:

An act (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers;

An act (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

An act (H. R. 5488) to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia;

An act (H. R. 4265) granting a pension to Eliza Wilson;

An act (H. R. 3112) granting a pension to Josephine Foote Fairfax;

An act (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes; and

An act (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1883.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 145) for the relief of J. J. Lints;

A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896; and

A bill (H. R. 7200) for the relief of A. T. Hensley.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. BINGHAM, Mr. McCALL of Tennessee, and Mr. DOCKERY as conferees on the part of the House upon the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill.

PROTECTION OF AMERICAN YACHT OWNERS.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill I send to the desk.

The Clerk read as follows:

A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States.

Be it enacted, etc., That section 4216 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4216. Yachts belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States shall have the privilege of entering or leaving any port of the United

States without entering or clearing at the custom-house thereof or paying tonnage tax: *Provided*, That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States, unless such ownership or charter was acquired prior to the passage of this act."

SEC. 2. That section 11 of an act entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," approved June 19, 1886, so far as the same exempts any yacht built outside of the United States and owned, chartered, and used by a citizen of the United States from the payment of tonnage taxes, is hereby repealed.

Mr. BARTLETT of New York. I demand a second on the motion of the gentleman from New York.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

Mr. BARTLETT of New York. Mr. Speaker, I object.

The SPEAKER appointed Mr. BARTLETT of New York and Mr. PAYNE as tellers.

The tellers reported, on a division of the House—ayes 85, noes 2. So a second was ordered.

The SPEAKER. The Chair will recognize the gentleman from New York, Mr. PAYNE, and the gentleman from New York, Mr. BARTLETT, to control the time, respectively, on the bill.

Mr. PAYNE. Mr. Speaker, under the present law an American citizen, contrary to the well-understood purpose of the registry law for American vessels, a law which was passed for the protection of American shipbuilders, can join a foreign yacht club and have a yacht built on the Clyde or wherever he chooses, pay for it with American money, employ British laborers and British builders and use British materials in its construction, and bring the yacht to America and have it registered, with all the privileges that he would have if he had employed American shipbuilders, American workmen, and used American materials.

Under this provision of the law there have been built some 26 of these yachts, varying in tonnage from 500 to 3,000 tons. There are now under contract, building on the Clyde, 4 other yachts to cost somewhere about one and one-half millions of dollars.

Now, what we propose in this bill is to subject all yachts that are contracted for and built under these circumstances to the same tonnage taxes and the same dues for clearances and entrances at the custom-houses that every other vessel belonging to an American citizen having the like privileges, even to floating the American flag, has to pay. In other words, we propose to end this discrimination in favor of yachts which are steam yachts, used exclusively for pleasure purposes, as against vessels which are engaged in tonnage trade, and answering some useful purpose besides the pleasure of the owner, and to compel these people who desire to use these pleasure yachts to come into the American shipyards and have them built there.

I believe that under the interpretation which must be put upon it they will also be required to pay a tariff duty upon such yachts. I know that proposition is disputed in some quarters, and I believe that will be the result of this bill. It will result in carrying out our policy of requiring American ships and American vessels, all of them, to be built within American yards. There is no reason why this should not be done. We have the best shipyards in the world. Our American liners are as good as any that cross the ocean. Our men-of-war are as good as those produced in any other country, and ever since the memory of any of us the English have been trying to take away from us a certain cup for the best sailing yacht that can be produced.

That is all there is of the bill, and I hope it will pass.

Mr. BARTLETT of New York. Mr. Speaker, I am opposed to the passage of this bill, for two reasons. In the first place, I believe it will be detrimental to the interests of American labor, and in the second place, I believe that it will be destructive of all true sportsmanship, that is, of the true yachting spirit, as now shown by the investment in large steam yachts.

I think it is rather objectionable, in the closing hours of this session, to attempt to rush through without consideration an amendment to the Revised Statutes, to a provision of law which was enacted some twenty-six years ago and has remained in force ever since, in all the tariff agitations through which we have passed. I call the attention of the House to the provisions of the act of 1870, which will be found in section 4216 of the Revised Statutes. That provision does what? It extends a privilege to foreign-built yachts. It gives certain privileges to the gentlemen who invest their money or have invested large sums of money in steam yachts built abroad. It is as follows:

SEC. 4216. Yachts, belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States—

Without doing what?—

without entering or clearing at the custom-house thereof, or paying tonnage tax.

This proposed bill is special legislation of a most objectionable kind, because, although it comes before us in the guise of an attempt to benefit American shipbuilders or yacht builders, it really strikes a blow at some eight or ten or twenty gentlemen in the

United States who have invested hundreds of thousands of dollars in the purchase of their yachts under the guaranty of existing law.

Now, as to the first question, the interest of American labor, you must bear in mind that the cost of running a yacht is far more than the initial cost. The man who gives a hundred thousand dollars for his yacht abroad and brings it into our waters keeps it here season after season, spends hundreds of thousands of dollars on repairs to the yacht, on the equipment of the yacht, and on the cost of the manning and continuous running of the vessel. So I say that if you pass this bill you will have no plausible excuse, no specious excuse even, before your constituents. You will tell them, "We have stopped the building of these yachts abroad"; but you can not say to them that these yachts will be built here. The reason is that the yards abroad are especially equipped for the construction of these steam yachts to-day.

I have no doubt that within a few years the time will come when we shall build them just as well here, just as satisfactorily to the owners, and at an equal cost—that is, not at the excessive cost that would be imposed upon the yacht owner to-day. But in the meantime I tell you that it can not be done, that the men whose ownership of these yachts built abroad you stop, and whom you force to give up the purchase of yachts abroad, will not go into your yards in Maine or elsewhere and buy a yacht, because the cost is too great, because the delay is too great, and they will virtually be compelled to give up their whole interest in steam yachting. So I say to you that this will be a mistake even from that standpoint, and I believe as much as any man in the United States in the due protection of the interests of American labor. I do not think I have ever cast a vote which has not been in favor of American labor or the interest of the American mechanic.

Now, let us see what will be the effect on the interest in yachting, on steam yachting in the United States, if you pass this measure. You will strike a serious blow at that interest, because the interest in steam yachting, as in every kind of yachting, as in every sport which commends itself to the American people and to manhood throughout the world, depends largely upon emulation and competition. It is a noble thing to have these yachts, built in foreign yards, come into our waters and stimulate our American builders. If no English yacht had ever crossed the Atlantic, if no English yacht had ever entered the port of New York, you would have no yacht races to-day, you would have no general widespread interest in the spirit of yachting. So it has been with the introduction of steam yachts built abroad. They have stimulated the interest in steam yachting; and had those yachts not been permitted to enter our ports without the imposition of onerous and destructive charges I tell you that there would not be one-half or one-quarter or one-tenth of the number of steam yachts in this country to-day.

I should like to have a portion of this article read, or I shall read it, because it presents the view of a true American who is interested in these steam yachts much more forcibly than I can:

That such a bill would in the end result in any benefit to American designers and builders is a matter of serious doubt, and as applied to steam yachting it would work decided detriment to the sport for a long time to come.

The yachtsman who contemplates the investment of several hundred thousand dollars in a steam yacht has only to look into the matter superficially to make sure of some very important facts. On the one hand, by going abroad he can secure in a comparatively short time a steam yacht of the highest possible class, designed, for instance, by Mr. Watson, whose long list of successful boats—*Maria, May, Rona, Sapphire*, and others larger and finer—is a most satisfactory guaranty of the performance of a new vessel. The yacht will be built in a yard where such work is a specialty and by workmen familiar with all its details, and a thorough carrying out of all guaranties as to time of delivery and quality of work may be confidently looked for.

If, on the other hand, the order be placed at home with the recognized builders of steam yachts, there is no guaranty as to who will design the vessel, when she will be completed, or that she will be other than a flat failure when nominally ready for delivery. If anyone is inclined to dispute this, there is ample evidence of its truth in two of the largest and most expensive of the recently built American yachts: one a failure in appearance, speed, accommodation, and all the qualities that a steam yacht should have; the other even a worse example, and only accepted by her owner after a long litigation.

The passage of this bill will make a square issue for American yachtsmen to consider, either to have no steam yacht or to pay an excessive price for one that is practically useless.

There are reasons which need not be quoted now for the unfortunate condition of steam-yacht building in America to-day, a condition closely identical with that of the building of sailing yachts in 1880. That these latter conditions were so altered as to lead in a few years to the design and construction of such American yachts as *Puritan, Mayflower, Volunteer, Gloriana, Defender, and Niagara* is due almost entirely to the introduction into America of a few English yachts—*Madge, Maggie, Stranger, and Clara*—and the visits of *Genesta, Galatea, and Thistle*.

And now I submit, gentlemen, that for these reasons you ought not, without due and careful consideration, to pass any such measure as this. I believe that a fair spirit of emulation and competition is best subserved by allowing a few of these English steam yachts to come in. There is no great danger. It does not affect the people at large to exempt these yachts. This bill will not bring in any revenue to us. Its purpose is not to bring revenue. Its purpose is to force an American who wants to invest \$100,000 in a yacht to have it built in an American yard, at a maximum cost,

and at the greatest possible risk. Now, whether you be in favor of protection, free trade, or tariff for revenue only, it seems to me that this sort of legislation is unwise, that it is unsportsmanlike, and that it should not receive the approbation of the dominant majority.

Mr. LOW. Will the gentleman explain what he means by "risks" of being built in an American yard?

Mr. BARTLETT of New York. I mean this: That any man who invests \$100,000 in a yacht wants to be at liberty to buy where-soever and whensoever he pleases. In the first place, the risk that is taken in having it built in an American yard in the matter of design; in the second place, in the cost, and third, in the matter of celerity of delivery of the yacht.

I claim that we ought not to legislate in this small way. If you want to pass a measure and apply it to all vessels of every kind of construction in this country, go on and do it; you have the power; but do not amend a provision of the Revised Statutes which was conceived in a somewhat large and liberal spirit, and which has worked admirably for a quarter of a century; do not amend it in the closing days of a session without due consideration and without some argument in its favor and support.

I reserve the balance of my time.

The SPEAKER. To whom does the gentleman from New York [Mr. PAYNE] yield?

Mr. PAYNE. I yield five minutes to the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, I just want to say a few words in answer to the gentleman from New York [Mr. BARTLETT]. In the first place, the proposition which the gentleman has laid down is entirely untenable, for the reason that these vessels are exclusively for pleasure purposes, and everyone knows that whenever a man enters the field of luxury it is only a question of whether he wants the article, not whether he is going to pay \$100,000 or \$125,000 for it. Therefore, whenever a man comes to the conclusion that he wants a pleasure yacht he is going to have it, whether it costs him \$100,000, \$125,000, or even \$150,000, and every penny of it should be paid out to American labor, and not to foreign mechanics.

Now, I desire to answer the gentleman as to whether these yachts can be built in this country. He says the work will be done at a great risk here. Does the gentleman mean to state that Mr. Nixon, who has designed a large number of the ships composing the White Squadron, is incapable of designing a pleasure yacht? Everyone at all familiar with the shipbuilding of the world knows that Mr. Nixon now stands at the very head of designers, and fast becoming one of the first builders as well. Within the past six months he has taken a contract to construct the finest pleasure yacht in the world. Therefore there is absolutely nothing in what the gentleman has said on this point.

The gentleman further argues that it would be in behalf of American labor to build these ships abroad, because the sailors would not be employed unless the boats are built abroad, as otherwise they will not be built at all. The gentleman must know, as does everyone at all familiar with the subject, that practically all the men employed aboard these boats are foreigners and not Americans; therefore his solicitude for American labor is a mere pretense.

In conclusion, I desire to say—

First. That whenever a man wants to buy a pleasure yacht, the difference in cost due to the increased wages paid to American labor will not stand in the way.

Second. That Mr. Nixon, in my own district, at the Crescent Yards, as in all other large yards in this country, is prepared to build as fine yachts as can be built anywhere in the world.

Third. That if there is any class of labor that should be protected, it is that employed in the manufacture of luxuries which are used and consumed by the rich in our own country. I sincerely hope this bill will pass, and that hereafter every pleasure yacht sailing under our flag will come from our own shipyards, and represent so much money paid to American labor.

Mr. PAYNE. Mr. Speaker, I have only a word to say. No other class of vessels receive this exemption, and there is no reason under heaven why a millionaire should receive your favor rather than the man who earns his living by trying to transport a cargo of goods in a little vessel. I do not think any man in this House will oppose this bill, unless it be my colleague from New York, and I scarcely think he will.

Mr. CANNON. Let me see if I understand the gentleman. Do I understand him to say that under the law as it now is, if a man buys a vessel for service, say, between Fall River and New York, that there is one rule as to that vessel as to where it shall be built and as to the dues it shall pay, and another rule as to a yacht which an individual may purchase for his pleasure?

Mr. PAYNE. That is correct. An American citizen who wants an American register for a vessel to ply between Fall River and New York is obliged to have that vessel built in American shipyards, but a man who wants a yacht to sail where he pleases throughout the world can by an evasion—for it is nothing more nor less than an evasion of the law, as the courts have decided—

that man, under a rule which extends certain courtesies to yacht clubs abroad, can join a foreign yacht club, get into English society, and sail with the Prince of Wales or some other royal personage, and at the same time can employ a shipyard on the Clyde to build his yacht under the auspices of the foreign club, and though he may be the full owner and controller of that yacht she can enter the port of New York and even fly the American flag without his paying anything to the Government of the United States.

Mr. CANNON. Well, if that is so and this bill will cure that state of things I am quite sure that the gentleman's colleague from New York [Mr. BARTLETT] does not understand it or he would not object to the bill. [Laughter.]

Mr. PAYNE. I do not know about that. My colleague did understand it last Saturday. He had another objection to the bill as printed; he did not think it should be retroactive and apply to vessels already built. I did not agree with him, but some other gentlemen did, and I have now amended the bill so that it is not retroactive in its operation. I understood my colleague to say that with amendment he would favor the bill, or at least would have no objection to it; but, for some reason or other, I do not know what—he may have heard from swelldom [laughter]; he may have heard from these poor men in New York, like the Vanderbilts, who go to the other side of the ocean and get a yacht built at a cost of half a million dollars or more, but who are not willing to be subjected to the operation of a bill which would place them on a par with our merchant marine, and require them to pay these tonnage dues; he may have interviewed those gentlemen, I do not know—but, whatever the reason may be, a change has come over the spirit of my colleague, and he stands here to-day, he says, in the interest of American labor to oppose the passage of this bill. He says that the people who get their yachts on the other side of the ocean come over here and spend a few dollars for supplies.

Now, I want to say to my colleague that they never buy a dollar's worth of supplies here if they are going to the other side, because they can get them there; and if their yachts were built here and they were cruising in our waters, certainly they would buy as much supplies here as if the yachts were built abroad. Let me say further to my colleague that I have heard from the yacht owners and the yacht builders of this country in regard to this matter, and I want to assure him that there have been built recently in our shipyards steam yachts for some of the people who are willing to spend the money that they have made in this country among the workmen of this country—yachts built in American shipyards at least equal to any that are foreign built, although they are not "English, don't you know." [Laughter.]

Mr. BARTLETT of New York. Mr. Speaker, it was somewhat refreshing to me to hear a few moments ago from a gentleman from New Jersey, I believe, that there was nothing in my argument. It is so delightful, after having been in the House for several years, to be assured that there is nothing in your arguments, and, of course, as the gentleman has said it, that settles it.

Now, in answer to the gentleman from New York, my colleague [Mr. PAYNE], I will frankly state that I know of two or three steam yachts built in this country, each of which, I believe, is the equal of any steam yacht abroad. But what protection do you want? Everything that enters into the construction of a steam yacht now comes in free of duty.

Now, let us look at this matter with reference to the interest of American labor. These boats come in here and, in so far as the purchase of goods and supplies is concerned, all the supplies are purchased here, because the yachts are run throughout the season, summer after summer, in our waters. The crews of the vessels, too, are made up of American labor, men from Connecticut, Maine, and the other seaboard States. So that nearly all the money expended upon these yachts, either in the way of supplies, equipment, or the manning of the vessels, is spent in the interest of American labor.

Mr. McCORMICK. Does the gentleman know that statement to be true that these yachts are manned entirely by American labor? I have been told that most of these English yachts have English crews, who are brought over and retained in this country from year to year. I do not contradict the gentleman, but I would like to know whether he knows of his own knowledge that the fact is as he states?

Mr. BARTLETT of New York. Of course I can not answer for all of these boats, but I can answer for a number of them; and I am informed by men who are owners of yachts and who are familiar with the subject that on almost all of these yachts the crews are American.

Mr. McCORMICK. I have heard just the opposite statement.

Mr. BARTLETT of New York. Well, of course I can not enter into the question of the manning of every boat of this kind.

Mr. FOWLER. Let me ask the gentleman whether he has ever noticed when he has been aboard these yachts of what nationality the men were who manned them?

Mr. BARTLETT of New York. Yes; I have noticed.

Mr. FOWLER. Of what nationality have they been almost invariably?

Mr. BARTLETT of New York. I have noticed a great many Americans among them.

Mr. FOWLER. A great many? Would the gentleman think there was a majority of Americans?

Mr. BARTLETT of New York. A majority on the yachts I have been aboard. I have not been on all or many of them.

Now, let me add a word. Because a man who owns a yacht is rich, that is nothing in favor of a proposition of this kind. I have become a little tired of this talk against men because they are rich. A man who is poor to-day may, under our system of government, become rich next year. Is it anything against a man that he has amassed a fortune by industry and thrift? And is such a man to be persecuted by legislation in a petty spirit? Even if a man be a millionaire, is that fact anything against him? Is it a crime? All our millionaires are, in a large sense, simply trustees for the people, because the proportion of their wealth which they can spend upon themselves is very small. Almost the whole income of our men of wealth is distributed through thousands of channels and goes to the benefit of the people throughout the country.

Now, I ask my colleague [Mr. PAYNE] whether he will not accept this amendment in place of his—

Mr. DINGLEY. Under a motion to suspend the rules, no amendment is in order.

Mr. BARTLETT of New York. This is the amendment which I should like my colleague to accept:

Provided, This law shall go into effect on January 1, 1897: And Provided further, That it shall not apply to any yacht owned on January 1, 1897, by an American citizen exclusively, and which, on said date, is enrolled in the list of yachts of any reputable yacht club of the United States.

Mr. PAYNE. I can not accept that amendment for two reasons. One is, that my motion is a motion to suspend the rules and pass the bill; the other is, that in making my motion I have amended the printed bill so as to accomplish the object which the gentleman desires in a much better way than his amendment would do.

The question being taken on the motion of Mr. PAYNE to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

PENSION BILLS.

Mr. PICKLER. I move to suspend the rules and adopt the resolution which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That on Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings; and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. ERDMAN. I demand a second.

Mr. PICKLER. I ask unanimous consent that a second be considered as ordered.

Mr. ERDMAN. I object.

The SPEAKER. The Chair appoints as tellers, on seconding the motion, the gentleman from South Dakota [Mr. PICKLER] and the gentleman from Pennsylvania [Mr. ERDMAN].

The House divided; and the tellers reported—ayes 86, noes 16. So the motion to suspend the rules was seconded.

The question being then taken on the motion to suspend the rules and adopt the resolution, there were on a division (called for by Mr. ERDMAN)—ayes 81, noes 21.

Mr. ERDMAN. No quorum.

Mr. PICKLER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 44, not voting 198; as follows:

YEAS—112.

Aldrich, Ala.	Connolly,	Howe,	Pitney,
Allen, Utah	Cooper, Wis.	Hubbard,	Poole,
Anderson,	Corliss,	Hull,	Pugh,
Arnold, Pa.	Cousins,	Hunter,	Reeves,
Arnold, R. I.	Crump,	Hyde,	Reyburn,
Atwood,	Cummings,	Jenkins,	Russell, Conn.
Baker, N. H.	Dalzell,	Kem,	Shafroth,
Barney,	Daniels,	Kirkpatrick,	Sherman,
Belknap,	De Witt,	Lacey,	Smith, Ill.
Bell, Colo.	Dingley,	Layton,	Smith, Mich.
Bennett,	Doolittle,	Leisenring,	Southard,
Bishop,	Dovener,	Leonard,	Spalding,
Black, N. Y.	Ellis,	Linton,	Sperry,
Blue,	Evans,	Long,	Stallings,
Boutelle,	Fairchild,	Low,	Stewart, N. J.
Brewster,	Faris,	Mahon,	Stewart, Wis.
Broderick,	Fischer,	Marsh,	Stone, W. A.
Brown,	Fowler,	McCleary, Minn.	Strong,
Brumm,	Gibson,	Minor, Wis.	Sulzer,
Bull,	Graft,	Moody,	Taft,
Burrell,	Griswold,	Noonan,	Towney,
Burton, Mo.	Grow,	Northway,	Thorp,
Burton, Ohio	Hager,	Odell,	Tracey,
Calderhead,	Henderson,	Otjen,	Updegraff,
Cannon,	Hepburn,	Payne,	Van Horn,
Chickering,	Huborn,	Perkins,	Willis,
Clardy,	Hooker,	Phillips,	Wilson, Idaho
Clark, Mo.	Hopkins,	Pickler,	Wood.

NAYS—44.

Abbott,
Bankhead,
Bartlett, Ga.
Bartlett, N. Y.
Bell, Tex.
Catchings,
Clarke, Ala.
Cooper, Fla.
Cooper, Tex.
Cox,
Crisp,

Culberson,
De Armond,
Dinsmore,
Ellett, Va.
Elliott, S. C.
Erdman,
Hendrick,
Jones,
Kyle,
Latimer,
Lester,

Little,
De Armond,
McClellan,
McCulloch,
McDearmon,
McRae,
Money,
Otey,
Owens,
Pendleton,
Russell, Ga.

Sayers,
Shuford,
Skinner,
Spencer,
Stokes,
Talbert,
Tate,
Terry,
Turner, Ga.
Underwood,
Williams,

NOT VOTING—198.

Acheson,
Adams,
Aitken,
Aldrich, Ill.
Allen, Miss.
Andrews,
Apsley,
Avery,
Babcock,
Bailey,
Baker, Kans.
Baker, Md.
Barham,
Barrett,
Bartholdt,
Beach,
Berry,
Bingham,
Black, Ga.
Bowers,
Bromwell,
Brosius,
Buck,
Clark, Iowa
Cobb,
Cockrell,
Coddling,
Coffin,
Colson,
Cook, Wis.
Cooke, Ill.
Cowen,
Crowley,
Crowther,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Danford,
Dayton,
Denny,
Dockery,
Dolliver,
Downing,
Draper,
Eddy,
Fenton,
Fitzgerald,
Fletcher,
Foote,
Foss,

Gamble,
Gardner,
Gillett, N. Y.
Gillett, Mass.
Goodwyn,
Griffin,
Grosvenor,
Grout,
Hadley,
Hainer, Nebr.
Hall,
Haltermann,
Hanly,
Hardy,
Harmer,
Harris,
Harrison,
Hart,
Hartman,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henry, Conn.
Henry, Ind.
Hermann,
Hicks,
Hill,
Hitt,
Howard,
Howell,
Huff,
Hulick,
Huling,
Hurley,
Hutcheson,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Joy,
Kendall,
Kerr,
Kiefer,
Knox,
Kulp,
Lawson,
Lefever,
Leighty,
Lewis,
Linney,

Livingston,
Lockhart,
Lorimer,
Loudenslager,
Maddox,
Maguire,
Mahany,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McLachlan,
McLaurin,
McMillin,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miles,
Miller, Kans.
Miller, W. Va.
Milliken,
Milnes,
Miner, N. Y.
Mondell,
Morse,
Moses,
Mozley,
Murphy,
Neill,
Newlands,
Ogden,
Overstreet,
Parker,
Patterson,
Pearson,
Powers,
Price,
Prince,
Quigg,
Raney,
Ray,
Richardson,
Robertson, La.
Robinson, Pa.
Royse,
Rusk,
Sauerhering,

Scranton,
Settle,
Shannon,
Shaw,
Simpkins,
Snover,
Sorg,
Southwick,
Sparkman,
Stahle,
Steele,
Stephenson,
Stone, C. W.
Strait,
Strode, Nebr.
Strowd, N. C.
Sulloway,
Swanson,
Tayler,
Thomas,
Towne,
Tracewell,
Treloar,
Tucker,
Turner, Va.
Tyler,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Walsh,
Wanger,
Warner,
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Wilber,
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Wright,
Yoakum.

The result of the vote was then announced as above recorded. The SPEAKER. A quorum has not voted. Mr. DINGLEY. I move that the House do now adjourn. The motion was agreed to: and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the report of the Commissioner of Patents for the year ended December 31, 1895, was taken from the Speaker's table and referred to the Committee on Patents.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARNEY, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 7415) for the protection of American labor and to establish additional regulations concerning immigration to the United States, reported the same with amendments, accompanied by a report (No. 1597); which said bill and report were referred to the House Calendar.

Mr. JOHNSON of California, from the Committee on Pacific Railroads, to which was referred the bill of the House (H. R. 6398) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, reported the same with amendment, accompanied by a report (No. 1598); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7868) authorizing the construction of a bridge across the Missouri River at or near the city of Boonville, Mo., reported the same with amendments, accompanied by a report (No. 1599); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8427) granting an increase of pension to John Doeblor. (Report No. 1600.)

The bill (S. 140) entitled "An act granting a pension to Mary A. Wise." (Report No. 1601.)

The bill (S. 1902) entitled "An act granting a pension to Jennie E. Burch." (Report No. 1602.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6091) granting an increase of pension to Joseph S. Dixon, and for other purposes. (Report No. 1603.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 1295) to pension Sophronia Bailey. (Report No. 1604.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 4184) granting a pension to Nancy Hollenbank, formerly Nancy Boaz, formerly Nancy Yeley, a hospital nurse during the war of the rebellion. (Report No. 1605.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7421) increasing the pension of James B. Skinner. (Report No. 1606.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (S. 1139) entitled "An act granting an increase of pension to A. S. Loudermilk." (Report No. 1607.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6830) to pension William F. Davisson. (Report No. 1608.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LEWIS: A bill (H. R. 8667) providing for the erection of a public building at the city of Elizabethtown, in the State of Kentucky—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8668) to provide for the further improvement of Green River, in the State of Kentucky—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8669) to provide for the improvement of Salt River, in the State of Kentucky—to the Committee on Rivers and Harbors.

By Mr. DANIELS: A bill (H. R. 8670) in relation to marriage between white men and Indian women—to the Committee on Indian Affairs.

By Mr. WADSWORTH: A bill (H. R. 8671) to authorize the construction of a bridge across the Niagara River, in the town of

No quorum voting.

The following pairs were announced until further notice:

Mr. BROMWELL with Mr. MOSES.

Mr. SPARKMAN with Mr. HENRY of Indiana.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. HUFF with Mr. MINER of New York.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HULICK with Mr. TYLER.

Mr. MOZLEY with Mr. McLAURIN.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. HADLEY with Mr. PRICE.

Mr. RANEY with Mr. COWEN.

Mr. GROSVENOR with Mr. McMILLIN.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

Mr. PRINCE with Mr. BAILEY.

Mr. LACEY with Mr. HUTCHESON.

Mr. GROUT with Mr. NEILL.

Mr. REEVES with Mr. CATCHINGS.

Mr. BEACH with Mr. HARRISON.

Mr. DRAPER with Mr. TUCKER.

Mr. WANGER with Mr. SWANSON.

Mr. HARDY with Mr. HART.

Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

The following pairs were announced on this vote:

Mr. CLARK of Iowa with Mr. TYLER.

Mr. BARTHOLDT with Mr. STRAIT.

Mr. STEELE with Mr. DOCKERY.

Mr. THOMAS with Mr. MEREDITH.

Mr. LOUDENSLAGER with Mr. SORG.

Mr. CODDING with Mr. SULZER.

Mr. OVERSTREET with Mr. STOKES.

Mr. CHARLES W. STONE with Mr. WALSH.

Mr. WARNER with Mr. WHEELER.

Mr. WOOMER with Mr. YOAKUM.

Mr. TRELOAR with Mr. ALLEN of Mississippi.

Mr. AITKEN with Mr. CROWLEY.

Mr. FOSS with Mr. DOWNING.

Mr. GARDNER with Mr. HALL.

Mr. KULP with Mr. SPERRY.

Lewiston, in the county of Niagara, State of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes—to the Committee on the District of Columbia.

By Mr. BREWSTER: A bill (H. R. 8673) to incorporate the National Society of Colonial Dames of America—to the Committee on the Library.

By Mr. JENKINS: A bill (H. R. 8674) relating to pensions—to the Committee on Invalid Pensions.

By Mr. BENNETT (by request): A bill (H. R. 8675) to prevent repeated redemptions in gold of United States notes and Treasury notes, and for other purposes—to the Committee on Ways and Means.

By Mr. MURPHY of Arizona: A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system—to the Committee on the Territories.

By Mr. MILLIKEN: A bill (H. R. 8677) donating four condemned cannon and four pyramids cannon balls to Grand Army of the Republic post, Bar Harbor, Me.—to the Committee on Military Affairs.

By Mr. WOODMAN: A bill (H. R. 8678) granting an equipment of old arms to the Illinois Naval Veteran Association—to the Committee on Naval Affairs.

By Mr. BARRETT: A bill (H. R. 8679) to prevent the adulteration of candy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOW: A bill (H. R. 8680) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion—to the Committee on Naval Affairs.

By Mr. WOODMAN: Resolution (House Res. No. 299) requesting the President to make immediate proclamation to the effect that a condition of war in Cuba is recognized, etc.—to the Committee on Foreign Affairs.

By Mr. RICHARDSON: Resolution (House Res. No. 300) to print 1,000 copies of Messages and Papers of the Presidents, Richardson's compilation, for sale, etc.—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8624) granting a pension to Cornelia A. Thompson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8457) to increase the pension of Mrs. Margaret Custer Calhoun—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Rhode Island: A bill (H. R. 8681) granting a pension to Emma Weir Casey—to the Committee on Pensions.

By Mr. BURRELL: A bill (H. R. 8682) to increase pension of William P. Aydlott—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A bill (H. R. 8683) granting a pension to Frederick Lierman—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 8684) for the relief of Mary A. Flynn—to the Committee on Claims.

By Mr. VAN HORN: A bill (H. R. 8685) for the relief of Theresa E. Snyder—to the Committee on Invalid Pensions.

By Mr. LOW: A bill (H. R. 8686) granting a pension to George W. Farnum—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 8687) granting a pension to Phoebe Elizabeth Holt—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 8688) granting a pension to Andrew R. Jones—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 8689) granting a pension to Hannah Dawd Vanderford—to the Committee on Pensions.

By Mr. HOOKER: A bill (H. R. 8690) granting a pension to Louisa A. Brigham, widow of the late George W. Bailey, of Company G, One hundred and fifty-fourth Regiment New York Volunteers—to the Committee on Pensions.

By Mr. LOW: A bill (H. R. 8691) for the relief of the 198 survivors of the Twentieth New York Volunteers—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 8692) increasing the pension of Socrates Drummond—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Alabama: Petition of citizens of Birming-

ham, Ala., for the passage of House bills Nos. 4566 and 888, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Rhode Island: Memorial of the Massachusetts Library Club, of Massachusetts and Rhode Island, urging the passage of a bill to regulate the printing and distribution of public documents—to the Committee on Printing.

By Mr. BARHAM: Resolution of Pomona Grange, Patrons of Husbandry, of Two Rock, Sonoma County, Cal., against the passage of the "funding bill," or any bill extending time of payment by railroad companies—to the Committee on Pacific Railroads.

By Mr. BLUE: Resolution adopted by the Business Men's Club of Fort Scott, Kans., recommending the passage of House bill No. 8110, to establish a uniform law on the subject of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. BROSIUS: Petition of Presbyterian and Methodist Episcopal churches of Strasburg, Pa., favoring the enactment of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: Petition of the heirs of Joseph W. Trigg, deceased, late of Franklin County, Tenn., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURRELL: Petition of citizens of the Twentieth Congressional district of Illinois to accompany bill for the relief of William H. Blades, of Shawneetown, Ill.—to the Committee on Claims.

By Mr. COFFIN (by request): Petition of William K. Tubman, of Maryland, relating to official acts of certain judges of the United States courts for the district of Rhode Island—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution of the Florida Society of the Sons of the Revolution, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

Also, petition of W. C. McKee, secretary of South Side Young Men's Christian Association, Pittsburg, Pa., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 888, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Association of Post-Office Clerks, Branch 17, of Kansas City, Mo.; also resolutions of superintendents and clerks connected with the Philadelphia post-office; also petition of the Detroit Board of Trade, favoring the passage of House bill No. 3273, relating to the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, protest of Encampment No. 1 of the Union Veteran Legion, Pittsburg, Pa., against conferring the rank of Lieutenant-General on Major-General Howard—to the Committee on Military Affairs.

By Mr. GROSVENOR: Papers to accompany House bill increasing the pension of Socrates Drummond—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Hannah Dowd Vanderford—to the Committee on Pensions.

By Mr. HENDERSON: Petitions of Hon. Matt Parrott, Hon. F. C. Platt, W. W. Miller, and Elizabeth Ballow, all of Waterloo, Iowa; also of C. D. Kellogg and 84 others, of Kansas City, Mo., in favor of the passage of House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of Theo. Sterling and others; also of C. H. Churchill and others, of Oberlin, Ohio, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. LINTON: Remonstrances and petitions of citizens of Chickalah, Ark.; also citizens of Larned, Kans.; also citizens of East Conemaugh, Pa.; also citizens of Oneida, Pa., regarding the Marquette statue—to the Committee on the Library.

By Mr. LOUD: Petition of J. F. Culp and J. B. Waterman, of Athens, Mich.; praying for favorable action on House bills Nos. 888 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MCCALL of Massachusetts: Petition of the Massachusetts Library Club, favoring the passage of a bill to regulate the printing and distribution of public documents—to the Committee on Printing.

By Mr. MERCER: Resolutions of the city council of Beatrice, Nebr., in favor of the transmississippi exposition at Omaha, Nebr.—to the Committee on Ways and Means.

Also, resolutions of Journeymen Stone Cutters' Association of Omaha, Nebr., asking for the passage of a bill to prohibit the use of convict labor in the construction of buildings erected by the Government—to the Committee on Ways and Means.

Also, remonstrance and petition of citizens of Omaha, Nebr.,

against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. SPERRY: Resolution of the Wesleyan University, of Middletown, Conn., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, resolution of Jefferson Lodge, No. 49, Order United American Mechanics, of Centerbrook, Conn., asking for the passage of the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STRODE of Nebraska (by request): Resolutions by the faculty of the University of the State of Nebraska, praying for arbitration in international disputes—to the Committee on Foreign Affairs.

By Mr. THORP: Petition of John, Richard, Philip, and Simon Mayer, of Dinwiddie County, Va., praying reference of their war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Reuben Tinney, deceased, late of Prince George County, Va., praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of William E. Richardson, deceased, late of Prince George County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Cornelius Munford, of Dinwiddie County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON of Idaho: Petition of Abraham Lincoln Council, No. 2, Junior Order United American Mechanics, of Boise, Idaho, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, May 5, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896;

A bill (H. R. 145) for the relief of J. J. Lints;

A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

A bill (H. R. 5353) granting a pension to Arminda Stucker, of Gallatin, Mo.; and

A bill (H. R. 7200) for the relief of A. T. Hensley.

LEGAL REPRESENTATIVES OF HIRAM SOMERVILLE.

Mr. ALLEN. I ask the unanimous consent of the Senate to take up and consider at this time the bill (S. 581) for the relief of the legal representatives of Hiram Somerville. It is a small bill, and will not lead to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$505 to the legal representatives of Hiram Somerville, deceased, late of Marion County, Ill., for supplies furnished by him to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. KYLE. I present a resolution adopted by the South Dakota Immigration Association, favoring the application of a reading and writing test for all immigrants between the ages of 14 and 60 years, and stating that illiterate immigrants are not desired as colonists in that State. Inasmuch as a bill on this subject has been reported from the Committee on Immigration, I move that the resolution lie on the table.

The motion was agreed to.

Mr. KYLE presented a petition of the board of managers of the

Florida Society of Sons of the Revolution, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. BATE presented a petition of the Baptist Church of Brownsville, Tenn., praying that Rev. A. J. Diaz be given a speedy and fair trial and granted the recognition of his rights as a citizen of the United States engaged in missionary work in the Island of Cuba; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented the petition of Peter Engel and 19 other citizens of Collegeville, Minn., praying for the adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

Mr. HILL presented a petition of the Woman's Christian Temperance Union of Newark Valley, N. Y., praying that the age of consent be raised to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PASCO presented a resolution of the legislature of the State of Florida, praying that an appropriation of \$35,000 be made for improving the navigation of Orange Creek; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House resolution.

Whereas Orange Creek, one of the beautiful tributaries of the Caloosahatchee River, situated in the county of Lee, State of Florida, passes through and enters into one of the richest and most fertile districts of the State; and

Whereas said district is now settled and occupied by a class of enterprising and progressive farmers, vegetable and fruit growers, and said district is rapidly increasing in population and wealth, and justly deserves the fostering hand of the General Government; and

Whereas said Orange Creek is of ample depth of water and width to admit floatage for transports to pass up and down said stream; and

Whereas the said stream is seriously obstructed by snags, sunken logs, overhanging trees, etc.: Therefore

Be it resolved by the house of representatives of the State of Florida, That our Senators and Representatives in the Congress of the United States be requested to secure an appropriation of \$35,000 for the purpose of improving the navigation of Orange Creek, by removing the above-mentioned obstructions to navigation.

Approved May 30, 1896.

STATE OF FLORIDA, Office of Secretary of State, ss:

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a correct copy of a house resolution asking the Congress of the United States for an appropriation for improving Orange Creek, as passed the house of representatives at the regular session of the legislature of the State of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 2d day of May, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a concurrent resolution of the legislature of the State of Florida, relating to an appropriation for the improvement of the mouth of Peace River and Charlotte Harbor; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

A senate concurrent resolution relating to an appropriation by Congress for the improvement of the mouth of Peace River and Charlotte Harbor.

Be it resolved by the senate of the State of Florida (the house of representatives concurring), The Senators and Representatives in the Congress of the United States from the State of Florida are hereby requested to urge upon Congress the necessity of appropriating \$50,000 for the purpose of deepening and improving the mouth of Peace River and Charlotte Harbor as may be deemed best.

Congress has already appropriated \$20,000 during the year 1894 for such purpose. This amount is too small to accomplish much good. Through these waters there were shipped in 1892 about 50,000 tons of phosphate; in 1893 about 80,000; in 1894 over 100,000 tons. The commerce through this harbor is rapidly increasing, approximating in 1894 \$1,500,000 to \$2,000,000 in value.

The secretary of state is requested to forward a copy of this resolution to each of the Senators and Representatives in the Congress of the United States from this State.

Approved June 1, 1895.

STATE OF FLORIDA, Office of Secretary of State, ss:

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a Senate concurrent resolution relating to an appropriation by Congress for the improvement of the mouth of the Peace River and Charlotte Harbor, as passed the regular session of the legislature of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 2d day of May, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a petition of the legislature of the State of Florida, praying that an appropriation be made for improving Santa Lucia, or Prospect Inlet, east coast of Florida; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Memorial to Congress asking an appropriation for improving Santa Lucia or Prospect Inlet, east coast of Florida.

Whereas great necessity exists for the improvement of Santa Lucia or Prospect Inlet, east coast of Florida, which is the regular outlet of the St. Lucia River, and to that extent so that vessels drawing 10 feet of water may pass over the bar; and

Whereas the commercial prosperity of this part of Florida is greatly impeded for want of proper bar improvements at the entrance of this inlet to utilize the value of navigation on the St. Lucia River: Therefore

Be it resolved by the senate and house of representatives of the State of Florida, That our Representatives and Senators in Congress are hereby requested to take proper steps toward securing the passage of a bill providing for a sufficient appropriation by Congress to deepen the bar of the St. Lucia River

outlet so that vessels drawing from 10 to 16 feet of water may enter said river in safety; and

Be it further resolved, That the secretary of state is hereby requested to furnish each of the Senators and Representatives in Congress from this State with a copy of this memorial.

Approved May 14, 1895.

STATE OF FLORIDA, *Office of Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a memorial to Congress asking an appropriation for improving Santa Lucia or Prospect Inlet, east coast of Florida, as passed the regular session of the legislature of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 2d day of May, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a memorial of the legislature of the State of Florida, praying that an appropriation of \$50,000 be made for deepening the channel at the mouth of Carrabelle River, up to the town of Carrabelle, and for the improvement of Carrabelle Harbor; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

A memorial to the Congress of the United States, asking an appropriation of \$50,000 for the deepening of the channel at the mouth of Carrabelle River, up to the town of Carrabelle, and for the improvement of Carrabelle Harbor.

Whereas the town of Carrabelle, being at the mouth of Carrabelle River, one of the tributaries of the Gulf of Mexico, with a population of some 1,500 and rapidly increasing, depending largely upon the timber, lumber, and naval stores trade, the supply of which comes from the forests of Florida, Georgia, and Alabama, and which timber, lumber, and naval stores find a market in both foreign and domestic lands. To carry this large and increasing trade requires many vessels of large tonnage and deep draft of water. The Government of the United States by a small appropriation will materially aid in the transportation of the timber, lumber, and naval stores shipped from and passing through the Carrabelle Harbor and channel of Carrabelle River, where vessels of deep draft of water can load from the wharves, thus concentrating all the carrying trade of the territory above mentioned at Carrabelle, one of the best harbors on the Gulf of Mexico:

Be it resolved by the legislature of the State of Florida, That our Senators and Representatives in Congress be requested to use their utmost endeavors to secure the passage of a bill appropriating \$50,000 for the purpose of improving and deepening the channel of Carrabelle River up to the town of Carrabelle, and to improve the harbor of Carrabelle.

Resolved, That the secretary of state be directed to supply each of our Senators and Representatives in Congress with a copy of this memorial, under the great seal of the State of Florida.

Approved May 25, 1895.

STATE OF FLORIDA, *Office of Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a memorial to the Congress of the United States asking an appropriation of \$50,000 for the deepening of the channel of the mouth of Carrabelle River up to the town of Carrabelle, and for the improvement of Carrabelle Harbor, as passed at the regular session of the legislature of the State of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 2d day of May, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a petition in the form of resolutions adopted by the board of managers of the Florida Society of Sons of the Revolution, praying for the publication by the Government of the records and papers of the Continental Congress, which comprise the official documents of the Revolutionary period, in the custody of the Secretary of State; which was referred to the Committee on the Library.

Mr. TURPIE presented a petition of Local Union, No. 215, United Brotherhood of Carpenters and Joiners of America, of Lafayette, Ind., praying for the enactment of legislation to secure Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLANCHARD presented a petition of the First Baptist Church of New Orleans, La., praying for the release of Rev. A. J. Diaz; which was ordered to lie on the table.

He also presented a petition of the New Orleans Credit Men's Association, of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill as amended; which was ordered to lie on the table.

He also presented a petition of district council, Carpenters and Joiners' Union of America, of New Orleans, La., praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pineville, La., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New Orleans Board of Trade, Limited, of New Orleans, La., remonstrating against the passage of House bill No. 7250, to amend "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; which was referred to the Committee on Finance.

Mr. DANIEL presented a petition of the Great Bridge Chapter of the Daughters of the American Revolution, of Norfolk, Va., praying for the publication of the records and papers of the Con-

tinental Congress; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the resolution concerning the levying of fines against the pay of employees of the Post-Office Department for mistakes, errors, etc., submitted by the Senator from Kansas [Mr. PEPPER] December 16, 1895, to report it adversely. In the absence of the Senator from Kansas the resolution may go upon the Calendar.

The VICE-PRESIDENT. The resolution will be placed upon the Calendar with the adverse report of the committee.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2337) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, reported it with an amendment, and submitted a report thereon.

Mr. SHoup, from the Committee on Pensions, to whom was referred the bill (S. 202) to increase the pension of Lucretia C. Waring, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry, reported it without amendment, and submitted a report thereon.

Mr. PEPPER, from the Committee on Pensions, to whom was referred the bill (H. R. 4526) granting a pension to Jonathan Scott, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2653) for the relief of M. S. Hellman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. BURROWS on the 27th ultimo, providing for payment to the Portland Company for the construction of the United States double-ender gunboats *Agawam* and *Pontotoc*, intended to be proposed to the deficiency appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 4th instant, providing for payment to George Baber, of Kentucky, as reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, intended to be proposed to the deficiency appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2844) granting a pension to Nancy Piper, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3922) granting a pension to Mrs. Elizabeth Richardson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2312) granting a pension to William T. Hill, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4122) granting an increase of pension to James H. Jones, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 694) for the relief of James R. D. Morrison and William H. Morrison, executor of William M. Morrison and administrator of Charles J. Morrison, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2633) for the relief of Nimrod D. Keneaster, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2633) entitled "A bill for the relief of Nimrod D. Keneaster," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate the facts in the case in accordance with section 14 of said act.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 2877) granting a pension to Hiram Santas, reported it with an amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 2708) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3064) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes; which was read twice by its title.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1572) for the relief of W. L. Hall, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation in Thurston County, Nebr., and for other purposes, reported it with amendments.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 2913) granting a pension to Nettie A. Cheeks, reported it with amendments, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

- A bill (S. 2439) granting a pension to Jackson Lucas;
- A bill (S. 2880) granting a pension to Charles E. Mann;
- A bill (S. 2879) granting a pension to Charles A. Hutchings; and
- A bill (S. 2433) granting a pension to William F. Gowdy.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

- A bill (S. 2648) granting a pension to George F. Burrage;
- A bill (S. 922) to increase the pension of Graham McClosson;
- A bill (S. 2651) granting a pension to William Herriott;
- A bill (S. 2647) granting a pension to Robert J. Miller;
- A bill (S. 919) granting a pension to Christian White; and
- A bill (S. 2831) granting an increase of pension to John Fletcher.

Mr. PASCO submitted a report to accompany the bill (S. 2962) to confer jurisdiction on the Court of Claims, in the case of the book agents of the Methodist Episcopal Church South against the United States, heretofore reported by him; which was ordered to be printed.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 525) for the relief of Thomas Guinean, of Oregon, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. LODGE (for Mr. HOAR) introduced a bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KYLE introduced a bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WETMORE introduced a bill (S. 3052) to correct the military record of and grant an honorable discharge to Peter Rourke, late of Company C, Seventh Regiment of Rhode Island Infantry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3053) granting a pension to Mary R. Dean, widow of Amos G. Thomas, late captain in the Eleventh Regiment of Rhode Island Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3054) granting a pension to Margaret McTighe, mother of Michael McTighe, alias John Smith, late boatswain's mate on the U. S. S. C. P. Williams; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3055) granting a pension to Dr. Charles G. McKnight, late lieutenant and assistant surgeon from Rhode Island in the war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3056) to correct the naval record of and grant an honorable discharge to Thomas H. Holden, of Pawtucket, R. I.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GEAR introduced a bill (S. 3057) granting a pension to Adolph Schrei; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 3058) to increase the pay of letter carriers; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS introduced a bill (S. 3059) granting a pension to William Soden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3060) to furnish old equipments to the Illinois Naval Veterans' Association of Chicago, Ill.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. LINDSAY introduced a bill (S. 3061) to amend an act entitled "An act to correct the enrollment of an act approved March 3, 1887, entitled 'An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes,' approved March 3, 1875," approved August 13, 1888; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BACON introduced a bill (S. 3062) for securing costs accrued in State courts when suits are removed to the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER introduced a bill (S. 3063) for the purchase of a site and the construction of a suitable school building for a school for the Croatan Indians in Robeson County, N. C.; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McBRIDE introduced a bill (S. 3065) granting an increase of pension to Joseph Hayburn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 3066) for the relief of Adel Virginia Spangler, of Frederick County, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3067) for the relief of the Methodist Episcopal Church South, of Fox Hill, Elizabeth City County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a joint resolution (S. R. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force School property on Massachusetts avenue and to obtain another site for that school; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. DANIEL submitted two amendments intended to be proposed to the general deficiency appropriation bill; which were referred to the Committee on Claims, and ordered to be printed.

REPORT UPON NICARAGUA CANAL.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them; 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

CAPTURE OF SCHOONER COMPETITOR.

Mr. CALL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to protest against the execution of the citizens of the United States captured on board the schooner *Competitor* by a Spanish cruiser, and to request and demand of the Government of Spain that they shall not be subjected to cruel treatment, but be held only as prisoners of war, unless it shall be established that they were engaged only in carrying merchandize which was contraband and for which they were subjected to no punishment other than the confiscation of the property.

Mr. CALL. I hope there will be no objection to the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and the resolution will be agreed to, without objection.

Mr. WOLCOTT. What has been done with the resolution?

The VICE-PRESIDENT. The Chair submitted whether there was objection. Is there objection to the present consideration of the resolution?

Mr. WOLCOTT. I understand that this is a question about which the United States is asked to protest against the action of some country, I do not know what. I think I would rather see the resolution in print.

The VICE-PRESIDENT. Objection being made, the resolution will go over.

Mr. CALL. I hope the Senator from Colorado will not object to the resolution. I trust there will be no objection to it. The United States should ask that citizens of this country captured on board a vessel carrying contraband of war should not be summarily executed under trial by court-martial. We are informed by the newspapers that this is threatened, and the relatives of these people are in a state of extreme anxiety.

I submit to the Senate that there is no reason either in the law of nations or in the customs of civilized war why the resolution should not be promptly passed. These people were on a vessel of the United States that had a right to go to Cuba under our treaty

relations. In England similar questions have arisen. The premier of Great Britain, Lord Palmerston, said on one occasion when protest was made against allowing vessels carrying contraband of war, "Your only remedy is to capture them, if you can capture them; they are not subject to any other punishment than the loss of property."

Our citizens have a right to take munitions of war and goods of any description into the Island of Cuba, and when in Spanish waters they are subject to capture, and capture alone, or the confiscation of the property, and the men on board the vessels are not subject to punishment. I hope the Senator from Colorado will not object to the resolution.

The VICE-PRESIDENT. The Chair submits to the Senate, Is there objection to the present consideration of the resolution?

Mr. WOLCOTT. I am entirely unfamiliar with the subject-matter of the resolution except as explained by the Senator from Florida. As I understand the explanation of the Senator, it is the manifest duty of the President of the United States to interfere in this case, under the statement made by the Senator from Florida. If that be so, I think we should consider the phraseology of a resolution to be passed by this body requesting the President to do his duty. I think the resolution should go over for a day at least, that we may see how it looks in print.

Mr. CALL. If the objection is insisted upon, of course the resolution must go over.

The VICE-PRESIDENT. The resolution will go over under objection.

SUGGESTION OF ABSENCE OF A QUORUM.

Mr. CHANDLER. The Senate adjourned yesterday afternoon pending a suggestion by me of the absence of a quorum. The Presiding Officer, the Senator from Florida [Mr. PASCO] then being in the chair, decided that a motion to adjourn "does not require a quorum, the Chair will state." I will only detain the Senate now by offering a resolution, which may go over until tomorrow. I shall then ask to have it taken up and acted upon.

The resolution was read, as follows:

Resolved, That the suggestion of the absence of a quorum, requiring a call of the Senate, may be made pending a motion to adjourn.

The VICE-PRESIDENT. The resolution will go over under the rule.

ELECTIONS IN FLORIDA.

Mr. CALL submitted the following resolution; which was ordered to lie over and to be printed:

Resolved, That a select committee of five Senators shall be appointed, who shall be charged with the duty of investigating and reporting to the Senate whether there are any influences affecting the elections of members of Congress in the State of Florida which are properly the subject of action by Congress, and without interfering in any way with the exclusive right and power of the States to regulate the same, except as to time and place.

ORDER OF BUSINESS.

Mr. GEAR. I ask the Senate to proceed to the consideration of the bill (H. R. 2735) for the relief of Enoch Davis.

Mr. FRYE. I move that the Senate—

The VICE-PRESIDENT. The Senator from Iowa has asked unanimous consent to proceed to the consideration of a bill.

Mr. FRYE. I will yield to the Senator from Iowa after the river and harbor bill is taken up. I move that the Senate proceed to the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WOLCOTT. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Martin,	Sherman,
Bacon,	Cullom,	Mills,	Shoup,
Baker,	Daniel,	Mitchell, Oreg.	Stewart,
Bate,	Dubois,	Morrill,	Teller,
Berry,	Frye,	Nelson,	Thurston,
Blackburn,	Gallinger,	Palmer,	Tillman,
Blanchard,	Gear,	Pasco,	Turpie,
Brown,	Gordon,	Peffer,	Vest,
Burrows,	Gorman,	Perkins,	Vilas,
Butler,	Harris,	Pettigrew,	Walthall,
Call,	Hill,	Pritchard,	Wetmore,
Cannon,	Kyle,	Quay,	White,
Carter,	Lindsay,	Roach,	Wilson,
Chandler,	Lodge,	Sewell,	Wolcott.

Mr. FRYE. While the clerks are making up the record I simply desire to state that I regard myself as instructed by the vote of yesterday and that I have no intention of moving again at 2 o'clock to proceed with this bill until after the bond resolution is finally disposed of. I merely want to improve the time there is between now and 2 o'clock.

The VICE-PRESIDENT. Fifty-six Senators have answered to their names. A quorum is present. The question is upon the motion of the Senator from Maine to proceed to the consideration of the river and harbor appropriation bill.

The motion was agreed to.

Mr. FRYE. Several Senators desire to call up some bills for present consideration, and as I do not wish to be invidious in the matter of objecting, I will allow the river and harbor bill to be suspended until a quarter of 1, and I shall object to anything after that time.

Mr. TELLER. I ask leave to call up House bill 3018, which is a short bill.

Mr. GEAR. I beg to remind the Chair that I have already been recognized to call up a bill.

The VICE-PRESIDENT. The Chair will state to the Senator from Colorado that the Senator from Iowa had been recognized.

Mr. TELLER. I beg the Senator's pardon.

Mr. COCKRELL. Let me suggest that we take up by unanimous consent unobjected House bills and dispose of them as a class. We can run through them. There is quite a number of Senators who want to have those bills passed, and such a course will save any trouble. That can be done inside of the time. If the Senate will agree to this course we will dispose of all the unobjected House cases. I ask that that may be done, and I hope the Senator from Iowa will consent to it.

Mr. GEAR. I will consent. The bill I wish to call up being the first in order, of course I will not object.

The VICE-PRESIDENT. Will the Senator from Missouri restate his request?

Mr. COCKRELL. It is that the Senate consider the unobjected House bills that are upon the Calendar which have been reported favorably.

Mr. ALLISON. After my colleague gets through.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. SHERMAN. The Senator from Iowa [Mr. GEAR] ought to have an opportunity to call up his bill.

Mr. GEAR. It is a House bill, and I make no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none. The first House bill on the Calendar will be stated.

ENOCH DAVIS.

The bill (H. R. 2735) for the relief of Enoch Davis was announced as the first House bill on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the proper accounting officers of the Government to liquidate and settle the claim of Enoch Davis, late a member of Company G of the Sixth Regiment of Iowa Volunteer Infantry, for pay and bounty, and appropriates \$300 for the payment of the amount that may be awarded to him on account of the claim.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. TELLER. Mr. President—

Mr. COCKRELL. Let the bills be called in their order.

The VICE-PRESIDENT. The bills will be called in their order. That is the unanimous agreement.

REGULATIONS CONCERNING BILLIARD TABLES, ETC.

The bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The VICE-PRESIDENT. The bill has been heretofore read. The pending question is on the amendment reported by the Committee on the District of Columbia, which will be stated.

The SECRETARY. In line 5, section 4, after the word "Columbia," strike out:

To sell or to allow to be sold in the same room or a room connected with and opening out of or adjacent to such room spirituous, vinous, or malt liquors.

And insert:

To allow any person under the age of 21 years to play at any game of billiards, pool, shuffleboard, or any game that may be played on such tables or boards, or play at bowls on said alleys, or permit such person to come into or remain in their pool or billiard rooms, saloons, or bowling alleys, where spirituous, vinous, or malt liquors are sold.

So as to make the section read:

SEC. 4. That it shall not be lawful for the proprietors of billiard tables, pool tables, bagatelle tables, jenny lind tables, or other tables of the kind mentioned in the first section of this act, shuffleboards, and bowling alleys, kept for public hire and gain in the District of Columbia, to allow any person under the age of 21 years to play at any game of billiards, pool, shuffleboard, or any game that may be played on such tables or boards, or play at bowls on said alleys, or permit such person to come into or remain in their pool or billiard rooms, saloons, or bowling alleys, where spirituous, vinous, or malt liquors are sold; and all such places shall be closed during the entire twenty-four hours of each and every Sunday, and also during the hours that bar-rooms are required to be closed.

Any person violating the provisions of this section shall, on conviction, be punished by a fine of not less than five nor more than forty dollars, and shall in addition forfeit his or her license, in the discretion of the Commissioners of the District of Columbia.

The amendment was agreed to.

Mr. SHERMAN. Has the bill been read at all?

The VICE-PRESIDENT. The bill has been read, the Chair will state to the Senator.

Mr. COCKRELL. It was read on a former occasion.

Mr. SHERMAN. All right, then.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PORT OF SYRACUSE, N. Y.

The bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery was announced as the next House bill in order on the Calendar.

Mr. LODGE. Let that bill go over.

The VICE-PRESIDENT. The bill will go over, objection being made.

MERCHANT MARINE ENGINEER SERVICE.

The bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve, was considered as in Committee of the Whole.

Mr. FRYE. That does not require reading. It has been read once. The amendment of the Committee on Commerce, which is a substitute for the bill, has been adopted, and the question is simply on ordering it to be engrossed and the bill to be read a third time.

Mr. PETTIGREW. I should like to hear the amendment read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That section 4131 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4131. Vessels registered pursuant to law, and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. The word 'officers' shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and after the 1st day of January, 1897, no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen or whose naturalization as a citizen shall not have been fully completed."

SEC. 2. That all licenses issued to such officers shall be for a term of three years, but the holder of a license may have the same renewed for another three years at any time before its expiration: *Provided, however*, That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for one renewal and transmit the same to the board of local inspectors with a statement of the applicant verified before a consul, or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same for one additional term of such license, and shall notify the applicant of such renewal.

No master, mate, pilot, or engineer of steam vessels licensed under Title LII of the Revised Statutes shall be liable to draft in time of war, except for the performance of duties such as required by his license; and while performing such duties in the service of the United States every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States they, or their heirs, or their legal representatives shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army and Navy under the pension laws of the United States.

SEC. 3. That all laws or parts of laws in conflict with this act are hereby repealed. But this shall not be construed to modify or repeal that provision of the act of June 23, 1884, which reads as follows: "In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer."

The VICE-PRESIDENT. The amendment was agreed to when the bill was formerly under consideration.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine engineer service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes."

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. SQUIRE, and Mr. GORMAN were appointed.

PRACTICE OF MEDICINE AND SURGERY.

The bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish per-

sons violating the provisions thereof in the District of Columbia was announced as next in order on the Calendar.

Mr. GALLINGER. I desire to make a brief statement concerning the bill.

Mr. ALLEN. I should like to have the bill go over.

Mr. GALLINGER. I think when I make the statement it will satisfy the Senator from Nebraska.

The bill was once up for consideration and was objected to by the Senator from Florida [Mr. CALL]. The Senator from Florida informs me that he will not object if I ask unanimous consent at some future time for the consideration of the bill, except that he desires to be heard on the bill, and as it will consume some time, I ask that it may go over without prejudice, retaining its place. I desire to state that at the earliest possible opportunity, as I regard this as being a very important bill, I shall ask consent for its consideration.

The VICE-PRESIDENT. Without objection, the bill will go over without prejudice. The next House bill on the Calendar will be announced.

ALASKA FUR-BEARING ANIMALS.

The bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, was announced as next in order.

Mr. FRYE. That bill may as well be passed over, because it will provoke discussion.

The VICE-PRESIDENT. The bill will go over without prejudice. The next House bill on the Calendar will be announced.

F. L. TAYLOR.

The bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864, was considered as in Committee of the Whole. It proposes to correct the military record of Capt. F. L. Taylor, late of the Thirty-fourth New Jersey Volunteers, and to issue to him a certificate of honorable discharge as of December 2, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE STORAGE BUSINESS.

The bill (H. R. 3462) to regulate the business of storage in the District of Columbia was announced as next in order.

Mr. ALLEN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over under objection.

LANDS IN CALIFORNIA.

The bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California was announced as the next House bill in order.

Mr. COCKRELL. Let the bill be passed over without losing its place. It will probably lead to discussion.

The VICE-PRESIDENT. It is so ordered.

ARKANSAS RIVER BRIDGE.

The bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE (at 12 o'clock and 45 minutes p. m.). Mr. President, the quarter of an hour has expired.

Mr. COCKRELL. Will not the Senator from Maine extend the time a little, so as to get rid of bills Senators are calling up every morning?

Mr. FRYE. I wish to get rid of the important river and harbor bill.

Mr. COCKRELL. Give us a quarter of an hour more.

Mr. GORDON. I hope we will go forward with the river and harbor bill.

Mr. FRYE. I guess I shall have to ask the Senate to take up the river and harbor bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary resumed the reading of the bill on page 4, line 10. The next amendment of the Committee on Commerce was, on page 4, line 11, before the word "thousand," to strike out "thirty" and insert "twenty"; so as to make the clause read:

Improving harbor at Lynn, Mass.: Continuing improvement, \$20,000.

Mr. LODGE. I ask the Senator from Maine to have the kindness to explain to me why the reduction is proposed.

Mr. FRYE. The committee on investigation found that \$20,000 would practically complete all of the works as laid out by the Engineer Department up to the present time, and therefore they

propose to reduce the appropriation from \$30,000 to \$20,000, and placed in the bill a provision for the survey of another project.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 4, after line 21, to insert:

Improving Stage Harbor at Chatham, Mass.: Completing improvement, \$5,000.

The amendment was agreed to.

The next amendment was, on page 5, line 16, after the word "Massachusetts," to strike out "\$20,000"; in line 17, after the word "project," to strike out "approved by Chief of Engineers" and insert "submitted in the Annual Report of the Chief of Engineers for 1895, \$20,000"; so as to make the clause read:

Improving Woods Hole Channel, Massachusetts, in accordance with project submitted in the Annual Report of the Chief of Engineers for 1895, \$20,000.

The amendment was agreed to.

The next amendment was, on page 5, line 23, after the word "to," to strike out "make a resurvey of Manchester Harbor" and insert "cause a survey and estimate of cost of improvement to be made"; in line 25, after the word "between," to strike out "its" and insert "the"; and in the same line, after the word "mouth," to insert "of Manchester Harbor"; so as to make the clause read:

Manchester Harbor, Massachusetts: The Secretary of War is directed, out of the appropriation on hand, to cause a survey and estimate of cost of improvement to be made with a view of straightening the channel between the mouth of Manchester Harbor and Proctors Point, removing obstructions at the mouth of the channel and at the point of rocks, dredging the channel for its entire length between its mouth and the town wharf to a width of from 200 feet narrowing to 150 feet and a depth of 8 feet, and providing turning basins and anchorage for boats by the dredging of the flats for that purpose.

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the word "submitted," to strike out "by Maj. D. W. Lockwood, in House Document No. 59, Fifty-fourth Congress, first session," and insert "November 29, 1895"; so as to make the clause read:

Improving New Bedford Harbor, Massachusetts: Continuing improvement, with a view of securing an increased area for anchorage in the upper harbor in accordance with report submitted November 29, 1895, \$10,000.

The amendment was agreed to.

The next amendment was, on page 6, line 16, after the words "Rhode Island," to strike out "\$10,000"; in the same line, after the words "report of," to strike out "Chief of Engineers"; and in line 18, after the word "ninety-five," to insert "\$40,000"; so as to make the clause read:

Improving harbor, Great Salt Pond, Block Island, R. I., in accordance with the report of November 29, 1895, \$40,000.

The amendment was agreed to.

The next amendment was, on page 6, line 20, before the word "thousand," to strike out "fifteen" and insert "ten"; so as to make the clause read:

Improving harbor at Newport, R. I.: Continuing improvement, \$10,000.

The amendment was agreed to.

The next amendment was, on page 6, line 21, after the words "Rhode Island," to strike out "\$6,300"; in line 22, after the word "project," to strike out "of September 4" and insert "submitted in the Annual Report of the Chief of Engineers for"; and in line 24, after the word "ninety-five," to insert "\$6,300"; so as to make the clause read:

Improving harbor at Wickford, R. I., in accordance with project submitted in the Annual Report of the Chief of Engineers for 1895, \$6,300, which said sum the Secretary of War is authorized and directed to expend from the balance on hand heretofore appropriated for entrance to Point Judith Pond.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

Improving harbor at Block Island, R. I., \$5,000, in accordance with the approved modified project of December 14, 1895.

The amendment was agreed to.

The next amendment was, on page 7, line 8, after the word "improvement," to strike out "\$18,000"; and in line 9, after the word "project," to strike out "for the improvement thereof" and insert: \$28,000, \$10,000 of which shall be expended upon Yellow Mill Pond for constructing a channel 12 feet deep and 200 feet wide from the main channel to the causeway, conditioned upon the city of Bridgeport constructing a drawbridge at the causeway.

So as to make the clause read:

Improving harbor at Bridgeport, Conn.: Continuing improvement in accordance with the modified project, \$28,000, \$10,000 of which shall be expended upon Yellow Mill Pond for constructing a channel 12 feet deep and 200 feet wide from the main channel to the causeway, conditioned upon the city of Bridgeport constructing a drawbridge at the causeway.

The amendment was agreed to.

The next amendment was, on page 8, line 9, after the word "improvement," to strike out "\$8,000"; in line 10, after the word "modified," to strike out "and approved," and in the same line, after the word "project," to insert "\$8,000"; so as to make the clause read:

Improving harbor at Coscob and Mianus River, Connecticut: Continuing improvement in accordance with the modified project, \$8,000.

The amendment was agreed to.

The next amendment was, on page 8, line 12, after the word "Connecticut," to strike out "\$10,000"; in line 13, before the word "modified," to strike out "approved," and in the same line, after the word "project," to strike out "for the improvement thereof" and insert "\$10,000"; so as to make the clause read:

Improving harbor at Norwalk, Conn., in accordance with the modified project, \$10,000.

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "with," to strike out "approved project for the improvement thereof." The "and insert" project submitted November 29, 1895, \$3,000, which said sum the "in line 19, after the word "expend," to strike out "the sum of \$3,000 out of the balance unexpended" and insert "from the balance on hand heretofore appropriated"; and in line 22, after the words "Rhode Island," to strike out "for the improvement of said harbor at Westport, Conn.," so as to make the clause read:

Improving harbor at Westport, Conn., in accordance with project submitted November 29, 1895, \$3,000, which said sum the Secretary of War is hereby authorized and directed to expend from the balance on hand heretofore appropriated for entrance to Point Judith Pond, R. I.

Mr. FRYE. In line 18, all after the word "dollars" may be stricken out.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "dollars," in line 18, page 8, it is proposed to strike out all of the remainder of the paragraph down to and including line 23.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 8, after line 23, to insert: Improving Greenwich Harbor, Connecticut, according to the plan submitted by the Chief of Engineers in House Executive Document No. 25, Fifty-third Congress, third session, \$6,000.

The amendment was agreed to.

The next amendment was, on page 9, line 12, after the word "line," to strike out:

At a cost not exceeding \$35,000, and that the northerly section of said extension to Stony Point and the sand-catch pier extension shall first be constructed.

And in line 17, after the word "dollars," to insert:

And provided further, That the unexpended balance of former appropriations is hereby made available for this work and the care of existing harbor structures in addition to the amounts herein named: And provided further, That the rough stone and gravel required in the building of the breakwater may be brought from Canadian waters and shores free of duty.

So as to make the clause read:

Improving harbor at Buffalo, N. Y.: Improvement by extending the breakwater southerly to Stony Point: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out such extension and the plan of such improvement as modified in the report of the Chief of Engineers for the improvement of that harbor for 1895, such contracts to provide that the sand-catch pier be extended to the bulkhead line, to be paid for as appropriations may from time to time be made by law, in the aggregate not to exceed \$2,200,000: And provided further, That the unexpended balance of former appropriations is hereby made available for this work and the care of existing harbor structures in addition to the amounts herein named: And provided further, That the rough stone and gravel required in the building of the breakwater may be brought from Canadian waters and shores free of duty.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the word "thousand," to strike out "ten" and insert "two"; so as to make the clause read:

Improving harbor at Canarsie Bay, New York: Continuing improvement, \$2,000.

The amendment was agreed to.

The next amendment was, on page 10, line 6, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

Improving harbor at Wilson, N. Y.: For dredging and maintenance, \$5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after the words "Bay Ridge," to strike out "Gowanus Creek, Red Hook, and Buttermilk channels, and removing triangular area between Red Hook and Bay Ridge channels" and insert "channel, the triangular area between Bay Ridge and Red Hook channels and Red Hook and Buttermilk channels"; on page 11, line 2, before the word "thousand," to strike out "sixty" and insert "two hundred"; in line 5, after the word "others," to strike out "northerly, until completed" and insert "in the order named, until each, as the work advances northerly, is completed in turn"; in line 13, after the word "whole," to strike out "or any part"; in line 16, before the word "hundred," to strike out "seven" and insert "six"; and in the same line, before the word "thousand," to strike out "seventy-seven" and insert "thirty-seven"; so as to make the clause read:

Improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels, in the harbor of New York, N. Y.: Continuing improvement, \$200,000: Provided, That the work

shall be begun at the southerly end of Bay Ridge Channel and continue through it and the others, in the order named, until each, as the work advances northerly, is completed in turn, so that each shall have a uniform mean low-water depth of 20 feet and width as recommended for each: *And provided further*, That out of said sum \$5,000 shall be expended in dredging Gowanus Canal from Percival street to Hamilton Avenue Bridge: *And provided further*, That contracts may be entered into by the Secretary of War, for the completion of the whole of said work, to be paid for as appropriations may be made from time to time by law, not exceeding in the aggregate \$637,300, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The reading of the bill was continued to the end of line 4, on page 12.

Mr. HILL. There is a statute of New York which limits the distance between pier bulkhead lines to about 70 feet, I am informed. I have some papers in regard to it at my house. I did not suppose the bill was coming up this morning. I would therefore suggest to the Senator from Maine that this item be passed over for the present.

Mr. FRYE. It need not be passed over, but the Senator from New York, after the committee amendments are attended to, can investigate the matter and see whether or not anything should be done. My judgment is that the law of Congress is preeminently powerful in arranging the matter of piers.

Mr. HILL. I may desire to offer an amendment to the effect that nothing herein shall conflict with the statute of New York. The VICE-PRESIDENT. The Chair will recognize the Senator from New York to offer the amendment hereafter.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 12, after line 4, to strike out:

For the purpose of straightening the channel of Gowanus Bay, the harbor line of the northerly shore of Gowanus Bay, instead of extending from a point on the easterly side of Court street (as said Court street existed and was laid out May 20, 1875), distant 500 feet southerly from the intersection of the said easterly side of Court street with the southerly side of Bryant street (as said Bryant street existed and was laid out May 20, 1875), running thence westerly parallel with said Bryant street and 500 feet therefrom, 380 feet, and thence southerly and at right angles to the last-mentioned line and parallel with Clinton street 393 feet, to the exterior sea wall as at present established, shall extend from the point first above described in a straight line in a southwesterly direction to said point where the above-described line parallel with Clinton street and 393 feet in length intersects the above-mentioned exterior sea-wall line.

The amendment was agreed to.

The next amendment was, on page 13, line 1, after the word "submitted," to strike out "in report of Maj. H. M. Adams, Corps of Engineers, United States Army, dated March 24," and insert "March 25"; so as to make the clause read:

Improving Newtown Creek, part of the harbor at New York: Continuing improvement in accordance with modified project submitted March 25, 1896, \$30,000.

The amendment was agreed to.

The next amendment was, on page 13, line 19, after the word "improvement," to insert "and \$15,000 thereof may, in the discretion of the Secretary of War, be used in the repair of the breakwater"; so as to make the clause read:

Improving harbor at Oswego, N. Y.: Continuing improvement, \$90,000, in accordance with the modified project for its improvement, and \$15,000 thereof may, in the discretion of the Secretary of War, be used for the repair of the breakwater.

The amendment was agreed to.

The next amendment was, on page 14, line 10, before the word "thousand," to strike out "thirteen" and insert "ten," and in the same line, after the word "dollars," to strike out "out of which sum \$5,000 shall be used in dredging Lemon Creek, on Staten Island"; so as to make the clause read:

Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: Continuing improvement, \$10,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 14, to strike out: Improving harbor at Larchmont, N. Y.: Continuing improvement, \$5,000.

The amendment was agreed to.

The next amendment was, on page 14, line 22, after the word "submitted," to strike out "by Col. G. L. Gillespie, Corps of Engineers, November 26" and insert "December 1"; so as to make the clause read:

Improving harbor at Peekskill, N. Y., in accordance with report submitted December 1, 1894, \$10,000.

The amendment was agreed to.

The next amendment was, on page 15, line 1, after the word "the," to strike out "approved project for the improvement thereof" and insert "project submitted in the Annual Report of the Chief of Engineers for 1891"; so as to make the clause read:

Improving harbor at Mattituck, N. Y., according to the project submitted in the Annual Report of the Chief of Engineers for 1891, \$10,000.

The amendment was agreed to.

The next amendment was, on page 15, line 5, after the word "the," to strike out "approved project for the improvement thereof," and insert "project submitted in the Annual Report of the Chief of Engineers for 1889"; so as to make the clause read:

Improving harbor at Cape Vincent, N. Y., according to the project submitted in the Annual Report of the Chief of Engineers for 1889, \$25,000.

The amendment was agreed to.

The next amendment was, on page 15, line 11, before the word "thousand," to strike out "fifty" and insert "seventy-five"; and in the same line, after the word "dollars," to insert:

Provided, That two-thirds of said amount shall be expended between South Amboy and Great Beds light, in accordance with report in House Executive Document No. 238, Fifty-third Congress, third session.

So as to make the clause read:

Improving harbor at Raritan Bay, New Jersey: Continuing improvement in accordance with modified project, \$75,000: *Provided*, That two-thirds of said amount shall be expended between South Amboy and Great Beds light, in accordance with report in House Executive Document No. 238, Fifty-third Congress, third session.

The amendment was agreed to.

The next amendment was, on page 15, line 19, before the word "to," to strike out "resurvey" and insert "survey"; in line 20, after the word "Pennsylvania," to strike out "out of" and insert "and the cost of improvement to be estimated, the expenses of the same to be paid from"; and in line 22, after the word "unexpended," to strike out "money" and insert "balance of funds"; so as to make the clause read:

Improving harbor at Erie, Pa.: The Secretary of War is hereby directed to cause a survey to be made of the harbor at Erie, Pa., and the cost of improvement to be estimated, the expenses of the same to be paid from the unexpended balance of funds heretofore appropriated for the improvement of said harbor.

Mr. QUAY. In relation to the amendment made in the item with reference to the improvement at Erie, I do not desire, of course, to contest the amendment of the committee, but to mention the fact that the amendment I offered to the bill some two or three weeks ago at the suggestion of the Board of Trade of the city of Erie has been abandoned in deference to what seems to have been a preliminary report of the Engineer Department, and with the expectation that after the resurvey is made the appropriation asked for will be granted.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 16, line 10, after the word "appropriated," to insert:

Provided further, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended.

So as to make the clause read:

Constructing harbor of refuge, Delaware Bay, Delaware, in accordance with plans submitted by the Chief of Engineers, January 29, 1892, \$5,000: *Provided*, That contracts may be entered into by the Secretary of War for such material and work as may be necessary to complete said harbor of refuge, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$4,600,000, exclusive of the amount herein appropriated: *Provided further*, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended.

The amendment was agreed to.

The next amendment was, on page 16, line 16, after the word "improvement," to strike out "\$20,000"; and in line 17, after the word "project," to strike out "for the improvement of the same" and insert "\$20,000"; so as to make the clause read:

Improving harbor at Wilmington, and Christiana River, Delaware: Continuing improvement, in accordance with the modified project, \$20,000.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the word "Delaware," to strike out "Continuing improvement"; so as to make the clause read:

For maintenance and repairs of iron pier, Delaware Bay, near Lewes, Del., \$7,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 3, to insert:

Improving deep channel in Baltimore Harbor, Maryland, in accordance with the project submitted December 1, 1894, \$400,000: *Provided*, That this sum may be used in the discretion of the Secretary of War, under the direction of the Chief of Engineers, for deepening the present channel to a depth of 30 feet.

The amendment was agreed to.

The next amendment was, on page 17, line 13, after the word "Craighill," to strike out "in House Executive Document No. 200, Fifty-third Congress, third session," and insert "Corps of Engineers, January 7, 1895"; so as to make the clause read:

Improving Rock Hall Harbor, Maryland: Completing improvement, in accordance with report submitted by Gen. William P. Craighill, Corps of Engineers, January 7, 1895, \$9,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 16, to insert:

Improving inner harbor at Rock Hall, Md., in accordance with report submitted by Chief of Engineers in House Executive Document No. 200, third session, Fifty-third Congress, \$7,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to strike out:

Improving Queenstown Harbor, Maryland: Continuing improvement, \$5,000.

The amendment was agreed to.

The next amendment was, on page 17, line 24, after the word "report," to strike out "of Col. Peter C. Hains, dated" and insert "submitted"; so as to make the clause read:

Improving harbor of Southwest Baltimore (Spring Garden), Md., in accordance with report submitted March 7, 1896, for constructing channel 100 feet wide on the bottom, \$5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 3, to strike out: The proviso relating to the appropriation of \$10,000 for continuing the improvement of harbor at Cape Charles City, Va., and its approaches, as contained in the act of July 13, 1892, be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 18, line 15, before the word "thousand," to strike out "one hundred and ten" and insert "seventy-five"; and in the same line, after the word "dollars," to insert:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,996,250, exclusive of the amount herein appropriated.

So as to make the clause read:

Improving harbor at Winyaw Bay, South Carolina: Continuing improvement, \$75,000: *Provided*, That contracts may be entered into by the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, on page 18, after line 21, to strike out:

Harbor of Savannah, Ga.: Continuing improvement, \$5,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, and July 1, 1895, and to complete the project for the steamboat channel between Beaufort, S. C., and Savannah, Ga., recommended by Capt. O. M. Carter in his report of December 4, 1895, and mentioned in that report as route 2, to be paid for as appropriations may from time to time be made by law, not to exceed the amounts recommended in said reports, the aggregate of which for both projects is \$1,093,950, exclusive of amount herein or heretofore appropriated.

Mr. GORDON. After conference with my colleague [Mr. BACON], not now in the Chamber, I ask that this item may be passed over for the present, and a little later in the progress of the bill we will ask the Senate to restore the House provision.

Mr. FRYE. It may be passed over for the present.

The VICE-PRESIDENT. It will be passed over as indicated by the Senator from Georgia.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 20, line 2, after the word "made," to insert "personally under the supervision of the Secretary of War," and in line 4, after the words "Secretary of War," to insert:

And that when said C. P. Goodyear, his heirs and assigns, have procured a 200-foot channel of a minimum depth of 23 feet at mean high tide, \$30,000 shall be paid therefor; and when he has secured a channel 300 feet wide, of 23 feet depth at mean high tide, an additional \$30,000 shall be paid therefor; and when he has secured a channel 200 feet wide, 24 feet deep at mean high tide, an additional \$40,000 shall be paid therefor; and when he has procured a channel 300 feet wide, 24 feet deep at mean high tide, an additional \$40,000 shall be paid therefor; and when he has procured a channel 200 feet wide, 25 feet deep at mean high tide, an additional \$50,000 shall be paid therefor; and when he has procured a channel 300 feet wide, 25 feet deep at mean high tide, an additional \$50,000 shall be paid therefor. And that the words "and not otherwise" be stricken from the twenty-fifth line of the fifth page of the river and harbor act of 1894, in the item providing for deepening the outer bar of Brunswick, Ga., and that the words "and removing material therefrom" be added after the word "bar," in the twenty-sixth line of said item of said act; and that all of said deepening of said bar shall be completed within four years from the date of the passage of this act: *Provided*, That no payments shall be made to said Goodyear or his legal representatives except upon a certificate of the Secretary of War, made after personal survey by an experienced officer of the Coast and Geodetic Survey selected by him for that purpose, that such depths and widths have severally been obtained by him or them;

So as to make the clause read:

Improving the outer bar of Brunswick, Ga.: C. P. Goodyear, the contractor with the Government of the United States to deepen the outer bar of Brunswick, Ga., under the river and harbor act of 1894, shall be paid the sum of \$30,000 for a 23-foot depth when he shall receive a certificate that a 24-foot depth has been obtained under said act, together with the \$40,000 to which he will be entitled for such 24-foot depth, out of moneys heretofore appropriated by said river and harbor act of 1894. The survey provided for in said act shall be made personally, under the supervision of the Secretary of War, by an experienced official of the Coast and Geodetic Survey, to be designated by the Secretary of War. And that when said C. P. Goodyear, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 17, to increase the appropriation for improving Cumberland Sound, Georgia, from \$1,641,500 to \$2,345,000.

The amendment was agreed to.

The next amendment was, on page 22, to increase the appropriation for improving the harbor at Pensacola, Fla., from \$100,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 22, line 8, to increase the appropriation for improving the entrance to the harbor at Key West, Fla., from \$80,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 22, line 10, to increase the

appropriation for improving Charlotte Harbor and Pease Creek, Florida, from \$16,000 to \$20,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 14, to insert:

Improving Mobile Harbor, Alabama: For maintenance of the channel by dredging, \$60,000, \$10,000 of which may, in the discretion of the Secretary of War, be used for engineering and contingent expenses connected with the superintendence and inspection of the work of dredging carried on under the provisions of the joint resolution of Congress approved March 16, 1896.

The amendment was agreed to.

The next amendment was, on page 22, line 24, before the word "thousand," to strike out "ten" and insert "twenty"; and on page 23, line 5, before the word "thousand," to strike out "twenty-five" and insert "fifteen"; so as to make the clause read:

Improving mouth and passes of Calcasieu River, Louisiana: Continuing improvement, \$20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$315,000, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to insert:

For dredging the bar at Galveston, Tex., \$5,000.

Mr. MILLS. I suggest to the Senator from Maine that there is a mistake there. The word "five" ought to be "fifty." It says, "For dredging bar at Galveston, Tex., \$5,000." Fifty thousand dollars is what the committee allowed.

Mr. VEST. That is right. It should be \$50,000 instead of \$5,000.

Mr. MILLS. It is printed wrong.

Mr. FRYE. This is the outside bar at Galveston.

Mr. MILLS. It says, "For dredging the bar." I suppose it is.

Mr. VEST. Yes; it is.

Mr. FRYE. Here is a clause, "For improving and maintaining ship channel in Galveston Bay, \$50,000." Was it also \$50,000 for Galveston?

Mr. VEST. For dredging the bar.

Mr. MILLS. It was.

Mr. FRYE. I am inclined to think the Senator from Texas is right.

Mr. VEST. I know he is.

Mr. MILLS. Let the change be made.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment by striking out "five" and inserting "fifty"; so as to read:

For dredging the bar at Galveston, Tex., \$50,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 23, after line 14, to insert:

For the purpose of ascertaining the character and value of the improvements made at the mouth of the Brazos River, Texas, by the Brazos River Channel and Dock Company, a board of engineers, one of whom shall be a civil engineer, to be appointed by the President, one a member of the Corps of Engineers of the United States Army, to be selected by the Secretary of War, and one a member of the Coast and Geodetic Survey, to be selected by the Superintendent of the Survey, shall personally make examination of the work done by said company for the purpose of deepening the channel and removing the bar at or near the mouth of said river. It shall be the duty of the board so constituted to report the depth of water upon the bar at the time of their examination, the character of the work done and the cost of the same, together with the value of said work to the Government of the United States, and such other information as they may deem essential. Said board shall report the result of their investigation to the Secretary of War on or before the first day of the next session, and the Secretary shall immediately transmit the report to Congress, and \$5,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the said board and for the services of the said engineer, the amount of such compensation for said services to be fixed by the Secretary of War.

Mr. VEST. I move to strike out the words "the first day of the next session" and insert "the first Monday in December next." The paragraph as it stands is susceptible of the interpretation that the report shall be made by the first day of an extra session, if one should intervene. It says "the first day of the next session." To make it certain I move to strike out those words and to insert "the first Monday in December next."

Mr. FRYE. That is all right.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 7, page 24, it is proposed to amend the committee amendment by striking out "the first day of the next session" and insert "the first Monday in December next."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRYE. Does the Senator from Texas [Mr. MILLS] propose to discuss the next item, relative to the improvement of the harbor at Sabine Pass, Tex.?

Mr. MILLS. Yes; a little.

Mr. FRYE. Then I guess we had better pass it over for the present.

Mr. MILLS. Why can we not settle it now? I am going to take but a few minutes. In fact, I think the chairman of the committee ought to withdraw the amendment proposed by the committee.

Mr. FRYE. The chairman of the committee has not authority from the committee to withdraw the amendment.

Mr. MILLS. We may as well determine it right now. It will not take long.

Mr. FRYE. I am entirely willing.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 24, line 15, before the word "fifty," to insert "one hundred and," and in the same line, after the word "dollars," to strike out:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,403,856, exclusive of the amount herein and heretofore appropriated.

So as to make the clause read:

Improving harbor at Sabine Pass, Tex.: Continuing improvement, \$150,000.

Mr. MILLS. Mr. President, I ask that the question be first put on agreeing to the amendment increasing the amount of the appropriations from \$50,000 to \$150,000. I have no objection, of course, to that.

The VICE-PRESIDENT. The Secretary will state the amendment referred to.

The SECRETARY. On page 24, line 15, before the words "fifty thousand," it is proposed to insert "one hundred and"; so as to read:

Improving harbor at Sabine Pass, Tex.: Continuing improvement, \$150,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been read.

Mr. QUAY. If the clause from line 15 to line 22, which the committee reported to strike out, is to be reinstated, then I think the amendment of the committee, in line 15, increasing the amount of the appropriation, ought to be voted down, because the increase of \$100,000 there was based upon the supposition that this work was to be put under a continuing contract.

Mr. FRYE. The amendment which the committee reported should not be agreed to at present.

Mr. MILLS. Then I propose as a compromise that we let the bill stand as it came from the other House, and let the sum appropriated stand at \$50,000 and the proviso stand for the continuing contract.

Mr. FRYE. The motion of the Senator is that the second amendment of the committee be disagreed to.

The VICE-PRESIDENT. Without objection, the amendment of the committee will be disagreed to.

Mr. MILLS. Let the whole of it be disagreed to.

Mr. WHITE. I desire to understand the matter. As I understand, the effect of the suggestion of the Senator from Texas, if adopted, will be to leave the item as it stood in the bill as it came from the House. If the \$150,000 is appropriated it would not be desirable to provide for a continuing contract.

Mr. QUAY. The entire amendment, then, Mr. President, in this clause should be voted down, including the insertion of the words "one hundred and," in line 15, and the amendment striking out the remainder of the clause after the word "dollars," at the end of line 15, down to and including line 22. Is that the understanding?

The VICE-PRESIDENT. That is correct.

Mr. FRYE. Is it understood that that is agreed to?

Mr. MILLS. I propose to let the bill stand as it came from the other House.

Mr. FRYE. I understand exactly what the Senator wants.

Mr. MITCHELL of Oregon. The Senator wants the Senate to vote down the amendment.

Mr. FRYE. What I want to know is whether the Senate agrees to the proposition of the Senator from Texas?

The VICE-PRESIDENT. Is there objection?

Mr. BROWN. Let the question be again stated.

Mr. FRYE. If the Chair will allow me, I will state it. The House appropriated for Sabine Pass \$50,000 and placed it under the continuing contract clause. The Senate committee struck out the continuing contract clause and increased the appropriation from \$50,000 to \$150,000. The Senator from Texas [Mr. MILLS] desires the Senate to disagree to both of those amendments, so that it will stand \$50,000 and with the continuing contract clause.

Mr. BROWN. I should like to have the question on these amendments separated. I ask the Senator, first, as to whether the committee consent to the appropriation of \$50,000 or \$150,000?

Mr. FRYE. The Senator has a right to demand a separate vote.

The VICE-PRESIDENT. The Chair, according to the suggestion of the Senator from Utah [Mr. BROWN], will submit to the Senate the question of agreeing to the first amendment, which will be stated.

The SECRETARY. On page 24, line 15, before the words "fifty thousand," it is proposed to insert "one hundred and"; so as to read:

Improving harbor at Sabine Pass, Tex.: Continuing improvement, \$150,000.

Mr. GRAY. I would ask the Senator from Texas are not both of those amendments so connected that they are not divisible?

Mr. MILLS. That was the understanding of the committee. If we are to give up the \$100,000 additional, we want to be sure that we shall have our work under the continuing contract system.

Mr. TELLER. There is so much noise in the Chamber that I do not hear a word the Senator from Texas is saying, and we are over here absolutely without any knowledge as to what the Senate has done.

Mr. MILLS. I should like to hear the Senator.

Mr. TELLER. I was saying that in this part of the Chamber we do not know what is going on and can not hear a word the Senator from Texas says; and it is not the fault of the Senator, either.

The VICE-PRESIDENT. The Chair requests Senators to be seated and to refrain from conversation.

Mr. MILLS. I simply state that it is but fair, if we are going to disagree to one part of the amendment, that we should disagree to the whole of it. Of course we should be glad to have the \$100,000 additional appropriation, but I say that is a part of the amendment striking out the continuing contract system from the bill, and if we are to have the benefit of one of them taken away we ought to have the advantage of the other. Therefore I ask the Senate to disagree to both of the amendments of the Senate committee and to let the bill stand as it came from the House of Representatives.

Mr. TELLER. I only want to say a word about the harbor at Sabine Pass. It is undoubtedly the best place on the whole coast for a good harbor, and it can be made so with very much less expense than can a harbor be made at Galveston. It is the natural outlet for the Northwest, the section of country which I in part represent, and it is about the only thing in this bill in which we have the slightest possible interest, except, of course, as we have a general interest in the whole country. It seems to me that if any port ought to have the benefit of the continuing contract system this is one of the places that ought to have it.

Mr. BLANCHARD. The improvement of Sabine Pass has been going on now for the last twelve or fifteen years, and it is time that it should be brought to a conclusion. It is the nearest deep-water port, as the Senator from Colorado [Mr. TELLER] says, not only to his State, but to Kansas and those States north of Kansas and the States immediately west of Kansas. It presents the best conditions on the Texas coast for a deep-water harbor. It is the dividing line between Texas and Louisiana, though Texas has always claimed the improvement.

In addition to that, Mr. President, there is a railroad called the Kansas City, Pittsburg and Gulf Railroad, which has started from Kansas City, Mo., and has been constructed to Shreveport, La., where I live, and has 1,500 men at work now between Shreveport and Sabine Pass. It will reach Sabine Pass in the course of the next twelve months. This railroad company has already purchased and laid off a town in the Sabine Pass, which is to be a city in the near future, and this improvement ought to be speedily constructed and finished by the Government. So far as it has gone, the results have been very satisfactory. It is one of those projects which ought to go under the continuous contract system.

As the Senator from Colorado has said, I know from long experience in the other Chamber, in reference to this improvement, that the people of the Northwest, particularly north of Sabine Pass, have taken more interest in the development of that harbor and that of Galveston than in any other harbor upon the South Atlantic or Gulf Coast. Those States up there do not ask for anything themselves outside of an appropriation for the Missouri River, but they are interested in a deep-water port both at Galveston and at the mouth of Sabine River, and they ought to have it.

I think this amendment, taking this improvement from the contract system, should be voted down, and this project thereby restored to the continuous work or contract system, and, as the Senator from Texas has said, let the amount stand at \$50,000 as the House has placed it.

Mr. FRYE. I very freely admit the importance of this improvement at Sabine Pass, and the committee have been exceedingly friendly to the improvement ever since I have been on it. We have appropriated annually from one hundred and fifty to two hundred and fifty thousand dollars. I have no doubt it has been well expended, but this bill came here from the House of Representatives with some thirty continuing contract clauses. The Senate was desirous of putting on some others, and our committee examined with great care to see where it could economize to a certain extent by striking out some of the clauses which the House had put in. We had executive sessions, and the committee

was understood to be perfectly silent in regard to what we had done, but the moment we touched a little House appropriation or a continuing clause in less than an hour from that time there was a procession from somewhere else marching into the committee room, earnestly opposing any change whatever, and when arriving there not only opposing any change to cut off appropriations, but immediately proposing changes to increase. When the improvement of Sabine Pass was struck out, I said to the committee myself that must not be known, because we shall be overwhelmed; and yet in less than an hour from that time a telegram was received from Mr. Kountz, who is away up in Colorado somewhere, informing us that that had been stricken out, that it was an outrage, and that it ought to be retained. The birds of the air carried everywhere every proposition that we made for the slightest reduction in the bill, and we have been compelled to put back item after item until, my recollection is, that of the continuing clauses only three are now left, one at Sabine Pass, one at Yazoo, and one at Savannah, and the distinguished Senators from Georgia are going to make a furious onslaught on the Senate of the United States to have Savannah restored, and I have no doubt they will succeed.

Mr. BACON. On the contrary, we are going to throw ourselves on the sense of justice of the committee and ask them to consent to it.

Mr. FRYE. You will fail in that utterly. You will have to appeal to the Senate.

I do not suppose that the committee is concerned particularly about this amendment. I do not suppose they care particularly whether they are overruled or not. This is a good improvement, and the committee all so understand it, but the Senate must understand if this is done the others will be restored, and in conference there will be nothing left to confer about, except Senatorial amendments.

Mr. MILLS. Mr. President, I do not see any reason why this should not be restored as the others have been. The Senator from Maine has given a very strong argument in favor of that, when he says that so soon as the committee struck out Sabine Pass he was telegraphed to from the great Northwest in opposition to it. Mr. President, that whole population has been looking for years to going through Texas to the sea. Their railway systems are pointing toward the coast of Texas. We all want all the open ports we can get on the Gulf in order to stimulate competition and reduce freights. The thing which is eating up the produce of the Northwestern people is the enormous freights they have to pay to get to the seaboard, and Texas is, I suppose, a thousand miles nearer to Colorado than the city of New York. I therefore ask in all earnestness that the Senate will not agree to the amendment proposed to the House bill striking out this continuing contract system for Sabine Pass.

Mr. GORDON. I want to say to the Senator from Texas, although not living in Texas, and with a constituency which has no interest in Sabine Pass whatever, that I have been applied to from as far west as Nebraska to help Sabine Pass. I trust, therefore, the motion of the Senator from Texas will prevail.

The VICE-PRESIDENT. The question is on the first amendment proposed by the committee.

The amendment was rejected.

The VICE-PRESIDENT. The question is on the second amendment proposed by the committee, which will be stated.

The SECRETARY. On page 24, after the word "dollars," in line 15, it is proposed to strike out:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,403,856, exclusive of the amount herein and heretofore appropriated.

The VICE-PRESIDENT. The question is on the amendment proposed by the Committee on Commerce, which has just been stated.

The amendment was rejected.

Mr. GORDON. Mr. President, at my suggestion the chairman of the committee kindly consented to pass temporarily the amendment of the committee in reference to the harbor of Savannah. I now ask the Senate to disagree to the committee's amendment on page 18, beginning at line 22.

I think it hardly necessary to detain the Senate on this matter. The report of the engineers demonstrates that this additional improvement at Savannah will save to the Government in maintenance not less than \$200,000 per annum, which is the interest upon a very large sum of money. This amendment of the Senate committee strikes out all of the appropriation made for that great port, which I think now has some \$150,000,000 of commerce and which is rapidly increasing. I trust the Senate will disagree to the amendment of the Senate committee striking out this item.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Committee on Commerce reported to strike out, on page 18, beginning at line 22, as follows:

Harbor of Savannah, Ga.: Continuing improvement, \$5,000: *Provided, That contracts may be entered into by the Secretary of War for such materials and*

work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, and July 1, 1895, and to complete the project for the steamboat channel between Beaufort, S. C., and Savannah, Ga., recommended by Capt. O. M. Carter in his report of December 4, 1895, and mentioned in that report as route 2; to be paid for as appropriations may from time to time be made by law, not to exceed the amounts recommended in said reports, the aggregate of which for both projects is \$1,003,950, exclusive of amount herein or heretofore appropriated.

Mr. BACON. Mr. President, I do not design that there shall be any such onslaught made upon the Senate as was suggested or anticipated by the distinguished Senator from Maine [Mr. FRYE]. I do think, however, that proper and careful consideration of this matter would induce the committee itself to consent to restore the provision as it came from the other House. We are not here asking any amendment to be put upon the House appropriation. We are simply asking that the Senate will agree to that which the other House has already adjudged to be the proper appropriation in this matter, and not an appropriation, either, as I will suggest a little further on.

I want to call the attention of the Senate, Mr. President, to the fact that this is not a local matter in its broadest sense. Savannah is a port from which are shipped the products of a very large section of country. While this matter was under investigation by the Senate committee, or rather after the Senate committee had acted, there was in session in Charleston what was known as the South and West Grain and Trade Congress, composed of delegates from almost all the Southern and Western States, and during the session of that congress I received a telegram which I ask the Secretary to read from the desk.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

CHARLESTON, S. C., April 30, 1896.

Senator A. O. BACON, Washington, D. C.:

The South and West Grain and Trade Congress now assembled in third annual session at Charleston, S. C., composed of delegates from the Southern and Western States, and especially engaged in formulating and maturing plans for the active utilization of the ports of the Gulf and South Atlantic for the direct foreign shipment of the grain and other products of these sections, have learned with profound disappointment that your Committee on Commerce recommend that the appropriation in the House river and harbor bill for completing and making permanent the improvement of the Savannah River and Harbor be stricken out, and therefore the South and West Grain and Trade Congress do most earnestly appeal to the Senate of the United States in the interest of international trade and commerce to restore to the House bill the appropriation for Savannah River and Harbor which your Committee on Commerce recommend be stricken out from said House bill.

H. S. POTTER, President.
JNO. A. SMITH, Secretary.

Mr. DUBOIS. May I ask the Senator from Georgia a question?

Mr. BACON. Yes, sir.

Mr. DUBOIS. I have not a copy of the bill before me, but do I understand the Senate committee propose to strike out the House provision, and that the Senator desires to have the bill amended so that it will be the same as it came from the House of Representatives?

Mr. BACON. That, and that only; and the main feature of the provision is not an appropriation at this time, but simply the authorization of a contract to be appropriated for in the future. I trust that the Senate will restore the bill to the condition it was in when it came from the other House.

Mr. FRYE. I supposed the Senator would ask that all of this provision might be restored, except that which relates to the completion of a project for a steamboat channel between Beaufort, S. C., and Savannah, Ga.

Mr. GORDON. Mr. President, in answer to the chairman of the committee, I would say that we greatly prefer to have the provision retained in the bill as it came from the House of Representatives. But if it is a matter of great moment to the committee, and if it will prevent the consumption of time in debate, I would rather agree to the portion being left out to which the Senator has just referred.

Mr. FRYE. I should be more vigorous and aggressive in my defense of the action of the Rivers and Harbors Committee of the other House if that provision was to remain in the bill. The idea of putting a 7-foot channel between Beaufort, S. C., and Savannah into a continuing contract clause, which is going to cost about \$120,000, is utterly absurd. It has been simply smuggled into the bill elsewhere, and never ought to have been placed there at all. I never heard of such a case before. I suggested to the junior Senator from Georgia [Mr. BACON] that if he was going to make a proposition of this kind and he did not expect to meet with a pretty vigorous defense of the action of the Senate committee, he should not ask that on page 19 the words between line 3 and line 9 should be retained.

Mr. BACON. Mr. President, the Senator from Maine was kind enough to make that suggestion to me in the interest of what possibly might conduce to an understanding on the part of the Senate favorable to the Savannah project. I have had some telegraphic correspondence with the people of Savannah since upon that subject. They say, of course, that if the Senate of the United States is unwilling that the channel shall be opened they must necessarily

submit, but that they are extremely anxious that this change shall not be made.

In that connection, I desire to say that the work already done by the Government in the opening of the Savannah River has obstructed the very channel which it is now sought to reopen; that is, the channel between the town of Beaufort, in South Carolina, and the city of Savannah. I am not prepared to say to the Senate exactly how this has been done; but a very large portion of this appropriation, if made, will be devoted to removing the obstruction that the Government itself has put in that channel. In other words, in the work of opening the Savannah River the Government has obstructed this other channel. Of course I do not pretend that all of this money is for that purpose.

Mr. GORDON. If my colleague will permit, he refers to the money appropriated for that particular channel.

Mr. BACON. For that particular channel only.

Mr. GORDON. And not for the whole improvement.

Mr. BACON. It amounts to \$105,000. This is a separate enterprise, although these provisions are put in the bill together, but the two works are entirely separate. The work, so far as it concerns the Savannah River, is confined in this bill to a provision for a contract, and not for an appropriation, except to the amount of \$5,000. The work that is to be done on the channel between Beaufort and Savannah is independent of that, and embraces, if I am correctly informed, about \$105,000 of this total amount.

Mr. President, it does look like a matter of simple justice. It is not only the people of Savannah who are interested in this work, but also the people of South Carolina; and the Government in the prosecution of a great work, a very important work, in opening the harbor of Savannah, has obstructed another channel, and should remove that obstruction. If in the removal of that obstruction it is found necessary to go still further in order to open the channel, it would be the part of economy to do the whole thing at once, rather than do a little piece now and undertake the rest in the future.

The distinguished Senator from Maine speaks of this feature of this appropriation as having been smuggled into the bill. Of course the Senate will understand that the Senator has no reference to anything that has occurred in the Senate, because that feature of the bill, as well as the other features of it, came from the House of Representatives in that shape, and has not been in any manner modified by the Senate or by the Senate committee, except to strike the whole thing out. I do not know to what the Senator refers when he speaks of the provision being smuggled in.

Mr. FRYE. This Senator is not at liberty to say.

Mr. BACON. I understand that the Senator from Maine is not at liberty to say; but the Senator from Georgia is at liberty to say that it has no reference to anything which has occurred in the Senate, because it came from the other House in that shape.

Mr. FRYE. If it had occurred in the Senate I should not have mentioned it.

Mr. BACON. Probably it is not necessary for me, then, to press that point, but take it for granted. I thought it due, however, in view of the statement of the Senator from Maine, to make this explanation as to the character of these two branches of this great work. It is not an extravagant appropriation for this particular feature to which the distinguished Senator from Maine, the chairman of the committee, now objects. While it is a comparatively small matter in amount, it is really an important matter, in that it is the great water highway between two of the principal cities in the South. I trust the distinguished Senator may not oppose any part of it, and that not only the Savannah River scheme but the Beaufort channel project improvement also be allowed to go through. It is certainly modest compared with a great many other appropriations in this bill.

Mr. FRYE. There is no more reason why that channel should be put under the continuing contract clause than there is why every river and channel in the United States should be put under the continuing contract clause. No reason can be given. Every river in the South where the improvement is not going to cost over \$100,000 with the same propriety could go under the continuing contract clause, and every river in the North and Northwest. I certainly shall not consent to the restoration of the clause with that proposition remaining there.

Mr. GORDON. I doubt whether the Senator from Maine is informed of the fact that this river, which that small appropriation is designed to open, carries a very large amount of local trade. I say "local," because it is trade between the ports of South Carolina and Georgia.

Mr. FRYE. Only \$600,000 worth in a year. That is not a very large amount to go under the continuing contract clause.

Mr. GORDON. It is an inside channel.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

Mr. FRYE. I ask if the Georgia Senators still insist upon keeping that channel in the bill?

Mr. GORDON. I will ask the Senator from Maine if we con-

sent to that coming out, will he, as chairman of the committee, consent to the other portion of the clause being restored?

Mr. FRYE. I have no right to do so.

Mr. VEST. Mr. President, let me say this: I feel exceedingly kind toward this improvement at Savannah. I think I understand it. It has been before the Commerce Committee frequently while I have been a member of that committee, and I must say to my friends from Georgia that if this precedent is adopted of interjecting into this great improvement this little side improvement from Beaufort down to Savannah, as the chairman of the committee has properly said, we must apply the continuing contract system to every other improvement in the bill. The remainder of us can not stand here and see this thing done in justice to our constituents without demanding that the same legislation shall apply all along the line; and instead of having a bill of \$70,000,000 upon the continuing contract system you will have a bill of \$170,000,000 or \$270,000,000. I think those Senators ought to be satisfied, for I believe I can assure them, if they take out this inside arrangement from Beaufort to Savannah there will be no trouble about the continuing clause.

Mr. GORDON. Then we assent to that portion of it coming out; and I move to amend by striking out lines 4, 5, 6, 7, 8, and 9, and including the words "said reports," in line 10.

Mr. ALLISON. Let us see what is stricken out.

Mr. FRYE. From line 3.

The VICE-PRESIDENT. The words stricken out will be read. The SECRETARY. After the words "eighteen hundred and ninety-five," in line 3, strike out all of the paragraph down to and including the word "reports," in line 10.

Mr. VEST. That is right.

Mr. GORDON. The words "both projects," in line 10, are also stricken out.

Mr. FRYE. Strike out the word "both" and change the word "projects" so as to make it singular, and change the aggregate.

Mr. BACON. I suggest to my colleague that I have the paragraph marked as it would be amended, and I have handed it to the chairman of the committee. He will indicate to the clerks the words to be stricken out.

Mr. GORDON. That is all right.

The paragraph as proposed to be amended was read by the Secretary, as follows:

Harbor of Savannah, Georgia: Continuing improvement, \$5,000: *Provided*, That a contract may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, to be paid for as appropriations may from time to time be made by law, not to exceed the amount of \$987,250 recommended in said report, exclusive of amount herein or heretofore appropriated.

The amendment was agreed to.

The VICE-PRESIDENT. The paragraph having been perfected, the question recurs on the amendment of the committee to strike it out.

The amendment was rejected.

The reading of the bill was resumed at line 23, page 24.

The next amendment of the Committee on Commerce was, on page 25, line 1, after the words "according to a," to strike out "survey and recommendation approved in 1894" and insert "project submitted in the Annual Report of the Chief of Engineers for 1895"; so as to make the clause read:

Improving harbor at Ashtabula, Ohio: Continuing improvements, \$50,000, of which amount not less than \$40,000 shall be applied toward the construction of breakwaters according to a project submitted in the Annual Report of the Chief of Engineers for 1895.

The amendment was agreed to.

The next amendment was, on page 25, line 7, before the word "thousand," to strike out "twenty" and insert "thirty"; in line 9, after the word "made," to insert "and the cost of improvement to be estimated"; and in line 10, after the word "to," to strike out "recommending such improvements as may be necessary to provide" and insert "providing"; so as to make the clause read:

Improving harbor at Black River (Lorain), Ohio: Continuing improvements, including necessary dredging between piers, \$30,000; and the Secretary of War is authorized and directed to cause a survey of said harbor to be made and the cost of improvement to be estimated, with a view to providing better access to said harbor and the safety of boats therein.

The amendment was agreed to.

The next amendment was, on page 25, line 15, after the word "also," to strike out "in accordance with the recent report and recommendation of the local engineer, Col. Jared A. Smith"; in line 21, after the word "depth," to insert "in accordance with report submitted March 25, 1896"; in line 23, after the word "That," to strike out "the Secretary of War is hereby authorized and directed to enter into" and insert "contracts may be entered into by the Secretary of War"; so as to make the clause read:

Improving harbor at Cleveland, Ohio: Continuing improvements, \$80,000 to be used for extension of breakwater, according to plans heretofore adopted; also, for repair and rebuilding, as well as relocation, when desirable, of the piers and breakwater already constructed, and for widening and extending the channel between the piers and in the outer harbor and maintaining the

necessary depth in accordance with report submitted March 25, 1896: *Provided*, That contracts may be entered into by the Secretary of War for the completion of the above projects, to be paid for as appropriations may from time to time be made by law, the cost not to exceed in the aggregate \$1,354,000: *And provided also*, That the Secretary of War be directed to cause a survey to be made of the said breakwater as heretofore planned, with a view of determining the advisability of changing the plan thereof so as to abandon the proposed construction of the eastern shore arm, and in lieu thereof extending the said breakwater eastwardly in a general direction parallel with the shore; and the sums hereby appropriated, or authorized to be expended, may be expended in such manner as the Secretary of War may deem best for the improvement of said harbor.

The amendment was agreed to.

The next amendment was, on page 26, line 18, after the word "the," to strike out "approved project for the improvement thereof" and insert "project submitted April 3, 1896"; so as to make the clause read:

Improving harbor at Fairport, Ohio: Continuing improvement, \$30,000, of which amount not less than \$20,000 shall be applied toward the construction of a breakwater according to the project submitted April 3, 1896.

The amendment was agreed to.

The next amendment was, on page 27, line 4, after the word "harbor," to insert "and the cost of improvement to be estimated," and in line 5, after the word "to," to strike out "recommending such means as shall secure and maintain" and insert "securing and maintaining"; so as to make the clause read:

Improving harbor at Sandusky, Ohio: Continuing improvement, \$40,000; and the Secretary of War is directed to cause a survey to be made of the bar at the mouth of the harbor and the cost of improvement to be estimated, with a view to securing and maintaining a permanent navigable channel of sufficient depth next to Cedar Point.

The amendment was agreed to.

The next amendment was, on page 27, line 16, before the word "thousand," to strike out "four" and insert "two"; so as to make the clause read:

Improving harbor at Vermillion, Ohio: Continuing improvement, \$2,000.

The amendment was agreed to.

The next amendment was, on page 27, line 20, after the word "the," to strike out "latest approved project recommended for the improvement thereof," and insert "project submitted March 24, 1896"; so as to make the clause read:

Improving harbor at Conneaut, Ohio: For improvements under existing plans, \$40,000, of which amount not less than \$20,000 shall be applied toward the construction of a breakwater according to the project submitted March 24, 1896.

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to strike out: Improving outlet to Wolf Lake, Indiana, in accordance with the approved project for the improvement thereof, \$8,000.

The amendment was agreed to.

The next amendment was, on page 28, line 7, after the word "project," to strike out "proposed by Maj. W. L. Marshall, of the Corps of Engineers of the United States Army, under date of June 30," and insert "submitted in the Annual Report of the Chief of Engineers for"; so as to make the clause read:

Improving Calumet Harbor, at Chicago, Ill.: Continuing improvement, including the amended project submitted in the Annual Report of the Chief of Engineers for 1895, \$75,000.

The amendment was agreed to.

The next amendment was, on page 28, line 18, after the word "repairs," to insert "and providing a navigable depth of 18 feet"; so as to make the clause read:

Improving harbor at Frankfort, Mich.: Continuing improvement and repairs, and providing a navigable depth of 18 feet, \$15,000.

The amendment was agreed to.

The next amendment was, on page 28, line 25, after the word "and," to strike out "for repairs, twelve" and insert "dredging interior channel, fifteen"; on page 29, line 1, after the word "dollars," to strike out "*Provided*, That" and insert "and"; in line 2, after the word "appropriated," to insert "for said improvement"; in the same line, after the word "now," to strike out "on hand"; and in line 3, after the word "may," to strike out "also be used in the same project" and insert "be used for dredging such interior channel, in the discretion of the Chief of Engineers, United States Army: *Provided*, That the former requirements have been complied with"; so as to make the clause read:

Improving harbor at Manistee, Mich.: Continuing improvements and dredging interior channel, \$15,000; and all money heretofore appropriated for said improvement and now unexpended may be used for dredging such interior channel, in the discretion of the Chief of Engineers, United States Army: *Provided*, That the former requirements have been complied with.

The amendment was agreed to.

The next amendment was, on page 29, line 8, to increase the appropriation for improving the harbor at Holland (Black Lake), Mich., from \$8,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 30, line 6, to increase the appropriation for improving the harbor at Marquette, Mich., from \$24,000 to \$29,000.

The amendment was agreed to.

The next amendment was, on page 30, line 8, to increase the appropriation for improving the harbor at Ludington, Mich., from \$20,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 30, line 15, after the word "dollars," to insert "for maintenance of channel and pier"; so as to make the clause read:

Improving harbor at Menominee, Michigan and Wisconsin: Continuing improvements, \$7,150, for maintenance of channel and pier.

The amendment was agreed to.

The next amendment was, on page 30, line 21, after the word "report," to strike out "of Chief of Engineers under date of" and insert "submitted," and in line 23, after the word "ninety-six," to strike out "in House Document No. 818, of Fifty-fourth Congress, first session"; so as to make the clause read:

Constructing harbor of refuge at Presque Isle Point, Marquette Bay, Michigan, in accordance with report submitted March 21, 1896, \$30,000.

The amendment was agreed to.

Mr. FRYE. According to the agreement, I will not ask the further consideration of the pending bill at the present time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the third committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, further insisted on its disagreement to the amendments of the Senate to the bill numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. McCALL of Tennessee, and Mr. DICKERY managers at the further conference on the part of the House.

The message also announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

A bill (S. 673) granting to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers; and

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2) disposing of condemned cannon;

A bill (H. R. 1345) to amend the military record of Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers;

A bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court;

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 5280) for the relief of George W. Freeman;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States; and

A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

JOINT SPECIAL COMMITTEE ON CONGRESSIONAL LIBRARY, ETC.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the resolution passed by the Senate April 24, 1896.

The amendment of the House of Representatives was to strike out all after the resolving clause and insert:

That the Joint Committee on the Library of the House of Representatives and of the Senate be authorized to sit in Washington, D. C., during the recess of Congress, for the purpose of inquiring into the condition of the Library of Congress, and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Library of Congress.

The said joint committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry. The necessary expenses of the sittings of the said joint committee, including the pay of the

stenographer, are to be paid out of the contingent fund of the House of Representatives and Senate, on vouchers approved by the chairman of said joint committee: *Provided*, That the expenses incurred under this concurrent resolution be reported to the second session of this Congress.

Mr. HANSBROUGH. I move that the Senate agree to the amendment of the House of Representatives.

Mr. VEST. Is that a conference report?

Mr. HANSBROUGH. It is not.

Mr. VEST. What is it?

Mr. HANSBROUGH. It is a substitute for a resolution passed by the Senate some weeks ago, which is accepted by the Committee on the Library.

Mr. VEST. I should like to inquire what is the necessity for having a standing committee here upon the Library, which will not be finished, I understand, for a year. The committee is directed to assemble here, as I caught the resolution, in the vacation of Congress and to pass upon vouchers and make arrangements for the Library. It is an extraordinary proceeding, it seems to me. I want to be as good-natured and courteous as anybody on the floor, but it seems to me that this is rather stretching parliamentary precedent.

Mr. HANSBROUGH. I will state to the Senator from Missouri that the special committee now in existence pertaining to the Library was simply to look after the Library during the course of the construction of that building, and that the purpose of the work to be performed by the Joint Committee on the Library, in accordance with the resolution, pertains to the Library building after it is completed and accepted by the Government.

Mr. VEST. Will the Senator be kind enough to tell us what his information is as to the time of completion of the building?

Mr. HANSBROUGH. The resolution has nothing whatever to do with the building prior to its completion and acceptance.

Mr. VEST. But I understand the resolution provides that the committee shall sit here during the coming vacation?

Mr. HANSBROUGH. To formulate a plan for the future management of the Library of Congress when it occupies the new building, after the building is completed and accepted.

Mr. VEST. Do I understand the Senator to claim that the committee ought to be in session here to formulate that plan? It strikes me that it is rather singular that they can not formulate a plan for the government of the Library outside of Washington City as well as in it. It is an extraordinary proposition.

Mr. HANSBROUGH. The resolution does not provide that the committee shall sit outside of Washington. It provides that it shall sit in Washington during the recess and examine—

Mr. VEST. That is the very point. I ask, why is it necessary to meet here in the recess to formulate a plan for the government of the Library? I am informed (I have no information about it except from the present Librarian) that the building will not be ready for occupation for a year at least; and that the committee shall be here during the summer months in advance of the completion of the building in order to formulate rules for its government is a little extraordinary.

Mr. HANSBROUGH. I understand that the Library building will be ready for occupancy next February. It is not proposed that the committee shall sit during the entire recess of Congress. The understanding is that perhaps two or three weeks during the month of November will be occupied in formulating a plan for the future management and custody of the Library building and the Library of Congress.

Mr. VEST. That is almost a year from now. There is a difference of two months in the time. Is the resolution just introduced?

Mr. HANSBROUGH. The resolution passed the Senate originally and the House amended it. The Committee on the Library accepts the amendment, and my motion is that the substitute sent here by the House be agreed to by the Senate.

The VICE-PRESIDENT. The Chair laid before the Senate the amendment of the House. The question is upon the motion of the Senator from North Dakota, that the Senate agree to the amendment.

Mr. CHANDLER. When the Senate resolution was under consideration I asked that the words "in Washington" might be inserted so that by no possibility should we authorize a committee to make trips. The suggestion was at once accepted by the Senator from North Dakota. As I read the House provisions this morning they are very brief and simply authorize the joint committee to sit here in Washington during the recess and prepare such recommendations as may seem wise to them in reference to the transfer of the existing Library to the new building and any other recommendations that it would be proper for them to make. While I am opposed to any such extraordinary resolution as the Senator from Ohio [Mr. SHERMAN] introduced the other day to banish to Alaska not an inconsiderable portion of the Senate during the recess, I regard this particular resolution as entirely conservative and in every way beneficial to the public service.

Mr. HANSBROUGH. I should like to have the resolution read again for the information of Senators. I think the Senator from Missouri misunderstood the resolution.

Mr. CHANDLER. Let the amendment of the House be read. The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on the motion of the Senator from North Dakota, to agree to the amendment. The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2) disposing of condemned cannon;

A bill (H. R. 1345) to amend the military record of Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers; and

A bill (H. R. 5280) for the relief of George W. Freeman.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock; and

A bill (H. R. 7983) to pension Frances E. Wickware.

The following bills were several read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.; and

A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court; and

A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

The bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 23, 1889, and for indemnity school lands, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution submitted by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEPPER. Mr. President, I shall ask the Senate to remain in session to-day until the resolution is disposed of.

Mr. HILL. Mr. President, have I not the floor? I believe I have the floor on the resolution.

The VICE-PRESIDENT. The Chair will state that the Senator from New York is entitled to the floor. The Chair did not know for what purpose the Senator from Kansas had risen.

Mr. PEPPER. I think it was a very proper purpose. I simply want to ask the Senate to remain in session until the resolution is disposed of.

Mr. HILL. I would have been entirely willing to yield the floor if the Senator from Kansas had asked me, but I do not wish to have the floor taken from me arbitrarily to make any sort of announcement.

Mr. GORDON. Will the Senator from New York yield to me one moment in order that I may offer an amendment to the pending resolution?

Mr. HILL. Yes, sir.

Mr. GORDON. I will state that the amendment simply proposes to change the words "a committee of five Senators" to "the Committee on Finance." I ask that the amendment lie on the table for the present. I shall call it up at the proper time.

The VICE-PRESIDENT. The amendment will lie on the table as requested.

Mr. HILL. Mr. President, during the debate of yesterday I was asked the question what objection I had to the passage of the present resolution, now that some of its especially offensive provisions have been eliminated. I said I would answer that question before this debate terminated. I might as well devote a few moments to that question now.

I am opposed to the resolution because I consider it wholly unnecessary and uncalled for, unprecedented in its character, and as establishing a most pernicious and unwise precedent. It is a sufficient objection to the passage of the resolution that it is unnecessary. The resolution, sir, must go, if it should pass, to the

Committee to Audit and Control the Contingent Expenses of the Senate before it can become operative. I will call the attention of the Senator from Colorado [Mr. WOLCOTT] to the fact that that will involve still further delay, and will not permit us to secure that information deemed so necessary by some to enable us to vote on the river and harbor bill, which was the argument urged yesterday for the consideration of this resolution at this time.

Every single fact sought to be investigated by the resolution, with the exception of three, is before the Senate either in documents presented by the Secretary of the Treasury or in the form of other information now pending before us. I am opposed to the resolution because I want to protect the Senate from making itself ridiculous. It does that often enough without having any additional provocation or inducement.

I propose to analyze the resolution for a few moments. What facts are to be investigated? What is the information sought? To what points are the minds of the committee to be directed?

First. "To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale."

Second. "Whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale."

Third. "What obligations were due at that time and the amount of each, stated separately."

Fourth. "Who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons."

Fifth. "What was the market price of our Government bonds at the time."

Sixth. "To investigate and report as to the manner of disposing of said bonds; by what authority."

Seventh. "What contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto."

Eighth. "What agreements or contracts, and whether oral or in writing, were entered into by the Secretary of the Treasury with respect to the sale and purchase of the bonds."

Every one of these eight subdivisions of information has been fully explained by documents on file before the Senate, and I object to Senators rising here and attempting to justify their votes for the resolution upon the plea of ignorance upon these points. If Senators need information upon those eight distinct points let them read their own files. Let them read the reports of the Secretary of the Treasury. Let them read the very elaborate information which is subject to their disposal before they set up the plea that they want information. The suggestion that they want or need further information is uncomplimentary to themselves as well as to the Senate. I do not think that Senators can well vote upon the great public questions involved affecting the finances when they rise and say that they want information upon these eight distinct questions. No Senator has a right, in my humble judgment, to give his vote in regard to the great and important questions relating to our finances when he steps forward and says, "I want information upon eight distinct propositions," where the information is already at his disposal.

The amount of classified funds appears in every monthly statement of the Secretary of the Treasury. The amount of coin on hand and available appears in every daily statement of the Treasury. What obligations are due from the Government at any time can be seen in every report made by the Secretary of the Treasury. "Who purchased the bonds, in what amounts?"—that, it seems, is what they want to know; and where the purchasers live is also to be inquired into. Here in my hand and available to everyone is a special report of the Secretary of the Treasury, containing the names of the purchasers, the amounts of the bids, and where the purchasers reside. What more is wanted?

Mr. GRAY. Does anybody suggest that those reports are erroneous or mistaken?

Mr. HILL. No one has suggested it. They have not even read the reports. They admit they have not. The passage of the resolution is a complete confession of ignorance. I would not vote for such a resolution because it would stigmatize me as an ignoramus unworthy of a seat in this body, and, in my humble judgment, it is an admission on the part of every Senator who votes for it that he desires to be considered an ignoramus.

"Who purchased the bonds?" Read the reports, I answer. "In what amounts?" Here it is, clearly stated in Carlisle's special report. "Where do they reside?" Here it is, all set forth. Read it. This appears to be and is a foolish, a contemptible, an absurd resolution. There is no law against its passage, of course. You can pass the resolution if you have the power—if the majority desire it. There is no law against the Senate making a fool of itself if it is so disposed. "In what proportions and from what persons or classes," is one of the facts desired. All that appears in the report. "What did the bonds sell for?" That appears. The committee is to investigate and report "by what authority" the

bonds were sold. That presents a question of law. Read the statutes of your country if you want to know. If you can not comprehend them, then resign your seats. "What contracts or agreements were entered into for the purchase of bonds?" They are all stated in the recent report, which I hold in my hand, and which every Senator has in his possession.

Mr. President, I have stated concisely the eight distinct facts about which the resolution purports to want information. What are the subjects which do not appear in any report upon which information is desired? "What was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale?" is one of these points. Who knows? If the committee is appointed, it may sit here until its members are gray-headed, and it will never obtain that information. Why does a person present greenbacks and ask gold for them? That is what the abettors of this resolution want to know. A man has a greenback and wants to get gold for it. He presents it at the Treasury. This inquisitive resolution wants to know why he presented it to the Treasury? Why? Because Congress way back in 1875 passed a law which says that the paper obligations of your Government, such as greenbacks, shall be redeemed in coin. When any person has one of these greenbacks he has a right under the law of the land to present it and ask gold or coin for it. But there are some Senators who want to know why he presents it. The inquiry is absurd and ridiculous upon its face. That is one of the facts, of course, about which the Secretary of the Treasury can not know anything. It is a fact that nobody can know anything about, except the person who presents the greenback for redemption. What their private motives were, what their private purposes were are immaterial for purposes of legislation. They are immaterial to any matter upon which we as Senators are called upon to act.

Now here is the second item. The information sought does not appear in any report and it can not of necessity appear in any report. What is it? We are to inquire—

What effect the bond sales had on the credit and business of the people of the United States.

That is a great problem. It involves no specific information to be readily ascertained. It involves more than a mere question of fact. It involves the whole gold and silver question. Is it seriously proposed that we are to have a special committee to investigate what effect the bond sales had on the credit and business of the people of the United States? Are not Senators competent to argue upon either side of that question without any more information? It is a question about which men will readily and continuously differ. The silver men will assert it had a bad effect on the credit of the United States, and the gold men will contend that it had a good effect. The great mass of the people will say it was absolutely necessary, because there was no other way to protect the honor and the credit of the Government. But you are simply investigating an abstract question. You are simply investigating what might be termed a hypothetical question. You are simply making an experimental investigation. "What effect have the bond sales had?" No one can definitely determine. I realize that this is a Presidential year, a campaign year, when every opportunity is sought to make political capital, but I do think it is unwise to appoint a special committee to investigate the general subject of the effect of bond sales on the credit and business of the people of the United States.

What is the next point? The authors of the resolution want to know the profits made—"made or to be made"—by the syndicate that purchased the bonds. "Profits made or to be made!" Who knows what prices the Government bonds are going to be to-morrow? Who can forecast the future? If I, as a member of the syndicate, purchased Government bonds, how can I know or any committee know what I am going to get for those bonds next week? What profits are to be made in the future by the syndicate? Who can tell? The other day a distinguished Senator rose in his place and objected to any law that allowed dealing in futures. He said it was gambling. Here is a proposition on the part of the Senate of the United States seriously to engage in the transaction of investigating what profits are "to be made" in the future sale of bonds. Of course the Secretary of the Treasury can not tell that. Nobody can tell precisely what the syndicate made or is going to make except by asking the syndicate itself.

The questions which I have mentioned, of course, are three questions which can not be determined by the printed record. They must be determined by outside investigation, if at all. I submit to the good sense of the Senate that these three items of information which are proposed to be obtained outside of the actual reports upon our desks are unworthy of inquiry. It is a speculative inquiry. It is a gambling inquiry. It is semipolitical, in its character, involving in one respect the whole question between the gold side and the silver side; and a report is seriously expected to be made upon the matter. How are you going to examine the syndicate? Will some Senator rise in his place and

tell me how it is to be done under the resolution? I say you can not subpoena a single witness under the resolution as it now stands. I say you have no constitutional power under the resolution to compel a single member of the syndicate to answer any question relating to what he received for his bonds when he sold them to Tom, Dick, or Harry. I suppose the friends of the resolution will say, "We will determine that afterwards." Yes; run up against the Constitution. It will not be the first time they have done it. They propose to antagonize the laws. You have no power, you have no authority in the resolution for summoning witnesses; no power to subpoena witnesses, no power to compel answers to questions about the private transactions of syndicates or of men who buy bonds. I assert as a proposition of law that if I put in a bid for the purchase of bonds and receive an allotment of them, and I should voluntarily go before the committee, I could refuse to answer to whom I sold the bonds or what profits I made by such sale. The resolution is not based upon any allegation that the information is desired for future legislation. It is not based upon an allegation of misconduct against any member of the Senate. It involves no question of high privilege. Therefore it does not come within any of the decisions of the courts in which it is held that you can inquire into private transactions of individuals.

Mr. GRAY. We can not investigate as ground of impeachment. Mr. HILL. And, sir, we can not investigate for grounds of impeachment. The Constitution settles that question. But we ought to have an investigating committee to determine what the Constitution is, because some Senators do not seem to understand it. They are going to investigate by what authority the bonds were issued; a legal question. Why not investigate what the Constitution is?

Need I remind the Senate that under the Constitution of the United States the House has the sole power of impeachment? As a matter of propriety, if nothing else, it would be better that the Senate should wait. Let the House, fresh from the people, present its articles of impeachment against the Secretary of the Treasury, because if there is anything at all to investigate here it is simply a question which might or might not constitute a matter of impeachment, which the House should originate. Therefore I have answered the question put to me yesterday as to what objection I have now to the resolution in its amended form. It still retains the provision for a special committee, objectionable to all the traditions of this body. There is contained in it a proposed inquiry as to facts not needed or really demanded, and if any Senator here wants this information for any honest purpose, for the purpose of aiding him in casting his vote upon any public question involved here, he has only to read the records on file now before him.

When I was discussing this question yesterday just prior to the adjournment of the Senate, I was considering in detail the alleged grounds for the investigation so far as the last public sale of bonds is concerned. A great deal has been said in the public press and elsewhere in regard to what is called the Graves bid. I thought it undignified that the Senate should proceed to investigate what was the occasion or subject-matter of a lawsuit against the Secretary of the Treasury. I pointed out the fact that Mr. Graves had gone into court. I pointed to the fact that Mr. Graves had made serious allegations against the Secretary of the Treasury. I pointed to the further fact that in the litigation the Secretary of the Treasury had replied. I pointed to the fact that the plaintiff had abandoned the litigation. Is that not enough for the Senate? Do you want to invite Mr. Graves to go ahead? Are you not satisfied with his withdrawal of the litigation? Do you want to aid litigation against the officers of your Treasury by stirring up resolutions of inquiry? Are we retained to aid this litigation? No, no, Mr. President, it is unworthy of dignified Senators. Let the lawsuit stand upon its own merits. Let the lawyers of Mr. Graves fight the question in the courts, where both sides can be heard, where Mr. Carlisle can have his day in court. But, notwithstanding the withdrawal of the litigation, notwithstanding the abandonment of it, the resolution is pressed to take the place of great appropriation bills, pressed because it is seemingly of tremendous importance, pressed as though the whole fate of the present Administration was to hang in the balance, dependent on the determination of this investigation.

I put in evidence yesterday the proposal for bids by the Secretary of the Treasury. I answered some of the criticisms which had been made against the proposal. I have investigated the details of this Graves matter a little more thoroughly than I had theretofore. I am now prepared to say that I am perfectly satisfied that the Secretary of the Treasury, so far as Mr. Graves's bid was concerned, absolutely discharged his duty.

The Morgan bid was a full bid for the \$100,000,000 of bonds. I will read it:

FEBRUARY 3, 1890.

We hereby propose, under the terms of your circular of January 6, 1890, to purchase United States 4 per cent thirty-year bonds described in said circular of the face value of \$100,000,000, and agree to pay therefor at the rate of 110.6877 and accrued interest per \$100. We further agree upon due notice of

the acceptance of this subscription to deposit the amount thereof in gold coin or gold certificates with the United States assistant treasurer at New York or other cities mentioned in the circular, to be approved by the Secretary of the Treasury in accordance with the terms of said circular.

We desire (registered or coupon) bonds in denominations as stated below, and we wish them to be delivered to us at such places as may be designated after receipt of notice that this proposal has been accepted.

J. P. MORGAN & CO.

THE NATIONAL CITY BANK OF NEW YORK,

By JAS. STILLMAN, President.

DEUTSCHE BANK OF BERLIN,

By EDWARD D. ADAMS, Attorney in fact.

HARVEY FISK & SONS.

To the SECRETARY OF THE TREASURY.

Coupon.	Registered.
\$50 -----	\$50 -----
100 -----	100 -----
500 -----	500 -----
1,000 -----	1,000 -----
	5,000 -----
	10,000 -----

It will be observed that this bid was for the full amount of the \$100,000,000 of bonds. It being for the full amount, and the greater including the less, it was for every part of the \$100,000,000 of bonds. There was no provision, any more than there was in any other bid, that if the full amount of the bid should not be obtained the parties did not want to take a part. The bid, therefore, was for the full \$100,000,000 of bonds or, in legal effect, any part of the \$100,000,000.

There were 4,641 distinct bona fide bids. The highest accepted bid was 130.8749 for \$50 only. In other words, the highest bid was 130 and a fraction for \$50 only. The lowest accepted bid was that of Morgan & Co., at 110.6877. It is the lowest accepted bid so far as the Government is concerned. The bid was for the full sum of \$100,000,000, and there was first awarded to Morgan & Co. what was left of the bonds after all previous higher bids had been accepted, to wit, \$37,915,850. The next highest bid to Morgan's was that of Kidder, Peabody & Co., of Boston, 110.69 for \$2,000,000. There were 830 accepted bids, of which 829 were higher than that of the Morgan bid, leaving 3,811 bids lower than that of Morgan & Co.

The Graves bid was for \$4,500,000 at 115.3391, which made the rate of interest 3½. When Mr. Graves failed to produce his gold on the day specified in the proposal there were two courses to pursue: First, to advertise and sell the bonds again or not advertise and sell them, or else to accept the next highest bid, which was that of Morgan & Co. I did not state that fact yesterday because I had not then examined fully the report recently presented here, not expecting that the debate would be resumed yesterday. It is a fact, not heretofore fully stated to the public, that Morgan & Co.'s bid was the next highest bid for the benefit of the Government, and therefore when Mr. Graves's bid failed, collapsed, forfeited, because he did not produce the gold, the Secretary of the Treasury said he would accept the next highest bid, which was that of Morgan & Co.

There is but one possible criticism to make, and that is that he should have put the bonds up and sold them again. What then would have been the criticism? If the bonds on the resale had not brought as much as Morgan & Co. had bid for them, then it would have been said that Morgan & Co. had bid a hundred million dollars and the Secretary of the Treasury had a right to hold them to it; that he ought to have made them take the bonds at that figure, because their bid was higher than 3,811 other bids. Therefore I am prepared to say that in my humble judgment the Secretary of the Treasury acted wisely, acted discreetly, acted as a business man, acted legally, and that there is no sort of criticism which can be made in regard to his conduct.

When grave Senators propose here to pass a resolution asking for the names of the bidders, as the resolution does, asking information as to the amounts of the bids, asking what the bonds were sold for, I am inclined to ask the Secretary to read, as a part of my remarks, the report which I hold in my hand. If you are going to pass the resolution saying you want that information, you might as well have it now as at any other time. Strike that portion of the resolution out. You do not need it. Here is the information in the book. You can read it. I will reserve, however, that question for the future.

How many bids were there which were forfeited? My friend the Senator from Missouri [Mr. VEST] last evening asked me in regard to that matter, and I was unable to furnish him the exact information. There were only ten forfeited bids, of which Graves's bid was one. The Graves bid, as I have said, was for \$4,500,000. The nine other forfeited bids amounted to only \$237,000. Those were given to Morgan & Co., because Morgan & Co. were the next highest bidders. I wish to ask the Secretary to read the names of the forfeited bidders with the amounts, because I want the facts to go into my remarks.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as indicated.

The Secretary read as follows:

No.	Subscriber.	Residence.	Amount of bonds.	Price.
19	John L. Farwell, jr.	Claremont, N. H.	\$100	120
25	W. F. Decker.	913 Guaranty Loan building, Minneapolis, Minn.	500	114.286
499	Ralph Wise.	Otsego, Mich.	750	115.67
581	John M. Gallaway.	Madison, N. C.	300	114
601	George F. Pepper.	Philadelphia, Pa.	300	120
1795	Rufus R. Humphrey.	Churubusco, N. Y.	10,000	119.3229
2773	Wm. Graves and associates.	Mills Building, New York.	4,500,000	115.3391
3259	C. L. Riker.	Newburg, N. Y.	50	117.02
3576	Charles Overall.	Room 29, Portland block, Chicago, Ill.	110,000	112
3611	Peter Schmidt.	Care of Chas. P. Willard & Co., 197 South Canal street, Chicago, Ill.	115,000	111.50
Total.			4,737,000	

Mr. HILL. So, Mr. President, aside from the Graves bid, which was \$4,500,000 of itself, instead of there being millions of other forfeited bids, there were only bids to the amount of \$237,000—ten in all—and those bids, I say, were properly and legitimately given to the next highest bidders, which were Morgan & Co. There were a few bids thrown out, of which there has been no criticism anywhere. I stated yesterday that I knew of a certain gentleman in my own State who had bid for a large amount of the bonds, and whose bid was thrown out for good and valid reasons. I find that the A. P. A. Daughters, whatever they may be, of Moores Hill, Ind., subscribed for the whole sum of \$100,000,000.

The newspapers gave the reasons why these bids were thrown out; and there was also one from Vernon, Tex. Nobody has made any criticism of such action of the Secretary of the Treasury or pretended but what those bids were absolutely fictitious. One of the bidders was insane, and had made a bid when he had not a dollar in the world and was confined in an asylum. Nobody has made any criticism, and there is not any point in regard to such bids; so I will not put them in the RECORD, because it is not necessary to refer to them further. Therefore, resuming my argument on the Graves bid, I say the Graves bid was properly thrown out and the Morgan bid was properly accepted. It will not do for the Secretary of the Treasury to advertise \$100,000,000 of bonds and let capitalists make their figures accordingly—Morgan & Co.'s bid being higher for the Government than some 3,000 others—and then, when certain people forfeited their right to secure bonds, to assert that Morgan & Co. should be ignored, or that the bonds should be put up for sale again. We wanted no mock-auction business in regard to this affair. When the Government puts up its bonds, let them be sold to the highest bidders, and such bidders obtained them here. The situation, legal and otherwise, was exactly as though the Graves bid had never been made, and if it had never been made Morgan & Co., being the next highest bidder, would have received the bonds in the first instance.

Now, Mr. President, it may do for the press, which sometimes wants sensational matter—and I do not blame them for it—to talk about the Graves suit. I do not know that I ought to follow this matter up; I do not know that that is necessary, but I want to put in evidence here the affidavit of Secretary Carlisle himself in this litigation, which has now been withdrawn, which details just what sort of a fraud Mr. Graves was. I have already commented on the fact that on the day before he was to fulfill his bond contract he was peddling these bonds around the city of New York, and he could not obtain the amount of his bid for them. On that day the market price of the bonds was considerably less, and he could not get in that great city anybody to take his bid off his hands, and that is the reason he failed; and I have here the affidavit of Mr. Carlisle in this litigation. If we are going to make ourselves a tender to litigation in the District of Columbia; if we are not going to be satisfied with the matter when the complainant is beaten in court and when he withdraws his suit, abandons it, but if we are still going to continue this investigation which is nothing more nor less than persecution, getting up a scandal and throwing mud—if the record which we are making here to-day is to go down to history, let us accompany it with the affidavit of the Secretary of the Treasury in the litigation, which I ask the Secretary to read, so that we may have the whole truth for this fall's campaign.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[In the Supreme Court of the District of Columbia. No. 39805 at law. The United States, ex relatione William Graves, vs. John G. Carlisle, Secretary of the Treasury of the United States.]

AFFIDAVIT OF JOHN G. CARLISLE.

UNITED STATES OF AMERICA, District of Columbia:

John G. Carlisle, having been first duly sworn, deposes and says: On January 6, 1896, a circular was issued by me, as Secretary of the Treasury of the United States, inviting sealed proposals for the purchase of United States bonds. It was stated that "purchasers will be required to pay in

United States gold coin or gold certificates for the bonds awarded to them and the interest accrued thereon after the 1st day of February, 1896, up to the time of payment for the bonds." Payments for the bonds were required to be made at the various subtreasuries of the United States by installments as follows: Twenty per cent and accrued interest upon receipt of notice of acceptance of bids and 20 per cent and accrued interest at the end of each ten days thereafter; that all accepted bidders were given the privilege of paying the whole amount at the date of the first installment, and those who had paid all installments previously maturing were allowed to pay the whole amount of their bids at any time not later than the maturity of the last installment.

On January 6, 1896, a circular was issued by me which contained the following:

"The subscriber should state plainly the amount of bonds desired, the price which he proposes to pay, and the place where the bonds should be delivered, which may be at the subscriber's home, or any other convenient place."

Among the proposals received was one from "William Graves and associates."

Said Graves was wholly unknown to the Department, and the facts that he failed to give his street or office address, that the names of his associates were not disclosed, and that the price he proposed to pay for the bonds was considerably higher than responsible and bona fide bidders were offering were sufficient, in affiant's opinion, to justify an inquiry concerning his financial character and standing before disposing of his proposal. Affiant accordingly caused inquiries to be made at once in the city of New York, but no definite or satisfactory information concerning his business or financial standing was obtained, and on the 7th day of February, 1896, affiant caused a telegram to be sent to the assistant treasurer of the United States at San Francisco, inquiring as to the financial standing and responsibility of said Graves, and received on the same day in reply a telegram to the effect that Graves was known very slightly as a promoter or financial agent, but not as a capitalist.

Although the information thus secured was not considered sufficient to show to affiant's satisfaction the ability of the bidder to pay for such a large amount of bonds, yet as he appeared to have been known as a financial agent, and as he professed to have others associated with him in making his bid, it was deemed better not to reject his offer without first giving him an opportunity to comply with the terms of the circular and his bid. Out of abundant caution, therefore, and in order to avoid a possible mistake in a matter of such importance to the bidder and to the Government, a notice of acceptance was mailed. The proposal of Graves and associates was dated "New York City, N. Y." No other address was given. The body of the bid contained the following:

"We desire (registered or coupon) bonds in denominations as stated below, and we wish them to be delivered to us at I. B. Newcomb's, Mills Building, New York City, or Bank of California, San Francisco, Cal."

This was understood to refer alone to the delivery of the bonds at one or both of the places named, as the bidder might decide, if successful, and was not understood to have any reference to the address to which the acceptance of the bid should be sent. There was no "designated office," as stated in paragraph 7 of the petition, to which communications were to be directed.

On the evening of February 9, 1896, being the same day on which the other notices to accepted bidders were mailed, a notice of acceptance was mailed to "William Graves and associates, New York, N. Y.," which was in accordance with the address given in his bid of February 4, 1896.

This letter was received at the post-office in New York on the morning of February 10.

All notices to other bidders were mailed according to the address given in the bid.

The acceptance of this bid was on the printed form used in notifying all other bidders, the only variation being in the filling of blanks in each case according to the bids.

The acceptance contained the following:

"You are therefore requested to deposit with the United States assistant treasurer at New York on or before the 15th day of February, 1896, the sum of \$1,038,051.90, which is 20 per cent of the amount of your subscription at the price above named."

And also the following:

"The bonds will be issued only upon receipt by the Secretary of the original certificate of deposit of the assistant treasurer receiving the payments."

A list of the accepted bidders, which included William Graves and associates, was published in the principal newspapers of New York City and of the country generally on the morning of February 9.

Graves knew on Monday, February 10, all the facts which it was necessary for him to know, and which he would have known if he had that morning received the formal acceptance of his bid.

He knew through the newspapers of the acceptance of his bid, as is shown by Exhibit J to his petition, in which he says: "Even though the newspapers quoted the accepted bidders, the bank absolutely refused to continue until my notice from you was in hand."

On February 10 he sent to affiant a telegram as follows:

"Bank of California received their bond allotment. Has ours been forwarded? Wire."

To the above telegram an immediate reply was sent, stating that his notification had been forwarded.

On the 11th day of February, which was four days before he was required to make any payment, he received a duplicate of the original letter of notification of allotment.

The statement in the ninth paragraph of the petition that petitioner "immediately upon the receipt of this duplicate notice applied to the Secretary of the Treasury, requesting an allowance of the time lost to him by the negligent act of the Department in misdirecting the original notice of allotment, but that said allowance was declined by said Department through a telegram received by your petitioner on the 15th day of February, 1896," is false.

The first application for an extension was made February 13, at 12 m., through Mr. Nailor, of Washington.

At the same time Mr. Nailor presented a letter which was written to him by William Graves from New York on the 12th day of February, 1896, which is as follows:

"WALL STREET, MILLS BUILDING, NEW YORK.

"MY DEAR MR. NAILOR: I am among the fortunate bidders for \$4,500,000 Government fours, and I am going to carry my negotiations to an issue, and of course every day counts, and I want this favor from some one to Secretary Carlisle:

"First. Because all bids were supposed to have been forwarded on Saturday last or Sunday and due here Monday. My notice I did not receive, and on Monday I wired, but got no answer until the following day (Tuesday). Gold advanced, the bonds sold for less, and my notification of acceptance marked 'duplicate' came wrongly addressed, and it found me yesterday p. m., but only after my advising the letter carrier, whom I know, to hunt it for me; and I have the envelope to prove its clerical error. In view of this fact I am behind nearly two days, and quotations prove my loss to be at this writing over \$30,000.

"I am, however, prepared to carry the loss and pay my deposit of, say, one million and over on Saturday.

"But I want all this explained to Hon. J. G. Carlisle by you in person if you will do so, and ask him to wire or write this extension until Wednesday, 11 a. m., for me to make my 20 per cent payment if I desire the privilege; but I am, however, prepared to meet any bid as required under circular of January 15, 1896."

"Kind regards to you and yours."

"Most sincerely,"

WILLIAM GRAVES."

It appears from this letter, first, that petitioner was asking a favor; second, that he was a mere speculator and did not have the gold to carry out his contract, but was dependent upon hawking his bid about on the market; third, that he did not apply immediately upon receipt of the duplicate notice for an extension, as stated in paragraph 9 of his petition, but waited until the next day, and then wrote to Mr. Nailor and made his application through him; fourth, that, according to his own assertions, he had not suffered by not receiving the notice so far as impairing his ability to carry out his contract was concerned, but only as a speculator, for he distinctly says that, notwithstanding what had happened, "I am, however, prepared to carry the loss and pay my deposit of, say, \$1,000,000 and over on Saturday." * * * "I am, however, prepared to meet my bid as required under circular of January 15, 1896."

No extension was promised or granted.

On February 13, 1896, said Graves wrote to affiant stating that he had heard from Mr. Nailor; that he had gone to the subtreasury that day preparatory to depositing the 20 per cent in accordance with his bid, and asking that the bonds be delivered to the subtreasury to be given to him upon anticipated payments being made, including the first 20 per cent payment.

Thus, after failing to get an extension of time, petitioner next sought to have the contract so modified that the bonds should be delivered in New York before any payment had been made.

To this letter, which was received February 14, 1896, an immediate answer was sent as follows:

"Letter received. Bonds are issued only upon receipt at this office of the original certificate representing payment therefor."

During the morning of the day the first installment of 20 per cent was due, February 15, 1896, Mr. Graves made another application, by telephonic message, for an extension of the time. To this request a reply by telegram was sent immediately as follows:

"Application for extension is declined by Department."

Said Graves sent to affiant a telegram, which was received at 11.50 a. m. February 15, 1896, which is as follows:

"Under your circulars of February 6, 9, and 15 you say 20 per cent may be deposited for the first payment by subscribers to the new bonds. Reserving this privilege as you do without demanding this payment, we tender you this proposition, agreeing to deposit 20 per cent toward a subscription to any and all bonds which may be considered by you a default on this date, our bid being \$1.134, giving you satisfactory financial indorsements by Wednesday, February 19, 1896, of our ability to fulfill this agreement."

"WILLIAM GRAVES AND ASSOCIATES."

This telegram is withheld and not mentioned in the petition.

As appears above, Graves had been fully advised that his bid would have no effect if he failed to pay the first installment on or before February 15. He knew that all bids on bonds not thus consummated would be regarded as in default. With knowledge of these facts he, in the above telegram, made a new bid on all the bonds which affiant might consider in default, which included his own, and he thus bid a premium of 134 per cent upon bonds which had been awarded to him at a premium of 15.3391 per cent.

Graves did not make any deposit on this new bid, but asked until Wednesday, February 19, to give satisfactory financial indorsements.

No notice was taken by the Department of this second bid, and subsequent communications by Graves in regard to it, for the reason that according to the terms of the circular under which the bonds were offered to the public the time for receiving bids had expired on February 5, 1896, at 12 o'clock m., and no bids made or received after that time had been or could be properly considered. Bids had been made in good faith by responsible parties within the designated time, and in accordance with the terms of the circular, for the whole of the proposed loan, and the Department had in every case declined to consider any bid which was not so made.

After making his second bid, Graves, on February 15, wrote a letter to affiant, a copy of which is Exhibit H to the petition. Having failed to get the time for payment extended, having failed to procure the bonds to be sent to New York before he deposited the gold, he, in the letter last referred to, undertook to predicate a right under his original bid upon alleged clerical errors and delays in the Treasury Department, and to reinforce his claim by insinuations and threats.

In paragraph 11 of the petition it is stated that the telegram of February 14 above set out, a copy of which is made Exhibit I to the petition, was in reply to the petitioner's letter of the following day, February 15. The letter was written February 15, and was not received in Washington until February 16, whereas the telegram referred to was sent and was received by Graves on February 14, and was in reply to his letter of February 13, asking that the bonds be sent in advance of the deposit of the gold.

In paragraph 12 of the petition it is said that on February 15, 1896, petitioner notified the Department by letter that he did not want or desire an extension of the time within which to comply with his bid, informing the Department that the gold had been provided by him on the Saturday preceding with which to meet and pay the installment on his allotment. What purports to be a copy of this letter is attached to the bill, marked Exhibit J. In addition to suppressing and falsifying material portions of the history of this transaction, as above set forth, said Graves in his petition imposes upon the court a garbled letter. His letter of February 15 as it appears in Exhibit J and his letter as it really was are here set out in parallel columns.

EXHIBIT J.

My subscription to \$4,500,000 of the new Government bonds was made in good faith, and I am prepared to live up to the letter of the transaction.

Deliver me the bonds and I will pay for them as agreed. I received a telegram to-day as follows, sent from Washington at 11.14 a. m.:

"Application for extension is declined by Department."

"(Signed) W. E. CURTIS, Assistant Secretary."

Now, I do not want an extension, neither do I ask for it; but I think it due by law and equity that one person be given equal chances with another, and that I be made good financially and because of the forfeit of my good name in not taking my bonds, because of a clerical error on your part in not properly addressing my letter.

ORIGINAL LETTER.

My subscription to the sum of \$4,500,000 bonds was made in good faith, and I am prepared to live up to the letter of my bid.

Deliver me the bonds and I will pay for them as agreed. I inclose to Mr. Nailor the sealed letter from you that you may see it, because of this delay, caused by a clerical error, I could not get my gold from the Bank of California, to whom I refer you, until I produced the letter of acceptance from you; then the bonds went down and I could not collateral them at the price, and I was on the market as a borrower. To-day I received a telegram signed W. E. Curtis, Assistant Secretary, as follows, sent at 11.14 a. m.:

"Application for extension is declined by Department."

Now, I do not want an extension; I

Again, the United States Government can not afford to lose \$239,000, which is the sum of money the Government will get from me over the next bidder, provided you make the allotment to such bidder in place of getting the market quotations. I can not afford to have myself and family sacrificed for this transaction, neither will I do so.

I refer you to the Bank of California that the gold was promised me on Tuesday to meet my demands, to Messrs. Seligman, to the ex-Secretary, Fairchild, and others, upon demand from you; but, even though the newspapers quoted the accepted bidders, the bank absolutely refused to continue until my notice from you was in hand.

simply want the time made good to me which was lost by this error, and in law and equity I am entitled to it, and I know you will not want the Government to lose \$239,000, which is the sum of money I pay in excess of other bids, unless you sell them in open market. I refer you to the Bank of California of this city, to Seligman & Co., Von Hoffman & Co., Ladenburg, Thalmann & Co., and others, as an evidence of my ability to carry this transaction to an issue, and the Bank of California refused to continue on Monday until I presented my letter from you.

Now, my honorable Secretary, do not allow the Government to lose this just sum; do not allow me to lose my good name because of my failure to meet conditions over which I had no control—namely, the drop in values after your notice came to hand, but on the other hand give me what you are in a position to, in justice, allow and believe me,

Very truly, yours.

It appears from his genuine letter that he could not get the gold in the Bank of California until he produced a letter of acceptance from affiant; that at the time he received the letter the bonds had gone down so that he could not use them as collateral at the price he had bid; that he was on the market as a borrower, and that what prevented him from complying with his bid was "the drop in values after your (my) notice came to hand."

In the thirtieth paragraph petitioner states that on the 17th day of February he learned of a move by the Treasury Department to deprive him of his allotment of bonds, and that he sent a written protest against it, a copy of which is set out as Exhibit K. The last sentence of this protest is as follows:

"I protest against any such action, if contemplated, and I demand the right to have the offer made by Graves and associates considered favorably if the bid is above others at hand."

The above statement that this protest applied to the original allotment of bonds to petitioner is palpably false. The closing sentence of the protest above quoted shows that Graves referred to his bid of \$1.134, made by telegram of February 15, for all bonds upon which there had been a default.

This further appears from a letter sent to affiant by Graves, as follows:

"NEW YORK, February 17, 1896."

"I forwarded your Department a telegraphic offer on Saturday morning, which I now verify by mail, with the correction by substitution of January, the error being that we mentioned February, in speaking of circulars, the 6th, 9th, and 15th, 1896. We shall be pleased to have this proposition entertained by your Department that we may enter into further negotiations should it meet with favor."

This letter also was suppressed by petitioner in his statement of facts. It shows that on February 17 petitioner was insisting on his second bid on the bonds upon which he had defaulted on his first bid.

To this letter affiant made no reply. Petitioner then, on February 18, and not on February 17, as is falsely set out in paragraph 13 and Exhibit L of the petition, sent a telegram to affiant, as follows:

"Will you accept payment for the bonds allotted to me? Kindly wire answer."

On the same date, February 18, he wrote to affiant a letter, as follows:

"Mr. Thalmann, of Ladenburg, Thalmann & Co., of at your Treasury Department in this city on Saturday a. m., the 15th, to deposit the gold for payment of 20 p. c. in full for allotment of bonds due under your acceptance of our bid for \$4,500,000. I wired you this day, which I now confirm, 'Will you accept payment for bonds allotted to me? Wire answer.'"

In the fifteenth paragraph of the petition it is stated that on February 18, 1896, petitioner sent a telegram to affiant, saying that Ladenburg, Thalmann & Co. had offered to deposit gold in the subtreasury at New York City in accordance with the terms of petitioner's bid, and that such offer had been refused. The telegram referred to was sent on February 19, and not on February 18; but said Graves carefully refrains from averring in his petition that any such offer to deposit gold was in fact made, as is falsely stated in said telegram. Affiant is informed and believes that the said parties did not offer the subtreasury any gold on account of the Graves allotment, but proposed as a condition to their depositing any sum whatever on his account that the assistant treasurer at New York should accept from Graves a power of attorney for them to indorse Graves's name on the certificates of deposit. This would have been in effect a transfer of the entire bid, which was contrary to the regulations of the Department and to its practice in all cases, and the proposal was therefore properly declined.

In the said paragraph 15 petitioner says that on the same day he wrote to affiant in relation to said bid, referring to his original bid and the delivery of the gold to be paid for the bonds. This averment is untrue, for the letter written by him on February 18 has reference to his bid by telegram for bonds upon which there had been a default, and not to the bid upon which he said he offered to make the deposit and upon which all of his alleged rights are predicated.

Affiant is informed and believes that the statement made in paragraph 17 of the petition, that petitioner on March 31, 1896, made a tender to the subtreasury at New York, is absolutely false. He may have said that he would pay the gold upon the production of the bonds, but affiant is informed and believes that he made no tender at any time.

Affiant further states that the averment made in paragraph 18 of the petition that petitioner was at all times after he was notified of his allotment of bonds ready, willing, and able to pay for said bonds according to the terms and conditions of his said bid under the circular letters of the Treasury Department is not true, and that it is not true that he had the gold ready to pay into the subtreasury in accordance with the terms of his bid; that it is not true that he at any time made a tender in payment of any instalments due under his bid.

Affiant says it is untrue that the action of the Treasury Department in any of the matters relating to the transaction with petitioner was for the purpose of hindering or preventing petitioner from carrying out his bid, and says that the only thing that prevented petitioner from getting his bonds was that he did not comply with his contract.

According to the terms of the circular under which his bid was made, the first installment of 20 per cent and accrued interest was required to be paid "upon receipt of notice of acceptance of bids," and if his bid was in fact made in good faith he of course expected to comply with that requirement. By the terms of the notice of acceptance sent to him, however, the time of payment was extended until and including the 15th of February, 1896,

notwithstanding which he failed to make any deposit whatever on account of his bid.

Affiant further says that the statement in paragraph 19 that the requirement that petitioner deposit gold in the subtreasury at New York, and transmit the original certificate of such deposit to the Treasury Department at Washington was and is a requirement not exacted of other bidders, is untrue.

Affiant further states that the averment in paragraph 20 of the petition that certain allotments of said bonds were sent to New York, and that in this certain bidders were favored, is untrue. It is not true that any bonds were sent to the subtreasury in New York and were there delivered as the gold was deposited.

The statement in paragraph 21, that the Treasury Department accepted assignments of bids and powers of attorney in case of other successful bidders, is untrue.

The statement in paragraph 22, that the Secretary of the Treasury could not impose reasonable conditions for the forfeiture of bids on account of non-compliance with them within a stipulated time, ignores the whole purpose for which the loan was undertaken. It was necessary that the loan should be successfully carried through. This could not be done unless a time was fixed for payment, with a condition that the rights of accepted bidders should be forfeited by noncompliance. It was necessary that the loan should be carried through in such a way as to prevent gold already in the Treasury from being drawn out of it. It was desirable that the loan should be as widely distributed as possible and among bona fide bidders. None of these ends could have been accomplished if persons had been permitted to bid with no limitations as to time for making payments, thus being enabled to keep the Government from realizing on the loan except at their pleasure and turning the whole scheme into a mere speculation.

The statement in paragraph 24, that there are still in the Treasury Department, of the said issue of bonds undelivered and undisposed of, an amount of bonds exceeding \$5,000,000, is untrue. All the bonds of said one hundred-million-dollar issue have been sold to bona fide purchasers, in accordance with the terms of the circulars offering the bonds to the public and the bids made thereunder. Some bonds have not been delivered to the purchasers, but all of them were disposed of before this petition was filed and became the property of bona fide purchasers who have the right to demand their delivery upon paying installments not yet due.

JOHN G. CARLISLE.

Sworn to before me and subscribed in my presence this 24th day of April, 1896.

Notary Public.

Mr. HILL. Mr. President, no Senator around this circle need hereafter complain that he wants any further information in regard to the details of the Graves bid and the litigation which followed. The affidavit of the distinguished Secretary of the Treasury explains the whole case and leaves not a single particle of ground upon which to predicate the suit. I do not know that Senators who favor the resolution will still be satisfied. I suppose they are disappointed that Mr. Graves has not continued that litigation. I suppose that the next thing in order will be a resolution requesting Mr. Graves to institute his suit again for the benefit of the Senate and the country.

Mr. President, it is a miserable, contemptible proposition here to propose to have an investigation involving a recently pending litigation with the Secretary of the Treasury. There is nothing of the Graves business, there never has been; there is nothing of this whole bond business, there never has been, that is not as clear as the sunlight of heaven. Senators may differ with the Secretary about the silver question. That is another matter. But so far as the bond transaction was concerned there never was the slightest ground for an investigation, except to gratify curiosity, to gratify venom, to gratify spite, because the Secretary of the Treasury was what was called a "gold bug."

Now, Mr. President, I am not alone in this view of the case. I want to read from the Philadelphia Inquirer, a leading Republican paper of Philadelphia, and the organ of the distinguished Senator from Pennsylvania [Mr. QUAY], a recent candidate for the Republican nomination for the Presidency. [Laughter.]

IS THE LOAN A FAILURE?—WHERE THE RESPONSIBILITY RESTS.

It is evident that the bond question is going to be thoroughly ventilated in Congress. Mr. TILLMAN's effort to secure an investigation—

The editor has got Mr. TILLMAN mixed with Mr. PEPPER. In the light of recent developments I do not wonder at it.

Mr. TILLMAN's effort—

It should be, of course, Mr. PEPPER's effort—

to secure an investigation of the various issues has been followed by a somewhat similar resolution offered by—

I strike out the offensive term and will not read it—

Mr. LODGE of Massachusetts. The fact that the Administration has handed over to the Morgan syndicate almost \$5,000,000 in bonds bid for by other parties has given an impetus to the inquiry. The other parties failed to come to time. True, an investment company of New York has offered to take these bonds at a better rate than the Morgan syndicate, but Secretary Carlisle would not have been justified in accepting that offer. A certain day was fixed for bids. The bids were offered and the awards were made. The Government, if it is to keep faith, can not go outside of those bids. Therefore it is not to be criticised for handing over the \$4,700,000 to the Morgan people.

There may be a field for investigation in the fact that the Administration entered into a secret negotiation with the syndicate for the disposal of the last fifty-million-dollar issue, but what is of much more to the point now is whether the one-hundred-million-dollar loan is going to prove a failure. Gold is being withdrawn from the Treasury at an average rate of something like \$1,000,000 a day. This proves conclusively that the bonds are being paid for by gold being taken out of the Treasury. Of course the Administration can not be held responsible for that. What it is responsible for is its advocacy of a low-tariff measure, which has reduced the revenue of the Government to such an extent that it is more than exhausted by the expenditures. Having arrived at a point where the Government can not pay its bills without borrowing, these bond issues became necessary. The President in this latest issue certainly has conformed to the law, but the party of which he is the leader will be responsible if this loan is a dire failure.

That is, in my judgment, the public estimation of the bond transaction. The Graves bid can not hereafter cut any serious figure in the discussion of the question.

I have already commented upon the fact that investigations should not be inconsiderately ordered or ordered upon light or trivial reasons. I have given some samples which have been sent to me. I have stated that the tendency of the times is toward the investigation of every conceivable thing; that if the Senate is to investigate every subject upon the bare suggestion of a Senator there is no telling what would soon be investigated. I will read a letter showing that when the Senator from Kansas is encouraged to offer resolutions of investigation other people are encouraged to ask them also, and when the Senate proposes to treat such resolutions seriously it will be overwhelmed with similar applications of all kinds:

[Woman's Christian Temperance Union of the State of New York.]

OFFICE OF THE PRESIDENT,
217 WEST ONE HUNDRED AND THIRTY-FOURTH STREET,
New York, April 6, 1896.

DEAR SIR: My attention has been drawn to the removal of Governor Hughes, of Arizona. Governor Hughes, I am informed, has always stood for the best interests of temperance and morality, and I respectfully ask that you will urge a thorough investigation into the causes of his removal.

With respect, I am, very truly, yours,

MARY T. BURT.

President W. C. T. U. of the State of New York.

Hon. DAVID B. HILL,
Senate Chamber, Washington, D. C.

Mr. President, the precedent will be set here that every time an important public and official transaction occurs it must be investigated by a committee, no matter whether there is any ground for it or not, no matter whether there is any good reason for it or not. Everything which we do is to be subject to investigation at the caprice, the whim, the desire of a Senator.

I have some other resolutions which have been forwarded to me, disapproving of the present action which I am taking, and it is in justice to those people, as well as my sense of fairness, that I think they ought to go upon the record of the Senate:

BROOKLYN, February 22, 1896.

SIR: The inclosed resolutions were adopted at a meeting of Anti-Trust Legion of America, held last night at headquarters, 508 Fifth avenue.

Yours, truly,

H. V. MONAHAN,
President Anti-Trust Legion.

Senator D. B. HILL,
Senate Chamber, Washington, D. C.

That comes from a suspicious place—"Fifth avenue," Brooklyn, as headquarters of the Anti-Trust Legion of America. The elaborate and high-sounding name reminds me of a church up in my own part of the country; it is that of the African-American Methodist Episcopal Zion Church of the United States of North America and elsewhere. [Laughter.] I will ask the Secretary to read these resolutions to see the difficulties, the labors, which the Anti-Trust Legion of America are involved in, the difficulties which confront the American people, the things that ought to be investigated, and the concluding trifling matter of censure of myself.

The PRESIDING OFFICER. Without objection, the Secretary will read as indicated.

The Secretary read as follows:

Whereas an attempt has been made to give up a portion of our public streets (known as the Bridge plaza) for the use of a favorite railroad corporation, the cost of the same to the people being about \$1,000,000, we desire to know by what authority our worthy mayor has given away our property, and by what authority Messrs. Howell and Keeney, bridge trustees, should present to Messrs. Howell and Keeney (the same gentlemen), stockholders in the Brooklyn Heights Traction Company, the plaza, the property of the people.

Whereas Mr. Uhlmann, president of the Brooklyn Union Elevated Railroad Company, the deepest watered stock corporation in this city (so heavily watered it can not or will not pay its lawful taxes), sold to our officials a certain charter known as the East River bridge charter, given him by our legislators to build a bridge, which he made no attempt to build, and he now has another charter ready to sell the city, presumably, for \$200,000 more of the people's money, will Mr. Uhlmann permit the inquiry, How many charters has he got from our politicians, and if this new industry is likely to be operated by all the watered stock and political gentlemen in our city, the object being to increase their personal bank account by emptying the people's treasury?

Whereas the whole system of trusts are devouring the substance of the people, especially the Morgan bond trust, Morgan coal trust, railroad trusts, sugar trust, beef trust, Standard Oil trust, and the dozens of other trusts, it is absolutely necessary the people, their ministers of all denominations, and the independent press combine in self-defense against the trusts.

Whereas it is plainly evident Wall street has a more than friendly interest in the White House; their relations should be rigidly investigated, and the attempt of Senator D. B. HILL to cover up the tracks of the bond trust we strongly condemn, and, as his constituents, call on him to support the motion to investigate the bond scandal or resign his seat in the United States Senate, because he misrepresents the people of this State.

Resolved, That not one foot of our streets be given to any railroad company. A lease of twenty-one years at a reasonable rental should be given until the people are prepared for municipal ownership of railroads.

Resolved, That under no consideration should our city establish the principle of giving Mr. Uhlmann and his partner politicians who championed his bill a charter this year, the object being to buy it back next year for \$200,000.

Resolved, That the whole system of trusts is dishonest, immoral, and un-American, and must give way before the advancing tide of popular disapproval, to the end that the whole people be no longer beasts of burden for a very few favored gentlemen.

Resolved, That the persistent attempts to loot our depleted treasury before consolidation by Brooklyn's present officials should receive the condemnation of the people. Mayor Wurster, will you kindly say what is the amount of burglaries committed in Brooklyn in one year? It seems to us they must be considerably less than \$500,000, while the plaza job and bridge franchise job amount to \$1,200,000, and the other watered-stock jobs in Brooklyn to a few millions more yearly. We employ about 1,700 policemen in the attempt to save the \$500,000. Why not employ policemen to save the \$1,200,000? They could be placed at the doors of all the watered-stock gentlemen and their political allies to warn the people against the nature of their business, as is done with other places of questionable character.

Resolved, That copies of these resolutions be furnished President Cleveland, Senator HILL, Mayor Wurster, and the independent press.

We simply ask the people to investigate these resolutions for themselves as to whether they are true or untrue.

Mr. HILL. There is a most delightful mixture of investigation of Brooklyn bridges, Brooklyn bonds, Brooklyn burglaries, trusts of all kinds in the United States, including a censure upon myself. There is a great field for this Anti-Trust Legion of America, but it is that sort of a feeling and sentiment that the United States is trucking to. It is the Populist sentiment which is being encouraged—a sentiment which is clamoring against capital, whether capital is acquired properly or improperly. It is an effort to antagonize men of wealth; it is an effort to denounce men who have accumulated property or men who have obtained public position. We are simply fooling with fire here when we attempt to set this example, clamoring against your Secretaries of the Treasury and other public officials when there is no reason for it and when there is no ground for it.

I have introduced the last two communications in order to show whither we are drifting, what precedents we are setting here, and how ridiculous is the attempt to make serious allegations out of this bond matter that could not stand investigation a single hour in any court. Do you want another spectacle of the utter failure and collapse of your investigation like the sugar investigation, which simply cast discredit over the Senate in the estimation of the people and disclosed little or nothing? Do you want to have an investigation as was proposed by the Senator from Nevada [Mr. STEWART] a short time ago, to investigate every Senator who owned national-bank stock? And that was deemed worthy of discussion and worthy of consideration for a day or so here in the Senate of the United States! The next thing you will want will be to investigate those who own mining stock.

Mr. President, how ridiculous this whole performance is and how unworthy of men who are competent to be Senators of the United States. If there is any matter presented that in good faith requires investigation I am the last one to oppose it. We can always find enough trumped-up charges lying around loose without seeking to investigate matters in which there is really nothing.

Mr. President, there is nothing new in these accusations in regard to bond issues. Similar accusations occurred during all the resumption and refunding periods of the past. Senators have forgotten the fact; the public press seems to have forgotten it; the people seem to have forgotten it. There were syndicates in those days as there are syndicates now, and necessarily or inevitably so. There is nothing about a syndicate that requires any special explanation. A syndicate is simply a number of men having moneys to invest making an agreement to make a common bid or to take a common action. It is the same thing as a number of laboring men organizing a trades union and operating together for the common benefit; that is all. A syndicate of capitalists is nothing more nor less than a syndicate of workmen who put their labor in common with each other. If labor has a right to combine—and I say it has—capital has a right to combine, too. I believe in the personal liberty of a citizen. I believe in the right of men to organize and act together as one man, legitimately, properly, within reasonable bounds; and when you attempt to stifle the spirit of liberty you aim a blow at your free institutions.

But you would think from the remarks of Senators that there never had been a syndicate in the United States until a syndicate was organized under the Cleveland Administration. Such is the ignorance displayed that men now ask what is this syndicate? Who are Morgan & Co.? Some people have forgotten about the syndicates that we had during the period of resumption and refunding. Some people imagine, and some Senators imagine, that syndicates are something new, an invention of the present Administration; something that has come into life and prospered under the present Democratic National Administration. It is not so. There were syndicates for the purchase of Government bonds during the war. There were syndicates organized in the resumption period and the refunding period of our history. There always have been. Sir, but for these organizations of capitalists I do not know what this Government would have done during its war period.

Mr. President, for the purpose of showing to the country at large that syndicates are not new, that they are not something that Mr. Cleveland has invented, that they are not something that Mr. Carlisle has invented, to aid the gold policy, but that they are something which existed heretofore, that they occurred after the war, I wish to put in evidence a few contracts made years

ago. I am going to ask the Secretary to spell me a little while, and I will put in an early contract, dated August 24, 1876, which I wish the Secretary to read.

The PRESIDING OFFICER. Without objection, the Secretary will read as indicated.

Mr. PEPPER. I object to the reading of the contract.

The PRESIDING OFFICER. Objection being made, the question will be submitted to the Senate.

Mr. PEPPER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Martin,	Sherman,
Allison,	Cullom,	Mitchell, Oreg.	Shoup,
Bacon,	Daniel,	Mitchell, Wis.	Squire,
Baker,	Dubois,	Morgan,	Stewart,
Bate,	Gallinger,	Nelson,	Teller,
Berry,	George,	Pasco,	Tillman,
Blackburn,	Gorman,	Peffer,	Turpie,
Blanchard,	Gray,	Perkins,	Vest,
Brice,	Hill,	Pettigrew,	Vilas,
Butler,	Jones, Ark.	Pritchard,	Walthall,
Caffery,	Jones, Nev.	Pugh,	Wetmore,
Call,	Kyle,	Quay,	White,
Cannon,	Lodge,	Sewell,	Wolcott.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Chair will state for the information of the Senate that the Senator from New York requested the reading of a paper, to which the Senator from Kansas [Mr. PEPPER] objected. The Chair will have the rule in relation to the matter read.

The Secretary read Rule XI, as follows:

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate without debate.

The PRESIDING OFFICER. The question is, Shall the paper be read?

Mr. TELLER. What is it? We would like to know what the paper is.

The PRESIDING OFFICER. The Senator from New York will state what the paper is.

Mr. HILL. I will explain it, if the Senator from Colorado desires. I was commenting upon the fact, in the course of my discussion, that charges and accusations made against syndicates were nothing new; that syndicates had occurred before in the history of the country; that they had existed all during the refunding period and the resumption period. In proof of that statement I produced one of the first contracts, which was made with Morgan & Co. and others, of London, by the Secretary of the Treasury, and asked the Secretary to read the contract. Objection was interposed. The Senator from Kansas [Mr. PEPPER] asked for a call of the Senate. That is the question before the Senate. I will not trouble the Secretary to read the contract. I will read it myself.

Mr. GRAY. Let the Secretary read it.

Mr. HILL. I will read it.

Mr. GRAY. Question!

Mr. HILL. Senators suggest that I let the question be voted upon. I will do so.

The PRESIDING OFFICER. The question is, Shall the paper be read by the Secretary?

The question having been decided in the affirmative, the Secretary read as follows:

CONTRACT DATED AUGUST 24, 1876, BETWEEN THE SECRETARY OF THE TREASURY (HON. LOT M. MORRILL) AND MESSRS. N. M. ROTHSCHILD & SONS ET AL.

[NOTE.—This contract was in force at the beginning of Secretary Sherman's administration of the Treasury Department.]

No. 1.

This agreement, entered into this 24th day of August, in the year of our Lord 1876, between the Secretary of the Treasury of the United States of America, of the first part, and Messrs. August Belmont & Co., of New York, in behalf of Messrs. N. M. Rothschild & Sons, of London, England, and associates, and Messrs. J. & W. Seligman & Co., of New York, for themselves and associates, and Messrs. Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co., of London, England, and Messrs. Morton, Bliss & Co., of New York, representing the First National Bank of the City of New York, the American Exchange National Bank of New York, the Merchants' National Bank of New York, the Third National Bank of New York, Messrs. Kuhn, Loeb & Co., of New York, the Bank of New York National Banking Association, and Messrs. Morton, Rose & Co., of London, and themselves, of the second part: Witnesseth: That the said Messrs. August Belmont [& Co.], of New York, on behalf of Messrs. N. M. Rothschild & Sons and associates, hereby agree to purchase from the Secretary of the Treasury \$16,500,000 of the United States bonds known as the 4½ per cent funded loan of 1871, issued under the acts of July 14, 1870, and January 20, 1871; and that Messrs. J. & W. Seligman & Co., for themselves and their associates, hereby agree to purchase from the Secretary of the Treasury \$3,750,000 of the bonds hereinbefore described; and that Messrs. Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co., of London, England, hereby agree to purchase from the Secretary of the Treasury \$8,750,000 of the bonds hereinbefore described; and that Messrs. Morton, Bliss & Co., of New York, representing the First National Bank of the City of New York to the extent of \$4,000,000, the American Exchange National Bank of New York to the extent of \$1,050,000, the Merchants' National Bank of New York to the extent of \$200,000, the Third National Bank of the City of New York to the extent of \$750,000, Messrs. Kuhn, Loeb & Co., of New York, to the extent of \$1,050,000, the Bank of New York National Banking Association to

the extent of \$300,000, Messrs. Morton, Rose & Co., of London, to the extent of \$1,125,000, and Messrs. Morton, Bliss & Co., of New York, to the extent of \$1,125,000, hereby agree to the extent severally for each as above stated, to purchase from the Secretary of the Treasury \$10,000,000 in the aggregate, of the bonds hereinbefore described, making a total aggregate of \$40,000,000, upon the terms and conditions following, to wit:

First. Of the said aggregate amount not less than \$10,000,000 are hereby subscribed for, the subscription to take effect on the 1st day of September, 1876, and the remaining amount, namely, \$30,000,000, may be divided at the pleasure of the parties of the second part into several successive subscriptions of not less than \$5,000,000 each, to be made prior to the 4th day of March, 1877.

Second. The parties of the second part shall have the exclusive right to subscribe, in the same proportion to each of the subscribers, for the remainder, namely, \$30,000,000, or any portion of said loan authorized to be issued by the acts of Congress aforesaid, by giving notice thereof to the Secretary of the Treasury on or before the 30th day of June, 1877; but the party of the first part reserves the right to terminate this contract at any time after March 4, 1877, by giving ten days' notice thereof to the parties of the second part.

Third. That the Secretary of the Treasury shall, when subscriptions are made by the said parties of the second part, issue calls with even date with said subscriptions, for the redemption of an equivalent amount of 6 per cent 5-20 bonds of the United States, as provided by said act of July 14, 1870.

Fourth. The parties of the second part agree to pay for said 4 per cent bonds par and interest accrued to the date of application for delivery of said bonds in gold coin, matured United States gold-coin coupons, or any of the 6 per cent 5-20 bonds called for redemption, or in United States gold certificates of deposit issued under the act of March 3, 1863, with the understanding that payment to the extent of the amount of any call shall be made within the time during which such call shall mature: *Provided*, That if the parties of the second part shall elect so to do, they may have the privilege of making any of said subscriptions payable specifically in uncalled 6 per cent 5-20 bonds of the United States, in which case the Secretary of the Treasury may, to the extent of such payments, omit the calls mentioned in condition No. 3.

Fifth. The parties of the second part shall receive in coin a commission of one-half of 1 per cent on all bonds taken by them, as allowed by the act of July 14, 1870, and shall assume and defray all expenses which may be incurred in sending bonds to London upon their request or by transmitting bonds, coupons, or coin from there to the Treasury Department at Washington, including all cost of making exchange of bonds, and shall also be charged with the preparation and issuing of the bonds.

Sixth. No bonds shall be delivered to the parties of the second part, or either of them, until payment shall have been made in full therefor in accordance with the terms of this contract.

Seventh. During the continuance of this contract any sales of bonds ordered by the Secretary of the Treasury, by authority of law, except those that it may become necessary to sell to pay judgment of the Court of Commissioners of Alabama Claims, shall be made to the parties of the second part, who shall be allowed thereon a commission of 1 per cent in gold coin. And it is provided that the amount of bonds so ordered shall not exceed in the aggregate \$25,000,000, unless by mutual agreement of the parties.

LOT M. MORRILL,

Secretary of the Treasury.

AUG. BELMONT & CO.,

On behalf of N. M. Rothschild & Son, London.

J. & W. SELIGMAN & CO.,

On behalf of Seligman Bros.

DREXEL, MORGAN & CO.,

On behalf of Messrs. J. S. Morgan & Co., of London.

MORTON, BLISS & CO.,

For Themselves and Associates, as named above.

Mr. SHERMAN. I do not know whether the Secretary so read it or whether it is stated that that contract was made by me. It was not made by me. It was made by my predecessor, Lot M. Morrill.

Mr. HILL. It was made by Mr. Morrill.

Mr. SHERMAN. It was substantially renewed in the same terms, I think, the year following for a short time. It only lasted during the period of that season.

Mr. HILL. That is correct. I now ask the Secretary to turn to page 61 and to read the contract to be found there.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

CONTRACT OF JUNE 9, 1877.

This agreement, entered into this 9th day of June, 1877, between the Secretary of the Treasury of the United States of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and associates and themselves; Messrs. Drexel, Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves; Messrs. J. & W. Seligman & Co., of New York, on behalf of Messrs. Seligman Bros., of London, and themselves; Messrs. Morton, Rose & Co., of New York, on behalf of Messrs. Morton, Bliss & Co., of London, and themselves, and the First National Bank of the City of New York—

Witnesseth: That the said Messrs. August Belmont & Co., on behalf of Messrs. N. M. Rothschild & Sons and associates and themselves, hereby agree to purchase from the Secretary of the Treasury \$10,312,500 of the bonds known as the 4 per cent consols of the United States, issued under the acts of July 14, 1870, January 20, 1871, and January 14, 1875; and that Messrs. Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co. and themselves, agree to purchase \$4,062,500 of said bonds; and that Messrs. J. & W. Seligman & Co., on behalf of Messrs. Seligman Bros. and themselves, agree to purchase \$4,062,500 of said bonds; and that Messrs. Morton, Bliss & Co., on behalf of Messrs. Morton, Rose & Co. and themselves, agree to purchase \$4,062,500 of said bonds; and that the First National Bank of the City of New York agree to purchase \$2,500,000 of said bonds, making a total aggregate of \$25,000,000 of said bonds, on the terms and conditions following:

First. Of the said aggregate amount not more than \$5,000,000 shall be sold for resumption purposes, the remaining \$20,000,000 to be sold for funding purposes and subscribed for by the parties of the second part during the months of July and August, 1877.

Second. The parties of the second part shall have the exclusive right to subscribe in the same proportion to each of the subscribers for the remainder of the 4 per cent consols of the United States, or any portion of said consols, authorized to be issued by the acts of Congress aforesaid, by giving notice thereof to the Secretary of the Treasury on or before the 30th day of June, 1878; but the party of the first part reserves the right to terminate this con-

tract at any time after the 31st day of December, 1877, by giving ten days' notice thereof to the parties of the second part.

Third. That the Secretary of the Treasury shall not sell for resumption purposes exceeding five millions per month during the continuance of this contract, except by mutual agreement of the parties hereto. When subscriptions are made for other than resumption purposes by the parties of the second part the party of the first part shall issue calls of even date with said subscriptions for the redemption of an equal amount of 6 per cent 5-20 bonds of the United States, as provided for in said act of July 14, 1870.

Fourth. The parties of the second part agree to pay for said 4 per cent bonds par and interest accrued to the date of application for delivery of said bonds in gold coin, matured United States gold-coin coupons, or any of the 6 per cent 5-20 bonds called for redemption, or in United States gold certificates of deposit, issued under the act of March 3, 1863, with the understanding that payment to the extent of the amount of any call shall be made within the time during which such call shall mature: *Provided*, That if the parties of the second part shall elect so to do, they may have the privilege of making any of said subscriptions payable specifically in uncalled 6 per cent 5-20 bonds of the United States, in which case the Secretary of the Treasury may, to the extent of such payments, omit the calls mentioned in condition No. 3.

Fifth. The parties of the second part shall receive in coin a commission of one-half of 1 per cent on all bonds taken by them as allowed by the act of July 14, 1870, and shall assume and defray all expenses which may be incurred in sending bonds to London or elsewhere upon their request or by transmitting bonds, coupons, or coin to the Treasury Department at Washington, including all costs of making the exchange of bonds, and shall also be charged with the cost of the preparation and issuing of the bonds.

Sixth. No bonds shall be delivered to the parties of the second part or either of them until payment shall have been made in full therefor, in accordance with the terms of this contract.

Seventh. During the continuance of this contract any sales of bonds ordered by the Secretary of the Treasury by authority of law shall be made through the parties of the second part, who shall be allowed thereon a commission similar in amount and subject to the same deductions as prescribed in the fifth clause of this contract.

Eighth. It is also agreed that the parties of the second part shall offer to the people of the United States at par and accrued interest in coin the 4 per cent registered consols and 4 per cent coupon consols of the denominations of \$50 and \$100 embraced in this contract for a period of thirty days from the public notice of such subscriptions and in such cities and upon such notice as the Secretary of the Treasury may prescribe prior to the opening of the lists, and, further, to offer to the subscribers the option of paying in installments extending through three months.

JOHN SHERMAN,

Secretary of the Treasury.

AUGUST BELMONT & CO.,

On behalf of N. M. Rothschild & Sons, of London,

and Associates and Themselves.

DREXEL, MORGAN & CO.,

On behalf of J. S. Morgan & Co., of London, and Themselves.

J. & W. SELIGMAN & CO.,

On behalf of Seligman Bros. and Themselves.

MORTON, BLISS & CO.,

On behalf of Morton, Rose & Co., of London, and Themselves.

THE FIRST NATIONAL BANK OF THE CITY OF NEW YORK,

By H. C. FAHNESTOCK.

Witnesses as to all:

R. C. MCCORMICK.

E. J. BABCOCK.

Mr. HILL. I find that under that contract there had been received to July 16, 1877, subscriptions as follows:

August Belmont & Co.	\$30,726,900
First National Bank of New York	30,500,000
National banks and other financial institutions together	2,011,350
Popular subscriptions	4,104,900
Total	76,343,150

That was a popular loan, which was authorized in the contract itself, but at its conclusion it was found that the popular subscriptions only amounted to \$4,104,900. A few small institutions and national banks bid for \$2,011,350, and August Belmont and associates and the First National Bank of the City of New York bid for over \$70,000,000.

There was a clamor a short time ago for a popular loan, and it was said in the argument had along in January that if the bonds were only submitted to a popular loan, as they had been formerly, they would all be taken by the people. I then stated that it was my recollection that under many contracts where the syndicate was given the contract and required to allow the people to subscribe within certain periods the popular-loan feature was a failure; that after all the syndicates got the bonds. The figures which I have given are those taken under the very contract which has just been read, and the total amount received up to July 16, 1877, under this very contract is stated. So it seems that Mr. Carlisle is not the only Secretary of the Treasury under whom syndicates have taken bonds or under whom subscriptions by popular loans have been very few. Sometimes popular loans can be a success, but not always. Sometimes you have to fall back upon capitalists and syndicates who are willing to take the bonds. It depends upon the time; it depends upon whether or not money is scarce; it depends upon numerous conditions.

I merely procured these figures from the books in order to show that while under some of the contracts popular subscriptions were provided for in the first instance, in the end then as now the syndicate usually got the bonds. You can not change things. Nothing has been done differently under this Administration than was done under previous Administrations. The purchase of bonds is open to the world as a rule. Men of money subscribe. Men who have not money can not subscribe. The men who pay the most get the bonds. That is all there is of it, and there is no use, especially on the part of Democrats, to attempt to throw mud at our own

Administration, when in the past, and in the very near past, similar transactions have been had by Republican Secretaries of the Treasury.

All I ask is fair play, and that we do not play into the hands of this coterie of Populists who want us to join them in throwing mud on a Democratic Administration. Let me say to Democrats, that you can not keep up your party that way. You will drag it down.

I do not blame the Populists. I do not blame those Republicans who favor the resolution. I think they already have about enough political capital for their purposes—enough to be satisfied with, if we are to believe their professions. I do not blame them if they want to support this resolution without regard to the merits of the question; if they do not wish to consider the merits of the case; if they do not wish to consider the unfairness of it, the unusual character of this proceeding. If they want to throw all such conditions aside and to enter upon a questionable proceeding in the effort to make party capital I do not blame them. My object here is not that I care anything about the political future of Mr. Carlisle or of this Administration, but that in this fall's campaign we can put side by side with Carlisle's syndicate contract the Republican contracts made after the war. We will comment upon them on the stump, and we will see which side gets the best of the argument. The Populists and Republicans are seeking to make political capital. That is their programme. That is all there is of it. There is a coterie of Populists holding the balance of power in the Senate, and we must bow to them, we must be polite to them, we must take off our hats to them, because they hold the balance of power. I am through with that, so far as I am concerned. I will vote the way which I think is right. I will sustain any investigation that has merit to it. I am through with trumped-up investigations just to keep our Populist friends good-natured or merely to gratify them.

On page 295 of the volume is another of these Republican contracts, and I ask the Secretary to read it. It is the contract dated April 11, 1878. I wish to state right here before it is read that it was made with Drexel, Morgan & Co. and J. P. Morgan & Co. Who is another? Morton, Bliss & Co. These are Republicans. The same Mr. Morgan whom we have been talking about now, the same Morgan for whom you seem to hold President Cleveland responsible. It is the same Morgan and the same London crowd. Here are the names of Drexel, Morgan & Co. and J. S. Morgan & Co. All the Morgans are here; Republicans, all of them.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

CONTRACT OF APRIL 11, 1878.

This agreement, entered into this 11th day of April, 1878, between the Secretary of the Treasury of the United States, of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and associates, and themselves; Messrs. Drexel, Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves; Messrs. J. & W. Seligman & Co., of New York, on behalf of Messrs. Seligman Bros., of London, and themselves; Messrs. Morton, Bliss & Co., of New York, on behalf of Messrs. Morton, Rose & Co., of London, and themselves; and the First National Bank of the City of New York—

Witnesseth: That the said Messrs. August Belmont & Co., on behalf of Messrs. N. M. Rothschild & Sons and associates and themselves, hereby agree to purchase from the Secretary of the Treasury \$4,125,000 of the 4 per cent bonds of the United States, issued under the acts of July 14, 1870, January 20, 1871, and January 14, 1875; and that Messrs. Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co. and themselves, agree to purchase \$1,625,000 of said bonds; and that Messrs. J. & W. Seligman & Co., on behalf of Messrs. Seligman Bros. and themselves, agree to purchase \$1,625,000 of said bonds; and that Messrs. Morton, Bliss & Co., on behalf of Messrs. Morton, Rose & Co. and themselves, agree to purchase \$1,625,000 of said bonds; and that the First National Bank of the City of New York agree to purchase \$1,000,000 of said bonds, making a total aggregate of \$10,000,000 of said bonds, on the terms and conditions following:

First. The bonds covered by this contract shall be sold for resumption purposes.

Second. The parties of the second part shall have the exclusive right to subscribe in the same proportion to each of the subscribers for the remainder of the \$50,000,000 4 per cent bonds of the United States authorized to be issued by the acts of Congress aforesaid; but the amount to be so subscribed shall not be less than \$5,000,000 for each and every month after the present month of April.

Third. That the Secretary of the Treasury shall not sell during the continuance of this contract any bonds other than such as by act of Congress may be provided to be sold for the payment of the Halifax or Geneva awards, and the 4 per cent consols of the United States, and those only for refunding purposes, except by mutual agreement of the parties hereto.

Fourth. The parties of the second part agree to pay for said 4 per cent bonds par and 1 per cent premium and interest accrued to the date of application for delivery of said bonds in gold coin or matured United States gold coin coupons, or any of the 6 per cent 5-20 bonds heretofore called for redemption, or in the United States gold certificates of deposit issued under the act of March 3, 1863, or in gold coin certificates of deposit of authorized designated depositaries that have complied with the law.

Fifth. The parties of the second part shall receive in gold coin a commission of one-half of 1 per cent on all bonds taken by them under this contract as allowed by the act of July 14, 1870, and shall assume and defray all expenses which may be incurred in sending bonds to London or elsewhere upon their request, or by transmitting bonds, coupons, or coin to the Treasury Department at Washington, including all cost of making the exchange of bonds, and shall also be charged with the cost of the preparation and issuing of the bonds.

Sixth. No bonds shall be delivered to the parties of the second part, or

either of them, until payment shall have been made in full therefor in accordance with the terms of this contract.

JOHN SHERMAN,

Secretary of the Treasury.

AUG. BELMONT & CO.,

On behalf of N. M. Rothschild & Sons, and Associates and Themselves.

DREXEL, MORGAN & CO.,

On behalf of J. S. Morgan & Co., of London, and Themselves.

J. & W. SELIGMAN & CO.,

On behalf of Seligman Bros., of London, and Themselves.

MORTON, BLISS & CO.,

On behalf of Morton, Rose & Co., of London, and Themselves.

THE FIRST NATIONAL BANK OF THE CITY OF NEW YORK,

By GEO. F. BAKER, President.

Witnesses as to all:

THOS. HILLHOUSE,

Assistant Treasurer of the United States.

E. J. BABCOCK.

Mr. HILL. There was subsequently a modification of that contract, but I do not care about putting it in evidence. I ask the Secretary to now turn to page 482, and read what is there marked. That is the last of these contracts which I care about putting in evidence.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

CONTRACT OF JANUARY 21, 1879.

This agreement entered into this 21st day of January, 1879, between the Secretary of the Treasury of the United States of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and associates and themselves; Messrs. Drexel, Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves; Messrs. J. & W. Seligman & Co., of New York, on behalf of Messrs. Seligman Bros., of London, and themselves; and Messrs. Morton, Bliss & Co., of New York, on behalf of Messrs. Morton, Rose & Co., of London, and themselves—

Witnesseth: That the parties of the second part hereby severally subscribe as of this date for \$10,000,000 of the bonds known as the 4 per cent consols of the United States, issued under the acts of July 14, 1870, and January 20, 1871, and acts amendatory thereto, in the following proportions, to wit, one-fourth part by each of the said several parties; and it is agreed that if the parties of the second part shall not subscribe for \$5,000,000 of said bonds each month, the party of the first part is authorized to forthwith terminate this contract; but the next subscription need not be made before April 1, 1879, and all of said subscriptions shall be made on the terms and conditions following:

First. The proceeds of said bonds shall be applied, in compliance with said acts, to the refunding of the public debt. The party of the first part will, on receiving a subscription under this contract for not less than \$5,000,000, issue a call for the redemption of United States 6 per cent 5-20 bonds equal to or exceeding said sum.

Second. The parties of the second part agree to pay to the party of the first part, at the Treasury Department, in Washington, within the running of such call, the amount of 4 per cent bonds subscribed for under this contract, at par and accrued interest to the date of subscription, in United States gold coin, United States matured coin coupons, coin certificates of deposit issued under the act of March 3, 1863, or United States 6 per cent 5-20 bonds called for redemption not later than the date of the subscription to which the payment applies.

Third. The parties of the second part shall receive a commission of one-fourth of 1 per cent on all bonds taken by them under this contract, and for such sums in excess of \$10,000,000 subscribed for and taken by said parties they shall receive an additional commission of one-tenth of 1 per cent on the amount in excess.

Fourth. The Secretary of the Treasury shall transmit to London, England, at the risk and expense of the United States, the bonds subscribed for, and will receive in London, for transportation to the Treasury Department at Washington, any of the coupons or called bonds receivable under this contract, the amount thereof to be credited upon verification by the Treasurer of the United States; and he further agrees to maintain an agency in London, at the expense of the United States, for the convenience of making deliveries to said parties of the second part of said 4 per cent bonds, provided that no bonds shall be delivered to the parties of the second part until payment shall have been made in full therefor in accordance with the terms of this contract; and provided further, That the said parties of the second part shall provide for said agency, without expense to the United States, a suitable office room or rooms, with vault accommodation for the safe-keeping of its securities.

Fifth. It is agreed between the parties that this contract shall remain in force unless previously terminated, as above provided, until the 30th day of June, 1879, and that during its continuance and full performance by the parties of the second part the Secretary of the Treasury shall not sell and deliver in Europe to other parties any of the said 4 per cent bonds, but this shall not be held to preclude the delivery by the Secretary of the Treasury in Europe of \$3,600,000 of said 4 per cent bonds already subscribed for by other parties, and said sum shall be considered as a part of the first subscription made under this contract, but no commission on said sum shall be allowed to the parties hereto.

JOHN SHERMAN, Secretary.

AUGUST BELMONT & CO.,

On behalf of Messrs. N. M. Rothschild & Sons, and Associates and Themselves.

DREXEL, MORGAN & CO.,

On behalf of Messrs. J. S. Morgan & Co., of London, and Themselves.

J. & W. SELIGMAN & CO.,

On behalf of Messrs. Seligman & Bros., London, and Themselves.

MORTON, BLISS & CO.,

On behalf of Messrs. Morton, Rose & Co., of London, and Themselves.

Mr. PETTIGREW. Will the Senator from New York yield to me, as I wish to make some remarks upon the pending bond resolution?

Mr. HILL. I yield to the Senator from South Dakota.

Mr. PETTIGREW. Mr. President, I simply wish to give a history, so that it may appear in the RECORD, of the numerous bond sales made by the present Administration.

It has been the policy of the present Administration to destroy the use of silver as a money metal, and to manipulate the credit of the United States in such a manner as to enrich its favorites, while piling up a load of debt to oppress the whole people. The

first step was the extra session of Congress, called for the purpose of repealing the purchasing clause of the Sherman Act. The call for the extra session was a direct attack upon the credit of the United States, and it was preceded by a concerted movement of the banks of New York, inspired from Washington, to curtail mercantile credits and bring about the panic of 1893 as an object lesson to Congress. The panic started by the banks soon passed beyond their control, and involved the country in disasters from which it has not yet recovered.

Then came the enactment of the Wilson tariff for a deficit, a measure framed upon sectional lines, and intended to protect all Southern industries and those of districts represented by Democrats, while the industries of Republican States and Congressional districts were intended to be left defenseless against foreign competition. Fortunately for the country, the rules of the Senate of the United States afforded an opportunity for debate and for careful consideration of the provisions of the tariff as it came to us, and it was amended so as to be a little less obnoxious, in fact quite satisfactory, to the iron, cotton, and most Eastern industries before it became a law without the President's signature.

As soon as the Democratic Administration came into power the revenues began to decrease, because the expectation that the tariff would be reduced checked the importation of all foreign goods, and thereby diminished the receipts from customs.

The act repealing the purchasing clause of the act of July 14, 1890, known as the Sherman law, was signed by the President November 1, 1893, it having passed the House August 28 and the Senate October 31; but though it had been promised that this would restore confidence, it failed to do so, but rather increased the distress and misery by further contracting the volume of money, driving prices to a still lower level, closing mills and factories, and causing a steady increase in the number of bankruptcies in all producing industries to the present time.

On December 27, 1894, the cash balance of the Treasury was reduced to \$88,914,096, the lowest on record. The Secretary of the Treasury then applied to Congress for relief, suggesting an issue of 3 per cent five-year bonds for the purpose of augmenting the gold reserve and meeting deficiencies. January 15, 1894, Mr. Carlisle, in a communication to the chairman of the Senate Finance Committee, stated that unless new legislation could be obtained he would feel compelled to resort to the resumption act of 1875, and issue bonds for the purpose of replenishing the gold reserve.

The chairman, the senior Senator from Indiana [Mr. VOORHEES], replied to Mr. Carlisle that he could not give an assurance of prompt action upon any new financial measure, and therefore Secretary Carlisle decided to issue \$50,000,000 5 per cent ten-year bonds, and arrangements were accordingly made.

The price fixed for the issue was 117.223, which would net about 3 per cent interest. The large premium would reduce the interest which the Government would have to pay to 3 per cent.

The question was raised that no portion of the proceeds of those bonds could be used for any other purpose than for the redemption of United States notes, and this brought out a statement by Mr. Carlisle that the gold reserve was and always had been held as a part of the Treasury cash, and not as a separate fund.

The raising of this question had somewhat of a deterring effect upon intending subscribers, and Mr. Carlisle went on to New York and had a conversation with some of the bankers.

One result was the formation of a syndicate, arranged by Mr. John A. Stewart, of the United States Trust Company, through whose influence subscriptions amounting to \$58,002,250 were obtained at from 117.223 to 120.829, and the award was made January 30, on which day the net gold in the Treasury was reported at \$65,598,871, and the general cash, including this sum, \$82,975,908. Payment for the bonds resulted in an increase in the net gold in the Treasury to \$106,539,703 at the end of February, 1894.

But the expenditures of the Government were running ahead of the receipts. Gold was wanted in Europe to carry out the Rothschilds' contract with Austria by which that country was placed upon a gold basis.

Consequently exchange advanced, and on March 2, 1894, \$1,250,000 gold was taken for shipment to Europe, followed by a similar amount during the next week, making \$2,500,000 for the month. In April \$8,874,000 was shipped, and in May \$18,150,000; and the net gold in the Treasury at the end of that month was \$80,692,962.

In June the continued drain of gold from the Treasury caused some apprehension, and a few of the New York banks agreed to supply the demand for export, but only a little was so furnished; and on the 22d of June the net gold was down to \$61,903,746, and the total movement to Europe that month was \$21,150,000.

In July shipments were \$10,700,000, and the net gold was reduced to \$45,516,212.

The Wilson tariff bill was passed on August 14 and it became a law August 27; but the mischief had been done; trade and manufacturing had been so far depressed by the contraction of our currency by the repeal of the Sherman law and the export of gold

that prices continued to decline; trade and manufactures had been so far depressed that recovery was impossible without a reform of our financial system. The deficiency in the revenue continued to increase, and in September there was some talk about a new issue of bonds.

November 14 the Secretary of the Treasury issued a call for \$50,000,000 5 per cent ten-year bonds under the resumption act. The conditions prevailing at the time this issue was made were peculiar.

The bonds sold in January had been absorbed at home and none had been taken abroad. The Stewart syndicate had been treated fairly by the Government, and there was a disposition on the part of these bankers freely to subscribe for the new issue.

Mr. Stewart and Mr. J. P. Morgan visited Washington in the interest of the syndicate, and it is represented and generally believed that Mr. Stewart, at least, had a distinct understanding with the President and with Mr. Carlisle that nothing would be done by the Administration in any way whatever to interfere with the marketing of the bonds.

These bankers went back to New York and forwarded a bid for the round amount of the bonds at 117.077.

The total subscriptions were \$178,341,550. The award was made to the Stewart syndicate on the understanding that the gold to be paid for the bonds would not be taken from the Treasury, and payment was prompt, \$29,021,518 having been turned into the sub-treasury by the end of November.

The syndicate immediately arranged to sell the bonds they had bought, and offered a lot of \$5,000,000 at 119. It is believed that this amount was sold at the price named, but before they had an opportunity to dispose of many more the President's message and the report of the Secretary of the Treasury recommending changes in the currency effectually stopped the marketing of any more of the bonds.

The particular section of Mr. Carlisle's bill which did the business for the Stewart syndicate was section 1:

Be it enacted, That all acts which require or authorize the deposit of United States bonds to secure circulating notes issued by national banking associations be and the same are hereby repealed, and such notes hereafter prepared shall not contain the statement that they are so secured.

Now, Mr. President, let it be borne in mind that Messrs. Stewart and Morgan visited Washington in relation to the bond issue on or about November 24; that in all probability had it not been for the assurance given by Mr. Carlisle and the President that nothing would be done by the Administration to interfere with the marketing of the bonds, these bankers, and particularly Mr. Stewart, would not have bid for them at all, much less have bid a high price for the whole or none; that the formulation of a bill so important as that prepared by Mr. Carlisle must have been under consideration for some time prior to its presentation to Congress at the beginning of the session, and the President must have known the views of his Secretary long before their publication in the annual reports, or had inspired them; and there is the explanation of the statement made by Mr. Stewart early in December that his syndicate would dissolve December 27, 1894. It was also then stated that not more than \$10,500,000 of the bonds bought by the Stewart syndicate of the Government had been sold, and only \$5,000,000 at 119.

It is my opinion that this bad faith on the part of the Administration was planned in advance and for the purpose of depressing the price of the bonds and ruin the credit of the Government, so as to compel Congress to enact such financial legislation as the President might demand, and afterwards turned to account in enriching the favorites of the President, if not the President himself.

The net gold proceeds of the fifty-million-dollar bond sale in January, amounting to \$58,000,000, went to Europe during the summer of 1894, and there was no reason to expect that the proceeds of the \$50,000,000 sold in November, 1894, amounting to \$53,472,319, would long remain in the Treasury.

Europeans were laughing at us, and sneeringly alluded to the financial methods pursued for rehabilitating our gold reserve. American bankers were coolly calculating upon the time when a new issue of bonds would have to be made and wondering who would buy them.

On the 8th of December, 1894, gold again began to flow out of the Treasury to Europe, and even then redemptions of legal tenders for the purpose of hoarding gold were well under way, having really begun toward the close of November, for concurrently with the settlement by the syndicate for the bonds bought by them there was a withdrawal of large sums of gold with which to pay for the bonds.

By the end of December the net gold in the Treasury had been reduced to \$86,244,445, against \$111,142,020 December 6, and \$9,680,000 gold was shipped to Europe during the month. Withdrawals thus exceeding shipments by over \$15,000,000.

In January, 1895, the withdrawals of gold for shipment were large, and considerable amounts were taken for hoarding by individuals and by banks. Confidence was unsettled, and the situation

was regarded by Treasury officials at Washington as grave, but none recalled the blundering of the Administration which had precipitated it by discrediting the bonds bought by the Stewart syndicate.

January 30, Subtreasurer Jordan, at New York, reported that he thought he could hold out until February 2 with the gold coin in the New York subtreasury, but the next day might decide the situation.

The single day of January 25 had seen \$6,903,081 in gold withdrawn from the New York subtreasury, and the evening of February 2 arrived with only \$9,700,000 in gold coin available for the redemption of United States notes in New York. A day and a half like the 25th of January might have seen the United States compelled to refuse the redemption of its notes in gold at the subtreasury in New York, the only place at which they are by law redeemable.

Gold was hurried from Philadelphia and every available point, even at the risk of reducing below the point of safety the gold fund at other subtreasuries for the redemption of coin notes, with the result that on Monday, February 3, 1895, the available gold fund had been increased about \$1,000,000. Assistant Secretary Curtis, who was then in New York, telegraphed to Secretary Carlisle for authority to sell bullion to exporters at a reduced rate in order to prevent the absolute exhaustion of gold coin. The Treasury had already violated the law requiring gold coin to be held against gold certificates, and had practically borrowed from the trust fund of the certificate holders several millions of dollars.

There was gold bullion still left in the Treasury to cover the certificates, which would have been adequate if it had not been feared that the certificates would be presented in large quantities for redemption.

The gold coin available for all purposes at New York on February 2 was \$20,465,334, but it was absolutely known that \$10,765,000 in gold certificates were in New York in the hands of a few holders, which were liable to be presented at any moment.

The further sum of \$37,069,869 was outstanding in gold certificates, without exact information at the subtreasury as to where it was held, but with the probability that the bulk of it was also held in New York and was liable to be presented at any moment for redemption.

If only half of the certificate holders had decided that their gold coin was safer in their own custody than in that of the Treasury, there would have been scarcely a dollar left for the redemption of legal-tender paper, and the suspension of specie payments would have been decreed by Assistant Treasurer Jordan. The remainder of the gold held by the United States, outside of insignificant sums of coin at other subtreasuries, was in the form of uncoined bullion, of which there was \$22,446,828 in the mint at Philadelphia and \$18,301,470 in the assay office at New York.

The mints had been ordered to work full time in the coinage of gold, but rolled ingots and machinery were not in readiness, and the net daily product was but a drop in the bucket to the payments on account of redemptions. The demonstration that the crisis was too acute to be longer trifled with, and that gold was being withdrawn by the million for hoarding, was afforded, in the opinion of the Treasury officials, by the awful gap between the withdrawals from the subtreasuries and the exports.

The total withdrawals of gold from the subtreasuries from December 1, 1894, to February 13, 1895, were \$80,786,302.

The exports during the same period are computed by the Treasury at \$36,852,389, leaving a difference of \$44,000,000 to be otherwise accounted for.

The New York bank reserve in the meantime had declined from \$96,000,000 in gold to \$32,000,000 in gold, indicating that another \$14,000,000 had swelled to \$58,000,000 the fund which had disappeared from circulation and from official knowledge. That hoarding was really going on, under the belief that the Treasury of the United States would be forced to suspend gold payments, was proved to the satisfaction of the Treasury officials by reports made to them by New York bankers who were withdrawing gold at the request of customers. One New York bank reported that on the single day of January 30 it received requests from over 150 different sources for gold coin. Before the repeal of the Sherman law of 1890 there was practically no difference between the withdrawals and shipments of gold.

These facts, Mr. President, constitute the evidence of a deliberate plot or conspiracy upon the part of the Administration to break down the credit of the United States and to discourage American bankers from investing in the bonds of the United States by threatening to discontinue the use of the bonds as security for bank circulation, for the purpose of enabling certain favored persons to realize enormous profits at the expense of the people of the United States or of compelling Congress to enact certain legislation at the demand of the President.

While this drain of gold was going on the Administration was actively negotiating with Messrs. Belmont and Morgan regarding measures of relief for the critical condition of the Treasury caused

by the deliberate action or the criminal blunders of the Administration itself.

For reasons just stated nothing could be expected from American bankers, and Mr. Morgan, as one of the Stewart syndicate, well knew how that combination had been treated, and why it had been so treated. Negotiations were transferred to New York, and Assistant Secretary Curtis took charge there.

Messrs. Belmont and Morgan well understood the situation and the necessities of the Government, which they and the President had helped to create, and they refused to make the desired loan at the maximum of 3½ per cent. They pointed out that the price of the former 5 per cent bond issues had fluctuated from 119, at which they were taken immediately after their issue, down to 114, more than 3 per cent below the price received by the Government.

The representatives of the foreign houses declared that they could not take the risk of this fluctuation and the cost of maintaining a favorable rate of exchange without getting a higher interest than Mr. Curtis, under Mr. Carlisle's instructions, was willing to yield.

One of the elements in placing the bonds abroad was the tax of 1½ per cent imposed by the British Government upon the face value of foreign securities. The syndicate, it was represented, would not only have to consider that fact in placing bonds in Great Britain, but the cost of transporting foreign coin and bullion as well as controlling the exchanges. The differences in price between a 3½ per cent rate and the rate at which the bargain was made—a little under 3½ per cent—was 4½ per cent on the selling price of the securities, amounting to about \$3,000,000 on the entire amount. The negotiations were finally completed and the contract was made on February 8, and these bonds were bargained to this combination at 104½ as against 117.077 which the Stewart syndicate had paid for the last issue and \$8,325,000 less than the market price for similar bonds on that day for the total issue of a little over sixty-two million of bonds. This was a secret contract, from which the public was excluded, participated in by the President's former law partner. I will not comment on this transaction. I leave it to the American people to pass upon and for the judgment of history. This much may be said, however: If a similar negotiation had been conducted by the governor of any American State or the mayor of any city instead of the President of the United States, impeachment or criminal prosecution would have followed at once.

The contract of February 8, 1895, is as follows:

THE BELMONT-MORGAN CONTRACT.

The agreement is as follows:

This agreement, entered into this 8th day of February, 1895, between the Secretary of the Treasury of the United States, of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and themselves, and Messrs. J. P. Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves, parties of the second part—

Witnesseth: Whereas it is provided by the Revised Statutes of the United States (section 3700) that the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States authorized by law at such rates and upon such terms as he may deem most advantageous to the public interests; and the Secretary of the Treasury now deems that an emergency exists in which the public interests require that, as hereinafter provided, coin shall be purchased with the bonds of the United States of the description hereinafter mentioned, authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, being bonds of the United States described in an act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt": Now, therefore, do the said parties of the second part hereby agree to sell and deliver to the United States 3,500,000 ounces of standard gold coin of the United States at the rate of \$17.80441 per ounce, payable in United States 4 per cent thirty-year coupon or registered bonds, said bonds to be dated February 1, 1895, and payable at the pleasure of the United States after thirty years from date, issued under the acts of Congress of July 14, 1870, January 20, 1871, and January 14, 1875, bearing interest at the rate of 4 per cent per annum, payable quarterly.

First. Such purchase and sale of gold coin being made on the following conditions:

1. At least one-half of all coin delivered hereunder shall be obtained in and shipped from Europe, but the shipments shall not be required to exceed 30,000 ounces per month, unless the parties to the second part shall consent thereto.

2. All deliveries shall be made at any of the subtreasuries, or at any other legal depository of the United States.

3. All gold coins delivered shall be received on the basis of 25.8 grains of standard gold per dollar, if within the limit of tolerance.

4. Bonds delivered under this contract are to be delivered free of accrued interest, which is to be assumed and paid by the parties of the second part at the time of their delivery to them.

Second. Should the Secretary of the Treasury desire to offer or sell any bonds of the United States on or before October 1, 1895, he shall first offer the same to the parties of the second part; but thereafter he shall be free from every such obligation to the parties of the second part.

Third. The Secretary of the Treasury hereby reserves the right within ten days from the date hereof, in case he shall receive authority from Congress therefor, to substitute any bonds of the United States bearing 3 per cent interest, of which the principal and interest shall be specifically payable in the United States gold coin of the present weight and fineness for the bonds herein alluded to, such 3 per cent bonds to be accepted by the parties of the second part at par, i. e., at \$18.60485 per ounce of standard gold.

Fourth. No bonds shall be delivered to the parties of the second part, or either of them, except in payment for coin from time to time received hereunder; whereupon the Secretary of the Treasury of the United States shall

and will deliver the bonds as herein provided, at such places as shall be designated by the parties of the second part.

Any expense of delivery out of the United States shall be assumed and paid by the parties of the second part.

Fifth. In consideration of the purchase of such coin the parties of the second part and their associates hereunder assume and will bear all the expense and inevitable loss of bringing gold from Europe hereunder; and, as far as lies in their power, will exert all financial influence and will make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of this contract.

In witness whereof the parties hereto have hereunto set their hands in five parts this 8th day of February, 1895.

J. G. CARLISLE,

Secretary of the Treasury.

AUGUST BELMONT & CO.

On behalf of Messrs. N. M. Rothschild & Sons, London, and Themselves.

J. P. MORGAN & CO.,

On behalf of J. S. Morgan & Co., London, and Themselves.

Attest:

W. R. CURTIS—

Representing the Treasury in the negotiation at New York.

FRANCIS LYNDE STETSON—

The law partner of Grover Cleveland at the time he was last elected President.

After the contract was signed the right was reserved to the Treasury Department, under the third section of the compact, to substitute any bonds of the United States bearing 3 per cent interest, payable in gold.

The President at once communicated to Congress the terms of the contract, at the same time asking for the passage of a law authorizing the issue of 3 per cent gold bonds, but the authority was not given, and the contract went into full effect February 18. Two days thereafter it was announced, with great circumstantiality, that the syndicate had then paid into the Treasury \$32,558,137.50 gold for the American half of the bonds.

Immediately upon the signing of the contract there was an earnest desire on the part of American bankers and capitalists to get in. Application was made to the syndicate, and the applicants were let in; but under this stipulation: All who were admitted were required to unite in a practical underwriting of the entire issue of bonds. That is to say, as one-half of the bonds were reserved for Americans, these subscribers were required to deposit with the syndicate gold coin, not obtained from the Treasury, to double the amount of their subscriptions, which gold was to be placed under the absolute control of Messrs. Morgan and Belmont, to be used by them as they saw proper. The subscriptions came from every quarter, and it was stated by the syndicate that they were so large that not more than 50 per cent could be awarded.

The bonds were offered in New York at 112½ and in London at £227 per \$1,000 bond, equal, with exchange at \$4.90, to 111.23.

The subscribers agreed to the stipulation of the syndicate, and therefore these bankers were enabled promptly to make full payment for the bonds immediately after the closing of the books.

But, Mr. President, the gold so paid did not go into the Treasury, though it was credited in the Treasury accounts, for as late as June 21, 1895, \$6,856,752 gold was transferred to the Treasury from one or more of the banks selected by the syndicate as depositories of their money.

Immediately upon the signing of the contract it was announced that £1,685,000 gold had been bought in London for the syndicate, and on the 21st of February they paid over to the Treasury 143,102 ounces of gold on foreign account.

Not all the American bankers who subscribed for the bonds paid in full their quota of gold until some time in May, and then the full amount due from them was collected, and there was turned over to the Treasury on June 8 \$10,449,462, and credited on the foreign bond account.

As at that time \$14,545,972 had been imported, there remained to be paid \$7,562,702. The *Campania* arrived on Saturday, June 22, 1895, with about \$880,000 gold for the syndicate, leaving \$6,680,621.79 due, and this amount was announced at the Treasury as having been paid on Tuesday, June 25, 1895, thus closing the contract.

But the terms of the agreement were not literally complied with by this payment, and it is evident that either the President or the Secretary of the Treasury waived that provision of the contract which required that one-half of the gold should be imported from Europe.

The amount of gold to be imported under the original contract was \$32,558,137. The amount actually imported was a little over \$15,000,000, the balance having been made up from the contributions of the banks which were interested in the syndicate operations in the manner just stated; that is, every banker was required to deposit twice as much gold as he received in bonds.

Now, Mr. President, why was this syndicate permitted to close its contract without having imported from Europe nearly \$17,000,000 of the gold which they had agreed to bring hither?

I propose to read an extract from a New York paper of that

date, as it so clearly details not only what had happened, but what would happen. It is as follows:

WASHINGTON, D. C., March 8.

The Administration contract with the bond syndicate was more infamous than at first appeared.

There was a secret verbal contract with the syndicate of bankers to whom the Administration intrusted the negotiation of the last batch of bonds.

This contract was not reduced to writing for a very simple reason. The Treasury Department has no authority of law to enter into such an agreement with any person or combination of bankers.

The written contract submitted to Congress was quite objectionable on account of the enormous profit which it permitted the bankers to make, but the verbal contract constituted the syndicate the financial agents of the United States, in return for which the bankers who took the bonds were to protect the Treasury against any further raid upon the gold therein.

This they are to do by keeping the price of sterling exchange in New York below the point at which gold can profitably be exported.

In this way the gains of the firms who used to export gold whenever there was a clear profit, however small, from the operation have been destroyed. But the syndicate is making much more, because the Administration permits the bankers to hold in London the gold received from foreign sales of bonds, so that they can sell exchange in New York on London cheaper than anyone else can afford to. They can do this because the gold upon which exchange is drawn is already in London.

In this way there is at present no demand upon the Treasury for gold for export, for no one could export gold except at a loss. The fact that the syndicate is now operating under this verbal contract explains the slowness with which gold is coming into the Treasury. It also explains the cheerfulness with which the Administration contemplates the situation. In fact, the Administration flatters itself that the endless chain is broken.

But is the endless chain really broken? If there is a demand for gold from this country, can the syndicate stop the endless chain from working any longer than their gold receipts from the sale of bonds in Europe hold out? Have not the bankers, who have been constituted the fiscal agents of this country by a verbal contract not authorized by law, always earned the reputation of taking the best possible care of themselves in every transaction in which they have been engaged?

Was not the clause in the written contract giving to them the option upon all other issues of bonds until October drawn to meet this very case? Did not the members of the syndicate know that they could not continue to sell exchange low enough to prevent gold exportations during all of the next six months without sacrificing some of their profits unless more bonds were given to them to sell in Europe?

These questions need only to be stated, the replies suggest themselves. From them can be seen what the Administration has really done.

It has not broken the endless chain, it has simply substituted for gold, temporarily, an export of thirty-year 4 per cent bonds. As soon as the proceeds of these bonds have been exhausted by exchange drafts and the gold received in New York for the sale of exchange has been deposited in the Treasury, the endless chain will begin to work again. As soon as greenbacks and Treasury notes begin again to be presented for redemption more bonds will be issued to the syndicate and more profits will accrue to these patriotic bankers.

While the endless chain was in operation the people knew what the sale of bonds to buy gold to replenish the Treasury was going to cost them in the way of interest. They had public notice of the time when bids for bonds would be received and opened, and that awards would be made to the best bidders. They knew also that the bonds were to be paid for at once and the gold deposited in the Treasury in plain sight of people of the United States, to whom it belonged.

Now, they knew that the men who undertook to negotiate the last bonds were not only presented by the Administration with an enormous gratuity of from \$90,000 to \$100,000 at least upon every million under the written contract, but by the secret verbal contract were and are permitted to retain in their own hands in London the gold received from the sale of bonds in Europe until they can make an additional profit by selling this gold to merchants and bankers in New York in the form of exchange upon London.

And all this without the expenditure of one cent by the members of the syndicate, except traveling expenses to Washington, for these patriotic bankers did not buy the bonds themselves; they merely contracted to sell them at a certain price, when they knew they could get a great deal more for them. And yet the Administration actually takes great credit to itself for this transaction. But the syndicate takes the cash and lets the credit go.

In the face of these facts it seems to me there is something to investigate; that it is exceedingly proper to go to the bottom of this transaction and ascertain all there is in connection with the secret bond contract. I presume it is not to prevent the disclosures which must come from laying bare this secret transaction that the Senator from New York is making such frantic efforts to prevent the proposed investigation. I think the American people demand it, and the Senate should probe this transaction to the bottom.

So this transaction was closed and the American people paid a premium of over eight millions of money for sixty-three millions of gold which did not maintain the gold reserve seven months, or from February 8 until September, 1895; for long before Congress assembled in 1895 it was apparent to everyone that another bond sale must be resorted to, and in November the gold reserve had been reduced to less than eighty millions. Early in December members of the Morgan syndicate visited Washington to negotiate for the delivery to them of one hundred millions of bonds at 104½ and the transaction was about completed by the 20th, but the President hesitated, and on the 21st of December the members of the Morgan-Belmont syndicate and others joining, sent the Secretary or the President a telegram that they would furnish one hundred millions of American gold if their offer of 104½ was accepted at once; that the credit of the United States was so bad that not a dollar of gold could be secured from Europe, and that if the Government delayed accepting their offer this chance would be lost and the Government would find it impossible to obtain gold at all. This telegram was supposed to produce the desired effect, and I am of the opinion that this contract was closed.

It was generally understood that the contract was closed and reported that enough bankers had been taken into the syndicate at an advance price over what Morgan-Belmont were to pay to afford them several millions of profit, and that these bankers controlled all the available gold in the United States, except what was in the Treasury.

Resolutions were introduced in this body condemning the private sale of bonds, and the New York World began an exposure of this transaction that startled the country. I quote from the New York World of January 1, 1895:

MORGAN ET AL.'S PROFITS FOR 1895.

If this new loan is negotiated the account of J. Pierpont Morgan and his associated gold brokers with the Government of the United States will show the following handsome book profits for the year 1895:

HOW THE ACCOUNTS STAND—FIRST TRANSACTION—LOAN OF FEBRUARY 18 LAST.

Face of loan	\$62,315,000
Morgan-Belmont paid 104.49 as premium	2,797,943
United States got	65,112,943
Morgan-Belmont got from bankers' syndicate at 112½	69,948,587
Morgan-Belmont syndicate's first profit	4,835,644
Bankers' syndicate got from public, at 118	73,531,700
Bankers' syndicate's second profit	3,583,113
United States lost by transaction and the bond syndicate made an apparent clear profit of	8,418,757

The United States, therefore, lost by this transaction the difference between the price they took and the market price the sum of \$8,418,757.

SECOND TRANSACTION (PROPOSED)—DECEMBER 31.

Face of loan (with \$100,000,000 more in prospect)	\$100,000,000
Morgan, as syndicate manager, pays about 104½ premium	4,750,000
United States will get	104,750,000
Morgan syndicate will get from public a premium of 117½ (yesterday's market price)	117,500,000
Morgan and other bankers' profit	12,750,000
Morgan and other bankers' profit in February	8,418,757

Total for 1895 if new contract is accepted..... 21,168,757

This is an appalling sum, \$21,000,000; a sum greater than the average savings of 400,000 laborers for a year donated to men who never produced one element of wealth, but who have spent their lives in gathering together that which others have produced.

In the face of these facts and the attitude of the Senate on this subject, the Administration did not dare to carry out its contract, and so in January advertised for bids. No price was stated, and the officers of the Treasury did not expect the popular loan to be successful. They looked and hoped for failure. It was well known that the syndicate had most of the gold in this country cornered. The people did not bid, as they were afraid they could not get the gold to pay for the bonds.

At this juncture some of the banks that had been members of the syndicate put in independent bids, and Morgan & Co., fearing that they would be shut out of participation in any profit in the transaction, bid 110.6877, or a fraction less than 110.7, for the whole one hundred million or any part thereof. Sixty-seven millions of the bonds went for a higher price. Thirty-three million dollars was awarded to the Morgan syndicate at their bid of 110.7 or 6 per cent more on the dollar than their private contract with the Secretary called for, thus saving to the people between six and seven millions on this transaction. These bonds would have sold at 117½ on the day the bids were opened, if this had been an honest effort on the part of the Treasury Department to offer them to the public and a price or range of prices been published, showing the term of the bonds and the rate of interest they would draw at the various prices and payment accepted in lawful money, and thus over six millions more would have been saved to the people. It is no excuse to say that this sale was for the purpose of obtaining gold, for, if the bonds had been sold for lawful money, for a fraction of a cent on the dollar, lawful money could have been exchanged for gold.

But other favors were to be showered upon Morgan & Co. W. R. Graves, of New York, had bid 115.31 for \$4,500,000 of the bonds and was unable to secure the gold to pay for them. Reliable parties thereupon bid 114.5 for these bonds, but the Secretary sold them to the syndicate for 110.7. The Secretary should, in law and equity, have sold all bonds not taken by bidders at the best obtainable price and looked to the defaulting bidders for the difference. This would have been done by any private individual, but the Secretary chose to turn the bonds over to this syndicate for their bid price, or at \$190,000 less than the bid made by responsible parties. I will now read the bid which the Secretary received on the 15th of February and refused to accept:

WASHINGTON, D. C., February 15, 1896.

SIR: The Investment Corporation of New York hereby bids 114.50 for any or all bonds allotted to parties who did not comply with the terms of their bids by the payment of 20 per cent or more of the amount awarded them by noon Saturday, the 15th instant, in accordance with the terms of the circular issued by you. We offer 114.50, with the understanding and condition that none of the gold to be paid for the bonds shall be drawn from the United States Treasury. We are prepared to deposit the gold on the receipt of advice from you that this bid will be entertained. The Investment Corporation

insists that the bid of J. P. Morgan & Co. is not entitled to any further allotment of bonds, and we beg to hand you herewith our memorandum brief upon that proposition.

Very respectfully,

INVESTMENT CORPORATION OF NEW YORK,
By H. L. McDONALD, President.

Post-office and office address, Room 4, ninth floor, Mills Building, 15 Broad street, New York.

To the HONORABLE SECRETARY OF THE TREASURY,
Washington, D. C.

This company had already bid for \$5,000,000 of bonds and had been awarded \$2,000,000 of bonds at a higher price than the bid of Morgan & Co., and had paid for the bonds and received them. They were entirely responsible and able to carry out the bid which they had made, and yet the Secretary of the Treasury chose to refuse a bid of 114½ cents on the dollar for this four and a half million of bonds and turned them over to the Morgan syndicate for 110.7, thus apparently openly, intentionally taking out of the pockets of the people \$190,000 to turn over to this syndicate of bankers already enormously enriched at the expense of the people.

Mr. HILL. Will the Senator allow me? What would the Senator have had the Secretary of the Treasury do after the forfeiture of Graves's bid?

Mr. PETTIGREW. What was the question? I did not hear the question of the Senator from New York.

Mr. HILL. The Senator from Nebraska [Mr. ALLEN] corrects me. I thought you were speaking of the Graves bid.

Mr. PETTIGREW. I did speak of the Graves bid. I said that Graves forfeited, and after he forfeited the Investment Corporation of New York bid 114.50 for those bonds; that their bid was refused; that no attention was paid to it, and the bonds were turned over to the syndicate.

Mr. HILL. I ask what would you have had the Secretary of the Treasury do then?

Mr. PETTIGREW. I would have had him do what any individual would have done.

Mr. HILL. What is that?

Mr. PETTIGREW. I would have sold them at the highest attainable price.

Mr. HILL. Would you have advertised them, or would you have accepted a private bid?

Mr. PETTIGREW. He should properly advertise them, and if he did not advertise them he should have accepted the best bid which he could get.

Mr. HILL. And not accept any of the bids already in?

Mr. PETTIGREW. No, sir; he should have done exactly what an individual would have done, and he would have protected the Treasury thereby.

Mr. HILL. The Senator, then, would not have accepted the next highest bid?

Mr. PETTIGREW. No, sir.

Mr. HILL. The Senator knows the fact, does he not, that the bid of Morgan & Co. was the next highest bid?

Mr. PETTIGREW. I think likely the bid of Morgan & Co. was the next highest bid.

Mr. HILL. Is there any doubt about it in the Senator's mind?

Mr. STEWART. Will the Senator allow me?

Mr. PETTIGREW. I have this to say in regard to that point: If their bid was the next highest bid, the Secretary of the Treasury was not bound to give the bonds to them, nor would they have accepted the bonds if the price in the market that day had been below 110.7. They would have laughed at the Secretary of the Treasury if he had offered the bonds to them if the market price on that day had been lower than their bid. But with a profit of \$190,000 in the transaction, of course Morgan & Co. took the bonds.

Mr. HILL. What would the Senator have said as to this state of facts, which might or might not have occurred, depending on the market: If, after the forfeiture of Graves's bid, the bonds had gone down and the Government had refused to accept the bid of Morgan & Co. and had placed the bonds on the market again and the bonds had not realized the amount of the Morgan bid? Where, then, would the Secretary of the Treasury have been placed?

Mr. STEWART. Will the Senator from South Dakota allow me in this connection?

Mr. PETTIGREW. I will yield to the Senator from Nevada in a moment.

Mr. STEWART. He reserved the right—

Mr. PETTIGREW. I wish to answer the question of the Senator from New York.

Mr. STEWART. All right.

Mr. PETTIGREW. If the bonds had gone below 110.7 in the market the Morgan syndicate would have refused to accept them, and would have said that their contract was closed when they received the \$33,000,000 of bonds. The Senator knows that very well.

Mr. HILL. How—

Mr. PETTIGREW. If the market price of the bonds had gone below Morgan's bid on the date when Graves defaulted, and Morgan

was still anxious to take them at his price, of course it would have been the duty of the Secretary to have accepted it, for that would be carrying out what I believe proper—that the Secretary should have obtained the best possible price for the bonds in order to protect the interests of the people of the United States, whose servant he was.

Mr. STEWART. Will the Senator allow me now?

Mr. PETTIGREW. I yield to the Senator from Nevada.

Mr. HILL. I am not through yet.

Mr. STEWART. In the proposal the Secretary reserved the right to reject any and all bids, and he had a perfect right to sell the bonds as he pleased under that reservation. He was not bound when he was offered 114 to take 110 or 111. Certainly not, because he had the absolute power reserved to himself.

Mr. PETTIGREW. This seems to have been a transaction where there was a partnership as to profit between the Secretary and a syndicate of bankers, and the interest of the people of the United States was entirely left out of the reckoning. That seems to have been the sum and substance and gist of the whole transaction, rotten and dishonest and corrupt to the core. It seems to me it is entirely proper and timely for the Senate of the United States thoroughly to investigate the transaction.

Here is a telegram from the Morgan syndicate sent on the 21st day of December to the President and Secretary of the Treasury, telling the Government officials that the gold can not be procured in Europe because the credit of the United States is so bad, and that if their bid of 104½ is not accepted at once they will withdraw the bid and refuse to furnish the gold in the United States, knowing as they did, and as the Secretary knew, that all the gold not already in the Treasury had been thoroughly cornered by Morgan and the banks associated with him.

The Secretary of the Treasury could not have been ignorant of what Morgan was doing, because Morgan came to Washington—he says on the invitation of the President, which the President denies, but admits the interview when the negotiation with the syndicate took place. Morgan immediately after that interview formed his syndicate, described the bonds as running twenty-nine years, and assumed that the price would be 104½. The arrangements that Morgan was making with the syndicate were public, and it was understood at the time that the gold in the country had been pooled or cornered for the purpose of purchasing the \$100,000,000 of bonds by the syndicate. Under these circumstances the threat that they would deprive the Government of the means of obtaining gold was most significant.

Mr. HILL. Will the Senator from South Dakota allow me?

Mr. PETTIGREW. I yield to the Senator from New York.

Mr. HILL. I understood the Senator to speak of what Morgan & Co. would have done if the bonds had diminished in market value. I understood the Senator to say that they would not then have insisted upon them taking the bonds under their bid. Is that correct?

Mr. PETTIGREW. The Senator can go on with his statement, whatever it is.

Mr. HILL. Of course I am not authorized to speak for Morgan & Co., and I assume the Senator from South Dakota is not authorized to speak for them. Therefore I ask him whether his argument comes down to this, that whether the Secretary of the Treasury should have given the Graves bonds to the next highest bidder depends upon the fact as to what the market value of the bonds was. In other words, if the market value the next day was away below the bid, then he should have insisted upon Morgan & Co. taking the bonds, but if it was higher, then he should not have let them have the bonds. That is what I complain of.

Mr. PETTIGREW. The Senator from New York seems determined—I do not know that he is trying to misrepresent me—not to understand what I say. I simply say the Secretary of the Treasury was bound to get the best price he could get for the bonds after they were not taken by the original bidders, and that Morgan & Co. were not bound in law to take them. Their transaction was closed. They had taken the bonds that were not awarded to other people.

Mr. HILL. Then let me see if I understand the Senator, for I am endeavoring to do so in good faith.

Mr. PETTIGREW. I think so. I have no doubt of it.

Mr. HILL. In case the bonds decreased in value, the Senator says that the Secretary of the Treasury was not bound in law, and of course, then, he was not bound in fact, to compel Morgan & Co. to take the bonds. Now, what would he have done in case the bonds went up in value?

Mr. PETTIGREW. I said I would have sold the bonds at the highest obtainable price. It is possible—

Mr. HILL. Then, in either event, no matter whether the bonds went below the Morgan bid or beyond and higher than the Morgan bid, the Senator would have sold them to the highest bidder. He would have made a new advertisement.

Mr. PETTIGREW. I will say further, in reply to the Senator

from New York, that the Secretary reserved the right to reject any and all bids.

Mr. STEWART. That is it.

Mr. HILL. That is a different question.

Mr. PETTIGREW. And inasmuch as at the time Graves failed to take the bonds the market price was very much higher, the Government could have made \$190,000 or more than that if the Secretary of the Treasury had put the bonds upon the market, and it was his duty to protect the people and the Treasury by doing so.

Mr. HILL. Does not the Senator know that on the very day before the gold was to be paid by the bidder on the Graves bid the market value of the bonds was below the price bid?

Mr. PETTIGREW. No; I do not know that fact.

Mr. HILL. It is the fact.

Mr. PETTIGREW. But I do know that the Secretary on the day Graves defaulted on his payment was offered 114.50 for those identical bonds and for all bonds not taken.

It is impossible for the Senator from New York to so obscure the question as to deceive the public. The Secretary reserved the right to reject any and all bids. He was under no legal obligation to accept the Morgan bid for any part of the loan. When he accepted the Morgan bid at 110.7 for \$33,000,000 the transaction with Morgan was closed. He had no other bid and had no other claim upon the Secretary. When the Graves bid failed it was as if no bid had been made. The Secretary then was at liberty to advertise for new bids or to sell to whomsoever he pleased, for if he had any power at all to sell, the mode of sale was entirely discretionary with him, provided he acted honestly. He did dispose of the Graves bid at private sale. He was offered by another responsible bidder nearly \$200,000 more. It is true the bid was not made in pursuance of an advertisement, nor was the bid of Morgan made in pursuance of advertisement. They were both private bids. The simple fact is that the Secretary of the Treasury sold \$5,000,000 of bonds to his friend on a private bid for nearly \$200,000 less than another responsible bidder offered. Is that honest?

Mr. HILL. What right had the Secretary of the Treasury to take an outside and a private bid which had not competed with any of the others?

Mr. PETTIGREW. It would have been better to have taken an outside bid, a private bid, which would have saved the Treasury of the United States \$190,000, than to have sold the bonds to an outside or an inside private bid which lost to the Treasury \$190,000.

Mr. President, I ask to have incorporated as a part of my speech a brief statement by these people who offered 14½ cents premium for the bonds.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HILL. What is it that the Senator asks shall be incorporated in the RECORD?

Mr. PETTIGREW. Does the Senator from New York object?

Mr. HILL. I want to know what it is. I have not the slightest idea.

Mr. PETTIGREW. It is simply a statement by the Investment Company of New York as to the reasons why those bonds should not have been awarded to the Morgan syndicate.

Mr. HILL. When was it prepared and where did the Senator get it, may I ask him? [A pause.] He may decline to answer if he wants to.

Mr. PETTIGREW. The Senator can secure a copy by calling upon the Treasury Department for it by resolution.

Mr. HILL. I should like a little more definite description of what the Senator proposes to put into the RECORD. Whereabouts did the firm make this statement?

Mr. PETTIGREW. If the Senator desires, I will have the statement read by the Secretary.

Mr. HILL. I do not care to take up the time to do that, for I am anxious to progress in this matter. But I should like to have a little more definite idea of what the Senator is going to put in.

Mr. PETTIGREW. It is a statement—

Mr. HILL. A statement prepared by whom and when? Where does it come from?

Mr. PETTIGREW. It was prepared on the 15th of February last. It is addressed to the Secretary of the Treasury, and is signed by the Investment Corporation, per H. M. McDonald, its president. It gives the reasons why the bonds should have been assigned to them instead of to Morgan & Co.

Mr. HILL. Assigned to them, although they were not bidders?

Mr. PETTIGREW. Assigned to them upon their bid which they put in at the same time.

Mr. HILL. Upon their subsequent bid, after the failure of Graves?

Mr. PETTIGREW. Yes.

Mr. HILL. Is that it?

Mr. PETTIGREW. Exactly. I am very glad the Senator understands it. The Secretary refused to deliver the bonds on this

subsequent bid of 114.50, but delivered them to Morgan & Co., on their subsequent bid for \$190,000 less money.

Mr. HILL. If the Senator thinks they can explain that transaction and their right to have those bonds, although they bid for them in a subsequent bid, the Senator is welcome to all the argument he can make from the statement.

Mr. PETTIGREW. I will leave to the public and to the Senate to determine whether or not the syndicate the Senator from New York champions—

Mr. HILL. I do not object.

Mr. PETTIGREW. Had a better right to those bonds at \$190,000 less than the Investment Corporation bid for them.

The statement referred to is as follows:

WASHINGTON, D. C., February 15, 1896.

DEAR SIR: We respectfully submit the following statement:

FACTS.

The Secretary of the Treasury, under circular of January 5, 1896, and circulars amendatory thereto, invited proposals for \$100,000,000 United States 4 per cent bonds maturing February 1, 1925.

Such proposals were received up to 12 m. February 6, 1896.

These proposals aggregated many times the amount of the offered loan.

Among other proposals was one made by Messrs. J. P. Morgan & Co., of New York, and associates for \$100,000,000 of the loan or any portion thereof at 110.6877.

Under the terms of this proposal something over \$33,000,000 of the sum was allotted Messrs. Morgan & Co. and associates.

This allotment was definite in amount, precise in terms, and unaccompanied by any condition or intimation that an increased amount of the bonds might thereafter be given Messrs. Morgan & Co. under their proposal of February 6. Among the bidders for the loan was W. R. Graves, of New York, who proposed to purchase \$4,500,000 of the bonds at 115.31.

The above amount of bonds was awarded Mr. Graves and associates.

Mr. Graves has not paid for the bonds allotted him, as required by the terms of the honorable Secretary's circulars.

Other allottees for comparatively small amounts may also have defaulted in their payments.

The Investment Corporation of New York offers, by the terms of its accompanying proposal, to purchase the bonds awarded Mr. Graves and all other bonds upon which the first installment has not been met, paying therefor 114.50 and interest.

ARGUMENT.

The Investment Corporation urges, to the honorable Secretary of the Treasury, that Mr. Graves put in his bid in good faith; is an actual person; the bonds were allotted to him in the regular routine of the Department, and he became entitled to the bonds on the payment of his gold.

Mr. Graves's bid was about \$250,000 better than the bid of Messrs. J. P. Morgan & Co. and associates.

Undoubtedly Mr. Graves depended on arranging with banks to carry out his bid. The high price he offered and the manipulation of the Government bond market at the great money center by those who bid much less for their bonds compelled Mr. Graves to default.

Messrs. Morgan & Co. bid for any or all of the \$100,000,000 issue. By the terms of their bid they were only entitled to "any" left to them after bids at higher prices were filled. When Messrs. Morgan & Co. were allotted their bonds they received all to which they were entitled. Their rights were fixed. No further moral or legal obligation remained in abeyance to spring up on a future contingency; they had what they asked for, to wit, "any" of the bonds at their price.

No question of good faith or moral obligation on the part of the Government toward Messrs. Morgan & Co. can arise. The transaction was ended so far as award of bonds was concerned.

With the default of Mr. Graves, Messrs. Morgan & Co. have no concern; they have now no interest in Mr. Graves's bid or in the relation of the Government to him.

If the Government has any legal rights to enforce under the contract with Mr. Graves, there can be no legal or moral equity in favor of Messrs. Morgan & Co.

If the Government saw fit, they could bring either of several forms of action against Mr. Graves, as specific performance for damages, for difference in price, etc., as it might elect. We think this undoubted.

Or, if the Government were a bank, they could put up the bonds for sale and charge Mr. Graves for the loss, if any.

With the legal rights thus fixed, it is impossible to conceive of the existence of any obligation in favor of any third party as residuary legatee of all defaulted awards or contracts.

Furthermore, Graves's bid was in round numbers a quarter million of dollars more than the Morgan bid upon the amount involved.

The transaction contemplated by Mr. Graves was legal and precisely such as was, with a wider margin, carried out by most of the larger bidders, including Messrs. Morgan & Co.

The market price of Government bonds is fixed by the Wall street trading in these bonds.

Recently the strongest factor in fixing the Wall street prices has been the dealings in this issue of bonds by Messrs. Morgan & Co. (Read the financial reports in all the New York papers.)

What moral equity can Messrs. Morgan & Co. have when it has been by the manipulation of their firm that the market for Government bonds has been depressed to the extent that Graves has been "shaken out" and thus prevented from complying with the terms of his bid by the very parties who now seek to claim a moral obligation to receive the bonds allotted Mr. Graves on their bid at a loss to the Government of \$250,000 and to their advantage to a very much greater amount?

But suppose a condition. If the market price of Government bonds to-day was 109, what would become of the moral obligation in favor of Messrs. Morgan & Co. to receive these bonds at their bid of 110.6877? It is a poor rule that will not work both ways.

We feel assured that the moral obligation of the Government is not to recognize Messrs. Morgan & Co.'s bid as entitled to any defaulted award, and for this cogent reason: It is the desire of the Government to obtain the very highest price possible for its bonds; no prudent responsible bidder will hereafter dare venture to bid close to the range of market quotation if a far lower bidder can manipulate the market and make it impossible for him to carry out his contract in the light of an established precedent that the lower bidder shall thereupon receive the bonds, with the serious loss which would follow to the Government.

The recognition of the bid of Messrs. Morgan & Co. in this instance would put a premium upon market manipulation to warn off all bidding close to the

average market price, to the very serious loss to the Government in all future bidding under existing laws.

As a matter of good morals the Government can not afford to adopt any such course.

As a matter of law the bid of Messrs. Morgan & Co. has no present standing. The proposition is denied by all the law books.

The bonds should be again sold at the best private sale possible or new bids invited.

Either course is warranted by the statute, at the Secretary's discretion.

CONCLUSION.

One of two courses, as already indicated, are open for dealing with the Graves and other unpaid-for bonds, viz: Either readvertise these bonds and sell them to the highest bidder or sell them by private contract upon the most advantageous terms readily attainable by the honorable Secretary.

The first-mentioned course involves considerable expense and the operation of extensive governmental machinery of detail in comparison with the amount involved.

It is also open to the objection that some bidders to whom bonds shall be awarded may not fulfill their contracts, thus necessitating another resale of bonds.

On the other hand, a sale by private contract is expeditious and entirely free from complications.

The Investment Corporation, therefore, respectfully requests the acceptance of its offer herewith made.

The price named, viz, 114.50 and interest, is fair, being only slightly below the present market value of the bonds.

The price is also advantageous to the Government, as it is an increase of more than 3 per cent over the average price at which the recent loan was allotted, or in amount at least \$150,000.

THE INVESTMENT CORPORATION,
By H. M. McDONALD, President.
W. B. BURNET, Counsel.

Hon. JOHN G. CARLISLE,
Secretary of the Treasury.

Mr. PETTIGREW. But the most remarkable of all is that while the Senator from New York is so anxious that this transaction shall not be investigated by a committee of this body, the senior Senator from Ohio [Mr. SHERMAN] should come in and indorse the whole transaction, for on the 29th of April the Senator from Ohio, referring to this issue of bonds, said:

They did right. Though I hold far different opinions from them on many questions, yet I stand here and say boldly and openly that in managing our financial affairs during the present condition of things I think the Secretary of the Treasury and the President have done their full duty, and I could say no more if there were a Republican President in office. (April 29, 1896. RECORD, page 4500.)

Mr. HILL. Will the Senator from South Dakota allow me? Who is more competent to speak upon that subject than the distinguished Senator from Ohio, who for so many years had charge of the great finances of the country?

Mr. PETTIGREW. My answer to that question would be a matter of opinion, and therefore I will not burden the Senate with it. I do not doubt that the Senator from New York and the Morgan syndicate will forever proclaim that the Senator from Ohio is the best authority who can possibly be found so long as his opinions indorse the plunder of the people and the robbery of the Treasury.

Mr. President, the plain statement of the facts connected with the several bond issues by the present Administration constitutes an arraignment which no eloquence could make stronger. First, there was the attack upon the credit of the United States by the inspired object lesson from the banks of New York; then the extra session of the Fifty-third Congress; then the passage of the Wilson tariff for a deficit; the further depreciation of the national credit by the demonstration that the revenues were not equal to the necessary expenditures of the Government; then the endless chain, the first bond issue of \$50,000,000 of 5 per cent ten-year bonds at a fixed price of 117.233; then the second issue of similar bonds at an accepted bid of 117.077; the depreciation of the market value of these bonds by the recommendation to Congress that a bill be passed discontinuing the use of them as a basis of bank-note circulation; then the secret contract with the Belmont-Morgan syndicate for the sale of \$62,000,000 of thirty-year 4 per cent bonds at 104½, which bonds were quoted last December at 121; finally the attempt to give to the Morgan syndicate the last loan of \$100,000,000 at the same figures, and the actual award to them at their bid of 110.6877 of about \$5,000,000 upon which default was made in payment, for which other parties offered 116, and which were quoted in open market at a higher price.

Upon this record, Mr. President, the Administration and the Democratic party must go before the people next November, and the verdict of the people will be even more emphatic in condemnation than it was in 1894 and in 1895.

Mr. HILL. Will the Senator from South Dakota allow me to ask whether the Democratic party can not quote with great effect the remarks the Senator has quoted from the Senator from Ohio [Mr. SHERMAN], a distinguished leader of the Republican party, showing that the bond transaction was all right? Can not the Democratic party stand pretty well on that statement?

Mr. PETTIGREW. They undoubtedly will quote it; but that will not justify the iniquity of this whole transaction.

JOSEPH R. WEST.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 673) granting a

pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. ROACH were appointed.

FRANCIS WALSH.

Mr. ALLEN. I ask unanimous consent to call up a bill on the Calendar.

Mr. HILL. Will the Senator from Nebraska assure me that it will not lead to any debate?

Mr. ALLEN. It will not lead to any debate.

The VICE-PRESIDENT. Does the Senator from New York object?

Mr. HILL. I do not, under the circumstances.

Mr. ALLEN. I ask the Senate to proceed to the consideration of the bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.

Mr. PEPPER. Will the Senator from Nebraska allow me for a moment? If the Senator from New York does not wish to proceed further to-night with his discussion of the bond resolution, I see no reason why we might not devote a half hour to private bills, by unanimous consent. I should have no objection.

Mr. COCKRELL. Let us continue the order of this morning for the consideration of unobjected House bills.

Mr. ALLEN. Let this bill be first disposed of.

Mr. COCKRELL. Very well.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Nebraska [Mr. ALLEN]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Walsh, late a member of Company B, Third Regiment Wisconsin Infantry Volunteers, at the rate of \$50 per month, in lieu of the pension which he is now receiving.

Mr. ALLEN. I hope the committee will not insist upon the amendment, but will let the bill stand as it passed the other House. This party is totally disabled, as the report shows, and unable to be without an attendant at any time. It is a very meritorious case, and one in which I think the claimant is entitled to \$72.

Mr. GALLINGER. I feel sure I speak for the committee when I say that in view of all the facts in the case it will not insist upon its amendment and is quite willing that the amendment shall be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Pensions.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. PEPPER. I ask unanimous consent that the bond resolution may be temporarily laid aside so that Senators may be permitted to call up private bills.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none.

Mr. GALLINGER. I suggest to the Senator from Missouri [Mr. COCKRELL] that, as a great many Senators have requested that I should get speedy action on pension bills which are on the Calendar, we might devote a little time to the consideration of those bills.

Mr. COCKRELL. I wish to facilitate the passage of unobjected bills without having Senators getting up and asking unanimous consent for their consideration.

Mr. GALLINGER. Precisely.

Mr. CULLOM. Let us go on with the unobjected pension cases.

The VICE-PRESIDENT. What is the request of the Senator from Missouri?

Mr. COCKRELL. To go on, under the order of this morning, with the consideration of unobjected House bills on the Calendar.

Mr. GALLINGER. The Senator will agree to modify his request as I suggest?

Mr. COCKRELL. I accept the suggestion of the Senator from New Hampshire to take up pension bills.

Mr. WHITE. I have no objection to that course, but I would prefer very much that Senators should have an opportunity to call up other bills in which they are interested. However, I do not wish to oppose the suggestion of the Senator from New Hampshire.

Mr. ALLISON. I should like to ask the Senator from Kansas [Mr. PEPPER], who has in charge the resolution which has been laid aside, when he expects to secure a vote on the resolution?

Mr. PEPPER. I will say to the Senator from Iowa that I think we will surely be able to reach a vote some time to-morrow.

Mr. ALLISON. Very well. Then might we not have a unanimous-consent agreement to vote on the resolution at a certain hour?

Mr. PEPPER. I should be very glad to have such an arrangement, if it can be made with the Senator from New York.

Mr. HILL. What is the request?

Mr. PEPPER. To arrange a time for taking a vote on the bond resolution.

Mr. ALLISON. I would ask if it is not possible to agree to an hour for taking a vote on the resolution?

Mr. HILL. The Senator from Iowa has not been listening to the debate.

Mr. ALLISON. I am sorry I have not been able to do so, but I understand the debate has progressed very satisfactorily during the day and that the resolution has been discussed with great ability by the Senator from New York.

Mr. HILL. I was going to suggest to the Senator from Iowa that out of extreme courtesy to the Senator from South Dakota [Mr. PETTIGREW] I yielded for an hour and over, and he has been taking the time of the Senate. Therefore it is impossible now to fix an hour for a vote on the resolution.

Mr. ALLISON. I merely desired to express the wish that we might some time agree to take a vote.

Mr. MITCHELL of Oregon. Why not go on with the bond resolution this evening?

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New Hampshire.

Mr. BACON. I will first ask what the request is?

The VICE-PRESIDENT. To take up unobjected pension bills. Is there objection? The Chair hears none.

TESTIMONY IN LAND CONTESTS.

Mr. DUBOIS. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States, to report it favorably with an amendment. I ask the Senator from New Hampshire [Mr. GALLINGER] to yield to me to put the bill upon its passage. It will not take two minutes. There is no objection to it.

Mr. GALLINGER. I have no objection, if there will be no debate.

Mr. DUBOIS. There will be no debate.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Public Lands was to strike out section 2, in the following words:

SEC. 2. That subdivision 12 of section 2238 of the Revised Statutes of the United States is hereby repealed.

So as to make the bill read:

Be it enacted, etc., That subdivision 10 of section 2238 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"Tenth. Registers and receivers are allowed, jointly, at a rate not exceeding 10 cents per hundred words for testimony reduced by them to writing for claimants in all cases, and in all cases where they can secure a competent person to reduce the testimony to writing for a sum less per folio than the sum herein prescribed it shall be their duty to do so."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend subdivision 10 of section 2238 of the Revised Statutes of the United States."

JERUSHA STURGIS.

The VICE-PRESIDENT. The first bill on the Calendar under the order just made will be announced.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis, which had been reported from the Committee on Pensions with amendments, in line 7, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; and in line 8 to insert "in lieu of the pension she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerusha Sturgis, widow of Brig. Gen. Samuel Davis Sturgis, and pay her a pension of \$75 per month from and after the passage of this act, in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis."

SAMUEL E. LISCOM.

The bill (S. 2828) granting an increase of pension to Samuel E. Liscom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel E. Liscom, late of Company A, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PLUMY E. MARDEN.

The bill (S. 2829) granting a pension to Plumy E. Marden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Plumy E. Marden, daughter of Benjamin Chote, late a soldier in Colonel Poor's regiment and afterwards in Capt. Edward Burbank's company in the war of the Revolution, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIMPSON EVERETT STILWELL.

The bill (S. 2787) granting a pension to Simpson Everett Stilwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simpson Everett Stilwell, late scout and guide in the United States Army, at \$20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANN TRACY.

The bill (H. R. 152) granting a pension to Mary Ann Tracy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Tracy, as daughter of David Tracy, late lieutenant in the Thirty-seventh Regiment United States Volunteers in the war of 1812, and to allow her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHRONIA S. STOWELL.

The bill (S. 2790) for the relief of Sophronia S. Stowell was considered as in Committee of the Whole. It proposes to place the name of Sophronia S. Stowell on the pension roll as the surviving widow of Maj. David P. Stowell, late of First Maine Cavalry, and to pay her a pension of \$25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA A. TAFT.

The bill (H. R. 577) granting a pension to Lydia A. Taft was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Lydia A. Taft as the widow of Lowell Taft, late a private in Company G, Eighteenth Regiment Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBENEZER G. HOWELL.

The bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private of Company F, One hundred and sixtieth New York Volunteers, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of all other pensions.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE D. MOWATT.

The bill (H. R. 1139) granting a pension to Caroline D. Mowatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline D. Mowatt, as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIGHT OF WAY ON PUBLIC LANDS FOR ELECTRIC POWER.

Mr. TELLER. I ask the Senator from New Hampshire if he will allow me to call up a bill of some local importance. There is some necessity for its immediate passage. It is a House bill and will not take up any time. If there is any discussion over it I will withdraw it.

Mr. GALLINGER. I yield for that purpose.

Mr. TELLER. I ask unanimous consent for the present consideration of the bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved January 21, 1895, by adding thereto the following:

SEC. 2. That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way to the extent of 25 feet, together with the use of necessary ground, not exceeding 40 acres, upon the public lands and forest reservations of the United States, by any citizen or association of citizens of the United States, for the purposes of generating, manufacturing, or distributing electric power.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENIA R. SWEENEY.

The bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in lines 6 and 7, to strike out the name "Sweeney" where it occurs and insert "Sweeny"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugenia R. Sweeny, widow of Thomas W. Sweeney, deceased, late a brigadier-general, United States Army, and pay her a pension at the rate of \$50 per month in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas F. Sweeney, deceased."

CHARLOTTE O. VAN CLEVE.

The bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Charlotte O. Van Cleve, widow of the late Brig. and Bvt. Maj. Gen. Horatio P. Van Cleve, at the rate of \$50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN MAINES.

The bill (S. 2542) granting a pension to Stephen Maines was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Maines, late a private in Company K, Ninety-seventh Indiana Volunteer Infantry, and pay him a pension of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMANTHA BARNES.

The bill (S. 536) granting an increase of pension to Samantha Barnes was considered as in Committee of the Whole. It proposes to place upon the pension roll, at \$20 per month, the name of Samantha Barnes, of Denver, Colo., widow of Newcomb M. Barnes, late captain of Company I, One hundred and first Regiment of Ohio Volunteer Infantry, in lieu of the pension of \$8 per month she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET C. M'KAY.

Mr. MITCHELL of Oregon. Will the Senator from New Hampshire yield to me for a moment, as I am compelled to leave the

Senate, to ask to take up a bill a little farther along on the Calendar? It is a case in which I take some interest; Senate bill 527.

Mr. GALLINGER. I yield for that purpose.

The PRESIDING OFFICER (Mr. PASCO in the chair). The Senator from Oregon asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 527) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, to fill the blank before the word "dollars" by inserting the word "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions of the pension laws, the name of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon, at the rate of \$20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. WHITNEY.

The bill (S. 2430) granting a pension to James W. Whitney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Whitney, late private, Company D, First Ohio Light Artillery Volunteers, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB P. FLETCHER.

The bill (S. 2428) granting an increase of pension to Jacob P. Fletcher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Fletcher," to strike out "late captain Company A, Nineteenth Regiment Ohio Volunteer Infantry, at the rate of \$24 per month from the passage of this act, in lieu of that he is now receiving," and insert, "late a lieutenant, Company A, One hundred and ninety-fifth Ohio Volunteer Infantry, at the rate of \$17 per month, in lieu of the pension he now receives"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob P. Fletcher, late a lieutenant, Company A, One hundred and ninety-fifth Ohio Volunteer Infantry, at the rate of \$17 per month, in lieu of the pension he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. TUTTLE.

The bill (S. 2341) granting a pension to George E. Tuttle was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twelve" and insert "eight"; and after the word "months," in the same line, to strike out "from the passage of this act"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Tuttle, late of Company G, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMBROSE B. CARLTON.

Mr. TURPIE. I ask permission of the honorable Senator from New Hampshire to allow me to request the immediate consideration of Senate bill 2601, granting an increase of pension to Ambrose B. Carlton.

Mr. COCKRELL. We shall soon reach it.

Mr. GALLINGER. I believe it is a pension bill.

Mr. COCKRELL. It is a pension bill, and we shall soon reach it.

Mr. GALLINGER. I have no objection to its present consideration. It is just as well to consider it now.

Mr. COCKRELL. If we are going to have a rule we should observe it. There are many other Senators who are interested in bills. We can pass them all in a few moments, and I do not think it is right to make exceptions.

Mr. CULLOM. I do not think so either.

Mr. GALLINGER. Let the regular order proceed.

The PRESIDING OFFICER. The next pension bill in order will be proceeded with.

ABRAHAM RHODES.

The bill (S. 2158) granting a pension to Abraham Rhodes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Rhodes, late private in Company I, Sixth Kentucky Cavalry, and pay him a pension at the rate of \$16 per month from the passage of this act, in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Abraham Rhodes."

GEORGE D. NOBLE.

The bill (S. 2441) granting a pension to George D. Noble was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, after the word "regiment," in line 7, to insert "Wisconsin"; and in the same line, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George D. Noble, late private Company E, Forty-sixth Regiment Wisconsin Volunteer Infantry, at the rate of \$8 per month from the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD T. SELTZER.

The bill (S. 2077) granting a pension to Richard T. Seltzer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard T. Seltzer, late private Company F, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$8 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIJAH A. GILBERT.

The bill (S. 1465) granting an increase of pension to Elijah A. Gilbert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five," and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah A. Gilbert, late of Company E, One hundred and second Regiment Illinois Infantry, and pay him a pension of \$20 per month, in lieu of the pension he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE V. PURDY.

The bill (S. 2822) to increase the pension of Theodore V. Purdy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore V. Purdy, late private Company F, First Michigan Sharpshooters, and to pay him a pension of \$50 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN MITCHELL.

The bill (S. 1857) granting a pension to Nathan Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan Mitchell, a soldier in the Mexican war, at \$8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA WEIR CASEY.

The bill (S. 2729) granting a pension to Emma Weir Casey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Emma Weir Casey, widow of the late Brig. Gen. Thomas Lincoln Casey, Chief of Engineers, United States Army, at the rate of \$75 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH G. IVES.

The bill (H. R. 4887) granting a pension to Sarah G. Ives was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah G. Ives, widow of Joseph C. Ives, late of Company A, Iowa Volunteer Infantry, in the war with Mexico, at \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN A. JACKMAN.

The bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBROSE B. CARLTON.

The bill (S. 2601) granting a pension to Ambrose B. Carlton was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrose B. Carlton, of Terre Haute, Vigo County, Ind., late a private in the Mexican war, and that he be paid a pension of \$50 per month in lieu of that he is now receiving.

Mr. TURPIE. I move to amend the amendment by inserting "sixty" in place of "fifty." I am authorized by the chairman of the committee to move that amendment. The pensioner is already drawing \$50 per month.

Mr. GALLINGER. I think that amendment ought to be made. I am satisfied the committee intended to report the rate at \$60, inasmuch as the soldier is now drawing \$50.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out "fifty" and inserting "sixty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TURPIE. The pensioner is described in the bill as a private, when he was a corporal, and he was also described as a corporal in a previous bill. I ask to have that corrected.

Mr. COCKRELL. That can be reached by simply striking out the word "private" and inserting "corporal."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 7, after the words "late a," it is proposed to amend by striking out "private" and inserting "corporal."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN CALIFORNIA AND OREGON.

Mr. WHITE. I ask unanimous consent for the present consideration of House bill 5819. It is a matter of great importance to California and Oregon and affects no other State.

Mr. CULLOM. Is it a pension bill?

Mr. WHITE. No. The Senators from both the States of Oregon and California are very much interested in the bill, and we should like to have an opportunity to get it passed this evening.

Mr. PALMER. We shall be able to get it directly.

Mr. MITCHELL of Oregon. I hope the bill may be taken up and disposed of at this time.

Mr. GALLINGER. I yield for that purpose.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CULLOM. I have no objection if it leads to no debate.

Mr. WHITE. Oh, no. It is exactly the same as the law which

is now applicable to Idaho and Montana, except that this is less expensive.

Mr. GALLINGER. Let the bill be read.

Mr. WHITE. I suggest that the bill has been once read, and the amendments may now be stated. They are printed with the bill.

Mr. HILL. What bill is that?

Mr. WHITE. A bill to provide for the examination and classification of certain lands in the State of California. It is the same as the law now in force in Idaho and Montana.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 3, line 7, after the word "lands," to insert the following proviso:

Provided, That where large bodies of land within the limits of said grants are commonly and generally known to be nonmineral the Commissioner of the General Land Office shall direct said commissioners to take evidence with relation thereto, and if it be found that such bodies of land are nonmineral they shall classify the same accordingly in a body without actual inspection by legal subdivision.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 9, after the word "compensation," to strike out the words "their actual necessary expenses incurred while in the performance of their official duties, and in addition thereto the further sum of"; so as to read:

The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. Said commissioners shall receive for their compensation \$10 for each day they may be actually engaged in the performance of their duties; and their accounts shall be audited by the Secretary of the Interior and paid monthly.

The amendment was agreed to.

The next amendment was, in section 2, page 4, after the word "act," in line 23, to insert "and shall fully complete said classification within the term of four years from date of this act"; so as to read:

And they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned, within their respective land districts, as provided in this act, and shall fully complete said classification within the term of four years from date of this act.

The amendment was agreed to.

The next amendment was, in section 8, page 10, line 11, before the word "thousand," to strike out "twenty" and insert "forty"; so as to read:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000, or so much thereof as may be necessary, to be expended to carry into effect the provisions of this act, the same to be paid out upon the order of the Secretary of the Interior.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I submit the amendment which I send to the desk and ask for its adoption.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be read.

The SECRETARY. After section 7 of the bill add the following as additional sections:

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized and directed, as speedily as practicable, to cause all unpatented lands within the Roseburg and Oregon City land districts in the State of Oregon within the land-grant and indemnity land-grant limits of what is known as the Oregon and California Railroad Company grant, being lands in the State of Oregon granted by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," approved July 25, 1866, and acts supplemental thereto and amendatory thereof, to be examined and classified by commissioners to be appointed as hereinafter provided, with special reference to the mineral or nonmineral character of such lands, and to reject, cancel, and disallow any and all claims or filings heretofore made, or which may hereafter be made by or on behalf of the said railroad company, or on any unpatented lands in said State of Oregon which upon examination shall be classified, as provided in this act, as mineral lands: *Provided, That where large bodies of land within the limits of said grants are commonly and generally known to be nonmineral, the Commissioner of the General Land Office shall direct said commissioners to take evidence with relation thereto, and if it be found that such bodies of land are nonmineral, they shall classify the same accordingly in a body without actual inspection by legal subdivision.*

SEC. 9. That for the purpose of making the examination herein provided for, three commissioners shall be appointed by the President of the United States as soon as practicable after the passage of this act; that at least one of the three commissioners shall be a practical miner and a resident of the said State of Oregon. Before entering upon their duties each of said commissioners shall take an oath to faithfully perform the duties of his office. The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. Said commissioners shall receive for their compensation \$10 for each day they may be actually engaged in the performance of their duties, and their accounts shall be audited by the Secretary of the Interior and paid monthly. Said commissioners shall make examination of the lands herein mentioned within their respective land districts, and may also take the testimony of witnesses as to the mineral or nonmineral character of any of said lands and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths; and they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned, within their respective land districts, as provided in this act, and shall fully complete said classification within the term of four years from the date of

this act. All testimony taken by said commissioners shall be reduced to writing, subscribed by the witnesses, and filed with the report of the commissioners hereinafter required. The action or decision of a majority of any one of said boards of commissioners shall control in all matters herein provided for within the jurisdiction of such board.

"SEC. 10. That all said lands shall be classified as mineral which by reason of valuable mineral deposits are open to exploration, occupation, and purchase under the provisions of the United States mining laws, and the commissioners in making the classification hereinafter provided for shall take into consideration the mineral discovered or developed on or adjacent to such land, and the geological formation of all lands to be examined and classified, or the lands adjacent thereto, and the reasonable probabilities of such land containing valuable mineral deposits because of its said formation, location, or character. The classification herein provided for shall be by each legal subdivision where the lands have been surveyed. If the lands examined are not surveyed, classification shall be made by tracts of such extent and designated by such natural or artificial boundaries to identify them as the commissioners may determine. Where patents have issued for mining ground in any section of land this shall be taken as prima facie evidence that the 40-acre subdivision within which it is located is mineral land: *Provided*, That the word 'mineral,' where it occurs in this act, shall not be held to include iron or coal: *And provided further*, That the examination and classification of lands hereby authorized shall be made without reference or regard to any previous examination or report or classification thereof.

"SEC. 11. That such of the lands herein mentioned as have been surveyed prior to the passage of this act shall be first examined and classified as herein provided, and afterwards, and as speedily as practicable, the lands herein mentioned which have not been surveyed, until all the lands herein mentioned have been examined and classified as herein provided.

"SEC. 12. That said commissioners shall, on or before the 5th day of each month, file in the office of the register and receiver of the land office of the land district in which the land examined and classified is situated a full report, in duplicate, in such form as the Secretary of the Interior may prescribe, showing all lands examined by them during the preceding month, and specifying clearly by legal subdivisions, where the land is surveyed, or otherwise by natural objects or permanent monuments to identify the same, the lands classified by them as mineral lands and those classified as nonmineral; and with said report shall be filed all testimony taken and written communications received by said commissioners relating to the lands embraced in the report. The register and receiver shall file one duplicate of said report in their office, together with all accompanying testimony and papers, and the other duplicate shall be by them forwarded direct to the Secretary of the Interior, and said commissioners shall furnish to the Secretary of the Interior at any time such further or additional report or information as he may require concerning any matters relating to their duties or the performance of the same. Upon receipt of such report the register of the land office shall, at the expense of the United States, cause to be published in a newspaper of general circulation in each county in which the land so classified is located, at least once a week for four consecutive weeks, notice of the classification of lands as shown by said report; and any person, corporation, or company feeling aggrieved by such classification may, at any time within sixty days after the first publication of said notice, file with the register and receiver of the land office a verified protest against the acceptance of said classification, which protest shall set forth in concise language the grounds of objection to the classification as to the particular land in said protest described, whereupon a hearing shall be ordered by and conducted before the said register and receiver, under rules and regulations as nearly as practicable in conformity with the rules and practice of such land office in contests involving the mineral or nonmineral character of land in other cases, and an appeal from the decision of the register and receiver shall be allowed to the Commissioner of the General Land Office and to the Secretary of the Interior, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at such hearings the United States district attorney or his assistants for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such services he shall receive compensation not exceeding \$10 per day for each day's actual services before the register and receiver, to be paid out of the fund provided for the examination and classification of said mineral lands.

"SEC. 13. That as to the lands against the classification whereof no protest shall have been filed as hereinbefore provided, the classification, when approved by the Secretary of the Interior, shall be considered final, except in case of fraud, and all plats and records of the local and general land offices shall be made to conform to such classification; and as to the lands against the classification whereof protests may be filed, the final ruling made after the day set for hearing shall determine the proper classification, and all records of the local and general land offices shall be made to conform to the classification as determined by such final ruling, and all costs of such hearings shall be paid by the unsuccessful party, under such rules as the Secretary of the Interior may prescribe; and the Secretary of the Interior is hereby authorized to establish such rules and regulations as may be necessary to carry into effect the true intent and provisions of this act as speedily as practicable.

"SEC. 14. That no patent or other evidence of title shall be issued or delivered to said Oregon and California Railroad Company for any land in said State, or to any assignee company, until the examination and classification provided for in this act shall have been made, and such patent or other evidence of title shall only issue then to such land, if any, in said State as said company may be, by law and compliance therewith, and by the said classification, entitled to; and any patent, certificate, or record of selection, or other evidence of title or right to possession of any land in said State, issued, entered, or delivered to said railroad company in violation of the provisions of this act shall be void: *Provided*, That nothing contained in this act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the said railroad company, or as waiving or in any wise affecting any right on the part of the United States against the said railroad company to claim a forfeiture of any land grant heretofore made to said company."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. MITCHELL of Oregon the title was amended so as to read: "A bill to provide for the examination and classification of certain lands in the States of California and Oregon."

Mr. DUBOIS. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. DUBOIS, Mr. PETTIGREW, and Mr. PASCO were appointed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 6, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 5, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

EXPLANATION OF A VOTE.

Mr. LACEY. Mr. Speaker, I wish to call attention to the RECORD of last evening. I voted upon the resolution offered by the gentleman from South Dakota [Mr. PICKLER], the understanding being that my pair with Mr. HUTCHESON of Texas had been canceled by striking out my name and inserting Mr. BROMWELL's instead. I find that was a mistake, and consequently my vote was cast through a misapprehension.

CONSIDERATION OF PRIVATE PENSION BILLS, ETC.

Mr. HENDERSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The report and accompanying resolution will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 238, having had the same under consideration, ask leave to report the following substitute therefor:

"Resolved, That on Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings; and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports thereon."

Mr. HENDERSON. I ask the previous question on the adoption of the resolution.

The previous question was ordered.

Mr. CRISP. Mr. Speaker—

Mr. HENDERSON. Does the gentleman from Georgia desire to occupy time?

Mr. CRISP. When the gentleman gets through I shall occupy the floor for a few moments.

Mr. HENDERSON. I will make a brief explanation first and then hear what my colleague on the committee has to say.

Mr. CRISP. Very well.

Mr. HENDERSON. This resolution, Mr. Speaker, is the same as the one which the House voted upon last night, with the single exception that we have added thereto an exception in behalf of appropriation bills, so that conference reports on appropriation bills may be taken up and considered at any time during the two days set apart by this resolution.

The effect of the rule is to allow Wednesday of this week and Wednesday of next week for the consideration of such bills, and such bills only, as are in order for consideration under the rule on Friday nights. And I wish to call the attention of the House to the fact that the Calendar of May 4 shows that there are 387 private pension bills pending on the Calendar, reported from the Committee on Invalid Pensions and from the Committee on Pensions, and that there are 18 bills which have already passed the Committee of the Whole and are still pending, undisposed of by the House—bills reported from the same committees—making a total of 405 private pension bills undisposed of. It is because of this condition of the Calendar and the great need for the consideration of these bills that this rule is presented for the consideration of the House.

For reasons which I will not now discuss, no great progress has been made at the Friday night sessions, and it has been thought wise to allow the House one day of this week and one day of next week to be devoted to the consideration of these bills exclusively.

Mr. HULL. Will my colleague yield for a question?

Mr. HENDERSON. Certainly.

Mr. HULL. I take it from your statement that the special rule is to be devoted only to private pensions. There are a large number of desertion cases upon the Calendar; and if you propose to limit it to pension cases alone it will be necessary to amend the resolution.

Mr. DALZELL. If they are in order on Friday night, they are included in this rule.

Mr. HENDERSON. I will say to my colleague that I did not count up the desertion cases, for I was not familiar with that class. But they are in order for consideration under this special rule because they are in order at the Friday night sessions.

Mr. HOPKINS. The point is, as I understand the gentleman from Iowa [Mr. HULL], that the two days should be limited to pension cases only, and not desertion cases.

Mr. HENDERSON. That was not the intention of the Committee on Invalid Pensions, whose wishes we considered in regard to the matter.

I reserve the remainder of my time.

Mr. CRISP. Mr. Speaker, I am not one of those that oppose reasonable and equitable pension bills, but I want to say a word or two before the House adopts this order. Of course I know well the majority are going to adopt it, that nothing I might say would affect it, and yet I want to say a word to justify my own vote against this proposition.

In the first place, all men must admit that our general pension laws are very liberal. I suppose no man, no matter how anxious he may be to appear as a special friend and champion of the soldier, will deny that our general laws are very liberal in relation to the granting of pensions to soldiers of the late war. Of course there are exceptional cases that arise, cases which the general law does not cover, which it is proper should be considered by Congress on their merits. Now, the first criticism I make of the practice here is that the Committee on Pensions does not confine itself to the consideration of cases which equitably come within the spirit of existing law, and yet by its strict terms are not included; but the Committee on Invalid Pensions report in favor of distinct classes of pensioners who, under the general law, are not included. I have always thought, and I now maintain, that it never was intended that the Committee on Invalid Pensions should report pension bills in favor of distinct classes of people who, under the general law, are not entitled to pensions, but it was intended rather to be like a court of equity, which might afford relief in certain cases where the general law, by reason of its universality, was deficient—some cases where specific proof could not be made, or something of that sort; but the Committee on Invalid Pensions does not limit itself in that way.

Now, in spite of the liberal law to which I have referred, I am told that there are more than 3,000 applications for pensions which have been introduced during this Congress.

Mr. LOUD. They are still coming.

Mr. CRISP. Now, a great number have been reported. A great number have been considered under the rules of the House, to which I make no objection.

This proposition is to change the rules of the House and to provide for the consideration of these bills during two days of this month, and that no more than ten minutes' debate or consideration shall be given to any one bill.

Now, think of that for a moment. If the report is read, it must come out of the ten minutes' time. I venture to say there are cases in which the report can not be read in five minutes. We can not even understand the ground upon which the committee recommend the pension, and yet we are told that this is equitable and just.

Now, Mr. Speaker, if the House felt bound to accept the verdict or judgment of any of its committees absolutely, then, of course, there would be no occasion for any debate; but if the House reserves to itself the right to consider a bill reported by a committee, then I submit, Mr. Speaker, that ten minutes is too little time in which to permit the House intelligently to pass upon an application for a pension. Now, why should this be done? Why should the rules be changed in this way? Surely this House wants to pass intelligently upon these cases, and surely no gentleman upon that side will insist that you can do that in ten minutes. I undertake to produce—at least I am informed that I can produce—reports from the Committee on Pensions that can not be read in five minutes, and that is all the time allowed in favor of the proposition. Therefore by this rule you deprive the House of hearing even a report from the Committee on Invalid Pensions, and I submit, Mr. Speaker, no matter how anxious gentlemen may be to consider these bills, this is not the proper way in which to consider them.

Again, the House of Representatives for some days has been through with all the general appropriation bills. Why can not the House, under its rules, proceed from day to day to consider pension bills, if that is the purpose or the desire of its majority? If these bills are regarded as so important that the rules of the House must be changed, so important that they must be considered without the House even knowing the reason why the committee report them, let me ask why it is that you can not proceed from day to day to consider them under the rules? Five days last week you gave to the consideration of the bankruptcy bill. Five days or more you gave the week before to general debate on the pension bill, a mere opportunity to permit gentlemen to make speeches to send home for campaign purposes. Why now, if it is

so important that these bills should be considered—and I agree that they ought to be considered—why not proceed to consider them in the same manner that you consider other business? Why not give a reasonable time in which to discuss them? Is it true that gentlemen have reported bills when they are afraid that the country shall see and hear the reasons they allege for their passage? Is it true that gentlemen on that side of the House desire to pass bills which they are ashamed to have discussed in the open hearing of the House? It seems to me, sir, that this is not only unusual, but that it is unjust, and can only be defended by those who believe that every man who served in the war on the Union side is entitled to a pension irrespective of existing law.

For these reasons, Mr. Speaker, I shall oppose this resolution. I shall vote against it, and in doing so I shall feel that I am doing my duty as a Representative to vote against any rule which provides that I shall be forced to pass upon a question when you do not afford me sufficient opportunity even to hear the report read.

I yield five minutes to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Speaker, I shall vote against this rule; and no man recognizes better than I the imaginary idea prevailing upon our side of the Chamber of the delicate ground upon which I tread; but I do not believe that even the claim of an old-soldier is so sacred that the people of this country desire to pass his case without due consideration. I have repeatedly heard it uttered here on Friday nights, "Why, the committee have investigated this case and we will follow the committee." I have heard it stated that there have been 400 cases reported. Permit me to say that there are no committees in this House that can carefully consider 400 cases in the length of time they have devoted to those cases.

I assume, Mr. Speaker, in cases where a great deal more care and thought is given to the consideration of matters by a whole committee than is given to these pension cases, this House in many instances has overturned the deliberations of the committee. In many instances, Mr. Speaker, the committee has carefully considered bills for weeks and weeks and yet the sober judgment of this House has overturned the conclusions of the committee. I do not believe, Mr. Speaker, that there is any bill so sacred that it should be denied the light of day. Now, then, if the cases that have passed this House could bear that close investigation that they ought there might be some excuse for passing this rule. But I have been brought to contemplate, when we look at the cases that have been passed here on Friday nights, whether there were any private soldiers left at the close of the late rebellion! Mr. Speaker, 50 per cent of the cases that have passed have been to place upon the pension rolls, at a high rate, widows of officers; 25 per cent of the cases that you have passed have been to remove the charge of desertion from what I believe to be bona fide deserters.

Now, then, let me to say to you, gentlemen, that I think you mistake the temper of the people of this country when you propose to pass through this House, or any legislative body, cases under the rule that you have presented here. I know what I say to-day will fall upon deaf ears; no one recognizes that better than I do. But there is no man on this floor, Mr. Speaker, who will not recognize that one of the principal arguments used for the passage of the act of 1890 was that it would do away with the vicious pension legislation that had confronted Congress for many and many a session.

The gentleman from Georgia [Mr. CRISP] says 3,000 cases have already been presented, and I said in an undertone to the gentleman that they were still coming. Look at your RECORD from day to day and see if what I say is not a fact, and the party with which I am associated are, under the guise of this rule, to force through this House cases that have had, permit me to say, no consideration whatever. Cases of pensioners and private claims, Mr. Speaker, do not receive deliberate consideration in committee. I know whereof I speak. These cases are referred to one individual member of the committee, and as the result of his deliberation this House is called upon to act. Yesterday I believe I was the only Republican who voted against this resolution, and I shall do so to-day, perfectly satisfied, Mr. Speaker, that I am doing what is right and just and what the Republican party ought to do.

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. LOUD. If I have time.

Mr. HULICK. I would like to ask what your remedy is, and how would you dispose of these several thousand private bills? Should they remain for consideration on Friday nights and meet with the opposition we all know, or shall we pass this rule?

Mr. LOUD. Ninety-eight per cent of your cases have no merit whatever, and investigation will show it. If you will present meritorious cases to this House there will be an abundance of time to pass them.

Mr. CRISP. I reserve the remainder of my time.

The SPEAKER. The gentleman has six minutes.

Mr. HENDERSON. How much time has that side remaining?

The SPEAKER. Six minutes.

Mr. CRISP. I reserve that. Of course if the gentleman wants to close, I will give him an opportunity.

Mr. HENDERSON. What time have I remaining?

The SPEAKER. The gentleman has sixteen minutes.

Mr. HENDERSON. Mr. Speaker, it is true, as the gentleman from Georgia says, that the pension laws, the general pension laws, are liberal; and no thanks to that side of the House for that fact. The Republican party alone, with a few assistants from the North, and one or two, as I remember it, from the South, have made them so. Under a friendly administration of the pension laws it has been found necessary in the past to pass special pension bills; and now, with a mailed hand protruding from every Executive Department of this Government, when the interests of the old soldier are brought forward it needs some special legislation to take care of the unfortunate ones who have difficulty in getting their proofs. [Applause on the Republican side.] Every man who has served a single term in this body knows that there are special difficulties surrounding the old soldier in getting his proofs. The Angel of Death is swift among the ranks of that class, carrying away witnesses, and it is difficult, after the lapse of thirty years, to procure the necessary evidence in these cases; and the Congress of the people has been called upon, is called upon, and will be called upon, to provide for such defects.

The gentleman from Georgia complains of the ten minutes. Mr. Speaker, if you had ten hours on a pension bill Democratic tongues would be found on that side charged with bitterness and gall to consume that time in order to defeat the passage of all such bills. [Applause on the Republican side.] The first time that I ever crossed swords with the gentleman from Georgia, when we were both commencing our term in Congress, was on account of his opposition to a private pension bill for the widow of a poor soldier. The gentleman soon saw that he was not in the proper field. His greater abilities called him to a higher plane, and he turned over to the petty little Gatling guns of his party this petty warfare on the honored and maimed veterans of the Union. [Applause on the Republican side.] I congratulate him on his promotion. I leave those who took his place to make up a conscience fund, from their own standpoint, to settle with their Maker. [Laughter; applause on the Republican side.] Ten minutes is ample. Why? There are no new principles involved in these cases. They are settled on rules and principles well known to this House and to the country; the reading of the report, which on an average consumes about two minutes, will state each case, and five minutes will be left for the ancient, oft-repeated, abusive attacks coming from the Democratic side.

One gentleman on that side says that the Republican party has a "soldiers' trust" that we depend upon. I concede to most of you gentlemen on the Democratic side that in that matter and in that alone you are conscientious antitrusters. [Laughter; applause on the Republican side.] These pension bills are considered carefully in subcommittee and they are again considered and voted upon in full committee. They come here based on simple principles, and this rule is brought in because it is absolutely needed; for on Friday nights the mass of you gentlemen on that side are found, as you were found yesterday when we asked for this order under a suspension of the rules, obstructing the way and trying to defeat this pension legislation.

The gentleman from Georgia said something about our doing this for campaign purposes. When I presented this report, Mr. Speaker, I used no partisan word; I presented the report as a business proposition, representing the committee of which the gentleman and I are both members; but when the leader of the Democratic party in this House hurls that venomous imputation against the members on this side, most of whom have served side by side with the poor fellows who are sending us their petitions for this legislation, I hurl it back in his teeth, and assert that under this dome men can act for their constituents conscientiously in behalf of the old soldiers of the Union as well as for filled-cheese insolvents and other classes of unfortunates. [Laughter; applause on the Republican side.] And when you talk about campaign purposes possibly the thought is in the minds of some of you who blossom here perennially on Friday nights and on every other occasion that you have campaigns at home in which you can make your boasts of having been obstructionists and strong assailants of the old Union soldier. Take that comfort home into your campaigns; but I assert that if the Democratic leaders on the floor of this House would lay aside this partisan abuse, if they would treat these old Union soldiers as their defenders as well as ours, we would reach reconciliation and that union of hearts for which I love to labor as a member of this House and for which I long without a reservation. You gentlemen are the ones—some of you, I will not say it of you all—you gentlemen, the big and the little of you in the main, are the ones who keep tearing open afresh the wounds of war and preparing your campaign material on lines which God and your own consciences both ought to disapprove.

[Loud applause on the Republican side.] We reserve the balance of our time on this side until we hear again from the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, just a word. My friend from Iowa [Mr. HENDERSON], pursuing his usual custom, with which those of us who have served long here are very familiar, proceeds to set up a man of straw and then to knock him down. And he does that in a loud tone of voice, and he does it as though he felt and wanted the whole country to feel that the interest of the old soldier depended at this moment upon the action of the gentleman from Iowa. [Laughter.]

Now, Mr. Speaker, I said no word about this proposition being made for campaign purposes. I said that for five days you had debated a general pension bill which was for campaign purposes, and that if you thought as much of the gentlemen who are now asking pensions as you profess to think you might have used that time in considering private pension bills rather than making speeches on the general subject of pensions to send home for campaign purposes. That is what I said.

Mr. HENDERSON. That is worse than I thought it was. [Laughter.]

Mr. CRISP. I made no criticism like that which my friend from Iowa has attributed to me. I defy you, Mr. Speaker, or any man in this House to make an argument against any proposition that is presented by the gentleman from Iowa without his working himself into a great passion and claiming that he stands here preeminently in the interest of the people and that those who oppose him are the enemies of the public weal.

That is an old cry. It does not mean anything. The gentleman himself does not mean anything. It is simply a habit he has fallen into. [Laughter.] Of course, if it affords him any pleasure it does us no harm.

Mr. Speaker, I think I will leave the matter there.

Mr. HENDERSON. Mr. Speaker, this is the statesmanlike reply we have heard from the gentleman from Georgia! He attacks my voice. I do not brag of my voice. I came honestly by it driving breaking teams. [Laughter.] It is the best voice I have.

I opened this debate without bringing in any politics. The gentleman from Georgia seems incapable of discussing such questions on a high plane. Even now, as I understand him, he claims that in the passage of the bankruptcy bill we were using it for partisan purposes. He seems to treat me as though I thought—indeed he charges it—that the interests of the old soldier rest on my shoulders. Did I make any reference to myself, I would like to ask the gentleman from Georgia? I devoted most of my time to complimenting that side of the House on its devotion to the determination to fight the Union soldier. I said nothing of myself. No man ever heard me, on the stump or elsewhere, allude to the part that I played during the war—a very simple part. God knows there is work enough here for us all in holding you fellows in check, with your rapiers for the old soldier, without speaking of ourselves. I know that I have the habit, as the gentleman says, of voting in the interest of the old soldiers. I can not retort that charge upon the gentleman from Georgia. It is a habit that he never has acquired. His associations are such that it would be very difficult for him to acquire it; and I presume he never will. If that is a bad habit, I have it. I wish my other bad habits were no more hurtful than that. I will waste no more time on the gentleman from Georgia. He has sunk into a petty personal response which really answered itself. [Applause.]

I yield now to my colleague on the committee, the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, the proposition embodied in this rule is to give one whole day this week and one whole day next week to the consideration of legislation of a particular kind. I think this rule can be justified as a plain business proposition. The reasons for it are, first, the character of the legislation; and second, the impossibility, under the rules of the House, of having this business considered in any other way. There are, as my colleague has said, some three or four hundred bills of this character on the Private Calendar. These bills are of a pressing nature. The very fact that they have been before this committee and are reported here for action testifies to the necessity for their immediate consideration.

Now, the gentleman from Georgia says, why not consider them from day to day under the rules of the House? The answer is a simple one—that these bills can only be considered in one of two ways, either by unanimous consent, which experience shows it is absolutely impossible to have, or under an order of business reported from the Committee on Rules. There are only these two methods of securing the consideration of this class of business outside of the ordinary Friday evening sessions. Now, why is it that Friday evening sessions do not answer the purpose of a fair consideration of these measures? No gentleman who comes here on Friday evening, or, failing to come, reads the RECORD, is ignorant of the fact that week after week, night after night, gentlemen get up on the floor of this House and consume the time of the

Committee of the Whole by long debate—possibly not, as my friend from Georgia suggested, for campaign purposes, but, for whatever purpose, with the result that these bills go unconsidered, unpassed upon, and remain on the Calendar, blocking the business of the House.

There are, then, I suggest, two reasons why this rule should pass, from a purely business point of view—first, the character and number of the bills; second, the impossibility of their consideration in any other way than under such a rule as this. Now, what are the objections urged against the passage of this rule?

My friend from Georgia says that the Committee on Invalid Pensions has increased the classes of pensioners. I deny it. I deny that any bill has been passed or, so far as I have been able to ascertain, is now on the Calendar which deals with any other than persons equitably entitled to pensions under existing law. And I deny that the committee has abused its power or discretion in the number of bills that it has reported. According to the gentleman from Georgia, there have been referred to that committee at least 3,000 bills; yet it has reported only about 10 per cent of them; so that the reasons alleged against the passage of this rule fall to the ground for lack of truth. Without entering, therefore, into partisan discussion or any consideration as to whether pensions ought to be granted or ought to be refused, I submit that these bills are entitled to the consideration of the House, and that they can receive such consideration in no other way than by the adoption of this rule.

Mr. WILLIAM A. STONE. Is it not a fact that most of these bills are bills that were on the Calendar of the last two Congresses—bills which have accumulated during those previous Congresses and can not now be considered—

Mr. DALZELL. A great many of them are in that situation.

Mr. WILLIAM A. STONE. A majority of them.

Mr. DALZELL. And if previous Houses had acted as we propose now to act our Calendar would not be loaded with these bills. Whether they are worthy or unworthy bills, whether the gentleman from California [Mr. LOUD] is right or wrong in the exaggerated statement he makes that 98 per cent of them are unworthy bills, they can in any event be trusted to the judgment, the discretion, the good sense of a Republican House of Representatives.

Mr. LOUD. I would like to ask the gentleman from Pennsylvania one question. How many cases of private pensions have been defeated in this Congress?

Mr. DALZELL. I can not answer the gentleman from California. I have not the figures. I understand the gentleman from California, however, has done his best to defeat a good many of them. [Applause on the Republican side.]

Mr. LOUD. Well, the gentleman is making a statement of which he knows nothing personally. Permit me to say it is only hearsay testimony.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and the Speaker announced that the resolution was agreed to.

Mr. TALBERT. I demand a division.

Before the count by division was announced,

Mr. HENDERSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 56, not voting 126; as follows:

YEAS—172.

Adams,	Cousins,	Harris,	Linton,
Aldrich, Ala.	Crowther,	Hartman,	Long,
Anderson,	Crump,	Heatwole,	Low,
Andrews,	Cummings,	Henderson,	Mahon,
Arnold, R. I.	Curtis, Kans.	Henry, Conn.	Marsh,
Baker, Kans.	Curtis, N. Y.	Hepburn,	McCall, Mass.
Baker, Md.	Dalzell,	Hermann,	McCleary, Minn.
Baker, N. H.	Daniels,	Hicks,	McCormick,
Barham,	De Witt,	Hilborn,	McLachlan,
Barney,	Dingley,	Hill,	Meiklejohn,
Bell, Colo.	Dooliver,	Hitt,	Mercer,
Bennett,	Doolittle,	Hooker,	Miller, Kans.
Bingham,	Dovener,	Hopkins,	Miller, W. Va.
Bishop,	Downing,	Howe,	Milnes,
Black, N. Y.	Eddy,	Howell,	Minor, Wis.
Blue,	Ellis,	Hubbard,	Mondell,
Boutelle,	Evans,	Hulick,	Moody,
Brewster,	Fairchild,	Huling,	Morse,
Broderick,	Farris,	Hull,	Noonan,
Bromwell,	Fenton,	Hunter,	Northway,
Brosius,	Fischer,	Hurley,	Odell,
Brown,	Fowler,	Hyde,	Otjen,
Brumm,	Gardner,	Jenkins,	Parker,
Bull,	Gibson,	Johnson, Cal.	Payne,
Burrell,	Gillet, N. Y.	Joy,	Perkins,
Burton, Mo.	Gillett, Mass.	Kem,	Phillips,
Burton, Ohio	Graff,	Kerr,	Pickler,
Cannon,	Griffin,	Kirkpatrick,	Pitney,
Chickering,	Griswold,	Knox,	Poole,
Clark, Mo.	Grow,	Lacey,	Powers,
Coffin,	Hadley,	Layton,	Pugh,
Colson,	Hager,	Lefever,	Quigg,
Connolly,	Hainer, Nebr.	Leighty,	Reeves,
Cook, Wis.	Halterman,	Leisenring,	Reynolds,
Corliss,	Harmer,	Leonard,	Robinson, Pa.

Royse,
Sauerhering,
Scranton,
Shafroth,
Sherman,
Simpkins,
Snover,
Sorg,

Southard,
Spalding,
Sperry,
Stewart, Wis.
Stone, W. A.
Strong,
Sulloway,
Sulzer,

Taft,
Tawney,
Taylor,
Towne,
Tracewell,
Tracey,
Updegraff,
Van Horn,

Van Voorhis,
Watson, Ohio
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Wood,
Woodman.

NAYS—56.

Abbott,
Allen, Miss.
Bankhead,
Bartlett, Ga.
Bartlett, N. Y.
Bell, Tex.
Buck,
Catching,
Clardy,
Cockrell,
Cooper, Fla.
Cooper, Tex.
Cox,
Crisp,

Culberson,
De Armond,
Denny,
Dinsmore,
Ellett, Va.
Elliott, S. C.
Erdman,
Hall,
Harrison,
Hendrick,
Jones,
Lester,
Linney,
Little,

Loud,
McClellan,
McCulloch,
McDearmon,
McLaurin,
McRae,
Meredith,
Miles,
Money,
Ogden,
Otey,
Owens,
Patterson,
Pendleton,

Russell, Ga.
Sayers,
Settle,
Spencer,
Stokes,
Strait,
Strowd, N. C.
Talbert,
Tate,
Terry,
Turner, Ga.
Turner, Va.
Williams,
Yoakum.

NOT VOTING—126.

Acheson,
Aitken,
Aldrich, Ill.
Allen, Utah
Apsley,
Arnold, Pa.
Atwood,
Avery,
Babcock,
Bailey,
Barrett,
Bartholdt,
Beach,
Belknap,
Berry,
Black, Ga.
Bowers,
Calderhead,
Clark, Iowa
Clarke, Ala.
Cobb,
Coddling,
Cooke, Ill.
Cooper, Wis.
Cowen,
Crowley,
Curtis, Iowa
Danford,
Dayton,
Dockery,
Draper,
Fitzgerald,

Fletcher,
Foote,
Foss,
Gamble,
Goodwyn,
Grosvenor,
Grout,
Hanly,
Hardy,
Hart,
Hatch,
Heiner, Pa.
Hemenway,
Henry, Ind.
Howard,
Huff,
Hutcheson,
Johnson, Ind.
Johnson, N. Dak.
Kendall,
Kiefer,
Kulp,
Kyle,
Latimer,
Lawson,
Lewis,
Livingston,
Lockhart,
Lorimer,
Loudenslager,
Maddox,
Maguire,

Mahany,
McCall, Tenn.
McClure,
McCreary, Ky.
McEwan,
McMillin,
Meyer,
Miliken,
Miner, N. Y.
Moses,
Mozley,
Murphy,
Neill,
Newlands,
Overstreet,
Pearson,
Price,
Prince,
Raney,
Ray,
Richardson,
Robertson, La.
Rusk,
Russell, Conn.
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Ill.
Smith, Mich.
Southwick,
Sparkman,

Stable,
Stallings,
Steele,
Stephenson,
Stewart, N. J.
Stone, C. W.
Strode, Nebr.
Swanson,
Thomas,
Thorpe,
Treloar,
Tucker,
Tyler,
Underwood,
Wadsworth,
Walker, Mass.
Walker, Va.
Walsh,
Wanger,
Warner,
Washington,
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Wilson, S. C.
Woodard,
Woomer,
Wright.

So the resolution was adopted.

The following pairs were announced:

Until further notice:

Mr. RANEY with Mr. COWEN.

Mr. GROSVENOR with Mr. McMILLIN.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

Mr. PRINCE with Mr. BAILEY.

Mr. GROUT with Mr. NEILL.

Mr. DRAPER with Mr. TUCKER.

Mr. WANGER with Mr. SWANSON.

Mr. HARDY with Mr. HART.

Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HUFF with Mr. MINER of New York.

Mr. HENRY of Indiana with Mr. SPARKMAN.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. MOZLEY with Mr. MOSES.

Mr. CALDERHEAD with Mr. DOCKERY.

For this day:

Mr. STRODE of Nebraska with Mr. HUTCHESON.

Mr. BEACH with Mr. FITZGERALD.

Mr. CODDING with Mr. MAGUIRE.

Mr. HATCH with Mr. CLARKE of Alabama.

Mr. BARTHOLDT with Mr. WASHINGTON.

Mr. CHARLES W. STONE with Mr. WALSH.

Mr. STEELE with Mr. UNDERWOOD.

Mr. WILBER with Mr. WHEELER.

Mr. RUSSELL of Connecticut with Mr. McCREARY of Kentucky.

Mr. TRELOAR with Mr. MEYER.

Mr. WHITE with Mr. KENDALL.

Mr. LOUDENSLAGER with Mr. PRICE.

Mr. KULP with Mr. SHAW.

Mr. HERMANN with Mr. LATIMER.

Mr. GOODWYN with Mr. LIVINGSTON.

On this question:

Mr. CLARK of Iowa with Mr. TYLER.

Mr. AITKEN with Mr. CROWLEY.

Mr. ALLEN of Utah. Mr. Speaker, I would like to have my name recorded if I can have it done.

The SPEAKER pro tempore (Mr. BENNETT in the chair). Was the gentleman in the Hall at the time and failed to hear his name?

Mr. ALLEN of Utah. I was present, though not on the floor. I was in the gallery for a moment when my name was called. I would like to vote in the affirmative.

The SPEAKER pro tempore. Under the rule the Chair can not entertain the gentleman's request.

Mr. JOHNSON of North Dakota. I desire to withdraw my vote, being paired with the gentleman from Georgia, Mr. LAWSON.

Mr. CURTIS of Iowa. I am paired with the gentleman from Tennessee, Mr. RICHARDSON, and not knowing how he would vote on this question, I desire to withhold my vote. I should vote in the affirmative if he were present.

Mr. PRINCE. Mr. Speaker, I have been paired with the gentleman from Texas, Mr. BAILEY, for some time. I do not know whether he is aware of the fact that I have returned or not. I voted in the affirmative on this question, but under the circumstances, as he is not present, will withdraw my vote.

Mr. GAMBLE. Mr. Speaker, I was unavoidably absent when the roll was called. If I had been present, I should have voted in the affirmative. I expected to have returned in time to cast my vote for the resolution.

The result of the vote was then announced as above recorded.

REGULATION OF MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1904), an act to regulate marriages in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

GEO. M. CURTIS,
B. B. ODELL,
S. W. COBB,
Managers on the part of the House.
CHAS. J. FAULKNER,
JAS. McMILLAN,
Managers on the part of the Senate.

Mr. DOCKERY. Is there a statement accompanying the report?

Mr. CURTIS of Iowa. No; it is unnecessary. The Senate recedes from its disagreement.

The SPEAKER. Has this been acted upon by the Senate?

Mr. CURTIS of Iowa. It has been.

I will say for the information of the House that the conference report recommends that the Senate recede from the disagreement to the amendment of the House; or it was agreed in conference that that would be the report of the Senate conferees. This report simply sets forth the fact.

Mr. DINGLEY. If the Senate, as I understand it, has receded from its action and has concurred in the House amendments, it is not necessary to take any further action here.

Mr. CURTIS of Iowa. I think none is necessary except that I am simply submitting a report under instructions from the conference committee to show what was done.

The SPEAKER. The Chair thinks it needs no action.

Mr. DINGLEY. The two Houses are brought together?

Mr. CURTIS of Iowa. The two Houses are brought precisely together.

The SPEAKER. If there be no objection, the report will be considered as accepted.

There was no objection.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, I have a conference report.

Mr. DANIELS. Mr. Speaker, I desire to have the gentleman from Texas, Mr. Kleberg, sworn in.

Mr. BOUTELLE. I ask for the regular order.

Mr. HOOKER. I hope the resolution which I hold in my hand may be considered. It will take only a moment.

Mr. BOUTELLE. The matter presented by the gentleman is no more a privileged matter than the one I am calling up.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] calls for the regular order.

Mr. BINGHAM. I have a conference report.

Mr. DANIELS. I ask leave, before the regular order is taken up, that this gentleman be sworn in.

The SPEAKER. The regular order has been called.

Mr. CANNON. I suppose the swearing in of a member is a question of the highest privilege.

The SPEAKER. But this is a case which requires unanimous consent of the House to have the member sworn in. It can not be done except by unanimous consent in this case.

Mr. HOOKER. I understood the gentleman from Maine that he would give way to permit me to offer a resolution, which I send to the Clerk's desk.

Mr. BOUTELLE. I understood the gentleman from Pennsylvania was on the floor and that the matter which he desired to

present was the regular order; that it was a conference report, and hence I gave way.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I present a conference report on the legislative, executive, and judicial appropriation bill. I ask to dispense with the reading of the report, and I will make a brief statement, which will, I think, dispose of the matter.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to dispense with the reading of the conference report. Is there objection?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I will state for the information of the House that the conference report now to be acted upon was duly considered and agreed to by the House on the 25th of April last, in all of its details save two paragraphs. The Senate non-concurred in the action of the House, for the reason that after the report had been made to the respective bodies it was discovered with reference to the judicial district of the State of South Carolina that the committee had reached a conclusion not warranted by the law, in so far as they had failed to use the words of the existing statute with reference to the disposition of the marshal as well as the district attorney for the district of South Carolina. It was simply the using of the word "division" where the word "district" should be used, so that the amendment would read:

For the eastern and western districts of the district—

We used the word "division"—

of the district of South Carolina, \$4,500, \$2,500 of which shall be for the performance of the duties of the district attorney for the western district.

It was simply a change in that one word, and the framing of the sentence so as to be consistent with the statute. That also runs with reference to the marshal.

The other paragraph of change is in reference to amendment 99, for 10 examiners, to constitute a board of examiners of surveys, at \$2,000 each, the appointment to be certified to the Civil Service Commission, \$20,000. That was a Senate amendment. The Senate recedes from the amendment in this agreement, for the reason that after examination it is found to be a subject covering so much ground that it was deemed wise to postpone it for future examination and legislative action. If there are no inquiries, Mr. Speaker—

Mr. HENDERSON. I should like to ask the gentleman from Pennsylvania, have you agreed entirely on all matters of difference?

Mr. BINGHAM. No; this is simply a modification of a report which was presented to the House on April 25.

Mr. DOCKERY. It is simply for the correction of phraseology stated by the gentleman from Pennsylvania.

Mr. BINGHAM. I ask for the previous question.

The previous question was ordered.

The conference report was agreed to.

Mr. BINGHAM. I move a further insistence on the disagreement of the House to the remaining amendments of the Senate, and that the House ask for a further conference.

The motion of Mr. BINGHAM was agreed to.

HENRY T. BAKER.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution which I send to the Clerk's desk.

Mr. BOUTELLE. I understood that when the House adjourned with a question pending—

The SPEAKER. Does the gentleman call it up?

Mr. BOUTELLE. I do not desire to interfere with any matter that will take but a short time.

Mr. HOOKER. This will only take a few moments.

Mr. BOUTELLE. There are other gentlemen here who desire unanimous consent. I should like to have some idea about how much time is likely to be taken up? I do not want to interfere with any matter that can be disposed of briefly.

Mr. HOOKER. This is very brief indeed.

Mr. BOUTELLE. I wish simply to state that I shall not deem it proper to assent to requests for unanimous consent for any great length of time, because this important matter must be disposed of.

The SPEAKER. The gentleman from New York [Mr. HOOKER] asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution for the relief of Ex-Naval Cadet Henry T. Baker.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to reappoint Henry T. Baker as a naval cadet to fill the vacancy in the engineers' division of his class caused by his resignation of March 7, 1896, with the same standing, rights, and privileges in all respects as if such resignation had not been tendered: *Provided*, That he shall not receive pay while out of the service.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAILEY. I reserve the right to object until I can hear an explanation.

Mr. HOOKER. Mr. Speaker, six years ago this young man was appointed a cadet upon his application to the President, being one of the ten appointees given by the Secretary of the Navy. He served, and was at the Academy for four years, took his examinations, passed a creditable examination, and then took his two years at sea. He returned about the 1st of March this year. Some would-be friends of his advised him to resign, wanting him to go into the employ of a shipbuilding concern; and, acting upon their advice, he resigned, which was done on the 6th or 7th day of March of this year, and the resignation was accepted by the Secretary of the Navy. The young man came from my district. He came to me on Friday of last week and stated the circumstances. I went with him to the Secretary of the Navy, and the Secretary stated to us that, inasmuch as the resignation had been accepted, he had no power to give him any relief, and that the only relief he could get would be through a resolution of Congress, and the resolution was prepared by the Secretary of the Navy.

Mr. BAILEY. That is all the more reason why I would object to it—

Mr. HOOKER. But, the gentleman will bear with me, the making of this appointment does not interfere with any other. This young man is nearly through his course, and all that he has to do is simply to take his examination, which will occur next week. It does not interfere with any other appointment throughout the country, because the vacancy has already been created, which will be filled by an appointment next fall, and I hope the gentleman will not object. This young man has passed a very creditable examination.

Mr. DINGLEY. And has completed his studies?

Mr. HOOKER. He has completed his studies.

Mr. BAILEY. This is simply a case where a young man resigns one place to accept a better one, and failing to get the better one, he wants to take the other one back.

Mr. HOOKER. That is true in some respects, but he is so young that I hope the gentleman will not insist on objecting.

Mr. BAILEY. I shall not object to the consideration, but shall vote against the passage of the resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

SWEARING IN OF A MEMBER.

Mr. DANIELS. Mr. Speaker, I ask unanimous consent of the House now that Mr. Rudolph Kleberg, successor of Mr. Crain, may be sworn in as a member of this House. I send up a certificate of the State officers.

The SPEAKER. The gentleman from New York asks unanimous consent that Mr. Kleberg, a member-elect from Texas, be sworn in, and sends up the following communication to be read: The Clerk read as follows:

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, April 27, 1896.

DEAR SIR: Some days ago we sent you a telegram in reference to the special election held in the Eleventh district of this State on the 7th instant to fill the vacancy caused by the death of Hon. William H. Crain; but, being requested to do so, this written statement is forwarded. Although the election returns, now in the office of the secretary of state, can not be opened and counted until forty days after said election, including the said day, we can state upon general and reliable unofficial information that Rudolph Kleberg, of Dewitt County, Tex., has received a plurality of votes over his two competitors and all other candidates or persons voted for in said election, and beyond doubt is elected to fill the unexpired term, and there is no contest and no probability of such.

Very respectfully,

C. A. CULBERSON,
Governor of Texas.
ALLISON MAYFIELD,
Secretary of State.
M. M. CRANE,
Attorney-General.

Hon. THOMAS B. REED,
Speaker House of Representatives, Washington, D. C.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. DINGLEY. Do those parties who sign the communication constitute the canvassing board of Texas?

Mr. DANIELS. Yes, sir.

Mr. DINGLEY. There can be no objection.

The SPEAKER. The Chair hears no objection.

Mr. Kleberg then appeared at the bar of the House and took the oath prescribed by law.

VESSELS PROPELLED BY GAS, NAPHTHA, OR ELECTRIC MOTORS.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1646) providing for certain

requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

The bill was read.

Mr. BARTLETT of New York. I would like to ask the gentleman from New York whether the words "all vessels so propelled" would not force naphtha launches of any size to employ an engineer?

Mr. BENNETT. I believe it does not, as I understand it to mean vessels of over 15 tons burden that are used for hire shall comply with the rules and regulations of the Treasury Department, and that all vessels of whatever tonnage should obey the rules of the road.

Mr. DINGLEY. This applies only to boats propelled by the naphtha power when engaged in carrying freight and passengers, and not pleasure?

Mr. BENNETT. No; not pleasure boats. Vessels of over 15 tons burden that are used for hire shall comply with the rules and regulations of the Treasury Department.

Mr. BINGHAM. Of what kind?

Mr. DINGLEY. It does not apply to pleasure boats?

Mr. BENNETT. It means for carrying passengers, as a ferry-boat.

Mr. BOUTELLE. This bill ought to be amended. I have had several letters from parties owning these small launches on ponds and lakes, who complain that this will subject them to a great deal of inconvenience.

Mr. BENNETT. This bill will be misunderstood by members conflicting it with the bill H. R. 4442, a bill that was presented by the gentleman from Missouri.

Mr. SAYERS. Mr. Speaker, this is a bill that may affect a great many people and put a great many to inconvenience.

Mr. BENNETT. I can assure the gentleman that this bill as amended has passed the Senate, and is one that is generally acceptable. The bill has already been passed upon by the Senate, and was amended in the Senate to comply with the request made by Senator FRYE.

Mr. LOUD. I would ask the gentleman if this provides restrictions for those vessels that do not now comply with the regulations that are prescribed for vessels propelled by steam?

Mr. BENNETT. It allows them considerably more latitude.

Mr. LOUD. Then I would like to know why it should not pass.

Mr. BENNETT. I see no reason why it should not pass.

Mr. PERKINS. Has this bill been reported by a committee of the House?

Mr. BENNETT. It has been reported by the Committee on Interstate and Foreign Commerce.

Mr. COOPER of Florida. I understand the gentleman to say that this bill applies only to boats of over 15 tons?

Mr. BENNETT. Yes; and to those only when they are used for hire.

Mr. BINGHAM. Mr. Speaker, I have no disposition to obstruct the gentleman's bill or to injure its position in any way, but I would like to have it go over until to-morrow, so that I can examine it. I have received thirty or forty letters in relation to this character of legislation.

Mr. BENNETT. I can assure the gentleman from Pennsylvania that the bill (Senate bill No. 1646) which has received the unanimous report of the Committee on Interstate and Foreign Commerce is the bill that was revised and amended according to the suggestions that were made to the Senate Committee on Commerce, of which Senator FRYE is chairman.

Mr. BINGHAM. Do I understand the gentleman to say that pleasure craft are protected under the bill?

Mr. BENNETT. They are.

Mr. BINGHAM. Then I do not object to the consideration of the bill at this time.

Mr. SIMPKINS. I object, Mr. Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands, asked for a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER, Mr. DUBOIS, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864;

A bill (H. R. 2735) for the relief of Enoch Davis;

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery; and

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta.

PETER RAFFERTY.

Mr. SULZER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6293) to increase the pension of Peter Rafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to properly place the name of Peter Rafferty, late private in Company B, Sixty-ninth Regiment New York Volunteer Infantry, on the pension roll and to pay him \$45 per month, the same to be paid in lieu of the pension now paid him of \$24 per month, upon certificate No. 12469.

SEC. 2. That this act shall take effect and be in force on and after its passage.

The Committee on Pensions recommended amendments as follows:

Line 4, strike out the word "properly."
Line 7, strike out "the same to be paid."
Lines 8, 9, and 10, strike out "of \$24 per month, upon certificate No. 12469."
Strike out section 2.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SULZER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the legislative, executive, and judicial appropriation bill Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY.

NAVAL APPROPRIATION BILL.

Mr. BARTLETT of New York. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is called for. The regular order is the naval appropriation bill.

Mr. BOUTELLE. Mr. Speaker, I find by the RECORD that an arrangement was made yesterday afternoon that the pending proposition in regard to the naval appropriation bill should come up this morning, at which time the Chair would decide who was entitled to the floor.

The SPEAKER. The Chair thinks that the original motion made in the matter now before the House was the motion of the gentleman from Maine, the chairman of the Committee on Naval Affairs, which was that the House should nonconcur in the Senate amendment. If a vote were to be taken upon that proposition and it were decided in the negative, the Chair would announce that the House had concurred with the Senate. Consequently, the motion made by the gentleman from Texas [Mr. SAYERS] is simply a preferential method of putting the question, favored because it is supposed to look toward an agreement between the two Houses. The Chair thinks that that rule, which is a rule of ordinary parliamentary law, has little if anything to do with the question as to who has control of the matter, and the custom of the House is so invariable, as well as so entirely suitable, so well founded in good sense, that the committee in charge of the bill shall continue in charge of it until an adverse vote on the part of the House, that the Chair can not see that the making of this preferential motion makes any change in that aspect of the case. The Chair therefore thinks that the gentleman from Maine [Mr. BOUTELLE] in charge of the bill has charge of it until there shall be some adverse vote on the part of the House. The Chair recognizes the gentleman from Maine.

Mr. BOUTELLE. I understand that the pending question is on the motion of the gentleman from Texas [Mr. SAYERS], to concur with the Senate, as an amendment to my motion to nonconcur.

The SPEAKER. Not as an amendment, but as a preferential motion, a motion that is entitled to precedence.

Mr. BOUTELLE. I will ask the gentleman from Texas how much time he desires to occupy in favor of his motion.

Mr. SAYERS. There are two or three gentlemen who would like to speak briefly on the motion, and if we can have an agreement for forty minutes' debate on each side I think that will be satisfactory.

Mr. BOUTELLE. I think, Mr. Speaker, that if the matter is to be debated at all, one hour on a side is as little as we ought to have.

Mr. SAYERS. All right.

The SPEAKER. The gentleman from Maine proposes that the debate on the pending motion be limited to one hour on each side, and asks unanimous consent to that effect.

Mr. CANNON. Mr. Speaker, an hour on a side may not be enough, and it may be too much. I should be content with an agreement for an hour on a side with the understanding—of course not a binding agreement, but an implied understanding—that

when that time has expired if the House should desire further discussion it can be had.

Mr. BOUTELLE. I do not see any particular object in making such an agreement at this time.

Mr. CANNON. I do not desire to make an agreement, but I should like to have an understanding to that effect. I think it very likely that an hour on each side will prove to be sufficient. If the gentleman will let the debate run for an hour on a side, and then test the disposition of the House—

Mr. BOUTELLE. I suggest that the vote be taken on ordering the previous question at the expiration of the two hours.

The SPEAKER. The gentleman from Maine proposes that at the end of two hours, one-half of which shall be controlled by each side, the previous question shall be considered as ordered.

Mr. BOUTELLE. Not that it shall be considered as ordered, but I give notice that I will move the previous question at the expiration of two hours, so that then the House can act as it sees fit about closing the debate.

The SPEAKER. The gentleman from Maine asks unanimous consent that there be two hours' debate, one-half on either side, and gives notice that at the end of the two hours he will move the previous question. Is there objection?

There was no objection, and it was so ordered.

Mr. BOUTELLE. I suppose the gentleman from Texas would like to be heard on his proposition.

Mr. SAYERS. Mr. Speaker, when I shall have consumed twenty minutes the Chair will please let me know.

Mr. Speaker, if I can have the attention of the House I believe the facts which I, in connection with others, will be able to submit will induce a majority of the members present to support the motion to concur. This is purely a business and by no means a political question, and if a political discussion should be developed it will be because gentlemen who may engage in it will not content themselves with discussing the question directly involved in the motion, but prefer to divert the minds of members from the real matter in issue for the purpose probably of having the motion to concur voted down.

This is not the time, Mr. Speaker, for either side to engage in a discussion as to the appropriations of the present Congress as compared with the appropriations of preceding Congresses. My effort shall be directed entirely to calling the attention of the House to the prospective condition of the Treasury and also to the appropriations already passed by the House and to the demands that will rest upon the Treasury because of the contract obligations that have been placed upon some of the bills.

I wish it to be distinctly understood that I am not criticising the great body of the specific appropriations that have been made at the present session. The appropriation bills themselves, independent of the contracts which some of them carry, are, in my judgment, fair and reasonable, and can not be considered as at all extravagant. I allude especially to the bills which have been reported from the Committee on Appropriations, and only speak from a general knowledge of the bills which have been reported from other committees.

The Secretary of the Treasury in his report to the present session of this Congress estimates the revenues for the next fiscal year as amounting to \$464,793,120.75. This sum is the total of the estimated revenues which will accrue to the Treasury during the fiscal year beginning the 1st day of July next.

Mr. DINGLEY. That includes the postal revenue.

Mr. SAYERS. It does. Starting with the fact that \$464,793,120.75 will constitute our total revenues for the coming fiscal year, we find that the appropriations which have already passed the House amount to \$386,035,350.88—not including the estimated sum of \$3,000,000 appropriated in an indefinite form on the river and harbor bill to purchase the Monongahela works. If we add to this sum the permanent annual appropriations for 1897, \$119,054,160, the different classes of appropriations, annual and permanent, will amount to \$505,079,410.88 as against \$464,793,120.75 which will come into the Treasury as revenue during the next fiscal year.

It is fair to say, Mr. Speaker, that of these permanent appropriations, amounting to \$119,054,160, \$50,000,000 is estimated as a sinking fund. It has been the custom for years, I believe, beginning with the Administration of Mr. Harrison, not to set aside the sinking fund, upon the theory that in previous years so many bonds had been purchased and retired that the sum total of those bonds so purchased and retired would be for years largely in excess of the sinking fund required to be set apart under the law; and for the further reason that the revenues were declining and that there was not a sufficiency in the Treasury to meet the current expenditures of the Government and at the same time to provide for the sinking fund. If we exclude the sinking fund—\$50,000,000—we then have \$455,079,410.88 as probable current expenditures, which is but \$9,713,709.87 less than will be the probable current revenues if the appropriations shall be limited to the bills as they have passed the House and not increased at all—and that, too, entirely without reference to the contracts.

Now, let gentlemen bear in mind that, taking the appropriations, excluding contracts, that have passed the House, and including permanent appropriations, without the sinking fund, there will be a working balance of only \$9,713,709.87, comparing current appropriations with current revenues. Nor have I included certain and large deficiencies which must certainly be appropriated for at the next session of this Congress.

Mr. DINGLEY. And that on the assumption that the revenue will prove to be as large as estimated?

Mr. SAYERS. The gentleman is correct.

Mr. Speaker, let us see what has been done in the way of appropriations at the present session. A fortification bill has been passed. I think that it was a fair bill. I am not here to criticize it. I gave it my support, both in the committee and in the House. But I wish to call the attention of gentlemen to the fact that in that bill as it passed the House is contained authority to make contracts amounting to \$5,542,276, which amount was over and above the appropriation actually made. The river and harbor bill as it passed the House carries an actual appropriation of \$10,453,860, besides an indefinite appropriation to purchase the Monongahela works, estimated at not less than \$3,000,000, and in addition it carries contracts amounting to \$51,741,210.91.

The naval bill, that now under consideration, appropriates as it passed the House \$31,647,239.95, and in addition to that amount of actual appropriation contracts are authorized, including the specified limit of cost of ships and three-fifths thereof for armament, amounting to \$26,680,000. So that, Mr. Speaker, we have, in addition to the specific appropriations actually made by the House, \$386,025,250.88, the further sum of \$86,963,486.91 in the form of authorized contracts and an indefinite appropriation, all on three bills—the fortification, naval, and river and harbor bills.

I have given only the figures as taken from the bills when they passed the House. Of course they may be increased or diminished before their final enactment.

Now, Mr. Speaker, I ask gentlemen, Republicans and Democrats and Populists alike, is it wise for us to authorize these immense contracts to burden the revenues of the Government not only for the next year, but for one, two, and three years to come? That is the proposition now before us. It is a proposition that has no politics in it whatever. It should be a purely business matter for this House to take hold of and to solve—whether or not it will impose on the Treasury more than \$86,000,000 in addition to the ordinary annual and specific appropriations, and to the permanent appropriations, and to the contracts already subsisting and authorized by previous Congresses.

It must be borne in mind that public buildings have been heretofore authorized and are still uncompleted, and that there are river and harbor contracts yet to be finished. These must also be provided for.

But as to the pending bill. It carries an appropriation amounting to \$12,779,133 for the increase of the Navy. That is every dollar it provides for that purpose. The Secretary of the Navy informs us that of that amount \$9,522,833 will be required for the ships heretofore authorized and now in progress of construction. But that is not all. He also says that in addition to this amount the further sum of \$8,571,796 will be required for the ships already authorized before they can be put in commission. Therefore, the \$12,779,000 which the bill carries falls short of completing the ships already authorized in the sum of \$5,315,496. So there is carried on this bill for the construction of ships authorized by the bill not a dollar of specific appropriation, though the appropriation is in such a form that it may be used for the ships so authorized.

But what is the present condition of the Navy? Since 1884 we have constructed and put into commission 41 vessels of all classes; and in addition to that 24 vessels are now in progress of construction, and 1 vessel has not yet been begun. So the number of vessels that have been authorized amounts to 66, and the total appropriations heretofore made for this purpose have been more than \$102,000,000.

Mr. HALL. How far does that go back?

Mr. SAYERS. To 1884. The number of vessels that I have mentioned includes only what is denominated the new Navy.

Mr. HALL. Does it include all other classes of vessels, or only the battle ships?

Mr. SAYERS. It includes all kinds of vessels, battle ships, cruisers, torpedo boats, gunboats, and so on.

Mr. CUMMINGS. And tugboats?

Mr. SAYERS. It includes everything.

Mr. CUMMINGS. Do I understand the gentleman to say that it includes tugboats?

Mr. SAYERS. No; the gentleman did not understand me to say that.

Mr. CUMMINGS. If my friend will allow me, he will find that they are included in the schedule as belonging to the naval branch of the Government.

Mr. SAYERS. Upon examination of the list I have I find that I was mistaken and that the list includes five tugs.

In addition to the new ships Congress has authorized an increase, from 8,250 men and apprentices in the Navy, to 10,000 men and apprentices, and the pending bill authorizes the further increase of 1,000 men, bringing the strength of the Navy up to 11,000. The Marine Corps has been already increased from 1,500 to 1,600 men; and the bill as passed by both Houses authorizes the further increase to 2,026 men for the Marine Corps and 74 additional petty officers and musicians.

Mr. BOUTELLE. That is correct. But I wish the gentleman had stated it the other way, as his mode of putting it might create a wrong impression upon the minds of the House. He says that the number has been increased to 2,026, which might convey a wrong impression. The total increase has only been 500.

Mr. SAYERS. Well, if the statement be correct, I do not see why it should not be stated as I have done.

Mr. BOUTELLE. Certainly not; except the impression might be created in the mind of some one that we have increased it 2,000, whereas the increase is only 500.

Mr. SAYERS. This increase, Mr. Speaker, of 3,250 men of the personnel of the Navy and the Marine Corps means a fixed annual charge of about \$3,000,000 a year for their pay and maintenance.

But, sir, battle ships are expensive institutions. The cost of running one during a single year is very heavy. For maintaining and running the *New York*, for instance, for the fiscal year ended June 30, 1895, \$438,101.41 was expended. The cost of maintaining and running the *Columbia* during the same year was \$313,421.35; and of the *Philadelphia* \$289,747.73; so that gentlemen of the House may understand that the expenditure required for the construction of the vessels is not all the cost involved, enormous as it is, but that a vast sum is required to keep them in constant use.

With this statement, Mr. Speaker, I submit the question to this House whether or not it would be better to accept the Senate amendment, which provides for the construction of two vessels instead of four, and by vessels I mean two battle ships, involving as they do such enormous expenditure of money?

Let us for a moment consider their cost. The *Indiana* has just been completed. Her total cost, she being a vessel of 10,288 tons, from the commencement of her construction until she was commissioned for service, was \$6,172,786.15. So that these four vessels that the House authorized in this bill, if no better contracts should be made than for the construction of the *Indiana*, will cost over \$24,000,000.

Mr. COX. That, I understand, is the complete ship; the total cost of the vessel.

Mr. SAYERS. That is the complete vessel, and her entire cost, from the time her construction began until she was put into commission, \$6,172,786.15. This sum of \$24,000,000 and over the Treasury must provide for for four battle ships alone. It is true, Mr. Speaker, that it will take some three years to build these ships; but that will make \$8,000,000 a year for four ships; and when it be taken into consideration the fact that there are public buildings all over this country which have been authorized, and which are now in progress of construction, that are to be completed also; that there are works on rivers and harbors which are in progress of construction, and for which contracts have already been made, which must be provided for; that there are ships already authorized by Congress, and they, too, are in progress of construction, which must be provided for in addition to the \$12,779,000 appropriated in this bill, it becomes a very serious question as to how the Treasury Department can meet these large demands.

Can Congress go to its relief, beginning with the first day of the next fiscal year? Suppose that a law should be enacted to increase the revenues at the next session of this Congress. Such a law certainly could not operate in time to bring revenue sufficient to meet the ordinary expenses of the Government and at the same time meet these onerous contracts and burdens which are imposed upon the Treasury.

Mr. Speaker, I appeal to gentlemen to lay aside all questions and feelings of a political character, taking hold of the pending question as a purely business proposition, and ask themselves as to whether or not, under the circumstances, 4 battle ships and 15 gunboats should be authorized at the present session.

Mr. COX. How many vessels are now under construction which are not completed?

Mr. SAYERS. There are 24 in progress of construction that have not been completed, and one vessel not begun.

Mr. HALL. Do you mean that there are 24 battle ships?

Mr. SAYERS. Not at all. The gentleman asked me how many vessels. There are 24 vessels.

Mr. COX. My question was how many vessels, and I understand there are 24 now under construction, and that one is not commenced.

Mr. SAYERS. One has not been commenced.

Mr. HALL. That includes torpedo boats, does it not?

Mr. SAYERS. Certainly; it includes such boats.

Mr. DOCKERY. I understand if the House agrees to your motion to concur it will reduce the liabilities of this bill a little more than \$12,000,000?

Mr. SAYERS. A little more than \$12,000,000. There are 5 battleships, the *Kearsarge*, the *Kentucky*, the *Iowa*, *Massachusetts*, and the *Oregon*; 1 monitor, the *Puritan*; 4 cruisers, the *Brooklyn*, the *Helena*, the *Wilmington*, and the *Nashville*; 6 gunboats and 7 torpedo boats, now in progress of construction. The Secretary of the Navy says that it will require every cent of the \$12,779,133 carried in this bill and \$5,315,496 more before these vessels which I have named can be completed and put in commission.

Mr. BOUTELLE. I will state to the gentleman that he is not quite accurate there.

Mr. SAYERS. Well, I shall be glad to hear the gentleman.

Mr. BOUTELLE. The Secretary of the Navy does not state that.

Mr. SAYERS. I will read what the Secretary of the Navy says.

Mr. BOUTELLE. The Secretary of the Navy distinctly says that the \$12,779,000 did not apply to these vessels that are now under construction, but only a portion of that sum, some \$9,000,000 of the amount carried by the House bill, is applied to the completion of the vessels now under construction or authorized, and \$3,256,000—I think that is the amount of the sum carried in the bill as it passed the House—will be applied to the construction of the vessels as authorized in the House bill.

Mr. SAYERS. Let us see what the Secretary of the Navy says. I will read the letter.

Mr. BOUTELLE. I have his letter here.

Mr. SAYERS. I suppose the gentleman was furnished with a copy of the letter which I hold in my hand.

Mr. BOUTELLE. Well, I know the fact. I did not need the copy. I knew it before the gentleman called for the information.

Mr. SAYERS. I will read it.

Mr. BOUTELLE. I am supposed to have paid some attention to the details of these matters.

Mr. SAYERS (reading)—

NAVY DEPARTMENT, Washington, May 5, 1896.

SIR: In reply to your telegram, which reads as follows: "How much is required to be appropriated to complete, including armament, vessels for the Navy authorized prior to this Congress? Would amount in pending naval bill (\$12,779,000) as passed by House for 'increase of the Navy' complete and arm said vessels? If not, approximately how much additional to said sum will be required?"

This is the answer of the Secretary of the Navy:

I have the honor to state that the total amount of \$12,779,133, appropriated in the naval appropriation bill as it passed the House, under the head of "Increase of the Navy," is not to be charged against the ships already authorized by Congresses prior to this one.

Mr. BOUTELLE. That is exactly as I stated.

Mr. SAYERS. I have no doubt that the Secretary of the Navy and the gentleman from Maine are in complete sympathy in the effort to get these four ships.

Mr. BOUTELLE. I have not exchanged a word with him on the subject—

Mr. SAYERS. I hope that the gentleman will not take my time.

The SPEAKER pro tempore. The Chair will say to the gentleman from Texas that the thirty minutes have expired.

Mr. SAYERS. I will take five or ten minutes more.

Mr. MILES. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

There was no objection.

Mr. SAYERS. I wish gentlemen to pay attention to this part of the letter:

Of said sum \$9,522,833 was the amount estimated for by the Department to be expended during the coming fiscal year on the ships already authorized, leaving, therefore, the sum of \$3,256,250 as the amount appropriated in the House bill to be expended on the new ships authorized in the same.

Now, listen—

Mr. BOUTELLE. That is exactly what I stated.

Mr. SAYERS. Well, but the gentleman did not state it all. I think I ought to have sworn him to tell the truth and the whole truth. I do not think he told the whole truth.

Mr. BOUTELLE. I told all I had time to tell.

Mr. SAYERS (continuing). Not if you had a copy of this letter.

Mr. BOUTELLE. Now, let us see.

Mr. SAYERS (reading)—

In addition to this sum of \$9,522,833 appropriated in the House bill for the completion, including armament, of all ships hitherto authorized, the following sums will be required to complete said ships.

Mr. BOUTELLE. Did not the gentleman understand that?

Mr. SAYERS. Certainly.

Mr. BOUTELLE. So did I.

Mr. SAYERS. I wish the House to understand it.

Mr. COX. Now, let us see how much he says will be required.

Mr. SAYERS (reading):

For hulls and machinery.....	\$4,500,000
For armor and armament.....	4,021,796
For equipment.....	50,000

Making in all.....	8,571,796
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Mr. BOUTELLE. That is to complete these vessels after this year.

Mr. SAYERS. That is just exactly what I said.

Mr. BOUTELLE. That is what I was trying to say.

Mr. SAYERS. Now, Mr. Speaker, this shows that if every dollar that is appropriated by the present bill should be used for the construction of ships already authorized by Congress, there would still be needed \$5,315,496 in order to complete them. Notwithstanding this we are asked to authorize 4 battle ships, to cost, in round numbers, if they are to be equal to the battle ship to which I have called attention, over \$24,000,000, besides 15, I believe, smaller boats.

Mr. HALL. Will the gentleman permit me to ask him a question?

Mr. SAYERS. Certainly.

Mr. HALL. You stated a moment ago that there was an increase in the personnel of the Navy of 3,000.

Mr. SAYERS. Yes.

Mr. HALL. I want to know if that means an absolute increase, or does it authorize the Secretary of the Navy, in an emergency, to call in certain men?

Mr. SAYERS. Mr. Speaker, let me say to the gentleman from Missouri that in my judgment if this bill should become law, there will not be by a thousand sailors and marines sufficient to properly man the vessels which have been authorized when they shall have been put in commission. Congress can not prevent this increase. It must go on. It must provide for additional men; and not only for additional men, Mr. Speaker, but it must also provide for additional officers, in order to command and man these ships, if they are to be run.

Mr. BOUTELLE. Oh, no.

Mr. HALL. I want to make this point clear for the House. We provide that the Secretary of the Navy shall be authorized to call a certain number of men into service in an emergency.

Mr. SAYERS. Certainly.

Mr. HALL. You have said that for the payment of the men now on the list it would cost \$3,000,000 a year?

Mr. SAYERS. Yes.

Mr. HALL. Now, then, my colleague from Missouri [Mr. DOCKERY] stated that your motion was to strike out \$12,000,000. Your motion is not to strike out \$12,000,000, but a motion to strike out \$3,256,260.

Mr. SAYERS. Let us see, Mr. Speaker, if the gentleman is correct. I do not want to get between the two gentlemen from Missouri. The gentleman from Missouri upon my left [Mr. DOCKERY] is amply able to sustain himself. But I believe that the gentleman from Missouri [Mr. DOCKERY] was correct.

Mr. DOCKERY. I used the word liabilities.

Mr. HALL. You intended to include what you understood the expense would be of these vessels eventually.

Mr. SAYERS (to Mr. HALL). Does the gentleman say that it is only \$3,000,000?

Mr. HALL. Three million two hundred and fifty-six thousand two hundred and sixty dollars.

Mr. SAYERS. Does the gentleman say that it will take only the sum named by him to complete these two vessels and put them in commission?

Mr. HALL. Of course not.

Mr. SAYERS. Then why does he make such a statement?

Mr. HALL. You are attacking this appropriation bill, and I say that this appropriation bill carries the amount I have stated for the purpose of starting the construction of these two battle ships.

Mr. SAYERS. Does the bill so state?

Mr. HALL. In substance, yes.

Mr. SAYERS. Is not the bill indefinite, and can not the Secretary of the Navy apply all of this money, if he pleases, toward the construction of the ships already authorized? But what will these ships cost? I understood the gentleman from Missouri [Mr. HALL] to say that it would cost a little over \$3,000,000 to complete them?

Mr. HALL. I did not say that.

Mr. SAYERS. What did the gentleman say?

Mr. HALL. I said that in the next fiscal year, for the purpose of making contracts and starting the building of these two vessels, there was appropriated \$3,256,260.

Mr. SAYERS. I beg the gentleman's pardon, but I do not think he made that statement. I may have been mistaken, but I understood him to convey the impression that it would require only about \$3,000,000 to complete each of these ships.

Mr. HALL. I did not mean anything of that kind.

Mr. SAYERS. Very well, Mr. Speaker, I acknowledge my mistake, but I will say that if these vessels should cost as much as the *Indiana* cost—and she is a 10,288-ton ship—it will require twice \$6,172,786.15 to complete these ships and put them in commission.

Mr. BOUTELLE. The gentleman from Texas, I know, desires to be perfectly candid.

Mr. SAYERS. I try to be.

Mr. BOUTELLE. Well, the gentleman ought to state that since the *Indiana* was built we have contracted for two ships, which are now under construction at Newport News, that are each 1,000 tons larger than the *Indiana*, for \$2,255,000, whereas the contract price of the *Indiana* was \$3,120,000. So that the reduction in the cost of these ships has been very great.

Mr. HALL. About 33 per cent.

Mr. BOUTELLE. About one-third.

Mr. SAYERS. Now, Mr. Speaker, if the gentleman can not only look into the future but can also put a limit to the greed and avarice of men, then he can tell us what these ships will cost.

Mr. BOUTELLE. I ask the gentleman from Texas which is fairer, to make an estimate based upon the prices of five years ago or to take the latest bids that have been accepted by the Department?

Mr. SAYERS. When was the *Indiana* completed?

Mr. BOUTELLE. She was contracted for in 1890.

Mr. SAYERS. When was she completed?

Mr. BOUTELLE. She was contracted for in 1890, and was to cost, exclusive of armament, \$3,120,000. This year, on the 2d day of January, we contracted for two battle ships, larger and finer than the *Indiana*, for \$2,255,000 each.

Mr. SAYERS. I do not wish the gentleman to take up my time.

Mr. BOUTELLE. I do not wish to occupy the gentleman's time if he does not desire the information.

Mr. SAYERS. Now, Mr. Speaker, in conclusion, I desire to emphasize this proposition. We will most probably have only \$464,793,120.75 as revenue with which to meet the expenses of this Government during the next fiscal year. Leaving out the sinking fund entirely, this House has passed appropriations, including the permanent, amounting to \$455,079,410.88; \$9,713,709.87 only less than the amount of the estimated revenue for the next fiscal year. The appropriation bills have been increased by the Senate. Appropriations will continue to be made as long as this session lasts, and to the gentlemen who control the legislation of this House and who are responsible for it I repeat the question: Are they prepared to exact of the Treasury during the coming year an expenditure amounting to fully \$50,000,000 more than the revenues which will accrue during the same period? I am not. I shall vote for the pending motion because, as a pure business proposition, it commends itself to my judgment. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. BENNETT). The gentleman has seventeen minutes remaining.

Mr. SAYERS. I reserve the balance of my time. I will insert in the RECORD a list of the vessels that have been completed and also those in progress of construction for the information of the House.

Vessels that have been completed since 1884.

Name.	Type.	Displacement.
		<i>Tons.</i>
Indiana.....	Battle ship.....	10,288
Maine.....	do.....	6,682
Texas.....	do.....	6,315
Monterey.....	Monitor.....	4,084
Miantonomoh.....	do.....	3,990
Amphitrite.....	do.....	3,990
Monadnock.....	do.....	3,990
Terror.....	do.....	3,990
New York.....	Cruiser.....	8,200
Columbia.....	do.....	7,375
Minneapolis.....	do.....	7,375
Olympia.....	do.....	5,870
Chicago.....	do.....	4,500
Baltimore.....	do.....	4,413
Philadelphia.....	do.....	4,324
Newark.....	do.....	4,098
San Francisco.....	do.....	4,098
Charleston.....	do.....	3,730
Cincinnati.....	do.....	3,213
Raleigh.....	do.....	3,213
Atlanta.....	do.....	3,000
Boston.....	do.....	3,000
Detroit.....	do.....	2,089
Marblehead.....	do.....	2,089
Montgomery.....	do.....	2,089
Bennington.....	do.....	1,710
Concord.....	do.....	1,710
Yorktown.....	do.....	1,710
Dolphin.....	do.....	1,486
Castine.....	do.....	1,177
Machias.....	do.....	1,177
Petrel.....	do.....	892
Bancroft.....	do.....	839

Vessels that have been completed since 1884—Continued.

Name.	Type.	Displacement.
		<i>Tons.</i>
Katahdin.....	Ram.....	2,155
Vesuvius.....	Dynamite gun vessel.....	929
Ericsson.....	Torpedo boat.....	120
Cushing.....	do.....	105
Unadilla.....	Tug.....	845
Iwana.....	do.....	192
Narkeeta.....	do.....	192
Wahneta.....	do.....	192

Vessels now in progress of construction.

Kearsarge.....	Battle ship.....	11,525
Kentucky.....	do.....	11,525
Iowa.....	do.....	11,410
Massachusetts*.....	do.....	10,288
Oregon*.....	do.....	10,288
Puritan.....	Monitor.....	6,060
Brooklyn.....	Cruiser.....	9,271
Helena.....	do.....	1,392
Wilmington.....	do.....	1,392
Nashville.....	do.....	1,371
Gunboat No. 10.....	do.....	1,000
Gunboat No. 11.....	do.....	1,000
Gunboat No. 12.....	do.....	1,000
Gunboat No. 13.....	do.....	1,000
Gunboat No. 14.....	do.....	1,000
Gunboat No. 15.....	do.....	1,000
Torpedo boat No. 8.....	do.....	182
Torpedo boat No. 3.....	do.....	142
Torpedo boat No. 4.....	do.....	142
Torpedo boat No. 5.....	do.....	142
Torpedo boat No. 6.....	do.....	142
Torpedo boat No. 7.....	do.....	142
Submarine torpedo boat.....	do.....	168
Tug No. 5.....	do.....	225

** Practically completed.*

All vessels authorized by Congress are in process of construction, except "one swift torpedo cruiser of about 750 tons displacement" authorized by act of June 30, 1890. (Bids for this vessel were all in excess of amount appropriated.)

Total cost of maintaining and running and of repairs of the following-named vessels for the fiscal year ended June 30, 1895.

Name.	Cost of maintaining and running.	Repairs (included in cost of maintaining and running).
New York.....	\$438,101.41	\$96,532.17
Columbia.....	313,421.35	15,130.77
Philadelphia.....	289,747.73	29,370.17
Baltimore.....	253,123.60	24.76
Monterey.....	171,562.35	8,915.45
Cincinnati.....	191,191.90	8,212.18
Montgomery.....	155,159.22	3,927.51
Concord.....	144,505.53	.....

Cost of the U. S. S. Indiana from commencement to date of being commissioned for service.

Hull and machinery (including hull armor, premium, and cost of trial).....	\$4,133,393.10
Armor for gun protection.....	977,134.02
Armament.....	966,567.58
Equipment.....	95,691.45

Total cost..... 6,172,786.15

Mr. BOUTELLE. Mr. Speaker, in some aspects of the case it would seem a great pity that the gentleman from Texas [Mr. SAYERS], and such other gentlemen as agree with him in this matter, did not indulge in these "business" propositions at an earlier period in the session. No one can tell what influence for peace, good will, and common sense might have been exerted upon this House and upon the country if the gentleman from Texas and others who assent to his views had arisen here at a time when the disposition of Congress and of a large portion of the public press might have been fitly described as "flamboyant" and had suggested to the representatives of the people that asserting the "primacy" of the "great Republic" among the nations might cost a few dollars; that if we were to undertake to regulate all the South American boundaries and to compose all the disturbances in the adjacent islands around this hemisphere, if we were to take a new and aggressive attitude in regard to the disposition of all the great international questions affecting the peoples of the earth, it might entail the expenditure of something besides resolutions of Congress, and that a dictatorial attitude by a great nation might have to run upon something else besides wind. [Laughter.] I think if the gentleman had taken this position then it would have been very timely.

Now, I desire to say, Mr. Speaker, that as a member of this House, charged under the rules and by the designation of its presiding officer with the chairmanship of one of the important

committees of the House, I felt myself under obligations to consider not simply my own views and impressions, but the disposition, the manifest purpose, the public policy, declared upon the floor of this House and in the Senate by such unanimous expression as has rarely if ever been known in the history of our legislation. The future historian, if he devotes any of his attention to the work of the Fifty-fourth Congress in its first session, will certainly declare that the dominant spirit was in favor of the assumption of an aggressive attitude by this country in regard to matters beyond our own borders, and that that attitude was asserted in a remarkable and emphatic manner.

That was the condition when the Committee on Naval Affairs were engaged in framing this bill. I make a moderate statement when I say that at the time the bill was reported to this House recommending authorization for the construction of six battle ships it was far within what plainly appeared to be the aggressive desires of members of this House and of the "public sentiment" voiced by the press. I am bound in all candor to say that from the first session of our committee, throughout our entire deliberations, we felt pressing upon us an aggressive and belligerent spirit on the part of the membership of this House and the other branch of Congress that tended to urge even beyond the recommendations that we made.

Mr. MAHON. Does the gentleman think this House has changed its attitude in regard to a strong foreign policy?

Mr. BOUTELLE. I trust not, so far as the strengthening of our Navy is concerned.

Mr. MAHON. It has not.

Mr. BOUTELLE. I wish the gentleman could give me more than his individual assurance.

Mr. MAHON. The votes will show it.

Mr. BOUTELLE. I am glad to have this prophecy, and hope it will be fully confirmed when the vote is taken.

I am reminding the House of its attitude when the Committee on Naval Affairs brought in this bill. The only question raised on the floor of this House when the bill was pending here was whether we should authorize six battle ships or four. There was a great deal of "Cuba libre" in the air; there was a great deal of Venezuelan enthusiasm afloat, and not even my economical friend from Texas ventured at that time, when public sentiment was represented here to be rising in arms and anxious to embark for some foreign shore, not even my friend from Texas made a whispered suggestion that we had better cut the number of ships down below four.

Mr. SAYERS. Does the gentleman say—

Mr. BOUTELLE. I am stating the matter to the best of my recollection.

Mr. SAYERS. Will the gentleman state to this House that I was in favor of four battle ships?

Mr. BOUTELLE. Why, I have to state that as my understanding. I have had no official information that the gentleman was opposed to them.

Mr. SAYERS. When the House adjourns, if the gentleman will come to me, he will find that I tried to be of material help in cutting down the number still lower.

Mr. BOUTELLE. Does the gentleman say he voted against the four battle ships?

Mr. SAYERS. Certainly I voted against them, if there was any vote on the proposition.

Mr. BOUTELLE. Did you vote against authorizing the four battle ships?

Mr. SAYERS. I do not remember that there was any recorded vote.

Mr. BOUTELLE. I do not wish to do the gentleman the slightest injustice—

Mr. SAYERS. I state to the gentleman that I can not remember now how I voted.

A MEMBER. There was no division.

Mr. BOUTELLE. I can tell the gentleman how he did not vote. He did not vote against the four battle ships.

Mr. SAYERS. The gentleman does not know anything about it.

Mr. BOUTELLE. I know the record of the House.

Mr. SAYERS. On that question there was no record kept. But I will state to the gentleman that I was exceedingly anxious that, instead of having four battle ships, there should be but two, and I can substantiate what I say by an authority that will be satisfactory even to the gentleman himself.

Mr. BOUTELLE. I am speaking of the official action of members of this House, as recorded in a yea-and-nay vote.

Mr. SAYERS. I do not know anything about that.

Mr. BOUTELLE. I do not know what the gentleman may have said in private, but on the floor of this House I recall no motion to cut down the number of these battle ships. I recall no utterance either on the part of the gentleman from Texas or anybody else against them.

Now, Mr. Speaker, the Committee on Naval Affairs reported a bill authorizing the construction of four battle ships. We did that as a reasonable recognition of what seemed to us the demands of

this House, and such as we thought we had reason to believe at that time would be acceptable to the other branch of Congress, to which I desire to allude with all that awesome respect and vagueness which the rules of Congress are supposed to require. I had no reason to suppose that in any "other place" there would be a desire to reduce the number of those ships. The only apprehension of the committee and of myself was that in "other places" as well as here the desire to go beyond the authorization of the committee might prevail.

The gentleman from Texas tells us that it costs some money to build ships. Why, sir, I supposed he had discovered long ago that a navy, like everything else that is valuable, costs money. I realized that when I was being pressed on all sides in favor of authorizing six of these battle ships. The gentleman says, as in the nature of original information, that we actually enlist men and pay them for manning and sailing these ships. I supposed that was to be understood. I did not suppose anybody expected that we could assume an aggressive attitude toward the greatest naval power on the globe and then keep up our pretensions of dignity with ships that had neither men nor guns. I supposed it was understood by the people of this country that if we undertook to establish ourselves as even a respectable naval power among the nations of the earth it would cost something.

Mr. Speaker, what we have already done in this direction has cost far less than we anticipated instead of more; and I undertake to say that in no direction of the progress of the people of the United States in the last twenty-five years have there been such splendid results for the same amount of expenditure as have followed the work of rehabilitation of the new American Navy. It is a matter of pride to every citizen of America who has any pride in his composition that we have a Navy which, while comparatively small, is composed of ships that, class for class and ship for ship, are the equals, and many of them, as we fondly believe, the superiors, of any other war vessels afloat. This costs some money. I might refer to the record of what this policy has cost. But I undertake to say that the people of this country do not regret one dollar that has been expended to build up the new Navy of the United States.

Now, so far as concerns the question of funds, when we were discussing the warlike propositions on this floor I did not hear any suggestion from any quarter that considerations of revenue, of economy, should deter us from taking extraordinarily positive positions in regard to questions that were entirely outside the ordinary and legitimate business of the people of the United States. On the contrary, there was a remarkable display of enthusiasm in asserting that in spite of all business considerations affecting the revenues or the expenditures of the Government we should send out declarations to all the world that could only be supported and sustained by our possession of at least a respectably powerful naval force.

Mr. Speaker, I have no respect for either nations or individuals who go about interfering with the concerns of other people and manifesting a domineering spirit in regard to affairs beyond their own borders or jurisdiction and at the same time are not willing to assume the responsibility or cost of maintaining that assumption. I do not believe that the Government of the United States can afford to plead to-day that "economy" will not permit us to follow up our public declarations of policy by proper appropriations of money to defend our own coast and maintain our own honor and dignity in our intercourse with the other nations of the world whenever it may be necessary to do so.

Now, the question as to whether we have available funds or not, or whether the revenues are sufficient, is a matter in dispute. I have my own idea as to the facts in regard to our financial matters; the Democratic Administration has its ideas; and I want to say to my friend from Texas that in assisting to formulate legislation on an appropriation bill during a Democratic Administration I took particular pains to acquaint myself fully with the views of the responsible officials of that Administration as to the propriety as well as the desirability of the expenditure we are proposing to make.

I hold in my hand the printed report of a hearing before the Committee on Naval Affairs, to which we invited the present Secretary of the Navy, who attended and gave his views on the subject. I asked the Secretary this specific question, and I hope my friend from Texas is present and will recognize its pertinence:

The CHAIRMAN. Mr. Secretary, you will remember that after the issue of your report in December, 1893, in which you recommended the authorization of a number of new ships, the President, in his annual message, counseled Congress to consider the depleted condition of the Treasury before increasing naval expenditures. Will you kindly state your view as to how far the condition of the revenues has improved in regard to justifying a considerable authorization of new naval vessels at this session of Congress?

The Secretary understood very well that the proposition we had under consideration was the question of building either four or six battle ships. In response to the inquiry he replied:

Secretary HERBERT. There seems to be no reason to be drawn from the condition and prospects of the Treasury against a liberal appropriation for

new vessels. The Secretary of the Treasury estimated in his last annual report that there would be a deficit of about \$17,000,000 at the end of the present fiscal year—June 30, 1896. He now thinks that the deficit will be less than he then estimated. He also estimated on the basis of existing laws the revenues of the Government for the fiscal year 1897. His conclusion was that there would be a surplus for next year of something over \$6,900,000—in round numbers \$7,000,000. Outside of these revenues to come in in the ordinary way, and which the Treasury Department has estimated as more than sufficient to meet expenditures, there will be on the 1st of July next, excluding the \$100,000,000 which the Government attempts always to hold for redemption purposes, \$170,000,000 over and above the amount required for matured obligations, so that, in my opinion, the condition of the Treasury justifies as liberal appropriation for new ships as I have asked for to-day.

He then favored as high as 4 or 6 battle ships and 15 torpedo boats, which we authorized. And, Mr. Speaker, whatever may be the opinion of gentlemen on this side of the Chamber, I hold that the gentleman from Texas [Mr. SAYERS] is estopped by the public official declaration of this head of a Department of an Administration of his own party from pleading poverty here against the authorization of expenditures for the construction of vessels recommended by his own Secretary of the Navy.

As to this bill and the question of economy which has been suggested, what are the facts? How extravagant a bill is it? Keep in mind all the time that the duty of this country and the trend of public sentiment on the great questions affecting the relations and welfare of our nation, and especially in connection with its attitude toward foreign nations, have developed conditions which have pointed more directly to an increase in our naval establishment than in any other direction. In asserting a more strenuous policy in dealing with questions arising outside of our own territorial jurisdiction we necessarily directed the attention of Congress and the public to the strengthening of our naval power.

It is the Navy of the United States which must be depended on to maintain the prestige of our country in any controversy with a foreign power; and never before in my experience in Congress has there been a time when the action of the legislative branches and the expressions emanating from the executive branch of the Government have assumed so strongly the form of a demand upon Congress to strengthen the naval power of the United States as now. And yet this bill, against which the cry of extravagance is now raised, carried a less amount in gross as it passed the House this year than the bill that was passed by the House in the last session of Congress—and I hope my friend from Missouri [Mr. DOCKERY] will take the figures right down, for I usually speak carefully of such matters—this bill that you are trying to help the other branch of Congress to mutilate, that you are condemning as extravagant, carried as it passed the House nearly \$200,000 less than the aggregate amount that was carried by the bill passed by the House last year, which was reduced by the Senate for reasons I have not time to state.

That bill as it passed the House carried \$31,807,023.86. This bill as it passed the House carried \$31,611,034.95. Now, is it not an awful increase and extravagance on the part of the Naval Committee of this year?

In regard to the amount which is devoted expressly to the increase of vessels: In the House bill—and I will confine my attention to that, because I trust that when we get through we shall return substantially to the basis of the legislation of the House, where appropriations are properly initiated—in the House bill, before the Senate committee had it in hand, we provided for the increase of the Navy a gross amount of \$12,779,133 for construction and armament of the new ships of the Navy.

Now, I address myself to my friend from Missouri [Mr. DOCKERY], because I do not see my other esteemed friend, the gentleman from Texas [Mr. SAYERS], present.

Mr. DOCKERY. It might be well for the gentleman from Maine to address the gentleman from Illinois [Mr. CANNON] also upon the same question.

Mr. BOUTELLE. Oh, I assume that all Republicans are going to vote patriotically on this question.

Mr. DOCKERY. I hope my friend will be impartial in his attentions, and will also include the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations.

Mr. BOUTELLE. I am not going to waste any persuasion on the chairman of the Committee on Appropriations, because I can not doubt that he is imbued with such a spirit of Americanism that he will be more likely to want to put on an additional ship instead of striking out any. It is my Democratic friends whom I wish to convert. This House bill provided for \$12,779,133 for the "increase of the Navy." Now, how much do you think that was increased over the bill that was passed by this House in the last Congress? Instead of being more, it was less. The bill does provide for \$12,779,133 for "increase of the Navy," but the bill last year provided for \$13,234,422. That is not so very extravagant a record, it seems to me.

Now, what of the future? The gentleman from Texas called our attention to the fact, which I supposed everybody understood, that the ships that are on the stocks and being built will require work to be done upon them after this year, and that the work will

have to be paid for, because we have not yet reached the point where we impress workmen to build the ships of the Navy without pay. He seemed to think that it was an important thing to inform the House that it would take \$8,571,796 after this year to finish the vessels heretofore authorized. That includes the *Iowa*, the *Massachusetts*, the two great battle ships just started down at Newport News, and the gunboats and torpedo boats under construction.

Now, if we add to that all that it will require to complete and put into commission the vessels authorized in this bill, with all the others, it will make an aggregate for all these ships (including the four battle ships proposed in the House bill, and assuming the cost of these ships to be approximately the same as those contracted for this year at Newport News), it would amount, for all the ships now building and all the ships that we propose, including the four, to \$40,957,679, to be expended during a period of four years, which it will probably consume to build and finish these ships, making an average annual appropriation for the increase of the Navy, including ships and armament, of \$10,239,419. And yet I find that as far back as the Fifty-first Congress, when there was not a war cloud or a speck of war cloud in the sky, long before any statesman had dreamed of suggesting that we should rise up and assert our "primacy"—which I believe is the favorite word—long before any resolutions or bills had been introduced in either branch of Congress proposing to appropriate \$100,000,000 for the President to use as a war fund, long before any of the recent peculiarly bellicose pronouncements by the Executive or either branch of Congress had either been made or dreamed of, we appropriated, in the Fifty-first Congress, for the increase of the Navy, the sum of \$16,607,000 at one session.

Mr. SAYERS. Will the gentleman allow me a question there?

Mr. BOUTELLE. Certainly; with pleasure.

Mr. SAYERS. The bill provides that each of the foregoing ships, exclusive of armament, shall not exceed \$3,750,000. Now, will the gentleman explain to the House, if these ships can be built for a less sum, why should the committee put the maximum cost of the ships, exclusive of armament, at \$3,750,000?

Mr. BOUTELLE. I assume that my friend from Texas is desiring me to answer that question for the information of the House—

Mr. SAYERS. Certainly.

Mr. BOUTELLE. And not for himself, because I am sure that he understands it.

Mr. SAYERS. Does not the bill permit the Secretary of the Navy to contract for the vessels to the extent of \$3,750,000, exclusive of armament?

Mr. BOUTELLE. The bill itself authorizes the Secretary of the Navy to make contracts for these ships up to an amount, exclusive of armament, not to exceed \$3,750,000, but nobody on the committee expects him to do anything of the kind. Every bill prior to this in authorizing battle ships has made the outside limit of cost exclusive of armament \$4,000,000. The bill under which the two ships are now being constructed at Newport News authorized an outside limit of \$4,000,000, but they are under contract to-day for \$2,255,000. We have reduced that limitation in the present bill by \$250,000, more as a matter of form than anything else, because we authorize the construction of ships of a certain character, of a certain approximate size, and under carefully prepared legislation that has been perfected year after year, and upon which the Secretary of the Navy is obliged to advertise for bids, and to award contracts to the lowest bidder. As a matter of fact, the ships have never cost anywhere near the limit, and they never will.

Mr. SAYERS. I will ask the gentleman, in good faith, if he thinks that these ships, exclusive of armament, will cost less, why put the maximum limit at \$3,750,000? If the gentleman does not expect that the ships will cost so much, why do so?

Mr. BOUTELLE. For the very same reason that we put \$4,000,000 as the limit originally—because we did not desire to cramp the Department as to its designs, knowing that the Secretary must advertise for bids for the construction of these vessels and that they would have to accept, under the law, the bids of the lowest bidder; and under the \$4,000,000 authorization we have constructed three at \$3,120,000, and have two more now under contract at \$2,225,000 each. We have reduced the authorization about \$250,000, leaving the limit at \$3,750,000; but there is no expectation on the part of anybody that these ships will cost near that amount. Of course the committee put the limitation considerably outside of the probable contract price. These ships have to be advertised and open to competition by all the shipbuilders of the country; and there has already been a decrease made from \$3,120,000, contract price of the first three battle ships, without their armament, to \$2,225,000 for these two ships at Newport News which are now under contract.

We inaugurated the policy when the first battle ships were authorized of requiring one of these ships to be built on the Pacific Coast if it could possibly be done at a reasonable compensation for

any disadvantages of that locality on account of distance from the source of supplies of material. I believed, the committee believed, and Congress believed that it was desirable to sustain and encourage the building up of the great private plants on both the Atlantic and Pacific coasts that could be utilized by the Government whenever needed. I think the result has vindicated the wisdom of that view.

I believe I have already given, while the gentleman from Texas [Mr. SAYERS] was absent, statistics of the cost of building these ships, which I will repeat to him, that if we legislate just as the House previously legislated on this bill it will require to complete all the vessels authorized, including those in the present bill, inside of \$41,000,000, to be expended in four years or over that they will probably be under construction, which would be an average of \$10,000,000, as against over \$16,000,000 that was appropriated for the new Navy in the Fifty-first Congress at one session and over \$13,000,000 that this House authorized in the last bill that was passed.

Now, Mr. Speaker, I do not desire to take up the whole time. I simply want to call the attention of this House to the aspect we will present to the people of the world if we heavily reduce the provision made by the House for war ships at this time, when important foreign complications which we have precipitated are pending; complications that, when they were discussed in this House, caused attention to be called by members on both sides to the great military and naval preparations and disposition of foreign powers and the necessity for such action in the matter of strengthening our naval force as would indicate to other nations that we meant something more than mere bombast and buncombe.

I ask members of the House to consider what will be the opinion of the civilized world if, in the face of the declarations we have made, in the face of the attitude we have assumed, instead of making even a reasonable progress toward putting ourselves into a position to maintain a foreign controversy, we shall deliberately, on the ground of economy, declare that we "can not afford" to even put under construction four battle ships that will be ready in three or four years from now to uphold the prestige and the dignity of the United States.

Mr. Speaker, I do not believe in that kind of economical patriotism. I wish there had been a little more economy of bluster evinced at an earlier stage; but after we have taken a position, after we have put our banners on the outer wall, for us to plead "economy" as a reason why we should reduce by one-half the provision we made at an earlier date of the session of Congress for strengthening our naval force, it seems to me, will present the American Government in a pitiable aspect in the eyes of the world. Here we have our attention called to a naval expenditure in Great Britain of \$91,000,000, in France of \$52,000,000, and in Russia of \$26,000,000, and so on all up and down the list of foreign naval powers; and yet, at this stage in our new departure in the field of international dispute, we are asked to stop and say, not only that we do not mean it, but that we will not even provide for four battle ships to strengthen a Navy that to-day can only claim that it might compete successfully with that of Spain.

Gentlemen, there is a place for economy, but economy should not be exercised against making reasonable and proper preparation for safeguarding the peace of the country by providing against attack, and for maintaining the dignity of this Government among the nations of the earth. Mr. Speaker, I yield ten or fifteen minutes, as he may desire, to my colleague on the committee, the gentleman from New York [Mr. CUMMINGS].

Mr. WILLIAM A. STONE. Mr. Speaker, there are only ten or fifteen minutes left of the gentleman's time, and there are several members who desire to speak on this proposition.

The SPEAKER pro tempore. The gentleman from Maine has twenty-two minutes remaining.

Mr. CUMMINGS. I will be content with ten minutes.

Mr. SAYERS. Before the gentleman from New York proceeds I wish to make a suggestion to the gentleman from Maine. In view of the fact that I was interrupted so frequently, and consumed more time than I intended, I would like to have unanimous consent—

Mr. BOUTELLE. Let us exhaust the remaining time, and then we can come to an understanding.

Mr. SAYERS. Very well.

Mr. CUMMINGS. Mr. Chairman, if I should say that the minority of the Committee on Naval Affairs unanimously voted for six battle ships I would not be very far from the truth. The Senate in its erudite wisdom has seen fit to strike off two of those battle ships. I would not presume to complain now of the action of such an august body, but I do complain when a prominent member of the House of Representatives, who silently, at least, sanctioned the action of the House in voting four battle ships, now proposes that the House shall throw down its arms, fall upon its knees, and accept the Senate amendment. It seems to me, sir, that is hardly

courteous to the majority of the committee, and in view of the action of the minority and of the political personality of the Representative, it is certainly not courteous to them.

Mr. Chairman, I have not forgotten the action of the Senate last year. The House then made provisions for three battle ships. The Senate struck out one battle ship, and then maneuvered the matter so adroitly that the House never had an opportunity of voting upon their action. We did not get even a committee of conference. Driven to the wall, we were compelled to accept the naval appropriation bill as it came from the Senate or lose the bill entirely. Thus a provision of the Constitution was virtually violated to maintain a Senatorial whim. I have not forgotten, sir, that the Senate returned to the House of Representatives a tariff bill full of errors, and that the House, under the arbitrary Senatorial dictum, was compelled to accept that tariff bill with all its errors. The country has been suffering from the errors ever since. [Applause.]

Mr. Speaker, we appear to be the American House of Commons and they the House of Lords. I can imagine how such a proposition as this coming from the House of Lords in Great Britain would be received by the House of Commons under similar circumstances. I can imagine how such a proposition would be received coming from the French Senate to the Corps Legislatif. The "lower bodies," as they are called, would stand upon their dignity, and I think the time has arrived for this House to stand upon its dignity and have some say with regard to appropriation bills at least. I remember that toward the close of the Fiftieth Congress the Senate of the United States, under the order of its Presiding Officer, nailed up the doors leading to the rotunda of the Capitol. It assumed to bar the Representatives from entering the rotunda on inauguration day without a card from the Presiding Officer of the Senate. The complaint of the House was long and loud, and axes would have been used if the barrier had not been removed.

Now, Mr. Speaker, I have listened to the gentleman from Texas [Mr. SAYERS] with great interest. He is always an economist. The country grows, and I hope that in the progress of time the arithmetical calculations of the gentleman from Texas will grow with it. [Laughter and applause.] We can not run the country now on the basis of thirty years ago. The gentleman expatiated upon what he termed the extravagances of this bill, and he was not always correct in his statements. I refer to one made with regard to the increase in the enlisted force in the Navy. He said that this bill increases it 3,250 men.

Mr. SAYERS. I did not state that. The gentleman misunderstood me.

Mr. CUMMINGS. Well, whatever you stated, you gave the impression that the increase in the enlisted force was 3,250 men. Now, Mr. Speaker, the increase in the enlisted force in seamen is actually 1,000 men. The Secretary asked for 1,500, and he thought, in addition, that the President, in a war emergency, should have authority to increase the force to 2,500. I advocated that proposition, but it was voted down by the committee. I stood by the action of the committee, but I never dreamed that anybody would propose to cut off the 1,000. You have not men enough in the Navy now to man your ships when they are in commission. To put a crew upon a new vessel you have to put another vessel out of commission and transfer her crew. As for the 500 men in the Marine Corps, they are needed just as much as the sailors. When there are not enough sailors to man guns in action the marines are called upon. In view of the clouds upon the horizon—possibly because of your own action in this House—it seems to me that an increase of 500 men in the Marine Corps is a very small increase indeed, and uncommonly reasonable.

The gentleman from Texas alluded to the expense of maintaining our war vessels in commission. It is no greater in proportion than the expense of other nations. The gentleman from Maine [Mr. BOUTELLE] alluded to the naval appropriations of Great Britain. Why, sir, the appropriations of Great Britain for the increase of her navy alone at this session of Parliament is \$52,000,000—more than double our whole appropriation for the maintenance as well as the increase of our Navy. Think of it; \$52,000,000 for the building of new battle ships for the British navy. Our four ships are not in ratio in comparison with the strength of the two navies. By making the appropriation for four ships you do not sustain the ratio that we now hold with Great Britain. This is one of the reasons why I so earnestly advocated the building of six battle ships instead of four.

Now, if the argument of the gentleman from Texas with regard to our receipts and expenditures is valid, he ought to move to strike off all these ships. He ought to move to kill the river and harbor bill. He ought to move to cut off expenses at all points, regardless of the interests and welfare of the nation.

The SPEAKER pro tempore (Mr. BENNETT). The time of the gentleman from New York [Mr. CUMMINGS] has expired.

Mr. CUMMINGS. I would like to have five minutes more.

Mr. BOUTELLE. I yield the gentleman five minutes more.
The SPEAKER pro tempore. The gentleman from Maine has twelve minutes remaining.

Mr. CUMMINGS. I thank the gentleman from Maine. Mr. Speaker, men build houses when lumber is cheap; and nations in a warlike atmosphere ought to build ships when material is cheap. There are warlike clouds on our horizon. The Secretary of the Navy, while before the Committee on Naval Affairs, expressly asserted that ships can now be built 30 per cent cheaper than the last ships were built. How long this percentage of cost will be maintained, as the gentleman from Texas truly says, can not be told. But if we pass this appropriation for four ships, we shall get the contracts while the prices are low; and no matter whether they should hereafter be doubled or not, the contractors will be forced to fill the orders.

The Senate, as I reckon from reading the RECORD, voted for two ships only on the score of economy. Why did not the economical "streak" reach other appropriation bills before that imposing body? Why is it that the naval appropriation, vital not only to the interests but to the safety of the country, is picked out for economical purposes? Why is it that in the same breath the river and harbor bill is increased over \$2,000,000 by the Senate? And if they are honest in their economical tendencies, why is it that they do not begin work at home? Reading a speech of a Senator made in the other wing of the Capitol a month ago, I learned that it costs in the way of perquisites twice as much to keep a Senator of the United States in Congress as it does a Representative.

Mr. DOCKERY. About five times as much.

Mr. CUMMINGS. Five times as much. I thank the gentleman from Missouri; I stand corrected. The expenses of the 90 United States Senators (independently of salaries) are nearly as much as the expenses of the House of Representatives, with 357 members.

Mr. BOUTELLE. I am greatly interested in what the gentleman is saying; but as a friend I wish merely to suggest that I hope he is conscious of the form of parliamentary discourtesy in which he is indulging. [Laughter.]

Mr. CUMMINGS. I did not catch the gentleman's words, but I suppose my time is out. I will say, however, that we made a great concession in economy on the naval appropriation bill when we reduced the number of proposed battle ships from 6 to 4, and I trust no further concession will be made. Means of offense is the best defense, and the best way of avoiding war is to be prepared for war. This is true economy. I trust the House will stand by its original proposition.

Mr. SAYERS. Mr. Speaker, in view of the fact that so much time has been consumed by three of us, and as several gentlemen desire yet to speak, I ask that the time for discussion be extended say until 5 o'clock, and that then we take a vote.

Mr. BINGHAM. Does the gentleman want a vote to-night?

Mr. SAYERS. Oh, yes.

Mr. CANNON. The gentleman from Maine [Mr. BOUTELLE] can call the previous question at any time he chooses.

Mr. BOUTELLE. I see no reason why we should have so long an extension of the debate as the gentleman from Texas suggests. I desire to be entirely reasonable. I understand that under the arrangement already made, the limit of debate would be reached at a quarter before 4 o'clock. I am willing, if it will be satisfactory, that the time be extended from quarter before 4 o'clock until quarter past 4 o'clock, with the understanding that there shall be no further request for additional time.

Mr. CANNON. Parliamentarily, the gentleman from Maine has complete control over the duration of the debate. He can demand the previous question at any time after quarter before 4 o'clock.

Mr. BOUTELLE. But we do not want to have a vote on the previous question if we can arrange without it. I do not wish to be arbitrary. I want to consult the wishes of the House so far as I can, but I am not willing to yield to the extent of not having a vote on this bill to-night, because members have come here and stayed here for the purpose of voting. I do not assume that any of them have stayed to listen to me, although they may have stayed to listen to others. I will agree that the time be extended until quarter past 4 o'clock.

Mr. SAYERS. The gentleman from Illinois [Mr. CANNON] desires to speak, and so does the gentleman from Missouri [Mr. DOCKERY].

Mr. BOUTELLE. Very well, if the gentleman objects, then we will go on. I hope the House understands that I am perfectly willing to extend the time for half an hour more.

The SPEAKER pro tempore. As the Chair understands, the proposition of the gentleman from Texas [Mr. SAYERS] is objected to.

Mr. SAYERS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. CANNON], and hope that he will yield a part of his time, if he can do so, to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. There are only seventeen minutes left.

Mr. CANNON. I hope the House will give a little extension of time, as indicated, when the hour of a quarter to 4 has been

reached, provided, of course, that the discussion is confined to the pending proposition. I think, perhaps, there will be no objection to getting an extension.

The SPEAKER pro tempore (Mr. BENNETT). The gentleman from Illinois is recognized for the remainder of the time of the gentleman from Texas, fifteen minutes.

Mr. SAYERS. I thought I had seventeen minutes.

The SPEAKER pro tempore. The gentleman had seventeen minutes, but some time has been occupied in determining the question of an extension of time.

Mr. SAYERS. Why not take it from the other side?

The SPEAKER pro tempore. It is taken from each side equally.

Mr. CANNON. Mr. Speaker, I think I can say what I desire to say in ten minutes and perhaps less, but if I should need a few minutes' extension I will trust to the House in its generosity to give it to me.

This is a question to be considered in the light of fact. And I want to say in the very beginning that my work as a member of this House touching appropriations for the support and the honor of our common country has, in my judgment, been from as pure motives as the work of other members of the House. I am heartily in sympathy with the Republic—the Republic that belongs to all of the people—being armed at every point to protect the property, the person, and the rights of the citizen, and being able to assert itself among the nations of the earth.

But, nevertheless, Mr. Speaker, it is well enough for us once in a while to forsake the field of declamation and get down to the facts. Now, what are the facts? There are in sight now, outside of river and harbor contracts, contracts in this bill, or contracts on any other bill, there are in sight, appropriations for the service of the Government for the fiscal year coming, an aggregate of \$510,000,000—a large sum. Thank God, it is a large country, too, and I do not think it is too much. It is far more than was appropriated the last year or the year before. But the country grows.

Now, then, it is admitted by all that this will be, in round numbers, \$50,000,000 more than we will collect from every source of revenue. The fiscal year for which we appropriate commences on the 1st day of next July and ends on the 30th day of June, 1897. So we run up all the ordinary expenses of the Government about \$50,000,000 more than we have reason to expect money will come in to pay them with. We all understand that.

Now, a step further. We have reached out on the naval appropriation bill and, from a patriotic standpoint, authorized the construction or the making of contracts involving some twenty-five to thirty millions more than we actually appropriated—

Mr. BOUTELLE. If the gentleman will permit me—

Mr. CANNON. I have only a moment or two.

Mr. BOUTELLE. I hope the gentleman will state that we are authorizing less this year than for years before. We appropriate a million dollars less in this bill.

Mr. CANNON. We appropriate a million dollars less than the bill of last year, that is true; but there is an authorization of contracts to the extent of about thirty millions to be appropriated for and hereafter paid, which is much greater than it ever was before.

Mr. BOUTELLE. Oh, no; for years before. But the bill as a whole is less.

Mr. CANNON. I say the amount authorized and not appropriated for is greater than for any year before this time. Now, let us inquire further.

Mr. Speaker, we not only appropriate \$50,000,000 for the coming year more than our revenues will be, but there is in sight on the various appropriation bills authority to the Administration to contract for the building of ships, improvement of rivers and harbors, and other public works to the amount of \$112,000,000, payable substantially in one, two, three, and four years from the 1st day of July, 1897.

To put it another way, when we inaugurate a Republican President on the 4th day of March next, he will have to borrow \$50,000,000 to pay the ordinary expenses of the Government from that time until the 1st day of July, 1897. The Republican Congress and President will also have to provide the money for the ordinary expenditures of the coming four years, and, besides, will have to pay off the \$112,000,000 of extraordinary expenditures which is authorized by this and other bills by way of contract work. In addition to that, when we come in power we ourselves will want some river and harbor improvements; we will want some public buildings; we will want some internal improvements; but we will find by this and other contract work authorized this session of Congress that we will have first to meet by appropriation \$25,000,000 a year for every year of the coming Administration; that is, we will have to take care of each year and pay the \$112,000,000 we now go in debt for.

Now, there is the truth.

"But," says somebody, "Mr. CANNON, we are not getting all we want now for public works." That is true. We are not getting what we want. For you know, gentlemen, the policy of this House is not to authorize a single public building. Why? Because

from the standpoint of economy. Not one is to be authorized. There is no money to pay for it. Now, then, if there is such a war pressure and such a danger menacing us that within the next twelve months we will have a war with all the world, should we break the record in the matter of authorization by contracts up to the extent of \$30,000,000 for the Navy? But I state it takes four years to construct one of these ships. Each ship costs, in round numbers, \$6,000,000. If you strike off two of them you decrease the mortgage to be placed on the future to the extent of \$12,000,000. If you leave the four battle ships on, you increase the mortgage that amount.

"Oh, but," says somebody, "when we come in we shall get the revenue. We shall play the part of Moses and strike the rock that will bring the revenue, as the water came from the rock in the wilderness." How long will it take to do it? It will take us eighteen months to write a revenue-getting law upon the statute books and have it go into operation and produce revenue. So that when you mortgage the future to the extent of the \$100,000,000 or \$112,000,000 to commence with the incoming of a Republican Administration you say to that Administration: "You shall borrow to pay this mortgage that is placed upon this country during this Administration, and to meet contracts made by the present Administration by virtue of laws of this session of Congress." Now, if it is wise, if it is patriotic, if it is necessary to advance the public good and the public honor, let us do it, and do it although it would amount to ten times as much.

Mr. BOUTELLE. Is there any appropriation that comes so near defending the public honor as that for the Navy?

Mr. CANNON. Oh, I am proud of the Navy, and I have followed substantially the chairman of the Committee on Naval Affairs in his contest, because his wisdom and knowledge are greater than mine. I followed him when he said to strike out six battle ships and put in four, and I would follow him now if he would follow what I believe to be his true feeling, that two battle ships are sufficient.

Mr. BOUTELLE. I ask my friend not to make that statement.

Mr. CANNON. I will take it back if it is not correct.

Mr. BOUTELLE. It is not so.

Mr. CANNON. I am glad to make the correction.

Mr. BOUTELLE. I never made a buncombe proposition to this House in my life.

Mr. CANNON. Then if I am under a misapprehension—I would not do my friend an injustice.

Mr. BOUTELLE. I hope not. I never say anything that I do not mean.

Mr. CANNON. Now, Mr. Speaker, what have we done for public defense? When we reported the fortification bill we found 150 built-up guns that were not emplaced, and we wrote in that fortification bill appropriations and authorizations of \$11,000,000 plus, for what? Within the next twelve months to emplace those guns? Within the next twelve months New York and Boston and Portland and Washington and San Francisco and Puget Sound will be substantially fortified. Why, in that fortification bill alone we have provided in twelve months to do more than has been done from 1888 up to the present time.

The CHAIRMAN. The ten minutes allotted to the gentleman from Illinois have expired.

Mr. SAYERS. I yield the remainder of my time to the gentleman from Illinois.

Mr. MINOR of Wisconsin (to Mr. CANNON). You have settled it for four battle ships?

Mr. CANNON. I thank my friend, and if he by silence or speech can do as much, he will have done well.

Mr. MINOR of Wisconsin. We will do better than you will.

Mr. CANNON. Very well; that remains to be seen. At least I shall be courteous when I address my fellow-members, and shall ask the Speaker if I may have the privilege of interrupting, under the rules.

Mr. Speaker, let me say again that we have four battle ships now, practically, and two that were authorized a year ago; that is six. If this authorization passes as the Senate provides, it will make eight. We have four substantially completed.

Mr. BOUTELLE. Oh, no; they are not all completed.

Mr. CANNON. But they approach completion.

Mr. BOUTELLE. I can not let the gentleman make such statements.

Mr. CANNON. They approach completion.

Mr. BOUTELLE. It will take eighteen months on one of them.

Mr. CANNON. They are authorized now. The contract for the two battle ships that were authorized a year ago was let last January. The contract for the armor has not yet been let. It is a million and a half for each ship. The bids are open. Bethlehem is to get one and Carnegie is to get the other. I am glad that they are going to. I am delighted that they have the capacity to do the work. I believe they are the only two establishments we have. These other two contracts for two battle ships will follow the two that they are soon to have. That makes four.

Now, my information is—and I believe it to be reliable—that Bethlehem and Carnegie can not more than complete those contracts for the two battle ships and the two more to be authorized, I hope, by this bill for eighteen months to come. So that we had just as well go over until next winter as to at least two of these battle ships, and leave something to be done by those who are to follow after us.

Now, I trust no man will misinterpret my motives. I stand ready to see public buildings and internal improvements in my section of the country stand still if it is necessary for the defense of the country; but I want to see the necessity for it, when we from the interior are called upon to wait without appropriations for public buildings, and when, if this mortgaging of the future goes on, next winter and the winter after we shall be asked to wait and still to wait until we pay off these mortgages. I am content if it is necessary for the public good, but if it is a mere utilization of the patriotic sentiment of the country to authorize great naval expenditures of doubtful utility, and, if meritorious, are not urgent, then I object.

I am content, having briefly referred to this matter, to leave it with the House. I believe, in closing, that we will subserve the best interests of the country, the best interests of the seacoast defense now by authorizing but two of these battle ships and proceeding with our fortifications next year as we are proceeding this year.

I yield the gentleman from Texas any time I have remaining.

The SPEAKER pro tempore (Mr. BENNETT). The gentleman from Texas has one minute and a half remaining.

Mr. SAYERS. I ask unanimous consent that the time be extended ten minutes longer, so that I may yield it to the gentleman from Missouri [Mr. DOCKERY]. I have consumed more time than I intended in consequence of interruptions.

Mr. BOUTELLE. Now, Mr. Speaker, the House will recognize the entire fairness and courtesy of the proposition I made a while ago when I asked consent to extend this time a half an hour, to a quarter past 4.

Mr. SAYERS. Now, the gentleman wants to thrust his individuality or personality, or whatever he may term it, constantly on the House.

Mr. BOUTELLE. I call the gentleman to order.

Mr. SAYERS. The reason I declined—

Mr. BOUTELLE. He has no right to speak of my thrusting my individuality or personality on the House.

Mr. SAYERS (continuing). Was simply this—

Mr. BOUTELLE. I am performing my duty as chairman simply and exhibiting a courtesy to the gentleman from Texas that the House will regard as a good example for him to follow.

The SPEAKER pro tempore. Objection is made.

Mr. WILLIAM A. STONE. I ask unanimous consent that debate on this matter be continued until quarter after 4 o'clock.

The SPEAKER pro tempore. Unanimous consent is asked that the time for closing debate be extended until fifteen minutes after 4.

Mr. SAYERS. The time to be equally divided.

Mr. HICKS. I object. I think we had better have a vote.

The SPEAKER pro tempore. Objection is made.

Mr. SAYERS. I ask unanimous consent for a further extension of the time for ten minutes, in order that the gentleman from Missouri [Mr. DOCKERY] may have an opportunity to speak upon this question.

The SPEAKER pro tempore. Unanimous consent is asked that the time be extended for ten minutes.

Mr. BOUTELLE. I object.

Mr. WILLIAM A. STONE. I will not object to that, if the same length of time can be occupied on the other side. [Cries of "Vote!"]

The SPEAKER pro tempore. Objection is made.

Mr. BOUTELLE. Has the other side exhausted its time?

The SPEAKER pro tempore. The gentleman from Texas has a minute and a half remaining and the gentleman from Maine has six minutes.

Mr. BOUTELLE. I will wait until they conclude.

Mr. SAYERS. I yield a minute and a half to the gentleman from Missouri.

Mr. DOCKERY. I can not occupy a minute and a half. If the House is not inclined to extend the time, I shall not occupy that time.

Mr. HOPKINS. Why not let the debate run on toward 5 o'clock, if gentlemen want to talk?

Mr. BOUTELLE. Other gentlemen have objected. [Cries of "Vote!"]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired. The gentleman from Maine has five minutes remaining.

Mr. BOUTELLE. Mr. Speaker, I desire to say a very few words in reply to some of the excited and extraordinary statements of the gentleman from Illinois, the chairman of the Committee on Appropriations. It seems a very strange thing in the

legislation of this House, although I have observed it for many years, that one of the committees of the House is so distrustful of the capacity of anybody else in the House to attend to the business assigned them. Fifteen members of this House have been assigned to the committee that prepared the bill for the naval establishment.

I happen for the time to be chairman of that committee. I have served thirteen years as a member of that committee; part of the time as chairman. I have given my best thought and labor to the work of that committee; and I may without immodesty say that I came to the committee with some prior knowledge of the subject-matters with which it has to deal; and yet, on nearly every occasion when that committee presents a measure in the House, it is confronted by gentlemen from one of the other committees of this House, the Appropriations Committee, who seem to insist that the 15 members on the Naval Committee are incapable of preparing and conducting one of the appropriation bills, while they accord to themselves sufficient wisdom to prepare and manage six or seven of the great appropriation bills of the House, and then to supervise all the rest.

I wish to say that those gentlemen are assuming a great deal. I do not know what kind of success I should have in dealing with the "legislative bill," or the "sundry civil bill," or some other bill, but I have some knowledge of the matters that are provided for in the naval appropriation bill. I have had the assistance of a gentleman who for years has been a member and for part of the time chairman of the committee; of another gentleman who was for years an officer of the Navy, after graduating at Annapolis, and of other experienced and competent gentlemen; and we have the right to ask this House to repose some confidence in our judgment and in our statements about matters that affect naval appropriations and naval construction. Yet the gentleman from Illinois gets up here and, as an argument in favor of the mutilation of this bill, that has once passed the House, makes the distinct statement on the floor that the manufacturers of the armor can not possibly furnish their material in time.

I answer him by saying that the communications received by our committee from the Carnegie and Bethlehem companies declared that they can furnish all the armor of these battle ships inside of thirty months. We have not brought these details in here, and there was no need of bringing them in here. We had the right to believe that this House would take something for granted, and repose in us some confidence, when the Naval Committee come in here and make a general statement of facts.

Mr. CUMMINGS. And that letter is borne out by the letter of Commodore Sampson.

Mr. BOUTELLE. And that letter is indorsed by the Chief of the Bureau of Ordnance of the Navy.

The gentlemen on the Committee on Appropriations always want to cut down all bills except their own. If they really desire to economize, why do not they economize on their own bills? Why do they increase the fortifications bill and other bills under their control and then come into the House and talk about how much we are mortgaged for the future, and try to put all the responsibility upon the naval appropriation bill, which to-day calls for less money for the increase of the Navy than was appropriated in the naval bill by the House a year ago? It is not fair; it is not dealing with the House as I think the House has a right to be dealt with.

I repeat, the proposition before this House is perfectly simple. We provided for four battle ships at a time when the House certainly gave every indication that it wanted more. There is no reason why we should want less now than we did then, and I hope that when the vote of the House is recorded it will not put us, after all that has been said, and while the whole world is looking at us, in the position of receding from the provision heretofore made by the House for the protection of our coasts and the defense of our flag.

[Here the hammer fell.]

Mr. BOUTELLE. Has my time expired?

The SPEAKER. The time for debate has expired.

Mr. BOUTELLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on concurring in the amendment of the Senate.

Mr. SAYERS and Mr. BOUTELLE called for the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. BOUTELLE (during the roll call). Mr. Speaker, I suppose it is entirely out of order to interrupt the roll call, but gentlemen are coming to me and saying that there is some misunderstanding as to the question on which the vote is being taken.

The SPEAKER. The Chair has stated it to the House. The question is on concurring in the amendment of the Senate. Those

who favor it will say "yea" and those who are opposed to it will say "nay."

Mr. BOUTELLE. The effect of an affirmative vote will be to strike out the two battle ships.

Mr. SAYERS. Regular order, Mr. Speaker.

The question was taken; and there were—yeas 81, nays 141, not voting, 133; as follows:

YEAS—81.

Aldrich, Ala.
Andrews,
Bailey,
Baker, Kans.
Baker, Md.
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Bennett,
Black, Ga.
Blue,
Brown,
Burrell,
Burton, Ohio
Cannon,
Clardy,
Cook, Ark.
Connelly,
Corliss,
Cox,
Crisp,

Crowther,
Curtis, Iowa
Curtis, Kans.
Daniels,
Dockery,
Doolittle,
Elliott, S. C.
Evans,
Gamble,
Graff,
Grow,
Hadley,
Hager,
Hainer, Nebr.
Henderson,
Hepburn,
Hubbard,
Jenkins,
Jones,
Joy,
Kem,

Kirkpatrick,
Kyle,
Lester,
Linney,
Linton,
Little,
Long,
McClure,
McCulloch,
McDearmon,
McRae,
Milnes,
Northway,
Owens,
Perkins,
Pickler,
Pitney,
Prince,
Quigg,
Reeves,
Sayers,

Shuford,
Skinner,
Strait,
Strode, Nebr.
Strowd, N. C.
Swanson,
Talbert,
Tate,
Terry,
Tracey,
Turner, Ga.
Turner, Va.
Van Horn,
Wheeler,
Williams,
Wilson, Idaho
Wood,
Yoakum.

NAYS—141.

Adams
Allen, Utah
Arnold, R. I.
Atwood,
Baker, N. H.
Bankhead,
Barham,
Barney,
Belknap,
Bingham,
Bishop,
Black, N. Y.
Boutelle,
Brewster,
Bromwell,
Brumm,
Buck,
Bull,
Burton, Mo.
Chickering,
Clark, Mo.
Clarke, Ala.
Cobb,
Coffin,
Colson,
Cook, Wis.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Crowley,
Crump,
Culbertson,
Cummings,
Curtis, N. Y.
Dalzell,
Denny,

De Witt,
Dingley,
Dinsmore,
Dolliver,
Dovener,
Downing,
Ellett, Va.
Erdman,
Fairchild,
Fenton,
Fischer,
Fitzgerald,
Fowler,
Gardner,
Gibson,
Gillett, N. Y.
Gillett, Mass.
Griffin,
Griswold,
Haltermann,
Harmer,
Harris,
Harrison,
Henry, Conn.
Hermann,
Hicks,
Hilborn,
Hill,
Hitt,
Hooker,
Hopkins,
Howe,
Howell,
Huling,
Hull,
Hunter,

Hurley,
Johnson, Cal.
Kerr,
Kleberg,
Knox,
Lacey,
Layton,
Lefever,
Leisenring,
Leonard,
Lockhart,
Loud,
Low,
Maguire,
Mahon,
Marsh,
McCall, Mass.
McCleary, Minn.
McClellan,
McCormick,
McCreary, Ky.
McLachlan,
Meiklejohn,
Mercer,
Meyer,
Miles,
Miller, W. Va.
Minor, Wis.
Mondell,
Money,
Moody,
Morse,
Odell,
Otey,
Otjen,
Parker,

Pendleton,
Phillips,
Pooler,
Powers,
Pugh,
Reyburn,
Robinson, Pa.
Royce,
Russell, Ga.
Sauerhering,
Scranton,
Shafroth,
Sherman,
Snover,
Sorg,
Spaulding,
Spencer,
Sperry,
Stokes,
Stone, W. A.
Strong,
Sulloway,
Sulzer,
Taft,
Tawney,
Tyler,
Thorpe,
Towne,
Updegraff,
Van Voorhis,
Willis,
Wilson, N. Y.
Woodman.

NOT VOTING—133.

Abbott,
Acheson,
Aitken,
Aldrich, Ill.
Allen, Miss.
Anderson,
Apsley,
Arnold, Pa.
Avery,
Babcock,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Berry,
Bowers,
Broderick,
Brosius,
Calderhead,
Catchings,
Clark, Iowa
Coddling,
Cooke, Ill.
Cousins,
Cowen,
Danford,
Dayton,
De Armond,
Draper,
Eddy,
Ellis,
Faris,
Fletcher,
Foote,

Foss,
Goodwyn,
Grosvenor,
Grout,
Hall,
Hanly,
Hardy,
Hart,
Hartman,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Hendrick,
Henry, Ind.
Howard,
Huff,
Hulick,
Hutcheson,
Hyde,
Johnson, Ind.
Johnson, N. Dak.
Kendall,
Kiefer,
Kulp,
Latimer,
Lawson,
Leighty,
Lewis,
Livingston,
Lorimer,
Loudenslager,
Maddox,
Mahany,

McCall, Tenn.
McEwan,
McLaurin,
McMillin,
Meredith,
Miller, Kans.
Milliken,
Miner, N. Y.
Moses,
Mozley,
Murphy,
Neill,
Newlands,
Noonan,
Ogden,
Overstreet,
Patterson,
Payne,
Pearson,
Price,
Raney,
Ray,
Richardson,
Robertson, La.
Rusk,
Russell, Conn.
Settle,
Shannon,
Shaw,
Simpkins,
Smith, Ill.
Smith, Mich.
Southard,
Southwick,

Sparkman,
Stable,
Stallings,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Thomas,
Tracewell,
Treloar,
Tucker,
Tyler,
Underwood,
Wadsworth,
Walker, Mass.
Walker, Va.
Walsh,
Wanger,
Warner,
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
White,
Wilber,
Wilson, Ohio
Wilson, S. C.
Woodard,
Woomer,
Wright.

The following additional pairs were announced:
For this day:

Mr. LORIMER with Mr. RUSH.

Mr. FARIS with Mr. HENDRICK.

On this bill:

Mr. BARTLETT of New York with Mr. PATTERSON.

Mr. BRODERICK with Mr. MCCLAUREN.

Mr. BROSIUS with Mr. HALL.

Mr. SETTLE with Mr. TRACEWELL.

Mr. COUSINS with Mr. NEWLANDS.

Mr. ALLEN of Mississippi. Mr. Speaker, I am paired with my colleague, Mr. CATCHINGS. If he were here I would vote "yea."

Mr. DOCKERY. Mr. Speaker, at the request of the gentleman from Kansas, Mr. BLUE, I am paired for this day with his colleague, Mr. CALDERHEAD. I am advised that if present he would vote "aye"; so, after consultation with Mr. BLUE, I have voted.

Mr. TUCKER. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. DRAPER. If he were present, I would vote "aye."

The SPEAKER. On this question the yeas are 81 and the nays are 141. The House nonconcur in the Senate amendment.

Mr. BOUTELLE. The House having yesterday nonconcur in the other amendments of the Senate, and having now nonconcur in this, I move that a conference with the Senate be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. DINGLEY. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. MCCALL of Tennessee, for twenty days, on account of important business.

To Mr. GOODWYN, for ten days, on account of sickness.

To Mr. HARDY, for five days, on account of important business.

To Mr. CLARK of Iowa, for ten days, on account of important business.

To Mr. LOUDENSLAGER, for three days, on account of death in his family.

To Mr. JOHNSON of Indiana, indefinitely, on account of sickness.

To Mr. LEWIS, for ten days, on account of important business.

To Mr. FARIS, for one week, on account of important business.

REPRINT OF A BILL.

On motion of Mr. CURTIS of Kansas, by unanimous consent, it was

Ordered, That the bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, for the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes, be reprinted.

The motion of Mr. DINGLEY was then agreed to; and accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2508) entitled "An act to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes," reported the same without amendment, accompanied by a report (No. 1609); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5376) granting condemned cannon to the State of Iowa, reported the same with amendment, accompanied by a report (No. 1610); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2568) authorizing the construction of a road from the Mill Springs National Cemetery, in Pulaski County, Ky., to the town of Somerset, in said county, reported the same with amendment, accompanied by a report (No. 1614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8562) granting to the Territory of Arizona a portion of the Camp Verde Military Reservation, in Arizona, and the buildings and improvements thereon, for normal school purposes, reported the same with amendment, accompanied by a report (No. 1631); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MEIKLEJOHN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 502) entitled "An act to approve a compromise and settlement between the United States and the State of Arkansas," reported the same with amend-

ment, accompanied by a report (No. 1634); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 3866) for the relief of George W. Goodman. (Report No. 1611.)

The bill (H. R. 4188) to correct the military record of Joseph Graham. (Report No. 1612.)

By Mr. BUCK, from the Committee on War Claims:

The bill (H. R. 4766) to refer claim of Thomas M. Hobbs to the Court of Claims. (Report No. 1615.)

The bill (H. R. 1809) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi. (Report No. 1616.)

By Mr. GIBSON, from the Committee on War Claims: The bill (H. R. 1480) for the relief of Cumberland Female College, of McMinnville, Tenn. (Report No. 1617.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 8251) for the relief of Frank G. Osburn. (Report No. 1618.)

By Mr. LESTER, from the Committee on War Claims:

A resolution (House Res. No. 301) to refer the bill (H. R. 2076) for the relief of Abner D. Lewis, of Shelby County, Tenn., with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 2076. (Report No. 1619.)

A resolution (House Res. No. 302) to refer the bill (H. R. 3680) for the relief of the heirs of Joseph B. Seabrook, deceased, late of Charleston, S. C., with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 3680. (Report No. 1620.)

A resolution (House Res. No. 303) to refer the bill (H. R. 8142) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 8142. (Report No. 1621.)

By Mr. MAHON, from the Committee on War Claims:

The bill (H. R. 546) for the relief of Albert J. Pratt, administrator. (Report No. 1622.)

The bill (H. R. 8417) to refer to the Court of Claims the war claims of the State of New Hampshire. (Report No. 1623.)

The bill (H. R. 6873) for the relief of James B. Treadwell, of Somerset, Pa. (Report No. 1624.)

By Mr. OTJEN, from the Committee on War Claims: A resolution (House Res. No. 304) to refer the bill (H. R. 4772) for the relief of the estates of John Flower and Thomas B. Flower, etc., with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 4772. (Report No. 1625.)

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 1796) for the relief of those suffering from the destruction of the salt works near Manchester, Ky., pursuant to the orders of Maj. Gen. Carlos Buell. (Report No. 1626.)

The bill (H. R. 6139) for the relief of Elizabeth Fulwiler. (Report No. 1628.)

By Mr. WILSON of Ohio, from the Committee on War Claims:

The bill (S. 2289) entitled "An act for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war." (Report No. 1627.)

The bill (H. R. 7425) for the relief of George S. Simon. (Report No. 1629.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (S. 559) entitled "An act for the relief of Bvt. Col. Thomas P. O'Reilly." (Report No. 1632.)

The bill (H. R. 1496) for the relief of William H. Hugo. (Report No. 1633.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. TRACEY, from the Committee on Military Affairs, reported adversely (Report No. 1613) the bill (H. R. 12) providing for discharges in cases of removal of charges of desertion; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of Iowa: A bill (H. R. 8693) donating 2 condemned cannon and 10 condemned cannon balls to Shelly Norman Post, Grand Army of the Republic, of Muscatine, Iowa—to the Committee on Naval Affairs.

By Mr. BROSIUS: A bill (H. R. 8694) granting condemned cannon and balls to the Ephrata Monument Association, Ephrata, Pa.—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 8695) to authorize the Secretary of War to purchase the Gettysburg battlefield—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 8696) providing for four cannon and four pyramids of cannon balls to be donated to the commissioners of Putnam Park, Redding, Conn.—to the Committee on Naval Affairs.

By Mr. DRAPER: A bill (H. R. 8697) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to Francis Washburn Post, No. 92, Grand Army of the Republic, of Brighton, Mass., and for other purposes—to the Committee on Naval Affairs.

By Mr. HENDERSON: A bill (H. R. 8698) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. CUMMINGS: A bill (H. R. 8699) in relation to the putting up of smoking and fine-cut chewing tobacco, and also cigars—to the Committee on Ways and Means.

By Mr. STALLINGS: A bill (H. R. 8723) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 1047) for the relief of Harriet A. Phillips; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 8700) granting a pension to Clelia Eakins, widow of Samuel Eakins, late acting master of the United States Navy—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 8701) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list—to the Committee on Naval Affairs.

Also, a bill (H. R. 8702) for the relief of Daniel Hettesheimer and to remove charges of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 8703) for the relief of Mary Landfrit—to the Committee on Invalid Pensions.

By Mr. BROSIUS: A bill (H. R. 8704) granting a pension to John Keen—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 8705) for the relief of Thomas Caldwell, of Bradley County, Tenn.—to the Committee on War Claims.

By Mr. COOK of Wisconsin: A bill (H. R. 8706) to correct the military record of Patrick Hanley—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 8707) for the relief of George W. Frush, late of Company B, Third West Virginia Infantry, and later of Company B, Sixth West Virginia Cavalry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 8708) for the relief of Maramon H. Martin, late private of Company A, Sixth Regiment of West Virginia Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 8709) for the relief of James Humes, late captain of Company A, Fifteenth Regiment of West Virginia Infantry—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 8710) to refer to the Court of Claims the claim of John A. Binzer for compensation for the loss of supplies taken by the United States troops during the Kirby Smith raid—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 8711) to grant pension to Elizabeth A. Griswold, mother of Seneca S. Marshall, Company B, Eighth United States Cavalry—to the Committee on Pensions.

Also, a bill (H. R. 8712) to grant \$72 per month pension to William E. Miller, late colonel Twenty-eighth Iowa Infantry—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 8713) for the relief of Capt. McCurdy Tate, late captain of Company H, Fifty-third Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. LINTON: A bill (H. R. 8714) granting accrued pension to John E. Carland—to the Committee on Invalid Pensions.

By Mr. TAYLER: A bill (H. R. 8715) granting an honorable discharge to David J. Albaugh—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 8716) to remove charge of

"absent without leave" from military record of Abraham M. Runyon—to the Committee on Military Affairs.

Also, a bill (H. R. 8717) granting a pension to John H. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8718) granting to the Agricultural College of Missouri the right to select additional lands—to the Committee on the Public Lands.

By Mr. WHEELER: A bill (H. R. 8719) for the relief of Charles N. Stephens, of Jackson County, Ala.—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8720) granting an increase of pension to Thomas Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8721) granting an increase of pension to Stephen Fowler—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 8722) granting a pension to Sarah M. Kingsley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Papers to accompany House bill No. 8624, for the relief of James Eagan—to the Committee on Military Affairs.

By Mr. BAKER of New Hampshire: Petition of the Central Labor Union of Concord, N. H., in favor of House bill No. 6119, relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia—to the Committee on Labor.

By Mr. CANNON: Letter of S. H. Walker, of the National Capital Investment Company, Washington, D. C., relating to the building at No. 464 Louisiana avenue—to the Committee on Appropriations.

By Mr. CURTIS of Iowa: Resolutions of the North Capitol and Eckington Citizens' Association, in favor of Senate bill No. 2928, to extend the routes of the Eckington and Soldiers' Home Railway Company, and for other purposes—to the Committee on the District of Columbia.

By Mr. CURTIS of Kansas: Resolutions of Local Union, No. 25, of Topeka, Kans., of the Journeymen Barbers' International Union of America, asking for the passage of a bill to secure Government ownership and control of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS: Resolution of the council of the Seneca Nation of Indians, King Tallichief, clerk, favoring the passage of bill No. 8670, in relation to marriage between white men and Indian women—to the Committee on Indian Affairs.

By Mr. DOLLIVER: Petition of E. A. Ormsby and others, of Emmetsburg, Iowa, praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Resolution of Enterprise Council, No. 5, Order United American Mechanics, of Wheeling, W. Va., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of A. R. Jacob and 38 other citizens of Ohio County, W. Va., asking that a duty be placed on wool—to the Committee on Ways and Means.

By Mr. HILBORN: Memorial of Sedgwick Post, Grand Army of the Republic, of Santa Ana, Cal., against granting special pensions at high rates, and asking that widows of officers be pensioned under existing laws—to the Committee on Invalid Pensions.

Also, resolutions of the Manufacturers and Producers' Association of California, in favor of Senate bill No. 2447, for a bureau of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. Edward Collins, in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Resolution of the Florida Society of the Sons of the Revolution, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

Also, petition of E. B. Phillips, secretary of Young Men's Christian Association, of Winsted, Conn., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. HURLEY: Petition of the Florida Society of Sons of the Revolution, relating to the publication of Revolutionary records—to the Committee on Printing.

By Mr. JOHNSON of California: Resolution of Tulare Grange, No. 198, Patrons of Husbandry of California, favoring the passage

of House bill No. 2626, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

By Mr. LINTON: Statement regarding House bill No. 2855, granting an honorable discharge to Frederick Stewart—to the Committee on Military Affairs.

By Mr. NORTHWAY: Petition of the faculty of Hiram College, Hiram, Ohio, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. THORP: Petition of J. F. Walton and others of Janesville, Va., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Papers to accompany House bill relating to the claim of John H. Jenkins, scout and guide—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to remove the charge of "absent without leave" in the case of Abraham M. Runyon—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Petition of the United States Maimed Soldiers' League of Philadelphia, favoring the passage of House bill No. 8354, to adjust the pensions of maimed Union soldiers and sailors—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, May 6, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. KYLE, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a report from Maj. J. H. Willard, Corps of Engineers, dated April 4, 1896, of a preliminary examination made by him in compliance with the provisions of the river and harbor act of August 17, 1894, of Big Sunflower River, Mississippi; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to the joint resolution approved February 26, 1896, a letter from the Chief of Engineers expressing the opinion that the construction of a breakwater at Palm Beach, Fla., for the purpose of protecting and facilitating landing at the pier now constructed at that place, would cost about \$500,000; which, on motion of Mr. PASCO, was, with the accompanying paper, referred to the Committee on Commerce, and ordered to be printed.

FANNIE KAUTZ.

Mr. SHERMAN. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 989) to place the name of Fannie Kautz, widow of August V. Kautz, deceased, late brigadier-general, United States Army, retired, on the pension roll at the rate of \$175 per month.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, to strike out "\$175 per month, in lieu of the pension she is now entitled to receive, in recognition of the distinguished services rendered his country in the Mexican war, the war of the rebellion, and in the Indian wars of the West," and insert "\$50 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie Kautz, widow of August V. Kautz, deceased, late a brigadier-general, retired, United States Army, at the rate of \$50 per month.

Mr. SQUIRE. I think the amount ought to be increased.

Mr. SHERMAN. I think so, too, but the beneficiary is so needy at this time that I hope the Senate will fix the pension at \$50 a month as the committee have reported.

Mr. SQUIRE. I am very sorry to have the bill passed in this shape. The lady is a citizen of my State; I know her situation, and that she needs the money. I think the pension ought to be made \$100 a month. Her husband was a very distinguished officer in the Mexican war and the late war.

Mr. SHERMAN. I know that is all true; but I think we had better allow \$50 a month now, and if Congress hereafter chooses to give her more, well and good. The committee have proposed \$50, and I think the bill ought to be passed in that form.

Mr. SQUIRE. Very well. Under the circumstances I will not insist upon an increase over what is proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army."

SARAH K. McLEAN.

Mr. TURPIE. I ask unanimous consent for the consideration of the bill (S. 606) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to him as a major from July 23, 1864, to the date of his reinstatement March 3, 1875.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 99, 101, 131, 133, 134, 136, 225, 226, 227, 228, 229, 230, 231, 232, 234, 237, 238, 239, 240, 241, 242, 245, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 259, 261, 262, 264, 265, 266, 267, 269, 272, 273, 277, 278, 279, 280, 281 and 288.

That the House recede from its disagreement to the amendments of the Senate numbered 88, 98, 132, 135, 156, 157, 158, 219, 220, 221, 222, 224, 258, 265, 266, 267, 269, 292, 300, and 302, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$39,900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For printing, binding, and wrapping 1,000 additional copies of series 1, volumes 1, 2, 3, and 4, for supplying officers of the Navy who have not received the work, \$2,400."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$164,010"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Eleven and thirteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, and 217, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"Sec. 7. That the United States district attorney for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per centums, and other compensations now allowed by law, an annual salary, as follows: For the northern and middle districts of the State of Alabama, each \$4,000; for the southern district of the State of Alabama, \$3,000; for the Territory of Arizona, \$4,000; for the eastern district of Arkansas, \$4,000; for the

western district of Arkansas, \$5,000; for the northern district of California, \$4,500; for the southern district of California, \$3,500; for the district of Colorado, \$4,000; for the district of Connecticut, \$2,500; for the district of Delaware, \$2,000; for the northern district of Florida, \$3,500; for the southern district of Florida, \$3,500; for the northern district of Georgia, \$5,000; for the southern district of Georgia, \$3,500; for the district of Idaho, \$3,000; for the northern district of Illinois, \$5,000; for the southern district of Illinois, \$5,000; for the district of Indiana, \$5,000; for the northern and southern districts of Iowa, each \$4,500; for the district of Kansas, \$4,500; for the district of Kentucky, \$5,000; for the eastern district of Louisiana, \$3,500; for the western district of Louisiana, \$2,500; for the district of Maine, \$3,000; for the district of Maryland, \$4,000; for the district of Massachusetts, \$5,000; for the eastern district of Michigan, \$4,000; for the western district of Michigan, \$3,500; for the district of Minnesota, \$4,000; for the northern and southern districts of Mississippi, each \$3,500; for the eastern district of Missouri, \$4,500; for the western district of Missouri, \$4,500; for the district of Montana, \$4,000; for the district of Nebraska, \$4,000; for the district of Nevada, \$3,000; for the district of New Hampshire, \$2,000; for the district of New Jersey, \$3,000; for the district of New Mexico, \$4,000; for the northern district of New York, \$4,500; for the eastern district of New York, \$4,500; for the eastern district of North Carolina, \$4,000; for the western district of North Carolina, \$4,500; for the district of North Dakota, \$4,000; for the northern and southern districts of Ohio, each \$4,500; for the district of Oklahoma, \$5,000; for the district of Oregon, \$4,500; for the eastern district of Pennsylvania, \$4,500; for the western district of Pennsylvania, \$4,500; for the district of Rhode Island, \$2,500; for the eastern and western districts of the district of South Carolina, \$4,500, \$2,500 of which shall be for the performance of the duties of district attorney for the western district; for the district of South Dakota, \$4,000; for the eastern, middle, and western districts of Tennessee, each \$4,500; for the northern district of Texas, \$3,500; for the eastern district of Texas, \$5,000; for the western district of Texas, \$4,000; for the district of Utah, \$4,000; for the district of Vermont, \$3,000; for the eastern district of Virginia, \$4,000; for the western district of Virginia, \$4,500; for the district of Washington, \$4,500; for the district of West Virginia, \$4,500; for the eastern district of Wisconsin, \$4,000; for the western district of Wisconsin, \$4,000; for the district of Wyoming, \$4,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the eastern and western districts of the district of South Carolina, \$4,500, \$2,500 of which shall be for the performance of the duties of marshal of the western district;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 271, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 274, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 275, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"SEC. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such districts, who shall be known as field deputies, and who, unless sooner removed by the district court, as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, including mileage, as provided by law, earned by him, not to exceed \$1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding \$2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual ex-

penses on any trip in lieu of mileage: *Provided*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of \$2,500 nor more than three-fourths of the gross fees earned by such field deputy. The marshal immediately after making any appointment or appointments under this section shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment as the public interest may require. The field deputies herein provided for of the districts of California, Colorado, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, Wyoming, and Idaho shall, for the services they may perform during the fiscal year 1897, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided herein."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out the words "represent or"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 295, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 298, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 299, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 15, inclusive"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eighteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 304, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 23"; and on page 127 of the bill, in line 10, strike out the words "June 30" and insert in lieu thereof the words "the 1st day of July"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 312, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6, 8, or 15"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314.

S. M. CULLOM,

H. M. TELLER,

F. M. COCKRELL,

Managers on the part of the Senate.

HENRY H. BINGHAM,

JNO. E. MCCALL,

ALEX. M. DOCKERY,

Managers on the part of the House.

THE VICE-PRESIDENT. The question is on concurring in the report.

MR. HILL. If the Senate desires to legislate intelligently it is important that the conference report shall be printed, that we may have an opportunity to examine it. We are not familiar with what the amendments are. They are simply stated by numbers—for instance, that the Senate shall recede from its amendment numbered 129, and we do not know anything about what amendment numbered 129 is. If we vote to concur so far as there has been an agreement we vote entirely in the dark. What objection can there be to the report being printed and going over until to-morrow morning, that we may have an opportunity to know precisely what has been done?

MR. CULLOM. I do not desire to occupy the attention of the Senate more than a moment. The Senator from New York states correctly that in a very few instances where the report proposes that the Senate shall recede from amendment numbered 129, for example, without any further explanation, of course the Senate would not know what it meant, but in nearly all the instances—in all, in fact, of any consequence—the character of the amendment agreed to by the conferees on the part of the two Houses is set out in the report and has been read at the desk. For instance, take the important features of the bill which have been agreed to by

the conferees, the question relating to attorneys and marshals. The salaries fixed by the conferees have been read and can be pointed out. I have a table in my hand showing exactly what the House agreed to as to any given attorney or marshal, what the Senate agreed to, and what the conferees have finally agreed upon.

Mr. HILL. Will the Senator permit a suggestion right here? Mr. CULLOM. Certainly.

Mr. HILL. Of course I have no doubt that by making inquiries of the Senator from Illinois, who is perfectly familiar with the subject, every Senator here may understand what has been done; but it was to relieve the Senator from being subjected to the various inquiries, because Senators are naturally somewhat inquisitive to know what has been done, that I thought we could examine the question for ourselves. For instance, I am interested in several items, and so are my people. I am only interested in them because my people are interested. I could not quite catch what was done in regard to the salaries of the district attorneys for the three districts in my State. Of course I can ask, but will not that lead to other Senators asking, and take more time really, when we could dispose of it to-morrow morning without any trouble? That is one point. Another point I should like to be informed upon is as to what has been done with the question of the United States commissioners, a very important matter to my people, and to which I called the especial attention of the conference committee when it was appointed and when we had the question up for discussion before the Senate.

Mr. CULLOM. I have no special objection to the report going over until to-morrow morning, if it is the desire of Senators. All that I want is to facilitate business as rapidly as possible consistent with intelligent action.

Mr. COCKRELL. Had it not better be printed?

Mr. CULLOM. I have no objection to its going over and being printed, with the understanding that we shall take it up in the morning among the very first things done after the early morning business.

Mr. HILL. It will be printed?

Mr. CULLOM. It will be printed, of course, in the RECORD.

The VICE-PRESIDENT. The report will go over and be printed.

Mr. DUBOIS. I rose to say that I think the Senator from New York is entirely right in regard to this matter. The instance which the Senator from Illinois mentioned is a very good one. I caught as the report was read something in regard to the fees of marshals and attorneys in Idaho. There is a very good reason why the fees in that part of the country should be different from the fees in most other States. I think some change was made by the conferees and the Senate is asked to agree to it, if I caught the reading correctly. I believe that on this bill and all other bills the report of the conferees ought to be printed in such a way that the Senate can understand it. We make our fight here for items and get them in the bill and we do not know what becomes of them in conference. I believe the precedent ought to be established of printing conference reports.

Mr. CULLOM. I desire to say in justification of the committee and myself that we have been especially anxious that the Senate should not act blindly upon the appropriation bills when conference reports are brought in. Therefore, when I made a former report upon this bill, I was careful to note, so that the Senate could understand exactly what we were doing, the items yet disagreed to, calling attention at the same time to the important items that were agreed to by the conferees. I am prepared now, if it were desired that we should go on, to point out exactly the action of the conferees in reference to any particular item. But it may probably save time to let the report go over and be printed, so that the Senate can see it for itself.

I wish to say in addition before I sit down that the question of fixing the fees of attorneys and marshals has been an embarrassing one. It has required a good deal of attention on the part of the conferees of the two Houses, and while we have not the items in the bill exactly as some of us would like, we found that it was impossible to do anything in that direction in most instances except upon a basis of compromise. I hope that Senators who may feel dissatisfied with the salaries fixed for the marshals and district attorneys in the different States will realize when they come to look it over that however much they may think a salary fixed is too small, they must understand that if we are to make any progress in this matter at all we have got to give and take a little in dealing with the conferees of the body which has control of the bill in another place.

The VICE-PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of the Stone Cutters' Association of Detroit, Mich., praying for the enactment of legislation to prohibit the use of convict labor in the construction of

public buildings erected by the Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Congregational church, of Bay City, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WILSON presented a memorial of sundry citizens of the State of Washington, remonstrating against placing the statue of Père Marquette in Statuary Hall; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Snohomish County, Wash., remonstrating against the appropriation of public money for sectarian institutions; which were ordered to lie on the table.

Mr. PRITCHARD presented the petition of George C. Haynie, of Madison County, N. C., praying that he be granted the pay and allowances of a captain from September 15, 1863, to August 16, 1865; which was referred to the Committee on Military Affairs.

Mr. GALLINGER. I present a resolution adopted by Local Union No. 51, of Boot and Shoe Workers' Union of Manchester, N. H., in favor of the passage of a law giving to the people of the United States free and unlimited coinage of silver at a ratio of 16 to 1, without waiting for the aid or consent of any other nation. This organization states that "we are of the opinion that to do so would relieve the present monetary stringency and contribute toward bringing to us a return of national prosperity." The resolution is signed by William E. Bailey, president, and James Damory, secretary.

While I do not agree with the views represented in this resolution, I am happy to present the petition to the Senate.

The VICE-PRESIDENT. The petition will lie on the table.

Mr. THURSTON presented sundry memorials of citizens of Omaha, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

He also presented a petition of the faculty of the University of Nebraska, at Lincoln, Nebr., praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. SQUIRE presented sundry memorials of citizens of Seattle, Port Angeles, Snohomish and Tolt, all in the State of Washington, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

Mr. COCKRELL presented a petition of the Wholesale Liquor Dealers' Association of Kansas City, Mo., praying for the passage of the proposed amendment to section 48 of the tariff law, restricting the bonded period on whisky to be made on and after July 1, 1896, and up to July 1, 1898, to one year; which was referred to the Committee on Finance.

Mr. WHITE. I present by request resolutions adopted at a meeting of sundry citizens of southern California, relative to the settlement of interstate railroad matters and the investment of Government funds. I move that the resolutions lie on the table. The motion was agreed to.

Mr. WHITE presented a petition of members of the bar of San Diego, Cal., praying for the enactment of legislation providing for the holding of stated terms of the United States circuit and district courts of the southern district of California in that city for the purpose of the hearing and trial of all cases arising in the county of San Diego; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young Men's Democratic Club of Massachusetts, praying for the election of United States Senators by a direct vote of the people; which was ordered to lie on the table.

He also presented a memorial of the members of the California Yearly Meeting of Friends, of Whittier, Cal., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. DAVIS presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the enactment of a voluntary bankruptcy law; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Commercial Club of St. Paul, Minn., remonstrating against the construction of a bridge across the Straits of Detroit; which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the adoption of the proposed amendment to the Post-Office appropriation bill prohibiting the Postmaster-General from consolidating smaller post-offices

outside the corporate limits of cities; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL. I present a petition of the Federation of Labor of the District of Columbia, by request, signed by James F. McHugh, president, and Arthur Keep, secretary. The petition prays, in the interest of the workmen in the District of Columbia, that railroad companies applying for new franchises shall be placed under certain restrictions in regard to the interests and the rights of the laborers employed by them. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. WETMORE presented a resolution adopted by the legislature of the State of Rhode Island, praying for the establishment of a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

[State of Rhode Island, etc. In general assembly, January session, A. D. 1896.]

Resolution.

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg, which has been favorably reported by the Committee on Military Affairs; and

Whereas Gettysburg and Vicksburg, being inseparably connected and constituting the greatest epoch in the war of the rebellion, should be equally commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park to commemorate the campaign and siege of Vicksburg will be a most appropriate monument to the commander whose genius planned these operations and directed them to a successful issue, and whose fame and character are so dear to all Americans; and

Whereas the State of Rhode Island has not only a general, but also an especial interest in this bill, for the reason that one of her gallant regiments of infantry volunteers, the Seventh, participated in the operations it proposes to commemorate, and has Vicksburg inscribed on its colors; therefore

The legislature of the State of Rhode Island by this concurrent resolution asks its Senators and Representatives in Congress to do all they justly can to secure the prompt passage by Congress at this session of the bill H. R. 4339, and requests the House Committee on Rules to give the earliest possible date for its consideration by the House; and the secretary of state is hereby instructed to send a copy of this resolution to the Senators and members of the House of Representatives in Congress from Rhode Island, and to the Hon. THOMAS B. REED, Speaker of the House of Representatives of the United States of America.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 20, 1896.

I certify the foregoing to be a true copy of a resolution passed by the general assembly of said State on the 17th day of April, A. D. 1896.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date and year first above written.

CHARLES P. BENNETT,
Secretary of State.

Mr. WETMORE presented a resolution adopted by the legislature of the State of Rhode Island, praying for the enactment of legislation to increase the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

[State of Rhode Island, etc. In general assembly, January session, A. D. 1896.]

Resolution recommending to Congress the passage of the bill now pending in the National House of Representatives to increase the pay of letter carriers.

Whereas there is now pending in Congress a bill (H. R. 260) which has been favorably reported by the Committee on Post-Offices and Post-Roads of the House of Representatives, entitled "A bill to increase the pay of letter carriers," by the provisions of which the compensation would range from \$600 for the first year of regular service, with \$500 annually added, to a maximum of \$1,000 a year in cities of a population of less than 75,000, and a maximum of \$1,200 in larger cities; and

Whereas granting the proposed increase the free-delivery service of the Post-Office Department would still be not only self-supporting, but the source of a large revenue to the Government; and

Whereas the duties of a letter carrier are of an arduous, responsible character, requiring for their best discharge the services of faithful and capable men permanently employed: Now, therefore, it is

Resolved, That in the judgment of the general assembly of the State of Rhode Island, the bill aforesaid to increase the pay of letter carriers should be promptly passed by Congress, that the Senators and Representatives of this State at Washington be, and they are hereby, requested to urge the passage of said bill at the present session of Congress, and that the secretary of state of Rhode Island be, and he hereby is, instructed to send a copy of this resolution to each of our said Senators and Representatives in Congress, as well as to the Hon. THOMAS B. REED, Speaker of the National House of Representatives.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 27, 1896.

I certify the foregoing to be a true copy of a resolution passed by the general assembly of said State on the 24th day of April, A. D. 1896.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date and year first above written.

CHARLES P. BENNETT,
Secretary of State.

Mr. MANTLE presented a petition of sundry citizens of Columbia Falls, Mont., and a petition of sundry citizens of Hamilton, Mont., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

CUSTOMS EXPENSES.

Mr. ALLISON. I present a letter from the Secretary of the Treasury, transmitting a statement of the increase and decrease in force, salary, and expenses at the various customs ports for the first nine months of the fiscal year 1896 over the corresponding period of the fiscal year 1895.

The letter from the Secretary of the Treasury is accompanied by sundry tables and documents relating to an item of importance in the deficiency appropriation bill. These tables and documents require careful examination by the committee and perhaps by the two Houses, and I ask unanimous consent that the letter and accompanying papers be printed for the use of the Senate.

The PRESIDING OFFICER (Mr. BACON in the chair). Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. THURSTON, from the Select Committee on International Expositions, to whom was referred the bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury, reported it without amendment.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary T. Davis, an invalid daughter, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 412) for the relief of Mrs. Emma D. Larsh, of Denver, Colo., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 413) for the relief of Charles M. Larsh, of Denver, Colo., reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the resolution of the Chamber of Commerce of San Francisco, Cal., praying for the immediate establishment of a cable between the Pacific coast of the United States and the Hawaiian Islands, submitted a report thereon, accompanied by a bill (S. 3068) to facilitate the construction and maintenance of telegraphic communication between the United States, the Hawaiian Islands, and Japan, and to promote commerce; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1316) to facilitate the construction and maintenance of telegraphic cables in the Pacific Ocean for the use of the Government in its foreign intercourse; and

A bill (S. 876) to provide for telegraphic communication between the United States of America, the Hawaiian Islands, and Japan, and to promote commerce.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1300) for the relief of Hannah Newell Barrett, reported it with amendments, and submitted a report thereon.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6431) to pay Peter P. Ferguson \$1,765, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, and the bills were postponed indefinitely:

A bill (S. 2842) to incorporate the Columbia Subway Company; and

A bill (S. 2123) to test the improved methods for the disposal of sewage and water filtration of villages and cities.

Mr. KYLE, from the Committee to Establish the University of the United States, to whom was referred the bill (H. R. 4785) to

incorporate the National University, reported it without amendment.

Mr. PRITCHARD, from the Committee on Claims, to whom was referred the amendment submitted by Mr. DANIEL on the 5th instant providing for the production of copies of the drawings of the weekly issues of patents for inventions, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GEAR, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes, reported it with amendments.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 2953) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, administratrix of Franklin S. Whitney, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2087) for the relief of the legal representative of Franklin S. Whitney, deceased, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1335) for the relief of John Veeley, reported it with an amendment, and submitted a report thereon.

Mr. GEAR, from the Committee on Pacific Railroads, to whom the subject was referred, reported a bill (S. 3080) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway; which was read twice by its title.

PAPERS OF MILITARY INFORMATION DIVISION.

Mr. HANSBROUGH. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 128) proposing an amendment to section 89, paragraph 2, of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to amend section 89, paragraph 2, of the act of January 12, 1895, by inserting in the last line, after the word "require," the words "and the Secretary of War may authorize, as a maximum number, the printing of 2,500 copies of each of the professional papers published by the military information division of the War Department, or a lesser number, if the interests of the public service justify it."

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGISTERS OF THE ARMY AND NAVY.

Mr. HANSBROUGH. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 127) proposing amendments to section 73, paragraph 32, of the act of January 12, 1895, providing for the public printing and binding and distribution of documents, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to amend paragraph 32 of section 73 of the act so as to read:

Of the registers of the Army and Navy, 2,500 copies of each; 1,000 for the Senate and 1,500 for the House.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF JAMES SHIELDS.

Mr. HANSBROUGH, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. CULLOM December 10, 1895, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of James Shields, 16,500 copies, of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and 500 each for use and distribution by the governors of Illinois, Minnesota, and Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue, to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

JACOB A. WOLFSON.

Mr. BACON. I am directed by the Committee on Claims, to whom was referred the bill (S. 2382) for the relief of Jacob A.

Wolfson, to report it with an amendment; and I am further instructed by the committee to ask the Senate, upon the adoption of the amendment, to agree to a resolution which I report from the committee referring the claim to the Court of Claims. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Claims was, in line 5, after the word "to," to insert "the estate of"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Jacob A. Wolfson, of Natchitoches Parish, La., the sum of \$23,600, in full compensation for property taken as a military necessity by the United States Army during the year 1864.

The amendment was agreed to.

The title was amended so as to read: "A bill for the relief of the estate of Jacob A. Wolfson."

Mr. BACON. I now ask for the adoption of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved. That the bill (S. 2382) entitled "A bill for the relief of the estate of Jacob A. Wolfson," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate the facts of the case in accordance with section 14 of said act.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. HANSBROUGH. I ask that the Committee on Civil Service and Retrenchment be discharged from the further consideration of the communication from the Public Printer relative to the amount of "leave money" claimed to be due employees of the Government Printing Office, and that it be referred to the Committee on Printing.

The VICE-PRESIDENT. Without objection, it will be so ordered.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 3069) for the relief of W. N. Hedden; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3070) to correct the military record of George C. Haynie; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. McMILLAN introduced a bill (S. 3072) to prevent the spread of contagious diseases in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAVIS (by request) introduced a bill (S. 3073) to extend the limits of the city of Washington, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BERRY introduced a bill (S. 3074) granting a pension to Joseph S. Bunker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 3075) to incorporate the Washington, Burnt Mills, and Sandyspring Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3076) in relation to the putting up of smoking and fine-cut chewing tobacco and also cigarettes; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAFFERY (by request) introduced a bill (S. 3077) for the relief of the estate of J. K. Benjamin, deceased, late of New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3078) for the relief of the estate of Hypolite Chretien, deceased, late of New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL of Wisconsin introduced a bill (S. 3079) granting a pension to Harrison Brott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3081) for the relief of Edward T. Latta; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Coast Defenses, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce.

Mr. GORDON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL. I ask that the amendment which I offered yesterday, intended to be proposed to the deficiency appropriation bill, may be referred to the Committee on Patents instead of the Committee on Claims.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The change of reference will be made, in the absence of objection.

Mr. DANIEL. I ask that a new print of the amendment be made.

The PRESIDING OFFICER. It will be so ordered.

CONTEMPTS OF COURT.

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 2984) in relation to contempts of court; which was ordered to lie on the table and be printed.

TOWBOAT ASSOCIATION OF NEW ORLEANS.

On motion of Mr. WARREN, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate S. 862, for the relief of the receivers of the Towboat Association of New Orleans, La.

COTTON STATES AND INTERNATIONAL EXPOSITION.

Mr. GORDON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to transmit to the Senate the report of the officer in charge relating to the administration of customs at the Cotton States and International Exposition, lately held at Atlanta, Ga., and that the same be printed when received.

CAPTURE OF SCHOONER COMPETITOR.

Mr. FRYE. Is the morning business completed, Mr. President?

The VICE-PRESIDENT. It is not yet completed. Concurrent and other resolutions are in order.

Mr. CALL. I ask to have laid before the Senate a resolution I offered yesterday.

The VICE-PRESIDENT. If there be no concurrent or other resolutions, the Chair lays before the Senate a resolution submitted yesterday by the Senator from Florida [Mr. CALL], as follows:

Resolved, That the President of the United States be, and he is hereby, requested to protest against the execution of the citizens of the United States captured on board the schooner *Competitor* by a Spanish cruiser, and to request and demand of the Government of Spain that they shall not be subjected to cruel treatment, but be held only as prisoners of war, unless it shall be established that they were engaged only in carrying merchandise which was contraband and for which they were subjected to no punishment other than the confiscation of their property.

Mr. SHERMAN. I think that that resolution ought to be referred to the Committee on Foreign Relations. We have not the facts before the Senate, and therefore I move that the resolution be referred.

Mr. CALL. Do I understand the Senator to move that the resolution be referred to the Committee on Foreign Relations?

Mr. SHERMAN. Yes, sir.

Mr. CALL. It is useless to object, Mr. President; but with death hanging over these citizens of the United States, as we are told in all the dispatches that come from there, with the extreme anxiety of the friends of these people, and with the fact that they are not liable to anything more than the usual treatment of prisoners captured on board vessels carrying things contraband of war, it seems to me we might act in this case without delay. The Senator from Colorado [Mr. WOLCOTT] objected yesterday upon the ground that it was a matter for the President of the United States, but surely we are a part of the executive power and equally responsible with him that protection should be given to American citizens and to see that all their rights are accorded to them. Still, I have no power to prevent the reference of the resolution.

Mr. PASCO. Mr. President, I should like to state with reference to the prisoners taken on board the *Competitor* that, at the request of citizens of Florida who have written me upon the subject, I have had one or two interviews with the Secretary of State and have been assured that all proper steps will be taken to secure just treatment for the American citizens among them and to obtain a fair trial for them. I am satisfied, Mr. President, that the State Department is doing all that can be properly done with reference to these persons. In my different interviews with the Secretary in relation to this and other like cases I have been satisfied that American interests were being properly sustained, and I take pleasure in saying that the Department, in my opinion, has done and is doing its full duty toward our Florida people who have been drawn into trouble through the disturbances in Cuba.

Mr. CALL. I wish to say a word. I do not agree with my colleague that this resolution should not be passed. I think it is the duty, the imperative duty, of this body to speak in no doubtful terms in reference to the threatened execution of these citizens of the United States, and I do not feel that I have acquitted myself of my responsibility to the people of Florida and to the relatives of these unfortunate men if I am not heard here demanding, so far as I have any power, immediate action on the part of this Government for their protection.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. SHERMAN] to refer the pending resolution to the Committee on Foreign Relations.

The motion was agreed to.

SUGGESTION OF ABSENCE OF A QUORUM.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from New Hampshire [Mr. CHANDLER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CHANDLER, as follows:

Resolved, That the suggestion of the absence of a quorum, requiring a call of the Senate, may be made pending a motion to adjourn.

Mr. GALLINGER. In the absence of my colleague [Mr. CHANDLER], I ask that that resolution go over without prejudice.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. HARRIS. I wish to enter a motion, as I may not be present when the resolution comes up again, that it be referred to the Committee on Rules, as it proposes to make a change in the rules of the Senate.

Mr. GALLINGER. I will say to the Senator from Tennessee that my colleague is absent necessarily.

Mr. HARRIS. I say that I enter the motion now. I do not ask action on it.

Mr. GALLINGER. That is all right.

The VICE-PRESIDENT. The resolution will go over without prejudice, and the motion of the Senator from Tennessee will be entered.

ELECTIONS IN FLORIDA.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Florida [Mr. CALL], coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CALL, as follows:

Resolved, That a select committee shall be appointed of five Senators, who shall be charged with the duty of investigating and reporting to the Senate whether there are any influences affecting the elections of members of Congress in the State of Florida which are properly the subject of action by Congress, and without interfering in any way with the exclusive right and power of the States to regulate the same except as to time and place.

Mr. GRAY. I move that that resolution be referred to the Committee on Privileges and Elections.

Mr. CALL. Mr. President, I do not propose to delay the Senate with any discussion of this resolution further than to say that, in my opinion, it is a very extraordinary condition of things in which the Senate of the United States hesitates to make an inquiry into the facts whether or not persons beyond the jurisdiction of the States are contributing great sums of money to debauch and degrade and corrupt the electoral franchise. Senators can not avoid the responsibility by claiming that this is an interference with the powers of the State. Is the power of the State to be destroyed by money from foreigners? Is this body to be debauched and corrupted by men holding seats by purchase? Is there no power in the Federal Government to aid the State in the protection of the legislative power vested in this body and in the other House of Congress? I submit that, in the case of a citizen of another State contributing willfully great sums of money to purchase the elections of members of Congress—beyond the jurisdiction of the State, impossible of indictment and trial, and only the agents through which the money is to be disbursed—for Senators to say that they will participate in this offense by maintaining

that Congress has no power to legislate prospectively for the punishment of acts of this description and no power to make an inquiry into them is amazing to me.

Mr. President, I wish the distinction to be drawn between those who are the advocates of republican government, who are democrats in fact, and those who are maintaining and sustaining the money power in its attempt to destroy this Government and to establish over it a government of aristocratical power. That is the distinction in all parties, and it is being made broader and plainer every day. Men can not protect themselves by the name of Republican or Democrat who are aiding in the destruction of the liberties of the people and of the Government itself.

We know that there is a public opinion abroad throughout this country that corruption is used, and that it emanates from men of great fortunes, and we know that the power of taxation in public franchises conveyed to private persons monopolizes the larger part of the taxing power of this country until more than half of its wealth is held by 65,000 persons in the power of taxation. If no one else, Mr. President, raises his voice against this evil, I am here to do it, and to continue the doing of it, relying upon the American people of both parties to sustain the efforts which I endeavor to make for the protection of our form of government and of the rights of the people.

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware [Mr. GRAY] to refer the pending resolution to the Committee on Privileges and Elections. [Putting the question.] The ayes appear to prevail.

Mr. MITCHELL of Oregon. Let us have the yeas and nays, Mr. President.

Mr. FRYE. Oh, no.

Mr. MITCHELL of Oregon. Then let the vote be taken again.

The VICE-PRESIDENT. The Chair will again submit the question on the reference of the resolution.

Mr. ALLEN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH].

Mr. HARRIS (when his name was called). I have a standing pair with the Senator from Vermont [Mr. MORRILL], but being satisfied that he and I would vote the same way on this question, I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. WALTHALL (when the name of Mr. VOORHEES was called). The Senator from Indiana [Mr. VOORHEES] is paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. In his absence, I withhold my vote.

Mr. GRAY (after having voted in the affirmative). I ask if the Senator from Illinois [Mr. CULLOM] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. GRAY. Then I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 29, nays 20; as follows:

YEAS—29.

Bacon,	Faulkner,	Lodge,	Vest,
Bate,	Frye,	McMillan,	Vilas,
Berry,	Gear,	Mills,	Walthall,
Blackburn,	Gordon,	Morgan,	Wetmore,
Burrows,	Harris,	Palmer,	Wolcott.
Caffery,	Hill,	Quay,	
Carter,	Jones, Ark.	Sewell,	
Daniel,	Lindsay,	Sherman,	

NAYS—20.

Allen,	Hansbrough,	Nelson,	Shoup,
Butler,	Kyle,	Peffer,	Squire,
Call,	McBride,	Perkins,	Teller,
Chilton,	Mitchell, Oreg.	Pettigrew,	Warren,
Gallinger,	Mitchell, Wis.	Roach,	White.

NOT VOTING—40.

Aldrich,	Cockrell,	Hawley,	Pritchard,
Allison,	Cullom,	Hoar,	Proctor,
Baker,	Davis,	Irby,	Pugh,
Blanchard,	Dubois,	Jones, Nev.	Smith,
Brice,	Elkins,	Mantle,	Stewart,
Brown,	George,	Martin,	Thurston,
Cameron,	Gibson,	Morrill,	Tillman,
Cannon,	Gorman,	Murphy,	Turpie,
Chandler,	Gray,	Pasco,	Voorhees,
Clark,	Hale,	Platt,	Wilson.

So the motion to refer the resolution to the Committee on Privileges and Elections was agreed to.

WAR IN CUBA.

Mr. FRYE. I now ask that the Senate proceed to the consideration of the river and harbor bill.

Mr. MORGAN. I desire to ask the President of the Senate to lay before the Senate a joint resolution which I offered some time ago, which lies upon the table, relating to a recognition of the belligerent rights of Cuba, and I ask the Senator from Maine to yield to me for a moment, as I wish to have it referred.

Mr. FRYE. I have no objection to a reference of the resolution.

Mr. MORGAN. I wish to make a motion to refer the joint resolution to the Committee on Foreign Relations, and I wish to make a statement in that connection after the joint resolution has been read.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution referred to by the Senator from Alabama; which will be read.

The Secretary read the joint resolution (S. R. 105) declaring that a state of public war exists in the Island of Cuba, as follows:

Resolved, etc. That it is hereby declared that a state of public war exists in the Island of Cuba between the Government of Spain and the people of that island, who are supporting a separate Government under the name of the Republic of Cuba, and the state of belligerency between said Governments is hereby recognized.

Mr. MORGAN. Mr. President, I introduced that joint resolution in the Senate at the time when the conference report from the conference committee of the two Houses was pending in one of the Houses, I think in the House of Representatives, intending, if that conference report should fail, that I would immediately press the resolution upon the consideration of the Senate. Circumstances have prevented me from being here since that time, and in that way delay has occurred, and new developments have occurred in regard to the situation in Cuba which still further demonstrate the truth of the proposition upon which the Senate and the House of Representatives have voted, that a state of public war exists in the Island of Cuba. We expressed an opinion that it was proper under those circumstances that belligerent rights should be accorded to both parties in our ports and upon our territory. Having expressed an opinion of that kind, and made a declaration to the effect that public war exists there, I desire now to ask the opinion of the Committee on Foreign Relations of the Senate upon the state of facts existing which have been developed since the introduction of that resolution, which, I think, go greatly to strengthen and to confirm the proposition which the two Houses have united in voting upon, and in voting favorably upon.

I believe, Mr. President, that the time has arrived when in sheer justice to our own people, without reference to any effect it may have upon the promotion of the war in Cuba or the fortunes of either side, that it is our duty to declare that a state of public war exists there and that the laws of war as they are recognized among the nations of the earth should be applicable to that situation, and that we should not be left here in a state of doubt and uncertainty as to whether our relations to the people of Cuba or whether either the Spanish Government or the Republic are to be controlled by the laws of war, or whether they are to be controlled by the laws of peace.

I can not reconcile it to myself to affirm as a matter of fact that no war exists in Cuba. The Spanish Government recognizes the existence of war there, not only in reference to the conduct that she holds toward the people that she is trying to suppress, but also in regard to our own people and our own commerce. She treats our commerce as if it were a contraband of war. No nation has a right to do that with reference to the Government of the United States when that nation is in a condition of peace. She can not hold that her relations to our own people are those of perfect peace, and at the same time that she has the right to impose upon the Government of the United States and upon its commerce or upon its people the laws of war, which they are continually doing.

I hope that some speedy action will be taken; that is to say, proper action—deliberate, of course; firm and consistent and energetic—to determine the solution of this question before this Congress adjourns. I wish to say that I do not believe that the Congress of the United States can by a final adjournment of this session afford to leave that question in the shape it is now in before the world.

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama.

Mr. CALL. Will the Senator from Maine allow me one word only?

Mr. FRYE. Yes; one word.

Mr. CALL. I introduced a resolution on the same subject some time ago, which still lies upon the table. I had hoped to obtain early action upon it, but I will ask that the same reference may be made of that resolution as that asked for by the Senator from Alabama as to his resolution.

Mr. FRYE. There is no objection to the reference of the resolutions.

The VICE-PRESIDENT. Without objection, the resolutions will be referred to the Committee on Foreign Relations.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I now move that the Senate proceed to the consideration of the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FRYE. I ask that the Secretary read the amendment on page 6 of the bill, after the word "dollars," in line 25, to strike out the remainder of the item.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," on page 2, line 25, it is proposed to strike out:

Which said sum the Secretary of War is authorized and directed to expend from the balance on hand heretofore appropriated for entrance to Point Judith Pond.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 31, line 4, to increase the appropriation for improving the harbor at Greenbay, Wis., from \$25,000 to \$30,000.

The amendment was agreed to.

The next amendment was, on page 31, line 11, after the word "basin," to insert "and removing wreck therefrom"; so as to make the clause read:

Improving harbor at Kenosha, Wis.: Continuing improvement, \$24,000, of which sum \$4,000, or so much thereof as may be necessary, shall be expended in dredging in the harbor basin and removing wreck therefrom, and the balance of said \$24,000, or so much thereof as may be necessary, may be used for repairing piers and deepening and maintaining channel.

The amendment was agreed to.

The next amendment was, on page 31, line 19, before the word "improvement," to strike out "Continuing" and insert "Completing"; in line 20, before the word "dollars," to strike out "twenty-four thousand five hundred" and insert "forty-four thousand four hundred and forty"; and in line 21, after the word "submitted," to strike out "and approved by the Chief of Engineers in House Document No. 300, Fifty-fourth Congress, first session," and insert "March 10, 1896"; so as to make the clause read:

Improving harbor at Manitowoc, Wis.: Completing improvement, \$14,440, to be expended on plan submitted March 10, 1896, for extending piers to the 22-foot contour and deepening channel.

The amendment was agreed to.

The next amendment was, on page 33, line 6, after the word "dollars," to insert "and so much thereof as may be necessary may be used for the maintenance, operating, and care of the works"; so as to make the clause read:

Improving Sturgeon Bay and Lake Michigan Ship Canal: Continuing improvement, \$30,000, and so much thereof as may be necessary may be used for the maintenance, operating, and care of the works.

The amendment was agreed to.

The next amendment was, on page 33, line 10, after the word "submitted," to strike out "by Capt. Carl F. Palfrey, Corps of Engineers, July 8," and insert "in the Annual Report of the Chief of Engineers for"; so as to make the clause read:

Improving harbor at South Milwaukee, Wis., in accordance with report and plan submitted in the Annual Report of the Chief of Engineers for 1895, \$5,000.

The amendment was agreed to.

The next amendment was, on page 34, line 1, after the word "ninety-four," to strike out "consisting of Col. O. M. Poe, Maj. James F. Gregory, and Maj. Clinton B. Sears"; and in line 7, after the word "appropriated," to strike out:

Provided, That such project of improvement may be subject to modification in the interests of commerce, as the Secretary of War may direct, as the work progresses, without, however, increasing the above aggregate.

And insert:

Provided, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended: And provided further.

So as to make the clause read:

For improving the harbor at Duluth, Minn., and Superior, Wis., at the west end of Lake Superior: Continuing improvement, \$50,000, whereof \$30,000 shall be expended upon the Duluth portion of said harbor and \$20,000 shall be expended upon the Superior portion thereof; and contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project for deepening said harbor and the entrances thereto, reported to the War Department by the commission of engineers appointed under the joint resolution of Congress approved June 23, 1894, to

be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of \$3,080,553, exclusive of the amount herein and heretofore appropriated: Provided, That in making such contracts the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, on page 34, line 23, to increase the appropriation for improving harbor at Agate Bay, Minnesota, from \$30,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 34, line 25, after the word "improvement," to strike out:

One hundred thousand dollars, of which \$12,000, or so much thereof as may be necessary, shall be used in opening the western end of the tidal canal in said harbor to the depth of 8 feet below low tide.

And insert:

Under existing project, \$75,000: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$666,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving harbor at Oakland, Cal.: Continuing improvement under existing project, \$75,000: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$666,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 35, line 12, to increase the appropriation for improving the harbor at San Diego, Cal., from \$40,000 to \$50,000.

The amendment was agreed to.

Mr. FRYE. The next item in relation to the Santa Monica improvement may be passed over for the present.

Mr. WHITE. I suggest that it be passed over.

Mr. FRYE. The Senator from California [Mr. WHITE], I believe, wants to make a few feeble remarks in relation to it.

Mr. WHITE. A few remarks. Whether they are feeble or not will depend upon subsequent developments.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 36, line 12, to increase the appropriation for improving the harbor at San Luis Obispo, Cal., from \$32,000 to \$40,000.

The amendment was agreed to.

The next amendment was, on page 36, line 14, after the word "the," to strike out:

Report of Col. W. H. H. Benyaurd, submitted in Senate Executive Document No. 61, Fifty-third Congress, third session, \$50,000.

And insert:

Project submitted February 7, 1895, \$50,000: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$342,000, exclusive of the amount herein appropriated.

So as to make the clause read:

Improving Wilmington Harbor, California, in accordance with the project submitted February 7, 1895, \$50,000: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$342,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 37, line 10, after the word "Oregon," to strike out "Dredging to complete"; in line 14, after the word "dredge," to insert "and two hopper scows"; and in line 15, after the word "dredging," to insert "within the limit of this appropriation"; so as to make the clause read:

Improving harbor at Coos Bay, Oregon, \$14,390: Provided, That so much of this sum as may be necessary shall be added to the amount now on hand for the construction or purchase of a dredge and two hopper scows, and that dredging within the limit of this appropriation may be contracted for in the discretion of the Chief of Engineers, and in such portion of the bay as may be found necessary.

The amendment was agreed to.

The next amendment was, on page 37, after line 17, to strike out:

Improving Port Orford Harbor, at Grave Yard Point, Oregon, according to plan recommended by Capt. Thomas W. Symons, of the Corps of Engineers, as per House Document No. 313, Fifty-third Congress, third session, January 30, 1895, to cost not to exceed \$203,336, and the unexpended balance of the appropriation heretofore made March 3, 1879, for the establishment of a harbor of refuge on the Pacific coast is hereby transferred to be expended on this improvement.

Mr. MITCHELL of Oregon. I inquire of the chairman of the committee upon what grounds this appropriation is proposed to be stricken out?

Mr. FRYE. On the ground that the expenditure of a dollar of Government money at that point would be simply a waste.

Mr. MITCHELL of Oregon. Upon what report does the Senator from Maine base that statement?

Mr. FRYE. Upon all the reports that have ever been made to the Engineer Department.

Mr. MITCHELL of Oregon. Mr. President, I wish to say a few words as to the amendment.

There has been an effort, dating back a good many years, as far as 1873, to secure some appropriation for the improvement of the harbor at Port Orford. The first effort was to secure an appropriation sufficient to create at that point a harbor of refuge for vessels. In 1873 Maj. H. M. Robert, Corps of Engineers, made a project for constructing a harbor at Port Orford by building a breakwater 1,500 yards long, at an estimated cost of about \$9,000,000. In 1877 the board of engineers for the Pacific coast, composed of Lieutenant-Colonels Alexander, Williamson, and Stewart and Major Mendell, made a second plan and location for a breakwater for a harbor at Port Orford. The estimated cost of their project was \$10,507,343. Again, in 1878, another survey and estimate were made by Maj. J. M. Wilson, Corps of Engineers, then in charge of river and harbor improvements on the Pacific Coast. That was with a view of creating a harbor of refuge at this point, and his estimate for a breakwater 5,000 feet long was \$9,405,000.

In pursuance of an act of Congress authorizing a report from the engineers as to the best location for a harbor of refuge on the Pacific Coast, taking in the whole coast—California, Oregon, Alaska—a report was made favoring Port Orford as the proper place, as the one above all others at which a harbor of refuge should be located, and for which an appropriation should be made. Following that report Congress, in 1879, in March, the last month of the session, passed an act appropriating \$150,000 looking to the commencement of the work at that place with a view to the establishment of a harbor of refuge. The Secretary of War declined to expend the money, for the single reason, not that there could not be a harbor of refuge created at that port by a proper expenditure of money, but for the reason that the appropriation was so small, considered in connection with the estimates for the work, that he would not expend the money, and he did not.

That money has never been expended. It has never gone back into the general fund in the Treasury. It stands to-day credited to Port Orford; for improvements at that point, \$150,000. It was believed, however, by those interested in the navigation of the Pacific Ocean on that coast and by delegations representing California and Oregon that it would be impossible to secure from Congress the necessary appropriation, mounting up into the millions, eight or nine or ten millions, whatever it was, for a work of this kind at that point. Consequently we went to work to have another survey made with a view of ascertaining whether it was practicable and advisable to expend this money and perhaps a little additional in the improvement of the harbor with two ends in view, one that of creating a harbor of refuge on a smaller scale, and the other the improvement of shipping facilities at that point.

It was in view of facts of that kind that the latest report was made, which was submitted last year by Captain Symons. It is true that Captain Symons in his report states the improvements suggested in the act authorizing the survey are not advisable so far as creating a harbor of refuge is concerned, but he does say that the shipping facilities of the place could be improved, as I understand the report, by the expenditure of \$203,000. It was in pursuance of that report which the chairman of the Committee on Commerce condemns that the House of Representatives put this provision in the bill, applying the \$150,000 heretofore appropriated, which has stood credited to the harbor since 1879, and adding to it enough to make it \$203,000.

I think I have fairly stated the history of legislation and appropriations in regard to this harbor. I concede that the commerce of this port at present is not great, and it never will be very great until the harbor is improved. When it is improved the commerce will be considerable. There is one of the finest timber countries adjacent to this harbor that there is in the world. The report which is condemned by the chairman of the committee states, I think, in terms that there are 100 square miles of the finest timber extant, fir and white cedar, adjacent to this harbor.

It is a very large tract of timber. I have traveled through that country myself. There is the finest fir, cedar, myrtle, and also live oak in the world in Coos and Curry counties, Ore. There is no finer anywhere. It is one of the finest dairy countries in the world. There are hundreds of tons of butter and cheesemanufactured in Curry County, Ore., to-day, and in Coos County, which is adjacent; and because it is a portion of the State somewhat isolated, as stated in the report, is no reason why it should be ignored when we are improving our rivers and harbors.

I should be willing to cut the appropriation down so that it will take no new money from the Treasury, and simply allow the \$150,000 appropriated in 1879, which has never gone back into the general fund in the Treasury and is credited to this place, to be appropriated at the present session for this work. I hope the chairman of the committee can see his way clear to consent to do that.

Mr. FRYE. Mr. President, the business to be accommodated by this great harbor is 1 daily stage, 2 hotels, 1 store, 1 feed stable,

1 apothecary shop, 1 newspaper, 1 carpenter shop, 1 blacksmith shop, 1 boot shop, 1 church, 1 school, 1 saloon, and 1 small sawmill.

Mr. MITCHELL of Oregon. The Senator from Maine is stating the business done at that particular point?

Mr. FRYE. At Port Orford. I am not amazed at anything that Oregon asks. I have got over that. But Oregon has three times had a board of engineers to go and visit this place with reference to establishing and creating a harbor of refuge. One board reported that it would require \$10,000,000; another \$9,000,000, and the third \$11,000,000.

Mr. MITCHELL of Oregon. All reported in favor of it—every one of them.

Mr. FRYE. In favor of it? They reported that it could be made with the expenditure of those various sums of money. Finally an appropriation was made. That does not astonish me, because my friend the Senator from Oregon [Mr. MITCHELL], acting as he does for the State of Oregon, with his influence in the United States Senate and with the influence of the other Senator who was here at that time—

Mr. MITCHELL of Oregon. I do not appear to have much influence with the committee in reference to this matter.

Mr. FRYE. I am not surprised at any kind of an appropriation. Congress appropriated one hundred and fifty or one hundred and sixty thousand dollars to go on to the \$10,000,000; and the engineer very sensibly refused to follow Congress and spend it, and it never has been expended.

The Senator from Oregon wants to compromise. What is the proposition? To expend \$150,000 in doing what? To build a wharf for Port Orford. Captain Symons was before the committee, and he said it is nothing under the sun except a proposition to build a wharf, and in his report he says it is nothing but a proposition to build a wharf. He says that the wharf will be so exposed to the southeasterly storms of the Pacific Ocean that it can be used but four months in summer time. He says still further that it is so exposed that there must be heavy anchors sunk off some distance in front of the wharf, and that then there must be buoys attached to those anchors to which vessels which happen to be at the wharf can attach their hawsers and pull themselves out against the wind, so as not to go ashore. He says still further that the wharf must be made of iron, the most powerful, the strongest wharf that by any possibility can be made. It must be attached to legs at the bottom of the sea, and even then there is a serious doubt whether it will stay there. They may need a breakwater then.

Yet the Senator from Oregon is asking the Senate to strike out the amendment. The Senate is putting back every single provision we did strike out. I recognize that fact, but I do not think that even the United States Senate, with its liberal and gracious moods, will, at the request of the Senator from Oregon, restore the provision to build a wharf for one sawmill.

Mr. MITCHELL of Oregon. I move to amend the committee amendment by limiting the appropriation to the \$150,000 heretofore appropriated.

In response to the statement of the chairman of the committee in regard to what he deems the unimportance of this port, I will state that the necessity for the improvement is not to be determined by the number of houses on the banks of the coast at this particular place. You must take a wider view of the matter than that. You must take into consideration the adjacent country, its character, its timber, its products, its capacity, its capabilities, and its possibilities.

I undertake to say that there is not a more interesting piece of country in the United States to-day than that adjacent to the proposed harbor at Port Orford, in the county of Curry. There is no great amount of population there yet, and there never will be unless they have a helping hand.

Mr. FRYE. By building a wharf?

Mr. MITCHELL of Oregon. That is all very well. If by the building of a wharf you will facilitate the shipping interests and improve them, why not build the wharf, so far as that is concerned?

Mr. FRYE. I should like to ask the Senator from Oregon a question.

Mr. MITCHELL of Oregon. Certainly.

Mr. FRYE. Has the Senator in his wide experience ever known any State or Territory or section, except the State of Oregon and Port Orford, to ask the Government of the United States to build a wharf for them?

Mr. MITCHELL of Oregon. Oh, well, I do not know what has been done heretofore. I am talking about what ought to be done now, in this particular case. I do not care whether it has been done heretofore or not. The question is, Can the shipping facilities be improved by the appropriation of this money, according to the report of the engineer? That is the question.

Mr. FRYE. Of course it will help the sawmill there to have a wharf.

Mr. MITCHELL of Oregon. The report of the engineer is to the

effect that the shipping facilities will be improved by the appropriation of \$203,000, which is only a fraction more than the money that is left idle and will remain in the Treasury for years to come for all we know. It has been there now seventeen years, lying idle, credited to this harbor.

Now, all I ask is that the \$150,000 shall be applied to this work. There is an estimate giving the plan and all about it. I will take the chances of getting more money hereafter. But it does seem to me that it is useless to allow this money to lie idle when it can be applied there to the purposes stated in the report of the engineer. As I said before, this is a very interesting country. There were 82 tons of butter alone shipped from that port last year, small as the facilities are.

Mr. FRYE. That would not take a 100-ton schooner.

Mr. MITCHELL of Oregon. We want to improve the harbor so that the country can be developed. It is a new country. All I am asking is that we amend the amendment so as to give us the \$150,000 appropriated in 1879, and let it go at that. I hope the Senate will stand by me and the committee. I trust the chairman of the committee himself will see the justice of the claim I am making in behalf of Port Orford.

I hope the Senator from Missouri [Mr. VEST], who is also a member of the Committee on Commerce, and who, I see, is on his feet, will not feel it incumbent on himself to make any observations simply for the purpose of standing by the committee. I know that away down in his mind he agrees with me that something ought to be done for Port Orford.

I ask for a vote on the amendment to the amendment.

Mr. VEST. Mr. President, I know that the Senator from Oregon has something of prophetic talent and prescience which is unrivaled in regard to the river and harbor bill, but he has no X rays that will tell him what conclusion I have come to upon the evidence before the committee in regard to this improvement.

The Committee on Commerce has been unusually generous to the Pacific States. I use the word "generous" in its full acceptance. Of the aggregate appropriation in this bill, which in continuing contracts and direct appropriations amounts to something like \$70,000,000 as it stands now, \$11,000,000 has gone to the three States of Washington, Oregon, and California. Oregon has been peculiarly blessed, if I may use the expression, in these appropriations. It has had the largest share of the amount given to that coast.

I have every disposition in the world to make liberal appropriations for river and harbor improvements. When this appropriation to which the Senator from Oregon refers was originally made his former colleague, Mr. Dolph, was a member of the committee.

Mr. MITCHELL of Oregon. No; he was not.

Mr. VEST. I said his former colleague.

Mr. MITCHELL of Oregon. No; my former colleague, Mr. Dolph, was not then a member of the Senate. I was a member myself, and I was not on the committee either.

Mr. VEST. One of the Oregon Senators was upon the committee, as has always been the case during my service in the Senate. All three of those States have members on the Committee on Commerce.

Mr. MITCHELL of Oregon. It was ex-Senator Grover of Oregon who was a member of the committee at that time.

Mr. VEST. There has never been a time when Oregon was not represented on that committee.

Mr. FRYE. On the committees in both Houses, too.

Mr. VEST. In both Houses. Now, all three of those States have members upon the Commerce Committee. I do not complain of any Senator for doing the best he can for his constituents and for appropriations for rivers and harbors in his State, but there is a responsibility resting upon the Commerce Committee and upon the Senate which can not be delegated to the Senators from any particular State, either as to the necessity for appropriations or the estimate as to cost.

Now, in this particular instance, I mean at the present session, the engineer, Captain Symons, who had charge of this work and was stationed there for a number of years, according to his testimony, was before us. He testified fully and was cross-examined in regard to his opinion as to the necessity for this improvement. The great argument made was for a harbor of refuge at this point; and I will ask the Secretary to read what I have marked as the succinct statement of that engineer.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

The following are extracts from the report of Captain Symons:

"Port Orford is an open roadstead and village on the coast of Oregon, 51½ miles north of the California and Oregon boundary line. A map of the coast and its vicinity is submitted, in order that a correct understanding of its general situation may be attained.

"An inspection of the maps shows that Port Orford is wide open to the sea to the southward, the direction from which come the worst storms, and that the constructions as located are nearly head on to the sea and do not provide any inclosed anchorage area. This being the case, it is certain that they do not and can not be considered as providing in the remotest degree a 'harbor of refuge.' Therefore this view of the proposed improvements must be entirely cast aside, and they must be considered solely in relation to their use for 'shipping purposes' as mentioned in the law.

"These constructions for 'shipping purposes' are therefore construed to be piers or wharves, and the estimate herewith is for their construction as wharves for commercial shipping purposes."

Mr. VEST. That eliminates, if the report is to be taken for anything, the consideration of a harbor of refuge at that point, and it remits us entirely to the demand in favor of the construction of a wharf or wharves at that place. As was pertinently and appropriately asked by the chairman of the committee, when was it the custom of Congress openly and undisguisedly to make appropriations for wharves at any place? Is that within the purview and jurisdiction of the national legislative body? If we enter upon the construction of wharves at different harbors in the United States there is no limit to the appropriations, and instead of the clamor which is now here in regard to rivers and harbors there will be a burst of righteous indignation all over the land.

Mr. MITCHELL of Oregon. May I ask the Senator from Missouri a question? What is the difference in principle between an appropriation of money by Congress for the purpose of building a jetty out so as to deepen the water and the building a wharf out so as to reach deep water to accommodate shipping? Is there any difference between them?

Mr. VEST. With great respect to the Senator, the two things are not at all alike. When you build a jetty—

Mr. MITCHELL of Oregon. One is a jetty and the other is a wharf. That is the difference.

Mr. VEST. When you build a jetty you deepen the harbor and add to its navigability. You put more water there for the purpose of letting ships come in and unload and discharge their cargoes and be reloaded for an outward voyage. When you put a wharf there you do not add one inch of water; and nobody can pretend that you do. You simply put a structure there, a facility for putting freight upon a vessel and taking freight from a vessel. It does not add one inch to the navigability of the stream, and therefore it is outside the jurisdiction of the Congress of the United States. My friend the Senator from Delaware [Mr. GRAY] suggests to me that you might as well put a derrick there to lift out a cargo from an incoming vessel and to put a cargo on a vessel.

Mr. FRYE. I am sorry the Senator suggested that. It will be asked for.

Mr. VEST. As a matter of course, if you go on building wharves, there is no harbor in the United States which will not say, "You built a wharf in Oregon; build one here"; and every Senator upon this floor will feel himself called upon in the interest of his constituents to follow the example of the Senator from Oregon. This thing is too plain.

Mr. MITCHELL of Oregon. Mr. President, I have the closing of this argument, I believe.

Mr. VEST. Of course the Senator can close.

Mr. MITCHELL of Oregon. I undertake to say there is not one particle of difference in principle between building a jetty out so as to increase the depth of water for ships in a port and building a wharf out over shallow water so that the ships and the land can be connected. There is not one particle of difference. I undertake to say as a matter of law, of constitutional law, that if Congress has the jurisdiction, if it has the power, if it has the right in the one case it has the right in the other, because neither the Senator from Missouri nor any other lawyer can draw a distinction except to say that the one is a wharf and the other is a jetty. Each is intended to improve the commerce, to improve the shipping facilities of the port. One does it by building a jetty, the other does it by building a wharf. If there is a constitutional right to appropriate money for the one there is a constitutional right to appropriate money for the other.

Mr. VEST. Has it ever been done by Congress?

Mr. MITCHELL of Oregon. I do not care a cent whether it has ever been done or not; that is not the question. We are on a constitutional question now. The Senator from Missouri undertakes to say that there is no constitutional power to appropriate money to build a wharf out over the shallow water so that ships can be accommodated. I undertake to deny the proposition, and I contend, and I stand on solid ground, as I think, that if there is constitutional power in Congress to appropriate money to build a jetty so as to get to deep water, and have deep water to connect the ships with the land to facilitate commerce, then the same power exists for the purpose of building a wharf over the shallow water so as to connect the land with the ships.

This is all I desire to say, Mr. President. I ask for a vote on my amendment to the amendment.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Oregon [Mr. MITCHELL] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on

page 38, line 6, after the word "Washington," to strike out "\$10,000, as recommended by Capt. T. W. Symons, Corps of Engineers, March 20," and insert "in accordance with plan submitted in the Annual Report of the Chief of Engineers for"; in line 10, after the word "ninety-five," to insert "\$20,000"; in line 15, after the word "and," to strike out "ninety" and insert "eighty"; and in line 16, after the word "appropriated," to insert "and the Secretary of War may, in his discretion, transfer the Government plant, or any part of it, now at the mouth of the Columbia River, to Grays Harbor"; so as to make the clause read:

Improving Grays Harbor and bar entrance, Washington, in accordance with plan submitted in the Annual Report of the Chief of Engineers for 1895, \$20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$980,000, exclusive of the sum herein appropriated, and the Secretary of War may, in his discretion, transfer the Government plant, or any part of it, now at the mouth of the Columbia River, to Grays Harbor.

The amendment was agreed to.

The next amendment was, on page 38, line 23, after the word "Harbor," to strike out "with a view to its improvement" and insert "and the cost of its improvement to be estimated"; so as to make the clause read:

Improving Olympia Harbor, Washington: Continuing improvement, \$32,000; and that a survey be made of the Deschutes River at its entrance in Olympia Harbor, and the cost of its improvement to be estimated.

The amendment was agreed to.

The next amendment was, on page 39, line 2, to increase the appropriation for improving Everett Harbor, Washington, from \$20,000 to \$30,000.

The amendment was agreed to.

The next amendment was, on page 39, line 6, before the word "thousand," to strike out "forty" and insert "fifty-five," and in the same line, after the word "dollars," to insert:

And the Secretary of War may, in his discretion, expend so much of this as may be necessary for repairing damages to improvements, heretofore made, by the recent freshet.

So as to make the clause read:

Improving Kennebec River, Maine: Continuing improvement, \$55,000; and the Secretary of War may, in his discretion, expend so much of this as may be necessary for repairing damages to improvements, heretofore made, by the recent freshet.

Mr. FRYE. The comma after the word "improvements," in line 8, should be stricken out.

The VICE-PRESIDENT. The comma will be stricken out. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment was, on page 39, after line 15, to insert:

Improving Union River, Maine, by dredging, \$15,000.

The amendment was agreed to.

The next amendment was, on page 39, line 19, after the word "submitted," to strike out "by Col. D. P. Heap, January 10" and insert "January 21"; so as to make the clause read:

Improving Georges River, Maine, in accordance with plans submitted January 21, 1895, \$10,000.

The amendment was agreed to.

The next amendment was, on page 39, line 23, after the word "submitted," to strike out "by Col. D. P. Heap, December 13" and insert "December 19"; and in line 24, after the word "ninety-four," to strike out "twelve" and insert "completing improvement, nineteen"; so as to make the clause read:

Improving Sasana River, Maine, according to plan submitted December 19, 1894, completing improvement, \$19,000.

The amendment was agreed to.

The next amendment was, on page 40, line 10, before the word "thousand," to strike out "fifteen" and insert "ten"; and in the same line, after the word "which," to strike out "ten" and insert "five"; so as to make the clause read:

Improving Weymouth River, Massachusetts: Continuing improvement, \$10,000, of which \$5,000 shall be used in the improvement of Weymouth Back River.

Mr. LODGE. I hope the committee will not insist on the amendment here proposed. It is a very small matter. I think it proceeds on a misunderstanding, that the appropriation was reduced from \$10,000 to \$5,000 on the idea that a survey of a portion of the river had not been completed. It is true that a part of the survey has not been completed, but for the portion absolutely completed the engineer estimates \$22,000. Twenty-five hundred dollars was appropriated in the Fifty-third Congress. The appropriation was too small to begin the work. With \$5,000, making in all \$7,500, it would still be too small to begin the work profitably, and the whole business would be left to a protracted delay. I have here a letter from one of the large manufacturing companies on the stream, which states that—

We are very greatly disappointed at this, for the reason that we have been waiting patiently for years to get enough money to improve this channel. At present we have but 16 feet of water at high tide and 8 feet at low tide. The channel is very narrow and crooked, and it is with difficulty that we can get

in vessels carrying 800 to 900 tons. Even our own towboat can not reach our works at less than about half tide. One hundred and fifty thousand tons of goods go in and out of this river annually, and as we are remote from the railroad, we are dependent upon water transportation.

The letter then goes on to make the statement which I have made in regard to the amount needed. It is a tide-water river, flowing into Boston Harbor. It is a large manufacturing town, which lies apart, off from the line of the railroad.

Mr. MITCHELL of Oregon. How many tons?

Mr. LODGE. One hundred and fifty thousand tons of goods came down the river last year. The amount asked altogether is \$10,000, which is not an excessive appropriation. Twenty-two thousand dollars is needed to complete the improvement now estimated for by the engineers. There is a large business there and the people are dependent on this water service. I think there have been no increases asked in the Senate of any of the Massachusetts appropriations, but I do hope that the committee will be willing to allow the House appropriation to stand. I do not seek any increase, but simply that it shall stand at \$10,000 instead of \$5,000.

Mr. FRYE. It is just to the Senator from Massachusetts to state that when the committee made this amendment they did not have the papers showing a second project to which the Senator refers.

Mr. LODGE. I did not have it then, but I have it here in the report of the committee:

The project for the improvement of Weymouth (Back) River was submitted February 7, 1891. It proposed to dredge a channel through the outer bar 200 feet wide and 12 feet deep at mean low water.

At an estimated cost of \$22,000. That is for the survey actually made. As I understood it, the appropriation was reduced \$5,000 because the upper part of the river had not been surveyed, and at the time I supposed that it was to cover all parts of the river.

Mr. FRYE. I think it is all right to disagree to the amendment. The amendment was rejected.

The next amendment of the Committee on Commerce was, on page 41, line 2, after the word "submitted," to strike out "by Col. S. M. Mansfield, December 31, 1890," and insert "in the Annual Report of the Chief of Engineers for 1891"; so as to make the clause read:

Improving Town River, Massachusetts, in accordance with recommendations submitted in the Annual Report of the Chief of Engineers for 1891, \$10,000.

The amendment was agreed to.

The next amendment was, on page 41, line 13, to increase the appropriation for improving Pawcatuck River, Rhode Island and Connecticut, from \$6,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 41, line 15, after the word "improvement," to strike out "\$14,000" and insert:

According to the report of the Chief of Engineers, dated April 9, 1896, \$25,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the completion of such project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$707,000, exclusive of the amount herein and heretofore appropriated.

So as to make the clause read:

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, according to the report of the Chief of Engineers, etc.

The amendment was agreed to.

The next amendment was, on page 42, line 13, after the word "dollars," to insert:

And the Secretary of War is hereby authorized and directed to prescribe suitable rules and regulations in respect to the height and construction of the pilot houses, flag poles, and smokestacks of all tugs propelled by steam, with or without vessels in tow, habitually using said river, from and after the completion of the bridges at Third and Fourth avenues, now being modified by direction of the Secretary of War in accordance with the act of Congress approved September 19, 1890, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," to the end that the draws of said bridges shall not be required to be opened or operated oftener than necessary between 10 o'clock in the forenoon and 5 o'clock in the afternoon: *Provided*, That the draw of the bridge at the mouth of Spuyten Duyvil Creek, authorized by the Secretary of War August 28, 1894, to be reconstructed at the height of only 34 feet above high water, be opened at all times during the day and night when approached by boats desiring to pass it:

So as to make the clause read:

Improving Harlem River, New York: Continuing improvement, \$125,000. And the Secretary of War is hereby authorized and directed, etc.

The amendment was agreed to.

The reading of the bill was continued to line 13 on page 43.

Mr. FRYE. In line 13 I move to strike out the words "For maintenance" and insert "Continuing improvement"; so as to make the clause read:

Improving Browns Creek, Sayville, Long Island, N. Y.: Continuing improvement, \$4,000.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 43, line 16, after the words "New York," to strike out "Continuing" and insert "Completing"; and in line 17, before the word

"thousand," to strike out "nine" and insert "thirteen"; so as to make the clause read:

Improving Patchogue River, New York: Completing improvement, \$13,000.

The amendment was agreed to.

The next amendment was, on page 43, line 20, before the word "thousand," to strike out "twenty-five" and insert "eight"; and in line 23, after the words "Cross-Over Light," to strike out "in the St. Lawrence River between Ogdensburg and the foot of Lake Ontario"; so as to make the clause read:

Improving shoal between Sister Islands and Cross-Over Light, St. Lawrence River, New York: Continuing improvement, \$8,000, to be expended for improving shoals between Sister Islands and Cross-Over Light.

The amendment was agreed to.

The next amendment was, on page 43, line 25, before the word "river," to insert "Congress in the," and on page 44, line 2, before the word "thousand," to strike out "fifteen" and insert "ten"; so as to make the clause read:

Improving Niagara River from Tonawanda to Port Day, in accordance with plan adopted by Congress in the river and harbor act of August 17, 1894: Continuing improvement, \$10,000.

The amendment was agreed to.

The next amendment was, on page 44, line 5, after the word "submitted," to strike out "by Col. G. L. Gillespie, August 25" and insert "in the Annual Report of the Chief of Engineers for"; so as to make the clause read:

Improving Bronx River, New York, in accordance with the plan submitted in the Annual Report of the Chief of Engineers for 1891, \$10,000.

The amendment was agreed to.

The next amendment was, on page 44, line 19, after the word "the," to strike out "approved project for its improvement" and insert "project submitted January 7, 1895"; so as to make the clause read:

Improving Dennis Creek, New Jersey, in accordance with the project submitted January 7, 1895, \$3,000.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the word "improvement," to strike out "Continuing" and insert "Completing"; so as to make the clause read:

Improving Elizabeth River, New Jersey: Completing improvement, \$3,100.

The amendment was agreed to.

The next amendment was, on page 45, line 14, after the word "plan," to strike out "recommended by Maj. C. W. Raymond, and printed in House Executive Document No. 176, Fifty-third Congress, third session, thirty-five" and insert "submitted January 4, 1895, thirty-seven," and in line 20, after the word "be," to strike out "immediately available, to be"; so as to make the clause read:

Improving Cooper Creek, New Jersey: Completing improvement in accordance with the plan submitted January 4, 1895, \$37,000; of which amount \$2,500, or so much thereof as may be necessary, shall be expended in rebuilding the dike on Government reservation in the Delaware River at Woodbury Creek.

The amendment was agreed to.

The next amendment was, on page 45, after line 24, to strike out:

For completion of lock and dam at Herr Island, Allegheny River, and construction of the two locks and dams referred to in the report of Maj. R. L. Hoxie, in House Document No. 204, Fifty-fourth Congress, first session.

And insert:

For continuing construction of lock and dam at Herr Island, Allegheny River, under existing project, and commencing construction of two additional locks and dams on said river, one above the head of Six Mile Island and the other at Springdale, according to report submitted January 22, 1896.

So as to make the clause read:

For continuing construction of lock and dam at Herr Island, Allegheny River, under existing project, and commencing construction of two additional locks and dams on said river, one above the head of Six Mile Island and the other at Springdale, according to report submitted January 22, 1896, \$50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the projects of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$394,500, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

Mr. ALLEN. I notice on pages 44 and 45, as well as through the bill generally, there are a number of appropriations for the improvement of creeks, and without any statement as to the character of the creek or the ends to be accomplished by their improvement. For instance, on page 44, "improving Alloway Creek, New Jersey," \$3,000; "improving Dennis Creek, New Jersey," \$5,000; on page 45, "improving Goshen Creek, New Jersey," \$3,000; "improving Cooper Creek, New Jersey," \$37,000, etc. I have not observed that it is proposed we shall improve any ditches. I have not examined the bill closely enough to see whether any ditches are to be improved or not, but when we go from rivers and harbors down to creeks I think we ought to have an explanation from the honorable chairman of the committee showing the character of the creeks, their width, their present depth without the improvement, what will be required to improve them, the final cost of the improvement, what the improvements are to be, and what will be accomplished in aid of commerce when the improvements have been made.

Mr. FRYE. Some of these creeks are more important than a large majority of the rivers. One-half of Louisiana at least, as the Senator from Nebraska must be aware, is a very flat, low State, and it is bisected all around by tide water. The tide water extends up into the State for miles and miles and it is unfortunately called a creek. There are a great many of them in the South of the same character.

Mr. ALLEN. I am not speaking of Louisiana.

Mr. FRYE. They call them bayous in Louisiana.

Mr. ALLEN. I am not speaking of the lagoons or bayous of Louisiana. I am familiar with them to some extent, and they are rivers as a matter of fact.

Mr. FRYE. The creeks in New Jersey are precisely the same as bayous.

Mr. ALLEN. But the creeks where there is barely a foundation or barely a ditch, and that by a lavish expenditure of money can be converted into a river or a channel, I think, require some explanation at the hands of the Senator.

Mr. FRYE. If the Senator will look at the report of the committee he will find in every one of these cases just what the creek is. It is an unfortunate name, as bayou is an unfortunate name. If they were called rivers it would be all right and nobody would raise any question at all. But the creeks may be carrying a commerce which is hardly equaled by any of the great rivers in the country. There are very important creeks in New York. Take Newtown Creek, in New York. There is a provision in the bill for continuing contract. The commerce on that river I think amounted last year to about \$86,000,000. That is Newtown Creek.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6293) to increase the pension of Peter Rafferty; and

A joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

The message also announced that the House had passed a concurrent resolution authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session by adjourning their respective Houses on Monday, the 18th day of May, at 2 o'clock p. m.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 4th instant approved and signed the act (S. 67) for the relief of E. R. Shipley.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A resolution submitted by Mr. PEPPER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The VICE-PRESIDENT. The question is on agreeing to the resolution, on which the Senator from New York [Mr. HILL] is entitled to the floor.

Mr. PEPPER. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

Mr. PEPPER. I desire to inquire whether it suits the convenience of the Senator from New York to agree upon a time—some time during the day—when we might reach a vote upon the pending resolution?

Mr. HILL. I am unable at present to fix such a time, I will inform the Senator.

Mr. PEPPER. Would it—

Mr. HILL. I will proceed as diligently as possible and present my views. Of course I can not speak for any others who may wish to address the Senate upon the subject.

Mr. PEPPER. I understood yesterday that the Senator from New York would probably be able to complete his argument this day, within an hour or two, at any rate. I am extremely anxious, and so are other Senators, that we should dispose of the resolution soon—as soon as convenient, at least. I will ask the Senator, then, whether he would be willing to fix some hour to-night—say at 8 or 9 o'clock—the Senate to proceed without an adjournment?

Mr. HILL. I should prefer not to do so at this time.

Mr. PEPPER. Then, Mr. President, I do not see any other way than to ask the Senate to remain in session until the resolution is disposed of. I will give notice to all, particularly to the Senator from New York, that objection will be made to the

consideration of every other proceeding except the bond resolution until it is disposed of, and I will ask the Senate to remain in session and to oppose all motions to adjourn until we have concluded the consideration of the resolution.

Mr. HILL. The course marked out for himself by the Senator from Kansas, namely, the refusal to allow any Senator to call up any other business in the meantime, will not specially inconvenience me; it will only inconvenience other Senators who desire to transact the public business.

Mr. PEPPER. I will state to the Senator that I have no other understanding than that no Senators, except probably himself and one or two upon the other side of the Chamber and none on this side, expect to take any further part in the discussion of the resolution. So I am not trying to cut off—

Mr. HILL. The difficulty seems to be that the distinguished Senator from Kansas really obtained the consent of the Senate to proceed with the resolution under what in other places might be termed false pretenses. I called the attention of the Senate to the fact that the Senator from Kansas assured the Senate when it took up the resolution that the friends of the resolution did not propose to submit any further remarks.

Mr. PEPPER. That was my understanding.

Mr. HILL. The Senate will recall the fact that I questioned the authority of the Senator from Kansas to make that statement. I said he assumed to speak for all the friends of the resolution when it was very questionable whether he had the power to do so.

Mr. PEPPER. Will the Senator allow me at that point? He surely misunderstood me.

Mr. HILL. I will yield in a moment, please. Yesterday, after I had spoken an hour or so, I was unexpectedly called upon to yield by the Senator from South Dakota [Mr. PETTIGREW], who had a regular prepared written speech of an hour and a quarter, and with that courtesy which I usually exercise or endeavor to exercise I felt constrained to yield to him.

Mr. PEPPER. Now, will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Kansas?

Mr. HILL. The Senator may be just as much mistaken now about the fact that no friend of the resolution proposes to speak as when he first obtained the consent of the Senate to take up the resolution upon the assurance that the friends of the resolution did not propose to make any further remarks.

Mr. PEPPER. I suppose the Senator from New York understands well enough that I did not assume to speak for every Senator. I only gave what was my opinion in the premises, that there would be no disposition upon the part of the friends of the resolution to consume time in discussing it. I had no knowledge until yesterday, probably about this time or later in the day, that the Senator from South Dakota had in his mind a desire to occupy some time. It was as much a surprise to me as it was to the Senator from New York. I do not now presume to speak for anyone personally.

Mr. HILL. There was, then, a mutual surprise.

Mr. President, I do not begrudge the time that was taken by the Senator from South Dakota upon the pending question. He contributed some new ideas to the discussion, and it has given me an opportunity to reply. I thought the friends of the measure would not feel as though it was incumbent upon them to remain entirely silent in regard to the arguments presented against the resolution, and the Senator from South Dakota seems to have been prepared for some time to enter into the discussion. I welcome him into the arena of this debate.

I was a little surprised at some of the suggestions made by the Senator from South Dakota. I was surprised at his frequent quotations from what he called the metropolitan or city press. He read several long extracts from a portion of the New York press. He commented upon articles which had appeared in such press as though they were conclusive of the questions involved. Undoubtedly he has a very high opinion of the press of New York City or he would not have taken the pains to put large extracts from the metropolitan newspapers in the RECORD. It was the confidence that he had exhibited in the New York papers which undoubtedly induced him to make the extracts.

The Senator from South Dakota is rather a new convert in his admiration for the great metropolitan city dailies. Someone has honored me with a speech, elaborately gotten up in pamphlet form and beautifully covered, upon the subject of "The editor in politics," delivered at an editorial banquet at Sioux Falls, S. Dak., October 2, 1895. It is entitled "The editor in politics—Response by R. F. PETTIGREW." I want to read a few extracts from that speech.

The opening sentence is very good. He was speaking before this editorial association. He says:

I stand before you to-night because you have called me—

That was very kind of him—

not because I expect to say anything that will be of value to you.

And from an examination of the speech I think it is evident that neither he nor his audience was disappointed in his expectations. [Laughter.] He then proceeded to pay a compliment to the press generally. I will read a few extracts:

It is a trite saying that a free press is the fountain of liberty.

That is absolutely a new idea. No one had ever contributed that sentiment before. Then he further says:

A government for all the people can not long exist in which the press is dominated by any influence except the popular voice.

Then he proceeds to speak of the dangers that are menacing the press of the country. The dear good soul seems to be disturbed over the stability of our free institutions on account of the existence of the metropolitan press. He says:

If the voice of the press is merely an echo of the voice of monopolies and trusts, of jugglers in money and gamblers in stocks—

Then he has great fear of the permanency of our institutions. Have we not—

He says—

in this country reasons for forebodings in this direction?

Then he says:

There is no cause for inflammatory language, but he is no alarmist who tells of real danger, nor is he a wise man who hides his head from it like an ostrich in the sand.

The Senator from South Dakota does not propose to hide his head, like an ostrich, in the sand, encountering any peril that may exist to the rest of his person in case he does so.

He further says in this speech:

What of the future? Is there no cause for vigilance? Who does not see in the heavens the menace of that eclipse of virtue, in the shadow of which the great Republic may pass?

Now comes a surprising statement in regard to the city newspapers, from which he quoted so liberally yesterday in condemnation of the President and the Secretary of the Treasury:

Most of the great papers in our great cities are owned by corporations, and they are striving to shape the sentiment and direct the opinion of the people of this country, not in the interest of right or of public opinion, but to advance the interests, pecuniary or otherwise, of the owners of the stock. The columns of these great papers are no longer filled with the writings of great men whose souls are stirred by a love of country and a sense of duty, but by hired men—

"Hired men"—

who are directed from the business office to write that which will best serve the purpose of the soulless gamblers who own the stock. To-day these journals refuse to publish any attack upon corporate greed or a corrupt financial system, but their columns are always open for the defense of these enemies of public liberty.

These sentiments are very high-toned; they are put upon an elevated plane. Then he proceeds to advise the newspaper fraternity, and says:

You should lead and form that sentiment uninfluenced by the corporate press and by corrupt influences of every sort. The hope for the future is with you.

Having unloaded the hopes of the future upon the editors, then comes a most surprising statement:

If I were editing a paper I should examine with care the articles in any ready-print or plate matter, and if it did not accord with my sentiments it should not go to my readers.

Just a word in regard to that. If he were editing a newspaper he never would publish the speech of an adversary; he never would publish a comment of an opposition paper; he would not educate the people who should read the newspaper, but he would keep out of his particular newspaper anything which did not accord with his own particular sentiments. How delightful and elevated that would make the newspaper press! How greatly it would educate the people if a newspaper were conducted upon that narrow plane of keeping everything out of it which did not agree with the particular sentiments of the man who was running the newspaper, and yet expect the people to acquire knowledge and information! It would be a fine and valuable newspaper which my friend from South Dakota would conduct.

Then, further—and I want to call attention to that one thing—one winds up by saying:

One thing is sure, no man of merit was ever destroyed by falsehood.

There is nothing like having one thing that is sure.

Mr. President, that remark is opportune to-day, because I think in the speech of the Senator yesterday he was disposed to utter some calumnies against high public officials whose reputations will live in this country in years to come when the distinguished Senator from South Dakota and myself shall probably be forgotten. Yet we may be assured from this speech that one thing is sure, that no man of merit was ever destroyed by falsehood. President Cleveland and Secretary Carlisle may therefore take hope and courage. They will not be injured by these attacks. Their good reputations will live in all the ages to come, because their good names can not be destroyed by falsehood.

Further, he speaks of the metropolitan press, from which, yesterday, he quoted so liberally:

Generally, however, an anonymous corporate press is the paid advocate of some interest, and its editorials are ordered from the business office often by men who can not speak the English language correctly.

Exactly what New York newspaper the Senator is now condemning or criticising I do not know. It has been supposed that there were some rather pro-English or other foreigners editing or controlling some of our New York newspapers. Possibly the criticism was intended to apply to those.

Mr. President, I shall not quote further from this elegant speech of the Senator from South Dakota, but shall proceed to notice some of the suggestions which he made yesterday upon the questions here involved.

Not much information is usually to be obtained during an argument before the Senate by quoting the opinions of partisan newspapers. I myself very seldom adopt that course. Once in a while, to illustrate an argument, I put in a newspaper extract. My attention is also called to a speech delivered by the Senator from South Dakota in the city of Sioux Falls, February 19, 1896, when it is understood that he went home to that city for the purpose of looking after the Republican primaries. It was a red-hot silver speech. I want to ask the Secretary to read it.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

PETTIGREW ON SILVER.

The following extract from the speech of Senator PETTIGREW in the city of Sioux Falls, February 19, 1896, hits the nail square on the head. The Senator is not a Republican on the silver question, and he can not be consistent with himself nor honest with the people while he sails under Republican colors:

"If the Republican party will be honest with itself, and declare for honest money, for sound money, for regulation and control of railroad transportation, we can carry the State of South Dakota as we have always carried it.

"I say sound money—honest money—because an honest dollar is a steady, even, unchanging measure of value—qualities which do not pertain to gold. A gold dollar is the thieves' money, that grows in the night—

Mr. HILL. What was that? I did not catch that sentence.

The Secretary read as follows:

A gold dollar is the thieves' money, that grows in the night, commanding each day more of the result of toil and human sacrifice. Unchangeable gold! What rotten nonsense. If when you contract a debt, agreeing to pay it in gold five years hence, you find at the end of that time it takes twice as much as the results of your labor, twice as much as the products of your farm, to secure the gold dollar with which to cancel your debt as it did when you contracted the debt, you have been robbed to that extent in the interests of the idle. The dollar has increased in value; your products were worth as much as ever they were. Did you know that it is a fact that a pound of silver as silver, uncoined, not as money, will to-day buy as much of all the things that human toil and human sacrifice produce as it would twenty years ago? An ounce of gold, a pound of gold, will buy twice as much of all the things that are produced by human toil and human efforts—of all of the things which you wear and eat and use—as it would twenty years ago. If that is the case, what has changed in value? But you say that silver and all the products of the world have declined while gold has remained stationary. That is one way of putting it. The fact is that gold has doubled in value while silver and all the products of toil have kept together. They have remained staple, unchanged, while your gold has gone up each day higher and higher, growing in value, until it has laid all the burden upon the toiling masses, in the interests of the owner of credits. If I had my way I would demonetize gold.

Mr. HILL. What was that? Read that again.

The Secretary read as follows:

If I had my way I would demonetize gold. I would refuse it the power of legal tender, and I would prohibit and prevent, if necessary by taxation, the making of another debt in the United States payable in gold.

Mr. PETTIGREW. Will the Senator yield to me?

Mr. HILL. Not now.

Mr. PETTIGREW. I want to say that I indorse that doctrine now as I did then.

Mr. HILL. Mr. President, then in view of that statement, I shall now quote from a newspaper of Sioux Falls a description of the part which the Senator took in the proceedings at the Republican convention which was recently held and which instructed for Mr. McKinley and also in favor of what they called sound money.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

HE MET HIS WATERLOO.

Seldom in the history of politics has a United States Senator received a more complete and emphatic turnaround than that which was given to Senator PETTIGREW by the Huron convention. He gets to go to St. Louis—as a matter of grace—but he goes pledged to work against free silver, though believing or professing to believe that the people of his State are being robbed hourly by the gold standard, and he is instructed to work for the nomination of his personal enemy, William McKinley, for President. He was put at the foot of the delegation, all of the rest of which is anti-PETTIGREW. He will have no voice in the work of the delegation at St. Louis, will have nothing to say about the choice of a national committeeman, and will be merely a figurehead on a delegation where he is alone and on which he was placed by the generosity of the opposition. The effort of the PETTIGREW crowd to put Harvey Jewett, of Aberdeen, on the delegation, despite the action of the Fifth district, was defeated by a vote of 276 to 321, which shows that PETTIGREW himself could have been denied even the sorry comfort of a trip to St. Louis had there been a disposition on the part of the anti-PETTIGREW people to further humiliate the Senator.

At the beginning of this campaign Mr. PETTIGREW made a rank free-silver speech at the opera house in this city. He declared that the citizens of this State were being robbed daily by the gold standard, that the Jews had a corner on gold, and were exacting of producers a heavy daily tribute. He declared that he did not care whether he went to St. Louis or not, but that if the Republicans of the State wanted him to go to St. Louis to use his influence and acquaintance to secure a free-silver plank in the national platform

he would accept the commission. This speech is too recent in the minds of men here and over the State to need further elaboration. Last night at Huron the Senator pledged himself to go to St. Louis and work for the adoption of an anti free-silver plank. He agreed to stand upon a sound-money plank. He kept silent while speakers in the convention were denouncing his views on the money question as rank Populism. He promised the convention to work for the perpetuation of that system which he declared a few weeks ago was robbing the people of his State, and which had crippled the industries of his country! He said not a word in defense of his principles, but abandoned them all with pitiable humility, and all this in order to get to go at the foot of the delegation to St. Louis.

The Argus-Leader did not believe that Senator PETTIGREW would accept such a small crumb at so great a sacrifice. It brings into serious question the sincerity of his principles. Most self-respecting men would have refused to go on the delegation under the conditions named. He had declared that he wanted to go to St. Louis—not because he wanted the honor or the trip, but because he hoped to accomplish something for his State in the way of a free-silver platform. But the Republicans of his State told him emphatically that what this State wanted was a sound-money platform. And then the Senator rises and declares that if the people would let him go to St. Louis he would abandon his free-silver views and work against the promotion of what he professed only one short month ago was his sole motive in wanting to go! We doubt if there is another public man in the State, and we are sure there is not another United States Senator in the West, who would put himself in so humiliating and equivocal a position. If Mr. PETTIGREW had refused the conditions, and declined to accept a place on the delegation, there would have been something of honor and dignity in his defeat. But there is nothing but humiliation and sorrow in a victory which means the abandonment of every principle. Mr. PETTIGREW's acceptance promptly proves that what he repeatedly said here about his motive in wishing to go to St. Louis is untrue, for he is just as anxious to go when that motive is removed. He has repudiated his views and fore sworn himself, in order to make it appear that he has won a fight in which all thinking men will at once see an almost crushing defeat.

Mr. WOLCOTT. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his question of order.

Mr. WOLCOTT. It certainly is in violation of every canon of decency and of good taste, in my opinion, for a Senator to ask to have read an irresponsible editorial in some newspaper the effect of which is personally to slander and abuse a brother member of this body; but if any Senator believes that such a course is fitting and wise and proper I insist that he read the article himself.

Mr. HILL. Mr. President, in answer to the unnecessary and unbecoming suggestion of the Senator from Colorado, I think it is entirely appropriate and becoming when a Senator the day before had read and had inserted in the RECORD an article from a New York newspaper attacking the President of the United States and the Secretary of the Treasury, and that not an irresponsible newspaper article either, that another article from another newspaper upon the other side in regard to the Senator himself should be read. The attention of the Senator from Colorado possibly has not been called to the RECORD of yesterday, in which the President of the United States and the Secretary of the Treasury are most shamefully abused. I, sir, should not have proposed to read that Sioux Falls article had not the Senator from South Dakota himself put that New York newspaper article in evidence. I will gratify the Senator from Colorado and read the rest of the article myself, and request that it be passed to me for that purpose. [The newspaper slip was handed to Mr. HILL]. The article continues:

Nor is this all. Mr. PETTIGREW goes to St. Louis instructed to help secure the nomination of a deadly personal enemy for President. To prevent these instructions the Senator worked hard. For weeks his personal organ, the Sioux Falls Press, has teemed with columns of pleadings asking that the convention make no instructions. Every argument was used to persuade against instructions, but in spite of this, when the PETTIGREW delegation from this county reached Huron, it had to join in the McKinley cry, and Mr. PETTIGREW himself had not only to agree to go on an instructed delegation, but to promise that if he went he would not break his instructions. It was a double dose, and there was no sugar coating on either.

There are some other Senators here who can appreciate that as well as the Senator from South Dakota.

In view of these facts the solemn declaration of the Press that everything was harmonious and lovely at Huron and that there never was a State convention "which left so few heartburnings as that of to-day" is a performance calculated to make a brazen monkey convulse with laughter. The fact is that there never was a convention which gave a more signal or complete drubbing to a man than that administered to Mr. PETTIGREW and his gang. A more direct or cruel slap could not have been administered, and if Mr. PETTIGREW and his crowd have no "heartburnings" it is not because they have no reason but because they have developed the Christian virtues of humility and resignation to an excessive and unexpected degree.

In addition, the distinguished Senator from South Dakota yesterday saw fit to characterize me as the champion of Morgan & Co.'s syndicate. I had commented upon the dealings of the syndicate; I had defended, as I thought was proper, the transactions of the Secretary of the Treasury, and that was all; but I was to be characterized and stigmatized as the champion of Morgan & Co. when I never met more than one member of that firm in my life, and that was in my official capacity when governor of the State of New York.

In addition to that, the distinguished Senator saw fit to allude to my opposition to this resolution as the "frantic efforts" of the Senator from New York. My efforts have not been quite so frantic in opposition to this resolution as were the efforts of the Senator from South Dakota to become a sound-money delegate to the St. Louis convention.

Mr. President, newspaper articles do not count for much upon either side, I concede, but when Senators rise in their places and read from New York and other newspapers elaborate attacks against citizens of my State, I retaliate in kind. I know it has become a popular thing here in the Senate when a speech is made upon certain subjects to abuse New York. We have listened to many speeches to which I could call the attention of the Senate, speeches against the business men of New York, its millionaires, its men of wealth, and its business men who have given honor and credit to my State, and I have sat here day after day and month after month and year after year, and have said but little in reply. Mr. President, that sort of abuse has got to be stopped, unless I have the opportunity to retaliate in kind. If newspaper articles are to be read against citizens of my State, against high public officials who have received the suffrages of the people of the country, then, sir, I propose to read extracts against those who see fit to resort to that sort of argument.

Mr. President, after these few preliminary observations, I will proceed to renew this discussion upon the lines where it was left last evening. The Senator from South Dakota argued—and he had a right so to argue from his peculiar standpoint—that there was some wrong done in some way in the turning over of the Graves bid to the Morgan syndicate. I have discussed that question about as fully as I care to. I have shown that Morgan & Co. were the highest bidders, and that, therefore, they were entitled to have the Graves bid turned over to them. I want to read one remark, one admission, made by the Senator from South Dakota in the discussion of this question. He said—

When the Graves bid failed it was as if no bid had been made.

That statement gives away the whole case. I am ready to take judgment upon that admission, "it was as if no bid had been made." Then, for the purposes of the argument, I will strike that bid out entirely, as though it was naught, as though it had not been presented, as though there never had been a Graves bid. The syndicate, Morgan & Co., would then have had every one of the \$4,500,000 of bonds, because they were the next highest bidders. There is no answer to this proposition; and there can not be an answer to it. The Graves bid was not in the case; it was not there; it was not entitled to be considered. The Graves bid was first accepted, and then, when default was made, the Senator is right in saying that it was as though no such bid had been made, and therefore in looking at the bids the Secretary of the Treasury had a right to fall back to the next highest bid. That was good faith toward every man who made a bid, and every bidder had made his calculations upon that very course being pursued.

I have already answered the proposition that it was the duty of the Secretary of the Treasury to readvertise for bids. I am not going to spend any time upon the point that it was the duty of the Secretary of the Treasury to accept a private bid made after the defaulting day. It was easy enough to make "a bluff." Certain gentlemen whose letters to the Department have been put in the RECORD say they offered the Secretary of the Treasury to pay a higher sum than the Morgan bid after the Graves default. The acceptance of that offer would have been unjust to every other bidder, and especially unjust to the Morgan syndicate. When the Secretary of the Treasury offered these bonds for sale it meant that they would all be disposed of at that time. There was not to be any subsequent public bidding; there was not to be subsequent private bids. There were not to be readvertisements and relettings; it was to be one complete transaction. Therefore, I am not going to spend any further time on that branch of the case. Senators who seem to think that some wrong was done in regard to the Graves bid should volunteer to become Mr. Graves's counsel, for he is sorely in need of a defender in the courts. His counsel have withdrawn the case, abandoned it, eliminated it from the docket. There are others who say that Graves had a legal right, that he should have recovered, that he should have continued the prosecution, and have gone on with it; and the Senate of the United States is proposed to be made an instrument by which to investigate that litigation.

What further? Let me call the attention of the Senator from Colorado [Mr. WOLCOTT]. I am sorry that he is not present. I want to know what that distinguished and fastidious Senator thinks of this language which yesterday passed from the lips of the Senator from South Dakota. The Senator from South Dakota had read a portion of the speech of the distinguished Senator from Ohio [Mr. SHERMAN], in which that Senator had taken occasion to say, undoubtedly under the dictates of his best judgment, that there was little or no criticism to be made of the conduct of the Secretary of the Treasury so far as the bond transactions were concerned. The Senator from South Dakota seems to think in his superior judgment that that was a bad admission for the Senator from Ohio to make. He knows better, of course, about the finances of the country than the Senator from Ohio. With all his vast experience in the management of the finances of South Dakota, if he ever had any, he would likely know better than the

Senator from Ohio. I am not going to say the Senator from Ohio was right or wrong. That is his business. I think he made that statement from his conscientious conviction that he ought to make it. Whether he did so or not, he said it, and he alone is responsible for it, and he undoubtedly will stand by it. It did not lie in the mouth of the Senator from South Dakota to rebuke the Senator from Ohio. Where is the Senator from Colorado now, the friend of the Senator from South Dakota? I interrupted the Senator from South Dakota and said:

Mr. HILL. Will the Senator from South Dakota allow me? Who is more competent to speak upon that subject than the distinguished Senator from Ohio, who for so many years had charge of the great finances of the country?

Mr. PETTIGREW. My answer to that question would be a matter of opinion, and therefore I will not burden the Senate with it.

Then he proceeded immediately to burden the Senate with it.

I do not doubt that the Senator from New York and the Morgan syndicate will forever proclaim that the Senator from Ohio is the best authority who can possibly be found so long as his opinions indorse the plunder of the people and the robbery of the Treasury.

Where was the Senator from Colorado when that coarse fling was made on the floor of the Senate Chamber—he who gratuitously sets himself up to defend the dignity of this Senate and to rebuke little mild newspaper utterances which I had the honor of reading here?

What further? New York must be abused, of course. That is the fashion. There has not been a speech made in the Senate upon the financial question by some parties in the last three or four years in which New York was not traduced, its business men held up to scorn, its public men condemned, and legislation advocated directly against its interests, and yet the Senator from New York must remain here quiet, he must permit his constituents to be assailed by coarse epithets and not speak a word in their defense. That time has passed.

What further? I want to quote now from the Senator from South Dakota:

It is my opinion that this bad faith on the part of the Administration was planned in advance—

The Senator from South Dakota has discovered a deep-laid conspiracy—

and for the purpose of depressing the price of the bonds and ruin the credit of the Government, so as to compel Congress to enact such financial legislation as the President might demand, and afterwards turned to account in enriching the favorites of the President, if not the President himself.

Where is the Senator from Colorado now? It was all right for him to sit here in his seat last night and permit the insinuation that the President of the United States is sharing the profits of bonds with his favorites. Not one word did my English friend from Colorado have to say in regard to that. He defends the English Government, English statesmen, English soldiers, English policy. He has not one word to say in defense of an American President of the United States.

Then, further, simply because Mr. Francis Lynde Stetson, a prominent lawyer of New York, is a subscribing witness to the syndicate agreement, Mr. Stetson must be dragged into the controversy as the law partner of the President. The President has had no connection with that firm for some time, and it was a mere nominal one even when it existed years ago. It is a well-known fact, as I am advised, that Mr. Stetson is related to one of the numerous members of the firm of J. P. Morgan & Co., and that he has been the counsel for that firm in many transactions in the past, and most important ones. He is an able lawyer, employed by numerous business men in the city of New York. He simply witnessed the contract, being one of the counsel engaged by those people.

Yet without any sort of reason it is sought to suggest that there was some wrong in the fact that Mr. Stetson signed his name as witness to the contract. There is no disputing the fact that he acted for his relative if not for the firm. There was nothing to conceal about it; if there had been, they might have adopted the South Dakota tactics and put some other name in the place of that of the law partner. No, no! The very fact that Mr. Stetson boldly and openly signed his name to the paper is evidence of the consciousness that there was nothing wrong. Yet his name must be dragged into the debate over and over again, with coarse insinuations that the President of the United States is personally in some way enriching his favorites. That is the term that the Senator from South Dakota used—"enriching his favorites."

Mr. President, what further does the Senator say? Where is the Senator from Colorado now, when I read this statement?

Mr. PETTIGREW. This seems to have been a transaction where there was a partnership as to profits between the Secretary and a syndicate of bankers, and the interest of the people of the United States was entirely left out of the reckoning.

I will read it again:

This seems to have been a transaction where there was a partnership as to profits between the Secretary and a syndicate of bankers.

What further, then, does the Senator from South Dakota say?

After having charged that this seems to have been a transaction where there was a partnership as to profits, he says:

That seems to have been the sum and substance and gist of the whole transaction—rotten and dishonest and corrupt to the core.

If there was a partnership in the profits between the Secretary of the Treasury and the syndicate it follows, as a matter of course, and it would so be regarded, I think, even in South Dakota, that it was rotten and dishonest and corrupt to the core.

Mr. President, the other day in answer to some suggestions of the Senator from Massachusetts, the Senator from Kansas, who is usually very deliberate, and I must say usually fair in his statements, disclaimed any idea of casting any reflections upon the integrity either of the President of the United States or the Secretary of the Treasury; and I was asked what objection I could have to the resolution of investigation when there was this disclaimer upon the part of the distinguished author of the resolution. The Senator this morning said he was surprised, as I was, at the remarks made yesterday by the Senator from South Dakota; that is, they were unexpected at that time from anybody. What becomes of the disclaimer now in the light of the accusations of the Senator from South Dakota? Can Senators justify themselves in voting for the resolution now, even though its form has been modified and changed so as to make it less offensive, when other Senators rise in their places and indulge in serious accusations like these without proof? Has it come to this—that we are to order an investigation simply upon the ipse dixit of Senators who in the heat of the discussion make serious reflections upon public officials like these?

The Senator from Colorado [Mr. WOLCOTT] spoke a short time ago about conduct "contrary to every canon of decency and good taste." I reply and say it would be unbecoming the Senate—a violation of decency and good taste—to dignify this proceeding, after what was said yesterday by the Senator from South Dakota [Mr. PETTIGREW], by passing any sort of resolution of investigation. When somebody will bring in a written accusation, when somebody will give us some proof of wrongdoing, when somebody will present evidence that can be sifted and analyzed, then it will be time enough to proceed with an investigation such as this.

There are some other allusions in the speech of the Senator from South Dakota to which I will refer. Speaking of the Secretary of the Treasury, he says:

He did dispose of the Graves bid at private sale.

My answer to that statement is that he disposed of the Graves bid to a bidder who had duly made his bid with all the others prior to the opening of the bids.

It is true the bid was not made in pursuance of an advertisement—

Referring to the other bid, which was made intermediately—nor was the bid of Morgan made in pursuance of advertisement. They were both private bids. The simple fact is that the Secretary of the Treasury sold \$5,000,000 of bonds to his friend on a private bid for nearly \$200,000 less than another responsible bidder offered.

And then he makes the simple inquiry:

Is that honest?

I need not take the time of the Senate in any elaborate argument to show that it was the duty of the Secretary of the Treasury when he offered these bonds for sale to have a completed transaction, and it was his duty to give to the next highest bidder every bid that was forfeited by nonpayment. That was his duty in law, that was his duty in morals, and that was the duty which he in fact discharged.

Yesterday I put in evidence—I use the term "put in evidence," because it comes natural to me from my practice in court—I rather read to the Senate the syndicate contracts which were made years ago by previous Secretaries of the Treasury. I did it not for the purpose of intimating that there was anything wrong in them, but in order that the country might know that this is not the first time the Government has dealt with syndicates. I read them in order that gentlemen here who did not seem to know the nature of syndicates might understand them. I have no reflections to cast upon the distinguished gentlemen whose names are signed to those old syndicate contracts—Drexel, Morgan & Co., J. P. Morgan & Co., August Belmont & Co., the First National Bank of New York, and Rothschild & Co., of London.

I have no disposition to make any vile or contemptible fling at Rothschild & Co. because it is said they are Jews. It has been hissed out in this Chamber, amid laughter, that the Administration gave bonds to favorite Jews. Has it come to this, that in this land of the free nationality is to be urged as a ground of objection to a man or men in the Senate of the United States? A Jewish citizen is as good as any other citizen if he behaves himself. A Jewish citizen has a right to live among us so long as he obeys the law and is a good citizen. He has a right to be treated respectfully.

The Jews constitute a race which it is not necessary I should defend or eulogize. They may have their faults. They have, however, their good qualities. But I do think it unbecoming Senators here to rise in their places and hiss out that the bonds

were given to a Jew, as though that settled the question, as though that was proof positive of infamy, of corruption, of fraud.

Where was the Senator from Colorado [Mr. WOLCOTT] then—the defender and protector of the dignity, of the honor and proper conduct of the Senate? Where was he when Senators rose here, as several have on different occasions, and hissed out the word "Jews" as a term of reproach. It proves the correctness of what was said the other day, when a certain Senator who favors this resolution rose in his place and said, "We are getting desperate." They are, indeed, desperately in want of good arguments. Let Senators consult their Jewish constituents, and see what they think of these vile flings. Yes; as the Senator from Nebraska [Mr. ALLEN] suggests to me, the Jews are a good race of people in many respects. They do not ask other nationalities to take care of their poor. They take care of them themselves. They have their grand and noble charities. They are noted for them throughout the length and breadth of the world. One of the greatest of Jews, who did much for his race and his people, has just died, and he left many grand bequests. It is not necessary that I should at this time enter into any review of the great men who have adorned the Jewish race. You have not forgotten the great Disraeli, who was formerly the premier of England. It does show the desperation of these Senators when all the argument they can make is "Oh, they gave the bonds to a Jew." If a Jew was the highest bidder he was entitled to the bonds. Out with such flimsy arguments, Mr. President!

I have also commented upon the fact that objections were raised to the form of proposal issued by the Secretary of the Treasury. I want to show now that the calls made years ago for bonds were just about the same in form, except they were made by the syndicates themselves. The syndicates were given control of the sale of bonds. For a short period of time they had substantially the absolute control of the sale of bonds. I wish the Secretary to read the published advertisement of the syndicate, found on pages 210 and 211, away back in 1877.

The Secretary read as follows:

UNITED STATES 4 PER CENT FUNDED LOAN.

The bonds are dated 1st July, 1877; bear interest payable quarterly in coin on 1st days of January, April, July, and October, and are redeemable in coin after 1st July, 1907.

The loan is issued in coupon bonds, in denominations of \$50, \$100, \$500, and \$1,000, and in registered stock, in denominations of \$50, \$100, \$500, \$1,000, \$5,000, and \$10,000.

The interest on the registered stock will be paid by check issued by the Treasurer of the United States to the order of the holder and mailed to his address. The check is payable on presentation, properly indorsed, at the offices of the Treasurer and assistant treasurers of the United States. The coupons and interest checks can be cashed at any bank or bankers.

The bonds are exempt from the payment of taxes or duties to the United States, as well as from taxation in any form by or under State, municipal, or local authority. Under authority of a contract with the Secretary of the Treasury, the undersigned will, until further notice, receive subscriptions for the United States 4 per cent bonds at par and accrued interest, in gold coin, or, in lieu of coin, United States notes or drafts on New York, at their coin value on the day of receipt in the city of New York, or on subscriptions for sums not exceeding \$100 in postal orders, payable to Messrs. August Belmont & Co., New York, at the fixed rate for gold, but reserving the right to change that rate from day to day, or discontinue such rate altogether, by notice in any newspaper at Washington or New York.

Forms of application will be furnished by the Treasurer at Washington, the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco, by the national banks and bankers generally, and by the United States postmasters. The applications must specify the amount and denominations required, and for registered stock the full name and post-office address of the person to whom the bonds shall be made payable.

The registered stock will be forwarded by registered mail; the coupon bonds will be forwarded to nearest point by express.

AUGUST BELMONT & CO., New York.
DREXEL, MORGAN & CO., New York.
J. & W. SELIGMAN & CO., New York.
MORTON, BLISS & CO., New York.
FIRST NATIONAL BANK
OF THE CITY OF NEW YORK, N. Y.
DREXEL & CO., Philadelphia.

DECEMBER 17, 1877.

Mr. HILL. Now I ask the Secretary to read from page 71, where there is another proposal.

The Secretary read as follows:

TREASURY DEPARTMENT, Washington, D. C., June 14, 1877.

Messrs. AUGUST BELMONT & Co., New York:

GENTLEMEN: The notice to the public of the 4 per cent loan, a copy of which is herewith, is approved by me.

Very respectfully,

JOHN SHERMAN, Secretary.

[Inclosure with letter of Secretary to Belmont & Co. of June 14, 1877.]

Under authority of a contract with the Secretary of the Treasury, the undersigned hereby give notice that from this date, and until July 16, at 3 p. m., they will receive subscriptions for the 4 per cent funded loan of the United States in denominations as stated below, at par and accrued interest in gold coin.

The bonds are redeemable after thirty years from July 1, 1877, and carry interest from that date, payable quarterly, and are exempt from the payment of taxes or duties to the United States, as well as from taxation in any form by or under State, municipal, or local authority.

The interest on the registered stock will be paid by check, issued by the Treasurer of the United States, to the order of the holder, and mailed to his

address. The check is payable on presentation, properly indorsed, at the offices of the Treasurer and assistant treasurers of the United States.

The subscriptions will be for coupon bonds of \$50 and \$100, and registered stock in denominations of \$50, \$100, \$500, \$1,000, \$5,000, and \$10,000.

The bonds, both coupon and registered, will be ready for delivery July 2, 1877.

Forms of application will be furnished by the Treasurer at Washington, the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco, and by the national banks and bankers generally. The applications must specify the amount and denominations required and, for registered stock, the full name and post-office address of the person to whom the bonds shall be made payable.

Two per cent of the purchase money must accompany the subscription; the remainder may be paid at the pleasure of the purchaser, either at time of subscription or at any time prior to October 16, 1877, with interest added at 4 per cent to date of payment.

The payments may be made in gold coin to the Treasurer of the United States at Washington, or assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, and St. Louis, and to the assistant treasurer at San Francisco, with exchange on New York, or to either of the undersigned.

To promote the convenience of subscribers, the undersigned will also receive, in lieu of coin, United States notes or drafts on New York at their coin value on the day of receipt in the city of New York.

AUGUST BELMONT & CO., New York.
DREXEL, MORGAN & CO., New York.
J. & W. SELIGMAN & CO., New York.
MORTON, BLISS & CO., New York.
FIRST NATIONAL BANK
OF THE CITY OF NEW YORK, N. Y.
DREXEL & CO., Philadelphia.

JUNE 14, 1877.

Mr. HILL. The statements just read show that a syndicate composed of these very worthy gentlemen had substantial control of the sale of the bonds of the United States in behalf of the United States. I will now read the statement of the Assistant Secretary, Mr. French:

TREASURY DEPARTMENT, Washington, D. C., June 11, 1877.

PAYMENT OF UNITED STATES BONDS.

1. The act of July 14, 1870, provides for the issue of United States bonds "redeemable in coin of the present standard value."
2. The then legal coin was gold and silver, the standard value being 23.22 grains of pure gold to the dollar and 371½ grains of pure silver to the dollar.
3. While the law remained unchanged the contract was legally performed by payment in such standard coin of gold or silver.
4. The act of April 1, 1873, declared silver not to be a tender for such bonds.
5. That act was an element in all sales of bonds after that date by the Government or by individuals, the buyer having the promise of the United States to pay in coin, i. e., coin recognized as legal, i. e., gold coin.
6. Any act which shall declare silver coin a tender for such bonds is an attempt to insert an element not in the contract, an element expressly excluded by the promisor by the act of 1873.
7. And as it can not be known what bonds have been transferred since the act of 1873, all bonds under the act of 1870 must be paid in gold coin of the standard value named therein—23.22 grains of pure gold to the dollar.

Respectfully submitted.

H. F. FRENCH, Assistant Secretary.

TO THE SECRETARY.

I also desire to read a letter from Secretary SHERMAN to Hon. August Belmont, of New York. In order to expedite the matter I want the letter put in my remarks in full, but I will skip certain portions of the letter and simply emphasize those points to which I wish to call attention.

TREASURY DEPARTMENT, Washington, June 16, 1877.

DEAR SIR: Your private note, the letter of your firm, and one from Messrs. Seligman & Co., asking me to make a public statement over my own signature similar to that of Mr. French, are received. I have given to this important suggestion the most serious consideration, and have come to the firm conclusion that such an act on my part would be inexpedient and defeat the very object you have in view. As a purely executive officer I have no power to pass upon the question mooted. My attempt to do so would at once unite all those who are seized with this mania and those who oppose executive encroachment upon legislative power. It would create excitement, personal and political animosities would mingle with it, and it would tend more than anything else to defeat the success of the loan. I am quite sure this would be the result.

As to whether Congress or the people would ever undertake to pay either principal or interest of the bonded debt, and especially the bonds sold since 1873, in silver, I have a firm conviction that the question will never seriously be raised. These bonds will be paid, principal and interest, in gold coin. The people of the United States have always been extremely sensitive as to the public credit. They never have, for the sake of an apparent profit, yielded any question involving the public honor.

The great satisfaction that will arise from the funding of the loan at a low rate of interest, together with their strong sense of public honor and public faith, will always secure the payment of these bonds, principal and interest, in coin.

Parties or factions may for a time raise and contest questions, but they are but bubbles and will pass away, and like all other questions involving the public credit, will be rightfully settled in due time by Congress and the people.

Nothing would so tend to disturb this result as unauthorized "theses" or dogmas by an executive officer upon a question purely legislative or judicial. Indeed, it may be that too much has already been said about this matter by both the President and myself, and I assure you that you will have no occasion to be disturbed by anything truthfully reported of either of us hereafter. The better way is to move right along, making your own statements, and if at any time I see a proper occasion for a strong expression of my opinion, I will give it.

Please show this to Mr. Seligman and such of your associates as you deem proper as an answer to all.

Very truly, yours,

JOHN SHERMAN.

Hon. AUGUST BELMONT, New York.

I cite that letter for the purpose of showing that at this very time when the bonds were being transferred from one hand to another and being sold in the public market there was the assurance of the Secretary of the Treasury that the bonds would be

paid, principal and interest, in gold, recognizing that as the duty of the Government and giving that interpretation of existing law. On the faith of that bonds were sold and transferred; on the faith of that declaration ownership was acquired, and in view of what has been said in this Chamber I cite the letter to show, whether legally payable in gold or in silver, the good faith of the Government of the United States was pledged to their payment in gold.

I will also read another letter from Mr. Sherman, dated June 19, 1877:

SIR: Your letter of the 18th instant, in which you inquire whether the 4 per cent bonds now being sold by the Government are payable principal and interest in gold coin, is received. The subject, from its great importance, has demanded and received careful consideration.

Mr. GRAY. To whom was the letter addressed?

Mr. HILL. It was addressed to Mr. French, Assistant Secretary, 94 Broadway, New York.

Under laws now in force, there is no coin issued or issuable in which the principal of the 4 per cent bonds is redeemable or the interest payable except the gold coins of the United States of the standard value fixed by laws in force on the 14th of July, 1870, when the bonds were authorized.

The Government exacts in exchange for these bonds payment at their face in such gold coin, and it is not to be anticipated that any future legislation of Congress or any action of any Department of the Government would sanction or tolerate the redemption of the principal of these bonds or the payment of the interest thereon in coin of less value than the coin authorized by law at the time of the issue of the bonds, being the coin exacted by the Government in exchange for the same.

The essential element of good faith in preserving the equality in value between the coinage in which the Government receives and that in which it pays these bonds will be sacredly observed by the Government and the people of the United States whatever may be the system of coinage which the general policy of the nation may at any time adopt.

This principle is impressed upon the text of the law of July 14, 1870, under which the 4 per cent bonds are issued, and requires, in the opinion of the executive department of the Government, the redemption of these bonds and the payment of their interest in coin of equal value with that which the Government receives from its issue.

Very respectfully,

JOHN SHERMAN, Secretary.

FRANCIS O. FRENCH, Esq.,
34 Broadway, New York.

This question was very much discussed in 1878 by the men who were dealing in Government bonds, and I want to read now a joint cable telegram from London from Messrs. Morgan, Morton, and Seligman to the President:

LONDON, February 15, 1878.

TO HIS EXCELLENCY THE PRESIDENT, Washington:

The universal feeling here is that public faith [is] solemnly pledged to payment in gold of all bonds issued under funding act 1870, under which Government demanded and received gold coin therefor. In our opinion it will justly be considered breach of public honor now to break the pledge given by the Cabinet in Secretary Sherman's letter June 19, 1877, in which it is stated that the essential element of good faith in preserving the equality in value between the coinage in which the Government receives and that in which it pays these bonds will be sacredly observed by the Government and the people of the United States.

Whatever may be the system of coinage which the general policy of the nation may at any time adopt it is this pledge which public faith and public honor alike demand shall be held inviolable.

MORGAN, MORTON, SELIGMAN.

Signing their names as though they were partners, "Morgan, Morton, and Seligman." Attention is called to the fact that Mr. Morton is the Hon. Levi P. Morton, now the present governor of the State of New York, and until recently also a candidate for the Republican nomination for President. [Laughter.] "Morgan, Morton, and Seligman." If the Presidential nominating lightning should strike the distinguished governor, whom I personally esteem very highly, I will have some fun during the campaign in reading the joint telegram, "Morgan, Morton, and Seligman," upon the question of the payment of the Government bonds in gold; and I expect to read with interest the remarks of my distinguished friend from Colorado [Mr. WOLCOTT] (who intends to support the Republican ticket no matter what the platform may be or who the candidate may be) eulogizing this firm in his speeches in behalf of the gold policy—"Morgan, Morton, and Seligman," and victory.

I also read another letter, dated New York, June 20, 1877, to be found in this book, page 85, from Morton, Bliss & Co., of New York, in regard to the bond transactions. I will not take the trouble now to read it, but with the permission of the Senate will insert it in my remarks.

THE PRESIDING OFFICER. Without objection, it will be so ordered.

The letter referred to is as follows:

Messrs. Morton, Bliss & Co. to Mr. Sherman.

NEW YORK, June 20, 1877.

DEAR SIR: Some of the parties interested in the contract for the 4 per cent bonds claim that in signing, on the 9th instant, the paper prepared by you, in which the syndicate subscribed for the remaining 4 per cent bonds up to two hundred millions and formally terminated the contract for their negotiation, we relinquished a then existing right on their part for their proportion of the third hundred millions.

In your letter of May 23, addressed to Messrs. A. Belmont & Co., you state as your understanding that the right of the syndicate to take over two hundred millions has terminated. Will you oblige us by informing us when and

in what manner the notice called for under the contract had been given; and also whether you understood the termination of the 4 per cent contract and the contract for 4 per cent bonds one or two distinct transactions?

We remain, etc.,

HON. JOHN SHERMAN,
Secretary of the Treasury.

MORTON, BLISS & CO.

Mr. HILL. Mr. President, it may have been forgotten that those bond transactions evoked considerable criticism at the time they were had. It was inevitable that great transactions involving millions of money should find some critics throughout the country. The House of Representatives was induced to interfere, and on November 5, 1877, passed a resolution, which I will now read:

Resolution House of Representatives, November 5, 1877, requesting copies of contract with syndicate, etc.

[Forty-fifth Congress, first session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, November 5, 1877.

On motion of Mr. Wood, from the Committee of Ways and Means—
Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish the House of Representatives, at the earliest practicable moment, copies of the contract made with a certain syndicate of American and foreign bankers for the negotiation of the 4 per cent bonds of the United States, together with copies of all other papers relating thereto, and also with a statement as to the present condition of such negotiation, and whether it remains in force as originally made, without modification or change.

Attest:

GEO. M. ADAMS, *Clerk.*

I cite the resolution for the purpose of showing and demonstrating that there is nothing new about sensitiveness over great bond transactions; that the criticisms have not been confined to the present Administration; that there was restlessness in 1878 as now; that there were Senators and members of the House who wanted to take a hand in the bond business then as now; and to show so far as I can that there is nothing in these attacks; that they are inevitable in the Congress of the United States; that there always seems to be an inevitable sort of friction between the Treasury Department and Congress, but I do not cite them because there is anything wrong in the transactions themselves. History has vindicated the Senator from Ohio [Mr. SHERMAN] and history, sir, will vindicate the present distinguished Secretary of the Treasury, the gentleman from Kentucky. The mere fact that the affairs of their offices were conducted so that criticism should have been avoided amounts to nothing. They could not avoid criticism.

Mr. Sherman did not escape. The bond syndicates did not escape then. Secretary Carlisle can not hope to escape criticism. The bond syndicate can not hope to escape criticism. Transactions involving millions of dollars of course give rise to suggestions and fault-finders of all kinds and character. When the millennium comes it will be possible to negotiate \$100,000,000 of bonds when there will be nobody finding any fault, but not until the millennium comes.

I wish to call the attention of the Senate and the country to the fact that the House of Representatives did not order an investigating committee. The Democratic House of Representatives treated the Republican Secretary of the Treasury with great respect. They had the right to order an investigation. They passed a resolution requesting information of the Secretary in the ordinary and usual form, and to that the distinguished Secretary of the Treasury made reply on November 19, 1877. I will ask the Secretary to read that letter of Mr. Sherman to the Speaker of the House of Representatives.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. HILL. I will say before the letter is read that I cite it for the purpose of showing the proper way to ascertain information; the proper way to treat the officers of the Government. The House of Representatives, the Democratic House of Representatives, simply passed a resolution asking for information, submitting it to the Secretary of the Treasury, and awaiting his reply.

The Secretary read as follows:

TREASURY DEPARTMENT, November 19, 1877.

SIR: I am in receipt of resolution introduced by Mr. Wood, of the Committee on Ways and Means, as follows:

"That the Secretary of the Treasury be, and he is hereby, requested to furnish the House of Representatives at the earliest practicable moment copies of the contract made with a certain syndicate of American and foreign bankers for the negotiation of the 4 per cent bonds of the United States, together with copies of all other papers relating thereto; and also with a statement as to the present condition of such negotiation, and whether it remains in force as originally made, without modification or change."

In compliance with this request, I have the honor to inclose herewith copies of the contract referred to and other papers which have a definite bearing upon the subject. Before this contract was entered into I met the contracting parties both in New York and Washington, and discussed at some length the feasibility of placing the 4 per cent loan upon the market, and, on the 9th of June, 1877, perfected arrangements for that purpose by executing said contract.

During the thirty days which were set apart by mutual consent for the reception of popular subscriptions, the amount of \$3,073,250 was sold by the Treasurer and assistant treasurers of the United States, and subscriptions to the amount of \$69,423,300 were procured through the efforts of the contracting parties.

The business of refunding progressed satisfactorily and arrangements had been perfected for the continuance of the sale of 4 per cent bonds, and a call was about to be made when fears of the effect of the proposed legislation by Congress remonetizing silver arrested for the time the sale of such bonds and caused a temporary postponement.

Below is a statement of the present condition of the 4 per cent loan, and I would add that the contract remains in force as originally made, without modification or change.

CONDITION OF UNITED STATES 4 PER CENT BONDS OF 1907 NOVEMBER 19, 1877.
Subscriptions received \$75,496,550
Amount against which calls for 6 per cent 5-20 bonds have been issued 50,000,000

Balance account of resumption act 25,496,550

Very respectfully,

JOHN SHERMAN, *Secretary.*

HON. SAMUEL J. RANDALL,
Speaker House of Representatives.

Mr. HILL. I will read, or rather insert in my remarks, with the permission of the Senate, a letter from Fisk & Hatch to Secretary Sherman, of date April 16, 1878. I will not take the time now to read the letters, but simply to say that they asked to have placed in their hands certain bonds of the United States, which they should have the exclusive power to sell, and that the Secretary of the Treasury substantially gave them the control of the sale of the bonds. I will read the opening sentence:

GENTLEMEN: Your letter of yesterday is received, in which you ask if I will entertain a proposition from a combination of banks and bankers for the negotiation of 4 per cent bonds upon certain terms named by you.

I cite this letter for the purpose of showing that in 1878 there were dealings with combinations of banks and bankers; that the question of the combination of banks and bankers is not a new thing, but that it existed all through the resumption period and all through the refunding period.

The PRESIDING OFFICER. Without objection, the letters will be inserted in the remarks of the Senator from New York.

The letters referred to are as follows:

NEW YORK, April 16, 1878.

HON. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

DEAR SIR: Will you please advise us whether you are prepared to entertain a proposition from a combination of banks and bankers, whose names should be satisfactory to you, for the negotiation of 4 per cent bonds on the basis of an amount to be agreed upon to be taken at once with an option for any part of the remainder for the balance of the year or for such other period as might be mutually satisfactory; the sales of 4 per cent bonds to be made during the pendency of the option only through the parties entering into the contract, and the proceeds of sales to be applied to the redemption of 5-20 bonds.

If you are inclined to consider favorably a proposition to this effect, provided the details can be made satisfactory to you, it is probable that it will be made. The parties having the matter under consideration would be glad to have an indication of your readiness to entertain such a negotiation before proceeding further in the preparation of details, and have requested us to ask an expression from you on that point.

An early reply will greatly oblige.

Very truly, yours,

FISK & HATCH.

P. S.—In case any negotiation, as indicated above, should be entered into, the parties interested would be glad to have the matter considered as confidential between the Treasury Department and themselves until concluded, and your reply to this will be so treated if desired.

TREASURY DEPARTMENT, April 17, 1878.

Messrs. FISK & HATCH, New York.

GENTLEMEN: Your letter of yesterday is received, in which you ask if I will entertain a proposition from a combination of banks and bankers for the negotiation of 4 per cent bonds upon certain terms named by you.

I would be happy to receive such a proposition from the banks and bankers whom I suppose you represent, and I would give the bonds to you on as favorable terms and with every facility that the law will allow. I am under no embarrassment or restraint as to the sale of the 4 per cent bonds, but I do not think it would be policy for me to give you an exclusive option for any period of time, though, perhaps, if the amount was large I might do so for a short time. I am not under any obligations to the purchasers of the 4 per cent bonds that restrict me in any way in the negotiation of the 4 per cent bonds, but am free to act under the law.

Still, as public subscriptions have been invited by Treasury circular, it would not be consistent with good policy for me to withdraw this tender and place the negotiation solely in your hands. Perhaps, in view of a large subscription, I might be disposed to give you some additional facilities not given by the general circular, but this would depend upon the amount and nature of your subscription. I would like, also, if practicable, in case an offer is made by you, that you include in it the contracting parties for the 4 per cent bonds, at least so far that the agents in the sale of the two classes of bonds will not conflict with each other, the interest of the Department being equally concerned in the negotiation of both classes of bonds.

Very respectfully,

JOHN SHERMAN, *Secretary.*

As you request, your letter and this reply will be considered by me as confidential for the present.

Mr. HILL. That was in 1878. The resumption act had been passed which required resumption to take place on the 1st day of January, 1879. There were skeptics in those days as now. There were men who were constantly doubting the power of the Government to resume specie payments on the day fixed by the statute. There were constant predictions of failure made by worthy gentlemen who thought that the Government was pursuing an unwise policy. There were men in those days, as now, who thought the Government was running headlong to destruction. They became desperate, as men become desperate now, in their criticisms of the conduct of the officers of the Government.

This volume is full of letters written to the Secretary of the Treasury in 1878 urging him to pursue a different course from what he was pursuing, and predicted disaster to the Government on the 1st day of January, 1879. It was said, "The Government will not be able to resume specie payment. Where will the coin come from? Where will the gold come from? How can specie payments be resumed and how can they be maintained?" There was the same uncertainty then as now, if not more so. There was the same distrust of public men, the same vile insinuations as now, the same unfounded charges then as now. People have forgotten what took place here only a few years ago.

I will read a letter from Peter Cooper to Mr. Sherman, written in New York April, 1878. Mr. Cooper was a very estimable gentleman, a man of large means. He had got the greenback craze in his head; he thought the country was going to destruction unless the greenbacks were kept afloat. He doubted the policy of redeeming the greenbacks. He feared the country was not strong enough for that purpose. There was a large element in the country, in different parts of the country, who called themselves greenbackers, who were fearful that the country was taking a hazardous step and making a most dangerous experiment in the effort to resume specie payments. How the speeches of those greenbackers would read now, in the light of history, their denunciations of Mr. Sherman! How they would like to be refreshed by reading those speeches again delivered here in the Senate, predicting failure, predicting disaster.

COOPER UNION, ETC., New York, April 18, 1878.

DEAR SIR: In the brief interview which you did me the honor to give me at my house a few days ago I was impressed with your desire to give all the information that would throw light upon the financial policy of the Government and in the Department of which you are the executive head. But we had not the time to discuss fully some of those practical questions that involve this financial policy, and I therefore now take the liberty, in a more deliberate manner, to ask of you an answer to questions which might throw light upon the public mind on these great interests and allay the anxiety which pervades the hearts of our people in reference to their future prospects of business and employment, and show more clearly how the present policy of the Government in enforcing "specie payments" by law and carrying out the resumption act could be attended with any wholesome results to the financial interests of this country, both in the present and the future.

First. Can you "resume" in the presence of \$445,000,000 of legal-tender and bank notes with what gold and silver you may have at your command without an actual shrinkage of this currency either on the part of the Government or of the banks?

Secondly. Can "resumption" be maintained after the law has placed a premium on coin and virtually demonetized the paper by rendering its convertibility compulsory?

In other words, can the present "par value" of paper and coin be taken as an index that after the law has thrown its whole weight in favor of coin, by making the paper "convertible," the present equilibrium between the two can still be maintained?

Thirdly. In connection with the fact that by purely commercial laws we have already arrived at specie payments, or the par between coin and paper money, what good will it do to thrust in the further power of the law on the side of coin?

How can we avoid placing the paper at the mercy of those who will have control of the coin, especially the paper of the national banks, whose chief credit will consist in maintaining "specie payments"?

Fourthly. After "resumption" how much money will the people have with which to transact business, employ labor, enter into new enterprises, and use "cash payments" instead of "inflating credits" to a ruinous degree, as in times past under the system of specie payments and convertibility by law?

Fifthly. It being the duty of Congress to make the necessary and proper laws for carrying into execution a system of money, weights, and measures as the only means to regulate commerce with foreign nations and among the several States, to provide, as far as possible, an "unfluctuating currency," a steady measure of prices, how can you prevent great and disastrous fluctuations in our "convertible money" and coin arising out of the great demands for gold and silver that may at any time be made upon us from the commercial relations of this country with Europe, over which the Government can have no direct control?

With great respect, I remain, your obedient servant.

PETER COOPER.

HON. JOHN SHERMAN,
Secretary of the Treasury.

Mr. President, the world moved on just the same, steady, steps forward toward a right basis. The Secretary of the Treasury kept moving on unmindful of the clamor of the men who criticised him, unmindful of the threats made against him, unmindful of all the prophecies of disaster, and to-day, I say, simply reviewing the question, how futile seem the efforts that were made to stop resumption; how men fought desperately for the good old greenback currency; how official efforts to curtail and contract the currency met with determined opposition in the two Houses of Congress.

But, Mr. President, the policy of the Government went on; it could not be resisted; it went on to success, and the men who criticised it would not want to read to-day their speeches in the RECORD. Mr. SHERMAN made a reply to Mr. Cooper, which I want the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, Washington, D. C., April 20, 1878.

DEAR SIR: Your letter of the 18th instant is received. The questions which you ask me have been, in the main, answered to the committees of the two Houses, and I might, perhaps, best reply to your letter by sending these documents, printed by order of the respective Houses; but my sincere respect for you and desire to allay any doubts you may entertain of the suc-

cess of the present plan of resumption induce me to answer your letter as fully as my time will allow.

As to your first question, "Can you resume in the presence of \$445,000,000 of legal-tender and bank notes with what gold and silver you may have at your command without an actual shrinkage of this currency, either on the part of the Government or of the banks?"

You must bear in mind that the aggregate amount of legal-tender notes and bank notes stated by you may be gradually diminished, so far as the legal tenders are concerned, to \$300,000,000, and by the banks to such sum as they find can be maintained at par with the United States notes. But, assuming that the aggregate should be about the present amount, and remembering always that the bank notes can be redeemed in legal-tender notes and are not required to be redeemed in coin, I do express the opinion that resumption in a country like ours can be maintained in the presence of the existing volume of circulation; but if this should prove to be too great the reduction will be gradually of the bank notes, or, if Congress so direct, of the legal-tender notes.

As to your second question, "Can resumption be maintained after the law has placed a premium on coin and virtually demonetized the paper by rendering its convertibility compulsory? In other words, can the present 'par value' of paper and coin be taken as an index that after the law has thrown its whole weight in favor of coin, by making paper 'convertible,' the present equilibrium between the two can still be maintained?"

I respectfully deny that the law places a premium on coin. One-half of this circulation is not redeemable in coin at all, but in legal-tenders; nor does the law fix a premium on coin as against legal-tenders, but simply requires an equality. Its convertibility is not compulsory. It is upon the demand of the holder. The holder is as likely to deposit the coin if he has it, as to deposit the notes for coin. The currency would rest upon the presumption that all paper money rests upon, that its use and convenience and convertibility will always keep it at par with coin.

To your third question, "In connection with the fact that by purely commercial laws, we have already arrived at specie payments, or the par between coin and paper money, what good will it do to thrust in the further power of the law on the side of coin? How can we avoid placing the paper at the mercy of those who will have control of the coin—especially the paper of the national banks, whose chief credit will consist in maintaining 'specie payments'?"

I have simply to say that we have only arrived at our present position approaching specie payments by the accumulation of coin in the Treasury and by the gradual and slow reduction of the volume of notes; and the very measures which have enabled us to reach so near the specie standard are necessary to be continued to enable us to maintain resumption. If resumption is desirable it can not be maintained by a repeal of the law which requires resumption and grants the necessary powers to prepare for it and to maintain it.

As to your fourth question, "After resumption how much money will the people have with which to transact business, employ labor, enter into new enterprises, and use 'cash payments' instead of 'inflating credit' to a ruinous degree, as in times past under the system of specie payments and convertibility by law?" It is answered, I think, by what I have said in reply to your first question. We will have the United States notes, the bank notes, the coin certificates, both gold and silver, together with the gold and silver itself, all in circulation. The actual amount of currency in circulation, I think, will be as large in specie times as now, and its equality and convertibility will rather increase than prevent the circulation of either. The depreciation of paper money is not necessarily caused solely by its excess, but by the uncertainty of its value and confidence in its redemption.

In reply to your fifth question, "It being the duty of Congress to make the necessary and proper laws for carrying into execution a system of money, weights, and measures, as the only means to regulate commerce with foreign nations and among the several States, to provide as far as possible, an 'unfluctuating currency,' a steady measure of prices, how can you prevent great and disastrous fluctuations in our 'convertible money' and coin, arising out of the great demand for gold and silver that may at any time be made upon us from the commercial relations of this country with Europe over which the Government can have no direct control?" I have only to say that it is undoubtedly the duty of Congress to provide for the possible contingencies that would make it necessary to suspend specie payments, though, as the circumstances which would compel suspension are necessarily unforeseen, unknown, difficult to be defined or to be provided for, I am not sure but it is better to leave the question of suspension to the necessities of the case rather than to legislation, which must be founded upon uncertainty. When the Treasury is actually unable to redeem its notes in coin, suspension comes necessarily, but resumption would come again from the absolute necessity of currency for our daily wants, and Congress could provide better in view of the actual facts than anticipated facts.

I think the real difficulty that has stood in the way of resumption is the nightmare of things that have existence only in the brain and not in fact. We can only deal with the current course of events based upon probabilities, and can not provide for unforeseen contingencies.

It is my earnest hope that you, and gentlemen like you, who I know are sincere in your convictions, may see your way to trust to the policy that is now entered upon, which seeks to provide as much paper currency as can be maintained at par in coin, and to secure its active circulation in aid of industry and enterprise.

I am, with great respect,

JOHN SHERMAN.

HON. PETER COOPER, New York.

Mr. HILL. Mr. President, I have also a letter from Secretary Sherman of date May 24, 1878, which I shall insert in my remarks without reading it in full.

The PRESIDING OFFICER. If there be no objection, it will be so inserted.

The letter referred to is as follows:

MR. SHERMAN TO WILBER NATIONAL BANK, ONEONTA, N. Y.

TREASURY DEPARTMENT, May 24, 1878.

SIR: Your letter of the 21st instant, asking what action is necessary in order to become a depository and subscription agent for the 4 and 4½ per cent loans, has been received.

In reply I have to inform you that subscriptions to the 4½ per cent loan are received only through Messrs. Belmont & Co., of New York, and their associates.

Subscriptions to the 4 per cent consols of 1867 are received at the Department and through the subtreasury officers and national banks which have been designated for that purpose.

I inclose herewith Department's circular of January 21, 1878, under the provisions of which, if you desire it and will so inform this office, the bank of which you are cashier will be designated a United States depository to receive deposits on account of subscriptions to the 4 per cent consols of 1867.

Very respectfully,

JOHN SHERMAN, Secretary.

CASHIER WILBER NATIONAL BANK, Oneonta, N. Y.

Mr. HILL. The point I wish to emphasize is that in this letter Secretary Sherman says he can not accept subscriptions to the 4½ per cent loan; that they can be "received only through Messrs. Belmont & Co., of New York, and their associates." The point being to establish the fact that in the history of our country it is not an unusual thing to deal with syndicates, and that while under the present Administration we have had several popular loans, the popular subscriptions, so-called, under Mr. Sherman's administration of the Treasury Department, were mainly through a combination of bankers, and he said that subscriptions to the 4½ per cent loan could "be received only through Messrs. Belmont & Co., of New York, and their associates."

I am not complaining of this, Mr. President. It was unquestionably the proper thing to do under the circumstances. I am simply illustrating the point that history repeats itself. I am answering the skeptics of those days; I am answering the critics of those days as I am answering the skeptics and the critics now.

I should infer from some of the speeches which have been made upon this subject that the policy of paying out either gold or silver on demand at the Treasury was a new one, invented by the present Administration, and had never existed before. It has been spoken of as an invention of the present Administration; it has been spoken of as a scheme of Mr. Carlisle; and it has been characterized as a questionable transaction, an ill-advised proceeding, as though it was something that had been unheard of in the previous history of the country. The policy of paying out either gold or silver on demand, I repeat, is not a new one. It was the policy that was pursued years ago, a wise policy, unquestionably, or it would not have been pursued. It was a policy which gave success to the administration of the financial affairs of the Government; it was a policy that tided us over critical times; it was a policy which gave honor and credit to the Government and placed this Government upon a high financial standing with the Governments of the world. Senators now want to reverse all this policy; want to attack this Administration for doing only what has been done by their honored predecessors in the past.

I now ask the Secretary to read the letter on page 423 of the book which I send to the desk, from Secretary Sherman to Mr. Wheeler, the then President of the United States Senate.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, D. C., December 16, 1878.

SIR: I have the honor to acknowledge the receipt of Senate resolution dated December 3, 1878, as follows:

"Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what amount and denomination of silver coin has been received in payment of customs dues since the beginning of the current fiscal year, and whether or not he has applied the silver coin so received in whole or in part to the payment of the interest on the bonds or notes of the United States. If it has not been so applied, to state the reason why; if it has been applied to that purpose in part only, to state what portion has been so used, and on what character of obligations. He is directed to inform the Senate the amount of interest he has paid on the bonds and notes of the United States since the current fiscal year began, and the amount of such interest which he has paid in gold and silver coin respectively."

And in reply to inclose herewith copy of report, dated 9th instant, from the Treasurer of the United States, to whom the resolution had been referred, which gives the information called for.

Under existing law, either gold coin or standard silver dollars may be used in payment of the interest of the public debt. The law does not direct which shall be paid, but leaves this to the discretion of the Department, to be exercised upon considerations of public policy; and the practice, as stated by the Treasurer, of allowing the public creditor the option of the form and denomination of money in which he shall be paid has thus far been observed.

The manifest object of the act to authorize the coinage of the silver dollar and restore its legal-tender character, when construed in connection with the resumption act, is that gold coins and the standard silver dollar shall be maintained at par with each other, and this object can best be attained by paying out such coin as may subserve the convenience of the person to be paid, and not to force upon him either form of money.

Any other course would discriminate against the standard silver dollar and tend to its depreciation.

Very respectfully,

JOHN SHERMAN, Secretary.

Hon. WILLIAM A. WHEELER,
President United States Senate.

Mr. HILL. Mr. President, that letter shows the policy of the Government, instituted in a critical period of our financial history, and which has been maintained by every Secretary of the Treasury from that day to the present. I am not now going to argue whether it is right or whether it is wrong. It has existed since 1878, and I simply cite it for the purpose of showing that at least our Republican friends are estopped from questioning the wisdom of the policy of Mr. Carlisle. I do not know that they do so. In the main, I think that three-fourths of the Republican Senators upon the other side approve of the policy of the Secretary of the Treasury which has thus been indicated in the letter of Mr. Secretary Sherman, and which has been followed from that day to the present.

Possibly, Mr. President, some other course might have been wiser. No one can tell. This policy, however, has been a successful one; this policy brought us resumption; this policy made the greenback dollar the equal of the gold dollar; this policy has kept them at par from that day to this; and we can point to it as

a matter of pride. Some other course might have worked; some other course might have been better; but this policy laid down in 1878 has been strictly followed. Possibly there are some new men who are wiser than those who then conducted the administration of affairs; possibly there are new financiers, and you can find them on the street corners and in the groceries and all around who know better how to conduct financial affairs than all the Secretaries of the Treasury from that day to the present.

It may be so. We may be disappointed. Perhaps these new men can give us new points as to how to conduct the finances of the country; but I do not believe it. I am inclined to think that the correct policy has been pursued, and because of that very policy to-day we can point to the fact that our currencies are all kept upon a parity; and any other course would have either appreciated the gold dollar or depreciated the greenback dollar. The election must be given to the holders of the securities. There is no other proper course. The election can not be reserved simply to the Government, because we know, as a matter of fact, that when you refuse to give a certain form of currency to a holder of the obligations of the Government, that would be the very currency which the holder would want. We do not change the law of legal tender. We leave it as it is. It is a question of administration; it is a question of business policy; it is a question of the art of managing the great financial affairs of a great country.

Mr. President, I do not know that it is necessary that the affairs of the country should be conducted to satisfy a mere contingent of the people. If it satisfies the great mass of the two good old parties that is enough for me. When you satisfy the Republicans and the Democrats there is not much left after that [laughter], only a few men hanging on the outskirts, you know, a few guerrillas in politics, as there always are in battles and in war, ready to attack first one party and then the other. I mean no disrespect to my good Populist friends, especially the distinguished leader who sits before me and whom I esteem as my personal friend [Mr. ALLEN]; but, after all, I am beginning to think there is a good deal of merit in the two old parties in this country. I know I have seen my friend here day after day arise and heard him criticize the two old parties, and there are some over on the other side of the Chamber who are anxious and eager to join with him in his criticism. But the two old parties have conducted the affairs of the country pretty successfully; one or the other of them has had charge of the administration of public affairs during nearly our entire history. It will be a cold day when our third-party friends squeeze into power. If they get in at all, it will be by a tight squeeze. [Laughter.] They do not expect to succeed in the coming campaign, we are told, but they are going to make it very interesting for us in 1900. It will always be in the future when they are going to put out of power one of the two old parties.

Mr. President, I simply cite what has been done in the past for the purpose of estopping our Republican friends from criticism of Mr. Carlisle's policy. I am free to say that nine-tenths of them really have no criticism to make in regard to it. They do not join in the coarse flings against the honesty and integrity of the President. No; no. The Senator from Massachusetts [Mr. HOAR] spoke on this subject the other day, and while I differed with him in the sentiments which he expressed, he said no one would cast any reflection upon the President or the Secretary of the Treasury, no one would be heard to assail their integrity; they may have wrong theories on financial policies, but that is a question of judgment. There was a Jackson party in 1828 and there was an anti-Jackson party. There was a Lincoln party and an anti-Lincoln party. We differed, and have always differed, about financial policies; differed about tariff policies; differed about banking policies. We may have substantial differences among us here, and yet we need not assail the character or integrity of opponents.

The Senator from Florida [Mr. CALL] desires to make a few observations upon the subject, Mr. President, and I have deemed it my duty and felt constrained to yield to him, which I do for the present, but I shall resume my remarks at the conclusion of his speech.

HOUSE BILLS REFERRED.

The bill (H. R. 6293) to increase the pension of Peter Rafferty was read twice by its title, and referred to the Committee on Pensions. The joint resolution (H. Res. 186) for the relief of Ex-Naval Cadet Henry T. Baker was read twice by its title, and referred to the Committee on Naval Affairs.

FINAL ADJOURNMENT.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring). That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Monday, the 18th day of May, at 2 o'clock p. m.

PROPOSED INVESTIGATION OF BOND SALES.

The Senate resumed the consideration of the resolution submitted by Mr. PEPPER, providing for a committee of five Senators

to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

[Mr. CALL addressed the Senate. See Appendix.]

Mr. HILL rose.

Mr. GORDON. Will the Senator from New York allow me to make an inquiry of the Senator from Kansas?

Mr. HILL. Certainly.

Mr. GORDON. Yesterday I offered an amendment to the pending resolution, which I afterwards found had been offered previously by the junior Senator from Colorado [Mr. WOLCOTT], the amendment proposing to allow the investigation to be conducted by the regular Finance Committee. I wish to inquire of the Senator from Kansas who moved the resolution whether that amendment would be agreeable to him?

Mr. PEPPER. I answer in the negative, Mr. President. I suppose the Senator from Georgia does not care about any special reasons being given.

Mr. GORDON. I do not at this moment, for I want to give one reason or two why it occurs to me the Committee on Finance is the only proper committee to make the investigation.

Mr. President, I am not on my feet to make a speech. I wish to say, however, that if we are on the verge of all the ills which my friend from Florida [Mr. CALL] has just delineated it is impossible for me to conceive how a committee of five can better tell us what they are or more effectively build barriers against our headlong progress to destruction than the strong, able, venerable committee constituted by this body under its regular forms and modes of procedure.

Mr. President, what is that committee? At the head of it is the oldest and most venerable man who sits upon this floor, an opponent in politics to the Secretary of the Treasury. As I trace down the names of those thirteen honorable men I fail to find one man upon the committee who agrees with the honorable Secretary of the Treasury both in politics and in financial policy. Surely no committee less biased in favor of that officer of the Government could possibly be selected. Why gentlemen stand upon this floor with such a committee already organized, respected not only by this body but by every citizen in the country, and seek to have a select committee to investigate subjects with which that committee itself was chosen to deal is more than I can understand. There is some reason for it, and I am at a loss to know what that reason is. I might have my opinions upon the subject, but I have too much respect for this body and for myself as a member of it to state the reasons which might be suggested.

Mr. President, the country ought to know that there is a committee composed of thirteen men as unimpeachable as any who ever sat in this body from the organization of the Government to this hour, and that there are Senators on both sides of the Chamber appealing that the proposed investigation shall be made by that committee, and yet it is resisted. Is there any man on this floor afraid of the distinguished and venerable Senator from Vermont [Mr. MORRILL]? Is he to be bribed by the millions about which my friend from Florida talks so eloquently? Are not the gentlemen upon that committee who advocate the free coinage of silver, and who are therefore not in sympathy with the Secretary of the Treasury, to be trusted? I stand here to say that I will guarantee, although I have never heard it from him, that the Secretary of the Treasury is ready to meet any investigation, and I dare say that he would trust his honor and his reputation and his fidelity and responsibility to the Government and its people as readily in the hands of that committee—upon which there is not one man who sympathizes with him both in politics and financial policies—as readily as he would trust them to a committee of his own choosing.

Now, why should not that be done? My distinguished friend from Colorado had that conviction upon his mind when he offered the amendment which I repeated yesterday without knowing that he had preceded me.

Mr. HILL. Will the Senator from Georgia allow me a moment?

Mr. GORDON. Certainly.

Mr. HILL. The Senator from Colorado did not offer such an amendment; the Senator is mistaken. It was offered by the distinguished Senator from Tennessee [Mr. HARRIS]. There was originally a resolution offered by the junior Senator from Massachusetts [Mr. LODGE] proposing to refer the subject to the Committee on Finance. Whether that is now pending or not I do not know.

Mr. HARRIS. That is the pending question. I looked at the RECORD yesterday. I had given notice of my intention to make such a motion, but upon looking at the RECORD I saw that the junior Senator from Massachusetts had entered the motion before I gave the notice, and that is now the pending question.

Mr. GORDON. It is a matter of gratification to me to learn that there are a number of gentlemen here who take the same view of this subject. For myself I have not any doubt that if a vote were had to-day upon the simple question as to whether the

Committee on Finance is worthy to be trusted with this investigation there would be a unanimous "yea" in response in this Chamber.

But, Mr. President, I said I did not intend to make a speech, and I will not do it. I received an answer from the Senator from Kansas, but I insist that before the discussion closes we shall have a vote upon that question.

Mr. HILL rose.

Mr. GORDON. Would the Senator from New York object to a vote upon that amendment now? He can afterwards discuss the question as to whether we shall have any investigation at all.

Mr. HILL. No; I have no objection to having that branch of the case disposed of now.

Mr. GORDON. Now, will the Senator from Kansas allow the Senate to vote upon that amendment?

Mr. PEPPER. The Senator from Georgia is mistaken about the parliamentary status of the resolution. In the first place, the resolution as modified was presented to the Senate by myself. A motion was made by the Senator from Ohio [Mr. SHERMAN] to refer the resolution to the Committee on Finance, and, with that motion pending, the resolution went over until the next day. I submitted some remarks upon it, and the Senator from New York [Mr. HILL], I believe, followed me; and the hour of 2 o'clock having interfered with his discussion it went upon the Calendar. The next day the Senator from Massachusetts [Mr. LODGE] offered a resolution similar to mine, except that it was not quite so long, and he proposed that the investigation should be conducted by the Committee on Finance. That resolution the next day likewise was disposed of; it seems it never went to the Calendar, so that the resolution which is now pending is the one which I originally introduced, with the motion of the Senator from Ohio pending to refer it to the Committee on Finance. The suggestion made by the Senator from Tennessee was in reference to the resolution presented by the Senator from Massachusetts, and of that resolution it seems there is no record anywhere. I did not find any record of it.

Mr. GORDON. The question can not be disposed of in that way, because if there has been no amendment offered to the resolution by the Senator from Colorado or the Senator from Massachusetts or the Senator from Tennessee, certainly the Senator from Georgia, myself, did offer one yesterday.

Mr. PEPPER. That is true.

Mr. GORDON. So that, in a parliamentary sense, the amendment proposing that the investigation shall be conducted by the Committee on Finance is pending.

Mr. HARRIS. There can be no trouble about the parliamentary status of the resolution. The motion of the Senator from Ohio [Mr. SHERMAN] is to refer the resolution as it stands to the Committee on Finance, which, I take it, is the first question the Chair will put to the Senate.

The VICE-PRESIDENT. Unquestionably that is correct.

Mr. HARRIS. But the Senator from Massachusetts [Mr. LODGE] moved to strike out that part of the resolution which proposes to raise a select committee and to require the Committee on Finance to make just such an inquiry as the resolution of the Senator from Kansas provides shall be made. Those are the two questions pending. If the resolution is referred, it goes just as it is to the committee. If it is not referred, the next question is upon the motion of the Senator from Massachusetts to amend.

Mr. LODGE. The resolution which I introduced was voted down, as I remember, and disposed of. I had not made a motion to substitute the Finance Committee for the select committee, but when the question is reached on the pending resolution I shall certainly do so. It will be simply renewing the resolution which I introduced. I think the Finance Committee is the proper committee to make the inquiry.

Mr. HARRIS. Did I understand the Senator from Massachusetts to say that his motion was voted down?

Mr. LODGE. No; my original resolution was voted down.

Mr. HARRIS. Oh, yes; your original resolution.

Mr. LODGE. It was a separate resolution. My motion has not been voted down.

Mr. HARRIS. The Senator is correct.

Mr. HILL. I think the Senator from Massachusetts is mistaken in regard to the situation. The Senator from Massachusetts offered a distinct resolution—

Mr. LODGE. That is what I said.

Mr. HILL. It was a distinct resolution, proposing an investigation by the Finance Committee. He did not offer it as an amendment; he did not offer it as a substitute. The Senator from Kansas offered his resolution. Subsequently the Senator from Ohio moved to refer the resolution to the Committee on Finance. In the meantime the Senator from Massachusetts moved to lay upon the table the resolution of the Senator from Kansas. That was voted upon and the motion was voted down. I voted against laying it upon the table because I was just upon the point of discussing it. After that motion was voted down the Senator from Tennessee moved to amend the Pepper resolution by striking out

"a special committee of five" and inserting "the Committee on Finance." That motion is still pending. Of course the motion to refer will have to be taken first, and I assume next will follow the motion of the Senator from Tennessee. That is the parliamentary status. The motion of the Senator from Massachusetts had not been voted upon at all. The Senate simply refused to lay the Peffer resolution upon the table, I myself saying that I did not wish to have it laid upon the table.

Mr. HARRIS. I simply wish to remind the Senator from New York that my recollection was exactly in accord with the statement he has just made until I examined the record at the Clerk's desk yesterday. I find that before I offered my amendment the junior Senator from Massachusetts had proposed the amendment that I had given notice of my intention to move.

Mr. LODGE. That is correct. I have looked at the record and find that my amendment is pending.

Mr. HARRIS. That is the statement of the record.

Mr. LODGE. I had forgotten it.

The VICE-PRESIDENT. The Chair will state that the first question is upon the motion of the Senator from Ohio [Mr. SHERMAN] to refer the resolution to the Committee on Finance.

Mr. FAULKNER and others. Question.

Mr. GORDON. Now let us have a vote on that question.

The VICE-PRESIDENT. That is the pending question. Is the Senate ready for the question?

Mr. PEPPER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. McBRIDE]. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I really do not know how he would vote upon this question, and therefore I do not feel at liberty to vote.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH], but I will transfer that pair to the Senator from Utah [Mr. CANNON]. If the Senator from Utah were present, he would vote "nay." I vote "nay."

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. FAULKNER. I transfer my pair with my colleague [Mr. ELKINS] to the Senator from New York [Mr. MURPHY] and vote "yea."

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE]. If he were here, I should vote "nay."

Mr. BURROWS (after having voted in the negative). I observe that the senior Senator from Louisiana [Mr. CAFFERY], with whom I am paired, is not in his seat, and I will therefore withdraw my vote.

The result was announced—yeas 17, nays 35; as follows:

YEAS—17.

Allison,	Gordon,	Mitchell, Wis.	Vilas,
Baker,	Gray,	Palmer,	Wetmore.
Brice,	Hill,	Proctor,	
Faulkner,	McMillan,	Sewell,	
Gallinger,	Mills,	Vest,	

NAYS—35.

Allen,	Chilton,	Lodge,	Roach,
Bacon,	Cockrell,	Mantle,	Shoup,
Bate,	Cullom,	Mitchell, Oreg.	Squire,
Berry,	Daniel,	Nelson,	Stewart,
Blackburn,	Dubois,	Pasco,	Teller,
Brown,	Frye,	Peffer,	Warren,
Butler,	Gear,	Perkins,	White,
Call,	Hansbrough,	Pettigrew,	Wolcott.
Carter,	Lindsay,	Pugh,	

NOT VOTING—37.

Aldrich,	George,	Kyle,	Smith,
Blanchard,	Gibson,	McBride,	Thurston,
Burrows,	Gorman,	Martin,	Tillman,
Caffery,	Hale,	Morgan,	Turpie,
Cameron,	Harris,	Morrill,	Voorhees,
Cannon,	Hawley,	Murphy,	Walthall,
Chandler,	Hoar,	Platt,	Wilson.
Clark,	Irby,	Pritchard,	
Davis,	Jones, Ark.	Quay,	
Elkins,	Jones, Nev.	Sherman,	

So the Senate refused to refer the resolution to the Committee on Finance.

Mr. FAULKNER. Let us vote now on the amendment of the Senator from Massachusetts.

Mr. LODGE. The amendment that I offered, to substitute the Committee on Finance for a select committee.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Massachusetts [Mr. LODGE]. The amendment will be stated.

The SECRETARY. After the first word, "That," strike out "a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be" and insert "the Committee on Finance shall be directed."

Mr. PEPPER. On that question let us have the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. DUBOIS (when his name was called). I wish to announce the pair of the senior Senator from New Jersey [Mr. SMITH] with the Senator from Utah [Mr. CANNON]. I vote "nay."

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. McBRIDE]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). Being paired with the senior Senator from Vermont [Mr. MORRILL], I transfer that pair to the senior Senator from South Carolina [Mr. IRBY] and record my vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. GALLINGER. I wish to announce the pair of my colleague [Mr. CHANDLER] with the junior Senator from New York [Mr. MURPHY]. My colleague is unavoidably absent from the Senate, and will be absent for several days.

Mr. PASCO. I announce, as before, the transfer of my pair with the Senator from Washington [Mr. WILSON] to the Senator from Indiana [Mr. VOORHEES], and I vote "yea."

I wish to state that the Senator from Mississippi [Mr. WALTHALL] is paired generally on all questions this afternoon with the Senator from Pennsylvania [Mr. CAMERON].

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

Mr. QUAY. I have a general pair with the Senator from Alabama [Mr. MORGAN]. Probably the junior Senator from Alabama [Mr. PUGH] can mention the views of his colleague upon this subject.

Mr. PUGH. I am able to state to the Senator from Pennsylvania that my colleague, if present, would vote "yea."

Mr. QUAY. Then I will vote. I vote "yea."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK] is absent, and is paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. BURROWS (after having voted in the affirmative). I withdraw my vote, as the senior Senator from Louisiana [Mr. CAFFERY], with whom I am paired, is not in his seat.

Mr. THURSTON. I transfer my pair to the Senator from Connecticut [Mr. HAWLEY] and vote "yea."

The result was announced—yeas 35, nays 20; as follows:

YEAS—35.

Allison,	Faulkner,	Lodge,	Roach,
Bacon,	Frye,	McMillan,	Sewell,
Baker,	Gallinger,	Mills,	Squire,
Bate,	Gear,	Mitchell, Wis.	Thurston,
Berry,	Gordon,	Palmer,	Vest,
Blackburn,	Gray,	Pasco,	Vilas,
Brice,	Harris,	Proctor,	Wetmore,
Cullom,	Hill,	Pugh,	White.
Daniel,	Lindsay,	Quay,	

NAYS—20.

Allen,	Chilton,	Mitchell, Oreg.	Shoup,
Brown,	Cockrell,	Nelson,	Stewart,
Butler,	Dubois,	Peffer,	Teller,
Call,	Hansbrough,	Perkins,	Warren,
Carter,	Mantle,	Pettigrew,	Wolcott.

NOT VOTING—34.

Aldrich,	Elkins,	Jones, Nev.	Sherman,
Blanchard,	George,	Kyle,	Smith,
Burrows,	Gibson,	McBride,	Tillman,
Caffery,	Gorman,	Martin,	Turpie,
Cameron,	Hale,	Morgan,	Voorhees,
Cannon,	Hawley,	Morrill,	Walthall,
Chandler,	Hoar,	Murphy,	Wilson.
Clark,	Irby,	Platt,	
Davis,	Jones, Ark.	Pritchard,	

So the amendment was agreed to.

Mr. VILAS. Mr. President, I desire to submit a motion to strike out the second and third paragraphs of this resolution, so as to leave the resolution stand upon the first paragraph, which undoubtedly comprehends all that is mentioned in the others as well.

Mr. STEWART. Has not that been done?

Mr. VILAS. It has not yet been done, but I suppose the Senator from Kansas will not object to its being done.

Mr. PEPPER. Mr. President, while I am of the opinion that the first paragraph of the resolution is sufficiently wide in scope to authorize the committee to go into all the facts and details that are material, yet, at the same time, in drawing the resolution I thought it well to be more specific. Senators will observe that in the first paragraph the language is:

To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury, etc.

"Generally;" but there is nothing to indicate that the committee is expected to go into details. Hence I thought in the draft of the resolution that it would be better to be more specific and to point out by way of suggestion, if for no other purpose, to the committee what lines of investigation the Senate desired the committee to pursue.

But, as I stated a moment ago, while I think the first paragraph covers all the ground that really need be covered after the discussion we have had here, still I prefer to have the resolution remain as it is, and especially when it goes to the Committee on Finance, instead of to a select committee. I assume that, instead of 13 members undertaking to make this investigation, it will be done by a subcommittee; that the report of the subcommittee will be submitted to the full committee, and that the action of the full committee will be made on the report of the subcommittee. Hence I still think that it will be better to leave the language just as it is.

Mr. VILAS. Mr. President, I should have supposed that the Senator would agree to my suggestion, inasmuch as he has agreed that the language of the first clause covers the whole subject.

Mr. PEPPER. I should have been willing to agree to that if the Senate had seen proper to intrust the investigation to a select committee.

Mr. VILAS. I see no reason to suppose that the Finance Committee will not intelligently interpret the instruction which is given by the Senate to the resolution.

Mr. PEPPER. If the Senator will allow me, the Senator from Georgia [Mr. GORDON] a little while ago made the same mistake, and he emphasized it with considerable fervor and gesticulation, that there must be something else that moved the author of the resolution than an honorable, fair, and equitable investigation. While that was not the language of the Senator, yet it was what he meant to say, and as we all understood it.

Now, I say, once for all, that I have no manner of objection to the Committee on Finance making this investigation. I make no imputation upon the character, the integrity, the intelligence, the honor, or the patriotism of any member of that committee, but it occurred to me, Mr. President, that with a cumbrous committee of 13 members, not chosen and appointed for the special purpose of making investigations of transactions in the Executive Departments, but for other purposes connected with the body here, as one of the arms of the body, so to speak, it would be less liable to make this investigation thorough and complete as the public demand, if there is a public demand, expects that it will be done.

More than that, Mr. President, that committee has remained perfectly silent during all of these peculiar bond transactions which this resolution proposes to investigate, saying not one word; and one of the members of the committee upon this floor—and I do not know but others, but one particularly—gave it as his opinion that the members of the Administration had done exactly right; had done just what he thought they ought to do. The committee, I say, sat silently by, seeing all these things, noticing the clamor in the newspapers and the scandal that was being published broadcast over the country, saying not a word; and it seemed to me that a body so inert, that required so much to move it as our Finance Committee, would probably not be so zealous, so earnest, and so thorough in the investigation of this unusual transaction of the executive department as a special committee, specially commissioned for that particular purpose, to go out and do thus and so. That was the view I had in my mind.

One other word, and that is all I have to say. It has been assumed by the Senator from New York—and probably from his eloquence by others—that this resolution is from the incubation of Populism, if I may use that expression; in other words, that it was the result of a conference and caucus among Populist Senators. I want to disabuse the mind of the Senator from New York and that of all other Senators here on that subject. The Populist Senators, as such, have had no more to do with the preparation and presentation of that resolution than had the Senator from New York. It was my own product exclusively, and no living soul saw it until within just a few minutes before it was offered to the Senate, and then I showed it to the Senator from Nebraska [Mr. ALLEN], who had hardly time to read one-half of it until he handed it back to me, and I offered it to the Senate, and whatever there is in it to be censured or approved I am responsible for.

Mr. VILAS. Mr. President, I had hoped that if we could re-

move from this resolution one or two of those details which are unnecessary and leave the resolution just as the Senator from Kansas says it ought to be, we might have an end of it. I hoped for that reason, among others, that he would readily agree to the suggestion, and, indeed, I expected that he would, and that there would be no occasion to present my reasons in support of my motion. Indeed, what he states is a sufficient reason for the adoption of the motion, because, if it be true, as the Senator from Kansas concedes, that the first paragraph of this resolution comprehends all the various details which are set out at some length in the second and third paragraphs, I think it is true that there ought to be no occasion to direct specifically a committee like the Committee on Finance, which is abundantly directed generally in the first paragraph of the resolution.

It ought to be further said, too, that there is a certain risk if you begin with a general declaration, intending thereby to impose a comprehensive view, which shall require the committee to pursue whatever path the investigation may itself indicate to them, you do, by giving them specific and limited directions afterwards in a certain sense limit and restrict them to pursue those particular points. If Senators notice the several things mentioned in the second paragraph, it seems to me it will occur to everyone at once that it is mere surplusage to repeat them in the resolution.

Mr. STEWART. Read them.

Mr. VILAS. I will read the second paragraph.

Mr. HILL. Will the Senator read the first paragraph? There are several Senators here who wish to hear the first paragraph read. I ask the Senator to read the first paragraph as amended.

Mr. VILAS. The first paragraph is not amended. The declaration part of the resolution has been amended; so that it reads:

That the Committee on Finance is directed, etc.

The first paragraph of that declaration, unchanged as it was introduced by the Senator from Kansas, is:

First. To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Now, take the second paragraph:

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale.

Necessarily one of the facts and circumstances connected with the bond investigation.

Mr. MITCHELL of Oregon. Necessarily?

Mr. VILAS. Yes; necessarily.

Second—

Whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale.

The very reason upon which the bonds were sold.

Third (these enumerations of paragraphs are my own)—

What obligations were due at that time and the amount of each, stated separately.

Fourth—

What was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made.

Fifth—

And by what persons or classes of persons and for what purpose or on what account such withdrawals were made.

Sixth—

Who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions.

And seventh—

And from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time, and what effect the bond sales had on the credit and business of the people of the United States.

That is the whole of the second paragraph. If a committee were to investigate intelligently the subject committed to them generally to pursue and inquire about under that first resolution, how could they possibly omit any circumstance?

Now take the third paragraph. This embraces one thing which seems to me ought not to be embraced. If we were to repeat these specific directions in addition to the general directions, one of them ought to be omitted; but as it is all comprehended except that one, perhaps the better way is to strike them all out.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds—

Of course necessarily involved in every circumstance—and the profits made—

Now, here is one clause embraced in these words—

or to be made by such syndicate, or any person or persons connected with such syndicate, directly or indirectly.

Mr. President, it does seem to me quite ridiculous to charge the Committee on Finance with an investigation or with an inquiry into what profits are "to be made" by any syndicate out of their having purchased bonds in the past. It is a speculative inquiry, which it would be better to omit from the resolution. It is the only indication of an inquiry in the whole specification of particular inquiries which, it seems to me, would not immediately occur to every member of the Committee on Finance as within the duty charged upon him by the first resolution. There is added to it—whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Which is mere repetition. It seems to me that we do harm to the resolution by adding these particular and specific directions. We had better leave it to a committee instructed to pursue the inquiry, a committee like the Committee on Finance, into all material facts and circumstances. Some new lines may be opened up by them as they make inquiries which are not mentioned in the specific suggestion in the second and third parts of the resolution; and as the first part is enough, it is not even becoming in us to repeat and specify more particularly the directions. That is all there was in my mind on the subject, and I did not expect to have said half so much by way of interposing what seems to me the plain propriety of this motion, because I supposed it would have been assented to.

Mr. VEST. Mr. President, I have no disposition to discuss this resolution or the amendments to it, but when the Senator from Kansas [Mr. PEPPER] attacks the Committee on Finance for inertness it seems to me he makes a charge which is utterly unfounded. I do not think it was the duty of that committee, without any action on the part of the Senate, to take this matter up in regard to the sale of these bonds; but speaking for myself, as a member of that committee, I desire to state that, although the other day as a matter of courtesy to the Senator from Kansas I voted to take up his resolution, though the river and harbor bill was then pending and I was a member of the Commerce Committee, which had reported it, I did not then mean to state—and I distinctly want that understood now—that I believed there was any necessity for this investigation by any committee.

The intelligent portion of the people of the United States know all the facts connected with these bond sales. The real essence of the whole matter lies in the policy of the Administration. There is no man in this country who is worthy to cast his ballot at an election who does not know why these bond sales were made and how they were made. If the Administration believed honestly, as it doubtless did, that the gold standard must be preserved, their only way to do it was by the sale of bonds. I differ in toto with the Administration upon that question; but a further explanation of my opinions in regard to that would involve the whole financial question.

As to the details of this investigation, I desire to say that, as a member of the Committee on Finance, whatever may be my opinion as to the necessity for it, I shall honestly act as the agent of the Senate in making that investigation, and I shall not stand upon any technical terms or phrases contained in the resolution. I understand the Senate to mean that this whole proceeding is to be investigated. Let me say to the Senator from Kansas that this resolution, in whatever form it comes to the committee, will not be pigeonholed and die in that committee. There will be a report upon it, full, ample, with all the information that the committee can possibly obtain.

It is unjust to the Committee on Finance, whose chairman is absent this afternoon, to charge that we have been guilty of any neglect of duty or any inertness, as the Senator expressed it. That committee is up with its docket; it has discharged all the duties imposed upon it, and will continue to do so; and I undertake to say, although not authorized to do so by any other member of the committee, that not one of us will be disposed to shirk the duty imposed by this resolution in any form.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Wisconsin [Mr. VILAS] to the resolution of the Senator from Kansas [Mr. PEPPER], which will be stated.

The SECRETARY. It is proposed to strike out the second and third clauses of the resolution, in the following words:

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury, at the time the bonds were sold or offered for sale; whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale; what obligations were due at that time and the amount of each, stated separately; what was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made, and by what persons or classes of persons and for what purpose or on what account such withdrawals were made; who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time, and what effect the bond sales had on the credit and business of the people of the United States.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds, and the profits made or to be made by such syndicate, or any person or persons connected with such syndicate, directly or indirectly; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Mr. FAULKNER. I ask the Secretary to read the resolution as it will stand if amended under the motion of the Senator from Wisconsin [Mr. VILAS].

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

Resolved, That the Committee on Finance shall be directed to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. VILAS].

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I will transfer my pair to the Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "nay."

Mr. DUBOIS (when his name was called). I announce the pair of the senior Senator from New Jersey [Mr. SMITH] with the Senator from Utah [Mr. CANNON]. That enables me to vote, and I vote "nay."

Mr. HARRIS (when his name was called). Being paired with the senior Senator from Vermont [Mr. MORRILL], I transfer my pair to the senior Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL], who, I notice, has not voted on this question. If he were here, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. I will transfer my pair to the Senator from Connecticut [Mr. HAWLEY], and vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. MILLS], who is not otherwise paired on this vote, and I therefore withdraw my vote.

The result was announced—yeas 7, nays 44; as follows:

YEAS—7.			
Brice, Faulkner,	Gordon, Gray,	Hill, Palmer,	Vilas.
NAYS—44.			
Allen, Allison, Bacon, Baker, Bate, Berry, Blackburn, Brown, Burrows, Butler, Carter,	Chilton, Cockrell, Cullom, Daniel, Dubois, Frye, Gear, George, Hansbrough, Harris, Jones, Nev.	Lindsay, Lodge, McBride, McMillan, Mantle, Mitchell, Oreg. Nelson, Pasco, Pepper, Perkins, Pettigrew,	Pugh, Shoup, Squire, Stewart, Teller, Thurston, Vest, Warren, Wetmore, White, Wolcott.
NOT VOTING—38.			
Aldrich, Blanchard, Caffery, Call, Cameron, Cannon, Chandler, Clark, Davis, Elkins,	Gallinger, Gibson, Gorman, Hale, Hawley, Hoar, Irby, Jones, Ark. Kyle, Martin,	Mills, Mitchell, Wis. Morgan, Morrill, Murphy, Platt, Pritchard, Proctor, Quay, Roach,	Sewell, Sherman, Smith, Tillman, Turpie, Voorhees, Walthall, Wilson.

So the amendment was rejected.

The VICE-PRESIDENT. The question now is upon agreeing to the resolution as amended.

Mr. HILL. Mr. President—

Mr. VILAS. Does the Senator from New York desire to go on to-night?

Mr. HILL. I wish to say a word. While I am gratified at the action of the Senate in changing the form of the resolution,

dispensing with the appointment of a special committee and directing the Finance Committee to make the investigation, I am, of course, as I stated at the outset, opposed to any investigation whatever. I was willing to suspend my remarks at the suggestion of several Senators to enable a vote to be taken on this test question. I desire to assure the Senate that I shall not detain it very long, but I have marked out for myself some things which I desire to say. I do not desire, unless it is the pleasure of the Senate, to complete my remarks to-night, but I shall be able to conclude them within an hour to-morrow. I will then finish what I have to say upon this question, and the Senate may, so far as I am concerned, take a vote.

Mr. PEPPER. I think that if the Senator from New York can conclude his remarks in the course of an hour, he ought to be able to do so to-night. He has had a good deal of rest this afternoon, and Senators are very anxious to dispose of the resolution. I hope the Senator from New York will proceed.

Mr. HILL. It is immaterial to me. Then I will go on.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. Will not the Senator from Wisconsin let me ask the Senate to go on with the river and harbor bill?

Mr. VILAS. Yes; if the Senate will agree to that course.

Mr. HILL. I am entirely agreeable to anything.

Mr. GRAY. Let us take a recess.

Mr. HILL. The contest is substantially over, and I wish to conclude my remarks in form and shape.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin [Mr. VILAS] that the Senate proceed to the consideration of executive business.

Mr. FRYE. I understood the Senator from Wisconsin to yield to me to call up the river and harbor bill.

Mr. VEST. I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri [Mr. VEST] that the Senate adjourn.

Mr. ALLISON. On that I ask for the yeas and nays.

The VICE-PRESIDENT. The Chair will state, in order that there may be no misunderstanding—

Mr. ALLISON. I ask the Senator from Missouri to withdraw his motion for a moment.

Mr. VEST. Certainly.

Mr. ALLISON. I should like to state to the Senator from New York and to other Senators that if we can have an understanding that a vote upon this question shall be taken at some reasonable hour to-morrow, early in the day, I shall not object to an adjournment at this time. The Senator from New York states that he desires to occupy an hour.

Mr. PUGH. The Senator said he could conclude his remarks within an hour.

Mr. ALLISON. I hope to take up the resolution immediately after the routine business in the morning, and allow the Senator from New York to complete his observations, which he certainly can do in an hour and a half. I presume that no other Senator will desire to speak. If that be true, we can vote—

Mr. FRYE. At half past 1 o'clock.

Mr. ALLISON. I ask unanimous consent that we may take a vote upon the resolution at 2 o'clock to-morrow.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Iowa.

Mr. HILL. Let me say a word. It is immaterial to me. I would just as lief go on now—

Mr. STEWART. I object to the request.

Mr. HILL. And close the discussion to-night, so far as I am concerned. It is just as convenient to me.

Mr. STEWART. That is right.

Mr. FRYE. Let us close the discussion to-night.

Mr. HILL. I will proceed and will close the discussion to-night.

Mr. BLACKBURN. Let us do that.

Mr. FRYE. All right.

The VICE-PRESIDENT. Does the Senator from Missouri withdraw his motion?

Mr. VEST. I do.

Mr. HILL. I am as anxious to reach the river and harbor bill, although New York has not very much in it, as any other Senator. Therefore I will not unnecessarily detain the Senate.

Mr. BLACKBURN. Now let us go on.

Mr. ALLISON. I believe it is now understood that we shall take a vote upon the question to-night before adjournment. I only mention it at this time because some Senators will soon leave the Chamber unless that is understood.

Mr. HILL. I have not the slightest objection to that course.

Mr. FRYE. Let us vote to-night.

Mr. GRAY. Let us go on.

Mr. HILL. Of course I can not control other Senators.

Mr. President, it is unnecessary that I should refer to the speech of the distinguished Senator from Florida [Mr. CALL] who spoke

in favor of the proposed investigation. I simply wish to call the attention of the Senate to the fact that to-day it referred a resolution to investigate the election of members of Congress in the State of Florida to a standing committee of the Senate rather than summarily order an investigation; and yet in reference to a question involving a hundred million dollars the Senate proposes to proceed immediately and summarily in ordering an investigation.

When I was interrupted and yielded to the Senator from Florida [Mr. CALL], I was speaking upon the fact that history was repeating itself. I wish now to read a letter from the agent of the Nevada Bank of San Francisco to Mr. Sherman, dated New York, December 21, 1878:

AGENCY OF THE NEVADA BANK OF SAN FRANCISCO,
New York, December 21, 1878.

DEAR SIR: We received at noon your favor of yesterday's date, with the following closing remarks:

"It should be understood by yourselves and by the bank that while there is little doubt that the money will remain on deposit until the maturity of the seventy-fifth call, yet the Department must reserve the right, without qualification or condition, to draw the money out at any time."

We very much regret that this proviso has now been interposed, because in our previous correspondence with your good self relative to this subscription we find nothing that would lead us to expect it.

On the 18th instant we inquired by telegraph if we could subscribe "with privilege of three months in which to settle for same," to which you replied on the same day by telegraph: "Can not under the law accept your offer. Can only accept subscription as per circular, the terms of which are as favorable to you as your offer. See letter." And the letter referred to covers the circular of August 1, 1878, which distinctly authorizes designated depositaries to retain the subscription money until the call of the corresponding 6 per cent bonds matures, ninety days hence, and closes with these words: "I hope you will make the subscription on these terms."

Thus you will perceive that not a word in your telegram or letter indicated that you would reserve the right to call for the money before the expiration of the ninety days, and we felt perfectly justified in telegraphing our head office on the 19th: "Just received letter Secretary Treasury conceding three months' time if subscription made through depositary."

We now beg to confirm the following telegram which we sent you upon receipt of yesterday's communication:

"Yesterday's letter received. In accordance with yours of the 18th, and August circular therewith inclosed, we subscribed for million bonds, understanding that ninety days' privilege was unquestionably granted. If any doubts exist on this point, we fear our head office will prefer to cancel subscription. Kindly reply promptly."

Very respectfully, yours,

C. T. CHRISTENSEN, Agent.

P. S.—2.15 p. m.—We are this moment in receipt of your telegram, as follows: "The money will remain on deposit, as stated, ninety days, but this is only done by reason of the misapprehension into which you have fallen in making the subscription, and must not stand as a precedent."

Very respectfully,

C. T. CHRISTENSEN, Agent.

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

I wish to show from this letter that in 1878 as now there were complaints in reference to bids; that banks and individuals were complaining of the Secretary of the Treasury that they had not been treated properly and rightly in reference to the award of bids. That is the only point I make, namely, to show that there is nothing new in these allegations, but that all during the resumption period there were complaints by bankers and others.

Mr. HARRIS. Will the Senator from New York allow me to ask—

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. HILL. Certainly.

Mr. HARRIS. I wish to suggest that an hour from now we will not have a voting quorum on this floor. If we can come to an agreement to take a vote not later than 2 o'clock to-morrow, giving the Senator from New York an opportunity to conclude his remarks to-morrow morning, I think it would be the wiser policy, and with his permission I will ask unanimous consent for such an agreement.

Mr. HILL. To take a vote when?

Mr. HARRIS. To take the final vote on the resolution not later than 2 o'clock to-morrow.

Mr. HILL. That is satisfactory, so far as I am concerned.

Mr. HARRIS. I ask unanimous consent for such an agreement.

Mr. DUBOIS. I do not desire to object, but I think a Senator who has left the Chamber would object to such an arrangement. Can the Senator not fix the time at 4 o'clock? We will go ahead with business and vote at 4 o'clock, and the Senator from New York can conclude at 2 o'clock.

Mr. FAULKNER. Why not modify the request for unanimous consent by asking for a vote at 2 o'clock, or sooner, if the debate is concluded?

Mr. HARRIS. If I can get a unanimous-consent agreement to take the final vote at any hour named to-morrow, it will suit me.

Mr. DUBOIS. Say 4 o'clock.

The PRESIDING OFFICER. What hour was designated by the Senator from Tennessee?

Mr. HARRIS. I designated 2 o'clock, but other Senators suggested other hours. The earlier the hour the better it suits me.

Mr. DUBOIS. I suggest 4 o'clock.

Mr. HARRIS. Then I ask unanimous consent that the final vote on the resolution shall be taken not later than 4 o'clock to-morrow.

Mr. DANIEL. Make it 2 o'clock.

Mr. HILL. I would suggest 3 o'clock. The Senator from Maine [Mr. FRYE] can go on with the river and harbor bill for an hour, and I will finish at 3 o'clock. If I do not conclude by that time you can have the vote.

Mr. WHITE. I desire to inquire of the Senator from Idaho whether he is aware that any other Senator desires to be heard upon this subject?

Mr. DUBOIS. I am not certain about it.

Mr. WHITE. Of course I would not be a party to any agreement that would exclude any Senator who has left here with—

Mr. DUBOIS. As I said, a Senator left the Chamber who would object to taking a vote at 2 o'clock. I am willing to make it 4 o'clock. The Senator from New York can conclude his remarks at 2 o'clock. Then if no one wants to speak we can go on with the river and harbor bill, and vote on the resolution at 4 o'clock.

Mr. HILL. When do I begin?

Mr. HARRIS. Immediately after the routine business to-morrow morning. I make this distinct proposition—

Mr. HILL. Say 4 o'clock. If I conclude sooner—

Mr. HARRIS. That immediately after the routine morning business to-morrow the resolution shall be taken up.

Mr. HILL. At what hour?

Mr. HARRIS. Immediately after the routine morning business to-morrow morning the resolution shall be taken up—

Mr. HILL. I do not know exactly when that will be, but I do not object.

Mr. HARRIS. And that the final vote shall be taken not later than 4 o'clock to-morrow.

The PRESIDING OFFICER. Senators have heard the request of the Senator from Tennessee for unanimous consent. Is there objection?

Mr. ALLEN. I observe that the Senator from Kansas [Mr. PEPPER] is temporarily absent from the Chamber. I suppose he will be here in a moment or so.

Mr. TELLER. I think we ought to wait until he comes in.

Mr. ALLEN. I do not think a unanimous-consent agreement ought to be made until the Senator from Kansas comes into the Chamber.

Mr. TELLER. I think not.

Mr. PEPPER entered the Chamber.

Mr. HARRIS. The Senator from Kansas was absent when I made my request a while ago. I call the attention of the Senator from Kansas to the fact that I have just asked unanimous consent that the pending resolution shall be taken up immediately after the routine morning business to-morrow and that the final vote shall be taken upon the resolution not later than 4 o'clock to-morrow.

Mr. PEPPER. If that is satisfactory to the members of the Appropriations Committee it will be satisfactory to me.

Mr. ALLISON. It is not quite satisfactory, but we will abide by it.

Mr. HARRIS. If it is just barely satisfactory—

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee [Mr. HARRIS]? The Chair hears none, and it is so ordered.

WILLIAM GRAY.

Mr. TELLER. I ask unanimous consent that the Committee on Finance be discharged from the further consideration of the bill (H. R. 953) for the relief of William Gray.

The PRESIDING OFFICER. Is there objection? The chair hears none.

Mr. TELLER. The bill involves the small sum of \$174, and I ask that it may be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of \$174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the Department issued to him Treasury pay warrant No. 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of the claimant without his authority or knowledge, and for which he has never received any return or benefit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 7, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 6, 1896.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. William John Lyster, Twenty-first Infantry, to be colonel, May 1, 1896, vice Bartlett, Ninth Infantry, retired from active service.

Maj. Chambers McKibbin, Twenty-fifth Infantry, to be lieutenant-colonel, May 1, 1896, vice Lyster, Twenty-first Infantry, promoted.

Capt. Mott Hooton, Twenty-second Infantry, to be major, May 1, 1896, vice McKibbin, Twenty-fifth Infantry, promoted.

First Lieut. Frank Beall Jones, Twenty-second Infantry, to be captain, May 1, 1896, vice Hooton, Twenty-second Infantry, promoted.

Second Lieut. Wilson Chase, Twentieth Infantry, to be first lieutenant, May 1, 1896, vice Jones, Twenty-second Infantry, promoted.

PROMOTION IN THE NAVY.

Assistant Engineer William W. Bush, to be a passed assistant engineer in the Navy, from the 28th of March, 1896, vice Passed Assistant Engineer Albert B. Willits, promoted.

POSTMASTERS.

Walter B. Woodward, to be postmaster at Two Harbors, in the county of Lake and State of Minnesota, in the place of Martial Filiatrault, deceased.

Edward H. Chase, to be postmaster at Dexter, in the county of Penobscot and State of Maine, in the place of Nathan F. Roberts, whose commission expired April 4, 1896.

Fred M. Noyes, to be postmaster at Gardiner, in the county of Kennebec and State of Maine, in the place of Fred E. Milliken, whose commission expired April 18, 1896.

Mark A. Drane, to be postmaster at Charleston, in the county of Mississippi and State of Missouri, in the place of Lowery Hay, deceased.

Charles McCray, to be postmaster at Ash Grove, in the county of Greene and State of Missouri, in the place of William Comegys, whose commission expired January 19, 1896.

Sylvester H. Day, to be postmaster at Carson City, in the county of Ormsby and State of Nevada, in the place of George H. Bell, removed.

Jacob H. Fank, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey, in the place of William O. Labagh, whose commission expires May 9, 1896.

Giles M. Stoddard, to be postmaster at Groton, in the county of Tompkins and State of New York, in the place of Eugene A. Marsh, whose commission expired February 29, 1896.

John Q. Baker, to be postmaster at Middletown, in the county of Butler and State of Ohio, in the place of Charles E. Barnett, whose commission will expire May 20, 1896.

Henry F. Shannon, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio, in the place of Charles J. Wheeler, whose commission expired April 23, 1896.

Amos Kendall Jones, to be postmaster at Union, in the county of Union and State of Oregon, in the place of James Raymond, whose commission expired December 17, 1895.

Henry Miller, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania, in the place of John B. S. Zeller, whose commission expired April 8, 1896.

Benjamin Steward, to be postmaster at Birdsboro, in the county of Berks and State of Pennsylvania, in the place of Lewis R. Bland, whose commission will expire May 9, 1896.

William H. Chapman, to be postmaster at Farmersville, in the county of Collin and State of Texas, in the place of William N. Merritt, whose commission expired December 17, 1895.

Lewis W. Christian, to be postmaster at Weatherford, in the county of Parker and State of Texas, in the place of Charles R. Van Giesen, whose commission expired April 18, 1896.

James Tiernan, to be postmaster at Fort Howard, in the county of Brown and State of Wisconsin, in the place of Andrew E. Elmore, whose commission expired March 21, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1896.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

First Lieut. Harry Taylor, to be captain.

First Lieut. William Luther Sibert, to be captain.

Second Lieut. Charles Patton Echols, to be first lieutenant.

Second Lieut. James Francis McIndoe, to be first lieutenant.

Infantry arm.

First Lieut. James Alexander Leyden, Fourth Infantry, to be captain.

Second Lieut. Percival Greene Lowe, Eighteenth Infantry, to be first lieutenant.
Second Lieut. John Moore Sigworth, Tenth Infantry, to be first lieutenant.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Samuel E. Maguire, of Louisiana, to be a captain.
Second Lieut. James H. Brown, of the District of Columbia, to be a first lieutenant.

REGISTER OF THE LAND OFFICE.

Edwin E. Sluder, of Santa Fe, N. Mex., to be register of the land office at Las Cruces, N. Mex.

POSTMASTERS.

Patrick H. McGrath, to be postmaster at Roncerverte, in the county of Greenbrier and State of West Virginia.

William J. Flynn, to be postmaster at Staples, in the county of Todd and State of Minnesota.

Lois Martin, to be postmaster at Pella, in the county of Marion and State of Iowa.

Michael J. Toher, to be postmaster at Owatonna, in the county of Steele and State of Minnesota.

Thomas M. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota.

Duncan G. Campbell, to be postmaster at Rockford, in the county of Floyd and State of Iowa.

John W. Irwin, to be postmaster at New Sharon, in the county of Mahaska and State of Iowa.

L. S. Kennington, to be postmaster at Newton, in the county of Jasper and State of Iowa.

E. F. Bogert, to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania.

Thomas H. Tulley, to be postmaster at Silverton, in the county of San Juan and State of Colorado.

Charles L. Pohe, to be postmaster at Catawissa, in the county of Columbia and State of Pennsylvania.

William H. Klie, to be postmaster at Cambridgeboro, in the county of Crawford and State of Pennsylvania.

Herman A. Kohuke, to be postmaster at Hammond, in the county of Tangipahoa and State of Louisiana.

Landrum Padgett, to be postmaster at Pelzer, in the county of Anderson and State of South Carolina.

James A. Crow, to be postmaster at Plano, in the county of Collin and State of Texas.

John T. Baldwin, to be postmaster at Hennessey, in the county of Kingfisher and Territory of Oklahoma.

Richard H. Smith, jr., to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina.

WITHDRAWALS.

Executive nominations withdrawn May 6, 1896.

Capt. Allen V. Reed, to be a commodore in the Navy.
Commander Francis A. Cook, to be a captain in the Navy.
Lieut. Commander Charles T. Hutchins, to be a commander in the Navy.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 6, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private of Company F, One hundred and sixtieth New York Volunteers;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 3018) to amend an act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes;

A bill (H. R. 4887) granting a pension to Sarah G. Ives; and

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers, asked a conference with

the House on the bill and amendment; and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. ROACH as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the concurrent resolution authorizing the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, etc., to sit during the recess of Congress for the purpose of inquiring into the condition of the Congressional Library, etc.

The message also announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood;

A bill (S. 1741) to authorize the Muscogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes;

A bill (S. 581) for the relief of the legal representatives of Hiram Somerville;

A bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis;

A bill (S. 2828) granting an increase of pension to Samuel E. Liscom;

A bill (S. 2829) granting a pension to Plumy E. Marden;

A bill (S. 2787) granting a pension to Simpson Everett Stilwell;

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve;

A bill (S. 2542) granting a pension to Stephen Maines;

A bill (S. 536) granting an increase of pension to Samantha Barnes;

A bill (S. 527) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon;

A bill (S. 2430) granting a pension to James W. Whitney;

A bill (S. 2428) granting an increase of pension to Jacob P. Fletcher;

A bill (S. 2341) granting a pension to George E. Tuttle;

A bill (S. 2158) granting a pension to Abraham Rhodes;

A bill (S. 2441) granting a pension to George D. Noble;

A bill (S. 2077) granting a pension to Richard T. Seltzer;

A bill (S. 1465) granting an increase of pension to Elijah A. Gilbert;

A bill (S. 2822) to increase the pension of Theodore V. Purdy;

A bill (S. 1857) granting a pension to Nathan Mitchell;

A bill (S. 2729) granting a pension to Emma Weir Casey; and

A bill (S. 2601) granting a pension to Ambrose B. Carlton.

The message also announced that the Senate had passed with amendments the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California, asked a conference with the House on the bill and amendments; and had appointed Mr. DUBOIS, Mr. PETTIGREW, and Mr. PASCO as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes;

A bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States; and

A bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased.

The message also announced that the Senate had passed with amendment the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve, asked a conference with the House on the bill and amendment; and had appointed Mr. FRYE, Mr. SQUIRE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of James Shields, 16,500 copies, of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and 500 each for use and distribution by the governors of Illinois, Minnesota, and Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue, to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2542) granting a pension to Stephen Maines—to the Committee on Invalid Pensions.

A bill (S. 2601) granting an increase of pension to Ambrose B. Carlton—to the Committee on Pensions.

A bill (S. 536) granting an increase of pension to Samantha Barnes—to the Committee on Invalid Pensions.

A bill (S. 1465) granting an increase of pension to Elijah A. Gilbert—to the Committee on Invalid Pensions.

A bill (S. 1857) granting a pension to Nathan Mitchell—to the Committee on Pensions.

A bill (S. 2077) granting a pension to Richard T. Seltzer—to the Committee on Invalid Pensions.

A bill (S. 2158) granting an increase of pension to Abraham Rhodes—to the Committee on Invalid Pensions.

A bill (S. 2341) granting a pension to George E. Tuttle—to the Committee on Invalid Pensions.

A bill (S. 2428) granting an increase of pension to Jacob P. Fletcher—to the Committee on Invalid Pensions.

A bill (S. 2430) granting a pension to James W. Whitney—to the Committee on Invalid Pensions.

A bill (S. 2441) granting a pension to George D. Noble—to the Committee on Invalid Pensions.

A bill (S. 2829) granting a pension to Plumy E. Marden—to the Committee on Pensions.

A bill (S. 2828) granting an increase of pension to Samuel E. Liscom—to the Committee on Invalid Pensions.

A bill (S. 2321) for the relief of settlers on the Northern Pacific Railroad indemnity lands—to the Committee on the Public Lands.

A bill (S. 1367) for the relief of the heirs of Jacob R. Davis—to the Committee on Claims.

A bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California, with Senate amendments—to the Committee on the Public Lands.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of James Shields; 16,000 copies shall be for the use of the Senate, and 10,000 for the use of the House of Representatives, and 500 each for use and distribution by the governors of Illinois, Minnesota, and Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue, to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing—

To the Committee on Printing.

FINAL ADJOURNMENT OF CONGRESS.

Mr. DINGLEY. By instruction of the Committee on Ways and Means, I present a privileged resolution relative to final adjournment.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Monday, the 18th day of May, at 2 o'clock p. m.

[Applause.]

Mr. DINGLEY. On that resolution I move the previous question.

Mr. WHEELER. Mr. Speaker, is not this question debatable? Mr. DINGLEY. I have felt that under the circumstances, this day having been set apart for the business of another committee, I ought to move the previous question.

Mr. WHEELER. Will not my colleague on the committee consent to put off action on this resolution until to-morrow, and then have debate upon it? There is, I think, great division of opinion upon this subject.

Mr. DINGLEY. I think there is a practically unanimous desire that there should be no debate.

The previous question was ordered.

The SPEAKER. The question is now on agreeing to the resolution.

Mr. WHEELER. Mr. Speaker, the previous question having been ordered, is it not true that under the rule a debate of twenty minutes is allowed on each side?

The SPEAKER. The Chair has the impression that, strictly speaking, debate has been had between the gentleman from Alabama [Mr. WHEELER] and the gentleman from Maine [Mr. DINGLEY].

Mr. WHEELER. I simply asked that the resolution lie over until to-morrow. Under the rules, Mr. Speaker, we are entitled to debate. I should like, as a member of the committee, to occupy a few minutes.

The SPEAKER. The Chair does not like to rule very sharply upon such a question as this, although it has been ruled once or twice, upon less debate than has occurred in this case, that the previous question cut off further debate. The Chair hopes that the gentleman from Alabama will not press the point.

Mr. WHEELER. I will not insist upon twenty minutes, but should like to have five minutes.

Mr. DINGLEY. In view of the fact that this day has been set apart by a special rule for the business of another committee, I have felt that we ought not to occupy any time with debate on this resolution. But I ask unanimous consent that the gentleman from Alabama [Mr. WHEELER] be allowed five minutes.

There was no objection.

Mr. WHEELER. Mr. Speaker, during the canvass of November, 1894, the Republican party most solemnly pledged that if intrusted with power they would enact all necessary legislation to relieve the people from the depression under which the country was suffering.

Mr. MILLIKEN. Caused by the Democratic party being in power.

Mr. WHEELER. No, sir; the four years of unbridled Republican rule, which terminated on March 4, 1893, bequeathed to Mr. Cleveland's Administration a prostrate country, an empty Treasury, and a discreditable public service.

The country was like a drunkard after a long debauch.

On March 4 Mr. Cleveland suddenly checked this condition, and as withholding stimulant from the slave to drink is followed by lassitude, so a somewhat similar effect followed the halt called by Mr. Cleveland in the practices which had characterized the administration of affairs since he left the helm of state on March 4, 1889.

Mr. Cleveland found \$117,927,395 of net gold in the Treasury in March, 1885, and in four years of Democratic silver-coinage administration we increased the net gold in the Treasury to \$218,818,253, which Mr. Cleveland turned over to President Harrison on March 4, 1889, and when Mr. Cleveland relieved President Harrison, in March, 1893, he found the net gold was only \$103,284,219.

Under a silver-coinage Democratic Administration gold steadily flowed to our country, and under the Republican silver-demonetizing Administration which succeeded the tide was turned and gold flowed from our country to the four corners of the earth.

Mr. Cleveland left a balance of profitable trade in our favor, and he found, after four years of Republican rule, the balance of trade and the tide of prosperity turned fearfully against us.

He left a tariff which taxed the people 47 per cent, and he found one which increased the tax to an average of 60 per cent and a tax of 120 per cent on the necessities of life which the wage worker is compelled to buy. He left a country in the boom of prosperity, the result of his wise Administration from 1885 to 1889, and in 1893, after four years of Republican rule, he found it in poverty and distress, shrinking commerce, falling prices, reduced revenues, and paralyzed industries.

Before Mr. Cleveland had fairly taken the reins of Government the Republican party commenced the exercise of all its power to attribute the existing evils to Mr. Cleveland and his Administration.

This was the battle cry in the campaign of 1894, and they promised, if intrusted with the control of Congress, that every evil would be remedied, prosperity restored, and the country again made happy.

Under this pledge the people gave them a majority of 150 in the House and a decided plurality in the Senate.

The question before the American people is, Has that promise been redeemed?

I reply that the history of the world does not show another instance of such utter disregard of the promises by virtue of which a party was intrusted with position and power.

You have not the poor, threadbare excuse that you were obstructed in your efforts by filibustering Democrats, because no such action in a single instance has been even attempted.

You can not say that as the session advanced your wisdom admonished you that it would not be sagacious to comply with your pledges to the people, because the first utterance of your great, your distinguished, trusted, and worshiped leader announced that nothing would be done, and this was certainly an announcement and a confession that all of the promises made by the Republican party would be violated.

In his inaugural address when Congress convened, in his first utterance as to the proposed Republican policy, Speaker REED said:

If we do something which for the moment seems inadequate, it may be that time, which has justified itself of us on many occasions, may do so again.

This expression was understood to mean that nonaction on the part of a majority of this House would be approved by the people, and this was corroborated by the following expression, which was widely published as his utterance:

If we received the applause of the country for what we did in the Fifty-first Congress, we may receive applause for what we do not do in this Congress.

I hold in my hand a newspaper account of the Republican caucus of April 11. It seems very clear from its statements that the Republicans were quite unanimous in their determination not to allow the enactment of any general legislation. The newspaper account says:

Speaker REED was not present, but Mr. DINGLEY spoke, outlining the views upon general legislation held by the leaders of the House.

The account then says:

The general tendency of his (DINGLEY'S) advice was that the Republicans should use every endeavor to bring about an early adjournment of Congress; to adjourn, if possible, within a month, as soon as the appropriation bills could be passed by both Houses.

This shows that the first day the House met your greatest leader announced that the policy of the Republican party was not to enact legislation.

It shows that prior to April 11 the Republican leaders had determined upon an early adjournment, to adjourn as soon as the appropriation bills could be passed; and that determination on the part of the leaders has been repeatedly manifested, and not a semblance of honest effort has been made to enact legislation for the benefit of the people.

Mr. Speaker, is not this policy the grossest violation of the pledges made by the Republicans to the people in the election two years ago? With no legislation accomplished for the benefit of the people, with bills introduced and pending which should be considered by the House and which would give relief to the people, the great Republican majority propose to abandon their post, to fly from their duty, and to escape in this way the just responsibility which rests upon their heads. Is not this action like that of soldiers who fly from the field of battle? Is it not like sentinels guarding important trusts abandoning their duty? In my opinion, not a single honest effort has been made by the Republican majority to relieve the people from the thralldom under which they are suffering. Instead of reducing taxes you have used your best efforts to raise them.

Every measure you have presented to the House upon this question has been to raise taxation and sorely add to the people's burdens.

I read from the Scriptures the fate of the raiser of taxes. I find in Daniel xi, 20, that—

Then shall stand up in his estate a raiser of taxes, * * * but within a few days he shall be destroyed.

That, Mr. Speaker, will be the fate of a party who desert their posts and are false to the people. They will receive the execration of the people, as a soldier who runs from battle or a sentinel who leaves the post at which he has been placed intrusted with the honor and defense of the people. I hope that every member of this House who loves the people, who feels the responsibility of his obligation, who feels that his pledges are to be kept, will, when this question is brought up, vote "no," and pledge himself to stay here until Congress has legislated for the people. [Applause.]

Mr. Speaker, it has been suggested that some efforts have been made by the Republican majority toward relief legislation.

It is true that on December 26 the premier of the House, Mr. DINGLEY, thrust a tariff bill upon us. I hold the bill in my hands. It was dated December 26. It was introduced and printed that day and, as I said in my speech, while the ink was still wet its consideration was forced upon the House and it was crammed down the throats of the subservient followers of the proud leader whose friends delight in giving him the appellation, the American Czar—the imperial captain-general of the Republican party.

This unwise measure sought to exact and collect burdensome taxes from the people in the face of the report of the Secretary of the Treasury that he already had (I read from page 53) a balance of \$177,406,888.62 in the Treasury, and that there was—

No reason to doubt the ability of the Government to discharge all its current obligations during the present fiscal year, and have a large cash balance at its close, without imposing additional taxation in any form upon the people.

Mr. Carlisle also told you in his report (page 52) that while the kind of bill you proposed would place unnecessary burdens upon the people, the probable tendency of such a bill would be to paralyze industries and decrease rather than increase revenues. He said:

The revenue derived from customs during the fiscal year 1895 exceeded the revenue derived from the same source in 1894 by the sum of \$20,340,086.83.

Now, as the principal items of the Wilson bill went into operation January 1, 1895, we see by these figures that the low-tariff Wilson bill gave more revenue than the high-tariff McKinley bill.

Unwise, impolitic, and unnecessary as was any measure of this character, it was exceeded by the unwisdom and impolicy of its proposed methods and provisions.

1. The largest increase of tax was on many articles which are of necessity used by laboring people.

2. The bill was a horizontal bill; a kind of bill which Presidential Candidate Mr. McKinley said was—

A confession upon its face of absolute incapacity to grapple with the great subject.

He also said:

It gives no evidences of the expert's skill. It is the invention of indolence.

He repeats:

It is not only the invention of indolence, but it is the mechanism of a botch workman.

For two years the Republican party have vehemently denounced the wise Democratic tariff bill which was enacted by the last Congress, and in asking for votes at the last Congressional election they solemnly pledged that if placed in power they would immediately enact tariff legislation of the most approved character. The people gave them 150 majority, and they now propose to adjourn without any further fulfillment of their pledges and

promises than the attempted enactment of a measure which their leading Presidential candidate denounces as—

The mechanism of a botch workman—the invention of indolence.

Another evil feature of this bill was the badly concealed and finally admitted purpose to enable and finally compel the Secretary of the Treasury to use the money thus collected from the people to pay running expenses and withhold and hoard all Treasury notes and thus fearfully contract the volume of money and still further cripple enterprises which employ labor and encourage progress and prosperity.

If this had been accomplished you would, no doubt, have held Mr. Cleveland's Administration responsible for the distress which of necessity would have followed, and thus seek to add to the chances of a Republican victory in the coming election.

The exposure of the bill's fearful infirmities and deformities by the little band of Democrats sent the measure limping on crutches to the other side of the Capitol, where it was promptly disposed of by the Senators without regard to party affiliations.

The leader in the assault and the first to thrust his javelin into its bleeding breast was the distinguished field marshal of the Republican hosts—its greatest leader, the chairman of the executive committee of that organization.

On December 27, in the same way, you forced through the House what was called a currency bill, the atrocities of which were so fully exposed by the few tried and true Democrats who remain in this body that, like the tariff bill, it dragged its limping form to the Senate Chamber, where, amidst its dying groans, that body, by a decided majority, transformed it into a silver-coinage bill, and in that condition sent it back for our consideration.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WHEELER. I hope that every man here will vote against the resolution reported by the gentleman from Maine.

The question being taken, the resolution submitted by Mr. DINGLEY was agreed to. [Loud applause.]

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION—YOST VS. TUCKER.

Mr. McCALL of Massachusetts. Mr. Speaker, on behalf of Elections Committee No. 3, I present the report of the contested-election case of Yost against Tucker. I ask that the report be printed, and also that the minority of the committee, who desire to file their views, may have leave to do so during the present week, and that they be printed with the report of the committee.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

CONTESTED ELECTION—THOMPSON VS. SHAW.

Mr. MILLER of West Virginia. Mr. Speaker, on behalf of Elections Committee No. 2, I desire to present the report of the committee in the contested-election case of Thompson against Shaw, from the Third Congressional district of North Carolina. This is the unanimous report of the committee.

The SPEAKER. Does the gentleman desire immediate action?

Mr. MILLER of West Virginia. Yes, Mr. Speaker. I move the adoption of the resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That Cyrus Thompson was not elected a Representative in the Fifty-fourth Congress from the Third Congressional district of North Carolina, and is not entitled to a seat therein.

Resolved, That John G. Shaw was elected a Representative in the Fifty-fourth Congress from the Third Congressional district of North Carolina, and is entitled to retain his seat therein.

The resolutions were agreed to.

On motion of Mr. MILLER of West Virginia, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION—JOHNSON VS. STOKES.

Mr. McCALL of Massachusetts. Mr. Speaker, in the case of Johnson against Stokes, considered by Elections Committee No. 3, I ask that the minority have leave to file their views to-day, and that they be printed with the report of the committee.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under special order fixed for to-day, and pending that motion will yield to the gentleman from New Mexico [Mr. CATRON], who desires to make a request.

Mr. CATRON. Mr. Speaker, I move that House bill 4052, in relation to the issue of certain bonds by the Territory of New Mexico, be set for consideration immediately after the approval of the Journal on next Tuesday.

The SPEAKER. The Chair understood that the consent was to be asked for to-morrow morning.

Mr. DOCKERY. I hope the gentleman will defer that request for the present. My colleague [Mr. HALL] has some objection to this bill.

Mr. LACEY. I think the gentleman from Missouri has no objection to the consideration of the matter, but desired to be heard when it came up.

Mr. DOCKERY. My understanding was that he objected to the consideration of the matter. Did he consent to its consideration?

Mr. LACEY. That is my understanding. He did not want it done by unanimous consent.

The SPEAKER. The gentleman from New Mexico asks unanimous consent—

Mr. CATRON. I will modify the request, and ask that it be taken up to-morrow morning after the Journal is read.

The SPEAKER. The gentleman asks unanimous consent that to-morrow, after the reading of the Journal, the bill indicated by him may be taken up for consideration. Is there objection?

Mr. MOODY. I object.

Mr. DOCKERY. I hope that request will go over for the present.

The SPEAKER. Objection has been made.

The motion of Mr. PICKLER was then agreed to.

CONSIDERATION OF PRIVATE PENSION BILLS, ETC.

The House accordingly resolved itself into Committee of the Whole House, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the special order fixed for to-day.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 288, having had the same under consideration, ask leave to report the following substitute therefor:

"Resolved, That on Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings; and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: *Provided, however, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports thereon.*"

HIRAM P. PAULEY.

The first business on the Private Calendar was the bill (H. R. 986) for the relief of Hiram P. Pauley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Hiram P. Pauley, late a private in the Morgan raid militia of Seventh Indiana Legion, and to pay him a pension, subject to the provisions and limitations of the pension laws, for injuries received in what was known as the Morgan raid in Indiana.

The Committee on Invalid Pensions recommended the adoption of the following amendment:

Strike out the words, in the seventh and eighth lines, "subject to the provisions and limitations of the pension laws, for injuries received in what was known as the Morgan raid in Indiana," and insert "at the rate of \$12 per month."

The amendment was agreed to.

Mr. ERDMAN. Mr. Chairman, I perceive that the other side does not want to have the report read in this case. According to the policy adopted on yesterday, in accordance with the gag law applied yesterday, we are not to know what we are passing on. We are to take for granted everything, without question, that appears on the face of these bills, and pass upon them without an opportunity of comment or examination.

The other side is afraid this country will know what they are doing. They are afraid the country will see the flimsy ground on which the bills are based.

I see that they do not propose to have the report read if they can help it. This is a new class—militiamen who are to be pensioned for disease—and I ask to have the report read in my time.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 986) for the relief of Hiram P. Pauley, submit the following report:

The affiant, Hiram P. Pauley, was a member of Capt. Marion Blair's company of what was known as the Indiana Legion, a militia organization of the State of Indiana. During the Morgan raid the company was ordered to Indianapolis to prepare to meet the invading army. It went to the United States arsenal to secure arms, and the affiant among others was ordered to open the boxes containing arms for the company, and while so engaged, in lifting a box of guns, received a serious injury producing hernia of a serious character. From this injury the claimant has never since recovered, and by reason thereof is rendered totally incapable of performing manual labor. He is now old and destitute. He can not be pensioned under the existing law for the reason that he was never mustered into the United States service.

Your committee believe that inasmuch as the claimant received his injury while in an organized company preparing to defend the country against an invading army he has just claims on that country for relief. They therefore report the bill back to the House with the recommendation that it be amended by striking out all after the word "pension," in line 6, and adding the words "at the rate of \$12 per month," and that the bill as amended do pass.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HATTIE A. BEACH.

The next business on the Private Calendar was the bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to grant a pension, under the provisions of the act of Congress approved June 27, 1890, to Hattie A. Beach, the helpless child of Erastus D. Beach, late private Company H, One hundred and forty-third New York Volunteers; that this pension shall be at the rate fixed by the said act of June 27, 1890, so far as said act relates to the pensioning of permanently helpless children, and that said pension shall be granted from the date of the filing of the original application for pension under the aforesaid act, to wit, on or about December 27, 1890.

The Committee on Invalid Pensions recommended the following amendment:

Strike out all after the word "pension," in line 4, and insert the following: "At the rate of \$12 a month to Hattie A. Beach, child of Erastus D. Beach, late private of Company H, One hundred and forty-third Regiment New York Infantry Volunteers."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAMBERT L. MULFORD.

The next business on the Private Calendar was the bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Lambert L. Mulford, late of Company A, Second New Jersey Cavalry, and first lieutenant Third United States Cavalry, to the sum of \$50 per month, the same to be in lieu of the pension now drawn by him under certificate No. 856371.

The Committee on Invalid Pensions recommended the following amendment:

In line 7 strike out the word "fifty" and insert the word "thirty," and strike out all after the word "him" in line 8.

The amendments recommended by the committee were agreed to. The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. DINGLEY. I think the report ought to be read, so that we may know what the facts are.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford, late of Company A, Second New Jersey Cavalry Volunteers, and first lieutenant Third United States Cavalry, respectfully report as follows:

Soldier enlisted August 28, 1863, as second lieutenant Company K, Second New Jersey Cavalry; promoted to captain Company A of same regiment September 1, 1864, and mustered out with company November 1, 1865. He was appointed second lieutenant Third United States Cavalry February 23, 1866; promoted to first lieutenant December 24, 1866, and honorably discharged January 1, 1871, after eight years of almost continuous service.

He filed claim for pension June 28, 1894, alleging rheumatism from exposure in frontier service and resulting paralysis of right side, totally incapacitating him for any kind of manual labor. He has a hospital record in service for rheumatism and a number of other disabilities, and Dr. B. A. Waddington, of the highest professional standing, testifies to treating him for rheumatism ever since discharged, and that the same is the direct and undoubted cause of his present helplessness from paralysis. He says:

"His rheumatism is of a chronic nature and peculiar, in that it produces cramps, always leaving an echymosed condition of the areola tissue of the parts affected. On the night of November 2, 1891, he had an attack of these cramps, and getting up to bathe himself, he fell upon the floor with hemiplegia. I saw him in an hour after with partial loss of speech, motion, consciousness, etc., from which he has never recovered, and his rheumatism continues in spite of treatment, rendering him entirely unfit to make a livelihood, and rendering him, in my opinion, deserving a liberal pension from the Government."

The medical examinations by pension boards show that he is so disabled by paralysis that he can walk only by the aid of a cane and assistant, and that he is totally incapacitated for performing manual labor, and that he will gradually grow worse.

He is pensioned at \$12 under act of June 27, 1890, his claim under the general law being rejected on the ground that his paralysis can not be accepted as the result of rheumatism.

Your committee is of opinion that the claim is meritorious and should have been allowed, and that from the evidence the paralysis is a result of disabilities contracted in service, as no other cause is shown, and claimant's habits are temperate and exemplary. The claimant is poor, helpless, and requires a constant attendant.

Your committee therefore recommend that the bill be amended by striking out the word "fifty," in line 7, and inserting "thirty" in lieu thereof, and by striking out all after the word "him," in line 8, and as amended that the bill do pass.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH SADLER.

The next business on the Private Calendar was the bill (H. R. 3421) to grant a pension to Elizabeth Sadler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$12 per month, subject to the provisions and limitations of the pension laws, the name of Elizabeth Sadler, dependent sister of James Sadler, deceased, formerly of Company G, Forty-second Regiment Illinois Volunteers, and Company K, Fourth Regiment United States Cavalry.

Mr. DINGLEY. Mr. Chairman, I ask unanimous consent that the report be printed in the RECORD.

Mr. McCLELLAN. I object.

The CHAIRMAN. Objection is made. It can be read in the time of the gentleman.

Mr. DINGLEY. Let it be read in my time then.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3421) granting a pension to Elizabeth Sadler, submit the following report:

The committee, having carefully examined the evidence in support of this bill, find the following undisputed and uncontradicted facts:

James Sadler was enrolled September 12, 1861, in Company G, Forty-second Illinois Volunteers; was discharged to join Fourth United States Cavalry, in which he served until August 20, 1864. On the muster rolls of Fourth United States Cavalry for November and December, 1864, he is dropped as "Missing in action since August 20, 1864; supposed to be dead." No record of desertion or dishonorable conduct is against him. He has not been heard from since August 20, 1864.

Elizabeth Sadler was the only sister of James Sadler; parents both dead. She was dependent on James Sadler, her only brother, for her support before the war and during the war. He sent her money regularly during his service. Since the war she has been so broken down in health that she is unable to labor, and is dependent upon friends—she has no relatives—for her entire support. She has no means or property. At the date of soldier's death she was 19 years old. The soldier left no widow, child, or children.

She made application for pension, but it was rejected on the ground that then she was not pensionable—that she was 19 years old at date of soldier's death.

The committee, on these facts, recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ARMINDA WHITE.

The next business on the Private Calendar was the bill (H. R. 2358) for the relief of Arminda White, widow of Israel White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Arminda White on the pension roll, and that she be paid a pension at the legal rate as the widow of Israel White, captain of Twenty-fifth Ohio Infantry, from the date of her application for pension as appears on the files of the Pension Office.

The Committee on Invalid Pensions recommended the following amendments:

In line 5 strike out the word "legal" and in line 6 insert the words "of \$20 per month." Also in lines 7 and 8 strike out the words "from the date of her application for pension as appears on the files of the Pension Office" and insert in lieu thereof the words "said pension to terminate should the soldier be found to be alive."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. COX. Mr. Chairman, I ask unanimous consent to take up the bill on the Calendar, No. 980, and to make this statement about it—

The CHAIRMAN. The gentleman from Tennessee [Mr. Cox] asks unanimous consent to take up the bill, Calendar number 980, for present consideration. Is there objection?

Mr. BAKER of New Hampshire and Mr. ALLEN of Utah objected.

Mr. COX. Mr. Chairman, will the gentlemen permit me to make a statement?

Mr. HOPKINS. Regular order.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

HELEN M. JACOB.

The next business on the Private Calendar was the bill (S. 149) granting a pension to Helen M. Jacob.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Jacob, of Rochester, Ind., widow of Benjamin Oden West, deceased, late private in Company C of Mounted Riflemen, in the war with Mexico, and pay her a pension of \$16 per month.

The Committee on Pensions recommended an amendment striking out the word "sixteen" and inserting the word "twelve" in line 9.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. DINGLEY. Mr. Speaker, I ask that the report be read.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 149) granting a pension to Helen M. Jacob, have examined the same and respectfully report as follows:

The facts, as sworn to by John C. Williams, a resident of Cleveland, Ohio, are as follows:

"Helen M. Jacob was married to Benjamin Oden West December 12, 1850; said Benjamin Oden West enlisted January 23, 1847, in the Mexican war, at Washington, D. C., and he was honorably discharged on or about November 6, 1847; said Benjamin Oden West deceased December 3, 1857, and he (Williams) was informed and has always understood that it was from the disease contracted while in service in the Mexican war; he left surviving him his widow, Helen M. West, and two children, Benjamin West and Helen West; said Helen M. West drew a pension as his widow from the date of his death to her marriage to William W. Jacob, when her pension ceased; said William W. Jacob died on or about October 18, 1872, at Washington, D. C., and left surviving him his said widow, Helen M. West Jacob, and left nothing for her support; she is now residing at Rochester, Ind., and is entirely dependent for her support upon what is given her by others; she has no income or no property to this affiant's knowledge, and she is 65 years of age, and further affiant saith not."

The above facts are also corroborated by William J. Craign, a physician in active practice for fifty-seven years:

"He knows and has been acquainted with Mrs. Helen M. Jacob during the past thirty-five years or longer; he knew her when she was the wife of Ben-

jamin Oden West, and knows that the said Benjamin Oden West is now deceased, and knew she married William W. Jacob, and said William W. Jacob is now deceased. He also knows that prior to her marriage to William W. Jacob she was without means of support and was dependent on her own exertions for the support of herself and family, and also knew that said William W. Jacob died, leaving her dependent and without means of support for herself and children. He further knows she is now a widow without means of support, and that she is dependent on her children for a livelihood. She has always been active and industrious, energetic and faithful in her maternal duties while rearing two families of children, and he can truly say she now merits the attention and support of her country as the widow of one of its defenders who succumbed to disease contracted in the line of his military duties. The remarriage of the claimant occurred April 17, 1861."

The committee therefore recommend the passage of the bill with an amendment fixing the rate of pension at \$12 per month.

Mr. ERDMAN. Mr. Chairman, I must protest against this consumption of time by the leader of the other side. There is no necessity for it. [Laughter.] According to the newspaper declaration we are going to remain in continuous session until the saturnalia is over. What is the use? The country does not want to know. Gentlemen on the other side do not want to know. They have never defeated, they have never amended, they have never changed a single bill, and never will. Now, what is the use? I suggest to the leader on the other side that he ought not needlessly to consume the time of the House by having the reports read.

Mr. PICKLER. Mr. Chairman, I ask unanimous consent that the reports be printed in the RECORD.

Mr. ERDMAN. To that I object, Mr. Chairman.

Mr. PICKLER. Oh, I thought you wanted to have the reports go in.

Mr. ERDMAN. If the gentleman wants to pass his bills en bloc, let them be passed in that way.

Mr. PICKLER. Mr. Chairman, I think this bill is right. I think these bills are all right.

Mr. WILLIAM A. STONE. We ought to have the knowledge contained in the reports. How do we know what a pension claim is about? I do not see any reason why the gentleman from Maine should be charged with obstructing legislation by insisting upon the reading of the reports. They are all short. They only consume a few moments' time. It gives us some knowledge of what they are about.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZA SANDFORD.

The next business on the Private Calendar was the bill (S. 1189) granting a pension to Eliza Sandford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Eliza Sandford, permanently helpless and destitute daughter of William Sandford, a sergeant under Captains Huntington, Wheeler, Squire, and Gilman, in the years 1777, 1778, 1779, 1780, and 1781, in the Army of the Revolution, and pay her a pension of \$25 per month.

Mr. DALZELL. Mr. Chairman, let us have the report read.

The CHAIRMAN. The Clerk will report the amendment recommended by the committee.

The amendment was read, as follows:

In line 11, strike out the words "twenty-five" and insert in lieu thereof the word "twelve."

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1189) granting a pension to Eliza Sandford, respectfully submit the following report:

Eliza Sandford is the daughter of William Sandford, of Captain Williams's company, Colonel Van Courtland's regiment, New Jersey Volunteers, war of the Revolution. The soldier's entire service covered the period of two years and seven months. He received a pension under certificate No. 9814, beginning March 4, 1831, at the rate of \$120 per year, which pension ceased March 4, 1842, the date of his death. His widow was subsequently pensioned until February 12, 1864, when she died.

The papers accompanying the bill show that Eliza Sandford was born in 1816; that she has supported herself during her long life by her own exertions in the profession of a nurse until 1893, when she became disabled by reason of her advanced years. It is also shown that she has no near relatives to whom she can apply for a support, and is now entirely destitute and likely to become a public charge.

Miss Sandford is an excellent and worthy woman, and has always enjoyed the respect of her neighbors and acquaintances. The facts are shown by a memorial of the Daughters of the American Revolution of New Jersey, and also by the sworn statement of the claimant and of Horace Dodd, an aged resident of Essex County, N. J., who has known her for more than fifty years.

There are several precedents for the proposed legislation, and your committee recommend that the bill do pass, with an amendment to pay her a pension at the rate of \$12 per month.

[Cries of "Vote!" "Vote!"]

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. VIRGINIA E. TURTLE.

The next business on the Private Calendar was the bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Virginia E. Turtle, of Washington, D. C., widow of Maj. Thomas Turtle, Corps of Engineers, United States Army, and pay her a pension of \$50 per month, the same to be in lieu of the pension now drawn by her.

Mr. SPALDING. Read the report.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3264) granting an increase of pension to Virginia E. Turtle, have considered the same and respectfully report as follows:

Mrs. Turtle is the widow of Maj. Thomas Turtle, Corps of Engineers, United States Army, who died in the service, and from causes originating in the line of his duty, September 18, 1894. The soldier's service began as a cadet at the Military Academy July 1, 1863, and he subsequently passed through all the grades, until he finally attained the grade of major May 18, 1893.

His services, as certified to by the War Department, were of a most active and valuable character, and covered altogether the long period of thirty-one years.

After his death Mrs. Turtle was granted a pension of \$35 a month under the general laws, and this sum, together with \$2 additional for each of two minor children, is practically all that she has on which to depend for a support.

She married the soldier August 28, 1876, and his brother officers certify that, being a man of regular and careful habits, he would have been able to have made better provision for his family if it were not for the fact that he was obliged to assist his parents, they being in very moderate circumstances.

Mrs. Turtle is now about 53 years old, with three young children dependent upon her for a maintenance.

There are several precedents for the allowance of an increased rating to widows of officers of this rank, and, in view of the facts stated above, your committee recommend the passage of the bill with an amendment, striking out the word "fifty," in line 8, and substituting therefor "forty"; so as to allow a pension of \$40 per month.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "fifty" and insert in lieu thereof the word "forty."

Mr. ERDMAN. Mr. Chairman, I must again protest against this blocking of pensions for the old soldier. Whenever I have stood here on a Friday night and asked for the reports of the committees to be read, I have been charged with blocking pensions. This is blocking pensions now. Why, at this rate, you would not begin to pass your bills in twice twenty-four hours. [Cries of "Vote!"]

Mr. HULICK. Mr. Chairman, I would like to inquire what pension this lady is getting?

Mr. COFFIN. Twenty-five dollars a month. [Cries of "Vote!"]

The amendment recommended by the committee was agreed to. The question was taken on ordering the bill to be laid aside with a favorable recommendation, and the Chairman announced that the ayes seemed to have it.

Mr. MILNES. Division.

The committee divided; and there were—ayes 73, noes 1.

So the bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH W. SUTHERLAND.

The next business on the Private Calendar was the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth W. Sutherland, widow of the late Charles Sutherland, deceased, formerly Surgeon-General of the United States Army, at the rate of \$100 per month, which rate of \$100 per month shall be in lieu of the pension she is now receiving.

Mr. DINGLEY. Mr. Chairman, I ask that the report be read.

Mr. HOOKER. I ask that the report be printed in the RECORD.

Mr. DINGLEY. I think we ought to have it read where a pension of \$75 a month is given.

The Clerk proceeded to read the report, as follows:

The Committee on Pensions, to whom was referred Senate bill 1420, granting an increase of pension to Elizabeth W. Sutherland, have considered the same, and respectfully report as follows:

Said bill is accompanied by Senate report No 172, this session, and the same, fully setting forth the facts, is adopted by your committee as their report, and the bill is returned with a favorable recommendation.

[Senate Report No. 172, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1420) granting a pension to Elizabeth W. Sutherland, have examined the same, and report:

Mrs. Sutherland is the widow of the late Brig. Gen. Charles Sutherland, who served as Surgeon-General of the United States Army with distinguished ability, and whose death occurred May 10, 1895. The widow was left with eight children, their ages ranging from 20 to 8 years.

The following is the record of the military services of Dr. Sutherland: Appointed assistant surgeon August, 1852; after examination served as an acting assistant surgeon for ten months prior to being commissioned.

First service was at Fort Monroe, Va., and remained there six months, 1851 and 1852.

In the spring of 1852 served at Jefferson Barracks, Mo. While stationed there an epidemic of cholera prevailed.

In summer of same year on duty with a military exploring party that located the present site of Fort Riley, Kans., and shortened the wagon trail to Santa Fe, N. Mex.

Served in the Department of New Mexico for five years, and stationed during that time at Forts Webster, Fillmore, Craig, Stanton, and Santa Fe. Took part at times with troops serving in that department in engagements with Apache and Comanche Indians. Transferred to the Department of Texas, and served there two years and a half. Stationed at Forts Davis and Duncan. Was serving at the latter post when the State of Texas seceded from the Union. Left the State without being captured, and reported at Washington March, 1861. Sailed one week after by command of General Scott on a secret expedition to Fort Pickens and Santa Rosa Island, Florida. The troops composing this expeditionary force were among the first to take an active part in the war, sailing from New York and arriving at their destination prior to the first call for volunteers issued by President Lincoln. Remained at Fort Pickens one year on hospital duty. While there participated in two bombardments between United States troops and the enemy on the

mainland; also in an attack made by Confederates on United States volunteers near hospital.

Commended for conduct and services on those occasions in the reports made by General Brown, commanding, since published in Official Records of the Rebellion.

Commissioned as surgeon, with the rank of major, April, 1862.

Relieved from duty at Fort Pickens and ordered to Fort Warren, Boston Harbor. This fort contained several hundred Confederate officers as prisoners, and was garrisoned by a regiment of volunteers.

In summer of same year ordered again to the field, and reported to General Halleck, in command at Corinth, Miss.

Was selected to act as medical purveyor for the armies then concentrated near that center of military operations.

Subsequently, at Columbus, Ky., fitted out large warehouses for the storing and distribution of medical supplies for 200,000 men, the estimated strength of the army under General Halleck.

At Memphis, Tenn., established and organized a second large depot for distributing supplies.

Mr. ERDMAN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ERDMAN. In whose time is this report being read?

The CHAIRMAN. In the time of a gentleman who was recognized.

Mr. ERDMAN. How much time has he?

The CHAIRMAN. He had five minutes, and has two minutes remaining.

The Clerk resumed the reading of the report, as follows:

At the same place fitted out 9 general hospitals, capable of containing 3,000 patients, for the accommodation of the sick and wounded serving on the Mississippi River.

Assisted in equipping a floating hospital capable of holding over 800 beds for the use of the army under General Grant, stationed at Milliken Bend, near Vicksburg. Was attached to the headquarters of General Grant and selected as assistant medical director and also as inspector of camps and transports of the Army of the Tennessee, and continued on that duty until the surrender of Vicksburg, July, 1863.

Was engaged in the battles of Jackson and Champion Hill and assisted in locating the field hospitals.

During siege, actively engaged in examining camps, transferring wounded to transports for Northern hospitals, and also in keeping departments supplied with medicines and stores. General Grant, in the first volume of his personal memoirs, alluding to his campaign against Vicksburg in the winter of 1862 and 1863, writes that it was one of great hardship to all engaged in it: "Troops could scarcely find dry ground on which to pitch tents. Malarial fevers broke out among the men. Measles and smallpox also attacked them. The hospital arrangements and medical attendance were so perfect, however, that the loss of life was much less than might have been expected."

After surrender of Vicksburg, appointed medical director of the Department of Virginia and North Carolina, under the command of General Foster, at Fort Monroe, Va. In this department, besides troops in the field, had supervision of five large general hospitals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. I ask for the reading of the balance of the report in my time.

Mr. ERDMAN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ERDMAN. Does the gentleman oppose this bill?

Mr. DALZELL. Yes, sir; I am recognized for that purpose.

Mr. ERDMAN. If the gentleman is in the position of opposing the bill, I have nothing further to say.

The Clerk resumed the reading of the report, as follows:

Owing to change of commanders a new staff was created; transferred to Annapolis, Md., and appointed medical director of hospitals and parole camp located in and near that city.

Member of retiring board at Wilmington, Del.

When General Grant moved with the Army of the Potomac, in the spring of 1864, was specially detailed by the Secretary of War to act as medical purveyor to supply that command, as well as the hospitals located in the city of Washington. There were 20 general hospitals, capable of holding over 30,000 patients. The Army of the Potomac was composed of at least 150,000 men. The supplying of these large establishments and the army in the field was faithfully maintained for over a year and until the close of the war. Spacious buildings in the city were kept filled with medical supplies of every description ready for immediate use, and a large force employed for prompt distribution of the same. Disbursed when on this duty over \$4,000,000 without loss to the Government and to the satisfaction of the accounting officers.

For these services when surgeon and major, without solicitation on his part, and on the recommendation of General Grant, then Commanding General of the Army, as well as of Surgeon-General Barnes, was appointed (by President Johnson) assistant medical purveyor with the rank of lieutenant-colonel to fill an original vacancy. Four other medical officers were similarly appointed, the present Surgeon-General being one of the number. This office was held until June, 1876, when it was vacated by receiving the appointment of surgeon with the rank of colonel.

Member of retiring board convened in consequence of a reduction of the Army.

Served as medical director of the division of the Pacific at San Francisco, Cal., for five years.

President of a board of medical officers selected from the Army, Navy, and staff marine service, by direction of President Arthur, to designate a proper site for a quarantine station at San Francisco, Cal.

An act of Congress, session 1884, directed that all medical officers of the Army should take place in their several grades on the Army Register according to date of commission. This prevented any application for the position of Assistant Surgeon-General, to which the senior surgeon was, under the usual custom, entitled, and which was vacant at that time. If Dr. Sutherland had received the appointment and not promotion (being already a colonel) in accordance with this law he would have been transferred from the head of the list of colonels and lowered in rank four files, and instead of being the ranking colonel would be occupying an anomalous and degrading place at the foot. This law destroyed the value of the office of Assistant Surgeon-General as a promotion or as a stepping place to the higher grade of Surgeon-General, and bestowed only a title to any who should receive it, with no privileges or importance attached thereto. The vacancy was subsequently filled by promoting the senior lieutenant-colonel of the corps, and the War Department, recognizing the provisions of the law, placed the office at the foot of the list, where it belonged.

Served as medical director of the division of the Atlantic.

Was brevetted twice during the rebellion—lieutenant-colonel for services

in the campaign and siege of Vicksburg, and colonel for diligent discharge of duties in the war.

Was appointed Surgeon-General, with rank of brigadier-general, in 1890 (being then the ranking officer of his corps); served in that capacity until his retirement for age.

[Extract from indorsement by General Grant, when Commanding General of the Army, to President Johnson, January 7, 1866, recommending Surgeon Sutherland for the appointment of assistant medical purveyor with the rank of lieutenant-colonel, for services rendered during the war.]

As to Dr. Sutherland, I know of my own knowledge that he has performed satisfactorily about the most important and responsible duties in the field and out of it that it has been possible for any officer of his corps to render during the rebellion.

U. S. GRANT, General.

[Extract of letter from Surg. Gen. J. K. Barnes, U. S. A., to Senator E. Cowen, of Pennsylvania.]

WASHINGTON, D. C., January, 1866.

During the war Colonel Sutherland disbursed millions of money; was medical purveyor in the field to the great Army of the Southwest, and subsequently had charge of the great depot of the Army of the Potomac.

His qualifications are eminent, and his character, both public and private, unimpeachable.

He has served as surgeon, inspector, purveyor, and medical director. His duties have been of the most extensive character, as well as of vast responsibility.

J. K. BARNES,
Surgeon-General, U. S. A.

[Letter of Surg. Madison Mills, afterwards medical inspector-general, United States Army, on file in Surgeon-General's Office.]

ST. LOUIS, MO., March 8, 1866.

Surg. Charles Sutherland was my principal assistant during the entire campaign—Vicksburg—and was constantly under fire in the discharge of his duties in the field, superintending the removal of the wounded as fast as they fell.

Mr. ERDMAN. Mr. Chairman, I would like to inquire how much time is being consumed?

The CHAIRMAN. The Chair does not know; and the reading can not be interrupted for such an inquiry as that.

Mr. PICKLER. A parliamentary inquiry. Have not the ten minutes been exhausted on this bill?

The CHAIRMAN. The time has not been consumed.

Mr. BAKER of New Hampshire. Mr. Chairman—

The CHAIRMAN. The Clerk will proceed with the reading of the report.

The Clerk read as follows:

I beg leave to recommend him for a brevet of lieutenant-colonel, to date from the 16th May, 1863, the battle of Champion Hill, when he was eight hours under fire in the discharge of his duties. I would also recommend him for the brevet of colonel, to date the 4th of July, 1863, the surrender of Vicksburg.

MADISON MILLS,

Surgeon, U. S. A., Medical Director, Army of the Tennessee.
SURGEON-GENERAL UNITED STATES ARMY,
Washington, D. C.

[From General Sherman.]

ST. LOUIS, MO., June 27, 1866.

DEAR SUTHERLAND: I have received your letter of the 23d instant, and assure you of my hearty sympathy in your claim to the vacancy soon to occur in the office of Surgeon-General by reason of the retirement of my good old friend Dr. Murray.

The CHAIRMAN. The gentleman's time has expired. Time for debate upon this bill has expired.

Mr. BAKER of New Hampshire. I wish to offer an amendment. I move to strike out the words "seventy-five" and insert the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. WILLIAM LORING SPENCER.

The next business on the Private Calendar was the bill (H. R. 4020) granting a pension to Mrs. William Loring Spencer, as widow of George E. Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll the name of Mrs. William Loring Spencer, as widow of George E. Spencer, late of —, and pay to her a pension of \$100 per month, in lieu of the pension which she now receives.

Mr. STEWART of New Jersey. Mr. Chairman, I ask unanimous consent to substitute the Senate bill for the bill just read.

The CHAIRMAN. The gentleman from New Jersey [Mr. STEWART] asks consent that the Senate bill for the same purpose be substituted for the House bill.

Mr. DINGLEY. Let the Senate bill be read.

A MEMBER. What is the request?

The CHAIRMAN. The House bill has been read, and consent has been asked by the gentleman from New Jersey to substitute the Senate bill.

Mr. HULL. I object.

The CHAIRMAN. Objection is made. The question is on the amendment recommended by the committee.

The amendment recommended by the Committee on Invalid Pensions was agreed to, as follows:

Strike out, in lines 6, 7, and 8, the words "of, and pay to her a pension of \$100 per month, in lieu of the pension which she now receives," and insert "colonel First Cavalry Volunteers, and pay her a pension of \$30 per month, in lieu of the pension which she now receives."

Mr. STEWART of New Jersey. Mr. Chairman, I desire to speak upon this bill. No more meritorious pension case has ever come before this House. Mrs. Spencer now, in her old age, is in absolute destitution in the city of San Francisco, attempting to get employment as a typewriter, or in other fields where she has the capacity to serve. Her right hand is partially paralyzed. General Spencer served his country in the State and in the field, and for gallant and meritorious conduct on the field of battle he was brevetted as major-general. He raised the first white regiment of Union troops from the State of Alabama. These circumstances should appeal to this House when his widow, in her age and her poverty, asks for this insignificant pension, and I submit that the Senate bill should be substituted and passed without a dissentient voice.

Mr. HULL. Mr. Chairman, I do not like to object to anything in the pension line, but I know something about this case, and it seems to me that my friend from New Jersey is entirely mistaken when he pleads the old age of this lady. She is about 40 years of age, and two years ago she was the personification of good health. She married Mr. Spencer while he was in the United States Senate, and there is no more reason for giving her a high pension than there is for giving such a pension to the widow of every United States Senator. They were married fifteen or twenty years after the war, and while I am willing to let this bill go at \$30 a month, as recommended by the House committee, I am not willing to sit here and see the Senate bill pass.

Mr. HULLICK. What is she now receiving?

Mr. STEWART of New Jersey. Eight dollars a month—the widow of a United States Senator and a distinguished soldier, promoted for gallantry on the field of battle. She is now paralyzed—

Mr. HULL. When did she become paralyzed?

Mr. STEWART of New Jersey. She can not use the typewriter.

Mr. HULL. I do not think she ever knew how to use it. She was an actress when she married Senator Spencer.

Mr. STEWART of New Jersey. I have received typewritten letters from her.

Mr. HULL. That may be, but it does not follow that she wrote them herself.

Mr. STEWART of New Jersey. I do not suppose the gentleman imputes untruth or want of veracity to this lady?

Mr. HULL. I am not so certain about that. I want to say to this committee that Spencer received his first commission as colonel of an Alabama regiment. He never served in any other capacity than as a hotel keeper until he was commissioned colonel of that regiment. He was married to this lady long after the war, and as to the plea of age, she can not be more than 40 years old.

Mr. STEWART of New Jersey. I ask for the reading of the Senate report, which will show the record of this distinguished soldier.

The CHAIRMAN. It can be read in the time of the gentleman from New Jersey.

The Clerk read the Senate report in part, as follows:

The Committee on Pensions, to whom was recommended the bill (S. 1099) granting a pension to William Loring Spencer, have carefully reexamined the same and beg leave to report as follows:

Your committee are of opinion that the bill should be amended by striking out the word "fifty," in line 8, and substituting therefor the word "seventy-five," and that as thus amended the bill should pass.

The facts in this case were substantially embodied in the committee's former reports, made to the Fifty-third and the present Congress, it appearing that the claimant is the widow of Gen. George E. Spencer, late colonel First Regiment Alabama Cavalry, and for twelve years a Senator of the United States. Inquiry reveals the fact that applicant was christened "William," so that the name is correct as printed in the bill. The following letter from Mrs. Spencer will explain the grounds upon which she asks for increased pension, and it also sets forth her necessities:

"AUSTIN, NEV., February 2, 1894.

"MY DEAR SIR: This, I trust, will be presented to you by one whose name and influence will incline you to kindness; for while I believe I am asking only justice, yet justice is cold without mercy.

"My husband, George E. Spencer, was a brave and gallant soldier. His record you will find satisfactory, and I have asked that the letters of Sherman, Dodge, and Kilpatrick regarding his services be sent you. Unfortunately for me, I did not know General Spencer until the war was over for some time. But when I did know him I found him a sufferer from two maladies, one malaria, contracted during the fatigues of different campaigns, the other rheumatism, associated with a wound in his leg, which, as years went on, increased, there coming with it an added discoloration of the bone near the wound.

"I asked him why, like other men, he did not have a pension. He answered what he had done for his country had been done with all his heart, and he would do it over again and never ask for a money reward. He was cast in a heroic mold, and I felt the nobility of his thought too much to press the matter further. As he became more ill, I changed my thought, and said that for his child's sake he should apply for a pension, and he promised he would when he was better; but he died. His widow and his young son are left penniless, and the world is hard for a woman, and an ill woman, to make a way to support herself and educate her child.

"It is in this position I come to you. I ask of the country for which my husband fought and suffered the pension of \$75 a month. This much I ask, for with strict economy I can with it educate my son and support us both until I, in some measure, regain my strength. I would not have more, for nothing but poverty, absolute poverty, could make me a pensioner, even of the Government. I do not ask less, for with less I do not believe my purpose could be accomplished. Senator PALMER, I leave my case in your hands.

"Very respectfully, yours,

"MRS. GEORGE E. SPENCER.
"W. LORING SPENCER.

"Hon. Senator PALMER."

Mr. GROW. Mr. Chairman, I rise to a parliamentary inquiry. What is the present status of this question? Has the committee amended the House bill?

The CHAIRMAN. The amendment to the House bill, recommended by the Committee on Invalid Pensions, has been adopted, and the question is upon laying the bill aside to be reported to the House with a favorable recommendation.

Mr. GROW. The amendment fixes the pension at what rate?

The CHAIRMAN. The amendment fixes the pension at \$30 per month.

Mr. PICKLER. Mr. Chairman, I ask unanimous consent that the remainder of the report be printed in the RECORD.

Mr. ERDMAN. I object.

Mr. PICKLER. Mr. Chairman, I hope that the gentleman from Iowa [Mr. HULL] will withdraw his objection and will let the Senate bill be taken up, that the House may take such action upon it as it desires.

The CHAIRMAN. Debate on this bill is exhausted except three minutes controlled by the gentleman from Iowa [Mr. HULL].

Mr. HULL. I will simply say, Mr. Chairman, that I shall not withdraw my objection, for the reason that if we take up the Senate bill and amend it it will go back to the Senate, and the next thing we know this pension will be \$75 a month. I am willing that this lady shall have \$30 a month, and I think that if we pass the House bill at that figure we shall be able to keep it at that figure.

Mr. FAIRCHILD. Mr. Chairman—

A MEMBER. The time is up.

Mr. FAIRCHILD. I believe, Mr. Chairman, I can be recognized in my own time.

The CHAIRMAN. Debate is exhausted upon this bill except two minutes remaining to the gentleman from Iowa.

Mr. FAIRCHILD. Do I understand that the gentleman from Iowa controls the whole of the time on this bill?

The CHAIRMAN. The time in opposition to the bill.

Mr. HULL. I am perfectly willing that a vote shall be taken now.

Mr. STEWART of New Jersey. Mr. Chairman, I move to amend the House bill so as to make the amount \$50 instead of \$30 a month.

The CHAIRMAN. The amount has been already passed upon by the committee.

Mr. FAIRCHILD. I move to reconsider the vote by which the amendment was adopted.

The CHAIRMAN. A motion to reconsider is not in order in Committee of the Whole.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES LOYD YOUNG.

The next business on the Private Calendar was the bill (H. R. 358) granting a pension to James Loyd Young, of Company A, Sixth Regiment Kentucky Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, for injury to right hip, in addition to the pension by him now received.

The amendment reported by the committee was read, as follows:

Add at the end of the bill the following:

"So that he shall receive \$17 per month, in lieu of the pension now received."

Mr. DALZELL. Let us have the report read.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 358) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, having examined all the facts and circumstances in evidence, submit the following report:

James Loyd Young enlisted July 21, 1861, and was discharged to date July 22, 1862. He claimed pension for rheumatism and resulting disease of heart; and also for an injury of right hip incurred at the battle of Pittsburg Landing, Tenn., April 7, 1862, by being struck with a piece of timber from Shiloh church. His claim was admitted for rheumatism and resulting heart disease, and he was pensioned at \$4 from July 23, 1862; at \$8 from August 11, 1866, and at \$12 from May 7, 1890; but the claim for injury to hip was rejected after special examination on the ground of no record and no satisfactory proof of incurrence of injury to right hip in service.

The record in the War Department shows he was admitted on hospital steamer *Silver Moon* at Pittsburg Landing, Tenn., May 16, 1862, with rheumatism, and to No. 1 General Hospital, Louisville, Ky., May 20, 1862, with rheumatism, and remained there until July 22, 1862, when he was furloughed to await discharge from service. He returned to the hospital in August, 1862, but what disposition was made of him is not stated, and he was discharged by the War Department in 1878, to date July 22, 1862.

Newton Hicks, a comrade of good reputation, testifies that he saw Young in a wagon, injured, just after the battle of Pittsburg Landing and he said the injury was in the side, and he heard members of company say he was injured near Shiloh church.

John Coffey testifies that he saw Young struck with a piece of flying timber near Shiloh church, and he fell forward on his face and was lying there with the piece of timber on him when affiant last saw him. The special examiner was unable to locate or cross-examine this witness, but the adjutant-general reports him present with the company at that time. His reputation is reported variable, from "good" to "unreliable."

James G. Lindsay, whose reputation is good, testifies that when Young returned from the Army, in 1862, he was crippled and disabled so that he was obliged to walk with a cane.

Mrs. A. D. Deegan testifies substantially to the same.

The board of examining surgeons at Covington, Ky., which examined him May 7, 1890, rate him ten-eighths for rheumatism and resulting disease of heart, and eight-eighths for injury to hip.

Your committee believe that the injury to hip was incurred as alleged, and recommend that the bill do pass, granting him a pension at \$17 a month in lieu of the pension he is now receiving, and that the bill be amended by adding after the word "received," in line 7, the words "so that he shall receive \$17 per month in lieu of the pension now received."

Mr. PICKLER. The Senate has passed a bill granting the same amount of pension, \$17 a month, as this House bill. I ask unanimous consent that the Senate bill be substituted for the House bill.

There was no objection.

The Senate bill was read, as follows:

A bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, for injury to right hip, in addition to the pension by him now received, so that he shall receive \$17 per month in lieu of the pension he is now receiving.

There being no objection, the Senate bill was laid aside to be reported favorably to the House.

The CHAIRMAN. Without objection, the House bill will be reported to the House with the recommendation that it be laid on the table.

There was no objection.

SILAS S. WHITE.

The next business on the Private Calendar was the bill (H. R. 4547) granting a pension to Silas S. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place the name of Silas S. White, late a private in Company G, Seventy-seventh Regiment New York Infantry Volunteers (and also a soldier in the Seminole Indian war in Florida), on the pension roll at the rate of \$50 per month, the same to be in lieu of the pension now received by him.

The amendment reported by the committee was read, as follows:

In line 8 strike out "fifty" and insert "thirty"; so as to make the amount of the pension \$30 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

HARRIET C. GREGG.

The next business on the Private Calendar was the bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from \$30 to \$50 per month.

The bill was read, as follows:

Be it enacted, etc., That the pension of Harriet C. Gregg, widow of John Irvin Gregg, late colonel of the Eighth Regiment of United States Cavalry, be, and the same is hereby, increased from \$30 per month to \$50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of \$50 per month, subject to the provisions and limitations of the pension laws.

Mr. MILNES. Let us have the report read.

Mr. PICKLER. I ask that in reading the report the military record of the soldier be omitted and that the report proper, which was prepared by the gentleman from Pennsylvania [Mr. ERDMAN], be read.

The CHAIRMAN. The Clerk will read that portion of the report called for by the gentleman from South Dakota.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2006) granting a widow's pension to Harriet C. Gregg, submit the following report:

Mrs. Harriet C. Gregg, the claimant in this case, is the widow of Gen. John Irvin Gregg, who died on the 6th day of January, 1892. The widow has had a pension granted to her at the rate of \$30 per month, her case having been made special by the following order filed in the Pension Office: "Mrs. Gregg is in destitute circumstances. The Commissioner directs that in view of this fact the proper calls be made in the case and action had thereon without delay."

The following is the entire record of the military service of General Gregg:

The said Mrs. Gregg submitted to the whole committee her own affidavit and also that of two of her neighbors, showing that she has no means of support and has no property whatever, and her dependence rests entirely on a pension.

General Gregg's long service, embracing not only the Mexican war and war of the rebellion, but also on the Western plains during frontier troubles with the Indians, ought to give the application of this widow for this increase of pension special consideration, and the committee therefore recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

MARTHA LINDSAY.

The next business on the Private Calendar was the bill (H. R. 126) for the relief of Martha Lindsay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the act of Congress approved June 27, 1890, the name of Martha Lindsay, widow of William Lindsay, late of Company F, Second Regiment Pennsylvania Volunteers.

The amendment reported by the committee was read, as follows:

Strike out, in lines 5 and 6, the words "act of Congress approved June 27, 1890" and insert "general pension laws."

Mr. PICKLER. I ask that the report in this case be inserted in the RECORD without reading.

Mr. LOUD. I object. If we have not time to hear a report read, I object to its insertion in the RECORD.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 126) to pension Martha Lindsay, and submit the following report:

The petitioner is the widow of William Lindsay, who served in Company F, Second Pennsylvania Reserve Corps, from February 12, 1864, to March 27, 1864, when he was accidentally killed in camp by the explosion of an old shell which he was handling.

It is duly shown by evidence on file in the Pension Bureau that the widow is 74 years of age and has no property or other source of income. She was married to the soldier January 26, 1853, and had four children at the date of his death. Her claim, filed June 20, 1864, was rejected on the ground that soldier's death was not incurred in line of duty. She can not be pensioned under the act of June 27, 1890, because he did not serve ninety days.

Two witnesses testify that she has not remarried since the soldier's death. The ground of rejection of the claim under the old law is purely technical. There is nothing to show the circumstances of his death, except the statement on records of War Department, as quoted above. It was clearly through no conscious fault of his own that he met his death. His conduct may have been imprudent, but it was not even, strictly speaking, "contributory negligence."

Your committee recommend that the bill do pass, after being amended by striking out the words "act of Congress approved June 27, 1890," in lines 5 and 6, and inserting in lieu thereof the words "general pension laws." The effect of this change will be to give her \$12 per month instead of \$8, as would be the rate in the present form of the bill.

A similar bill for this woman was favorably reported by this committee in the Fifty-third Congress, and the above is the language used in their report. The bill died on the Calendar of that Congress.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

EMILY B. MUNCEY.

The next business on the Private Calendar was the bill (S. 705) granting a pension to Emily B. Muncey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Emily B. Muncey, Topeka, Kans., widow of Leonard B. Muncey, late private in G Company of the Forty-eighth Regiment of Illinois Volunteer Infantry, and pay her a pension of \$12 per month.

Mr. LACEY. I ask for the reading of the report.

The Clerk proceeded to read the following report (by Mr. BAKER of Kansas):

The Committee on Invalid Pensions, to whom was referred the bill (S. 705) granting a pension to Emily B. Muncey, have carefully considered the matter in evidence, and they hereby adopt the following from the Senate report in this case and make it their own:

"The evidence fully shows that Leonard D. Muncey enlisted as a private in Company G of the Forty-eighth Regiment Illinois Volunteers, on the 1st day of September, 1861, and was honorably discharged on the 31st day of August, 1864, the expiration of his term of service.

"John Willman testifies that 'said soldier had the measles at Camp Butler, Ill., some time in November, 1861, and that he, said soldier, was moved to Cairo, Ill., and there took a relapse and was left either at Cairo or Mound City, not being able to follow the regiment on foot.'

"David S. Hill testifies that 'he served with Leonard D. Muncey in Company D, Forty-eighth Regiment Illinois Volunteers, and knows of his own personal knowledge that said Muncey had the measles while they were at Camp Butler, Illinois, and was sent to the hospital, which was so crowded that he was sent out in camp too soon and caught a severe cold and had a very severe cough, so that he was not able to do hard duty, and he was detailed to do light work in the quartermaster's department. There was such a rush of patients, principally with measles, that they would send them out from the hospital as soon as possible to make room for others.'

"Peter Cotton testifies that 'he served in the same company and regiment as the soldier, and was with him when he contracted the measles at Camp Butler, in November, 1861; that he himself contracted the measles from said soldier; knows that said soldier was discharged too soon from hospital, and that he contracted cold which settled on his lungs, and that he was assigned to duty in the quartermaster's department on account of his not being fit for duty.'

"Ezekiel Bass testifies that 'he was personally acquainted with Leonard D. Muncey, and served in the same company and regiment with him, and remembers wrestling and scuffling with him before he took the measles and knew him to be stout and robust. We were in the hospital together at Camp Butler, Illinois, and to the best of my recollection said Muncey was in a squad of about 15 of us, all sick with measles, and were moved some time in November, 1861, from Camp Butler, Illinois, to Cairo, Ill., through a snowstorm, and most of us took relapse, and, as best I remember, said Muncey was with me in hospital in Cairo, Ill., and I well remember of looking out the window and seeing our regiment—the Forty-eighth Illinois Infantry—pass along the street, going on what was called the Kentucky scout. The last time I remember of seeing said Muncey was somewhere in Tennessee, and he was then very pale and thin, scarcely able to walk.'

"The records of the War Department show that said Muncey was treated in hospital from November 9 to 23, 1861, and returned to duty in his company and regiment December 11, 1861.

"J. A. Muncey testifies that 'he was personally acquainted with Leonard D. Muncey previous to his enlistment in the Army, and that he was a man of robust health and good physical condition; that he has known him since his discharge from the Army, and knows from personal knowledge that his health and physical condition were entirely changed, and that he was suffering from a severe lung trouble, attended with a cough.'

"John W. Ingersoll, late Lieutenant Company G and Lieutenant-colonel Forty-eighth Regiment Illinois Volunteers, testifies that 'he was acquainted with L. D. Muncey, and knows that the said L. D. Muncey is the identical person who enlisted as a private in Company D, Forty-eighth Regiment Illinois Volunteers, and was discharged by reason of expiration of term of service.

"That said Leonard D. Muncey, while in line of his duty at or near Camp Butler, in the State of Illinois, did, on or about the 9th day of November, 1861, become disabled in the following manner, viz: Was taken with measles at Camp Butler, Illinois, and for want of proper care took cold, which settled on his lungs. The regiment received marching orders, went to Cairo, Ill., where we did not have at the proper time sufficient quarters to protect the men from the inclement weather, and Muncey, having first left hospital, was exposed to the bad, stormy weather, took cold, and his lungs became affected, which left him with a hacking cough up to the time of his leaving the regi-

ment. He further states that said Muncey frequently complained of lung trouble, and did not reenlist in consequence thereof. He further states that his knowledge of the foregoing is from being with him—served in the same company, enlisted at the same time; that he has no interest in the claim.'

"W. H. Murray, who was lieutenant of said Leonard D. Muncey's company and regiment, testifies that 'said soldier was a man of sober and temperate habits, and when he enlisted was in good health and strength, and that said soldier was ruptured in the abdomen from overstrain or exertion in tearing up and destroying the railroad track at Jackson, Miss., on or about the 17th day of January, 1863, so that soldier had to be placed in hospital, and afterwards detailed as a clerk in the quartermaster's department on account of his disability for military duty.'

"Said soldier testified that 'he was examined by a United States surgeon when he enlisted; that he was stripped and particularly examined by said surgeon as to rupture by his pressing his finger firmly in the region of the groin, and was pronounced by said surgeon a sound and healthy man, and accordingly was mustered in the service.'

"Several witnesses testify that they knew said soldier ever since the time he left the Army, and that he had a hacking cough and had lung trouble, which he said he had contracted while in the Army, and that he had never been entirely well since he left the Army. Said soldier died April 13, 1889. The credibility of the witnesses is fully established.

"Emily B. Muncey, the widow of said soldier, is a very worthy woman, but in poor circumstances. She made application to the Pension Office for a pension as the widow of said soldier, but being unable to furnish all the evidence required by the Pension Bureau to show that the soldier had not before he entered the service contracted the disease of which he died, her claim was rejected.

"Having carefully considered all the evidence in the case, your committee recommend the passage of the bill."

[Before the reading of the report was concluded the hammer fell.]

Mr. LACEY. I ask unanimous consent for the reading of the residue of the report.

Mr. PICKLER. I object.

Mr. DALZELL. I ask that the remainder of the report be read in my time.

Mr. PICKLER. All these reports are printed in the RECORD over in the Senate; and at any rate they are just as much a part of the records of the House, whether they are in the CONGRESSIONAL RECORD or not.

Mr. LACEY. But how can we tell what they are unless we hear them read?

Mr. PICKLER. Many gentlemen do not listen to them.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] has been recognized, and asks that the remainder of the report be read in his time.

The Clerk resumed and concluded the reading of the report.

The bill was laid aside to be reported favorably to the House.

THOMAS BREWER.

The next business on the Private Calendar was the bill (H. R. 3857) granting a pension to Thomas Brewer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Brewer, late of Companies I and F, Thirty-first Regiment Enlisted Missouri Militia.

The amendment reported by the committee was read, as follows:

In lines 4 and 5, strike out the words "subject to the provisions and limitations of the pension laws," and at the end of the bill add "at the rate of \$12 per month."

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3857) granting pension to Thomas Brewer, late private Companies I and F, Thirty-first Regiment Enrolled Missouri Militia, respectfully submit the following:

His discharge certificate shows that Thomas Brewer enlisted August 10, 1862, and was discharged December 8, 1862; but he alleges he was enlisted June 1, 1861, and discharged May 8, 1863.

He filed claim for pension under general law November 12, 1889, for varicocele of left testicle, incurred at or near St. Joseph, Mo., October 21, 1862, caused by being thrown upon the pommel of his saddle.

This claim was rejected April 15, 1890, on the ground that the organization to which claimant belonged was not shown to have been in the military service of the United States, and no title to pension under general laws.

He filed claim under act June 27, 1890, on October 23, 1890, alleging "epilepsy, varicocele, disease of kidneys, and hernia."

The proof on file in his claim shows that his horse fell with him while on a march, throwing him on pommel of saddle, and mashed his left testicle and unfitted him for further service.

The testimony of physicians and neighbors shows that he has been unfit for manual labor since he came home from the Army, the physicians certifying that the injury to testicle caused hypochondria, fits, sensory illusions, and a train of diseases entirely disqualifying him for the performance of manual labor.

He was examined by the board of examining surgeons at Albany, Mo., March 25, 1891, which rated him at eight-eighths for hernia, two-eighths for varicocele, two-eighths for epilepsy, and four-eighths for heart disease.

In view of the facts and circumstances in evidence in this case, your committee earnestly favor the passage of this bill when amended to strike out, in lines 4 and 5, the words "subject to the provisions and limitations of the pension laws," and add, after the word "Militia," in line 7, the words "at the rate of \$12 per month."

Mr. CROWTHER. The question, as I understand, is now upon the amendment of the committee.

The CHAIRMAN. The Clerk will report that amendment, if the gentleman desires.

The amendment of the committee was again read.

Mr. OWENS. As I understand from the reading of the report, this man was not in the military service of the United States at all.

Mr. CROWTHER. He was in the military service of the United States, but the organization to which he belonged was not properly mustered into the service.

Mr. OWENS. As I understand, he was simply willing to be in the service, but did not get in.

Mr. CROWTHER. The statement of the report is that he did serve in that branch of the Army.

Mr. OWENS. What branch?

Mr. CROWTHER. The cavalry branch.

Mr. OWENS. But the report states that the Department refused to place him on the roll because he was not in the service of the United States.

Mr. CROWTHER. Because he was not properly mustered into the service. That organization was not mustered into the service by the proper mustering officer.

Mr. OWENS. Then he was not in the service.

Mr. CROWTHER. Certainly he was in.

Mr. OWENS. As I understand, the report states that he was willing to enter the service; was loafing about ready to go in, but he did not in fact go in.

Mr. CROWTHER. That may be the gentleman's idea of the record of this soldier.

Mr. OWENS. The report says that he was not in.

Mr. CROWTHER. He was not technically in the service—

Mr. OWENS. I was quite sure I caught the reading correctly.

Mr. CROWTHER. According to the records of the War Department, he was not in the service.

Mr. OWENS. Then where do you get your information, except from the records of the War Department?

Mr. CROWTHER. The records of the military organization to which he belonged.

Mr. OWENS. But he was not in the military service of the United States.

Mr. BRODERICK. If the gentleman from Missouri will allow me I would like to ask a question.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor.

Mr. OWENS. I do not care about objecting to this thing. I only wanted to understand the status of it; to find out exactly what we are going to do. I have down in my country a large number of such people, and have had a great many inquiries. They are anxious to get on the rolls, but I have hesitated to ask Congress to put them there. If, however, you are going to adopt that principle, I will have to take up their cases. I merely want to understand the status of the thing.

Mr. CROWTHER. We have no men from Missouri who are anxious to get on the rolls, unless they are entitled to it.

Mr. OWENS. You seem to be trying to get one on now. I do not know where he is from, but I suppose from Missouri.

Mr. CROWTHER. But you see he was performing service for the country.

Mr. OWENS. But outside of the service of the United States.

Mr. PICKLER. If the gentleman will permit me, this man was practically, although not technically, in the military service of the United States. He performed military duties under the command of United States officers.

It is not a new case, I will state to the gentleman. Pensions of this kind have been granted heretofore. I have no doubt that he would have been pensionable under the act of 1874—

Mr. OWENS. But he was not in the service at all.

Mr. PICKLER. Oh, yes; this is simply an exceptional case. He performed military service, and such pensions have been granted heretofore.

Mr. OWENS. When was he in the service; during the war, or afterwards?

Mr. PICKLER. During the war, of course. Our committee does not have jurisdiction except of cases arising out of the late war.

Mr. OWENS. He came in contact with a saddle, I believe, and was hurt?

Mr. PICKLER. Well, he got hurt.

Mr. OWENS. Well, I merely wanted to understand the merits of the case.

Mr. PICKLER. Does the gentleman think there is no danger in a saddle?

Mr. OWENS. I do not know; I wanted to find out.

Mr. BRODERICK. If the gentleman will allow me, I would like to ask the gentleman from Missouri this question: If it is not true that some of these militia organizations in his State and mine were called out by the governors of the State about the time of the Price raid, and that after they got into the field they went into the regular service; that is, they were under the command of United States officers, and were engaged in some of the battles, during the war, along the border?

Mr. CROWTHER. That is true. There were several such regiments from my own State, and I know in certain instances the men were not mustered into the United States service, but they

performed military duty under United States officers. This case is one where the performance of duty was in 1862.

Mr. BRODERICK. And these regiments called out in that way for State service served under United States officers and performed duty in the United States service under the command of army officers?

Mr. PICKLER. Yes; and perhaps saved the States from going out of the Union.

I ask a vote, Mr. Chairman.

The amendment was agreed to.

Mr. CROWTHER. There is a typographical error in the seventh line of the bill, which should be amended. I move to strike out the word "enlisted," in that line, and insert "enrolled" in lieu of it.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with favorable recommendation.

CYRUS THOMAS.

The next business on the Private Calendar was the bill (H. R. 4910) granting a pension to Cyrus Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Cyrus Thomas a pension at the rate of \$75 per month from and after the passage of this act, in lieu of the pension which he now receives, and subject to the limitations and provisions of the pension laws.

Mr. MILNES. I ask for the reading of the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4910) granting a pension to Cyrus Thomas, submit the following report:

Cyrus Thomas enlisted August 7, 1862, and served as sergeant and second lieutenant in Eleventh Vermont Infantry and Battery B, First Vermont Heavy Artillery, until June 24, 1865. He was promoted to first lieutenant for meritorious conduct, but seems not to have been mustered, being absent on account of wounds received in battle. His discharge and record is honorable.

He was twice wounded in battle. At Cedar Creek, Virginia, he received a slight scalp wound. At Petersburg he was wounded in left leg by piece of shell. For this last wound he is now receiving a pension of \$11.25 per month.

It conclusively appears that claimant, while in service and in line of his duty at Monocacy, Va., on July 31, 1864, received a sunstroke. This appears from the affidavits of his captain and two comrades. He is now in feeble health, partially paralyzed, subject to dizziness, and totally unfit for physical labor. His trouble in the head causes forgetfulness to such an extent that he is totally unfit for mental labor, and he has been obliged, on account of such disabilities, to abandon his profession, that of a minister of the Baptist Church. He is 60 years of age, and requires a nurse or attendant from one-third to one-half of the time. He has little power over his muscles and can not dress himself alone.

The evidence examined by the committee is voluminous. Besides the statement of claimant, the evidence on file in the Pension Office, there are 40 affidavits, which have been carefully considered. The committee believe that the condition of the claimant is from disabilities of service origin. His captain, on account of lapse of time and lack of memoranda, can only state the fact of the sunstroke. Neither he nor the comrades can state the effect of this injury or how it affected him, although both state the fact, and one at the time wet the claimant's head. Claimant was soon after wounded and went to hospital, which reasonably accounts for this lack of evidence, which, if it could be obtained, would secure him an increase through the Pension Office. As it is, he is without remedy there.

Claimant is poor. His only income is \$11.25 per month pension and \$3 per week which his daughter earns. It is entirely insufficient for his support under his present condition.

The committee recommend the passage of the bill with an amendment striking out the word "seventy-five" and inserting "fifty"; also insert after the word "Thomas," in line 4, the words "late second lieutenant Battery B, First Vermont Heavy Artillery, and sergeant Company B, Eleventh Vermont Infantry."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH E. DONAHOE.

The next business on the Private Calendar was the bill (S. 746) granting a pension to Elizabeth E. Donahoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth E. Donahoe, widow of the late Col. Michael T. Donahoe, of the Tenth New Hampshire Volunteer Infantry and brevet brigadier-general of volunteers, at the rate of \$30 per month.

Mr. DINGLEY. Let the report be read in that case.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 746) granting a pension to Elizabeth E. Donahoe, adopt as their own the Senate report, as follows:

"Mrs. Donahoe is the widow of Col. Michael T. Donahoe, of the Tenth New Hampshire Volunteer Infantry, and brevet brigadier-general of volunteers. The following certificate from the adjutant-general of New Hampshire gives the military record of the soldier:

"THE STATE OF NEW HAMPSHIRE,

"ADJUTANT-GENERAL'S OFFICE,

Concord, November 26, 1895.

"I certify that the following is a correct abstract from the official records of this office:

"Michael T. Donahoe, born Lowell, Mass.; age, 22; residence, Manchester, N. H.; enlisted August 1, 1861, as private in Company C, Third Regiment New Hampshire Volunteers; appointed captain August 22, 1861; mustered into service as captain August 23, 1861; discharged July 31, 1862, to accept promotion; appointed colonel Tenth Regiment New Hampshire Volunteers August 6, 1862; mustered as colonel September 5, 1862; wounded September

29, 1864, Fort Harrison, Va.; mustered out June 21, 1865, brevet brigadier-general United States Volunteers, for gallant conduct in the field, to date from March 13, 1865.

"A. D. AYLING,

"Adjutant-General State of New Hampshire.

"At the age of 22, and almost at the beginning of the war, Mr. Donohoe raised a full company for the Third New Hampshire Regiment, which he served with and commanded until promoted to the colonelcy of the Tenth Regiment from that State. He commanded a brigade at the close of the war. He was severely wounded at the battle of Fort Harrison, Va., in September, 1864, being confined in hospital at Hampton and Fortress Monroe for many weeks. In consequence of this wound Colonel Donohoe could have been placed on the pension roll at the close of the war, but he preferred not to accept aid from the Government while he was able to take care of himself and family. Had he accepted a pension he would have doubtless drawn from the Treasury more money than will be paid to his widow during her natural life under the provisions of this bill.

"General Donohoe was a brave, loyal, true Irish-American soldier and an upright, honored citizen. He was twice named by the Democratic party of New Hampshire as their candidate for railroad commissioner (in those days the second name on the ticket), and was twice honored in Massachusetts as the party candidate for secretary of state. During the three years 1891, 1892, and 1893 he served as aid-de-camp on the personal staff of Governor Russell, of Massachusetts. During the later years of his life he served as secretary to the department of public institutions of Boston, and a few months previous to his death he was promoted to the superintendency of the Reformatory for Boys at Rainsford Island, Boston Harbor.

"General Donohoe died on the 26th day of May, 1895, of cerebral hemorrhage, leaving no property whatever. This not being a disease of service origin, the widow is barred from receiving the pension of \$30 per month, the grade of a colonel, under the general law. Her only means of relief is either by special act or by securing a pension of \$8 per month under the act of June 27, 1890.

"In view of the fact that General Donohoe served with distinction for almost four years; that he declined to apply for pension in consequence of a severe wound, and the destitute condition of his widow, your committee recommend favorable action on the bill after it has been amended by substituting 'Donohoe' for 'Donahoe' in lines 6 and 7 and also in the title of the bill."

Mr. MILNES. Mr. Chairman, I move to strike out "fifty" and insert "thirty"; so that it will read "thirty dollars a month" instead of fifty.

I have but just a word or two to say about the amendment. If this soldier had actually been killed in the service of the United States his widow could not have received a pension of over \$30 a month under the law. Now, there are in the United States tens of thousands of widows of private soldiers and noncommissioned officers who are absolutely unable to receive a pension of over \$8 a month, and I do not think that we ought to go on paying large pensions to the widows of officers, but should distribute the pensions a little more generally and uniformly.

Therefore, I favor cutting down the amount carried by this bill to \$30 per month.

Mr. CURTIS of New York. Mr. Chairman, I hope the amendment of my friend will not prevail. It was my good fortune to have known and served for some time with Michael Donohoe. I knew him and his regiment. I had an opportunity to see him after the war and to know something of his services to the States of New Hampshire and Massachusetts. But this bill relates to pensioning his widow, and I desire to speak simply in that regard, with the desire to call the attention of the House to the fact that he was a very deserving man. This lady cared for him in the years of his affliction and suffering from wounds. She is entitled to high consideration. I trust it will not be the purpose of any member of this House to raise an objection against the continuing of the practice which has been established in respect to these meritorious officers and the widows of those who served in the war in the capacity and with the fidelity and ability of General Donohoe.

Mr. MILNES. Mr. Chairman, this widow is now drawing, as I understand, \$8 a month. If my amendment is adopted it will give her \$30 a month, all she could possibly get under the law, even if her husband had died by being killed in battle. Now, why should we go on and pay \$50 a month to these widows of officers while there are thousands and tens of thousands of widows of soldiers just as gallant as this soldier who can not get to exceed \$8 a month? I do not believe it is right, and I do not believe the old soldiers of this country, of whom I am one, are in favor of that kind of pension legislation. If I know anything about the wishes of the soldiers of this country—and I have been as intimately connected with them as any man on this floor—they are opposed to that kind of legislation. Therefore I hope this amendment will prevail.

Mr. SULLOWAY. I hope this amendment will not prevail. There is no reason why it should. None has been given. I notice when a gentleman arises on this floor to oppose a pension he always says he does it in the name of the old soldier. He always has great love and sympathy and pity for the private; but I never knew one of them to arise here and propose to do anything for the private, not one of them. I have watched that during this session, and there has not been an instance.

Now, this is the widow of as brave a man as ever stood under that flag. He stood under it on many a bloody field, when its stripes were torn, its stars shot away, its staff splintered, and its folds stained with blood. I ask that his widow be treated as widows of other generals have been treated; not as well, because we have voted to some \$100, to some \$75; but for this one we ask only \$50. I ask it for the very best reason in the world, that this

general was one of the most successful killers of rebels, at a time when that was the best use you could make of them, that the North produced. [Applause on the Republican side.] She is drawing no pension whatever, not a penny. I ask that she be given \$50 a month.

Mr. POOLE. Mr. Chairman—

The CHAIRMAN. The time for debate is exhausted. The question is on the amendment of the gentleman from Michigan [Mr. MILNES].

On a division (demanded by Mr. SULLOWAY and Mr. BAKER of New Hampshire) there were—ayes 25, noes 50.

Accordingly the amendment of Mr. MILNES was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HANNAH NEWELL BARRETT.

The next business on the Private Calendar was the bill (H. R. 3239) for the relief of Hannah Newell Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah Newell Barrett, eldest daughter of Noah Harrod, late a soldier in Colonel Shephard's regiment and Captain Webb's company of Massachusetts troops in the war of the Revolution, and pay her a pension at the rate of \$20 per month from and after the passage of this act.

The Committee on Pensions recommended an amendment striking out the word "twenty," in line 8, and inserting the word "twelve."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CELESTIA R. BARRY.

The next business on the Private Calendar was the bill (H. R. 1891) granting a pension to Celestia R. Barry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Celestia R. Barry, widow of Claudius C. Barry, deceased, late a private in Captain Connor's company, Bell's regiment, Mexican war volunteers, and to allow the said Celestia R. Barry a pension at the rate of \$12 a month.

The Committee on Pensions recommended an amendment striking out the word "twelve," in line 8, and inserting in lieu thereof the word "eight."

Mr. SPALDING. Let us have the report read.

The report (by Mr. BLACK of Georgia) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1891) granting a pension to Celestia R. Barry, have considered the same and respectfully report as follows:

The claimant is the widow of Claudius C. Barry, late a private of Captain Connor's company of Texas Mounted Volunteers in the war with Mexico. The records of the War Department show that he enlisted May 5, 1848, and was discharged with the company December 31, 1848. The rolls further show that the regiment was called into service for the protection of the frontier against hostile Mexicans and Indians, and it is also shown that casualties occurred in the regiment December 1, 1848, at Brazos River, and December 30, 1848, at Austin, Tex.

The soldier was allowed a pension under the Mexican war act of January 29, 1887, but when his widow made application after his death (which occurred May 4, 1894) the rulings of the Pension Bureau had changed, and her claim was rejected "on the ground that the soldier did not serve the requisite sixty days in the war with Mexico, as said war closed May 30, 1848."

Mrs. Barry is now 56 years old, and the testimony filed at the Pension Bureau fully establishes her widowhood and that she has no property or income, but is dependent upon others for support. It is also shown that she is so disabled by rheumatism as to incapacitate her from earning a maintenance by her own labor.

The soldier's service, notwithstanding the fact that the Pension Bureau holds that the Mexican war ended May 30, 1848, was of an arduous and dangerous character and extended far beyond the date named. As stated above, casualties occurred in the regiment as long as six months subsequent to May 30, 1848.

Your committee believe that the claimant is deserving of relief, and the passage of the bill is therefore recommended with an amendment striking out the word "twelve," in line 8, and substituting therefor the word "eight"; so as to allow a pension of \$8 per month.

Mr. DINGLEY. As I understand, this is a proposition to pension the widow of a soldier who did not serve the sixty days required by the general law.

Mr. PENDLETON. Mr. Chairman, this is a proposition to pension Celestia R. Barry, widow of C. C. Barry, who was a soldier in the Mexican war. When General Black was Commissioner of Pensions he gave C. C. Barry a pension. After his death Celestia R. Barry applied for a pension, and the Pension Office refused to grant it, for the reason that the ruling of the Pension Office had been changed.

Barry enlisted in the Army on the 5th of May, 1848. He was discharged from the Army on the 31st day of December, 1848. General Black decided that the war had ended on the 4th of July, 1848, at the date of the President's proclamation declaring peace between the two countries, and therefore gave Barry a pension. After his death, when Mrs. Barry applied for a pension, the Pension Office decided that the date when hostilities ceased between the United States and Mexico was not the 4th of July, 1848, but the 30th of May, 1848, when Congress passed an act declaring peace. The entire question is whether peace was declared by the act of Congress or by the proclamation of the President.

Mr. MILNES. I understand that the soldier enlisted May 10, 1848?

Mr. PENDLETON. May 5.

Mr. MILNES. And the war was declared at an end—

Mr. PENDLETON. On the 4th of July, 1848, making the soldier's service just sixty days exactly.

Mr. MILNES. I understood the report to say he enlisted May 10.

Mr. PENDLETON. No; May 5. General Black gave the soldier a pension, deciding that the date of the cessation of hostilities was the 4th of July, the date of the President's proclamation.

Now, the soldier served eight months, lacking four days, in the Army of the Republic, and he served sixty days before the proclamation of the President, but only twenty-five days before Congress passed a resolution declaring peace between the two countries. General Black, when he was Commissioner of Pensions, decided that it was the day of the President's proclamation, and gave her husband a pension; but the present Commissioner of Pensions refuses to grant her a pension because he has decided that it was the 30th day of May and not the 4th of July that the war was ended.

Mr. DINGLEY. Is the amount provided for in the bill the same as she would have received under the law?

Mr. PENDLETON. The same exactly. The amount I wished her to have was \$12.

Mr. DINGLEY. The general law is \$8 a month, and that is what is provided for here.

Mr. PENDLETON. That is what is provided; but in her indigent condition I think she ought to have had more.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LYDIA BOYNTON FERRIS.

The next business on the Private Calendar was the bill (H. R. 1511) for the relief of Lydia Boynton Ferris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lydia Boynton Ferris, daughter of John Boynton, who was a soldier in the war of 1812 in Capt. Joseph Morrill's company, Vermont Militia, from September 12 to November 30, 1812, on the pension roll and pay her a pension of — dollars per month.

Mr. SPALDING. I call for the reading of the report.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1511) granting a pension to Lydia Boynton Ferris, have considered the same and respectfully report as follows:

The claimant is the daughter of John Boynton, who served as a corporal in Capt. Joseph Morrill's company of Vermont Volunteers from September 12 to November 30, 1812, in the war of that year with Great Britain. It is also shown that she is the granddaughter of Isaac Boynton, who is shown by the records of the War Department to have served for a period of three years in the war of the Revolution. John Boynton, the claimant's father, was, at the time of his death, a pensioner at \$8 per month on account of his service in the war of 1812.

Her relationship to the above-named soldiers is shown by the sworn statements of James Owens, Alonzo L. Boynton, Laura Hayes, M. L. Staib, Minnie Miller, and Sophia B. Frary.

The claimant swears that she is 63 years old, a resident of 287 Normal avenue, Buffalo, N. Y., and that she is the widow of Joshua C. Ferris, who died in 1882, leaving her comparatively penniless. She further swears that by the accidental breaking of her arm in 1884 she has been rendered permanently unable to provide for herself, and that she is now without any means of support whatever.

The truthfulness of the claimant's statement is certified to by B. W. Green, of Emporium, Pa., in a letter addressed January 12, 1895, to Hon. Charles Daniels, M. C.

The soldier, in his application for pension, certified that his wife (the claimant's mother) was deceased.

There are precedents for the proposed legislation (one of them being the case of Delia Stewart Parnell, pensioned in the Fifty-first Congress as the daughter of an officer in the war of 1812), and in view of the claimant's necessities, the passage of the bill is recommended with an amendment fixing the rate of pension at \$12 per month.

Mr. ERDMAN. Mr. Chairman, I dislike very much to see the time of the committee taken up by the useless proceeding of reading the report, and I am very much annoyed that there is no continual wailing of "Vote!" "Vote!" on the other side when reading the report. Has the leader of the House cast his spell over them? Something is the matter with them. I should like very much to hear an explanation of the reason why we must have these reports read and why pensions are blocked by it. It would be very interesting!

Mr. DINGLEY. Mr. Chairman, as this is the second statement the gentleman has made in this line, I think it is appropriate that some response should be made. The gentleman from Pennsylvania [Mr. ERDMAN] on Friday evening sessions, up to the last one, has occupied a large part of the time in making speeches and repeating them, occupying hours, I understand, talking, not for the purpose of ascertaining whether the bill should pass or not, but for the purpose of blocking the passing of bills.

Now, to-day he has changed his course of procedure. He desires now that the bills shall be considered without even the reading of the report and without any knowledge respecting them. I think it is entirely appropriate that this House, at any time,

whether on Friday evening session or any other, should have enough said, either by the reading of the report or by a statement of some gentleman, that members should know what the character of the bill is and its merits, and I think it is entirely appropriate to have the report read. [Applause]. But now a change has come over the gentleman from Pennsylvania. The House should proceed in no other way than to deliberately consider each bill as it comes up, and ascertain from the report or some statement of some gentleman exactly what the merits of the bill are. We should not swing from one extreme to the other, as the gentleman from Pennsylvania seems to have swung, but should consider each bill upon its merits. I have nothing more to say.

Mr. ERDMAN. Does the gentleman think that five minutes is sufficient time to discuss and deliberately consider any bill?

Mr. DINGLEY. Ordinarily I will say that five minutes for and five minutes against a bill, where there is simply a question as to whether a person should be pensioned or not, is sufficient. Now and then there may come up a bill where more time is needed; but ordinarily, in most of these bills, especially referring to privates, five minutes on one side and five on the other clearly acquaint the House with the facts.

Mr. ERDMAN. Did not the gentleman see that five minutes for and five minutes against it were exhausted by the reading of a report and was not sufficient for the reading of the report itself?

Mr. DINGLEY. Yes; and the gentleman objected.

Mr. ERDMAN. I did.

Mr. DINGLEY. Undoubtedly we have been compelled to resort to this procedure for the purpose of doing business that ought to have been done at the Friday night sessions, and the gentleman is responsible. [Applause on the Republican side.]

Mr. ERDMAN. I point to the RECORD, which will show that I did not occupy more than fifteen or twenty minutes' time on any Friday night.

Mr. COLSON. Which was fifteen minutes too much. [Laughter.]

The CHAIRMAN. The question is on the amendment.

Mr. LOUD. Unless the time is exhausted, I would like to say one word on this bill.

The CHAIRMAN. The Chair thinks there are two minutes remaining.

Mr. LOUD. I will confine myself to the bill. I would like to ask some gentleman, in regard to this bill, whether this lady is to be pensioned because her grandfather was in the Revolutionary war or because her father was in some other war?

Mr. DANIELS. It was intended to put it on both grounds; but the committee concluded it would be shorter to put it on the ground that her grandfather served in the Revolutionary war.

Mr. LOUD. I would like to discover how far removed by blood a person must be before a pension shall not be granted. You have gotten to granddaughters now. I do not know why we should not go down the whole list to cousins.

Mr. DANIELS. She is the granddaughter of a soldier of the Revolutionary war who served three years.

Mr. PICKLER. We are more lenient to those who served in the Revolutionary war than others.

Mr. DANIELS. There are very few of them.

Mr. LOUD. But there are lots of cousins and granddaughters left.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATHERINE ZEIGENHEIM.

The next business on the Private Calendar was the bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll of the United States, subject to the provisions and limitations of the pension laws, the name of Katherine Zeigenheim, widow of Frank J. Zeigenheim, late private of Third Regiment of United States Dragoons, Mexican war, at the rate of \$8 per month from and after the passage of this bill.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2359) granting a pension to Katherine Zeigenheim, have considered the same and respectfully report as follows:

The claimant is the widow of Francis J. Zeigenheim, who served from May 16, 1848, to July 14, 1848 (a period of sixty days), as an unassigned recruit in the Third United States Dragoons. The records of the War Department show that he enlisted at Louisville, Ky., for the Mexican war and was forwarded to Jefferson Barracks, Mo., where he remained on post duty until discharged.

The soldier made application for a pension under the Mexican war act approved January 29, 1887, and the same was allowed, but after his death, which occurred January 5, 1892, his widow's claim was rejected because he did not serve in Mexico, on the coast or frontier thereof, or en route thereto, as required by the act in question.

The claimant is now about 61 years old, in poor health, and without any means of support aside from what she earns as a janitress of a furniture store. These facts are sworn to by the claimant and by Sebastian Wetterer

and Edward Duerr, citizens of Louisville, Ky. Her status as the soldier's widow is fully established by the proof on file at the Pension Bureau.

In view of the fact that the soldier enlisted in good faith for service in the war with Mexico and was actually en route thereto until assigned to other duty at St. Louis, your committee believe that Congress can very properly grant the relief prayed for, and the passage of the bill is therefore recommended.

Amend by changing the spelling of soldier's Christian name to "Francis."

The amendment recommended in the last paragraph of the report was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NANCY B. PRINCE.

The next business on the Private Calendar was the bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy B. Prince, widow of Elbert Prince, late private of companies commanded by Captains Christmas and Spirey, Georgia Volunteers, Indian war of 1836, and that he pay her a pension of \$8 per month from and after the passage of this act, and to continue during her widowhood.

Mr. HARRISON. Mr. Chairman, the facts in this case are very simple. This lady is the widow of a soldier who actually served sixty days in the Indian war, but served in two companies. On the widow's application for pension, the Department could only find record of service of the soldier for about eighteen days in one company, and therefore the application was denied; but the facts as shown establish a service of about sixty days in the two companies. The old lady is now about 86 and entirely dependent upon others for support, and I trust there will be no objection to the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY PRINCE.

The next business on the Private Calendar was the bill (H. R. 1826) granting a pension to Henry Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Prince, late private in companies commanded by Captains Christmas and Spirey, Georgia Volunteers, Indian war of 1836, and that he pay him a pension of \$8 per month from and after the passage of this act.

Mr. HARRISON. Mr. Chairman, this is a similar case to the last. The applicant in this case is a brother of the soldier to whose widow the last bill grants a pension. The Princes were brothers and served in the same company.

Mr. MILNES. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1826) granting a pension to Henry Prince, beg leave to submit the following report: The claimant declares that he enlisted about May 1, 1836, and served until the last of June, 1836, as a private in Captain Christmas's company of Georgia volunteers in the Creek Indian war, and his allegations as to length of service are borne out by the sworn statements of Linson Pickard and John H. Blalock, aged residents of Lee County, Ala., who knew him at the time of his service.

The records, however, fail to show the service except from May 21, 1836, to June 7, 1836; and it further appears that no travel-time allowance is included within that period. His claim, under the Indian war act of July 27, 1862, was disallowed because of inability to find a record except of eighteen days' service.

The claimant is now 80 years old, in feeble health, and without property or income upon which to depend for a support. The facts are shown by the certificate of the gentleman who introduced the bill in the House, and also by the sworn statement of three residents of Lee County, Ala.

The passage of the bill is respectfully recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEN. JAMES C. PARROTT.

The next business on the Private Calendar was the bill (H. R. 5226) to give increased pension to Gen. James C. Parrott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of James C. Parrott, late colonel of the Seventh Iowa Infantry in the war of 1861, and pay him pension at the rate of \$72 per month in lieu of that he is now receiving.

The Committee on Pensions recommended amendments as follows:

Line 6, strike out the words "in the war of 1861."

Line 7, strike out "seventy-two," before the word "dollars," and insert "fifty."

Mr. PERKINS. Mr. Chairman, this bill was introduced by my colleague [Mr. CLARK], who is absent. General Parrott is 85 years of age. He was a soldier in the Regular Army for a period between 1830 and 1840. He was 50 years of age when he enlisted in the Seventh Iowa Infantry in the late war. He has a distinguished record as a soldier, and he is now in a helpless condition, due, to some extent, to his advanced years. I believe there can be no possible objection from any quarter to this bill. Investiga-

tion of the case will simply serve to show its highly meritorious character.

Mr. HENDERSON. Mr. Chairman, I know Colonel Parrott well. He entered the Army as a private and was elected captain by his company. He was baptized at Belmont, and his gallantry was recognized by General Grant in a letter which he wrote urging him to go home to recuperate. He was at Fort Henry, at Donelson, at Shiloh, and at Corinth. He was severely wounded at Donelson and at Corinth. He was in the battle before Atlanta. He marched with Sherman to the sea, and was mustered out at the end of the war. He is a man of beautiful character. He is now stricken down by paralysis, absolutely prostrated; he is 85 years of age, and is without a dollar on which to live. I believe the case is wisely and well put by the committee when they say in their report that they "unanimously and cordially" recommend the passage of this bill, and I want to thank them for that assurance.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE E. PURDUM.

The next business on the Private Calendar was the bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Purdum, widow of Elijah F. Purdum, late private in Company F, Thirtieth Regiment, and assistant surgeon Eighty-ninth Regiment, Ohio Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of the pension she is now receiving.

Mr. ANDREWS. Mr. Chairman, the report in that case is brief, and I ask that it be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum, have considered the same and report as follows:

Five different pension certificates were issued to the soldier because of disease contracted in the service.

One of the disabilities mentioned in his last certificate was "disease of heart," for which disability he was rated at eight-eighths.

After the soldier's death his widow, the said Caroline E. Purdum, applied for a pension under the general law.

The declaration alleged that the soldier's death resulted from "heart disease."

The claim was approved by the medical examiner in the Pension Office and submitted for admission by the present "medical referee."

The re-reviewer raised some question of doubt, and a special examination was subsequently ordered.

In the course of that special examination Dr. B. B. Baker, who had been the soldier's advisory physician for several years and was his attending physician during his final illness, testified that "the immediate cause of his death was chronic valvular disease of the heart."

The report of the special examiner concludes with the following statement:

"I think the claim could be fairly admitted under the positive medical testimony of Dr. B. B. Baker that the heart disease was undoubtedly due to the typhoid fever and its resulting disease of the circulatory system."

Nevertheless, the claim was rejected. But the facts cited, which are corroborated by other testimony, lead your committee to believe that the widow is clearly entitled to a pension under the general law, and we therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES E. HELFENSTEIN.

The next business on the Private Calendar was the bill (H. R. 979) granting a pension to Frances E. Helfenstein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Frances E. Helfenstein, widow of George W. Helfenstein, late first lieutenant and adjutant of the One hundred and seventy-third Ohio Volunteer Infantry.

The committee recommended an amendment, adding, after the word "Infantry," the words "at the rate of \$17 per month."

The report (by Mr. KERR) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 979) granting a pension to Frances E. Helfenstein, widow of George W. Helfenstein, late first lieutenant and adjutant of the One hundred and seventy-third Ohio Volunteer Infantry, have examined the same, and report:

The claimant is the widow of George W. Helfenstein, who was first lieutenant of Company D, One hundred and seventy-third Ohio Volunteer Infantry, and afterwards adjutant of the same regiment. The soldier entered the service August 10, 1864, for one year. He was appointed first lieutenant of Company D, One hundred and seventy-third Ohio Volunteer Infantry, September 17, 1864, and adjutant of the same regiment December 21, 1864. He was discharged May 30, 1865, for disability, the regiment itself being mustered out June 26, 1865. He was married January 28, 1863, to Frances E. Spry, and she, as his widow, now prosecutes this claim.

The evidence in the case is voluminous, but the main facts are as follows:

In the service, about October, 1864, the officer was sent out on a long detail, or scout, in which he rode horseback. In that time he bruised his scrotum and caught cold. When he returned to camp his scrotum was swollen and painful, and a case of orchitis or sarcocoe was set up. He was sent to the officers' hospital at Nashville, Tenn., treated for it, and returned to the regiment. There was a recurrence of the disease, and he was returned to the hospital, where his right testicle was extirpated. He was granted sick leave, and sent home in March, 1865.

He returned to the regiment, but on May 30, 1865, he was again found in the hospital and was discharged, as of that date, by virtue of a general order discharging all officers in hospital at that date.

The soldier applied for pension on account of the disability arising in the service in March, 1879, and was allowed for \$3.50, dating from January 5 1882. He applied for an increase of pension and was allowed it to the amount of \$12.75, October 7, 1887, which he was receiving on June 5, 1892, the date of his death.

In August, 1892, Frances E. Helfenstein, the widow, applied for pension on the ground that the soldier died of the disability on account of which he was pensioned.

On September 10, 1894, the claim was rejected on the ground that the soldier's death was not the result of the disability originating in the service.

The whole case turns upon this one point. There is no doubt but that the soldier received the disability in the service, and was pensioned for it, and that claimant is the widow, and the only question is, Did the soldier die of the disability received in the service?

Upon this point there are five medical witnesses. Dr. Morris, late first assistant surgeon of the One hundred and seventy-third Ohio Volunteer Infantry, and Dr. F. B. Mussey, both of whom treated the soldier in the service for the disability incurred there, the latter physician treating him on down until 1881. Then there are Drs. Fulton, McClure, and Halderman, who treated the soldier from 1881 until his death.

Each physician states his own knowledge of the case, and then gives his opinion on his own evidence and on that of the other four. All of these physicians stand high in their profession. All arrive at the same conclusion, namely, that the disease of which the soldier died is traceable to the sarcocoele which originated in the service and on account of which he was pensioned.

The Pension Office physicians refuse to draw these conclusions from the evidence of the five physicians, and say that the soldier did not die of the disease on account of which he was pensioned. If this case had been submitted to a court on the evidence of the five physicians, and the court had been bound to accept their evidence as experts, then it would have been bound to have allowed the pension, for their evidence establishes the right to a pension.

Your committee think that this evidence was competent, and that when given the Department was bound to receive it, and to follow what it proved. We do not believe that the medical staff of the Department can or should arbitrarily say that they will not accept as proven what the evidence clearly proves.

The facts in the case warrant the allowance of a pension, and we therefore recommend the passage of the bill with an amendment adding to line 8, after the word "Infantry," the words "at the rate of \$17 per month."

Mr. DINGLEY. What is the rate provided for in the amendment?

The CHAIRMAN. Seventeen dollars per month.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABRAM H. PARKER.

The next business on the Private Calendar was the bill (H. R. 5946) granting an increase of pension to Abram H. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Abram H. Parker, late of Company A, Forty-fifth Regiment Kentucky Mounted Infantry, on the pension roll of the United States at the rate of \$50 per month in lieu of the pension he is now receiving.

Mr. PUGH. Mr. Chairman, in order to correct an error in this bill I ask that "Abraham" be inserted instead of "Abram."

The CHAIRMAN. In the absence of objection that correction will be made.

There was no objection.

Mr. PUGH. Mr. Chairman, the beneficiary named in this bill entered the Army at the age of 15 and made as true and brave a soldier as ever flashed a saber or shouldered a musket. Although entitled many years ago to a pension, he never asked this aid from the Government so long as he could get along without it; and he would now scorn to receive the increase he asks if it were not due to him as an act of justice in every sense of the word. He is in an utterly helpless condition and requires the almost constant care of an attendant. I personally presented this claim before the committee; and when the facts were there heard and considered the committee openly expressed the opinion that this claimant is entitled to and should receive \$72 a month. But fearing that to ask such an amount might jeopardize the passage of the bill, I have sought to secure for him a pension of only \$50 per month, and this amount the committee recommends. I hope the recommendation will be adopted.

Mr. PICKLER. I move to amend by inserting, after the word "late," in line 5, the word "private." I will state that this man requires the attendance of another person a large portion of the time; and his case brings him within the class of pensioners who receive from the Pension Office \$50 a month.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY PRINCE.

The next business on the Private Calendar was the bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Prince, widow of Ellis Prince, late corporal of company commanded by Captain Christmas, Georgia Volunteers, and late member of company commanded by Captain Spirey, Georgia Volunteers, both of Indian war of 1836, and that he pay her a pension of \$8 per month from and after the passage of this act, and to continue during her widowhood.

Mr. SPALDING. I call for the reading of the report.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1825) entitled "A bill granting a pension to Mary Prince, widow of Ellis Prince," beg leave to submit the following report, and recommend that said bill do pass: This is a bill enacting that Mary Prince be granted a pension because of the service of her deceased husband, Ellis Prince, in Captains Christmas's and Spirey's companies of Georgia Volunteers in the Indian war of 1836.

Such rolls as are on file show that Ellis Prince served from May 31 to June 7, 1836, in Captain Christmas's company, but no allowance was made on account of time spent in travel. No rolls of Captain Spirey's company can be found, but parole evidence is furnished to show that the soldier's service covered a period of nearly sixty days.

The claimant's application at the Pension Bureau under the Indian war act of July 27, 1892, was disallowed because of inability to find a record of more than the eighteen days of service appearing on the above-named roll.

Ellis Prince died November 1, 1874, and his widow, who is now about 76 years old, is in a very needy and dependent condition.

The facts as to dependence are shown by the statement of the gentleman who introduced the bill in the House and by the affidavits of three citizens of Lee County, Ala.

The bill was laid aside to be reported favorably to the House.

MRS. F. E. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 4090) granting an increase of pension to Mrs. F. E. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Mrs. Frances E. Marshall, widow of Gen. Humphrey Marshall, an officer in the Mexican war, from \$8 per month to \$25 per month, to take effect from the passage of this bill.

The amendment reported by the Committee on Pensions was read, as follows:

In line 7 strike out "twenty-five" and insert "thirty."

Mr. COLSON. Mr. Chairman, I wish to make a statement which, while it gives me no pleasure, will, I have no doubt, afford a great deal of satisfaction to at least one gentleman on this floor. The widow of that distinguished soldier Humphrey Marshall is dead; and I ask leave to withdraw this bill which was introduced for the benefit of his widow.

The CHAIRMAN. In the absence of objection, the bill will be withdrawn.

SARAH WEEDON.

The next business on the Private Calendar was the bill (H. R. 1178) granting a pension to Sarah Weedon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Sarah Weedon, widow of John H. Weedon, deceased, who was a sergeant in Company I, Fourth United States Infantry, in the Mexican war, and to pay her a pension at the rate of \$25 per month.

The amendments reported by the committee were read, as follows:

In line 5, after "Weedon," insert "Jones, former."

In the last line of the bill strike out "twenty-five" and insert "eight"; so as to make the pension \$8 a month.

Amend the title so as to read: "A bill granting a pension to Sarah Weedon Jones."

Mr. VAN VOORHIS. I ask that the report be read.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1178) granting a pension to Sarah Weedon, have considered the same, and respectfully report as follows:

The claimant was formerly the widow of John H. Weedon, who served as a sergeant in Company I, Fourth United States Infantry, and as such participated in the war with Mexico.

The exact date of the soldier's death is not known, but the Pension Bureau reports that he was discharged at the City of Mexico November 23, 1847, on a surgeon's certificate of disability, and he directed that his pension certificate should, when issued, be sent to Zanesville, Ohio. This certificate was issued to him in May, 1848, sent to Zanesville and returned uncalled for, and it is now on file in the Pension Bureau.

The testimony filed in the widow's pension application shows that it was understood that he received a wound at Molino del Rey, Mexico, September 8, 1847, and died soon after from the effects of same. The widow remarried to one Enoch Jones, who died September 23, 1891.

The claimant's application at the Pension Bureau, filed January 30, 1890, was rejected March 8, 1890, "on the ground of no pensionable period, application not having been filed within three years subsequent to soldier's death nor prior to remarriage May 13, 1849."

As stated above, the claimant is again a widow, and as shown by her sworn statement, she reared two sons by the soldier, both of whom served through the late war in the Union Army, one of whom died several years ago from the effects of the service, and the other is still surviving, though a wounded invalid.

The claimant is now 85 years old, and it is shown by the sworn statement of several citizens of Guernsey County, Ohio, that her sole property consists in a dower interest in a small piece of real estate in North Salem, Ohio, worth not over \$100, and is dependent upon others not legally bound for her support.

The passage of the bill is respectfully recommended with an amendment changing the title of the bill so as to read: "A bill granting a pension to Sarah Weedon Jones"; also by inserting the words "Jones, former" after the words "Sarah Weedon," in line 5, and striking out the word "twenty-five," in line 8, and inserting in lieu thereof the word "eight"; so as to fix the rate of pension at \$8 per month.

The CHAIRMAN. The question is on agreeing to the amendments reported by the committee.

Mr. DINGLEY. I should like to make an inquiry about this bill. It proposes, as I understand, to pension a widow who has remarried. I should like to know whether this bill conforms to the principle which I understand has been established by the Committee on Invalid Pensions that where a widow has remarried and

the second husband has died, the widow is not pensioned unless she was the wife of the soldier during the time of his service? We do not wish to adopt with reference to soldiers of the Mexican war a rule which is not made applicable to other soldiers.

Mr. LOUDENSLAGER. This lady did not marry the soldier until after his service.

Mr. DINGLEY. I understood that the Committee on Invalid Pensions had steadily refused to report a pension in any case where the widow has remarried unless she was the wife of the soldier during his service.

Mr. PICKLER. Perhaps I stated a little too broadly, or the gentleman from Maine understood a little too broadly, what had been done by our committee. The committee has sought to hold itself down to the rule he states; but there may have been a case or two in which it has been departed from.

Mr. DINGLEY. I think we should not establish with reference to soldiers of the Mexican war a principle which we would not apply to soldiers of the late war.

Mr. PICKLER. That is the principle we have adopted in the general bill which we have reported.

Mr. LOUDENSLAGER. This lady is the widow of the soldier.

Mr. DINGLEY. Then this comes within the principle.

Mr. TALBERT. I did not hear the reading of the report. Is this the case of a widow who has remarried?

Mr. VAN VOORHIS. Yes, sir.

Mr. TALBERT. What is the amount of pension proposed?

Mr. VAN VOORHIS. Eight dollars a month. Her husband was a soldier in the Mexican war.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM F. SONGER.

The next business on the Private Calendar was the bill (H. R. 4193) to correct the military record of William F. Songer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against William F. Songer, late a private of Company B, Forty-second Regiment of Indiana Volunteers, on the records of the War Department, and to issue to said Songer a certificate of honorable discharge.

Mr. TALBERT. I should like to hear the report.

The report (by Mr. WOOLMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4193) entitled "A bill to correct the military record of William F. Songer," beg leave to submit the following report, and recommend that said bill do pass:

This is a bill enacting that William F. Songer, private Company B, Forty-second Regiment Indiana Volunteers, be relieved of the charge of desertion.

The evidence shows that he served faithfully during his first enlistment; that in October, 1864, nine months after his second enlistment, he deserted, returning to his home to visit his wife, who was sick, and she remained sick a long time thereafter.

In consideration of his faithful service for three years, the committee are of opinion that this bill should pass.

Mr. TALBERT. Mr. Chairman, I would ask that this bill be laid aside with an unfavorable report. It has no merit. Let us pass meritorious bills or none. I move that it be laid aside with an unfavorable report.

The motion was rejected.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 66, noes 1.

Mr. TALBERT. No quorum.

The CHAIRMAN (Mr. DALZELL in the chair) (having counted the committee). One hundred and thirteen members are present, a quorum.

So the bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM WALDRUP.

The next business on the Private Calendar was the bill (H. R. 4001) to reinstate William Waldrup on the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be instructed to reinstate William Waldrup, of Maddox, Tenn., late of Company F, Sixth Regiment Tennessee Cavalry, on the pension roll of the United States at the rate he was drawing when dropped from the roll.

Mr. SPALDING. Let us have the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4001) to reinstate William Waldrup, late of Company F, Sixth Tennessee Cavalry Volunteers, on the pension roll at the rate he was drawing when dropped from the roll, having carefully examined all the facts and circumstances in evidence, respectfully report:

William Waldrup enlisted as private in Company F, Sixth Tennessee Cavalry Volunteers, September 21, 1862, and served faithfully until honorably discharged July 23, 1865.

He applied for pension October 2, 1885, for chronic bronchitis and chronic diarrhea contracted in service, but being poor and unable to furnish satisfactory proof of origin, his claim was rejected June 29, 1888, under order No. 62.

He filed a claim under act of June 27, 1890, on July 15, 1890, for disease of

bowels, liver, kidneys, and bronchitis, and was pensioned thereunder at \$12 per month for "disease of liver, diarrhea, and bronchitis."

He was dropped from the pension roll October 18, 1894, on the ground of "not ratably disabled for earning a support by manual labor under act of June 27, 1890."

Drs. L. E. and J. B. Covey filed affidavit November 22, 1890, that claimant "came under our care in 1882. Since that time he has been suffering from enlargement of liver, inflammation of bowels, and kidney trouble. He has not been able to do any manual labor since that time. His wife and daughters have supported the family."

The board of examining surgeons at Savannah, Tenn., which examined him December 17, 1890, rate him six-eighths for disease of liver, four-eighths for diarrhea, and two-eighths for chronic bronchitis. Another board, which examined him May 9, 1894, declined to rate him; but said, "There is a history of diarrhea, but health not impaired, and 'he is totally blind in right eye, the pupil closed, caused by a stroke in the eye followed by iritis.'"

Thirty-three neighbors certify to the committee that—

"To our personal knowledge he is not able to perform manual labor; he is 55 years old and has had chronic diarrhea and bronchitis ever since the war, and his wife and daughters have to make their living by working in the field."

This certificate is indorsed by Dr. James B. Covey, his family physician, who is thoroughly reputable, who says he has been his family physician for fifteen years and knows that he is badly afflicted and not able to labor.

Your committee believe this applicant justly entitled to the small pension he was receiving, and earnestly recommend the passage of this bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

ISAAC H. WHETSEL.

The next business on the Private Calendar was the bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Isaac H. Whetsel, a soldier in the war of the rebellion, now drawing a pension under certificate No. 72027 of \$12 per month, to \$25 per month, to take effect from the passage of this act.

Mr. DINGLEY. What is the present pension in this case?

Mr. PICKLER. He was pensioned at \$4 a month from the date of his discharge until April, 1889, and at \$12 since that date, for gunshot wound in the right thigh. The ratings put him up to the amount fixed in the bill.

Mr. ERDMAN. I suggest that we let in the report in this case.

Mr. EVANS. I suggest that we dispense with the reading of the report in this case, and let it be inserted in the RECORD.

Mr. ERDMAN. I have no objection to dispensing with the reading of the report, but I object to printing it in the RECORD unless it is read.

The CHAIRMAN. The Clerk will report the amendment recommended by the committee.

The Clerk read as follows:

The committee recommend that the bill be amended by striking out all after the word "Whetsel," in line 5, and inserting the following: "Late private in Company B, Second Regiment United States Cavalry, to \$16 per month for gunshot wound of right thigh and callouses of buttocks, in lieu of the pension which he now receives."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SARAH ANN WIBLE.

The next business on the Private Calendar was the bill (H. R. 5311) granting a pension to Sarah Ann Wible.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll the name of Sarah Ann Wible, dependent mother of John Wible, deceased, late of Company B, Twenty-first Regiment Indiana Infantry, also First Indiana Heavy Artillery, at \$12 per month.

Mr. DINGLEY. Let the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5311) granting a pension to Sarah Ann Wible, dependent mother of John Wible, late of Company B, Twenty-first Regiment Indiana Infantry Volunteers, and also of First Indiana Heavy Artillery, at \$12 per month, having considered all the facts and circumstances in evidence, respectfully submit the following report:

John Wible served in Company B, First Indiana Heavy Artillery, from July 6, 1861, to January 10, 1866, having an honorable and exemplary record. He was pensioned at \$6 per month from April 2, 1883, for rheumatism and disease of lungs. He was killed by accident in 1892, a loaded sled upsetting upon him.

His mother, Sarah Ann Wible, applied for pension under both the general law and the act of June 27, 1890, both of which were rejected on the ground that the soldier's death was not in any manner due to his army service.

The petition of 167 reputable citizens of Nodaway County, Mo., represent and show that she is 84 years old, respectable and deserving in every particular, and that she has no property and was wholly dependent upon her son, John Wible, for her support and maintenance, and has no one legally bound to support her.

From the facts presented your committee believe the Government should provide for her in her old age, and therefore recommend that the bill be amended by adding after the word "authorized," in line 4, the words "and directed," and by striking out all of line 6 after the letter "B," and by striking out the word "also" in line 7, and, as amended, that the bill do pass.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

Mr. ERDMAN. Mr. Chairman, I just want to call the attention of gentlemen on the other side who say we are discussing

these matters intelligently to what is done as shown in this report. This soldier was killed by a sled. Now, does the House determine that that was due to his army service? I want to ask the gentlemen on the other side whether we are to have that established now as a new principle in the granting of pensions?

Mr. CROWTHER. I would like to answer the gentleman from Pennsylvania by stating that the soldier in this case was pensioned for rheumatism, and that by reason of his rheumatic affliction he was unable to get out of the way of a loaded sled, and by indirection the result of his death was due to his army service.

Mr. ERDMAN. There is nothing in the report to show it.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MRS. F. E. MARSHALL.

Mr. DALZELL. Mr. Chairman, a short time ago the House bill (No. 4090) granting an increase of pension to Mrs. F. E. Marshall was withdrawn by the gentleman from Kentucky [Mr. COLSON], he stating that the claimant had deceased. No motion was made at the time; and that bill, unless otherwise disposed of, will remain on the Calendar. I move, therefore, that it be laid aside with the recommendation that it lie on the table.

Mr. PICKLER. I do not know whether the gentleman from Kentucky has the power or authority to do that. The committee authorized him to withdraw the bill. He can do that.

Mr. SPALDING. The bill has been already withdrawn.

Mr. PICKLER. I have no objection to the suggestion of the gentleman from Pennsylvania.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it lie on the table.

There was no objection.

DR. HARRISON WAGNER.

The next business on the Private Calendar was the bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Harrison Wagner, and pay him a pension of \$40 per month.

Mr. TALBERT. I would like to have the report read.

The report (by Mr. KERR) was read, as follows:

The evidence in this matter is very voluminous, and only the substance of it can be set forth in this report. In 1862 the beneficiary was an advanced medical student in the State of Maryland, and on the 27th day of September, 1862, he enlisted in the Union service as a hospital nurse at General Hospital No. 1, Frederick, Md.

Soon after his enlistment as nurse he was examined with a view to utilizing his services as a physician and surgeon. He passed the examination, and was assigned to duty as an assistant surgeon in said hospital. Soon after his assignment to duty, as aforesaid, smallpox broke out in the hospital, and he was assigned to attend and treat the patients afflicted with this disease. His services in this regard were faithfully performed, and were so laborious and constant that his health was completely ruined.

The evidence shows that upon his enlistment he was a strong, healthy, and able-bodied man, but since the expiration of his service his health has constantly grown worse, until in 1875 he was compelled to give up his practice as a physician, and since that time has been unable to do any kind of labor, and for long periods he is confined to bed from bleeding hemorrhoids and general weakness.

The evidence is clear, and it may be said to be conclusive, that his disabilities were contracted during his service in the hospital. While he was thus engaged he was attacked with indigestion and constipation and internal bleeding hemorrhoids, and with them he has been afflicted ever since.

The petition of the claimant sets out fully the facts of this, and these statements are fully sustained by the evidence of Dr. William H. Wagner, Dr. Luther M. Zimmerman, W. H. Myers, Mrs. Amelia J. Anders, Mrs. Mary Myers, Mrs. Mary Alcott, Elizabeth Flemming, Mrs. Esther Beck, Mrs. Mary Barrock, Benjamin Smith, James Woods, William Wilson, William Grimes, Henry Working, Samuel Myers, Jacob Hyder, George Gilbert, William Nort, Enoch Watz, Henry Hinea, Levi Pipinger, and others.

Besides this claimant's service and his disabilities, there are some special circumstances entitling him to especial consideration. In 1863 he was residing at Woodsboro, Md., and gave the Union forces, upon the eve of the battle of Gettysburg, some very valuable information. The sentiment in the community at that time was almost wholly Confederate, and the claimant's sympathy with the Union cause and his services brought upon him many persecutions from the Confederate sympathizers, and to such an extent was he persecuted that he was compelled to give up his home and seek a new one elsewhere.

A bill for claimant's benefit and granting a pension of \$25 per month passed both House and Senate in the first session of the Fifty-first Congress, but it failed, with other bills, for lack of time to receive the Executive signature.

Since that time his condition has grown much worse in that he is now confined to bed or to the house for periods and requires the attendance of others at times.

He was honorably discharged, as the records show, on the 12th day of April, 1863.

The committee therefore recommend the passage of the following substitute, granting the claimant a pension of \$40 per month:

A bill granting a pension and for the relief of Dr. Harrison Wagner.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Harrison Wagner and pay him a pension of \$40 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE HAGER.

The next business on the Private Calendar was the bill (H. R. 4888) for the relief of George Hager.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to revoke the order of the Commissioner of Pensions of the date of April 10, 1895, to recover from George Hager, late a private of Company B, Ninety-ninth Regiment Ohio Volunteer Infantry, in the late war of the rebellion, by withholding from his current pension (certificate numbered 222172) the sum of \$2 per month from July 29, 1863, to September 14, 1881, inclusive.

Sec. 2. That said George Hager shall not, in any manner, be required to refund or repay to the United States said sum of \$2 per month, or any part thereof; and the Secretary of the Interior is hereby authorized and directed to pay said George Hager the pension provided for in his certificate of pension bearing date April 10, 1895 (No. 222172), and all additional pension that may hereafter be allowed him, if any, without deducting therefrom said sum of \$2 per month referred to in the first section hereof or any part thereof.

Mr. DALZELL. Let the report be read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4888) for the relief of George Hager, having examined the evidence in the case with great care, report as follows:

George Hager enlisted in Company B, Ninety-ninth Ohio Volunteer Infantry, August 12, 1862. He was taken prisoner at Murfreesboro, Tenn., December 31, 1862; paroled at City Point, Va., February 9, 1863; reported at Camp Parole, Md., February 11, 1863; admitted to hospital at Annapolis, Md., February 11, 1863, and discharged July 28, 1863, for phthisis pulmonalis, with extreme debility, contracted (as he states) while in prison at Richmond. While in hospital at Annapolis, Md., he was treated for catarrh as well as for the disease for which he was discharged.

On March 6, 1866, he filed a claim for pension, alleging that he was rendered partially insane by abuse and hardship while a prisoner of war, and that by reason of said sickness he had not been able to labor any after leaving the service. For some unexplained reason he was not examined medically on that application.

On September 15, 1881, he filed another declaration, in which he alleged typhus fever, causing pains in his neck, which affected his eyes, and also chronic catarrh in right breast. On December 11, 1882, a certificate was issued, allowing him \$2 per month for disease of eyes from July 29, 1863, the date of his discharge. On November 30, 1887, his pension was increased for same cause to \$8 per month, which he continued to draw until March 4, 1895. Recently it has been discovered that in his declaration, filed in 1866, he did not distinctly name disease of eyes as a cause of disability entitling him to pension, and on that account a reissue has been made to change the date of commencement of pension for disease of eyes from the date of his discharge to September 15, 1881, the date of filing the declaration distinctly setting forth disease of eyes, and directing the withholding of his pension to recover the amount paid from discharge to September 14, 1881. While this may have been correct action from a strict technical point of view, we feel that in view of the mental condition of the soldier at the time of making his first claim, as shown in the declaration itself, he should not have been held to an accurate statement of his disabilities, but should be allowed pension for the disabilities established as of service origin.

The evidence on file in the Pension Office, all of which your committee has carefully examined, shows clearly and satisfactorily that prior to his entering the service Mr. Hager was a strong and healthy man, and that his eyes and eyesight were good. It is further shown that immediately after his return home from the Army, and from thence until the present, his eyes were sore and diseased, and the eyesight badly affected, and that he was otherwise diseased, injured, and disabled.

These facts are clearly shown by the sworn testimony, on file in the office, of George McAdams, William Hager, William Haruff, James Haruff, John Grassley, John Neff, Frederick Boyer, and Darius McIntire, all of whom served with him in the same company and regiment and were also neighbors and knew him well before, during, and after his service. The last named, Darius McIntire, was also captured by the Confederates and confined in Libby Prison with Mr. Hager.

Christian Neff, Daniel Grassley, Godfried Klenk, Charles Mack, Isaac Zerkel, and Jacob Shaffer, near neighbors of Mr. Hager, also testify as to the physical condition (injury of eyes) of Mr. Hager before and after his army service.

The files of the Pension Department further show that all the witnesses are good and credible men.

It thus clearly appearing that the disease of the eyes was of service origin, and that claimant made application for pension in March, 1866, as above stated, in which he alleged general disability (which would fairly include disease of the eyes), your committee is of the opinion that he should not be deprived thereof simply because he failed to set forth in his application the specific disease or disability, to wit, disease of the eyes, for which pension was afterwards granted, and that the pension paid him should not be recovered by withholding any part of his pension, and therefore the passage of the bill is earnestly recommended.

Mr. DINGLEY. I have not before noticed a bill involving just this principle, and would like to ask the gentleman in charge of the bill to explain briefly the effect of the action proposed here.

Mr. LAYTON. I will say to the gentleman that this does not carry arrears. The Committee on Invalid Pensions have declined in all instances to allow arrears of pension.

Mr. DINGLEY. This does not allow arrears. But will the gentleman in a few words simply state what the case is?

Mr. LAYTON. In 1866 or 1867, soon after the close of the war, this gentleman, Mr. Hager, filed an application for a pension, in which application he alleged general disability incurred in the service without specifying the nature of the disability any more definitely than that. That ran along until 1881, when he filed an additional application, in which he specifically set forth his disability as disease of the eyes, and was allowed \$2 per month only for that disease of the eyes, commencing from the time of his discharge in 1863.

In 1887 he made an additional application for the same cause for an increase of pension, and was allowed \$8 per month.

In 1894 he made another application for an increase, which was adjudicated in March, 1895, at which time it was discovered or alleged to be the fact that his first pension of \$2 should have been allowed to commence from the time of his filing his additional application in 1881, instead of going back to the time of his discharge. Hence the Commissioner of Pensions made an order, not

affecting his pension of \$8 per month in any way, but that that should be withheld until the Government was reimbursed for the mistake that had been made in allowing the pension from 1863 to 1881 at \$2 per month.

Mr. DINGLEY. I want to ask if it is the practice of the Pension Office to order a reimbursement in such a case, where they discover a mistake in a former ruling?

Mr. LAYTON. Yes; it is. Now, the committee find, as a matter of fact, that in this case it was simply a technical objection and mistake. There is no question about the disability of this soldier, and that the general application which stated that he had been disabled from the performance of manual labor while in the service undoubtedly covered the disease of the eyes for which he claimed a pension, and for which he was afterwards allowed a pension. From that disability he is now suffering. For that reason the committee found that the pension should be continued to him without this deduction. That is all there is in this bill. There is no question of allowing arrears of pension at all involved in this case.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH WATTS KEARNY.

The next business on the Private Calendar was the bill (H. R. 6283) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, and to pay her a pension at the rate of \$50 per month during her natural life.

The committee recommended an amendment striking out "fifty" and inserting "twenty-five."

Mr. TALBERT. Mr. Chairman, I should like to have the report read.

The report (by Mr. McCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6283) granting a pension to Elizabeth Watts Kearny, have had the same under consideration and report as follows:

Miss Kearny is the daughter of the late Maj. Gen. Philip Kearny, United States Army, whose services appear from the accompanying letters from the War Department. She is well advanced in years, in feeble health, almost blind, and destitute.

In view of these facts, and in recognition of the great service rendered to the country by her father, your committee recommend that the bill pass with the following amendment:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 24, 1896.

SIR: Referring to your letter of the 21st instant, received to-day, in which you request to be furnished with a statement showing the military record of Maj. Gen. Phil. Kearny, for the use of the Committee on Invalid Pensions in the consideration of a bill for the relief of his daughter, I am directed by the Secretary of War to inform you that it is shown by the records of this office that Philip Kearny was commissioned brigadier-general of volunteers August 7, 1861, to rank from May 17, 1861, and accepted the commission August 24, 1861, and that he was appointed major-general of volunteers July 25, 1862, to rank from July 4, 1862, and accepted the appointment August 2, 1862. The records show that he was assigned to the Department of the Potomac in Special Orders, No. 141, dated Headquarters of the Army, August 24, 1861, and that he was killed in action at Chantilly, Va., September 1, 1862.

I am further directed to inform you that General Kearny had service in the Regular Army, and that the records of the permanent military establishment are filed in the office of the Adjutant-General of the Army, to whom your letter has this day been transmitted.

Very respectfully,
F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. J. A. PICKLER,
Chairman Committee on Invalid Pensions, House of Representatives.

Mr. TALBERT. Mr. Chairman, I should like to hear some additional reasons stated by the gentleman from New York [Mr. CURTIS] why this pension should be granted.

Mr. CURTIS of New York. Mr. Chairman, this lady is the daughter of a very distinguished officer of the war, who rendered valuable services to the Government in the Mexican war, where he lost an arm, and later in the rebellion, until he was killed at Chantilly, Va., as stated in the report, in 1862.

His daughter is comparatively, perhaps actually, destitute; advanced in years; her eyesight has failed. She is unable to perform the labor which persons of her education and qualifications might easily do. As no one is receiving a pension on account of the military service of General Kearny, it is thought to be entirely consistent that his child should, in view of her physical disabilities and her dependence, be placed upon the pension roll. I am sure my friend from South Carolina [Mr. TALBERT] has that gallantry of feeling and devotion to those persons thus situated which will lead him to be entirely satisfied with this statement.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELEANOR L. CURTISS.

The next business on the Private Calendar was the bill (H. R. 5710) granting a pension to Eleanor L. Curtiss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Eleanor L. Curtiss, widow of Warner H. Curtiss, late captain and provost-marshal of the Sixth Congressional district of Iowa, and pay her a pension of \$30 per month.

The Committee on Invalid Pensions recommended the following amendments:

In line 7 strike out "twenty" and insert "twelve."
Insert after the word "month," in line 8, "and \$2 per month additional for each of her two children during minority."

Mr. DINGLEY. Let us have the report read.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5710) granting a pension to Eleanor L. Curtiss, having carefully examined the same, respectfully submit the following report:

Warner H. Curtiss was appointed captain and provost-marshal of the Sixth Congressional district of Iowa on April 30, 1863; he took the oath May 9, 1863, and was honorably discharged October 31, 1865. He died March 5, 1895, leaving a widow and two children, both of whom are minors at the present time. At the date of his death he was drawing a pension of \$12 under the act of June 27, 1890, for total loss of right hand.

His widow, the beneficiary named in the bill, filed application under the act of June 27, 1890, and also applied for the accrued pension due her husband at his death. Both claims were rejected June 12, 1895, on the ground of "no title, the above-named man not having been regularly mustered into the service."

The fifth subdivision of section 4693 of the Revised Statutes mentions the class of officers to which the husband of this widow belonged. They were held to be pensionable under the act of 1890 until November 24, 1893, when the Department adopted a contrary rule.

The widow is without other means of support than her daily labor. Your committee respectfully recommend the passage of the bill with the following amendments:

In line 7 strike out "twenty" and insert "twelve."
Insert after the word "month," in line 8, "and \$2 per month additional for each of her two children during minority."

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is on laying aside this bill to be reported to the House with a favorable recommendation.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. HOOKER. Division.

The committee divided; and there were—ayes 61, yeas none.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS D. WALKER.

The next business on the Private Calendar was the bill (H. R. 6483) granting an increase of pension to Thomas D. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Walker, late a private in Company B, Fourth Kentucky Volunteer Infantry, and pay him a pension of \$12 per month.

Mr. DALZELL. Let us have the report read, Mr. Chairman.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6483) granting increase of pension to Thomas D. Walker, have carefully examined the same, and respectfully submit the following report:

The soldier enlisted as a private in Company B, Fourth Kentucky Volunteer Infantry, on August 20, 1861, and was mustered out and honorably discharged on August 17, 1865.

He applied under the law of June 27, 1890, and was allowed \$6 per month on account of general debility. April 22, 1895, he made application for increase on account of increased debility and old age. June 19, 1895, the medical examination shows that he is "totally unable to perform manual labor and his condition is not the result of vicious habits. Disabled by piles, six-eighths; by disease of heart, four-eighths; by injury to hip and back, ten-eighths; general debility, six-eighths." He was allowed an increase of but \$2, however, because he had not alleged the several specific disabilities found by the examining board.

The soldier is 66 years of age, and has no means of support.

Your committee respectfully recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CARRIE L. YEATON.

The next business on the Private Calendar was the bill (S. 1924) granting a pension to Carrie L. Yeaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie L. Yeaton, widow of Lewis D. Yeaton, late a private in Company F, Eighth Maine Volunteer Infantry, at the rate of \$8 per month.

The Committee on Invalid Pensions recommended the following amendments:

Strike out, in lines 4 and 5, the words, "subject to the provisions and limitations of the pension laws."

In line 8, strike out the word "eight" and insert in lieu thereof the word "twelve."

Mr. DINGLEY. Let the report be read.

Mr. PICKLER. Mr. Chairman, the gentleman from New Hampshire [Mr. SULLOWAY], who reported this bill, is familiar

with the facts, and can make a statement that I think will satisfy the committee, without the reading of this long report.

The CHAIRMAN. Without objection, the gentleman can make a statement.

There was no objection.

Mr. SULLOWAY. Mr. Chairman, there is nothing in this case except a question as to the marriage of the soldier to the person named in the bill. The soldier was married, but I do not have the date before me at this moment. It is stated in the report, however. Subsequently he separated from his wife, and in 1873 was married to the lady in whose interest this bill is offered. She believed him to be a single man and she lived with him for twenty-one years and bore him three children. They were during that time recognized as husband and wife. The first wife, in 1882, I think it was, obtained a divorce and subsequently died. The soldier and this woman continued to live together until the death of the soldier. He died of disease contracted in the service, and this lady asks for the \$12 a month that she would be entitled to under the law.

Mr. PICKLER. And this is a Senate bill.

Mr. SULLOWAY. It is a Senate bill. Twelve dollars is all that is asked here. That is all there is in it. It is a question whether you will say, under the circumstances, she shall receive it or not.

Mr. ERDMAN. Mr. Chairman, there is nothing the matter with this bill! The trifling fact that the soldier had another wife living when he married this woman ought not to stand in the way! I do not see the necessity of having the report read or having it spread on the RECORD so as to show that there is anything to entitle this widow to a pension!

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable report.

NEIL McNEIL.

The next business on the Private Calendar was the bill (H. R. 1820) granting a pension to Neil McNeil:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Neil McNeil, and pay him a pension at the rate of \$12 a month.

Mr. DINGLEY. Let us have the report, Mr. Chairman.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1820) granting a pension to Neil McNeil, report as follows:

This man alleges that about August 20, 1862, at the request of Capt. Richard Stout, he, with a number of others, joined Company B, Ninth Minnesota Volunteer Infantry, to assist in protecting the settlers on the frontier against the Indians.

The company was divided into squads of about 15 men each, and he had command of one of the squads.

That on September 3, 1862, in what was known as the battle of Acton, an engagement with Indians, he received a gunshot wound in the left arm, about 4 inches from the shoulder, said shot cutting the upper tendon of the flexor muscle, by reason of which he is much disabled in the performance of the labor required in his occupation as a farmer.

The above allegations of McNeil are corroborated by the sworn statements of N. R. Thompson and Jacob A. Wolverton, members of Company B, Ninth Minnesota Volunteers, with which McNeil was serving when wounded.

William Reems, another member of the company, testifies under oath that he was wounded at the time and place and under the circumstances alleged.

The evidence establishes beyond question the fact that McNeil was wounded in battle while serving with United States soldiers and under command of United States officers.

The board of pension examining surgeons find, describe, and rate the wound, but the Pension Bureau can not admit it, as claimant was not enlisted or mustered into the United States service. Your committee consider the bill one of merit, and recommend that it be amended by inserting after the name "Neil McNeil," in line 6, the words "of Dayton, Hennepin County, Minn.," and that as amended the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLIVER DODGE.

The next business on the Private Calendar was the bill (H. R. 3496) for the relief of Oliver Dodge, and to place him upon the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Oliver Dodge, adopted father of George Alger, late private Company F, Tenth Michigan Infantry, upon the pension roll at the rate of \$12 per month.

Mr. TALBERT. Mr. Chairman, I should like to hear the report read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3496) for relief of Oliver Dodge, having carefully examined the evidence in this case, report as follows:

George Alger, when about 2½ years of age, was given by his mother, who had been left destitute by her husband, to Oliver Dodge, who cared for, fed, clothed, and educated him until he was about 17 years of age, when he enlisted in Company F, Tenth Michigan Infantry, November 18, 1861. He served continuously until February 23, 1864, when reported missing in action. The muster-out roll of his company shows that he died at Andersonville, Ga., August 13, 1864, while a prisoner of war. Oliver Dodge, the beneficiary of

this bill, is now 77 years of age, disabled for work, and without means of support. If he were the father of the soldier he would be pensionable, but as he is not he has no title to pension under existing law.

Your committee are of opinion that since he acted the part of a father to the soldier he should receive the same benefit in his old age that he would were he the father, and they therefore recommend that the bill do pass.

[Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Only one word. I want to call the attention of the House to the fact that this is a foster father. We have given foster mothers pensions; but this is the case of a foster father.

Mr. PICKLER. Mr. Chairman, the gentleman from Pennsylvania would have this committee believe that this is something new. It is on a par with the thrusts he makes from time to time here. This foster father took this boy when he was 2½ years old and cared for, clothed, fed, and educated him until he was 17 years of age, when he went into the Army; and the boy when in the service died at Andersonville. This foster father is now 77 years of age, without means of support, and time and time again Congress has given relief in such cases as this. He was not the father of the boy, or he would be pensionable at the Pension Office; but to all intents and purposes he was the father of the boy, because he cared for him, educated him, and had charge of him until he went into the Army. The gentleman, I suppose, just wants this old father, who is now 77 years old, to go to the poorhouse rather than grant relief which is in the line of the action of Congress time and again in this connection.

Mr. ERDMAN. Mr. Chairman, the gentleman knows very well that this foster father did not legally adopt this child.

Mr. PICKLER. I know no such thing.

Mr. ERDMAN. Your report does not show that he did.

Mr. PICKLER. The report does not show everything in a case.

Mr. ERDMAN. Exactly.

Mr. PICKLER. The report shows the facts. Now, I suppose the gentleman wants the committee to look up the records to see whether the boy was technically adopted. I do not think in the case of an old man who is 77 years of age that this country is going to be technical about going to the relief of those old men who reared these soldiers who died at Andersonville. [Applause.]

Mr. SNOVER. I wish to say that the gentleman from Pennsylvania may possibly be relieved with a knowledge of the fact that on or about the time the bill was favorably reported in this case the person named in the bill died, which will make it unnecessary for the House to further consider it.

The CHAIRMAN. Does the gentleman move that the Committee of the Whole recommend that the bill lie on the table?

Mr. SNOVER. I make that motion.

Mr. PICKLER. What is the object of that?

The CHAIRMAN. It is done on the statement of the gentleman that the beneficiary has died since the report was made.

The motion was agreed to.

JOSEPH J. HUDSON.

The next business on the Private Calendar was the bill (H. R. 4363) to increase the pension of Joseph J. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Joseph J. Hudson, late a member of Company I, One hundred and tenth Regiment of Illinois Infantry, from twenty-four to seventy-two dollars per month.

Mr. MILNES. Read the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4363) to increase the pension of Joseph J. Hudson, submit the following report:

Claimant enlisted August 12, 1862; was discharged June 24, 1863, for this disability—"atrophy of the muscles of both forearms following an attack of typhoid fever since enlistment." He applied for pension for lumbago and spinal disease, and was pensioned for rheumatism at \$8 from discharge, and at \$12 from March 3, 1873.

Some one having reported that his rheumatism existed prior to his enlistment, his case was specially examined and he was dropped from the pension rolls.

He appealed to the Secretary of the Interior, who directed his name to be restored for rheumatism.

In this investigation it was developed that when 8 or 10 years of age he had an attack of nervous fever, which left him with contraction of the tendons of both forearms and some deformity of the wrists.

In his restoration he was rated at twelve-eighths "eliminating disease of spine and deformity of wrists, which appear to have existed prior to enlistment." This is true so far as deformity of wrists is concerned, but your committee have searched in vain the record to find any evidence showing claimant to have had any spinal disease upon or before his enlistment; and for twelve or more years there is no evidence to show that he was afflicted with any disease whatever except this slight deformity of wrists, which did not prevent his being accepted as a soldier on enlistment.

The medical referee of the Pension Office, notwithstanding the above state of affairs, in an opinion January 4, 1896, affirming rejection of an increase, says:

"It is not possible for me to state the nature of the sickness prior to service, but whatever it was it caused contraction of various tendons, and the present condition of the pensioner appears to be a continuation of this early trouble."

The board of United States surgeons who examined this soldier say:

"He can not bear his weight on his feet for a moment. There are several points of bony deposits on the dorsum of feet. This condition of hands and feet is result of a long standing case of articular rheumatism. He is able to do nothing whatever and requires a constant attendant."

It is admitted that the rheumatism for which this soldier is pensioned is of service origin. His condition is most pitiable, being unable to do a thing to help himself. Constant attention from attendants is required in his case. We think the evidence fairly shows that this condition is the result of disease contracted in the service, and not from the nervous fever or from the deformity of wrists of twelve years prior to enlistment. Whether the medical referee or the committee are correct in this, we submit that justice and charity alike demand that the bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

SOPHIA D. CLENDENIN.

The next business on the Private Calendar was the bill (H. R. 1894) granting a pension to Sophia D. Clendenin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the United States the name of Sophia D. Clendenin, widow of the late Col. D. R. Clendenin, of the United States Army, and pay her during her natural life and widowhood a pension at the rate of \$50 per month.

Mr. WOOD. Mr. Chairman, the Senate bill for the same purpose grants precisely the same pension as the House bill, and the Senate report is substantially the same as the House report, and I ask consent that the Senate bill be substituted for the House bill.

Mr. DINGLEY. Before that is done, Mr. Chairman, let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1894) granting a pension to Sophia D. Clendenin, submit the following report: David R. Clendenin, late the husband of claimant, was first commissioned May 10, 1861, by President Abraham Lincoln, as first lieutenant Fifth Regiment, Third Brigade, Militia of the District of Columbia. On September 18, 1861, he became major Eighth Illinois Cavalry. He was promoted lieutenant-colonel of same regiment December 5, 1862, and colonel and brigadier-general of volunteers by brevet in 1865 for meritorious services. He became major of Eighth United States Cavalry January 22, 1867, lieutenant-colonel Third United States Cavalry November 1, 1882, colonel Second United States Cavalry October 29, 1888, and was retired April 20, 1891. He died March 5, 1895.

His widow, the claimant, shared his dangers in the field. She is now in feeble health and straitened circumstances.

The services of Colonel Clendenin in four years of war were especially meritorious, receiving the commendation of Generals Lew Wallace, Hunter, Kautz, Foster, and Elkin. In his service in Texas, in Indian campaigns since the war, he received the special commendation of Governor Ross, of Texas, and United States Collector Cooke for his vigilance in preserving order on the frontier.

His widow is now on the pension roll at \$25 per month under general law. It is insufficient for her support, and in view of the distinguished services of Colonel Clendenin, your committee recommend that this bill do pass.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. WOOD] that the Senate bill be substituted for the House bill?

There was no objection.

The Senate bill was laid aside to be reported to the House with the recommendation that it do pass.

On motion of Mr. WOOD, the House bill (H. R. 1894) was laid on the table.

ELLEN KINGSLEY.

The next business on the Private Calendar was the bill (S. 1215) granting a pension to Ellen Kingsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Kingsley, widow of Henry E. Kingsley, late of Company F, Second New York Cavalry Volunteers.

The amendment recommended by the Committee on Invalid Pensions was agreed to, inserting after the words "pension roll" the words "at \$8 per month."

Mr. McCLEARY of Minnesota. I ask that the report be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1215) granting a pension to Ellen Kingsley, adopt as their own the report of the Senate Committee on Pensions, No. 137, herewith, and recommend the passage of the bill with the following amendment:

Insert, after the word "roll," in line 4, the words "at \$8 per month."

[Senate Report No. 137, Fifty-fourth Congress, first session.]

The Committee on Pensions have considered the bill (S. 1215) granting a pension to Ellen Kingsley, and submit the following report:

The petitioner was the wife and is, your committee believes, the widow of Henry E. Kingsley, who, according to the records of the War Department, was enrolled and mustered into the service of the United States August 23, 1864, as a private in Company F, Second New York Cavalry, to serve one year, and that he was mustered out with the company June 5, 1865, at Alexandria, Va.

From affidavits on file in this case it appears that the petitioner married the soldier in 1856, and that after the war they resided in New York State until 1871, when they moved to Nebraska. In May, 1875, the husband of the claimant suddenly disappeared and has never been seen since by anyone known to the family. He has never applied for a pension, nor is his address known to the Army and Navy Survivors' Division of the Pension Bureau. There is also ample evidence on file to prove that the claimant has never remarried; that her husband has been mourned as dead for many years, and that every effort has been exhausted to find him.

As shown by affidavits of neighbors and her family physician, the claimant is absolutely without any property of any kind, is dependent upon charity for her support, and in addition she has inflammatory rheumatism in a chronic form, obliging her to use two crutches in order to move about, also

affecting her hands. On account of her physical condition she is totally incapacitated from earning a living. The claimant made application for pension, but as she is unable to prove absolutely the death of her husband the claim could not be allowed.

From the facts set forth your committee is of the opinion that the soldier is dead, and inasmuch as the claimant is living on the charity of her friends and is in such a pitiful condition physically, and as there are precedents of special legislation of this kind, the passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL GOLDWATER.

The next business on the Private Calendar was the bill (S. 404) granting a pension to Samuel Goldwater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$15 per month, the name of Samuel Goldwater, late of Company A, First Regiment Missouri Volunteer Infantry, National Guard.

Mr. MILNES. Let the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 404) granting a pension to Samuel Goldwater, have examined the same and beg leave to report:

The claimant served a short time in the Missouri militia, and shortly after discharge suffered from an affection of the eyes, which he alleged was the result of sunstroke received while in the Army. He is now almost, if not totally, blind. The physicians who examined the case gave it as their opinion that the disease was occasioned by sunstroke, but the evidence submitted failed to prove that fact conclusively, and hence the case was rejected by the Pension Bureau.

The testimony shows that claimant is a man of good reputation and high integrity.

Your committee recommend that the word "fifteen," in the fifth line of the bill, be stricken out and the word "twelve" inserted in lieu thereof, and as so amended the bill do pass.

Mr. ERDMAN. Mr. Chairman, I commend this report to gentlemen on the other side as an illustration of what is deemed in this body sufficient ground for granting a pension. This report says that the claimant served a "short time" in the Missouri militia, but it does not state how long. It speaks of the "Missouri militia" without specifying what particular branch it referred to, when there were half a dozen kinds of Missouri militia. It says that he was discharged on account of "an affection of the eyes" without telling what the affection was. Yet this report pretends to set forth in these few brief lines sufficient information to justify Congress in granting a pension!

Mr. DINGLEY. Was this soldier ever in the United States service?

Mr. PICKLER. He was a member of the Missouri militia that were never technically mustered into the service, but were under command of United States officers and actually served in the Army.

Mr. DINGLEY. How long did he serve?

Mr. PICKLER. I do not remember.

Mr. ERDMAN. Probably he served a day or an hour.

Mr. PICKLER. Oh, well, "probably" he served five years. If we are going to suppose about it we can suppose any period we please. These Missouri militia, while they were not all mustered into the service, were technically, as I have said, under the command of the United States officers and rendered very efficient service. They were out during the Price raid and other raids. They served whenever the United States called upon them. They saved Missouri to the Union. They protected the Union people of that State. They kept out invasion of Missouri from the rebel side, and they were as valuable as any other soldiers engaged in service in that region. There are several classes of the Missouri militia; but, as to most of them, if they had applied for pension before a certain date they would have received it under the general law. This man belongs to the class of militia that can not get pensions regularly in the Pension Office, and in such exceptional cases it has been the practice of Congress to grant pensions. This is no new question. This is right along the line of precedents. This bill is a Senate bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BROWN.

The next business on the Private Calendar was the bill (S. 466) granting an increase of pension to William Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Brown, late of Company D, Eighth Regiment Michigan Cavalry, at the rate of \$30 a month, in lieu of the pension he is now receiving, from and after the passage of this act.

Mr. McCLEARY of Minnesota. Mr. Chairman, this is a good bill, but I would like to have the report read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 466) granting a pension to William Brown, adopt the accompanying Senate report (No. 66) as their own, and respectfully recommend its passage.

[Senate Report No. 66, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 466) granting a pension to William Brown, have examined the same and report:

The petitioner, William Brown, was a member of Company D, Eighth Regiment Michigan Cavalry; enlisted on the 21st day of March, 1864, and was discharged March 10, 1865. He was wounded and taken prisoner August 2, 1864, and the record of the War Department shows him to have been a prisoner about one hundred and forty days. It is also shown by papers herewith submitted that he is unable to perform any manual labor, and is unable to procure the evidence necessary to entitle him to the pension allowed by law for the disabilities from which he is suffering, for the reason that said disabilities were incurred while a prisoner of war in the hands of the enemy, and he was discharged soon after his escape from prison without having opportunity to be sent to a hospital and thereby make a hospital report; therefore he does not know the address of any comrade who was a prisoner with him, or who knows him, and could give evidence in his case. He was confined at Andersonville and Florence, making his escape on December 15, 1864; then he resided at Annapolis; when strong enough to travel, was sent home on a furlough, and was sick for two years thereafter with disease of the bowels. The committee submit the following affidavits of disease of which he is now suffering:

Dr. C. M. Cannon, M. D., testifies:
"I was the family physician of Rev. William Brown during the conference years of 1888, 1889, and 1890, and during those three years he suffered from rheumatism and valvular disease of heart continually. He also had necrosis of the upper jawbone, which was caused by an injury in the late war. This kept up a constant discharge, rendering him unable many times to preach. He is totally unable to do any kind of work and is very poor. He will very soon be out of support, as the decay of the jaw will soon terminate his ministerial career, and, in my opinion, his life also."

"C. M. CANNON, M. D."

"ALDEN, MINN., February 1, 1892."

Dr. D. L. Kenyon, of Worthington, Minn., certifies that he has been acquainted with Rev. William Brown a year and a half; that he was his family physician; that he is suffering from a necrosis of the superior maxilla, resulting from a wound received from a revolver in the hands of a rebel the morning he was taken prisoner; that he is suffering from a catarrhal inflammation of the stomach and bowels, and has been ever since his prison life; that he is in very feeble health; that he can not perform manual labor. It is very probable that Rev. William Brown will not be able to continue his relation to the church as a preacher because of his feeble condition.

Hon. JAMES H. KYLE, United States Senator from South Dakota, who is personally acquainted with the petitioner and his condition and all the facts in the case, appeared before the committee and made the following statement:

"I desire to say that I have known Mr. Brown for several years. He is a Methodist minister, in poor circumstances, is frail in body and suffers almost continually from the effects of wounds received in the war. I know he is often prevented from doing his work for the above reason, and more frequently talks, when to do so causes great pain. Anyone even casually acquainted with Mr. Brown would know that physically he is unable to do any work."

Your committee, in view of all the circumstances in this case, recommend the passage of the bill with an amendment to the title, so as to read: "A bill granting an increase of pension to William Brown."

Mr. McCLEARY of Minnesota. Mr. Chairman, I know this gentleman very well, and I know that the facts are as stated in the report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY NEWMAN.

The next business on the Private Calendar was the bill (S. 1044) granting a pension to Mary Newman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Newman, blind and dependent daughter of Thomas G. Newman, now deceased, late of Company K, Ninth Regiment Missouri State Militia Cavalry, who was a pensioner under certificate No. 328003, and pay her a pension at the rate of \$24 per month during her life.

An amendment fixing the amount of the pension at \$12 a month was agreed to.

Mr. DINGLEY. I should like to hear the report.

Mr. CROWTHER. Mr. Chairman, I would suggest that the first paragraph of the report presents a very complete statement of the case, and the remainder of the report is made up of affidavits substantiating the statements.

Mr. DINGLEY. Will the gentleman make a brief statement of the facts?

Mr. CROWTHER. I suggest that the reading of the first paragraph of the report, which contains the gist of the case, will give the desired information.

The first paragraph of the report was read, as follows:

To the Congress of the United States:

Your petitioner, Mary Newman, of the city of Hannibal, Mo., respectfully represents that she is the only child of Thomas G. Newman, who was a private soldier in the late war, a member of Company K, Ninth Regiment Missouri State Cavalry, and that her father received an honorable discharge from the Army, and afterwards drew a pension of \$8 per month, his pension certificate being No. 328003.

She further represents that her father, on May 15, 1864, died in the city of Hannibal and left her an orphan and entirely dependent upon charity. Your petitioner was born November 15, 1868, and has been almost entirely deprived of the use of her eyes since her birth, and at present there are no hopes of her recovering her sight, and she is unable to see to do anything save with difficulty; walk without someone leading her. And not only is your petitioner almost blind, but she is a confirmed invalid, having suffered for years.

And your petitioner prays that you will by special act grant her such pension as may in such case seem just to you in order that she may no longer be an object of charity, and that she may not be obliged to suffer want in addition to her other great affliction.

MARY NEWMAN,
By W. A. PARKER,
Attorney in Fact.

Mr. CROWTHER. Mr. Chairman, all the facts in the case are contained in that paragraph.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

C. E. PHILBROOK.

The next business on the Private Calendar was the bill (S. 739) granting an increase of pension to C. E. Philbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers, and pay her a pension of \$30 per month, the same to be in lieu of the pension she now receives: *Provided,* That no claim for arrears shall be allowed by reason of the passage of this act.

The amendment recommended by the committee was agreed to.

Mr. PICKLER. Mr. Chairman, this is a bill that ought to pass. It is clearly in the line of precedent. I desire, however, to ask this Committee of the Whole to consider another question in connection with this bill. There is a good deal of inquiry as to how long we are expected to stay in session under the order of the Committee on Rules. The Committee on Rules have very kindly given us two days for the consideration of this pension business, and as there is a probability of an early adjournment, it is not likely that they will be able to give us any more time during the remainder of the session. We have a long Calendar before us. As has been demonstrated by the cases that we have considered so far, most of the beneficiaries of these bills are old and helpless and needy. Gentlemen must have noticed that of the bills that we have taken up for consideration this morning two have been laid aside because the beneficiaries have died since the reports were made. I speak of these facts as showing the necessity of considering these pension bills as rapidly as possible.

Now, with the requirement that each report shall be read, a good deal of time is consumed upon each bill, and we get along rather slowly. The question is, What is reasonable, under the circumstances, as to the length of the day's session? On that point I desire to say to gentlemen that this is the anniversary of the battle of the Wilderness, and the soldiers of the Union stayed there all night. [Applause.] I am in favor of sitting here as long as gentlemen think it is reasonable to stay with us. The Committee on Invalid Pensions are very desirous, of course, that this committee shall continue in session as long as possible. Just what we may do—whether to remain in session continuously; whether to try to take a recess after a while until this evening; whether to have another recess reaching over until to-morrow morning—are questions which I hope we shall consider during the course of the next hour, so as to come to some conclusion as to what we shall do.

I think, Mr. Chairman, this is an extraordinary occasion. These cases come from almost every State of the Union. There are very few gentlemen on the floor who have not been before the Committee on Invalid Pensions or some of these other committees asking the consideration of their bills, and as many of these gentlemen have already expressed to members of the Committee on Invalid Pensions their willingness to stay here, if necessary, all night, I trust that patriotic consideration will induce gentlemen to do all that they can in behalf of these poor people whose bills are on this Calendar and who are generally old and helpless. I believe it is our patriotic duty to forego ordinary considerations of convenience and stand by this Calendar as long as it is reasonable for us to do so. [Applause.]

Mr. CURTIS of New York. I wish to ask the chairman of the Committee on Invalid Pensions this question: If we sit here until 5 o'clock, then take a recess until 8 o'clock, then sit until half past 10 o'clock, then take a recess until 10 o'clock to-morrow morning, will that be satisfactory to the committee? If so, I think it will be so to the House.

Mr. PICKLER. I do not care to meet that question now. As we get further along we can decide whether and when a recess shall be taken. I do not care to agree to anything so long in advance.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably to the House.

The question was decided in the affirmative.

NANCY CARSON BLUNT.

The next business on the Private Calendar was the bill (S. 246) granting a pension to Nancy Carson Blunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Carson Blunt, widow of Maj. Gen. James G. Blunt, deceased, and pay her a pension at the rate of \$75 per month from and after the passage of this act, in lieu of \$30 per month she is now receiving.

Mr. BRODERICK. Mr. Chairman, I desire to say only a word in explanation of this bill. General Blunt resided in Kansas when the war commenced. He did not wait until a commission was tendered to him before enlisting in the Army. He enlisted as a

private soldier in the first company organized in his county. He was made lieutenant of that company, and on account of meritorious services was advanced rapidly from grade to grade until, in April, 1862, he was a brigadier-general. In April, 1863, he was a full major-general, and, so far as I have been able to ascertain, he was the only full major-general who rose to that position from the volunteer forces west of the Missouri River. He was a born soldier, and distinguished himself in every engagement in which he participated.

The claimant here, Mrs. Blunt, was the wife of his early manhood. She was his wife during the war. While he was in the field or on the march she was at home caring for her two children. She helped to bear the burden and hardships of the war. She is now well advanced in years, and I trust there will be no objection to granting this increase of her pension. The report is very short, and I ask that it be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The committee to whom was referred the bill (S. 246) granting a pension of \$75 per month to Nancy Carson Blunt, widow of Maj. Gen. James G. Blunt, in lieu of the pension she now receives, having carefully examined the facts and circumstances in evidence as well as the age and necessitous condition of the applicant, and the brilliant and magnificent record of General Blunt, earnestly recommend the passage of the bill as it came from the Senate, and respectfully adopt the report (S. 189) of the Senate Committee on Pensions.

[Senate Report No. 189, Fifty-fourth Congress, first session.]

Mrs. Blunt is the widow of the late Maj. Gen. James G. Blunt. She is now drawing a pension of \$30 per month.

General Blunt was commissioned as brigadier-general of volunteers April 14, 1862; a major-general of volunteers March 16, 1863, and he accepted the commission May 1, 1863.

Major-General Blunt went into the war at the beginning as a lieutenant of a Kansas regiment, and was advanced, by reason of meritorious service, through different grades to brigadier-general and major-general, and was mustered out of the service June 29, 1865.

General Blunt's services were of vital importance to the Western border, and his bravery and daring appear plainly enough in the official records of the war of the rebellion. He undoubtedly incurred a malady from exposure in the field that caused his death and left his widow without means.

His record is a brilliant one, as will appear from the appended statement furnished by the War Department, and your committee are of the opinion that it entitles the widow to a much higher rate of pension than she is now drawing.

Your committee recommend that the bill be amended by striking out the words "one hundred," in line 8, and substituting the words "seventy-five." As thus amended, the passage of the bill is recommended.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, January 10, 1896.

SIR: Referring to your letter of the 8th instant, addressed to the Adjutant-General of the Army, and by him transmitted to-day to this office, to which the subject pertains, in which you request a statement showing the military and medical record of the late Maj. Gen. James G. Blunt, of United States Volunteers, for the use of your committee in the consideration of Senate bill No. 246, I am directed by the Secretary of War to inform you that the records show that James G. Blunt was commissioned brigadier-general of volunteers April 14, 1862, to rank from April 8, 1862; that he accepted the commission April 22, 1862; that he was commissioned major-general of volunteers March 16, 1863, to rank from November 29, 1862, and that he accepted the commission May 1, 1863.

He commanded the Department of Kansas from May 5, 1862, to some time in September, 1862; the district of Kansas, Department of Missouri, from September, 1862, to May, 1863; the district of the frontier, Department of Missouri, from May, 1863, to October, 1863; the district of the frontier, Department of Kansas, from February 28, 1864, to April 18, 1864; the district of upper Arkansas, from August 2, 1864, to October, 1864, and the district of south Kansas from October, 1864, to June 3, 1865.

He was on special service in Kansas and Arkansas from October, 1863, to February 28, 1864, and on duty at the headquarters, Department of Kansas, from April, 1864, to August, 1864.

On June 3, 1865, he was ordered home to await orders, and he was honorably mustered out of service under Special Orders No. 407, paragraph 37, War Department, Adjutant-General's Office, dated June 29, 1865.

No medical record of this officer has been found.

Very respectfully,

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

Hon. J. H. GALLINGER,

Chairman Committee on Pensions, United States Senate.

Mr. CROWTHER. I move to amend by striking out "seventy-five" and inserting "fifty," so as to make this pension \$50 a month.

Mr. BRODERICK. I hope this motion will not prevail. Ever since the war closed it has been the practice to give to distinguished generals and their widows large pensions. A large number of the more prominent generals have been so pensioned, and among them some who never attained the distinction that General Blunt did. A great many widows of soldiers have received pensions of \$75 and \$100. General Blunt from the day the war commenced was in the service. From the firing of the first gun he was active, energetic, and heroic until the close of the war. And now when his widow, an aged lady, is left alone and without property, I say it is wrong to reduce her pension below the amount proposed in the bill.

This bill passed the Senate without a dissenting voice, and it ought to be concurred in here without any dissent. I regret very much that a gentleman on the committee should make this motion. It ought not to prevail, and I trust it will not.

Mr. BLUE. Mr. Chairman, I trust the amendment of my colleague from Missouri will not prevail. I do not believe when he reflects upon the matter that he will insist upon it himself.

The CHAIRMAN. The Chair will state to the gentleman from Kansas that the time has been exhausted in favor of the bill. The remaining time belongs to the gentleman from Missouri.

Mr. CROWTHER. I will yield to my friend from Kansas one minute.

Mr. BLUE. I will simply use that one minute to say that this is the only man that I remember, and I think it is unquestionably true, the only man among the volunteers west of the Mississippi River who rose from the ranks to be a major-general. The unanimous report of the Committee is in favor of the action proposed here and the amount that the bill carries.

General Blunt was not of that character of general officer who was a mere general in name, but he went into the thickest of the fight in every contest in which he participated, and the long list of battles in which he took part entitled him to the rank and the promotion he received.

Mr. BRODERICK. And it should be remembered that he never lost a battle.

Mr. BLUE. And as my colleague says, he never lost a battle—

Mr. VAN HORN. And did not wait for the enemy to hunt him, but hunted them himself.

Mr. BLUE. Yes; that is correct Mr. Chairman. As stated by the gentleman from Missouri [Mr. VAN HORN], he did not wait for the enemy to hunt him.

While I have not participated in the action of the House in granting large pensions to the widows of distinguished soldiers, this is a case that I think is exceptional in its merits, and the pension of \$75 per month should be granted her.

Mr. CROWTHER. Mr. Chairman, I am willing to agree to the statement of my colleague from Kansas in regard to the military record of Gen. James G. Blunt. But we are not considering now a pension for General Blunt. We are considering a pension for his widow; and it has been the rule that amendments have been made by the Committee on Invalid Pensions to reduce the amounts to be allowed to the widows of general officers to the sum of \$50 a month. We believe that that sum amply covers any case that comes before us. We think it large enough, and there should not be this invidious distinction between the amounts allowed to the widows of general officers and the amounts voted to the widows of private soldiers, many of whom ought to have been general officers themselves.

Mr. POOLE. The gentleman of course only speaks for himself and not for the Committee on Invalid Pensions. We made a unanimous report on the bill, fixing it at \$75 a month; and I hope the amendment will be rejected.

The question being taken on the amendment of Mr. CROWTHER, the committee divided; and there were—ayes 55, noes 56.

So the amendment was rejected. [Applause.]

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH A. SARGENT.

The next business on the Private Calendar was the bill (H. R. 6111) granting a pension to Elizabeth A. Sargent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Sargent, of Manchester, N. H., dependent mother of Capt. John B. Sargent, late of Company B, Tenth Regiment New Hampshire Volunteers, and pay her a pension of \$17 per month.

Mr. BAKER of New Hampshire. Let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6111) granting a pension to Elizabeth A. Sargent, having carefully considered the same, respectfully report:

Elizabeth A. Sargent, mother of First Lieut. John B. Sargent, late of Company B, Tenth New Hampshire Volunteers, is 81 years of age, is possessed of no property whatever, is supported entirely by charity, and her physical condition is such that she can live but a short time.

Lieutenant Sargent was a brave and faithful soldier and officer, and was pensioned at the time of his death. He left a minor daughter, who drew a pension from her father's death until December 12, 1895, when she became 16 years of age. He left no widow.

The mother is now a widow, and has been since 1855. She was wholly dependent on her son for support, and during his lifetime he provided and cared for her as long as his health permitted him to earn the means with which to do so.

In view of the clearly established facts, your committee earnestly recommend the passage of the bill.

Mr. BAKER of New Hampshire. Mr. Chairman, my colleague, [Mr. SULLOWAY] in reporting this bill, has been led into some error, I presume, by the statements which have been made to him. This lady is now in a home for elderly people in Manchester, N. H., and is properly cared for, and her wants supplied.

The report says that this soldier left no widow. Perhaps in the legal sense of the word that is true; but as a matter of fact his wife, whom he married in 1863, is still living, and the daughter—of whom the report speaks as being 16 years old, is with her mother and is being educated, or an attempt is being made to educate her by her mother from the proceeds of her own unaided toil.

The facts are these: That after having lived with the soldier some twenty-odd years she, by reason of his vicious habits, was compelled to seek a divorce, which she obtained. The daughter has always remained with the mother. When the soldier died—he died in Pittsburg, Pa.—this woman, who was his wife during the war, sent for his remains, paid all of the expenses of the funeral, and interred them with honor in the city of Manchester, N. H.

I have introduced a bill (House bill No. 7536), which is now pending before the Pension Committee, to pension this woman, who procured a divorce not through any fault of her own, but entirely through the fault of the soldier.

Now, there is not a word to be said against this soldier's mother. She is an elderly lady, and is in the Home for the Support of Elderly Ladies in Manchester, and not in an almshouse, but in an establishment where she has good care. The question for the committee is whether, under these circumstances, the mother should be pensioned while the woman who is really his widow and supporting and educating his daughter, shall go without. That is all there is to the case. My own desire is that the case lie on the table until the other bill is reported.

Mr. HOOKER. Why not amend the bill by substituting the widow for the mother, if she is entitled to it?

Mr. BAKER of New Hampshire. The only question is on the fact of her having obtained a divorce only a year or two before the death of the soldier. I think my colleague will agree with me that this is a fair statement of the case.

Mr. SULLOWAY. Mr. Chairman, I understand that the report cites the facts literally. This mother is cared for in an institution in the city where I live. She is absolutely without any means whatever. She has been a widow since 1855; and the son, this soldier, cared for her until he died, which event took place in Pittsburg, Pa., I think.

Now, this woman, who was once his wife, got a divorce from him years ago, and I say in this report that he left no widow. If she is his widow, then I do not understand the meaning of the word. He left no widow. He left this dependent mother, 80 years old, without a penny, and I submit to this House that the mother is the one who should receive this pension. His wife having abandoned him, having got a divorce and fled away from him, should not come in here to-day, years after that happened, and deprive the mother, whom he cared for so long as he had any means, whom he cared for in his early boyhood, of the privilege and the right which she has under the law, to take this pension of \$17, he being a first lieutenant. That is exactly the situation here, gentlemen, and I submit that the mother should have a pension.

Mr. BAKER of New Hampshire. Mr. Chairman, let me say that this man's wife never fled away from him, but that he went into the West, away from her. Now, I move to strike out the words "Elizabeth A. Sargent, dependent mother," and to insert the words "Fannie J. Sargent, widow."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

In line 6 strike out the words "Elizabeth A. Sargent, of Manchester, N. H., dependent mother," and insert in lieu thereof the words "Fannie J. Sargent, widow."

Mr. PICKLER. Mr. Chairman, I want to make a point of order against that amendment. I do not think that on a private pension bill it is in order to strike out one beneficiary and insert another. It seems to me the amendment is out of order. We have no jurisdiction to do anything of the kind.

The CHAIRMAN. That is a novel point, but the Chair is of the opinion that it would be germane to the question of pensioning the relative of this deceased soldier and that the committee could strike out the name of a wife and insert children.

Mr. ERDMAN. Mr. Chairman, does the gentleman from New Hampshire say there was a widow in this case?

Mr. BAKER of New Hampshire. I will say, in answer to the gentleman from Pennsylvania [Mr. ERDMAN], that there is a woman who married this soldier in 1863. She was his wife during the war. In 1885 she obtained a divorce from him on account of his vicious habits. At that time he had not been supporting her, but she had been supporting him for some time. I hope my amendment will be adopted.

The amendment of Mr. BAKER of New Hampshire was rejected. The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH NEW.

The next business on the Private Calendar was the bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth New, widow of Jethrow New, late captain of Company D, Twenty-ninth Indiana Volunteer Infantry, of the war of 1861.

Mr. DINGLEY. Let the report be read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New, report as follows:

The facts in this case are truly and correctly set forth in the report (No. 54) of the Senate Committee on Pensions, and to avoid repetition the same is adopted as the report of this committee.

Your committee therefore report the bill back with the recommendation that it do pass.

The following is the Senate report:

"The Committee on Pensions, to whom was referred the bill (S. 1051) granting a pension to Elizabeth New, have examined the same and report:

"A similar bill was introduced in the Fifty-third Congress, referred to the Pension Committee, reported favorably, and passed the Senate.

"The facts are as follows:

"Jethrow New was an officer, serving successfully both as Lieutenant and captain of Company D, in the Twenty-ninth Regiment of Indiana Volunteer Infantry in the war of 1861. He was mustered into the service September 2, 1861, and was discharged therefrom November 24, 1862, for very serious disabilities incurred in the service.

"He was a pensioner of the United States from November 21, 1862, the day after his discharge from the service, until April 9, 1881, at the rate of \$7.50 per month, and from the latter date to the time of his death at the rate of \$15 per month. He died very suddenly at his home at Green Oak, Fulton County, Ind., on the 27th day of February, 1887.

"The claim of his widow, Elizabeth New, in whose behalf this petition was filed, has been rejected by the Pension Bureau upon the ground of want of proof that his death was due to the disabilities incurred by him in the military service aforesaid. The husband was pensioned, as appears from the records, for chronic bronchitis, chronic diarrhea, loss of sight of the left eye, and special results. The following is a description of his condition as given by the board of examining surgeons at Lafayette, Ind., October 26, 1881:

"Total blindness of the left eye; right lateral curvature of the spine; epiglottitis paralyzed and displaced. Perhaps no man living has so gnarled a spine. From it there is perfect paralysis of the epiglottis. It stands wide open, like an abandoned old gate on its rusty hinges, never to be closed. Of course deglutition is impossible, and he has several times nearly suffocated in attempting to swallow solid food."

"The condition of the deceased husband is shown by the record to have continued unchanged up to the time of his death, and besides the medical testimony there is evidence in the record of his friends and neighbors—among others, his nearest neighbor—to the fact that he remained totally unable to perform any kind of manual labor whatever; that he was unable for a year before his death to take anything but liquid food; that he was extremely thin in flesh, very feeble, and debilitated; that he was subject to attacks of wheezing spasms of coughing and smothering.

"This evidence also shows that his death was very sudden; that no physician or other person was present immediately at the time; that he was found dead within twenty minutes after he had spoken to a neighbor about his helpless condition. The committee is of the opinion that the cause of his death was without doubt the disabilities aforementioned, incurred by him in the military service. The applicant, his widow aforesaid, is 72 years old, in very moderate circumstances, and we therefore return herewith and recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

WALLACE M'GRATH.

The next business on the Private Calendar was the bill (S. 247) granting a pension to Wallace McGrath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wallace McGrath, late lieutenant and aid-de-camp of the Fifteenth Regiment Ohio Infantry Volunteers, and grant him a pension at the rate of \$50 per month from and after the passage of this act.

Mr. CURTIS of Kansas. Let the report be read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 247) granting a pension to Wallace McGrath, submit the following report:

The facts in this case are fully set forth in the report of the Senate Committee on Pensions, and to avoid repetition the same is referred to and adopted by this committee. Your committee therefore reports the bill back to the House with the recommendation that it do pass.

The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 247) entitled 'A bill granting a pension to Wallace McGrath,' have examined the same and report:

"That on the 1st day of August, 1890, he was granted a pension of \$12 per month for locomotor ataxia, which sum he claims is not nearly commensurate with the degree of his disability.

"It appears from the evidence that he enlisted on the 23d day of September, 1861, and served until January 27, 1865. That on the 27th day of May, 1864, near Altoona, Ga., while in actual service, he was wounded in the breast; that at such time he was standing on a steep sidehill, and from the force of the blow received he was thrown violently part way down the hill and against a tree, being struck in the small of the back. He suffered severely from his wound and the injury thus received.

"At the time of his enlistment he was a strong, able-bodied man. From and after his wound, received on May 27, 1864, he suffered from pain in the back and was from that time forward unable to stoop over or pick up anything on the ground or floor without suffering great pain. That his injury increased from such time forward until he became unable to walk without the assistance of crutches and a nurse to attend him; that for the last four years or more he has been wholly unable to go about without assistance, and is wholly disabled as a result of the injury so received as aforesaid.

"The writer of this report is personally acquainted with the applicant, knows him well, and has seen him frequently within the last four years at the Soldiers' Home at Leavenworth, Kans., and from his own personal knowledge believes his injury to be permanent. And as further evidence of his entire disability your committee begs leave to submit a letter from Col. Andrew J. Smith, governor of the National Military Home, Leavenworth, Kans., dated December 27, 1895, and addressed to Hon. LUCIEN BAKER, which is hereto attached, marked Exhibit A, and which is made a part of this report.

"That the pension which the applicant now receives for and on account of locomotor ataxia is wholly inadequate to his injury; that under the law for permanent disability he would probably be entitled to \$72 per month, but in order to avoid any question we think it would be well to grant him the intermediate rate of \$50 per month, as provided by the act of Congress of July 14,

1892, this rate being granted for a disability in such a degree as to require the frequent and periodical, though not regular and constant, personal aid and attendance of another person.

"Your committee recommend that the bill be amended by striking out all after the word 'volunteers,' in the seventh line, and adding in lieu thereof the words 'and grant him a pension at the rate of \$50 per month from and after the passage of this act.' As thus amended we recommend the passage of the bill."

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ROYSE. Mr. Chairman, is there not an amendment?

The CHAIRMAN. No; the amendment referred to in the report is a Senate amendment, which was acted upon in the Senate.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. ANNIE E. COLWELL.

The next business on the Private Calendar was the bill (H. R. 1931) granting an increase of pension to Mrs. Annie E. Colwell.

Mr. TAFT. Mr. Chairman, I ask that Senate bill 2514 be substituted in the place of this bill. The two bills are exactly alike.

Mr. DINGLEY. Let the report be read.

The CHAIRMAN. The Clerk will first report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension rolls the name of Mrs. Annie E. Colwell, widow of Thomas W. Colwell, sergeant of Company C, Second Regiment Ohio Infantry, Mexican war, and first sergeant of Company H, Fifth Ohio Cavalry, war of 1861 to 1865, and pay her a pension at the rate of \$30 per month, in lieu of the pension she now receives.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1931) granting an increase of pension to Mrs. Annie E. Colwell, having examined the evidence in the case, report:

Thomas W. Colwell, husband of claimant, served in Company C, Second Ohio Volunteers, in the Mexican war, from August 10, 1847, to July 25, 1848, and in Company H, Fifth Ohio Volunteer Cavalry, from October 31, 1861, to November 29, 1864, when he was mustered out as first sergeant, having held that rank about two and one-half years. He was killed by accident in 1867, never having applied for a pension. He was married to the claimant in 1848, and she has never remarried since his death. She is now pensioned at \$8 as a Mexican war widow. She never applied for pension on account of her husband's services in the war of the rebellion.

She is now 72 years of age. She is now totally blind, and has been so for over twenty-one years last past.

She has no property or income whatever except her pension of \$8 per month, and with that exception is wholly dependent upon friends for her support, having no relatives living. She is of excellent character.

To recapitulate: Her husband served through two wars and was never pensioned. She was his wife during the war of the rebellion, is 72 years old, totally blind, destitute of property, without relatives on whom to call for aid, and with absolutely nothing except her pension of \$8 per month, which is altogether inadequate to supply her needs in her age, blindness, and helplessness.

In view of these facts, your committee recommend the passage of the bill.

The CHAIRMAN. The gentleman from Ohio [Mr. TAFT] asks unanimous consent that the Senate bill be substituted for the House bill. Is there objection?

Mr. ERDMAN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] objects.

Mr. ERDMAN. Mr. Chairman, this is a case where the husband was killed by accident in 1867, and if we pension his widow we determine that his death was due to army service.

Mr. TAFT. She is already pensioned for \$8.

The bill was laid aside to be reported to the House with a favorable recommendation.

Subsequently,

Mr. TAFT said: Mr. Chairman, I ask unanimous consent to recur to the bill H. R. 1931. There was a mistake in regard to it. The gentleman from Pennsylvania [Mr. ERDMAN] did not intend to object to substituting the Senate bill.

The CHAIRMAN. The gentleman from Ohio [Mr. TAFT] asks unanimous consent to return to the bill H. R. 1931, and to substitute therefor the bill S. 2514. Is there objection?

There was no objection.

Accordingly, the bill S. 2514 was ordered to be laid aside to be reported to the House with a favorable recommendation.

By unanimous consent (on motion of Mr. TAFT), the bill H. R. 1931 was ordered to lie on the table.

MRS. MARY L. ALESHIRE.

The next business on the Private Calendar was the bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire.

The bill was read, as follows:

Be it enacted, etc., That the pension of Mary L. Aleshire, widow of Capt. Charles C. Aleshire, late of the Eighteenth Ohio Battery Light Artillery, be, and the same is hereby, increased from \$8 per month to \$20 per month; and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the roll at the rate of \$20 per month, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary L. Aleshire, widow of Capt. Charles C.

Aleshire, late of the Eighteenth Battery Ohio Light Artillery, on the pension roll and pay her a pension of \$20 per month in lieu of the pension she is now receiving."

Mr. SPALDING. Let the report be read.

The report (by Mr. LAYTON) was read, as follows:

The soldier served as captain of Company G, Eighteenth Ohio Infantry Volunteers, from May 21, 1861, to August 23, 1861, and as captain of Eighteenth Ohio Battery Light Artillery from September 13, 1862, to June 29, 1865. He was appointed second lieutenant in the Third United States Artillery August 8, 1866, promoted to first lieutenant February 5, 1867, and served faithfully and efficiently until November 15, 1870, when he was honorably discharged, after a total period of service of seven years and four months.

Captain Aleshire has a hospital record of treatment for "bubonocoele," or inguinal hernia, from December 23, 1863, to January 20, 1867. He applied for pension July 31, 1885, and was pensioned at \$20 per month from that date for "left inguinal hernia," after special examination.

Widow was married to soldier June 6, 1867, and was pensioned under act of June 27, 1890, at \$8 per month from July 31, 1890, the soldier having died April 23, 1889.

The immediate cause of the death of the soldier is not shown by the evidence on file in the Pension Bureau. The claimant files an affidavit with the committee in which she alleges:

"My husband was a great sufferer for long years prior to his death, and the services of a physician were frequently, it might be said almost constantly, needed to mitigate and alleviate his sufferings. He had bronchitis and was troubled with a bad rupture, which was so difficult to control that it frequently baffled the skill of the best physicians, which caused him constant and often intense pain, and which I believe was the primary cause of his death."

Dr. James Johnston certifies to Captain Aleshire's great suffering from hernia, and of his frequently consulting this physician professionally for his trouble after his discharge from the service; that the physician often examined him and fitted a truss on him at different times, and that he had a very bad rupture, which was very hard to control by a perfect-fitting truss, and that he knows that Captain Aleshire suffered a great deal from this cause; that from the nature of his disabilities and his general physical condition it is fair to presume that the remote cause of his death was due to disease contracted in the service.

Col. John L. Vance, who was a gallant soldier and an ex-member of Congress, certifies and states that his relations with Captain Aleshire, from his early boyhood until his first enlistment, and from the time of his leaving the service until his death, were intimate; that he frequently heard him complain of suffering intensely from troubles originating while in the volunteer service, and particularly did he suffer, and was incalculably prostrated at times, from rupture. He believed and was advised, and those of his friends acquainted with his sufferings believed, that he was broken down in health by the service, and, "in my judgment," Colonel Vance says, "his death was the result thereof."

Mrs. Aleshire is advanced in years, in feeble health, and has no property or means of support except the pension she is now receiving.

From the facts presented, your committee believe the bill is meritorious, and therefore earnestly recommend its passage with the following amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary L. Aleshire, widow of Capt. Charles C. Aleshire, late of the Eighteenth Battery Ohio Light Artillery, on the pension roll and pay her a pension of \$20 per month, in lieu of the pension she is now receiving."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. SARAH MARTIN.

The next business on the Private Calendar was the bill (H. R. 4994) for the relief of Mrs. Sarah Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to pay to Sarah Martin, widow of Jonas Martin, late private Company F, Twenty-ninth Michigan Infantry, the pension granted her under the act of June 27, 1890, by certificate No. 21127, without any deduction on account of pension previously granted her January 16, 1873, by the same certificate number.

Mr. DINGLEY. Let the report be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, having carefully examined all the evidence relating to the bill (H. R. 4994) for the relief of Sarah Martin, report as follows:

Jonas Martin, who was the husband of the beneficiary of this bill, enlisted September 3, 1864, in Company F, Twenty-ninth Michigan Volunteers, and was mustered out June 17, 1865. He was treated while in service, as shown by the records, for chronic rheumatism and chronic bronchitis. He died in 1874 from disease of lungs, and his widow filed a claim for pension under the general law, which was allowed, and she drew pension until 1886, when her name was dropped from the rolls on the ground that it had been disclosed by a special examination that the disease of lungs from which the soldier died was not incurred in the service, but existed prior to his enlistment.

On July 31, 1890, the widow filed a claim under the act of June 27, 1890, which was allowed, and under departmental decision of September 12, 1891, that pension should not be withheld. She was again paid pension until April, 1894, when a reissue was made to withhold payment to recover what had been paid her under the general law. In March, 1895, another reissue was made to recover, it appearing that the reissue made in 1894 was not broad enough, to recover all that she had received. These are the facts in the case. The object of this bill is to prevent the Pension Office from withholding from this widow the pension which has been allowed her under the act of June 27, 1890, and which, as shown by the evidence in the case, she needs for her support. The Government can not withhold this widow's pension without violating the principle laid down in sections 4734 and 4747, Revised Statutes, which are as follows:

"SEC. 4734. The provisions of law which allow the withholding of the compensation of any person who is in arrears shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

"SEC. 4747. No sum of money due, or to become due, to any pensioner shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension Office or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner."

Your committee are of opinion that the pension should not be withheld, and they therefore recommend the passage of the bill.

The bill was ordered to be laid aside with a favorable recommendation.

ELMIRA E. DUSTIN.

The next business on the Private Calendar was the bill (H. R. 3578) granting a pension to Elmira E. Dustin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmira E. Dustin, of Sycamore, widow of Gen. Daniel Dustin, late colonel of One hundred and fifth Illinois Infantry Volunteers, and pay her a pension of \$50 per month.

Mr. SPALDING. Let the report be read.

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3578) granting a pension to Elmira E. Dustin, submit the following report:

The claimant in this case is the widow of Bvt. Brig. Gen. Daniel Dustin. She was soldier's wife before and during the war. She is now past 70 years of age, and has no means or property whatever except a house and lot in the small village of Sycamore, Ill., where she lives, and which is of no more value than \$1,200, and the rental value of which is not more than \$8 per month.

Daniel Dustin enlisted September 18, 1861, and was mustered as captain of Company L, Eighth Illinois Cavalry. He was promoted major of same regiment January 8, 1862. His resignation was accepted September 8, 1862, to enable him to accept promotion as colonel of One hundred and fifth Illinois Infantry.

He was mustered as colonel of One hundred and fifth Illinois Volunteers September 9, 1862. October 31, 1864, he was in command of Third Division, Twentieth Army Corps; December 31, 1864, to April 30, 1865, he was in command of Second Brigade, Third Division, Twentieth Army Corps. He was mustered out as colonel of One hundred and fifth Illinois Infantry. He was brevetted brigadier-general of volunteers March 16, 1865, for gallant services in the campaigns in Georgia and South Carolina.

In view of the distinguished services of this officer and the need of his widow, her age and feebleness, the committee recommend that the bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK GRAMM.

The next business on the Private Calendar was the bill (S. 61) for the relief of Frederick Gramm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to so amend and correct the military record of Frederick Gramm, late a private soldier in Company B of the Fifty-sixth Regiment Ohio Volunteers, as to remove the charges of desertion, and to show that said Gramm was captured by the enemy on June 25, 1862, and paroled on June 28, 1862, and permitted by Major-General Grant, commanding the district, to pass from Memphis, Tenn., to his home in Ohio to remain until notified of his exchange or otherwise ordered, and duly exchanged by General Orders, No. 10, War Department, January 10, 1863, and ordered to return to his command, and absent without leave until March 5, 1863, when he enlisted in the Navy of the United States for two years, served faithfully, and was honorably discharged at the expiration of his service: *Provided*, That no pay or allowances shall become due by reason of this act.

Mr. TALBERT. Mr. Speaker, I would like the report to be read in this case.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 61) entitled "A bill for the relief of Frederick Gramm, of Ironton, Ohio," beg leave to submit the following report:

This is a bill providing for the removal of the charge of desertion from the military record of Frederick Gramm, late a private in Company B, Fifty-sixth Ohio Volunteers, and for granting such soldier an honorable discharge. A bill identical in form with such House bill passed the Senate in the Fifty-fourth Congress and has been referred to your committee.

Your committee would therefore recommend that such House bill do lie on the table, and that such Senate bill do pass.

The facts upon which such soldier relies for the favorable consideration of the bill for his relief, which have been found to be true by your committee, are as follows:

The soldier enlisted in Company B, Fifty-sixth Ohio Volunteers, November 13, 1861, to serve three years. He was captured June 25, 1862; paroled June 28, 1862; was permitted by General Grant, his commanding officer, to go to his home in Ohio to await his exchange. He was exchanged in January, 1863, and was notified only by general orders published in the newspapers.

After such exchange, in March, 1863, he enlisted in the gunboat service of the Mississippi for two years, and was honorably discharged from such gunboat service at the expiration of such enlistment.

The only mistake made by such soldier was in not reporting to his regiment and getting a transfer from his regiment to the gunboat service. He received no bounty by reason of such reenlistment, but did receive a slightly increased pay. By reason of such reenlistment such soldier was marked on his company rolls as a deserter.

Mr. TALBERT. Mr. Chairman, I do not wish the further reading of the report. I desire to say that it appears that this man received no bounty by reason of such reenlistment, but he did receive slightly increased pay. It seems to me that this is in the nature of a bounty. Here is another case of a deserter, which I think has no merit in it; and I move that the bill be laid aside with an unfavorable report.

Mr. FENTON. I hope that motion will not prevail. This is a very good case, and only shows an indiscretion of a boy who served during the war. He has an excellent record, and it was only an error which he made by lack of knowledge of military law. It is a clear case and a good one, and the boy served throughout the war.

The question was taken on the motion to report the bill with an unfavorable recommendation, and the motion was rejected.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

Mr. TALBERT. I object.

The question was taken on laying aside the bill with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division.

The committee divided; and there were—ayes 109, noes 1.

So the motion was agreed to. [Applause.]

PATSEY E. BROADDUS.

The next business on the Private Calendar was the bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase and pay a pension of \$30 per month, in lieu of the pension now received by her, to Patsey E. Broaddus, of Marion, State of Kansas, widow of Green B. F. Broaddus, late first lieutenant of Company H, First Kentucky Cavalry, Mexican war, and major Eighth Kentucky Volunteer Infantry in the late war.

Mr. DINGLEY. Let us have the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, have considered the same and respectfully report as follows:

Mrs. Broaddus is the widow of Green B. F. Broaddus, who served from June 8, 1846, to June 8, 1847, as first lieutenant Company H, First Kentucky Cavalry, in the war with Mexico. He also served from January 15, 1862, to April 26, 1863, as major of the Eighth Kentucky Infantry in the war of the rebellion. He was discharged from the last service because of disease of eyes originating in the line of his duty.

Major Broaddus died September 24, 1875, and his widow made application for a pension, declaring that his death was caused by a congestive chill resulting from disease contracted in the service. Much testimony was furnished in support of her claim, but the same was not accepted as sufficient by the Pension Bureau, and the claim was rejected. She subsequently filed an application under the act of January 29, 1887, based upon his Mexican war service, and the same was allowed at \$8 per month, which sum she is now receiving.

The testimony accompanying the bill shows that the claimant has no property save a small dwelling house and some unproductive farm land near Florence, Kans., and that she is without income or means upon which she can depend for a support. It is further shown that she has been a confirmed cripple for thirty-five years, and that she is unable to walk or perform manual labor, and requires the constant attendance of another person; her muscles are wasted away and shrunken, and her limbs drawn at right angles, and her condition is such that she has to be as carefully attended as a child.

The facts are shown by the testimony of Dr. T. J. Cowry, Josephine Burton, J. R. McLean, and numerous other citizens of Marion County, Kans.

In view of the valuable service of the soldier in two wars, and in the light of the helpless condition of the widow, your committee are constrained to recommend the passage of the bill, believing as we do that the circumstances are such that no dangerous precedent will be established by favorable action in this case.

Mr. DINGLEY. What is the pension provided for in this bill?

Mr. CURTIS of Kansas. Twenty dollars a month. She is as helpless as a child, and she only gets \$8 a month.

The CHAIRMAN. The bill provides for \$20 a month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY MARTIN.

The next business on the Private Calendar was the bill (H. R. 1890) granting a pension to Mary Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary Martin, widow of James Martin, late of Company C, One hundred and twenty-fifth Regiment New York Volunteers, and pay her a pension of \$12 per month.

Mr. SPALDING. Let us have the report.

The report (by Mr. McCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1890) granting a pension of \$12 per month to Mary Martin, widow of James Martin, late of Company C, One hundred and twenty-fifth Regiment New York Volunteers, having carefully considered the same, respectfully report as follows:

The claimant was married to the soldier in 1853, and has never since been married. The soldier was mustered into the service August 2, 1862, and served with his command until September 10, 1863, when he was captured at Bealton. He was held a prisoner until November 20, 1864; was then paroled and sent to Camp Parole, Annapolis. On December 4, 1864, he received a furlough for thirty days, and returned home to visit his wife and children, who lived at Troy, N. Y. A few days before the expiration of his furlough he left his home to return to Camp Parole. He did not reach there, and since that time he has not been seen nor heard from by the claimant or by any member of his family, although diligent inquiry was made to ascertain his fate.

The claimant was left with three small children, whom she brought up by her own unaided efforts. She is now nearly 70 years of age, in bad health, lame, and decrepit, unable to work, without means, and in want of the necessities of life. She has twice applied for a pension—once under the general law and once under the act of June 27, 1890. Her claim under the general law was rejected for want of evidence showing her husband's death. Her claim under the new law was rejected on the ground that the soldier did not receive an honorable discharge.

Your committee think the circumstances raise a presumption that the soldier was prevented by some accident or foul play from rejoining his command, and that his death must likewise be presumed.

They recommend that the bill pass with the following amendment:

In line 5 strike out the word "of," between the words "late" and "company," and insert in lieu thereof the words "a private in."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELVIN BROWN.

The next business on the Private Calendar was the bill (H. R. 2373) granting a pension to Elvin Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvin Brown, a private of Capt. George A. H. Blake's Company A, Second Regiment of United States Dragoons, and pay him a pension at the rate of \$20 per month from the passage of this act, in lieu of that which he now receives.

Mr. SPALDING. The report.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2373) granting a pension to Elvin Brown, have considered the same and report:

The claimant was a private in Company A, Second United States Dragoons, and served from August 13, 1839, to August 13, 1844. During this period he participated in the Florida Indian war, and he has been allowed the pension of \$8 per month provided by the act of July 27, 1892, for veterans of that war.

The testimony accompanying the bill shows that Mr. Brown is now about 76 years old, impoverished financially, and so disabled by old age and disease of the heart as to be unable to do anything toward securing a comfortable support. He has a small property in the vicinity of Terre Haute, Ind., which is mortgaged for nearly its full value, and he has to depend for the necessities of life upon his small pension.

In view of the facts stated above the passage of the bill is recommended, with an amendment inserting the initial "J." in the claimant's name; so as to read "Elvin J. Brown."

Mr. DINGLEY. What pension is allowed by the bill as amended?

The CHAIRMAN. Twenty dollars.

Mr. DINGLEY. This is a case to increase the pension of a Mexican soldier simply on account of his old age?

Mr. LOUDENSLAGER. He is 76 years old and very impoverished.

Mr. DINGLEY. I suppose the most of these Mexican pensioners are about that age.

Mr. LOUDENSLAGER. There are several precedents for this. The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATILDA GRESHAM.

The next business on the Private Calendar was the bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of \$100 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Gresham, widow of Walter Q. Gresham, late a brigadier-general, at the rate of \$100 per month.

Mr. SPALDING. Let us have the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of \$100 per month, beg leave to report:

Matilda Gresham was the wife of Gen. Walter Q. Gresham before and during the war, and remains his widow since his death.

The services of General Gresham in military and civil life are well known. From the best information the committee can get Mrs. Gresham is in feeble health. She has a small farm in southern Indiana, left by the General, which does not yield income sufficient for her support.

In view of the meritorious service of General Gresham and the need of his widow, the committee recommend the passage of the bill.

Mr. CROWTHER. Mr. Chairman, I move that the words "one hundred" be stricken out and the word "fifty" inserted in lieu thereof.

Mr. CURTIS of New York. I hope that amendment will not prevail.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out the words "one hundred" and insert the word "fifty"; so as to read "at the rate of \$50 per month."

Mr. PICKLER. Mr. Chairman, this is one exception that the Committee on Invalid Pensions has made in granting \$100 pension. I trust that this amount will not be reduced. This is the first bill that I have advocated this session at this amount for a widow. I want to say, Mr. Chairman, that I believe this is an exceptional case, and I shall not detain the committee. The history of Walter Q. Gresham is too well known in this country. His distinguished services as a soldier were not exceeded by those of any other general of his rank in the Army. His distinguished civil service, dying in the harness as he did as Secretary of State during this Administration, and all these matters, point us to his history and make it an exceptional case. I believe that this House and this committee owes it to itself and to the memory of General Gresham to give this lady a pension in keeping with the rank of her husband and his great attainments in this country. His friends were legion this country over. While this is an exceptional case, as I admit, I believe that it is a case where the pension ought to stand at \$100 a month.

Mr. CROWTHER. Mr. Chairman, with due deference to the distinguished gentleman who presides over the Invalid Pensions Committee, I am compelled to disagree with him upon this ques-

tion. There is no reason why we should give the widow of General Gresham any more than we give the widow of any other distinguished general. There is no reason why we should give her any more than we give to the widows of other distinguished soldiers who fought during the war. These widows are upon a common level as to their title to pensions, and these distinctions should not exist to such an extent as they have existed in the passage of many bills in this House. So far as the distinguished services of General Gresham are concerned, I agree with the gentleman, but we are not legislating for General Gresham; we are legislating for his widow, and it must be remembered that there are thousands of the widows of soldiers just as much entitled to pension as the widow of General Gresham.

Mr. BLUE. Mr. Chairman, I move to amend the amendment by striking out "fifty" and inserting "seventy-five," and in that connection I wish to say this: A few moments ago, by the margin of one vote, the pension of the widow of General Blunt was fixed at \$75 a month. I have nothing to say in disparagement of General Gresham, but he certainly was very generously remembered by this Government, and if his widow at this time is not well provided for it would seem that there must have been some improvident management somewhere. General Gresham was upon the pay roll of this nation almost incessantly, at a large salary, from the time he left the Army until his death, and it seems to me that \$75 is a very generous pension for his widow under the circumstances.

Mr. CURTIS of New York. Mr. Chairman, I hope neither the motion made by the gentleman from Missouri [Mr. CROWTHER] nor the motion made by the gentleman from Kansas [Mr. BLUE] will prevail. The Committee on Invalid Pensions have brought in a bill authorizing the granting of a pension of \$100 per month to the widow of General Gresham.

Mr. PICKLER. The bill has already passed the Senate.

Mr. CURTIS of New York. Yes; the Committee on Invalid Pensions have recommended the passage of this bill and it has already passed the Senate, and in view of all the past services and relations of General Gresham which have been referred to, and which must always be referred to in a complimentary manner, if the truth is told, relations as a soldier, as a judicial officer, and in the high position of Secretary of State, we are assured that there is something due to the widow whom he has left, as is stated here, in almost destitute circumstances. I think it would be unjust, unkind, unbecoming the feelings heretofore exhibited in this body with respect to the granting of pensions, to reduce in any measure the amount reported from the Invalid Pensions Committee, and I hope this bill will pass as it has been reported to the House, at the rate of \$100 per month.

Mr. CANNON. Mr. Chairman, if the question were entirely a new one as to the granting of pensions of \$100 a month or \$2,000 a year to the widows of eminent commanders in the late war, I might have a different opinion from what I now have, but, without having an intimate knowledge, I have yet a general knowledge of the condition of the family of General Gresham, and having also knowledge of his eminent services as a soldier in the late war, in view of these facts and conditions, it is not in my heart to refuse to vote for this bill. I am inclined to think that we will do but simple and exact justice in the line of precedent if we pass this bill, and my heart and my judgment both concur in favor of it. [Applause.]

Mr. EVANS. Mr. Chairman, if the time of the committee allowed I might say some things that would help to convince anybody here who doubts the propriety of passing this bill as it has come to us from the Senate, but I shall not take up time in that way. I do sincerely hope that both the amendments proposed will be voted down, and that we shall give to this widow such a pension as is provided in the Senate bill. It is true that the husband of this lady did draw a salary from the Government, but the salaries paid by the Government of the United States are not such as to enrich anybody, and although he may have drawn a salary for a long time, he rendered the fullest service for every dollar he received. I repeat that I sincerely hope both these amendments will be voted down and that the bill as it came from the Senate will be cordially and promptly passed by the House. [Applause.]

Mr. BAKER of New Hampshire. Mr. Chairman, it is to be remembered that we are not pensioning the widow of General Gresham for any of his distinguished civil services. The pension can be paid only for his services as a military officer. Now, the highest rank that General Gresham held during the war was that of brigadier-general—major-general by brevet. This very day, in the case of another distinguished Union officer, General Blunt, we have cut down the pension to \$75 a month. Yet he was a full major-general. How can we, in justice, vote to the widow of General Gresham any more than we vote to the widow of General Blunt? How, indeed, can we in justice vote as much, because General Blunt had higher rank than General Gresham? I appeal to members to act upon this case as they would act upon any

other case, on the basis of the military services rendered, and to do even and exact justice to this widow and all the other widows of officers of the same rank.

The amendment of Mr. BLUE to the amendment offered by Mr. CROWTHER was rejected.

The question being taken on the amendment of Mr. CROWTHER, the Chairman declared the yeas seemed to have it.

Mr. CROWTHER. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 44, yeas 62; so the amendment was rejected.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY A. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary A. Freeman, widow of Andrew V. Pritchard, late a private in Company H, Second Regiment Pennsylvania Volunteers, Mexican war, from and after the passage of this act, at the rate of \$12 per month.

Mr. PICKLER. Mr. Chairman, I stated about an hour ago that the Committee on Rules had given us two days for the consideration of these bills; that this was the anniversary of the battle of the Wilderness; that we were getting on slowly in the disposition of this Calendar owing to the fact of every report being read; that most of these bills were cases of persons who are old and helpless; that among the bills reached to-day were two in which the beneficiaries have already died; and I asked and urged the Committee of the Whole to continue in session for a reasonable portion of this legislative day. I understand the Committee on Rules did not understand the matter as I do; that they did not suppose we would continue in session to-day longer than till the ordinary hour of adjournment. I did not so understand the rule, and clearly the rule makes no such limit; and I think it is with this Committee of the Whole or the House to determine the matter.

My opinion is that with these 400 cases on the Calendar, and with only these two days set apart for their consideration, we might take a recess (if the House should think best) until about 8 o'clock, sit for a reasonable time this evening, and then take a recess until probably 9 or 10 o'clock in the morning, accomplishing what we could by 12 o'clock to-morrow. [Cries of "That is right!" and applause.] If we do this, and if we have the other day that the Committee on Rules has given us, and if we do at our Friday night sessions as much as we ordinarily do, we shall not be able to get through more than two-thirds of these bills on the Calendar. I fear there would be a third of these cases which would go unconsidered.

My statement a while ago in regard to this matter was made before I knew that there was any difference of opinion on this question. I think that under the circumstances I shall, after the pending bill is disposed of, move that the committee rise in order that the House may determine whether we shall take a recess. I do not want to press my individual opinions contrary to the wishes of the House, but certainly, as the Invalid Pensions Committee and the other committees reporting these bills have worked upon them industriously, and as the persons for whose relief the bills are reported are deserving, as many of them are old and helpless, and as from day to day some are dying, it does seem to me that we ought to forego some considerations of convenience and stay by this Calendar. That is my opinion.

The Committee on Rules might safely trust this House to take care of pension legislation, and if a majority of this committee desire to go on with this calendar of private pensions, as I am sure they do, they should be allowed to do so without obstruction by the Committee on Rules.

The Committee on Rules does not now desire to stand by the rule reported, but wants to give it an interpretation that defeats private pension legislation by restricting the hours this committee shall sit.

Mr. DALZELL. Mr. Chairman, the original proposition made to the Committee on Rules was that there should be an additional night in each week assigned for the consideration of legislation of this kind. It was thought best that we should not adopt any such rule, because it might be held to be a precedent at subsequent sessions of Congress when no such rule would really be necessary. It was therefore determined, with the consent of the chairman of the Committee on Invalid Pensions, that these two days should be set apart—Wednesday of this week and Wednesday of next week—for the consideration of pension cases and such other cases as are in order on Friday evenings. It never entered the mind of any member of the Committee on Rules—and I venture to say it did not enter the mind of the gentleman who presides over the Committee on Invalid Pensions—that the day mentioned in the rule would be an exceptional day. It was supposed that we

should proceed under the provisions of the rule until the regular hour and then adjourn, as we are in the habit of doing when we consider other legislation.

Now, I submit to the committee whether or not it is wise for us to make legislation of this kind exceptional—whether it is wise for us to continue this legislative day for the consideration of such bills as we have been considering, when we accord to no other kind of legislation such exceptional opportunities. Let me call the attention of the committee to the fact that we have passed to-day, I suppose, in the neighborhood of 60 bills.

A MEMBER. Seventy bills.

Mr. DALZELL. It is suggested that we have passed somewhere in the neighborhood of 70 bills. Now, that is a remarkably good day's work. And gentlemen must bear in mind that all these bills have to be disposed of in the House. We are operating to-day, not under the ordinary rules of the House, but under a special rule; and without expressing any decided opinion on the subject, I suggest whether or not these bills will be in order for consideration in the House except on the second day mentioned in this special rule—to wit, next Wednesday. And if that be so, then all of next Wednesday will be occupied in disposing of the bills already passed by the Committee of the Whole.

Now, I submit whether or not the record that we make would not be a more creditable record in the interest of the soldier, in the interest of the friends of this kind of legislation, if we adjourn as we ordinarily do at the usual time, and let the bills take their regular course. I am not opposed to this character of legislation. On the contrary, I have favored putting this proposition through—

Mr. HEPBURN. Let me ask the gentleman this question: Did you not expect that under this rule this class of bills now on the Calendar would be disposed of in the two days?

Mr. DALZELL. No; I can not say that we did. In fact, a very little calculation would demonstrate mathematically the fact that that could not be done.

Mr. HEPBURN. Could it not be done by extending the legislative day?

Mr. DALZELL. If the legislative day is extended you could not pass the bills on the Calendar through the House and the Senate.

Mr. PICKLER. Why?

Mr. DALZELL. Because you have not the time. You would not have the opportunity.

Mr. PICKLER. I am informed that they pass on Tuesdays every pension bill on the Senate Calendar.

Mr. DALZELL. If you extend the legislative day, you can not pass the bills that you will dispose of in Committee of the Whole through the House. That is the point.

Mr. PICKLER. Well, there is another session of this Congress.

Mr. CANNON. Let me ask the gentleman from Pennsylvania a question. I did not get at quite the exact language he used, and do not understand one thing to which he has referred. We are now in Committee of the Whole.

Mr. DALZELL. Yes.

Mr. CANNON. These bills must be reported back to the House.

Mr. DALZELL. Yes.

Mr. CANNON. Now, you say that they can only be considered in the House on Wednesday, when this business comes up again?

Mr. DALZELL. I should take it that they could only be considered on the day that this special order would operate again. We are not operating under the ordinary rules of the House to-day, but under a special order.

Mr. PICKLER. But these are the same bills that are considered on Friday nights; we are considering them exactly in the same way, and I think they would be in order on Fridays, just as the other bills would be.

Mr. DALZELL. That would be undoubtedly true if you were not operating under a special rule.

Mr. PICKLER. But the special order declares what bills are in order, and that they shall be considered just as at the Friday night sessions.

Mr. DALZELL. I have said all I desire to say, Mr. Chairman, on this subject. I submit, therefore, especially to the friends of this kind of legislation, whether it is not the wisest thing we can do to pursue our usual course with this business, just as we do with all other matters. It is, of course, for the House to determine.

Mr. PICKLER. Mr. Chairman, that simply means that the great mass of pension bills on this Calendar will simply be reported to the House and nothing more. You can not pass 400 bills as you pass ordinary bills from the committees of the House. This presents an entirely different case, and needs no argument.

The gentleman talks of the number of bills passed in different Congresses. Why, I remember in the Fifty-first Congress when in one evening we passed 45 bills; and I never heard any complaint about that.

Now, the question, Mr. Chairman; and I am sorry that there is a misunderstanding between myself and the Committee on Rules. The matter came up as the gentleman has stated it. I asked for Monday night, about three weeks ago, in addition to the usual Friday night sessions. It was then thought better that we should have two day sessions instead of night sessions for this business. That suited me—perhaps I suggested that myself. But that was about three weeks ago, and three Monday nights have gone by since that time. If we had been given Monday nights at the time I asked it to the end of the session it would have given us more time than is now provided, even if we stay until noon to-morrow.

Now, I never had an idea, and never had such an opinion, it never entered my mind, that the Committee on Rules had reported the rule here with a string to it. I noticed—I do not know how it came there—but I noticed in the newspapers this morning a statement in regard to this pension matter, that probably there would be a continuous session under this rule; and I heard no objection to it until about 4 o'clock, when I made a statement that keeping in session here to consider these bills to-night was a very good and proper way to honor the anniversary of the battle of the Wilderness.

Of course I do not know what gentlemen mean—I do not know what they are driving at when they ask if it would not be better to adjourn now and not press the consideration of these bills. This is a class of business that comes up on Friday nights, and it would be as well done to-night as on Friday night. I can not understand why, if the committee or the House desires to proceed with the business, they could not do so. As for myself, if I had my own way about it, I would not adjourn until 12 o'clock to-morrow. [Applause.] The men we are trying to help stayed in the field day and night, year in and year out. They are old and helpless now, and their widows are old and helpless. It is a duty we owe to them to continue this matter and dispose of these bills.

I am subject, of course, to what the majority desire to do; but I wish to make emphatic the statement that I had no idea—I am as innocent as a lamb [laughter]—as far as trying to keep the House in session differently from what the Committee on Rules understood. I never dreamed that we were to be limited in any unreasonable way. The matter was before the House for its consideration and not a word was said about anything of the kind. In fact, it was before the House for several weeks. I have been trying to get unanimous consent at different times for its consideration. The rule says that we are to have the two legislative days, the only exception being that it shall not interfere with appropriation bills. What is a legislative day? Why, it is just as long as the House desires to stay in session within twenty-four hours.

Mr. LOUD. Will the gentleman yield for a question?

Mr. PICKLER. Yes.

Mr. LOUD. I should like to remind the gentleman, if he wants to properly commemorate the battle of the Wilderness, that that battle continued for six or seven days, and we shall have to continue—

Mr. PICKLER. Allright! Thank God, I wish we could, until we clear up all these remaining bills. Are you willing to stay and clear them all up?

Mr. FAIRCHILD. Every one on this side of the House except the gentleman from California is willing.

Mr. BLUE. Mr. Chairman, it seems to me that this discussion is wholly unnecessary. If the Committee on Rules had intended to modify the meaning of a legislative day, why was it not done in the rule? There was nothing mentioned at that time. There was no suggestion, as I understood it, that this day was to be different from any other legislative day. What are gentlemen disturbed about? We have passed about 100 special bills during this session of Congress, and \$20,000 per annum will pay the expense.

Mr. ERDMAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ERDMAN. Has debate been exhausted?

The CHAIRMAN. The Chair thinks debate is exhausted upon this bill.

Mr. BLUE. I understood this was a discussion in regard to what we should do.

The CHAIRMAN. The debate has been upon this bill.

Mr. BLUE. I understood it was by unanimous consent that it was going on.

A MEMBER. Regular order.

Mr. BLUE. I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Kansas [Mr. BLUE] asks unanimous consent to proceed for one minute. Is there objection?

Mr. LATIMER. I object.

Mr. BLUE. Mr. Chairman, is there a bill pending?

The CHAIRMAN. There is a bill pending, and debate has been exhausted on that bill. [Laughter.]

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

RUSSELL N. REYNOLDS.

The next business on the Private Calendar was the bill (S. 1100) granting a pension to Russell N. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Russell N. Reynolds, late of Company E, One hundred and thirtieth Regiment Ohio Volunteer Infantry, at the rate of \$20 per month.

Mr. BLUE. Now, Mr. Chairman, it seems to me that when you consider the fact that if we should devote the rest of this week and the full time of each legislative day to the consideration of these bills, it would not exceed in the aggregate an expenditure of \$60,000 per annum, there is nothing for gentlemen to be concerned about here. You pass measures in five minutes that involve expenditures of \$100,000 per annum, and nobody asks any question about it. At the commencement of this session I criticized this Committee on Invalid Pensions because I thought they were not moving in a methodical way. I am satisfied now that these bills that are reported here have been carefully and thoroughly digested and that they are meritorious. The committee, having received several criticisms at the beginning of the session, have acted judiciously and carefully since. It does seem to me that when the general public business of this House for this session has been practically passed upon, and nothing is left except the reports of conference committees, this House can not better dispose of the time than by addressing itself to the consideration of these special pension bills. [Applause on the Republican side.] Let us do what we have a right to do. This House has adopted this rule. It has by its vote given us a legislative day in which to consider these bills. Let us take a recess until 8 o'clock and continue here until half past 10 this evening; then take a recess until 10 o'clock to-morrow and work from that time on until 12. [Applause.]

Mr. SPALDING. Let the report on this bill be read, Mr. Chairman.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1100) granting a pension to Russell N. Reynolds, submit the following report:

This bill passed the Senate, and the following report made by the Committee on Pensions is adopted as the report of this committee:

"The Committee on Pensions, to whom was referred the bill (S. 1100) granting a pension to Russell N. Reynolds, have examined the same, and report:

"The claimant in this case enlisted May 2, 1864, and was honorably discharged September 22, 1864. After several rejections by the honorable Commissioner of Pensions the claimant's pension was finally allowed him under the act of June 27, 1890, at the rate of \$10 per month, for injury to ankle and disease of heart, both of which disabilities were incurred in line of duty.

"Upon an application for increase afterwards filed, the Pension Office determined, on March 14, 1894, that an increase should not be granted, but that the pension should continue at the former rate of \$10 per month.

"The evidence in the case shows that claimant is totally incapacitated from the performance of labor, and that he is without means of support except his pension.

"Your committee therefore recommend that the bill be amended by adding thereto the words 'at the rate of \$20 per month,' and that the bill as amended be passed."

Your committee therefore recommend the passage of the bill as amended by the Senate.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY CLARE KELLY.

The next business on the Private Calendar was the bill (S. 1493) granting a pension to Mary Clare Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Mary Clare Kelly, widow of the late Benjamin F. Kelly, brevet major-general of volunteers, United States Army, and pay her a pension at the rate of \$50 a month, in lieu of the pension she is now receiving.

Mr. SPALDING. Let the report be read.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1493) granting a pension to Mary Clare Kelly, report:

This bill has passed the Senate this session. The report of the Senate Committee on Pensions, which is adopted by this committee as its own, is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1493) granting a pension to Mary Clare Kelly, have examined the same, and report:

"A similar bill was introduced in the Fifty-second and Fifty-third Congresses and referred to the Committee on Pensions. It was reported favorably and passed the Senate at the rate of \$50 per month.

"The facts are as follows:

"This is a bill to increase the pension of Mrs. Mary Clare Kelly, widow of Brig. Gen. Benjamin F. Kelly. General Kelly was a Virginian, and raised the first regiment for the defense of the Union from that State. The stand he took and his energetic and brave conduct were of the greatest value to the Union cause. He commanded the Department of West Virginia, and received a wound that was supposed to be fatal, but he recovered as if by a miracle. He became impoverished by reason of his Union sentiments and participation in the Federal service, and, having never recovered from the effects of his wound, he remained in poverty, leaving nothing for the support of his family. His widow was recently pensioned at the rate of \$30 a month, which is the highest rate allowable under the general law.

"It has been the habit of Congress to increase the pensions of the widows of the higher grade of officers, especially in cases corresponding with that of General Kelly, and the committee regard this as a proper case for special legislation."

In view of these facts, your committee recommend the passage of the bill.

Mr. CROWTHER. Mr. Chairman, I should like to have the Clerk report the amount of the pension granted by this bill.

The Clerk read as follows:

Fifty dollars a month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE W. BAGLEY.

The next business on the Private Calendar was the bill (H. R. 1500) granting a pension to George W. Bagley.

The bill was read, as follows:

Whereas George W. Bagley, a civilian employed in the Quartermaster's Department, United States Army, was, while acting as a carpenter, and under the direction of the military authorities and doing work connected with military operations, hurt and permanently injured and disabled: Therefore

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of \$25 per month, subject otherwise to the limitations and provisions of the pension laws, the name of said George W. Bagley.

The amendment recommended by the committee was read, as follows:

In line 5 strike out the words "twenty-five" and insert the word "twelve."

The amendment was agreed to.

Mr. PICKLER. I move to strike out the preamble.

The motion was agreed to.

Mr. SPALDING. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1500) granting a pension to George W. Bagley, having examined and considered the same, report the same back to the House with an amendment and with the recommendation that as amended it do pass.

It is shown by the evidence on file that said Bagley was in the service of the United States as a carpenter in the United States Railroad Construction Corps, being in the Quartermaster-General's Department, and in the gang of John W. Neafie, under General Nagle, superintendent of bridge construction, United States Military Railroad Construction Corps. In the prosecution of this work at Alexandria, Va., in December, 1862, said Bagley was ordered by said Neafie to go upon the roof of the railroad engine house at that place to make repairs. The evidence is conclusive that the said Bagley hesitated about going up on said roof on account of the danger involved, but did so against his own wishes and remonstrances, and under the orders of his superior; that while engaged in that employment the roof gave way, he fell, severely and permanently injuring himself, among these injuries breaking both legs, one twice and the other in three places. He was afterwards confined in the hospital at Alexandria, following these injuries, for several months, and has since been a cripple and unable to perform manual labor to any considerable extent.

The said G. W. Nagle, who was in command of the Corps in which Bagley was at the time of his injury, has made affidavits of the facts in Bagley's case, and in very strongly recommending a pension for him describes the character and duties of this Corps, from which we quote in part as follows:

"The men employed in the United States Military Railroad Construction Corps were not enlisted men; no one connected with military railroads during the war held a commission, except Gen. D. C. McCallum and Gen. Herman Haupt. The work of the Construction Corps was considered of a military nature; bridges were built by them in the face of the enemy's batteries; the men were treated by our Government and the enemy, when captured, as soldiers, and they were exchanged or paroled the same as enlisted men."

"All the men and officers connected with the Construction Corps were under military orders all the time. An order to open a railroad or rebuild bridges came from the War Department. The order to rebuild the roof of the roundhouse at Alexandria, Va., where Mr. Bagley met with his accident, came through Gen. D. C. McCallum, and must be considered a military order. Every move made on the United States military railroad, whether the moving of trains containing troops or supplies or the construction of the roads or buildings on the roads, were ordered by military and for military purposes. Furthermore, the above roundhouse was within the Government stockade, the ingress and egress of which was under guard at all times."

It will be seen that this employment, while technically civilian, was entirely military in its character and real surroundings, and that this claimant was at the time (Alexandria being a military headquarters, and the railroad, whose engine house was being repaired at that time, being used by the Government in its military operations) in actual military employment and acting, to all intents and purposes, in defense of his Government.

The committee are of the opinion that as a general rule pensions should not be allowed except to men actually enlisted, but the circumstances surrounding this particular case are such as to warrant favorable action.

The committee recommend the following amendment:

In line 5 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

And as so amended the committee recommend the passage of the bill.

Mr. ERDMAN. Mr. Chairman, there is a bill before the Committee on Invalid Pensions to pension all the bridge constructionists. There is a number of them; so we are taking out one now and making him a favorite, and the 700 others who have applied to us in a general bill are left to go hungry. [Cries of "Vote!"] The bill was ordered to be laid aside with a favorable recommendation.

NATHAN KIMBALL.

The next business on the Private Calendar was the bill (S. 1435) granting an increase of pension to Nathan Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan Kimball, late a brigadier-general in the United States Army, at the rate of \$100 per month.

Mr. ANDREWS. Mr. Chairman, just a few words of explanation upon this report. When this Senate bill came to our committee and was referred to me for consideration, I was inclined to

favor a recommendation of \$72 per month instead of \$100; but a careful inquiry into the physical and financial condition of General Kimball led me to believe that \$100 per month, as proposed in the Senate bill, would no more than meet his necessities. He is suffering constantly from the results of wounds for which he has been pensioned formally under the general law. He needs constantly one attendant, and a greater portion of the time two attendants. In order to care for his necessities, for medical attendance made necessary, and the expense incident thereto, and the care, as I have suggested already, your committee were led to conclude that \$100 ought to be allowed in this case, and I hope the bill will pass for that amount.

Mr. CROWTHER. Mr. Chairman, I move to amend the bill by striking out the words "one hundred" and inserting in lieu thereof the words "seventy-five."

Mr. ALLEN of Utah. Mr. Chairman, I wish to say a word. I know that the statement that has been made by the chairman of the subcommittee [Mr. ANDREWS] is absolutely true. General Kimball lives in Ogden, Utah. He has to have one personal attendant all the while, and at times, as stated, two. He is 74 years of age. He fought in 20 pitched battles in the late war. He led the right in the attack on Maries Height at Fredericksburg, and was wounded in the right thigh and foot, from which wounds he now suffers. He was brevetted major-general during the war for gallant services, and recommended for promotion to the rank of major-general by Winfield Scott Hancock. I hope the amendment will be defeated.

The amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

MARGARET A. KIDWELL.

The next business on the Private Calendar was the bill (H. R. 3113) granting a pension to Margaret A. Kidwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$12 per month, the name of Margaret A. Kidwell, who was the wife of Henry Kidwell, late private of Company H, Second Regiment Missouri Artillery.

Mr. DINGLEY. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3113) granting a pension of \$12 per month to Margaret A. Kidwell, who was the wife of Henry Kidwell, late private of Company H, Second Missouri Artillery, having carefully examined and considered the facts and circumstances in evidence, respectfully report as follows:

Henry Kidwell enlisted March 23, 1864, and was honorably discharged November 20, 1865.

He filed application for pension October 20, 1869, for gunshot wound of left hand, which was allowed after special examination February 2, 1885, at \$4 per month from date of discharge, and which was increased to \$6 per month from April 24, 1889. He committed suicide by hanging himself at National Military Home, Leavenworth, Kans., November 24, 1889.

From the mass of testimony presented to your committee it is learned that soldier exhibited signs of mental weakness and derangement directly after returning home from the Army. At times he would go to work vigorously for a few days and astonish the neighbors with wonderful amounts of labor, and again would droop into melancholy and unsocial habits and brood over imaginary wrongs. Again, he would wander from home for days without giving notice of his departure or his destination to his family, and would return as surreptitiously as he departed.

His mind became constantly weaker and his conduct more strange. He would sell all his property and remove to some other locality, even when his prospects seemed fairly bright. He was unsocial, gloomy, and morose, and his mania increased until it became of dangerous tendency, and his wife found a butcher knife in the bed. Asked what he intended to do with it, he spoke of the beautiful corpse their infant daughter would make. The neighbors had him examined for lunacy, and he was placed in the insane asylum at Osawatomie, Kans., December 4, 1878, and discharged therefrom July 8, 1879. He told the special examiner in 1883 that he had been in an insane asylum for several years and his memory was gone. He was confined in the State Insane asylum of Kansas again May 20, 1888, and released as restored September 23, 1888.

He was at different periods in the National Military Home at Leavenworth, Kans., and at intervals at home with his family, but his conduct and acts constantly became more erratic and his wanderings more frequent. He once went to Texas, and at all times after service seemed to possess a disposition to wander.

At one time, after being twice in the asylum, he sent notice to his wife from a distant part of the State that unless she immediately came to him he would get a divorce from her. She ignored the invitation (having the family to care for), and the report became currently circulated, by him most probably, that he had been divorced; but this is believed to have been one of his hallucinations, as no record of divorce has been found, so far as your committee has been advised. After this report was circulated he again came home, but soon went away and entered the Soldiers' Home again. Because of her almost destitute condition, the burden of supporting the family, and the circulation of reports of divorce, and the difficulty of securing satisfactory proof tracing his insanity to causes originating in service, as he never had a regular physician or lived long enough in one locality to enable neighbors to fully understand his peculiarities, the widow has not applied for pension, being advised that an effort in that direction was useless.

She is now advanced in years, in needy circumstances, and a large number of neighbors, county officials, and representative citizens ask Congress to pension her by special bill and prevent her from becoming a charge on public or private charity.

Your committee therefore earnestly recommend the passage of the bill, after being amended by striking out all after the word "artillery," in line 7.

[Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Mr. Chairman, I want to call the attention of

the House to the fact that this soldier committed suicide by hanging, and here it is distinctly traced to service origin!

[Cries of "Vote!" "Vote!"]

Mr. DINGLEY. What is the amount?

The CHAIRMAN. Twelve dollars per month.

The amendment recommended by the committee was agreed to.

The question was taken on ordering the bill to be laid aside with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The committee divided; and there were—ayes 71, noes 8.

Mr. ERDMAN. We ought to have a quorum on this important question.

The CHAIRMAN. Does the gentleman raise the point of no quorum?

Mr. ERDMAN. Yes, sir.

The CHAIRMAN (after a count). One hundred and six gentlemen are present. [Applause.] The ayes have it, and the motion is agreed to.

Mr. PICKLER. I hope a hundred men will stay here.

CATHERINE SMITH.

The next business on the Private Calendar was the bill (S. 1522) granting a pension to Catherine Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Smith, widow of the late James Smith, a private in Company I, Sixteenth Indiana Volunteers, and pay her a pension of \$12 per month, and the further sum of \$2 per month for each of the three children of said soldier until they respectively become 16 years of age.

Mr. SPALDING. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1522) granting a pension to Catherine Smith, widow of the late James Smith, a private in Company I, Sixteenth Indiana Infantry Volunteers, at \$12 per month, having carefully examined and considered the facts and circumstances presented, respectfully adopt the report of the Senate Committee on Pensions, and recommend the passage of the bill. The report is as follows:

The evidence in this case shows that the claimant, Mrs. Catherine Smith, made application to the Pension Office for a pension as the widow of James Smith, late a private in Company I, Sixteenth Regiment Indiana Volunteer Infantry. A pension certificate, No. 291450, was granted to her at the rate of \$8 per month, with the additional sum of \$2 per month for each of her children under 16 years of age. This amount of pension was paid until February 12, 1895, when said pensioner was dropped from the rolls on the following grounds, viz:

1. That her husband, James Smith, or James C. Smith, is still living and residing at Oxford, Ohio, and has made application for pension.
2. That claimant was unable to furnish satisfactory evidence that her husband was ever an enlisted man in the service of the United States.
3. That he had never been honorably discharged.

The pensioner, said Catherine Smith, then made application to the Pension Office for restoration to the rolls, but her claim was rejected.

As to the first objection made by the Pension Office, the evidence fully shows that the James or James C. Smith now residing in Ohio, and who was a private in Company C of the Sixteenth Regiment of Indiana Volunteers, is not the James Smith who enlisted October 24, 1864, in Company I, Sixteenth Regiment Indiana Volunteers, and was afterwards transferred to the Thirteenth Indiana Cavalry, and who was legally married to said Catherine Smith, and died in Salina, Kans., December 30, 1886.

In answer to the second and third objections of the Pension Office, Col. F. C. Ainsworth, in an official communication dated March 26, 1895, states that the records in the War Department show "that this soldier (said James Smith) was enrolled and mustered into service October 24, 1864, as a private in Company I, Sixteenth Indiana Infantry Volunteers, to serve one year. He appears to have served faithfully until June 29, 1865, when he was transferred to the Thirteenth Indiana Cavalry Volunteers. But as he failed to join the last-named regiment, which remained in service until November 18, 1865, he became constructively a deserter from June 29, 1865. Upon consideration of the record as above set forth, it has been determined that relief can be afforded in this case by this Department under the provisions of the act of Congress approved March 2, 1889. The constructive charge of desertion heretofore standing against this soldier as his final record has therefore been removed, and he has been honorably discharged to date from June 29, 1865, that being the date when he left the service."

The evidence fully shows that said soldier, James Smith, was legally married to said claimant, Catherine Smith, on the 16th of October, 1877, at Salina, Kans., and had by her three children, as follows: William E., born February 7, 1883, age 16 February 6, 1899; Jessie E., born February 28, 1884, age 16 February 27, 1900; Mamie E., born December 3, 1885, age 16 December 2, 1901.

There is some evidence tending to show that the disease of which James Smith died was contracted in the service. The evidence also shows that said Catherine Smith is a deserving woman, but in destitute circumstances, and supports herself and the three children of said soldier, James Smith, by her daily toil, excepting such charity as she receives from the Grand Army post and other friends.

Your committee is of the opinion, from the foregoing statement of facts, that said Catherine Smith is entitled to a pension of \$12 per month, and the further sum of \$2 per month for each of the soldier's three children until they respectively arrive at the age of 16 years.

The writer of this report has abundant testimony from personal acquaintances of high character who are familiar with the family history of this claimant, and he has no doubt about the identity of her late husband as she states it to be.

Your committee therefore recommend that the bill be amended by adding the words "and the further sum of \$2 per month for each of the three children of said soldier until they respectively become 16 years of age."

And so amended, your committee recommend that the bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

RANSOM C. HAZELIP.

The next business on the Private Calendar was the bill (H. R. 5050) for the benefit of and granting a pension to Ransom C. Hazlip, late a private soldier of Company G, Eleventh Regiment Kentucky Infantry Volunteers, and first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States of America the name of Ransom C. Hazlip, late a private soldier of Company G, Eleventh Regiment Kentucky Infantry Volunteers, and afterwards first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers, of the United States Army, in the late war of the rebellion, at the rate of \$50 per month, to be paid quarterly as pensions are now required to be paid by law.

Mr. DALZELL. Let us have the report read, Mr. Chairman.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5050) granting a pension to Ransom C. Hazlip, report as follows:

Claimant alleges that in February, 1862, he enlisted in Company G, Eleventh Kentucky Infantry, resigning the position of county and circuit court clerk to do so; that he went with the regiment, doing regular service, as did the other members of the company, until the battle of Shiloh, in which he took part; that in said fight he was injured by concussion of a shell, causing impairment of hearing, most severe in the left ear. After the battle, while camping on the battle ground, he contracted chronic diarrhea, by which he was reduced almost to a skeleton. He had joined the regiment after its muster in, and so he had not been mustered in, and was permitted to go home.

As soon as he recovered to a sufficient extent to do so, he again entered the service, this time as first lieutenant Company B, Thirty-fifth Kentucky Mounted Infantry, and while in this organization, in July, 1864, went out from Munfordville, Ky., on a scout, and from the hardship and exposure on that trip contracted something like rheumatism and disease of kidneys. He now asks that he be pensioned by special act for impaired hearing and chronic diarrhea, contracted while serving with Company G, Eleventh Kentucky Infantry, and results thereof, and for rheumatism and disease of kidneys and disease of heart and stomach, results, contracted while first lieutenant Company B, Thirty-fifth Kentucky Volunteer Mounted Infantry. He asks this special act because he has no title under existing law for the disabilities incurred while serving with the Eleventh Kentucky Infantry. He is totally disabled for manual labor and in need of the pension.

The sworn testimony of Watson Farris, Alex. Hayes, and William L. Hazlip, who are shown by the records of the War Department to have been in Company G, Eleventh Kentucky Infantry, and present, corroborates the claimant's allegations as to disabilities incurred while serving with Company G, Eleventh Kentucky Infantry; and that of James C. Kinkade, Charles W. Decker, John W. Hayes, Samuel P. York, and Andrew J. Hack, corroborates his allegations as to incurrence of disabilities while first lieutenant Company B, Thirty-fifth Kentucky Mounted Infantry, and their testimony, together with that of Drs. S. B. Johnson and A. J. Staton, and Mr. George W. Oiler, shows the continuance of his disabilities since discharge and that he is now totally disabled for manual labor.

From the evidence presented your committee believe his disabled condition to be due to his service in the war, and they recommend that the bill be amended as follows:

Amend the title by striking out all of it except the words "A bill granting a pension to Ransom C. Hazlip."

Amend the bill by striking out, in line 6, the words "late a private soldier of" and inserting in lieu thereof the words "who served with"; and by striking out, in line 10, the word "fifty" and inserting in lieu thereof the word "thirty"; and that as amended the bill do pass.

The amendments recommended by the committee were read, as follows:

Amend the title by striking out all of it except the words "A bill granting a pension to Ransom C. Hazlip."

Amend the bill by striking out, in line 6, the words "late a private soldier of" and inserting in lieu thereof the words "who served with"; and by striking out, in line 10, the word "fifty" and inserting in lieu thereof the word "thirty"; and that as amended the bill do pass.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MAUD ARDELLE BLISS.

The next business on the Private Calendar was the bill (S. 145) granting a pension to Maud Ardelles Bliss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maud Ardelles Bliss, dependent and invalid daughter of John W. Bliss, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$12 per month, payable to her legally constituted guardian.

Mr. MILNES. Let us have the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 145) granting a pension to Maud Ardelles Bliss, having carefully considered the same, adopt the accompanying Senate report (No. 56) as their own, and respectfully recommend its passage.

[Senate Report No. 56, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 145) granting an increase of pension to Maud Ardelles Bliss, have examined the same and report:

The beneficiary under this bill is the daughter of John W. Bliss, late a private in Company B, Fourth Regiment Vermont Volunteer Infantry. Mr. Bliss served long and faithfully in the Union Army, his health suffering greatly from hardships and exposure. It is said by those who knew him intimately that he had pensionable disabilities when discharged from the service, but he was a proud and patriotic man and did not make application so long as he could earn a living. A few months ago he applied for a pension, being at the time in ill health and destitute circumstances, but he died before the Pension Bureau had time to consider his claim.

Claimant is an orphan, and has been deformed and sick from early infancy. She is in her sixteenth year and weighs only 48 pounds. The appended certificates state specifically her condition, Dr. Simpson giving it as his opinion that she is destined to a life of invalidism. There are many precedents for this legislation. Your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEVI T. E. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Levi T. E. Johnson, late a member of Company B, Fifty-second Indiana Volunteers, from ten to fifty dollars per month, subject to the conditions and limitations of the Pension Bureau.

Mr. SPALDING. Let us have the report.

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson, submit the following report:

Your committee have examined the evidence in this case and find:

Claimant enlisted October 21, 1861, and was discharged September 24, 1862, for disability—"affection of spine; cause, probably, exposure on duty."

In 1870 he applied for pension on account of cold which settled in lungs and right side. It was allowed, for disease of right side and resulting disease of lung, at \$4 from date of discharge and \$10 from June 9, 1888.

In a declaration for increase filed in 1885 he alleged blindness from disease of eyes resulting from the debility from pensioned causes. In a declaration filed December 4, 1888, he swears that his disease of eyes has been coming on for about nine years. The medical division declined to accept the disease of eyes due to pensioned causes.

This soldier is now totally blind. He is in a pitiable condition, and is a deserving object of the bounty of his Government.

Your committee recommend that the bill be amended by striking out of the sixth line the word "fifty" and insert in lieu thereof the word "thirty"; also strike out the word "member," in fifth line, and insert in lieu the word "private," and change word "Bureau" to "law," in line 7, and that the bill as amended do pass.

Mr. BURRELL. Mr. Chairman, this claimant was a brave soldier. He has now lost his sight. I do not know that it can be shown definitely that the loss has resulted from his service in the Army, but at any rate he is now totally blind, and it seems to me that he ought to be entitled to \$50 a month. I therefore move to strike out "thirty" and insert "fifty."

The CHAIRMAN. The Chair would state to the gentleman that the original bill provides for a pension at \$50 a month, and one of the amendments recommended by the committee is to strike out "fifty" and insert "thirty." If the gentleman desires, he can demand a separate vote on that amendment.

Mr. BURRELL. Then I will ask this committee to vote down that amendment.

Mr. PICKLER. Mr. Chairman, I hope the gentleman will not insist on that. Thirty dollars is, I think, a good, fair pension in this case. That is the rate for total inability to perform manual labor.

Mr. BURRELL. We have been voting \$50 a month to others, we have given \$50 a month to the widows of soldiers, and when a man comes who has himself rendered valuable service to his country and when he is totally blind, I think that that is not too large an amount of pension for him.

Mr. HOPKINS. I suggest to the chairman of the Committee on Invalid Pensions that if this claimant is totally blind and must have an attendant \$50 is little enough.

Mr. PICKLER. The report does not show that he is totally blind, does it?

Mr. BURRELL. He is so. I know him.

Mr. HOPKINS. I hope that my colleague's motion will prevail.

Mr. MILNES. Mr. Chairman, I am heartily in favor of granting this man \$50 a month. Here is a worthy case, a case where an old soldier is totally blind. We have gone on and voted \$100 a month to the widows of soldiers who were no more gallant or brave than this man was, but here we have the soldier himself, a man who fought bravely for his country in the war, and it is cases of this kind that ought to occupy the attention of this House. I hope the motion of the gentleman from Illinois will prevail.

On a division, on the motion of Mr. BURRELL, there were—ayes 8, noes 56.

Mr. ERDMAN. Mr. Chairman, I am constrained to call for a quorum on this pure charity.

The CHAIRMAN. The gentleman from Pennsylvania makes the point that there is no quorum present.

Mr. PICKLER. He is a member of the Committee on Invalid Pensions and he makes the point of no quorum on one of its bills!

Mr. ERDMAN. Yes, sir; on charities of this kind all the time.

The CHAIRMAN (after a count). There are 81 members present.

Mr. PICKLER. There is only one thing to do, Mr. Chairman; that is to have the roll called.

The CHAIRMAN. The Clerk will call the roll.

The roll was called, when the following-named members failed to respond:

Abbott,	Downing,	Lewis,	Shafroth,
Adams,	Draper,	Linney,	Shannon,
Eddy,	Elliott, Va.	Linton,	Shaw,
Aldrich, Ala.	Elliott, S. C.	Little,	Simpkins,
Aldrich, Ill.	Fairchild,	Livingston,	Skinner,
Apsley,	Farris,	Lockhart,	Smith, Ill.
Arnold, Pa.	Fischer,	Lorimer,	Smith, Mich.
Arnold, R. I.	Fitzgerald,	Loudenslager,	Snover,
Atwood,	Fletcher,	Low,	Sorg,
Avery,	Foot,	Maddox,	Southard,
Babcock,	Foss,	Maguire,	Southwick,
Bailey,	Fowler,	Mahany,	Spalding,
Baker, Kans.	Gamble,	McCall, Tenn.	Sparkman,
Baker, Md.	Gillett, N. Y.	McClure,	Spencer,
Baker, N. H.	Goodwyn,	McCormick,	Stahle,
Bankhead,	Graft,	McCreary, Ky.	Stallings,
Barham,	Griswold,	McCulloch,	Steele,
Barrett,	Grosvenor,	McEwan,	Stephenson,
Bartholdt,	Grout,	McLachlan,	Stewart, Wis.
Bartlett, N. Y.	Hall,	McLaurin,	Stone, C. W.
Beach,	Halterman,	McMillin,	Stone, W. A.
Bell, Colo.	Hanly,	McKee,	Strait,
Bell, Tex.	Hardy,	Meiklejohn,	Strode, Nebr.
Bennett,	Harmer,	Mercer,	Strong,
Berry,	Harris,	Meredith,	Strowd, N. C.
Bingham,	Harrison,	Meyer,	Sulzer,
Black, Ga.	Hart,	Miles,	Swanson,
Bontels,	Hatch,	Milliken,	Talbot,
Bowers,	Heiner, Pa.	Miner, N. Y.	Terry,
Brewster,	Hemenway,	Money,	Thomas,
Brockdrick,	Hendrick,	Morse,	Thorp,
Bromwell,	Henry, Conn.	Moses,	Towne,
Brosius,	Henry, Ind.	Mozley,	Tracewell,
Buck,	Hermann,	Murphy,	Tracey,
Bull,	Hicks,	Neill,	Trelcar,
Burton, Mo.	Hill,	Newlands,	Tucker,
Burton, Ohio	Hitt,	Noonan,	Turner, Ga.
Catchings,	Howard,	Northway,	Turner, Va.
Clardy,	Howe,	Odell,	Tyler,
Clark, Iowa	Hubbard,	Ogden,	Updegraff,
Clark, Mo.	Huff,	Otey,	Wadsworth,
Clarke, Ala.	Hulick,	Overstreet,	Walker, Mass.
Cobb,	Hull,	Owens,	Walker, Va.
Cockrell,	Hutcheson,	Patterson,	Walsh,
Coddington,	Johnson, Cal.	Pearson,	Wanger,
Coffin,	Johnson, Ind.	Pendleton,	Warner,
Cook, Wis.	Johnson, N. Dak.	Phillips,	Washington,
Cooke, Ill.	Jones,	Pitney,	Watson, Ind.
Cooper, Fla.	Joy,	Powers,	Watson, Ohio
Cooper, Tex.	Kem,	Price,	Wellington,
Corliss,	Kendall,	Quigg,	White,
Cowen,	Kiefer,	Raney,	Wilber,
Cox,	Kieberg,	Ray,	Williams,
Crowley,	Knox,	Reyburn,	Wilson, Idaho
Culbertson,	Kulp,	Richardson,	Wilson, N. Y.
Cummings,	Kyle,	Robertson, La.	Wilson, Ohio
Danford,	Latimer,	Robinson, Pa.	Wilson, S. C.
Dayton,	Lawson,	Rusk,	Woodard,
De Armond,	Lefever,	Russell, Conn.	Woodman,
Denny,	Leighty,	Russell, Ga.	Woomer,
De Witt,	Leisenring,	Sauerharing,	Wright,
Dismore,	Leonard,	Sayers,	Yoakum,
Dockery,	Lester,	Scranton,	
Dolliver,		Settle,	

The CHAIRMAN. The committee will rise and report the absentees to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House had found itself without a quorum, whereupon he had directed the roll to be called, and now reported the list of absentees to the House.

The SPEAKER. The Clerk will read the names of the absentees.

The names of the absentees having been read,

The SPEAKER. These names will be entered on the Journal.

Mr. DINGLEY. I move that the House do now adjourn.

The SPEAKER (having put the question). The ayes seem to have it.

Mr. PICKLER. I demand the yeas and nays on the adjournment.

Several MEMBERS. There is no quorum here.

Mr. PICKLER. We will see whether you will crowd it down this way. We want the yeas and nays on this question. We do not want any such infernal snap judgment as this. [Cries of "Order!"]

The SPEAKER. The gentleman from South Dakota is not in order.

Mr. PICKLER. We had 100 members here.

The SPEAKER. The gentleman is not in order.

The question being taken on ordering the yeas and nays, there were ayes 37—more than one-fifth of the last vote.

So the yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. PICKLER (after the roll call had begun). We had 100 members here.

Mr. PAYNE. I insist that we should have order.

Mr. PICKLER. I am stating the truth, Mr. Speaker.

The SPEAKER. The gentleman should take his seat. The Clerk will proceed with the call of the roll.

The Clerk resumed the call of the roll; but Mr. PICKLER continuing to speak.

The SPEAKER said: The House will please be in order; and the gentleman from South Dakota will take his seat.

Mr. PICKLER. That I will do with great pleasure.

The question was taken; and there were—yeas 38, nays 58, not voting 259; as follows:

YEAS—38.

Allen, Miss.	Evans.	Lacey.	Sherman.
Bartlett, Ga.	Gillett, Mass.	Loud.	Shuford.
Black, N. Y.	Griffin.	McCall, Mass.	Spalding.
Brown.	Hainer, Nebr.	McCleary, Minn.	Stokes.
Clarke, Ala.	Heatwole.	McClellan.	Taft.
Cousins.	Henderson.	McDearmon.	Tate.
Curtis, N. Y.	Hilborn.	Moody.	Tawney.
Dalzell.	Hooker.	Parker.	Underwood.
Dingley.	Howell.	Payne.	
Erdman.	Jenkins.	Perkins.	

NAYS—58.

Allen, Utah	Curtis, Kans.	Hurley.	Reeves.
Andrews.	Daniels.	Hyde.	Royse.
Barney.	Dovener.	Kerr.	Sperry.
Belknap.	Eddy.	Kirkpatrick.	Stewart, N. J.
Bishop.	Ellis.	Layton.	Strong.
Blue.	Fairchild.	Linton.	Sulloway.
Brumm.	Fenton.	Long.	Taylor.
Burrell.	Gardner.	Mahon.	Van Horn.
Burton, Mo.	Gibson.	Marsh.	Van Voorhis.
Calderhead.	Hadley.	Minor, Wis.	Wanger.
Chickering.	Hager.	Otjen.	Wheeler.
Colson.	Hartman.	Pickler.	Willis.
Connolly.	Hepburn.	Poole.	Wood.
Crowther.	Huling.	Prince.	
Curtis, Iowa	Hunter.	Pugh.	

NOT VOTING—259.

Abbott.	Dinsmore.	Leisenring.	Russell, Ga.
Acheson.	Dockery.	Leonard.	Sauerhering.
Adams.	Dolliver.	Lester.	Sayers.
Aitken.	Doolittle.	Lewis.	Seranton.
Aldrich, Ala.	Downing.	Linney.	Settle.
Aldrich, Ill.	Draper.	Little.	Shafroth.
Anderson.	Ellett, Va.	Livingston.	Shannon.
Apsley.	Elliot, S. C.	Lockhart.	Shaw.
Arnold, Pa.	Faris.	Lorimer.	Simpkins.
Arnold, R. I.	Fischer.	Loudenslager.	Skinner.
Atwood.	Fitzgerald.	Low.	Smith, Ill.
Avery.	Fletcher.	Maddox.	Smith, Mich.
Babeock.	Foot.	Maguire.	Snover.
Bailey.	Foss.	Mahany.	Sorg.
Baker, Kans.	Fowler.	McCall, Tenn.	Southard.
Baker, Md.	Gamble.	McClure.	Southwick.
Baker, N. H.	Gillet, N. Y.	McCormick.	Sparkman.
Bankhead.	Goodwyn.	McCreary, Ky.	Spencer.
Barham.	Graff.	McCulloch.	Stahle.
Barrett.	Griswold.	McEwan.	Stallings.
Bartholdt.	Grosvenor.	McLachlan.	Steele.
Bartlett, N. Y.	Grout.	McLaurin.	Stephenson.
Beach.	Grow.	McMillin.	Stewart, Wis.
Bell, Colo.	Hall.	McRae.	Stone, C. W.
Bell, Tex.	Halterman.	Meiklejohn.	Stone, W. A.
Bennett.	Hanly.	Mercer.	Strait.
Berry.	Hardy.	Meredith.	Strode, Nebr.
Bingham.	Harmer.	Meyer.	Strowd, N. C.
Black, Ga.	Harris.	Miles.	Sulzer.
Boutelle.	Harrison.	Miller, Kans.	Swanson.
Bowers.	Hart.	Miller, W. Va.	Talbert.
Brewster.	Hatch.	Milliken.	Terry.
Broderick.	Heiner, Pa.	Millen.	Thomas.
Bromwell.	Hemenway.	Minor, N. Y.	Thorp.
Brosius.	Hendrick.	Mondell.	Towne.
Buck.	Henry, Conn.	Money.	Tracewell.
Bull.	Henry, Ind.	Morse.	Tracey.
Burton, Ohio	Hermann.	Moses.	Treloar.
Cannon.	Hicks.	Mozley.	Tucker.
Catchings.	Hill.	Murphy.	Turner, Ga.
Clardy.	Hitt.	Neill.	Turner, Va.
Clark, Iowa	Hopkins.	Newlands.	Tyler.
Clark, Mo.	Howard.	Noonan.	Updegraff.
Cobb.	Howe.	Northway.	Wadsworth.
Cockrell.	Hubbard.	Odell.	Walker, Mass.
Coddling.	Huff.	Ogden.	Walker, Va.
Coffin.	Hulick.	Otey.	Walsh.
Cook, Wis.	Hull.	Overstreet.	Warner.
Cooke, Ill.	Hutcheson.	Owens.	Washington.
Cooper, Fla.	Johnson, Cal.	Patterson.	Watson, Ind.
Cooper, Tex.	Johnson, Ind.	Pearson.	Watson, Ohio
Cooper, Wis.	Johnson, N. Dak.	Pendleton.	Wellington.
Corliss.	Jones.	Phillips.	White.
Cowen.	Joy.	Pitney.	Wilber.
Cox.	Kem.	Powers.	Williams.
Crisp.	Kendall.	Price.	Wilson, Idaho
Crowley.	Kiefer.	Quigg.	Wilson, N. Y.
Crump.	Kieberg.	Raney.	Wilson, Ohio
Culbertson.	Knox.	Ray.	Wilson, S. C.
Cummings.	Kulp.	Reyburn.	Woodard.
Danford.	Kyle.	Richardson.	Woodman.
Dayton.	Latimer.	Robertson, La.	Woomar.
De Armond.	Lawson.	Robinson, Pa.	Wright.
Denny.	Lefever.	Rusk.	Yoakum.
De Witt.	Leighty.	Russell, Conn.	

So the motion to adjourn was not agreed to.

The following pairs were announced:

Until further notice:

Mr. HOPKINS with Mr. DOCKERY.

Mr. STEELE with Mr. WASHINGTON.

Mr. STRODE of Nebraska with Mr. HUTCHESON.

Mr. MOZLEY with Mr. MOSES.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. HENRY of Indiana with Mr. SPARKMAN.

Mr. HUFF with Mr. MINER of New York.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

Mr. WILSON of Ohio with Mr. DE ARMOND.

Mr. HARDY with Mr. HART.

Mr. RANEY with Mr. COWEN.

Mr. GROSVENOR with Mr. McMILLIN.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

Mr. GROUT with Mr. NEILL.

Mr. DRAPER with Mr. TUCKER.

Mr. HICKS with Mr. SWANSON.

For this day:

Mr. CHARLES W. STONE with Mr. WALSH.

Mr. BARTLETT of New York with Mr. PATTERSON.

Mr. FARIS with Mr. HENDRICK.

Mr. LORIMER with Mr. RUSK.

Mr. BROMWELL with Mr. BELL of Texas.

Mr. BEACH with Mr. FITZGERALD.

Mr. GOODWYN with Mr. LIVINGSTON.

Mr. HERMANN with Mr. LATIMER.

Mr. WHITE with Mr. KENDALL.

Mr. TRELOAR with Mr. MEYER.

Mr. RUSSELL of Connecticut with Mr. MCCREARY of Kentucky.

Mr. WILBER with Mr. STALLINGS.

Mr. LEFEVER with Mr. ELLIOTT of South Carolina.

Mr. LOUDENSLAGER with Mr. PRICE.

Mr. TRACEY with Mr. SORG.

Mr. LEISENRING with Mr. LITTLE.

Mr. MEIKLEJOHN with Mr. OWENS.

Mr. LORIMER with Mr. OGDEN.

Mr. ODELL with Mr. MCCLELLAN.

Mr. BARTHOLDT with Mr. WASHINGTON.

Mr. HATCH with Mr. CLARKE of Alabama.

Mr. CODDING with Mr. MAGUIRE.

Mr. KULP with Mr. SHAW.

On this question:

Mr. BRODERICK with Mr. McLAURIN.

Mr. SETTLE with Mr. TRACEWELL.

Mr. CLARK of Iowa with Mr. TYLER.

Mr. AITKEN with Mr. CROWLEY.

Mr. BROSIOUS with Mr. HALL.

Mr. HULICK. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman present when his name should have been called, and failed to hear it?

Mr. HULICK. I came in while the call was proceeding, but I think after my name was passed on the list.

The SPEAKER. Under the rule the Chair can not entertain the request of the gentleman.

Mr. HULICK. If permitted to vote, I should have voted in the negative.

Mr. HOPKINS. I wish to withdraw my vote, as I am paired with the gentleman from Missouri [Mr. DOCKERY].

The result of the vote was then announced as above recorded.

Mr. PICKLER. I move a call of the House.

Mr. LACEY. Under Rule XV, clause 4, must not the call be ordered without further action?

The SPEAKER. The Chair thinks this is not one of the cases covered by the rule, as a quorum is not needed to adjourn.

Mr. WILLIS. Is a motion to adjourn in order?

The SPEAKER. It is, pending a call of the House.

Mr. PICKLER. What becomes of my motion for a call of the House?

The SPEAKER. The motion is pending.

The question being taken on the motion of Mr. WILLIS, there were on a division—ayes 51, noes 38.

Mr. PICKLER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 53, nays 48, not voting 255; as follows:

YEAS—53.

Allen, Miss.	Dingley.	Howell.	Parker.
Baker, Md.	Erdman.	Jenkins.	Payne.
Bartlett, Ga.	Gibson.	Lacey.	Perkins.
Bishop.	Gillett, Mass.	Loud.	Poole.
Black, N. Y.	Griffin.	Low.	Reeves.
Brumm.	Grow.	Mahon.	Sherman.
Chickering.	Hadley.	McCall, Mass.	Shuford.
Clardy.	Hainer, Nebr.	McCleary, Minn.	Stokes.
Clarke, Ala.	Heatwole.	McClellan.	Taft.
Cousins.	Henderson.	McDearmon.	Tate.
Curtis, N. Y.	Hilborn.	Mondell.	Underwood.
Dalzell.	Hooker.	Moody.	Wheeler.
Daniels.	Hopkins.	Noonan.	Willis.

NAYS—48.

Acheson,	Connolly,	Hartman,	Otjen,
Allen, Utah	Cooper, Wis.	Hepburn,	Pickler,
Anderson,	Crowther,	Hulick,	Prince,
Andrews,	Crum,	Huling,	Pugh,
Belknap,	Curtis, Kans.	Hunter,	Royce,
Blaine,	Dover,	Hurley,	Stewart, N. J.
Burrill,	Eddy,	Kerr,	Strong,
Burton, Mo.	Ellis,	Kirkpatrick,	Sullivan,
Burton, Ohio	Fairchild,	Layton,	Taylor,
Calderhead,	Fenton,	Linton,	Van Horn,
Clark, Mo.	Gardner,	Long,	Wanger,
Colson,	Hager,	Marsh,	Wood.

NOT VOTING—255

Abbott,	Downing,	Linney,	Shafroth,
Adams,	Draper,	Little,	Shannon,
Aitken,	Ellett, Va.	Livingston,	Shaw,
Aldrich, Ala.	Elliott, S. C.	Lockhart,	Simpkins,
Aldrich, Ill.	Evans,	Lorimer,	Skinner,
Apsley,	Farris,	Loudenslager,	Smith, Ill.
Arnold, Pa.	Fischer,	Maddox,	Smith, Mich.
Arnold, R. I.	Fitzgerald,	Maguire,	Snover,
Atwood,	Fletcher,	Mahany,	Sorg,
Avery,	Foot,	McCall, Tenn.	Southard,
Babcock,	Foss,	McClure,	Southwick,
Bailey,	Fowler,	McCormick,	Spalding,
Baker, Kans.	Gamble,	McCreary, Ky.	Sparkman,
Baker, N. H.	Gillet, N. Y.	McCulloch,	Spencer,
Bankhead,	Goodwyn,	McEwan,	Sperry,
Barham,	Graff,	McLachlan,	Stahle,
Barney,	Griswold,	McLaurin,	Stallings,
Barrett,	Grosvenor,	McMillin,	Steele,
Bartholdt,	Grout,	McRae,	Stephenson,
Barthlett, N. Y.	Hall,	Meiklejohn,	Stewart, Wis.
Beach,	Haltermann,	Mercer,	Stone, C. W.
Bell, Colo.	Hanly,	Meredith,	Stone, W. A.
Bell, Tex.	Hardy,	Meyer,	Strait,
Bennett,	Harmer,	Miles,	Strode, Nebr.
Berry,	Harris,	Miller, Kans.	Strowd, N. C.
Bingham,	Harrison,	Miller, W. Va.	Sulzer,
Black, Ga.	Hart,	Milliken,	Swanson,
Boutelle,	Hatch,	Milnes,	Talbert,
Bowers,	Heiner, Pa.	Minor, N. Y.	Tawney,
Brewster,	Hemenway,	Minor, Wis.	Terry,
Broderick,	Hendrick,	Money,	Thomas,
Bromwell,	Henry, Conn.	Morse,	Thorpe,
Brosius,	Henry, Ind.	Moses,	Towne,
Brown,	Hermann,	Mozley,	Tracewell,
Buck,	Hicks,	Murphy,	Tracey,
Bull,	Hill,	Neill,	Treloar,
Cannon,	Hitt,	Newlands,	Tucker,
Catchings,	Howard,	Northway,	Turner, Ga.
Clark, Iowa	Howe,	Odell,	Turner, Va.
Cobb,	Hubbard,	Ogden,	Tyler,
Cockrell,	Huff,	Otey,	Updegraff,
Coddling,	Hull,	Overstreet,	Van Voorhis,
Coffin,	Hutcheson,	Owens,	Wadsworth,
Cook, Wis.	Hyde,	Patterson,	Walker, Mass.
Cooke, Ill.	Johnson, Cal.	Pearson,	Walker, Va.
Cooper, Fla.	Johnson, Ind.	Pendleton,	Walsh,
Cooper, Tex.	Johnson, N. Dak.	Phillips,	Warner,
Corliss,	Jones,	Pitney,	Washington,
Cowen,	Joy,	Powers,	Watson, Ind.
Cox,	Kem,	Price,	Watson, Ohio
Crisp,	Kendall,	Quigg,	Wellington,
Crowley,	Kiefer,	Raney,	White,
Culbertson,	Kleberg,	Ray,	Wilber,
Cummings,	Knox,	Reynolds,	Williams,
Curtis, Iowa	Kulp,	Richardson,	Wilson, Idaho
Danford,	Kyle,	Robertson, La.	Wilson, N. Y.
Dayton,	Latimer,	Robinson, Pa.	Wilson, Ohio
De Armond,	Lawson,	Rusk,	Wilson, S. C.
Denny,	Lefever,	Russell, Conn.	Woodard,
De Witt,	Leighty,	Russell, Ga.	Woodman,
Dinsmore,	Leisenring,	Sauerhering,	Woomer,
Dockery,	Leonard,	Sayers,	Wright,
Dolliver,	Lester,	Scranton,	Yoakum.
Doolittle,	Lewis,	Settle,	

So the motion was agreed to.

The result of the vote was then announced as above recorded.

And accordingly (at 7 o'clock and 5 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GILLET of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf, reported the same, accompanied by a report (No. 1642); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8497) to incorporate the National Plant, Flower, and Fruit Guild, reported the same, accompanied by a report (No. 1643); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8536) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, reported the same, accompanied by a report (No. 1644); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OTJEN, from the Committee on War Claims, to which was referred House bills Nos. 31, 1246, 4778, 4962, and 7720, reported in lieu thereof a bill (H. R. 8733) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims, accompanied by a report (No. 1648); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado, reported the same, accompanied by a report (No. 1651); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6489) to grant pension to Samuel L. Busick. (Report No. 1639.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1737) granting a pension to James G. Hartzell. (Report No. 1640.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 2859) granting a pension to Harriet F. Herrick. (Report No. 1641.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 3862) for the relief of John Green. (Report No. 1645.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (S. 2143) for the relief of Richmond College, located at Richmond, Va. (Report No. 1646.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 7653) granting a pension to Ambrose J. Vanarsdel. (Report No. 1637.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 1811) for the relief of Catherine L. Chaney. (Report No. 1638.)

By Mr. MARSH, from the Committee on Military Affairs: The bill (H. R. 1484) for the correction of muster of Adolph Von Haake, late major, Sixty-eighth Regiment Veteran Volunteer Infantry. (Report No. 1649.)

The bill (H. R. 6955) for the relief of Sergt. James W. Kingon. (Report No. 1650.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. MAHON, from the Committee on War Claims, reported adversely (Report No. 1647) the bill (H. R. 6805) for the relief of the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased, which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 8724) to raise the wages of electrotypers, molders, and finishers in the Government Printing Office—to the Committee on Printing.

By Mr. CURTIS of Iowa: A bill (H. R. 8725) donating 2 condemned cannon and 10 condemned cannon balls to Shelly Norman Post, Grand Army of the Republic, of Muscatine, Iowa, and 2 condemned cannon and 10 cannon balls to General N. B. Baker Post, Grand Army of the Republic, Clinton, Iowa—to the Committee on Naval Affairs.

Also (by request), a bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates—to the Committee on the District of Columbia.

By Mr. KULP: A bill (H. R. 8727) donating one condemned cannon and two pyramids of condemned cannon balls to Bryson Post, No. 225, Grand Army of the Republic, of Watsonstown, Pa.—to the Committee on Naval Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 8728) relating to pay and bounty to soldiers, sailors, and marines of the United States in the war of the rebellion—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 8729) to prohibit cemeteries in the District of Columbia which will interfere with street extensions of the city of Washington—to the Committee on the District of Columbia.

By Mr. HURLEY: A bill (H. R. 8730) to appropriate funds for

investigations and tests of American timber—to the Committee on Agriculture.

By Mr. WATSON of Ohio: A bill (H. R. 8731) to prohibit the employment of prison labor on Government buildings—to the Committee on Labor.

By Mr. SPERRY: A bill (H. R. 8732) providing for the construction of cable and telegraph lines from the United States to Siberia, Japan, and the Hawaiian Islands, and guaranteeing interest on bonds to be secured by said lines—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: A bill (H. R. 8734) to amend sections 4965 and 4970, chapter 3, Title LX, of the Revised Statutes of the United States relating to copyrights—to the Committee on Patents.

By Mr. HULL: A resolution (House Res. No. 308) setting apart Friday, May 8, 1896, for the consideration of bills reported from the Committee on Military Affairs—to the Committee on Rules.

By Mr. SHERMAN: A resolution (House Res. No. 309) assigning Tuesday, May 12, for consideration of H. R. 7907—to the Committee on Rules.

By Mr. MILLIKEN: A resolution (House Res. No. 310) to place George W. Perkins on the annual roll as assistant foreman of the folding room—to the Committee on Accounts.

By Mr. McCALL of Massachusetts: A resolution (House Res. No. 313) for the consideration of immigration bills—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARHAM: A bill (H. R. 8735) granting a pension to C. B. Goodwin—to the Committee on Invalid Pensions.

Also a bill (H. R. 8736) to remove the charge of desertion from the record of Jacob Rothenbucher—to the Committee on Military Affairs.

By Mr. BELL of Colorado: A bill (H. R. 8737) for the relief of Sarah S. Baker, of Montrose, Colo.—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8738) for the relief of Mary Kinney—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 8739) for the relief of Mrs. Anna Franks, of Marshall, Tex.—to the Committee on Claims.

Also, a bill (H. R. 8740) for the relief of A. S. Cannon, postmaster at Moscow, Polk County, Tex.—to the Committee on Claims.

By Mr. CORLISS: A bill (H. R. 8741) for the relief of Col. C. M. Lum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8742) to remove the charge of desertion against James Norris—to the Committee on Military Affairs.

By Mr. CRUMP: A bill (H. R. 8743) for the relief of Henry Schindehette—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 8744) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander—to the Committee on Naval Affairs.

By Mr. DOLLIVER: A bill (H. R. 8745) to increase the pension of John N. Wiley—to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A bill (H. R. 8746) for the relief of Frank Murphy—to the Committee on Naval Affairs.

By Mr. HEATWOLE: A bill (H. R. 8747) granting a pension to Mrs. Kate B. Allen—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 8748) providing for annulling the sentence of a court-martial in the case of Dorrance Atwater, First Squadron Connecticut Volunteer Cavalry, and granting to him an honorable discharge—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 8749) to remove the charge of desertion against Thomas F. Graham—to the Committee on Military Affairs.

Also, a bill (H. R. 8750) to remove the charge of desertion against Henry C. Putty—to the Committee on Military Affairs.

Also, a bill (H. R. 8751) to remove the charge of desertion against Josiah Wilcox—to the Committee on Military Affairs.

Also, a bill (H. R. 8752) to remove the charge of desertion from the record of D. W. Light—to the Committee on Military Affairs.

Also, a bill (H. R. 8753) granting a pension to Henry Gilham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8754) granting a pension to Martin M. Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8755) for the relief of Issachar J. Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 8756) granting a pension to C. A. Howke—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 8757) to grant pension to Eliza Koons, mother of Charles M. Koons, late of Company E, Twenty-eighth Pennsylvania Volunteers—to the Committee on Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 8758) for the relief of Randolph Wesson—to the Committee on War Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 8759) for the

relief of Wilson S. Nugent—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 8760) for the relief of Nancy Susan Thompson—to the Committee on Claims.

Also, a bill (H. R. 8761) for the relief of Kate Wade—to the Committee on Claims.

By Mr. REYBURN: A bill (H. R. 8762) to remove charge of desertion from John O'Beirne—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 8763) for the relief of the estate of Alfred W. Green, late of Carroll Parish, La.—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 8764) for the relief of Edgar Abeel—to the Committee on Claims.

By Mr. STRONG: A bill (H. R. 8765) to pension Jacob Sherman—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 8766) for the relief of Benjamin Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 8767) for the relief of Benjamin Davis—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 8768) for the relief of Jason L. Webb, of Whitesburg, Letcher County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 8769) increasing the pension of R. A. Brown—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 8770) to pension Jasper N. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8771) to pension Walter R. W. Atkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8772) to pension Hix Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8773) to pension Sanford A. Pinyan—to the Committee on Pensions.

Also, a bill (H. R. 8774) to pension Dorcus Elliott, widow of Jesse Elliott—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Rev. J. D. Moffat, D. D., president of Washington and Jefferson College, and other members of the faculty of that institution, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Florida Society of the Sons of the Revolution, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

By Mr. BANKHEAD: Petition of the heirs of Alvin R. Baker, deceased, late of Walker County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BRODERICK: Remonstrance of Cyrus Shinn and 42 others, of Oneida, Kans., against accepting the Marquette statue—to the Committee on the Library.

By Mr. BULL: Petition of Joseph P. Cotton and others, of Newport, R. I., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CALDERHEAD: Remonstrance and petition of certain citizens of Kansas relating to the statue of Père Marquette—to the Committee on the Library.

By Mr. FENTON: Petition of Miss Sophia Krall, of Hamden Junction, Ohio, asking that her name be placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. HARTMAN: Petition of R. W. Snook and others, in relation to the treaty with Crow Indians—to the Committee on Indian Affairs.

By Mr. HEATWOLE: Papers to accompany House bill granting a pension to Mrs. Kate B. Allen—to the Committee on Invalid Pensions.

By Mr. HILBORN: Petition of C. E. Howard and many citizens of Contra Costa County, members of Danville Grange, State of California, recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, remonstrance and petition of citizens of Lower Lake, Lake County, Cal., against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. KIRKPATRICK: Petition of C. A. Place and 12 other citizens of Winfield, Cowley County, Kans., praying for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LAYTON: Resolutions of the Florida Society of Sons of the Revolution, relating to the publication of Revolutionary records—to the Committee on Printing.

By Mr. LINTON: Statement to accompany House bill No. 6653, granting an honorable discharge to one John Reynolds—to the Committee on Military Affairs.

Also, remonstrances and petitions of citizens of Auburn, Cal.;

also of citizens of Pittsburg, Pa.; also of Edwin Noll and numerous other citizens of Pennsylvania, in relation to the Marquette statue—to the Committee on the Library.

By Mr. MAHON: Petition of Ignatius J. Langley, of Maryland, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Petition of A. M. Frierson and 111 other colored citizens of Columbia, Clark, Lafayette, Ouachita, and Union counties, Ark., asking for an appropriation to aid in paying their transportation to Africa—to the Committee on Appropriations.

By Mr. OTEY: Papers to accompany House bill for the relief of Kate Wade—to the Committee on Claims.

Also, papers to accompany House bill for the relief of Nancy Susan Thompson—to the Committee on Claims.

By Mr. REYBURN: Paper to accompany House bill to remove the charge of desertion from the record of John O'Beirne—to the Committee on Military Affairs.

By Mr. SETTLE: Petition of the estate of Mary Smith, deceased, late of Orange County, N. C., praying reference of her war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of W. C. Staples, of Rockingham County, N. C. (formerly of Patrick County, Va.), praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Durham, N. C., in favor of adopting the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. WILLIAM A. STONE: Petition of citizens of Bellevue, Pa., protesting against the acceptance of the Marquette statue—to the Committee on the Library.

Also, resolution of Iron City Lodge, No. 36, American Protestant Association, protesting against appropriations for Indian contract schools—to the Committee on Indian Affairs.

By Mr. STRONG: Petition of Dr. W. W. McIlvaine and Hon. A. K. Rarey, of Kenton, Ohio; also petition of Charles Collier, W. W. Stevenson, and Godfrey Sutermeister, asking for a pension for Jacob Sherman, late a private in Company 9, Fourth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. TATE: Petition of Benjamin Davis in support of House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. TOWNE: Remonstrance of the Commercial Club of St. Paul, Minn., against the obstruction of navigation by the building of a bridge across the Detroit River—to the Committee on Interstate and Foreign Commerce.

By Mr. WALKER of Massachusetts: Petition of C. A. Keith and others, of Webster, Mass., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, May 7, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. QUAY, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of District Assembly No. 9, Order of Knights of Labor, of Chicago, Ill., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. GALLINGER. I present a memorial of the Association of American Physicians, and also resolutions adopted at a meeting of the Medical Society of the County of New York, on the subject of vivisection in the District of Columbia. I move that the memorial and resolutions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Vandalia, Fayette County, Ill., signed by the officers, Belle P. Whitney, president, and Cora B. Phillips, secretary, praying for the enactment of legislation raising the age of consent from 16 to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented resolutions adopted by the Association of the Central West Illinois Congregational churches of Peoria, Ill., expressing their indignation at the atrocious persecution of their fellow-Christians in Armenia, and especially of their suffering brethren of the American Board; which were ordered to lie on the table.

Mr. SEWELL presented a petition of the Trades League of Philadelphia, Pa., praying that an appropriation be made for the improvement of the Delaware River; which was referred to the Committee on Commerce.

Mr. VEST presented a petition of American Waiters' Union, No. 20, of St. Louis, Mo., praying for the Government ownership and control of telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ELKINS presented the memorial of R. T. Wetzel and 37 other citizens of Jackson County, W. Va.; the memorial of W. H. Ramsey and 70 other citizens of Hundley, W. Va., and the memorial of E. T. W. Hall and 57 other citizens of Freemansburg, W. Va., remonstrating against placing the statue of Père Marquette in Statuary Hall, and praying that it be immediately removed; which were ordered to lie on the table.

Mr. QUAY presented a petition of the Trades League of Philadelphia, Pa., praying that an appropriation of \$500,000 be made for improving the Delaware River; which was referred to the Committee on Commerce.

SPECIAL LIQUOR-TAX RECEIPTS.

Mr. PEPPER. Mr. President, I present the petition of W. O. Smith and 175 other citizens of Randolph County, Ind., praying for the passage of Senate bill 239, which proposes to prohibit the issuance of special liquor-tax receipts to persons other than those who are authorized by State laws to engage in the business of selling intoxicating liquors. The petitioners, in addition to setting forth their special request, add that they believe the enactment of such a law would aid in preserving peace and order in every community, and would greatly improve the public morals.

In connection with the petition, which I wish to have referred to the Committee on Finance, I want to call the attention of such members of the Committee on Finance as may be present to some very pertinent information on this subject.

I wrote to the probate judge in each of five different counties in Kansas, asking them to furnish me with a statement showing the number of permits to sell intoxicating liquors that had been issued in each of those counties and were in force at the date of my letter. By our law the probate judge of each county, and he alone, is authorized to issue permits to engage in the business of selling intoxicating liquors. We try to limit it as far as we can to druggists. Then I asked the Commissioner of Internal Revenue to furnish me with a statement of the number of special liquor-tax receipts that had been issued to persons who were engaged in the business of selling liquor in those same counties and at the same time. I have here his statement and the statements of the probate judges.

I observe that the chairman of the Committee on Finance is now present.

I find from the statement of the Internal Revenue Commissioner that in Leavenworth County, Kans., there were 248 special liquor-tax receipts in force on the 1st of March of this year. Then by turning to the letter from the probate judge of that county, who is authorized to issue State permits to persons to engage in the sale of intoxicating liquors under the State law, I find that there are only 2 State permits in force in that county, and as there were 248 United States special liquor-tax receipts issued, it is shown that 246 persons are selling liquor in that county in violation of the State law.

Then, in Shawnee County, in which the capital of the State is located, the Internal Revenue Commissioner informs me that 73 special liquor-tax receipts have been issued by the United States authorities, and there are only 25 State permits in force issued by the probate judge under the State law. So we have the difference between 73 and 25 as the number of persons who are engaged in the sale of liquor in that county in violation of the State law.

In Sedgwick County there were 120 special United States liquor-tax receipts issued and 12 State permits issued. The difference between 120 and 12 shows the number of persons engaged in that county in the sale of liquors in violation of the State law.

In Reno County the number of United States tax receipts was 25 and of State permits 3, showing 22 persons in that county engaged in selling liquors in violation of the State law.

In Dickinson County there are 37 special liquor-tax receipts issued and only 9 State permits, the difference between 37 and 9 showing the number of persons engaged in the liquor traffic in that county in violation of the State law. I submit the figures in tabulated form:

Special liquor-tax receipts and State permits to sell intoxicating liquors in five Kansas counties, March, 1896.

County.	State permit.	United States tax receipts.
Leavenworth	2	248
Shawnee	25	73
Sedgwick	12	120
Reno	3	25
Dickinson	9	37
Total	51	503
Average	101	503

Mr. MORRILL. Of course the Senator from Kansas has read the law of the United States on this subject. It does not shield any violation of the State laws where there are State laws upon the subject. Therefore, all the statements which are made by the Senator from Kansas merely show that the people of that State will not enforce their own laws.

Mr. PEPPER. The point I make is that if any person intending to violate the State law asks for a special liquor-tax receipt and pays for it and gets it, that proceeding will protect this man so far as the Government of the United States is concerned, and he cares less for the State law than he does for the United States law.

I wish to call the attention of the Committee on Finance specially to the point that our people make in this matter. Our position is that we can better enforce the laws of the State if there is not this apparent and real protection afforded to the illicit sale of liquors by the issuance of Government tax receipts.

Mr. ALLISON. I will ask the Senator from Kansas how there can be that real protection from the mere fact that the Government collects a tax?

Mr. PEPPER. The real protection is this way, Mr. President. I go to the internal-revenue collector and ask for a special liquor-tax receipt. He asks me no questions. I pay \$25 for my receipt and go away and set up a little gin shop in some alley or in some out-of-the-way place, and so far as the United States marshal is concerned I am absolutely protected; that is to say, he does not interfere with me. The State law is violated, but by some hook or crook, by personal acquaintance or financial or commercial acquaintance with the police officer or other local personage who is charged with looking after those things, I am permitted to go unscathed. Now, if we can limit the traffic to the State law alone, I think, just as the petitioners say, that it will aid very much in enforcing the laws of the State and in maintaining peace and good order.

Mr. QUAY. Is there anything in the laws of Kansas to prevent the prosecution and conviction of a man who has paid the United States tax for the sale of liquor?

Mr. PEPPER. No; there is no protection of that kind, but he knows he is relieved from prosecution by the United States authorities for selling. He has that advantage in his favor, to say the least; and it is a good deal.

Mr. ALLISON. But the Senator from Kansas must know that the fact that a man has paid a tax and a receipt can be produced is prima facie evidence in Kansas and other States of the violation of the State laws, and therefore it furnishes additional testimony in the States to the people who want to enforce the law.

Mr. PEPPER. That is very true; but I will state the difference, if the Senate will bear with me just a moment while this subject is up; it is very important. I had several letters from friends in New Hampshire who brought to my attention the same point that the Senator from Iowa presents. But we are altogether differently situated in the Western country from what they are in New England, where the villages are almost adjoining one another. We have some counties in Kansas as large as the entire State which the honorable Senator from Vermont so ably represents in this Chamber. We have large areas to travel over in order to reach the office of internal-revenue collector. From the southwestern portion of the State of Kansas, to reach Leavenworth, where the internal-revenue commissioner has his office, we would have to travel 450 miles in a direct line. So the collecting of information from the office of the internal-revenue collector is not a matter of ease and comfort. But the county seat is not many miles away, and under our laws the probate judge, whose office is at the county seat, and he alone, is authorized to issue permits to sell liquor. We can go to that office without much trouble. He advertises in the county papers before the permit is issued, setting forth the application of Richard Roe or John Doe for authority to sell liquors, and to any person opposed to it it is notice, and it is a public record easy of access. But it is not so in the case of the revenue collector.

Mr. GALLINGER. I desire simply to ask a question. I think I am correct in stating that some persons in my State have protested against what the Senator desires to accomplish on the very ground the Senator from Iowa has raised—that the tax receipt is additional proof in the prosecution of these cases.

Mr. MORRILL. I merely desire to add that in my State the moment it is ascertained a man has taken out a license he is prosecuted by the State officers.

Mr. PEPPER. I only want to say a single word by way of addition. The nearness of the citizens of the New England States to the internal revenue office is a great point in favor of their argument, while the great distance of the office from most of our people in the West is an argument against it.

The VICE-PRESIDENT. The petition will be referred to the Committee on Finance.

Mr. CHILTON. In connection with the subject to which the Senator from Kansas refers, I present the petition of W. H. Ketchum and sundry other citizens of Wichita County, Tex., and the petition of A. Tulloh and sundry other citizens of Parker County,

Tex., praying for the enactment of legislation prohibiting United States revenue licenses from being issued in local-option districts. I move that the petitions be referred to the Committee on Finance. The motion was agreed to.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. VEST. I ask the Senate to take up for consideration House bill 2698, a bridge bill about which I desire a conference with the House of Representatives. It is important to have an early conference.

The VICE-PRESIDENT. The bill will be read for information. The Secretary read the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, which had been reported from the Committee on Commerce with amendments.

Mr. CULLOM. I did not desire to interrupt the reading of the bill before it was concluded, so that the time of the Senate might not be again taken up in its reading; but as I was not aware that the bill had been brought in from the committee, I should like to have the Senator from Missouri let it lie upon the table until I can have time to look at it before it is passed upon by the Senate. I have no desire to delay the measure, but it is a very important bill, about which there seems to have been a good deal of controversy for some time past, and I should be glad to have an opportunity to look at the provisions of the bill before it is finally considered by the Senate. It has now been read, and if the Senator will allow it to lie on the table for the present I will see him further on the subject, and he can call it up hereafter.

Mr. VEST. Of course, I can not decline such a request. My only object is to get the bill into conference.

Mr. CULLOM. I am aware of it.

Mr. VEST. We have passed the bill through the Senate twice; it has passed through the House twice; and the two bodies have been unable to agree upon a measure.

Mr. CULLOM. As I caught the reading of the bill, I infer that this is not exactly the bill that was passed by the Senate before.

Mr. VEST. It is not the bill the Senate passed at the present session. It is the same bill that the House passed in the last Congress and sent to us. We passed a bill at the present session and sent it to the House, and they have sent back to us the bill which they passed in the last Congress.

Mr. CULLOM. So I understand.

Mr. VEST. It never can be adjusted except by a conference.

Mr. CULLOM. I have no doubt that is true, but at the same time I should like to satisfy myself that the bill is as we want it before it gets into conference at all.

Mr. VEST. I wish to say to the Senator from Illinois that the Committee on Commerce had a special hearing upon this bill. They notified all the parties interested to come before us, which they did, and we heard them patiently and carefully and cross-examined them; and the bill which we have reported is the best we can possibly do under the circumstances.

Mr. CULLOM. I inquire of the Senator from Missouri if it was developed after the hearing or pending it that the bill satisfies both elements that came before the committee for a hearing?

Mr. VEST. No; it is impossible to make a bill that does. The river interests want one thing and the railroad interests want another; and then the interest in which I am more interested than any other, the people of East St. Louis and the city of St. Louis, the large body of the producers, want a bill entirely different from the measure either of the other interests wants. We had the difficult task before us of making a bill which we thought would be just to all parties.

Mr. CULLOM. The interest that I represent is the people of Illinois, and I have no special interest except to deal fairly with the railroads or any other corporation.

Mr. VEST. This bill is the very best we can possibly do, and if there is no objection to it I should like—

Mr. CULLOM. If the Senator will allow it to lie on the table for a time I should be glad.

Mr. VEST. I shall call it up as soon as possible, for I want to get it into conference.

A. P. BROWN.

Mr. GEAR. I ask leave to call up the bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$888.98 for the purpose of reimbursing A. P. Brown, late postmaster at Le Mars, Iowa, for loss sustained by reason of burglary of postage stamps and money from that post-office on January 9, 1894.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. QUAY. I desire to call up for passage the bill (S. 759) granting a pension to Carrie A. Moody.

Mr. SEWELL. Will the Senator allow me to submit a report?

The VICE-PRESIDENT. Objection is interposed until morning business is completed. The Chair will recognize the Senator from Pennsylvania upon the conclusion of the morning business.

Mr. CULLOM. I rise to make an inquiry rather than for any other purpose. I understand that yesterday evening an agreement was made by unanimous consent to proceed to the consideration of the bond resolution immediately after the morning business today. There seems to be a disposition to call up bills, and therefore I ask leave to call up the conference report on the legislative, etc., appropriation bill, if it is in order to do so.

Mr. SHERMAN. A conference report is always in order.

Mr. BATE. I suggest that the conference report has just been laid on our tables, and we have hardly had time to investigate it. I suggest to the Senator that he had better defer it. It went over in order to be printed, and the object of the delay would be defeated if Senators are not given an opportunity to look at it before the report is called up.

Mr. CULLOM. I have no objection to waiting, if that is the desire of the Senate, but it seems to me we ought to get along with the appropriation bills at some time or other.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 813) for the relief of Annie R. Chesley, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (S. 2978) to provide an American register for the steamer *Menemsha*, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 1623) for the relief of Cumberland Female College, of McMinnville, Tenn., reported it with amendments, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 586) to fix the rank and pay of certain retired officers of the United States Army, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1368) prescribing the qualifications of soldiers and marines of the United States, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley; and

A bill (H. R. 5854) granting a pension to John Caster.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 128) for the relief of Henry H. Schrawder, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a support of entry in the district of Cuyahoga, in said State of Ohio, reported it without amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill., reported it without amendment.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (S. 2980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California, reported it without amendment, and submitted a report thereon.

Mr. ALLEN. I ask unanimous consent to call up for consideration at this time the bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebr., and for other purposes. It will not lead to any discussion. It is a mere matter of form.

Mr. GALLINGER. I suggest that the morning business ought to be concluded.

The VICE-PRESIDENT. The morning business has not yet been concluded. Bills and joint resolutions are next in order.

Mr. GALLINGER. When the order of resolutions is reached, I desire to submit a resolution.

BILLS INTRODUCED.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3082) to remove the charge of desertion from the military record of Johnson Gilbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 3083) granting an increase of pension to Isaac D. Campbell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 3084) for the relief of Lizzie Haggy, as administratrix of the estate of Frank B. Smith, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. SQUIRE introduced a bill (S. 3085) granting a pension to Burton Packard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3086) to amend the military record of John H. Lamson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3087) to incorporate the National Society of Colonial Dames of America; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENT TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

DELAY IN SEED DISTRIBUTION.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture be directed to immediately communicate to the Senate the reasons for the delay in supplying seeds for distribution.

ORDER OF PROCEDURE.

Mr. SHERMAN. I should like to call the attention of the Senate to the bill (H. R. 1743) for the relief of the widow of Thomas L. Young. It will take but a moment to put the bill on its passage.

The VICE-PRESIDENT. The morning business is closed.

Mr. QUAY. Mr. President—

Mr. SHERMAN. It will take but a moment.

Mr. HARRIS. A unanimous-consent agreement was made late yesterday evening that immediately after the routine business this morning the resolution proposed by the Senator from Kansas should be taken up and proceeded with and the final vote taken not later than 4 o'clock to-day.

Mr. SHERMAN. I was not present at the time the agreement was made. I am willing to abide by it, but I hope this bill will be allowed to pass. It will take but a moment. It proposes to allow the widow of a gallant soldier about four or five hundred dollars back pay.

Mr. HARRIS. I state the fact. I shall not object. I have not a word to say upon the pending resolution, but the unanimous-consent agreement requires a final vote at 4 o'clock. I give notice to the Senate that that is the agreement and it will be insisted upon.

Mr. SHERMAN. Well, I will not violate any agreement of the kind, although I hoped that the Senate would pass this little bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House returned to the Senate, in compliance with its request, the bill (S. 862) for the relief of the receivers of the Towboat Association of New Orleans, La.

The message also requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss., the original having been lost or misplaced.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine engineer service, and thereby also to increase the efficiency of the Naval Reserve; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. PAYNE, Mr. HOPKINS,

and Mr. COOPER of Florida managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 129) for the relief of Capt. George H. Perkins;
A bill (S. 661) to amend section 2880 of the Revised Statutes of the United States, fixing a time for vessels to unlade;

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa;

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choc-taw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes;

A bill (S. 1904) to regulate marriages in the District of Columbia;

A bill (H. R. 152) granting a pension to Mary Ann Tracy;
A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 372) for the relief of James Duke;
A bill (H. R. 577) granting a pension to Lydia A. Taft;
A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;
A bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864;

A bill (H. R. 2735) for the relief of Enoch Davis;
A bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes;

A bill (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y.;

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

A bill (H. R. 4887) granting a pension to Sarah G. Ives;
A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteers; and

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta.

JAMES SIMS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for a duplicate engrossed copy of the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.; and, by unanimous consent, the request was ordered to be complied with.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Kansas.

The Senate resumed the consideration of the resolution submitted by Mr. PEPPER, providing for investigation generally of all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended, on which the Senator from New York [Mr. HILL] is entitled to the floor.

Mr. PALMER. Will the Senator from New York yield to me for a very short time to take part in the discussion of the resolution?

Mr. HILL. I have no objection, if I can have the floor when the Senator from Illinois gets through.

The VICE-PRESIDENT. The Senator from Illinois will proceed.

Mr. PALMER. Mr. President, I was gratified yesterday after-

noon to listen to the very frank and explicit statement of the Senator from Missouri [Mr. VEST]. He said that if the policy of the maintenance of the existing gold standard was to be maintained, then there was no room for questioning the conduct of the Secretary of the Treasury. I have felt that that was the real question involved in this discussion, and that the animus of the resolution proposed by the Senator from Kansas was to affect the public mind with reference to that question.

I do not suppose that any Senator questions the integrity of the Secretary of the Treasury. His judgment may possibly be disputed or the correctness of his acts may be questioned. Perhaps I ought to except the Senator from South Dakota [Mr. PETTIGREW] from that general statement. I have opposed this resolution because I believed, as I now believe, that it is an illegitimate means of procuring the material to unfavorably affect the public mind in respect to these questions.

Mr. President, no time in the history of this country required a greater degree of frankness from representative public men than the present. The temper, the feeling, and the interests of the American people alike demand that the monetary policies of the United States should be settled in the approaching elections. There ought to be now no disguise on the part of political parties. They ought to avow themselves frankly on this question, and no incidental or improper or irrelevant influences ought to be invoked to distract the public attention from this most interesting and most important question.

I regret to say that the platforms of both the Republican and Democratic parties adopted by their national conventions in 1892, which were thought at the time to be sufficiently clear and comprehensive, are not so. It is now conceded by all that the Republican platform adopted at Minneapolis in 1892 under existing conditions can no longer be relied upon as a definition of the pending issue between the supporters of the existing legal and commercial standard of value and the advocates of the standard of value which would follow and be produced by the unlimited coinage of enforced legal-tender silver upon the ratio of 16 to 1. The language of the financial clause of the Republican platform adopted at Minneapolis on the 10th day of June, 1892, is as follows:

The American people, from tradition and interest, favor bimetalism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its workmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

But the Senator from Montana, chairman of the Republican national committee and the official representative of that party, in his late speech on this floor, supported the unlimited coinage of silver dollars, containing 412½ grains of standard silver, with full legal-tender quality for all debts, public and private; and the Senator from Colorado [Mr. TELLER], who assisted in the preparation of the Republican platform, and who, like the Senator from Montana [Mr. CARTER], strenuously supports the free coinage of silver, agree in asserting that their opinions and conduct are alike in perfect harmony with the Republican platform of 1892. And some Democrats take the same liberty with the Democratic platform adopted in Chicago on the 22d of June, 1892, which is as follows:

We denounce the Republican legislation known as the Sherman Act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future, which should make all of its supporters as well as its author anxious for its speedy repeal.

As an expression of opinion it may be questioned; as a prediction it is in a sense undoubtedly true.

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage; but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value or be adjusted through international agreement, or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in payments of debts, and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

The Democratic convention did not, like the convention of the Republican party, puzzle itself nor attempt to puzzle the people of the United States by professing devotion to that equivocal and now uncertain doctrine termed "bimetalism," but proceeded at once to declare and define the Democratic doctrine as it was then understood by the party. It denounced the "Sherman Act of 1890," which provided for the unending and perpetual purchase of silver bullion at its market price, with a pledge by the Government to maintain a parity between the two metals, silver and gold, as "a cowardly makeshift, fraught with possibilities of danger in the future." It then declared that "we hold to the use of both gold and silver as the standard money of the country, but

the dollar unit of coinage of both metals"—referring, of course, to the unit of value established by the act of 1873—"must be of equal intrinsic and exchangeable value."

This language was understood by the whole country to commit the Democratic party to the maintenance of the value and acceptability of the silver coin with the gold coinage under the act of 1873. If there was at any time any doubt as to the position of the Democratic party on this subject, or as to the meaning of the platform, it was removed by the emphatic language of the candidate nominated for the Presidency by the same convention.

In his letter of acceptance he said:

* * * The people are entitled to sound and honest money, abundantly sufficient in volume to supply their business needs.

But whatever may be the form of the people's currency, national or State, whether gold, silver, or paper, it should be so regulated and guarded by governmental action or by wise and careful laws that no one can be deluded as to the certainty and stability of its value. * * * Every dollar put into the hands of the people should be of the same intrinsic value or purchasing power. With this condition absolutely guaranteed, both gold and silver can be safely utilized upon equal terms in the adjustment of our currency.

In dealing with this subject no selfish scheme should be allowed to intervene, and no doubtful experiment should be attempted. The wants of our people arising from the deficiency or imperfect distribution of money circulation ought to be fully and honestly recognized and efficiently remedied.

It should, however, be constantly remembered that the inconvenience or loss that might arise from such a situation can be easier borne than the universal distress which must follow a discredited currency.

And the present distinguished Vice-President, in his letter accepting the nomination, after indorsing what had been written by Mr. Cleveland, and still speaking for the Democracy of the United States, said:

* * * The convention also declared its position on the currency question in no unmeaning words. To this plain and unequivocal declaration in favor of sound, honest money I subscribe without reservation or qualification. A safe circulating medium is absolutely essential to the protection of the business interests of our country, while to the wage earner or the farmer it is all important that every dollar, whatever its form, that finds its way into his pocket shall be of equal, unquestioned, and universal exchangeable value and of equal purchasing power.

After these resolutions adopted by the convention in favor of maintaining the equal value of every dollar coined under the authority of the United States, and with the full knowledge that the act of 1873 made the gold piece containing 25.8 grains of standard gold the unit of value, and the gold coinage of the United States, predicated upon that unit, the standard of value, the Democratic candidates, in their letters of acceptance, covered the whole ground of the resolutions, and committed themselves, in substance and effect, to that which was then and still is the Democratic doctrine—that every dollar coined or issued under the authority of the United States, whether of silver or paper, should have a value at all times equal to gold coin in the markets and in the payment of debts.

Mr. Cleveland was elected to the Presidency upon that as well as other important issues, and since his accession to that high office, aided by that distinguished Democrat and statesman, that pure and honest man, John G. Carlisle, and in spite of opposition from unexpected quarters, has steadily and conscientiously, to the full extent of his constitutional powers, adhered to and sought to maintain the doctrine of the Chicago platform as interpreted in his letter of acceptance.

But, Mr. President, the "world do move," and the meaning of words changes in their practical application to altered conditions, and it is now very certain that the American people no longer rely upon the money resolutions of the Minneapolis and Chicago conventions for an accurate definition of the issue which they intend to settle in the approaching Presidential and Congressional elections. Mr. President, our countrymen are intensely practical, and from that cause prefer to consider concrete measures proposed to them rather than to speculate upon abstract and remote results.

Those who favor the unlimited coinage of silver at the ratio of 16 to 1, with enforced legal-tender quality for the payment of all debts, public and private, tender to the country a single issue which in itself is clear, and in its language plain and easily understood, and from which every man can hope for such advantages to himself as his reason or even his imagination can suggest. The operative miners want employment and wages which they promise themselves from the unlimited coinage of silver. The corporations and capitalists who own both the gold and the silver bullion anticipate from the adoption of the free-coinage measure an improved local market for their silver. They know that their gold will find a remunerative price either from the necessities of those who have incurred gold obligations or in all commercial countries where the gold standard of value is recognized. Some want and promise themselves cheaper money and higher prices; others, reckless of consequences, desire place, and still others hope for personal advantages growing out of the confusion which will attend the disturbance of values and depreciation in the standard of value as a consequence of the free coinage of silver.

The advocates of free coinage are bold leaders and expect, not altogether without reason, to control the national conventions of both political parties; but, doubtful of success, some of them are willing to offer to manufacturers protection by tariffs in exchange

for advantages for silver bullion. No danger now more seriously threatens the American people than does a probable and possibly successful combination between two powerful and corrupt property interests, the one demanding that the consumers of the necessities and conveniences of life shall be taxed to pay profits to the manufacturers and the other anxious to expel gold coin from use in the United States, where it obstructs the use and depresses the price of silver in the local market.

That the apprehensions I have expressed are not wholly without foundation, I need only remind the Senate of a scene which occurred here lately in which the Senator from Nebraska and the Senator from Connecticut were actors, and to the speeches of the chairman of the Republican national committee and the Republican Senators from the silver States, who, in avowing their devotion to the doctrine of protection, said nothing "unmanly," but still held out hopes of an ultimate treaty for the advantage of both contracting parties.

I also send to the Secretary and ask him to read a clipping from one of the newspapers of this city, which affords an intimation touching the same point.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

"The Pennsylvania manufacturers who were in Washington Thursday in conference with the silver Senators represented at least \$150,000,000 of capital," said Mr. W. T. Prince, of Philadelphia, at the Normandie. "They are the men who furnished 'the fat' that John Wanamaker collected in the Harrison campaign of 1888. They are willing to put up again, but they must have the strongest assurance that they will get a quid pro quo before any Presidential ticket gets a dollar of their money. Their business is stagnant, and the immediate future holds no promise. If they can make terms with the silver people whereby protection will be given them, they are willing, yes, anxious, to strike an agreement. They understand fully that no tariff bill can pass both Houses of Congress unless concessions are made to the white metal, for the champions of silver in the Senate are masters of the situation. It is a cold matter of business with these textile millionaires, and they are eager to give and take. They do not think free silver is an unmitigated evil, and something must be done to start the wheels of commerce once more."

"I look on this conference as likely to prove of far-reaching importance. It may mean the putting out of an independent silver ticket, with a platform of one plank—silver and protection. Such a ticket will prove vastly attractive to thousands of voters, and if headed by such a man as DON CAMERON would be dangerous to any regular partisan ticket that could be put out."

Mr. PALMER. Mr. President, the existing standard of value in the United States is American gold coinage, of which the one-dollar gold piece of the weight of 25.8 grains of standard gold is the unit. This asserted fact will not be denied. It was established by the act of 1873, and has been maintained by the policy pursued by the Treasury Department under all Administrations since that act and by the course of business throughout the United States.

It was confirmed by the act of February 28, 1878, which, under the deceptive title of "An act to authorize the coinage of the standard silver dollar and to restore the legal-tender character thereof," provided "that there shall be coined at the mints of the United States silver dollars of the weight of 412½ grains of standard silver, which coin, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value for all debts, public and private, except where otherwise expressly stipulated in the contract." And it was further directed by the act that the Secretary of the Treasury should purchase from time to time silver bullion at the market price thereof, not less than \$2,000,000 worth per month nor more than \$4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars. This act recognized the standard of value established by the act of 1873 by referring to the market value of silver bullion, which could, of course, be expressed only in terms of gold. The same is true of the act of July 14, 1890. That act, in addition to authorizing the Secretary of the Treasury to purchase silver bullion at the market price thereof, which must, of course, have reference to the gold price of silver bullion, treating it as a mere commodity, authorized the issue of Treasury notes in payment for purchases of silver bullion to the amount of the cost of the silver bullion, and the Treasury notes issued in pursuance of the act were given only limited legal-tender qualities. This act contains a provision that—

Upon the demand of the holder of any of the Treasury notes herein provided for, the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion.

And then follows, in the same connection, and as a part of the same sentence, the controlling mandatory declaration:

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law.

The act of November 1, 1893, which repeals so much of the act of July 14, 1890, as directs the Secretary of the Treasury to "purchase from time to time silver bullion and issue in payment of such purchases Treasury notes," again asserts the policy of the United States to continue the use of gold and silver as standard money of equal intrinsic and exchangeable value; and it asserts that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism "as will

maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts."

The policy of the Secretary of the Treasury in the administration of the laws providing for the payment of the public debts and obligations has been based upon the idea and intended to promote the policy of the maintenance of the standard of value established by the act of 1873.

It is asserted that the public debt, including what are termed "greenbacks," and the Treasury notes issued under the act of July 14, 1890, "are by their terms payable in coin." The Secretaries of the Treasury under all Administrations have, in order to maintain the standard of values established by the act of 1873 and to maintain the parity between the two metals, and in that way keep the pledge given to the public, allowed creditors the option of payment in gold or silver coin, at the discretion of the creditor. My object thus far has been to prove that there exists in the United States a "legal and commercial standard of value."

The second point I present for the consideration of the Senate and the country is that the "unlimited coinage" by the United States of silver dollars of 412½ grains of standard silver with forced legal-tender quality for all debts, public and private, would subvert the existing legal and commercial standard of value by establishing a standard of value based upon silver coinage only. The truth of this can not truthfully and will not, as I suppose, be denied. It has not been denied on this floor. The Senator from Missouri [Mr. COCKRELL], who is one of the ablest and most earnest of the friends of the unlimited coinage of silver dollars containing 412½ grains of standard silver with legal-tender quality, in his exhaustive speech in the Senate on the 13th of March admits as much, for he expressly declared that one of the desirable objects expected to be accomplished by the free coinage of silver by the United States alone is to destroy the gold standard of value and substitute another standard in its place. He did not claim that free coinage would enhance the value of the silver dollar proposed to be coined to an equal commercial value and acceptability with the gold dollar of American coinage, for that would be to maintain the gold standard, but his insistence was that free coinage would enhance the value of the silver dollar "some" and depreciate the value of the gold dollar "some," so that by the enhancement of the value of the one and a reduction of the value of the other the two would reach a point of value common to both. It seems a logical conclusion from the opinion thus expressed by the Senator from Missouri that the point at which the coins of the two metals would become equal in value would necessarily thereafter be the standard of value.

Without availing myself of the admission of the Senator from Missouri, I maintain that the unlimited coinage of silver dollars containing 412½ grains of standard silver with forced legal-tender quality for all debts, public and private, would subvert the existing legal and commercial standard of value, not in the manner the distinguished Senator supposes, but by causing the disuse of gold coin in all ordinary legal and commercial transactions.

Congressional legislation with respect to the coinage of silver must of necessity be local in its direct effect upon the value of silver bullion. It may be admitted that legislation may add "some" to its commercial value by conferring upon silver coin the full legal-tender quality, but it is impossible, as is conceded by him, by an act of Congress alone to make silver dollars equal in commercial value or acceptability to the dollar of gold. Therefore under the operation of unlimited-coinage laws upon the proposed ratio gold would become a commodity, and like all commodities it would seek the best market, and that best market would be found, not in the United States, but in commercial countries where silver is not favored by partial local laws. The Senator from Missouri, like all other advocates of the free coinage of silver upon the ratio of 16 to 1, denounces and condemns what they accurately enough call the gold standard of value, which, by the way, is the existing standard, and advocates another or some other standard of value which would be determined by money more easily obtained than gold coin, and therefore of less commercial value than gold.

The Senator proposes to reach the future standard of value by a policy which would lessen or depreciate gold in the United States to a point at which it would meet the enhanced price which would be given to silver coin by an act of the American Congress, and when the coins of the two metals became or reached a common value the country would have the bimetallic standard.

I will not at present attempt to show the vanity of this hope of the Senator, or in what respects it runs counter to all that is known of the science of money or the experience of the world, but will now attend to the single consideration of the fact that this most favorable view of the effect of the free and unlimited coinage of legal-tender silver would result in the disturbance of all values, produce infinite confusion, and practically revolutionize not only the business relations of the people of the United States with each other but with all foreign countries.

I do not wish to treat the theory advanced by the Senator from

Missouri and others who agree with him in favoring the free coinage of legal-tender silver on the proposed ratio too seriously, for gold would disappear from circulation and would in that way and no other contribute to an increase in the value of silver coin.

The unlimited coinage of silver, with legal-tender quality, on the ratio of 16 to 1 would operate precisely as would a law prohibiting the coinage or use of gold coin in the United States, and give to silver the monopoly of American coinage.

I return to the proposition that silver coin would rise in value by the depreciation or disappearance of gold coin. It will be observed that no one of the advocates of free coinage professes to know or predict what would be the exact relation between the standard of value now existing and the standard which would be produced by the policy they propose.

I ask, Will free coinage produce a silver dollar worth 50, 60, 70, 80, or 90 cents as compared with the gold dollar? Will the Senator from Missouri or any other Senator tell me? Will the Senator from Nevada give the country the benefit of his opinion upon this most important point?

Mr. STEWART. Does the Senator want an answer now?

Mr. PALMER. Yes; at this moment. I should be gratified to have it now.

Mr. STEWART. I should hope that the relative value of the coins of both gold and silver would be less than the present value of gold; that is, I should hope that the addition of silver coin as standard money would increase the volume of standard money—which controls the volume of all other moneys and of credit—to such an extent as would stop the fall in prices and make it profitable again to enter into business. To just what extent it would do that is, of course, uncertain. It would take a very large amount of silver to largely advance prices. We had some experience in that line when we had a money famine by reason of the Spanish-American wars for nearly half a century, and prices had fallen in consequence thereof about 50 per cent; in other words, coin had advanced 100 per cent, had doubled in its purchasing power, and had advanced almost as much as gold has advanced since the demonetization of silver during that half a century. It was a sore trial to the Old World. We stood it better than they did on account of the new lands in the Mississippi Valley, which were being settled at that time; but the annual product which was being received amounted, on the average, during that period, from 1810 to 1850, to about \$40,000,000 per annum of the two metals. There was a little more than that between 1845 and 1850, in consequence of some discoveries in Russia. In two years from the discoveries the annual product of the two metals rose to over \$200,000,000. The product of gold alone rose to about \$190,000,000 or \$196,000,000, so that the product of both metals was over \$200,000,000. That increase of supply went on. It kept up during the first decade, and, in fact, kept up for twenty years. This vast increase, which almost quadrupled the output, and in twenty years doubled the standard coin of the world practically, did not raise prices more than from 18 to 24 per cent. The new activities absorbed them rapidly. There was a great boom in property, the world was set to creating property, and more prosperity was occasioned than had been the case in any century.

The question as to how great an extent the silver we could obtain would advance prices it is impossible to determine. It would not advance them so much, I am afraid, as we hope, for the reason that all the silver—

Mr. DUBOIS. The Senator is not answering the question. The Senator from Illinois wants to know what the relative value of silver and gold would be if the mints were opened to the free coinage of both—what would be the commercial value?

Mr. STEWART. I thought the Senator from Illinois wanted to know what would be the relative value of our present standard with the standard we should have by adopting the two.

Mr. VEST. Will the Senator from Nevada permit me?

Mr. STEWART. I want to answer the question of the Senator from Illinois.

Mr. VEST. I want to understand the question.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Do the Senator from Illinois and the Senator from Nevada yield to the Senator from Missouri?

Mr. PALMER. I yield with pleasure.

Mr. STEWART. I will also yield to the Senator.

Mr. VEST. I simply want to ask the Senator from Illinois, in order to understand him, Does he refer to what is called the commercial value of silver and gold, or does he refer to the legal-tender value?

Mr. PALMER. The commercial value.

Mr. VEST. Then the Senator's question is, What would be the effect of opening the mints to the free and unlimited coinage of silver on the commercial value of the two coins, the gold dollar and the silver dollar?

Mr. DUBOIS. In other words, the Senator from Illinois wants to have stated whether silver would be worth 50, 60, 70, or 80 cents in gold.

Mr. STEWART. I will address myself to that point. I did not

so understand the question. I understood it to refer to another point.

The relative commercial value of the two metals, I think, would be equalized at the ratio of 16 to 1 by opening the United States mints. I have several reasons for that. In the first place, there are now no bimetallic countries of any importance, if there are any. France for seventy years maintained the equilibrium of exchange between the two metals by keeping her mints open. Not that France was able to take or that she did take of either of the metals any considerable quantity, but the fact that she was a bimetallic country and that any person in the world could obtain a given price for his gold or his silver as fixed by the French ratio regulated the relative value of the metals throughout the world.

Now, if the United States, which relatively is quite as great as France was during that time, should undertake to pay a given and fixed price for gold and another fixed and given price for silver, it would necessarily fix that price all over the world, for no one would sell silver for less than the United States price. That is the way it operated before. Knowing that the United States would be able to take it all, that would satisfy everybody, and create an equilibrium between the two. I have no doubt. And I have no doubt of that because the silver is now all absorbed. There is not so large a quantity to be absorbed by the United States as many suppose. It is all taken now and used. There is no silver bullion in the world of any consequence, and the additional demand in the United States would take it to par. When it was thought the United States was going to open its mints silver came very near going to par. On the mere idea that we were to open our mints silver went to \$1.21; but when it was ascertained that our mints were not to be opened, that there was to be a limitation upon silver, and when a combination was formed between the Director of the Mint and foreign bankers that there should be no purchasers in the market except the United States and certain syndicates of foreign bankers, that fixed the price, and they put it down where they pleased; but if the price had been fixed by the opening of our mints silver would have gone to par, because nobody would have had any object in bringing silver here except to buy our commodities, and silver, therefore, would have been at the same price everywhere else as here, and it would not be brought here. There is no doubt in my mind but that the opening of our mints to the free coinage of silver would create a parity between the two metals at the ratio of 16 to 1.

But I will say to my friend while I am on the floor that, if it did not, we have the concurrent opinion of every bimetallic and economist in Europe that it would be disastrous to Europe and to our great advantage. They say that if we should open our mints before an international agreement is secured Europe will be more in danger from that than from anything else. A German writer, in an article recently published advocating bimetallicism and showing the danger that Europe was in from the invasion of Asia by having the manufacturing of the Western World transferred to the Orient, stated that he looked upon that as a great calamity. He says, "If the United States should act without us, ruin absolute would come." So there is no possible danger of injury to the United States from opening our mints. It is the concurrent opinion of every bimetallicist in Europe that we should be benefited. They say we should all be benefited by an international agreement, but if the United States alone should adopt the free-coinage policy, the United States would receive the special benefit and Europe would receive great injury. That is their concurrent opinion. Whether it would equalize the commercial value of the two metals or not is immaterial. It would operate to our advantage and its results must necessarily be good to this country.

Mr. PALMER. I asked a question—

Mr. BUTLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. PALMER. If the Senator desires to answer my question I do.

Mr. BUTLER. I wish, if the Senator will allow me, to suggest that the Senator from New York [Mr. HILL] has given a very apt and appropriate answer to that question in his Elmira speech of December 4, 1892, and inasmuch as this question is now up, if the Senator from Illinois will allow me, I will have an extract read from that speech.

Mr. PALMER. If the extract is an answer to my question I have no objection.

Mr. BUTLER. It is directly an answer to the Senator's question.

Mr. PALMER. If the Senator will listen to my question, it is this: Will free coinage produce a silver dollar worth 50, 60, 70, 80, or 90 cents as compared with the gold dollar?

If the extract the Senator wishes to read is an answer to my question, I shall be very glad to hear it.

Mr. BUTLER. Do I understand the Senator's question to be, Will the free coinage of silver bring the bullion price of 412½ grains of standard silver equal to 25.8 grains of standard gold?

Mr. PALMER. That is the opinion of the Senator.

Mr. BUTLER. That is the question. The Senator wants to know if it will do it.

Mr. PALMER. No, I do not ask that. I ask what would be the difference in the relative value of the two?

Mr. BUTLER. After we have free coinage?

Mr. PALMER. Yes, sir.

Mr. BUTLER. The Senator from New York in his Elmira speech—

Mr. PALMER. The Senator might just as well answer me himself.

Mr. BUTLER. I should like to quote a most eminent authority.

Mr. PALMER. I had asked the question, and if the Senator has an answer to the question, I will yield to him for that purpose.

Mr. BUTLER. Then I will give the answer in the language of the Senator from New York instead of my own.

Mr. PALMER. I can read the answer of the Senator from New York myself if the Senator from North Carolina will furnish it to me.

Mr. BUTLER. In what the Senator from New York said in that speech I fully concur, and therefore I can state it as my opinion. In a very able argument reviewing the Republican position, showing that they had promised to make the intrinsic value of the two metals equal and had failed, after criticising the Republican methods, the Senator from New York said—

Mr. PALMER. The Senator from North Carolina will permit me to say—I am not sure whether he is a lawyer or not; I hope he is—

Mr. BUTLER. I wish to read what the Senator from New York said.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. PALMER. I am endeavoring—

The PRESIDING OFFICER. The Chair wishes to know whether the Senator yields.

Mr. PALMER. Oh, yes; I yield for an answer to my question.

Mr. BUTLER. I will read this answer made by the Senator from New York, in which I concur:

Did ever anything but free bimetallic coinage, down to 1873, make our gold and silver dollars equal by every test? Did ever free bimetallic coinage, down to 1873, for one hour fail to make the silver dollar equal to the gold dollar, whether at mint or crucible, or at any market in the wide world?

Then a little further on he says:

But to maintain a parity implies the existence of a parity. No parity exists between the two. Melt the gold coin and it can be recoined again and again, a gold dollar, for its private owner, because gold has free coinage, and 25.8 troy grains are the fixed weight of the gold dollar. Melt the silver coin and it can not be recoined for its private owner. It can be sold to the Treasury, but for 75 cents or less, because silver has not free coinage, though 412½ troy grains of silver are indeed the present weight of the silver dollar.

Mr. PALMER. If the Senator understands himself to be answering my question I state to him that, in my judgment, he is not, and I decline to yield further. I ask this question because I want a direct answer to it.

Mr. BUTLER. Then, here is something, if the Senator will allow me, which bears directly on that question.

Mr. PALMER. The Senator will pardon me.

The PRESIDING OFFICER. The Senator from Illinois declines to yield further. The Senator from Illinois is entitled to the floor.

Mr. PALMER. I have asked a plain, direct question, to which I have received an immense amount of wind in answer, not pertinent, and I decline to yield further.

The country should know what the expectations of the leaders of the free-silver movement are on this subject. The Senator from North Carolina gives me the views of the Senator from New York. I asked a specific and precise answer, and that ought to be an end to the matter, because this question is a vital one, and gentlemen who favor the free coinage of silver on the ratio of 16 to 1, if they mean anything else, if they mean that the free coinage of silver is a mere experiment, ought to say so. The interests involved are too great to allow of a mere experiment. The advocates of free coinage will not venture to say to the people of the United States, who are now considering this question so earnestly, that they have no certain views upon the subject or that they merely propose the unlimited coinage of silver as an experiment. The interests involved are too great to allow of a mere experiment. But, Mr. President, I venture the assertion that no leader of the free-coinage movement will undertake to give a plain, precise answer to the question: "What will be the commercial value of the silver dollar of 412½ grains under unlimited coinage compared with the present value of the dollar of gold?"

Mr. COCKRELL. Mr. President, for fear the Senator should think that we acquiesce in that statement, I say emphatically the silver dollar will be the equal of the gold dollar.

Mr. PALMER. What, then, did the Senator mean the other day when he said that free coinage would increase the value of silver some and depreciate the value of gold some?

Mr. COCKRELL. And bring them to an equality.

Mr. PALMER. An equality? Then I suppose the Senator will agree with me that the point at which they become equal will be the standard of value, and not the existing standard of value. Still there is that indefiniteness about what point they will unite.

The importance of an answer to this question is found in the fact that all values in the United States are now based upon and are determined by American gold coin, and the further fact that in the event of the enactment of a law authorizing the unlimited coinage of silver dollars of 412½ grains of standard silver with full legal-tender quality that dollar will be the standard of value.

The silver dollar will rise in value until it meets the descending value of gold coin is the theory of the Senator from Missouri. What will be the exact relative value of the silver dollar when the two coins become of equal value? What will be the exact point of relative value when the silver dollar advances some and the gold dollar recedes some? Where will they unite, and what will be the standard of value when that point of union is reached? I have said that all values are now determined by gold coin. Then all values will be determined by silver coin; that is, as much as silver will rise, because gold will not remain to abide the competition.

Let me assume that the value of the local American silver dollar after free coinage will be 60 cents as compared with the gold dollar—the present standard. I will accept any other comparative value for the silver dollar which the Senator from Missouri will distinctly name, though I have already offered to advance beyond the 50-cent dollar, which it is thought by many will be its actual commercial comparative value after free coinage of the silver dollar. Upon the comparative basis of the 60-cent dollar the public obligations of the United States of all kinds, including contracts already made for the building of ships, the construction of harbor defenses, the improvements of rivers and harbors, and for all other public purposes, the bonds, the greenback circulation, the silver certificates, and the Sherman notes would at once lose 40 per cent of their present value. The invested educational funds of the States, counties, cities, and school districts of the several States, and the contributions of liberal persons, which now exceed \$200,000,000, would at once depreciate 40 per cent, involving a loss of eighty millions to that invaluable fund, most of which would fall upon that most useful and ill-paid class, the teachers in the public schools. The pensions given by a grateful country to the wounded, maimed, and disabled soldiers and their widows and orphans, and now amounting to about one hundred and forty millions, would be lessened in purchasing power some \$56,000,000. The funds in the hands of trustees and guardians, the deposits by the industrious in the savings banks, amounting to many hundreds of millions, would shrink in the same proportion. The wages of labor would be shorn of nearly half their purchasing power; the hundreds of millions invested by provident persons in life and property insurance would be enormously lessened, defeating the sagacity of the prudent, and the systems of national, State, and local revenue and taxation would require readjustment to meet altered conditions.

Mr. President, what are the advantages offered to the country as an equivalent for adopting this startling alteration in the monetary situation—an alteration which will affect and disturb the social and business affairs of every person in the United States and the political and commercial relations of the United States with all other countries?

One of the results promised the people by the adoption of the unlimited coinage of silver with forced legal-tender quality for all debts, public and private, is "more money," "higher prices."

Mr. President, the effect of the free coinage of silver on the ratio of "16 to 1" will be the disappearance of gold coin from the channels of circulation. It never has been proved—at least, no instance can be found in the commercial history of any country—where two coins differing in commercial value, as the dollar of gold and the dollar of silver, were in use at the same time. It is not possible. The commercial instincts of men induce them to go to the best market for their products; and the Senator from Nevada yesterday, or on a former day, made the just remark that, notwithstanding free coinage, the value of silver all over the world would be the same. If the proposition of the Senator from Missouri is correct and if the Senator from Nevada is sound in his views, the whole volume of silver money throughout the world would be lifted up to that plane to which the Senator from Missouri looked with so much confidence.

The pledge of the Government to maintain the parity between the coins of gold and silver will of necessity be abandoned, for no gold coin will be collected, either at the ports or for internal-revenue taxes, nor can gold be borrowed to sustain the credit of the Government.

The 426,289,916 silver dollars in the Treasury and in the hands of the people, which now have the commercial value of gold, will, upon the hypothesis of 60 cents as the commercial value of the "new dollar," unsupported by gold, have only the same value,

and all credit money and all credits will shrink in commercial value in the same proportion.

It is true as a general proposition that an increase in the quantity of money of final redemption favorably affects prices, but the necessary result of the unlimited coinage of silver on the ratio of 16 of silver to 1 of gold would be to expel gold coin from general circulation in the United States and leave the country dependent upon silver coin alone. The disappearance of gold coin and gold credits would be immediate. It would anticipate the free coinage of silver, which would be gradual.

It is probable, therefore, that the full effect of a law providing for the free coinage of silver would be a scarcity of even the relatively cheaper money. The "dollar" coined under the measures proposed would, in fact, be a new coin, heretofore a stranger to our monetary system. It would be known in legislation as a dollar; but the dollar coined under the act of 1857 had the commercial value of the gold coin, and the American dollar was worth nearly 3 per cent more than the gold-dollar unit of value fixed by the act of 1873. Here the proposition is made to establish a monetary system upon the basis of a metal which has but little more than half the commercial value of the coin it proposes to supersede.

I repeat that the passage of a law which would authorize the free coinage of silver on the ratio of 16 to 1 would not be followed by an increased quantity of money, but its enactment would produce an unexampled stringency like that which followed the collapse of all the State and local banks in 1857 to 1861. There is no fact which should be more distinctly brought to the attention of the country, pending this discussion, than that the immediate effect of a clear determination by the American people to adopt a law providing for the free coinage of silver on the ratio of 16 to 1 would, in advance of the passage of such a law, overthrow public and private credit, and produce a severe money stringency which would provide ample employment and rich returns to the usurer and the sheriff. It is also true that the unlimited coinage of silver on the ratio of 16 to 1 would alter the commercial and political relations of the United States to all other nations and organized peoples of the world.

It would erect a commercial wall between the United States and all the gold-standard nations, the height and strength of which would be determined by the rate of exchange, and the rate of exchange would mark the difference between the value of the local silver money of the United States and the gold coin of commerce.

Our large foreign debt, which is mainly payable in gold coin, would of necessity be partially or wholly repudiated.

The railroads of the country and the States and municipalities who owe gold debts would be compelled to advance their rates and increase their taxes or submit to bankruptcy or repudiation. I do not believe in case of the adoption by Congress of the measure of the free and unlimited coinage of silver on the proposed ratio that the people will be able or willing to pay increased railroad rates or higher taxes, and such legislation would make the payment of debts by railroads and municipalities impossible.

Another compensation proposed by some of the advocates of free coinage is that, as one standard of values would be identical with that of the Asiatic countries and the South American States, we would be better able to compete with them in the cheapness of production. In other words, it is said that in the silver-using countries, like Mexico, Japan, China, and India, the silver dollar, or a silver coinage of equivalent value, will buy as much domestic productions of those countries, including labor, as the dollar of gold will in any of the so-called gold-standard countries. If this is so, it is an invitation to the American farmer and the American wage earner to adopt the habits and accept the prices for their products and their labor which are paid to the peons of Mexico and the ill-fed serfs of Asiatic countries, whose wages are a pittance, and who subsist upon insufficient food.

Mr. President, impressed by these considerations, it seems to me that it is the duty of every representative citizen to insist that the question of maintaining and adhering to the existing standard of value, to which all property in the United States and our systems of revenue and taxation for national, State, municipal, and educational purposes, our pensions, funds organized and invested for benevolent and charitable purposes, contracts on behalf of the nation and the State, the municipal, corporate contracts and obligations, the contracts between citizens, and, in short, all values are adjusted, and that of adopting by a law of Congress the uncertain and dangerous experiment of authorizing the unlimited coinage of legal-tender silver on the ratio of 16 of silver to 1 of gold, when the actual commercial ratio between the two exceeds 30 of silver to 1 of gold, an experiment which can have but one result, that of establishing a standard of value based upon doubly overvalued silver coin alone, should be clearly and distinctly brought to the attention of the American people. The movement favorable to the free and unlimited coinage of silver is supported by much of the speculative capital of the country, for it will be observed that miners and capitalists interested in gold bullion, confident in their ability to find a market for their gold, are anxious that silver

alone shall be the money metal of the United States; and these powerful interests are seeking for allies in many quarters, and are offering to them solid inducements that will, to some extent, find acceptance.

This interest has, by snap conventions, captured some of the States and may control national conventions.

In the face of this strong, vigorous, aggressive element its opponents falter and hesitate. Candidates for the Presidency and for seats in Congress take refuge in silence the most profound, and leaders refuse to lead, or if they speak or prepare platforms for the acceptance of their friends they indulge in language which justly provokes criticism, an example of which I will ask the Secretary to read.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

The severest Republican condemnation of the Ohio Republican financial plank comes from the Philadelphia Ledger, in whose words it is "a shuffling, evasive, complex, confusing, double-faced, insincere, and inconclusive statement; a mere trap for the catching of the votes of men of all sorts of financial opinions; a transparent bribe offered to the obtuse advocates of unsound, dishonest currency, as well as to those of sound, honest money; deceptive, misleading, a trick, a snare, and a lie, and meant to be so; the device of cunning, unscrupulous politicians, not of wise, honest statesmen." It is "in precise accord with Mr. McKinley's own financial declaration made in his recent Chicago address," the Ledger continues, and therefore it believes that "in view of Mr. McKinley's double dealing with regard to the financial question he should not be nominated at St. Louis. No one who in the South bids for the dishonest-money vote, and in the North the honest-money vote—Jannis-like, facing both ways—is fit to be the standard bearer of the Republican party in the coming Presidential campaign."

Mr. PALMER. All the indications point to the fact that the subject of that criticism will be the Republican candidate for the Presidency; indeed, I understand that the opposition has practically failed. I only protest that there shall be in this contest distinct, clear, precise platforms adopted by both political parties; and I have sought this morning to endeavor to clear away something of the confusion that attends this discussion. I have eagerly sought to know what will be the condition of the country or of its finances and its currency if the free-silver men succeed in the next election.

Mr. STEWART. We can answer that in a word. It will be prosperous.

Mr. PALMER. There is a sort of gratuitous promptness about that remark which lacks only one single element of usefulness, and that is precision. Will the Senator from Nevada tell me how we are to be made prosperous? I do not ask for a declamation, because when I feel well I am able to do all I want of that myself; but I ask Senators what will be the relative value of the new standard of value and of the existing standard? I have said that all values are now fixed by gold, and it seems to me that statesmen and financiers ought to be able to indicate with something like precision what will be the standard of value after they succeed in the policy they advocate.

Mr. VEST. Mr. President—

Mr. PALMER. In Mexico—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. PALMER. With great pleasure.

Mr. VEST. I did not intend to interrupt the Senator in the middle of a sentence. He was about speaking of Mexico.

Mr. PALMER. I will conclude the sentence. In Mexico no gold circulates. I know of no silver country where gold is used. I know of no reason why the silver dollar of the United States, after free coinage on the ratio of 16 to 1, should be worth more than the silver dollar of Mexico is now worth in comparison with gold values.

Mr. TELLER. Will the Senator from Illinois allow me to make a suggestion?

Mr. PALMER. With great pleasure.

Mr. TELLER. Japan is on a silver basis, and the Bank of Japan has \$31,000,000 in gold.

Mr. PALMER. How much of that circulates with the people?

Mr. STEWART. None of it.

Mr. TELLER. How much gold circulates here?

Mr. STEWART. None at all.

Mr. COCKRELL. Not a dollar.

Mr. PALMER. The Bank of Japan is said to have \$31,000,000 of gold, and yet, as compared with gold, the silver is of very much less value. What it is I do not know. I have endeavored to get the rate of exchange of silver between Japan and the United States and Great Britain. I have failed; but at the same time I do assert, with the most absolute confidence, based upon a most careful investigation, that in no silver country is gold either the standard of value or is it used in the ordinary affairs of life.

Mr. VEST. Does the Senator from Illinois mean to say that gold does not circulate in Mexico and in India? It circulates in small quantities, it is true, but the gold dollar represents the legal-tender functions which the silver dollar has in both India and Mexico. It is very true that after you leave the territorial limits

of Mexico the commercial value of the Mexican dollar is some 52 or 53 cents, but the reason of that is on account of the limited export of Mexico. Mexico exports principally silver, a small amount of coffee, and a small amount of hides. But on the continent of Europe, where the Mexican dollar is worth 52 or 53 cents, the American dollar is worth 100 cents and exchangeable for gold.

Mr. PALMER. Why?

Mr. VEST. Because we export over \$800,000,000 of products every year; because our agricultural exports are \$505,000,000. As a banker told me at Carlsbad when he gave me gold for silver certificates, "That paper is just as good to me as gold, because with it I can buy anything that your country raises and pay any debt that is due to any American citizen." And yet this is always ignored by our gold friends; and we are told repeatedly that even in the event of free coinage the commercial value of silver must remain as it is or only a little better than it is to-day.

Mr. PALMER. Whatever may be the accident that determined the local value or the use of a silver dollar, so far as the United States is concerned, our silver dollar is of less commercial value than the Mexican dollar, treating it as a mere substance composed of standard silver. Whatever the accidents of business may determine, the great fact remains that in no case has it ever been found possible to maintain the free use of coin composed of metals so widely different in value.

Mr. VEST. Will the Senator pardon me? I want to ask him a question. His original proposition, as I understand it, is that we are not warranted in the assumption that the free and unlimited coinage of silver would increase its commercial value. That is what I understand the Senator to claim.

Mr. PALMER. I have not said so.

Mr. VEST. Well, that is the tendency of his argument.

Mr. PALMER. I have asked the question with the greatest pertinacity, how much will it increase it?

Mr. VEST. I have not the slightest doubt that it would put the two coins on a parity; that the silver dollar would be worth 100 cents as the gold dollar to-day is worth 100 cents, no more and no less. I can give the Senator my reason, but I do not choose to interrupt him now.

Mr. PALMER. The Senator will pardon me. I understand that his answer to me is that the dollar of 16 to 1, or 412½ grains of silver, will, in his judgment, be equal in commercial acceptability and value to the gold dollar of 25.8 grains.

Mr. VEST. I have not the slightest doubt about it. The single fact that it is so in the United States will control its value with civilized nations. Now, let me ask the Senator—we ought to be entirely frank about this matter; it is a very great question—how does he explain, if we are not correct in this assumption, that in 1873, when the silver dollar was demonetized and the unit of value changed from a silver dollar to a gold dollar, the commercial value of silver immediately fell? Up to the day when that act was passed silver was at 3 per cent premium over gold. The day after it was passed the commercial value immediately went down in the United States and over the world.

In 1878, five years later, we restored the free coinage of silver to a limited extent. We provided by act of Congress in the Bland-Allison Act that there should be coined not less than two nor more than four million ounces a month. The statistics show (I have produced them here and they can be produced again in five minutes) that from the very moment when that act was passed the commercial value of silver went up. After the Sherman law repealed the Bland-Allison Act the price of silver commercially went down. We then passed a law for the purchase of four and a half million ounces of silver a month, but not to be coined. The result was a speculative advance in silver for about a week or ten days, and then, as every intelligent man knew, not giving it the right to coinage, silver immediately relapsed and went down, as it has continued to go down ever since.

Now, if that is not a mathematical demonstration that opening the mints to silver will increase its commercial value it is absolutely impossible to make it.

Mr. PALMER. Mr. President, what might be the effect of opening the mints of all commercial countries upon the value of silver I do not know. I know as little as my friends seem to know as to what effect upon the value of silver will be produced by free coinage. But I do know this. I say I know it, because I have the authority of the Senator from Nevada [Mr. STEWART] for the statement I make. A difference of less than 3 per cent, as was the difference between gold and silver prior to the act of 1873, led to the exportation of substantially all the silver dollars. I make that statement upon the authority of the Senator from Nevada.

Mr. STEWART. I do not think I have stated it in that shape. There was very little silver coined into dollars prior to that act; only about \$8,000,000, while about \$150,000,000 in round numbers of silver was coined altogether. The main part of our coinage was foreign coin, made legal tender up to 1857. We were coining

about two million a year in 1861 and in 1862. At the time of the passage of the mint act we were coining at the rate of \$3,000,000 a year. But I should like to correct another error, if the Senator will allow me right here.

Mr. PALMER. If the Senator will pardon me, I will submit to any correction, but at present I am interested in this particular point. I have quoted him as authority for two statements on the floor. One is that the difference between the value of gold and silver before the act of 1873 led to the exportation of silver dollars, and the second proposition, for which I quote him as authority (and I am exceedingly glad to be able to furnish authority from such a distinguished, influential source), is that notwithstanding the passage of a free-coinage law by the United States the value of silver will be the same throughout the world. I think I quote the Senator exactly.

Mr. STEWART. No; I say that whether you pass a free-coinage law or not, silver being internationally dealt with, there will be an equilibrium in the price of silver bullion all over the world, less the accidents of exchange.

Mr. PALMER. That proposition is one which I desire to make so distinct that it can not be misunderstood. The undertaking on the part of those who favor the free coinage of silver—I say the undertaking, the thing which they promise themselves—is that the silver of the whole world will be advanced by the passage of an act of Congress directing the free coinage of silver and will all be brought up to the value of gold; not the silver of the United States coined in the United States alone; not the silver coined in Mexico alone; not the silver coined in all countries where coinage laws exist; but if the proposition is true that notwithstanding the passage of a free-coinage law silver will have the same substantial value throughout the world, it follows that the Senator expects that the passage of a free-coinage law will lift all the silver in the world up to the parity with gold.

Mr. STEWART. Yes; and for obvious reasons. We have had object lessons to that effect very frequently. Whenever there has been a movement in this country toward free coinage it has raised the price of silver, and it raised the price of silver in India just as well as it did here. In 1890, when silver went up to 121 here, it went up to 121 on the same day in India and Japan and London and everywhere else. When it falls here, it falls there. There can not be a difference of price with regard to silver no more than there can be a difference in the level of the water of Lake Erie.

Mr. PALMER. Mr. President, if that proposition is sound, it will make no difference that in England, Germany, and France free coinage is not known, and that silver is not coined in those countries as in any other. I accept the theory that the use of silver will have some influence upon its commercial value.

Mr. STEWART. Also in this connection let me state what the Royal Commission said. It said the fact that the mints of the Latin Union of Europe were open—the French mints, for the others did not amount to very much—kept an equilibrium of exchange throughout the world and made gold and silver throughout the world practically one money for commercial purposes.

Mr. PALMER. Now, does the Senator say that is true?

Mr. STEWART. That what is true? The only difference that ever occurred between the price of silver in London and Paris was the difference in exchange between the two places. As long as the French mints were open there was an equilibrium of exchange throughout the world. The Royal Commission attribute the divergence between the values of the two metals to the breaking of the bimetallic tie, the closing of the French mints. There is no doubt if the price of silver in this country is 129 it would be so all over the world. That is perfectly obvious.

Mr. PALMER. And if the price of silver is 68 here it will be so all over the world?

Mr. STEWART. It will.

Mr. PALMER. That much, now, seems to be settled; and it is claimed by the Senator from Nevada that the unlimited coinage of legal-tender silver in the United States would advance silver bullion, not only in the United States, but all over the world, to 129.

Mr. STEWART. That is what we claim. I want to state further in this connection, that we may not be misunderstood, that bimetalism does not depend upon parity at all. Bimetalism is the double standard. It is the right of the owner of silver bullion and of gold bullion to have it coined into money. The opening of the mints and the right of the debtor to pay in the cheaper metal is all there is in bimetalism. The operation of bimetalism is to throw the entire demand upon the cheaper metal until it brings it up to a parity with the other. That is the way it operated for four thousand years. If silver was more convenient to get when the mints were open everybody would use silver, and the demand being thrown upon that, it would raise the parity.

But it is a mistake to suppose that the silver-standard countries can not obtain gold as easily as the gold-standard countries, and much more so. Russia is a silver-standard country. She accumulated in the last twenty years about \$500,000,000 of gold because

she had plenty of money and business was stimulated so that she had something to export. Now, the Argentine Republic owes large gold obligations. I am told that they can pay them as well as we can, but they will pay them with exports, and they can get as much for their wheat as we can. Mexico has gold obligations to pay, and she can get the gold to pay them with much easier than we can. They do not trouble her at all, because she has something to export. The trouble with us is that at the present price for our commodities, the gold price, we can not export and make a living out of it. Consequently we can not buy gold without a great sacrifice. We are becoming bankrupt because we can not buy gold. Now, see what our fixed charges are, which are—

Mr. PALMER. Mr. President—

Mr. STEWART. I will refrain.

Mr. PALMER. I have listened to the Senator with great pleasure, but I propose to leave the floor in a moment, being indebted entirely to the Senator from New York for the time I have occupied. I wish to state in conclusion that mere conjecture and speculation furnish no sufficient ground for legislative action. I refer to the Senator from Nevada, because he represents more distinctly than anyone else the free-silver party of the Senate, unless it may happen to be the chairman of the Republican national committee, who speaks, I have no doubt, not only for himself, but for his party. I said that I have sought to get clear and precise information upon certain important points, because I wish the country to understand them.

I know that the free coinage of silver will lead to the disuse of gold. It may be temporary, as Senators seem to think. I know that the result of free coinage will be to establish a standard of value different from that which now exists. I have sought to know from Senators who ought to know what that difference would be. It is very important to the debtor and creditor classes in Illinois that they shall know to what extent their values will be affected by this new standard of measurement. They feel the burdens of existing conditions. They are anxious to know if any better condition can be pointed out to them. They want certainty, clearness, all reasonable precision, and in this effort of mine to obtain clear and definite information as to what the expectations of free-coinage men are as to the relation between the two standards I can not get a word. We have this hope, this vain and illusory hope—a hope contradicted by all human experience—that by mere legislation you can bring up an ounce of silver, now worth 68 cents, to \$1.29, which covers the comparative difference of the two dollars.

Mr. CARTER. I should like to ask the Senator from Illinois a question.

Mr. PALMER. Certainly.

Mr. CARTER. Desiring to reach a conclusion as to certainty in the measure of value, I ask the Senator from Illinois to state whether or not he agrees with the British Royal Commission that the purchasing power of gold has constantly appreciated since 1873?

Mr. PALMER. No; I do not agree with that statement.

Mr. CARTER. I ask the Senator whether he agrees with the further proposition that the prices of products of human toil and of the soil itself as measured in gold have depreciated in value since 1873?

Mr. PALMER. I agree with that.

Mr. CARTER. I will ask the Senator from Illinois then—

Mr. PALMER. Mr. President, the Senator from Montana will pardon me.

Mr. CARTER. I should like to present the full question.

Mr. PALMER. I am asking questions now for the time being, and when the Senator gets through with my question it will afford me great satisfaction to answer his.

Mr. CARTER. I am endeavoring, if the Senator will allow me to conclude my question—

Mr. PALMER. I will yield to the Senator if he will answer my question. I want to know what will be the comparative difference between the standard of value the Senator proposes and the standard of value which now exists.

Mr. CARTER. I have been endeavoring to answer that question by asking the Senator from Illinois questions which in and of themselves will answer it.

Mr. PALMER. Oh, of course the Senator has.

Mr. CARTER. It is merely—

Mr. PALMER. And when I consent to that mode of interrogation the Senator can indulge in it.

Mr. CARTER. The Senator from Illinois, conceding the fact to be that prices of all the products of human toil, the products of land, whether in town lots or broad acres—

Mr. PALMER. I have not conceded that.

Mr. CARTER. Have been constantly decreasing in value since 1873—

Mr. PALMER. I do not want the Senator from Montana to make me responsible for the poetry of his speech.

Mr. CARTER. And that the purchasing power of the gold

dollar has therefore increased, I ask whether or not the Senator, since certainty is desired, has any substantial hope to offer to the people of the country to expect a change in the current of perpetual and universal depreciation of prices under the gold standard?

Mr. PALMER. Now, I submit to the Senator from Montana whether he himself will say that that is an answer to my question. I asked him a distinct and plain question. I have given him an opportunity to answer it. Will he say to me frankly that he has told me what would be the difference by the standard of value produced by free coinage and the existing standard of value? That is the question I asked.

Mr. CARTER. My question was predicated upon the proposition presented by the Senator that certainty in the transaction of business is a necessity.

Mr. PALMER. I have never said that.

Mr. CARTER. I understood that to be one of the propositions presented.

Mr. PALMER. I am not responsible for anything the Senator has understood.

Mr. CARTER. Does the Senator now deny that certainty as to valuation of products by the measure or standard of value is essential to a fair and just line of transactions among men?

Mr. PALMER. Yes; I deny it.

Mr. CARTER. That is the only ground of contention between the friends of the gold standard and the friends of the bimetallic standard.

Mr. PALMER. I have often known ingenious gentlemen to seek to get an admission of their premises and then to suggest their own conclusion. I have been taught that in an argument no gentleman has a right to take anything for granted. Therefore, when the Senator asks me if I grant certain things I say I do not. The Senator must build up his own argument, based upon his own premises, and when he demonstrates his premises, to do which I will give him an opportunity in a moment, he can draw his conclusion.

I wish to say that I have lived in Illinois for sixty years. I have seen the time when lands—good tracts of land—were worth four or five dollars an acre. I have seen corn worth 10 cents a bushel. If the Senator will allow me just one moment I can perhaps state a significant fact in this connection. A neighbor of mine owed me \$34. I was about leaving home for court, and he wanted to pay the debt in corn. I told him I would take it. I had one horse and very little idea of what the horse would need. He asked me where to put it, and I said in a little crib that stood back of my house. I was absent several days. When I got to town a number of fellows were waiting for me and they followed me, and when I got to my house I found that the 334 bushels of corn had not only filled the crib, but had actually covered it all over. Corn was worth 10 cents a bushel. Corn was burned in the field because it had no marketable value.

I have known pork, dressed hogs, at St. Louis to sell for \$1.50 net. I have seen prices in that condition. I do realize the fact that there has been a decline of prices within a comparatively late period. Last year corn in Illinois, in my county, was worth 45 cents. But these were accidents.

This country, notwithstanding all that is said, is a flourishing one. There are changes in business. New machinery comes into use and takes the place of men. Employment is difficult to be found, especially in the lines that are termed skilled employment. This great social and economic change is going on. How it will result I do not know, but I will say that, in my judgment, whenever any party in this country succeeds in obtaining control of the Government and coins silver at the ratio of 16 to 1 and makes that silver a legal tender for all debts, public and private, we will witness—not I, because I do not think that party will come into power in my brief day, but those who live then will witness—conditions of a character that will be so far beyond anything we witness now that they will sigh for the return of the good times of 1896.

Mr. HARRIS. I believe I will ask the Senator from Illinois a question, if he will allow me. The Senator is eagerly anxious to know what effect the free coinage of silver will have upon what he chooses to call the commercial value of silver bullion.

Mr. PALMER. I ask what will be the commercial value?

Mr. HARRIS. Now, the question I want to ask the Senator from Illinois is this: If he were the owner of silver bullion and had the right to carry it to the mint and have each 412½ grains of that bullion coined into a legal-tender dollar which would pay as much debt and buy as much property as any other legal-tender dollar that exists within the limits of the United States, would he take less than a dollar for each 412½ grains of that silver bullion, or would any sane man who owns silver bullion, when he had the right to have it coined into a legal-tender dollar which would perform every function that any other legal-tender dollar can perform, take less than a dollar for each 412½ grains of silver?

Mr. PALMER. I have been lucky in getting every sort of an

answer by my friends who favor the free coinage of silver except a direct answer.

Mr. HARRIS. My answer is that it will bring silver up to par value, to \$1.29.

Mr. PALMER. The answer to that is that it would bring up the value of the silver of all the world, according to the theory of the Senator from Tennessee.

Mr. HARRIS. I would be glad to see it so.

Mr. PALMER. I do not believe it. It is contrary to all human experience. I grant that giving an additional use to silver may advance it probably to some extent, as the Senator from Missouri says; but I do not believe that the mere action of the American Congress in giving to silver all the powers that can be given to it will establish a parity between a dollar of gold and a dollar of silver.

Mr. President, I have occupied a good deal of time, and I beg pardon.

Mr. VEST. Let me ask the Senator from Illinois one question in regard to a statement he made. The Senator used the expression in his speech, in a very aggressive way, that the silver Democrats had made some progress through snap conventions. Will the Senator from Illinois explain to what convention he alludes?

Mr. PALMER. I will. I allude to the conventions held last year in Missouri and Illinois.

Mr. VEST. Missouri?

Mr. PALMER. Missouri.

Mr. COCKRELL. Last year?

Mr. PALMER. Last year.

Mr. COCKRELL. In 1895?

Mr. PALMER. In 1895.

Mr. COCKRELL. It was advertised for six months.

Mr. PALMER. The convention called in June, 1895, at Springfield.

Mr. VEST. Very good. What was there in the nature of a snap convention about the Missouri convention?

Mr. PALMER. An unnecessary convention must necessarily be a snap convention. It was called for the purpose of committing the Democratic party to free silver.

Mr. COCKRELL. It was called to give expression to the opinion of nine-tenths of those in the Democratic ranks of Missouri.

Mr. PALMER. Why give expression if the party was so united?

Mr. COCKRELL. Because a few men were trying to misrepresent us by telling the Administration that we were in favor of the gold standard.

Mr. PALMER. If the term "snap convention" shall be at all offensive I will withdraw it, but I will say that I know of no better term by which to describe it. The Senator will have to supply me with one. It was a convention called for the deliberate purpose of committing the Democratic party of Missouri, in advance of any actual necessity, to the free-silver dogma.

Mr. VEST. In other words, the Senator from Illinois is kind enough to suggest that the Democrats of Missouri could be brought up against their consent and made to utter declarations that they did not believe. Now, what power could make them do that?

Mr. PALMER. I have not said that.

Mr. VEST. That is the meaning of the Senator's statement, because the Senator says it was to commit them. Of course if it did commit them in obedience to their own wishes and opinions it was not a snap convention, but a perfectly fair and deliberate convention.

Mr. PALMER. They were convened by their managers.

Mr. VEST. They were convened by their own will. The Senator from Illinois can speak for his own people, but he can not speak for mine.

The Democrats of Missouri, nine hundred and ninety out of every one thousand are in favor of the free and unlimited coinage of silver, and at every opportunity they have so expressed themselves. In the last convention held in Missouri, after due and deliberate notice, out of the whole State there were some dozen gentlemen who represented what they call the sound-money dogma, a catchword which is so false as to be almost infamous. It is an intimation that we who favor the free coinage of silver are in favor of unsound money, when the Senator has been combating here the idea that we can possibly be correct in saying that free coinage will make a silver dollar equal to a gold dollar. How can it be unsound money if the silver dollar will buy as much and pay as much debt?

Mr. PALMER. It will not.

Mr. VEST. We believe it will. The Senator answers it by saying he does not believe it.

Mr. PALMER. Yes, sir.

Mr. VEST. If that is logic, I am perfectly willing to leave it there.

Mr. PALMER. I say it is contradicted by all human experience.

Mr. VEST. I say it is not contradicted by all human experience. I say that prior to 1873 for eighty years in this country we

had the aggregate of both metals, as Rothschild called it, gold and silver, for standard money, and we maintained them both, except that the white metal in 1873 was at 3 per cent premium over gold. For two hundred years in Europe gold and silver were maintained standard money. The Senator tells us human experience contradicts it. Never until 1873 in this country and until the coinage law demonetizing silver was passed was it supposed by the people of the United States that they would be called upon to do business with one metal as the standard money of redemption.

Mr. PUGH. The best way to settle it is to try free coinage.

Mr. PALMER. Free coinage has no attraction for me, even as described by the Senator from Missouri.

Mr. VEST. That is not the question.

Mr. PALMER. The devising of a new dollar which has never existed in this country before or a coin that never existed in this country before—

Mr. VEST. The silver dollar?

Mr. PALMER. Yes; the silver dollar. I mean a silver dollar of 412½ grains of silver when the ounce of silver is worth but 68 cents.

Mr. VEST. What made it worth 68 cents? That is the question.

Mr. PALMER. The people did not want it.

Mr. VEST. It was made worth 68 cents, according to the Senator's statement, by closing the mints and taking away from silver its principal element of intrinsic or commercial value, which was the money element. After closing the mints and perpetrating this outrage upon the people of the United States, then they take advantage of their own wrong and say that the commercial value of silver has been lessened.

Mr. PALMER. In 1873 Congress passed a law for which I am not responsible. I believe there are Senators present who did vote for the law. But since that time legislation has been against silver, and you might as well attempt to resurrect a dead body and say that that body once lived and moved with all the energy and power of a perfect young life as to say that you can now, because it once lived, reinvigorate a metal and make it as valuable as it once was. The work is done. I did not do it. The world did it. It is done. Silver is worth 68 cents an ounce now to-day.

Mr. ALLEN. Measured by what standard?

Mr. PALMER. Gold is worth about \$20.64 an ounce to-day, and the idea that you can make them of equal value involves an absurdity that appears to me incomprehensible.

Mr. VEST. Now I will proceed with what I have to say in regard to the statement of the Senator from Illinois about the snap conventions. As to the Senator's last remark, I have simply to make this assertion: If, as I have shown and as the Senator can not deny, prior to 1873, when the mints were open to both metals, silver was not only equal to gold but at 3 per cent premium over it, why is it not perfectly logical and rational to assume that if you undo that legislation the result will be what we contend it will be, that the parity between the two coins will be restored?

Mr. PALMER. Because, if the Senator will allow me, the business of the world is adjusted with respect to the new relations, and therefore we can not do that.

Mr. VEST. I beg the Senator's pardon. That is not true either, with great deference to him. The world is divided between the use of silver and the use of gold and the use of both.

Mr. PALMER. Will the Senator from Missouri tell me any country where both metals are used for coins except the United States?

Mr. VEST. They are both used in Mexico, in India, and in Japan, where \$31,000,000 of gold is in the bank.

Mr. PALMER. For what purpose is it kept there?

Mr. VEST. It is kept there for all the purposes of gold anywhere, as a bank reserve, as money in circulation, as standard money of redemption; and yet no country in the world has advanced in civilization so rapidly as Japan. Almost unknown a few years ago, to-day Japan is in the front rank of Eastern nations and almost in the front rank of nations throughout the world. There is an evidence of the use of both metals, or of the use, if the Senator will have it, of silver alone. Yet we are told that nothing but disaster can come to the people of the United States if we now restore the old functions of silver, those which it had prior to 1873.

But, Mr. President, I wish to say one word in regard to the Senator's allegation about the Missouri convention having been a snap convention. I want to say now—and there is not a gold man in Missouri who will deny it, unless he is a lunatic—that the last convention in Missouri, deliberately called, upon full notice, after earnest and acrimonious discussion, was the most representative and the largest convention ever held in the State, every county and every township being represented. The Senator says men who were not leaders were at the head of the movement.

Mr. PALMER. I did not make that remark. I said leaders—

Mr. VEST. The Senator said the leaders did not lead.

Mr. PALMER. I said that.

Mr. VEST. Could the people of Missouri, the fifth State in the Union, have been brought into such a convention against their own consent and their own intellectual convictions? The people lead in this country, and the man who thinks he can lead them against their will ought to be put into a lunatic asylum and kept there for life. The people make the issue; the people assemble the convention, and a public man in the State of Missouri who would undertake to lead them against the free coinage of silver would be crushed so effectually that his remains would be unrecognizable.

Mr. PALMER. I am through, but I should like to say one word in reply to the Senator from Missouri. The Senator knows the extent to which leadership exists in Missouri as well as in other States, and his compliment to the people for their spontaneous movement has not about it the merit of any very great originality.

Mr. VEST. Does the Senator from Illinois mean to say that all he has said to-day has been original? I think I have heard it in this Hall for the last eighteen years ad nauseam. If he has advanced a single original idea I should like to see it in print.

Mr. PALMER. That looks a little bit as if it were unkind.

Mr. VEST. I did not so mean it. The Senator said to me that what I said had no originality in it.

Mr. PALMER. No; I did not say—

Mr. VEST. The question is whether it is true or not.

Mr. PALMER. I did not use the expression in that form. There was nothing to justify the retort, which might provoke another retort of equal severity.

Mr. President, I am through. I yield the floor to the Senator from New York [Mr. HILL].

Mr. VEST. Of course I did not mean to say to my friend the Senator from Illinois anything personally disagreeable. If in the heat of debate I did so, I am sorry for it. But he certainly stated that what I said did not have the merit of originality. I was compelled to say that nothing upon the silver question is original. If there is an original idea upon it, the man who has discovered it is entitled to a patent beyond any question.

I was proceeding to say that if ever a convention of the people represented popular sentiment fairly, earnestly, and fully it was the convention held in Missouri to which the Senator has applied the epithet of being a snap convention.

I have—and it is all I shall say in connection with my personal history—struggled to the full extent of my limited ability to prevent the unfortunate condition of affairs in the Democratic party to-day upon this currency question. I stood here at the risk of severe criticism from men who agree with me in regard to the free and unlimited coinage of silver and begged the Democrats in this Senate not to thrust this issue upon us, if possible, but to hold the party together upon some conservative basis.

I went to the President of the United States in person, and to the Secretary of the Treasury, and undertook to show them what would result if it was attempted to force the Democratic party to the single gold standard. I told them that it was impossible to hold us together, whatever might happen to the Republican party, in which equal dissensions existed, but which had the cohesive power coming from being a minority party and which might cause them to survive this struggle for a short time, at least, in face of the great issue of protection to which that party is pledged. I stood here, as I have said, upon this floor, and was alienated by personal and political friends upon this side of the Chamber because I begged my party associates, if possible, to postpone at least this question in regard to the free coinage of silver until we could adjust other matters and crystallize the power of the party upon what I conceived to be its fundamental principles; but I also said, and say now, that if forced to the issue, I never would consent to monometallism, either of gold or silver.

That opinion is based upon my absolute conviction that there is not enough of either metal in the world to transact the business of mankind without oppression to a large majority. I believe that monometallism either of gold or silver is a dastard monopoly, which gives into the hands of the few the power to control the interests and the products of the many. But we have come now to that position when against all protest, all supplication even, the Administration has forced this issue upon us. We attempted when the repeal of the purchasing clause of the Sherman Act was before the Senate to effect a compromise with the Administration upon this subject, and offered to support that repeal against our convictions, provided they would make some concession to silver as a money metal.

That compromise was rejected, and we were then compelled either to follow the money ideas of Mr. Cleveland, the President of the United States, and of the Secretary of the Treasury, who gave his adhesion to him, either to follow their lead in regard to this matter and separate ourselves absolutely from our own convictions and those of our people, or to follow the manly and honest dictates of our own judgment. In such a contingency no self-respecting

public man could hesitate for an instant. I am, therefore, not responsible for this discussion or for similar discussions before the people of the United States.

Mr. President, this thing has come to that pass when manhood and decency will not permit us to stand here and be told that we are in favor of unsound money, that we are advocating snap conventions, and that we are attempting to lead the people in the direction of great disaster.

This morning I saw in the papers that our President had extended the civil service to something like 30,000 more employees of this Government. This Administration, therefore, has pledged the people of the United States, so far as it was possible, to the civil service reform, of which we have heard so much. One of the first elements of that reform is a divorce between the patronage of the Government and its political action. One of the burning tenets of this school is that the patronage of the Government should not be indirectly used for the purpose of influencing the political convictions or declarations of the people.

Some years ago a very dear friend of mine at my instance was made United States district attorney for the western district of Missouri; a man of eminent ability, of spotless character, who stands as high in the estimation of the people of Missouri as any man within its broad domain. When Mr. Cleveland was a candidate the second time for President, this gentleman, a Democrat belonging to the same school with myself, during the session of the United States Federal court at Kansas City, went at night to the adjacent villages within easy access of the place where the court was held and plead with the people to vote the Democratic ticket, which he believed represented the welfare of the country. I was astounded on picking up the St. Louis papers upon a certain fateful morning to find that my friend had been removed from office, without a hearing, simply because while United States attorney he had gone out and spoken for the party to which he and the President and myself belonged.

I took the train within ten minutes for Washington, arrived here, went to His Excellency, and asked him respectfully upon what ground he had perpetrated what I considered an outrage upon my friend, an eminent Democrat. He brought out a newspaper paragraph from a paper which had bolted the Democratic ticket the preceding summer, and also helped to beat the Democratic nominee for Congress. This paper had charged that Colonel Benton, my friend, while holding the office of United States attorney had been guilty of pernicious partisanship by advocating the cause of his party.

I knew the facts and had telegraphed to the judge of the court for a statement in regard to the way Colonel Benton had discharged the duties of his office and whether he had neglected them in order to give his attention to politics. Upon the next day the answer from the judge by telegraph reached me. I carried it to the President and said to him that I personally knew the incumbent had not been guilty of any dereliction or neglect of his duty in order to make speeches for the party to which he and I belonged. When the President discovered that there was no basis for his action, that this newspaper paragraph was simply groundless and dictated by personal or political motives, I will do him the justice to say that he immediately revoked the order; but, not satisfied with revoking it, he addressed a letter—published first in the press of the country—to Colonel Benton, in which he read him a lecture and said he revoked the order because he found Colonel Benton had not neglected his duties, but he wished it distinctly understood that while any man held office under his Administration he did not approve of his dabbling in political canvasses or endeavoring to put his opinions before the people of the United States.

Mr. COCKRELL. Will my colleague permit me to read what occurred at the Michigan convention recently?

Mr. VEST. Certainly.

Mr. HILL. Where does New York come in here? This is Missouri.

Mr. COCKRELL. One moment. I only wish to read a paragraph:

Tuscaloosa County sent 10 postmasters and 1 internal-revenue collector, and instructed them for silver, but they bolted instructions and voted against silver.

Mr. VEST. Let me understand of the Senator from New York whether I am taking his time?

Mr. HILL. I understood I had the floor.

Mr. VEST. I was not aware of it.

Mr. HILL. I had the floor and yielded to the Senator from Illinois [Mr. PALMER]. If the Senator from Missouri is nearly through, I will wait.

Mr. VEST. I am not disposed to raise the point of order, but I understood, with great deference to the Senator from New York, that the Senate had determined that no Senator could farm out the time here.

Mr. HILL. I did not farm out the time. I yielded to the Senator from Illinois, and I asked if I could be recognized after he was through.

The PRESIDING OFFICER (Mr. BACON in the chair). The Chair will state that under the order adopted yesterday the Senator from New York [Mr. HILL] was entitled to the floor this morning at the conclusion of the routine morning business.

Mr. TELLER. The Senator from New York was distinctly entitled to the floor this morning; but the Senator had no right, under the unanimous-consent agreement, to give the floor to somebody else and then come in and claim it later.

Mr. VEST. I understand that to be the rule of the Senate.

Mr. HILL. The Senator does not wish to do me injustice? At the time I yielded I asked the Chair if I could be recognized after the Senator from Illinois had concluded, and the Chair expressly stated that he so understood.

Mr. TELLER. Of course the Senator could be recognized if nobody else wanted the floor, but he has no right to farm out the floor all the time.

Mr. HILL. I did not assume to farm it out.

Mr. TELLER. The Senator from Missouri [Mr. VEST] is in perfect order.

Mr. HILL. I made the reservation which I have stated, and any Senator could have objected at the time if he desired to do so, but I did not assume to farm out the floor.

Mr. VEST. I was not in the Senate when it adjourned yesterday evening; I was called out by committee business; but I was under the impression that the Senator from Illinois [Mr. PALMER] was proceeding in his own right, in his own time, and I am simply replying to some observations he made.

As I have said, the President of the United States, while he revoked this unjust order, accompanied it with the declaration that under his administration of the Government public officials whilst holding office should not dabble, as he expressed it, in political matters.

Now, what is the conduct of the Administration in regard to this money question before the people of this country? Mr. President, I say it with deep regret that this Administration has given its whole influence, all its patronage, all the power of eloquence and of logic on the part of its Cabinet officers to influence the opinions of the people of the United States and to influence the snap conventions of which the Senator from Illinois has spoken. There was not long ago—a year ago—a Democratic convention in Nebraska, and the next day it was flashed across the country that the people of Nebraska had decided for honest money, sound money—this being the cant falsehood that is used to entrap the innocent and ignorant voters. When the truth was known it was found the convention was made up of officeholders—postmasters, marshals, collectors of internal revenue—men who are living upon the patronage of the Federal Government, and whose lungs were filled with the air that came from the Treasury of the United States. This was a triumph of sound money! Where, then, was the civil-service reform that gives us to-day 30,000 new incumbents of offices who can only be removed for cause?

Why, Mr. President, there has not been a week when there was more than barely a majority of Cabinet ministers present in Washington to discharge the duties for which they are paid by the people of this country. They have been traversing their respective States, and even other States, haranguing the people in joint and single debate, denouncing the "silver lunatics," and talking about "unsound and depreciated money." Have we heard a single whisper of censure from His Excellency in regard to these proceedings? Have we heard any lecture from him such as was given to my friend when he dared to advocate the cause, the unbroken cause, of the Democratic party at that time?

But more than that. I do not read, as a rule, from newspapers, but I happen to have this statement, fortified by private letters, from the Adrian (Mich.) Press, whose editor is a man of high personal character and unquestioned veracity, and who was a delegate to the late convention in that State. The Senator from Illinois talked of snap conventions. Let the Secretary read that from an eyewitness who participated in that convention.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

DELEGATES WHO BROKE AWAY FROM INSTRUCTIONS.

Of the 823 delegates elected to the convention, 723 were present either in person or by substitute, as shown by the first ballot. Four hundred and ninety-seven were elected under instructions from their county conventions to vote as a unit for a 16 to 1 silver resolution. Granting that the 45 absentees were all silver men, the silver cause ought still to have 452 votes in the convention.

As the vote for Judge McGrath (310) was a fair test of the relative strength of the first candidate of the Administration gold crowd and the first candidate of the silver, it follows that there were 142 silver backsliders in the convention.

Every mother's son of the 142 is presumed to have acquiesced to instructions of their home conventions to stand by the silver standard to the last ditch, yet they came to Detroit and bolted at the start into the camp of the gold-bug Administrationists, where they were received with open arms.

Here is where the backsliders came from, together with the number from each county: Barry County, entire delegation of 11 instructed for 16 to 1 and all deserted and went over to the gold-bug Administrationists. Calhoun, 14 instructed for silver; 13 turned traitors and voted with the gold bugs. St. Joseph, entire 11 delegates instructed for silver; 9 were backsliders.

Muskegon, 7 instructed for silver; all proved to be traitors. Oceana, all 7 instructed for the white metal, 4 deserted to the gold bugs. Iosco, all 5 instructed, 4 deserted. Lenawee, 23 instructed, 5 deserted. Hillsdale, 13 instructed, 3 deserted. Cass, 10 instructed, 1 deserted. Clinton, 11 instructed, 9 deserted. Newaygo, 4 instructed, 2 deserted. Menominee, 7 instructed, all backsliders.

In other counties where no instructions were given, silver men deserted as follows: Alpena, 1; Bay, 7; Berrien, 5; Charlevoix, 3; Cheboygan, 2; Crawford, 2; Grand Traverse, 2; Gratiot, 11; Jackson, 10; Lake, 1; Lapeer, 2; Marquette, 1; Midland, 1; Monroe, 1; Saginaw, 12; Shiawassee, 2; Van Buren, 3; Washtenaw, 4.

The silver men had a list compiled from the returns of county conventions showing that had every county sent the full number of delegates, and had there been no backsliding, they would have had, counting only instructed delegates, a majority of 161.

Chairman Stevenson's private figures yesterday morning—not the figures that were given out for publication—showed a majority of 88 for the Administration.

Mr. VEST. Mr. President, I caused that statement to be read instead of reading a much more lengthy one from the Detroit Tribune and another from the Cincinnati Enquirer, giving the details more in extenso; but I should not have had any newspaper articles read except for corroborating private letters on my desk, which any Senator is at liberty to examine. I have not telegraphed to the authors for permission to read them in the Senate, and therefore shall not do so; but they are here. They come from men for whose integrity and veracity I am willing to vouch; men who have held high positions, who were delegates in that convention, and who are now delegates to the national convention to be held at Chicago, and who depict a state of facts which are disgraceful to American public life. It is stated by one of those gentlemen that two-thirds—I learn from another source that all except one—of the postmasters of Michigan were on the floor of the State convention.

I am prepared for the facetious remark that the material for delegates must have been very poor if they could have been bought or seduced after they arrived in the great city of Detroit. Mr. President, those of us who know anything about conventions know how this proxy system can be used to trample upon the will of the people. We know that when money even for travel cannot be obtained by the agricultural classes of the country there are men holding public office under the Government of the United States ready to pay their own way with proxies in their pockets to represent upon the floor of the convention a constituency by whom they would be repudiated. This convention in Michigan no more represented the will of the Democratic party of that State than I represent the will of an English constituency to-day upon this floor. The statement that the Democrats of Michigan are not for the free coinage of silver is, in my judgment, as false as to say that the Democrats of the State of Missouri are opposed to it.

It was stated in Missouri prior to the last convention that the gold men or sound-money men would control the convention. Out of 800 delegates there were not one dozen sent there who did not favor the free coinage of silver. Even from the great commercial centers like St. Louis and Kansas City the delegates from every ward except one were in favor of the free and unlimited coinage of the white metal.

I am a delegate to the Chicago convention against my wish, sent there by my people to discharge a duty. I have stated, under much criticism in Missouri, that I was a Democrat under all conditions and intended to abide by the action of my party; that I was too old to hunt for a new political home; that I should die, as I have lived, in the party of Jefferson, devoted to his teachings and principles. But I serve notice now that if this convention at Chicago is to be made up of Federal officeholders, brought there to overawe and override the wishes of the honest majority of the Democratic party throughout the United States, it is no Democratic convention with me. I shall abide the will of the majority of my party, honestly and fairly expressed. I make no threat, but I want no misunderstanding. The Democratic party is a party of the people, controlled by an honest expression of their will, and not by Federal patronage.

Mr. HILL. Mr. President, I am rather surprised to observe that this is somewhat of a prelude to the national Democratic convention at Chicago. The date of that convention has been fixed for the 7th day of July, and I do not propose to anticipate any of the difficulties which will confront the Democracy at that time. While discussing the question of a snap convention between the Senator from Illinois and the Senator from Missouri it was appropriate, I think, that they should both allow me to speak upon that question as an expert. [Laughter.]

Mr. President, in order to avoid having any snap convention in New York the Democracy of that State, I think, propose to have the latest convention of any that shall be held this summer. I did complain a little of Missouri Democrats in 1892 that, notwithstanding all the alleged wrongs which had been perpetrated against the Democracy of that State by Mr. Cleveland during his prior Administration, they made haste pretty early to declare in 1892 in favor of "free coinage and Grover Cleveland." I am not going to discuss those questions here now. Neither am I to be

betrayed into a defense of the civil-service policy of the present Administration. At some other time I may have something to say upon that question. Neither am I going to discuss the question of the Michigan Democracy nor anticipate the result of the Chicago convention. As the vote on the pending question is to be taken within an hour, and I think it is understood that I shall occupy the time, I shall proceed immediately to discuss the real question involved here.

I take pleasure in saying that I do not concur in all which the Senator from Missouri [Mr. VEST] has said. I do not understand that a snap convention can be one duly called by the regular officials of one's party upon ample notice. I do not agree with my venerable friend from Illinois [Mr. PALMER], who styled the convention of last year in Missouri a snap convention. I do not agree with the epithet used toward the convention in Illinois that was held last year. The convention in Missouri and the convention in Illinois held last year were both conventions called by the regular officials of the party, namely, by the State committee, after due notice, of which everybody was notified, and subsequently the conventions were held, after reasonable notice. A political party has a right, in my judgment, to meet at any time, upon due notice of its central committee, to discuss any question, to take any position upon the silver question or the gold question, or any other question involved; and those who disagree with the controlling powers of the party have no right to refuse to attend the primaries, but they should be ready always to attend the primaries, and attend the conventions, and then abide by the result.

I take but little stock myself in the clamors which are raised against so-called "snap conventions." They are usually simply the clamors of the defeated minority. The minority should attend the conventions, having ample notice, and should abide by the result.

I see that the Senator from South Dakota [Mr. PETTIGREW] is in the Chamber, and before I proceed with my regular argument I wish to quote from a portion of his speech delivered the day before yesterday. The Senator said:

Here is a telegram from the Morgan syndicate sent on the 21st day of December to the President and Secretary of the Treasury, telling the Government officials that the gold can not be procured in Europe because the credit of the United States is so bad, and that if their bid of 104 is not accepted at once they will withdraw the bid and refuse to furnish the gold in the United States, knowing as they did, and as the Secretary knew, that all the gold not already in the Treasury had been thoroughly cornered by Morgan and the banks associated with him.

I ask the distinguished Senator from South Dakota, who, I assume, honors me with hearing me, to what telegram did he refer?

Mr. PETTIGREW. The Senator will find in another portion of my speech an allusion to that same telegram, in which I state the facts. I simply alluded to it there, and the remark was brought out by a question of the Senator from New York. I referred to the telegram in the body of my speech.

Mr. HILL. I am reading from the body of the speech.

Mr. PETTIGREW. The Senator is reading from a portion of the speech which was in response to his questions. Nearly everything in the speech of which the Senator complains was drawn out by himself.

Mr. HILL. I am not complaining of the speech. If the Senator is satisfied with it I am. I simply ask the Senator to what telegram he refers? He said, "Here is a telegram." The Senator had papers before him. Will he be kind enough to produce that telegram? [A pause.] Mr. President, I desired to know something in regard to this, and I addressed an inquiry to the Assistant Secretary of the Treasury and asked him to explain in regard to that telegram. With the kind permission of the Senate, I ask leave to insert the reply in my remarks. I seem to have mislaid it. The information, permit me to state for the benefit of the Senator from South Dakota, received in answer to my inquiry of the Treasury Department, which I supposed I had here at my disposal, is that neither the Department nor any of the officials connected with this matter ever heard of such a telegram; they know nothing in regard to it, and the first knowledge that they had of it was when their attention was called to the remarks of the Senator from South Dakota.

Mr. PETTIGREW. If the Senator will permit me—

Mr. HILL. Certainly.

Mr. PETTIGREW. Then that will be one of the facts to be established by the investigation; and it makes it all the more pertinent and important.

Mr. HILL. Is that all the answer the Senator can make to my inquiry? No, Mr. President; that will not do. I pass it. Yes; that will be one of the facts to investigate in this proposed investigation, if it shall be undertaken, and I shall await, and ask the Senate to await, with much interest, as to whether that allegation of the Senator from South Dakota will be sustained. There I leave it, with the privilege of putting in the communication from the Department, to which I have referred.

The letter referred to is as follows:

[Personal.]

TREASURY DEPARTMENT, Washington, May 7, 1879.

DEAR SIR: Replying to your inquiry regarding the statement of Senator PETTIGREW, on page 4835 of the CONGRESSIONAL RECORD, that he had a telegram from the Morgan syndicate (so-called) sent on the 21st of last December to the President and Secretary of the Treasury in regard to a bid for bonds, I desire to say that no such telegram or letter from Mr. Morgan or any person representing or represented by him, and no such bid was ever received by or brought to the attention of the President or Secretary of the Treasury or any of the officials of this Department.

Yours, truly,

HON. DAVID B. HILL,
United States Senate.

W. E. CURTIS.

Mr. HILL. Mr. President, in the line of the argument which I have marked out, I wish to read a complaint addressed to the Secretary of the Treasury from the Chase National Bank of New York, of January 16, 1879. I ask leave to incorporate the letter in my remarks, and I shall not detain the Senate by reading it.

The letter referred to is as follows:

CHASE NATIONAL BANK, NEW YORK, TO MR. SHERMAN.

CHASE NATIONAL BANK, New York, January 16, 1879.

SIR: In responding to your favor of the 13th instant I beg to say that in discriminating on commissions in favor of a very few and against the many is a political mistake.

That the Treasury circular of the 1st instant does make such discriminations is quite apparent.

Prior to the 1st instant you gave one-quarter of 1 per cent to all subscribers without respect to amount.

Now you give as follows: Nothing on an amount under \$100,000; one-eighth per cent on an amount of \$100,000 to \$1,000,000; one-fourth per cent on an amount of \$1,000,000 to \$10,000,000; and an extra one-tenth per cent on any excess over \$10,000,000.

This practically and effectually excludes all banks that will not undertake to carry out one million subscriptions in six months, commencing January 1; and the banks that work up one million in the six months are placed at a disadvantage, for the three or four banks who subscribe for the 4 percents with a perfect abandon can and do give better terms by reason of the extra one-tenth which they reach out for, and which your revised scale of commissions gives them.

From your standpoint it is proper that you should exult over the enormous subscriptions obtained during the first two weeks after the resumption.

Pardon me for expecting that this apparent extraordinary success will in a few months be pronounced a misfortune.

My fifty years of observation in this financial bedlam justifies me in looking doubtfully on this overdoing, I fear, of a good thing.

Another point I desire to make: I decidedly dissent to the practice of leaving such enormous amounts of money in a few banks.

Your Department of the Government has a controlling power over the national banks, and no others can be depositaries of United States money.

It is true these deposits are amply, yes, doubly, secured; first, by bonds; and second, by a preferred claim on the banks' assets, a fact not generally understood.

As a matter of public interest, no bank should be intrusted with an amount of public funds so vastly disproportionate to its capital as is tolerated, and seemingly encouraged, in a few instances.

I am aware that some of the depositaries claim that their "surplus" is available as capital.

The bank department and you, as the supervisor of that department, should bear in mind that "surplus" can be divided among the stockholders, lawfully, without notice to depositors.

Capital is the only fixed security.

You will excuse me for taking an interest in the national banks as a whole rather than in less than half a dozen of them.

Hoping you will see propriety and justice in falling back on the popular scale of commissions adopted in your August appeal to the banks and the public.

I remain, very respectfully, yours,

JOHN THOMPSON.

HON. JOHN SHERMAN,
Secretary of the Treasury.

Mr. HILL. I simply cite this letter for the purpose of showing that there were complaints then, as now, in regard to the distribution of the various bonds of the Government.

I also will introduce another telegram from Mr. SHERMAN to the First National Bank of New York, dated January 18, 1879, which I shall not trouble the Senate with reading, but ask to incorporate in my remarks.

The telegram referred to is as follows:

MR. SHERMAN TO FIRST NATIONAL BANK, NEW YORK.

[Telegram.]

TREASURY DEPARTMENT, January 18, 1879.

H. C. FAHNESTOCK,
Vice-President First National Bank, New York:

Can not vary from agreement stated in letter yesterday. See Morgan at his house to-morrow. He will arrange with you.

JOHN SHERMAN, Secretary.

Mr. HILL. I also wish to have incorporated in my remarks a resolution passed on January 24, 1879, by the United States Senate, not a resolution of investigation, but a resolution of inquiry of the Secretary of the Treasury, asking all information in regard to bonds, compensation, services to brokers, and in reference to all the alleged scandals which were said then to pertain to that matter. I do not think that there were any scandals in fact. The point I am making is that former Secretaries of the Treasury have been subjected to the same suspicions, to the same charges. They have been refuted, and so, I say, the present Secretary of the Treasury will amply refute these charges and time will vindicate him.

The resolution referred to is as follows:

RESOLUTION OF THE SENATE OF THE UNITED STATES.

IN THE SENATE OF THE UNITED STATES, January 24, 1879.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate of the amount of commissions or other compensation paid to bankers, brokers, firms, companies, syndicates, and individuals for services in negotiating the sale of bonds and other obligations of the United States, from the year 1862 until the present time; when and to whom such commissions or compensation was paid, and when paid to syndicates, firms, corporations, or companies, to state the names of the persons composing the same.

And also to inform the Senate whether any, and, if any, what amount of commissions or other compensation has been paid to bankers, brokers, firms, companies, syndicates, and individuals for services rendered in refunding any of the bonds of the United States; and if any such payments have been made, to state when and to whom made; and also whether interest has been paid on called bonds at the same time that interest was accruing on the bonds sold to redeem the same, and whether such double interest has been uniformly paid while the refunding operation has been in progress, or on bonds sold for redemption purposes, specifying whether there has been any exception to such payments of double interest, and who was Secretary of the Treasury at the time of such exception, and how much double interest has been paid on each class of bonds, and the total amount thereof, and whether the money received for bonds sold by any bank or syndicate has, in all cases, been allowed to remain on deposit with the national banks acting as Government depositories pending the call of bonds, specifying the names of the banks and the length of time during which the proceeds of the bonds sold have been left on deposit with each bank; and whether at any time any gold coin has been delivered by the Treasury to any parties concerned in the negotiation of United States bonds or otherwise in exchange for or upon the security of United States bonds or in advance of the payment thereof, pending any call of bonds on which interest was allowed or paid up to the date of maturity of the call; and also whether any money in the Treasury held for the payment of overdue called bonds has been left on deposit, without interest, in any Government depository, and what was the largest amount thereof at any one time, stating the names of the banks in which such money was deposited, and what security the Treasury held for the payment thereof when demanded.

"Provided, That information heretofore communicated to either House of Congress shall not be repeated, but references to the documents where the same is to be found shall be made, and names of subscribers to popular loans since June, 1877, to whom no commissions have been paid or allowed, may be omitted."

Attest:

GEO. C. GORHAM, Secretary.

Mr. HILL. Mr. President, considerable was said in a recent discussion which was had about the necessity for a popular loan. The difficulty in awarding bonds to investors is very great. It is appreciated. Contained in the correspondence on page 618 of the book which I hold in my hand is a newspaper item, which I also ask permission to publish in my remarks, showing that the same tactics by bidders were resorted to then as now and that the same clamor of men who wanted to advertise themselves as disappointed bidders took place then. This is the item to which I refer:

After the 4 percents that have been offered were all sold, many large subscriptions were received, particularly from New York banks. These were not, of course, accepted. Some of them were forwarded to the Secretary after he had left the Department for the day. He is in doubt to-night whether these are all bona fide subscriptions, or whether those who sent them were not already aware that no more 4 percents were just now for sale, and whether they did not therefore make their offers for fame and not for the purpose of obtaining the bonds.

Mr. President, that is always the difficulty. When your loans are made in the Government there are men at the last moment making their bids when they know the Department is closed and the bids can not be accepted, and they do it simply for the purpose of advertising themselves. That was something like the situation with the Graves bid, and the situation with some other bids in this instance. This newspaper item simply corroborates that fact.

I also desire to have read a letter to Mr. SHERMAN from the Continental National Bank of New York, on page 623, and another from the National Bank of the State of New York to the Secretary, making complaints of unfair treatment, making complaints of favoritism, making against the distinguished Senator from Ohio the same charges that we have heard ringing in our ears for the last six months against the present distinguished Secretary of the Treasury. He certainly will understand me. I am simply pointing to these things to show that they were unfair then, as they are unfair now—not worthy of investigation then, as they are not worthy of investigation now. They were not investigated then, but the Senator from Ohio, the then Secretary of the Treasury, was asked to explain in regard to them, to which I will allude later.

The letters referred to are as follows:

CONTINENTAL NATIONAL BANK OF NEW YORK TO MR. SHERMAN.

CONTINENTAL NATIONAL BANK,
New York, April 7, 1879.

DEAR SIR: Since our Mr. Randolph's letter of Saturday, the parties from whom we received the \$3,000,000 subscription, of 4th of April, have made formal demand upon us for the bonds. We supposed that your telegram declining to receive the same had set all question at rest. The parties now enforce their claim with the statement that others who subscribed similarly within the business hours of that day have been awarded their bonds.

The subscription in question is the one to which we referred in our first telegram, when we stated that there were "more to follow"; but as the particulars could not be made up until the day's work was over, they did not reach us until shortly after 3 o'clock, as has been the practice of the same parties with all the subscriptions they have made through us. They seem to think, therefore, that as their subscription was made entirely in the regular

and established order in which their preceding ones had been made, they can hold us to the delivery.

We should, perhaps, add that the parties in question were not members of the syndicate whose bid we afterwards forwarded, nor had they any knowledge of its existence.

Respectfully,

HON. JOHN SHERMAN,
Secretary of the Treasury, Washington

FRED. TAYLOR, Cashier.

NATIONAL BANK OF THE STATE OF NEW YORK, NEW YORK, TO MR. SHERMAN.

THE NATIONAL BANK OF THE STATE OF NEW YORK,
New York, April 7, 1879.

SIR: We telegraphed you to-day, as follows:

"Your letter of 5th received. One million seven hundred of our subscriptions were received by us about 12 o'clock. About one million three hundred were received between the hours of 12 and 2.30. Balance of subscription received after 3 o'clock.

"Our customers complain of serious loss, having made large sales same day against their subscriptions, presuming that the same would be accepted.

"If possible for you to accept the three million, or any part, please telegraph."

Confirming the above, we beg to add that the subscriptions comprising the amount, \$1,700,000, were received about 12 o'clock in the day, and the certificates issued and letters written and both duly signed before 2 p. m. Having been notified in the meantime that additional subscriptions to a large amount would be sent in shortly, we thought to inclose the whole in one letter to you, knowing that there was ample time, the Washington mail closing at 7.30 p. m.; and, in consequence of the large amount, we took the precaution to telegraph as soon as our total for the day was ascertained, say 3.30 p. m., and requested an early shipment.

The subscriptions were made in every way in accordance with our usual custom; and, in consequence of your declining to receive them, our customers, who have long been prominent dealers in United States bonds and subscribers to large amounts through us, have been subjected to great disappointment and loss. We knew of no reason for any unusual haste in dispatching our letters, and deviated in no respect from our usual custom.

The subscriptions and the order of their receipt were as follows: \$200,000, \$1,500,000, \$500,000, \$250,000, \$500,000; total, \$2,500,000, received prior to 3 p. m. We beg to hand you herewith a letter just received from Messrs. Speyer & Co., for whose account the subscription first in order, \$200,000, was received, which will serve to show our position in the matter and the view which is generally taken of the matter by all of our customers interested.

We beg to say, in conclusion, that we shall be greatly accommodated if the subscriptions, as stated, can be accepted; and we await your reply, hoping that the matter will be adjusted to the satisfaction of all parties. Your reply at the earliest possible moment will oblige,

Yours, very respectfully,

R. L. EDWARDS, Cashier.

To the honorable SECRETARY OF THE TREASURY,
Washington, D. C.

Mr. HILL. Mr. President, Mr. Carlisle will survive these attacks; history will vindicate him as history vindicated the Senator from Ohio. The names of the critics and fault-finders who found fault with the Senator from Ohio are almost unknown, while the name of the Secretary will live in the future history of our country.

In the famous book written by the Senator from Ohio, which I presume every member of the Senate has, the Senator himself speaks of the difficulties in the way of resumption which he encountered. He speaks of the difficulties which encountered him in the great refunding period wherein he administered the office of Secretary of the Treasury. He gives in full in his book one of the contracts which I have already incorporated in my remarks. He thought the contract was for the best interests of the country. He speaks of it in this form in the book entitled John Sherman's Recollections of Forty Years in the House, Senate, and Cabinet, page 642:

The importance of this contract and the open publicity of the negotiation created quite a sensation in the newspaper press, which presented a medley of praise and censure. All varieties of opinion, from extravagant flattery to extreme denunciation, were visited upon me by the editors of papers according to their preconceived opinions. I made no effort at secrecy and no answer to either praise or blame, but freely contributed any information in respect to the matter to anyone, whether friendly or otherwise, who applied to me. Perhaps as accurate a statement as any of my opinions was made by George Alfred Townsend, over his nom de plume of "Gath," in the New York Graphic of April 12, 1878. He said, etc.

Then he said further, and I quote from the book, on page 646:

The Eastern press, almost without exception, gave its hearty approval of the contract made and the mode and manner of the negotiation. The leading papers in New York, including the Herald, Tribune, and Times, gave full accounts. In the West, however, where the greenback craze, or "heresy," as it was commonly called, prevailed, the press was either indifferent or opposed to the contract and to the object sought. It is singular how strong the feeling in favor of an irredeemable paper currency was in many of the Western towns and among the farming people. United States notes, universally called greenbacks, were so much better as money than the bank notes were before the war that the people were entirely content with them, even if they were quoted at a discount in coin. They were good enough for them. Any movement tending to reduce their number was eagerly denounced.

At the very time when the negotiation was being made the Senate Finance Committee was discussing the expediency of agreeing to the bill repealing the resumption act which had passed the House. The indications were that the committee had agreed upon a time when a final vote should be taken upon this bill, and that it would be favorably reported by a majority of 1.

Subsequently a committee was appointed, the Committee on Banking and Currency of the House of Representatives, and, under and in pursuance of a resolution which was passed, it proceeded to take up the matter. Then the charges poured in against Secretary Sherman. He says:

While I was congratulating myself upon accomplishing an important work for the people, I had aroused an animosity more bitter and violent than any I ever encountered before or since. I was charged, directly, by a correspondent of the National Republican, published in Washington, with corruption—

So is John G. Carlisle now charged with corruption—and that I was interested in and would make money through the syndicate.

Was I not right in saying yesterday that history is repeating itself?

It was said that I "came to the United States Senate several years ago a poor and perhaps an honest man. To-day he pays taxes on a computed property of over half a million, all made during his Senatorial term, on a salary of \$6,000 a year and perquisites." My property at home and in Washington was discussed in this letter and the inference was drawn that in some way, by corrupt methods, I had made what I possessed. It is true that I found many ready defenders, but I took no notice of these imputations, knowing that they were entirely unfounded, for I never, directly or indirectly, derived any advantage or profit from my public life except the salary.

At one time it was alleged that a subcommittee consisting of Messrs. Ewing, Hartzell, and Crittenden had been in correspondence with leading bankers, financiers, and capitalists, and that information had been obtained which led to the conclusion that I had derived profit from the negotiation. It was said that the committee proposed to interview me upon the subject of my recent syndicate operations; that the syndicate would get about \$750,000 commission, which could have been saved had outsiders been permitted to buy the bonds; that the committee had summoned members of the syndicate and bankers who were not admitted into the syndicate, but who wanted to be allowed to buy bonds without any commission; that the allegation was so well supported that a resolution was prepared authorizing the committee to investigate, but that this was unnecessary, as the resolution authorizing the Banking and Currency Committee to make inquiries concerning resumption conferred authority to inquire into this matter. The only sign of the alleged investigation was an inquiry from Mr. Ewing, which was answered by me, as follows:

TREASURY DEPARTMENT, April 19, 1878.

SIR: In compliance with your request of the 18th instant, I inclose herewith a copy of the contract recently made with a syndicate of New York bankers for the sale of 4½ per cent bonds. The only previous correspondence on this subject was a letter sent to said bankers and one to the presidents of certain national banks, copies of which are inclosed.

In response to your question as to the amount of accrued interest that will be allowed to the syndicate at each payment on account of such sales, I have to reply that no accrued interest is paid to them; but, as you will see by the fourth paragraph of said contract, they are to pay the United States the amount of interest accrued on the bond up to the time of payment for it in addition to the premium of 1½ per cent. The interest on the 4½ per cent bonds accrued on the 1st of March, and therefore the interest is added from that date to the date of payment for the bonds.

The amount of commission to be paid is fixed by the law at one-half of 1 per cent, but out of this the associates are to pay all expenses incurred by them in the sale, and reimburse the United States all expenses incurred by it as stated by said contract in paragraph 5.

Very respectfully,

JOHN SHERMAN, Secretary.

HON. THOMAS EWING,
Acting Chairman Committee on Banking and Currency,
House of Representatives.

Mr. President, unquestionably all that is true. The point for which I read from this book that will live in history when the men who traduced SHERMAN are forgotten is to show that his worthy successor has been subjected to the same mean, vile, contemptible criticism, that the same charge is made against him of complicity with syndicates, of accepting commissions from syndicates, and so on.

The Democratic committee of the House of Representatives did not rush in to have an investigation. Oh, no, Mr. President; they did not propose to adopt a resolution offensive in its terms, as this was when it was first proposed. They sent a letter. They asked the Secretary's appearance at one time. Then subsequently he himself wrote the following letter:

MAY 21, 1878.

DEAR SIR: I notice the crazy barkings of Buell in the Post about the syndicate, and favors granted to it by me.

I wish to say to you that nothing would please me better than to have the Banking and Currency Committee examine into this matter, and I am quite sure you will be gratified that the result will be to my credit.

Now, mark these words—

I have no desire to dignify this by asking an investigation, but only to say to you privately, as a personal friend, that I court, rather than fear, such an inquiry.

Very truly, yours,

JOHN SHERMAN.

HON. THOMAS EWING,
House of Representatives.

So, Secretary Carlisle to-day did not wish to dignify the whole matter by asking for an investigation. He was willing to bide his time. As I said four or five weeks ago, when this discussion first began, I was not authorized to speak for the Secretary when opposing the proposed investigation.

Mr. ALLEN. I ask the Senator if Mr. Carlisle has written a letter similar to the one he has just read.

Mr. HILL. I will come to that in a few moments; I am glad the Senator has asked the question. Mr. President, the Senator from Ohio took the correct position at that time when he said he did not wish to dignify the proceeding by asking an investigation, but he was willing at all times to appear before a committee of either House to answer any question. That is the way, sir, that Secretary Carlisle should have been treated by the Senate. Its Committee on Finance should have invited him to come before them and explain any transaction about which they had any doubt. That is the correct, that is the manly course. The Democrats on the committee, in my humble judgment, should have seen fit if they had any doubt—Mr. President, they did not have any doubt about it—

Mr. SHERMAN. Mr. President, I should like to add a word or two to the remarks already made.

Mr. HILL. The Senator is at liberty to do so.

Mr. SHERMAN. Of that committee Mr. Buckner, of Missouri, I believe, was then chairman. Mr. Ewing was the most active member. They all asked me to come before the committee of the House, and I was examined there for days. A book of probably 100 or 150 pages gave all the details of the examination. I feel bound to say that they treated me very kindly, as I have no doubt Mr. Carlisle will be treated kindly by any committee. They asked all sorts of questions, and they received answers so fully that at the close Mr. Buckner was very complimentary to me; and that was the end of it. There were no further remarks made about it, so far as I know. That was in regard to resumption in 1878.

If the Senator from New York will allow me, I will state that I think myself whenever the slightest insinuation or doubt or charge is made against an officer, especially of the Treasury Department, about which there will be naturally a great deal of feeling, because there is a great deal of responsibility, the best way is for him to come before the two bodies of Congress and there give all the information he possibly can. I did that before a committee of the Senate and a committee of the House of Representatives, both of which were strongly Democratic at the time. I was fairly treated by them and very justly in their report.

Mr. HILL. I think the Senator also says in the letter which I read that he would not dignify the proceeding by asking for an investigation, which was true, and that is what Mr. Carlisle has done. He submitted to the newspaper attacks; he submitted to the attacks in the Senate.

Now, Mr. Boutwell did not escape either. In 1872, when he was Secretary of the Treasury, a proceeding was instituted rather offensive in its character, and it was started by a resolution. I read from the Congressional Globe:

NEGOTIATION OF LOAN.

The House proceeded to the consideration of the report of the Committee on Ways and Means, recommending the adoption of the following resolution: "Resolved, That in the opinion of this House the Secretary of the Treasury, in negotiating the loan authorized by the act of July 14, 1870, has neither increased the bonded debt nor incurred an expenditure contrary to law."

Mr. DAWES. I now enter a motion to recommit this resolution to the committee.

Mr. COX. I desire to offer a substitute for the resolution reported.

Mr. DAWES. I will hear it read.

The Clerk read the proposed substitute, as follows:

"Resolved, That the Committee of Ways and Means be instructed to report the bill before them prohibiting all commissions, deductions, or compensation of any kind to any person for the sale, negotiation, and exchange of United States securities, and prohibiting the employment of any agent except a proper officer of the Treasury Department for such sale, negotiation, and exchange."

Mr. DAWES. I can not admit that now. On the 4th of December last the gentleman from New York who has just taken his seat [Mr. Cox] offered a preamble and resolution, which I ask the Clerk to read.

The Clerk read as follows:

"Whereas it is alleged that the Secretary of the Treasury, in placing the newly authorized 5 per cent bonds upon the market, has, in defiance of the law creating them, increased the public bonded debt, and has exceeded the one-half of 1 per cent allowed by the funding act for all expenses in placing said loan: Therefore

"Resolved, That the Committee of Ways and Means be directed to investigate the said transaction and have power to send for persons and papers, and to report the amount of such increase of the bonded debt, if any, the agents employed and paid by him for the services rendered, all contracts pertaining to the same, and the sums paid to said agents."

Mr. DAWES. Mr. Speaker, this resolution was not adopted by the House, but was referred to the Committee of Ways and Means for consideration. The committee invited the Secretary of the Treasury and the gentleman from New York [Mr. Cox] before them, and heard both so far as they desired to be heard.

There was complaint made that too much money was paid in commissions for financial negotiations which were had. The resolution was not adopted by the House, as Mr. Dawes says in his speech, but was referred to the Committee on Ways and Means for consideration. That is what I think should have been done with the pending resolution, but I am not now going to discuss that question, because yesterday the Senate refused to refer the resolution in the first instance to the committee.

The committee invited the Secretary of the Treasury and the gentleman from New York [Mr. Cox] before them, and heard both so far as they desired to be heard.

Here was a resolution complaining of the fees and commissions paid to various parties on the sale of these bonds upon which there was a lengthy and elaborate and caustic debate. It was not passed but simply referred to the committee, and the committee invited the Secretary of the Treasury before them, and then he explained.

Now, I want to put in, with the kind permission of the Senate, a few extracts from these speeches, which I do not intend now to detain the Senate with reading. Here will be found denunciations of the syndicate, denunciations of Secretary Boutwell, complaints of all kinds and character, in which the fiscal affairs were denominated fiscal failures and scandals, in which members of the House congratulated themselves that, although they had not obtained any particular advantage by this discussion, as one of them says, "It has developed enough; it has killed the syndicate. The cry is, 'No more syndicates.'" They flattered themselves that

their very vigorous and eloquent speeches had killed the syndicates. They imagined that no more in the history of the country would capitalists be appealed to to supply money to purchase Government bonds:

Mr. Speaker, as I was unable to agree with the majority of the Committee of Ways and Means in the report submitted by the chairman last week relative to the legality of the arrangement entered into by the Secretary of the Treasury with Jay Cooke & Co. and their associates, known as the syndicate, in the refunding of a portion of the first \$300,000,000 of the bonded debt of the United States, under the act of July 14, 1870, I have thought it best to state the reasons for my dissent to the House, as the action taken on the report and resolution submitted will doubtless govern the action of the Secretary in the disposition of the remaining \$1,300,000,000 which by that act he is authorized to put upon the market, so that our determination of the question has a far greater significance than the mere vindication of the past action of the Secretary, however desirable that may be regarded. I do not desire in this matter to seek any party advantage; I certainly would not knowingly do the Secretary injustice; indeed, I regret that it became my duty to investigate the matter, as it was a subject entirely new to me, and one to which I had not given as much consideration heretofore as perhaps I ought.

The resolution submitted by the House to the committee is as follows: "Whereas it is alleged that the Secretary of the Treasury, in placing the newly authorized 5 per cent bonds upon the market, has, in defiance of the law creating them, increased the public bonded debt and has exceeded the one-half of 1 per cent allowed by the funding act for all expenses in placing said loan: Therefore

"Resolved, That the Committee on Ways and Means be directed to investigate the said transactions, and have power to send for persons and papers, and to report the amount of such increase of the bonded debt, if any, the agents employed and paid by him for the services rendered, all contracts pertaining to the same, and the sums paid to said agents."

The only evidence taken by the committee was that of the Secretary and Jay Cooke, whose statements are attached to the report of the majority, and the only sections of existing laws which it is necessary to consider specially are the following.

But I do not agree that the increase of \$135,000,000 in the bonded debt of the country, which did take place in the transaction which we are considering—a considerable portion of which increase still continues—was either necessary or proper; and I am further of opinion that the contract entered into by the Secretary with Jay Cooke & Co. (for the syndicate) was not authorized by law, and gave these gentlemen an unnecessary and improper control of the funds of the Government for the purpose of private gain, which Congress ought not to sanction or establish as a precedent, which will authorize the present or any future Secretary to adopt it in the disposition of the remaining \$1,300,000,000 of the bonds directed to be sold. I propose as briefly as I can to state the facts which, under the laws I have stated, have led me to these conclusions.

I understand the meaning of that and the other sections of the act of July 14, 1870, to be to make all the surplus gold in the Treasury equally applicable to the payment and cancellation of the 5-20 bonds which have become redeemable as the proceeds of the sale of the new 5 per cent bonds are; and I suppose there never was a day since the 14th of July, 1870, when there was not from fifty to seventy-five million dollars of gold in the Treasury, or in the several depositories, subject to the order of the Secretary. I am, therefore, utterly unable to see, when there were many hundred millions of the 5-20 bonds redeemable at the option of the Secretary, why, with \$135,000,000 of new 5 per cent bonds sold, as he states in his report, before September 1, and with over \$50,000,000 of other gold lying idle in the Treasury, he only called in and stopped interest upon \$100,000,000 by his notice of September 17, 1871, unless it was, as I said before, to allow the syndicate to hold and use the money for their personal benefit, while the people were paying interest on both sets of bonds.

Thus Jay Cooke & Co. received as commission on a subscription for, say, \$85,000,000, over \$773,000, less expenses, etc., while the banks received \$226,938 on their subscription for \$115,775,500. But the great profit to Messrs. Jay Cooke & Co. in this contract with the Secretary, in the way it has been managed, consisted in the loan to or retention by them of the Government money, while they were drawing interest on the bonds which they had purchased with it. Nobody doubts that it was worth to them at least 6 per cent, which on \$135,000,000 for the three months is \$2,025,000, from September 1 to December 1, while held under contract. But that is not all. They had it, on an average, say, from the 20th of August, or one-third of a month before the notice of September 1 was given. The interest for that time (\$225,000) must be added. The Secretary says in his report of December 4 that more than \$80,000,000 had then been received under the notice and call of September 1. If it had then reached \$81,000,000 he would have said so.

The amount the syndicate has received or will necessarily make by the transaction may be stated thus:

Commissions (less expenses, amount unknown).....	\$773,000
Interest before September 1.....	225,000
Interest under contract from September 1 to December 1.....	2,025,000
Interest after December 1 on \$85,000,000, called for under notice of December 7 and December 20.....	506,250
Interest after December 1, on \$13,000,000 of first \$100,000,000, till now.....	130,000
Total.....	3,659,250

This is but the beginning of the refunding system under the law of July, 1870. Thirteen hundred million dollars are yet behind, if these contracts and arrangements entered into so far are now indorsed and declared valid by Congress, when the \$300,000,000 to be refunded at 4 1/2 per cent interest and the \$1,000,000,000 at 4 per cent are put upon the market, loans to syndicates for six, nine, and twelve months may be made after the new bonds bearing interest are issued, notices of redemption of the outstanding bonds may be withheld as long as it is necessary, and when complaint is made that the law has been violated, the action of this Congress on the report of the majority of the Committee of Ways and Means, if it is adopted, will be relied on as a precedent, giving authority for whatever any Secretary may see fit to do. Your present Secretary may be removed or resign to-morrow; a less trustworthy man may take his place. Men entertaining other views may be in power long before the \$1,300,000,000 of bonds are refunded. In short, whenever violations of law are sanctioned on any pretext whatever, the Government is at sea without a compass and without a rudder.

Then there was a flurry and a fight! The gentleman from Tennessee [Mr. Maynard], of the Ways and Means, fiercely called my colleague to order.

He was in such high dudgeon at this truthful and prophetic remark that my colleague barely missed being honored by a second censure. Still he reiterated that there were tricks to be guarded against from a class of selfish and adventurous bankers. This was before the "syndicate" had been baptized, though it was doubtless born and active at that time. On the 1st of July, 1870, that bill passed the House. I was one of those who did not vote for it nor against it; I feared the Greeks. As my colleague's amendment against employing agents had been voted down, I was apprehensive that such corrupt agencies would be used, as it were, constructively; for the very voting down of the amendment would have been made, as we can now see, a pretext for the employment of suspicious agencies outside of the Treasury. The bill, however, was not a bad one. It was rightly called a bill for "refunding and consolidating" the debt. If squarely executed, it would have avoided the late questionable transactions as to the syndicate; and it would have enabled the taxpayer to save the 2 per cent which it was claimed would have been saved by the issuance of an untaxed long bond of 4 per cent.

In a time like this, when scientific and mechanical agencies are cumulating means; when the gold and silver of the mountains are being delved after with such skill, persistency, and reward; when only since 1880 the English home debt has diminished one hundred millions, and when, as we have boasted, we pay the same on our debt per year; when money is so plentiful that in seven years, up to 1887, the world's national debt has increased \$5,000,000,000, not counting the enormous railway debts of the world—\$1,500,000,000 more—at such an epoch of the world; when credit, once a pigmy, has become a gigantic wonder, our nation, under its boasted rule of men "entirely great," goes around the world dickering with parvenu bankers and sordid syndicates at the rate of seven and a half millions as commissions on fifteen hundred millions only, and that, too, at an interest or premium 1 per cent greater than the average rate of all other nations!

I speak in no party sense when I say that we are humiliated by such fiscal failures and scandals.

Although my resolution is ignored by the Ways and Means Committee it has been productive of good. It has developed enough. It has killed the syndicate. The cry is, "No more syndicates."

I have proposed a bill similar to that of the Secretary, which will crystallize my ideas into a repealing law. If my resolution has done no other good, it has at least proclaimed the glaring defects of the law, so loosely construed, even if for good purposes. The country should be thankful that the attention of Congress is called, not only to the exceptional and juggling legislation of the last Congress, with a view to its remedy, but called also to the fact that one of the best members of the Cabinet has fallen into the practice of the head of the Government, and has assumed authority never conferred.

Besides, it became indispensable, under the light of free journalism and Congressional criticism, that our credit should not be further tampered with and dishonored by such a system of private greed and favoritism. We do not want to grant an exclusive monopoly to dicker in the public securities. Truly, we have had enough of these manipulations and mutations of our investments. Their effect reaches every element of our wealth, every industry of our land, and every dollar of our capital. I have an extract here which illustrates what I say in a remarkable way:

"Extent of the ring operations.—Though the Treasury ring rarely uses a dollar of its own money, its financial operations count up among the thousands of millions. The contents of our National Treasury is ever at its command, and at times it controls and manipulates for its own benefit the entire bonded debt of the nation. Able at any time to secretly lock up or unlock one or more hundred million dollars of the people's money, it controls the value of the merchants' wares and the products of our manufacturers, farmers, mechanics, and day laborers throughout the length and breadth of the land. Having the power to manipulate our national debt by withdrawing bonds from the market and secretly or openly putting them aloft again, always at Government expense, the ring has our money market almost, if not wholly, in its control. Counting Mr. Boutwell's syndicate operation, a large portion of our national debt has been manipulated into and out of the market not less than thirteen times during the last ten years. Anyone at all familiar with the ring's operations can trace these astounding financial jobs for himself. Take a portion of the \$200,000,000 of the new 5 percents recently put upon the market, for example. This is the way it was manipulated:

"1. It was put in the market ten years ago by the Treasury Department in the form of Treasury warrants, certificates of indebtedness, quartermaster's vouchers, etc.

"2. Next withdrawn or purchased in by ring brokers at a heavy discount.

"3. It then appeared in the market in the form of greenbacks.

"4. Greenbacks drawn out by secret sale of Treasury ring commission brokers.

"5. The 7.30 Treasury note makes its appearance.

"6. The 7.30 note is withdrawn by ring brokers.

"7. Finds the honest greenback again in its place.

"8. The greenback is again withdrawn by the ring.

"9. Shows the 5.20 bonds to have taken up a position.

"10. The five-twenties, or a small portion of them, disappear syndicateward.

"11. The long-lost gold coin appears again.

"12. Gold coin disappears—what little there is of it.

"13. After a sojourn of ninety days in the syndicate, the new 5 percents make their appearance in the market.

"A portion of the 5 percents were exchanged directly for five-twenties, thus reducing slightly the number of manipulations of the portion directly converted; the balance was managed as above stated, making thirteen manipulations in all."

This may or may not be exactly the manner in which this remarkable syndicate performs; but it is by no means distant from the truth. Talk about Biddle and the United States bank! Talk about the pet bank system of thirty years ago. They were as molehills to this mountain of fiscal favoritism.

And all these remarkable transmutations, which have no parallel in the sleights of the oriental juggler, are done by what? A syndicate! And what, in the name of the common people, is a syndicate?

Mr. President, one has only to read this extensive debate to see how senseless were some of these accusations, how unfounded they were, how it was simply an effort to assail men who had in an emergency of the country loaned money to the Government upon bonds; and I put in a little statement from a speech showing how much the syndicate received or necessarily made by the transaction, and some figures of about \$4,000,000—some \$4,000,000 charged as commissions. There were the same charges made against Jay Cooke & Co. during the war.

Mr. President, this present proceeding is nothing new. It is an attempt simply to dignify the proceeding because we are approaching a Presidential campaign, and that is all there is of it. There

is nothing whatever to investigate. I said the other day, and I do not care now about repeating it, I am opposed to the principle that every time a charge is made against an official of the Government it must be investigated and dignified by a formal investigating committee. I suppose I will be charged now with being the champion of Jay Cooke & Co., and the champion of all the syndicates, because I am simply referring to what history shows us.

So much in regard to Secretary Boutwell. Another attack was instituted on Mr. Sherman in an elaborate article published in the New York newspapers. I have it here, but will not ask permission to insert it. I do not take any stock in the article, but newspapers influence public opinion; newspapers create scandal at times; newspapers sometimes stir up such demonstrations as are witnessed here when men, as I think, from moral cowardice, are afraid to oppose an investigation because somebody thinks that something is wrong.

Mr. President, I am not going to be led at this late hour into a discussion of the silver question proper. I had intended a week or two ago to take this opportunity to express some views upon the subject. I have not now time. I simply call the attention of the Senate to the fact that the so-called Bland dollar was never a full legal tender; it was only a legal tender for debts wherein some other form of currency was not expressly provided for in payment. Not being a full legal tender, a question of propriety arises as to whether the Government should compel a person at this late day to accept silver dollars in payment of his obligations against the Government. Should a holder of securities be compelled to accept in payment a silver dollar which itself is not a full legal tender, not a legal tender when he proposes to pay off his railroad mortgages payable in gold, not a legal tender when he proposes to liquidate any contract the terms of which are payable in gold? Need I say to you, sir, that nearly all the railroad bonds of this country are payable in gold? Need I tell the Senate that nearly all the contracts that are now made are made in gold? You may say it is not right, it ought not to have been; but it has been done. The history of the last thirty years shows it. And now we are asked that the holders of these securities shall be compelled to accept a Bland dollar authorized in 1878, which itself is not a legal tender, and which itself will not pay any of the securities payable in gold.

Mr. President, it is true that it was a mistake on the part of the true friends of silver coinage to consent to any such provision being placed in the coinage act authorizing the Bland dollar. I am one of those who believe that the currency, or rather money, created by the country, coined by the country, should be itself a legal tender for every debt, so that it could be paid upon every railroad security, paid to every debtor. Instead of that we have the Bland dollar, which of itself necessarily becomes a depreciated currency.

Mr. President, a word more about popular subscriptions. The February syndicate of 1895 represented banks all over the country, and those banks in turn represented individual interests. There may be a few persons so credulous as to believe that the syndicate in the purchase of the bonds represented no one but themselves. That is not true. The syndicate embraced banks in different parts of the country, and those banks embraced individuals. A syndicate is simply the representative or the agent of all those who desire to invest in common. Individual bidders usually obtain gold from the Treasury. That has been demonstrated over and over again. The value of dealing with the syndicate arises from the fact that the syndicate usually procures its gold from abroad, and that is for the benefit of the country and relieves the Treasury. Individual subscribers usually do not. If we are to have free coinage of silver every dollar should be made a full legal tender. No one will question that. Parties should not be obliged to accept a depreciated dollar. Parties should not be obliged to accept a Bland dollar, which of itself does not purport to be a full legal tender.

I do not propose at this time to discuss the provisions of the Chicago platform of 1892. It has been commented upon in the Senate over and over again. It is sufficiently elastic for almost every Democrat to stand upon. It favors an international agreement on the subject of gold and silver, and if that can not be had it expresses the sentiment that silver should not be coined except under such safeguards of legislation as will absolutely produce a parity of the two metals. That is all that any silver man in the country can possibly want.

I heard the most interesting discussion this morning, fair and candid, between the Senator from Nevada [Mr. STEWART] and the Senator from Illinois [Mr. PALMER]. Both of them claim that they want to maintain the parity of the two metals. One of them insisted that the bare fact of opening our mints to silver would create the parity. Both desire to secure the same result. What the effect would be of such opening is, of course, largely a matter of speculation. It does not seem as though it could safely be done under existing conditions. I have not time to enter into a discussion of that question.

The question of a special committee was disposed of by a vote of the Senate yesterday. I voted against a special committee, because I always vote that way. Upon principle I have uniformly opposed the creation of special committees for purposes of investigation. I believe they are unnecessary. They unnecessarily dignify the proceeding. They are not warranted by the traditions of the Senate. Yet I am disposed to state that my esteemed friend the Senator from Kansas in proposing a special committee possibly had in mind this fact, and I attribute his suggestion to his own sense of fairness. He probably thought that it was not fair or wise to have a Democratic Secretary of the Treasury investigated by a Finance Committee consisting of Republicans, one Republican-Populist, and the rest silver Democrats. Probably he thought in his kindness of heart that it was better that there should be a special committee.

The distinguished Senator from Georgia [Mr. GORDON], in his few vigorous and eloquent remarks last evening, pictured the Finance Committee as a most perfectly fair committee. Senators recollect his idea of fairness. It was that the Secretary of the Treasury should be investigated by a committee upon which there is not a single party friend who agrees with him on the financial question, and the rest of whom are Republicans, and a Populist. Mr. Carlisle, if the resolution is to be passed, will be turned over to the kind mercies of those who, as Democrats, disagree with him within party lines on the silver question. I wish to read the names of the members of the Committee on Finance. Messrs. MORRILL, SHERMAN, ALLISON, ALDRICH, PLATT, WOLCOTT, Republicans; JONES of Nevada, Populist-Republican; VOORHEES, HARRIS, VEST, JONES of Arkansas, WHITE, WALTHALL, silver Democrats.

The Secretary of the Treasury is believed to be what is called a gold-money Democrat. It is the sense of fairness of the Senate that he should be investigated by Republicans, who are opposed to him politically, by a Populist, who is opposed to him politically, and by a committee on which all the Democrats are free-silver Democrats. I simply point out this fact to account for the first suggestion upon the part of my friend the Senator from Kansas for the appointment of a special committee, and it was undoubtedly the high sense of fairness which he usually exhibits in the Senate that prompted him to make the suggestion for a special committee instead of the Finance Committee as at present constituted.

I think the Finance Committee is a fair committee. I believe it to be. I voted to refer the matter to the Finance Committee because I have always heretofore opposed the appointment of special committees. The committee, if the investigation is authorized, will take up this subject and investigate it most fairly and thoroughly. In the end, if Secretary Carlisle shall be vindicated from these newspaper attacks and these loose charges which have been uttered in the Senate Chamber, how much will it be to his gratification and to his credit if it shall come from the Finance Committee, composed of his political adversaries and those who differ with him on the financial question.

I have already commented on the proper course which I think should have been pursued by the Senate, but the Senate has decreed otherwise, and I respectfully bow to its wisdom. That course was that the resolution should have been referred to the Committee on Finance. The Committee on Finance should have respectfully invited the Secretary of the Treasury to come before it. In January, 1894, a question arose in regard to the action of the Treasury Department, and what was done? A resolution was offered in the House of Representatives in regard to the issue of bonds and the use of the gold reserve. It did not provide for a committee of investigation. It was a resolution making inquiry. It was a resolution expressing the sense of the House of Representatives. The resolution was referred to the Judiciary Committee. What did the committee do? It sent a respectful letter to the Secretary of the Treasury in January, 1894, and asked the Secretary to appear before it. He did so on January 25. There he made his statement; there the members of the committee questioned him fully for several hours. He answered. He gave them all the information desired pertaining to the finances of the country. His answers were frank; they were able. He showed great familiarity with the subject involved, and at the conclusion the chairman asked him if he would be kind enough to look over the notes of his remarks. Mr. Carlisle, in conclusion, said:

Yes, sir; I would be glad to do so, and if any gentleman desires or if the committee desires any other question answered I will be glad to do it at any time by appearing here or sending it in writing. I will be glad to furnish any information the committee desires in regard to this matter.

The chairman said:

The committee feels very much obliged to you.

And Mr. Carlisle departed. That is the way to conduct public business courteously. That is what the Democratic House did. There was no difficulty about appearing; there was no reluctance in appearing. He stated the situation frankly, and it is a part of the records of the House.

The present Committee on Ways and Means of the other House have already had the bond question under consideration under a resolution of investigation not passed, but referred to them for preliminary inquiry. The present Republican Ways and Means Committee of the House of Representatives not long ago sent a courteous letter to Mr. Carlisle, and he replied. That letter has not been published, so far as I am aware. I desire, with the kind permission of the Senate, to incorporate it in my remarks. It is dated March 7, 1896, and is addressed to Hon. NELSON DINGLEY, Jr., chairman of the Ways and Means Committee, in which the Secretary acknowledges the receipt of his favor, speaking of the reference of the resolution to the committee, and asking him to make such response as to the allegations contained in the resolution as he saw fit. Then the Secretary of the Treasury proceeds to elucidate the bond question and all the complaints that had then been made. At the conclusion of the letter is the following language, to which I invite attention:

If, notwithstanding this brief statement of the facts, the committee and the House of Representatives consider the allegations contained in the newspaper clippings which were included in your letter, and which appear to have been adopted as the basis of the resolution, of sufficient importance to demand or justify an investigation, the Treasury Department will cheerfully do all in its power to facilitate the inquiry and promptly furnish all papers, records, and other evidence in its possession or under its control relating in any manner to the transaction in question.

I have the honor to be, very respectfully, yours,

J. G. CARLISLE, Secretary.

The Committee on Ways and Means were evidently satisfied with the statement. They have asked for no further information. They have not gone further with the resolution. They have not ordered an investigation, but this body, which can not so appropriately investigate alleged wrongdoing as can the House of Representatives, substantially usurps the functions of the House, which is solely given the power of impeachment. The letter explains the whole transaction. There is no real necessity for any further steps being taken.

Here is the letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 7, 1896.

Hon. NELSON DINGLEY, Jr.,

Chairman Committee on Ways and Means, House of Representatives.

SIR: I have the honor to acknowledge the receipt of your favor of February 26, inclosing a copy of a preamble and resolution providing for the appointment of a committee by the House of Representatives to investigate the alleged conduct of the Secretary of the Treasury in refusing to deliver to one William Graves \$4,500,000 in the bonds of the United States and awarding said bonds to J. P. Morgan & Co., notwithstanding the said Graves is alleged to have "tendered the Secretary of the Treasury the amount of said bid for said bonds in gold at the subtreasury in the city of New York," and inviting from me such response to the allegations as I may be pleased to make.

I have the honor to say that on the 6th day of January, 1896, a circular was issued inviting sealed proposals until 12 o'clock m. on Wednesday, February 5, 1896, for the purchase of \$100,000,000 of United States 4 per cent coupon or registered bonds in denominations of \$50 or multiples of that sum, as might be desired by bidders, and it was stated that "purchasers will be required to pay in United States gold coin or gold certificates for the bonds awarded to them, and the interest accrued thereon after the 1st day of February, 1896, up to the time of payment for the bonds." Payments for the bonds were required to be made at the various subtreasuries of the United States by installments, as follows: Twenty per cent and accrued interest upon receipt of notice of acceptance of bids, and 20 per cent and accrued interest at the end of each ten days thereafter; that all accepted bidders were given the privilege of paying the whole amount at the date of the first installment, and those who had paid all installments previously maturing were allowed to pay the whole amount of their bids at any time not later than the maturity of the last installment.

On the 15th day of January, 1896, an additional circular was issued, notifying bidders that after the payment of the first installment of 20 per cent with accrued interest, the remainder of the amounts bid might be paid in installments of 10 per cent each and accrued interest at the end of each fifteen days thereafter; but all accepted bidders were allowed to pay the whole amount of their bid at the time of the first installment, and all accepted bidders who had paid all installments previously maturing were allowed to pay the whole of their bids at any time not later than the maturity of the last installment.

Among the proposals received under these circulars was one from "William Graves and associates," in the words and figures following:

"NEW YORK CITY, N. Y., February 4, 1896.

"We hereby propose, under the terms of your circular of January 6, 1896, to purchase United States 4 per cent thirty-year bonds, described in said circular, of the face value of \$4,500,000, and we agree to pay therefor at the rate of 115.3391 and accrued interest per \$100. We further agree, upon due notice of the acceptance of this subscription, to deposit the amount thereof in gold coin or in gold certificates with the United States assistant treasurer at New York City in accordance with the terms of said circular.

"We desire (registered or coupon) bonds in denominations as stated below, and we wish them to be delivered to us at office of I. B. Newcombe, Mills Building, New York City, or Bank of California, San Francisco.

"WILLIAM GRAVES AND ASSOCIATES.

"To the SECRETARY OF THE TREASURY."

Coupon.	Registered.
\$50	\$50
100	100
500	500
1,000	1,000
	5,000
	10,000

Mr. Graves was wholly unknown to the Department, and the facts that he failed to give his street or office address, that the names of his associates were not disclosed, and that the price he proposed to pay for the bonds was considerably higher than responsible and bona fide bidders were offering were sufficient, in my opinion, to justify an inquiry concerning his financial character and standing before disposing of his proposal. I accordingly caused inquiries to be made at once in the city of New York, but no definite

or satisfactory information concerning his business or financial standing was obtained, and on the 7th day of February, 1896, I caused the following confidential telegram to be sent to the assistant treasurer of the United States at San Francisco, to wit:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 7, 1896.

"ASSISTANT TREASURER UNITED STATES, San Francisco, Cal.:

"Can you ascertain from the Bank of California or others as to the financial standing and responsibility of William Graves, a large bidder for bonds. It is important. Do not neglect to answer promptly by wire. Confidential."

"J. F. MELINE, Assistant Treasurer."

On the same day the following response was received:

"FEBRUARY 7, 1896.

"TREASURER UNITED STATES, Washington, D. C.:

"Party referred to in yours of to-day, from what is learned from Bank of California and from others, was known very slightly as promoter or financial agent, but not capitalist. Can not give his whereabouts."

"C. P. BERRY, Assistant Treasurer."

Although the information thus secured was not considered sufficient to show to my entire satisfaction the ability of the bidder to pay for such a large amount of bonds, yet as he appeared to have been "very slightly" known as a financial agent, and as he professed to have others associated with him in making his bid, it was deemed better not to reject his offer without first giving him an opportunity to comply with the terms of the circular and his bid. Out of abundant caution, therefore, and in order to avoid a possible mistake in a matter of such importance to the bidder and to the Government, a notice of acceptance was mailed to "William Graves and associates, New York, N. Y.," on the evening of February 9, 1896, being the same day on which other notices to accepted bidders were mailed. The notice was as follows:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 8, 1896.

"SIRS: You are hereby notified that your subscription under the terms of the Department circulars of January 6, January 9, and January 15, 1896, for \$4,500,000 of the 4 per cent bonds of the United States for which you have agreed to pay in United States gold coin or gold certificates, at the office of the assistant treasurer in the city of New York, at the rate of \$115.3391 and accrued interest per \$100 face value of said bonds, has been accepted."

"You are therefore requested to deposit with the United States assistant treasurer at New York on or before the 15th day of February, 1896, the sum of \$1,038,051.90, which is 20 per cent of the amount of your subscription at the price above named. The accrued interest from February 1, 1896, to date of the payment hereby requested should also be paid at the rate of 4 per cent on the amount of the bonds paid for by said deposit. At the expiration of fifteen days from the date of this first payment an additional payment of 10 per cent must be made, and such payments must be continued at intervals of fifteen days until the whole amount is paid. The accrued interest accompanying each payment must be computed from February 1, 1896, to date of such payment. If you desire to pay the entire amount of your subscription at once you may do so, or you may anticipate the total payment of your subscription at any time prior to the maturing of the last installment. In the former case the amount to be deposited is \$5,190,259.50, with accrued interest at 4 per cent on \$4,500,000 from February 1, 1896, to date of deposit."

"The Secretary of the Treasury should be promptly advised of the character of the bonds desired (whether registered or coupon), and the denominations thereof. If this information has already been furnished, please confirm it."

"The bonds will be issued only upon receipt by the Secretary of the original certificate of deposit of the assistant treasurer receiving the payments. The Department is prepared to begin the delivery of the bonds at once, and deliveries will be continued as rapidly as the facilities of the Department will permit."

"Respectfully, yours,

"J. G. CARLISLE, Secretary."

"WILLIAM GRAVES AND ASSOCIATES,
New York, N. Y."

A list of the accepted bidders was published in the principal newspapers of the country, including the New York City papers, on the morning of February 9, which Mr. Graves doubtless saw. But, however that may be, it is certain that he knew of the acceptance of his bid as early as noon, February 10, as is shown by the following telegrams:

"[Telegram.]

"NEW YORK, February 10, 1896—12.23 p. m.

"Hon. J. G. CARLISLE,

"Secretary of the Treasury, Washington, D. C.:

"Bank of California received their bond allotment. Have ours been forwarded? Wire."

"WILLIAM GRAVES AND ASSOCIATES."

"[Telegram.]

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 10, 1896.

"WILLIAM GRAVES AND ASSOCIATES,
New York, N. Y.:

"Your notification was duly forwarded."

"W. E. CURTIS,
Assistant Secretary."

"Collect."

Immediately upon the receipt of the above telegram from Mr. Graves, a duplicate notification of acceptance was mailed to him, addressed to the Mills Building, New York, and nothing further was heard from him until February 13, at 12 o'clock m., when Mr. Allison Nailor, of the city of Washington, delivered to the Secretary in person a letter without date, from Graves to him (Nailor) requesting the latter to call on the Secretary and ask for an extension of time until the Wednesday following, February 19, to pay the first installment of 20 per cent on his bid. This letter was left at the Department, and a copy is appended hereto.

In a letter to the Secretary dated February 13, 1896, a copy of which is appended, Mr. Graves stated that he had that day received the "original notice of acceptance" of his bid and claimed that it had been erroneously addressed, although his own quotation of the address in his letter shows that it was in exact accord with the information given on the face of his bid. He fails to mention the fact that he had previously received a duplicate notice and had also been notified by wire that the original had been sent. In this letter he asked to be informed by wire or mail whether the bonds could be delivered to the subtreasury to be given to him "upon anticipated payments," and he was at once advised by a telegram, a copy of which is attached, that the bonds could be issued only upon receipt at the Secretary's office of the original certificate showing that they had been paid for. This

was the course pursued in all cases, and Mr. Graves had been advised in his notice of acceptance that the original certificate of deposit would be required.

On the day the first installment of 20 per cent was due, February 15, 1896, Mr. Graves made another application by telephonic message for an extension of the time, and in response he was informed by wire that no extension could be given, as will be seen from the copy of the telegraphic dispatch to him which is attached hereto.

The statement in the preamble to the resolution inclosed in your letter that Mr. Graves had tendered the Secretary of the Treasury the amount of his bid for bonds in gold at the subtreasury in the city of New York is wholly incorrect. Neither he nor anyone for him tendered any gold whatever in payment for the bonds, or any part of them, at the subtreasury at New York, or elsewhere. On the contrary, on the morning of the 15th day of February, 1896, the day on which payments were required to be made, Mr. Graves sent to the Secretary of the Treasury a telegram, in which he abandoned his original bid of \$115.3391, and proposed to take the bonds at \$113.50, and stated that he would give satisfactory financial indorsements by Wednesday, February 19th, showing his ability to fulfill such an agreement. A copy of this telegram is appended. And on the same day, and other days up to and including the 19th day of February, he wrote and sent various letters and telegrams to the Secretary, copies of all which are appended hereto. No notice was taken of these telegrams and letters for the reason that, according to the terms of the circular under which the bonds were offered to the public, the time for receiving bids had expired on the 5th day of February, 1896, at 12 o'clock m., and no bids made or received after that time had been or could properly be considered. Bids had been made in good faith by responsible parties within the designated time and in accordance with the terms of the circular for the whole of the proposed loan, and the Department has in every case declined to consider any bid which was not so made.

So far as this Department has been able to ascertain, Mr. Graves had no associates in his bid, and was wholly unable to comply with its terms. It was not a bona fide bid, but was purely speculative, and subsequent developments showed that it ought to have been rejected at the beginning along with two other bids of the same character, amounting to \$129,000,000, which were in fact rejected, and about which no complaint has been made by the pretended bidders, or anybody else. His complaint that he had been embarrassed or obstructed by errors or delays on the part of the Treasury Department is not sustained by the facts. There were no errors or delays on the part of the Department. According to the terms of the circular under which his bid was made, the first installment, 20 per cent and accrued interest, was required to be paid "upon receipt of notice of acceptance of bids," and if his bid was in fact made in good faith he of course expected to comply with that requirement. By the terms of the notice of acceptance sent to him, however, the time of payment was extended until and including the 15th of February, 1896, notwithstanding which he failed to make any deposit whatever on account of his offer.

If this bid had been rejected at the beginning, the duty of the Secretary of the Treasury to award the \$4,500,000 in bonds to the next highest responsible bidder would have been perfectly clear, and it is difficult to see how the fact that its fictitious character was not fully discovered until a later date can in any way affect either the duty of the Secretary or the rights of other bona fide bidders. Messrs. J. P. Morgan & Co. had, within the time prescribed by the circular, and in accordance with the terms of the proposal, put in a bid for the whole \$100,000,000 at a price of \$110.6877, and all bona fide bids above that price having been accepted, they were entitled to have awarded to them the remainder of the loan. On and before February 15, 1896, that firm deposited the sum of \$36,520,018 in gold coin and certificates, and on that day they notified the Treasury Department by wire that they had deposited gold with the subtreasurer and Government depositories largely in excess of 20 per cent on any possible amount that could be awarded to them.

After a careful consideration of the subject they were notified on February 19, 1896, that they would be required to receive and pay for all the bonds which Graves and a few other smaller bidders had failed to take, and the firm has already paid in gold and gold certificates the sum of \$37,493,100, leaving unpaid only about \$430,000 on the entire amount awarded to it. Ordinary good faith on the part of the Government demanded that bona fide bidders who had strictly complied with all the requirements of the proposal under which their offers were made should not be excluded from consideration by the wrongful interposition of fictitious or purely speculative bids, and in my opinion the only legal and honorable course that could be pursued in this matter was to award the bonds upon which defaults were made to the parties who had in good faith, and within the time prescribed, submitted the next highest offer.

If, notwithstanding this brief statement of the facts, the committee and the House of Representatives consider the allegations contained in the newspaper clippings which were inclosed in your letter and which appear to have been adopted as the basis of the resolution of sufficient importance to demand or justify an investigation, the Treasury Department will cheerfully do all in its power to facilitate the inquiry and promptly furnish all papers, records, and other evidence in its possession or under its control relating in any manner to the transaction in question.

I have the honor to be, very respectfully, yours,

J. G. CARLISLE, Secretary."

Mr. President, I oppose the investigation now even though the terms of the resolution have been modified and its offensive features eliminated and the regular committee substituted for a special committee. I confess I do not approve of the precedent which will be created. The Senate has already been satiated with resolutions for the investigation of Florida matters, and it referred them notwithstanding every consideration of courtesy which was urged. Yet when we refuse to one of our own Democratic associates upon this side of the Chamber the opportunity he wanted to investigate affairs in Florida, we must hasten to give the other side—to our Populist friend, the Senator from Kansas—this resolution of investigation as a matter of courtesy.

Next will come the Alabama resolution for an investigation, and the Senators from that State as well as from the South generally will expect the New York Senators to stand by them in opposition to the investigation. I warn them of the precedent which they are establishing by adopting this resolution. There is no necessity for this resolution. There is no necessity for the Alabama resolution. There is no necessity for the Florida resolution. The Florida resolution was referred to the committee two or three times, but this resolution, it seems, is to be pressed to passage. Louisiana will come next in the list of States whose proceedings are proposed to be inquired into. It is the age of investigation.

There is a mania for investigation. I have read here letters and petitions from all parts of the country asking that everything be investigated.

I agree with the Senator from Missouri [Mr. VEST] when, at the conclusion of his remarks yesterday, he said that he had seen no good reason for this investigation. No one else has seen a good reason for the investigation. Democrats, be not deceived. It is a useless, an unnecessary, a causeless proceeding. It is an attack upon your Democratic Secretary of the Treasury. It is putting him to annoyance and trouble unreasonably and improperly. You are playing into the hands of your opponents, the Republicans and Populists. You do not object to the investigation simply for fear somebody will say there is something wrong. The Secretary of the Treasury himself has not objected. No one is authorized to object to it in his behalf. I disclaim all responsibility of speaking for him. He has tendered the Ways and Means Committee any information in his power, and yet, sir, for some reason which it seems to me can only be attributed to jealousy, to malice, or to differences over the great gold and silver question, or to something else, the resolution is to be offensively pressed.

I have no personal interest in this matter. I care nothing for these New York syndicates, of which I am said to be the champion. I do not deceive myself. The votes already given indicate the temper of the Senate. I expect to be overruled. I am used to it. I can wait my vindication. I will patiently abide events. I disclaim all personal feeling. I am actuated simply by a desire to discharge my duty which I think I owe to the country, my duty to these high officials, the President and Secretary of the Treasury, for whose appointment or nomination I was not responsible. I have asked no Senator around this circle to vote with me in opposition to the resolution. I have made no personal appeal to any Senator. I have only presented my arguments, and each Senator may vote as seems to him best. I do not think this is a wise proceeding. I do not think it a politic proceeding. I know not what course the committee will adopt. Undoubtedly, sir—appreciating its fairness, its impartiality, which I cheerfully concede—it will endeavor to do its duty; but the silver question warps men's judgments; it affects their opinions; it stirs up their prejudices. It makes members of the same party distrust each other. We have had an exhibition of this feeling on the floor this morning, and although the committee may strive to be fair, you know, Senators, what the result of such investigations has been in the past. There will be difficulties; there will be bickerings; there will be contentions; there will be unpleasant misunderstandings; there is likely to be clamor and unpleasantness. These things should have been avoided.

The resolution is now in the hands of the Senate. I shall vote against the resolution if I am the only man here who does so. I have stood alone in the past in matters to which I need not now allude, and I can afford to stand alone again. I do not care even whether the yeas and nays are called upon the passage of the resolution. That is a matter for the Senate to determine. I have discharged my duty, Mr. President, as I understand it, and with that I am content.

Mr. LINDSAY. I desire to offer an amendment, to strike out all of the third clause of the resolution after the words "in relation thereto," in line 15, page 2.

The Senator who offered the resolution said that the first clause of the resolution covers all of the legitimate subjects of investigation, but that he desires the other clauses to be retained because they particularize. I submit that that portion of the third paragraph which I move to strike out does not particularize, does not enlarge, is not germane to the investigation directed by the first paragraph. It is framed so as insidiously to intimate that the Secretary of the Treasury may have had some share in the profits supposed to have been realized from the bond sales. If it is intended that such a charge shall be investigated it would be fair and manly to say so in terms that can not be mistaken. If it is not intended to intimate that such a charge may be looked into, then I say it would be generous to strike out those misleading words to be found in the lines I have moved to strike out.

I submit to the Senator who offered the resolution that justice on his part ought to induce him to consent to the amendment I propose.

Mr. PEPPER and Mr. GALLINGER. Let the amendment be stated.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kentucky [Mr. LINDSAY] will be stated.

The SECRETARY. After the word "thereto," in line 15, paragraph 3, it is proposed to strike out the remainder of the resolution, in the following words:

What agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds, and the profits made or to be made by such syndicate or any person or persons connected with such syndicate, directly or indirectly; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Mr. LINDSAY. Mr. President—

The VICE-PRESIDENT. The Chair will state that the hour of 4 o'clock having arrived, the vote is to be taken upon the resolution. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. LINDSAY].

Mr. LINDSAY. As the Senator from Kansas does not seem to be inclined to withdraw those words, and as the motion upon my part to that effect might be mistaken, I withdraw the amendment.

Mr. PEPPER. I will say that that is the very meat of the whole resolution.

Mr. COCKRELL. No debate is in order.

The VICE-PRESIDENT. The amendment is withdrawn. The question is on agreeing to the resolution submitted by the Senator from Kansas [Mr. PEPPER] as amended.

Mr. PETTIGREW and Mr. WOLCOTT called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I announce the pair of the senior Senator from New Jersey [Mr. SMITH], with whom I am usually paired, with the Senator from Utah [Mr. CANNON]. If the Senator from Utah [Mr. CANNON] were present, he would vote "yea." I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with my colleague [Mr. ELKINS]. If he were present, I should vote "nay" on the passage of the resolution.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). I have a standing pair with the Senator from Vermont [Mr. MORRILL], but he authorized me to vote as I choose on this question. I vote "yea."

Mr. KYLE (when his name was called). I was requested by the Senator from New Hampshire [Mr. CHANDLER] to arrange a pair with the Senator from Connecticut [Mr. PLATT]. If that is the understanding, I will pair myself with the Senator from Connecticut [Mr. PLATT]. I understand that if the Senator from Connecticut were present, he would vote "nay." I should vote "yea" upon this proposition.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. Not being aware how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WALTHALL (when Mr. VOORHEES's name was called). The senior Senator from Indiana [Mr. VOORHEES] is paired on this question with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BERRY. I desire to announce that my colleague [Mr. JONES] is necessarily absent and is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

Mr. PASCO. My colleague [Mr. CALL] is absent from the city. He would vote "yea," if he were present. He is paired with the Senator from Oregon [Mr. MCBRIDE].

Mr. GALLINGER. I have a standing pair with the senior Senator from Texas [Mr. MILLS]. He is not present, and I suggest to the Senator from West Virginia [Mr. FAULKNER] that we transfer our pairs so that the Senator from Texas [Mr. MILLS] will stand paired with the Senator from West Virginia [Mr. ELKINS], and we will both vote.

Mr. FAULKNER. That is perfectly agreeable to me.

Mr. GALLINGER. I vote "yea."

Mr. FAULKNER. I vote "nay."

Mr. WARREN. I desire to announce the pair of my colleague [Mr. CLARK], who is absent from the city, with the junior Senator from Maryland [Mr. GIBSON]. My colleague would vote "yea" if he were here.

Mr. MITCHELL of Oregon (after having voted in the affirmative). I voted, but I have since ascertained that the senior Senator from Wisconsin [Mr. VILAS], with whom I am generally paired, is absent. I suggest to the senior Senator from Tennessee [Mr. HARRIS], who I understand is paired with the senior Senator from Vermont [Mr. MORRILL], that we transfer our pairs.

Mr. HARRIS. I am perfectly willing to exchange pairs, although I have the permission of the Senator from Vermont [Mr. MORRILL] to vote. But I will exchange pairs with the Senator from Oregon.

Mr. MITCHELL of Oregon. Thank you.

Mr. GALLINGER. I desire to announce the pair of my colleague [Mr. CHANDLER] with the junior Senator from New York [Mr. MURPHY]. My colleague is absent from the city.

Mr. HAWLEY. Both my colleague [Mr. PLATT] and I were in

Connecticut yesterday. We both started for Washington. I do not see him present, however. I should like to know from the Senator from South Dakota [Mr. KYLE] if he is sure that my colleague would vote "nay."

Mr. KYLE. I was so informed by the clerk of the Senator from Connecticut [Mr. PLATT].

Mr. HAWLEY. I have serious doubt—

Mr. KYLE. If there is doubt in regard to the matter—

Mr. LODGE. I will state that the Senator from New Hampshire [Mr. CHANDLER], who was called away from Washington, left with me a letter from the Senator from Connecticut [Mr. PLATT], in which he says:

I would vote against the bond resolution. I suppose Mr. MURPHY would. Therefore on that I ought to be paired with some one else. I believe that I agreed with Mr. ALLEN when it was last up to pair with Mr. KYLE. So perhaps Mr. KYLE would pair with me now that I am away.

Mr. HILL. I desire to inquire whether the Senator from Maine [Mr. FRYE] has voted?

The VICE-PRESIDENT. He is recorded in the affirmative.

Mr. FRYE. My vote is recorded.

Mr. HILL. I simply make the inquiry, because I understood the Senator from Maine had a pair with the senior Senator from Maryland [Mr. GORMAN].

Mr. FRYE. I have a pair with the senior Senator from Maryland.

Mr. HILL. I call the attention of the Senator from Maine to the fact that in a speech made the other day the senior Senator from Maryland said he was opposed to the resolution. That is all.

Mr. FRYE. I did not notice the absence of the Senator from Maryland.

Mr. HILL. I make the suggestion, as the vote is so close. [Laughter.]

Mr. FRYE (after having voted in the affirmative). I did not notice the absence of the senior Senator from Maryland. I withdraw my vote.

The result was announced—yeas 51, nays 6; as follows:

YEAS—51.

Allen,	Cullom,	McBride,	Shoup,
Allison,	Daniel,	McMillan,	Squire,
Bacon,	Davis,	Mantle,	Stewart,
Baker,	Dubois,	Mitchell, Oreg.	Teller,
Bate,	Gallinger,	Nelson,	Turpie,
Berry,	George,	Pasco,	Vest,
Blackburn,	Hansbrough,	Peffer,	Walshall,
Brown,	Harris,	Perkins,	Warren,
Burrows,	Hawley,	Pettigrew,	Westmore,
Butler,	Irby,	Pugh,	White,
Carter,	Jones, Nev.	Roach,	Wilson,
Chilton,	Lindsay,	Sewell,	Wolcott.
Cockrell,	Lodge,	Sherman,	

NAYS—6.

Caffery,	Gray,	Mitchell, Wis.	Palmer.
Faulkner,	Hill,		

NOT VOTING—32.

Aldrich,	Elkins,	Jones, Ark.	Pritchard,
Blanchard,	Frye,	Kyle,	Proctor,
Brice,	Gear,	Martin,	Quay,
Call,	Gibson,	Mills,	Smith,
Cameron,	Gordon,	Morgan,	Thurston,
Cannon,	Gorman,	Morrill,	Tillman,
Chandler,	Hale,	Murphy,	Vilas,
Clark,	Hoar,	Platt,	Voorhees.

So the resolution as amended was agreed to.

WIDOW OF THOMAS L. YOUNG.

Mr. CULLOM. I wish to call up the conference report on the legislative, executive, and judicial appropriation bill for disposition at this time.

Mr. SHERMAN. I ask the Senator from Illinois if he will allow me to call up for passage a little bill which will take but a moment?

Mr. CULLOM. I yield for that purpose, upon the Senator's assurance that it will take no time and that there will be no discussion about it.

Mr. SHERMAN. I ask unanimous consent for the present consideration of the bill (H. R. 1743) for the relief of the widow of Thomas L. Young.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to pay the claim of the widow of the late Thomas L. Young, who served as an enlisted man and officer of the Regular Army of the United States, and afterwards as captain of Benton Cadets, Missouri Volunteers, and as major, lieutenant-colonel, and colonel of the One hundred and eighteenth Ohio Volunteer Infantry, in the war of the rebellion, and appropriates not exceeding \$478 as a balance or balances of wages earned by him and not heretofore paid to him or to his legal representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CHILTON. I hope the Senator from Illinois will allow me to have a bill put on its passage which is of considerable importance.

Mr. CULLOM. I am inclined to think the conference report, which will take but a few minutes, should be adopted. It has been lying on the tables of Senators all day, and, so far as I know, it is in the main satisfactory. I hope that I may be allowed to have it disposed of now. The Senator from Texas will have time afterwards for the consideration of his bill. I hope that we shall have immediate action on the conference report. I move that the Senate concur in the report of the committee of conference on the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois to concur in the report of the committee of conference, which has been heretofore read.

The report was concurred in.

Mr. CULLOM. I now move that the Senate insist upon its amendments not yet agreed to by the House of Representatives and ask for a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

DENISON AND NORTHERN RAILWAY COMPANY.

Mr. CHILTON. I ask unanimous consent for the present consideration of the bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes." This bill has received the favorable report of the Committee on Indian Affairs, and I am sure there is no opposition to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHILTON. I move that the bill be amended by striking out, in line 8 of section 1, the words "three years" and inserting "two years from the approval of this act."

The VICE-PRESIDENT. The amendment submitted by the Senator from Texas will be stated.

The SECRETARY. In section 1, line 8, before the word "years," it is proposed to strike out "three" and insert "two"; and after the word "years" to insert "from the approval of this act"; so as to make the section read:

That the provisions of section 9 of the act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 30, 1892, be, and the same hereby are, extended for a further period of two years from the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. COCKRELL. I ask unanimous consent that we may now proceed with the Calendar for the remainder of this evening, considering unobjected House bills which have been favorably reported, and dispose of them, so that they may become laws.

The VICE-PRESIDENT. Is there objection?

Mr. STEWART. Let us go to the Calendar regularly.

Mr. FRYE. The river and harbor bill ought to be proceeded with, for it is very important to get it passed.

The VICE-PRESIDENT. Will the Senator from Missouri restate his request?

Mr. COCKRELL. I ask unanimous consent that the Senate may now proceed, commencing where we last left off, with the consideration of unobjected House bills for the remainder of this evening.

The VICE-PRESIDENT. Is there objection?

Mr. DUBOIS. Will the Senator from Missouri not consent to going to the Calendar in regular order, and not simply proceeding with the consideration of House bills?

Mr. FRYE. I shall object to either request. I regard it as my duty to this great river and harbor appropriation bill to go on with it.

The VICE-PRESIDENT. Objection is interposed.

Mr. FRYE. There will be time enough for the consideration of bills on the Calendar after the appropriation bills are disposed of. I move that the Senate proceed to the consideration of the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of

the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary resumed the reading of the bill at line 17, on page 46. The next amendment of the Committee on Commerce was, on page 46, after the word "improvement," at the end of line 20, to strike out "five hundred" and insert "two hundred and fifty"; so as to read:

Improving Delaware River, from Trenton to its mouth, Pennsylvania and New Jersey: Continuing improvement, \$250,000.

Mr. FRYE. That matter was particularly referred yesterday to the Senator from Missouri [Mr. VEST] and the Senator from Delaware [Mr. GRAY]. I would inquire whether or not anything was agreed to in relation to it?

Mr. VEST. Yes, Mr. President. The amendment of the committee which has just been read will not be agreed to, so as to allow the amount to remain at \$500,000.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 23, on page 46, after the word "Perriwig Bar," to insert:

And \$3,000 shall be expended in rebuilding and enlarging the dike on Government reservation at the junction of the Schuylkill and Delaware rivers, at Fort Mifflin: *Provided*, That no part of said appropriation or of any appropriations heretofore made shall be expended upon the building of a dike between Reedy Island and Listons Point until a board of three engineer officers, to be appointed by the Secretary of War, shall consider the project of said dike with reference to preserving and improving the navigation of the Appoquinimink River and Black Bird Creek, and the riparian rights and facilities of the Delaware shore.

Mr. VEST. In line 1 of the amendment, on page 47, after the words "Fort Mifflin," I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri to the amendment of the committee will be stated.

The SECRETARY. After the words "Fort Mifflin," in line 1, on page 47, it is proposed to insert:

Provided, That so much of said sum of \$500,000 as shall be necessary may, in the discretion of the Secretary of War, be expended in dredging the channel through Dam Baker Shoal to the depth of 25 feet at low water.

The amendment to the amendment was agreed to.

Mr. QUAY. Mr. President—

Mr. VEST. The Senator will permit me to get through with the amendments which I wish to propose.

Mr. QUAY. Very well.

Mr. VEST. After the amendment to the amendment which has just been adopted, before the word "*Provided*," I move to insert the word "*And*"; and after the word "*Provided*" to insert "*further*."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 47, line 1, before the word "*Provided*," it is proposed to insert the word "*And*"; and after the word "*Provided*" to insert "*further*"; so as to read:

And provided further, That no part of said appropriation, etc.

The amendment to the amendment was agreed to.

Mr. VEST. I now move the amendment which I send to the desk in the subsequent part of the clause.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 4, on page 47, after the word "point," it is proposed to strike out "until" and insert "but"; after the word "consider," in line 6, to insert "and report through the Secretary of War to next session of Congress as to"; and in line 9, after the word "shore," to insert "as well as to deepening the main channel of said river."

The amendment to the amendment was agreed to.

Mr. QUAY. Mr. President, the understanding is that if that amendment is adopted the original provision as it came from the House shall be restored.

Mr. FRYE. That has been done.

Mr. QUAY. Was that done by the amendment proposed by the Senator from Missouri?

Mr. FRYE. Yes; that was done.

Mr. QUAY. It is all right then.

Mr. FRYE. Now, let the Secretary read the amendment as amended.

Mr. QUAY. I should like to hear the clause read as it stands.

Mr. FRYE. That is what I ask; that the whole clause about the Delaware River be read as amended.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

Improving Delaware River, from Trenton to its mouth, Pennsylvania and New Jersey: Continuing improvement, \$500,000, of which \$5,000 shall be expended in the improvement of the channel over Perriwig Bar, and \$3,000 shall be expended in rebuilding and enlarging the dike, on Government reserva-

tion, at the junction of the Schuylkill and Delaware rivers, at Fort Mifflin: *Provided*, That so much of said sum of \$500,000 as shall be necessary may, in the discretion of the Secretary of War, be expended in dredging the channel through Dam Baker shoal to the depth of 25 feet at low water; *And provided further*, That no part of said appropriation or of any appropriations heretofore made shall be expended upon the building of a dike between Reedy Island and Listons Point, but a board of three engineer officers, to be appointed by the Secretary of War, shall consider and report through the Secretary of War to next session of Congress as to the project of said dike with reference to preserving and improving the navigation of the Appoquinimink River and Black Bird Creek, and the riparian rights and facilities of the Delaware shore, as well as to deepening the main channel of said river.

Mr. FRYE. That is right.

The VICE-PRESIDENT. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 48, line 18, after the word "dollars," to insert:

Provided, That the additional sum of \$25,000 may be expended in the discretion of the Secretary of War for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek to the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware.

So as to make the clause read:

Improving Appoquinimink River, Delaware: Continuing improvement, \$5,000: *Provided*, That the additional sum of \$25,000 may be expended in the discretion of the Secretary of War for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek to the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware.

Mr. VEST. I suggest to the chairman of the committee that, in view of the amendments which have been made on pages 46 and 47, the amendment printed in italics on page 48, beginning in line 18 and ending with line 25, which has just been read, is unnecessary and should be disagreed to.

Mr. FRYE. Yes, that amendment should be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 49, line 10, after the words "United States," to insert:

But the right of way over any railroad or through any railroad or county bridge shall not be subject to this proviso, and may be secured by condemnation proceedings.

So as to make the clause read:

Improving the inland waterway from Chincoteague Bay, Virginia, to Delaware Bay, at or near Lewes, Del., to be used from Delaware Bay to Indian River: Continuing improvement, \$25,000: *Provided*, That no part of this appropriation shall be expended until the right of way is secured without cost to the United States, but the right of way over any railroad or through any railroad or county bridge shall not be subject to this proviso, and may be secured by condemnation proceedings.

The amendment was agreed to.

The next amendment was, on page 50, line 3, after the words "Pocomoke River," to strike out "Continuing improvement" and insert "Maryland, below Snow Hill, in accordance with report submitted February 25, 1895, five thousand"; so as to make the clause read:

Improving Pocomoke River, Maryland, below Snow Hill, in accordance with report submitted February 25, 1895, \$5,000.

The amendment was agreed to.

The next amendment was, on page 50, line 10, after the word "maintenance," to strike out "from main ship channel to Curtis Bay"; so as to make the clause read:

Improving Patapsco River and channel to Baltimore: For maintenance, \$50,000.

The amendment was agreed to.

The next amendment was, on page 50, line 14, after the word "submitted," to strike out "by Maj. William F. Smith, in House Executive Document No. 323, Fifty-third Congress, third session," and insert "February 14, 1895"; so as to make the clause read:

Improving Nanticoke River, Delaware and Maryland: Continuing improvement, in accordance with report and plan submitted February 14, 1895, \$3,000.

The amendment was agreed to.

The next amendment was, on page 50, line 20, before the word "thousand," to insert "and twenty-five"; and in the same line, after the word "dollars," to insert:

Provided, That for carrying on said improvement the rental of an office in the city of Washington, D. C., at a rate not to exceed \$85 per month, is hereby authorized when no public building is available, to be paid for pro rata from the appropriations made for works of improvement in the local charge of the engineer officer having charge of the improvement of the Potomac River.

So as to make the clause read:

Improving Potomac River, Washington, D. C.: Continuing improvement, \$125,000: *Provided*, That for carrying on said improvement the rental of an office in the city of Washington, D. C., at a rate not to exceed \$85 per month, is hereby authorized when no public building is available, to be paid for pro rata from the appropriations made for works of improvement in the local charge of the engineer officer having charge of the improvement of the Potomac River.

Mr. ALLEN. I should like to ask the Senator from Maine what necessity there is for this proviso?

Mr. FRYE. A room is absolutely necessary for the use of the engineer who is in charge of the work, and by the act of March, 1877, the renting of any building in the District of Columbia for Government purposes was forbidden unless expressly authorized by Congress. The renting of an office by the officer in charge of the Potomac River improvement and other river and harbor work is absolutely necessary, as there is no room for that purpose in any Government building.

Mr. ALLEN. I should like to see a bill pass Congress that did not in some manner carry some benefit to the Washington real estate syndicate. This engineer, or the engineers, as the case may be, must have some habitation at the present time, some place to transact the public business. What is there in the discharge of the duties under this law that they can not discharge those duties as well in the offices they now occupy, or the rooms they now occupy, as to rent additional quarters in this city at the expense of the Government at \$85 a month?

Mr. FRYE. I will simply say that the Engineer Department reported to the committee that there was no room for this purpose at all, and that it was absolutely necessary to have one, and the best they could do was probably to rent quarters at \$85 a month. The committee accepted their judgment in relation to it and inserted the item in the bill.

Mr. ALLEN. I do not know that I ought to antagonize this any further or consume any time in antagonizing it further. I should antagonize it and vote against it if my vote were of any avail; but we have an engineer corps here, and the expenditure of this money and this work is to be done under the supervision of the Secretary of War. The officers who will have charge of this work have quarters in the city now, where they have their plans, their papers, their instruments, and whatever may be necessary in the discharge of their duties. Why does it become necessary under these circumstances, when this bill does not impose upon them extraordinary duties, that the hands of the owners of private property in this city should be shoved into the Treasury, and \$85 a month of the people's money taken to rent a room, or a few rooms, for the accommodation of these engineers? Certainly it is the part of wisdom, if we have not public buildings enough here to build them, and to build them without delay, so that we shall not be compelled to go from time to time throughout this entire city and rent buildings and pay out the public money in that way whenever there is an appropriation bill which may pass Congress, and by that means give the syndicate which controls prices here a percentage of the appropriations made.

I appeal to the honorable Senator from Maine, who I know to be a just and honorable man, not to insist upon this provision. Let the duties that may be imposed upon these engineers be discharged from the rooms they now occupy or from other rooms that may be furnished them without charge to the Government in some one of the numerous public buildings in this city.

Mr. FRYE. The Senator himself must understand that in this matter of improving the Potomac River it is absolutely necessary for the engineer in charge to have rooms. All of the various small machinery that he is obliged to use, the tools the men are obliged to use, and everything of that kind, must be housed somewhere. That can not be done up in the War Department; they can not give way up there. General Craigill said this was an absolute necessity for the service and to take care of the property which would be used, and I have no doubt it is so. I think it is entirely fair that the provision should be in the bill.

Mr. ALLEN. The trouble with the position of the Senator from Maine is simply this: The engineer or engineers, as the case may be, who are to take charge of this work have rooms somewhere to-day, have they not?

Mr. FRYE. No.

Mr. ALLEN. Certainly they are not out in tents or in pasture.

Mr. FRYE. The engineer has a house.

Mr. ALLEN. Yes; and he has an office where he discharges the duties which are imposed upon him by virtue of his relations to the Government.

Mr. FRYE. No; I do not think he has any place now.

Mr. ALLEN. Does the Senator from Maine mean to say that there are public officers in the service of this Government who are running around upon the streets, without offices where they can discharge the duties imposed upon them, or like Arabs, living in tents, or who are turned out to grass? Certainly there must be some place, and is some place of this kind, some rooms that these officers occupy. There must be some place or some rooms where their instruments and papers are stored. Why can not those rooms be used to-day? Why can not they be used when this engineer and his men go to work under the requirements of this bill just as well as they can be used to-day?

Of course, it is popular to squander the public money. This is simply a little item of \$80 a month, but it is one of the items which, when added to the other hundreds of thousands of dollars that are expended in this way, increase the burdens materially upon the people in the form of taxation.

Mr. VEST. If the Senator will permit me, the statement made to our committee was that this officer carries his papers up to his dwelling house or boarding house (I do not know whether he has any family or not), and the necessary machinery, etc., has been kept down at the wharf under a shed. He is on a small salary, and it is not worthy of the Government to leave its officers in such a position. I am very sorry my friend has seized upon this particular point to make an attack.

Mr. ALLEN. I can find numerous points of attack. The truth is they are so numerous that no man can attack them. That is the trouble. If any half dozen men in the Senate Chamber would devote their entire time to looking up leakages, great and small, that occur here from session to session, they could not keep track of all of them. I speak of this item because it is apparent upon the face of the bill, and because it is apparent to me, at least, that it is one of the items that should not pass here.

Mr. SEWELL. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. SEWELL. I suggest to the Senator that there is an office, a house, that has been rented for years for the use of this officer, and it is put in the appropriation bill every year in order to distinguish the rent of the office from the dredging on the river, and he is given authority in this way to charge up his account under different appropriations.

Mr. ALLEN. I did not hear the Senator from New Jersey, but I infer that he said there was an office provided for this officer.

Mr. FRYE. Which has to be hired every year.

Mr. ALLEN. Which has to be hired every year?

Mr. FRYE. Yes, sir.

Mr. ALLEN. Then I infer that every time an appropriation is made by Congress to improve the Potomac River that moment we begin renting quarters for the engineer and his instruments and his men at \$80 per month or more, and the moment the money has been expended that moment he is either turned out-of-doors and required to find quarters for himself for the transaction of business or to carry his office around in his hat, as has been suggested by the Senator from Missouri. I do not believe in this appropriation. It is true it is a small amount, only \$900, it is said; but if you will take the numerous sums of \$900 and \$1,000 of the people's money that are appropriated in this form and absolutely wasted you will find that they amount to hundreds of thousands if not millions of dollars in the course of a Congress, and where there is an opportunity to lop off these little unnecessary expenses, why not do it?

Mr. President, no business man in this country could conduct his business successfully two years upon the principles upon which this Government is being run. Any business man upon the face of the earth, starting with a capital of \$1,000,000, would become absolutely bankrupt and a subject of public charity within two years if he conducted his business upon the principles on which we conduct the public business.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 24, on page 51.

Mr. DANIEL. I beg leave to propose an amendment to come in after line 24, on page 51.

Mr. FRYE. The committee amendments are to be first acted upon.

The PRESIDING OFFICER. The Chair understands that the committee amendments are to be first acted on.

Mr. DANIEL. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 52, line 8, after the word "with," to strike out "approved project for the improvement thereof" and insert "report submitted in the Annual Report of the Chief of Engineers for 1895"; so as to make the clause read:

Improving Nandua (historically known as Andura) Creek, Virginia, in accordance with report submitted in the Annual Report of the Chief of Engineers for 1895, \$3,000.

The amendment was agreed to.

The next amendment was, on page 52, line 13, to increase the appropriation for protecting Jamestown Island from the encroachments of James River from \$6,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 21, to strike out: Improving Cheat River, West Virginia: Continuing improvement in accordance with recommendations of Maj. R. L. Hoxie, submitted July 10, 1895, \$3,000.

The amendment was agreed to.

The next amendment was, on page 53, line 4, before the word "thousand," to strike out "twenty" and insert "thirty"; in the same line, after the word "dollars," to insert "\$10,000 of which may be used for the location and purchase of sites for the dams

within said improvement"; in line 7, after the words "Secretary of War," to strike out:

At such time as the United States shall become the owner, by condemnation or otherwise, of the dams on the Monongahela River belonging to the Monongahela River Navigation Company, in Pennsylvania.

And in line 15, before the word "dollars," to insert "two hundred thousand"; so as to make the clause read:

Improving the upper Monongahela River, West Virginia: Continuing improvements, \$30,000, \$10,000 of which may be used for the location and purchase of sites for the dams within said improvement; and the Secretary of War may place the construction of the six dams heretofore recommended and reported by the United States engineers on the Monongahela River, in the State of West Virginia, under contract at a sum not exceeding \$1,200,000, to be paid for as appropriations may from time to time be made by law.

The amendment was agreed to.

The next amendment was, on page 53, line 21, to increase the appropriation for improving Cape Fear River, North Carolina, above Wilmington, from \$4,000 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 53, line 21, to increase the appropriation for improving Cape Fear River, North Carolina, at and below Wilmington, from \$100,000 to \$195,000.

The amendment was agreed to.

The next amendment was, on page 54, line 2, to increase the appropriation for improving Neuse River, North Carolina, from \$5,000 to \$7,000.

The amendment was agreed to.

The next amendment was, on page 54, line 4, to increase the appropriation for improving Pamlico and Tar rivers, North Carolina, from \$2,500 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 9, to insert:

Improving Roanoke River, North Carolina: Continuing improvement, \$12,000.

The amendment was agreed to.

The next amendment was, on page 56, line 19, after the word "River," to strike out "For completion" and insert "Continuing improvement"; so as to make the clause read:

Improving Apalachicola River, Florida, including the cut-off and Lower Chipola River: Continuing improvement, \$5,000.

The amendment was agreed to.

The next amendment was, on page 57, line 11, before the words "Terraceia Bay," to strike out "in" and insert "into."

The amendment was agreed to.

The next amendment was, on page 57, line 18, before the word "bay," to strike out "Sarasoto" and insert "Sarasota"; and in line 19, before the word "Florida," to insert "from Tampa Bay to Caseys Pass"; so as to make the clause read:

Improving Sarasota Bay, from Tampa Bay to Caseys Pass, Florida: Continuing improvement, \$2,500.

The amendment was agreed to.

The next amendment was, on page 58, line 1, after the word "with," to strike out "latest approved project for its improvement, twenty-five" and insert "project submitted February 27, 1895, two hundred"; so as to make the clause read:

Improving St. Johns River, Florida, from Jacksonville to the ocean, in accordance with project submitted February 27, 1895, \$200,000.

The amendment was agreed to.

The reading of the bill was continued to line 18, on page 58.

Mr. PUGH. I desire to offer several amendments to the bill on page 58, relative to the improvements on the Warrior and Tombigbee rivers. Is it proper for me now to offer the amendments?

Mr. FRYE. Is it in relation to a diversion of a part of the appropriation?

Mr. PUGH. Yes; merely the distribution. Here are the amendments. They do not increase the appropriation.

Mr. VEST. It is all right.

The PRESIDING OFFICER. Does the chairman of the Committee on Commerce agree that the amendments shall be offered now?

Mr. FRYE. I think they might as well come in now. It is merely a change in the language making the distribution.

The PRESIDING OFFICER. The amendments will be accepted by unanimous consent.

Mr. PUGH. They will be accepted by the committee.

The PRESIDING OFFICER. The first amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. In line 8, page 58, before the word "thousand," strike out "forty" and insert "ten"; so as to read:

Improving Black Warrior River, Alabama, from Tuscaloosa to Daniels Creek: Continuing improvement, \$10,000.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. In line 12, after the words "one hundred and," strike out "fifteen" and insert "forty-five," so as to read:

Improving Warrior and Tombigbee rivers, Alabama, from mouth of Tombigbee River to Tuscaloosa: Continuing improvement, \$145,000.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. In line 14, before the word "thousand," strike out "forty" and insert "seventy"; so as to make the clause read:

Of which \$75,000 are to be expended on the Tombigbee River and \$70,000 on the Warrior River, and so much of said sums as may be necessary is authorized to be expended in acquiring, by purchase or condemnation, under the laws of Alabama, the lands needed in making such improvements.

The amendment was agreed to.

Mr. FRYE. That leaves the amount as originally appropriated.

Mr. PUGH. It is the same.

Mr. FRYE. It is only a change in its application.

Mr. PUGH. It distributes it below Tuscaloosa, on the same river.

The reading of the bill was resumed and continued to line 3, on page 60.

Mr. WALTHALL. I ask the chairman of the committee whether it would be agreeable to him to have an amendment inserted at this point, or shall I wait? I want to change the name of Shubuta.

Mr. FRYE. Let it be made now. It is only a change of title.

Mr. WALTHALL. On page 60, line 2, I move to strike out "Shubuta" and insert "Bucatana"; so as to read:

Improving Chickasahay River, Mississippi, from the mouth up to railroad bridge near Bucatana: Continuing improvement, \$2,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 60, line 8, after the word "of," to strike out "completing" and insert "continuing"; and in line 10, after the word "upon," to strike out:

In addition to expending the balance on hand, contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the same, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$800,000, exclusive of the amount heretofore appropriated.

And insert "the balance on hand may be expended"; so as to make the clause read:

Improving mouth of Yazoo River and harbor of Vicksburg, Miss.: For the purpose of continuing the project of improvement as heretofore adopted and entered upon, the balance on hand may be expended.

Mr. WALTHALL. Mr. President, I hope the Senate will disagree to the amendment reported by the committee. Day before yesterday the chairman of the committee informed us that there were about thirty continuing contract clauses in the bill as it came to us from the other House. The report of the committee shows that of these three were stricken out by the Senate committee. One is Savannah Harbor, Georgia, \$1,093,950; another Sabine Pass, Texas, \$1,403,856, and another Yazoo River and harbor at Vicksburg, \$860,000. The last named carries the smallest appropriation of the three. Day before yesterday the other two were restored by a vote of the Senate, and I trust that this one will now be restored. It is substantially upon the same footing, and is, I believe, a project about as meritorious as there is in the bill.

I will submit a brief statement of the objects of the project and the reason why I do not think the Senate should sustain the committee in striking out the provision. The objects are twofold, both extremely important, one affecting the city of Vicksburg, which is the principal city in my State, the other affecting the great Yazoo delta, which is, I believe, about the richest spot of earth to be found upon the globe.

The city of Vicksburg, upon the east bank of the Mississippi River, stands on the first highlands below the Chickasaw Bluffs at Memphis, a distance of about 400 miles as the river runs. Up to 1876 the river in front of the city of Vicksburg turned abruptly northward and then southward, making a loop of about 8 miles around, with a narrow strip of land at the neck of the loop not more than half a mile in width. In 1876 the Mississippi River, which is always capricious, and very often unmanageable, forced its way through that narrow neck of land, destroyed the great interior harbor at Vicksburg, and left the city standing on a body of sluggish water, to which the name of Lake Centennial has since been given.

The object of this provision is to restore that harbor in connection with another purpose, which I will undertake briefly to explain. The Yazoo delta comprises about 6,000 square miles.

Mr. GEORGE. Six thousand eight hundred.

Mr. WALTHALL. Six thousand eight hundred, my colleague says, including about 2,000,000 acres of the very finest land in the world. It includes all the territory between Vicksburg and Memphis, between the Mississippi River on the west and the range of highlands that makes a great curve out eastward in the vicinity of Memphis and then, returning toward the river, reaches the river at Vicksburg. That very fertile section is drained by the Yazoo River and a number of tributaries, I think about 800 miles of navigable waters, if I mistake not.

Mr. GEORGE. Eight hundred miles now absolutely navigable.

Mr. WALTHALL. This river and its tributaries afford the

only protection that the people have in that part of the country against the exorbitant demands for freight, which are exacted by the railroad companies. The freights for that section amount to millions in money and hundreds of thousands in tons. It happens that at low water, at the point where the Yazoo River runs into the Mississippi River, just above Vicksburg, the stream is so shallow that boats can not enter, whereas if they could enter they would find abundant water navigable for hundreds of miles up toward the source of that stream.

The object of the provision in addition to what I have already stated with reference to Vicksburg Harbor is to divert the Yazoo River near its mouth southward and conduct it into Lake Centennial by natural means supplemented by artificial means and thus at once to restore that great harbor and afford navigation on the Yazoo at all stages of water.

The engineer officers of the Government have pronounced the scheme entirely feasible. The Government is committed to it. The work is now progressing. The engineer officers say that the work can be completed at a cost of \$1,200,000 provided the work be continuous, but if the appropriations are small and fragmentary it will very largely increase the cost. The work is now progressing and a very considerable sum of money has already been expended upon it. Eight hundred and sixty thousand dollars is necessary to complete the work entirely. The House provided for that, and the Senate committee propose to strike out the provision. I trust it may not be done. I think it ought not to be done upon every consideration of economy and justice.

Mr. FRYE. Mr. President, I am compelled to admit that there is no more reason for repealing the continuing contract clause in this case than there was in the case of Sabine Pass and Savannah Harbor. The Senate restored the House provisions in those two cases, and I certainly am not in condition to contest the case which has just been presented.

Mr. GEORGE. I do not wish to supplement the remarks made by my colleague [Mr. WALTHALL] except to say that the chairman of the committee was generous enough to about admit that the committee is out of court. Therefore I hope that the bill will be allowed to stand as it came from the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Commerce.

The amendment was rejected.

Mr. FRYE. The Senate now having restored these continuing contract clauses, we shall be in the happy condition of conferring in relation to Senate amendments alone.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 60, after line 18, to insert:

Improving Bayou Lafourche, Louisiana: Continuing improvement, \$25,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 4, to insert:

Improving Bayou Courtableau, by removing raft in same, \$2,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 61, line 10, after the word "improvement," to strike out "according to the plan of Capt. J. H. Willard, Corps of Engineers, United States Army, seventy-five" and insert "one hundred"; so as to make the clause read:

Improving Red River, Louisiana and Arkansas, from Fulton, Ark., to the Atchafalaya River: Continuing improvement, \$100,000.

The amendment was agreed to.

The next amendment was, on page 61, line 16, before the word "thousand," to strike out "one hundred and ten" and insert "seventy-five"; and in line 17, after the word "dollars," to insert:

Of which amount \$10,000 may be applied to the improvement of Pigeon Bayous and Grand River: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,173,250, exclusive of the amount herein and heretofore appropriated.

So as to make the clause read:

Improving Bayou Plaquemine, Louisiana: Continuing improvement, \$75,000, of which amount \$10,000 may be applied to the improvement of Pigeon Bayous and Grand River, etc.

The amendment was agreed to.

The next amendment was, on page 62, line 8, to increase the appropriation for improving Bayou Teche, Louisiana, from \$6,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 16, to insert:

Improving Brazos River, Texas, from Richmond southerly, by removal of snags and overhanging trees, as recommended by report of February 14, 1895, \$5,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 22, to strike out:

Improving Cumberland River, Kentucky and Tennessee: Continuing improvement, between the State of Tennessee and the town of Burnside, \$20,000, to be expended in purchasing sites for locks and dams 21 and 22, and in laying masonry for dams 21 and 22.

The amendment was agreed to.

The next amendment was, on page 65, line 7, after the word "for," to strike out "the completion of" and insert "continuing work on"; so as to make the clause read:

Improving Cumberland River below Nashville, Tenn.: Continuing improvement, \$80,000, of which sum shall be expended as much as may be necessary for continuing work on the lock and dam near the mouth of Harpeth River.

The amendment was agreed to.

The next amendment was, on page 65, line 12, after the word "Nashville," to insert "or the necessary material may be purchased and the work done otherwise than by contract"; so as to make the clause read:

Improving Cumberland River above Nashville, Tenn.: Continuing improvement: The Secretary of War may enter into contracts for the completion of the whole or any part of locks Nos. 5, 6, and 7, above Nashville, or the necessary material may be purchased and the work done otherwise than by contract.

The amendment was agreed to.

The next amendment was, on page 65, line 21, to increase the appropriation for improving Tennessee River below Chattanooga, Tenn., from \$50,000 to \$200,000.

The amendment was agreed to.

Mr. BATE. On page 66, after line 6, I move to insert—

The PRESIDING OFFICER. Is the Senator from Tennessee aware of the order that individual amendments are not to be considered on this reading of the bill except by unanimous consent? Committee amendments are first to be disposed of.

Mr. BATE. I do not ask unanimous consent, but I presented the amendment to the committee, and it took no action upon it.

Mr. BERRY. The Senator from Tennessee will have an opportunity later.

Mr. FRYE. There will be ample time, after we have gone through with the reading of the bill, for the Senator from Tennessee to offer his amendment.

The PRESIDING OFFICER. The Senator from Tennessee will have an opportunity to offer the amendment after the committee amendments are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 66, line 16, after the word "appropriated," to insert:

Provided, That of the amount authorized to be expended \$83,000, or so much thereof as may be necessary, may be expended, in addition to the \$50,000 herein appropriated, in continuing construction and completion of Lock and Dam No. 7, by contract or otherwise.

So as to make the clause read:

Improving Kentucky River, Kentucky: Continuing improvement, \$50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$1,349,000, exclusive of the amount herein appropriated: *Provided*, That of the amount authorized to be expended, etc.

The amendment was agreed to.

The next amendment was, on page 67, line 13, after the word "improvement," to strike out:

For Lock No. 5, according to report and recommendation of Maj. D. W. Lockwood, Corps of Engineers, United States Army, submitted August 11, 1891.

And insert "of Lock No. 5"; so as to make the clause read:

Improving Green River, Kentucky, about the mouth of Big Barren River: Continuing improvement of Lock No. 5, \$20,000.

The amendment was agreed to.

The next amendment was, on page 68, line 7, after the word "the," to strike out "approved project for the completion thereof, \$10,000," and insert:

Project submitted February 3, 1896, \$30,000, \$20,000 of which, or so much thereof as may be necessary, may be used for the purchase of the sites for Dams Nos. 3, 4, and 5; and if said sum shall not be sufficient, then the Secretary of War may use so much of the moneys heretofore appropriated for Dam No. 6 as shall be requisite.

So as to make the clause read:

Improving Ohio River, by the construction of Dams Nos. 2, 3, 4, and 5, between Davis Island Dam and Dam No. 6, in accordance with the project submitted February 3, 1896, etc.

The amendment was agreed to.

The next amendment was, on page 70, under the heading for improving the Ohio River, Ohio and West Virginia, to increase the appropriation for the improvement and continuance of the work on the harbor at Brooklyn, Ill., from \$5,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 71, line 4, after the word "submitted," to strike out "by Col. G. J. Lydecker, November 30," and insert "December 7"; and in line 5, after the word "ninety-five," to strike out "in House Document No. 72, Fifty-fourth Congress, first session"; so as to make the clause read:

Improving Belle River, Michigan, in accordance with plans submitted December 7, 1895, \$5,000.

The amendment was agreed to.

The next amendment was, on page 71, line 9, after the word "submitted," to strike out "by Col. G. J. Lydecker, November 30," and insert "December 7"; and in line 10, after the word "ninety-five," to strike out "in House Document No. 71, Fifty-fourth Congress, first session"; so as to make the clause read:

Improving Sebawaing River, Michigan, in accordance with plans submitted December 7, 1895, \$5,000.

The amendment was agreed to.

The next amendment was, on page 71, line 14, after the word "submitted," to strike out "by Col. G. J. Lydecker"; and in line 15, after the word "ninety-five," to strike out "in House Document No. 73, Fifty-fourth Congress, first session"; so as to make the clause read:

Improving Pine River, Michigan, in accordance with report submitted December 7, 1895, \$5,000.

The amendment was agreed to.

The next amendment was, on page 72, line 23, after the word "with," to strike out:

Plans submitted by Col. G. J. Lydecker in House Document No. 192, Fifty-fourth Congress, first session.

And insert "the alternative project submitted January 28, 1896"; so as to make the clause read:

Improving Kalamazoo River, Michigan, from Lake Michigan to Saugatuck, in accordance with the alternative project submitted January 28, 1896, \$5,000.

The amendment was agreed to.

The next amendment was, on page 73, line 18, after the word "sufficient," to strike out "is hereby appropriated and"; so as to make the clause read:

Improving Menominee River, Wisconsin and Michigan: Continuing improvement, \$15,000, of which said sum an amount sufficient shall be used.

The amendment was agreed to.

The next amendment was, on page 74, line 10, before the word "thousand," to strike out "ten" and insert "fifteen"; and in the same line, after the word "dollars," to insert:

Of which sum \$10,000, or so much thereof as may be necessary, shall be used in improving the harbor and water front of Stillwater, Minn., so as to render it accessible to steamboats and other craft navigating said river.

So as to make the clause read:

Improving St. Croix River, Wisconsin and Minnesota: Continuing improvement, \$15,000, of which sum \$10,000, or so much thereof as may be necessary, shall be used in improving the harbor and water front of Stillwater, Minn., so as to render it accessible to steamboats and other craft navigating said river.

The amendment was agreed to.

The next amendment was, on page 74, after line 11, to strike out:

Improving Red River of the North, Minnesota: Continuing improvement, \$12,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 13, to insert:

Improving Red River of the North, Minnesota, and its tributaries: Continuing improvement, \$20,000, of which sum \$5,000, or so much thereof as may be necessary, shall be used in improving the navigation of the Red Lake River, between Thief River Falls and Red Lake, according to the plan of Maj. W. A. Jones in his report of February 26, 1895.

The amendment was agreed to.

The next amendment was, on page 75, line 6, after the word "dollars," to strike out:

Provided, That the expenditure of said money shall be made upon said river, from the mouth thereof to the forks in said river.

And insert:

And so much thereof as may be necessary may be used for dredging to a depth of 20 feet between the mouth of the river and a point 2 miles southward.

So as to make the clause read:

Improving Calumet River, Illinois: Continuing improvement, \$50,000, and so much thereof as may be necessary may be used for dredging to a depth of 20 feet between the mouth of the river and a point 2 miles southward.

The amendment was agreed to.

The next amendment was, on page 75, line 16, after the word "dollars," to insert "and for acquiring right of way, including necessary surveys, \$20,000"; in line 18, after the word "for," to insert "the whole or any part of"; in line 21, after the word "Canal," to insert "or the said materials may be purchased and

the work done otherwise than by contract"; and in line 23, after the word "necessary," to strike out "therefor" and insert "for the said canal"; so as to make the clause read:

For the construction of the Illinois and Mississippi Canal: Continuing construction, \$25,000, and for acquiring right of way, including necessary surveys, \$20,000: *Provided*, That the Secretary of War may enter into contracts for the whole or any part of such material and work as may be necessary to complete the present project of said Illinois and Mississippi Canal, or the said materials may be purchased and the work done otherwise than by contract; and to acquire such further right of way as may be necessary for the said canal, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$3,710,960, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24, on page 77.

Mr. NELSON. I move to strike out the word "to," in line 23, and insert the word "and." It is to correct a mistake.

The SECRETARY. In line 23, page 77, it is proposed to strike out the word "to" and insert "and"; so as to make the clause read:

Improving the Mississippi River between the Chicago, St. Paul, Minneapolis and Omaha Railroad bridge at St. Paul, and the Washington avenue bridge at Minneapolis: Continuing improvement, \$100,000.

Mr. FRYE. I have no objection to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 78, line 2, before the word "hundred," to strike out "three" and insert "four"; in line 5, before the word "hundred," to strike out "one" and insert "two"; in line 16, after the word "dollars," to insert "exclusive of the amount herein appropriated"; in line 25, before the word "cents," to strike out "sixty-six" and insert "sixty-seven"; on page 79, line 11, after the word "That," to insert "any balance of former appropriations now available and"; in line 13, after the word "expended," to strike out "in pursuance of said contracts"; in line 19, after the word "of," to insert "ultimately"; in the same line, after the word "obtaining," to insert "and maintaining"; and in line 22, after the word "depth," to insert "at all periods of the year except when navigation of the river is closed by ice"; so as to make the clause read:

Improving the Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: Continuing improvement, \$475,000, of which amount \$200,000 shall be expended on that portion of said river from St. Paul to the mouth of the Missouri River, and \$275,000 from the mouth of the Missouri River to the mouth of the Ohio River: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$5,025,000, exclusive of the amount herein appropriated: *Provided further*, That for the fiscal year ending June 30, 1897, said contracts and materials purchased and work done otherwise than by contract for the section of said river between St. Paul and the mouth of the Missouri River shall not exceed \$200,000, and thereafter shall not exceed for the three years beginning July 1, 1897, the sum of \$826,666.67 annually: *Provided further*, That such contracts and materials purchased and work done otherwise than by contract for that section of the said river between the mouth of the Missouri and the mouth of the Ohio River for the fiscal year ending June 30, 1897, shall not exceed the sum of \$325,000, and thereafter for the three years commencing July 1, 1897, shall not exceed the sum of \$673,333.33 annually: *And provided further*, That any balance of former appropriations now available and the money hereby appropriated and authorized to be expended for the said section of said river between the mouth of the Missouri River and the mouth of the Ohio River, or so much thereof as may be necessary, shall be expended in the construction of suitable dredge boats, portable jetties, and other suitable appliances, and in the maintenance and operation of the same, with the view of ultimately obtaining and maintaining a navigable channel from St. Louis to Cairo not less than 250 feet in width and 9 feet in depth at all periods of the year except when navigation of the river is closed by ice.

The amendment was agreed to.

The next amendment was, on page 79, after line 23, to strike out:

That \$50,000, or so much thereof as may be necessary, of the money herein appropriated for the improvement of the Mississippi River between Cairo and the mouth of the Missouri River shall be expended, under the direction of the Secretary of War, to protect the east bank of the Mississippi River from caving in and being washed away at or near a point opposite the mouth of the Missouri River and extending south along said east bank as far as may be necessary to effect the purpose above mentioned.

That of the money herein appropriated for use on the Mississippi River from Cairo to the mouth of the Missouri River the sum of \$30,000, or so much thereof as may be necessary, is directed to be expended in removing the bar in front of Chester, Ill., and protecting the west bank of the Mississippi River opposite Chester, Ill.

And insert:

That of the money herein appropriated for the improvement of the Mississippi River between Cairo and the mouth of the Missouri River there may be expended, under the direction of the Secretary of War, in order to improve the channel of the river, such amounts as may be necessary to protect the east bank of the Mississippi River from caving in and being washed away at or near a point opposite the mouth of the Missouri River and extending south along said east bank, and in removing the bar in front of Chester, Ill., and protecting the west bank of the Mississippi River opposite Chester.

The amendment was agreed to.

The next amendment was, on page 81, line 1, after the word

"appropriated," to insert "and authorized to be expended"; so as to make the clause read:

That of the money herein appropriated and authorized to be expended for the improvement of the Mississippi River from St. Paul to the mouth of the Missouri River there shall be expended the following respective amounts, etc.

The amendment was agreed to.

Mr. FRYE. The item between lines 8 and 14 on page 81, may be passed over for the present at the request of the junior Senator from Illinois [Mr. PALMER].

The PRESIDING OFFICER (Mr. BERRY in the chair). The item within the lines indicated will be passed over.

The next amendment of the Committee on Commerce was, on page 81, after line 14, to strike out:

For the removal of the bar in the Mississippi River, on the east side thereof, opposite the city of Dubuque, in the State of Iowa, \$5,000.

Mr. ALLISON. I ask that this amendment—

Mr. CULLOM. I hope the lines just read will be retained.

Mr. ALLISON. That is what I want.

Mr. CULLOM. I hope that this amendment and the amendment in lines 23, 24, and 25, on the same page, may be disagreed to. I have a letter in reference to the latter amendment, pertaining to Quincy, Ill., and the Senator himself has quite a number of letters with reference to the first, which seem to make it absolutely necessary that the two provisions shall be left in the bill as the House had it.

Mr. ALLISON. I was about to make the same suggestion. I know personally as respects the first amendment that it ought to be disagreed to.

Mr. VEST. I want to say frankly to the Senate that I suppose the people of Missouri have as much interest as the people of Illinois and Iowa in these improvements, but the trouble comes—and both Senators will recognize it—from the fact that there is no recommendation or estimate from the engineers in regard to these improvements. In other words, in order to put these appropriations back as they came from the other House, we are asked to take the verbal statements of members of Congress or letters and telegrams from citizens; and I have received a number of them. It must be evident to these Senators and to everybody that if you make up the river and harbor bill in that way the amount appropriated will be indefinite, and there is no telling what sort of improvements will be made. There is no estimate, there is no recommendation, there is no survey for these improvements.

Mr. CULLOM. As to the Dubuque item, we have improved the river on one side and not on the other. I do not know whether or not the item is in the estimates, but I do know that the merchants on the opposite side of the river, at East Dubuque, are absolutely cut off by a sand bar there, so that they can not get boats up to the shore at all. That is entirely unfair. There are a number of merchants there; and the chairman of the committee has received quite a number of letters from the Representative of that district [Mr. HITT], showing the urgent necessity for an appropriation. I have been there myself, and have seen exactly the situation in reference to it.

Mr. ALLISON. Will the Senator from Illinois allow me to say a word?

Mr. CULLOM. I shall be very glad to have the Senator from Iowa give us his views.

Mr. ALLISON. I am perfectly familiar with the situation and location there at Dubuque. It does not need an engineer to know what ought to be done there. This item does not increase the appropriation a single dollar. It merely takes from the general appropriation the sum named to preserve the channel at this particular point. It is the city in which I live, the commerce of my city crosses at that point, and I am perfectly familiar with it. The reason the local engineer does not make the improvement is that under the terms of a general appropriation he can not apply the money locally without authority from Congress. I think that where we have this absolute knowledge it does not require an engineer to know that if a sand bar accumulates at a point where commerce is constant it is an obstruction. There are two or three elevators at this point, and because of the sand bar they can not be reached. But for the technical situation as to this appropriation this sand bar would be removed.

I hope the amendment will be disagreed to, and I suggest to my friend from Missouri that this is not an unusual thing in these appropriation bills where the necessities seem to require it.

Mr. VEST. There are a large number of these appropriations here, put in at the request of members of both Houses simply upon their own statement, without any estimate, without a survey, or any recommendation.

Mr. CULLOM. I want to say, furthermore, that when I discovered that those two items and another one in the bill had been stricken out I at once undertook to find out the reason for that action. As to the two, I find that it is exceedingly important to the business of those localities that they should be reinstated. As

to the third, I am not satisfied, and therefore am not asking that anything be done in relation to it.

Mr. VEST. What does the Senator mean by the third?

Mr. CULLOM. There is still another item, that at Rock Island, in regard to which I have no information which justifies me in insisting upon its being put back, and therefore I do not intend to do so.

Mr. VEST. In regard to Sny Island?

Mr. CULLOM. That is not in dispute.

Mr. FRYE. That was passed over. The Senator from Illinois [Mr. PALMER] who is absent desired it passed over.

Mr. VEST. I did not understand that.

Mr. CULLOM. The two items to which I refer are the Dubuque item, stricken out, and the bar in front of the steamboat landing at Quincy. Quincy is a city of 40,000 people. Since there has been a railroad bridge built across the river there, a little above the city, a sand bar has begun to form, and steamboats—of which there a dozen a day coming up and going down that river—if they are going down, have to go down the main channel by the city and then back up on the inside of that bar in order to get in at all. That is the literal fact of the case; and for the Senate to hesitate to restore those items on such a state of facts would be, I think, very singular. I do not care what the War Department has done about it. I think it is unfair to the people of those localities that those items should be stricken out, and I hope that there will be no hesitation about restoring them.

Mr. VEST. As a matter of course, all these statements come to us for the first time. No such statements were made in committee, and we must look to the Book of Estimates and to the reports of the Engineer Corps.

Mr. CULLOM. I understand that is so as a general proposition.

Mr. VEST. And when we looked, we could not find any estimates nor any survey nor any recommendation, yet these rivers and harbors are under the control and supervision of officers sent from the Corps of Engineers to each river and harbor in the United States.

Mr. CULLOM. There are sand bars in both places, patent and open to the world, and boats plying up and down the river can not land where they ought to land so as to accommodate the people.

Mr. VEST. That may be and doubtless is true, but it is a singular fact that the engineer in charge of the river, with those bars right before him and knowing their injurious effect upon navigation, did not refer to them in his general estimate for the river, and though he has given very fully the details of the improvements to be made, he has said nothing about these improvements.

Mr. CULLOM. I know the facts as to both cases, because I have been at both places within the year. The Senator from Iowa [Mr. ALLISON] lives directly opposite one of them, and there is no question whatever about the facts.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Commerce, striking out the words from line 15 to line 17, inclusive, on page 81.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 81, after line 23, to strike out:

For removing the sand bar in front of the steamboat landing at Quincy, in the State of Illinois, \$10,000.

Mr. CULLOM. That is the other place I referred to, and I hope that appropriation will be retained in the bill.

The PRESIDING OFFICER. The question is on striking out the clause which has been read.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, at the top of page 82, to strike out:

For maintaining the harbor at Rock Island, Ill., \$5,000.

The amendment was agreed to.

The next amendment was, on page 82, after line 2, to strike out:

For maintaining the harbor at La Crosse, Wis., \$5,000.

The amendment was agreed to.

The next amendment was, on page 82, line 13, to increase the appropriation for "continuing the work of constructing artificial banks between the mouth of Flint River, in Des Moines County, Iowa, and running along the west bank of the Mississippi River to the mouth of the Iowa River," from \$50,000 to \$75,000.

The amendment was agreed to.

The next amendment was, on page 82, line 15, after the word "appropriated," to insert "and authorized to be expended"; and in line 17, after the word "made," to insert "and cost of improvements to be estimated"; so as to make the clause read:

And the Secretary of War, out of the money herein appropriated and authorized to be expended for the improvement of the Mississippi River from St. Paul to the mouth of the Missouri River, shall cause surveys to be made and cost of improvements to be estimated as follows, etc.

The amendment was agreed to.

The next amendment was, on page 82, line 20, before the word "County," to strike out "Mercer" and insert "Rock Island"; and on page 83, line 3, after the word "channel," to strike out "with an estimate of the cost thereof"; so as to make the clause read:

On the east side of the Mississippi River, commencing at Drury's Landing, in Rock Island County, State of Illinois, and running along the east bank of said river to New Boston, with a view to the improvement of navigation by preventing the overflow of the natural and artificial banks, and by deepening the channel; also along the east bank of said river, from at or near the city of Oquawka, Ill., to at or near Dallas City, in the said State, with a view to the improvement of navigation by preventing the overflow of the natural and artificial banks and by deepening the channel; also on the west side of said river from the bluff above the city of Madison, Lee County, in the State of Iowa, along the west bank of said river to the mouth of Skunk River, in said Lee County, and along the west bank of the Mississippi River from the mouth of the Iowa River, in Louisa County, to the city of Muscatine, in Muscatine County, Iowa, with a view of improving the navigation by preventing the overflow of the natural and artificial banks and by deepening the channel.

The amendment was agreed to.

The next amendment was, on page 84, after line 4, to strike out:

Also commencing at Drury's Landing in Rock Island County, Ill., and running along the east bank of said river to New Boston, Ill., with a view to improving the navigation by preventing the water from overflowing the natural and artificial banks along those parts of the river and deepening the channel.

The amendment was agreed to.

The next amendment was, on page 84, line 20, after the word "building," to insert "and repairing"; in line 22, after the word "river," to insert "such improvement, surveys, building and repairs of levees to be made and carried on"; on page 85, line 24, after the word "obtaining," to insert "and maintaining"; and on page 86, line 1, after the word "depth," to insert "at all periods of the year except when navigation is closed by ice"; so as to make the clause read:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, \$625,000, which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building and repairing of levees, and for surveys, including the continuation of the survey between Head of Passes and the head waters of the river, such improvement, surveys, building and repairs of levees to be made and carried on in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$8,375,000: *Provided further*, That for the fiscal year ending June 30, 1897, said contracts and materials purchased and work done otherwise than by contract shall not exceed the sum of \$625,000, and thereafter shall not exceed the sum of \$2,583,333 annually for the three years beginning July 1, 1897: *Provided further*, That the money hereby appropriated and authorized to be expended in pursuance of said contracts, or so much thereof as may be necessary, shall be expended in the construction of suitable dredge boats and other devices and appliances, and in the maintenance and operation of the same, with the view of obtaining and maintaining a navigable channel from Cairo down not less than 250 feet in width and 9 feet in depth at all periods of the year except when navigation is closed by ice: *Provided further*, That of the sum hereby appropriated and authorized to be expended the sum of \$64,000 shall be expended in the rectification of the banks at Greenville, Miss., and \$64,000 in the rectification of the banks at Helena, Ark., according to late plans submitted by Capt. Graham D. Fitch, Corps of Engineers, and \$16,000 in the rectification of the banks at New Madrid, Mo.

The amendment was agreed to.

The next amendment was, on page 87, line 7, before the word "thousand," to strike out "two hundred and fifty" and insert "three hundred"; and in line 10, after the word "*Provided*," to strike out "that in the discretion of said Commission a portion of such sum may be expended in protection of harbors and localities on said river: *And provided also*"; and in line 21, before the word "thousand," to strike out "two hundred and fifty" and insert "three hundred"; so as to make the clause read:

Improving Missouri River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, survey, permanent bench marks, and gauges: Continuing improvement, \$300,000, to be expended under the direction of the Secretary of War in the systematic improvement of the river according to the plans and specifications of the Missouri River Commission, as approved by the Chief of Engineers: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such material and work as may be necessary to carry on continuously the plans of the Missouri River Commission for the improvement of said river, or said material may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$300,000 per annum for three years, commencing July 1, 1897.

The amendment was agreed to.

The next amendment was, on page 87, line 25, to strike out:

Contracted for, \$80,000 may be expended at Omaha and Council Bluffs; at Rocheport \$20,000, at Glasgow \$20,000, at Miami \$75,000, and at St. Charles, Mo., \$50,000.

And insert:

Expended, there may be expended, in the discretion of said Commission, such amounts at Omaha, Council Bluffs, Leavenworth, Atchison, Rocheport, Glasgow, Miami, St. Charles, and at the mouth of the Little Blue, in Jack-

son County, Mo.; also for protecting the shore line of the Missouri River above Glasgow, from the foot of Bowling Green Bend to the head of Harrisons Island, and at other harbors and localities on said river as may be necessary to improve the channel by preventing erosion of the banks.

So as to make the clause read:

Of the money hereby appropriated and hereby authorized to be expended, there may be expended, in the discretion of said Commission, such amounts at Omaha, Council Bluffs, Leavenworth, Atchison, Rocheport, Glasgow, Miami, St. Charles, and at the mouth of the Little Blue, in Jackson County, Mo.; also for protecting the shore line of the Missouri River above Glasgow, from the foot of Bowling Green Bend to the head of Harrisons Island, and at other harbors and localities on said river as may be necessary to improve the channel by preventing erosion of the banks.

Mr. THURSTON. Mr. President—

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from Nebraska rise to move to amend the amendment?

Mr. THURSTON. I rise to suggest, Mr. President, that my people are very solicitous to have the clause stand in the bill as it came from the other House. I think myself that they have been laboring under some misapprehension as to the real character of the House provision. I believe that they have thought that the bill as it came from the House carried an absolute appropriation of \$80,000 for the first year's improvement at Omaha and Council Bluffs, whereas, as a matter of fact, if I read the bill correctly as it came from the House, it only provides that out of the annual appropriation and out of the three additional years provided for by continuing contracts there may be expended at Omaha and Council Bluffs \$80,000. Therefore the House provision is really an appropriation of \$20,000 per annum specifically for the work at Omaha and Council Bluffs. I ask the Senator in charge of the bill if that is his understanding of that appropriation?

Mr. VEST. Mr. President, I am responsible, I suppose, more than any one else on the committee for this amendment. My construction of that appropriation is that the \$80,000 is to come out of the aggregate amount appropriated for the first year, the next fiscal year; and then, under the continuing contract, it will depend upon the Missouri River Commission, in their discretion, to take all the \$80,000 in any one year or to take it out at fifteen or twenty thousand dollars a year, or in any other amount annually. That would be my construction, and was at the time the amendment was inserted. I do not think they will get \$80,000 a year. That is very evident. They get \$80,000, but whether they would get all of that in one year or two years or three years is a matter within the discretion of the Missouri River Commission.

Mr. ALLISON. Then, may I ask the Senator from Missouri, if he so construes it because of the words in line 25 "of the money hereby appropriated and hereby authorized to be contracted for"?

Mr. VEST. Yes; that is the amount of the continuing contract.

Mr. ALLISON. If those words "contracted for" were out of the bill I think the \$80,000 could be taken out of the appropriation immediately preceding.

Mr. VEST. Yes; but the words are "to be contracted for." That is the amount of the continuing contract.

Mr. THURSTON. There is another reason, which will be seen by an examination of the several specific appropriations, why that construction must be the true one. It will be seen that the bill as it came from the House appropriated only \$250,000 for the first year, and that these specific appropriations, all under this same clause, amount in the aggregate to \$325,000.

Mr. VEST. That is true.

Mr. THURSTON. It is therefore perfectly evident that these specific allotments of money to localities are to cover the entire period of the present appropriation and the additional three years' contracts. Such being the construction of the bill as it came from the House, I am myself inclined to believe that the amendment as reported by the committee would give to my locality, in all human probability, as great, or greater, an expenditure of money in the matter of their local improvements than would the bill as it came from the House; and yet I see no particular reason why the bill as it came from the House may not as well be left as it came here as to amend it as proposed. There is in the bill as it came from the House no absolute command upon the Missouri River Commission to expend this money at these particular points, and as the general appropriation is amended by the Senate already, it would only specifically provide for the local expenditure at the specified points of \$325,000 out of four years' appropriation; and four years at \$300,000 per year is \$1,200,000. Therefore nearly three-fourths of the entire sum would be left at the disposition of the Missouri River Commission for expenditure at such other points on the river as might be deemed expedient.

Mr. PEPPER. The Senator from Nebraska will permit me to call his attention to what seems to me, at least, to be unreasonable in the mentioning of Omaha and Council Bluffs and Rocheport and Glasgow and St. Charles, without mentioning a number of other places which are situate along the river, such as Leavenworth and Atchison. The people of our State are very much interested in taking care of the river at those places. My colleague is better able to describe the situation at both those places than I

am. I do, however, know personally that there is need of a great deal of work to be done at Leavenworth and Atchison, more particularly at Atchison. The river has changed its channel so as to interfere materially with the movement of the city and the management of the railways and the bridge companies, and it is a matter of very serious concern to our people. It is a question in my mind whether it would not be better to leave the paragraphs just as they are now, as the Senate committee have made them, and trust to the friction that may yet be aroused in conference for final adjustment.

Mr. THURSTON. As I have stated, if I were left to my own individual judgment in this matter I should certainly be quite as content with the provisions of the bill as amended by the committee as I should with the provisions of the bill as it comes from the other House. I have therefore brought this matter to the attention of the Senate, and asked nonconcurrence in the amendment reported by the committee more particularly for the purpose of having the true character of the House provision understood and placed upon the record here, in order that my people may no longer understand that the House of Representatives appropriated \$80,000 per annum for expenditure at Omaha and Council Bluffs, when, in fact, the appropriation is \$80,000, covering a period of four years' work, and which, if expended equally during that time, would simply be an appropriation of \$20,000 annually for our local improvement of the river.

With this statement of the case, I leave it to the Senate to say whether it will stand by the amendment as proposed by the committee or leave the bill as it came from the other House.

Mr. BAKER. I desire an amendment also to this clause. I notice that there are a number of places grouped together on page 88.

Mr. THURSTON. Let me suggest to the Senator—I presume I know what amendment or about what amendment he would propose—that I also have an amendment to propose if the Senate committee provision is left. I should like to first take the sense of the Senate as to whether or not it will adopt the amendment as reported by the committee. If it does, then I should like to join the Senator from Kansas in having inserted one other name from Nebraska, as I presume he desires to insert one or more from Kansas.

Mr. ALLISON. I should be glad to hear the suggested amendment before I vote for the amendment proposed by the committee, so as to know what is the whole scheme.

Mr. BAKER. The amendment I desire is in reference to Leavenworth and Atchison. The amendment I propose would be at the end of line 13, on page 88, to insert:

Provided, That on the Missouri River, opposite Leavenworth, Kans., there shall be expended the sum of \$15,000, and on the Missouri River, opposite Atchison, Kans., there shall be expended the sum of \$15,000.

These are very important places, and it is necessary to protect the Missouri River at these particular points. I believe, as nothing has been given to our locality, particularly our State, it would be but right and proper that these specific appropriations should be made for these two points. It is absolutely necessary to complete the improvements heretofore made at these two points that these sums of money should be expended and that there should be specific appropriations. We fear if we are left here with these large cities in a lump, without any distribution, that we shall not be able to obtain any part of this appropriation whatever. I notice that at other points and in other places it is usual and customary to designate the particular amount which they desire, and which is desired to be there expended. Therefore I ask that the amendment I propose be inserted so that we may have a specific appropriation amounting to \$15,000 for each of these places.

Mr. ALLISON. Mr. President, I have not heretofore had an opportunity of examining the amendment. It seems to me that the amendment proposed by the Senate committee, with a friendly commission, or perhaps without, will better accomplish the purposes in view than the provision as it came from the House. Under the House provision I think the Missouri River Commission would feel itself constrained to expend only \$80,000 for a period of four years, no matter what might be the condition of the river at Council Bluffs and Omaha. The erosion of that river between those two points often requires a very large expenditure in a single year.

Under the Senate provision the Commission is authorized in its discretion to expend such amounts at Omaha and Council Bluffs, Leavenworth, Atchison, and at other points, naming a number of points, and then at the end of the provision "and at other harbors and localities on said river as may be necessary to improve the channel by preventing the erosion of the banks." So it seems to me even without the amendment of the Senator from Kansas, if there is a condition of the channel opposite either Atchison or any of these other points, the Missouri Commission would be directed under the last clause to make such expenditures as may be necessary to prevent the erosion of the banks at that point. I

understand that is the object of these improvements at the points named.

So while I have no special objection to the amendment proposed by the Senator from Kansas, it strikes me that, looking at these two provisions, the Senate committee's provision will accomplish more easily and more directly and more effectively what is necessary at these several places.

The PRESIDING OFFICER. Will the Senator from Kansas inform the Chair whether he desires to offer his amendment?

Mr. BAKER. Yes, sir; I want to state further, in reply to the Senator from Iowa, one main objection to the provision in its present shape. It provides that a commission shall expend this money.

Now, we all know, without reflecting upon the commission, that it requires a great deal of logrolling to get the commission to improve at particular places and points. I notice that in the East and in the West in particular localities specific appropriations are made. I wish to say to the Senator from Iowa that Kansas is not good at logrolling. Kansas does not want to humiliate herself by going before a commission and demanding this or demanding that. Here is the proper place to fix it, and that is the reason why I desire to have it fixed here, so that we shall know what we are to have, and that afterwards champagne suppers, dances, and seances shall not be necessary in order to obtain appropriations or parts of appropriations at any particular place or locality.

I notice, Mr. President, that New England is not put in such a humiliating position. I do not think the West ought to be put in such a humiliating position. I simply ask justice. Improvements have been made at these points, and they were important improvements; it was important to the people of Missouri and Kansas that they should be made. Those improvements are not yet complete. I understand from the mayor of the city and others who are competent to judge that these specific sums are necessary and proper to complete the improvements. Now, as we have been generous in this bill, I ask simply as a matter of justice to the State of Missouri at these points and to the State of Kansas at these points that we may have specific appropriations, so that we shall know what we are to depend upon, and that we shall not be subject to the whims or caprices of any board or any body or any tribunal.

My desire would be first to offer the following amendment, to come in after the word "banks," at the end of line 13:

Improving the Missouri River opposite Leavenworth, Kans., the sum of \$15,000; on the Missouri River opposite Atchison, Kans., the sum of \$15,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the committee.

Mr. FRYE. Mr. President, in those two cases there is this difference, and there was this trouble before the committee. In some cases there had been estimates made of the amount of money required to take care of a certain improvement at a certain locality, and in other cases the only estimates we had were from members of Congress. In this case there were estimates both at Leavenworth and at Atchison, and I think that I may say the committee justify me in agreeing to accept these two amendments of the Senator from Kansas.

Mr. VEST. Mr. President, the question of improving the Mississippi and the Missouri rivers is full of difficulties, and it is almost impossible to meet all the demands that are made either upon the Board of Engineers or upon the commission in charge of those rivers. I have very decided views in regard to these improvements on the Missouri River, on the banks of which I have lived for fifty years. It is the most erratic stream in the United States and the most difficult to improve. It is now in such a condition that no insurance can be had upon a boat or cargo that goes up that river, and yet it drains one of the most fertile regions in the West and ought to be covered with steamboats carrying freight and passengers.

The Missouri River Commission (and I drew the bill which organized that Commission) is made up of three engineer officers from the Corps of Engineers and two civilians, one of whom is from the State of Missouri and one from the State of Nebraska. It is safe to assume, then, that Missouri and Nebraska represented upon that board would have the proper improvements made.

It must be stated frankly that one objection which is made to all these plans for specific improvements does not apply to Leavenworth and Atchison. The Missouri River Commission, in their estimates and recommendations, state that the improvements at Leavenworth and at Atchison upon the oppositeside of the river should be continued. But there are no estimates and no recommendations as to these other specific improvements or appropriations in the bill as passed by the House. For instance, at Omaha the Commission do not recommend any improvement, but they state substantially that the necessary amount has been expended there, and that

all that is necessary is to maintain the works as they have been done, and they ask for no money.

Three hundred and twenty-five thousand dollars was put in the State of Missouri, and, as a matter of course, if I were actuated by selfish purposes or personal ends I would stand here and demand these specific appropriations, for I am assailed almost hourly by my constituents from these different localities, these little towns on the river, to save our specific appropriations. The money is to be spent there, the material is to be bought there, and, as a matter of course, they are not to be condemned or criticised for it. They are like the rest of the world; they are looking to their immediate purposes and to the expenditures to be made right about them.

Now, I have not the slightest doubt but what the Missouri River can be improved and navigation brought back to it, and it can be made a portion of the great waterway to the Gulf, for it is really the Mississippi River. It gives color to it, and it ought to have given name to the whole river. But this improvement can be done in only one way, and I speak from the closest observation and experience. It can be done only by improving the river by reaches, going down the river 25 and 30 and 40 miles and systematically improving it.

We have appropriated hundreds of thousands of dollars (and I have been as much responsible for it as any Senator, possibly more so, under the demands of my constituents) at different localities to prevent erosion of the banks, to save walls, to save farms, and the money has been expended and the work washed away in the freshet that came down from the Rocky Mountains, from Montana and the Dakotas, in the next year. What we suffer from there is what has endangered the Lower Mississippi—immense fires upon the head waters of the Missouri, that destroy the undergrowth and the mosses and the herbage that would absorb the water, and it runs as it would over the top of this desk when the snows break up in the spring and pours a flood down the Missouri and Mississippi, resulting in immense erosion and destruction of lands and even of towns.

The river can only be improved like the Mississippi River, by reaches systematically. We have had this practically demonstrated. The Missouri River Commission commenced at Jefferson City and improved for 45 miles down the river systematically, one improvement supporting the other, one curve in the banks being destroyed by putting the proper improvements on the opposite side, always throwing the river against the bluff, the rocky side, and protecting the alluvial lands. What is the result? There is not a finer piece of riparian engineering in the world than on the 45 miles below Jefferson City. It stood three freshets, and you can not see where the river has made any impression upon it. Nothing else was ever known like it before. That was done by following the recommendations of the Missouri River Commission.

I have stood here year after year battling for the support of the Commission, as long as we have one. We have five officers there, three of them from the Corps of Engineers; we are paying them salaries; they are conducting the improvement according to their own way, and they could do it in no other. As long as we have a Commission we ought to support them in that work.

The pressure brought upon other members of the Senate is nothing compared to that upon me. Here is \$325,000 that is washing away in specific appropriations in my own State. To support the plan of the Commission is, I believe, the best thing for the people there, and I think they will see it in the end. There will be some temporary and local irritation and great criticism of me in the county newspapers, but the end will justify it, as it did in the reach below Jefferson City. That Commission can be trusted. My friend from Kansas is mistaken in thinking that you must go there and logroll with them. They are not able to meet the demands of all localities and therefore there are always people dissatisfied. I have myself thought at times that they ought to interfere with the course of the river when these ravages were being made upon magnificent land worth fifty and seventy-five dollars an acre and that would produce anything in the world. But I have been satisfied, after I watched their work and inspected it in person, as my colleague has done with me, that they were right and that they understood how to bridle that river and to keep it in its channel, if human ingenuity and talent could do it.

Captain Eads, the greatest riparian engineer who ever lived in this country, and I think in any other—not the greatest fortifications engineer, but riparian engineer—told me once that the Mississippi River could be improved with \$100,000,000 and with nothing less. But he said, "You must put a bridle upon it like you do upon an unbroken horse; and it will take years to do it, and a hundred million dollars to do it." And yet every year we appropriate two or three million dollars and the freshets come and the works are washed away.

I appeal to the Senate to sustain the committee in doing what they have thought to be right. It is all that they could do. All these towns in Missouri, my own constituents, my personal and political friends, are to-day writing and telegraphing me to keep

the House bill as it was, because these fifty or sixty thousand dollars of appropriations for localities are contained in it. My personal and political friends, if I consulted them, would have the bill as passed by the House; but I am satisfied that it is simply throwing away that much money. There are no recommendations for such appropriations. There are no estimates. When I saw these appropriations in the bill I communicated with my colleagues in the other House and invited them to show me where the commission had recommended any such appropriations or stated any estimates as to the amount. I was informed that one of the board had verbally told a member of the House that he thought there ought to be money expended at these points.

I submit to the Senate, can we appropriate \$325,000 on oral statements of that kind when a board is composed of five members, three of them belonging to the Engineer Corps? I make, I was about to say, from a political standpoint, a greater sacrifice than any other Senator, than all others put together, and yet I am absolutely certain that I am right in regard to it and that the committee were right in sustaining the provision as it is found reported in the bill.

Omaha will receive all the money that is necessary if there is an erosion of the banks there. If the Senator from Kansas wants \$15,000 at Leavenworth and at Atchison, he is supported by an estimate and a recommendation, but that is not the case as to these other places. Unquestionably that is so, and I shall make no resistance if he insists upon it, though I believe that he will fare better to let the improvements opposite those two cities remain in the bill as we have it proposed by the committee. Those improvements are on the Missouri side of the river, in one of the wealthiest counties in the State, not in Kansas, but in Platte County, Mo.

Mr. BAKER. I appreciate what the Senator from Missouri says, but still I think I ought to insist upon \$15,000 at Atchison and \$15,000 at Leavenworth.

Mr. VEST. Very good; I am perfectly willing to go back to the people of Platte County, where I have as good friends as any in the world, who have always supported me in every ambition of my life, and defend the amendment as we have put it in the bill. I think I can satisfy them that it is the best for them. But if the Senator from Kansas, who has, as I say, recommendations and estimates for these places, and the other places have not, insists upon the \$30,000, it is all that the State of Kansas has asked from the committee, and I am perfectly willing to concede it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. BAKER] to the amendment of the committee.

Mr. HILL. I wish to move an adjournment.

Mr. VEST. Let us get through with this item.

Mr. FRYE. Yes, let us get through with it.

Mr. BAKER. Let us vote on my amendment.

Mr. HILL. Very well.

The amendment to the amendment was agreed to.

Mr. ALLISON. I desire to offer another amendment to the amendment of the committee. I move to amend the amendment by striking out the word "expended" where it occurs in line 4, and inserting "contracted for," so that the latter provision may share the same fate as the general provision.

Mr. VEST. How would it read then?

Mr. ALLISON. It would then read:

Of the money hereby appropriated and hereby authorized to be contracted for there may be expended, in the discretion of said Commission, etc.

The PRESIDING OFFICER. Is there objection to the amendment to the amendment?

Mr. VEST. No; not at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. THURSTON. In line 6, after the words "Council Bluffs," I move to insert "Nebraska City."

Mr. VEST. That is right.

The amendment to the amendment was agreed to.

Mr. ALLEN. Before the Senator from New York moves to adjourn I hope the Senate will conclude to consider the next amendment.

Mr. VEST. We have not yet disposed of the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. FRYE. Let me inquire, where do Leavenworth and Atchison now come in—at the end?

The PRESIDING OFFICER. At the end of line 13.

Mr. FRYE. Then those words must be stricken out in line 6.

Mr. VEST. I was about to make the suggestion that they be stricken out of the body of the amendment.

The SECRETARY. In line 6, after the words "Nebraska City," just inserted, strike out "Leavenworth, Atchison."

The PRESIDING OFFICER. That will be agreed to unless objection is made. The question is upon agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. FRYE. Now, I think I have kept the Senate here as late as I am justified in doing.

BOOK AGENTS OF METHODIST EPISCOPAL CHURCH SOUTH.

Mr. BATE. The Senator from New York is kind enough to suspend the motion to adjourn until I can ask for the consideration of Senate bill 2962. It asks for no money. It simply sends a case to the Court of Claims.

Mr. COCKRELL. It is putting all the Senators to a great deal of annoyance in having to ask unanimous consent when there are not half a dozen present, and at a time when we ought to adjourn. It is not the way to transact business. I am not going to object to the bill called up by the Senator from Tennessee, but I am going to object to any other request of the kind until we have some agreement by which we shall transact the business of the Senate in a proper and decent way, giving every Senator a chance and not having a regular scramble, as we have every day after 6 o'clock, when there is not a quorum here and when business ought not to be transacted.

The PRESIDING OFFICER. The bill indicated by the Senator from Tennessee will be read for information.

Mr. COCKRELL. I simply want to give notice now, so that there will be no personal feeling in regard to the matter.

Mr. ALLISON. The Senator from Missouri does not intend his notice to apply to the Senator from Tennessee?

Mr. COCKRELL. It is not to apply to this case, as I said.

The Secretary read the bill (S. 2962) to confer jurisdiction on the Court of Claims in the case "The Book Agents of the Methodist Episcopal Church" against The United States, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. The preamble was agreed to.

Mr. HILL. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p.m.) the Senate adjourned until to-morrow, Friday, May 8, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1896.

POSTMASTERS.

Charles F. Terhune, to be postmaster at Binghamton, in the county of Broome and State of New York.

James Tiernan, to be postmaster at Fort Howard, in the county of Brown and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 7, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The SPEAKER. The Clerk will cause the Journal of the proceedings of yesterday to be read.

Mr. PICKLER. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER (having counted the House). Ninety-five gentlemen are present; not a quorum.

After an interval of eighteen minutes,

Mr. CRISP. Mr. Speaker, is a quorum not now present?

The SPEAKER. The Chair thinks there is a quorum present, and the Clerk will read the Journal.

Mr. PICKLER. I make the point that there is no quorum present.

The SPEAKER. The Chair overrules the point of order, and the Clerk will proceed with the reading.

The Clerk proceeded to read the Journal.

When the Clerk had reached that part of the Journal reciting the names of the absentees on the call of the committee and the names of those voting on the several roll calls,

Mr. PICKLER. Mr. Speaker, I demand the reading of the Journal in full. Let us have the names.

The SPEAKER. The Clerk will read the list of names in full.

The Clerk resumed and concluded the reading of the Journal.

The SPEAKER. Without objection, the Journal will be approved.

Mr. PICKLER. I object.

Mr. DINGLEY. Mr. Speaker, I move the approval of the Journal, and on that demand the previous question.

The question was taken on the approval of the Journal; and on a division (demanded by Mr. PICKLER) there were—ayes 174, noes 0.

Mr. PICKLER. No quorum.

The SPEAKER. There is evidently a quorum present. If those gentlemen who did not rise in response to the vote will announce their presence the Chair will count those present and not voting.

Nine gentlemen having risen,

The SPEAKER. One hundred and seventy-four in the affirmative and nine gentlemen present and not voting. A quorum is present, and the Journal is approved.

PRINTING AND BINDING PUBLIC DOCUMENTS.

Mr. PERKINS. Mr. Speaker, on behalf of the Committee on Printing, I desire to report a bill (H. R. 8237) to improve the printing and binding methods of the public documents, and ask its present consideration.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the annual reports of the heads of the Executive Departments and of the chiefs of bureaus, commissions, and offices shall not hereafter be numbered and printed as Congressional documents. Periodicals issued weekly, monthly, yearly, or at other regular intervals shall not be numbered and printed as Congressional documents. Special publications extending over a series of months or years and issued at irregular intervals shall not be numbered and printed as Congressional documents. The general rule and procedure shall be that the Congressional number shall be given only to those documents which emanate directly from Congress or are furnished in response to the call of Congress, or either House thereof, upon an Executive Department for information.

SEC. 2. That whenever any document not bearing a Congressional number is furnished for the use of Congress 500 additional copies thereof shall at the same time be furnished to the Superintendent of Documents for the supply of the designated depository libraries, and there shall also be furnished 15 copies for the Senate library and 15 copies for the House library, and to the Congressional Library 2 copies for its own use and 50 copies for its foreign exchanges. Of all such documents not bearing a Congressional number and ordered to be printed for the use of Congress the "usual number," which shall also be printed, shall be 1,100 copies, of which there shall be sent, in the unbound form, 170 copies to the Senate document room, 400 copies to the House document room, 10 copies to the office of the Secretary of the Senate, and 20 copies to the office of the Clerk of the House, and 500 copies shall be reserved by the Public Printer in unstitched form, to be specially bound to the order of members and officers of Congress, as provided by law.

SEC. 3. That documents not bearing a Congressional number shall be bound as follows: If emanating from the Department of State, in scarlet cloth; if from the Department of the Treasury, in dark-blue cloth; if from the Department of War, in black cloth; if from the Department of the Navy, in dark-green cloth; if from the Department of Justice, in dark-brown cloth; if from the Post-Office Department, in drab cloth; if from the Department of the Interior, in maroon cloth; if from the Department of Agriculture, in light-brown cloth; if from the Department of Labor, the Interstate Commerce Commission, the Fish Commission, the Smithsonian Institution, or other publishing office not connected with one of the Executive Departments, then in such colored cloth not used on the books of another bureau as such office and the Public Printer may agree upon; but when once adopted such color shall be continued from year to year in the binding of the same reports or other volumes from the same bureau, office, or commission. In providing cloth for binding the public documents the Public Printer shall not provide a second-rate and low grade, but shall provide either cotton or linen cloth of those first-class grades and qualities which promise to give the volumes the most attractive appearance and the greatest durability. In lettering or embossing books the Public Printer shall use gold leaf of the best and most suitable quality that is furnished for binders' use, and he shall not use "Dutch metal" or any other imitation of gold leaf. The Senate documents shall be bound in dark-brown cloth and the Senate reports in light-brown cloth. The House documents shall be bound in dark-drab cloth and the House reports in light-drab cloth: *Provided*, That the Revised Statutes, Statutes at Large, decisions of the Interior Department in land cases and in pension cases, opinions of the Attorney-General, or other publications of like character, properly designated as law books, may, within the discretion of the heads of Departments issuing the same, be bound in sheep.

SEC. 4. That in placing the titles on the backs or sides of books (not pamphlets) the following general rules shall govern: The fewest suitable number of words shall be used, and attempts to carry the whole title-page, or any considerable part of it, on the covers shall not be made. The largest and clearest type permitted by the space and by the rules of good taste shall be used, the purpose of making the titles readable at a distance being kept in view. The title placed near the top on the backs of books shall be the one indicating the subject-matter of the volume. The title placed in the middle panel shall be the one indicating the year or other date, the whole number of volumes in the series, and the special number of the particular volume on which the title is placed. The title near the bottom of the back of each book shall show the Department, Bureau, Office, or Commission from which it issues. Every cloth-bound book shall have on the back of its cover a title and a date, which on very thin books may be printed lengthwise of the volume. In expressing dates and other numbers on the backs of books Arabic numerals shall be used.

SEC. 5. That in making up the binder's titles for the House and Senate documents and reports when binding the "reserve," any document or report which fills more than one-third part of the volume in which it is contained shall be mentioned in the title on the back of the cover of such volume. The title near the top of the back of the cover on each of the reserve volumes shall be "House Documents," "House Reports," "Senate Documents," or "Senate Reports," according to the contents of the volumes. On the middle panel shall appear the number or numbers of the documents or reports contained in the volume, and also the name (or an abbreviation of the name) of any document or report contained therein which may separately fill one-third or more of the volume. When there is not in the volume any document or report making one-third the bulk of said volume, then the word "Miscellaneous" shall be placed on the middle back panel in addition to the numbers of the documents or reports therein contained. On the back of each volume of documents or reports, near the bottom, shall be placed the number and the years of the Congress in which such documents or reports originated.

SEC. 6. That the color, lettering, etc., of the binding and the phraseology, typography, etc., of the title-page of every public document shall be the same on and in all copies of such document, and there shall be but one

edition of any public document, except reprints, and in case of a reprint the fact of its being a reprint, with the date of such reprint, shall be clearly stated on the title-page of such reprint edition. This provision shall not, however, be held to preclude or curtail any privileges now enjoyed by members of Congress or heads of Departments of having copies of documents specially bound for their personal use.

SEC. 7. That it shall not be any part of the duty of the Public Printer to furnish title-pages for any of the public documents. This shall be done by the authors or compilers of the documents.

SEC. 8. That the special edition of the President's message and a part of the annual reports, heretofore issued in black cloth and entitled "Messages and Documents," shall not be issued, and the words, "Being part of the message and documents," shall not appear on the title-pages of any of the annual reports; but an equal number of the reports which have been heretofore printed in the "Message and Documents" edition shall be printed in another edition.

SEC. 9. That the "Abridgment" shall not be dated "eighteen hundred and ninety-four and ninety-five" nor any other combination of dates. It shall bear one date, which shall be that of the fiscal year to which its contents relate. The same rule shall be followed in stamping dates on the covers of the annual reports.

SEC. 10. That nothing in this act shall be construed to prohibit the separate publication of complete papers which are parts of annual reports, nor to prevent the publication of varying editions, with amended title-pages, when a material amount of matter has been added, subtracted, or changed. Such additions, subtractions, or changes are held to make a new book.

SEC. 11. That the public documents shall be printed in the octavo size, unless urgent reason, amounting to absolute necessity, shall be shown to the Public Printer for making exceptions to this rule.

SEC. 12. That Senate documents and House documents shall be numbered consecutively through a Congress, in the manner now followed with bills, resolutions, and reports.

SEC. 13. That of all documents or reports which make one or more complete volumes the whole of the "usual number" shall be printed at one time, but of all documents or reports which will make only part of a bound volume the "reserve" number shall not be printed till all the documents which are to be bound in the same volume are ready for printing. The bound volumes of documents and reports bearing Congressional numbers shall be pagged continuously throughout the volumes on the bottom margins, and the original paging of the documents and reports shall be retained on the top margins of the pages of said bound volumes.

SEC. 14. That single Congressional documents containing 500 or more pages shall be separately bound.

SEC. 15. That it is the intent and purpose of this law to assimilate the Government publications to the general literature of the country, and to that end it is directed that the word "volume" shall be used in preference to the word "part," "appendix," or "supplement" when the intention is to describe a separate book, and that the word "series" or the word "set" shall be used in preference to the word "volume" when the intention is to describe a collection of books.

SEC. 16. That the provisions of this act, so far as they can be made applicable without doing over again work already done, shall apply to all unissued volumes of the Congressional reserve and to all other incomplete work now in process of completion in the Government Printing Office.

SEC. 17. That it is hereby made the duty of the Public Printer to see to it that this law shall be executed in letter and in spirit.

SEC. 18. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. PERKINS. Mr. Speaker, if I can have the attention of the House for a few minutes I will explain the purpose of this bill.

The bill has been very carefully considered by the Committee on Printing, and is unanimously reported from the committee. The bill comes here thoroughly fortified. The first draft of this bill was submitted to every Department of the Government here from which documents are issued; it has been submitted to every great public library in the country, and no objection has appeared to it from any quarter.

I hold in my hand a letter from the Public Printer approving the bill; also a letter from the Librarian of Congress, Mr. Spofford, approving the bill. I have here also a letter from the Massachusetts Library Club, representing 135 different libraries, strongly approving the passage of the bill. I have a letter from the trustees of the Public Library of the City of Boston, said to be the greatest library in the country, highly approving the bill, and I have here the approval of libraries and librarians and important public institutions from nearly every State in the Union. I could, if the House would have patience, read at length in support of this bill from these various documents to which I have referred.

Now, then, let me say, Mr. Speaker, that the purposes of the bill are very simple. The bill does not reduce in any particular whatever any publication now authorized by law. It does not curtail the privileges that anyone enjoys under existing law. The effect of the bill will be to enlarge these privileges.

Let me say, in brief, that a prime purpose of the bill is to reduce the varying editions of the same documents now issued from the Departments of the Government to one edition, and make it clear to anyone, by the title of the document, exactly the contents of the document itself. I have before me four volumes, to which I call your attention [indicating four bound volumes]: The first is the report of the Commissioner of Education, the second the report of the Secretary of the Interior, the third is Messages and Documents of the Interior Department, and this, the fourth one, is House Executive Documents. Now, then, when I tell you that the contents of each of these volumes are identical you will at once see the necessity of the reform which the bill seeks to accomplish. Instead of issuing this document and others like it in four or five editions, we propose to issue it in one edition. Seeing on a library shelf the volume House Executive Documents, no one would think to find in that volume the report of the Commissioner of Education. So duplicates go everywhere. One library in this country has culled out and returned to the Superintendent of Documents 5,000 volumes of duplicates. We propose to prevent duplication.

The other important feature of the bill is—

Mr. DOCKERY. You not only secure uniformity, but this reform must necessarily operate to largely reduce expenditures?

Mr. PERKINS. Certainly, because these documents are issued now in duplicate. The other feature of the bill is to take out of what is called the reserve the copies that are furnished to the depository libraries and print them at the same time that the first edition is printed. As it is now, these volumes that go into the reserve are not bound up until after the conclusion of a session of Congress, so that the libraries do not receive their copies until two or three years after a volume has been issued. When it comes to current matters of interest, like the report of the Director of the Mint, the report of the Secretary of the Treasury, the report of the Commissioner of the General Land Office, the value in those reports is when they are first issued. So we take them out of the reserve and bind them at the time the report is first issued.

Under the present system, librarians will petition a member of Congress to send a copy of a report or other publication from his quota, and then the Secretary of the Interior, or of any other Department, will in time send a copy from his quota. Then the reserve is finally bound up, a year or two after, and the regular copy for the library is furnished. We propose to remedy that.

Mr. Speaker, there can be no possible objection to this bill. I should be very glad to answer any question that any member may have in his mind. I have examined the bill very carefully. It is certainly important that this reform should take place. It works injury to nobody and benefit to everyone.

The Government Printing Office is the largest publishing house in the world. We issue from there something like 1,000,000 copies of books every year. We are doing this at an expense of hundreds of thousands of dollars. Many experts are engaged in preparing the contents of these volumes; and when we are expending this large amount of money we certainly should see that the reports reach the public during the life of each report.

Mr. DOCKERY. I understand the gentleman to say that this bill has the approval of the Public Printer?

Mr. PERKINS. This bill has the approval of the Public Printer, of the Librarian of Congress, of everyone to whom it has been submitted.

Mr. NORTHWAY. I understood that some time ago there was some friction between the Printing Committee and the Bookbinders' Association of the country. Has that been adjusted?

Mr. PERKINS. That has been adjusted, and I am authorized to say for the Bookbinders' Union that they recommend the passage of the bill in its present form.

Mr. OWENS. I just want to call attention to the fact that the gentleman from Tennessee [Mr. RICHARDSON], who generally takes a very active and intelligent interest in these matters, is absent. Does the gentleman object to postponing it until his return?

Mr. PERKINS. My colleague on the committee [Mr. RICHARDSON] has been with me every day when we have considered this bill, and it meets with his entire approval and indorsement. He has had as much to do in the preparation of it as I have. The gentleman can not fail to accept my word for that.

Mr. OWENS. I do not object to that, but it is a matter of very general importance, and we should like to understand a little more about it. Over here we have not been able to hear the statement of the gentleman from Iowa. We are absolutely in the dark about the provisions of the bill.

Mr. PERKINS. I have sought to make myself understood. The gentleman must recognize that this is a very important matter. It does not infringe upon the rights of anyone. It has the approval, as I say, of the Public Printer, of the Librarian of Congress, of the entire committee, of every librarian to whom it has been submitted, and there is not an objection from any quarter.

Mr. TALBERT. I have asked for the report of the committee, and I find that the committee have made no report. Why is that? If I am in error, I should like to know it.

Mr. PERKINS. My friend will bear in mind that the committee reported a joint resolution (No. 126) on this question and that report was made some time ago. The bill having been carefully gone over by the committee, we have made some changes from the joint resolution, and present it in this form by the unanimous action of the committee.

Mr. TALBERT. I just wanted to know how this bill came up, if the committee have not reported it regularly.

Mr. PERKINS. The committee have reported it this morning.

Mr. TALBERT. Has the report been printed, or is it a report on another bill?

Mr. PERKINS. It is the same subject—the same report.

Mr. TALBERT. I ask how it comes up for consideration? Have the committee made a formal report?

Mr. PERKINS. They have made a formal report.

Mr. TALBERT. Where is the report?

Mr. PERKINS. There is a printed report on joint resolution No. 126.

Mr. TALBERT. Why is it that it is not obtainable?

Mr. PERKINS. The gentleman can obtain it by sending for it.

Mr. TALBERT. I asked for it, and they said I could not get it.
Mr. DOCKERY. I understand that this bill is a substitute for the joint resolution, and the report is on the joint resolution.

Mr. TALBERT. There seems to have been some irregularity about the reporting of it.

Mr. MILES. There is no division in the committee on this subject?

Mr. PERKINS. None whatever.

Mr. MILES. And the Public Printer approves it?

Mr. PERKINS. The Public Printer approves it. There is no objection from any quarter. The gentleman will be unable to find an objection from any quarter.

Mr. TALBERT. I am not trying to find an objection to the bill. I was only asking in regard to the manner in which it comes up, as I failed to obtain a report. [Cries of "Vote!" "Vote!"]

The amendments recommended by the committee are as follows: In section 2, line 3, after the word "thereof," insert the words "bound in half morocco, of colors to correspond with the colors of cloth-bound books as hereinafter provided."

Also, in line 6, of same section, after the word "furnished," insert the words "in like binding."

Also, in section 3, line 2, after the word "bound," insert the words "in paper or cloth, and if in cloth."

Also, in same section, lines 19 and 20, strike out the words "shall not provide a second rate and low grade, but."

Also, in same section, lines 26 and 27, strike out the words "and he shall not use 'Dutch metal,' or any other imitation of gold leaf."

Also, in section 4, line 16, strike out the word "cloth."

Also, in section 5, strike out all after the word "reserve," in line 3, down to and including the word "volume," in line 6.

Also in section 6, line 1, insert after the word "color" the word "and"; and in same line strike out the words "and so forth"; and in line 2 of same section, after the word "phraseology," insert the word "and"; and also in same line strike out the words "and so forth."

Also in section 9, line 1, after the word "abridgment," strike out all the words down to and including the word "dates," in line 3.

Also in section 15, line 3, after the word "end," strike out the words "it is directed that."

The amendments recommended by the committee were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I demand the regular order.

NAVAL APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS as conferees on the part of the House on the naval appropriation bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 606) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean;

A bill (S. 989) granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army.

Joint resolution (S. R. 127) proposing amendments to section 73, paragraph 32, of the act of January 12, 1895, providing for the public printing and binding and distribution of documents; and

Joint resolution (S. R. 128) proposing an amendment to section 89, paragraph 2, of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 802) for the relief of the receivers of the Towboat Association of New Orleans, La.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa; and

A bill (H. R. 953) for the relief of William Gray.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIX, the following Senate bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 606) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean—to the Committee on Claims.

A bill (S. 989) granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army—to the Committee on Invalid Pensions.

A bill (S. 2822) to increase the pension of Theodore V. Purdy—to the Committee on Invalid Pensions.

Joint resolution (S. R. 128) proposing an amendment to section 89, paragraph 2, of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents—to the Committee on Printing.

Joint resolution (S. R. 127) proposing amendments to section 73, paragraph 32, of the act of January 12, 1895, providing for the public printing and binding and distribution of documents—to the Committee on Printing.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 572) for the relief of James Duke;

A bill (H. R. 153) granting a pension to Mary Ann Tracy;

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

A bill (H. R. 4887) granting a pension to Sarah G. Ives;

A bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteers;

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta;

A bill (H. R. 2735) for the relief of Enoch Davis;

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

A bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes;

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes;

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa;

A bill (S. 661) to amend section 2880 of the Revised Statutes of the United States, fixing time for vessels to unlade;

A bill (S. 129) for the relief of Capt. George H. Perkins;

A bill (S. 1904) to regulate marriages in the District of Columbia.

CIRCUIT COURTS OF APPEALS.

Mr. POWERS. Mr. Speaker, I desire to call up from the House Calendar the bill H. R. 7370.

The SPEAKER. The gentleman will send up the bill.

The Clerk read as follows:

A bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

Be it enacted, etc., That section 15 of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and the same hereby is, amended so as to read as follows:

"Sec. 15. That the Supreme Court and the circuit court of appeals shall have the same appellate jurisdiction, by writ of error or appeal, to review the judgments, orders, and decrees of the supreme courts of the several Territories as by this act they may have to review the judgments, orders, and decrees of the district and circuit courts; and also appellate jurisdiction by writ of error or appeal to review any final judgment or decree of the supreme court of any Territory in all cases where the matter in controversy shall exceed \$1,000, besides costs, and in all criminal cases where the crime charged may be murder or a felony or infamous crime where the defendant shall have been sentenced to capital punishment or imprisonment in the penitentiary for a period not less than five years; which said appeals or writs of error shall be taken in the same manner and subject to the same regulations as provided for cases of writs of error or appeals from judgments from the district courts."

SEC. 2. That all appeals which may be taken or writs of error sued out under the provisions of the foregoing section 15, as herein amended, to review any judgment, order, or decree of the supreme court of any Territory, shall be taken or sued out within one year after the entry of the judgment, order,

or decree sought to be reviewed: *Provided*, That in any such case mentioned in said section wherein a judgment, order, or decree has been entered since March 3, 1894, and not been entirely executed at the time of the passage of this act, the party aggrieved shall be entitled to take an appeal or sue out a writ of error at any time within six months after the passage of this act, provided that no vested right acquired under any proceeding to execute such judgment, order, or decree shall be in any way affected or impaired by such appeal or writ of error, and the party appealing or suing out a writ of error to review any judgment, order, or decree of any supreme court of any Territory shall be entitled to a stay of execution in the same manner and subject to the same regulations as is provided by the laws of the United States in cases of appeals and writs of error from judgments, orders, or decrees of the district or circuit courts of the United States; and in all cases when the writ of error is sued out from a judgment in which the sentence shall be capital punishment, the same shall operate as a stay of execution during the pendency of such case or writ of error.

THE SPEAKER. Is there objection to the present consideration of the bill?

MR. BAILEY. Mr. Speaker, I have no objection to the present consideration of the bill, but it is fair to say to the House that I have some question as to the power of the House to pass it, and I will want four or five minutes to state my reasons for that.

THE SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

MR. POWERS. Mr. Speaker, there are one or two committee amendments to the bill, and the Delegate from New Mexico [Mr. CATRON] has a further amendment which he desires to submit and which is acceptable, as I understand it, to the committee.

MR. PICKLER. A parliamentary inquiry, Mr. Speaker. How does this matter come up?

THE SPEAKER. It comes up by presentation of the gentleman from Vermont.

MR. PICKLER. By unanimous consent?

THE SPEAKER. Yes, sir; the Chair asked if there was objection, and there was no objection.

MR. PICKLER. Has it passed that stage?

MR. POWERS. I yield to the gentleman from New Mexico to offer an amendment.

MR. CATRON. I offer an amendment.

MR. PICKLER. I ask if there is time to object?

THE SPEAKER. The Chair put the question twice to the House, and no objection was made.

MR. PICKLER. Then it is my fault, so far as that is concerned.

THE SPEAKER. The gentleman was providentially absent. [Laughter and applause.]

The Clerk read as follows:

Strike out, in line 9, page 1, after the word "that," the words "the supreme court and."

The question was taken; and

THE SPEAKER announced: The ayes seem to have it; the ayes have it, and the amendment is agreed to.

MR. PICKLER. Division.

MR. POWERS. There are two amendments reported by the committee.

MR. PICKLER. I call for a division on that vote.

THE SPEAKER. The gentleman calls for a division on the amendment which has already been submitted to the House.

The question was taken; and there were—ayes 150, noes none.

MR. PICKLER. Mr. Speaker, I make the point of no quorum. **THE SPEAKER** proceeded to count the House.

MR. PICKLER. Mr. Speaker, I withdraw the point of no quorum.

THE SPEAKER (after counting). Two hundred gentlemen are present, a quorum. On this question the ayes are 154, the noes none. The ayes have it, and the amendment is agreed to.

MR. POWERS. I now call attention to the committee amendments.

The amendments recommended by the committee were read, as follows:

Amend in line 5 of section 2 by striking out the words "one year" and inserting in lieu thereof the words "six months"; and with the further amendment, in lines 12 and 13 of section 1, by striking out the words "by this act" and inserting, after the word "have" in said line and section, the words "by the act to which this is an amendment."

The amendments recommended by the committee were agreed to.

MR. POWERS. Mr. Speaker, the gentleman from Illinois [Mr. CONNOLLY] reported this bill, and I yield to him for a statement.

MR. CONNOLLY. Mr. Speaker, the purpose of this bill is to amend a section of the act creating the circuit courts of appeals. It was evidently supposed at the time when that act was passed that appeals from the supreme courts of the Territories to the circuit courts of appeals would be allowed; but a decision rendered by the Supreme Court this winter, in the case of Folsom against the United States, on the 2d day of December, 1895, decides that appeals from the supreme court of a Territory can not go to the circuit courts of appeals; in other words, that there is no appeal at all from a supreme court of a Territory.

It is for the purpose of correcting that, so that an appeal or writ of error will lie from the supreme court of a Territory to the circuit courts of appeals, the same as from a United States circuit or dis-

trict court, that this act has been asked for by the residents of the Territory, and it is for the purpose of giving them that relief that this amendment to section 15 of the act creating the circuit courts of appeals is proposed, and there would seem to be no objection to it. One member of the Judiciary Committee has filed a minority report; otherwise the report in favor of the bill is the report of the entire committee. That member questions the power of Congress to confer appellate jurisdiction upon the Supreme Court and circuit courts of appeals. I do not know whether his report goes to that extent or not, but I remember that it does question the power to authorize an appeal to the supreme court from the courts of the Territories. That position has some plausibility, and it might be considered that there was something in it but for the fact that the Supreme Court itself, in October, 1894, decided that the power does rest in Congress to authorize appeals from any court created by Congress for the Territories to the Supreme Court of the United States. That, I understand, is the only question which the gentleman from Texas [Mr. BAILEY] reserved in reporting this bill. Inasmuch as the gentleman desires to be heard upon the question, I call his attention to the case of *United States vs. Coe*, in volume 155—

MR. BAILEY (interposing). Will the gentleman permit me to say that I have no doubt about the power of Congress to confer appellate jurisdiction in a case where the United States itself is a party, because a controversy to which the United States is a party is one of the class of cases enumerated in the Constitution to which the judicial power of the United States extends?

MR. CONNOLLY. But the Supreme Court itself says that this power is not referable to the provision of the Constitution authorizing the establishment of that court.

MR. BAILEY. The case to which the gentleman calls my attention is a case involving an appeal from the Court of Private Land Claims, is it not?

MR. CONNOLLY. That was the particular question that was before the court, but the language of the court is general as to all classes of cases.

MR. BAILEY. Let me say to the gentleman, in order that there may be no misunderstanding between us, that I do not question the power of Congress to authorize an appeal from any court created by Congress, or even from the courts of the States, in any case to which the Constitution extends the judicial power of the United States.

MR. CONNOLLY. I understand that the gentleman makes that limit, but the Supreme Court does not stop for that limit. If the gentleman will examine that case and the concluding paragraphs in the case in volume 155, decided last October, he will find that the language is general, that it is not limited to cases in which the United States is a party, but is general.

And as, wherever the United States exercise the power of government, whether under specific grant or through the dominion and sovereignty of plenary authority, as over the Territories (*Shively vs. Bowlby*, 152 U. S., 1, 48), that power includes the ultimate executive, legislative, and judicial power, it follows that the judicial action of all inferior courts established by Congress may, in accordance with the Constitution, be subjected to the appellate jurisdiction of the supreme judicial tribunal of the Government.

They go on further and say:

There has never been any question in regard to this as applied to Territorial courts, and no reason can be perceived for applying a different rule to the adjudications of the Court of Private Land Claims over property in the Territory.

There never has been any question, Mr. Speaker, about the power of Congress to do this with reference to the Territorial courts, and the Supreme Court says there is no reason why the same rule should not apply to these private land claims. But so far as that is concerned, now that the amendment proposed by the gentleman from New Mexico [Mr. CATRON] has been adopted, this amendment of section 15 of the act applies only to appeals to the circuit courts of appeals, so that that question is entirely eliminated. I can see no reason why the privilege should not be extended to the people of the Territories of having their cases reviewed in the circuit courts of appeals.

MR. BAILEY. Mr. Speaker, the objectionable part of the bill is that which confers—

Appellate jurisdiction, by writ of error or appeal, to review any final judgment or decree of the supreme court of any Territory in all cases where the matter in controversy shall exceed \$1,000 besides costs.

And my friend from Illinois himself admits that my contention would be a strong one if the question were new. I do not think that it is within the power of Congress to confer upon any court created in pursuance of the judicial article of the Constitution the power to hear and determine any case, either originally or upon appeal, except those cases which are particularly and specifically enumerated in the Constitution as cases to which the judicial power of the United States extends. To my mind, the proposition is so clear as to make it difficult of argument, and yet the Judiciary Committee has reported this bill, assuming, as a matter of course, that it is within the power of Congress to do this.

There are several cases in which expressions as loose as that which the gentleman from Illinois has just read have been made

by the court, but when you look away from the language of the court to the language of the Constitution itself, the matter seems to me too clear for controversy. The third article of the Constitution begins with these words:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time establish.

The judges have declared, with practical unanimity, that the Constitution itself establishes the Supreme Court of the United States, though the constitutional provision, it is true, is not operative or effective until Congress has fixed the number of judges and they have been appointed. The Constitution authorizes Congress to establish such inferior courts as in its wisdom it may deem proper, and the Supreme Court, established by the Constitution, and the inferior courts, established in pursuance of the constitutional power granted to Congress, must exercise the judicial power of the United States. Proceeding one step further, then, the second section of that same third article says:

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

The eleventh amendment of the Constitution eliminates from that section the judicial power of the United States to call a sovereign State into the courts and pronounce judgment against it; but, with the exception of the change made by that eleventh amendment, the judicial power of the United States to-day is precisely identical with what it was as originally defined in the Constitution.

Now, my distinguished friend from Illinois [Mr. CONNOLLY] will agree with me that no court created under that provision of the Constitution can take original cognizance of any case except one of the cases enumerated in that first paragraph of the second section of the third article. There would be no controversy about this if you were proposing to give the circuit courts or the district courts of the United States original jurisdiction. Suppose any member of this House should propose that the district courts of the United States should have original jurisdiction in all cases where the amount exceeded \$1,000. There is not a gentleman on this floor, lawyer or layman, who would not straightway understand that it was beyond the power of Congress to confer any such jurisdiction upon the circuit or the district courts of the United States. And, Mr. Speaker, it is beyond the power of Congress to confer appellate jurisdiction in any case over which original jurisdiction can not be given. The Constitution recognizes no difference between the original and the appellate jurisdiction of the inferior courts of the United States. It permits Congress to grant to the inferior courts the power to hear and determine all the specified cases except the three classes of cases over which original jurisdiction is granted to the Supreme Court of the United States.

The Supreme Court has held, beginning with the famous case of *Marbury vs. Madison*, that it is not within the power of Congress to increase the original jurisdiction of that court. In the first judiciary act Congress attempted to grant to the Supreme Court power to issue mandamus against the officers of the Government; and it was in pursuance of that section of the judiciary act that *Marbury* brought his suit to compel Mr. Madison, who was then Secretary of State, to deliver to him his commission as a justice of the peace in and for this District. The Supreme Court, speaking through Judge Marshall—and this was the first of those remarkable decisions that have won for him a first place among the judicial reasoners of his own or any other age, or of this or any other country—held that provision of the judiciary act unconstitutional on the ground that Congress had no power to add to the original jurisdiction of the Supreme Court.

The next question which arose was whether Congress could commit to the inferior courts the decision of those cases over which original jurisdiction had been granted to the Supreme Court. For eighty years that question was left unsettled. In the *Ortega* case the court plainly intimated that Congress had no such power. Judge Curtis, in his admirable book embracing a series of lectures delivered to a law class, expressed it as his opinion that Congress could not grant original jurisdiction to the inferior courts in those cases where the Constitution had granted original jurisdiction to the Supreme Court. But at last, and after leaving the question open many years, the Supreme Court of the United States did decide in the case of *Bors vs. Preston* that Congress could vest original jurisdiction in those cases in the inferior courts. But if we admit that the doctrine of *Bors vs. Preston* is reconcilable with the doctrine of *Marbury vs. Madison*, it does not follow in that Congress can grant to any court of the United States created under the judicial article of the Constitution the power to hear

and determine any case except those enumerated in the Constitution itself.

I repeat that if this were a question affecting the district and circuit courts of the United States there would be no difference of opinion. The difference of opinion arises out of the fact that it is an effort to grant appeals from the courts of the Territories. I concur with my friend from Illinois that the power of Congress over the Territories is not limited by the judicial clause of the Constitution. I grant him that the Territorial courts are not created under the powers granted by the judicial clause of the Constitution, but are created in pursuance of a separate and different power to make all needful rules and regulations over the territory of the United States, or it may be, as intimated by Judge Marshall in the case of *The Insurance Company vs. Canter*, that it results from the power of the Government to acquire territory. But, however it results and from whatever power it arises, I cordially agree that it is not exercised under the judicial clause of the Constitution, and that the Territorial courts, not being created under the judicial clauses of the Constitution, are not subject to its limitations.

I admit, Mr. Speaker, that Congress, when it creates the courts of a Territory, can authorize them to exercise any jurisdiction that it may deem proper not inconsistent with the letter or the spirit of the Federal Constitution. But, sir, when Congress has created courts in the Territories, and has conferred upon them their powers to hear and determine such cases as Congress sees fit, it has then exhausted its power over these cases, and the determination must be final unless they fall within the class of cases to which the judicial power of the United States is extended by the Constitution. In other words, when you go into the Territorial court, where do you look to ascertain its jurisdiction? You look to the act of Congress creating the court. If under that act of Congress the court has power to try and determine the case, then you look to the Constitution to see if Congress has the power to give the court the power conferred upon it by the law. Unless you find that the act of Congress vesting the court with jurisdiction is antagonistic to some provision of the Constitution the court can proceed with the trial. But when you have had your day in the Territorial court, and having lost your case there you undertake by an appeal or a writ of error to carry it into the circuit court of the United States, you will then stand in a court created in pursuance of the judicial clause of the Constitution, and therefore the right and power of that court to hear and determine that case depends first upon the act of Congress, and next upon the constitutional power of Congress to pass that act.

If this bill becomes a law any case involving a thousand dollars and costs is appealable to the circuit court of appeals. But when you look to the Constitution, as you must do, what do you find? You find that under the Constitution the courts created under the judiciary clause of that instrument can only exercise jurisdiction in certain cases; and no case that does not fall within the limits—the list of cases specified in the Constitution—can be heard and determined in the circuit court of appeals or in any other court of the United States created by and under the judicial article of the Constitution.

The power of Congress over the tribunal from which the appeal was taken is not the question in the appellate court. The power to entertain an appeal is determined, not by the jurisdiction of the trial court from which the appeal is taken, but by the jurisdiction of the appellate court to which the appeal is taken. There are many cases, both in Federal and in State courts, which are triable in the courts below, but not appealable to the courts above. When you undertake to appeal from the circuit or district court of any State to the supreme court of the State, you must show your right to a hearing in that higher court, and it is immaterial about your right or standing in the lower court; not immaterial in the technical sense of the word, because as a matter of course you must have had a standing below in order to have a standing above; but the mere fact that you had that standing in the lower court does not necessarily give you a standing in the appellate court. Instead of looking to the jurisdiction of the trial court, which heard your case originally, you look to the jurisdiction of the higher court to see if it has power to try the appeal.

I submit to the House and to the gentleman from Illinois that when you go into the circuit court of appeals you must answer a jurisdictional test. What is it? This bill makes the amount in controversy a jurisdictional test. It provides that if a thousand dollars and costs are involved the case is appealable. The Constitution of the United States says that the courts created under its judicial clause can exercise jurisdiction over no case except those specifically enumerated. What condition will my friend from Illinois find himself in if he appeals a case to the circuit court of appeals purely upon the amount in controversy? His case must be dismissed.

I do not doubt that an appeal will lie from the supreme court of a Territory to the Supreme Court of the United States, provided the case falls within the constitutional enumeration. In other

words, if the United States were a party to a case in the Territorial court, or if a Federal question is involved, an appeal will lie. Why? Not on account of the tribunal from which the appeal was taken, because, as Judge Storey said in *Martyn vs. Hunter's Lessee*, the jurisdiction of the courts of the United States does not depend upon the tribunal from which the appeal is taken, but upon the character of the case, and the Supreme Court of the United States sustained an appeal from the highest court of Virginia. Of course Congress can authorize an appeal from the supreme court of a Territory precisely in the same cases as from the supreme court of a State; that is, whenever the case is one to which the judicial power of the United States extends.

In that class of cases Congress can authorize an appeal from any court—from the Court of Claims, from the Court of Private Land Claims, from the supreme courts of Territories, or from the supreme courts of the various States. But it was the intention of the framers of the Constitution that the constitutional courts of the United States should exercise no jurisdiction except over those cases to which their jurisdiction was expressly extended. The hardship may or may not be great, but the effect of the Constitution of the United States is, that when a Territory is organized it is assimilated to the condition of a State. A Territory is given a judiciary, a legislature, and an executive. It is presumed that the judiciary will be a competent and honest one; but the Territory is left to such a judiciary as it has, except in those cases to which the judicial power of the United States is extended. If the judges are corrupt or incompetent, the people of the Territory suffer precisely as a State might suffer which was afflicted with corrupt or incompetent judges.

The friends of this bill have removed one objection to it by striking out the Supreme Court of the United States and thereby limiting this appellate power to the circuit court of appeals; but it does not appear to me that they have escaped the difficulty, because the circuit court of appeals can be given jurisdiction over no case that the Supreme Court of the United States may not exercise jurisdiction over. The circuit court of appeals is what the judges denominate a "constitutional court," and it can exercise appellate jurisdiction in no case over which Congress might not, if it saw fit, confer original jurisdiction. No man will contend that Congress can confer original jurisdiction on the constitutional courts of the United States over "all cases involving \$1,000"; and I contend that if we can not confer original we can not confer appellate jurisdiction.

Mr. CONNOLLY. Mr. Speaker, I apprehend that the gentleman from Texas [Mr. BAILEY] is the only lawyer in this House who has examined this question who finds the difficulty with it that he does in this bill, or in the jurisdiction proposed. The gentleman's argument goes to hold that the present law is unconstitutional. That is the only legitimate effect of the gentleman's argument. His argument is that a law proposing to grant appellate jurisdiction to the circuit courts of appeals from the supreme courts of the Territories is unconstitutional.

Mr. BAILEY. Oh, no. I fully concede the power of Congress over those cases enumerated in the Constitution.

Mr. CONNOLLY. Now, the gentleman will find that under the present circuit courts of appeals act—

Mr. BAILEY. I may save the gentleman trouble by stating that I object to no part of the bill except that part which predicates the jurisdiction on the amount in controversy.

Mr. CONNOLLY. The original objection to the bill was that it granted an appeal to the Supreme Court of the United States.

Mr. BAILEY. The gentleman has misunderstood me. I was unfortunate in expressing myself.

Mr. CONNOLLY. The gentleman was not unfortunate in expressing himself in the minority report which he filed, because that was one of the objections that he made.

Mr. BAILEY. No; the gentleman will not find that in the minority report.

Mr. CONNOLLY. I have not the report before me this moment, but I have read it, however, and I found that objection in it.

Mr. BAILEY. I assure the gentleman he will not find that objection in it.

Mr. CONNOLLY. It was the practice before the circuit courts of appeals was established. Appeals went direct, in certain prescribed cases, from the supreme courts of the Territories to the Supreme Court of the United States, and that was the rule and practice and law until the passage of this circuit courts of appeals act in 1889. Then it provided that certain classes of those cases from the Territories, instead of going to the Supreme Court of the United States, must stop in the circuit courts of appeals. Not only so with reference to supreme courts of Territories, but also with reference to cases from district and circuit courts of the United States. They cut off the appeal to the Supreme Court of the United States in a large class of cases, and limited the appeal—

Mr. MILES. Will the gentleman allow me a question there?

Mr. CONNOLLY. Yes.

Mr. MILES. Has there been any attempt heretofore by Congress to carry any class of cases to the Supreme Court of the United States except those enumerated in the provisions of the Constitution?

Mr. CATRON. Let me answer that. I will say yes; for the last one hundred years it has been done, from all the Territories, to the Supreme Court of the United States, in cases exactly similar to this.

Mr. CONNOLLY. Now, this ridiculous condition of things exists to-day—

Mr. BAILEY. I dislike to interrupt my friend, but the gentleman from New Mexico [Mr. CATRON] could not make his statement good. If he will examine the reports in every case that has been appealed, and in which the question of jurisdiction was raised, there was either a Federal question or the United States was a party.

Mr. CATRON. The gentleman is decidedly mistaken. Nineteen-tenths of all the cases that have come up were cases where no Federal question was raised and cases in which the United States was not a party. The first case brought from the Territory of New Mexico was back in the fifties, the case of *Webb vs. Leitzendorfer*, a case of attachment by one creditor against another, and no question of Federal jurisdiction whatever. Since that there have been a dozen cases from the supreme court of the Territory of New Mexico brought up, and many from all the other Territorial supreme courts. The cases of *Hornbuckle vs. Tombs* and *Clinton vs. Engelberg*, found in 13 and 18 Wallace, one from Utah and the other from the Territory of Montana, neither one of them involved Federal questions.

Mr. BAILEY. The gentleman will permit me to say that all the cases were where the jurisdictional question was considered, as in the *Cole* and *Canter* cases, were all cases where there was a Federal question, or, as in the case cited, where the United States was a party.

Mr. CATRON. But in the case which I speak of, and in all the other cases, it has been a recognized doctrine that these cases were appealable and maintainable in the United States court, and no question has been raised; it has been acquiesced in for a hundred years.

Mr. CONNOLLY. Now, the case that has provoked the decision of the Supreme Court and makes this bill necessary is the case of *Folsom* against the United States, and that case got to the Supreme Court in this way: It was appealed to the circuit court of appeals of the eighth circuit. *Folsom* was indicted for making certain false entries and a violation of the provision of section 5209 of the Revised Statutes. He was tried and convicted in a Territorial court. He appealed to the supreme court of the Territory and the judgment of conviction was sustained. He then appealed to the circuit court of appeals of the eighth circuit. The eighth circuit made a certificate of division of opinion upon the question as to whether they had jurisdiction to entertain this appeal. If this man had been convicted of some minor criminal offense the appeal would have lain; but being convicted of an infamous crime, the appeal did not lie. So the Supreme Court holds. And in language they say:

It may be that there was an oversight in that particular; but if there were we certainly can not supply it by construing the fifth section as carrying appellate jurisdiction over such cases to the circuit court of appeals, and so enlarge that jurisdiction into something other and different from the same appellate jurisdiction as is exercised in reviewing judgments of the district and circuit courts under section 6 of this act.

Mr. BAILEY. The gentleman understands that I make no question of our power to grant an appeal to any court where the United States is a party either in a criminal or civil suit.

Mr. CONNOLLY. Oh, I understand your objection is to this bill. Now, under the circuit courts of appeals act there is no case transferred from the circuit court of appeals in a Territory except those cases in which the judgment of the circuit court of appeals is made final. In cases of capital or otherwise infamous crimes their judgments are not made final. The act provides:

SEC. 5. That appeals or writs of error may be taken from the district courts or from the existing circuit courts direct to the Supreme Court in the following cases:

In any case in which the jurisdiction of the court is in issue. In such cases the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision.

From the final sentences and decrees in prize causes.

In cases of conviction of a capital or otherwise infamous crime.

In any case that involves the construction or application of the Constitution of the United States.

In any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question.

In any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

Nothing in this act shall affect the jurisdiction of the Supreme Court in cases appealed from the highest court of a State nor the construction of the statute providing for review of such cases.

Now, in all these cases an appeal lies direct from the district and circuit courts to the Supreme Court of the United States.

Now, there is another class of cases in which a judgment of the circuit courts of appeals is made final.

And the judgments or decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy, being aliens and citizens of the United States or citizens of different States; also in all cases arising under the patent laws, under the revenue laws, and under the criminal laws, and in admiralty cases.

Excepting that in every such subject within its appellate jurisdiction the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision.

Now, in these cases in which jurisdiction of the circuit court is final, appeals are made by this law to lie in the circuit court of appeals. In all cases where judgment of the circuit court of appeals is final, then an appeal goes from the supreme court of the Territory to the circuit court of appeals; but in a revenue case, where a man is indicted for selling a little whisky, he may appeal direct to the Supreme Court of the United States; in a case where it is capital, for a homicide, he can not do it. Now, the purpose of this bill is to provide that in all cases where the decision of the circuit court of appeals is final they may go from the supreme court of the Territory to the circuit court of appeals, as was unquestionably intended when this law was passed; but under this decision of the Supreme Court it becomes manifest that the appeals in that class of cases are cut off, and they must rest with the decision of the supreme court of the Territory.

Now, this bill and the questions involved in it were considered carefully by the Judiciary Committee, and all the members of that committee have agreed that it ought to be passed, and have directed it to be reported to the House, except the gentleman from Texas [Mr. BAILEY], who raises this constitutional question. The question that he makes would, I submit, go to hold the entire act unconstitutional as it exists on the statute book with reference to appeals from the supreme courts of the Territories.

Mr. POWERS. Mr. Speaker, unless some other gentleman desires to be heard, I will move the previous question.

Mr. BAILEY. Will the gentleman first let me make a brief statement to illustrate my position? The gentleman from Illinois [Mr. CONNOLLY] is generally very acute; but either he is dull to-day or I have been unfortunate in expressing myself. He says that my objection goes not only to the constitutionality of this bill, but to the constitutionality of the present law. I think I said—I know I tried to say—that the bill was objectionable only in so far as it attempted to make the jurisdiction depend upon the amount in controversy. Let me illustrate my position. Take the Territory of New Mexico. The Congress of the United States authorizes the legislature of New Mexico to pass any law not inconsistent with the laws of Congress. Suppose the Territory passes a statute of frauds and perjuries. A sues B in the Territorial court; B pleads a defense arising out of the Territorial statute of frauds; A rejoins that that defense is insufficient, because the Territorial act is in conflict with a law of Congress and therefore void. In a case of that kind I have no question that Congress could grant the right of appeal, because the case would involve a question arising under the laws of the United States. But suppose A sues B on a plain promissory note and B pleads infancy and they go to the jury on that issue. The jury decide that B was not an infant and therefore give a verdict against him, and the court enters a judgment. In that kind of a case I think it is too clear for dispute that Congress has no power to authorize an appeal to the courts created under the judicial clause of the Constitution.

Mr. MILLER of Kansas. You are assuming in your statement that A and B are both citizens of the same Territory?

Mr. BAILEY. Yes; as we must assume, because this bill says "in all cases." Now, I ask the gentleman from Vermont [Mr. POWERS], before he moves the previous question, to permit me to take the sense of the House by moving to strike out the obnoxious words. Of course I recognize that the gentlemen yielded the floor to me to make this illustration of my position, and I would not attempt to take advantage of it to make the motion to strike out; but I ask the gentleman to give me an opportunity to do that before he calls for the previous question. I think the defect in the bill could be cured by striking out the words "in all cases where the matter in controversy shall exceed \$1,000 besides costs." Will the gentleman let me test the sense of the House on that amendment?

Mr. POWERS. We can not quite consent to that yet. We will look it over and see.

Mr. CONNOLLY. I yield to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. Mr. Speaker, I have concurred in the report upon this bill made by the Judiciary Committee. I do not desire now to discuss it, but I would like to have read to the House a portion of an opinion of the Supreme Court to show the basis of my judgment in this matter.

The Clerk read as follows:

And as, wherever the United States exercise the power of government, whether under specific grant or through the dominion and sovereignty of

plenary authority, as over the Territories (Shively vs. Bowlby, 132 U. S., 1, 48), that power includes the ultimate executive, legislative, and judicial power, it follows that the judicial action of all inferior courts established by Congress may, in accordance with the Constitution, be subjected to the appellate jurisdiction of the supreme judicial tribunal of the Government. There has never been any question in regard to this as applied to Territorial courts, and no reason can be perceived for applying a different rule to the adjudications of the Court of Private Land Claims over property in the Territories.

Mr. BAILEY. I believe that is the Coe case.

Mr. CULBERSON. It is.

Mr. BAILEY. I make no question, Mr. Speaker, that where the United States is a party the case is appealable.

Mr. POWERS. Now, Mr. Speaker, I ask for the previous question.

Mr. BAILEY. Does the gentleman decline to yield for my amendment?

Mr. POWERS. We shall have to decline, Mr. Speaker.

Mr. BAILEY. I think you had better let me offer the amendment.

Mr. POWERS. This bill has gone through the Judiciary Committee in its present form and has been approved by the entire committee, with the exception of the gentleman from Texas, and the case just read from the desk confirms the judgment of the committee; so that I think we had better stand upon the bill as it has been reported to the House.

Mr. MILES. The gentleman certainly does not wish the House to understand that the case just read is any other than such a case as the gentleman from Texas admits is appealable—that is, a case where the United States is a party?

Mr. POWERS. Certainly not; but I do wish the House to understand that as good a lawyer as Judge CULBERSON of Texas adopts the opinion of the court as the reason why he supports this bill.

Mr. BAILEY. Well, Mr. Speaker, even so good a lawyer as my colleague, Judge CULBERSON, can well afford to indorse the Supreme Court of the United States. If my approval were worth anything I would give it, too. [Laughter.] But that case was appealable on two distinct grounds: First, that the United States was a party, which of itself would suffice to give the court jurisdiction; and second, that it was a case arising under the laws of Congress, which also would give the court jurisdiction. I have never controverted the power of Congress to give appellate jurisdiction in such cases and I do not now controvert it.

The SPEAKER. Does the gentleman from Vermont [Mr. POWERS] ask for the previous question?

Mr. POWERS. Yes, sir; on the committee amendments and on the bill.

The SPEAKER. The amendments of the committee have been adopted. The question is on ordering the previous question upon the engrossment and third reading of the bill and to its passage.

The question having been put,

The SPEAKER. The yeas seem to have it.

Mr. BAILEY. We shall have to have a division.

The question being again taken on ordering the previous question, there were—yeas 45, noes 15.

Mr. BAILEY. No quorum.

The SPEAKER. The gentleman makes the point that there is no quorum present.

The SPEAKER proceeded to count the House; but before the count was concluded,

Mr. POWERS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 34, not voting 141; as follows:

YEAS—180.

Adams,	Clarke, Ala.	Graff,	Kerr,
Aldrich, Ala.	Colson,	Griffin,	Kirkpatrick,
Allen, Utah	Connolly,	Griswold,	Knox,
Anderson,	Cooper, Wis.	Grout,	Kulp,
Andrews,	Corliss,	Grow,	Kyle,
Apsley,	Crowther,	Hadley,	Lacey,
Baker, Md.	Crump,	Hager,	Latimer,
Baker, N. H.	Culbertson,	Halterman,	Layton,
Dankhead,	Curtis, Iowa	Harmer,	Lefever,
Barham,	Curtis, Kans.	Harris,	Leisenring,
Barney,	Curtis, N. Y.	Hartman,	Lester,
Barrett,	Dalzell,	Henderson,	Lewis,
Belknap,	Danford,	Henry, Conn.	Linney,
Bell, Colo.	Daniels,	Hermann,	Linton,
Bell, Tex.	Dayton,	Hicks,	Loud,
Bennett,	Denny,	Hilborn,	Loudenslager,
Bingham,	De Witt,	Hill,	Low,
Bishop,	Dingley,	Hitt,	Mahon,
Brewster,	Dolliver,	Hopkins,	Marsh,
Broderick,	Downing,	Howell,	McClary, Minn.
Brocius,	Eddy,	Hubbard,	McCormick,
Brown,	Ellis,	Huling,	McDearmon,
Bull,	Erdman,	Hull,	McLachlan,
Burrell,	Evans,	Hunter,	McLaurin,
Burton, Mo.	Fischer,	Hurley,	Mercer,
Burton, Ohio	Foss,	Hyde,	Miller, W. Va.
Cannon,	Fowler,	Jenkins,	Milnes,
Catchings,	Gamble,	Johnson, Cal.	Minor, Wis.
Chickering,	Gardner,	Johnson, N. Dak.	Mondell,
Clark, Iowa	Gibson,	Joy,	Money,
Clark, Mo.	Gillett, Mass.	Kem,	Moody,

Morse,
Newlands,
Noonan,
Odell,
Otjen,
Parker,
Payne,
Phillips,
Pickler,
Pitney,
Poole,
Powers,
Prince,
Pugh,

Reeves,
Reyburn,
Royle,
Sauerhering,
Scranton,
Shafroth,
Shannon,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Southard,
Spalding,

Sperry,
Stahle,
Stallings,
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strong,
Sulloway,
Taft,
Tawney,
Taylor,
Thorp,
Towne,
Tracey,

Treloar,
Updegraff,
Van Horn,
Warner,
Watson, Ohio
Wellington,
Wilber,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Wood,
Woodard,
Yoakum.

Allen, Miss.
Bailey,
Black, Ga.
Blue,
Calderhead,
Clardy,
Cockrell,
Cooper, Tex.
Cox,

Crisp,
Dockery,
Hendrick,
Long,
Maguire,
McClellan,
McCreary, Ky.
Meyer,
Miles,

NAYS—34.

Miller, Kans.
Ogden,
Otey,
Owens,
Pendleton,
Russell, Ga.
Shuford,
Stokes,
Strait,

Strowd, N. C.
Swanson,
Talbert,
Tate,
Turner, Ga.
Underwood,
Williams.

NOT VOTING—141.

Abbott,
Acheson,
Aitken,
Aldrich, Ill.
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Baker, Kans.
Bartholdt,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Berry,
Black, N. Y.
Boutelle,
Bowers,
Bromwell,
Brumm,
Buck,
Cobb,
Coddling,
Coffin,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Cousins,
Cowen,
Crowley,
Cummings,
De Armond,
Dinsmore,
Doolittle,
Dovener,
Draper,

Ellett, Va.
Elliot, S. C.
Fairchild,
Faris,
Fenton,
Fitzgerald,
Footo,
Gillet, N. Y.
Goodwyn,
Grosvenor,
Hainer, Nebr.
Hall,
Hanly,
Hardy,
Harrison,
Hart,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hepburn,
Hooker,
Howard,
Howe,
Huff,
Hulick,
Hutcheson,
Johnson, Ind.
Jones,
Kendall,
Kiefer,
Kleberg,
Lawson,
Leighty,

Leonard,
Little,
Livingston,
Lockhart,
Lorimer,
Maddox,
Mahany,
McCall, Mass.
McCall, Tenn.
McClure,
McCulloch,
McEwan,
McMillin,
McRae,
Meiklejohn,
Meredith,
Milliken,
Miner, N. Y.
Moses,
Mozley,
Murphy,
Neill,
Northway,
Overstreet,
Patterson,
Pearson,
Perkins,
Price,
Quigg,
Raney,
Ray,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.

Settle,
Shaw,
Skinner,
Smith, Mich.
Sorg,
Southwick,
Sparkman,
Spencer,
Steele,
Stephenson,
Stewart, N. J.
Strode, Nebr.
Sulzer,
Terry,
Thomas,
Tracewell,
Tucker,
Turner, Va.
Tyler,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Walsh,
Wanger,
Washington,
Watson, Ind.
Wheeler,
White,
Wilson, Ohio
Woodman,
Woomer,
Wright.

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. SMITH of Michigan with Mr. LAWSON.
Mr. CURTIS of Iowa with Mr. RICHARDSON.
Mr. HARDY with Mr. HART.
Mr. WILSON of Ohio with Mr. DE ARMOND.
Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.
Mr. HUFF with Mr. MINER of New York.
Mr. HENRY of Indiana with Mr. SPARKMAN.
Mr. MOZLEY with Mr. MOSES.
Mr. STRODE of Nebraska with Mr. HUTCHESON.
Mr. STEELE with Mr. WASHINGTON.
Mr. DRAPER with Mr. TUCKER.
Mr. GROSVENOR with Mr. McMILLIN.
Mr. RANEY with Mr. COWEN.
Mr. MEIKLEJOHN with Mr. NEILL.
Mr. BROMWELL with Mr. LIVINGSTON.
Mr. FARIS with Mr. SORG.

For this day:

Mr. LORIMER with Mr. McCULLOCH.
Mr. McCLELLAN with Mr. LITTLE.
Mr. WOOLMER with Mr. DINSMORE.
Mr. ARNOLD of Rhode Island with Mr. MEREDITH.
Mr. LEFEVER with Mr. ELLIOTT of South Carolina.
Mr. McCALL of Tennessee with Mr. TERRY.
Mr. NEWLANDS with Mr. JONES.
Mr. LEONARD with Mr. KLEBERG.
Mr. AITKEN with Mr. CROWLEY.
Mr. HULICK with Mr. WALSH.
Mr. RUSSELL of Connecticut with Mr. RUSK.
Mr. WANGER with Mr. PATTERSON.
Mr. WHITE with Mr. KENDALL.
Mr. THOMAS with Mr. LOCKHART.
Mr. SETTLE with Mr. MADDOX.
Mr. BEACH with Mr. McRAE.
Mr. CHARLES W. STONE with Mr. ELLETT of Virginia.

On this question:

Mr. CLARK of Iowa with Mr. TYLER.

Mr. DOCKERY. Mr. Speaker, some two days since my colleague, Mr. DE ARMOND, was called away by the dangerous illness of a kinsman. I ask indefinite leave of absence for him.

The SPEAKER. Without objection, leave of absence will be granted.

There was no objection.

Mr. PICKLER. I ask for a recapitulation of this vote.

Mr. BAILEY. I hope the gentleman from South Dakota will let us get through with this.

The SPEAKER. The gentleman from South Dakota asks for a recapitulation of the vote. The Clerk will recapitulate.

The vote having been recapitulated, the result was announced as above stated.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair would recognize a number of gentlemen on matters of importance in their respective districts, unless the gentleman from South Dakota insists upon the demand for the regular order. Does the gentleman demand the regular order in view of that circumstance?

Mr. PICKLER. I demand the regular order. [Laughter.]

ENGINEER SERVICE, MERCHANT MARINE, ETC.

The SPEAKER. The Chair will lay before the House the following bill with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the Merchant Marine Engineer Service, and thereby also to increase the efficiency of the Naval Reserve.

The bill and the Senate amendments were read at length.

Mr. PAYNE. Mr. Speaker, I move that the House nonconcur in the Senate amendments and agree to the conference asked on the bill.

Mr. DINGLEY. Before that I wish the gentleman would explain the changes made by the Senate in the bill as it passed the House.

Mr. PAYNE. I do not know that I am able to explain all of the changes made in the bill. They are quite numerous. The House bill provided that all engineers and assistant engineers that were engaged on American vessels in the transatlantic service as well as the coastwise trade should be deemed officers of the vessels, and should be required to be citizens of the United States. The Senate has limited the effect of the bill to such engineers and assistant engineers as are in charge of a watch, and, as I understand it, has limited it to much less than one-half the number of engineers embraced in the House bill who are employed on such vessels. That is the principal change from the House bill.

The House also provided, I may say, that all such engineers, in case of war, should become subject to draft for military service in the United States Navy. The Senate bill has left this matter rather indefinite by putting it in a negative form and providing that these engineers shall not be subject to draft except for the performance of duties similar to those performed by them as engineers on these vessels. This provision as inserted in the bill originally provided that in case of war, when the vessels which are subject to being taken by the Government, by making compensation to the corporations who own them—that is to say, in the case of those vessels flying the American flag, such as the vessels of the American Line, the *City of New York*, the *City of Rome*, the *St. Louis*, and the *St. Paul*—that these officers on such vessels should be subject to be drafted into the service of the United States. As I say, the Senate leaves this matter in the negative form.

The House bill provides also that the engineers shall be licensed for a period of five years. The Senate, for some reason, in their inscrutable wisdom, requires that the license renewal shall be taken out at the end of every three years. They also make some changes in the details by which the licenses shall be renewed, and especially with regard to those cases where the vessel happens to be in a foreign port at the time the license expires.

But, Mr. Speaker, as I have said, the principal amendment relates to the subject of assistant engineers not in charge of a watch.

Now, if there is no other gentleman who desires to discuss the bill or ask questions in regard to it, to whom I will yield time willingly for that purpose, I shall move the previous question.

Mr. DINGLEY. Is there any change in the bill as it passed the House with reference to the engineers and assistant engineers, as to whether the naturalization should have been completed or only the first papers taken out?

Mr. PAYNE. The House bill required that they should be citizens of the United States. The Senate, on the other hand, have expressly stated in their report that they should be citizens of the United States, and citizens who have taken out the second papers. Now, I had always supposed—

Mr. DINGLEY. And the House bill excluded those persons who had only taken out the first papers?

Mr. PAYNE. I was going on to say that I had always supposed that a naturalized person was not a citizen of the United States until he had received his second papers, and while the bill, when it came before the Committee on Merchant Marine and Fisheries, provided, in terms similar to those used by the Senate, that citizens should have taken out the second papers, members of the committee thought that it showed more intelligence and better knowledge of the law if the House expressed itself by the term "citizens of the United States." So that change got into the bill after it was originally introduced, and the term made use of was "citizens of the United States." Since that time the bill has gone to the Senate, and I suppose those of us who think we understand the law, and that a citizen of the United States—a naturalized citizen—was one who had taken out his second papers, shall either have to revise that opinion on further instruction from the grave and reverend gentlemen who shall constitute the conference committee on the part of the other House and accept their construction of the term as embodied in their amendment, unless, possibly, we may be able to convince them by a long constitutional argument that the term "citizen," as applied to a naturalized citizen, includes only a citizen who had received his second papers.

Mr. DALZELL. As I understand it, while there is a change of language, there is no change in the intention of the House in passing the bill, or of the committee as they reported the bill?

Mr. PAYNE. No; but the question is whether the intention of the House was realized in the expression it used when it acted on the bill, and as it came from the committee.

Mr. LACEY. You are aware of the fact that in a number of States a man may vote after filing his first papers?

Mr. PAYNE. But that does not make him a citizen of the United States.

Mr. LACEY. It makes him a citizen enough to vote, does it not?

Mr. SPERRY. Can you enforce the right of a naturalized citizen—

Mr. PAYNE. I am still of the opinion—not having been enlightened by reading the Senate amendment—that a naturalized citizen is a person who has citizen's papers.

Mr. SPERRY. Can you enforce the right of a citizen who has been naturalized except in countries where we have treaties?

Mr. PAYNE. Well, that leads to a long and interesting question, which might properly be referred to the Committee on Foreign Affairs. I do not see how it is germane to the passage of this bill or to the question now before the House.

Mr. SPERRY. You were discussing what a citizen was, so I asked that question.

Mr. PAYNE. I should be very glad to discuss that question privately with my friend from Connecticut, but I really do not feel, Mr. Speaker, that I ought to take the time of this House to discuss it now.

Mr. PICKLER. Will the gentleman from New York yield to me for two minutes?

Mr. PAYNE. Certainly.

Mr. PICKLER. I hope there will be no great delay in passing this bill. I have demanded the regular order to-day in the hope that the House might find time to do something on the Private Pension Calendar, time that I think we were entitled to in the last legislative day. That is my reason for making the demand. I want to get time to take up some of these 400 bills. I should be glad to make a parliamentary inquiry, Mr. Speaker, whether a motion would be in order, for instance, after this bill is passed, to go into the Committee of the Whole to report back the bills that were passed upon yesterday, but which could not be reported to the House on the failure of a quorum?

The SPEAKER. Has the gentleman any precedent to cite for such a motion as that?

Mr. PICKLER. I do not think I have, Mr. Speaker.

The SPEAKER. The Chair thinks, then, that perhaps the answer to the gentleman's inquiry is obvious.

Mr. PICKLER. My question was whether a motion would be in order or not.

Mr. PAYNE. I am very glad to yield to the gentleman from South Dakota an opportunity to explain why he was demanding the regular order. I have not understood it before, and I am not clear that I understand it now.

Mr. PICKLER. Well, you will find out.

Mr. PAYNE. I do not know that I understand it now. The gentleman seems to have some idea that, by demanding the regular order, he will reach a point where the ninety-odd bills which have been favorably considered in the Committee of the Whole may be reported in the House at this time and receive their consideration in the House.

Mr. PICKLER. I beg the gentleman's pardon—

Mr. PAYNE. I yield to the gentleman, if that is what he means.

Mr. PICKLER. I am attempting to take up the Private Calendar that has not been passed upon. I think the able Chairman of the Committee of the Whole who presided yesterday [Mr. PAYNE] will devise some means to get those bills that were passed upon before the House. That is with the management. That is not with me.

Mr. SWANSON. Mr. Speaker, I make the point of order that the regular order is not the giving of instructions to the gentleman from South Dakota as to what he may or may not do.

The SPEAKER. The gentleman from Virginia [Mr. SWANSON] makes the point that, the regular order having been demanded, these remarks are not the regular order. The point is well taken.

Mr. PAYNE. I was debating the question before the House. I hope the gentleman from Virginia will not seek to interfere with that. I want to suggest further to the gentleman from South Dakota that if his object is what he has stated, he is doing the precise thing to cut it off, because that could only be reached by unanimous consent, and his persistent demand for the regular order would of course cut off any unanimous consent of that kind.

Mr. PICKLER. I accept service of the notice.

Mr. PAYNE. Of course, the gentleman understands that, because he has made a study of this question, and knows that under the rules of the House, with his persistent demand for the regular order, he never could reach the pension bills in the manner in which he proposes. Now, Mr. Speaker, if no other gentleman desires to debate this bill—

Mr. PICKLER. I want to say that I differ altogether with the gentleman from New York.

Mr. PAYNE. I yield again to the gentleman from South Dakota.

Mr. PICKLER. I think, Mr. Speaker—

Mr. SWANSON. Mr. Speaker, I insist—

The SPEAKER. The gentleman from Virginia makes the point that these remarks are not the regular order. The question is on agreeing to the motion of the gentleman from New York [Mr. PAYNE].

The question was taken; and the Speaker announced that the yeas seemed to have it.

On a division (demanded by Mr. PICKLER) there were—yeas 113, noes none.

Mr. PICKLER. No quorum, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PICKLER. Pending that, I move that the House do now adjourn.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. PICKLER. Division.

The SPEAKER. The gentleman from South Dakota demands a division. Those in favor of the motion that the House do now adjourn will rise in their places and be counted. There being none in the affirmative, the motion is disagreed to. [Laughter.]

The question was taken; and there were—yeas 203, nays 0, not voting 152; as follows:

YEAS—203.

Abbott,	Clarke, Ala.	Hager,	Loudenslager,
Acheson,	Cobb,	Hainer, Nebr.	Low,
Adams,	Coddling,	Halterman,	Maguire,
Aldrich, Ala.	Colson,	Harmer,	Mahon,
Aldrich, Ill.	Cook, Wis.	Harris,	Marsh,
Allen, Miss.	Cooper, Fla.	Harrison,	McCleary, Minn.
Allen, Utah	Cooper, Tex.	Hartman,	McClellan,
Anderson,	Cooper, Wis.	Henderson,	McClure,
Apsley,	Crisp,	Hendrick,	McCormick,
Atwood,	Crowley,	Henry, Conn.	McCreary, Ky.
Babcock,	Crowther,	Hermann,	Mercer,
Bailey,	Crump,	Hilborn,	Meyer,
Baker, Kans.	Curtis, Iowa	Hill,	Miles,
Baker, Md.	Curtis, Kans.	Hitt,	Miller, Kans.
Baker, N. H.	Curtis, N. Y.	Howell,	Miller, W. Va.
Bankhead,	Dalzell,	Huling,	Milnes,
Barham,	Danford,	Hull,	Minor, Wis.
Barney,	Daniels,	Hunter,	Money,
Barrett,	Dayton,	Hurley,	Morse,
Bartlett, Ga.	Denny,	Hyde,	Otey,
Belknap,	Dingley,	Jenkins,	Otjen,
Bell, Colo.	Dockery,	Johnson, Cal.	Owens,
Bell, Tex.	Dolliver,	Johnson, N. Dak.	Parker,
Bingham,	Dovener,	Kem,	Payne,
Black, N. Y.	Eddy,	Kirkpatrick,	Pendleton,
Blue,	Ellis,	Kleberg,	Perkins,
Brewster,	Erdman,	Knox,	Phillips,
Broderick,	Evans,	Kulp,	Pickler,
Brosius,	Fenton,	Kyle,	Pitney,
Brown,	Foss,	Lacey,	Poole,
Brumm,	Fowler,	Latimer,	Powers,
Buck,	Gamble,	Layton,	Prince,
Burrell,	Gardner,	Lefever,	Pugh,
Burton, Mo.	Gibson,	Leisenring,	Reeves,
Burton, Ohio	Gillett, Mass.	Leonard,	Reyburn,
Calderhead,	Graff,	Lester,	Royse,
Cannon,	Griffin,	Linney,	Russell, Ga.
Catchings,	Griswold,	Linton,	Sanerhering,
Chickering,	Grout,	Lockhart,	Scranton,
Clardy,	Grow,	Long,	Shafroth,
Clark, Mo.	Hadley,	Loud,	Simpkins,

Skinner.
Smith, Ill.
Snover,
Southard,
Spalding,
Sperry,
Stahle,
Stallings,
Stewart, Wis.
Stone, C. W.

Stone, W. A.
Strong,
Strowd, N. C.
Suloway,
Swanson,
Taft,
Talbert,
Tate,
Tawney,
Tayler,

Towne,
Tracey,
Treloar,
Turner, Ga.
Underwood,
Updegraff,
Van Horn,
Warner,
Watson, Ohio
Wellington,

Wheeler,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Wood,
Woodard.

NAYS—0.

NOT VOTING—152.

Aitken,
Andrews,
Arnold, Pa.
Arnold, R. I.
Avery,
Bartholdt,
Bartlett, N. Y.
Beach,
Bennett,
Berry,
Bishop,
Black, Ga.
Boutelle,
Bowers,
Bromwell,
Bull,
Clark, Iowa
Cockrell,
Coffin,
Connolly,
Cooke, Ill.
Corliss,
Cousins,
Cowen,
Cox,
Culberson,
Cummings,
De Armond,
De Witt,
Dinsmore,
Doolittle,
Downing,
Draper,
Elliott, Va.
Elliott, S. C.
Fairchild,
Faris,
Fischer,

Fitzgerald,
Fletcher,
Foote,
Gillet, N. Y.
Goodwyn,
Grosvenor,
Hall,
Hanly,
Hardy,
Hart,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hepburn,
Hicks,
Hooker,
Hopkins,
Howard,
Howe,
Hubbard,
Huff,
Hulick,
Hutcheson,
Johnson, Ind.
Jones,
Joy,
Kendall,
Kerr,
Kiefer,
Lawson,
Leighly,
Lewis,
Little,
Livingston,
Lorimer,
Maddox,

Mahany,
McCall, Mass.
McCall, Tenn.
McCulloch,
McDearmon,
McEwan,
McLachlan,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Mereditth,
Milliken,
Miner, N. Y.
Mondell,
Moody,
Moses,
Mozley,
Murphy,
Neill,
Newlands,
Noonan,
Northway,
Odell,
Ogden,
Overstreet,
Patterson,
Pearson,
Price,
Quigg,
Raney,
Ray,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Sayers,

Settle,
Shannon,
Shaw,
Sherman,
Shuford,
Smith, Mich.
Sorg,
Southwick,
Sparkman,
Spencer,
Steele,
Stephenson,
Stewart, N. J.
Stokes,
Strait,
Strode, Nebr.
Sulzer,
Terry,
Thomas,
Thorp,
Tracewell,
Tucker,
Turner, Va.
Tyler,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Walsh,
Wanger,
Washington,
Watson, Ind.
White,
Wilber,
Woodman,
Woomer,
Wright,
Yoakum.

So the motion to nonconcur in the Senate amendments and agree to the conference asked was agreed to.

The following additional pair was announced:

Mr. SHERMAN with Mr. STRAIT, on this vote.

Mr. SPENCER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman listening when his name was called?

Mr. SPENCER. I was here in my seat and I did not hear my name.

The SPEAKER. Was the gentleman listening?

Mr. SPENCER. I was here, but I did not hear my name called.

The SPEAKER. The Chair, under the rules, can not entertain the request.

The result of the vote was then announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the House nonconcurred in the Senate amendments and agreed to the conference asked was laid on the table.

The SPEAKER. The Chair appoints as conferees the gentleman from New York, Mr. PAYNE, the gentleman from Illinois, Mr. HOPKINS, and the gentleman from Florida, Mr. COOPER.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following resolution from the Senate; which was considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the Senate bill 862, for the relief of receivers of the Towboat Association of New Orleans, La.

Mr. PICKLER. Regular order, Mr. Speaker.

LANDS IN VALVERDE COUNTY, TEX.

The SPEAKER laid before the House the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex., with Senate amendment.

The SPEAKER. The question is on concurring in the Senate amendment.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PICKLER. Division.

The House divided; and there were—ayes 139, noes none.

Mr. PICKLER. No quorum.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. [After counting.] One hundred and seventy-nine gentlemen are present. The ayes have it, and the amendment of the Senate is concurred in.

Mr. PICKLER. Regular order, Mr. Speaker.

DUPLICATE COPY OF SENATE ENGROSSED BILL.

By unanimous consent, at the request of Mr. KYLE, the following resolution was agreed to:

Resolved, That the Senate be requested to furnish the House of Representatives a duplicate copy of the engrossed bill of the Senate (S. 2501) for the relief of James Sims, of Marshall County, Miss., the same having been lost or misplaced.

Mr. DINGLEY. I move that the House adjourn.

The question was put.

The SPEAKER. Pending the announcement of the result, the Chair lays before the House the following requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. MEIKLEJOHN, indefinitely, on account of important business.

To Mr. SORG, for ten days, on account of important business.

To Mr. BAKER of Maryland, for two days, on account of important business.

To Mr. PEARSON, for seven days, on account of important business.

To Mr. LAWSON, indefinitely, on account of important business.

To Mr. ARNOLD of Rhode Island, for one week, on account of important business.

REPRINT OF A BILL.

By unanimous consent, at the request of Mr. SPERRY, on behalf of the Committee on the Post-Office and Post-Roads, a reprint was ordered of the bill (H. R. 3273) for the classification of clerks in first and second class post-offices, and report.

The motion to adjourn was then agreed to; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, together with the draft of a bill, a recommendation relating to the sale of certain unused sites of public buildings, as follows: Custom-house, Astoria, Ore.; custom-house lot, Key West, Fla.; custom-house, Erie, Pa.; custom-house, Monterey, Cal.; Jump Boarding Station, parish of Plaquemines, La.; Rigolets custom station (below New Orleans, La.); quarantine warehouse, parish of Plaquemines, La.; custom-house lot, St. Augustine, Fla.; custom-house lot, Sag Harbor, N. Y.; custom-house lot, Perth Amboy, N. J.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Amadeus F. and Theophilus W. Potts against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Harriet Y. Wakely (formerly Gordon) against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BISHOP, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4445) providing for the construction of a military road from Fort Washakie, Wyo., to the mouth of the Buffalo Fork of the Snake River, near Jacksons Lake, in Uinta County, Wyo., reported the same with amendments, accompanied by a report (No. 1659); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMPKINS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 2663) to amend the laws relating to navigation, reported the same with amendments, accompanied by a report (No. 1660); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6090) increasing the pension of Fletcher S. Kidd. (Report No. 1652.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8522) granting a pension to Mark Wells. (Report No. 1653.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll. (Report No. 1654.)

The bill (S. 893) entitled "An act for the relief of Mrs. Mary B. Hulings." (Report No. 1655.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 2255) entitled "An act granting a pension to Lorenzo Meserth." (Report No. 1656.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8184) granting a pension to Jesse McMillan. (Report No. 1657.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 1853) entitled "An act for the relief of Edward Rice." (Report No. 1658.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 8478) for the relief of John H. McBrayer. (Report No. 1661.)

By Mr. CURTIS of Iowa, from the Committee on the District of Columbia: The bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington. (Report No. 1662.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JOHNSON of California: A bill (H. R. 8775) to amend section 2324 of the Revised Statutes of the United States—to the Committee on Mines and Mining.

By Mr. BABCOCK: A bill (H. R. 8776) to authorize the extension of the lines of the Potomac Electric Power Company—to the Committee on the District of Columbia.

By Mr. BURTON of Ohio: A bill (H. R. 8777) to provide for the medical inspection of emigrants at the port of debarkation—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS: A resolution (House Res. No. 315) to set aside May 12 for consideration of H. R. 260—to the Committee on Rules.

By Mr. PICKLER: A resolution (House Res. No. 314) asking two days for consideration of private pension bills—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 8778) to amend the records on file at the War Department—to the Committee on Military Affairs.

By Mr. BLACK of New York (by request): A bill (H. R. 8779) to amend the record of Peter J. Van Zandt, Company F, Second Regiment Infantry New York Volunteers—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 8780) for the relief of Charles Haltenhof—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 8781) to promote Lieut. William McCarty Little, United States Navy, retired, to be a commander on the retired list—to the Committee on Naval Affairs.

By Mr. COLSON: A bill (H. R. 8782) for the relief of Francis Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 8783) for the relief of F. B. Debord—to the Committee on Military Affairs.

Also, a bill (H. R. 8784) to pension Sarah Lester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8785) for the relief of Thomas Rayborn, of Pulaski County, Ky.—to the Committee on Claims.

Also, a bill (H. R. 8786) for the relief of Reuben Payne, of Russell County, Ky.—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 8787) granting an increase of pension to William L. Alley, of Lynncamp, W. Va.—to the Committee on Invalid Pensions.

By Mr. HENDRICK: A bill (H. R. 8788) granting a pension to Mary A. Widdoes—to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 8789) granting an increase of pension to Nettie M. Kelly, the permanently helpless daughter of John Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8790) to correct the military record of Samuel Bequeath and remove the charge of desertion therefrom—to the Committee on Military Affairs.

Also, a bill (H. R. 8791) to correct the military record of Henry Camerer and remove the charge of desertion therefrom—to the Committee on Military Affairs.

Also, a bill (H. R. 8792) granting a pension to Leah A. Beltz, the helpless daughter of Adam Beltz, a private soldier of Company E, One hundred and thirty-eighth Pennsylvania Volunteer Infantry, who was killed at the battle of Cold Harbor, Va.—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 8793) for the relief of G. W. Ratcliff—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 8794) to remove the charges from

the military record of Frederick Salzman—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 8795) granting a pension to Susan A. Paddock—to the Committee on Invalid Pensions.

By Mr. MILNES: A bill (H. R. 8796) for the relief of Ann M. Green—to the Committee on Invalid Pensions.

By Mr. MONEY: A bill (H. R. 8797) for the relief of J. C. Fitzgerald, of Chickasaw County, Miss.—to the Committee on War Claims.

By Mr. PATTERSON: A bill (H. R. 8798) for the relief of the estate of Mrs. C. M. Lock, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8799) for the relief of Mrs. Sarah E. Norton, of Memphis, Tenn.—to the Committee on War Claims.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 8800) for the relief of Edward Barton, of the city of Chester, Pa., and the heirs of James Barton and John H. Barton, deceased—to the Committee on Claims.

By Mr. SKINNER: A bill (H. R. 8801) for the relief of Morgan C. Gordon, of Camden County, N. C.—to the Committee on War Claims.

By Mr. SPENCER: A bill (H. R. 8802) for the relief of the estate of Abel Casper, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8803) for the relief of Henry Easterlin, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. SPERRY: A bill (H. R. 8804) granting an increase of pension to Bernard Gilroy—to the Committee on Invalid Pensions.

By Mr. TAYLER: A bill (H. R. 8805) granting an increase of pension to Daniel L. Saeger—to the Committee on Invalid Pensions.

By Mr. TURNER of Virginia: A bill (H. R. 8806) for the relief of Anthony Roberson, Clarke County, Va.—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 8807) for the relief of the widow of Robert C. Berry, deceased—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8808) for the relief of the estate of John Meals, deceased, late of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8809) to refer the claim against the United States of the trustees of the Cumberland Presbyterian Church, of Athens, Limestone County, Ala., to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 8810) for the relief of James T. Dowdy, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8811) for the relief of John C. Thomas, Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8812) for the relief of W. B. Olive, of Florence, Ala.—to the Committee on War Claims.

By Mr. WILSON of Ohio: A bill (H. R. 8813) for the relief of Mrs. Mary Taffe, Washington, D. C.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois (by request): Petition of certain residents of Chicago, Ill., protesting against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. BLACK of New York: Petition of citizens of Troy, N. Y., in favor of adopting the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CRUMP: Petition and papers to accompany House bill No. 8743, for the relief of Henry Schindehette, of Bay City, Mich.—to the Committee on Claims.

By Mr. DANFORD: Petition of James E. Paisley and others, to accompany House bill in behalf of James Starkey—to the Committee on Invalid Pensions.

By Mr. HICKS: Petition of Harvey Linton and other citizens of Altoona, Pa., praying for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of 41 citizens of Sabbath Rest, Blair County, Pa., praying for amendment to postal laws so as to permit office rent to be paid fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. HULING: Petition of the estate of William Sears, deceased, late of Monroe County, W. Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. JOHNSON of California: Petition of George Rushforth, of Stockton, Cal., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LEFEVER: Petition of citizens of Carmel, N. Y., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LINTON: Remonstrances and petitions of citizens of McKees Rocks, Pa.; also of citizens of Hawkins, Mich.; also of citizens of San Diego, Cal.; also of citizens of St. Johnsbury, Vt.; also

of citizens of Washington, D. C., against accepting the Marquette statue—to the Committee on the Library.

By Mr. MORSE: Petition of the National Division, Sons of Temperance of North America, consisting of 59,680 members, praying for a national commission to investigate the alcoholic liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. SCRANTON: Petition of the Committee on the Territories asking that a rule may be offered providing that on Tuesday, May 12, immediately after the reading of the Journal, consideration of bills reported by said committee, to wit, Senate bill No. 2023 and House bill No. 4052, shall be in order, and that two hours' debate shall be allowed, when the previous question, unless previously ordered, shall be considered as ordered—to the Committee on Rules.

By Mr. SHAFROTH (by request): Remonstrances and petitions of numerous citizens of the State of Colorado, against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. SNOVER: Petition of B. E. Richardson and others, of St. Clair, Mich., in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of Arthur Critchett and 10 other citizens of Candia, N. H., praying for correction of the military record of Daniel F. Straw—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: Petition of Messrs. Penrose & Simpson and 35 other citizens of Marietta, Ohio, for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, May 8, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HILL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement made and concluded April 21, 1896, by and between James McLaughlin, United States Indian inspector, on the part of the United States and the Shoshone and Arapahoe tribes of Indians in the State of Wyoming, ceding to the United States a portion of their reservation embracing the Owl Creek or Big Horn Hot Springs, and also the report of Inspector McLaughlin, the proceedings of council had with the Indians, and a draft of a bill to ratify the agreement and provide for the survey of the southern and western boundaries of the ceded tract, together with the report of the Commissioner of Indian Affairs, dated the 5th instant, in relation thereto; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 7th instant, certain information as to the reasons for the delay in supplying seeds for distribution; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General of the 6th instant, reporting for an appropriation a judgment rendered by the circuit court of the United States for the eastern district of Wisconsin under the act of March 3, 1875, entitled "An act to aid in the improvement of the Fox and Wisconsin rivers, in the State of Wisconsin," in favor of James Lucy for \$400; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

STEAMER MENEMSHA.

Mr. HILL. I ask unanimous consent to call up and have passed a bill for my colleague [Mr. MURPHY], who is absent. I ask the Senate to proceed to the consideration of the bill (S. 2978) to provide an American register for the steamer *Menemsha*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PIPES FOR PETROLEUM.

Mr. BAKER. I ask unanimous consent to call up the bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington. It is a very short bill.

Mr. QUAY. I think I will object to the consideration of any bills until the morning business is gone through with.

Mr. BAKER. This will take but a moment. It is a very short bill.

Mr. QUAY. Very well; I will withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 10, after the word "River," to strike out "that" and insert "the"; in line 11 to strike out the words "the direction of" and insert "such regulations and rentals as"; and in line 12, after the word "Columbia," to insert "may make in relation thereto"; so as to make the section read:

That the Commissioners of the District of Columbia are hereby authorized to grant to Rene C. Baughman permission to lay pipes for the transmission of petroleum and its products in the following-named streets in said city of Washington, to wit: From north block No. 6½ along the unpaved portion of Half street southeast, a distance of 3,000 feet in a southerly direction to the Eastern Branch of the Potomac River; the said pipe line shall be laid under such regulations and rentals as the Commissioners of the District of Columbia may make in relation thereto.

The amendment was agreed to.

The next amendment was to strike out section 2 of the bill, in the following words:

SEC. 2. That said Rene C. Baughman shall furnish said Commissioners with bond or bonds, or such other security as they may require, to guarantee the strict compliance with the permit that may be granted said Rene C. Baughman, and to insure the complete restoration of said unpaved portion of Half street disturbed in laying said pipe line as aforesaid.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That said Rene C. Baughman shall also lower or relay any pipes whenever directed to do so by said Commissioners, by reason of a change in the grade of the street above named or the construction of any public work therein.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF HENRY VAN VLECK.

Mr. MITCHELL of Wisconsin. I ask the Senate to proceed to the consideration of the bill (S. 2415) for the relief of D. J. Van Vleck, administrator of Henry Van Vleck, deceased. It is a short bill, favorably reported from the Committee on Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to B. J. Van Vleck, administrator of Henry Van Vleck, deceased, or to his duly authorized attorneys in fact, \$4,520.20, being the amount due Henry Van Vleck at the time of his death as a balance on account of extra work done on the locks of the St. Marys Falls Canal, Michigan, with interest thereon from October 2, 1882, the date of approval of the claim by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIoux CITY AND OMAHA RAILWAY.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebr., and for other purposes.

The VICE-PRESIDENT. The bill will be read for information. The Secretary read the bill.

Mr. FRYE. Has the morning business been completed?

The VICE-PRESIDENT. The morning business has not been completed. The Senator from Nebraska has asked unanimous consent to call up the bill which has just been read.

Mr. FRYE. The Senator from Nebraska looks so good-natured I think I shall not object to this bill, but I shall object to the next one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, page 2, line 4, after the word "turn-outs," to insert the word "and"; and in the same line, after the word "sidings," to strike out "and extensions"; so as to make the section read:

That the Sioux City and Omaha Railway Company, a corporation created under and by virtue of the laws of the State of Nebraska, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping and operating, using and maintaining a railway and telegraph and telephone line through the Omaha and Winnebago Reservation in Nebraska, beginning at a point to be selected by said railway company at or near the town of Decatur, Burt County, Nebr., and running thence in a northerly and westerly direction over the most practicable and feasible route, through the Omaha and Winnebago Reservation to a point on the north line of the Omaha and Winnebago Reserve in Thurston County, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for.

The next amendment was, in section 2, page 2, line 9, after the word "railway," to insert "telegraph, and telephone"; in line 13, before "hundred," to strike out "two" and insert "one"; in the same line, before "thousand," to strike out "three" and insert "two"; and in line 19, before the word "feet," to strike out "100" and insert "50"; so as to read:

That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone, for its main line and branch line, and for no other purpose, a right of way 100 feet in width through said Omaha and Winnebago Reservation, and to take and use a strip of land 100 feet in width, with a length of 2,000 feet, in addition to the right of way for stations for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width on each side of said right of way or as much thereof as may be included in said cut or fill.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 5, after the word "railway," to insert "telegraph, and telephone lines"; in line 13, after the word "railway," to insert "telegraph and telephone lines"; and in line 17 to strike out "Indian agent of the Government stationed at the agency of Omaha and Winnebago Reservation" and insert "President of the United States"; so as to read:

That before said railway, telegraph, and telephone lines shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of said Omaha and Winnebago tribes of Indians through which it may be constructed, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway, telegraph, and telephone lines. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisal of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the tribe to which said occupant belongs, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, etc.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 17, to strike out "maps" and insert "a map, upon a scale of not less than 1 inch to the mile"; after the words "showing the," in line 18, to insert "entire"; in line 20, to strike out "in the office of" and insert "with and approved by"; in line 23, after the word "located," to insert "before any part of the line of said road herein provided for shall be constructed"; in line 25, to strike out "maps" and insert "map"; on page 7, line 2, to strike out "maps" and insert "map"; and in line 4, after the word "filed," to insert "and approved"; so as to make the section read:

SEC. 5. That said company shall cause a map, upon a scale of not less than 1 inch to the mile, showing the entire route of its located lines through said Omaha and Winnebago Reservation to be filed with and approved by the Secretary of the Interior, and also to be filed in the office of the Indian agent of said reservation and tribes of Indians through whose lands said railway may be located before any part of the line of said road herein provided for shall be constructed. After the filing of said map no claim for a subsequent settlement and improvement upon the right of way shown by said map shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed and approved as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 13, after the word "built," to insert "and that without any declaration of forfeiture on the part of any officer or employee of the Government"; so as to make the section read:

SEC. 6. That said railway company shall build at least 10 miles of its railway in said Omaha and Winnebago Reservation within three years after the passage of this act, and complete the remainder thereof within five years thereafter, or the rights herein granted shall be forfeited as to that portion not built, and that without any declaration of forfeiture on the part of any officer or employee of the Government; that said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

The amendment was agreed to.

The next amendment was to insert as a new section, after section 6, the following:

SEC. 7. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgage or other liens that may be given or secured thereon to aid in the construction thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I demand the regular order.

The VICE-PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. TELLER presented sundry petitions of District Council, United Brotherhood of Carpenters and Joiners of America, of New Orleans, La.; of Local Union, No. 1, United Brotherhood of Carpenters and Joiners of America, of Chicago, Ill.; of the Trades' Assembly of Pueblo, Colo.; of Local Union, No. 2, United Brotherhood of Carpenters and Joiners of America, of Cincinnati, Ohio;

of Anaronda Union, No. 88, United Brotherhood of Carpenters and Joiners, of Anaronda, Mont.; of Local Union, No. 5, Boot and Shoe Workers' Union, of Manchester, N. H.; and of Union, No. 172, Brotherhood of Painters and Decorators of America, of San Antonio, Tex., praying for the free coinage of silver; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Denver, Colo., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the Southern California Fruit Exchange, of Los Angeles, Cal., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. BRICE presented sundry petitions of citizens of Ohio, praying for the passage of the so-called filled-cheese bill; which was referred to the Committee on Finance.

He also presented a petition of National Association of Steam Engineers, No. 5, of Cleveland, Ohio, praying for the passage of Senate bill No. 735, to reorganize the Engineer Corps of the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union, No. 2, United Brotherhood of Carpenters and Joiners, of Cincinnati, Ohio, praying for the free coinage of silver at the ratio of 16 to 1, without waiting for the aid or consent of any other nation; which was ordered to lie on the table.

He also presented a petition of the Stonecutters' Association of Cincinnati, Ohio; a petition of the Stonecutters' Association of Columbus, Ohio, and a petition of the Stonecutters' Association of Akron, Ohio, praying for the enactment of legislation prohibiting the use of contract labor in the construction of public buildings, and remonstrating against the passage of the so-called Loud bill, providing for the regulation of second-class mail matter; which were referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens, business men, and representatives of various industries of Canton, Ohio, praying for the enactment of legislation regulating the charges for carrying all kinds of mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented resolutions adopted at a public meeting held in Jersey City, N. J., April 26, 1896, presided over by P. F. Wanser, mayor, favoring the release of American citizens now incarcerated for offenses arising out of the political struggle in Ireland; which were referred to the Committee on Foreign Relations.

Mr. GEAR presented a petition of the Committee of the Tea Trade of the United States, praying Congress to impose a specific duty on tea; which was referred to the Committee on Finance.

Mr. ALLEN presented a petition of the Woman's Christian Temperance Union of Spring Rancho, Nebr., praying for the enactment of legislation raising the age of consent from 16 to 18 years in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. VILAS presented a petition of the Commercial Club of Superior, Wis., praying for the enactment of legislation to incorporate the maritime canal of North America; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1408) to incorporate the National Capital Gaslight, Heat, and Power Company of the District of Columbia, to report it adversely and move its indefinite postponement.

Mr. KYLE. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney, to report it without amendment, and submit a report thereon.

Mr. QUAY. I should be glad to place that bill on its passage if the Senate will give its unanimous consent.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill just reported by the Senator from New Hampshire.

Mr. FRYE. Such requests will undoubtedly be very frequently made, and I demand the regular order of business.

The VICE-PRESIDENT. There is objection to the request of the Senator from Pennsylvania. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3082) to remove the charge of desertion from the military record of Johnson Gilbert, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 152) granting a pension to Abel S. Chase, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 3088) to authorize the extension of the lines of the Potomac Light and Power Company; which was read twice by its title.

Mr. WETMORE, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force School property on Massachusetts avenue and to obtain another site for that school, reported it without amendment.

Mr. FRYE. I reported back on the 2d instant, from the Committee on Commerce, favorably, with amendments, the bill (S. 2226) to amend the laws relating to American seamen, and the bill is now on the Calendar. That bill renders unnecessary those that I hold in my hand, all of which were introduced by me. I report them back from the committee adversely, and move that they be indefinitely postponed.

The bills were indefinitely postponed, as follows:

A bill (S. 182) to abolish imprisonment of seamen in the common jails of the United States for desertion;

A bill (S. 185) to prohibit advances and regulate allotments of wages to seamen;

A bill (S. 2113) to repeal sections 4532, 4533, and 4534, and to amend sections 4516 and 4529 of the Revised Statutes, all relating to the employment, treatment, and payment of seamen on merchant vessels;

A bill (S. 2023) to amend sections 4590 and 4597 of the Revised Statutes, relating to offenses committed by seamen employed on merchant vessels, and providing punishments for such offenses;

A bill (S. 2024) to amend sections 4556, 4557, 4558, and 4559 of the Revised Statutes, relating to the inspection, equipment, and repair of merchant vessels;

A bill (S. 2025) to amend sections 4582, 4583, and 4600 of the United States Revised Statutes; and

A bill (S. 2026) to amend sections 4520, 4522, 4526, 4530, 4564, 4566, 4568, 4572, and 4612 of the Revised Statutes of the United States, relating to the employment, care, discharge, and payment of seamen employed on merchant vessels.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1680) to place John Dolan on the retired list of the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1253) granting a pension to Joseph Koehler; and

A bill (S. 107) granting a pension to Jacob Niebels.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. WHITE on the 6th instant, providing for the payment of outstanding unpaid California Indian war claims, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (S. 2926) to amend the acts relating to the United States court in the Indian Territory, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. TELLER. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments, and submit a report thereon.

I give notice that as soon as the order which it was unanimously agreed the other day should follow the river and harbor bill is disposed of I shall call up this bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The bill will be placed on the Calendar.

Mr. GRAY. I submit the views of the minority of the Committee on Privileges and Elections in the matter of the resolution reported by the Senator from New Hampshire [Mr. CHANDLER] providing for an inquiry into recent elections in Alabama. I ask that the views of the minority be printed with the majority report.

The PRESIDING OFFICER. Such will be the order, if there be no objection.

REPORT UPON THE NICARAGUA CANAL.

Mr. GORMAN, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. COCKRELL on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, and plans and profiles accompanying the same, as submitted by them; 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

HISTORY AND INDEX OF CLAIMS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. TELLER March 3, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Senate Committee on Claims be, and it hereby is, authorized to have compiled a history and index of the claims now in Congress and before that committee, together with a collection of the principal laws bearing upon claims against the Government.

MARY J. HICKMAN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. GORMAN April 21, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mary J. Hickman, widow of Anthony Hickman, late a laborer in charge of the private passage in the employ of the Senate, an amount equal to six months' salary as such laborer, said sum to be considered as in lieu of all funeral expenses and allowances.

EMPLOYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 4th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Agriculture and Forestry February 19, 1896, upon the memorial of the National Live Stock Exchange in relation to restrictions by foreign governments upon American live stock and meat food products, and the hearing before the same committee March 4, 1896, on the proposed creation of the office of director in chief of the scientific bureaus of the Department of Agriculture, be paid from the contingent fund of the Senate.

BOOKS FOR THE SENATE LIBRARY.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CAFFERY April 1, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, That the Secretary be directed to purchase for the Senate Library the following books on international law, viz:

Bar's International Law.
Bluntschli's International Law, translated by M. C. Lardy, 1894.
Hall's International Law, 2 copies.
Hall's International Law.
Lorimer's International Law, 2 volumes.
Wheaton's International Law, Dana's edition.
Wheaton's International Law, Lawrence's edition.
Woolsey's International Law, edition 1890.
And that the same be charged to the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 3089) to provide an American register for the steamer *Southery*; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PUGH introduced a bill (S. 3090) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Thomas W. McDonald as administrator of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3091) granting an increase of pension to Roswell Dunton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3092) for the relief of William C. Dodge; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 3093) granting a pension to Honora Redmond; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHOUP introduced a bill (S. 3094) granting an increase of pension to George W. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 3095) for the relief of Charles C. Kleckner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. ALLEN introduced a bill (S. 3096) granting an increase of pension to Stephen D. Avery, of Petersburg, in the county of Boone, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3097) granting a pension to John Grady, of O'Neill, in the county of Holt, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3098) to remove the charge of desertion from the name of James Plymate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ROACH introduced a bill (S. 3099) granting a pension to Richard C. Enright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HILL (for Mr. MURPHY) introduced a bill (S. 3100) granting a pension to Abbie C. McNett, widow of the late Andrew J. McNett; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3101) to prohibit the issuance of bonds or other interest-bearing obligations of the Government by the Secretary of the Treasury, or other officer of the Government without the authority of Congress; which was read twice by its title.

Mr. BACON. I ask that the bill may lie on the table, and at some future time I shall call it up for the purpose of submitting some remarks upon it.

The VICE-PRESIDENT. The bill will lie upon the table for the present.

Mr. BRICE introduced a bill (S. 3102) granting a pension to Mrs. Mary A. Tupper; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3103) granting a pension to Jesse O. Davy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3104) granting a pension to J. Q. A. Laymon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT introduced a joint resolution (S. R. 143) appropriating \$50,000 to supply deficiencies and to enable the Public Printer to continue the printing and binding for the Interior Department for the fiscal year ending June 30, 1896; which was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COUNTERPOISE BATTERIES.

Mr. GEAR submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate—

First. Whether any counterpoise batteries have been constructed by the Government within the last eighteen years, using or embodying substantially the principle or plan embraced in and covered by the patent issued by the United States to Maj. Beverly Kennon, dated June 11, 1873, and numbered 204831.

Second. Whether any counterpoise batteries have been constructed during the period above mentioned; and if so, when and where?

ORDER OF PROCEDURE.

Mr. FRYE. I move that the Senate proceed to the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to.

Mr. FRYE. Several Senators have asked me to yield the floor to them specifically. I can not do that, but by unanimous consent I will yield the floor until 1 o'clock.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. COCKRELL. I ask unanimous consent that that time may be devoted to the consideration of unobjected House bills upon the Calendar.

Mr. TELLER. I wish to suggest to the Senator from Missouri that there are some Senate bills which ought to pass, and which are as important as any House bills.

Mr. GALLINGER. That is right.

Mr. COCKRELL. Then let us take up the Calendar of unobjected cases to begin with. Let us all have an equal chance.

Mr. TELLER. We have tried to do that two or three times, but we have been unable to do it.

Mr. QUAY. What is the request?

Mr. COCKRELL. I wish to say in all frankness and candor there is only one method of proceeding, and that is in an orderly and methodical way, giving every Senator an equal chance. Here is the Calendar; let us take it up and proceed with it. If you do not want to consider unobjected House cases, then let us take up the Calendar in order and consider all unobjected cases.

Mr. GALLINGER and others. That is right.

Mr. COCKRELL. Let us adopt some method that will have something like a system about it. Otherwise every report will have to be read from the desk and no business will be transacted.

Mr. TELLER. To save time I will not object.

The VICE-PRESIDENT. The Senator from Missouri will please indicate his specific request.

Mr. COCKRELL. I will then make the request that we take up the Calendar in regular order and proceed with the consideration of unobjected cases.

The VICE-PRESIDENT. Is there objection?

Mr. QUAY. Before I assent I should be very glad to have the Senate pass upon my request for unanimous consent to consider the bill to which the Senator from Maine objected.

Mr. COCKRELL. That is a pension bill. The Senator knows we will pass every one of those pension bills, and that in a very short time. We shall take them up and pass them all. There are five or six pension bills already favorably reported, just like the Senator's, for citizens of Missouri, and I think we ought to have an equal chance. I hope the Senator from Pennsylvania will not insist upon his demand.

Mr. GALLINGER. I will say to the Senator from Pennsylvania that I am going to ask consent, which is always courteously given, in a day or two to call up all the pension cases.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. QUAY. I have not yet assented to it. I would be very glad if the Senator from New Hampshire would make his request now and have a session fixed for the consideration of pension bills.

Mr. FRYE. Oh, no; let us get through with the river and harbor bill before the request is made. It is very important to get that bill into conference.

Mr. GALLINGER. I think to-morrow I can get a time fixed.

Mr. QUAY. Very well.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none. The first case on the Calendar will be called.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. MITCHELL of Oregon. I desire to give notice that immediately on the conclusion of the passage through the Senate of the last appropriation bill I shall move that the Senate proceed to the consideration of the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States. I shall make that motion not with a view merely of making a speech, because I have submitted about all I desire to say so far as I am concerned individually, but for the purpose of prosecuting the measure to a conclusion.

PORT OF SYRACUSE, N. Y.

The VICE-PRESIDENT. The first case on the Calendar will be proceeded with.

The bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, was announced as next in order.

Mr. GALLINGER. Let that bill go over. Where is it on the Calendar?

The VICE-PRESIDENT. The bill will be passed over.

Mr. PASCO. I understand that Order of Business 333 is the point at which we are to commence.

The VICE-PRESIDENT. The next case will be announced.

The bill (S. 2147) establishing additional regulations concerning immigration to the United States was announced as next in order on the Calendar.

Mr. ALLEN. Let that go over.

Mr. LODGE. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

The bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Elizabeth Smith, heirs of Lewis Smith, deceased, was announced as next in order on the Calendar.

Mr. COCKRELL. Let that bill be passed over for the present. The VICE-PRESIDENT. The bill will be passed over.

L. A. DAVIS.

The bill (S. 534) for the relief of L. A. Davis was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the petition and papers of L. A. Davis, of Chehalis, Wash., in which he claims \$14,844 for services in carrying the English mails both ways between Olympia and Monticello, in Washington, from about August 1, 1868, to June 30, 1870.

The bill was reported to the Senate without amendment.

Mr. ALLEN. I do not want to object to the consideration of the bill, but I ask that the latter part of it, with reference to legal defense, be again read.

The Secretary read as follows:

And no statute of limitations or other legal defense shall be available in such case.

Mr. ALLEN. I think the words "or other legal defense" should be stricken out.

Mr. COCKRELL. I move to strike out the words "or other legal defense," in lines 16 and 17.

Mr. ALLEN. If the Government has a defense it ought to have the right to make it.

Mr. COCKRELL. I move to strike out those words, leaving the provision as to a statute of limitations to stand.

Mr. MITCHELL of Oregon. All right; let the words be stricken out.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 16, strike out the words "or other legal defense."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHESTER B. SWEET.

The bill (S. 927) for the relief of Chester B. Sweet, of California, was considered as in Committee of the Whole. It proposes to pay to Chester B. Sweet, of California, \$198.66, being the amount of the double minimum excess erroneously paid by him to the receiver of the United States land office as double minimum excess on preemption cash certificate made at Shasta, Cal., March 17, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF THOMAS SHERWIN.

The bill (S. 482) for the relief of the estate of Thomas Sherwin, deceased, was considered as in Committee of the Whole. It proposes to pay to the legal representative of Thomas Sherwin, deceased, late of Washington County, Md., \$820 for stores and supplies furnished the Army of the United States during the late war of the rebellion, that sum having been fixed by the Quartermaster-General as fair compensation in the case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY E. DAY.

The bill (S. 652) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased, was considered as in Committee of the Whole. It proposes to pay Nancy E. Day, administratrix of the estate of James L. Day, deceased, late of Norwich, Conn., \$3,041.66, in payment and satisfaction of the amount found due from the United States to Nancy E. Day by the Court of Claims upon a reference of her claim to that court by the Postmaster-General, under the provisions of an act of Congress approved March 3, 1883.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP PFLUEGER.

The bill (S. 663) to remove the charge of desertion against Philip Pflueger, late of Company G, Twenty-fourth Wisconsin Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "discharge," to strike out the words "the same as if such charge of desertion had not been made" and to insert "as of date April 21, 1863: *Provided*, That he shall not be allowed any pay, compensation, or allowance by reason of this act"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the records of the War Department the charge of desertion against Philip Pflueger, late of Company G, Twenty-fourth Wisconsin Infantry, and to grant him an honorable discharge as of date April 21, 1863: *Provided*, That he shall not be allowed any pay, compensation, or allowance by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PLACED UNDER RULE IX.

The bill (S. 1266) for the relief of Daniel W. Boutwell and the bill (S. 1770) providing for the appointment of pharmacists in the United States Marine-Hospital Service and fixing their pay and allowances were the next in order on the Calendar.

Mr. COCKRELL. Those two cases have been reported adversely. Let them be placed under Rule IX.

The VICE-PRESIDENT. Without objection, it will be so ordered.

HENRY LANE.

The bill (S. 762) for the relief of Henry Lane was considered as in Committee of the Whole. It proposes to revoke and set aside the special orders of the War Department, dated March 30, 1863, dismissing from the service, for absence without leave, Henry Lane, late first lieutenant Company F, Thirtieth Regiment New Jersey Volunteers, to date March 1, 1863, because he was then, and for weeks before had been, on duty in the field, and to grant him an honorable discharge as of date April 7, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PLACED UNDER RULE IX.

The bill (S. 930) to require the auditing and payment of the volunteer soldiers who served in the Seminole Indian wars in Florida, and for horses and equipments lost in the service, was announced as the next in order on the Calendar.

Mr. COCKRELL. That is an adverse report. Let it go over under Rule IX.

The VICE-PRESIDENT. It will be so ordered.

The bill (S. 1019) to change the boundaries of the collection district of Key West, Fla., and make Punta Gorda a port of entry, and create a new collection district, was announced as next in order on the Calendar.

Mr. COCKRELL. That is an adverse report. Let it be passed over under Rule IX.

The VICE-PRESIDENT. It will be so ordered.

CLASSIFICATION OF LETTERS PATENT.

The bill (S. 1897) to establish a classification division in the United States Patent Office was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NAVIGATION LAWS.

The bill (S. 187) to amend the laws relating to navigation was announced as next in order on the Calendar.

Mr. FRYE. That bill may be passed over for the present without prejudice.

The VICE-PRESIDENT. The bill will be passed over.

MONUMENT TO SAMUEL HAHNEMANN.

The joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann was considered as in Committee of the Whole.

Mr. VEST. Mr. President—

Mr. GALLINGER. Does the Senator from Missouri desire an explanation of the joint resolution?

Mr. VEST. Yes.

Mr. GALLINGER. I will say that this is a joint resolution proposing the erection of a monument to Samuel Hahnemann in the District of Columbia. The American Institute of Homeopathy, representing some 14,000 physicians in the United States, have raised a fund of about \$75,000 and have had a monument made, which is said to be a most beautiful work of art. I have not seen it myself, but I think there is a model of it in the Capitol. They desire to have it erected in the city of Washington at such place as may be named by the committee designated in the joint resolution. They ask for a small appropriation, which, I think, has usually been given in such cases, to build a foundation for the monument. That is all the expense it will be to the Government. I propose to have the preamble stricken out when the proper time arrives, and to have one or two amendments made to the joint resolution.

Mr. GORMAN. I desire to call the attention of the Senator to the fact that as the joint resolution now stands, the monument may be erected in any place in the city of Washington, without specially designating any particular place. In the case of the bills for the erection of the statues of General Grant, General Sherman, and others, we have inserted a provision prohibiting the erection of such monuments in the Capitol Grounds, and I think that reservation ought to be made in this joint resolution.

Mr. GALLINGER. I shall be happy to have that amendment made.

Mr. GORMAN. I am informed, as a matter of fact, that in some cases similar commissions to that provided for by this joint resolution have selected the Capitol Grounds for the erection of monuments.

Mr. GALLINGER. I did not know about that.

Mr. GORMAN. I suggest that the joint resolution should be amended so as to prevent anything of that kind.

Mr. GALLINGER. Any amendment the Senator suggests in that respect will be gladly incorporated.

Mr. COCKRELL. Let it read, "any place in the District of Columbia outside of the Capitol Grounds."

Mr. GALLINGER. That will be satisfactory.

Mr. COCKRELL. I suggest that the amendment should come in in line 9, after the word "committee."

Mr. GALLINGER. Will the Senator wait until I suggest two or three amendments to the joint resolution?

Mr. COCKRELL. Certainly.

Mr. GALLINGER. The preamble will come out at the proper time. I will move, in line 5, that the word "said," before the word "monument," be stricken out, and the word "a" inserted; after the word "monument," in the same line, insert "in honor of Samuel Hahnemann," and in line 15, after the word "citizens," strike out "and to be erected in the city of Washington, D. C.," that having already been stated in the joint resolution.

The VICE-PRESIDENT. The amendments submitted by the Senator from New Hampshire will be stated.

The SECRETARY. In line 5, before the word "monument," it is proposed to strike out "said" and insert "a"; in the same line, after the word "monument," to insert "in honor of Samuel Hahnemann"; and after the word "citizens," in line 15, to strike out "and to be erected in the city of Washington, D. C.," so as to make the joint resolution read:

Resolved, etc., That permission be, and the same is hereby, granted the Hahnemann monument committee of the American Institute of Homeopathy to erect a monument in honor of Samuel Hahnemann in such place in the city of Washington, D. C., as shall be designated by the officer in charge of the new Library building, the Joint Committee on the Library, and the chairman of the monument committee; and the sum of \$4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the building of a foundation upon which to place said monument; said monument to be presented to the people of the United States by the American Institute of Homeopathy, kindred associations, and citizens.

The amendments were agreed to.

Mr. COCKRELL. In line 9, after the word "committee," I move to insert "not including the Capitol Grounds."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I desire to have the preamble stricken out.

The VICE-PRESIDENT. The preamble will be stricken out, in the absence of objection.

REGISTER OF COPYRIGHTS.

The bill (S. 425) to provide for the register of copyrights was announced as next in order.

Mr. COCKRELL. Let that be passed over without losing its place. It will lead to discussion.

The VICE-PRESIDENT. It will be passed over without prejudice.

SALES AND PROCEEDS OF SALES OF BONDS.

The resolution submitted by Mr. LODGE February 19, 1896, directing the Committee on Finance to investigate and report all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, 1896, was announced as next in order.

Mr. LODGE. That subject has already been disposed of, and I move that the resolution be indefinitely postponed.

The motion was agreed to.

RACING COMMISSION.

The bill (S. 1866) for the incorporation of associations for the improvement of the breed of horses, and to regulate the same, and to establish a racing commission, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The VICE-PRESIDENT. The bill will be passed over.

DISTRICT METROPOLITAN POLICE FORCE.

The bill (S. 1927) to increase the Metropolitan police force of the District of Columbia was announced as next in order.

Mr. GALLINGER. At the request of the chairman of the Committee on the District of Columbia, I ask that that bill be passed over.

The VICE-PRESIDENT. It will be so ordered.

DISTRICT WATER SUPPLY.

The joint resolution (S. R. 84) to provide for the increase of the water supply of the District of Columbia, and for other purposes, was announced as next in order.

Mr. GALLINGER. I make the same request as to that joint resolution at the request of the chairman of the District Committee.

The VICE-PRESIDENT. The joint resolution will be passed over.

DISTRICT HOME FOR GIRLS, ETC.

The bill (S. 1449) to provide a home and employment for reputable girls and young women of the District of Columbia who are without means of support and are unable to obtain work was announced as next in order.

Mr. GALLINGER. That is adversely reported.

Mr. COCKRELL. Let it go over under Rule IX.

The VICE-PRESIDENT. It will be so ordered.

LICENSES TO OFFICERS ON SEAGOING STEAM VESSELS.

The bill (S. 1836) to provide for licenses to certain officers of seagoing passenger steam vessels was announced as next in order.

Mr. FRYE. That is practically provided for in another bill, and I ask that this bill may be recommitted to the Committee on Commerce.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. FRYE subsequently said: I asked a moment ago that Senate bill 1836 should be recommitted to the Committee on Commerce. I find there is no necessity for recommitting it to the committee, because I know what amendment I desire to make, and the Senate can then act upon it. I will simply ask that the bill be restored to its place on the Calendar, to go over this morning.

The VICE-PRESIDENT. It will be so ordered.

FORTIFICATIONS AND OTHER SEACOAST DEFENSES.

The bill (S. 1159) to provide for fortifications and other seacoast defenses was announced as next in order.

Mr. GORMAN. Let that go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX.

PEARSON C. MONTGOMERY.

The bill (S. 14) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was considered as in Committee of the Whole. It proposes to pay to Pearson C. Montgomery, of Memphis, State of Tennessee, \$3,200, in full compensation for all claims connected with the steamer *New National*, and its use, while in the service of the United States, upon the Mississippi River and its tributaries, prior to the 21st day of March, in the year 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW MARTIN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 615) for the relief of Andrew Martin, which had been reported by the Committee on Military Affairs with an amendment, after the word "discharge," at the end of the bill, to insert, "Provided, That no pay, compensation, or allowance will be allowed by reason of this act"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to amend the record of Andrew Martin, late a private in Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and grant him an honorable discharge: *Provided, That no pay, compensation, or allowance will be allowed by reason of this act.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF LATE PROPRIETORS OF KNOXVILLE WHIG.

The bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due, was considered as in Committee of the Whole. It directs the Attorney-General to investigate the claims of the legal representatives of W. G. Brownlow, Brownlow & Hawes, and Brownlow, Hawes & Co., late owners and proprietors, respectively, of the Knoxville Whig, a newspaper published at Knoxville, in the State of Tennessee, for advertising certain legal notices alleged to have been advertised in that paper in the years 1864, 1865, 1866, 1867, and 1868, and to ascertain whether such services were rendered as claimed, or any part thereof, and if so, the value thereof; and also whether the same, and if so, to what extent, is either a legal or equitable claim against the United States; and if any sum is so found to be due and owing the claimants, or any of them, and the same is a legal or equitable claim against the United States, to certify such facts, together with the amount, to the Secretary of the Treasury, who is authorized and directed to pay to such claimants or their legal representatives the full amount so ascertained, and provides that such sum or sums of money which may be found to be legally or equitably due shall, when paid, be in full satisfaction and discharge of all claims for compensation by the claimants, or any of them, for any such service against the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HARRIET D. NEWSON.

The bill (S. 1974) for the relief of Mrs. Harriet D. Newson was considered as in Committee of the Whole. It proposes to pay to Mrs. Harriet D. Newson, widow of Thomas M. Newson, late United States consul at Malaga, a sum of money equal to one year's salary as consul, together with the sum of \$197, which was collected from the estate of Thomas Newson by the Government of the United States after his death; and the money so appropriated shall be paid in the same manner as in other cases where the surviving widows of foreign representatives of the United States who have died while so representing the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS DETROIT RIVER AT DETROIT.

The bill (S. 924) for the erection of a bridge across the Detroit River at Detroit, in the State of Michigan, was announced as next in order.

Mr. KYLE. I should like to have that bill go over.

The VICE-PRESIDENT. It will be so ordered.

Mr. SHERMAN. I hope that the bill for the building of a bridge across the Detroit River at Detroit will be postponed by common consent until the next session of Congress, on the first Monday of December next.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. ALLEN. What is the request?

Mr. COCKRELL. We did not hear the request. I ask the Senator to repeat it.

Mr. SHERMAN. I will say that there will be a very long and vigorous contest between rival interests as to the bridge across the Detroit River. There is a very heated controversy as to such a bridge at Detroit, and I hope the bill will be postponed until the beginning of the next session of Congress.

Mr. CULLOM. I call the attention of the Senator to the fact that the Senator from Michigan [Mr. McMILLAN] living in that city is absent at this time. He probably would like to have something to say about the matter. I agree with the Senator that it ought to go over.

Mr. BURROWS. My colleague is not in the Senate this morning, and I do not know what his desire may be in relation to the matter.

Mr. COCKRELL. Let the bill be passed over.

Mr. BURROWS. Possibly it had better be passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. BURROWS subsequently said: In relation to the bill to provide for the construction of a bridge across the Detroit River, since it was passed over I have conferred with my colleague [Mr. McMILLAN], and he desires me to state that it will be agreeable to him for the matter to be postponed until the next session of Congress.

The VICE-PRESIDENT. Without objection, the request of the Senator from Ohio [Mr. SHERMAN] to that effect will be complied with. The Chair hears no objection, and it is so ordered.

Mr. NELSON. What was the request? Was it that the Detroit bridge bill should go over until the next session?

Mr. BURROWS. Yes, sir.

The VICE-PRESIDENT. That order has been made.

DUPLICATE MEDALS.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed, which had been reported by the Committee on Military Affairs with an amendment, in line 9, after the word "beneficiary," to insert "and that diligent search has been made therefor"; so as to make the joint resolution read:

Resolved, etc., That in any case where the President of the United States has heretofore, under any act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is hereby authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BUTTE, MONT.

The bill (S. 260) to provide for the construction of a public building at Butte City, Mont., was announced as next in order.

Mr. KYLE. Let that go over, Mr. President.

The VICE-PRESIDENT. Objection being made, the bill will go over. The next case on the Calendar will be called.

Mr. MANTLE. I ask that that bill may be considered at this time. I think there can be no objection to it.

The VICE-PRESIDENT. Objection was interposed, the Chair will state, and the bill goes over under the rule.

Mr. KYLE. I did not mean that the bill should lose its place on the Calendar.

Mr. COCKRELL. Let it be passed over, without losing its place on the Calendar.

The VICE-PRESIDENT. It will be so ordered.

PAY OF NONCOMMISSIONED ARMY OFFICERS.

Mr. FRYE. I now ask that the regular order, being the river and harbor bill, be proceeded with.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the bill referred to by the Senator from Maine, the title of which will be stated.

The SECRETARY. A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SEWELL. I should like to appeal to the Senator from Maine, in charge of the river and harbor bill, to allow me to have a bill passed to which, I think, there will be no objection. It is one of public importance in connection with the Army.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of a bill.

Mr. FRYE. Having yielded thirty minutes, I can not yield any further. I would yield to the Senator from New Jersey if I would to anybody on earth.

Mr. SEWELL. I will state to the Senator from Maine that if this were a private bill I should not press it, but it is a bill of great importance to the organization of the Army. I do not think it will create any objection. It was reported by the Committee on Military Affairs unanimously, and it is recommended by the Secretary of War and the General of the Army. Everybody is in favor of it. It will not take five minutes.

Mr. FRYE. I am informed that it would take some considerable time, and that there are objections to it.

Mr. SEWELL. I should like to know who objects to it.

Mr. GEAR. What is the bill which the Senator desires to have considered?

Mr. SEWELL. It is a bill to regulate the pay of noncommissioned officers in the Army, not the one objected to formerly by the Senator from Nebraska [Mr. ALLEN].

The VICE-PRESIDENT. Is there objection?

Mr. COCKRELL. Let us hear what the bill is, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of a bill, which will be read for information.

Mr. COCKRELL. Let the title be read.

Mr. SEWELL. It is the bill (S. 2420) to regulate the pay of noncommissioned officers of the Army.

Mr. FRYE. I am informed by a Senator sitting near me that the bill would result in serious discussion, and he informs me that it will take all day. I certainly can not yield under those circumstances.

Mr. SEWELL. I should like the Senator who objects to speak for himself.

Mr. FRYE. He will not. I am speaking for him.

Mr. SEWELL. If objection is made, I shall not insist.

The VICE-PRESIDENT. Objection being interposed, the regular order will be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

The message also announced that the House had passed the following bills: in which it requested the concurrence of the Senate:

A bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891; and

A bill (H. R. 8237) to improve the printing and binding methods of the public documents.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 953) for the relief of William Gray;

A bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa; and

A bill (H. R. 7395) to authorize the Secretary of the Treasury of

the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FRYE. I ask the Secretary to turn to page 81. We passed over the item contained in the clause from line 8 to line 14, in the absence of the Senator from Illinois [Mr. PALMER].

I ask the Senator from Missouri [Mr. VEST] to be kind enough to occupy my seat, as I am obliged to be out of the Chamber for fifteen or twenty minutes, and desire him to take charge of the bill in my absence.

Mr. VEST. Very well.

Mr. PALMER. Mr. President, the matter to which I wish to call the attention of the Senate will be found on page 81, beginning on line 8 of that page and concluding with line 14. The bill as it came from the House contains this provision:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee, in the counties of Adams, Pike, and Calhoun, in the State of Illinois, by revetment work, \$50,000.

The Committee on Commerce of the Senate propose to strike out \$50,000 and add these words:

Such amounts as may be necessary, in the opinion of the Secretary of War, for the improvement and maintenance of the channel of the river.

There would be no objection to this amendment if it merely fixed the locality of the expenditure. It is a fact known in Illinois; it is what I think may be termed a fact which is so well known that it would be taken notice of by the courts without being specially pleaded, that some years ago a levee was constructed very near Fall Creek, in Adams County, in the State of Illinois, through the county of Pike and into the county of Calhoun, for a distance of about 52 miles. A levee was constructed and has afforded substantial protection to the owners of the land in what is called the Sny Bottom in Illinois, a tract of land which contains probably 110,000 acres, and is as fertile as any on earth, I think. Now that the levee is constructed it is altogether suitable for cultivation. Before, it was subject to the overflow of the Mississippi River. The people interested in that levee have never asked of the Government any aid in the construction of the levee. It was built there without cost to the Government, but the people insist while the Government is prosecuting the improvement of the navigation of the Mississippi River, which belongs to the Government and over which the people have no control, that nothing shall be done which will affect this protective levee.

The fact is it is not necessary for me to produce before the Senate the maps showing the nature of the work, but I suppose that gentlemen everywhere, living upon Western rivers, or upon rivers which are not tide-water rivers, know, especially in these Western rivers, where the banks are composed of sand very largely, covered by a growth of timber of more or less size and of more or less value, that the currents of the river greatly affect the banks, and that alterations in the currents of the river do affect all structures on the banks of the river.

As a general statement of the facts in this case, the Government has been engaged in improving the navigation of the Mississippi River substantially between the mouth of the Des Moines, and, for all my purposes, it may be said between the mouth of the Des Moines River, entering the Mississippi from the west, and the mouth of the Illinois, which enters the Mississippi from the east. I am only interested now in discussing that particular portion of the river. The Government has constructed dikes. The river contains a number of islands. The current, under ordinary circumstances, diffuses itself, so that it affords no sufficient channel for navigation on either side of those islands. The Government has, therefore, attempted by dikes and other means to give the current direction, as it may happen, either to the Missouri shore or the Illinois shore, as circumstances may demand. They have given new directions to these currents. The consequence is that at one point, if not at more points, the current has been so changed by the improvements in the navigation of the river—necessary improvements, to which there is no objection; on the contrary, we are exceedingly anxious that the navigation of the Mississippi shall be made as complete and as useful as possible—but in one instance I have in my mind now the current has been so changed that it strikes (if I may use that term in speaking of the movements of water) the Illinois shore, and is already cutting into this embankment, this levee. I do not mean that it has actually reached it, but it threatens to do so. It has already made considerable progress in the direction of reaching the levee, and the bank is composed largely of sand, not capable of resisting the current of the water or the force with which it reaches the bank, and it is now—as the result of the improvements made by the Government in the navigation of the river, in an attempt to confine the water into particular channels, so as to secure greater depth and accomplish other ends promotive of the navigation—in that particular point

the current has been so changed, so altered in its direction, that it is really threatening the works, the levees, built by the people themselves.

The proposition as it passed the House was that the United States should appropriate \$50,000 in order to protect that levee from the effects of the current produced by the action of the Government itself. The term employed by those who are familiar with the subject is "erosion." The plain vernacular of Illinois would be to protect the banks from the cutting of the sand by the influence of the water upon this levee, which threatens to destroy it. It is not claimed upon the ground that the Government is under any obligation to protect the lands of owners from overflow. It is only claimed that the Government shall be responsible to the owners of land to the extent of repairing any damage already done to this levee or that the Government shall adopt such methods for the protection of the levee, the result of its own improvements, as these people have a right to demand. That is all that is involved.

The original House proposition was a direct appropriation of \$50,000 for the protection of this levee by what are termed revetments, a direct, specific appropriation. The amendment is:

Such amounts as may be necessary, in the opinion of the Secretary of War, for the improvement and maintenance of the channel of the river.

I have no doubt that this levee has been an important aid to the Government improvements of the river, and I have no doubt at the same time that one of the things that would occur to the Secretary of War, or to the engineers in the employment of the Government, would be that it was of vital importance to protect this levee from what is termed erosion. But at the same time the evil is a specific, a precise one which admits of accurate definition and to which a specific appropriation may be applied, may be directed, and may be expended in a specific work. Why should the people there be turned over to the engineers, who may not perceive that an appropriation of this amount is necessary, who may conclude that they may otherwise employ the money to the advantage of the Government in improving the river at some other point or in some other way? What I seek and what those I represent on this particular point seek is that there shall be a precise and specific appropriation made for this object.

It is said there is no official estimate for this work. I grant it. I think if the committee had observed that rule with the same stringency that they employ in this case they would find that there are other appropriations which they have made which are also without the sanction of a recommendation. I am told—I am not altogether familiar with the river and harbor bill—that there are on the same page one or more appropriations made for specific purposes for which no estimate has been made. So that argument, so far as it applies to this particular case, has no foundation if it turns out, which I believe to be true, that the committee have already reported specific appropriations for work for which no estimate has been made.

Estimates have been made by an intelligent engineer as to what this work will cost. I think the estimate is about \$67,000, and it is supposed by this intelligent officer whom I have just mentioned that that sum will be required before the revetment is completed; but it has been hoped that the sum of \$50,000 might be retained and applied to this specific purpose. I hope, therefore, that the committee will consent that the provision of the bill from lines 8 to 11 may be retained. If the committee mean to serve this particular purpose by this appropriation, then the retention of the amendment is entirely unnecessary. If they mean that the appropriation shall be contingent or that it may be possibly directed to some other object, perhaps the amendment ought to be retained. But what I think is the right thing to do is to appropriate the sum of \$50,000 for the protection of the east bank of the Mississippi River along and in front of the Sny Island Levee by revetment works at points where the necessity for such works will appear at once to be necessary not only for the safety of the levee, which I have already stated is an important aid to the improvement of the navigation of the river, but that the people who are interested in it may receive protection from what I suppose and what I am told are dangers produced by works already attempted by the Government.

Mr. VEST. The Senator from Illinois [Mr. PALMER] is mistaken in the statement that the Committee on Commerce have made any discrimination between this appropriation and others at special localities upon the Upper Mississippi River. He will find that in every instance where there were no estimates and no recommendation by the engineers in charge of the river we have stricken out the special appropriations. That is the case in lines 15, 16, and 17 of the same page of the bill, lines 23, 24, and 25 on the same page, and lines 5, 6, 7, 8, 9, and 10 on page 84. The Senate yesterday, against the opposition of the committee, restored two of these small improvements as to Quincy Harbor and another locality. But the committee carefully examined the estimates and the reports of the engineers, and where we found no recommendation and no estimate we were remitted, as a matter of course, if we made the appropriation at all, to the opinions of members of

the House and of Senators; and as I stated yesterday, in discussing a similar question on the Missouri River, it is simply impossible to make up a river and harbor bill upon any such estimates or opinions. There are engineers in charge of these rivers, and we are bound to take their opinions as experts and as officers who have examined the different localities and know the necessities for improvement upon the river generally and locally.

The Senator from Illinois is mistaken, I repeat, in his assumption that there has been any discrimination against the Sny Island Levee. He is mistaken in another statement, and that is that the Government of the United States has never made any appropriation for the maintenance of this levee or its repair.

Mr. PALMER. I ask pardon.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Missouri yield to the Senator from Illinois?

Mr. VEST. I do.

Mr. PALMER. I did not make the statement in that form.

Mr. VEST. I remember distinctly that I myself put an amendment in the river and harbor bill, I think in 1892, for the repair of this levee, to prevent an overflow that had come upon these bottom lands by reason of a break in the levee. This levee was put there originally, as stated by the Senator from Illinois, under an act of the legislature of Illinois, and a company was organized to do the work. As a matter of course, the Government of the United States can not build a levee for the purpose of protecting private property. The Senator from Illinois would not contend for any such action upon our part. All that we can do is to use levees as an instrumentality for improving the channels of navigable streams, not to protect private property, not to subserve private interests, but in order to improve the navigability of a river, and a levee which confines the waters and produces erosion of the channel, of course, is a most valuable instrumentality in that regard.

The people of Missouri are more interested in this improvement possibly than those of Illinois. I have in my hand a dispatch from the mayor of the city of Hannibal, immediately opposite this levee, and from the principal citizens of Hannibal, urging upon me the propriety of retaining this specific appropriation. They state in the telegram that the materials to be purchased and the stone for the revetment are to be taken from the soil of Missouri, that the labor will be employed in Missouri, that the lands on the bottoms are owned by the people of Missouri, and that it is my public duty, therefore, as a Senator from Missouri to vote and urge the appropriation of the \$50,000 specifically for this improvement. I am not able to see my duty in that light. I have the greatest respect for these gentlemen; they are my personal and political friends of many years' standing, but I think when they understand the matter and consider it properly they will come to the conclusion that the amendment of the committee is much more favorable to what they desire than the appropriation as it came from the other House.

As the appropriation comes from the House there is \$50,000 and no more appropriated for this revetment work. As the amendment of the Senate if adopted would stand, the engineer in charge of the river, Colonel Mackenzie, can take as much as he thinks necessary from the general appropriation for the whole river to do this work of revetment, which of course is accessory to the improvement of the navigable channel of the Mississippi River.

Mr. CULLOM. I was about to inquire of the Senator from Missouri whether, in his judgment, being familiar with the improvement of the river and the action of the Commission and the local engineers, the amendment as proposed by the Senate committee is better than the House provision?

Mr. VEST. Unquestionably it is, and I favor it therefore.

Mr. CULLOM. It occurred to me in that way. Hence I did not make any question upon it as we passed through the bill yesterday in its consideration, but I should like to be sure.

Mr. VEST. To be entirely frank about this matter, and I am generally frank on all questions, there have been statements in the public press—I care nothing about them—that I have some personal objection to some member of the House who urged this appropriation. I have no feeling of that kind. That sort of suggestion is simply contemptible. As a public man, as a Senator from the State of Missouri, I am as much interested as any member of the House can possibly be in subserving the interests of my constituents, and I want to say now that I favor the Senate amendment because I believe, as the Senator from Illinois [Mr. CULLOM] has stated, that it is better for the interests of the parties who have telegraphed and written me in regard to the matter that the Senate amendment should be adopted.

But more than that, I did not agree to the amendment until Colonel Mackenzie, the officer in charge of the river, had appeared before the committee and had himself suggested the form of the amendment, with the assurance to me that all the work necessary to preserve the levee and to prevent erosion underneath the levee would be done. I offered an amendment in the committee, which

has been adopted by the Senate, increasing the amount appropriated for the general improvement of the river, with a view to meeting, among other things, the amount that might be necessary for this specific work.

I feel as much interest in the matter as the Senator from Illinois [Mr. PALMER] can possibly feel in regard to it. I am willing to trust the engineer officers. I have no distrust in regard to what they will do. So far from limiting the amount to \$50,000, I desire that they shall have unrestricted discretion in regard to the amount to be taken out of the general sum appropriated for the whole river to prevent the erosion of the banks beneath the levee. There is no estimate, there is no recommendation, and I ask the Senate not only in the name of the river itself, the great Mississippi River, but also in order to subserve the interests of that immediate vicinity, to sustain the amendment which we have recommended.

Mr. PALMER. I desire to make only a single statement before the matter is disposed of by the Senate. The United States did not, as I am informed and as I thought I knew without information, assist in the construction of this levee.

Mr. VEST. I did not say that.

Mr. PALMER. The United States in one instance furnished a sum of money to do the very thing that I ask shall be done by the retention of this provision in the House bill; that is, there was an appropriation made and expended in protecting the banks from erosion.

Mr. VEST. That is true.

Mr. PALMER. That much, I think, would be regarded as legitimate by those who are in favor of the strictest construction of the powers of Congress—and I confess I am one of them—in respect to rivers and harbors. I must be allowed to differ with my colleague and the Senator from Missouri [Mr. VEST]. I desire that there shall be a specific improvement—a specific sum appropriated for a specific purpose. I do not desire to leave anything to the discretion of anybody, because the levee is essential to the improvement of the river. As I have said before, this menace to the safety of the levee has been produced, I am told by authorities I regard as most reliable and excellent, by changes in the currents caused by Government works. I think, therefore, that the attention of the Senate ought to be directed to that particular point of danger and that the Senate should appropriate a precise sum to meet the specific danger which has resulted from the cause I have stated.

Mr. VEST. A single word. It is absolutely impossible to secure what the Senator from Illinois [Mr. PALMER] seems to think is necessary as to the action of the engineer in charge of the river. You can not put in a river and harbor bill such provisions as will limit and define absolutely the discretion of an engineer in charge of riparian improvements. Under the provision as it comes from the other House there is simply an appropriation of \$50,000 to prevent erosion by revetment. When it is to be expended, how it is to be expended, at what part of the work it is to be expended is absolutely, unrestrainedly, within the discretion of the officer in charge of the river, and if he does not come to the conclusion that it is necessary to prevent erosion at that particular point Congress can not make him do it unless Congress should have omniscient power and can go there in advance and say at what particular point he should cause the money to be expended.

In view of this fact I prefer infinitely to leave to the discretion of an honest and intelligent engineer officer how so much of the general appropriation shall be applied for a particular purpose. I have not the slightest objection to changing the form of the amendment so as to read as follows:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee, in the counties of Adams, Pike, and Calhoun, in the State of Illinois, and for the improvement and maintenance of the channel of the river by revetment work or otherwise, etc.

Mr. CULLOM. I should like to have the attention of my colleague to the suggestion made by the Senator from Missouri [Mr. VEST] as to a change in the amendment. I call my colleague's attention to it.

Mr. PALMER. I happen to be otherwise engaged for a moment.

Mr. VEST. I stated and I will state again—I have the same object in view that the Senator from Illinois has—that I have not the slightest objection to making the amendment read in this way:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee, in the counties of Adams, Pike, and Calhoun, in the State of Illinois, and for the improvement and maintenance of the channel of the river by revetment work or otherwise, such amounts, etc.

That will cover repairs to the levee if necessary, and will simply leave out the specific appropriation of \$50,000 and give the engineer officer the power to use any amount he may deem proper. It does seem to me that this is entirely fair to all parties in interest and the great consideration above all, the general improvement of the channel of the river.

Mr. PALMER. I should be glad to ascertain the exact terms of

the suggestion made by the Senator from Missouri. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment so as to read:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee in the counties of Adams, Pike, and Calhoun, in the State of Illinois, and for the improvement and maintenance of the channel of the river by revetment work or otherwise, such amounts as may be necessary in the opinion of the Secretary of War.

Mr. CULLOM. That leaves the amendment exactly as I think my colleague would like it, unless he objects to the omission of the specific sum proposed to be appropriated by the other House.

Mr. PALMER. That is it.

Mr. CULLOM. I think that would be the view of my colleague in reference to it. Am I right about that?

Mr. PALMER. I should prefer the specific appropriation, as I am obliged to believe that it is substantially what ought to be done.

Mr. CULLOM. If I may be allowed to say a word, it was my opinion as we passed over the matter yesterday that the language used would perhaps result in securing more money for the improvement and protection of the work than the appropriation of a specific sum of \$50,000, and being somewhat familiarly acquainted with the local engineer in charge, I have every confidence that we would get whatever is necessary out of the general sum appropriated for the improvement of the Mississippi River. But I do not desire to be understood as raising any question with my colleague, as he has given this item some attention, and whatever he desires to do with it I shall follow.

Mr. PALMER. Striking out the \$50,000 and permitting the use of such amount as may be necessary will probably meet the whole matter in respect to the amount, as well as the circumstances requiring the approval of the Secretary of War. I concur in that view myself.

Mr. VEST. I think that is best, especially in view of the fact that Colonel Mackenzie personally appeared before us and said that he would protect those works, and I know him well enough to know that he will do what he promises.

Mr. CULLOM. My colleague agrees to the amendment as proposed.

Mr. PALMER. I accept the suggestion.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed at line 14 on page 88. The next amendment of the Committee on Commerce was, on page 88, line 16, before the word "thousand," to strike out "one hundred and ninety" and insert "two hundred and twenty"; in line 17, after the word "which," to insert "in the discretion of the Secretary of War"; in line 19, after the words "Sioux City," to insert:

Ten thousand dollars, or so much thereof as may be necessary, for the protection of the caving bank between the revetments already constructed on the South Sioux City front, as recommended in House Executive Document No. 48, Fifty-third Congress, third session.

On page 89, line 1, before the word "thousand," to strike out "twenty" and insert "forty"; in line 6, before the word "thousand," to strike out "ten" and insert "twenty," and in line 7, after the words "Elk Point," to insert "which shall be immediately available"; so as to make the clause read:

Improving the upper Missouri River between Stubbs Ferry, in Montana, and the lower limits of Sioux City, Iowa, \$20,000, of which, in the discretion of the Secretary of War, \$50,000 may be expended in the protection and completion of the works at Sioux City; \$10,000, or so much thereof as may be necessary, for the protection of the caving bank between the revetments already constructed on the South Sioux City front, as recommended in House Executive Document No. 48, Fifty-third Congress, third session; \$50,000 in the rectification of the river at Pierre and Fort Pierre; \$40,000 for the protection of Bismarck Harbor and the rectification of the river to prevent erosion of the banks, and cutting a new channel at or near that point; \$20,000 between the Great Falls, in Montana, and Stubbs Ferry, in Montana; \$40,000 at Yankton, and \$20,000 for improvement of river at Elk Point, which shall be immediately available.

Mr. ALLEN. I ask the Senator from Maine having the bill in charge to strike out the word "ten," in line 19, after the words "Sioux City," and insert "fifty" as the permanent estimate, as the survey of this work requires an expenditure of \$50,000 and the expenditure of \$10,000 alone will be of no value. I move to strike out the word "ten" and insert "fifty." It is not in the Book of Estimates at all.

Mr. FRYE. Will the Senator from Nebraska allow me a moment to turn to the estimate? I want to know what it was.

Mr. ALLEN. It was \$45,000—\$10 a foot—and \$5,000 incidental expenses, making a total of \$50,000. I will say to the Senator from Maine that this estimate was made after the committee amendment was in print.

Mr. FRYE. Yes. It was not required by what we had before us.

Mr. ALLEN. No, sir.

Mr. FRYE. I remember that very well.

Mr. ALLEN. At the time the amendment was made by the committee and printed the permanent survey and estimate of the engineer had not been made.

Mr. FRYE. The State of Nebraska has not much interest, except indirectly, in the river and harbor bill. I am inclined to do what the Senator from Nebraska asks. I will allow the amendment to go in for the present, and later on I will examine the report, and if the report justifies it entirely it may remain.

Mr. ALLEN. That will be satisfactory to me.

Mr. FRYE. Otherwise I will have to ask that it may be considered again.

Mr. ALLEN. Yes. I hope that if the committee should conclude to take any different action from that taken here I may be informed of the fact.

Mr. FRYE. Undoubtedly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ALLEN. I move to strike out after the word "bank," in line 21, page 88, the words "between the revetments" and insert "from a point 300 feet above the upper to the lower revetment"; so as to read:

For the protection of the caving bank from a point 300 feet above the upper to the lower revetment already constructed on the South Sioux City front.

Mr. FRYE. Where does the Senator get that suggestion?

Mr. ALLEN. I get that suggestion really from private sources. I will say in all candor that just above the upper revetment I understand the channel is now changing somewhat and doing damage and seriously affecting the approach and foundation of an important bridge that has been constructed. It is with a view of preserving it and saving the channel from encroaching any farther that I have moved the amendment to the amendment of the committee.

Mr. FRYE. I am not prepared to object to it, because I know nothing about it.

Mr. ALLEN. I hope that the amendment will be made, and if it should prove that it is not advisable it can be modified.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 89, after line 7, to insert:

Improving upper Missouri River by snagging, \$50,000.

The amendment was agreed to.

The next amendment was, on page 89, line 13, after the word "submitted," to strike out "by Capt. Thomas W. Symons, Corps of Engineers, August 5," and insert "in the Annual Report of the Chief of Engineers for"; so as to make the clause read:

Improving Flathead River, Montana, \$10,000, which sum shall be expended in snagging from Demersville to the Flathead Lake, in accordance with the plan submitted in the Annual Report of the Chief of Engineers for 1895.

The amendment was agreed to.

The next amendment was, on page 89, line 19, before the word "river," to insert "Missouri"; so as to make the clause read:

Improving Missouri River at and near Great Falls, Mont., \$15,000.

The amendment was agreed to.

The next amendment was, on page 90, line 3, after the word "thereon," to insert "and to have charge of the work by them recommended as appropriations are made therefor"; so as to make the clause read:

Improving Sacramento and Feather rivers and their tributaries, California: The Secretary of War is hereby authorized and directed to appoint a board, consisting of three engineers of the United States Army, for the purpose of making surveys and examinations of said rivers, and submit the most feasible plan for the improvement of said rivers and the maintenance of navigation thereon, and to have charge of the work by them recommended as appropriations are made therefor; said board may, under the direction of said Secretary of War, expend any balance now remaining to the credit of said rivers in the improvement of the same, after deducting the expense of said surveys and examinations.

The amendment was agreed to.

The next amendment was, on page 90, line 14, after the word "Commission," to strike out:

For the purposes set forth in sections 23, 24, and 25 of the act entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893: *Provided*, That said sum shall be available only on condition that the legislature of the State of California shall have appropriated at least an equal sum for the purposes herein set forth, to be expended in accordance with the recommendations of engineers of the United States Government.

And insert:

Pursuant to the provisions of, and for the purposes set forth in, section 25 of the act of the Congress of the United States entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893: *Provided*, That the Treasurer of the United States be, and he is hereby, authorized to receive from the State of California, through the debris commission of said State, or other officer thereunto duly authorized, any and all sums of money that have been or may hereafter be appropriated by said State for the purposes herein set forth. And said sums when so received are hereby appropriated for the purposes above named, to be expended in the manner above provided.

So as to make the clause read:

For the construction of restraining barriers for the protection of the Sacramento and Feather rivers in California, \$250,000; such restraining barriers to be constructed under the direction of the Secretary of War in accordance with the recommendations of the California Débris Commission, pursuant to the provisions of, and for the purposes set forth in, section 25 of the act of the Congress of the United States entitled "An act to create the California Débris Commission," etc.

The amendment was agreed to.

The next amendment was, on page 91, line 13, after the word "California," to strike out "Continuing improvement, \$20,000" and insert:

Completing cuts at Twenty-one Mile Slough, \$20,000, or so much thereof as may be necessary; and completing cut at Head Reach, \$37,750, or so much thereof as may be necessary; and the balance of \$24,000 heretofore appropriated may be used in dredging Stockton and Mormon channels to the head of navigation in the city of Stockton.

So as to make the clause read:

Improving San Joaquin River, California: Completing cuts at Twenty-one Mile Slough, \$20,000, etc.

The amendment was agreed to.

The next amendment was, on page 92, line 1, before the word "as," to insert "from the mouth"; so as to make the clause read:

Improving upper Columbia River, including Snake River from the mouth as far up as Asotin, Oregon and Washington: Continuing improvement, \$5,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

Improving Columbia River, Oregon and Washington, at Three Mile Rapids, and the construction and equipment of a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, in the State of Oregon, the same to be constructed under the direction of the Secretary of War in accordance with the plans and specifications of the Engineer Department of the United States, \$100,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement of the Columbia River at said Three Mile Rapids, and for the construction of a boat railway, as aforesaid, from the foot of The Dalles Rapids to the head of Celilo Falls, in the State of Oregon, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$2,061,467, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 92, line 24, to increase the appropriation for improving lower Willamette River in front of and below Portland, Oreg., and Columbia River below the Willamette River, in Oregon and Washington, from \$50,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 24, to insert:

Improving Columbia River at the Cascades, Oregon, \$50,000; for maintaining and protecting existing works and for modifications required to increase the navigable capacity of the canal, \$20,000, of which, or so much thereof as may be necessary, shall be immediately available for expenditure, in the discretion of the Secretary of War, in constructing on the land and river sides of the canal, between the upper lock gate masonry and the upper guard gate masonry, such portions of the walls proposed in the modified project presented by the Board of Engineers in its report of October 18, 1894 (which report was printed in the Annual Report of the Chief of Engineers for the year 1895, part 5, pages 3576 and following), as may be necessary to construct in advance of the opening of the canal to commerce.

The amendment was agreed to.

The next amendment was, on page 94, line 4, after the word "submitted," to strike out "by Capt. T. W. Symons in House Executive Document No. 237, Fifty-third Congress, third session," and insert "January 19, 1895"; so as to make the clause read:

Improving Coos River, Oregon: Completing improvement in accordance with plans submitted January 19, 1895, \$5,000.

The amendment was agreed to.

The next amendment was, on page 94, line 10, after the word "submitted," to strike out "by Capt. T. W. Symons in House Executive Document No. 235, Fifty-third Congress, third session," and insert "January 19, 1895"; so as to make the clause read:

Improving Alsea River, Oregon: Completing improvement in accordance with plans submitted January 19, 1895, \$3,000.

The amendment was agreed to.

The next amendment was, on page 94, line 16, after the word "submitted," to strike out "by Captain T. W. Symons in House Executive Document No. 234, Fifty-third Congress, third session," and insert "January 18, 1895"; so as to make the clause read:

Improving Nestucca River, Oregon, from town of Woods to the ocean, in accordance with plans submitted January 18, 1895: Completing improvement, \$6,000.

The amendment was agreed to.

The next amendment was, on page 94, line 22, before the word "thousand," to strike out "twenty" and insert "forty"; in the same line, after the word "dollars," to strike out "as recommended by Capt. W. L. Fisk, Corps of Engineers," and insert "to be expended in accordance with reports submitted February 21, 1896," on page 95, line 1, after the word "Eugene," to strike out "(House Document No. 260, Fifty-fourth Congress, first session), and as recommended by Maj. J. C. Post, Corps of Engineers, in report to Chief of Engineers," and insert "and in accordance with report of survey"; in line 9, after the word "improvements," to insert "or said materials may be purchased and work may be

done otherwise than by contract"; and in line 13, after the word "appropriated," to insert:

And provided further, That the sum of \$10,000, or so much thereof as may be necessary, shall be available for the purchase or construction of a snag boat with suitable appliances.

So as to make the clause read:

Improving Willamette and Yamhill rivers, Oregon, \$10,000, to be expended in accordance with report submitted February 21, 1896, for Willamette River from Portland to Eugene, and in accordance with report of survey, dated March 6, 1895, for lock and dam on Yamhill River: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvements, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law not exceeding in the aggregate \$200,000, including the amount herein appropriated: *And provided further*, That the sum of \$10,000, or so much thereof as may be necessary, shall be available for the purchase or construction of a snag boat with suitable appliances.

The amendment was agreed to.

The next amendment was, on page 95, line 19, after the word "Oregon," to strike out "as recommended by Maj. J. C. Post, Corps of Engineers, May 25," and insert "in accordance with project submitted in the Annual Report of the Chief of Engineers for "; in line 23, after the word "ninety-five," to strike out "*Provided*, That fifty" and insert "Fifty"; in line 24, after the word "dollars," to strike out "is hereby authorized to be transferred from" and insert "of"; and on page 96, line 1, after the word "improvement," to insert "is hereby authorized to be expended on this work"; so as to make the clause read:

Improving Columbia River below Tongue Point, by way of the South Channel in front of Astoria, Oreg., in accordance with project submitted in the Annual Report of the Chief of Engineers for 1895: \$50,000 of the balance on hand to the credit of the mouth of the Columbia River improvement is hereby authorized to be expended on this work in the discretion of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 96, line 6, after the word "line," to insert "completing improvement"; so as to make the clause read:

For improving Kootenai River, in Idaho, between Bonners Ferry and the international boundary line, completing improvement, \$5,000.

The amendment was agreed to.

The next amendment was, on page 96, line 11, after the word "improvement," to strike out:

Twenty-seven thousand dollars; of which sum \$12,000 shall be expended under the direction of the Secretary of War for straightening and deepening the channel of the Puyallup River, emptying into Commencement Bay, in Puget Sound, with a view to making said river navigable at all times for vessels drawing 13 feet of water, from the mouth of said river upward a distance of about one-half mile.

And insert:

Including the rivers Skagit, Nooksak, Duwamish, and Puyallup, \$75,000, of which sum so much thereof as may be necessary may be used for the rebuilding of a snag boat:

So as to make the clause read:

Improving Puget Sound and its tributary waters, Washington: Continuing improvement, including the rivers Skagit, Nooksak, Duwamish, and Puyallup, \$75,000, of which sum so much thereof as may be necessary may be used for the rebuilding of a snag boat.

The amendment was agreed to.

The next amendment was, on page 96, after line 21, to insert:

For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith, \$100,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,400,000, exclusive of the amount herein and heretofore appropriated, for a single track canal with composite locks, said canal to be constructed either by the Smiths Cove route or by the Shilshole Bay route, in the discretion of the Secretary of War: *Provided further*, That no part of said amount shall be expended on the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington until the entire right of way and a release from all liability to adjacent property owners have been secured to the United States, free of cost and to the satisfaction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 97, after line 21, to strike out:

Improving Skagit River, Washington: Continuing improvement, \$10,000.

The amendment was agreed to.

The next amendment was, on page 98, line 2, before the word "improvement," to strike out "Continuing" and insert "Completing"; and in the same line, before the word "thousand," to strike out "thirty" and insert "sixty-seven"; so as to make the clause read:

Improving Columbia River between the mouth of the Willamette River and the city of Vancouver, Wash.: Completing improvement, \$67,000.

The amendment was agreed to.

The next amendment was, in section 4, on page 98, line 25, before the word "hundred" to strike out "one" and insert "two"; and on page 99, line 7, before the word "resolution," to insert "concurrent"; so as to make the section read:

SEC. 4. That for preliminary examinations, surveys, except where otherwise herein especially provided for, contingencies, expenses connected with

inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, \$200,000: *Provided*, That no preliminary examinations, survey, project, or estimate for new works other than those designated in this act shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made unless ordered by a concurrent resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

The amendment was agreed to.

The next amendment was, in section 5, on page 99, line 18, after the word "than," to strike out "25 per cent of the whole amount authorized to be let by any one of said contracts" and insert "\$400,000 upon the said contracts for any one of the works herein placed under the contract system"; in line 23, after the word "allotment," to strike out "of 25 per cent"; and on page 100, line 2, after the word "year," to strike out:

Provided, That this limitation shall not apply to any project placed under contract wherein the total amount authorized to be expended shall not exceed \$500,000.

And insert:

Provided further, That nothing herein contained shall be so construed as to prevent the Secretary of War from making contracts for the whole or any part of the works placed under the contract system in such manner as may be deemed best, payments, however, to be made as stated in this section.

So as to make the section read:

SEC. 5. That under the authority to make contracts for materials and work, under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay, in any one fiscal year, beginning July 1, 1896, more than \$400,000 upon the said contracts for any one of the works herein placed under the contract system, except as herein otherwise specifically authorized to do: *Provided*, Any part of the annual allotment herein provided for, not earned and paid for material furnished or work done in one fiscal year, may be paid for material furnished and work done under the contracts in any subsequent fiscal year: *Provided further*, That nothing herein contained shall be so construed as to prevent the Secretary of War from making contracts for the whole or any part of the works placed under the contract system in such manner as may be deemed best, payments, however, to be made as stated in this section.

The amendment was agreed to.

The next amendment was, on page 100, after line 10, to insert as an additional section the following:

SEC. 6. That the Secretary of War shall have authority to so modify any of the specific projects provided for in this act as the interests of commerce and navigation may require: *Provided*, That the total cost of the work may not be increased thereby.

The amendment was agreed to.

The next amendment was, on page 100, after line 15, to insert the following additional section:

SEC. 7. That all persons employed on the public works of engineering entrusted to the Engineer Department shall be selected and hired by the officers of the Corps of Engineers in local charge of those works, subject to the approval of the Chief of Engineers, in order that the officers may be held to a strict responsibility for the proper execution of the work in their charge.

Mr. VEST. I call the attention of the chairman of the committee and of the Senate to the fact that since the bill was drawn and the amendment inserted the President of the United States, by a general order, has placed all these subordinate employees under the civil service. I have not seen an official copy of that order, but I saw a synopsis published in the papers, and in that the employees of the Engineer Corps, which would include the employees upon the different river and harbor improvements in the United States, were specifically mentioned as coming within the order.

I have no doubt the chairman and the other members of the committee and the Senate, when attention is called to it, will agree with me that the object of this provision was to prevent the appointment of subordinates upon the works of improvement from being made for political purposes, or to prevent a system of personal favoritism which has obtained in some degree in certain localities. The amendment, I understand, was originally recommended by General Casey, who lately, unfortunately for the public service, died. It was his opinion that the engineer officers in charge of the different works of improvement should have the appointment of the subordinates and then be held to a strict accountability for the conduct of their employees, and that view is right and just. But it is obvious that if these employees are put under the civil-service rules, and are to be first found qualified and then can not be removed except for cause, there is no necessity for the amendment. I call the attention of my friend from Maine, the chairman of the committee, to the suggestion I make.

Mr. FRYE. My attention had been called to that point, and I conferred with the Engineer Department in relation to it. I have some papers touching it, which I think could be considered elsewhere a great deal better and more intelligently than on the floor of the Senate. The Senator from Missouri will undoubtedly be one of the conferees, and I would a little rather have the amendment remain as it is and let whatever is done be done in conference, whether it be stricken out or not. I have myself very serious doubts whether the section would have any effect upon the order of the President.

Mr. VEST. The Senator from Maryland [Mr. GORMAN] desired that this matter should be held open until he could come into the Senate.

Mr. FRYE. Is it not safe for the Senator from Maryland to leave it to the conferees?

Mr. VEST. I would rather have him pass upon that question. He simply made that statement to me this morning.

Mr. MITCHELL of Oregon. Is it the intention of the amendment to limit the employment to the engineers where the works are in charge of a contractor?

Mr. FRYE. My intention was that the appointment of a laborer, or a civil engineer employee, or of a watchman should not be political and should not be made at the request of a member of Congress; that is all.

Mr. MITCHELL of Oregon. I agree with the Senator from Maine on that point. I think that is the proper thing to do. The question which occurred to my mind was whether, in a case where contractors had taken a contract to do a certain quantity of work for a certain amount of pay, the persons whom they employ on the work must be selected by the engineers.

Mr. FRYE. I do not understand that section 7 applies to any portion of the work let out by contract.

Mr. MITCHELL of Oregon. I should think that that would be the construction.

Mr. FRYE. It never was my construction of it.

Mr. VEST. I should like to ask the Senator from Maine a question, as possibly he has had an opportunity to examine an official copy of the recent general order of the President extending the civil service. Does he think that the engineer employees for these different works come within that order?

Mr. FRYE. I have not, of course, had the order before me, but I made inquiries of parties who ought to be informed in relation to such a matter, and I was informed that it did not apply to those employees. I do not myself think it does apply at all to them. I do not see how it is possible to have it apply. Those men have to be selected, as a matter of course, for a particular business, and the ordinary examination which is given by the Civil Service Commission could not, possibly be of any sort of benefit. Take a watchman to be employed; the only question is as to his fidelity, and so on. The question is not as to whether he understands geography, or anything else; it is his fitness for the particular place which is wanted.

Then, again, these men—any number of them—are employed for only a month; some of them are employed for only a week; some of them are employed, as the Engineer Department told me, for only a day or two. It seems to me that if all those employees are to be placed under the civil service, and they have to send to Washington in order to get liberty to employ some one who has passed an examination to do a day's work, we are going to be immensely troubled about river and harbor improvements. It is not conceivable that the President has made any order which means that. I have quite a long communication in relation to it in my room. This is not a question of appropriating money or anything of that kind. It is only for the good of the service. I would rather that the conferees should sit down and look it over and get what information they can and determine it.

Mr. VEST. As I said before, I have not seen a copy of the official order, but I saw a synopsis published in one of the city papers here, and if that was at all correct the order would include these employees, because it specifically mentions subordinates in the engineer service.

Mr. FRYE. What does the Senator understand by subordinates?

Mr. VEST. Those below the engineer officer, the clerical force; it would include any employee under the terms as reported in that paper. As to the absurdity of the enactment, there are so many absurd enactments in the civil-service law and the orders made under it that in my opinion it hardly constitutes an argument with me. We know that the civil service has been extended to mere mechanical employees where no expert knowledge is required at all. We have an era in this country of civil-service reform run mad. It has been applied to the Printing Office employees.

Mr. FRYE. Will the Senator allow me?

Mr. VEST. Of course.

Mr. FRYE. The local engineers who have this work to do are all over the United States, from the Gulf to the Canadian line, from the Atlantic to the Pacific coast.

Mr. VEST. That is true.

Mr. FRYE. They are on the great rivers of the country, and they are compelled at call to require laborers of various kinds, watchmen, and civil engineers. Now, is it conceivable that the President of the United States has made an order which will require those local engineers to pursue the usual course of departmental officers in order to get workmen? That can not be possible. It would simply stop all the work on the river and harbor improvements. It could not go on. They can not send here to the Civil Service Commission and take their employees from a list of

laborers who have passed examinations. It is certainly impossible that that can be so.

Mr. VEST. The synopsis which I saw stated that the order specifically exempted laborers and the private secretaries of the heads of Departments. Those were the only exceptions. So that objection would not apply. I confess that it is always unsafe to base any argument upon a document which we have not seen in the most authentic form. It is like a lawyer giving an opinion upon a will which has been verbally reported to him. If we had the order before us we could determine the matter in a very short time. I had some distrust of the synopsis from the reading, for it went on to state that the whole number embraced within the order was some 29,780.

Mr. FRYE. That would not cover half the employees of this board.

Mr. VEST. Under the terms of the order, as stated in the paper, it would cover fourth-class postmasters, and we know there are a great many more than that number of fourth-class postmasters in the United States. But until we can see that official copy it is impossible to say whether it covers all the employees or how many of them. I know that it was stated that it extended to laborers. That is all I care to say.

Mr. GORMAN. Mr. President, I do not myself believe that the question of the civil-service order is at all involved in this amendment. Under the appropriations made in this bill, as has always been the case with the War and Navy Departments in the appropriations for the construction of vessels and public improvements, the employees, not being considered officers of the Government, are paid out of a lump sum appropriated for the work. Therefore I do not believe the civil service covers them, and I do not believe there will be any trouble.

I call the attention of the Senator from Maine to this provision—and that is the principal objection I have to it—that it is necessarily left to the discretion of the officer in charge of the improvements as to how many persons shall be employed. It is a very wise discretion, and a very necessary one in cases of this sort. The rule has always been that the Engineer Department determines from the class of work as to the number of assistant civil engineers outside the Army which they desire, and the other employees, and reports to the Secretary of War. They recommend that A, B, and C be employed, and, as a matter of course, the recommendation is approved by the Secretary of War. So in fact in ninety-nine cases out of a hundred the engineers have the discretion. If this seventh section, however, be adopted it will take away the supervising power of the Secretary of War; and that is unwise. We all have great confidence in the Chief of Engineers and the army engineers whom he assigns to these various positions, dividing them into six or seven divisions. But still the power to supervise and determine and limit as to the class of appointments should be reserved to the Secretary of War.

I think this amendment should not be adopted. It changes existing law so radically that I feel compelled to make the point of order against it, that it is a change of existing law. I shall not care to do that, of course, if the Senator will allow it to go out of the bill and let the law remain as it is. That law has worked so well in the past that I have no doubt it will do so in the future. I do not believe there are a half dozen cases where there is any serious complaint of the engineers in charge of these public improvements as to the selection of their outside assistants. Quite a number of such assistants are necessary. It is an unsafe rule, in my judgment, to put into the hands of a subordinate officer the power to determine not only as to the number and compensation of the men, but as to their selection.

Mr. MITCHELL of Oregon. Mr. President, I propose to amend the amendment of the committee before it is acted upon by inserting after the word "charge," in line 22, the following proviso:

Provided, That preference shall in all cases be given to American citizens.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon to the amendment of the committee.

Mr. FRYE. You might as well insert a provision as to their religious persuasion. I do not think the amendment is necessary.

Mr. MITCHELL of Oregon. I do not believe in interfering in religious matters in legislation, but I do believe in standing up for Americans and giving Americans preference every time and all the time over foreigners. That is why I offer the amendment.

Mr. GORMAN. I raise a point of order on this section that it is a change of existing law.

Mr. FRYE. I do not care to say much about this proposition.

Mr. SQUIRE. I wish to say that I agree to the amendment proposed by the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Maine [Mr. FRYE] has the floor.

Mr. FRYE. I have seen the Steamboat Inspection Service very seriously harmed, and as was charged by the New York Herald a year ago in an exaggerated way, which newspapers sometimes in-

dulge in, ruined from the fact that offices were made political, and that with every change in Administration the old steamboat inspectors went out and new ones came in. There is no excuse for that. Human life depends upon the fidelity and knowledge and skill of steamboat inspectors; and to make those places political offices is an offense against decency and right.

The improvement of rivers and harbors went on for a great many years, and no sign of politics was seen. It was as clear from it as the Life-Saving Service has been all the time, which has been kept exactly and completely out of politics, and is one of the most successful services we have. Within the last ten years there has been gradually creeping in the making the employment even of laborers in the improvement of rivers and harbors political. I know that a watchman, whose fidelity was unquestioned, at Sault Ste. Marie, where it not only should be unquestioned, but it should be unquestionable on account of the enormous amount of business done, who, at the request of a member of Congress, was removed, and another one, unfit for the place, as it was charged, put in. I know that in quite a number of districts, especially in the South—I do not know of any at all in the North, but especially in the South—the local engineers have been worried and tormented with the requests of the member of Congress from the district to turn out their employees and put in some who were friends of the member. I know it has made trouble. I do not wish to be any more exact in my statements, or to particularize any more than that. I was afraid of an entering wedge. This statement does not apply to one party any more than it does to another. My judgment is that if it was an entering wedge and the door was driven wide open, your river and harbor improvements hereafter would not be conducted with the fidelity and integrity that they have been heretofore. I did not like it to be injured in any way. It is of vast importance to the country, and the country has the confidence that the money is now honestly and economically expended, and I think it ought to remain with that confidence, and not have it disturbed.

I had rather this amendment should remain in the bill, and I think I had rather compel the Senator from Maryland to get it out by a point of order, if he insists upon it. I had rather that it should remain in the bill, so that in conference we may have an opportunity to examine the President's order and an opportunity to examine a paper which has been left with me by the Engineer Department, which I wish to look over, and then determine whether the provision shall remain in the bill or not.

Mr. GORMAN. I agree with all the Senator has said about the necessity of keeping this service in the condition that he desires. As to the steamboat service, I think the Senator will agree with my statement that, notwithstanding the allegation of its being purely a political matter, that never has occurred as a matter of fact. There have been removals with changes of Administration, but nothing seriously to interfere with that service. We have had, as the Senator knows, quite a number of charges made against the head of that service, who has been there for a very long time, certainly ever since I have been in Congress. I do not know his politics. I assume, however, that he was appointed long before Mr. Cleveland's first Administration, and is probably a Republican. He has been retained by all the Secretaries of War; and the local appointments in that service, as the Senator knows as well as I do, are made upon the recommendation of the collectors of the ports and the circuit judges. So it has been kept comparatively free from politics, as it ought to be kept. Efficiency and knowledge are the only things which are there required.

So I believe it has been with the river and harbor service. I do not believe that under any Administration there has been any attempt to use it for political purposes. The appointments are made on the recommendations of army officers, and I think there has been full confidence that they have acted with a view to the good of the service. They are human, however, and in some cases they may have selected their assistants from people who were their intimates; but as a rule I think the selections have been made because of efficiency. I therefore think it unwise to change the system at this time. There may be a few cases, a half dozen or so, in which a different course has been pursued, but there is no one of which I have knowledge so far as the great works going on in Maryland waters under the control of General Craighill, Chief of Engineers, are concerned. I do not know of any appointment he has made for political purposes of people to work on those improvements. I do not know the appointees, but I doubt very much whether any of them represent the political interests on either side in Maryland. I believe that this service is absolutely free from it in my section. I believe that to be generally the case, and I should not like to see the matter changed at this time. I think it had better come up when we can have a full opportunity to discuss it, and therefore I will make the point of order on the amendment that it is general legislation.

The PRESIDING OFFICER. The Chair is of opinion that section 7 is obnoxious to the third clause of Rule XVI as to general legislation, and that the point is well taken.

Mr. FRYE. I have no doubt the Chair is correct, as the Chair is apt to be.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section [6] 8, on page 101, line 19, under the head of "Delaware," to strike out the word "Johns," and insert "Jones"; so as to read:

DELAWARE.

St. Jones River.

The amendment was agreed to.

The next amendment was, on page 101, under the head of "Florida," after line 22, to strike out:

Anclote River.

The amendment was agreed to.

The next amendment was, on page 102, line 1, after the word "Bay," to insert "from its confluence with Tampa Bay, through Hillsboro Bay and River to the city of Tampa"; so as to read:

Hillsboro Bay, from its confluence with Tampa Bay, through Hillsboro Bay and River to the city of Tampa.

The amendment was agreed to.

The next amendment was, on page 102, after line 4, to insert:

Clearwater Harbor.

The amendment was agreed to.

The next amendment was, on page 102, after line 5, to insert:

Inside passage from Punta Rassa to Charlotte Harbor.

The amendment was agreed to.

The next amendment was, on page 102, after line 6, to insert:

Orange River or Creek, to its confluence with the Caloosahatchee and thence to the Gulf of Mexico.

Mr. PASCO. I move that in the committee amendment, on page 102, line 8, after the word "Caloosahatchee," the word "River" be inserted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 102, after line 8, to insert:

Chipola River, from Marianna to its connection with the Apalachicola River.

The amendment was agreed to.

The next amendment was, under the head of "Maine," on page 103, line 5, after the word "River," to insert "with a view to its improvement by dredging from its mouth to the wharves at Jonesboro"; so as to make the clause read:

Chandlers River, with a view to its improvement by dredging from its mouth to the wharves at Jonesboro.

The amendment was agreed to.

The next amendment was, on page 103, after line 6, to insert:

St. Croix River below Calais, between Maine and New Brunswick, to form an estimate of the cost of said improvement, and recommend the proportion which the United States ought equitably to bear.

The amendment was agreed to.

The next amendment was, on page 103, after line 12, under the head of "Massachusetts," to insert:

The approaches to the Cape Cod ship canal between Dennisport and Bass River Light-House on the south side and Nobscesset Point and Bass Hole on the north side of Cape Cod.

The amendment was agreed to.

The next amendment was, on page 104, after line 8, under the head of "Minnesota," to insert:

Otter Tail Lake and Otter Tail River, with a view to the construction of a dam at the outlet of said lake, for the purpose of improving the navigation on the Red River of the North.

The amendment was agreed to.

The next amendment was, on page 104, after line 16, to strike out:

Stillwater, for preservation of harbor.

The amendment was agreed to.

The next amendment was, on page 104, line 24, under the head of "Mississippi," after the words "Ship Island Harbor," to insert:

With a view of dredging a channel 500 feet wide and 25 feet deep to connect Ship Island Harbor with a railroad pier at Gulf Port.

So as to make the clause read:

Ship Island Pass, with view to obtaining a channel of 26 feet depth at low tide in said pass between the Gulf of Mexico and Ship Island Harbor, with a view of dredging a channel 500 feet wide and 25 feet deep to connect Ship Island Harbor with a railroad pier at Gulf Port.

The amendment was agreed to.

Mr. HILL. I move to strike out lines 16 and 17, on page 105.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 16 and 17, on page 105, as follows:

Oswego River, Oneida Lake, and Mohawk River, so as to connect them.

The amendment was agreed to.

Mr. FRYE. On page 105, line 23, I move to strike out all after the words "Oyster Bay."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 23, on page 105, after the words "Oyster Bay," it is proposed to strike out "with a view to its connection with Lloyd Harbor."

The amendment was agreed to.

Mr. FRYE. Now I move to insert on page 105, after line 24, the following:

Lloyd Harbor, with a view to its connection with Cold Spring Bay.

The amendment was agreed to.

Mr. FRYE. On page 106, after line 8, before the name "North Carolina," I move to insert:

Babylon Creek.

Babylon Harbor.

These are separate items.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 106, after line 11, under the head of "North Carolina," to insert:

Potocasi Creek.

Cashie River.

The amendment was agreed to.

The next amendment was, on page 106, after line 19, under the head of "Oregon," to insert:

Harbor at Cape Lookout, Oregon, with a view to the construction of a harbor of refuge, and the estimated cost thereof.

The amendment was agreed to.

The next amendment was, at the top of page 107, to insert:

Scappoose Bay, from its mouth to and including the lower portion of Scappoose Creek.

The amendment was agreed to.

Mr. QUAY. If the Chair will recognize me, in regard to the item under the head of "Pennsylvania," in line 5, I desire to amend by inserting before the word "dam" the words "all the," changing the word "dam" to "dams," and striking out the words "at Russell" and inserting "on the Conewango Creek."

Mr. QUAY. Let the clause be read as proposed to be amended. The PRESIDING OFFICER. The clause will be read as proposed to be amended.

The SECRETARY. It is proposed to amend the clause so as to read:

Removing dam in upper Allegheny near Corydon, and all the dams on the Conewango Creek, and the rapids at or near Waterboro, in the Conewango Creek, a tributary of the Allegheny River.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the head of "Washington," on page 107, after line 17, to strike out:

Puyallup River.

The amendment was agreed to.

The next amendment was, on page 107, line 19, after the word "Neah," to strike out "River" and insert "Bay"; so as to make the clause read:

Neah Bay, with a view to its improvement as a harbor of refuge.

The amendment was agreed to.

The next amendment was, on page 107, after line 20, to strike out:

Duawamish River and its tributaries.

The amendment was agreed to.

The next amendment was, on page 107, after line 21, to strike out:

Mouth of Willapa River.

Mr. SQUIRE. In line 24, on page 107, I move to strike out the words "tide water" and insert the words "navigation, or Etna"; so that the line will read:

North Fork of Lewis River to head of navigation, or Etna.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. In line 24, on page 107, after the words "head of," it is proposed to strike out "tide water" and insert "navigation, or Etna."

The amendment was agreed to.

Mr. FRYE. In the next line "Section 7" was changed by the committee to "Section 9," "7" being stricken out and "9" inserted. One section having gone out, the "9" should be now "8."

The PRESIDING OFFICER. That amendment will be made, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 108, after line 13, under the head of "California," to insert:

Wilmington Harbor, California, with a view of increasing the depth of said harbor to 25 feet at mean low water over the area proposed to be improved in the project set forth in the report of Lieut. Col. W. H. H. Benyaud of June 8, 1894, and contained in Senate Executive Document No. 61, Fifty-third Congress, third session, and over an additional area extending to Smith Island, and of adequate width to allow the turning of vessels.

The amendment was agreed to.

The next amendment was, under the head of "Florida," on page 109, line 5, after the words "Apalachicola Bay," to insert:

And the approaches to Apalachicola, with a view to obtaining a channel 100 feet wide and 18 feet deep at low water.

So as to make the clause read:

Apalachicola Bay and the approaches to Apalachicola, with a view to obtaining a channel 100 feet wide and 18 feet deep at low water.

The amendment was agreed to.

The next amendment was, on page 109, line 8, after the words "Tampa Bay," to insert "from Port Tampa to the mouth of the bay"; so as to make the clause read:

Tampa Bay, from Port Tampa to the mouth of the bay.

The amendment was agreed to.

The next amendment was, on page 109, line 9, after the words "Withlacoochee River," to insert "from its mouth to the head of navigation"; so as to make the clause read:

Withlacoochee River, from its mouth to the head of navigation.

The amendment was agreed to.

The next amendment was, on page 109, after line 11, to insert:

Anclote River.

Biscayne Bay.

The amendment was agreed to.

Mr. PASCO. I move to insert after "Biscayne Bay," in line 13, on page 109, as a separate item, the following:

Palm Beach.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 109, after line 15, to insert:

INDIANA AND ILLINOIS.

Wolfe Lake and River, with reference to their navigation in connection with the waters of Lake Michigan.

The amendment was agreed to.

The next amendment was, on page 109, after line 24, under the head of "Louisiana," to insert:

The Secretary of War is hereby authorized and directed to ascertain the nature and character of the channel excavated through the Atchafalaya Bay, and to determine whether said channel is of value or of necessity to commerce; and if in his opinion it is, he shall ascertain the cost of acquiring the same for and in behalf of the United States, and report thereon.

The amendment was agreed to.

The next amendment was, on page 110, after line 7, under the head of "Maine," to insert:

St. Croix River below Calais, between Maine and New Brunswick, submitting estimate of the cost of said improvement and the amount the United States ought equitably to bear.

The amendment was agreed to.

Mr. FRYE. On page 103, the clause from line 7 to line 10, may go out of the bill.

The PRESIDING OFFICER. The words proposed to be stricken out will be stated.

The SECRETARY. It is proposed to strike out the clause from line 7 to line 10, inclusive, on page 103, as follows:

St. Croix River below Calais, between Maine and New Brunswick, to form an estimate of the cost of said improvement, and recommend the proportion which the United States ought equitably to bear.

The PRESIDING OFFICER. If there be no objection, the vote by which the amendment was heretofore adopted will be regarded as reconsidered, and the amendment of the committee inserting the clause will be disagreed to. The Chair hears no objection, and it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 110, after line 12, to insert:

Union River, for a deeper and broader channel.

The amendment was agreed to.

The next amendment was, on page 110, after line 15, to insert:

Harraseeket River.

Machias River from Machias to Machiasport.

The amendment was agreed to.

The next amendment was, under the head of "Maryland," on page 110, after line 19, to insert:

Annapolis Harbor, with a view to straightening, widening, and deepening the channel of the entrance to said harbor so as to obtain a ship's channel of 150 feet wide and 28 feet deep at mean low water from Chesapeake Bay to the wharves of the United States Naval Academy in said harbor.

Mr. FRYE. I move to strike out line 19, on page 110.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out line 19, on page 110, as follows:

Inner Harbor Rock Hall.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 111, after line 1, to insert:

Chapel Point Harbor.

The amendment was agreed to.

The next amendment was, on page 111, after line 2, to insert:

Baltimore Harbor, with a view to securing a channel 30 feet in depth.

The amendment was agreed to.

The next amendment was, on page 111, after line 4, to insert: Queenstown Harbor.

The amendment was agreed to.

The next amendment was, under the head of "Massachusetts," on page 111, line 11, after the word "Marblehead," to insert the word "Neck"; so as to make the clause read:

Marblehead Harbor, with a view to improving the harbor by building a sea wall to protect the isthmus connecting Marblehead Neck with the town of Marblehead.

The amendment was agreed to.

The next amendment was, on page 111, after line 14, to insert:

Channel in New Bedford Harbor leading to the bridge between that city and Fairhaven, with a view to determining what amount of dredging would be necessary to make the change in the draw in said bridge from the west to the east side of Fish Island practicable and advantageous.

The amendment was agreed to.

Mr. FRYE. On page 112, line 5, after the word "the," at the end of the line, I move to insert "Enfield."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 5, on page 112, it is proposed to insert "Enfield"; so as to read:

Connecticut River, between Holyoke and the foot of the Enfield Rapids.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 112, after line 7, to insert:

Weymouth Back River from Hingham Bridge to Mann's Wharf.

The amendment was agreed to.

The next amendment was, under the head of "Mississippi," on page 112, after line 19, to insert:

Ship Island Harbor, in the Mississippi Sound, to determine the most practicable route from said harbor for a deep-water channel leading to the mainland on the coast of Mississippi.

The amendment was agreed to.

The next amendment was, on page 113, line 2, after the words "channel of," to strike out "20" and insert "23"; so as to make the clause read:

Horn Island Pass, and the passage leading from said pass to the anchorage inside Horn Island, with a view to obtaining in said pass and passage leading therefrom a channel of 23 feet at low tide.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," on page 113, line 6, after the words "Big Stone Lake," to insert "and Lake Traverse"; so as to make the clause read:

Big Stone Lake and Lake Traverse, with a view to the construction of reservoirs in accordance with the report of Maj. W. A. Jones, of the Engineer Corps of the United States Army, dated January 16, 1895.

The amendment was agreed to.

The next amendment was, on page 113, after line 10, to strike out:

Red Lake River, with a view of improving Red Lake River from Thief River Falls to the Red Lake, in accordance with the report of Maj. W. A. Jones, of the Engineer Corps of the United States Army, dated February 26, 1895.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 113, after line 17, to strike out:

Harbor of Frankfort, with a view of obtaining an 18-foot depth of water.

The amendment was agreed to.

The next amendment was, on page 114, after line 11, to insert:

NEW HAMPSHIRE.

Exeter River, from its mouth to the upper bridge in Exeter.

The amendment was agreed to.

The next amendment was, under the head of "New York," on page 114, after line 22, to strike out:

Bay Ridge, Gowanus Creek, Red Hook, and Buttermilk channels, with a view to making one continuous channel 30 feet in depth and of equal width.

And insert:

Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels, with a view to making one continuous channel with a least depth of 30 feet at mean low water for a width of 1,000 feet, and also for a continuous channel with a least depth of 35 feet at mean low water for a width of 1,200 feet.

The channel between the Battery and Governors Island, with a view to making a channel continuous with Buttermilk Channel 30 feet in depth and 1,200 feet in width.

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 115, after line 13, to insert:

Ocracoke Inlet, to obtain a channel 14 feet in depth.

The amendment was agreed to.

The next amendment was, on page 115, line 16, after the word "refuge," to insert "with a view to making it capable of sheltering the largest vessels"; so as to make the clause read:

Cape Lookout harbor of refuge, with a view to making it capable of sheltering the largest vessels.

The amendment was agreed to.

The next amendment was, on page 115, after line 18, to insert:

Neuse River, at and below Newbern, for an 8-foot depth at dead low water.

The amendment was agreed to.

The next amendment was, on page 115, after line 20, to insert: Pamlico River, to obtain a depth of 10 feet up to Washington, N. C.

Mr. BUTLER. With the permission of the chairman I should like to move an amendment. I move to insert after the word "Washington," in line 22:

And to make necessary improvements of the harbor at Washington.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the head of "Oregon," at the top of page 116, to insert:

Port Orford Harbor, Oregon, with estimate of cost of improvement and to shipping and commerce.

The amendment was agreed to.

The next amendment was, on page 116, after line 3, to insert:

The Tualiton River, from the town of Tualiton, at the crossing of the narrow-gauge railroad, up to the crossing of the Oregon and California Railroad at Gaston, and up the Dairy Fork of said river from its junction therewith near Hillsboro to Lousignant Lake.

The amendment was agreed to.

The next amendment was, under the head of "Texas," on page 117, line 2, after the words "Sabine Lake," to insert:

With a view of obtaining through said lake a ship channel of sufficient width and depth for the purpose of navigation from Sabine Pass to the mouth of the Neches and Sabine rivers.

So as to make the clause read:

Sabine Lake, with a view of obtaining through said lake a ship channel of sufficient width and depth for the purpose of navigation from Sabine Pass to the mouth of the Neches and Sabine rivers.

The amendment was agreed to.

The next amendment was, on page 117, after line 5, to insert:

For further determining the causes of the erosion of the easterly end of Galveston Island, and estimating the cost of works to prevent the same.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 116, line 8, to insert:

Skagit River, from its mouth to the town of Sedro, Wash.

Duwamish River and its tributaries.

Mouth of the Puyallup River.

Mouth of Willapa River and Mail Boat Slough.

Snake River, from its mouth to Riparia.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FRYE. On page 106, line 1, I move to strike out the word "between" and insert the word "to"; so as to read:

Channels to Far Rockaway and Inwood.

The amendment was agreed to.

Mr. FRYE. There is one item which has been passed over, that in relation to harbors on the Pacific coast. I should like to ask the Senator from California [Mr. WHITE] whether he prefers that that should remain until the various amendments which may be proposed to the bill are acted upon.

Mr. WHITE. I think it might be better, perhaps, to follow that course.

Mr. FRYE. I will take the Senator's direction about it.

Mr. WHITE. Yes, sir; I think that would be better. It will take some time to complete the discussion as to the Pacific coast harbors matter. I believe we had better dispose of the other amendments before entering upon that.

Mr. GRAY. At the end of section 6, on page 100, I ask that the amendment which I send to the desk may be considered.

The SECRETARY. On page 100, at the end of section 6, line 15, it is proposed to insert:

That section 2 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, approved July 31, 1894, shall not be so construed as to prevent the employment of any retired officer of the Army or Navy to do work under the direction of the Chief of Engineers of the United States Army in connection with the improvement of rivers and harbors of the United States, or the payment by the proper officer of the Treasury of any amounts agreed upon as compensation for such employment.

Mr. FRYE. Will the Senator from Delaware explain the amendment?

Mr. GRAY. In the act making appropriations for the legislative, executive, and judicial expenses for 1894 there is the following provision:

No person who holds an office the salary or annual compensation attached to which amounts to the sum of \$2,500 shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law.

I do not know that there is more than one case at present which would be affected by the amendment I propose, but it would enable the Engineer Department to avail itself of the services of army officers who are on the retired list and without occupation. It prevents a construction being put upon the law (I do not think the law really rules them out) which would exclude them from such employment as the Engineer Department chooses to give them for the benefit of the service.

Mr. SQUIRE. I am in favor of the amendment proposed by the Senator from Delaware, and I think it ought to be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Delaware [Mr. GRAY].

The amendment was agreed to.

Mr. MITCHELL of Oregon. I offer an amendment to come in after line 10, on page 116.

The amendment was read and agreed to, as follows:

The Willamette River, immediately opposite the city of Salem, with a view of ascertaining the necessity for and character and cost of constructing a revetment or dike to maintain the river in its present channel at that point, and prevent said river from cutting a new channel through the lowlands on the left bank thereof.

Mr. CARTER. I offer an amendment to come in on page 89.

The SECRETARY. After the word "Montana," in line 5, page 89, it is proposed to insert:

Provided, That, subject to such conditions as the Secretary of War may prescribe, any person, company, or corporation may construct a dam or dams across said river above Stubbs Ferry with necessary canal and improvements to develop water power and for other purposes.

Mr. FRYE. I should like to know whether the attention of the Senator from Missouri [Mr. VEST] has been called to the amendment?

Mr. VEST. It has not been.

Mr. FRYE. I do not claim to know anything about the Missouri River or the Mississippi River, and the Senator from Missouri has all knowledge about them. Will the Senator hear the amendment first proposed by the Senator from Montana?

The PRESIDING OFFICER. The amendment will again be read.

The Secretary again read the amendment.

Mr. VEST. I do not see any objection to the amendment. There is no navigation there, and we have already authorized works to be placed there which would have the effect of a dam.

Mr. FRYE. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. BUTLER. On page 18, line 12, with the permission of the committee, I move to strike out the word "four" and insert in lieu thereof the word "five," making the appropriation \$5,000 for Beaufort Harbor, North Carolina.

The SECRETARY. In line 12, page 18, it is proposed to strike out "four" and insert "five"; so as to read:

Improving harbor at Beaufort, N. C.: Continuing improvement, \$5,000.

The amendment was agreed to.

Mr. BUTLER. On page 54, after line 14, with the permission of the committee, I move to insert the amendment which I send to the desk.

The SECRETARY. After line 14, on page 54, it is proposed to insert:

For making improvements in Fishing Creek, North Carolina, from mouth to the Wilmington and Weldon Railroad bridge: Continuing and maintaining improvement, \$15,000, being the amount heretofore appropriated and still unexpended, to be available when conditions are complied with as per acts of Congress September 19, 1890, and July 13, 1892.

Mr. BUTLER. It merely makes available what has already been appropriated.

Mr. FRYE. Let me see about the amendment. The Senator from North Carolina does not talk loud enough for me to hear him, and I do not think I am at all deaf from old age.

Mr. BUTLER. It is an amendment, if the chairman will remember, which I explained to the committee and which the committee intimated it would adopt, but through an oversight failed to put in when reporting the bill. It is simply to make available an appropriation of \$15,000 for Fishing Creek which has been heretofore made.

Mr. FRYE. There is no objection to the amendment. The money is available now, therefore it will do no harm.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. BUTLER. On page 115, after line 22, I move to insert:

Town Creek, Brunswick County, N. C., with a view to straightening the river in at least two places, and to obtain a depth of at least 8 feet to "Upper Bridge," and to improve the river 6 miles farther to the head of tide water, to the place known as "Rocks," by removing obstructions, etc.

Mr. FRYE. I wish to inquire of the Senator from North Carolina whether or not any improvement has ever been made on that river? Has a survey been made heretofore?

Mr. BUTLER. Yes, sir.

Mr. FRYE. It has?

Mr. BUTLER. The matter was before the Committee on Commerce; I explained it. A survey was made, and I call the attention of the committee to the fact that an appropriation of \$9,000—

Mr. FRYE. The Senator's statement that there has been a survey is sufficient. There is no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. GRAY. I offer an amendment to come in after the word "dollars," in line 18, on page 16.

The SECRETARY. After the word "dollars," in line 18, page 16, it is proposed to insert:

Five thousand dollars may, in the discretion of the Secretary of War, be expended during the year 1896 in improving the channel between Churchmans Bridge and Smalleys Bridge on said river, of which sum one-half shall be expended below and the other half above the drawbridge at Christiana Village.

Mr. FRYE. I think it should read—

Mr. VEST. "Of which amount."

Mr. FRYE. "Of which amount \$5,000," etc.

The SECRETARY. It is proposed to amend the amendment so as to read:

Of which amount \$5,000 may, in the discretion of the Secretary of War, etc.

Mr. FRYE. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I ask unanimous consent to make a change in the amendment which was put into the bill by the committee at my request. On page 103, for surveys in Massachusetts as it now stands the clause reads:

The approaches to the Cape Cod Ship Canal between Dennisport and Bass River Light-House on the south side and Nobscusset Point and Bass Hole on the north side of Cape Cod.

I should like to have all of the amendment after the word "Canal" stricken out, leaving it simply "the approaches to the Cape Cod Ship Canal." I desire merely a survey.

Mr. FRYE. There is no objection to the amendment.

The PRESIDING OFFICER. By unanimous consent, the amendment will be considered as reconsidered. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE] to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I now desire to offer an amendment which I reported from the Committee on Foreign Relations, and which was referred to the Committee on Commerce. On page 39, after line 2, I move to insert:

For survey of Portland channel, Alaska, \$5,000.

The amendment was agreed to.

Mr. CAFFERY. I offer an amendment, of which my colleague [Mr. BLANCHARD] gave due notice. On page 62, after line 8, I move to insert what I send to the desk.

The SECRETARY. After line 8, on page 62, it is proposed to insert:

Improving Mermentau River and tributaries, Louisiana: Continuing improvement, \$5,000.

Mr. FRYE. I should like to have the Senator from Louisiana explain the amendment.

Mr. CAFFERY. I will state that the improvement of this river was left out by inadvertence in the other House. I refer the chairman of the Commerce Committee to the report of the Secretary of War, part 3, page 1768, where it appears that in 1891 a survey was made of this river, and in 1892 Congress appropriated \$7,500 for the work. In 1894 it appropriated \$5,000. The estimate of the Chief of Engineers for the completion of the work is \$11,115 in addition. The appropriation now proposed is \$5,000 only.

Mr. FRYE. Is there an estimate made for this year?

Mr. CAFFERY. Yes, sir. It says:

Amount (estimated) required for completion of existing project, \$11,115.25. Amount that can be profitably expended in fiscal year ending June 30, 1897, \$11,115.25.

In other words, the Chief of Engineers recommends that the whole amount of money necessary to complete the work shall be appropriated now.

Mr. FRYE. I am not disposed to make a point of order on the amendment.

Mr. CAFFERY. I know personally that the river requires improvement. It flows through a section of country thickly settled by a very thrifty people, and the improvement in the tonnage, as shown in the "money statement," indicates that the improvements have worked great benefit to that part of the country. The tonnage, for instance, in 1894 was 5,000, and in 1895 it was 15,000, leaving off the odd numbers, an increase of about 300 per cent in tonnage from work already done. I know that the river stands in need of the improvement. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. CAFFERY].

The amendment was agreed to.

Mr. BATE. I move to amend, on page 117, after the word "Harman," in line 10, by inserting what I send to the desk.

The SECRETARY. On page 117, at the end of line 10, it is proposed to insert:

The north fork of Forked Deer River below Dyersburg, with a view of removing the snags, cypress knees, and other obstructions, and for dredging out and removing the bars and shoals at Caney Point Shoals, 8 miles below Dyersburg; at Basin No. 1, 12½ miles below Dyersburg; at Basin No. 2, 13½ miles below Dyersburg; at McCoys Shoal, 14½ miles below Dyersburg; at Shoal Cut-Off No. 2, 14½ miles below Dyersburg and below the mouth of Forked Deer River; and for straightening the river one-half mile below Dyersburg; and for removing snags, blasting embedded trees and snags in the river from Key Corner to junction with Obion River, so as to deepen the channel and improve the navigation of said river from Dyersburg to the Mississippi River.

Mr. BATE. It is merely for a preliminary survey.

Mr. VEST. There is no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Tennessee [Mr. BATE].

The amendment was agreed to.

Mr. BATE. I have an amendment to offer on page 66.

The SECRETARY. It is proposed to strike out lines 6 and 7, on page 66, and insert in lieu thereof the following:

Improving the north or middle fork of Forked Deer River, Tenn., from Dyersburg to the Obion River, and from thence to the Mississippi River, and for removing bars at the intersection of the Forked Deer and Obion rivers, and for removing other bars and shoals in said river, and for deepening the channel and improving the navigation of said river, \$6,000.

Mr. VEST. My recollection is that the recommendation does not sustain any increase above the amount in the bill. On page 332 of the Engineer's Report—

Mr. BATE. I will explain it to the Senator. There is an appropriation of \$1,000 in the bill for maintaining the Forked Deer River. The Forked Deer River runs into the Obion, and there is in this bill an appropriation of \$6,000 for the Obion River for similar purposes just above this item. I propose to amend, since I have ascertained that, by making it \$3,000 instead of \$6,000 there, because there is a confluence of the rivers, and the amount appropriated to the Obion River will be utilized in a part of the river below the mouth of the Forked Deer. Therefore, while I ask for \$6,000 I only ask for \$3,000 to affect that part of the river. I think it is proper.

It is a navigable stream. There were five steamboats running up it, as the report shows, when the survey was made. It is to be found in part 3, volume 2, of the report of the Secretary of War to the House of Representatives at this session. It shows it to be a navigable stream. While there is no estimate for the improvement, there is an acknowledgment of the necessity of it by placing a thousand dollars in the bill for this purpose. I think it is patent and ought to be done. The river is full of cypress leaves, and there is a bar forming at the mouth of the river. There are three or four or five steamboats running up as far as Dyersburg, which is the point indicated in the amendment. I think there ought to be no objection to it.

Mr. VEST. I suggest that the Senator make it \$5,000.

Mr. BATE. Very well; I will make it \$5,000.

Mr. VEST. If the Senator reduces it to \$5,000 the committee will not object.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out "six" and inserting "five"; so as to read "\$5,000." The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. VEST. Now, if there are no other amendments except the Santa Monica matter, the Senator from California [Mr. WHITE] is ready to proceed.

The PRESIDING OFFICER. There is only one amendment which has been passed over. The Secretary will state the amendment.

The SECRETARY. On page 35, after line 12, the committee propose to insert the following amendment:

For a deep-water harbor at Port Los Angeles, in Santa Monica Bay, California, said harbor to be formed by the construction of a breakwater to be situated southwesterly from the mouth of Santa Monica Canyon, substantially as shown on first chart in House Executive Document No. 41, Fifty-second Congress, second session, \$100,000: *Provided*, That the Secretary of War may make contracts for the completion of said work, to be paid for as appropriations may be made from time to time according to law, not exceeding in the aggregate \$2,998,000, exclusive of the amount herein and heretofore appropriated: *Provided, however*, That prior to the expenditure of any part of the money hereby appropriated, the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War, that any railroad company may share in the use of the pier now constructed on the site of said harbor, and the approaches thereto, situated westerly of the easterly entrance to the Santa Monica tunnel, upon paying its proportionate part of the cost of the same and its proportionate part of the expenses of maintenance of the same, to be determined by the Secretary of War, in case of disagreement between the parties.

Mr. WHITE. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to strike out all the committee

amendment, commencing on line 13, page 35, down to and including line 10, on page 36, and insert in lieu thereof the following:

For the purpose of selecting a proper location for a deep-sea harbor either in the Bay of San Pedro or at Port Los Angeles, in the Bay of Santa Monica, on the coast of Los Angeles County, Cal., a board of engineers, one of whom shall be an officer of the United States Navy, with a rank of not less than commander, to be appointed by the Secretary of the Navy, one a member of the Corps of Engineers of the United States Army, to be selected by the Secretary of War, and one a member of the Coast and Geodetic Survey, to be selected by the Superintendent of the Survey, shall personally examine the more northerly location in said Santa Monica Bay at Port Los Angeles, shown upon the first chart of House Executive Document No. 41, Fifty-second Congress, second session, as a proper place for a breakwater and deep-sea harbor, and shall also examine the location recommended for a breakwater and deep-sea harbor by the Board of Engineers of the United States Army, as appearing in said House Executive Document No. 41, Fifty-second Congress, second session, and shall determine the relative merits of said locations, and shall designate which of said locations is the more eligible for such breakwater and deep-sea harbor, and shall report to the Secretary of War their finding in the premises, and the decision of a majority of said Board as to said location shall be conclusive. And the sum of \$100,000 is hereby appropriated for a deep-sea harbor, to be constructed at the point so selected by said Board; and if said Board shall select the said location at Port Los Angeles, then the breakwater for which this appropriation is made shall be constructed substantially as shown on the said first chart in House Executive Document No. 41, Fifty-second Congress, second session; and if said Board shall select the location at San Pedro, then the breakwater for which this appropriation is made shall be constructed substantially as recommended by said Board of Engineers in said House Executive Document No. 41, Fifty-second Congress, second session: *Provided*, That the Secretary of War may make contracts for the completion of said work, to be paid for as appropriations may be made, from time to time, according to law, not exceeding in the aggregate \$2,988,000, exclusive of the amount herein and heretofore appropriated: *Provided, however*, That if the said board shall report in favor of the construction of a breakwater at Port Los Angeles no expenditure of any part of the money hereby appropriated shall be made until the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War that any railroad company may equally share with the said owner or owners in the use of the pier now constructed on the site of said harbor and the approaches thereto situated westerly of the easterly entrance to the Santa Monica tunnel upon paying its proportionate part of the cost of that portion of the same used by such railroad company and its proportionate part of the expense of maintenance of the particular part of said approaches and pier so used, to be determined by the Secretary of War in case of disagreement between the parties.

THE PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from California [Mr. WHITE].

MR. WHITE. Mr. President, the question presented by the amendment which I have offered, and necessarily involved in the report of the committee, is of great local importance to those whom I in part represent, and it is of national importance on more than one account. In the first place, the United States are necessarily interested in everything pertaining to harbor improvements. This follows as a matter of course. Then the Government is also interested in seeing that appropriations made by the Congress of the United States by means of a river and harbor bill are made for public purposes, and that the diversion of the funds of the Government is not accomplished through private channels or for personal ends.

The situation must be briefly outlined. It will save some time in the future and doubtless be of advantage to me as well as to those who are to follow me in the discussion.

I place before the Senate a map which can not at once be seen, perhaps, by everyone in the Chamber, but it is as favorably located as circumstances will permit. It is a map of the State of California, and I particularly direct attention to the southerly coast. It will be noticed that the trend of the coast is southeasterly, so that at Santa Monica, located on the map at the point indicated by me [indicating], is some 250 miles, more or less, eastward of the parallel upon which the city of San Francisco is built. The coast from Point Conception, situated nearly north of the Island of Santa Rosa, tends strongly eastward, in fact the shore line for a considerable distance is almost east and west. Thence it proceeds southerly and easterly. We have here at this point [indicating] Point Dume, where Santa Monica Bay, so called, which is really an open roadstead, commences. Following along the coast southerly we reach Point Vincente, where the Santa Monica Bay, so called, ends. Thence we pass along the coast until we reach a point called Point Firmin. [Indicating.] There the Bay of San Pedro commences.

It is from a point close to Point Firmin that the breakwater recommended by the Government engineers is designed to be constructed. It is in Santa Monica Bay, at a point some 15 miles from Point Dume and northerly and westerly from the town of Santa Monica, that the breakwater provided for in the bill is sought to be erected. To more definitely fix these points according to the charts of the Coast and Geodetic Survey which are before us, I will refer to a chart obtained from that office in this city, which chart is marked "Pacific coast from Santa Monica to Point Conception, including Santa Barbara Channel, California." Point Dume upon this chart is located at this spot [indicating]. It will be observed by a close inspection of this diagram that the water from Point Dume southerly and southwesterly is exceedingly deep, the figures reading 14, 150, 182, 233, 273, 323 fathoms, and so on, increasing. The soundings seem to cease beyond the point where 498 fathoms, or 2,988 feet, appear.

This diagram discloses the town of Santa Monica. The proposed pier, spoken of in the tracings as the pier of the Southern Pacific Company, extends into Santa Monica Bay, at a point more westerly than northerly from Santa Monica, a distance from that town of something like 2 miles, or a little less, perhaps. This point [indicating a point southerly from the Southern Pacific wharf] is located, according to the Coast Survey chart before us, not far from the 8-fathom line, and reading the figures directly in front of and southerly or southwesterly from the wharf, we have the following: 8, 14, 26, 30, 60, 89, 180, 110, 40, 41, 61, and 113. Reading not directly, but over a bearing between the direct reading which I have made and Point Dume, we find that the water is somewhat deeper, culminating in 224, 238, and 255 fathoms.

I refer to this proposition because it is stated in the argument before the Committee on Commerce by an engineer who I see claims, in a document which he has issued here by unnamed authority, to be a semiofficial individual, that the water near Santa Monica is not extremely deep and that one of its great advantages is that there is a gradual slope and an easy grade and that the waves come over such grade gently and without disposition to do serious injury when the Southern Pacific pier is reached. It will be noted that in the Coast and Geodetic Survey chart, to which I have attracted the attention of the Senate, there are no soundings in the portion of the diagram immediately south and southwesterly of the last sounding to which I called attention [indicating]. I presume that the depth is such that it was not deemed worth while to proceed further.

MR. MITCHELL of Oregon. When was that diagram made?

MR. WHITE. I received it very recently from the Coast and Geodetic Survey office. I do not know when the surveys were made. I presume it is the latest on hand, because I requested the best information in the possession of the office and I was furnished with this chart. It is the result of a series of compilations running down to 1881.

MR. PERKINS. I will say to my colleague that it is customary with the Coast Survey to correct these charts annually and that this is undoubtedly the last issue of the Coast Survey.

MR. WHITE. Yes, sir.

MR. MITCHELL of Oregon. The Senator says it comes down to 1881. That would be a good while ago.

MR. PERKINS. That is the original plate, but where the surveys have not been completed these corrections are made from time to time. That they are correct I am satisfied, because our navigators upon the Pacific coast are using this series of charts. They are issued by and under the authority of the United States Coast Survey.

MR. WHITE. The second plate, to which I am about to refer, is called "Pacific coast from San Diego to Santa Monica, including the Gulf of Santa Catalina." The island which is observable upon the map [indicating] is called Santa Catalina. It is located about 18 miles from San Pedro. The Senate will notice that the words San Pedro and Wilmington occur frequently in the discussion of this matter and are often noted in official publications. As far as this question is concerned we may consider San Pedro and Wilmington one place, though, as a matter of fact, the towns are some little distance apart. However, the improvement which has been going on for many years in this neighborhood is known as the improvement of Wilmington Harbor. We are more in the habit of designating the inner harbor as San Pedro, but appropriations refer to the place as Wilmington. I will use the terms indiscriminately. The town of Wilmington is a small village situated upon the inner harbor, and San Pedro is upon the same waters.

MR. COCKRELL. How far apart?

MR. WHITE. Oh, a couple of miles apart.

The Island of Catalina, to which I have attracted attention, is some 20 miles or thereabouts in length and some 18 miles from shore. It will be observed that this large body of land furnishes protection from southerly and southeasterly winds. Its northern shore is thoroughly protected. So true is this that the little Bay of Avalon located at this point [indicating] on the northerly shore of Catalina Island is the most tranquil sea water which I have ever observed. It is so calm that there is no difficulty in ordinary weather in using any common rowboat handled by a lady or robust boy along a considerable portion of the landward coast of Catalina Island. The water on the ocean or southerly coast is comparatively rough. I mention that to show the effect of the island in stilling the water toward the mainland. Its length extends the calming influence and affects the sea to San Pedro.

Point Firmin is located at this point. [Indicating.] It is from a spot just easterly of Point Firmin that the Government engineers have designed the construction of the breakwater which they recommend. That breakwater, according to the last report, is to commence near Point Firmin, on the shore, and extend outwardly in a curved line, thus [indicating]. The town of San Pedro is located at the point marked San Pedro on this diagram, indicated by the pointer which I hold in my hand [indicating],

and the town of Wilmington, also referred to, is located here. [Indicating.]

The Senate will notice in the report and in the bill an item with reference to the inner harbor at Wilmington. We have already in the bill made an appropriation to which it is necessary for me to advert before proceeding further, so that we may avoid some little confusion. We have upon page 36 of the bill made the following appropriation:

Improving Wilmington Harbor, California, in accordance with the project submitted February 7, 1895, \$50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$342,000, exclusive of the amount herein appropriated.

The harbor of Wilmington is located northeasterly about two miles from the town of San Pedro, and on the estuary. The inner harbor designed to be further improved by the \$392,000 appropriation is separated from the ocean by a narrow neck of land, a sandy island known as Rattlesnake Island. [Indicating.] That island is nominally separated from the mainland by a small body of water of slight importance, and the Terminal Railroad now runs upon the island and along Wilmington Harbor, where that corporation possesses wharves; and there, too, private parties, lumber dealers, and so forth, have built wharves under franchises granted them by the board of supervisors of the county of Los Angeles.

The inner harbor is, at its commercial point, about 500 feet in width. Upon one side of it, which we might for convenience call the shore side, there are located wharves of the Southern Pacific Railroad Company, and there that company is constantly running its trains and transacting transportation business. On the other side of the harbor the Terminal Railroad Company conducts its business. There are, as I have said, many business men other than the railroad companies who are the proprietors of wharves or docks upon that inner harbor.

The Senate will notice that Point Firmin is located at a point where the bluff rises to a height of about 60 feet [indicating], and this bluff continues down to the town of San Pedro. Thence the grade reduces, so the land between San Pedro and Wilmington is flat. There are there lagoons and sloughs, as we call them, and marshy land over which at times the tide rises. That property is susceptible of commercial development. Some of this property has passed into the possession of individuals. A great part of it belongs to the State of California, and under the terms of our present constitution it is inalienable. Under our laws the board of supervisors have the regulation of the granting of franchises for wharves. These wharves are public, but in view of the outlay in their construction the proprietors are allowed to make certain charges by way of toll.

This inner harbor has been a marked success. When the Government engineers took charge of this work some years ago there were only 2 feet of water upon the bar, possibly a little over 2 feet. By dint of skillful management and in consequence of the appropriations made by Congress the depth has been so increased that at the present time there are 14 feet of water at low tide. The tidal rise in that neighborhood is about 5 feet. Hence there are upward of 18 feet of water at high tide at that place, where formerly at low tide there were but 2 and at high tide perhaps 7 feet.

Some years ago this estuary or inner harbor to which I have referred was employed solely for very light draft craft. I recollect very well twenty-two years ago when I first went to the city of Los Angeles from the northern part of the State in a steamer owned by my colleague and his associates. We anchored outside of San Pedro in the water which it is now designed to utilize for an outer harbor, and then we went upon lighter craft. Lighters were used for freight and very light craft for transporting passengers into this estuary to the town of Wilmington. Now vessels drawing 13 and 14 feet and more pass into the inner harbor and tie up at the wharves and discharge lumber and freight.

The main occupation there at this time is the lumbering business. Most of the lumber coming down the coast, save that which is consigned directly to the railroad company, and much that is consigned to that company, seeks this inner harbor.

The provision to which I have referred and which we have passed upon already involves carrying out what is known as the project of Colonel Benyaard, by which he proposes to obtain a depth of 18 feet at low tide within the inner harbor; this will equal 23 feet at high tide, which will accommodate nearly all the vessels which come there.

Before passing from this point I wish to call your attention specifically to a map of the site of the proposed harbor at San Pedro, which contains soundings which will be of value in the discussion. It is said that there is much deep water at the point where it is intended to construct the harbor. It will be noted from the map now before the Senate, and which is called "Wilmington and San Pedro harbors, California; published December 18, 1895; W. W. Duffield, superintendent; O. H. Tittman, assistant in charge of office," and so forth, date of publication 1888, that is not true, as stated in Mr. Corthell's paper before the Senate, and as here-

tofore erroneously claimed by many, that there is such abrupt bottom in the neighborhood of Point Firmin. It is true that as we go more southerly, westerly, and northerly there is a gradual and a rapid recession, as we also have observed in the case of Point Dume; but if Senators interested will notice the depths south and southeasterly from Point Firmin the depths extend, as shown upon this diagram, these figures in fathoms will be found to appear, viz, 7, 9, 13, 17, 16, 17, 16, 14½, 13, 13½, and to 19. The exact distance can be computed from the scale, but it certainly is several miles, so that there is no trouble to be apprehended from this cause. The water is not remarkably deep. The evidence is without conflict that the ocean swells proceed from the west, and that, although the wind may blow from the southeast and points not varying far from the southeast, still the swells, the dangerous seas, come uniformly, or nearly so, from the west, and it is designed to construct this breakwater at San Pedro so that it will cut off the westerly swells. I have referred, therefore, to this diagram to prove that the assertion regarding the soundings which has been made by Mr. Corthell and others is not well founded.

You will observe, therefore, that when we speak of the inner harbor at San Pedro we are referring to something which has received the attention of the Government in the past, and for which we have already here made provision.

The outer harbor, with reference to which I have been speaking, is in the immediate neighborhood, though not directly connected with the inner harbor. The outer harbor would be peculiarly valuable if situated adjacent to the inner harbor.

The questions before the Senate may be summarized thus: First, is it necessary that we should have an outer harbor at all? Second, if so, should that outer harbor be located at San Pedro or should it be placed at Santa Monica?

Mr. President, if it be conceded that the selection at San Pedro, as contended by my distinguished nautical friend the chairman of the committee [Mr. FRYE], is not well located, and that the Government is not warranted in making the expenditure at that point, the question still remains, will the Government be justified in making the expenditure at the point designated in the bill?

Mr. GRAY. Is Santa Monica on that map?

Mr. WHITE. I have here a map upon which it appears. I place before the Senate a diagram which was utilized in Los Angeles by the Architects and Engineers' Association and which Mr. Corthell referred to in the hearing as being an accurate picture of Santa Monica Bay as it is, and it shows the wharf and the bay. I shall be obliged if Senators will examine it. I likewise present a photograph of the inner harbor of San Pedro as it now exists, which I also ask Senators to kindly examine.

Such is a general statement of the location proposed for this governmental investment. Let us now inquire as to the official status of the matter before the Senate. It has long been the desire of the people in that part of the United States to have a good harbor. Senators are all well aware that most of the Pacific (so-called) harbors are not of the best, that we have been compelled to rely largely upon governmental bounty in the construction of harbors. We have a splendid harbor at San Francisco, an elegant natural harbor at San Diego, one which I think has enlisted the admiration of every competent judge who has seen it. But San Diego is far—some 130 miles—from the seat of that extensive population of which Los Angeles is the center. It is not practicable, from a commercial point of view, to rely entirely upon transportation facilities there. In pioneer days San Pedro, or Wilmington, was sought by those navigators who saw fit to come to that part of California for trading purposes. The locality was called El Embarcadero, and there, through the estuary to which I have already alluded, the modest commerce of that time was transacted; but as population grew, Los Angeles, having according to the census of 1880 some 11,000 inhabitants, and at present having perhaps 100,000 inhabitants, with a populous country immediately adjacent to it, the necessity for another harbor increased and the requests for better facilities augmented.

The town of Santa Monica was founded years ago because of the enterprise and good judgment of the distinguished Senator from Nevada [Mr. JONES]. He built a railroad from Los Angeles to Santa Monica, called the Los Angeles and Independence Railroad. His design at that time, most laudable and worthily ambitious, was to extend his railroad from Santa Monica to Inyo County, and possibly to Salt Lake. At any rate, everyone there was anxious that Senator JONES should succeed; but, for various reasons, unnecessary to enumerate here and beyond his control, the road fell into the hands of the Southern Pacific Railroad Company, and he failed to realize his plan and to bring about a result which would have advanced the wealth, prosperity, and happiness of the people.

Senator JONES at that period caused a wharf to be constructed at the town of Santa Monica. That location, I wish to impress upon the Senate, is not that where it is now designed to build the breakwater mentioned in the bill; that is, it is not the point where the present wharf of Mr. Huntington is situated. I submit

at this point photographs of Mr. Huntington's wharf, which I hope will be examined. Senator JONES's wharf, after passing into the hands of the Southern Pacific Company, was allowed to go into decay, and finally it was partially eaten by teredos, and was then torn down and became a matter of memory.

At that time the Southern Pacific Company owned, as it does now, a large amount of property at San Pedro or Wilmington. There nearly all of its business was transacted. Redondo, a shipping place situated between Santa Monica and San Pedro, commenced to assume some commercial importance, and a wharf was constructed. The water there is very deep, too deep, as the Government engineers found, to warrant any attempt at the erection of a breakwater. Redondo transacted much commerce, and finally Mr. Huntington, or the Southern Pacific Company, more accurately speaking, made an arrangement to get through the town of Santa Monica along the seacoast and up to the point where the wharf we are asked to protect now stands.

By the river and harbor act approved September 19, 1890, a board of engineer officers was constituted to examine the Pacific coast between Point Dume and Capistrano, with a view to determining the best location for a deep-water harbor, with a project and estimates for the work. This board consisted of G. H. Mendell, colonel, Corps of Engineers; C. L. Gillespie, lieutenant-colonel, Corps of Engineers; and W. H. H. Benyaud, lieutenant-colonel, Corps of Engineers. This board preferred San Pedro. In submitting the matter to Congress General Casey, then Chief of Engineers, said:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 18, 1891.

SIR: I have the honor to submit herewith a copy of report dated December 8, 1891, of the board of engineer officers constituted under the terms of the river and harbor act, approved September 19, 1890, to examine the Pacific coast between Points Dume and Capistrano with a view to determining the best location for a deep-water harbor, together with project and estimates for the work.

The board, after full examination, concludes that the selection of a site for a deep-water harbor within the limits designated by the act is restricted to the harbors in Santa Monica Bay and San Pedro Bay, and is of the opinion that San Pedro is the better of these, and submits alternative estimates of the cost of the necessary breakwaters, as follows:

If constructed of rubble and concrete.....	\$4,594,494
If constructed entirely of rubble.....	4,126,106

After a careful consideration of the facts in the case as presented by the board, its views as to the location and general estimates of construction are concurred in by me. The difference in cost of the two breakwaters, for the same arcs of protection, is over \$700,000 in favor of San Pedro, and when the other advantages of San Pedro, as detailed by the board, are taken into consideration, it would seem that its selection has been properly made.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

HON. L. A. GRANT,
Acting Secretary of War.

This report, made by these three officers, headed by Colonel Mendell, is alluded to here generally as the Mendell report. It is proper for me to state that, so far as the men who constituted this board are concerned, that they were not only experienced officers, but Colonel Mendell had lived upon the Pacific Coast, where he now resides, during more than a generation, and was absolutely familiar with all the work, all the governmental projects, and all local points upon which money was designed to be expended; and, as you will observe, General Casey, in sending this report to Congress, did not merely transmit it without comment, but he transmitted it with specific approval as to site selection and otherwise.

This board recommended a semidetached breakwater; or a breakwater, I might say, more properly, in two parts, commencing near Point Firmin, the common point of commencement of the two boards, running thence into the ocean southeasterly to a point. There an opening of 1,500 feet was provided. Thence, at a point 1,500 feet southerly from the end of this part of the proposed breakwater, an extension thereof commenced and was designed to extend easterly 5,600 feet, to protect from the southerly seas.

The last board which was appointed by the Government recommended a breakwater commencing at the same shore point and running on a curve seaward and terminating at the easternmost extremity of the detached section of the Mendell breakwater.

After Colonel Mendell's report had been filed here, objection was made to an appropriation for the harbor recommended. The maps and illustrations referred to will be found in House Executive Document 41, Fifty-second Congress, second session, and also in the Mendell report of September 19, 1890.

When the latter report reached Congress the Senator from Maine, who I hope is giving me his attention, suggested that, in his opinion, the harbor was not properly located, and I believe through his instrumentality, owing to his prominent position upon the Commerce Committee, of which he was then, as now, the able and distinguished chairman, procured another board to be appointed; and Congress, in compliance with his desire and through

his committee, which acted in unison with him in that regard, procured the passage of a provision which will be found in the river and harbor act of July 13, 1892, as follows:

The Secretary of War is hereby authorized and directed to appoint a board of five engineer officers of the United States Army, whose duty it shall be to make a careful and critical examination for a proposed deep-water harbor at San Pedro or Santa Monica bays, and to report as to which is the more eligible location for such harbor in depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country, together with an estimate of the cost. Said board of engineers shall report the result of its investigations to the Secretary of War on or before the 1st of November, 1892; and \$10,000, or so much thereof as may be necessary, are hereby appropriated for said purpose.

The very distinguished board was appointed in that case by the then Secretary of War, the honorable junior Senator from West Virginia [Mr. ELKINS]. The board so appointed consisted of the following: William P. Craighill, colonel (now general), Corps of Engineers; Henry M. Robert, lieutenant-colonel, Corps of Engineers; Peter C. Hains, lieutenant-colonel, Corps of Engineers; C. W. Raymond, major, Corps of Engineers, and Thomas H. Handbury, major, Corps of Engineers.

That board went to California, and convened in San Francisco and in Los Angeles. After their field work they went to the city of New York, where the various computations necessary to be made were completed, and finally prepared a most elaborate report, which is known upon the official files as House of Representatives Executive Document No. 41, Fifty-second Congress, second session.

I will state that the document is very difficult to obtain, but in the minority report, prepared by me, I have inserted the whole of the report, except the maps, and Senators can thus easily obtain the body of the report. If there were available copies of the report itself the same would be valuable because of the maps; but I think there are but few in existence.

In proceeding to consider this subject the board had before it not only the knowledge that its report would necessarily be the subject of that criticism which is always given to a public document of that importance, but, in addition to that, the board had the advantage of the comments which had been made upon the Mendell report. They were well aware that it was only by a careful, painstaking, skillful, reliable examination and the announcement of well-founded conclusions that they could hope to produce any results beneficial to the Government. They set about performing the duties intrusted to them in the following way: As I have said, they visited the city of San Francisco and the city of Los Angeles. I was present for a while during their deliberations. They had before them every means of reaching the truth usually afforded to men of impartiality. They did not meet in star-chamber session; they sent for no favorites or particular friends of anybody; but they gave public notice that they would be in the city of Los Angeles on a certain day, and that they would expect all interested to be present and to offer such facts as might be deemed pertinent to the matter in hand.

There were three places competing for the location of a deep-sea harbor at that time. One was Redondo, one was Santa Monica, and one was San Pedro. These interests were represented, not only by individual citizens who had their special opinions, but likewise by lawyers eminent at the bar and engineers of standing. The Southern Pacific Company was cared for by one of the best lawyers in California, a man apt and valuable in discussion and examination. The Santa Fe Railroad, which was interested at Redondo, was on hand, and the same was true of the advocates of San Pedro. They produced there not merely the views of the business men of that community, but they likewise tendered the expert notions of such persons as were deemed competent to express the same. Mr. Hood, the engineer of the Southern Pacific Company, who, with Mr. Corthell, has succeeded in impressing his conclusions favorably upon a majority of the committee, was there. He gave his conclusions, he had his plans, and he, as he always does, delivered himself with much skill and ability, and gave the advantage of his experience and his wishes to the board there assembled.

I speak of this, Mr. President, because it seems to be assumed that there was some information, or that there were perhaps facts somewhere not brought to the attention of this board. I declare that I have never known a more fair, open, thorough hearing and examination than was given to these subjects at the hands of the Craighill board. The members of that board are not unknown. They were, as were their predecessors, able and honorable men. It is unnecessary for me to pass any eulogy upon the Corps of Engineers of the United States Army. It is sufficient to say that intrusted, as they have been, with the discharge of delicate and important duties, and having in their keeping, as they do, those interests which involve the expenditure of millions of dollars of money, often in the midst of contention—because money can never be disbursed without some dispute—there has never been a case, so far as I know, in the history of the Government where any ulterior influence has ever had the slightest effect upon a

member of this remarkable corps. This fact justifies our pride and our confidence.

These engineers were not children in the work; they were not mere tyros; they were experienced men. It is true, it is said, they are fortification engineers. It is true they are fortification engineers; but, at the same time, there is not one of them who has not been in charge of riparian work; and to-day we are in this bill giving the outlay of the millions to the members of that corps. These men, pursuant to law and under the direction of the Chief of Engineers, decide as to how this money shall be expended. It is upon their skill, upon their integrity, upon their good judgment, not alone as fortification engineers, but as skilled riparian engineers, as men conversant with all the subjects involved in this bill requiring engineering skill that we rely, that Congress depends, and upon which the country, too, rests in security.

Mr. President, after these examinations, thus conducted by eight of the engineers of the United States Government, a second report was filed favoring the location at San Pedro, with the changes I have stated in the form of a curved breakwater, commencing and ending where the Mendell breakwater commenced and ended.

I pause here to go back a step. When Colonel Mendell, who headed the first board, and who, I might say, next to General Casey, was the ranking member of the entire Engineer Corps, made his report, he considered Santa Monica, but the only place suggested to him at that time for the location of a harbor was not at the point which has been since selected, but was opposite, or nearly opposite, the town of Santa Monica. The present scheme, as I have said, suggests a harbor, not in front of the town, but above it, at Port Los Angeles, the official name of the Southern Pacific wharf.

That location was rejected by Colonel Mendell because of the abrupt and rocky shore. This statement can be verified by referring to page 8 of Executive Document No. 41. At the time Colonel Mendell reported there had been no particular attention called to the Southern Pacific wharf, for it had not then been built, but he rejected the location where that wharf is now found because of the abrupt shore. At the spot where the pier of Mr. Huntington stands, as shown by the photographs which I have passed around in the Senate, the bluff rises almost absolutely straight to the height of 200 feet. At the base of that bluff there is a comparatively narrow strip of land. The title to that strip, so far as private property can go toward the ocean, is vested in those who own the property above. Of course, private ownership can not prevent the taking of property for public use, and the right of way can be condemned over the land of private parties whenever a proper statutory and constitutional showing is made.

But I am specially referring to the physical condition. There is a bluff rising 200 feet and a narrow strip below it. Now, let us assume, for the sake of argument, that there may be placed at the foot of that bluff a number of railroad tracks. It is said by the advocates of Santa Monica that eight or ten may be placed there. I do not set myself up for an expert, but I do not believe this. It is, however, a mere matter of opinion. But there is no foundation or space there for buildings for warehouses, or any commercial structures whatever. There is what we call a small canyon, or, more accurately, a diminutive gorge, coming in close to this wharf, furnishing enough level sand for the erection by the Southern Pacific of a small building for engine-house purposes. Nothing else can very easily be constructed there. At all events, Colonel Mendell thought the spot selected by Mr. Huntington was one which was not well suited to commercial purposes in the general sense, and he rejected it, and while preferring San Pedro, gave as the only possible harbor site in Santa Monica Bay a situation near the town of that name.

I am endeavoring to explain this matter in detail. It is, as I consider, of a great deal of importance that all these circumstances shall be understood. The bill proposes the expenditure of more than \$3,000,000, and I am endeavoring to present the arguments pro and con as well as I can, that the merits of the case may be carefully considered.

When Colonel (now General) Craighill's board met, the railroad company had not completed their wharf at Port Los Angeles. The work has proceeded considerably, and was attracted to the attention of the board. It was to that particular proposition that Mr. Hood and others who were interested for the Southern Pacific addressed their remarks. So far as the Craighill board was concerned they had the advantage of all the facts and arguments which the then situation afforded.

When that report came before Congress no action was taken. The fight was still on. Its report was no more satisfactory to the advocates of the Santa Monica Bay proposition than had been the judgment of the first board. Here permit me to call attention to the report of the majority of the committee as to the Santa Monica item. I will ask the Secretary to read Appendix H, page 401, of the report of the committee. It is not very lengthy.

The PRESIDING OFFICER. The Secretary will read as indicated, if there be no objection. The Chair hears none.

The Secretary read as follows:

The river and harbor act of 1890 authorized the appointment of a board of three engineer officers "to examine the Pacific coast between Points Dume and Capistrano, with a view to determining the best location for a deep-water harbor." Their report was submitted December 8, 1891. In it the board stated that the only eligible sites were at San Pedro and Santa Monica bays, set forth the advantages and disadvantages of each as viewed by its members, and submitted estimates for breakwaters at each place.

For the breakwater at Santa Monica the estimate was \$4,549,494 and for that at San Pedro \$4,137,591. The board expressed a preference for the latter. This report may be found in the Engineer's Report for 1892, pages 2631-2639.

The Committee on Commerce, when it was considering the river and harbor bill of 1892, after considering this report and other evidence, concluded that further light on the subject was desirable, and in that bill provided for a second board, consisting of five engineer officers, to make examination of these bays.

The report of this board was submitted October 27, 1892, and may be found in the Engineer's Report for 1893, pages 3238-3263. This report discusses relative advantages of the two bays at length, and concludes with the opinion that the location selected by the board of engineers of 1890 was the more eligible. An estimate of \$2,885,324 was submitted for a breakwater at San Pedro.

It was stoutly contended by persons having large interests in the commerce of the Pacific Coast and familiar with the local conditions that the opinion expressed by the Board was erroneous; that to act in accordance with it would be a waste of money; and in the river and harbor act of 1894 no appropriation for a harbor at either place was made.

While considering the bill herewith submitted, exhaustive hearings were given by your committee to parties representing both sides of this vexed question, including eminent engineers, both civil and military, and a conclusion was reached, in accordance with which a provision has been inserted for constructing a breakwater at Santa Monica Bay, at a cost not to exceed \$3,000,000.

Mr. WHITE. When this report was ordered to be made in the committee, I earnestly dissented from it, and reluctantly reached the conclusion that it would be my duty to file a minority report; and after consultation with such of my associates who thought as I did and to whom I was able at that time to submit the matter involved, I, together with the Senator from Arkansas [Mr. BERRY], the Senator from Louisiana [Mr. CAFFERY], and the Senator from Florida [Mr. PASCO], did file such report. I was not able to present the document at that time to the Senator from Missouri [Mr. VEST], who, generally speaking, agrees with our views, as he was unavoidably absent from the city, and I thought that the river and harbor bill would come up the following day and believed it advisable to place the matter found in the views of the minority upon the desks of Senators at the earliest practicable moment.

In the minority report we outlined the points upon which it seemed the views of the minority should rest. I will read an extract from the report:

The undersigned object to the amendment to H. R. 7977, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, reported by the majority of the Committee on Commerce to the Senate April 27, 1896, which appropriates \$3,000,000 for the construction of a breakwater near Santa Monica, Cal. This item was not placed in the bill at the suggestion of either of the Senators from California, nor at the instigation of the Representative from the Sixth Congressional district of that State, wherein the site involved is located. On the contrary, both of the Senators and the Representative objected to the construction of the breakwater at the point named in the bill, and the overwhelming sentiment of the community prefers another location.

I ask the Secretary to read to the end of subdivision 7, as showing the considerations which justify the minority view.

Mr. FRYE. The Senator from California will allow me to say right here that a rule of the Senate adopted some time since requires a brief report as to each item which is contained in the bill. The clerk of the Committee on Commerce always drafts those reports from the reports of the engineers, in order that they may be conveniently at hand for any Senator to see. So far as the report with respect to Santa Monica is concerned, it was made precisely in that way. I did not even look at it; I did not even see it; I did not even read it. I never heard of it until the Senator had it read just now.

Mr. WHITE. I have not said anything that can involve a criticism of the report.

Mr. FRYE. I make the statement simply to account for the brevity of the report.

Mr. WHITE. Yes, sir.

Mr. FRYE. It is simply intended to refer Senators to the documents where, if they please, they can find the information in full.

Mr. WHITE. I was endeavoring to present the matter in rather complete form, and referred to the report of the committee, which of course is very general in its terms and contains none of the argumentations and none of the reasons upon which the Senator from Maine and other members composing the majority of the committee acted in voting for the placing in the bill of the item which I am criticising. I only criticise the report so far as it reaches a conclusion from which I dissent. I have referred to it, as I have said, not because it estops Senators from giving additional reasons, or because it presents their view of the case, but merely because it is a part of the record.

Now, let the Secretary read the extract from the minority report.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from California.

The Secretary read as follows:

The following considerations are submitted as justifying this minority report:

(1) The appropriation as proposed is inadvisable. The bill is otherwise sufficiently burdened. The condition of the Treasury does not warrant the use of the public money for this particular work.

(2) There is no official recommendation or other authority justifying the making of this appropriation.

(3) Those officers of the Government to whom has been committed the charge and management of harbor improvements, and upon whose recommendations Congress has been accustomed to act, have uniformly and unanimously reported against an appropriation for a breakwater at Santa Monica. There has been no conflict in the Engineer Corps upon this topic, notwithstanding strenuous exertions by private and powerful interests, and although two boards specially commissioned to examine and report have faithfully discharged their duties.

(4) The action of the committee establishes a dangerous precedent. The entire disregard of the carefully formed and unbiased opinions of two boards of able engineers and the arbitrary location of this extensive work at a point demanded by private interests is a dangerous exercise of power and threatens the removal of needed protection to a frequently imperiled Treasury.

(5) The ultimate success of the work authorized is problematical.

(6) The proper site for a deep-sea harbor is not at Santa Monica but at San Pedro.

(7) If there is doubt as to the availability of San Pedro for a deep-sea harbor, then the expenditure of the appropriation should be made to depend upon the judgment of a commission provided for in this act. Such commission, after taking into consideration all the information theretofore collected and that still is obtainable, should decide as between San Pedro and Santa Monica and should report to the Secretary of War, and a contract should thereupon be entered into for the construction of a breakwater pursuant to such report.

Mr. WHITE. In order to give the Senate as full information from a scientific source as I was able to produce, I and my associates in the report submit a synopsis of the Mendell report and we submit the report of the Craighill board in full. These are contained in the minority report and constitute as to extent the main part of the same.

Right here I wish to allude to another matter. It is said in the minority report that the insertion of this item is not owing to the importunity or the effort of either of the Senators from California or the local Representative. It is pretty evident from my attitude that it was not put in at my suggestion. It is equally certain that it was not placed there at the instigation of my colleague. At the hearing before the committee the very able gentleman who represents the Sixth Congressional district of California came before our committee and stated his views upon the subject. I consider them of sufficient importance (they are not very lengthy) to justify reading at least a part of the same, and I therefore request the Secretary to read from Congressman McLACHLAN's statement to the end of the 5th line on page 5, Hearings.

The PRESIDING OFFICER. The Secretary will read as indicated, if there be no objection. The Chair hears none.

The Secretary read as follows:

Hon. JAMES McLACHLAN, member of Congress from the Los Angeles district, said:

"MR. CHAIRMAN AND GENTLEMEN: Perhaps it would be well for me to state briefly the history of harbor matters in the vicinity of Los Angeles. Something like twenty years ago an appropriation was made by Congress for the improvement of the inside harbor at San Pedro, and appropriations have been made from time to time for the improvement of that harbor until the total of the disbursements up to this time aggregate somewhere in the neighborhood of \$800,000. That was for the improvement of the inside harbor at San Pedro. The commerce of that locality is increasing rapidly, and it has become evident to all the people there that larger facilities are necessary to meet this increasing commerce. The Government engineers made a survey of what is termed the outer harbor at San Pedro and reported the feasibility of constructing a deep-sea harbor in that vicinity. A short time afterwards another survey was made by Government engineers, and I think that at that time they also made an investigation of Santa Monica, which is about 30 miles north of San Pedro.

"The reports of the Government engineers with reference to the investigation of these two harbors are matters of record here, and can be seen for themselves. It is a fact that those reports show that the Government engineers, on a comparison of the two locations, made a preference in favor of San Pedro for the second time. There has been a good deal of agitation over the question in the vicinity of Los Angeles, and there has been a wonderful conflict going on since that time between these two localities. Before I was nominated for Congress (this will show the condition and temper of the people at that time) I went on the platform of the Republican convention and stated that if I were elected I would go to Congress and would do all in my power to secure an appropriation for a deep-sea harbor at San Pedro. I think that every candidate on every ticket nominated in that campaign two years ago did the same thing. The general sentiment of the people, based largely, I suppose, upon the reports of Government engineers, was largely in favor of San Pedro for the deep-sea harbor. Those are the conditions on which I came to Congress.

"When I arrived at Washington in the beginning of this session I found, however, that the friends of San Pedro were in doubt as to the advisability of our contending at this session for an appropriation for an outside harbor at San Pedro. After consultation with each other, the friends of San Pedro decided that, on account of the depleted condition of the Treasury, so reported, and of the economical ideas which seemed to pervade Congress, it would be wise at this session of Congress to confine their efforts to an appropriation to deepen the inside harbor at San Pedro to 18 feet at mean low water, according to the report of Colonel Benyaud, who stated that, in his judgment, it could be done for \$392,000.

"I want to state to the committee that I was the last friend of San Pedro who finally assented to this course, and I think the friends of San Pedro will bear me out in stating that. I said to them that I was elected to come here to work for an outside harbor at San Pedro; that that was my pledge to the people, and that now I would not be justified in confining my efforts to the inside harbor. I was perhaps the last one who finally consented to this plan, because it was the best thing to do. I went before the House committee and asked the improvement of the inside harbor of San Pedro and an appropriation of \$392,000 for that purpose, stating at the same time that we did not

forego our claims to the outside harbor at San Pedro. At that hearing there was no objection to the request made by us, and we left the committee with the request that we should receive an appropriation that would enable us to complete the inside harbor at San Pedro.

"Afterwards, and before the river and harbor bill was reported to the House, it was learned that the committee had put in the bill an appropriation for the full amount that was asked for the inside harbor at San Pedro, and had also included an appropriation (as we were credibly informed) of about \$2,800,000 for the construction of an outside harbor at Santa Monica. I am bound here to state, as the Representative from that district, that I never asked for an appropriation for Santa Monica. We simply confined our efforts to the inside harbor at San Pedro. And I am in duty bound to say, as a Representative from that district, coming fresh from the people, that I am not here to-day asking for an appropriation for Santa Monica, but that I am here asking for an appropriation to continue that inside harbor at San Pedro according to the plan of Colonel Benyaud. And if in the wisdom of this committee it can see its way clear to give us an appropriation for an outside harbor, I am bound, under my pledges, to ask you to give that appropriation for the construction of the outside wall or breakwater at San Pedro."

Mr. WHITE. In addition to the extract which has just been read, I make the following quotation from Mr. McLACHLAN:

Senator ELKINS. You say that you appear here to get an appropriation for the inside harbor at San Pedro, and that you would like an appropriation for the outside harbor as well.

Mr. McLACHLAN. All the friends of San Pedro consider that on account of the economical tendency of this Congress, and on account of the condition of the Treasury, it would be wise to confine our efforts to getting an appropriation of \$392,000 for the inside harbor; but since we discovered a disposition on the part of the House to give more to the vicinity of Los Angeles, I say, as a representative of that people coming here with those pledges, and that if there is to be an appropriation for an outer sea wall, I ask it for the beginning of the outer harbor at San Pedro.

The CHAIRMAN. But you do not expect an appropriation of some \$3,000,000 for Wilmington Harbor provided the Government continues to make a deep-sea harbor at San Pedro?

Mr. McLACHLAN. Yes; because we believe that one of the most practical advantages to the deep-sea harbor will be the completion of the inside harbor at San Pedro.

Now, the Senate will understand that the \$392,000 referred to in this testimony by Congressman McLACHLAN is provided for in the pending bill; that is to say, there is an appropriation of \$50,000 and a continuing contract for an amount making the whole \$392,000 for the improvement of the inner harbor which I have described, and a photograph of which is here before the Senate, and his statement is therefore fully supported.

I wish to call the attention of the Senate to what I consider an extraordinary feature of this case—a peculiar feature of the controversy. It is and would be in any instance rather singular that the Congress of the United States should find it necessary to make an appropriation of public money in the face of the desire of local representatives, and it is almost impossible that such a condition of things can ever exist unless there is some extraordinary influence not commonly applicable and not usually brought into exercise.

Let us examine this situation. In the report of the committee, from which I have read the general synopsis, we find the following:

It was stoutly contended by persons having large interests in the commerce of the Pacific Coast and familiar with the local conditions that the opinion expressed by the board was erroneous; that to act in accordance with it would be a waste of money.

Those opinions thus expressed were the opinions of the Southern Pacific Railroad Company, and that persistency which has been referred to has been and is the persistency, the potential persistency, of that company. I recognize the right of every man to proceed upon proper lines to obtain all grants from Congress which his eloquence and skill, his arguments and persuasion, may be able to obtain, but I do not recognize the right of such person to control me without some argument demonstrating that the appropriation of this large amount of money in defiance of official recommendation is for the public interest.

Let me go a step further in the history of this matter. Mr. McLACHLAN in his lucid statement has perhaps made the matter plain enough, but I wish to allude to the subject, for I desire the Senate and every member of it to understand the situation, and so understanding it if members of this body are willing to take the responsibility of voting away \$3,098,000 it is their affair, not mine. But I shall give the facts as I know them, and I shall state nothing that I do not believe to be true, and I shall gladly correct any statements which I may discover to be unfounded.

When the present Congress convened the situation of this matter was briefly as I shall state it. Nothing had been done upon the report of the board of engineers and no appropriation had been made. In the meantime Colonel Benyaud had devised the project for the improvement of the inner harbor to which I have referred. I called for that project, which was filed away in the War Department by resolution which passed the Senate at the close of the last session. The report of Colonel Benyaud was thereafter incorporated in the official records of the Chief of Engineers, and when the river and harbor bill came before the committee of the House for consideration I appeared there and so also did my colleague, and the distinguished member of the House already referred to was likewise there. We presented our claims for the further improvement of the inner harbor at San Pedro or Wilmington—I

use the words indiscriminately—the Benyaard project, against which there was, so far as we knew or now know, no disclosed objection.

I stated there, as others did, that in view of the depleted condition of the Treasury, and because we deemed it wholly unlikely that Congress would care to embark in so expensive a work as a three-million-dollar outer harbor at this time, we should be satisfied if we were given a continuing contract for the inner harbor at San Pedro, involving the \$392,000. We left. Nothing more was heard by me of this affair until I learned indirectly that a provision had been printed in the draft of the river and harbor bill for two million eight hundred and odd thousand dollars for a harbor at Santa Monica or Port Los Angeles, and that \$392,000 had also, it was rumored, been appropriated for San Pedro.

Thus I discovered that to some extent my State occupied a higher plane than that upon which other Commonwealths have been in the habit of treading; that while there were some who were forced to solicit appropriations and to make arguments to obtain the same, in my instance such favors came not only unsolicited but unwanted.

Mr. GRAY. Thrust on you.

Mr. WHITE. However, a great local disturbance arose in Los Angeles. As shown by the hearings printed by the Committee on Commerce, a telegram was sent to Los Angeles stating that if the people there would unite they could have the inner harbor at San Pedro, but they must take with it the outer harbor at Santa Monica.

Mr. GEORGE. Who sent that telegram?

Mr. WHITE. The Representative. I will refer to the page in a moment. The result of it all was that the River and Harbor Committee dropped the whole matter, leaving only an appropriation of \$50,000 for the inner harbor at San Pedro on the Benyaard proposition and no continuing contract at all. Indeed, my State was not honored with any continuing contract in the bill as it came to this end of the Capitol. When the measure reached the Committee on Commerce the fight was renewed.

I neglected to say that the River and Harbor Committee had the benefit (not in my presence, however) of the testimony of Messrs. Corthell and Hood, whose views have been published by the House. The combat was thence transferred to the Committee on Commerce. Upon a day fixed by common consent representatives from the State of California were brought here, business men, persons of standing and integrity, who represented both sides of the question. Some of those gentlemen (and their evidence is in the hearings here) argued in favor of Santa Monica and some in favor of San Pedro.

Petitions were filed; telegrams without number were received. One of my constituents stated to me, "Let us have the appropriation, even if it is to go to Arroyo Seco," which, translated, means "dry creek." The impression prevailed in the community that there was an opportunity to get \$3,000,000, and some thought that it was useless to longer make a fight for San Pedro, where the vast majority of the people wanted the harbor. Sooner than lose the appropriation for the inner harbor, and this large amount of money promised to be disbursed in the locality, they were willing to locate a harbor anywhere.

Of course that did not represent the universal sentiment. I may say the record here shows a telegram signed by some two or three hundred of the leading business men of Los Angeles insisting upon my advocacy of both appropriations for San Pedro. But if I had not received that telegram I should not have changed my position. It can not alter my attitude standing here in the discharge of a public duty that a vote of mine is to prevent the expenditure of money in my locality. If I know that that expenditure is not to be made in the public interest—that it is sought for a private purpose—I will not vote for it. Were I outside of official life, selfishness, which dominates many of us, and to some extent influences us all, might perhaps lead me to applaud an act which would involve local disbursement of such an elaborate sum. But I could not find myself authorized, and do not deem myself empowered, to appropriate one cent unless I find it to be for a public purpose and for the public interest.

Mr. Lankersham, a very prominent business man of my city and a person of excellent standing, was before our committee and was examined, and favored the selection of Santa Monica. The distinguished Senator from Arkansas [Mr. BERRY] asked him the question whether it was not a fact that the people in that section of the State had finally come to the conclusion that they had better take the appropriation, because influences surrounding the case were such as to render it impossible to authorize the outlay elsewhere. I refer to the exact language. It can be found in Hearings, page 64.

Senator BERRY. You say now you have changed your mind and that others have changed their minds.

Mr. BERRY. Read just before—the first question.

Mr. WHITE. Oh, yes.

Senator BERRY. You worked for years, did you not, trying to get this deep-water harbor at San Pedro?

Mr. LANKERSHAM. Yes.

Senator BERRY. You say now that you have changed your mind and that others have changed their minds. Is not that change of mind attributable in a large measure to the fact that these people have come to believe that the influences here at Washington were so strong against San Pedro that that harbor could not be built, and you came to the conclusion that it was better to take Santa Monica than none? Is not that a fact?

Mr. LANKERSHAM. Well, it is somewhat so. I was a good deal more in favor of San Pedro before I came here, but since I have heard the reports of these engineers I never will believe another day that a port can be built at San Pedro.

And so on.

Mr. GRAY. What engineers does he refer to?

Mr. FRYE. The civil engineers.

Mr. WHITE. He refers to Corthell.

Mr. FRYE. Corthell and Hood.

Mr. WHITE. Corthell and Hood. They were the engineers of the company.

Mr. GEORGE. Of what company?

Mr. WHITE. The Southern Pacific. Now, Mr. President, taking the situation as I find it, I have no hesitancy in the world in asserting that, as between the location at San Pedro and Santa Monica, were the people of my section permitted to make a choice there would be an overwhelming vote in favor of San Pedro. But there are those, and it can not be denied, who think that under prevailing conditions they can never obtain their preference, and they conclude that it is better to accept the situation such as it is without further contest and worry. That situation can not affect me; it should affect nobody. The question before the Senate is where ought this money to be put if it is expended at all. Mr. Hood and Mr. Corthell were practically before both committees; Mr. Corthell was personally before both, and Mr. Hood's statement was before both. These gentlemen, who were heard in behalf of the railroad company, explained their preferences, and Mr. Corthell not only made his argument before the committees, but as soon as the minority report already mentioned was filed I encountered in the hands of an employee of the Senate a printed document indorsed as follows:

DEEP-SEA HARBOR IN SOUTHERN CALIFORNIA.

Letter of Mr. E. L. Corthell, civil engineer, to United States Senators WHITE, BERRY, CAFFERY, and PASCO, of the Committee on Commerce, relating to their minority report on the amendment to H. R. 7977, making appropriation for the construction of a breakwater at Santa Monica, Cal., May 1, 1896.

Turning the title page, which appeared to indicate a report from the third house, I found the interior decoration as follows:

WASHINGTON, D. C., May 1, 1896.

HON. STEPHEN M. WHITE,
United States Senate, City.

DEAR SIR: On April 29 last you, representing yourself and Senators BERRY, CAFFERY, and PASCO, presented a minority report upon a location for a deep-sea harbor on the southern coast of California.

As the facts and opinions which I have laid before the Senate and House committees, and I may say the War Department, have been called in question in your report, it seems to me proper that I should at least remove some misunderstandings that evidently exist in the minds of yourself and your associates.

Then he proceeds in this charitable enterprise as follows:

From the time that I first appeared before the Senate Committee on Commerce, on June 19, 1894, I have frankly stated my professional connection with this question, both to the committees and to the War Department. Most of the statements which I have made are recorded in the printed reports of hearings. It is only necessary now to refer to the following, from an official communication addressed by me to the Chief of Engineers, December 13, 1895:

"Early in the spring of 1894 I was requested by Senator FRYE, of the Commerce Committee, and so stated by him before his committee, and by Mr. BLANCHARD, at that time chairman of the Rivers and Harbors Committee, and afterwards by Mr. CATCHINGS, subsequently appointed chairman of that committee, to make a careful investigation in reference to the question of location and plans for a protected harbor on the coast of southern California."

This extract, it will be observed, is what Mr. Corthell styles "an official communication."

Mr. GEORGE. Who is Mr. Corthell?

Mr. WHITE. He is an employee, in this matter, of the Southern Pacific Railroad Company.

Mr. GEORGE. Has he any connection with the Government?

Mr. WHITE. I am trying now to work out his connection. I am trying to proceed through the sinuosities of the situation to a conclusion or to some tangible result. In other words, I am trying to anchor him with reference to his opinions. This alleged official communication was sent in December 13, 1895. Now, he proceeds:

I was aware of the decided difference of opinion existing even then (1894) as between Santa Monica and San Pedro.

Mr. Huntington, president of the Southern Pacific Company, had also asked me, as I was about to start for California, to examine the question of harbor location—

It will be observed that this was a mere incidental request—

as I was about to start for California, to examine the question of harbor location, but I considered that I was making the examination for the committees of Congress—

We will see what there is in that pretentious and presumptuous claim in a moment—

and I determined to investigate the matter exhaustively, to decide the important questions involved carefully and impartially, and to present my opinion

to the committees. It therefore seems unnecessary for me to repeat now that had I found the location at San Pedro more advantageous than at Santa Monica, I should have reported so.

This is his letter to me which was never delivered, as I have stated, through any intentional instrumentality of its author. Now, let us look a little further. This gentleman was interrogated upon this subject when he appeared before the Committee on Commerce. I refer to the hearings. When he took the stand, so to speak, although perhaps that expression is technically inaccurate (no one was sworn, and the statements of the gentlemen who appeared there were all accepted without any other verification than their word) he stated, I refer to page 36 of the hearings before the committee—

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: You recollect that about two years ago I made an examination of these conditions in California—as exhaustive an examination as if I had been employed professionally on the subject. I did it with the approval of three leading members of the Senate and House committees, and I came before you on the 19th of June, 1894, with a statement of what I had found and of my opinion in regard to where this deep-sea harbor should be located.

Later on the distinguished Senator from Arkansas [Mr. BERRY] asked the witness the following question:

Senator BERRY. In the beginning of your remarks you said something about going out there at the instance of Senators. Did I understand you to say so?

Mr. CORTHELL. I meant with the approval of Senators.

Senator BERRY. They did not employ you to go out there, did they?

Mr. CORTHELL. No, sir.

Senator BERRY. Who employed you?

Mr. CORTHELL. Nobody at the time; but afterwards Mr. Huntington paid my expenses. Mr. Huntington asked me, in the first place, if I would make the examination. I said that I did not think I would like to do so in my position, because it would be officious if I should make an examination and ask to be heard before a committee. I said: "If Senator FRYE and Mr. BLANCHARD (then chairman of the House Committee on Rivers and Harbors) would like me to make an examination I will make it."

Senator BERRY. There was no order of Congress for you to make it?

Mr. CORTHELL. No; I received a telegram from Mr. CAZCHINGS while at San Diego, asking my opinion, but expressly stating that he did not intend to employ me, but that he wished me to give my opinion.

Senator WHITE of California. You had done some work for Mr. Huntington before that?

Mr. CORTHELL. I was, for four years, when obtaining a charter from Congress, the representative of six railroads at New Orleans, and the president of the Southern Bridge and Railroad Company while the charter was being obtained for a railroad bridge over the Mississippi; it was (by previous agreement among the directors of the companies) then transferred to the railroad interests. That was the object of getting the charter. I resigned my position as president and was reelected chief engineer, and Mr. Huntington was elected president. Those are my relations with him. Of course I was very glad, on account of these relations, to do anything which I could properly do that Mr. Huntington requested.

Mr. President, what justification is there for the assertion that this was an official investigation? I appeal not only to lawyers, but to those used to analyzing human statements and to determining the candor or want of candor of individual declaration, and I ask, Does any man believe that the person who thus addresses this communication to me and other Senators is any more than the employee of the interest in this case, which is making this determined contest for personal profit? Is there any question about it? Official position! Who conferred it? I repudiate, deny, and controvert the assertion that the Committee on Commerce ever authorized this man to make any investigation. They never did.

Does anyone suppose that in the year 1894 I, conscious of this man's relation to an interested party, ever would have consented to or permitted without emphatic demurrer his appointment in any such confidential place? Does anyone believe that I would have been willing to intrust my constituents' interests to one whom I knew was in the pay of a person toward whom my constituents occupied an antagonistic relation? Senators, indeed, might, if they chose, ask Cortell to make the investigation. That was their individual affair. He was first asked by Mr. Huntington. Mr. Huntington had a right to ask him. It was Mr. Huntington's affair properly to examine into the case and to employ the most skilled men he could obtain. Mr. Cortell is a very able and skillful engineer, and for years, as his testimony shows, he has been associated with Mr. Huntington. He went out to my State and he made this inspection, and his expenses were paid by Mr. Huntington. I should have had a great deal more regard for Mr. Cortell if he had come out, like expert witnesses who are candid ought always to come out, and said: "Yes, I was employed and well paid for the work I did; it is good work, and I will stand by it and demonstrate that I am right." There would have been something about that which would have commended the man's utterances to me. But he has evaded the whole story.

Mr. President, it would have been singular had this man been sent to California officially to inspect a public improvement by gentlemen who were authorized themselves to act in committee upon that subject, without any record in their committee that it was so done. There never was any such appointment. There never was any such authority. I have resided for half of my life, for all my manhood's days, in the county of Los Angeles, where this improvement is intended to be made. I know its people pretty well. I know the surroundings of the case pretty well. My associate

has lived upon that coast since 1855. He possesses technical and nautical knowledge regarding it which no other man here enjoys. This he has learned in the course of his business. The Representative of that district, fresh from the people, lives in the city of Los Angeles. Ought not we know perhaps something about it? Were we not worthy of consultation? There is an alleged public officer, a man who professes to be an employee of the Government, who talks about his official communication, who visits our home and determines the merits of our arguments without even identifying himself. Mr. President, his investigation was uninvited by any committee, unsanctioned by any law. He was Mr. Huntington's agent then as he is now.

Mr. President, in so far as his statements disclose facts supported by reason so far as those statements valuable. In so far as he attempts to put himself in a situation of impartiality and fairness his efforts must prove unavailing. He is worthy of credit, as I say, as far as he is supported, but he is not entitled to that degree of confidence pertaining to an impartial man who, in the discharge of a public function, knows no master save his conscience, and does nothing merely to win individual monetary emolument. The one is ruled by a lofty sense of duty to his country, the other toils for the commendations of selfishness.

Therefore, Mr. President, we must proceed to examine such arguments as are adduced in support of these propositions upon their merits, without supposing that there is any official sanction for the report of the committee beyond that sanction which follows from our acts as Senators. It has been shown that the committee has had the regular reports of two boards of engineers; that their reports have been adverse to Santa Monica; that those politically authorized are similarly minded. Here I pause. I do not contend that any Senator or Representative has an absolute right to dictate to a committee where public funds shall be expended. As a member of the Commerce Committee I am only entitled to vote once—to vote my own notions—and I have no right to register the judgment of any other member. At the same time, perhaps, the custom which has grown up because of the teachings of experience is not a bad one—to pay some little respect to recommendations and representations of those who speak within this Chamber of the necessities of their homes.

But what is there before this body to offset the official disapproval from these two boards concurred in by General Casey—distinguished boards, as I have said—one presided over by the present General of the Engineer Corps? Is there anything official to cancel this disapprobation? I have disposed of the claim that Mr. Cortell represents anybody officially, unless it be the railroad company. Mr. Hood, an able engineer, gives his views. He is the chief engineer, and an exceedingly good one, of the Southern Pacific Company. We have his evidence.

Mr. President, we have cast aside the reports of our engineers, and of the Chief of Engineers, and the views of those locally interested, and we have adopted the conclusions of those who are personally, individually, and financially interested. We have refused to appropriate the public money and place it where it is said by impartial and competent Government officers its disbursement would be of use to the public, and we have taken it and placed it where these officers have said it should not be expended. Perhaps we are right, perhaps the committee is right; but let it be plainly shown before we act affirmatively; let it appear most clearly that the committee is obviously right. No dubious evidence will suffice to justify such a singular course.

Mr. GRAY. Let me ask the Senator if there is no recommendation of the board of engineers or other Government authority in favor of the appropriation for Santa Monica?

Mr. WHITE. None on earth. Not only that, but it is sought to appropriate \$3,098,000 for this improvement, when there is no official estimate of the cost of that improvement or recommendation for it.

This is not a case, Mr. President, where a Senator rises from his seat and says, "Here is something of necessity, here is something about which I know everything," and there is no dispute, and he is asked, "Have you a recommendation?" "No; there is no recommendation, but I am cognizant of the facts; they are so and so." The Senate sometimes, in such cases where the amount is small, takes the risk and perhaps makes the appropriation. But the present is an instance where there is negation. This is a case where the authorities to whom we have committed this matter, in an advisory sense it is true, but to whom nevertheless we have committed this matter, have reported adversely. We are to make this enormous expenditure, not only without their recommendation, but in the face of their condemnation.

Mr. GEORGE. Will the Senator allow me a moment?

Mr. WHITE. Certainly.

Mr. GEORGE. I only wish to ask a question; I know nothing about the matter and I have not heard all the debate. Is it a fact that two boards of United States engineers, acting under oath, have reported against the appropriation recommended by the committee?

Mr. WHITE. Yes, sir.

Mr. GEORGE. Is it a fact that both the Senators from California and the Representative in the other House of Congress from that district are against the appropriation?

Mr. WHITE. Yes, sir.

Mr. GEORGE. Is it a fact that there is no other evidence upon which the Senate is asked to act except the statement of two men who are in the employ of the Southern Pacific Railroad Company?

Mr. WHITE. To be fair, I would say there is other evidence. There are gentlemen who testified before the committee; and, in addition to that, there is the personal knowledge, or whatever it may be, of those who have seen the locality, and who, upon that, have formed their views.

Mr. GEORGE. I mean any professional, any engineer reports?

Mr. WHITE. No, sir. I will say, however, that there are gentlemen upon the committee who have seen this location, notably the distinguished chairman, who has examined it personally, and who has reached a conclusion as the result of his examination. There are other members of the committee who are also familiar with it, very familiar with it. The Senator from Nevada [Mr. JONES] is very familiar with it, knows the ground thoroughly, and has for many years known it.

Mr. BATE. I should like to ask the Senator one further question, which I believe the Senator from Mississippi [Mr. GEORGE] did not ask.

Mr. WHITE. Certainly.

Mr. BATE. Is it or is it not a fact that all the boards and commercial organizations in the city of Los Angeles, which is tributary to this place, have decided in favor of San Pedro?

Mr. WHITE. The principal commercial board of the city of Los Angeles is the Chamber of Commerce. This board comprises within its membership most of the more prominent business men of that city. In 1894 the Chamber of Commerce of Los Angeles had a meeting and determined that its members should vote upon this subject, which they did, deciding by a large majority in favor of San Pedro. If the Senator from Tennessee will consult page 80 of the hearings he will find there an elaborate dispatch signed by men whom I consider to be representative business men of the city of Los Angeles, also in favor of San Pedro.

Mr. President, I dislike to go on further with this subject now. I will state the reason. I have been suffering from a severe cold for three or four days, and I feel the effects of it somewhat. I shall go on and finish in the morning. I should prefer to proceed now if I were physically able, but in my present condition I do not like to risk going on further to-night.

Mr. HARRIS. In view of the suggestion of the Senator from California, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 9, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 8, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 122) granting an increase of pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis—to the Committee on Invalid Pensions.

A bill (S. 527) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon—to the Committee on Pensions.

A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve—to the Committee on Invalid Pensions.

A bill (S. 2729) granting a pension to Emma Weir Casey—to the Committee on Invalid Pensions.

ADJOURNMENT.

Mr. DINGLEY. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

GAS AND NAPHTHA LAUNCHES.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, etc.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARDNER. I object.

TITLE TO CERTAIN LANDS.

Mr. STEWART of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry.

The bill was read, as follows:

Be it enacted, etc., That whenever it shall appear to the Commissioner of the General Land Office that an error has been made by the officers of any local land office in receiving premature commutation proofs under the homestead laws, and that there was no fraud practiced by the entryman in making such proofs, and final payment has been made and a final certificate of entry has been issued to the entryman, and that there were no adverse claimants to the land described in the certificates of entry whose rights originated prior to making such final proofs, such certificates of entry shall be in all things confirmed to the entryman, his heirs, legal representatives, assigns, grantees, mortgagees, and a patent issue thereon.

SEC. 2. That all commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement.

SEC. 3. That all acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

SEC. 4. That this act shall take effect and be in force from and after its passage and approval.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Mr. Speaker, reserving the right to object, I would like to hear the gentleman who presents this bill explain the effect of the second section.

Mr. BARNEY. Mr. Speaker, this is a bill the object of which is to quiet the title to certain lands which title has been rendered obscure by mistakes made in some of the land offices. The bill has received the warm approval of the Secretary of the Interior and of the Commissioner of the General Land Office, and as the report is brief and explains the matter very fully, I ask that it be read.

The report (by Mr. BARNEY) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 1436) entitled "A bill to quiet the title to lands," etc., beg leave to submit the following report, and recommend that said bill do pass with certain amendments hereinafter suggested.

Prior to March 3, 1891, commutation of a homestead entry could be made at any time after the expiration of six months from the date of settlement. At that time the law was changed, extending the time of settlement to fourteen months. Notwithstanding this change in the law many of the local land offices have permitted commutation to be made at the end of six months from the date of filing or settlement, if made before that time and the filing afterwards, and have given a duplicate certificate of entry, which in most States is an evidence of title; and upon these evidences of title much land has been conveyed to innocent purchasers, land has been mortgaged, and timber sold and taken away. These purchasers have relied upon the title as conveyed by the United States, as it would seem they ought to be protected in doing. A late decision of the Interior Department holds that many of these commutations at the end of six months are invalid and that such entries are subject to cancellation; and many cases are now pending before that Department where an enforcement of this rule would work great hardship to innocent parties who have relied upon the certificate of some of the officers of the Government.

In order that the act may not seem to excuse such mistakes hereafter, and at the suggestion of the Land Commissioner, the committee recommend that it only apply to previous errors, which is done by inserting the word "heretofore" before the word "been" in the fourth line of the first section. For the purpose also of making it absolutely certain that it will have no application to cases where a homestead entry has been abandoned and subsequently taken by innocent parties, the committee also recommend that the following provision be added to the first section of the bill:

Provided, That this act shall not apply to commutation and homestead entries on which final certificates have been issued, and which have heretofore been canceled, when the lands made vacant by such cancellation have been reentered under the homestead act."

The following are the reports of the Land Commissioner and the Secretary of the Interior on the bill:

"DEPARTMENT OF THE INTERIOR.

Washington, January 30, 1896.

"SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office on H. R. 1436, 'to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from the date of settlement and not from the date of entry.'

"The report of the Commissioner sets forth in detail the various acts applying to the right of commutation of entries, and he reaches the conclusion that inasmuch as the bill would render the period of commutation and the right thereto uniform, he sees no objection to the passage of the bill if the first section be amended by inserting the word 'heretofore,' after the word 'been,' in line 4 of the bill.

"I concur with the Commissioner in the recommendation that the bill should pass, because of its remedial character and the fact that it would render the period of commutation uniform, but I do not see the necessity of the amendment suggested. I believe that the bill should apply to entries that may occur after its passage as well as those that have been made heretofore; hence the recommendation that the bill in its present form be passed, although I submit herewith for your consideration the Commissioner's report thereon.

"Very respectfully,

HOKE SMITH, Secretary.

"Hon. JOHN F. LACEY,

Chairman Committee on the Public Lands,

House of Representatives."

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 29, 1896.

"SIR: I am in receipt, by reference from the Department, January 20, 1896, for report in duplicate and return of papers, of H. R. 1436, 'to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry,' which was referred to the Department by Hon. JOHN F. LACEY, chairman of the Committee on the Public Lands, United States House of Representatives, with request for suggestions from you to assist the Committee on the Public Lands in its consideration.

"The bill provides:

"That whenever it shall appear to the Commissioner of the General Land Office that an error has been made by the officers of any local land office in receiving premature commutation proofs under the homestead laws, and that there was no fraud practiced by the entryman in making such proofs, and final payment has been made and a final certificate of entry has been issued to the entryman, and that there were no adverse claimants to the land described in the certificates of entry whose rights originated prior to making such final proofs, such certificates of entry shall be in all things conformed to the entryman, his heirs, legal representatives, assigns, grantees, mortgagees, and a patent issue thereon.

"SEC. 2. That all commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement.

"SEC. 3. That all acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

"SEC. 4. That this act shall take effect and be in force from and after its passage and approval."

"In reply I have the honor to report that on January 14, 1895, I made report on a bill similar to the first section of this, but restricted in its application to lands in Wisconsin restored under the act of June 20, 1890 (26 Stat. L., 169), commonly known as reservoir lands, and to cases in which the land had been sold or encumbered in good faith after issue of final certificate to a bona fide purchaser or incumbrancer for a valuable consideration, on presentation to the land office of satisfactory proof of such sale or incumbrance.

"This bill is broader in its terms and proposes to confirm all certificates issued by error of the local officers on premature commutation proof, whether in the hands of the original entryman or of the purchaser; however, as it is of a remedial nature, I think the word 'heretofore' should be inserted after 'been' in line 4. After the bill is so amended, I see no objection to the first section thereof.

"In regard to the second section, it is proper to state that by section 2301, United States Revised Statutes, homestead claimants were allowed to commute on making proof of settlement and cultivation as provided by law granting preemption rights.

"By section 21, act of May 2, 1890 (26 Stat. L., 81), settlers in (old) Oklahoma were allowed to pay for the land at \$1.25 per acre and receive a patent after twelve months from the date of locating upon the homestead, on showing compliance with all the laws relating to homestead settlement.

"By section 6, act of March 3, 1891 (26 Stat. L., 1095), section 2301, Revised Statutes, was amended so as to allow commutation on proof of settlement, residence, and cultivation for the period of fourteen months after the date of the entry.

"By section 2 of the act of October 20, 1893 (28 Stat. L., 3), settlers upon the Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands were allowed to pay for the land at \$1.50 per acre, and settlers on the public-land strip at \$1.25 per acre, and obtain a patent therefor, by showing a compliance with all the laws relating to homestead settlement to date of proof, at the expiration of twelve months from the date of locating upon the homestead.

"By section 19, act of August 15, 1894 (28 Stat. L., 286), the right of commutation was extended to all bona fide settlers on lands in the Cherokee Outlet after fourteen months from date of settlement upon full payment for the lands at the prices provided in said act.

"As by said second section the period of commutation is rendered uniform, I see no objection to the passage of the bill after the first section is amended.

"On December 17, 1895, this office forwarded to the Department a draft of a bill to amend section 2301, United States Revised Statutes, so as to allow commutation in fourteen months from date of settlement.

"The third and fourth sections of the bill seem to require no comment. There is, therefore, no objection to the bill if amended as suggested, and the same is herewith returned.

"Very respectfully,

E. F. BEST, Acting Commissioner.

"The SECRETARY OF THE INTERIOR."

The amendments recommended in the report were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEWART of Wisconsin a motion to reconsider the vote by which the bill was passed was laid on the table.

ARREDONDO GRANT, FLORIDA.

Mr. COOPER of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I hope the gentleman will explain the bill.

Mr. COOPER of Florida. Mr. Speaker, this bill covers about 20,000 acres in one of the oldest settled agricultural portions of the State of Florida. This land was opened and offered as United States land on May 26, 1828, and again on July 25, 1835. The county seat of Columbia County, Lake City, a town of three or four thousand inhabitants, is on this land, and nearly all the land comprised in the tract is in settled and cultivated farms which have been held under the color of title from the United States, or through grants from the United States, for two or three generations. In 1882 there was a decree in the United States court which finally settled that there was a valid Spanish grant supposed to cover these lands. The grant had never been definitely surveyed. By decree of the United States court, under a statute, that grant was floated for scrip, and the claim of the Spanish grantees has

been wholly removed. The titles affected by the bill are none of them the titles of squatters. They are the titles of actual purchasers under title or color of title derived from the United States or through the United States. The bill has been carefully drawn and is carefully guarded. It has been reported unanimously by the Public Lands Committee, and the Interior Department has stated that there is no objection to it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring). That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them, 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved. That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. 1743) for the relief of the widow of Thomas L. Young; and

A bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 2962) to confer jurisdiction on the Court of Claims in the case of the book agents of the Methodist Episcopal Church South against the United States; and

A bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

The message also announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. 6248) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," and still further insists upon its amendments numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 309, 310, 313, and 314, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

LIFE-SAVING STATION AT POINT BONITA, CAL.

* Mr. BARHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1982) to provide for a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California.

The bill was read, as follows:

Be it enacted, etc., That there be established a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California; and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings as provided by law in like cases.

Amendments recommended by the committee were read, as follows:

Line 3, strike out the words "there be established" and insert "the Secretary of the Treasury is hereby authorized to establish." Strike out all after the word "California," in line 6.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Without objecting, Mr. Speaker, I desire to say with reference to this bill that the amendments proposed, which are proper, make the bill simply authorize the Secretary of the Treasury to establish this life-saving station. This leaves the Secretary of the Treasury to establish life-saving stations at any authorized point that the Department may deem proper, and there is a general appropriation made in the sundry civil bill for that purpose. Therefore the passage of bills of this character does not by any means bind the Department. There is no objection to these bills, as they contain no appropriation.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BARHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN CATTLE IMPORTED INTO GREAT BRITAIN.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. STAHL] on a privileged matter.

Mr. STAHL. I am directed by the Committee on Agriculture to report back favorably the resolution which I send to the desk. The Clerk read as follows:

Resolved, That the President be, and he is hereby, requested, if in his judgment not incompatible with the public interest, to communicate to the House of Representatives what, if anything, has been done by the State Department to carry out the following provisions of the act making appropriations for the Department of Agriculture for the year 1896, approved March 2, 1895, to wit: "That the President of the United States be requested to cause correspondence and negotiation to be had, through the Department of State or otherwise, with the authorities of the Kingdom of Great Britain, for the purpose of securing the abrogation or modification of the regulations now enforced by said authorities which require cattle imported into Great Britain from the United States of America to be slaughtered at the port of entry, and prohibiting the same from being carried alive to other places in said Kingdom."

And he is also requested to communicate to the House of Representatives all information which has been received by the State Department in regard to said matter.

Mr. McCREARY of Kentucky. What committee reports this resolution?

The SPEAKER. The Committee on Agriculture. The question is on agreeing to the resolution.

Mr. McCREARY of Kentucky. I should like to hear some statement in regard to the resolution.

Mr. STAHL. The Committee on Agriculture had this resolution before them this morning and unanimously directed that it be reported in the shape just read. It simply proposes to inquire what action has been taken in reference to carrying into effect a provision of law adopted last winter. The inquiry has relation to a regulation of the British Government requiring that all cattle from the United States be slaughtered at the port of entry, and not taken alive into that Kingdom. We seek to obtain by this resolution whatever information may be accessible on this subject.

Mr. McCREARY of Kentucky. Has the resolution been recommended by the Committee on Agriculture unanimously?

Mr. STAHL. Yes, sir.

The resolution was adopted.

On motion of Mr. STAHL, a motion to reconsider the last vote was laid on the table.

LIFE-SAVING STATION, PORT HURON, MICH.

Mr. SNOVER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 8200) to establish a life-saving station at Port Huron, on the coast of Lake Huron, Michigan.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station on the light-house reservation belonging to the United States at Port Huron, on the coast of Lake Huron, in the State of Michigan.

Mr. DOCKERY. Has this bill been favorably reported by a committee?

Mr. SNOVER. Yes, sir.

Mr. DINGLEY. It simply authorizes the establishment of this life-saving station; it is not peremptory, as I understand.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. DINGLEY. I suggest that the title of the bill be amended by striking out the word "establish" and inserting in lieu thereof the words "authorize the establishment of."

The SPEAKER. In the absence of objection, the title will be amended as indicated by the gentleman from Maine.

There was no objection.

On motion of Mr. SNOVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill which I ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to furnish to Fort Thomas, Ky., 20 pieces of condemned cannon for ornamental purposes.

The amendment reported by the committee was read, as follows:

Add to the bill the following:

"Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation."

Mr. TALBERT. I do not wish to raise any objection to this

bill, but I understand that the supply of condemned cannon has been exhausted.

Mr. BERRY. This bill will take effect only in the event that there are any of these cannon subject to such disposition. I desire to move an amendment to reduce the number of pieces of cannon from 20 to 10.

The SPEAKER. The Clerk will read the amendment of the gentleman from Kentucky [Mr. BERRY].

The Clerk read as follows:

In line 4 of the bill, strike out "20" and insert "10"; so as to read "10 pieces of condemned cannon for ornamental purposes."

The amendment was agreed to.

Mr. BERRY. I also move to amend the amendment of the committee by striking out the words "*And provided further*, That the United States shall not be subjected to any expense on account of such donation."

Mr. DINGLEY. What is the effect of this amendment?

Mr. BERRY. The amendment of the committee proposes to add to the bill a provision that no expense shall be incurred by the United States Government for the transportation of these cannon from the navy-yard to Newport, Ky., where, or near which, Fort Thomas is located.

Mr. DINGLEY. Is it proposed to put the Government to the expense of transportation?

Mr. BERRY. Yes, sir; we believe that the transportation of these ten pieces of cannon ought to be paid for by the Government.

Mr. DINGLEY. I think that has not been usual in cases of this kind.

Mr. BERRY. Perhaps the gentleman does not understand the circumstances. Fort Thomas is a military post of the United States. The proposition is that these pieces of cannon be transferred from one of our navy-yards to a regular military post of the United States, and, I will add, one of the handsomest in the country.

Mr. DINGLEY. Are there any condemned cannon at the disposition of the Government for this purpose?

Mr. BERRY. There are.

Mr. DINGLEY. Are they to be used simply for decorative purposes?

Mr. BERRY. Yes, sir; for decorative purposes at the military post. Fort Thomas, one of the handsomest posts in the United States and only about three miles and a half from Cincinnati, is now occupied by the Sixth Infantry, having eight companies and a splendid band of music.

Mr. WILLIAM A. STONE. Have we made any appropriation for the manufacture of any condemned cannon? [Laughter.]

Mr. BERRY. I do not think we have; and I do not think we are likely to do so. The object of this bill is simply to transport these condemned cannon from the Charlestown Navy-Yard to Fort Thomas. The expense of transporting them may be \$35 or \$40. I do not know who is to pay for it, unless the Government does so.

Mr. DINGLEY. Are there not some condemned cannon there now?

Mr. BERRY. No, sir; this is an entirely new post, and is one of the handsomest in the country.

Mr. BROSIUS. Let me ask the gentleman this question: If the War Department desires to decorate and ornament—

Mr. BERRY. They have no means of doing so without some such authorization as this.

Mr. BROSIUS. Let me complete my inquiry. I say if the Department desires to decorate any post in this way, can it not be done by the War Department without a special act of Congress?

Mr. BERRY. I do not know, sir; but as a matter of fact the Army has no condemned cannon of its own. All the condemned cannon we have are in the hands of the Navy Department, and we only want authority here to allow the Department of War to transport, from some convenient point where these cannon are stored, the pieces of cannon specified in the bill for this post.

Mr. DINGLEY. Where is this post?

Mr. BERRY. It is about three and a half miles from Cincinnati, across the river on the Kentucky side, and is known as Fort Thomas. It is now occupied by the Sixth Infantry, a full regiment, with a band, and is under command of Colonel Cochran.

Mr. DINGLEY. Is it not practically a park which is used for pleasure purposes near some city?

Mr. BERRY. Oh, no; it belongs to the Government of the United States. It is a military post, and is occupied, as I have said, by the Sixth Infantry. While it is near the city of Cincinnati, and many visit it for pleasure, it belongs to the Government.

Mr. BROSIUS. A regimental post?

Mr. BERRY. Yes, sir; and occupied by the regiment I have named. It is, let me state, perhaps the prettiest location for a military post in the United States, excepting possibly West Point.

Mr. DINGLEY. What is the necessity for the passage of this bill?

Mr. BERRY. Simply because the War Department has no condemned cannon, while the Navy has. We ask authority on behalf of this post to be permitted to obtain, through the War Department from the Navy Department, the ten pieces of cannon to be used for ornamental purposes around the ground.

Mr. DINGLEY. But could not the War Department, out of their own appropriations, defray the expenses of the transportation of these guns?

Mr. BERRY. Well, they might, but the committee has put in a provision, as the gentleman will see, that the transportation of the pieces shall not cost the Government of the United States anything.

Mr. DINGLEY. And you propose that the Government shall pay the expense?

Mr. BERRY. Yes, sir; the Government of the United States owns the property, and I am informed by General Batchelder, the Quartermaster-General, that he can provide the transportation for the guns if this provision that I have referred to is stricken out of the bill and the amendment incorporated. If the bill was passed in the form in which it came before the House the Department would not have the power to transport these guns.

The SPEAKER. The question is on agreeing to the amendment to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BERRY, a motion to reconsider the last vote was laid on the table.

COURTS IN ROCKINGHAM COUNTY, VA.

Mr. TURNER of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 174, granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

The bill was read, as follows:

Resolved, etc., That full permission be, and the same is hereby, granted to the State of Virginia, and to the circuit and county courts of Rockingham County, in said State, to occupy the United States court room and the rooms connected therewith at Harrisonburg, in said county of Rockingham, in Virginia, for and during the period necessary for said county of Rockingham to erect a new court-house of its own in said town of Harrisonburg, for the purpose of holding the sessions of said circuit and county courts of Rockingham County in said United States court room for the period named therein; and that during said period concurrent jurisdiction, so far as is necessary, over said property be, and the same is hereby, ceded to the State of Virginia for said purposes, so that the sessions of said courts in said building and rooms may be, during said period, fully legalized: Provided, That said rooms shall be kept in good repair at the expense of the State of Virginia, and the board of supervisors of said county of Rockingham, in Virginia, shall further provide necessary light and heat for said rooms at their own expense when occupied by said courts; and at the end of the period herein provided for, the use of said rooms shall be relinquished to the United States by the said State of Virginia and said courts of Rockingham County in as good condition as before their occupancy by said court: Provided further, That the sessions of said courts shall in no way interfere with the sessions of the circuit and district courts of the United States.

Mr. DINGLEY. Mr. Speaker, this bill seems to grant—

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I will reserve the right to object until we know more about it. I think it needs an amendment. This seems to be a bill authorizing a State court of Virginia, or a county court, to occupy the rooms of a Government building while the county is building a court-house, but there is no limit to the time.

Mr. TURNER of Virginia. There is an amendment agreed to by the committee limiting the time to three years.

Mr. DINGLEY. I should like to know if this is a case where the county court-house has been burned?

Mr. TURNER of Virginia. No; it is about to fall down. They have to tear it down. They are building a new court-house. This is a copy of a bill passed here for a Pennsylvania court.

Mr. DINGLEY. I know it is, and it is a bad practice. The idea of the Government of the United States—

Mr. TURNER of Virginia. I would state, sir, that the Federal Government for years used the State court-house in that same town.

Mr. DINGLEY. That was undoubtedly when they wanted to obtain a Federal court. If the limitation of three years is there, I shall have no objection to it, although I think the practice is a bad one.

Mr. TURNER of Virginia. That limit has been put on by the committee, and it is a unanimous report.

Mr. DINGLEY. Mr. Speaker, is there an amendment limiting it to three years?

The SPEAKER. There is an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 13, after the word "therein," insert the words "which period shall not exceed three years."

The SPEAKER. Is there objection to the present consideration of the joint resolution.

There was no objection.

The amendment recommended by the committee was agreed to.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TURNER of Virginia, a motion to reconsider the last vote was laid on the table.

AMENDMENT TO CIVIL-SERVICE LAWS.

Mr. BROSIUS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7259) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883.

The bill was read. It provides that any member of the Commission or the secretary of the Commission, in the course of any investigation herein authorized, shall have authority to administer oaths, take affidavits and depositions, orally examine witnesses, and when deemed necessary by the Commission employ a stenographer, etc.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOPKINS. Mr. Speaker, I reserve the right to object, pending an explanation of the bill.

Mr. BROSIUS. Mr. Speaker, the purpose of this bill is to enable the Civil Service Commissioners to administer oaths in cases in which the law of 1883 authorized them to institute and conduct investigations. That permission was omitted from the law, and the Commission have been subjected to very great inconvenience by not having the power to administer oaths. They have had difficulty in producing witnesses before them, because in many instances witnesses have come with great reluctance, and there is no power to compel them to come. All the Commission could do was to secure the voluntary affidavits of persons who were willing to make them. In all the States, I believe, in which the—

Mr. HOPKINS. Will this bill clothe them with the power to compel you and me, and anybody else that they subpoena, to come up and be subjected to an examination?

Mr. BROSIUS. It gives them the power to subpoena witnesses in all cases where they are authorized to investigate.

Mr. HOPKINS. Well, Mr. Speaker—

Mr. BROSIUS. Let me say a word.

Mr. HOPKINS. I have heard enough, so that my mind is made up. I think this is a bill that ought not to pass by unanimous consent. It ought to be taken up and carefully considered. Therefore I object to its consideration at this time.

DEPORTATION OF CANADIAN CREE INDIANS.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to report and to obtain present consideration for the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 8830) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana, and their delivery to the Canadian authorities.

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, or so much thereof as may be necessary, the same to be immediately available, to enable the President, by employment of the Army, or otherwise, to deport from the State of Montana and deliver at the international boundary line to the Canadian authorities all refugee Canadian Cree Indians in said State.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CANNON. Mr. Speaker, a single word. This is a matter that is not reported from the Committee on Appropriations, nor has the bill been introduced. It seems to be important and immediate. Senate Document No. 821 shows the importance of it. It covers a report from Mr. SHERMAN, from the Committee on Foreign Relations, containing a communication from the Secretary of State, by which it appears that the Canadian authorities agree, if these Indians can be delivered at once, to accept them at the boundary line. There are said to be about 500 of them. They are Canadian Indians, and they have been vagabondizing over in our territory since the close of the Riel rebellion. I ask for the passage of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

SECTION 2238 OF THE REVISED STATUTES.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to call up House bill 4804, with Senate amendments, and to move to concur in the amendments. The bill is upon the Speaker's table.

The SPEAKER. This is the regular order, a House bill with Senate amendments.

Mr. LACEY. We have not reached the regular order; but I would like to dispose of that, in connection with another Senate bill.

The SPEAKER. The Clerk will report the bill and then the amendments.

The Clerk read as follows:

A bill (H. R. 4804) to amend subdivision 10 of section 2238 of the Revised Statutes of the United States and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

The bill was read at length.

The Senate amendments were read, as follows:

Strike out all of section 2, and amend the title so as to read "An act to amend subdivision 10 of section 2238 of the Revised Statutes of the United States."

Mr. LACEY. I move to concur in the Senate amendments.

The Senate amendments were concurred in.

H. C. HERNDON.

Mr. PUGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3787) for the relief of H. C. Herndon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$204.30 to H. C. Herndon, of Catlettsburg, Ky., for the loss of a registered package containing said sum which he placed in the post-office at Webbville, Ky., as deputy collector of internal revenue, on November 24, 1892, addressed to Thomas C. McDowell, collector for fifth internal-revenue district of Kentucky, and which sum was stolen from said post-office on the night of the 24th of November, 1892, and the said Herndon was compelled to pay the said collector the said sum.

Mr. PUGH. I will ask unanimous consent to have a change made in the eleventh line by striking out the word "fifth" and substituting the word "seventh" in lieu thereof; so as to read: "Collector for seventh internal-revenue district of Kentucky."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I would like to have some explanation of the bill or the reading of the report or something of the kind.

Mr. PUGH. I will state that this is simply a bill to reimburse Mr. H. C. Herndon, formerly a deputy of Mr. H. C. McDowell, collector for Seventh internal-revenue district of Kentucky, the sum of \$204.30, which was stolen from the United States mail after it had been deposited in a registered package by him, acting under the express authority and direction of his superior officer, in transmitting the money after it had been collected from fruit distillers in the northeastern part of the State, and which amount he was compelled to pay over and make good to the collector, although it was lost in the hands of the agents of the Government without his fault. The matter was investigated by a special examiner sent there by the Post-Office Department, and the Committee on Claims have reported the bill, and were unanimously in favor of it, as the gentleman from Tennessee [Mr. Cox], a member of that committee, will explain.

Mr. LOUD. Mr. Speaker, I will have to have the report read. It is very strange that the postal authorities should not be liable for this amount if it came into their possession.

Mr. PUGH. The report is very short, and I will have it read.

Mr. LOUD. Reserving the right to object, I will have the report read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3787) for the relief of H. C. Herndon, submit the following report:

The object of this measure is to refund to H. C. Herndon, of Catlettsburg, Ky., the sum of \$204.30, which amount he, while in the Government employ as deputy collector of internal revenue, was required to and did pay and make good to his superior officer, the Hon. Thomas C. McDowell, at the time collector for the Seventh district of Kentucky, the same having been lost or stolen in a registered mail package under the following circumstances: Said money had been collected by said Herndon from fruit distillers in Lawrence County, Ky., and was for tax on brandy produced by them; said deputy was required to transmit promptly all funds collected by him to his said superior officer; there was no other means of transmission in that vicinity usually employed, saving by mail, and, acting under express authority and instructions of the said collector, Herndon deposited said sum of money in a registered letter at the post-office at Webbville, in that county, and received registry receipt No. 21 from B. C. Irwin, the postmaster, therefor.

Before the next outgoing mail and on the night of November 24, 1892, the said post-office at Webbville was broken into by unknown persons, the safe broken open, and all the contents of value, including the said registered letter containing \$204.30, were stolen and carried away and never thereafter recovered. The proof is clear that the loss was occasioned without any fault or default on the part of Herndon, he having promptly acted under explicit directions in transmitting said money by registered letter, and to make him personally sustain the loss under such circumstances would be a hardship not to be sanctioned by equity or good conscience or that would be required in the dealings of individuals. The Government can afford to be at least just to its citizens.

Your committee have given the matter careful consideration, and have arrived at the conclusion that the claim is just and ought to be paid, and therefore report back the bill and recommend its passage.

Mr. LOUD. Well, Mr. Speaker, it seems very strange to me that the post-office authorities are not liable after giving a receipt for it. There seems to be no evidence in this case except a summary of his statement. If my friend from Tennessee knows

anything about this case, I wish, as he has been pointed to, he would explain it.

Mr. COX. I understand the facts tolerably well, Mr. Speaker, as I try to understand all these claims that come from that committee. Here is an officer that collected money, and he was directed to transmit the money through the mails. That was the only way that he could send it. He went and put the money into the mail and registered the letter. He took the certificate of registration, and he had no connection whatever with the post-office. After he put the money into the mail it was stolen out of the office; and the only question in the matter is, Ought he to pay the money or the Government to lose it?

Mr. WILLIAM A. STONE. This was Government money that he had received?

Mr. PUGH. Yes; and after he collected it and placed it in the hands of the agents of the Government, the post-office authorities, the post-office was robbed and the package containing this money stolen, and the Government officer to whom he transmitted it required him to refund.

Mr. COX. That was the mode of transmitting it to the proper officer, as a credit to him. You will find that there is no fault attributed to this man.

Mr. WILLIAM A. STONE. He transmitted it to the collector, did he?

Mr. COX. Yes.

Mr. WILLIAM A. STONE. How did the collector require him to refund it?

Mr. COX. He just thought he ought to refund it, and, regardless of any kind of consequences, he paid the money back.

Mr. PUGH. He did it under the instructions of the collector. The collector required it at his hands, and he had to do it or be discharged. I submit that it would be a gross injustice to require him to lose it under such circumstances. He was a faithful officer.

Mr. WILLIAM A. STONE. Is there not a fund out of which moneys lost while in transit from a subagent can be paid?

Mr. PUGH. There is no fund whatever, and no provision for payment by the Post-Office Department. This is the only means of relief.

Mr. COX. That is what brings the bill here.

Mr. LOUD. Now, I am very much astonished that the gentleman from Tennessee, who is familiar with the law, should make a statement of that character or place much faith in it. If this money has been deposited in the post-office once and a certificate taken, surely the postmaster is responsible.

Mr. COX. No.

Mr. LOUD. I say yes. The gentleman says no, and I say yes, most emphatically, Mr. Speaker; and I should not be surprised if I remain in Congress long enough to find that this same \$200 will come back here again in a bill to reimburse the postmaster of this place. Now, then, if the robbery was committed, the Post-Office Department is competent to require the postmaster to reimburse it. This is a very small sum and I do not know but what I could afford to pay it; but it is a most dangerous precedent.

Mr. COX. Mr. Speaker, the gentleman's remark has run off on a switch. This is not a question with the postmaster; it is a question with this man who registered the money and put it in the post-office to send it to his superior officer. They made him pay the money although it was lost without any fault of his. Now, whatever may be the law in regard to the liability of the postmaster, that is a totally different thing. If the Government gets it back out of the postmaster, they have lost nothing.

Mr. LOUD. The Government will have no opportunity of getting it back, but they will make an allowance in the case. I would like to ask the gentleman what the Department say regarding this matter, and what the evidence in the case is.

Mr. COX. I shall be glad to have the statement of the Department read. It exonerates this man from blame entirely.

Mr. PUGH. The Department officers all say that it is only doing simple justice to refund this money and that the passage of this bill is this man's only remedy. The amount may seem small to some gentlemen, but if it be just—and it unquestionably is—in all good conscience it should be paid, regardless of the amount. This Government can certainly afford to pay its debts.

Mr. LOUD. Well, I shall not object, but I do not think this bill ought to pass.

An amendment offered by Mr. PUGH, striking out "Fifth," in line 11, and inserting "Seventh," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PUGH, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNED CANNON.

Mr. ODELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7381) directing the Secretary

of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the city of Middletown, N. Y.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the city of Middletown, N. Y., for the soldiers and sailors' monument in Theall Park, one condemned cannon and balls sufficient for one pyramid: *Provided,* That the same can be done without injury to the public service and without any expense to the Government of the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. ODELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

KATE EBERLE.

Mr. HITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 485) for the relief of Kate Eberle, an Indian woman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, required to pay to the said Kate Eberle, her heirs and representatives, the sum of \$672.08 out of the trust fund held and credited by the Government to that tribe of Indians, the same being the approximately estimated cash value rightfully due the said Kate Eberle instead of her pro rata share of the provision in land or otherwise made by the Government according to said treaties, which would have accrued to her had she remained with the Sac tribe.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. I will ask the gentleman from Illinois what is the amount involved?

Mr. HITT. Six hundred and seventy-two dollars and eight cents, to be paid out of the fund of these Indians.

Mr. DINGLEY. Has this bill been reported from the Committee on Indian Affairs?

Mr. HITT. It is reported from that committee. The bill was passed at the last session in the House and in the Senate, but too late to reach the President for signature.

Mr. DINGLEY. And this tribe has funds which the Government holds as trustee?

Mr. HITT. Yes; the tribe has funds, and this woman is proven clearly to be one of the tribe.

Mr. DINGLEY. Is this payment recommended by the Commissioner of Indian Affairs?

Mr. HITT. The whole substance of the report is a communication from the Commissioner of Indian Affairs, giving the history of the case from the beginning, and fixing the amount.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

F. ALBERTS & CO.

Mr. BISHOP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5388) for the relief of F. Alberts & Co., of Muskegon, Mich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$435.67 to F. Alberts & Co., of Muskegon, Mich., the same being to reimburse said firm for money wrongfully collected from them on a claim timber trespass, and paid under protest, for logs cut from lot 1, section 30, township 12 north, range 15 west, State of Michigan.

The report (by Mr. SNOVER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5388) for the relief of F. E. Alberts & Co., of Muskegon, Mich., have carefully considered the same and report as follows:

The facts in this case are fully and carefully set forth in a letter dated February 1, 1895, to the honorable Secretary of the Interior in response to a letter from Hon. T. C. McRAE, chairman of the Committee on the Public Lands of the House of Representatives, transmitting for consideration a like bill, being House bill No. 8625, Fifty-third Congress, a copy of which letter is herewith given, and made a part of this report.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, D. C., February 1, 1895.

"SIR: I am in receipt, by reference from the Department for report, of a letter, dated the 28th ultimo, from Hon. T. C. McRAE, chairman of the Committee on the Public Lands of the House of Representatives, transmitting for consideration House bill No. 8625, 'For the relief of F. Alberts & Co.' and requesting 'an early report thereon with suggestions and recommendations in reference thereto as you may see proper to make.'

"The bill provides that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$435.67 to F. Alberts & Co., of Muskegon, Mich., the same being to reimburse the said firm for money wrongfully collected from them for logs cut from lot 1, section 30, township 12 north, range 15 west, State of Michigan."

"The record of this timber-trespass case is set forth in the letter from this office to the Department, dated September 30, 1889 (copy inclosed), recommending that the proposition of Alberts Bros. to settle their liability to the Government by the payment of \$435.67 be accepted. This recommendation was concurred in by the Department October 7, 1889 (copy of said letter herewith), and the records show that said sum of \$435.67 was duly paid to the receiver of public moneys at Grayling, Mich.

"The land involved is covered by soldiers' additional homestead entry No. 8943, made by Edward Delaney, final certificate No. 6122, issuing March 24, 1887, Reed City series, now Grayling, Mich., land district.

"Delaney transferred the land to Oliver Barrett March 23, 1887, one day before the entry, and Barrett transferred to Frank Alberts & Co. March 2, 1888.

"The entry was held for cancellation by this office February 20, 1889, on the report of the special agent, on the ground that it was made in the interest of other parties than the entryman. The transferees having applied for a hearing, the same was ordered and duly had. Upon the evidence adduced thereat this office decided, June 14, 1890, that the entryman had not violated the statute under which his entry was made, and it was accordingly relieved from suspension. Patent issued thereon March 3, 1893.

"At the time Alberts & Co. cut this timber they were the transferees and equitable owners of the land. In holding them liable for the timber cut this office proceeded upon the theory that the entry having been attacked for illegality the timber cut became the personal property of the Government, and it was entitled to its value.

"In this case the innocence of any wrong on the part of Alberts & Co. was fully recognized, and their proposition to settle their liability at a small stumpage value was accordingly accepted.

"Inasmuch as the Government has failed to cancel the entry of Delaney, and as a patent has issued thereon, the legal title is now in Alberts & Co., if they are still the owners of the land. This title, so far as they are concerned, relates back to the date of their deed from Barrett, and they are in consequence entitled to the timber then growing as a part of the realty.

"Therefore, as the title has been confirmed, the timber for which the Government has received payment becomes the property of Alberts & Co., and they are entitled to the repayment of the money received therefor.

"I therefore recommend that said bill become a law.

"The papers referred to are herewith returned.

"Very respectfully,

"S. W. LAMOREUX, Commissioner."

In accordance with the recommendation of the Commissioner, your committee recommend that the bill be passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BISHOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Several members addressed the Chair.

Mr. PICKLER. Regular order, Mr. Speaker.

NORTHERN PACIFIC INDEMNITY LANDS.

Mr. LACEY. Mr. Speaker, I desire to make a privileged motion. The House has amended the Senate bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands, and I desire to move that the House insist upon its amendments.

The bill and amendments were read.

Mr. LACEY. I move that the House insist upon its amendments to the Senate bill and agree to a conference.

The motion was agreed to.

EXTRA HOUSE EMPLOYEES.

Mr. ALDRICH of Illinois. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The report was read, as follows:

The Committee on Accounts, to whom was referred sundry resolutions, begs leave to report as follows:

The bill to repeal joint resolution No. 21, March 3, 1893, authorizing the employment of clerks by Members and Delegates in Congress, is returned without approval.

The resolution providing for increase of compensation of Harris A. Walters, now on the folders' roll in the Doorkeeper's department, from \$720 per annum to \$1,200 per annum, is disapproved.

The resolution providing for the employment of 10 additional pages during the present session of Congress is disapproved.

The resolution providing for the appointment of W. D. Catlett to have charge of the ladies' reception room, at a compensation of \$1,200 per annum, is disapproved.

The resolution providing for the appointment of an additional clerk at a salary of \$2,000 per annum, who shall be capable of reading to the House and who shall perform such other services as may be required under the direction of the Clerk, is herewith returned without approval.

The resolution providing for the payment of F. S. Bishop for services performed in the Clerk's document room from December 11, 1895, to February 4, 1896, of a sum at the rate of \$1,440 per annum is disapproved, and in lieu thereof your committee recommends that an allowance of \$120 be granted said Bishop for such services, and submits herewith a resolution to that effect.

The resolution authorizing the Clerk of the House to employ an assistant clerk in the document room at a salary of \$1,200 per annum is disapproved, and in lieu thereof your committee recommends that the salary of W. P. Scott, now employed as assistant binding clerk in said room, be increased from \$720 to \$1,000 per annum while so employed, and submits herewith a resolution to that effect.

The resolution providing for the payment of \$150 to J. A. Miller for services rendered as assistant clerk to Committee on Claims from February 15, 1896, to March 10, 1896, inclusive, is approved.

The resolution providing for the payment of \$90 to Thomas Adams for services in the document room from March 4, 1895, to December 4, 1895, is approved.

The resolution directing the Clerk of the House to pay out of the contingent fund to the widow of Lycurgus Dalton, deceased, late Postmaster of the House, the expenses of his late illness and funeral, not to exceed the sum of \$500, and a further sum equal to his salary for one year, is approved.

The resolution authorizing the Clerk of the House to pay out of the contingent fund to each Member and Delegate for annual clerk hire an amount not exceeding the sum of \$100 per month, to be certified by them on the 1st day of each calendar month in the manner provided in the joint resolution approved March 3, 1893, is herewith returned without recommendation.

Mr. ALDRICH, from the Committee on Accounts, submitted the following resolution:

"Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund, to F. S. Bishop the sum of \$120, for services performed in the Clerk's document room during the current session of Congress.

"Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund, to J. A. Miller the sum of \$150, for services rendered as assistant clerk to the Committee on Claims from February 15, 1896, to March 10, 1896, inclusive.

"Resolved, That the Clerk of the House be, and he is hereby, authorized

and directed to pay Thomas Adams, for services from March 4 to December 4, 1895, in the document room, \$90, out of the contingent fund.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund, to the widow of Lycurgus Dalton, deceased, late postmaster of the House, a sum equal to his salary for one year and the expenses of his last illness and funeral, said expenses not to exceed the sum of \$500.

Resolved, That the salary of W. P. Scott, detailed and employed in the document room on account of his qualifications for the place as assistant binding clerk, be, and is hereby, increased from \$720 to \$1,000 per annum while so employed, the excess over \$720 per annum to be paid out of the contingent fund of the House; said increase to begin April 1, 1896."

Mr. ALDRICH of Illinois. I move the adoption of the resolutions which have been read.

Mr. HARTMAN. I rise to a parliamentary inquiry. My understanding is that the Committee on Accounts reports back without recommendation the resolution authorizing annual clerks for members. The adoption of the present motion of the gentleman from Illinois will not, as I understand, prevent us afterwards from adopting the resolution to which I have just referred?

The SPEAKER. The Chair thinks that the question on the resolutions just read must first be taken, and after that the question would come up as to what should be done with the resolution on which they make no recommendation.

Mr. HARTMAN. When that time comes I desire to move the adoption of the resolution. Therefore I desire a separate vote upon it.

The SPEAKER. The question is upon agreeing to the resolutions as read.

Mr. DOCKERY. What are these resolutions?

The SPEAKER. A series of resolutions just reported by the Clerk. If the gentleman from Missouri [Mr. DOCKERY] so desires, they can be reported again.

Mr. FAIRCHILD. I ask that they be reported again.

Mr. PICKLER. I object. The rereading of all those resolutions will take fifteen minutes.

Mr. FAIRCHILD. I withdraw my request. [Cries of "Vote!" "Vote!"]

The SPEAKER. Unless a separate vote is demanded, the question will be taken upon these resolutions as a whole.

Mr. DOCKERY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. I have just come into the Hall, and I wish to inquire whether in the resolutions now pending there is any proposition proposing to allow annual clerk hire to members?

The SPEAKER. The Chair understands not.

Mr. NORTHWAY. There is not. The resolution in regard to annual clerks is reported without any recommendation.

The question being taken, the resolutions reported favorably by the Committee on Accounts were adopted.

ANNUAL CLERKS FOR MEMBERS.

Mr. ALDRICH of Illinois. As to the resolution last referred to in the report, the resolution introduced by the gentleman from Montana [Mr. HARTMAN], I am violating no confidence when I say—in fact, I am authorized by the committee to say—that the resolution providing for annual clerks for members was defeated in the committee by a tie vote; but upon further consideration it was agreed that it be reported back to the House without recommendation. In that form the resolution now comes up. As that resolution has not been read, I suggest that the Clerk now read it.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House to each Member and Delegate for annual clerk hire an amount not exceeding the sum of \$100 per month, to be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893.

Mr. ALDRICH of Illinois. Mr. Speaker, in explanation of this resolution I wish simply to say that it provides for an allowance of \$100 per month for the entire year to each and every member of the House, including the 50 chairmen of committees who now have clerks. On the theory that we shall adjourn by the 1st of June, or thereabouts, it involves an expenditure of some \$216,000 for the remainder of this year, or until the beginning of the next regular session of Congress.

Mr. TAWNEY. That is on the theory that every member will draw the full amount?

Mr. ALDRICH of Illinois. Yes; as my friend from Minnesota suggests, on the theory that every member will draw the full amount which would be authorized by the adoption of the resolution.

Now, Mr. Speaker, before making the motion I shall make in a moment to lay this resolution on the table, I wish to say that it seems to me an inopportune time for the adoption of a resolution of this character. There is no disposition, so far as I know, on the part of any member of this House, or any member of the committee, to withhold from members of the House all the clerical assistance which they may need. But there is a fitting time

for all things; and it does seem to me that the adoption of this resolution providing clerks for members during the coming vacation of Congress would be equivalent to authorizing an additional issue of bonds to the amount of \$216,000.

Mr. DOCKERY. Will the gentleman allow me a question?

Mr. ALDRICH of Illinois. Certainly.

Mr. DOCKERY. What will be the annual increase of compensation involved in this resolution?

Mr. ALDRICH of Illinois. That would depend on the time when the vacation of Congress may begin; because under the existing system each member is allowed \$100 a month during the sessions of Congress. Should Congress adjourn for the present session by the 1st of June, that would leave six months of vacation (until the first Monday of December next) during which this resolution would operate. And on the theory that every Member and Delegate will draw the full amount of his stipend under this resolution, it will make an expenditure of \$216,000 for the remainder of the session.

Mr. COX. One question I would like to ask the gentleman, with his permission, to see if I understand exactly the point—I did not catch it clearly—and that is, whether the chairmen of committees are to be allowed, under this provision, annual clerks in addition to the clerks they are now allowed under the provisions heretofore adopted?

Mr. ALDRICH of Illinois. In answer to the gentleman from Tennessee, I will state that there are 25 annual clerks of committees provided for by law, and in addition to that there are 25 session clerks, also provided for by resolution or otherwise. The 25 annual clerks draw a salary ranging from two thousand to three thousand five hundred dollars per annum, I think, and the session clerks have a compensation of \$6 per day, amounting to \$180 a month.

Mr. COX. Now, are all of these members of the House who are chairmen of committees, and who are entitled to the services of these annual clerks, to come within the provisions of the pending resolution if adopted?

Mr. ALDRICH of Illinois. Certainly. It applies to all the members, without reservation.

Mr. COX. And then are all of these clerks made annual by this provision?

Mr. ALDRICH of Illinois. No; and in that connection let me state that in my judgment before such legislation as this is adopted there ought to be an adjustment of compensation allowed by law—the compensation to the session clerks as compared with the compensation to the committee clerks.

Mr. CANNON. Let me ask the gentleman this question: This resolution covers the members who are chairmen of committees where these committees have session clerks?

Mr. COX. That is the point.

Mr. ALDRICH of Illinois. It does. It provides that every Member and Delegate shall be entitled to the expenditure of this sum.

Mr. CANNON. But it does not cover, I take it, the members who are chairmen of committees where the committee clerks are annual.

Mr. ALDRICH of Illinois. Certainly it does. It makes no exception.

Mr. CANNON. Now, let us distinctly understand this. As I understand the answer of the gentleman from Illinois to the question, it is that as to these session clerks, who of course end their services when the session terminates, yet every member of a committee, including the chairman of it, after the session ends is entitled during the remainder of the fiscal year to the services of a clerk?

Mr. ALDRICH of Illinois. Yes, precisely; and at a compensation of \$100 per month.

Mr. BINGHAM. Has the gentleman from Illinois conveniently at hand the joint resolution approved March 3, 1893?

Mr. ALDRICH of Illinois. I have not the provision before me.

I take it, Mr. Speaker, that this resolution is not yet absolutely before the House, and in order to bring it before the House for consideration, I move that it be laid upon the table.

Mr. DOCKERY. That motion would not be debatable, and it would withdraw the resolution from before the House.

Mr. BINGHAM. Before the gentleman makes that motion I want to ask a question.

Mr. ALDRICH of Illinois. I will withdraw the motion. I have no desire to cut off discussion.

Mr. BINGHAM. I wish to ask the gentleman a question. Under the resolution we are authorized to pay, or rather the Clerk of the House is authorized to pay, out of the contingent fund of the House to each Member and Delegate, for annual clerk hire, an amount not exceeding \$100 per month. I call the gentleman's attention to this language:

To be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893.

That virtually makes the same provision that is covered by the resolution of March 3, 1893, which provides:

And provided further. That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to a clerk.

There are, as the gentleman said, annual clerks at two thousand dollars a year salary and upward, and 25 session clerks at \$6 per diem. Now, I understand that under this resolution, just as by the resolution of 1893, the chairman of a committee, with an annual clerk or a per diem clerk, can not be and would not be entitled to this compensation.

Mr. DALZELL. If the gentleman from Illinois will allow me, the express provision of the resolution is that the Clerk of the House of Representatives is authorized to pay, out of the contingent fund of the House, "to each Member and Delegate," for annual clerk hire, a sum not exceeding \$100 per month. There is an independent proposition, and the way that each member is to get his clerk hire is by certifying on the first day of each calendar month, just in the manner provided in the joint resolution approved March 3, 1893.

Mr. BINGHAM. But the gentleman does not read the additional proviso in the original act.

Mr. DALZELL. The resolution imports in its body nothing more than the provision of the resolution of March 3, 1893, that relates to the manner in which the Member or Delegate is to certify his expenditure on this count. I am only calling attention to the fact to show that the gentleman's proposition is not straight.

Mr. BINGHAM. Oh, yes; it is. I think the gentleman is mistaken.

Mr. CANNON. If there be any question about the matter as raised by the gentleman from Pennsylvania [Mr. BINGHAM] certainly I should not vote for this resolution without the proviso. And it ought to be amended, if it is to pass, in my judgment, by adding to it the words:

Provided, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to an annual clerk.

Several MEMBERS. That is right.

Mr. ALDRICH of Illinois. I yield to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. Mr. Speaker, I understand the gentleman from Illinois [Mr. ALDRICH] to withdraw his motion to lay this resolution upon the table. That being the case, there is nothing before the House, and I therefore move the adoption of the resolution.

Now, with reference to the time which the House desires to consume in debating this question, I am anxious to defer entirely to the House. I have no disposition personally to consume more than a few moments, and indeed would be willing to take a vote now; but, Mr. Speaker, several gentlemen have come to me this morning and have indicated their desire to submit some observations against this resolution. They are entitled to be heard as much as those who are in favor of it; and in order to test the sense of the House I now ask unanimous consent that debate upon this resolution be continued for one hour, and that at the expiration of that time the previous question may be considered as ordered.

Mr. ALDRICH of Illinois. Mr. Speaker, I will say in behalf of the Committee on Accounts that I will very cheerfully agree to the suggestion of the gentleman from Montana.

Mr. PICKLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. This is private bill day, and under the regular order the pension bills on the Calendar come up. I demanded the regular order. Now, my inquiry is as to whether this privileged question can displace the regular order?

The SPEAKER. The difficulty is that that question can not be raised after consideration has been had to the extent which has taken place upon this resolution.

Mr. PICKLER. Well, I made the demand for the regular order, Mr. Speaker—

The SPEAKER. And the gentleman from Illinois presented what he claimed to be a privileged report.

Mr. PICKLER. Now, unless—

The SPEAKER. The Chair will not undertake to pass upon the question whether it would be admissible to-day or not, because the matter has been disposed of already, by no objection being made. The Chair does not by any means intend to say that it would not be privileged at all, but simply that it is too late to consider the question.

Mr. PICKLER. Unless you can limit this debate—

Mr. CURTIS of New York (to Mr. PICKLER). You can not help it.

Mr. PICKLER. I demanded the regular order.

Mr. HARTMAN. Mr. Speaker, I have not surrendered the floor. I ask unanimous consent that debate continue for thirty minutes upon this resolution, and at the expiration of that time that the previous question be considered as ordered on the resolution and amendments.

Mr. CANNON. The gentleman in charge of the bill can move the previous question whenever he desires. Suppose you let the debate run for thirty minutes or forty minutes.

Mr. ALDRICH. Mr. Speaker, I suggest that we allow the debate to proceed, when it will develop how much time is wanted. I think a fair hearing should be granted to everyone desiring to be heard upon this proposition.

Mr. DOCKERY. That is right.

Mr. PICKLER. I object, if objection will do any good.

The SPEAKER. The Chair then will recognize the gentleman from Montana [Mr. HARTMAN], to whom the gentleman from Illinois has yielded.

Mr. PICKLER. I have called the regular order in the hope of getting up these pension bills. Why can not you limit this debate now?

Mr. HARTMAN. I move that debate upon this resolution—

Mr. CANNON. That is not in order.

The SPEAKER. The gentleman from Illinois [Mr. ALDRICH] is in charge of the resolution and has yielded to the gentleman from Montana [Mr. HARTMAN], and the Chair has accorded him the floor.

Mr. HARTMAN. Very well; I will withdraw the proposition and proceed to discuss the resolution.

Mr. Speaker, I will first address myself to the resolution in its present form. It provides annual clerks to Members and Delegates. It was my intention, when I prepared this resolution, to include within its provisions every Member of this House and every Delegate, irrespective of whether he was the chairman of a committee or not. My idea of that was this: I do not think it fair or just, first, to the clerk of a committee, that he should be called upon to perform the official work of the committee and then, in addition to that, to have added to his burdens the work of the individual who happens to be chairman of the committee. The second point is that it is not fair to the man who is chairman of the committee that he should be compelled to divide the time of his clerk with the committee. The time of his clerk ought to be the time exclusively of the member in whose employ he is, and it is too much to ask that the member divide the time of his clerk with the committee.

Mr. HENDERSON. Mr. Speaker, I want to say to my friend that as I understand it these committee clerks have no business to do the work of the chairman of the committee. Their duties are with the committee itself.

Mr. HARTMAN. Yes.

Mr. HENDERSON. And in my case, and in many others, I have no doubt, we employ stenographers and typewriters personally, in addition to the committee clerks. We have no right to call on the clerk of a committee to do the work of our Congressional districts.

Mr. HARTMAN. In other words, then, under the resolution—should it be amended as suggested—the chairman of a committee would not have the benefit of a clerk at the expense of the Government of the United States. He would be charged with all the burdensome duties which would devolve upon him by reason of being chairman of that committee, and yet would be deprived here of the very services that other members, who have less to do and less responsibility, are provided with at the expense of the Government.

Mr. Speaker, that was the reason why I prepared that resolution in the present form. I will say this, however, that if it seems to be better—and I am not ready to admit it, but if before this discussion is closed it appears to me that it is the sense of this House that the amendments suggested by the gentleman from Illinois [Mr. CANNON] might be accepted, I will do so; but I do not want it understood that I accept it at this stage of the game, because I have not had sufficient information and the House has not had that information yet; and I say that with all due respect to my distinguished friend from Illinois.

Mr. MILES. What is this "game" you are playing? [Laughter.]

Mr. HARTMAN. Now, Mr. Speaker, with reference to the necessity for these clerks. Every member here who has passed through one—only one—vacation knows that he requires the services of a clerk as much during vacation as he does through the session. I know members, and I know one Delegate upon this floor, who receive from 150 to 200 letters per day. That is during the session. During the vacation they receive probably half that many. Every member here knows that when he goes to his home, remote from this city, to spend his vacation where he has the right to spend it, he is compelled to employ assistance at this end of the line to transact the business which he must transact in order to properly perform his official duties. Any gentleman who does not need the assistance of a clerk need not pay him. Some gentlemen say, "I have no business during the vacation." I say to any gentleman here who does not have business sufficient to occupy the services of a clerk in vacation, he does not need to employ a clerk under this resolution.

This resolution provides that members shall certify, just as they do now, under the joint resolution of March 3, 1893. That resolution provides that a member shall certify that he has employed and agreed to pay a certain amount not exceeding \$100 a month to a clerk. There is nothing compulsory about it. I want to ask any man here who says that he does not need clerical help during vacation whether he can justify himself in standing up here and insisting against permitting me, who says that I do need the services of a clerk during vacation, from having one. If there is any district in the United States that does not furnish sufficient business to its member to justify the employment of a clerk in the vacation, then that is an exception. I do not believe there are ten such districts in the entire United States.

Mr. TAWNEY. And the member is not obliged to certify if he does not employ the clerk.

Mr. HARTMAN. Certainly you do not need to employ him at \$100 a month. You can employ him for \$25 or \$50, and if you do not employ him at all you do not pay him.

Now, Mr. Speaker, there is another question about this. Gentlemen say that we can not afford to do this at this time. Mr. Speaker, we can always afford in this House and elsewhere to do what we believe to be the proper thing to do [applause] and make no apologies to anybody. [Renewed applause.] I want to say, Mr. Speaker, that I do not believe there is a constituency in the United States composed of men so narrow and selfish that they are not willing that their representatives shall have accorded to them sufficient aid from the Government of the United States to properly perform their representative duties upon this floor. [Renewed applause.] So far as I am concerned, I want it distinctly understood if I represent that kind of a constituency I will consider it an honor to be defeated by them. I do not want to represent a constituency that is composed of that kind of people, and I do not do it. They are perfectly willing to accord to me the proper financial aid and assistance from the Treasury of the United States to employ and procure the clerical aid necessary for me to perform my official duties properly. They get the benefit of it.

Why, Mr. Speaker, I myself, in the short time of my public service, have paid out over \$700 more in clerk hire than I have received from the Government of the United States. Every month that check goes to the clerk, and additional money in vacation. And in no case, in my mind, has any member of this House received one red cent of the salary that has been accorded to him under the joint resolution of March 3, 1893.

Mr. Speaker, it is simply a cold-blooded question of whether this House has the nerve to come up here on the eve of an election and vote for what every member here knows he ought to have for the proper transaction of his business. I have nothing further to say for the present. [Applause.]

Mr. ALDRICH of Illinois. Mr. Speaker, I yield ten minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I have been too long a member of this House not to understand its present temper. Now, then, if the views of the gentleman from Montana are to prevail, I suggest that it is only fair and just to give us a yea-and-nay vote on this proposition.

Mr. HARTMAN. I have no objection at all to that.

Mr. WILLIAM A. STONE. Let me ask the gentleman from Missouri if the Fifty-second Congress, which passed this resolution, gave the minority at that time a yea-and-nay vote?

Mr. DOCKERY. There was practically no minority. The House seemed to be nearly unanimous for the resolution.

Mr. TAWNEY. Is it not a fact that the House in the Fifty-third Congress, in Committee of the Whole, passed this same resolution by a large majority?

Mr. DOCKERY. I do not remember; but that is not material to this discussion. The questions to be considered now are, first, whether or not annual clerks are necessary, and, second, if the necessity be conceded, whether this is an opportune moment to make the appropriation. I do not propose at this time to discuss the first proposition, as to the necessity for annual clerks. I am satisfied that every member has already made up his mind either one way or the other. I do propose, however, to address myself for a moment to the question of the propriety of making this expenditure at the present time. Looking at the propositions that have been recently considered at both ends of the Capitol, it would seem that nearly all persons have placarded on the lintels of their doors, "Economy, but next door." [Laughter.] Everybody professes to favor economy, but a great many desire it to begin with their neighbors. Mr. Speaker, if we are to keep down the appropriations of this Congress, if we are to bring them within the limit of the revenues, there must be rigid economy along the whole line, and I know of no point in the long list of public expenditures where it can be more properly applied than to the proposition now pending. For more than one hundred years the members of the House of Representatives have gone without annual clerks. In some way they have contrived to transact their busi-

ness during all that time, and even if these clerks be necessary, in view of the unfortunate and stringent condition of the Treasury, we should defer the passage of this resolution until a more convenient season.

Mr. NORTHWAY. Is it not a fact that in discussing the Dingley bill, proposed for the purpose of raising revenue in the early part of this session, you stated on the floor that we had a surplus of \$260,000,000? [Laughter; applause on the Republican side.]

Mr. DOCKERY. Certainly; and I reiterated that statement on this floor last Thursday. We have a surplus in the Treasury, including the gold reserve, of about \$270,000,000, but it is a borrowed surplus, and I trust the gentleman understands the distinction between that character of surplus and a surplus of current revenues.

Mr. NORTHWAY. But you declined to vote for a bill to raise more revenue because we had that surplus.

Mr. DOCKERY. Mr. Speaker, I do not want to introduce partisan questions, and I do not intend to be betrayed into a partisan discussion, for the object of the gentleman from Ohio [Mr. NORTHWAY] is obvious. It was stated at the outset of this session by the gentlemen on both sides of the House that the current revenues were not adequate to meet current expenses. That statement was made at the opening of the session, when the Secretary of the Treasury estimated a surplus of \$17,000,000 at the close of this fiscal year, and I reiterate it now, with a certain deficiency in the current revenues of about \$25,000,000, and there is no partisanship in the statement. I do not intend that the gentleman from Ohio [Mr. NORTHWAY] shall force me from a nonpartisan consideration of this indefensible proposition.

Mr. NORTHWAY. Will the gentleman permit me a moment?

Mr. DOCKERY. Certainly.

Mr. NORTHWAY. Is it not a fact that you argued that we did not need to increase tariff rates at all, because we had revenue enough, and did you not for that reason vote against the bill?

Mr. DOCKERY. Certainly; but if I had known that this Congress intended to pile up more than \$600,000,000 of liabilities, possibly I might have taken a different view. Again let me say that the surplus in the Treasury is a borrowed surplus, and if we do not trench upon it except to meet the necessary expenses of the Government it will be unnecessary to increase taxation, if at all, for at least three years.

Mr. Speaker, I desire to call the attention of gentlemen on both sides to another feature of this resolution. If this resolution is to be adopted its phraseology should be changed. It is known to all that members are paid this clerk hire. They are made the disbursing agents for the clerks, and there has been some newspaper criticism in view of this fact. Now, Mr. Speaker, we ought to be like Caesar's wife, above suspicion; and if any action of this kind is to be taken these annual clerks should be put upon the roll, and let the money be paid them directly without making the members disbursing agents, and thus perhaps subjecting them to unjust suspicion.

Mr. HARTMAN. Will the gentleman vote for the resolution if amended in that way?

Mr. DOCKERY. I will vote for such an amendment; and then I will vote against the amended proposition. I suggest in all candor to the gentleman from Montana that he ought to amend his proposition so that the annual clerks shall go on the roll and the disbursing clerk of the House pay them the amounts which may be due. If this policy is pursued, it will not be in the power of an unfriendly critic to put any member of the House under the suspicion that he accepted clerk hire and "pocketed it" himself.

I yield the balance of my time to the chairman.

Mr. ALDRICH of Illinois. I yield fifteen minutes to the gentleman from New Jersey [Mr. PITNEY].

Mr. PITNEY. Mr. Speaker, I am opposed to this resolution; and I do sincerely hope that this Republican House of Representatives will vote it down. I am sorry to see that the appearance of the distinguished Democrat from Missouri [Mr. DOCKERY] on the floor in opposition to this resolution has aroused a certain partisan feeling on this side of the House, which I think is entirely foreign to the discussion.

Mr. MAHON. Does not the gentleman from New Jersey understand that with the gentleman from Missouri the question is always one of politics?

Mr. PITNEY. Then I am glad, as a Republican, to stand here and discuss this question without any such feeling. I hope no one will accuse me of being anything else than a loyal and faithful Republican. Such I always have been and always hope to be. I am opposed to this resolution, Mr. Speaker, not because I do not think that clerks are necessary for members. I appreciate the necessity of assistance of this kind. I felt it last summer, before the opening of this Congress, for I paid every month out of my own pocket \$50 to \$75 in clerk hire and other similar expenses to enable me to perform satisfactorily the duties of the office to which I had been elected. I presume the case will be as bad or worse

with me after this session of Congress adjourns. The question is not simply whether this clerk hire is necessary in the sense that it would conduce to a better fulfillment of our duties as members of Congress, but the question is whether it is so urgently necessary at this time that we can afford to vote to spend the borrowed money that is in the National Treasury for the purpose of aiding us in fulfilling our duties. Now, I can not afford to spend this money out of my own pocket any better than any other member of this House. I am poorer than most members here. But I do say that since we have spent this whole session in holding down the appropriations to the very utmost of our ability in order to encroach as little as possible upon the borrowed surplus which the Treasury contains, we ought not to commit this act of enormous inconsistency by voting \$216,000 out of the Treasury for this purpose.

Mr. Speaker, from the close of the war until the 1st day of March, 1893, the National Treasury received every year a surplus over and above the ordinary amount which was required to pay the running expenses of the Government, and for the twenty-eight years included in this period the total surplus thus received by the public Treasury was about \$1,815,000,000. And yet, sir, during all that time the members of the House of Representatives, if my information is correct, managed to get along and transact their business and the business of their constituents without having the assistance of clerks or paying clerical hire in vacation from the National Treasury. If such service was employed at all the members paid for it themselves.

From March 1, 1893, down to the present time there has been every year a deficiency of revenues to pay the current ordinary expenses of the Government; the deficit for the fiscal year ended June 30, 1894, amounting to \$69,803,260.58; the deficit for the fiscal year 1895 amounting to \$42,805,223.18; and for the fiscal year 1896 up to the present time the deficit amounts to \$23,886,793.90, and it will probably reach twenty-five or thirty millions of dollars by the close of the fiscal year.

Now, what is our duty to our constituents and to ourselves under these circumstances? The Republican majority of the House of Representatives was elected, not for the purpose of magnifying, not for the purpose of demonstrating that state of things; we were elected for the purpose of alleviating the condition of the country and the condition of the Treasury by every possible means in our power. Shall we shrink from the responsibility thus imposed upon us when it comes to the consideration of questions affecting our own personal interests?

When we met in December—

Mr. NORTHWAY. We might begin the reduction by cutting down our salaries to four thousand.

Mr. PITNEY. Well, do it, to this extent, by paying clerk hire from your own pockets. We can afford to pay it as well as the people can.

Mr. Speaker, when we met here in December last there were but two ways in which we could hope to do the business which the country sent us here to do, either by increasing the revenues of the Government or by cutting down the expenses of the Government. We have done our share—this Republican House of Representatives has done its share—in an effort to increase the legitimate and current revenues of the Government in proper ways. We passed a bill—not a partisan bill, not a Republican bill, but a fair compromise measure—with a view to increasing our revenue from the customs. It can not be said that it is our fault that it did not become a law. We performed our duty in regard to it; but since it is not likely to become a law, since that bill apparently can not be passed, then it is our duty to take the other alternative and do the only thing we can possibly do under the circumstances, considering the present state of our revenues, and that is to cut down to the lowest possible figure the appropriations.

Every man knows that from the opening of this Congress until now every committee in this House having charge of an appropriation bill has been doing its very utmost to keep the expenditures of the Government within reach of the revenues by practicing the most rigid economy. You know that your public-building bills, your light-house bills, and other bills of a similar character which tend to make increased charges on the national revenues have not been provided for; the appropriations for such purposes have been suspended, not because they were not necessary and legitimate objects of public expenditure, but because at the present time the condition of the Treasury is such that it is inexpedient to appropriate the money for them. And yet, with all of our efforts, the calculation is made that the appropriations for this session of Congress will amount to over \$500,000,000. And I do not mean to say, Mr. Speaker, that there are any extravagant appropriations embraced in that sum. I do not believe there are. On the contrary, I know there are none. We have the testimony of the distinguished Democrat from Missouri [Mr. DOCKERY], in his repeated comments on the appropriation bills, that they are economical in every respect and that they are framed in a proper

spirit of economy; and the distinguished gentleman from Texas [Mr. SAYERS], the leader of the minority of the Committee on Appropriations, bears the same testimony. Yet, in spite of every effort that has thus been made, the appropriations for the session will exceed \$500,000,000.

Now, in calling attention to these appropriations and in discussing this question of the vast extent of our expenditures we must not forget, Mr. Speaker, that this is a great country and great appropriations must be made, and no partisan argument is to be drawn from it at the expense of the Republican majority on this floor. And when the time comes to make a comparison between the appropriations of this Congress and the appropriations of previous Congresses there must be taken into consideration and put into the calculation the fact that by reason of the recent bond issues of the Administration now in power, made necessary by reason of the deficiencies of the revenues, the annual interest charges of the Government have been increased to the extent of eleven and a half millions of dollars, and the requirements of the sinking fund have increased two and one-half millions of dollars, making a total increase of \$14,000,000 per annum which must necessarily be expended on that account.

But gentlemen say, "We of this House are not responsible for this state of things; we had nothing to do with creating the deficiency in the revenues." That is true, Mr. Speaker, but we shall be responsible and will be held responsible by the country if in such an emergency we fail to meet our obligations. And the only way we can do that is by keeping down the expenditures and by appropriating no money for any purpose not necessary and urgently necessary. Let us declare before the country that we are willing to stand by that principle and carry it out to its fullest extent.

Mr. COX. Will the gentleman yield to me for one question?

Mr. PITNEY. Yes.

Mr. COX. I should like to know what kind of service is contemplated by the House for these clerks of members to perform during the vacation. What is it that they have got to do?

Mr. PITNEY. Why, I suppose every member knows that. A member of the House, in order to properly fulfill the requirements of his constituents, must be a business man. He has a lot of correspondence to take care of. He has 40, or 50, or 75 letters a day. He has many public documents to distribute, and the session is so short and the documents are so late in coming that it is after the close of the session before the documents can be distributed. I am not saying that it is not reasonably necessary—

Mr. COX. I am against it. You need not give yourself any trouble about that. My question is this: Here is the member at home and here is the clerk in Washington, or he may take him home with him. Every letter must go under the inspection of the member.

Mr. PITNEY. Yes.

Mr. COX. Now, you would use that clerk at home to write the letters you dictate. Is not that so?

Mr. PITNEY. Well, if this resolution goes through, I suppose each member will settle, according to his own convenience, the way in which he will employ the clerk or use the appropriation.

Mr. COX. Then, if he keeps the clerk here in Washington, he has to send letters back to his clerk telling him what to do. Now, I do not see where this work comes in.

Mr. PITNEY. I do not understand what the gentleman's inquiry is. I have yielded to him in all courtesy.

Mr. COX. I am against the necessity of a clerk in vacation.

Mr. PITNEY. Then I hope that the gentleman will urge that ground to the best of his ability. I am not going to take any position before this House that I think is not well founded, and I think in my own case a clerk is necessary. I paid one out of my own pocket last summer.

Mr. COX. If I thought so, I should vote to pay him out of the Treasury, too.

Mr. PITNEY. But everyone knows that there is not a business house in the country, or a business man in the country, who is not cutting down expenses, who is not doing more work than he ought and more than he would under ordinary circumstances, in order to save expense. The whole country is feeling the burden of the annual and monthly deficit of our revenues. It applies to every business enterprise and impairs public confidence, and we, as representatives of the people, are bound to use our best efforts. If we can not get some other legislative body to agree with us as to the way in which the emergency shall be met, if we can not get gentlemen at the other end of the Capitol to agree with us on a tariff bill, it is our duty to do, as far as we can, the other thing, and keep down expenses in order that the deficit shall be as little as possible.

Now, gentlemen, I do hope that these views will find a response in your votes. We can afford to go without this allowance one session longer. We can afford to spend six months more under the old system of paying our own clerks and doing our own work. I do not think this House can evade its responsibility to the country in this matter. The people will be disappointed with the

work of this Congress, not through any failure of ours, but because they will, perhaps, have expected us to do some things that are impossible. But do not let them be disappointed in this thing. Do not let them, after we have refused many and many an appropriation as necessary and urgent as this on account of the deficit in the public revenues—do not let them have this to charge up against us, that in our own personal business as Representatives we were not willing to apply the knife to unnecessary appropriations as much as in the other branches of the public service. [Applause.]

Mr. ALDRICH of Illinois. Mr. Speaker, I suggest that some gentleman who is in favor of the bill be recognized now. I understand the gentleman from Montana [Mr. HARTMAN] to be in control of the time in favor of the bill.

Mr. MORSE. Mr. Speaker, I rise to address the house in favor of the resolution, and I will ask the gentleman from Montana [Mr. HARTMAN] to yield some time to me.

Mr. HARTMAN. Mr. Speaker, if I can be recognized now, I will yield three minutes to the gentleman from Massachusetts [Mr. MORSE].

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] is recognized for three minutes.

Mr. MORSE. Mr. Speaker, I propose to vote for this resolution. I believe it is just and will meet the approval of my constituents. I am one of those who do not believe that members of Congress are properly paid. I assent to a proposition that has already been made here, from my own experience in four Congresses, that members need clerks quite as much when Congress is not in session as they do when it is in session. [Applause.] I do not believe that the people of this great country, with its vast and boundless resources, are so small, niggardly, and mean that they are not willing to provide their public servants with the necessary clerical assistance to properly transact their business.

The gentleman from Missouri [Mr. DOCKERY] argues as a reason why this resolution should not pass that the Treasury is empty, and says that the balance in the Treasury is a borrowed balance; in other words, that the Government, under the Democratic Gorman-Wilson tariff bill, has been selling bonds and using the proceeds of those bonds to pay the current expenses of this Government.

Now, I want to say to the gentleman from Missouri, in answer to that argument, that there are less than eleven months more of this bond-issuing, debt-increasing, wage-reducing, prosperity-killing Democratic Administration. [Laughter and applause.] In eleven months more we will have a Republican Administration. Congress will then be convened in extra session immediately after March 4 next, and will pass a tariff bill through both Houses of Congress that will meet the approval of a Republican President, that will give us revenue sufficient for the needs of carrying on this great Government without issuing bonds; and that revenue will be sufficient to furnish the necessary revenue to properly carry on this great Government, including clerical assistance to the members of this House.

Now, Mr. Speaker, I want to give one single illustration of the fact that the members of this House are not properly paid, which led many leading papers in the Commonwealth of Massachusetts, Democratic and Republican, during the past few years to advocate increasing the pay of members of Congress. My illustrious and distinguished predecessor (Governor Long) retired from this House because he said he could not afford to stay here. He said that it cost him every cent he received for his expenses in living in this city; and now, Mr. Speaker, is it true that the people of this great country are not willing to properly pay members of Congress and not willing to pay for this clerk hire—this assistance which we actually need in order to discharge our public duties. I think not, sir; and for that reason I propose to vote for this resolution. [Loud applause and cries of "Vote!" "Vote!"]

Mr. HARTMAN. I yield five minutes to the gentleman from Iowa [Mr. DOLLIVER] if he is here [cries of "Vote!" "Vote!"], or to the gentleman from Minnesota [Mr. TAWNEY]. As they are not present, I yield five minutes to the gentleman from Illinois.

Mr. CANNON. Mr. Speaker, in the five minutes that the gentleman yields to me I will crave the attention of the House. It is well enough to understand just what this resolution does and the history of appropriating for clerical assistance to members of Congress. I will be very brief. Some years ago the Senate passed a resolution to pay for clerical assistance for Senators from its contingent fund, and then asked an additional appropriation for the contingent fund. They passed it in the Senate, and after a great contest in the House the House concurred, because the Senate took the position which drove the House, and always will, that touching their business and their help they must be supreme.

Now, then, some years after that the appropriation for this service went into the regular appropriation bills. Later on the clerks to Senators were made annual; and now there is pending in conference a proposition to increase the annual pay of Senators' clerks from \$1,200 to \$1,500 a year. Mind you, those are Senators who

are not chairmen of committees. That is as far as the Senate has gone. The Senators who are chairmen of committees, that is, committees having clerks, do not get this clerical assistance. Now, the proposition was made in the Fifty-second Congress to enact a law that would give to members of the House clerical assistance.

Mr. HEPBURN. May I ask the gentleman a question there?

Mr. CANNON. Yes, sir.

Mr. HEPBURN. Do not those Senators who do not have clerks as chairmen of committees have such a number of committee clerks as to give to each one of them practically a private clerk all the time?

Mr. CANNON. Oh, some of them have two, and some committees have only one.

Mr. HEPBURN. And those are annual clerks.

Mr. CANNON. Oh, I understand so; annual clerks just like our annual clerks. Now, then—

Mr. HEPBURN. Not like our session clerks.

Mr. CANNON. I want to say, further, that this law was enacted in the Fifty-second Congress. We gave clerical assistance during the session to House members, not exceeding \$100 a month, on a certificate of expenditure.

The SPEAKER. Gentlemen will have the kindness to take their seats. Gentlemen desiring to further converse ought to retire to the cloakroom. The House ought to be in order and ought to listen.

Mr. CANNON. I will not tax the House a great while. Now, this is a proposition to pay for clerical assistance during the vacation, and pay it from the contingent fund. If it passes, later on you will have to appropriate for the contingent fund. It is competent to do it and is in our power to do it by a majority vote. A similar proposition to this came up in the last Congress—that was the Fifty-third. It was discussed at length, it was adopted by an overwhelming majority in the Committee of the Whole, but in the House it came to grief on a ye-and-nay vote. On considering the matter thoroughly at that time, I voted for the provision for two reasons. The first was that if there was a necessity for clerical aid for the Senate there was an equal necessity for like aid in the House. The second was that, in my judgment, it was a very just appropriation to make. But a majority of the Fifty-third Congress, on a roll call, said "No."

Now the matter comes up again for action at this time. The resolution as presented here covers all the members of the House. Therein it differs from the Senate provision. The Senate has never gone to the length of providing clerical assistance to Senators who are chairmen of committees. Now, while I am willing to go as far as the Senate seems to have gone—and to have gone, so far as I can see, without serious criticism from the country—I am not willing to go further. Therefore I think this provision covering all members should be amended so as to except Representatives who are chairmen of committees having annual clerks.

Mr. HARTMAN. Is it not a fact that every single Senator of the United States is chairman of a committee?

Mr. CANNON. No.

Mr. HARTMAN. How many of them are not?

Mr. CANNON. A good many.

Mr. HARTMAN. Is not every Senator of the majority chairman of a committee?

Mr. OTEY. Mr. Chairman, I rise to a parliamentary inquiry. Has there been any division of the time or any agreement as to time?

The SPEAKER. There has been no agreement. The gentleman from Illinois will proceed.

Mr. HARTMAN. What I meant to ask the gentleman was this: Is not every Senator of the United States belonging to the majority party the chairman of a committee?

Mr. CANNON. I think not.

Mr. HARTMAN. I think you will find that he is.

Mr. BINGHAM. If the gentleman will pardon me, in the legislative bill for the next fiscal year is an item now under consideration between the two Houses which reads as follows:

For 38 annual clerks to Senators who are not chairmen of committees, at \$1,500 each, \$57,000.

Mr. HARTMAN. Thirty-eight is the number of the minority in the Senate to-day.

Mr. CANNON. There are some of the minority Senators that are chairmen of committees. Now, I am willing to go as far as the Senate has gone. It would seem that the Senate has gone that far without serious criticism from the country, and that legislation, it seems to me, is fairly justified by the demands of the public service.

Mr. PICKLER. I wish to ask the gentleman from Illinois, as a member of long experience and chairman of a committee, if the clerk to his committee is ever able to render him service as an individual member of Congress?

Mr. CANNON. I reply that the clerks of the Committee on Appropriations never have rendered me any service in my capacity

as a Representative other than in connection with my duties as a member of the committee, to the detriment of the public service; but I manage to get along very comfortably, so far as clerical work is concerned, with the help they are able to give me.

Mr. BOUTELLE. How many clerks has your committee?

Mr. CANNON. It has a clerk and an assistant clerk.

Mr. BOUTELLE. I will ask the gentleman to state a little more plainly on what ground he advocates his amendment so as to make the resolution not provide clerks for members who are chairmen of committees.

Mr. CANNON. Committees that have annual clerks. I advocate it, I say again, for two reasons. First, the Senate (which we arraign here every session for expending as much for clerical service for one Senator as is expended for five Members of the House) has never gone beyond the providing of clerical service for Senators who are not chairmen of committees. So far the country seems not to have seriously criticised the Senate. When I vote on this resolution, as I have said, I am not willing to go beyond that. If the resolution is amended as I have suggested, then I am content to vote for the amendment and to vote for the resolution in that form as I voted for it in the Fifty-third Congress.

Mr. BOUTELLE. Then, Mr. Speaker, I assume, of course, that the gentleman holds that the clerk of a committee will be capable of rendering the same service as private secretary to the chairman of the committee that these clerks who are to be provided for will render to members who are not chairmen of committees, and I can not understand how the gentleman thinks that the clerk of a committee will be able to do that if he does his duty to the committee.

Mr. CANNON. I can not speak for other gentlemen who are chairmen of committees. So far as I am personally concerned, as chairman of the Committee on Appropriations, I get along very comfortably with my clerical work by the aid of the clerks of the committee, full justice being done at the same time to the work of the committee.

Mr. HENDERSON. Your committee, however, has an assistant clerk who is a stenographer and a typewriter.

Mr. CANNON. Yes, sir.

Mr. HENDERSON. That is proper to be known.

Mr. CANNON. Oh, certainly.

Mr. HENDERSON. None of the rest of the committees are provided in that way, unless it be the Committee on Ways and Means.

Mr. CANNON. The Committee on Appropriations has a clerk and an assistant clerk.

Mr. BRUMM. And the assistant is also an annual clerk, is he not?

Mr. CANNON. Oh, certainly.

Mr. HARTMAN. Mr. Speaker, I do not wish to interfere with the gentleman from Illinois [Mr. CANNON], but more than the two minutes which I last yielded him have gone by.

Mr. CANNON. Well, I want one minute more.

Mr. HARTMAN. I yield it to the gentleman.

Mr. CANNON. I want that minute simply to say that I sympathized with the point of order made upon this provision on the general appropriation bill. It was not then in order under the rules. I sympathize with this resolution. If the resolution be so amended as to meet my judgment, I am willing to vote for it; and I hope, if it is to pass, we shall have the courage of our convictions and walk up and make a record upon a yea-and-nay vote. [Applause.]

Mr. ALDRICH of Illinois rose.

[Cries of "Vote!" "Vote!"]

Mr. ALDRICH of Illinois. I yield five minutes to my colleague on the committee, the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Speaker, I shall endeavor not to trespass on the patience of the House, seeing the desire that prevails to vote. I wish, however, in justice to myself to say that notwithstanding the apparent desire to treat this as a small matter, I do not so regard it. I regard it as an important matter; and the statement of a historic nature which has been made by the gentleman from Illinois shows how easy it is to ingraft an expenditure upon the public moneys of this country by easy stages until it grows into what seems to be a necessity and becomes an annual appropriation. And in this way I undertake to say that the appropriations of this Congress due to unwholesome growths in the past are larger than they ought to have been, notwithstanding the fact that there has been a persistent effort to keep them within reasonable limits.

I have myself, Mr. Speaker, written, I am sure, 500 letters to persons in my district explaining that the reason why appropriations for this thing and that thing could not be had was the fact that there was a constant deficit in the Treasury of the United States, and a deference to that condition of affairs required on our part that appropriations should be kept down to the lowest possible limit. And I regard it as the absolute duty of every Representative on this floor to pursue that line of conduct.

Something has been said here with regard to members having the "courage" to come up and do what they believe to be right. So far as I am concerned, I do not think I have ever hesitated at all in doing what my judgment approved. I intend to do that in this instance. My judgment does not approve of the passage of this resolution, and I shall vote against it. I have been in opposition to it from the time it was introduced. My position has been well known to those who cared to know it. My opposition to the resolution is based partly upon the fact that we stand in front of a condition, not a theory, in which we are constantly attempting to make the cloth cover the object when there is a constant shortness in the amount of cloth.

Mr. Speaker, when I was elected to Congress I was elected under certain prevailing conditions, so far as clerk hire was concerned. I understood what those conditions were. I accepted the position with that understanding; and so far as I am concerned, especially in view of the deficiency in the Treasury which confronts us, I am in favor of serving out the entire term for which I was elected upon the conditions which prevailed when the election took place. I believe that to be the course which ought to be pursued by members of this House; and I sincerely trust that this resolution will be defeated. There is a constant deficit in the Treasury of about four and a half millions per month, and I do not see how, in the face of that deficit, we can afford to vote for an expenditure of nearly a quarter of a million dollars for anything less than an absolute necessity. I do not so regard the pending proposition.

Mr. Speaker, I do not wish to say anything further on this question. I merely wanted to state the reasons why, in my judgment, this resolution ought not to be adopted by the House; and I trust that it will not. [Cries of "Vote!" "Vote!"]

Mr. BINGHAM. Mr. Speaker, if it be in order, I desire to offer an amendment to this resolution.

The SPEAKER. The Chair thinks it is in order.

Mr. BINGHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting after "1893," in line 8, the words: "Provided, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to annual clerks."

Mr. DOCKERY. I desire to offer a substitute.

Mr. HARTMAN. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am sorry for the gentleman from Missouri [Mr. TRACEY]. I am sorry that he is so doubtful as to his power to resist temptation. The adoption of this resolution need not necessarily change his status at all. He can have the same regard for conscience and for duty under his present "contract," whether this resolution passes or not. The resolution simply proposes to reimburse members of Congress who pay out \$100 or less each month for clerical assistance. The gentleman, with his view of the matter, will refuse to accept this provision, and he will not in any way violate the "contract" that he has made with his constituents. But there are other members of this House who do not understand that there was a contract of that character, and who believe that their constituents will justify this expenditure.

When the joint resolution of March 3, 1893, allowing to members of the House clerical assistance during the sessions of Congress was passed, we were told that members would hear from their constituents on that question in the approaching elections. Did any gentleman hear from his constituents any carping criticism? I have heard nothing of that kind. And I am astonished, Mr. Speaker, to know that there are gentlemen who inveighed against that resolution, who declared it to be unnecessary, who said that they did not need a clerk, and who probably were honest in that declaration, and yet who every month that they have had the power to do so have made the necessary certification and drawn the money. Did they find that they were in error when they made their earlier declarations, or did their integrity serve them only for the purposes of dress parade? [Laughter and applause.]

I believe that this resolution as it is ought to pass. I do not believe that the amendment of the gentleman from Pennsylvania [Mr. BINGHAM] ought to be adopted. Why should there be an exception in favor of the chairman of a committee that has an annual clerk? That chairman of the committee has no right to employ that clerk for his private business. If he requires it of him it is an unjust imposition upon the clerk. He is a public officer, appointed for a public service, not a private clerk.

There are some gentlemen, who have been eloquent to-day, who have gone further than this, and during the vacations, when not chairmen of committees, have compelled the clerks of their committees and the messengers to do their work. It looks to me very much as if that class of gentlemen had something of the characteristics of the "whited sepulcher."

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. I will listen to a question.

Mr. HOPKINS. Does not the chairman of a committee have the appointment of the clerk?

Mr. HEPBURN. He does, with the approval of the committee, under the rule.

Mr. HOPKINS. But is it not a fact that the clerk is the personal appointee—the friend of the chairman of the committee?

Mr. HEPBURN. Yes, sir; if the committee ratifies the appointment.

Mr. HOPKINS. Is there an instance on record where they have not ratified it?

Mr. HEPBURN. Well, you are asking me something now that I do not know.

Mr. HOPKINS. Well, my observation, after ten years of experience, is that the chairman appoints the clerk, and that he is the personal appointee, or friend, of the chairman, and does his work.

Now, take the clerk of your committee. What has he to do after the House adjourns until the next session of Congress convenes?

Mr. HEPBURN. He goes to his home—the clerk of my committee. He lives nearly a hundred miles distant from me, and I will not see him during that interval unless I visit his town. Is that an answer to your question?

Mr. HOPKINS. But he draws his salary, does he not?

Mr. HEPBURN. Certainly; and so do all other employees of like character. That is in the contract made with them—a part of the understanding when he receives his appointment.

Mr. HOPKINS. Not at all. The chairman appoints him because he is a friend, and he wants him to do his work.

Mr. HEPBURN. No, sir; that is a mistake. I did not appoint my clerk in that manner. The annual clerk of the committee over which I preside has never yet written a letter or done one item of private business for me.

The SPEAKER. The time of the gentleman has expired.

Mr. HARTMAN. I will yield to the gentleman from Iowa three minutes longer.

Mr. HEPBURN. I do not know that I shall want further time. I have said all that I desired to say. I believe this proposition is right. I think the resolution ought to be adopted.

But let me say in response to the gentleman from Illinois that this clerk provided in the resolution will not serve me, but he will serve my constituents. He will not serve me with relation to my public business, but will serve my constituents, because doing their private business, that they are accustomed to have members do, to the extent that we are called upon to do, and in that manner I will be better able to serve my constituents in their wants and desires. [Applause.] It is not a part of my public duty; it is because of the relations between us—my attention to so much of their private business—that my constituents are willing I should have the assistance of a clerk.

That is all I desired to say upon this matter.

Mr. ALDRICH. I yield three minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, I have three minutes yielded to me in which I desire to say a few words about the amendment which I have offered.

The amendment I propose is that those committees having an annual clerk should not come under the provisions of this resolution; or, in other words, that chairmen of committees which have annual clerks shall be excluded from its operation.

It is well for the House to understand, as has been stated in this colloquy, that the annual clerk of a committee is designated and appointed by the chairman of the committee. I have had the honor to be twice chairman of committees in this House having annual clerks. I did not act in reference to the then clerk of my committee exactly on the plan laid down by the gentleman from Iowa [Mr. HEPBURN], that is, to the extent of not availing myself of the services of the clerk during vacation. I have employed his services with regard to matters relating to the Congressional district which I have the honor to represent; and in respect to matters connected with the committee I always used my clerk when practicable, in time of vacation. He was my personal selection and my personal friend, a man that I knew I could trust with all of the committee affairs implicitly. I have, therefore, availed myself of his services during the recesses of Congress, because he is near me at our home; he is an annual clerk, paid \$2,000 a year, or \$4,000 for a Congress, and yet the sum of his labor in each Congress is but eleven months during the sessions. And I now assert that if this resolution should pass after the discussion which has been had here and the understanding brought about by this debate every member having an annual clerk will feel, in view of the restriction as to the employment of clerical hire for chairmen of committees, that he is entitled to the services of that annual clerk during the vacations of Congress. He gets, as I have said, \$4,000 for a Congress, and labors for eleven months, at no

expense whatever but the mere expense of living here at the time that Congress is in session.

Now, I claim, and submit it to the fair judgment of the House, that in view of the fact that the chairman selects the clerk of his committee, that legislative courtesy gives him his own selection, which is always ratified by the committee, and in view of the further fact that the clerk gets \$4,000 for a Congress, and is actually employed in committee work but eleven months in the two sessions—as a matter of fact, in this Fifty-fourth Congress but nine months—I claim that the distinction made by my amendment is just and equitable. It is a distinction that runs in the Senate, as stated by the gentleman from Illinois [Mr. CANNON], and as far as the Senate have gone, and I think it is as far as this House ought to go at this time.

Mr. ALLEN of Mississippi. Would it not be well to have that amendment go further, and limit to the vacation the private clerks of members who are chairmen of committees having session clerks?

Mr. BINGHAM. Gentlemen who have six-dollar-a-day or session clerks come under the provisions of this proposition, and during the interval they get their hundred dollars a month.

Mr. ALLEN of Mississippi. Is it only during the interval?

Mr. BINGHAM. Only during the interval they get their hundred dollars. It is a matter of fact known to this House that chairmen of committees use their clerks for their Congressional district relations in almost every committee of the House.

Mr. MAHON. I move an amendment to the amendment, to strike out the last word.

The SPEAKER. The gentleman from Montana [Mr. HARTMAN] has control of the time on that side.

Mr. HARTMAN. I yield two minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, whatever may be the opinion of the House upon the question as to the desirability or propriety of making an appropriation at this time, I certainly see no justification for the amendment proposed by my friend from Pennsylvania.

Mr. BINGHAM. Then wipe out the salary of the clerk during the vacation.

Mr. BOUTELLE. The gentleman proposes to make a marked distinction between the service that this House shall provide for members who are not chairmen of committees and that for those members who have chairmanships. Every member of the House who is not chairman of a committee will have, under this resolution, the full, undivided services of a clerk to attend to the business of his constituents during every month of the year, and the amendment assumes that the chairman of a committee shall, in some way, obtain the services of the clerk of his committee in a way which shall be equivalent to the services which these personal clerks give to members who are not chairmen.

Now, my experience is that the clerk of a committee has something else to do than to attend to the private business of the chairman of a committee. He is the clerk of the committee. He has not only to attend the sessions of the committee, but he is obliged to attend the sessions of subcommittees of that committee. The chairman may obtain some portion of his services at times by having the clerk work overtime or when the business of the committee is slack; but he does not have and can not have the undivided services of a clerk, as provided for the other members of this House. There are a few committees which have assistant clerks. Of course, in those committees the chairman may have a better opportunity to obtain service for himself from the committee clerks than the chairmen of those committees which have only one clerk. But when Congress adjourns the clerk of the committee must remain here and close up the business of that committee. He must remain here so long as there is anything for him to do here—not simply for the chairman, but for the committee. He is obliged to come here long before Congress assembles to get ready for the session, and I see no reason whatever why a member who is chairman of a committee should be deprived of the services of a clerk during those periods when provision was made for other members.

My experience—and I have no doubt it is the experience of every chairman (certainly of every chairman of a prominent committee)—that not only by virtue of his chairmanship is his correspondence largely increased, but that his private correspondence is largely increased.

Bills, inquiries, and suggestions, as well as calls for information, come from all quarters. These are vastly multiplied by the fact of his prominence and of his connection with the public questions controlled by his committee. I say in justice to the committee that the time of the committee clerks should be devoted to the performance of the work of the committee.

Mr. NORTHWAY. As they always have been.

Mr. BOUTELLE. As they always have been in the past. And the chairman of a committee should not be subjected to the necessity of trying toeke out such assistance as he requires by filching

from the time which a clerk should be required to give to the performance of the duties of the committee, in order to be helped out in his private correspondence. And I do not think that members of Congress in their individual capacity should be discriminated one class against another. This provision for clerks is to take care of what I understand to be the constituent business of the member. If a clerk does his duty to a committee, and especially the larger committees of the House, he will be obliged to devote most of his time to the public work, and if he attends to any of the business of the chairman he has to work overtime or else trench upon the time that is due to the transaction of public business. [Cries of "Vote!" "Vote!"]

Mr. ALDRICH of Illinois. I yield five minutes to the gentleman from North Carolina.

Mr. SKINNER. Mr. Speaker, from the beginning of the present session, while opposing you in political sentiment, I have been in constant sympathy with your policy, when confronted with a threatening Treasury deficit, to so far as practical exercise economy, and have watched with approving interest how wisely and adroitly you have wielded the pruning knife over the Rivers and Harbors Committee, the Public Buildings and Grounds Committee, the Naval Affairs Committee, and the Appropriations Committee, and others. By this bold stand for economy the country knows you have lost in popularity, even it may be to the extent of losing for the present the highest office in the gift of the American people. The sober second thought of the people, when fully realizing the surrounding conditions, will say, "Well done, thou good and faithful servant," and the sacrifice of personal ambition upon the altar of present duty will surely reap its just and merited reward. [Loud applause.]

Mr. Speaker, I am also in full sympathy with my own clerk and the clerk of every other member of this House, and I wish I was able to give them \$100 per month, but not out of an empty public Treasury. I fully realize the importunities by which members are besieged to promote the passage of this resolution and thereby give this relief to their clerks. At the same time we ought to be at least as brave and manly as the Speaker and follow his example, and sacrifice this more or less personal legislation when confronted with a deficient Treasury, when he, by the exercise of such public frugality, has hazarded his claims upon the Presidency.

Mr. Speaker, when we come to investigate closely the purpose and objects and, I may add, inwardness of this resolution in a businesslike and practical manner, we will be convinced that the resolution should be entitled "To relieve all Congressmen from the discharge of any duties during vacation, in order they may the more effectively canvass their districts for reelection, or in order they may spend their summers at some favorite summer resort or abroad without molestation from their constituents." There may be some reason for a clerk during the session, but of this I am doubtful; but certainly without legislative duties every Congressman is capable of discharging the duties appertaining to his office without clerical assistance; if he can not, there are at least 1,000 men in his district as capable and as worthy who would obligate to do so for the monthly salary of a Congressman without clerical assistance. As authority for this resolution the other end of the Capitol is referred to. The House at the proper time should have brought grave Senators to realize that this was not the time to increase the salary of their annual clerks, and it was a species of legislative cowardice in the House submitting to this robbery of the people.

As the spokesman of the Populists to this resolution I am not supposed to be the guardian or the director of the majority party of the House. If I were I would direct it to vote against this resolution. If I were its worst enemy I would persuade it to commit suicide by the passage of this resolution, which means a gratuity of about \$215,000 during the vacation of Congress to our clerks in these hard times, panics, and low prices, when to let, to rent, for sale is seen everywhere, and the red flag of the auctioneer is upon almost every corner and is seen waving over every barnyard and house top. It is simply criminally extravagant to give away to our clerks this \$215,000. I call members' attention to the fact that it is voting away, at present gold prices, 430,800 bushels of wheat, 861,600 bushels of corn, 51,350 bales of cotton—more wheat, corn, and cotton, absolute necessities of human and animal life, than 10,000 honest farmers can raise by working and delving three hundred and sixty-five days in a year. It is your funeral, not mine. It is my duty to warn against such extravagance. If I do not mistake the now scattering racks floating upon the political horizon, their course is in one direction to the accumulation of thickening clouds that will culminate in that terrific thunderstorm that seems so necessary to clarify the political and economic atmosphere of this country and restore happiness and prosperity to the people.

Mr. HARTMAN. Mr. Speaker, I ask unanimous consent that at 10 minutes after 3 o'clock the previous question be considered as ordered, half of the time intervening to be yielded to the gen-

tleman from Alabama, to be followed by the gentleman from Iowa [Mr. HENDERSON]. I ask unanimous consent for that arrangement.

Mr. CANNON. Is the amendment offered by the gentleman from Pennsylvania pending?

Mr. HARTMAN. That may be pending.

The SPEAKER. The gentleman asks unanimous consent that at 10 minutes past 3 o'clock the previous question shall be considered as ordered.

Mr. ALDRICH of Illinois. I do not desire to object, if my friend from South Carolina wishes to be heard.

Mr. TALBERT. I would like to have about five minutes.

Mr. LINNEY. I should like to speak on the subject, but if the House does not desire to hear me, I do not care.

Mr. ALDRICH of Illinois. I shall want ten minutes against the proposition. [Cries of "Vote!" "Vote!"]

The SPEAKER. To whom does the gentleman from Illinois yield?

Mr. ALDRICH of Illinois. I yield five minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, I tremble for my country. [Cries of "Oh!" laughter, and loud and prolonged applause.]

The impatient cries of "Vote!" "Vote!" from the Republican side of this Chamber which we have heard at every pause in this debate are suggestive of the frantic appeals for "Votes!" "Votes!" which we will hear from the Republican party next November.

A vote for this resolution is a flagrant violation of your pledges to the people and a grave violation of your duty as their representatives.

Mr. Speaker, if this is consummated, honest men from lake to Gulf and from ocean to ocean will in thunder tones rebuke this atrocity.

I came to this Congress to use my feeble efforts to relieve our people from the distress which prevails throughout our land. [Applause.] What has brought about that distress? The gold standard has done its part, the McKinley high tariff has done its part, and billion-dollar Congresses have done their part. I hold in my hand an estimate I have made which shows that, taking the entire expenses of Government, the Federal expenses, city and municipal, they now amount to more than \$3,000,000 a day, a greater amount than is expended by any other government on earth. [Applause.]

The census of 1890 shows that these expenditures were as follows:

United States Government, including postal service deficiencies.	\$318,040,710
States, Territories, and District of Columbia, except for public schools.....	77,105,911
Counties, except for public schools, partly estimated.....	114,575,401
Municipalities, except for public schools, partly estimated.....	232,988,592
Public schools.....	139,065,537
Miscellaneous.....	5,517,183
Total.....	887,293,344

And to-day these expenditures are one-fourth greater.

When I look back, Mr. Speaker, at the golden days of prosperity, of pure, honest Democratic government, that decennium just preceding 1861, those golden days of prosperity when the expenditures of our Government—when our entire expenditures were little more than one-tenth the amount we expend to-day—

Mr. MILES. Has not the gentleman from Alabama always considered those silver days? [Laughter.]

Mr. WHEELER. They were golden days of glorious prosperity, Mr. Speaker; days which I hope the people of this land may again enjoy; and I believe that the free use of the metals that God gave us for the purpose for which God gave them to us, and an economical Congress, would bring back those golden days of prosperity. [Applause.] But what do we see now in every city and in every street? Marshals' sales posted here, sheriffs' sales posted there; "To rent," "To rent," "To rent," "For sale," "For sale," "For sale" placarded on nearly half of the real estate of every city.

Mr. LACEY. Are not these Democratic days, too? [Laughter.]

Mr. WHEELER. These are days controlled by a Republican House, which is now exceeding in its appropriations any ever made before by this or any other Government.

Already the appropriations for this Congress exceed by \$22,000,000 the average appropriations of the two sessions of the last Democratic Congress.

You have alarmed the country with your profligacy. You are destroying industry. You are retarding prosperity. You are placing a yoke upon the labor of this land which is too heavy for it to bear, and I repeat, Mr. Speaker, when I hear the rumbling sounds, the groans of the oppressed people—I tremble—I tremble for my beloved country. [Applause.] I appeal to this House to halt. I ask gentlemen to consider, to reflect. I ask them to recall the—

The SPEAKER. The time of the gentleman has expired.

Mr. ALDRICH of Illinois. I yield two minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, this is very short notice, but in that time I desire to say that I opposed this proposition in the Fifty-third Congress for the reason that I deemed it unnecessary, and I desire on this occasion to again enter my protest against its passage; for whenever a single dollar is taken from the taxpayer except that which is actually necessary, it is robbery pure and simple, and I desire to call the attention of this House to one phase of the question now under discussion that has not been presented before. Members may say this is a small matter; but let me say there are 359 members in this House, and during the six months of recess the compensation of their clerks will amount to \$315,400 at \$100 per month.

Now, then, let us see what this would cost the farmers of this country, as they pay 80 per cent of all the taxes levied by the Government, and then we can see whether it is such a small matter to them, the bone and sinew of this country. At 50 cents a bushel it would take 430,800 bushels of wheat to pay it. How many drops of sweat does it take to pay for that wheat? At 25 cents a bushel it would take 861,600 bushels of corn to pay it. How many furrows would have to be run off to raise this corn, up and down the rows, on hot July days? It would take 8,600 bales of cotton to pay it. Then how many laborers, days, and weeks would it take to raise that cotton?

Now, then, when you view this question from that point I say it is an outrage, it is a monstrosity, that now, in addition to giving enormous pensions to coffee coolers and bounty jumpers, camp followers and bummers, you turn around and propose to pension yourselves [laughter] by voting yourselves \$100 a month. This is what you are doing when you thus add another burden to the already overburdened people. Why, sir, a more monstrous proposition was never made. You say because the Senate has done this that the House must do it. No, sir. Two wrongs do not make a right. Let the House do right although the Senate may do wrong. The Senate has increased the salaries of its clerks the snug sum of \$68,000.

Mr. Speaker, for these reasons I desire right here and now to enter my protest against any such outrage, against any such monstrosity. For God's sake do not go further in your pension legislation. You have passed hundreds of pension bills for the classes I have described, and you have appropriated over one-half billion during the session of this Congress. Do not turn around now and pension yourselves and rob the people of 430,000 bushels of wheat, of 861,000 bushels of corn, and of 8,600 bales of cotton, which have been reduced in price by your gold-standard policy until to-day the farmer hardly gets enough to pay the cost of producing his crop. That is the present condition of the people that you are thus proposing to burden still further; and I want to raise my hand and my voice against this proposition. I, too, like my distinguished friend from Alabama, after noticing his trembling, begin to tremble for my country when I see such legislation proposed. [Laughter and applause.]

What are the members doing during the vacation that they can not attend to their work. A great number of them are hardly ever in their seats here during the session of Congress, and now they want to add \$100 a month to their salaries in the way of clerks. I hope the resolution will be defeated, as it should be. [Applause.]

Mr. HARTMAN. Mr. Speaker, after consultation with the gentleman from Illinois [Mr. ALDRICH], I have agreed to yield five minutes to the gentleman from Iowa [Mr. HENDERSON], after which I intend to demand the previous question upon the motion for the adoption of this resolution.

Mr. HENDERSON. Mr. Speaker, I have never seen the hour when I trembled for my country. [Applause.] I am for the resolution and against the amendment. [Applause.] I am for the resolution, because it is in the interest of the people of this country and not in the interest of the Representatives. [Applause.] I made that declaration once before on the floor of this House, and the country has never reproved any of us who hold that doctrine. There is no "salary-grab" element in this resolution. This is a proposition to take one of our own boys or girls, from among the people of our district, to receive our dictation and write our letters and do the detail work which is required to be done in the interest of the people we are sent here to represent. [Applause.]

The clerk of my committee and all the annual clerks of committees work as much as they ought to work, and in the same proportion that members do. The clerk of my committee, the Committee on the Judiciary, devotes his entire attention to the business of that committee, and in addition I have a stenographer and typewriter, the daughter of an old soldier of my district (the old boy himself now in heaven), a girl known to my people, so that when they come into my office, if I am absent, she knows almost as much about the people and the business of the district

as I do. She is as much needed to help to work for the people of my district as I am. She has been with me seven years. I bring her here and I take her there, and my experience is the experience of almost all of you. Gentlemen talk about the Senate! We stood in awe of the Senate for a time, but at last we defied the Senate and used our own judgment. Let the House of Representatives be independent now and use its own judgment. [Applause.]

You talk of economy. This country is as rich to-day and richer than it ever was in any hour of its life. We are able to do what is needed for the interests of the people. General Grant, when President, during the great financial crisis that struck the country and when expenditures were exceeding receipts, said: "Let the needed work of the country be done, but stay the hand of legislation on fortifications and on river and harbor improvements not now in process of construction; there is the place to strike." But this country is able now to meet every actual need of the people; and if we go ahead and do properly the work of this country it will only quicken the nation to such legislation as will enable us to meet all the necessary expenditures of the Government. I am for economy, not simply in the next House but in my own house; and my own house is the Third District of Iowa, under the great national roof on which float the Stripes and Stars. My economy touches both these homes; and, impelled by that, I am willing to raise my voice here in favor of this legislation and to record my affirmative vote where the people of my district can read it. [Applause. Cries of "Vote!" "Vote!"]

Mr. ALDRICH of Illinois. I will now ask the previous question, in accordance with an understanding I have had with the gentleman from Montana [Mr. HARTMAN].

The previous question was ordered.

The SPEAKER. The first question is on the amendment of the gentleman from Pennsylvania [Mr. BINGHAM].

The amendment was read, as follows:

After "1893," in line 8, add:

"Provided, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to annual clerks."

The question being taken, there were on a division (called for by Mr. ALDRICH of Illinois)—ayes 104, noes 83.

Mr. BOUTELLE. Yeas and nays.

The yeas and nays were not ordered.

So the amendment of Mr. BINGHAM was agreed to.

The SPEAKER. The question is now on agreeing to the resolution as amended.

Mr. ALDRICH of Illinois, Mr. LINNEY, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 109, not voting 116; as follows:

YEAS—130.

Acheson,	Cooper, Wis.	Hooker,	Otjen,
Adams,	Cousins,	Hopkins,	Phillips,
Allen, Utah	Crump,	Hubbard,	Pickler,
Andrews,	Culbertson,	Hulick,	Poole,
Apsley,	Curtis, Iowa	Hunter,	Powers,
Atwood,	Curtis, Kans.	Hurley,	Prince,
Babeock,	Curtis, N. Y.	Hyde,	Reeves,
Baker, N. H.	Dayton,	Johnson, Cal.	Robertson, La.
Barham,	De Witt,	Johnson, N. Dak.	Sauerhering,
Barrett,	Dolliver,	Joy,	Settle,
Bartlett, Ga.	Doolittle,	Kendall,	Shannon,
Berry,	Dovener,	Kulp,	Smith, Ill.
Bingham,	Downing,	Layton,	Southard,
Bishop,	Eddy,	Leisenring,	Spencer,
Black, N. Y.	Evans,	Leonard,	Stone, C. W.
Blue,	Fairchild,	Long,	Stone, W. A.
Boutelle,	Fenton,	Loudenslager,	Strong,
Brewster,	Fitzgerald,	Low,	Sulloway,
Broderick,	Foss,	Mahany,	Tawney,
Brown,	Gamble,	Marsh,	Taylor,
Bull,	Gillet, N. Y.	McCall, Mass.	Towne,
Burton, Ohio	Griffin,	McClellan,	Van Horn,
Calderhead,	Griswold,	McCormick,	Van Voorhis,
Cannon,	Grow,	Mercer,	Walker, Va.
Catchings,	Hager,	Miller, Kans.	Wanger,
Chickering,	Hainer, Nebr.	Minor, Wis.	Warner,
Clark, Mo.	Harmer,	Mondell,	Willis,
Clarke, Ala.	Harris,	Money,	Wilson, Idaho
Cobb,	Hartman,	Moody,	Wilson, N. Y.
Cockrell,	Henderson,	Morse,	Woodard,
Coffin,	Hepburn,	Newlands,	Woodman,
Colson,	Hicks,	Northway,	
Cooper, Fla.	Hilborn,	Odell,	

NAYS—109.

Aldrich, Ala.	Buck,	Daniels,	Hadley,
Aldrich, Ill.	Burton, Mo.	Denny,	Hall,
Allen, Miss.	Clardy,	Dingley,	Haltermann,
Anderson,	Coddling,	Dinsmore,	Harrison,
Bailey,	Connolly,	Dockery,	Hendrick,
Baker, Kans.	Cooper, Tex.	Ellis,	Henry, Conn.
Belknap,	Corliss,	Fowler,	Hitt,
Bell, Colo.	Cox,	Gardner,	Jenkins,
Bell, Tex.	Crisp,	Gibson,	Jones,
Black, Ga.	Crowther,	Gillett, Mass.	Kem,
Brosius,	Dalzell,	Graff,	Kirkpatrick,
Brumm,	Danford,	Grout,	Kieberg,

Knox,
Kyle,
Lacey,
Latimer,
Lester,
Linney,
Little,
Lockhart,
Loud,
Mahon,
McCleary, Minn.
McClure,
McCreary, Ky.
McCulloch,
McDearmon,
McLaurin,

McRae,
Meyer,
Miles,
Miller, W. Va.
Milnes,
Otey,
Owens,
Patterson,
Payne,
Pearson,
Perkins,
Pitney,
Pugh,
Royse,
Russell, Ga.
Sayers,

Scranton,
Shafroth,
Shuford,
Simpkins,
Skinner,
Snover,
Spalding,
Stable,
Stewart, Wis.
Stokes,
Strait,
Strowd, N. C.
Swanson,
Taft,
Talbert,
Tate,

Terry,
Thorp,
Tracey,
Turner, Ga.
Tyler,
Updegraff,
Watson, Ind.
Wheeler,
Williams,
Wilson, S. C.
Wood,
Yoakum.

NOT VOTING—116.

Abbott,
Aitken,
Arnold, Pa.
Arnold, R. I.
Avery,
Baker, Md.
Bankhead,
Barney,
Bartholdt,
Bartlett, N. Y.
Beach,
Bennett,
Bowers,
Bromwell,
Burr,
Clark, Iowa
Cooke, Wis.
Cooke, Ill.
Cowen,
Crowley,
Cummings,
De Armond,
Draper,
Ellett, Va.
Elliott, S. C.
Erdman,
Faris,
Fischer,
Fletcher,
Foote,

Goodwyn,
Grosvenor,
Hanly,
McLachlan,
Hart,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hermann,
Hill,
Howard,
Howe,
Howell,
Huff,
Huling,
Hull,
Hutcheson,
Johnson, Ind.
Kerr,
Kiefer,
Lawson,
Lefever,
Leighty,
Linton,
Livingston,
Lorimer,
Maddox,

Maguire,
McCall, Tenn.
McEwan,
McLachlan,
McMillin,
Meiklejohn,
Meredith,
Milliken,
Miner, N. Y.
Moses,
Mozley,
Murphy,
Neill,
Noonan,
Ogden,
Overstreet,
Parker,
Pendleton,
Price,
Quigg,
Raney,
Ray,
Reyburn,
Richardson,
Robinson, Pa.
Rusk,
Russell, Conn.
Shaw,
Sherman,
Smith, Mich.

Sorg,
Southwick,
Sparkman,
Sperry,
Stallings,
Steele,
Stephenson,
Stewart, N. J.
Strode, Nebr.
Sulzer,
Thomas,
Tracewell,
Treloar,
Tucker,
Turner, Va.
Underwood,
Wadsworth,
Walker, Mass.
Walsh,
Washington,
Wellington,
White,
Wilber,
Wilson, Ohio
Woomer,
Wright.

So the resolution was adopted.

The following pairs were announced:

Until further notice:

Mr. SMITH of Michigan with Mr. LAWSON.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

Mr. HARDY with Mr. HART.

Mr. WILSON of Ohio with Mr. DE ARMOND.

Mr. BROMWELL with Mr. LIVINGSTON.

Mr. FARIS with Mr. SORG.

Mr. HUFF with Mr. MINER of New York.

Mr. HENRY of Indiana with Mr. SPARKMAN.

Mr. MOZLEY with Mr. MOSES.

Mr. STRODE of Nebraska with Mr. HUTCHESON.

Mr. STEELE with Mr. WASHINGTON.

Mr. DRAPER with Mr. TUCKER.

Mr. GROSVENOR with Mr. McMILLIN.

Mr. MEIKLEJOHN with Mr. NEILL.

Mr. RANEY with Mr. COWEN.

For this day:

Mr. WHITE with Mr. ABBOTT.

Mr. GOODWYN with Mr. ELLETT of Virginia.

Mr. BARTHOLDT with Mr. MADDOX.

Mr. THOMAS with Mr. SULZER.

Mr. REYBURN with Mr. OGDEN.

Mr. WILBER with Mr. WALSH.

Mr. RUSSELL of Connecticut with Mr. RUSK.

Mr. LORIMER with Mr. SHAW.

Mr. FISCHER with Mr. ELLIOTT of South Carolina.

Mr. HEMENWAY with Mr. UNDERWOOD.

Mr. HULL with Mr. PRICE.

Mr. HEATWOLE with Mr. BANKHEAD.

On this question:

Mr. BARTLETT of New York with Mr. CROWLEY.

Mr. CANNON (for the resolution) with Mr. MCCALL of Tennessee (against the resolution).

Mr. BOUTELLE. Mr. Speaker, I voted "no," but desire to change the vote to "aye." [Applause.]

The SPEAKER. The gentleman will be so recorded.

Mr. NEILL. Mr. Speaker, I find that I am paired with the gentleman from Nebraska, Mr. MEIKLEJOHN, and withdraw my vote. I voted in the negative on this question.

Mr. PICKLER. I desire to change my vote from "no" to "aye."

The SPEAKER. The several changes suggested will be made. The result of the vote was then announced as above recorded. [Applause.]

On motion of Mr. HARTMAN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The next business in order is the unfinished business which the Chair will now lay before the House.

Mr. PENDLETON. Mr. Speaker, I desire to ask unanimous consent for the consideration of a bill—

The SPEAKER. The regular order has been called for.

Mr. PICKLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. If the House should resolve itself into a Committee of the Whole on the Private Calendar, would not the unfinished business of last Wednesday, being business on that Calendar, be first in order?

The SPEAKER. The Chair would not undertake to decide that. The Chair thinks it a question that would have to be examined, because the committee was acting under a special order. But the Chair would suggest that these cases can be reached the next time the House goes into Committee of the Whole under the special order; and it is possible that it may be reached to-night.

Mr. PICKLER. The rule, as I understand it, is that the unfinished business is first in order when the House proceeds to the consideration of that class of business again. On last Wednesday we were acting on the Private Calendar under a special rule; and it seems to me that when we go into Committee of the Whole on the same Calendar the unfinished business is first in order, and the bill before the committee at the time the committee rose on Wednesday last would be the unfinished business to be disposed of.

My object is this, I will state, Mr. Speaker—

The SPEAKER. That would have to be decided in committee, at all events.

Mr. PICKLER. Then I move that the House resolve itself into Committee of the Whole to consider business on the Private Calendar.

The SPEAKER. The Chair will call the attention of the gentleman to the rule on this subject. Rule XXIV, clause 6, provides that on Friday of each week, after the unfinished business has been disposed of, it shall be in order to move to go into Committee of the Whole. This unfinished business under the rule is first to be disposed of.

Mr. PICKLER. All right, Mr. Speaker. There are a number of pension bills which have been reported by the Committee of the Whole.

The SPEAKER. The Clerk will report the first bill.

JOHN KEHL.

The first business reported by the Committee of the Whole was the bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating.

The bill was read at length.

Mr. PICKLER. I demand the previous question on the passage of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time.

Mr. TALBERT. I would ask if this bill has been properly engrossed? If it has not been, I make the point that it should be before action is taken on it.

The SPEAKER. The bill will be laid aside for the purpose of engrossment; and the Clerk will report the next bill.

MRS. HELEN MORRILL CARROLL.

The next business was the bill (S. 730) granting an increase of pension to Mrs. Helen Morrill Carroll, reported from the Committee of the Whole with an amendment.

Mr. PICKLER. I demand the previous question on the bill and amendment.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

MIRIAM V. KENNEY.

The next business was the bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question on the bill and amendments.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time.

Mr. TALBERT. Mr. Speaker, I make the point that this bill should be engrossed before its passage. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed, and the Clerk will report the next bill.

MARY F. DAVENPORT.

The next business on the Calendar was the bill (H. R. 75) granting a pension to Mary F. Davenport, reported from the Committee of the Whole with amendments.

The bill was read at length.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments reported from the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HARRIET WOODBURY.

The next business was the bill (H. R. 1229) to pension Harriet Woodbury, of Windsor, Vt., reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered. The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, this being the case of a remarried widow, I make the point that the engrossed bill is not in the House.

The SPEAKER. Does the gentleman demand the reading of the engrossed bill?

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside for engrossment, and the Clerk will report the next bill.

MARY E. WYSE.

The next business reported from the Committee of the Whole was the bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

GEN. WILLIAM H. MORRIS.

The next business was the bill (H. R. 4383) granting a pension to Gen. William H. Morris, reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered. The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY L. BACON.

The next business reported from the Committee of the Whole was the bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, lieutenant-commander, United States Navy.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

ARCHIBALD HUNLEY.

The next business reported from the Committee of the Whole was the bill (H. R. 5580) granting a pension to Archibald Hunley.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

JOHN W. HINES.

The next business reported from the Committee of the Whole was the bill (H. R. 5712) granting an increase of pension to John W. Hines.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

JOHN COMBS.

The next business was the bill (H. R. 950) to increase the pension of John Combs, reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered. The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY E. HAZLIP.

The next business reported from the Committee of the Whole was the bill (H. R. 138) granting an increase of pension to Mary E. Hazlip.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

MRS. ANNIS H. ENOCHS.

The next business reported from the Committee of the Whole was the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enoch.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

BYRON COTTON.

The next business was the bill (H. R. 1022) to increase the pension of Byron Cotton, reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered. The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SOPHRONIA S. STOWELL.

The next business on the Private Calendar was the bill (H. R. 5996) for the relief of Sophronia S. Stowell, reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered. The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time. Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside for engrossment.

JULIA H. H. CROSBY.

The next business on the Private Calendar was the bill (H. R. 446) to place the name of Julia H. H. Crosby on the pension roll, reported from the Committee of the Whole with amendments.

On motion of Mr. PICKLER, the previous question was ordered. The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended as recommended by the committee.

ARMSTEAD M. RAWLINGS.

The next business was the bill (H. R. 1062) to pension Armstead M. Rawlings, of Arkansas.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MISS JULIETTE BETTS.

The next business was the bill (H. R. 4395) for the relief of Miss Juliette Betts, with an amendment from the Committee of the Whole.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY CRAY.

The next business was the bill (H. R. 4598) granting a pension to Mary Cray, with an amendment from the Committee of the Whole.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The gentleman from Pennsylvania demands the reading of the engrossed bill. The bill will be laid aside to be engrossed.

DAVID MOSTEN.

The next business was the bill (H. R. 1936) to remove the charge of desertion standing against David Mosten.

Mr. PICKLER. I demand the previous question.

Mr. TALBERT. Is that a Senate bill?

The SPEAKER. It is a House bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed.

Mr. TALBERT. I make the point of order against that bill.

The SPEAKER. The gentleman from South Carolina demands the reading of the engrossed bill. The bill will be laid aside to be engrossed.

NANCY GENTRY.

The next business was the bill (H. R. 5175) granting a pension to Nancy Gentry.

Mr. PICKLER. Mr. Speaker, I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH T. BEALL.

The next business was the bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry, with an amendment recommended by the Committee of the Whole.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Theresa Peebles.

The next business was the bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga., with an amendment recommended by the Committee of the Whole.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Ada J. Schwatka.

The next business was the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, with an amendment recommended by the Committee of the Whole.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

James McGowan.

The next business was the bill (H. R. 3524) for the relief of James McGowan from the charge of desertion.

The bill was ordered to be engrossed for a third reading.

Mr. TALBERT. Mr. Speaker, I make the same point against that as I did against the other.

The SPEAKER. The bill will be laid aside to be engrossed.

Edward H. Munson.

The next business was the bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed.

Mr. TALBERT. Mr. Speaker, I make the same point against that bill.

The SPEAKER. The bill will be laid aside to be engrossed.

Mrs. Elizabeth M. Williams.

The next business was the bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn., with an amendment recommended by the Committee of the Whole.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Hannah Yazell.

The next business was the bill (H. R. 1171) to pension Hannah Yazell.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed.

William W. French.

The next business was the bill (S. 137) granting an increase of pension to William W. French.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Thomas M. Scott.

The next business was the bill (H. R. 6132) granting an increase of pension to Thomas M. Scott.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PICKLER, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill and concurrent resolution were taken from the Speaker's table and referred by the Speaker as follows:

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them; 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate—

To the Committee on Printing.

A bill (S. 2790) for the relief of Sophronia S. Stowell—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.;

A bill (H. R. 953) for the relief of William Gray; and

A bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Lemars, Iowa.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. SHANNON, for two days, on account of important business.

To Mr. LINNEY, for five days, on account of sickness in his family.

To Mr. MAHON, for four days, on account of sickness in his family.

REPRINT OF A BILL.

Mr. COBB, by unanimous consent, obtained an order for a reprint of the bill H. R. 4447.

EXTENSION OF TIME.

By unanimous consent, the time of the minority of the Committee on Elections No. 3 to file their report in the contested-election case of Yost against Tucker was extended until the 12th of May.

LEAVE TO PRINT.

Mr. FITZGERALD, by unanimous consent, obtained leave to extend in the RECORD his remarks on the District of Columbia appropriation bill.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the House now take a recess until 8 o'clock p. m.

There was no objection, and it was so ordered. The Speaker accordingly (at 4 o'clock and 32 minutes p. m.) declared the House in recess until 8 o'clock p. m., and announced that Mr. HOPKINS would preside at the evening session as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. HOPKINS, Speaker pro tempore, who directed the Clerk to read clause 2 of Rule XXVI.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the special order.

Mr. ERDMAN. I rise to a parliamentary inquiry. Is that the special order under which we were operating the other day? The gentleman says under the "special order."

The SPEAKER pro tempore. No; the motion is the same motion as is submitted every Friday night, that the House proceed to consider business under the rule.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 51, noes 0.

Mr. TALBERT. No quorum, Mr. Speaker. There are too few here to go into Committee of the Whole to transact business. I make the point of order.

The SPEAKER pro tempore. There is evidently not a quorum present at the present time. We can wait a little while and see if other members come in.

Mr. PICKLER. Mr. Speaker, I move a call of the House.

Mr. TALBERT. Before that, if I may be allowed at this juncture, I desire to make a suggestion that my only object is to get rid of the bills on the Calendar to remove charges of desertion. I do not think such bills ought to be passed. I have no objection whatever to pension legislation and no desire to block the passage of deserving pension cases on the list, and if the chairman of the Committee on Invalid Pensions will agree to pass over every one of the bills as he comes to them to-night on the Calendar that removes the charge of desertion, and give me that guarantee, to show you that I am not in bad faith I am willing to withdraw the point of no quorum.

Mr. PICKLER. I suppose the gentleman from South Carolina knows of course that these bills do not come from the Committee on Invalid Pensions. We have no jurisdiction of them, and while I have no objection, so far as I am personally concerned, they do not come from our committee, and I have no right to make such an agreement. I would be perfectly willing if the House would agree to it.

Mr. TALBERT. But the House might express its willingness to do that. I am here not with the intention of blocking any pension legislation; but I do think that those bills ought not to be passed.

Mr. HULL. If that arrangement can be made, will the gentleman withdraw the point of no quorum?

Mr. TALBERT. Certainly; if that arrangement can be guaranteed.

Mr. HULL. As chairman of the Committee on Military Affairs I am perfectly willing, if the members of the House interested in these bills will agree to it, to adopt that course for to-night.

Mr. TALBERT. If the gentleman says that he will agree to that I will certainly withdraw the point of no quorum.

Mr. HULL. I will make my statement to the House that, so far as the Committee on Military Affairs is concerned, we are willing to agree that this night shall be devoted to the consideration of pension legislation exclusively. But there are a number of members here who are interested in these bills removing charges of desertion and correcting military records, and I have no right to bind them, although I do not doubt that they will agree to the suggestion made.

The SPEAKER pro tempore. Will the gentleman put it in the form of a request for unanimous consent?

Mr. PICKLER. I hope the gentleman will do that.

Mr. TALBERT. I will ask unanimous consent, then, that for to-night no bills shall be taken up and considered for removing charges of desertion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina that in the consideration of the Calendar cases to-night no bills removing charges of desertion shall be considered?

There was no objection.

Mr. BROMWELL. That is with the understanding, of course, that these cases retain their places on the Calendar?

Mr. TALBERT. I have no objection to that.

The SPEAKER pro tempore. The Chair hears no objection; and the request is granted.

Mr. TALBERT. Now, with that understanding, while I do not promise not to make some talk at times against anything else I do not think is right, I withdraw the point of no quorum to show I am in good faith and do not wish to block meritorious pension legislation.

So the motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

LEVI T. E. JOHNSON.

The first business on the Private Calendar was the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Levi T. E. Johnson, late a member of Company B, Fifty-second Indiana Volunteers, from ten to fifty dollars per month, subject to the conditions and limitations of the pension laws.

Mr. PICKLER. Mr. Chairman, this is the bill we had under consideration on Wednesday when the committee rose and did not finish. There is an amendment pending, I believe.

The CHAIRMAN. The question is on laying aside the bill.

Mr. ERDMAN. Mr. Chairman, I rise to a point of order. How is this the first bill on the Calendar for to-night?

Mr. PICKLER. This bill was pending when we were last in committee.

The CHAIRMAN. It was the bill last under consideration when the committee rose.

Mr. ERDMAN. But these cases have not been disposed of—the cases prior to this. They are still printed in the Calendar.

The CHAIRMAN. They have been laid aside to be favorably recommended by the committee.

Mr. ERDMAN. I understand, then, that the Chair holds this bill is the first in order?

The CHAIRMAN. The Chair so holds; and the Chair will state that there is an amendment pending, the Chair is informed, to strike out "fifty" and insert "thirty."

Mr. ERDMAN. Mr. Chairman—

The CHAIRMAN. Debate has been exhausted on this bill.

Mr. ERDMAN. I was not recognized for debate, but for a point of order, when I rose before.

The CHAIRMAN. But the debate was exhausted on this bill when it was last before the committee.

Mr. ERDMAN. I rose prior to this on a point of order, and did not rise to discuss the bill until now.

The CHAIRMAN. Does the gentleman state another point of order?

Mr. ERDMAN. No, sir; I rise now to speak on the merits of the bill.

The CHAIRMAN. Debate has been exhausted on this question. Mr. ERDMAN. At the last session?

The CHAIRMAN. Yes; at the last session. The question is on the amendment to strike out "fifty" and insert "thirty."

The amendment was agreed to.

Mr. TRACEY. Mr. Chairman, that amendment was voted on at the last session.

Mr. BURRELL. Mr. Chairman, I rise to a parliamentary inquiry. This bill was considered before, and the amendment to insert "thirty" was voted down. Does this carry \$50, or does it carry \$30?

The CHAIRMAN. The Chair is informed by the Clerk that when the committee rose there was pending this motion, to strike out "fifty" and insert "thirty"—that that was the pending question when the committee rose. Of course that is the first question now in order.

Mr. MILNES. Mr. Chairman, this is the case where the soldier was entirely blind, if I remember right.

Mr. PICKLER. Mr. Chairman, debate is not in order. Debate has been exhausted on this bill.

Mr. MILNES. I desire to call the attention of the House to the fact that the vote upon this was 58 on the proposition to make it \$50, and only 7 against, because the soldier is entirely blind.

Mr. HAGER. Mr. Chairman, the amendment was voted upon at the last session.

The CHAIRMAN. The present occupant of the chair is informed by the Clerk that the committee was dividing, and the question of no quorum was raised, leaving this motion which the Chair has just put as the pending question at that time.

Mr. HOPKINS. My attention was called to that, because of my colleague having been in charge. My understanding was that the committee amendment was voted down, and that the point of no quorum was raised on the bill as it was originally presented, at \$50; so that the vote to-night is not upon the amendment, but is upon the bill itself at \$50.

Mr. LOUDENSLAGER. The RECORD shows, on page 4914, that the amendment was pending when the roll was called.

Mr. HOPKINS. On the amendment itself?

Mr. LOUDENSLAGER. On the amendment itself. That is the RECORD; so that the Chair is right according to the RECORD.

The CHAIRMAN. The Chair has appealed to the Journal, and appealed to the RECORD, and finds that the statement of the condition of the case is as the Chair has stated it.

Mr. BURRELL. Was it passed at \$50?

The CHAIRMAN. No; the point of no quorum was raised at that point. That motion did not prevail for the want of a quorum.

Mr. MILNES. I demand a division.

Mr. BURRELL. I demand a quorum now.

The CHAIRMAN. The gentleman is too late. The question now is upon the amendment proposed by the committee, to strike out the word "member" and insert the word "private."

The amendment was agreed to.

Mr. BURRELL. I asked for a division on the other amendment and did not get it.

The CHAIRMAN. The gentleman did not ask for it until after the Chair had decided the question. The question now is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The motion was agreed to.

Accordingly, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLOTTE A. WELTON.

The next business on the Private Calendar was the bill (H. R. 3152) granting a pension to Charlotte A. Welton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll, subject to the condition and limitation laws, the name of Charlotte A. Welton, widow of Lieut. John A. Welton, late of Company E, Fifty-first Indiana Volunteers, and pay her a pension at the rate of \$17 a month in lieu of the pension she is now receiving.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, inasmuch as it was determined last Wednesday that the calling for the reading of the report was not blocking pensions, inasmuch as it was determined that we ought to know what we are doing by reading the reports, and inasmuch as the leader who so faithfully called for the reading of the reports last Wednesday is not here to-night, I will ask to have the report read in my time.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3152) granting a pension to Charlotte A. Welton, report as follows:

The beneficiary in this bill, Charlotte A. Welton, is the widow of John A. Welton, late Lieutenant of Company E, Fifty-first Indiana Volunteers. The testimony offered in support of this bill conclusively shows that on or about

the 1st day of May, 1863, at Days Gap, Ala., in the absence of the first lieutenant and captain of Company E, Fifty-first Indiana Volunteers, Second Lieutenant Welton was in command of the company and commanded the same that day in a charge made on the rebel forces. That while leading his company in said charge he received a gunshot wound in the leg below the knee, breaking the bone, and he was left upon the field while the Federal forces moved on, and while there upon the field was captured by the enemy and his leg amputated by a Confederate surgeon, and was left at a house in this wounded condition, where he remained about six months before he was able to return to his home.

The testimony further discloses that the amputation was carelessly done, and that for the want of suitable and proper care the wound never healed and continued to grow worse, discharged pus continuously, except at intervals, up to the time of his death. He was drawing a pension of \$15 per month at the time of his death, and a certificate was subsequently issued to his wife, and she continued to draw the same until the year 1877, when she was dropped from the pension roll for the alleged reason that the testimony did not show the soldier to have died of the wound mentioned. She subsequently applied for and obtained a pension of \$8 per month under the law of 1890. Two reputable physicians who attended and were well acquainted with the deceased gave it as their opinion that the death of the soldier was the result of this wound; that while he was attended with high fever, it was the necessary and natural result of the wound. This testimony is corroborated by many witnesses. The widow of the deceased is a reputable woman, still remains his widow, and is possessed of no means worth mentioning aside from the pension of \$8 per month.

Your committee, having no doubt of the correctness of the foregoing propositions, believe this case to be one that calls for the special intervention of Congress, and therefore report the bill back to the House with the recommendation that it do pass.

Mr. PICKLER. Mr. Chairman, I desire to amend this bill by striking out of lines 4 and 5 the words "subject to the condition and limitation laws."

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

In lines 4 and 5 strike out the words "subject to the condition and limitation laws."

The amendment was agreed to.

Mr. PICKLER. Mr. Chairman, I move to insert the word "First," after the word "of," in line 6; so that it will read "widow of First Lieut. John A. Welton."

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

In line 6, after the word "of," insert the word "First."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE WILLIAM HODGDON.

The next business on the Private Calendar was the bill (H. R. 3890) granting a pension to George William Hodgdon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll at \$12 per month, subject to the provisions and limitations of the pension laws, the name of George William Hodgdon, son of George W. Hodgdon, late of Company D, Fourteenth Regiment New Hampshire Volunteers.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 insert the following words, after the word "Hodgdon:" "permanently helpless."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. BOYD.

The next business on the Private Calendar was the bill (H. R. 6808) granting a pension to Sarah A. Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Boyd, widow of George Boyd, late private Company E, First Regiment Minnesota Infantry Volunteers, at the rate of \$12 per month, in lieu of the rate she is now receiving from date of her original application.

The amendments recommended by the committee were read, as follows:

Amend by striking out the word "private" and inserting the word "captain" in lieu thereof in line 6, and by striking out the word "twelve" in line 8 and inserting the word "seventeen" in lieu thereof, and by striking out all after the word "receiving" in line 9.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THEODORE V. PURDY.

The next business on the Private Calendar was the bill (H. R. 3306) to increase the pension of Theodore V. Purdy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Theodore V. Purdy, late private Company F, First Michigan Sharpshooters, and pay him a pension of \$50 a month in lieu of the pension he is now receiving.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. BAKER of New Hampshire. Let us have the report.

Mr. McCLELLAN. Why waste time?

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3306) to increase the pension of Theodore V. Purdy, having carefully considered the same, respectfully report:

Theodore V. Purdy enlisted November 19, 1862, in Company F, First Michigan Sharpshooters, and was honorably discharged July 28, 1865.

March 18, 1882, soldier filed application alleging catarrh and bronchitis, and pension was granted at \$4 per month, which was increased to \$12 from September 4, 1890. December 22, 1890, he made application for increase on account of paralysis resulting from fever contracted in the service, but the claim was rejected August 2, 1894, on the ground of no record and no evidence of existence in the service or until 1882.

The records show that during May, June, July, and August, 1864, he was in Harewood Hospital, Washington, D. C., being treated for fever and retention of urine.

The soldier's condition is best indicated by the report of the board of examining surgeons made February 15, 1893:

"We find the claimant a confirmed invalid—the lower extremities paralyzed, the result of locomotor ataxia. He is helpless in every respect so far as movements of the body are concerned. * * * The abductor muscles are paralyzed, and the adductor muscles bring the knees together with such force that to relieve the pressure a soft pad or pillow has to be placed between the knees. * * * Claimant wears a urinal day and night. He suffers with severe cramping that can only be relieved by the hypodermic use of morphia. Claimant requires the constant care of a nurse day and night * * * and is entitled to a first-grade rating."

To the same general effect are the certificates of three other examining boards, two of which report the disability as of service origin, the others being silent on the subject. Three eminent physicians of California are of opinion that the soldier's present condition originated in the Army. The medical referee, however, failed to find the "pathological sequence," and the claim was accordingly rejected.

The evidence shows that most of the time this man suffers excruciating pain, which can be relieved only by injections of morphia, and that his wife is wearing herself away by her constant attention and desperate efforts to obtain a living for both.

The record of the beneficiary seems to be an excellent one. He participated in the pitched battles of the Wilderness, Spottsylvania, North Anna, Cold Harbor, and in all the engagements before Petersburg up to the time he went to the hospital. If he could clearly trace his disability to the service he would be entitled to \$73 per month. He has probably failed to do so beyond a reasonable doubt, but the evidence strongly preponderates in his favor, and is amply sufficient to warrant your committee in recommending the passage of the bill.

We therefore respectfully report the bill back to the House with the recommendation that it do pass.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE V. BARNARD.

The next business on the Private Calendar was the bill (H. R. 6466) to increase the pension of George V. Barnard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now allowed to George V. Barnard, late a private of Company E, Ninety-fifth Regiment Illinois Infantry Volunteers, so that he shall be allowed and paid \$50 per month.

The amendment recommended by the committee was read, as follows:

In line 7, strike out the word "fifty" and insert the word "thirty"; so as to make it read "\$30 per month."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

Mr. UPDEGRAFF. Mr. Chairman, I desire to say a word in regard to the amendment. I hope it will not be adopted, and that the bill will remain as it was originally, at the rate of \$50 a month. That soldier, Mr. Barnard, served over three years in the ranks and is now totally blind. Now, the evidence does not positively establish the fact that his blindness is the result of his military service; but it is clearly proved that he is pensioned for vertigo and nervous prostration, and there is no doubt in my own mind that this blindness is the result of his military service. If that could be distinctly proved, he would then be entitled to a rating of \$72 a month. He is an old soldier, is poor and helpless, and is totally blind. I hope that the committee's amendment will not be adopted.

Mr. ERDMAN. Mr. Chairman, of course we have not had the report read, and do not know anything about it. I do not know but that it is just as well. We are in the habit of passing these bills without knowing anything about them. Of course this old soldier is blind; and of course, as the gentleman says, he can not prove that it is due to service origin; and if we had had the report read we would have found the reason that this old soldier is to be pensioned is, that the old soldiers and citizens at his home have petitioned here to increase his pension because he is in a helpless condition. Now, without knowing anything about it, without wanting to know anything about this case, without having the report spread before the House, on this petition for charity, you take it that it is a proper and a good case to grant a pension. [Cries of "Vote!" "Vote!"]

Mr. PICKLER. I only want to say, Mr. Chairman, that the gentleman from Pennsylvania ought not to say we do not know anything about these cases. These reports are printed, and everybody has access to them.

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the committee.

The question was taken; and the amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

HENDERSON MARPLE.

The next business on the Private Calendar was the bill (H. R. 3877) granting a pension to Henderson Marple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and restrictions of the pension laws, the name of Henderson Marple.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "roll," in line 4, and insert the following:

"The name of Henderson Marple, late a private in Capt. A. J. Hart's Company, Morgan County Provisional Enrolled Missouri Militia, at the rate of \$12 per month: *Provided*, That said pension shall be paid to Henderson Marple, and no part of said pension shall be retained by any official of the Government by reason of any pension heretofore paid to said Henderson Marple."

The amendment was agreed to.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. ERDMAN. As the report in this case has not been read, I want to say that you gentlemen ought really to have heard this report. It distinctly shows that this soldier was dropped from the rolls in 1892 under a Republican Administration, and there is no reflection upon that Republican Administration for dropping him. So this is a very imperfect report, even as reports go. I can easily see why you do not want the report spread upon the record. [Cries of "Vote!" "Vote!"]

The question being taken, the bill as amended was ordered to be laid aside to be favorably reported to the House.

MRS. MARY GOULD CARR.

The next business on the Private Calendar was the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, at the rate of \$75 per month.

The amendment reported by the committee was read, as follows:

In line 7 strike out "one hundred" and insert "seventy-five"; so as to make the pension \$75 a month.

Mr. BLACK of New York. Mr. Chairman, I hope the Committee of the Whole will allow me a few moments (I promise not to occupy longer) that I may state my reasons for believing that this bill should be passed as originally introduced and without the amendment proposed by the committee. If there ever was a bill presented which was entitled to be passed at the figure originally proposed, it is this case to pension the widow of Gen. Joseph B. Carr. He was a general not only in name but in fact. He enlisted at the beginning of the war and continued in service until the end. His career was one of the most brilliant and successful which the annals of the rebellion afford. He participated in about 19 of the most important and decisive battles of the war. He died, I believe, in the year 1894 or 1895, leaving a widow and one invalid daughter.

This pension is asked, of course, for the benefit of his widow, and the special circumstance which it seems to me should commend the case to this House or to any patriotic body is the fact that the widow for whom the pension is asked shared during the entire military career of her husband his burdens and hardships upon the field. She followed him in all his campaigns. She nursed the soldiers under his command who were wounded and in the hospitals. Thus, from the beginning until the end, she participated in the hardships which he endured. In favor of the passage of this bill we have, in addition to the brilliant and glorious career of General Carr, in addition to what he did in behalf of his country, the further reason which I have stated in behalf of pensioning this noble and patriotic woman. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee striking out \$100 and inserting \$75.

The amendment was agreed to, there being—ayes 58, noes 21.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

DELIA A. MARSH.

The next business on the Private Calendar was the bill (H. R. 4283) granting a pension to Delia A. Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Delia A. Marsh, sister of Albert Marsh, who was a corporal-sergeant in Company B, Sixty-fourth Regiment New York Volunteers, and to pay her a pension at the rate of \$12 per month.

Mr. MILNES. Let us have the report.

The Clerk proceeded to read the following report (by Mr. POOLE):

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4283) granting a pension to Delia A. Marsh, dependent sister of Albert Marsh,

a corporal and sergeant of Company B, Sixty-fourth Regiment of New York Volunteers, report as follows:

Albert Marsh was a soldier with a gallant record, who, at the battle of Spottsylvania, Va., May 12, 1864, received a gunshot wound in right thigh, resulting in amputation of the leg. Before receiving said wound he personally captured the flag of the Forty-fourth Virginia Volunteers and afterwards received a "medal of honor" for this brave act. The amputation as first made was not successful and a second amputation became necessary. The successive amputations and the shock to his system resulting therefrom made him a physical and mental wreck, and his pension was increased from \$8 a month, commencing from the date of his discharge from the Army in 1864, until he was receiving a pension of \$72 at the time of his death, January 17, 1895. During the last twenty-five years of his life he received the constant care and attention of his sister, who gave up all other work and faithfully attended this soldier until he died.

The evidence before the committee shows that not only did this sister care for this soldier at the risk of her life and permanent injury to her health, but that she was often obliged to call upon neighbors in the night to help her care for this soldier brother, who at times was violently insane; that in all these years she was his devoted friend and attendant, refusing all offers of an easier and happier life, and that she sacrificed her life willingly and cheerfully to the care of her crippled brother; that this long-continued devotion and care, with the mental strain, has now made her an invalid. She is 61 years of age, and the only property owned by her is a small house, which rents for \$6 a month, from which taxes, insurance, and repairs have to be paid.

The sworn evidence examined by your committee shows that twice within the last year she has been operated upon for cancer, said to be the result of blows inflicted upon her by this maniacal soldier, and that at best her remaining years are but few.

Some of the best-known people in Randolph, Cattaraugus County, N. Y., where this claimant lives, have submitted affidavits to your committee fully substantiating all that has been set forth in this report. The soldier never married, and no one is now drawing a pension on account of his service.

In view of all the facts set forth in this report, your committee believe that this bill is based upon equity and justice and recommend its passage.

Mr. MILNES (before the reading of the report was concluded). Mr. Chairman, I waive the request for the further reading of the report. I am satisfied.

The bill was laid aside to be reported favorably to the House.

ORLEINA J. CLARK.

The next business on the Private Calendar was the bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Orleina J. Clark, widow of the late George W. Clark, a soldier in the war with Mexico, from \$8 per month to \$20 per month, to take effect from the passage of this act.

Mr. BAKER of New Hampshire. Let us have the report read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, have considered the same, and respectfully report as follows:

Mrs. Clark is the widow of the late George W. Clark, sergeant Company A, Seventh United States Infantry, and Company F, First United States Dragoons, in the war with Mexico.

The soldier died September 24, 1866, and his widow, the beneficiary, has been allowed a pension at \$8 per month under the Mexican war service pension act of January 29, 1887.

The following is the sworn statement of the claimant, together with the certificate of the notary public before whom the affidavit was executed:

"I am a granddaughter of William Cloud, who served in the Revolutionary war under Gen. George Washington, and later was at the battle of New Orleans. I am a daughter of John A. Cloud, who fought under General Jackson in the war of 1812.

"I was raised on my grandfather's plantation in Patrick County, Va., 6 miles from the foot of the Blue Ridge. I married George W. Clark, who served in the First Regiment of Dragoons under General Carney, and later in the Second United States Infantry, Company K, under General Riley, and was ordered to Fort Wilkins, on Lake Superior, when they were ordered to Mexico. My baby was born three months after my husband left, and was 3 years and 6 months old when he returned to Jefferson Barracks, Mo. I joined my husband there with my little children soon after the return.

"After he was discharged he promised me that he would never enlist again, so he went into the railroad business after leaving Buffalo, N. Y., and we went to McMinnville, Tenn., on the Southwestern Railroad, and continued there until the rebellion broke out in 1861, and in the following fall he went into the Quartermaster's Department in the Federal Army. He had a force of quartermaster's hands stationed at White Bluff working on the deep cut under General Gillum until the close of the war. I am the first woman that ever took the Federal officers into her house at Nashville, Tenn. I took Colonel Wood and Captain Tracy, belonging to the Sixteenth Ohio, I think, out of their camp; they were very ill with typhoid fever, and I took them both into my house and cared for them until they were able to join their command. I opened my house to the officers of the United States Army and boarded them until the war closed, and made them feel as much at home as I could possibly do under the circumstances.

"My youngest daughter, Fannie W. Clark, suffered for seventeen years with the most terrible affliction that could befall anyone; she was afflicted with epileptic fits, and was liable to fall at any time or place. During the seventeen years of her affliction she was continuously under medical treatment.

"For fifteen years I have walked the streets of Louisville among the most respectable people in order to make an honest, upright living, and am now completely broken down. For the last six months I have not been able to go out to do anything toward making a support, and have been very destitute, but thank God I have a great many good friends among the first people of Louisville.

"I served my country faithfully at home with my children while my husband was doing his duty in the Army, and now, in the name of God, all I ask of you good men is to give me an increase in my pension.

"ORLEINA J. CLARK.

"Subscribed and sworn to before me this 14th day of January, 1896.

"[SEAL.]

"CORDIE PURDY, N. P. J. C.

"I have known Mrs. O. J. Clark for fourteen years, and during all that time I have lived within 6 or 8 squares of her. I know her to be a truthful, good

woman, who has worked hard to support herself and afflicted daughter, and in order to do this she has been compelled to be on the streets in the severest weather, both hot and cold, and the consequence is she is now completely broken down in health; wherefore I pray you will grant her petition and give her an increase in her pension.

"CORDIE PURDY,
Notary Public, Jefferson County, Ky."

A petition signed by Asher G. Caruth, W. R. Abbott, B. H. Young, and 40 other citizens of Louisville, Ky., sets forth the claimant is 70 years old and very feeble, and that she is a most worthy and deserving woman.

The passage of the bill is respectfully recommended.

Mr. CURTIS of New York (before the reading of the report was concluded). Mr. Chairman, I ask that the further reading of the report be dispensed with. Everybody, I think, is in favor of the bill.

Mr. BAKER of New Hampshire. I called for the reading of the report. I insist that it be read through.

The Clerk resumed and concluded the reading of the report.

The bill was laid aside to be reported favorably to the House.

JESSE M'MILLAN.

Mr. TERRY. Mr. Chairman, I send to the desk a bill which I ask unanimous consent to have considered now. I dislike to make this request to take up a bill out of the regular order, but I think when members of the committee hear my statement they will agree that I am justified in asking consideration for this bill now. This is the case of a preacher and an old Federal soldier, who is now entirely blind in one eye and nearly so in the other. He is destitute and helpless, and the bill is so far down the Calendar that I can reach it in no other way, and I do hope that under the circumstances no gentleman will object to taking up the case of this poor old blind soldier.

There being no objection, the committee proceeded to the consideration of the bill (H. R. 8184) granting a pension to Jesse McMillan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Jesse McMillan, a soldier in Company F, Third Regiment Arkansas Infantry, and allow him a pension rated at \$15 per month.

The amendment of the committee was read, as follows:

In line 7 strike out the word "fifteen" and insert in lieu thereof the word "twelve"; so as to make the pension \$12 a month.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

Mr. TERRY. I thank the Committee of the Whole for its kindness.

PHOEBE M. WOOLLEY PALMETER.

The next business on the Private Calendar was the bill (H. R. 1599) granting a pension to Phoebe M. Woolley Palmeter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Phoebe M. Woolley Palmeter, daughter of Jonathan Woolley, who was a soldier and pensioner of the Revolutionary war, at the rate of \$12 per month from and after the passage of this act.

The bill was laid aside to be reported favorably to the House.

WILLIAM H. NESBITT.

The next business on the Private Calendar was the bill (H. R. 4361) to pension William H. Nesbitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension rolls the name of William H. Nesbitt, of Newton County, Mo., who was a member of Company F, Second Illinois Cavalry, in the war of the rebellion, and to grant him a pension at the rate of \$72 per month from the date of the passage of this act.

The amendment reported by the committee was read, as follows:

Insert after the word "hereby," in the third line, the words "authorized and"; and amend by striking out all after the word "Nesbitt," in the fifth line, and insert in lieu thereof the following: "late a private in Company F, Second Illinois Cavalry, at the rate of \$30 per month, in lieu of pension heretofore granted."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

LUCY A. ALLEN.

The next business on the Private Calendar was the bill (H. R. 2969) granting a pension to Lucy A. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Lucy A. Allen, widow of Capt. William E. Allen, late of Company C, Third Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$20 per month from the approval of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA GIBBONS.

The next business on the Private Calendar was the bill (H. R. 2405) granting a pension to Maria Gibbons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Gibbons, widow of James Gibbons, late captain of Company B, First Battalion Arkansas State Militia, at the rate of \$30 per month.

Mr. ERDMAN. Mr. Chairman, I am afraid that the leader of the other side, if he were here, would be very much dissatisfied with the riotous way you are proceeding to-night. It is so contrary to what would probably prevail if he were present that I am constrained to ask for the reading of the report in my own time.

Mr. McCLELLAN. Oh, why waste so much time?

The report (by Mr. KIRKPATRICK) was read, as follows:

Your committee, to whom was referred the bill (H. R. 2405) granting a pension of \$30 per month to Maria Gibbons, widow of James Gibbons, late captain Company B, First Arkansas State Militia, having carefully examined into all the facts and circumstances in this case, ask leave to report the following:

In April, 1864, the commanding officer of the District of the Frontier (Gen. A. W. Bishop), at Fort Smith, Ark., in order to protect the district from the invasion and incursion of rebel hordes and guerrilla bands which infested that section of the country, ordered and directed the organization of the First Regiment of Arkansas State Militia, and James Gibbons organized and became captain of Company B of that regiment, and entered at once upon active duty.

In an engagement with guerrilla bands or Confederates about 20 miles from Fort Smith, Ark., on May 22, 1864, Capt. James Gibbons received two gunshot wounds in the breast and side, and was brought to Fort Smith by his comrades, and died therefrom in the hospital at Fort Smith on May 24, 1864. The engagement was participated in by a portion of the Twelfth and Fourteenth Regiments of Kansas Infantry Volunteers.

Capt. A. Jackson Jennings, of Company E, Twelfth Kansas Infantry, and First Lieut. Joseph R. Pratt, of Company L, Fourteenth Kansas Cavalry, both testify to Capt. James Gibbons being wounded and having died in general hospital at Fort Smith, as before stated.

A. W. Bishop, then adjutant-general of Arkansas, testified on November 1, 1866, that—

"Capt. James Gibbons, of Company B, First Battalion Arkansas State Militia, died at Fort Smith on or about May 24, 1864, of wounds received in a skirmish. The militia to which he belonged was organized by the said A. W. Bishop, as commander of the post at Fort Smith, Ark., in April, 1864, acting under orders from the commander of the District of the Frontier, Department of Arkansas; but what has become of their company rolls affiant can not state. I was relieved as commander of the post in May, 1864, and turned over all papers pertaining to this militia to my successor, Colonel Judson, Sixth Kansas Cavalry Volunteers."

Maria Gibbons, the claimant, filed an application for pension June 8, 1866, alleging the facts as stated, and that she was married to Capt. James Gibbons at Kilmalme, Ireland, August 30, 1844, and lived with him up to date of his death.

Her claim was rejected June 30, 1871, on the ground that the records failed to show that Capt. James Gibbons was in the service of the United States or that his company was under the command of a United States officer at the time he received the wounds from which he died.

Your committee believe this case a meritorious one. The claimant is now very old and in destitute circumstances, being supported by relatives and friends, and is unable to understand why her husband's service should not be recognized, when he voluntarily gave up his life in defense of his country and the protection of citizens and property in that locality, and, as he and the officers and men with him believed, under direct orders.

Your committee earnestly recommend that the bill do pass, when amended by striking out the word "thirty," in line 8, and inserting the word "twenty" in lieu thereof.

Mr. MILES. Mr. Chairman, the report in this case states that the claimant is not only old and in destitute circumstances, but is unable to understand why her husband's service should not be recognized when he voluntarily gave up his life in defense of his country and while protecting citizens and property in that locality. I am free to confess that I quite agree with her, and yet the record shows, and I desire to call the attention of the House and the country to the fact, that this claim was rejected by a Republican Administration.

That is all, Mr. Chairman.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN EWING.

The next business on the Private Calendar was the bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing, at the rate of \$100 per month.

The CHAIRMAN. The committee recommend a reduction to \$75 per month.

Mr. TALBERT. Mr. Chairman, if it is possible to have order in the committee, I would like very much to have the report read in this case.

The CHAIRMAN. The report will be read.

Mr. PICKLER. If I can have the attention of the gentleman from South Carolina for a few moments, I desire to make a suggestion. The report in this case was made by the gentleman from Ohio [Mr. LAYTON] and is quite a lengthy report. Everybody knows the record of the services of General Ewing, and I would ask if he would be satisfied with a statement from Mr. LAYTON,

which could be made in briefer time than it would take to read the report?

Mr. TALBERT. Well, I think we ought to have the report read, but I have no objection to a statement from the gentleman. I will be satisfied with that in place of the reading of the report.

Mr. LAYTON. Mr. Chairman, I want to call the attention of the committee to the fact that this is a Senate bill, and simply came into my hands as a subcommittee in the ordinary distribution of the Senate bills in our committee.

The bill passed the Senate unanimously without any objection for \$100 a month. It came to our committee, and after careful inspection and investigation of the facts and precedents in connection with bills of this character, we were constrained to reduce the amount to \$75 a month.

I assume, Mr. Chairman, that it is not necessary for me to speak to this committee of the record of General Ewing's military services. We are all familiar with it—by reputation at least. He was a gallant soldier, and a most distinguished citizen before the war and ever after the war until the time of his death in 1896. He was killed by accident, it will probably be remembered, in the streets of the city of New York by a street car. He commanded the Department of Missouri for a long time during the war, and he is credited with having saved the city of St. Louis from the rebel forces.

I have received during the short time that I had the bill in charge this session, giving it consideration, a large number of letters from distinguished citizens of St. Louis, and members of his command, both in St. Louis and Kansas, certifying to the fact. He was brevetted a major-general for distinguished and gallant services on the field of battle.

His widow also came from an equally distinguished family with General Ewing, and consequently she has been accustomed to the comforts, you may say the luxuries of life. She is now quite aged. She was his wife long before the war, and since that time up to his death. She is about 71 years of age, I think, as I remember the testimony, and I regret to say, Mr. Chairman, that that testimony discloses the fact that Gen. Thomas Ewing left an insolvent estate, so that this old lady can derive nothing whatever from it. For that reason, in consideration of his services, after careful consideration of the matter, your Committee on Invalid Pensions concluded to allow the sum of \$75 a month instead of \$100, as recommended by the Senate bill. The subcommittee recommended to the full committee that amount, and I hope under the circumstances that there will be no objection to the bill as recommended.

Mr. TALBERT. Mr. Chairman, I have no doubt in the world of the truth of every word the gentleman from Ohio has uttered. Last Friday night I endeavored here, by moving to amend a bill, to reduce the claims of a widow of a general officer from fifty to forty dollars a month, thereby trying to get at some common ground on which the officers' widows should stand, and which we will be justified in supporting. It was voted down. I acquiesced in it, and, as I understood, there was a kind of tacit agreement of the Committee of the Whole that hereafter on Friday nights they would establish the grade of \$50, because on that evening there were several bills passed at \$50 per month. I think that is sufficient, and I think it would be a very good idea to establish that grade. I hope that to-night we can succeed in agreeing upon that common level. To that end, Mr. Chairman, I move to amend by striking out "seventy-five" and inserting "fifty." I make that motion in good faith. You can vote it up or vote it down, and I will submit to what you do.

Mr. CURTIS of New York. Mr. Chairman, allow me a word. I hope the amendment offered by my friend from South Carolina [Mr. TALBERT] will not prevail. He must have failed to consider the great merits of this case of General Ewing and his services. I am sure it is not the intention of this House to cut down the amount in as meritorious a case as this. I understand that my friend from South Carolina has indicated his entire willingness that it should go at \$75 a month, if the committee so vote.

Mr. MILNES. Mr. Chairman, I am very glad to learn, though I supposed that we all knew it before, that Gen. Thomas Ewing came of a very distinguished family. I am glad also to know that his wife came of a very distinguished family; but I did not know that this House or this country was pensioning widows simply because they came of a distinguished family. I believe that \$50 a month is enough; and until the thousands and tens of thousands of widows of meritorious and brave soldiers throughout this land get their pensions of at least \$12 a month, I am not in favor of granting \$50 or \$75 a month to some widow simply because she belongs to a very distinguished family. I hope that the amendment of the gentleman from South Carolina [Mr. TALBERT] will prevail.

Mr. NORTHWAY. Mr. Chairman, if the rule had prevailed here that officers' widows should be pensioned at \$50 a month I should gladly vote for the amendment, but having passed one or

two bills here this evening, and many before, granting pensions at \$75 a month, I am opposed to reducing the amount in the case of the widow of Gen. Thomas Ewing.

Mr. PICKLER. Has any bill passed at \$75 to-night?

Mr. NORTHWAY. We voted that to the widow of General Carr. Now, I have known Gen. Thomas Ewing and known of him for many years; and while we did not belong to the same political party, and while we always fought each other in politics, there never was a braver man, never a truer gentleman, never a more honorable man of my acquaintance than Gen. Tom Ewing, of the State of Ohio. And I stand here to affirm that if the widow of any man on earth should have \$75 a month it is the widow of Gen. Tom Ewing. Although he had ceased to reside in Ohio and had become a resident of New York, yet the name of Thomas Ewing is deeply embedded in the affections of the people of the State of Ohio, Republicans and Democrats alike, and I stand here to defend him and to say that the pension of his widow should not be reduced to \$50 a month so long as pensions to widows of other men no better or braver, remain at \$75 a month.

Mr. PICKLER. Is it not probable that \$50 a month would keep this widow very comfortably during her life?

Mr. NORTHWAY. As I have already stated, I should have been glad to establish a rule of that kind; but the Committee on Invalid Pensions, by its vote on many occasions, has established a different rule, and I am not in favor of changing the rule now.

Mr. TALBERT. It is never too late to do good.

Mr. BAKER of New Hampshire. Will the gentleman from Ohio agree that the Committee of the Whole shall establish that rule to-night and abide by it hereafter?

Mr. NORTHWAY. If the committee will report that amount in these cases, I certainly shall stand by the committee; but I am not willing to make an exception in this case, and I shall vote against the amendment.

Mr. FAIRCHILD. Mr. Chairman, I want to heartily indorse all that the gentleman from Ohio [Mr. NORTHWAY] has said. I, too, knew General Ewing personally, and I know his family. For six years General Ewing was my law partner; and I am not going to allow an amendment to be voted on here to reduce the amount which the committee have awarded to his widow without at least protesting against it because of my personal knowledge both of General Ewing and also of the present condition of his widow and his daughter. This is not only granting a pension to General Ewing, but there is an unmarried daughter. By reason of misfortune, in spite of the distinguished career of General Ewing, of which we all know, he left an insolvent estate, and his widow and daughter have no means of support whatever except such as this House gives them here to-night. [Cries of "Vote!" "Vote!"]

I want to make one suggestion. The gentleman from Michigan [Mr. MILNES] has spoken of distinguished families. I disagree with him, unless possibly we only differ as to what he means by the words "distinguished family." It so happens that from Revolutionary times this country has owed much to certain individuals and has owed also much to certain families, and from good stock away back in the Revolutionary time to the present time you see it run down through different branches of the family. We not only know of Gen. Tom Ewing, but we know also of the father of Tom Ewing, that he was Secretary of the Treasury under William Henry Harrison and Secretary of the Interior under President Tyler, and he himself was a United States Senator. We all know General Sherman, who was left an orphan when a small boy, and was reared by General Ewing's family side by side with Gen. Tom Ewing; and I appeal to this House, with recollections of the Shermans and Ewings of this country, not to vote to give that widow and that daughter less than \$75 a month.

Mr. PICKLER. Mr. Chairman, now this bill passed the Senate at \$100 a month. The Committee on Invalid Pensions reported it here at \$75. It seems to me that when a bill comes in where gentlemen are personally interested we never can put it high enough; and when it applies to people on the outside we can not get it low enough. Now, no bill has been reported for a high amount except where there was a record of distinguished services of soldiery. I am inclined to say, after hearing the speech of the gentleman from New York [Mr. FAIRCHILD], that we ought to put this at \$50. We are not pensioning heredity. We can not pension these women because they come of a distinguished family. Plowboys who fought the battles of the Union did not generally have any very distinguished backing previous to that time, so far as family was concerned.

Now, Mr. Chairman, I believe individually that \$50 a month is sufficient, I do not care how distinguished the widow's family may be. I believe that \$50 ought to keep a widow comfortably in nearly any place in this country.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes, sir.

Mr. MILES. I believe you have read this report?

Mr. PICKLER. Yes, sir.

Mr. MILES. Do you bear in mind that there is a dependent daughter here, too?

Mr. PICKLER. Mr. Chairman, I do not believe, while my sympathy goes out for them, that we can pension a whole family. I do not believe we are called upon to do that. This committee has been criticised in speech after speech. Several gentlemen that I might mention here have come up and criticised the Committee on Invalid Pensions in regard to high pensions, stating that a pension of \$75 is too high. I accept that, and we will settle it down to not exceed \$50. I will vote for the amendment that the gentleman has proposed.

Mr. MILES. Mr. Chairman, the gentleman who has just addressed the committee has made an argument that is absolutely without force, unless it be in favor of cutting down this widow's pension in order that the money may be saved for the old soldier.

Now, Mr. Chairman—

Mr. PICKLER. That is the best reason in the world.

Mr. MILES. The gentleman says that that is the best reason in the world. Well, now, I will suggest a better method to save the money for the old sure-enough soldier, and that is to keep off the pension rolls the deserters and bounty jumpers.

Mr. PICKLER. We have not put any on the rolls.

Mr. MILES. You have done so on a general pension law. Mr. Chairman, I want to say this, that the only reluctance I have in voting any longer larger pensions for distinguished Union soldiers than for one who is a common soldier grows out of the fact that you are refusing to allow us to keep the pension roll a roll of honor; and it seems that the commoner a soldier in the estimation of the chairman of the Committee on Invalid Pensions the more he is entitled to a pension.

Mr. PICKLER. I move to strike out the last word.

Mr. NORTHWAY. Mr. Chairman, I would not address the committee again on this proposition but for the curious state of affairs existing. The Chairman will recollect that on one occasion some weeks ago I took occasion to criticise certain matters that the Committee on Invalid Pensions had done, a report that was made, where a recommendation was made. I undertook to do it leniently, and made mention of no names and mentioned no committee; but no sooner had I taken my seat than the able chairman of the Committee on Invalid Pensions arose and attacked me in a vigorous and vicious manner, saying I was attacking the Committee on Invalid Pensions, which had carefully examined these matters, he said, and when it made a report it was entitled to some consideration; and now he is fighting himself, and I stand here as a poor weak man defending him against himself. [Laughter and applause.] That committee has reported this bill at \$75 a month, has written a long report in favor of it, and now the members of the committee stand here to oppose themselves and to ask this House to oppose the committee, because they want to revise the report they have already made. I submit that this is a curious way to get up confidence in a committee. The gentleman who is presiding this evening as Chairman of the Committee of the Whole will recollect that he attacked me somewhat vigorously—

Mr. MILES. The gentleman does not intend his remarks for the whole committee?

Mr. NORTHWAY. I mean only those who are opposed to me; that is all. [Laughter.] The gentleman is with me.

Mr. MILES. Mr. Chairman, I want the gentleman to give me one second to say—

The CHAIRMAN. Does the gentleman from Ohio [Mr. NORTHWAY] yield?

Mr. NORTHWAY. Not for a speech.

Mr. MILES. No, I do not wish to make a speech; but the gentleman has that kind of amiability which I know will permit me to make myself understood by the House.

Mr. NORTHWAY. Certainly.

Mr. MILES. If I was understood by the House as opposing a pension of \$75 a month for the widow of Gen. Thomas Ewing, I desire the minds of members to be disabused in that respect. I shall vote cheerfully for this pension of \$75 a month.

Mr. NORTHWAY. If the gentleman understood me as criticising his action, or intimating that he was opposed to this pension, he misunderstood me.

Mr. MILES. I thank the gentleman.

Mr. BAKER of New Hampshire. Will the gentleman from Ohio allow me to ask him a question?

Mr. NORTHWAY. Yes, sir.

Mr. BAKER of New Hampshire. Is the gentleman in favor of granting a pension to the widow of every brigadier-general at the rate of \$75 a month?

Mr. NORTHWAY. I am not; I answer the gentleman frankly.

Mr. LACEY. Will the gentleman yield to me a moment?

Mr. NORTHWAY. Yes, sir.

Mr. LACEY. If General Ewing, instead of being killed by a railroad accident had been killed in battle, his widow would have received only \$30 a month. Now, why should she receive by a bill of this kind \$45 more per month than she would under the general law if her husband had been killed in battle?

Mr. NORTHWAY. I will try to answer the gentleman. He will recollect that I undertook some weeks ago, in remarks which I then made, to urge just that question. I wanted to know why a private soldier should receive more under a private pension bill than he would at the Pension Bureau. After I had submitted my criticism the able gentleman from South Dakota [Mr. PICKLER] and the gentleman who is presiding this evening [Mr. HEPBURN] "went for" me at the rate of 250 pounds per minute. They both got on top of me; the Committee of the Whole got on top of me, and the bill then under discussion was passed, notwithstanding my criticism.

I should have been in favor of a uniform rate of \$50 a month for the widows of brigadier-generals; but the House of Representatives of this Congress has voted otherwise; this Committee of the Whole has several times voted otherwise. This very night this Committee of the Whole has voted to give \$75 to the widow of a brigadier-general. Now, why should we make a distinction against the widow of General Ewing? I have just pride enough in the State of Ohio and just pride enough in Tom Ewing and his family to stand here and say that it is an invidious distinction to give the widow of General Carr \$75 a month, and then in the next breath give the widow of Tom Ewing only \$50 a month. I repudiate any such discrimination. I stand here to defend the two families. If you give a pension of \$75 in one case you should give it in the other.

Mr. BRUMM. Mr. Chairman, it seems to me very strange that the chairman of the Committee on Invalid Pensions should subscribe to a report favoring a pension of \$75 a month to the widow of Gen. Tom Ewing, and then, because some gentleman on the floor chooses to say that General Ewing is of a distinguished family and that his widow is of a distinguished family—because, forsooth, both of them have had distinguished families—that the chairman of the Committee on Invalid Pensions should deem it a crime to belong to a distinguished family, and should therefore be willing to reduce the pension of \$75, as proposed by his own committee, to \$50.

Mr. MILES. You are not surprised at that, are you?

Mr. BRUMM. I am surprised. There are some things at which I would not be surprised; but this is such an extreme case that I am surprised, even at the action of the chairman of the Committee on Invalid Pensions upon this floor.

Now, Mr. Chairman, it is no crime to be of a distinguished family. I do not believe there is one gentleman here that wants to vote a dollar more to the widow of Tom Ewing because she and her husband have had distinguished families. The reason which induced the committee to report in this case in favor of a pension of \$75 a month was the distinguished service of Tom Ewing, not his distinguished family. But he is not the less deserving as a soldier and a general—his widow is not less worthy of a pension—because he was of a distinguished family. Why, Mr. Chairman, it is but a few hours since our worthy friend from South Dakota advocated on this floor a pension of \$100 to the widow of General Gresham. I ask wherein did General Gresham stand higher as a distinguished statesman and a distinguished soldier than did Tom Ewing? And the gentleman was extremely anxious that she should have \$100 a month, although she is the representative of a very distinguished family.

Mr. MILES. And made a speech in favor of it.

Mr. BRUMM. Why, therefore, this change? Why, Mr. Chairman, there are widows in this country of distinguished officers, widows of generals who are getting \$200 a month, and I know that there are beneficiaries, possibly of these very pensions, who are finding fault with some of the pensions granted to-night. [Applause.] I understand that this is the case, but of course I will not mention names. But they are granted and the beneficiaries are willing to accept them for themselves or their friends, and I ask why the chairman of this Committee on Invalid Pensions, at this late hour, would attempt now to reduce the pension of Gen. Thomas Ewing's widow simply because she is a woman deserving of a high pension, a distinguished lady, the descendant of a distinguished family, and her husband also a distinguished man? Is that a good reason for opposing a pension? I do not understand such consistency as that.

Mr. PICKLER. Mr. Chairman, I move to strike out the last word.

Now, since the gentleman from Ohio [Mr. NORTHWAY] and the gentleman from Maryland [Mr. MILES] have been so sweet on one another, and agree so lovely, and since the gentleman from Pennsylvania [Mr. BRUMM] has misrepresented me knowingly, for he knows how I stand on this question—

Mr. BRUMM (interrupting). I deny it, sir.

Mr. PICKLER. Oh, well, you did, anyway.

Mr. BRUMM. I deny it. I say it is not true.

Mr. PICKLER. Well, you have done it.

Mr. BRUMM. It is not so. I permit no man to say that I misrepresented him knowingly. I may have been in error, but I never misrepresent any man.

Mr. PICKLER. Well, I think you knew that you were in error.

Mr. BRUMM. I knew nothing of the kind. I simply stated facts which were well known to this committee.

Mr. FAIRCHILD. Did you not vote a pension of \$100 a month for the widow of General Gresham and advocate it on this floor?

Mr. PICKLER. I did.

Mr. FAIRCHILD. That is precisely what the gentleman from Pennsylvania has said.

Mr. PICKLER. But this is not a parallel case at all with the Gresham claim.

Mr. FAIRCHILD. Why not?

Mr. PICKLER. Oh, well, I gave you the reasons. Look up my speech in the RECORD and you will find them. This very debate to-night illustrates the difficulty the Pensions Committee has in these matters. It has become the custom lately to accuse the Committee on Invalid Pensions of inconsistency in these reports. I have had to take the floor more frequently than I desired upon that very account. When the gentleman from Ohio is not interested in a bill himself, he takes the committee to task for putting the rate of pension too high. Now, he attacks the committee to-night, when he is interested in a special case, because the committee will not put the pension high enough, and because I wish to put it lower than he does.

Mr. NORTHWAY. I was not attacking the gentleman for that, I was only suggesting the inconsistency of the proceedings.

Mr. PICKLER. Just as another gentleman, who always criticizes the action of the Pensions Committee for putting a pension too high, moved to-night to raise our report from what the committee recommended, because the case was one from his own State.

Now, I want to state to the gentleman from Pennsylvania that he knows I did not object to anything on the ground he suggests—that I did not object to the pension in the Ewing case, or to any amount that has been named in connection with it, simply because they are of a distinguished family. On the contrary, I am very proud of that. But because a man is of good family and his wife is of a distinguished family, that is no reason for granting a high pension.

Mr. BRUMM. You signed a report in favor of \$75 a month, did you not?

Mr. PICKLER. No; I did not.

Mr. BRUMM. Well, you favored it.

Mr. PICKLER. No; I did not. I never did favor it.

Mr. BRUMM (continuing). Well, you have favored even larger sums in other cases, and why do you see proper to change your views now after this bill has been reported, and try and reduce it?

Mr. PICKLER. I can only repeat that I never did favor that sum in this case. That is the reason I object to it. I do not think it is right, and I think it ought to be reduced, and that is another reason why I have to take the floor oftener than I like to in these cases. We are compelled to protect the action of the Committee on Invalid Pensions.

The gentleman from Maryland [Mr. MILES] very well knows, as he has made his thrusts at me in connection with this matter, that he, with his Democratic colleagues, is always in favor of the highest kind of pensions. I have protested and constantly refused in every one of these cases to put the widow of a general officer at a higher rate than \$50, except in the case of the widow of General Gresham. I have already said that I regard that as the most exceptional case that we had before the committee. All the others, I think, may fairly stand upon another but an equal footing.

Mr. NORTHWAY. Let me ask the gentleman—

Mr. PICKLER. No; I will not yield any further.

Mr. LAYTON. Will the gentleman allow me a moment?

Mr. PICKLER. In a moment, Judge. I want to except Judge LAYTON from the statement in regard to his colleagues on that committee.

Mr. LAYTON. If the gentleman will permit me—

Mr. PICKLER (continuing). And I withdraw, as far as you are concerned, the charge of favoring these high pensions.

Mr. MILES. Do not let him withdraw his charge as to the rest of us, for we are decorated with it.

Mr. PICKLER. I believe \$50 ought to keep, comfortably, any widow of any officer.

Mr. FAIRCHILD. How about the daughter?

Mr. PICKLER. Now, I submit that I have as much sympathy with the daughter of a soldier as anybody else; but the Government never yet has adopted the policy of granting a pension to the widow of a soldier and at the same time pensioning the daughter. It is a provision of every pension law that we have on the statute books that there can be but one pension for one service at the same time. Now, we can not pension the widow and pension the daughter at the same time.

Mr. FAIRCHILD. Will the gentleman from South Dakota yield for a question?

Mr. PICKLER. No; I can not yield now. The gentleman from New York had his time. I was just desiring to say that while I have not taken the initiative here, as chairman of the committee, because the majority of my committee disagree with me on this question, while I have not moved to reduce these pensions, although I fought them in the committee, yet when the gentleman from South Carolina [Mr. TALBERT] or anyone else moves to amend a bill here in a way that I believe to be right, I think I have the right as an individual to exercise my individual judgment as a member of this Committee of the Whole, and vote to reduce, where I think we have reported too high an amount.

The widow of a brigadier-general can get \$30 under the general law. Of course where an increase is recommended you can scarcely recommend any intermediate amount between thirty and fifty dollars; so if we recommend any advance we have generally recommended \$50, but there is no rule as to that, and above that I am opposed to going. I am glad that this motion has been made here. This was a distinguished general, but the trouble is about all these cases that we had so many distinguished men in that war, and we have so many distinguished widows now, and gentlemen like the gentleman from Ohio get up here and speak in favor of them. I admire the earnestness of the gentleman from Ohio. I have never attacked him.

Mr. NORTHWAY. You have not, eh?

Mr. PICKLER. No; I take it all back if I did. I do not attack anybody. I am a little emphatic once in a while, but I have no malice against anybody, I assure you. The trouble is that we have these same speeches before the committee, and gentlemen come down here and preach about distinguished families, and they show the distinguished records of these soldiers, and they almost compel us to report these bills at a high rate. It is illustrated here in the committee to-night. Just as soon as you get the case of a general or a general's widow from the State of one of these gentlemen we can not get the rate high enough to suit them; but let a case come from any other State, and they are all on their feet criticising the Committee on Invalid Pensions for putting the rate so high. That is the position we are in. I hope, Mr. Chairman, that this motion will prevail at \$50. As far as I am individually concerned, I believe that is enough in all these cases. [Cries of "Vote!" "Vote!"]

Mr. POOLE. Mr. Chairman—

Mr. BURTON of Missouri. Mr. Chairman—

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. BURTON of Missouri. Mr. Chairman, I merely rise to call the attention of this committee to the fact that there are some slight indications that the mouth disease has again become epidemic. [Laughter.] I sincerely hope that the mind of everyone here is made up by this time, and I hope that in order to convince everybody else that we are not afflicted in the way that I mention everybody will keep still and let us have a vote. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina [Mr. TALBERT] to amend the committee's amendment by striking out "seventy-five" and inserting "fifty."

The question was taken; and on a division there were—ayes 63 noes 60.

Mr. LAYTON. Let us have tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. LAYTON and Mr. TALBERT.

The committee again divided; and the tellers reported—ayes 58, noes 67.

Accordingly, the amendment was rejected.

Mr. TALBERT. Now, Mr. Chairman, I move to strike out "seventy-five" and insert "sixty."

The CHAIRMAN. The gentleman from South Carolina [Mr. TALBERT] moves to strike out "seventy-five" and insert "sixty." You who favor the adoption of that motion will say "aye"—

Mr. TALBERT. Mr. Chairman, I desire to say a word or two. I want to express my surprise again at gentlemen on this floor who get up here and shed crocodile, hypocritical tears over the widows of officers, when they do not open their mouths in the interest of the widows of common soldiers. I want to say that is a sad commentary upon this House, Democrats especially. I must say, gentlemen, that nothing that the Republicans do ever surprises me [laughter], but I am surprised that distinguished Democrats when they have an opportunity of regulating and grading pensions of widows of officers at \$50 will get up here like oat-fed horses, and walk between the tellers and be counted, voting in favor of \$75 a month when they have never been known to open their mouths in the interest of the common soldiers. I want to say that while I do not agree with the distinguished chairman of the Committee on Invalid Pensions, I believe he is an honest, upright, conscientious man, although he is a little extreme upon pensions. I want to say that I was glad to see him